



DAILY INFORMATION BULLETIN

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

Wednesday, June 28, 1995

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Transcript of the Governor's media session

The following is a transcript of the Governor, the Rt Hon Christopher Patten's media session after visiting the Royal Observatory this (Wednesday) afternoon:

Governor: I'm delighted that I have the first chance of coming because the team here at the Royal Observatory do a superb job, not just as you know weather forecasting but doing so many other things as well from their work at Kai Tak and Chek Lap Kok to their work on monitoring radiation levels and seismographic work. They are really highly professional team and given the importance of weather conditions here in Hong Kong, and the emergencies those extreme conditions sometimes cause, I was pleased to see the work being carried out in such a thoroughly professional way. So, I congratulate the new director and I'm pleased that he's got such a first class team.

Question: Mr Patten, after your crash course in meteorology today, what's your...

Governor: This is very clever, this is the use of metaphor in questions. What is my predictions for ...

Question: What's your weather predictions for summer?

Governor: What are my weather predictions for the summer?

Director of Royal Observatory: It's been very dry so far.

Governor: It's been very dry so far. I think it will be very warm with occasional showers.

Question: Can it be applied to the Sino-British...

Governor: Ah, that's the sort of question I thought I was going to get. I think we all hope that there'll be more sunshine and fewer clouds. We all hope that we are moving towards an agreement on important issues like the Financial Support Agreements for the Airport Authority and the MTRC and we hope that we'll move towards agreements on other matters as well - agreements which are in the interest of Hong Kong. I think that's what everybody would like to see because there's a lot of work still to do over the next couple of years to make sure that the SAR Government can get off to the best possible start.

Question: Mr Patten, there has been saying that the two Airport Financial Support Agreements are to be signed this Friday. Is it true?

Governor: We've had very good meetings this week and discussions are continuing. I very much hope that those discussions will lead to an early agreement because I think that's what everybody in Hong Kong would like. They'd like to see an end what has been, well, four years or more of discussion and argument about the financing. In the meantime of course we've been getting on with the job of building the airport.

Question: Is the recent proposal proposed by the Chinese side help a lot in

Governor: Both sides have been working very hard to solve the problem.

Question: Do you expect the two agreements to be signed this Friday?

Governor: I don't want to make predictions. I'm not a weather forecaster. But I hope that if we can continue the progress that's been made so far this week we'll be able to sign the agreement soon.

Question: What's your comment on the China Motor Bus franchise ?

Governor: I think that we've had to accomplish two objectives. First of all to continue to provide bus travellers with as good a service as possible. Secondly to ensure that there is sufficient competition to raise standards all round. And I think the balance that we've struck is a sensible one. We've had a very long discussion in the Executive Council about this subject. It's not the first time we've spent a long time discussing bus services and I think that judging by the reaction from travellers and the press today, I think people are understanding of the difficult choice we had to make.

Question: The Chinese authorities have claimed that the jurisdiction of therobbery is in China and they think that the suspects should be sent back to China, to Chinese courts for the justice. How do you think about that?

Governor: I haven't seen that report so I prefer not to comment. I haven't seen that report and I don't want to comment before I've seen the words myself.

Question: Can you elaborate what you said yesterday that in the coming months ... the administration and the British side are going to discuss with the Chinese officials on all sorts of co-operation. Is the composition of ExCo also on one of those agendas?

Governor: No.

Question: Merely the Preparatory Committee, the team designate and the Chief Executive designate....

Governor: Well, what we'll want to discuss with Chinese officials is how the Hong Kong Government can best work with the Preparatory Committee and, in due course, with the Chief Executive designate and her or his team. But there is no proposal for us to discuss the composition of the Executive Council.

Question: Mr Patten, today's land auction, the result of today's land auction is now just out, can you just comment on that? Well, two pieces of lands have been sold today, one in Tai Po. That's sold at the price of \$500m which is a bit lower than the original selling price and the other is in Shaukiwan, and the plot was sold at \$320m which is about \$100m above the selling price. How do you comment on the sale?

Governor: I'd like to talk to the Secretary for Planning, Environment and Lands who I know quite well before I comment because I haven't seen the report on the land auction myself.

Question: I like to have a short follow up on what I've said. In the coming months, do you mean that both sides will launch out a negotiation in all sorts of transitional co-operation well before the visit of Mr Qian?

Governor: But we're doing that already. You know that the formal umbrella for discussions is the Joint Liaison Group. But huge amount of work goes on in expert groups outside the Joint Liaison Group, and that will be continuing and I hope that the rhythm, the pace of those discussions will pick up, so that the new British Foreign Secretary and Mr Qian Qichen can have a satisfactory meeting in the Autumn. As I think you know even when they weren't able to disagree, Douglas Hurd and Mr Qian Qichen had a civilised, intelligent relationship and I am sure that the new British Foreign Secretary will want to build on that and that he will want to welcome Mr Qian Qichen to London and introduce him to his colleagues in the government or her colleagues in the government, and to opposition politicians as well.

Question: Well before the change of the Foreign Secretary, will that affect the diplomatic exchanges between the two countries?

Governor: No.

Question: How do you think about may be... some officials to go to the designate team to work with them?

Governor: Well, I have said before. I know it's slightly frustrating for you but I think that the right way for us to handle this issue is to talk directly to Chinese officials rather than discuss things through the medium of television or the media. One reason why I say that is because I sometimes think it's not your fault but I sometimes think that our positions are apparently stated which turn out to be not the position at all. For instance, I saw one Chinese official the other day being quoted as having an open mind about whether or not Hong Kong Government civil servants should be members of the preparatory team and within days other officials were pouring a lot of cold water on the idea for perfectly good reasons. So I think it would be more sensible for us to have those negotiations head-on, face to face with Chinese officials. But I shall, of course, want to ensure that the Legislative Council is kept fully in the picture about the co-operation that we've proposed with the Preparatory Committee and with the Chief Executive and team designate. We'll, of course, with the new Legislative Council for the first time wholly elected and representing the entire community, we'll want to deepen our relationship with the Legislative Council as well and part of that will involve keeping it informed about transition issues.

Question: Regarding the right composition of the Exco, will that be the Chinese officials shouldn't put any fingers in, that is your jurisdiction and nobody should advise you?

Governor: Well, I wouldn't put it like that. But I will not be attempting in any way to choose or affect the choice of the team designate. I've got quite enough problems and challenges without being so impertinent as to do that, and I am sure that the Chinese officials would expect the Governor of Hong Kong to choose his own Executive Council and the Executive Council I've got is extremely broad-based and very intelligent.

End/Wednesday, June 28, 1995

Govt's response to HK Bar Association statement on CFA

The following is the Government's response to the statement from the Hong Kong Bar Association on the Court of Final Appeal:

The Government is disappointed by the statement issued by the Hong Kong Bar Association on June 26 on the Hong Kong Court of Final Appeal (CFA) Bill and the agreement reached between Britain and China on June 9 on the question of the CFA.

In its statement, the Bar Association reiterates its objection to the 4+1 composition of the CFA for the hearing of any appeal "principally on the ground that the flexibility expressly provided for in the Joint Declaration (JD) and the Basic Law (BL) for the CFA as required to invite judges from other common law jurisdictions to sit was restricted so that for the hearing of any appeal, the court could only invite a maximum of one such judge". The British and Hong Kong Governments have not the slightest doubt that the 4+1 composition is a perfectly acceptable way of implementing the provisions in the JD and the BL that provide for judges from other common law jurisdictions to sit on the CFA. Our view that the 4+1 composition is consistent with the JD and the BL is supported by a number of authoritative independent legal opinions. Indeed the CFA Bill reflects this consistency. In Clause 5, which provides for the Constitution of the Court, sub-clause (3) includes the wording of the Joint Declaration and Article 82 of the Basic Law that "the Court may as required invite judges from other common law jurisdictions to sit on the Court". The 4 plus 1 composition is reflected in Clause 16(1) of the Bill, which specifies the composition of the Court when it hears a particular appeal.

The Bar Association also lists seven points in the CFA Bill to which it objects. The Administration carefully considered all of these points when they were first put forward last December, but rejected them for the following reasons -

(1) Although "leapfrog" appeals (ie appeals which by-pass the Court of Appeal) are possible to the House of Lords, they are not at present possible to the Judicial Committee of the Privy Council. Our intention in preparing the CFA Bill was to retain the current law and practices in respect of the Privy Council as far as possible.

(2) Judges from other common law jurisdictions are eligible for appointment as permanent judges of the CFA, provided that they have previously been appointed to the Supreme Court bench. It would be inconsistent with the 4+1 formula to allow overseas judges to be appointed directly to the CFA as permanent judges.

(3) The appeal committee needs to act quickly and efficiently. It will clearly be easier for permanent judges, with or without the Chief Justice (CJ), to determine applications for leave to appeal. It would be very costly to involve a judge from another common law jurisdiction in considering such applications.

(4) Although the CFA will be separate from the Supreme Court (and other courts), there is and will be only one Judiciary. It is entirely appropriate for the most senior judge to be head of the Judiciary as a whole and to be charged with the administration of the Judiciary as a whole.

(5) This is presumably another reference to the 4+1 formula, on which the Administration views have been clearly stated above.

(6) The Administration has no doubt that appeals to the CFA will be possible in respect of cases involving judicial review or habeas corpus.

(7) Clause 32(2) of the Bill has been redrafted in the light of the Bar Association's comments on the earlier draft Bill, and the Administration is confident that it now fully reflects the current practice of the Privy Council in granting leave to appeal in criminal cases.

It is clear that these seven features of the current Bill are not "flaws". The Bar Association also refers to "other new flaws" in the Bill, but gives no indication of what these might be. It is therefore difficult to comment on them.

The Bar Association does, however, make the extraordinary claim that the powers of the Courts to decide whether an act is an act of state "appears to have changed with Clause 4(2)" of the Bill, which repeats the formulation of acts of state in Article 19 of the Basic Law. This statement has no valid legal basis. As a matter of law, Article 19 of the Basic Law, which provides that the Courts of the Hong Kong Special Administrative Region shall have no jurisdiction over acts of state such as defence and foreign affairs, will be the law of Hong Kong as from July 1, 1997. The CFA Ordinance, which will come into operation on the same day, cannot override the Basic Law. So, as a matter of law, the jurisdiction of Hong Kong Courts will be subject to Article 19, whether or not it is included in the CFA Ordinance.

We agree with the Bar Association that the appointment of the CJ and judges of the CFA must be by an independent process in accordance with the Basic Law. But the Bar Association's statement "that the selection of the Chief Justice and judges of the Court before July 1, 1997 cannot be achieved under the agreement and the Bill as presently drafted without undermining the rule of law, the independence of the Judiciary and the independence of the Judicial Service Commission (JSC)" is totally misguided and misleading.

Clauses 6, 7, 8 and 9 of the CFA Bill provide that the CJ, the permanent judges, the non-permanent Hong Kong judges and the judges from other common law jurisdictions shall be appointed by the Governor (the future Chief Executive) acting in accordance with the recommendation of the Judicial Officers Recommendation Commission ("JORC"). As is clear from item 10 of the Schedule to the Bill, the JORC is the JSC under a different name. It is, in other words, the "independent commission" provided for under both the JD and the BL. The independence of the judicial appointment process is therefore maintained. Indeed, it is enhanced by virtue of the fact the Chief Executive must act in accordance with the recommendation of the JORC, where as the Governor has no such legal obligation at present.

Neither the JSC nor the JORC will have any power to make recommendations on appointments to the CFA before July 1, 1997. But that does not prevent those persons who are designated as members of the JORC from considering possible appointees before that date so that they can make recommendations to the Chief Executive to enable appointments to be made on July 1, 1997. Such consideration would have no legal effect and would not in any way undermine the rule of law, the independence of the judiciary or the independence of the JSC.

The Bar Association has also failed to make clear the implications of the position it has taken. By suggesting that the CFA Bill should not be supported, the Bar Association is ignoring the fact that the consequence of not enacting it this session would be that there will be a judicial vacuum in 1997, until the CFA was established by Hong Kong Special Administrative Region Government (HKSARG) after July 1, 1997, at a time and on a basis about which there can be no certainty. This would create unnecessary and damaging uncertainty about the eventual form of the CFA. On the other hand, passage of the Bill will guarantee the establishment of a proper court of final appeal on 1 July 1997 with Sino-British co-operation and in accordance with this Bill, which is based on the established principles and practices of the Judicial Committee of the Privy Council. It is clear that this latter scenario is more in the interests of Hong Kong. That is why the agreement has been welcomed by the CJ, the local and international business community and the people of Hong Kong.

End/Wednesday, June 28, 1995

Two lots sold for \$820 million

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Two lots of Government land were sold for a total of \$820 million at a public auction held by the Lands Department this (Wednesday) afternoon.

The first lot located in Area 30, Tai Po, was bought by Daren International Limited at the opening price of \$500 million.

With an area of 26,310 square metres, the lot is designated for residential use.

The developer has to complete a gross floor area of not less than 12,628 square metres on or before June 30, 1999.

The second lot, located in Shau Kei Wan Main Street East, Shau Kei Wan, was sold to Grand Talent Development Limited at \$320 million, with bidding opening at \$220 million.

It has an area of 1,296 square metres. The lowest three floors are for non-industrial purpose, excluding godown, hotel, petrol filling station and service apartment, and the remaining floors are for residential use.

The developer has to complete a gross floor area of not less than 6,690 square metres on or before June 30, 1998.

Held in the Concert Hall of the City Hall, the auction was conducted by Government Land Agent, Mr Victor Leung Lok-yiu.

End/Wednesday, June 28, 1995

Elector's status of casual worker explained

* * * * *

The Chairman of the Boundary and Election Commission (BEC), Mr Justice Woo Kwok-hing, this (Wednesday) morning met representatives of the Hong Kong Construction Industry Employees General Union on casual workers' right for the second vote in the September Legislative Council Elections.

The Chairman said only "working persons" engaged in economic activities in Hong Kong for remuneration, whether as employees or self-employed persons, are entitled to have a second vote in one of the nine new functional constituency (FC) elections in the September elections.

"If an applicant stated in his application that he was a casual worker, then, he would be regarded as a self-employed person and it would not be necessary for him to provide information about his employer," he said.

"Of course," he said, "if an applicant stated that he was unemployed, then, he would not be qualified as an elector for reasons stated above."

Any part-time worker, casual worker and seasonal worker is a "working person" eligible for registration as an elector if:

* he has been working, whether or not for the same employer, for four weeks or more for at least 18 hours in each of the four weeks immediately preceding the date of application; or

* he is able to show a consistent pattern of employment during the period of not less than 12 months immediately preceding the date of application, although he has only been engaged in work for less than 18 hours per week at the time of application.

Exceptional cases would be considered individually on their own merits.

On the question of whether a "redundant worker" is entitled to vote in the new FC election, the Chairman said if such a worker was already on the Register and was genuinely in between jobs, then, his name would not be deleted from the Register and he would still be entitled to vote in the September elections.

But the worker has to update with the Registration and Electoral Office (REO) particulars of his employer after he has secured a new job, he added.

He also encouraged electors to report to the REO any change of personal particulars such as change of job or address.

End/Wednesday, June 28, 1995

Goodwill disclosure of voter data defended

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In response to a press commentary published today (Wednesday), the Chairman of the Boundary and Election Commission, Mr Justice Woo Kwok-hing, said prospective candidates and political parties might be given, upon request, soft copies of the extracts from the Provisional Register (PR) so as to allow them more time to prepare for the forthcoming Legislative Council election campaigns.

The Chairman said this was yet another new arrangement the Commission introduced to facilitate prospective candidates preparing for the September elections.

He said tougher rules had been set to safeguard against misuse of information in the voter register. Request for and use of such information must be solely for the purpose related to a particular election.

New provisions also make it an offence, punishable with a fine of \$5,000 and imprisonment up to six months, for any person to use any information from the register for a purpose other than the particular election specified by the Registration Officer.

Mr Justice Woo also refuted the argument that releasing information in this manner would open to abuse.

"There is a criminal liability for any person who unlawfully uses electors' information for purposes not relating to a particular election," he said.

Complaint cases would be referred to the police for investigation.

Mr Justice Woo also explained the rationale for publishing the PR for public inspection and the importance of a transparent system.

"This would allow mutual policing to achieve a check and balance which will be conducive to the integrity and accuracy of the register," he said.

He added that electors would have the opportunity to inspect the information contained in the PR and could raise objections or claims in respect of any information with which they disagree.

End/Wednesday, 28 June, 1995

No smoking inside international ferry terminals

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In line with the Government's policy to discourage smoking in public places, the Marine Department will ban smoking in the Hong Kong-China Ferry Terminal and the Hong Kong-Macau Ferry Terminal, a Marine Department spokesman said today (Wednesday).

At present "No Smoking" signs are posted in conspicuous areas in the two terminals located on both sides of the harbour.

"As the two terminals have not been designated as 'no smoking' areas in Schedule 2 to the Smoking (Public Health) Ordinance, no prosecution can be made against those who disregard the sign," the spokesman said.

The Marine Department therefore introduces the Shipping and Port Control (Hong Kong-China and Macau Ferry Terminals) (Amendment) Regulation 1995, which will be gazetted on Friday (June 30).

When the regulation becomes effective, smoking within the two ferry terminals will be prohibited by law, the spokesman said.

"At the initial stage, the Director of Marine may designate certain small areas within the terminals where smoking is allowed," he said.

"We will monitor and evaluate the need of setting up such areas with a view to removing them in future," the spokesman added.

End/Wednesday, June 28, 1995

No conclusive scientific evidence of EMF affecting health

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The Working Group on Electric and Magnetic Fields considers that there is no conclusive scientific evidence of adverse health effects on normal individuals arising from exposure to power frequency Electric and Magnetic Fields (EMF).

The Working Group also agrees that the adoption of the International Radiation Protection Association (IRPA) guidelines, so far the best available internationally accepted guidelines, is appropriate for the protection of public health in this respect.

These were stated by Chairman of the Working Group, Mr John Chan, who is also Assistant Director of Electrical and Mechanical Services (Electronics and Electricity Legislation), during a meeting with representatives of the Black Point Routing Objection Association (BPROA) today (Wednesday).

The objective of the meeting is to exchange information on EMF for a better understanding of each other's view points on the issue.

Mr Chan said the IPRA guidelines were used for the Black Point 400 kv transmission line.

He explained that researches and studies on the health implications of EMF had been conducted in various countries since the 70s.

"After 20 years of research, the results of numerous studies conducted so far, mainly epidemiological studies, are still providing conflicting views and findings, and the scientific community in general is still unable to reach any consensus on the possible health risk of EMF," he said.

Because of the inconclusive epidemiological results, Mr Chan continued, various countries had brought in research scientists to investigate EMF in the laboratories.

One of the biggest research programmes is the five-year (1992-97) US\$65 million EMF RAPID programme in the United States of America. All laboratory results available to date found no adverse health effects from EMF exposures.

"As an independent body to provide advice on EMF, the Working Group has to look into this issue from a balanced viewpoint taking into account the views held by mainstream scientific community.

"The Working Group has reviewed not only various individual researches and studies, but also, more importantly, those authoritative and comprehensive studies conducted by well recognised international organisations, national authorities and independent panels and working parties appointed to review the issue.

"There have been more than 70 such major comprehensive studies by government bodies and scientific panels so far and none of them has concluded that power frequency EMF causes adverse human health effects," he noted.

Mr Chan stressed that the information and papers provided by BPROA had been carefully studied by the Working Group, and most of the studies and researches quoted by BPROA had already been considered and covered by the above mentioned authoritative and comprehensive studies reviewed by the Working Group.

He told the BPROA that the EMF exposure guidelines adopted in Hong Kong were based on those published by the IRPA in collaboration with the World Health organisation (WHO) in 1990. Both organisations confirmed recently that such guidelines are still valid and still reflect the position of the WHO.

Mr Chan pointed out that the Working Group had been maintaining communication links with organisations and authorities in many countries.

"We are not aware of any country which has confirmed that there is convincing evidence to support a connection between EMF exposure and adverse human health effects, nor that there is scientific base to establish more stringent EMF standards and other binding regulations.

"In fact, many countries have now adopted or recommended the use of IRPA or very similar EMF exposure guidelines, including Australia, New Zealand, Italy, Germany, United Kingdom, France, European Union and Taiwan.

"Nevertheless, the Working Group will continue to monitor the world-wide developments on this issue," he stressed.

The Working Group was formed in 1993 at the advice of the Environmental Pollution Advisory Committee, the predecessor of the Advisory Council on the Environment.

The main objective of the Working Group is to monitor and review the developments of power frequency EMF related issue with a view to providing independent advice on the topic to the Council.

Members of the Working Group were drawn from three local universities, two power companies and three Government departments.

End/Wednesday, June 28, 1995

Demolition work carried out smoothly

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Work to demolish illegal rooftop structures at the junction of Mong Kok Road and Reclamation Street in Kowloon are starting smoothly following a closure order issued by the District Court this (Wednesday) morning.

The Assistant Director of Buildings (Control), Mr Lok Che-leung, said there were 12 illegal rooftop structures with 18 families.

A total of 11 families have accepted rehousing arrangements. Four families have given up rehousing rights and three other families were disqualified.

Mr Lok reminded building owners that they have a responsibility to maintain their buildings in safe and sound condition and free from unauthorised building works.

End/Wednesday, June 28, 1995

Licence number of lighter should be clearly displayed

* * * * *

Owners of lighters will be required by law to display the licence numbers of their vessels in a reasonably large size to be legible from a reasonable distance, a Government spokesman said today (Wednesday).

The requirement is contained in the Merchant Shipping (Miscellaneous Craft)(Amendment) Regulation 1995 to be published in the Gazette this Friday (June 30).

"A number of investigations into maritime incidents involving lighters were unable to proceed because the witnesses were unable to read the licence numbers of the lighters as the numerals were too small," the spokesman said.

The regulation stipulates that each of the licence numbers shall be not less than 300 millimetres in height and not less than 170 millimetres in width except in the figure "1". The number should be drawn with lines which are not less than 40 millimetres broad at any point.

It also provides that the colour of the licence number should be clearly contrasts with the colour of the surface on which it is painted.

End/Wednesday, June 28, 1995

Eight lots to let

* * * * *

The Lands Department is inviting tenders for short-term tenancies of eight pieces of government land in Kowloon and in the New Territories.

The first and second lots are located at Ping Fuk Lane, Tong Yan San Tsuen, Yuen Long, with an area of 550 square metres and 530 square metres respectively, for repairing, and maintenance of vehicles.

The other six lots are for use as fee-paying public car parks. The lots are located in Tin Shui Wai Area 1 (3,540 square metres), Area 16, Tseung Kwan O (2,190 square metres), the junction of Leung Tak Street and Ming Kum Road, Tuen Mun (2,850 square metres), the junction of Leung Tak Street and Tsun Wen Road (3,075 square metres), Reclamation Areas, Lai Chi Kok, (1.76 and 1.0 hectares).

The tenancies of all the eight lots will be for two years, renewable quarterly.

Closing date for submission of tenders for the first six lots are at noon on July 14 while the seventh and eighth lots are at noon on July 7.

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

Tender plans can also be inspected at these offices.

End/Wednesday, June 28, 1995.

Planning exhibition moves to Kowloon

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The exhibition on urban planning and architecture that has been successfully held at the Central Plaza in Wan Chai and the Metroplaza in Kwai Fong will move to the Lok Fu Shopping Centre II tomorrow (Thursday).

The exhibition, entitled "Hong Kong - City of Vision", will be open to the public between 10 am and 10 pm daily till July 6. Admission is free.

Jointly organised by the Planning Department, Architectural Services Department and Government Information Services, it features display panels containing charts and photographs showing the major development projects in the territory and providing visitors with an overview of the different development patterns of Hong Kong.

End/Wednesday, June 28, 1995

Monthly Digest Statistics for June now on sale

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A feature article entitled "Trade Involving Outward Processing in China, 1989-1994" is published in the June 1995 issue of the Hong Kong Monthly Digest of Statistics.

Outward processing activities play a prominent role in Hong Kong's trade with China. This feature article presents estimates of values and proportion of trade involving outward processing in China for domestic exports and re-exports to China, imports from China and re-exports of China origin. Detailed analyses of outward processing activities by commodity group and processing area in China are also included.

The June 1995 issue of the Hong Kong Monthly Digest of Statistics is already on sale at \$50 a copy. It contains all information about Hong Kong's latest situation regarding economic growth, the labour market, inflation and many other social and economic issues that have important impact on business and everyday life.

Purchase of this publication can be made at the Government Publication Centre, ground floor, Low Block, Queensway Government Offices, 66 Queensway, Hong Kong. The publication is also available at the Publications Unit of the Census & Statistics Department, 19th Floor, Wanchai Tower, 12 Harbour Road, Wan Chai, Hong Kong. Regular subscription can be arranged with the Publications (Sales) Office of the Information Services Department (Tel 2598 8194).

End/Wednesday, June 28, 1995

Hong Kong Monetary Authority money market operations

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	\$ million	Time (hours)	Cumulative change (\$million)
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Opening balance in the account	2,049	0930	+477
Closing balance in the account	2,186	1000	+477
Change attributable to :		1100	+464
Money market activity	+477	1200	+464
LAF today	-340	1500	+477
		1600	+477

LAF rate 4.25% bid/6.25% offer TWI 118.3 *+0.0* 28.6.95

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.42	2 years	2705	6.40	101.10	5.85
1 month	5.43	3 years	3804	6.90	102.14	6.15
3 months	5.48	5 years	5006	6.60	99.62	6.80
6 months	5.50	5 years	M501	7.90	102.98	7.29
12 months	5.56					

Total turnover of EF bills and notes - \$15,009 million

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SUPPLEMENT

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Motion debate on provisional legislature

Following is the speech by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in the Legislative Council motion debate on provisional legislature today (Thursday):

Mr President,

In discussing the arrangements for the post-1997 legislature, the key points are that the Joint Declaration provides for the legislature of the Hong Kong Special Administrative Region to be constituted by election; and that the Basic Law and the associated NPC Decision set out the manner in which the first SAR legislature is to be composed. The Chinese Government have, on many occasions, affirmed their commitment to abide by the Joint Declaration and the Basic Law.

It is clearly in Hong Kong's interests that the Legislative Council to be elected in September 1995 is able to serve its full term to 1999. In that way, we will have an experienced legislature in place on 1 July 1997 which commands the confidence of the community. This, in our judgment, is the best way to avoid confusion or disruption in our legislative affairs. And there is no reason why that should not be. The electoral arrangements for 1995 are open and fair. They are also consistent with the Joint Declaration and the Basic Law. They meet the community's wish for credible representative institutions which are capable of achieving continuity after 1997. They have, of course, been approved by this Council, on behalf of the people of Hong Kong.

The results of this year's voter registration exercise amply underlines public support of the electoral arrangements. They lay a solid foundation for the election of a broadly based and representative legislature in September. I have no doubt that on polling day, electors will exercise their right responsibly and maturely, as they have done on all previous elections. Equally, I have no doubt that, like its predecessors, the new Legislative Council will act in long-term interests of Hong Kong.

No doubt, China can make other arrangements in 1997 if they so wish. That would be within their powers. But if the Chinese government were to do so, it would be for them to explain to the people of Hong Kong why that is necessary, what precisely the new arrangements are, how they are compatible with the Joint Declaration and the Basic Law, and why such changes are conducive to a smooth transition and the maintenance of Hong Kong's stability and prosperity.

For these reasons, Mr President, ex-officio Members of this Council will:

- (a) abstain from voting on Dr Yeung's motion;
- (b) support Mr Fung's amendment as it is consistent with our position on the matter; and
- (c) oppose Mr Lee's amendment since in our judgment the electoral package passed by this Council last year is the best arrangement for open and fair elections which are consistent with the Joint Declaration and the Basic Law.

End/Wednesday, June 28, 1995

Sex Discrimination Bill passed

The passage of the Sex Discrimination Bill through the Legislative Council today (Thursday) represents a significant step taken by the community towards the goal of gender equality.

"I am pleased to see the Bill receiving majority support from the Legislative Council," the acting Secretary for Home Affairs, Mrs Stella Hung, said.

"Since the publication in August 1993 of the Green Paper on Equal Opportunities for Women and Men, the community has responded with the clear message that they support the introduction of legislation to deal with sex discrimination.

"In the light of this overwhelming support, the Sex Discrimination Bill was introduced into the Legislative Council in October 1994."

Mrs Hung pointed out that the Bill has received careful and comprehensive attention by members of the Bills Committee and various sectors of the community.

"We are deeply indebted for the many constructive ideas they have put forward, which we have endeavoured to capture in the Committee Stage Amendments proposed by the Administration today.

"I am confident that the Bill as it now stands will be able to achieve its objective of eliminating sex discrimination and sexual harassment," she said.

Mrs Hung said the Government was looking forward to the early establishment of the Equal Opportunities Commission to oversee the implementation of this very important piece of legislation.

End/Wednesday, June 28, 1995

Second reading of Sex Discrimination Bill

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Following is the speech by the acting Secretary for Home Affairs, Mrs Stella Hung, in the resumption of the second reading debate of the Sex Discrimination Bill in the Legislative Council today (Wednesday):

Mr President,

Today's debate marks the culmination of detailed consideration of the Government's legislative proposals to promote gender equality in Hong Kong. This exercise began to gather momentum two years ago with the publication of the Green Paper on Equal Opportunities between Women and Men, which sought public views on measures to promote gender equality. There was clear public support in the over 1000 submissions that we received for the proposals to legislate against sex discrimination and set up a statutory body to oversee the implementation of such legislation. In response to this, and having fully assessed the implications of adopting the legislative approach, we announced, in June 1994, the decision to draw up the Sex Discrimination Bill, which was introduced into this Council in October 1994.

I am most grateful to Dr the Honourable Leong Che-hung, Convenor of the Bills Committee to study the Sex Discrimination Bill, and other Members of the Bills Committee for their considerable time and effort spent in scrutinising the Bill.

Over the past seven months, we have worked hard to reach agreement on the provisions of the Bill. We have given very careful consideration to the views of Members of the Bills Committee, the Hon Anna Wu's many helpful suggestions and the submissions from various employers' organisations, labour unions and women's groups, and other deputations received by the Bills Committee. The committee stage amendments which I am going to move later on are the outcome of that careful consideration and accommodate many of the suggestions that have been put forward.

I would now like to turn to the key changes we propose to make to the Bill during the Committee Stage.

The transitional period

The Bill renders unlawful sex discrimination in the employment field. Since this type of legislation is new to Hong Kong, it is prudent to allow a transition period for small business establishments so that they can familiarise themselves with the provisions of the legislation. Accordingly, the Bill provides for a five year transition period for business establishments with not more than 5 employees. This provision has attracted much debate among Members of the Bills committee, and employee and employer organisations. Having carefully considered the various views expressed, we will propose an amendment to reduce the length of the period from five to three years. However, we fully appreciate employers' concerns that the legislation may create undue hardship for small businesses if it is applied too quickly to them. We will therefore ask the Equal Opportunities Commission to review whether this transitional period needs to be adjusted in the light of the operation of the Ordinance.

Extension of the scope of discrimination on the grounds of marital status and pregnancy to other fields of activity

Under the Sex Discrimination Bill, discrimination on the grounds of marital status and pregnancy in the employment field is unlawful. In response to the concerns expressed by Members of the Bills Committee and various women's organisations, we will propose an amendment that would also make it unlawful to discriminate on the grounds of marital status and pregnancy in the other areas of activity covered by the Bill namely, education, the provision of goods and services and the disposal and management of premises.

Government activities

Members of the Bills Committee proposed that discrimination in relation to the Government's activities should be explicitly covered in the legislation. In fact, Government is already bound not to discriminate by the Bill of Rights Ordinance. Furthermore, the Sex Discrimination Bill applies equally to the Government as it does to persons in the non-public sector. However, to put the matter beyond any possible doubt, we will propose an amendment to make it explicit that the Government will be bound by the provisions of the Bill in the performance of its functions or the exercise of its powers. Our proposed committee stage amendment on this largely reflects the relevant principles of the Bill of Rights Ordinance, including the exception for immigration control.

Other amendments proposed by the Bills Committee

While we have accepted nearly half of the amendments suggested by Honourable Members, there are some which the Administration cannot accept as a matter of principle. I would like to highlight our concerns on several key issues.

Commencement date

The proposed amendment provides for the Ordinance to come into force on or before 1 January 1996. We appreciate Members' desire to see the Ordinance brought into force as soon as possible. Indeed, Government shares the same sentiment. However, before the Bill is brought into force, it is necessary first to establish the Equal Opportunities Commission, engage adequate staff and provide for all the other support facilities needed to enable the Commission to carry out fully its statutory duties.

Just as importantly, the provisions of the Bill in relation to employment matters should not come into effect until the relevant Codes of Practice have been prepared by the Equal Opportunities Commission. These Codes of Practice will provide essential guidance to all parties involved to enable them to better comply with the Ordinance. We envisage that the Codes of Practice concerned will require about nine months to be finalised following the establishment of the Equal Opportunities Commission. The proposal for all the provisions of the Ordinance to be commenced on or before 1 January 1996 would mean bringing provisions into operation before they can be adequately enforced.

International Treaty Obligations and certain International Instruments

Another proposed amendment would link the objectives of and provisions of the Bill with certain international treaties and instruments. This proposal presupposes that the purpose of the Sex Discrimination Ordinance is to give effect to these international treaties. This is not the case. As I have made it clear, the purpose of the Bill is to render unlawful certain kinds of sex discrimination, discrimination on the grounds of marital status or pregnancy and sexual harassment and to provide for the establishment of the Equal Opportunities Commission. The proposed amendment would confuse and detract from this clear legislative intent. It would also distract the Commission from clearly defined functions and duties.

The Exceptions

The Bill provides for a number of exceptions to cover the situation where, for justified reasons, certain policies treat men and women differently. For example, exceptions are provided in respect of the small house policy, the differential treatment of male and female staff in the disciplined services and the provision of different levels of housing benefits for employees of different marital status. International jurisprudence on the meaning of discrimination indicates that differential treatment between similarly placed persons does not amount to discrimination if there is objective and reasonable justification for it. The exceptions stipulated in the Bill are all well justified. For example, it is reasonable for the disciplined services to impose different height, weight and uniform requirements for male and female officers. It has been suggested that these exceptions should either be deleted or be subject to a sunset provision limiting them to a one year term subject to extension by the Legislative Council for a further year. This proposal is not acceptable. The exceptions provided for are well justified and should remain unqualified by any time restriction.

The Equal Opportunities Commission

The Sex Discrimination Bill provides for an Equal Opportunities Commission to be established with the specific tasks of eliminating unlawful sex discrimination and sexual harassment, and promoting equality of opportunity between women and men. Hostile amendments will be moved during the Committee Stage that would expand the powers of the Commission. For example, there is a proposal to empower the Commission to carry out an investigation relating to a named person without any ground or belief that the person concerned has performed an unlawful act. This would be most unfair to the person concerned as he or she would be publicly named as the subject of an investigation before the Commission can say that there was evidence of any unlawful activity. While we share the view that the Equal Opportunities Commission should have adequate and effective powers to enforce the Bill's provisions, we, however firmly believe that the Bill already provides for this.

Mr President, the promotion of gender equality in Hong Kong has come a long way from the publication of the Green Paper on Equal Opportunities for Women and Men in 1993 to today's resumption of the second reading of the Sex Discrimination Bill. We have advanced from public consultation to concrete legislative measures. We have made considerable progress in the past 22 months. But there remains much more to be done. Ahead of us is the important task of establishing the Equal Opportunities Commission and educating the public about the rights and obligations provided for in the sex discrimination legislation.

Mr President, upon the enactment of the Sex Discrimination Bill, the people of Hong Kong will enjoy a similar level of legal protection, in respect of equal opportunities between women and men, as is provided for in other advanced societies. The Bill reflects community aspirations on how we should proceed to achieve equal opportunities between the sexes in a measured and appropriate manner. We are convinced that it will serve Hong Kong's needs well.

With these remarks, Mr President, I recommend the Bill to Members.

End/Wednesday, June 28, 1995

Banking (A) Bill 1995: second reading

Following is the speech by the Secretary for Financial Services, Mr Michael Cartland, in the resumption of the second reading of the Banking (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

The Banking (Amendment) Bill 1995 before us today principally seeks to establish the Monetary Authority as the licensing authority for all three types of authorised institutions under the Banking Ordinance and to clarify the scope, duties, power and objectives of a Manager appointed under the Ordinance to take control of an authorised institution.

I am very grateful to the Chairman of the Bills Committee, the Hon Peter Wong, and Members of the Committee for their careful and meticulous consideration of the Bill. I would also like to thank the Hong Kong Association of Banks and the Deposit-taking Companies Association of Hong Kong for their useful comments on the Bill and the Hong Kong Society of Accountants whose comments have been taken into account at the drafting stage. The amendments to be moved at the Committee Stage are the product of dialogue in a series of meetings between the Administration, the banking industry and the Bills Committee over the past few months. They will ensure that we have a much improved Bill.

In the course of the discussions on the Bill, one of the powers of the Monetary Authority, namely the power to suspend temporarily the operations of an institution, was the subject of concern to the banking sector and the Bills Committee.

It was argued that news of a temporary suspension would irretrievably damage the institution concerned. I should take this opportunity to restate the Administration's rationale in introducing such powers in respect of all three types of authorised institutions. The present powers of temporary suspension over restricted licence banks and deposit-taking companies date back to the former Deposit-taking Companies Ordinance. They are required because the normal suspension provisions provide for a notice period and a right to be heard before a suspension can be enforced. In the absence of an immediate suspension, there would be nothing to stop the institution concerned from continuing to accept deposits during the notice period, thus jeopardising the interests of depositors and potential depositors.

An alternative to the powers of temporary suspension would be to restrict an institution's ability to take deposits by placing a condition to that effect on its authorisation or by using the powers under Part X of the Ordinance. There would be no need to publicise such means. However, it would be difficult, in practice, to keep confidential the imposition of such a restriction given that the institution concerned would have to decline to take deposits, inevitably giving rise to suspicions of difficulties.

The powers of temporary suspension are therefore required to deal with urgent cases where there are concerns that the institution involved would continue to take deposits and where it is unavoidable or indeed desirable that the public should be so informed. The suspension would take immediate effect for up to 14 days. In the meantime, the Monetary Authority would be considering a longer suspension or revocation and would invite the institution to be heard on such proposed action.

I should assure Members that the right to be heard for institutions will be extended to all other authorisation decisions except for instances involving urgent cases of temporary suspension where we believe that they are justified after balancing the interests of existing depositors and potential depositors.

In view of the serious consequences of a temporary suspension, we have striven to have in place a proper system of checks and balances to ensure that the powers will be exercised in a responsible and reasonable manner. The Monetary Authority is required to have prior consultation with the Financial Secretary before exercising the powers of temporary suspension. In recognition of the concerns expressed by Members and the industry, the Monetary Authority will have first to convince the Financial Secretary that the proposed action is necessary in the interests of depositors or potential depositors. Alternatively, the Financial Secretary must state that it is, in his opinion, in the public interest for urgent action to be taken. This would be consistent with section 52(1)(d) of the Ordinance (concerning the Monetary Authority's powers of control) and would reflect the fact that the Financial Secretary would be in a better position than the Monetary Authority to judge the public interest. This represents a significant tightening of the existing criteria for use of the powers.

At present, section 83 of the Ordinance restricts unsecured advances to directors, controllers and certain employees of institutions and their relatives. The Hong Kong Association of Banks has submitted that the definition of "relative" is too wide. We are sympathetic to the operational difficulties that would be faced by institutions in trying to ensure compliance with the restriction. Amendments will therefore be moved at the Committee Stage to narrow the definition. To enable us to react quickly to address any problem that may arise from the proposed revision, the Financial Secretary is empowered to amend the definition by notice in the Gazette, should the need arise.

The proposed Eighth Schedule to the Ordinance sets out the various grounds for the revocation of authorisation. We will move amendments at the Committee Stage to introduce an additional ground for revocation, i.e. when an institution engages in business practices which might threaten Hong Kong's status as an international financial centre. One prominent example of such activities is money laundering. This additional ground is consistent with one of the principal objectives of the Ordinance to promote the general stability and effective working of the banking system. Furthermore, it is also in line with the Monetary Authority's role, as set out in the Exchange Fund Ordinance, and other provisions of the Banking Ordinance, relating to the promotion of Hong Kong as an international financial centre.

The Ordinance currently stipulates that all relevant written returns and information have to be filed by institutions in English and books and accounts are also required to be kept in the same language. Similar to certain provisions in the Companies (Amendment) Bill 1995 which was introduced into this Council in April this year, amendments at the Committee Stage will be moved to enable the books and returns to be kept or filed in either English or Chinese. This will place the two languages on an equal footing.

Mr President, amendments on the main issues which I have outlined and on those issues mentioned by Mr Peter Wong, together with a host of other detailed amendments of a more technical nature to improve the provisions of the Bill will be moved at the Committee Stage. With these remarks, I commend to Members the Banking (Amendment) Bill 1995.

End/Wednesday, June 28, 1995

Banking (A) Bill 1995: committee stage (existing clauses)

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Following is the speech by the Secretary for Financial Services, Mr Michael Cartland, at the committee stage (existing clauses) of the Banking (Amendment) Bill 1995 in the Legislative Council today (Thursday):

Mr Chairman,

I move that the clauses specified be amended as set out in the paper circulated to Members. I should briefly highlight to Members the more important amendments.

Clause 3

Section 3 is amended by new clause 3(a) to remove any potential doubt arising from the taking of margin deposits by licensed leveraged foreign exchange traders. This is consistent with existing exemptions granted to margin deposits taken by licensed securities and commodities dealers.

Clause 5

On the powers of temporary suspension, section 24(1)(b) is amended by new clause 5(f) so that the powers become exercisable only when the Monetary Authority considers it necessary in the interests of depositors or potential depositors of the institution. Alternatively, there would be a public interest test before such powers can be invoked: in such case the Monetary Authority must be advised by the Financial Secretary that it is in the public interest for urgent action to be taken. This would be consistent with section 52(1)(d) of the Ordinance (concerning the Monetary Authority's powers of control) and would reflect the fact that the Financial Secretary would be in a better position than the Monetary Authority to judge the public interest.

Clause 14

On the suggestion of the Hong Kong Association of Banks, section 53C(10) is amended by new clause 14(e) to afford protection to any third party who deals with the Manager of an institution in good faith and for good consideration.

Clause 18(b)

On returns and information to be submitted by institutions, the new section 63(2A) as amended by new clause 18(b) requires the holding company and sister companies of an institution, among others, to submit the appropriate information to the Monetary Authority. Such a request for information will only be made by the Monetary Authority when he considers it reasonable to do so for the purpose of exercising his functions under the Ordinance. Furthermore, a new criterion has been introduced so that the Monetary Authority must consider that the information is necessary in the interests of the depositors or potential depositors of the institution concerned.

Clause 24

Institutions are at present required to limit their exposure to a single party or to a group of connected parties to an amount equivalent to 25 per cent of their capital base, in accordance with section 81 of the Ordinance. The new section 81(4A) as amended by new clause 24 will mean that institutions will not have to add together, and regard as group exposure for the purposes of section 81, their exposures to individual public sector entities which are wholly owned by the Government, such as the Kowloon-Canton Railway Corporation, or the Financial Secretary Incorporated in trust on behalf of the Government, such as the Mass Transit Railway Corporation. This would remove a potential impediment to the fund-raising efforts of such public sector entities when they issue debt instruments in future to finance infrastructural projects. However, exposures to the public sector entities, taken individually, will still be subject to the section 81 limit. The new clause 24(b) allows the Financial Secretary to amend section 81(6) which sets out the types of exposure which are exempted from section 81.

Clause 26

Regarding the limitation on unsecured advances to directors, controllers and certain employees of institutions, section 83(4)(c) is amended by new clause 26(a) to clarify that the relevant limitation is applied to employees of an institution who are responsible for approving the loan, instead of to all employees who have a role in the process of determining the loan application.

Clause 48

In the proposed Eighth Schedule, a new paragraph 20 is added to the grounds for revocation of authorisation, i.e. where the institution engages in business practices which would be likely to prejudice the interests of Hong Kong as an international financial centre. Illegal activities such as money laundering, which it might be argued do not directly harm the interests of depositors or potential depositors, would fall into the category of such practices.

Mr Chairman, I beg to move.

End/Wednesday, June 28, 1995

Banking (A) Bill 1995: committee stage (new clauses)

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Following is the speech by the Secretary for Financial Services, Mr Michael Cartland, at the committee stage (new clauses) of the Banking (Amendment) Bill 1995 in the Legislative Council today (Thursday):

Mr Chairman,

I move that new clauses 16A, 23A and 40A as set out in the paper circulated to Members be read the second time.

New clause 16A addresses a drafting point. It seeks to replace the word "shareholders" and the word "members" in section 59A(1)(a) in order to be consistent with other provisions in the Ordinance.

New clause 23A provides for a new definition of the term "relative", for use in section 83 which imposes restrictions on unsecured advances to directors, controllers and certain employees of institutions and their relatives. It seeks to narrow the new coverage of the definition of "relative" to take account of practical difficulties which authorised institutions have encountered in applying it.

To enable the Monetary Authority to react quickly to address any problem that may arise from the proposed revision of the definition, the Financial Secretary will be empowered to amend the definition by notice in the Gazette, should it be found necessary.

New clause 40A provides for the use of either the Chinese or the English language in keeping the books and accounts of an institution, and in furnishing forms, information and returns by the institution to the Monetary Authority. This will place both languages on an equal footing.

Mr Chairman, I beg to move.

End/Wednesday, June 28, 1995

Interpretation and General Clauses (A) Bill 1995

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Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the second reading of the Interpretation and General Clauses (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Interpretation and General Clauses (Amendment) Bill 1995.

The purpose of the Bill is to tighten existing legislative provisions which provide for powers of entry and search or seizure to more fully protect journalistic material.

We are aware of the community concerns, particularly those expressed by Members of this Council and members of the media, that the powers of search and seizure of the Police are too wide, and that such powers, if abused in relation to journalistic material, may threaten press freedom. Although we were asked only to amend the Police Force Ordinance, we discovered that similar provisions are contained in a number of other ordinances. We therefore propose to deal with them all, by amending the Interpretation and General Clauses Ordinance.

The amendments contained in the Bill now before this Council addresses the concerns about the search for, and seizure of, journalistic material.

We propose to restrict the statutory powers to enter premises for the purpose of searching for, or seizing, journalistic material. This general restriction applies not only to the Police, but also to all other law enforcement agencies and Government departments.

To ensure that the grounds for entry and search for journalistic material are thoroughly considered and fully justified, the Bill specifies that an officer must apply for a warrant before he can be authorised to exercise such powers. The application has to be approved by a directorate officer before it can be made to a judge of the District Court or the High Court. This ensures that such applications are made and determined at a high level.

The Bill also requires a judge to be satisfied that a number of conditions are met before the warrant can be issued. These conditions are:

- * that an arrestable offence has been committed;
- * that the journalistic material to be searched for is likely to be of substantial value to the investigation or relevant to the proceedings for the arrestable offence;
- * that other methods of obtaining the material may compromise the investigation; and
- * that it is in the public interest that a search warrant should be granted.

The threshold, or burden of proof, required in the proposed warrant application procedure is substantially higher than in similar provisions in many other ordinances. However, Members should rest assured that the ability of our law enforcement agencies to conduct criminal investigations will not be impaired. The proposals in the Bill also have the support of our law enforcement agencies.

The Bill demonstrates the Government's strong commitment to encourage a free and vigorous press, which is one of the most important aspects of our way of life that makes Hong Kong so successful. It seeks to achieve a balance between the protection of press freedom and the need to maintain law and order. It also meets the Governor's undertaking, given in his 1994 Policy Address, to take action on provisions which impose legal restrictions on press freedom.

Mr President, I beg to move.

End/Wednesday, June 28, 1995

Town Planning Ordinance

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Following is the speech by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in moving the resolution on the Town Planning Ordinance in the Legislative Council today (Wednesday):

Mr President,

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

The Town Planning Ordinance (Cap. 131) was amended in 1991 to empower the Planning Authority to take actions against unauthorised developments in the New Territories. Such actions could generally be grouped as enforcement and prosecution actions. Enforcement Notices, Stop Notices or Reinstatement Notices could be issued to landowners, occupiers and persons responsible for an alleged unauthorised development, as appropriate. Persons who fail to comply with the Enforcement Notices or Stop Notices are then liable to prosecution. Alternatively, any person responsible for an unauthorised development could be prosecuted directly under the Ordinance.

As at March 1995, the Planning Department was handling about 640 cases of suspected unauthorised developments covering about 260 hectares of land. The majority of the unauthorised developments were located in the North-western and the North-eastern New Territories. The most common types of unauthorised developments are open storages, vehicle repair yards and land filling or site formation works. Open storages alone accounts for about 150 hectares of the unauthorised developments.

So far, a total of 1081 warning letters, 806 Enforcement Notices, 22 Stop Notices and 13 Reinstatement Notices have been issued. A total of 192 persons responsible for unauthorised developments in respect of 75 cases have been or are being prosecuted. 105 defendants involved in 67 cases have been convicted.

As a result of enforcement and prosecution actions, unauthorised developments covering a total of 58 hectares of land and involving 138 cases, have been discontinued. In addition, unauthorised developments covering 41 hectares of land and involving a total of 63 cases, have been regularised by the Town Planning Board through granting of planning permission with planning conditions imposed in order to minimise their adverse effects on the local environment. Up to now, about 0.7 hectares of land had been reinstated.

Experience, however, has shown that the present level of fines under the Ordinance is too low to serve as a sufficient deterrent against unauthorised development. Only about 38% of the convicted unauthorised development cases have been discontinued. Even among the discontinued unauthorised developments, some of them have revived a few months later. For those unauthorised developments which have not ceased operation, many of the occupiers have removed their signboards on site so that further enforcement action and prosecution actions against them have become more difficult and time-consuming. This is not altogether surprising as the profits generated from unauthorised developments can be very substantial, as compared with the rather low fines on the convicted persons responsible for the unauthorised developments. For a typical 10,000 square meter container yard in the New Territories, monthly profit can be in the region of \$90,000. This level of profit can be maintained for periods up to two years after enforcement action has commenced and before the person responsible is convicted.

As a result, the effectiveness of the Administration's enforcement actions have been considerably affected. This could also render the vast amount of resources devoted to tackling the problem nugatory. The Administration are determined to contain unauthorised developments in the New Territories and thus consider it necessary to seek to provide as quickly as possible a more effective deterrent by raising substantially the penalties for convicted offenders.

This resolution provides for the increase in the maximum fine for which convicted persons will be liable under the Town Planning Ordinance. Specifically we propose that the penalty under Sections 20(8), 21(2) and 23(6) of the Ordinance be increased to a fine of \$500,000 on first conviction, and to \$1,000,000 on each of second and subsequent convictions, whilst the daily fine under Section 23(6) for a continuing offence be increased to \$50,000 for first conviction, and \$100,000 for each of second and subsequent convictions. These proposed levels of fines are the maximum the Court can impose on unauthorised developments. They also take into account the monthly turnover and profit margin of a typical container yard in the New Territories.

While taking enforcement action against unauthorised open storage of containers, the Administration is aware of the need to make available sufficient sites for open storage in the territory. In this connection, a total of about 333 hectares of land have been zoned "Open Storage" and "Other Specified Uses (Open Storage)" on rural outline zoning plans to provide a planning framework for such uses. Apart from being able to accommodate the 150 hectares of unauthorised open storage uses, these sites could also help absorb a large part of the 360 hectares open storage uses which were identified to have existed before the amendment to the Ordinance in 1991, for which enforcement action is not taken under the Ordinance.

Mr President, I beg to move.

End/Wednesday, June 28, 1995

Housing by-law

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Following is the speech by the Secretary for Housing, Mr Dominic S W Wong, in moving the motion on the Housing (Traffic Contraventions)(Fixed Penalty)(Amendment) Bylaw 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the motion standing in my name in the Order Paper, which seeks approval for amendments to the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw.

Section 18 of the Bylaw allows a defendant against whom proceedings have been instituted for a traffic contravention inside a public housing estate to terminate the proceedings against him by paying the required penalty and court costs not less than 72 hours before the time specified in the summons for his appearance before a magistrate. The time limit is modelled on Section 20B of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237). However, this time limit was amended by this Council on 6 July last year to allow a defendant to pay the penalty and court costs not later than two clear working days before the day of his appearance in court. The purpose was to provide a more specific method of computing the time limit where Sunday and public holidays were involved, and to enable the magistracy administration to have sufficient time to cancel the proceedings after receipt of payment.

In order to ensure that a consistent approach is also adopted for traffic contraventions inside public housing estates, the Housing Authority made the Housing (Traffic Contraventions) (Fixed Penalty) (Amendment) Bylaw 1995 on 29 May 1995, amending Section 18 of the Bylaw accordingly.

We have examined the amendments, and commend them to this Council for approval in accordance with Section 30(2) of the Housing Ordinance.

Mr President, I beg to move.

End/Wednesday, June 28, 1995

Tate's Cairn Tunnel Ordinance

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Following is the speech by the Secretary for Transport, Mr Haider Barma, in moving the Tate's Cairn Tunnel Ordinance in the Legislative Council today (Wednesday):

Mr President,

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

The Tate's Cairn Tunnel Ordinance empowers the Tate's Cairn Tunnel Company Limited to make by-laws but these are subject to the approval of the Legislative Council before they can take effect. The amendments to the by-laws now before this Council are necessary for the day-to-day operation of an autotoll system, which will be introduced at the tunnel later this year. They cover such matters as the issue of electronic toll passes, signage as well as access to and passage through the autotoll booths. The opportunity has also been taken to make a minor amendment to facilitate the entry of non-articulated vehicles into the tunnel area without a special permit. This conforms with provisions in the Road Traffic Ordinance.

The Administration has examined the revised by-laws, and I commend them to this Council for approval in accordance with Section 35(3) of the Tate's Cairn Tunnel Ordinance.

Mr President, I beg to move.

End/Wednesday, June 28, 1995

Trauma cases handled by hospital emergency departments

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

Question:

Will the Government inform this Council of:

- (a) the number of trauma and blood loss cases handled by the accident and emergency departments of public hospitals in each of the past three years;
- (b) of the cases mentioned in (a) above, how many patients arrived in shock and how many patients were dead on arrival; and
- (c) of the capability of the emergency ambulance service of providing emergency medical care to the patients during transportation?

Reply:

Mr President,

- (a) I have been advised by the Hospital Authority that the number of trauma patients, including cases of blood loss, received at the accident and emergency departments of public hospitals over the last three years are:

<u>Year</u>	<u>No. of Cases</u>
1992/93	276,000
1993/94	308,100
1994/95	348,800

There are no separate statistics maintained for patients suffering specifically from blood loss.

- (b) I have been further advised by the Hospital Authority that these statistics are based on disease diagnoses of trauma cases. Shock is not in itself a disease diagnosis and there are, therefore, no statistics on the number of trauma patients who arrive at A&E departments in a state of shock. Furthermore, these statistics refer only to patients who are alive when they arrive at A&E departments. We do not have specific statistics on the numbers of people who are dead on arrival and whose cause of death is through trauma.
- (c) We have a well-trained, well-disciplined ambulance service who are specifically trained to deal with these patients. Such training in first aid includes controlling blood loss, minimising shock, protecting wounds from infection and establishing scrupulous standards of hygiene. In addition, we have a special group of paramedic ambulancemen who have received further training in more advanced techniques including intravenous infusion, comprehensive patient assessment, cardiac care by defibrillation and the use of selected medication. When an emergency call is known to involve a patient suffering from trauma and serious blood loss, a paramedic ambulance will be despatched to provide the most appropriate emergency medical care to patients.

End/Wednesday, June 28, 1995

System of handling complaints against police

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Following is a question by Dr the Hon Conrad Lam Kui-shing and a reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

It is mentioned in the 1994 Report of the Independent Police Complaints Council that the proposals which are being considered by the Government to improve the system of handling complaints against Police include the appointment of non-police officers to the Complaints Against the Police Office and the assignment of lay observers to monitor the investigation of complaints. In this regard, will the Government inform this Council:

- (a) of the merits and demerits of the two proposals mentioned above;
- (b) of the outcome of the Government's consideration; and
- (c) whether there is any other plan to support and reinforce the work of the Independent Police Complaints Council?

Reply:

Mr President,

As regards the first part of the question, the proposal to appoint non-police officers to the Complaints Against the Police Office (CAPO) might enhance public confidence in our system of handling complaints against the Police, since the investigation work would not exclusively be carried out by police officers. However, the non-police investigators, if appointed, would still be under police command and it will be difficult to recruit non-police investigators of the right calibre, who must have the necessary expertise and knowledge of police procedures. This is because most of the complaints involve allegations of breaches of the law or police discipline or procedures. Without this knowledge, they do not have the professional skills to make a fair judgement as to whether the action of the police officer under investigation is justified in the circumstances of the case.

The merits of appointing lay observers are that they would not be under the command of CAPO, and would thus be "independent". The involvement of lay observers in the investigatory process would enhance the transparency of the present system. The drawbacks of the proposal are that lay observers cannot participate in the investigation work, and they may not be able to follow through the whole investigation process.

As regards the second part of the question, the idea of appointing non-police investigators was first put forward by the (then) Police Complaints Council in 1993. After careful consideration, the Government did not accept the proposal for the reasons I have just mentioned. We are, however, prepared to discuss this further with the IPCC and to consider any additional arguments which the Council might put forward.

The IPCC did not support the Government's proposal for lay observers, as an alternative to appointing non-police investigators. We do not consider that the lay observers scheme can achieve good results without the support of the Council and have, therefore, decided that the idea should be shelved for the time being.

As regards the third part of the question, the measures that are being planned or are implemented to support and reinforce the work of the IPCC include making the Council a statutory body; installing close circuit television and video recording facilities in all CAPO report and interview rooms so as to ensure greater transparency in the handling of cases and to ensure that the investigating officers are not unfair or biased in questioning; implementing the Interviewing Witnesses Scheme to enable the Council to clarify matters with witnesses, complainants, complainees and experts directly; conducting a comparative study of police complaints systems in other countries to identify the strengths and weaknesses of our system; enhancing the publicity programme of the Council to strengthen public confidence in, and awareness of, its work; and organising the Courteous Police Officers Award Scheme to encourage police officers to deal with members of the public more politely and tactfully, in order to reduce the number of complaints.

End/Wednesday, June 28, 1995

Domestic helpers

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Following is a question by Dr the Hon Samuel Wong and a reply by the Secretary for Education and Manpower, Mr Michael Leung, in the Legislative Council today (Wednesday):

Question:

Regarding the importation of domestic helpers, will the Government inform this Council :

- (a) whether it has information to show the differences in salary, terms and conditions of service between domestic helpers in Hong Kong and those in Singapore and the difference in retraining charges imposed by the two governments relating to such employment;
- (b) of a breakdown, by country of origin, of foreign domestic helpers permitted by the Immigration Department to work in the territory; and
- (c) whether the Government will encourage people to employ local domestic helpers?

Reply:

- (a) All foreign domestic helpers (FDHs) in Hong Kong are admitted to work for a specific employer under a standard two-year contract of employment which stipulates the terms and conditions of their employment. This standard contract is governed by all the relevant labour legislation in Hong Kong. Each FDH is also entitled to receive from his/her employer a specified minimum allowable monthly wage. At present, this amounts to HK\$3,750. Employers are not required to pay any retraining charges arising from the employment of such helpers.

As regards the FDHs in Singapore, we understand that their employment is not governed by any standard contract of employment. The terms and conditions of employment are subject to negotiations between the employers and the helpers themselves. The helpers are not entitled to any specified minimum monthly wage. Their average monthly wage ranges from S\$150 - S\$350. However, the employer of each FDH in Singapore is required to pay to the Government a monthly levy of S\$330 and a security bond of S\$5,000 as a deposit. The latter amount will be refunded to the employer upon the termination of the service and departure from Singapore of that helper.

- (b) The breakdown of FDHs permitted to work in Hong Kong by country of origin as at 31 May 1995 is at Annex.
- (c) As with the employment of any other types of local workers, the employment of local domestic helpers should be decided by the forces of demand and supply in a freely-competitive labour market. The Government's responsibility is to facilitate such employment through the provision of employment services and suitable training and retraining.

The Local Employment Service (LES) of the Labour Department provides free employment assistance and counselling services to all local job-seekers, including domestic helpers, who register for employment. Anyone who wishes to employ local domestic helpers can also register with any of the LES offices. According to the statistics kept by LES, the placement cases of local domestic helpers constitute about 4.7% of the total placement figures.

The Employees Retraining Board (ERB) is now running two job-specific retraining courses on domestic work. A total of 199 retrainees have completed the courses and 38 are still attending them. The ERB is liaising with a number of training bodies and other interested organisations with a view to organising more retraining courses on domestic work.

Number of Foreign Domestic Helpers in Hong Kong
as at 31 May 1995

(breakdown by nationality)

<u>Countries</u>	<u>Number</u>
Philippines	126,425
India	1,168
Thailand	7,073
Indonesia	13,049
Sri-lanka	808
Myanmar	145
Malaysia	60
Singapore	7
Pakistan	90
Nepal	192
Bangladesh	17
* Others	72
Total	149,106

Note : “*Others” column include countries like Austria, France, Germany, Korea, Mexico, Netherlands and USA

Measure to cope with brain drain problem

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

Question:

Will the Administration inform this Council:

- (a) of the total number of local residents who have emigrated abroad in the last two years, together with the respective percentages of civil servants and professionals among these emigrants; and
- (b) whether it has taken any measures to cope with the brain drain problem; if so, what the measures are?

Reply:

Mr President,

We estimate that about 53,400 persons emigrated from Hong Kong in 1993, and about 61,600 in 1994. Of these numbers, respectively 7.5% in 1993 and 6.5% in 1994 are professionals. Civil servants are not separately identified in our emigration statistics.

As regards the second part of the Honourable Member's question, let me first of all reiterate that Hong Kong does not, and will not prevent its people from emigrating elsewhere. What we seek to do are:

First, to maintain Hong Kong's stability and prosperity so that our citizens can continue to live and to work in an environment which allows them to apply their talents and their expertise, and rewards them for their successes. To this end, we have done a great deal to improve our infrastructure, which is so necessary for our economic development. Our economic and financial policies have also enabled us to enjoy sustained economic growth and sound public finance over the past few years. Hong Kong remains today an attractive place in which to live and work. Indeed, it is at least partly because of the economic opportunities offered by Hong Kong that a fair number of former emigrants, some of them highly educated and professionally trained, have returned here.

Secondly, we do understand that some of the factors contributing to people's decision to emigrate is their anxieties about the future. The best answer to their worries is the full and faithful implementation of the provisions of the Sino-British Joint Declaration on the future of Hong Kong. We have in the past years devoted a great deal of effort to that end. We have had some successes in our endeavours, e.g. the Defence Land agreement in 1994 and the Court of Final Appeal agreement this year. Nevertheless, we recognise that a great deal more work needs to be done, and we shall continue to do our best in this regard.

Thirdly, in response to the specific emigration pressures in the late-1980's, we have instituted the British Nationality Selection Scheme, which has as its primary objective the anchoring of well-qualified personnel in Hong Kong at the prime of their career. The Scheme is designed to enable up to 50,000 qualified families to obtain British Citizenship without leaving the territory. Progress in implementing the Scheme is good : so far, 43,400 heads of families, together with their dependants, have been registered as British citizens under the Scheme. Many of the 43,400 principal beneficiaries are well-educated, including professionals, and in the prime of their career.

Fourthly, we seek to replenish our supply of highly educated and trained people whom we lose through emigration. We have, for example, increased the number of first year, first degree (FYFD) places substantially in the past few years, from 7,426 places (or 8.64% of the relevant age group) in 1988/89 to no less than 14,500 places (or 18% of the relevant age group) in 1994/95. As a result of this expansion of tertiary education, the number of workers with degree or above qualifications is projected to increase from 173,000 in 1991 to 235,400 in 1996, and further to 320,800 in the year 2001. This represents a growth of 6.4% a year during this 10 year period, by the end of which we should be able to match supply with demand.

We have also been providing a comprehensive system of technical education and vocational training through the 2 Technical Colleges, 7 Technical Institutes and 18 Industrial Training Centres of the Vocational Training Council. Together, 43,100 full-time and 66,600 part-time training places will be provided in 1995/96. As a result of these training facilities, the number of workers with sub-degree qualification are expected to increase from 106,800 in 1991 to 143,200 in 1996, and further to 180,200 in 2001. The manpower supply at technician and craft levels is projected to increase from 59,100 in 1991 to 113,500 in 2001.

End/Wednesday, June 28, 1995

Tax liabilities of Chinese officials and enterprises in HK

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

Question:

Under the local tax system, incomes earned from employment in the territory as well as net profits derived from a trade, profession or business carried on in the territory are liable to tax. In this connection, will the Government inform this Council:

- (a) whether the following three categories of people are required to pay tax;
 - (i) functionaries on the payroll of the Chinese Government (non-diplomatic personnel);
 - (ii) functionaries of Chinese enterprises and service institutions who are posted to the territory; and
 - (iii) personnel of the Hong Kong Branch of Xinhua News Agency posted to the territory, including the director and deputy directors; and
- (b) if the answer to (i), (ii) and (iii) of (a) above is in the affirmative, how many of these people have paid tax, and what is the total amount of tax paid by them in the last fiscal year and how many of them are exempted from paying tax and why?

Answer:

Mr President,

The answers to the questions are as follows -

- (a) (i) Under the Inland Revenue Ordinance, the official emoluments of consuls, vice-consuls and persons employed on the staff of any consulate, who are subjects or citizens of the state which they represent, are exempt from salaries tax. To conform with international practice, this exemption is extended to officials of another jurisdiction who serve with a department or agency of that jurisdiction, provided that the department or agency is not an undertaking carried on for profit. Accordingly, Chinese officials who are posted to Hong Kong to serve with a department or agency of the Chinese Government that is not an undertaking carried on for profit are exempt from salaries tax in Hong Kong.
- (ii) Any person employed by Chinese enterprises and service institutions carrying on business in Hong Kong for profit are liable to salaries tax on income arising in or derived from Hong Kong from an office or employment of profit. We do not draw any distinction between persons posted to Hong Kong and persons engaged locally.
- (iii) Chinese officials posted to the Hong Kong Branch of Xinhua News Agency are exempt from salaries tax in Hong Kong by virtue of a(i) above. However, locally engaged personnel are liable to Hong Kong salaries tax.
- (b) As a general point, I would like to remind Members that under the secrecy provision of the Inland Revenue Ordinance, we are not at liberty to disclose details of the tax liability of individual taxpayers.

Turning to the specific question, we do not keep detailed statistics on the number of people in the categories referred to in the Member's question and their tax liabilities.

End/Wednesday, June 28, 1995

Policy towards Preliminary Working Committee

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Following is a question by the Hon Lee Wing-tat and a reply by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in the Legislative Council today (Wednesday):

Question:

In the agreement on the Court of Final Appeal issue between the British and Chinese sides, the British side has agreed to amend the Court of Final Appeal Bill on the basis of the eight suggestions made by the Preliminary Working Committee of the Preparatory Committee (PWC) of the Hong Kong Special Administrative Region. In view of this, will the Government inform this Council whether there is any change in its policy towards the PWC; if so, what the new policy is; if not, why not?

Reply:

Mr President,

The Preliminary Working Committee is a body established by the Chinese National People's Congress to tender advice to the Chinese Government. As such, there is no formal relationship between the Committee and either the Hong Kong Government or the British Government.

But no formal relationship does not mean no contact. The work of the Committee is related to Hong Kong's future and the transition. We take the view that it would be appropriate to provide them with information to help them understand different aspects of Hong Kong. As Members are aware, we do have contacts with the Preliminary Working Committee through a variety of channels. Where they have sought information from the Hong Kong Government, we have invariably responded, and we will continue to do so.

As for the Court of Final Appeal, the various suggestions of the Political Affairs Sub-group of the Preliminary Working Committee were largely consistent with our own proposals. We, therefore, indicated our willingness to pursue these suggestions, in much the same way as we would have considered views from other bodies which commented on the establishment of the Court of Final Appeal in Hong Kong. Also, we understood from the Chinese side that they, too, believed that the Preliminary Working Committee suggestions provided a useful basis to take forward the discussion on the question of the Court of Final Appeal. What happened afterwards is, of course, a matter of public record: the agreement we eventually reached with the Chinese side provides, among other things, that we would amend the Court of Final Appeal Bill on the basis of the eight suggestions published by the Political Affairs Sub-group of the Preliminary Working Committee.

End/Wednesday, June 28, 1995

Powers and duties of SFC

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

Question:

Will the Government inform this Council whether the Securities and Futures Commission has laid down any internal guidelines governing the exercising of power and execution of duties by authorised persons under the Securities and Futures Commission Ordinance; if so, what the guidelines are?

Answer:

The powers and duties of the Securities and Futures Commission contained in the Securities and Futures Commission Ordinance (Cap. 24) may, with the exception of the functions of the Commission set out in the Schedule to the Ordinance, be delegated to any directors of the Commission, to any committees established by the Commission, or to any employees of the Commission. Such delegations do not prevent the Commission itself concurrently performing the functions delegated. In practice, operational staff report to the Members of the Commission, and significant matters involving the exercise of the Commission's powers are considered by the senior management of the Commission. Moreover, all directors of the Commission are informed of, or decide on, major initiatives.

The Commission has published guidelines regulating market conduct which contain criteria under which the Commission is bound to act. For example, the Takeovers and Mergers Panel is a committee established under the Securities and Futures Commission Ordinance and comprehensive Codes on Takeovers and Mergers and Share Repurchases have been published which set out the duties of the Panel and make provision, amongst other things, for disciplinary proceedings and decisions. Similarly, guidelines as to how the Commission will exercise its powers have been published in the Code on Unit Trusts and Mutual Funds with regard to the authorisation of mutual fund corporations and unit trusts, and in the booklet entitled The Fit and Proper Criteria which sets out the conditions to be met by persons wishing to be registered as intermediaries. A list of the relevant publications is at the Annex. As far as the more routine exercise of powers is concerned, internal Commission guidelines have been stipulated as necessary and these generally follow the published guidelines.

Annex

- * **The Fit and Proper Criteria**
- * **Code on Investment-Linked Assurance and Pooled Retirement Funds**
- * **Guidelines for the Exemption of Listed Companies from the Securities (Disclosure of Interests) Ordinance**
- * **Code on Unit Trusts and Mutual Funds**
- * **Licensing Information Booklet**
- * **Hong Kong Codes on Takeovers and Mergers and Share Repurchases**
- * **Code on Immigration-Linked Investment Schemes**
- * **Notes to Financial Resources Rules**
- * **Code of Conduct for Persons Registered with the Securities and Futures Commission**
- * **A Simplified Outline of the Leveraged Foreign Exchange Trading Ordinance, Subsidiary Rules and Guidelines**
- * **Core Operational and Financial Risk Management Controls for Over-the-Counter Derivatives Activities of Registered Persons**

End/Wednesday, June 28, 1995

Complaints against karaoke lounges

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Following is a question by the Hon Eric Li and a reply by the Secretary for Recreation and Culture, Mr James So, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of the number of complaints lodged in the past three years against karaokes for showing category III films on video-tapes, laser discs or compact discs respectively to persons under the age of 18; together with the number of successful prosecutions and a breakdown of the sentences passed on each of the successful prosecutions; and
- (b) what measures the Government will adopt to reduce the showing of category III films to persons under 18 years of age in those establishments?

Reply:

In the past three years, the Television and Entertainment Licensing Authority (TELA) had received three complaints, of which two related to laser discs and one to video-tapes, about the showing of alleged Category III film clips to persons under the age of 18 in karaoke establishments. No prosecution had been taken against the operators of these karaoke establishments as there was insufficient evidence to substantiate the allegations. However, these operators had been warned not to show Category III film clips to persons under the age of 18, which was an offence liable to a maximum fine of \$50,000 on first and second conviction and \$100,000 on subsequent conviction.

Measures have already been and will continue to be taken to remind the public not to show Category III films to persons under the age of 18 in public places, including karaoke establishments. During the past two years, TELA distributed more than 11,000 posters and 10,500 leaflets to remind the public of the age restriction imposed on Category III films. There is a similar warning in the certificate of approval for Category III films as well as on the packaging of Category III video-tapes and laser discs.

In connection with the planned publicity for the refined film classification system after the enactment of the Film Censorship (Amendment) Bill 1995, TELA will make use of this opportunity to further remind the public as well as karaoke operators that Category III films are prohibited to be shown to persons under the age of 18.

End/Wednesday, June 28, 1995

Cross Harbour Tunnel toll fee for private cars

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

Question:

Will the Government inform this Council of the reasons why the toll of \$5 per private car using the Cross Harbour Tunnel has remained unchanged since the date of its opening in 1972?

Reply:

Mr President,

Under Section 41(1) of the Cross Harbour Tunnel Ordinance (Cap. 203) the Cross-Harbour Tunnel Company Ltd may increase toll levels with the agreement of the Governor in Council. If such agreement cannot be reached then, under Section 41(2) of the Ordinance, the Company may submit its toll increase proposal to arbitration. In reaching a decision, the arbitrator will have regard to whether the tunnel franchise provides the company with reasonable remuneration.

In accordance with this procedure, the Company sought a toll increase in 1988. The application was rejected by the Governor in Council and the Company sought arbitration. The arbitrator subsequently ruled that a toll increase was not merited. The Company has not submitted any subsequent applications for toll adjustment.

The onus is on the Cross-Harbour Tunnel Company to apply for toll increases if it believes these can be justified under the terms of its franchise, as embodied in the Cross-Harbour Tunnel Ordinance.

End/Wednesday, June 28, 1995

Burial grounds in the New Territories

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

Question :

In the negotiation between the British Government and the Government of the Ching Dynasty on the lease of the New Territories in 1899, the two governments had signed an agreement which included a provision stating that burial grounds within the leased territory would forever not be subject to removal. The then Governor of the territory, Sir Henry Arthur Blake, promulgated the full text of the agreement in a Government Notice which was published in the Gazette on 7 October 1899, and this notice has since been known among the villagers as the "Blake Notice". In connection with this, will the Government inform this Council whether :

- (a) the Government is obliged to abide by the "Blake Notice"; and
- (b) the "Blake Notice" is legally binding; if not, why not?

Answer :

Mr President,

The statement that "the graves in the leased territory are never to be removed" appeared in a translation of the "Blake Notice" issued by the Viceroy of the Two Kwong Provinces and Governor of Kwong Tong Province dated 4 April 1899. There is no evidence of a signed agreement between the British and Chinese Governments stating that burial grounds in the New Territories would not be subject to removal.

The Notice was laid before the Legislative Council and gazetted on 7 October 1899. The records show that the reason why the Notice was published in the Gazette was that a Legislative Council Member had asked for it to be tabled at the Legislative Council. In those times it appears to have been the practice to record proceedings in the Legislative Council in the Gazette.

The then Governor, Sir Henry Blake, issued a Proclamation on 9 April 1899. It referred to the lease of the New Territories and contained a statement that "your (the inhabitants') commercial and landed interests will be safeguarded; and that your usages and good customs will not in any way be interfered with". There was no reference to ancestral graves in the Proclamation.

The "Blake Notice" was in fact a proclamation made by an official of the Chinese Government. It does not form part of the law of Hong Kong and does not have legal force in Hong Kong.

End/Wednesday, June 28, 1995

Law Society considering action against touting

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The Investigation Committees of the Law Society are considering disciplinary proceedings in three cases concerning touting and commission-taking, the Attorney General, the Hon Jeremy Mathews, said in the Legislative Council today (Wednesday).

Replying to a written question raised by the Hon Emily Lau, Mr Mathews said since the Legal Practitioners Ordinance was amended in July 1994 and the Inspectors' Powers Rules came into force four months later, Law Society inspectors had conducted 15 inspections in court premises and 23 inspections of solicitors' firms.

As a result of these inspections, six files had been opened for further investigation.

The Investigation Committees of the Law Society were considering disciplinary proceedings in three of these cases whilst the remaining three were still under investigation, he said.

Mr Mathews said a number of arrangements were in place to provide regular and comprehensive monitoring of the effectiveness of the inspectorate system in tackling the problem of touting and commission-taking.

He said Law Society inspectors were required to submit written reports to the Law Society following each individual inspection, which were under constant review by the Law Society.

In this regard, a Standing Committee on Compliance has been specifically tasked to monitor the inspectorate system, he added.

Mr Mathews said the Law Society submitted quarterly reports on the progress and effectiveness of the inspectorate system to the Administration and the first progress report was submitted at the end of March 1995.

He noted that there were arrangements to assess whether the inspectorate system was effective in tackling the problem of touting and commission taking in both criminal defence work and conveyancing matters.

"The Working Party on Touting and Commission-taking in Criminal Defence Work reviews the effectiveness of the inspectorate system on a regular basis. I chair the Working Party which comprises representatives of the Law Society, the Bar Association, the Independent Commission Against Corruption (ICAC) and my Chambers," he said.

Mr Mathews added that at the suggestion of the Administration, the Law Society had recently set up a Working Party to consider the problem of touting and commission-taking in conveyancing matters.

"Representatives of the ICAC and my Chambers are invited to attend meetings of the Working Party and to participate in the discussion of measures to tackle the problem.

"It is envisaged that the Working Party would submit its report to the Law Society's Council for consideration before the end of this year," he said.

He also said the general public were encouraged by the Law Society as well as by the Administration (e.g. through the recently published Consultation Paper on Legal Services) to report cases of touting and commission-taking and any malpractices within the legal profession to the Law Society and the Administration.

He said: "In order to ensure the success of the inspectorate system we also need the co-operation of lawyers and consumers of legal services to come forward and report cases of touting and commission-taking and any other malpractices of lawyers and their employees."

Mr Mathews said the Administration had not excluded the option of criminalising touting and commission-taking if the legal profession failed to solve the problem by self-regulation.

"Public views on this issue have been sought in the Consultation Paper on Legal Services. The matter will be reviewed in early 1996, by which time the inspectorate system will have been in operation for a period of 12 months," he said.

End/Wednesday, June 28, 1995

Measures to combat touting

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Following is a question by the Hon Emily Lau Wai-hing and a written reply by the Attorney General, Mr Jeremy Mathews, in the Legislative Council today (Wednesday):

Question:

The Legal Practitioners' Ordinance (LPO) was amended in July last year empowering the Law Society to appoint inspectors to investigate touting and commission-taking among solicitors and paralegals. Will the Administration inform this Council:

- (a) what measures are in place to assess whether the amendments to the LPO have been effective in combating touting and commission-taking by lawyers and paralegals;
- (b) how many lawyers and paralegals have been formally disciplined for such malpractice, and with what results; and
- (c) whether it will consider criminalizing touting and commission-taking in order to stamp out the malpractice?

Reply:

Mr President,

The answers to the three parts of this question are as follows.

- (a) The Legal Practitioners Ordinance was amended in July 1994, but the Inspectors' Powers Rules did not come into force until November of that year. The following measures are in place to assess whether the amendments are effective.
 - (i) Law Society inspectors are required to submit written reports to the Law Society following each individual inspection, which are under constant review by the Law Society. In this regard, a Standing Committee on Compliance has been specifically tasked to monitor the inspectorate system.

- (ii) The Law Society submits quarterly reports on the progress and effectiveness of the inspectorate system to the Administration. The first progress report was submitted at the end of March 1995.
- (iii) The Working Party on Touting and Commission-taking in Criminal Defence Work reviews the effectiveness of the inspectorate system on a regular basis. I chair the Working Party which comprises representatives of the Law Society, the Bar Association, the Independent Commission Against Corruption ("ICAC") and my Chambers.
- (iv) The general public are encouraged by the Law Society as well as by the Administration (e.g. through the recently published Consultation Paper on Legal Services) to report cases of touting and commission-taking and any malpractices within the legal profession to the Law Society and the Administration.
- (v) At the suggestion of the Administration, the Law Society recently set up a Working Party to consider the problem of touting and commission-taking in conveyancing matters. The Administration is determined to combat touting and commission-taking in this area. Representatives of the ICAC and my Chambers have been invited to attend meetings of the Working Party and to participate in the discussion of measures to tackle the problem. It is envisaged that the Working Party will submit its report to the Law Society's Council for consideration before the end of this year.

These arrangements provide regular and comprehensive monitoring of the effectiveness of the inspectorate system in tackling the problem of touting and commission-taking not only in criminal defence work but also in conveyancing matters. In order to ensure the success of the inspectorate system we also need the co-operation of lawyers and consumers of legal services to come forward and report cases of touting and commission-taking and any other malpractices of lawyers and their employees.

- (b) Law Society inspectors have so far conducted 15 inspections in court premises and 23 inspections of solicitors' firms. As a result of these inspections, 6 files have been opened for further investigation. The Investigation Committees of the Law Society are considering disciplinary proceedings in 3 of these 6 cases whilst the remaining 3 are still under investigation.
- (c) The Administration has not excluded the option of criminalizing touting and commission-taking if the legal profession fails to solve the problem by self-regulation. Public views on this issue have been sought in the Consultation Paper on Legal Services. The matter will be reviewed in early 1996, by which time the inspectorate system will have been in operation for a period of 12 months.

End/Wednesday, June 28, 1995

Education for expatriate children

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Following is a question by the Hon Cheung Man-kwong and a written reply by the Secretary for Education and Manpower, Mr Michael Leung, in the Legislative Council today (Wednesday):

Question :

At present, some expatriate children who are eligible to receive education locally come from economically developing countries, and their proficiency in Chinese and English is likely to be limited. In view of this, will the Government inform this Council:

- (a) of the policies for providing education to these expatriate children;
- (b) of a breakdown of their nationality and age;
- (c) how many of these expatriate children have already enrolled in Government or subsidised schools in the territory, and how many who have not done so and what are the reasons for non-enrolment; and

- (d) whether consideration will be given to allowing these expatriate schoolchildren, especially those at primary school age, the choice to study at schools near their homes in the same way as the local schoolchildren, so that they can be completely integrated into the territory's school environment?

Reply:

Mr President,

- (a) Our policy on free and compulsory education applies to all eligible children within the appropriate school age, irrespective of their country of origin.
- (b) We do not have information on the distribution in our schools by nationality and age of children who come from economically developing countries. We believe the number of these children who are eligible for public education service to be very small.
- (c) Three Government schools offer public school places for non-Chinese students with limited command in English and Chinese. The vast majority of these children are of Indian or Pakistani origin. Their current enrolment in these three schools is 1,200. No separate record is kept on those admitted to aided and private schools. We are, therefore, not aware that any such children have been refused enrolment. We offer school placement service to all eligible children who approach us for assistance.
- (d) There is no disparity of treatment between the expatriate children in question and their local counterparts. However, because of their limited command in English and Chinese, some of them can only be allocated to the three schools mentioned in (c) above. When their language abilities have improved sufficiently to enable them to benefit from the curriculum in ordinary local schools, the Education Department will allocate them in the same way as their local counterparts in accordance with the established policy i.e. primary pupils will be allocated to schools in their own district and secondary pupils on a territory-wide basis.

End/Wednesday, June 28, 1995

Foreign workers in scheduled training programme

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

Question:

As the Immigration Department grants employment visas to both imported workers and foreign workers coming to the territory to participate in "scheduled training programmes", will the Administration inform this Council:

- (a) how many foreigners who are currently participating in "scheduled training programmes" with the permission of the Immigration Department have stayed in the territory for more than six months; and
- (b) of the reasons why foreign workers participating in "scheduled training programmes" are excluded from the statistics on imported workers under the Government's imported labour scheme?

Reply:

Mr President,

- (a) In 1994, 5,726 visas for the purpose of training were issued; in the first five months this year, 1,961 visas were issued. We have no breakdown of these numbers by the length of the training period.
- (b) Foreign trainees are admitted to stay for a limited period to acquire, through training, skills and knowledge not readily available in their home country. After the training, they will return to their home country to continue employment in their profession or trade. Imported workers are admitted to meet a local demand; they work for a specified employer in a specified post under a standard contract. Since the purpose of entry for foreign trainees and imported workers are different, they are accounted for separately in the statistical data.

End/Wednesday, June 28, 1995

Neighbourhood Watch Scheme

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

Question:

At the end of last year, the authorities concerned reintroduced the Neighbourhood Watch Scheme on a trial basis in Mongkok, Tuen Mun and Yuen Long for a period of six months. As the trial scheme has been completed, will the Government inform this Council:

- (a) of the respective numbers of related activities organised in the three districts above-mentioned together with the respective numbers of participants;
- (b) of the findings of the review of the trial scheme, and whether the trial scheme has been effective; and
- (c) whether the Neighbourhood Watch Scheme will continue to be in operation and whether it will be extended to other districts?

Reply:

Mr President,

The Neighbourhood Watch Scheme was reintroduced on a trial basis for a minimum of six months in Mongkok, Tuen Mun and Yuen Long in September 1994, November 1994 and January 1995 respectively. The trial scheme is ongoing and is expected to be completed in around August this year. A review will then be conducted.

The answers to the specific questions are:-

- (a) The activities organised in relation to the Scheme vary between the three districts. They include visits, seminars, press conferences, concerts, variety shows, essay competitions and the distribution of promotion leaflets. We do not have statistics on the number of participants involved in each of the activities.

In Mongkok, since September 1994, 76 buildings have joined the Scheme (the trial scheme in Mongkok is based on buildings, rather than households). The Police, with the assistance of the District Office, have conducted 300 visits to Mutual Aid Committees, Owners Incorporations and resident associations; organised a press conference; and distributed some 30,000 leaflets to residents to promote the Scheme.

In Tuen Mun, since November 1994, 199 households have joined the Scheme; twelve visits have been conducted; six seminars were held; a variety show with some 3,000 participants was organised; and some 11,500 bulletins and leaflets were distributed.

In Yuen Long, since January this year, 2,611 households have joined the Scheme; 900 visits have been conducted, two press conferences were held, an essay competition, with over 1,000 contestants was organised; two seminars, with 450 participants were arranged; and a concert with 13,000 participants was organised.

- (b) We have not yet conducted a review on the trial scheme, which has not yet been completed. However, residents in the three districts appear to have responded favourably to the scheme.
- (c) We will review whether the Scheme should continue and be extended to other districts after we have reviewed the trial scheme, which is expected to complete in August this year.

End/Wednesday, June 28, 1995

Views on euthanasia to be sought

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

Question:

In view of the ageing of the population, the progress made in life-prolonging medical technology and people's changing attitude towards life and death, the concept of euthanasia has aroused concern, discussions and researches on an increasing scale all over the world. Some governments have introduced legislation to legalise the practice of euthanasia and monitor its execution. In the United States, at least 15 states have introduced the Right-to-die Act, and a Senate Committee On Euthanasia And Assisted Suicide has been set up in Canada. In this regard, will the Government inform this Council :

- (a) Whether an in-depth survey will be conducted to solicit the views of the public on euthanasia; if so, when it will be conducted; if not, why not?
- (b) Whether the Government would consider setting up a committee consisting of members holding views for and against euthanasia, as well as representatives of religious organisations and the medical and legal professions, to study thoroughly whether the practice of euthanasia should be promoted in the territory; if so, when the committee will be set up; if not, why not?

Reply:

When the subject of euthanasia was last raised in this Council in February 1993, we sought views from the Medical Council of Hong Kong, the Joint Hong Kong Medical Association/British Medical Association Medical Ethics Advisory Committee and the Hospital Authority.

While they are regarded euthanasia as basically an ethical and professional issue to be addressed by medical bodies and associations, their response also suggested that local doctors did not regard it as a pressing matter of public concern. They were not aware of any cases of euthanasia having taken place in Hong Kong.

However, as Dr Lam has pointed out, many changes have taken place outside Hong Kong since then. Local attitudes may also have changed.

I therefore intend to look further into the matter. As this is an issue with moral, ethical, social and legal implications, there is need to seek views not only within the medical profession, but from the community at large. I intend to consult the district boards in the near future on their views on the issue before deciding on further action.

End/Wednesday, June 28, 1995

Measures to abate noise nuisance in Tsui Ping Estate

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

Question:

Will the Government inform this Council whether any measures have been put in place to abate the noise nuisance caused to residents of Tsui Chung House and Tsui Tung House at Tsui Ping Estate by vehicles entering the Tseung Kwan O Tunnel; if so, what the measures are?

Reply :

Mr President,

The section of Tseung Kwan O Road near Tsui Ping Estate has already been paved with a flexible bituminous material which has noise reduction effects.

In addition, Government is currently studying ways to further reduce traffic noise from existing roads. The study will identify the roads that require mitigation measures, the potential benefits of such measures, their technical feasibility and financial implications. The study will be completed within two years.

End/Wednesday, June 28, 1995

Safety of slope in Kwun Lung Lau

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Following is a question by Dr the Hon Huang Chen-ya and a written reply by the Secretary for Works, Mr James Blake, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) whether the Government is still monitoring the safety of the slope in Kwun Lung Lau; if so, what inspections and studies the consultants have carried out and what the results are;
- (b) whether the subsurface drainage has been inspected by closed-circuit TV; if so, what the results are; and
- (c) whether the Government will carry out repair works on the slope; if so, when will such works be completed?

Reply :

Mr President,

- (a) Following the fatal landslide below Block D at Kwun Lung Lau on 23.7.94, a statutory order under s27A of the Buildings Ordinance was served on the Hong Kong Housing Society (HKHS) on 30 July 1994 by the Building Authority. This order required the investigation and submission of remedial proposals for the existing retaining wall and slopes below Blocks D and E. A similar order was served on 11 January 1995 in respect of the existing slope and retaining wall below Block G. A further similar order was served on 31 May 1995 on both the HKHS and the owners of 71-77 Smithfield, in respect of the existing slope below Block B.

All the above mentioned statutory orders provide for the appointment of an authorised person to supervise the work required by the order, and the appointment of such authorised persons includes responsibility for monitoring stability until completion of preventive works and giving warning of impending danger.

The stability of the site including the effect of the improvement works on adjacent buildings and lands are closely monitored. So far, the monitoring records revealed no undue ground movement.

- (b) The detailed drainage investigation carried out by the Buildings Department included a closed-circuit TV survey of the foul water and storm water drains.

The results of the drainage investigation were published in the Report on the Kwun Lung Lau Landslide of 23 July 1994 Volume 2 - Findings of the Landslide Investigation (Appendix J). Parts of the drainage systems were found to be in poor condition with leakage.

A statutory order under s28(3) of the buildings Ordinance was served on HKHS on 8 February 1995 requiring the investigation, repair or renewal of the defective drains. Repair work is in hand.

- (c) Repair works on the slopes as required by the orders referred to in (a) above will be carried out by the HKHS; in the case of 71-77 Smithfield, by the owners.

About 70% of the remedial works to the failed retaining wall and slope below Block D have been completed. The final completion date for this part of the works will be the end of July 1995.

End/Wednesday, June 28, 1995

Noise pollution caused by offshore activities

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

Question:

The development of the port has resulted in offshore operation activities (such as public cargo working areas and mid-stream operation berths) being located closer and closer to residential areas. In this regard, will the Government inform this Council:

- (a) what measures have been put in place to prevent the noise generated by these offshore operations (including the noise caused by machines operation and the use of loud-hailers) from disturbing the nearby residents;
- (b) whether restrictions will be imposed on these offshore operations near residential areas between 11 pm and 7 am;
- (c) how the relevant legislation will be enforced to prohibit offshore operators from using loud-hailers between 11 pm and 7 am; and
- (d) whether the Government has received complaints from residents about noise nuisance generated from the public cargo working areas and mid-stream operation berths in Tsing Yi and Tsuen Wan in the past year; if so, whether prosecutions have been instituted against them?

Reply:

Mr President,

- (a) Noise generated from the operations of the port in the vicinity of residential areas is most effectively mitigated by careful planning to provide an adequate buffer between the noise sources and sensitive receivers - the Environmental Protection Department works closely with other government departments to this end. In addition, noise generated by machines and by loud-hailers is controlled under the Noise Control Ordinance (NCO) (Cap. 400). The Marine Department also meets regularly with barge operators to seek their assistance to restrict the use of loud-hailers at night.

- (b) Between 11:00 p.m. and 7:00 a.m., public cargo working areas are closed. As for cargo-handling operations outside public cargo working areas and apart from the measures outlined in (a) above, the Administration is considering legislative provisions to control the use of loud-hailers and public address systems on vessels at night.
- (c) Noise from port activities, including machinery and the use of loud-hailers inside designated public cargo working areas is controlled under Section 13 of the NCO. Noise from activities outside these designated areas is controlled under Sections 4 and 5 of the NCO. The former is enforced by the Environmental Protection Department, while the latter is enforced by the Police. As noted in (b) above, the Administration is also considering legislative provisions to restrict the use of loud-hailers and public address systems on vessels at night in order to further minimise the disturbance caused by their possible mis-use.
- (d) In the past year, the Environmental Protection Department and the Police have received nine complaints related to noise from public cargo working areas and mid-stream operation berths in Tsing Yi and Tsuen Wan. Five cases were not actionable because the noise did not exceed the statutory limit; in three cases warnings were given and one case is still under investigation. There have been no prosecutions.

End/Wednesday, June 28, 1995

Cooling towers

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

Question:

Will the Government inform this Council:

- (a) of the total number of cooling towers in the territory; how many of them have been abandoned;

- (b) which legislation regulates the installation of cooling towers; and what are the particular points to which attention should be paid during installation in order to avoid violating the relevant legislation;
- (c) which department is responsible for demolishing cooling towers abandoned by companies which have ceased operation; whether action will be taken to recover the costs of demolition from the owners of such companies; and
- (d) whether the Government has demolished any abandoned cooling towers in the past three years; if so, how many were demolished each year?

Answer:

Mr President,

- (a) The total number of cooling towers in the territory is not available, since no territory-wide survey on the subject has ever been conducted.

Since the installation of cooling towers is not considered as a separate type of building work in the Administration's record system, it is also not practicable to extract the number of applications and approvals for cooling tower installation.

- (b) Water tanks or water cooling towers are not themselves building works. However, the supporting frameworks are considered as building works and therefore subject to the control of the Buildings Ordinance.

Any person who wants to install a cooling tower should appoint a building professional to prepare a building plan describing details of the works to be done. The plan should be submitted to the Building Authority for approval prior to the commencement of works.

During installation, all works should strictly follow the sequences, procedures and requirements mentioned in the building plan approved by the Building Authority.

- (c) The Buildings Department regularly removes dangerous or potentially dangerous cooling towers, whether they are abandoned or not, through patrols by its staff or investigation into complaints by the public.

Under the Buildings Ordinance and current policy, Government will recover any cost incurred in the demolition action from the owners.

- (d) The Administration do not keep data on the number of abandoned cooling towers. The numbers of dangerous/abandoned cooling towers demolished by the Buildings Department in the past three years are as follows:

<u>Year</u>	<u>No. of dangerous/abandoned cooling towers removed</u>
1992	470
1993	480
1994	500

End/Wednesday, June 28, 1995

Ratio of clinical supervisors to students

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Following is a question by the Hon Michael Ho and a written reply by the Secretary for Education and Manpower, Mr Michael Leung, in the Legislative Council today (Wednesday):

Question:

According to a letter issued on 15 September 1980 by the Chairman of the former University and Polytechnic Grants Committee, the former Medical and Health Department was responsible for creating clinical training instructor posts to provide clinical training in degree or higher diploma courses in Medical Laboratory Science, Radiography, Physiotherapy, Occupational Therapy and Nursing offered by the Hong Kong Polytechnic, as well as the degree courses in Nursing offered by the Chinese University of Hong Kong. In this regard, will the Government inform this Council :

- (a) of the ratio of clinical training instructors to students in each of the courses mentioned above; and
- (b) whether the University Grants Committee or the Hospital Authority is responsible for setting aside funds for paying the remunerations of clinical training instructors of the above mentioned courses ?

Reply :

Mr President,

- (a) In 1980, the then Hong Kong Polytechnic (HKP) and the Medical and Health Department (MHD) agreed that clinical supervision of HKP's courses in Occupational Therapy, Physiotherapy, Radiotherapy and Medical Laboratory Science would be provided by the MHD through the creation of clinical supervisor posts. Following the establishment of the Hospital Authority in 1990, however, provision of clinical supervision for these courses in hospitals is arranged between the individual hospitals concerned and the PolyU. Different hospitals and courses may, therefore, have different arrangements.

The overall ratio of clinical supervisors to students for the courses in Medical Laboratory Science, Physiotherapy and Occupational Therapy offered by the Hong Kong Polytechnic University (PolyU) ranges from 1:4 to 1:10 per placement. Details of the respective ratios are as follows :

Higher Diploma in Medical Laboratory Science	average 1:8 per placement
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Bachelor of Science in Occupational Therapy	average 1:6 per placement
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Bachelor of Science in Physiotherapy	average 1:6 per placement
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As regards the ratio of clinical supervisors to students for the Bachelor of Science programme in Radiography, it ranges from 1:4 to 1:7 per placement.

Lastly, for the degree courses in Nursing, only students of the pre-registration nursing degree programmes require designated clinical supervisors for clinical training. In the case of PolyU, the ratio of clinical supervisors to students is 1 staff to 5 students in years 1 and 2 of the programme, 1 staff to 6 students in year 3 and 1 staff to 10 students in year 4. For the Chinese University of Hong Kong (CUHK), the pre-registration nursing degree programme will be introduced in the academic year 1995-96 and the ratio of clinical instructors to students is planned to be approximately 1 staff to 20 students.

- (b) At present, designated clinical supervisors for the courses in Medical Laboratory Science, Physiotherapy and Occupational Therapy offered by the PolyU are provided by the hospitals concerned. They are hospital staff remunerated by the Hospital Authority, except for some supervisors of the Higher Diploma programme in Medical Laboratory Science who are remunerated by the Department of Health as some students are placed in laboratories run by the Department of Health for clinical training. For the Bachelor of Science programme in Radiography, clinical supervision is provided by both the hospitals concerned and the PolyU. As regards the degree courses in Nursing, clinical supervisors of PolyU are remunerated from the recurrent grants allocated to the University whereas those of CUHK will be remunerated from the Earmarked Grants provided by the University Grants Committee (UGC) for the programme during the 1995-98 triennium.

End/Wednesday, June 28, 1995