



DAILY INFORMATION BULLETIN

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Wednesday, October 9, 1996

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Transcript of the Governor's media session

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Following is the transcript of the media session given by the Governor, the Rt Hon Christopher Patten, after visiting the Eastern District this (Wednesday) afternoon:

Governor: I am delighted to have made another visit to Eastern District which is the largest in Hong Kong, as you know, and to have seen some of the developments in the district and to have a chance of talking to the chairman and district board members about some of the challenges which they face.

I shall be hoping to return sometime during the District Board's Festival which I know has a very high reputation in Hong Kong.

Question: Governor, I am going to ask that earlier today there was a demonstration at the Japanese Consulate in which demonstrators actually broke into the Consulate and sort of disrupted the activities in there. Now is the Government going to take a harder line with this and what are you going to do to protect the Consulate?

Governor: I will be asking for a full report about what happened. What I have heard so far is serious. Let me make one point abundantly plain. I recognise how strongly feelings run on the particular issue which has been the focus of demonstrations and I will always defend absolutely people's right to express their views, to demonstrate their views, with this qualification: they must always act within the law. If people today have not acted within the law then that lets down them and lets down the cause which they believe in. And if there has been a break-in to diplomatic premises there is absolutely no justification for it whatsoever.

Hong Kong is one of the greatest international cities in the world. What sort of message do we send to others, what sort of message do we send to the international community, if the sort of lawlessness which has been reported today is reported around the world and if it happens again? So I very much hope that there will be nothing like this again, and I repeat, I will be asking for a full report.

Question (follow-up): Are things out of hand, do you think, now?

Governor: No, I don't think they are. But I repeat, however strong people's views are - and we recognise that there are very strong views - they should be always, always, acting within the law and not breaking the law. It's the law and the rule of law which are the backbone of a free society like Hong Kong.

Question: Mr Governor, some Japanese officials have already expressed regret about the Hong Kong protesters going to Diaoyu Tai Islands and also they have already asked the Hong Kong Government to do something on this. So, what is your comment on this?

Governor: My comment is very much what I have just said. We have been in regular contact with the Japanese authorities; they have expressed their concerns to us but we have pointed out that in a free society we can't stop people expressing their views - and would not seek to do so. However, we do feel very strongly that it is important that people express their views within the law, that there aren't any breaches of the law however strongly people feel. Once you break the law you are on a very slippery slope.

Question: Governor, how do you react to the right-wing group of Japanese? They claim to kill Chinese and Hong Kong people. How do you deal with this threat to Hong Kong?

Governor: I was interested in the reports yesterday, and obviously concerned. I was slightly surprised that there had been no report earlier to the police from the New China News Agency. I very much hope that they will give the police a copy of this Japanese letter, which I think was written in Chinese, and give the police the chance of following it up and seeing whether there is a real threat. I was surprised that even though the letter had apparently been sent a week earlier, it was only yesterday that we heard about it. But obviously it is a matter of concern. We have a very professional police, we are one of the safest cities in the world, and the police will want, of course, to make sure that if people are writing letters like this and making threats like this, that they are dealt with. But unless we have a copy of the letter and unless the matter is reported to the police, there is not very much that can be done about it.

Question: Governor, it is reported that some people are dissatisfied with your policy address, so what do you think about this?

Governor: I notice that the approval rating for me in the poll that was carried out and published on Monday showed that the approval rating had gone up to 67% from 62% and showed that we got higher marks for the policy address this year than the policy address last year. That seems to me to be a pretty satisfactory outcome. I am perfectly happy - if there are some people who are critical about the policy proposals we have put forward in the last week or so, or the progress report that we have given - I am perfectly happy to have a dialogue with them but I have to point out that the overall level of satisfaction in the community seems to be pretty high.

Question: Governor, will extra protection now be given to the Japanese Consulate following today's ...?

Governor: I will want to have a full report from the police about what happened and I think that every diplomatic office, all diplomatic premises in Hong Kong, should get any security that they need and require. I don't think that in a free society, in a safe city like Hong Kong, we should be having to worry about these matters. But if we have to, for a few days or weeks, then I want to make sure that the police give this consulate the protection that it deserves.

Question: Are you suggesting by your comments regarding the Xinhua letter that it could be something that they had cooked up themselves to try to incite more sentiment against Japan?

Governor: No. But I am naturally concerned about the contents of the letter and I am naturally concerned that it was not reported straightaway to the police.

Question: Governor, Mrs Anson Chan said that the police will adopt some necessary measures against the threat letters. So can you explain which measures, necessary measures, against the threat letters ...?

Governor: I don't think I can add to what I have said, which is that if the NCNA will now make available to the police this threatening letter, it will make it easier for the police to deal with it and to follow it up. If anybody is making these threats then they should be dealt with. But unless we have a copy of the letter and know exactly what happened, it is difficult for the police to take as active a role as they would like.

Question: Governor, why not act immediately and put a police presence in front of the Japanese Consulate right away? Wouldn't that be a sign that Government is going to offer protection? Right now it seems that they are concerned about safety and they don't know what they can do about it?

Governor: Well, I want to find out exactly what security has been offered to the Japanese Consulate General and what exactly happened this afternoon. But I want to underline the point: first of all a diplomatic office in Hong Kong shouldn't require special protection because in a society as sophisticated and free as Hong Kong we should all now know how to behave responsibly. But if some people are going to behave irresponsibly, then regardless of the strength of people's feelings on the issue of the Diaoyu Islands, regardless of that, we have to make sure that the Japanese Consulate General is properly protected and that people are not able to break into it and to break the law.

Let me add one other thing. I was very struck a week or so back by the maturity of those who were at Kai Tak airport handing out leaflets to incoming Japanese tourists and Japanese businessmen pointing out that while Hong Kong people felt very strongly about this issue and while they disagreed with the position of the Japanese Government on it, they had no personal axe to grind with individual Japanese people, that they welcomed the contribution which Japanese tourists made to our tourist industry and obviously as a community we welcome Japanese investment in Hong Kong. Now that is a civilised way of behaving, that is a civilised way of conducting one's arguments however strongly one feels about those arguments. There can be no question that breaking the law lets down those who pursue these arguments in a civilised though eloquent and vigorous way. Okay? Thank you very much.

End

Press report on leave of civil servants clarified

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Commenting on a Chinese newspaper article today (Wednesday) on a new leave package for civil servants, a Civil Service Branch spokesman said the package referred to is part of the proposed set of new terms of appointment and conditions of service (the common terms proposals) released in October 1993.

He stressed that the proposed set of common terms, when implemented in future, would not affect serving officers on permanent and pensionable terms unless they opted to change to the new common terms.

"Officers on agreement terms will renew their agreements on the new terms only after the set of common terms have been implemented," he said.

He said it was the Government's intention to appoint new recruits on the new terms after the implementation of the proposals on a future date.

Staff and relevant advisory bodies had been extensively consulted after the consultation document on civil service terms of appointment and conditions of service was released in late 1993.

"They were generally supportive to the proposals which had been passed to the Chinese side in late 1994. There is yet no firm date to implement the common terms package," the spokesman said.

End

Governor visits Eastern District

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The Governor, the Rt Hon Christopher Patten, was updated on the general situation in the Eastern district during his visit today (Thursday).

Mr Patten first went to the Korean International School in Sai Wan Ho. Later from a vantage point on the rooftop of Felicity Garden, he got a bird's eye view of the district and was briefed on the latest developments in Aldrich Bay Reclamation.

After having tea with some new arrivals from China at a restaurant in North Point Road, the Governor went on a walkabout along Chun Yeung Street. The visit was concluded with a reception where Mr Patten met with the Eastern District Board members and local community leaders.

Accompanying Mr Patten during the visit were the acting Director of Home Affairs, Mr Dominic Law, the Eastern District Officer, Mr H T Lui, and the Eastern District Board Chairman, Mr Chan Bing-woon.

End

Discovery Bay Tunnel Link Bill to be gazetted

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The Discovery Bay Tunnel Link Bill will be published in the Gazette on Friday (October 11).

The Bill proposes to allow the Discovery Bay Road Tunnel Company Limited (the Company), a wholly-owned subsidiary of the Hong Kong Resort Company Limited (HKR), to build at its expenses a private tunnel linking Discovery Bay to Siu Ho Wan in North Lantau.

A government spokesman explained that the tunnel was to improve the accessibility of Discovery Bay to the new airport and developments in North Lantau.

"To recover the operating and maintenance costs of the tunnel, it is proposed that the Company may, subject to the approval of the Secretary for Transport, charge tolls for the passage of vehicles through the tunnel," he said.

He added that to prevent any excessive traffic impact on the North Lantau Expressway, HKR had agreed with the Government that use of the tunnel would be restricted to residential coach service and other services vehicles.

The Government would have the right to impose financial penalties on the Company for any default or breach of the enabling Ordinance during the operating period.

In line with the Outlying Islands Sewerage Masterplan to improve the quality of the adjacent waters, it was also intended that the tunnel would carry a public sewer for the purpose of transferring sewage from Peng Chau and Discovery Bay to the Siu Ho Wan Sewage Treatment Works, the spokesman said.

For this private project, the Company would need to pay to the Government the usual premium for the wayleave and a royalty for the construction and operation of the private tunnel, he added.

HKR has completed an Environmental Impact Assessment (EIA) in March 1996 on the road and tunnel link. The study concluded that the chosen alignment was environmentally acceptable. The EIA, together with mitigation measures, were endorsed by the EIA Sub-committee of the Advisory Council on the Environment on April 1 this year.

It is estimated that the construction of the tunnel and associated road link will take about two-and-a-half years to complete.

End

Home Affairs officials to visit Beijing

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The Director of Home Affairs, Mrs Shelley Lau, is leading a Home Affairs Department delegation on a four-day visit to Beijing today (Wednesday).

They will meet officials of the Hong Kong and Macau Affairs Office, Ministry of Civil Affairs, Beijing Civil Affairs Bureau and Ministry of Public Security.

District administration, hotel licensing, environmental improvement and emergency co-ordination would be among the topics to be discussed.

"This is part of our normal contact with officials of the Chinese government," Mrs Lau said.

"Since the re-organisation in 1995, the Home Affairs Department has taken on additional executive responsibilities, including the formulation of the Rural Planning and Improvement Strategy and the licensing of hotels, guesthouses, clubs and bedspace apartments.

"It would be useful to know more about the work of our counterparts in the Chinese Government and to exchange views with them, particularly on these aspects."

The delegation also comprises the Deputy Director of Home Affairs, Mr Lee Lap-sun; the Wan Chai District Officer, Mrs Elaine Tang; Senior Engineer of the Rural Planning and Improvement Strategy Section; a Senior Building Surveyor of the Office of Licensing Authority; and a Senior Liaison Officer.

The visit will end on October 12.

End

Report on metering and billing approval scheme released

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A report concerning the implementation of a metering and billing approval scheme which could be applied to the telecommunications carriers in Hong Kong for the next 15 years and beyond was released by the Telecommunications Authority (TA) today (Wednesday).

The report was prepared by the British Approval Board for Telecommunications (BABT) as part of a consultancy study for the implementation of a telecommunications meter approval scheme for the fixed, the mobile and the international service operators.

The objective of the study is to address the concerns of customers regarding the accuracy of the bills issued by these telecommunications operators.

TA expected that the establishment of such a scheme would satisfactorily address these concerns and help to instil customer confidence in the metering and billing operations of these telecommunications operators.

In the report, BABT suggested that a meter approval scheme modelled on the UK experience could be applied in Hong Kong and recommended the application of the proposed meter approval scheme to one fixed operator and one mobile operator in the first instance.

The full report can be obtained by accessing the Office of the Telecommunications Authority's (OFTA) Internet homepage, on <http://www.ofta.gov.hk> and its bulletin board service at (852) 2834 0119.

Hard copies of the report are also available at a unit price of \$80 at the Government Publications Centre, Low Block, ground floor, Queensway Government Office, 66, Queensway, Hong Kong.

Comments from the industry and other interested parties on the recommendations made in the report are welcome and should be submitted by the end of October to the Senior Telecommunications Engineer (Technical Support 1), OFTA, 29th floor, Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong, Fax 2803 5112, e-mail: babt@ofta.gov.hk.

End

Hill fire prevention publicity programmes to be organised

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The Agriculture and Fisheries Department (AFD) will organise a number of educational and publicity programmes in the coming months to enhance public awareness on the danger of countryside fire and its prevention.

The programmes, mainly to publicise the hill fire prevention message, include broadcast of television and radio announcements of public interest, distribution of printed materials in the forms of posters, year planners and bookmarks, as well as the setting up of display panels at country parks.

Park wardens will visit local villagers to enlist their support.

The announcement of the forthcoming programmes was made by AFD's Assistant Director (Parks), Mr Wong Fook-ye, when addressing the opening of this year's Countryside Fire Prevention Campaign at Kei Ling Ha, Ma On Shan Country Park, this (Wednesday) morning.

Mr Wong reiterated that government efforts in hill fire prevention alone were not enough.

"The best solution must depend on the co-operation and good sense of the members of the community," he said.

"If everyone is concerned about the damages caused by hill fires and is willing to take proper care when handling fire in countryside, the vegetation and wildlife will have a better chance to survive."

He said in the last dry season, there was a total of 181 hill fires inside or threatening country parks, damaging some 74,400 trees on over 2,880 hectares of park land.

Generally speaking, the occurrence of hill fires is mainly caused by the prevailing weather conditions. A particularly dry and windy day, coupled with the carelessness of country park visitors, may result in a disastrous fire.

"The destruction caused by hill fires does not restrict to countryside vegetation. The landscape quality, wildlife habitats and soil stability are also affected," Mr Wong said.

"Hill fires could even endanger human life and property."

He reiterated that most of the hill fires could be avoided if the public were able to take some simple precautionary measures.

These include lighting fires only in designated barbecue sites, no discarding of cigarette ends, not burning weeds and hay on dry and windy days as well as never leaving burning joss sticks and paper unattended.

During the dry season, AFD's 22 fire fighting teams would be mobilised to fight hill fires.

In addition to fire lookouts, AFD also has a fire control centre at Kowloon hills co-ordinate all fire fighting arrangements. A 24-hour hotline 2720 0777 is maintained to collect hill fire reports from the public.

Mr Wong said AFD and Fire Services Department (FSD) had developed an effective system in preventing, detecting and fighting hill fires.

"The volunteers of the Civil Aid Services (CAS) assist to patrol and fight hill fires on Sundays and public holidays while the Government Flying Service (GFS) provides perfect techniques of water bombing and trooping fire-fighters to fire scenes, particularly in remote areas.

"We have managed to reduce the loss and damages caused by hill fires considerably," he added.

As the Chung Yeung Festival was just days away, Mr Wong reminded grave sweepers to take special precaution when burning joss sticks and paper.

Lighting fires inside country parks indiscriminately would be prosecuted.

At today's ceremony, GFS had deployed one of its helicopters to give a water bombing demonstration.

Also officiating at the launching ceremony were FSD's Chief Fire Officer, Mr Kwok Jing-keung; Chief Staff Officer of CAS, Mr Fung Kwok-him; and the Deputy Manager of GFS, Mr Choi Chiu-ming.

End

Helicopter accident report published

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The government today (Wednesday) published the investigation report of a helicopter accident that happened near Yuen Long on June 9, 1995.

The aircraft involved is an Aerospatiale SA315B Lama helicopter and was substantially damaged after hitting the side of a container shortly after landing.

The investigation was conducted by the Civil Aviation Department. The objective of the report is to identify the cause of the accident and prevent future recurrence.

The report contains an analysis of the circumstances surrounding the accident, together with conclusions and recommendations. The pilot sustained minor injury and there was no injury to the passenger and the persons working on the ground.

A total of four recommendations was made in the report and these recommendations were addressed to the operator of the crashed helicopter, Heliservices (Hong Kong) Limited, who bears the responsibilities for the matters concerned. It is for the operator to decide as to whether and what actions are to be taken.

Copies of the report are for sale at the Government Publication Sales Centre on the ground floor of Queensway Government Offices, Hong Kong.

End

Beat Drugs Fund invites applications

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The \$350 million Beat Drugs Fund is now open to application for the second batch of grants in 1996. Interested organisations and individuals are invited to submit their applications on or before November 8.

The ambit of the fund includes the furtherance of drug abuse preventive education and publicity, research, training, law enforcement and treatment and rehabilitation.

Projects to be funded should be non profit-making. They may be of a capital or short-term recurrent nature.

In examining the applications, due consideration will be given to:

- * the benefit that it will bring to combat the drug problem;
- * whether there is a demonstrated need for the proposed project;
- * the technical and project management capability of the applicant;
- * whether the proposed project's schedule of implementation is well-planned and the duration practical and reasonable;
- * whether the proposed budget is reasonable and realistic;
- * whether there is or likely to involve unnecessary duplication of the work currently carried out by other institutions/organisations.

Application forms are available from the Beat Drugs Fund Association care of Narcotics Division, 23rd floor, High Block, Queensway Government Offices, 66 Queensway; district offices, and the Hong Kong Council of Social Service.

A total of 24 projects were selected for funding support involving around \$8.7 million in the first round of bids for the fund.

This includes allocating about \$5.3 million for 14 drug treatment and rehabilitation projects and \$3.2 million for eight projects on preventive education and publicity. The remaining funds go to two international conferences to promote understanding on drug abuse.

End

Broadcasting, Culture and Sport Branch homepage launched

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The Broadcasting, Culture and Sport Branch (BCSB) has set up a homepage on the Internet to facilitate the public to access and retrieve information on the work of the Branch.

The homepage is designed for Netscape 2.0 and Internet Explorer 2.0. Users may access to the page either from the Hong Kong Government Information Centre network on <http://www.info.gov.hk/> or through the Uniform Resource Location on <http://www.info.gov.hk/bcsb/>.

BCSB is the fifth policy branch to have launched its homepage on the Internet.

The homepage consists of 229 pages, in both English and Chinese. It contains detailed information on the Branch's policy responsibilities, organisation, policy commitments, public consultation papers, its executive departments and related organisations. There is also a suggestion box.

"The page is particularly interesting in that it is also well-stocked with graphics and pictures, including voluntary camps, declared monuments, and some historical buildings and archaeological finds of Hong Kong," a spokesman for the Branch said today (Wednesday).

"We will regularly review the page to ensure that up-to-date and accurate information is provided."

Comments and suggestions are welcome. They can be sent to the Branch through the built-in suggestion box.

End

Three lots to let

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The Lands Department is inviting tenders for the short-term tenancy of three pieces of government land in Kowloon Bay and Sha Tin.

The first lot, located at Kai Cheung Road, Kowloon Bay, has an area of about 6,560 square metres. It is earmarked for use as a public car park.

The tenancy is for three years, renewable quarterly.

The other two lots are in Area 14B, Sha Tin. Both are designated for use as fee-paying public car parks, exhibition sites for the sale and lease of second-hand cars possessed by the tenants or storage of goods possessed by the tenants.

One lot is located at the junction of Sha Tin Wai Road and Ngau Pei Sha Street, with an area of about 5,850 square metres. The other at Ngau Pei Sha Street is about 7,310 square metres in area.

The tenancies are for nine months, renewable monthly.

The closing date for submission of tenders is noon on October 25, 1996 (Friday).

Tender forms, tender notices and conditions can be obtained from the Lands Department, 14th floor, Murray Building, Garden Road and the District Lands Offices of Kowloon and Sha Tin.

Tender plans can also be inspected at these offices.

End

Hong Kong Monetary Authority money market operations

	<u>\$ million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	1,980	0930	+180
Closing balance in the account	2,130	1000	+180
Change attributable to:		1100	+180
Money market activity	+180	1200	+180
LAF today	- 30	1500	+180
		1600	+180

LAF rate 4.00% bid/6.00% offer TWI 124.7 *+0.1* 9.10.96

Hong Kong Monetary Authority

EF bills		EF notes/MTRC				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	4.82	2 years	2808	6.00	100.11	6.02
1 month	4.94	3 years	3907	6.80	101.23	6.41
3 months	5.13	5 years	5109	7.32	101.70	7.02
6 months	5.23	7 years	7308	7.24	99.99	7.37
12 months	5.50	5 years	M503	7.35	100.63	7.32

Total turnover of EF bills and notes - \$14,063 million

Closed October 9, 1996

End



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SUPPLEMENT

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/Tuen Mun



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Motion debate on "disparity of wealth"

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Following is the speech by the Secretary for Health and Welfare, Mrs Katherine Fok, in the motion debate on "Disparity of Wealth in Hong Kong" moved by the Hon Fung Kin-kee in the Legislative Council today (Wednesday):

Mr President,

I have taken part in many motion debates on disparity of wealth or poverty in this Council in the last two years, but this is the first time I have ever heard members accusing the Government of turning a blind eye to the plight of those in need. I think this is extremely unfair to the Government. In supporting this Motion, Members would, in effect, be concluding that most of what we do to relieve the plight of the vulnerable in our society through the Social Welfare Department and through the 174 non-governmental organisations we subvent is regarded as worthless by this Council. I suggest this conclusion would be viewed with considerable dismay by the thousands of social workers and other professionals funded by Government who work with great dedication to help those in need.

Of course, we do not turn a blind eye to the plight of those in need. I would not dare to claim that we are doing enough or that we could not do more. But our eyes are firmly on the vulnerable and the weak. We are not blind nor are our eyes turned away.

The policy commitments we have just issued contain many services which are provided to ensure the vulnerable elderly and those on public assistance get more help. Indeed, as pointed out by the Governor in last week's address, there are even those who are beginning to express concern that we may be on the slippery road to welfarism as a result of the new higher CSSA payments introduced this year.

We are currently providing CSSA support to about 200 000 financially vulnerable people at a cost of \$6.3 billion a year. This means CSSA expenditure has more than quadrupled in four years. 560 000 people over 65 years of age or 92% of the population of Hong Kong in this age group are now receiving some form of financial public assistance.

Mr President, a Government that spends over \$10 billion a year from its General Revenue to provide direct financial assistance to over 690 000 persons, or more than one in every ten members of its society; a Government that has increased its recurrent spending on social welfare for those most in need by 65% over and above inflation in the last four years alone cannot be said to have turned a blind eye to the plight of those in need.

But cash assistance is not the only or the most important help a Government can give. Nobody wants to live off charity. What is more important to everyone, as is also reflected in the amendment proposed by the Hon Lee Cheuk-yan, is a home, a job, education for their children and care when they fall sick. Our progress in addressing these needs is a matter of public record. Social Security and welfare services provide the back-up when these front-line needs fail to be met. Social security is not a tool for ironing out inequalities; it is a safety net. And we try to give that net enough spring to encourage those who are able to bounce back into the mainstream and support themselves once more.

There are well documented risks associated with trying to hijack social security systems to achieve goals they are not designed to tackle. Such systems are not suitable as a substitute retirement protection scheme. Financial security in old age should be provided through contributory retirement schemes. Social security payments to those able to work should be adequate to support their needs if work is unavailable - and this year we increased CSSA levels for this category of adult recipients by nearly 30%. In short, we cannot use cash payments to eliminate poverty as part of the Hon Lee Cheuk-yan's amendment seems to suggest.

My colleague, the Secretary for Financial Services has addressed the wider issues raised in this Motion and the amendment proposed to it. I have focussed on the issues relating to welfare and social security. This is a narrow focus concentrating on how we can alleviate the effects of low incomes and a lack of financial resources rather than how we can address the cause. The causes of a disparity of wealth in any society are deep-seated and complex. But no modern society is without a degree of disparity and those at the bottom end of the economic ladder will always be regarded by others as the poor. Even the wealthiest nations in the world still have some who will be characterised as 'poor'. I am sure our 'poor' would not necessarily be regarded as 'poor' in some other Asian settings.

In short, it is unrealistic to call for the elimination of poverty when poverty is clearly a relative concept. But there are few greater responsibilities for a Government than to alleviate the plight of those who are the least fortunate. And I believe that we and the non-governmental welfare sector are addressing our responsibilities very seriously in this regard. A message from this Council that it believes we are turning a blind eye to the plight of those in need is simply not helpful.

End

Government has not turned a blind eye to the vulnerable : SHW

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The Government has not turned a blind eye to the plight of those in need, the Secretary for Health and Welfare, Mrs Katherine Fok, said during the motion debate on "Disparity of Wealth in Hong Kong" in the Legislative Council this (Wednesday) evening.

She maintained that a Government that spent over \$10 billion a year to provide direct financial assistance to over 690,000 persons and that a Government that had increased its recurrent spending on social welfare for those in need by 65 per cent over and above inflation in the last four years alone could not be said to have turned a blind eye to the plight of those in need.

"I would not dare to claim that we are doing enough or that we could not do more. But our eyes are firmly on the vulnerable and the weak. We are not blind nor are our eyes turned away," she stated.

Mrs Fok pointed out that the policy commitments this year contained many services which were provided to ensure the vulnerable elderly and those on public assistance get more help.

In addition, the Government is currently providing CSSA support to about 200,000 financially vulnerable people at a cost of \$6.3 billion a year.

Some 560,000 people over 65 years of age, or 92 per cent of the population of Hong Kong in this age group, are also receiving some form of financial public assistance.

But Mrs Fok was quick to point out that cash assistance was not the only or the most important help a Government could give. What was more important to everyone is a home, a job, education for their children and care when they fall sick, she added.

The Secretary also told the Council that social security was not a tool for ironing out inequalities.

"It is a safety net; and we try to give that net enough spring to encourage those who are able to bounce back into the mainstream and support themselves once more.

"In short, we cannot use cash payments to eliminate poverty as part of the Hon Lee Cheuk-yan's amendment seems to suggest," she added.

Concluding, Mrs Fok said there were few greater responsibilities for a Government than to alleviate the plight of those who were the least fortunate.

In this regard, she believed that the Government and the non-governmental welfare sector were addressing their responsibilities very seriously.

End

Criminal Appeal (Amendment) Rules

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Following is the speech by the Attorney General, the Hon Jeremy Mathews, in moving a resolution on the Criminal Appeal (Amendment) Rules 1996 today (Wednesday) in the Legislative Council:

Mr President,

I move the resolution standing in my name in the Order Paper. The resolution is to the effect that the Criminal Appeal (Amendment) Rules 1996 made by the Criminal Procedure Rules Committee under section 9 of the Criminal Procedure Ordinance on 10 July 1996 be approved.

The Criminal Appeal (Amendment) Rules 1996 amend Forms VIII and XI in the Schedule to the Criminal Appeal Rules. Form VIII is the form for giving notice of appeal against conviction on a question of law. Form XI relates to applications for leave to appeal against conviction or sentence, and applications for extension of time in which to appeal. These two Forms have been amended by adding a note that the Court of Appeal has power, under section 83W of the Criminal Procedure Ordinance, to direct that the time during which the appellant is in custody pending the determination of his appeal shall not be reckoned as part of the term of any sentence to which he is for the time being subject.

Section 83W of the Criminal Procedure Ordinance provides that the Court of Appeal has the power to direct that the time during which an appellant is in custody pending the determination of his appeal shall not be reckoned as part of the term of any sentence to which he is for the time being subject. However, the effect of this provision may not always be appreciated by a potential appellant, who may be ordered to serve, in effect, an additional sentence upon dismissal of his or her appeal by the Court of Appeal.

The amendments to the Forms make clear to a potential appellant the possible consequences of an appeal. These amendments are clearly desirable.

Mr President, I beg to move.

End

Hong Kong Academy of Medicine (Amendment) Regulation

* * * * *

Following is the Speech by the Secretary for Health and Welfare, Mrs Katherine Fok, in moving the resolution on the Hong Kong Academy of Medicine (Amendment) Regulation today (Wednesday):

Mr President,

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

The Hong Kong Academy of Medicine Ordinance was enacted on 1 August 1992 to establish the Academy as a statutory body. The Education Committee was set up by virtue of section 11. The Academy is empowered under the Ordinance to provide for the constitution, the period of office of members, resignation of members, filling of casual vacancies and the function of the Education Committee by Regulation.

The membership of the Education Committee is provided for in regulation 11(2). The Education Committee consists of the Vice-President (Education and Examinations) of the Academy who chairs the Committee, the chairman of the education committee of each and every College, and additional persons the Committee from time to time co-opt.

As the Education Committee is responsible for all educationally related matters including postgraduate education and training and continuing medical education, the Academy felt that the involvement of representatives from relevant educational institutes like the Faculty of Medicine of the two universities will help the Committee in its work. On the other hand, as postgraduate training will usually be undertaken in hospitals and medical institutions, to have representatives from the Hospital Authority and the Department of Health will facilitate the planning and assessment of the necessary training.

In fact representatives from the above institutions have already been co-opted into the Education Committee since 1994 for reasons outlined above, but as co-opted members in the Committee, they do not have voting rights. The Academy is of the view that it would be more appropriate to turn these co-opted members into permanent members so that they can have the right to vote.

The Amendment Regulation was proposed and determined by a postal ballot. The resolution seeks this Council's approval of the Hong Kong Academy of Medicine (Amendment) Regulation. This will enable the representatives of the relevant institutions to become permanent members of the Education Committee.

Mr President, I beg to move.

End

Arbitration (Amendment) Bill

* * * * *

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

Mr President,

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

As members of this Council know, arbitration is a form of dispute resolution that is becoming increasingly popular, especially in the commercial field. Under the current law, two systems of arbitration exist in parallel in Hong Kong: one for domestic arbitrations and the other for international arbitrations. The purposes of this Bill are to extend the powers of arbitral tribunals in respect of the conduct of arbitration proceedings and to bring certain provisions of the Arbitration Ordinance relating to domestic arbitrations in line with those relating to international arbitrations, and vice versa.

In 1991, there was a proposal in England to reform the English law of arbitration. In the light of that development, in January 1992, I invited Mr Justice Kaplan (as he then was) to set up and chair a committee of the Hong Kong International Arbitration Centre to consider whether amendments to the Arbitration Ordinance were required. The committee consulted the arbitration community on the matter. There was strong support for a simple arbitration law and also a unitary arbitral system.

The committee nevertheless considered that unification of the two arbitration systems would be a complex issue and would require careful consideration. It recommended that, as an interim measure, limited improvements be made to the Ordinance to minimise the differences between the two systems, remove anomalies, and enhance the efficiency of arbitral tribunals. The Administration accepts the need for those improvements. Hong Kong has established itself as a leading centre for arbitration in the region and it is essential that we maintain that position against growing competition from other regional arbitration centres by keeping our law up-to-date and efficient.

Let me give a few examples of the proposed improvements contained in the Bill.

At present, where the parties to an arbitration agreement cannot agree on an arbitrator, they may have to apply to a High Court judge to appoint an arbitrator. However, an application to the High Court may be expensive and time consuming. The Bill therefore proposes that the power to appoint arbitrators should be conferred on the Hong Kong International Arbitration Centre. This would make arbitration in Hong Kong more cost effective.

Under the existing law, the power of the court or arbitral tribunal to order interim measures, such as an injunction, is unclear. The Bill proposes to clarify this power.

Current provisions which empower the High Court to extend the time limits for a party to commence domestic arbitration proceedings or to dismiss a claim for unreasonable delay are not applicable to international arbitrations. There is no logical reason for the divergence as between the two systems and amendments are proposed to extend those provisions to international arbitrations.

The definition of "arbitration agreement" in the Ordinance, and hence the scope of the Ordinance, need to reflect the practices of a fast-changing commercial world. The Bill provides that an arbitration agreement is to include an agreement to arbitrate that is in writing but is not signed by the parties. This will ensure, for example, that an arbitration agreement in a Bill of Lading can be subject to the Ordinance.

The Bill also empowers the Hong Kong International Arbitration Centre to decide certain issues that previously had to be referred to the courts. These issues include costs, fees, expenses and interest on awards.

In order to ensure fairness and scrutiny by an independent third party, the Bill provides that rules to be promulgated by the Hong Kong International Arbitration Centre require the approval of the Chief Justice.

Mr President, Hong Kong has established itself as a leading centre for arbitration in the region and it is essential that it maintains that position against growing competition from other arbitration centres. It is therefore necessary that the Ordinance be amended to remove anomalies and deficiencies, the more important of which have just been explained. The proposed enhancement of the powers of the court and the arbitral tribunal is consistent with international practice, and recognises arbitration as a consensual process, which has its foundation in the agreement of the parties. The proposed amendments are also in line with developments in other common law jurisdictions and will reinforce Hong Kong's position as the leading centre for arbitration in the region.

Mr President, these amendments were recommended by a committee that was broadly representative of interested groups, and included experts from the legal, engineering and accounting professions. The Bill is supported by the Bar Association, the Law Society, the Chartered Institute of Arbitrators, and various Chambers of Commerce and professional bodies. I therefore commend the Bill to this Council. In view of the broad support that the Bill commands, I hope that this Council will approve its early enactment.

End

Hong Kong Institute of Education (Amendment) Bill

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Following is a speech by the Secretary for Education and Manpower, Mr Joseph W P Wong, in moving the second reading of the Hong Kong Institute of Education (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Hong Kong Institute of Education (Amendment) Bill 1996.

With the objective of upgrading the quality of teacher education and continuous professional development of teachers in Hong Kong, the Administration merged the four Colleges of Education and the Institute of Language in Education into a unified Hong Kong Institute of Education (HKIED) in 1993. Following the enactment of the Hong Kong Institute of Education Ordinance in 1994, the Institute was formally established in September that year.

It has been the Administration's intention to put the HKIED under the terms of reference of the University Grants Committee (UGC) at a later stage of its development so that the UGC could monitor and fund the activities of the Institute. The UGC has well established monitoring and financial assessment mechanism for tertiary institutions. It channels government funds to the seven tertiary institutions, and monitors their performance. In joining the UGC family, the HKIED could therefore benefit from the Committee's expertise and advice. It would also further enhance the Institution's image and status.

The Governor already gave his approval on 1 July 1996 to designate the HKIED as an institution under the terms of reference of the UGC. As a follow-up action, we now propose to amend the HKIED Ordinance so as to bring it into line with the ordinances governing the seven tertiary institutions.

The main provisions of the HKIED (Amendment) Bill 1996 include:

- * amending the definition of "financial year";
- * deleting the requirement for the HKIED to obtain the approval of the Financial Secretary for borrowing or fund raising activities;
- * empowering the HKIED to invest its funds;
- * enabling the Governor in Council to delegate certain powers to a public officer;
- * specifying the term of appointment for a member of the Council of the HKIED;
- * removing the requirement for the Governor to table the HKIED's statements and reports in this Council;
- * removing the requirement for the HKIED to submit to the Governor for his approval a programme of the HKIED's proposed activities and estimates of its income and expenditure for the next financial year; and
- * removing the requirement for the gazettal of rules made by the Council of the HKIED, etc.

Both the UGC and the HKIED have been consulted and agreed to the changes proposed in the HKIED (Amendment) Bill 1996.

Mr President, I beg to move.

End

Public Accounts Committee report tabled

* * * * *

Following is the speech by the Chief Secretary, the Hon Anson Chan, in tabling the Government Minute in response to the Report of the Public Accounts Committee in the Legislative Council today (Wednesday):

Mr President,

Laid on the table today is the Government Minute responding to Report No. 26 of the Public Accounts Committee. The Minute sets out the measures the Government has taken, or is planning to take, on the conclusions and recommendations contained in the Report.

Mr Eric Li, the Chairman of the Public Accounts Committee, spoke in this Council on 10 July 1996 when tabling the Report. I would like to respond to the points he made.

Mr Li highlighted the Administration's duty and accountability in relation to this Council's role in authorising public expenditure. Referring to cases covered in the PAC Report, he urged the Administration to adhere closely to established Finance Committee procedures, and to provide all relevant information to Finance Committee to facilitate its decision-making.

Let me reassure Members that we attach the utmost importance to the principles of legislative control of public finance and public accountability. However, on occasions, with the best of intentions, technical errors do occur. This is what has happened in one of the three capital works projects at the Kai Tai Airport to which Mr. Li made reference. We will do all we possibly can to remind officers of the statutory requirements governing the management of public finances to ensure that similar incidents will not recur.

The Administration fully agrees that we should include all relevant information in Finance Committee funding proposals to allow the Committee to make informed decisions. Indeed, the Secretary for the Treasury has, over the years, issued guidelines to require departments to provide clear, accurate and comprehensive information in their submissions. The Finance Branch will continue to do all it can to ensure compliance with those guidelines.

In respect of the Northcote College of Education improvement project, I accept that the case could have been better co-ordinated. I also accept that when it transpired that the Hong Kong Institute of Education campus project might impact on the former project, the fact should have been brought to the attention of the Finance Committee or the Education Panel of this Council. On the way forward, we will as recommended by the PAC, carefully evaluate the feasibility and cost-effectiveness of retaining the Northcote College of Education library block in the overall development of the Hong Kong University Faculty of Medicine project. We will advise the PAC of the final decision once this is available.

Mr Li also commented on the staffing situation for certain government services, and urged that we should be more vigilant in rationalising the deployment of resources to meet the needs of the community. I do not intend to labour on what we have done in recent years to bring about a more proactive approach on resource management. I trust Members are familiar with our initiatives under the Public Sector Reform programme. Government is a very big organisation and we must constantly review and re-organise our resources in different areas to meet changing needs. In the Government Minute, we have explained the measures we are putting in place to address the cases of over/under staffing brought to our notice.

Finally, on our system of awarding public works contracts. I acknowledge that there is room for further improvement in the system. This is under review by the Secretary for the Treasury. Specifically, we are working to develop a mechanism to enable us to take into account the past performance record of a contractor in an objective manner in the evaluation of tenders. We will keep the PAC informed of the progress in this.

Mr President, the Government appreciates fully the importance of the PAC's findings and recommendations. I am confident that the measures we have taken, or are planning to take, will go a long way towards implementing the Committee's recommendations.

End

COMAC annual report tabled

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Following is the speech by the Chief Secretary, the Hon Anson Chan, in tabling the Government Minute in response to COMAC's Eighth Annual Report in the Legislative Council today (Wednesday):

Mr President,

When COMAC's Eighth Annual Report was presented to the Council on 10 July, the Administration indicated that a Government Minute would be prepared in three months' time to outline the action that the Government has taken or proposes to take in response to the recommendations made by COMAC in relation to the cases listed in his annual report. This Government Minute is tabled today.

The Government Minute covers all the complaint cases which COMAC has investigated, as well as the three investigation cases which he initiated himself in 1995-96. In the majority of the cases, the branches and departments concerned have accepted and followed up all of COMAC's recommendations. There are, however, a few cases in which COMAC's recommended measures have not been implemented or have had to be modified because of operational constraints or other practical considerations. The reasons for these are set out in the Minute.

Members will note that the Government Minute also contains the follow-up action taken on COMAC's recommendations by two public bodies, the Hospital Authority and the MTRC. These are the only two public bodies in respect of which COMAC investigated complaints during the year. Although they are not part of the Administration, they recognise their accountability to the public and have provided us with the information relating to their follow up action on COMAC's recommendations.

I am happy to read in the latest issue of the COMAC News that, I quote, " this [COMAC's] Office has been much impressed by the positive and supportive attitude and the receptive stance of the management of the organisations concerned towards the work and services of this Office." It is clearly in the public interest that there should be a harmonious working relationship between the COMAC's Office and the organisations under his jurisdiction. We in the Administration will do our best to ensure that this continues to be the case.

If any Member wishes to have further clarification on any point in the Minute, the Administration would be happy to provide it.

End

Efficient immigration clearance service for travellers

* * * * *

Following is a question by the Hon Howard Young 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 the measures it has taken to rationalise the passenger processing facilities at immigration counters at Kai Tak Airport and to ensure that such facilities at the new airport at Chek Lap Kok are adequate for coping with the anticipated increase in passenger flow?

Reply:

Mr President,

The Government is committed to providing an efficient immigration clearance service to facilitate travellers.

Measures introduced

To handle the fast growing passenger traffic, we have introduced a number of measures:

- (i) On the recommendation of the Airport Consultancy Study, the Immigration Department has critically reviewed the staffing requirements for the Airport Division. As a result of this, a total of 28 posts were redeployed to reinforce counter clearance through the restructuring of the Apron Control Unit and the scaling down of the overnight staffing level.
- (ii) Secondly, the roster and meal breaks of counter staff have been adjusted to spread over a longer period to maximise the number of counters manned at any one time.
- (iii) Thirdly, the Immigration Department have been revising the shift pattern and streamlining procedures for the purpose of maximising counter manning and enhancing productivity. Moreover, staff are required to work overtime whenever necessary.

The introduction of the Immigration Control Automation System (ICAS) on 28 September 1995 has helped to absorb some of the additional workload by shortening the passenger clearance time. The time savings in immigration clearance are:

- (i) for each HK identity card holder - 4 seconds;
- (ii) for each arriving passenger holding a machine readable travel document - 20 seconds; and
- (iii) for each departing visitor - 10 seconds.

While the Immigration Department pledges to clear 92% of the travellers within 30 minutes, 100% of the departing passengers and 100% of the arriving Hong Kong residents are cleared within this target time. With the measures mentioned above and the implementation of the ICAS, 97% of the arriving visitors have been cleared within 30 minutes from March 96 onwards.

Measures under consideration

Over the longer term, we are developing two new initiatives to reduce the clearance time of travellers. For non-permanent residents, the Immigration Department is considering the possibility of doing away with the practice of stamping on their travel documents on return from a trip outside Hong Kong within their current limit of stay. For visitors, we are exploring the feasibility of issuing a travel pass for bona fide frequent travellers.

Chek Lap Kok Airport

We have plans to provide sufficient staff to handle the anticipated passenger growth after the Airport's opening. We are studying ways to maximise the capacity of immigration clearance at the Chek Lap Kok Airport. New measures under consideration include:

- (a) serpentine queuing of passengers;
- (b) even distribution of passengers between the two halls at the same level;
- (c) software systems to facilitate a better match of staff deployment and the fluctuation of passenger arrivals;

- (d) optimising the use of resources by operating only one hall in each level in the early morning and late evening hours, when the passenger volume is smaller; and
- (e) avoiding congregation of passengers through
 - (i) clear and concise directional signage, installation of Light Emitting Diode displays for specific information or directives for the travelling public,
 - (ii) co-operation from airlines to present their passengers for clearance, and, where appropriate
 - (iii) use of the Public Address System.

End

Deployment of ward attendants in public hospitals

* * * * *

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

Question:

Since taking over the management of public hospitals, the Hospital Authority has implemented a series of hospital domestic services reforms, which have given rise to discontent among its domestic services supporting staff. In view of this, is the Government apprised of :

- (a) the total number of Workman I, Workman II and temporary workmen employed in public hospitals; and whether temporary workmen are employed because of the high wastage rate in the Workman I and Workman II ranks;
- (b) the total number of ward attendants in public hospitals and how many of them are actually working in the wards;

- (c) the number of public hospital wards not serviced by ward attendants and the grade of staff responsible for the cleaning and sundry services in these wards; and whether the reason for these wards not being serviced by ward attendants is due to the high wastage rate of the Ward Attendant grade;
- (d) the number of public hospital wards serviced by both ward attendants and health care assistants, as well as the details of the scope of duties of these two grades; and
- (e) the number of qualified ward attendants who have not been promoted to the health care assistant grade and the reasons thereof; and the number of ward attendants who are due for retirement in the next six months?

Reply:

The number of Workman I and II employed by public hospitals as at September this year were 341 and 5,340 respectively. It is an established practice to engage temporary staff, where necessary, to provide coverage for training leave, ad hoc special projects, fluctuation of service demand and lead time for recruitment exercise. A total of 481 Workman II were employed for this purpose as at September this year.

The number of Ward Attendants employed by public hospitals as at September this year was 2,896, of whom 2,794 were working in wards. A total of 185 wards were not served by Ward Attendants, the cleansing and other domestic duties for which are being carried out by Workman I and II. This is mainly attributable to the phased implementation of supporting service reforms rather than staff wastage.

As at September this year, 256 hospital wards were staffed by a mix of both Ward Attendants and Health Care Assistants. Although the latter group is intended to relieve the workload of front-line nurses by taking up tasks of low complexity under supervision, the job description provide clearly for these two grades to carry out cleansing work, other domestic duties and personal care activities when required.

As at September this year, there were 924 qualified Ward Attendants who have not yet been appointed as Health Care Assistants. While those on the waiting list will be offered appointment as and when vacancies arise from the phased implementation of supporting service reforms, some may retain their current employment status due to personal circumstances. A total of 122 Ward Attendants are due for retirement in the next six months.

End

Tuen Mun Hospital out-patient service

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

Question:

Is the Government aware:

- (a) of the average number of patients seeking treatment per day and the daily quota of medical consultations in the specialist out-patient services provided by Tuen Mun Hospital in each of the past three years;
- (b) of the average waiting time for getting specialist out-patient services appointments in Tuen Mun Hospital in the past three years, and how it differs from that laid down in the performance pledge of the Hospital; and
- (c) what short-term and long-term measures the Hospital Authority has to improve the specialist out-patient services provided by Tuen Mun Hospital in view of the increasing demand for specialist out-patient services in Tuen Mun?

Reply:

The average number of patients seeking specialist out-patient consultation per day at Tuen Mun Polyclinic and Tuen Mun Hospital were 890, 950 and 1,100 in 1993/94, 1994/95 and 1995/96 respectively. All patient consultations are arranged by appointment in advance and not subject to any daily quota.

The average waiting time for specialist out-patient consultation at Tuen Mun Polyclinic and Tuen Mun Hospital were 15.2, 9.7 and 15.6 weeks in 1993/94, 1994/95 and 1995/96 respectively. The Hospital Authority has pledged in its 1995/96 Annual Plan to achieve an average waiting time of less than three months for first consultation in 90% of its specialist out-patient clinics. This has been achieved.

To cope with the growing demand, patients in Tuen Mun seeking consultation in the specialities of Medicine and Geriatrics are given the choice of referral to South Kwai Chung Specialist Out-patient Clinic where the waiting time is shorter. As always, patients with suspected urgent conditions will be provided with immediate treatment.

In the longer term, Government is working closely together with the Hospital Authority on a project to reprovision Tuen Mun Polyclinic in Tuen Mun Hospital with expanded consultation facilities.

End

Rape case involving mentally handicapped victim

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Following is a question by the Hon Fred Li and a written reply by the Attorney General, the Hon Jeremy Mathews, in the Legislative Council today (Wednesday):

Question:

In a recent rape case involving a victim who is a mentally handicapped person, it was reported that the Legal Department considered that the victim was incapable of giving testimony in court and dropped charges against the defendant to safeguard the victim's best interests. In this connection, will the Government inform this Council:

- (a) whether the prosecution had considered using the video-link system to conduct the hearing;
- (b) whether it had assessed the victim's mental and psychological conditions before the trial; if not, why not; and how it has determined that the victim was incapable of giving testimony in court;
- (c) of the criteria adopted for determining what the victim's best interests were;
- (d) whether, in deciding to drop charges against the defendant, consideration had been given to the chances of a successful prosecution; and

- (e) whether, in the light of the problems which have been brought to light in this case, the authority concerned will review the existing legislation with a view to determining whether there is a need to introduce remedial measures; if so, what the specific details of the review are and when the review will be completed; if not, why not?

Reply:

Mr President,

- (a) Yes. The prosecution did consider the possibility of applying to the court for the use of live television link facilities for the giving of evidence, but for the reasons given below, the trial did not proceed.
- (b) Yes. The prosecution had obtained a psychologist's report in respect of the victim, which contained the following observations and comments:
- * The victim had great difficulty in making any organised and full narration of the incident.
 - * She would be very unlikely to be able to follow court procedures.
 - * She had limited understanding of the meaning of taking an oath.
 - * She was easily confused by repeated questioning and this might have resulted in inconsistent or incorrect information from her.
 - * She had minimal resources to cope with the strain of cross-examination.
 - * There were many limitations on the victim's ability to be a competent witness in court.
- (c) In determining what the victim's best interests were in this case, the following matters were taken into account:
- * the contents of the psychologist's report;
 - * the possible availability of a live television link at trial;
 - * the victim's recovery from the incident and the possibility that a trial would cause her emotional instability; and

- * the chances of securing a conviction the views of the victim's mother.
- (d) Yes. In deciding not to proceed with the charges, the prosecution carefully considered the chances of securing a conviction.
- (e) The Administration has examined the facts and circumstances of the case. We understand the feelings of the parents of other mentally handicapped persons over the outcome of this case. However, we do not consider that a review of the existing legislation would be necessary.

End

Short term tenancy sites to ease public car park shortage

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

Question:

The Lands Department has recently granted a piece of vacant land for use as a public car park on short term tenancy (STT), despite opposition from the Kwai Tsing District Board. In this connection, will the Government inform this Council:

- (a) of the number of sites that were granted for use as public car parks on STT, together with the total number of parking spaces provided, in the various districts in the past five years; and the number of sites that are expected to be granted for use as public car parks on such basis, as well as the number of parking spaces provided, in the coming two years;
- (b) whether environmental impact assessments had been conducted before the granting of the sites in (a) above for use as public car parks on STT basis;
- (c) whether the Lands Department is required to consult the district boards before granting such STTs; and

- (d) of the number of such STTs granted by the Lands Department despite opposition from the district boards since April 1, 1995, and the reasons for their opposition; and the justification for the Lands Department granting the STTs in the face of such opposition?

Answer:

Mr President,

- (a) From the period April 1, 1992 to September 30, 1996, 203 STT sites were let by tender for public car park uses. The cumulative estimated number of parking spaces provided by all these sites for various types of vehicles are about 30,000. The Lands Department will process such cases as and when sites become available, in the light of demand and competing needs for short term tenancy uses. Currently, 20 STT applications for car parking are being processed. They will provide some 3,000 parking spaces if approved.
- (b) An environmental impact assessment is not required for short term lettings.
- (c) Before a site is let by short term tenancy, the District Lands Office of the Lands Department will consult the relevant Government departments including the District Office. The District Officer will seek advice of the District Board if considered necessary.
- (d) Normally, District Boards welcome proposals to grant STTs for public car parks in view of the shortage of parking facilities which is a general problem in many districts, and have indeed been pressing the Administration to do more. Since April 1995, we are aware of two cases where STTs were granted despite the disagreement of the District Board. The reasons for their objection include traffic impact and possible nuisance generated. However on both occasions the professional assessment of the departments concerned was that there was no justification that adverse traffic impact would arise. The Lands Department had also restricted the operating hours of the car parks in order to limit any possible nuisance that might be generated. The decision to let the sites was made in view of the acute demand for vehicle parking in these areas.

End

Owners' Corporation in private buildings

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Following is a question by the Hon Bruce Liu Sing-lee and a written reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of the total number of cases in which two or more Owners' Corporations exist in the same private building concurrently;
- (b) whether the situation mentioned above contravenes any provisions of the law; if so, why such a situation has occurred; and whether the Government will consider amending the existing legislation so as to prevent such a situation occurring; if not, what measures does the Government have to resolve disputes arising from such a situation; and
- (c) which Government departments are involved in the process of forming Owners' Corporations in private buildings, and what their respective roles are?

Reply:

Mr President,

My reply is as follows:

- (a) according to the records of both the Home Affairs Department (HAD) and of the Land Registry, there is no private building in which two or more owners' corporations exist concurrently;
- (b) the Building Management Ordinance provides, inter alia, for the incorporation of owners in buildings. There is no provision in the Ordinance to allow two or more owners' corporations in the same building to exist concurrently. As there is no building in which two or more owners' corporations exist concurrently ((a) above), we consider that there is no need to amend the Ordinance in this respect; and

- (c) HAD and the Land Registry are involved in the process of forming owners' corporations in private buildings. HAD promotes effective building management in private buildings and advises owners on procedural and technical matters relating to the formation of owners' corporations. HAD's staff are present at the owners' meetings to render assistance in the formation of owners' corporations. After formation, liaison is maintained through routine visits and participation in owners' meetings. When owners encounter building management problems, HAD's staff offer advice and mediate in disputes. The Land Registry deals with the registration of an owners' corporation upon application by a management committee appointed under the Building Management Ordinance. The Land Registry also maintains a register of owners' corporations and enters particulars of winding-up petitions or winding-up orders in the register.

End

Registration of electrical workers

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Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Economic Services, Mr Stephen Ip, in the Legislative Council today (Wednesday):

Question:

Under the Electricity (Registration) Regulations, applicants for registration as electrical workers of various grades of electrical work must have relevant working experience. At present, applicants have to rely on their employers to certify in writing that they have the relevant working experience. In this connection, will the Government inform this Council:

- (a) of the total number of persons registered for Grade A electrical work under regulation 4(2) in Part III of the Electricity (Registration) Regulations in the past five years;
- (b) of the ways by which employees can prove their relevant working experience, apart from requesting their employers to issue certifying documents;

- (c) whether employers can refuse to issue certifying documents to employees regarding their working experience; and
- (d) how the authorities verify the accuracy of the certifying documents regarding working experience?

Answer:

- (a) During the five years ending on 31 August 1996, 44,266 persons whose qualifications satisfied the requirements of regulation 4(2) of the Electricity (Registration) Regulations were registered for Grade A electrical work.
- (b) An applicant for registration as an electrical worker is required under regulation 9(b) of the Electricity (Registration) Regulations to submit to the Director of Electrical & Mechanical Services documents that the Director considers are relevant to the applicant's registration or qualifications for registration. An applicant may satisfy the Director as to his relevant working experience by submitting certificates or letters issued by his current or previous employers describing his practical experience in electrical work while in their employ. The applicant may also submit for the Director's consideration other relevant documents which can help to verify his working experience in electrical work. Such documents may include, for example, tender documents for electrical installations that he has undertaken, or certification from owners of the electrical installations concerned or from his supervisors.
- (c) There is no provision under the Electricity Ordinance or its subsidiary legislation to require an employer to issue documents certifying an employee's working experience for the purpose of registration as an electrical worker.
- (d) In the event of doubt over the accuracy of documents submitted in support of an application, the Director may verify the applicant's working experience by approaching his employer or supervisor, installation owners or other parties concerned, or visiting his workplace.

End

Implications of proposed MTR extension being examined

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

Question:

In view of the rapid and large increase in population in Tseung Kwan O, there is an urgent need to extend the Mass Transit Railway line to that area. In this connection, will the Government inform this Council whether -

- (a) the Mass Transit Railway Corporation has made any plan to start constructing the Tseung Kwan O Extension soon; and
- (b) the above project will be discussed by the Sino-British Joint Liaison Group?

Reply:

Mr President,

We have received a submission from the Mass Transit Railway Corporation (MTRC) proposing to complete the construction of the Tseung Kwan O Extension (TKE) by December 2001, subject to the availability of land. We are examining the financial, legal, engineering and land implications of the proposal and aim to arrive at a view on the Corporation's proposals by early 1997. The MTRC is at present examining with government departments concerned possible interface problems with other infrastructural facilities along the proposed alignment so as to further refine their proposed scheme.

When we have completed our assessment of the MTRC's proposal, we will consult the Chinese side of the Sino-British Joint Liaison Group (JLG) before any decision is made that would commit the Special Administrative Region Government. In the meantime we have offered to brief the Chinese side of the JLG about this project.

End

Change of rental flats to home ownership flats justified

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

Question:

Will the Government inform this Council:

- (a) of the number of public rental flats since the implementation of the Home Ownership Scheme (HOS) as well as the number of flats which were originally designed for rental purposes but later converted into HOS flats;
- (b) whether the decision of the Housing Department (HD) to convert certain public rental flats into HOS flats is subject to the endorsement by the Housing Authority (HA) or the relevant committee of the HA; if not, why not; and
- (c) given the pledge made in Policy Commitment of last year's Policy Address to reduce the average waiting time for allocation of public rental housing to under five years by 2001, what measures are in place to ensure that the waiting time will not be extended as a result of the conversion of public rental flats into HOS flats?

Answer:

Mr President,

Since the implementation of the Home Ownership Scheme in 1978, over 460,000 public rental flats have been built, of which 32,000 have been transferred to home ownership flats.

The Home Ownership Committee of the Housing Authority is responsible for examining proposals relating to the transfer of public rental flats to subsidised home ownership flats. The projects and the number of flats involved are reported to the Housing Authority on a quarterly basis.

Before a decision is made on a proposal to change the originally planned use of a housing block from rental flats to subsidised home ownership flats, the Home Ownership Committee of the Housing Authority takes into account the demand for rental flats from various categories including waiting list applicants, the demand for subsidised home ownership flats, the public housing construction programme, the housing production targets for both types of flats, and the number of vacated rental flats available for reallocation. The Committee will need to be satisfied that a change of flat use will not significantly affect the housing opportunities of those in need, including eligible applicants on the public housing Waiting List, and will not affect our target of reducing the waiting time for public rental housing. We are progressing towards meeting these targets. In the past 12 months, rental flats were provided to over 12,000 applicants on the public housing waiting list, and their average waiting time was reduced from seven to six and a half years.

End

Computerised system for the issue of HKSAR passport

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

Question:

Will the Government inform this Council of the progress in developing the computerised system for issuing the future Hong Kong Special Administrative Region passports; and whether a decision will be made for the system to start receiving data input, so that applications can be processed before 1 July 1997?

Reply:

Mr President,

The computerised system for the issue of HKSAR passport has two component systems, namely the passport personalisation system and the processing and record system. The former is for printing personal data and lamination of the passport. The latter which includes an imaging system is for processing passport applications, record maintenance and data authentication.

For both systems, we have been making good progress in accordance with the implementation plan set out in the paper we submitted to the Finance Committee in January this year. Tenders have been awarded, and the design and development of systems is proceeding full steam ahead. The computer systems will commence operation on 1 July 1997.

The development of the HKSAR passport computer system is subject to a very tight timetable. Hence, there is practically no scope of advancing the implementation date.

End

Old age and disability allowance review

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

Question:

A Government inter-departmental steering group is reviewing the old age and disability allowances under the Social Security Allowance Scheme. In this connection, will the Government inform this Council:

- (a) why the review is conducted by a Government internal steering group alone;
- (b) of the purposes of the review, and whether they include reducing the expenditure on the Social Security Allowance Scheme; and
- (c) whether the Government will consult the public on the findings of the review; if so, how the consultation will be conducted; if not, why not?

Reply:

- (a) The inter-departmental Steering Group chaired by the Director of Social Welfare which conducted the CSSA Review is completing its study of social security arrangements by reviewing Social Security Allowances. Given that Social Security is exclusively a Government function, it is considered that a Steering Group comprising Government officials drawing on direct experience gained from running such systems is best placed to carry out such a review.

- (b) The purpose of the review is not to reduce expenditure on the Social Security Allowance Scheme. It is simply that, like all Schemes established some time ago, it is timely to conduct a review to check that the Scheme remains effective.
- (c) The Review is still in hand and no conclusions have yet been reached. We will consult Members of the Legislative Council and other interested parties on the review's recommendations before any decisions or changes are made.

End

Advisory boards for economic and monetary affairs

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

Question:

Will the Government inform this Council of:

- (a) the names of the advisory boards and committees which are concerned with economic and monetary affairs;
- (b) the respective percentages of expatriates and academics of local universities with Hong Kong permanent resident status, out of the total membership of these advisory boards and committees; and
- (c) the criteria adopted for appointing university academics to serve on such bodies?

Reply:

- (a) The names of the advisory boards and committees which are concerned with economic and monetary affairs are as follows:

Advisory Committee on Agriculture and Fisheries (ACAF)
Aviation Advisory Board (AAB)
Banking Advisory Committee (BAC)
Deposit-Taking Companies Advisory Committee (DTCAC)
Economic Advisory Committee (EAC)
Endangered Species Advisory Committee (ESAC)
Energy Advisory Committee (EnAC)
Exchange Fund Advisory Committee (EFAC)
Fish Marketing Advisory Board (FMAB)
Insurance Advisory Committee (IAC)
Mandatory Provident Fund Advisory Board (MPFAB)
Marketing Advisory Board (MAB)
Pilotage Advisory Committee (PAC)
Port Development Board (PDB)
Port Operations Committee (POC)
Provisional Local Vessel Advisory Committee (PLVAC)
Radio Spectrum Advisory Committee (RSAC)
Securities and Futures Commission (SFC)
Securities and Futures Commission Advisory Committee (SFCAC)
Standing Committee on Company Law Reform (SCCLR)
Telecommunications Numbering Advisory Committee (NAC)
Telecommunications Standards Advisory Committee (TSAC)
Telecommunications Users & Consumers Advisory Committee (UCAC)

- (b) There are 314 appointments to the 23 advisory boards and committees, and individuals may be appointed to more than one board or committee. Of the 314 appointments, 87 or 28% are filled by expatriates and 21 or 7%, academics of local universities. We do not seek to ascertain the resident status of an individual being considered for appointment to any advisory board or committee. We therefore do not have information on the resident status of the 21 academics of local universities.
- (c) The criteria adopted for appointing university academics to serve on advisory boards and committees include the depth and span of academic and professional knowledge on the relevant subjects, expertise, experience, skills and past record of community services, including services on other government advisory committees.

End

Measures to improve industrial safety

Following is a question by the Hon Emily Lau Wai-hing and a written reply by the Secretary for Education and Manpower, Mr Joseph W P Wong, in the Legislative Council today (Wednesday):

Question:

In view of the recent spate of industrial accidents, will the Administration inform this Council:

- (a) of the number of persons killed or injured in industrial accidents in the past 24 months, with a breakdown by the categories of such accidents;
- (b) whether there is a policy to debar contractors on the Lists of Approved Contractors for Public Works which have poor industrial safety records from tendering for Government projects; if so, how the policy is implemented and the number of contractors which have been so debarred in the past 24 months; if not, whether the Government will actively consider formulating such a policy; and
- (c) of the names of contractors currently engaged in the Airport Core Programme (ACP) and non-ACP projects which have a record of violating industrial safety laws?

Reply:

Mr President,

- (a) According to the latest available statistics, a total of 142 persons were killed and 89,651 persons injured in industrial accidents during the 24-month period between 1 July 1994 and 30 June 1996.

A breakdown of fatal and non-fatal industrial accidents by major industries for the same period is at Annexes 1 and 2 respectively. It can be seen that the total number of industrial accidents for the first half of 1996 has declined by 10.6% as compared with that for the same period in 1995.

A similar breakdown of fatal and non-fatal industrial accidents by cause is at Annexes 3 and 4 respectively.

- (b) For Government construction contracts, there are provisions under existing Works Branch Technical Circulars to take regulatory actions, including suspension from tendering, against contractors which have had poor safety performance or very serious accidents on any of their sites. The Works Branch is monitoring very closely the site safety performance of all government contractors. Accident statistics of all government sites are being compiled on a monthly basis. Conviction records of all contractors are also kept on a monthly basis.

In the past 24 months, there were two contractors suspended from tendering in all categories of government works; one due to a very serious accident and the other due to persistently poor safety performance. Contractors suspended from tendering are excluded from bidding for government construction contracts either for a period of not less than 3 months or indefinitely until the Administration is satisfied that all necessary safety related requirements, usually following a stringent safety audit, have been met.

The Administration believes that imposing sanctions is just one way of dealing with the problem of safety for Government construction contracts. The Administration has also introduced other positive safety initiatives for Government contracts such as the Independent Safety Audit Scheme and Pay for Safety Scheme, and is monitoring and evaluating their effectiveness in improving safety.

- (c) A list of current ACP and non-ACP contractors having site safety convictions under the Factories and Industrial Undertakings Ordinance within the 24-month period up to 30 June 1996 is at Annex 5. Many of the convictions were minor offences, such as failure to keep records or registers, absence of statutory warning notices or signs, and lack of first aid equipment, etc. which carry a maximum penalty of \$10,000 under the Ordinance.

Whenever serious irregularities in implementing the specified safety measures are identified, the works department concerned will interview the contractors, give advice as to how to improve their safety procedures and check that the improvements are made. Inspectors from the Labour Department carry out inspections concerning the statutory requirements and give assistance wherever necessary. The convicted contractors will have to prove within a specified period of time that they have complied with all the necessary rules and procedures. Those who fail to do so would be given a formal suspension from tendering for Government projects.

US restrictive measures' impact on local garment industries

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

Question:

The United States Government has recently imposed new measures on imported textiles products, including the unilateral imposition of additional import document requirements on five types (totalling ten categories) of clothing products manufactured in Hong Kong and the payment of higher entry bonds by US importers of these products. In this connection, will the Administration inform this Council:

- (a) in comparison with the corresponding figures in the same period last year, what impact the above measures have had on the local garment industry (particularly on the total value of exports, number of workers employed, average working hours and average wages of workers in respect of the ten categories of clothing products) in the period from June to September this year;
- (b) the latest progress of the consultations between the Administration and the United States Government, and the counter-measures which have been taken and will be taken by the Administration in this regard; and
- (c) the measures adopted by the relevant departments in enforcing the regulations concerning the country of origin of goods?

Reply:

Without any prior notification, on 17 June the US unilaterally imposed additional customs measures on the import of ten categories of Hong Kong garments. These measures include additional documentation requirements on the authenticity of production and the origin of shipment, the imposition of single entry bond, and requests relating to US Customs "production verification" teams conducting factory visits in Hong Kong.

The Hong Kong Government immediately conveyed our serious concern about these measures to the US Administration, warned of their likely trade diversion impact on our textiles and clothing industry, and requested the immediate lifting of the measures. We also made clear our commitment to combat illegal transshipment activities. In the meantime, we have worked closely with the US authorities in an attempt to find a mutually satisfactory solution to the problem. We hope that, in the spirit of positive co-operation and partnership, the two sides will work out a mutually acceptable solution soon.

With regard to the trade performance of the ten categories subject to the additional measures, it is noted that the value of Hong Kong's exports in these categories to the US in the first seven months of 1996 (which are our latest available statistics) amounted to HK\$1,763 million, or 5.4% less than the figure for the same period in 1995. The volume of concerned Hong Kong exports is tabulated in Annex A, which compares the 1996 position with that for 1995, for the periods January to June (before the imposition of the additional measures), July to September (after the imposition of the additional measures), and January to September. Nine of the ten affected categories registered a decrease in export volume, ranging between 7% to 59% in July-September 1996 as compared with the same period in 1995.

The Hong Kong Government does not keep statistics on the employment and wage situation of workers in the clothing industry at a category to category level. There is therefore no statistical information on the impact of the additional measures on workers involved in the production of the ten categories of products. It may be surmised that a decrease in orders and trade is likely to affect the level of employment and wage but it is not possible to draw any specific conclusions.

Since the imposition of the additional measures on Hong Kong, we have held two rounds of formal consultations and a series of informal exchanges with the US side. Following these consultations, the Hong Kong Customs and Excise Department invited their US counterpart to Hong Kong to conduct a joint visit programme in September. The purpose was to allow the US Customs officers to observe the operation of our control and enforcement systems at work. During the programme, joint teams of Hong Kong and US Customs officers visited over 130 factories that were involved in the production of the ten categories of products and had given consent to be visited. In line with Hong Kong's separate customs territory status and integrity of our customs jurisdiction, the joint visits did not involve any enforcement action by US Customs officers. For example, inspection of books and records and investigation of suspicious cases were conducted only by Hong Kong Customs officers. The US Customs officers observed the factory premises and production in process, and talked to management personnel and workers. The programme ended on 30 September and both sides are now reviewing the results.

In parallel with the joint efforts at the operational level, senior Hong Kong officials have, on many occasions, conveyed to various senior officials in the US Administration Hong Kong's concern about the additional measures and their adverse impact on our trade, and requested their immediate removal. We believe that the joint visit programme and the associated dialogue have increased the understanding on both sides. We hope this would be conducive to bringing about a bilateral solution. If this proves unattainable, we will seek an escalation of the matter to the World Trade Organisation for dispute settlement.

Hong Kong takes its obligations under the multilateral Agreement on Textiles and Clothing to prevent illegal transshipment of textile products seriously. We have put in place sophisticated licensing and enforcement systems to fulfil such obligations. An outline is given at Annex B. Our systems are kept under constant review and improvements are introduced whenever necessary.

End

Figures on CSSA applications

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

Question:

Will the Government inform this Council:

- (a) of the number of successful new applications for Comprehensive Social Security Assistance (CSSA) each month since January 1995 in which the main reason for applying was unemployment of family members;
- (b) of the number of families in the above cases which subsequently ceased to receive CSSA payment upon the unemployed family members finding employment; and
- (c) of the number of applications for CSSA made on the grounds of unemployment of family members which were rejected during the same period, and the reasons for rejection?

Reply:

- (a) According to the records of the Social Welfare Department, between January 1995 and August 1996, 12 900 (a monthly average of 640) new applications for CSSA were filed by applicants who claimed 'unemployment' to be the principal reason for their application.
- (b) The Social Welfare Department does not have statistics which would indicate the number of CSSA recipients who ceased to receive CSSA payments on account of unemployed family members finding employment.
- (c) Between January 1995 and August 1996, 3 400 (a monthly average of 170) applications filed by people who claimed to be "unemployed" were rejected for various reasons, but primarily because they had resources or assets exceeding the prescribed limit.

End