



DAILY INFORMATION BULLETIN

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Wednesday, February 19, 1997

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Transcript of Governor's media session

Following is the transcript of a media session given by the Governor, the Rt Hon Christopher Patten, following his visit to Sham Shui Po District this (Wednesday) afternoon:

Governor: Good afternoon. The last time I came to Sham Shui Po I came unannounced so it was interesting, today, to see some of the problems that I saw unannounced a few months ago. And there are some of the biggest housing and social problems that we have in Hong Kong in this district and I was pleased to meet so many members of the District Board and the District Committees who are working so hard to try to tackle those problems.

Question: Governor, did Tung Chee Hwa pass to you the list of important officials ...?

Governor: I think that Mr Tung will be showing his list to Chinese leaders and that is the correct thing to do. Obviously, I think we share with Mr Tung, as I said last night, the desire that there should be the greatest continuity for the Civil Service. I would like to see as much as possible of a through-train for the Civil Service. We are, today, served by an outstandingly good Civil Service which is very well led and I hope that Mr Tung will benefit from that advantage in the future. So I think that the whole community wants to see the maximum continuity and that would be clearly in the interests of Hong Kong.

Question: Have his team actually seen the list?

Governor: I'm not sure there is a list in Hong Kong.

Question: But Mr C.H. Tung has told you ...

Governor: We have regular discussions and contacts between the Administration and Mr Tung but I don't want to go into details about exactly what he has said at every occasion.

Question: ... Chinese sources say that Beijing has indeed approved the list --

Governor: Good.

Question: ... What is your response to that?

Governor: Well, I think it would be injudicious of me to respond to a rumour that Chinese leaders have already given the thumbs-up to appointments which haven't been announced. I have been in politics a few years now and I think it would show quite a lot of inexperience and quite a lack of wisdom were I to respond in the those circumstances.

Question: What effect do you think reports of Deng Xiaoping's deteriorating health will have ...

Governor: There have been similar reports on a number of occasions in the last few years. I have always said that it is, in my judgment, inappropriate for me or other public officials to speculate about the health of Mr Deng Xiaoping. Chinese officials, I don't imagine, speculate about my health and I think it would be unwise for me to speculate about theirs. I have noted what spokesmen have said in Peking and I very much hope that what they say is correct. I think, myself, that the strategy for Hong Kong, based on Mr Deng's concept of 'one country, two systems' is now clearly laid out and the health or otherwise of any individual should not have too much affect on the successful implementation of that strategy. But obviously, I hope that if there are rumours about anybody being in ill-health that those rumours are untrue.

Question: Has Tung Chee Hwa or anybody consulted... opinion on how civil servants and could you ...?

Governor: I think it is a question which is slightly beside the point. Mr Tung was a member of my Executive Council for almost four years and had the opportunity of seeing at first-hand the competence of a Civil Service which at the senior levels - as with the exception of the post of Attorney General - have been entirely localised while I have been Governor of Hong Kong. So Mr Tung has been able to see for himself how outstanding is the quality of the Hong Kong Civil Service. I have noted that he has said publicly how good he thinks our Civil Service is and it was a point on which we both agreed when we met in December.

Question: So, has he ever asked you for your opinion on anything like that?

Governor: I don't think he needs to ask my opinion on whether or not the Hong Kong Civil Service is of high quality. I have said that publicly and he has seen me working with the Hong Kong Civil Service at first-hand. Don't forget that at every Executive Council meeting we have we see a range of Hong Kong civil servants presenting papers and justifying particular Bills or courses of political action. So during the course of four years Mr Tung will have seen, I would guess, most of the senior members of the Hong Kong Civil Service actually working with the Executive Council in the interests of Hong Kong.

Question: Tung Chee Hwa has said today that he has cancelled his March trip to the US and Canada. How important do you think it is for him to get himself familiar with the international scene?

Governor: He is familiar with the international scene. Mr Tung, as the Chairman of a large shipping company is well-known and well-connected in the United States, in the United Kingdom, in Europe. He has got a number of distinguished friends in the United States. One of the senators that I know best in the United States, who has recently retired from the Senate, is also a good friend or acquaintance of Mr Tung and he has many other senior members of the Administration and senior members of the business community who he is well acquainted with. He was, as you know, Chairman of the Committee which helps to strengthen links between Hong Kong and United States businessmen, so he knows the world very well.

It is up to Mr Tung to decide on what should be the priorities in his diary. Of course what all of us know is that the rest of the world is watching what happens in Hong Kong and is reporting what happens in Hong Kong, and I hope the story that goes out from Hong Kong to the world will be a positive one. There have been things that have happened in the last few weeks which have disturbed people in Hong Kong and the concerns of people in Hong Kong have not been very surprisingly reported overseas. If the Bar Association in Hong Kong say that particular proposals would undermine the rule of law in Hong Kong, none of us should be surprised if that causes a certain amount of concern in other countries.

Question: What do you think of Amnesty International's suggestion that a Human Rights Commission ...

Governor: We have had many exchanges with Amnesty over the years on that particular subject. I have always believed that the Bill of Rights, that the independent Judiciary, that our legal aid system, that the legislation we have put into place on equal opportunities, that the Commission we've set up to deal with equal opportunities, that the complaints procedures as far as the police are concerned, that the strengthening of the powers of the Ombudsman, that all those things gave us as much civil liberties protection as we required.

It is very unusual - I think there are one or two examples but no more than that - to think of countries which have both a Bill of Rights and a Human Rights Commission. Usually, if countries have either they have one or the other not both. So I haven't believed it was necessary for Hong Kong, but obviously, if it is going to look as though Hong Kong's legal protection of civil liberties is being taken apart then it is not surprising that Amnesty and others will return to the argument that there should be a Human Rights Commission.

I had a brief discussion on that point with representatives of Amnesty International yesterday, but obviously we talked about other things more than that.

Question: The provisional legislature ... holding meetings in Hong Kong, so do you think it is a challenge to the ...

Governor: I think some of the Shenzhen Saturday people have taken tea together in Hong Kong. I don't think that represents a challenge to anyone. The real problems are going to be if in Shenzhen on Saturday mornings they start purporting to legislate because that will raise all sorts of problems - not for me or not for the Hong Kong Government today but for the SAR Government after 1 July.

We all know that one of the reasons why concerns are being expressed, not just in Hong Kong but around the world, about Hong Kong's prosperity and freedom is because of the threat to trash, to dismantle the Legislative Council which has been freely elected and to replace it with this appointed Shenzhen body. That has caused, I think, a ripple of disquiet around the world and I hope those who meet next Saturday morning or who occasionally meet for tea, whether or not in the corner of clubs or elsewhere, I think that is something they should think about. I think that their activities are a challenge to a successful and smooth transition in Hong Kong and that is obviously a matter for considerable public disquiet. Thank you very much.

End

Governor visits Sham Shui Po District

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The Governor, the Rt Hon Christopher Patten, was given an update briefing on the general situation in Sham Shui Po district during his visit today (Wednesday).

Mr Patten first visited the Geriatric Day Hospital and the Developmental Disabilities Unit of the Caritas Medical Centre (CMC) where he was briefed on the services being provided for the elderly and severely mentally handicapped children under 16.

The CMC was founded in 1964 and joined the Hospital Authority in 1991. It provides a comprehensive range of acute, extended, ambulatory and community care services, including a 24-hour accident and emergency service.

The Governor then visited a family on the top floor of Chew Onn Building in Yen Chow Street to see the improvements made by various Government departments in tackling the problems of water seepage and unauthorised building works since his visit in 1995.

The Governor also visited the Dragon Centre, which is the winner of the Hong Kong Institute of Architects 1994 Certificate of Merit. It is the largest shopping complex in West Kowloon with the first indoor rollercoaster in Asia.

Before concluding his visit, Mr Patten attended a reception at the Kwan Ho Restaurant to meet local district board members and community leaders.

Accompanying the Governor were the Director of Home Affairs, Mrs Shelley Lau, and the Sham Shui Po District Officer, Mr John Leung.

End

Hong Kong reaps first harvest of the ACP

* * * * *

The Chief Secretary, Mrs Anson Chan, today (Wednesday) officiated at the first in a series of major ceremonies and public events to mark the completion of eight of the 10 Airport Core Programme (ACP) projects.

"After several years of hard work, we are reaping the first harvest of the ACP.

"This is an important day and a very happy day for Hong Kong," said Mrs Chan while officiating at the opening ceremony of the West Kowloon Expressway and Kwai Chung Viaduct.

The Chief Secretary said: "The magnitude and complexity of the ACP are unprecedented in Hong Kong. The fact that we will have been able to deliver eight of our 10 projects within budget and ahead of schedules is something which we can be justifiably proud of.

"Indeed, from my overseas visits, I know that many of our overseas friends stand in admiration of our achievements."

The Chief Secretary said the West Kowloon Expressway and the Kwai Chung Viaduct were the first two of the seven Government projects under the ACP which would be available for public use. They will be opened to traffic tomorrow at 10 a.m.

The two highways form part of the 34-kilometre ACP transport corridor linking Hong Kong island with the new airport at Chek Lap Kok and the Tung Chung New Town.

In addition, the two expressways will serve Kwai Chung and the South Kowloon areas and will come as a timely relief to the heavy traffic in West Kowloon, Mrs Chan said.

She said that on February 26 another ACP road project, the Sai Ying Pun section of the road network linking Western District and Sheung Wan, will also be opened to traffic.

In April, the first dual three-lane cross harbour tunnel, Hong Kong's third cross-harbour tunnel, will be opened to traffic. A private sector company, the Western Harbour Tunnel Company Limited, is building the tunnel under a "build, operate and transfer" franchise agreement with the Government.

And finally on May 21, the Lantau Link will connect the North Lantau Expressway to the road network of Kowloon and Hong Kong Island. This will enable the public to drive all the way from Hong Kong Island to Tung Chung New Town and it marks the completion of the ACP transport corridor.

To commemorate the completion and opening of the transport corridor, Mrs Chan said the Government was planning a series of opening ceremonies and public events.

"The opening ceremony of the Lantau Link, Hong Kong's new landmark, on April 27 is particularly important as it symbolises the substantial completion of the entire ACP transport corridor and is itself solid proof of our capability to deliver one of the world's greatest infrastructure projects, amidst other pressing priorities in the run-up to the transition," she noted.

Before the Lantau Link is actually opened for public use, two community participation events are being organised under the co-ordination of the New Airport Projects Co-ordination Office, namely an international marathon and a 10-kilometre run on May 4 organised by the Hong Kong Amateur Athletic Association and a charity walk on May 11 organised by the Community Chest.

"These will offer our community, as well as our overseas friends, a prime opportunity to have first experience of the Lantau Link, either by running or walking across it," she said.

Turning to the progress of the ACP as a whole, Mrs Chan said that about 76 per cent of the programme had been completed at the end of January this year.

Not only was there no programme delay, the Government had twice been able to reduce the overall outturn budget by a total of \$7,366 million, thus reducing the total estimated cost from \$163,730 million in December 1993 to the present estimate of \$156,364 million.

This was made possible principally as a result of rigorous cost control and Hong Kong's open and non-discriminatory tender system which encouraged international participation and ensured fair play and "value for money".

In conclusion, Mrs Chan said that while the Government was planning for the smooth opening and efficient operation of the ACP transport corridor and the reclamation works, it would not lose sight of the important mission of completing the new airport in April 1998 and the Airport Railway soon after.

After unveiling a commemorative plaque and dotting the lion's eyes, Mrs Chan was driven away in car in a ribbon-cutting ceremony.

Also speaking at the ceremony, the Director of Highways, Mr K. S. Leung, said that apart from forming a key part of the ACP transport corridor, the West Kowloon Expressway and the Kwai Chung Viaduct were important sections of the new strategic Route 3 which would provide a direct link to the northwest New Territories and the border with China.

Locally, the two new roads will provide a direct road link between Kwai Chung and South Kowloon and will relieve existing traffic congestion on Kwai Chung Road and in West Kowloon.

End

HAB launches Public Consultation on Racial Discrimination

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The Secretary for Home Affairs, Mr Michael Suen, has urged members of the public to participate in discussions and express their views on a consultation document on racial discrimination released today (Wednesday).

Speaking at a press conference to launch a ten-week public consultation period, Mr Suen said the document summarised issues identified in a study undertaken by the Home Affairs Branch (HAB) and outlined possible measures to address them.

He called on members of the public to participate actively in the discussions, adding that the document was simply a basis for public debate of the issues concerned.

"We have no preconceived ideas and will welcome suggestions. The public response will guide us in determining our future course of action," he said.

Noting that any measures taken will have direct implication for every member of the community, Mr Suen said that it was therefore imperative that the public should consider these issues thoroughly and make their views known.

"Findings will be reported to the Legislative Council after we have analysed the views put forward during the consultation period," he added.

Turning to the contents of the document, Mr Suen said that like the earlier studies on discrimination, it set out the findings of HAB's research into local and overseas experiences of racial discrimination.

"This comprised a "desk study" of relevant scholarship and jurisprudence, correspondence with Consulates-General on their nationals' experience in Hong Kong and meetings with interested organisations and individuals.

"We have met with over 70 groups, including academics, chambers of commerce, employers' associations, trade unions, representatives of ethnic minorities, women's groups, religious organisations, social service groups, educational bodies and financial institutions," he said.

On the findings of the study, Mr Suen said respondents had mentioned isolated incidents that might indicate racial discrimination. These concerned ethnic minorities, overseas domestic helpers, migrant workers and new arrivals from mainland China.

"These incidents were reported in the areas of education, employment, health services, housing and in the enforcement of law and order.

"There were also indications of street level discrimination, especially in the use of racial epithets that local people often use without thinking and usually without intent to offend or cause harm," he said.

The document also outlined existing measures against racial discrimination. These include legislation such as the Bill of Rights Ordinance which outlaws racial discrimination by the Government and public authorities, and other laws such as the Television Ordinance and the Telecommunication Ordinance.

Other measures include substantial efforts by the Committee on the Promotion of Civic Education to address attitudes underlying discrimination through the school curriculum and a comprehensive programme to help new arrivals integrate into Hong Kong society.

On the possible options to address the issues, Mr Suen said that almost everyone who contributed to the compilation of the study considered education to be the best way to change the attitudes underlying discriminatory behaviour.

The document set out both sides of the argument for and against adopting legislative measures.

Essentially, those against felt that racial discrimination was not a significant problem in Hong Kong and that legislation could be counter-productive and engender vexatious litigation.

Those in favour of the legislative option argued that anti-discrimination laws were the hallmark of a civilised society. They would protect and reassure the ethnic minorities, and would demonstrate Government's commitment to eliminating discrimination.

In addition, other measures proposed by respondents included the following :

- * sheltered accommodation for domestic helpers in distress;
- * a dedicated body to assess the skills and qualifications of new arrivals;
- * handbooks in various languages for visitors and foreign workers;
- * dedicated schools for speakers of minority languages.

Reiterating the Government's firm commitment to promoting equal opportunities for all, Mr Suen said the issues were complex and a measured and prudent approach was required in Hong Kong's circumstances.

He said the approach taken in addressing the issue of racial discrimination through the present study had the support of the United Nations Committee on the Elimination of Racial Discrimination (CERD).

"In March last year, in its concluding observations on the 13th report on Hong Kong under the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee said that the study was a 'constructive means of determining the extent of problems' in this area. Where discrimination is found to exist, CERD had said 'the study could serve as an important basis for the development of solutions'.

"The Government considers that it is for members of the public to judge whether, on the basis of their own experience and of their assessment of the total picture the findings presented in the consultation paper, racial discrimination is a problem in Hong Kong," he added.

Copies of the consultation paper are now available at District Offices and the Marketing Office of the Information Services Department on the 17th floor, Siu On Centre, 176-192, Lockhart Road, Wan Chai.

The document is also available through the HAB home page on the internet from which it can be downloaded. The address is:

<http://www.info.gov.hk/hab/index.htm>

Members of the public are invited to submit their views in writing to HAB on 31st floor, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong, or fax number: 2591-6002 by April 30.

End

Legal study visit to China

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The Solicitor General, Mr Daniel R Fung, QC, will lead a delegation from the Attorney General's Chambers (AGC) to visit Beijing, Dalian and Kunming between February 21 and March 1 at the invitation of the Ministry of Justice of the People's Republic of China.

This visit is organised under a continuation of a reciprocal Legal Study Visit programme agreed between the AGC and the Ministry of Justice of the People's Republic of China and implemented in 1987 to promote and strengthen contacts between legal officials in the AGC and their counterparts in China. A delegation from the Ministry of Justice last visited Hong Kong under the programme in April last year.

It is intended that through such visits, delegates from Hong Kong will acquire a better understanding of the structure and operation of the various legal institutions as well as the legislative and judicial processes in China.

During the visit, the delegation will meet officials of the Ministry of Justice, the Supreme People's Court and the Supreme People's Procuratorate in Beijing, and legal and judicial authorities in Dalian and Kunming.

The delegation includes Counsel from all units of the Legal Policy Division of the AGC and a representative from the Constitutional Affairs Branch of the Government Secretariat.

End

Pension scheme for local veteran volunteers proposed

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The Volunteer and Naval Volunteer Pensions (Amendment) Bill 1997 will be gazetted on Friday. The Bill seeks to establish a local pension scheme for those members of the Hong Kong Volunteer Defence Corps and the Hong Kong Naval Volunteer Defence Corps who suffered disablement or death due to their service in defence of Hong Kong during the Second World War.

At present, the Volunteer and Naval Volunteer Pensions Ordinance already provides for the payment of pensions, gratuities, and allowance in respect of these groups of people.

Enacted in 1950, the Ordinance makes reference to a UK Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order in prescribing the conditions, eligibility and rates of payment.

"Given the evolving differences in the socio-economic conditions between UK and Hong Kong and that the UK Order mainly caters for the various UK forces, only provisions of the Order that are applicable to the veteran volunteers would be adopted," a spokesman for the Health and Welfare Branch said today (Wednesday).

"The objective of the amendment Bill is to establish a local pension scheme. Provisions of the UK Order which are inapplicable would not be adopted.

"Suitable provisions are made to ensure that existing beneficiaries will continue to draw pensions and allowances at no less favourable level," he said, adding that the rates of payment would be adjusted in future in line with local inflation rate and the civil service pension increase.

The Legislative Council Panel on Welfare Services, the Social Welfare Advisory Committee and the Chairman of relevant veteran associations have been consulted and they are all in support of the proposals.

The Volunteer and Naval Volunteer Pensions (Amendment) Bill will be introduced into the Legislative Council on March 5.

End

Schools invited to join the Character Achievement Scheme

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All kindergartens, primary and secondary schools are invited to participate in the Character Achievement Scheme 1997 jointly organised by the Education Department, the Catholic Diocese of Hong Kong and the Cable Children Channel.

The aim of this award scheme is to encourage schools to promote moral education with best endeavours; to enhance the spirit of love and the sense of responsibility of pupils upon themselves and on other people; and to encourage them to develop a positive attitude towards life so that they may find their own contribution towards society.

Participating schools can directly recommend one pupil as the prize winner of the school or select one pupil out of many nominees within the school and make a final recommendation.

The pupil recommended should have outstanding performance or distinctive progress in conduct.

The nominator can be the principal, teacher, parent or schoolmate of the nominee. Reasons for recommendation should be given by the school.

Nominees from secondary and primary schools will be invited to attend a prize presentation ceremony jointly organised by the Education Department and the Catholic Diocese of Hong Kong on April 29 at Queen Elizabeth Stadium.

Nominators and parents will also be invited to accompany the prize winners to the ceremony. Winners of kindergarten will be awarded prizes at their own schools.

Participating schools are requested to return completed recommendation forms to the Organising Committee on the Character Achievement Scheme 1997, Catholic Education Office, at Room 513, St Margaret's Parish Centre, 2A Broadwood Road, Happy Valley or fax it to 2881 5960 on or before March 22.

Enquiries on the scheme should be directed to the Catholic Education Office at 2881 6163.

End

Relocation of AMO

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The Antiquities and Monuments Office of the Broadcasting, Culture and Sport Branch has been relocated to 40th Floor, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong.

Following the removal, its offices at 136 Nathan Road, Tsim Sha Tsui, will be converted into a heritage resource centre shortly while the gallery there will remain open to the public.

The telephone number for general enquiries is 2594 5690 and the faxline remains to be 2721 6216.

Enquiries regarding the Antiquities Advisory Board and the Lord Wilson Heritage Trust should be directed to Ms Catherine Leung and Mr Neil Fung at 2594 5673 and 2594 5678 respectively.

End



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SUPPLEMENT

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Immigration (Amendment) Bill 1997: second reading

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Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the second reading of the Immigration (Amendment) Bill 1997 in the Legislative Council today (Wednesday):

Mr President,

I move the Second Reading of the Immigration (Amendment) Bill 1997. The Bill seeks to remove the right to land of resident British citizens, to grant them the unconditional stay status in lieu, and to abolish the procedures applicable only to the removal or deportation of British citizens.

The immigration status of British citizens in Hong Kong is at present different from that of other foreign nationals. This reflects the special relationship between Hong Kong and the United Kingdom. As this special relationship will change on 1 July 1997, it is natural to expect that there will be a change in the immigration status of British citizens. British citizens themselves, as well as their employers, have also expressed concern about such changes; in particular, they would wish such changes to be clarified, decided, and put in place in advance of 1 July 1997, so that those affected would be given a reasonable, but not overly long period within which they can make adjustments.

In November 1996, we consulted the public, including the British community in Hong Kong on a package of changes. Our proposals are based on three considerations:

- (i) First, any change should put British citizens broadly on par with, but not in a disadvantaged position vis-à-vis other foreign nationals;
- (ii) Secondly, reference should be made to how Hong Kong residents will be treated by the United Kingdom; and
- (iii) Thirdly, there should be transitional arrangements to minimise the disruption caused to British citizens in Hong Kong.

Briefly, we proposed, first, that with effect from the implementation date, British citizens coming to Hong Kong should have conditions imposed on their stay. Those coming for visits would enjoy a visa-free period of six months and be given visitor conditions, i.e. they cannot work, study or take up long-term residence in Hong Kong. British citizens coming to Hong Kong for employment, to establish or join in a business, to study or for settlement would need to apply for the appropriate visa. Secondly, the right to land status now enjoyed only by British citizens who have resided in Hong Kong continuously for seven years or more, should be abolished and replaced by the unconditional stay status. Thirdly, British citizens should no longer be subject to special removal and deportation arrangements. Fourthly, we proposed transitional arrangements whereby British citizens already residing in Hong Kong but are subject to a limit of stay should be able to continue to reside in Hong Kong without conditions until their limit of stay expires, after which the current policy applicable to foreign nationals should be used to assess their applications for extension of stay at that time. Finally, we also proposed that these changes should be implemented from a common date in advance of the change of sovereignty so as to allow time for those persons affected to adjust to the new arrangements.

Imposing conditions of stay on British citizens and requiring those who wish to come to Hong Kong to work, study or settle does not need legislative changes. At present, British citizens are exempted from conditions of stay and visa requirement by the Director of Immigration. By simply withdrawing this exemption administratively, the privileged treatment of British citizens in this respect will be removed. Abolishing the right to land of British citizens, replacing this right by unconditional stay and deleting the special removal and deportation arrangements of British citizens do require legislative changes, as the right to land and the special removal and deportation arrangements are provided for by law. To avoid confusion, however, we proposed that both legislative and administrative changes should be implemented from a common date.

The consultation period lasted for about two months. We put our proposals to the Manpower Panel of this Council, the British Chamber of Commerce, the General Chamber of Commerce, civil servants and other British citizen groups. We are also grateful to the British Trade Commission, which looks after the present and future interests of British nationals in Hong Kong, for helping with reaching out to British citizens from different walks of life.

We received considerable response on the proposed changes during the consultation period. Most of the respondents from the British community accepted the need for such changes. The majority of their concerns centred around the implementation of actual changes and adjustments which British citizens living here would face. To address their concerns, we have fine-tuned the transitional arrangements to avoid disruption to their normal life in Hong Kong as much as possible.

The majority view of the British community, including their employers, is that these inevitable changes should be implemented well before 1 July 1997, so that they would have sufficient time to adjust to the changes before the transfer of sovereignty. We appreciated the need for the required legislation to be scrutinised carefully by this Council. We have therefore taken action to finalise our proposals and put forward the Immigration (Amendment) Bill 1997 as soon as we possibly could. We hope that this Council would give priority to this Bill, and have it enacted before 1 April 1997 so that the changes can be implemented on that date - a date which we believe strikes the right balance.

We believe that the Bill, coupled with the administrative changes we proposed, is the simplest and the most precise way to achieve our objective of removing the privileged immigration status of British citizens. We do not think that it is desirable to complicate the matter by introducing amendments to the Immigration Ordinance which will fundamentally change our approach to immigration control in Hong Kong. We hope that this Council would focus attention on the Immigration (Amendment) Bill 1997 first, since the privileged immigration status of British citizens is our more immediate concern. The Immigration (Amendment) No. 2 Bill 1997, which I understand will be introduced later today by the Hon. Chan Yuen-han, affects a different and much bigger issue of the Director of Immigration's discretion, which forms the fundamental basis of our long-established system of immigration control. There may be a time and a place to debate the wider issue of the fundamental basis of our immigration policy. But given the need to remove the privileged immigration status of British citizens well before the change of sovereignty, I hope Honourable Members would appreciate the uncertainties that would arise if the implementation of proposals, which have been accepted by the majority of those affected, were to be delayed by being drawn into a wider and more complicated debate.

Thank you, Mr President.

End

Bill on Nurses Registration

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Following is the speech by the Secretary for Health and Welfare, Mrs Katherine Fok, in moving the second reading of the Nurses Registration (Amendment) Bill 1997 in the Legislative Council today (Wednesday):

Mr President,

I move that the Nurses Registration (Amendment) Bill 1997 be read the second time.

The Nurses Registration Ordinance ("the Ordinance") was enacted in 1961 to provide a legislative framework for the registration of nurses and the practice of nursing in Hong Kong. Though various provisions in the Ordinance, such as the restriction on the use of the title "nurse" and the introduction of a practising certificate have been amended in the past two years, certain legislative provisions of the Ordinance have to be amended to meet current day needs. The proposals of this Bill cover matters including the naming, the composition and the operation of the Nursing Board, as well as matters concerning the disciplinary power of the Board.

A proposal of the Bill is to expand the membership of the present Board. Currently, the Board comprises 17 members, most of whom are appointed by the Governor. In order to broaden its representation, we propose to increase the number of lay members from one to two, and six members shall be elected from all registered and enrolled nurses. To encourage a greater involvement of the profession in the affairs of the Board, we also propose to select two members from each of the tertiary institutions which have a nursing programme. In addition, the number of appointed registered nurses should be reduced from ten to six, and the appointment of State registered nurses of the United Kingdom to the Board will be cancelled. The above changes will bring the number of members on the Nursing Council of Hong Kong to 20.

The existing Nursing Registration Ordinance does not provide for limited registration. In order to enable nurses who have engaged in the training of nurses overseas and those trained outside Hong Kong to practise nursing while undertaking short term post-registration training courses in Hong Kong, we propose to provide for this registration arrangement.

Another proposal of this Bill is related to the existing penalties. In order to maintain the deterrent effect and reflect better the seriousness of the offences, we propose to increase the level of fines and imprisonment prescribed in the Ordinance.

Under the existing Ordinance, the regulation-making power is vested with the Governor in Council. In order to encourage greater involvement of the profession in its own affairs, we propose that the power to make regulations for registration and disciplinary procedures should be transferred to the Secretary for Health and Welfare and the Nursing Council, subject to the approval of the Secretary for Health and Welfare. The power to make regulations on duties of the Legal Adviser and the Secretary to the Nursing Council should be transferred to the Secretary for Health and Welfare. The Governor in Council will continue to make regulations related to fees and charges.

End

Bill on Midwives Registration

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Following is the speech by the Secretary for Health and Welfare, Mrs Katherine Fok, in moving the second reading of the Midwives Registration (Amendment) Bill 1997 in the Legislative Council today (Wednesday):

Mr President,

I move that the Midwives Registration (Amendment) Bill 1997 be read the second time.

The Midwives Registration Ordinance ("the Ordinance") was enacted in 1960 to provide a legislative framework for the registration of midwives and the practice of midwifery in Hong Kong. Certain legislative provisions of the Ordinance are outdated as a result of changes in circumstances over time. The proposals of the Bill cover matters including the English name, composition and disciplinary power of the Midwives Board of Hong Kong.

One of the proposals of the Bill is to expand the composition of membership of the Midwives Council of Hong Kong. The present Board comprises 14 members. Currently, only the midwives training schools established in private or previously subvented hospitals are represented. In order to broaden its representation, we propose to increase the number of members of the Council to 19 to include the representation for all hospitals (including public hospitals) with training schools for midwives and to increase the number of lay members from one to two.

Another proposal is related to the current level of fines and length of imprisonment. In order to maintain the deterrent effect and reflect the seriousness of the offences, we propose to increase the level of fines and the length of imprisonment. Meanwhile, we also propose to provide penalties where a person makes use of any certificate of registration with intent to deceive.

In order to maintain an up-to-date record, we propose to require registered midwives to obtain practising certificates before they can practise midwifery in Hong Kong. We also propose that an applicant for a practising certificate should supply information on any criminal conviction that is punishable by imprisonment. This is in line with the practice of other medical and related professionals.

The Midwives Registration Ordinance prohibits persons without suitable qualifications from attending a woman in childbirth for profit-making. We propose to amend relevant provisions to make it clear that only registered medical practitioners or registered midwives can attend a woman in childbirth. The only exceptions would be in the case of an emergency or when the person attending the woman in childbirth is undergoing training with a view to become a registered medical practitioner or a registered midwife, and is under the direction and personal supervision of a registered medical practitioner or a registered midwife.

At present, the regulation-making power is vested with the Governor in Council. In order to encourage a greater involvement of the profession in its own affairs, we propose that the power to make regulations for registration and disciplinary procedures should be transferred to the Secretary for Health and Welfare and the Midwives Council, subject to the approval of the Secretary for Health and Welfare. The power to make regulations prescribing for the functions of the Legal Adviser and the Secretary to the Council should be transferred to the Secretary for Health and Welfare. The Governor in Council will continue to have the power to make regulations in relation to fees, including those prescribing for the disposal of fees paid or recovered under the Ordinance.

End

Supply and demand of hospital beds reviewed regularly

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

Question:

According to the estimate of the Territorial Development Strategy Review, the population of Hong Kong will be close to 8.1 million by the year 2011, which represents an increase by one-third over the present population. In this connection, will the Government inform this Council:

- (a) of the plans in place to expand the local medical services, so as to meet the demands from the future population;
- (b) whether any proposals has been submitted by the Hospital Authority to the Government regarding the provision of medical services to tie in with the increasing populations; if so, what the specific details are; and
- (c) when it will publish the estimated figures on the distribution of population in various districts, and whether the Hospital Authority will implement its plans to build new hospitals after the publication of such information?

Reply:

Although population projections are central to our planning process, the provision of public medical services is affected by a number of other factors such as geographical distribution, demographic profile, disease pattern, primary health care and ambulatory care developments, alternative service providers and historical trend of service utilisation.

The Hospital Authority will regularly review the supply and demand for hospital beds in the light of changing community aspirations. Two exercises for this purpose were conducted in 1992 and 1995 to project the hospital bed requirements by the year 2000. In submitting its annual resource bids for capital projects, the Authority will also examine the latest information available such as utilisation statistics, population estimates and demographic profile, rationalisation of services both within and between hospitals. These on-going planning mechanisms have resulted in our decision to go ahead with the construction of two new hospitals in New Territories - North District Hospital and Tseung Kwan O Hospital - as well as a number of other major improvement or redevelopment projects which will provide 30 100 beds by the year 2000, an increase of over 4,600 beds compared with the end of 1996.

The Department of Health adopts a similar mechanism to ensure the timely provision of facilities to meet projected population growth or movement. For example, a general out-patient clinic is planned for every 100,000 persons and the Student Health Service will cover all the students in Hong Kong. In the next three years, the department will provide 17 new polyclinics and health centres, bringing the total number of service units to 341.

Apart from existing services, we are also exploring new programmes to meet changing needs of the community. The introduction of elderly services centres and the setting up of outreach medical teams, i.e. the community geriatric assesment team and the psychogeriatric team, are some examples of this approach.

The Hospital Authority will take into account results of the Territorial Development Strategy Review and population distribution forecasts in reviewing the need for hospital services. We understand that the population distribution forecasts by the Planning Department will be available in late 1997.

End

Compulsory retirement for civil servants

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Following is a question by Dr the Hon Anthony Cheung Bing-leung and a reply by the Secretary for the Civil Service, Mr W K Lam, in the Legislative Council today (Wednesday):

Question:

According to the Civil Service Personnel Statistics published annually by the Civil Service Branch, within the eight year period from 1987/88 to 1994/95, a total of 844 civil servants were required by the Government to go on compulsory retirement under Colonial Regulations (the Regulations). Of these 844 civil servants, 812 (96%) were local officers and 32 (4%) were overseas officers. Moreover, more than 200 officers were on compulsory retirement each year from 1990/91 to 1992/93. In this connection, will the Government inform this Council:

- (a) of the main reasons for the comparatively greater number of civil servants required to go on compulsory retirement from 1990/91 to 1992/93 than those in other years within the above mentioned period;

- (b) which salary groups the above mentioned 800-plus officers on compulsory retirement were in mostly, and how many of them were of directorate and disciplined grades respectively; and
- (c) of the major factors taken into consideration when applying the Regulations to ask these officers to go on compulsory retirement?

Answer:

Mr President,

The number of civil servants required to retire fluctuates from year to year as they may be retired for disciplinary, administrative or other reasons. The larger number of civil servants required to go on compulsory retirement from 1990/91 to 1992/93 was mainly the result of officers who were retired in the interests of localisation and in connection with constitutional change during this period.

Of the 691 officers who were compulsorily retired from 1990/91 to 1992/93, 38 were retired on disciplinary grounds under Colonial Regulations 57, 58 or the respective Disciplined Services Legislation, comprising 13 officers in 1990/91; 13 officers in 1991/92; and 12 officers in 1992/93. The number of officers required to retire on disciplinary grounds during this period was therefore relatively stable.

The officers who were compulsorily retired from 1990/91 to 1992/93 were from various grades. The main groups were remunerated on the Police Pay Scale Points 1-28 (from \$13,330 to \$30,165 per month), and the Master Pay Scale Points 1-25 (from \$7,630 to \$28,490 per month). There was 1 directorate officer; 600 disciplined grades officers; and 90 civilian grades officers.

Civil servants may be compulsorily retired:-

- (a) under Colonial Regulations 57, 58 or the respective Disciplined Services Legislation if they are found guilty of serious misconduct or convicted of criminal offences;
- (b) under Colonial Regulation 59 if their retirement is desirable in the public interest; and

- (c) under Colonial Regulation 93 in the interests of localization and in connection with constitutional change.

Officers who are compulsorily retired under Colonial Regulations 57, 58, 59 or the respective Disciplined Services Legislation will receive deferred pensions payable on their respective normal retirement dates. Officers who are compulsorily retired under Colonial Regulation 93 will receive their pensions immediately on leaving the service. I wish to stress that there are no adverse, disciplinary, or misconduct implications relating to retirements under Colonial Regulation 93. This regulation simply provides the formal covering authority to direct an officer to retire.

End

Efforts made to help unemployed teenagers

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

Question:

As revealed in the findings of the General Household Survey, the problem of unemployment is particularly serious among young people, with an unemployment rate as high as 12% for the 15-19 age group. In this connection, will the Government inform this Council, whether it has formulated any comprehensive plan to solve the problem of high unemployment rate among young people?

Reply:

Mr President,

Although the unemployment rate of those aged 15 to 19 is higher than the overall unemployment rate, this should not be taken to mean that the unemployment problem is particularly serious for this group. In fact, this is not the most vulnerable group of unemployed persons for the following reasons -

First, this group consists of a higher percentage share of first-time job-seekers than that for other groups. For example, for the three months of September to November 1996, such job-seekers account for 51% of this group.

Second, the majority of this group have been unemployed because they leave the job of their own accord. For the three months of September to November 1996, such unemployed persons account for 64%, compared with the corresponding rate of 40% for the total number of unemployed persons.

Third, the duration of unemployment for this group is significantly shorter than that for other groups. For the three months of September to November 1996, 70% of this group have been unemployed for less than three months and only 7% have been jobless for six months or more. These compare with the corresponding rates of 59% and 23% respectively for those unemployed above the age of 30.

In tackling the unemployment problem, the Government's objective is to help the unemployed workers re-enter the labour market through the provision of both employment services and appropriate training in the skills required of the labour market. These services are available to unemployed workers of all age groups, including those of the 15-19 age group.

For employment services, the Local Employment Service (LES) of the Labour Department provides free employment assistance and counselling service for job-seekers of all ages. While we do not have separate statistics on LES registrants of the 15-19 age group, our statistics show that out of a total of 118,844 job-seekers registered at the LES in 1996, 55,507 belonged to the age group of 15-29, and 12,185 job offers were secured for them, representing a placement rate of 22% which is broadly in line with the overall placement rate for all registrants.

The Labour Department also provides advisory and guidance service specifically for teenagers through a variety of programmes such as the Careers Information Centres and Careers Expos.

As regards the provision of manpower training, the Vocational Training Council, the Construction Industry Training Authority and the Clothing Industry Training Authority offer a wide range of courses to provide skills training to prepare those with secondary educational standard for employment. They also provide skills upgrading courses so that the trainees can meet the changing demands of their jobs and sustain their employment.

End

Research postgraduate residential halls at HKUST

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

Question:

It is learned that the Hong Kong University of Science and Technology (HKUST) solicited bank loans to build residential halls for renting to postgraduates. It has also made new arrangements that postgraduates receiving the grants of studentship are required to reside in such halls and the University will later deduct monthly hall fees from the grants of studentship. For those postgraduates who refuse to reside in the residential halls will receive less amount of grants of studentship. In this connection, does the Government know:

- (a) whether the University Grants Committee (UGC) has monitored the loans raised by tertiary institution from outside organisations for construction of campus facilities and residential halls, as well as the manner in which the debts concerned will be repaid; and
- (b) given that the deduction of hall fees from the grants of studentship might be regarded as a disguised move to subsidise the institution to repay its debts incurred from bank loans for building residential halls at the public expense, whether the authority concerned will regulate such practice so as to avoid the abuse of resources for higher education.

Reply:

Mr President,

The University Grants Committee (UGC) has well-established practices and procedures for monitoring the financing and construction of campus facilities and residential halls, including such projects totally financed through private sources such as bank loans. In the case of the research postgraduate residential halls at HKUST, the University sought prior approval from the UGC by providing detailed information on the projected supply and demand of residential units, the design of the residential halls and the source of finance. Having carefully considered the proposal, the UGC endorsed the proposal in principle subject to the following conditions:

- (a) should the University decide to secure a bank loan for the project, it may not assign any interest in the site and the superstructure for the loan;
- (b) the University should be responsible for repaying the loan, but may not do so using the public funds which the University receives from the UGC or Government;
- (c) the University may not charge the recurrent costs of the residential halls to the recurrent block grants provided by the UGC to the University; and
- (d) in accordance with the UGC Notes on Procedures, the University has to submit sketch plans and other documents relating to the building design and finishes of the project to the UGC for information and comment.

The UGC subsequently received an assurance from HKUST that it accepted these conditions. A bank loan of \$250 million was then raised and the proposal implemented. The practice and procedures followed in this case were in line with other capital projects financed from private sources by other UGC-funded institutions.

Student hostels in the UGC-funded institutions, whether they are constructed by means of public funds or private funds, have to operate on a self-financing basis, through rent charged to students. The level of rent is determined by the institutions themselves. In the case of the research postgraduate residential halls at HKUST, the level of rent is set by the University having regard to both the loan repayment schedule and operating costs.

How rent should be collected from students is for the institutions themselves to determine. In this case, HKUST, which on academic grounds, wishes to encourage students to live on campus, arranges, for the sake of administrative simplicity and with students' agreement, for the amount of rent to be deducted from the studentship received by each postgraduate student who occupies a residential hall unit. For students who choose not to occupy a hostel unit, they will still be eligible for studentship. The number and amount of studentships awarded by the institutions may vary according to different circumstances taking into account academic objectives and the availability of resources. But these are matters within the autonomy of institutions.

End

Information on magnetic resonance imaging scanner

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

Question:

Is the Government aware of the following:

- (a) the total number of magnetic resonance imaging scanners in public hospitals and their distribution;
- (b) the respective percentages of time when these scanners were in operation, inactive, under maintenance and out of order in the past year;
- (c) the average and longest waiting time in-patients and out-patients have to wait for scanning service respectively in the past year;
- (d) the number of patients scanned in the past year, together with the number of scannings identified to have been inappropriately utilised; and
- (e) of the plans put in place by the Hospital Authority to improve its scanning service?

Reply:

The Hospital Authority is currently providing three magnetic resonance imaging scanners in Queen Mary Hospital, Queen Elizabeth Hospital and Prince of Wales Hospital to serve the patients in Hong Kong, Kowloon and the New Territories respectively. The percentages of time when these scanners were in operation, out of order and under maintenance in the past year are at Annex. Our present plan is to provide two new scanners in Tuen Mun Hospital and Princess Margaret Hospital this year, and the sixth one at Kwong Wah Hospital in 1998/99.

The priority of patients referred for magnetic resonance image scanning is determined in the light of their clinical needs. While all emergency cases will be handled immediately, the average waiting time for urgent cases is less than two weeks, while that for non-urgent cases ranges from eight to 24 weeks, depending on prevailing circumstances. The condition of all patients awaiting scanning service will be monitored and assessed to ensure that they are accorded with the necessary medical treatment without delay.

A total of 22,709 magnetic resonance image scans were performed in the past year. All cases of referral are vetted by the attending doctor and senior medical staff at the diagnostic radiology department involved to prevent inappropriate service utilisation.

Annex

		QMH	QEH	PWH
(A)	in operation	84.75%	96.01%	96.53%
(B)	out of order	2.47%	2.75%	1.84%
(C)	under maintenance	*13.78%	1.24%	1.63%

* inclusive of 11.2% (ie 480 hours) for equipment upgrading works

End

Parking spaces for motorcycles

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Following is a question by the Hon Mrs Lau Kin-ye, and a written reply by the Secretary for Transport, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question:

In its report on the "Parking Demand Study", the Government forecast that the number of motorcycles would still be on the rise and that there would be an acute shortage of parking spaces for motorcycles. In this connection, will the Government inform this Council:

- (a) whether; given that motorcycles are generally not accepted by private car parks at the moment, it will specify the proportion of parking spaces for various categories of vehicles when land is granted for vehicle parking purpose in future; if not, why not; and

- (b) whether, in reviewing the standards for the provision of parking and loading/unloading facilities laid down in the "Hong Kong Planning Standards and Guidelines",
 - (i) it will increase the number of motorcycle parking spaces in both public and private residential developments and specify the minimum number of motorcycle parking spaces in commercial developments; if not, why not; and
 - (ii) it will revise the standards for the dimensions of parking spaces for motorcycles so as to accommodate larger motorcycles; if not, why not?

Reply:

Mr President,

In processing future land grants for carparks, we will specify the proportion of parking spaces for various categories of vehicles, taking into consideration parking demand in the district and the size and layout of the lot concerned.

As recommended in the report on the "Parking Demand Study", the Hong Kong Planning Standards and Guidelines (HKPSG) was revised in November 1996. The new HKPSG sets out that, as a general guideline, in all types of developments, whether residential, commercial or industrial, additional parking spaces should be provided for motor cycles at a rate of 5 - 10% of the total provision for private cars and no fewer than 5 motor cycle parking spaces should be provided at any one location.

The existing standard dimension of motor cycle parking spaces is 2m by 1m. We have just completed a survey on the size of motor cycles used in Hong Kong. In the light of the survey findings, we are considering increasing the length of motor cycle parking spaces to suit current requirements.

As pointed out in the report on the "Parking Demand Study", parking for motorcycles is not a major problem because, due to their relatively smaller size and manoeuvrability, they can be accommodated in different locations without causing obstruction. The additional provision mentioned above should further improve the situation.

End

Residential care homes for the disabled

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

Question:

Regarding residential services provided for disabled persons in residential care homes, will the Government inform this Council:

- (a) whether residential services such as the community assessment service and the provision of visiting medical officers - which are provided in the majority of care and attention homes for elderly people - will be extended to residential care homes for disabled persons, including aged blind homes, care and attention homes for severely disabled persons and long-stay care homes for ex-mentally ill persons; if not, of the reasons for the disparity between the service provision in residential care homes for disabled persons and that for able-bodied persons;
- (b) whether the disabled persons in residential care homes are required to receive annual medical examination as stipulated under section 34 of the Residential Care Homes (Elderly Persons) Regulation, if so, of the measures taken by the Government to facilitate the disabled persons in residential care homes receiving such examination; and
- (c) of the plans in place to strengthen community assessment and medical support services for disabled persons in residential care homes?

Reply:

- (a) Subject to resources being available, the Administration is seeking to extend the community assessment services and the provision of visiting medical officers to residential care homes for disabled elderly persons, including care and attention homes for the aged blind and long stay care homes for ex-mentally ill persons.
- (b) In respect of disabled persons in residential care homes, residents of homes for the aged blind, care and attention homes for the aged blind and long stay care homes for ex-mentally ill persons are subject to Section 34 of the Residential Care Homes (Elderly Persons) Regulation.

Arrangement has already been made for residents of the Wong Chuk Hang Long Stay Care Home to receive medical services, including medical examination, from visiting medical officers (VMOs), a community geriatric assessment team (CGAT) and a psychogeriatric team (PGT) on a regular basis.

For homes for the aged blind, care and attention homes for the aged blind and long stay care homes other than the Wong Chuk Hang Long Stay Care Home, staff of the homes make appointments for residents to receive treatment at out-patient clinics of the Department of Health, Hospital Authority or any clinics with which the homes have connection or prior agreement. The residents are transported by vans with facilities for people with a disability and escorted by staff of the homes for such visits.

- (c) To strengthen the community assessment and medical support services for disabled elderly persons in residential care homes, the Administration is, subject to resources being available, seeking to extend VMO, CGAT and PGT services to all care and attention homes for the aged blind and long stay care homes for ex-mentally ill persons.

End

Provision of libraries in primary schools

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

Question:

Upon the completion of the consultation period of the Education Commission Report No. 5, the Education Commission proposed that there should be a library in every primary school. In this connection, will the Government inform this Council of the following:

- (a) the number of primary schools provided with a library at present;

- (b) whether the Government still maintains that the above proposal is necessary and worthwhile;
- (c) whether consideration will be given to formulating policy to implement the above proposal; if so, of the estimated amount of funds to be allocated for this purpose, and whether sufficient funds will be provided for each primary school; and
- (d) whether a relevant programme for the implementation of this proposal has been drawn up; if so, what the details are?

Reply:

Mr President,

In the light of the public response to the Education Commission Report No. 5, the Education Commission recommended and the Government accepted in 1994 to provide a library/learning centre in new primary schools and, where possible, in existing schools.

- (a) 45 public sector primary schools have been provided with a library under Phase 1 of the School Improvement Programme (SIP). Another 57 public sector primary schools have used private funds to set up a library in their school premises.
- (b) As mentioned above, it has been the Government's policy to provide a school library in all public sector primary schools where possible. We believe that school libraries play an important role in improving the quality of education by promoting good reading habits in pupils, improving pupils' language proficiency, widening pupils' knowledge base, and fostering pupils' ability to study independently.

(c)&(d) Starting from 1995, a library has been incorporated in the schedule of accommodation for standard design primary schools. The first batch of four standard design primary schools which have a library will be completed in August 1997. For a new standard design primary school, the cost of constructing a library forms part of the school building project estimates for which adequate funding will be provided as a package.

Also starting from 1995, and where technically feasible, a number of existing public sector primary schools have been provided with a library under the first two phases of the SIP. About \$65 million was spent on constructing 45 libraries in Phase I of the SIP and another \$110 million has been approved by the Finance Committee of the Legislative Council for constructing 70 libraries in Phase II. Subject to availability of funds, the Government plans to extend the SIP to cover all public sector schools. If the plan is implemented, a further 470 libraries would be provided in existing primary schools in the subsequent phases of the SIP. The additional funds required are estimated to be \$1,044 million.

End

Employment of children

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

Question:

To take advantage of the recent boom in the property market, many real estate agents step up publicity by hiring children of ten or so to distribute promotional leaflets to passers-by in busy districts during holidays. In this connection, will the Government inform this Council:

- (a) whether it is in breach of law for the real estate agents to hire children under the age of 13 to distribute promotional materials; if so, of the number of prosecutions brought against real estate agents for such offences in the past year together with the number of successful prosecutions; and

- (b) of the measures will be taken to prevent employers from hiring children under the age of 13?

Reply:

Mr President,

According to regulation 4(1)(a) of the Employment of Children Regulations (the Regulations) under the Employment Ordinance, no person shall employ a child who is under the age of 13 in any establishment or a child who is under 15 in any industrial undertaking. However, non-industrial establishments, which include property agencies, may employ children aged 13 or 14, provided that they comply with a number of conditions stipulated under the Regulations. These conditions include the requirements that the child must have completed Form 3 secondary education (as certified by his parents), or that the child has a valid School Attendance Certificate from his parents and that his employment is consented in writing by his parents.

My reply to the specific parts of the question is as follows:

- (a) It is in contravention of regulation 4(1)(a) of the Regulations for any real estate agent to employ children under the age of 13 for distribution of promotional materials. Any person who contravenes this regulation commits an offence and is liable to a maximum fine of \$50,000. In 1996, no prosecution was taken against any property agent for employing a child under the age of 13 for distributing publicity materials.
- (b) To prevent employers from employing children under the age of 13, the Government has been taking a series of enforcement, education and publicity measures.

The Labour Department has been enforcing the Regulations vigorously through conducting site inspections and paying visits to employers. In 1996, the Labour Department conducted 149,769 inspections, of which 33,892 were made to establishments in the non-industrial sector. Prosecutions were taken against illegal employment of children resulting in 16 convictions. Visits to targeted employers such as real estate agents have also been conducted recently.

As regards education and publicity, the Labour Department maintains regular contacts with the Education Department to ensure that schools are well aware of the Regulations, especially in respect of employment of school children. The Education Department issues an advisory circular to all schools annually drawing their attention to the Regulations.

In addition, the Labour Department disseminates publicity pamphlets near the summer vacation each year to warn employers against employing children under the age of 13, and to remind students as well as their parents of the conditions governing the employment of children aged 13 to 14 as stipulated under the Regulations.

End

Arrangements for surrender of fugitive offenders explained

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

Question:

Hong Kong has arrangements with some 90 countries for the surrender of fugitive offenders, and these arrangements will lapse on 1 July this year. It is learnt that the Government has set a target of establishing 20 bilateral agreements with the countries concerned before that date, but so far only 6 such agreements have been signed and the remaining 14 are still under negotiation. In this connection, will the Government inform this Council:

- (a) of the progress of the on-going negotiations with the 14 countries concerned, and the number of bilateral agreements expected to be signed before 1 July this year;
- (b) of the reasons for the delay in completing the negotiation with the United Kingdom which is among the 14 countries mentioned above; and whether the Government will give an assurance that the negotiation will be successfully completed; and
- (c) whether the existence of a bilateral agreement for the surrender of fugitive offenders after 30 June 1997 is a pre-condition set by some countries before they would consider granting visa-free entry status for British National (Overseas)/Hong Kong Special Administrative Region passport holders; if so, which countries are these?

Reply:

Mr President:

With the agreement of the Chinese side in the Joint Liaison Group (JLG), we are now negotiating a network of bilateral agreements for the surrender of fugitive offenders which will remain in force after 30 June 1997. To date, we have signed agreements with six countries (the Netherlands, Canada, Australia, Malaysia, the Philippines and the US), and are awaiting signature with India and Indonesia. The agreement recently signed with the US is of particular importance because the great majority of requests for surrender received by Hong Kong comes from the US (10 out of 11 in 1995 and 13 out of 17 in 1996). Other negotiating partners are Singapore, New Zealand, Germany, France, South Korea, Thailand, Japan, Italy, Switzerland, Belgium and the UK.

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

- (a) We are pressing ahead with negotiations with other negotiating partners. Negotiations are well advanced with some of them. We hope to conclude as many bilateral agreements as possible before the handover, and will make known the initialled agreements once they have been approved by the JLG for signature.

We will give effect to the new bilateral agreements once the Fugitive Offenders Bill, which is being examined by a Bills Committee, has been enacted. The Administration will propose a minor amendment to the definition of "arrangements for the surrender of fugitive offenders" in the Bill at the Committee Stage. The purpose of the proposed amendment is to permit arrangements to be made with a jurisdiction with which Hong Kong does not have a bilateral agreement, for the surrender of a particular person (an "ad hoc surrender").

The provision of ad hoc surrender in the Bill would increase the number of jurisdictions with which we can cooperate on surrender of fugitive offenders. First, it would enable us to bridge a gap on surrender of fugitive offenders immediately after the handover and before the comprehensive network of agreements is in place. It will enable action to be taken on requests by any jurisdictions, in particular those with which we have signed agreements but which are not yet ratified, and those with which we at present have arrangements for surrender of fugitive offenders but are not able to conclude agreements before the handover. Secondly, many jurisdictions do not require the existence of an agreement and are prepared to extradite if they receive assurances that the requesting jurisdiction is able to reciprocate. Examples are Australia, Switzerland, Brazil, Republic of Ireland, and the Scandinavian countries. If Hong Kong were to request surrender from such a jurisdiction, it would be in a position to give an assurance of reciprocity based on its capacity to grant ad hoc surrender. For practical purposes therefore the number of jurisdictions from which Hong Kong could request surrender will be increased.

- (b) An agreement between the Hong Kong Special Administrative Region (HKSAR) and the UK cannot enter into force whilst Hong Kong is still part of the UK. However, we recognise the importance to the HKSAR of having an agreement in place with the UK on this important subject as soon as possible after 30 June 1997. We are confident that we can achieve that as we have made good progress in our negotiations with the UK. Once an agreed text is settled with the UK, we will then proceed with the necessary consultations in the JLG.
- (c) We are not aware that having extradition arrangements is a pre-condition for any country before visa-free status for BNO and/or SAR passport holders can be considered.

End

Noise abatement grant rates kept under regular review

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

Question:

It is learnt that in order to abate the nuisance caused by noises, the Education Department has installed air-conditioning systems in the affected primary schools and provided a limited amount of subsidy for such schools to pay the electricity charges. Despite the ever increasing electricity charges, the authorities concerned have neither reviewed the situation nor raised the amount the subsidy. As a result, measures such as cutting back on air-conditioning time and even abandoning the use of air-conditioning have been adopted by the management of some primary schools so as to avoid excessive payment on electricity charges. In view of this, will the Government inform this Council whether it will consider:

- (a) reviewing the amount of subsidy for paying the electricity charges in connection with the use of air-conditioning in the above-mentioned primary schools so as to solve the financial problem brought about by the adjustments of electricity charges; and
- (b) increasing the amount of the subsidy on a temporary basis so as to alleviate the financial burden on schools due to the adjustments of electricity charges if the review mentioned above cannot be completed before this summer?

Reply:

Mr President,

- (a) Under the Noise Abatement Programme, the Government has been installing air-conditioners and double glazed windows in the classrooms, staff rooms and special rooms of public sector schools exposed to aircraft or traffic noise above 65dB(A). These schools are given a recurrent Noise Abatement Grant to pay for electricity charges and routine maintenance. Approved in 1988, the existing rates of the grant are as follows:

Type of room	Rate per room per annum
Classroom and staff room	\$ 3,950
Special room	\$13,890

The rates of the grant are kept under regular review to ensure that the relevant schools, by and large, have sufficient funds to meet the necessary electricity and maintenance expenses. However, despite periodic adjustments of electricity charges, our record shows that the average utilization rates of the grant have been consistently below 100% by a significant margin. For example, the average utilization rates for primary schools from 1990/91 to the 1995/96 school years were as follows :

Average Utilization Rate(%)					
90-91	91-92	92-93	93-94	94-95	95-96
64.3	81.3	91.8	86.7	79.6	80.4 ¹

As regards the minority of primary schools whose actual expenditure exceeded the grants², the deficits were covered by their General Funds³. We are not aware of schools encountering financial problems in this respect.

The Government will continue to review the rates of the grant annually and will make necessary adjustments where justified.

- (b) From past experience, we do not expect schools to have financial difficulties in meeting the electricity and maintenance expenses relating to the use of air-conditioners. Where necessary, expenses in excess of the Noise Abatement Grant can be met from the schools' General Funds. In exceptional cases, the schools can also apply for special approval to charge the expenses to their School and Class Grant. Pending the findings of the next review which is expected to be completed before this summer, we do not see the need to revise the rates of the grant on a temporary basis.

¹ Not all of the schools have submitted their accounts. The average utilization rate is based on the accounts submitted by 77 out of 132 schools.

² To illustrate, in 1994/95 where the average utilization rate was about 80%, the actual expenditure of 25 schools (or 26%) exceeded the grant.

³ General Funds are income of aided primary schools derived from non-government sources, e.g. rental income from the operation of a tuckshop, donation from sponsoring/outside bodies, etc. Schools have full discretion in the use of the General Funds for educational purposes.

MTRC paying dividend to the Government

* * * * *

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

Question:

It is learnt that the Mass Transit Railway Corporation (MTRC) plans to pay a dividend to the Government this year. In this connection, does the Government know:

- (a) whether the decision to pay a dividend was made by the MTRC on its own initiative or in response to the Government's request, and what the major reasons for such decision are;
- (b) of the total amount of the dividend to be paid; and
- (c) in view of the plan of the MTRC to spend more than a billion dollars on a phased refurbishment of its train cars in the middle of the year, to carry out improvement works to ease congestion at the Quarry Bay station, to raise funds for the construction of the Tseung Kwan O extension, as well as to repay the loan for the Airport Railway, whether the decision to pay a dividend to the Government this year will result in additional financial burdens on the MTRC and cause the company to run into greater debts ?

Reply:

Mr President,

- (a) The Mass Transit Railway Corporation (MTRC) is a statutory body required by law to operate in accordance with prudent commercial principles. As with other commercial organisations, the decision on the declaration and payment of a dividend is made by the MTRC Board, under the MTRC Ordinance, having regard to its operating results, overall financial position as well as its immediate and long term funding requirements. This also takes into account the rational expectation of MTRC's shareholder of an acceptable level of return on the public investment in the Corporation. It is expected that dividend payments would be made to the Government, starting 1997, now that the accumulated losses of MTRC are fully eliminated. This expectation is also recorded in Clause 2(J) of the Financial Support Agreement between the MTRC and Government, which forms the basis for financing the Airport Railway project.

- (b) It is premature at this point in time to discuss details of the amount of dividend payment when the 1996 accounts for the MTRC are still being audited for review and approval by the Board in March this year. However, the provisional figure in the Financial Support Agreement's cashflows is for \$700 million to be paid as dividend in 1997.
- (c) On the basis for its financial projections, we anticipate that the decision to pay a dividend to government will cause the MTRC no additional financial burden, as it has prudently taken into account this requirement in its overall financial planning, which includes the potential commitments for the capital projects mentioned.

End

No plan to close off Victoria Park in June

* * * * *

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

Question:

Will the Government inform this Council whether there are plans to close off Victoria Park, other parks and open areas in June this year prior to the transfer of sovereignty; if so, of the details of such plans and the justifications for the closure?

Reply:

The management of Victoria Park and other public pleasure grounds falls outside the Government's direct policy responsibility and is the direct responsibility of the two Municipal Councils. I have obtained the information sought by the Honourable Member from the two Councils' executive departments, i.e. the Urban Services Department and the Regional Services Department.

According to the Urban Services Department, there is no plan to close off Victoria Park in June this year. According to the two Departments, out of a total of over 1,300 parks and open spaces managed by the Urban Council (UC) or the Regional Council (RC), four are closed and another seven will be closed in June this year; and these closures are necessitated by improvement/maintenance works or public works and the details are at Annexes A and B respectively.

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Annex A

Venues Currently Closed

<u>Venue</u>	<u>Closure Dates</u>	<u>Justifications</u>
Pokfulam Road Playground (UC venue)	1 March 95 - 31 March 98	Partial closure for construction of an underground road
Sycamore Playground (UC venue)	1 September 96 - 30 June 97	Closure for improvement works
Ap Lei Chau Bridge Road Playground (UC venue)	15 January 97 - 15 June 97	Closure for slope works
Tung Chung Playground (RC venue)	17 February 97 - 15 June 97	Closure for improvement works

Annex B

Venues to be Closed

<u>Venue</u>	<u>Tentative Closure Dates</u>	<u>Justifications</u>
Moray Road Children's Playground (UC venue)	20 February 97 - 30 November 97	Closure for improvement works
Tin Hau Temple Road Park (UC venue)	1 June 97 - 31 March 98	Partial closure for slope works
Wan Tsui Lane Sitting-out Area (UC venue)	1 June 97 - 30 June 99	Partial closure for construction of a footbridge
Hong Kong Stadium (UC venue)	14 April 97 - 7 June 97	Closure of grass pitch for maintenance
Wo Yi Hop Road Sports Ground (RC venue)	1 June 97 - 31 August 97	Closure for improvement works
Hin Tin Playground (RC venue)	1 June 97 - 30 June 97	Closure for maintenance
Tsuen Wan Riviera Park (RC venue)	1 June 97 - 31 July 97	Closure of grass pitch for maintenance

End

Data on intensive care units

* * * * *

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

Question:

Is the Government aware of the following data in respect of intensive care units (general and specialist services) in public hospitals:

- (a) the respective number of beds in each of these units and the number of patients admitted into these units in each of the past three years;
- (b) the establishment and strength of medical practitioners and nursing staff in each of these units respectively;
- (c) the year of service of the electronic monitoring system in each of these units, and
- (d) which of these units are not provided with separate officers and storerooms?

Reply:

The number of general intensive care beds in the last two years and the staffing position of these units as at end of March 1996 are summarised at Annex A. Similar information on other types of intensive care beds such as those in coronary care units, neonatal care units, special care baby units and paediatric intensive care units is not readily available and is being collated. Since the computer system in the Hospital Authority captures statistics covering general as well as other types of intensive care beds, the total number of patients admitted into all these units is provided at Annex B.

The staffing level of intensive care units will vary according to the service scope, delineated role and mix of facilities available at individual hospitals. While the expected life span of electronic monitoring equipment is seven to 10 years, most of such equipment being used at the intensive care units of public hospitals have been in service for less than seven years. The need for new and replacement monitoring equipment will be reviewed by each hospital in the context of its annual planning. All public hospitals with designated intensive care units are provided with separate offices, storerooms or storage facilities.

Annex A

General Intensive Care Beds and Staffing Position

Hospital	ICU beds as at end of 3/1995	ICU beds as at end of 3/1996	Doctors as at end of 3/1996	Nurses as at end of 3/1996
QMH	16	16	10	64
PYNEH	8	8	4	33
RH	4	4	1.75	19
GH	16	20	5	49
QEH	16	18	12	71
KWH	16	16	6	50.5
UCH	13	14	6	53
PMH	12	14	6	51
CMC	8	8	4.5	31
YCH	6	8	5	35.5
PWH	14	14	12	80
TWH	9	10	6	42

Annex B

Patients Admitted into All Types of Intensive Care Beds

Hospital	Patients Admitted in 1994/95*	Patients Admitted in 1995/96*
QMH	791	1,040
PYNEH	305	560
RH	28	232
GH	776	890
QEH	555	673
KWH	953	1,304
UCH	1,229	1,161
PMH	460	592
CMC	392	488
YCH	159	381
PWH	1,055	1,104
TWH	374	411

* include patients admitted into other types of intensive care beds such as those in coronary care units, neonatal care units, special care baby units and paediatric intensive care units.

End

Stock market dealings

* * * * *

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

Question:

Does the Government know:

- (a) whether all dealings in the stock market transacted with "legal tender in cash" would not be considered by the Securities and Futures Commission as manipulating the market;
- (b) of the currencies regarded as "legal tender in cash"; and
- (c) whether there are legislation or regulations which allow dealings in stock and shares not being transacted with "legal tender in cash"?

Answer:

- (a)&(c) The Securities and Futures Commission (SFC) has advised that the term "legal tender in cash" is a colloquial term and has no legal definition. It is normally used in general discussion to express the view that transactions should be honest and not fraudulent. Sections 135 and 136 of the Securities Ordinance, Cap. 333, prohibit the intentional creation of false and misleading appearances of active trading in the Stock Exchange and the use of fraudulent devices in the purchase and sale of securities. The SFC has further advised that all dealings in the stock market which fully comply with the Rules of the Stock Exchange of Hong Kong and all relevant laws are recognised by the SFC as lawful transactions.
- (b) The SFC considers acceptable any currency which may be legally used in Hong Kong for the purpose of payment.

End

ISD press releases

* * * * *

The following is a question by the Hon Ho Mun-ka, Michael and a written reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday).

Question:

Regarding the unfounded press release issued by the Information Services Department on January 21 this year concerning the Hospital Authority, will the Government inform this Council of:

- (a) the ranking of officers in the Information Services Department who are usually responsible for issuing "press releases" and "service items";
- (b) how the mechanism monitoring the dissemination of information by the Information Services Department operates;
- (c) whether, in order to avoid mistakes and omissions during the process of information dissemination which could cause public alarm, the Information Services Department has arranged for reports on certain sensitive or important events or news to be examined by higher ranking officers before their release; and
- (d) whether it has investigated the above-mentioned incident; if so, when and in what ways the investigation results will be published?

Reply

Mr President,

A press release was issued on behalf of the Hospital Authority through the facsimile network of the Information Services Department on January 21, 1997, announcing the death of a member of the Hospital Authority Board. The release reached the media accurately and in good time.

To facilitate the work of the media, the department sends out at the end of each day an index through its computer network listing the headings of press releases issued earlier so that editors can confirm if all items have been received. A mistake was made in the index of January 21, 1997 with regard to the heading of the press release in question. Subsequently, a correction was made over the same network and a letter of apology was sent to the Chairman of the Hospital Authority.

Although those indices are not meant for publication but as a checklist for editors, experienced officers, usually at Senior Information Officers level, are assigned to check them before dissemination.

I can assure members that every effort is made to ensure the accuracy of all press releases issued through the department for publication, be they government releases or announcements issued as service items. All copies are processed by experienced officers on behalf of other institutions. They are checked by proof-readers and cross checked by editors before release. Particularly sensitive and important press releases are referred to more senior officers, up to and including the Director.

End

Mortgage repayment terms

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Following is a question by the Hon Sin Chung-kai, and a written reply by the Secretary for Financial Services, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

It is reported that some banks are offering 40-year mortgage loans to property buyers. In this connection, will the Government inform this Council whether:

- (a) the Government has laid down any guidelines on mortgage repayment terms offered by banks to property buyers; if so, of the longest mortgage repayment term at present; if not, of the longest mortgage repayment terms offered by banks in each of the past three years;
- (b) it has information on the longest mortgage repayment terms offered by banks to property buyers in countries like Britain, the United States and Japan;
- (c) the offering of a 40-year mortgage repayment term will increase the risks of banks; if so, what the risks are; if not, why not; and
- (d) the offering of a 40-year mortgage repayment term will give rise to more speculations on newly completed flats?

Reply:

- (a) There is no guideline issued by the Hong Kong Monetary Authority on the term (i.e. duration) of mortgage loans in Hong Kong. In the past three years, most banks offered mortgage loans with a maximum term of 20 to 25 years. The recent offer of 40-year mortgage loans for a specific new property development by an individual bank is an isolated case so far.

Banks generally set a cap, ranging from 30 to 40 years in most cases, on the sum of the loan term and the age of the property in question. For example, if the bank sets the cap at 40, it will normally offer a maximum of a 25-year mortgage to an applicant if the property is 15 years old. Most banks also take into account the age of the applicant in determining the maximum mortgage term. Normally, the loan term will not extend beyond the retirement age of the applicant.

- (b) Our understanding is that the bank mortgage repayment terms offered in the United Kingdom, United States and Japan mostly fall within the range of 25 to 40 years. Individual non-bank institutions are understood to have offered mortgage terms of 45 years or longer.
- (c) All other things being equal, the risk of a loan will in theory increase with the length of the term. More uncertainties will come into play during the life of a longer term mortgage loan, e.g. the borrower's financial position may change, interest rates may be subject to wider fluctuation, maturity mismatch may be more significant, etc.
- (d) It is unlikely that the offer of a 40-year mortgage repayment term will give rise to more speculations on newly completed flats. Borrowers who apply for a 40-year mortgage loan tend to be genuine home-buyers who cannot afford a large amount of monthly repayment in the early life of the mortgage loan. In general, speculators are believed to be less dependent on long-term bank financing.

End