



DAILY INFORMATION BULLETIN

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

Wednesday, July 26, 1995

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Statement by Governor on CFA Bill

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Following is a statement by the Governor, the Rt Hon Christopher Patten, on the Court of Final Appeal Bill:

"This has been a very good day for Hong Kong. I am delighted with the decisive outcome of the debate on the Court of Final Appeal Bill in the Legislative Council. It ends the uncertainty which has surrounded this issue for the last four years and ensures the continuity of the rule of law in Hong Kong. I am sure it will be welcomed by the whole community and by international investors as a vote of confidence in Hong Kong's future."

End/Wednesday, July 26, 1995

CS welcomes passage of CFA Bill

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The Chief Secretary, Mrs Anson Chan, welcomed today (Wednesday) the passage of the Hong Kong Court of Final Appeal Bill by the Legislative Council (LegCo).

"We are very pleased that LegCo has passed the Hong Kong Court of Final Appeal (CFA) Bill. This is very good news for Hong Kong," Mrs Chan said.

"The Bill ensures continuity of the rule of law in Hong Kong through the transition and will safeguard public and international confidence in Hong Kong," she added. The CFA Bill was passed by LegCo today with 13 technical amendments put forward by the Attorney General.

"We have had uncertainty about the establishment of the CFA for too long. This has had a damaging effect on confidence in the judicial system in Hong Kong.

"Now that the CFA Bill has been passed, there will be no judicial vacuum in 1997 and we have absolute certainty that there will be a proper court of final appeal on 1 July 1997," she said.

The CFA Bill provides the framework for setting up the CFA in Hong Kong on 1 July 1997 in accordance with the provisions of the Bill itself. The CFA will be based on the established principles and practices of the Judicial Committee of the Privy Council and, subject to the Basic Law, have the same functions and jurisdiction of the Judicial Committee of the Privy Council.

The British Government has given assurances that the Judicial Committee of the Privy Council will retain its jurisdiction over cases from Hong Kong courts up to 30 June 1997, and that it will give priority to Hong Kong appeals in the months immediately prior to 1 July 1997.

"We will now be getting on with the practical arrangements for the CFA. We will discuss with the Chinese side the detailed arrangements for the establishment of the Court and the modalities of co-operation with the team designate for the Special Administrative Region once that is in place," Mrs Chan said.

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Escape of VMs from Green Island

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A total of 23 Vietnamese migrants (VMs) have escaped from the Green Island Reception Centre early this (Wednesday) morning.

At about 4.15 am, Correctional Services Department (CSD) staff saw a group of people running from one of the dormitories and ordered them to stop. The staff immediately sounded the alarm and the Police were alerted. CSD staff discovered a hole in a rear wall of one of the dormitories from which the VMs are believed to have escaped.

Three of the escapees were re-captured on the island within 15 minutes. However the other escapees managed to swim away and one was picked up by Marine Police shortly afterwards.

The Police arrested seven VMs in Kennedy Town this morning and searches are underway for the remaining 12.

The Commissioner of Correctional Services, Mr Raymond Lai Ming-kee, has ordered an inquiry into the circumstances surrounding the escape.

End/Wednesday, July 26, 1995

Interim report on escape of VMs completed

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The Commissioner of Correctional Services has submitted to the Secretary for Security the interim report on the escape of 90 Vietnamese migrants (VMs) from High Island Detention Centre which took place in the early hours of July 16. The report was compiled by the Board of Enquiry appointed by the Commissioner to investigate into the circumstances of the escape.

Chaired by an assistant commissioner, the four-member Board has interviewed all the staff concerned, the recaptured VMs and a number of other VMs who were able to provide information about the incident.

The Board learnt that the heavy downpours during the night of July 15 had forced the staff to take shelter in the sentry posts during most of their duty hours.

It was believed that the tampering of the perimeter fence took place between 2 am to 3 am on July 16 when two to three VMs cut an opening in the inner and outer perimeter fences with a pair of pliers. When the officer on duty at Post 10 made the report to the Control Room, more than 70 VMs had already escaped.

The investigation revealed that only two to three VMs planned the escape. The others followed suit simply because the openings were there.

The majority of the recaptured VMs claimed that they ran away because they were afraid of the impending Orderly Repatriation Programme. Others claimed that they wanted to get a job, or to visit friends and relatives, or simply to have a look outside.

The Board concluded that the incident was a result of inclement weather, staff negligence and lax supervision at the middle management level. Specific recommendations concerning these findings will be made in the final report which is expected to be submitted by August 12.

The Board also reviewed the security measures of the detention centre and found that they are adequate. To further strengthen these measures, the Board has made some recommendations. These include the reinforcement of perimeter patrol, improvement of the servis recording system, search for the pair of pliers used to cut the fences, enhancement of management supervision and strengthening of the perimeter fencing.

Some of these recommendations have already been implemented by the Correctional Services Department while others are being implemented.

Lastly, the Board looked into the issue of the muster count following the escape and was satisfied that the time taken for the count was reasonable.

As at noon of today (Wednesday), 80 of the escapees have been accounted for.

End/Wednesday, July 26, 1995

New franchise to CMB approved

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The Governor-in-Council has approved the grant of a new franchise to the China Motor Bus Company Ltd (CMB) which confers upon the Company the right to operate a public bus service for three years from September 1, 1995.

A Government spokesman said following consultation with the Sino-British Joint Liaison Group, the Governor-in-Council approved on July 18, 1995 the grant of a three year franchise to CMB commencing September 1, 1995.

"CMB has now accepted the new franchise," he added.

End/Wednesday, July 26, 1995

Restaurateurs asked to conduct survey promptly

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The Government today (Wednesday) urged the restaurant trade to put forward proposals as soon as possible on how to carry out a survey to recheck the Chemical Oxygen Demand (COD) value and discharge factor used in calculating the Trade Effluent Surcharge (TES) for the trade.

A spokesman for the Planning, Environment and Lands Branch said the Government had met the trade representatives four times in the past two months and hoped to continue the constructive dialogue they had had with the trade in respect of the trade's concern over the Trade Effluent Surcharge.

"But, we are still awaiting their proposal which has to be agreed with the Government before the trade could start the survey.

"The Administration is prepared to accept the results of the survey as long as it is done in a scientific, equitable and independent way."

The Government agreed at a meeting with the trade representatives on June 16 that the sampling survey could be conducted as soon as possible once the trade put forward their proposal and the Government agreed on how the survey was to be conducted.

The spokesman said the Government had repeatedly pointed out before that the Sewage Services regulations did not allow any "grace period" or non-payment pending the outcome of the survey. It would be to the restaurant trade's advantage to come up with a proposal as soon as possible.

The spokesman noted that of those restaurant operators who had received their first TES bills, about 98 per cent had paid their bills. For the second TES bill, about 97.5% had paid their bills.

The spokesman reminded those who failed to settle their water and sewage charge as well as TES bills on or before the due date to pay the bills as soon as possible.

The Drainage Services Department has already issued several reminders to those who have not paid the first TES bills.

End/Wednesday, July 26, 1995

Consultancy to help in future planning of river trade

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The Port Development Board today (Wednesday) signed a \$1.75 million consultancy with Survey Research Hong Kong Ltd. to compile detailed statistics on the port's river trade for this year.

River cargo traffic is the fastest growing component of Hong Kong's port throughput. In 1994, river trade grew by 30 per cent compared with 17 per cent for ocean cargo. It also accounted for 21 per cent of the total cargo tonnage passing through the port.

To cope with this rapid growth, new port facilities must be planned. The detailed figures provided by the consultancy will form the basis for future planning of such facilities and ensure that they can cope with the demand. While general river trade increased by 30 per cent in 1994, the number of containers moving between Hong Kong and the Pearl River ports showed a massive jump of 52.8 per cent to total nearly one million TEUs.

Figures for the first quarter of this year showed a 26 per cent increase in containers moving by river. This compares with a 16 per cent increase in throughput for the port as a whole during the same period.

To cope with the growth, the Government is planning Hong Kong's first River Trade Terminal at Area 38 in Tuen Mun.

Like the container terminals, this will be built by private enterprise, and the Government is hoping to call tenders to build and operate the facility later this year.

The first berth is expected to come on stream in late 1997 or early 1998.

Another river trade terminal is planned for the north shore of Lantau Island as Lantau Port is developed and river trade expands further.

Figures produced by the latest consultancy will be invaluable in the planning and timing of future river trade facilities.

End/Wednesday, July 26, 1995

Personal Communications Services

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There are reports in some newspapers this morning speculating on the forthcoming issue of Personal Communications Services licences.

These reports contain gross factual errors and are inconsistent.

It is not the Telecommunications Authority's practice to comment on the licensing process or speculation on it but these errors cannot be left unremarked.

The Telecommunications Authority has scheduled to make an announcement on the PCS licences around the end of August. The Authority does not intend to comment further until then and cautions anyone relying on speculative reports.

End/Wednesday, July 26, 1995

Kowloon lot to let

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The Lands Department is inviting tenders for the short-term tenancies of a piece of Government land in Kowloon.

The lot, located at the junction of Lei Yue Mun Road and Yau Tong Road, has an area of 6,390 square metres, for storage of goods, including dangerous goods. The tenancy is for three years, renewable quarterly.

Closing date for submission of tender is noon on August 4, 1995.

Tender form, tender notice and condition may be obtained from the District Lands Office, Kowloon East, 10th floor, Yau Ma Tei Car Park Building, 250 Shanghai Street, Kowloon and the Lands Department, 14th floor, Murray Building, Garden Road.

Tender plan can also be inspected at the office.

End/Wednesday, July 26, 1995

Office hours for collection of BN(O) passports extended

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The Immigration Department announced today (Wednesday) that the working hours of its Travel Documents (Passport) Section at the Immigration Headquarters in Wan Chai and nine Immigration Branch Offices will be extended with effect from August 1 (Tuesday) to facilitate applicants in collecting their BN(O) passports after normal office hours.

The new arrangements (for collection of BN(O) passports only) will be as follow:

Working hours
(except public holidays)

Monday to Friday : office hours extended to 6 pm

Saturday : office hours extended to 4 pm

Offices concerned

- (i) Travel Documents (Passport) Section
- (ii) Immigration - East Kowloon Office
- (iii) Immigration - West Kowloon Office
- (iv) Immigration - Sha Tin Office
- (v) Immigration - Tai Po Office
- (vi) Immigration - Fanling Office
- (vii) Immigration - Tsuen Wan Office
- (viii) Immigration - Tuen Mun Office
- (ix) Immigration - Yuen Long Office
- (x) Hong Kong Island Re-entry Permit and Passport Issuing Office

The new arrangements will run for a two-month trial period and will be reviewed in late September.

"Applicants who have been notified to collect their BN(O) passports are reminded to pick up their passports at the specified office within two months from the date the passport is ready for collection. They may be required to collect their passports at another office if they do not do so within the specified period," a spokesman for the Immigration Department said.

For enquiry, members of the public may telephone 2824 6111 or by fax 2877 7711.

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Hong Kong Monetary Authority money market operations

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	<u>\$ million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	1,116	0930	+1188
Closing balance in the account	2,240	1000	+1188
Change attributable to :		1100	+1190
Money market activity	+1,194	1200	+1192
LAF today	-70	1500	+1197
		1600	+1194

LAF rate 4.25% bid/6.25% offer TWI 119.2 *+0.2* 26.7.95

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.29	2 years	2705	6.40	100.76	6.03
1 month	5.39	3 years	3807	6.16	99.44	6.47
3 months	5.47	5 years	5006	6.60	98.32	7.13
6 months	5.55	5 years	M501	7.90	101.73	7.60
12 months	5.65					

Total turnover of EF bills and notes - \$15,577 million

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SUPPLEMENT

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LegCo asked to support confidence-building bill

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The Attorney General, the Hon Jeremy Mathews, today (Wednesday) warned that there would be damaging uncertainty if the Legislative Council supported any amendments to the Court of Final Appeal Bill that were inconsistent with the Sino-British Joint Liaison Group agreement.

Mr Mathews, speaking at the second reading of the Bill, pointed out that Members would recreate damaging uncertainty, as to the form of the Court of Final Appeal to be established after July 1, 1997, with clear understanding that the Court to be set up after that date would not be better than the one provided for in the present Bill, and in full recognition of the probability of a judicial vacuum.

The Bill before Members could ensure a smooth transition of Hong Kong's system of judicial appeals, he said.

"It provides for the creation of a Court of Final Appeal that, subject only to the Basic Law, has the same jurisdiction and powers as the Judicial Committee of the Privy Council.

"The passage of the Bill will be a milestone in the smooth transition of Hong Kong's legal system. It will end years of damaging uncertainty and give confidence to the local community and foreign investors."

On the other hand, if passed, the amendments would wreck the agreement that had taken years to achieve, under which a proper Court of Final Appeal could be established on July 1, 1997, in such a way as to avoid a judicial vacuum, he added.

In urging Members to oppose the amendments, Mr Mathews elaborated:

Commencement Provision

- * The Administration has made no secret of the fact that it originally wanted to establish the Court of Final Appeal well before the transfer of sovereignty. The Chinese side of the JLG was only prepared to support the Bill on the basis that the court is established on July 1, 1997.
- * The British Government will ensure that the Judicial Committee of the Privy Council will continue to hear appeals up to June 30, 1997, and will fast-track Hong Kong appeals in the months leading to the transfer of sovereignty.

Acts of State

- * The proposed amendments, however well-intentioned, as a matter of law cannot override Article 19 of the Basic Law as from July 1, 1997. Inclusion of the clause on "Acts of State" makes no difference to the Court's jurisdiction in 1997, but ensures that the JLG agreement can be implemented.
- * It is misleading to criticise the JLG agreement or the Bill for something which they did not, and could not, deal with, on the argument that the Standing Committee of the National People's Congress will, in certain situations, be able to decide what is or is not an act of state.

Composition of the Court

- * It is now clear that there is no chance that the Chinese side will renegotiate the 4 plus 1 composition. Independent legal opinions have supported the Administration's view that this composition is not inconsistent with the Joint Declaration or Basic Law.

Other Amendments

- * Some of the other proposed amendments add nothing to the Bill in terms of its legal effect and are therefore legally unnecessary. Others, such as the proposals to abolish appeals as of right in civil cases, and to allow a leapfrogging procedure in respect of civil cases, would make fundamental changes to the system of appeals that currently applies in respect of the Judicial Committee of the Privy Council.

Mr Mathews pointed out to the Council that the Administration could not support any amendments to the Bill that breached the British Government's international obligations.

He would have no alternative but to withdraw the Bill in the event that any such amendments were passed.

End/Wednesday, July 26, 1995

AG on Court of Final Appeal Bill - second reading debate

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Following is the speech by the Attorney General, the Hon Jeremy Mathews, in the resumption of the second reading debate of the Hong Kong Court of Final Appeal Bill in the Legislative Council today (Wednesday):

Mr President,

I am grateful to the Chairman of the Bills Committee, the Hon Simon Ip, and to members of the Bills Committee for their prompt and thorough study of this Bill. The Bill was introduced into this Council only 6 weeks ago, and the Bills Committee quickly held 9 meetings in order to consider all aspects of the Bill. The Administration is indebted to the members of the committee for dealing with the Bill so expeditiously.

In going through the Bill clause by clause, the Bills Committee suggested a number of possible improvements that the Administration has accepted. In addition, the Administration has itself identified a few drafting improvements to the Bill. As a result, I will later today be moving 13 amendments to the Bill. I will explain the purpose of each of these amendments at the Committee Stage.

Amendments inconsistent with the JLG agreement

I turn now to amendments proposed by other members of this Council. I do so in the context of the major concerns that have been raised in the course of a long and serious debate. When future generations have come to look at the record of this Council in considering the CFA, whatever assessment they would make, one that they certainly cannot make is that this Council had not fully, thoroughly and seriously considered one of the most important bills ever put before it. Lest there be any misunderstanding, let me state, at the outset that the Administration cannot support any amendment to the Bill that would be inconsistent with the JLG agreement signed last month. About half of the amendments proposed by members of the Council fall into that category. In particular, the following amendments are all inconsistent with that agreement -

- * firstly, the proposed amendments of the delayed commencement provision in clause 1(2);
- * secondly, the proposed amendments of clause 4, which relates to acts of state;

- * thirdly, the proposed amendments of clause 16 to remove the 4+1 composition of the court, and the following related proposals -
 - the deletion of the separate category of non-permanent Hong Kong judges, by amendments to clauses 2, 5, 7, 8, 12 and 13;
 - the deletion from clause 10 of the maximum number (30) of non-permanent judges; and
 - the amendments of clause 14 relating to the tenure of office of judges.

The amendments I have referred to would, if passed, wreck the agreement, an agreement that has taken years to achieve, under which a proper Court of Final Appeal can be established on 1 July 1997, in such a way as to avoid a judicial vacuum. Members have before them a Bill that can ensure a smooth transition of our system of judicial appeals. It provides for the creation of a Court of Final Appeal that, subject only to the Basic Law as it must, has the same jurisdiction and powers as the Judicial Committee of the Privy Council. The passage of the Bill will be a milestone in the smooth transition of Hong Kong's legal system. It will end years of damaging, racking uncertainty and give confidence to the local community and foreign investors.

What would the amendments achieve? Two more years of uncertainty? No real chance of a better type of Court of Final Appeal being established after the transfer of sovereignty. The probability, I say a near, certainty, of a judicial vacuum after 1 July 1997.

Last week 11 of Her Majesty's Queens Counsel signed a statement urging members of this Council to support this Bill. The eminent lawyers spoke of the need to have a properly constituted Court of Final Appeal ready in the latter half of 1997 to handle important public law and other appeals that are likely to be generated when the Special Administrative Region government takes over. I like to quote from the statement.

"The rule of law will be in jeopardy if there is then no authoritative court at the top of the judicial pyramid, because of delays and dissension in enacting fresh legislation and in setting up the Court. The present bill, underwritten by the Chinese Government, meets that need i.e. it meets the need to have a properly constituted court ready in the latter half of 1997, head on. And the two Governments are satisfied that it is in accordance with their Joint Declaration, and in accordance with the Basic Law."

"Why then is there so much factional opposition to the bill? Surely not to save the face of those politicians who went out on a limb in 1991? Surely not to thwart perversely the wishes of both the present and future sovereigns who have reached agreement? Surely no-one argues that the people of Hong Kong would be better off in 1997 if there were still uncertainty over the Court of Final Appeal?"

The Administration therefore urges all members to oppose these amendments. Each of them threatens to jeopardise the rule of law and create renewed uncertainty. Let me elaborate.

The commencement provision

First, the commencement provision. The Administration has made no secret of the fact that it originally wanted to establish the Court of Final Appeal well before the transfer of sovereignty. For reasons that are well known, this has not been possible. More recently we had hoped to establish the court by the summer of 1996. However, the Chinese side of the Joint Liaison Group was only prepared to support the Bill we had prepared on the basis that the court is established on 1 July 1997. Although this is not ideal, it is an acceptable approach because it meets our important aim of avoiding a judicial vacuum in 1997, bearing in mind that the Joint Liaison Group agreement provides a mechanism which will avoid any judicial vacuum. The British Government will ensure that the Judicial Committee of the Privy Council will continue to hear appeals up to 30 June 1997, and will fast-track Hong Kong appeals in the months leading to the transfer of sovereignty.

What would the amendment to clause 1(2) achieve, assuming it were passed? First and foremost, this would mean a clear breach of the agreement between Britain and China for the establishment of the Court of Final Appeal, with all the consequences so graphically set out by other Members of this Council in this debate, including the Hon Mrs Elsie Tu. The amendment, Mr President, is also unacceptable for legal policy reasons which I shall set out at the committee stage.

Acts of state

I turn now to "acts of state", and to the proposed amendments of clause 4, which I will call the "red-herring amendments". As I hope all members of this Council are now aware, clause 4 does no more in respect of acts of state than restate what is in Article 19 of the Basic Law. It would be a serious mistake to think that the amendment of clause 4 will in any way affect the application of Article 19 as from 1 July 1997. Mr president, we must be very clear about what it is we are debating and what it is we will be enacting. We are not debating the passage of the Basic Law, we are not enacting the Basic Law. We are not debating the merits of the Basic Law. We are debating the Court of Final Appeal Bill, and it is that that is before the Council.

There are three proposed amendments: firstly, the Hon Martin Lee proposes to delete "such as defence and foreign affairs" after the reference to "acts of state"; and secondly to give the court a discretion, rather than a duty, to obtain a certificate from the Governor in respect of certain facts. The Hon K K Fung's proposed amendment would provide that acts of state shall be construed according to common law principles. I can well understand Hon K K Fung's sentiments, but have to point out that the meaning of "acts of state" in clause 4 must be consistent with the meaning of that expression in Article 19 of the Basic Law; that depends on the correct interpretation of the Basic Law. No definition of the expression in the Bill can tie down the meaning of the Basic Law. That said, I would note that it can be argued as others have done, as long ago as 1988, that Article 19 is consistent with the common law and that Articles 8 and 84 of the Basic Law provide for the maintenance of common law principles after 1 July 1997. However well-intentioned the amendments in respect of "acts of state" may be, it is clear that as a matter of law they cannot override Article 19 of the Basic Law and I will oppose them at Committee Stage.

Some members of this Council have asked why we should bother to include clause 4 in the Bill in the first place. The answer, of course, is that this was required by the recent JLG agreement. That agreement contains a package of measures that are binding on the British and Chinese Governments. The Administration cannot adopt some parts of it and reject others. The inclusion of clause 4 makes no difference to the court's jurisdiction in 1997, but it ensures that the JLG agreement can be implemented. The proposed amendments of clause 4 would achieve nothing in terms of the court's jurisdiction, but they would breach the agreement and destroy the only guarantee we have of a smooth transition in respect of our final appeal court.

Some members of this Council have sought to attack clause 4 of the Bill by arguing that the Standing Committee of the National People's Congress will, in certain situations, be able to decide what is or is not an act of state. Article 158 of the Basic Law does indeed give the Standing Committee a role in interpreting the Basic Law. But I remind Members that we are not debating the Basic law, we are debating the Court of Final Appeal Bill. So arguments about Article 158 are another red herring. Neither the JLG agreement nor the Court of Final Appeal Bill touches upon the interpretation of the Basic Law and, in any event, they could not have overridden Article 158. It is therefore quite misleading to criticise the agreement or the Bill for something they did not, and could not, deal with. As the Dean of the Law Faculty at the University of Hong Kong, distinguished constitutional lawyer, Professor Wesley-Smith, recently said, when referring to the power of the Standing Committee to interpret the Basic Law, "That of course is in the Basic Law. Whatever is in the Bill doesn't make any difference to that."

4+1 composition

I turn now to the issue of composition. Before I deal with the amendments that would be coming up later, I would like to respond to some of the insulting and defamatory remarks made about the Judiciary. And I echo here the sentiments as expressed by the Hon Ronald Arculli. I strongly deprecate the running down of Members about the Judiciary, and strongly deprecate the use of expressions such as worthless Court of Appeal, Court of Final Appeal, to say that we will have a migration of judges from the Court of Appeal to the Court of Final Appeal so that in effect the Court of Final Appeal will only be the Court of Appeal in another guise. That is an extremely poor point to make. Most judges who sit in Final Courts of Appeal in other jurisdictions reach there by a series of judicial promotions. Most of the judges in the Privy Council have got there on promotion from the Court of Appeal. So the point is an extremely bad one to make. Moreover, what interests are served, I ask, for Members of this Council to insult our judges of Court of Appeal. The third area where amendments that are inconsistent with the JLG agreement are to be moved is in respect of the 4+1 composition of the court. This, of course, has been the subject of controversy since September 1991, when the first JLG agreement in respect of the court was made. And we had rehearsed today the arguments, I dear say, some of the old threadbare arguments, that we have known, but I can't say have loved, over the years. Some members of this Council may feel obliged to oppose the 4+1 composition in order to maintain the position they adopted on this in the past. They do not wish to be accused of "doing a U-turn."

However, I would like to remind members of what the representatives of the Law Society said to the Bills Committee. When asked why they now supported the 4+1 composition when they had, in 1991, opposed it, the representatives said "We have had the courage to change our minds." As the President of the Law Society wrote in a letter sent to all members of this Council earlier this week, "after careful consideration, the Law Society has concluded that the formula comes within the broad principle implicit in Article 82 of the Basic Law and is not contrary to the literal construction and liberality of the Article. The Law Society considers therefore the Bill should not be rejected because of the 4+1 formula."

It does take courage to change one's mind, and there are in this case very good reasons for doing so. Since the debate in this Council in December 1991 many things have changed. It is now clear that there is no chance that the Chinese side will renegotiate the 4+1 composition. Independent legal opinions have supported the Administration's view that this composition is not inconsistent with the Joint Declaration or the Basic Law. And we are now in a position to enact legislation, which has the support of the Chinese side, that provides for a proper Court of Final Appeal being established without there being any judicial vacuum.

In all these circumstances, I urge all members to have the courage to support the 4+1 composition, regardless of what their positions may have been in 1991.

As I mentioned earlier, there are three categories of proposed amendments that are related to opposition to the 4+1 composition. They are all inconsistent with the JLG agreement, and they are all undesirable for other reasons, which I shall expand when we are in committee.

In urging Members to defeat these amendments, I am asking you to act in the best interests of the community. How can it benefit the community to wreck the Sino-British arrangements for the establishment of the Court of Final Appeal? How can it benefit the community to prolong the uncertainty over the nature of the court that will be established? How can it benefit the community to jeopardise the rule of law at the time of the transfer of sovereignty? I urge you all, in the interests of Hong Kong, to reject these wrecking amendments.

Other amendments

Mr President, other amendments are to be moved to this Bill by non-official members of this Council that are not inconsistent with the JLG agreement. The Administration has considered all of these very carefully and I regret to say that it is unable to support any of them.

Some of the proposed amendments add nothing to the Bill in terms of its legal effect and are therefore legally unnecessary. Others would make fundamental changes to the system of appeals that currently applies in respect of the Judicial Committee of the Privy Council. The proposals to abolish appeals as of right in civil cases, and to allow a leapfrogging procedure in respect of civil cases, both fall into this category. The Administration has been at pains to model the jurisdiction and powers of the Court of Final Appeal on those of the Privy Council. This has the huge advantage of continuity - the retention of a system with which practitioners and litigants are familiar. We oppose proposals that would introduce significant changes to the system.

Conclusion

Mr President, the Bill now before this Council represents the product of long and tortuous discussions with the Chinese side, stretching over 7 years. It is one of the most important Bills that the Council has been asked to pass, for it is nothing less than the touchstone for the rule of law in Hong Kong. The agreement that was struck last month has been widely welcomed and supported by, among others, the Chief Justice, the Law Society of Hong Kong, the 11 eminent Queen's Counsel I spoke of earlier, many representatives of the local and international business community, including the Federation of HK Industries, the HK General Chamber of Commerce, the British Chamber of Commerce, the American Chamber of Commerce, the foreign business associations and chambers in Hong Kong, and the China - Hong Kong Economic and Trade Association. We have received support from many of our trading partners such as the United States, the European Union, Japan, Canada, Australia and South Korea, many sections of the media and, judging by recent opinion polls, the people of Hong Kong.

Those who speak in opposition to the Bill, those who speak in opposition to the agreement, to them I ask: What do you offer to the people of Hong Kong in their place. What you offer is continuing uncertainty, continuing anxiety, continuing doubt with the consequence of a loss of confidence. Members now have a clear choice before them. They can, by supporting the Administration's amendments and by rejecting all others, ensure the establishment of a proper Court of Final Appeal on 1 July 1997, with no judicial vacuum. If they support any amendments that are inconsistent with the JLG agreement, they will recreate damaging uncertainty, as to the form of the Court of Final Appeal to be established after 1 July 1997, with clear understanding that the Court to be set up after 1 July 1997 will not be better than the one provided for in the present Bill, and in full recognition of the probability of a judicial vacuum. There should be no doubt as to which approach is in the interests of the people of Hong Kong.

I therefore urge Members to support the Bill and my 13 technical amendments, which are based on the established principles and practices of the Judicial Committee of the Privy Council. They guarantee the establishment of a proper Court of Final Appeal in Hong Kong on 1 July 1997. We have made it clear that we cannot accept any amendments which breach the British Government's international obligations. I have to tell members that in the event that any amendments that are inconsistent with the JLG agreement are passed, I will have no alternative but to withdraw the Bill.

End/Wednesday, July 26, 1995

Legal Aid in Criminal Cases (Amendment) Rules

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Following is the speech by the Chief Secretary, the Hon Anson Chan, in moving the Legal Aid in Criminal Cases (Amendment) (No.2) Rules 1995 in the Legislative Council today (Wednesday):

Mr President,

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

On 11 January, the Administration issued to Members a LegCo Brief on the legal aid legislation. Members were informed that the Governor in Council had agreed that the Legal Aid in Criminal Cases (Amendment) (No.2) Rules 1995 should be made by the Chief Justice after the Legal Aid (Amendment) Bill 1995 had passed into law. Subsequently, the Bill was passed by this Council on 14 June and received the assent of the Governor on 15 June, and the Chief Justice made the Legal Aid in Criminal Cases (Amendment) (No.2) Rules 1995 on 10 July.

As explained in the LegCo Brief we issued to Members on 11 January, the Legal Aid in Criminal Cases (No.2) Rules 1995 apply to the provision of criminal legal aid by the Legal Aid Department at the District Court level and above. These provide that the Director of Legal Aid may charge the new contribution rates as recommended by the Working Group which conducted a comprehensive legal aid policy review between February 1992 and July 1994, and they also clarify the effect of the issue of a legal aid certificate. These Rules were put to the Bills Committee to study the Legal Aid (Amendment) Bill 1995 and have had the support of the Members of the Bills Committee.

In accordance with sections 9 and 9A of the Criminal Procedure Ordinance, the Chief Justice has made the Legal Aid in Criminal Cases (Amendment) (No.2) Rules 1995. These Rules now require the approval of this Council by resolution.

Mr President, I beg to move.

End/Wednesday, July 26, 1995

Resolution on bail rules Passed

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A resolution to provide for the inclusion of rules concerning bail proceedings into the Criminal Procedure Ordinance was passed by the Legislative Council today (Wednesday).

Moving the resolution, the Attorney General, the Hon Jeremy Mathews, said the Criminal Procedure (Amendment) Ordinance 1994 introduced a statutory right to bail and incorporated the law of bail into a single, comprehensive code.

The ordinance included a new provision requiring a record of all bail proceedings to be maintained in such manner and form as may be prescribed by rules and orders, and the record to be made available to an accused person and to counsel and solicitors to such extent and on such terms as may be prescribed, he said.

Mr Mathews said the Chief Justice had now made rules providing for those matters.

"The rules provide that the record of bail proceedings shall consist of a summary of all matters relevant to the proceedings, including any application for bail, the grounds of such application, the grounds of any objection to bail, the decision of the court, and the reasons for that decision," he said.

"The rules also provide that the rules may be kept wholly or partly by computer, and that an extract of the record, in the form prescribed in the Schedule to the rules, shall be made available to the accused person and to counsel and solicitors engaged in the proceedings," he added.

End/Wednesday, July 26, 1995

Criminal Procedure Ordinance

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Following is the speech by the Attorney General, the Hon Jeremy Mathews, in moving the Criminal Procedure Ordinance in the Legislative Council today (Wednesday):

Mr President,

I move the resolution standing in my name in the Order Paper. The resolution is to the effect that the Criminal Procedure (Record of Bail Proceedings) Rules, made by the Chief Justice on 6 July 1995, be approved.

The Criminal Procedure (Amendment) Ordinance 1994 introduced a statutory right to bail and incorporated the law of bail into a single, comprehensive code. The Ordinance included a new provision requiring a record of all bail proceedings to be maintained in such manner and form as may be prescribed by rules and orders, and the record to be made available to an accused person and to counsel and solicitors to such extent and on such terms as may be prescribed.

The Chief Justice has now made rules providing for those matters. The rules provide that the record of bail proceedings shall consist of a summary of all matters relevant to the proceedings, including any application for bail, the grounds of such application, the grounds of any objection to bail, the decision of the court, and the reasons for that decision. The rules also provide that the rules may be kept wholly or partly by computer, and that an extract of the record, in the form prescribed in the Schedule to the rules, shall be made available to the accused person and to counsel and solicitors engaged in the proceedings.

Mr President, I beg to move.

End/Wednesday, July 26, 1995

Transfer of functions to Judicial Administrator

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Following is the speech by the Chief Secretary, the Hon Anson Chan, in moving the Interpretation and General Clauses Ordinance in the Legislative Council today (Wednesday):

Mr President,

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

In July 1994, Members approved the creation of one permanent post of Judiciary Administrator at D8 level, to take over from the Registrar, Supreme Court as the controlling officer and administrative head of the Judiciary. As Members know, Ms Alice Tai Yuen-ying has taken up the appointment as the Judiciary Administrator.

Consequent upon the appointment of the Judiciary Administrator, it is necessary to transfer to her the former functions of the Registrar in connection with fees and charges and their proper collection, as provided for in section 23 of the Bills of Sale Ordinance; regulation 2 of the Bills of Sale (Fees) Regulations; sections 5(2) and 29(2) of the Legal Practitioners Ordinance; rules 4(1) and 8(1) of the Admission and Registration Rules; items 1, 3 and 5 in Schedule 1 and items 2 and 3 in Schedule 3 to the Legal Practitioners (Fees) Rules; and regulation 2 of the Control of Obscene and Indecent Articles Regulations.

The transfer of functions in these Ordinances, Regulations and Rules now requires the approval of this Council by resolution, in accordance with section 54A of the Interpretation and General Clauses Ordinance.

Mr President, I beg to move.

End/Wednesday, July 26, 1995

Sewage Services Trading Fund

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Following is the speech by the Secretary for Works, Mr James Blake, to appropriate assets to the Sewage Services Trading Fund under the Trading Funds Ordinance in the Legislative Council today (Wednesday):

Mr President,

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

On 11 March last year, in accordance with Sections 3, 4 and 6 of the Trading Funds Ordinance, the Sewage Services Trading Fund was established in the Drainage Services Department.

The Sewage Services Trading Fund manages and accounts for the operation of sewage services. This involves a number of key tasks, in particular, the timely implementation of the High Priority Programme of capital works urgently needed to reduce pollution in the Harbour, and the administration of the new charges to cover the cost of operating sewage services.

Following the passing into law of the charging scheme for sewage services on 1 April this year, the Sewage Services Trading Fund became responsible for the collection of charges and the proper use of the revenue to fund the operating costs of providing sewage services. These services include the maintenance and operation of public sewerage systems and sewage disposal facilities, as well as the billing and the collection of charges for sewage services levied in accordance with the Sewage Services Ordinance.

For the Sewage Services Trading Fund to be fully functional under the provisions of the Trading Funds Ordinance and in line with the trading fund concept, it is necessary for the Director of Drainage Services as general manager of the trading fund to have stewardship of the public sewerage systems and sewage disposal facilities. This will allow the general manager to maximise the efficiency of asset management. It is to this end that I move this Resolution to appropriate to the Sewage Services Trading Fund those assets which were operational at the time of the introduction of the scheme of charging for sewage services.

A detailed inventory of the assets to be appropriated is held by the Director of Drainage Services in his capacity as the general manager of the Sewage Services Trading Fund under Section 6(2) of the Trading Funds Ordinance. This inventory is described in the Resolution, which also provides that the assets cannot be disposed of without the prior approval of the Financial Secretary.

In future years, additional sewerage assets will be funded by the Government from the Capital Works Reserve Fund. I will introduce, on an annual basis, further Resolutions for approval by this Council to appropriate these assets at cost when they are commissioned. These assets will then be depreciated in accordance with normal practice, but only where the assets are to be replaced out of the resources of the trading fund.

With the appropriation of assets, the Sewage Services Trading Fund will be on a firm footing with the general manager able to provide an efficient and effective service to the public, government departments and other public bodies. I shall continue to report regularly to this Council on the operation of the trading fund.

Mr President, I beg to move.

End/Wednesday, July 26, 1995

Fines in Housing Ordinance

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Following is the speech by the Secretary for Housing, Mr Dominic Wong, in moving the Interpretation and General Clauses Ordinance in the Legislative Council today (Wednesday):

Mr President,

I move the motion standing in my name in the Order Paper, which seeks approval for increasing the fines in the Housing Ordinance (Chapter 283) to restore their real value.

Section 100A(1) of the Interpretation and General Clauses Ordinance (Chapter 1) provides that the Legislative Council may, by resolution, amend any ordinance so as to increase the amount of any fine specified in that ordinance.

The Criminal Procedure (Amendment) (No. 2) Ordinance last year has introduced a standard scale of fines, with six levels, for statutory penalties not exceeding \$100,000. These levels of fine may be increased from time to time by a single order by the Governor in Council to reflect the effect of inflation in order to preserve the deterrent effect of the penalties.

Since the standard scale has not taken into account past inflation, a review of existing fines under the Housing Ordinance is necessary. We have completed the review. We now propose to increase the fines under five sections, namely, 26(1), 27, 28(1), 28(2) and 29, to the appropriate levels on the standard scale as indicated. Two other sections, namely, 26(2) and 27A, fall outside the standard scale. They deal with the more serious offences of giving false information in the purchase of subsidised home ownership flats and their unlawful alienation. We propose to increase the fines absolutely from \$200,000 to \$500,000, also to reflect the effect of inflation up to 1994.

Mr President, I beg to move.

End/Wednesday, July 26, 1995

Pharmacy and Poisons (Amendment) (No.2) Regulation 1995

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Following is the speech by the acting Secretary for Health and Welfare, Mrs Shelley Lau, in moving the Pharmacy and Poisons (Amendment)(No.2) Regulation 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the motion standing in my name in the Order Paper that the Pharmacy and Poisons (Amendment) (No.2) Regulation 1995 be approved.

The Pharmacy and Poisons Ordinance and its subsidiary legislation regulate, inter alia, the registration of pharmaceutical products.

The Amendment Regulation which was made by the Pharmacy and Poisons Board on 26 June 1995 seeks to clarify the procedures and requirements involved in changing the particulars of registered pharmaceutical products.

Currently, details such as the names and composition of pharmaceutical products are particulars which are required to be registered before these products are permitted to be sold or distributed.

If approved, the Amendment Regulation will make it clear that the change of particulars of registered pharmaceutical products will be permitted only if the change does not affect the safety, efficacy and quality and does not involve those particulars which affect the identity of the products. The change, therefore, needs to be approved before it can be effected and before the product with changed particulars can be sold or distributed.

Such an arrangement is important for the proper control of pharmaceutical products because any change made to the particulars thereof may affect the nature of the products.

The Amendment Regulation also seeks to add the identity card number of a purchaser of pharmaceutical products including cough medicines as one of the required entries in the poisons book recording sales.

The purpose of this Amendment is to facilitate the keeping of a fuller record when certain products such as cough medicines are sold. We believe that this arrangement will also have discouraged drug abuse by requiring potential drug abusers to disclose their identity card numbers.

If the Amendment is approved, we will ensure through appropriate publicity arrangements that the public, the profession and pharmaceutical associations concerned are aware of this new requirement and its scope as well as the reasons for its introduction. We will also continue to liaise with pharmaceutical associations over relevant details of this new requirement.

Mr President, I beg to move.

End/Wednesday, July 26, 1995

Security and Guarding Services Ordinance

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Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the Security and Guarding Services Ordinance in the Legislative Council today (Wednesday):

Mr President,

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

Under Section 6(3) of the Security and Guarding Services Ordinance, the criteria that a person must satisfy before the Commissioner of Police may issue a permit to him for engaging in security work, require the approval of this Council.

Mr President, the criteria for the permit are determined by an independent Security and Guarding Services Industry Authority set up under the Ordinance. The Authority, which is chaired by the Honourable Miriam Lau, has set out four categories of security work for the purpose of issuing permits, namely:-

- (a) guarding work restricted to 'Single Private Residential Buildings' only;
- (b) guarding work for all types of premises and properties;
- (c) guarding work, the performance of which requires the carrying of arms and ammunition; and
- (d) the installation, maintenance and repairing of a security device and designing a security device system for any particular premises or place.

The Authority has ensured that all of the proposed criteria ensure that the person is fit and proper for the relevant type of security work. The criteria include age, good health, good character, proficiency in the job, the requirement to hold a valid arms licence and recommendations by prospective employers. Different criteria may apply to different types of security work.

Members may recall that last year, during discussion of the Security and Guarding Services Bill at the Bills Committee of this Council, some Members were concerned that if a fixed upper age limit was imposed on all permit applicants, a considerable number of elderly watchmen would lose their jobs. Moreover, some Members argued that, since the responsibilities of watchmen in "single private residential buildings" were less demanding, in physical terms, than those in large housing and commercial complexes or industrial buildings, the former type of watchmen should not be subject to a fixed upper age limit. To address Members' concern about the possible difficulties facing elderly watchmen if an upper age limit was imposed across the board, and given the generally sedentary nature of security duties in single private residential buildings, we agreed to propose to the Authority that there should not be a fixed age limit for security personnel working in such buildings. Rather, when such security personnel reach a certain age, they should be required to pass a regular medical examination to show that they are still fit to undertake their duties.

The Authority fully recognises the concern of the Bills Committee about the impact of an upper age limit for security personnel. On the other hand, it is mindful of the need to upgrade the standard of security services. Taking into account these two factors, the Authority now proposes that, as an exception, there should not be a fixed upper age limit for security personnel working in "single private residential buildings". However, when they reach the age of 70, they must pass a biennial medical examination in order to continue to work as watchmen in these buildings. Actually, the Authority considers that 65 years should be the appropriate age criterion for a medical examination in order to upgrade the service standard of this category of security work. However, in order to minimise the impact on the employment prospect of existing elderly watchmen in single private residential buildings, the Authority proposes the age criterion of 70 as a transitional arrangement, and lowering it to 65 after five years.

Some Members of the LegCo Sub-committee formed to study this Motion were concerned that employment opportunities for the elderly watchmen would still be very limited. It appears that they may have some misunderstandings about the definition of "single private residential buildings". I would therefore like to draw Honourable Members' attention to the definition set out in the notice. A "single private residential building" is defined as an independent structure that is covered by a roof and enclosed by walls extending from the foundation to the roof, which is used substantially for private residential purpose, and has only one main access point. There is no limit on the number of households that these buildings may house, but the requirement of one main access point would ensure that these buildings can be adequately guarded by elderly watchmen. This definition applies even to individual blocks of large housing complexes.

Some Members of the Sub-committee were also concerned about the upper age limit of 65 for Category B work i.e. guarding work for all types of premises and properties. I trust Honourable Members would bear in mind that the purpose of the Ordinance is to improve the standards of security services which the public are entitled to expect. Security work under category B is very diverse. It covers all types of guarding work such as that in large commercial complexes, hotels, banks, shopping arcades and industrial buildings. Security personnel engaging in this type of work, generally require greater alertness, vigilance, and physical fitness than security personnel working in single private residential buildings. An upper age limit for Category B work is, therefore, necessary in order to ensure that these guards are capable of carrying out their duties.

The Authority has also laid down other criteria. The prescribed medical examination will include tests on eyesight, hearing, mental state and balance and co-ordination, to ensure that only applicants who are medically fit for the work will be issued a permit. The Commissioner of Police will also assess the applicants' employment history, and criminal record, to ascertain whether he is of good character. Those who are required to carry arms and ammunition in performing their work must hold a valid arms licence issued by the Commissioner of Police. The proficiency criterion applies only to those handling security devices, who are required to provide a certificate of relevant training or a record of relevant work experience. Recommendations by prospective employers are not required for registered watchmen or those who are currently working in the security industry.

I understand also that during the discussion at the Sub-committee meeting, one Honourable Member was concerned that the checking of an applicant's employment record by the Police for good character assessment might be unfair to the applicant, as some unscrupulous employers might deliberately give poor references to employees whom they disliked. I can assure Honourable Members that employment record refers only to whether the applicant has been rejected for an application for a permit or has his permit revoked. The Police are not interested in an applicant's performance record. Moreover there are other safeguards in the Ordinance. Under section 26 of the Ordinance, any person who is aggrieved by the decision of the Commissioner on a permit application may appeal to the Administrative Appeals Board.

To conclude, I would like to reiterate that the purpose of the proposed permit criteria is to upgrade the standard of service of the security industry. The criteria strike a good balance between upgrading the services of the security industry and addressing Members' concern about the employment prospects of elderly watchmen. The Authority will monitor closely the impact of the criteria and make adjustments to the criteria as appropriate. Any such amendments will need to be laid before this Council for approval.

Mr President, with these remarks, I urge Members to support this Motion.

End/Wednesday, July 26, 1995

Inland Revenue Ordinance

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

Mr President,

I move the resolution standing in my name in the Order paper.

To enhance Hong Kong's status as an international financial centre and to encourage the development of our capital market, Members approved amendments to the Inland Revenue Ordinance in 1992 to exempt from profits tax the profits arising from Hong Kong dollar-denominated debt instruments issued by specified multilateral agencies with top credit ratings. In addition, Members also approved amendments to the Stamp Duty Ordinance to exempt such instruments from stamp duty. Schedule 6 to the Inland Revenue Ordinance specifies the agencies which are so exempt. The Ordinance also provides that this Council may make additions to the list of exempt institutions by resolution.

The first four multilateral agencies exempted were the Asian Development Bank, the International Bank for Reconstruction and Development, the International Finance Corporation and the European Investment Bank. The exemption was later extended to four other multilateral agencies. They are the European Bank for Reconstruction and Development, the Inter-American Development Bank, the Nordic Investment Bank and the European Company for the Financing of Railroad Rolling Stock. By late June 1995, the amount of Hong Kong dollar debt securities issued by these exempt institutions stood at HK\$12.4 billion, representing about 7.5% of the total Hong Kong dollar debt paper outstanding.

I now propose to add the Council of Europe Social Development Fund (or CEF for short) to the list. Like the existing eight exempt institutions, CEF is a supranational agency with top credit ratings. It has indicated interest in issuing Hong Kong dollar-denominated debt instruments. We can enhance the attractiveness of these instruments to investors by granting them similar exemption from profits tax and stamp duty. This would contribute to the expansion of the Hong Kong capital market. It would also further promote Hong Kong's development as an international financial centre.

Mr President, I beg to move.

End/Wednesday, July 26, 1995

Conservation of Sha Lo Tung

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

Question:

In view of the fact that the Government has endorsed the environmental objectives of the 1992 Convention on Biological Diversity, will the Government inform this Council what active steps will be taken to conserve and protect the habitats and biological diversity in Sha Lo Tung which is generally accepted as a site of unique natural resources?

Reply:

Mr President,

Sha Lo Tung is mainly privately owned. It was a village area until the late 1970's when most of the villagers moved overseas or relocated to the urban areas. Undisturbed since, wildlife and plants colonised the abandoned fields and streams. Most of the species found there are not unique to this site and can also be found in other areas. The valley's ecological value lies mainly in the stream courses which serve as the habitats of a diverse dragonfly community. The Agriculture and Fisheries Department (AFD) has been working on a proposal to designate these stream courses as Sites of Special Scientific Interest (SSSI).

The Sha Lo Tung Valley is the site of a proposed development. As required of all major development proposals in Hong Kong, the proposal in Sha Lo Tung is subject to the Environmental Impact Assessment (EIA) procedures. It will not be allowed to proceed until and unless the EIA is completed and all environmental concerns - including the protection of the stream courses - have been satisfactorily addressed.

We will continue to monitor the situation at Sha Lo Tung. The Water Supplies Department takes water samples regularly from the stream courses and has found no pollution. AFD has found no evidence of any species protected under the Wild Animals Protection Ordinance being affected by the villagers' recent earthwork. The earthwork has stopped since government departments, led by the Planning, Environment and Lands Branch, met the villagers on 28 June 1995.

End/Wednesday, July 26, 1995

Statistics on dental training

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

Question:

Will the Administration inform this Council of the following statistics concerning the dental profession:

- (a) the current admission rate of the territory's Dental School;
- (b) the admission rate of the specialist training positions in the Dental School in the past 3 years; and
- (c) the wastage rate of dental officers in the civil service due to retirement or emigration in the past 3 years?

Reply:

Mr President,

- (a) The actual intake of students on the Bachelor degree programme in Dental Surgery at Hong Kong University in 1994-95 was 50. The planned intake for 1995-96 is also 50.
- (b) Specialist training in dentistry at HKU takes the form of post-graduate training. HKU at present offers two taught postgraduate programmes in dental surgery. The student enrolments for the two programmes in the 1992-95 triennium are as follows -

	<u>92-93</u> (fte*)	<u>93-94</u> (fte)	<u>94-95</u> (fte)
Postgraduate Diploma in Dental Surgery	10	10	11
Master in Dental Surgery	19	19	24

* full time equivalent

- (c) The wastage rates of dental officers in the civil service due to retirement, emigration or other non-specified reasons over the past three years are tabulated below-

Year	Strength as at 1 Jan of the year	Wastage		
		Retirement No. (Rate)	Emigration No. (Rate)	Other reasons No. (Rate)
1992	181	3 (1.66%)	1 (0.55%)	11 (6.08%)
1993	182	2 (1.10%)	---	6 (3.30%)
1994	192	6 (3.12%)	---	2 (1.04%)

End/Wednesday, July 26, 1995

Safeguarding job security in paging industry

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

Question:

Regarding the decision by the Office of the Telecommunications Authority that the Hong Kong Telecom International must supply international private leased circuits to paging companies, will the Government inform this Council whether it will, for the sake of safeguarding the job security of local workers, endeavour to prevent paging companies from making use of international private leased circuits as pretext to move their operation centres to neighbouring regions, so as to prevent tens of thousands of operators in the paging industry from falling into unemployment?

Reply:

Mr President,

The decision made by the Telecommunications Authority (TA) that Hong Kong Telecom International (HKTI) has an obligation to provide international private leased circuits to paging companies was in response to a request by a number of paging companies for a regulatory ruling under HKTI's licence.

The radio paging service industry currently employs about 9,000 people in Hong Kong. The Government is aware of the concerns of the employees of paging companies and has conducted studies on the issue. The result of our analysis indicated that it is unlikely, at current cost structure and operating conditions in the neighbouring regions, that there would be a mass migration of paging operator services outside Hong Kong. Due to keen competition in the paging market, in addition to the cost consideration, a paging company has to take into account other competitive factors, such as the risk of relying on a long-distance circuit to provide service, the availability of other technical and service backup support, and its ability to control the quality of service provided by an external operation centre, in deciding whether to relocate its operation centre outside Hong Kong. To discourage paging companies from making use of international private leased circuits as a pretext to move their operation centres to the neighbouring areas, the TA has made clear that he will monitor closely the quality of service provided by paging companies and should it appear to him that service standards to customers have deteriorated, following a relocation of operations outside Hong Kong, he will take appropriate action in accordance with the licence conditions.

End/Wednesday, July 26, 1995

First asylum policy

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

Question:

As Hong Kong has been troubled by the problem of Vietnamese boat people (VBP) for many years and there is no indication of a complete solution to the problem in the near future will the Government inform this Council:

- (a) whether consideration will be given to abolishing the first asylum policy and at the same time adopting the established screening procedures to determine the status of the VBP who have come to Hong Kong seeking political asylum;
- (b) of the deliberations and conclusions of the Geneva Conference held in 1994 and 1995 on the issue of "the abolition of the first asylum policy"; and

- (c) whether the abolition of the first asylum policy required the approval of the British Government?

Reply:

Mr President,

- (a) Vietnamese migrants arriving in Hong Kong are granted first asylum. If they claim to be refugees, they are screened to determine whether they should be granted refugee status. We have no plans in hand to change these arrangements.
- (b) At the meeting of the Fifth Steering Committee of the International Conference on Indochinese Refugees held in February 1994 in Geneva, it was agreed that Vietnamese arriving in first asylum countries after 14 February 1994 should be treated in accordance with national legislations and internationally accepted practices. In so far as screening procedures are concerned, our current arrangements are already in accordance with these conditions. The decision of the Fifth Steering Committee was reaffirmed at the Sixth Steering Committee meeting held in March this year.
- (c) Decisions regarding Vietnamese migrants in Hong Kong are basically made by the Hong Kong Government, but policies formulated by the Hong Kong Government involving external relations require the approval of the British Government. Accordingly, any decision made by the Hong Kong Government to modify or abolish the existing first asylum policy would require approval from the British Government.

End/Wednesday, July 26, 1995

Civic education for young people

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Following is a question by Dr the Hon Conrad Lam and a written reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday):

Question:

A recent research report reveals that young people in the territory are far less concerned about politics, people's livelihood and social issues than their counterpart in Guangzhou and Beijing. In this connection, will the Government inform this Council:

- (a) of the main reasons for the apathy of young people in the territory towards political and social affairs;
- (b) of the achievements by the Government in the field of civic education over the years; and what criteria have been adopted to assess the achievements in civic education in the past;
- (c) whether the Government will review the present policy on, civic education and its direction; if so, when the review will be conducted; if not, why not; and
- (d) Whether the Government will enhance the civic education provided to young people; if so, what specific methods will be adopted and when they will be implemented; if not, why not?

Answer:

Mr President,

Hong Kong has many committed and dedicated young people who actively participate in political and community activities. However, as the research report and our own studies reveal, there is also a tendency among young people in Hong Kong to take for granted the freedoms that they enjoy.

Over the last decade, the Government, through the Committee on the Promotion of Civic Education (CPCE), has placed great emphasis on promoting the concepts of the rule of law, representative government and human rights. Our success in developing political awareness in young people is illustrated by the fact that some 70 per cent of those aged between 18 and 20 have registered as voters.

Civic education themes are reviewed annually. Building on the core elements of the rule of law, representative government and human rights, this year, our programmes and activities will pay particular attention to equal opportunities, rights of the child and the Basic Law.

Civic education for young people begins at school. The Curriculum Developments Council and Education Department are presently reviewing the guidelines on teaching civic education in our schools and expect to release their proposals for public consultation this Autumn.

The CPCE already directs much of its efforts to reaching young people. Two teaching kits for secondary school students have been produced, one on human rights and the other on the rule of law. A new teaching kit is being prepared for primary school students. The purpose is to make students aware of their rights and responsibilities and to encourage their participation in community activities.

End/Wednesday, July 26, 1995

Measures to boost slow-down economy

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

Question:

As it is the general perception of the public that the economy of the territory is slowing down, will the Government inform this Council:

- (a) whether it has any concrete measures to boost the economy, so as to avoid the closing down of more businesses; and
- (b) whether it is confident that the annual economic growth of the territory will reach the estimated level?

Reply:

- (i) Although the retail and restaurant sectors are in the midst of a cyclical adjustment, a number of other sectors in the economy are doing well. The performance on the trade front is particularly impressive. Our domestic exports grew by about 8% in real terms in the first five months of this year, in stark contrast to the decline of 2% just last year. The growth rate in real terms of our re-exports, which has been consistently robust for many years, accelerated from 14% last year to about 18% in the first five months of this year. Concurrently, exports of services, particularly on offshore trading and the various services supporting merchandise trade, should have continued to rise significantly. Locally, investment spending has remained robust, underpinned by a strong absorption of machinery and equipment as well as intensive work on the new airport and related projects.
- (ii) The good export performance and the strong growth in fixed asset investment should provide the key impetus to overall economic growth for the rest of the year, offsetting the slow-down in consumer spending. We are of the view that, in overall terms, the economy should still be able to attain respectable growth this year.
- (iii) Our current forecast of real GDP growth for 1995 is 5.5%. Notwithstanding the increased downside risks, we believe this forecast is still broadly in order. A regular update of our short-term economic forecast will be carried out in August. Results will be announced towards the end of August, together with the publication of the Half-yearly Economic Report 1995.
- (iv) We are doubtful about the merits of seeking to artificially stimulate the economy, especially at a time of relatively high inflation. The Government's main role continues to be to provide an environment which is highly conducive to business. Market opportunities, which are not lacking in Hong Kong, in fact constitute the most effective direct economic stimulus. As to the pressures of resources and costs on businesses, the moderation of the labour market and the property market in recent periods should have an alleviating effect, thereby rendering an indirect economic stimulus.

End/Wednesday, July 26, 1995

Second runway at new airport

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

Question:

Regarding the plans for the second runway at Chek Lap Kok Airport, will the Government inform this Council :

- (a) on what basis and under what criteria a decision will be made on the second runway;
- (b) how the actual Kai Tak traffic over each of the past five years compares with the original forecast (1989-1994);
- (c) whether there is a revised forecast for each of the next 10 years (1995-2004) and how this compares with the forecast done when decision was made to delay the building of the second runway;
- (d) whether the Government plans to consult the travel and tourism industry on the timing of the building of the second runway;
- (e) how many months will it take to complete the second runway after a decision is made; and
- (f) whether the Government will take into account the economic cost of delay when deciding on the timing of the building of the second runway?

Reply:

Mr President,

In accordance with the Memorandum Of Understanding Concerning The Construction Of The New Airport At Hong Kong and Related Questions (MOU), the British side will consult the Chinese side within the Airport Committee before the Hong Kong Government proceeds with any major airport project other than those in the Annex to the MOU. Such projects will only be initiated if the two sides have reached a common view concerning them. The second runway is not included under the Annex to the MOU. A decision on the timing of the second runway for the new airport will take into account factors such as the forecast air traffic demand, capacity of the first runway, time required for the construction and commissioning of the second runway and the financial and economic implications involved.

Certain air traffic forecasts for specified years were included in the New Airport Master Plan Study drawn up between 1990 and 1992. These forecast figures are being updated and examined by the Administration in consultation with the Provisional Airport Authority. No final conclusions have yet been reached.

The Administration is always prepared to listen to the views of the travel and tourism industries on any issues related to the development of the new airport, including the timing for the construction of the second runway. We are aware of the desire of the travel and tourism industries and airlines to see the early commissioning of the second runway.

End/Wednesday, July 26, 1995

Kindergarten Subsidy Scheme

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

Question:

Regarding the Kindergarten Subsidy Scheme which will be introduced in September this year and the raising of the entry qualification for child care worker, will the Government inform this Council :

- (a) whether the proposed pay for kindergarten teachers will be adjusted according to the recently announced pay increase for civil servants, as is the case with child care workers;
- (b) what is the estimated total amount of Government's financial commitment, taking into account the fact that the number of kindergartens applying to join the Kindergarten Subsidy Scheme to date is lower than expected;
- (c) whether, in view of the unsatisfactory response to the Scheme, the Government will consider reviewing immediately the details of the Scheme, including revising the upper limit of school fees; and
- (d) what effect the raising of the entry qualification for child care workers will have on the fees charged by child care centres?

Reply:

Mr President,

- (a) We do not intend to adjust the recommended pay scale following the recent salary revision for the civil service. Unlike subvented child care centres, kindergartens are operated by the private sector, and pay adjustments are matters within the discretion of the operators themselves.
- (b) The total subsidy payable under the Kindergarten Subsidy Scheme is estimated to be \$45 million for the 1995/96 school year. This figure is based on the information submitted by kindergartens which have applied to join the Scheme in the 1995/96 school year. The estimate is subject to revision in September 1995 when the actual enrolment is known.
- (c) The Government will review the Kindergarten Subsidy Scheme in early 1996, taking account of the operational experience gained after the implementation of the Scheme in September 1995. In the review, the Government will consider, among other things, whether the cut-off point should be revised.
- (d) At this stage, we are not able to provide information on the effect of raising entry qualifications for child care workers on the fees charged by child care centres. This is because the annual fee assessment exercise for individual child care centres will not be completed until next month. The approved fee for aided child care centres is set at the break-even fee as assessed by the Social Welfare Department. The impact will therefore depend on the financial position of individual child care centres. A Fee Assistance Scheme is in place to provide financial assistance to needy families to meet the child care centre fees.

End/Wednesday, July 26, 1995

Gas company not subject to profit control

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

Question:

According to the findings in a recent report of the Consumer Council, the Hong Kong and China Gas Company is the only public utility company in the territory which is not subject to any profit control. It is also pointed out in the report that the company monopolises the market and faces no competition, resulting in the interests of the consumers being ignored. In view of this, will the Government inform this Council:

- (a) of its response to the above-mentioned findings; and
- (b) whether a regulatory mechanism will be set up to safeguard the interests of the consumers; if so, what the details are; if not, why not?

Reply:

The Consumer Council has published its report "Assessing Competition on the Domestic Water Heating and Cooking Fuel Market" on 6 July 1995. The objective of the study is to examine the market competitiveness and trade practices in the domestic water heating and cooking fuel supply industry. The Government will examine very carefully the recommendations in the report and a full response will be finalised by the end of this year. In the meantime, we welcome comments from the public and interested parties.

End/Wednesday, July 26, 1995

Public housing estates' maintenance

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

Question:

Will the Government inform this Council whether it is aware of the investigations being carried out by the Hong Kong Housing Authority and the Hong Kong Housing Society to identify structural problems in public housing estates of different ages under their management; if so, how many estate blocks have been investigated in the past three years; and how many have been found to be in need of repair because of concrete spalling and corroded steel bars problems; and what percentages they represent in estate blocks of various ages?

Answer:

Mr President,

The Government monitors the maintenance and repair programmes of both the Housing Authority and the Housing Society.

Over the past three years, the Housing Authority has inspected the structural safety of 609 housing blocks built before 1981. Of these, 140 needed repair as a result of varying degrees of concrete spalling and corrosion of steel reinforcing bars.

The Housing Society inspects all its 162 housing blocks annually, and refers those which need further investigation to structural consultants. In the past three years, structural consultants inspected 29 blocks, all of which required varying degrees of repair for concrete spalling.

All the blocks were found to be structurally safe.

The number of blocks inspected for structural safety expressed as a percentage of the total number of blocks of the same age is shown in the table below:

<u>Age of block</u>	<u>% of blocks inspected by Housing Authority</u>	<u>% of blocks inspected by Housing Society</u>
11 - 20 years	60	47
21 - 30 years	100	45
over 30 years	100	30

End/Wednesday, July 26, 1995

Absentee voting arrangement

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

Question:

Will the Government inform this Council:

- (a) whether it has any plan to safeguard the right to vote of those electors who happen to be abroad on business or for pleasure on election day; and
- (b) whether it will consider following other countries' practice so that those electors who are abroad are able to vote at the local British consulates?

Reply:

The Administration is mindful of the need to take practical steps to ensure that electors are not deprived of the opportunity to vote because of some extraneous circumstances. Indeed, during a review of the electoral arrangements in 1992, we have looked into the desirability and feasibility of providing some form of absentee voting arrangement for electors who were temporarily away from Hong Kong on polling day. We concluded that the introduction of absentee voting for this category of electors was not justified in view of the cumbersome administrative arrangements and the potential for abuse. This conclusion was shared by the Legislative Council Select Committee on Legislative Council Elections. The Select Committee's report was endorsed by this Council in July 1992. We do not detect any changes in circumstances since then which would justify re-opening this issue.

We therefore have no plan at present to adopt arrangements which would enable electors who are abroad to vote in person at designated venues in the countries where they are staying.

End/Wednesday, July 26, 1995

Statistics on lift breakdowns in housing estates

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

Question:

Will the Government inform this Council:

- (a) of the monthly statistics on lift breakdowns in each of the public housing estates and Home Ownership Scheme estates in the last three years;
- (b) of the general causes of the breakdowns and the average number of days needed to repair each breakdown;
- (c) of the number of lift contractors who are responsible for the installation and maintenance of lifts in public housing estates and Home Ownership Scheme estates, together with statistics on the breakdown of lifts serviced by each of the contractors in the past three years; and

- (d) what measures have been put in place to reduce the chances of lift breakdowns?

Answer:

Mr President,

Monthly statistics on lift breakdown in public rental housing and Home Ownership Scheme estates in the last three years are at Annexes A - C.

The general causes of lift breakdown may be attributed mainly to equipment failure and vandalism. Depending on the seriousness of the fault to be corrected, the average repair time varies from less than two hours for minor faults which make up the majority of such breakdown, to not more than two days for general repairs and replacement of minor parts. Major overhaul and replacement work may take up to two weeks, but they constitute about 2% of breakdown incidents.

There are currently ten lift installation contractors and 12 lift maintenance contractors. Statistics on lifts serviced by each contractor, together with the breakdown rate, are at Annex D.

The following measures are adopted by the Housing Department to reduce the frequency of lift breakdown -

- (a) lift maintenance contractors are required to carry out statutory safety tests, weekly servicing work, and repair and replacement work when required;
- (b) Housing Department staff inspect all lifts on a quarterly basis. Defects discovered are reported, and maintenance contractors are instructed to take follow-up action; and
- (c) lift equipment is periodically modified and upgraded to enhance operational reliability and safety.

These measures have effectively reduced the frequency of lift breakdown from an average of one per lift per month in the early 1980's to 0.35 per lift per month in 1994-95.

End/Wednesday, July 26, 1995

Growth rate and investment in new airport

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Following is a question by Dr the Hon Huang Chen-ya and a written reply by the Secretary for Financial Services, Mr Michael Cartland, in the Legislative Council today (Wednesday):

Question:

According to the economic forecasts released by the Government on 26 May 1995, the growth rate in real terms of the Gross Domestic Product (GDP) this year is estimated to stand at 5.5 per cent. In this connection, will the Government inform this Council:

- (a) of the forecast growth rate for 1995 after discounting the 80 per cent growth rate of expenditure on machinery and equipment in the public sector; and
- (b) what percentage the government investment in the new airport project is estimated to represent in the GDP of 1995?

Reply:

- (a) Public sector expenditure on machinery and equipment accounted for only a very small proportion of the GDP. In 1994, this proportion was 0.4 per cent. This component of expenditure is forecast to rise by 80 per cent in real terms in 1995, due to envisaged substantial purchases of capital goods for Government operations and for the infrastructural projects. Coupling these two figures, the direct contribution to GDP growth rate in 1995 brought about by the forecast growth in this particular component is reckoned to be around 0.3 of a percentage point.

On the face of it, if the growth in this component were completely discounted, the forecast GDP growth rate for 1995 would become around 5.2 per cent. However, there is a further factor involved. A predominant part of the machinery and equipment bought by the Government is known to be imported. Hence, if the growth in this component were to be discounted, the corresponding imports would have to be discounted as well. The net result, after taking into account the import factor, would be that the end effect on the forecast GDP growth rate should be much smaller than 0.3 of a percentage point, possibly virtually nil.

- (b) For the financial year 1995/96, government investment in the airport and related projects, including expenditure from the Capital Works Reserve Fund, and equity injections into the Provisional Airport Authority and the Mass Transit Railway Corporation, amounts to about \$32 billion. This represents about 3 per cent of the forecast level of GDP in 1995.

End/Wednesday, July 26, 1995

Footbridge covers to MTR station soon be built

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

Question:

At a meeting which I held with the Mass Transit Railway Corporation (MTRC) and the relevant Government departments regarding the provision of cover for the two footbridges connecting Lower Ngau Tau Kok Estate and Kowloon Bay MTR station, the MTRC agreed to bear part of the building costs of the cover while the departments concerned undertook to carry out the building work and set the dates for the commencement and completion of the project. However, there has been no sign of any work being carried out long after the work was due to commence. I have enquired about the progress and been given a new commencement date. In this connection, will the Government inform this Council of:

- (a) the reasons for the delay of the project;
- (b) the exact date for the commencement of the work; and
- (c) the date of completion of the project?

Reply:

Mr President,

- (a) When Highways Department first drew up the works programme for the provision of covers on the two footbridges, it was envisaged that construction could be undertaken by their term maintenance contractor. However, in developing the detailed design, it became clear that the contractual arrangements would need to take into account the requirement to provide adequate pedestrian facilities during construction, as well as safety measures to protect both pedestrians using the footbridges and the traffic below. Given the scope of the project, it was decided that it would be more appropriate to invite tenders so that the necessary contract conditions could be clearly specified. This has resulted in some delay. However, the tender procedures have now been completed.
- (b) The scheduled date for commencement of works is 31 July 1995.
- (c) It is expected that the project will be completed by the end of January 1996.

End/Wednesday, July 26, 1995

Measures taken to promote computer knowledge

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

Question:

With information technology becoming more readily available, industry and commerce nowadays rely heavily on computers in the conducts of business, and computer networks have also become important person-to-person, company-to-company and international communication channels. In this regard, will the Government inform this Council:

- (a) what measures it has taken to promote computer knowledge and its usage, particularly in educating the public how to access and use the information available from databases world-wide through computer networks; and
- (b) how much resources it plans to allocate for enhancing the knowledge of computer networks and its usage among the young people, so as to keep them abreast of the development of present-day society and have more opportunities to communicate with the international community?

Reply:

Mr President,

- (a) Hong Kong enjoys one of the most advanced and sophisticated telecommunications networks in the world. It can support the most advanced communication and computer services available, allowing companies and the general public to have access to databases world-wide. To promote the knowledge of computer and encourage its usage among the public, the Government has set an example by using computer networks in its services.

Many Government departments have in recent years taken active steps to automate their operations, including the use of computer communication networks and access to databases where particular applications require them. Where such applications have interfaces with the public, the departments concerned will publish information on the availability of these facilities and their usage. Examples are:

- * the bilingual laws information system which allows private legal practitioners access to Hong Kong ordinances, selected constitutional documents and subsidiary legislation using the information/law service provided by a local service company;
- * a Land Registry Direct Access Service which enables customers to make, from their offices, on-line searches of the computerised land registers;
- * access to the Regional Council's library catalogue through telephone lines (scheduled to be available by the end of 1995);
- * interactive telephone response systems, implemented in several Government departments, which allow the public to make enquiries to databases of departments concerned and to obtain various application forms.

In addition to the above, through Tradelink, a joint venture company formed between the Government and the private sector, a Community Electronic Trading Service will be launched in 1996. The objective of this service is to promote the use of Electronic Data Interchange and the concept of electronic commerce by over 100,000 small and medium size businesses in Hong Kong.

- (b) Over the past decade, the Government has invested over \$200 million in the school education service to help enhance the knowledge of computer networks and its usage among young people. Of this amount, about \$110 million is being spent between 1993/94 and 1995/96 on providing every student in a computer practical class access to his own computer.

The subject of computer literacy, which covers the basic idea of computer networking, is taught in Secondary 1-3 classes. More computer subjects, which cover various types of networks and their operation, are provided in senior secondary and sixth form classes. Students gain hands-on experience in accessing computer networks in the sixth form computer classes.

In 1992, the Education Department launched a Sixth Form Computer Subjects Project to help schools introduce the computer subject at Advanced-Supplementary and Advanced levels. Each school joining this project has been provided with additional computer facilities including 31 sets of computers, a Modulator/Demodulator (MODEM) and other relevant hardware and software for accessing computer networks. So far 77 schools have joined the project and another 48 schools will join this September.

Outside the curriculum, students of 23 schools have access to computer networks through participating in programmes provided by the City University of Hong Kong and the Chinese University of Hong Kong. Through these programmes, students are able to practise computer communications skills with other users of the networks, both local and overseas.

Local tertiary and technical education institutions also offer computer science degree and sub-degree programmes as well as computer courses of various levels for students of other disciplines. Some of these institutions have also established extensive computer networking facilities for general use by students in campus.

Potentially hazardous installations studies

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

Question:

Up to December 1993, the hazard assessments, planning studies and action plans in respect of 11 potentially hazardous installations (PHIs) in the territory had not yet been completed. In this connection, will the Government inform this Council:

- (a) whether any PHIs other than the 11 mentioned above have been built since then, if so, how many;
- (b) of the 11 PHIs and new PHIs (if any), how many have gone through the three processes mentioned above; and when will the remaining PHIs be expected to complete these processes; and
- (c) whether there are any PHIs which require certain action plans such as the provision of additional safety devices or relocation ?

Answer:

Mr President,

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

- (a) Since December 1993, no new PHI has been built or put into operation.
- (b) Of the 11 PHIs referred in the question, the Shell Industrial Liquefied Petroleum Gas (LPG) Store in Sham Tseng has completed the hazard assessment (HA), planning study (PS) and action plan (AP).

Of the remaining 10 PHIs, HA, PS and AP are in process, and are expected to be completed later this year or in early 1996.

- (c) In addition to the above, three PHIs (Government explosives depot on Stonecutters Island, LPG store in Butterfly Estate and LPG store in Kwong Fuk Estate) will be relocated. Another PHI (LPG/air mixing plant in Tuen Mun Area 16) will be de-commissioned in September 1995.

End/Wednesday, July 26, 1995

Parents and schools co-operation

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

Question:

As more emphasis is being placed on co-operation and communication between parents and schools, teachers often arrange gatherings with parents and invite them to participate in extra-curricular activities as well. In this connection, will the Government inform this Council whether the current pre-service and in-service training provided to teachers includes courses on training teachers how to enhance cooperation and communication with parents; if so, what the details are; if not, what the reasons are and whether the Government has any plan to organize such courses in the near future?

Reply:

Mr President,

A wide range of topics/modules relating to communication and co-operation between parents and schools are included in the current pre-service and in-service training courses. Details are as follows -

(a) Pre-service training

Course(s)	Topic(s)
Full-time Bachelor of Education Programme (The Chinese University of Hong Kong)	<ul style="list-style-type: none">• Guidance Programmes for Students with Learning Difficulties• Introduction to Guidance and Counselling in Primary Schools• Home, School and Community Relations• Sex Education in Primary Schools
Full-time Bachelor of Education Programme (University of Hong Kong)	<ul style="list-style-type: none">• Children with learning difficulties

<p>Certificate of Education Programme (Hong Kong Institute of Education)</p>	<ul style="list-style-type: none"> • Role of the Teacher • Fundamental Principles of Education • Understanding the Hong Kong Educational Context • Human Development (Childhood and Adolescence) • Classroom Teaching Skills (interactive and inter-personal skills) • Developing and Maintaining Productive Human Relationship in School • Human Dynamics • Culture and Society • Personal Social Education • Life Skills
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(b) In-service training

Course	Topic(s)
<p>Part-time Bachelor of Education Programme (The Chinese University of Hong Kong)</p>	<ul style="list-style-type: none"> • Guidance Programmes for Students with Learning Difficulties • Introduction to Guidance and Counselling in Primary Schools • Home, School and Community Relations • Sex Education in Primary Schools
<p>Part-time Bachelor of Education Programme (University of Hong Kong)</p>	<ul style="list-style-type: none"> • Children with learning difficulties • Supports systems • Early childhood special education • Giftedness • Transition from school • The teacher as manager • Schools and the family.
<p>Bachelor of Education In-service Programme (Hong Kong Baptist University)</p>	<ul style="list-style-type: none"> • Home-School Relationship • Parent Education
<p>Bachelor of Education Programme (Open Learning Institute of Hong Kong)</p>	<ul style="list-style-type: none"> • Child Development and Classroom Learning • Education and Society
<p>Initial and refresher teacher training courses for in-service teachers (Hong Kong Institute of Education)</p>	<ul style="list-style-type: none"> • Role of the Teacher • Fundamental Principles of Education • Understanding the Hong Kong Educational Context • Human Development (Childhood and Adolescence) • Classroom Teaching Skills (interactive and inter-personal skills) • Developing and Maintaining Productive Human Relationship in School • Human Dynamics • Culture and Society • Personal Social Education • Life Skills

Certificate Courses for Guidance Teachers and for Discipline Teachers (Education Department)	<ul style="list-style-type: none">• Home school relationships and co-operation• Consultative services for parents and teachers• Communicating and interviewing parents• Helping parents develop positive attitudes and basic skills in disciplining their children• Positive communication between parents and the school
Refresher Training Course (Graduate) and Principal Graduate Master/Mistress Course (Education Department)	<ul style="list-style-type: none">• Home School Co-operation
School Administration courses for school heads and senior teacher (Education Department)	<ul style="list-style-type: none">• Different roles of teachers and heads• Inter-personal communications• Handling complaints• Working with people
Seminars/Teacher Development Sessions/ Workshops run by the Education Department	<ul style="list-style-type: none">• Understanding students from single parent families (for secondary school teachers)• Working with parents (for secondary school teachers)• Orientation programme for Primary 1 pupils and their parents• Effective communication with parents (for primary school teachers)

End/Wednesday, July 26, 1995

Legal Services communication channels effective

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There are many channels of communication at present which are considered to be an effective way of co-ordinating legal services, the Attorney General, the Hon Jeremy Mathews, said in the Legislative Council today (Wednesday). In a written reply to a question raised by the Hon Emily Lau, Mr Mathews said the existing channels through which issues requiring co-ordination could be discussed included:

- * Court Users Committees in respect of civil proceedings, criminal proceedings and proceedings before tribunals;
- * the Standing Committee on Legal Aid;
- * the Judicial Studies Board;
- * the Legal Practitioners' Liaison Committee;

- * ad hoc working parties and committees, such the Working Party on Judiciary Administration, the committee on Computer Assisted Listing, and the Steering Committee on the Use of Chinese in Courts;
- * consultation by the Administration on proposed new legislation affecting the legal system; and
- * informal contacts between the institutions referred to in the question.

Mr Mathews said these many channels of communication were considered to be an effective way of co-ordinating legal services and there were no plans to review these arrangements.

He said: "If new problems emerge they can either be dealt with through existing channels or by creating new committees or working parties."

End/ Wednesday, July 26, 1995

Ways to co-ordinate legal services

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

Question:

The Consultation Paper on Legal Services issued by the Attorney General Chambers (AGC) does not appear to have dealt with the interface between the AGC, the Judiciary, Legal Aid Department and the legal profession, which interface is a key factor in ensuring that legal services are properly co-ordinated and managed. In view of this, will the Administration inform this Council whether there are plans to review the current arrangement in order to enhance the effectiveness and efficiency of the delivery of legal services?

Reply:

Mr President,

At present, there are many channels of communication through which issues requiring co-ordination can be discussed. These include

- (1) Court Users Committees in respect of civil proceedings, criminal proceedings and proceedings before tribunals;
- (2) the Standing Committee on Legal Aid;
- (3) the Judicial Studies Board;
- (4) the Legal Practitioners' Liaison Committee;
- (5) ad hoc working parties and committees, such the Working Party on Judiciary Administration, the committee on Computer Assisted Listing, and the Steering Committee on the Use of Chinese in Courts;
- (6) consultation by the Administration on proposed new legislation affecting the legal system; and
- (7) informal contacts between the institutions referred to in the question.

These many channels of communication are considered to be an effective way of co-ordinating legal services. If new problems emerge they can either be dealt with through existing channels or by creating new committees or working parties. There are no plans to review these arrangements.

End/Wednesday, July 26, 1995

Premature retirement of senior civil servants

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Following is a question by Dr the Hon Lam Kui-chun and a written reply by the acting Secretary for the Civil Service, Mr Chris Jackson, in the Legislative Council today (Wednesday):

Question:

According to the information provided by the Civil Service Branch, 70% of the civil servants who retired prematurely in 1994/95, did so for reason of emigration. In this connection, will the Government inform this Council whether it has information to show that the monthly pension received by a senior civil servant at the assistant directorate level who retires with a service period of between 20 to 25 years is higher than the monthly remuneration of comparable senior civil servants in the major destinations of the territory's emigrants (such as United States, Australia and Canada), resulting in more senior civil servants opting for premature retirement?

Reply:

Mr President,

A senior civil servant at the assistant director level who retires prematurely under the Old Pension Scheme after 20 or 25 years of service, could receive a commuted pension gratuity of \$1.7m or \$2.1m and a monthly pension of \$30,000 or \$37,000 respectively if he decided to commute the maximum 25% allowable.

We do not have comparative rank and salary equivalent statistics for civil servants in the USA, Canada and Australia and we are therefore unable to provide any comparison between Hong Kong Civil Service pensions and salaries in the countries requested.

We do not believe that there is any correlation between the pensions of retired senior Hong Kong civil servants and the pay of senior civil servants in these countries nor that this is a factor influencing premature retirements from Hong Kong. In 1994-95 only five directorate officers' premature retirement was approved on migration/family separation grounds.

End/Wednesday, July 26, 1995

AIDS Trust Fund

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

Question:

Regarding the operation of the Council for the AIDS Trust Fund, will the Government inform this Council :

- (a) whether the Council for the AIDS Trust Fund will consult the Advisory Council on AIDS (ACA) when it considers the priority of each project, bearing in mind that resources are limited and that one of the terms of reference of the ACA is to advise the Government on the policy relating to the control and prevention of AIDS; if not, why not;
- (b) of the procedures adopted, and the time required, by the Council for the AIDS Trust Fund for examining and approving applications for funds; and
- (c) whether the Government will consider appointing ACA members into the Council for the AIDS Trust Fund, so as to enhance communication between the two Councils; if so, when such arrangement will be made; if not, why not?

Reply:

The Council for the AIDS Trust Fund is appointed by the Governor. The Secretary for Health and Welfare is a member of the Council for the AIDS Trust Fund as well as receiving the advice of, and being represented on, the Advisory Council on AIDS (ACA). The Council for the AIDS Trust Fund considers the disbursement of ex-gratia payments and project grants on the recommendation of its three sub-committees, each of which has a member who is also a member of the ACA. Whilst we believe that the present interface between the ACA and the Council for the AIDS Trust Fund is satisfactory, we shall continue to monitor the situation and will consider strengthening the relationship between the two bodies as appropriate.

The procedures adopted by the Council for the AIDS Trust Fund in dealing with applications have all along been intended to allow the maximum flexibility and responsiveness. Where urgent applications are received and a meeting cannot be held, such applications are dealt with wherever possible by circulation. The time required for examination and approval thus varies depending on the urgency of the application. However, generally at least one month is required from receipt of an application to approval and disbursement of the funds.

We are currently reviewing the arrangements for applications. Whilst the present flexibility is well-intentioned, it often poses a strain on the secretariat. Feedback from applicants suggests that many would prefer a more rigid and well-publicised schedule of meetings with clear deadlines for applications.

End/Wednesday, July 26, 1995