



DAILY INFORMATION BULLETIN

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CFA legislation implements Sino-British agreement

The Court of Final Appeal (CFA) is an element and part of the architecture of the rule of law which everybody wants to see in place, the Governor, the Rt Hon Christopher Patten, said today (Wednesday).

In reply to questions by reporters after visiting Central and Western Districts this afternoon, the Governor said that one of the things that people were most concerned about in Hong Kong was the rule of law and the continuance of the rule of law after 1997.

"It's the thing which perhaps more than anything else affects people's daily life," he added.

"It's about whether we can continue to be a decent, civilised, successful society, living in dignity and freedom and openness.

"So I hope that we can get on with it and I hope that it doesn't become an issue about which there are arguments and rows."

The Governor pointed out that there was an agreement between China and Britain to set up a Court of Final Appeal and that a drafted legislation, which faithfully implemented that agreement, was given to the Chinese side last May.

As a result of the consultations with the legal profession in Hong Kong, he said some technical adjustments were passed to the Chinese side in January.

"Indeed I suspect that before too long, the community is going to start to press us to get on with things," he said.

"But we wish to go forward and I assume that we will go forward in co-operation because nobody has yet pointed out in any way how our legislation fails to implement the 1991 agreement."

End/Wednesday, March 15, 1995

Transcript of the Governor's media session

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The following is the transcript of the media session by the Governor, the Rt Hon Christopher Patten, after visiting Central and Western Districts today (Wednesday).

Governor: I've enjoyed another visit to Central and Western. Since I am a resident in Central and Western maybe over doing it to say one of my visits because I live here. Obviously the two issues which I think are most concerning the District Board are, first of all, the provision of services for the elderly. We're seeing a growing number of people retired in the community as a whole. But I think there's a particularly large number of retired people in Central and Western, and there are strong arguments for improving the health facilities for the old in the district which we are going to look at. Secondly, obviously the impact of all the building that's going on, or the infrastructure development, the Central Reclamation, the Western Harbour Crossing and so on, creates problems for the community and we've got to work with the District Board in order to try to address those problems. So, it's a useful visit. I am very grateful to the District Board for their hospitality. And now you want to ask lots of questions about Central and Western.

Question: Governor Patten, I want to ask you with just a little bit more than two years until the hand-over to China, there has been some descriptions of you recently as something of a lame duck, and I want to know how you respond to that?

Governor: I think it's truly difficult to be described both as a lame duck and that somebody who's making too many waves, perhaps by flapping one's limbs too vigorously. I don't think you can be both at the same time. And the truth of the matter is that we are still setting the agenda here in Hong Kong. People have talked about the administration being a lame duck since the mid-1980s. It hasn't been a charge which anybody has seriously levelled for the last two or three years. And as far as we are concerned, we're going to go on taking decisions and go on governing in the interest of the people of Hong Kong until June 30, 1997. That's what I think people in the administration want us to do, and that's what I think the community expects us to do. And I don't think that anything that's happened, whether the outcome of the District Board elections or the outcome of the Municipal Council elections the other day, suggest that there's too much questioning of that approach. Clearly, the closer we get to 1997, the more people are going to look for reassurance about Hong Kong's future to the next sovereign. I can give reassurance about all that I am going to do between now until 1997 to strengthen the foundations of Hong Kong's free and open and successful society. But it's for others in deeds as well as words to give reassurance for the future. That's an inevitable consequence over the next couple of years. But it's not going to make this administration a lame duck or even a vaguely hobbling duck.

Question: Can you comment on whether you think that the penalties for child abuses are adequate in light of the comments made by a District Court Judge following the conviction of the baby-sitter yesterday?

Governor: It's a subject which I know there's increasing concern about, and the subject which we're looking at in the administration, both the penalties for child abuse and the pattern of child abuse across the community, and the ways in which in the courts we deal with those who are accused of child abuse, for example, looking at the possibilities for taking evidence from children on video tape and using it in the court. So they're not expected to be in the court with the parent who may be accused of abuse. Those are the sort of things we have to look at and we also have to consider the role of social work in providing a caring infrastructure for those who are abused. They are all extremely difficult issues. They are issues about which I know the community is extremely concerned because of one or two recent cases, and it's a subject which we are addressing as actively as possible.

Question: Should there be a review of the penalties?

Governor: We are looking at far wider than just the penalties. We are looking at the whole way in which the problem is tackled by the community.

Question: Mr Patten, Donald Tsang, the next Financial Secretary of Hong Kong was not so welcomed by the Chinese officials at his trip in Beijing in the past few days. Do you agree that a lot has to be done by the Government so as to foster understanding and communication with the Chinese Government?

Governor: I am not sure whether what you say is true. He's there as a guest of the Hong Kong and Macau Affairs Office. It's one of a regular series of visits in both directions. I think there are eight of those visits planned this year, four in each direction. One involving Chinese officials is taking place at this moment here in Hong Kong. And what I can promise you is any Chinese official who visits Hong Kong will be treated with the maximum courtesy and will be treated as one should treat a guest and someone with whom one wishes to work. I always said that we would like Director Lu Ping to come to Hong Kong more frequently, and we would always want to treat him as a welcomed guest and visitor. That is the way we do things in Hong Kong and I hope others will behave in an equally civilised way.

Question: Governor, about your excellence in dancing, would you keep your tangle with the Chinese side about CFA until the last minute before '97, or are you going to have some solo until the Easter to hand in the bill?

Governor: That gets the prize for the best question so far of 1995, though it runs the danger of abusing metaphor, to quote Lord Palmerstone. First of all, as far as dancing is concerned, I would clearly benefit from very many lessons from the excellent instructors at the St James Settlement Centre. Seriously, we're talking about a dance which has already begun. In 1991, there was an agreement between China and Britain to set up a Court of Final Appeal. That's agreed. We've drafted legislation which we gave to the Chinese side last May, last May, which faithfully implements that agreement. We've made some technical adjustments as a result of the consultations that we had with the legal profession in Hong Kong which were passed to the Chinese side in January. Now, with the best will in the world, nobody can accuse us, having passed over the bill last May, of trying to rush anybody. Indeed I suspect that before too long, the community is going to start to press us to get on with things. But we wish to go forward and I assume that we will go forward in co-operation, because nobody has yet pointed out in any way how our legislation fails to implement the 1991 agreement. Ask Chinese side in what way the bill that they've had since last May fails to implement an agreement which both parties entered into presumably sincerely. We had the word "sincere" used very often by one or two propaganda agencies. Here is a good opportunity for a show of sincerity and I hope it will be taken. Why? Because you know and I know that one of the things that people are most concerned about here in Hong Kong is the rule of law and the continuance of the rule of law after 1997. It's the thing which perhaps more than anything else affects people's daily life, .. abstraction. It's about whether we can continue with the Chinese side?

What I will do in consultation with my senior officials and I hope, carrying the Legislative Council as far as possible with me, what I will do is try to set up a Court of Final Appeal and I hope that we have the active co-operation of Chinese officials in doing that. Frankly, the sort of questions that you ask me should be put to Chinese officials. Why should anyone, anyone want to delay the setting up of this Court? One more question.

Question: Is the time constraint factor, is coming to the new Legco elected in September will create uncertainty so better table the bill before the end of this legal session?

Governor: There are additional considerations. Usually, you can allow legislation which is tabled in one session but not completed to spill over into the following legislative session but when a legislature finishes, when it finishes its term, you can't do that. So you either have to legislate before the end of this Legislative Council session or you have to start in the autumn. Everybody knows the real constraints we have in terms of time in setting the Court up. There's no secret about that. We're not making it up. Getting the judges, getting the buildings established, getting the personnel, getting everything organised in order to get this Court set up in time, all that takes time. I wish it didn't.

Question: Will you be doing....so that you can obtain the mandate from the Chinese side so that you can set up the Court of Final Appeal before 1997?

Governor: With great respect, what do you think we've been doing since May?

Question: Something more substantial..

Governor: We have been doing very substantial thing like giving them a copy of the bill.

Question: The Stadium noise report pointed out that the Secretary of Culture and Recreation Branch should be responsible for the Stadium noise. What do you think about that?

Governor: I'd like to read the report before I comment on it.

Question: Can you comment on yesterday's land auction because it seems that the policy on land auction should be reviewed as now the residential land is in great demand but the industrial land in reverse is not that

Governor: I agree with what the Secretary for Planning, Environment and Land said. Thank you very much indeed.

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Governor tours Central and Western District

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The Governor, the Rt Hon Christopher Patten, toured Central and Western district this (Wednesday) afternoon to get a better understanding of the district.

Mr Patten first visited St Paul's College Primary School in Western where he was briefed by the principal on the activity approach the school adopted in teaching.

This was followed by a browse along Wing Kut Street during which the Governor showed great interest in the imitation jewellery shops there.

The Governor then went to the St James Settlement Multi-service Centre for the Elderly at Sheung Wan Urban Council Complex to see for himself the facilities provided to the elderly.

Before concluding his visit, the Governor met district board members and community leaders at a reception at the City Hall Restaurant.

The Governor was accompanied by Mrs Patten, the Director of Home Affairs, Mr Joseph Wong, the Central and Western District Officer, Mr Philip Yung, and the District Board Chairman, Mr Yuen Bun-keung.

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Increase in penalties against copyright piracy

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The Secretary for Trade and Industry, Mr T H Chau, will introduce the Copyright (Amendment) Bill 1995 into the Legislative Council at the sitting on March 29 to increase the penalties against copyright piracy.

The new maximum penalties for the possession of infringing copies of copyright works for trade and business purposes will be a fine of \$25,000 per copy, and two-year imprisonment.

"They represent a substantial increase from the existing penalties of a fine of only \$1,000 per copy and 12 months' imprisonment," Mr Chau said.

Mr Chau said the existing penalties have not been adjusted for a long time and are among the lowest in Asia.

"Clearly the existing penalties have failed to provide sufficient deterrent against copyright piracy. We need to increase the penalties substantially to demonstrate to both the local and international communities our determination to combat copyright piracy," Mr Chau said.

"Copyright piracy is a serious offence. It is damaging Hong Kong's economic interests and international reputation," Mr Chau said.

"We must not let the copyright pirates prejudice unfairly the legitimate interests of the copyright owners, or damage Hong Kong's hard-won international reputation as one of the world's leading business centres."

Mr Chau added that apart from increasing the penalties for first conviction, the Amendment Bill would introduce a second tier of higher penalties for repeated offenders.

"Copyright piracy is a serious crime and repeated offenders will have to be punished more severely," he said.

"The penalties for repeated offenders will be a fine of \$50,000 per infringing copy and four-year imprisonment on indictment."

The penalties for possession of a plate for manufacturing infringing copyright works will also be increased substantially from a fine of \$50,000 and imprisonment of two years to a fine of \$250,000 and imprisonment of four years on first conviction.

"Penalties for repeated offenders will be doubled," Mr Chau said.

The Amendment Bill will also provide that persons of a body corporate or a partnership found culpable of the infringement offence will be liable to the same penalties.

This seeks to plug an existing loophole in the Copyright Ordinance which does not catch the management of a body corporate or a partnership engaged in copyright infringing activities.

"The Customs and Excise Department will continue with their vigorous enforcement efforts against copyright piracy. Additional resources will be allocated to the department to create some 20 new posts in its Intellectual Property Investigation Bureau," Mr Chau said.

"The department will continue to strengthen its intelligence network and to target enforcement action against syndicates at border control points as well as at the wholesale level."

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Stadium to be put to optimal use

The Secretary for Recreation and Culture, Mr James So, responded to the comments made by the Commissioner for Administrative Complaints in his investigation report which was published today (Wednesday), on noise nuisance caused by pop concerts held at the Hong Kong Stadium.

He said the Government had taken note of the overall observations and recommendation in the report. However, he emphasised that it was important to look ahead and work towards a satisfactory solution to the noise problem to ensure that the stadium was put to optimal use.

Although the stadium is meant primarily as a sports venue, it is also intended for other suitable community and mass entertainment events

"We understand from the Urban Council that so far some 49 functions, including 29 sporting events, have been held at the stadium, attracting a total attendance of over 931,000," Mr So said.

"In addition, a major international rugby tournament, the world famous Sevens, will be held later this month and another 36 events have already been scheduled for the period between April and December this year

"This shows that the stadium has proven to be very popular. I am sure the Urban Council will be working to build on this to make the best possible use of the wonderful facilities it offers," he maintained.

Mr So also expressed confidence that a satisfactory solution would be found, and that the stadium would be restored to its originally intended purposes, that is for both sporting and mass entertainment events, for the benefit of the whole community.

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More information on Hong Kong Stadium

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In response to the three specific points raised by the Commissioner for Administrative Complaints in his investigation report on the noise nuisance at the Hong Kong Stadium this (Wednesday) morning, the Secretary for Recreation and Culture, Mr James So, gave the following additional information:

HK Stadium as a Government project

Although the reconstruction of the Stadium was regarded as a Government project, it was quite different from other normal Government projects under the Public Works Programme. Quite apart from being financed by private funds, the design, construction and project management aspects were all handled by the Royal Hong Kong Jockey Club (RHKJC). Comparison with other Government projects is therefore not entirely appropriate.

In this particular case, it would be excessive to view the Recreation and Culture Branch (RCB) as the client for the redevelopment of the stadium. It must be stressed that the primary function of the RCB, being the policy branch for sports, was to see that the project received the necessary Government support to ensure its timely completion. Thus, RCB was more a co-ordinator than a client.

Inadequate attention to the noise issue

It would be unfair to suggest that the key players in the project gave inadequate attention to the noise issue and that the arrangements adopted to tackle the problem were vaguely defined. Both the Government and the RHKJC recognised the importance of environmental issues at the outset. An Environmental Noise Abatement report was produced in February 1992, eight months after the announcement of the project. Views were then given by the Environmental Protection Department (EPD) on the report. Subsequent discussions were held among the consultants, the Urban Services Department, the Architectural Services Department and the EPD to work out a solution to the concern expressed by the EPD.

The work continued with the appointment of Wembley as the Stadium Manager. A second Environmental Noise Abatement report was produced in December 1993. Various measures were proposed and the possibility of seeking a waiver from the provisions of the Noise Control Ordinance was also explored. A search for a satisfactory solution is continuing and the Government is confident that a resolution will be found.

Self-financing policy

This policy has been determined for two very sound purposes. First, for the sake of good management, this sizeable facility should be used adequately and should not have to be subsidised heavily as in the past. Secondly, the policy will ensure that surplus revenue generated from the facility is ploughed back to sport and not diverted elsewhere. However, it does not insist that a surplus must be produced. What it expects is for the facility to be managed on a self-financing basis.

Before formulation, the principles of this policy were discussed with the Secretary for the Treasury and the Urban Council. Its application is entirely in the hands of the Urban Council. There is no pressure from the Government on the Urban Council to make a profit by using the stadium for pop concerts.

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4,035 agreements lodged with Land Registry in February

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A total of 4,035 sale and purchase agreements for building units, which include both residential and non-residential properties, were lodged with the Land Registry last month.

The figure represents a decrease of 40 per cent from that of January 1995, and a 69 per cent drop compared with February 1994.

The total consideration of these agreements is \$11.89 billion, down 30.4 per cent and 78.3 per cent as compared with the amounts for January 1995 and February 1994 respectively.

The figures are contained in the monthly statistics released today (Wednesday) by the Land Registry on deeds relating to property transactions received for registration in the Urban and New Territories Land Registries last month.

Relevant statistics for January 1995 and February 1994 were provided for comparison.

Figures on sale and purchase agreements received for the past 12 months and the year-on-year rate of change were also released.

The statistics generally relate to land transactions executed up to four weeks prior to their submission for registration, as there is usually a time lag between the execution of deeds and their lodgement for registration.

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Appeal to rooftop occupants to register with Housing Department

The Secretary for Housing, Mr Dominic Wong, today (Wednesday) repeated his appeal to occupants of illegal rooftop structures, who wish to be rehoused in public rental estates, to come forward to register with the Housing Department and place themselves on the General Waiting List.

Mr Wong said: "This is the proper way to ensure that they will be considered for rehousing together with other applicants on the General Waiting List on a fair and equitable basis."

"The earlier they put in their applications, the earlier they will be rehoused if they can meet the normal household income limit criteria."

Mr Wong reiterated that it is the Government's policy to offer rehousing to those in need prior to any clearance or demolition. No one would be made homeless under this policy.

Problems arise only when occupants refuse to accept the type of rehousing for which they are eligible. Clearly, it is in their own interest to co-operate with the Housing Department. To do otherwise will only delay the rehousing process, and in any case will not change their eligibility status.

"The criteria for rehousing are reasonable and fair and should not be changed in favour of a particular group. We do not consider it reasonable to provide immediate rehousing in public rental flats for rooftop occupants who do not satisfy the eligibility criteria. To do so will lead to accusations of 'queue jumping', which is unfair to eligible households already on the Waiting List," he said.

Mr Wong noted that of the 16 families registered with the Housing Department in connection with the Tsuen Wan clearance earlier this year, four have been rehoused in public rental estates, seven in temporary housing, one is being processed for public rental rehousing, and one is under investigation. The remaining three families have either given up their application or been disqualified because they are owners of private property or not bona-fide occupants.

In the case of the rooftop occupants of the Good View Court in Kwun Tong, two families have been offered public rental housing; one is being processed through the waiting list, two are already temporary housing area (THA) occupants and the remaining four have been offered THAs in the New Territories.

With regard to the rooftop structures of Kingland Apartments in Mong Kok due for demolition next month, 37 families have registered with the Housing Department. All eligible families have been offered rehousing, either in public rental units or THAs.

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Early intervention helps disabled children in studies

Early intervention for disabled children is important to help them integrate into mainstream education, Mrs Patten said today (Wednesday).

She said she was pleased to hear that the Government would provide more than 700 additional places in pre-school centres for disabled children over the next four years to meet the increased demand.

Speaking at the opening ceremony of the Lai Chi Kok Bay Garden Centre of the Suen Mei Speech and Hearing Centre for the Deaf, Mrs Patten said the Government had also raised the special educational needs of hearing-impaired students with tertiary institutions that were funded by the University Grants Committee.

"It is encouraging to note their response. At the highest level, they are aware of the higher education needs and aspirations of students with a disability.

"They are prepared to consider, whenever appropriate, strategies for overcoming the difficulties experienced by such students who are academically qualified to study at the tertiary level," she said.

"Let us hope that these aims will result in more students with disabilities being able to take their studies to tertiary level," she added.

Mrs Patten commended the centre for contributing to early intervention programmes for hearing impaired children.

Formerly located in Mei Foo Sun Chuen, the centre has helped more than 70 such children integrate into mainstream education since its inception in 1981.

The success rate for integrating these children into ordinary kindergartens, and then into primary and secondary schools, was as high as 96 per cent.

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Yuen Long lot to let

The Lands Department is inviting tenders for short-term tenancy of a piece of Government land in Yuen Long.

Located at Yuen Long Town Park Road South, the lot has an area of 5,734 square metres for use as a plant nursery for gardening.

The tenancy is for 18 months, renewable quarterly.

Closing date for submission of tender is at noon on March 31.

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

Tender Plan can also be inspected at these offices.

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Flushing water cut in Ma On Shan

Flushing water supply to some premises in Ma On Shan will be temporarily suspended from 8 am to 8 pm on Friday (March 17) to facilitate the checking of the water supply system.

The affected areas include Yiu On Estate, Hing On Temporary Housing Area, Kam Hay Court, Fok On Garden, Sunshine City, Fu Fai Garden, Bayshore Towers, Ma On Shan Centre, Kam Ying Court, Villa Athena, Saddle Ridge Garden, Kam Lung Court, Lee On Estate as well as all the premises at On Shan Lane and the section of Ma On Shan Road to the north of Hang Hong Street.

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Hong Kong Monetary Authority money market operations

	<u>\$ million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	2,569	0930	+151
Closing balance in the account	1,354	1000	+151
Change attributable to :		1100	+62
Money market activity	+65	1200	+65
LAF today	-1,280	1500	+65
		1600	+65

LAF rate 4.25% bid/6.25% offer TWI 118.5 *+0.0* 15.3.95

Hong Kong Monetary Authority

EF bills		EF notes/Hong Kong Government bonds				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	4.88	14 months	2605	6.35	100.06	6.38
1 month	5.20	23 months	2702	7.50	101.54	6.75
3 months	5.65	28 months	3707	6.95	100.40	6.87
6 months	5.91	34 months	3801	8.00	102.56	7.12
12 months	6.26	57 months	5912	8.15	102.56	7.64

Total turnover of bills and bonds - \$38,227 million

Closed March 15, 1995

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