



DAILY INFORMATION BULLETIN

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Governor Patten calls on Capitol Hill

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The Governor, the Rt Hon Christopher Patten, today (Tuesday, May 7, Washington Time) completed his first full day in Washington D C, the fifth city of his six-city North American tour.

The day's appointments included a morning meeting with US Vice President Al Gore at the White House where National Security Advisor Anthony Lake and National Economic Advisor Laura Tyson were also present.

Following the meeting, the Governor told the press that he had received two assurances from the Vice President.

"First of all, that the US administration takes the same view that we do about MFN and about the importance of its renewal and, secondly, that the US administration continues to believe that there should be full implementation of the Joint Declaration as the basis for Hong Kong's transition to Chinese sovereignty in 1997," he said.

Mr Patten said during the meeting he had also expressed to the Vice President Hong Kong's gratitude for continuing interest by the United States administration in what was happening in Hong Kong and for the continuing American concern towards the full implementation of the Joint Declaration in Hong Kong.

"We very much appreciate the lively and informed interest which the US administration has shown," Mr Patten said.

During the day, the Governor had several other appointments on Capitol Hill.

These included meetings with Secretary for Commerce Ambassador Mickey Kantor, formerly the US Trade Representative until he assumed the position of Secretary for Commerce following the death of Secretary Ronald Brown last month, and with Senate Democratic Leader Tom Daschle.

The Governor met Republican Senator Connie Mack who in 1995 formed the Hong Kong Coalition, a bipartisan group of House and senate members whose purpose is to monitor Hong Kong's transition; Democratic Senator Joseph Liberman; and Democratic Senator Bill Bradley, a member of the Finance Committee.

Mr Patten also had discussions with the Bipartisan Working Group on MFN, a group of bipartisan pro-trade Congressmen in the House of Representatives.

The Governor addressed a lunchtime meeting of 200 members and guests of the Washington D C-based think tank, the Heritage Foundation.

He also had two television interviews - with CNN and with the Public Broadcasting Service programme News Hour with Jim Lehrer - and an interview with National Public Radio.

Tomorrow, Mr Patten will continue his round of appointments in the US capital.

End

Membership of Equal Opportunities Commission announced

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The Governor has appointed Dr Fanny Cheung Mui-ching as the Chairperson of the Equal Opportunities Commission (EOC) for a term of three years commencing May 20, 1996.

Sixteen other members have also been appointed to serve on the Commission for a two-year term with effect from the same day.

Under the Sex and Disability Discrimination Ordinances, the EOC is to eliminate discrimination and promote equal opportunities between women and men and persons with and without a disability.

The Commission will undertake public education and research programmes to promote equal opportunities in the community, handle complaints and encourage conciliation between parties in dispute, and provide assistance to aggrieved persons.

It may also issue codes of practice to provide practical guidance to the employment sector to facilitate compliance with the statutory requirements of the Ordinances.

Dr Cheung is currently the Dean of the Faculty of Social Science of the Chinese University of Hong Kong (CUHK). She is fully conversant with issues relating to discrimination on the grounds of sex and disability in Hong Kong.

For the past 20 years, Dr Cheung has played an active part in promoting equal opportunities for women. She spearheaded the establishment of a women's centre in the early 1980s to provide comprehensive counselling and development services for women. She also founded the Gender Research Programme at CUHK 10 years ago and has been serving as the Programme Director since.

Furthermore, Dr Cheung has a commendable track record in the field of rehabilitation. She has been closely involved in public education and community campaigns to promote public acceptance of the handicapped persons and is the incumbent Vice-chairperson of the New Life Psychiatric Rehabilitation Association. She is also the Chairperson of the Advisory Committee on Social Work Training and Manpower Planning.

The 16 members appointed to the EOC represent a wide range of community interests. They possess diverse but useful expertise in the relevant fields. Apart from the professionals and academics, there are members who have recognised credentials in promoting the rights of women, equal opportunities and rehabilitation services for the disabled persons, or who are conversant with issues relating to the employment sector.

The members are as follows:

- 1 Mr Chan Fuk-sing, Peter - certified public accountant, member of the Rehabilitation Advisory Committee;
- 2 Mr Cheung Wing-lam, Linus - Chief Executive of the Hong Telecommunications Ltd and member of the Review Committee of the Independent Against Corruption;
- 3 Ms Cheung Yuet-lan - member of the Regional Council;
- 4 Dr Fung Hon-yuen, Stevenson - lecturer of the University of Hong Kong and member of the Rehabilitation Advisory Committee;
- 5 Ms Hung Suet-lin - social worker of Caritas-Hong Kong and Vice-chairman of the Association for the Advancement of Feminism;
- 6 Mrs Lam Pei Yu-dja, Peggy - Chairman of the Wan Chai District Board;
- 7 Mr Lee Man-ban - certified public accountant, Chairman of the Hong Kong Society for Rehabilitation;

- 8 Mr Lee Yeh-Kwong, Charles - solicitor, member of the governor's Business Council,
- 9 Mr Leung Kwan-yuen, Andrew - Managing Director of the Sun Hing Knitting Factory Ltd and employer representative on the Labour Advisory Board;
- 10 Miss Leung Oi-sie, Elsie - solicitor, President of the International Federation of Women Lawyers;
- 11 Ms Li Fung-ying - General Secretary of the Federation of Hong Kong and Kowloon Labour Unions and employee representative of the Protection of Wages on Insolvency Fund Board;
- 12 Professor Ng Mun-hon - Professor of the University of Hong Kong and member of the Advisory Council on AIDS;
- 13 Miss Shum Mun-ling, Elle - Director of Protech Components Ltd and member of the Committee on the Promotion of Civic Education;
- 14 Ms Wu Hung-yuk, Anna - solicitor, Vice-chairman of the Consumer Council;
- 15 Dr Wu Wai-yung, Raymond - medical practitioner, Chairman of the Rehabilitation Advisory Committee;
- 16 Mr Yeung Kong-hing, Peter - General Manager (Personnel) of the Hong Kong Air Cargo Terminals Ltd and Chairman of the Transport and Physical Distribution Training Board of the Vocational Training Council.

End

FS to lead delegation to visit Southeast Asia

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The Financial Secretary, Mr Donald Tsang, will lead a 62-member delegation to visit Kuala Lumpur, Singapore and Bangkok between May 14 to 22 to strengthen business ties among APEC participants and identify opportunities for building a strategic business partnership with the three cities.

Announcing details of the visit today (Wednesday), a government spokesman said the visit represents the joint efforts of the Government and the private sector to foster closer economic ties with the three Southeast Asian countries and to explore with them mutual development opportunities in the region.

The delegation comprises representatives from both the private and public sectors including the Secretary for Works, Mr H S Kwong, and representatives from the Hong Kong Trade Development Council (HKTDC) and the Hong Kong Tourist Association (HKTA).

It also includes over 30 members of the five professional bodies in the construction trade and related industries - the Association of Consulting Engineers of Hong Kong (ACEHK), the Hong Kong Construction Association (HKCA), the Hong Kong Electrical and Mechanical Contractors' Association (HKEMCA), the Hong Kong Institute of Architects and the Hong Kong Institution of Engineers (HKIE).

A business seminar "Building Strategic Partnership for the Future" will be organised by HKTDC in each of the three cities. The Financial Secretary will deliver a keynote address at the luncheon which will follow the seminars.

Other speakers include the Executive Director of the Hong Kong and Shanghai Banking Corporation, Mr Vincent Cheng; Chairman of the Sino Land Group, Mr Robert Ng; Chairman of HKTA, Mr Y S Lo, Chairman of INFA Telecom Group, Mr Peter Tsang; Chairman of DHL International Ltd, Mr Chung Po-yang; Chairman of the Hong Kong Exporters Association, Mr Willy Lin; and the Director of Hong Kong Centre of Economic Research, University of Hong Kong, Professor Richard Wong.

Representatives of the professional bodies, including Mr James Blake of the HKIE; Mr Kenneth Lau of ACEHK; Mr K K Chan of HKCA and Mr C K Tsang of HKEMCA, will also speak at the seminars.

The Financial Secretary will leave Hong Kong on May 14 for Kuala Lumpur where he will call on senior Malaysian banking and financial officials and attend the HKTDC business seminar. He will also speak at a lunch meeting of the Asian Strategy and Leadership Institute.

On May 16, the delegation will depart for Singapore where Mr Tsang will call on the Prime Minister, Mr Goh Chok Tong; Chairman of the Economic Development Board, Mr Philip Yeo; and ministers responsible for finance and trade and industry.

While in Singapore, Mr Tsang will officially open the Hong Kong Economic and Trade Office (HKETO) and the HKTA Office on May 17. The HKETO (Singapore) has been in operation since last August to strengthen economic and trade links with Singapore and other ASEAN countries.

Mr Tsang will also address the Harvard Club of Singapore and visit the Singapore Stock Exchange and the Singapore International Monetary Exchange.

On May 20, the delegation will set off for the last leg of the visit, Bangkok. In the Thai capital, Mr Tsang will call on the Deputy Prime Minister, Dr Amnuay Viravan, and senior officials in charge of foreign affairs and finance.

End

Telecommunication (Amendment) Bill 1996

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The Government has proposed to amend two provisions in the Telecommunication Ordinance which might affect press freedom or freedom of expression.

The Telecommunication (Amendment) bill 1996 was passed by the Governor-in-Council at its meeting yesterday.

A government spokesman explained today (Wednesday): "We intend to repeal section 13C(3)(a) of the ordinance which empowers the Broadcasting Authority to require radio licensee to refrain from broadcasting any programme.

"With the repeal of this section, the administrative measure to prohibit programming will cease.

"However, the existing provision which allows the court on application by the Chief Secretary to prohibit certain programmes that may incite hatred, result in a general breakdown in law and order or gravely damage public health or morals will be retained.

"The Broadcasting Authority will continue to regulate the standards of programmes or advertisements.

"The licensing regime for radio licensees will thus be brought into line with the regime for television licensees under the Television Ordinance."

The other provision to be amended is section 28 which makes transmitting messages known to be false by telecommunication an offence.

The spokesman said this provision was considered to be too vague and too onerous.

He said: "The reason for having the section is to comply with Article 47 of the Constitution of the International Telecommunication Union (ITU) which requires steps to be taken to prevent the transmission or circulation of false or deceptive distress, urgency, safety or identification signals.

"The redrafted section will enable us to comply with the ITU requirements."

The Bill will be gazetted on Friday (May 10) and introduced into the Legislative Council on May 22.

End

Bill on aviation security to be introduced

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The Government will introduce new legislation to establish a statutory framework on aviation security in Hong Kong so that the territory will continue to comply with international requirements, a Government spokesman said today (Wednesday).

The Aviation Security Bill will be gazetted on Friday (May 10) and is expected to be introduced into the Legislative Council on June 5 this year.

The spokesman said that the international community had agreed on a number of standards and recommended practices for the suppression of unlawful interference committed against aircraft, airports and passengers.

These are laid down in Annex 17 to the Chicago Convention of the International Civil Aviation Organisation. In addition, agreements on measures to combat unlawful interference are enshrined in the Tokyo, The Hague and the Montreal Conventions.

The Aviation Security Bill aims to localise provisions in UK legislation giving effect to these Conventions, which are extended to Hong Kong by Orders-in-Council.

"The Bill also seeks to regularise the aviation security arrangements currently applied at Kai Tak Airport through administrative measures," the spokesman said.

Under the proposed legislation, any acts of omission on board a Hong Kong registered aircraft, which would constitute an offence in Hong Kong if committed here, or the unlawful seizure of an aircraft in flight or any acts of destruction or violence on board an aircraft which would endanger the safety of that aircraft, will be an offence.

The Bill will establish a statutory Aviation Security Authority and an Aviation Security Programme to provide the regulatory framework required by Annex 17 of the Chicago Convention.

"The Secretary for Security will be designated the Aviation Security Authority and will be responsible for the development, implementation and maintenance of the Aviation Security Programme.

"The Programme will provide guidelines on the aviation security standards required, and the Secretary for Security will be empowered to issue directions as necessary to ensure compliance with these standards," the spokesman said.

An Aviation Security Committee will be established on a statutory basis to advise the Aviation Security Authority on matters relating to aviation security.

Members of the Committee will be appointed from the Government, the Airport Authority and the aviation industry.

The spokesman said that both the draft Aviation Security Bill and the draft Aviation Security Programme had been circulated to the industry, including the Airport Authority, the airlines and the airport tenants, for detailed consultation.

"They have expressed general support for both," he said.

"It is our aim to implement the aviation security requirements in co-operation with the industry. Enforcement action will only be taken if a company or person persistently refuses to comply with a reasonable requirement," the spokesman added.

End

Lay members of Insider Dealing Tribunal appointed

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The Government today (Wednesday) announced that the Financial Secretary had appointed Mr Felix Chow Fu-kee and Mr Michael Sze Tsai-ping as lay members of the Second Division of the Insider Dealing Tribunal to hear the case related to Yanion International Holdings Ltd.

It was also announced that the Second Division would hold a preliminary hearing on the Yanion case on May 13.

Mr Chow is an accountant and has extensive experience in finance, investments, securities and insurance.

Mr Sze, also an accountant, is the managing director of a securities company.

Chairman of the Second Division of the Tribunal, Mr Justice Burrell, will preside over the inquiry.

At the preliminary hearing, the Tribunal will announce its terms of reference and procedures for the inquiry, state its duties and power, receive applications for representation and set a date for the main hearing.

The preliminary hearing will start at 10 am in Court No 16, eighth floor, Supreme Court Building.

The Yanion case is the fourth insider dealing case referred by the Financial Secretary to the Tribunal since the Securities (Insider Dealing) Ordinance came into effect in September 1991.

End

Erroneous press report on PCS licence applications

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The Government pointed out that the article which appeared on the front page of the Eastern Express today (Wednesday) contains a number of serious factual errors.

A spokesman said none of the top ranked bidders for personal communication services (PCS) has notified the Telecommunication Authority of any intention to withdraw their applications. On the contrary, all remain extremely keen to obtain their licences quickly.

It is therefore the greatest importance that the Joint Liaison Group (JLG) endorses the issue of the PCS licences as soon as possible.

The continuing delay is clearly not in the interests of the Hong Kong consumers who will benefit significantly when these new services are introduced.

The article purports to list the six successful bidders.

"However the list is not accurate," the spokesman said.

The article also claims that the Chinese side of JLG has requested information on possible changes to the charging systems for local and IDD calls.

"This is untrue. No such request has been received," the spokesman added.

End

Director for securities clearing company appointed

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The Financial Secretary has appointed Mr Derek Murphy as a director of the Hong Kong Securities Clearing Co Ltd," a spokesman for the Financial Services Branch announced today (Wednesday).

Mr Murphy, a lawyer, has extensive experience in the securities and futures sector. His appointment is for a period of two years from last Sunday (May 5).

End

New vessels commissioned to promote marine safety

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The Marine Department's fleet of new vessels which will support and promote the marine safety initiatives were commissioned at an inauguration ceremony at Joss House Bay today (Wednesday).

Speaking at the ceremony, the Director of Marine, Mr Ian Dale, said the 12 new vessels with their high speed and better reliability would greatly enhance the department's patrol capability.

He said: "They can cover a much greater area in a given number of patrol hours, and provide a faster response to an emergency than our previous boats."

These vessels will be deployed for patrolling and controlling marine traffic in Hong Kong waters, specifically in such places as typhoon shelters and fairways.

Marine inspectors on board will intercept and inspect boats for compliance with all navigational safety, licensing, and safety equipment requirements.

The fleet consists of five steel and seven glass reinforced fibre launches.

The steel launches replace the same number of post-World War II wooden tug boats while the glass reinforced fibre ones are replacements for nine small patrol boats which has now been in service for over 20 years.

Mr Dale said: "All the old launches have now exceeded their useful life and are beyond economical repair.

"They were too slow and due to their age suffered considerable down time, causing frequent disruption to our patrol services."

Mr Dale noted that the new steel patrol launches, with their towing capabilities, were a crucial tool in the proper management of typhoon shelters before, during, and after the passage of a tropical cyclone.

"Apart from the day to day management of Hong Kong waters," he said, "these launches are essential in our efforts to promote marine safety."

For example, on May 3, in conjunction with the Marine Police, they completed a two-week fairway rule enforcement exercise at Tsing Yi.

A total of 227 warnings were issued to local and river-trade vessels during the first week, and there were three prosecutions for infringement of the International Regulations for Preventing Collisions at Sea.

"Another example," Mr Dale said, "is the Tin Hau Festival on May 10. At that time the Joss House Bay Temple will be full of worshippers most of whom will have come by boat.

"Marine traffic in Joss House Bay will dramatically increase and a number of these boats will be needed for control and safety purposes."

End

Transfer of VMs from High Island Detention Centre

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The Government announced that a group of Vietnamese migrants will be transferred from the High Island Detention Centre today (Wednesday) in preparation for their return to Vietnam under the Orderly Repatriation Programme.

They will be transferred to Victoria Prison for pre-flight documentation and medical checks prior to leaving Hong Kong in five groups over the next few weeks.

The transfer will be observed by independent monitors.

End

549 VMs transferred to Victoria Prison

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An operation to transfer 549 Vietnamese Migrants (VM) from High Island Detention Centre to Victoria Prison was carried out smoothly today (Wednesday) by the Correctional Services Department.

The VMs were transferred to Victoria Prison in two convoys of lorries. The group and 49 others will be repatriated to Vietnam in the next three weeks.

The operation began at about dawn and by 8 am the VMs began packing their belongings and boarded the vehicles and by 11.45 am the first convoy of 260 VMs had arrived at Victoria Prison.

By noon all the remaining VMs had packed their belongings and were transferred to Victoria Prison shortly afterwards.

During the transfer operation, there was passive resistance and about 20 people climbed onto the rooftops of the huts where they staged a protest. Three men also climbed onto the barbed wire fence.

All 20 people on the rooftops were removed when CSD officers gained access to the roofs with mobile stairs. One man put up resistance and was slightly hurt during a scuffle with CSD officers.

The three men on the fence came down after two hours of counselling by CSD officers who assisted them down ladders.

Originally 577 VMs were scheduled to be transferred, but yesterday 24 VMs voluntarily departed for Victoria Prison while two VMs are in hospital and two others have been detained for police investigations.

End

Education system will continue after 1997.

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The education system provided the workforce of Hong Kong with a sound basic education and contributed greatly to its present competitiveness, the Deputy Director of Education, Mr Kwan Ting-fai, said today (Wednesday).

It would continue after June 1997, as stipulated in Article 136 of the Basic Law for the Hong Kong Special Administration Region, he said.

Speaking at the briefing for the Greater Seattle and Washington State Intercity Study Mission to Hong Kong, Mr Kwan said continuous improvement to upgrade the quality of education would be made to keep abreast of the demands arising from technological and societal changes.

"Currently, we are effecting measures to improve the working environment, curriculum development, school management and language proficiency," he said.

"To improve the working environment, we are progressively improving the teacher and student ratio and reducing the class size."

To establish a computer system to link public sector schools with the Education Department, implementing extensive school improvement programme, strengthening induction support for new teachers and co-operation between parents and schools are some measures to improve working environment, he added.

Regarding curriculum development, Mr Kwan said the department had implemented the Target Oriented Curriculum in primary schools, broadened of secondary school curriculum and identified areas for improvement in practical and technical curriculum.

"To modernise school management, we are promoting the school management initiative," he said.

Under this initiative, he said, schools had more systematic planning and evaluation of activities, and more flexibility in the use of resources.

The continued promotion of mother tongue teaching, the strengthening of teaching and learning of Putonghua, native-English speaking teacher scheme and intensive English courses for the sixth formers were measures to equip young people with a high level of proficiency in both English and Chinese, Mr Kwan added.

Apart from briefing the Mission on the aim of school education in Hong Kong and the education system, Mr Kwan also introduced the salient features of Hong Kong's public education system in terms of equal educational opportunities for all, strong community involvement and continuous improvement.

End

Revised fees for using country parks facilities

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Fees for using some facilities in country parks will be revised under the Country Parks Ordinance from June 28 this year.

The revision, set out in the Country Parks and Special Areas (Amendment) Regulation 1996, has been endorsed by the Country Parks Committee of the Country and Marine Parks Board and was approved by the Secretary for the Treasury.

A spokesman of the Agriculture and Fisheries Department (AFD) today (Wednesday) noted that the fees are set, according to the general government policy, at levels sufficient to recover the full costs of providing the services.

The last costing review for fees was conducted in 1993-94 and the current revision with an increase of about 9 per cent was based on the movement of the Government Consumption Expenditure Deflator.

The revised fees will be applied to permits to sell or let on hire any commodity or article; permit to display any sign, notice poster, banner or advertisement; permit to construct or erect any building, hut or shelter or excavate any cave; permit to hold any public meeting or sporting competition, make any public speech or address any public meeting; permit to hold any event organised for the purpose of raising funds and permit to carry on any activity for the purpose of any business.

The amendments related to the details of new fees will be published in the Government Gazette this Friday (May 10).

End

Stamp sheetlet to mark exhibition

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The Postmaster General, Mr Robert Footman, today (Wednesday) announced that the Hong Kong '97 Definitive Stamp Sheetlet Series No 2 will be issued on May 18.

The sheetlet is one of the products issued in relation to the Hong Kong '97 Stamp Exhibition to be held at the Hong Kong Convention and Exhibition Centre from February 12 to 16, 1997.

It comprises three sheetlets which are designed in se-tenant form showing the changes in the Hong Kong skyline at various stages in history, starting from the 1850s.

Sheetlet No 1 had already been released on February 23 while Sheetlet No 3 will be released this October.

Sheetlet No 2 is a reproduction of an early photograph depicting the Victoria Harbour and the Peak in about 1920. The postmarks reproduced on the sheetlet are some of those used by the Hong Kong Post Office around that period.

The sheetlet is designed by Mr Arde Lam and printed by Joh Enschede of the Netherlands.

The \$10 definitive stamp depicted on the sheetlet is green in colour which is different from the brown colour of the current \$10 definitive stamp.

Official souvenir cover at \$1 each will be on sale at all post offices from Saturday (May 11). No advance order service will be provided.

On May 18, hand back service will be provided at all post offices to official and privately-made covers bearing an indication of the event and a special postmark will be introduced. A sales restriction of 20 sheetlets for each customer queuing will be imposed.

Coincidentally, a specially designed cachet will be introduced on the same day for general cancellation purpose at the following eight philatelic offices to commemorate Hong Kong Post Office's participation in China '96 Stamp Exhibition to be held from May 18 to 24, 1996, in Beijing, China. They are:

Airport Post Office
Beaconsfield House Post Office
General Post Office
Granville Road Post Office
Peak Post Office
Sha Tin Central Post Office
Tsim Sha Tsui Post Office
Tsuen Wan Post Office

End

Four lots of land to let

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The Lands Department is inviting tenders for the short-term tenancies of four pieces of government land in Kwai Chung and Tsing Yi.

Two lots in Tsing Yi are designated for use as fee-paying public car parks for the parking of motor vehicles except container tractors and trailers.

The first lot, located at Tsing Tim Street in Area 16, has an area of about 1,694 square metres. The tenancy is for three years, renewable quarterly.

Covering an area of about 5,290 square metres, the second lot is located at Nga Ying Chau Street in Area 8. The tenancy is for six months, renewable monthly.

The other two lots are intended for use as fee-paying public car parks for the parking of container tractors and trailers only.

One of them is located at Container Port Road South in Kwai Chung. It has an area of about 17,000 square metres and the tenancy is for one year, renewable monthly.

The other lot is located at Sai Tso Wan Road, Area 16, Tsing Yi. It has an area of about 23,400 square metres and the tenancy is for three years, renewable quarterly.

The closing date for submission of tenders is noon on May 24.

Tender forms, tender notices and conditions may be obtained from the Lands Department, 14th floor, Murray Building, Garden Road and the District Lands offices of Kowloon and Kwai Tsing.

Tender plans can also be inspected at these offices.

End

Hong Kong Monetary Authority money market operations

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	\$ million	Time (hours)	Cumulative change (\$million)
Opening balance in the account	1,586	0930	+814
Closing balance in the account	1,841	1000	+714
Change attributable to :		1100	+714
Money market activity	+715	1200	+719
LAF today	-460	1500	+719
		1600	+715

LAF rate 4.00% bid/6.00% offer TWI 123.6 *+0.0* 8.5.96

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	4.85	2 years	2802	5.16	98.41	6.21
1 month	4.99	3 years	3904	6.30	99.23	6.70
3 months	5.16	5 years	5103	6.75	97.92	7.39
6 months	5.32	7 years	7302	6.02	91.32	7.83
12 months	5.64	5 years	M502	7.30	99.17	7.66

Total turnover of EF bills and notes - \$20,081 million

Closed May 8, 1996

End



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SUPPLEMENT

Wednesday, May 8, 1996

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Motion debate on review of advisory and statutory bodies

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Following is the speech by the acting Secretary for Home Affairs, Mrs Stella Hung, in the motion debate on review of the major advisory and statutory bodies in the Legislative Council today (Wednesday):

Mr President,

The current network of advisory and statutory bodies has developed over several decades in response to the changing needs and character of our society. It is an effective and well tried system that plays important complementary roles to that of the other parts of Government including the three tiers of representative Government. I am pleased to have this opportunity to explain how the system works and respond to the issues raised by Honourable Members in this debate. Before I do so, however, I would like to pay tribute to the ladies and gentlemen who have spent much time and effort in serving in various advisory and statutory bodies.

Roles and Functions

Mr President, there are at present some 300 advisory boards and committees. Of these, about 80 are statutory bodies. The remainder have been established by administrative means. Each advisory body gives advice to Government in a specified area of activity according to its terms of reference. The areas covered range from fundamental livelihood issues such as housing, labour issues, education, social welfare, medical care and transport to highly specialised and technical matters, such as the operations of our securities and futures markets or radiological protection. There are also boards and committees that advise on the affairs of particular districts or neighbourhoods, such as the Area Committees and District Fight Crime Committees.

In addition to the advisory boards and committees, there are a host of statutory bodies that have been set up primarily to perform an executive function. Some of these manage publicly-owned corporations such as the Kowloon-Canton Railway Corporation or the Mass Transit Railway Corporation; others, such as the Hospital Authority and the Airport Authority, are responsible for the provision of public facilities. There are also charitable statutory bodies, such as the Tung Wah Group of Hospitals and Po Leung Kuk. Yet another group are the statutory boards that deal with appeals under a whole range of ordinances.

The examples I have given illustrate the extremely diverse nature of the roles and functions of our boards and committees. It is a key strength of the system that it can encompass such a wide range of requirements.

Composition and Membership

Our overriding objective in making appointments to boards and committees is to secure the services of the best available persons to meet the requirements of the board or committees concerned. Each appointment is made on the basis of the merits of the individual concerned, taking into account their personal ability, expertise, experience, integrity and commitment to public service. Due regard is also given to the need to ensure a good balance of expertise, experience and backgrounds among the membership of the particular board or committee as a whole. Where appropriate, this will include appointing people with experience in district affairs.

In considering appointment to boards and committees under their purview, Branch Secretaries and Department Heads also bear in mind the need to ensure a reasonable turnover of membership and that individual appointees do not have an excessive workload. Accordingly, we try to avoid appointing an individual to sit on more than six bodies at any one time. We also do not normally re-appoint an individual who has already served on a particular body for six years. These are, however, not hard and fast rules. Some committees may find it necessary to retain the services of members for a longer period either because they possess particular expertise or to provide continuity.

Representativeness

The motion refers to a need to enhance representativeness among the membership of our boards and committees. Several Honourable members have suggested that this could be achieved by giving this Council a greater say in the appointment process. As a matter of general principle, the composition of government boards and committees should broadly reflect the interests and views present in the community. However, in making appointment, we must also give due regard to the functions of the individual body and the types of business that it deals with. Hence, for boards and committees which give advice to Government on issues directly affecting the general well-being of the community, it is natural that Government would tend to appoint more members with experience of and interest in community affairs. On the other hand, appointments to bodies that advise on specialised matters need to include a relatively higher proportion of persons with the necessary expertise. In some cases, we invite professional bodies or other organisations to nominate members to the bodies in which they have a direct interest. For some statutory bodies, provision for this is laid down in the Ordinance concerned.

There are currently proposals before this Council for changing the present appointment system in respect of one statutory body. The proposals would require the approval of this Council for appointments and specify that a certain number of members from the three-tier system of representative Government must be appointed. The Administration strongly opposes these proposals. The present system works well because it enables Government to make appointments based on individual merit to meet the needs of the body concerned. Giving the Legislative Council powers to vet candidates proposed by Government is likely to be seen as politicising the choice of appointees thereby reducing the pool of independent and candid advice, on which the system vitally depends. The three-tier system of representative government and the advisory and statutory bodies play highly effective complementary roles. The proposal to require members of the three-tier system of representative Government to be appointed to these bodies in large numbers would reduce their complementary character and introduce undue rigidity into the appointment system.

Accountability

The motion also calls for greater accountability in our system of boards and committees. This suggests that there is an accountability gap. But accountability is concerned with ensuring that someone is accountable for decisions taken or policies adopted. The Hong Kong system of government already provides for this. In particular, with the Administration being fully accountable to this fully-elected legislature.

The purpose of the system of advisory boards and committees is to allow Government to obtain advice from persons of a range of backgrounds and expertise at an early stage of the policy formulation process. The advisory bodies act as an initial sounding board or 'think-tank'. The issue of accountability is not relevant at this stage because no decisions have been taken. Indeed, proposals and recommendations emerging from the relevant advisory boards and committees in the case of major policy initiatives are invariably subject to close scrutiny by the Administration before they are taken further. Members of the three-tier system of representative government also play a significant role in shaping the final outcome of this process. Once a decision has been made, the Administration is of course fully accountable for it.

The role of the boards and committees performing executive functions is quite different from that of the advisory boards and committees. These executive bodies operate with a high degree of management independence to deliver services to the public. In many cases, such bodies are required to operate in accordance with prudent commercial principles. This is done because this is the most efficient and effective way of providing the services concerned. Although such bodies are entrusted with executive powers, policy responsibility remains firmly with the relevant policy secretaries. And it is the policy secretaries who are accountable to this Council.

In short, our system of Government is a fully accountable one, with accountability resting in the final analysis with those who are responsible for policies of the day. There is no accountability gap that needs to be filled.

Transparency

As Hong Kong has become more sophisticated, the community has rightly come to expect greater openness with respect to Government's decision-making process. It is natural that this expectation of greater transparency should also apply to advisory and statutory bodies, given that they deal with important matters affecting people's day to day lives. The fact is that we have done a great deal in recent years to meet this expectation. Measures adopted to increase their transparency include, where appropriate, conducting meetings in public, making papers and reports available for public inspection, holding regular press briefings and issuing press releases. To date,

- (a) over 130 conduct their meetings, either wholly or partly, in public;
- (b) nearly 190 make their papers/reports available for public inspection;
- (c) almost 240 regularly or occasionally hold press briefings after meetings; and
- (d) about the same number of them (i.e. around 240) regularly or occasionally issue press releases to inform the public of their work.

In short, we have been matching changing community expectations with far greater transparency.

Conflict of Interest

It is of fundamental importance to our system of advisory and statutory bodies that members should tender their advice and conduct the business of the bodies concerned in an impartial manner. To help ensure that this is done, the Independent Commission Against Corruption has drawn up guidelines on a two-tier system of declaration of interests. For those boards and committees that have extensive influence over policy and financial matters, the chairmen and members are required to register their general pecuniary and personal interests on first appointment. This register of interests is updated regularly and made available for public inspection. When a matter that raises a potential conflict of interests for a particular member is brought up for discussion at a meeting, the member concerned is requested to make full disclosure of his or her interests and withdraw from further discussion of the relevant matter. For other boards and committees, the guidelines provide for the chairmen and members to declare interests as and when a matter for discussion at a meeting raises a conflict of interest. All advisory and statutory bodies have been asked to adopt one or the other of these two systems according to their own needs and the nature of the business they deal with. Over 320 advisory and statutory bodies have done so to date.

Conclusion

Mr President, the current system of advisory and statutory bodies serves us well. It is an integral part of our system of government that has evolved over time. The roles and functions of the bodies concerned should not be confused with that of the three-tier system of representative Government. They play complementary not rival roles. The system of advisory boards and statutory bodies works because it is flexible. A key element of this flexibility is Government's ability to appoint from a wide cross-section of the community on the basis of individual merit. The introduction of restraints on the current freedom of appointment would bring unwelcome and damaging rigidity.

The relevant policy secretaries and heads of departments will continue to keep the individual advisory and statutory bodies for which they are responsible under constant review to ensure that they meet the changing needs and expectations of the community. There is no need to undertake an overall review of the roles and functions of all advisory and statutory boards and committees as proposed by Honourable Members. A comprehensive review would only be appropriate if there was good reason to believe that the system is in need of fundamental change. We reject any such suggestion. The system is working well and needs no overhaul.

With these remarks, I urge Honourable Members to reject the motion moved by the Honourable Bruce Liu and the amendment proposed by the Honourable Ip Kwok-him.

Thank you.

End

Deregulation of pay TV market inevitable: SRC

* * * * *

The Secretary for Recreation and Culture, Mr T H Chau, told the Legislative Council today (Wednesday) that he hoped it would be possible in 1998 to move quickly to full deregulation of pay TV and Video on Demand (VOD) programme services, and to set out the timetable for allowing new terrestrial TV services using digital technology.

"It is tempting to offer a guarantee that we shall do so, but, with the benefit of experience, Members will understand if I do not attempt to pre-empt developments in the future," he said.

Explaining government's broadcasting policy during the motion debate, Mr Chau stressed that deregulation of the pay TV market in Hong Kong was inevitable, not just because the Government remained firmly committed to it as an objective, but also because of technological and market developments which were progressively lowering or eliminating the barriers between markets.

However, he pointed out that complete deregulation now could have a disastrous effect on Wharf Cable, the existing pay TV licensee, as the take-up rate for pay TV in Hong Kong indicated clearly that the market could not accommodate another large-scale pay TV operator.

"In fact, if we did deregulate completely, it seems doubtful if Wharf would break even before its licence expired in 2005," he said.

"Even allowing unlimited competition from video-on-demand could jeopardise the economic viability of Wharf Cable."

He believed the collapse of Wharf Cable at this juncture would not be in the interests of Hong Kong.

"For one thing, it would bring to a premature halt one of the main routes of the Information Superhighway in Hong Kong, and for another, it would result in a public failure of a high-profile, high technology venture just at the time when the eyes of the world are upon us," he added.

The Secretary assured the Council that the Government's proposal to delay further deregulation of the pay TV market and to offer two VOD programme service licences was the best balance achievable in the public interest.

"It should permit Wharf Cable to continue deploying its fibre-optic cable system, and providing choice to Hong Kong's viewers.

"It also enables VOD to proceed as well as introduces a measure of competition in the provision of paid-for television programmes," he said.

On the setting aside of the Broadcasting Bill, Mr Chau would not agree it was the disaster that some had claimed.

On the contrary, he was convinced that even if the Government had pressed on with the Bill, it would not have been possible to introduce it to the Legislative Council in the current session.

Moreover, he said: "We should still not have completed the pay TV review or published proposals for the regulation of VOD programme services."

The Broadcasting Bill would serve to codify much of the government policy and practice implemented through the present combination of primary legislation, regulations, codes of practice and licences.

It would not, as some imagine, enable the Government to leapfrog developments in broadcasting technology.

"We cannot make legislative provision for technological developments that have not happened. And we do not in any case intend to use the Bill to amend the terms of existing licences, none of which expire before the end of the century.

"Setting aside the Bill has enabled us to speed up amendments to the Telecommunication Ordinance, and to achieve rapid progress with important policy decisions on cross-media ownership and other ownership issues," said Mr Chau.

On Hong Kong's broadcasting environment, Mr Chau said it was as free, diversified, open, fair and competitive as could reasonably be expected.

He told the Councillors that to maintain a free environment, the Government intended to introduce an amendment to the Telecommunication Ordinance to scrap unnecessary powers to prohibit radio programmes as had already been done in respect of television programmes.

As regards limits on foreign ownership, the Government will monitor the evolution of other broadcasting regimes, and consider in the context of the 1998 review of the television environment whether there is a case for opening up the market to greater overseas participation.

End

Increase of fines under Urban Council Ordinance

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Following is the speech by the Secretary for Recreation and Culture, Mr T H Chau, in moving the resolution under the Interpretation and General Clauses Ordinance in the Legislative Council today (Wednesday):

Mr President,

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

The motion before Members seeks to increase the statutory maximum fines stipulated in the Urban Council Ordinance, the Regional Council Ordinance and the Public Health and Municipal Services Ordinance and their relevant subsidiary legislations and to convert them as appropriate into a standard scale.

Section 100A(1) of the Interpretation and General Clauses Ordinance 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 1994 enacted in July 1994 introduced a scale of fines for statutory penalties not exceeding \$100,000. This enables the maximum fine level to be increased from time to time by a single order by the Governor in Council to take account of inflation and hence preserve the deterrent effect of the penalties.

The standard scale, however, does not take account of inflation in respect of fines specified in money terms before their conversion on to the scale. A review of the existing fines is therefore necessary. Both the Urban Council and the Regional Council have reviewed the relevant Ordinances under their purview relating to Urban Council, Public Health and Municipal Services and Regional Council matters. I now propose on their behalf to revise 67 items of statutory maximum fines under three Ordinances, fifty-four By-laws and ten Regulations as set out in the Order Paper.

All maximum fines at or below \$100,000 after adjustment will be converted to the appropriate level of fines on the standard scale. However, a daily fine or a daily penalty below \$100,000 after adjustment will continue to be expressed in money terms as this is expressly specified in the Criminal Procedure (Amendment) (NO.2) Ordinance 1994.

End

Companies (Amendment) Bill

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Following is the speech by the Secretary for Financial Services, Mr Rafael Hui, in moving the second reading of the Companies (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Companies (Amendment) Bill 1996.

The Bill proposes a number of changes to the Companies Ordinance, notably the abolition of the doctrine of ultra vires, and the related doctrine of constructive notice, both of which have outlived their usefulness.

The doctrine of ultra vires, whereby a company's contractual capacity is limited by the objects and power clauses contained in its memorandum of association, was applied by English courts in the nineteenth century and was intended as a protection for its members and creditors. However, it has since become an obstacle for companies, which may commence new businesses without realising that a change in objects is necessary, and a trap for unwary third parties, as their contractual dealings with a company may be unenforceable. The ultra vires doctrine has been abolished by statute in a number of common law jurisdictions such as Australia, New Zealand and Canada and instead companies have been given the capacity of an individual or a natural person. Under the proposals, a company may still choose to limit its objects and powers in its memorandum and any such limitations will bind its directors and management. However, third parties will still be protected in their dealings with the company.

Changes are also made to the related doctrine of constructive notice. Under this doctrine a person is deemed to have knowledge of the contents of any documents concerning a company that have been filed and are available for public inspection. The Bill abolishes this in so far as it relates to companies' memoranda and articles of association.

Other significant proposals contained in this Bill are briefly as follows:

- * The statutory forms contained in the Fifth Schedule of the Ordinance and the 48 statutory forms set out in the Companies (Forms) Regulations will be deregulated. Instead, the Registrar of Companies will be given more flexibility to determine the content and format of the forms. This will enable the Registrar to improve and update them more readily.

- * The scope of the provisions relating to the disqualification of company directors will be expanded. At present under certain of the provisions a disqualified person is prohibited from involvement in a locally-incorporated company but not from involvement in an overseas company doing business in Hong Kong. The Bill refines and extends the definition of "company" under Part IVA of the Ordinance to encompass overseas companies operating in Hong Kong.
- * The Official Receiver will be given greater flexibility to apply to the Court for the appointment of outside liquidators. Amendments are also made to allow for a private sector provisional liquidator appointed before a winding-up order has been made to continue in office after such an order is made. These changes will assist the Official Receiver in contracting out more insolvency work to the private sector and should help to relieve some of the strain on the resources of his Office.
- * Appropriate Chinese equivalents are added to certain statutory wording which is currently prescribed in the Ordinance in English only. This is to provide for companies which wish to register under a Chinese name, or under both a Chinese and an English name, and to facilitate the submission of documents in Chinese.

The Bill also abolishes certain accounting exemptions enjoyed by shipping companies which are not available to other types of company and makes certain other technical changes to the legislation.

The principal items in this Bill have been recommended, or supported, by the Standing Committee on Company Law Reform.

Thank you, Mr President.

End

Employees' Compensation (Amendment) Bill

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

Mr President,

I move the Second Reading of the Employees' Compensation (Amendment) Bill 1996.

The main purpose of the Bill is two-fold. First, it seeks to improve the mechanism for settlement of compensation claims. Secondly, it seeks to increase the levels of maximum fines which were last revised in 1992.

Currently, there are two parallel systems for determining the amount of compensation for cases involving permanent incapacity. The first is the Certificate System. Under this system, if the loss of earning capacity assessed by the Assessment Board is not more than five per cent, the Commissioner for Labour issues a certificate to determine the amount of compensation payable. The second is the Agreement System. Under this system, if the loss of earning capacity is more than five per cent, the amount of compensation is agreed between the employer and the injured employee subject to the minimum level provided by the Ordinance. The amount should be approved by the Commissioner for Labour before it becomes binding.

Experience shows that the existence of two systems has caused confusion to some employers and employees. Also, by its very nature, the Agreement System is a more time-consuming process. The Bill therefore proposes to repeal the Agreement System and to extend the Certificate System to cover all cases involving permanent incapacity irrespective of the degree of loss of earning capacity.

As regards the levels of maximum fines for offences under the Ordinance, we propose to revise them as set out in the Bill so as to ensure a sufficiently deterrent effect and to maintain relativity with offences of a similar nature under the Employment Ordinance.

The Bill also seeks to expand the definition of "dependants" to include males so as to provide equal protection for both sexes. We further propose a more comprehensive definition of "member of the family" by including son-in-law, brother-in-law, father-in-law and mother-in-law.

Finally, members will recall that the levels of compensation specified in various sections of the Ordinance were last reviewed in December 1995. We intend to conduct reviews biennially to ensure that adequate protection are provided to employees. To facilitate future revisions, we propose to group the levels of compensation now specified in various sections under a new schedule, i.e. the Sixth Schedule, to the Ordinance.

Mr President, I beg to move.

End

Noise Control (Amendment) Bill

* * * * *

Following is the speech by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in moving the second reading of the Noise Control (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Noise Control (Amendment) Bill 1996.

The continuous and repeated sound of alarms in unattended vehicles causes considerable noise nuisance. The protracted sounding of false alarms, sometimes lasting for hours, is particularly disturbing at night, as reflected in the large number of complaints, which average 50 to 60 a month, received by the Administration over the last two years.

The false activation of vehicle alarms is largely due to improper installation or to oversensitive settings. As a result, some systems can be activated simply by the vibration induced by a passing vehicle or overflying aircraft. But these systems can, with proper attention, be easily corrected. At present, however, there is no legislative control on such alarms. The Noise Control (Amendment) Bill therefore aims to prevent noise nuisance from vehicle alarms by setting out the legal parameters of alarm activation, having regard to the security function they are designed to serve.

The Bill proposes three elements of control. The first control tackles over-sensitive systems and proposes that activation of an intruder alarm will become an offence unless the vehicle is physically interfered with. This control will ensure that alarm sensors are correctly set to detect attempts to tamper with or enter the vehicle rather than react to slight vibrations. Once this over-sensitivity is controlled, the incidence of false alarms will be reduced.

The second control places a limit on the duration of noise generated by alarms. The limit suggested is five minutes, which is sufficient for necessary crime prevention action to be taken. This requirement can easily be complied with by adjusting the functioning of the system.

The third control, which will be applied to newly registered vehicles only, concerns the reactivation of alarms. Many current alarm systems are reactivated automatically after being triggered and their continuous reactivation causes great noise disturbance to nearby residents. The Bill will prohibit such automatic re-arming of the alarm after an initial activation. However, the alarm can still be reactivated automatically if the doors, bonnet, boot or tailgate of the vehicles are opened. This guards against unauthorised entry.

The Bill places the onus of complying with the controls on the registered owner of a vehicle, who should be responsible for the performance of the alarm system and its regular maintenance. After enactment of the Bill, three months' lead time will be given to existing vehicle owners to comply with the controls and nine months will be allowed for new vehicles to be installed with alarm systems which meet the requirement on reactivation. The Police will be the enforcement agent of the controls.

To consolidate the noise control provisions of all intruder alarm systems, we have also taken the opportunity to transfer the existing provision to control noise from alarm systems installed in buildings from the Summary Offences Ordinance to the Noise Control Ordinance.

Mr President, false alarms is a persistent source of neighbourhood noise nuisance. The proposed controls seek to eliminate this nuisance without affecting the security of the vehicles. With a reduction in false alarms, we would rather expect that when alarms do sound, they will be taken more seriously and the security value of the vehicle alarm systems more enhanced.

Thank you, Mr President.

End

Health care services for elderly

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

Question:

According to the findings of a recent survey conducted by a voluntary agency on the opinions of the elderly regarding the provision of primary health services, an elderly patient has to wait on average for nearly four hours for a general out-patient consultation. The survey also shows that there are two health centres for the elderly in the territory and they also provide medical services at a concessionary rate to the elderly aged 65 and above. In view of this, will the Government inform this Council :

- (a) whether consideration will be given to setting up more health centres for the elderly in various districts; if not, why not;
- (b) whether funds will be allocated from the Lotteries Fund and the Elderly Services Development Fund to non-governmental organisations for the provision of health care services for the elderly; and
- (c) whether consideration will be given to lowering to 60 the age requirement for eligibility to receive medical services at a concessionary rate, so as to reduce the demand for general out-patient services, if not, why not?

Reply:

Mr President,

- (a) The Governor, in his Policy Address in 1993, announced that seven elderly health centres will be set up by 1997 as a pilot scheme to promote the health & well-being of elderly persons in the community. Four centres are already in operation and the remaining three will be set up this year. Unlike curative services provided at general out-patient clinics, the services of the elderly health centres emphasise disease prevention amongst the elderly. They provide clients with the knowledge and skills of self-care and healthy life style practices and the venues for health assessment and disease screening. The operational experience of these centres will enable Department of Health to examine the practicability of integrating disease prevention programmes for the elderly with general out-patient clinics to provide for more accessible services in various districts.

- (b) Under the provisions of the Government Lotteries Ordinance, only projects to provide welfare services as listed under Section 6(4) of the Ordinance can be granted support from the Lotteries Fund. Since health services for the elderly are not under this list, Lotteries Fund support cannot be granted to non-governmental organisations for the provision of such services. As regards the Elderly Services Development Fund, this was set up based on the recommendations of the Working Group on Care for the Elderly. Its main purpose is to assist private and voluntary organisations to introduce self-financing, non-profit making welfare services. It is not intended for use in developing health services.

End

Immigration status of British citizens in Hong Kong

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Following is a question by the Hon Mrs Chan Yuen-han and a reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

At present, British citizens are free to stay and work in Hong Kong without a visa. The number of British citizens in the territory at the end of 1994 and 1995 stood at 23,700 and 26,700 respectively but surged to 34,500 at the end of February this year. Will the Government inform this Council:

- (a) of the reasons for the big increase in the number of British citizens in the territory during the first two months of this year;
- (b) how it will prevent a large number of British citizens coming to stay in the territory before July 1, 1997 with a view to becoming eligible eventually to apply to become permanent residents of the territory at a later date;
- (c) whether it will consider requiring employers to comply with the conditions for importing foreign workers under the General Importation of Labour Scheme when they employ British citizens to work in the territory; and

- (d) when it will review the current policy permitting British citizens to work in the territory; and whether, apart from British citizens, there are citizens of other countries or territories who can work here without a visa and, if so, whether such an arrangement will also be reviewed as well?

Reply :

Mr President,

- (a) No statistics are kept on the purpose of entry of British Citizens. We are therefore not in a position to explain the reason for the rise in the number of British Citizens coming to Hong Kong in recent months. In looking at the figures quoted by the Honourable Chan Yuen-han in the question, it should be borne in mind that they represent only the number of British Citizens in Hong Kong at particular times and they fluctuate from time to time. It should also be borne in mind that not all British Citizens entered Hong Kong for employment reasons; some, for example, may well have entered Hong Kong to join family members. Also, many British Citizens in Hong Kong may already have the right of abode in Hong Kong.
- (b) The criteria for non-Chinese nationals to acquire the right of abode in the Hong Kong SAR after June 30, 1997 are set out in Article 24(2)(4) of the Basic Law. Those who meet the criteria stipulated in this Article will be eligible for the right of abode in the Hong Kong SAR. The precise application of this Article is under discussion with the Chinese side. There is no reason why we should take any action now to prevent British citizens, or for that matter any other foreign nationals, from satisfying those criteria.
- (c&d) As regards parts (c) and (d) of the question, employers at present do not have to comply with the conditions for importing foreign workers under the Importation of Labour Schemes when they employ British citizens. Apart from British citizens, no other nationals are allowed to take up employment in Hong Kong without an employment visa. The immigration status of British citizens in Hong Kong reflects the special relationship between Hong Kong and the United Kingdom. We have no plans to propose any change at this stage.

End

Protection of visiting Chinese officials

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

Question:

Will the Government inform this Council:

- (a) whether it will review the Police measures to protect visiting Chinese officials attending public functions in Hong Kong, so as to more effectively protect the personal safety of the officials concerned and to maintain public order at the locations; and
- (b) how it safeguards the personal safety of the disciplined services personnel carrying out such protection duties?

Reply:

Mr President,

- (a) The security measures adopted by the Police to protect visiting officials, whether they were from China or from any other country, have been very effective. So far as I know, no visiting official has ever been injured in Hong Kong, and only one Police officer was slightly injured when discharging his duties to protect a visiting official. As with all other Police operational matters, including in particular crowd control operations, the measures for protecting visiting foreign officials are reviewed constantly to ensure their continued effectiveness.
- (b) Police officers deployed for protection duties are specially selected, trained and equipped to give protection up to internationally accepted standards. They are also trained on crowd management, for the safety of both the crowd and the officers themselves as well as the visiting officials. In addition, there are clear guidelines in the operational orders detailing the measures and equipment that should be used on different occasions. The commanding officers at the scene closely monitor the situation to ensure the appropriate number of officers are deployed and the measures taken are effective.

End

Traffic improvement measures in Southern District

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Following is a question by the Hon Cheng Kar-foo and a reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question :

It is learnt that the Housing Authority will build three large Home Ownership Scheme (HOS) estates on Aberdeen Praya Road, Deep Bay Road and Ap Lei Chau, but the Southern District Board has unanimously agreed that it would object to the plan unless the Government undertakes to improve the overall transport network of Southern District, particularly to construct Route 7 and a second Ap Lei Chau Bridge, at an early date. In view of this, will the Government inform this Council :

- (a) whether, in order to tie in with the development of the above HOS estates, the Government will implement the Green Island Reclamation Scheme in order to re-instate the Route 7 project in the Public Works Programme; if so, what the details are; and
- (b) if the answer to (a) is in the negative, whether the Government will include the construction of a second Ap Lei Chau Bridge in its plan to improve the transport network of Southern District?

Reply:

Mr President,

- (a) From a long term planning perspective, we have recognised the need for that section of Route 7 from Aberdeen to Kennedy Town. However, as explained in my reply to this Council on 31 January, the implementation of this project is dependent on the proposed Green Island Reclamation. As no decision has yet been taken regarding that reclamation, we cannot proceed with the Route 7 project at present.

To accommodate the additional traffic generated by the new housing development proposals, a package of traffic improvement measures including junction improvement and signalisation, as well as construction of flyovers and footbridges, will be implemented in Ap Lei Chau, Aberdeen, and Wong Chuk Hang. Our transport studies indicate that these projects, together with other road improvement programmes in Pok Fu Lam and Kennedy Town, should be able to cope with both the present and the projected traffic to and from Southern District, including that generated by the 3 proposed housing developments.

- (b) The Ap Lei Chau Bridge has already been widened from a two-lane single carriageway to a two-lane dual carriageway. This was completed only 2 years ago in 1994. There are no plans for the construction of another bridge to Ap Lei Chau as we believe the capacity of the existing bridge can adequately cope with the traffic arising from both existing and planned developments.

End

Cinemas operating without licence

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Following is a question by the Hon Mok Ying-fan and a reply by the Secretary for Recreation and Culture, Mr T H Chau, in the Legislative Council today (Wednesday):

Question:

It is learnt that six cinemas in the territory are operating without a licence at the moment. In view of this, will the Government inform this Council of:

- (a) the number of cinemas which had started business before obtaining a licence in each of the past five years and, of these, how many have still not obtained a licence and the reasons for it;
- (b) the time and manpower required by the Buildings Department and the Fire Services Department respectively for processing an application for cinemas licence;
- (c) the reasons why some cinemas have not yet been granted a licence despite these applications having been submitted for more than a year and meeting the structural requirements set by the Buildings Department; and
- (d) the number of applications for the cinemas licence processed by the Buildings Department and the Fire Services Department, and the manpower deployed to process these applications in the two departments, in each of the past five years?

Reply:

Cinemas are required under the Places of Public Entertainment Ordinance to obtain a licence for operation. The Urban and Regional Councils are the statutory licensing authorities for their respective areas. They determine the policy and procedures for licence applications and ultimately decide whether a licence should be granted. In keeping with the long-established arrangement adopted in respect of questions relating to the two Councils and on the basis of the information supplied to me by the Urban and Regional Services Departments, the Fire Services Department and the Buildings Department, I am pleased to provide answers to the questions in the order they are raised.

In respect of the first question, in the past five years from 1991 to 1995, the number of cinemas which had started business before obtaining a licence is 4, 6, 8, 6 and 5 respectively and, in the first four months of 1996, the number is 3, making a total of 32. Of these, five have still not obtained the requisite licence for one or a combination of the following reasons:

- (a) Building Department's objection in respect of the suitability of the premises to be used as a cinema;
- (b) the existence of unauthorised building works;
- (c) objections to the proposed layout plan of the cinema by Buildings Department, Fire Services Department or Urban Services Department; or
- (d) revision of the layout plan by the applicants which necessitates further clearance with Buildings Department and Fire Services Department.

In respect of the second question, the Fire Services Department currently spends an average of 8.3 man hours to process an application for cinema licence. However, no such statistics is kept by the Buildings Department. The processing time of an application by the Fire Services Department and Buildings Department consists of three components, namely the time taken:

- (a) to assess the suitability of the premises for use as a cinema on fire safety or building safety grounds;
- (b) to issue the fire safety or building safety requirements to the applicants through the licensing authority; and
- (c) by the applicant to comply with the requirements.

Normally, Fire Services Department can complete assessing the suitability of the premises within 14 working days after receipt of the referral from the licensing authority. The time taken to issue fire or building safety requirements depends on whether there is any revision of the layout plan of the premises by the applicant. Using figures in the years 1994 and 1995, the average time required by Fire Services Department and Buildings Department is 3.5 months and 5 months respectively. The average time taken by an applicant to comply with all stipulated requirements is 3 months.

On the third question, of the five unlicensed cinemas, two submitted their applications more than one year ago. The reason why a licence has still not been granted is because, in one case, the premises have been found to be structurally unsafe. In respect of the other, the applicant has revised its layout plan after the issue of licensing requirements, making it necessary for the Urban Services Department to seek the Fire Services Department's and Buildings Department's further clearance of the revised layout plan. If necessary, a new set of licensing requirements will be issued once the revised plan is cleared.

On the final question, the number of applications for cinema licences processed by the Fire Services Department and Buildings Department in each of the past five years i.e. from 1991 to 1995 is 4, 8, 11, 3 and 7 respectively. The Buildings Department and Fire Services Department do not keep separate statistics on the manpower deployed to this area of work.

End

Expenditure on housing projects

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

Question:

It is reported that the construction cost of Stages I and II of the public housing development project in Area 30 of Tin Shui Wai has already been overspent by \$160 million before the pouring of concrete. According to a spokesman of the Hong Kong Housing Authority, the increase in the construction cost is partly attributable to inadequacies in the initial planning of the project, which have resulted in changes being made to the designs of the foundation and the piling works following detailed site investigation. In this connection, will the Government inform this Council of:

- (a) the detailed reasons for exceeding the construction cost of the project by more than 13%;
- (b) the additional expenditure items, and the amounts involved, arising from the inadequacies in the initial planning of the project; and
- (c) the reasons for inadequacies occurring in the initial planning of the project?

Answer:

Mr President,

The Building Committee of the Housing Authority has recently approved a revised estimate of cost of the public housing project in Tin Shui Wai Area 30, Phases 1 and 2, from \$1,138 million to \$1,299 million, representing an increase of \$161 million or 14%. A list of expenditure items, together with revised estimates and reasons, is at Annex (note).

Actual expenditure will depend on the outcome of piling tenders and building tenders to be invited in mid-1996 and early 1997 respectively. The bulk of expenditure will not be incurred until actual construction work begins on the site in October 1996. Hence, there is no question of overspending at present.

For any major project, a rough estimate of cost is made at the preliminary design stage, and the estimate is normally based on broadbrush assumptions since detailed requirements are not yet known. Thus, changes and refinements will be necessary when the project moves to the detailed design stage. The project in Tin Shui Wai is no exception. It is not appropriate, therefore, to suggest that the increase in the revised estimate is attributable to inadequacies in the initial planning stage of the project.

End

Waiting time for consultation in TM and YL clinics

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

Question:

Will the Government inform this Council :

- (a) of the number of patients seeking treatment, the average waiting time for obtaining discs, and the average waiting time for medical consultation in the general out-patient clinics run by the Department of Health in Yuen Long and Tuen Mun during the past three years;
- (b) of the breakdown of these clinics by name, location, current staff establishment, daily quota of consultations and daily average number of chips handed out;
- (c) which of these clinics provide evening and holiday out-patient services, and what the opening hours and daily quota of consultations in such services are; and
- (d) whether the Department of Health will extend the evening and holiday out-patient services in Yuen Long and Tuen Mun, so as to reduce the number of patients seeking treatment at the accidents and emergency departments of Tuen Mun Hospital and Pok Oi Hospital in the evening and during public holidays?

Reply:

- (a) In 1993, 1994 and 1995, the number of medical consultations provided at the general out-patient clinics in Yuen Long and Tuen Mun districts were 420,946, 489,954 and 573,003 respectively. Consultation discs, each bearing the estimated consultation time, are distributed from 8:45 am for the morning session and from 1:45 pm for the afternoon session. Normally, the discs will all be distributed in about an hour, except in some larger clinics where the consultation capacity is large. Patients are able to receive treatment within 60 minutes of the time specified in the discs, in the past three years. A pre-booked appointment system is also available for patients with chronically ill patients who will receive treatment within thirty minutes of the scheduled appointment.

- (b) A breakdown of the clinics in the Yuen Long & Tuen Mun districts are as follows :

<u>Day Clinic</u>	<u>Address</u>	<u>No of doctors</u>	<u>Daily consultation capacity</u>	<u>Average no of discs handed out each day (in the first quarter of 1996)</u>
<u>Yuen Long</u>				
Yuen Long Jockey Club Health Centre	269 Castle Peak Road Yuen Long	4 (am) 5 (pm)	406	396
Tin Shui Wai Health Centre (Commence operation on 29.9.1993)	3 Tin Shui Road Tin Shui Wai Yuen Long	4	350	334
Madam Yung Fung Shee Health Centre	26 Sai Ching Street Yuen Long	3	270	257
Kam Tin Clinic (From 9:00 am to 11:00 am)	Kam Tin Road Shek Kong Yuen Long	1	30	28
<u>Tuen Mun</u>				
Yan Oi Polyclinic	6 Tuen Lee Street Tuen Mun	5	450	431
Tuen Mun Wu Hong Clinic (Commence operation on 29.12.1993)	2 Wu Hong Street Tuen Mun	3	260	247
Tuen Mun Clinic	11 Tsing Yin Street Tuen Mun San Hui Tuen Mun	3	260	254

- (c) Evening and holiday out-patient services are provided in Yuen Long Jockey Club Health Centre and Tuen Mun Clinic, as follows :

<u>Clinic</u>	<u>Opening Hours</u>	<u>Daily Consultation Capacity</u>	<u>Average no. of discs handed out each day (in the first quarter of 1996)</u>
Yuen Long Jockey Club Health Centre	From 6:00 pm to 10:00 pm on Mondays to Fridays	160	150
	From 9:00 am to 1:00 pm on Sundays & Public Holidays	160	149
Tuen Mun Clinic	From 6:00 pm to 10:00 pm on Mondays to Fridays	240	225

- (d) At present, evening and holiday out patient services are provided in Yuen Long Jockey Club Health Centre and Tuen Mun Clinic. The utilisation of the two clinics have yet to reach their full capacities. Nevertheless, the Department of Health will continue to closely monitor the situation in the two districts and allocate resources to meet the demand as appropriate.

End

Nursing staff under Hospital Authority

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

Question:

Will the Government inform this Council of:

- (a) the existing establishment of nursing staff in different ranks in each of the hospitals under the management of the Hospital Authority;
- (b) the existing shortfall of nursing staff in different ranks in each of these hospital; and
- (c) the wastage figures of nursing staff in different ranks in each of these hospitals in the past three years?

Reply:

Manpower planning forms part of the Authority's annual planning process which takes into account the resource input and quality outcome of new initiatives or service improvements. The strength of nursing staff in public hospitals as at end of March 1996 is summarised in the table at Annex.

Nursing manpower planning is a dynamic process which must be examined in the light of prevailing circumstances unique to each hospital. To facilitate this process, the Hospital Authority has developed a set of indicators and a patient dependency model to assist managers in assessing their manpower requirements to meet operational needs. The Authority is currently working with individual hospitals as well as frontline nurses to verify and refine these tools.

The staff turnover rate for various nursing grades from 1993/94 to 1995/96 is provided below:

Nursing Staff Grade	1993/94	1994/95	1995/96*
Nursing Officer and above	6.6%	8.4%	7.5%
Registered Nurse	8.1%	11.1%	10.2%
Enrolled Nurse	9.8%	12.5%	8.5%
Student Nurse	18.0%	23.9%	11.3%
Pupil Nurse	20.3%	22.2%	13.6%
Total	9.5%	12.2%	9.8%

* including provisional figures for March 1996

Annex

Strength of Nursing Staff by Hospital as at 31 March 1996*

Hospital	NO & above	RN	SN	EN	PN	Others	Total
Bradbury Hospice	4	25	0	1	0	0	30
HK Buddhist	18	77	0	58	0	0	153
Cheshire Home (Chung Hom Kok)	1	3	0	9	0	0	13
Caritas Medical Centre	116	415	116	197	44	1	889
Castle Peak Hospital	108	150	72	180	77	0	587
Duchess of Kent Children's Hospital	12	33	0	25	0	0	70
Fanling Hospital	12	33	0	32	0	0	77
Fung Yiu King Hospital	12	37	0	26	0	0	75
Grantham Hospital	53	117	0	118	167	14	469
Haven of Hope Hospital	27	35	0	51	109	18	240
Hong Kong Eye Hospital	10	30	0	10	0	0	50
Kwai Chung Hospital	123	243	132	183	0	0	681
Kowloon Hospital	107	81	0	176	361	0	725
Kwong Wah Hospital	183	511	351	129	0	32	1,206
Lai Chi Kok Hospital	12	23	0	35	0	0	70
MacLehose Medical Rehabilitation Centre	5	18	0	12	0	0	35
Margaret Trench Medical Rehabilitation Centre	2	7	0	6	0	0	15
Nam Long Hospital	16	29	0	26	0	0	71
Our Lady of Maryknoll Hospital	32	81	0	75	148	5	341
Princess Margaret Hospital	216	697	331	153	3	0	1,400
Pok Oi Hospital	27	101	0	73	0	1	202
Prince of Wales Hospital	236	858	378	161	0	0	1,633
Pamela Youde Nethersole Eastern Hospital	161	506	0	147	40	1	855
Queen Elizabeth Hospital	352	1,062	275	240	0	0	1,929
Queen Mary Hospital	296	850	277	143	0	0	1,566
Red Cross Blood Transfusion Service	25	65	0	0	0	0	90
Ruttonjee Hospital	57	139	0	131	0	4	331
Cheshire Home (Shatin)	7	24	0	57	0	0	88
St John Hospital	8	12	0	18	0	0	38
Siu Lam Hospital	13	22	0	34	0	0	69
Shatin Hospital	56	76	0	164	0	0	296
Tuen Mun Hospital	198	609	250	241	0	6	1,304
Tung Wah Eastern Hospital	33	92	0	49	106	0	280
Tang Shiu Kin Hospital	18	68	0	24	0	0	110
Tung Wah Hospital	41	150	0	82	121	0	394
Tsan Yuk Hospital	33	78	0	2	0	47	160
United Christian Hospital	165	407	367	198	0	0	1,137
Wong Chuk Hang Hospital	4	15	0	25	0	0	44
Wong Tai Sin Hospital	30	104	0	111	0	0	245
Yan Chai Hospital	96	302	183	81	0	0	662
Total	2,925	8,185	2,732	3,483	1,176	129	18,630

Notes : * provisional figures only

Abbreviations : NO = Nursing Officer, RN = Registered Nurse, EN = Enrolled Nurse, SN = Student Nurse, PN = Pupil Nurse, Others = midwife and other non-standard ranks.



Complaints on decayed food items

* * * * *

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

Question:

Recently, complaints have again been made by the public about contaminated paper-packed drinks. In view of the renewed public concern about the quality of food products, will the Government inform this Council:

- (a) of the total number of complaints received by the Urban Services Department and Regional Services Department regarding contaminated food products in the past 12 months;
- (b) of the average time required by the authority concerned to complete a test on a food product suspected of contamination; and
- (c) whether measures will be taken by the authority concerned to ensure the timely completion of such tests and announce the test results at the earliest possible time?

Reply:

From 1 April 1995 to 31 March 1996, the Urban Services Department and the Regional Services Department received a total of 150 complaints about decayed food items.

When the two municipal services departments receive a complaint from the public, the suspected food item is promptly sent to the laboratory of the Department of Health for bacteriological tests or the Government Laboratory for chemical tests, or to both laboratories. The time taken to complete the laboratory tests depends on the nature of the complaint and hence the type of tests to be undertaken. In most cases, results will be available in one to seven days' time.

The two laboratories have always given priority to conducting tests on samples of suspect food items. Public announcements are made if and when there is evidence of a public health risk.

End

Protection to endangered plants and animals

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

Question:

It is learnt that the Government is planning to spend \$4 million on a two-year project to study ways to protect Chinese white dolphins and that it will establish a marine sanctuary for this purpose. In this connection, will the Government inform this Council:

- (a) of the species of animals and plants which are under the protection of the Animals and Plants (Protection of Endangered Species) Ordinance and their habitats in the territory;
- (b) whether it has any plans to apply for funds for the establishment of sanctuaries similar to the above for the animals and plants under the protection of the Ordinance; and
- (c) if the answer to (b) is in the negative, of the measures it will take to protect such animals and plants, and whether it will introduce legislation to prohibit construction works within the habitats of these animals and plants?

Answer:

Mr President,

- (a) The species of animals and plants protected by the Animals and Plants (Protection of Endangered Species) Ordinance are listed under Schedules 1 to 3 to the Ordinance. The majority of these endangered species are found inside country parks, special areas, proposed marine parks and marine reserves as well as Sites of Special Scientific Interest (SSSIs).

- (b) Considerable proportions of the areas within which endangered plants and animals are found are already protected. These include the restricted areas designated under the Wild Animals Protection Ordinance such as the Mai Po Marshes and Inner Deep Bay, country parks and special areas under the Country Parks Ordinance, proposed marine parks and marine reserves under the Marine Parks Ordinance and conservation areas and SSSIs in Outline Zoning Plans under the Town Planning Ordinance. Government will continue to designate more sites to protect endangered plants and animals in Hong Kong as and when the need arises.
- (c) In addition to the range of protected areas mentioned in (b) above, the Animals and Plants (Protection of Endangered Species) Ordinance controls the import, export and possession of endangered species. Moreover, the following ordinances offer protection to local plants and animals:-
- (i) The Forestry Regulations under the Forests and Countryside Ordinance control the selling and possession of protected plant species.
 - (ii) The Wild Animals Protection Ordinance controls the hunting, the possession, selling and export of protected wild animals, or their nests and eggs.

At present, an environmental impact assessment (EIA) study is required for any major development project that is likely to have an impact on the environment. An assessment of possible impacts on plants and animals is part of such a study. When the study identifies that the proposed project may cause potential adverse impacts to the environment, mitigation measures to eliminate or minimise such impacts will be recommended. An Environmental Impact Assessment Bill to make these procedures a statutory requirement is now before the Legislative Council. The enactment of the Bill will provide added protection to the endangered species.

End

Expenditure on environmental protection

* * * * *

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

Question:

It is learnt that the annual growth rate in expenditure of the Environmental Protection Department (EPD) has been on the decrease since 1994-95, with the result that the overall government expenditure on environmental protection has dropped to a rate of 0.56% of the territory's Gross Domestic Product (GDP) in 1996/97. This figure is much lower than that in certain developed countries which stands at an annual rate of 1% to 2% of their GDP, and is even lower than that in mainland China which stands at an annual rate of 0.6%. In view of this, will the Government inform this Council:

- (a) of the reasons for the decrease in the annual growth rate in EPD's expenditure in recent years; and
- (b) whether it will consider following the examples of the United States and European countries by allocating more resources for the implementation of projects lasting for 5 years or more, so as to concentrate research work on individual items such as water quality, the air and the soil; and whether it will further consider requiring that environmental issues be taken into account when formulating policies, so that environmental protection work can be undertaken more effectively, thereby improving the quality of life in our society?

Reply:

Mr President,

- (a) The expenditure of EPD since 1994-95 is as follows:

<u>Year</u>	<u>\$ million</u>	<u>% of increase over previous year</u>
1994-95 (Actual)	1,309.1	48.9
1995-96 (Revised Estimate)	1,674.8	27.9
1996-97 (Approved Estimate)	1,848.1	10.3

The exceptionally high rate of growth in expenditure in 1994-95 was mainly due to the additional operating expenses required for commissioning new waste management facilities such as refuse transfer stations, strategic landfills and the Chemical Waste Treatment Centre. The full year effect of the additional expenditure is reflected in the 1995-96 Revised Estimate, but such effect levelled off in 1996-97. We do not envisage new waste treatment facilities coming into operation in 1996-97, although several new facilities will come into operation in 1997-98.

A clearer picture of environment spending is illustrated in the following figures which show the growth of total Public Expenditure on the Environment in Hong Kong as a percentage of the overall Hong Kong total Public Expenditure:

									Revised Estimate	Approved Estimate
<u>88-89</u>	<u>89-90</u>	<u>90-91</u>	<u>91-92</u>	<u>92-93</u>	<u>93-94</u>	<u>94-95</u>	<u>95-96</u>			<u>96-97</u>
0.8%	1.5%	2.1%	2.5%	2.5%	2.0%	2.7%	3.2%			3.1%

- (b) The Government's environmental strategy is set out in the 1989 White Paper on Pollution in Hong Kong - and in the subsequent biennial reviews of the White Paper. The 1989 White Paper set out a comprehensive 10-year strategy for environmental protection in Hong Kong and, in particular, targets such areas as waste, water, air and noise. More recently, the Government has established a Trading Fund in the Drainage Services Department and to which the Government has committed all the capital expenditure for a long term high priority programme of urgently needed sewage works around the central harbour. An overall review of our environmental programme was recently set out in the Third Review of the 1989 White Paper on the environment which also set out how environmental issues are taken into account when formulating policies; paras 2.63 and 2.64 of the Third White Paper Review explain the current arrangements for Environment Impact Assessment, particularly the Government's intention to make this process statutory; an Environmental Impact Assessment Bill was introduced in the Legislative Council on 31 January 1996.

End

Road safety plans for elderly

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

Question:

According to information provided by the Police, nearly a hundred elderly people were killed in each of the past two years in traffic accidents involving jaywalking. In comparison with other age groups, the elderly age group had the highest death toll in such traffic accidents. In view of this, the Police have indicated that this year's road safety campaigns will be targeted at the elderly age group. In this connection, will the Government inform this Council:

- (a) of the other plans the Police have to enhance elderly people's awareness of road safety, so as to reduce the number of casualties among the elderly age group in such traffic accidents;
- (b) whether, to achieve a deterrent effect, the Police will step up prosecution against elderly people for contravening traffic regulations when crossing the roads; if not, why not; and
- (c) whether the Police will strengthen road safety campaigns targeted at educating drivers, so as to prevent the occurrence of such traffic accidents?

Reply:

Mr President,

It is indeed a cause for concern and very worrying that many elderly pedestrians (60 and over) have been killed or injured in traffic accidents. In an attempt to tackle this particular problem, the Police have conducted activities regularly to enhance road safety awareness amongst the elderly. Such activities included :

- (i) launching road safety campaigns targeted at elderly pedestrians;
- (ii) delivering road safety talks at elderly centres;

- (iii) enlisting the support of road safety patrol teams to help disseminate road safety messages and assist elderly pedestrians in crossing the roads near their social centres; and
- (iv) distributing road safety pamphlets and giving advice at pedestrian accident blackspots.

These efforts have had a measure of success in that the number of casualties involving elderly people in traffic accidents have been decreasing over the last three years. Notwithstanding this, we need to continue our efforts and, for example, are liaising with the Hong Kong Road Safety Association, to strengthen its road safety patrols at locations which have a high number of casualties of elderly pedestrians.

We do not believe that prosecuting the elderly for jaywalking would solve the problem. We should continue to treat our senior citizens with respect and we consider that continued advice and assistance is the most effective approach to tackle this problem.

The target audiences of road safety campaigns change from year to year depending on circumstances. In 1993/94, the prime target group was drivers to discourage fast driving and driving too close to the vehicle in front. In 1994/95, the emphasis was on the need to develop good driving habits, as well as on pedestrians (those aged under 15 and over 60) on correct road behaviour. In 1995/96, we highlighted the consequences of "Drink Driving". For 1996/97, the main campaign theme is "Pedestrian Safety", with a sub-theme on safety of elderly pedestrians. The need for drivers to remain alert will be highlighted.

Annex

Casualties of Elderly People
(60 Years and Over)
Involved in Traffic Accidents

	Fatal	Serious	Slight	Total
1993	145	707	1,378	2,230
1994	107	675	1,389	2,171
1995	101	631	1,303	2,037

End

Purpose of integrity checks on civil servants explained

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Following is a question by Dr the Hon John Tse and a written reply by the Secretary for the Civil Service, Mr W K Lam, in the Legislative Council today (Wednesday):

Question :

Will the Government inform this Council:

- (a) whether, in recruiting new staff members and selecting serving staff for promotion, it is the current practice of the disciplined services to investigate the criminal records of the relatives of those concerned and take such records into account in the selection process; if so, what the reasons are; and
- (b) if the answer to the first part in (a) is in the positive, whether -
 - (i) such a practice is subject to regulation under any legislation; and
 - (ii) the Government has drawn up any guidelines governing such a practice and, if so, what the rationale is; and whether the Government has reviewed the guidelines to ascertain if they contravene the Bill of Rights and the international human rights Covenants and, if so, whether the Government will consider amending the guidelines?

Answer :

Mr President,

For all recruitment and promotion to some positions in the disciplined services, integrity checks are carried out. The purpose of integrity checks is to ensure that the character and integrity of the candidates recommended for appointment and serving officers recommended for promotion are not in doubt and that they can be trusted to perform the functions expected of them in those positions. After carrying out such checks, the Police issue an assessment of integrity of the candidates or officers to the departments concerned. Such assessments concern the individuals only, not their family members.

The Government issued in August 1994 a set of procedural guidelines to all departments for carrying out integrity checks in the course of recruitment and promotion. The procedural guidelines were prepared in consultation with the Attorney General's Chambers and are not inconsistent with the provisions of the Hong Kong Bill of Rights Ordinance (Cap. 383) which incorporates the International Convention on Civil and Political Rights as applied in Hong Kong.

End

Additional work involved in VM repatriation programme

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

Question:

Regarding the agreement of the Vietnamese Government to accept more returnees under the Orderly Repatriation Programme, will the Administration inform this Council:

- (a) of the staff deployment which the departments concerned have to make to cope with the work in connection with the above; and
- (b) whether the staff in the departments concerned are required to work overtime to handle the additional workload; if so, what the number and grades of staff are and whether the Administration is aware of the views of the staff concerned on such overtime work?

Reply :

Mr President,

The acceleration of the Orderly Repatriation Programme will give rise to a demand for more manpower, principally in the Police Force, Correctional Services Department, the Immigration Department and the Security Branch of the Government Secretariat. This additional manpower, as and when required, will be made available by internal redeployment and overtime work. Officers of various grades and ranks are involved. However, it is not possible to give a precise breakdown of the grades and number of staff affected. The staff concerned accept the need to accelerate the repatriation of the Vietnamese migrants and are prepared to carry out the additional work involved.

End

Estimation of size of ethnic minorities updating

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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:

It is learnt that the Government is planning to draw up a list of non-Chinese ethnic minorities in Hong Kong who may become stateless after 1997. Will the Administration inform this Council:

- (a) of the objectives of drawing up the list;
- (b) how it plans to go about drawing up the list;
- (c) when the details of the list will be announced; and
- (d) whether it will continue to request the British Government to grant full British citizenship to the ethnic minorities in Hong Kong?

Reply:

Mr President,

- (a) The Government is undertaking an exercise to update the estimate of the size of the ethnic minorities in Hong Kong (who will not in the main be stateless after 1997) which was last done in 1986.
- (b) The exercise involves an estimation technique based primarily on the records of the Immigration Department to identify Hong Kong British Dependent Territories citizens (BDTCs) who are non-ethnic Chinese and do not hold a second nationality.
- (c) We will make known the updated estimate when the exercise is completed.
- (d) The Hong Kong Government has consistently supported the case of non-Chinese ethnic minorities with solely British nationality for the grant of British Citizenship. The British Government's decision announced by the Prime Minister on 4 March 1996, to admit them into the United Kingdom in the unlikely event that they ever came under pressure to leave Hong Kong was a significant improvement on the assurance given so far to this group. The Hong Kong Government will continue to support their case for full British citizenship.

End

Permits for watchmen in private buildings

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

Question:

Will the Government inform this Council :

- (a) of the present number of caretakers (commonly known as watchmen) employed in private buildings in the territory, and the number of those who are above the age of 65 and in possession of watchman permit;
- (b) of the number of persons who have applied for the new security personnel permit and the number of such permits that have been issued since the implementation of the Security and Guarding Services Ordinance in June last year;
- (c) whether any applications for the new security personnel permit have been rejected; if so, what the reasons are;
- (d) of the publicity measures taken by the Government appealing to those watchmen who have not yet applied for security personnel permits to do so before the expiry of the grace period at the end of this month;
- (e) whether there is adequate manpower in the Police Licensing Office for processing all the applications for security personnel permits; if not, whether the Police will consider increasing the manpower for processing such applications; and
- (f) whether it will review the licensing conditions stipulated in the Ordinance to determine if there is a need to relax such conditions?

Reply:

Mr President,

- (a) At present, there are about 130,000 watchmen registered with the Police under the Watchmen Ordinance. We do not keep separate statistics on the number of watchmen working in private residential buildings. According to the record of the Police Licensing Office, there are 26,493 watchman's permit holders who are above the age of 65.

- (b) Since the commencement of the application period on 2 November 1995, 12,012 persons have applied for the new security personnel permits and 2,595 permits have been issued. We expect to complete processing the rest of applications in about 3 months' time.
- (c) A total of 43 applications for security personnel permits have been rejected. All were rejected on the grounds of past criminal record. These include conviction for dangerous drugs offences, burglary, violent and sexual offences. However, not all applicants with past criminal record are rejected. Having considered the nature of the offence and the age of the applicant at the time of conviction, the Police Licensing Office have granted security personnel permits to a total of 50 applicants with past criminal record.
- (d) Since November 1995, a comprehensive publicity campaign has been launched. This includes sending over 10,000 appeal letters to office-bearers of Mutual Aid Committees (MACs)/Owners Corporations (OCs) and security and property management companies, organising over 30 seminars/briefings for MACs/OCs, District Fight Crime Committees and District Boards, meeting with trade unions, production of radio Announcement of Public Interests (APIs) and RTHK television programmes as well as provision of hot line enquiry services. These publicity efforts have been stepped up recently through the release of a TV API, increased broadcasting frequency of the radio API, and large scale briefings and seminars to urge prospective applicants to apply as soon as possible.
- (e) Additional manpower and supporting resources have already been provided to the Police Licensing Office to process applications for security personnel permits. We will consider, if necessary, increasing the manpower to cope with the anticipated rush of applications before the deadline.
- (f) The security personnel permit criteria were determined by an independent Security and Guarding Services Industry Authority and approved by the Legislative Council on 26 July 1995. We will review them in the light of operational experience after the full implementation of the Ordinance on 1 June 1996.

End

Public hospital beds planning and provision

* * * * *

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

Question:

Will the Government inform this Council:

- (a) of the current planning standard in regard to the ratio between accident / emergency beds and convalescent beds in the hospitals under the management of the Hospital Authority (HA);
- (b) of the respective numbers of accident/emergency beds and convalescent beds, and the ratio between the two types of beds, in these hospitals;
- (c) of the respective average daily costs of maintaining each accident / emergency bed and convalescent bed in these hospitals; and
- (d) whether the number of convalescent beds in HA's hospitals in New Territories West meets the standard referred to in (a) above; if not, what measures are in place to improve the situation?

Reply:

The planning and provision of public hospital beds is influenced by a number of factors including demographic profile and patient conditions, development of day treatment procedures and community nursing care, as well as the availability of other complementary services. There is no fixed ratio between acute to convalescent/infirmiry beds but the actual provision of beds will be adjusted in line with changing community needs.

There were a total of 13,944 acute beds, 3,733 convalescent beds and 1,772 infirmiry beds in public hospitals as at the end of March 1996 in 1995/96. The corresponding ratio of acute to convalescent/infirmiry beds is 2.5:1.

Since the planning and provision of convalescent/infirmity beds is carried out in a global context, it will not be meaningful to compare the relative distribution of beds in each region. The daily operating costs for acute bed and convalescent/infirmity bed were \$2,770 and \$1,230 respectively in 1994/95. The figures for 1995/96 has yet to be finalised.

Government is aware of the need to strengthen hospital facilities in New Territories West to meet the new demands arising from projected population growth and is exploring possible options with the Hospital Authority to tackle this issue.

End

Lands Development Corporation renovation projects

* * * * *

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

Question:

Will the Government inform this Council :

- (a) of the number of redevelopment projects completed by the Land Development Corporation (LDC) since its establishment and the amount of profits generated from each project;
- (b) of the number of LDC's redevelopment projects involving the resumption of land by invoking the Crown Lands Resumption Ordinance;
- (c) of the total number of affected residents who have been rehoused arising from redevelopment projects undertaken by the LDC; and
- (d) how it can ensure that the LDC's redevelopment projects are undertaken for the purpose of improving the living environment of the community, instead of seeking excessive profits?

Answer:

Mr President,

- (a) The number of redevelopment and renovation projects completed by the Land Development Corporation since its establishment in 1988 is eight.

Owing to the nature of the Corporation's operation and the involvement of joint venture partners in some of the projects, it is not appropriate to disclose the detailed financial data of individual projects. There are adequate provisions in the Land Development Corporation Ordinance to ensure that the financial accounts of the Corporation are subject to proper auditing and monitoring, including the tabling of the auditor's report in the Legislative Council annually;

- (b) As at 1 May 1996, four of the redevelopment projects undertaken by the Land Development Corporation involved resumption;

- (c) As at 1 May 1996, about 450 tenants affected by the Land Development Corporation's projects have been rehoused; and

- (d) There are comprehensive statutory and administrative measures to ensure that the Land Development Corporation's redevelopment projects are for the benefits of the community. Its functions and activities are decided and supervised by a Managing Board appointed by the Governor and composed mainly of non-official members. Under the Land Development Corporation Ordinance, the principal purpose of the Corporation is to improve the standard of housing and environment in Hong Kong by undertaking, encouraging, promoting and facilitating urban renewal. Before the Corporation is given approval to initiate a new project, it is required to submit detailed plans to the Government and demonstrate that the proposed project will improve the environment of the project area. Where a change of zoning under the Town Planning Ordinance is required, the project has to be submitted to the Town Planning Board for approval. The Board will take into account the impact of the proposed project on the environment in its consideration.

The Land Development Corporation is not a profit-seeking organisation, but rather a public statutory body operating in accordance with prudent commercial principles. Seeking "excessive profit" is not an object of the Corporation. All surpluses generated by projects are ploughed back into future urban renewal schemes. As a safeguard against the Land Development Corporation acquiring excessive reserves, the Financial Secretary is empowered under the Land Development Corporation Ordinance to require the Corporation to transfer funds to the general revenue. However, this has not proved necessary to date.

End

Sanctuary for Chinese white dolphins

* * * * *

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

Question :

As the works on the construction of the new airport have seriously affected the living environment of the Chinese white dolphins inhabiting the waters nearby, the Government has undertaken to designate an area of 1200 square kilometres between Sha Chau and Lung Kwu Chau as a sanctuary for the dolphins and to ban dragnet fishing activities within the sanctuary. In this connection, will the Government inform this Council:

- (a) whether the department concerned has conducted periodic surveys on the number of white dolphins in the waters concerned; if so, what the survey methods adopted are and the annual number of dolphins gathered since the commencement of the above construction works; if not, whether consideration will be given to conducting such surveys on a periodic basis;
- (b) of the progress of the proposed plan to establish a dolphins sanctuary and the date the sanctuary is expected to be formally established;
- (c) whether the Government will consider enlarging the areas of the sanctuary;
- (d) whether consideration has been given to banning all fishing activities within the sanctuary;
- (e) of the distance between the sanctuary and the temporary Aviation Fuel Receiving Facility (AFRF) under construction in Sha Chau, and the effects of the temporary AFRF on the dolphins; and
- (f) whether there are other measures to protect the Chinese white dolphins?

Answer :

Mr President,

- (a) The Agriculture and Fisheries Department (AFD) commissioned the Swire Institute of Marine Science (SWIMS) of the University of Hong Kong to undertake a three-year study to collect baseline information about the Indo Pacific hump-back dolphin, commonly known as Chinese white dolphin, in December 1993.

By using photo-identification techniques, SWIMS has identified a population of over 80 Indo Pacific hump-back dolphins within Hong Kong territorial waters. The result of a recent systematic population survey conducted by Dr Tom Jefferson, a cetacean expert and research associate of the Ocean Park Conservation Foundation, has indicated that the population size may be several times larger than SWIMS's estimation. However, the population size of the dolphins has yet to be determined.

AFD further commissioned a consultancy study in mid-1996 to carry out more systematic and in-depth study on the biology, population and distribution of the Indo Pacific hump-back dolphin. The study will take two years.

- (b) The draft map of the proposed Sha Chau and Lung Kwu Chau Marine Park (SLMP), i.e. the marine sanctuary, was gazetted for public inspection and comments for 60 days on 12 April 1996 in accordance with Section 8 of the Marine Parks Ordinance. After that period, the draft map will be submitted to the Governor in Council for approval. The SLMP is expected to be established around September / October 1996.
- (c) Yes, we have indeed considered the appropriate size of the sanctuary. The area of SLMP gazetted now is about 1,200 hectares which is 20% larger than the 1,000 hectares originally recommended by the cetacean expert, Dr Bern Wursig.
- (d) Yes, we have considered the question of banning all fishing activities. We have concluded that it would be best for the SLMP to be managed along the lines of a marine park where sustainable fishing will be allowed and controlled through a permit system. Trawling will however be prohibited. Other fishing activities will also be closely monitored. More stringent control will be imposed should there be signs of any activities which may be detrimental to the health and welfare of the dolphins.

- (e) The aviation fuel receiving facility (AFRF) at Sha Chau is located inside the proposed SLMP. The AFRF is not a fuel depot. There are no storage tanks at Sha Chau nor has any fuel related facility been constructed on Sha Chau. The AFRF is an off-shore berthing facility constructed on piles to reduce marine impacts. It will receive approximately 4 fuel delivery vessels per day with all fuel pumped directly from the vessels via an undersea pipeline to the on-airport fuel storage facility.

The environmental implications of the AFRF have been fully evaluated in a detailed environmental impact assessment study (EIA). The EIA was reviewed by an internationally renowned cetacean expert, Dr Bern Wursig, who concluded that the facility by itself would unlikely have negative effects on the dolphins. The construction impacts of the facility on the dolphins and the marine environment are minimised through implementation of mitigation measures. One of such measures is the use of a bubble curtain.

- (f) Yes, other measures to protect the Indo Pacific hump-back dolphin include :
- (i) a general regulation to limit the speed of marine traffic to not exceeding 10 knots within the sanctuary;
 - (ii) for the temporary Aviation Fuel Receiving Facility at Sha Chau, recommended zero discharge and low impact dredging pollution control measures will be implemented throughout the construction phase to reduce potential impact to the marine environment. Oil pollution control measures and oil spill equipment such as oil boom and skimmers will be provided to minimise the risk of oil pollution and contamination during the operational phase;
 - (iii) a 500 m exclusion zone for vessels around the airport platform will offer additional areas of protection for the dolphins; and
 - (iv) the consultancy study now in progress may propose other measures.

End