



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
GARDEN ROAD, 5th-8th FLOORS, MURRAY BUILDING,
HONG KONG. TEL.: 2842 8777

SUPPLEMENT

Wednesday, March 19, 1997

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Motion on Radiation Regulation

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Following is a speech by the Secretary for Health and Welfare, Mrs Katherine Fok, when moving the Radiation Ordinance (Cap 303) Radiation (Control of Irradiating Apparatus) (Amendment) Regulation 1997 in the Legislative Council today (Wednesday):

Mr President,

I move that the Radiation (Control of Irradiating Apparatus) (Amendment) Regulation 1997 as set out under my name in the paper circulated to Members be approved.

The Radiation Ordinance provides for the control on the import, export, possession and use of radioactive substances and irradiating apparatuses and the prospecting and mining for radioactive minerals and for related purposes.

Section 7 of the Radiation Ordinance provides for the requirement of a licence for a person to manufacture, sell, deal in or with, possess or use any irradiating apparatuses. The existing system requires every seller, possessor and user of irradiating apparatuses to hold a valid licence. The possession licence can cover any number of irradiating apparatuses provided that they are located in the same premises. All users of irradiating apparatuses have to hold a user licence. However, if the possessor of an irradiating apparatus is also the user of the apparatus, that person only needs a single licence to cover both the possession and use of the apparatus.

Fees for the grant or renewal of a licence are prescribed in Schedule 2 to the Radiation (Control of Irradiating Apparatus) Regulations.

When I moved the motion of approving the Radiation (Control of Irradiating Apparatus) (Amendment) Regulation 1994 for revising the fees payable under the Regulations, I noted the views of the subcommittee then set up under the chairmanship of Dr the Hon C H Leong for scrutinizing the Amendment Regulation that the system was not equitable because the same fee was levied for different types of licences notwithstanding the difference in time and effort incurred in processing each type of licence. I had assured Members then that we would recommend to the Radiation Board that it should adopt a charging system based on the principle of equity, taking into consideration the number of irradiating apparatuses involved and the time taken to inspect them.

The Radiation (Control of Irradiating Apparatus) (Amendment) Regulation 1997 now before Members seeks to revise the licence and fee structure to reflect more accurately the time and effort spent in processing different types of licences and to take account of the cost increase after the last fee revision. Specifically, there will be four categories of licences under the proposed structure. A Category 1 licence is a licence entitling the holder to possess an irradiating apparatus pending consideration of an application for a licence to possess the apparatus in a functional state or a licence entitling the holder to possess an irradiating apparatus in a non-functional state. A Category 2 licence enables the holder to possess, or to possess and use, an irradiating apparatus as prescribed on the licence. Each possession licence will cover only one irradiating apparatus. A Category 3 licence enables the holder to use any irradiating apparatuses as prescribed on the licence in any premises. A Category 4 licence enables the holder to sell or deal in irradiating apparatuses, or carry out activities that are not covered by the former categories of licences. The proposed fees for these four categories of licences are based on the costs of processing the different types of applications in 1995-96. The majority of the existing licensees will enjoy a lower licence fee under the proposed system. Holders of licences with fewer irradiating apparatuses will no longer be subsidizing those with more irradiating apparatuses.

The Amendment Regulation is proposed by the Radiation Board, which is the licensing authority in respect of irradiating apparatus set up under section 3 of the Radiation Ordinance and its membership is drawn from the medical, dental and academic professions. The Radiographers Board, set up under section 5 of the Supplementary Medical Professions Ordinance for the radiographers' profession has been consulted and supports the Amendment Regulation.

With these remarks, I move the motion.

End

Trading Funds Ordinance

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Following is a speech by the Secretary for Works, Mr H S Kwong, in moving a motion to appropriate assets to the Sewage Services Trading Fund under the Trading Funds Ordinance in the Legislative Council today (Wednesday):

Mr President,

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

On 11 March 1994, the Sewage Services Trading Fund was established in the Drainage Service Department to manage the operation of sewage services, to implement the High Priority Programme of capital works and to administer the billing and collection of sewage charges.

For the Sewage Services Trading Fund to be fully functional under the provisions of the Trading Funds Ordinance and in line with the trading fund concept, sewage facilities are appropriated to the Trading Fund so that the Director of Drainage Services, as General Manager of the Trading Fund, may properly manage the assets. On 26 July 1995, this Council passed a Resolution with the effect of appropriating all the sewage infrastructure existing as at 31 March 1995 to the Sewage Services Trading Fund.

Since the passing of the first Resolution, new sewage facilities funded by the Government have been completed and their management taken over by the Director of Drainage Services. It is necessary to appropriate them to the Sewage Services Trading Fund. Therefore, I move this Resolution to appropriate to the Sewage Services Trading Fund those sewage facilities completed and taken over by the Director of Drainage Services during the period from 1 April 1995 to 31 March 1996. This appropriation is necessary so that the accounts of the SSTF for this financial year can include assets completed or commissioned before 31 March 1996, so that the Trading Fund account can comply with the generally accepted accounting principles.

The appropriation of assets will not affect the level of sewage charges. This is because the Government decided in May 1996 that the cost of depreciation of assets would not be taken into account when setting the levels of sewage charges.

Additional sewage facilities are being funded by the Government through the Capital Works Reserve Fund. I will introduce further Resolutions annually for approval by this Council to appropriate all new sewage facilities as they are commissioned.

Sir, I beg to move.

End

Passage of TV (Amendment) Bill welcomed

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The Secretary for Broadcasting, Culture and Sport, Mr Chau Tak-hay, welcomed the passage of the Television (Amendment) Bill 1996 by the Legislative Council today (Wednesday).

He said: "Video-on-demand offers the potential for a wide range of innovative multimedia services, including new ways of delivering television programmes to the home.

"The licensing framework we have now put in place provides certainty to investors, as well as the assurance to viewers that the content of programme services will be properly regulated."

Mr Chau said that his Branch was now working towards putting the detailed regulations in place and inviting applications for licences within the next few months.

The Government had in mind to issue two licences, he said, but the Executive Council would consider all applications on their merits.

Provisions to regulate advertising were also being prepared, which would enable Wharf Cable to carry advertising within the next few months, he added.

End

Second reading debate of TV (Amendment) Bill 1996

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The following is a speech by the Secretary for Broadcasting, Culture and Sport, Mr Chau Tak-hay, for resumption of the second reading debate for the Television (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I should like to begin by thanking Members of the Committee for their careful scrutiny of this Bill.

I have carefully dropped down the valuable suggestions raised by the Hon Mrs Selina Chow and would take them into consideration when we review the TV market in 1998. As to the Hon Samuel Wong's argument that some organisations were not disagreeable to the regulation of the video-on-demand under the Television Ordinance, we have reiterated our stand many times during a debate in this Council and in our discussion at the Bills Committee, I would not want to repeat it here. The Government is happy to accept these constructive proposals put forward by legislators and these are reflected in amendments to the Bill which I shall be moving during the Committee Stage.

We have accepted the Bills Committee's suggestion that, pending the review of the television environment which we plan in 1998, programme service licensees should not be permitted to compete directly with other television service providers by offering live programming. Accordingly, we shall be including a condition in the licences granted to programme service providers to this effect.

Thank you.

End

Committee stage amendments to TV (Amendment) Bill 1996

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The following is a speech by Secretary of Broadcasting, Culture and Sport, Mr Chau Tak-hay, for committee stage amendments to Television (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr Chairman,

I move that clauses 3, 8, 9, 10, 17 and the Schedule under clause 19 of the Television (Amendment) Bill 1996 be amended as set out under my name in the paper circulated to Members.

Clause 3 of the Bill seeks, among other things, to extend the definition of "disqualified person" to cover newspaper owners to avoid the risk of an undesirable concentration of ownership of newspapers and television broadcasting licences. However, it has become clear that the wording in clause 3 needs to be amended to give effect to our policy of protecting the rights of newspaper publishers exercising control of a licensee as at 21 March 1996, while providing that they will become disqualified should they increase the level of their control thereafter. Equally, we wish to provide that if a publisher exercising control subsequently relinquishes control, for example by selling down his shareholding, he should not subsequently be able to increase his shareholding to 15% or more of a licensee whilst retaining exemption from disqualification. Accordingly, I propose amendments to sub-clause 3(1)(b)(iii) and the insertion of an additional sub-clause 3(1)(ba)(ii).

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After careful consideration of the arguments presented by the Bills Committee, we have agreed to delete proposed amendments to Clause 8. The effect of this change is that the Broadcasting Authority will have the power to issue directions to a programme service licensee requiring it to ensure that its service is capable of being received in areas specified by the Broadcasting Authority. The Authority already has this power in respect of other licensees under the Television Ordinance. I am satisfied that the Authority will not exercise its powers unreasonably to require that a programme service licensee provide a service in an area where no effective means of transmission exists.

During the course of scrutinising the Bill, the need for a number of minor technical amendments has been identified both to clarify the meaning of the Ordinance as amended, and to remove inconsistencies. Accordingly, I propose amendments to clauses 3(1)(ba)(i), 9, 10, 17 and the Schedule under clause 19.

Mr Chairman, I beg to move.

End

Fugitive Offenders Bill: resumption of second reading

* * * * *

Following is the speech by the Secretary for Security, Mr Peter Lai, at the resumption of second reading debate of the Fugitive Offenders Bill in the Legislative Council today (Wednesday).

Mr President,

I would like to thank the Honourable James To, Chairman of the Bills Committee, and the other members of the Committee for their close examination of this important Bill, and the useful suggestions they made to enhance the clarity of the Bill in many areas. In the light of the constructive suggestions made by the Bills Committee, I shall move amendments to this Bill at the Committee Stage.

Mr President, the Bill provides a statutory framework to implement Hong Kong's own bilateral agreements for the surrender of fugitive offenders, and sets out the conditions and procedures under which Hong Kong will surrender fugitives as well as the treatment which will be afforded to returned fugitives. This is essential to enable Hong Kong to maintain and enhance cooperation with other jurisdictions, in preventing criminals from escaping justice by moving from one jurisdiction to another. The Bill reflects existing practices, procedures and restrictions for handling requests for surrender. These procedures involve decisions by the courts and by the executive, with channels of appeal for the fugitive offender.

We have responded positively to the suggestions of the Bills Committee for further refinements to the Bill; the Committee Stage Amendments that I will introduce later reflects this. I shall explain the more significant amendments here.

On the scope of the Bill, the Administration will move an amendment to the definition of "arrangements for the surrender of fugitive offenders" in clause 2(1). The purpose is to permit arrangements to be made for the surrender of a particular person with a jurisdiction with which Hong Kong does not have a bilateral agreement. Such ad hoc arrangements will supplement the system of bilateral agreements for the surrender of fugitive offenders. For practical reasons, the provision of ad hoc surrender in the Bill would increase the number of jurisdictions with which we can cooperate on this important issue. Of course, all the procedures and safeguards in the Bill will apply to such ad hoc surrenders.

On safeguards for the fugitive offenders, the Bill itself already contains provisions to ensure that they are only surrendered for specified, serious offences. The Bill also contains fundamental safeguards to the rights of the affected persons. These safeguards, for example, include rule on the prima facie evidence, double criminality, specialty protection, protection against political offences and resurrender to a third jurisdiction. While members of the Bills Committee are content with these safeguards, they have requested that the death penalty exception should be expressly provided for in the Bill. I wish to stress that even without an express provision in the Bill, the Governor will have to consider the death penalty exceptions in accordance with the provisions in the bilateral agreements which are to be annexed to the order made pursuant to clause 3(1) as subsidiary legislation. Nevertheless, the Administration is prepared to expressly provide the death penalty exception in clause 13 of the Bill in order to address the concerns of the Bills Committee.

On procedural matters, the key amendments that I will propose at Committee Stage are related to the following matters :

First, representation to the Governor by a fugitive. The new provisions of clause 5(3A) and (4A) are added to ensure that a fugitive will be given a chance to be heard, before the Governor makes a decision as to whether or not to consent to his being dealt with by the requesting jurisdiction in respect of offences other than those for which he was surrendered, or before the Governor makes a decision as to whether or not to consent to his being re-surrendered by that jurisdiction to a third jurisdiction.

Secondly, time limit for appeal by the requesting jurisdiction. Clause 11(7) is to be amended to set a clear period of 14 days within which the requesting jurisdiction may institute proceedings to appeal against a decision of the High Court, or the Court of Appeal, to dismiss an appeal by that jurisdiction. Similar amendments will also be made to clause 12(7).

Thirdly, discharge in case of delay. New clause 14(5) will put it beyond doubt that a person who is discharged in case of delay will not be arrested and surrendered for the same offence in respect of which his surrender was sought.

Fourthly, identity of the person sought. New clause 23(4A) will be added to make it clear that the magistrate has to be satisfied that the person brought before him is in fact the person named in the request for surrender.

These amendments to the Bill, plus other technical amendments which I will propose during the Committee Stage, strike a balance between an individual's right to liberty and the need to prevent criminals from escaping justice. They do not affect the main substance of the provisions in the Bill. The Bills Committee has recommended support for the Bill subject to these amendments. With the enactment of this Bill, Hong Kong will have established a landmark: for the first time in our history, we shall have our own legislation governing the surrender of fugitive offenders. It marks our maturity as an independent jurisdiction, as well as Hong Kong's autonomy in the field of international law enforcement cooperation.

I note the remarks made by the Hon Albert Ho on the question of rendition, that is to say, the surrender of fugitives between Hong Kong and mainland China in the future. As this is under discussion with the appropriate mainland authorities, all I would say at this stage is that we share the community's concern that there should be adequate protection for the rights of the individual.

Mr President, with these remarks, I recommend the Bill to this Council.

End

Fugitive Offenders Bill: committee stage

* * * * *

Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the committee stage of the Fugitive Offenders Bill in the Legislative Council today (Wednesday):

Mr Chairman,

I move that the clauses specified be amended as set out in the paper circularized to Members.

Apart from the key proposals which I have referred to in my Second Reading Debate Speech, most of the amendments are drafting and technical in nature. They serve to remove ambiguities, and introduce minor procedural changes to better reflect current practices. All the proposed amendments have been agreed by the Bills Committee.

Mr Chairman, I beg to move.

End

Long-term Prison Sentences Review Bill

* * * * *

Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the second reading of the Long-term Prison Sentences Review Bill in the Legislative Council today (Wednesday):

Mr President,

I move that the Long-term Prison Sentences Review Bill be read a second time.

This Bill seeks to establish a statutory board to review long-term prison sentences, including detentions at Her Majesty's pleasure, and to make recommendations to the Governor where appropriate to change the sentences. This bill forms part of a package of measures to further enhance the transparency, effectiveness and fairness of our prison sentence review system, and to provide better rehabilitative services for released prisoners. Other measures in this package include a Post-Release Supervision Scheme which was launched in December last year, and proposals to amend the Prison Rules which will shortly be finalized.

Under existing arrangements, long-term prison sentences are reviewed on a regular basis by an advisory board called the Board of Review, Long-term Prison Sentences, which currently consists of seven non-official members from different background and four ex-officio members. The Board's main function is to examine the circumstances pertaining to the case under review, and to determine whether any change to the prisoner's sentence is justified. In this review process, the Board considers a number of factors, including the nature of the offence, the prisoner's criminal history, his age at the time of the offence, his response to counselling or psychological treatment, his progress and his future prospects in terms of rehabilitation, any compassionate considerations, and public safety.

Although the current arrangements are working well, we believe there is room for further improvement. We propose to establish the Board as a statutory body to ensure that the review process is more firmly based and be seen to be operating more independently. The new Board, called Long-term Prison Sentences Review Board, will consist entirely of non-official members, including two judicial members, one of whom shall be the President of the Board and the other shall be the Deputy President.

We propose to further enhance the operation of the prison sentence review system. To this end, the Bill provides the new Board with additional tools to help it in discharging its functions. First, the Bill empowers the new Board to prescribe post-release supervision orders for prisoners serving indeterminate sentences which have been changed to determinate sentences by the Governor on the Board's advice. Post-release supervision for prisoners serving determinate sentences would continue to be dealt with by the Post-Release Supervision Board. The new Long-term Prison Sentences Review Board should be in a better position to monitor long-term prisoners, since it would have been regularly reviewing these cases throughout the period of their sentences. Moreover, as there is a degree of cross-membership between the two Boards, our proposal should ensure that the approach to post-release supervision adopted by both Boards will be broadly consistent with each other.

Secondly, the Bill enables the new Board to allow certain prisoners to be released conditionally under conditional release orders. With these two new tools, the range of options available to the Board would be widened, thus helping the Board to exercise its functions more effectively and with greater confidence.

When our initial proposals were discussed by the Security Panel of this Council, concern was expressed by some Honourable Members, and some prisoners' families about the uncertainty of detention at Her Majesty's Pleasure, or HMP. HMP prisoners were convicted of murder but were sentenced, on account of their young age, to detention at Her Majesty's Pleasure, which is a form of indeterminate sentence, instead of capital punishment. Since the abolition of the death penalty in 1993, persons convicted of murder who were under the age of 18 at the time of their offence have been given mandatory life sentences. The European Court of Human Rights has ruled that detention at HMP should be treated as equivalent to discretionary life sentence, and that a discretionary life prisoner is entitled to have the lawfulness of his continued detention tested before a court, which term, in this context, encompasses an independent Board such as the proposed Long-term Prison Sentences Review Board, after he has served the punitive part of his sentence.

We have carefully considered our proposals in the light of case law in the United Kingdom and the European Court of Human Rights, and the relevant provisions in the Hong Kong Bill of Rights. We have concluded that it is appropriate to make adjustments according to these principles. We also recognize the need to give more certainty to the sentences of HMP cases and other discretionary life prisoners. Against this background, we propose that for three existing categories of prisoners, namely, HMP prisoners, young murderers sentenced to mandatory life sentence since 1993 and other discretionary life prisoners, the Chief Justice would make recommendation to the Governor on the appropriate minimum punitive term to be served in each case. For discretionary life cases sentenced after the commencement of the proposed legislation, the trial judge would specify, as part of the discretionary sentence, a punitive minimum term to be served. In all these cases, at the end of the minimum term, the new Board would consider making recommendations to the Governor on whether the prisoners' sentences should be changed. These proposals would lead to a fairer and more transparent review system, and would enable the prisoner to know his position with greater certainty.

We have also sought to address the other concerns raised by the LegCo Panel on Security and families of HMP prisoners. On the nature of the determination of minimum terms, we have clarified that the existing cases there cannot be a judicial decision on the setting of minimum terms since the trial and the sentencing have already taken place. Instead, the Governor would be making administrative decisions on minimum terms, having regard to the recommendation of the Chief Justice. However, for new discretionary life cases, the trial judge would impose the minimum term as part of the sentence, so the decision would be a judicial one.

On the availability of appeal channels under the proposed arrangements, there would be sufficient safeguards to protect the interest of the prisoner. In particular, for prisoners sentenced before the commencement of the legislation, there would be opportunities for them to make representations to the Governor before their minimum terms are determined. For prisoners sentenced after the commencement of the legislation, appeals to the courts against sentences, including the minimum terms, can be lodged in the normal way. I should also like to stress that the setting of a minimum term would not fetter in any way the Governor's discretion under Article XV of the Letters Patent, or the Chief Executive's discretion under Article 48(12) of the Basic Law, to exercise the prerogative of mercy.

We believe that the provisions in this Bill represent substantial improvements to the present system for reviewing long-term prison sentences, and strike the right balance between the interest of prisoners and the need to protect the safety of the community.

Thank you, Mr President.

End

Sir Edward Youde Memorial Fund (Amendment) Bill 1997

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Following is a speech by the Secretary for Education and Manpower, Mr Joseph W P Wong, in moving the second reading of the Sir Edward Youde Memorial Fund (Amendment) Bill 1997 in the Legislative Council today (Wednesday):

Mr President,

I move that the Sir Edward Youde Memorial Fund (Amendment) Bill 1997 be read a second time.

The Sir Edward Youde Memorial Fund was established in 1987 with initial donations from the community to commemorate Sir Edward Youde, the late Governor of Hong Kong. The prime objective of the Fund is to encourage education and research among the people of Hong Kong. A Board of Trustees was established to manage the fund and its investment while a Council was also established to determine all matters governing the application of the income of the Fund. At present, the asset value of the Fund is about \$168 million.

Over the last decade, the Sir Edward Youde Memorial Fund has awarded a total of \$53 million to about 6,400 secondary and tertiary students. Many of them are now working in various fields in Hong Kong, contributing to the well being and development of the territory.

In addition, the Fund also sponsors the Young Friends of Hong Kong Arts Festival which benefits about 25 000 local secondary students each year. The scheme increases the exposure of these students to performing arts and thereby help cultivate their appreciation of the arts. Recently, the Fund has established a Visiting Professorship Scheme to promote education and cultural exchange between Hong Kong and overseas countries by inviting eminent scholars to deliver public lectures and conduct seminars in Hong Kong.

Under the existing Sir Edward Youde Memorial Fund Ordinance (Cap 1140), the Board of Trustees can only accept voluntary donations, subscriptions and bequests. The Bill before Members seek to empower the Sir Edward Youde Memorial Fund Council to solicit donations, subscriptions and bequests. Similar power to solicit donations, for instance, has been given to the Li Po Chun Charitable Trust Fund Committee, which also awards scholarships to local secondary and tertiary students. This amendment will ensure adequate funding for the Fund's existing schemes and enable any future expansion in its scope of activities to benefit more Hong Kong students in education, research and learning.

Mr President, I beg to move.

End

Registered Designs Bill

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Following is the speech by the Secretary for Trade and Industry, Miss Denise Yue, in moving the second reading of the Registered Designs Bill in the Legislative Council today (Wednesday):

Mr President,

I move that the Registered Designs Bill be read the second time.

The purpose of the Bill is to establish in Hong Kong an independent registered designs system which is in line with international standards and will continue through and beyond 1997.

Design articles occupy an important place in our economy and cover an extremely wide range of goods such as domestic appliances, furniture, textiles, fashion, jewellery and watches. In many cases, design is the decisive factor in the success of a commercial product. The investment in developing a design can be substantial and the commercial risk can be high. On the other hand, once a design has become a success, it costs only a fraction of the original research and development cost to reproduce it. Design protection is of great importance to Hong Kong and especially to the small and medium enterprises.

Hong Kong's existing registered designs law is dependent on that of the United Kingdom. Hong Kong does not have a separate designs registry. A design is automatically protected in Hong Kong if it is registered in the United Kingdom.

Article 139 of the Basic Law requires the Government of the Hong Kong Special Administrative Region (HKSAR), on its own, to formulate policies on science and technology and protect by law achievements in scientific and technological research, patents, discoveries and inventions. Article 140 provides that the HKSAR Government shall, on its own, formulate policies on culture and protect by law the achievements and the lawful rights and interests of authors in their literary and artistic creation. So we need to establish an independent registered designs system in Hong Kong before 1 July 1997.

In doing so, we have to ensure that the registered designs regime meets the standards stipulated in the international intellectual property treaties and conventions which will continue to be applied to Hong Kong after 30 June 1997, namely the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works.

The Hong Kong Law Reform Commission carried out a first review of registered designs law as part and parcel of its reform exercise on the law relating to copyright, and published its Report on Reform of the Law Relating to Copyright in January 1994 after extensive consultation. The Law Reform Commission recommended that Hong Kong should establish its own designs registry with examination capability and that the novelty test for registrable designs should be local, i.e. the design must be "new" in Hong Kong. They proposed that the new system, including both the procedural and substantive aspects, should be modelled on the UK Registered Designs Act 1949 as amended.

On the procedural aspect, the current international trend is to provide a non-examination system for registered designs. Since the Law Reform Commission made its recommendations, the European Union (EU) has proposed a non-examination system as the norm for registration of designs. We believe that by 1999, the United Kingdom will be obliged to change over to the EU norm.

Experience in other countries suggests that even where search and examination are conducted, it is subjective and difficult for the Registrar to determine the novelty and registrability of a design. We also believe that the substantial investment in staff and other resources required to provide a full search and examination of registered designs before grant is not warranted.

We therefore take the view that, as a matter of procedure, a registered designs system with a formality examination is the best way forward. The registration system, in line with the rest of the new intellectual property system in Hong Kong, should be user-friendly and easy to administer. We have received support for our proposal during the consultation exercise held from December 1996 to January 1997, in particular from the legal profession and practitioners.

As regards the requirement of novelty, the Law Reform Commission recommended that the appropriate standard should be restricted to local novelty. However, it acknowledged that the international trend would seem to be to move away from a local novelty requirement, and the sub-committee appointed by the Law Reform Commission to conduct the review had indeed taken the view that the requirement should be worldwide novelty. We have considered these two views and recommend that we adopt the international norm of worldwide novelty as the standard. We have received support for our proposal during the consultation exercise.

The comprehensive Registered Designs Bill laid before Honourable Members is generally modelled on the UK Registered Designs Act 1949 as amended and the proposed EU design registration system with suitable modifications to cater for the special circumstances in Hong Kong. In preparing the Bill, we have incorporated as far as possible the comments received during the consultation. We have also included as necessary provisions to reflect the agreement reached in the Sino-British Joint Liaison Group on the localisation of the registered designs law.

Mr President, I will now briefly outline the major features of the Bill. First, Hong Kong will establish an independent Designs Registry. The proposed designs registration system requires no substantive examination. The Registrar of Designs, being satisfied that the formal application requirements have been complied with and that there is no obvious reason to refuse the application, will register and publish the design. Secondly, the period of protection of a design registered with the Hong Kong Designs Registry will be for an initial period of five years. Registration may be extended for four periods of five years each upon payment of the prescribed renewal fee. The maximum duration of protection will be 25 years. Thirdly, after the commencement of the new law, designs already registered in the United Kingdom will be deemed as Hong Kong registered designs for continuity.

With the introduction of the Registered Designs Bill into this Council today, I hope Honourable Members will give the earliest possible consideration to the Bill. While the timetable is extremely tight because we must put in place an independent registered designs system in Hong Kong before 1 July 1997, I am confident that with the support and co-operation from Honourable Members, we would be able to achieve our task.

Thank you, Mr President.

End

Justices of the Peace Bill

* * * * *

Following is the speech by the Chief Secretary, Mrs Anson Chan, in moving the second reading of the Justices of the Peace Bill in the Legislative Council today (Wednesday):

Mr President,

I move that the Justices of the Peace Bill be read the second time.

The purpose of the Bill is to provide a local statutory basis for the appointment of Justices of the Peace (JPs) and to update their powers and functions.

The JP System

JPs are at present appointed by the Governor under Article XIV of the Letters Patent. The award of the title of JP has come to be regarded in Hong Kong as a form of recognition of an individual's standing in the community, and has proved over time to be one of the most effective ways of promoting community service by individuals. We consider that the institution should continue beyond 30 June. We therefore propose to enact a local JP Ordinance to establish a Hong Kong-based JP system and also to take this opportunity to update the powers and functions of JPs.

Authority for appointment and revocation of appointment of JPs

The JP Bill proposes to empower the Governor to appoint any person whom he considers to be fit and proper to be a JP; and to revoke the appointment of any JP under certain specified conditions, for example if the JP has been convicted of an offence and has been sentenced to imprisonment, is suffering from mental disorder, or has departed and remained outside Hong Kong for a continuous period of six months or more without the approval of the Governor.

A new JP Oath will be introduced to replace the current requirement for prospective JPs to take the Judicial Oath and the Oath of Allegiance. The proposed new Oath is based on the current Legislative Council Oath.

Categories of JPs

Although the categories of JP do not need to be specified in the Bill, we propose to maintain the current administrative practice of having two categories of JPs - official and non-official JPs. We also propose to retain the sub-category of New Territories JPs, who are ex-officio Councillors of the Heung Yee Kuk under the Heung Yee Kuk Ordinance.

We propose that on the commencement of the Ordinance, all existing JPs shall continue to be JPs, subject to the terms and conditions of their appointment, except that judges and magistrates - who at present are JPs by virtue of their office - shall cease to be JPs. As all the historical judicial and quasi-judicial powers of JPs are now performed by judges and magistrates in their capacity as judges and magistrates, we consider that there is no need for them to retain the ex-officio title of JP.

Powers and functions of JPs

Historically, the office of JP was a judicial one. Thus, over the years, JPs in Hong Kong have accumulated a wide range of judicial and quasi-judicial powers under various local ordinances. However, not many JPs appointed today have any formal legal training. They are not equipped with the knowledge and expertise to exercise judicial and quasi-judicial powers which involve the liberty of members of the public. Moreover, with the development of a professional judiciary, these powers no longer need to be exercised by lay JPs, and in practice they rarely if ever exercise them.

In Hong Kong today, the main function of JPs is to pay visits to prisons, detention centres and institutions for probationers as provided under a number of Ordinances, in order to ensure that no individual is unfairly treated or deprived of his rights. JPs are also required to perform other duties as directed by the Governor, such as paying visits to other institutions such as reformatory schools, and mental and general hospitals, monitoring the repatriation of Vietnamese migrants and carrying out ad hoc enquiries.

The Bill proposes to recognise the way the JP system has evolved in Hong Kong by setting out the current duties performed by JPs and removing their obsolete judicial and quasi-judicial functions. It also proposes to transfer to Commissioners for Oaths the power of JPs to administer oaths and declarations. Any member of the public who is required to take an oath, or make a statutory or non-statutory declaration may therefore as at present, do this either in the government department concerned or at a District Office.

I am confident that the public will welcome the proposals in the Bill which will enable the well-recognised and respected JP system to continue beyond 30 June. I commend the Bill to Honourable Members.

End

Jury (Amendment) Bill 1997

* * * * *

Following is the speech by the Chief Secretary, Mrs Anson Chan, in moving the second reading of the Jury (Amendment) Bill 1997 in the Legislative Council today (Wednesday):

Mr President,

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

The main aim of the Bill is to amend the Jury Ordinance so as to enable the Judiciary to conduct jury trials in the High Court in Chinese before 1 July 1997. It also proposes to make some minor changes to the list of those exempted from jury service.

It has always been the case that accused persons, litigants and witnesses in Hong Kong courts have the right to use whatever language they wish, with interpretation provided if necessary. Moreover, since 1974, lawyers and magistrates have been able to use either of the official languages in the magistrates' courts.

Article 9 of the Basic Law states that "In addition to the Chinese language, English may also be used as an official language by the executive authorities, legislature and judiciary of the Hong Kong Special Administrative Region". This means that either official language may be used in the courts after the transfer of sovereignty. The Judiciary therefore drew up a plan to put in place by 1 July 1997 a bilingual court system in which either English or Chinese can be used at all levels of the courts.

The Official Languages (Amendment) Ordinance 1995 was enacted in July 1995 to remove the restrictions then in force on the use of Chinese in the higher courts and certain tribunals. In February 1996, this was applied to the District Court and the Lands Tribunal, and in December 1996 to the High Court for hearing appeals from magistrates' courts, the Labour Tribunal and the Small Claims Tribunal. At present, however, proceedings in the High Court, except appeals from the lower courts and tribunals, and proceedings in the Court of Appeal can still be conducted only in English. The Judiciary proposes to remove these restrictions by 1 July 1997. However, the relevant sections of the Jury Ordinance need to be amended to enable Chinese to be used in jury trials in the High Court. Clauses 2 to 4 of the Bill therefore amend the Jury Ordinance to change the language requirement for jurors from English to "the language in which the proceedings are to be conducted", ie English or Chinese.

The Chairman of the House Committee of this Council has raised with the Administration Members' concern that a possible conflict of interest may arise if staff of the Legal Service Division of the Legislative Council Secretariat who have advised Members on draft legislation are subsequently summoned to act as jurors. At present, lawyers working in the Legal Department, the Legal Aid Department, the Official Receiver's Office and the Intellectual Property Department are exempt from jury service. We therefore propose that the Legal Adviser of the Legislative Council Secretariat and his legally-qualified assistants who are in the full-time employment of the Legislative Council Commission should also be exempt.

The wives of the Chief Justice, the Justices of Appeal and the judges of the High Court are at present exempt from jury service to avoid possible conflicts of interest. As there are now female judges in the High Court, we propose that the husbands of female judges should also be exempt.

Clause 5 of the Bill therefore amends the Jury Ordinance to exempt from jury service the Legal Adviser of the Legislative Council Secretariat and any of his legally-qualified assistants who are in the full-time employment of the Legislative Council Commission, and the spouses, instead of just the wives, of the Chief Justice, the Justices of Appeal and judges of the High Court.

Mr President, this Bill constitutes a necessary reform to the jury system in Hong Kong and I commend it to this Council for early passage into law.

End

Government's position on provisional legislature well known

* * * * *

Following are a question by Dr the Hon Yeung Sum and a reply by the acting Secretary for Constitutional Affairs, Mr Clement Mak, in the Legislative Council today (Wednesday):

Question:

It is learned that someone in the capacity as a member of the provisional legislature has set up a member's office in the territory. In this connection, will the Government inform this Council whether:

- (a) any person in the capacity as a member of the provisional legislature is permitted to establish a provisional legislature member's office in the territory, or to use the premises of a publicly-funded office of a member of the territory's various assemblies for setting up a provisional legislature member's office, before 1 July 1997; if not, whether legal action will be taken against the person concerned; and
- (b) it will raise this issue in the Sino-British Joint Liaison Group and urge the Chinese Government to honour the undertaking made by the Chinese Foreign Minister and to ensure that the provisional legislature will not operate, not even by way of setting up provisional legislature members' offices in the territory, before 1 July 1997?

Reply:

I would like to take part (b) of the question first. The position of the British Government and the Hong Kong Government on the question of the provisional legislature is well known. It has been set out comprehensively in two statements issued on 20 December 1996 by the two governments. That remains our position. We see no basis in the Joint Declaration or the Basic Law for a provisional legislature nor do we see any justification for it. Up to 30 June 1997, the only constitutional legislature in Hong Kong is this Legislative Council.

We have, on various occasions, made clear our position to the Chinese government. The subject was raised at Ministerial level. It was also raised during the recent meeting in Singapore between the Foreign Secretary and Vice Premier QIAN Qichen. The subject was also raised at the Joint Liaison Group and through other channels. We will continue to make known our position whenever opportunities arise, and remind the Chinese side of the assurance given by Vice Premier QIAN that, before 1 July 1997, only the Governor, the Privy Council and the Legislative Council will exercise power in Hong Kong.

I now turn to part (a) of the question. The fundamental point here is the rule of law in Hong Kong. This applies as much to the Government as it does to any member of the public. This is what the rule of law is all about. When people want to pursue a certain course of action, they will need to satisfy themselves that their action will not be in breach of the law. As a general rule, any person can establish an office in Hong Kong provided that, in doing so, he is not in breach of the law.

Still on part (a) of the question, accountable office rental allowances are payable to members of the Legislative Council and the District Boards. The detailed arrangements are set out in administrative guidelines. For the Legislative Council, where an office is used partly for Legislative Council business and partly for other matters, the Legislative Council member concerned may only claim allowance for that portion of the office cost which relates to Legislative Council business. As necessary, the matter will be referred to the Committee on Members' Allowance under the Legislative Council for arbitration. As for the District Boards, the allowance is payable to a District Board member only if he uses his office exclusively for District Board related activities, or in conjunction with duties of the other two tiers of representative government. The allowance will cease once the eligibility criteria are not met.

In the case of the Municipal Councils, members receive a monthly non-accountable allowance. The two Councils do not have guidelines for members on how they may use the allowance.

End

No plan to reactivate Triad Renunciation Scheme

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

Question:

It has been reported that the triad renunciation scheme implemented in Taiwan has been quite successful. In this connection, will the Government inform this Council:

- (a) of the current estimated number of triad members in the territory; and
- (b) whether consideration will be given to introducing a scheme under which triad members can renounce their triad membership completely; if so, when such a scheme will be implemented; if not, why not?

Reply:

Mr President,

- (a) Any person known to the Police as having triad membership or committed other unlawful society offences will be arrested. The number of persons arrested for unlawful society offences in the past three years were 857 in 1994, 989 in 1995 and 728 in 1996 respectively. These include persons arrested for being a member of a triad society, those acting as a member of triad society, and those professing or claiming to be a triad member. We do not have any separate estimate on the number of triad members in the territory.
- (b) We launched the Triad Renunciation Scheme on 8 December 1988 as a one-off measure to allow people to formally renounce their triad membership, so that they can be freed from prosecution for offences relating to triad membership under the Societies Ordinance. It is aimed particularly at young people who may have become triad members under duress or out of ignorance, so that they can free themselves from the taint of triad membership. The Scheme was suspended on 1 April 1991 after it had operated for two-and-a-half years.

We consider that reactivating the Scheme may send a wrong message to young people who might be tempted to experience triad membership, with the expectation that they can renounce it later. Instead of reactivating the Scheme, we believe that we should strengthen other measures to fight against triad influence, particularly on young people. To that end, we have adopted a three-pronged approach: prevention through education, publicity, and social services; enforcement through arrests and punishment of offenders; and rehabilitation through family, social and correctional services.

The measures taken under this approach have yielded encouraging results in our fight against triads. The ratio of triad involvement in overall crimes in the past three years has remained relatively stable at less than 5%. There has been a decreasing trend in the number of juveniles arrested for unlawful society offences in the past three years, with a drop of 10% from 316 in 1994 to 283 in 1995, and a further drop of 22% to 222 in 1996. The number of overall unlawful society offences has also dropped by 4.4% from 1,512 in 1994 to 1,445 in 1995, and further dropped by 21% to 1,134 in 1996. However, there is no room for complacency. We will continue to accord high priority to the fight against the triad problem to ensure that Hong Kong remains one of the safest cities in the world.

End

Monitor of licentiate examination by Medical Council

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

Question:

In view of the extremely low passing rate of the licentiate examination held annually by the Medical Council of Hong Kong, will the Government inform this Council:

- (a) of the mechanism put in place to monitor whether the assessment criteria of the licentiate examination are fair;

- (b) whether external examiners will be invited from mainland China and overseas countries to ensure the fairness of the licentiate examination; if not, why not; and
- (c) whether consideration will be given to standardising the examination papers of the licentiate examination and those of the final examinations for the Bachelor of Medicine and Bachelor of Surgery degrees in the University of Hong Kong and the Chinese University of Hong Kong, so that the standard and assessment criteria of the licentiate examination are put on a par with those of the Faculties of Medicine in these two universities; if not, why not?

Reply :

Mr President,

- (a) The Medical Council is empowered under section 7 of the Medical Registration Ordinance (Cap 161) to set an examination, called the "Licentiate Examination", which was termed the "Licensing Examination" after the Medical Registration (Amendment) Ordinance 1995 commenced effective. The passing of the examination shows the achievement of a standard acceptable for registration as medical practitioner.

For this purpose, the Council has established the Licentiate Committee which has the delegated authority to set the Licensing Examination. The Committee is made up of up to ten registered medical practitioners, nominated by The University of Hong Kong, The Chinese University of Hong Kong, Hong Kong Medical Association, the Director of Health and the Hospital Authority. The Chairman of the Committee is elected by the Medical Council from among its members. The experience and expertise of the members of the Committee will enable them to set the examination at a standard acceptable for registration.

Any person aggrieved by a decision of the Licentiate Committee may appeal against the decision in accordance with section 20F of the Ordinance.

- (b) I understand that the Licentiate Committee does invite external examiners.

- (c) The Licentiate Committee sets the examination at a standard equivalent to that of the examination sat by students of the two local medical faculties.

Membership of the Licentiate Committee includes four members nominated by the two local universities with medical schools. These members understand the curricula of the local medical schools and their standard. They are therefore well equipped to advise the Licentiate Committee on the standard required of overseas candidates for the purpose of registration.

End

Counterfeit goods

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Following is a question by the Hon Mrs Selina Chow and a reply by the Secretary for Trade and Industry, Miss Denise Yue, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of the number of operations carried out by the Customs and Excise Department against the sale of counterfeit goods over the past three years;
- (b) how many of these operations were conducted following reports made by members of the public rather than copyright owners or their agents; and
- (c) of the number of prosecutions instituted by the Customs and Excise Department against the sellers of counterfeit goods as a result of such operations, as well as the success rate of these prosecutions?

Reply:

Mr President,

- (a) In the past three years, the Customs and Excise Department has conducted a total of 2,057 operations against the sale of counterfeit goods - 778 operations in 1994, 616 operations in 1995 and 663 operations in 1996.
- (b) The Department does not keep separate records for reports lodged by members of the public, trade mark owners and their agents. Out of the 2,057 operations conducted in the past three years, 1,070 were the results of reports lodged by members of the public and trade mark owners/agents and the rest were initiated by Customs.
- (c) The Department instituted a total of 1,622 prosecutions against sellers of counterfeit goods in the past three years, with 610 prosecutions in 1994, 446 in 1995 and 566 in 1996. The average success rates of these prosecutions were 98.7% in 1994, 98.1% in 1995, and 97.7% in 1996.

End

Eight ex-military sites proposed for residential development

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Following is a question by the Hon Lee Wing-tat and a reply by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today(Wednesday):

Question:

The Government has just announced its plan of releasing eight pieces of land previously used as military sites for residential development, with six of them being designated as low and medium density residential development sites. In this connection, will the Government inform this Council whether, given the current shortage of housing supply, the Government's intention not to earmark all the sites for use as high density residential developments is related to infrastructural constraints ; if so, whether the Government will consider expediting the funding procedures for the relevant infrastructural projects, so as to facilitate their early completion such that the sites in question can be developed for use as high density residential development sites; if not, of the reasons for not earmarking those six sites for high density residential developments?

Answer:

Mr President,

The eight ex-military sites proposed to be released for residential development include the British Military Hospital, Blackdown Barracks and Kowloon Tsai Married Quarters in Kowloon; Pearl Island Married Quarters, Perowne Barracks and Gordon Hard, Dills Corner Camp, Beas Stables Married Quarters and Burma Lines in the New Territories.

The Administration has commissioned two consultancy studies to examine the feasibility of developing these sites for residential use and to advise on their appropriate levels of development intensity.

The consultants have identified considerable constraints in developing the sites. In short, these are:

- * compatibility of development with the surrounding areas;
- * topography;
- * amount of developable land within the sites;
- * capacity of the surrounding road networks;
- * sufficiency of infrastructure; and
- * traffic noise impact.

The consultants have identified a range of measures to resolve the above constraints. Subject to these measures, the consultants have also recommended the optimum development intensity for each of the sites.

We have examined the consultants' recommendations carefully and agreed with the proposed development intensity of seven of the sites. As a result, one site will be used for high density development and six for low to medium density development. It is envisaged that around 7800 residential units will be produced on the sites. As for the last site, that is, Burma Lines in the New Territories, we consider that a further study will need to be done before deciding on the eventual scale of development on the site.

We are already taking steps to seek funds to complete the necessary infrastructural improvements early, and to amend the relevant Outline Zoning Plans. We expect the first batch of the sites to be disposed in the coming financial year, with the disposal of the rest of the sites completed within two to three years.

End

Promotion of the Basic Law

* * * * *

Following is a question by the Hon Ambrose Lau and a reply by the acting Secretary for Home Affairs, Mrs Stella Hung, in the Legislative Council today (Wednesday):

Question:

The National People's Congress of the People's Republic of China adopted the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (the Basic Law) in 1990, and promulgated its taking effect from 1 July 1997. In view of the impending implementation of the Basic Law, will the Government inform this Council:

- (a) of the measures taken to publicise and promote the Basic Law, and the effectiveness of such measures;
- (b) whether there are further actions to step up the publicity and promotion of the Basic Law in the coming months; if so, what the details are; and
- (c) whether, apart from publicising the Basic Law to the public in the territory, the Government has introduced the Basic Law to countries and investment organisations which have close ties with the territory; if so, what the details are?

Reply:

Mr President,

The Government fully recognises the importance of the Basic Law. Our efforts to promote awareness of the Basic Law have been made mainly on three fronts: through civic education, in the context of school education, and in the training of civil servants.

Through the Committee on the Promotion of Civic Education, a variety of programmes have been undertaken to promote the Basic Law to members of the public. These include teaching materials, information booklets, videos, roving exhibitions, and media publicity campaigns such as TV and radio programmes, radio and TV APIs, electronic display boards, and teleline stories. The Committee has also sponsored projects organised by non-government organisations under the Community Participation Scheme and participated in Basic Law-related programmes organised by outside bodies.

In respect of school education, the Education Department has issued new guidelines for schools to develop their own civic education programmes. The teaching of the Basic Law has been included in the General Studies subject which is a core subject at the primary level. At the secondary level, students can also learn about the Basic Law through four different subjects. Resources available to schools include the provision of class grants to enhance civic education, finance for teachers to attend courses on the Basic Law, and teaching kits and other reference materials on the topic.

Turning to the Civil Service, the Government has provided regular training courses for civil servants, at various levels, since the Basic Law was first promulgated. In 1996, we conducted over 20 seminars on the subject and more are in the pipeline. At the same time a self-learning booklet on the Basic Law was distributed to all civil servants in order to provide them with a basic understanding of its contents and meaning.

Beyond the Civil Service, the Attorney General's Chambers have conducted lectures and seminars on the Basic Law for the benefit of outside bodies to whom they have also given copies of the self-learning booklet.

These initiatives have been well-received. The sharp increase in demand for materials on the Basic Law is a demonstration of increasing public awareness of this important document. Over 300,000 booklets on the Basic Law for various target readers have been distributed to the public through the Civic Education Resource Centre and District Offices. About 140,000 people have used the teleline stories hotline service since it was launched in August 1996. Over 6,000 civil servants have attended seminars on the Basic Law and over 130,000 self-learning packages have been distributed within the civil service.

The Committee on the Promotion of Civic Education is currently producing a CD-ROM on the Basic Law for release in mid-1997. In view of the increasing demand from the public to know more about the Basic Law, \$8 million has been included in this year's budget for the Committee to step up publicity and promotion of the Basic Law in the next two years. With the additional financial resources, the Committee will take on more Basic Law programmes, co-operate with other bodies or organisations in undertaking projects, and increase allocation of funding for sponsoring relevant projects by community and voluntary groups. The programme of activities will include territory-wide exhibitions and competitions, television, radio, and other media publicity campaigns, teaching and resource materials for schools and voluntary agencies, and promotional handbooks for the general public.

In addition, the Government Information Services has earmarked a sum of \$750,000 in 1997/98 for mounting a publicity campaign with emphasis on the Basic Law. And the Education Department plans to launch seminars entitled "Basic Law for Everybody" for both primary and secondary school teachers in April and May 1997.

We are conscious of the need to ensure that the international community is aware of the essential guarantees that the Basic Law provides for the Hong Kong Special Administrative Region. This is done through the global network of our ten Hong Kong Economic and Trade Offices and by senior Government officials on overseas duty visits. The promotion of the Basic Law has become an integral part of their work. When they take part in international seminars, exhibitions, conferences and so forth, they make a point of telling their audiences about the protections that the Basic Law and the Joint Declaration afford the people of Hong Kong. They emphasise the importance of the "one country, two systems" principle, particularly the guarantees for the continuation of our existing social, economic, financial, commercial, legal and judicial systems and way of life. At the same time, they distribute press kits containing copies of the Basic Law, the Joint Declaration and other information about the territory. Furthermore, all overseas visitors including journalists whom Government officials meet in Hong Kong are briefed on the main provisions of the Basic Law and are given the press kit which, as I have said, includes a copy of the Basic Law and the Joint Declaration.

Finally, the Government Homepage on the Internet carries the full text of the Basic Law. The Committee on the Promotion of Civic Education is also preparing an Internet Homepage which will feature the Basic Law as well as other important civic education materials.

End

Quality School Education assured

* * * * *

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

Question:

The Education Commission Report No. 7 on Quality School Education was published for public consultation last year and a total of over 200 submissions have been received. While the public generally endorse the main thrust of the consultation document, there are a lot of doubts as to how the aims of quality school education can be achieved. In this connection, will the Government inform this Council:

- (a) of the numbers of Inspectors of Schools in the Education Department responsible for the inspection of primary and secondary schools respectively, together with the number of Inspectors of Schools in each category with less than five years' teaching experience; and of the number and academic qualifications of Inspectors of Schools for each subject; and
- (b) whether the Education Department will consider deploying Inspectors of Schools to undertake teaching duties at primary and secondary schools on a rotation basis, so as to enrich and update their teaching experience?

Reply:

Mr President,

The consultation document on the Education Commission Report No. 7 (ECR7), which was published in November 1996 for public consultation, recommended a comprehensive strategy to enhance the quality of school education. The two-month consultation period has now expired. The Commission is now finalising its recommendations, inter alia, on the development of a comprehensive quality assurance framework.

- (a) At present, school inspections are undertaken by different grades of Education Department staff for different purposes, notably Education Officers of the Schools Division in monitoring and advising on school management and administration, and Inspectors of the Advisory Inspectorate on curriculum and teaching standards.

Education Officers

There are 128 Education Officers working in 19 district education offices. These officers basically possess a recognised degree and a Postgraduate Certificate in Education or equivalent, with at least three years' relevant post-degree experience or six years' relevant experience mainly in teaching. They are responsible for overall inspection of the administration of both primary and secondary schools in various districts.

Inspectors

There are 173 Inspectors in the Advisory Inspectorate responsible for subject inspections. Of these Inspectors, 55 are responsible for inspection of primary schools; 107 for secondary schools; and 11 for kindergartens.

Inspectors responsible for inspection of primary schools are at present required to possess a teacher's certificate from the Hong Kong Institute of Education, with at least five years' relevant post-qualification experience mainly in teaching. Inspectors responsible for inspection of secondary schools are required to possess a recognised degree and a Postgraduate Certificate in Education or equivalent, with at least four years' relevant post-degree experience mainly in teaching.

Of the 173 Inspectors in the Advisory Inspectorate, only 11 (6.3%) responsible for secondary school inspection have less than five years' teaching experience. All inspectors for primary school inspection have at least five years' teaching experience.

The number of Inspectors for each primary and secondary subject and their qualifications as at mid March 1997 are at Annex.

- (b) Education Officers and Inspectors are generally experienced classroom practitioners, particularly in the case of Inspectors, whose exposure to classroom situations is enhanced by their regular visits to different schools of various types. Inspectors are therefore well placed to advise and support schools on improving the quality of education and to disseminate good practices.

Inspectors also have ample opportunities to work with teachers. These include organising school-based seminars, taking part in subject committees/examination boards and advising on various inter-school projects involving students. Through the processes of organising and conducting such activities, both Inspectors and teachers stand to benefit and develop their professional expertise.

In addition, the Education Department has a multi-facet training programme to keep Inspectors abreast of new development in their subjects. Their training needs are regularly reviewed with a view to improving their services.

The Education Department therefore does not consider it necessary at this stage to deploy Inspectors to undertake teaching duties in primary and secondary schools on a rotation basis.

In line with the recommendations in the consultation document for ECR7 to develop a comprehensive quality assurance framework, the Education Department is now planning to reorganise the Advisory Inspectorate by integrating staff from various divisions for inspection duties and to adopt a whole school approach. The roles and functions of inspectors of schools will be reviewed in the light of the development of school-based management. The Education Department will also explore the possibility of enlisting the services of experienced practising teachers in the plan for whole school inspections. The aim is to foster professional exchange and further mutual understanding between schools and the Department.

**No. of Advisory Inspectorate Division Inspectors
Per Subject Area and their Qualifications as at mid March 1997**

<i>Primary Subject Area</i>	<i>Number of Inspectors</i>	<i>Bachelor Degree</i>	<i>Bachelor Degree and above</i>	<i>Teacher Certificate</i>	<i>Teacher Certificate and Bachelor Degree</i>	<i>Teacher Certificate and Bachelor Degree and above</i>
Art & Craft	4	1		1	1	1
Chinese	5	1		3	1	
Civic Education	1				1	
CYC / Extra Curricular Activities	10			6	4	
English	2			1	1	
General Studies	6			5	1	
Health Education	2			2		
Library Service / Visual Education	7			2	5	
Mathematics	4			4		
Music	3			1	2	
Physical Education	6			4	2	
Putonghua	1				1	
Religious Studies	2				2	
Social Studies	2			2		
Total for Primary Level	55	2		31	21	1
<i>Secondary Subject Area</i>	<i>Number of Inspectors</i>	<i>Bachelor Degree with PG/PGD</i>	<i>Bachelor Degree and above with PG/PGD</i>	<i>Teacher Certificate</i>	<i>Teacher Certificate and Bachelor Degree</i>	<i>Teacher Certificate and Bachelor Degree and above</i>
Administration & Services	1	1				
Art & Design	4				3	1
Biology	5	3	2			
Chemistry	2	1	1			
Chinese	9	9				
Chinese History	1	1				
Civic Education	1		1			
CYC / Extra Curricular Activities	6	4	2			
Commercial subjects	3	1	1		1	
Computer Education	7	5	2			
Economics/EPA/GPA	3	2	1			
English	6	2	4			
Field Studies Centre	3	1	2			
Geography	3	2	1			
Health Education	2	2				
History	2	2				
Home Economics	1	1				
Hong Kong Teachers' Centre	3	1	2			
Human Biology	1	1				
Integrated Science	2	2				
Library Service / Visual Education	5	3	2			
Mathematics	7	4	3			
Music	4	2	1		1	
Physical Education	7	4	3			
Physics	3	3				
Putonghua	2	1	1			
Religious Studies	2	2				
Social Studies	2	2				
Technical subjects	7	3	4			
Training & Inspection	3	2	1			
Total for Secondary Level	107	67	34		5	1

Information on public hospitals

* * * * *

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

Question:

Does the Government have the following data in respect of each public hospital in the past year:

- (a) the respective numbers of in-patients and out-patients who received the following examinations:
 - (i) gastrocopy;
 - (ii) colonoscopy;
 - (iii) C.T. brain scan;
 - (iv) C.T. abdomen scan;
 - (v) mammogram;
 - (vi) breast ultrasound;
 - (vii) isotope bone scan;
 - (viii) liver and gall-bladder ultrasound;
 - (ix) IVP; and
 - (x) bronchoscopy;
- (b) the average and longest periods of time which in-patients and out-patients had to wait respectively for each of the above examinations;
- (c) whether there were any cases in which the patients were hospitalised unnecessarily due to the prolonged waiting time for the above examinations; if so, of the average number of days for such hospitalisation; and
- (d) of the plans in place to reduce the waiting time for the above examinations?

Reply:

- (a) The respective numbers of in-patients and out-patients who received the ten types of examinations in public hospitals in 1996, where available, are set out at Annex A. It should be noted that there is no standard practice of recording these activities in the hospitals, and for some hospitals, there is no breakdown of in-patients and out-patients. The information contained at Annex A represents a best attempt to provide the information requested by manual counting of the number of patients in the records.
- (b) Information on the waiting time for the ten examinations in all the hospitals for a whole year is not readily available. The table at Annex B sets out the longest waiting time for an appointment made in early March this year in the eight major hospitals. It should be noted that the priority of patients receiving the examinations is determined in the light of their clinical needs. Urgent cases are accorded with higher priority and the examinations required are normally carried out within a few days.
- (c) As explained before, the priority of patients receiving the examinations is determined in the light of their clinical needs. In-patient cases are normally more acute than out-patient cases and as a result will normally be accorded a higher priority. Notwithstanding this, the practice in HA hospitals is for patients to be hospitalised only when the patient's condition warrants it. Patients who are well enough and are only required to wait for examinations would normally be discharged and recalled back for the examination to be carried out on a scheduled date.
- (d) The Hospital Authority keeps in view the waiting time, utilisation pattern and mode of delivery for the various examinations. When the waiting time for a particular service increases, the Authority will identify ways to relieve the pressure through resource redeployment and improvement to procedures. It also critically reviews the appropriate use of various examinations to ensure optimal utilisation.

Summary of Examination Statistics (in 1996)

Examination	Hospital	No. of Examinations	
		In-patient	Out-patient
OGD	Caritas Medical Centre	2040	2040
	Kwong Wah Hospital	*	6464
	Pamela Y. Nethersole E Hospital	3703	2960
	Prince of Wales Hospital	*	7894
	Princess Margaret Hospital	3362	3783
	Queen Elizabeth Hospital	6201	3640
	Queen Mary Hospital	4983	3851
	Ruttonjee Hospital	1200	1158
	Tuen Mun Hospital	4452	1802
	United Christian Hospital	3232	2051
	Yan Chai Hospital	*	4968
	Colonoscopy	Caritas Medical Centre	240
Kwong Wah Hospital		*	1135
Pamela Y. Nethersole E Hospital		*	1674
Prince of Wales Hospital		*	1961
Princess Margaret Hospital		1323	162
Queen Elizabeth Hospital		2085	1
Queen Mary Hospital		1602	31
Ruttonjee Hospital		444	18
Tuen Mun Hospital		*	531
United Christian Hospital		599	259
Yan Chai Hospital		*	1324

Examination	Hospital	No. of Examinations	
		In-patient	Out-patient
C.T. Brain Scan	Caritas Medical Centre	# 4800	# 1680
	Kwong Wah Hospital	# 4664	# 1544
	Pamela Y. Nethersole E Hospital	3505	820
	Prince of Wales Hospital	*	7595
	Princess Margaret Hospital	4919	547
	Queen Elizabeth Hospital	*	11803
	Queen Mary Hospital	6576	448
	Ruttonjee Hospital	1476	660
	Tuen Mun Hospital	*	5530
	United Christian Hospital	*	5613
	Yan Chai Hospital	1752	220
C.T. Abdomen Scan	Caritas Medical Centre	#	
	Kwong Wah Hospital	#	
	Pamela Y. Nethersole E Hospital	1327	606
	Prince of Wales Hospital	*	3557
	Princess Margaret Hospital	2211	117
	Queen Elizabeth Hospital	*	1765
	Queen Mary Hospital	3375	304
	Ruttonjee Hospital	732	1320
	Tuen Mun Hospital	*	731
	United Christian Hospital	*	2088
	Yan Chai Hospital	446	139

Examination	Hospital	No. of Examinations	
		In-patient	Out-patient
Mammogram	Kwong Wah Hospital	23	5207
	Pamela Y. Nethersole E Hospital	49	873
	Prince of Wales Hospital	*	1856
	Princess Margaret Hospital	57	1220
	Queen Elizabeth Hospital	*	387
	Queen Mary Hospital	121	1179
	United Christian Hospital	*	160
Breast Ultrasound	Caritas Medical Centre	@ 4440	@ 3960
	Kwong Wah Hospital	*	441
	Pamela Y. Nethersole E Hospital	4	99
	Prince of Wales Hospital	*	2750
	Princess Margaret Hospital	15	313
	Queen Elizabeth Hospital	*	72
	Queen Mary Hospital	80	1128
	Ruttonjee Hospital	12	36
	Tuen Mun Hospital	*	134
	United Christian Hospital	*@	77
	Yan Chai Hospital	4	50
Isotope Bone Scan	Pamela Y. Nethersole E Hospital	314	573
	Prince of Wales Hospital	*	2372
	Queen Elizabeth Hospital	865	2659
	Queen Mary Hospital	553	283
	Tuen Mun Hospital	*	1029
	United Christian Hospital	*	432

Examination	Hospital	No. of Examinations	
		In-patient	Out-patient
Liver & Gallbladder Ultrasound	Caritas Medical Centre	@	
	Kwong Wah Hospital	*	2536
	Pamela Y. Nethersole E Hospital		1897
	Prince of Wales Hospital	*	19137
	Princess Margaret Hospital		1731
	Queen Elizabeth Hospital	*	6163
	Queen Mary Hospital		5328
	Ruttonjee Hospital		888
	Tuen Mun Hospital	*	2692
	United Christian Hospital	@	
	Yan Chai Hospital		566
IVU	Caritas Medical Centre		360
	Kwong Wah Hospital		404
	Pamela Y. Nethersole E Hospital		214
	Prince of Wales Hospital	*	841
	Princess Margaret Hospital		602
	Queen Elizabeth Hospital	*	2080
	Queen Mary Hospital		1005
	Ruttonjee Hospital		120
	Tuen Mun Hospital	*	761
	United Christian Hospital	*	1231
	Yan Chai Hospital		144
			592

Examination	Hospital	No. of Examinations	
		In-patient	Out-patient
Bronchoscopy	Caritas Medical Centre	600	120
	Grantham Hospital	*	688
	Kowloon Hospital	*	981
	Kwong Wah Hospital	*	399
	Pamela Y. Nethersole E Hospital	*	381
	Prince of Wales Hospital	*	738
	Princess Margaret Hospital	475	0
	Queen Elizabeth Hospital	*	741
	Queen Mary Hospital	3941	412
	Ruttonjee Hospital	564	24
	Tuen Mun Hospital	555	14
	United Christian Hospital	*	251
	Yan Chai Hospital	*	144

- Note:
- * no breakdown of in-patient and out-patient figures
 - # CT Scan examinations in Caritas Medical Centre and Kwong Wah Hospital are not further broken down by anatomical region. All CT Scan examinations in these hospitals are captured under CT Brain Scan.
 - @ Information on Liver & Gallbladder Ultrasound for Caritas Medical Centre and United Christian Hospital are not captured separately. The total number of ultrasound examinations carried out are shown under Breast Ultrasound.

Longest Waiting Time for Examinations in Public Hospitals

Hospital	Longest Waiting Time (days) for the examinations			
	OGD	Colonoscopy	CT Brain Scan	CT Abdomen Scan
Kwong Wah Hospital	14	17	# 25	#
Pamela Y. Nethersole E Hospital	44	10	45	45
Prince of Wales Hospital	90	56	150	150
Princess Margaret Hospital	28	35	28	28
Queen Elizabeth Hospital	63	175	30	30
Queen Mary Hospital	35	42	54	70
Tuen Mun Hospital	75	42	52	52
United Christian Hospital	84	210	10	10

Hospital	Longest Waiting Time (days) for the examinations		
	Mammogram	Breast Ultrasound	Isotope Bone Scan
Kwong Wah Hospital	** 385	** 385	N.A.
Pamela Y. Nethersole E Hospital	20	20	90
Prince of Wales Hospital	10	10	120
Princess Margaret Hospital	21	21	N.A.
Queen Elizabeth Hospital	** 311	** 311	150
Queen Mary Hospital	** 220	** 175	106
Tuen Mun Hospital	N.A.	132	42
United Christian Hospital	21	@ 168	49

Hospital	Longest Waiting Time (days) for the examinations		
	Liver & Gallbladder Ultrasound	IVU	Bronchoscopy
Kwong Wah Hospital	21	74	14
Pamela Y. Nethersole E Hospital	150	60	14
Prince of Wales Hospital	30	240	21
Princess Margaret Hospital	15	14	7
Queen Elizabeth Hospital	30	71	21
Queen Mary Hospital	170	90	6
Tuen Mun Hospital	132	224	14
United Christian Hospital	@	63	7

Note: N.A. The hospital specified does not provide the service.

CT Scan examinations in Kwong Wah Hospital are not further broken down by anatomical region. All CT Scan examinations are captured under CT Brain Scan.

@ Information on Liver & Gallbladder Ultrasound for United Christian Hospital is not captured separately. The total number of ultrasound examinations carried out are shown under Breast ultrasound.

** Waiting time includes elective appointments for well women, screening for high risk family members of patients with breast cancer and follow-up of patients treated for unilateral breast cancer.

Safety awareness in container handling industry

* * * * *

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

Question:

In an industrial accident that took place in a container depot at Fung Kat Heung, Yuen Long, on 4 March this year, a worker responsible for fixing hooks onto containers fell to death while he was working on the top of a pile of containers. In this connection, will the Government inform this Council:

- (a) of the number of casualties in similar accidents over the past three years; and
- (b) whether any measures have been adopted to prevent the occurrence of similar accidents, if not, why not?

Reply:

Mr President,

- (a) The Labour Department does not keep separate statistics on industrial accidents analysed by their causation. According to the Department's records, there was a total of 96 industrial accidents at container terminals and depots in 1994; 45 in 1995; and 104 in 1996 owing to a variety of causes. Over this period, one fatal case in 1994; six in 1995; and two in 1996 were recorded.
- (b) Workers in the container handling industry are protected under the Factories and Industrial Undertakings Ordinance and its subsidiary regulations. Regulation 10A of the Factories and Industrial Undertakings (Cargo and Container Handling) Regulations requires the safe stacking, unstacking and handling of containers while Regulation 10B requires safety measures to protect persons working on container tops from falling.

To impress upon employers and employees in the container handling industry the importance of observing safety precautions at work, the Labour Department has recently launched a special blitz operation covering all container terminals and depots in the territory. Vigorous enforcement action, including prosecution, will be taken against those who breach the law.

Apart from this special operation and other regular inspection visits, the Labour Department also participates in safety and health committees organized by the industry to advise those in the container handling trades of work safety and related statutory requirements. The Department is represented on the Central Container Handling Safety Committee and the Transport and Physical Distribution Safety and Health Committee. The former is a forum for employers in the trade and various government departments while the latter is under the auspices of the Occupational Safety and Health Council (OSHC). The OSHC also organises safety courses for operators in the trade from time to time and produces guidance and publicity materials to promote greater safety awareness.

End

Deed of Declaration of Trust of Land Fund

* * * * *

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

Question:

It is stipulated in the Deed of Declaration of Trust for the establishment of the Hong Kong Special Administrative Region Government Land Fund (the Deed) that upon the Hong Kong Special Administrative Region Government (HKSARG) coming into being, the Land Fund shall vest in such public officer, body or entity as may be lawfully nominated by the HKSARG for the purposes of receiving and holding the Fund on behalf of the HKSARG. Will the Government inform this Council whether:

- (a) the Deed was jointly drawn up by the Chinese and British Governments; if so, of the principles based on which the Deed was drawn up. If not, why not;
- (b) the Government has assessed the amount of expenses required for taking over the existing Land Fund Secretariat and its staff; if so, what the estimated annual expenditure is; and
- (c) the Government has assessed the amount of expenses involved in disbanding the Land Fund Secretariat and its staff; if so, what the estimated amount is and whether the amount will be deducted from the Land Fund?

Reply:

- (a) The Deed of Declaration of Trust (the Trust Deed) for the establishment of the Hong Kong Special Administrative Region Government Land Fund was made by the trustees of the Fund, who are duly authorised by the Government of the People's Republic of China to receive and hold upon trust all monies paid or to be paid into the Fund, and to make provision for the proper management and preservation of the value of the Fund. The Deed was drawn up in accordance with Annex III to the Sino-British Joint Declaration and the agreements of the Sino-British Land Commission.
- (b) and (c) There should be appropriate arrangements for dealing with the existing staff of the current Land Fund Secretariat after the transition and the transfer of the assets of the Land Fund to the Hong Kong Special Administrative Region Government (HKSARG). This is a matter to be addressed by the Land Fund Secretariat, the trustees and the HKSARG. We have therefore not made any assessment on the expenses which might be required for taking over or disbanding the Secretariat and its staff.

End

Land Fund

* * * * *

Following is a question by the Hon Andrew Cheng Kar-foo and a written reply by the Secretary for the Treasury, Mr K C Kwong, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council whether:

- (a) the Hong Kong Special Administrative Region Government Land Fund (the Fund) has submitted, at regular intervals, detailed statements of income and expenditure, auditors' reports as well as reports on the Fund's staffing, investment strategies and investment returns, to the Sino-British Land Commission over the past ten years;
- (b) as the public in the territory have all along been unable to obtain the above basic financial data from the Annual Reports of the Fund, the Government will consider obtaining a full account of such data from the Sino-British Land Commission and submitting it to this Council; and
- (c) the Fund's present strategy of investing in securities has violated the provisions in paragraph 6 of Annex III to the Sino-British Joint Declaration which stipulate that the premium income of the Fund should be deposited in banks incorporated in the territory?

Reply:

- (a) The operation of the Hong Kong Special Administrative Region Government Land Fund is governed by the Deed of Declaration of Trust (the Trust Deed) for the establishment of the Fund. The Trust Deed stipulates that the trustees shall at the end of each year prepare a balance sheet showing the assets and liabilities of the Fund as at the end of that year and an income and expenditure account for the preceding year. The trustees shall also appoint an auditor who shall be a Certified Public Accountant holding a practicing certificate under the Professional Accountants Ordinance (Cap. 50) to audit the accounts of the Fund and to certify that the accounts present a true and fair view of the financial position of the Fund and that all drawings comply with the provisions of Annex III to the Sino-British Joint Declaration. The Trust Deed also requires the trustees to forward, as soon as practicable, a true copy of the auditor's certificate together with the accounts of the Fund to the Sino-British Land Commission.

- (b) In addition to the publication of an annual report, we understand that the annual accounts of the Land Fund are also publicised by the trustees of the Fund for public information. The management of the Land Fund and the disclosure of information about the Fund are matters for the trustees.
- (c) The trustees of the Land Fund are duly authorised by the Government of the People's Republic of China to receive and hold upon trust all monies paid or to be paid into the Fund, and to make provisions for the proper management and preservation of the value of the Fund. They are empowered to make investments under the Trust Deed, which has been drawn up in accordance with Annex III to the Joint Declaration and the agreements of the Land Commission.

End

Mail tampering

* * * * *

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

Question:

Will the Government inform this Council:

- (a) of the number of cases of tampering with mail in street post-boxes (including theft, damage and other types of mail-tampering) reported to the Police in each of the past three years;
- (b) of the measures adopted by the Post Office to prevent illegal access to mail in street post-boxes;
- (c) whether there are any special precautionary measures adopted during the tax collection period when many cheques of substantial amount are mailed; and
- (d) of the number of complaints about tampering with mail in street post-boxes received by the Post Office in the past three years, the number of such complaints which have been investigated and the remedial measures taken by the Post Office arising from such investigations?

Reply:

Mr President,

The Police keep statistics on cases according to the nature of offences, such as theft, without further breakdown. They do not keep separate statistics on the number of cases of tampering with mail in street posting-boxes.

The Post Office will take necessary measures to prevent illegal access to mail in street posting-boxes. Although posting-boxes have been secured with good quality theft resistant locks, the Post Office regularly inspects the locks with a view to replacing or repairing any locks to enhance security. The Post Office will also liaise with the Police Crime Prevention Bureau to seek advice on preventing mail-tampering.

With regard to tax payments sent in special envelopes provided by the Inland Revenue Department, when these reach the sorting office of the Post Office they are specially segregated and quickly placed into bags which are sealed for safe delivery to the Inland Revenue Department. Similarly, other mail for the Inland Revenue Department is also placed in sealed bags for safe delivery to that department.

There has been no complaint made directly to the Post Office about tampering with mail in street posting-boxes in the past three years, although it has been informed by the Police of a recent case involving cheques being stolen from posting-boxes. The Post Office regularly reviews, where necessary in consultation with the Police, mail handling procedures and inspects street posting-boxes to prevent mail-tampering.

End

Smithfield Extension

* * * * *

Following is a question by the Hon Yeung Sum and a written reply by the Secretary for Transport, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question:

The Sai Ying Pun section of Route 7, which connects Central District, Western District and the Island portal of the Western Harbour Crossing (WHC), has recently been opened to traffic and the WHC will also be opened ahead of schedule in April this year. However, the Smithfield Extension in Kennedy Town, which serves to divert some of the vehicles bound for Southern District via the WHC, will be completed six months behind schedule. In view of this, will the Government inform this Council:

- (a) of the reasons for the delay in the completion of the Smithfield Extension;
- (b) whether the Government has assessed if, before the completion of the Smithfield Extension, traffic congestion is expected to develop in Western District as a result of the opening of the Sai Ying Pun section of Route 7 in February and the WHC in April this year; if so, what interim measures will be adopted to relieve traffic congestion in the district; and
- (c) whether the Government will consider separating the Kennedy Town-Aberdeen section of Route 7 from the Green Island Reclamation Project, and instead using alternative construction methods such as building flyovers, excavating tunnels or cutting hill slopes, so that Route 7 can be completed as early as possible?

Reply:

Mr President,

The completion of the Smithfield Extension project has been delayed by a particularly complicated grave clearance exercise. The site for the project required the clearance of 55 graves situating on Crown Land. We had expected to effect the clearance by May 1995 but in the process encountered strong objections to the clearance work. Subsequent negotiations with the objectors over resiting arrangements were protracted. The site was eventually cleared and made available to the contractors only in February 1996 and this has caused a corresponding delay to the overall construction programme.

Since the opening of the section of Route 7 in Sai Ying Poon (SYP) on 27.2.1997, we have been monitoring the situation closely. Site observations have shown that traffic conditions in the Sai Ying Pun area have generally improved. This is due to the increase in road capacity for east-west traffic provided by Route 7 (SYP) which provides relief to a portion of the traffic on Connaught Road West.

The opening of the WHC in April this year is likely to generate additional traffic to the Western District. Upon opening of the WHC and before completion of the Smithfield Extension by the end of this year, we estimate that about 700 and 900 vehicles will use the WHC for destinations to or from the Southern District during the morning and evening peaks respectively. To cater for the increased traffic, a comprehensive package of road improvement measures and traffic management schemes has been, or is being introduced in phases, to facilitate traffic circulation, as follows:

(a) Measures already introduced:

- * introduction of a traffic management scheme involving rerouting of the section of Catchick Street between Sands Street and Cadogan Street to one-way eastbound and of the section of Belcher's Street between Sands Street to Cadogan Street to one-way westbound forming a one-way gyratory system; and improvements to traffic signal operations at the junctions involved. The scheme was completed in June 1996; and
- * widening of the junction of Victoria Road/Cadogan Street to provide one additional eastbound lane at Victoria Road at its approach to Cadogan Street. This was completed last month.

(b) Measures to be introduced before the opening of WHC:

- * widening of Pokfulam Road between the western entrance to the University of Hong Kong and Pokfield Road Bus Terminus for completion in March 1997 to increase the link capacity of this section of Pokfulam Road;
- * improvement of the junction of Pokfulam Road/Pokfield Road for completion in April 1997 to enhance junction capacity and to provide a pedestrian subway system;
- * and improvement of the junction of Pokfulam Road/Victoria Road for completion in April 1997. Junction capacity will be increased with the widening of approaches from both Pokfulam Road and Victoria Road.

We trust that these measures will create additional capacity to cope with the extra traffic generated by the opening of the WHC prior to the completion of Smithfield Extension.

The Second Comprehensive Transport Study updated in 1993 saw the need for the section of Route 7 between Kennedy Town and Aberdeen to be commissioned by 2007-2011. From an engineering perspective, it is technically feasible to construct Route 7 independent of the Green Island Reclamation, by means of an elevated flyover or tunnel. However, to implement this major transport facility separate from the reclamation will jeopardise the eventual land use in the reclamation area, and impose considerable development constraints. It would therefore be prudent for us to look for an arrangement which would best serve the community's interests. In this respect, we will soon commission the Third Comprehensive Transport Study (CTS-3) which will, inter-alia, re-examine the timing of Route 7 to see if this would need to be advanced in light of the latest population forecasts and developments. The initial findings of the CTS-3 study are expected to be available by late 1998; we would then be in a better position to assess when and how this project should be implemented.

End

Overall unemployment rate declined

* * * * *

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

Question:

Will the Government inform this Council of:

- (a) the respective quarterly unemployment and underemployment rates in various trades and industries in the past two years; and
- (b) the respective reasons for a high unemployment rate in the three trades or industries with the highest unemployment rates last year?

Reply:

Mr President,

- (a) The statistics on the quarterly unemployment rate and underemployment rate by major economic sectors for the past two years are given at Annexes A and B. It can be seen that the overall unemployment rate declined from 3.5% in the fourth quarter of 1995 to 2.6% in the same quarter last year.
- (b) In 1996, construction, manufacturing and the distributive and catering trades were the three sectors which experienced a relatively higher unemployment rate than the other sectors. Nevertheless, there had been progressive improvements in the employment situation in these sectors throughout the year.

In the construction sector where the unemployment rate declined from 5.4% in the fourth quarter of 1995 to 2.8% in the same quarter last year, the incidence of unemployment fell mainly on the semi-skilled and unskilled workers. The higher than overall unemployment rate in this sector was mainly a reflection of the operational nature of the construction industry i.e. the demand for work tends to fluctuate between construction contracts or programmes. Construction workers may become temporarily unemployed upon the winding down or completion of a particular phase of construction, before being called back to work when a new phase or a new project starts. Therefore, while the unemployment rate in the construction sector was amongst the highest in 1996, the median duration of unemployment in this sector was 56 days in 1996, which was considerably shorter than that of 73 days in respect of all the unemployed persons.

For the manufacturing sector where the unemployment rate declined from 4.5% in the fourth quarter of 1995 to 3.5% in the same quarter last year, its relatively higher unemployment rate primarily reflects the ongoing relocation of the more labour-intensive manufacturing processes outside Hong Kong, which has a dampening impact on local employment opportunities. In 1996, the unemployment situation in this sector was exacerbated by sluggish export performance. An additional factor was the increasing difficulty of the displaced manufacturing workers, especially those with lower educational attainment and less skills, to seek new employment in the face of more sophisticated job requirements in the increasingly service oriented economy. For this reason, the unemployed manufacturing workers had a longer median duration of unemployment than those in the service sectors.

As for the distributive and catering trades where the unemployment rate declined from 3.5% in the fourth quarter of 1995 to 2.9% in the same quarter last year, unemployment was concentrated more in the restaurants and hotels, and the retail trade sub-sectors, than in the import/export trade sub-sector. For the former two sub-sectors, employment conditions remained slack throughout the first half of 1996, mainly due to the setback in consumption demand and retail business, with some improvements seen in the second half only after consumption demand picked up more visibly.

Table 1

Unemployment rates by major economic sector*

	<u>1995</u>					<u>1996</u>				
	<u>Q1</u> (%)	<u>Q2</u> (%)	<u>Q3</u> (%)	<u>Q4</u> (%)	<u>Annual</u> (%)	<u>Q1</u> (%)	<u>Q2</u> (%)	<u>Q3</u> (%)	<u>Q4</u> (%)	<u>Annual</u> (%)
Manufacturing	3.7	3.6	5.0	4.5	4.2	4.1	4.0	3.2	3.5	3.7
Construction	5.8	6.2	5.6	5.4	5.7	5.9	3.5	3.5	2.8	3.9
Wholesale, retail and import/export trades, restaurants and hotels	2.6	3.0	3.1	3.5	3.1	2.9	3.3	2.5	2.9	2.9
Transport, storage and communications	1.6	2.3	2.5	3.1	2.4	2.5	3.0	1.9	2.0	2.4
Financing, insurance, real estate and business services	1.1	1.4	1.6	1.7	1.4	1.4	1.6	1.6	1.2	1.5
Community, social and personal services	1.0	1.2	1.3	1.1	1.1	1.4	1.2	1.0	0.8	1.1
Overall ^(@)	2.6 [2.8]	2.6 [3.1]	3.7 [3.5]	3.5 [3.5]	3.2	3.0 [3.2]	2.9 [3.1]	2.6 [2.6]	2.6 [2.6]	2.8

Notes : (@) Figures in square brackets are the seasonally adjusted overall unemployment rate.

(*) Not seasonally adjusted, and not including first-time job seekers and re-entrants into the labour force.

Table 2

Underemployment rates by major economic sector

	<u>1995</u>					<u>1996</u>				
	<u>Q1</u> (%)	<u>Q2</u> (%)	<u>Q3</u> (%)	<u>Q4</u> (%)	<u>Annual</u> (%)	<u>Q1</u> (%)	<u>Q2</u> (%)	<u>Q3</u> (%)	<u>Q4</u> (%)	<u>Annual</u> (%)
Manufacturing	2.0	2.5	2.4	2.4	2.4	2.0	2.2	1.6	2.2	2.0
Construction	7.8	13.1	16.1	14.1	12.9	11.4	9.5	7.1	7.1	8.7
Wholesale, retail and import/export trades, restaurants and hotels	0.4	0.6	0.5	0.6	0.5	0.6	0.5	0.5	0.6	0.5
Transport, storage and communications	1.8	2.1	3.3	3.1	2.6	3.0	2.3	1.8	2.0	2.3
Financing, insurance, real estate and business services	#	0.1	0.2	0.2	0.1	0.1	0.1	#	0.2	0.1
Community, social and personal services	0.6	0.7	0.8	1.0	0.8	0.7	0.6	0.5	0.7	0.6
Overall	1.4	2.1	2.5	2.3	2.1	2.0	1.8	1.4	1.6	1.7

Note : (#) Less than 0.05%.

End

Unidentified gas

* * * * *

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

Question:

On 26 February 1997, an unidentified gas struck 11 schools in Tin Shui Wai and several thousands of people were affected. As it was reported that the unidentified gas was caused by a tear gas firing drill in a nearby firing range, will the Government inform this Council:

- (a) of the results of the investigations into the above incident carried out by the departments concerned;
- (b) of the number of locations in the territory where the British Forces, the Police Force and the Correctional Services Department can carry out tear gas firing drills; as well as the number of drills carried out at these locations, and the number of rounds of tear gas fired during each drill, over the past three years;
- (c) how the Government assesses the effects of such drills on nearby areas and residents before the drills are conducted, and whether there are any specific rules for drill participants to observe; and
- (d) whether the Government will carry out a comprehensive review of the arrangements for conducting tear gas firing drills so as to ensure that such drills will not affect the safety of the residents living in the vicinity of the firing ranges?

Reply:

Mr President,

- (a) The investigations into the incident on 26 February 1997 carried out by the departments concerned have been completed. It is concluded that the discomfort to the residents at Tin Shui Wai on 26.2.1997 was caused by the firing of tear gas in the Castle Peak Firing Range. At the special Yuen Long District Board meeting held on 10.3.1997, the Commandant of the Police Tactical Unit (PTU) and the Assistant Commissioner (Personnel) of the Correctional Services Department (CSD) have, on behalf of their departments, apologised to the residents and schools affected. The Commissioner of Correctional Services has also personally written to the headmasters of the eight schools affected expressing deep regret for the incident.
- (b) At present, the Castle Peak Firing Range is a fully certified firing range in Hong Kong which is suitable for firing a wide range of live tear gas munitions. The range is certified to have attained internationally accepted safety standards, including those on setup and operation which are governed by a set of very stringent Range Standing Orders.

In the past three years, the British Forces have not carried out any tear gas firing in the territory.

The Police Force (PTU) has, since 1996, used the Castle Peak Firing Range on three occasions to fire tear gas. During these three drills, 162, 166 and 243 rounds were fired respectively. Prior to 1996, PTU made use of the Sai Kung area, namely the Po Pin Chau (South) Dam at High Island and a remote area of the coastline several kilometers to the North of Wong Shek Pier. During 1994 and 1995 these two areas were used for this purpose on a total of 22 occasions; the number of tear gas rounds fired on each occasion ranged from 44 to 250 respectively.

In 1994 and 1995, Correctional Services Department used the remote bay behind Stanley Prison on 14 occasions for the firing of not more than 55 rounds. No tear gas firing drill was conducted in 1996.

- (c) A number of precautionary measures have been adopted to ensure that tear gas used during drills would not jeopardize people in the vicinity. Firing sites are located as remote as possible from areas of habitation. Before each drill, the Police would sweep the entire area to ensure that no members of the public would inadvertently enter the site. This is followed by loudhailer warning at regular intervals, and the posting of duties to prevent hikers and others from entering the exercise area.

As for the Castle Peak Firing Range, there are comprehensive safety guidelines on the use of this range. All live firing undertaken by the Police and CSD at this range has been conducted in strict accordance with these rules, with tear gas being used at a location well within the range boundary. This is 5.5 kilometers from Tin Shui Wai area. Given that previous use of this range for the firing of tear gas has not caused any complaints, the possibility of tear gas being blown towards the built-up area was not anticipated. Also, whenever the range is used for practices, a Police or CSD Officer who is a fully certified range safety officer is present at all times to ensure that all the safety rules are observed.

- (d) Immediately following the incident on 26.2.1997, the Police has separately commenced a thorough review of all factors involved in the use of this range for tear gas firing practice, as well as all existing safety precautions connected with such training. It will concentrate on the methods by which such training may continue, whilst at the same time ensuring that the safety of the public and the environment is not jeopardized.

A special inter-departmental meeting was also held on 3.3.1997. It recommended a number of preventive and follow-up measures to forestall recurrence of similar incidents in the future, these include:-

- (i) the Police and CSD will critically review their procedures for the use of tear gas during training exercises. Close liaison will be maintained with the Environmental Protection Department (EPD) and the Royal Observatory (RO) in planning future training sessions involving the use of tear gas;
- (ii) EPD will provide air sampling bags to Tin Shui Wai Police Station, Housing Department and those schools in Tin Shui Wai which are willing to participate in the sampling exercise. Training sessions on the proper collection of air samples will be arranged for the participants;

- (iii) in case of possible future gas attack, RO will be asked to provide the most up-to-date information on wind direction and wind speed to help trace the source of gas on site. Where necessary, investigation will be expanded to cover more distant areas in identifying the source of gas;
- (iv) EPD staff will patrol the district regularly to monitor all the polluting activities including air emissions and polluting effluent discharges; and
- (v) schools will continue to be reminded to observe the circular on how to handle incidents of unidentified gas attack.

All other factors that may affect the use of the range will be reviewed and considered by the departments concerned to ensure that such drill will not affect the safety of the residents living in the vicinity of the firing range.

End

"Target" buildings further explained

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Following is a question by the Hon Albert Chan Wai-yip and a written reply by the acting Secretary for Home Affairs, Mrs Stella Hung, in the Legislative Council today (Wednesday):

Question:

In his reply to a written question asked at the Legislative Council meeting on 5 March this year, the Secretary for Home Affairs provided a list of "target" buildings in Kowloon and the New Territories with potential fire hazard and safety problems. As the buildings in Tsuen Wan and Kwai Chung which appear in the list are all industrial buildings, will the Government inform this Council:

- (a) of the yardstick adopted for identifying "target" buildings; and

- (b) given that there are a large number of old private commercial/residential buildings in the Tsuen Wan and Kwai Chung districts, whether the exclusion of private residential buildings in these two districts from the list is due to the fact that all private residential buildings in the two districts are considered safe or that such buildings have been omitted from the inspections carried out by the departments concerned; if the latter case obtains, whether the Government will carry out further inspections as early as possible with a view to including potentially dangerous private residential buildings in the two districts in the list?

Reply:

Mr President,

My reply is as follows:

- (a) "Target" buildings are identified by the Building Management Co-ordination Teams of the Home Affairs Department for priority building management improvements. The criteria are:
- (i) a possibility of fire hazard, such as obstructions in common parts of buildings blocking the means of escape or sub-standard fire fighting equipment owing to lack of proper maintenance;
 - (ii) deterioration of the physical structure of buildings, such as the lack of proper maintenance and repairs of common parts including corridors, staircases, roofs, lifts and plumbing systems;
 - (iii) presence of extensive unauthorised installations which adversely affect the environment and building condition, such as unauthorized structures and extensions in common parts, or signboards; unauthorized use of premises for workshops or hazardous trades; and premises producing various nuisances such as noise nuisance;
 - (iv) serious insanitary conditions leading to health hazard or an unhealthy environment, such as accumulation of refuse at staircases, canopies and lightwell; filthy water from leaking pipes; improper and infrequent cleaning of common parts; and improper means of refuse disposal;

- (v) security problems such as lack of satisfactory security equipment or system, or poor lighting in common corridor and staircases;
 - (vi) inefficient and ineffective building management and poor communication with owners/residents; and
 - (vii) willingness of the Owners' Corporation/Mutual Aid Committee/management agency to cooperate with Government in taking initiative to improve the management and environment of the building.
- (b) As dilapidated and poorly managed industrial buildings were prevalent in Kwai Tsing and Tsuen Wan, priority was given to having Building Management Co-ordination Teams established in 1986 and 1988 respectively to co-ordinate efforts of concerned Government Departments to help improve the conditions of these industrial buildings. Since then, many of these buildings have shown significant improvements through the programme. As a result, these two Building Management Co-ordination Teams can now consider extending their services to cover the residential buildings in the two Districts as well. We intend to commence inspection of residential buildings in Kwai Tsing and Tsuen Wan from 1998 onwards with a view to identifying "target" residential buildings for building management improvements.

End

Information Infrastructure Advisory Committee

* * * * *

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

Question:

Will the Government inform this Council:

- (a) whether it intends to establish a body responsible for planning and co-ordinating the development of the territory's information infrastructure for the purpose of enhancing the competitiveness of the local information technology industry; if so, the estimated amount of funds earmarked for such a plan; and

- (b) of the plans in place to steer and co-ordinate the work of various government departments in the development of an information infrastructure network?

Reply:

Mr President,

- (a) The Office of the Telecommunications Authority (OFTA) has recently established the Information Infrastructure Advisory Committee (IIAC) to co-ordinate the development of the information infrastructure in Hong Kong. Its terms of reference and membership are at the Annex. The necessary funding for the IIAC will be met by the OFTA Trading Fund. Any expenditure on projects identified by the IIAC will either be funded by the private sector or will be obtained through normal procedures if they are to be funded by Government.

In addition, various measures are being taken by the Government to enhance the competitiveness of the local information technology industry. For instance, the Industry Department has funded the following projects:

- (i) the establishment of a Software Industry Information Centre by the Hong Kong Productivity Council to provide local software companies/developers with the latest information on business trends and user requirements (funding support: \$4.9 million);
- (ii) the establishment of a Cyberspace Centre by Hong Kong University of Science and Technology to promote and facilitate the use of cyberspace (Internet) among software developers (funding support: \$3.6 million);
- (iii) the implementation of a Software Process Improvement Scheme by the Hong Kong Productivity Council to help local software companies improve their software development process (funding support: \$3.2 million); and
- (iv) the upgrading of the Hong Kong Internet Exchange at the Chinese University of Hong Kong to meet the rapid growth in the use of Internet (funding support: \$7.7 million).

- (b) The IIAC will provide advice to the Telecommunications Authority on the development of the Hong Kong information infrastructure.

Within Government, the Director of Information Technology Services maintains an up-to-date government information technology infrastructure. The infrastructure comprises a Government systems architecture which specifies hardware and software standards, common information technology (IT) facilities, compatible data communication networks, a structured set of IT standards and methodologies, quality management and a skilled professional workforce.

To co-ordinate various IT proposals from different departments, the Secretary for the Treasury who is the policy secretary for overseeing the use of IT within Government, is supported by the Computer Strategy Group which comprises representatives from Information Technology Services Department and Finance Branch. The Group is tasked to formulate service-wide IT policies and strategies, prioritise computer projects for funding purposes and to monitor Government's overall IT expenditure.

An important aspect of the government information infrastructure is the use that is made of it. For instance, the Secretary for Home Affairs is tasked with ensuring that the whole of Government is on the Internet in order to disseminate information about Government policies, plans and consultation proposals. An Internet Resources Centre (IRC) has been established within the Information Services Department in March 1997 to assist branches and departments to set up their home pages. The IRC will also develop guidelines on the potential users of the Internet and consider how best to make use of the Internet to improve the dissemination of Government information.

Information Infrastructure Advisory Committee

Terms of Reference

1. To advise on the development and regulation of the information infrastructure in Hong Kong.
2. To advise on the promotion of the effective use of the information infrastructure for various possible applications in Hong Kong.
3. To advise on technical standards and related issues in the development of the information infrastructure in Hong Kong.
4. To advise on the formulation of Hong Kong's position at, and contribution to, international and regional fora on issues relating to the global and regional information infrastructure.

Membership

Chairman Director General of Telecommunications or his representative

Member *A Representative from:*

Each Fixed Telecommunications Network Services licensee
Hong Kong Telecom International Limited
Wharf Cable Limited
Internet Services Provider licensees
Hong Kong Telecommunications Association
Hong Kong Institution of Engineers
Hong Kong Information Technology Federation
Hong Kong Computer Society
Information Technology Services Department
Hong Kong Telecommunications User Group

Ad Personam

The Chairman may appoint individual members with expertise in telecommunications, information or related fields on ad personam basis to assist the work of the Committee.

Secretary Senior Administrative Officer (Regulatory), OFTA

The Chairman may co-opt other members to the committee as and when considered desirable. The meetings of the Committee will be open to the public.

No plan to set up a highway patrol unit

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

Question:

Last year, the authority concerned introduced measures to strengthen police patrol on Tuen Mun Highway in conjunction with the implementation of the bus-only lane scheme on the Highway. In this connection, will the Government inform this Council:

- (a) of the average monthly number of traffic accidents occurring on Tuen Mun Highway during the period when the above patrol measures were in force;
- (b) of the average monthly number of traffic accidents occurring on Tuen Mun Highway since the cessation of the above patrol measures;
- (c) whether, in comparing the answers to (a) and (b) above, the introduction of measures to strengthen police patrol will reduce the occurrence of traffic accidents; if so, whether similar patrol measures will be introduced on other expressways in the territory on a long term basis, so as to reduce the occurrence of traffic accidents; and
- (d) whether, in the long term, the Government will consider setting up a highway patrol unit in the Traffic Branch of the Police Force?

Reply:

Mr President,

The Transport Department has designated a bus-only lane on Tuen Mun Highway since 25 March 1995. To familiarise drivers with the new bus-only lane, the Police strengthened its patrol on Tuen Mun Highway for 4 months since March 1995. The increased patrol was not dedicated solely to the prevention of traffic accidents.

The answers to the four parts of this question are as follows -

- (a) the average monthly traffic accidents occurring on Tuen Mun Highway when police patrol was strengthened was 28.5 cases;
- (b) the average monthly traffic accidents occurring on Tuen Mun Highway from 26 July 1995 to 28 February 1997 was 23.7 cases;
- (c) comparing (a) and (b) above, we do not see any relationship between extra road patrols and occurrence of traffic accidents; and
- (d) instead of setting up a highway patrol unit in the Traffic Branch of the Police Force, it is considered that the current practice of flexible deployment of Police officers to patrol both highways and other roads is more effective and should continue. In this connection, Members may wish to note that we will create 150 new Police posts in the coming financial year to improve traffic enforcement and control and provide sufficient coverage to highways and most major roads.

End

Employment of temporary staff by USD and RSD

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Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for the Civil Service, Mr W K Lam, in the Legislative Council today (Wednesday):

Question:

Regarding the employment of temporary short-term contract staff by the Urban Services Department (USD) and the Regional Services Department (RSD), will the Government inform this Council:

- (a) of the respective numbers of temporary staff employed by USD and RSD on short-term contracts over the past three years, and the respective proportions of such staff to the total numbers of staff members in these two departments;

- (b) of the reasons for employing temporary contract staff; and whether it will review this recruitment policy;
- (c) given that the contracts of temporary staff are often renewed upon the expiry of their current contracts, of the highest number of such contract renewals granted consecutively to an individual staff member and the duration of each renewal;
- (d) whether any such staff members have sustained injuries while at work over the past three years and if so, of the total number of such staff; and whether there have been any such staff members whose contracts have not been renewed during their sick leave periods; if so, of the number of such cases?

Reply:

Mr President,

The Government's employment policy is that staff should be employed on permanent terms as this will encourage greater stability in the civil service. Temporary staff should only be employed for part-time duties or specific assignments of a short term nature on a casual or ad hoc basis. They are normally employed by government departments under the following circumstances:

- (a) to cater for seasonal service needs and short-term fluctuations in workload that do not justify maintaining permanent staff;
- (b) to undertake ad hoc duties or specific short-term tasks or projects which cannot be accommodated by permanent staff resources;
- (c) to cater for temporary shortfall of staff;
- (d) to perform duties or tasks requiring staff on a part-time basis; or
- (e) to perform duties in posts which are to be deleted for various reasons such as those intended to be contracted out.

Turning to the questions raised:

- (a) The number of temporary staff employed by USD and RSD in the last three years and the percentage this represent of the total strength of the respective department are:

	As at	Number of temporary staff	Total strength	Percentage %
USD	1.3.95	1,224	16,814	7.28
	1.3.96	1,361	17,436	7.81
	1.3.97	1,471	17,610	8.35
RSD	1.3.95	533	9,834	5.42
	1.3.96	540	9,935	5.44
	1.3.97	254	10,347	2.46

(b) Temporary staff are employed by the two departments to respond to the workload arising from:

- (i) ad hoc programmes or specific short-term tasks or projects which require special expertise: examples are instructors for interest group classes and exhibition assistants;
- (ii) seasonal need and short-term surges in workload which do not justify the employment of permanent staff, e.g. part-time lifeguards and staff for art and film festivals;
- (iii) areas of service for which contracting out is being contemplated, and which would entail deletion of posts, e.g. contracting out of street cleansing service and gardening services; and
- (iv) temporary shortfall of staff pending formal recruitment, e.g. clerical officers and typists.

Both USD and RSD regularly review the number of temporary staff they require having regard to operational needs.

- (c) The highest number of contract renewals granted consecutively to individual officers in USD and RSD are 16 and 18 respectively; the renewal period was from 1 to 6 months. These officers are Workmen employed in areas of service for which contracting out is contemplated.
- (d) In the past three years, 108 temporary staff (14 in USD and 94 in RSD) have sustained injuries while at work. During the same period, there have been no staff members whose contracts have not been renewed while they were on sick leave.

End

Relevant Criminal Law explained

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Following is a question by the Hon Leong Che-hung and a written reply by the Attorney General, Mr Jeremy Mathews, in the Legislative Council today (Wednesday):

Question:

Will the Administration inform this Council whether chanting the slogan "down with the Queen" is an offence under existing legislation?

Reply:

Mr President,

The relevant criminal law is that relating to sedition. Under section 10 of the Crimes Ordinance it is an offence to utter words having a "seditious intention". By section 9, a seditious intention includes an intention "to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, or Her Heirs or Successors".

These provisions must be read in the light of the common law. At common law, the offence of sedition requires an intention to incite violence or to create public disorder against the institutions of government, including Her Majesty. Not only must there be proof of an incitement to violence, but it must be violence for the purpose of disturbing constituted authority.

The mere chanting of the slogan "down with the Queen" or the making of other derogatory or insulting personal remarks about Her Majesty would not amount to sedition at common law. A court would construe sections 9 and 10 of the Crimes Ordinance to like effect. This is especially so in the light of the right to freedom of expression guaranteed by Article 16 of the Bill of Rights (Article 19 of the International Covenant on Civil and Political Rights) which may only be restricted where necessary, among other things, for the protection of public order (which is the essential purpose of sedition laws).

End