



# DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES  
BEACONSFIELD HOUSE, HONG KONG. TEL.: 842 8777

Wednesday, May 17, 1995

<u>Contents</u>	<u>Page No.</u>
Transcript of the Governor's media session .....	1
New Legislative measures for building safety proposed .....	4
Membership of Medical Council to be enlarged .....	5
HKMA Annual Report 1994 .....	6
Study on the social causes of juvenile crime completed .....	8
Sino-British Land Commission .....	11
Governor visits Shek Kip Mei Estate .....	11
Rehabilitation society chiefs visit training centre .....	12
Licentiate Examination results announced .....	12
Monitors' report submitted to CS .....	13
84 VMs depart on Orderly Repatriation Flight .....	13
Applications invited for mortgage subsidy .....	14
Tsuen Wan lot to let .....	15
Relocation of ferry services in Central .....	15
Hong Kong Monetary Authority money market operations .....	16

Transcript of the Governor's media session

\*\*\*\*\*

The following is a transcript of the media session by the Governor, the Rt Hon Christopher Patten, following a visit to Shek Kip Mei Estate:

Governor: Those of you who come to ExCo meetings as well, I mean not actually to ExCo meetings but to wait to see if anybody will say anything after or before ExCo meetings, you'll remember that in early April, I received a petition from Shek Kip Mei tenants about redevelopment of their estate. I was very keen to come to the estate with Rosanna Wong, the Chairman of the Housing Authority and with the Director to see for myself the conditions of the estate. The Housing Authority have, in the meantime added seven blocks to their redevelopment programme. I am pleased to see both the work that needs to be done in the next five year programme and will be done and to see some of the work that have already been done in improving the quality of the housing on the estate. We're building a large number of flats in Hong Kong. We're spending a lot of money on modernising and redeveloping flats, on removing THAs as rapidly as we can, beginning with the older ones. And that's all important work and we can't ever forget that people's housing conditions are one of their great priorities and remain one of the principal tasks of the administration. And I will continue to make regular series of visits with the chairman, who does such an excellent job, to see conditions for myself.

Question: The PWC has proposed a two-page opinions on the establishment of the Court of Final Appeal, how it should be arranged. This seems to cause further complications on this matter. Do you think this will cause further complications and do you think the consequence will be that the Court of Final Appeal couldn't be set up by 1997?

Governor: I am not sure why they need to do this work. There is after all already an agreement on the Court of Final Appeal reached in the Joint Liaison Group in 1991. It's a good agreement. We've put it into legislation. The Chinese side have had that Bill since May last year and perhaps it would have been interesting to hear from the PWC whether there were any ways at all in which our Bill departs from the agreement in the Joint Liaison Group. I'm sure they must have recognised that the community, not least business community, and international investors want us to get on with the job of establishing a Court of Final Appeal as soon as possible. One thing I don't quite understand is the suggestion that they can simply set up a Court of Final Appeal on July 1, 1997. That betrays a certain lack of understanding of the procedures, of the amount of time it would take, not of course just getting premises and so on, but selecting the judges, agreeing on the procedures of the court and getting those procedures accepted in subsidiary legislation. That's all quite a lengthy process. I don't think anybody in the legal profession in Hong Kong has raised any questions about the time that it will take to get the CFA up and running which is why we want to get on with it as soon as possible.

Question: Do you think there should be somebody trying to tell them that it's not such a simple matter and it's a very complicated one and they can't ...

Governor: I am sure that the members of the JLG. And one of their most distinguished former members is a member of the PWC, Ambassador Guo. I am sure that he could tell them that there had been an agreement in 1991 and I'm sure that since Chinese officials are always very keen for us to involve the PWC, and they would want to involve the PWC and show them the agreement and explain to them that the agreement is entirely in line with our Bill. It would be helpful, and I say this not in a political or critical spirit, it would be very helpful if Chinese officials could explain in what way our Bill they've had for over a year differs from the 1991 JLG agreement.

Question: Do you think they understand it?

Governor: I think that's a question for them. Who am I to speculate on whether they comprehend what they've agreed already.

Question: Do you think what the PWC have done is a way that the Chinese Government is going to set up this CFA without British consent?

Governor: I can't believe that Chinese officials are proposing they should break an agreement which they've already entered into.

Question: One more director of a listed company did not disclose his criminal record. What's your comment on this case?

Governor: I understand that it's being investigated by the Stock Exchange and it is of course a serious matter and one which they are quite proper to investigate.

Question: You know, just a few cases about this hiding of criminal records, will that affect the reputation of Hong Kong as a financial centre?

Governor: If we weren't to deal with it, it would affect the reputation of Hong Kong which is why I am delighted that the Stock Exchange is dealing with it. We've got in Hong Kong extremely good and widely respected regulatory authorities. We have the SFC, we've got the Stock Exchange itself and we have to make absolutely certain that our reputation as a good, clean, corruption crime free place to do business is maintained because it is one of the reasons why so many people from elsewhere invest money here. It's one of the reasons why so many people want to use Hong Kong as a base for doing business elsewhere in the region.

Question: So you are quite satisfied with the regulation now underway?

Governor: I'm never so satisfied that I'm not prepared to consider the room for improvement. But I think in the present circumstances, the rules are clear and I'm pleased that the Stock Exchange are intent on applying them. But if anybody can ever suggest to me or the Stock Exchange that we should be tougher in our regulation then I'm sure we'd want to look at that.

Question: Back to the PWC suggestions. One of the suggestions is that CFA shouldn't have any power to deal with any case concerning the act of state. What is your opinion on that?

Governor: Acts of state are clearly understood in English common law and they are understood to be matters of foreign policy and defence. There's no dispute about that. I think that one of the problems which Chinese officials are having is trying to reconcile the common law which has applied in Hong Kong and which is guaranteed for 50 years about 1997 with some of the provisions of the Basic Law. But that is a problem for Chinese officials and one which everyone in Hong Kong hopes they will resolve satisfactorily.

Question: Why does the Government offer the Mong Kok roof dwellers temporary housing when the government policy is to get rid of temporary housing estates ?

Governor: Because you have to have somewhere for people to go before they can get permanent housing. We are committed to removing temporary housing estates in Hong Kong. We are making good progress with that. We're on target. I've made it clear that we're intent on removing the older temporary housing estates first which didn't use to be the policy. We used to actually remove them as it became convenient, but we're now concentrating on all the older ones first. But if you're moving people from illegal structures on rooftops, you want to make sure that they are rehoused and they've got to go somewhere before they have more permanent accommodation to be rehoused. ...Rosanna may want to add ....There is just one thing I'd like to add. The overwhelming majority of those who've been moved from the illegal structures which the demonstration has been about today, the majority of those moved from those illegal structures have accepted the offer of rehousing. It's only a small number who are left. I do think the community recognises that we have to give priority in these circumstances to those who've been waiting for housing for longer.

Ms Wong: Just one point. Because we still have a very long waiting list and if we allow people from the rooftop to go on directly to public rental housing and then those who are waiting for a long time.... wait even longer. So I think this is very .....

Governor: And one thing which would obviously do rather paradoxically is to encourage more illegal structures because people would realise that it was a way of getting earlier on to the housing list. So it's a fair policy and I think most people accepted as that. Thank you all very much.

End/Wednesday, May 17, 1995

### New Legislative measures for building safety proposed

\* \* \* \* \*

New legislative measures for site safety and registration of professionals and contractors will be gazetted on Friday (May 19) and introduced into the Legislative Council on May 31, the Director of Buildings, Mrs Helen Yu, said today (Wednesday).

"The Buildings (Amendment)(No 2) Bill 1995 proposes to strengthen safety assurance at work sites and to implement self-regulation by building professionals," Mrs Yu said.

Following the collapse of a part of a wall under demolition in Nathan road in September last year, the Government announced a comprehensive action plan to improve safety on work sites.

"The action plan outlined immediate, interim and long range measures to tighten control including legislative review.

"The Bill is the result of this review," Mrs Yu said.

The Buildings Ordinance and subsidiary Regulations will be strengthened in three areas:

- \* The Building Authority's powers to impose conditions and to require information to ensure safety;
- \* The system for registration of contractors; and
- \* Offences and penalties, including those for not providing proper supervision of building works.

"The parties concerned are building owners, registered contractors, site agents, works supervisors, building professionals and any persons carrying out building works.

"Their responsibilities will be defined. Our proposals in the Bill accommodate practically all the recommendations of the Coroner's Court which recently completed an inquest into the deaths at the demolition site at Nathan Road," she said.

"For the new system of contractor registration," Mrs Yu said, "we propose two types of contractors, general building contractors and specialists contractors.

"A key requirement for contractors is that their qualification, experience and competence will be assessed by a statutory committee.

"Furthermore, registration will be personal to an individual but corporate bodies or unincorporated associations of persons will not be able to register.

"A grace period of two years is initially proposed for the existing contractors to comply with the new requirements," Mrs Yu said.

"We are also introducing changes to the registration of building professionals, namely 'authorised persons' and 'registered structural engineers.' It will be a system of self-regulation so that their competence and their practice are subject to peer supervision.

"On supervision of sites with works in progress, we have been in consultation with relevant bodies including the professional institutions. The Bill is a framework for safety assurance: we are proposing an enabling provision," Mrs Yu said.

"Regulations have yet to be made on the way in which supervision of sites should be carried out. We will be discussing further with the professional institutions and others concerned on details.

"Our concern is for public safety. Our approach will be a pragmatic one. We will take into account any reasonable and realistic views," she added.

End/Wednesday, May 17, 1995

#### Membership of Medical Council to be enlarged

\* \* \* \* \*

A bill which seeks to revise the composition of the Medical Council and its procedures for transacting business as well as the system of registration and examination of medical practitioners, will be introduced into the Legislative Council on June 7.

Under the proposed Medical Registration (Amendment) Bill 1995, the membership of the Medical Council will be increased from 14 to 24 so as to broaden its representation and to cope with its increased workload.

"The enlarged Council will include additional representation from the University of Hong Kong, the Chinese University of Hong Kong, the Hong Kong Medical Association (HKMA) and the lay sectors," a spokesman for the Health and Welfare Branch said today (Wednesday).

"It is also proposed that the new Council will include 12 elected members - six to be elected from all registered medical practitioners on the General Register and the rest to be elected by the HKMA.

"The introduction of elected members is in line with Government policy of encouraging greater involvement of the profession in its own affairs," he added.

The Bill further proposes to introduce a universal Licensing Examination, the passing of which will qualify a person to be registered under the Medical Registration Ordinance.

This will provide an equal opportunity for anybody who wishes to register as a medical practitioner in Hong Kong, irrespective of where he received his training.

Another proposal in the Bill is the introduction of a General Register and a Specialist Register. The former is to replace the existing register of medical practitioners while the latter contains a list of medical practitioners entitled to be known as medical specialists in their respective specialties.

In addition, three more committees will be set up under the Medical Council, namely the Education Committee, the Ethics Committee and the Health Committee. These are in addition to the existing Licentiate Committee and the Preliminary Investigation Committee.

The spokesman said the proposed Bill had been drawn up after extensive consultation with the Medical Council and the Hong Kong Medical Association.

End/Wednesday, May 17, 1995

#### HKMA Annual Report 1994

\* \* \* \* \*

The 1994 annual report of the Hong Kong Monetary Authority (HKMA), published and tabled at the Legislative Council today (Wednesday), provides a detailed account of HKMA's roles and functions. It also contains considerable new information including the approach in managing the Exchange Fund and the outlook of the banking sector in 1995.

Introducing the HKMA's second annual report, the Chief Executive of the HKMA, Mr Joseph Yam, said: "The year 1994 was fruitful for the Monetary Authority. On the exchange rate front, the year 1994 was comfortably uneventful, which is good for the stability and prosperity of Hong Kong."

Throughout 1994, the exchange rate of the HK dollar against US dollar remained very stable.

Explaining the success of the linked rate system, Mr Yam said the currency board mechanism and strong economic fundamentals such as the very high level of foreign reserves, and fiscal discipline had combined to provide a firm anchor for the exchange rate not available in those economies which practised "pegged" exchange rate systems.

"These aspects are sometimes overlooked, in particular by some of those who were encouraged by the Mexican crisis to speculate against the Hong Kong dollar in January 1995", he added, referring to HKMA's success in defending the Hong Kong dollar during the January episode.

On the management of the Exchange Fund, the annual report reveals in detail the investment strategy adopted by the HKMA, with a clear description of the three operational portfolios of the Fund. These three operational portfolios are the portfolio of assets to act as a hedge against the interest-bearing liabilities of the Fund, the portfolio of liquid reserves and the investment portfolio to preserve the value of the Fund for future generations of the people of Hong Kong.

The operating environment of the banking sector in Hong Kong became more difficult in 1994 amid US interest rates hikes and partial deregulation of retail deposit interest rates. According to the report, the return on assets of the locally incorporated banks fell to 1.83% in 1994 from 1.94% in 1993, although this is still high by international standards.

Although the growth of the banking sector's profits derived from operations in Hong Kong was more subdued in 1994, Mr Yam is confident that the banks in Hong Kong are well placed to meet the challenges ahead.

Mr Yam said: "While 1995 is likely to be another challenging year for the banking sector, its basic position remains sound. The return on assets enjoyed by locally incorporated banks remains high and they are well capitalised by international standards."

The consolidated capital adequacy ratio of the locally incorporated institutions improved to 17.5% in 1994 from 17.0% in 1993, according to the report.

Turning to the supervisory role of the HKMA in safeguarding the safety and stability of the banking system in Hong Kong, Mr Yam said HKMA had worked closely with the banking community to address a number of supervisory issues. Measures were also taken to enhance the competitiveness of Hong Kong's banking system.

Last year, considerable progress had been made on the development of the financial infrastructure of Hong Kong. The project on implementing Real Time Gross Settlement in Hong Kong made a good start in 1994 and is expected to be completed by end-1996. The HKMA is exploring with the central banks in China and the United States possible linkages with their payment systems.

"There is much work ahead for the Monetary Authority. This will continue to be carried out with enthusiasm and professionalism, and in a manner that commands the confidence of the people of Hong Kong and the international financial community," said Mr Yam.

The HKMA's 1994 annual report will be on sale from May 18 at the Government Publications Centre.

End/Wednesday, May 17, 1995

#### Study on the social causes of juvenile crime completed

\* \* \* \* \*

The Fight Crime Committee has received the final report and executive summary of research it commissioned into the social causes of juvenile crime in Hong Kong, the Principal Assistant Secretary for Security, Mr Jack Chan, said today (Wednesday).

Mr Chan told a press conference that the Administration would examine in detail the research report and its recommendations, with a view to recommending specific courses of action to tackle the problem of juvenile crime.

He explained that, in May 1990, the Fight Crime Committee noted with concern the considerable increase in juvenile crime and had recommended that research into the causes and problems of juvenile crime should be conducted.

"The Fight Crime Committee commissioned, in September 1992, the Social Sciences Research Centre of the University of Hong Kong to conduct the research," Mr Chan said.

"The objectives of the research were threefold: first, to identify the social causes of crimes committed by young people aged between seven and 20 years; second, to study repeated offending among young offenders; and third, to make recommendations on government policies affecting youth," he added.

Mr Chan said copies of the research report would be sent to the Legislative Council and other interested organisations, committees and advisory bodies, such as the District Boards, the District Fight Crime Committees and the Commission on Youth.

Also speaking at the press conference, the Director of the Social Sciences Research Centre of the University of Hong Kong, Dr John Bacon-Shone, the spokesman for the research team said the research had been large scale and territory wide.

"More than 2,100 students from 30 secondary schools and five technical institutes, and 200 young persons from seven youth centres over the territory completed a detailed questionnaire. The research team also interviewed about 400 young people who were known to be offenders," he said.

"We then analysed the data and came up with our research findings," he said.

The following are the major findings of the research:

- \* Self-reported delinquency is widespread, but the majority of delinquent acts are committed by only a small proportion of young people (for example, 51 per cent of all delinquent acts mentioned in the questionnaire were committed by only 11 per cent of the sample).

- \* Delinquency and recidivism among young people are largely the result of subcultural factors (for example, undesirable leisure activities, lifestyles and friends or level of involvement in marginal youth subcultures) and negative labelling, especially from schools. In general, delinquents tend to spend less time at home with parents, more time with friends and in public places, such as amusement games centres, and they hold anti-school attitudes.

- \* "Problem behaviour" does not necessarily lead to delinquency. Indeed, the study suggests that the relationship is complex, and often the reverse is the case. In general, the data suggest that there are different pathways to delinquency.

- \* Family members often monitor delinquents and detect delinquency - this suggests that many families do monitor their young members and do not simply allow them to go their own way.

- \* While many young offenders do escalate from committing property offences to crimes against the person, the violence involved is usually minor.

- \* There are some associations, although not a direct causal relationship, between mass media consumption and delinquency. Mass media consumption can be regarded as part of a wider subcultural array of behaviour that influences delinquency.

\* Some young offenders are placed under supervision, in residential institutions or custody after only a short "criminal career" involving only minor offences; this finding is based principally on the self-reports of young offenders and should therefore be interpreted with caution, although it is supported by Social Welfare Department and Correctional Services Department statistical data.

\* Outreaching social work may indirectly reduce or prevent delinquency.

Dr Bacon-Shone said according to the findings, there was no single "cause" of juvenile delinquency, though several factors related to school, the family and the use of leisure time could make delinquency more likely, and such factors could reinforce each other.

"In general, the earlier the onset of delinquency, the longer and more serious the delinquent 'career' will be, but those who are labelled as delinquent experience further problems as a result; this may drive them further into the marginal youth subculture and reinforce their patterns of offending," he said.

Based on the findings, Dr Bacon-Shone said the following recommendations were made:

- \* Schools should do more to retain their marginal students.
- \* Family support should be extended.
- \* Work with marginal youth should be developed and expanded.
- \* Liaison between the Police and social workers should be enhanced.
- \* Use of cautioning under the Superintendents' Discretion Scheme should be expanded and the provision of supplementary welfare services to cautioned young persons should be further developed.
- \* A consultative body, comprising representatives of the Police, and the Social Welfare and Education Departments, should be established to monitor cautioning practices.
- \* Further alternatives to residential and custodial penalties should be introduced, such as the creation of community-based programmes.
- \* Further research should take greater account of interactionist theories and concentrate on the studies of marginal youth subculture and the significance of family relationships as a defence against delinquency.

End/Wednesday, May 17, 1995

Sino-British Land Commission

\* \* \* \* \*

The two sides of the Sino-British Land Commission have agreed that the Commission's 30th meeting will be held on May 19, 1995. The meeting will discuss the 1995/96 Land Disposal Programme.

End/Wednesday, May 17, 1995

Governor visits Shek Kip Mei Estate

\* \* \* \* \*

The Governor, the Rt Hon Christopher Patten, today (Wednesday) visited Shek Kip Mei Estate to look at changes brought about by the redevelopment programme and the community services available in the sprawling estate with 44 blocks.

Met on arrival by the Chairman of the Housing Authority, Ms Rosanna Wong, and the Director of Housing, Mr Fung Tung, the Governor was briefed on the history of the estate and details of its future redevelopment.

The party then visited a family of three in Block 2 which had moved from the Shek Kip Mei squatter area in 1964 and another family of four in Block 8 which is a converted self-contained block with bathroom and kitchen.

The next stop was Block 42 where the Governor saw the job-training and employment opportunities provided to the mentally retarded at the Po Leung Kuk Shek Kip Mei Workshop.

Mr Patten finally visited the Yan Chai Hospital Tang Bik Wan Memorial Social Centre for the Elderly in Block 21. The Centre organises different activities for the elderly in the district to promote a sense of belonging to the community.

End/Wednesday, May 17, 1995

### Rehabilitation society chiefs visit training centre

\* \* \* \* \*

The Chairman of the Society for the Rehabilitation of Offenders (SRO), Mr Arthur Garcia, and Vice-Chairman, Mr Justice Wong visited the Correctional Services Department's Lai King Training Centre and Lai Chi Kok Reception Centre this (Wednesday) morning to see for themselves the management and operation of the two institutions.

Accompanied by the Commissioner of Correctional Services, Mr Lai Ming-kee, Mr Garcia and Mr Justice Wong first toured the Lai King Training Centre. They visited the vocational training workshops, computer training room, classrooms, dormitories, dining and recreation hall, and kitchen of the centre.

They then proceeded to Lai Chi Kok Reception Centre where they visited the laundry, workshops, dormitories, cells, dining hall, exercise compound and hospital.

The two visitors were very impressed by the care and effort made by Correctional Services Department's staff in reforming the young offenders.

Lai King Training Centre came into operation in 1978. At present, it accommodates some 310 young offenders. Lai Chi Kok Reception Centre came into operation in 1977. It is a maximum security penal institution providing accommodation for over 1,000 convicted and remand adult male prisoners.

End/Wednesday, May 17, 1995

### Licentiate Examination results announced

\* \* \* \* \*

The Licentiate Committee of the Medical Council of Hong Kong announced today (Wednesday) that a total of 42 candidates have passed Part II of the Licentiate Examination for unregistrable doctors this year.

The Part II examination, a paper on English for professional use, was held in March and May, giving candidates a choice of examination dates and also the opportunity for those who failed in the first examination a second chance to take this part of the examination in the same year.

Among 35 candidates who took the Part II Licentiate Examination in March, 28 passed while 14 out of 17 candidates who took the examination in May passed.

All those who have passed the Part II examination this year are eligible to take the Part III examination scheduled for July.

The Part III examination is an oral test on candidates' ability to apply professional knowledge to clinical problems in each of the three disciplines of medicine, surgery and obstetrics and gynaecology.

End/Wednesday, May 17, 1995

Monitors' report submitted to CS

\*\*\*\*\*

The monitors appointed to observe the Orderly Repatriation Programme operation this (Wednesday) morning have submitted their report to the Chief Secretary.

Mr Warren Hui Wor-lam, a Justice of the Peace, and Mr Surya Rao from Christian Action observed the transfer of 84 Vietnamese migrants to the airport this morning.

The monitors described the operation as organised and smooth.

End/Wednesday, May 17, 1995

84 VMs depart on Orderly Repatriation Flight

\*\*\*\*\*

A group of 84 Vietnamese migrants (VMs) returned to Vietnam today (Wednesday) on the 22nd flight under the Orderly Repatriation Programme (ORP).

The returnees, comprising 33 men, 28 women, 11 boys and 12 girls, were mainly from High Island Detention Centre. The oldest is 46 years old and the youngest is one-and-a-half.

Most of them arrived in Hong Kong in 1988 and 1989. Two arrived last year.

The group brought to 1,271 the total number repatriated on ORP flights since November 1991.

The returnees were transported to the airport early this morning for pre-departure security checks before boarding their flight for Hanoi.

The Refugee Co-ordinator, Mr Brian Bresnihan, stressed that the Government was determined to repatriate all screened-out VMs to Vietnam.

"There is no future for them in Hong Kong and the best option for them is to volunteer to go back to Vietnam," he said.

End/Wednesday, May 17, 1995

#### Applications invited for mortgage subsidy

\* \* \* \* \*

The Education Department is inviting eligible full-time employees holding subvented posts in aided schools to apply for assistance under the 1995-96 Mortgage Interest Subsidy Scheme (MISS).

A spokesman for the Education Department said today (Wednesday) that eligible staff are:

- \* those receiving a monthly basic salary equivalent to master pay scale point 22 or above (\$20,955 or more) and having a minimum of 10 years' continuous recognised service as at April 30, 1995; or

- \* those receiving a monthly basic salary below master pay scale point 22 who have minimum of 20 years' continuous recognised service as at April 30, 1995.

The closing date for submitting applications is June 28, 1995.

"Circulars, application forms and relevant information leaflets have been sent to heads of schools today.

"Under the scheme, successful applicants will receive a monthly subsidy for payment of interest on their home mortgage loan," the spokesman said.

Enquiries about the scheme should be directed to the MISS Section on 2961 7406 or 2961 7409.

End/Wednesday, May 17, 1995

**Tsuen Wan lot to let**

\*\*\*\*\*

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

Located in Wo Tik Street, Tsuen Wan, the lot has an area of 3,699 square metres for use as a fee-paying public carpark.

The tenancy is for one year, renewable quarterly.

Closing date for submission of tender is at noon on June 9.

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

Tender Plan can also be inspected at these offices.

End/Wednesday, May 17, 1995.

**Relocation of ferry services in Central**

\*\*\*\*\*

The Transport Department announces that starting from tomorrow (May 18) the berthing points in Central for the Tuen Mun to Central, Tsuen Wan to Central via Tsing Yi ferry services and the Mui Wo to Central, Cheung Chau to Central and Peng Chau to Central hoverferry services will be relocated from the Central Harbour Services Ferry Pier and the Government pier at Pier Road to new Pier No. 6 on the northern edge of the Central reclamation phase I.

Appropriate directional signs will be provided in the vicinity of the concerned piers to guide passengers.

End/Wednesday, May 17, 1995.

Hong Kong Monetary Authority money market operations

\*\*\*\*\*

	\$ million	Time (hours)	Cumulative change (\$million)
	-----	-----	-----
Opening balance in the account	2,738	0930	-209
Closing balance in the account	2,101	1000	-209
Change attributable to :		1100	-247
Money market activity	-227	1200	-247
LAF today	-410	1500	-227
		1600	-227

LAF rate 4.25% bid/6.25% offer TWI 119.1 \*+0.2\* 17.5.95

Hong Kong Monetary Authority

EF bills

EF notes/Hong Kong Government bonds

Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.58	18 months	2611	6.90	101.14	6.18
1 month	5.63	24 months	2705	7.40	100.29	6.34
3 months	5.74	29 months	3710	7.25	101.83	6.53
6 months	5.82	35 months	3804	6.90	100.78	6.71
12 months	5.99	58 months	5003	7.75	102.72	7.20

Total turnover of bills and bonds - \$17,719 million

Closed May 17, 1995

End/Wednesday, May 17, 1995



# DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES  
BEACONSFIELD HOUSE, HONG KONG. TEL.: 842 8777

## SUPPLEMENT

Wednesday, May 17, 1995

<u>Contents</u>	<u>Page No.</u>
<u>Legislative Council meeting :</u>	
SHW on UN summit for social development .....	1
SHA on declaration of world summit for social development .....	4
Debate on review of Home Ownership Scheme .....	7
Bill to amend anti-corruption laws introduced .....	11
Prevention of Bribery (Miscellaneous Provisions) Bill 1995 .....	14
Pensions (Special Provision) Bill 1995 .....	17
Matrimonial Causes (Amendment) Bill 1994 .....	18
Land Survey Bill .....	23
Energy efficiency .....	27
Measures to safeguard foreign exchanges reserves .....	28
Illegal immigrants in prison .....	30

/Hong Kong .....

## Contents

## Page No.

Hong Kong Academy of Medicine .....	32
Village representatives elections .....	33
Benzene volatilised from petrol stations .....	35
Use of Chinese language in Government departments .....	37
Sexual abuse cases involving children .....	40
Number of directorate posts in public hospitals .....	41
CLP's customer-owned development fund .....	43
Nurses for care and attention homes .....	44
Disclosure of personal data of LegCo members' assistants .....	45
Allocation of funds to hospitals .....	46
Schools in North and TP .....	51
Illegally occupied public housing flats .....	54
Private residential care homes .....	55
Public safety in former firing range areas .....	57
University lecturers' lecturing hours .....	59
Bulling cases in schools .....	61
Hospital Authority's expenses in operations .....	62
Accuracy of electoral roll .....	64

SHW on UN summit for social development

\*\*\*\*\*

Following is the speech by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council on motion debate on declaration of World Summit for social development today (Wednesday):

Mr President,

I am grateful for the opportunity provided by this Motion Debate to draw attention to the commitments made in the Declaration agreed at the World Summit for Social Development in March this year.

As my colleague, the Secretary for Home Affairs, has already said we are more than happy to publicise the contents of the Declaration as requested in the Motion. Let us pause and think how well we measure up against the commitments in the Declaration.

For my part, the commitments are of particular relevance with regard to the measures we take in Hong Kong to alleviate the effects of poverty and to meet our healthcare needs. Members will not be surprised to hear me say that I am wary of making commitments with regard to 'poverty'. As I explained in this Council on 22 February this year in reply to a question raised by the Hon Li Wah-ming, the Administration sees no purpose in seeking to define 'poverty'. As the Declaration itself makes clear, poverty exists in all parts of the world. However affluent a society may be, those who have the least in it are likely to be categorised as living in poverty. It is a relative and not an absolute concept and as such defies the clear definition needed if the term is to be used in setting policy goals.

While, therefore, the Administration fully supports the spirit of Mr Hui's Motion, we must place on record our reservation about some of its precise wording. It would be rash, for example, for us to commit to the elimination of poverty when we know that, for all practical intents and purposes, we have no workable definition of it.

We have a strong welfare safety net in place in Hong Kong to catch those who, for whatever reason, are unable to meet their own basic needs. Nobody in Hong Kong needs to go without food; nobody needs to go without shelter and nobody will be denied medical care or education as a result of a lack of means. This is why we believe we comply already with the main commitments in this respect in the Summit Declaration.

That is not to say, however, that we are complacent. We know more can and must be done to help. That is why we have in recent years increased the rates for payments under the Comprehensive Social Security Assistance scheme at a pace far in excess of inflation; rates have increased by an average of 30% over and above inflation in the last three years.

The Declaration also made commitments with regard to the provision of health care. In this field, we are already doing exceptionally well in global terms. For instance, our infant mortality rate was 4.7 per 1,000 live births in 1993, which was comparable to 4.5 in the case of Japan in 1992 but significantly better than other advanced western countries such as the United Kingdom and the United States, the same figure of which stood at 6.6 and 8.5 respectively in 1992. In Hong Kong, the average life expectancy at birth is 81 years for females and 75 years for males, both of which compared favourably to corresponding indices of 79 and 74 in the case of the United Kingdom or 79 and 72 in the case of the United States.

The main thrust of our health policy is to safeguard and improve the health of our community through accessible and affordable health care for all. The comprehensive range of health services available, together with improvements in the standard of living, have fostered a good general level of health in Hong Kong.

Communicable diseases are well under control. In particular, vaccine preventable infectious diseases have been contained at a low level as a result of the very high coverage of our free immunisation programme for children against the 9 common childhood infectious diseases, together with other services provided at the Maternal and Child Health Centres.

The Summit's commitments also refer to the treatment of AIDS and HIV infection. Our policy on this is clear. It entails 4 basic components -

First, prevention of HIV infection and transmission; secondly, care of people with HIV/AIDS; thirdly, surveillance and control; fourthly, partnership in HIV/AIDS prevention and care.

Our emphasis is on the promotion of AIDS awareness and on combating prejudice and discrimination.

In health promotion, health education programmes are aimed at promoting healthy lifestyle practices for all and enhancing people's awareness of disease prevention.

We are continuing to emphasise primary health care as the most effective means of achieving the maximum benefits for health. Improvements to general outpatient service, the establishment of woman health centres and elderly health centres as well as the soon-to-be-launched Student Health Service, reflects the administration's efforts in implementing its health care policy directives towards these goals.

Mr President, the World Summit for Social Development set ambitious goals and made important commitments. When we look at what we are already doing in Hong Kong, we can see that our policies and action plans are fully consistent with the commitments set out at the Summit. Indeed, we are experiencing in almost all sectors a much greater success than most other places in meeting such commitments. We have mercifully left behind us the major problems still faced by so many in Third World but have so far eluded most of the social and economic ills now besetting many advanced economies. But we must remain watchful.

We have the policies in place to support the sustained economic growth which is vital to enable us to continue to tackle successfully any social problems which may arise. Our social services have developed to a level where all basic needs, and some relatively more sophisticated needs, are met by publicly funded services at no cost or at heavily subsidised cost to those who cannot afford to pay.

The Administration feels comfortable, therefore, with the spirit of Mr Hui's Motion and, with the reservation I have already mentioned regarding the definition of poverty, has no hesitation in supporting it.

End/Wednesday, May 17, 1995

SHA on declaration of world summit for social development

\* \* \* \* \*

Following is the speech by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council motion debate on declaration of world summit for social development today (Wednesday):

Mr President,

The Administration welcomes this opportunity to hear Members' views on the Commitments agreed by the UN member states, including Britain and China, at the World Summit for Social Development in March this year.

These Commitments cover nearly every form of human activity with a focus on three core issues - alleviating poverty, reducing unemployment and promoting social integration. They are a consensus of the concerns, interests and priorities of all UN member states.

The Summit did not create any mandates or institute new programme of work. Implementation of the Declaration and the Programme of Action is left for each country to decide in the light of its own domestic priorities and policies. The Economic and Social Council of the United Nations will be considering what follow-up action is appropriate within the UN system.

We will ensure that the goals of the Summit are publicised in Hong Kong. As for all the UN Covenants and Conventions, we will prepare a bi-lingual booklet of the main recommendations and make this available through resource centres, public libraries and District Offices. We will also promote the objectives and conclusions of the Summit through publicity programmes.

The Commitments made at the Summit bring home how much there is to be proud of in Hong Kong. The Summit looked at the problems of the world and saw many

- \* rich nations with high unemployment, disaffected youth, racial tensions, high crime rates and political instability, or
- \* desperately poor nations with problems of starvation and rampant disease, with constant warfare ravaging an uneducated population most of whom had not even the most basic of human rights.

Hong Kong is not without its problems but in the world arena it is a thriving and successful place a fact which is all too often overlooked in the cut and thrust of domestic politics.

To pursue the objectives of the Summit we already have in place a comprehensive array of Government policies to foster the social and economic development of Hong Kong. Through our adherence to the international covenants on Civil and Political Rights and Economic, Social and Cultural Rights, Hong Kong fully observes and respects international norms and standards on human rights. We have a well-entrenched tradition of the rule of law, a truly independent judiciary and a Bill of Rights Ordinance which provide a solid and enviable foundation for the protection of human rights. We have extended the Convention of the Rights of the Child to Hong Kong; we are now seeking the extension to Hong Kong of the Convention on the Elimination of All Forms of Discrimination Against Women; we have introduced the Sex Discrimination Bill and the Disability Discrimination Bill into the Legislative Council; we have introduced legislation to provide greater access to legal aid, and to set up an independent Legal Aid Services Council to oversee the administration of legal aid services. We have allocated extra resources to promote human rights education; we are also implementing an administrative Code on Access to Information to increase the transparency of the Government. All these steps give real effect to the Commitments made at the World Summit.

In terms of social and economic development, the government's approach to the economy is one of minimum interference and maximum support, a firmly-held economic philosophy which has transformed Hong Kong into one of the true miracles of the world in the late 20th century. We provide the necessary infrastructure and a sound, impartial, legal and administrative framework conducive to economic growth and prosperity. The basically free-enterprise, market-disciplined system has greatly contributed to the economic success of Hong Kong, generating the wealth required to meet the rising standards of public service that the people of Hong Kong demand. Over the last few years, there had been substantial improvements in the standard of living, health, welfare and cultural life of the people in Hong Kong.

The economy of Hong Kong has grown at an average rate of 6% in real terms over the past ten years - double the corresponding growth rate for OECD countries as a whole. In terms of standard of living, Hong Kong's per capita GDP at US\$21,800 in 1994 is among the highest in Asia, second only to Japan.

Our strong economy allows us to offer highly subsidised hospital services and health care which compares well with what is provided elsewhere in the advanced world. We also have in place comprehensive "safety net" of social services for disadvantaged individuals and their families. Over 3 million people benefited, through our housing programmes, from various types of assisted housing.

This is an impressive record but there is no room for complacency. Our unemployment rate, for example, is low compared with other major economies but the latest unemployment figures show that the labour market has eased somewhat from the latter part of last year. This is a situation which must be monitored closely and assistance given to unemployed workers where we can. The Labour Department has recently launched a Pilot Job Matching Programme and has been successful in arranging job placements for over a hundred people in the first few weeks of its operation. Also, the Employees Retraining Board has stepped up its retraining efforts in equipping the unemployed with new skills so that they can rejoin our workforce.

We must also heed one of the most important calls made at the Summit for UN members and member states to look beyond their own boundaries and to actively participate in international, regional and sub-regional co-operation in social development through the United Nations and other multilateral organisations. We will continue to do all we can to contribute especially at the regional level through our involvement in APEC and ESCAP. We will also remain one of the staunchest supporters of free trade and multilateral trading system through our membership in the World Trade Organisation.

The Summit's recommendations do not invoke courses of action for Hong Kong. We have always been a society which cares deeply about the well-being of our people. The recommendations do, however, remind us of our duty to use a proper share of the wealth we generate to ensure that members of our community do not suffer from poverty or deprivation and to ensure that they have the education, skills, job opportunities and circumstances to allow them to live a rich, full and meaningful life.

The Summit seeks to launch a new era of international co-operation between governments and peoples based on a spirit of partnership that puts the people's needs, rights and aspirations at the centre of decision making and planning for the benefit of all humanity now and into the twenty-first century. We will look to fulfil our part in this common cause.

End/Wednesday, May 17, 1995

Debate on review of Home Ownership Scheme

\* \* \* \* \*

Following is the speech by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council on motion debate on review of Home Ownership Scheme today (Wednesday):

Mr President,

I have listened with great interest to comments made by Honourable Members on various aspects of the Home Ownership Scheme, and am grateful for their views and suggestions. I shall respond briefly to the main points raised.

Number of flats, pace of production and proportion

Since the introduction of subsidised flats for sale in 1978, over 209,000 flats have been sold under the Home Ownership Scheme (HOS) and its sister scheme, the Private Sector Participation Scheme (PSPS). In the first few years, the average annual production was about 5,000 flats. Average annual production increased to about 13,000 flats between 1982 and 1990, representing about 30% of public sector flat production. Since 1991, the proportion has been adjusted to allow for the target production of roughly the same number of public rental flats and flats for sale in order to reflect the community's increasing prosperity and rising aspirations for home ownership. Even so, demand in recent sale exercises has exceeded supply by about 15 times. We have already announced the target of building another 148,000 subsidised flats for sale to low income families over the next six years.

We agree that the HOS and the PSPS play an important role in promoting home ownership which fosters a sense of belonging and contributes to social stability in Hong Kong. Moreover, these two schemes have assisted, in particular, about 120,000 public rental housing tenants to become home owners and consequently have enabled the Housing Department to recover over 83,000 rental flats for allocation to others in greater need on the general waiting list. I thank the Honourable Selina Chow for her support of home ownership in various forms. We will review the rate and proportion of HOS/PSPS flat production in relation to public rental flats beyond the year 2001 in the context of the Long Term Housing Strategy review which will commence towards the end of this year.

### Pricing policy

On pricing policy, the basic principle used to determine flat prices is affordability. Since the Government only charges the Housing Authority a nominal land cost at 35% of the building development cost, these flats can be offered for sale at a significant discount on market prices. The guiding discount rate adopted by the Housing Authority is 30%. However, as private property prices rose in the past few years, the discount rate was gradually increased to 48% in 1993 and 1994 to assist home buyers. As property prices softened since April last year, the discount rate was adjusted slightly downwards to 45% in the first half of this year. Thus the discount rate movements reflect affordability in relation to property prices, which principle remains the prime consideration in pricing flats. We shall continue the practice of reviewing the discount rates in relation to affordability for future sales. A few members of this Council commended on the profits to the Housing Authority from the sale of HOS flats. A large proportion comes from government subsidy on land as I have mentioned earlier. In any case, the profits are entirely plough back into the production of more subsidised housing for those who are in need of housing assistance.

### Mortgage loans and repayments

As regards mortgage loans, the Housing Authority has reached agreement with lending institutions to provide loan financing to HOS/PSPS flat purchasers on very favourable terms. Purchasers may borrow up to 90% of sale prices, and in the case of 'green form' buyers loans up to 95% of sale prices are made repayable over a maximum period of 20 years. The interest rate charged is only half a percentage point above the prime rate. In order to obtain these favourable terms from lending institutions, the Housing Authority provides a 100% guarantee. These financing arrangements have worked well. It is difficult to imagine any further improvement to the already very favourable terms offered to borrowers.

### Quality of flats

In terms of quality, HOS/PSPS flats are built generally to a high standard. The Housing Authority adopts a quality assurance system comprising three main features. First, structures are designed to British Standard 8110. It is a higher standard than British Standard 114 which is commonly used in the private sector. Notwithstanding the publicity given to occasional complaints against the quality of HOS flats. It is important that they should be seen in the proper perspective. To quote an example, out of 70,000 flats in harmony blocks, only 103 cases of window leakages or 0.15 per cent were reported in the last two years. The record speaks for itself compared to the private sector. Second, all contractors used by the Housing Authority must be certified as having attained ISO 9000, a specified international standard in terms of quality control procedures. Third, to provide an objective yardstick to measure contractors' performance, the Housing Department has adopted a Performance Assessment Scoring System under which the quality of construction work is monitored and scores are assigned on a monthly basis. A contractor's future opportunity to tender is determined by his scores. Only contractors with proven track record and consistently satisfactory performance are allowed to tender. Hence, while I agree with the Honourable Tam Yiu-chung that the tender system favours contractors who bid at low prices. It is not true to say that low prices lead to poor quality. The performance assessment scoring system coupled with the tender system assured good value for money.

While HOS/PSPS projects have generally been completed on schedule and with good quality, I regret that there has been a notable exception with one project in Yau Tong. The delay is due partly to inclement weather, but mainly to slow progress and poor workmanship on the part of the contractor. Although the causes are beyond the control of the Housing Authority, it has agreed recently to offer ex-gratia payments to purchasers in view of the inconvenience caused. The Housing Authority has also decided to revise future sale and purchase agreements to protect the interests of purchasers, and to look for ways to improve further the quality of HOS/PSPS blocks and the performance of contractors.

### Maintenance and repair

As regards maintenance and repair, HOS/PSPS flat owners are responsible for their properties in the same way as others in the private sector. As a responsible developer, however, the Housing Authority requires building contractors to observe a 12-month maintenance period, usually known as the defects liability period, during which any building or service defects not caused by irresponsible use of the premises will be rectified by contractors free of charge to owners. For certain items, for example roofing, the guarantee is up to ten years, and for acrylic paint as external decorative coating, seven years. These are more favourable maintenance arrangements than those prevailing in the private sector where contractors normally accept responsibility for a period of six months. After the defects liability period, Housing Department or management company staff still offer advice to flat owners on improvements which should be carried out to keep the building concerned in a proper state of repair. Although maintenance and repair standards of these blocks are generally high, we welcome and will consider honourable members' suggestions for further improvement.

### System of management

On management of HOS/PSPS flats, it is the Housing Authority's policy to encourage privatisation. Private management was first introduced in 1987 and, since 1989, has been employed in all newly completed blocks. At present, out of a total 122 blocks, about 70 per cent are managed by private management agencies. Housing Department staff pay weekly visits to check management standards also and require monthly reports to be submitted. To ensure that flat owners are satisfied with management services, they are consulted on the renewal of contracts. The progress of privatisation of management will be reviewed regularly.

Future of subsidised schemes of home ownership

Mr President, as I have indicated earlier, both the Home Ownership Scheme and the Private Sector Participation Scheme have successfully promoted home ownership in the community, and have helped over 209,000 families to acquire their own homes. Nevertheless, we acknowledge that some problems have emerged and we believe that further improvements can be made. For this reason, the Home Ownership Committee of the Housing Authority has decided recently to conduct a comprehensive review of these two schemes. Although the review may not be completed within six months, we support the spirit of the motion and will be happy to furnish this Council with a progress report in six months' time. With these remarks, Mr President, we support the motion.

Thank you.

End/Wednesday, May 17, 1995

Bill to amend anti-corruption laws introduced

\* \* \* \* \*

A bill which seeks to make legislative amendments needed to implement the recommendations in the report of the ICAC Review Committee published in December last year was introduced into the Legislative Council today (Wednesday).

Moving the second reading of the Prevention of Bribery (Miscellaneous Provisions) Bill 1995, the Attorney General, the Hon Jeremy Mathews, said in promoting the Bill, the Government's objectives were to strike a balance between two potentially conflicting views held in the community: that the ICAC needed to have sufficient powers to be effective in the continuing battle against corruption; and that it should be more accountable and transparent in the use of those powers.

"This Bill is an essential step in reaffirming the ICAC's mandate in the light of present day circumstances and the changing expectations of the people of Hong Kong 20 years after the establishment of the ICAC," Mr Mathews said.

He said the Bill proposed amendments to the Prevention of Bribery Ordinance, the Independent Commission Against Corruption Ordinance and the Magistrates Ordinance. The amendments could be grouped into three categories.

The first category related to certain of the powers at present vested in the Commissioner, ICAC, which were to be transferred to the courts.

"In particular, court approval will be needed in order for the ICAC to require a person to supply information under section 14 of the Prevention of Bribery Ordinance, to search premises (save in exceptional cases), or to prevent a suspect from disposing of property," he added.

The second category of amendments were to ensure that the legislation relating to the ICAC was consistent with the Bill of Rights Ordinance. The amendments would provide:

- \* that the Commissioner's special powers of investigation arise only if he has reasonable cause to believe that an offence under the Prevention of Bribery Ordinance may have been committed;
- \* that the Commissioner's power to apply to a magistrate for a notice requiring a person to surrender his travel documents arises only if he reasonably suspects that person to have committed such an offence;
- \* that a person who has surrendered a travel document has the option of applying to the Commissioner of the ICAC, or a magistrate, or both, for its return; and
- \* that a statutory declaration or written statement made in compliance with a requirement under the Prevention of Bribery Ordinance will be admissible in evidence against the person who made it only if he gives evidence that is inconsistent with it.

Additionally, provisions in the Prevention of Bribery Ordinance that created a presumption of corruption and allowed a court to comment on the failure of an accused to give evidence were to be repealed, Mr Mathews said.

He also said the opportunity presented by the Bill was taken to amend section 10(2) of the Prevention of Bribery Ordinance in order to ensure that it was safe from challenge under the Bill of Rights Ordinance.

"Section 10(1) makes it an offence for a Crown servant to maintain a standard of living above that which is commensurate with his official emoluments, or to be in control of pecuniary resources or property disproportionate to those emoluments," he said.

Mr Mathews added that the importance of section 10 was recognised in a recent case decided by the Court of Appeal, which said in its decision:

"And in case after case over the years, section 10 has proved its effectiveness in the fight against corruption. Although less visible, its deterrent effect must have been even greater. Chapter 201 of the Laws of Hong Kong is rightly named the Prevention of Bribery Ordinance. Section 10's worth is well-established."

Mr Mathews said at present section 10(2) created a presumption, in a prosecution under section 10(1)(b), that certain assets were in the control of the accused, until the contrary was proved.

"It is now proposed to amend section 10(2) by replacing the legal presumption with an evidentiary presumption. The effect of this will be that the accused is not required to prove that the assets were not in his control, there merely has to be some evidence to that effect in order to displace the presumption," he said.

The Attorney General said the third category related to miscellaneous amendments. These included amendments:

- \* to give the ICAC the same access to tax records as exists under the Drug Trafficking (Recovery of Proceeds) Ordinance and the Organised and Serious Crimes Ordinance;
- \* to modify the power of the Commissioner of the ICAC to dismiss an officer under section 8(2) of the ICAC Ordinance;
- \* to make it possible for the ICAC to keep a suspect on bail no longer than is necessary; and
- \* to enable the Commissioner of the ICAC, in discharging specified corruption prevention duties, to gain access to all records, books and documents held by public bodies.

End/Wednesday, May 17, 1995

Prevention of Bribery (Miscellaneous Provisions) Bill 1995

\* \* \* \* \*

Following is the speech by the Attorney General, the Hon Jeremy Mathews, in moving the second reading of the Prevention of Bribery (Miscellaneous Provisions) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Prevention of Bribery (Miscellaneous Provisions) Bill 1995 be read a second time.

The purpose of this Bill is to make the legislative amendments needed in order to implement the recommendations in the report of the ICAC Review Committee. That committee was established at the beginning of last year to review the powers of the ICAC and the accountability of the ICAC in the exercise of its powers. It was chaired by Mr Helmet Sohmen and included members of this Council, community leaders and members of the Administration.

The report of the Review Committee was published in December 1994 and contained 76 conclusions and recommendations. Those recommendations may broadly be described as evolutionary rather than revolutionary. Members of this Council were given copies of the report, and the Security Panel of the Council discussed the report in January of this year. The panel expressed strong support for several of the recommendations.

The Administration has announced that, in principle, it accepts the recommendations in the report, although some minor procedural refinements may be required in some cases. Certain of the recommendations can only be implemented by legislation, and that is the purpose of the Bill that I am now introducing. In promoting this Bill, the Government's objectives are to strike a balance between two potentially conflicting views held in the community: that the ICAC needs to have sufficient powers to be effective in the continuing battle against corruption; and that it should be more accountable and transparent in the use of those powers.

The Bill proposes amendments to the Prevention of Bribery Ordinance, the Independent Commission Against Corruption Ordinance and the Magistrates Ordinance. The amendments can be grouped into three categories.

### Control by the courts

The first category relates to certain of the powers at present vested in the Commissioner, ICAC, which are to be transferred to the courts. In particular, court approval will be needed in order for the ICAC to require a person to supply information under section 14 of the Prevention of Bribery Ordinance, to search premises (save in exceptional cases), or to prevent a suspect from disposing of property.

### Bill of Rights Ordinance

The second category of amendments are to ensure that the legislation relating to the ICAC is consistent with the Bill of Rights Ordinance. The amendments will provide -

- (a) that the Commissioner's special powers of investigation arise only if he has reasonable cause to believe that an offence under the Prevention of Bribery Ordinance may have been committed;
- (b) that the Commissioner's power to apply to a magistrate for a notice requiring a person to surrender his travel documents arises only if he reasonably suspects that person to have committed such an offence;
- (c) that a person who has surrendered a travel document has the option of applying to the Commissioner of the ICAC, or a magistrate, or both, for its return; and
- (d) that a statutory declaration or written statement made in compliance with a requirement under the Prevention of Bribery Ordinance will be admissible in evidence against the person who made it only if he gives evidence that is inconsistent with it.

Provisions in the Prevention of Bribery Ordinance that create a presumption of corruption and allow a court to comment on the failure of an accused to give evidence are to be repealed.

The opportunity presented by the Bill is taken to amend section 10(2) of the Prevention of Bribery Ordinance in order to ensure that it is safe from challenge under the Bill of Rights Ordinance. Section 10(1) makes it an offence for a Crown servant to maintain a standard of living above that which is commensurate with his official emoluments, or to be in control of pecuniary resources or property disproportionate to those emoluments. The importance of section 10 was recognised in a recent case decided by the Court of Appeal. I quote from the decision:

"And in case after case over the years, section 10 has proved its effectiveness in the fight against corruption. Although less visible, its deterrent effect must have been even greater. Chapter 201 of the Laws of Hong Kong is rightly named the Prevention of Bribery Ordinance. Section 10's worth is well-established."

At present section 10(2) creates a presumption, in a prosecution under section 10(1)(b), that certain assets were in the control of the accused, until the contrary is proved. It is now proposed to amend section 10(2) by replacing the legal presumption with an evidentiary presumption. The effect of this will be that the accused is not required to prove that the assets were not in his control, there merely has to be some evidence to that effect in order to displace the presumption.

#### Miscellaneous amendments

The third category relates to miscellaneous amendments. These include amendments -

- (a) to give the ICAC the same access to tax records as exists under the Drug Trafficking (Recovery of Proceeds) Ordinance and the Organised and Serious Crimes Ordinance;
- (b) to modify the power of the Commissioner of the ICAC to dismiss an officer under section 8(2) of the ICAC Ordinance;
- (c) to make it possible for the ICAC to keep a suspect on bail no longer than is necessary; and
- (d) to enable the Commissioner of the ICAC, in discharging specified corruption prevention duties, to gain access to all records, books and documents held by public bodies.

#### Comment

Mr President, this Bill is an essential step in reaffirming the ICAC's mandate in the light of present day circumstances and the changing expectations of the people of Hong Kong 20 years after the establishment of the ICAC.

Thank you, Mr President.

End/Wednesday, May 17, 1995

Pensions (Special Provision) Bill 1995

\* \* \* \* \*

Following is the speech by the Secretary for the Civil Service, Mr Michael Sze, in moving the second reading of the Pensions (Special Provisions)(The Hong Kong Institute of Education) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Pensions (Special Provisions) (Hong Kong Institute of Education) Bill 1995 be read for a second time.

The Bill is technical in nature. It seeks to provide for two pension arrangements for staff of the Education Department transferring to the Hong Kong Institute of Education on 1 September 1995. The arrangements constitute part of the bridging-over package for the civil servants concerned.

The first is the "mixed service pension" arrangement which is designed to enable civil servants to preserve their pension rights after transferring to the Institute. Their total length of service for the purpose of pension calculation will thus be the sum of their service with the Government and the Institute.

The second is the "frozen pension" arrangement which is designed to give civil servants the alternative of joining the Institute's superannuation scheme after transfer. The pension earned during their government service will thus be frozen and payable when they retire from the Institute.

Since September 1994, when it took over the four Colleges of Education and the Institute of Language in Education, the Hong Kong Institute of Education has been staffed by civil servants on one-year secondment from the Education Department. Lecturing staff have now indicated whether they wish to join the Institute or return to the Education Department. More than half will join it. The Institute has been and is recruiting staff to fill these expected vacancies when the secondment period ends, as planned, on 31 August 1995. The provisions in the Bill if enacted will come into operation before 1 September 1995 so that the staff who choose to join the Institute can opt, before their formal transfer on that date, for one of the two pension arrangements provided to preserve their pension rights.

Thank you, Mr President.

End/Wednesday, May 17, 1995

Matrimonial Causes (Amendment) Bill 1994

\* \* \* \* \*

Following is the speech by the Secretary for Home Affairs, Mr Michael Suen, on resumption of the second reading debate and at the committee stage of the Matrimonial Causes (Amendment) Bill 1994:

Second reading debate of the Matrimonial Causes (Amendment) Bill

Mr President,

I would like to thank the Honourable Mrs Peggy Lam, Convenor of the Bills Committee to study the Matrimonial Causes (Amendment) Bill 1994, and the other Members of the Bills Committee for their constructive suggestions, time and effort spent in scrutinising the Bill.

The law of divorce in Hong Kong has remained largely unchanged for the past twenty years or so. Over that period, community attitudes towards divorce have altered. There is now a widespread view that current divorce legislation imposes unnecessarily onerous requirements on those seeking a divorce. This view is reflected in the findings of a comprehensive survey of public opinion commissioned by the Law Reform Commission. Further to those findings and its consultations with experts and interested parties working in this field, the Law Reform Commission made recommendations in 1992 for an overhaul of the divorce law. The Bill seeks to implement these recommendations.

As I mentioned when I introduced the Bill into this Council on 12 October last year, its underlying objective is to reduce the hardship, acrimony and distress that so often accompany divorce proceedings. Such ill-feeling can arise in part from the current requirement that divorce proceedings must be conducted on an adversarial basis, with one party as petitioner and the other party as respondent. To avoid this, the Bill provides for the introduction of a new non-adversarial means of obtaining a divorce by joint application based on either one year's prior separation or one year's period of notice. Under the latter procedure, the couple are not obliged to separate. This will mitigate difficulties caused by the current requirement to find separate accommodation in advance of a divorce where prior separation is relied on in divorce proceedings.

In supporting this new joint application procedure, Members of the Bills Committee suggested that it should be available to all couples undertaking divorce proceeding. That is, by means of consequential amendments to the Matrimonial Proceeding and Property Ordinance, couples who have not reached final agreement with respect to child custody, financial arrangements and other matters concerning ancillary relief should also be able to undertake divorce proceedings by joint application. We accept this suggestion. It is in line with the principle of our Bill to promote a non fault-based approach to divorce.

The Bill provides for a reduction in the time restriction on divorce early in marriage from the current three years to one year. I note that the Hon. Rev. FUNG Chi-wood is due at Committee Stage to move an amendment that would provide for the time restriction on divorce early in marriage to be set at two years. The Administration's view remains that one-year period proposed by the Law Reform Commission is appropriate. The proposed two-year time bar will create undue hardship to couples whose marriages have genuinely broken down irretrievably at an early stage. I note that the proposal was not supported by a majority of the Bills Committee.

Members of the Bills Committee expressed concern about whether the Administration is making separate and adequate provision for marriage counselling services in the community. Indeed, Honourable members who have just spoken highlight these concerns. Let me take this opportunity to re-assure honourable Members and the public generally that the Administration recognises the family as fundamental to society and has been devoting considerable resources to expand, strengthen, and promote the services in support of the family. I understand from the Secretary for Health and Welfare that a number of new initiatives have been undertaken recently to strengthen these services. They include an increase in the number of family caseworkers, and the opening of a Family Care Demonstration and Resource Centre and 19 Family Activity and Resource Centres. We are also committed to making information on marriage counselling and mediation services more available and accessible to potential clients. The information will be widely distributed through various channels including the Divorce Registry, Legal Aid Offices, the Police, Social Welfare Department, District Offices of the Home Affairs Department, non-government organisations and legal practitioners working in the family law area.

With these remarks, Mr President, I recommend the Bill to Members.

Addition of new clauses to Matrimonial Causes (A) Bill

Mr Chairman,

I move that Heading clause 19 before new clauses 19, 20 and 21 be added to the Bill as set out in the paper circulated to Members be read the second time.

New clauses 19, 20 and 21 are added to the Bill to meet the Bills Committee's suggestion that the new divorce procedure by joint application provided for in clause 7 of the Bill should be available to couples who have not reached agreement on financial and custody matters. The clauses amend sections 3, 20 and 21 of the Matrimonial Proceedings and Property Ordinance (Cap. 192) to enable ancillary and other relief to be granted by the court to couples seeking divorce under the new joint application procedure.

Mr Chairman, I beg to move.

Amendment to Clause 6 of Matrimonial Causes (A) Bill

Mr Chairman,

I move that clause 6 of the Bill be amended as set out under my name in the paper circulated to Members.

Clause 6(a) seeks to amend section 6 of the Principal Ordinance under which a wife is treated differently from a husband in respect of the court's jurisdiction to presume death. Clause 6(a) provides for habitual residence of three years in, or substantial connection with, Hong Kong by either of the parties to a marriage to be grounds for jurisdiction in such circumstances. In practice, however, where it is submitted that the respondent should be presumed to have died, it would not be possible to show that he or she had been habitually resident in Hong Kong for three years "immediately preceding the date of the petition". We therefore propose to amend clause 6(a) by substituting "the petitioner" under new section 6(1)(b) for "either of the parties to the marriage".

Mr Chairman, I beg to move.

Amendment to Clause 7 of Matrimonial Causes (A) Bill

Mr Chairman,

I move that clause 7 of the Bill be amended as set out under my name in the paper circulated to Members.

The amendment to clause 7 corrects a printing error in the gazetted version of the Bill in the alphabetical numbering under the new section 11.

Mr Chairman, I beg to move.

Amendment to Clause 10 of Matrimonial Causes (A) Bill

Mr Chairman,

I move that clause 10 of the Bill be amended as set out under my name in the paper circulated to Members.

The amendment to clause 10 will bring section 15(3)(a), which relates to the hearing of petitions for divorce early in marriage, into line with the proposal to reduce the time restriction on divorce early in marriage from three years to one year.

Mr Chairman, I beg to move.

Matrimonial Causes (A) Bill: reply to Rev the Hon Fung Chi-wood's proposed amendment

Mr Chairman,

In reply to the Hon Rev Fung Chi-wood's proposed amendments to clauses 8 and 10 to reduce the time restriction on divorce early in marriage from three years to two years, we continue to believe that the one-year period proposed by the Law Reform Commission is appropriate. First, the Bill provides for separation for one year to be sufficient evidence of marital breakdown where both parties consent to the divorce. It is arguably inconsistent to require couples whose marriages have genuinely broken down irretrievably and who have satisfied the one year separation requirement to stay married until after two years of marriage. Second, blocking divorce for two years may cause unnecessary hardship and distress to parties locked unwillingly into marriage. Some Members worry that a shorter time restriction will encourage divorce. In response to this, I would like to point out that elsewhere such a reduction in the time restriction on divorce early in marriage has not resulted in a significant change in the long term divorce rate trend.

I therefore recommend that Members not support the Hon Rev Fung Chi-wood's proposed amendments.

Thank you, Mr Chairman.

End/Wednesday, May 17, 1995

Land Survey Bill

\*\*\*\*\*

Following is the speech by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday) on the resumption of the second reading debate and at the committee stage of the Land Survey Bill:

Second reading of the Land Survey Bill

Mr President,

I am grateful to the Honourable Edward Ho, the convenor of the Bills Committee on the Land Survey Bill, for supporting the Bill, and to other Members of the Bills Committee for their careful and detailed deliberations over the last 11 months.

The Land Survey Bill seeks to provide for the registration and discipline of land surveyors engaged in land boundary surveys, for the control of standards of land boundary surveys, for the establishment of land boundary records and for related matters.

In the course of the Bills Committee's deliberations, Members raised concern over clause 30(1). This clause requires any deed, conveyance or other instrument in writing effecting a division of any land and delivered in the Land Registry for registration to be accompanied by a land boundary plan. The plan should show and delineate the parcels of land resulting from the division and be signed and certified by an authorized land surveyor. There was concern that this provision would affect the rights and interests of land owners.

I would like to assure Members that the Bill does not affect or change the law relating to entitlements to land and interests of land owners. A system of registration of deeds is provided under the Land Registration Ordinance. Such deeds are, as a normal practice, accompanied by plans. Clause 30(1) of the Bill only requires that such plans must accompany the deeds and be signed and certified by an authorized land surveyor where the deeds concern divisions of land.

Registration of instruments, whether or not accompanied by a plan, only governs the priority of each registered instrument under the Land Registration Ordinance. Registration by itself does not confer validity on the instrument or the plan accompanying it when it does not otherwise have.

Through the enactment of the Bill, Government will be able to start building up an effective land record system which will provide a more reliable, accurate and unambiguous definition of land parcel boundaries.

The Bills Committee also raised concern over the protection of consumers with regard to the publication of fees charged by authorized land surveyors.

Members may wish to note that such information is already quite accessible to the general public. The Hong Kong Institute of Surveyors publishes a "Scale of Professional Charges for Land Surveying Services in Hong Kong" and revises it annually. All chartered Land Surveyors practising in Hong Kong are encouraged to adopt the scale. In view of Members' concern, the Administration will advise authorized land surveyors to inform their clients of the availability of the Scale upon commencement of the legislation.

Mr President, as a result of the Administration's discussion with the Bills Committee, I shall later move 18 amendments during the Committee stage to improve the Bill.

The Administration also do not disagree with the Honourable Ronald Arculli's proposed edition of new clause 30 (9) to the Land Survey Bill. A land boundary plan under the bill does not have effects beyond those it has under the Land Registration Ordinance. As I have said earlier, the bill does not affect the change of law relating to entitlements to land and interests of land owners.

Thank you, Mr President.

Amendment to Clause 15 and 16 of Land Survey Bill

Mr Chairman,

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

Clauses 15 and 16 are amended to bring the Bill into line with similar provisions under the Surveyors Registration Ordinance.

The addition of a new clause 30(7A) and consequential amendment to clause 20(1) seek to confer statutory power on the Land Survey Authority to improve the accuracy of the land boundary plans and survey record plans deposited with the Authority by an authorised land surveyor.

The Administration considers that the Authority should have the power to require an authorised land surveyor who certifies a land boundary plan or a survey record plan to amend them to comply with any approved code of practice under the Bill. This is the purpose of the new sub-clause 30(7A). Upon failure to comply with the requirement of the Authority to rectify the plan in accordance with the code of practice, the authorised land surveyor could be disciplined according to clause 20(1) of the Bill.

The Administration agrees that clause 32 should be deleted to allay the public's concern that the registration of a notice of inaccuracy may adversely affect the title of a land owner.

Proposed amendments to clause 34 are consequential amendments to the deletion of clause 32.

Proposed amendments to clauses 7, 27, 28 and 31 of the Chinese version of the Bill are aimed to clarify the meaning of the provisions as stated in the English version of the Bill.

The various fines prescribed in clause 36 are amended to refer to levels instead of amounts to accord with the prevailing practice.

Mr Chairman, I beg to move.

Addition of new clause to Land Survey Bill

Mr Chairman,

I support the Hon Ronald Arculli's proposed addition of the new clause 30(9) to the Land Survey Bill. A land boundary plan under the Bill does not have effects beyond those it has under the Land Registration Ordinance (Cap 128). As I have said earlier, the Bill does not affect or change the law relating to entitlements to land and interests of land owners.

Thank you, Mr Chairman.

End/Wednesday, May 17, 1995

Energy efficiency

\* \* \* \* \*

Following is a speech by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday) in response to Dr the Hon Samuel Wong's comment on the Code of Practice for the meeting of Building (Energy Efficiency) Regulation:

Mr President,

I am grateful for the Honourable Dr Samuel Wong's comment on the Code of Practice which has been published to provide guidance for professionals to meet the Building (Energy Efficiency) Regulation.

Under the Buildings Ordinance, the authorised person (AP), who is a professional, is the coordinator of building works and he is required to certify plans and all documents and submit them to the Building Authority. Requiring a registered professional engineer to certify OTTV forms for submission would cause confusion in terms of the statutory responsibility of the AP.

Whereas an AP may not be directly conversant with all aspects of buildings services design such as lighting installations, air-conditioning systems, lifts and escalators, he is able and expected to consult an appropriate professional engineer where building works or installations beyond his competence are proposed in a building project. Experience indicates that this is generally practised among all APs and has not presented any problem. There is therefore no reason to believe that professionalism in OTTV calculation and form completion cannot be secured in the same way.

The Administration have consulted widely on the Code of Practice before finalising it for publication. The Building Sub-committee of the Land and Building Advisory Committee and the Authorised Persons and Registered Structural Engineers Committee were also consulted and the general view is that the existing arrangement whereby the AP coordinates and certifies all submissions to the Building Authority is working satisfactorily.

Moreover, adding a mandatory requirement into the Code of Practice, as the Honourable Dr Samuel Wong has suggested, is not legally permissible under the existing primary legislation. We would require additional enabling legislation to do so, but this will inevitably delay the implementation of OTTV control, which is already an "overdue" energy efficiency initiative in the building industry.

The Administration has taken note of the Honourable Dr Samuel Wong's concerns about a lack of annual reconfirmation of the competence of APs. We shall address these concerns in the Buildings Amendment (No. 2) Bill 1995 which we hope to introduce into this Council on 31 May 1995. The proposals included in the Bill will facilitate the implementation of the principles of self regulation and continuing professional competence and will only allow registered professionals under the relevant professional Registration Ordinances to be qualified as candidates for registration as APs under the Buildings Ordinance.

As a result, the Administration do not intend to include, at this stage, in the Code of Practice a clause which requires completion and certification of the OTTV forms by a party other than the AP. Nevertheless, as the Honourable Dr Samuel Wong has pointed out, the Administration do recognise the potential contribution by professional engineers to improving energy efficiency in building designs. We have, therefore, encouraged the use of such professional service in the Practice Note to Authorised Persons. It is our intention to review the existing control standard and arrangement after two years, and I can assure the Hon Dr. Samuel Wong that his suggestion will be included as one of the review items.

End/Wednesday, May 17, 1995

#### Measures to safeguard foreign exchanges reserves

\*\*\*\*\*

Following is a question by Dr the Hon Philip Wong Yu-hong and a written reply by the Financial Secretary, the Hon Sir Hamish Macleod, in the Legislative Council today (Wednesday):

#### Question:

In view of the depreciation of the US Dollar by a big margin, will the Government inform this Council whether the Hong Kong Monetary Authority has adopted any measures to safeguard the territory's foreign exchange reserves and fiscal reserves; if so, what these measures are; if not, why not?

Answer:

In its management of the Exchange Fund, the Monetary Authority pays close regard to market sentiment and expectations. Earlier this year both of these pointed to the US dollar weakening, and the Monetary Authority has therefore been switching a modest proportion of the assets of the Fund out of US dollars and into DM and Yen.

However I would like to put these moves in perspective. The statutory purposes for which the Exchange Fund was created are basically "to affect ... the exchange value of the currency of Hong Kong" and "to maintain the stability and integrity of the monetary and financial systems of Hong Kong." In view of this, the management strategy that the Monetary Authority pursues for the assets of the Exchange Fund places a very high degree of emphasis on liquidity and security of the assets.

The link of our currency to the US dollar, the fact that the Exchange Fund's liabilities are all denominated in HK dollars and the need not to run unwarranted risks will mean that the proportion of US dollars in the Fund will remain relatively high. At the end of 1994, this proportion was 73%.

Within these constraints, we have brought the level down slightly, currently to about 70%. We have done so in a gradual manner because the Exchange Fund is a very substantial fund, and it would be counterproductive from an investment angle and potentially disruptive to the currency markets to move major parts of the Fund between currencies quickly.

I have full confidence in the professional capability of the Authority, with the guidance of Exchange Fund Advisory Committee, to manage the Exchange Fund.

End/Wednesday, May 17, 1995

Illegal immigrants in prison

\*\*\*\*\*

Following is a question by the Hon M G Barrow and a written reply by the acting Secretary for Security, Mr James Morris, in the Legislative Council today (Wednesday):

Question:

In regard to the jailing of illegal immigrants, will the Government inform this Council:

- (a) of the percentage of illegal immigrants in the prison population, their average length of sentence, together with a breakdown by the offences committed;
- (b) of the estimated annual cost of maintaining these illegal immigrants in jail;
- (c) whether there is evidence that a jail sentence in the territory is more of a deterrent than immediate return to China; and
- (d) whether the Government will review its policy of jailing those illegal immigrants whose only crime has been working here illegally, rather than sending them back to China?

Reply:

Mr President,

- (a) As regards the first part of the question, there are about 3 300 illegal immigrants in prison. This accounts for approximately 26% of the total penal population of about 12 500.

72% of the illegal immigrants in prison were sentenced to periods ranging from one month to 18 months. The rest are serving sentences of more than 18 months.

It is our policy to prosecute illegal immigrants who are found at places of employment or who, in addition to having entered Hong Kong illegally, have committed other criminal offences. Against this background, the breakdown of offences committed by illegal immigrants who are now in prison is as follows -

(i)	Unlawfully remaining in Hong Kong	41%
(ii)	Other immigration offences (e.g. possession of forged ID Cards, and using ID Cards of another person)	35%
(iii)	Offences against Property	11%
(iv)	Other offences (e.g. murder, perjury, possession of arms and ammunitions and dangerous drugs offences)	13%

- (b) As regards the second part of the question, we do not keep separate statistics on the cost of maintaining illegal immigrants in prisons. The direct costs of maintaining the 3 300 illegal immigrants we now have in prison is, in very rough terms, about \$22 million per year. This includes food, clothing, bedding, welfare and so on. It does not include staff costs because staff levels are determined with regard to certified prison accommodation and not the actual total numbers of prisoners in prison at any one time.
- (c) We believe that for illegal immigrants whose principal purpose in coming to Hong Kong is to obtain employment here, the prospect of imprisonment is an additional deterrent to repatriation to China. However, there is no scientific research on which irrefutable evidence can be adduced.
- (d) The Government will keep its overall policy towards illegal immigration under review. But, there is no plan to cease prosecuting those illegal immigrants found working in Hong Kong. Decisions on sentencing are, of course, a matter for the Courts.

End/Wednesday, May 17, 1995

Hong Kong Academy of Medicine

\* \* \* \* \*

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

Question :

In view of fact that it is essential to maintain a high standard of specialist medical care in the territory after the termination of reciprocal recognition of professional qualifications with the British Commonwealth in 1997, will the Administration inform this Council whether :

- (a) it is aware that the Hong Kong Academy of Medicine has been established and is functioning; and
- (b) whether the Academy has established ties with relevant professional organisations in England, Australia and the United States, on whom the territory has so far depended heavily for post-graduate medical training?

Reply :

Mr President,

The Hong Kong Academy of Medicine Ordinance was enacted on 25 June 1992 and came into effect on 1 August 1992 to establish the Hong Kong Academy of Medicine as an independent statutory body. An interim Council of the Academy was appointed by the Acting Governor with effect from the latter date.

At its inauguration on 9 December 1993, Fellows were admitted into the Academy from 12 specialty medical Colleges and two Faculties. A Council of the Academy was elected from among its own members to replace the interim Council appointed by the Governor.

The Regulations drafted by the Academy were approved by this Council on 30 March 1994. The Academy has also passed its own Bylaws.

The Academy has established ties with relevant professional organisations in the United Kingdom and in Australia.

In short, the Academy has been established and is functioning, although much work still needs to be done.

End/Wednesday, May 17, 1995

#### Village representatives elections

\* \* \* \* \*

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

Question:

Regarding the election of village representatives (VRs) in the New Territories, will the Government inform this Council:

- (a) of the villages in the New Territories which have elected their VRs under the one-person-one-vote system, as well as the villages which have not elected their VRs under this system, as at the end of March this year;
- (b) of the villages which have not yet elected their VRs, together with the reasons giving rise to this state of affairs; and
- (c) when and how the Government will require all villages to adopt the one-person-one-vote system in the election of VRs, and whether a timetable will be set?

Reply:

Mr President,

There are 691 villages in the New Territories. As I explained to this Council in my written reply to Hon Cheung Man-kwong's question at the sitting on 23 November 1994, since the Heung Yee Kuk promulgated its one-person-one-vote rule on village representative elections, we have been actively promoting compliance of the new rule by the 555 villages under 25 Rural Committees in the New Territories which had yet to hold elections. Since at that time the Sha Tin and Tai Po Rural Committees were already organising their elections, this figure does not include the 136 villages under these two Rural Committees.

- (a) On the first question: Of the 555 villages concerned, 396 villages have by the end of March this year held election of their village representatives in accordance with the Heung Yee Kuk's model rules. The position has further improved during the last month. During the month of April, an addition of 22 villages have completed their village representative elections on the new rules, thus bringing the total number to 418 villages.

Of the remaining 137 villages, 108 villages will be holding their new village representative elections in compliance with the Heung Yee Kuk's model rules.

In summary, therefore, 526 out of the 555 villages concerned have by now held or will hold village representative elections under the "one-person-one-vote" rule. The Heung Yee Kuk can rightly regard this as a significant achievement in less than one year.

- (b) On the second question: As stated above, 137 villages have yet to hold VR elections. Of these, only a small number, 29, have yet to accept the new rules. Given the NT residents' respect for established customs and traditions, it should not be of surprise to find that a small number of them still holds an entrenched attitude for traditional practices. On village representative elections, the residual small number is a good reflection of the combined efforts between the Government, Heung Yee Kuk, and the Rural Committees in this joint endeavour. We should of course also thank Members of this Council for their support. I can assure Members that we will continue to persevere to persuade the remaining villages to comply with the model rules. Discussions are in progress and I understand that the prospects are good.
- (c) On the third question regarding time-table, we anticipate that 47 of the 108 villages will hold their elections in the coming two months. This will be followed by further 42 and 19 in the third and fourth quarters of this year, respectively. We will continue to step up promotional and educational activities in these villages to ensure that the targets are met.

End/Wednesday, May 17, 1995

Benzene volatilised from petrol stations

\* \* \* \* \*

Following is a question by the Hon Peggy Lam and a reply by the Secretary of Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday):

Question:

According to a survey conducted in Happy Valley, the amount of benzene volatilized from petrol stations in the district is higher than the recommended acceptable level of 16ug/m<sup>3</sup> in Britain. In this connection, will the Government inform this Council whether :

- (a) there are provisions in existing legislation governing the amount of benzene volatilized within the compound of a petrol station as well as the distance between a petrol station and residential premises; if not, whether the Government will consider introducing legislation to specify the distance between a petrol station and residential premises so as to ensure the safety of the public; and
- (b) the Government has considered the effects of such gases on the health of the public, as well as the effects on residential premises in the event of an outbreak of fire in petrol stations?

Reply:

Mr President,

I would first of all wish to thank the Hon Mrs Peggy Lam for giving me the opportunity of replying to my first Legislative Council question in my new post. I am sure there will be many such occasions in future. I shall try my best to reply to Members' questions in a frank and detailed manner.

The question from the Hon Mrs Lam refers to benzene levels in petrol stations. The standard for benzene quoted by her is proposed by an expert panel in U.K. on the basis that such a level represents an exceedingly small risk to health. Surveys carried out by the Environmental Protection Department show that the general ambient and roadside benzene level in Hong Kong is only about 3-7 ug/m<sup>3</sup>. Measurements taken near other petrol filling stations also show that the benzene levels are in general within the proposed limit, though there are two instances of excess.

Our laws at present do not control the amount of benzene volatilized within petrol stations. However, the local oil industry has agreed to keep the benzene level in automotive petrol below 5%. This limit is in line with those adopted in Europe, Australia and Japan. Our fuel surveys show that the oil industry has always kept to the agreement and the average benzene content for leaded petrol is 3.2% and unleaded petrol 3.4%.

We do nevertheless have regulations governing the siting of petrol filling stations and the distance with residential premises. The Hong Kong Planning Standards and Guidelines require fire safety consideration to be taken in selecting any site for a petrol filling station, so as to ensure that there are adequate space to permit safe location of tanks, vent pipes, tank fitting point, tank vehicle off-loading stands, pumps and dispensers in relation to both the operation of the station and safety of adjacent premises. In general, petrol filling stations should be situated on open ground or at acceptable areas within commercial or industrial buildings. They will not be allowed inside residential buildings. In addition, the Fire Services Department administers the licensing of petrol filling stations vigorously under the Dangerous Goods Ordinance and in line with the Marketing Safety Code issued by the Institute of Petroleum. Tank openings and dispensers should be located so that their centre lines are not less than 4.25m from any fixed source of ignition or from the boundary of the premises. Where such safety distance cannot be provided, stringent fire protection measures such as automatic foam water spray system and complete separation from other parts of buildings by materials having a fire resisting period of four hours are required.

With regard to health risk, there are some evidence in overseas countries that repeated long term exposure to high benzene concentration, particularly in confined spaces, may result in death or leukaemia. The emphasis is however on high concentration and long term exposure. A release of benzene in a single incident from a low concentration compound in our petrol will not give rise to significant health risks. The main concern associated with petrol filling stations is fire safety, and as I have said earlier, we already have very stringent controls in this regard.

End/Wednesday, May 17, 1995

#### Use of Chinese language in Government departments

\* \* \* \* \*

Following is a question by the Hon Man Sai-cheong and a reply by the Secretary for Civil Services, Mr Michael Sze, in the Legislative Council today (Wednesday):

Question:

In view of the fact that Chinese and English are both official languages under the Official Languages Ordinance and Article 9 of the Basic Law, will the Government inform this Council whether it has a specific timetable to fully implement the use of Chinese in government departments; if so, what the details are, and whether it will adopt a periodic review of the progress; if not, why not?

Reply :

Mr President,

Under the Official Languages Ordinance of 1974, both Chinese and English are our official languages for the purposes of communication between the Government and members of the public. In this context, the public has long been able to deal with the Government in either Chinese or English.

The priority for us now is to further extend the use of Chinese internally within the Government, in line with the social and political development of Hong Kong. Our ultimate objective is a civil service which is bi-literate (Chinese and English) and tri-lingual (Cantonese, Putonghua and English). When that stage is reached, officers could deal with each other in English or Chinese without having to go through translation or interpretation. We have already laid a modest foundation in that Chinese is increasingly used in notices, circulars and correspondence with junior officers; and so is Cantonese at meetings.

A Working Group has been established recently under my chairmanship to develop a practical and pro-active strategy to achieve the above objective. It has to-date:

- (a) advised on the early introduction of a language proficiency requirement at a pass in a Chinese subject in the Hong Kong Certificate of Education Examination (HKCEE) for permanent and pensionable appointments to all grades with entry requirement at five passes in the HKCEE or higher qualifications. This we have implemented;
- (b) recommended further steps to enhance the use of Chinese in the day-to-day management of the civil service, e.g.
  - appraisal reports on junior staff;
  - proceedings of internal meetings;
  - invitations to selection interviews and appointment letters for the junior ranks; and
  - valedictory letters.

- (c) identified a number of departments such as Housing and Home Affairs for a pilot scheme to develop practical steps to promote on a systematic basis the wider use of Chinese;
- (d) identified the need for a change of the language culture in the civil service, particularly among bi-lingual officers whose competence in Chinese might have deteriorated through lack of practice;
- (e) identified the need to step up training for both local and overseas officers in their language skills. All local Administrative Officers would be required to undergo basic Putonghua training by 1997. Already those who are on probation are required to achieve a certain standard in Putonghua before their confirmation. Starting from this year, new recruits will have to attend courses in written Chinese to update them on their ability to write modern practical Chinese relevant to their work. Overseas permanent and pensionable officers who have opted to remain in service after 1997 will be given intensive training in Cantonese, or re-training and where practical written Chinese;
- (f) highlighted the need for technology support in terms of the provision and standardisation of hardware and software for Chinese word processing throughout the civil service;
- (g) identified the need to train over 13,000 General Grades staff mainly typists and secretaries in the next three years in Chinese word processing skills; and
- (h) advised on the need to bid for resources in the 1996/97 estimates to implement these ideas.

As can be seen from the above account, the approach is necessarily evolutionary. We have to take account of the fact that English has so far been the major medium of communication; the varying standard of Chinese among civil servants; the nature of work and circumstances of different departments; as well as the need to strike the right balance so that the greater use of Chinese would not be at the expense of English nor efficiency. It is therefore not possible to give a specific timetable as requested by the Hon Man Sai-cheong. We will however keep the Public Service Panel of this Council informed of progress as the Working Group moves along.

End/Wednesday, May 17, 1995

**Sexual abuse cases involving children**

\*\*\*\*\*

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

**Question :**

According to the figures released by the Hong Kong Council of Social Service in the first three quarters of 1994, sexual abuse cases involving children rose by almost a third as compared to the corresponding period in the preceding year. In this connection, will the Government inform this Council whether :

- (a) additional provision will be allocated for preventive education; and
- (b) consideration will be given to introducing a mandatory set of standards for child- minding services and providing training programmes in order to monitor the quality of such services?

**Reply:**

According to statistics maintained by the Social Welfare Department (SWD), the number of reported sexual abuse cases involving children increased from 54 in 1993 to 73 in 1994.

In March 1995, we launched the first phase of a major publicity campaign aimed at educating the general public about the early detection and reporting of all child abuse cases including those involving sexual abuse. The campaign includes television announcements, a poster, a series of leaflets on each category of abuse and a radio programme. The second phase of the campaign will be launched towards the end of this year. To promote community education and to tackle the problem at district level, SWD will set up multi-disciplinary district committees on child abuse in five districts within this financial year. This approach is building on the successful pilot scheme conducted in Tuen Mun where a district forum was established in September 1993.

To improve and monitor the quality of child-minding services, we are now considering legislative amendments to prohibit unsuitable persons from acting as child-minders, and to empower the Director of Social Welfare to inspect and suspend the operation of child-minding services provided by mutual help groups if it is considered that the operation may expose the children involved to any danger. Another purpose of these amendments will be to encourage the formation of mutual help groups by permitting the maximum size of such groups to increase from 5 to 14 children under 6 years of age. We intend to introduce the proposed legislative amendments into the Legislative Council in the next legislative session.

But we must be wary of over-regulation in this field. In spite of the ambitious expansion programme now in hand to provide additional places in day nurseries and day creches, not all parents in need of such services yet have access to them. It is, therefore, vitally important that we continue to encourage informal child care mutual help groups to provide a flexible form of child care arrangement. The risk to a child left unattended at home is still much greater than the risk the child might face of mistreatment at the hands of a child-minder. The long term goals are, of course, to provide an adequate number of child care places to meet the full demand and progressively to upgrade the skills and monitoring of those providing the child-minding services. In the interim, we cannot move too fast and risk, as a result, making it too difficult for an adequate number of child-minding places to be provided to meet the increasing demand for them. Above all, we shall continue to educate parents about the importance of taking great care in selecting the appropriate type of child care arrangement conducive to the healthy development of their children.

End/Wednesday, May 17, 1995

Number of directorate posts in public hospitals

\* \* \* \* \*

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

Question:

Regarding the increase in the number of directorate posts in various hospitals under the management of the Hospital Authority (HA), will the Government inform this Council of :

- (a) the breakdown by year of the numbers of posts at D2, D3 and D4 of the Directorate Pay Scale respectively in each of the HA hospitals from 1 December 1991 to 1 April 1995; and
- (b) the annual rate of increase of such posts during the same period?

Reply:

Consultant doctors working in public hospitals are remunerated based on D2 to D4 of the Government Directorate Pay Scale. Creation of new consultant posts must be justified by functional needs arising from new/improved services or facilities. A summary of cumulative increase in the last three years is provided as follows:

<u>Year</u>	<u>1991/92</u>	<u>1992/93</u>	<u>1993/94</u>	<u>1994/95</u>
	(Number of Posts)			
Existing Services	241	241	241	241
New/Improved Services (Cumulative total)	-	13 (13)	21 (34)	28 (62)
New Hospitals/Facilities (Cumulative total)	-	5 (5)	32 (37)	31 (68)
Total	<u>241</u>	<u>259</u>	<u>312</u>	<u>371</u>

End/Wednesday, May 17, 1995

CLP's customer-owned development fund

\* \* \* \* \*

Following is a question by the Hon Christine Loh Kung-wai and a written reply by the Secretary for Economic Services, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question

It is learnt that the China Light and Power Co. Ltd. (CLP) could not meet its guaranteed rate of return through electricity sales last year and has therefore withdrawn over \$1.2 billion from the customer-owned Development Fund as permitted by the Scheme of Control. In this connection, will the Administration inform this Council of:

- (a) the estimated amount of funds that CLP will withdraw annually from the Development Fund over the next five years;
- (b) CLP's annual net assets forecast over the next five years;
- (c) the projected annual permitted return over the next five years; and
- (d) the projected annual amount of kWh sold locally over the next five years?

Reply:

The Development Fund of the China Light & Power Company, Limited (CLP) was drawn down by \$903 million during the financial year ended 30 September 1994. Part of the draw-down was returned to consumers through a special tariff rebate of 3% per unit from 1 March to 30 September 1994. The remainder was transferred to the profit and loss account in accordance with the terms of the Scheme of Control Agreement (SCA).

The provisions governing the Development Fund in the Government's SCAs with the power companies state if the actual return earned by the companies, after the required deductions, is above or below the level of return to which they are entitled under the terms of their SCA, any excess shall be credited to the Development Fund and any shortfall deducted from it. The primary purpose of the Development Fund is to assist in the acquisition of fixed assets. The level of the Fund during the period covered by a Financing Review is subject to approval by the Executive Council.

The Development Fund is a liability of the relevant company and does not accrue to the benefit of shareholders. This is illustrated by the fact that the power companies are required to pay interest at a rate of 8% per annum on the average balance of the Fund. The interest income accrues to consumers through a Rate Reduction Rebate and is used to offset tariff increases.

Under the terms of the SCAs, certain information is provided by the companies to Government in confidence, because it is commercially sensitive. For this reason it is not possible to disclose a forecast of CLP's annual net fixed assets over the next five years, nor the projected annual permitted return.

Over the next five years CLP expect local sales to grow by approximately 5% per annum. The Company's capital expenditure on fixed assets, tariff levels and management of the Development Fund will be in accordance with the approved Financing Plan for the period 1992 to 1999.

End/Wednesday, May 17, 1995

Nurses for care and attention homes

\* \* \* \* \*

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

Question:

Care and Attention Homes may employ non-Commonwealth enrolled nurses trained and qualified at the Hong Kong College of Nursing to work as health workers as an interim measure to alleviate the manpower shortage problem. However, unlike Commonwealth enrolled nurses who come under the supervision of the Nursing Board of Hong Kong which is empowered to deal with any professional misconduct, such health workers are not subject to supervision by any monitoring body. In view of this, will the Government inform this Council whether it will consider setting up a similar monitoring body for non-Commonwealth enrolled nurses so as to ensure that the quality of services provided by these health workers can be maintained at an acceptable level; if so, what the detailed plan is; if not, why not?

Reply:

The qualifications needed to be able to be registered as health workers employed by care and attention homes are set out in the Residential Care Homes (Elderly Persons) Regulation. A person has to complete a course of training approved in writing by the Director of Social Welfare or has to satisfy the Director that, by reason of his or her education, training, professional experience and skill in health work, he or she is a suitable person to be registered as a health worker.

The Director is empowered to cancel the registration of a person if the registration was obtained by fraudulent means or if the person ceases to be found suitable to be registered. In view of the authority vested in the Director to register, refuse to register and cancel registration, the Director is also responsible for monitoring the quality of service provided by health workers. Medical inspectors appointed under the Residential Care Homes (Elderly Persons) Ordinance have been assigned this monitoring function. They use their professional knowledge to advise the Director whether a residential care home is being operated and managed satisfactorily. Since there are sufficient safeguards in the Residential Care Homes (Elderly Persons) Ordinance and Regulation to ensure the appropriate monitoring of the quality of services provided by health workers, the establishment of an additional monitoring body would serve no useful purpose.

End/Wednesday, May 17, 1995

Disclosure of personal data of LegCo members' assistants

\* \* \* \* \*

Following is a question by the Hon Henry Tang Ying-yen and a written reply by the Chief Secretary, Mrs Anson Chan, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council whether the Government, in arriving at its decision to require Legislative Council Members to disclose the names, identity card numbers and wages of their assistants, has taken into consideration Article 14 of the Hong Kong Bill of Rights Ordinance concerning the protection of privacy, family, home, correspondence, honour and reputation?

Reply:

Mr President,

The purpose of the requirement for Legislative Council Members to disclose the names, identity card numbers and salaries of their assistants is to increase the accountability and transparency of the use of allowances provided to LegCo Members out of public funds. It was introduced, on the advice of an independent Commission, after careful consideration of all relevant factors, including any possible effect on the privacy of those concerned. The Administration is confident that the requirement is consistent with Article 14 of the Bill of Rights which provides, among other things, that no one shall be subjected to arbitrary or unlawful interference with his privacy. To the extent that the requirement might be considered an interference with the privacy of those concerned, such interference would be neither arbitrary nor unlawful.

End/Wednesday, May 17, 1995

Allocation of funds to hospitals

\* \* \* \* \*

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

Question:

With regard to the allocation of funds to hospitals managed by the Hospital Authority, will the Government inform this Council :

- (a) of the annual amount of funds allocated to each hospital in the past three years;
- (b) of the criteria adopted in the allocation of funds; and
- (c) whether additional measures will be put in place to assist small hospitals, which may not have been allocated sufficient funds to provide high-quality facilities and services, so as to improve their management and operations?

Reply:

During the past three years, the Authority has progressively devolved management responsibilities, including budgetary control, to the hospital level. During the process, the various components of the budget have been decentralised to hospitals in phases. This has involved significant budgetary adjustments and redefinition of cost centres. The implementation of hospital clustering and service networking also helped rationalise service delivery and delineate clearly the roles and responsibilities of different institutions within the same geographical region, resulting in reorganisation and transfer of activities and services with consequential budgetary adjustments.

This process of adjustment has now been completed and the budgets for individual hospitals in 1995/96 will be a more accurate reflection of their clinical role and scope of activities. The budgets for 1995/96 are being presented to the Hospital Governing Committees and will be available to Members within one month. The breakdown of budgets by hospital in 1993/94 and 1994/95 is at Annex.

Global resource allocation is conducted by the Hospital Authority through its annual planning process, during which quality standards and performance targets are set to facilitate outcome monitoring. The criteria adopted in this process are based on the volume, scope, level and complexity of services involved. Given an improved role delineation between institutions and the revamped mechanism for resource allocation, small hospitals will be able to bid on an objective basis for additional funds based on their service targets and aspired achievements.

-----

**Annex**

**Budgets for Public Hospitals**

<u>Hospital</u>	<u>1994/95 Smillion (Note 1 &amp;2)</u>	<u>1993/94 Smillion (Note 2)</u>
Duchess of Kent Children's Hospital	62	53
Fung Yiu King Hospital	46	41
Cheshire Home, Chung Hom Kok	8	7
Grantham Hospital	197	172
MacLehose Medical Rehabilitation Centre	36	32
Nam Long Hospital	42	36
Pamela Youde Nethersole Eastern Hospital	530	245
Queen Mary Hospital	1033	899
Ruttonjee Hospital	194	143
St. John Hospital	26	22
Tang Shiu Kin Hospital	118	106
Tsan Yuk Hospital	98	81
Tung Wah Eastern Hospital	130	107

<b>Hospital</b>	<b>1994/95 \$million</b>	<b>1993/94 \$million</b>
Hong Kong Buddhist Hospital	88	76
Hong Kong Eye Hospital	62	56
Red Cross Blood Transfusion Service	100	92
Kowloon Hospital	267	231
Kwong Wah Hospital	631	543
Margaret Trench Medical Rehabilitation Centre	20	16
Our Lady of Maryknoll Hospital	121	103
Queen Elizabeth Hospital	1330	1198
Rehabaid Centre	5	3
United Christian Hospital	437	339
Wong Tai Sin Hospital	119	101
Castle Peak Hospital	267	214
Cheshire Home, Sha Tin	42	35
Fanling Hospital	45	36
Haven of Hope Hospital	87	67
Tung Wah Hospital	196	171

<b>Hospital</b>	<b>1994/95 Smillion</b>	<b>1993/94 Smillion</b>
Kwai Chung Hospital	306	239
Lai Chi Kok Hospital	42	34
Pok Oi Hospital	135	106
Prince of Wales Hospital	1014	902
Princess Margaret Hospital	794	752
Shatin Hospital	158	104
Siu Lam Hospital	45	27
Tuen Mun Hospital	674	529
Yan Chai Hospital	306	108

Note 1 : There were changes and redefinition of cost centres and further decentralisation of budgets to hospitals in 1994/95

Note 2 : Staff oncosts are excluded

End/Wednesday, May 17, 1995

Schools in North and TP

\* \* \* \* \*

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

Question:

Will the Government inform this Council of the class structure and anticipated class size of the secondary schools in the North District and Tai Po District of the New Territories for the 1995/96 academic year?

Reply:

Mr President,

The proposed 1995/96 class structures of all the secondary schools in Tai Po and North Districts are set out at Annex.

Regarding class size, it will be -

- (i) pupils per class for S1 to S5; and
- (ii) pupils per class for S6 to S7.

However, in view of the temporary shortfall of S1 school places in the two districts in 1995, some schools have agreed to admit one to two more pupils per S1 class through the Secondary School Places Allocation system.

-----

**Annex**

**Tai Po District**

Name of School	95/96 Proposed Class Structure							Total
	S.1	S.2	S.3	S.4	S.5	S.6	S.7	
Assembly of God Hebron Secondary School	8	8	8	4	6	0	0	34
Buddhist Chi Hong Chi Lam Memorial College	6	6	8	4	4	2	2	32
Buddhist Hui Yuan College	8	9	9	4	5	0	0	35
Buddhist Tai Kwong Middle School	6	6	6	3	3	2	2	28
Carmel Pak U Secondary School	5	5	5	5	5	3	3	31
Confucian Ho Kwok Pui Chun College	6	6	8	4	4	2	2	32
HK Red Swastika Society Tai Po Secondary School	6	6	8	4	4	2	2	32
HKTA The Yuen Yuen Inst. No. 2 Secondary School	6	6	6	4	4	2	2	30
Hong Kong Teachers' Association Secondary School	5	5	0	0	0	0	0	10
Immanuel Lutheran College	6	6	6	5	4	2	2	31
Kau Yan College	6	8	8	4	4	2	0	32
Law Ting Pong Secondary School	8	8	8	4	4	0	0	32
SKH Bishop Mok Sau Tseng Secondary School	5	5	5	5	5	3	3	31
Valtorta College	5	5	5	5	5	2	2	29
Wong Shiu Chi Secondary School	5	5	5	5	5	2	2	29
CCC Madam Fung Leung Kit Memorial Prevoc. School	6	6	6	4	4	1	1	28
NTHYK Tai Po District Secondary School	6	5	6	4	4	2	2	29
Tai Po Government Secondary School	6	5	6	4	4	2	2	29
Tai Po Sam Yuk Secondary School	6	6	6	4	4	2	2	30

**North District**

Name of School	95/96 Proposed Class Structure							Total
	S.1	S.2	S.3	S.4	S.5	S.6	S.7	
Buddhist Ma Kam Chan Mem. English Secondary School	8	8	9	4	4	0	0	33
De La Salle Secondary School N.T.	3	3	3	3	3	1	1	17
Fung Kai No. 1 Secondary School	7	6	6	4	4	2	2	31
HKTA Tang Hin Memorial Secondary School	6	6	6	4	4	2	2	30
Kei San Secondary Technical School	5	4	4	3	2	1	1	20
SKH Chan Young Secondary School	6	6	8	4	4	2	2	32
St. Francis of Assisi's College	8	8	9	4	4	0	0	33
Tin Ka Ping Secondary School	8	10	0	0	0	0	0	18
TWGHs Kap Yan Directors' College	6	6	6	4	4	2	2	30
TWGHs Li Ka Shing College	6	6	6	4	4	2	2	30
Caritas Chan Chun Ha Prevoc. School - Fanling	6	6	6	4	4	1	1	28
A new school operated by Po Leung Kuk	5	0	0	0	0	0	0	5
Fanling Government Secondary School	7	7	9	4	4	0	0	31
Sha Tau Kok Government Secondary School	6	6	6	3	3	1	1	26
Sheung Shui Government Secondary School	7	6	7	4	4	2	2	32
Fung Kai No. 2 Secondary School	4	3	3	3	3	0	0	16
Fanling Lutheran Secondary School	6	6	6	4	4	1	1	28

Illegally occupied public housing flats

\* \* \* \* \*

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

Question:

In regard to unoccupied or illegally occupied flats in public housing estates, will the Government inform this Council:

- (a) of the total number of such flats in public housing estates;
- (b) what steps the Housing Department is taking to recover such flats for allocation to applicants on the waiting list, those recommended for compassionate housing, the elderly, and those living in overcrowded conditions; and
- (c) how many of such flats have been recovered in the past twelve months?

Reply:

Mr President,

The Housing Authority's tenancy agreements require tenants and their families to reside regularly in the flats allocated to them, and prohibit sub-letting or improper use of these flats. It is difficult to quantify how many tenants breach the agreements and the number of flats involved.

Since 1993, the Housing Department has set up Special Investigation Terms to deal with suspected cases of non-occupation, irregular occupation, sub-letting or improper use of rental flats. A territory-wide publicity campaign has also been launched to educate tenants on the proper use of flats and to emphasise the Housing Authority's determination to stamp out tenancy abuse. Tenants are encouraged to report suspected cases of tenancy abuse to the housing estate office concerned or by using the Department's complaints hotline.

Whenever an irregularity is detected by estate staff or in the course of investigations, an oral warning is given to the tenant, followed by a warning letter from the Housing Manager. Depending on the seriousness of the breach, the tenant may be given one to three weeks to rectify the irregularity or may be asked to surrender the flat voluntarily. In serious cases, the tenancy can be terminated by serving a Notice-to-Quit. In such cases, tenants have the right to appeal to an Appeal Panel.

During the twelve months ending 30 April 1995, 420 improperly used flats were recovered for allocation to others in need. A further 85 flats are being recovered and 105 cases are being investigated.

End/Wednesday, May 17, 1995

#### Private residential care homes

\* \* \* \* \*

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

Question:

As private residential care homes have now started applying for licences or certificates of exemption following the implementation of the Residential Care Homes (Elderly Persons) Regulation in April this year, will the Government inform this Council of :

- (a) the existing number of private residential care homes situated in commercial buildings which are likely to fail to meet the standard required for the issue of licences or certificates of exemption as stipulated in the Regulation due to violation of the Buildings Ordinance or codes of practice for fire prevention; and how it will handle such private residential care homes;

- (b) the breakdown of the respective numbers of private residential care homes situated in locations which are not permitted under Part VI of the Regulation, including any part of an industrial building or any premises located immediately above or below any godown, cinema, theatre or premises wherein any trade is carried on and which, in the opinion of the Director of Social Welfare, may pose a risk to the life or safety of the residents; and how it will handle residential care homes situated in such locations; and
- (c) the estimated number of beds which will be affected as a result of the private residential care homes failing to meet the specified requirements on account of the problems referred to in (a) and (b) above; and whether it can ensure that there will be sufficient beds to house the elderly persons who have to move out because of such problems?

Reply :

The reply is as follows :

- (a) The Social Welfare Department has so far identified over 130 private residential care homes operating in non-domestic buildings. These homes will need to be inspected by both the Social Welfare and Buildings Departments who will need to satisfy themselves on a case by case basis whether there exist any problems which constitute a real threat to the health and safety of the residents. If there are none, then the Social Welfare Department will issue an exemption under the Residential Care Homes (Elderly Persons) Regulation and the Buildings Department will exercise its discretion, as provided for under the Buildings Ordinance, not to prohibit the continued use of the premises for a residential home, notwithstanding the fact of their location in a non-domestic building;
- (b) No private residential care home has been found to be situated in an industrial building, or near to any godown, cinema or theatre. However, some homes are in premises which pose risks to the safety of the residents due to one or more of the following reasons :
- emergency vehicle access not available;
  - location immediately above or below or adjacent to a trade with a high fire potential;

- occupying premises which are situated in or under any structure built without the approval of the Buildings Authority or which have large portions of unauthorised buildings works;
- occupying premises with inadequate means of escape.

As it is unlikely that licences or certificates of exemption will be issued to these homes, operators have been advised to find alternative premises for reprovisioning if they wish to go on providing residential care to their elderly residents. Most operators are now actively finding acceptable alternative premises.

- (c) The Social Welfare Department has drawn up contingency plans to deal with any elderly residents of private homes who might need to be moved to alternative accommodation. Places will be found for them either in Government-subsidised homes or in other private elderly homes, some of which may be receiving financial assistance from the Social Welfare Department under the Bought Place Scheme in Private Homes for the Elderly.

End/Wednesday, May 17, 1995

#### Public safety in former firing range areas

\* \* \* \* \*

Following is a question by the Hon Howard Young and a written reply by the acting Secretary for Security, Mr James Morris, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) what measures the government has undertaken to survey and sterilise former firing range areas, such as those located on some islands in the Sai Kung area, to ensure public safety is not put at risk by left-over unexploded shells; and

- (b) whether the Government will consider requesting the British military authority in the territory to undertake such task within the next 2 1/2 years as a public service so as to reduce public expenditure?

Reply:

Mr President,

I believe the Honourable Member is referring to the former Post Shelter firing range which was established in 1936. Most of the range ceased to be used for firing in the mid-1970s.

- (a) In 1980, the Queen's Gurkha Engineers conducted a search of paths and some private lots on Kau Sai Chau, near the edge of the range. In 1983, they completed a search ten metres either side of the footpath across the Lung Ha Wan peninsula in the Clearwater Bay area. Nothing of significance was found in either case; and
- (b) British Forces in Hong Kong no longer have the necessary manpower, equipment or expertise to conduct a clearance of the former range area.

Police and military experts have advised that a search and clearance exercise - particularly in a large expanse of rocky, scrub-covered terrain like the former range - could not guarantee that the areas in question are totally free of unexploded ordnance. That is why we maintain some 57 warning notices around the periphery of the former range. The presence of unexploded ordnance is by no means unique to former firing ranges. Such ordnance - mostly unexploded bombs from the second world war - is also found on construction and other sites around the territory. The Explosives Ordinance Disposal Bureau of the Royal Hong Kong Police Force seeks to render them safe, with no injuries to any member of the public. The Bureau maintains a duty team on 24-hour stand-by to render safe all finds of this kind.

End/Wednesday, May 17, 1995

University lecturers' lecturing hours

\* \* \* \* \*

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

Question:

It is learnt that a lecturer at the University of Hong Kong (HKU) was assigned to lecture for only two hours throughout the academic year 1994-95, which is a much lower figure than the previous annual average of ten-plus lecturing hours assigned to the lecturer concerned. The HKU Management has, however, given no explanation to the lecturer regarding this arrangement. In connection with this, will the Government inform this Council:

- (a) whether any lecturers teaching at the universities funded by the University Grants Committee are known to have been assigned less than five lecturing hours in 1994-95; if so, how many such lecturers there are in each university and what the reasons are;
- (b) if the answer to (a) is in the affirmative, whether such arrangements have resulted in a waste of human resources at the universities; and
- (c) who is responsible for determining the annual number of lecturing hours for university lecturers and how is it determined; and what channel of appeal is available if individual lecturers wish to raise objections?

Reply:

Mr President,

Academic staff of the University Grants Committee funded institutions are expected, under their terms of employment, to undertake a variety of duties which may include lecturing, taking tutorial/seminar sessions, taking laboratory sessions, supervising research students, supervising field work, supervising term/year research projects, research, administration, service on institutional governing and academic bodies, etc. The mix of such duties may vary from one staff member to another and is normally determined in the first instance by the Department Head in consultation with the staff member concerned.

With reference to part (a) of the question, the Administration understands, on the basis of information provided by the institutions concerned, that 4 academic staff were assigned less than 5 hours teaching duties during the academic year 1994-95. The 4 academic staff involved were:

- (a) a Head of Department at Hong Kong University of Science and Technology and two Faculty Deans at Lingnan College who were relieved of teaching duties during the year to enable them to devote more time to the administration of the Department/Faculties concerned; and
- (b) one lecturer at Hong Kong Baptist University who was relieved of teaching duties because she was commissioned by the President & Vice-Chancellor to take up a major research project for the University.

As regards part (b) of the question, none of the arrangements described above has resulted in a waste of human resources.

With regard to part (c) of the question, the determination of the number of teaching hours for academic staff is a matter within institutional autonomy. The Department Heads of the institutions, in consultation with their academic staff, are responsible for assigning the teaching load of the Department among the academic staff. There are established administrative appeal channels within the institutions for staff who wish to raise objections regarding their duties including their teaching assignments. If an individual staff member is not content with his/her teaching assignments as determined by the Department Heads concerned, he/she can appeal to the relevant Dean, the Pro-Vice-Chancellor concerned, or ultimately the Vice-Chancellor.

End/Wednesday, May 17, 1995

Bullying cases in schools

\* \* \* \* \*

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

Question:

According to the findings of a survey conducted in the United Kingdom, 27% of junior school students and 10% senior school students have been bullied by their peers at schools. School children who are subjected to such bullying may develop psychological and learning problems, but they seldom report such incidents to their teachers or parents. Will the Government inform this Council:

- (a) of the extent of bullying at schools in the territory;
- (b) whether any research on the problem has been conducted; and
- (c) what mechanism is in place to monitor the problem?

Reply:

Mr President,

- (a) On the basis of data regularly provided by our schools to the Education Department, the number of bullying cases in the 1993-94 school year was 260 in primary schools and 326 in secondary schools. This represented 0.05% of primary school pupils and 0.07% of secondary school pupils.
- (b) The Education Department conducts an annual survey on the discipline and behaviour problems in our schools. In the survey, all schools are required to report to the Department details of disciplinary cases including bullying cases. The Board of Education's Advisory Committee on School Guidance and Support Services monitors the survey results and advises the Department on the broad strategic measures to be taken.

- (c) Separately, the Education Department analyses such cases and follows up on special cases e.g. by sending professional officers to the schools concerned to provide specific assistance. In general, schools are encouraged to adopt the whole school approach on matters of guidance and discipline, whereby all teachers in a school actively participate in assisting pupils to resolve their problems.

End/Wednesday, May 17, 1995

Hospital Authority's expenses in operations

\* \* \* \* \*

Following is a question by the Hon Frederick Fung Kin-kee and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

Regarding the Hospital Authority (HA)'s expenses in various kinds of operations, will the Government inform this Council :

- (a) of the number of operations performed in HA hospitals in the last fiscal year, together with the average amount of expenses incurred each time for using the relevant medical equipment, in respect of the following :
- (1) total joint replacement for hip, knee, shoulder and elbow;
  - (2) replacement of spine disc;
  - (3) percutaneous transluminal coronary stenting;
  - (4) percutaneous transluminal coronary angioplasty;
  - (5) percutaneous balloon mitral valvotomy (Inoue balloon catheter);
  - (6) percutaneous balloon pulmonary valvotomy;
  - (7) balloon angioplasty; and
  - (8) items of prosthesis for cardiac operation :
    - (i) Pacemaker;
    - (ii) Carbomedic Valve (aortic and mitral);
    - (iii) Medtronic Hall Aortic Valve Conduit;
    - (iv) Medtronic Hall Valve (aortic and mitral);
    - (v) Carpentier Edwards Biological Valve (aortic and mitral);
    - (vi) Sorin valve (aortic and mitral); and
    - (vii) filter for blood transfusion of thalassanemia major?

- (b) of the expenses incurred in each of the categories mentioned in (a) above, how much is borne by the Hospital Authority, the Samaritan Fund or other funds, and the patients themselves respectively?

Reply:

Since operational statistics are kept by the Hospital Authority according to outcome of clinical diagnosis based on the International Classification of Diseases, a breakdown on the number of operations using specific implants and consumable is not readily available.

While the unit cost of these implants and consumable will tend to vary between different suppliers and specifications, a rough indication of cost is provided at Annex.

Since patients with the ability to pay are normally advised to purchase these implants and consumable direct from the suppliers, information is not available on the total expenditure involved. Nevertheless, about \$4 million was paid out from the Samaritan Fund in 1994/95 to provide partial or full waivers for those in need.

-----

Annex

<u>Items of Implants or Consumable</u>	<u>Unit Cost</u> (\$)
Total joint replacement	5,000 - 250,000
Replacement of spine disc	10,000 - 20,000
Percutaneous transluminal coronary stenting	18,000 - 22,000
Percutaneous transluminal coronary angioplasty	12,000 - 15,000
Percutaneous balloon mitral valvotomy (inoue balloon catheter)	14,000 - 15,000
Percutaneous ballon pulmonary valvotomy	7,000 - 8,000
Balloon angioplasty	5,000 - 6,000
Items of prosthesis for cardiac operation	
(i) Pacemaker	8,000 - 36,000
(ii) Carbomedic Valve (aortic and mitral)	9,000 - 10,000
(iii) Medtronic Hall Aortic Valve Conduit	22,000 - 23,000
(iv) Medtronic Hall Valve (aortic and mitral)	9,000 - 10,000
(v) Carpentier Edwards Biological Valve	9,000 - 10,000
(vi) Sorin Valve (aortic and mitral)	9,000 - 10,000
(vii) Filter for blood transfusion of thalassanemia major	300 - 600

End/Wednesday, May 17, 1995

Accuracy of electoral roll

\*\*\*\*\*

Following is a question by the Hon Eric Li Ka-cheung and a written reply by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in the Legislative Council today (Wednesday):

Question:

Regarding the nine new functional constituencies, the number of voters who are eligible to register amounts to about 2.7 million. As the registration procedures are complicated and the Government can only verify the declared information on a selective basis, there is likely to be inaccurate information in the electoral roll. In this connection, will the Government inform this Council whether it will adopt measures to prevent voters and candidates initiating election petition proceedings under the Legislative Council (Electoral Provisions) Ordinance (Cap. 381) to question the validity of the election results; if so, what the measures are; if not, why not?

Reply: (Written)

The Legislative Council (Electoral Provisions) Ordinance (Cap. 381) specifies the grounds on which an election may be questioned by means of an election petition. In the main, these are:

- (i) that the person declared to have been elected falls foul of the statutory disqualification provision for election or holding office; or
- (ii) that a corrupt or illegal practice within the meaning of the Corrupt and Illegal Practices Ordinance (Cap. 288) has been committed, either by the person declared to have been elected or generally; or
- (iii) that there was material irregularity in relation to the election.

An election petition may be presented either by 10 or more electors entitled to vote at the election which is the subject of the petition, or by a person claiming to have been a candidate in that election. It is within the legal right of the individuals concerned to present an election petition if they so wish, and there is no question of the Administration preventing them from so doing. Whether an election petition will succeed is, of course, for the Court to decide.

As regards the registration of electors in the nine new functional constituencies, an eligible working person will be registered in the appropriate constituency in accordance with the main line of business of his employer and, if the working person is self-employed, the main line of his business. To facilitate the registration of working persons as electors in the new functional constituencies, the registration arrangements are made as simple and user- friendly as possible.

We attach great importance to the accuracy of the electoral roll for the new functional constituencies. Towards this end, the following pro-active measures are being made -

- (a) intensive publicity through advertisements on both the electronic and printed media, and distribution of information pamphlets, to improve public knowledge of the delineation of the new functional constituencies and the registration procedures;
- (b) a 24-hour enquiry hotline (20 telephone lines) to answer enquiries concerning the registration procedures;
- (c) where employers have provided information (name and identity card number) of their employees to the Registration and Electoral Office (REO), such information is used to facilitate the registration of the employees in the new functional constituencies. Where necessary, the REO will make enquiries with the employers to verify the information contained in their returns;
- (d) where application forms are received, the REO will make enquiries with the applicants if the information contained in their application forms is incomplete. Where necessary, the REO will also check the declared information in the applications against the returns of the employers; and
- (e) in addition to the above, the REO also conduct random checks on application forms received to ascertain the accuracy of the declared information on the forms.

Where any inaccuracy is detected and the applicant does not furnish proof to the satisfaction of the REO, the application will not be included in the electoral roll.

To further safeguard the transparency and accuracy of the voter register, there is a statutory inspection and appeal system. A Provisional Register which contains the relevant particulars of all the new functional constituency electors, grouped under the names of the companies in which they are employed, will be published before 22 June 1995 for public inspection. About two weeks will be allowed for the public to make any appeal regarding any inaccuracy of, or omissions from, the Provisional Register, and for the Revising Officer (a judicial officer) to make a ruling on these appeals. The Final Register will then be compiled and published having regard to the Revising Officer's rulings.

End/Wednesday, May 17, 1995