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GARDEN ROAD, 5th–8th FLOORS, MURRAY BUILDING,
HONG KONG. TEL.: 2842 8777

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Expert talks on defence and public order

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The twentieth round of talks between experts on the British and Chinese sides of the Joint Liaison Group to discuss matters relating to Hong Kong's future defence and public order will be held in Hong Kong on October 24 and 25.

The British team will be led by British Representative, Mr Alan Paul. The Chinese team will be led by Chinese Representative, Mr Chen Zuo'er. They will be assisted by experts from the two sides.

End

Response to reports on draft garrison law

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In response to press enquiries on news reports about a draft law for the future garrison in the Hong Kong Special Administrative Region, a government spokesman said today (Wednesday):

"The question of the legal framework in which the future Chinese garrison will operate is of considerable interest and concern to the people of Hong Kong.

"The Hong Kong community has long hoped and expected that the PLA garrison will be subject to Hong Kong laws and to the jurisdiction of Hong Kong courts in the same way as the British garrison is today.

"We are, however, not able to provide a detailed response to the garrison law just relying on the reports.

"We hope that we and the people of Hong Kong can have an early opportunity to study the draft law itself."

End

Government pursues initiatives to secure human rights

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The Government has continued to pursue a wide range of initiatives to secure and improve the enjoyment of human rights in Hong Kong, the Solicitor General, Mr Daniel Fung, QC, told the United Nations Human Rights Committee (UNHRC) in Geneva today (Wednesday).

Mr Fung is leading a Hong Kong Government team, forming part of the British delegation, to attend a hearing on the supplementary report on Hong Kong specially requested by UNHRC when it examined the territory's fourth periodic report under the International Covenant on Civil and Political Rights (ICCPR) last October.

In his opening statement, Mr Fung highlighted a series of measures which was heralded in the fourth report and has now become a reality.

He said the Equal Opportunities Commission had started to operate last month while the new office of the Privacy Commissioner for Personal Data had been established in August.

He also told the meeting the enactment of legislation for setting up an independent statutory Legal Aid Services Council, the introduction of legislation to make the Independent Police Complaints Council a statutory body with enhanced powers, the amendment of powers of the Independent Commission Against Corruption and the introduction of legislation which will extend the role of the Ombudsman.

Regarding court proceedings, Mr Fung said the Government continued to extend the use of Chinese, to reduce court waiting times and was taking steps to ensure that there would be no unreasonable delay in the hearing of cases brought under the Bill of Rights Ordinance (BORO) and the new Sex Discrimination Ordinance and Disability Discrimination Ordinance.

"The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was extended to Hong Kong and effective on October 14 this year and agreement has been reached between Britain and China on the continued application of CEDAW to Hong Kong after June 30, 1997," he said.

On the changeover of sovereignty, Mr Fung said the Government was working hard to fulfil its part in a successful transition.

The Government was committed to co-operating with the Hong Kong Special Administrative Region (SAR) Preparatory Committee and the Chief Executive (designate) when he or she was selected later this year, Mr Fung said.

He also outlined the three parameters for co-operation:

* First, that the arrangements for co-operation are fully consistent with the Joint Declaration and the Basic Law, and are in the interests of Hong Kong.

* Second, that the authority and credibility of the Hong Kong Government are not undermined.

* Third, that the morale and confidence of the civil service are not affected, and civil servants are not subjected to conflicting loyalties.

Mr Fung said the Government was determined to do all it could to ensure that the territory continued to prosper as a SAR under Chinese sovereignty after June 30, 1997 and to enjoy the high degree of autonomy promised in the Joint Declaration and enshrined in the Basic Law.

"To bring about a successful transfer of government, arrangements have been agreed for the continued employment of civil servants, the transfer of defence responsibilities and the transitional budget," he said.

Mr Fung, however, said some important work remained to be done. These include the programme for localisation of laws and the implementation of the Basic Law provisions on the right of abode in Hong Kong after June 30, 1997.

"Important questions over the future of the legislature, the continued appearance of Hong Kong before this Committee and the BORO also remain to be resolved," he said.

He stressed that the BORO incorporated into the domestic laws of Hong Kong the provisions of ICCPR as applied to Hong Kong and that it was fully consistent with the Joint Declaration and the Basic Law.

"There is no valid reason, upon the change of sovereignty, to alter the BORO or to restore to an earlier form laws which have been amended to ensure that they are in line with the Ordinance.

"In any event, decisions on these matters are for the Government of the Hong Kong Special Administrative Region and not for any other committee or body to make," he said.

On provisional legislature, Mr Fung pointed out that the current Legislative Council was fairly and openly elected through arrangements that were consistent with the Joint Declaration and the Basic Law.

"We do not accept that there is any need for provisional legislature," he said.

On the future reporting arrangements, Mr Fung said the issue continued to be a source of great anxiety for the people of Hong Kong who had come to regard these reports as benchmarks against which to measure progress in the implementation of human right safeguards in Hong Kong.

End

Qualifications and rules for extended audience rights

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Solicitors will have to be qualified under regulations to be made by the Chief Justice, after consultation with the Hong Kong Law Society, Bar Association and the Attorney General, if they wish to obtain extended rights of audience in the higher courts.

They will also have to observe rules of conduct to be made by the Law Society, subject to the prior approval of the Chief Justice, and after consultation with the Bar Association and the Attorney General.

These requirements will be set down in draft legislation to be added to the Legal Services Legislation (Miscellaneous Amendments) Bill 1996 at its Committee Stage.

The Bill proposes to implement legal services reforms that arise out of the Consultation Paper on Legal Services published in March last year.

A government spokesman said today (Wednesday) that the Administration conducted extensive research into the state of the Bar in other Commonwealth jurisdictions where solicitors have full rights of audience, and commissioned a professional public opinion survey on the issue, before arriving at the decision to extend solicitor's rights of audience.

In each of the jurisdictions in Ireland, Scotland and England, the legal profession is divided into barristers and solicitors, but in recent years solicitors have been granted, or been permitted to acquire, extended rights of audience.

The comment of the Office of the Irish Attorney General on granting unlimited rights of audience to solicitors, since 1971, was that it did not undermine the independent advocate's profession.

The Clerk of the Faculty of Advocates (equivalent of the Bar Association) in Scotland commented that, in its view, the strength and independence of the Bar had not been undermined since experienced and qualified solicitors were allowed to acquire rights of audience in all courts in 1990.

The Chairman of the English Bar said he did not believe that the reforms in England, also made in 1990, had undermined the strength and independence of the English Bar, and that changes had not led to a reduction in the number of applicants joining the Bar.

The President of the Bar Association of Queensland in Australia commented: "I am aware that the Hong Kong Bar has a long and illustrious tradition; I have attended hearings in Hong Kong and watched members of your Bar in action. Given their general level of skill, competence and integrity, I think they have nothing to fear."

Referring to the public opinion survey on the issue, the government spokesman noted that its purpose was to obtain the views of a random cross-section of the public. As a result, only 7.9 per cent of those 1,000 households surveyed had experience of litigation and only 1 per cent had ever instructed a barrister.

The principal findings were that 78 per cent of the respondents agreed that solicitors should be permitted to acquire extended rights of audience, and nearly 50 per cent considered that, before being permitted to acquire those rights, a solicitor should have practised for a number of years, have had advocacy experience in the lower courts, and have passed certain examinations.

In the earlier consultation exercise, the proposal for extending rights of audience was supported, with or without qualification, by all who submitted written views, except the Bar Association and one barrister.

Supporters included the Hong Kong Society of Accountants, the Chinese General Chamber of Commerce, the Australian Chamber of Commerce, the Institute of Company Secretaries, the Hong Kong Council of Social Service, and the Consumer Council.

"The proposal will not weaken the Hong Kong Bar, as some have feared. Their view is not supported by the results of the research into the state of the Bar in other jurisdictions.

"The draft legislation that is to be added to the Legal Services Legislation (Miscellaneous Amendments) Bill 1996, together with the qualification requirements and rules of conduct to be put in place, will help to modernise and rationalise the provision of legal services in Hong Kong.

"Provided there are adequate safeguards, allowing for the practice of solicitor-advocates would bring about more efficient and effective legal services," the spokesman said.

End

Fugitive Offenders Bill to be introduced

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The Government will soon propose a bill to localise the relevant United Kingdom legislation on surrender of fugitive offenders (SFO) now applied to Hong Kong, a government spokesman said today (Wednesday).

Introducing the Fugitive Offenders Bill which will be gazetted on Friday (October 25), the spokesman said Hong Kong's capacity to request and grant SFO was based on agreements which the UK had extended to the territory, and on reciprocal arrangements with Commonwealth jurisdictions.

"These UK-based arrangements will lapse after June 30, 1997. Therefore, with the agreement of the Chinese side in the Joint Liaison Group (JLG), we are establishing a network of Hong Kong's own bilateral SFO agreements which will remain in force after 1997.

"Localised SFO legislation is necessary to provide legal backing for the new SFO agreements," the spokesman said.

Apart from providing a mechanism for implementing the new SFO agreements, the Bill sets out the conditions and procedures under which Hong Kong will surrender fugitives.

The Bill contains provisions to ensure that fugitive offenders are only surrendered for specified, serious offences.

The Bill will also provide for protection against resurrender to a third country, speciality protection (i.e. offenders will not be tried for offences other than those for which they were originally surrendered), a requirement that there be no surrender unless the conduct constituting the offence is contrary to the law of both jurisdictions (i.e. double criminality) and the normal exclusion in relation to political offences and political prejudice.

"These restrictions are found in the legislation and agreements of other countries and are designed to safeguard an individual's rights," the spokesman explained.

The Bill follows existing procedures for handling requests for surrender. These arrangements involve decisions by the courts and by the Governor who has the final say as to whether a person should be surrendered.

The Bill provides for a channel of appeal for fugitive offenders.

"It is important that the Bill should be enacted as soon as possible so that Hong Kong can continue our excellent co-operation with other jurisdictions to ensure that criminals will not escape justice by fleeing to or from Hong Kong," the spokesman added.

At the JLGXXXVII held in September, the Chinese side confirmed their agreement to localisation of this laws item.

The Bill is expected to be introduced into the Legislative Council on November 6.

End

Post-Release Supervision Scheme to come into operation

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A scheme aiming at reintegrating certain discharged prisoners into the society is expected to come into operation towards the end of next month.

Announcing the Post-Release Supervision Scheme today (Wednesday), a Government spokesman said that the Post-Release Supervision of Prisoners Ordinance was enacted last year to establish a scheme to place certain categories of prisoners under supervision after early release.

"The objective is to provide discharged prisoners with guidance and assistance to help them return to society and lead a normal, useful life, thus minimising recidivism," he said.

Expanding on the need for the scheme, the spokesman said that many prisoners, after serving long periods in prisons and with limited preparation for what to expect after their release, often did not know how best to reintegrate into the society in a law abiding manner.

An independent, statutory Board called the Post-Release Supervision Board will be appointed by the Governor to administer the scheme.

The Board will consider each eligible prisoner's case to determine whether he should be granted early release subject to supervision, and if so, make a supervision order specifying the conditions and length of supervision.

The spokesman emphasised that the supervision period under this scheme would not be longer than the remitted part of the prisoner's sentence granted under the current penal system.

"Since the original sentence imposed by the court would not be increased, the period of supervision is not an extension of the prisoner's sentence," he said.

"Rather, it may be viewed as an alternative method, in the form of after-care supervision, of completing the punishment set by the court."

The new scheme will be applicable to prisoners serving sentences of six years or more and those prisoners sentenced to two years or more for specific types of offences, such as triad-related offences, sexual offences and crimes of violence.

End

Land Registry Trading Fund achieved $46.2M profit

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The Land Registry Trading Fund recorded a very successful year of operation achieving a net profit of $46.2 million for the year ended March 31, 1996.

This represented an annual rate of return of 14.7 per cent on average net fixed assets, as compared with the target of 10 per cent.

The figures were released in the third Annual Report of the Land Registry Trading Fund tabled by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday).

"This record performance enables the Land Registry to continue to invest in capital intensive information technology projects which will bring about improved services at reduced costs," the Land Registrar and General Manager of the Land Registry Trading Fund, Mr Kenneth Pang, said in the report.

"Apart from making significant achievements in meeting all the performance targets and financial objectives, the Land Registry has also made remarkable progress in automating its land registration and search facilities to provide the community with the most efficient and cost-effective services."

The Registry had achieved very satisfactory results in providing its main services. Performance pledges for the main services were enhanced during the year with service delivery times shortened by nine per cent to 50 per cent.

Notwithstanding the very high standards, all performance pledges were satisfactorily met through effective resource management and process re-engineering as well as staff's firm commitment to customer-based services.

"During the year, the Land Registry has continued improving its services to customers. The most significant efficiency improvement project is the optical based Document Imaging System. The System automates the manual processes of storage, retrieval, reproduction and distribution of land documents. It offers customers with fast and convenient land search services," Mr Pang said.

The annual reported also pointed out that computerisation of the New Territories land registers was progressing smoothly. Full computerisation of all New Territories land registers would be completed before mid-1997 as scheduled.

The Registry's on-line computer search facility, the Direct Access Services, had been extended to cover the computerised land registers in all the New Territories Land Registries. About 65 per cent of the land searches were conducted through the facility.

Looking ahead, Mr Pang anticipated that upon completion of all the technology projects, the Land Registry would be able to provide centralised registration and search services, without any geographical boundary constraints, for the benefit of its customers.

Mr Pang was confident that the Land Registry would continue to provide professional, efficient and quality services to the community in the years to come.

The Land Registry is one of the first trading fund government departments established on August 1, 1993 to operate on a self-financing basis. The primary objective is to deliver value-for-money and business friendly service to customers.

End

Nil levy for stock options and currency futures contracts

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All currency futures contracts traded on the Hong Kong Futures Exchange Limited (HKFE) will not be subject to levy starting this Friday.

Meanwhile, the levy holiday for stock options traded on the Stock Exchange of Hong Kong Limited (SEHK) will be extended for another year.

Announcing this today (Wednesday), a Financial Services Branch spokesman said these were part of the Government's initiatives to facilitate market development and to help promote financial services.

An Order which seeks to provide for a nil levy for currency futures contracts traded on HKFE will be published in the Government Gazette this Friday.

Also gazetted will be a Bill which seeks to provide for more flexibility for specifying the rates of levy on transactions of securities and futures contracts traded on the SEHK or the HKFE.

The Bill, namely, the Securities and Futures Commission (Amendment) (No.2) Bill 1996, will be introduced into the Legislative Council on November 6.

The spokesman said : "The Bill seeks to amend Section 52 of the Securities and Futures Commission Ordinance, which may not be sufficiently flexible or conducive to the market development of certain new products, given the proliferation of products in the market.

"For example, there is no provision for a fixed amount to be specified as the levy rate on the sale and purchase of stock options.

"On the other hand, the Order, namely, the Securities and Futures Commission (Levy) (Futures Contracts) (Amendment) Order 1996, seeks to introduce a nil levy for currency futures contracts traded at the HKFE."

In line with a commitment to help market development, the Government has also decided that the levy holiday for stock options will continue for another year.

The spokesman added that the nil levies for both the currency futures contracts and stock options would be subject to a review by the Securities and Futures Commission in conjunction with the two Exchanges in 12 months' time.

End

180 VMs depart on orderly repatriation flights

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Two groups totalling 180 Vietnamese migrants (VMs) returned by air to Hanoi, Vietnam today (Wednesday) on the 65th and 66th flights under the Orderly Repatriation Programme (ORP).

All of the returnees, comprising 92 men, 50 women, 23 boys and 15 girls, are from North Vietnam.

The majority of them arrived in Hong Kong in 1989, with the remaining in 1988, 1991, 1995 and 1996.

The two groups brought to 6,305 the total number repatriated on ORP flights since November 1991.

End

Monitors' report submitted to CS

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

The two monitors comprised a non-official Justice of the Peace, Professor Joseph Cheng Yu-shek; and representative from a non-government organisation, Ms Debra Chow Mei-nor from Caritas, Hong Kong.

End

Respect Our Teachers English Essay Contest

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Schools are reminded to submit their students' entries to "Respect Our Teachers English Essay Contest" on or before November 15, 1996

The contest, jointly organised by the Committee on Respect Our Teachers Campaign and the Education Department and sponsored by Hongkong Standard, aims at arousing the awareness of respecting teachers and promoting their image.

Students from all secondary schools including special schools, schools of the English Schools Foundation and international schools are invited to participate.

The contest is classified into two categories: group A for Secondary Four and Five students and group B for Secondary Six and Seven students.

In not exceeding 2,000 words, students are invited to express themselves in forms of prose or fiction either on "A memorable encounter with my teacher" or "A tribute to my teacher".

Prominent academics of English, lecturers of the Hong Kong Institute of Education and inspectors of the department will form the judging panel of the contest.

Winners will be presented with a trophy. In addition, the champion of each group will be awarded with cash prize of $2,000 while the first and second runners-up will be presented with $1,500 and $1,000 respectively. Five merit prizes of each group will be awarded $400.

The entries should be mailed or delivered to "Respect Our Teachers English Essay Contest" c/o Hong Kong Teachers' Association, seventh floor, National Court, 242 Nathan Road, Kowloon.

Results will be published in mid December and winners will be notified through their respective schools.

End

Company fined for tax offence

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A company was fined $10,000 by the Eastern Magistracy today (Wednesday) after pleading guilty to failing, without reasonable excuse, to notify the Commissioner of Inland Revenue in writing of the departure of an employee from Hong Kong.

The defendant, Bozell Limited, employed and paid salary to a senior employee during the period from September 3, 1990 to August 31, 1994. However, the defendant failed to give advance notice to the Commissioner of Inland Revenue regarding the employee's departure from Hong Kong and to retain payment of money or money's worth due to the employee as required under the Inland Revenue Ordinance.

As a result, the Commissioner of Inland Revenue is unable to recover salaries tax due from the employee.

End

Pay-As-You-Earn scheme extended to civil service pensioners

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The Government has decided to extend the Pay-As-You-Earn (PAYE) scheme to cover civil service pensioners to provide a convenient tax saving alternative for them, especially for those residing overseas.

The Secretary for the Treasury, Mr K C Kwong, has made the relevant rules which will be gazetted on Friday (October 25).

The rules - the Tax Reserve Certificates (Fourth Series) (Amendment)Rules 1996 - also provide for the payment of part-month interest on tax reserve certificates (TRCs) which are redeemed for tax payment purposes, and the redemption of TRCs held by a taxpayer for the settlement of his default tax payment.

A Finance Branch spokesman said the voluntary PAYE scheme provides an automatic and convenient saving alternative for tax payment.

The scheme was offered initially to serving civil servants and there are so far about 1,400 participants.

"We have reviewed the operation of the scheme and consider it opportune to extend it," he said.

"After the extension, we will continue to examine how the scheme should further develop."

He said the Government had also reviewed the payment of interest on TRCs only on a complete month basis, but not for period constituting only a part of a month.

"We consider it fair and reasonable to pay interest on TRCs on the entire period for which the certificates are held, that is, including the part of the period which does not constitute a complete month," he said.

The amendment rules provided for the change and the new arrangement would apply to all TRCs redeemed on or after the date that they come into operation, regardless of whether they were purchased before or after that date, the spokesman said.

The amendment rules will also empower the Commissioner of Inland Revenue to redeem TRCs held by a person for settling his tax payment which is in default.

"This power is similar to that prescribed under the Inland Revenue Ordinance (Cap 112) where the Commissioner may require any person who holds money for a taxpayer to settle the default tax payment of that taxpayer," he said.

The amendment rules will come into operation on November 1.

Enquiries may call the Tax Reserve Certificate Section, Inland Revenue Department on 2594 3120.

End

Hong Kong Monetary Authority money market operations

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	$ million	Time (hours)	Cumulative change ($million)
Opening balance in the account	2,246	0930	+12
Closing balance in the account	2,221	1000	+12
Change attributable to:		1100	+12
Money market activity	+15	1200	+15
LAF today	-40	1500	+15
		1600	+15

LAF rate 4.00% bid/6.00% offer TWI 124.9 *+0.0* 23.10.96

Hong Kong Monetary Authority

EF bills		EF notes/MTRC				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	4.80	2 years	2808	6.00	100.28	5.91
1 month	4.86	3 years	3910	6.28	99.95	6.40
3 months	4.99	5 years	5109	7.32	101.94	6.96
6 months	5.08	7 years	7308	7.24	100.25	7.32
12 months	5.33	5 years	M503	7.35	100.78	7.28

Total turnover of EF bills and notes - $19,338 million

Closed October 23, 1996

End