



DAILY INFORMATION BULLETIN

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

Wednesday, January 25, 1995

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Technical amendments to draft Hong Kong Court of Final Appeal Bill

A Government spokesman denied today (Wednesday) that one of the technical amendments approved by the Governor-in-Council yesterday was to make solicitors eligible for direct appointment as judges of the Court of Final Appeal (CFA), as reported by some local newspapers today.

"The Government is proposing to introduce into the Legislative Council an amendment Bill to the existing Supreme Court Ordinance to make solicitors who have practised as such for 10 years or more in Hong Kong eligible for appointment as judges of the Supreme Court (which comprises the High Court and the Court of Appeal)," the spokesman said.

"The Government intends to consider the question of whether to make solicitors eligible for appointment as CFA judges at a later stage, after the legislation to make solicitors eligible for appointment to the Supreme Court has been considered by the Legislative Council," the spokesman added.

The spokesman also strongly refuted a suggestion that the proposal to make solicitors eligible for appointment as Supreme Court judges was part of a secret deal with the Council of the Law Society in return for its support for the draft CFA Bill.

"There is no secret deal of any kind," he said. "The two issues are quite separate."

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Government intends to appeal High Court decision

In response to press enquiries, a Government spokesman confirmed today (Wednesday) that the Government intended to appeal yesterday's decision of the High Court to release the Vietnamese migrants involved in the habeas corpus action.

"The appeal will be lodged before the end of the week and pending the decision of the Court of Appeal, no further Vietnamese migrants will be released as a consequence of yesterday's High Court decision," he said.

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Two Govt lots sold for \$401 million

Two lots of Government land were sold for a total of \$401 million at a public land auction held by the Lands Department this (Wednesday) afternoon.

The third lot, covering an area of 11,280 square metres in Fanling for non-industrial use, was withdrawn because no bidding was made for the opening price of \$600 million.

The lot in Area 46 at the junction of Ma Lok Path and Kau To Shan Road, Sha Tin, was bought by Treasure Properties Limited at \$171 million, with bidding opening at \$130 million. With an area of 6,500 square metres, it is designated for residential use.

The developer has to complete a gross floor area of not less than 2,340 square metres before March 31, 1998.

The other lot, in Ap Lei Chau Praya Road was bought by Cheerjoy Development Limited at \$230 million, with bidding opening at the same price. It has an area of 16,770 square metres for industrial or godown use, but excluding offensive trades. The developer has to complete a gross floor area of not less than 95,589 square metres before March 31, 2000.

Held in the Concert Hall of the Hong Kong Cultural Centre, Tsim Sha Tsui, the auction was conducted by Government Land Agent Mr Timothy Mills.

End/Wednesday, January 25, 1995

Residential mortgage survey results for December 1994

The growth in residential mortgage loans for the purchase of properties in Hong Kong remained modest in December 1994, according to the latest monthly survey conducted by the Hong Kong Monetary Authority (HKMA).

The latest figures show that the total amount of outstanding mortgage lending by the 33 institutions in the survey rose by 0.6% in December (0.8% in November) to \$237.1 billion.

The percentage change has been adjusted to allow for the reclassification, securitisation and sale of loans by some institutions amounting to \$8.6 billion.

The growth rate is below the monthly average of 1.03% over the last 12 months.

"The growth rate for December was a continuation of the slower trend of the last few months," the Deputy Chief Executive (Banking) of HKMA, Mr David Carse, said.

"While this reflects the current lower level of activity in the property market, seasonal factors may also have played a part."

The annualised rate of growth in lending over the last three months decreased slightly to 6.8%, compared with 7.2% in the three-month period to November. The 12-month average of outstanding loans was stable at an annualised rate of 12.4%, the same as in the previous month.

The amount of new loans approved but not yet drawn fell significantly by 38.7% or \$1.9 billion to \$3.0 billion in December. "These figures suggest that the growth of outstanding loans will slow further in January," Mr Carse said.

Lending for the purchase of properties in China grew by 0.6% in December to \$4.49 billion, compared with the 3.0% growth in November. The increase was entirely attributable to the growth of loans for the purchase of residential properties.

Gross loans made in December fell both in number (to 282 from 376) and in amount (to \$121 million from \$200 million).

New loans approved in December decreased in number (to 213 from 249) but slightly increased in amount (to \$179 million from \$173 million).

**Residential Mortgage Loans in Hong Kong
Results of Survey for December 1994**

	<u>Dec</u> <u>1994</u> HK\$ Mn	<u>Nov</u> <u>1994</u> HK\$ Mn
<u>33 authorised institutions</u>		
1. <u>Outstanding lending</u>		
a. Amount	237,061	244,126
b. Monthly change	0.6% **	0.8%
c. Twelve-month change	12.5% **	12.6%
d. Average change (annualized)		
Latest three months	6.8% **	7.2%
Latest twelve months	12.4% **	12.4%
2. <u>Gross loans made during month</u>		
a. Amount	6,583	6,533
b. Number	4502	4540
3. <u>New loans approved during month</u>		
a. Amount	5,017	7,276
b. Number	3371	4753
4. <u>New loans approved during month but not yet drawn</u>		
a. Amount	3,024	4,933
b. Number	1985	3206

Note : ** Adjusted to include the effect of re-classification of loans, loans sold and securitisation of residential mortgage loans by some institutions amounting to HK\$8.6 billion.

Lai Chi Kok lot to let

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The Lands Department is inviting tenders for the short-term tenancy of a piece of Government land in Lai Chi Kok.

Located in a reclamation area, Lai Chi Kok, the lot has an area of 2.76 hectares for open storage of containers, excluding loading and unloading of goods.

The tenancy is for six months, renewable monthly.

Closing date for submission of tender is at noon on February 10.

Tender form, tender notice and conditions may be obtained from the District Lands Office, Kwai Tsing, 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, January 25, 1995

Household Expenditure Survey making good progress

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Public response to the 1994/95 Household Expenditure Survey, which began last September, has been encouraging.

The survey is jointly conducted by the Census and Statistics Department and the Hang Seng Bank Ltd to collect up-to-date information on household expenditure patterns for rebasing the Consumer Price Indices.

"The survey will last one complete year till September this year so that the data used in compiling the indices is not affected by seasonal fluctuations during the year," a spokesman for the Census and Statistics Department said today (Wednesday).

"Households visited in the past three months were co-operative in supplying the required information to us," he said.

Interviewers from the department and the Hang Seng Bank will continue to visit selected households in the coming months.

Households participating in the survey will be requested to keep daily records on household expenses for 14 consecutive days.

"It would take only a few minutes a day for each household member to record their expenditures.

"Our interviewing officers are ready to help in their record-keeping as far as possible.

"Since some household members may be away from home during day-time, our officers also work in the evening to help," the spokesman added.

Households selected for the survey can be assured that information they provide will be kept strictly confidential. Particulars of individual households will not be released to other Government departments or private organisations in any identifiable form.

"Since the Consumer Price Indices are important indicators of inflation, all selected households should participate actively in the survey and provide accurate information as far as possible."

The spokesman appealed to all households to co-operate fully if they were selected to participate in the survey later.

Anyone who has queries about the survey may call the department on tel 2805 6101 or 2805 6102 during office hours.

End/Wednesday, January 25, 1995

Hong Kong Monetary Authority money market operations

	<u>\$ million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	1,567	0930	+336
Closing balance in the account	2,031	1000	+426
Change attributable to :		1100	+406
Money market activity	+464	1200	+466
LAF today	NIL	1500	+466
		1600	+464

LAF rate 3.75% bid/5.75% offer TWI 121.0 *+0.0* 25.1.95

Hong Kong Monetary Authority

EF bills		EF notes/Hong Kong Government bonds				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.68	16 months	2605	6.35	98.57	7.65
1 month	6.20	22 months	2611	6.90	93.94	8.08
3 months	6.76	27 months	3704	6.15	97.50	8.23
6 months	6.90	36 months	3801	8.00	99.42	8.39
12 months	7.49	59 months	5912	8.15	98.10	8.82

Total turnover of bills and bonds - \$45,355 million

Closed January 25, 1995

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SUPPLEMENT

Wednesday, January 25, 1995

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/Commemorate 50th

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Councillors' role in law-making process recognised

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The Attorney General, the Hon Jeremy Mathews, today (Wednesday) reassured Legislative Councillors that the withdrawal of the Employment (Amendment) Bill 1994 was not a challenge to their rights in the Council.

The bill was withdrawn because the Government considered it essential to first consult the Labour Advisory Board on the substantial amendment that Members had made to the original proposal on which the Board had achieved a broad consensus.

He said the Government simply exercised the power provided under Standing Order No. 52 of the Legislative Council which explicitly allows the Member in charge of a bill to withdraw or postpone a bill at the beginning of the proceedings on a bill at a sitting.

"Although this action is unusual in Hong Kong, there are many examples in the United Kingdom, on whose parliamentary practice ours is based, where the Government withdrew bills when they had been significantly amended in committee," said Mr Mathews during the motion debate moved by the Hon Anna Wu at the Legislative Council.

Mr Mathews stressed that at no stage in this process did the Administration intend any disrespect to the important role played by the Legislative Council in the law-making process.

He said: "On the contrary, we have always placed great weight on the views expressed by LegCo Members, in this Council, in Bills Committees and elsewhere.

"So I am naturally disappointed that some Honourable Members should seek to reprove the Administration for the withdrawal of the Employment (Amendment) Bill simply because we made the prudent decision to consult the recognised advisory body on labour issues before reverting back to this Council, significantly with an improved package.

"We have never denied the constitutional right of Honourable Members to amend our legislative and expenditure proposals," he added.

However, Mr Mathews pointed out, as an executive-led Government, its primary concern when considering policy issues was the overall interest of Hong Kong.

This may, on certain occasions, mean that some sectional interests advocated or represented by Honourable Members cannot be fully satisfied.

"It is no disrespect to this Council to say that we cannot afford to allow sectional interests to be put above the overall interests of Hong Kong.

"The fact that on a few occasions other considerations do not allow us to accept the views of this Council does not in any way undermine the role of the Council in the law-making process.

"The fact that the Administration decides to withdraw a proposal does not mean that there can be no further discussion on it. On the contrary, in the case of the Employment (Amendment) Bill we made great efforts to refine and improve our package.

"If we were practising 'some form of dictatorship', as alleged by some Members, we would surely not bother to go to such trouble."

Mr Mathews also refuted suggestions that the Administration saw LegCo as a "rubber stamp".

He said the Government was aware that it had no divine right to expect Members to support its proposals automatically, and that it was up to the Government to persuade Members that they were in the best interests of the people of Hong Kong.

For example, Members have on many occasions amended or rejected Government proposals in the past.

"The recent example is the Residential Care Homes (Elderly Persons) Bill which was passed by this Council on 12 October. We supported the Third Reading of the Bill, although the Bill contained a committee stage amendment opposed by us," he said.

Concluding, Mr Mathews reiterated that the Administration recognised the important role played by Legislative Councillors.

"We have paid, and will continue to pay, respect to this role, and to the right of Members to interpret it as they wish.

"But we too have a role to play, and I hope that Members will in turn respect that role, and our right to interpret it in the way that we believe is in the best interests of the people of Hong Kong as a whole.

"This is surely the best way to maintain the public's confidence in this Council and the entire system of government in Hong Kong," he added.

End/Wednesday, January 25, 1995

Motion debate on withdrawal of Employment (Amendment) Bill 1994

Following is the speech by the Attorney General, the Hon Jeremy Mathews, in the Legislative Council motion debate on withdrawal of the Employment (Amendment) Bill 1994 today (Wednesday):

Mr President,

It is a pity that some Honourable Members have chosen to use strong language in their speeches today. When they criticised the Administration for withdrawing the Employment (Amendment) Bill 1994, I would have hoped that they would have considered the impact that there would have been on our system of consultation through advisory boards and committees, had we taken a different course of action. We need to see the wood for the trees.

Contrary to the allegations made by some Honourable Members, the Administration did not withdraw this Bill because we felt that our authority was being challenged nor because we had little regard for the welfare of employees in Hong Kong. We withdrew the Bill because we considered it essential that we should first consult the Labour Advisory Board, the well recognised and long established advisory body on labour issues, on the substantial amendment that Members had made to the original proposal on which the Board had achieved a broad consensus.

As Honourable Members know, the members of the Labour Advisory Board are elected by employers and employees. Because of their conflicting interests, any agreement reached in the Board is inevitably a compromise that has been achieved through serious and often lengthy negotiations. The Board has an excellent record in reaching agreements on important labour issues. To ignore the views of the Board, or to overturn its proposals lightly, would not only damage the credibility of the Labour Advisory Board as a forum where a reasonable balance between employers' and employees' interests can be struck, but would also put our labour relations at risk. A harmonious relationship between employers and employees is an integral part of Hong Kong's economic success.

Mr President, over the years, a number of amendments have been made to the Employment Ordinance. On every occasion, the Administration has consulted, and obtained the agreement of the Labour Advisory Board on the proposals before the amendment bill was submitted to this Council. Because bills committees were normally set up to study previous Bills to amend the Employment Ordinance, the Administration was always able to go back to the Board for further consultation in the event that Legco Members disagreed with any proposed amendments. However, as has been pointed out, no bills committee was set up to examine the Employment (Amendment) Bill 1994. We had no opportunity to consult the Board on amendments to the Bill proposed by the Honourable Lau Chin-shek. Since these were substantially different from the broad consensus reached by the Board, we would have failed in our duty had we allowed the Bill as amended by him to be enacted.

It has been suggested that the Administration could have adjourned the debate on the bill rather than withdrawing it. But what would that have achieved? Had that course been followed, we would have to reintroduce at third reading the same bill, that is the bill as amended in Committee. Withdrawal of the Bill enabled the Administration to come forward with a new bill, as indeed it did. So withdrawal would give much flexibility.

As the Secretary for Education and Manpower has already assured this Council, the sole purpose of withdrawing the Bill last month was to enable the Administration to consult the LAB again on the important issues of severance payment and long service payment. This we did. The new package of improvements endorsed by the Board was embodied in the Employment (Amendment) Bill 1995 which was passed by the Council last week.

Mr President, it is wrong to see that our action in withdrawing the Employment (Amendment) bill 1994 is a challenge to the rights of Honourable Members in this Council. We simply exercised the power provided under Standing Order 52 of this Council. The Standing Order explicitly allows the Member in charge of a bill to withdraw or postpone a bill at the beginning of the proceedings on a bill at a sitting. A bill withdrawn, I stress that word, a bill withdrawn, may subsequently be reintroduced in the same session as another bill with the same objects or with the same provisions as the one which has been withdrawn. We were surprised that Members reacted so strongly to our action. Although this action is unusual in Hong Kong, there are many examples in the United Kingdom, on whose parliamentary practice ours is based, where the Government withdrew bills when they had been significantly amended in committee.

At no stage in this process did the Administration intend any disrespect to the important role that this Council plays in the law-making process, as has been suggested. On the contrary, we have always placed great weight on the views expressed by Honourable Members, in this Council, in Bills Committees and elsewhere. So I am naturally disappointed that some Honourable Members should seek to reprove the Administration for the withdrawal of the Employment (Amendment) Bill simply because we made the prudent decision to consult the recognised advisory body on labour issues before reverting back to this Council, significantly with an improved package.

We have never denied the constitutional right of Honourable Members to amend our legislative and expenditure proposals. The suggestion that the Administration sees this Council as a "rubber stamp" is simply wrong. This is a travesty of the truth. We know better than that. We know that we have no divine right to expect Members to support our proposals automatically, and that it is up to us to persuade Members that they are in the best interests of the people of Hong Kong. Indeed, Honourable Members have on many occasions amended or rejected our proposals in the past. The recent example is the Residential Care Homes (Elderly Persons) Bill which was passed by this Council on the twelve of October last. We supported the Third Reading of that Bill, even though it contained a committee stage amendment which we had opposed.

Mr President, it is however true that the Administration and the Members of this Council have different roles to play and different spheres of responsibility in the law-making process. This is an executive-led government. When the Administration considers policy issues, our primary concern is the overall interest of Hong Kong. This may, on certain occasions, mean that some sectional interests advocated or represented by Honourable Members cannot be fully satisfied. It is no disrespect to this Council to say that we cannot afford to allow sectional interests to be put above the overall interests of Hong Kong. The fact that on a few occasions other considerations do not allow us to accept the views of this Council does not in any way undermine the role of this Council in the law-making process. The fact that the Administration decides to withdraw a proposal does not mean that there can be no further discussion on it. On the contrary, in the case of the Employment (Amendment) Bill we made great efforts to refine and improve our package. If we were practising "some form of dictatorship", as alleged by some Members, we would surely not bother to go to such trouble.

To conclude, Mr President, the Administration recognises that important role played by Members of this Council. We have paid, and will continue to pay, respect to this role, and to the right of Honourable Members to interpret it as they wish. But we too have a role to play, and I hope that Members will in turn respect that role, and our right to interpret it in the way that we believe is in the best interests of the people of Hong Kong as a whole. That is surely the best way to maintain the public's confidence in this Council and the entire system of government in Hong Kong.

With these remarks, I urge Honourable Members to vote against this motion.

End/Wednesday, January 25, 1995

Improved services for the elderly in the pipeline

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The Government is to spend an additional annual recurrent cost of \$37 million in 1995/96 to implement the recommendations contained in the report by the Working Group on Care for the Elderly. The amount will rise to \$108 million in 1999/2000.

In addition, another \$327 million in capital costs will be spent during the five-year period from 1995-2000 in improving services for the elderly, the Secretary for Health and Welfare, Mrs Katherine Fok, said during the motion debate on health care plan for the elderly in the Legislative Council today (Wednesday).

Mrs Fok said that caring for the elderly had always been a Government priority, as had been abundantly proven in various policy areas such as housing, welfare, and healthcare.

Following the publication of the Report of the Working Party on Primary Health Care in 1990, the Government has not only initiated new ventures targeting the elderly as a group, but have also encouraged a realisation of partnership and the team approach in healthcare for this vulnerable group.

At the policy level, Mrs Fok said, the Government had recently set up a new Elderly Services Division within the Health and Welfare Branch to co-ordinate and oversee policy matters related to health services for elderly people.

At the organisational level, the Department of Health continues to take the lead in collaborating with other healthcare providers to care for elderly people in the community through its network of general out-patient clinics and the new elderly health centres.

The Hospital Authority has also reached out to mobilise community support for elderly people at risk of hospitalisation.

New initiatives include the community-based geriatric assessment teams and clinics as well as community psycho-geriatric teams to provide a more structured approach in the provision of outreach medical services and support for welfare institutions.

At the operational level, the Government is working towards a closer but managed interface between healthcare personnel from different disciplines and sectors.

Mrs Fok noted that the growing degree of community involvement was encouraging. For example, self-help support groups for elderly citizens with similar health concerns have been organised at the Nam Shan Elderly Health Centre.

"Through counselling and group activities, participants are informed of the basis of health risks and disease causation as well as equipped with the necessary skills and support to resist social pressure to conform to unhealthy living," she said.

"To ensure continuity of care for discharged elderly patients, close collaboration with carers assumes prime importance."

Another major initiative to foster community participation is the development of volunteer services in Hospital Authority hospitals through which volunteers acquire an understanding of health as they offer their services to those in need.

Another vivid demonstration of intersectoral co-operation and community partnership in health is the organisation of health education programmes and health checks in social centres for the elderly operated by non-governmental organisations.

The Secretary said these projects and a whole range of other health promotional activities initiated by different healthcare sectors had benefitted many elderly citizens.

"It is our intention that these activities should continue to flourish to cater for the varying needs of our elderly people," she stated.

Mrs Fok also noted that the first elderly health centre which was specifically targeting healthy individuals aged 65 and above had commenced operation at the Nam Shan Estate since May last year.

The second and third centres will be operational in 1995-96 while the others are in the pipeline.

"These centres will serve the important purpose of developing and fine-tuning protocol and logistics of preventive and promotive services in an out-patient setting," Mrs Fok said.

"The intention is to accumulate practical experience so that future centres will be successfully integrated in our out-patient clinics on a territory-wide basis."

As regards dental services for elderly people, Mrs Fok said special grants were in place to provide financial assistance to CSSA recipients for dental treatments in designated dental clinics and clinics run by non-governmental organisations and non-profit making bodies.

She told the Council that although Hong Kong had a sound healthcare system that cared for all age groups, services to cater to specific groups, that is, the older members of the community, would need to be fined.

"Existing services will be critically evaluated to ensure the most cost-effective use of all existing resources.

"Last but not least, we will motivate the community in different ways to help the individual and his family to adopt healthy lifestyles so that the community, as it grows old together, will do so in good health," Mrs Fok said.

End/Wednesday, January 25, 1995

Motion debate on health care plan for the elderly

Following is a speech by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council motion debate on health care plan for the elderly today (Wednesday)

Mr President,

First of all, I must thank the Hon Li Wah-ming, the Hon Tam Yiu-chung, and other Members who have spoken during the debate for their diverse views and stimulating ideas on this very important subject of healthcare for the elderly.

Caring for our elderly has always been a Government priority. This has been abundantly proven in various policy areas such as housing, welfare, and healthcare. We have in place extensive programmes to promote the health and welfare of our elderly men and women. The Working Group on Care for the Elderly which reported in August last year, made 71 recommendations that carry significant and far-reaching implications on the provision of services for our elderly citizens in the years to come. We will implement the recommendations contained in this Report at an additional annual recurrent cost of \$37 million in 1995-96 rising to \$108 million in 1999-2000. Another \$327 million in capital costs will also be spent between 1995 and the year 2000 in improving services for our elderly people. This is a clear commitment by the Government.

Primary Health Care

The Report of the Working Party on Primary Health Care (PHC) published in 1990 reaffirmed Government's commitment towards primary healthcare and its important role in the overall health care programme for our citizens. It also set the scene for re-orientation of emphasis towards primary health care in our overall healthcare policy.

In this process, we have followed several guiding principles:

- (a) Firstly, although the application of primary healthcare varies between population groups, there should not be an arbitrary segregation of different age groups in health promotion; we agree with the Hon C H Leong who rightly points out that health promotion should start at an early age;
- (b) Secondly, a multi-disciplinary and multi-faceted approach should be adopted in the provision of services. This means that primary healthcare should be provided not just through the Government or through the medical profession alone, but also through the non-medical disciplines, such as welfare workers. Many members have also spoken on this topic. The modes of provision of primary healthcare should include not just health screening but also disease prevention, counselling, health education, curative treatment and rehabilitative care. We need to maximise the use of all existing resources, not just in the Health Department but in all Government funded healthcare institutions such as the Hospital Authority and other subvented non-governmental organisations;

- (c) Thirdly, intersectoral collaboration between the public and private sectors should be encouraged. In Hong Kong, there is a very vigorous private health sector providing choice and quality of service to our citizens. In primary healthcare as in other aspects of the healthcare services, Government should play a co-ordinating and enabling role in promoting collaboration between public and private sectors in providing a comprehensive network of health care services for the whole community;
- (d) Fourthly, the success of any healthcare programme depends to a great extent on participation of the community and the individual. Every person has a role to play in ensuring his own health and in promoting the health of others. What the Government can do is to raise the awareness of the importance of good health through community education and disease prevention programmes. But at the end of the day, the role of each individual and the family in healthcare and promotion is extremely important.

Elderly as a target group

These guiding principles of primary healthcare have been applied at the policy level, the organisational level and at the operational levels. In the four years following the Report on Primary Health Care, we have not only initiated new ventures targeting the elderly as a group, but have also encouraged a realisation of partnership and the team approach in healthcare for this vulnerable group.

At the policy level, we have recently put in place a new division called the Elderly Service Division within the Health and Welfare Branch comprising staff of different disciplines including health and welfare. Among other things, this Division will co-ordinate and oversee policy matters related to health services for elderly people, it will introduce a multi-disciplinary approach to this important work. But to succeed, we need everyone's support.

At the organisational level, the Department of Health continues to take the lead in collaborating with other healthcare providers to care for elderly people in the community through its network of general out-patient clinics and the new elderly health centres. At the same time, the Hospital Authority, in its effort to initiate a seamless healthcare system for all, including elderly people, has extended its services outside the boundaries of the hospital so as to reach out and mobilise community support for elderly people at risk of hospitalisation. New initiatives include the community-based geriatric assessment teams and clinics as well as community psycho-geriatric teams to provide a more structured approach in the provision of outreach medical services and support for welfare institutions.

At the operational level, we are working towards a closer but managed interface between healthcare personnel from different disciplines and sectors. Furthermore, the growing degree of community involvement is most encouraging. For instance, at the Nam Shan Elderly Health Centre, we organise self-help support groups for elderly citizens with similar health concerns to promote the basic ingredients of healthy living. An example is the promotion of exercise and a balanced diet. Through counselling and group activities, participants are informed of the basis of health risks and disease causation as well as equipped with the necessary skills and support to resist social pressure to conform to unhealthy living.

To ensure continuity of care for discharged elderly patients, close collaboration with carers assumes prime importance. For instance, the community-based geriatric assessment teams within the Hospital Authority carry out visits to offer specialist advice and educational programmes for lay carers and care-givers in residential care homes. Another major initiative to foster community participation is the development of volunteer services in HA hospitals through which volunteers acquire an understanding of health as they offer their services to those in need. We will support the Hospital Authority's initiatives in channelling its resources and efforts with other healthcare providers and the community to create an effective network of preventive healthcare programmes, particularly for the elderly.

The organisation of health educational programmes and health checks in social centres for the elderly operated by non-governmental organisations is another vivid demonstration of intersectoral co-operation and community partnership in health. In these programmes, voluntary medical personnel are invited to give health talks and carry out simple health checks for elderly clients. They also train up staff of the social centre so that they can provide the same service to users.

These projects and other healthcare promotional activities initiated by different healthcare sectors have benefited many of our elderly citizens. It is our intention that these activities should continue to flourish to cater for the varying needs of our elderly people.

Need to try out different healthcare models

In developing different models on healthcare for the elderly, we must not fall into the trap of using only one model to all parts of the territory to the exclusion of other health promotion options. The seven elderly health centres which are specifically targeting healthy individuals aged 65 and above serves as an experimental model for identifying a cost-effective operational model. It is a new, publicly funded service providing a venue where preventive and promotive healthcare programmes are conducted for older members of our community.

The first elderly health centre commenced operation in May 1994, and is welcome by all who have used its services. The second and third centres will be operational in 1995/96. The other centres are in the pipeline. These centres will serve the important purpose of developing and fine-tuning protocol and logistics of preventive and promotive services in an out-patient setting. The intention is to accumulate practical experience so that future centres will be successfully integrated in our out-patient clinics on a territory-wide basis.

Concern has been raised by the Hon Fred Li about dental services for elderly people. The Government's policy on dental service is to provide preventive and promotive services to the general public, and curative service to persons in need of emergency treatment, to specified groups, and to in-patients in public hospitals whose dental treatment forms an essential part of their medical treatment. For elderly people who are CSSA recipients, special grants are in place to provide financial assistance for dental treatments in designated dental clinics and clinics run by non-governmental organisations and non-profit making bodies.

Health Screening

The points raised by the Hon Fred Li and other Members about increasing the accessibility of service venues, improving co-ordination among service providers, providing integrated care, promoting intersectoral collaboration and enhancing community participation are well taken, and deserve our support.

The issue of health screening is a complex subject and I wish to sound a word of caution. As far as I am aware, population screening of the scale proposed by some Members has not been practised in other countries. Health screening programmes should as a rule be based on cost benefit analyses. One must also bear in mind that screening is very much part and parcel of clinical practice. For example, taking of blood pressure and routine urine examinations constitute some form of informal screening. Most elderly persons have access to regular healthcare services, either in the public or private sector. Screening for people as they present themselves to healthcare services is recognised by healthcare professionals to be the most effective and practicable way of identifying people at risk. It would also make the best use of existing resources. Similarly, the Working Party on Primary Health Care advocated the introduction of screening for people aged 65 and above attending general out-patient clinics. The planned integration of elderly health centres into our general out-patient clinics is clearly in line with this recommendation.

Future efforts

The concept of primary health care has taken root in our formulation of health care policy. As always, we will work to ensure that no one will be denied access to healthcare services through a lack of means.

As I pointed out earlier, we will also work to better co-ordinate and facilitate growing collaboration among all our healthcare professionals. We have a sound healthcare system that cares for all age groups, but we need to refine our services to cater to specific groups, in this case, the older members of the community. Existing services will be critically evaluated to ensure the most cost-effective use of all existing resources. Innovative ideas originating from the public and private sectors will be encouraged and tried out. Last but not least, we will motivate the community in different ways to help the individual and his family to adopt healthy lifestyles so that the community, as it grows old together, will do so in good health.

Thank you, Mr President.

End/Wednesday, January 25, 1995

Housing (Amendment) Bill 1995 introduced to LegCo

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Following is the speech by the Secretary for Housing, Mr Dominic S W Wong, in moving the second reading of the Housing (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the Second Reading of the Housing (Amendment) Bill 1995.

The purpose of this Bill is to update and improve several provisions in the Housing Ordinance. Two significant and two minor amendments are proposed.

First, Clause 4 of the Bill empowers the Secretary for Housing to appoint, under new section 7A of the Ordinance, a panel of members, to hear appeals under section 20(1) of the Ordinance against termination of leases by the Hong Kong Housing Authority. The Bill also empowers the Secretary for Housing to make rules regulating the procedure for appeals to the panel. At present, the Housing Authority is responsible for appointing such a panel and for making such rules. This arrangement is not satisfactory as the Housing Authority is a party to these appeals, and hence the amendments are proposed. Furthermore, to ensure independence and impartiality regarding the handling of appeals, the Secretary for Housing will in future only appoint persons who are not members of the Housing Authority to the appeal panel.

Second, Clause 6 of the Bill seeks to deter the creation of mortgages or charges not authorised by the Housing Authority by making them void and rendering offenders liable to prosecution. Paragraph 4 of the Schedule to the Ordinance permits a flat purchaser under the Home Ownership Scheme or the Private Sector Participation Scheme to mortgage or charge the land only on such terms as are authorised by the Director of Housing. It has come to our notice that some mortgages for these flats have been created without the Director of Housing's authorisation. Legal advice is that it would not be appropriate to take prosecution action on the basis of this Schedule. We therefore propose the addition of a new section to clarify the legal position and to make people who borrow on the basis of unauthorised mortgages or charges liable to prosecution.

Third, Clause 3 of the Bill expressly empowers the Housing Authority to employ its own staff, consultants and advisers. Section 4(2)(k) of the Ordinance provides the Housing Authority with the general power to do all such acts as are reasonably necessary for the performance of its duties. Legal advice is that although existing contracts of employment can be justified under this section, the Housing Authority should be given specific power to employ its own staff and advisory services. This will put the validity of any future contract of employment beyond doubt.

The fourth amendment, under Clause 5, enables the Director of Housing to delegate any of his functions to officers of a specified class or description. This removes the need for him to appoint long lists of public officers frequently under section 10 of the Ordinance.

Thank you, Mr President.

End/Wednesday, January 25, 1995

Employees' Compensation (Amendment) Bill 1995

Following is the speech by the Secretary for Financial Services, Mr Michael Cartland, in moving the second reading of the Employees' Compensation (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Employees' Compensation (Amendment) Bill 1995.

The Bill seeks to require employers to purchase a minimum amount of insurance cover of \$100 million in respect of their liabilities for employees' compensation, in place of the requirement for unlimited insurance cover under the existing Employees' Compensation Ordinance. I have already explained the reasons for such an amendment when moving the second reading of the Motor Vehicles Insurance (Third Party Risks) (Amendment) Bill 1995.

The proposed limit of \$100 million for any one event is also considered adequate in the case of employee compensation : the largest claims for employees' compensation insurance have so far not exceeded \$30 million per event. It is also true that in the unlikely event that liabilities exceeded the limit of \$100 million, any excess will be payable out of the assets of the insured in the first instance, then out of the compensation funds maintained by the Employees Compensation Assistance Fund Board.

Mr President, the Employees' Compensation (Amendment) Bill 1995 is the result of the concerted efforts of the Financial Services Branch and the Education and Manpower Branch. I therefore speak also for my colleague the Secretary for Education and Manpower in commending this Bill to this Council.

End/Wednesday, January 25, 1995

Motor Vehicles Insurance (Third Party Risks) (Amendment) Bill 1995

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Following is the speech by the Secretary for Financial Services, Mr Michael Cartland, in moving the second reading of the Motor Vehicles Insurance (Third Party Risks) (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Motor Vehicles Insurance (Third Party Risks) (Amendment) Bill 1995.

The main purpose of the Bill is to require motorists to purchase a minimum amount of insurance cover in respect of their liabilities for motor vehicle third party bodily injuries, in place of the requirement for unlimited insurance cover under the existing Motor Vehicles Insurance (Third Party Risks) Ordinance (MVIO). Bearing in mind the need to ensure that the public is adequately protected, we propose that the minimum amount of insurance cover be set at \$100 million for any one event.

Direct insurers in Hong Kong have so far been able to provide unlimited insurance cover to motorists to insure against their liability for motor vehicle third party bodily injuries by relying on the unlimited reinsurance cover provided by reinsurers. However, following recent shrinkage in reinsurance capacity in the international market, reinsurers in Hong Kong have concluded that it is no longer commercially viable for them to provide unlimited reinsurance cover for this type of policy. Without unlimited reinsurance protection, direct insurers cannot continue providing unlimited insurance coverage to motorists in Hong Kong. Consequently, the requirements of the MVIO, under which a motorist must take out unlimited insurance cover, can no longer be met. It is therefore necessary to amend the Ordinance to specify a minimum obligatory cover that would provide adequate protection for the injured in such circumstances.

The proposed limit of \$100 million for any one event is considered appropriate having regard to the capacity of reinsurers to meet claims upon insurers. In proposing this amount, consideration has also been given to the fact that the largest claims for motor vehicle third party bodily injuries insurance have so far not exceeded \$15 million per event.

I would like to add that the proposed amendments will not prejudice the right of an injured person to seek compensation over and above the limit of \$100 million in the unlikely event that liabilities exceeded that amount. Any excess above the limit will be payable out of the assets of the insured. If any excess liabilities remain unpaid thereafter, the rights of the injured party will be further protected by the compensation funds maintained by the Motor Insurers' Bureau of Hong Kong.

In addition, the Bill proposes to exempt vehicles used exclusively on construction and industrial sites from the requirement for compulsory third party insurance under the MVIO. Such vehicles have always been regarded as plant and equipment. It has been the market practice to insure them by standard all risks insurance policies, not by motor vehicle (third party risks) insurance policies. However, an amendment to the Road Traffic Ordinance (RTO) in 1988 unintentionally may have had the effect of requiring vehicles on industrial and construction sites to be compulsorily insured against third party risk under the MVIO. This in turn may have had the effect of rendering null and void any standard all risks insurance held by contractors for site based vehicles, as such policies exclude liabilities compulsorily insurable under any legislation. In other words, there is a risk that third party claims arising in connection with site based vehicles will not be entertained under the standard all risk insurance policies, resulting in losses to claimants.

We propose to rectify this situation by exempting site based vehicles from the compulsory third party insurance requirements under the MVIO, thereby placing liabilities arising in connection with such vehicles clearly within the ambit of the standard all risks insurance policies taken out by contractors.

Mr President, the Motor Vehicles Insurance (Third Party Risks) Amendment Bill 1995 is the result of the concerted efforts of the Financial Services Branch, Transport Branch and Works Branch. I therefore speak also for my colleagues, the Secretary for Transport and the Secretary for Works, in commending the bill to this Council.

End/Wednesday, January 25, 1995

Legal Aid (Amendment) Bill 1995 introduced

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Following is the speech by the Acting Chief Secretary, the Hon Michael Leung, in moving the second reading of the Legal Aid (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Legal Aid (Amendment) Bill 1995 be read the second time. The Bill puts forward a number of amendments to the Legal Aid Ordinance to implement the recommendations of an inter-departmental working group which conducted a comprehensive review of our legal aid services and a number of additional improvement measures proposed by the Director of Legal Aid in the light of the operating experience of the Legal Aid Department.

The Working Party's report, published in July last year, contains a total of 25 recommendations. Some of these were related to the establishment of a Legal Aid Services Council, which will be the subject of a separate Bill to be introduced into this Council shortly. Most of the remaining recommendations were intended to introduce improvements to the scope and operation of the legal aid scheme. These require legislative amendments to the Legal Aid Ordinance and some subsidiary legislation. I now outline the major improvements provided for in the present Bill.

Clauses 3 and 5 of the Bill provide for increases in the financial eligibility limits for both the standard legal aid scheme and the self-financing Supplementary Legal Aid Scheme for the so-called the sandwich class. The increases take into account the level of inflation since the current limits were set.

The Bill also meets the public demand for greater access to legal aid. Clauses 4 and 13 expand the scope of the standard civil legal aid scheme. As a matter of human rights policy, we propose to give the Director of Legal Aid the discretion to waive the means test in any civil case where an applicant has a meritorious Bill of Rights claim. We also propose that legal aid be extended to persons making applications to the Mental Health Review Tribunal against their detention in a mental hospital or the Correctional Services Department Psychiatric Centre, and to persons who pursue election petitions on Bill of Rights grounds.

Clause 14 of the Bill seeks to include in the scope of the Supplementary Legal Aid Scheme claims involving professional negligence on the part of medical doctors, dentists and lawyers.

Finally, the opportunity is also taken to streamline some operating practices. For example, Clause 8 seeks to clarify the application of a first charge by the Director of Legal Aid on any property recovered or preserved for an aided person in proceedings in respect of which the person was legally aided. It also recognises the present practice whereby the Director does not impose a first charge on maintenance payments to children. The existing privileges against disclosing information in connection with a legal aid application are clarified in Clause 9 of the Bill.

End/Wednesday, January 25, 1995

Civil Service Pension Reserve Fund

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Following is the speech by the Secretary for the Civil Service, Mr Michael Sze, in moving the motion to establish a Civil Service Pension Reserve Fund in the Legislative Council today (Wednesday):

Mr President,

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

The resolution seeks to establish a Civil Service Pension Reserve Fund under Section 29 of the Public Finance Ordinance.

The Fund would be used exclusively for the payment of Civil Service pensions in the most unlikely event that the Government were unable to meet its pension commitments from General Revenue. The principal purpose in establishing the Fund would be to address a general concern among civil servants about the security of their pensions. To this extent it would complement the existing statutory provisions in the pensions legislation and reinforce guarantees in the Joint Declaration and the Basic Law.

Under the arrangements proposed the Financial Secretary would administer the Fund as he does other funds established under the Public Finance Ordinance. The Fund would remain part of the Government's fiscal reserves and would be placed in the Exchange Fund managed by the Hong Kong Monetary Authority. Interest and dividends earned would accrue to the Fund.

Subject to this Council's approval of this resolution, we shall seek the approval of the Finance Committee to transfer \$7 billion from General Revenue to the Fund within the current financial year. This transfer would not lead to any increase in public expenditure insofar as it would be a transfer of funds from one account to another.

It is proposed that the balance of the Fund in any given year would be maintained at a minimum of one year's estimated pension expenditure. It may therefore be necessary to top up the Fund from time to time in the future. We estimate that the expenditure on Civil Service pensions in 1994-95 will be \$5.7 billion, and that annual pension expenditure for the next ten years will remain at around 5% of Government's annual operating expenditure. On the basis of these estimates, topping-up of the Fund would not be required for at least the next two years.

The Civil Service Central Staff Consultative Councils support the proposal to establish the Fund as soon as possible, but have asked that the initial transfer to the Fund be in the order of \$15 billion, failing which it should be increased to that level by June 1997. We have considered this request carefully but have concluded that we could not justify such a large sum to the Finance Committee under present circumstances. In particular, the existing statutory pension provisions, the guarantees and reassurances in the Basic Law and the Joint Declaration and the sound financial position of the Government, mean that it is most unlikely that the Fund would ever be used. Moreover, \$7 billion is already a very considerable amount and should provide a clear demonstration to the Civil Service of the Government's commitment to meeting its obligation to pay pensions.

In short, the Administration considers that a Pension Reserve Fund covering a minimum of one year's pension expenditure is appropriate. We have balanced the claims of civil servants against the interests of the community as a whole and be mindful of what the public at large and this Council would accept. We believe that the size and scope of the Fund proposed meets the objective of providing the Civil Service with an important psychological reassurance on the future security of pensions. Whilst we can see no justification for any increase in the proposed scope and size of the Fund, this would not preclude a future administration from so proposing if they feel that circumstances warranted it.

I am most grateful for the views of the Legislative Council Subcommittee established to study this resolution, and for the support for early establishment of the Fund. I have examined further a suggestion made by the Subcommittee to include in the resolution a commitment to maintain the balance of the Fund at a minimum of one year's estimated pension expenditure. However, legal advice on this point suggests that it would not be appropriate constitutionally to include such a commitment as it might imply automatic appropriation in the resolution. As agreed with the Civil Service Staff Councils during the consultation exercise, I shall be sending the Councils a written confirmation of the Administration's policy commitment to maintain the Fund at a minimum balance of one year's estimated expenditure. I believe that this will stand as a very clear statement of the Administration's position on this issue, and will serve to provide valuable reassurance to civil servants.

Mr President, I beg to move.

End/Wednesday, January 25, 1995

Company liquidation forms made more user-friendly

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Following is the speech by the Secretary for Financial Services, Mr Michael Cartland, in moving a motion on the Companies (Winding-Up) (Amendment) (No. 2) Rule 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the second motion in my name on the Order Paper.

The Companies (Winding-Up) (Amendment) (No. 2) Order was made by the Chief Justice on 3 January 1995. It provides for the repeal of the current Statement of Affairs form and its replacement by a new form.

The Government has conducted a review of statutory forms in use in company liquidations to ensure that they remain relevant and up to date. Form 23 of the forms contained in the Appendix to the Companies (Winding-Up) Rules has to be submitted to the Official Receiver by directors and other persons where the court makes an order for the winding up of a company or the appointment of a provisional liquidator. This form was found to be in need of substantial amendment. The form has been redesigned to make it more user-friendly and to obtain all the relevant information about a company's affairs in a clear and straightforward manner.

Mr President, I beg to move.

End/Wednesday, January 25, 1995

Bankruptcy forms made simpler

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Following is the speech by the Secretary for Financial Services, Mr Michael Cartland, in moving a motion on the Bankruptcy (Forms) (Amendment) Rule 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the first motion in my name on the Order paper.

The Bankruptcy (Forms) (Amendment) Order was made by the Chief Justice on 3 January 1995. It provides for the repeal of the current Statement of Affairs form and its replacement by two new forms.

Form 28 of the Bankruptcy (Forms) Rules must be submitted to the Official Receiver by all persons against whom a Receiving Order is made. In the course of a review of the statutory forms in use in relation to bankruptcies, this form was found to be in need of substantial updating. As some bankruptcies do not involve the collapse of an individual's business, it was considered more appropriate to have two types of form, one for a non trading individual and one for a trader. These forms have been designed to obtain all the necessary information about a debtor's affairs in a clear and straightforward manner. Debtors should find the new alternative forms easier to complete than the single form currently in use.

Mr President, I beg to move.

End/Wednesday, January 25, 1995

Legislative Council (Electoral Provisions) Ordinance

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Following is the speech by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in moving a resolution under Note (8)(c) to Schedule 2 to the Legislative Council (Electoral Provisions) Ordinance in the Legislative Council today (Wednesday):

Mr President,

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

This resolution is made under Note (8)(c) to Schedule 2 to the Legislative Council (Electoral Provisions) Ordinance. The Note provides that in the Social Welfare functional constituency, no more than 6 representatives of each of the agency member of the Hong Kong Council of Social Service, determined in a manner to be provided by resolution of this Council, shall be registered as electors in that constituency.

The purpose of this resolution is to set out the arrangements for registering up to 6 representatives of each of the agency member of the Hong Kong Council of Social Service (HKCSS). In line with the arrangements for registering individual electors in the other functional constituencies which have corporate members, we propose that, for the sake of consistency, the registration of agency representatives should follow those already provided for in section 10 of the Boundary and Election Commission (Registration of Electors) (Functional Constituencies and Election Committee Constituency) Regulation.

In brief, lots will be drawn if the applications for voter registration under an agency should exceed the quota of six by 1 May. Unsuccessful applicants, if they are also eligible to register in other non-corporate functional constituencies, will then have an opportunity to register by 1 June in another functional constituency if they fail to represent a HKCSS agency after the drawing of lots. These procedures will be clearly explained to the agencies concerned by the Registration Officer.

The Registration and Electoral Office has now started the registration of electors for the functional constituencies. The urgent passage of this resolution is necessary so that the Registration Officer can also register eligible representatives of the agencies of the HKCSS in the Social Welfare functional constituency. I hope Members will give their support to this resolution.

Mr President, I beg to move.

End/Wednesday, January 25, 1995

Public Bus Service Ordinance

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Following is the speech by the Secretary for Transport, Mr Haider Barma, in moving the resolution under section 5(3)(b) of the Public Bus Services Ordinance (Cap. 230): New Lantao Bus Company (1973) Limited in the Legislative Council today (Wednesday):

Mr President,

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

The Governor in Council has granted a new franchise to the New Lantao Bus Company (1973) Limited (NLB) to operate a public bus service with seven routes on Lantau Island for two years from 1 April 1995 to 31 March 1997.

This franchise will not be subject to a Profit Control Scheme and it is therefore necessary to disapply those sections of the Public Bus Services Ordinance governing the permitted return under the profit control scheme, but retain those sections which enable the Government to specify depreciation rates in respect of franchise related assets and require the company to produce accounts and other information needed for the monitoring of their performance. The resolution before Honourable Members seeks to give effect to these arrangements.

A special Subcommittee of this Council comprising the Hon Lee Wing-tat, the Hon Albert Chan and the Hon Andrew Wong met on 17 January 1995 to examine this resolution. I understand the Subcommittee has given its support.

Mr President, with these remarks, I move the resolution.

End/Wednesday, January 25, 1995

Academy for Performing Arts annual report tabled

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Following is the speech by the Secretary for Recreation and Culture, Mr James So, when he presented the 1993/94 Annual Report of the Hong Kong Academy for Performing Arts in the Legislative Council today (Wednesday):

Mr President,

I am happy to present the 1993/94 Annual Report of the Hong Kong Academy for Performing Arts together with its financial statement and auditor's report to the Council today. This Report covers the year ending on 30th June 1994.

The past year has seen major changes in the top management of the Academy. However, the Academy has continued to deliver quality training to its students under the fine leadership of Mr Lo King-man MBE JP who has replaced Dr John Hosier CBE as Director of the Academy.

The pursuit of the highest international standards remains the aim of the Academy. In this regard, the Academy has benefited from the wide professional experience of its teaching staff. The international experience and contacts of the three new Deans in the Schools of Dance, Music and Technical Arts (Theatre) who have joined the Academy during the year has also helped to attract renowned visiting artists to work with the students. The value of such exposure is enormous in encouraging and stimulating the development of the students.

In 1993/94, there were a total of 586 full-time Tertiary students and 812 part-time Junior students. Recognition of the talents of the Academy's students has been demonstrated by the substantial audiences for Academy concerts and performances and the numerous invitations to perform at overseas events. Recently, for example, the Academy students represented Hong Kong in the ceremonial and cultural events of the 1994 Commonwealth Games in Canada. They have done extremely well in promoting the image of Hong Kong internationally. Furthermore, during the 1993/94 academic year, 27 students won prizes in various local and international competitions.

As regards academic programme development, in September 1993 the Schools of Drama and Technical Arts (Theatre) admitted their first year of Bachelor of Fine Arts students. To date a total of four degree courses are being offered. The School of Technical Arts is now working on the development of another degree course in TV/Film. It is estimated that the course may be introduced in 1996.

I am impressed by the tremendous progress made by the Academy over the past ten years since its establishment. The Academy now plays a very important role in the local performing arts scene. Today, there is no area of performing arts activity in Hong Kong which is not touched by Academy students, graduates or staff. Looking forward, I am sure that the Academy will continue to make a significant contribution in raising the standard of performing arts in Hong Kong and to be an institution of which we, in Hong Kong, can all be justifiably proud.

Finally, I would like to take this opportunity to add a special word of appreciation and thanks to Dr Helmut Sohmen OBE who retired from the Chairmanship of the Academy's Council on 31st December 1994. During his eight years' outstanding service, Dr Sohmen led the Academy through a critical period of growth and development to attain its present status as the foremost degree-awarding institution in Southeast Asia for professional education and training in the performing and related technical arts. This is an excellent achievement and provides a sound legacy to Mr Yao Kang, OBE, JP who succeeded Dr Sohmen as Chairman in January 1995. I am sure under Mr Yao's capable chairmanship, the Academy will be moving from strength to strength in the years ahead.

End/Wednesday, January 25, 1995

Disclosure of salaries of LegCo members' assistants

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Following is a question by Dr the Hon David Li and a reply by the Acting Chief Secretary, the Hon Michael Leung, in the Legislative Council today (Wednesday):

Question :

From January 1, 1995, Executive Councillors must disclose their shareholdings in local companies and their activities in local financial markets. However, such disclosure is made to the Governor only on a confidential basis in order that the rights of Executive Councillors to a reasonable degree of privacy for themselves and their families in respect of their personal finances are not significantly eroded. By contrast, Legislative Councillors are now required to disclose for public inspection, not only the salaries paid to individual staff members but also their identities. In view of this, will the Government inform this Council :

- a) of the reason why the erosion of privacy consideration does not apply equally to Legislative Councillors' assistants who are private citizens of the territory, neither appointed nor elected to public office, nor members of the civil service; and

- b) how the right to privacy and the personal safety of Legislative Councillors' assistants will be protected in view of the disclosure of their identities and salaries for public inspection?

Reply :

Mr President,

I do not consider that the analogy that the Hon Member has made is a fair one. Members of the Executive Council make very similar public declarations to those made by members of this Council. They have agreed that, as advisers to the Governor, they should make further disclosures to him personally of their assets and financial activities. That is something that we should applaud. The proposal that Legislative Councillors should now disclose the identities and salaries of the staff they employ with public funds seems to me an entirely different issue.

To address the specific questions that the Honourable Member has asked, the consideration of a possible erosion of privacy in disclosing the names and salaries of Members' assistants must be weighed against the legitimate right of the public to know how LegCo Members are using the allowances provided to them out of public funds. An independent Commission, which was appointed by the Governor at the request of members of this Council to review the remuneration package for LegCo Members, concluded that in this consideration the public interest should be paramount, and that LegCo Members should include the names and salaries of their individual assistants in their reimbursement claims, which should be made available for public inspection.

The Administration agrees entirely with the Commission's view that the public has a right to know how LegCo Members use their allowances and that the approach taken in this area should be one of accountability, credibility and transparency. There is no reason why a major item of expenditure, in this case staff costs, should be exempted from this public scrutiny.

I frankly cannot see how the personal safety of LegCo Members' assistants will be threatened simply because their names and salaries are made available for public inspection. Indeed, some LegCo Members have been disclosing the names and salaries of their assistants from the beginning, even when this disclosure was not a requirement. I am not aware that these Members - or their staff - have experienced any such difficulties as a result.

End/Wednesday, January 25, 1995

Commemorate 50th anniversary of end of Pacific War

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Following is a question by the Hon Jimmy McGregor and a reply by the Acting Secretary for Security, Mr Ken Woodhouse, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council whether:

- (a) it will take steps to commemorate the 50th anniversary of the end of the Pacific War in August 1945 and pay tribute to the sacrifice and courage of the people of the territory during the war years; and
- (b) it will organise a suitable programme to give thanks for deliverance and to express renewed hope for a peaceful and successful future?

Reply:

Mr President,

It is our intention that this important anniversary should be suitably commemorated. Arrangements for this are now well advanced. Last year, at the Governor's request, the Commander British Forces established a steering committee to draw up proposals. Its members include the President of the Hong Kong Prisoners of War Association and representatives of the British Forces and the Government. The Governor has now approved a full programme of events recommended by the committee, and we have sought provision for this in the 1995/96 estimates.

The programme will begin on 28 August. Veterans from all over the world are expected to attend. There will be a commemoration parade, a wreath laying ceremony, a service and a march past by the veterans, the British forces and the Hong Kong disciplined services. The Royal Air Force and the Government Flying Service will stage a fly past. There will also be a lunch for the veterans and guests. Over the remainder of the week, there will be a battlefield tour, visits to significant military sites, such as the cemeteries, Stanley Fort and the former Sham Shui Po prisoner of war camp. The programme will end on 2 September with a parade to mark the disbandment of the Royal Hong Kong Regiment (the Volunteers).

End/Wednesday, January 25, 1995

Public transport has not lagged behind demand

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Following is a question by Dr the Hon Samuel Wong Ping-wai and a reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question:

According to the "Annual Traffic Census - 1993 Report", the provision of public transport increased by just 25% over a ten-year period from 1983 to 1993. However, it was pointed out in the Report of the Working Party on Measures to Address Traffic Congestion that the number of daily trips had doubled in the past 20 years, whereas the population had only increased by one-third over the same period and the proportion of trips using private transport had increased by nearly 50%. In this connection, will the Government inform this Council :

- (a) of the reasons why the development of public transport services lags far behind the market demand; and
- (b) whether the inadequate provision of public transport services has led to the increasing use of private transport by the public, thus aggravating the problem of traffic congestion?

Reply:

Mr President,

May I first point out, with due respect to the Honourable Member, that in his preamble he has not compared like with like. Firstly, Figure 5 in the Annual Traffic Census - 1993 Report depicts a 25% growth in the number of passenger trips made by public transport over the period 1983 - 1993. These figures do not relate to carrying capacities of the different modes of public transport over the same period. Secondly, the number of daily trips referred to in the Report of the Working Party on Measures to Address Traffic Congestion includes journeys by both public and private transport over a 20 year period.

I now turn to the two specific questions asked:

- (a) The provision of public transport has not lagged behind demand. On the contrary, new services and major improvements have been introduced in the past ten years. The MTR Island Line came into operation in 1985, the LRT system commenced in 1988, and the MTR extended its services from Lam Tin to Quarry Bay via the Eastern Harbour Crossing in 1989. In addition, the number of franchised bus routes rose from 275 to 469 and the number of GMB routes from 109 to 231. During this period, 18% of the franchised bus fleet and all PLBs and taxis have been air conditioned.

- (b) I do not agree that the tremendous increase in private car ownership experienced in recent years has been caused by inadequacies in our public transport system. The fact is that public transport in Hong Kong remains one of the best and most efficient in the world. As has been the case elsewhere, the growth in car ownership is mainly related to increases in real income. Private car usage will always be more comfortable and convenient than public transport, and if people can afford it, they will aspire to own cars.

Mr President, I wish to assure Honourable Members that the Administration is not complacent and, indeed, this is demonstrated by firm plans to further expand and upgrade public transport services. For example, the recently announced Railway Development Strategy provides a blueprint for the expansion of our rail systems. Meanwhile, both rail corporations are investing in new signalling equipment to increase train frequencies as well as in station improvements. The franchised bus companies will spend some \$500 million on new buses in the next 12 months. And further improvements will be made to ferry services to service the North West New Territories and the outlying islands.

End/Wednesday, January 25, 1995

Land sales

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

Question:

There were occasions in the past few years when some of the sites in the land sale programmes had not been sold as planned. Will the Government inform this Council:

- (a) of the total number of sites in the 1994-95 Lands Sales Programme not yet sold to date together with the total area of these sites and their respective usage; and what steps will be taken to ensure that these sites will be sold as planned within this financial year; and
- (b) whether there are discrepancies between the actual and anticipated selling prices of the sites sold this year; if so, what the reasons are?

Answer:

Mr President,

- (a) To date only 2 sites put up for sale by auction this year have failed to sell. The total area of these sites is 1.07 ha: one was for industrial use and the other for residential.

In respect of the industrial site, the area will be made up by other sites. The residential site will be put up for sale again in March 1995 with an increase in the site area.

The Government will seek to ensure full utilisation of the agreed Land Disposal Programme hectareage as far as possible.

- (b) There have been no instances of discrepancy between actual and anticipated selling prices of sites sold so far this year.

End/Wednesday, January 25, 1995

Proposal to increase programmed aircraft movements

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Following is a question by Dr the Hon Yeung Sum and a reply by the Acting Secretary for Economic Services, Mrs Elizabeth Bosher, in the Legislative Council today (Wednesday):

Question :

Residents of Kowloon City, Sham Shui Po, Wong Tai Sin, Kwun Tong and Hong Kong East have long been enduring serious aircraft noise nuisance. However, the Civil Aviation Department has proposed to increase the number of programmed aircraft movements in the early morning hours and extend the programming hours at Kai Tak to 00.30 am. In connection with this, will the Government inform this Council :

- (a) of the reasons for aggravating the problem of aircraft noise nuisance on the grounds of economic benefits at a time when there is a steady growth in the territory's economy;
- (b) whether the Government will proceed with the implementation of the proposal of extending the programming hours at Kai Tak in the face of the objections from many residents living in the affected areas; and
- (c) whether the Government has made any assessment of the possible economic loss arising from the decline in the quality of life standard and productivity of residents who suffering from the noise nuisance?

Answer :

Mr President,

The Hong Kong International Airport at Kai Tak is now operating at close to capacity. In 1994, the airport handled a total throughput of over 25 million passengers and almost 1.3 million tonnes of air cargo. Air traffic demand continues to increase yet there are virtually no usable runway slots available to satisfy new demand. In the current winter scheduling season, the Civil Aviation Department has had to turn down some 300 flights per week, at considerable cost to business, the tourism industry and the Hong Kong economy as a whole.

In the light of the increasing pressure on Kai Tak and the cost to the economy of turning away so many flights, we believe it is prudent to consider whether further measures should be taken to increase Kai Tak's operating capacity. Unfortunately, the options available are limited and rely heavily on fitting in more aircraft movements at those times of the day when there is still runway capacity available namely, in the early morning and late in the evening.

We recognise that any proposals to increase the number of programmed aircraft movements will, if implemented, cause a degree of additional noise nuisance to those living in the vicinity of the airport. The Administration fully accepts the potential economic benefits of increasing capacity at Kai Tak must be weighed carefully against the environmental implications and the impact on the quality of life of those residents affected by aircraft noise.

As members will be aware, the Administration has recently embarked on a comprehensive public consultation exercise to assess the reaction of the community to the various options for increasing Kai Tak capacity. Particular emphasis is being placed on obtaining the views of residents in those districts most directly affected by aircraft noise, as well as the views of the travel and tourism industries and the business sector.

I would like to assure Honourable Members that the Administration is approaching this consultation exercise with an entirely open mind. There is no pre-determined outcome. Our priority, at this stage, is to listen carefully to the views expressed by various sectors of the community, including members of this Council, before considering whether the options put forward should be implemented.

End/Wednesday, January 25, 1995

All trades must keep income and expenditure records

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Following is a question by the Hon Michael Ho Mun-ka and a reply by the Secretary for the Treasury, Mr Donald Tsang, in the Legislative Council today (Wednesday):

Question :

At present, the transactions in some trades in the sales and services sectors in the territory are carried out mainly on a cash basis. As such transactions are not accounted for by formal receipts and a proper accounting system, the incomes earned in these sectors may not be accurately reflected in their tax returns. As a result, the Government is unable to collect the correct amount of tax payable, thereby affecting public revenue and creating social inequity. In this connection, will the Government inform this Council :

- (a) whether the Government will introduce legislation or other measures requiring trades which carry out transactions on a cash basis to maintain clear records of income and expenditure, and to put into place an accounting system which allows accounts to be traced; and
- (b) whether consideration will be given to imposing such requirements on certain types of trades first; if not, why not?

Mr President,

The Government is fully committed to fighting tax evasion. Over the past three years, the Inland Revenue Department investigation and field audit staff tackled over 3,500 cases and obtained more than \$2.7 billion in back tax and penalties.

In last year's Budget Speech, the Financial Secretary highlighted the problem of under-reporting of income by businesses and professions which receive cash payments for their goods and services. Part of the problem stems from inadequate business records. Since the last Budget Speech, the Commissioner of Inland Revenue has met and written to professional bodies and trade associations to outline the need to keep proper accounts and issue proper receipts.

Specifically concerning the first point raised by the Hon Member, our law already requires all trades, including those which carry out transactions on a payment-by-cash basis, to maintain records of their income and expenditure. The law also requires the traders to retain such records for a period of not less than seven years. Such records should be sufficient to enable the Commissioner to ascertain them readily for the purpose of assessing tax liabilities. We are currently considering whether and, if so, how we need to strengthen the existing provisions in the light of experience gained from field audit and investigation activities.

On his second point, the requirement to maintain sufficient records applies to every person carrying on a trade, profession or business in Hong Kong. We do not think it would be appropriate or helpful at this stage to single out particular professions or trades for more stringent requirements.

End/Wednesday, January 25, 1995

Investigations of conduct of listed companies

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Following is a question by the Hon Chim Pui-chung and a written reply by the Secretary for Financial Services, Mr Michael Cartland, in the Legislative Council today (Wednesday):

Question:

* Will the Government inform this Council of the number of listed companies investigated by the Securities and Futures Commission last year under Section 33 of the Securities and Futures Commission Ordinance (Chapter 24), and the number of such companies which have been formally prosecuted or convicted?

Answer :

Section 33 of the Securities and Futures Commission Ordinance (SFCO) does not empower the Securities and Futures Commission (SFC) to investigate the conduct of listed companies. The only power available to the SFC to investigate the conduct of listed companies is section 29A of the SFCO. Section 29A provides a limited power of inspection of books and records if grounds set out therein exist. Since the enactment of section 29A in July 1994, the SFC has commenced three investigations. Two of the investigations resulted in High Court proceedings which are pending before the Court. The one remaining investigation is ongoing. Section 33 of the SFCO, however, does enable the SFC to investigate suspicious dealings by persons in the shares of listed companies. Such investigations may be commenced where contraventions of various ordinances and codes are suspected, for example, the Securities (Insider Dealing) Ordinance, the Securities (Disclosure of Interests) Ordinance, the Code on Takeovers and Mergers and certain of the Stock Exchange's Listing Rules. A total of 31 such investigations were commenced during 1994. Of these, five have been finalised, with two of them resulting in prosecutions and convictions and one resulting in administrative action by the SFC. The remaining investigations are still ongoing.

End/Wednesday, January 25, 1995

Labour rights of workers at new airport

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Following is a question by Dr the Hon Conrad Lam Kui-shing and a written reply by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question :

It is learnt that imported workers at the Chek Lap Kok Airport construction sites receive harsh treatment at work, such as excessively long working hours and unreasonably low wages etc. In view of this, will the Government inform this Council:

- (a) of the number of complaints lodged with the Labour Department by these workers against their employers over the past three years; together with a breakdown of the main categories of complaints and their respective percentages; and
- (b) whether the Government will consider adopting measures to safeguard the labour rights of these workers?

Reply :

Mr President,

- (a) Over the past three years, the Labour Department has received a total of eight complaint cases from imported workers working on construction sites of the Airport Core Programme (ACP) projects. Each of these cases comprised a variety of complaint items involving a different number of imported workers. The main categories of complaint and their respective percentages are as follows :

<u>Categories of Complaints</u>	<u>Percentage of Total</u>
Underpayment of overtime wages	21%
Non-granting of statutory holidays and rest days	16%
Underpayment of basic wages	16%

Unlawful wage deduction	16%
Long working hours	5%
Others (such as deployment to other posts and failure to arrange payment of wages by autopay)	26%

- (b) Under the special Importation of Labour Scheme for ACP projects, workers imported are employed under a standard Employment Contract for the duration of the particular works contract provided that it does not exceed two years. This Employment Contract is governed by all labour laws applicable to local workers in Hong Kong. Employers who breach the conditions stipulated under the standard Employment Contract are liable to be prosecuted under the relevant legislation. Furthermore, if they have acted against other conditions under the Scheme, approval may not be granted for replacement workers to be brought in, and their future applications for quotas under the Scheme may be refused. Such control mechanism has been in force since the Scheme began to operate in 1991.

The Labour Department has one special enforcement team tasked with the responsibility of conducting regular inspections at both the accommodation and employment areas of imported workers for ACP projects. If any offences are detected and they are backed up by sufficient evidence, prosecution actions will be taken against the individuals involved. Two more enforcement teams will be added, one in each of the coming two financial years.

To ensure that imported workers are aware of their rights, the Department organises regular briefing sessions for imported workers to inform them of their rights under the standard Employment Contracts governing their employment in Hong Kong. The Department also operates a 24-hour complaint hotline specifically for them.

End/Wednesday, January 25, 1995

Emissions from diesel-powered public buses

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Following is a question by the Hon Henry Tang Ying-yen and a written reply by the Secretary for Planning, Environment and Lands, Mr Tony Eason, in the Legislative Council today (Wednesday):

Question:

It is learnt that the Government is considering requiring all diesel engined vehicles with an axle weight of under four tons to switch to using unleaded petrol (ULP) as fuel in 1996 so as to reduce air pollution. In this connection, will the Government inform this Council:

- (a) of the extent of air pollution in the urban area caused by exhaust gas emitted by diesel-powered public buses;
- (b) whether consideration has been given to the introduction of measures requiring public buses to use ULP at a later stage; if so, what such measures are and when they will be implemented; and whether any measures will be adopted to minimise air pollution by public buses during the transition period; if not, why not;
- (c) whether the Government will require bus companies to purchase new vehicles using ULP; if not, why not; and
- (d) whether any study has been made to ascertain the rate of increase in operating costs of the bus companies after the switch to ULP as well as its effect on bus fares; if so, what the details are?

Reply :

Mr President,

- (a) Diesel-powered public buses contribute about 17% of respirable suspended particulates, the major air pollutant in the urban areas, and small diesel vehicles contribute about 60% of this pollutant.

- (b) As most public buses are larger than four tonnes in gross vehicle weight, and are powered by diesel engines because there is currently no viable petrol alternative for them, the Government has no plans at present to require such vehicles to use unleaded petrol. However, like all other diesel vehicles, starting from 1 April 1995 diesel-powered public buses will be required to use cleaner diesel (with sulphur content below 0.2%) and all newly registered large diesel vehicles, including new public buses, will be required to comply with stringent emission standards similar to those currently adopted in Europe.
- (c) The Government has no plans to require bus companies to purchase buses using unleaded petrol because no such buses are available on the market.
- (d) For the reasons stated above, it is not possible to provide substantive data for cost comparison.

The feasibility of requiring diesel engined vehicles under four tonnes to switch to unleaded petrol is still being examined by the Government.

End/Wednesday, January 25, 1995

Eligibility criteria for a Kwai Shing East Estate block

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Following is a question by the Hon Frederick Fung Kin-kee and a written reply by the Secretary for Housing, Mr Dominic S W Wong, in the Legislative Council today (Wednesday):

Question:

The Housing Authority has recently decided to reserve Block 12 of Kwai Shing East Estate for rehousing squatter clearerees who are eligible for rehousing in Temporary Housing Areas. In this connection, will the Government inform this Council whether:

- (a) the eligibility criteria for rehousing in this block are identical to those for allocation of public rental flats;

- (b) any squatters who meet the rehousing eligibility criteria, irrespective of whether they are affected by any clearance operation, will be allocated flats in this block; if so, what are the criteria for determining the priority for allocation of flats;
- (c) residents rehoused in this block can apply for transfer to larger flats in future on the ground of overcrowdedness; and
- (d) a date has been fixed for clearing Block 12 of Kwai Shing East Estate; if so, when it will be cleared; and in case of clearance, whether residents of this block will enjoy the same rights as those clearerees of redevelopment areas, or be classified as a new category of clearerees?

Answer

Mr President,

Block 12 of Kwai Shing East Estate, which will become available in June this year, has been reserved for rehousing squatter clearerees in Tsuen Wan and Kwai Chung districts who fail to meet the eligibility criteria for rehousing in public rental housing flats, i.e. those who are only eligible for rehousing in Temporary Housing Areas (THAs) in the New Territories. This special arrangement has been made in view of the shortage of THA spaces to meet the demand arising from squatter clearances in these two districts and the Governor's pledge to clear, by 1996, all THAs built before 1984.

The status of squatter clearerees to be rehoused in this block is similar to that of THA residents. They will not be given the same treatment as public rental housing tenants in respect of overcrowding relief or upon redevelopment of the block for which no timetable has been fixed.

End/Wednesday, January 25, 1995

Overloading of green minibuses

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Following is a question by the Hon Zachary Wong Wai-yin and a reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council :

- (a) whether it is aware of the overloading problem of green minibuses operating in some routes with round- the-clock service or in rural areas; if so, what are the causes of overloading; and
- (b) how the authority concerned will monitor and improve the overloading problem in (a) above?

Answer:

Overloading of green minibuses is not a widespread problem. In 1994, Transport Department and the Transport Complaints Unit received only 27 such complaints, of which three were related to all-night or rural services.

Transport Department monitors the operation of green minibuses closely. Complaints about overloading are carefully and thoroughly investigated. Operators are required to conduct their own investigations into these complaints, provide explanations, and rectify the situation where the complaints are substantiated. The Commissioner for Transport has powers to suspend or revoke the licence of the operator if the latter fails to rectify the problem to his satisfaction. In 1994, 10 written and four (4) verbal warnings were given but no licence was suspended or revoked because of overloading offences.

As overloading of green minibuses constitutes a traffic offence, referrals are also made to the Police for investigation and enforcement action.

When there is increased passenger demand for a particular route, arrangements will be made by the Commissioner for Transport to increase service capacity.

End/Wednesday, January 25, 1995

Burglaries in schools

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Following is a question by the Hon Cheung Man-kwong and a written reply by the acting Secretary for the Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question:

In regard to burglaries in schools, will the Government inform this Council :

- (a) of the breakdown by district on the number of such cases in each of the past three years, together with particulars of the stolen items and the estimated value in each case as well as the number of cases which have been solved;
- (b) whether the Education Department (ED) will ask schools to take out insurance on the relatively expensive items such as audio-visual equipment and computers; and whether the ED has provided funds for schools to replace the lost items in case of thefts; if so, the total amount of funds allocated in the past three years; and
- (c) whether the ED has adopted any measures to help schools to improve their security systems, such as installing anti-theft devices in classrooms or rooms where the relatively expensive items are stored, so as to reduce the chances of thefts occurring?

Reply :

Mr President,

- (a) The number of burglary cases in schools reported to the Education Department was 28 for the school year 1992/93, 33 for 1993/94 and 17 for the period from September to November 1994. The items stolen ranged from petty cash, tools and cupboards to audio-visual aids and office equipment such as fax machines and computers. Details are at the Appendix. We do not keep record on the original value of these stolen items and on the number of cases solved by the Police, though each case of burglary must be reported to the Police before compensation may be claimed from the Education Department for replacement purpose. For the amount of compensation, please refer to the Appendix.
- (b) Government acts as an insurer of all standard items which include specified audio-visual equipment and computers in all Government and aided schools. Stolen items are therefore replaced as a matter of policy by the Education Department. For above-standard and non-standard items, schools have been advised to take out insurance by themselves.
- (c) The total amount of funds approved for the replacement of stolen standard items since the 1992/93 school year is shown at the Appendix.

The Education Department has advised all schools to strengthen their security. Schools may also apply to the Education Department for funds to install anti-theft measures such as window bars and iron gates.

Record of Burglary Cases Reported to ED

<u>School Year</u>	<u>No. of Cases</u>	<u>District (No. of Cases)</u>	<u>Stolen Items</u>	<u>Subsidy Approved for Replacement</u>	
1992/93	28	North (3)	TV sets)	
		Tai Po (2)	Video Cassette)	
		Yuen Long (1)	Recorders	) \$103,461
		Tuen Mun (7)	Compact Discs	) (excluding the
		Tsuen Wan (1)	Stop Watches	) 17 TV sets
		Kwai Chung (1)	Tools	) and 19 Video
		Kwun Tong (2)	Safe	) Cassette
		Wong Tai Sin (1)	Cupboards	) Recorders
		Sham Shui Po (2)	Calculator	) replaced by
		Kowloon City (4)	Computers	) ETV Section
		Hong Kong East	Fax Machine	) directly.)
		(1)	Typewriter)	
	Southern (3))			
1993/94	33	North (4)	TV sets)	
		Tai Po (3)	Video Cassette)	
		Yuen Long (3)	Recorders	) \$293,679
		Tuen Mun (4)	Hi Fi System	) (excluding the
		Kwai Chung (1)	Safe Cabinet	) 22 TV sets
		Kowloon City (2)	CD Player	) and 9 Video
		Yau Tsim (4)	Compact Discs	) Cassette
		Mongkok (1)	Camera	) Recorders
		Hong Kong East	Computer	) replaced by
		(7)	Fax Machine	) ETV Section
			Southern (2)	Petty Cash) directly.)
			Central &)	
	Western (2))			
1994/95 (up to end of November 1994)	17	Tai Po (1)	TV sets)	
		Tsuen Wan (3)	Video Cassette)	
		Kwai Chung (2)	Recorders	) \$199,120
		Shatin (1)	Hi Fi System	) (excluding the
		Sai Kung (1)	CD Player	) 3 TV sets
		Island (1)	Steel Cupboard	) and 9 Video
		Wong Tai Sin (1)	Computer	) Cassette
		Kowloon City (2)	Fax Machine	) Recorders
		Hong Kong East	)	) replaced by
		(1)	)	) ETV Section
			Southern (2))) directly.)
			Central &)	
	Western (1))			
	Wan Chai (1))			

Immunisation against Hepatitis B

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

Question :

As there are now methods to prevent the transmission of Hepatitis B and AIDS by pregnant women to their babies, will the Government inform this Council :

- (a) of the total number of pregnant women admitted to public hospitals who have been carriers of Hepatitis B or AIDS virus over the past three years; and
- (b) what measures are being taken by the Hospital Authority to prevent babies from being infected with Hepatitis B and AIDS virus, thus ensuring the health of babies?

Reply :

- (a) Based on epidemiological studies, the overall prevalence rate of Hepatitis B carriers among the population in Hong Kong is about 10%. Since there have been slightly over 45,000 deliveries annually in public hospitals in recent years, it is estimated that approximately 14,000 pregnant women in public hospitals over the past three years would have been carriers of Hepatitis B.

The prevalence rate of HIV infection among pregnant women in Hong Kong is very low. Epidemiological surveys among newly born infants in Hong Kong have not detected any unknown HIV carriers to date. There is in fact only one documented case of transmission of AIDS by a pregnant woman to her baby.

- (b) Pregnant mothers are routinely screened for Hepatitis B during the antenatal period. If discovered to be a carrier, the mother will be given health advice and counselling to minimise the risk of transmission of Hepatitis B to their babies. All babies born in public hospitals to mothers carrying the virus will be vaccinated with the Hepatitis B vaccine and given a dose of Hepatitis B Immunoglobulin at birth. This will be followed by two more doses of Hepatitis B vaccine at one month and 3 months after birth. In addition, the recommended Hepatitis B Vaccination Programme would ensure that all new born babies in Hong Kong are given Hepatitis B vaccines as part of the universal immunization programme.

HIV infected patients are given advice and counselling, including the risk of transmission of AIDS to their babies. Should women who are HIV positive become pregnant, specific counselling would also be given. The risk of transmission to the baby would be explained and the pregnant woman would be given the choice as to whether to allow the pregnancy to continue. Appropriate drugs which are known to reduce the rate of vertical transmission from mother to baby may be prescribed for pregnant women who are carriers of HIV, provided that they fully understand the benefits and risks involved and have given their consent. The health of the babies born to these mothers will be ensured by regular check ups.

End/Wednesday, January 25, 1995

Staff appraisal systems for lecturers

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Following is a question by the Hon Emily Lau Wai-hing and a written reply by the Acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question :

It is learnt that a performance appraisal system for lecturers on contract terms has been established in tertiary institutions funded by the University Grants Committee (UGC). In this connection, will the Government inform this Council :-

- (a) what methods are used by these institutions to assess the performance of lecturers on pensionable terms; and whether a performance appraisal system identical or similar to that for lecturers on contract terms has been adopted by these institutions; and

- (b) whether these institutions will consider demoting lecturers whose performance does not meet the required standard?

Reply:

Mr President,

- (a) The Administration understands that with the exception of the Lingnan College where no academic staff are employed on pensionable terms, all the UGC-funded institutions have established staff appraisal systems for their academic staff employed on superannuable (pensionable) terms. The methods for assessing the performance of lecturers on superannuable terms vary amongst institutions because of their historical backgrounds and management practices. In short, they in general involve a review of performance in teaching, research and professional and public service.

In the case of the City University of Hong Kong, the Hong Kong Polytechnic University and the Hong Kong Baptist University, the performance appraisal systems for academic staff employed on superannuable terms are identical to those for academic staff employed on fixed-terms contracts.

For the Lingnan College, all staff are employed on fixed-term contracts, hence a single appraisal system is adopted. The Chinese University of Hong Kong and the Hong Kong University of Science and Technology do not have an appraisal system for academic staff employed on fixed-term contracts but they do have an established review system for considering reappointment of contract staff.

The University of Hong Kong does not have a formal procedure for reviewing performance of staff on fixed-term contracts but such procedures are being developed.

- (b) The Administration understands that the UGC-funded institutions all adopt similar practices in dealing with academic staff with substandard performance. For those staff on contract terms whose performance is substandard, they will be encouraged and assisted to improve their performance. Failing that their contracts will not be renewed upon expiry. For those on superannuable terms, the institutions may withhold their annual salary increment or extend the non-substantiated period for the staff concerned. To date no academic staff have been downgraded because of substandard performance.

End/Wednesday, January 25, 1995

No shortage of domestic helpers

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Following is a question by the Hon Mrs Peggy Lam, and a written reply by the Acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question :

Recently survey results indicate that there is a shortfall of 30,000 domestic helpers in the territory, particularly Chinese maids. This has led to many employers abusing the importation of semi-skilled labour scheme in order to import Chinese domestic helpers. In view of this, will the Government inform this Council :

- (a) of the number of prosecutions regarding the abuse of the importation of semi-skilled labour scheme by importing Chinese maids in the past three years;
- (b) what measures does the Government have to curb the problem of abusing the importation of semi-skilled labour scheme; and
- (c) whether the Government will consider permitting the importation of Chinese domestic helpers?

Reply:

Mr President,

We have no statistics which indicate that there is a shortfall of domestic helpers or that the shortage is of a particular nationality or ethnicity in Hong Kong. The demand for domestic helpers can be met by local supply and the importation of foreign domestic helpers, which is subject to normal immigration control but no quota ceiling.

On the other hand, under the General Importation of Labour Scheme, all the imported workers are to be employed under a standard Employment Contract for a period of not more than two years. Such imported workers are not allowed to change jobs during their stay in Hong Kong. There are no indications that employers under this Scheme have abused it to hire domestic helpers from China.

My reply to the three specific parts of the question is as follows :

- (a) The Immigration Department has not received any complaints of such abuse. No imported workers have been prosecuted for taking up unauthorised employment as domestic helpers. Neither have any employers been prosecuted for deploying imported workers to jobs other than those stipulated in their employment contracts under the General Importation of Labour Scheme.
- (b) To ensure that imported workers are employed in accordance with the terms of employment under their employment contracts, four special teams of labour inspectors of the Labour Department pay regular inspections to places of employment of imported workers. Prosecutions will be taken against employers who have breached the terms of the employment contracts, according to the relevant labour legislation. Other irregularities concerning breach of conditions under the Scheme which are detected during inspections will also be referred to the Immigration Department for further action.

The Immigration Department conducts regular raids, including joint operations with the Police, at such places of employment to see whether there are breaches of conditions under the General Scheme, such as whether the imported workers have taken up jobs different from those specified in their employment contracts. Any imported workers engaged in unauthorised work are liable on conviction to a fine of \$5,000 and imprisonment for two years. They will also be liable to removal from Hong Kong. Likewise, any employers who are prosecuted for deploying their imported workers illegally are liable to the same penalty, although the liability to removal from Hong Kong will not apply to them. Moreover, they may have their quotas withdrawn and be debarred from participation in the Scheme in future as their adverse record will be taken into account when considering any new applications for importation from them.

- (c) Foreign domestic helpers have been allowed to work in Hong Kong for over two decades to meet a specific demand in Hong Kong. We have been making regular improvements to the scheme to cope with the needs of our community, and the arrangements have been working well. Since the importation of domestic helpers from China will pose an immigration problem, we do not consider that it is in our best interest to allow such domestic helpers to enter Hong Kong for employment.

End/Wednesday, January 25, 1995

No control over use of social security grants

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

Question:

Will the Government inform this Council whether :

- (a) any estimate has been made of the number of drug abusers among the current recipients of payments under the Comprehensive Social Security Assistance Scheme; and
- (b) there are any measures to prevent the use of the maintenance grants under the Scheme for drugs abuse?

Reply :

- (a) No estimate has been made of the number of drug abusers receiving financial assistance under the Comprehensive Social Security Assistance (CSSA) Scheme.
- (b) Measures are taken to ensure that recipients of CSSA payments understand the purpose of the payments, namely to assist in meeting basic needs such as food, clothing and accommodation. But no general control is exercised over the way in which CSSA is actually spent and there are therefore no specific controls to prevent the use of CSSA grants for drug abuse. It would not be operationally possible to exercise such control, although controls exist to ensure claimants genuinely meet eligibility criteria and comply with all the current safeguards in the system to prevent abuse (e.g. able-bodied adult recipients are required actively to seek employment).

End/Wednesday, January 25, 1995

Clearance of squatter areas

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Following is a question by the Hon Fred Li Wah-ming and a written reply by the Secretary for Housing, Mr Dominic S W Wong, in the Legislative Council today (Wednesday):

Question:

It was mentioned in the 1994 Policy Address that all urban squatters on government land would be rehoused by March 1996. However, there are some squatter areas such as Lei Yue Mun Village and Cha Kwo Ling Village which are situated on both government and private lands. In this connection, will the Government inform this Council:

- (a) whether the Government has any plan to resume such squatter areas for public purposes; if so, whether there is a specific timetable to clear such squatter areas and how the squatters will be rehoused;
- (b) whether, in regard to those squatter areas where there is no plan to resume private land for public purposes, the Government will clear the squatter huts on government land only and rehouse those squatters who are affected by the clearance;
- (c) if the answer to (b) is in the affirmative, how the Government will deal with the squatters on private land in the same squatter area who will not be cleared and rehoused; and
- (d) if the answer to (b) is in the negative, whether the Government has other policies to deal with such squatter areas, and how it will fulfil its pledge to rehouse all urban squatters on government land by 1996?

Answer

Mr President,

- (a) There are 22 squatter areas in the territory situated on mixed government and private land. The clearance of these areas will not proceed until the private lots have been resumed for public purposes. There is no timetable for such clearance at present.

- (b) The Administration will not consider partial clearance of these squatter areas in view of the likely problems of environment, security and disruption which may be caused to the remaining residents.
- (d) The Administration is making steady progress in fulfilling the Governor's undertaking to clear all urban squatters on government land by March 1996. Squatter areas situated on mixed government and private land do not fall within the Governor's undertaking, and their clearance will only be carried out when the private lots are resumed for public purposes.

End/Wednesday, January 25, 1995

Property price movements

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Following is a question by the Hon Eric Li Ka-cheung and a written reply by the Secretary for Planning, Environment and Lands, Mr Tony Eason, in the Legislative Council today (Wednesday):

Question:

The Secretary for Planning, Environment and Lands recently mentioned that local property prices might still fall by five to ten percent, and he expected that the gap between property prices and the affordability of the public would be narrowed within this year. Will the Government inform this Council of:

- (a) the grounds, research or survey data on which the above-mentioned extent of fall in property prices is based;
- (b) the objective criteria adapted by the Government to measure the property purchasing power of the public; and what are the actual figures of the public's affordability arrived at by the Government; and
- (c) the legitimate authority of known established policy on which the Government relies to provide property price indices to the public and play a direct role in determining the property price level in place of the free market mechanism?

Answer:

Mr President,

- (a) The statements referred to in this question were made spontaneously in response to oral questions from the media. They were not therefore intended to be precisely analytical but were based on my interpretation at the time of various information, including past property price movements, supply indications, the activities of sellers and signs of continuing consumer resistance to prices being asked. They were also made against the background of signs that, on the one hand, over pessimistic statements were being made about the property market, while, on the other, others were seeking to 'talk the market up'. In other words, the statements were intended to strike a balance among other views being publicly expressed.
- (b) Property purchasing power and affordability vary considerably from household to household and are constantly changing. They are a function of many factors, such as the income and circumstances of the individual household, aspirations as to type and price of property, interest rates, banks' lending policies, etc. General trends are, however, discernable.
- (c) The Rating and Valuation Department compiles price and rental indices for various classes of property as a general guide to price and rental movements. These are derived by analysing actual sales prices and rents. Property price movements, however, are determined by market forces depending on demand and supply. The Government's wish is to see that the consumer or potential purchaser has as much information on price movements and supply as possible so that, with or without expert advice, he can make a considered choice. Government statistics and statements are clearly only two among many sources of guidance which can be drawn upon.

End/Wednesday, January 25, 1995

Manufacturers being helped to cope with environmental laws

Following is a question by the Hon Man Sai-cheong and a written reply by the acting Secretary for Trade and Industry, Mrs Regina Ip, in the Legislative Council today (Wednesday):

Question:

The growing global trend of environmental concern is causing a major impact on the local industry, 80% of which are small and medium-sized firms. In this connection, will the Government inform this Council :

- (a) what measures the Government has taken to assist and guide the industry sector to comply with the local environmental legislation including the Air Pollution Control Ordinance, Water Pollution Control Ordinance, and Noise Control Ordinance;
- (b) what role does the Industry Department play in helping the local industry to become more environmentally conscious in line with the global trend;
- (c) what specific measures the Government has taken to implement the Immediate Action Plan set out in the Support to Industry on Environmental Matters Report; and to what extent these measures have succeeded in helping the local industrialists; and
- (d) what plan the Government will make to support the local industry in environmental matters in order to enable the local industry to maintain its competitive position in the Region?

Answer

The Government aims to help small and medium-sized manufacturing enterprises (SMEs) to cope with the impact of environmental controls in two ways: by increasing awareness of the benefits to manufacturers of good environmental practice in general, and how pollution control legislation may affect them in particular; and by ensuring the provision of adequate technical services. The Industry Department is responsible for coordinating these efforts.

As regards increasing awareness, the Department produces a free annual guide on legislation and sources of technical help. It also provides information on environmental requirements for product standards in our major markets. In accordance with the Immediate Action Plan, the Department has commissioned the Hong Kong Productivity Council (HKPC) to organise seminars for industrialists and the Centre for Environmental Technology to operate a hotline to answer queries from manufacturers, and to produce a directory of pollution control equipment and services. The hotline has been operational since October 1994; the directory will be published in March 1995. The HKPC has also been funded to undertake a programme of advisory visits to SMEs operating in the bleaching and dyeing, electroplating, and printed circuit board (PCB) manufacturing industries. Later this year, the Industry Department will reinforce these efforts with an advertising campaign on television and radio, and in newspapers.

The Department is also ensuring that technical services are available to help manufacturers improve their environmental controls. To this end, the Hong Kong Laboratory Accreditation Scheme accredits local laboratories to offer internationally-recognised environmental testing services to manufacturers. The HKPC already provides a wide range of environmental services for manufacturers, including expert advice on air, noise and effluent pollution control, waste and energy management, and waste treatment. Many manufacturers take advantage of this; in 1993-94, the HKPC undertook 188 environmental assignments.

As part of the Immediate Action Plan, the Government is supporting the expansion of the HKPC's technical services. Manuals to help with the design of less polluting production processes for bleaching and dyeing, electroplating, and PCB manufacture will be published by the HKPC in May. The HKPC will visit 200 SMEs in these sectors during the first year to test effluent and advise them on how to comply with the requisite environmental standards; 25 such projects have already been completed.

On advice from the Industry and Technology Development Council, the Department is funding 11 projects intended to help industrialists to respond to increasing environmental awareness at home and overseas. These include projects on the treatment of waste, cleaner production techniques and technologies, noise control, and eco-labelling. The Council will be asked to advise on additional projects shortly.

Those manufacturers who take advantage of these measures should be able to respond effectively to the growing environmental pressures at home and overseas. In the short term, pollution controls will increase production costs in some industries, although the effect can be minimised by measures to reduce energy consumption and reduce wastage. In the longer term, the demand for products produced by environmentally-friendly processes is likely to increase, and manufacturers will be better equipped to compete with their counterparts in the region.

The Department will continue to keep track of proposed environmental legislation in Hong Kong, and of developments in overseas markets, and ensure that manufacturers are consulted and informed through their associations. It will also keep under review the adequacy of technical services, and seek improvements where necessary.

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Motion to reprove Government passed

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The Legislative Council today (Wednesday) passed by 24 votes to 17 a motion put forward by the Hon Anna Wu to reprove the Government for withdrawing the Employment (Amendment) Bill 1994 after the Hon Lau Chin-shek's amendment to it was carried.

The motion also urged the Government to pledge its respect for the Council as a decision-making body on legislative matters.

During the sitting, a motion moved by the Hon Fred Li to urge the Government to set up a community-based comprehensive medical and health care plan for persons aged 60 or above was passed as amended by the Hon Tam Yiu-chung.

A motion moved by the Secretary for the Civil Service, Mr Michael Sze, under Section 29 of the Public Finance Ordinance for establishing a Civil Service Pension Reserve Fund was passed, as were motions moved by other Government officials under the Public Bus Services Ordinance, the Legislative Council (Electoral Provisions) Ordinance, the Bankruptcy Ordinance and the Companies Ordinance.

Four bills were introduced into the Council for first and second readings. They were the Legal Aid (Amendment) Bill 1995, Motor Vehicles Insurance (Third Party Risks) (Amendment) Bill 1995, the Employees' Compensation (Amendment) Bill 1995 and the Housing (Amendment) Bill 1995. Debates on them were adjourned.

Debate was resumed on the Public Health and Municipal Services (Amendment) (No.3) Bill 1994 and the Timber Stores Bill. Both bills passed the third reading with amendments.

During the sitting, Members asked a total of 20 questions, six of which called for oral answers from the Administration.

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