



DAILY INFORMATION BULLETIN

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<u>Contents</u>	<u>Page No.</u>
Closer communication between LAB and LegCo important	1
Medical gas cylinders incorrectly labelled	2
Investment agreement between HK and Germany signed	3
CAPO procedures to be reviewed	4
Summonses issued for suspected breach of employment law	5
Buildings Ordinance to be amended	7
Insurance Companies Ordinance to be amended	7
Dutiable Commodities (Amendment) Bill to be gazetted	9
Legal Practitioners (A) Bill to be gazetted	10
Monetary statistics for December published	11
Tsing Yi lot to let by tender	15
Hong Kong Monetary Authority money market operations	15

Closer communication between LAB and LegCo important

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While the outcome of the Legislative Council's debate on protection of wages on insolvency was disappointing, it was important to note that nearly half of the members who had voted supported the Government's amendment and the proposal put forward by the Labour Advisory Board (LAB) and the Protection of Wages on Insolvency Fund Board.

This was stated today (Wednesday) by the Secretary for Education and Manpower, Mr Joseph W P Wong, after the Government's amendment to the resolution moved by the Hon Lee Cheuk-yan under the Protection of Wages on Insolvency Ordinance was voted down marginally by one vote.

Mr Wong noted that even many LegCo members who voted against the amendment had stated in their speeches that they respected the present tripartite mechanism and some even said they considered the proposal put forward by LAB and the Fund Board reasonable.

"Those supported the Government made up of a vast majority of independent members.

"Through this debate a clear message has been sent, that is it is in our interest to preserve the present tripartite system through which employers and employees representatives can hold rational discussions before reaching a proposal and the Government to continue taking a mediating role," he said.

"I hope that there would not be a repeat of a similar voting, but let us not be carried away by the result of this voting. It was only a difference of one vote and it could have swung in either way had some members been present or some member voted differently."

Mr Wong stressed that it was more important to look forward to see whether the present arrangement could be strengthened.

"Indeed, I have already initiated a process of informal discussions with labour and employer representatives and some of the political parties to see on what basis we can build on the present mechanism and to improve communication between LAB and the LegCo," he said.

End

Medical gas cylinders incorrectly labelled

* * * * *

In response to media enquiries on mislabelled gas being supplied to hospitals, a government spokesman said today (Wednesday): "The Government has ordered an immediate investigation on the incident of mislabelled medical gases."

This followed complaint that medical CO₂ gas cylinders supplied to hospitals had been incorrectly labelled as compressed air.

"Hong Kong Oxygen, the supplier of the gas, will investigate the incident and submit a detailed report to the Director of Fire Services and the Director of Health," the spokesman added.

He reassured the public that the four cylinders were filled with the correct gas (CO₂) but labelled incorrectly. They had not been administered to patients.

"There was no possibility of incorrect gas being accidentally administered to patients. This is because all medical gas cylinders now in use employ a pin-index valve system. Each type of medical gas cylinder has a unique valve configuration which ensures correct fitting to the appropriate medical equipment," he added.

The spokesman pointed out that there had all along been guidelines issued by the Department of Health and Hospital Authority to private and public hospitals on the supply and use of medical gases.

"As a further precautionary measure, prompt action was taken by the Department of Health to inform all public and private hospitals of this incident. They were advised to check the colour coding and content of cylinders prior to use," he said.

The spokesman said a complaint was received from St Teresa's Hospital on January 27 claiming that some medical CO₂ gas cylinders had been incorrectly labelled as medical air.

"Staff of the Fire Services Department (FSD), Department of Health (DH) and Hong Kong Oxygen (HKO) immediately visited the hospital to understand the situation," he said.

"In the same afternoon, the Department of Health immediately alerted all public and private hospitals requesting them to confirm identity of gases before use."

A meeting was held among senior officers of FSD, DH and HKO on January 30, the spokesman said.

"During the meeting, HKO re-confirmed that there was no wrong filling of gas into the appropriate cylinder. Four cylinders from the same batch of 10 were found to bear inappropriate labels and actions had been taken to recall all the cylinders in this batch," he said.

"HKO agreed to conduct a detailed investigation on the incident and will submit a report to the Director of Fire Services and the Director of Health in about two weeks' time. The company will check each and every cylinder of gas before delivery to hospitals."

On calls for tighter legislative control over the supply of medical gases, the spokesman said plans were in the pipeline to tighten control over medical gases and license them as pharmaceutical products.

End

Investment agreement between HK and Germany signed

* * * * *

A bilateral agreement between Hong Kong and Germany on the promotion and protection of investment was signed in Bonn today (Wednesday).

It was signed by the Secretary for Trade and Industry, Miss Denise Yue, and the German State Secretary of the Federal Foreign Office, Dr Hans-Friedrich von Ploetz.

Acknowledging that Germany is a very important trade and investment partner of Hong Kong, Miss Yue said: "In trade, it is Hong Kong's largest European Union trading partner, exceeding HK\$80 billion in 1994.

"In investment, it is the third largest investor from the European Union and the ninth largest global investor in Hong Kong's manufacturing industries, accounting for over HK\$700 million.

"Furthermore, Germany is well represented in our finance, trade and other service sectors. There are 480 German companies operating in Hong Kong and the number is increasing steadily," she said.

Binding under international law, the Agreement aims to encourage and protect, on a reciprocal basis, investment by investors of one contracting party in the area of the others.

It contains undertakings by the two governments on equality of treatment for investors, proper compensation if investments are expropriated and the free transfer of investment and returns.

Miss Yue said: "We believe that German investors would welcome the added assurances provided by this bilateral agreement to which their own government is a contracting party.

"We hope that the Agreement will boost German investors' confidence in Hong Kong, before and beyond July 1, 1997."

This is the ninth agreement Hong Kong has signed in the area of investment promotion and protection. Hong Kong has also concluded agreements with the Netherlands, Denmark, Sweden, Switzerland, Australia, New Zealand, Italy and France.

The Agreement, upon completion of legislative procedures in Germany, is effective for 15 years in the first instance and will be extended indefinitely unless either side gives 12 months' notice of termination.

End

CAPO procedures to be reviewed

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As part of an exercise to improve the system on complaints against police, the Independent Police Complaints Council (IPCC) suggested an experienced Staff Grade Officer be appointed to review in depth existing Complaints Against Police Office (CAPO) procedures.

It was agreed by the Government and Administrative Officer Staff Grade "C", Mr Allan Chow, has been appointed Review Officer, IPCC, on January 17, 1996, as a result.

Although accountable to IPCC, Mr Chow will be stationed mainly in CAPO to observe and review CAPO's operating procedures. He will also examine the existing channels of CAPO/IPCC interface.

"All aspects of the investigation process including in particular interviews and statement-taking, collection of evidence, location of witnesses, scene visits and the conclusions of the investigations will come under Mr Chow's review," IPCC Chairman, Mr Denis Chang QC, said today (Wednesday).

At the end of his six-month mission, Mr Chow will report his findings to IPCC and to make recommendations for any improvement to CAPO procedures to ensure thoroughness and impartiality.

This may assist IPCC to discharge its monitoring functions under the existing terms of reference.

End

Summonses issued for suspected breach of employment law

* * * * *

The Labour Department announced today (Wednesday) that a total of 20 summonses have been issued to a building contractor for suspected late payment of wages and non-grant of a statutory holiday to a group of imported workers from Thailand between July and September last year.

Twelve of them, issued under Section 23 of the Employment Ordinance, were served on Hitachi Zosen Corporation, the contractor of the works contract for the Lantau Fixed Crossing - Kap Shui Mun Bridge and Ma Wan Viaducts under the new airport and related projects.

This section stipulates that wages shall become due on the expiry of the last day of the wage period and shall be paid as soon as practicable but in any case not later than seven days thereafter. The maximum penalty for each offence is \$200,000 and imprisonment for one year.

Eight other summonses issued under Section 39 of the same ordinance were also served on the same contractor for suspected of not granting to the Thai workers a statutory holiday on September 9 last year which is the Chinese Mid-Autumn Festival.

This section stipulates that all employees, irrespective of their wage levels, are entitled to statutory holidays and should be paid for the day off if they have worked continuously for the same employer for three months or longer immediately before the statutory holiday.

The maximum fine provided by this section has been revised substantially from \$10,000 to \$50,000 after the Employment (Amendment) (No 4) Bill was approved by the Legislative Council on December 6, 1995.

The approved amendment legislation was gazetted and became effective on December 15 last year.

The 20 summonses will be presented for hearing in the Western Magistracy on March 1.

A Labour Department spokesman said the prosecution was resulted from in-depth investigations into a number of complaints referred to the department's Importation of Workers Division by the Royal Thai Consulate General last October.

"We are still investigating several other cases involving late payment of wages to imported workers working in the new airport and related projects.

"Legal action will be taken if we have sufficient evidence and upon obtaining instructions from the Attorney General," the spokesman added.

End

Buildings Ordinance to be amended

* * * * *

A bill which seeks to require building owners to investigate regularly private drains and sewers to prevent possible leakage from affecting slope safety will be gazetted on Friday (February 2).

A government spokesman said today (Wednesday) that it was in the interest of building owners to investigate these private drains and sewers so that timely repairs could be carried out to eliminate the danger of a possible landslip.

The Buildings (Amendment) Bill 1996 also seeks to provide a more effective procedure for recovery of costs of works carried out by the Building Authority in default of building owners.

It will also remove an anomaly in the existing requirements for the service of a notice of expiry of a closure order.

The bill will be introduced into the Legislative Council on February 14.

End

Insurance Companies Ordinance to be amended

* * * * *

Amendments to the Insurance Companies Ordinance to enhance protection for the insuring public will be gazetted this Friday (February 2).

The major amendments proposed under the Insurance Companies (Amendment) Bill 1996 are to increase the minimum capital requirement for both general and long-term business, to increase the minimum solvency margin requirement in respect of general business and to restrict the use of the word "insurance" or "assurance" in business names to persons regulated under the ordinance.

Explaining the amendments, a government spokesman said today (Wednesday): "The current level of minimum capital requirement was introduced in 1983. Since then, inflation has aggregated to over 100 per cent. The level of protection offered by this requirement has been substantially eroded and therefore requires updating.

"The minimum capital requirement for general business or long term business alone will be raised from \$5 million to \$10 million. For both general and long-term business, or general business alone which includes compulsory insurance business (for example, employees' compensation business), the minimum capital requirement will be raised from \$10 million to \$20 million."

Similarly, the protection offered by the current level of minimum solvency margin requirement in respect of general business had been eroded by inflation, the spokesman said.

"Therefore the current minimum of \$5 million, or \$10 million where the general business includes compulsory business, will also be raised to \$10 million or \$20 million respectively," he said.

To ensure that the solvency margin would be commensurate with the level of risks of an insurer as represented by its claim liabilities, a solvency margin determined on a "claim liabilities basis", in addition to the current "premium basis", would be introduced, the spokesman said.

"An insurer will henceforth be required to maintain a solvency margin determined on a 'premium basis' or 'claim liabilities basis', whichever is the greater. This proposal is in line with international practice," he said.

Another major proposed amendment is the prohibition of use of the word "insurance" or "assurance" in business names without the consent of the Insurance Authority, unless the user is an authorised insurer, an appointed insurance agent or an authorised insurance broker regulated under the ordinance.

The spokesman pointed out that presently, any person could use the word "insurance" in his business name.

"This is undesirable as the public may be misled as to the authorised status and true nature of the business carried on by persons not regulated under the ordinance," the spokesman explained.

"To allow authorised insurers sufficient time to comply with the new minimum capital and solvency margin requirements, a transitional period up to October 31, 1997 is proposed," he said.

"However, the new requirements will apply immediately to insurers newly authorised after commencement of the amendment ordinance.

"As regards the prohibition of use of the word 'insurance', a transitional period of 12 months is allowed for a person to change his business name, if necessary," the spokesman said.

End

Dutiable Commodities (Amendment) Bill to be gazetted

* * * * *

The Dutiable Commodities (Amendment) Bill 1996 will be gazetted on Friday (February 2).

"The main objectives of the amendment bill are to facilitate trade operation, streamline enforcement action and improve the control of dutiable commodities for better revenue protection," a government spokesman said.

"Under the bill, we also propose to introduce a compounding scheme to replace prosecution of minor offences involving dutiable commodities with an administrative penalty system.

"Under the proposed scheme, if a person enters Hong Kong at an entry point carrying with him dutiable goods in excess of the duty free concessions and he fails to make a declaration or makes a false declaration, he commits an offence and the Commissioner of Customs and Excise will have the power to compound that offence.

"The person will be subject to a fine equivalent to five times the duty payable in respect of the goods in excess. However, he will have the right to elect not to have the offence compounded but to have it tried in court," the spokesman explained.

"For an offence to be compounded, the maximum limit of the duty payable in respect of the goods involved will be \$10,000. On compounding the offence, the full duty in respect of the dutiable goods involved will be deemed to have been paid. This will allow speedy settlement of these cases. Otherwise they would have to be prosecuted in court and the results achieved would be disproportionate to the resources used," the spokesman added.

The bill also includes other amendments which aim to keep the legislation up-to-date and in pace with other developments.

The Secretary for the Treasury will introduce the amendment bill into the Legislative Council on February 14.

End

Legal Practitioners (A) Bill to be gazetted

* * * * *

A bill to introduce a local appointment system of notaries public in Hong Kong will be gazetted on Friday (February 2) and introduced into the Legislative Council on February 14, a government spokesman said today (Wednesday).

The Legal Practitioners (Amendment) Bill 1996 will provide a statutory basis for the existing practice whereby only solicitors admitted in Hong Kong are appointed as notaries. The Bill will also establish the criteria and procedures of such appointments.

"The functions of a notary public in Hong Kong, as in other common law jurisdictions, are primarily to attest the execution and signature of documents and to take oaths and declarations in respect of documents for use in other countries," the spokesman said.

At present, all notaries public registered in Hong Kong are solicitors who have been granted notarial faculties by the Archbishop of Canterbury in England.

Under section 40 of the Legal Practitioners Ordinance, the Registrar of the Supreme Court is required to register every notary public who produces his notarial faculty and files in the Court an affidavit of identity and pays the enrolment fee.

The Master of Faculties in England does not grant notarial faculties to applicants from Hong Kong without the support of the Hong Kong Society of Notaries and the prior approval of the Chief Justice.

The applicants have also had to sit and pass a notarial examination. These arrangements have no statutory basis.

The spokesman said the new statutory arrangements would give the Chief Justice the power of appointing notaries public and the responsibility for conducting the qualifying examination.

The Chief Justice would also be empowered to make rules regarding applications and to specify certain fees.

The legal profession has been consulted on the Bill.

End

Monetary statistics for December published

* * * * *

According to statistics published today (Wednesday) by the Hong Kong Monetary Authority, total deposits rebounded in December 1995, while total loans and advances grew moderately.

Table 1 summarises figures for December 1995 and comparisons with earlier months. Table 2 provides an analysis of loans and advances for use in Hong Kong by major economic sector in the December quarter.

Deposits

Total deposits increased by 1.6% in December, compared with the 0.1% decline in November. This was due to a 2.5% increase in HK\$ deposits as well as a 0.7% increase in foreign currency deposits.

Within HK\$ deposits, demand deposits fell by 1.1%, while savings deposits rose by 4.1%. HK\$ time deposits grew by 2.4% in the month, reversing the fall of 2.6% in November.

The rise in foreign currency deposits was attributable to a 1.3% increase in US\$ deposits during the month, as non-US\$ foreign currency deposits barely grew.

Foreign currency swap deposits fell by a further 3.9% in December, leading to a cumulative reduction of 52.1% since the peak of November 1994.

Loans and Advances

Total outstanding loans and advances rose by 0.2% in December, after a 1% increase in November. The slight increase was accounted for by a 0.6% increase in domestic loans which outweighed a 0.1% decline in loans for use outside Hong Kong. Analysed by currency, HK\$ loans rose by 0.3% in the month, while foreign currency loans rose by 0.1%. As HK\$ deposits grew faster than HK\$ loans, the HK\$ loan-to-deposit ratio declined to 105.7% in December from 108% in November.

Quarterly Analysis of Loans for Use in Hong Kong by Major Economic Sector

Loans for domestic use accelerated, growing by 2.3% in the December quarter. This increase was in part contributed by the loans for purchasing residential properties and, to a lesser extent, by the increases in loans for wholesale & retail trade and manufacturing. Loans for trade financing also rebounded slightly during the quarter, while loans for transport and transport equipment fell.

Money Supply

HK\$M1 rose by 0.8% in December. This was due to a seasonal increase in currency held by the public, notwithstanding the decrease in demand deposits. HK\$M2 and HK\$M3 both increased by 2.5% in December, compared with the declines of 2% and 1.9% respectively in November.

TABLE 1 : MONETARY STATISTICS - DECEMBER 1995

(HK\$ m)

	Dec 1995	Earlier months (% change to Dec 1995)		
		Nov 1995	Sep 1995	Dec 1994
Money Supply				
M1 - HKS	171,414	170,079 (0.8)	166,508 (2.9)	167,922 (2.1)
Foreign currency	18,227	17,797 (2.4)	17,418 (4.6)	17,412 (4.7)
Total	189,641	187,876 (0.9)	183,926 (3.1)	185,334 (2.3)
M2 - HKS@	1,260,202	1,229,576 (2.5)	1,234,276 (2.1)	1,094,715 (15.1)
Foreign currency*	1,004,872	1,005,377 (-0.1)	992,103 (1.3)	899,070 (11.8)
Total	2,265,074	2,234,953 (1.3)	2,226,379 (1.7)	1,993,786 (13.6)
M3 - HKS@	1,278,069	1,246,733 (2.5)	1,251,662 (2.1)	1,112,146 (14.9)
Foreign currency*	1,068,125	1,070,617 (-0.2)	1,055,692 (1.2)	961,280 (11.1)
Total	2,346,194	2,317,350 (1.2)	2,307,354 (1.7)	2,073,426 (13.2)
Notes and coins in circulation	81,667	77,321 (5.6)	78,295 (4.3)	78,143 (4.5)
of which held by public	71,335	68,934 (3.5)	69,310 (2.9)	67,783 (5.2)
Total Deposits				
Total Demand deposits	118,306	118,942 (-0.5)	114,616 (3.2)	117,551 (0.6)
Total Savings deposits	439,397	424,656 (3.5)	418,360 (5.0)	400,506 (9.7)
Total Time deposits with licensed banks	1,594,478	1,573,524 (1.3)	1,574,737 (1.3)	1,366,274 (16.7)
Total Time deposits with restricted licence banks	38,125	37,497 (1.7)	37,180 (2.5)	37,476 (1.7)
Total Time deposits with deposit-taking companies	18,356	18,419 (-0.3)	18,881 (-2.8)	19,888 (-7.7)
HKS deposits@	1,171,408	1,142,655 (2.5)	1,148,375 (2.0)	1,016,203 (15.3)
Demand deposits	100,079	101,145 (-1.1)	97,198 (3.0)	100,139 (-0.1)
Savings deposits	300,697	288,976 (4.1)	288,789 (4.1)	274,694 (9.5)
Time deposits@	770,631	752,534 (2.4)	762,389 (1.1)	641,370 (20.2)
US\$ deposits*	523,731	516,870 (1.3)	508,322 (3.0)	493,197 (6.2)
Other foreign currency deposits*	513,523	513,512 (0.0)	507,077 (1.3)	432,296 (18.8)
Foreign currency deposits*	1,037,255	1,030,382 (0.7)	1,015,399 (2.2)	925,493 (12.1)
All deposits	2,208,663	2,173,037 (1.6)	2,163,774 (2.1)	1,941,696 (13.7)
Foreign currency swap deposits	49,808	51,813 (-3.9)	56,945 (-12.5)	103,805 (-52.0)
Total Loans and advances				
To finance H.K.'s visible trade	155,737	154,389 (0.9)	154,571 (0.8)	130,536 (19.3)
To finance merchandising trade not touching H.K.	17,732	18,074 (-1.9)	17,539 (1.1)	14,839 (19.5)
Other loans for use in H.K.	1,398,027	1,389,616 (0.6)	1,363,454 (2.5)	1,258,601 (11.1)
Other loans for use outside H.K.	2,128,232	2,131,604 (-0.2)	2,153,550 (-1.2)	1,819,478 (17.0)
Other loans where the place of use is not known	38,130	37,984 (0.4)	39,059 (-2.4)	41,140 (-7.3)
Loans in HKS	1,237,602	1,234,294 (0.3)	1,214,713 (1.9)	1,119,388 (10.6)
Loans in foreign currencies	2,500,257	2,497,373 (0.1)	2,513,460 (-0.5)	2,145,205 (16.6)
Total loans and advances	3,737,859	3,731,667 (0.2)	3,728,172 (0.3)	3,264,594 (14.5)

* Adjusted to exclude foreign currency swap deposits.

@ Adjusted to include foreign currency swap deposits.

Note : Data may not add up to total due to rounding.

TABLE 2 : QUARTERLY ANALYSIS OF LOANS FOR USE IN HONG KONG BY SECTOR - DECEMBER 1995

<u>Sectors</u>	<u>Dec 1995</u> (HK\$ Mn)	<u>Adjusted# % change from earlier quarters to Dec 1995</u>		
		<u>Sep 1995</u>	<u>Jun 1995</u>	<u>Dec 1994</u>
Trade Financing	173,469	0.8	-1.6	19.3
Manufacturing	100,108	2.3	4.1	17.0
Transport and transport equipment	68,981	-1.2	-1.3	-3.8
Building, construction, property development and investment	261,306	-0.5	1.0	4.1
Wholesale and retail trade	166,225	3.6	5.1	20.1
Financial concerns *	176,377	4.0	10.9	14.4
Individuals:				
to purchase flats in the Home Ownership Scheme and Private Sector Participation Scheme	47,501	8.7	17.8	18.9
to purchase other residential property	300,444	3.4	7.2	16.1
other purposes	113,749	2.0	1.2	6.6
Others	163,337	3.3	5.6	6.6
Total	1,571,496	2.3	4.4	11.9

With the introduction of the new Return on Loans and Advances and Provisions (as revised from the Return on Loans and Advances for Use in Hong Kong) as from December 1994, a number of AIs have reclassified certain components. As a result, the figures are not strictly comparable with those of previous quarters. The percentage changes given above have been adjusted, so far as possible, to remove the reclassification effect and therefore cannot be calculated directly from the published figures.

* This excludes funds advanced to authorized institutions.

End

Tsing Yi lot to let by tender

* * * * *

The Lands Department is inviting tenders for the short-term tenancy of a piece of Government land on Tsing Yi Island in the New Territories.

The lot, located at Tam Kon Shan Road, Area 9, Tsing Yi, has an area of 405 square metres for use as a fee-paying public car park for parking of private cars and light goods vehicles, excluding container tractors and trailers.

The tenancy is for one year, renewable quarterly.

The closing date for submission of tenders is noon on February 16, 1996 (Friday).

Tender forms, tender notices and conditions may be obtained from the District Lands Office, Kwai Tsing, 10th floor, Tsuen Wan Station Multi-storey Carpark Building, 174-208 Castle Peak Road, Tsuen Wan; the District Lands Office, Kowloon, 10th floor, Yau Ma Tei Car Park Building, 250 Shanghai Street, Kowloon; and the Lands Department, 14th floor, Murray Building, Garden Road, Central.

Tender plans can also be inspected at these offices.

End

Hong Kong Monetary Authority money market operations

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	\$ million	Time (hours)	Cumulative change (\$million)
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Opening balance in the account	3,015	0930	-514
Closing balance in the account	2,412	1000	-514
Change attributable to :		1100	-514
Money market activity	-513	1200	-512
LAF today	-90	1500	-512
		1600	-513

LAF rate 4.25% bid/6.25% offer TWI 124.1 *+0.2* 31.1.96

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.51	2 years	2711	5.60	100.71	5.24
1 month	5.38	3 years	3901	5.57	100.58	5.43
3 months	5.31	5 years	5012	6.38	102.55	5.85
6 months	5.25	7 years	7211	6.82	104.32	6.13
12 months	5.18	5 years	M502	7.30	105.02	6.16

Total turnover of EF bills and notes - \$24,467 million

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End



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SUPPLEMENT

Wednesday, January 31, 1996

<u>Contents</u>	<u>Page No.</u>
<u>Legislative Council meeting :</u>	
HK committed to work towards a successful transition	1
Motion debate on "shadow government"	3
SHA on policy on Chinese immigrants	6
Biological Weapons Bill	9
Criminal Procedure (Amendment) Bill	10
Environmental Impact Assessment Bill	12
Judicial officers' conditions of service	14
Employment of retrained workers in civil service	16
Quality control in banknote printing process	18

/Accommodation for

<u>Contents</u>	<u>Page No.</u>
Accommodation for foreign domestic helpers	20
Western Corridor project	21
Emergency ambulances service	23
Limit of claims to be heard by Small Claims Tribunal	26
Home care for hospital patients	27
New roads to improve Southern District traffic flow	28
Measures to prevent suicide in police force	29
Special school for teenage drug addicts	32
Transportation of asbestos substances	34
Code of practice in the use of police car siren	35
Visits arranged under Sponsored Visitors' Programme	38
Energy efficiency regulation requirement	40
Monitoring signboards hanging outside buildings	41
Emergency services for Fo Tan	43
Closure of rural primary schools	45
Public transport services for new airport	47
Summary administration of estates	48

HK committed to work towards a successful transition

* * * * *

The Hong Kong Government is fully committed to working towards a successful transition through effective and accountable administration, practical co-operation with the Preparatory Committee (PC) and the Chief Executive (Designate), the Secretary for Constitutional Affairs, Mr Nicholas Ng, said today (Wednesday).

Speaking in the motion debate in the Legislative Council on "shadow government", Mr Ng set out the Government's position on a number of important transition issues.

He reaffirmed that there was and could be no question of a "second power centre", or a "shadow government" in the 17 months ahead and that the Administration would provide necessary assistance to the PC and immediate assistance to the Chief Executive (Designate) when he was in place.

Under the Joint Declaration, Mr Ng pointed out: "Britain will continue to be responsible for administering Hong Kong until June 30, 1997, and the Chinese Government will co-operate in this connection".

"The Hong Kong Government will not shirk our responsibility and will not accept any shadow or parallel government.

"In the 17 months ahead, the Government will continue to discharge its responsibilities vigorously, conscientiously and in the best overall interests of the community," he said.

Mr Ng noted that senior Chinese officials responsible for Hong Kong affairs, including Mr Lu Ping and Mr Zhou Nan, had affirmed in public that there was no question of a second power centre or parallel government, and that the PC would not intervene in the administration of Hong Kong before 1997.

On the PC, Mr Ng said the Government earnestly hoped that it would take full account of Hong Kong community's wish in working for a successful transition, and in establishing a truly credible HKSAR (Hong Kong Special Administrative Region) Government.

"On our part, we are committed to provide necessary assistance to the PC. When the Chief Executive (Designate) is in place, we will likewise render immediate assistance," he said.

According to the Chinese National People's Congress Decision of April 4, 1990, the PC is to be responsible for preparing for the establishment of the HKSAR Government, including the formation of the Selection Committee which is to elect the first Chief Executive (CE).

Mr Ng said the PC had just started its work and how it actually carried out its tasks must be a matter for the Committee itself.

Noting that there were 94 Hong Kong members in the PC, including 14 from the Legislative Council, he said no doubt they would serve as a conduit in reflecting the views and concern of the people of Hong Kong.

"We are pleased to note that Vice Premier Qian Qichen had said that the PC should extensively solicit opinions from Hong Kong people.

"Indeed, we understand that one of the working rules adopted by the PC is that it will take fully into account democratic principles and listen to the views of all sectors of the community," he said.

On the modalities of co-operation, Mr Ng said a large measure of agreement was reached at the two Foreign Ministers' meeting in London last October, including the establishment of a Liaison Office within the Hong Kong Government as a focal point of contact for the PC.

He pointed out that earlier this month, the Chinese Foreign Minister reaffirmed to the Secretary of State the Chinese Government's acceptance of Hong Kong Government's offer for co-operation with the PC.

The Liaison Office stood ready to assist the PC as it began to carry out its immensely important tasks, he said.

"We are committed to the principle of openness and transparency in our dealings with the PC, and will account to this Council and the public for our actions," he added.

On the Hon Emily Lau's suggestion regarding the methods for selecting the first and subsequent CE of HKSAR, and for forming the first and subsequent HKSAR Legislature, Mr Ng said the relevant methods and procedures were already prescribed in the Basic Law and the decision of the Chinese National People's Congress adopted on April 4, 1990.

"Implementation of these provisions, or amendments to these provisions, will be a matter for the Chinese Government and the future HKSAR Government," he said.

"I would, therefore, only want to state two points of fact.

"First, that Article 45 of the Basic Law provides that 'the ultimate aim is the selection of the CE by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures'.

"Secondly, that Article 68 provides that 'the ultimate aim is the election of all the members of the Legislative Council by universal suffrage'."

Mr Ng noted that it was perfectly natural that the Hong Kong community should take close interest in the processes for selecting the CE, and forming the HKSAR Legislature, as these were self-evidently crucial to the credibility of the HKSAR Government.

"Equally, it is perfectly understandable that our community should expect these processes to be nothing less than open, transparent and fair, and to make their expectations known.

"The Hong Kong Government fully shares these expectations, and would urge those responsible for determining the selection and formation processes to take full account of them," said Mr Ng.

End

Motion debate on "shadow government"

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Following is the speech by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in the motion debate on "Shadow Government" in the Legislative Council today (Wednesday):

Mr President,

Miss Emily Lau's motion, and the amendment motions put forward by Mr Liu, Mr Chu and Mr Ip, raise a number of important transition issues. I would like to take the opportunity to set out the Hong Kong Government's position on these issues.

First, let me deal with the basic premise of Miss Lau's motion. As some of the Members have said, there is no question of a "second power centre", or a "shadow government". Indeed, there can be no such question. Under the Joint Declaration, Britain will continue to be responsible for administering Hong Kong until 30 June 1997, and the Chinese Government will co-operate in this connection. The Hong Kong Government will not shirk our responsibility and will not accept any shadow or parallel government. In the 17 months ahead, the Government will continue to discharge its responsibilities vigorously, conscientiously and in the best overall interests of the community.

The Chinese government is, of course, a co-signatory of the Joint Declaration. Senior Chinese officials responsible for Hong Kong affairs, including Mr Lu Ping and Mr Zhou Nan, have affirmed in public that:

- (a) that there is no question of a second power centre or parallel government; and
- (b) that the Preparatory Committee will not intervene in the administration of Hong Kong before 1997.

Let me now move on to the Preparatory Committee. According to the National People's Congress Decision of 4 April 1990, the Preparatory Committee is to be responsible for preparing for the establishment of the HKSAR Government, including the formation of the Selection Committee which is to elect the first Chief Executive. The Committee has, as we all know, just started its work. How it actually carries out its tasks must be a matter for the Committee itself. But we earnestly hope that the Committee will take full account of the Hong Kong community's wish in working for a successful transition, and in establishing a truly credible HKSAR Government. There are 94 Hong Kong members in the Preparatory Committee, including 14 from the Council. No doubt they will serve as a conduit in reflecting the views and concern of the people of Hong Kong. We are pleased to note that Vice Premier Qian Qichen had said that the Preparatory Committee should extensively solicit opinions from Hong Kong people. Indeed, we understand that one of the working rules adopted by the Preparatory Committee is that the Committee will take fully into account democratic principles and listen to the views of all sectors of the community.

On our part, we are committed to provide necessary assistance to the Committee. When the Chief Executive (Designate) is in place, we will likewise render immediate assistance.

On the modalities of our co-operation, a large measure of agreement was reached at the two Foreign Ministers' meeting in London last October, including the establishment of a Liaison Office within the Hong Kong Government as a focal point of contact for the Preparatory Committee. Earlier this month, the Chinese Foreign Minister reaffirmed to the Secretary of State the Chinese Government's acceptance of our offer for co-operation with the Preparatory Committee. The Liaison Office stands ready to assist the Preparatory Committee as it begins to carry out its immensely important tasks.

Finally, I should like to respond to Miss Lau's suggestion regarding the methods for selecting the first and subsequent CE of the HKSAR, and for forming the first and subsequent HKSAR Legislature. The relevant methods and procedures are already prescribed in the Basic Law and the Decision of the National People's Congress adopted on 4 April 1990. Implementation of these provisions, or amendments to these provisions, will be a matter for the Chinese Government and the future HKSAR Government. I would, therefore, only want to state two points of fact. First, that Article 45 of the Basic Law provides that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Secondly, that Article 68 provides that "the ultimate aim is the election of all the members of the Legislative Council by universal suffrage."

The above said, the processes for selecting the Chief Executive, and forming the HKSAR legislature are self-evidently crucial to the credibility of the HKSAR Government. It is therefore perfectly natural that the Hong Kong community should take close interest in these processes. Equally, it is perfectly understandable that our community should expect these processes to be nothing less than open, transparent and fair, and to make their expectations known. The Hong Kong Government fully shares these expectations, and would urge those responsible for determining the selection and formation processes to take full account of them.

The 17 months ahead will be a critical period for the Hong Kong community. The Hong Kong Government is fully committed to working towards a successful transition through effective and accountable administration, and practical co-operation with the Preparatory Committee and the Chief Executive Designate. We hope that others will also contribute to this solemn task, and work together to put to fruition the high degree of autonomy promised to Hong Kong by the Joint Declaration.

End

SHA on policy on Chinese immigrants

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Following is the speech by the Secretary for Home Affairs, Mr Michael Suen, in the motion debate on policy on Chinese immigrants in the Legislative Council today (Wednesday):

Mr President,

The Honourable member, the community and the Government share the same concerns about the various problems faced by the new arrivals from China, and that necessary measures are implemented to enable their smooth integration into the community as soon as possible. Our aim is to ensure that new arrivals become members of the Hong Kong community as quickly as possible. To achieve this aim, it is our policy to make available to them adequate and appropriate support services.

We would avoid labelling new arrivals as a distinct group. This is because if new arrivals are singled out, this would alienate them from the community, thus contrary to our aim. There are indeed many new arrivals, who with the support of the community, are able to overcome different problems. At various times in the history of Hong Kong, we have seen arrivals from China joining us and making significant contributions to the development of Hong Kong's economy.

Nevertheless, there are a number of those newly arrived in the Territory who do face challenges and need assistance with orienting themselves in a society which may be very different from that to which they are accustomed. These needs are most marked during the first year after arrival as a number of practical difficulties often need to be faced. These may include having to use a new language in daily life, finding school places for their newly arrived children, helping their children resolve learning difficulties in schools, searching for new jobs, living in crowded accommodation, adapting to a totally new living environment, adjustment difficulties in living with their spouses' families, a lack of supporting social network, etc.

Our priority, therefore, is to assess more specifically the needs of these newest members of our community; to ensure that our service providers target at areas where services are most needed, and to meet the needs of new arrivals in the best possible way. In a short while, several of my colleagues will explain to Honourable members the services being provided for new arrivals. I will concentrate on the efforts which we in Home Affairs are making in this aspect.

The Home Affairs Department is mainly responsible for monitoring and assessing the services and for identifying what services are most needed. We have established a Steering Committee, chaired by the Director of Home Affairs, and including all those within Government responsible for service provision. We know that a number of non-government organisations are also very active in this area. For this reason, the Steering Committee will be inviting their participation at future meetings. The Steering Committee is responsible for identifying areas of need and recommending measures to service providers to address those needs. Although still in the early days of its work, the Committee will be making recommendations to service providers to ask for additional resources where there is a need.

The work of the Steering Committee is complemented and supported by a similar set-up in each of the Home Affairs Department's 18 District Offices. Through the district liaison network and frequent contacts with local associations and residents, District Officers are ideally placed to identify problem areas early and to reflect these difficulties to the central Steering Committee where they can be addressed at a senior level. District Officers are starting this work on a number of fronts. For example, the Wong Tai Sin District Office has initiated a local survey of new residents in an effort to pinpoint their needs, while the Sham Shui Po District Office is organising a district seminar on the subject. In addition, the Director of Home Affairs and her colleagues pay frequent visits to centres offering services for new arrivals. These visits are useful in understanding the feelings and needs of the new arrivals, and in gathering views from service providers directly.

In order to establish effective communication with new arrivals, it is necessary for us to have in hand more precisely their personal information. To this end, the Home Affairs Department has arranged with the Immigration Department to invite those newly arrived from China to fill in a simple survey form when they apply for their identity cards after landing in Hong Kong, supplying information on their age, details about their children, the dialects they speak, and the district in which they have settled. This information will be useful in allowing Home Affairs Department to assess the social, educational, housing and welfare needs of new arrivals. By identifying the areas in which new arrivals live, we can also take account of differing requirements across districts in order that service providers can focus their efforts accordingly. We have undertaken a pilot test of the survey in December and, having made a number of refinements and improvements, expect to begin the full survey in the coming months.

As regards the range of services being provided to new arrivals, this will be addressed by my colleagues later on. We can, however, take immediate measure to make it easier for the new arrivals to obtain information on precisely what and from where services are available to them by the Government and other service agencies. We are therefore producing a handbook which describes the types of services offered both by various government departments and voluntary agencies. The handbook will describe the services provided and will contain addresses and contact numbers for each service provider. We plan to distribute the handbook to new arrivals at Lo Wu and also to make it available at district outlets of various Government Departments. We intend the handbook to be ready for distribution in March this year.

In conjunction with the handbook, we are working with the International Social Service Hong Kong Branch (the ISS) to produce a short video which we intend to show at arrival points and immigration offices. The video will introduce a wide spectrum of social services of relevance to new arrivals' immediate needs. The ISS has rich experience in rendering post-migration services to new arrivals and we will continue to work closely with them and other voluntary agencies. In addition, the Home Affairs Department is participating in a research project jointly organised by the ISS and the Hong Kong University. Through this research project and the survey to be conducted by the Home Affairs Department which I have mentioned earlier, we hope to further explore how new arrivals adapt to life in Hong Kong and identify more specifically their needs, thereby enabling us to direct our resources and services more effectively to meet those needs.

Regarding the position after 30 June 1997, following the increase in the daily quota of one-way permits from 105 to 150 from July last year, we estimate that there will be 29,000 eligible children remaining in mainland China by 1 July 1997. They will be able to enter Hong Kong within 15 months after 1 July 1997 on the same rate of entry as currently applicable. With this assurance of entry within a reasonable period, we believe that it will reduce the temptation for parents to arrange for their children to enter illegally, and avoid the possibility of a sudden, large influx in 1997. The continued operation of the quota arrangements after 1997 will also allow both the current Administration and the Special Administrative Region Government to plan for provision of services in an orderly manner. It will also enable more spouses to enter Hong Kong in an orderly manner to re-unite with their families.

Mr President, the Government is committed to continue our existing efforts and to strengthen the implementation of various measures to assist the new arrivals' integration into the community. We have every confidence that the new arrivals, like their predecessors, will very soon assimilate into the Hong Kong community and contribute to the better future of Hong Kong.

End

Biological Weapons Bill

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Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the second reading of the Biological Weapons Bill in the Legislative Council today (Wednesday):

Mr President,

I move that the Biological Weapons Bill be read a second time.

This Bill seeks to localise the provisions of the Biological Weapons Act 1974 of the United Kingdom which has been extended to Hong Kong for the purpose of implementing in Hong Kong the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. It is well recognised that biological weapons are extremely dangerous and capable of causing mass destruction and suffering. As an important centre for international trade in goods and services, it is desirable that we should make it clear to the international community that the obligations arising from the Convention will continue to apply to Hong Kong as we are committed to the prevention of the proliferation of weapons of mass destruction. The enactment of the Bill would enable Hong Kong to continue to implement the Convention after 30 June 1997. The continued application of the Convention after the transfer of sovereignty and the localisation of the relevant United Kingdom legislation have been agreed in the Joint Liaison Group.

Thank you, Mr President.

End

Criminal Procedure (Amendment) Bill

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Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the second reading of the Criminal Procedure (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move that the Criminal Procedure (Amendment) Bill 1996 be read a second time.

This Bill, in conjunction with the Mental Health (Amendment) Bill 1996, seeks to achieve two main objectives. First, in cases involving accused persons who are unfit to plead in court, the jury should be empowered to determine whether the accused person did the act or made the omission charged. Secondly, in dealing with accused persons who are unfit to plead and who did the act or made the omission charged, or accused persons who are found not guilty by reason of insanity, the court should be able to exercise a wider range of disposal options. These options will include guardianship orders, supervision and treatment orders, and orders for absolute discharge. The Bill also provides for these disposal options to be extended to the magistracy. I shall explain these proposals in more detail.

At present, under the Criminal Procedure Ordinance, the only option to deal with an accused person found unfit to plead in court or not guilty by reason of insanity is to send that person to the Siu Lam Psychiatric Centre or a mental hospital for indefinite detention. Since an accused person found unfit to plead is incapable of being tried and there is no requirement for the court to determine whether such a person did the act or made the omission charged, it is possible that an innocent person can be detained in a mental hospital indefinitely because he suffers from a mental disability and is unfit to plead.

Such indefinite detention can happen no matter how minor the alleged offence is or how harmless the accused person may be. The period of detention may greatly exceed the maximum sentence for the alleged offence. Clearly, the present provisions in the law are far from satisfactory, because they do not allow sufficient flexibility of options for the court to properly deal with accused persons who are mentally disordered and are unfit to plead.

The same problems arise with cases handled by the magistracy. Although a magistrate has no jurisdiction to make a finding of unfitness to plead or not guilty by reason of insanity, he has discretion under the Mental Health Ordinance and in respect of an offence punishable on summary conviction by imprisonment, to make an order to detain an accused person in the Siu Lam Psychiatric Centre or a mental hospital. The magistrate can make such an order if he is satisfied that the person did the act or made the omission charged, and is suffering from mental disorder which warrants the detention.

The present law is based largely on the United Kingdom Criminal Procedure (Insanity) Act 1964, which was widely criticised in the United Kingdom for the problems I have just mentioned. The Act was, therefore, amended in 1992 to enable a jury to determine whether an accused person who is unfit to plead did the act or made the omission charged. The jury may now return a verdict of acquittal, or a verdict that the person did the act or made the omission charged. In the latter case, the court may exercise additional disposal options besides detention in a mental hospital. These additional options are guardianship orders, supervision and treatment orders, and orders for absolute discharge. The amended legislation in the United Kingdom also provides that these various options can apply to accused persons who are found not guilty by reason of insanity.

We propose to introduce similar provisions to those available in the United Kingdom, and to extend the comprehensive range of disposal options to the magistracy, in addition to the High Court and the District Court.

We also propose, as a separate amendment, to introduce measures to protect child witnesses from the trauma of testifying in court in incest cases. An example of such measures is to allow a child's videotaped testimony to be produced as evidence in court. Under existing legislation, protection of this kind accorded to child witnesses in criminal proceedings is not applicable in incest cases.

The proposed legislative amendments I have just described are improvements to existing arrangements. These changes are desirable and should be welcomed by the public.

Thank you, Mr President.

End

Environmental Impact Assessment Bill

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

Mr President,

I move that the Environmental Impact Assessment Bill be read the second time.

This important Bill is part of government's efforts to prevent future abuses of the environment. The provision of statutory backing to Environmental Impact Assessments (EIA) will enable us to better safeguard the well-being of the community and protect the environment, as well as improve upon the existing administrative arrangements for Environmental Impact Assessments.

First, the Bill will help to ensure that project proponents comply with the notification requirements for projects, undertake subsequent EIA studies, fully implement the mitigation measures recommended in such studies, and make allowance for the cost and programming implications of EIA findings at the planning stage.

Second, the Bill will provide an effective enforcement mechanism to ensure that EIA recommendations are properly complied with. We shall be able to apply the EIA requirements consistently to major development projects, and obviate the need for lengthy negotiations between project proponents and officials on how EIA recommendations can be enforced.

Third, by providing a clear framework for the environmental assessment of projects likely to have a significant impact on the environment, the Bill will replace the existing administrative arrangements with statutory provisions that are clear-cut, transparent, and accountable to the public. I will now highlight the main clauses of the Bill to illustrate how these improvements are provided for.

Part II of the Bill deals with the EIA itself. For example, Clause 4 provides for the designation of development projects with the potential to cause environmental impacts as Designated Projects which require an Environmental Permit. These projects are listed in the Schedules to the Bill, and cover both public and private sector developments.

Clauses 5 to 8 of the Bill outline the EIA process, the key features of which are the requirement that a proponent of a Designated Project apply to the Director of Environmental Protection for an EIA study brief; the requirement that the Director act on such an application, and if necessary subsequent environmental assessments, within statutory time limits; and the provision for formal public consultation.

On public consultation, this Council will be pleased to hear that project proponents will be required to make the EIA reports available for the inspection of the public and advisory committees. The comments from the public and advisory bodies, such as the Advisory Council on the Environment, will be taken into account when determining whether an Environmental Permit should be issued and what conditions, if any, should be stipulated.

Clause 9 of the Bill renders it an offence to carry out a Designated Project without an Environmental Permit, or not in accordance with the conditions of such a Permit, and lists projects which are exempt from the provisions of the Ordinance, for example existing and committed projects which have already commenced construction or operation.

In order to assist project proponents to fulfil their statutory obligations, Clause 16 in Part V of the Bill provides for technical memorandums to cover the principles, procedures, guidelines, requirements and criteria for the various stages to be followed. Such memorandums will have the status of subsidiary legislation and will be submitted to this Council for negative approval after enactment of the Bill and after consultation with interested parties. To assist Members in their examination of the Bill, a draft Technical Memorandum, reflecting several years of experience in administering EIA, will be circulated to Members' shortly.

Parts VII and VIII of the Bill provide for enforcement issues and penalties for offences. The Director of Environmental Protection may, for example, investigate possible offences and, with the approval of the Secretary for Planning, Environment and Lands, require the cessation of works. The principal offences are failure to obtain an Environmental Permit, breaching the terms of a Permit and interference with the enforcement of the legislation.

Finally, the Bill also provides for an independent Appeal Board to settle disagreements on major decisions relating to an environmental permit and on the conditions imposed in the permit.

Mr President, the Bill represents a right balance between the need to protect our environment and the need to allow important development projects to take place. The Administration also believes that this view is shared by the community. A number of organisations, including major industrial and commercial undertakings, government branches and departments involved in public works, the Real Estate Developers Association of Hong Kong, the Lands and Building Advisory Committee, the Industry and Technology Development Council, environmental groups, and professional bodies concerned were consulted in the formulation of the proposals and provisions of the Bill.

An outline of the proposed statutory framework for the conduct of EIA was presented to the Advisory Council on the Environment in April 1994, and to a joint meeting of this Council's Environmental Affairs and Lands and Works panels in July 1994. Having advised on a number of implementation details, these bodies supported the legislation in principle, and asked for early introduction of the Bill. The draft Bill was considered and supported by the Advisory Council on the Environment in November 1995.

As the Bill largely formalises existing requirements, we do not envisage that the statutory arrangements for EIA will lead to additional project costs or more time to implement a project. But we do believe that the Bill will have major environmental benefits and will bring Hong Kong into line with other modern communities where similar arrangements apply.

Thank you, Mr President.

End

Judicial officers' conditions of service

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Following is a question by the Hon Ambrose Lau Hon-chuen and a reply by the Chief Secretary, the Hon Anson Chan, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council whether there is any disparity in the conditions of service between local judicial officers and expatriate judicial officers, particularly in regard to leave and passage benefits; if so what the reasons are and whether the Government will eliminate such disparity in treatment?

Reply:

Mr President,

The conditions of service for judges and judicial officers are largely similar to that for the civil service as a whole. For historical reasons, overseas terms and conditions of service are different from those offered to local officers. The relatively more favourable overseas conditions of service were originally designed for the purpose of attracting overseas officers to join the service when no suitable local person was available. They were also intended to help overseas officers, who would invariably suffer some dislocation from the environment to which they belonged, to set up a home and to renew regularly family and social ties in their country of origin.

Conditions of service for overseas judges and judicial officers at Directorate level 3 (D3 or equivalent) or below are more favourable than those for local judges and judicial officers of the same rank in terms of passage and leave entitlements : the 'overseas additional' leave entitlement is available to overseas officers only; they are also entitled to annual leave passages, whereas biennial leave passages are provided to their local counterparts. There is also a difference in terms of housing benefits entitlement between local and overseas officers below the level of District Court Judge. For judges and judicial officers at D4 rank or above, local and overseas conditions of service are now the same.

With a view to removing the differences in the civil service, the Administration has proposed that one set of new terms of appointment and conditions of service be introduced for general application. In line with the Administration's proposal, the Judiciary is also considering the introduction of one common set of conditions of service for judicial officers.

End

Employment of retrained workers in civil service

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Following is a question by the Hon Lau Chin-shek and a reply by the Secretary for the Civil Service, Mr Michael Sze, in the Legislative Council today (Wednesday):

Question:

Recently, some participants of the training course on elementary clerical skills organised by the Employees Retraining Board have complained about the Civil Service Branch not recognising the certificate they have obtained on completing the course as fulfilling the entry requirement for junior clerical posts in government departments and subvented organisations. In this connection, will the Government inform this Council:

- (a) whether the Government will consider accepting "work competence and knowledge of skills" as a substitute for the academic qualifications currently adopted by the Government as the entry requirement for the above-mentioned posts; if not, why not;
- (b) of the annual number of persons who have completed retraining and who have been employed by government departments and subvented organisations respectively since the establishment of the Employees Retraining Scheme, as well as the proportion of such retrainees to the total number of persons who have completed retraining in each of the years over the same period;
- (c) whether the Government has any policy requiring government departments and subvented organisations to take the lead in employing persons who have completed retraining; and
- (d) whether the Government has any plan to hold discussions with the Employees Retraining Board on the development of retraining courses with a view to facilitating the Government employing more persons who have completed retraining?

Reply:

Mr President,

- (a) Entry requirements are laid down for various ranks of the clerical grade, just as for other grades in the Civil Service. The academic qualifications for appointment to Clerical Assistant and Office Assistant are Form 4 and Form 3 respectively. In drawing up these qualifications, consideration was given mainly to the ability and skill required in the discharge of their duties, thus ensuring that quality and efficient service could be provided. Academic qualification is generally accepted as an effective, reliable and objective criterion to assess whether an applicant is competent for the post. Moreover, as far as the civil service pay policy is concerned, academic qualification is also the benchmark on which the starting salary points of various grades are determined.

According to information provided by the Employees Retraining Board (ERB), the vast majority (almost 95%) of the trainees attending clerical training courses possess academic qualification of Form 3 level or above. Hence, they can meet the government's basic requirement for appointment to junior clerical ranks. In the recruitment of clerical staff by the government, if academic qualifications are lowered to accept applicants who were trainees of the ERB, it would not only be unfair to other qualified applicants, but also confuse the overall recruitment policy of the civil service and the carrying out of such policy. It would further create a situation under which preferences would be accorded to applicants who have attended retraining courses in the application for civil service appointment. In that case, the ERB would be regarded as a shortcut to civil service employment, thereby imposing a heavier demand for such retraining courses as well as extra burden on the Board.

- (b) According to the statistics provided by the ERB, 100 000 trainees have completed its retraining courses. However, the ERB does not have a systematic record of the number of trainees who are subsequently employed by the Government or subvented organisations. In fact, according to the existing recruitment policy of the Government and subvented bodies, all applicants are treated equally. Since applicants are not required to state whether they have taken retraining courses offered by the ERB, there is no reliable figure on the number although the Government and subvented bodies have employed retrained workers.

- (c) Civil service vacancies are usually filled up through open recruitment. According to the existing recruitment policy, except for the handicapped who are given priority in recruitment, all applicants for civil service posts are treated equally and no preferential treatment is given to anyone. Such arrangement may seem inflexible and unreasonable but the fact is, it is the fairest and most reasonable policy. Thus, people who have completed retraining by the ERB will have equal opportunities as all other applicants in their applications for civil service jobs.
- (d) The ERB is of the view that as far as civil service posts are concerned, junior clerical posts (i.e. Clerical Assistant and Office Assistant grades) are more suitable for retrained workers. In this regard, the Civil Service Branch has held discussions with the Board with a view to enhancing co-ordination in the retraining and recruitment work relating to the Clerical Assistant and Office Assistant grades. This will allow the Board to design the relevant syllabus and step up training for the prospective candidates according to the requirements of the Government. In future, the Government will also inform the Board of the recruitment of these grades so that more of its students can apply in time. It is believed that under free competition, trainees who have completed the relevant course of the Board will give a satisfactory performance in the interview and have a better chance of getting the appointment if they can make good use of the knowledge and skills they have learnt.

End

Quality control in banknote printing process

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Following is a question by Dr the Hon Law Cheung-kwok and a reply by the Secretary for Financial Services, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

It is learnt that some Hong Kong dollar notes issued by the Hongkong Bank bearing no signatures or having identical serial numbers have recently been found in the "misprinted Hong Kong dollar notes" market. In this connection, will the Government inform this Council:

- (a) of the respective quality control systems adopted by the territory's three note-issuing banks in the bank notes printing process;
- (b) whether the Government monitors such quality control systems; and
- (c) whether the Government has approached the note-issuing bank concerned to find out the cause for the misprint for the notes and to suggest ways for improvement?

Reply:

I have been advised that the misprinted banknotes referred to in the question are possibly notes of the Hongkong and Shanghai Banking Corporation Limited printed by a note-printer in the United Kingdom in the early 1980s. Hongkong Bank is aware of the existence of these notes which do occasionally turn up in note-collectors' shops.

Since 1984, all banknotes issued by the three note-issuing banks are printed by Thomas De La Rue (HK) Ltd. in Tai Po. Compared with its United Kingdom counterpart, the Hong Kong printer has installed much more sophisticated machines than those available in the early 1980s. Note-numbering, for example, is now entirely computerised. The printer also has strong commitment to quality with a quality assurance system measuring up to international standards. All the finished notes are checked rigorously with stringent security and material audit systems in place to guard against misprinting. Even if misprinted notes are discovered, they will be destroyed immediately and not issued.

The Hong Kong Monetary Authority has frequent contacts with the note-issuing banks and with the note-printer to ensure that the quality and security of printing are up to international standards. There are also regular meetings with the printer management and inspections to the plant. Members are also aware that recently we have concluded an agreement with De La Rue plc to acquire its Hong Kong operations. We are committed to maintaining these high standards of printing and quality assurance after the acquisition while continuing to draw on technical assistance from the company.

We are not aware of any case of misprinted banknotes since the establishment of the note-printing plant in Hong Kong in 1984. We are certainly not complacent and will continue to review constantly ways in which the control system can be further improved.

End

Accommodation for foreign domestic helpers

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Following is a question by the Hon James Tien Pei-chun and a reply by the Chief Secretary, the Hon Anson Chan, in the Legislative Council today (Wednesday):

Question:

It is learnt that in his Report of the Investigation on Accommodation for Foreign Domestic Helpers, the Commissioner for Administrative Complaints has made certain recommendations on how to ensure that foreign domestic helpers are provided with reasonable accommodation by their employers. Will the Government inform this Council whether it accepts that it is within the authority of the Commissioner for Administrative Complaints to make such recommendations; and, if so, on what basis?

Reply:

Section 7(1) of the Commissioner for Administrative Complaints Ordinance provides that:

"The Commissioner may investigate any action taken by or on behalf of an organisation in the exercise of its administrative functions in any case where -

- (a) a complaint is made by a person who claims to have sustained injustice in consequence of maladministration in connection with that action; or
- (b) notwithstanding that no complaint has been made to him, he is of the opinion that any person may have sustained injustice in consequence of maladministration in connection with that action."

We accept that the investigation into the procedures adopted by the Immigration Department in processing applications for change of employer filed by foreign domestic helpers on accommodation grounds is an investigation duly made under section 7(1)(b) of the Commissioner for Administrative Complaints Ordinance. The Ordinance poses no restrictions on the nature of the conclusions and recommendations that the Commissioner may draw from the findings of his investigation.

End

Western Corridor project

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

Question:

It is reported that the proposed Western Corridor project is scheduled for completion in 2001, and that the whole railway project will involve taking up 1.3 million square metres of private land. In this connection, will the Government inform this Council:

- (a) of the proposed timing for the commencement of this large-scale land resumption programme as well as the estimated time required to complete the entire land resumption process;
- (b) whether the Government has assessed the difficulties which may arise in the land resumption process; if so, what are the details and what measures will be adopted by the relevant departments to ensure that the land resumption programme can be completed on schedule; and
- (c) what is the timetable for the construction of the entire Western Corridor, and what measures will be taken by the Government to ensure that the railway project can be completed in 2001 as scheduled?

Reply:

Mr President,

In response to the Government's invitation, the Kowloon-Canton Railway Corporation (KCRC) submitted its formal proposal to build the Western Corridor Railway (WCR) in November 1995. This submission serves as the basis for in-depth discussions between Government and the Corporation and on which the Corporation intends to carry out further in-depth planning and design work. The main features of the Corporation's proposal were presented to the LegCo Transport Panel a fortnight ago.

Turning now to the Hon Ho Chun-yan's specific questions:

- (a) The Government has always been conscious that the land requirements of the WCR project will be very substantial. KCRC estimates that the project will require some 4 million square metres of land. This includes about 1.3 million square metres of private land, comprising over 2 600 lots, which will need to be resumed. To meet the target completion date of late 2001, KCRC's programme requires land to be made progressively available from the third quarter of 1997.

The exact timing of the land resumption programme can, however, only be firmed up after the alignment, scope and phasing of the proposed project have been confirmed and agreed. Meanwhile the Administration is now considering the need for legislation that will include powers to facilitate the resumption of land for the railway project.

- (b) The vast land resumption requirements will give rise to significant staffing implications, particularly for the Lands Department. We are currently exploring how best the necessary resources can be made available. Other difficulties associated with land resumption such as grave and village removals will also need to be overcome.
- (c) Our target is to complete the Western Corridor Railway by late 2001. It must however be recognised that this project will be the largest single railway project ever undertaken in Hong Kong. In terms of size, its rail length is about one and half times that of the Airport Railway. Complicated land, environmental, financial and engineering considerations will arise and will need to be resolved. Steering and Project Working Groups have already been set up within the Transport Branch and Highways Department to co-ordinate work related to the WCR. We will do our best to press ahead with this enormous task.

End

Emergency ambulances service

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

Question:

According to the targets set out in the Performance Pledge of the Fire Services Department, ambulances should arrive at the scene within the standard ten-minute travelling time in 93.5% of all emergency ambulance calls and that fire engines should arrive at the scene within the standard six-minute response time in 90% of all fire calls. In this connection, will the Government inform this Council of:

- (a) the criteria adopted for determining the standard ten-minute travelling time for ambulances;
- (b) the reasons for taking six minutes as the standard response time for fire engines and ten minutes as the standard travelling time for ambulances;
- (c) the reasons why the activation time of a fire call is included in the standard six-minute response time for fire engines, whereas the standard ten-minute time for ambulances takes account of the travelling time only; and
- (d) a breakdown of the number of ambulances despatched in response to emergency calls which are able to arrive at the scene within ten, 15, 20 minutes or a longer time respectively (i.e. from the time of the receipt of calls by the Fire Services Communication Centre to the time of arrival of the first ambulance) in each of the past three years, as well as their respective proportions to the total number of ambulances despatched?

Reply:

Mr President,

- (a) The criteria adopted for determining the standard 10-minute travelling time for emergency ambulance calls were set following a 1986 Consultancy Study on the delivery of ambulance services. In setting the standard, we considered-

- (i) the demand and distribution of emergency calls at that time;
 - (ii) the projected demand and distribution taking into account historical trends, plus population forecasts and infrastructure developments anticipated over the five-year period to 1991;
 - (iii) traffic conditions and road configurations throughout the territory;
 - (iv) the actual performance then being achieved by the ambulance service. At that time, about 95% of calls were being met within travel times of 15 minutes;
 - (v) the standard applying elsewhere. For instance, the Metropolitan Health Authority in London had a standard 11-minute target travel time; and
 - (vi) the optimal use of resources then available to us.
- (b) The second part of the question concerns the different targets adopted for fire appliances and for ambulances. I have just mentioned the criteria that we adopted in setting a 10-minute target travel time for ambulances. This 10-minute target applies uniformly throughout the territory.

We have a graded response time target for fire appliances. In the urban area and areas of assessed high fire risk, our target is that we aim to respond to 90% of building fire calls in six minutes, which is the accepted international standard response time. In other areas of dispersed risk and isolated development, the graded response time varies from 9 to 20 minutes. Our graded response time is very close to those in other advanced countries and regions.

For fires, we have a graded response time target because the risk levels vary in different parts of the territory. This is obviously not the case with ambulances: an injured or sick person requires the same level of ambulance service wherever they are.

- (c) Turning to the third part of the question, we have always used response time targets for fire calls. We adopted a 10-minute travel time target for ambulance services following the conclusions of the 1986 ambulance service consultancy study. The consultant recommended this for the reasons I gave in my answer to the first part of the question.

The 1986 Consultancy Study on ambulance services was updated by a further consultancy study last year. One of the conclusions reached by the consultant was that it is now more feasible to consider how to place emergency ambulance services on a response time target. However, the consultant recommended that we should not do this formally until we are able to regularly meet our current 10-minute travel time target. In the meantime, however, we are exploring the feasibility of monitoring overall response times so that we can establish a benchmark for future reference.

- (d) Our current statistical system does not allow us to give the detailed statistics asked for by the Honourable Member in this part of the question. However, I can offer some figures on ambulance performance against the 10-minute travel time target. In 1993, the total no. of emergency calls is 268,943 of which 248,718 calls i.e. 92.5% are able to arrive at the scene within the 10-minute target travel time. The total no. of calls in 1994 is 289,289 of which 265,220 calls i.e. 91.7% responded within the 10-minute target travel time. For 1995, the total no. of calls is 317,749 and 284,481 calls i.e. 89.5% achieved the 10-minute target travel time.

End

Limit of claims to be heard by Small Claims Tribunal

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Following is a question by the Hon Bruce Liu Sing-lee and a written reply by the Chief Secretary, the Hon Anson Chan, in the Legislative Council today (Wednesday):

Question:

At present, the Small Claims Tribunal only has jurisdiction to hear claims which do not exceed the amount of \$15,000, whereas the District Court is empowered to hear civil claims of up to a limit of \$120,000. In this connection, will the Government inform this Council :

- (a) when the above-mentioned limits were set;
- (b) of the criteria adopted for determining these limits; and
- (c) whether these limits are subject to regular review, and whether consideration will be given to raising such limits?

Reply:

Mr President,

The answers to the questions are as follows -

- (a) The present financial limits of the civil jurisdiction of the Small Claims Tribunal and the District Court came into effect in 1988.
- (b) The criteria adopted for determining these financial limits include:
 - (i) the effect of inflation;
 - (ii) the costs that a litigant has to bear in relation to the amount of his claims; and
 - (iii) the public interest.
- (c) The financial limits are kept under review from time to time. The Judiciary is proposing to raise the limit from \$120,000 to \$300,000 for the District Court and from \$15,000 to \$30,000 for the Small Claims Tribunal. It is expected that these proposals will be placed before this Council before the summer recess.

End

Home care for hospital patients

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Following is a question by the Hon Howard Young 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 it has conducted any study on the viability and feasibility of promoting "home care" for hospital patients who can be provided with medical and nursing services at home rather than in hospital; if so, what is the outcome of the study?

Reply:

Government is mindful of the need to keep in view developments of new medical technology or treatment which will reduce the length of hospital stay and enable patients to recover in a community setting. However, this must be balanced against the availability of professional manpower, local living conditions, social circumstances and individual patient needs.

The Hospital Authority has taken positive steps in recent years to expand ambulatory care such as day surgery and geriatric/psychiatric day hospitals, as well as to strengthen outreach programmes including community nursing service and specialist medical teams. Both of these new initiatives are intended to complement the home care services offered by welfare agencies, community carers, volunteer groups and the private sector.

Several studies are being conducted by the Hospital Authority to review the existing mode of operation and evaluate the outcome of community nursing service. Government will maintain a close dialogue with all interested parties to explore different options to develop home medical and nursing care in Hong Kong.

End

New roads to improve Southern District traffic flow

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

Question:

The Government has planned to build Route 7 in Southern District back in 1988 to relieve traffic congestion in the district. However, it is learnt that the project is still in Category C of the Public Works Programme. In this connection, will the Government inform this Council :

- (a) whether it has any plan to upgrade the project in the near future; if not, why not ; and
- (b) what interim and long-term measures will be adopted to improve the traffic congestion problem in Southern District, and which of those measures can be implemented first?

Reply:

Mr President,

- (a) An integral part of Route 7, from Kennedy Town to Aberdeen, is the section passing over the proposed Green Island Reclamation. As no decision has yet been taken on the reclamation, we cannot proceed with the project at present. We shall re-instate the project in the Public Works Programme once decisions have been taken on the reclamation.
- (b) To provide improvements to traffic to and from the Southern District, a number of new highway projects have been planned and some of them are being implemented. Projects in progress which are scheduled for completion in 1997 include:
 - * Junction improvements at Pokfield Road/Pok Fu Lam Road
 - * Widening of Pok Fu Lam Road from Pokfield Road to western entrance to HK University campus
 - * Smithfield Extension

- * Rock Hill Street Extension
- * Belcher Bay Link to Western Harbour Crossing
- * Victoria Road/Pok Fu Lam Road junction widening and signalisation
- * Victoria Road/Cadogan Street junction widening
- * Improvements to Victoria Road between Sandy Bay Road and Mount Davis Road.

All these projects should bring improvement to traffic flow to and from the Southern District.

Also under planning are further improvements to Victoria Road between Sassoon Road and Pok Fu Lam Road and a flyover at the Pok Fu Lam Road/Sassoon Road junction. These projects are scheduled for completion by the year 2000.

End

Measures to prevent suicide in police force

* * * * *

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

Question:

It is reported that a total of five police officers have committed suicide last year, with three cases taking place in December alone. The number of such suicide cases in 1995, as compared with that in 1993 and 1994 which stood at one and three respectively, represents an increase of 400% and 60% respectively. This has aroused concern among the public as well as within the Police Force. In this connection, will the Government inform this Council:

- (a) of the respective number of police officers who have committed and who have attempted to commit suicide in each of the past three years;

- (b) what measures the Police Force will take to prevent the occurrence of similar incidents;
- (c) how many cases requiring counselling are handled by the two clinical psychologists in the Police Force daily; and whether, given that in non-urgent cases police officers requiring counselling have to wait for at least one to two weeks before they are seen by the clinical psychologists, the Government will consider increasing the establishment of clinical psychologists in order to increase the counselling service; and
- (d) whether, in view of the concern among some officers that promotion prospects of those who have received counselling may be jeopardised if their counselling records are passed to the Force management, the Police Force will ensure that such records will not be taken into consideration in the assessment for promotion process?

Reply:

Mr President,

- (a) The figures for the past three years are as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>
(i) Officers committed suicide	1	2	5
(ii) Officers attempted to commit suicide	6	4	8

(It should be noted that the number of officers committing suicide in 1994 should be 2 instead of 3 as stated in the question.) Honourable Members may also wish to note that the Police suicide rate is broadly comparable to that of the rest of the community. For example, the mean annual suicide rate of police officers in the past six years is 14 per 100,000, compared to 11 to 14 per 100,000 for the rest of the community.

- (b) The Force Management has always recognised that police service is a stressful occupation. Accordingly, the Force has taken proactive measures to equip and support police officers to cope with stress. These include:

- (i) promoting peer and community support;
- (ii) providing stress management training;
- (iii) providing sports and recreational facilities;
- (iv) improved welfare services to family members of police officers, for example, Police Welfare Fund, Police Education Trust, Police Education and Welfare Trust;
- (v) special services for health-impaired officers, for example, special counselling, posting, retraining.

In addition, the Force Management has emphasised the importance of early identification of officers at risk so that professional counselling services could be offered by Police Clinical Psychologists to those officers and their family members at the earliest opportunity.

- (c) The daily number of cases handled by the two Police Clinical Psychologists fluctuate, depending on the nature and complexity of the cases involved. To better reflect their workload, it is more useful to provide the caseload figures and the consultation sessions for the past three years:

	<u>Cases</u>	<u>Total Consultation Sessions</u>
1993	647	803
1994	722	840
1995	788	925

Naturally cases with a potential of suicide are accorded top priority in arranging counselling services. As a result, less urgent cases are delayed. In view of the increase in workload, the Police will be considering the need to increase the number of Police Clinical Psychologists.

- (d) The Force Management has confirmed that the counselling records are kept in strict confidence and will not be disclosed for any other purposes including promotion or career development.

End

Special school for teenage drug addicts

* * * * *

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

Question :

In October last year, the Education Department rejected the application of the Christian Ching Sang Church to establish a special school for teenage drug addicts. In this connection, will the Government inform this Council:

- (a) of the reasons for rejecting the application of the Christian Ching Sang Church to establish the special school;
- (b) of the number of rehabilitated teenage drug addicts returning to mainstream education, as well as the number of such students who have subsequently dropped out, in each of past three years;
- (c) whether there have been any cases of a school refusing to admit rehabilitated or addicted teenagers in the past three years; if so, what is the number of such cases in each of the past three years and what are the reasons for refusal; and
- (d) whether any practical assistance is provided to rehabilitated students in helping them to integrate into mainstream education; if not, whether consideration will be given to providing additional resources and allowances for schools which have admitted rehabilitated students, requiring teachers of these students to receive special training, requesting such schools to provide special counselling to these students and arranging regular home visits?

Reply:

Mr President,

- (a) The Christian Ching Sang Church mentioned in the question should read Christian Zheng Sheng Association. We could not support the Association's proposal to set up a special school for young drug addicts because our primary objective is to assist these young people to reintegrate into ordinary schools or the society as soon as possible. Joining a proposed special school would stigmatise them and jeopardise their early re-integration.

- (b) & The Education Department does not have figures on the number of
(c) rehabilitated juvenile drug addicts returning to mainstream education and those who have subsequently dropped out, nor figures on such students being refused admission to schools. This is because personal information on the past history of students including criminal records, addiction to drugs, health condition etc, is not required to be made known to the school authority or the Education Department.
- (d) As explained in (a) above, our present policy is to re-integrate rehabilitated juvenile drug addicts into ordinary schools as early as possible. The arrangement is that while young drug addicts undergo treatment, they will continue to receive education in basic subjects. This will minimise the disruption to their school education. It will also facilitate their eventual return to the ordinary schools.

Starting from September 1995, the Education Department provides a block grant to drug treatment/rehabilitation centres for the delivery of educational programmes to young drug abusers up to 18 years old, plus resource teaching materials and education television programmes. Also the drug treatment/rehabilitation centres concerned may, in consultation with the Education Department, propose a suitable school placement plan for the young rehabilitees including whether they should be placed in schools with a more practical content such as practical schools or skills opportunity schools. Upon receipt of such a proposal, the Education Department will initiate follow-up placement arrangement.

Once back to school, the young rehabilitees have equal access as other students to a wide range of guidance, counselling, psychological and remedial support services provided by the schools and the Education Department, to assist them in overcoming their adaptation, learning difficulty and other re-integration problems. Where necessary, student guidance teachers/officers in primary schools and school social workers in secondary schools will conduct home visits. If serious family problems are identified, referrals for support from the family services units of the Social Welfare Department will be made.

On teacher training, the Hong Kong Institute of Education has included drug education in the curriculum of its teacher education programmes. The Education Department, in conjunction with the Narcotics Division of the Security Branch, regularly organises in-service training courses for primary and secondary school teachers to enhance their knowledge on drug abuse and skills in implementing drug education. Starting from 1995, it also jointly organises with the Community Drug Advisory Council drug education courses for teachers. To provide teachers with more information on drug education, a Drug Education Resource Centre will be set up in late March 1996.

Transportation of asbestos substances

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

Question:

Will the Administration inform this Council:

- (a) whether there is any legislation currently in operation governing the transportation of substances containing asbestos, such as dismantled building wastes;
- (b) if the answer to (a) is in the affirmative, which Government department is responsible for enforcing the law; what is the number of prosecutions instituted against those in breach of the law in the past three years; and what is the average as well as the range of penalty imposed on those convicted;
- (c) if the answer to (a) is in the negative, whether the Government will introduce legislation to control the transportation of substances such as asbestos dust which is harmful to health; and
- (d) when will Parts VIII and IX of the Air Pollution Control Ordinance, dealing with control of environmental asbestos and asbestos control works, which were enacted in February 1993, be brought into operations; and what have been the reasons for the delay?

Reply:

Mr President,

- (a) The collection, transportation and disposal of asbestos waste are controlled under the Waste Disposal (Chemical Waste)(General) Regulation of the Waste Disposal Ordinance (Cap 354).

- (b) & The Environmental Protection Department is responsible for the enforcement of the legislation. A total of three prosecutions covering eleven separate offences for the improper handling of asbestos waste were made in the past three years, one in 1994 and two in 1995. The penalties imposed on the offences ranged from HK\$3,000 to HK\$10,000.
- (c)
- (d) The implementation of the asbestos control provisions under Parts VIII and IX of the Air Pollution Control Ordinance require subsidiary legislation for the registration of qualified personnel for handling of asbestos materials and a code of practice on asbestos abatement works. Consultation with the trade on the detailed controls and the related administrative arrangements has taken some time. Both the Regulation and the Code of Practice are now at the final stage of drafting. We aim to implement the control scheme by mid 1996.

End

Code of practice in the use of police car siren

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

Question:

Regarding the incident which occurred in Kwun Tong in October last year in which a siren-sounding police car struck down and killed a pedestrian who was crossing the road whilst the pedestrian signal was displaying the green light, will the Government inform this Council:

- (a) of the code of practice governing police officers using the siren in police cars;
- (b) whether siren-sounding police cars will be exempted from legal liability in the event of such cars being involved in traffic accidents;
- (c) whether there is any safety code on siren-sounding police cars passing through pedestrian crossings; if so, what the details are; if not, why not; and

- (d) what specific measures have been put in place to prevent similar incidents from occurring?

Reply:

Mr President,

Let me first convey, on behalf of the Commissioner of Police, the Force's regrets over the tragic accident that occurred in Kwun Tong in October last year. The victim's family has been awarded the maximum amount under the Traffic Accident Victim Assistance Scheme (TAVAS); in addition, they have the right to pursue compensation through civil proceedings. Police officers are required to exercise extreme caution and to give top priority to the safety of pedestrians and other road users when they are in high-speed pursuit of vehicle or in a siren-sounding police car. Proper measures have been put in place to prevent similar accidents from occurring. I shall now elaborate on these and answer the respective questions below.

- (a) The code of practice governing police officers using the siren in police cars is carefully laid down in the Force Procedures Manual, Police General Orders, and the relevant Headquarter Orders. In essence, the code sets out the following:
- (i) The siren is used to give proper warning to other road users and its use should be kept to the minimum.
 - (ii) The senior officer in a vehicle should exercise his/her discretion on the use of the siren, having regard to the nature of the incident to which he/she is responding, the degree of obstruction caused by vehicular or pedestrian congestion, and the adverse effect the siren may have on the likelihood of arresting the culprits at the scene of crime.
 - (iii) When the driver of a police vehicle has to proceed against traffic light signals in the course of answering an emergency call, he/she should do so only when he/she is certain there is no risk of causing an accident, using extreme caution and sounding the siren continuously.

- (b) Siren-sounding police cars are not exempted from legal liability if they are involved in traffic accidents. The driver of a police vehicle is personally accountable in law for any careless or reckless driving. In addition, police officers driving in pursuit of vehicles, regardless of whether the siren is sounding, are not immune from criminal prosecution in respect of offences committed during the pursuit, or from civil proceedings in respect of injuries sustained by any person as a result of the pursuit. In the case referred to in this question, the Police officer has been charged with "reckless driving causing death".

- (c) The safety code on siren-sounding police cars passing through pedestrian crossings is part of the code of practice governing police officers using the siren in police cars, which are summarised in (a) (iii) above.

- (d) To prevent similar accidents from occurring, the following measures have been put in place by the Police Force:
 - (i) Code of Practice: as mentioned above, guidelines on high-speed pursuit and the use of siren are carefully laid down in the Force Procedures Manual, Police General Orders and relevant Headquarter Orders. Police officers on driving duty have been reminded of the importance of complying with these guidelines.

 - (ii) Stringent & Regular Training: Police drivers, be they full time or otherwise, are subject to very stringent training before they are qualified to drive a Police vehicle. The basic training includes a four-week full time course, which is supplemented by advance courses with a minimal training of two weeks for each type of Police vehicle. All Police drivers are re-tested every five years.

 - (iii) Remedial Training: Once a Police driver was involved in a traffic accident while on duty, the Senior Superintendent of Police (Transport) will study the facts of the incident. Should the officer be considered at fault, he will be suspended from driving duty until he is retested at the Police Driving School, even when the fault does not constitute a breach of the Road Traffic Ordinance.

End

Visits arranged under Sponsored Visitors' Programme

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Following is a question by Dr the Hon David Li Kwok-po and a written reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday):

Question:

In regard to the visits to the territory by ministers from overseas countries arranged under the Information Services Department's Sponsored Visitors' Programme, will the Government inform this Council of the following :

- (a) what is the total number of such visits arranged by the Information Services Department in the past three years; and what is the number of such visits where the programme of activities has included meetings with Members of this Council;
- (b) what is the total amount of expenditure incurred by the Government in connection with such visits in the past three years;
- (c) what follow-up actions, if any, have been taken by the visitors in reflecting the territory's political, social, and economic developments to their respective Governments; and
- (d) whether any assessment has been made to determine the value and benefits of such visits?

Reply:

Mr President,

- (a) The total number of visits arranged by the Information Services Department for overseas VIPs in the past three years is as follows :

	<u>Type of Visit</u>	<u>92/93</u>	<u>93/94</u>	<u>94/95</u>	<u>1.4-31.12.95</u>
(i)	Fully-sponsored	42	38	59	42
(ii)	Partially-sponsored	46	65	31	45
(iii)	Programme-only	121*	148*	90(594)*	86(459)*

As can be seen from the table, there are three types of VIP visits arranged by the Department: (i) fully-sponsored visits where the visitors are invited to Hong Kong by the Government and all expenditure relating to airfares, hotel accommodation, meals and land transport is met by the Government; (ii) partially-sponsored visits where the VIPs visit Hong Kong for their own purposes and are invited to extend their visits by a few days to undertake a Government programme. Hotel accommodation, meals and land transport of these visits are paid for by the Government; and (iii) programme-only visits where the Government simply arranges a programme of visits and meetings for the visitors and thus the Government expenditure is minimal.

Since mid-1994, it has been the practice to ask the Legislative Council Secretariat to arrange a meeting with representatives of as wide a range of political parties as possible and individual independent Members for each fully-sponsored visitor, as well as for visitors in the other two categories who may request such meetings. Prior to this time, meetings were arranged for all British MPs and other VIPs who indicated an interest to meet Members.

- (b) The total expenditure incurred by Government in respect of all fully-sponsored, partially-sponsored and programme-only visitors in the past three years is as follows :

<u>1992/93</u>	<u>1993/94</u>	<u>1994/95</u>	<u>1.4.95-31.12.95</u>
\$2.53m	\$2.54m	\$3.46m	\$3.15m

- (c) It is not practicable for the Hong Kong Government to monitor and record every occasion on which VIP visitors make their home governments aware of developments in Hong Kong. Nevertheless, feedback from Government's overseas Economic and Trade Offices (ETOs) indicates that many VIPs do, indeed, use their newly-acquired knowledge of Hong Kong when taking part in debates involving the territory or in other ways pertaining to their own professional backgrounds. (Not all VIP visitors are politicians : Government also targets senior officials, business people, academics and think-tank personnel.)

- (d) Since the outcome of these visits does not lend itself to quantitative analysis, no attempt has been made to measure their impact. Nevertheless, feedback (both written and oral) from those in Hong Kong who brief the visitors, Government's ETOs and the visitors themselves indicates very strongly that the vast majority of these visits succeed in instilling in the visitors, very favourable impressions of Hong Kong and in correcting any ignorance or misperceptions which the visitors may have harboured before they arrived.

* Figures outside the brackets denote the number of delegations; figures inside indicate the number of individual visitors.

End

Energy efficiency regulation requirement

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

Question:

With the enactment of the Building (Energy Efficiency) Regulation in July last year, the submission of Overall Thermal Transmission Value (O.T.T.V.) calculations on prescribed forms, along with the submission of building plans, has become a statutory requirement. In this connection, will the Government inform the Council:

- (a) how many O.T.T.V. submissions have been received by the Buildings Department in the past six months; and
- (b) of the submissions referred to in (a), how many have been approved by the Buildings Department, how many have been rejected necessitating re-submission, and how many are in respect of existing buildings requiring renovation / redecoration work that would affect the O.T.T.V.?

Answer:

Mr President,

- (a) Since 21 July 1995, the Buildings Department has received eight O.T.T.V. submissions arising from new commercial or hotel development. The department however does not compile statistics on O.T.T.V. submissions specifically for renovation / redecoration works in existing buildings;
- (b) Out of the eight submissions mentioned in (a), seven have been accepted and one has been rejected. No re-submission has been received.

End

Monitoring signboards hanging outside buildings

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

Question:

Will the Government inform this Council of the following:

- (a) what legislation or administrative measures are in place to monitor the hanging of signboards outside buildings; whether such legislation and measures impose any limit on the size of signboards; if not, whether it will consider introducing legislation to that effect;
- (b) whether it will consider introducing legislation requiring the commercial establishments concerned to take out insurance on their signboards hanging outside buildings, so as to ensure that victims will be compensated in the event of an accident;
- (c) what measures it has taken to ensure that worn-out or out-dated signboards will be disposed of without using public funds; and

- (d) whether it will consider imposing charges on those signboards occupying public space?

Answer:

Mr President,

- (a) There are a number of legislative and administrative measures to control the erection of overhanging signboards outside buildings. The more important ones and their main purposes are as follows:

Legislation

- * Buildings Ordinance: to ensure that the overhanging signboards outside private buildings are structurally safe;
- * Crown Land Ordinance: to control unauthorised signs or signboards on unleased Crown land;
- * Shipping and Port Control Ordinance : to empower the Director of Marine to direct the removal or screening of a light or illuminated sign if it obscures, restricts, interferes or may be mistaken for any signal or navigational light which might adversely affect the safe navigation of vessels in Hong Kong waters;
- * Summary Offences Ordinance: to empower the police to prosecute a person who causes a obstruction by setting up an unsafe projection from a building or allowing a sign to be left in public place and thereby causing obstruction to other persons or vehicles.
- * Section 105 of the Public Health and Municipal Services Ordinance: to authorise the removal of signboards which are dangerous or likely to become dangerous;
- * Advertisement By-laws made under the Public Health and Municipal Services Ordinance: to ensure that the overhanging signboards do not obstruct any fire escape or become any source of serious risk of fire.

Administrative Measures

* Land lease conditions.

The size of a signboard may be a factor in deciding whether or not its erection is prohibited under the above legislation or administrative measures.

- (b) No. Victims in an accident may be able to claim for damage by taking civil action.
- (c) Staff of the Buildings Department regularly carry out inspections to identify dangerous, potentially dangerous or abandoned overhanging signboards for subsequent removal. The Department has also sought the support and co-operation of District Boards in carrying out district-based clearance operations.

Where the signboard owner can be traced, the Government will recover from him the costs of the removal works, including a supervision charge.

- (d) At present, only signboards containing non-commercial advertisement on matters of interest to the public are allowed to be displayed on Government land and there is no financial charge for such display. Commercial advertisements are not allowed to occupy Government land for display.

End

Emergency services for Fo Tan

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

Question:

As there is only one main road connecting Fo Tan in Sha Tin with other districts, any congestion on that road may cause delay to rescue work in the event of fire or accident. In this connection, will the Government inform this Council whether :

- (a) it has any contingency plan to cope with the above situation such as calling in the Government Flying Service for assistance, and whether there is any place within the district which can be used for landing and take-off by helicopters; and
- (b) consideration will be given to building more roads to link up Fo Tan with other districts so as to improve the traffic situation in the district?

Reply:

Mr President,

- (a) The emergency services are trained and equipped to deal with major fires and accidents. The departments involved review their contingency plans periodically; this includes determining how best they can get to the scene of any emergency as quickly as possible. There are standing arrangements to request assistance from the Government Flying Service (GFS) should such a need arise. The following sites in the Fo Tan area can be used by helicopters:
 - (1) the open ground near Sui Wo Court adjacent to the market;
 - (2) the open ground near Lai Wo Lane adjacent to the service reservoir; and
 - (3) the open ground near Greenwood Terrace adjacent to the Sui Wo Road cul-de-sac.
- (b) There are plans to improve roads in Fo Tan and to provide an additional external road link. These include the widening of Fo Tan Road to a dual 3 lane carriageway and the provision of an additional access route linking Lok Shun Path to Tai Po Road north of Fo Tan. These two new road schemes require land acquisition. Every effort will be made to speed up the legal and administrative process to enable us to start work early. In the interim a package of short-term traffic management schemes covering junction widening, signal improvements and no-stopping restrictions will continue to be pursued to improve traffic circulation.

End

Closure of rural primary schools

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

Question:

In regard to the closing down of rural primary schools, will the Government inform this Council:

- (a) of the number of rural primary schools at present;
- (b) what is the total number of rural primary schools which have closed down over the past three years, and how many rural primary schools are expected to close down in the coming year; and what is the proportion of these schools to the total number of rural primary schools in the territory;
- (c) of the reasons for the closure of these schools;
- (d) of the arrangements made for the pupils and teaching staff affected by the closure of these schools; and
- (e) whether the Government has any comprehensive policy on rural primary schools, and whether consideration will be given to converting existing half-day rural primary schools into whole-day schools to facilitate the development of such schools?

Reply:

Mr President,

The 1981 White Paper on Primary Education and Pre-primary Services reviewed the continued existence of rural primary schools and noted that very small schools were by and large educationally inefficient. It therefore concluded that rural primary schools of less than six classes should be closed wherever possible. In accordance with this policy, we have over the years closed a number of rural primary schools and replaced them by larger schools serving a wider catchment area.

As regards part (a) of the question, there are 104 rural primary schools in the 1995/96 school year.

As regards part (b) of the question, a total of 30 rural primary schools were closed in the past three years, broken down as follows:

<u>Year</u>	<u>No of rural primary schools closed</u>
1993	7
1994	11
1995	12

All these schools had less than 6 operating classes at the time of their closure. We intend to close another 7 rural schools of similar sizes in 1996, representing 6.7% of all rural primary schools in the territory.

As regards part (c) of the question, the reason for the closure of these schools is set out in the opening paragraph of this reply.

As regards part (d) of the question, when a rural primary school is closed, arrangements will be made for the affected pupils to continue their studies in a larger school or schools nearby. Wherever possible, they are placed in standard schools which have better environment and facilities. Alternative employment in other aided schools will also be arranged for the staff affected through a placement service of the Education Department.

As regards part (e) of the question, the current policy on rural primary schools is laid down in the White Paper on Primary Education and Pre-primary Services published in 1981 referred to in the opening paragraph. This includes the establishment of new central primary schools to replace smaller rural primary schools in the vicinity. Between 1984 and 1995, we have built four central primary schools - two in Sai Kung, one in Sha Tau Kok and one in Hang Hau - replacing a total of 23 smaller rural schools. Furthermore, we have encouraged rural primary schools to adopt the Activity Approach in teaching, under which they will receive enhanced recurrent and non-recurrent grants, and to convert from bi-sessional to whole day operation, under which they will receive an enhanced class grant. At present, 65 of the existing 104 rural primary schools already operate on a whole-day basis. The Education Department will continue to encourage rural primary schools to convert to whole-day operation wherever possible, taking into account factors like the demand and supply of school places in the area, and the views of the teachers and parents.

End

Public transport services for new airport

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Following is a question by Dr the Hon Law Cheung-kwok and a written reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question:

It is learnt that the new Airport at Chek Lap Kok will be completed and inaugurated in April 1998, while the Airport Railway will not be ready until June of that year. In order to fill the two-month 'vacuum' period, the Government will make arrangements for the deployment of 180 buses to provide services to passengers. In this connection, will the Government inform this Council:

- (a) whether the Government has formulated any plan for such deployment; if so, what are the details;
- (b) what measures will be taken to ensure that such deployment will not affect normal public bus services; and
- (c) whether consideration has been given to the adoption of effective measures which will enable the Airport Railway to be completed earlier to tie in with the inauguration of the new Airport?

Reply:

Mr President,

The Administration commissioned the Transport Study for the New Airport (TRANSNA) in June 1995. The primary objective of TRANSNA is to develop a strategy for the provision of public transport services to the new airport and Lantau for the period from 1997 to 2006, having regard to passenger demand, financial viability, public acceptability and fare levels.

The Airport Railway will be an integral mode of the public transport system to the new airport. On the basis of the respective target opening dates of the new airport and the Airport Railway in April and June 1998, TRANSNA has identified that an additional 180 buses will be required to cater for the needs of air passengers.

The Administration and the MTRC will do its best to accelerate the earlier completion of the Airport Railway. In the event that extra buses have to be provided as an interim measure, this can be arranged with the assistance of existing operators, for example through adjusting their bus acquisition and disposal programmes. Normal bus services will not be affected since there is no question of reducing the frequency of buses from existing routes.

The construction of the Airport Railway is progressing well. The MTRC has a good track record of completing projects ahead of schedule and within budget. We are constantly reviewing with the MTRC the construction programme of the Airport Railway. The Corporation will make every endeavour and take all possible steps to complete the project earlier so as to synchronise the opening dates of the airport and the railway as far as possible.

End

Summary administration of estates

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Following is a question by the Hon Bruce Liu Sing-lee and a written reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday):

Question:

Under the Probate and Administration Ordinance, the survivor(s) of a deceased person may request the Official Administrator to administer an estate in a summary manner if it does not exceed \$50,000 in total value. In this connection, will the Government inform this Council:

- (a) when the limit of \$50,000 was set, and what criteria were adopted for determining such a limit;
- (b) whether the limit is subject to regular review and whether consideration will be given to raising that limit; and
- (c) how many people have requested the summary administration of estates in each of the past three years?

Reply:

Mr President,

- (a) The limit of \$50,000 was set in 1983 having regard to inflation since the limit was previously prescribed in 1971.
- (b) The limit is reviewed from time to time. Consideration is currently being given to the Hon Bruce Liu Sing-lee's Private Member's "Probate and Administration (Amendment) Bill 1996" which proposes to raise the limit to \$150,000.
- (c) The number of people in the past three years who have requested and been granted summary administration of estates by the Official Administrator is given in Column I in the table below.

Column II of the table lists the number of people who have been rendered assistance by the Probate Registry in preparing papers for the issue of a grant of representation for the applicant himself to administer the deceased's estates. In some cases, the value of the estates were over \$50,000 and below \$100,000.

<u>Year</u>	<u>Column I</u>	<u>Column II</u>	<u>Total</u>
1993	1,342	2,220	3,562
1994	1,716	2,449	4,165
1995	1,808	2,872	4,680

End