



## DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES  
BEACONSFIELD HOUSE, HONG KONG. TEL.: 2842 8777

Wednesday, November 15, 1995

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No interference in judicial independence by the executive

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A government spokesman issued the following statement:

"Some misunderstandings have arisen leading to misinformed comment that the Administration has interfered with the independence of the Judiciary in the current Bill of Rights Ordinance (BORO) issue. Such suggestions are totally groundless.

"As has been widely reported, at a meeting with the Chief Secretary on Monday to discuss other matters, the Chief Justice outlined to the Chief Secretary some of his views on the BORO following the remarks which had been ascribed to him by a senior Chinese Government official.

"The Chief Justice himself described his views as being of a jurisprudential and technical nature, and said he would convey them in writing so that they could be considered by the Administration.

"There is no question that the Chief Secretary demanded, insisted or instructed the Chief Justice to submit a report. She is not in a position to do so; nor would she consider doing so.

"In view of the importance of this issue and the public interest in it, it seems only natural that the Chief Justice would want to state these views to the Hong Kong Administration. He himself has said that he considers it is in order for him to do so. We look forward to receiving those views.

"The principle of the separation of the executive and the judiciary is perfectly well understood by and adhered to by the Hong Kong Government. But this separation does not mean that there can be no communication between the Judiciary and the Administration.

"If the Judiciary has concerns over how a piece of legislation is operating in practice it does not in any way compromise judicial independence for the Chief Justice to communicate those concerns to the Administration.

"We have communication in other areas relating to the administration of justice in Hong Kong. From time to time, we seek the views of the Judiciary on draft legislation which affect the administration of justice.

"On other occasions, we also seek the views of the Judiciary on proposals for law reform; and senior members of the Judiciary often chair sub-committees of the Law Reform Commission."

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### Residents reminded to check visa requirements

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In response to media enquiries concerning some British passport holders being refused permission to enter China yesterday, a spokesman for the Immigration Department today (Wednesday) reminded Hong Kong residents to check the visa requirements of their destination countries before making overseas trips.

"We are notified by the People's Republic of China that with immediate effect, British passport holders travelling to China, including those in transit for the purpose of connecting flights, must first apply for a visa at Chinese Consulates or visa-issue offices," the spokesman said.

"Entry visa regulations for different countries may change from time to time, failure to comply with the regulations may result in being refused permission to enter by overseas immigration authorities.

"Hong Kong residents are, therefore, advised to check with the local consulates or authorities of their destination countries about the visa requirements before making the trip," the spokesman added.

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### Drink driving law will come into effect before Christmas

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The new legislation on drink driving will come into operation on December 15, a government spokesman said today (Wednesday).

The Road Traffic (Amendment) Ordinance 1995 enacted in June introduced changes to the offence of driving under the influence of drink.

It introduces a prescribed limit for alcohol concentration in a driver's blood, urine and breath, and imposes a legal obligation on drivers to provide samples of blood, urine or breath for testing in certain specified circumstances.

"We would like to bring the legislation into effect before Christmas because that is the time when people tend to drink more, thus causing traffic accidents," the spokesman said.

"The prescribed alcohol limit has been set at 80 milligrams of alcohol per 100 millilitres of blood. This follows the standard adopted in most European Union countries and is also the practice in many states in the US and elsewhere."

"We are not introducing random breath testing, but drivers may be required to take a breath test if they are involved in traffic accidents, commit a moving traffic offence or if the Police have reasonable grounds to suspect that they have been drinking," he added.

The maximum penalty for driving under the influence of drink is a fine of \$25,000 and imprisonment of 3 years; and disqualification from driving for a period of not less than two years.

"Overseas experience shows that education is equally important to change public attitudes on Drink Driving and a spate of publicity will be launched," said the spokesman.

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#### \$14m grants from Disaster Relief Fund approved

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The Disaster Relief Fund Advisory Committee has pledged a contribution of \$5 million for relief programmes in aid of people in the Philippines affected by typhoon Angela.

A government spokesman said today (Wednesday) it was the first time that the Advisory Committee made a pledge of its kind because it was concerned over the plight of the Filipinos following the extensive damage done by the typhoon.

"Agreement in principle has been given to a pledge of \$5 million for relief aid to people affected by typhoon Angela in the Philippines," the spokesman said.

"The Committee hopes that this pledge will encourage organisation(s) experienced in relief work to apply for a grant from the Fund for this purpose."

The Committee has also approved three grants to relief programmes in aid of flood victims in China and North Korea.

The Hong Kong Red Cross will receive \$4 million for a programme in Jilin and Liaoning, China; the Salvation Army will receive \$3.3 million for programmes in the Xiangxi Tujia Zu and Miao Zu Minority Autonomous Prefecture, China; and the Medecins Sans Frontieres \$1.7 million for programmes in Huichon County in North Korea.

To ensure that the grants will be used for the designated purposes, the Hong Kong Government will require relief organisations in receipt of grants to provide an evaluation report and an audited account on the use of the grant. Public donations and appropriations from general revenue are the main sources of the Fund.

"Members of the public are therefore welcome to donate to the Fund for general relief purposes," the spokesman said.

Enquiries can be made to the Secretary to the Disaster Relief Fund Advisory Committee in Room 553, East Wing, Central Government Offices or on telephone 2810 3503.

The Advisory Committee is chaired by the Chief Secretary. Other members are Dr Raymond Ch'ien, Mr J D McGregor, Mr Cheung Hon-chung, Mr Lau Chin-shek, the Secretary for Health and Welfare, and the Secretary for the Treasury.

End/Wednesday, November 15, 1995

#### Cause of canopy collapse will be investigated

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The Director of Buildings, Mrs Helen Yu, extended condolence to the family of the man who was killed as a result of a canopy collapsed in Kwun Tong this (Wednesday) evening.

A thorough investigation into the cause of the accident will be conducted by the Buildings Department.

The scene in Yan Oi Court will remain closed for public safety until further notice and staff of the department will remove any structure posing immediate dangers.

The department regrets any inconvenience to the residents and members of the public in the area.

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Bill to amend to Inland Revenue Ordinance

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The Inland Revenue (Amendment)(No 3) Bill will be gazetted on Friday (November 17).

At present, the Inland Revenue Ordinance only allows the Government to tax income that is sourced in Hong Kong.

The Bill seeks to amend the Ordinance to permit the Government to tax the income from international traffic of Hong Kong airlines sourced in an agreement country which will be granted tax relief in the agreement country. In return, the Government will forgo the right to tax the income of airlines of the agreement country sourced in Hong Kong if this is subject to tax in the agreement country.

"The airlines therefore will not suffer from double taxation," a government spokesman said today (Wednesday).

"It is our policy to seek to include provisions on double taxation relief for airline income into Air Services Agreements which we have negotiated with our bilateral aviation partners on a case by case basis, subject to the endorsement of the Chinese side," the spokesman explained.

The Secretary for the Treasury will introduce the Amendment Bill into the Legislative Council on November 29.

In parallel, the Government is preparing a draft model text of a comprehensive Double Taxation Agreement (DTA) based on the model adopted by the Organisation for Economic Co-operation and Development and drawing reference from DTAs concluded by China and other countries, with appropriate modifications to suit Hong Kong's own circumstances.

However, there are no immediate plans to negotiate free-standing DTAs with other territories.

"This is a complex issue and we will have to consider carefully the wider implications for the Hong Kong economy," the spokesman said.

End/Wednesday, November 15, 1995

Appointment to Securities and Futures Commission

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The Secretary for Financial Services, Mr Rafael Hui, announced today (Wednesday) that the Financial Secretary, under delegated authority from the Governor, had appointed Mr Henry Fan Hung-ling to be a non-executive director of the Securities and Futures Commission.

Mr Fan replaces Professor Edward Chen, who is retiring after serving four years as a non-executive director of the Commission.

"I would like to thank Professor Chen most sincerely for his valuable contribution to the work of the Securities and Futures Commission over the past four years," Mr Hui said.

Mr Fan's appointment is for a period of two years starting from November 15, 1995.

Under Section 5 of the Securities and Futures Commission Ordinance, the Governor shall appoint not less than eight directors of the Commission, half of whom shall be non-executive. At present, the Commission is served by five non-executive directors.

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OFTA Internet home page ready to serve

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The Office of the Telecommunications Authority (OFTA) announced today (Wednesday) that its Internet home page is now officially on-line and members of the public with access to Internet World Wide Web service can set the Uniform Resource Locators (URL) address to "<http://www.ofta.gov.hk>" for connection.

The services provided include retrieval of information contained in a large number of OFTA documents put on the home page.

Application forms for various licences can also be obtained and downloaded to users' computers. Users can also provide feedback to OFTA through E-mail. Information on the Internet home page will be regularly updated and new documents will be posted on the home page as soon as they are issued.

Documents placed on the home page cover a wide range of information, including press releases, reports, consultative papers the Telecommunications Authority's Statements, determinations, codes of practice, telecommunications licences, statistics, telecommunications numbering plan and spectrum allocation table, list of licensees, the agenda, papers and minutes of OFTA's advisory committees.

It has been OFTA's policy to be as open and transparent as possible in its operation. The existing Bulletin Board Service (BBS), with access telephone number: (852) 2834 0119, was set up last year for that purpose.

The provision of Internet home page is another milestone in this respect and supplements the BBS service for those who would prefer access to OFTA material through the Internet.

OFTA trusts that the telecommunications sector and interested members of the public, both locally and overseas, will find this new means of access useful and convenient.

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#### Civic education exhibition on equal opportunities

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Members of the public are invited to visit the Civic Education Exhibition 1995 which will be held from tomorrow (Thursday) to Saturday (November 18) at Metroplaza in Kwai Fong to promote equal opportunities and the elimination of discrimination.

Organised by the Committee on the Promotion of Civic Education, the roving exhibition has taken place in Tsim Sha Tsui and Lok Fu in August and September this year respectively.

Exhibits illustrating the basic concepts of anti-discrimination, together with two electronic quiz games on the subject, will be featured in the venue.

Videos on world children borrowed from the Hong Kong Committee for United Nations Children's Fund (UNICEF) will be screened to enable visitors to learn more about the United Nations Convention on the Rights of the Child, which was extended to Hong Kong in October last year.

Another interesting demonstration will focus on the Basic Law to allow members of the public to learn about their rights and obligations in the future Hong Kong Special Administrative Region.

Other highlights are the winning entries of the Cartoon/Illustration Competition on Equal Opportunities and Elimination of Discrimination, and the top three Outstanding Civic Education Projects for 1994-95.

Starting from tomorrow, the exhibition will open from 10 am to 6.30 pm until Saturday. Admission is free and souvenirs will be distributed to participants.

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#### HKMA publishes Guide to Applicants

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The Hong Kong Monetary Authority (HKMA) announced that the Banking (Amendment) Ordinance 1995, which was gazetted on June 30, 1995, commences operation today (Wednesday).

The Banking (Amendment) Ordinance establishes the Monetary Authority as the authority responsible for the authorisation, suspension and revocation of all three types of authorised institution.

It also clarifies the scope, objectives, duties and powers of a manager appointed under the Ordinance to take control of a problem authorised institution, and introduces a number of other changes designed to improve the workings of the Ordinance.

Concurrent with the commencement of the Banking (Amendment) Ordinance, HKMA publishes today a Guide to Applicants which sets out the Monetary Authority's interpretation of the authorisation criteria and the grounds for revocation contained in the Ordinance and the procedures for processing applications for authorisation.

"The Guide provides guidance to institutions seeking authorisation under the Banking Ordinance about the scheme of supervision contained in the Ordinance and the policies and approach of the HKMA in implementing it. It is also relevant to existing authorised institutions as the authorisation criteria continue to apply to them after authorisation," said a spokesman for HKMA.

The spokesman added that the publication of the Guide would further increase the transparency of HKMA's approach in regulating authorised institutions. It is thus an important step in the development of the banking supervisory system in Hong Kong.

The Guide also explains HKMA's powers in dealing with a problem authorised institution; the restriction on the use of the word "bank" in business names or descriptions; and the procedures for applying for authorisation. The Guide will be available at \$300 each at the Government Publications Centre at ground floor, Low Block, 66 Queensway, Hong Kong, from Friday (November 17).

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#### Disciplined Services Medals awarded to 36 customs officers

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The Commissioner of Customs and Excise, Mr Don Watson, today (Wednesday) presented the Hong Kong Disciplined Services Medals to 36 officers of the Customs and Excise Department at a ceremony at the department's Senior Officers' Mess.

Nine of the recipients received the First Clasp to their long service medals while two were awarded the Second Clasp.

At the ceremony, Mr Watson also presented Long and Meritorious Service Certificates and Gold Pins to five officers in recognition of their 30-year services in the department.

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Salt water cut on Tsing Yi Island

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Salt water supply to all premises on Tsing Yi Island will be temporarily suspended from 10 pm on Friday (November 17) to 6 am the following day to facilitate the laying of water mains.

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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	1,626	0930	+550
Closing balance in the account	1,575	1000	+548
Change attributable to :		1100	+548
Money market activity	+248	1200	+248
LAF today	-299	1500	+248
		1600	+248

LAF rate 4.25% bid/6.25% offer TWI 122.0 \*-0.2\* 15.11.95

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.17	2 years	2711	5.60	99.85	5.76
1 month	5.32	3 years	3810	6.15	100.46	6.06
3 months	5.49	5 years	5009	6.95	101.63	6.66
6 months	5.53	5 years	M502	7.30	100.70	7.26
12 months	5.56					

Total turnover of EF bills and notes - \$18,281 million

Closed November 15, 1995

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Proposals of the Legal Sub-group of PWC

\* \* \* \* \*

Following is the speech by the Secretary for Home Affairs, Mr Michael Suen, at the motion debate on the proposals of the Legal Sub-group of the Preliminary Working Committee in the Legislative Council today (Wednesday):

Mr President,

It is clear from today's debate and the response across the community that the proposals of the legal sub-group of the Preliminary Working Committee (PWC) have given cause for deep concern among many people in Hong Kong. Many Members speaking today, the Hong Kong Bar Association, the Hong Kong Law Society, the Hong Kong Journalists Association and many other groups and individuals have offered a chorus of support for the Bill of Rights Ordinance (BORO).

The British and Hong Kong Governments share these sentiments and have taken every opportunity to reflect to China the depth of the community's concern and our views on the mistaken nature of the PWC's proposals. The matter has been raised not only in the Joint Liaison Group (JLG) but also with the Chinese authorities through other diplomatic channels and during the visit of the Attorney General to China. It will continue to be pursued through both formal and informal channels.

Consistency with the Basic Law and the Joint Declaration

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The Government is in no doubt that the BORO and the laws which have been amended are fully consistent with the Joint Declaration and the Basic Law.

The BORO was drawn up in full knowledge of the provisions of the Basic Law. Both the Joint Declaration and Basic Law stipulate that the International Covenant on Civil and Political Rights (ICCPR) as applied to Hong Kong shall remain in force after 1997. Moreover, Article 39 of the Basic Law states that the provisions of the ICCPR as applied to Hong Kong shall be implemented through the laws of the Hong Kong Special Administration Region. This is precisely what the BORO does - it provides for the incorporation into the law of Hong Kong of the provisions of the ICCPR as applied to Hong Kong. It follows that the BORO is fully consistent with Article 39 of the Basic Law.

## Status of the BORO

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The BORO has a status no different from that of any other ordinance. Like other Ordinances it will be subject to the Basic Law. What is entrenched by the Letters Patent now and by the Basic Law after 30 June 1997 is the ICCPR not the BORO.

We do not accept the argument expressed by the Legal Sub Group of the PWC that S.3 of the BORO makes it supreme over other laws. This is not correct. Section 3 does no more than state expressly the common law principle that, where two pieces of legislation are inconsistent, the later one impliedly repeals the earlier one to the extent of the inconsistency.

Some Members have cited as support for their view that the BORO has an overriding status, the description of the BORO included in the UKG's report to the United Nations on Hong Kong. The statement in question, is simply a reference to the repealing effect of the BORO on pre-existing legislation that is, laws which were in force prior to the enactment of the BORO in 1991. As I have said, this reflects the common law principle that where two pieces of legislation are inconsistent, the later one repeals the inconsistencies in the earlier one.

We also do not consider S.2(3) and S.4 of the BORO to be contrary to the Basic Law. S.2(3) deals with the interpretation of the BORO, and states a principle that applies to all ordinances which implement treaties. S.4 reflects an existing rule of interpretation that legislation should, if possible, be construed in accordance with relevant international obligations. Both these sections are no more than a restatement of common law principles that apply to all ordinances.

It is our firm conclusion, therefore, that the PWC's proposals are based on a misunderstanding of the legal effect of the BORO and we see no need to amend it in the manner that has been suggested. Such a move would give rise to serious concern in Hong Kong and overseas about the continued protection of human rights as well as the rule of law in Hong Kong.

The BORO enjoys widespread support within Hong Kong and the international community. Most recently, the United Nations Human Rights Committee has welcomed the enactment of the Ordinance and expressed its appreciation for the progress that has been made in reviewing laws for consistency with the BORO and therefore with the ICCPR.

Members will be aware that the UN Human Rights Committee is deeply interested in the circumstances of Hong Kong. The Committee has recognised the sound legal basis offered by the Joint Declaration for the continued protection of the rights provided for in the ICCPR. The Committee has issued a clear statement on the importance of the continued application of the ICCPR in Hong Kong and the submission of reports after 1997. It has taken the view that human rights treaties devolve with territory, and that states continue to be bound by the obligations under the Covenant entered by the predecessor state. The Committee points out that Britain and China have agreed in the Joint Declaration that all the provisions of the Covenant as applied to Hong Kong shall remain in force after 1 July 1997. These provisions include reporting obligations under article 40. As the reporting requirements will continue to apply, the Committee considers that it is competent to receive and review reports that must be submitted in relation to Hong Kong.

The United Kingdom Government has explained to the Chinese Government how it fulfils these obligations and made its views known to China through the JLG and other diplomatic channels on how the reporting obligation could be fulfilled after 1997. It will continue to work for a satisfactory resolution of this question with the Chinese Government. On our part we will continue to take the necessary steps to implement the Covenant as applied to Hong Kong.

#### Review of legislation

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Every society must update its laws to take into account changing circumstances and developing jurisprudence. New policies or international obligations lead to new legislation, existing laws need to be updated by the removal of anomalies and obsolete provisions. This does not conflict with the Joint Declaration where it provides that the laws currently in force in Hong Kong will remain basically unchanged.

The review of legislation for consistency with the BORO ensures that our laws are consistent with the provisions of the ICCPR as applied to Hong Kong. It is worth restating that both the Joint Declaration and the Basic Law stipulate that the provisions of the ICCPR as applied to Hong Kong shall remain in force and that Article 39 of the Basic Law provides that restrictions on the rights and freedoms enjoyed by Hong Kong residents shall not contravene the ICCPR as applied to Hong Kong. Amendments to laws which ensure consistency with the ICCPR are therefore consistent with both the Joint Declaration and the Basic Law. To leave these laws untouched would bring them into conflict with Article 39 of the Basic Law after 1997.

Since 1991, this Council has enacted 36 amending Ordinances or orders to bring existing legislation into line with the BORO. The issues involved have been approached with realism and good sense and with a firm understanding of the need to assess the impact of changes and to strike a balance between the protection of human rights and other needs of society including law enforcement.

A few Members have asserted that these amendments are detrimental to the effective governance of Hong Kong. Let me put it on the record that the amendments that have been made have not undermined the Government's authority or ability to govern. Our Police force and other law enforcement agencies continue to exercise their powers effectively. The crime rate in Hong Kong is still one of the lowest among international cities. The removal of restrictions on press freedom and freedom of expression, many of which have never been used or not been used for years, has not prompted our media to forego its high standards of journalism. Rights of assembly and association are not abused. People in Hong Kong have shown that they are well capable of exercising the rights and freedoms provided for in the BORO and the ICCPR in a responsible and civilised manner. It signifies a lack of trust to think otherwise.

#### Impact of BORO on Legal System

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All new legislation needs to be interpreted by the courts in order that its application to particular situations can be precisely determined. As time goes by, and areas of difficulty are resolved, the effect of new legislation becomes settled. The BORO is no different from other legislation in this respect.

BOR challenges have been primarily concerned with provisions of the criminal law which deviate from the principle that it is for the prosecution to prove the accused's guilt beyond reasonable doubt. Through decisions of the Court of Appeal and the Privy Council, the principles applicable to such provisions are now well established. In reaching these decisions, the Judiciary have followed the principle of proportionality which is well established in international human rights jurisprudence. In essence, this principle allows for the protection of human rights to be balanced against the public interest.

To cite an example, the Court of Appeal, in April 1995, confirmed the legality of section 10 of the Prevention of Bribery Ordinance which makes it an offence for civil servants to maintain a standard of living not commensurate with their income in the absence of a satisfactory explanation. The Court said that the provision was dictated by the inherent difficulties in proving corruption and goes no further than necessary. The balance is right.

Similarly, the Court of Appeal decided, in February 1993, to uphold the special investigatory powers of the Securities and Futures Commission under Section 33 of the SFC Ordinance.

Finally, there is, of course, the well-known case of the AG v Lee Kwong Kut (1993), concerning the Drug Trafficking (Recovery of Proceeds) Ordinance, where the Privy Council said that in order to maintain the balance between the individual and the society as a whole, rigid and inflexible standards should not be imposed on the legislature's attempts to resolve the problems of dealing with serious crime.

These are only examples. But they do demonstrate that the protection of human rights in Hong Kong has contributed to a healthy development of jurisprudence rather than led to any uncertainty.

#### The Six Ordinances

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The PWC's proposals to restore six Ordinances to an earlier form would mean the revival of legislation which we have found to be inconsistent with the BORO and therefore with the ICCPR. This would be a retrograde step and would bring the Ordinances into conflict with Article 39 of the Basic Law. In particular, the PWC proposals would mean:

- \* the readoption of obsolete emergency powers from the nineteen fifties and sixties which are unsuited to any situation which could arise in today's society;
- \* reinstating executive powers to pre-censor television and radio broadcasts;
- \* replacing the system of advance notification of public processions with the old requirement to obtain a licence;
- \* removing the right to appeal over the prohibition or imposition of conditions on public meetings or processions;
- \* prohibiting once more, the use of loudhailers in processions;
- \* restoring the old system of registering societies.

I will not list all the issues but I will state that we see no need to readopt any of these powers, nor have we heard any convincing argument why this should be done in respect of these six Ordinances.

The New Territories Land (Exemption) Ordinance  
and the Legislative Council Commission Ordinance  
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I share certain Members' concern about the PWC Legal Sub-group's proposal to repeal the New Territories Land (Exemption) Ordinance and the Legislative Council Commission Ordinance.

The New Territories Land (Exemption) Ordinance does not remove the indigenous villagers' right to dispose of their property in the traditional way if they wish. It only removes the inhibition for women to inherit land in the New Territories in the case of intestacy. We do not consider that it contravenes Article 40 of the Basic Law.

As regards the Legislative Council Commission Ordinance, Members all know that the purpose of the Ordinance is to set up a LegCo Commission to provide administrative support and services to LegCo Members through the LegCo Secretariat, to provide office accommodation to LegCo Members and staff of the LegCo Secretariat and to supervise the operation of the Secretariat. This Council needs to have a Secretariat to provide administrative support. And so will the SAR legislature. Staff of the LegCo Secretariat are not civil servants. They are employed by the LegCo Commission. The PWC Legal Sub-group's proposal to repeal this Ordinance has created uncertainty over the future of the Secretariat. If it is endorsed, it will seriously affect the morale of the LegCo Secretariat staff and undermine the smooth operation of the Secretariat. This will not benefit anyone.

Continuing with the review of legislation

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Many Members have spoken on the need to push ahead with the amendment of those remaining laws which are considered to be inconsistent with the BORO. In my Policy Commitments, I have undertaken to monitor the introduction of draft amendments to a further four Ordinances - the Marriage Ordinance, the Telecommunication Ordinance and subsidiary legislation to the Prison Ordinance and the Mental Health Ordinance - in this session. Members will also be aware that we have put proposals to the Chinese in respect of treason and sedition and the Official Secrets Act. Our proposals are fully consistent with the BORO, the ICCPR and the need to ensure the safety and security of the community here in Hong Kong. Separately, we are awaiting the report of the Law Reform Commission relating to the interception of telecommunications and mail. The way forward will be considered in the light of the Commission's recommendations and with due regard to the BORO and the ICCPR.

We will continue to review laws for consistency with the BORO and to take into account developing jurisprudence in this area of law. We will take every opportunity to reflect the concern of this Council and the community and to explain to the Chinese Government the misconceived nature of the legal sub-group's proposals. We will also urge the Chinese side to take full account of Hong Kong views including those expressed in this Chamber.

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Land Registration (Amendment) 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 Land Registration (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Land Registration (Amendment) Bill 1995.

Land registration in both the urban area and the New Territories is governed by the Land Registration Ordinance (Cap 128) and the Land Registration Regulations.

To improve its services to the public, the Land Registry will introduce a Document Imaging System in mid 1996. This is basically a new method of storage and retrieval of land records, whereby the memorials or registered instruments are scanned and the information recorded in them is converted into electronic images which are stored on electronic storage media such as optical disks. The information can then be speedily retrieved for viewing on screen and printing onto paper.

In order that the image record of memorials retained on the disk can be treated for all purposes as an original copy of the memorial as with the microfilm records, a new provision similar to section 29 of the Land Registration Ordinance is necessary. Amendment to section 26A(1) of the Ordinance is also required to make clear that a document purporting to be a copy, print or extract of or from an image record after certification by the Land Registrar will be admissible in evidence in court proceedings. The imaging method should also be added to the Land Registration Regulations as an additional method of recording memorials and registered instruments.

Separately, the Land Registry is launching a project to record the register cards in the urban area on microfilm. Register cards in the New Territories are also being converted into computerised records. The Register cards will serve no practical use afterwards. We therefore propose that the Land Registrar should be able to destroy or otherwise dispose of them so as to achieve savings in having to store them. Regulation 19 of the Land Registration Regulations needs to be amended to reflect this.

Under section 22 of the Land Registration Ordinance, a person can deposit at the Land Registry any deed, conveyance, power of attorney or other instrument in writing for safe custody until he requires them back again. It is uneconomical for the Land Registry to continue providing this service in view of the cost involved and the fact that safe deposit services are widely available from banks. We therefore propose that this section should be deleted but the Land Registry will keep safe custody of the deeds already deposited with it.

The main proposals of the Land Registration (Amendment) Bill 1995 are:

- (a) clause 2 defines the terms "image", "image record", "imaging", "imaging method" and "register card";
- (b) clause 3 repeals section 22 of the Ordinance such that the Land Registry will not further accept deposit of any deeds or conveyances for safe custody. Notwithstanding this, the Land Registrar will continue to keep safe custody of the deeds and conveyances deposited with him until such deeds and conveyances are delivered back to the person depositing them;

- (c) clause 5 makes it clear that a document purporting to be a copy, print or extract of or from an image record after certification by the Land Registrar will be admissible in evidence in court proceedings. The use of printed signature of the Land Registrar or of any person authorised by him for certification purposes is allowed;
- (d) clause 6 enables regulations to be made in respect of the use of the imaging method;
- (e) clause 7 provides that the microfilm record of register cards, the image record of memorials, and the image record of the microfilm record of the memorials be treated for all purposes as the original register cards or memorials.

Mr President, the Land Registration (Amendment) Bill 1995 will enhance the compatibility of the recording system of memorials and registered instruments with new information technology and improve the economic efficiency of the registration process. I recommend it to Members for favourable consideration. Subject to the enactment of the Bill, the (Amendment) Regulation will be made by the Land Registrar.

Thank you, Mr President.

End/Wednesday, November 15, 1995

#### Town Planning (Amendment) Bill

\* \* \* \* \*

Following is the speech by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in moving the second reading of the Town Planning (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Town Planning (Amendment) Bill 1995 be read a second time.

There is a considerable backlog in the hearing of objections to draft plans by the Town Planning Board and planning appeals by the Town Planning Appeal Board. The appointment of judges to the Appeal Board panel and the interpretation of continuing offence under the Town Planning Ordinance also need clarification.

The Town Planning Ordinance currently provides that the Town Planning Board will give preliminary consideration to an objection to a draft plan in the absence of the objector. If the objector refuses to withdraw the objection after being notified of the Board's view, he has the right to attend a hearing before Town Planning Board.

At present, the Town Planning Board may delegate some of its powers and functions to a committee appointed by the Governor, but review of the Board's decisions on planning applications and consideration of objections are two of the matters that cannot be delegated to a committee and must be dealt with by the Board itself.

Up till mid September 1995, the Town Planning Board has yet to give preliminary consideration to some 3,089 objections and to hear 1,150 outstanding objections. We estimate that if the objections are to be heard by the Board according to the present hearing procedure, it would take several years to clear the backlog.

The Bill will enable the Town Planning Board to appoint committees among its members to hear objections to the draft plans. Such committees will each consists of not less than five members drawn from the Board. The majority of each committee shall be members who are not public officers. It is expected that the hearing of objections can be expedited when these committees are in operation.

The Town Planning Ordinance provides that an applicant for planning permission who is aggrieved by a decision of the Town Planning Board on review may lodge an appeal to the Town Planning Appeal Board. Upon receipt of a notice of appeal, the Chairman or the Deputy Chairman of the Appeal Board panel shall nominate an Appeal Board to hear the appeal. The Appeal Board shall consist of the Chairman or the Deputy Chairman of the panel and four other members.

In recent years, there has been a significant increase in the number of appeals. Up till mid September 1995, there are 29 outstanding appeals yet to be heard by the Appeal Board. The present constitution of the Appeal Board only allows two hearings to be held concurrently, as only the Chairman or the Deputy Chairman of the Appeal Board panel can act as Chairman of the Appeal Board.

The Bill will enable the Governor to appoint more than one Deputy Chairman to the Appeal Board panel, so that additional Appeal Boards may sit simultaneously.

The Appeal Board panel was created in 1991 by way of an amendment to the Town Planning Ordinance. When the amendment was debated in this Council in July 1991, the ad hoc group studying the bill expressed the view that the Chairman of the Appeal Board panel should be drawn from the judiciary. However, due to the shortage of judges, a senior lawyer was appointed by the Governor to be its Chairman when the Appeal Board panel was first constituted. He was however subsequently appointed as a judge in the Court of Appeal and has continued to serve as Chairman of the Appeal Board panel. The validity of his appointment and the validity of the decisions made by the Appeal Boards under his chairmanship is currently subject to legal challenge on the ground that a judge is a public officer. Legal advice obtained by the Administration is that 'public officer', viewed in the context of the Ordinance, does not include a judge. However, if the court challenge is successful, any decisions of the Appeal Boards made under his chairmanship subsequent to the validity of his appointment first being raised would be affected. The validity of his appointment was first raised in May 1995, so there are a number of such decisions. As it is the intention of the Administration that the Chairman of the Appeal Board panel would continue to be able to be drawn from the judiciary, the problem will continue.

To put it beyond doubt that a judge may be appointed to the Appeal Board panel, it is proposed that a new subsection should be added to the Ordinance to define that "public officer" does not include a judge. In addition, a new section is proposed to validate decisions made by an Appeal Board of which a judge was a member unless the validity of the judge's appointment was challenged in court on or before 31 October 1995. The latter exception ensures that proceedings currently before the court will not be interfered with.

To clarify the nature of a continuing offence under section 23 of the Ordinance, the Bill provides for a daily fine to be charged for continuing offence on each day after the date in a notice served under section 23, during which the convicted offender continues to fail to comply with the requirements of such notice.

The Bill will improve the efficiency and operation of the Town Planning Board and Town Planning Appeal Board. I recommend it to Members.

Thank you, Mr President.

End/Wednesday, November 15, 1995

Reports to UN Human Rights Committee

\* \* \* \* \*

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

Question:

In regard to the British Government's Fourth Periodic Report in respect of Hong Kong submitted under the International Covenant on Civil and Political Rights (ICCPR) to the United Nations (UN) Human Rights Committee and its attendance at the UN hearing on the report, will the Government inform this Council:

- (a) how the Government will follow up on the UN Human Rights Committee's recommendations regarding the report; and
- (b) whether the Government will consider requesting the British Government to submit further reports under the ICCPR to the UN Human Rights Committee before July 1997?

Reply:

The United Nations Human Rights Committee examined the United Kingdom Government's fourth periodic report on Hong Kong under the International Covenant on Civil and Political Rights (ICCPR) on 19-20 October 1995. The Committee's Concluding Observations were published on 3 November 1995.

(a) The Human Rights Committee's observations covered a wide range of positive aspects and areas of concern. The single most important area raised by the Committee was its clear statement on the importance of the continued application of the ICCPR in Hong Kong and the submission of reports after 1997.

The United Kingdom Government has explained to the Chinese Government how it presently fulfils the reporting obligation and made its views known as to how China could fulfil this obligation after 1997. The United Kingdom Government will continue to work for a satisfactory resolution of this question with China.

The Human Rights Committee's views on domestic issues cover a wide area and will be carefully considered by the responsible Policy Branches. The Committee's recommendations are not binding but they will be taken very seriously. All the issues raised will be addressed.

(b) The Human Rights Committee has requested that the United Kingdom Government submit a brief report on Hong Kong by 31 May 1996 on new developments in respect of the Committee's Concluding Observations. This request will be met. The Hong Kong Government will of course be involved in the preparation of the report. The Committee has stated that it will consider the report at its 58th session to be held in Geneva from 21 October to 8 November 1996.

End/Wednesday, November 15, 1995

Resources deploy to combat cigarette smuggling

\* \* \* \* \*

Following is a question by the Hon Selina Chow and a reply by the Secretary for the Treasury, Mr K C Kwong, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council :

- (a) of the manpower and resources which the Government has deployed in the past five years (1990-91 - 1994-95) to combat cigarette smuggling since the drastic increase in tobacco tax;
- (b) of the respective numbers of cigarette smuggling cases and persons prosecuted, as well as the quantity of cigarettes seized, in each of the past five years; of the cases which resulted in prosecution, what is the conviction rate and what are the penalties (by suitable intervals) imposed on those convicted; and
- (c) whether the Government has made an estimate of the average daily quantity of dutiable cigarettes smuggled into the territory in the past five years; if so, what is the percentage of such quantity when compared with the average daily total quantity of cigarettes imported to the territory; and what is the estimated loss to the Government in duty revenue and to cigarette dealers respectively, in the same period?

Reply:

Mr President,

- (a) The Customs & Excise Department (C&ED) is responsible for the detection and prevention of smuggling of contraband, including narcotics, cigarettes and other dutiable commodities. Prior to July 1993, there was no separate dedicated teams deployed on combating cigarette smuggling. Rather, action against cigarette smuggling is an integral part of the enforcement duties of C&E officers deployed at control points, on land and maritime patrol, investigation and other anti-smuggling activities. The number of C&E officers deployed for such purposes in the past five years were:

Financial year	Staff number
1990-91	2,381
1991-92	2,381
1992-93	2,307
1993-94	2,323
1994-95	2,587

In July 1993, the Department set up a 12-man Cigarette Action Team to tackle specifically cigarette smuggling.

In May 1994, the Department expanded this to a 40-man strong Anti-Cigarette Smuggling Task Force.

Other C&E officers carrying out normal control and enforcement work, of course, continue to assist in anti-smuggling of cigarettes in the course of their normal duties.

- (b) Before 1991-92, enforcement statistics were collected in respect of smuggling activities in general and there was no separate breakdown for cigarette smuggling cases, except for the amount of cigarettes seized. As for conviction statistics, a separate breakdown for cigarette smuggling cases was only available from 1993-94. The relevant statistics on enforcement and conviction are set out in my written reply to Members -

Year	No. of cases of seizure <sup>(1)</sup>		No. of persons prosecuted	Cigarettes seized (pieces)	No of counts successfully prosecuted <sup>(3)</sup>	Conviction rate <sup>(4)</sup>	Sentences	
	with arrest	without arrest					Fine	Custodial sentence
1990-91	NA*	NA	NA	7.4 million	NA	NA	NA	
1991-92	1,344	763	1,438	24.4 million	NA	NA	NA	
1992-93	1,355	478	881	42.5 million	NA	NA	NA	
1993-94	2,555	1,142	2,196	179.0 million <sup>(2)</sup>	4,213	98.50%	\$50 - \$130,500	1 day to 12 months
1994-95	1,816	1,132	1,890	82.2 million	3,033	95.32%	\$100 - \$100,000	1 day to 12 months

Note:

(1) Cases detected in the specified period.

(2) This included a large seizure in February 1994 of some 100 million pieces of cigarettes.

(3) Counts successfully prosecuted in the specified period.

No. of offences upon which defendants were convicted during the specified period

(4) Conviction rate =  $\frac{\text{No. of offences upon which defendants were convicted during the specified period}}{\text{Total no. of offences prosecuted during the specified period}}$

\* NA = Not Available.

Breakdown of the sentences by suitable intervals are set out in my written reply to Members -

Quantity of cigarettes seized	Fines		Custodial sentence	
	Offenders fined	Range of fine (\$)	Offenders sentenced	Range of imprisonment
<b>1993-94</b>				
<5000	1799	100 - 12000	31	1 day - 6 months
5001 - 50000	497	50 - 50000	37	6 days - 5 months
50001 - 100000	42	500 - 80000	11	1 month - 12 months
100001 - 500000	31	100 - 130500	14	6 days - 6 months
>500000	6	1000 - 50000	17	2 months - 9 months
<b>Overall</b>	2375	50 - 130500	110	1 day - 12 months
<b>1994-95</b>				
<5000	1166	100 - 10000	123	1 day - 4 months
5001 - 50000	291	100 - 40000	68	1 day - 6 months
50001 - 100000	20	1000 - 40000	16	1 month - 6 months
100001 - 500000	40	1000 - 100000	32	1 month - 10 months
>500000	19	5000 - 90000	34	1 month - 12 months
<b>Overall</b>	1536	100 - 100000	273	1 day - 12 months

(c) We do not have an estimate of the daily quantity of dutiable cigarettes smuggled into the territory. We can only assess the potential loss in duty revenue based on the quantity of cigarettes seized. The statistics are set out in my written reply to Members -

Year	Average daily quantity of cigarettes seized (pieces) (A)	Average daily quantity of cigarettes imported # (pieces)	Average daily quantity of cigarettes imported and retained for domestic consumption (pieces)(B)	Percentage of cigarettes seized over cigarettes imported (A/B %)	Duty potential of cigarettes seized (per day)
1990-91	20,000	170.4 million	11.55 million	0.17%	\$4,858
1991-92	67,000	202.4 million	33.64 million	0.20%	\$32,053
1992-93	117,000	194.6 million	16.33 million	0.72%	\$61,749
1993-94	491,000	166.6 million	8.65 million	5.68%	\$284,538
1994-95	225,000	165.5 million	8.79 million	2.568.79	\$130,606

# : Cigarettes imported include all cigarettes imported for domestic consumption and for subsequent re-export.

We also do not have an estimate of the loss to cigarette dealers.

End/Wednesday, November 15, 1995

Waiting time for public rental flats

\* \* \* \* \*

Following is a question by the Hon Lee Wing-tat and a reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

As the Governor has pledged in his Policy Address this year that the Government will reduce the average waiting time for public rental flats to five years by 2001, will the Government inform this Council:

(a) whether, in working out the above-mentioned waiting time for public rental flats, it has taken into account such factors as the estimated number of public rental flats to be vacated by public housing tenants who are successful in their applications for Home Ownership Scheme (HOS) flats, the prices of HOS flats, and the opportunities of allocation of public rental flats; if so, how are such figures arrived at; and

(b) whether, in view of the fact that there are different categories of applicants on the waiting list, private housing tenants who apply for public rental flats will also be allocated public housing units within five years?

Answer:

Mr President,

We estimate that the supply of public rental housing in the six years between April 1995 and April 2001 will be in the region of 241,000 flats. This figure comprises the 141,000 new flats to which we are committed, and about 100,000 flats to be vacated by tenants of flats not subject to redevelopment, including those who purchase Home Ownership Scheme flats (about 88,000 flats), those who will benefit from the Home Purchase Loan Scheme (6,000 flats), and those who move into private sector accommodation, emigrate or otherwise move out voluntarily (about 6,000 flats).

After meeting estimated demand during these six years arising from public housing redevelopment (about 84,000 flats), squatter area and Temporary Housing Area clearances (about 35,500 flats), and other committed categories such as emergency rehousing, compassionate rehousing and housing for junior civil servants (about 27,500 flats), we estimate that 94,000 flats will be available for direct allocation to eligible applicants on the General Waiting List during this period, or an average of over 15,000 flats per year.

At the end of September 1995, the number of applicants on the Waiting List stood at about 149,000. Despite our initiatives to increase home ownership, we expect to continue to receive new applications to join the Waiting List at the rate of 1,900 households a month in the foreseeable future. This will add about 125,000 households to the Waiting List between now and April 2001, making in theory a grand total of 274,000 by that date. However, as I said in my speech in this Council on 2 November during the debate on the Motion of Thanks to the Governor, we shall be helped in dealing with this large number of applicants by the historical trend that many of those persons who join the Waiting List are eventually found not eligible, or are rehoused through other schemes or quotas. This accounts for nearly half of all applicants on the Waiting List.

On past trends, the percentage of eligible applicants who actually take up public rental flats is about 54% of the total. We can therefore reduce the figure of 274,000 by 46% to give a total of about 148,000 effective applicants. From this we can subtract the figure of 92,000 new and refurbished flats which we intend to make available to applicants during the period between October 1995 and April 2001. This will leave us with an effective Waiting List in April 2001 of about 56,000, compared with an effective Waiting List of about 80,400 at the end of September 1995. The waiting time after 2001 will be proportionately reduced by 30% from seven years at present to under five years. This implies, of course, that the Government and the Housing Authority will continue to make adequate provision for new housing production in the years after 2001.

The average waiting time for different categories of applicant on the Waiting List, including private housing tenants, is the same. The commitment to a waiting time of less than five years is an average in respect of all eligible applicants.

End/Wednesday, November 15, 1995

#### Railway Development Strategy

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

Question:

In regard to the Railway Development Strategy, will the Government inform this Council of the following:

- (a) what will be the actual benefits arising from the KCR extension from Hung Hom to Tsim Sha Tsui as recommended in the Strategy, and whether the proposed extension will result in an increase of passenger flow at the already overloaded Tsim Sha Tsui MTR station;
- (b) whether the Government will consider the feasibility of extending the MTR to Kowloon City in view of the proposed extension from Hung Hom to Tsim Sha Tsui; and
- (c) whether, apart from the high priority projects of the three railway networks recommended in the Strategy, the Government will study the construction of other new railway networks in the near future?

Reply:

Mr President,

The proposed KCR extension from Hung Hom to Tsim Sha Tsui will be of distinct benefit to tens of thousands of commuters. Residents from Sha Tin and the other townships in Northeast New Territories whose destination is Tsim Sha Tsui will have direct rail access, via the KCR. They will no longer have to change to the MTR at Kowloon Tong Station, and then switch trains by crossing the platform at Mong Kok Station to reach Tsim Sha Tsui. In turn, this will reduce existing journey time considerably. Since commuters can stay on the KCR, this will also greatly relieve congestion along on the Nathan Road Corridor.

The Hung Hom to Tsim Sha Tsui loop is also a fundamental component of the proposed intermediate capacity rail system between Ma On Shan and Tai Wai. Without this loop, all passengers bound for urban Kowloon and Hong Kong would have little choice but to change trains at Kowloon Tong. This would severely aggravate the congestion problem at this station.

Turning now to Tsim Sha Tsui station, it is, indeed, a very busy station during peak hours. The Hon LAU Chin-shek is quite right in pointing out that the proposed KCR loop will result in an increase in passenger flow since commuters would have to switch to the MTR at this station to cross the harbour to Hong Kong. This is obviously an area which requires attention and will be investigated in depth in the engineering feasibility study recently commissioned by Government. Both MTRC and KCRC will provide input for this study.

To summarise, the Hung Hom - Tsim Sha Tsui loop will support further development in the NENT and will help to relieve pressure on the Kowloon Tong interchange and the MTR Nathan Road Corridor. It will, thus, strengthen our railway network.

In addition to the proposed KCR extension to Hung Hom, the RDS also envisages that, dependent upon the scale and programme for land development in the Southeast Kowloon and the Kai Tak site when the airport has been relocated, an Intermediate Capacity System (ICS) from Diamond Hill to Hung Hom may be required to serve that area. This is currently under investigation under the Southeast Kowloon Reclamation Development Study. Any link to Kowloon City will have to be examined in that context.

Mr President, may I now briefly comment on the Administration's plans regarding the construction of new railway lines.

The three high priority railways identified in the RDS are all massive projects. Together with the two railway corporations and our own consultants, we are now conducting detailed feasibility studies to see how best they can be implemented by 2001. Taking into account the multi-billion dollar capital costs involved, land resumption requirements as well as staffing and other resource implications, it would be totally unrealistic to commit ourselves to, let alone embark on the construction of, yet more railway projects, all at the same time.

Notwithstanding this, the Administration will continue to look forward and plan ahead. Indeed the RDS has identified many longer term railway proposals to match development and population growth. These proposals, together with any others that may be put forward, will be carefully assessed and regularly reviewed so that timely decisions on their implementation can be taken.

End/Wednesday, November 15, 1995

Land planned for open storage use in NT

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Following is a question by the Hon Miriam Lau and a 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:

- (a) how much land in the New Territories has been planned for open storage use, of this how much has actually been used as container yards and container truck parking lots;
- (b) what measures the Government has put in place to resolve the problem of shortage of parking spaces for container trucks, bearing in mind that according to the sources from the trade, there is a shortage of parking spaces for at least 2,000 container trucks and their tractors; and
- (c) what measures does the Government have to ensure that the land which has been planned for open storage use can actually be used as container truck parking lots and container yards, having regard to the fact that the majority of such land is privately-owned?

Answer:

Mr President,

- (a) About 330 hectares of land have been zoned either 'Open Storage' or 'Other Specified Uses (Container Back-up Uses)' on the statutory town plans. About 110 hectares are being used for various types of open storage and workshops, including 4 hectares for container yards and 7 hectares for container truck parking.
- (b) There are about 11,000 parking spaces available for container vehicle parking. These include about 2,000 spaces on short term tenancy sites; about 7,000 spaces on open storage sites; and about 2,000 spaces in industrial and commercial private developments.

In the short term, efforts will continue be made to identify short term tenancy sites for container lorry parking and to seek the granting of planning permission for such uses by the Town Planning Board. In this connection, nine applications involving 10 hectares of temporary container trailer parking areas in San Tin with a total capacity of 900 parking spaces have been approved by the Town Planning Board.

To cater for the longer term demand for parking container trucks, the possibility of developing a multi-storey container lorry park at Kwai Chung for 1,400 container lorries is being examined. The study result is expected to be available in early 1996. Moreover, with a view to examining the overall vehicle parking problem, a Parking Demand Study was commissioned by the Transport Department and it will be completed in December this year. The results of the study will provide an indication of existing and future parking related problems for all vehicles and will recommend measures to meet the parking demand in Hong Kong.

(c) As the Hon Member has rightly pointed out, most of the land zoned as open storage is private land. It is therefore difficult for government to direct that such land should be used only as container parking lots and container parks. What the Administration aims to do is to step up enforcement actions on unauthorised development, as well as publicity, so as to induce operators to move from unauthorised sites to areas properly designated for open storage and container parking purposes. Another factor to consider is that open storage of containers and tractors and trailer park would be a relatively viable operation in terms of capital investment and in comparison to agricultural uses. Landowners would take the opportunity to use the land for such purposes if they could realise a better financial return.

End/Wednesday, November 15, 1995

Old age allowance

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

Question:

Will the Government inform this Council:

(a) of the number of cases in which senior citizens who were former recipients of the Old Age Allowance and who were either disqualified from receiving the allowance or required to refund the allowance owing to their failure to comply with the rule on the period of absence from the territory, as well as the amount of expenses which the Government has saved as a result of such disqualification and refund, in each of the past three years;

(b) whether the Government has assessed the effects of such a rule on the livelihood of senior citizens; if so, what those effects are; and

(c) whether the Government has examined the feasibility of relaxing the rule; if so, what is the progress and when its recommendations are expected to be released?

Reply:

Mr President,

The Old Age Allowance (OAA) is a non-means-tested and non-contributory welfare payment for which all persons over 70 years of age are eligible and for which all persons between 65 and 70 years of age are eligible subject to a simple income declaration. An OAA recipient will continue to receive OAA payments for so long as he or she does not leave Hong Kong for more than 180 days - about 6 months - in any one year. The purpose of this rule is to allow recipients the freedom to travel overseas for pleasure and to spend time with relatives and friends outside Hong Kong. At the discretion of the Director of Social Welfare, a longer period of absence may be permitted if the recipient needs to receive medical treatment outside Hong Kong. Subject to documentary proof, any absence from Hong Kong necessitated by work can also be disregarded for the purposes of retaining eligibility for OAA.

Prior to April 1994, OAA records were kept manually and it would thus be difficult and very time-consuming to identify OAA recipients whose absence from Hong Kong for more than 180 days made them ineligible for the allowance. Since April 1994, OAA records have been computerised. According to these records, about 1.7% out of the total number of 420,000 OAA cases have exceeded the permitted absence limit in 1994-95.

When a recipient's absence from Hong Kong exceeds the permitted limit, his or her OAA payment is temporarily suspended. Records of the amounts not paid as a result of the suspension of payments are not kept and it would be difficult and time-consuming to calculate them. But according to records available, the total number of cases involving over-payment as a result of a breach of these absence rules was more than 3,200 in 1994-95.

OAA is not granted in recognition of any assessed financial need. The existing absence allowance of about 6 months in any one year is more than adequate to allow OAA recipients to exercise their freedom to travel overseas for whatever reason. I cannot see how the absence rules can be said to have any adverse effect on the livelihood of recipients. Since the Director of Social Welfare already has the power to permit a longer period of absence under certain circumstances, we can see no case for any further general relaxation of this rule.

End/Wednesday, November 15, 1995

Review of law to ensure consistency with BOR

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Following is a question by the Hon Lee Cheuk-yan and a written reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday):

Question:

In his recent briefing for Members of this Council on the Governor's policy commitments, the Secretary for Home Affairs stated that he would continue to co-ordinate the review of legislation to ensure its compliance with the Bill of Rights, and that the Government would introduce draft amendments to four Ordinances in the current legislative session. On the other hand, the Chinese Government has indicated that the Hong Kong Government should not make any major changes to existing legislation before 1997. In this connection, will the Government inform this Council:

(a) of the four Ordinances to which the Government intends to introduce amendment bills in the current legislative session; and

(b) whether the Government will give up its efforts in continuing to revise legislation which contravenes the Bill of Rights in view of the light of the Chinese Government's stance mentioned above?

Reply:

(a) The four Ordinances involve:

- (i) the relaxation of restrictions on prisoners' correspondence and the release of information by Correctional Services staff under the Prison Rules (subsidiary legislation to the Prison Ordinance);
- (ii) specifying more clearly the conditions under which a medical superintendent may superintend activities of patients in mental hospitals or their communications with outsiders as provided for in the Mental Health Regulations (subsidiary legislation to the Mental Health ordinance);
- (iii) ensuring that both parents have the same rights where consent to a child's marriage is required under the Marriage Ordinance; and
- (iv) making it clear that the offence of transmitting a message known to be false, S.28 of the Telecommunications Ordinance, relates only to false distress signals. Also, in the same Ordinance, to amend S13c which gives the Broadcasting Authority far-reaching powers which are no longer considered appropriate.

(b) As stated in the Policy Commitments, I will continue to co-ordinate the ongoing review of legislation to ensure consistency with the Bill of Rights Ordinance and to take into account developing jurisprudence in this area of law.

End/Wednesday, November 15, 1995

#### Public dump projects

\* \* \* \* \*

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

Question:

In the past, there were a number of cases in which a reclamation area was initially designated as a dumping site. According to the papers provided to the Central and Western District Board by the Government, the Green Island public dump covers 20% of the proposed Green Island Reclamation area, and this has aroused public concern as to whether the Government intends to start the reclamation project on the dumping site. In view of this, will the Government inform this Council:

- a) whether any objections to the Green Island Dumping Project have been received; if so, whether consideration will be given to shelving the project;
- b) how many dumping sites will be designated in the next two years; and,
- c) whether any of such sites will be situated within the areas of other reclamation projects?

Answer:

Mr President,

The proposed Green Island Public Dump project was gazetted under the Foreshore and Seabed (Reclamations) Ordinance on 13 October 1995 to invite public views for a period of two months. Up to 14 November, four objections under the Ordinance have been received and the Government is also aware of the views made by other organisations and individuals through other forums. The Government will consider all objections before deciding whether or not to proceed with the project.

Four other proposed public dump projects have been found feasible following impact assessment and engineering feasibility studies. They are Tseung Kwan O Area 137, Tseung Kwan O Area 86, Tseung Kwan O Town Centre Phase III and Pak Shek Kok. Plans are to start their operation in the next two years. The gazetting procedure under the Foreshore and Seabed (Reclamations) Ordinance for the proposed Pak Shek Kok project is in progress.

Each of the three proposed public dump sites in Tseung Kwan O will eventually form part of the Tseung Kwan O New Town Development. The proposed Pak Shek Kok project is not part of any associated reclamation.

End/Wednesday, November 15, 1995

VMs repatriation programmes

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

Question:

Will the Government inform this Council of the details and progress of the various programmes for the repatriation of Vietnamese migrants (VMs), as well as the estimated time when all the VMs stranded in the territory will be repatriated?

Reply:

Mr President,

Under the Comprehensive Plan of Action, all Vietnamese migrants who have been determined to be non-refugees must return to Vietnam. They may return under the voluntary repatriation programme (Volrep) which is administered by the United Nations High Commissioner for Refugees. If they do not volunteer, they will be repatriated under the Orderly Repatriation Programme (ORP) which is operated by the Hong Kong Government. To date, over 47,000 Vietnamese migrants have returned to Vietnam under these two programmes:

Year	Volrep	ORP	Yearly total
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1989	867	-	867
1990	5,429	-	5,429
1991	7,660	87	7,747
1992	12,332	249	12,581
1993	12,301	399	12,700
1994	5,581	250	5,831
1995*	1,389	639	2,028
Total	45,559	1,624	47,183

\* as at November 8, 1995

The Administration is committed to the repatriation of all the Vietnamese migrants as soon as possible.

End/Wednesday, November 15, 1995

Circulation of Hong Kong currency in China

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Following is a question by the Hon Allen Lee and a written reply by the Secretary for Financial Services, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

In view of growing economic activities between China and the territory, the total amount of Hong Kong currency circulating in China over the years has accumulated to a substantial level, which can impose a significant effect on the economy of the territory. In this connection, will the Government inform this Council of:

- (a) the total value of Hong Kong currency in circulation in China in each of the past three years, together with its percentage to the total currency circulation in the territory;
- (b) the anticipated circulation of Hong Kong currency in China in the next three years; and
- (c) the anticipated effect the circulation of Hong Kong currency in China on the inflation rate and the economic conditions in the territory?

Reply:

- (a) There are no official statistics on the actual size of the amount of Hong Kong dollar banknotes circulating outside the territory. One estimate puts the figure in the range from about 30% to 35% of the total amount of currency in circulation, i.e. between HK\$20 - 25 billion out of a total of HK\$70 billion. The bulk of this is likely to be circulating in China.
- (b) While we do not have any clear and official basis to estimate the future demand for the Hong Kong currency in China, we believe that this would depend on China's policy towards allowing currencies other than the Renminbi to circulate in China and the enforcement of that policy.

(c) To the extent that part of the Hong Kong dollar banknotes circulating in China is likely to be associated with Hong Kong's business dealings with China and if the circulation actually facilitates such business dealings, its effect on the Hong Kong economy should tend to be positive. Since Hong Kong dollar circulating in China would by definition be circulating outside Hong Kong, such circulation should not have any appreciable effect on the inflation rate in Hong Kong. In any case, the amount only represents well under 5% of the Hong Kong dollar broad money supply.

End/Wednesday, November 15, 1995

#### Student intake of local tertiary institutions

\* \* \* \* \*

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

Question:

Regarding the student intake of local tertiary institutions in 1994/95, will the Government provide this Council with the following information :

(a) the breakdown of intake figures by number of students who have applied, number of students who have been admitted, and number of students who have enrolled, in each of the seven tertiary institutions funded by the University Grants Committee and the Hong Kong Institute of Education;

(b) of the students admitted to the Hong Kong Institute of Education, what is the percentage of those who have obtained a pass in both English Language and Chinese Language in the Hong Kong Certificate of Education Examination (HKCEE), and how many have satisfied the Institute's minimum entrance requirement with HKCEE results obtained from more than one attempt; and

(c) the number of students admitted to each of the above-mentioned tertiary institutions whose results in English Language and Chinese Language in the HKCEE or Use of Language in the Hong Kong Advanced Level Examination are below the minimum entrance requirement of the institution concerned ?

Reply:

Mr President,

(a) A total of 25 140 applicants applied for admission to programmes offered by the seven UGC-funded institutions in 1994-95 through the Joint University Programmes Admission Scheme. 11,867 offers were made of which 11,716 were accepted. A further 689 places were filled subsequently in clearing rounds. A breakdown of the number of JUPAS offers, acceptances and intakes of first year first degree (FYFD) courses by each of the seven UGC-funded institutions in 1994-95 are attached at Annexes A and B respectively. The intake figures in Annex B represent the total enrolments including places retained by the institutions to offer to non JUPAS applicants e.g. mature applicants and those applying for admission on the strength of qualifications other than results in HK Advanced Level Examinations.

As regards the Hong Kong Institute of Education (HKIED), the Institute received a total of 9,808 applications for its full-time Certificate in Education (CE) courses in 1994-95. 1,796 offers were subsequently made and the enrolment figure as at October 1995 was 1,170.

(b) All 1,170 students admitted to the HKIED's CE courses have obtained a pass in Chinese Language in the Hong Kong Certificate of Education Examination (HKCEE). 1,129 (96.5%) of them have obtained Grade E or above in the HKCEE English Language (Syllabus B) and the remaining 41 (3.5%) have possessed Grade E or above in the HKCEE English Language (Syllabus A). Of the 1,170 students registered at the beginning of the 1994-95 academic year, 1,153 (98.5%) met the entry requirements on the basis of one examination sitting, 12 on the basis of two sittings, and 5 on the basis of other equivalent qualifications.

(c) The total number of first year first degree (FYFD) intakes in 1994-95 who did not meet the requisite requirements set by the relevant programmes/Departments in the UGC-funded institutions concerned regarding the Advanced Supplementary (AS) Use of English subject was 58. The corresponding figure for the AS Chinese Language and Culture subject was 25. A breakdown of the figures by institutions is attached at Annex C. As regards the HKIED, none of the students admitted to the HKIED courses have results in English Language and Chinese Language in the HKCEE that are below the minimum entry requirements of the Institute.

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**Number of offers issued, accepted and declined  
in the 1994 JUPAS Main Offer Round**

Institution	Places Available through JURAS*	Offers Issued	Offers Accepted	Offers Declined
CityU	1,910	1,643	1,616	27
HKBU	1,271	1,271	1,252	19
LC	706	706	659	47
CUHK	2,674	2,528	2,513	15
PolyU	1,909	1,807	1,792	15
HKUST	1,804	1,610	1,599	11
HKU	2,352	2,302	2,285	17
<b>TOTAL</b>	<b>12,826</b>	<b>11,867</b>	<b>11,716</b>	<b>151</b>

CityU - City University of Hong Kong

HKBU - Hong Kong Baptist University

LC - Lingnan College

CUHK - Chinese University of Hong Kong

PolyU - Hong Kong Polytechnic University

HKUST - Hong Kong University of Science and Technology

HKU - University of Hong Kong

\* Remaining FYFD places are filled by direct recruitment by the institutions e.g. as mature students or students with qualifications which are considered equivalent.

Number of intakes  
on first year first degree courses

<u>Institution</u>	<u>Number of students</u>
CityU	2,163
HKBU	1,293
LC	705
CUHK	2,796
PolyU	2,439
HKUST	1,896
HKU	2,822
TOTAL	14,114

Institution	FYFD intakes (1994-95) from JUPAS Applications who did not meet the minimum requirements of the specific programmes/ Departments		Remarks
	AS Use of English (UE)	AS Chinese Language and Culture (CLC)	
CityU	-	4	The 4 students were admitted to the Faculty of Science and Technology with the Chinese language requirement waived as exceptional cases. (Minimum requirement is Grade E)
HKBU	10	-	The 10 students all had Grade D in AS UE. They were enrolled in the BA in Translation programme which required Grade C in AS-level UE. The general rule for entry is Grade E in two of the following 3 AS-level subjects: UE, CLC and Liberal Studies. For the Bachelor of Science in Combined Science (except Computing Science option) students are allowed to substitute one of the three AS-level subject by another AS-level subject.
PolyU	11	-	Applicants who marginally failed AS UE may be exceptionally admitted provided that they have good results in other AL and AS subjects and will pursue an English Enhancement Programme in their first year of study at the end of which assessments were made to ensure their English competence. (The minimum requirement is Grade E)
LC	5	4	These students had obtained other qualifications deemed equivalent by the Department concerned. (The minimum requirement is Grade E)

CUHK	13	-	The 13 were "Chinese-medium" students who obtained only Grade F in UE but had successfully completed the Intensive English programme and passed the Supplementary English Examinations arranged by ED. (The minimum requirement is Grade E)
HKUST	-	1	Special approval was granted on the basis of outstanding performance in all other subjects to admit the 1 student who did not meet the minimum entry requirement for HKCEE Chinese Language which is Grade F.
HKU	19	16	The students were granted waiver of the requirements on the strength of their performance in other subjects or in view of their special circumstances. (The minimum requirement is Grade D for ASUE and Grade E for AS CLC)
TOTAL	58	25	

End/Wednesday, November 15, 1995

Number of horse races

\* \* \* \* \*

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

Question:

In view of the upward trend in the number of horse races held annually in recent years, will the Government inform this Council of the criteria for approving the Royal Hong Kong Jockey Club's application for increasing the number of races held in a year?

Reply

Mr President,

There is a maximum number of horse races that can be held by the Royal Hong Kong Jockey Club (the Club) in every racing season (the period from 1 September to 15 June). In September this year, the maximum number was revised from 70 races per season, which had been in place since 1986, to 75. In setting the current maximum number, we took into account the following factors:

- i) the additional races will benefit Hong Kong in terms of additional betting duty receivable and an increase in the allocation to local charities;
- ii) the number of free Wednesdays within the racing season which can be used for holding additional races;
- iii) whether an increase in race meetings would help combat opportunities for illegal gambling on horse races held outside Hong Kong on those days, and
- iv) a genuine demand for more racing from the racing public.

The Club plans to hold only 72 race meetings in the 1995-96 season.

End/Wednesday, November 15, 1995

Measures to solve student suicide problem

\* \* \* \* \*

Following is a question by Dr the Hon John Tse and a written reply by the Secretary for Education and Manpower, Mr Joseph Wong, in the Legislative Council today (Wednesday):

Question:

As the problem of students committing suicide in the territory has become serious in the recent years, will the Government inform this Council :

(a) whether the Government has provided any counselling and related supporting service to prevent students from committing suicide; if so, how many counsellors and supporting staff are engaged in such service and what training is given to them;

(b) what types of moral education courses does the Government provide to schools to complement this type of counselling service; and

(c) what long-term strategy and measures does the Government have to solve this problem?

Reply:

Mr President,

It should be emphasised that the causes of suicides committed by youngsters who are also students are multifaceted and often prove difficult to pin-point. Broadly such suicides are the tragic outcome of failure on the part of our youngsters to adjust themselves to the pressures of growing up, and to their changing environment. Pressure of school work or examinations may or may not feature in the whole process. It is important, therefore, that the problem should be addressed not only from the school point of view but also from the total environment of the youngsters including in particular their home which they look to as the major source of support, understanding and assistance outside school.

In so far as the Education Department is concerned, we advocate a Whole School Approach to Guidance whereby all school staff, under the leadership of the principal, are involved to create a positive and caring school environment for the holistic development of students. A positive school environment can enhance students' self esteem and enable students to cope with their problems. To date 260 (about 60%) secondary schools and 650 (about 79%) primary schools have adopted this approach.

(a) In addition to the whole school approach on guidance, the Department has taken a wide range of measures to prevent student suicide, including:

- \* Conducting seminars and workshops for guidance teachers on crisis management; issuing a resource package on 'Understanding Student Suicide' with emphasis on detection and prevention of suicide; setting up telephone hotlines for teachers on handling crisis; and providing professional support to back up teachers on the management of students at risk.
- \* Strengthening students' coping skills by arranging regular talks by doctors on mental health and stress management; encouraging schools to run student group programmes on family life education, peer support programmes etc with the help of education psychologists and education counsellors; producing video tapes and guidance materials for discussion with students; and producing a curriculum kit on parent-child relationship.
- \* Strengthening parental support by issuing a series of leaflets on parenting to enhance parents' awareness of proper method of communication with their children; funding the production of a special TV drama series to enhance parents' awareness and distributing such video tapes to all schools; and encouraging schools to set up parent teacher associations and promote parent education. At present, 320 schools have set up parent teacher associations. Another 47 are in the process of setting up similar associations.
- \* By providing, through its team of education psychologists (26) and education counsellors (10), specialist guidance and counselling service to schools including support to the schools' own counselling staff. These latter staff comprise 194 Student Guidance Teachers (SGTs)/Student Guidance Officers (SGOs) for the primary schools, and 250 school social worker (SSWs) and some 400 guidance teachers (GTs) for the secondary schools. Educational psychologists and counsellors hold professional qualifications in education psychology or social work. SGOs, SGTs and GTs undertake in-service training courses of varying duration from 4 months to one year, while SSWs hold degrees in social work. In addition, all attend professional development courses or training on a continuing basis.

(b) Moral education is promoted in schools through a cross-curricular approach to complement counselling services to prevent student suicide. Related themes such as positive attitudes toward life and understanding one self are conveyed through subjects like Social Studies, History, Chinese Language and Religious Education. Teaching kits and reference materials are provided to convey these themes through classroom teaching and extra-curricular activities.

(c) A Task Group has been formed by the Education Department since 1992 to look into the question of student suicide. The Task Group meets regularly to follow up on the recommendations made by the Coroner's Court and the Board of Education Advisory Committee on School Guidance and Support Services to streamline the co-ordination and the departmental procedures in dealing with student suicide. The Group also advises on how the specific measures mentioned in para (a) above should be re-inforced or strengthened.

End/Wednesday, November 15, 1995

Compassionate rehousing for divorced women

\* \* \* \* \*

Following is a question by the Hon Zachary Wong Wai-yin and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

Regarding the application for compassionate rehousing by divorced women, will the Government inform this Council of the following:

- (a) how many divorced women have applied for compassionate rehousing over the past three years; of this, how many have failed in their applications, and what the reasons are;
- (b) how long it will normally take for an applicant to obtain rehousing; and
- (c) whether the existing application criteria for compassionate rehousing will be reviewed and whether consideration will be given to increasing the number of units provided for this purpose?

Reply:

Mr President,

The aim of the compassionate rehousing scheme is to help individuals and families who have a genuine and immediate housing need. Applications for compassionate rehousing are first assessed by the Social Welfare Department (SWD) which then recommends eligible cases to the Housing Department (HD) for the allocation of units. In assessing eligibility, factors taken into account by SWD include the housing need, the financial and residential status of the family concerned and relevant social and medical grounds.

(a) The number of applications for compassionate rehousing by divorced women which were referred by SWD to HD in the past three years are 140 in 1992-93, 269 in 1993-94 and 212 in 1994-95.

We do not have readily available data on the number of applications from divorced women which were found to be ineligible on assessment by SWD. The most common reasons for turning down such applications were a lack of need for rehousing or applicants having incomes which were too high.

(b) Provided that all the relevant information is furnished at the time of application, a case can normally be processed by SWD in about six weeks. It will then take about four weeks for HD to identify and allocate a public housing unit to the applicant. This can take longer if the applicant is slow in producing the necessary documentation or is choosy regarding the acceptability of the units offered.

(c) The eligibility criteria of the compassionate rehousing scheme are kept under review to ensure that they meet the genuine and immediate housing needs of applicants. Each year, a number of public housing units are reserved to serve the scheme, by reference to the estimated demand. In 1995/96, a quota of 2,000 units has been set aside for this purpose. The quota set is for planning purposes only and does not create a cap on the number of units available. For example, in 1994/95, a total of 2,049 units were actually allocated for compassionate rehousing, a number which exceeded the quota of 2,000 units originally reserved for the scheme in that year.

End/Wednesday, November 15, 1995

International telecommunications charges

\* \* \* \* \*

Following is a question by the Hon Lau Chin-shek and a written reply by the Secretary for Economic Services, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question:

Regarding the charges for international telecommunications services, will the Government inform this Council:

(a) of the breakdown by region, of the percentage increase or decrease in the international telephone charges for calls from Hong Kong to overseas countries and territories in each of the past three years;

(b) of the differences between the international telephone charges levied by Hongkong Telecom International Limited and those levied by other companies offering similar services in each of the past three years;

(c) whether the Government has any plan to negotiate with Hongkong Telecom International Limited to secure a further reduction in international telephone charges levied by the company; and

(d) whether the Government and Hongkong Telecom International Limited have formulated any specific measures to reduce the international telephone charges for calls between Hong Kong and mainland China?

Reply:

Mr President,

(a) A breakdown by region of the percentage changes to the international telephone charges for calls from Hong Kong to overseas countries and territories during the past three years is at Annex A.

(b) Within the Hong Kong Telecom Group, IDD charges are collected by the Hong Kong Telephone Company (HKTC). Details of the differences between the international telephone charges levied by HKTC and those levied during the past three years by other companies offering similar services in respect of the more popular routes is at Annex B.

(c) The Government considers that reduction in international telephone charges through market competition is more effective than through regulatory action.

Under its licence condition, the Hong Kong Telecom International's (HKTI) exclusive right is restricted to the delivery of external telephone traffic from the Hong Kong international gateway to places outside Hong Kong, and places outside Hong Kong to the international gateway. The HKTI is not permitted to deliver telephone traffic directly to customers in Hong Kong and must rely on a local Fixed Telecommunication Network Service (FTNS) operator, such as its sister company, the HKTC, to deliver calls to the customers. The local FTNS operator charges the customer for the IDD call and retains a share of it (the delivery fee) for providing the connection between HKTI's gateway and the customer's home or office. From 1 August 1993, all the mobile telephone operators are also permitted to deliver telephone traffic directly from the HKTI international gateway to their own mobile phone customers. Following the introduction of FTNS competition on 1 July 1995, the three new FTNS operators are providing IDD service in competition with HKTC and are offering very competitive rates. Further, with effect from 1 October 1995, the Telecommunications Authority (TA) has revised the delivery fees. The new delivery fees are more favourable to the FTNS operators on outgoing calls and give them a higher margin which enables them to offer further IDD reductions to customers. Local mobile phone operators also receive the same delivery fee from HKTI on the delivery of international telephone calls and are also offering competitive IDD charges to their customers. In addition, in March 1995 the TA confirmed his ruling that call-back services are legal in Hong Kong. There are now a large number of companies providing IDD call-back services in competition with HKTC/HKTI and the three FTNS operators. The TA will continue to monitor the market situation and review the effects of competition.

(d) As explained in (c) above, the Government considers competition to be more effective than negotiations with HKTI to reduce international telephone charges. The revised delivery fees introduced in October 1995 will give local FTNS operators a significant margin over IDD rates to China and it is expected that they will pass some of this margin back to the consumers through competition. The effect of increased competition is expected to be seen in the next few months. For the time being, some call-back operators are already providing competitive charges on calls to China, e.g. a charge of \$8.50 compared with \$9.50 from HKTC for calls to Beijing, Shanghai and other cities outside Guangdong. As competitive market pressures are taking effect, it is premature to consider intervening in HKTI's rates through regulatory action.

**Annex A**

**Changes in IDD Standard Rates of Hong Kong Telephone Company  
From 1993 to 1995**

Countries	before 1/8/93 (\$/min)	after 1/8/93 (\$/min)	Change in % (Vs 92)	after 1/8/94 (\$/min)	Change in % (Vs 93)	after 1/8/95 (\$/min)	Change in % (Vs 94)	Total Change in % (Vs 93)
<b>Oceania</b>								
Australia	12.3	8.1	-34%	7.2	-11%	7.2	0%	-41%
N. Zealand	12.3	8.1	-34%	8.1	0%	8.1	0%	-34%
<b>America</b>								
Canada	11.7	8.9	-24%	7.9	-11%	6.7	-15%	-43%
U.S.A.	12.3	9.8	-21%	8.6	-12%	6.8	-21%	-45%
<b>Europe</b>								
Germany	15.8	12.5	-21%	12.5	0%	12.5	0%	-21%
France	15.8	12.5	-21%	12.5	0%	12.5	0%	-21%
Netherlands	15.8	12.5	-21%	12.5	0%	12.5	0%	-21%
U.K.	10.5	9.8	-7%	8.8	-10%	8.8	0%	-16%
<b>Africa</b>								
S. Africa	15.8	14	-11%	14	0%	14	0%	-11%
Egypt	24	21	-13%	21	0%	21	0%	-13%
<b>Asia</b>								
Singapore	7	6.9	-1%	6.9	0%	6.9	0%	-1%
Japan	7.9	7.9	0%	7.9	0%	7.9	0%	0%
Philippines	7.9	7.9	0%	7.9	0%	7.9	0%	0%
Taiwan	7.9	7.9	0%	7.9	0%	7.9	0%	0%
<b>China</b>								
Shenzhen	2.4	2.4	0%	2.4	0%	2.4	0%	0%
Guangdong	3.7	3.7	0%	3.7	0%	3.7	0%	0%
Rest of China	9.5	9.5	0%	9.5	0%	9.5	0%	0%

International Telephone Rates 1993

Country	Hong Kong Telephone Co.		City Telecom (HK) Ltd	
	Peak	Non-Peak	Peak	Non-Peak
U.S.A.	\$9.80	\$8.00	\$8.33	\$7.04
Canada	\$8.90	\$7.80	\$7.57	\$6.86
U.K.	\$9.80	\$8.50	\$14.22	\$13.38
Australia	\$8.10	\$6.60	\$15.46	\$14.55
China - Shenzhen		\$2.40	\$27.03	\$23.32
Guangdong		\$3.70	\$27.03	\$23.32
Rest		\$9.50	\$27.03	\$23.32

## International Telephone Rates 1994

Country	Hong Kong Telephone Co.		City Telecom (HK) Ltd			
	Peak	Non-Peak	Peak		Non-Peak	
				Stored Value		Stored Value
U.S.A	\$8.60	\$6.90	\$7.31	\$6.94	\$6.07	\$5.77
Canada	\$7.90	\$6.90	\$6.72	\$6.38	\$6.07	\$5.77
U.K.	\$8.80	\$8.20	\$7.48	\$7.11	\$7.48	\$7.11
Australia	\$7.20	\$6.50	\$6.48	\$6.16	\$6.48	\$6.16
China - Shenzhen		\$2.40		\$27.03		\$23.32
Guangdong		\$3.70		\$27.03		\$23.32
Rest		\$9.50		\$27.03		\$23.32

**International Telephone Rates (Oct 1995)**

Country	Hong Kong Telephone Co.		New World Telepone (Go Card)				New T & T (One2One Intn'l Card)			Hutchison Comm.		Elephant Talk	City Telecom (HK) Ltd				Uetiglobe Telecom		
	Peak	Non-Peak	Peak	Peak	Non-Peak	Non-Peak	Standard	Economy	Bonus	Standard <3500/m	Volume >3500/m	Flat Rate	Peak		Non-Peak		Peak	Non-Peak	Bonus
			>\$100	>\$300	>\$100	>\$100							Stored Value	Stored Value					
U.S.A.	\$6.80	\$6.80	\$6.50	\$6.30	\$6.10	\$5.80	\$5.90	\$5.80	\$5.70	\$6.70	\$5.50	\$4.40	\$5.70	\$5.42	\$5.60	\$5.32	\$5.48	\$5.28	\$4.79
Canada	\$6.70	\$6.70	\$6.50	\$6.30	\$6.10	\$5.80	\$5.90	\$5.80	\$5.50	\$6.50	\$5.70	\$4.40	\$5.70	\$5.42	\$5.60	\$5.32	\$5.48	\$5.28	\$4.79
U.K.	\$8.80	\$8.20	\$8.60	\$7.40	\$7.60	\$7.30	\$6.80	\$6.70	\$6.70	\$8.50	\$6.50	\$6.50	\$6.80	\$6.27	\$6.60	\$6.27	\$6.78	\$6.48	\$6.48
Australia	\$7.20	\$6.50	\$7.20	\$8.40	\$6.30	\$6.20	\$6.35	\$6.20	\$6.15	\$6.90	\$8.10	\$6.00	\$6.10	\$5.80	\$6.10	\$5.80	\$5.98	\$5.68	\$5.19
China - Shenzhen	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.30*	\$2.3*	\$2.2*	\$2.40	\$2.40	\$8.50	\$3.00		\$3.00		\$2.40	\$2.40	\$2.40
Guangdong	\$3.70	\$3.70	\$3.70	\$3.70	\$3.70	\$3.70	\$3.60*	\$3.5*	\$3.4*	\$3.70	\$3.70	\$8.50	\$4.20		\$4.20		\$3.76	\$3.76	\$3.76
Rest	\$9.50	\$9.50	\$9.20	\$9.20	\$9.20	\$9.20	\$8.00*	\$8.9*	\$8.7*	\$9.50	\$9.20	\$8.50	\$10.50		\$10.50		\$8.64	\$8.64	\$8.64

\*IDD Rate

(Nov 95)

Clearance of temporary housing areas

\* \* \* \* \*

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

Question:

With regard to the clearance of Temporary Housing Areas (THAs), will the Government inform this Council:

- (a) whether the decision to retain 13 THAs as announced by the Housing Authority is in contravention of its policy on THAs made previously;
- (b) how the rehousing arrangements of those residents living in the above-mentioned THAs which are not yet scheduled for demolition compare with those who live in THAs with firm clearance dates; and
- (c) what environmental improvement programmes will be implemented by the Government for the 13 THAs, and what the estimated cost is?

Answer:

Mr President,

The number and location of Temporary Housing Areas (THAs) required to meet changing demand is subject to periodic review. The purpose of retaining 13 existing THAs beyond 1997 is to meet future demand arising from clearance programmes and immigration from China.

The Government's commitment to offer permanent rehousing in public rental estates, before the end of 1997, to all authorised persons living in THAs as at the end of 1993 remains unchanged. Indeed we will go one step further: by the end of 1997, all authorised persons living in THAs as at the end of September 1995 will be offered rehousing in public rental estates.

The rehousing arrangements for existing residents of the 13 THAs will be similar to those for residents of THAs which have firm clearance dates. Eligible households will be offered public rental housing by the end of 1997. They will also be entitled to apply, with priority Green Form status, for the purchase of Home Ownership Scheme flats or for assistance under the Home Purchase Loan Scheme.

The units in the 13 THAs will be refurbished by the Housing Authority before reallocation. Work has already started on vacated units. The cost in each case varies, depending on the size and condition of the unit and the renovation work required. The average cost for each unit is estimated at \$8,000.

End/Wednesday, November 15, 1995

Charter for safety in the workplace

\* \* \* \* \*

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

Question:

At present, many occupational diseases afflict employees in the retail industry as well as general office workers. There is however no legislation to protect them against health hazards arising from their employment. In this year's Policy Address, the Governor make reference to a proposal to publish a "Charter for Safety in the Workplace" (the Charter). In this connection, will the Government inform this Council:

- (a) what is the time frame planned for the full implementation of the Charter; and
- (b) whether the Charter will provide safeguards for the occupational safety and health of employees in the retail industry and office workers; if so, how the Charter will be able to improve the occupational safety and health of these employees and office workers?

Reply:

It is Government's intention to publish and implement the "Charter for Safety in the Workplace" in the middle of 1996. To this end, the Labour Department has set up a working group to draft the Charter. The Legislative Council Panel on Manpower, employers' associations, employees' unions and the professional bodies concerned will be consulted at a later stage.

The Charter will cover the whole range of occupational safety and health issues for employees in both industrial and non-industrial sectors, including employees in the retail trades as well as office workers. The Charter will make clear the rights of the worker to enjoy a safe working environment and the employer's obligations to prevent deaths and injuries. It will also emphasise the responsibility of the employee to cooperate with his employer in following safety working practices and reporting workplace hazards.

Implementation of the Charter will enhance the safety awareness of the employers and employees. We believe that if employers and employees abide by the Charter, use appropriate personal protective equipment and follow operational manuals and guidelines, the standard of occupational safety and health will be greatly enhanced.

End/Wednesday, November 15, 1995

Ma On Shan housing project

\* \* \* \* \*

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

Question:

It is reported that a Housing Department development project in Area 90 of Ma On Shan is several months behind schedule. According to the report, the piling contractor of the project blamed the delay on the discovery of underground marble caverns but this was denied by the Chairman of the Building Committee of the Housing Authority. The piling contractor further accused the Chairman of the Building Committee of having a "substantial conflict of interest" because he is also a senior partner of the architectural firm which designed the development project. In this connection, will the Administration inform this Council:

- (a) whether the problem of underground marble caverns was anticipated and whether allowance for such problem was made in the design of the project;

- (b) whether there are other reasons for the delay in the project; if so, what those reasons are;
- (c) how much more money the project will cost;
- (d) whether the accusation of conflict of interest has been investigated; and
- (e) when the project is expected to be completed?

Answer:

Mr President,

The Government was aware of the marble caverns in Ma On Shan Area 90 before the commencement of the housing project. As Area 90 is a Scheduled Area under the Buildings Ordinance, detailed investigations, which covered all six phases of the project, were conducted by geological and engineering sub-consultants engaged by the Housing Department's consultants between 1989 and 1993 in consultation with the Housing Department. The dispute in question relates to the piling contract for Phase 5.

Owing to minor localised subsidence, the piling contractor for Phase 5 has made an allegation that it would be unsafe to carry on with the work. The Housing Department's consultants are firmly of the view that it is safe to continue according to the specialist design of the piling work and the detailed technical requirements specified in the contract. Foundation work was already about seven months behind schedule before the subsidence occurred. The Housing Department's consultants have ascribed the delay to the piling contractor's use of inadequate plant and machinery and insufficiently experienced workers.

It is not possible at this stage to provide an estimate of additional cost for the project since much will depend on how quickly and in what manner the piling work will resume. The contractor is liable for liquidated damages in respect of any delay.

Members of the Housing Authority are required to declare their interests at meetings, including those concerning the appointment of consultants and the award of contracts and consultancies, and to refrain from discussing such matters. This requirement has been complied with in respect of this project.

If the piling contractor continues to work at his present pace, piling will be completed in January 1998. The target completion date for Phase 5 of the project is June 2000.

End/Wednesday, November 15, 1995

Petrol filling stations safety

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Following is a question by Dr 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 what measures the Government has to:

- (a) protect those workers at petrol filling stations and residents nearby against health risk and even chronic illness which may be caused by the inhaling of gases such as benzene over a long period of time; and
- (b) safeguard the occupational safety of the workers and the health of the residents?

Reply:

Mr President,

(a) The adverse impacts of petrol filling stations are minimised through land use planning and statutory control over emissions. Under the Hong Kong Planning Standards and Guidelines, all new petrol filling stations have to be located on open ground with specified distance from neighbouring buildings. Oil companies are also required to keep the benzene level in petrol within the European Community standard of 5%. So far, the average benzene content in Hong Kong has been maintained at about 3.2% to 3.4%, and recent surveys have confirmed that workers in petrol filling stations are not exposed to air-borne concentrations of the chemicals in excess of the relevant occupational hygiene standards. Under the Air Pollution Control Ordinance, the Environmental Protection Department also ensures that petrol filling stations comply with specified emission levels for toxic chemicals.

(b) In addition to the planning controls referred to in (a), administrative and engineering controls such as proper work practice to avoid spillage and the provision of bottom loading system for road tankers are implemented to safeguard the health of workers in petrol filling stations. In addition, a study on toxic air pollution in Hong Kong is being conducted, which will also address the question of controls on benzene from petrol filling stations, and will be completed at the end of 1995. The Administration will consider the findings carefully to see whether further control measures will be necessary.

End/Wednesday, November 15, 1995

#### Flood protection schemes

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

Question:

In his 1994 Policy Address the Governor pledged that a sum of 190 million would be spent over the next three years on flood protection schemes for some 12 villages which were particularly vulnerable to flooding. However, it is learnt that the schemes are now running behind schedule because the time taken for land resumption has been longer than expected. In this connection, will the Government inform this Council:

- (a) of the villages where the flood protection schemes are running behind schedule, and how far have these schemes fallen behind the original schedule;
- (b) what measures does the Government have to ensure that there will be no further delay in land resumption; and
- (c) whether inadequate manpower in the Lands Department is a factor contributing to the delay in land resumption; if so, whether the Government will consider increasing the Lands Department's manpower?

Reply:

Mr President,

The answers to the 3-part question are as follows:

(a) The construction of three flood protection schemes covering nine villages, originally scheduled to start in 1995/96, will begin in 1996/97. The slippage is about ten months. The villages are Sha Po Tsuen, Chau Tau Tsuen, and seven villages at San Tin: Tsing Lung Tsuen, Wing Ping Tsuen, San Lung Tsuen, Fan Tin Tsuen, On Lung Tsuen, Tung Chan Wai and Yan Shau Wai. The schemes for Pok Wai Tsuen and Chuk Yuen will be delayed by about twelve months.

(b) Drainage Services Department is working closely with the District Lands Offices on land resumption and clearances required for the implementation of the village protection schemes. We have also set up a special committee comprising representatives from all relevant offices to review what can be done to overcome the problems encountered and to speed up the necessary procedures so that work can begin as quickly as possible. However, the Government has to proceed carefully with land resumption because it involves the property rights of land owners. This may sometimes mean taking longer than expected to complete the process.

(c) Manpower in the Lands Department is only one of the factors. Other factors such as statutory procedures and the time required to deal with objections are also relevant. We are looking at ways to streamline the procedures and improve efficiency. We are also reviewing the priorities of the various activities undertaken by the Lands Department.

End/Wednesday, November 15, 1995