DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
GARDEN ROAD, 5th–8th FLOORS, MURRAY BUILDING,
HONG KONG. TEL.: 2842 8777

Tuesday, March 4, 1997

Contents **Page No.**

Legislative proposals to strengthen employment protection 1

UN assured of human rights protection in HK 4

Hong Kong signs Air Services Agreement with Myanmar 5

Transfer of VMs from HIDC main camp today 6

Monitors' Report submitted to CS 7

Fireworks display to mark Lantau Link opening 7

Land Registry statistics for February released 8

Occupational Safety and Health Bulletin published 9

Entries invited for chop design competition 10

Post Office datestamps will be bilingual 12

Hong Kong Monetary Authority tender results 13

Legislative proposals to strengthen employment protection

* * * * *

The Government has proposed a package of legislative measures to strengthen protection of employees against unreasonable termination of employment or variation of the terms of employment contracts and to give effect to a review of Hong Kong's labour relations system.

The opportunity has also been taken to clarify the statutory entitlement of employees on fixed-term contracts to long service payments under the Employment Ordinance.

The proposals are contained in the Employment (Amendment) (No. 2) Bill 1997, Labour Relations (Amendment) Bill 1997 and Trade Unions (Amendment) (No. 2) Bill 1997 which will be gazetted this Friday (March 7) and introduced into the Legislative Council on March 19.

Speaking at a press conference today (Tuesday), Deputy Secretary for Education and Manpower, Mr Matthew Cheung Kin-chung explained that these proposals aimed at improving the labour relations system, as well as employees' rights and benefits. The proposals had all been endorsed earlier by the Labour Advisory Board.

According to Mr Cheung, the Employment (Amendment) (No. 2) Bill aimed at preventing unscrupulous employers from evading or reducing their liabilities to pay severance payment (SP) and long service payment (LSP) by terminating the employment of employees, or varying the terms of employment contracts, without valid reasons.

"The most common practices adopted by unscrupulous employers are to dismiss without cause an employee who is about to have five years of service in order to prevent him from qualifying for LSP, to vary an employment contract to become separate short-term contracts so that the employee can never attain the qualifying service, or to replace a contract of employment by a contract for services in order to exclude the employee from the coverage of the Employment Ordinance.

"The bill also seeks to enable employees who are dismissed on the ground of pregnancy, sick leave, exercise of trade union rights and giving evidence in proceedings for the enforcement of labour legislation-- dismissals prohibited by law (or unlawful dismissals)-- to lodge a civil claim against their employers for remedies. The remedies for such claims include reinstatement or re-engagement, pro-rata terminal payments and an award of compensation for an employee so dismissed," he said.

"The proposal is primarily designed to remove unscrupulous employment practices and should therefore have no effect on reputable employers," Mr Cheung emphasised.

Under this proposal, an employee may make a claim and be granted remedies unless the employer can prove that the dismissal or variation is due to one or more of the following valid reasons :

- the employee's conduct;
- the capability or qualifications of the employee for performing work of the kind which he was employed by the employer to do;
- redundancy or other genuine operational requirements of the business;
- statutory requirements, i.e., it would be a contravention of the law by the employer and/or the employee if the employee were to continue to work in his original position, or under the original term(s) in his employment contract; or
- some other substantial reason(s).

To make a claim for unreasonable termination of employment, an employee has to be employed in a continuous contract for a period of not less than two years.

"This qualifying requirement is the same as that under unfair dismissal legislation in the United Kingdom and that for entitlement to severance payment in the event of dismissal by reason of redundancy," Mr Cheung said.

However, there is no qualifying service requirement for a claim regarding unreasonable variation of the term(s) of the contract of employment, lest this will easily defeat the purpose if an employer varies the contract terms before the employee attains the qualifying service for certain statutory benefits. There is also no qualifying service requirement for claims relating to the above unlawful dismissals, but the employee must have done the things relevant to the grounds of dismissal within 12 months preceding the dismissal.

Mr Cheung said that the court or Labour Tribunal might make an order of reinstatement or re-engagement, award of terminal payments and/or compensation, if a claim is established.

"An order for reinstatement or re-engagement may be made only if it is agreed by both parties, and the court or the Labour Tribunal shall first consider whether to make an order for reinstatement before considering whether to make an order for re-engagement."

If no order for reinstatement or re-engagement is made, or the employer has not complied with an order for reinstatement or re-engagement, the employee shall be entitled to an award of terminal payments. These refer to those sums payable under the Employment Ordinance upon termination of the employment contract by an employer, (including LSP, SP, wages in lieu of notice, annual leave pay, end of year payment, holiday pay and other payments) which the employee would have been entitled to receive if he had been allowed to continue his original employment. The terminal payments would be calculated on the basis of the actual length of service of the employee.

In addition to terminal payments, an award of compensation may also be made payable to the employee by the employer in respect of an unlawful dismissal to compensate the employee for the damage or hardship caused. The maximum amount of the compensation is $150,000.

As regards procedures for filing claims, an employee should make a claim by giving a written notice to the employer within three months of the dismissal or the effective date of the variation of the term(s) of the contract of employment. This deadline may be extended for a period up to six months by the Commissioner for Labour if there are good grounds for late submission. Alternatively, he may lodge a claim with the Labour Tribunal within nine months of the dismissal.

"This serves to ensure that a claim under this proposal will not arise from a dismissal which took place an unduly long time ago in the past," Mr Cheung said.

To clarify the legislative intent under the existing provisions of LSP in respect of the entitlement of employees on fixed-term contracts to LSP, the Government also proposes to amend the Employment Ordinance to make it clear that if an employee on a fixed term contract declines an offer of renewal or re-engagement by the employer which is on no less favourable terms than his existing contract, he shall not be entitled to LSP.

"This should remove the present ambiguity on the entitlement of fixed-term employees' entitlements to LSP," Mr Cheung said.

Turning to the Labour Relations (Amendment) Bill, Mr Cheung said that the Commissioner for Labour would be given greater flexibility in making submissions on trade disputes to the Governor-in-Council upon receipt of a report by a conciliation officer without having to appoint a special conciliation officer.

"The proposal would have the benefit of imposing greater pressure on the disputing parties to come to a settlement through ordinary conciliation, lest the Governor-in-Council may order any appropriate action, including arbitration and setting up a board of inquiry.

"We also propose under this bill to introduce a mediation procedure to empower the Commissioner for Labour to refer a dispute to mediation without seeking the prior consent of the parties concerned," he said.

As regards the Trade Unions (Amendment) (No. 2) Bill, Mr Cheung pointed out that the bill sought to extend the existing immunity for registered trade unions from civil litigation in respect of any act done in contemplation or furtherance of a trade dispute to cover individual employers, employees, officials and members of trade unions who are involved in a trade dispute.

End

UN assured of human rights protection in HK

* * * * *

Fundamental human rights enshrined in international treaties and guaranteed in the Sino-British Joint Declaration and the Basic Law will continue to be protected and valued in Hong Kong, Deputy Solicitor General, Mr Stephen Wong, told the United Nations Committee on the Elimination of Racial Discrimination in Geneva on Monday (Geneva time).

In an opening statement to the first day hearing of the committee examining the 14th periodic report on Hong Kong under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Mr Wong, leader of the Hong Kong team forming part of the British delegation, highlighted several developments in the territory since the examination of the 13th report last March.

Updating committee members on the progress of the Government's study on racial discrimination, he said a consultation document to gauge public opinion on the issue had been released.

He said members of the public has been asked to submit their views by the end of April and that the Administration is "on target" to report to the Legislative Council within the current legislative session.

On the question of nationality in relation to the territory's ethnic minorities, Mr Wong said the United Kingdom Government's decision to grant full citizenship to members of the ethnic minority who are solely British nationals had been warmly welcomed by all in Hong Kong.

Regarding the education opportunities for Vietnamese children in the detention centres, he said the Hong Kong Government had provided assistance for secondary schools organised by Vietnamese migrants and non-government organisations and commissioned the International Social Service to co-ordinate the provision of secondary education in the detention centres.

On the broad human rights front, Mr Wong said Hong Kong's human rights "portfolio" had been enhanced by the addition of the Convention on the Elimination of All Forms of Discrimination Against Women.

"China is, of course, a State Party to that Convention and has confirmed that - like the ICERD - it will continue to apply to Hong Kong after the change of sovereignty on July 1 this year," he said.

Meanwhile, a complementary development was the setting up of the Equal Opportunities Commission last May to ensure the implementation of the new laws against discrimination on the grounds of sex and disability, he said.

"The Commission started work in September last year and is now actively handling complaints and enquiries and disseminating the message of equal opportunities for all," he added.

As to the court proceedings, Mr Wong said: "We continue to extend the use of Chinese and to reduce court waiting time. We are taking steps to ensure that there will be no unreasonable delay in the hearing of cases brought under our Bill of Rights Ordinance and the new Sex Discrimination and Disability Discrimination Ordinances.

Delegation members will respond to questions raised by committee members when the meeting continues today (Tuesday, Geneva time).

End

Hong Kong signs Air Services Agreement with Myanmar

* * * * *

The Hong Kong Government today (Tuesday) signed an air services agreement with the Government of the Union of Myanmar.

The agreement was signed by the Secretary for Economic Services, Mr Stephen Ip, on behalf of the Hong Kong Government and the Deputy Director General of the Department of Civil Aviation, Ministry of Transport, Myanmar, Mr Maung Maung Zan, on behalf of the Government of the Union of Myanmar.

Mr Ip noted the potential for the development of tourism, trade and other economic links between Hong Kong and Myanmar. "Direct air services between the two places play an important role in enhancing our economic relations," Mr Ip said.

Mr Ip pointed out the importance of the Hong Kong/Myanmar Air Services Agreement in providing a firm and stable legal framework for the development of air services between Myanmar and Hong Kong up to and beyond June 30, 1997.

The Hong Kong/Myanmar Agreement is the 17th air services agreement signed by Hong Kong. Hong Kong has signed similar agreements with the Netherlands, Switzerland, Canada, Brunei, France, New Zealand, Malaysia, Brazil, Sri Lanka, Australia, Germany, Korea, Singapore, Italy, India and Japan.

End

Transfer of VMs from HIDC main camp today

* * * * *

A group of 91 Vietnamese migrants in High Island Detention Centre, including 22 from the North Camp and 69 from the South Camp, will be transferred to the Centre's Security Unit today (Tuesday) in preparation for their return to Vietnam under the Orderly Repatriation Programme.

They will go through pre-flight documentation and medical checks prior to their repatriation on March 11.

The transfer will be observed by independent monitors.

End

Monitors' Report submitted to CS

* * * * *

The monitors appointed to observe the transfer of Vietnamese migrants selected for the Orderly Repatriation Programme from the High Island Detention Centre's main camps to its Security Unit this (Tuesday) morning have submitted their report to the Chief Secretary.

The four monitors comprised two non-official Justices of the Peace, Professor Joseph Cheng Yu-shek and Mr Francis Bong Shu-ying; and representatives from two non-government organisations, Ms Fung Ka-po from Medecins Sans Frontieres and Ms Harriet Sewell from Christian Action.

End

Fireworks display to mark Lantau Link opening

* * * * *

A spectacular fireworks display will be among the special attractions marking the official opening of the Lantau Link, a key project in the Airport Core Programme, on Sunday, April 27.

The Governor-in-Council has today (Tuesday) given its approval to the staging of a fireworks display, which is sponsored by Sun Hung Kai Properties Limited.

The $5 million display, which coincides with the sponsor's 25th anniversary, will form part of the opening ceremony for the Lantau Link being organised by the New Airport Projects Co-ordination Office (NAPCO) to mark the completion of the Airport Core Programme transport corridor.

The former British Prime Minister, Baroness Thatcher, will officiate at the opening ceremony.

Beginning at 8 pm, and lasting for 20 minutes, the fireworks display will take two different forms.

In a first for Hong Kong, one form will be as a fireworks waterfall flowing from the southern rim of the Tsing Ma Bridge onto the sea. This will last for 45 seconds.

In the other form, the fireworks will be discharged from barges positioned to the north of the bridge.

Various supporting activities in connection with the fireworks display are being co-ordinated by NAPCO, with the assistance of other government departments, including the Home Affairs Department, Marine Department, the Police, and the Transport Department.

An interdepartmental working group has been working on arrangements for crowd control, traffic and public transport for the display, which is expected to attract large numbers of spectators.

It is envisaged that the section of Castle Peak Road between Ting Kau and Sham Tseng and the nearby beaches are places where large crowds are expected to congregate. The current plan is to pedestrianise a section of Castle Peak Road which will lead to a series of traffic diversions and road closures on the day of the event.

Details of these arrangements will be announced later after consultation with the local residents and the relevant District Boards.

End

Land Registry statistics for February released

* * * * *

A total of 16,979 sale and purchase agreements for building units, including residential and non-residential properties, were lodged with the Land Registry last month (February).

The figure represented a decrease of 13.9 per cent from January this year and an increase of 85.1 per cent over February last year.

The total consideration of these agreements in the month was $73.5 billion, down 15.1 per cent but up 182.4 per cent respectively when compared with the amounts for January 1997 and February last year.

The figures were contained in the monthly statistics released today (Tuesday) by the Land Registry on deeds relating to property transactions received for registration in the Urban and New Territories Land Registries in February 1997.

Relevant statistics for January 1997 and February 1996 were provided for comparison. Figures on sale and purchase agreements received for the past 12 months and the year-on-year rate of change were also released.

These statistics generally related to land transactions executed up to four weeks prior to their submission for registration, as there is usually a time lag between the execution of deeds and their lodgement for registration.

End

Occupational Safety and Health Bulletin published

* * * * *

The Labour Department has published a new bulletin for local employers and employees informing them of the latest developments on the occupational safety and health front.

The Occupational Safety and Health Bulletin gives prominent coverage to the Occupational Safety and Health (OSH) Bill, a new piece of legislation which when enacted later this year, will protect the safety and health of employees in both industrial and non-industrial sectors.

"The bill and its subsidiary regulations are a milestone event for Hong Kong. We hope that this colourful, pictorial and easy-to-read bulletin can disseminate the latest occupational safety and health message to employers and employees," Deputy Commissioner for Labour (Occupational Safety and Health), Mr Lee Kai-fat, said today (Tuesday).

Mr Lee said that a total of 130,000 copies of the bulletin were produced and copies of the bulletin had been sent by direct mail to every employer employing more than five persons.

"We are trying to reach the medium and small establishments. It is a difficult but necessary task to get the message across," Mr Lee said.

Mr Lee urged employers to circulate the bulletin to senior management as well as to the shop floor.

The bulletin also gives a brief account of the two subsidiary regulations of the Bill - the Occupational Safety and Health Regulation and the Occupational Safety and Health (Display Screen Equipment) Regulation. It also contains details of an Occupational Safety and Health Seminar to be held in April.

In order to promote occupational and industrial safety, the Labour Department has launched the Occupational Safety Charter and the Hong Kong Construction Safety Award Scheme respectively. These two large-scale functions are also featured in the bulletin.

Safety training for the construction industry, electrical safety and the introduction of a trial scheme to test the safety management systems in real operation are also mentioned.

To give readers an idea on the industrial safety performance in Hong Kong, the bulletin also publishes tables illustrating the number of industrial accidents in 1996 with comparison to those in 1995.

Additional copies of the bulletin can be obtained from the field offices of the Occupational Safety and Health Branch (OSHB) of the Labour Department and the district offices early next week.

Interested parties can also get extra copies by calling the Safety Promotion Unit of the Support Services Division of the OSHB at 2852 4927.

In addition to this bulletin, the Labour Department will soon publish several other user-friendly pamphlets and booklets to support the OSH Bill. They include "Working with Employers", "Five Steps to Risk Assessment", "Construction Safety and Health Checklist" and "Fire Safety in Workplaces".

End

Entries invited for chop design competition

* * * * *

Entries are now invited for a chop design competition jointly organised by the Home Affairs Department (HAD) and the Hong Kong Council of Social Service.

The competition is aimed at enhancing public understanding of the social services available in Hong Kong and arousing interest in volunteer work.

An HAD spokesman said today (Tuesday) the competition was a prelude to the Volunteer Trail - a territory-wide community-building and caring project to be organised from May to August to encourage visits to various welfare service units grouped under nine districts.

"Under this project, a few hundred social welfare units will be open to members of the public for visiting. Members of the three tiers of assemblies, prominent community figures and Government officials will also be invited to visit some units. It is hoped that the visitors will develop a better understanding of the services provided by the units and the channels through which they may enrol as volunteers.

"Visitors will each be provided with a 'passport', which will be stamped with the chop of the respective district after each visit. Anyone whose 'passport' contains three or more chops may be eligible for a souvenir pin.

"To add colour to the project, design entries for the nine districts are now being invited. Each district will select the best chop design for use in the Volunteer Trail project. The winners will be awarded. The one who produces the best of all designs will receive an additional prize.

"The chop designs should encourage mutual care in the community and highlight the characteristics of the respective district. They should measure 1.5 inches by 1.5 inches.

"Each participant can submit a maximum of three entries for each district. All entries should reach the organising committee of the Volunteer Trail by March 31," the spokesman said.

The nine districts are: Central, Western, Southern and Islands; Wan Chai and Eastern; Kwun Tong and Sai Kung; Kowloon City and Wong Tai Sin; Sham Shui Po and Yau Tsim Mong; Tsuen Wan and Kwai Tsing; Tuen Mun and Yuen Long; Sha Tin; as well as North District and Tai Po.

Entry forms are now available at the various District Offices and from the organising committee of the Volunteer Trail at 13th floor, Duke of Windsor Social Service Building, 15 Hennessy Road, Wan Chai, Hong Kong. Enquiries can be made on 2864 2929.

End

Post Office datestamps will be bilingual

* * * * *

The Acting Postmaster General, Mr P C Luk, announced today (Tuesday) that the existing datestamps of the Post Office will be replaced by datestamps with bilingual indications.

The franker dies of all franking machines of the Post Office will also be replaced by bilingual dies.

The change in design of postmarks and franking impressions is expected to be of interest to philatelists.

To make it convenient for those who are interested in obtaining the last day impressions of the existing datestamps and the first day impressions of the new datestamps, the changeover has been arranged in 9 phases from March to May 1997.

Once the new datestamps are put into use, the existing datestamps of the offices concerned will be withdrawn and will become obsolete.

Hand back service will be provided at the offices concerned to privately made covers bearing indication of 'Last Day Cover' on the day preceding the changeover and 'First Day Cover' on the day the new datestamps come into use.

The existing franking impressions of the Post Office franking machines will also be changed into the new design as from the same dates as for the changeover of the handstamps.

As franking impressions will only be applied on parcels and Speedpost items posted over the counter, no hand back service will be provided.

Enquiries about the change may be directed to the Telephone Enquiry Bureau of the Post Office at 2921 2222.

End

Hong Kong Monetary Authority tender results

* * * * *

Tender date	:	4 March 1997
Paper on offer	:	EF Bills
Issue number	:	Q710
Issue date	:	5 March 1997
Maturity date	:	4 June 1997
Amount applied	:	HK$6,930 MN
Amount allotted	:	HK$2,000 MN
Average yield accepted	:	4.90 PCT
Highest yield accepted	:	4.92 PCT
Pro rata ratio	:	About 7 PCT
Average tender yield	:	4.94 PCT

Hong Kont Monetary Authority

Tender to be held in the week beginning - 10 March 1997

Tender date	:	11 March 1997
Paper on offer	:	EF Bills
Issue number	:	Q711
Issue date	:	12 March 1997
Maturity date	:	11 June 1997
Tenor	:	91 days
Amount on offer	:	HK$2,000 MN + 500 MN

- - - - -

Tender date	:	11 March 1997
Paper on offer	:	EF Bills
Issue number	:	H760
Issue date	:	12 March 1997
Maturity date	:	10 September 1997
Tenor	:	182 Days
Amount on offer	:	HK$1,000 MN + 300 MN

End