



DAILY INFORMATION BULLETIN

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Transcript of Governor's media session

Following is a transcript of the Governor the Rt Hon Christopher Patten's media session after his visit to the Agriculture and Fisheries Department today (Wednesday):

Governor: As you know with Michael Sze, the Secretary for the Civil Service, I have over the last year or so conducted a series of visits to Government departments. And it is still a matter of surprise and delight to see the range of jobs which our civil servants do. And it's a delight, though not a surprise, to see how competently and professionally they work in so many different areas, partly because some of the past jobs I have had in public service, the Environment and Overseas Development, I have seen quite a lot of farms and research stations similar to those I visited today. But I have never seen anything better than I have seen today. And I think it's a great tribute to the AFD who are doing a very fine job for Hong Kong's consumers and Hong Kong's lovers of the environment and countryside and seas as well of course for Hong Kong's farmers and horticultural producers. I think they are doing an outstanding job, an important job in a commercial, environmental and a scientific sense. I am delighted to have been able to have seen it for myself. I am also very pleased that I was able to taste such good vegetables and see such handsome pigs. Winston Churchill said that cats look down on you, dogs look up to you, only pigs treat you as an equal. I thought those were very fine pigs today. My sympathies go out to the poor old boar who seems pretty clucked out by the work he has to do. I'm sorry I can't always take you out to such a nice place in a sunny afternoon.

Question: Mr Patten, when will the Chief Secretary meet with Mr Lu Ping?

Governor: Well, we would very much hope that she could meet with Lu Ping during his visit to Hong Kong next week. Back in February, I said to Director Lu Ping that next time he was in Hong Kong we hope that he would be able to arrange a visit with me. I think it's a matter of surprise to people in Hong Kong given that all around the world people talk about a variety of issues that he doesn't seem able to do that. Any way, we wrote again last month to Director Lu Ping, saying that I thought that there was an obligation on us to meet. There is an obligation under the Airport MOU. And that there was a moral obligation as well, which I think is strongly felt by the people of Hong Kong. Wouldn't happen with anywhere else in the world, let's face it. But I said that if he wasn't going to see me it would in my view be important for Hong Kong that he found time to meet the Chief Secretary and to talk with some of her senior officials. The Director is here for seven-and-a-half days and I hope that he'll still be able to find the time to see Anson Chan. He is seeing a lot of other people. I don't think there are many people in Hong Kong who are playing such a vital role in securing stability and prosperity as Mrs Chan. When Mrs Chan visits other countries, she's seen by Prime Ministers, Foreign Ministers, Trade Ministers, Central Bank Governors, Finance Ministers, the leaders of every community. They are all people who have busy diaries but they all manage to find time to see Anson Chan. And they know that she is a tremendous champion for Hong Kong and I think that it would do a huge amount for Hong Kong's morale and confidence if Director Lu or those who organise his programme were able to find during the course of seven-and-a-half days, over 20 meals, a time when he could talk to one of the most distinguished women in public service in Asia, as well as the woman who is the Chief Secretary of the administration of Hong Kong.

Question: Mr Patten, as you know every Hong Kong citizen would like Lu Ping to meet you and Mrs Anson Chan, but the most updated official sources said that Lu Ping is not going to meet either you or Mrs Anson Chan. What do you think will be the repercussions of this to the public?

Governor: Well, I think that's ..

Question: Is that true, first?

Governor: I want to do everything I can to make it easier rather than more difficult for Director Lu and those who advise him or those with whom he discusses these matters to come to a decision which would be in Hong Kong's interest. But you must ask the Director these questions. I still hope, and I hope passionately that even if he doesn't see me, he will meet Mrs Chan and some of her senior colleagues. He's going to be here in Hong Kong. He wants apparently to give reassurance about the future. What better reassurance than starting a dialogue. Nobody for one moment supposes that we'll always manage to agree. All around the world there are people coping with far bigger problems than we have in Hong Kong who sit down at the table and talk to one another. We've put our hand out to Director Lu and his colleagues and I think that most people in Hong Kong who were courteous, and civil, and kind and friendly in their behaviour would expect that gesture to be reciprocated.

Question: So you are not sure whether he will meet you or Mrs Anson Chan?

Governor: No. And I suppose given the way these things are invariably conducted, not by us but by others that we won't know until the last minute. I first wrote to Director Lu last month. I've already communicated the message to him orally through the Ambassador last February. The Hong Kong place is pretty good and normally one gets reply pretty swiftly to letters we sent.

Question: When will the Government discuss the pension scheme, the new proposal with the Chinese side?

Governor: We've been discussing it. We've been discussing it with Chinese officials. I was a bit surprised by the remarks of somebody who was said to be a spokesman for the New China News Agency yesterday on the MPF. I wonder whether he'd seen earlier statements by the New China News Agency, by the Director about the MPF. The New China News Agency and its Director not very long ago said no in capitals to the pension scheme, the old age pension scheme. Now we have a spokesman yesterday saying no to the MPF. The truth of the matter is that what the Legislative Council wants us to do and the community wants us to do and what we are going to do is put an end to all the years of argument and get on with things. The legislation that we are talking about in this session is an enabling legislation. It doesn't complete the whole administrative work of establishing the MPF. It makes it possible to establish an MPF. I have no doubt at all that all the difficult detail, the detail about the monetary implications, the detail about exactly how the scheme will work has to be discussed with those who have the interests of the future SAR Government at heart, so they tell us. That I have no doubt about it at all. But the future SAR Government is not going to thank us if we simply put off decisions and don't make it possible to go ahead with an MPF. And so we are keen on the enabling legislation going through. And I repeat it's enabling, it doesn't end the argument, it doesn't mean that we won't have plenty of opportunities to discuss all the details of the scheme with the community and with Chinese officials. That's what I want to happen and that's what will happen.

Question: Do you see any need to seek Chinese endorsement before tabling the Bill to Legco?

Governor: I see every need and every sense in discussing with Chinese officials on what is going to be in the legislation. They have an interest in that. But I don't think that it's in the interest of Hong Kong for us to simply say just because of one statement by the New China News Agency there is nothing we can do for the elderly people of Hong Kong. There is nothing we can do in order to end the years of uncertainty about financial provision for the elderly people of Hong Kong. Nobody would thank the Governor or the Chief Secretary or the administration or the New China News Agency in 10 or 20 or 30 years if we delay by another three years the establishment of decent financial arrangements for our elderly people in Hong Kong.

Question: Mr Patten, you say that you want endorsement from China. The basic argument of the Chinese officials is that they are saying that the public is still very diversified as to MPF scheme ?

Governor: Well, that's what they're saying about the pension scheme. You know we actually have to recognise that Government and responsible government is about making hard and difficult choices and the choice that we are talking about in this case is a choice for an MPF. We will pass, we hope, the enabling legislation which will then allow us to work out all the details and to discuss all the details with the Chinese side, the Chinese officials. But if we don't put in place the enabling legislation, then nothing at all can happen for three years. And what your editorial writers will do, and what the Legislative Council will do, and what the community will do is say: "Why they are sitting on their hands? Why aren't they doing anything? Why aren't they showing sincerity in working for the interests of the elderly?" We are determined to make it possible for the introduction of an MPF which is as broadly based as possible in the community at the earliest possible moment. But of course the details have to be discussed with the community and with Chinese officials.

Question: How about the call for a JLG meeting to talk about this MPF scheme ?

Governor: It's been discussed through the JLG mechanism and the JLG machinery. I'm sure will be. If what Chinese official is saying is that they want more expert talks on the MPF, that's fine by us. We'll talk almost until the cows come home or the pigs come home. But we are not going to talk the issue out for so long that we don't have the time to at least make it possible to put in place an arrangement which is good for Hong Kong's retired people. One more question .

Question: If the Chinese side doesn't like the ..

Governor: Let's be clear about this. You can't dream up a new proposal every six months. Against the pensions, against the MPF. What next ? We have the interests of the elderly of Hong Kong at heart. I think other people should think about the elderly and not about politics. You can have one more question on another subject.

Question: All the diplomatic units in Hong Kong are invited to meet with Lu Ping except the British side. Is it true?

Governor: I'm not responsible for Director Lu's programme, but so far as I know, that isn't true. If it were true, I think it would be regarded by the community as, let me be careful and diplomatic with what I say, as not a very sensible way to behave. But I don't believe it is true.

Question: Do you think it is sensible to isolate

Governor: I think that the people of Hong Kong know exactly who's isolating themselves. The people of Hong Kong clearly, plainly want all of us to behave in a responsible, sensible, civilised, courteous, decent, dignified fashion, because that's what the Hong Kong people are like. They expect all officials to show a concern for their own long term welfare and their own long term interests. And that's what I shall be doing regardless of who meets me or doesn't meet me until the June 30, 1997.

Question: A PWC sub-group is going to visit the Customs Department on Friday...

Governor: Good.

Question: Does it signify a change of the government policy...

Governor: No, we have an extremely sensible policy. I hope the PWC are impressed by what they hear and see. I hope that when members of the disciplined services express their concerns about the future and their need for reassurance about the position after 1997, that the PWC will convey those sentiments to officials in Peking and will take close notice of them. Let us just remember as these PWC meetings take place in next week or 10 days, nobody, nobody in the public service or outside is expressing anxiety about what happens between today, May 10 and June 30, 1997. That isn't what people express anxieties about. The anxieties when they're expressed are about what happen beyond that. I try to give people reassurances. I hope that when he is in Hong Kong next week, Director Lu will be able to give reassurances through deeds as well as words. One of the most sensible deeds would be what everybody else, everywhere else in the world does, which is to take a hand when it's offered to them. That's what everybody else would do and I very much hope that Director Lu will do that as well. I hope that he'll also have good news for us. When he was in the United States, we're told that the FSAs, on the airport and the airport railway were going to be settled within days, within days. I very much hope that we get an end to those days in the next days. Thank you very much.

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Transcript of comments by FS

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Following is the transcript of the comments by the Financial Secretary, Sir Hamish Macleod, after his Consultation with Legco members on Expenditure in the 1996/97 Budget:

FS: Good Morning. Just to make a few comments having finished the usual, what is now the usual round of consultation with LegCo members on expenditure. Again, as usual, we'll have the round on revenue, their revenue ideas, much later in the year, probably November.

I think because we've now been doing this for a few years, it gets better every year in the sense that more and more thoughts have been put into members' views, more and more of them giving us views in writing as well, which is very helpful. Quite a few new ideas have come up, but I think mainly the focus, the broad focus, as you would expect, is on welfare, health, education, labour and to some extent on law and order. Those have been the main points and if I pick out one, again, perhaps as you would expect, probably the item which nearly everyone mentions is CSSA improvements. And on that I have been just reminding members that if we do indeed give priority to significant improvements in CSSA, it will be very expensive, that's a fact of life and that means that there will be that much tighter situation in terms of the amount of new money left for other things. We can't do both. We can't have significant increase in CSSA and lots of other new spending as well, there is a limit. I think Members, by and large accept that, at least as a general point, that it will squeeze the money left for other things.

The other point I've been trying to get over is whilst there's a view that CSSA improvements are a priority, if members could just keep an open mind on precisely how we spend the money, that's to say whether indeed it should all go to the elderly, or whether the household expenditure survey will throw up other information which will suggest that maybe there are other groups that are actually needed as much, or more. So I'm just urging an open mind. Certainly improvements on CSSA, but precisely how much and to which sectors, we would like at the moment to keep an open mind. But I have to say that most members at the moment think the elderly is probably the priority. That's the present view.

Those views now, we will look at them in more detail. We'll follow up where we think we need clarification and then they'll get fed into the process which starts with resource allocation process which is an internal process, when we look of course at other proposals too from Policy Secretaries in particular and from members of the public. We do get, particularly people like Chambers of Commerce and so on writing in and we look at those. Then decisions on those expenditure proposals will be reflected to some extent in the Governor's speech, as usual in October, and then of course in the budget, the next budget. So that's, the process has now begun leading up to the next budget. Any questions?

Question: Is there any view about which part of the expenditure items will get the higher percentage of the resource allocation?

FS: Well, I say the only, I mean the broad priority would still be, if you like to call them the livelihood issues or you likely call them social services, that would probably still be the predominant theme with also a strong number of points on labour. The whole question of labour importation, unemployment, retraining, how best to address the issue. Any other?

Question: On CSSA, do you think there is no way for you or the Government to increase CSSA?

FS: No, no. I'm not saying that at all. I'm saying that we are quite prepared, if the general view, if we can confirm the general view is that we should give priority to CSSA improvements, then I think we've already said that we would set aside a sum of money when we go through the resource allocation for that purpose. But what I'm trying to get over is, there is no easy option when you can have big increases in CSSA and lots of other new things too. I mean it is a choice. I mean, for example, you can remember that in some of the debates we had, some have called for big increases in CSSA and big increases in Old Age Pensions, Old Age Allowances I should say, Old Age Allowances and a stream of other things. Even Hong Kong, even spending 5% more in real terms a year, you can't do that. CSSA is a very big item.

Question: How is the Government going to make a balance among CSSA and the other allowances?

FS: It's not easy, but I think given the size and I'm not prejudging what the increase will be, but given that it's bound to be quite significant in terms of current expenditure, I think it will mean that probably the rest of the new money will be basically spent on inescapable items, absolutely essential items. There won't be a lot of scope for desirable, but not essential items.

Thank you very much.

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Public Bus Services (Amendment) Bill 1995

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The Governor-in-Council has agreed that the Public Bus Services (Amendment) Bill 1995 should be introduced into the Legislative Council on May 24.

A spokesman for the Transport Branch said today (Wednesday) that the proposed amendments were aimed at strengthening the Government's powers to maintain franchised bus services, for example, in situations where a franchised bus company ceased to operate.

"However, Government has no intention of taking over public bus services which should best be left in the hands of private enterprises," he added.

The spokesman explained that when a franchised bus company failed to maintain a proper and efficient bus service, there were provisions in the Public Bus Services Ordinance for the Governor-in-Council to revoke its franchise and to take temporary possession of its property for a period not exceeding one year.

He said this was insufficient for present-day circumstances as the Government would need a longer period of temporary possession to select a replacement operator and to allow the replacement operator sufficient time to gear up for the operation of a franchised bus service.

"We propose to extend the one-year period to a maximum of three years," he said.

The spokesman said the Government was also seeking powers to lease or purchase from bus companies assets considered absolutely necessary to maintain bus operations, for example, buses and spare parts.

"We do not propose to buy land and buildings," he said. "Instead these would be leased."

The spokesman said compensation based on an open market rental or value would be paid to bus companies and third party owners. As regards land and buildings, the rental would be calculated with reference to the most favourable land use permitted under the Crown lease.

He said the Government also proposed to seek similar powers to cover the situation where a franchise was not renewed because under such circumstances it would be necessary for the Government to step in to maintain bus services to the public.

Attention News Editors:

Representatives from the Transport Branch and the Transport Department will hold a media session on the Public Bus Services (Amendment) Bill 1995 at 4 pm today (Wednesday) at the GIS Press Conference Room, fifth floor, Beaconsfield House, Central.

You are invited to attend.

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ExCo approves landfill charging scheme

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The Governor-in-Council has approved that a regulation should be made for the introduction of charges for waste disposal at landfills by private waste collectors. Charges are expected to start on September 20.

The Waste Disposal (Charges for Disposal of Waste) Regulation will set out that charges be calculated on the basis of each tonne of waste disposed by a private collector at a landfill. This is in line with the polluter/user pays principle.

Initially, the charge will be set at \$43 per tonne of waste (1995 prices) to recover 50 per cent of the full cost.

Payment will be in the form of pre-paid tickets of one- tonne and five-tonne face value, available at 32 sales offices throughout the territory, including one each at the operational landfills receiving privately collected waste.

Arrangements are being worked out for an electronic payment system to be adopted next year to simplify charge collection procedures and to shorten the processing time at landfills.

To address concerns about the possible impact on domestic premises currently served by private waste collectors, household waste disposed of at landfills by private waste collectors will be exempted.

The Environmental Protection Department (EPD) will register private waste collectors who deliver household waste to landfills and provide them with tickets based on the quantity of household waste they collect and dispose.

A Government spokesman said the charging scheme would provide an economic incentive to waste producers to minimise waste generation. Some of the wastes could be recycled or reused, while suitable construction waste could be disposed of at public dumps for land reclamation purpose.

"Waste collectors and producers can factor the initial moderate charges into their operating accounts without significant impact. The arrangement will also enable the waste producers to put in place appropriate measures to minimise waste generation before full-cost recovery charges are introduced," he said.

He said the Government recognised the need for other measures to encourage waste reduction.

"In parallel, we have mounted a publicity campaign on using fewer plastic bags and other disposable items.

"We have also provided advice to industry on how to upgrade to cleaner production processes.

"We are also in the process of finding more suitable sites for use as public dumps. An intermediate sorting plant is being established at the Southeast New Territories landfill for sorting mixed construction wastes.

"Moreover, the Government has commissioned a comprehensive consultancy study of the existing waste generation, collection, recovery and recycling patterns in Hong Kong with a view to developing a strategy for reducing waste generation in the territory.

"To discourage fly-tipping, substantially higher penalty has been introduced under the Waste Disposal Ordinance to deter unauthorised waste disposal.

"The penalty is a maximum fine of \$200,000 and 6-month imprisonment for the first offence, and \$500,000 and 6-month imprisonment for repeated offence.

"The public may report to EPD Complaint Hotline 2838 3111 on any fly-tipping activities," said the spokesman.

End/Wednesday, May 10, 1995

Governor visits pig farm and experimental station

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The Governor, the Rt Hon Christopher Patten, today (Wednesday) visited two major out-stations of the Agriculture and Fisheries Department (AFD) and saw some specialised aspects of the work of the department.

Accompanied by AFD's Director Dr Lawrence Lee, Mr Patten began his itinerary at the Ta Kwu Ling Pig Breeding Centre, where he was greeted by senior officers of the department.

At the Centre, he was briefed by Dr Lee on AFD's diversified work which could be grouped under six programme areas, namely agriculture, animal and plant regulation, fisheries, conservation and country parks, wholesale food markets and technical services.

During a brief tour of the Centre, the Governor learnt that the staff were devoted to testing and improving husbandry techniques for local adoption, and developing high quality breeding stock for the local pig industry to improve productivity.

He was impressed by the pig-on-litter husbandry method when being shown the demonstration pig pens. The method was introduced and improved by AFD to assist farmers to solve the livestock waste disposal problem.

Under this system, pigs are raised on sawdust bedding which provides the environment to decompose the pig waste generated. There is neither effluent nor odour discharged and the used sawdust is re-cycled as soil conditioner and organic fertiliser for plants.

The Governor then proceed to Tai Lung Experimental Station where he was briefed on adaptive studies and the Accredited Farm Scheme.

The Experimental Station is AFD's main centre for horticultural and crop investigatory work. Consisting of established orchards, fields, greenhouses and laboratories, the station is also used for introducing new technology to local farmers in order to facilitate production and improve productivity.

Mr Patten showed much interest in the Accredited Farm Scheme, which was jointly implemented by AFD and the Vegetable Marketing Organisation (VMO) last November.

He was told that the objective of the scheme was to assist growers produce safe and high quality products and to help consumers identify these safe produce when purchasing. Produce from accredited farms were monitored at the production stage by AFD and samples checked on pesticide residue by VMO before marketing.

The scheme is being introduced to selected farms in Guangdong.

At the Station, Mr Patten saw field trials and activities on several aspects including premium vegetable production, recycling spent sawdust litter in crop production, integrated approach to vegetable pest control, soilless culture and mass vegetable seedling production techniques.

Before rounding up his visit, he also saw a quick screening test for checking of pesticide residue on leafy vegetables.

End/Wednesday, May 10, 1995

Funding request for Route 3 project

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The Finance Committee will be asked to approve \$48 million (in money of the day) for improvement works along the Tsing Yi Road West.

This is part of the Route 3 project, one of the 10 projects in the Airport Core Programme.

This funding request will be discussed at a meeting of the Public Works Subcommittee on May 17, prior to consideration by the Finance Committee.

A Government spokesman said today (Wednesday) that in future traffic from Tsuen Wan and Kwai Chung North heading for the new airport and Tung Chung new town would be using the Tsing Yi Road West before reaching the Lantau Fixed Crossing.

"To cope with this projected increase in traffic, it is necessary to widen the Tsing Yi Road West and to carry out alignment improvements at its four junctions," he said.

The improvement works will include re-alignment and widening of carriageway, a roundabout and road junctions, reconstruction of pavements, road drainage and footpath, construction of 210-metre long noise barriers and associated landscaping works.

The spokesman said: "Subject to the Finance Committee's approval, tenders will be invited in July this year to allow the works to start in October. Works will be completed by March 1997 to tie in with the opening of the Lantau Fixed Crossing in mid-1997."

A paper outlining details of the proposed funding was issued today to members of the Public Works Sub-committee of the Legislative Council Finance Committee.

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Transfer of VMs from High Island Detention Centre tomorrow

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A Government spokesman announced today (Wednesday) that an operation would be undertaken tomorrow in the High Island Detention Centre to remove some 38 Vietnamese migrants (VMs) who have been selected for return on an Orderly Repatriation Programme (ORP) flight on May 17.

The spokesman explained that following an announcement in High Island on Monday, 43 VMs scheduled for repatriation came forward for transfer to Victoria Prison.

However, in the last 24 hours, tension has mounted in the camp and 30 VMs including two children have climbed on to the rooftops.

"We had hoped that all would come forward voluntarily. We now see little prospect of that happening and with a deterioration of law and order in the camp, we have accordingly decided to mount an operation tomorrow morning," the spokesman said.

The transfer operation will be monitored by representatives of non-government organisations (Oxfam and Christian Action), and non-official Justices of the Peace.

Attention News Editors:

There will be a fixed press position at High Island tomorrow (Thursday) from where the operation and departure from the camp can be observed. Photographers are advised to bring telephoto lens for the best coverage.

Press coaches will be provided, leaving from the Central Government Offices car park, Lower Albert Road, Hong Kong. Your representatives should arrive by 7.30 am.

Anyone wishing to use their own transport will have to stop at the road barrier at the entrance to the reservoir area and to transfer to the press coaches, which will arrive at about 8.45 am. Access to the area and the press position will be by press coach only.

Reporters covering the operation are advised to bring some snacks and water as it is not known how long the operation will take.

Details of the press arrangements for May 17 will be announced later.

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Options to better control fund-raising activities

The Government is examining options to better control fund-raising activities in Hong Kong, the Director of Social Welfare, Mr Ian Strachan, said today (Wednesday).

"We are actively considering how to expand the current permit system so that it will cover all types of fund-raising activities in future," Mr Strachan said.

Mr Strachan said this at the First East-Asian Fund-raising Workshop organised by the Hong Kong Council of Social Service in collaboration with the International Fund-raising Group.

He said the permit would require, inter-alia, fund-raisers to keep and publish audited accounts and to ensure that funds raised would be used for specified charitable purposes, thereby protecting the general public from fraudulent and bogus fund-raising activities.

"However, in doing so we are also conscious that the new measures must not be so stringent that they deter organisations and individuals from raising funds for charity," Mr Strachan said.

At present, fund-raising activities in Hong Kong are governed by the Summary Offences Ordinance and the Director of Social Welfare is vested with the authority to issue permits to organisations applying to hold fund-raising events which involve any collection of money or sale or exchange for donations of badges, tokens or similar articles in a public place for charitable purpose.

During 1994/95, 48 flag days and 232 fund-raising activities issued with public subscription permits by the Social Welfare Department were organised.

Turning to the provision of social welfare services, Mr Strachan said there were at present 168 non-governmental organisations working hand in hand with the Government.

"They operate more than 2,000 service units with funding from the Government. In 1994/95 such funding allocated to non-governmental organisations amounted to \$2,775 million and this is expected to rise to \$3,260 million in 1995/96," he added.

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Another ACP contract awarded

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The Public Works Tender Board has approved the award of an Airport Core Programme (ACP) contract for the construction of a jetty at Siu Mo To for the new airport at Chek Lap Kok.

The contract, valued at \$4.28 million, has been awarded by the Civil Engineering Department to Lau Cheong Kee Marine Engineering Limited of Hong Kong.

The work will comprise the construction of a concrete pier and a walkway to serve the Civil Aviation Department's equipment station at Siu Mo To.

Work will start later this month for completion by the end of this year.

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Rooftop dwellers urged to accept rehousing

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The Yau Tsim Mong District Officer, Mr Bart Ireland, today (Wednesday) urged the former rooftop dwellers of Kingland Apartments now camping outside a Lai Chi Kok Road bank to accept the Government's rehousing arrangements.

In a letter to the residents, Mr Ireland expressed hope that they could, after giving careful thoughts to themselves and their family members, move into the allocated urban temporary housing areas.

He advised residents to direct any enquiries on rehousing to the Housing Department.

"However, they are always welcome to contact the Yau Tsim Mong District Office," he said.

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Symposium on Chinese gardens

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The Architectural Services Department (ASD) will hold a one-day symposium on Chinese gardens tomorrow (Thursday).

"The symposium aims at providing a forum for an exchange of theories and practical experiences among architects and experts in this special field," a spokesman for the department said.

The symposium will be held at the Excelsior Hotel, Causeway Bay, between 9 am to 5 pm. Admission is free.

"Architects and specialists from universities and institutes in China will be speaking on the subject.

"Papers to be presented will focus on three main areas comprising the theory of Chinese gardens, Chinese garden art and construction of Chinese gardens," he added.

Two senior architects of the department, Mr Lam Sair-ling and Mr Tse Shun-kai, will present papers on the conservation of historical buildings and antiquities, and the Kowloon Walled City Park project respectively.

Meanwhile an exhibition of two ASD projects, namely the Kowloon Walled City Park and the Kun Ting Study Hall which have won international awards, will also be staged at the venue.

Note to editors:

The Director of Architectural Services, Mr Kenneth Chan, will officiate at the Symposium on Chinese Gardens tomorrow (Thursday).

You are invited to cover the event which will start at 9 am at the Marina Room, Excelsior Hotel, 281 Gloucester Road, Causeway Bay.

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Closure of four illegal structures sought

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The Building Authority is seeking to close four unauthorised structures in Tsim Sha Tsui and Ma Tau Wai so that they can be demolished without endangering the occupants and the public.

Three single-storey structures used for storage are located in a building at 54-64B Nathan Road while a similiar structure used for dwelling is located on the first floor of a building at 64-66 Pak Tai Street.

Notices of applying for Closure Orders from the District Court under the Buildings Ordinance on June 7 and October 5 were posted on the premises today (Wednesday).

Demolition works are expected to start as soon as the Closure Orders are issued.

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Three NT lots to let

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The Lands Department is inviting tenders for the short-term tenancies of three pieces of Government land in the New Territories.

Located in Area 44, Fanling, the first lot has an area of 3,820 square metres for use as a fee-paying public carpark.

The tenancy is for one year, renewable quarterly.

The second lot is located in Area 48C, Wo Hop Shek, Fanling, having an area of 2,330 square metres for stone masonry, landscape gardening, plant nursery or commercial gardening.

The tenancy is for two years, renewable quarterly.

The third lot, situated in Area 17, Tai Po, has an area of 1,900 square metres, for use as a fee-paying public car park.

The tenancy is also for two years, renewable quarterly.

Closing date for submission of tenders for three lots are noon on May 26.

Tender forms, tender notice and conditions may be obtained from the District Lands Office, North District Lands Office, Tai Po, and the District Lands Offices, Kowloon, 10th floor, Yau Ma Tei Car Park Building, 250 Shanghai Street, Kowloon, and the Lands Department, 14th floor, Murray Building, Garden Road.

Tender Plans can also be inspected at these offices.

End/Wednesday, May 10, 1995.

Flushing water cut in Sha Tin

* * * * *

Flushing water supply to some premises in Sha Tin will be temporarily suspended from 8 am to 8 pm on Friday (May 12) to facilitate checking of the supply system.

The affected areas will include Belair Garden, City One Shatin, Yue Tin Court, Prince of Wales Hospital, Yuen Chau Kok Clinic, School Child Dental Clinic, SAGE Kwan Fong Nim Chee Home for the Elderly, Chap Wai Kon Street, Yuen Shun Circuit, Kwong Yuen Street, Kwong Lam Court, Hong Lam Court, Treasure Floating Restaurant, On King Street, On Muk Street, On Lai Street, On Yiu Street, On Ping Street, On Sum Street, On Kwan Street, On Ming Street and the Administration Building of the Tate's Cairn Tunnel.

End/Wednesday, May 10, 1995

Hong Kong Monetary Authority money market operations

* * * * *

	\$ million	Time (hours)	Cumulative change (\$million)
	-----	-----	-----
Opening balance in the account	1,486	0930	+1029
Closing balance in the account	2,404	1000	+1029
Change attributable to :		1100	+1053
Money market activity	+1,053	1200	+1053
LAF today	-135	1500	+1053
		1600	+1053

LAF rate 4.25% bid/6.25% offer TWI 118.0 *+0.0* 10.5.95

Hong Kong Monetary Authority

EF bills		EF notes/Hong Kong Government bonds				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.58	19 months	2611	6.90	101.18	6.16
1 month	5.62	22 months	2702	7.50	102.21	6.26
3 months	5.70	30 months	3710	7.25	101.93	6.49
6 months	5.81	36 months	3804	6.90	100.90	6.67
12 months	5.93	59 months	5003	7.75	102.99	7.13

Total turnover of bills and bonds - \$ 24,379 million

Closed May 10, 1995

End/Wednesday, May 10, 1995



DAILY INFORMATION BULLETIN

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SUPPLEMENT

Wednesday, May 10, 1995

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Detention of Hong Kong businessmen in China

* * * * *

Following is the speech by the Secretary for Security, Mr Peter Lai, in the Legislative Council motion debate on detention of Hong Kong businessmen in China today (Wednesday):

Mr President,

The Government shares the concerns that Honourable Members, and the community generally feel for fellow citizens detained in the mainland. We attach the same importance to their well-being when abroad, whether in the mainland or elsewhere, as when they are in Hong Kong, be they businessmen, tourists, employees, students or any other Hong Kong resident.

The Hong Kong Government and the British Government had taken reports of Hong Kong residents detained abroad very seriously, regardless of their nationality or residence status. Obviously Hong Kong residents have to abide by the laws of the place they visit. But, where there is reason to believe that a Hong Kong resident may be unlawfully detained, or held under inhumane circumstances, we seek to represent his interest as best as we can.

The precise actions we are able to take varies according to the circumstances of each case. We have received 20 requests for assistance in the last 4 years concerning Hong Kong residents detained in China. 19 of these cases concerned Hong Kong businessmen. We have taken up all 20 cases with the Chinese authorities. Most of the detainees had been released, but 4 Hong Kong businessmen are still detained in China. We will continue our efforts to bring about early resolution of their cases.

There are, of course, some well-known difficulties in rendering consular type assistance to Hong Kong residents in the mainland. There are legal boundaries beyond which we cannot act. The Hon James To had referred to some of them.

Despite these difficulties, we have in the past taken the following actions:

- * we have sought clarification from the authorities concerned of the circumstances under which such Hong Kong residents were detained;
- * we have sought assurances that the detention is in strict compliance with Chinese law;

- * we have requested access to detainees by their family members and their legal representatives; and
- * we have sought assurance that the welfare of the Hong Kong resident detained is looked after properly.

All these actions had been taken in accordance with the wishes of the family of the detainee and, in the case of Hong Kong residents having a foreign nationality, in close consultation with the government concerned.

We have well-established channels for raising cases of this kind with the Chinese authorities. Our representations are initially carried out in Hong Kong by the Political Adviser's Office with the New China News Agency in Hong Kong. Where appropriate, the British Government also raise the matter through the British Embassy in Peking. Particularly serious cases where the persons concerned had been detained for long periods have also been raised at ministerial level. Most recently the Secretary of State raised several specific cases with Vice-Premier Qian Qichen on 18 April this year.

We are aware that these cases had given rise to widespread concern in the community, in particular among businessmen having or considering investment in China. We have therefore also drawn the attention of the Chinese authorities to these wider concerns. Other countries with a legitimate concern have also raised the question with the Chinese Government.

Mr President, unlawful detentions of visitors and businessmen, wherever they occur, in circumstances which give rise to doubts about commitment to the rule of law damage business confidence. Where they occur in China, international confidence in Hong Kong's future as a centre for doing business with China is also affected. Much of our success in the past had been built on the confidence on the rule of law, and the Government is determined to do everything to protect it.

Mr President, Ex Officio Members of this Council, we support the motion.

End/Wednesday, May 10, 1995

Bill to improve the administration of justice

* * * * *

The Administration of Justice (Miscellaneous Provisions) No. 2) Bill, which proposes to amend laws relating to the administration of justice and legal services, press freedom and human rights was introduced into the Legislative Council today (Wednesday).

Moving the second reading of the Bill, the Attorney General, the Hon Jeremy Mathews, said the Bill was part of an on-going process of keeping the law relating to the administration of justice under constant review, in order to ensure that it was efficient and effective.

Outlining the proposed amendments relating to the administration of justice and legal services, Mr Mathews said the bill provided that a party to criminal proceedings who proposed to introduce expert evidence should all give advance notice to the other party.

He said the absence of such a requirement could cause unfairness to the prosecution where expert evidence was tendered by the defence at trial.

It might lead to misconceived scientific evidence being unchallenged, or to the trial being adjourned whilst the prosecution obtained its own expert evidence, he said.

Mr Mathews noted that another amendment provided the Attorney General the power to appeal to the Court of Appeal against a High Court judge's decision to quash an indictment.

He said at present, the only way to challenge the correctness of such a decision was to appeal directly to the Privy Council, which was considered undesirable when an appeal to the Court of Appeal would be quicker and less costly.

Another aspect of the Bill was to extend the Law Society's right of intervention in respect of a solicitor's practice so as to afford greater protection to a solicitor's clients.

This would enable the Law Society to act decisively where urgent action was needed, particularly in cases of dishonesty, undue delay and failure to comply with the accounts rules, Mr Mathews noted.

On the reforms in respect of press freedom, Mr Mathews said the Bill proposed to remove three unnecessary restrictions on the press and was further proof of the Government's commitment to freedom of the press.

He said: "At present, section 6 of the Defamation Ordinance provides that any person who maliciously publishes a defamatory libel shall be liable to imprisonment for 1 year and to pay such fine as the court may award.

"The offence does not require proof of an intention to defame nor is truth in itself a defence. The criminal law should not be used to protect reputations except from the most serious and flagrant attacks," Mr Mathews said.

"Section 5 of the Defamation Ordinance already provides that a person who publishes any defamatory libel knowing it to be false shall be liable to imprisonment for 2 years. This is sufficient by itself and it is proposed that section 6 should be repealed," he noted.

Mr Mathews said the Bill also proposed to repeal section 3(1)(a) of the Judicial Proceedings (Regulation of Reports) Ordinance which made it an offence to print or publish, in relation to any judicial proceedings, 'any indecent matter or any medical, surgical or physiological details which are of a revolting or offensive nature or the publication of which would be calculated to injure public morals'.

A further liberalisation of the law affecting the press, Mr Mathews said, was found in an amendment to the Complex Commercial Crimes Ordinance. The amendment proposed that publication of reports of a preparatory hearing of a serious and complex commercial crime case, which was now prohibited indefinitely, should be allowed after the case had been concluded.

Mr Mathews noted that another important aspect of the Bill was the repeal or amendment of certain provisions which were inconsistent with the Bill of Rights.

One example, he said, related to section 17 of the Summary Offences Ordinance which made it an offence for a person to be in possession of certain things, including an offensive weapon, 'with intent to use the same for any unlawful purpose, or being unable to give satisfactory account of his possession thereof'.

The Attorney General said: "In 1994, the Court of Appeal decided that the words 'or being unable to give satisfactory account of his possession thereof' were inconsistent with the presumption of innocence in article 11 of the Bill of Rights Ordinance, and had therefore been repealed.

"The Bill proposes in clause 50, to reflect this decision by deleting those words from the section," he said.

However, he stressed that this amendment would not lead to any weakening of the law relating to offensive weapons. Adequate provision to deal with such weapons was found in the remaining part of section 17 of the Ordinance and in section 33 of the Public Order Ordinance.

Concerning the court's power to hold criminal proceedings in closed court, Mr Mathews said the Bill sought to amend section 123 of the Criminal Procedure Ordinance.

He said: "Under the Bill, this power will only be exercisable if the court is satisfied that it is necessary in the interests of justice or public order or security to close the court.

"The Bill also allows part of the proceedings to be held in closed court and provides that the alleged offence, the verdict and sentence must be publicly announced.

"Under the new provision, there will also be a right of appeal against any closure order," he noted.

Introducing other miscellaneous amendments in the Bill, Mr Mathews said one amendment made it clear that, where a deceased person had expressed a request that his or her body, or any part of it, be used for certain purposes, in particular for an organ transplant, that request should prevail over any views of his or her next of kin.

Another significant amendment provided that when determining a prisoner's eligibility for release under supervision, any period he or she spent in custody before conviction, as well as after, must be taken into account, Mr Mathews said.

End/Wednesday, May 10, 1995

Administration of Justice Bill

* * * * *

Following is the speech by the Attorney General, the Hon Jeremy Mathews, in moving the second reading of the Administration of Justice (Miscellaneous Provisions) (No. 2) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Administration of Justice (Miscellaneous Provisions) (No. 2) Bill 1995 be read a second time.

The purpose of this Bill is to make improvements to the law relating to the administration of justice and legal services, to reform the law relating to press freedom, to repeal or amend certain provisions which are inconsistent with the Bill of Rights Ordinance, and to make miscellaneous minor amendments to our laws. The Bill is part of an on-going process in my department of keeping the law relating to the administration of justice under constant review, in order to ensure that it is efficient and effective.

Administration of Justice and Legal Services

The Bill proposes to amend the law relating to the administration of justice and legal services in three major ways.

First, clause 8 of the Bill improves the administration of criminal justice by providing that a party to criminal proceedings who proposes to introduce expert evidence shall give advance notice to the other party. Under the present law, there is no requirement for the defence to give any advance information to the prosecution except an alibi defence in the case that is tried on indictment. The absence of such a requirement can cause unfairness to the prosecution where expert evidence is tendered by the defence at trial. Counsel for the prosecution may be taken by surprise by this and may not be able to contest the evidence. This may lead to misconceived scientific evidence being unchallenged, or to the trial being adjourned whilst the prosecution obtains its own expert evidence. Thus it is proposed that advance notice of expert evidence should be given.

Secondly, the Bill deals with the situation where an indictment is quashed by the High Court, for example, where a criminal charge is struck down by the High Court as being defective. At present, the only way to challenge the correctness of the High Court decision is to appeal to the Privy Council. It is considered undesirable to have to appeal directly to the Privy Council in respect of such a decision, when an appeal to the Court of Appeal would be quicker and less costly. It is therefore proposed in clause 9 that the Attorney General should have the power to appeal to the Court of Appeal against a High Court judge's decision to quash an indictment. This would follow the present power of the Attorney General under section 81E of the Criminal Procedure Ordinance to appeal against a decision to discharge an accused person before the trial begins.

Thirdly, clause 11 of the Bill extends the Law Society's right of intervention in respect of a solicitor's practice so as to afford greater protection to a solicitor's clients. This will enable the Law Society to act decisively where urgent action is needed, particularly in cases of dishonesty, undue delay and failure to comply with the accounts rules.

Law relating to Press Freedom

The Bill also contains reforms to the law relating to press freedom. The Bill proposes to remove three unnecessary restrictions on the press and is further proof of the Government's commitment to the freedom of the press.

At present, section 6 of the Defamation Ordinance provides that any person who maliciously publishes a defamatory libel shall be liable to imprisonment for 1 year and to pay such fine as the court may award. The offence does not require proof of an intention to defame nor is truth in itself a defence. The criminal law should not be used to protect reputations except from the most serious and flagrant attacks. Section 5 of the Defamation Ordinance already provides that a person who publishes any defamatory libel knowing it to be false shall be liable to imprisonment for 2 years. This is sufficient by itself and it is proposed that section 6 should be repealed, by clause 5 of the Bill.

The Bill also proposes in clause 6, to repeal section 3(1)(a) of the Judicial Proceedings (Regulation of Reports) Ordinance which makes it an offence to print or publish, in relation to any judicial proceedings, 'any indecent matter or any medical, surgical or physiological details which are of a revolting or offensive nature or the publication of which would be calculated to injure public morals'. This is considered to be an unnecessary restriction on the freedom of the press.

A further liberalisation of the law affecting the press is found in the proposed amendment of section 19 of the Complex Commercial Crimes Ordinance. It is proposed, in clause 7, that publication of reports of a preparatory hearing of a serious and complex commercial crime case, which are now prohibited indefinitely, should be allowed after the case has been concluded.

Amendments relating to Bill of Rights Ordinance

Another important aspect of the Bill is the repeal or amendment of certain provisions which are inconsistent with the Bill of Rights.

Provisions in the Protection of Children and Juvenile Ordinance, the Probation of Offenders Ordinance, and the Community Service Orders Ordinance, require a person (usually a probation officer or social work officer) supervising a female offender to be a woman. These provisions assume that male officers are not suitable to supervise female probationers and deprive female probationers from receiving supervisory assistance from male officers. They are not considered to be objectively justified under article 22 of the Bill of Rights Ordinance and are therefore discriminatory. Clauses 52-54 of the Bill propose they be repealed. There will be sufficient safeguards against any possible abuse. A senior officer will be responsible for supervising the probation officer and will provide guidance to the officer as appropriate. Special arrangements can, if necessary, also be made for any particular probationer, after taking into account the interests of that person. The amendment also removes an operational problem, in that a female officer will no longer need to be assigned for a female probationer.

Another Bill of Rights problem relates to section 17 of the Summary Offences Ordinance. This makes it an offence for a person to be in possession of certain things, including an offensive weapon, 'with intent to use the same for any unlawful purpose, or being unable to give satisfactory account of his possession thereof'. In 1994, the Court of Appeal decided that the words 'or being unable to give satisfactory account of his possession thereof' were inconsistent with the presumption of innocence in article 11 of the Bill of Rights Ordinance, and had therefore been repealed. The Bill proposes in clause 50, to reflect this decision by deleting those words from the section. However, this will not lead to any weakening of the law relating to offensive weapons. Adequate provision to deal with such weapons is found in the remaining part of section 17 of the Ordinance and in section 33 of the Public Order Ordinance.

Clause 10 also amends section 123 of the Criminal Procedure Ordinance to limit the court's power to hold criminal proceedings in closed court. Under the Bill, this power will only be exercisable if the court is satisfied that it is necessary in the interests of justice or public order or security to close the court. The Bill also allows part of the proceedings to be in closed court and provides that the alleged offence, the verdict and sentence must be publicly announced. Under the new provision, there will also be a right of appeal against any closure order.

Other amendments

Mr President, I turn now to some of the more significant of the miscellaneous amendments in the Bill-

- * clause 57 makes it clear that, where a deceased person has expressed a request that his or her body, or any part of it, be used for certain purposes, in particular for an organ transplant, that request should prevail over any views of his or her next of kin;
- * clause 13 clarifies the power of the court to appoint a judicial trustee in respect of a charitable trust. Under the present law, it is not clear whether the court has power to appoint a judicial trustee in respect of a charitable trust. Since the appointment of a judicial trustee might be of great utility to a number of important charitable trusts, the existence of a power of appointment in such cases should be put beyond doubt;
- * clause 4 raises the upper age of eligibility for the Superintendents' Discretion Scheme from 17 years to 18 years. Under this Scheme, Police officers of the rank of Superintendent and above have a discretion to caution, rather than prosecute, young offenders in appropriate cases. The aim of the Scheme is to help rehabilitate young offenders. The Scheme was established in 1963, when the target group was offenders under the age of 14. After two reviews, the age limit was extended to 16 in 1966 and to 17 in 1988. The Scheme has achieved good results. In April 1993, an interdepartmental Working Group, headed by the then Solicitor General, was established to review the Scheme. The Working Group's Report was submitted to the Fight Crime Committee, which endorsed the recommendations in the Report in September 1994. The present amendment is proposed in order to implement an important part of the recommendations;

- * clause 56 contains a provision relating to the release of prisoners under supervision. It provides that when determining a prisoner's eligibility for release under supervision, any period he or she spent in custody before conviction, as well as after, must be taken into account. It also makes special provision for prisoners who are transferred from other jurisdiction.

As I said earlier, Mr President, this Bill is part of a continuous process of review. I will, from time to time, be bringing forward Bills of a similar nature in order to improve our legal system and to repeal obsolete provisions.

Mr President, I commend the Bill to the Council.

End/Wednesday, May 10, 1995

Govt response to Public Accounts Committee report

* * * * *

Following is the speech by the Chief Secretary, the Hon Mrs Anson Chan, introducing the Government Minute which responds to Report No. 23 of the Public Accounts Committee in the Legislative Council today (Wednesday):

Mr President,

Laid on the table today is the Government Minute responding to Report No. 23 of the Public Accounts Committee. The Minute sets out the measures the Government has taken, or is planning to take, on the conclusions and recommendations contained in the Report. It also seeks to elucidate the Government's position on matters arising from previous PAC reports on which the Committee has made further comments, and where appropriate, updates progress on those matters.

The Hon Peter Wong, Chairman of the Public Accounts Committee, spoke in this Council on 15 February 1995 when tabling the Report. I would like to respond to some of the points he made.

The first issue addressed by Mr Wong in his speech relates to the "sale of a commercial site in Garden Road" covered in PAC Report No. 21A. In the Government Minute dated 12 October 1994, we have already presented clearly the findings and analysis leading to our conclusion that, in that particular case, there is no evidence to substantiate any act of misconduct which would warrant disciplinary proceeding.

The Committee has expressed its concern that our conclusion will send out a message that if there is no evidence of "bad faith", an officer's wrong doing of whatever degree of blame will always be tolerated. This is certainly not our intention. We take the question of accountability very seriously and the Committee is aware that we have carried out an extensive investigation into the case. I regret that our conclusion does not appear to be acceptable to the Committee.

As in any organisation, we in the civil service have to give our officers a certain degree of discretion to enable decisions to be taken efficiently, and at the level most appropriate to the case. There will inevitably be occasions when a judgement is made which, with hindsight, may not be considered the best or the most appropriate. However, such "imperfect" judgement does not, and should not, of itself amount to misconduct which warrants disciplinary action. To do otherwise would adversely affect the decision-making mechanism and, in turn, civil service efficiency.

Mr Wong also highlighted the Committee's concern that a number of the situations which attracted the Director of Audit's criticism have been caused, at least partly, by the problem of insufficient information provided to the Executive Council, the Legislative Council or the Housing Authority. I would like to assure Members that we always aim to provide full and accurate information to the two Councils. And I am sure this wish is shared by our colleagues who service the Housing Authority. But Members will appreciate that deciding how much information is sufficient and whether the information is relevant for inclusion in a paper must largely be a matter of judgement. It is not something on which we can lay hard and fast rules. Under our system, Honourable Members have the right to question officials and to ask for any additional information necessary for their consideration of a proposal, and we have always responded to these as best as we can. That said, let me assure Members that we note the Committee's concern on the matter, and we will do our best to provide adequate information in our submissions to facilitate the two Councils' consideration of our proposals.

We are pleased to learn that the Committee appreciates the efforts we have made to improve the presentation of financial and performance information to Members. The answer to the question of "adequacy and quality of financial and performance information provided by the Government to the Legislative Council" is one of balance. A balance between the need, on the one hand, to provide Members with the information necessary to enable them to monitor the efficiency and effectiveness with which Government uses the funds approved by the legislature; and on the other hand, not to burden Members with too many facts and figures.

In preparing the Draft Estimates for 1995 - 96, and the submissions to Finance Committee and its Subcommittees, we have already implemented many of the recommendations contained in the Director of Audit's Report. I trust Members have found these changes useful. The form and content of the Government's financial and performance reporting to Members is subject to a process of change and evolution. Let me assure Members that the Administration is committed to the on-going development and refinement of performance measures to assist Members to fulfil their function of monitoring Government's use of resources.

Mr President, the Administration is as keen as the Public Accounts Committee to ensure proper and efficient management of its financial affairs, and appreciates fully the importance of the Committee's findings and recommendations. We will continue to work closely with the Audit Department and the PAC in our quest for greater efficiency. I am confident that the measures we have taken, or are planning to take, will go a long way towards achieving this end.

End/Wednesday, May 10, 1995

Telephone (Amendment) Bill

* * * * *

Following is the speech by the Secretary for Economic Services, Mr Gordon Siu, in moving the second reading of the Telephone (Amendment) Bill in the Legislative Council today (Wednesday):

Mr President,

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

The purpose of this Bill is to remove those provisions in the Telephone Ordinance which will no longer be required when the Hong Kong Telephone Company Limited is granted a Fixed Telecommunication Network Services or FTNS licence.

When the Hong Kong Telephone Company's monopoly expires on June 30, local fixed network telephone services will be opened to competition. In addition to Hong Kong Telephone, Hutchison Communications, New T & T Hong Kong, and New World Telephone will be licensed to provide local fixed network services, including telephonic and other telecommunications services such as fax and data, on a competitive basis. The four operators will each be granted an FTNS licence to regulate the services they provide.

As the new FTNS licence contains comprehensive provisions for the regulation of competitive fixed network services by the Telecommunications Authority, most of the provisions in the Telephone Ordinance will no longer be required and can be repealed. However, two provisions in the Ordinance will need to be retained. These are Sections 22A and 24 which regulate the telephone numbering system and the price cap arrangement which currently applies to the Hong Kong Telephone Company. The powers provided under these Sections cannot be replicated in the FTNS licence and will therefore need to be retained in the Ordinance, but they will be amended and strengthened to take into account of the new competitive environment.

Clause 3 of the Bill amends Section 22A of the Telephone Ordinance by replacing the current definition of telephone numbering plan, which at present only refers to the numbering plan used by Hong Kong Telephone, by a more general definition embodying the numbering plans used by all FTNS licensees. To ensure that the Telecommunications Authority has the necessary power to regulate the fair and effective use of the telephone numbering plan by the competing networks, his role and responsibility to manage Hong Kong's telephone numbering plan will be specified in the Ordinance. Also, in view of the appeal of special telephone numbers to the public, especially those with so call lucky digits, it is necessary to provide an open and transparent system for the allocation of such numbers. It is proposed that the Secretary for Economic Services be given power to provide for the allocation of special telephone numbers by way of auction or tender. The arrangement will be similar to that for the allocation of special car registration numbers. The amendment only seeks to include an empowering provision in the principal Ordinance. The detailed arrangements for the auction will be set out in regulations and Members will have an opportunity to consider them in due course.

Clause 4 of the Bill amends Section 24 of the Telephone Ordinance to retain the power of the Secretary for Economic Services to specify a price control arrangement for certain basic telephone services provided by the Hong Kong Telephone Company, such as line connection fees and residential and business line rental charges. It is Government's intention that Hong Kong Telephone's charges for basic telephone services will continue to be subject to a price cap as long as the company remains the dominant provider of such services. The power of the Secretary for Economic Services to regulate other "non-basic" services provided by the company will be removed. The charges of these services will be subject to market competition and regulated by the Telecommunications Authority under the FTNS licence.

Mr President, the amendments proposed in the Bill are essential to provide an effective regulatory framework for the introduction of local fixed network competition. With Members' assistance I would very much hope that this Bill can be enacted before 30 June when the Hong Kong Telephone Company's monopoly expires.

Mr President, I beg to move.

End/Wednesday, May 10, 1995

Hospital Authority Annual Report 1993-94

* * * * *

Following is the speech by the Secretary for Health and Welfare, Mrs Katherine Fok, on the Hospital Authority Annual Report 1993-94 in the Legislative Council today (Wednesday):

Mr President,

It is my pleasure to present this Council with the Hospital Authority Annual Report covering the period from 1 April 1993 to 31 March 1994.

The reporting period covered another year of progress and vigorous developments for the Hospital Authority. Great strides have been made towards the devolution of administrative responsibilities, the nurturing of a patient-centred culture of service and the development of a close partnership with the community.

Continuous quality improvement remains the guiding principle adopted by the Hospital Authority in planning its service initiatives. Through the concept of clustering and networking, each hospital within the same geographical region is now functioning with a distinctive clinical role to support one another in enhancing the efficiency of service delivery. The new management structure with clear lines of accountability, better responsiveness to changing demands and greater emphasis on the needs of patients has been put into place. The Authority also appointed a Chief Executive with effect from 1 January 1994 to oversee the full range of its activities and to pave way for further rationalization of the staffing structure in the Head Office.

One of the Authority's primary objectives is to ensure that its services meet the specific needs of patients and that our public hospital services provide good value for money. To this end, the annual planning cycle has proven to be an effective mechanism to identify key areas for improvement by linking up resource input with service targets and quality outcomes. Development of clinical protocols and outcome indicators will be pursued as the next step to achieve a more rational basis for internal resource allocation and performance monitoring.

In line with its continuous efforts to foster a close partnership with the community, the Hospital Authority has established six new Hospital Governing Committees during the year, bringing together 34 such committees to provide a direct venue for public participation in the management and planning of hospital services. The setting up of a hotline for public feedback and enquiries, the designation of an officer responsible for patients relations in each hospital and the revamped procedures for handling public complaints are all part of this effort.

All these achievements owe much to the dedicated members and staff of the Hospital Authority. I would like to pay a special tribute to Sir S Y Chung, who has led the Authority from its infancy stage in 1988 until his retirement from the Board in March. He has been a tower of strength and the driving force behind many innovative changes brought into our public hospital system. His tremendous success and drive, his leadership and success in building up a strong team within the Hospital Authority have set the scene for further improvement of the system in future.

Last but not least, I would like to thank Honourable Members of this Council and the general public for their invaluable support in our mission to improve the quality of patient care in Hong Kong.

End/Wednesday, May 10, 1995

Standing Committee on Pressure Groups files

* * * * *

Following is a question by the Hon Anna Wu Hung-yuk and a reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

In his written answer of 15 February 1995 to my question in this Council concerning the establishment and subsequent activities of the Standing Committee on Pressure Groups (SCOPG), the Secretary for Security stated that all SCOPG files containing assessments and reports had been destroyed. In this regard, will the Government inform this Council :

- (a) when, under whose direction and for what purpose the SCOPG reports destroyed;
- (b) what is the Government's policy concerning the destruction of Government documents; and
- (c) on what basis did the former and current Secretary for Security tender their answers to SCOPG-related questions asked at 15 June 1994 and 15 February 1995 sittings of this Council since all SCOPG reports have been destroyed?

Reply:

Mr President,

- (a) The Standing Committee on Pressure Groups files containing reports and assessments were destroyed over a number of years from the 1980's. Destruction of such files was carried out under the authority of the relevant Branch Secretary or Head of Department. These files were destroyed for record management purposes.

- (b) Government policy provides for the review of classified material. Government files are destroyed for record management purposes when they no longer serve a useful purpose.
- (c) A limited amount of material relating to the Standing Committee on Pressure Groups, principally concerning media questions and answers following its disbandment in the early 1980's, is still in existence. It was on the basis of this material that my predecessor and I answered questions on this subject in this Council on 15 June 1994 and 15 February 1995.

End/Wednesday, May 10, 1995

Defendants jumping bail

* * * * *

Following is a question by the Hon Simon Ip Sik-on and a reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council of the causes of the substantial increase over the past four years in the number of defendants who have absconded after being released on bail and what steps will be taken in future to ensure that defendants do not abscond?

Reply:

Mr President,

Our computer system only started collecting data on court bail from the second quarter of 1992. The figures show that the number of persons who jumped bail has increased from 1,349 in 1992-93 to 1,814 in 1993-94, an increase of about 34%. However, we have to put the figures in context. On average, more than 22,000 defendants are granted court bail each year. The proportion of defendants who jumped bail is relatively small.

There is no comprehensive study on the causes of defendants who choose to abscond. The most likely reasons are that they want to avoid attending court for trial and to avoid, or at least delay, facing the penalty if convicted by the court.

The Police and other law enforcement agencies have been diligent in tracking down absconders. The figures on the number of persons who jumped court bail and were eventually arrested and sentenced are 962 for the year ending 30 June, 1993 and 1,548 for the year ending 30 June, 1994. The detection rate is higher than 70%. The Criminal Procedure (Amendment) Ordinance, which was passed by this Council and enacted in June last year, makes it a criminal offence for a person to abscond after being released on bail. If convicted, the offender is liable on summary conviction to a maximum fine of \$75,000 and to imprisonment for a maximum period of 6 months, and on conviction upon indictment to a fine of any amount and to imprisonment for a maximum period of 12 months. The new provisions will soon take effect when the rules of court are finalised by the Judiciary and passed by this Council. They will provide a good deterrence against potential absconders.

End/Wednesday, May 10, 1995

Implementation of the Joint Declaration

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

Question:

In his speech to the Foreign Correspondents Club earlier this year, the Governor said, "Each day as 1997 comes closer, individuals and businesses quite naturally are looking not to Britain, not to the Governor of Hong Kong but to China, as the future sovereign, to provide reassurances, and indeed concrete evidence that the principles enshrined in the Joint Declaration will be upheld and implemented in the future." This view was repeated by the Foreign Secretary during a House of Commons debate on 27 April 1995. In this connection will the Administration inform this Council whether -

- (a) it will seek elucidation to ascertain how Britain who, as a co-signatory to the Joint Declaration, will ensure that the Joint Declaration will be implemented; if not, why not; and
- (b) the Administration will ask the British Government to re-assure the people of the territory that it remains committed to ensuring the implementation of the Joint Declaration; if not, why not?

Answer :

Mr President,

Britain's role in implementing the JD is straightforward. The JD is a treaty which creates rights and obligations under international law. Those obligations are binding upon Britain and China and must be performed by them in good faith. Britain implements the obligations which it has assumed under the JD through a variety of diplomatic channels. In particular it will continue to conduct consultations with China through the JLG until 1 January 2000 in accordance with the JD. Thereafter, Britain will continue to have a responsibility to do all it can to ensure that the treaty is implemented fully and faithfully. We have full confidence that Britain will use every possible avenue to do so.

As for the second part of the question, the British Government has made clear many times that Britain is fully committed to discharging its obligations under the JD. For example, during the House of Commons debate on 27 April this year, referred to by Miss Lau, Mr Hurd said that "the British Government want to ensure the smoothest possible transition for Hong Kong and the fulfilment by both sides of what [was undertaken in] the Joint Declaration."

I can assure Members that the HKG continues to keep the British Government fully informed of the feelings in Hong Kong on transitional issues. We will, of course, continue to relay to the British Government the concerns of Honourable Members and the community about Britain's responsibilities.

I can also assure Members that the HKG plays its part in the implementation of the JD. I am a Member of the JLG and HKG contributes significantly to the work of the JLG and in other Sino-British negotiations on Hong Kong.

Regarding the Preamble to Miss Lau's question, Members will appreciate that while both China and Britain are party to the JD, and both therefore have a responsibility as sovereign governments to ensure its implementation, the Joint Declaration imposes different obligations on the two parties. Thus, Britain has an obligation to be responsible for the administration of Hong Kong up to 30 June 1997 and China has an obligation to follow the basic policies in respect of Hong Kong for 50 years after 1 July 1997. People will quite naturally look to the party that has a particular obligation under the Joint Declaration to deliver on that promise. People, therefore, look to Britain to ensure that Hong Kong is administered properly up to 30 June 1997 and they look to China for evidence that the policies to which it has committed itself will apply in Hong Kong after 1 July 1997.

Mr President, I have said, the Joint Declaration is a binding, international agreement. It is registered with the United Nations. The British Government has a responsibility to do all it can to ensure that China lives up to the undertakings set out in the JD. This is something to which the British Government is committed.

End/Wednesday, May 10, 1995

Wastage rates of therapists

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Following is a question by the Hon Eric Li Ka-cheung 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 of:

- (a) the respective wastage rates of physiotherapists, speech therapists, clinical psychologists and occupational therapists in government departments and subvented agencies in the past three years; and
- (b) the effect of such wastage on the government departments and agencies concerned, and whether such wastage has brought about a serious shortage of manpower?

Reply:

Mr President,

Let me start by defining "wastage rate" for the purpose of my answer. The figures I shall refer to represent the number of staff who have left posts in any given Department during a calendar year expressed as a percentage of the average strength of such posts in that year.

On the basis of this definition, the wastage rates of the following posts are as follows:

- (i) In the Department of Health, which has only a relatively small establishment of such allied health workers, there are four posts of physiotherapist, the wastage rate was 66.7% in 1992 but since then there has been no wastage. There has been no wastage of speech therapists between 1992 and 1994. The only wastage rate for clinical psychologists was in 1994 - 36.4%. For occupational therapists, the wastage rate was 28.6% in 1992 and 1993. There was, however, no wastage in 1994.
- (ii) In the Social Welfare Department, there are no speech therapist post. As for the other three disciplines, there has been no wastage over the past three years.
- (iii) The Education Department has 8 posts for speech therapists. There was no wastage in 1992. The wastage rates for 1993 and 1994 were 25% and 33.3% respectively.
- (iv) In the subvented sector, as we do not know the number of those leaving their jobs nor the number of new recruits for physiotherapist, speech therapist and occupational therapist posts, it is not possible to work out the wastage rate. As for clinical psychologists, the wastage rate was 12.5% in 1992, 40% in 1993 and 42% in 1994.

Turning to the second part of the question, it is clear that the wastage rate is not a problem for the Social Welfare Department. While the Health and Education Departments have wastage rates in some of these professions, only a relatively small number of posts are involved and the wastage has caused no serious operational problems.

A general shortage of physiotherapists, clinical psychologists, occupational therapists and speech therapists is causing concern in the provision of services requiring these skills especially in the subvented welfare sector. Wastage is only one factor contributing to this shortage.

I have established a Working Group on Allied Health Personnel in my Branch to examine the problem of shortfalls in these professions and to propose solutions. The Group has started its work already by studying the shortage of clinical psychologists. It will move on to study the other disciplines concerned as quickly as possible.

End/Wednesday, May 10, 1995

Alcohol duty

Following is a question by the Hon Howard Young 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 of the total amount of alcohol duty collected by the Government for the months from April to December 1994 as compared with that in the corresponding period in 1993 before the new system of ad valorem duty was implemented?

Reply:

Mr President,

Revenue collected from alcohol duty amounted to \$673 million in the period April to December 1994, and \$905 million in the same period in 1993.

End/Wednesday, May 10, 1995

Air quality impact of increased freight cargo traffic

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Following is a question by the Hon Christine Loh and a written reply by the acting Secretary for Planning, Environment and Lands, Mr Canice Mak, in the Legislative Council today (Wednesday):

Question:

Owing to the Administration's intention to develop Container Terminals 10-14, the amount of freight cargo driven by road each year through the territory is expected to increase 250% by the year 2011. In this regard, will the Administration inform this Council of:

- (a) the estimated air quality impact of such increase in the five Air Control Zones of the Western New Territories and West Kowloon Air Control Zones in relation to the Air Quality Objectives; and
- (b) the estimated vehicle emission levels in 2001 and 2011, for Respirable Suspended Particulates (RSP) and Oxides of Nitrogen, measured in annual tonnes, on the basis of there being no change in vehicle technologies?

Reply :

Mr President,

The estimated air quality impact due to the projected increase in freight related road traffic is not yet available. The increase in freight cargo quoted by the Honourable Member was the projection of a review of the Port Development Strategy. The main objective of this review was to update the demand forecast for port facilities.

Another study is currently being considered by the Government to review the environmental implications of the projected increase in port and airport throughput. In this study, a strategic environmental assessment will be undertaken to address the cumulative environmental impacts, including impacts on air quality. This will assist the formulation of plans to achieve a sustainable development pattern for Hong Kong.

End/Wednesday, May 10, 1995

Construction works of HK Technical College

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

Question :

It is learnt that the Vocational Training Council (VTC) decided in 1994 to demolish the newly-built swimming pool of the Hong Kong Technical College (HKTC) (Chai Wan), which was yet to be used, to make room for the construction of VTC senior staff quarters. Subsequently it further decided to convert the football field of the College into a swimming pool and a basketball court. In this connection, will the Government inform this Council :

- (a) whether it has information to indicate when the VTC made the decision to demolish the swimming pool and erect the staff quarters in its place, and when and why the VTC decided to rebuild the swimming pool;
- (b) of the respective costs of the above-mentioned projects;
- (c) whether it is aware of the sites considered by the VTC for the construction of the staff quarters; if so, what these sites are; and why the site of the original swimming pool of the HKTC (Chai Wan) has been selected; and
- (d) whether the reconstruction of the above projects will result in a waste of public money; if so, who should be held responsible for this?

Reply :

Mr President,

- (a) In 1991, the VTC started to convert the Chai Wan Technical Institute into the Hong Kong Technical College (Chai Wan) after the Government granted about 1 hectare of land to it. In late 1993, Hong Kong experienced a rapid surge in property rental. As a result, rental charged to the quarters which VTC provided for its senior staff increased significantly. At the same time, there was an increasing demand for staff quarters. In response to these changes, VTC proposed to build their own quarters. The Government approved the proposal since this would significantly reduce Government's subvention for quarter rentals.

After considering all relevant factors including the availability of sites, accessibility of location, building cost and staff reactions, the VTC proposed that the most cost-effective solution is to incorporate the staff quarters into the campus of the Chai Wan Technical College. Taking into account the configuration of the site, a swimming pool already in place had to be demolished to provide enough space for the construction of quarters. In order to maintain a good learning environment with adequate amenities for the students, the relocation of the swimming pool to another part of the campus was approved.

- (b) The cost of relocating the swimming pool is about \$8 million and the cost of constructing the quarters is about \$200 million.
- (c) When the proposal to build staff quarters was considered, there were no potential sites available for this purpose. VTC had to accommodate the quarters within one of the campus sites of its two Technical Colleges in Chai Wan and Tsing Yi. For the reasons given in (a) above, the Chai Wan Technical College was selected. Within the campus site, the area of the original swimming pool was found to be the most suitable site for the staff quarters as the other facilities such as lecture halls and administration buildings had already been built.
- (d) While maintaining a high-quality learning environment for the students, this project will result in substantial savings of public money. As a result of this construction and relocation arrangement, it is estimated that annual saving in excess of \$100 million could be achieved after the costs of constructing the quarters were settled.

End/Wednesday, May 10, 1995

Counselling services for battering women inadequate

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Following is a question by the Hon Fred Li Wah-ming and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

As there are only two Social Work Assistants in Harmony House, a refuge providing shelter for battered women and their children, not only is the counselling service provided for the battered women inadequate, but also they cannot provide similar service for the children living there. In this connection, will the Government inform this Council :

- (a) whether it will increase the establishment of social work staff for providing counselling service in Harmony House; if not, why not; and
- (b) what short - and long - term plans it has to provide counselling service for the children living in Harmony House?

Reply:

Harmony House is a refuge operated by a non-governmental organisation with Government subvention. It provides temporary accommodation for up to 40 battered women and their children for short periods ranging from a few days to up to three months. The refuge is staffed by two Assistant Social Work Officers, one Social Work Assistant, five Welfare Workers and four Workmen.

Battered women and their children admitted into the refuge are provided with services not only by the staff of Harmony House itself but also by caseworkers of family services centres who work closely together to cater for all the needs of clients staying in the refuge. Services rendered include counselling, psychological assessment/ treatment, child care, financial and housing assistance. This is considered to be an effective approach as a variety of services can be mobilised in good time from the family services centres to meet the clients' specific needs and, in particular, the needs of children accompanying their mothers in the refuge.

It is therefore not intended to increase the subvention to Harmony House to provide more social work staff for counselling services. Battered women and their children staying in the refuge will continue to be provided with adequate services including counselling services through the co-ordinated action of both the staff of Harmony House and caseworkers from family services centres.

End/Wednesday, May 10, 1995

Revenues for the years 1991-94

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

Question:

In respect of each of the 1991-92, 1992-93 and 1993-94 financial years, will the Government inform this Council of:

- (a) the revenue it received, broken down by each of the following categories-
 - (i) Land sales (excluding revenues accruing to the SAR Land Fund)
 - (ii) Premiums paid for lease variations
 - (iii) Property taxes
 - (iv) Stamp duty on property transactions
 - (v) General rates
 - (vi) Any other revenue arising from land and property transactions
 - (vii) Revenue from petrol and diesel fuel for vehicular use; and
- (b) the amount of premium income obtained from land transactions paid to the SAR Government Land Fund?

Answer:

The information sought by the Honourable Member is set out below -

	1991-92	1992-93	1993-94
	\$ million	\$ million	\$ million
(a) (i) Land revenue			
(A) Land Premium ^(Note 1)			
I. Gross premium income collected from			
• Sales by public auction and tender	13,925	11,511	17,965
• Private treaty grants	3,656	663	3,289
• Modification of existing leases, exchanges and extensions	3,358	4,262	22,306
Total ^(Note 2)	20,939	16,436	44,560
II. Net premium income paid to Hong Kong Government (including average land production costs) ^(Notes 2 and 4)	8,533	8,589	18,229
(B) Other Land Transactions ^(Note 3)	412	267	264
(ii) Property taxes	1,230	1,304	1,511
(iii) Stamp duty on property transactions	7,007	9,694	12,828
(iv) General rates	3,494	4,424	4,461
(v) Rents from government properties, quarters and Government land	1,448	1,671	1,956
(vi) Revenue from petrol and diesel fuel for vehicle use	2,960	3,200	3,684
(b) Net land premium income to the future Hong Kong Special Administrative Region Government Land Fund ^(Note 2)	7,475	7,592	16,893

Notes:

1. This represents revenue from land transactions which were completed or decided upon **after** the coming into force of the Joint Declaration, i.e. after 27 May 1985, and which confer a benefit that expires after 30 June 1997.
2. In accordance with procedures agreed by the Land Commission, revenue collected in each quarter (and credited initially to the Hong Kong Government (HKG) Capital Works Reserve Fund (CWRP) Suspense Account) is only paid into the HKG CWRP Works Account and the future Hong Kong Special Administrative Region (HKSAR) Government Land Fund in the following quarter. Thus revenue collected in the final quarter of a financial year is only paid into the respective accounts in the first quarter of the following financial year. As a result, the gross revenue collected in each financial year is not equal to the total of the amount paid into the HKG CWRP Works Account and the future HKSAR Government Land Fund in the same financial year.
3. Revenue from land transactions completed or decided upon **before** the coming into force of the Joint Declaration, i.e. before 27 May 1985, or land transactions conferring a benefit that expires on or before 30 June 1997 are wholly credited to the HKG.
4. In accordance with Annex III to the Joint Declaration, premium income obtained from land transactions, after deduction of the average cost of land production, is shared equally between the HKG and the future HKSAR Government. The total amount paid into the HKG CWRP Works Account is thus the sum of the HKG's share of net premium income and the amount which represents the agreed average cost of land production. As a result, the total amount credited to the HKG CWRP Works Account in any financial year is slightly larger than the amount credited to the future HKSAR Government Land Fund.

End/Wednesday, May 10, 1995

Four-year-course university system

Following is a question by the Hon Henry Tang and a written reply by the Secretary for Education and Manpower, Mr Michael Leung, in the Legislative Council today (Wednesday):

Question:

It is learnt that all seven universities have reached a consensus to put forward a proposal for the adoption of a four-year-course system from 1998 to replace the existing three-year-course system. Will the Government inform this Council whether it has information to indicate the estimated amount of additional resources to be required annually in implementing the new system, together with the increase in the unit cost of each undergraduate degree place to be incurred; if so, what the details are?

Reply:

Mr President,

The Administration understands that the seven institutions funded by the University Grants Committee have not reached any consensus to implement a proposal to replace the existing three-year-course system with a four-year-course system and no proposal has been made. In the absence of any such proposal, the Administration cannot provide any information on the additional resources likely to be required to implement such a system, if proposed, nor does it wish to make any judgements on what is at this stage a hypothetical question.

End/Wednesday, May 10, 1995

Providing false information liable to be fined

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Following is a question by the Hon Eric Li Ka-cheung and a written reply by the Secretary for Financial Services, Mr Michael Cartland, in the Legislative Council today (Wednesday):

Question :

According to the Census and Statistics Ordinance (Chapter 316), any person who provides the Government with schedules or returns containing false and incorrect information is liable to a fine of \$5,000 and imprisonment for 6 months. Will the Government inform this Council of the respective number of persons convicted of breaching this ordinance in each of the past three years, together with the respective numbers of such convictions involving imprisonment and fines?

Reply:

Mr President,

In the past three years, there were no prosecutions made under the Census and Statistics Ordinance in respect of the provision of false and incorrect information.

In conducting statistical surveys under the Ordinance, the C&SD makes every effort to ensure that respondents comply with the requirement to provide correct information through careful explanation of data needs and solicitation of willing co-operation.

End/Wednesday, May 10, 1995

Benefits of nurses in Care and Attention Homes

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

Question:

It is learnt that there are differences in fringe benefits for the enrolled nurses in subvented Care and Attention Homes (CAHs) and those in the Hospital Authority (HA), e.g. a cash allowance at 16.5% on the monthly basis salary is paid to staff working in HA but not to those in CAHs. This has led to a shortage of manpower in CAHs and some CAHs have to freeze admission applications owing to a shortage of enrolled nurses. In this regard, will the Government inform this Council :

- (a) whether consideration will be given to enhancing the benefits for enrolled nurses working in subvented CAHs to make them in line with those in the HA, so as to attract more enrolled nurses to work in subvented CAHs; if not, why not; and
- (b) what other specific short-term measures and long-term policies it has put in place to solve the problem of insufficient nurses in subvented CAHs?

Reply :

The reply is as follows :

- (a) The terms and conditions of employment established for Hospital Authority staff were developed uniquely to address issues related to the establishment and development of that Authority. It would not, therefore, be appropriate to adopt such terms and conditions for Enrolled Nurses or any other staff operating in the welfare sector. Any such change could not be limited to Enrolled Nurses alone and would risk completely changing the approach to paying all staff in the subvented welfare sector.
- (b) We are, nevertheless, concerned about the shortage of Enrolled Nurses in subvented Care and Attention Homes.

The long term solution is clearly to train more Enrolled Nurses. In order to attract more to come forward for training, we need to define more clearly a professional role for nurses. To provide the necessary encouragement, we have allocated funds to enrich the curriculum of nursing schools to cover additional topics on geriatrics, psychiatrics, community health and midwifery, improve the teacher-to-student ratio of nursing schools and increase the number of sponsorships of nurses to attend post-registration training courses.

To resolve or alleviate the problem in the immediate term, we have given subvented C & A Homes the flexibility -

- to employ Registered Nurses to hold against the posts of Enrolled Nurses;
- to employ part-time Registered Nurses on a daily rate; and
- to grant daily pay rates to existing staff in residential care homes who are willing to perform extra shift hours of work.

In addition to this, in July 1994 the Social Welfare Advisory Committee endorsed a recommendation to create a health worker grade for subvented residential care homes. The subvented homes have the option of employing health workers if sufficient Enrolled Nurses cannot be recruited. Currently, there are about 300 health workers who have successfully completed the approved training course jointly organised by Social Welfare Department and the College of Nursing. Apart from continuing the joint training programme with the College of Nursing, Social Welfare Department is also considering with other professional bodies the organisation of more training courses in the coming two years to meet nursing requirements both in subvented and private homes for the elderly. I will also examine the shortfall in Enrolled Nurses in the welfare sector with the relevant government departments to make recommendations for any additional measures which can be taken to address the problem.

End/Wednesday, May 10, 1995

Manpower requirements of Hospital Authority

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Following is a question by the Hon Michael Ho Mun-ka and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question :

According to this year's Budget, the overall growth in the number of medical officers of the Hospital Authority at all ranks has been apparently higher than that of nurses and other allied health professionals for two consecutive years. In this connection, will the Government inform this Council of the Hospital Authority's respective expenditure on salaries and cash allowances paid respectively to (a) medical officers, (b) nurses, (c) physiotherapists, (d) radiographers and (e) occupational therapists in each of the past three financial years?

Reply :

The manpower requirements and staff mix of the Hospital Authority are normally determined by the service development of individual hospitals in the context of their respective annual plans.

A breakdown showing the annual expenditure on salaries and cash allowances paid to different grades of hospital staff in the past three financial years are as follows:

	<u>1992/93</u>	<u>1993/94</u>		<u>1994/95</u>	
	\$M	\$M	%	\$M	%
(a) Medical Officers	1,960	2,175	(+10.9)	2,599	(+19.5)
(b) Nursing Staff	3,787	4,287	(+13.2)	4,822	(+12.5)
(c) Physiotherapists	99	140	(+41.4)	158	(+12.8)
(d) Radiographers	154	207	(+34.4)	231	(+11.6)
(e) Occupational Therapists	61	71	(+16.4)	86	(+ 21.1)

End/Wednesday, May 10, 1995

Government hot-lines

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Following is a question by the Hon Albert Chan Wai-yip and a written reply by the Chief Secretary, the Hon Mrs Anson Chan, in the Legislative Council today (Wednesday):

Question:

At present many government departments have set up enquiry hot-lines for the public. However, quite a number of citizens complain about the difficulty in putting a call through during office hours. In this connection, will the Government inform this Council:

- (a) of the total number of government departments having such enquiry hot-lines;
- (b) of the average number of telephone lines available on enquiry hot-lines provided by the government departments, together with the average usage rate in the past six months; and
- (c) whether consideration will be given to making performance pledges in respect of these enquiry hot-lines so as to enable easier access to the service?

Reply:

Mr President,

- (a) At present, 44 government departments are providing a total of 105 enquiry hot-lines to the public.

- (b) An average of eight telephone lines is available for each government enquiry hot-line. Over the past six months, these hot-lines handled a total of about 117,200 calls from the public each day, with an average of 140 calls per day for each telephone line.
- (c) The performance of government hot-lines has been improved considerably with the introduction of automated telephone answering systems, in particular the Interactive Voice Response System. Departments will continue to keep under constant review the possibility of installing modern communication devices and making other improvements to enhance the services provided by the enquiry hot-lines. 17 government departments have already included hot-line services in their performance pledges and the Efficiency Unit will encourage others to follow suit whenever practicable.

End/Wednesday, May 10, 1995

Measures to prevent landslips

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Following is a question by the Hon Albert Chan Wai-yip and a written reply by the Secretary for Works, Mr James Blake, in the Legislative Council today (Wednesday):

Question:

As the rainy season has set in, and landslips occurred again on 19 April 1995 because of the heavy rain, will the Government inform this Council:

- (a) what measures, apart from undertaking systematic slope inspections and maintenance, the government departments concerned will take to prevent the occurrence of landslips and thus casualties and what emergency procedures are in place to deal with such accidents; and
- (b) whether such measures and procedures have been formulated in the light of the experience gained in the Kwun Lung Lau landslips?

Reply:

Mr President,

In addition to undertaking systematic slope inspections and maintenance, the Government is also implementing the recommendations in Professor Morgenstern's Report relating to measurement of masonry wall thickness, to undertake and support research into improved site characterisation and to establish a Technical Review Board.

As regards the recommendation to develop a programme for direct monitoring and repair of buried services, a Working Group on the maintenance of buried services affecting slopes has been formed. An advisory note on the inspection and maintenance of buried drainage and water-carrying services and a practice note for Authorised Persons and Registered Structural Engineers on constructing new private water-carrying services in such a manner to avoid danger to slopes have been prepared and are being distributed to owners corporations, mutual aid committees, authorised persons and registered structural Engineers. In addition all Departments with responsibility for underground services which are adjacent to slopes have arranged inspection programmes.

The recommendation to adopt a more integrated approach into slope stability process is being taken forward.

Works Branch has also completed an extensive review of the slope safety programme with a view to further lessening the risk of landslides threatening public safety. The Review looked in detail at the current legislation, policy and resources on slope safety activities, and complements the earlier recommendations in Professor Morganstern's report.

The report contains the following main recommendations which are being implemented :

- (a) The current Landslip Preventive Measures (LPM) programme, which involves the inspection and, where necessary, upgrading of 10,000 man-made slopes listed in the 1977-78 catalogue of the Geotechnical Engineering Office, is being accelerated by 10 years for substantial completion by 2000.
- (b) The LPM programme is being extended to cover certain slopes which have previously been classified as "low consequence", such as those close to busy roads and footpaths.

- (c) The system for classifying slopes according to the consequences of their failure is being reviewed.
- (d) Public education on slope maintenance is being stepped up. A layman's guide on slope maintenance and a geoguide for the professionals will be issued. Owners of private slopes and building managers are being made clearly aware of their obligations for slope maintenance.
- (e) Response time of Works Departments to landslip emergencies will be reduced through better deployment of stand-by staff, better co-ordination, extra transport facilities and upgrading of telecommunication equipment.

The Review also puts forward the following recommendations which are receiving further detailed consideration.

- (f) Legislative amendments to improve statutory geotechnical control of private slopes and developments. This may include the statutory requirement to appoint qualified Geotechnical Engineers to undertake the investigation, design, supervision and administration of geotechnical works, and
- (g) A register to clearly define the responsibilities for slope maintenance.

As regards emergency procedures, the Government has specific contingency plans that outline the response to a variety of emergencies. The Natural Disaster Plan is particularly relevant to the response to landslips.

In the event of a major emergency, the Government Secretariat Emergency Co-ordination Centre (GSECC) is set up, and assists in co-ordinating the overall response. GSECC also provide logistic and policy support for the front line emergency services that are mobilised.

Liaison Officers from different government departments and Works Branch are deployed to GSECC as required. They provide expert advice, and facilitate communication between their own and other departments, and GSECC.

In the light of the experience gained including the Kwan Lung Lau landslip, GESCC procedures have been reviewed and enhanced so as to improved the flow of interdepartmental communication.

End/Wednesday, May 10, 1995

Monitoring the use of dangerous chemicals

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

Question :

In view of the recent poisonous gas incidents in the underground railway in Japan and the death of a Hong Kong University of Science and Technology research student after inhaling fumes from toxic chemicals, will the Government inform this Council :

- (a) Of its policies on the monitoring of schools (universities and secondary schools), factories or related organisations over the storage and use of chemicals which can be used to manufacture dangerous articles, so as to prevent such chemicals from being taken and turned into articles that can be used to endanger public safety and used for illegal purposes;
- (b) Whether it will regularly review the measures to monitor dangerous chemicals in the territory, so as to ensure that chemicals stored in schools (universities and secondary schools), factories or related organisations are adequately monitored;
- (c) Whether, in the event of serious incidents such as poisonous gas leakage, the Government has any contingency measures in place including warning the public well in advance, so as to minimise the casualties and damage to property caused by such serious incidents;
- (d) What experience the Government has gained from the above-mentioned two incidents in order to prevent and tackle similar incidents?

Answer:

- (a) The Dangerous Goods Ordinance classifies substances which are potentially dangerous. This legislation governs the labelling, packaging and storage of such substances. Potentially dangerous substances are required to be kept in a dangerous goods store. Locks and firefighting installations which have been approved by the Fire Services Department must be provided. Dangerous goods stores are licensed by the Fire Services Department, and are subject to regular inspections to ensure compliance with all safety and security requirements. These inspections include an annual licence renewal inspection.

Factories that use potentially dangerous substances in the course of their trade are also required to comply with the safety regulations contained in the Factories and Industrial Undertakings (Dangerous Substances) Ordinance.

Schools that store small quantities of potentially dangerous substances are subject to the requirements of the Education Department as regards safe storage and control. Universities enforce codes of safe practice for university laboratories which include procedures for the safe storage of chemicals.

The importation of some specific substances which may be used to manufacture illegal and harmful substances requires a licence from the Director General of Trade. Such a licence will not be granted unless the Director General of Trade is satisfied that the substance is going to a legitimate and competent end user.

- (b) The Government's Dangerous Goods Standing Committee regularly reviews the measures to control and monitor the storage and use of dangerous chemicals in all controlled establishments, including schools, factories and related establishments.
- (c) The Royal Hong Kong Police, the Fire Services Department and other Government departments have various contingency plans that lay down the procedures for dealing with many different types of emergency, including plans to deal with the presence of poisonous gas. These contingency plans include procedures for evacuation, the cordoning of areas and buildings, and broadcasting of warning messages as necessary.

- (d) The incidents referred to provided a salutary reminder to all concerned, including Government departments, of the importance of maintaining credible and reliable measures to control and monitor the import, handling and storage of dangerous materials, and the regular review of these measures. To this end the Fire Services Department (FSD), the Royal Hong Kong Police (RHKP), the Mass Transit Railway Corporation (MTRC) and the Kowloon Canton Railway Corporation (KCRC) hold regular meetings to discuss station safety precautions and emergency response procedures. Since the underground railway gas incident that occurred in Japan, meetings have also been held between the FSD, RHKP, MTRC and KCRC on enhancing operational procedures to deal with such an incident. Joint exercises are conducted on a regular basis to test responses to emergency situations. The next such exercises will be held in June and July of this year.

As regards educational establishments, every such establishment that has a laboratory is required to have a code of safe laboratory practice. The Education Department arranges laboratory safety training for teachers who are new to laboratory work. Principals of schools are also required by the Education Regulations to appoint a senior staff member, who has adequate knowledge of safety measures relating to the chemicals stored in the laboratory, to take charge of the laboratory and the chemicals stored therein. The Education Department reviews these measures annually; following a recent incident they have been reviewed again. The department has just issued an updated edition of its annual circular on laboratory safety.

Laboratories in government schools are subject to safety inspections by the Education Department every four years. Laboratories in private schools, which are not usually situated in dedicated school buildings, are inspected annually.

Universities appoint, at a senior level, Safety Officers whose responsibilities include the safe operation of laboratories. These Safety Officers are assisted in their duties by expert personnel with relevant training and experience. The universities have themselves established a Tertiary Institutions Safety Advisory Group, which oversees safety measures, including those in laboratories. Since the accident at the Hong Kong University of Science and Technology, a review of university laboratory safety has been set in progress by the Secretary for Education and Manpower. The review will cover both regulatory and procedural aspects.

Implementing the Land Drainage Ordinance

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

Question:

In an attempt to alleviate the flooding problem in the New Territories, this Council passed the Land Drainage Ordinance last year. It is learnt, however, that the progress of implementing the Ordinance has been slow. In this connection, will the Government inform this Council:

- (a) of the progress of implementing this Ordinance to date since its enactment; and
- (b) whether the current progress is behind the original schedule; if so, what the reasons are; whether any difficulties have been encountered and what measures are put in place to speed up the progress of the related work?

Answer

Mr President,

Reply to the question is as follows:

- (a) There has been no delay in the implementation of the Land Drainage Ordinance (Cap 446). It has always been our plan to implement the Ordinance in five major drainage basins in the north-western and northern New Territories by the end of 1996. To do this, we have commenced a series of preparatory work including the preparation of subsidiary legislation and the Drainage Authority Area plans and the establishment of the Drainage Appeal Board Panel. The present position in this regard is that:
 - (i) the drafting of the two sets of subsidiary legislation under the Land Drainage Ordinance, namely the Land Drainage (Appeal) Regulation and the Land Drainage (Approval and Consent) Regulation is nearing completion. They will be gazetted shortly;

- (ii) the first Drainage Authority Area plan, the Yuen Long/Kam Tin/Ngau Tam Mei Drainage Basin Plan will be gazetted in tandem with the subsidiary legislation mentioned above. The second Drainage Authority Area plan, the Indus Drainage Basin Plan, has been completed. We shall commence consultation with the North District Board and relevant rural committees shortly. We aim to gazette the plan in a few months' time; and
 - (iii) a Drainage Appeal Board Panel will be set up on 1 June 1995 to deal with appeals against decisions of the Drainage Authority lodged under the Land Drainage Ordinance.
- (b) We aim to publish all the five Drainage Authority Area plans by the end of 1996. We are on schedule.

End/Wednesday, May 10, 1995

Fund-raising activities of Tung Wah Group of Hospitals

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Following is a question by the Hon Michael Ho Mun-ka and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

The five hospitals under the Tung Wah Group of Hospitals, Yan Chai Hospital, Pok Oi Hospital and the Ruttonjee Hospital and Grantham Hospital under the Hong Kong Tuberculosis, Chest and Heart Disease Association have been placed under the management of the Hospital Authority. Regarding the revenues and expenditures in respect of the fund-raising activities organised by these hospitals in 1994, will the Government inform this Council of the following :

- (a) the amount of money raised before deducting expenses by these hospitals in each fund-raising activity;

- (b) the total expenses incurred to these hospitals in each fund-raising activity, together with a breakdown of the expenses and the amount spent under each item;
- (c) the amount of net donation received by these hospitals in each fund-raising activity after deducting expenses; and
- (d) the respective numbers of man-hours spent and staff mobilised by these hospitals in each fund-raising activity for :
 - (i) appearing in TV programmes;
 - (ii) selling flags in the streets; and
 - (iii) answering donation calls?

Reply :

All the hospital fund-raising activities in question were organised by their respective parent associations, namely the Hong Kong Tuberculosis, Chest and Heart Disease Association, Pok Oi Hospital, Yan Chai Hospital and Tung Wah Group of Hospitals. All of these are established charitable bodies with a long tradition of soliciting community support for the provision of welfare, health and education services in partnership with Government.

While the Hospital Authority is responsible for the management and control of all public hospitals to ensure quality medical services for patients, the affiliated charitable bodies enjoy full autonomy in other areas of their traditional operation. The fund-raising activities organised by these bodies are thus no different from similar events in the welfare sector. The extent of participation by hospital in such activities is entirely voluntary. Under the present arrangement, Government assumes a supporting role and is not therefore in a position to supply the information requested.

End/Wednesday, May 10, 1995

Airport railway

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Following is a question by the Hon Frederick Fung Kin-kee and a written reply by the Secretary for Works, Mr James Blake, in the Legislative Council today (Wednesday):

Question:

The Mass Transit Railway Corporation (MTRC) states in its Annual Report that the Airport Railway will not become operational until the second quarter of 1998. In view of this, will the Government inform this Council whether :

- (a) the railway will be fully or partly operational in 1998; and
- (b) the completion date of the terminal building will be delayed as a result?

Reply :

Mr President,

- (a) We have already announced that as a result of the delay in the award of the Central Reclamation contract in 1993, it is not possible to complete the Hong Kong Station of the Airport Railway until the second quarter of 1998. The Mass Transit Railway Corporation sees no reason why the Airport Railway cannot be fully operational in 1998.
- (b) Under the Memorandum of Understanding signed by the Chinese and British Governments in 1991, we are committed to complete the new airport at Chek Lap Kok to the maximum extent possible by mid-1997. In accordance with this obligation, it remains our objective to complete the Passenger Terminal Building according to the current schedule, regardless of any change in the opening date of the Airport Railway.

End/Wednesday, May 10, 1995

Traffic accidents involving motorcycles

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Following is a question by Dr the Hon Huang Chen-ya, and a written reply by the acting Secretary for Transport, Mr John Telford, in the Legislative Council today (Wednesday):

Question:

Regarding traffic accidents involving motorcycles, will the Government inform this Council:

- (a) of the number of such accidents in each of the past three years;
- (b) of the respective rates of death and head injuries resulting from such accidents in each of the past three years; and
- (c) what measures are in place to monitor the sale of helmets so as to ensure that they are in compliance with the safety requirements?

Reply:

Mr President,

- (a) Motor cycle accident statistics for the last three years are as follows :

	No. of Motorcycle <u>Accidents</u>
1992	2,556
1993	2,617
1994	2,632

- (b) In the same period, the numbers of fatal injuries and head injuries arising from motor cycle accidents were as follows:

	<u>1992</u>	<u>1993</u>	<u>1994</u>
Fatal injuries	26 (1%)	25 (0.9%)	30 (1.1%)
Head injuries	265 (10%)	254 (9.6%)	263 (9.8%)

The figures in brackets denote the percentages of the total numbers of injuries resulting from motor cycle accidents.

- (c) The standards for helmets to be worn by motorcyclists are set out in the Road Traffic (Safety Equipment) Regulations. It is an offence if helmets other than those of an approved type are sold or worn. While the sale of helmets is not specifically monitored by Government, in investigating motor cycle accidents the Police do check whether the helmets worn conform with the approved standard. In the past 3 years, there have been 41 prosecutions for wearing non standard helmets.

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