



DAILY INFORMATION BULLETIN

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GARDEN ROAD, 5th-8th FLOORS, MURRAY BUILDING,
HONG KONG. TEL.: 2842 8777

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Following the upgrading of services, the DIB will no longer be printed in hard copies and distributed by post to subscribers with effect from May 1, 1997.

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It is the policy of this department that we should aim at running a paperless office in the long run, but if you have difficulties in the new arrangements, please contact the undersigned at 2842 8738.

Robert Yip

(Robert YIP)

for Director of Information Services

Return Slip

To : GIS, 8th floor, Murray Building, Garden Road, Hong Kong
(Attn : Robert Yip)

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Friday, April 18, 1997

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/Govt proposes



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Government's position on the right of abode issue

* * * * *

In response to press enquiries about the Government's position on the Right of Abode issue, a Government spokesman said:

"The Government's position is perfectly clear.

"We have offered to prepare a White Bill and agree it with the Chief Executive's Office, provided that there was no attempt to legislate on this matter in the provisional legislature before July 1.

"Taking into account public views, we would then prepare a Blue Bill for consideration by the legislature of the day on or after July 1.

"As there is no statutory or administrative requirement for legislation to be in place before July 1, this is a practical and sensible way forward which would best serve the interests of the community. It would avoid the confusion and uncertainty arising from legal challenges which would result from the provisional legislature attempting to deal with the Right of Abode issue before July 1.

"The Chinese side has rejected our proposal. But the offer still stands. We urge the Chinese side to reconsider this generous compromise offer. We are prepared to go ahead with it the moment they agree to it.

"If the provisional legislature tries to begin a 'legislative' process before July 1, the resulting legislation could lead to chaos in the SAR courts on immigration matters, which are always the subject of a large amount of litigation. It is precisely because we envisage such a mess that we are determined not to contribute to such a flawed process."

End

Public Processions: The Position Overseas

* * * * *

A Government spokesman said today (Friday):

"It is clear that the procedures governing public processions in the UK, the US and Canada are considerably less restrictive than those proposed in the Consultation Paper issued by the Chief Executive Designate's Office.

- In the UK, notification only is required, and this requirement does not apply where notification is not reasonably practical.
- In the US, although permits are commonly required, a permit must be consistent with the First Amendment to the US Constitution*, which guarantees freedom of speech and assembly. This means that permits must have narrow, objective and definite standards to guide the issuing authority. Those standards must serve relevant public interests like traffic regulation and public safety.

The proposals put forward by the CE's office, on the other hand, would require:

- a permit from the Commissioner of Police at least seven days in advance for public processions of more than 30 people or, in exceptional circumstances, 48 hours in advance. No public procession would be permitted with less than 2 days' notice (except for funerals).
- the Commissioner of Police would be able to prohibit a procession for a broad range of sweeping reasons. He could ban a procession if he considered it not to be in the interests of:
 - national security;
 - the protection of public health or morals;
 - the protection of the rights and freedoms of others.

The Hong Kong Government's detailed response to the CE Designate's Consultation Document on Civil Liberties and Social Order was set out in a commentary issued on 10 April.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Regulation of Public Processions in Overseas Countries

<u>Country</u>	<u>Control</u>	<u>Remarks</u>
UK	Advance notification for public procession is required unless it is not reasonably practicable to give any advance notice.	The UK system is similar to that of Hong Kong. A permit is generally not required but Police may impose conditions or prohibit a public procession if it may result in serious public disorder.
United States	Permits for demonstrations and parades in public places are commonly required in major cities.	Different cities have different permit requirements. A permit requirement will only be consistent with the first amendment to the US Constitution if it has narrow, objective and definite standards to guide the issuing authority; those standards must serve relevant public interests like traffic regulation and public safety.

End

Misunderstandings about "National Security"

* * * * *

The following statement is issued by the Attorney General, Mr Jeremy Mathews:

"I wish to clear up some misunderstandings about what is meant by national security, and the role of the courts in respect of national security.

"There is no authoritative definition of the term 'national security' for the purposes of the ICCPR. However, the principles adopted by a conference of human rights experts in 1984, which are regularly relied upon, state that:

'National security may be invoked to justify measures limiting certain rights only when they are taken to protect the existence of the nation or its territorial integrity or political independence against force or threat of force. National security cannot be invoked as a reason for imposing limitations to prevent merely local or relatively isolated threats to law and order'.

"A leading academic commentary on the ICCPR states that 'restrictions to protect national security are permissible only in serious cases of political or military threat to the entire nation'.

"There is no comprehensive authoritative common law definition of the term.

"Article 21 (right of peaceful assembly) and 22 (right to freedom of association) of the ICCPR allow restrictions to be placed on the exercise of those rights only if they are 'necessary in a democratic society' in the interests, among other things, of national security. This means that there must be a convincing need for imposing restrictions on this ground. Moreover, according to the international jurisprudence, any restriction must be 'proportionate' to the aim pursued.

"As was stated in the Government paper issued in response to the Consultation Document, no justification has been given for using national security as a ground for restricting freedom of assembly under the Public Order Ordinance. Given the meaning of national security, it is difficult to see its relevance in the context of that Ordinance.

"It has been claimed, in the current debate, that the application, in particular cases, of restrictions based on national security would be reviewable by the courts and that this provides sufficient protection against abuse. However, this claim ignores the common law principle that national security is the exclusive responsibility of the executive and that the courts will not inquire into the justification for a claim that action was taken for reasons of national security. In the words of one senior judge in the leading House of Lords' decision:

'National security is the responsibility of the executive government; what action is needed to protect its interests is a matter on which those on whom the responsibility rests, and not the courts of justice, must have the last word. It is par excellence a non-justiciable question. The judicial process is totally inept to deal with the sort of problems which it involves.'

"This principle would apply however the term 'national security' was defined in particular legislation. And in the context of the Public Order Ordinance, for example, it would mean that were the Commissioner of Police to be given the power to ban public processions on the ground of national security, the capacity of persons to challenge such a ban by way of judicial review would be extremely limited. While a court would not accept a mere assertion that a ban was imposed in the interests of national security and would require some evidence to that effect, once such evidence was produced the court would not inquire into the rationality of the decision, as would normally be the case in judicial review proceedings."

End

HK should not be linked to China's MFN renewal: CS

* * * * *

Hong Kong's transition should not be linked to the renewal of China's Most Favoured Nation (MFN) status, the Chief Secretary, Mrs Anson Chan, said.

"Attaching Hong Kong related conditions will only bring uncertainty, which in turn will undermine confidence in Hong Kong," she added.

Speaking at the luncheon hosted by the Society of International Business Fellows today (Friday), Mrs Chan urged the United States to renew China's MFN status and take away the cloud hanging over Hong Kong's horizon.

She said the impact of MFN withdrawal on Hong Kong was severe as it would bring about

- * 61,000 to 86,000 job lost; and
- * GDP growth curtailed by between 2 and 2.8 per cent.

"We can ill afford such an economic blow in this critical year of our transition.

"And as MFN is a trade matter, our consistent position is that it should not be used as a tool to deal with non-trade issues.

"So whilst we appreciate the interest in Hong Kong's future, we do not think it is a good idea to link Hong Kong's transition to the renewal exercise," she said.

The Chief Secretary also took the opportunity to correct some of the fallacies surrounding the territory's autonomy.

The first fallacy is "that our law enforcement system would not stand the change in our status".

Mrs Chan stressed that Hong Kong was committed to exercising the highest level of control in illegal activities, both local and international.

Hong Kong's systems were backed up by comprehensive laws which would straddle 1997, and they would be implemented effectively and professionally, without fear or favour, she added.

"The Joint Declaration and the Basic Law provide a firm foundation for the co-operation between Hong Kong's law enforcement agencies and their counterparts."

On the second fallacy, "that we shall not be our own master in international trade fora", Mrs Chan pointed out that "this simply ignores the fundamental fact the Hong Kong's trade policies and practices are, and will remain, quite distinct from China's.

"Contrary to what rumours have it these days, we will continue to be our own spokesman in the World Trade Organisation and Asia Pacific Economic Cooperation," she said.

The Chief Secretary also assured the audience that Hong Kong would enjoy a high degree of autonomy in all spheres of activities other than in foreign affairs and defence, as stated in the Joint Declaration and the Basic Law.

She urged overseas friends of the territory to stay engaged and take an informed interest in what goes on in Hong Kong.

"Judge us by our actions and not by perceptions," she said.

Above all, she urged them to continue to trade and do business with Hong Kong, and continue to articulate concerns over Hong Kong to the Special Administrative Region government and to Chinese leaders.

End

New Govt Logistics Centre improves efficiency and service

* * * * *

The opening of the Government Logistics Centre is an important milestone in Government Supplies Department's (GSD) continuing efforts to improve the management of central supplies to customers, both within Government and in the subvented sector, the Financial Secretary, Mr Donald Tsang, said today (Friday).

Mr Tsang was officiating at the opening of the new \$600 million centre in Chai Wan that provides warehousing and other support facilities for the GSD and other government departments.

"Its high-ceiling floors, mechanical handling equipment and the computerised stores management system make it one of the most modern and well-equipped warehouses in this part of the world," said Mr Tsang.

He described the development of this project, which was first planned in 1993 when he was Secretary for the Treasury, as "an exemplary initiative in achieving value for money".

He noted that the project had reduced GSD's total storage area by nearly half through more intensive use of space and had enabled the Department to reduce by 150 staff, while at the same time delivering a faster and more responsive service to its customers.

The project will also enable the valuable sites of GSD's former depots in Cheung Sha Wan and Oil Street, North Point, totalling 24,200 square metres, to be released for eventual redevelopment.

End

Public Holiday (Special Holidays 1997) Bill gazetted

* * * * *

The Government today (Friday) published in the Gazette the Public Holiday (Special Holidays 1997) Bill which provides for 1 July and 2 July to be additional general and statutory holidays this year.

"It is widely known that both 1 and 2 July 1997, being respectively the establishment day of the Hong Kong Special Administrative Region and the day following the establishment day, will be special holidays," said a Government spokesman.

He said the effect of the Bill was to put beyond doubt the status of these two holidays by providing legal backing for them as soon as possible.

"This is particularly important, given Hong Kong's status as an international financial and business centre," he added. "If important commercial activities such as clearing and settlement of banking and securities transactions are not to take place on 1-2 July, then it is in the interests of Hong Kong as an international financial centre to provide for this by legislation as early as possible. If the Bill is enacted, then other legislative provisions which regulated activities on general holidays would also apply, and employers and employees would also be clearly aware of their obligations and entitlements under the Employment Ordinance.

"Many ordinances provide for certain acts to be done within a specified time and, as a general rule, in computing the relevant period, all public holidays will be excluded."

The explanatory memorandum to the Bill explains that declaration of 1 and 2 July as general holidays for the purposes of Holidays Ordinance means that, among other things,:

- (a) as far as commercial activities are concerned -
 - (i) no banks will be open on these two days;
 - (ii) it will not be necessary for any person to make any payment or to do any other act relating to any negotiable instrument on these two days. All obligation to make such payment or to do any such other act will apply to the next following day not being itself a general holiday;
 - (iii) these two days will be excluded in computing the time for the first allotment of shares and debentures in a public company; and
 - (iv) stamp duty payable in respect of an instrument by reference to a sum of money expressed in a foreign currency will be, where the date of instrument falls on either of these two days, based on the exchange rate on the preceding business day instead of the date of instrument;

- (b) as far as legal and judicial proceedings are concerned -
 - (i) the courts will not be open on these two days;
 - (ii) in civil actions, these two days will be excluded in computing the relevant period for doing certain acts in any stage of proceedings where such period in question is a period of seven days or less; and
 - (iii) in criminal cases, these two days will be excluded in computing the time within which a notice of intention to prosecute must be given and also excluded from the time limits for serving an alibi notice;

- (c) as far as other activities are concerned -
 - (i) no educational establishments will be open on these two days; and
 - (ii) the period within which registration of births and deaths must take place will exclude these two days.

The explanatory memorandum also points out that the introduction of the Bill is also desirable for employers and employees, as it not only removes any uncertainty over their legal rights and duties for these two statutory holidays but also allows time for an employer who may require his employees to work on these two days to make prior arrangements with his employees for substituted holidays to be granted as provided in the Employment Ordinance.

Declaration of 1 and 2 July 1997 as statutory holidays will mean that under the Employment Ordinance an employer has to grant a holiday to his employees on these two days, and if the employees have been employed under a continuous contract for a period of three months immediately preceding these two days, the employer has also to pay holiday pay to them.

An employer who, without reasonable excuse, fails to grant his employees a statutory holiday or fails to pay the holiday pay commits an offence.

The Bill will be introduced into the Legislative Council next Wednesday (23 April).

End

Public bus services for Western Harbour Crossing

* * * * *

The Transport Department today (Friday) announces that eight cross harbour bus routes will commence operation soon to tie in with the opening of Western Harbour Crossing.

These bus routes are scheduled to operate from May 1 or the day after the official opening of Western Harbour Crossing.

Speaking on the new services, Acting Assistant Commissioner for Transport, Mr Louis Hung, said: "Four new routes will be established and the others are existing bus routes diverted from Cross Harbour Tunnel to operate via Western Harbour Crossing (WHC).

"Fares for new routes will be ranging from \$9.90 to \$17.0, based mainly on the fare structure of existing cross harbour bus services.

"For diverted routes, there will be no change in the amount of fares charged."

The operating details of the four new routes are as follows:

<u>Route</u>	<u>Fares</u>
* no.930 (Tsuen Wan Ferry Pier - Admiralty MTR Station)	\$14.30

* no.935 (On Yam - Causeway Bay)	\$14.30
* no.960 (Tuen Mun (Kin Sang Estate) - Wan Chai Ferry Pier)	\$17.0
* no.970 (So Uk - Aberdeen)	\$ 9.90

All new routes will be operated by air-conditioned buses.

Cross harbour bus routes nos.105, 114, 117 and 334 will be diverted to observe Western Harbour Crossing and renumbered as nos.905, 914, 917 and 934 respectively.

The terminating points of the four diverted routes are as follows:

- * Route no.905 (Lai Chi Kok (Amusement Park) - Wan Chai Ferry Pier);
- * Route no.914 (Sham Shui Po Ferry Pier - Tin Hau MTR Station);
- * Route no.917 (Sham Shui Po (Yen Chow Street) - Happy Valley); and
- * Route no.934 (Bayview Garden - Causeway Bay).

"Passengers will benefit from the diverted routes in terms of shorter journey time, better service frequency and larger catchment areas," Mr Hung added.

Two new peak-hour cross harbour bus services, no.105A (Cross Harbour Tunnel Toll Plaza - Central (Macau Ferry Pier)) and no.905P (Lai Chi Kok - Kennedy Town) will be introduced to cater for passenger's demand.

Cross harbour bus route no.100 will cease operation. Passengers who want to travel to Causeway Bay can take other cross harbour routes, such as nos.103, 110, 111, 112 and 118.

The toll plaza bus stops of Western Harbour Crossing will be opened on the same day for bus-bus interchange.

A temporary pedestrian link between the bus stops and Jordan area will be available a few months later.

End

Two Tsing Ma Control Area regulations gazetted

* * * * *

The Tsing Ma Control Area (Tolls, Fees and Charges) Regulation and the Road Traffic (Public Service Vehicles) (Amendment) (No. 4) Regulation were published in the Government Gazette today (Friday).

A Government spokesman said the Tsing Ma Control Area (TMCA) (Tolls, Fees and Charges) Regulation provided for, among other things, the imposition of tolls for the use of the Lantau Link, as well as various fees and charges - surcharges for toll evasion or underpayment, escort fees, administration fees, permit fees, and fees and charges for the removal, impounding and storage of a vehicle in the TMCA.

The toll schedule for the Lantau Link is as follows:

<u>Type or class of vehicle</u>	<u>Toll</u>
Motor cycle, motor tricycle	\$10
Private car, Taxi	\$15
Light bus	\$20
Single-decked bus	\$20
Double-decked bus	\$30
Light goods vehicle & special purpose vehicle not exceeding 5.5 tonnes	\$20
Medium goods vehicle & special purpose vehicle exceeding 5.5 tonnes but not exceeding 24 tonnes	\$25
Heavy goods vehicle & special purpose vehicle exceeding 24 tonnes	\$40
Articulated vehicle	\$40

[Note: When one-way toll collection is in operation the toll collected is double that specified.]

The schedule of fees and charges is as follows:-

<u>Type of fees</u>	<u>Charges</u>
Removal Fee	
(a) motorcycle, private car, taxi, and light bus	\$260
(b) single-decked bus and goods vehicle with maximum gross vehicle weight not exceeding 5.5 tonnes	\$450
(c) double-decked bus and goods vehicle with maximum gross vehicle weight over 5.5 tonnes	\$600
Impounding Fee	\$140
Escort Fee	\$250 per 30 mins
Administration Fee on Refund of Overpayment	\$100
Surcharge for Toll Evasion or Underpayment	\$170
Storage Fee	\$110 per day after the second day
Permit Fee	\$100

"When the Lantau Link is open to traffic in May 1997, one-way toll collection will be adopted. Drivers will have to pay double of the toll specified when leaving Lantau but nothing on entering," the spokesman said.

For example, drivers of private cars and taxis will have to pay \$30 when leaving Lantau but nothing on entering.

Also, he said, in order to avoid arguments on the toll to be collected for a container vehicle entering and leaving Lantau with a different number of axles, a class of 'articulated vehicle' is introduced to replace toll collection on the basis of the number of axles.

The spokesman said the toll levels had regard to the 'user-pays' principle, the rationale for differential tolls, public acceptability and affordability, and return on investment.

"The views expressed by various quarters including the Legislative Council have also been taken into account. Compared with the tolls for other tunnels in Hong Kong, those for the Lantau Link are reasonable and affordable," he added.

The Road Traffic (Public Service Vehicles) (Amendment) (No. 4) Regulation provides that taxi passengers using the Lantau Link will be required to pay an additional fare of \$30, i.e., twice the single toll for taxis, irrespective of the direction of travel.

"This additional fare will reimburse the taxi driver for the toll charge paid by him in the event he fails to obtain a hire for the return trip," the spokesman said.

"With the one-way toll collection system, a taxi passenger going to the new Airport will be required to pay an additional fare of \$30, even though the taxi driver does not have to pay a toll charge in that direction.

"The additional fare will be widely publicised in information materials for visitors, at major taxi stands and inside taxis so as to avoid misunderstanding between taxi drivers and passengers."

The two Regulations will come into operation on May 22 this year when the TMCA is open to traffic.

End

Preliminary findings of Hong Kong Property Review 1997

* * * * *

The Rating and Valuation Department today (Friday) release the preliminary findings of its annual review of the production and activities in the local property market.

The preliminary findings, to be incorporated in the Hong Kong Property Review 1997, cover the major private property categories, in terms of completions, take-up and vacancy in 1996, forecast completions in 1997 and 1998, as well as price and rental data.

Further enquiries can be directed to the department by contacting either the Deputy Commissioner Mr C S Wong (2805 7601), Technical Secretaries Miss Christina Yim (2805 7614) or Miss Phoebe Chau (2805 7633).

The preliminary findings of the Hong Kong Property Review 1997 are as follows:

Hong Kong Property Review 1997 Preliminary Findings

PRIVATE DOMESTIC

The number of units completed in 1996 amounted to 19,870, a figure which exceeds the forecast a year ago. The New Territories accounted for over 70%, with the largest concentration in Yuen Long.

Take-up in 1996 fell moderately from the 1995 level to 20,480 units. The year end vacancy at 34,050, or 3.7% of stock, was down slightly from the 4.1% of stock at the end of 1995.

The number of units forecast for completion in 1997 will rise to about 22,000 which, taken together with the units vacant at the end of 1996, will mean availability of around 56,000 units for occupation in 1997.

In 1998, completions are expected to increase significantly to 33,300 units, not including smaller projects which are expected to produce a significant number of flats before the end of 1998. This should bring the number of completions to about 36,000 flats in total.

Prices of flats in selected popular developments at the year end were up by 31% from December 1995 but only marginally above the April 1994 peak.

The territory-wide price index for the last quarter shows an overall increase of 23% over a year earlier but the rental index shows a much lower 4% rise.

PRIVATE NON-DOMESTIC

[Please note that there has been a change in the method of calculating vacancy for non-domestic properties due to the ending of rates refunds for vacant premises. This has generally resulted in higher vacancy figures this year because some ratepayers did not previously report vacancy. For calculating take-up this year, the 1996 vacancy figures have been adjusted to provide better comparability with the 1995 figures.]

PRIVATE OFFICE

Overall completions in 1996 were around 269,000 square metres, about 24% less than the completions in 1995. Take-up decreased to 156,000 square metres in 1996. Vacancy was 824,000 square metres, representing 11.2% of stock. About 27% of the vacant floorspace was found in new developments completed during the year.

Completions in 1997 are forecast at around 485,000 square metres and expected to rise further to about 695,000 square metres in 1998.

The overall price index was up by 6% but the rental index showed a drop of 9% compared with the levels in the last quarter of 1995.

Grade A

Completions of Grade A offices in 1996 were 131,000 square metres, about 8% higher than that forecast a year ago but still 52% below the 5-year average of 272,000 square metres between 1991-1995. Around 72% of the space was provided in non-core office districts.

Take-up in 1996, at around 124,000 square metres, was slightly below the year's completions. Vacant space amounted to about 354,000 square metres, representing 8.3% of stock. The fact that around 50% of the completions were in the last quarter contributed to the higher vacancy.

Completions in 1997 are forecast at 344,000 square metres, with 55% in core office districts and about one-third in North Point. Completions in 1998 will continue to rise to about 500,000 square metres. Emphasis will again be on non-core office districts, accounting for almost 60% of the anticipated floorspace.

Grade B

Grade B space completed in 1996 amounted to 90,000 square metres, nearly 10% up on 1995 levels. About 70% of the completions were in Hong Kong districts.

Space taken-up in 1996 was low at around 35,000 square metres, resulting in a rise in vacancy to 263,000 square metres, or 14.6% of stock.

Completions in 1997 will fall to 66,000 square metres, distributed evenly between Hong Kong Island and Kowloon. In 1998, completions are expected to rise again to 120,000 square metres and 75% of the space will be provided in Hong Kong districts.

Grade C

Around 48,000 square metres of Grade C space were completed in 1996, all in urban districts. The completions were 6% down on 1995 levels.

Take-up in 1996 was effectively a negative 3,000 square metres. Vacancy increased to 208,000 square metres, representing 15.8% of stock. These figures indicate a continued fall in demand for such accommodation.

Completions for 1997 and 1998 are expected to increase to similar levels at 75,000 square metres each year, almost entirely in urban districts.

PRIVATE COMMERCIAL

Completions of commercial space in 1996 were 121,000 square metres, nearly 42% below that in 1995. Take-up at 49,000 square metres represented just over 40% of the year's completions. Vacancy rose as a result to 754,000 square metres, or 9.1% of stock.

Forecasts for 1997 point to an increase in completions to 237,000 square metres, attributable to a few large developments in Mong Kok, Wong Tai Sin, Tsuen Wan and Tseung Kwan O. Completions in 1998 are expected to rise further to 260,000 square metres.

Retail indices show that at the end of 1996 prices were down marginally whereas rents were up slightly by 4% on a year earlier.

PRIVATE FLATTED FACTORIES

[Please note that the FLATTED FACTORY category includes floorspace with planning permission for INDUSTRIAL/OFFICE use, but for which no lease modification has yet been instituted. Also included in this category is strata-title floorspace with temporary planning permission for INDUSTRIAL/OFFICE use and short term waivers of Government Lease restrictions. It should also be noted that much of the flatted factory space provided in recent years has been built to a good standard with good finishes. Although many factory buildings are occupied as offices, showrooms, and a mix of these and light industrial uses, they should be distinguished from buildings with proper INDUSTRIAL/OFFICE status.]

At 242,000 square metres, completions in 1996 were slightly down from the 1995 level. Take-up remained negative at 273,000 square metres. Vacancy at the year end rose sharply to around 2,125,000 square metres, which was about 11.9% of stock. The rise in vacancy was largely in the existing stock.

In the light of falling demand and high vacancy rate, completions in 1997 are expected to fall to 177,000 square metres. Nearly 20% of the anticipated completions are potentially Industrial/Office space, i.e. with planning permission. In 1998, completions will rise again to about 350,000 square metres, 30% of which are potentially Industrial/Office space.

The price and rental indices dropped by 11% and 7% respectively from the end of 1995 levels.

PRIVATE INDUSTRIAL/OFFICE

[This category comprises floorspace in developments with planning permission and lease modification for INDUSTRIAL/OFFICE use, and certified for completion as such.]

Completions in 1996 were 115,000 square metres, 49% up on 1995 levels. The 1996 floorspace, accounting for 50% of the year end stock, comprise 8 developments, mainly in Kwun Tong and Cheung Sha Wan.

Take-up increased significantly to 76,000 square metres. Vacancy at 106,000 square metres, representing 46.1% of stock, was largely found in the developments completed during the year.

As emphasised in previous property reviews, we only classify space as INDUSTRIAL/OFFICE if developers have successfully obtained planning permission and have instituted modification of the lease conditions of the land. Otherwise, we will continue to classify them as flatted factories.

Completions are forecast at 94,000 square metres in 1997 and expected to rise again in 1998 to 170,000 square metres.

End

Provision of school places planned

* * * * *

In response to media enquiries on provision of school places for children newly arriving from China, the Director of Education, Mrs Helen C P Lai YU, said today (Friday):

"Government has made provision to meet the demand for school places for children arriving from China. It is estimated that about 44,340 children will arrive from China in the next three school years through the present orderly programme. The estimated demand for 38,532 primary places and 5,808 secondary places can be met through vacancies in existing schools and additional school places arising from the operation of new schools.

"To cater for the increased demand, additional schools will be built as follows:

<u>Completion by (school year)</u>	<u>Primary</u>	<u>Secondary</u>
1997-1998	5	-
1998-1999	2	-
1999-2000	-	9

"It is also estimated that another seven secondary schools will be required between 2000-01 and 2001-02, and arrangements will be made to include these projects in the School Building Programme.

"Meanwhile, close inter-departmental liaison is in place to monitor the situation and to cope with developments."

End

Govt proposes to increase penalty for breaching safety law

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The Government proposes to increase the level of penalty for both employers and employees breaching the safety laws in order to enhance industrial safety standard.

Under the Factories and Industrial Undertakings (Amendment) Bill 1997 gazetted today (Friday), the maximum fines for employers and employees failing to comply with the general duties provisions in the existing ordinance will be increased from \$200,000 to \$500,000 and from \$10,000 to \$25,000 respectively.

This will bring the maximum penalty for an employer breaching the safety laws to a fine of \$500,000 and imprisonment for six months.

"Public concern over industrial safety was heightened recently following a spate of serious industrial accidents last year," a Government spokesman said.

"It is generally felt that the level of fines imposed by the courts is far too low to have any real deterrent effect, particularly on contractors, having regard to the value of the construction contracts and the likely financial benefits of an early completion of the project," he added.

The spokesman pointed out that the proposed amendments were meant to raise the awareness of both employers and employees on industrial safety, particularly those in the construction sector, by introducing the higher penalties.

"There will be no adverse effect or extra financial burden on the great majority of law-abiding employers and contractors. It is hoped that the proposal will enhance safety consciousness, help reduce work injuries, and result in fewer stoppages and disruption of work," he added.

The proposal has been endorsed by the Labour Advisory Board and is supported by both employer and employee associations, including the Hong Kong Construction Association and the Hong Kong Construction Industry Employees' General Union.

The Bill will be introduced into the Legislative Council on April 30.

End

Open Learning Institute of HK (Amendment) Bill 1997

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A bill which seeks to amend the governing ordinance for the Open Learning Institute of Hong Kong (OLI) to enable the institution to adopt its new university title and new internal governance structure was gazetted today (Friday).

"As the Hong Kong Council for Academic Accreditation (HKCAA) has confirmed, the OLI is a competent institution of high academic standard and has in place effective mechanisms to assure the quality of its courses, programmes and graduates.

"The Administration considers that it is appropriate to award university title to the OLI in recognition of the Institute's standards and achievements," a Government spokesman said today.

The spokesman added that the proposed legislation would provide for the change of title of the OLI to "The Open University of Hong Kong" (OUHK).

Like other open universities around the world, the OUHK's mission is to make higher education available to all those aspiring to it, regardless of previous qualifications, gender or race, in order that working adults may have a second opportunity of further education and self-improvement. The bill will also enable OUHK to offer distance learning courses to persons residing outside Hong Kong.

Associated with the change in title, the governance structure of the OUHK will also be brought in line with that of other universities.

The future university will be advised and governed by three bodies - the 'Council', which is the supreme governing body; the 'Court', which is the supreme advisory body; and the 'Senate', which is the supreme academic body.

The spokesman added that this structure would provide greater academic autonomy for the OUHK but at the same time, ensure sound governance and adequate accountability.

The Open Learning Institute of Hong Kong (Amendment) Bill 1997 will be introduced into the Legislative Council on 30 April 1997.

End

Issuing of taxi fare receipts to take effect in June

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Requirements for taxis to be installed with fare receipt printing devices and taxi drivers to issue fare receipts on demand will be effected from June 20, a Transport Department spokesman said today (Friday).

The requirements will be applied to all three kinds of taxis, namely urban (red), New Territories (green) and Lantau (blue) taxis.

Details of the requirements were published in today's Government Gazette.

Commenting on the new regulations, the spokesman said: "Drivers of taxis fitted with receipt printers are required to issue fare receipts on demand by passengers from June 20."

The dates on which taxis are required to be equipped with fare receipt printing devices are as follows:

- * taxis newly registered on or after June 20 must have printers
- * taxis due for annual vehicle examination from June 20 to September 19 have a grace period. They must have printers installed upon their half-yearly taximeter checking.
- * taxis which have their annual vehicle examination scheduled on or after September 20 must have printers installed when they show up for the check up.

The whole process will be completed on June 20, 1998, by then all taxis will have been fitted with printing devices.

"During the transitional period from June 20 to June 19 the next year, drivers of taxis without printing devices and waiting for their turn for annual vehicle examination will be exempted from the requirement of issuing fare receipts to passengers on demand," the spokesman explained.

Taxi fare receipt should contain the following information:

- * registration number of the taxi
- * date and time when the journey starts
- * date and time when the journey ends
- * total distance travelled
- * distance over which a distance rate is charged
- * waiting time over which a time rate is charged
- * surcharges, if any, and
- * total taxi fare

Taxi receipts can take one of the following forms:

- * numeric items with explanatory notes in both Chinese and English on the back
- * simplified Chinese items with English explanation on the back
- * both simplified Chinese and English items

The Chinese characters, English letters and numbers should not be less than two millimetres high and be printed in black or blue.

"The receipt must be printed within 12 seconds so as not to cause traffic delay and inconvenience to the passengers.

"However, in the event of the printing device being out of order, drivers will have to issue a hand-written fare receipt in a prescribed form on demand," he continued.

The hand-written taxi fare receipt contains such information as taxi number, date of journey, time of journey ends, fare shown on the meter, surcharges if any, total taxi fare and name of the driver.

For non-compliance with the requirement of installation of a fare receipt printing device in a taxi, the owner shall be liable to a maximum fine of \$10,000 and six months' imprisonment.

While a taxi driver fails to issue a fare receipt to a passenger on demand if the taxi is fitted with a printing device, he shall be liable to a maximum fine of \$5,000 plus a six-month jail term.

The new requirements were recommended in the 1994 Taxi Policy Review conducted by the Transport Advisory Committee.

End

LRC recommends to abolish "Year & a Day" Rule in homicide

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The Secretary of the Law Reform Commission, Mr Stuart Stoker, announced today (Friday) that the Commission had decided to recommend the abolition of the "Year and a Day" Rule in homicide.

Mr Stoker explained that the "Year and a Day" Rule precluded prosecution for murder or manslaughter where the death of the victim occurred more than a year and a day after the original injury was inflicted. This common law rule dated from the Middle Ages but advances in medical science had rendered it, in the Commission's view, outmoded and unnecessary. The effects of the rule when applied to modern conditions could lead to unfortunate results, such as where, for instance, an accused could escape prosecution for murder because his victim had been kept alive on a life support machine for 13 months after the original injury. In England, the rule had been abolished in 1996 and a number of other jurisdictions had taken similar steps.

Mr Stoker said that a report containing the Commission's detailed proposals would be published as soon as possible, but that finalising the text and arranging for its translation and printing would probably take another two months.

End

Payroll statistics for 4th quarter 1996

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According to statistics released today (Friday) by the Census and Statistics Department, average labour earnings in all major sectors of the economy, as measured by payroll per person engaged, recorded an increase of 10.1% in nominal terms in the fourth quarter of 1996 over a year earlier. After discounting changes in consumer prices, there was a notable increase of 3.9% in real terms.

Analysed by industry sector, average payroll per person engaged in the manufacturing sector increased by 9.6% in nominal terms or 3.4% in real terms.

For the wholesale, retail and import/export trades, restaurants and hotels sector, average payroll per person engaged increased by 6.1% in nominal terms or only 0.1% in real terms. The relatively modest increase in labour earnings in this sector was largely attributable to a slower increase in labour earnings in the import and export trades, as the growth in Hong Kong's external trade moderated last year. But earnings in the retail trade picked up further, on the back of improving consumer demand. Earnings in hotels also rose significantly.

Average payroll per person engaged in the transport, storage and communications sector showed an increase of 8.8% in nominal terms or 2.6% in real terms.

Average payroll per person engaged in the financing, insurance, real estate and business services sector recorded an increase of 10.5% in nominal terms or 4.2% in real terms. Earnings in this sector was boosted in part by the issue of more bonuses to the employees concerned.

As for the community, social and personal services sector, average payroll per person engaged recorded an increase of 9.8% in nominal terms or 3.6% in real terms.

Changes in the indices of payroll per person engaged between the fourth quarter of 1995 and the fourth quarter of 1996 for selected industry sectors, in both nominal and real terms, are shown in the attached table.

Statistics on average payroll per person engaged are compiled at quarterly intervals based on the results of the Labour Earnings Survey conducted by the Census and Statistics Department. Wage indices are also compiled from the same survey at half-yearly intervals for March and September of the year.

Average payroll includes wages as well as all other irregular receipts such as bonuses and overtime allowances. Statistics on average payroll tend to show relatively larger quarter-to-quarter changes, affected by the number of hours actually worked and the timing of payment of bonuses and back-pay.

Detailed breakdowns of the above statistics are published in the "Quarterly Report of Employment, Vacancies and Payroll Statistics, December 1996". The report will be available shortly at \$42 per copy (exclusive of postage) at the Government Publications Centre, Queensway Government Offices, Low Block, Ground Floor, 66 Queensway, Hong Kong and at the Publications Unit of Census and Statistics Department, 19/F., Wanchai Tower, 12 Harbour Road, Wan Chai, Hong Kong.

For enquiries about the indices of payroll per person engaged, please contact the Census and Statistics Department at telephone number 2582 5076.

Year-on-Year Change in Indices of Payroll Per Person
Engaged by Selected Industry Sector

% Change for 4th Quarter 1996
over 4th Quarter 1995

<u>Selected Industry Sector</u>	<u>(nominal terms)</u>	<u>(real terms)</u>
Manufacturing	+ 9.6	+3.4
Wholesale, Retail and Import/Export Trades, Restaurants and Hotels	+ 6.1	+0.1
Transport, Storage and Communications	+ 8.8	+2.6
Financing, Insurance, Real Estate and Business Services	+10.5	+4.2
Community, Social and Personal Services	+ 9.8	+3.6
All Industry Sectors Above	+10.1	+3.9

End

Registration of owners' corporation & related fees revised

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The fees for the registration of owners' corporations (OCs) and the issuing of certificates of registration of OCs and other related matters will be revised from May 30 with the aim of eventual full recovery of costs in providing the services.

Details of the new fee scale are set out in the Building Management (Fees) (Amendment) Regulation 1997 gazetted today (Friday).

A spokesman for the Home Affairs Branch said the fees under the Regulation were last revised in March 1994 and a recent costing review conducted by the Land Registrar found that the existing fees were substantially below cost.

"In order to improve the cost recovery situation and to avoid future sharp increases in the fee levels, we propose the fees be revised upward to achieve a cost recovery of 10 per cent or more," he said.

"Under the proposed fee scale, the fees for the issuing of a certificate of registration of an OC and of an amended certificate of registration on change of name of an OC will be adjusted to achieve the cost recovery of 10 per cent to \$900 and \$130 respectively.

"For the registration or filing of any document required to be submitted to the Land Registrar under the Building Management Ordinance and for the certificate of the Land Registrar in relation to any copy or extract maintained by the Registrar under the Ordinance, the fees will be revised to \$40 and \$30 respectively, or a 20 per cent of the full cost.

"The new fees for other services, such as the issuing of duplicate certificates and duplicate amended certificates and inspection of the register of OCs, will be increased to full cost recovery level, but will actually range from \$10 to \$55."

Users of the registration and related services will be notified by the Land Registrar of the new fees when they apply for the certificates and make use of the services.

End

Tenders invited for site formation works

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The Territory Development Department is inviting tenders for site formation works in the southern part of Tin Shui Wai Reserve Zone.

The works comprise the formation of about 75 hectares of land in Tin Shui Wai north of existing Tin Wah Road.

The project will provide land for housing development; supporting engineering infrastructure; open space and government, institution and community facilities.

The works are expected to start in July for completion in 15 months.

The site is expected to provide about 36,000 public and private housing flats. About 29,000 public units will be made available by April 2001.

A notice inviting tenders was published in the Gazette today (Friday).

The tender closing date is noon on May 9 (Friday).

End

School works in Kwun Tong

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The Architectural Services Department will begin works in July to build a primary school at Ko Chiu Road in Kwun Tong.

Upon completion in August 1998, the school will provide about 970 places to alleviate demand for primary education in Lam Tin and Lei Yue Mun.

The school will contain 30 classrooms, four special rooms, three remedial teaching rooms, an assembly hall, one basketball court, covered playground and car park.

Facilities for the disabled, including a lift and toilets will be provided as a standing feature of modern schools.

In accordance with the recommendations of the Education Commission Report No. 5, the school will have additional facilities including a guidance activity and interview room, two interview rooms, staff common rooms, a student activity centre and a library.

The Architectural Services Department is inviting tenders for the school project. Details of the tender invitation is published in the Gazette today (Friday).

End

Footbridge helps pedestrians cross Lei Yue Mun Road

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The Highways Department announces that a footbridge across Lei Yue Mun Road at Tsui Ping Road has been constructed and will be opened for public use from 10 am on Sunday (April 20).

This 150-metre footbridge links up Tsui Ping Estate and the nearby recreational facilities on the northern side of Lei Yue Mun Road with the industrial area on the south.

The footbridge will improve the traffic flow along Kwun Tong Road and Lei Yue Mun Road, and to enhance pedestrian safety.

It will replace the existing at-grade signal controlled crossing which is being used by over 2,000 pedestrians during peak hours.

The footbridge was constructed in April 1995 at a cost of \$34 million.

End

Final British Army exercise in the New Territories

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Soldiers of the 1st Battalion, The Black Watch, will be taking part in the last military field exercise by the British Army in Hong Kong on Tuesday (April 22).

The blank-firing exercise will take place at Wu Kau Tang, near the Plover Cove Country Park in the north-east region of the New Territories.

Members of the Black Watch will be practising jungle warfare skills - taking advantage of the challenging terrain and hot climate Hong Kong offers - as part of their ongoing military training wherever they are stationed in the world.

The Black Watch is the resident infantry battalion of the Hong Kong Garrison. Duties since their arrival in February have included assisting with anti-smuggling operations in conjunction with the Royal Hong Kong Police, border observation duties and the guarding of key installations.

Their most high-profile role will be as ceremonial troops during the handover ceremonies in June.

End

Reunion planned for Hong Kong Chinese Falklands veterans

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The former captain of the Royal Fleet Auxiliary (RFA) Sir Galahad - lost with many casualties, including some from Hong Kong, during the Falklands Conflict in 1982 - is anxious to trace local Chinese sailors who served with him on the Sir Galahad and on her sister ship, the RFA Sir Tristram during that campaign.

Captain Philip Roberts now commands the RFA Sir Percivale, which arrives in Hong Kong on May 5 as part of the drawdown operation of the British Garrison in preparation for the Handover.

He is planning a reunion at the Mariners Club, Kowloon, to coincide with the 15th anniversary of the day when the Sir Galahad was lost. Following a memorial service, a wreath will be laid for the Chinese crew killed in the Falklands Conflict.

Capt Roberts said: "We would like as many as possible of the Hong Kong Chinese crewmen who served in the RFA Sir Galahad and Sir Tristram during the Falklands Conflict to come to the reunion. Please contact Mr Lau Yui Sang on 2746 0245 (before April 30) or the Secretary, The Mariners Club, on 2368 8261, and give your name and the position you held in the ship."

End

Dog owners reminded to keep pets under proper control

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Dog owners are today (Friday) reminded to keep their pets under proper control at all times.

The reminder was issued by the Agriculture and Fisheries Department (AFD) after an owner of a biter dog was fined \$5,000 in North Kowloon Magistracy last week.

The case occurred in Ho Man Tin, Kowloon last November. A 24-year-old man was bitten and injured by a chow in the corridor outside a Ho Man Tin Hill Road building flat.

The 41-year-old woman owner was subsequently charged under the Rabies Ordinance. She pleaded guilty at the court last week and was fined \$5,000.

Commenting on the case, an AFD veterinary officer, Dr Thomas Sit stressed that dog owners should always keep their pets under proper control.

"Dogs must not be allowed to stray and owners should prevent them from wandering. Put them on a leash and if necessary, muzzle them while taking them out," Dr Sit said.

"This would help ensure public safety and prevent owners from breaking the law."

He hoped the high fines imposed on such offences would serve as a deterrent.

Under the Ordinance, owners of dogs which are involved in biting cases could face a maximum penalty of \$10,000 upon conviction.

End

Proposed road closure for development in Sheung Shui

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The Government has proposed to close San Wing Street in Shek Wu Hui of Sheung Shui for future development of a nearby site for commercial and residential uses.

Part of the road will be permanently closed and included in the site which will be sold by public auction.

The remaining part of the street will be closed temporarily and be reconstructed into an emergency vehicular access and footpath.

A notice on the proposed road closure was published in the Government Gazette today (Friday).

A plan showing the proposal can be seen at the North District Lands Office, the North District Office and the Central and Western District Office.

Any objections should be sent in writing to the Secretary for Transport, Central Government Offices, East Wing, second floor, Lower Albert Road, Hong Kong, before June 17 (Tuesday).

End

Fresh water cut in Western district

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Fresh water supply to some premises in Western district will be suspended from 11 pm on April 21 (Monday) to 6 am the following day for waste detection work on watermains.

The suspension will affect:

- * no. 88-128 Connaught Road West;
- * all even number premises between 94-174 and odd number premises between 73-153 Des Voeux Road West;

- * all even number premises between 136-356 and odd number premises between 167-237 Queen's Road West;
- * all even number premises between 48-90 and 63 Ko Shing Street;
- * all even number premises between 2-26 Sutherland Street;
- * all even number premises between 2A-32 Eastern Street; and
- * all premises at Wilmer Street, Tsz Mi Street, Sai Wo Lane, Li Sing Street and In Ku Lane.

End