



DAILY INFORMATION BULLETIN

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<u>Contents</u>	<u>Page No.</u>
CJ confident of independent Judiciary	1
HK to act as regional debt financing services centre	3
Refugee Co-ordinator holds talks in Hanoi on VM issue	4
Co-operation to stamp out rogue shipping operators urged	5
Smooth ride on Tuen Mun Road continues	7
More assurances for building and demolition site safety	8
Statement on Fairview Park houses	9
Assistance to retrainees for civil service post considered	10
Special postmark to mark Lions Forum	11
Water storage figure	12
Fresh water cut in Mong Kok	12
Fresh water cut in Sheung Shui	12
Hong Kong Monetary Authority money market operations	13

CJ confident of independent Judiciary

The Chief Justice, Sir Ti Liang Yang, is confident that Hong Kong is, and will remain after 1997, a going and thriving concern, built firmly on the bedrock of an independent and impartial Judiciary.

Speaking at a business summit this (Monday) morning, the Chief Justice said Hong Kong had the rule of law and independent and impartial administration of justice, so that there was a level playing field for business and an unimpeded access to justice.

"More particularly, businessmen find it easy to carry on their commercial activities here because the basic philosophy of our law accords with that of their own countries," Sir Ti Liang said.

Noting that the independence of the Judiciary has been a firm tradition in Hong Kong, Sir Ti Liang said: "By judicial independence, I mean that a judge carries out his judicial duties strictly according to the law, unfettered by any person or body not a party to the case before him - not even a more senior judge.

"He brooks no interference from any person, no matter how powerful, nor from any group or body no matter how large, nor, more importantly, from the Government. "In his deliberations he is not influenced by considerations of race, religion, class or politics, but is guided only by the law, and the law alone.

"Independence is not a privilege accorded to the individual judge; it is part of his duty, held sacrosanct by the whole community."

The Chief Justice continued: "The preservation of judicial independence presupposes that the Administration is fully committed to the concept.

"It must respect the Judiciary and does nothing to undermine its status and authority. It must respect and carry out the court's decisions. It must itself faithfully abide by the law.

"The Judiciary's authority is a moral authority. We have neither guns nor financial resources to protect ourselves. Protection comes from the executive arm of Government and the public at large."

The Chief Justice said Hong Kong had every reason to anticipate the continuation of a legal and judicial system which had served us so well as the answers were spelt out in Articles 8, 9 and 19 of the Basic Law.

Sir Ti Liang also noted that while Article 158 vested the power of interpretation of the Basic Law in the Standing Committee of the National People's Congress (SCNPC), the same Article provided that the Standing Committee should authorise the courts of the Hong Kong Special Administrative Region to interpret on their own, in adjudicating cases, the provisions of the Basic Law which were within the limits of the autonomy of the Region.

As a further safeguard for Hong Kong, the same Article finally provided that SCNPC should consult its Committee for the Basic Law of Hong Kong before giving an interpretation on the Basic Law, he said.

"This Committee for the Basic Law shall consist of 12 members, six from the mainland and six from Hong Kong, including persons from the legal profession, appointed by the SCNPC for a term of office of five years.

"The Hong Kong members shall be nominated jointly by the Chief Executive, President of the Legislative Council and the Chief Justice of the Hong Kong Special Administrative Region for appointment.

"The tenor of this Article is therefore to leave the interpretation of the bulk of the provisions of the Basic Law in the hands of Hong Kong courts. The provisions in the Basic Law which touch our daily lives and basic freedoms are to be interpreted by us, on our own.

"A sound legal and judicial infrastructure is in place to take Hong Kong through 1997 and beyond. We will continue to be part of the Common Law world.

"With concerted effort and goodwill on our part, we should look to the future with confidence," Sir Ti Liang concluded.

End

HK to act as regional debt financing services centre

* * * * *

Hong Kong is well-placed to act as the regional centre for debt financing services for the region's huge infrastructure investment programmes, the Financial Secretary, Mr Donald Tsang, said today (Monday).

Speaking at the opening ceremony of the Asia Pacific Issuers and Investors Forum, Mr Tsang said Hong Kong's debt market was geared up to further expansion in the coming years.

"With its critical mass of financial institutions, excellent market infrastructure, advanced telecommunications, common law legal system and sound accounting and logistical support, Hong Kong can certainly play an important role in arranging such debt issues," he said.

The Asian Development Bank and the World Bank have both estimated that the region's infrastructural investment needs will amount to US\$1.5 trillion to US\$2.5 trillion in the years up to 2000 and that China alone will account for one-third of this amount.

A substantial part is likely to be met by external borrowing through the international debt market.

"Hardly any other city is better placed than Hong Kong in arranging for China's debt issues," Mr Tsang said.

He said the development of Hong Kong's debt market had made a significant headway since early 1990s.

In terms of volume, the outstanding amount of Hong Kong dollar debt paper has experienced a phenomenal five-fold increase in the past five years to around HK\$170 billion currently.

"Hong Kong now has a thriving debt market which has built up a critical mass for further development within a relatively short period of time," he said.

He said the outlook of the debt market was very positive. Besides substantial private sector projects, the ongoing funding requirements for infrastructure projects create a strong demand for debt financing.

"The total amount of debt to be raised by our new airport and railway project alone is expected to be in the region of HK\$23 billion.

"The Hong Kong investor base is likely to broaden along with the increasing number of pension funds, retirement schemes and insurance companies in Hong Kong," he added.

Citing the Mandatory Provident Fund Schemes for Hong Kong's workforce as an example, Mr Tsang said the size of the funds contribution was estimated to be HK\$40 billion per annum or about four percent of Hong Kong's gross domestic products. "Accumulation of funds of this size invested in the economy will form a significant block of new capital and will result in a deepening and broadening of the Hong Kong debt market," he said.

Mr Tsang said the government's philosophy that private sector initiatives should lead the development of the market would continue.

"At the same time, the Government will continue to play its part in putting in place a market infrastructure which is up to international standards and attractive to both investors and borrowers," he said.

End

Refugee Co-ordinator holds talks in Hanoi on VM issue

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The Refugee Co-ordinator, Mr Brian Bresnihan, held talks with the Vietnamese authorities in Hanoi today (Monday), a government spokesman said.

United Nations High Commissioner for Refugees and the British Embassy were also represented at the meeting.

The spokesman said the discussions were technical in nature and centred on ways of accelerating the clearance of Vietnamese migrants (VMs) for return to Vietnam and the simplification of the procedures involved.

Commenting on the talks, Mr Bresnihan said it was inevitable in a repatriation programme involving so many people that procedural difficulties would arise.

The purpose of the meeting was to see how best such difficulties could be resolved, he said.

"There is an ongoing dialogue with the Vietnamese authorities on the VM repatriation programme. This meeting was part of that process.

"The talks took place in a cordial atmosphere; there was a frank exchange of views and we had the opportunity to hear at first hand the thoughts of our Vietnamese counterparts.

"We also advised them of our concerns. We are particularly pleased that we agreed on arrangements for the early repatriation of new arrivals," Mr Bresnihan said.

End

Co-operation to stamp out rogue shipping operators urged

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The Secretary for Economic Services, Mr Gordon Siu, called for co-operation to ensure all flag states work hand in hand with Port State Control in policing the rogue operators in the shipping industry.

Speaking at the opening ceremony of the third meeting of the Port State Control in the Asia-Pacific region hosted by the Marine Department this (Monday) morning, Mr Siu said the scourge of substandard ships remained to this day as some operators still found it more convenient to cut corners at the cost of safety.

In this respect, Port State Control played a crucial role in keeping to ensure the safety standards of ships, he said.

Under Port State Control, a port state carries out inspection on foreign ships calling at its port to make sure that they comply with the safety and pollution prevention requirements of the International Maritime Organisation conventions and thus discourage the operation of substandard ships.

Representatives from 16 maritime authorities are in Hong Kong for the third Asia-Pacific regional port state control meeting in support of adequate and effective standards of maritime safety and pollution prevention.

Mr Siu said: "These are issues which need international, as well as regional, co-operation.

"Our aim must be to send a clear message that substandard ships are unacceptable in our ports and on our seas.

"Their operators should be in no doubt that the international community today demands safer ships and a cleaner environment."

Representatives attending the meeting will work out the harmonisation of inspection procedures, information exchange and the training scheme for inspectors at a regional level.

The outcome of their discussion here will help to enhance the co-ordination of port state control activities in the Asia-Pacific region.

Mr Siu said Hong Kong was proud to be part of the regional effort in co-ordinating Port State Control.

In 1994, 5,000 different foreign ships called at Hong Kong and the number was expected to rise to 8,000 by the year 2000.

On the territory's role in Port State Control, Mr Siu said this year Hong Kong should achieve an inspection rate of five per cent.

"Our target is to achieve the full 15 per cent by the year 2000 and under the able leadership of the Director of Marine, Mr Ian Dale, I am sure we shall be able to make Hong Kong an even better port where safety and environmental standards will be the highest in the region and where business will thrive," he said.

End

Smooth ride on Tuen Mun Road continues

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Traffic flow had been generally smooth on Tuen Mun Road in both directions during day time and early this evening (Monday), the first weekday following the implementation of the temporary traffic arrangements last Saturday.

Commenting on the traffic situation in general, the Transport Department's Principal Transport Officer (New Territories), Mr Sam Chan, said: "The situation was satisfactory with better traffic flow in the morning. The journey time observed in the evening was only slightly longer as compared to that of a normal weekday.

"The smooth flow of traffic can be attributed to the effective police monitoring and speedy response to traffic accidents and vehicle break-downs by the Police. Such speedy action helps to resume normal traffic at the earliest possible time.

"The effective public transport services which have been enhanced probably contributed to less car traffic.

"We have closely monitored the traffic situation through our closed circuit television system at the Department's Emergency Transport Co-ordination Centre since 6.30 am.

"The Police with stand-by tow cars are on duty at strategic locations on the road to provide efficient recovery and perform emergency duties as required.

"While we expect similar traffic pattern in the coming days, we shall continue to look at the situation closely and fine tune the arrangements when needed."

The travelling times on Tuen Mun Road and Castle Peak Road in the morning and evening peak hours are reflected by KMB Route Nos 60M and 52M respectively as follows:

	Morning peak hours (Kowloon-bound)	Evening peak hours (Tuen Mun-bound)
	-----	-----
60M	36 minutes	36 minutes
52M	58 minutes	59 minutes

Passengers carried by buses and ferries to and from Tuen Mun during the morning and evening peak hours were about 73,100 and 53,210 respectively with breakdowns below:

	Morning peak hours (from Tuen Mun)	Evening peak hours (to Tuen Mun)
	-----	-----
Buses	69,000	50,000
Ferries	4,100	3,000
	(to Central)	(from Central)
	210	
	(from Tsuen Wan)	

The existing traffic and transport arrangements will continue tomorrow (Tuesday).

End

More assurances for building and demolition site safety

* * * * *

The Government is committed to further enhancing building and demolition site safety through a series of immediate, medium and long term measures, the Assistant Director (Legal and Management) of the Buildings, Mr Cheng Wei-dart, said today (Monday).

One of these measures is the introduction of a package of proposed legislative amendments under the Buildings (Amendment) (No 3) Bill 1995, he said.

Speaking at a seminar organised by the Hong Kong Construction Association, Mr Cheng said the Bill was aimed at tightening safety control over building works and active sites and improving the system of registration of building professionals and contractors.

The Bill proposes to set up a new registration system under which there will be two types of registered contractors, namely general building contractors and specialist contractors.

"Their competence will be assessed by a statutory registration committee with membership mostly drawn from the building professions and the building industry," Mr Cheng said.

For overall safety assurance, Mr Cheng said criminal liability had been proposed for failure to provide proper supervision of building works in a prescribed manner, and for non-compliance with the conditions attached to the Building Authority's approval of building plans or consent to the commencement of building works.

"Sanctions will be applicable to building owners, registered contractors, site agents, works supervisors, building professionals and construction workers.

"Their responsibilities will be clearly defined, in the form of a supervision plan to be prepared by the building professionals with input from contractors and approved by the Building Authority, to reflect the different roles of the parties involved on a work site," Mr Cheng said.

Noting that the Buildings Department has thoroughly consulted all concerned bodies in the building professions and the building industry, Mr Cheng emphasised that all parties shared a common objective of improving safety at construction and demolition sites.

"We believe that the No 3 Bill is a reasonable, workable and effective approach to protecting building and site safety," he said.

End

Statement on Fairview Park houses

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The Administration has thoroughly examined the legality of the houses at Fairview Park which were not issued with occupation permits (OP) under the Buildings Ordinance.

The construction of private buildings in Hong Kong is governed by:

- (i) the Buildings Ordinance, or,
- (ii) the Buildings Ordinance (Application to New Territories) Ordinance

Under the latter, buildings meeting certain criteria (such as size and height) in the New Territories are exempted from the provisions of the Buildings Ordinance including the need to obtain an OP.

There are currently 5,017 domestic houses at Fairview Park, of which 1,357 received OP.

Of the remainder, 3,658 houses came within the purview of the then Buildings Ordinance (Application to the New Territories) Ordinance and were exempt houses. These were issued with certificate of occupation (CO) by the then Buildings Ordinance Office.

The Government confirms that all these houses met all technical standards and safety requirements and were erected in accordance with lease conditions.

There is therefore no question over the legality of their status or the validity of the titles as a result of the exemption.

However, there are two houses which were incorrectly issued with a CO, instead of an OP, owing to an administrative oversight in 1980.

The Government is now taking action to deal with the situation and will be contacting the concerned owners to assure them of the early action.

End

Assistance to retrainees for civil service post considered

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The General Grades Office of the Civil Service Branch has been in touch with the Executive Director of the Employees Retraining Board (ERB) to consider what assistance can be given to retrainees within the requirements of the civil service appointment system, as the current training programmes run by the Board are not targeted specifically for employment in the civil service.

This was stated today (Monday) by the Director of General Grades, Mr Cletus Lau, in response to an appeal by workers that they should be considered for appointment to the civil service after the completion of training courses run by ERB.

Mr Lau pointed out that academic qualification was the benchmark in determining civil service pay, entry qualifications therefore could not be varied arbitrarily for the retrainees.

"We will continue our discussions with the Executive Director of the ERB to consider the relevance of the training provided by the Board and whether such training could be designed to bring the educational levels of the retrainees to those stipulated for our appointments," Mr Lau said.

End

Special postmark to mark Lions Forum

* * * * *

The Postmaster General, Mr Robert Footman, announced today (Monday) that a special postmark will be introduced on Thursday (December 7) to commemorate the 34th Orient and South East Asia Lions Forum (OSEAL) to be held in Hong Kong from December 7 to 10.

OSEAL Forum is hosted by the Lions Clubs International (LCI) District 303 (Hong Kong and Macau). It is LCI's convention for the Asia Pacific Region.

While the Post Office will not issue any philatelic item on this occasion, the special postmark will be made available for hand-back service on Thursday for any privately-made covers bearing an indication of the event at the following seven philatelic officers:

Beaconsfield House Post Office
General Post Office
Granville Road Post Office
Peak Post Office
Sha Tin Central Post Office
Tsim Sha Tsui Post Office
Tsuen Wan Post Office

End

Water storage figure

Storage in Hong Kong's reservoirs at 9 am today (Monday) stood at 96.9 per cent of capacity or 567.701 million cubic metres.

This time last year the reservoirs contained 480.229 million cubic metres of water, representing 81.9 per cent of capacity.

End

Fresh water cut in Mong Kok

Fresh water supply to some premises in Mong Kok will be temporarily suspended from 11 pm on Wednesday (December 6) to 6 am the following day to facilitate watermain works.

The suspension will affect area bounded by Ivy Street, Tai Kok Tsui Road, Cherry Street and sea front as well as area bounded by Cherry Street, Oak Street, Anchor Street and Tit Shu Street, Ming Kei College and Sharon Lutheran School.

End

Fresh water cut in Sheung Shui

Fresh water supply to some premises in Sheung Shui will be temporarily suspended from 11 pm on Thursday (December 7) to 6 am the following day to facilitate water main works.

The affected area will include Po Wan Road, Fu Tei Au Road, Man Kam To Road and Jockey Club Road, including Hing Yan Tsuen and Sheung Pak Tsuen.

End

Hong Kong Monetary Authority money market operations

	\$ million	Time (hours)	Cumulative change (\$million)
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Opening balance in the account	1,963	0930	-693
Closing balance in the account	1,560	1000	-693
Change attributable to :		1100	-693
Money market activity	-691	1200	-691
LAF today	+288	1500	-691
		1600	-691

LAF rate 4.25% bid/6.25% offer TWI 122.4 *-0.2* 04.12.95

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.64	2 years	2711	5.60	100.10	5.62
1 month	5.63	3 years	3810	6.15	100.98	5.86
3 months	5.55	5 years	5009	6.95	102.79	6.36
6 months	5.54	7 years	7211	6.82	100.83	6.78
12 months	5.51	5 years	M502	7.30	102.54	6.80

Total turnover of EF bills and notes - \$13,259 million

Closed December 4, 1995

End