



DAILY INFORMATION BULLETIN

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BEACONSFIELD HOUSE, HONG KONG. TEL.: 2842 8777

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All caisson sites inspected by factory inspectors

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The Deputy Commissioner for Labour (Special Duties), Mr Lee Kai-fat, confirmed today (Tuesday) that factory inspectors had just completed a territory-wide inspection on 73 construction sites where caisson works were in progress.

During the special operation, eight suspected offences relating to inadequate protection of workers engaged in caisson works were detected.

Prosecution action will be taken against those contractors found in breach of the law.

Factory inspectors during this operation also advised site contractors, safety officers and supervisors to pay more attention to workers' safety and the need to observe proper safety precautions where caisson works, especially hand-dug caissons, were in operation.

Mr Lee also urged all contractors responsible for hand-dug caissons to pay particular attention to the safety of workers working inside caissons.

Referring to the fatal caisson site accident at Smithfield, Western on December 23, 1995, Mr Lee said the special investigation team was still launching in-depth enquiries into the accident.

"We hope to complete our investigations within the next six to eight weeks. We expect that the investigation report will be submitted to the Coroner's Court for consideration.

"At this stage, it will not be appropriate to speculate on the precise causes of the accident," he added.

The Deputy Commissioner for Labour said that as a standing arrangement, all caisson sites are being kept under close surveillance by factory inspectors who make a surprise visit at least once every month.

"The Labour Department is also working closely with relevant government departments including the Drainage Services Department and Highways Department to improve safety in manholes which are inspected at the shortest possible time once the Labour Department is notified of the works concerned.

"Stringent legal action will be taken if there are blatant breaches of the safety regulations," Mr Lee stressed.

Apart from the launching of publicity activities to promote industrial safety on caisson works and manholes, the Labour Department has organised, and will continue to organise jointly with the Occupational Safety and Health Council, special training courses and seminars on confined spaces safety and caisson safety in addition to the department's normal legislation-related safety training courses for those engaged in the related industries.

Mr Lee added that a proposal was being made to amend the existing Factories and Industrial Undertakings (Confined Spaces) Regulations with a view to providing better protection to workers engaged to work in a confined space including caissons and manholes.

"The proposed amendments will give a clearer meaning on what constitutes a confined space and will require contractors and proprietors to adopt additional stringent safety measures," he said.

Of the proposed measures, contractors of manhole or caisson works will be required to conduct a risk assessment by a competent person; to certify that all necessary precautions have been taken; to provide and ensure that workers entering or working in a confined space wear protective equipment; to formulate emergency procedures and to provide necessary information, instructions and training to all workers involved.

"We are putting the final touches to these proposals, and we are planning to consult the Labour Advisory Board at the end of this month before consulting representatives in the related industries on technical details.

"The intention is to introduce these new regulations within this legislative session," Mr Lee said.

End

Efforts to protect intellectual property rights continue

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The Director of Intellectual Property, Mr Stephen Selby, today (Tuesday) stressed Hong Kong's continuing commitment to the protection of intellectual property rights.

Speaking at a meet-the-media session, Mr Selby said: "Around the world, it is recognised that Hong Kong is making enormous efforts to develop a strong, local intellectual property protection system in time for the transfer of sovereignty in 1997, when British intellectual property laws will no longer apply here.

"Although enforcement of intellectual property rights remains a challenge - as it does throughout the world - we remain a place which is highly regarded for its professionalism in protection of intellectual property rights, preparation of our laws, and intellectual property law enforcement by the Customs and Excise Department."

On developments over the past year in Hong Kong's intellectual property protection system, Mr Selby said agreement was reached in the Joint Liaison Group (JLG) on localisation of intellectual property laws.

"As a result of the successful conclusion of discussions in the JLG, we have the green light for the continued application of the Patent Co-operation Treaty to Hong Kong after 1997, and completion of drafting of Hong Kong's localised Registration of Patents Bill and localised Registered Designs Bill," he said.

Other significant developments during the year included the setting up of an INTERNET information centre on Intellectual Property in Hong Kong and the Intellectual Property Department's (IPD) visit to Beijing and Shanghai in March and April.

During the year, the IPD's Trademark Registry had achieved its performance pledge in full for the first time. The department's Mission Statement was developed and promulgated in 1995, Mr Selby added.

Looking into 1996, he said a package of legislation was being prepared for introduction into the Legislative Council.

In the coming year, IPD would be jointly organising a seminar on intellectual property in Shanghai with Chinese intellectual property organisations.

"Plans are also in hand for further public education efforts to counter abuse of intellectual property rights," Mr Selby said.

"IPD's computerised patent information centre is being developed and is expected to come on line in 1997-98," he added.

End

LRC proposes abolition of hearsay rule in civil proceedings

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The Law Reform Commission (LRC) has decided to recommend changes in the rules governing the use of hearsay evidence in civil proceedings.

At present, hearsay evidence is generally excluded from Hong Kong courts, subject to certain exceptions.

The secretary of the commission, Mr Stuart Stoker, said today (Tuesday) that "hearsay evidence essentially means second-hand evidence. It is hearsay when a witness testifies to a particular fact on the basis of what he was told by another. Because this type of evidence was generally thought to be less reliable than first-hand evidence, the law generally excluded it."

Mr Stoker said that over time the exceptions to the hearsay rule had become more complex and unclear and there had been considerable criticism of the rule. He said the current trend in most common law jurisdictions was to move towards a system which admitted hearsay evidence but allowed the court to make up its own mind as to the weight to be attached to it.

At its December meeting last year, LRC decided to recommend the abolition of the rule excluding hearsay in civil proceedings. There should be no requirement for parties to a civil action to give prior notice of their intention to call hearsay evidence at the trial (as is the case under the existing law). Both first-hand hearsay and multiple hearsay (as when a witness testifies as to what A told him B said) should be admissible. The weight to be attached to hearsay evidence would be a matter for the court, and the commission have agreed that there should be statutory guidelines to assist the court in making this assessment.

The commission's conclusions follow consideration of comments made to the commission on a consultation paper on the subject issued in August 1992. Mr Stoker said there had been widespread support for the abolition of the hearsay rule and the commission's proposals should be widely welcomed.

The commission expects to publish its detailed proposals on hearsay evidence in a final report within the next two or three months.

End

Statement on allegations concerning Black Watch soldiers

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The following statement is issued by the Joint Services Public Relations Staff, on behalf of Headquarters, British Forces Hong Kong Garrison:

"Both the Royal Hong Kong Police and the ICAC have this (Tuesday) morning confirmed to us that, contrary to a report in yesterday's (Monday) Eastern Express newspaper, there are no investigations into links between soldiers serving in the Black Watch Regiment and organised crime syndicates. No soldiers from that regiment have been brought back to Hong Kong for interview in connection with that or any other investigation. No certificate of immunity from prosecution has been issued to any member of the Black Watch by the police, who have no right to do so. We have today (Tuesday) confirmed that the Director of Public Prosecutions, who does have this power, has also not issued any such certificate of immunity.

The Hong Kong Garrison deplors in the strongest possible terms this disgraceful example of unprofessional journalism. Contrary to all normally-accepted journalistic practice, this article was at best allegedly based on uncorroborated information from an anonymous 'source'. The newspaper concerned chose to persist in publishing the story despite a categorical, on-the-record statement from this Headquarters, made on the evening of Sunday, December 31 and prior to publication. This stated that we had no knowledge of such an investigation; no record of any requests for assistance from either the RHKP or the ICAC; and no evidence of any servicemen being returned to Hong Kong for investigation. Taken together, the newspaper was informed these facts at the very least cast serious doubts on the accuracy of their information. It is noted, with considerable regret, that the newspaper chose not to print this statement which would, at least, have added to balance to this sensationalist and unbalanced report."

End

Water storage figure

Storage in Hong Kong's reservoirs at 9 am today (Tuesday) stood at 84.3 per cent of capacity or 494.275 million cubic metres.

This time last year the reservoirs contained 422.899 million cubic metres of water, representing 72.2 per cent of capacity.

End

Hong Kong Monetary Authority tender results

Tender date	2 Jan 96	2 Jan 96
Paper on offer	EF bills	EF bills
Issue number	Q601	H655
Issue date	3 Jan 96	3 Jan 96
Maturity date	3 Apr 96	3 Jul 96
Coupon	-	-
Amount applied	HK\$8,140 MN	HK\$4,380 MN
Amount allotted	HK\$1,500 MN	HK\$800 MN
Average yield accepted	5.51 PCT	5.50 PCT
Highest yield accepted	5.52 PCT	5.52 PCT
Pro rata ratio	About 22 PCT	About 2 PCT
Average tender yield	5.53 PCT	5.52 PCT

Hong Kong Monetary Authority

Tenders to be held in the week beginning January 8, 1996 -

Tender date	9 Jan 96
Paper on offer	EF bills
Issue number	Q602
Issue date	10 Jan 96
Maturity date	10 Apr 96
Tenor	91 days
Amount on offer	HK\$1,500+300 MN

End

Hong Kong Monetary Authority money market operations

	<u>\$ million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	1,762	0930	+541
Closing balance in the account	1,720	1000	+541
Change attributable to :		1100	+541
Money market activity	+518	1200	+527
LAF today	-560	1500	+527
		1600	+518

LAF rate 4.25% bid/6.25% offer TWI 122.7 *+0.0* 2.1.96

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.70	2 years	2711	5.60	100.23	5.54
1 month	5.59	3 years	3810	6.15	101.32	5.71
3 months	5.53	5 years	5012	6.38	100.99	6.24
6 months	5.52	7 years	7211	6.82	101.90	6.58
12 months	5.50	5 years	M502	7.30	103.32	6.59

Total turnover of EF bills and notes - \$11,672 million

Closed January 2, 1996

End