

WRITTEN ANSWERS

Annex I

Written answer by the Secretary for Transport to Mr CHOY Kan-pui's supplementary question to Question 2

Offences committed by tricycles are grouped under "bicycles" and separate records on tricycles are not available, and we only have the number of prosecutions of bicycles on a district basis.

Over the past three years, Marine region (covering the outlying islands), Yau Tsim District and Sham Shui Po District have recorded the highest number of prosecutions against bicycle offences. Details are in the following table:

Numbers of prosecutions for bicycle offences by districts

<i>Districts</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i> <i>(January - June)</i>	<i>Total</i>
<i>Hong Kong Island</i>					
Eastern	8	8	2	2	20
Western	5	4	3	5	17
Central	3	5	1	2	11
Wan Chai	0	1	5	4	10
<i>Kowloon</i>					
Yau Tsim	253	378	186	62	879
Sham Shui Po	53	67	171	69	360
Mong Kok	8	10	8	22	48
Kowloon City	5	19	21	2	47
Wong Tai Sin	10	1	3	0	14
Kwun Tong	6	0	5	0	11
Sau Mau Ping	1	0	1	3	5

WRITTEN ANSWERS — continued

<i>Districts</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i> <i>(January - June)</i>	<i>Total</i>
<i>New Territories</i>					
Marine	497	625	330	62	1 514
Sha Tin	16	32	40	8	96
Yuen Long	17	21	21	22	81
Tai Po	28	20	8	6	62
Tuen Mun	14	1	42	3	60
Lantau	-	-	15	35	50
	(Note 1)	(Note 1)	(Note 2)		
Tsuen Wan	21	15	1	1	38
Kwai Chung/ Kwai Tsing	2	1	2	0	5
Border/Frontier	3	1	0	0	4

Note 1 - Lantau figures included under Marine

Note 2 - Lantau figure up to 1 April 1996 included under Marine

Annex II

Written answer by the Secretary for Health and Welfare to Mr MOK Ying-fan's supplementary question to Question 5

As from March 1998, in addition to Cantonese and Putonghua, three dialects viz Chiuchow, Hakka and Toishan have been included in the Interactive Voice Processing System of the Department.

DUTIABLE COMMODITIES (AMENDMENT) BILL 1997

COMMITTEE STAGEAmendments to be moved by Dr Hon LAW Cheung-kwok

<u>Clause</u>	<u>Amendment Proposed</u>
3	By deleting paragraph (a).

DUTIABLE COMMODITIES (AMENDMENT) BILL 1997

COMMITTEE STAGE

Amendments to be moved by the Hon Miriam
LAU Kin-ye, OBE, JP

ClauseAmendment Proposed

- 3(c) (a) By deleting subparagraph (ii).
- (b) By deleting subparagraph (iii).
- (c) By deleting subparagraph (iv).

New

By adding -

"5. No refund of excess duty

Section 6 of the Public Revenue Protection Ordinance (Cap. 120) shall not apply to any duty paid under the Public Revenue Protection (Dutiable Commodities) Order 1997 (L.N. 89 of 1997) in excess of the respective duty payable immediately after the expiration of that order."

DUTIABLE COMMODITIES (AMENDMENT) BILL 1997

COMMITTEE STAGE

Amendments to be moved by the Secretary for the TreasuryClauseAmendment Proposed

New

By adding -

**"Official Languages (Authentic Chinese Text)
(Dutiable Commodities Ordinance) Order****6. Annex amended**

The Annex to the Official Languages (Authentic Chinese Text) (Dutiable Commodities Ordinance) Order (L.N. (C) 163 of 1997) is amended -

(a) in the authentic Chinese text of the Dutiable Commodities Ordinance (Cap. 109) -

(i) by repealing section 17(3AA) and substituting -

"(3AA) 任何人 -

(a) 不得在已有人就已完稅貨品申請退還有關稅款的情況下，沒有許可證而為出口目的移走該等貨品；

(b) 不得 -

(i) 出口應課稅貨品；
或

ClauseAmendment Proposed

(ii) 在已有人就已完稅貨品申請退還有關稅款的情況下出口該等貨品，但根據並按照牌照而出口則除外。";

(ii) in Schedule 1 -

(A) in paragraph 1 of Part I, by repealing "90%" and substituting "60%";

(B) in Part II -

(I) in paragraph 1(a), by repealing "\$682.00" and substituting "\$723.00";

(II) in paragraph 1(b), by repealing "\$877.00" and substituting "\$930.00";

(III) in paragraph 1 (c), by repealing "\$167.00" and substituting "\$177.00";

(IV) in paragraph 1 (d), by repealing "\$825.00" and substituting "\$875.00";

ClauseAmendment Proposed

- (C) in part III -
 - (I) in paragraph 1 (a), by repealing "5.79" and substituting "6.14";
 - (II) in paragraph 1 (c), by repealing "6.43" and substituting "6.82";
 - (III) in paragraph 1 (d), by repealing "5.72" and substituting "6.06";
- (D) in paragraph 1 of Part IV -
 - (I) by repealing "\$747.00" and substituting "\$792.00";
 - (II) by repealing "\$25.00" and substituting "\$26.50";
- (b) in regulation 13 of the authentic Chinese text of the Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations (Cap. 109 sub. leg.) -
 - (i) in paragraph (1), by repealing "9(a)、(b)、(c)、(d)、";
 - (ii) in paragraph (2), by repealing "9(e)" and substituting "9".

SEX AND DISABILITY DISCRIMINATION (MISCELLANEOUS
PROVISIONS) BILL 1996**COMMITTEE STAGE**Amendments to be moved by the Hon. Christine LOH Kung-waiClauseAmendment Proposed

1 By deleting the clause and substituting -

"1. Short title and commencement

(1) This Ordinance may be cited as the Sex and Disability Discrimination (Miscellaneous Provisions) Ordinance 1996.

(2) Sections 7, 8 and 9 shall come into operation on 15 October 1997."

2 By deleting the clause.

3 By deleting the clause and substituting -

"3. Interpretation

Section 2 of the Sex Discrimination Ordinance (Cap. 480) is amended -

(a) in subsection (1), by adding -

""relevant international
instruments" (有關國際文書)
means -

ClauseAmendment Proposed

- (a) the Declaration on the Elimination of Violence Against Women proclaimed by the General Assembly of the United Nations on 20 December 1993;
- (b) the International Labour Organisation Recommendation No. 90 on Equal Remuneration for Men and Women Workers for Work of Equal Value; and
- (c) the International Labour Organisation Recommendation No. 111 on Discrimination in Occupation and Employment as it relates to sex, marital status or pregnancy;

ClauseAmendment Proposed

"relevant international obligations"(有關國際義務) means obligations applicable to Hong Kong under international treaties to take appropriate steps, including legislative measures, to eliminate discrimination, on the grounds of sex, marital status and pregnancy, in particular obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination Against Women, as applied to Hong Kong;"

(b) by adding -

"(11) For the purposes of the definition of "relevant international obligations" (有關國際義務), "discrimination" (歧視) means discrimination within the meaning of the treaties referred to in that definition and, although including every form of discrimination falling within section 4, 5, 6, 7 or 8, is not limited to discrimination so falling."."

ClauseAmendment Proposed

4 to 6 By deleting the clauses and substituting -

"4. Sex discrimination against women

Section 5(1)(b) is repealed and the following substituted -

"(b) he applies to her a requirement, condition or practice which he applies or would apply equally to a man but -

(i) which is such that the proportion of women who are disadvantaged by it is considerably greater than the proportion of men who are disadvantaged by it;

(ii) which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied; and

(iii) which is to her disadvantage."

5. Discrimination against married, etc. persons

Section 7(1)(b) is repealed and the following substituted -

"(b) he applies to that person a requirement, condition or practice which he applies or would apply equally to a person with a different marital status but -

ClauseAmendment Proposed

- (i) which is such that the proportion of persons of the relevant marital status who are disadvantaged by it is considerably greater than the proportion of persons of the same sex with a different marital status who are disadvantaged by it;
- (ii) which he cannot show to be justifiable irrespective of the marital status of the person to whom it is applied; and
- (iii) which is to that person's disadvantage."

6. **Discrimination against pregnant women**

Section 8(b) is repealed and the following substituted -

"(b) he applies to her a requirement, condition or practice which he applies or would apply equally to a person who is not pregnant but -

- (i) which is such that the proportion of persons who are pregnant who are disadvantaged by it is considerably greater than the proportion of persons who are not pregnant who are disadvantaged by it;
- (ii) which he cannot show to be justifiable irrespective of whether or not the person to whom it is applied is pregnant; and

ClauseAmendment Proposed

(iii) which is to her disadvantage."."

7 By deleting paragraphs (b) and (c).

10 (a) In the Chinese text, by deleting the proposed section 56B(1) and substituting -

"(1) 第 IV 或 V 部並不將因提供生育科技程序而產生的、在婚姻狀況不同的人之間的待遇差別定為違法。"

(b) In the proposed section 56B(2), by deleting "醫學" and substituting "醫療".

(c) In the Chinese text, by deleting the proposed section 56C and substituting -

"56C. 領養

第 III、IV 或 V 部並不將關乎《領養條例》(第 290 章)第 2 條所指的領養幼年人的設施或服務的提供而產生的、在婚姻狀況不同的人之間的待遇差別定為違法。"

14 and 15 By deleting the clauses.

16 By deleting the clause and substituting -

"16. Claims under Part III or IV

Section 76 is amended -

ClauseAmendment Proposed

- (a) by repealing subsection (4) and substituting -

"(4) By virtue of this subsection and notwithstanding any law, the District Court shall have jurisdiction to hear and determine any proceedings under subsection (1) and shall have all such powers as are necessary or expedient for it to have in order to provide, grant or make any remedy, injunction or order mentioned in this Ordinance."

- (b) by repealing subsections (7) and (8)."

New

By adding -

"16A. Claims under Part III or IV

Section 76 is amended by adding -

"(3A) Without limiting the generality of the power conferred by subsection (3), the District Court may -

- (a) make a declaration that the respondent has engaged in conduct, or committed an act, that is unlawful under this Ordinance, and order that the respondent shall not repeat or continue such unlawful conduct or act;

ClauseAmendment Proposed

- (b) order that the respondent shall perform any reasonable act or course of conduct to redress any loss or damage suffered by the claimant;
- (c) order that the respondent shall employ or re-employ the claimant;
- (d) order that the respondent shall promote the claimant;
- (e) order that the respondent pay to the claimant damages by way of compensation for any loss or damage suffered by reason of the respondent's conduct or act;
- (f) order that the respondent shall pay to the claimant punitive or exemplary damages; or
- (g) make an order declaring void in whole or part and either ab initio or from such date as may be specified in the order, any contract or agreement made in contravention of this Ordinance."

New

By adding -

"16B. Claims under Part III or IV

Section 76(5) is repealed."

18

By deleting the clause.

ClauseAmendment Proposed

19 By deleting the clause.

21 By deleting the clause and substituting -

**"21. Regulations to empower Commission
to bring certain proceedings**

Section 89 is amended by adding -

"(3) This section is without prejudice to the Commission's power to bring proceedings by way of judicial review, in relation to this Ordinance or any other law, pursuant to its functions under section 64(1).".

24(b) By adding "6," before "7 and 8".

25 By deleting the clause.

26 By adding "of the Disability Discrimination Ordinance (Cap. 487)" after "Section 2".

27 By deleting the clause and substituting -

**"27. Discrimination against persons
with a disability, etc.**

Section 6(b) is repealed and the following substituted -

"(b) he applies to that other person a requirement, condition or practice which he applies or would apply equally to a person without a disability but

Clause

-

Amendment Proposed

- (i) which is such that the proportion of persons with a disability who are disadvantaged by it is considerably greater than the proportion of persons without a disability who are disadvantaged by it;
- (ii) which he cannot show to be justifiable irrespective of the disability or absence of the disability of the person to whom it is applied; and
- (iii) which is to that person's disadvantage;".

28 By deleting the clause.

29, 31, By deleting the clauses.
39
and
40

32 and By deleting the clauses.
33

New By adding -

"33A. Claims under Part III or IV

Section 72 is amended -

ClauseAmendment Proposed

- (a) by repealing subsection (3) and substituting -

"(3) Proceedings under subsection (1) shall be brought in the District Court but all such remedies shall be obtainable in such proceedings as, apart from this subsection and section 71(1), would be obtainable in the High Court."

- (b) by adding -

"(4A) By virtue of this subsection and notwithstanding any law, the District Court shall have jurisdiction to hear and determine any proceedings under subsection (1) and shall have all such powers as are necessary or expedient for it to have in order to provide, grant or make any remedy, injunction or order mentioned in this Ordinance."."

35 By deleting the clause.

36 By deleting the clause.

38 By deleting the clause and substituting -

**"38. Regulations to empower Commission
to bring certain proceedings**

ClauseAmendment Proposed

Section 86 is amended by adding -

"(3) This section is without prejudice to the Commission's power to bring proceedings by way of judicial review, in relation to this Ordinance or any other law, pursuant to its functions under section 62(1).".