



DAILY INFORMATION BULLETIN

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COMMISSIONER WILL CONTRIBUTE TO MORE OPEN GOVERNMENT

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THE PROPOSED COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS WILL BE INDEPENDENT AND HAVE SUFFICIENT MEANS WITH WHICH TO ENSURE THAT HIS RECOMMENDATIONS ARE HEARD AND ACTED UPON, THE CHIEF SECRETARY, SIR DAVID FORD, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1988, SIR DAVID SAID THE COMMISSIONER WOULD ALSO HAVE SUFFICIENT STAFF TO CARRY OUT HIS DUTIES SWIFTLY AND EFFECTIVELY; HE WOULD HAVE ALMOST UNLIMITED ACCESS TO GOVERNMENT FILES AND POWERS OF ENTRY INTO GOVERNMENT PREMISES.

"IT IS IN THE INTERESTS OF THE COMMUNITY, OF THIS COUNCIL AND OF THE GOVERNMENT THAT HE SUCCEEDS IN HIS ENDEAVOURS, THEREBY CONTRIBUTING TO A MORE OPEN AND ACCOUNTABLE GOVERNMENT FOR THE BENEFIT OF THE COMMUNITY AS A WHOLE," HE SAID.

EXPLAINING THE BACKGROUND TO THE BILL, SIR DAVID SAID THAT FOLLOWING A PERIOD OF PUBLIC CONSULTATION ON THE CONSULTATIVE DOCUMENT: "REDRESS OF GRIEVANCES", THE GOVERNMENT AGREED IN PRINCIPLE WITH THE MAJORITY VIEW THAT AN INDEPENDENT AUTHORITY SHOULD BE ESTABLISHED TO DEAL WITH COMPLAINTS ALLEGING MALADMINISTRATION.

A WHITE BILL ON THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1987, WHICH CONTAINED THE PROPOSALS, WAS PUBLISHED FOR PUBLIC CONSULTATION ON OCTOBER 30 LAST YEAR.

THE GOVERNMENT HAD STUDIED VERY CAREFULLY THE 24 WRITTEN SUBMISSIONS BY GROUPS AND INDIVIDUALS, VIEWS EXPRESSED IN THE PRESS AS WELL AS COMMENTS MADE BY THE LEGCO AD HOC GROUP SET UP TO STUDY THE WHITE BILL, SIR DAVID SAID.

"THE BILL, NOW BEFORE MEMBERS, REFLECTS THE OUTCOME OF THIS CONSIDERATION AND INCORPORATES A TOTAL OF 22 CHANGES TO THE WHITE BILL," HE SAID.

SIR DAVID NOTED THAT THE OVERALL EFFECT OF THESE CHANGES HAD BEEN TO BROADEN THE JURISDICTION OF THE COMMISSIONER.

HOWEVER, HE POINTED OUT THAT THERE WERE THREE MAIN ASPECTS OF THE WHITE BILL IN RESPECT OF WHICH, AFTER CONSIDERING ALL THE RELEVANT FACTORS, THE GOVERNMENT HAD DECIDED NOT TO ADOPT THE CHANGES SUGGESTED BY SOME COMMENTATORS AND SUPPORTED BY SOME MEMBERS OF THE AD HOC GROUP.

THE FIRST OF THESE WAS THE QUESTION OF ACCESS TO THE COMMISSIONER BY COMPLAINANTS.

/WHILE NOTING

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WHILE NOTING THAT DIRECT ACCESS TO THE COMMISSIONER WAS FAVOURED BY MOST PUBLIC SUBMISSIONS, AS IT WAS CONSIDERED THAT THIS WOULD EMPHASISE THE COMMISSIONER'S INDEPENDENCE AND MAKE HIM MORE EFFECTIVE AND CREDIBLE IN THE EYES OF THE PUBLIC, SIR DAVID SAID THE AD HOC GROUP HAD BEEN AWARE OF SOME COUNTER-ARGUMENTS.

HE NOTED THAT THE PRINCIPLE WAS THAT THE PRIMARY RESPONSIBILITY FOR PROTECTING THE INDIVIDUAL AGAINST ANY WRONGFUL ACTS OF THE EXECUTIVE SHOULD REST WITH THE LEGISLATURE AND THE COURTS.

THE PROPOSED REFERRAL SYSTEM, UNDER WHICH THE COMMISSIONER SHOULD ONLY INVESTIGATE COMPLAINTS REFERRED TO HIM BY A MEMBER OF THE LEGISLATIVE COUNCIL, RECOGNISED THIS PRINCIPLE.

THE COMMISSIONER WOULD BE REQUIRED TO INFORM THE COMPLAINANT, AND THE LEGCO MEMBER BY WHOM THE COMPLAINT WAS REFERRED, OF THE RESULT OF HIS INVESTIGATION IN EACH CASE.

THIS PROVIDED A USEFUL MECHANISM FOR LEGCO MEMBERS TO MONITOR CLOSELY THE WORK OF THE COMMISSIONER.

SIR DAVID ALSO POINTED OUT THAT THE ESTABLISHMENT OF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS WAS INTENDED TO SUPPLEMENT AND STRENGTHEN THE EXISTING CHANNELS FOR THE REDRESS OF GRIEVANCES AND NOT TO REPLACE ANY OF THEM.

"IT IS CLEARLY DESIRABLE TO AVOID DISRUPTING THE OPERATION OF THE OTHER CHANNELS WHICH HAVE BEEN WORKING WELL."

"IN SHORT, BESIDES THE PRACTICAL ADVANTAGES OF MAINTAINING OMELCO'S POSITION AS AN IMPORTANT CHANNEL FOR DEALING WITH PUBLIC COMPLAINTS AGAINST THE ADMINISTRATION, INDIRECT ACCESS FITS BETTER WITH OUR ALREADY COMPREHENSIVE SYSTEM FOR THE REDRESS OF GRIEVANCES," SIR DAVID SAID.

"PROVIDING DIRECT ACCESS COULD DISRUPT THE SYSTEM WE ALREADY HAVE WITHOUT PRODUCING ANY REAL COMPENSATING BENEFITS."

SIR DAVID ADDED THAT HE DID NOT AGREE TO THE VIEW THAT INDIRECT ACCESS WOULD RESULT IN BUREAUCRATIC DELAY AND OBFUSCATION.

HONG KONG WAS TOO SMALL A PLACE FOR THE REFERRAL PROCEDURE TO ACT AS AN IMPEDIMENT AND LEGCO MEMBERS WOULD NO DOUBT ACT PROMPTLY ON THE MALADMINISTRATION COMPLAINTS THEY RECEIVED.

THE SECOND MAIN ASPECT OF THE WHITE BILL WHICH WAS WIDELY COMMENTED UPON WAS THE EXCLUSION OF THE POLICE AND THE ICAC FROM THE COMMISSIONER'S JURISDICTION.

/SIR DAVID

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SIR DAVID NOTED THAT VIEWS ON THE ISSUE WERE DIVIDED AMONG MEMBERS OF THE AD HOC GROUP.

EXPLAINING THE GOVERNMENT'S REASONS FOR EXCLUDING THE POLICE AND ICAC, HE SAID THAT BOTH OF THEM ALREADY HAD INDEPENDENTLY MONITORED REDRESS SYSTEMS WHICH WERE WORKING WELL.

BESIDES, IF THE COMMISSIONER TOOK OVER THESE ORGANISATIONS, MOST OF HIS TIME WOULD BE TAKEN UP IN DEALING WITH COMPLAINTS AGAINST THE POLICE WHICH NUMBERED ABOUT 400 PER MONTH.

COMPLAINTS AGAINST THE POLICE AND THE ICAC WERE OF A FUNDAMENTALLY DIFFERENT NATURE TO MALADMINISTRATION COMPLAINTS, BEING FOR THE MOST PART JUSTIFIABLE IN THE COURTS OR INVOLVING INTERNAL DISCIPLINE, SIR DAVID ADDED.

"FOR THESE REASONS, WE DO NOT SEE INCLUSION OF THE POLICE AND THE ICAC AS A PRACTICAL OPTION.

"HOWEVER, I WILL SAY THAT IT IS OUR INTENTION TO APPOINT THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS AS AN EX-OFFICIO MEMBER OF BOTH THE POLICE COMPLAINTS COMMITTEE AND THE ICAC COMPLAINTS COMMITTEE.

"THIS WILL ALLOW HIM TO LEND HIS EXPERTISE TO THESE MONITORING ORGANISATIONS AND BOLSTER THEIR OPERATION," HE SAID.

THE THIRD MAIN ASPECT IN RESPECT OF WHICH THE GOVERNMENT PROPOSED NOT TO MAKE ANY CHANGE RELATED TO THE METHOD OF APPOINTMENT OF THE COMMISSIONER.

ON A SUGGESTION BY LEGCO MEMBERS THAT THE COMMISSIONER SHOULD BE APPOINTED BY THE GOVERNOR WITH THE APPROVAL OF THE LEGISLATIVE COUNCIL ON THE GROUNDS THAT IT WOULD ENHANCE THE COMMISSIONER'S INDEPENDENT STATUS, SIR DAVID SAID THE GOVERNMENT'S VIEW WAS THAT APPOINTMENT BY THE GOVERNOR WOULD BE MORE APPROPRIATE IN THE CONTEXT OF HONG KONG'S EXISTING CONSTITUTIONAL ARRANGEMENTS.

"I CAN ASSURE MEMBERS THAT GREAT CARE WILL BE TAKEN WHEN MAKING THE APPOINTMENT TO ENSURE THAT THE CANDIDATE IS GENERALLY ACCEPTABLE TO THIS COUNCIL AND THE PEOPLE OF HONG KONG," HE SAID.

REGARDING A PERCEPTION THAT THE PROPOSED COMMISSIONER WOULD BE INEFFECTIVE OWING TO LIMITED POWERS AND A DESIRE BY SOME COMMENTATORS FOR AN ALL-POWERFUL WATCHDOG TO MONITOR THE GOVERNMENT, SIR DAVID SAID SUCH NOTIONS WERE SOMEWHAT MISCONCEIVED BECAUSE THEY TOOK NO ACCOUNT OF EXISTING ARRANGEMENTS.

/"WE ALREADY

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"WE ALREADY HAVE A WELL DEVELOPED AND COMPREHENSIVE SYSTEM FOR REDRESSING THE GRIEVANCES FELT BY THE PUBLIC ARISING FROM THE ACTS OF THE GOVERNMENT, BASED ON AN INDEPENDENT JUDICIARY, A PARTIALLY ELECTED LEGISLATURE AND A RANGE OF OTHER CHANNELS.

"OMELCO IS WELL ESTABLISHED AS THE FOCUS FOR COMPLAINTS AGAINST THE GOVERNMENT OF ALL TYPES.

"THE INTRODUCTION OF ANY OMBUDSMAN-LIKE AUTHORITY HAS TO TAKE INTO ACCOUNT THIS STATE OF AFFAIRS AND BE CAREFULLY DESIGNED NOT TO OVERLAP WITH THE EXISTING REDRESS SYSTEM," SIR DAVID SAID.

DEBATE ON THE BILL WAS ADJOURNED.

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SHW GIVES REASSURANCES ON MENTAL HEALTH BILL

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THE SECRETARY FOR EDUCATION AND MANPOWER IS ALREADY TAKING STEPS TO SET UP A WORKING GROUP TO EXAMINE THE ISSUE OF MAKING SEPARATE LEGISLATION RELATING TO THE MENTALLY HANDICAPPED, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WINDING UP DEBATE ON THE MENTAL HEALTH (AMENDMENT) BILL 1987, MR CHAMBERS SAID THAT IT WAS HOPED THAT THE RATHER COMPLEX PROBLEMS INVOLVED COULD BE RESOLVED AND A CONCLUSION BE REACHED WITHIN THE NEXT 18 MONTHS.

HE SAID THAT CLEARLY ONE OF THE MOST CONTROVERSIAL PARTS OF THE BILL WAS THE NEW SECTION 71B WHICH GAVE POWERS TO THE POLICE TO REMOVE MENTALLY DISTURBED PEOPLE TO HOSPITAL FOR EXAMINATION BY A DOCTOR.

NOTING THAT SOME MEMBERS WERE PARTICULARLY CONCERNED THAT THIS PROVISION MIGHT GIVE THE POLICE POWERS TO ENTER DOMESTIC PREMISES TO REMOVE A SUSPECTED MENTAL PATIENT, MR CHAMBERS EMPHASISED THAT NO NEW POWERS OF ENTRY WERE CONFERRED ON THE POLICE UNDER THE BILL.

"PROVISIONS IN SECTION 71B ARE CONSIDERED NECESSARY TO ALLOW POLICE OFFICERS TO TAKE ACTION TO PROVIDE IMMEDIATE CARE OR CONTROL OF A PERSON WHEN NECESSARY, EITHER IN HIS OWN INTEREST OR THAT OF OTHER PEOPLE," HE SAID.

/ "THE POWERS

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"THE POWERS UNDER THIS SECTION ARE STRICTLY LIMITED TO THE TRANSFER OF A PATIENT TO AN ACCIDENT AND EMERGENCY DEPARTMENT WHERE HE WILL RECEIVE PROPER MEDICAL TREATMENT AND BE SUBJECT TO A PROFESSIONAL ASSESSMENT OF HIS MENTAL CONDITION.

"THE PATIENT CAN BE DETAINED FOR THIS PURPOSE FOR NOT MORE THAN 24 HOURS, UNLESS FURTHER ACTION IS TAKEN UNDER OTHER PROVISIONS IN THE ORDINANCE."

ON WHETHER SUSPECTED MENTAL PATIENTS SHOULD BE TAKEN TO THE ACCIDENT AND EMERGENCY DEPARTMENTS OF HOSPITALS WHERE THERE WAS A FULL PSYCHIATRIC BACK-UP SERVICE, MR CHAMBERS SAID WHILE THIS WAS A DESIRABLE AIM THE CURRENT AVAILABILITY OF PSYCHIATRIC DOCTORS MADE IT UNATTAINABLE AT PRESENT.

"THE DIRECTOR OF MEDICAL AND HEALTH SERVICES HAS INDICATED THAT IT MAY BE ACHIEVABLE IN ABOUT FOUR YEARS' TIME.

"IN THE INTERIM PERIOD, AND WITHIN THE LIMITS OF AVAILABLE MANPOWER RESOURCES, THE MEDICAL AND HEALTH DEPARTMENT WILL DO ITS BEST TO ENSURE THAT ALL SUCH PATIENTS ARE SEEN BY A DOCTORS WHO HAVE WORKED FOR THREE YEARS OR MORE IN AN ACCIDENT AND EMERGENCY DEPARTMENT," HE SAID.

THE BILL ALSO INTRODUCED A NEW CONCEPT IN HONG KONG -- THE CONCEPT OF GUARDIANSHIP FOR MENTALLY HANDICAPPED PERSONS WHO WERE OVER 18 YEARS OF AGE AND WERE THEREFORE OUTSIDE THE JURISDICTION OF THE PROTECTION OF WOMEN AND JUVENILES ORDINANCE.

MR CHAMBERS NOTED A SUGGESTION THAT THE COURT AND NOT THE DIRECTOR OF SOCIAL WELFARE SHOULD MAKE THE FINAL DECISION CONCERNING THE NEED FOR GUARDIANSHIP.

HOWEVER, HE SAID THE DIRECTOR WAS BEST PLACED TO DECIDE UPON SUCH MATTERS.

ADEQUATE SAFEGUARDS EXISTED THROUGH THE DISTRICT COURT AND THE MENTAL HEALTH REVIEW TRIBUNAL FOR APPEALS AGAINST THE CONTINUATION OF GUARDIANSHIP IN CASES WHERE THE EXISTING ARRANGEMENTS WERE FOR SOME REASON UNSATISFACTORY, HE ADDED.

NOTING THAT THE DIRECTOR WOULD ACT WHEN NECESSARY AS GUARDIAN OF LAST RESORT, MR CHAMBERS STRESSED THE ESSENCE OF THE SYSTEM WAS ONE OF CARE AND PROTECTION FOR THE PERSON PLACED UNDER GUARDIANSHIP.

IN NORMAL CIRCUMSTANCES THIS WOULD BEST BE PROVIDED BY A RELATIVE OR A CARING PERSON KNOWN TO THE PATIENT.

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WHEN THE DIRECTOR HAD TO ACT AS GUARDIAN OF LAST RESORT, MR CHAMBERS SAID SUCH ARRANGEMENTS WERE INTENDED TO BE OF AN INTERIM NATURE ONLY, UNTIL A SUITABLE ALTERNATIVE GUARDIAN COULD BE FOUND.

SOME CONCERN WAS EXPRESSED ABOUT THE CURRENT SHORTAGE OF MANPOWER IN THE SOCIAL WELFARE DEPARTMENT WHICH MIGHT AFFECT THE IMPLEMENTATION OF THE NEW GUARDIANSHIP PROVISIONS.

MR CHAMBERS TOLD THE COUNCIL THE PROVISIONS WOULD BE BROUGHT INTO EFFECT ONCE THE REGULATIONS WERE PASSED, ALTHOUGH FULL IMPLEMENTATION MIGHT NOT BE POSSIBLE UNTIL MORE STAFF RESOURCES WERE AVAILABLE.

TURNING TO CONCERN ABOUT THE SUPERVISION OF THE FINANCIAL AFFAIRS OF THE MENTALLY INCAPACITATED, MR CHAMBERS ASSURED THE COUNCIL THAT ADEQUATE STATUTORY PROVISIONS DID EXIST BOTH IN PART II OF THE MENTAL HEALTH ORDINANCE AND IN SECTION 12(4) OF THE SUPREME COURT ORDINANCE.

ANOTHER POINT OF CONCERN RELATED TO POTENTIAL DIFFICULTIES WHEN CONSENT WAS REQUIRED FOR MEDICAL TREATMENT OF MENTALLY HANDICAPPED ADULTS.

"I AM PLEASED TO SAY THAT THE MEDICAL AND HEALTH DEPARTMENT HAS AGREED TO INTRODUCE A STANDARD FORM ON WHICH THE GUARDIANS OF MENTALLY HANDICAPPED PERSONS CAN INDICATE THEIR AGREEMENT TO MEDICAL TREATMENT, INCLUDING OPERATIONS, BEING CARRIED OUT WHEN NECESSARY," MR CHAMBERS SAID.

ON THE CALL FOR A MORE HOLISTIC APPROACH AND MORE NON-INSTITUTIONAL SUPPORT SERVICES, MR CHAMBERS SAID THE PROVISION OF SUCH SERVICES WAS ENTIRELY CONSISTENT WITH THE GOVERNMENT POLICY OF PROVIDING MORE CARE FOR PSYCHIATRIC PATIENTS OUTSIDE MENTAL INSTITUTIONS.

"THE PROVISION OF DAY PLACES IN PSYCHIATRIC HOSPITALS AND HOME BASED COMMUNITY NURSING SERVICES IS PART OF A GENERAL EFFORT TO TREAT PATIENTS WITHIN THE COMMUNITY WHEREVER POSSIBLE," HE SAID.

"A FURTHER ELEMENT IN THIS APPROACH IS THE HALFWAY HOUSE PROGRAMME TO WHICH THE GOVERNMENT IS FULLY COMMITTED."

MR CHAMBERS ALSO REFERRED TO SECTIONS OF THE AMENDED ORDINANCE WHICH PROVIDED FOR THE NECESSARY MEDICAL OPINIONS TO BE GIVEN BY A PRACTITIONER APPROVED BY THE DIRECTOR OF MEDICAL AND HEALTH SERVICES, A DOCTOR WHO HAD SPECIAL EXPERIENCE IN THE DIAGNOSIS OR TREATMENT OF MENTAL DISORDER.

"THE INTENTION IS THAT AN APPROVED PRACTITIONER IN THIS CONTEXT SHALL BE A DOCTOR WHO HAS WORKED FOR NOT LESS THAN THREE YEARS IN THE PSYCHIATRIC SERVICE OF THE MEDICAL AND HEALTH DEPARTMENT.

"AT A LATER DATE WHEN THE SUPPLY OF PSYCHIATRISTS HAS IMPROVED WE HOPE TO REVISE THIS CRITERION," HE ADDED.

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MENTAL HEALTH BILL FURTHER IMPROVED

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THE HON ROSANNA TAM MOVED A NUMBER OF COMMITTEE STAGE AMENDMENTS TO THE MENTAL HEALTH (AMENDMENT) BILL 1987 IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) AND SAID SHE WAS CONFIDENT THAT THE BILL IN ITS AMENDED FORM WOULD IMPROVE CARE FOR MENTAL PATIENTS WHILE PROTECTING THE PUBLIC.

MRS TAM WHO LED OFF THE RESUMED DEBATE ON THE BILL, SAID THE FIRST MAJOR CONTROVERSIAL AREA IN THE BILL WAS THE DEFINITION OF "MENTAL DISORDER".

A LEGCO AD HOC GROUP SET UP TO STUDY THE BILL WAS CONCERNED THAT MENTALLY HANDICAPPED PEOPLE WHO WERE WITHOUT ABNORMALLY AGGRESSIVE OR SERIOUSLY IRRESPONSIBLE CONDUCT WERE LABELLED TOGETHER WITH THOSE MENTALLY ILL PEOPLE WHO SUFFERED FROM A PSYCHOPATHIC DISORDER, OR OTHER DISORDER OR DISABILITY OF MIND, SHE SAID.

THE AD HOC GROUP, OF WHICH SHE WAS CONVENER, FELT THAT MENTALLY HANDICAPPED PERSONS WITHOUT AGGRESSIVE OR IRRESPONSIBLE CONDUCT SHOULD NOT BE LIABLE TO DETENTION IN A MENTAL HOSPITAL.

"AS A RESULT OF EXTENSIVE RESEARCH INTO VARIOUS DEFINITIONS AND IN-DEPTH DISCUSSIONS ABOUT THE NEEDS OF THE DIFFERENT CATEGORIES OF PATIENTS, THE ADMINISTRATION HAS AGREED TO REMOVE ANY UNFORTUNATE LABELLING EFFECT WHICH THIS BILL MAY HAVE ON THE MENTALLY HANDICAPPED," SHE SAID.

MRS TAM SUBSEQUENTLY MOVED A COMMITTEE STAGE AMENDMENT TO THE BILL IN ACCORDANCE WITH THIS AGREEMENT WITH THE ADMINISTRATION.

SHE ALSO MOVED ANOTHER AMENDMENT SPELLING OUT THE TYPE OF PATIENTS LIABLE TO BE DETAINED IN A MENTAL HOSPITAL. THE AMENDMENT WOULD ENSURE THAT THOSE WHO WERE WITHOUT AGGRESSIVE OR IRRESPONSIBLE CONDUCT WOULD NOT BE LIABLE TO DETENTION.

ANOTHER AMENDMENT MOVED BY MRS TAM ANSWERED THE CRITICISM THAT THE POWER OF THE DIRECTOR OF SOCIAL WELFARE MIGHT BE ABUSED SINCE THE BILL EMPOWERED THE DIRECTOR BOTH TO ACCEPT GUARDIANSHIP APPLICATIONS AND TO APPOINT HIMSELF AS THE GUARDIAN.

SHE SAID THE AMENDMENT RETAINED THE BENEFIT OF SUCH AN ARRANGEMENT, IN THAT THE DIRECTOR OF SOCIAL WELFARE WAS BEST PLACED TO DECIDE ON THE SUITABILITY OF THE NOMINATED GUARDIAN.

WHAT IT ACHIEVED WAS THE ASSURANCE THAT THE DIRECTOR WOULD ONLY ACT AS THE GUARDIAN OF LAST RESORT IN CASES WHERE THE GUARDIAN NAMED IN THE GUARDIANSHIP APPLICATION WAS FOUND TO BE NOT SUITABLE.

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"IT IS PLEASING TO NOTE THAT THE ADMINISTRATION HAS OVERCOME THE HESITATION TO IMPLEMENT THE GUARDIANSHIP PROVISIONS BEFORE 1989 BECAUSE OF MANPOWER CONSTRAINTS, AND WILL NOW IMPLEMENT THEM AS SOON AS THE GUARDIANSHIP REGULATIONS ARE MADE," SHE NOTED.

TURNING TO THE MENTAL HEALTH TRIBUNAL, MRS TAM SAID THAT IN ORDER TO ENSURE THAT THE TRIBUNAL COULD SERVE AS AN EFFECTIVE CHANNEL FOR PATIENTS DETAINED IN MENTAL HOSPITALS FOR A REVIEW OF THEIR CASE, THE GROUP PAID PARTICULAR ATTENTION TO THE STRENGTH OF ITS MEMBERSHIP.

SHE SAID THAT THE AD HOC GROUP HAD REPEATEDLY STRESSED THE NEED FOR A MEMBER OF THE TRIBUNAL TO HAVE KNOWLEDGE AND EXPERIENCE IN SOCIAL WORK TO DISCUSS THE SOCIAL ASPECTS OF THE CASES, INCLUDING SOCIAL ASSESSMENT REPORTS, AS WELL AS THE NEED FOR A MEDICAL MEMBER ON THE TRIBUNAL TO BE A DOCTOR WITH RELEVANT PSYCHIATRIC QUALIFICATIONS.

THESE POINTS HAD BEEN ACCEPTED BY THE GOVERNMENT, AND MRS TAM SUBSEQUENTLY MOVED A COMMITTEE STAGE AMENDMENT TO THIS EFFECT.

SHE NOTED THAT A FURTHER CONTROVERSIAL ISSUE INVOLVED IN THE BILL WAS THE ROLE OF POLICE OFFICERS. THERE WERE CRITICISMS THAT THE POLICE WERE GIVEN TOO MUCH POWER.

IN THE BILL, IF A POLICE OFFICER FOUND IN ANY PLACE A PERSON WHO APPEARED TO BE SUFFERING FROM MENTAL DISORDER, HE COULD TAKE HIM TO A HOSPITAL.

SHE SAID THE AD HOC GROUP'S MAJOR CONCERN WAS THAT THE WELFARE OF THE PATIENT SHOULD BE TAKEN CARE OF AND IT CONSIDERED THAT IT WAS IN THE INTEREST OF THE PATIENT TO BE TAKEN TO A HOSPITAL WHERE HE COULD RECEIVE TREATMENT RATHER THAN A POLICE STATION, AS WAS REQUIRED UNDER THE EXISTING LAW.

THUS THE SPECIFIC PROVISION FOR REMOVAL TO A HOSPITAL WAS NECESSARY.

SHE SAID THE AD HOC GROUP ALSO ACCEPTED THE VIEW THAT ALTHOUGH "ANY PLACE" INCLUDED PRIVATE PREMISES, A POLICE OFFICER COULD ONLY ENTER PRIVATE PREMISES IN PURSUANCE OF SOME STATUTORY OR COMMON LAW POWER.

THE BILL DID NOT CONFER UPON THE POLICE ANY ADDITIONAL POWER TO ENTER PRIVATE PREMISES.

HOWEVER, TO ENSURE FURTHER PROTECTION OF THE INDIVIDUAL, THE GROUP HAD PERSUADED THE ADMINISTRATION TO AGREE TO CERTAIN SAFEGUARDS.

THE GROUP FELT THAT A STRICTER DISCIPLINE SHOULD BE IMPOSED UPON THE POLICE OFFICER IN HIS ASSESSMENT BEFORE TAKING ACTION.

/THUS "A

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THUS "A PERSON WHO APPEARS TO BE SUFFERING FROM MENTAL DISORDER" SHOULD BE REPLACED BY "A PERSON WHOM HE REASONABLY BELIEVES TO BE SUFFERING FROM MENTAL DISORDER".

A COMMITTEE STAGE AMENDMENT WAS SUBSEQUENTLY INTRODUCED TO GIVE EFFECT TO THIS.

ONCE TAKEN TO A HOSPITAL, THE PERSON SHOULD RECEIVE ADEQUATE MEDICAL CARE.

THE ADMINISTRATION HAD AGREED IN PRINCIPLE THAT THE PATIENTS SHOULD BE SEEN BY PSYCHIATRIC DOCTORS WHERE NECESSARY.

OWING TO THE SHORTAGE OF MANPOWER, SUITABLE ARRANGEMENTS WOULD BE MADE IN FOUR YEARS' TIME.

THE GROUP HAD URGED THE ADMINISTRATION THAT IN THE INTERIM THESE PERSONS SHOULD BE SEEN BY DOCTORS WITH AT LEAST THREE YEARS' EXPERIENCE.

THE ADMINISTRATION HAD ALSO AGREED THAT PATIENTS WOULD BE INFORMED OF THEIR RIGHTS TO BE EXAMINED BY A DOCTOR OF THEIR OWN CHOICE.

THE BILL ALSO PROVIDED THAT APPLICATIONS FOR THE DETENTION OF PATIENTS SHOULD BE MADE TO A DISTRICT JUDGE, MAGISTRATE OR JUSTICE OF THE PEACE.

BUT THE AD HOC GROUP FELT THAT A MAGISTRATE OR JUDGE WOULD BE BETTER QUALIFIED TO AUTHORISE THE DETENTION, PARTICULARLY WHERE A HEARING WAS INVOLVED.

AN AMENDMENT WAS THUS MOVED AT THE COMMITTEE STAGE TO DELETE THE REFERENCE TO A JUSTICE OF THE PEACE UNDER THESE PROVISIONS.

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PERSONAL LIBERTIES MORE PROPERLY SAFEGUARDED

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THE MENTAL HEALTH (AMENDMENT) BILL 1987 PROVIDES BETTER TREATMENT AND CARE FOR INDIVIDUAL MENTAL PATIENTS WHILE THEIR PERSONAL LIBERTIES ARE MORE PROPERLY SAFEGUARDED, DR THE HON HO KAM-FAI SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL, DR HO SAID THE ORIGINAL MENTAL HEALTH ORDINANCE HAD BECOME INADEQUATE DUE TO CHANGES IN REHABILITATION CONCEPTS AND SOCIAL ATTITUDES TOWARDS THE MENTALLY DISORDERED.

/HE SAID

HE SAID THE PROPOSED AMENDMENTS TOOK INTO ACCOUNT THE ARGUMENTS ADVANCED BY DIFFERENT GROUPS INTERESTED IN THE SUBJECT OF MENTAL ILLNESS AND REPRESENTED WELL BALANCED CONSIDERATIONS.

"FOR EXAMPLE, THE MEDICAL EMPHASIS IN THE TREATMENT AND CARE OF THE MENTALLY DISORDERED IS DELICATELY WEIGHED AGAINST THE LEGALISTIC EMPHASIS; THE HUMAN RIGHTS OF THE INDIVIDUAL AGAINST THE PROTECTION OF THE GENERAL PUBLIC; AND THE NEED FOR THERAPY AND CARE OF THE MENTALLY SICK PERSONS WHO OFTEN LACK INSIGHT INTO THEIR ILLNESS AGAINST THE RESPECT FOR THEIR PERSONAL LIBERTIES," HE SAID.

DR HO SAID THAT THERE WERE THREE ASPECTS OF THE BILL WHICH HAD CAUSED CONCERN TO THE COMMUNITY. THESE WERE THE DEFINITION OF MENTALLY HANDICAPPED, THE ROLE OF THE POLICE, AND THE MENTAL HEALTH REVIEW TRIBUNAL.

REGARDING THE DEFINITION OF MENTAL DISORDER, HE SAID REPRESENTATIVES OF ORGANISATIONS CONCERNED HAD ARGUED THAT ONLY A SMALL PROPORTION OF THE MENTALLY HANDICAPPED POPULATION WAS AFFLICTED WITH MENTAL IMPAIRMENT WHICH WAS ASSOCIATED WITH AGGRESSIVE OR IRRESPONSIBLE CONDUCT.

THEY THEREFORE SUGGESTED THAT MENTALLY HANDICAPPED PERSONS WITHOUT AGGRESSIVE CONDUCT SHOULD NOT BE SUBJECT TO COMPULSORY DETENTION AND TREATMENT IN A MENTAL HOSPITAL.

AFTER CONSULTATION, THE ADMINISTRATION HAD AGREED THAT PERSONS SUFFERING ONLY FROM ARRESTED OR INCOMPLETE DEVELOPMENT OF MIND SHOULD NOT BE DETAINED, DR HO SAID.

"FURTHERMORE, THE ADMINISTRATION HAS AGREED TO SET UP A WORKING PARTY IN THREE MONTHS' TIME TO ASSESS THE NEED AND DESIRABILITY OF INTRODUCING SEPARATE LEGISLATION TO TAKE CARE OF THE VARIOUS ASPECTS OF WELFARE OF THE MENTALLY HANDICAPPED."

ON CRITICISMS THAT THE POLICE MIGHT BE GIVEN TOO MUCH POWER UNDER THE PROPOSED SECTION 71B, DR HO SAID THE ADMINISTRATION HAD NOW AGREED THAT TO EXERCISE HIS POWERS UNDER THIS SECTION, A POLICE OFFICER MUST SATISFY HIMSELF THAT TWO CONDITIONS HAD BEEN MET - THE CASE INVOLVED A PERSON WHOM HE REASONABLY BELIEVED TO BE SUFFERING FROM MENTAL DISORDER, AND THE PERSON WAS IN IMMEDIATE NEED OF CARE AND CONTROL.

HE SAID THE ENFORCEMENT OF SECTION 71B DID NOT APPEAR TO HIM TO INFRINGE CIVIL LIBERTIES, BECAUSE MENTALLY SICK PERSONS OFTEN DID NOT KNOW THAT THEY NEEDED TREATMENT AND THEREFORE DID NOT TAKE THE INITIATIVE TO SEEK IT.

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FURTHERMORE, THE POLICE OFFICER WAS GIVEN THE POWER ONLY TO TAKE THE SUSPECTED MENTALLY SICK PERSON TO THE NEAREST HOSPITAL WHERE HE WOULD BE PLACED IN THE AUTHORITY OF A REGISTERED MEDICAL PRACTITIONER AND BE EXAMINED WITHIN 24 HOURS.

HE STRESSED THAT SECTION 71B DID NOT GIVE THE POLICE POWER TO ENTER PRIVATE PREMISES TO ARREST SUSPECTED MENTALLY SICK PERSONS. THEY COULD ENTER ONLY BY INVITATION OR IN PURSUANCE OF A STATUTORY DUTY.

DR HO EXPLAINED THAT THE REASON WHY THE PROVISION OF THIS SECTION WAS NOT RESTRICTED TO PUBLIC PLACES WAS TO ENABLE A MENTAL PATIENT OR A NON-OFFENDER MENTAL PATIENT WHO WAS INCAPABLE OF RECOGNISING HIS NEED FOR MEDICAL AND PSYCHIATRIC TREATMENT IN HIS OWN INTEREST, OR FOR THE PROTECTION OF OTHERS, TO RECEIVE EARLY CARE AND TREATMENT.

"I MUST EMPHATICALLY POINT OUT THAT SECTION 71B DOES NOT PROVIDE A POLICE OFFICER WITH GREATER POWER THAN THE EXISTING ORDINANCE," HE SAID.

"IT GIVES STATUTORY POWERS TO A POLICE OFFICER TO ENABLE HIM TO TAKE THE SUSPECTED MENTAL PATIENT DIRECTLY TO THE HOSPITAL RATHER THAN TO THE POLICE STATION."

NOTING THAT FEARS HAD BEEN EXPRESSED THAT DETENTION IN A MENTAL HOSPITAL FOR A PROLONGED PERIOD MIGHT BE USED AS A READY EXCUSE TO DENY A PERSON HIS CIVIL LIBERTIES, DR HO SAID THAT CLAUSE 22 OF THE BILL PROVIDED FOR THE ESTABLISHMENT OF A MENTAL HEALTH REVIEW TRIBUNAL.

HE SAID THE TRIBUNAL WAS EMPOWERED TO REVIEW CASES AUTOMATICALLY OR BY APPLICATION IN RELATION TO DETENTION, CONDITIONAL DISCHARGE, AND GUARDIANSHIP.

IT WAS ALSO AUTHORISED TO DEAL WITH ALL APPEALS LODGED WITH IT AND WAS EMPOWERED TO DISCHARGE PATIENTS ABSOLUTELY OR CONDITIONALLY, DR HO SAID.

HE SAID THAT GIVEN THE WIDE POWERS TO DECIDE ON THE JUSTIFICATION OF THE PATIENT'S NEED FOR DETENTION, THE PROPER OPERATION AND COMPOSITION OF THE TRIBUNAL WERE VITAL.

"THE OPERATION IS GOVERNED BY A SET OF RULES FORMULATED BY THE CHIEF JUSTICE UNDER SECTION 59G. THESE RULES WILL BE SUBSIDIARY LEGISLATION AND THUS SUBJECT TO THE SUPERVISORY JURISDICTION OF THE LEGISLATIVE COUNCIL UNDER SECTION 34 OF THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE," HE SAID.

DR HO SAID HE WAS GLAD THAT THE ADMINISTRATION HAD INCLUDED A SOCIAL WORKER AS A MEMBER OF THE MENTAL HEALTH REVIEW TRIBUNAL.

"THE INPUT OF A SOCIAL WORKER WILL BE OF IMMENSE VALUE TO MAKING DECISIONS ON THE REHABILITATION AND AFTERCARE OF THE PATIENT OUTSIDE THE MENTAL HOSPITAL AND TO MINIMISING THE RATE OF RELAPSE AS A RESULT OF SOCIAL HARDSHIP AND STRESSES ASSOCIATED WITH LIVING IN THE COMMUNITY," HE SAID.

FINALLY, DR HO POINTED OUT THAT THE ABOVE AMENDMENTS WERE GREAT IMPROVEMENTS ON THE CURRENT MENTAL HEALTH ORDINANCE.

HOWEVER, ITS SUCCESSFUL IMPLEMENTATION WAS CONTINGENT UPON THE SPEEDY AVAILABILITY OF TRAINED PSYCHIATRIC MANPOWER AND COMMUNITY SUPPORT FACILITIES, BOTH OF WHICH WERE VERY MUCH IN SHORT SUPPLY.

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WORKING PARTY PLAN WELCOMED

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THE GOVERNMENT'S PLAN TO ESTABLISH A WORKING PARTY IN THE NEXT THREE MONTHS TO LOOK INTO THE NEED AND DESIRABILITY OF A SEPARATE PIECE OF LEGISLATION FOR MENTALLY HANDICAPPED PEOPLE WAS WELCOMED TODAY (WEDNESDAY) BY THE DR THE HON HENRIETTA IP.

SPEAKING IN SUPPORT OF THE MENTAL HEALTH (AMENDMENT) BILL 1987 IN THE LEGISLATIVE COUNCIL, DR IP NOTED THAT THE BILL COVERED THE MENTALLY ILL IN GENERAL OUTLINE.

POINTING OUT THAT THE FINE DISTINCTION BETWEEN WHAT WAS MEANT BY MENTAL ILLNESS AND WHAT WAS MEANT BY MENTAL HANDICAP WAS ALREADY UNCLEAR TO A LOT OF LAYMEN, SHE SAID THE MINGLING OF THE TWO CONCEPTS IN ONE BILL WOULD SIMPLY LEAVE SUCH A STATE OF AFFAIRS INTACT.

THEREFORE, SHE THOUGHT THAT THERE WAS DEFINITELY AN ADVANTAGE TO SEPARATE THE TWO.

DR IP ALSO EXPRESSED CONCERN OVER THE INADEQUATE NUMBER OF PSYCHIATRISTS IN THE PUBLIC SECTOR.

SHE SAID THAT AS A RESULT OF THIS DEFICIENCY, THE LEGCO AD HOC GROUP FORMED TO STUDY THE BILL HAD TO ACCEPT RELUCTANTLY THAT INSTEAD OF TRAINED PSYCHIATRISTS, DOCTORS WITH THREE YEARS OF GENERAL MEDICAL EXPERIENCE WOULD BE GIVEN THE RESPONSIBILITY TO SEE PATIENTS SUSPECTED TO BE SUFFERING FROM A MENTAL DISORDER.

AND THEY WOULD MAKE APPLICATION, IF NECESSARY, FOR DETENTION IN A MENTAL HOSPITAL FOR OBSERVATION UNDER SECTION 31 OF THE BILL.

/NOTING THAT

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NOTING THAT THE ADMINISTRATION HAD INDICATED THAT PSYCHIATRIC BACK-UP SERVICES WOULD BE PROVIDED WITHIN A FEW YEARS TO HOSPITALS, SHE ASKED THAT AN ASSURANCE BE GIVEN AS TO WHEN THIS COULD BE ACHIEVED.

DR IP CONCLUDED BY SAYING THAT THE INCIDENCE OF MENTAL ILLNESS WAS EVER INCREASING AND IT WAS IMPORTANT FOR EVERYONE TO TRY TO STAY FIT BOTH PHYSICALLY AND MENTALLY.

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LEGISLATION STRIKES A REASONABLE BALANCE

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THE PASSAGE OF THE MENTAL HEALTH (AMENDMENT) BILL 1987 WOULD STRIKE A REASONABLE BALANCE BETWEEN THE PROTECTION OF THE PUBLIC AND THE CIVIL RIGHTS OF THE INDIVIDUAL, THE HON HILTON CHEONG-LEEN SAID WHEN SUPPORTING THE BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR CHEONG-LEEN SAID HE WAS PARTICULARLY PLEASED THAT THROUGH THE PERSEVERANCE OF THE LEGCO AD HOC GROUP, AND ITS IN-DEPTH STUDY OF THE MANY REPRESENTATIONS MADE BY THE MEDICAL, LEGAL AND SOCIAL WORK PROFESSIONS, THE BILL WOULD NOW BE AMENDED TO GIVE BETTER PROTECTION TO THE MENTALLY HANDICAPPED.

HE EXPLAINED THAT A PERSON SUFFERING ONLY FROM ARRESTED OR INCOMPLETE DEVELOPMENT OF MIND WOULD NOT BE COMPULSORILY DETAINED IN A MENTAL HOSPITAL, UNLESS THE PATIENT WAS CERTIFIED BY TWO MEDICAL PRACTITIONERS TO BE ABNORMALLY AGGRESSIVE OR THAT HIS CONDUCT WAS SERIOUSLY IRRESPONSIBLE.

"I AM ALSO GLAD THAT THE ADMINISTRATION HAS AGREED TO SET UP A WORKING PARTY IN THREE MONTHS' TIME TO CONSIDER HAVING A SEPARATE PIECE OF LEGISLATION FOR THE MENTALLY HANDICAPPED."

MR CHEONG-LEEN NOTED THAT THE ORDINANCE HAD ALSO BEEN REVISED TO IMPROVE THE MANNER IN WHICH MENTAL PATIENTS WERE TO BE HANDLED.

"THOSE SUFFERING FROM PSYCHOPATHIC DISORDERS, OR ANY OTHER DISORDER OR DISABILITY OF MIND ASSOCIATED WITH ABNORMALLY AGGRESSIVE OR SERIOUSLY IRRESPONSIBLE CONDUCT, CAN BE DETAINED AND GIVEN MEDICAL TREATMENT IN A MENTAL HOSPITAL IN ACCORDANCE WITH PRESCRIBED PROCEDURES AND HAVING REGARD TO ADEQUATE SAFEGUARDS FOR THE LIBERTY OF THE INDIVIDUAL," HE SAID.

/HE WAS

HE WAS PLEASED THE ADMINISTRATION HAD AGREED THAT APPLICATION TO DETAIN A PATIENT FOR OBSERVATION SHOULD BE MADE BY A DOCTOR AND COUNTERSIGNED ONLY BY A JUDGE OR MAGISTRATE, AND NOT BY A JUSTICE OF THE PEACE.

"THE COUNTER-SIGNATURE BY A JUDGE OR MAGISTRATE, I BELIEVE, IS FULLY JUSTIFIED, IN ORDER TO ENSURE THAT THE LEGAL PROCEDURES ARE COMPLIED WITH, BEARING IN MIND THE LIBERTY OF THE SUBJECT IS AT STAKE," HE SAID.

HE ALSO SAID THAT CLOSE AND CO-OPERATIVE INTERACTION AMONG THE POLICE, THE MEDICAL PROFESSION, SOCIAL WORKERS AND THE JUDICIARY WAS OF VITAL IMPORTANCE FOR THE SMOOTH, EFFICIENT, AND HUMANE ENFORCEMENT OF THE BILL'S PROVISIONS.

MR CHEONG-LEEN NOTED THAT THE ADMINISTRATION HAD ADVISED THAT THE POLICE WOULD NOT EMPLOY THE POWER UNDER SECTION 71B MORE OFTEN THAN WAS NECESSARY.

HE SUGGESTED THAT THE COMMISSIONER OF POLICE SHOULD CONSIDER IF IT WOULD BE PRACTICAL TO HAVE ON CALL AT STRATEGIC POINTS IN THE TERRITORY A NUMBER OF POLICE OFFICERS WHO, IN ADDITION TO THEIR NORMAL DUTIES, WOULD HAVE HAD SPECIAL ORIENTATION IN THE ENFORCEMENT OF THE BILL'S PROVISIONS.

"PROVIDING TIME PERMITTED, A BEAT POLICEMAN IN CASE OF NECESSITY COULD CALL UPON SUCH TRAINED OFFICERS TO SWIFTLY GIVE SUPPORT OR ASSISTANCE ON-THE-SPOT," HE SAID.

SUCH SPECIALIST ORIENTATION WOULD BE PARTICULARLY USEFUL WHEN IT CAME TO ENTERING PRIVATE PREMISES UNDER WARRANT IN SEARCH OF ESCAPED MENTAL PATIENTS IN NEED OF CARE AND CONTROL.

HE ADDED THAT THE AD HOC GROUP HAD RECOMMENDED AS MANY SAFEGUARDS FOR THE LIBERTY OF THE INDIVIDUAL CONSISTENT WITH THE PUBLIC INTEREST AS WAS PRACTICABLE.

WHAT WAS STILL DISQUIETING, HOWEVER, WAS THE ADMINISTRATION'S ADMISSION THAT IT WOULD REQUIRE ANOTHER FOUR YEARS BEFORE THERE WOULD BE SUFFICIENT PSYCHIATRIC SERVICE BACK-UP IN HOSPITALS FOR THE PROPER ENFORCEMENT OF THE BILL'S PROVISIONS.

"THE LEGISLATURE SHOULD MONITOR PROGRESS BY THE ADMINISTRATION IN THIS REGARD, OTHERWISE MANY PROVISIONS IN THE BILL WILL BE UNENFORCEABLE DUE TO SHORTAGE OF PROFESSIONAL MEDICAL STAFF," HE SAID.

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CONCERN IN MEDICAL SECTOR

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THE MENTAL HEALTH (AMENDMENT) BILL 1987 HAS RAISED CONCERN IN THE MEDICAL SECTOR ABOUT THE DEFINITION OF MENTAL DISORDER, THE MERITS OF HAVING A SEPARATE BILL FOR THE MENTALLY HANDICAPPED, POLICE POWERS, AND MANPOWER SHORTAGE IN THE MENTAL HEALTH SERVICE, DR THE HON CHIU HIN-KWONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SUPPORTING THE BILL, DR CHIU SAID THE DEFINITION OF MENTAL DISORDER, TAKEN WITH THE AGREED COMMITTEE STAGE AMENDMENTS, WAS ACCEPTABLE SINCE THE BILL WOULD NOW APPLY ONLY TO THE MENTALLY ILL AND THOSE MENTALLY HANDICAPPED PEOPLE OF ABNORMALLY AGGRESSIVE OR SERIOUSLY IRRESPONSIBLE CONDUCT.

REGARDING A SEPARATE BILL FOR THE MENTALLY HANDICAPPED, DR CHIU NOTED THAT WHAT CONCERNED THE MEDICAL PROFESSION MOST WAS WHETHER THERE WOULD BE ANY BETTER SERVICES THAN THERE WERE NOW.

HE SAID THAT AT PRESENT, ABOUT 30 TO 45 PER CENT OF THE DAY HOSPITAL PLACES WERE TAKEN UP BY THE MENTALLY HANDICAPPED WHO DID NOT SUFFER FROM ANY FORMAL PSYCHIATRIC DISORDER.

MOREOVER, THE NUMBER OF MENTALLY HANDICAPPED PATIENTS ADMITTED INTO VARIOUS PSYCHIATRIC HOSPITALS OR UNITS FOR MEDICAL TREATMENT OWING TO BEHAVIOURAL PROBLEMS STOOD AT 300 EACH YEAR.

DR CHIU STRESSED THAT, CONTRARY TO WHAT SOME PEOPLE BELIEVED, PSYCHIATRISTS HAD NO INTENTION TO KEEP THESE PEOPLE THERE, IF THERE WERE OTHER FACILITIES AVAILABLE.

HE NOTED THAT A MAJORITY OF MEDICAL PROFESSIONALS WORKING IN THE FIELD WERE IN FAVOUR OF GRANTING THE POLICE POWER TO TAKE A MENTALLY DISORDERED PERSON TO A PLACE OF SAFETY ON THE GROUNDS THAT THIS WAS A SAFEGUARD FOR SUCH PATIENTS.

"IT IS QUITE UNLIKELY THAT THE POLICE WILL ABUSE THEIR POWER, AS IT IS CONFINED TO ESCORTING THE PERSON SUSPECTED OF SUFFERING FROM MENTAL DISORDER TO THE ACCIDENT AND EMERGENCY DEPARTMENT TO RECEIVE CARE FROM THE MEDICAL OFFICER," HE SAID.

ON THE MANPOWER SHORTAGE IN MENTAL HEALTH SERVICE, DR CHIU SAID THAT THE DOCTOR-TO-BED RATIO RECOMMENDED BY THE MEDICAL DEVELOPMENT ADVISORY COMMITTEE (MDAC) WAS 1:20 FOR ACUTE BEDS AND 1:80 FOR CHRONIC BEDS, BUT THE ACTUAL RATIO WAS 1:100 IN GENERAL.

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THE REASON WHY THIS RECOMMENDATION OF THE MDAC COULD NOT BE TRANSLATED INTO ACTION WAS THAT ON THE ONE HAND, HONG KONG EXPERIENCED SLOW GROWTH IN THE MANPOWER FOR PSYCHIATRIC SERVICES, WHILE, ON THE OTHER HAND, THE DEMAND FOR PSYCHIATRIC SERVICES WAS RISING, HE SAID.

HE SAID THE MANPOWER SUPPLY IN MENTAL HEALTH SERVICE HAD BEEN FURTHER HAMPERED BY THE UNPOPULARITY OF PSYCHIATRY AMONG QUALIFIED DOCTORS.

ACCORDING TO DR CHIU, THE UNDESIRABLE DOCTOR-TO-PATIENT RATIO AND A HEAVY WORKLOAD HAD ADVERSELY AFFECTED THE QUALITY AND THE EFFECTIVENESS OF CARE TO A LARGE EXTENT.

UNFORTUNATELY, THERE WAS A RAPID TURNOVER RATE AND A SHORTAGE OF GOVERNMENT MEDICAL STAFF IN GENERAL, AND PSYCHIATRISTS IN PARTICULAR.

"UNLESS MORE INCENTIVES SUCH AS BETTER TRAINING OPPORTUNITIES, WORKING CONDITION AND PROMOTION PROSPECTS CAN BE MADE IN THIS AREA, SENIOR POSTS IN PUBLIC HOSPITALS AND THE MENTAL HEALTH SERVICE WILL SOON BE LEFT UNFILLED BECAUSE OF A LACK OF EXPERIENCED STAFF.

"THEREFORE, WAYS TO RECRUIT AND RETAIN DOCTORS, INCLUDING PSYCHIATRISTS, IN THE PUBLIC SERVICE AS A WHOLE SHOULD BE SERIOUSLY CONSIDERED," HE SAID.

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SOME PROVISIONS RESTRICT PERSONAL LIBERTY

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THE MENTAL HEALTH (AMENDMENT) BILL 1987 STILL CONTAINS A FEW PROVISIONS WHICH REMAIN RESTRICTIVE TO THE PERSONAL LIBERTY OF MENTAL PATIENTS, THE HON HUI YIN-FAT SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL, MR HUI SAID THE POWER GIVEN TO THE POLICE TO REMOVE ANYONE SEEMINGLY SUFFERING FROM MENTAL DISORDER TO A PLACE OF SAFETY GAVE CAUSE FOR CONCERN.

"FOR A POLICE OFFICER TO DECIDE ON A PERSON'S STATE OF MIND, ALBEIT HE HAS REASONS TO SUPPORT HIM, NOT ONLY OVER-ESTIMATES HIS ABILITY TO JUDGE, BUT ALSO UNDERMINES THE ARGUMENT ADVANCED BY THE ADMINISTRATION THAT THE DETENTION OF MENTAL PATIENTS IS ESSENTIALLY A MATTER OF MEDICAL OPINION," HE SAID.

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SECTION 71B OF THE BILL WOULD BE SUBJECT TO ABUSE AS IT GAVE THE POLICE THE POWER OF ARBITRARY ARREST, HE SAID.

THE BILL CARRIED AN OMINOUS THREAT TO HUMAN RIGHTS AND PERSONAL LIBERTY THAT MIGHT DEVELOP INTO DRACONIAN ACTIONS BY THE POLICE IN TIMES OF CRISIS.

MR HUI ALSO SAID THAT SOCIAL WORKERS WERE BOUND BY PROFESSIONAL ETHICS TO PROTECT THE COMMUNITY AGAINST PRACTICES AND CONDITIONS HARMFUL TO HUMAN WELFARE.

THEREFORE IT WAS HIS RESPONSIBILITY TO SPEAK UP FOR THE REPEALING OF 71B OF THE BILL, WHICH WAS RELATED TO THE ROLE OF THE POLICE IN TAKING MENTAL PATIENTS TO A PLACE OF SAFETY.

"IF, HOWEVER, THIS SECTION MUST REMAIN, I WOULD ESPOUSE THE BAR ASSOCIATION'S STANCE THAT THE POLICE RIGHT OF ENTRY BE RESTRICTED TO PUBLIC PLACES," HE SAID.

IN THE CASE OF A PERSON WHO APPEARED TO BE IN IMMEDIATE NEED OF CARE AND CONTROL BEING FOUND IN HIS OWN ABODE, ENTRY INTO HIS PREMISES BY THE POLICE SHOULD BE MADE IN THE PRESENCE OF A MEDICAL PRACTITIONER WITH THREE YEARS' EXPERIENCE IN PSYCHIATRIC SERVICE, A SOCIAL WORKER OR A COMMUNITY PSYCHIATRIC NURSE.

"FURTHERMORE, THE POLICE OFFICER EXERCISING THE POWER OUGHT TO BE AN INSPECTOR IN RANK, IN ORDER TO SAFEGUARD AGAINST THE SUBJECTIVE AND UNTRAINED REACTIONS ON THE PART OF A POLICE CONSTABLE TO A COMPLICATED SITUATION," HE SAID.

MR HUI ADDED THAT THE SOCIAL WORK CIRCLE DEMURRED TO THE PROVISION FOR THE DIRECTOR OF SOCIAL WELFARE TO ACT AS THE APPLICANT FOR GUARDIANSHIP AS WELL AS THE INTERIM GUARDIAN FOR MENTAL PATIENTS.

"WHILE ACKNOWLEDGING THE EXPLANATION GIVEN BY THE ADMINISTRATION, WE OBJECT TO THE 'JUDGE AND JURY' PRINCIPLE AND PREFER A SECOND OPINION TO BE GIVEN BY THE DISTRICT COURT TO THE GUARDIANSHIP INITIATED AND GRANTED BY THE DIRECTOR OF SOCIAL WELFARE," HE SAID.

HE WENT ON TO SAY THAT THE BILL RESTED TOO MUCH DECISION-MAKING POWER IN MEDICAL PERSONNEL, ALTHOUGH THE CARE OF THE MENTALLY ILL SHOULD ADOPT A HOLISTIC APPROACH BY WHICH SOCIAL INTEGRATION, OCCUPATIONAL THERAPY, AND PSYCHOTHERAPY SHOULD CARRY AS MUCH WEIGHT AS MEDICAL TREATMENT.

THEREFORE, THE PROVISION OF A WIDE RANGE OF CARING AND THERAPEUTIC SERVICES OUTSIDE THE HOSPITAL SUCH AS COMMUNITY PSYCHIATRIC NURSING SERVICE, HALFWAY HOUSES, VOCATIONAL TRAINING, SHELTERED WORKSHOPS, COMPASSIONATE HOUSING AND SOCIAL CLUBS WERE ESSENTIAL SUPPORT SERVICES THAT COULD PROVIDE LONG-TERM SOLUTIONS TO THE CARE OF THE MENTALLY ILL.

/HE SUGGESTED

HE SUGGESTED THAT THE RELEVANT OMELCO STANDING PANELS SHOULD CONTINUE TO MONITOR AND REVIEW THE EXISTING MENTAL HEALTH SERVICE DELIVERY SYSTEM AND TO OVERSEE THE IMPLEMENTATION OF THIS BILL.

MR HUI ADDED THAT THE BILL CAME AT AN INOPPORTUNE TIME WHEN SOCIAL WELFARE WAS HARD HIT BY MANPOWER SHORTAGE BROUGHT ABOUT BY THE LACK OF LONG-TERM MANPOWER PLANNING AND THE CURRENT BRAIN DRAIN.

UNDER THE PRESENT CIRCUMSTANCES, IT WAS DIFFICULT TO FORESEE HOW THE TARGET SET BY THE SOCIAL WELFARE DEPARTMENT TO RECRUIT THE 50 SOCIAL WORKERS REQUIRED FOR IMPLEMENTING THE BILL COULD BE REACHED.

HE THEREFORE URGED THE ADMINISTRATION TO MAKE A FIRM COMMITMENT TO PROVIDING THE MUCH-NEEDED PSYCHIATRIC SERVICES AND TO CONSIDER TAPPING THE RESOURCES OF PRIVATE PSYCHIATRIC PRACTITIONERS.

"IN ADDITION, THE GOVERNMENT MUST PROVIDE THE NECESSARY TRAINING IN MENTAL HEALTH FOR SOCIAL WORKERS CONCERNED TO ACQUIRE ADEQUATE KNOWLEDGE AND EXPERIENCE FOR THE EFFECTIVE DELIVERY OF SERVICES," HE ADDED.

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IMPORTANT POINT IN MENTAL HEALTH BILL NOT YET RESOLVED

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THE MENTAL HEALTH (AMENDMENT) BILL 1987 HAS LEFT UNRESOLVED AN IMPORTANT POINT OF PRINCIPLE CONCERNING THE RIGHT OF A PERSON BELIEVED TO BE SUFFERING FROM MENTAL DISORDER TO BE HEARD BY A JUDGE OR MAGISTRATE BEFORE SUCH A PERSON WAS DETAINED IN A MENTAL HOSPITAL, THE HON MARTIN LEE SAID TODAY (WEDNESDAY).

SPEAKING IN THE RESUMED DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL, MR LEE SAID THAT THIS POINT HAD CAUSED GREAT CONCERN TO MEMBERS OF THE LEGISLATIVE COUNCIL AD HOC GROUP SET UP TO EXAMINE THE BILL AS WELL AS TO OTHER MEMBERS OF THE COUNCIL.

HE NOTED THAT ACCORDING TO THE RECORD OF THE LEGISLATIVE COUNCIL IN-HOUSE MEETING HELD ON JUNE 3; "SOME MEMBERS FELT THAT IN ORDER TO SAFEGUARD HUMAN RIGHTS, IT WAS ESSENTIAL FOR A PERSON TO BE HEARD BY A MAGISTRATE AND OR JUDGE BEFORE HE WAS DEPRIVED OF HIS LIBERTY".

THE IN-HOUSE MEETING, AFTER FURTHER DELIBERATION, SUBSEQUENTLY AGREED THAT BEARING IN MIND POSSIBLE PRACTICAL DIFFICULTIES WHICH THE ADMINISTRATION WOULD HAVE TO SORT OUT, THE AD HOC GROUP'S RECOMMENDATION THAT A PERSON SUSPECTED TO BE A MENTAL PATIENT SHOULD BE GIVEN THE RIGHT TO BE HEARD BEFORE BEING DETAINED IN A MENTAL HOSPITAL SHOULD BE SUPPORTED IN PRINCIPLE.

"I HAVE CONSULTED THE BAR COMMITTEE FURTHER ON THIS POINT AND I AM STILL OF THE VIEW THAT THIS IS NOT A SATISFACTORY COMPROMISE BECAUSE IT IS TANTAMOUNT TO DISCRIMINATING AGAINST A CLASS OF PEOPLE WHO ARE THOUGHT TO BE SUFFERING FROM MENTAL DISORDER, SO THAT THE PRINCIPLE THAT NO PERSON BE DEPRIVED OF HIS LIBERTY UNLESS BY A COURT ORDER WILL NOT APPLY TO THEM, EVEN THOUGH THIS PRINCIPLE APPLIES TO ALL PEOPLE ALLEGED TO HAVE COMMITTED SERIOUS CRIMINAL OFFENCES LIKE MURDER OR RAPE," MR LEE SAID.

HE SAID HE UNDERSTOOD THAT THE GOVERNMENT WOULD PROVIDE A SAFEGUARD BY WAY OF SUBSIDIARY LEGISLATION IN STIPULATING IN THE REQUISITE PRESCRIBED FORM THAT THE DOCTOR SHALL INFORM THE PATIENT OF HIS RIGHT TO BE BROUGHT BEFORE A JUDGE OR MAGISTRATE.

HE SAID THAT SUCH A PROPOSAL WAS NOT LIKELY TO BE EFFECTIVE BECAUSE THE PATIENT MIGHT BE A MENTALLY RETARDED PERSON OR INDEED, MIGHT EVEN BE INSANE. IT WOULD THEN BE POINTLESS FOR THE DOCTOR TO PUT SUCH A QUESTION TO HIM.

AS AN ADDITIONAL SAFEGUARD AND IN ORDER TO MAKE THE PRESENT COMPROMISED PROPOSAL WORKABLE AND MEANINGFUL, HE SUGGESTED THAT THE QUESTION BE ONLY PUT TO A PATIENT IN THE PRESENCE OF A RELATIVE, OR IF SUCH A RELATIVE COULD NOT BE FOUND THEN IN THE PRESENCE OF A SOCIAL WORKER.

"MY PROPOSAL WILL NOT ONLY ENSURE THAT THE RIGHT TO BE HEARD CAN BE SAFEGUARDED IN THE INTEREST OF THE PATIENT, BUT IT WILL ALSO AFFORD PROTECTION TO THE DOCTOR CONCERNED BECAUSE HE WILL HAVE A WITNESS WHO IS OF SOUND MIND TO BACK HIM UP, IF NECESSARY, THAT HE HAS INDEED PUT THE QUESTION TO THE PATIENT, IN CASE OF A DISPUTE SUBSEQUENTLY," HE SAID.

MR LEE SAID HE DECIDED TO GIVE QUALIFIED SUPPORT TO THE BILL INSTEAD OF VOTING AGAINST IT BECAUSE HE HAD BORNE IN MIND THAT OVERALL THIS WAS A VERY USEFUL PIECE OF LEGISLATION FOR HONG KONG AND THAT IT HAD TAKEN MUCH TIME AND TROUBLE TO REACH THIS STAGE.

FINALLY, HE POINTED OUT THAT WHEN THE BILL WAS PASSED INTO LAW, A POLICE OFFICER MIGHT NOT BE ABLE TO ENTER THE PREMISES OF A PERSON LAWFULLY IN ORDER TO STOP HIM FROM COMMITTING SUICIDE INSIDE HIS OWN FLAT, IF THAT PERSON HAPPENED TO BE ALONE AND WOULD NOT INVITE THE POLICE INSIDE.

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LEGISLATION REMOVES ELECTORAL ANOMALY
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THE MAIN PURPOSE OF THE TRADE UNIONS (AMENDMENT) BILL 1988 IS TO REMOVE AN ANOMALY BY WHICH TRADE UNIONS ARE THE ONLY REGISTERED ORGANISATIONS NOW PREVENTED BY LAW FROM USING THEIR FUNDS FOR ELECTORAL PURPOSES IN DISTRICT BOARD, URBAN COUNCIL, REGIONAL COUNCIL AND LEGISLATIVE COUNCIL ELECTIONS.

THE ACTING SECRETARY FOR EDUCATION AND MANPOWER, THE HON DOMINIC WONG, SAID THIS WHEN WINDING UP THE DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR WONG SAID THE GOVERNMENT CONSIDERED IT APPROPRIATE TO ALLOW TRADE UNIONS TO SO USE FUNDS PARTICULARLY BECAUSE THEY HAD BEEN ACTIVELY ENCOURAGING THE DEVELOPMENT OF REPRESENTATIVE GOVERNMENT.

"WE DO NOT THINK THAT THE PROPOSED AMENDMENTS WILL POLITICISE TRADE UNIONS AS THE PROHIBITION AGAINST THE USE OF UNION FUNDS FOR OTHER POLITICAL PURPOSES IS STILL MAINTAINED," MR WONG ADDED.

HE SHARED MEMBERS' VIEWS THAT THE AMENDMENTS WOULD ENABLE TRADE UNIONS TO PARTICIPATE FULLY IN ELECTORAL ACTIVITIES AND APPRECIATED THEIR REMARKS ON THE PROVISIONS IN THE BILL REGARDING FLEXIBILITY.

AS TO THE QUESTION WHETHER IT WOULD BE A PROPER FUNCTION OF A TRADE UNION TO SUPPORT ELECTORAL ACTIVITIES, MR WONG SAID THIS SHOULD BEST BE LEFT TO THE UNION ITSELF TO DECIDE.

"NEW SECTION 33A THEREFORE PROVIDES FOR MEMBERS OF THE UNION TO DECIDE BY SECRET BALLOT, AND THERE ARE OTHER SAFEGUARDS TOO," HE ADDED.

TURNING TO THE SUGGESTION OF TIGHTENING UP CONTROLS ON THE USE OF FUNDS BY OTHER ORGANISATIONS FOR ELECTORAL PURPOSES, MR WONG SAID THE GOVERNMENT DID NOT AGREE BECAUSE TO DO SO WOULD NOT BE IN LINE WITH THE DEVELOPMENT OF REPRESENTATIVE GOVERNMENT.

HE POINTED OUT THAT THE GOVERNMENT HAD PREVIOUSLY CONSIDERED LIMITING THE SCOPE OF THE AMENDMENTS TO ONLY LEGISLATIVE COUNCIL ELECTIONS AND ALLOWING TRADE UNIONS TO MAKE SPECIFIC DONATIONS TO CANDIDATES ONLY.

"WE HAVE CONCLUDED PREVIOUSLY ALSO THAT IT IS ONLY FAIR TO ALLOW TRADE UNIONS TO DO WHAT OTHER ORGANISATIONS CAN DO," MR WONG SAID.

"PARTIAL LIFTING OF THE PRESENT RESTRICTION IS NEITHER EQUITABLE NOR REASONABLE."

HE EMPHASISED THAT THE BILL WAS MAINLY INTENDED TO PUT TRADE UNIONS ON AN EQUAL FOOTING WITH OTHER ORGANISATIONS REGARDING THE USE OF FUNDS FOR ELECTORAL PURPOSES.

MEASURES DESIGNED TO ENHANCE JUDICIARY'S INDEPENDENCE

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THE JUDICIAL SERVICE COMMISSION (AMENDMENT) BILL 1988 IS PART OF A PACKAGE OF MEASURES DESIGNED TO UNDERLINE AND ENHANCE THE INDEPENDENCE OF THE JUDICIARY, THE CHIEF SECRETARY, SIR DAVID FORD, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

AND THE PROPOSALS EMBODIED IN THE BILL HAD THE FULL AGREEMENT OF THE JUDICIARY ITSELF, HE ADDED.

SIR DAVID WAS REFERRING, WHILE MOVING THE SECOND READING OF THE BILL, TO A COMMENT BY THE BAR ASSOCIATION AND THE LAW SOCIETY ON THE NEED TO PRESERVE THE INDEPENDENCE OF THE JUDICIARY.

ON THE TWO BODIES' CONCERN THAT THERE HAD BEEN A LACK OF PRIOR CONSULTATION, SIR DAVID POINTED OUT THAT THE BILL WAS PUBLISHED IN THE GOVERNMENT GAZETTE 12 DAYS AGO.

"IT IS BEING INTRODUCED INTO THIS COUNCIL TODAY; AND THE DATE OF ITS SECOND READING AND SUBSEQUENT STAGES HAS YET TO BE FIXED," HE SAID.

"THIS PROCEDURE PROVIDES AMPLE OPPORTUNITY FOR INTERESTED PARTIES TO EXPRESS THEIR VIEWS ON THE BILL BEFORE A FINAL DECISION IS MADE BY THIS COUNCIL."

SIR DAVID SAID HE WAS PLEASED THAT THE BAR ASSOCIATION AND THE LAW SOCIETY HAD TAKEN THAT OPPORTUNITY.

TURNING TO THE SPECIFIC QUERIES RAISED BY THESE TWO BODIES, SIR DAVID NOTED THEY HAD ASKED WHETHER THE ATTORNEY GENERAL AND THE CHAIRMAN OF THE PUBLIC SERVICE COMMISSION SHOULD REMAIN AS MEMBERS OF THE JUDICIAL SERVICE COMMISSION.

"THE GOVERNMENT'S VIEW IS THAT IT WOULD BE ENTIRELY APPROPRIATE THAT THEY SHOULD DO SO: THE ATTORNEY GENERAL, BECAUSE OF HIS ROLE AS THE GOVERNOR'S PRINCIPAL ADVISER ON LEGAL MATTERS; AND THE CHAIRMAN, PUBLIC SERVICE COMMISSION, BECAUSE OF HIS INDEPENDENT STATUS AND HIS EXPERTISE IN APPOINTMENT MATTERS," HE SAID.

SIR DAVID ALSO NOTED THE TWO BODIES' QUERY ON WHETHER THE LAY MEMBERS OF THE JUDICIAL SERVICE COMMISSION SHOULD BE SELECTED AND APPOINTED BY THE GOVERNOR.

"THE GOVERNMENT'S VIEW IS THAT THEY SHOULD, IN LINE WITH THE WELL-ESTABLISHED SYSTEM IN HONG KONG," HE EXPLAINED.

ON WHETHER REPRESENTATIVES OF THE BAR ASSOCIATION AND THE LAW SOCIETY SHOULD FORMALLY BE NOMINATED BY THE RESPECTIVE BODY, SIR DAVID POINTED OUT THAT THE BILL PROVIDED FOR THE APPOINTMENT OF, AMONG OTHERS, A BARRISTER AND A SOLICITOR.

/"AS WITH

"AS WITH THE PRESENT JUDICIAL SERVICE COMMISSION, THESE APPOINTMENTS ARE MADE IN THEIR INDIVIDUAL CAPACITIES AS PRACTISING MEMBERS OF THE LEGAL PROFESSION, AND NOT AS REPRESENTATIVES OF THEIR PROFESSIONAL BODIES," HE SAID.

ANOTHER POINT THE TWO LEGAL BODIES RAISED WAS WHETHER THE PRESENT REQUIREMENT FOR ALL RECOMMENDATIONS MADE BY THE JUDICIAL SERVICE COMMISSION TO BE UNANIMOUS SHOULD BE PRESERVED.

"THIS ARRANGEMENT CAN CLEARLY GIVE RISE TO DIFFICULTIES AND TO A THEORETICAL SITUATION, WHICH I HASTEN TO ADD HAS NOT HAPPENED IN PRACTICE, IN WHICH A SINGLE MEMBER COULD EFFECTIVELY VETO A DECISION OF THE REMAINDER," SIR DAVID REMARKED.

THE BILL THEREFORE PROPOSED THAT IN FUTURE DECISIONS SHOULD BE TAKEN BY A SUBSTANTIAL MAJORITY, WHICH WOULD VARY DEPENDING ON THE NUMBER OF PEOPLE PRESENT.

SIR DAVID SAID THESE ARRANGEMENTS WOULD PROVIDE A MORE SATISFACTORY BASIS FOR DECISION-TAKING BY THE COMMISSION.

"FINALLY, THE TWO LEARNED BODIES HAVE ASKED WHETHER THE PRESENT PROCEDURE FOR SCREENING AND INTERVIEWING CANDIDATES FOR JUDICIAL APPOINTMENTS SHOULD BE ALTERED" THE CHIEF SECRETARY CONTINUED.

"THIS IS AN ADMINISTRATIVE MATTER WHICH IS NOT DIRECTLY RELEVANT TO THE BILL AND SHOULD, I SUGGEST, BE FOR THE JUDICIAL SERVICE COMMISSION ITSELF TO ADVISE UPON."

THE JUDICIAL SERVICE COMMISSION (AMENDMENT) BILL 1988 PROPOSED TO INCREASE THE MEMBERSHIP OF THE COMMISSION FROM SIX TO NINE.

"AT PRESENT, THE JUDICIAL SERVICE COMMISSION IS COMPOSED OF TWO MEMBERS OF THE JUDICIARY, INCLUDING THE CHIEF JUSTICE AS CHAIRMAN; THREE MEMBERS OF THE LEGAL PROFESSION, INCLUDING THE ATTORNEY GENERAL; AND ONE LAY MEMBER, THE CHAIRMAN OF THE PUBLIC SERVICE COMMISSION," SIR DAVID SAID.

"IT IS NOW PROPOSED TO EXPAND THE MEMBERSHIP OF THE COMMISSION SO THAT IT IS COMPOSED OF THREE MEMBERS OF THE JUDICIARY, INCLUDING THE CHIEF JUSTICE AS CHAIRMAN; THREE MEMBERS OF THE LEGAL PROFESSION, INCLUDING THE ATTORNEY GENERAL; AND THREE LAY MEMBERS INCLUDING THE CHAIRMAN OF THE PUBLIC SERVICE COMMISSION."

IN FUTURE, THE JUDICIARY, THE LEGAL PROFESSION AND LAY MEMBERS WOULD ALL BE EQUALLY REPRESENTED ON THE COMMISSION, HE SAID.

AS A CONSEQUENCE OF THE INCREASE IN MEMBERSHIP, THE BILL ALSO PROVIDED FOR AN INCREASE IN THE QUORUM FROM THE CHIEF JUSTICE PLUS TWO MEMBERS TO THE CHIEF JUSTICE PLUS FOUR MEMBERS.

ANOTHER CHANGE PROPOSED IN THE BILL WAS TO REMOVE THE EXISTING REQUIREMENT FOR COMMISSION DECISIONS TO BE UNANIMOUS.

DEBATE ON THE BILL WAS ADJOURNED.

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AUTUMN START INTENDED FOR TRIAD RENUNCIATION SCHEME

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THE GOVERNMENT HOPES TO START THE TRIAD RENUNCIATION SCHEME IN THE AUTUMN, AND TO REVIEW IT AFTER SIX MONTHS OF OPERATION, THE SECRETARY FOR SECURITY, THE HON GEOFFREY BARNES, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"THERE ARE NO MEANS OF PREDICTING HOW MANY PEOPLE WILL COME FORWARD, BUT WE SHALL ENSURE A GOOD DEGREE OF PUBLICITY BEFOREHAND," HE SAID.

MOVING THE SECOND READING OF THE SOCIETIES (AMENDMENT) (NO. 2) BILL, MR BARNES SAID ITS PURPOSE WAS TO INTRODUCE THE TRIAD RENUNCIATION SCHEME WHICH WOULD ALLOW A TRIAD MEMBER, OR A PERSON WHO BELIEVED HIMSELF TO BE A TRIAD MEMBER, FORMALLY TO RENOUNCE HIS TRIAD MEMBERSHIP.

"IT IS BELIEVED THAT THERE ARE PEOPLE WHO HAVE BEEN INITIATED AS TRIAD MEMBERS, OR HAVE JOINED TRIAD SOCIETIES, WHO MAY HAVE DONE SO UNDER DURESS," HE SAID.

"SOME TRIAD MEMBERS TAKE OATHS DURING THEIR INITIATION, AND THIS HAS GIVEN RISE TO THE ASSERTION: 'ONCE A TRIAD, ALWAYS A TRIAD'.

"UNDER THE LAW AS IT STANDS THERE ARE NO MEANS BY WHICH AN INITIATED TRIAD MEMBER CAN ABSOLVE HIMSELF OF HIS MEMBERSHIP. HE WILL ALWAYS FACE THE POSSIBILITY OF PROSECUTION UNDER THE SOCIETIES ORDINANCE."

MR BARNES EXPLAINED THAT THE IDEA OF A STATUTORY SCHEME OF RENUNCIATION OF TRIAD MEMBERSHIP WAS FIRST MOOTED IN THE FIGHT CRIME COMMITTEE'S DISCUSSION DOCUMENT 'OPTIONS FOR CHANGES IN THE LAW AND IN THE ADMINISTRATION OF THE LAW TO COUNTER THE TRIAD PROBLEM' PUBLISHED IN APRIL 1986.

THE DOCUMENT PROPOSED THAT THE SCHEME SHOULD BE RUN BY THE POLICE IN CONJUNCTION WITH THE JUDICIARY.

THE FIGHT CRIME COMMITTEE, HOWEVER, CONSIDERED THAT, IN ORDER TO ENCOURAGE MORE PEOPLE TO RENOUNCE THEIR TRIAD MEMBERSHIP, THE SCHEME SHOULD BE INDEPENDENT OF POLICE OR JUDICIAL ASSISTANCE AND SHOULD BE ADMINISTRATIVE IN NATURE, SIMILAR TO A LICENSING OR PAROLE SCHEME.

IT WOULD APPLY TO ALL MEMBERS OF THE COMMUNITY, INCLUDING GOVERNMENT STAFF.

/"THE BILL

"THE BILL PROVIDES FOR A TRIAD RENUNCIATION TRIBUNAL TO BE ESTABLISHED TO OPERATE THE TRIAD RENUNCIATION SCHEME AND TO CONSIDER APPLICATIONS FOR RENUNCIATION OF TRIAD MEMBERSHIP," HE SAID.

"THE PROCEEDINGS AND RECORDS OF THE TRIBUNALS WILL BE KEPT CONFIDENTIAL AND RECORDS WILL ONLY BE RELEASED IN SPECIFIED CIRCUMSTANCES.

"THE TRIBUNAL WILL BE SERVED BY A SECRETARIAT OF GOVERNMENT OFFICERS, ALL OF WHOM WOULD BE SUBJECT TO STRICT SECRECY PROVISIONS."

SUCCESSFUL APPLICANTS UNDER THE TRIAD RENUNCIATION SCHEME, WHETHER THEY BE FORMAL MEMBERS OF TRIAD SOCIETIES OR 'NON-TRIAD' RENOUNCERS, WOULD BE GRANTED A STAY OF PROSECUTION IN RESPECT OF SPECIFIED OFFENCES RELATING TO TRIAD MEMBERSHIP UNDER SECTIONS 19 TO 23 OF THE SOCIETIES ORDINANCE WHICH PRE-DATED THE RENUNCIATION AND WERE DISCLOSED IN THEIR APPLICATION.

AFTER FIVE YEARS, THE PROCEEDINGS FOR THESE OFFENCES WOULD LAPSE AND THE RENOUNCER WOULD BE LEFT WITH NEITHER A CONVICTION NOR ACQUITTAL BEING RECORDED.

DURING PUBLIC CONSULTATION ON THE TRIAD DISCUSSION DOCUMENT IN 1986, PUBLIC REACTION TO THE PROPOSAL FOR THE INTRODUCTION OF A SCHEME OF TRIAD RENUNCIATION HAD BEEN FAVOURABLE, HE POINTED OUT.

A SURVEY OF PRISON INMATES ALSO SHOWED THAT THE SCHEME WAS WIDELY SUPPORTED.

TURNING TO THE LEGISLATIVE PROPOSALS THEMSELVES, MR BARNES SAID THAT CLAUSE 3 OF THE BILL INTRODUCED 13 NEW SECTIONS TO THE SOCIETIES ORDINANCE.

HE SAID FORMAL APPLICATIONS FOR RENUNCIATION OF TRIAD MEMBERSHIP WOULD BE MADE ON A STANDARD FORM TO BE SPECIFIED BY THE TRIBUNAL.

APPLICATIONS WOULD BE CONSIDERED IN STRICT CONFIDENCE, AND ONLY THE RECORDS OF SUCCESSFUL RENOUNCERS WOULD BE KEPT. ALL RECORDS OF UNSUCCESSFUL APPLICATIONS WOULD BE DESTROYED.

ALL PROCEEDINGS AND RECORDS WOULD BE KEPT CONFIDENTIAL AND RECORDS WOULD ONLY BE RELEASED UNDER CIRCUMSTANCES SPECIFIED IN TWO SECTIONS.

UNDER ONE SECTION, A COURT WHICH HAD CONVICTED A PERSON OF SPECIFIED OFFENCES RELATING TO TRIAD SOCIETIES WAS REQUIRED TO CALL FOR A CERTIFICATE FROM THE TRIBUNAL, BEFORE PASSING SENTENCE, AS TO WHETHER THE DEFENDANT IN THE PREVIOUS FIVE YEARS HAD RENOUNCED TRIAD MEMBERSHIP.

MR BARNES SAID THAT IN ORDER TO DISCOURAGE FALSE OR FRIVOLOUS APPLICATIONS, IT WOULD BE AN OFFENCE TO MAKE FALSE STATEMENTS TO THE TRIBUNAL OR TO IMPERSONATE OTHERS BEFORE THE TRIBUNAL. THE RENUNCIATION OF ANY PERSON COMMITTING AN OFFENCE UNDER THE RELEVANT SECTION WOULD BE MADE VOID.

DEBATE ON THE BILL WAS ADJOURNED.

BILL REMEDIES PROBLEMS IN MONEY LENDER LAW

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A BILL TO REMEDY PROBLEMS ARISING FROM THE OPERATION OF THE MONEY LENDERS ORDINANCE WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN MOVING THE SECOND READING OF THE MONEY LENDERS (AMENDMENT) BILL 1988, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, POINTED OUT THAT THE ORDINANCE HAD BEEN ENACTED IN 1980 PRINCIPALLY TO CURB LOANSHARKING.

MR NENDICK SAID THE PROPOSED AMENDMENTS WOULD IMPROVE THE ADMINISTRATION OF THE ORDINANCE AND SIMPLIFY LICENSING PROCEDURE.

THEY WOULD ALSO WIDEN THE SCOPE OF EXISTING EXEMPTIONS FROM ALL OR PARTS OF THE PROVISIONS OF THE ORDINANCE AND EMPOWER THE REGISTRAR OF MONEY LENDERS TO GRANT GENERAL OR SPECIFIC EXEMPTIONS.

MR NENDICK SAID THAT A NUMBER OF WEAKNESSES HAD EMERGED IN THE OPERATION OF THE ORDINANCE OVER THE YEARS.

"EXPERIENCE HAS ALSO SHOWN THAT CERTAIN GENUINE COMMERCIAL TRANSACTIONS HAVE BEEN CAUGHT EVEN THOUGH THEY WERE NOT INTENDED TO BE, AND INDEED, OUGHT NOT TO BE, CAUGHT BY THE PROVISIONS OF THE ORDINANCE," HE SAID.

THE FIRST SET OF AMENDMENTS SOUGHT TO SIMPLIFY THE LICENSING PROCEDURE.

MR NENDICK SAID AN APPLICATION FOR A MONEY LENDER'S LICENCE WAS DETERMINED BY A LICENSING COURT COMPRISING A MAGISTRATE AND TWO ASSESSORS.

AT PRESENT, A HEARING BY THE FULL COURT WAS REQUIRED, WHETHER OR NOT AN OBJECTION WAS MADE TO THE APPLICATION.

"AS AN UNOPPOSED APPLICATION IS INVARIABLY GRANTED, IT IS PROPOSED THAT SUCH APPLICATIONS SHOULD BE DEALT WITH BY A MAGISTRATE SITTING ALONE," HE SAID.

THE SECOND SET OF AMENDMENTS SOUGHT TO IMPROVE THE ADMINISTRATION OF THE ORDINANCE.

AT PRESENT, AN ADVERTISEMENT TO LEND MONEY WAS ONLY REQUIRED TO SHOW THE NAME OF THE MONEY LENDER, MR NENDICK SAID.

"TO HELP THE POLICE IN CONTROLLING THESE ADVERTISEMENTS, IT IS PROPOSED THAT THE LICENCE NUMBER OF THE MONEY LENDER SHOULD ALSO BE PRINTED IN ANY ADVERTISEMENT," HE SAID.

/FAILURE TO

FAILURE TO COMPLY WOULD ATTRACT A MAXIMUM FINE OF \$100,000 AND TWO YEARS' IMPRISONMENT, HE ADDED.

THE REGISTRAR OF MONEY LENDERS, OR ANY PERSON AUTHORISED BY HIM MIGHT ENTER ANY PREMISES AND INSPECT DOCUMENTS TO ASCERTAIN WHETHER THE PROVISIONS OF THE ORDINANCE HAD BEEN COMPLIED WITH.

"AS SUCH INSPECTIONS ARE IN FACT CARRIED OUT BY THE POLICE, IT IS PROPOSED THAT THE POLICE SHOULD BE GIVEN EXPRESS POWERS UNDER THE ORDINANCE," HE SAID.

"THESE POWERS SHALL ONLY BE USED WHEN THE POLICE HAVE A REASONABLE SUSPICION THAT THE MONEY LENDER HAS COMMITTED AN OFFENCE.

"ANY DOCUMENTS SEIZED MUST BE RELATED TO THE OFFENCE. IF NO PROSECUTION WERE INSTITUTED WITHIN THREE MONTHS, THE DOCUMENTS SHOULD BE RETURNED."

UNDER THE PRESENT ORDINANCE, INFORMATION COULD ONLY BE DISCLOSED IN LEGAL PROCEEDINGS OR IN REPORTS OF SUCH PROCEEDINGS.

"TO ALLOW FOR GREATER CO-OPERATION BETWEEN ENFORCEMENT AGENCIES, IT IS PROPOSED THAT INFORMATION MAY ALSO BE DISCLOSED TO THE FINANCIAL SECRETARY, THE SECRETARY FOR MONETARY AFFAIRS AND ANY OTHER PUBLIC OFFICER AUTHORISED BY THE FINANCIAL SECRETARY," MR NENDICK SAID.

THE THIRD SET OF AMENDMENTS SOUGHT TO WIDEN THE SCOPE OF EXISTING EXEMPTIONS FROM ALL OR PART OF THE PROVISIONS OF THE ORDINANCE.

BANKS AND DEPOSIT-TAKING COMPANIES LICENSED OR REGISTERED UNDER THE BANKING ORDINANCE WERE TO BE COMPLETELY REMOVED FROM THE AMBIT OF THE MONEY LENDERS ORDINANCE.

AT PRESENT, THEY WERE SUBJECT ONLY TO THE PROVISIONS WHICH SPECIFIED A MAXIMUM EFFECTIVE INTEREST RATE OF 60 PER CENT A YEAR.

"WE CONSIDER THAT THE HIGHLY COMPETITIVE ENVIRONMENT FOR BANK LENDING BUSINESS PROVIDES ADEQUATE SAFEGUARDS AGAINST EXPLOITATION OF BORROWERS," MR NENDICK SAID.

"MORE IMPORTANTLY, THE 60 PER CENT RESTRICTION COULD INHIBIT THE PROPER WORKING OF THE INTEREST RATE MECHANISM IN THE WHOLESALE MONEY MARKET IN SUPPORT OF THE LINKED EXCHANGE RATE."

THE TERMS OF LARGE CORPORATE AND SYNDICATED LOANS WHICH MIGHT MAKE REFERENCES TO WHOLESALE MONEY MARKET INTEREST RATES, WERE ALSO TO BE EXEMPTED FROM THE INTEREST RATE CEILING.

"LARGE BORROWERS SHOULD BE ABLE TO PROTECT THEMSELVES.

/"IT IS

"IT IS THEREFORE PROPOSED THAT THE PROVISIONS ON EXCESSIVE INTEREST RATES SHOULD NOT APPLY TO ANY LOANS SPECIFIED IN THE FIRST SCHEDULE THAT ARE MADE TO A COMPANY WITH A PAID UP SHARE CAPITAL OF NOT LESS THAN \$1 MILLION," MR NENDICK SAID.

"ADDITIONS HAVE ALSO BEEN MADE TO THE LIST OF EXEMPTIONS IN THE FIRST SCHEDULE TO INCLUDE A LOAN MADE TO A COMPANY WITH MORE THAN \$1 MILLION PAID UP SHARE CAPITAL, A LOAN FOR THE PURPOSE OF IMPORT AND EXPORT FINANCING, A LOAN UPON TERMS INVOLVING THE ISSUE OF SECURITIES WITH A PROSPECTUS, AND A LOAN MADE TO A PUBLICLY LISTED COMPANY ON THE STOCK EXCHANGE OF HONG KONG OR OTHER APPROVED STOCK EXCHANGES."

FINALLY, THE BILL WOULD EMPOWER THE REGISTRAR TO GRANT GENERAL AND SPECIFIC EXEMPTIONS.

MR NENDICK SAID THAT THE REGISTRAR MIGHT AFTER CONSULTATION WITH THE FINANCIAL SECRETARY, EXEMPT A CLASS OF MONEY LENDER, OR A LOAN, OR CLASS OF LOAN, BY A CLASS OF MONEY LENDER FROM ALL OR ANY OF THE PROVISIONS OF THE ORDINANCE.

"THE REGISTRAR MAY ALSO, UPON APPLICATION BY A MONEY LENDER, EXEMPT HIM FROM SPECIFIED PROVISIONS OF THE ORDINANCE," HE ADDED.

DEBATE ON THE BILL WAS ADJOURNED.

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SUBSTANTIAL CHANGES IN EXCHANGE BELIEVED NECESSARY

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ALTHOUGH THE GOVERNMENT HAD NOT YET COME TO A FINAL VIEW ON THE RECOMMENDATIONS CONTAINED IN THE SECURITIES REVIEW COMMITTEE REPORT, IT BELIEVED THAT IT WOULD BE NECESSARY FOR THE FUTURES EXCHANGE TO INTRODUCE SUBSTANTIAL CHANGES, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE HONG KONG FUTURES EXCHANGE (TEMPORARY PROVISIONS) BILL 1988, MR NENDICK SAID THE CHANGES WOULD INVOLVE BOTH THE INTERNAL STRUCTURE OF THE EXCHANGE AND THE WAY RISK WAS MANAGED.

"ALTHOUGH WE SHALL PROCEED WITH ALL DESPATCH, THE LIKELIHOOD THAT SUCH CHANGES CAN BE IMPLEMENTED BY THE END OF SEPTEMBER IS EXTREMELY REMOTE," HE SAID.

/"IT IS

"IT IS THEREFORE HIGHLY DESIRABLE FOR THE PRESENT BOARD OF DIRECTORS, INCLUDING THOSE APPOINTED BY THE GOVERNMENT, WHO HAVE THE INVALUABLE EXPERIENCE OF RUNNING THE FUTURES EXCHANGE SINCE LAST OCTOBER, TO RETAIN THEIR POSITIONS FOR A FEW MORE MONTHS IN ORDER TO ASSIST IN THE IMPLEMENTATION PROCESS AND MAINTAIN PUBLIC CONFIDENCE IN THE FUTURES MARKET DURING THE INTERIM PERIOD."

MR NENDICK EXPLAINED THAT THIS COULD BE ACHIEVED BY POSTPONING THE COMING ANNUAL GENERAL MEETING OF THE EXCHANGE COMPANY.

THEREFORE THE PURPOSE OF THE BILL WAS TO POSTPONE THE HOLDING OF THE THIRD ANNUAL GENERAL MEETING OF THE HONG KONG FUTURES EXCHANGE LIMITED DUE TO BE HELD ON OR BEFORE SEPTEMBER 30 THIS YEAR BY A PERIOD OF UP TO SIX MONTHS.

HE ADDED THAT THERE WAS ALSO AN ADDITIONAL PROVISION FOR THE PERIOD TO BE EXTENDED FOR A FURTHER THREE MONTHS BY RESOLUTION OF THE LEGISLATIVE COUNCIL.

THE NEED FOR THE TEMPORARY PROVISIONS SET OUT IN THE BILL AROSE FROM TWO INTER-RELATED ISSUES, MR NENDICK SAID.

FIRST, UNDER SECTION 122 OF THE COMPANIES ORDINANCE, THE ACCOUNTS AND BALANCE SHEET OF THE EXCHANGE COMPANY MUST BE LAID BEFORE AN ANNUAL GENERAL MEETING WITHIN NINE MONTHS FROM THE END OF EACH FINANCIAL YEAR," HE SAID.

SINCE THE FUTURES EXCHANGE'S LAST FINANCIAL YEAR END ON DECEMBER 31 LAST YEAR, THE NEXT ANNUAL GENERAL MEETING SHOULD BE HELD BY THE END OF SEPTEMBER THIS YEAR.

SECONDLY, MR NENDICK SAID THE ARTICLES OF ASSOCIATION OF THE EXCHANGE COMPANY PROVIDED THAT THE GOVERNMENT WAS TO APPOINT THE WHOLE OF THE EXCHANGE COMPANY'S INITIAL BOARD OF DIRECTORS AFTER THE ARTICLES HAD COME INTO EFFECT IN 1985.

IN THE SECOND YEAR, 1986, TWO-THIRDS OF THE BOARD WAS TO BE GOVERNMENT APPOINTED, AND IN THE THIRD YEAR, 1987, ONE-THIRD.

"THESE PROVISIONS TO APPOINT GOVERNMENT DIRECTORS WILL, HOWEVER, EXPIRE WHEN THE EXCHANGE COMPANY HOLDS ITS 1988 ANNUAL GENERAL MEETING," HE NOTED.

"IN THE FOURTH YEAR, AND THEREAFTER, THERE CAN BE NO GOVERNMENT APPOINTED DIRECTOR ON THE BOARD OF THE FUTURES EXCHANGE UNDER THE PROVISIONS OF THE ARTICLES. ALL DIRECTORS MUST BE ELECTED FROM AMONGST MEMBERS OF THE EXCHANGE."

/MR NENDICK

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MR NENDICK POINTED OUT THAT THE FOUR CURRENT GOVERNMENT-APPOINTED DIRECTORS ON THE BOARD OF THE FUTURES EXCHANGE INCLUDED THE CHAIRMAN AND THE EXECUTIVE VICE-CHAIRMAN, NEITHER OF WHOM WAS ELIGIBLE FOR ELECTION TO THE BOARD AS THEY WERE NOT MEMBERS OF THE EXCHANGE.

THESE PERSONS WERE APOINTED IN OCTOBER LAST YEAR TO ASSIST IN STEERING THE EXCHANGE THROUGH THE DIFFICULT PERIOD, HE ADDED.

DEBATE OF THE BILL WAS ADJOURNED.

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BANKING BILL PROPOSALS WILL FACILITATE CO-OPERATION

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THE BANKING (AMENDMENT) (NO. 2) BILL WILL ENABLE THE COMMISSIONER OF BANKING TO DISCLOSE INFORMATION CONCERNING LOCALLY INCORPORATED AUTHORISED INSTITUTIONS TO SPECIFIED STATUTORY OFFICES IN HONG KONG AND TO THEIR OVERSEAS COUNTERPARTS, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, MR NENDICK SAID WHILE THE PROPOSALS AIMED AT FACILITATING CLOSER CO-OPERATION BETWEEN SUPERVISORS, THE IMMEDIATE CAUSE FOR THE BILL AROSE FROM THE NEED TO PROVIDE INFORMATION TO THE UNITED KINGDOM REGULATORY AUTHORITIES.

HE EXPLAINED THAT THIS WAS A RESULT OF THE IMPLEMENTATION OF THE UK FINANCIAL SERVICES ACT 1986.

THE UK FINANCIAL SERVICES ACT 1986 REQUIRED CERTAIN REGULATORY BODIES THERE - THE SECURITIES AND INVESTMENT BOARD (SIB) AND A NUMBER OF SELF-REGULATING ORGANISATIONS (SRO'S) - TO ASSESS, AND SUBSEQUENTLY, TO MONITOR THE FINANCIAL SOUNDNESS OF THE INSTITUTIONS AUTHORISED TO CONDUCT INVESTMENT BUSINESS IN THE UK.

"IN THE CASE OF AN OVERSEAS INSTITUTION, THE SIB AND SRO'S WILL REQUIRE THE SUPERVISORS IN THE CENTRE IN WHICH THE INSTITUTION IS BASED TO ASSIST THEM IN THE TASK," HE SAID.

"IF CO-OPERATION IS NOT FORTHCOMING, THE INSTITUTION MAY BE REQUIRED TO INCORPORATE ITSELF IN THE UK OR MAY EVEN HAVE ITS AUTHORISATION WITHHELD."

/MR NENDICK

MR NENDICK NOTED THAT ONE OF THE THREE HONG KONG BANKS WITH UK BRANCHES HAD SOUGHT TO BE AUTHORISED UNDER THE ACT AND OTHER HONG KONG BANKS MIGHT ALSO WANT AUTHORISATION IN DUE COURSE.

"BUT AS OUR BANKING ORDINANCE NOW STANDS, IT IS NOT POSSIBLE TO PROVIDE THE NECESSARY INFORMATION TO THE UK SUPERVISORS," HE SAID.

CLAUSE 3 OF THE BILL THEREFORE WOULD SEEK TO AMEND THE PRINCIPAL ORDINANCE TO EMPOWER THE COMMISSIONER OF BANKING TO PROVIDE INFORMATION ON MATTERS RELATING TO THE AFFAIRS OF A AUTHORISED INSTITUTION TO OVERSEAS REGULATORY AUTHORITIES, MR NENDICK EXPLAINED.

HOWEVER, HE POINTED OUT THAT SUCH INFORMATION WOULD ONLY BE DISCLOSED IF THE COMMISSIONER WAS SATISFIED THAT THE AUTHORITY CONCERNED WAS SUBJECT TO ADEQUATE SECRECY PROVISIONS AND THE INFORMATION WOULD ENABLE OR ASSIST THE AUTHORITY TO EXERCISE ITS FUNCTIONS.

MR NENDICK SAID THE BILL ALSO SOUGHT TO FACILITATE DISCLOSURE OF INFORMATION BY THE COMMISSIONER OF BANKING TO OTHER LOCAL SUPERVISORS.

"AT PRESENT, THE COMMISSIONER OF BANKING IS NOT FREE TO DISCLOSE CONFIDENTIAL INFORMATION TO THE COMMISSIONER FOR SECURITIES AND COMMODITIES TRADING OR THE INSURANCE AUTHORITY WITHOUT SEEKING MY PERMISSION IN EACH CASE," HE SAID.

"WITH THE GROWING INTEGRATION OF THE FINANCIAL MARKETS AND THE NEED FOR CLOSER CO-OPERATION BETWEEN SUPERVISORS, THE NUMBER OF INSTANCES IN WHICH CONSULTATION IS NECESSARY IS INCREASING."

MR NENDICK SAID CLAUSE 2(2) OF THE BILL THEREFORE AMENDED THE PRINCIPAL ORDINANCE TO ENABLE INFORMATION TO BE PASSED DIRECTLY TO OTHER LOCAL SUPERVISORS TO ASSIST THEM IN THEIR RESPECTIVE FUNCTIONS.

DEBATE ON THE BILL WAS ADJOURNED.

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BETTER USE OF BANKRUPTCY JUDGE'S TIME

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THE PURPOSE OF THE BANKRUPTCY (AMENDMENT) BILL 1988 IS TO ENABLE THE BANKRUPTCY JUDGE TO GIVE MORE TIME TO THE HEARING OF CONTESTED BANKRUPTCY PETITIONS BY ALLOWING THE SUPREME COURT MASTERS TO HEAR UNCONTESTED PETITIONS, THE CHIEF SECRETARY, SIR DAVID FORD, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"THIS WILL CONTRIBUTE TO A BETTER USE OF THE BANKRUPTCY JUDGE'S TIME," SIR DAVID SAID WHEN MOVING THE SECOND READING OF THE BILL.

"UNDER THE EXISTING LAWS, A BANKRUPTCY PETITION MAY BE PRESENTED BY A PETITIONING CREDITOR ON THE DEBTOR COMMITTING AN ACT OF BANKRUPTCY," HE SAID.

"THE DEBTOR MAY OBJECT TO THE PETITION BY FILING HIS OBJECTION WITH THE OFFICIAL RECEIVER NOT LESS THAN THREE DAYS PRIOR TO THE HEARING, ON NOTICE TO THE PETITIONING CREDITOR OR HIS SOLICITOR.

"A DEBTOR MAY ALSO PETITION FOR HIS OWN BANKRUPTCY AND THE OFFICIAL RECEIVER IS ENTITLED TO APPEAR IN ANY PROCEEDINGS IN RESPECT OF THAT BANKRUPTCY. THESE PETITIONS, WHICH ARE RARE, ARE GENERALLY UNOPPOSED."

SIR DAVID SAID THAT IF A CREDITOR'S PETITION WAS NOT CONTESTED, IT WAS SET DOWN WITH DEBTORS' PETITIONS ON THE UNOPPOSED LIST FOR HEARING ON THE SAME MORNING.

"IT IS THESE HEARINGS WHICH IT IS NOW PROPOSED SHOULD BE BEFORE A MASTER OF THE SUPREME COURT, RATHER THAN THE BANKRUPTCY JUDGE," HE SAID.

"IN THE EVENT OF LATE OPPOSITION TO A PETITION ON THE UNOPPOSED LIST, THE PETITION MAY CEASE TO BE UNOPPOSED AND THE MASTER WILL REMIT IT TO THE BANKRUPTCY JUDGE.

"THE MASTER MAY ALSO REMIT TO THE JUDGE ANY MATTER OF COMPLEXITY."

DEBATE ON THE BILL WAS ADJOURNED.

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HEARING OF CONTESTED WINDING-UP PETITIONS

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THE PROVISIONS OF THE COMPANIES (AMENDMENT) (NO. 2) BILL 1988 WILL ENABLE THE COMPANIES JUDGE TO GIVE MORE TIME TO THE HEARING OF CONTESTED PETITIONS FOR THE WINDING-UP OF COMPANIES BY ALLOWING THE SUPREME COURT MASTERS TO HEAR UNCONTESTED PETITIONS.

THE CHIEF SECRETARY, SIR DAVID FORD, SAID THIS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) WHEN MOVING THE SECOND READING OF THE BILL.

HE EXPLAINED THAT THE BILL WAS VERY SIMILAR IN ITS GENERAL INTENT TO THE BANKRUPTCY (AMENDMENT) BILL ON WHICH HE HAD JUST SPOKEN.

"A PETITION TO WIND UP A COMPANY IS PRESENTED AT THE SUPREME COURT REGISTRY, WHEN A DATE FOR HEARING IS APPOINTED," HE SAID.

"IT IS THEN ADVERTISED AND SERVED UPON THE COMPANY, UNLESS THE PETITION IS PRESENTED BY THE COMPANY ITSELF.

"ANYONE WHO WISHES TO OBJECT TO THE PETITION FOR THE WINDING-UP OF A COMPANY MUST FILE AN AFFIDAVIT FOR SUCH PURPOSE WITHIN SEVEN DAYS OF THE DATE ON WHICH THE PETITION IS FILED.

"IF A PETITION IS UNCONTESTED, IT IS SET DOWN WITH OTHERS ON THE UNOPPOSED LIST FOR HEARING THE SAME MORNING.

"IT IS THESE HEARINGS WHICH ARE NOW PROPOSED TO BE BEFORE A MASTER OF THE SUPREME COURT, RATHER THAN THE COMPANIES JUDGE.

"IN THE EVENT OF LATE OPPOSITION TO A PETITION ON THE UNOPPOSED LIST, THE PETITION MAY CEASE TO BE UNOPPOSED AND THE MASTER WILL REMIT IT TO THE COMPANIES JUDGE. THE MASTER MAY ALSO REMIT TO THE JUDGE ANY MATTER OF COMPLEXITY."

DEBATE ON THE BILL WAS ADJOURNED.

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PRIVATE BILL ON BANK SALE AGREEMENT

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HONG KONG IS SHOWN TO BE MOST RESPONSIBLE IN AFFORDING CERTAINTY OF OPERATION TO FINANCIAL INSTITUTIONS AND CUSTOMERS, THE HON DAVID LI SAID TODAY (WEDNESDAY) WHEN INTRODUCING THE RAINIER INTERNATIONAL BANK (TRANSFER OF HONG KONG UNDERTAKING) BILL 1988 INTO THE LEGISLATIVE COUNCIL.

HE SAID THE PRIVATE BILL WAS NECESSARY TO ASSIST THE IMPLEMENTATION OF A CONDITIONAL SALE AND PURCHASE AGREEMENT MADE BETWEEN RAINIER INTERNATIONAL BANK AND THE DAIWA BANK LIMITED ON APRIL 27 THIS YEAR.

UNDER THE AGREEMENT, DAIWA BANK LIMITED WOULD ACQUIRE THE HONG KONG UNDERTAKING OF RAINIER INTERNATIONAL BANK'S NINE BRANCHES IN THE TERRITORY.

"UNDER HONG KONG LAW, AN AGREEMENT TO SELL A BANKING BUSINESS WOULD BE EXTREMELY DIFFICULT TO IMPLEMENT WITHOUT ENABLING LEGISLATION," MR LI SAID.

"FOR EXAMPLE, THE INDIVIDUAL AGREEMENT OF EACH OF OVER 30,000 CURRENT AND DEPOSIT ACCOUNT HOLDERS WOULD BE REQUIRED.

"THE BILL CLARIFIES A NUMBER OF SUCH MATTERS AND AFFORDS CERTAINTY TO THE BANK AND ITS CUSTOMERS IN HONG KONG."

MR LI ALSO REASSURED MEMBERS THAT NO STAMP DUTY WOULD BE SAVED BY THE BILL. BOTH OF THE BANKS INVOLVED WOULD ENSURE THAT THE STAMP DUTY POSITION UNDER THE BILL SHOULD BE PRECISELY THE SAME AS BEFORE.

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FOUR BILLS PASSED

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FOUR BILLS WERE PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE BILLS WERE THE INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) BILL 1988, THE AUDIT (AMENDMENT) BILL 1988, THE TRADE UNIONS (AMENDMENT) BILL 1988 AND THE MENTAL HEALTH (AMENDMENT) BILL 1987.

/EIGHT BILLS

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EIGHT BILLS WERE INTRODUCED FOR FIRST AND SECOND READINGS.

THEY WERE: THE BANKRUPTCY (AMENDMENT) BILL 1988, THE COMPANIES (AMENDMENT) (NO. 2) BILL 1988, THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1988, THE JUDICIAL SERVICE COMMISSION (AMENDMENT) BILL 1988, THE BANKING (AMENDMENT) (NO. 2) BILL 1988, THE HONG KONG FUTURES EXCHANGE (TEMPORARY PROVISIONS) BILL 1988, THE MONEY LENDERS (AMENDMENT) BILL 1988 AND THE SOCIETIES (AMENDMENT) (NO. 2) BILL 1988.

A PRIVATE BILL, THE RAINIER INTERNATIONAL BANK (TRANSFER OF HONG KONG UNDERTAKING) BILL 1988 WAS ALSO INTRODUCED FOR FIRST AND SECOND READINGS.

DEBATES ON THESE NINE BILLS WERE ADJOURNED.

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CONSCIOUS OF NEED TO SUPPORT THE DISABLED

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THE GOVERNMENT IS CONSCIOUS OF THE NEED TO SUPPORT THOSE DISABLED PERSONS WHO MAKE AN EFFORT TO TAKE UP GAINFUL EMPLOYMENT AND PARTICIPATE IN ECONOMICALLY PRODUCTIVE ACTIVITIES, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"WE ARE ALWAYS WILLING TO CONSIDER OFFERS FROM SHELTERED WORKSHOPS AND SELF-EMPLOYED DISABLED PERSONS WHO CAN PRODUCE GOODS OR SERVICES REQUIRED BY THE GOVERNMENT AT A SATISFACTORY STANDARD AND AT FAIR AND REASONABLE PRICES," HE SAID IN REPLYING TO A QUESTION BY THE HON HUI YIN-FAT.

"WE WOULD ALSO CONSIDER INVITING SINGLE OR RESTRICTED TENDERS FROM SUCH ORGANISATIONS OR INDIVIDUALS, ON A CASE BY CASE BASIS.

"IN SO DOING, HOWEVER, WE MUST BEAR IN MIND THE OVER-RIDING OBJECTIVE OF GOVERNMENT'S TENDERING PROCEDURES, WHICH IS TO ENSURE, AS FAR AS POSSIBLE VALUE FOR THE TAXPAYER'S MONEY."

IN OTHER WORDS, THE GOVERNMENT HAD TO ENSURE THAT IT RECEIVED THE BEST QUALITY GOODS AND THE BEST POSSIBLE SERVICES WHICH WERE AVAILABLE AT COMPETITIVE PRICES.

AT THE SAME TIME, IT HAD ALSO TO BE FAIR TO ALL POTENTIAL SUPPLIERS.

"FURTHERMORE, AS A SIGNATORY TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE, WE ARE ALSO OBLIGED TO AWARD CONTRACTS FOR PROCUREMENT OF GOODS AND SERVICES OF VALUE OVER \$1.3 MILLION BY MEANS OF OPEN TENDERS," MR NENDICK ADDED.

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CASE AGAINST EXEMPTION FROM AIRPORT TAX

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THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT HE WOULD BE RELUCTANT TO CONSIDER EXEMPTING DAWN-TO-EVENING VISITORS FROM PAYMENT OF AIR PASSENGER DEPARTURE TAX.

REPLYING TO A QUESTION BY THE HON HILTON CHEONG-LEEN, MR NENDICK SAID IN ADDITION TO A SUBSTANTIAL LOSS OF GOVERNMENT REVENUE, SUCH AN EXEMPTION WOULD BREACH THE REASONABLE PRINCIPLE THAT ONLY THOSE IN GENUINE TRANSIT THROUGH HONG KONG SHOULD BE EXEMPT FROM THE TAX.

"FURTHERMORE, TO ENSURE THAT THOSE WHO CLAIM TO BE EXEMPT HAVE IN FACT ARRIVED ONLY THE SAME DAY WOULD INVOLVE THE INTRODUCTION OF A NEW MONITORING SYSTEM AT THE AIRPORT," HE SAID.

"THE COST OF INTRODUCING SUCH A SYSTEM WOULD BE DISPROPORTIONATE TO ANY POSSIBLE ECONOMIC BENEFITS THAT MIGHT ACCRUE AS A RESULT."

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CREDIT CARD SECURITY A MATTER FOR ISSUERS

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THE RESPONSIBILITY FOR IMPROVING SECURITY ARRANGEMENTS REGARDING CREDIT CARDS MUST REST WITH THE ISSUING COMPANIES, THE SECRETARY FOR SECURITY, THE HON GEOFFREY BARNES, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON YEUNG PO-KWAN ON STOLEN CREDIT CARDS, MR BARNES STRESSED THAT THE ISSUING COMPANIES WERE BEST PLACED TO JUDGE FOR THEMSELVES THE SCALE OF THE PROBLEM AND THE REMEDIAL MEASURES THEY WISHED TO ADOPT.

"THE GOVERNMENT, FOR ITS PART, STANDS READY TO CO-OPERATE AS NECESSARY WITH THE CARD ISSUING COMPANIES," HE SAID.

AND THE POLICE WOULD CONTINUE TO ACT ON ALL REPORTS RECEIVED.

/MR BARNES

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MR BARNES SAID THAT OVER THE LAST FIVE YEARS, THE NUMBER OF CASES REPORTED TO THE POLICE OF THE UNLAWFUL USE OF STOLEN CREDIT CARDS HAD DECLINED - FROM 138 IN 1983 TO 53 IN 1987.

BASED ON REPORTS IN THE FIRST THREE MONTHS, IT WAS ESTIMATED THERE WOULD BE 48 CASES THIS YEAR.

HOWEVER, MR BARNES CAUTIONED THAT THE POLICE BELIEVED A SUBSTANTIAL NUMBER OF STOLEN CREDIT CARDS WERE USED IN HONG KONG WITHOUT REPORTS EVER BEING MADE TO THEM.

HE SAID THE COUNTERFEIT AND FORGERY DIVISION OF THE COMMERCIAL CRIME BUREAU KEPT IN CLOSE TOUCH WITH SENIOR EXECUTIVES IN LOCAL CREDIT AND CHARGE CARD COMPANIES.

THE EXERCISE WAS TO KEEP THE POLICE ABREAST OF DEVELOPMENTS IN CREDIT CARD CRIME AND TO MINIMISE THE OPPORTUNITIES FOR CRIMINALS.

"IN 1987 AND EARLY 1988, THE DIVISION, WORKING CLOSELY WITH LOCAL AND OVERSEAS CARD ISSUING COMPANIES, CONDUCTED A NUMBER OF SUCCESSFUL OPERATIONS AGAINST OVERSEAS SYNDICATES USING STOLEN CREDIT CARDS IN HONG KONG," MR BARNES SAID.

"SIX KEY FIGURES WERE CONVICTED OF CRIMINAL OFFENCES RELATING TO SYNDICATE ACTIVITIES AND SENTENCED TO TERMS OF IMPRISONMENT BETWEEN SIX AND 18 MONTHS."

TURNING TO PREVENTIVE MEASURES, MR BARNES POINTED OUT THAT SOME BANKS PERSISTED IN SENDING CREDIT CARDS THROUGH THE MAIL, OFTEN BY UNREGISTERED MAIL, AND MANY WERE STOLEN.

THERE WAS ALSO FIERCE COMPETITION IN THE CREDIT CARD INDUSTRY ITSELF WHICH COULD RESULT IN LOWER STANDARDS OF SCREENING CARD APPLICANTS.

THERE WAS CERTAINLY SCOPE FOR CARD ISSUING COMPANIES, PARTICULARLY THOSE OVERSEAS, TO IMPROVE THEIR OWN SECURITY, HE ADDED.

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PROSECUTIONS FOR SEXUAL ABUSE OF MENTALLY HANDICAPPED

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IN THE PAST THREE YEARS, 62 CASES OF SEXUAL ABUSE OF MENTALLY HANDICAPPED PERSONS WERE REPORTED, AND 30 PROSECUTIONS WERE INSTITUTED, THE SECRETARY FOR SECURITY, THE HON GEOFFREY BARNES, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY DR THE HON RICHARD LAI, MR BARNES SAID THAT 22 CASES WERE REPORTED IN 1985, 20 IN 1986, 18 IN 1987 AND TWO BETWEEN JANUARY AND MARCH THIS YEAR.

"IN 1986, EIGHT PERSONS WERE PROSECUTED, OF WHOM TWO WERE ACQUITTED AND SIX CONVICTED," MR BARNES SAID.

"IN 1987, SIX WERE PROSECUTED, OF WHOM TWO WERE ACQUITTED AND FOUR CONVICTED.

"BETWEEN JANUARY AND MARCH 1988, TWO PROSECUTIONS WERE INSTITUTED AND ARE NOT YET CONCLUDED."

ON THE SENTENCES PASSED BY THE COURTS IN 1986 AND 1987, MR BARNES GAVE FIGURES SHOWING THAT THESE RANGED FROM A FINE OF \$400 FOR INDECENT ASSAULT TO IMPRISONMENT FOR SEVEN YEARS FOR RAPE.

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NEW CLINICS WILL IMPROVE SPECIALIST SERVICES

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TWO NEW SPECIALIST CLINICS WILL BE COMPLETED BY 1991 AND 1996 AS PART OF PLANNED IMPROVEMENTS TO THE PUBLIC SECTOR SPECIALIST SERVICES, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON HO SAI-CHU, MR CHAMBERS SAID THE NEW CLINICS WOULD BE LOCATED AT THE PAMELA YOUDE HOSPITAL AND THE NORTH DISTRICT HOSPITAL RESPECTIVELY.

HE POINTED OUT THAT THE PROVISION OF PUBLIC SECTOR HOSPITAL BEDS FOR ALL SPECIALTIES WOULD BE INCREASED BY OVER 50 PER CENT FROM ABOUT 22,000 AT PRESENT TO NEARLY 35,000 IN 1996, WHEN THE VARIOUS MAJOR NEW HOSPITAL PROJECTS AND EXPANSION SCHEMES HAD BEEN COMPLETED.

"THIS SHOULD RESULT IN A CONSIDERABLE IMPROVEMENT IN SERVICES," HE SAID.

/REFERRING TO

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REFERRING TO THE MINIMUM AND MAXIMUM WAITING TIME FOR CONSULTATION AT GOVERNMENT SPECIALIST CLINICS, MR CHAMBERS SAID IT VARIED CONSIDERABLY BETWEEN DIFFERENT SPECIALTIES.

HE SAID THAT WITH REGARD TO SURGERY, THE WAITING TIME RANGED FROM ZERO TO 78 DAYS, FOR PAEDIATRICS FROM TWO TO 164 DAYS, AND FOR MEDICINE FROM TWO TO 167 DAYS.

FOR ORTHOPAEDICS AND TRAUMATOLOGY, THE WAITING TIME WOULD BE FROM NINE TO 100 DAYS, FOR NEUROSURGERY FROM SEVEN TO 12 DAYS, FOR GYNAECOLOGY FROM FIVE TO 89 DAYS, FOR OBSTETRICS FROM EIGHT TO 97 DAYS, FOR RADIOTHERAPY FROM ONE TO TWO DAYS, AND FOR PSYCHIATRY FROM FIVE TO 20 DAYS.

NOTING THAT THE AVERAGE WAITING TIME FOR MOST SPECIALTIES RANGED FROM TWO TO 42 DAYS, MR CHAMBERS SAID IN SOME AREAS SUCH AS OBSTETRICS AND MEDICINE, HOWEVER, IT WAS AS HIGH AS 59 AND 83 DAYS RESPECTIVELY.

BUT HE EMPHASISED THAT THE ABOVE STATISTICS REFERRED TO NON-ACUTE CASES ONLY. ALL URGENT CASES WERE EITHER ATTENDED TO IMMEDIATELY OR WERE REFERRED TO THE NEAREST ACCIDENT AND EMERGENCY DEPARTMENT FOR ADMISSION TO HOSPITAL IF NECESSARY.

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ONLY ONE REPORT ON NON-TRADITIONAL RELIGIOUS ACTIVITY

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DURING THE PAST FIVE YEARS, ONLY ONE REPORT HAD BEEN RECEIVED - IN 1986 - BY THE EDUCATION DEPARTMENT CONCERNING SUSPECTED NON-TRADITIONAL RELIGIOUS ACTIVITIES INVOLVING A FEW STUDENTS OF A GOVERNMENT SECONDARY SCHOOL, THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON DONALD LIAO, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON DESMOND LEE, MR LIAO SAID THE INCIDENT HAD BEEN REPORTED TO THE POLICE AND NO ILLEGAL ACTIVITIES HAD BEEN DETECTED UPON INVESTIGATION.

"THE PRINCIPAL OF THE SCHOOL HAD ALSO DISCUSSED THE INCIDENT WITH THE STUDENTS AND THE PARENTS CONCERNED," HE SAID.

"SINCE THEN, NO FURTHER REPORTS OF UNUSUAL RELIGIOUS ACTIVITIES HAD BEEN MADE ON THE RELIGIOUS GROUP IN QUESTION."

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GOVT PREPARED TO MAKE ARRANGEMENTS

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THE GOVERNMENT IS VERY PREPARED TO ARRANGE FOR THE VIEWS OF THE MUNICIPAL COUNCILS AND DISTRICT BOARDS ON THE DRAFT BASIC LAW TO BE PASSED ON TO THE CHINESE AUTHORITIES THROUGH DIPLOMATIC CHANNELS, THE CHIEF SECRETARY, SIR DAVID FORD, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON SZETO WAH, SIR DAVID SAID IT WAS FOR THE COUNCILS AND BOARDS CONCERNED TO DECIDE WHETHER THEY DID WISH TO MAKE USE OF THIS PROCEDURE TO CONVEY WHATEVER VIEWS THEY MIGHT HAVE ON THE DRAFT BASIC LAW.

"IF THEY DO, THE REQUEST SHOULD BE ADDRESSED TO THE SECRETARY FOR MUNICIPAL SERVICES IN RESPECT OF THE TWO MUNICIPAL COUNCILS AND THE SECRETARY FOR DISTRICT ADMINISTRATION IN RESPECT OF DISTRICT BOARDS," HE ADDED.

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EMERGENCY CONTROL UNIT TO HANDLE STRATEGIC ROUTE ACCIDENTS

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THE TRANSPORT DEPARTMENT'S EMERGENCY TRANSPORT CONTROL UNIT WILL GO INTO ACTION WHENEVER ACCIDENTS OCCUR ON STRATEGIC ROADS, THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON PAULINE NG, MR LEUNG SAID THE CONTROL UNIT, WHICH PREVIOUSLY WAS ACTIVATED DEPENDING ON THE EXTENT OF DISRUPTION OF TRANSPORT SERVICES, WOULD ASSUME THE ROLE OF CO-ORDINATING AND DEVELOPING OVERALL REMEDIAL MEASURES, AND DISSEMINATE INFORMATION TO THE PUBLIC.

IT WOULD NOW BE ACTIVATED IRRESPECTIVE OF THE NATURE OF THE ACCIDENTS ON STRATEGIC ROADS.

HE SAID THE NEWLY ADOPTED MEASURE WAS THE RESULT OF A FULL REVIEW OF CURRENT EMERGENCY PROCEDURES IN THE WAKE OF TWO ACCIDENTS ON JUNE 4.

THE ACCIDENTS INVOLVED THE DERAILMENT OF A KOWLOON-CANTON RAILWAY GOODS WAGON NEAR UNIVERSITY STATION AND THE BREAKDOWN OF A CONTAINER LORRY AT THE LION ROCK TUNNEL.

/MR LEUNG

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MR LEUNG SAID THE GOVERNMENT HAD WELL-ESTABLISHED PROCEDURES TO DEAL WITH THE BREAKDOWN OF THE PUBLIC TRANSPORT SERVICES OR SERIOUS TRAFFIC DISRUPTION ON ROADS AND IN TUNNELS.

HOWEVER, THE JUNE 4 ACCIDENTS SHOWED THAT THE DEPLOYMENT OF ALTERNATIVE PUBLIC TRANSPORT SERVICES NEEDED TO BE BETTER PLANNED AND CO-ORDINATED WITH TRAFFIC DIVERSION ARRANGEMENTS, ESPECIALLY WHERE ACCIDENTS OCCURRED ON STRATEGIC ROADS.

"IN ADDITION, A CLOSER LINK BETWEEN GOVERNMENT'S EMERGENCY PROCEDURES AND THOSE OF THE PUBLIC TRANSPORT OPERATORS AND UTILITIES IS ESSENTIAL."

ON STANDING PROCEDURES FOR HANDLING TRAFFIC DISRUPTIONS, HE SAID THE POLICE REPRESENTED THE FIRST LINE OF CONTACT.

THE POLICE UNDERTOOK ALL NECESSARY TRAFFIC AND CROWD CONTROL MEASURES, AND ENSURED THAT THE PUBLIC WERE INFORMED QUICKLY THROUGH RADIO ANNOUNCEMENTS.

"THE TRANSPORT DEPARTMENT IS RESPONSIBLE FOR THE OVERALL CO-ORDINATION AND ARRANGEMENT OF EMERGENCY PUBLIC TRANSPORT SERVICES THROUGH THE AFFECTED AREA AND STRENGTHENING SERVICES IN OTHER AREAS," HE SAID.

"IT ALSO ADVISES THE PUBLIC TO AVOID THE SCENE OF INCIDENT, SO AS NOT TO CAUSE FURTHER CONGESTION.

"TRANSPORT OPERATORS ARE REQUIRED TO INFORM THE TRANSPORT DEPARTMENT WHENEVER THEIR SERVICE IS DISRUPTED SO THAT IT WOULD ARRANGE ALTERNATIVE TRANSPORT SERVICES.

"IN EMERGENCY SITUATIONS REQUIRING THE OPENING OF ROADS FOR REPAIR OF PUBLIC UTILITIES, THE REPAIR WORK IS CARRIED OUT BY THE RELEVANT UTILITIES."

MR LEUNG SAID REINSTATEMENT OF THE ROADS WAS CO-ORDINATED BY THE HIGHWAYS DEPARTMENT. WHEREVER PRACTICABLE, REPAIR WORK WAS UNDERTAKEN OUTSIDE THE PEAK TRAFFIC PERIOD.

INVESTIGATIONS INTO TRAIN ACCIDENTS, INCLUDING DERAILMENT, WERE UNDERTAKEN BY THE RAILWAY CORPORATIONS THEMSELVES OR BY OUTSIDE EXPERTS, MR LEUNG SAID.

REFERRING TO RECENT KCR DERAILMENT INCIDENTS, MR LEUNG SAID A FULL INVESTIGATION WAS BEING CARRIED OUT BY AN OVERSEAS CONSULTANT AND A REPORT WAS EXPECTED IN ABOUT THREE WEEKS' TIME.

HE ADDED THAT THE RAILWAY CORPORATIONS WERE ALSO REQUIRED BY LAW TO REPORT ON DERAILMENTS TO THE CHIEF SECRETARY. IF NECESSARY, THE CHIEF SECRETARY MIGHT CALL FOR A SEPARATE REVIEW BY A RAILWAY INSPECTOR.

/AS FOR

AS FOR MAJOR BUS OR FERRY ACCIDENTS, THE FRANCHISED BUS AND FERRY OPERATORS WERE REQUIRED TO REPORT TO THE POLICE AND THE DIRECTOR OF MARINE RESPECTIVELY.

SIMILAR PROCEDURES EXISTED FOR PUBLIC UTILITIES TO ESTABLISH THE CAUSE OF ACCIDENTS AND REPORT TO THE GOVERNMENT.

MR LEUNG STRESSED THAT NO EMERGENCY PROCEDURES COULD EFFECTIVELY PROVIDE FOR THE VARIETY, COMBINATION AND EFFECTS OF ANY ACCIDENT.

HOWEVER, HE ASSURED MEMBERS THAT ALL PRACTICABLE MEASURE WOULD BE TAKEN TO MINIMISE DISRUPTION.

INCONVENIENCE TO COMMUTERS WAS INEVITABLE, GIVEN HONG KONG'S CONGESTED ROADS AND THE VERY HIGH DENSITY OF VEHICLES PER KILOMETRE, HE ADDED.

THE SECRETARY CALLED FOR PUBLIC PATIENCE AND UNDERSTANDING IN THOSE CIRCUMSTANCES, AND HE URGED MOTORISTS TO AVOID USING CONGESTED CORRIDORS.

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NEED FOR MARINE RESERVES BEING EXAMINED

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THE GOVERNMENT IS EXAMINING THE NEED FOR MARINE RESERVES FOR THE PURPOSE OF CONSERVING CERTAIN AREAS OF THE LOCAL MARINE AND COASTAL ENVIRONMENT WHICH ARE OF SCIENTIFIC OR EDUCATIONAL INTEREST, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY DR THE HON CONRAD LAM, MR CHAMBERS SAID CONSULTATION WITHIN THE ADMINISTRATION WAS IN PROGRESS TO EXAMINE THE VARIOUS IMPLICATIONS OF A PROPOSAL FOR THE CREATION OF A MARINE RESERVE.

THE PROPOSAL WAS MADE RECENTLY BY THE WORLD WIDE FUND FOR NATURE, HONG KONG, IN CONJUNCTION WITH THE MARINE BIOLOGICAL ASSOCIATION OF HONG KONG.

"THE CONCEPT OF MARINE RESERVE PARKS IS AN ATTRACTIVE ONE, INVOLVING PLANNING CONTROLS AND STATUTORY POLLUTION PREVENTION TO PROTECT AN AREA OF THE MARINE ENVIRONMENT," HE SAID.

"IT WOULD BE APPROPRIATE FOR THE PROTECTION OF AREAS WHICH ARE AT PRESENT RELATIVELY OR COMPLETELY UNSPOILT, CONTAINING NATURAL FLORA AND FAUNA RARE OR UNIQUE WITHIN HONG KONG, AND DESIRED BY THE COMMUNITY TO BE KEPT IN THAT CONDITION."

MR CHAMBERS ADDED THAT IT DID NOT SEEM APPROPRIATE, HOWEVER, TO USE THE MARINE PARK CONCEPT FOR THE PROTECTION OF GAZETTED BATHING BEACHES, FOR WHICH OTHER FORMS OF PROTECTION, COMPATIBLE WITH MASS RECREATION, WERE NECESSARY.

THESE INCLUDED THE WATER POLLUTION CONTROL ORDINANCE AND THE HONG KONG PLANNING STANDARDS AND GUIDELINES.

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FUNDS APPROVED FOR BOAT PEOPLE TASKS
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THE FINANCE COMMITTEE TODAY (WEDNESDAY) APPROVED THE FINANCIAL IMPLICATIONS FOR IMPLEMENTING CONTINGENCY PLANS FOR THE RECEPTION AND ACCOMMODATION OF THE INCREASED NUMBER OF VIETNAMESE REFUGEES, AND ALSO FOR IMPLEMENTING THE CHANGE IN POLICY UNDER WHICH ALL VIETNAMESE BOAT PEOPLE ARE BEING SCREENED ON ARRIVAL TO DETERMINE THEIR STATUS.

THE OVERALL FINANCIAL IMPLICATIONS, ASSESSED ON A FULL YEAR BASIS, ARE ESTIMATED AT SOME \$127 MILLION IN NON-RECURRENT EXPENDITURE AND SOME \$269 MILLION IN RECURRENT EXPENDITURE A YEAR.

OF THIS TOTAL, \$88 MILLION IN CAPITAL EXPENDITURE AND \$166 MILLION IN RECURRENT EXPENDITURE ARE NEEDED FOR THE ACCOMMODATION, CARE AND MAINTENANCE OF THE ENORMOUSLY INCREASED NUMBER OF VIETNAMESE REFUGEES WHO HAD ARRIVED BEFORE THE CHANGE OF POLICY PLUS ANY VIETNAMESE BOAT PEOPLE WHO MAY BE DETERMINED TO BE REFUGEES AS A RESULT OF THE SCREENING PROCESS.

NEARLY \$41 MILLION OF THE RECURRENT EXPENDITURE IS RECOVERABLE FROM THE UNHCR UNDER CURRENT AGREED ARRANGEMENTS.

THE REMAINDER, ABOUT \$39 MILLION IN CAPITAL EXPENDITURE AND \$103 MILLION IN RECURRENT EXPENDITURE, IS NEEDED FOR IMPLEMENTING THE NEW SCREENING AND DETENTION POLICY.

THIS INCLUDES PROVISIONS FOR THE ESTABLISHMENT OF SCREENING PROCEDURES, DETENTION CENTRES, AND THE UPGRADING OF SECURITY AT GREEN ISLAND RECEPTION CENTRE.

NEGOTIATIONS ARE UNDERWAY TO PERSUADE THE UNHCR TO INCREASE ITS SUBSIDY AND TO REVISE ITS APPARENT APPROACH THAT HONG KONG, AS A RELATIVELY PROSPEROUS TERRITORY, SHOULD RECEIVE RELATIVELY LESS SUBSIDY.

THE OVERALL FINANCIAL IMPLICATIONS APPROVED TODAY INCLUDE PROVISION FOR THE CREATION OF 1,126 NON-DIRECTORATE POSTS BOTH FOR MAINTAINING SERVICES AND ACCOMMODATION FOR THE INCREASED NUMBER OF VIETNAMESE REFUGEES ALREADY HERE, AND ALSO FOR IMPLEMENTING THE CHANGE IN POLICY.

OF THIS TOTAL, 712 POSTS ARE NEEDED FOR THE CORRECTIONAL SERVICES DEPARTMENT, 207 FOR THE IMMIGRATION DEPARTMENT, 191 FOR THE POLICE, NINE FOR THE MEDICAL AND HEALTH DEPARTMENT, FOUR FOR THE SECURITY BRANCH, AND THREE FOR THE AUXILIARY MEDICAL SERVICES.

OF THESE ADDITIONAL POSTS, 664 ARE NEEDED FOR SERVICES FOR THE INCREASED NUMBER OF VIETNAMESE REFUGEES WHO ARRIVED BEFORE THE CHANGE OF POLICY, AND 462 ARE NEEDED FOR IMPLEMENTING THE NEW POLICY OF SCREENING AND DETENTION PENDING REPATRIATION.

/THERE MAY

THERE MAY BE SOME SAVINGS ON SOME OF THESE ITEMS IN LATER YEARS AS THE NUMBER OF REFUGEES WHO ARRIVED BEFORE THE CHANGE IN POLICY GET RESETTLED OVERSEAS, AND IF THE NEW POLICY IS SUCCESSFUL AS A DETERRENT IN REDUCING THE NUMBER OF NEW ARRIVALS OF VIETNAMESE BOAT PEOPLE.

THIS MAY RESULT IN A REDUCED LEVEL OF PROVISION FOR THE FINANCIAL YEAR 1989-90 AND BEYOND.

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COMMITMENT ON PASSING INFORMATION IS IMPORTANT

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THE IMPORTANCE OF MAKING AN UNRESERVED COMMITMENT TO THE TIMELY EXCHANGE OF RELEVANT INFORMATION ON CUSTOMS MATTERS AMONG MEMBER ADMINISTRATIONS OF THE CUSTOMS CO-OPERATION COUNCIL WAS STRESSED BY THE COMMISSIONER OF CUSTOMS AND EXCISE, MR PATRICK WILLIAMSON, TODAY (WEDNESDAY).

SPEAKING AT AN ANNUAL MEETING OF THE CCC IN BRUSSELS, BELGIUM, MR WILLIAMSON SAID THAT THIS WAS SEEN AS THE ULTIMATE OBJECTIVE OF THE COUNCIL'S REGIONAL LIAISON OFFICE PROJECT FOR THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC (ESCAP).

HE ALSO STRESSED THE IMPORTANCE OF "TIMELY" EXCHANGE OF INFORMATION AND AWARENESS OF EACH OTHER'S NEEDS, THOUGH TIMELY DOES NOT ALWAYS MEAN FAST.

"THE CCC ESCAP PROJECT IS CONCERNED WITH DANGEROUS DRUGS, BUT IT NEED NOT BE AND IS EASILY CAPABLE OF EXPANSION TO COVER ANY ISSUE OF INTEREST TO ANOTHER CUSTOMS ADMINISTRATION.

"WE, IN HONG KONG, WILL NOT WAIT FOR ENQUIRIES, WE WILL PASS ON ANY INFORMATION IF WE THINK IT MIGHT BE OF INTEREST," HE SAID, NOTING THAT MUTUAL CONFIDENCE HAS BEEN A DEFINITE BENEFIT TO THE PROJECT.

MR WILLIAMSON ALSO PROPOSED THAT THE UNITED STATES AND CANADA BE FORMALLY INCLUDED IN THE CCC ESCAP REGIONAL LIAISON OFFICE PROJECT, AS THE PROJECT WAS PRIMARILY CONCERNED WITH DRUGS, MUCH OF WHICH WAS DESTINED FOR THOSE TWO COUNTRIES.

"I HAVE NO DOUBT THAT THE OBJECTIVE MUST BE TO HAVE A WORLDWIDE NETWORK BUT THAT IN THE SHORT TERM WE SHOULD GO FOR MORE REGIONAL LIAISON OFFICES," HE ADDED.

/ "THE PRESENT

"THE PRESENT PROJECT, THOUGH A VERY LIMITED ONE, HAS BEEN WORTHWHILE AND HAS SUCCEEDED IN SETTING UP A NETWORK OF CONTACTS PERSONALLY KNOWN TO EACH OTHER AND BETWEEN WHOM INTELLIGENCE CAN BE PASSED WITH AND IN CONFIDENCE."

THE PROJECT IS EXPENSIVE TO RUN, WITH STAFF COSTS AMOUNTING TO US\$60,000 AND COMMUNICATIONS COST TO AT LEAST US\$10,000 A YEAR.

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INCLUSION OF CODES ON FIDUCIARY DUTIES RECOMMENDED
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A SHORT STATUTORY CODIFICATION OF THE GENERAL FIDUCIARY DUTIES OF COMPANY DIRECTORS SHOULD BE INCLUDED IN THE COMPANIES ORDINANCE, THE STANDING COMMITTEE ON COMPANY LAW REFORM RECOMMENDS IN ITS FOURTH REPORT PUBLISHED TODAY (WEDNESDAY).

THE STANDING COMMITTEE FELT THAT THE CODIFICATION WOULD PROVIDE A READY REFERENCE FOR ALL DIRECTORS, ESPECIALLY FOR THOSE NEW TO THEIR POSTS AND PERHAPS NOT FAMILIAR WITH THE BASIC PRINCIPLES.

HIGHLIGHTING OTHER MAJOR RECOMMENDATIONS IN THIS REPORT, A GOVERNMENT SPOKESMAN SAID THE STANDING COMMITTEE ALSO LOOKED INTO AN ISSUE CONCERNING THE REGISTRATION OF PROSPECTUSES.

"SECTION 38D(5) OF THE COMPANIES ORDINANCE PROVIDES THAT THE REGISTRAR OF COMPANIES MAY REFUSE TO REGISTER A PROSPECTUS DELIVERED TO HIM FOR REGISTRATION IF IT DOES NOT COMPLY IN ALL RESPECTS WITH THE COMPANIES ORDINANCE.

"THE REGISTRAR GENERAL, IN CARRYING OUT HIS STATUTORY DUTIES, HAS BECOME INCREASINGLY CONCERNED ABOUT THE NUMBER OF PROSPECTUSES WHICH CONTAIN VAGUE STATEMENTS OF GENERAL INTENTION BY THE DIRECTORS," HE SAID.

THE SPOKESMAN POINTED OUT THAT THE REGISTRAR GENERAL'S ATTEMPTS TO PERSUADE COMPANIES' REPRESENTATIVES TO INTRODUCE A GREATER DEGREE OF PRECISION IN PROSPECTUSES HAD MET WITH ONLY VARYING SUCCESS.

"TO STRENGTHEN THE REGISTRAR GENERAL'S HAND, THE STANDING COMMITTEE RECOMMENDS THAT SECTION 38D(5) BE AMENDED TO MAKE IT CLEAR THAT THE REGISTRAR MAY REFUSE TO REGISTER WHERE 'IN HIS OPINION' A PROSPECTUS DOES NOT FULLY COMPLY WITH THE ORDINANCE OR CONTAINS MISLEADING INFORMATION," HE SAID.

ANOTHER RECOMMENDATION INVOLVES THE POWER OF SHAREHOLDERS OF CERTAIN PRIVATE COMPANIES TO WAIVE COMPLIANCE WITH REQUIREMENTS AS TO ACCOUNTS.

"THE STANDING COMMITTEE HAS RECOMMENDED AMENDMENTS TO SECTION 141D OF THE COMPANIES ORDINANCE. THAT SECTION PROVIDES THAT WHERE ALL THE SHAREHOLDERS OF A PRIVATE COMPANY AGREE, THE NORMAL PROVISIONS REGARDING THE COMPANY'S ANNUAL ACCOUNTS, DIRECTORS' REPORT AND AUDITORS' REPORT SHALL NOT APPLY.

"INSTEAD THE COMPANY'S BALANCE SHEET HAS TO COMPLY WITH MUCH SIMPLER REQUIREMENTS AND THE AUDITOR'S REPORT DOES NOT COVER THE PROFIT AND LOSS ACCOUNT AT ALL," THE SPOKESMAN SAID.

"THE STANDING COMMITTEE, AFTER TAKING INTO CONSIDERATION REPRESENTATIONS MADE BY THE HONG KONG SOCIETY OF ACCOUNTANTS, RECOMMENDS THAT SECTION 141D BE AMENDED TO REQUIRE THE AUDITORS TO REPORT ON WHETHER THE ACCOUNTS SHOW A TRUE AND FAIR VIEW ON THE BASIS OF THE DISCLOSURE EXEMPTIONS PERMITTED UNDER THE SECTION, AND TO EXTEND THE REFERENCES TO THE COMPANY'S BALANCE SHEET IN THE SECTION TO INCLUDE THE COMPANY'S PROFIT AND LOSS ACCOUNT," HE ADDED.

THE SPOKESMAN POINTED OUT THAT ADMINISTRATIVE DIFFICULTIES AROSE IN HANDLING THE REGISTRATION OF OVERSEAS COMPANIES DOMICILED IN JURISDICTIONS WHICH DID NOT HAVE A COMPANIES REGISTRY AND WERE THEREFORE UNABLE TO PRODUCE A CERTIFICATE OF INCORPORATION.

"TO OVERCOME THIS PROBLEM, THE STANDING COMMITTEE RECOMMENDS THAT THE REGISTRAR GENERAL SHOULD BE GIVEN A STATUTORY DISCRETION TO ACCEPT INSTEAD, FOR THE PURPOSES OF SECTION 333 OF THE ORDINANCE, SUCH OTHER DOCUMENT AS ESTABLISHES TO HIS SATISFACTION THAT A COMPANY IS DULY INCORPORATED IN AN OVERSEAS JURISDICTION," HE ADDED.

THE STANDING COMMITTEE ALSO MADE A NUMBER OF RECOMMENDATIONS FOR AMENDMENTS OF A TECHNICAL NATURE.

APART FROM THESE, IT CONSIDERED A NUMBER OF IMPORTANT ISSUES INCLUDING THE APPOINTMENT OF AUDIT COMMITTEES, PROHIBITION OF PROVISION OF FINANCIAL ASSISTANCE BY A COMPANY FOR THE PURCHASE OF ITS OWN SHARES, THE DOCTRINE OF ULTRA VIRES, CERTAIN ASPECTS OF FLOATING CHARGES, GENERAL PROVISIONS AS TO THE CONTENTS AND FORMS OF ACCOUNTS AND LOANS TO DIRECTORS.

"CONSIDERATION OF THESE ISSUES IS STILL CONTINUING," THE SPOKESMAN SAID.

MEMBERS OF THE PUBLIC WHO WISH TO OBTAIN A COPY OF THE REPORT SHOULD WRITE TO THE SECRETARY TO THE STANDING COMMITTEE ON COMPANY LAW REFORM, REGISTRAR GENERAL'S DEPARTMENT, COMMERCIAL DIVISION AT QUEENSWAY GOVERNMENT OFFICES.

"MEMBERS OF THE PUBLIC INTERESTED IN THE SUBJECTS COVERED IN THE MAIN TEXT OF THE REPORT ARE INVITED TO SUBMIT COMMENTS IN WRITING TO THE SECRETARY FOR MONETARY AFFAIRS AT ADMIRALTY CENTRE, TOWER II, 24TH FLOOR, HONG KONG, NOT LATER THAN SEPTEMBER 1, 1988," HE ADDED.

WEDNESDAY, JUNE 22, 1988

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ACAN SUPPORTS WORLD ANTI-DRUG DAY

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A "HONG KONG INTERNATIONAL ANTI-DRUG DAY" COMMEMORATIVE CEREMONY WILL BE HELD AT 11.30 AM ON SUNDAY (JUNE 26) AT THE ENTRANCE TO THE ARENA OF THE NEW TOWN PLAZA IN SHA TIN.

ORGANISED BY THE ACTION COMMITTEE AGAINST NARCOTICS (ACAN), THE EVENT IS TO BE HELD IN SUPPORT OF THE UNITED NATIONS INTERNATIONAL DAY AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING AND WILL BE FOLLOWED BY THE DISTRIBUTION OF "ANTI-DRUG PACKS" TO MEMBERS OF THE PUBLIC.

THE PACKS CONTAIN TWO LEAFLETS AND A NUMBER OF STATIONERY ITEMS SUCH AS BALLPEN, BOOKMARK, KEY-RING AND CLIPS CARRYING THE ANTI-DRUG MESSAGE.

IN ADDITION, AN EXHIBITION DEPICTING HONG KONG'S OVERALL ANTI-DRUG EFFORTS AND AN IN-PERSPECTIVE LOOK AT THE HARMFUL EFFECTS OF ABUSING PSYCHOTROPIC SUBSTANCES WILL BE STAGED THERE AND BE OPEN TO THE PUBLIC AFTER THE CEREMONY TILL 6 PM ON SUNDAY.

IT WILL ALSO BE OPEN FROM 10 AM TO 6 PM DAILY ON THE FOLLOWING TWO DAYS.

OFFICIATING AT THE COMMEMORATIVE CEREMONY WILL BE THE CHAIRMAN OF ACAN, DR GERALD CHOA; THE COMMISSIONER FOR NARCOTICS, MR GARETH MULLOY; MISS HONG KONG, PAULINE YEUNG; AND MEMBERS OF ACAN AND ITS SUB-COMMITTEES WHO WILL ASSIST IN DISTRIBUTING ANTI-DRUG PACKS TO THE PUBLIC.

MEANWHILE, "ANTI-DRUG PACKS" WILL ALSO BE GIVEN TO YOUNGSTERS ON A FIRST-COME-FIRST-SERVED BASIS AT THREE OTHER SPOTS. THEY ARE THE ICE RINK AT CITYPLAZA, TAIKOO SHING AND THE HONG KONG SPORTWORLD ASSOCIATION (ROLLER WORLDS) AT TELFORD GARDENS IN KOWLOON BAY AND CITYPLAZA, TAIKOO SHING.

NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE COMMEMORATIVE CEREMONY TO BE HELD AT 11.30 AM ON SUNDAY (JUNE 26) AT THE ENTRANCE TO THE ARENA OF THE NEW TOWN PLAZA IN SHA TIN.

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WEDNESDAY, JUNE 22, 1988

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ISLANDS DB MEMBERS ON OVERSEAS STUDY TOUR
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ELEVEN MEMBERS OF THE ISLANDS DISTRICT BOARD, ACCOMPANIED BY THE ISLANDS DISTRICT OFFICER, MR JONATHAN NG, AND THE DISTRICT BOARD SECRETARY, MRS MARINA WOODHEAD, SET OFF TODAY (WEDNESDAY) ON THE BOARD'S FIRST OVERSEAS STUDY TOUR TO SINGAPORE AND MALAYSIA.

ISLANDS DISTRICT BOARD CHAIRMAN, MR LAM WAI-KEUNG, SAID SINGAPORE AND MALAYSIA WERE CHOSEN FOR THE TOUR BECAUSE THERE WERE SIMILARITIES IN RURAL DEVELOPMENTS BETWEEN THE ISLANDS DISTRICT AND THE TWO COUNTRIES.

"AN INTERFLOW OF EXPERIENCE BETWEEN THE STUDY TOUR MEMBERS AND GOVERNMENT OFFICIALS OF THE TWO COUNTRIES PARTICULARLY ON THE DEVELOPMENT AND PROMOTION OF TOURISM AND FISHERY - THE TWO MAIN INDUSTRIES OF THE ISLANDS DISTRICT - IS WHAT WE HOPE TO ACCOMPLISH," MR LAM SAID.

"EXPERIENCE FROM THE STUDY TOUR WILL BE USEFUL TO OUR PLANNING OF FUTURE DEVELOPMENTS IN THE ISLANDS DISTRICT," HE ADDED.

DURING THEIR STAY IN SINGAPORE, MEMBERS OF THE STUDY TOUR WILL VISIT THE PONGGOL FISHING PORT WHERE THEY WILL BE BRIEFED BY OFFICIALS FROM THE PRIMARY PRODUCTION DEPARTMENT OF MINISTRY OF NATIONAL DEVELOPMENT.

THEY HAVE ALSO PLANNED TO PAY A VISIT TO THE SINGAPORE TOURIST PROMOTION BOARD AND THE JURONG INDUSTRIAL TOWN.

IN MALAYSIA, MEMBERS WILL MEET OFFICIALS FROM THE MINISTRY OF AGRICULTURE WHEN THEY VISIT THE FISHERIES DEPARTMENT, ATTEND BRIEFINGS BY OFFICIALS OF THE TOURIST AND DEVELOPMENT CORPORATION, AND TOUR THE FREE TRADE ZONE IN KUALA LUMPUR.

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SAI KUNG TO REVIEW PEDESTRIAN BLACKSPOTS
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MEMBERS OF THE SAI KUNG DISTRICT BOARD'S TRAFFIC AND TRANSPORT COMMITTEE WILL MEET TOMORROW (THURSDAY) TO DISCUSS THE 1987 ACTION PROGRAMME REVIEW ON PEDESTRIAN PROBLEM SPOTS IN SAI KUNG.

THEY WILL DISCUSS THE DEFINITION OF A PEDESTRIAN PROBLEM SPOT AND THE PROGRESS OF WORK FOR IMPROVING THE PEDESTRIAN FLOW.

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THE SAI KUNG DISTRICT SETTLED BUS ROUTE DEVELOPMENT PROGRAMME FOR 1988-89 WILL ALSO BE DISCUSSED IN THE MEETING. THE PROGRAMME WILL FORM THE BASIC GUIDE FOR BUS SERVICE DEVELOPMENT IN THE DISTRICT FROM NOW TO END OF 1989.

OTHER ITEMS ON THE AGENDA INCLUDE A TRANSPORT DEPARTMENT PROPOSAL TO REMOVE PHOTOGRAPHS FROM DRIVING LICENCES AND PUBLIC TRANSPORT SERVICE FOR THE NEW ROAD LINKING MA ON SHAN AND NAI CHUNG.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE MEETING TOMORROW (THURSDAY) AT 10 AM IN THE CONFERENCE ROOM OF THE SAI KUNG DISTRICT BOARD, SECOND FLOOR, SAI KUNG GOVERNMENT OFFICES, CHAN MAN STREET, SAI KUNG TOWN.

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COMMITTEE TO DISCUSS REPORTS ON YOUTH POLICY AND SPORT

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THE COMMUNITY BUILDING COMMITTEE OF THE YAU TSIM DISTRICT BOARD WILL DISCUSS REPORTS ON YOUTH POLICY AND SPORTS IN HONG KONG AT ITS MEETING TOMORROW (THURSDAY).

AMONG OTHER THINGS, THE REPORT, COMPILED BY THE CENTRAL COMMITTEE ON YOUTH, HAS PROPOSED THAT A COMMISSION ON YOUTH BE SET UP TO ADVISE THE GOVERNMENT ON MATTERS PERTAINING TO YOUTH.

'THE WAY AHEAD, A CONSULTANCY REPORT ON SPORT IN HONG KONG' WAS COMMISSIONED BY THE MUNICIPAL SERVICES BRANCH. ITS RECOMMENDATIONS INCLUDE THE SETTING UP OF A SPORTS SPONSORSHIP ADVISORY SERVICE AND A STATUTORY BODY TO DEVELOP SPORT AND RECREATION THROUGHOUT HONG KONG.

IN ADDITION, MEMBERS WILL LISTEN TO A TALK ON LEGAL AID TO BE GIVEN BY A LEGAL AID COUNCIL, AND DISCUSS APPLICATIONS FOR FUNDS BY VARIOUS ASSOCIATIONS FOR ORGANISING COMMUNITY INVOLVEMENT PROJECTS.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE MEETING OF THE YAU TSIM DISTRICT BOARD'S COMMUNITY BUILDING COMMITTEE TO BE HELD AT 2.30 PM TOMORROW (THURSDAY) IN THE CONFERENCE ROOM OF THE YAU TSIM DISTRICT OFFICE, SECOND FLOOR, 490 NATHAN ROAD.

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DB COMMITTEE TO DISCUSS FUND APPLICATIONS
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MEMBERS OF THE SHAM SHUI PO DISTRICT BOARD'S COMMUNITY BUILDING COMMITTEE WILL MEET TOMORROW (THURSDAY) TO DISCUSS THE USE OF DISTRICT BOARD FUNDS FOR COMMUNITY BUILDING ACTIVITIES AS PROPOSED BY A VETTING SUB-COMMITTEE.

THE MEETING WILL ALSO CONSIDER SOME APPLICATIONS FOR DISTRICT BOARD FUNDS FROM LOCAL ORGANISATIONS.

A REPRESENTATIVE OF THE ICAC REGIONAL OFFICE (KOWLOON WEST) WILL PRESENT AN INFORMATION PAPER ON ITS 1988-89 WORK PLAN.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE SHAM SHUI PO DISTRICT BOARD COMMUNITY BUILDING COMMITTEE MEETING TO BE HELD TOMORROW (THURSDAY) IN THE CONFERENCE ROOM OF THE SHAM SHUI PO DISTRICT OFFICE AT 37-39 TONKIN STREET, KOWLOON. THE MEETING WILL BEGIN AT 2.15 PM.

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GOVERNMENT LAND TO LET BY TENDER
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TWO PIECES OF GOVERNMENT LAND ARE BEING LET BY TENDER ON SHORT TERM TENANCY BY THE BUILDINGS AND LANDS DEPARTMENT.

A SITE AT THE JUNCTION OF PO KONG VILLAGE ROAD AND FUNG SHING STREET, KOWLOON, MEASURING ABOUT 1460 SQUARE METRES, IS FOR STORAGE OF GOODS, VEHICLES, CONSTRUCTION EQUIPMENT AND MATERIALS.

THE INITIAL TENANCY IS FOR THREE YEARS, RENEWABLE QUARTERLY AFTERWARDS.

THE OTHER PIECE OF LAND IN D.D. NO. 51 AREA 25, ON LOK TSUEN, FANLING, NEW TERRITORIES, HAVING AN AREA OF ABOUT 2204 SQUARE METRES, IS FOR OPEN STORAGE.

THE TENANCY IS FOR TWO YEARS, RENEWABLE QUARTERLY THEREAFTER.

THE CLOSING DATE FOR SUBMITTING TENDERS IS NOON ON JULY 8.

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WEDNESDAY, JUNE 22, 1988

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TRAFFIC CHANGES IN THE NEW TERRITORIES

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THE TRANSPORT DEPARTMENT ANNOUNCED THAT FROM 10 AM ON FRIDAY (JUNE 24), A "NO-ENTRY" BAN ON PUBLIC LIGHT BUSES WILL BE IMPLEMENTED IN SHEUNG SHUI WHILE TWO NEW ROADS IN FANLING WILL BE OPENED TO TRAFFIC.

IN SHEUNG SHUI, NO PUBLIC LIGHT BUSES WILL BE ALLOWED TO ENTER ROAD 7/2 IN AREA 7A AT ANY TIME OF THE DAY.

IN FANLING, THE SECTION OF ROAD L100 BETWEEN ROAD D6 AND FANLING SOUTH ROUNDABOUT AND A POINT ABOUT 200 METRES WEST OF THE ROUNDABOUT, AND THE SECTION OF ROAD W100 FROM FANLING SOUTH ROUNDABOUT ADJOINING KIU TAU ROAD WILL BE OPENED TO TRAFFIC.

IN CONNECTION WITH THE ROAD OPENING, THE FOLLOWING MEASURES WILL BE IMPLEMENTED:

- * THE LOOP ROAD ON ROAD W100 NEAR FANLING SOUTH ROUNDABOUT OFF ROAD L100 WILL BE MADE A BUS LANE. ALL VEHICLES EXCEPT FRANCHISED BUSES WILL BE BANNED FROM ENTERING THE BUS LANE 24 HOURS DAILY.
- * THE FANLING SOUTH ROUNDABOUT ON ROAD L100 WILL BE MADE A 7 AM TO MIDNIGHT DAILY URBAN CLEARWAY. NO VEHICLES WILL BE ALLOWED TO STOP WITHIN THE URBAN CLEARWAY FOR PASSENGERS OR GOODS.

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