



DAILY INFORMATION BULLETIN

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REALITY CANNOT BE IGNORED : CS

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ANYONE WHO VOTED IN FAVOUR OF DECRIMINALISING HOMOSEXUAL ACTS DID NOT SIGNIFY THAT HE CONDONED HOMOSEXUAL BEHAVIOUR, THE CHIEF SECRETARY, THE HON SIR DAVID FORD, SAID WHEN HE WOUND UP THE MOTION DEBATE ON HOMOSEXUALITY IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"A VOTE IN FAVOUR SIMPLY SIGNIFIES RECOGNITION THAT PERSONAL MORAL CODES MAY DIFFER AND CAN CO-EXIST IN A SOCIETY.

"NOR DOES A VOTE IN FAVOUR SIGNIFY A STATE OF APPROVAL, IT SIGNIFIES ONLY RECOGNITION OF AN INDIVIDUAL'S RIGHT TO PERSONAL CHOICE IN HIS PRIVATE SEXUAL PRACTICES.

"A VOTE IN FAVOUR DOES NOT SIGNIFY PERSONAL ACCEPTANCE OF THE RIGHTNESS OR WRONGNESS OF SUCH ACT, BUT ONLY SUGGESTS WHETHER SUCH ACTS COMMITTED BETWEEN CONSENTING ADULTS AND IN PRIVATE MERIT THE MOBILISATION OF THE FULL MACHINERY OF LAW ENFORCEMENT," THE CHIEF SECRETARY SAID.

NOTING THAT WE COULD NOT LET TIME STAND STILL ON THIS ISSUE, SIR DAVID SAID THAT TO SUGGEST LEAVING THINGS AS THEY WERE IGNORED THE REALITY.

"BECAUSE IF WE VOTE TODAY AGAINST THIS MOTION, WE CANNOT IGNORE THE LAW AS IT NOW STANDS.

"WE WILL HAVE TO REDEPLOY THE POLICE AND OTHER PERSONNEL IN THE TASK OF INVESTIGATION AND THE GATHERING OF EVIDENCE, IN THE PROSECUTION AND THE TRIAL OF PEOPLE WHO ARE COMMITTING THAT CRIMINAL OFFENCE.

"THIS WILL MEAN THAT EVERY ALLEGATION, REGARDLESS OF WHO MAKES IT OR AGAINST WHOM IT IS LEVELLED, WILL HAVE TO BE PURSUED," HE ADDED.

THE MOTION WAS PASSED.

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HOMOSEXUAL BEHAVIOUR NOT A MATTER FOR GOVT REGULATION: CS

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HOMOSEXUAL BEHAVIOUR IS A MATTER FOR PERSONAL CHOICE BETWEEN CONSENTING ADULTS AND NOT FOR GOVERNMENT REGULATION, THE CHIEF SECRETARY, THE HON SIR DAVID FORD, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING A MOTION ON THE DECRIMINALISATION OF PRIVATE HOMOSEXUAL ACTS BY CONSENTING ADULT MALES, SIR DAVID SAID: "WHAT IS AT ISSUE IS A MATTER OF PRINCIPLE: THE DIVIDING LINE BETWEEN THE MORAL AND THE LEGAL CODES, WHERE THE INDIVIDUAL'S RIGHT TO PRIVACY BEGINS AND THE GOVERNMENT'S DUTY TO INTERFERE ENDS."

THE CHIEF SECRETARY SAID THIS WAS AN IMPORTANT PRINCIPLE, AND ITS IMPLICATIONS EXTENDED BEYOND THE IMMEDIATE SUBJECT.

"AND IT IS IMPERATIVE THAT IN ADDRESSING IT WE CLEAR OUR MINDS OF PRECONCEPTION, PREJUDICE AND EMOTION.

"IF WE DO NOT, IF WE ALLOW PERSONAL MORALITY ALONE TO DICTATE THE SCOPE OF CRIMINAL LAW, THEN THERE IS A REAL DANGER THAT THE LAW WILL BECOME AN INSTRUMENT FOR IMPOSING MORAL VALUES RATHER THAN PRESERVING PUBLIC ORDER AND PROTECTING THE CITIZEN," SIR DAVID SAID.

THE MOTION BEING DEBATED READ:

"THAT MEASURES BE PRESENTED TO THIS COUNCIL -

- (A) TO REMOVE THE CRIMINAL PENALTIES RELATING TO HOMOSEXUAL ACTS COMMITTED IN PRIVATE BY CONSENTING MEN WHO HAVE REACHED THE AGE OF 21; AND
- (B) TO EXTEND TO MEN AND BOYS, WHERE APPROPRIATE, THE PROTECTION FROM SEXUAL EXPLOITATION AFFORDED BY THE CRIMES ORDINANCE TO WOMEN AND GIRLS.

THE MOTION WAS PASSED AFTER DEBATE.

OUTLINING THE PRESENT POSITION ON HOMOSEXUALITY, SIR DAVID SAID BEING A HOMOSEXUAL WAS NOT IN ITSELF A CRIME UNDER THE PRESENT LAW.

"BUT FOR A MAN TO ENGAGE IN A HOMOSEXUAL ACT IS A CRIME.

"THERE IS NO REASON TO SUPPOSE THAT HOMOSEXUAL ADULTS HAVE ANY LESS DESIRE TO EXPRESS THEIR FEELINGS IN A PHYSICAL WAY THAN HETEROSEXUAL ADULTS.

"THEY ARE COMMITTING THOSE ACTS PRIVATELY AND CONSENSUALLY WITHOUT DOING HARM TO OTHERS BUT NONETHELESS CRIMINALLY," HE SAID.

IN THEORY THEN A LARGE PROPORTION OF THE MALE HOMOSEXUAL POPULATION OF HONG KONG SHOULD BE IN PRISON, SIR DAVID SAID.

/"IT IS

"IT IS NOT SATISFACTORY THAT A CRIMINAL ACT GOES UNPUNISHED," HE SAID.

"IMAGINE THE PUBLIC OUTCRY IF A BLIND EYE WERE TURNED TO THE COMMISSION DAY AFTER DAY, HUNDREDS LET ALONE HUNDREDS OF THOUSANDS OF TIMES, OF ANY OTHER CRIMINAL ACT.

"YET, IN OUR HEART OF HEARTS, ALL OF US KNOW THAT THESE ACTS ARE COMMITTED AND THAT IT WOULD BE VERY DIFFICULT FOR THE POLICE FORCE TO STAMP THEM OUT," SIR DAVID SAID.

WHILE NOTING THAT THE MANPOWER REQUIRED WOULD BE ENORMOUS, SIR DAVID SAID THE INVASION OF PRIVACY THAT WOULD RESULT WOULD BE UNACCEPTABLE.

THE POLICE CRACKED DOWN HARD ON UNACCEPTABLE BEHAVIOUR IN PUBLIC, AND ON ANY ABUSE OF MINORS. BUT ACTS IN PRIVATE BETWEEN CONSENTING ADULTS HAD, GENERALLY SPEAKING, FOR MANY YEARS BEEN IGNORED, HE SAID.

"IT IS SIGNIFICANT THAT THERE HAS BEEN NO PUBLIC OUTCRY ABOUT THIS STATE OF BENIGN NEGLECT.

"SIGNIFICANT BECAUSE IT DEMONSTRATES THE TACIT TOLERANCE WHICH THE COMMUNITY ACCORDS THE PRIVATE PRACTICES OF CONSENTING ADULT HOMOSEXUALS," SIR DAVID SAID.

"SIGNIFICANT BUT NOT, I SAY AGAIN, SATISFACTORY," HE ADDED.

TURNING TO AN EXAMINATION OF THE ARGUMENTS AGAINST DECRIMINALISATION, SIR DAVID SAID TRADITIONALLY THREE ARGUMENTS HAD BEEN PUT AGAINST DECRIMINALISING HOMOSEXUAL ACTS BETWEEN CONSENTING ADULTS IN PRIVATE. THEY WERE:

- * THAT IT THREATENED SOCIAL HEALTH AND STABILITY;
- * THAT IT WAS HARMFUL TO NORMAL FAMILY LIFE; AND
- * THAT IT PUT YOUNG BOYS AT RISK.

REGARDING THE SUGGESTION THAT THE TOLERANCE OR ENCOURAGEMENT OF SEXUAL FREEDOM LED TO THE DECAY OF NATIONS, SIR DAVID SAID IT WAS INGENIOUS BUT DISINGENUOUS.

"THERE NEVER HAS BEEN A DIRECT CAUSAL RELATIONSHIP BETWEEN SEXUAL LICENCE OR INHIBITION, ON THE ONE HAND, AND THE RISE AND FALL OF CIVILISATIONS ON THE OTHER.

"SEXUAL MORALITY IS THE PRODUCT OF SOCIAL DEVELOPMENT NOT ITS ENGINE," HE SAID.

SIR DAVID NOTED IT WAS SOMETIMES ARGUED THE FABRIC OF SOCIETY MIGHT BE UNDERMINED WHERE HOMOSEXUAL BEHAVIOUR LEFT PUBLIC OFFICERS AND OTHERS VULNERABLE TO BLACKMAIL.

"BUT VULNERABILITY TO BLACKMAIL MAY ARISE FROM A WEAKNESS FOR WINE, WOMEN AND GAMBLING JUST AS EASILY AS FROM HOMOSEXUAL BEHAVIOUR.

"DECRIMINALISATION REDUCES RATHER THAN INCREASES THE LIKELIHOOD OF EXTORTION," HE SAID.

SIR DAVID SAID SEVERE SOCIAL DISAPPROVAL OF HOMOSEXUALITY MEANT THAT THE POSSIBILITY OF BLACKMAIL COULD NEVER BE COMPLETELY ELIMINATED.

BUT THE PRESENT CIRCUMSTANCES PROVIDED THE VICTIM WITH NO DEFENCE WHATEVER.

"IN ORDER TO SECURE PROTECTION FROM ONE DREADFUL CRIME, BLACKMAIL, HE MUST FIRST HIMSELF CONFESS TO ANOTHER, HOMOSEXUALITY. YET, WHILE THE ONE HAS A REAL VICTIM, THE OTHER INVOLVES MUTUAL CONSENT," HE SAID.

THE CHIEF SECRETARY SAID THE SECOND ARGUMENT THAT DECRIMINALISING ADULT MALE HOMOSEXUALITY WOULD THREATEN FAMILY LIFE WAS EQUALLY GROUNDLESS.

"WHERE HOMOSEXUAL ACTS ARE CRIMINAL, THE LIKELIHOOD OF A HOMOSEXUAL MALE FEELING OBLIGED TO SEEK THE RESPECTABILITY OF A HETEROSEXUAL MARRIAGE IS GREATER, AS IS THE RISK OF SUCH AN UNHAPPY UNION EVENTUALLY FALLING APART.

"SUCH MARRIAGES ARE MUCH MORE COMMON THAN MOST OF US WOULD IMAGINE AND WE SHOULD DO EVERYTHING POSSIBLE TO LESSEN THE POSSIBILITY OF THEIR TAKING PLACE.

"CLEARLY DECRIMINALISATION WOULD HELP," SIR DAVID SAID.

AS TO MINORS, SIR DAVID SAID IT WAS THE GOVERNMENT'S FIRM INTENTION TO PROTECT THE YOUNG.

"INDEED, WE WOULD LIKE TO STRENGTHEN THAT PROTECTION," HE STRESSED.

SIR DAVID SAID IT WAS OFTEN ARGUED THAT DECRIMINALISING HOMOSEXUAL ACTS WOULD ENCOURAGE LICENCE AND EXPERIMENTATION; THAT FREED OF THE FEAR OF PROSECUTION FOR SEXUAL RELATIONS WITH A CONSENTING ADULT MALE PARTNER, THE PROMISCUOUS HOMOSEXUAL WOULD SEEK EXCITEMENT IN THE SEDUCTION OF YOUNG BOYS.

"THIS IS NONSENSE," HE SAID.

"ALL THE EVIDENCE POINTS STRONGLY TOWARDS A CLEAR DISTINCTION BETWEEN MEN WHO SEEK OTHER ADULT MALES AS PARTNERS AND THOSE WHO ARE ATTRACTED BY YOUNG BOYS.

"THE EVIDENCE ALSO INDICATES THAT THOSE WITH ADULT PARTNERS SELDOM SEEK RELATIONS WITH YOUNG BOYS, AND, VICE VERSA, THE PAEDOPHILIAC SELDOM SEEKS INTIMACY WITH AN ADULT MALE," HE ADDED.

SIR DAVID SAID THAT UNDER THE PRESENT LAW SOME HOMOSEXUALS DID SEEK SEXUAL RELATIONS WITH BOYS IN THE BELIEF THAT NAIVETY AND FEAR OF THE YOUNG PEOPLE INVOLVED WAS MORE LIKELY TO PROTECT THEM FROM EITHER BLACKMAIL OR PROSECUTION.

"IT IS MY FIRM BELIEF THAT DECRIMINALISING ACTS BETWEEN CONSENTING ADULTS WILL PROVIDE A GREATER DEGREE OF PROTECTION OF YOUNG PEOPLE THAN THE PRESENT ANOMALOUS SITUATION ALLOWS," HE SAID.

ON ANOTHER ARGUMENT THAT HOMOSEXUAL BEHAVIOUR WOULD RESULT IN THE SPREAD OF THE AIDS VIRUS, SIR DAVID SAID WHILE HE APPRECIATED THE PUBLIC CONCERN OVER THIS MATTER, HE DID NOT ACCEPT THE ARGUMENT.

"HOMOSEXUAL MEN ARE ONE OF THE HIGH-RISK GROUPS FOR AIDS.

"MAINTAINING EXISTING LAWS TENDS TO FORCE THEM UNDERGROUND, MAKES PREVENTIVE EDUCATION AND COUNSELLING MORE DIFFICULT AND THEREFORE HAMPERS OUR EFFORTS TO COUNTER THE DISEASE.

"CHANGING THE LAW MAY NOT REMOVE THE SOCIAL STIGMA, BUT IT WILL CERTAINLY MAKE IT EASIER TO IDENTIFY AND THEREFORE HELP THIS GROUP," HE SAID.

CONSIDERING THE WAY FORWARD, THE CHIEF SECRETARY SAID HE SUGGESTED THAT WE SHOULD AIM TO ACHIEVE THREE OBJECTIVES.

"FIRST, TO PROTECT OUR YOUTH AND ANY OTHER VULNERABLE GROUP.

"SECONDLY, TO MAKE A CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE BEHAVIOUR.

"THIRDLY, TO SET SENSIBLE PARAMETERS FOR OUR CRIMINAL LAW AND ITS ENFORCEMENT BY DECRIMINALISING HOMOSEXUAL ACTS BETWEEN CONSENTING ADULTS IN PRIVATE," SIR DAVID SAID.

ACHIEVING THESE AIMS WOULD REQUIRE LEGISLATIVE CHANGE AND CAREFUL DEFINITION, HE ADDED.

REGARDING THE ISSUE OF CONSENT, SIR DAVID SAID THE SAME CONSIDERATIONS APPLIED TO RELATIONS BETWEEN HOMOSEXUALS AS BETWEEN HETEROSEXUALS.

"A MAN WHO IMPOSES HIS WILL ON ANOTHER BY VIOLENCE, THREAT OF VIOLENCE, FRAUD OR USE OF DRUGS CANNOT BE SAID TO HAVE THE CONSENT OF HIS PARTNER ANY MORE A MAN WHO FORCES HIMSELF ON A WOMAN."

ON THE LIMITS OF PRIVACY, SIR DAVID SAID PHYSICAL INTIMACY BETWEEN PARTNERS OF EITHER SEX WAS SOMETHING TO BE EXPRESSED OUT OF THE PUBLIC GAZE.

HE STRESSED THAT IN CHANGING THE LAW, THE INTENTION WOULD NOT BE TO OFFEND AGAINST PUBLIC DECENCY.

ON THE DEFINITION OF ADULTHOOD, THE CHIEF SECRETARY SAID A NUMBER OF FACTORS HAD TO BE CONSIDERED.

"WE MUST ENSURE THAT THE YOUNG, INNOCENT AND IMMATURE ARE PROTECTED AGAINST ADVANCES BY THE OLDER AND MORE EXPERIENCED.

"THE AGE SET IN RESPECT OF HETEROSEXUAL RELATIONS IS CURRENTLY 16 AND THERE IS, I SUPPOSE, SOME LOGIC IN SETTING THE SAME AGE FOR HOMOSEXUALS," HE SAID.

VIEWS FROM ANOTHER PERSPECTIVE, SIR DAVID SAID, THE AGE OF MAJORITY FOR BOTH MEN AND WOMEN FOR ALL CONTRACTUAL PURPOSES OTHER THAN MARRIAGE, WAS BEING LOWERED TO 18.

"IF A MAN IS JUDGED LEGALLY RESPONSIBLE FOR THE CONDUCT OF BUSINESS AFFAIRS AT THAT AGE, SHOULD HE NOT ALSO BE DEEMED RESPONSIBLE FOR MATTERS OF SEXUAL CHOICE?" HE SAID.

"IN COMING TO A DECISION ON THE QUESTION OF THE AGE OF CONSENT I AM SURE THAT THE COMMUNITY WOULD WISH US TO ERR ON THE SIDE OF PROTECTING THE YOUNG AND IMMATURE EVEN IF THIS MEANS ACCEPTING A DEGREE OF INCONSISTENCY WITH OUR OTHER LAWS ON THE AGE OF MAJORITY.

"ABOVE ALL WE MUST ENSURE THAT THE DECISION OF YOUNG PEOPLE TO ENGAGE IN HOMOSEXUAL LIAISONS IS AN INFORMED AND CONSCIOUS ONE," HE ADDED.

ON THE QUESTION OF HUMAN RIGHTS, SIR DAVID SAID: "THOSE COMMUNITIES WITH MORE EXPERIENCE OF DEMOCRACY THAN HONG KONG HAVE COME INESCAPABLY TO ONE CONCLUSION: THAT THE MAJORITY SHOULD ONLY IMPOSE ITS WILL ON THE MINORITY IN CASES WHERE THE WIDER PUBLIC INTEREST OVERWHELMINGLY REQUIRES, AND THAT OTHERWISE THERE SHOULD BE MAXIMUM FLEXIBILITY.

"INDEED FOR MANY THE DEGREE OF TOLERANCE OF MINORITIES IS A MEASURE OF THE CIVILISED QUALITY OF A SOCIETY.

"WHILE THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS MAKES NO SPECIFIC REFERENCE TO HOMOSEXUALITY OUR PRESENT LAW WOULD, WE BELIEVE, BE OPEN TO CHALLENGE UNDER THE BILL OF RIGHTS ENDORSED BY THIS COUNCIL IN ITS DEBATE TWO WEEKS AGO."

IN CONCLUSION, SIR DAVID SAID: "THE COMMUNITY HAS NO REAL WISH FOR THE AUTHORITIES TO SEEK OUT AND PROSECUTE HOMOSEXUAL MALES WHO BEHAVE DECENTLY IN PUBLIC.

"I SUSPECT THAT THIS IS BECAUSE THE COMMUNITY INSTINCTIVELY RECOILS FROM THE INVASION OF PRIVACY WHICH SUCH A FRIGHTFUL ENFORCEMENT WOULD ENTAIL."

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LEGAL POLICY CONSIDERATIONS CONCERNING HOMOSEXUALITY EXPLAINED

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IT COULD NOT BE CREDIBLY ARGUED THAT ADULTS OF NORMAL MENTAL CAPACITY WHO FREELY PARTICIPATED IN SEXUAL CONDUCT IN THE PRIVACY OF THEIR OWN HOMES NEEDED TO BE PROTECTED FROM SUCH CONDUCT BY THE CRIMINAL LAW, THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION ON HOMOSEXUALITY, MR MATHEWS MADE REFERENCE TO THE IMPORTANT LEGAL POLICY CONSIDERATIONS.

FIRST, HE SAID, ONE OF THE MAIN PURPOSES OF THE CRIMINAL LAW WAS TO PROTECT FROM HARM THOSE WHO WERE IN NEED OF PROTECTION FROM THE ACTS OF OTHERS.

HE NOTED THAT HE WAS WELL AWARE OF THE ARGUMENT THAT HARM WAS NOT A PREREQUISITE FOR MAKING CERTAIN CONDUCT A CRIMINAL OFFENCE, AND THAT OFFENSIVE BEHAVIOUR WHICH CAUSED NO HARM TO OTHERS OUGHT, OF ITSELF, TO GIVE RISE TO CRIMINAL SANCTIONS.

HOWEVER, MR MATHEWS SAID HE PREFERRED THE ARGUMENT PROPOUNDED BY THE WOLFENDEN COMMITTEE, WHICH SOME 30 YEARS AGO IN ENGLAND CONSIDERED THE VERY SAME QUESTIONS WHICH CONFRONTED MEMBERS OF THE COUNCIL TODAY.

IT WAS THE VIEW OF THAT COMMITTEE THAT THE PROPER FUNCTION OF THE CRIMINAL LAW WAS "TO PRESERVE PUBLIC ORDER AND DECENCY, TO PROTECT THE CITIZEN FROM WHAT IS OFFENSIVE OR INJURIOUS, AND TO PROVIDE SUFFICIENT SAFEGUARDS AGAINST EXPLOITATION AND CORRUPTION OF OTHERS, PARTICULARLY THOSE WHO ARE SPECIALLY VULNERABLE BECAUSE THEY ARE YOUNG, WEAK IN BODY OR MIND, INEXPERIENCED, OR IN A STATE OF SPECIAL PHYSICAL, OFFICIAL, OR ECONOMIC DEPENDENCE".

"I EMPHASISE THE USE OF THE WORDS PUBLIC ORDER AND DECENCY IN THIS CONTEXT.

"IN MY VIEW, THE CRIMINAL LAW SHOULD NOT INTERVENE IN THE PRIVATE LIVES OF CITIZENS, OR SEEK TO ENFORCE ANY PARTICULAR PATTERN OF BEHAVIOUR, UNLESS IT IS NECESSARY TO CARRY OUT THE PURPOSES JUST OUTLINED," MR MATHEWS SAID.

HE SAID THE SECOND LEGAL POLICY CONSIDERATION WAS A PRACTICAL ONE.

"IF PART OF THE ROLE OF THE CRIMINAL LAW IS TO PRESERVE PUBLIC ORDER AND DECENCY, THE LAW SHOULD COMMAND THE RESPECT AND OBSERVANCE OF THE COMMUNITY.

"IT INEVITABLY FALLS INTO DISREPUTE IF IT IS CONTINUALLY IGNORED AND FLOUTED WITH IMPUNITY," HE SAID.

/MR MATHEWS

MR MATHEWS POINTED OUT THAT THE PARTICIPANTS WERE RARELY PROSECUTED, FOR THE SIMPLE REASON THAT THE POLICE COULD NOT INVESTIGATE WITHOUT KNOWING WHERE OR WHEN THESE ACTS OCCURRED, BECAUSE OF THE CONSENSUAL NATURE OF THE CONDUCT.

HE SAID TO ENFORCE THE LAW WOULD ENTAIL ALL THE CONSEQUENCES OF WHICH PERHAPS THE MOST SIGNIFICANT WOULD BE WHAT WOULD BE REGARDED AS THE MOST UNACCEPTABLE - THE INVASION OF PRIVACY.

"A LAW WHICH IS NOT ENFORCED ENGENDERS DISRESPECT FOR THE LAW AND FOR ITS PROCESSES," HE SAID.

FINALLY, MR MATHEWS SAID, HONG KONG HAD AN INTERNATIONAL OBLIGATION TO PROTECT THE INDIVIDUAL FROM ARBITRARY AND UNLAWFUL INTERFERENCE WITH HIS PRIVACY.

THIS RIGHT TO PRIVACY FOUND EXPRESSION IN BOTH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

A SIMILAR RIGHT TO PRIVACY CONTAINED IN THE EUROPEAN CONVENTION OF HUMAN RIGHTS HAD BEEN INTERPRETED BY THE EUROPEAN COURT OF HUMAN RIGHTS TO INCLUDE THE RIGHT TO FREEDOM FROM INTERFERENCE IN RESPECT OF CONSENSUAL SEXUAL BEHAVIOUR BETWEEN ADULTS IN PRIVATE.

"WHILST IT CANNOT BE SAID CONCLUSIVELY THAT HONG KONG LAWS IN THIS AREA ARE ARBITRARY OR UNLAWFUL SINCE THEY HAVE NOT BEEN TESTED IN THE COURTS, THE INTERPRETATION BY THE EUROPEAN COURT OF HUMAN RIGHTS OF THE EQUIVALENT PROVISION IN THE EUROPEAN CONVENTION MAKES IT LIKELY THAT, TO THE EXTENT THAT THE PRESENT LAW OF HONG KONG INTERFERES WITH THE SEXUAL ACTIVITIES OF CONSENTING ADULTS IN PRIVATE, THAT LAW IS AT VARIANCE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

"IT HARDLY NEEDS SAYING THAT THE LAWS OF HONG KONG ARE REQUIRED, IN ACCORDANCE WITH OUR INTERNATIONAL OBLIGATIONS, TO BE CONSISTENT WITH THOSE OBLIGATIONS," MR MATHEWS SAID.

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HOMOSEXUALS WILL COME TO TERMS WITH SOCIETY
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DECRIMINALISATION WILL ENABLE PRACTISING HOMOSEXUALS NOT TO LIVE IN FEAR OF BLACKMAIL AND TO COME TO TERMS WITH THEIR OWN SEXUALITY AND WITH SOCIETY, THOUGH IT MAY NOT REMOVE SOCIAL STIGMA, THE SECRETARY FOR HEALTH AND WELFARE, THE HON ELIZABETH WONG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION IN THE DEBATE ON DECRIMINALISATION OF PRIVATE HOMOSEXUAL ACTS BY CONSENTING MALE ADULTS, MRS WONG SAID: "OBJECTIONS TO DECRIMINALISATION APPEAR TO COME FROM THE BELIEF THAT IT MIGHT LEAD TO AN EXPLOSION OF HOMOSEXUAL ACTIVITIES, THEREBY DESTABILISING SOCIETY; THAT IT COULD IN TURN LEAD TO THE SPREAD OF AIDS VIRUS; AND THAT LAWMAKERS HAVE A DUTY TO PROTECT THE COMMUNITY FROM CORRUPTING INFLUENCES."

COMMENTING THAT HOMOSEXUAL BEHAVIOUR WAS AN INTERPLAY BETWEEN GENETIC BIOLOGICAL MAKE-UP AND SOCIAL ENVIRONMENTAL FACTORS, MRS WONG SAID AETIOLOGICAL STUDIES SUGGESTED THAT THIS SEXUALITY COULD BE BOTH NATURAL AND/OR NURTURED; AND WAS EITHER EGO-SYNTONIC OR EGO-DYSTONIC.

"THERE IS NO EVIDENCE TO SUGGEST THAT WE CAN PREVENT HOMOSEXUAL BEHAVIOUR MERELY BY PUNISHING IT UNDER THE LAW, ANY MORE THAN WE CAN PREVENT ADULTERY BY STATUTORY PENALTY," SHE SAID.

"THUS, IF ONE LIQUIDATES THE RHETORIC OF THE OBJECTIONS RAISED, IT IS EASY TO SEE THAT THE LAW IS ARCHAIC.

"TO TAKE REFUGE BEHIND THE STATUS QUO IS TO ESCAPE REALITY AND EVADE SOCIAL RESPONSIBILITY," SHE SAID.

MRS WONG POINTED OUT THAT WHILST HOMOSEXUALS OCCUPIED A FAIR PROPORTION OF THE REPORTED AIDS CASES, TRANSMISSION TOOK PLACE HETEROSEXUALLY AS WELL, FROM MALE TO FEMALE AND ALSO FEMALE TO MALE.

"ON EXPERT AUTHORITY, I BELIEVE THAT IT HAD BEEN LONG KNOWN THAT AIDS CAN BE ACQUIRED THROUGH HETEROSEXUAL CONTACT, AND, INDEED, IT HAS BEEN SAID THAT, NO VIRUS CAN SURVIVE IN EVOLUTION IF TRANSMITTED ONLY BY HOMOSEXUALS," SHE SAID.

IN ACCORDANCE WITH THE WORLD HEALTH ORGANISATION RECOMMENDATION, PREVENTION OF AIDS AND REDUCTION IN THE INFECTION RATE COULD BE ACHIEVED THROUGH EDUCATION AND PUBLICITY AND OTHER MEASURES TO MODIFY SEXUAL BEHAVIOUR.

"HOMOSEXUAL ACTIVITIES PER SE ARE NOT BELIEVED TO BE RESPONSIBLE FOR SPREADING THE DISEASE, AND IT WOULD BE WRONG TO ASSUME THAT THE DISEASE CAN BE PREVENTED BY THE MERE EXISTENCE OF THE LAW WHICH IS PURPORTED TO PUNISH HOMOSEXUAL ACTS," SHE SAID.

MRS WONG STRESSED THAT IT WAS OF CARDINAL IMPORTANCE THAT DECRIMINALISATION SHOULD NOT BE MISTAKEN AS A MOVE TO CONDONE OFFENSIVE BEHAVIOUR WHICH WAS REPUGNANT TO THE COMMUNITY.

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IN THIS RESPECT, SHE SAID SHE BELIEVED THAT THE LAW SHOULD BE CONSISTENT IN ITS APPROACH TO MALES AND FEMALES ALIKE.

"TO THAT EXTENT, I WOULD SUPPORT ANY MEASURE WHICH INTRODUCES APPROPRIATE PUNISHMENT FOR SEXUAL OFFENCES ARISING FROM HOMOSEXUAL ACTIVITIES COMPARABLE TO THOSE ARISING FROM HETEROSEXUAL ACTIVITIES; FOR EXAMPLE, EXPLOITATION, INDECENT ASSAULT AND OTHER SEXUAL OFFENCES, PARTICULARLY WHEN SUCH OFFENCES ARE COMMITTED AGAINST YOUNG PERSONS," MRS WONG ADDED.

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DECRIMINALISATION OF HOMOSEXUAL ACTS SUPPORTED

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IF TWO MEN WHO ARE ADULTS AND WILLINGLY COMMIT A HOMOSEXUAL ACT IN PRIVATE, THEY SHOULD NOT BE TAKEN AS CRIMINALS, THE SENIOR MEMBER OF THE LEGISLATIVE COUNCIL, THE HON ALLEN LEE, SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

SPEAKING IN SUPPORT OF THE MOTION IN THE DEBATE ON HOMOSEXUALITY, MR LEE ADMITTED THAT FACING A COMMUNITY THAT WAS GENERALLY HOSTILE TOWARDS HOMOSEXUALITY, IT WAS NOT EASY TO OBJECTIVELY ANALYSE THE PROBLEM, AND TO CONSIDER THE CONTROVERSY AND COME TO A CONCLUSION.

"IT IS A CHOICE BETWEEN MORALITY AND PRIVACY AND TO A GREAT EXTENT, HUMAN RIGHTS ALSO COME INTO PLAY," HE SAID.

MR LEE SAID HE HAD CONSIDERED THIS PROBLEM LONG AND HARD AND HAD REACHED A CONCLUSION THAT CRIMINAL PENALTIES SHOULD BE REMOVED EVEN THOUGH PERSONALLY IT WAS DIFFICULT FOR HIM TO ACCEPT HOMOSEXUAL ACTS.

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NOT JUST THEIR OWN AFFAIR

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TO DECRIMINALISE AN ACT ON THE GROUND THAT WHAT CONSENTING ADULTS DO IN PRIVATE IS ENTIRELY THEIR OWN AFFAIR IS AN OVER-SIMPLISTIC APPROACH TO THE PROBLEM, THE HON STEPHEN CHEONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE WAS SPEAKING AGAINST THE MOTION ON THE DECRIMINALISATION OF HOMOSEXUAL ACTS BETWEEN CONSENTING MALE ADULTS IN PRIVATE.

/MR CHEONG

MR CHEONG ARGUED THAT IF ONE ACCEPTED THE LOGIC THAT WHATEVER ACT TWO CONSENTING ADULTS PERFORMED IN PRIVATE WAS A MATTER FOR THEM ONLY AND NOT FOR ANYONE ELSE, THEN THE SAME LOGIC SHOULD APPLY TO THE ACT OF BUGGERY BETWEEN TWO CONSENTING ADULTS OF WHOM ONE WAS A FEMALE, POLYGAMY AND INCESTUOUS ACTS BETWEEN TWO CONSENTING ADULTS, BE THEY MOTHER AND SON OR BROTHERS AND SISTERS.

HE ALSO DISAGREED THAT THE CURRENT LAW ON HOMOSEXUALITY SHOULD BE RE-EXAMINED BECAUSE THE RIGHTS OF INDIVIDUALS PERFORMING AN HOMOSEXUAL ACT WERE PROTECTED BY THE FORTHCOMING HUMAN RIGHTS BILL.

HE SAID THAT IF THE SAME LOGIC WAS APPLIED TO OTHER ISSUES THAT HAD A MORAL UNDERTONE, IT WOULD LEAD TO SOME STARTLING AND PERHAPS UNACCEPTABLE CONCLUSIONS; AND THERE WAS A DANGER THAT, ARMED WITH THE "SHIELD OF HUMAN RIGHTS", HONG KONG MIGHT BECOME AN ANARCHIC AND PERMISSIVE SOCIETY WITH LOOSE MORAL VALUES.

HE SAID, "SOCIETY IS NO MORE THAN THE AGGREGATE OF ITS INDIVIDUAL MEMBERS AND HOW PEOPLE FEEL AND BEHAVE IN PRIVATE OR PUBLIC REFLECTS THE GENERAL PERCEPTION OF WHAT IS RIGHT OR WRONG WHICH IN TURN DETERMINES THE SOCIETY'S OVERALL VALUES".

MR CHEONG SAID HE FELT STRONGLY THAT IF THE ADMINISTRATION WAS SERIOUS ABOUT INTRODUCING A BILL ON HOMOSEXUALITY, VIEWS FROM A WIDE CROSS SECTION OF THE COMMUNITY SHOULD BE SOUGHT.

HE BELIEVED THAT HOMOSEXUAL ACTS WERE NOT WIDELY PRACTISED NOR WIDELY ACCEPTED BY THE MAJORITY OF PEOPLE IN HONG KONG, AND THAT IT WOULD NOT BE RIGHT TO ARGUE THAT WE HAD TO LEGALISE THEM BECAUSE OTHER DEMOCRATIC COUNTRIES LIKE THE UK AND U.S. HAD DONE SO.

"THIS LINE OF THINKING MAY GIVE THE WRONG IMPRESSION TO THE COMMUNITY IN THAT PROGRESS AND DEMOCRACY IS EQUATED WITH ACCEPTING HOMOSEXUAL ACTS AS BEING LEGAL," HE SAID.

"ALSO IT POSES AN IMPORTANT QUESTION THAT WHETHER THE YOUNGER MEMBERS OF OUR COMMUNITY WOULD BE LIABLE TO RUN A GREATER RISK OF BEING EXPOSED TO, ENTICED OR EVEN GOADED INTO TAKING PART IN THE PERFORMANCE OF THE ACT SO THAT THEY CAN PROVE TO THEIR CONTEMPORARIES THAT THEY ARE PROGRESSIVE, LIBERAL, DEMOCRATIC AND WITH IT," HE ADDED.

CONCLUDING, MR CHEONG SAID: "EACH AND EVERY SOCIETY HAS ITS OWN CULTURAL BACKGROUND, AND ITS OWN MORAL VALUES. WE SHOULD NOT READILY FORSAKE OUR OWN MORAL VALUES TO OPT FOR A CHANGE SIMPLY TO CONFORM WITH OTHER VALUES PREVAILING ELSEWHERE."

CHANGES SHOULD BE INTRODUCED
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THE ADMINISTRATION SHOULD INTRODUCE THE NECESSARY LEGISLATIVE CHANGES REGARDING THE DECRIMINALISATION OF HOMOSEXUAL ACTS BETWEEN CONSENTING MALE ADULTS IN PRIVATE AT THE EARLIEST OPPORTUNE TIME, THE HON RITA FAN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION ON HOMOSEXUALITY, MRS FAN NOTED THAT REMOVAL OF PENALTIES DID NOT IMPLY LEGAL APPROVAL.

SHE RECALLED THAT THE "DECRIMINALISATION" OF HOMOSEXUAL ACTS BETWEEN CONSENTING MALE ADULTS IN PRIVATE, PROPOSED BY THE LAW REFORM COMMISSION IN 1983, WAS TRANSLATED INTO "LEGISLATION" OF THESE ACTS BY MANY REPORTS IN CHINESE AT THAT TIME.

MRS FAN SAID THIS MIGHT BE WHY THE PROPOSAL WAS REJECTED BY MANY PEOPLE IN THE COMMUNITY INCLUDING HERSELF AS SHE DID NOT WISH TO SEE THESE ACTS GIVEN THE STAMP OF APPROVAL THROUGH GAINING A "LAWFUL STATUS".

SHE SAID THAT IN FACT THE REMOVAL OF A CRIMINAL OFFENCE ON THESE ACTS WAS COUPLED WITH THE RETENTION OF AN EXISTING OFFENCE WHICH APPLIED TO HOMOSEXUAL ACTS BETWEEN MALES UNDER OTHER CIRCUMSTANCES, THE EXTENSION OF PROTECTIVE MEASURES TO MALES FROM SEX EXPLOITATION AND THE STRENGTHENING OF LAW ON PUBLIC BEHAVIOUR MAKING IT CLEAR THAT HOMOSEXUAL ACTS WERE IMMORAL.

MRS FAN, A MEMBER OF THE HONG KONG PSYCHOLOGICAL SOCIETY, SAID SHE AGREED WITH THE SOCIETY WHICH HAD EXPRESSED FULL SUPPORT FOR THE MOVE TOWARDS DECRIMINALISATION OF HOMOSEXUAL ACTS BETWEEN CONSENTING ADULTS.

THE SOCIETY HELD THAT TO CRIMINALISE THE SEXUAL EXPRESSION OF ADULT HOMOSEXUALS ENGAGING IN RELATIONSHIPS WITH OTHER VOLUNTARILY CONSENTING ADULTS IN PRIVATE WAS CONTRARY TO CONSIDERATIONS OF HUMAN RIGHTS AND MENTAL HEALTH.

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CURRENT LAW ON HOMOSEXUALITY NOT APPROPRIATE
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STRONG COMMUNITY DISAPPROVAL OF HOMOSEXUALITY DOES NOT PROVIDE SUFFICIENT JUSTIFICATION FOR IMPOSING HARSH CRIMINAL PENALTIES ON THE PARTIES INVOLVED, THE LEGISLATIVE COUNCIL WAS TOLD TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION IN THE DEBATE ON THE DECRIMINALISATION OF PRIVATE HOMOSEXUAL ACTS BETWEEN CONSENTING MALE ADULTS, THE HON MARTIN LEE SAID: "THE CURRENT LAW - UNDER WHICH ADULTS CAN BE IMPRISONED FOR LIFE FOR A PRIVATE, CONSENSUAL ACT - IS NOT APPROPRIATE."

/MR LEE

MR LEE COMMENTED THAT THE CATHOLIC CHURCH IN HONG KONG HAD TAKEN THE POSITION THAT ALTHOUGH HOMOSEXUALITY BETWEEN CONSENTING ADULTS WAS A SIN, IT WAS NOT A CRIME FOR WHICH THE STATE OUGHT TO PUNISH PEOPLE.

"INDEED, THERE ARE MANY ACTS WHICH MEMBERS OF THE COMMUNITY MAY STRONGLY CONDEMN - SUCH AS INFIDELITY TO ONE'S SPOUSE OR DISHONESTY WITH ONE'S FRIENDS - BUT FOR WHICH THE STATE DOES NOT LEVY CRIMINAL PENALTIES," HE SAID.

ON THE CONNECTION BETWEEN HOMOSEXUALITY AND AIDS, MR LEE SAID THERE WAS NO EVIDENCE TO SHOW THAT CRIMINALLY PENALISING HOMOSEXUALITY WOULD PREVENT THE SPREAD OF THE DISEASE, ESPECIALLY SINCE SUCH CRIMINAL PENALTIES WOULD OFTEN PREVENT PEOPLE FROM RECEIVING COUNSELLING, TESTING, OR EDUCATION.

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BALANCE SHOULD BE STRUCK

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A BALANCE SHOULD BE STRUCK BETWEEN MAINTAINING MORAL VALUES AND PROTECTING THE RIGHT OF EVERY CITIZEN, HOMOSEXUAL OR NOT, TO RESPECT FOR HIS PRIVATE LIFE, THE HON RONALD ARCULLI SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

HE NOTED THAT THE LAW REFORM COMMISSION ESTIMATED SEVEN YEARS AGO THAT THE NUMBER OF HOMOSEXUALS COULD AMOUNT TO NEARLY 10 PER CENT OF THE TOTAL POPULATION.

"IT IS THEREFORE RATHER UNSATISFACTORY THAT SUCH A SIGNIFICANT MINORITY OF OUR COMMUNITY, WHO MAY OTHERWISE BE LAW-ABIDING CITIZENS, HAVE TO FEAR PROSECUTION DAY IN AND DAY OUT FOR THEIR HOMOSEXUAL ACTS, WHICH IF CONDUCTED CONSENSUALLY IN PRIVATE DO NO HARM TO OTHER PEOPLE," HE SAID.

SPEAKING IN SUPPORT OF THE MOTION IN THE DEBATE ON HOMOSEXUALITY, MR ARCULLI SAID HE WOULD SEEK CLARIFICATIONS ON THREE ISSUES FROM THE ADMINISTRATION.

FIRSTLY, HE FOUND THE MOTION DID NOT SEEM TO PROVIDE A FULL PICTURE OF THE LEGAL AND SOCIAL CONSEQUENCES OF ANY CHANGE IN THE EXISTING LAW.

HE POINTED OUT THAT THE MOTION SEEMED TO CONFORM WITH THE SECOND OF THE THREE OPTIONS PROPOSED IN THE 1988 CONSULTATION PAPER, BUT IT WAS NOT CLEAR WHETHER THE NINE OFFENCES LISTED IN APPENDIX A OF THAT PAPER AS BEING OFFENCES TO BE RETAINED WOULD FORM PART OF ANY CHANGE IN THE EXISTING LAW.

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ALSO, THE SECOND PART OF THE MOTION CALLED FOR THE EXTENSION OF PROTECTION TO BOTH MEN AND BOYS FROM SEXUAL EXPLOITATION GIVEN TO WOMEN AND GIRLS BY THE CRIMES ORDINANCE BUT NO DETAILS HAD BEEN GIVEN AS TO THE EXTENT OF SUCH PROTECTION, HE SAID.

SECONDLY, HE NOTED THAT THE MOTION DID NOT DEAL WITH THE EXISTING OFFENCE OF BUGGERY.

HE POINTED OUT THAT THE LAW REFORM COMMISSION RECOMMENDED IN 1983 THAT THE LAW SHOULD NO LONGER PROHIBIT ANY FULLY CONSENSUAL SEXUAL CONDUCT IN PRIVATE BETWEEN A MAN AND A WOMAN WHERE BOTH WERE OVER 16 YEARS OLD.

THE 1988 CONSULTATION PAPER DID NOT RAISE THIS MATTER BUT THE REFERENCE IN APPENDIX A TO NON-CONSENSUAL BUGGERY AND BUGGERY WITH A GIRL UNDER 16 AS OFFENCES TO BE RETAINED MIGHT BE MISUNDERSTOOD SO AS TO IMPLY THAT CONSENSUAL BUGGERY AS OUTLINED BY THE LAW REFORM COMMISSION MIGHT BE PERMISSIBLE, HE SAID.

HE HOPED THE ADMINISTRATION COULD CLARIFY WHETHER IT INTENDED FOR CONSENSUAL BUGGERY BETWEEN A MAN AND A WOMAN TO CONTINUE TO BE AN OFFENCE.

THIRDLY, MR ARCULLI NOTED THAT A CIVIL SERVICE CIRCULAR ISSUED IN 1982 STATED THAT NO KNOWN HOMOSEXUAL SHOULD BE APPOINTED TO THE HONG KONG CIVIL SERVICE, IRRESPECTIVE OF RANK OR GRADE, AND THAT A SERVING OFFICER IF CONVICTED OF A HOMOSEXUAL OFFENCE FACED IMMEDIATE DISMISSAL.

HE QUESTIONED WHETHER THIS POLICY WOULD BE REVIEWED IN THE LIGHT OF ANY PROPOSAL TO DECRIMINALISE CONSENSUAL HOMOSEXUAL ACTS.

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ALL ABOUT THE RIGHT TO RESPECT FOR PRIVATE LIFE

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THE DEBATE ON THE DECRIMINALISATION OF HOMOSEXUAL ACTS BETWEEN CONSENTING MALE ADULTS IN PRIVATE IS ALL ABOUT "THE RIGHT TO RESPECT FOR PRIVATE LIFE", THE HON PAUL CHENG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION IN THE DEBATE ON HOMOSEXUALITY, MR CHENG SAID THAT THE DEBATE WAS A BATTLE OVER WHETHER OR NOT THE RIGHT OF INDIVIDUAL PRIVACY SHOULD BE PROTECTED, AND NOT A BATTLE OVER WHETHER OR NOT MORALS SHOULD BE LOOSENED.

"HIGH STANDARDS OF GOVERNANCE OF HONG KONG SHOULD EMBODY THE PROTECTION OF INDIVIDUAL RIGHTS SO LONG AS THEY DO NOT INFRINGE ON PUBLIC SAFETY, SOCIAL ORDER, OR NATIONAL SECURITY,

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"IN OTHER WORDS, THE GOVERNMENT SHOULD WORK TO PROTECT THE RIGHTS AND FREEDOMS OF EACH PERSON WITH THE CONSTRAINT THAT IT PROTECTS THE RIGHTS AND FREEDOMS OF ALL THE PEOPLE IT SERVES," HE SAID.

MR CHENG REMINDED HIS COLLEAGUES THAT THEY HAD SUPPORTED THIS POSITION AS A LEGISLATIVE BODY JUST A SHORT TIME AGO DURING THE DRAFT BILL OF RIGHTS DEBATE.

"TO DECIDE TO MAKE HOMOSEXUALITY AN EXCEPTION TO THIS POSITION THAT WE SUPPORTED JUST A FEW WEEKS EARLIER IS UNJUST AND ILLOGICAL," HE SAID.

HE SAID THAT MORALITY COULD NOT BE LEGISLATED. TO DO THAT, PEOPLE WOULD BE MAKING A MOCKERY OF LAW FOR THE VERY FACT THAT BEHAVIOUR IN PRIVATE WAS NOT VISIBLE TO THE PUBLIC, AND COULD NOT THUS BE CONTROLLED.

HE MAINTAINED THAT THE LAW AS IT CURRENTLY STOOD WAS NEXT TO IMPOSSIBLE TO ENFORCE. IT WOULD REQUIRE ENORMOUS POLICE RESOURCES AND A COMPLETE DISREGARD FOR AN INDIVIDUAL'S RIGHT TO PRIVACY, MR CHENG EXPLAINED.

"THE RESULT IS THAT WE HAVE AN UNENFORCEABLE LAW - AND UNENFORCEABLE LAWS STIMULATE DISRESPECT FOR THE LAW AND THE LEGAL SYSTEM.

"TO AVOID THIS, WE MUST DO OUR BEST TO LEGISLATE MEASURES THAT ENABLE THE EXERCISE OF INDIVIDUAL RIGHTS RESTRICTED TO THE EXTENT NECESSARY FOR ACCOMMODATING THE RIGHTS OF OTHERS," HE SAID.

MR CHENG BELIEVED THAT DECRIMINALISING CONSENSUAL HOMOSEXUAL ACTS IN PRIVATE WOULD REMOVE A DETERRENT TO POSSIBLE AIDS CARRIERS COMING FORWARD FOR MEDICAL TESTING AND HELP.

HE ADDED THAT STATISTICS REFUTED THE ARGUMENT THAT AIDS WAS MOST RIFE IN COUNTRIES WHERE HOMOSEXUALITY WAS LEGAL.

MR CHENG STRESSED THAT HE WAS ENDORSING LEGISLATION WHICH ACKNOWLEDGED THE LOGICALITY OF DECRIMINALISING AN ACT THAT TOOK PLACE IN PRIVATE BY TWO CONSENTING ADULTS, AND NOT ADVOCATING SOMETHING WHICH WOULD IN TURN PERMIT AN INDIVIDUAL TO CORRUPT THE MINDS OF YOUNG PEOPLE OR TO OFFEND THE SENSIBILITIES OF OTHERS.

DECRIMINALISING HOMOSEXUAL ACTS WOULD HAVE UNIMAGINABLE CONSEQUENCES
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THE DECRIMINALISATION OF HOMOSEXUAL ACTS IN PRIVATE BETWEEN TWO CONSENTING ADULTS WOULD OPEN THE FLOODGATES LEADING TO UNIMAGINABLE CONSEQUENCES, THE HON DAVID CHEUNG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

OPPOSING THE MOTION IN THE DEBATE ON HOMOSEXUALITY, MR CHEUNG SAID THE VALUE AND LIFESTYLE OF A MINORITY GROUP OF HOMOSEXUALS WOULD THEREBY BE DISSEMINATED THROUGH SOCIETY IF DECRIMINALISATION WERE ALLOWED.

"IF ADOLESCENTS ARE EXPOSED TO A HOMOSEXUAL LIFESTYLE OR ARE EFFECTIVELY INFLUENCED BY THOSE WHO ARE THEMSELVES HOMOSEXUALS, THEN THIS MAY AFFECT THEIR SEXUAL ORIENTATION AND HAVE LONG TERM DAMAGING EFFECTS ON THE YOUTHS," HE SAID.

HE SAID ALTHOUGH THE LAW REFORM COMMISSION HAD SAID THAT DECRIMINALISATION DID NOT NECESSARILY IMPLY LEGAL APPROVAL, TO THE YOUNG MINDS, IT WOULD PASS A DEADLY-WRONG-YET-STRAIGHT-FORWARD MESSAGE THAT SUCH ACTS WERE ACCEPTABLE TO SOCIETY AND THEREFORE COULD BE PRACTISED.

MR CHEUNG ARGUED THAT BY DECRIMINALISATION, THE GOVERNMENT WOULD BE CONTRADICTING ITSELF: ON THE ONE HAND, IT ENCOURAGED MORE MORAL AND PROPER SEX EDUCATION IN SCHOOLS BUT, ON THE OTHER, ENCOURAGED PERMISSIVENESS OF HOMOSEXUAL ACTS.

HE SAID THAT DECRIMINALISATION OF HOMOSEXUAL ACTS WOULD ALSO OPEN THE FLOODGATE OF VERY DAMAGING OPPORTUNITIES, AS THE MOVE WOULD GIVE RISE TO OPPORTUNITY FOR SERIOUS ATTEMPTS TO SECURE RIGHTS FOR HOMOSEXUAL PERSONS TO MARRY ONE ANOTHER, CLAIMING SPOUSAL STATUS FOR TAX AND SOCIAL BENEFITS, AND ADOPTING AND RAISING CHILDREN. FURTHER, THERE WAS THE AIDS FACTOR.

MR CHEUNG STRESSED THAT HE WANTED A CLEAR MORAL STANDARD BACKED UP BY LEGAL CONSTRAINTS TO BE MAINTAINED.

"THIS WILL GIVE A CLEAR MESSAGE TO SOCIETY THAT HOMOSEXUALITY IS NOT AN ACCEPTABLE FORM OF BEHAVIOUR FROM SOCIETY'S POINT OF VIEW.

"IT WILL ALSO PREVENT THE FLOODGATE FROM BEING OPENED WHICH MIGHT LEAD TO ALL KINDS OF UNDESIRABLE POSSIBILITIES."

NOTING THAT SOME PEOPLE FAVOURED DECRIMINALISATION ON THE BASIS OF HUMAN RIGHTS, MR CHEUNG SAID AS MUCH AS HE SUPPORTED THE BILL OF RIGHTS, THE BILL MUST NOT BE SEEN AS AN INSURANCE OR A PROTECTIVE UMBRELLA FOR WRONGDOINGS.

"FROM WHATEVER ANGLE WE LOOK AT THE ISSUE, THE RIGHT A PERSON HAS DOES NOT GIVE HIM/HER THE RIGHT TO DO WHAT IS WRONG OR SOCIALLY UNACCEPTABLE," HE SAID.

MR CHEUNG PROPOSED THAT HOMOSEXUALS SHOULD BE ENCOURAGED TO SEEK PSYCHOTHERAPY. HE SUGGESTED THAT AN ALL-OUT PUBLICITY CAMPAIGN SHOULD BE MOUNTED TO ENCOURAGE HOMOSEXUALS TO COME FORWARD TO GET HELP, SO AS TO CHANGE THEIR SEXUAL ORIENTATION.

CALL TO REVIEW HANDLING OF SEXUAL OFFENCES

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THE GOVERNMENT SHOULD REVIEW THE PRESENT METHOD OF HANDLING ALLEGED CASES OF SEXUAL OFFENCE TO AVOID FURTHER HURTING THE VICTIMS WHILE IT PROCEEDS WITH LEGISLATION TO DECRIMINALISE CERTAIN HOMOSEXUAL ACTS, THE HON NELLIE FONG SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

SPEAKING IN SUPPORT OF THE MOTION IN THE DEBATE ON HOMOSEXUALITY, MRS FONG SAID AT PRESENT THE VICTIM OF SUCH CASES WOULD HAVE TO GO THROUGH CROSS EXAMINATIONS DURING TRIAL TO EXPOSE HIS OR HER PRIVATE LIVES, BUT IN RETURN WOULD GAIN NOTHING OTHER THAN TO SEE JUSTICE BEING UPHELD.

"I BELIEVE THAT WHILE WE GO FORWARD WITH LEGISLATION ON THE ISSUE OF DECRIMINALISATION OF CERTAIN HOMOSEXUAL ACTS, WE SHOULD FOCUS ON HOW CASES OF ALLEGED SEXUAL OFFENCES, HOMOSEXUAL OR OTHERWISE, COULD BE HANDLED TO AVOID THE VICTIM EITHER NOT BRINGING CHARGES DUE TO THE INEVITABLE NEGATIVE EXPOSURE, OR THE VICTIM'S LIFE BEING SERIOUSLY DAMAGED IN THE COURSE OF A TRIAL CONDUCTED ALONG THE LINES TRIALS ARE CONDUCTED TODAY," SHE SAID.

MRS FONG SAID SHE FAILED TO SEE WHY HOMOSEXUAL ACTS COMMITTED IN PRIVATE BY CONSENTING ADULTS SHOULD BE CONSIDERED AS CRIMINAL OFFENCES IF THE ACTS DID NOT BRING HARM TO ANYONE.

SHE SAID HER CONCERN ON THE ISSUE FOCUSED ON WHETHER ANYONE GOT HURT, AND THAT THIS TIED IN WITH THREE ISSUES.

FIRSTLY, THAT THE REMOVAL OF CRIMINAL PENALTIES FOR SPECIFIC HOMOSEXUAL ACTS SHOULD NOT IMPLY LEGAL APPROVAL OR PUBLIC ACCEPTANCE OF THOSE ACTS.

SECONDLY, SINCE HOMOSEXUALITY WAS SUCH A COMPLICATED ISSUE FROM MANY POINTS OF VIEW, INCLUDING THE PSYCHOLOGICAL AND EMOTIONAL ASPECTS, IT WOULD BE QUESTIONABLE WHETHER AGE 21 WAS SUFFICIENT FOR A PERSON TO BE CAPABLE OF DECIDING ON THEIR ACTIONS.

THIRDLY, HOW TO DETERMINE WHETHER THERE WAS CONSENT BECAUSE IT WAS DOUBTFUL WHETHER THE PERSONS WHO WERE HARMED WOULD EVER COME FORWARD TO CHALLENGE THEIR AGGRESSORS AND RISK EXPOSURE AND POTENTIAL MARGINALISATION BY THE COMMUNITY.

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HOMOSEXUALITY NOT A DISEASE

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THE PRESENT LAWS SHOULD BE CHANGED SO THAT NO PARTICULAR INJUSTICE IS DONE TO A SECTION OF THE POPULATION OVER WHOSE SEXUAL INCLINATION THEY HAVE NO CONTROL, THE LEGISLATIVE COUNCIL WAS TOLD TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF A MOTION ON THE DECRIMINALISATION OF HOMOSEXUAL ACTS, DR THE HON LEONG CHE-HUNG SAID THAT HOMOSEXUALITY PER SE WAS ONLY A VARIATION OF SEXUAL ORIENTATION, AND NOT A DISEASE.

ON THE RELATIONSHIP BETWEEN HOMOSEXUALITY AND AIDS, DR LEONG SAID IT WAS MOST MISLEADING TO ARGUE THAT A LAW WHICH MADE HOMOSEXUALITY A CRIME COULD PROTECT THE PUBLIC AGAINST THE SPREAD OF AIDS.

HE HELD THAT THE MOST EFFECTIVE WAY OF CONTROLLING AIDS WAS THROUGH EDUCATION.

"THE TASK OF MAKING SURE THAT THOSE WHO MOST NEED THIS EDUCATION GET IT COULD BE MADE EXTREMELY DIFFICULT BY A LAW WHICH PREVENTS OPEN DISCUSSION ABOUT HOMOSEXUALITY AND DRIVES THE HOMOSEXUAL COMMUNITY UNDERGROUND," HE ADDED.

DR LEONG SAID MANY HOMOSEXUALS WERE SUBJECTED TO CONSIDERABLE STRESS AS A RESULT OF STRONG DISAPPROVAL OF THE GENERAL PUBLIC, THE CONDEMNATION OF HOMOSEXUALITY BY RELIGIOUS AUTHORITY AND CERTAIN DRACONIAN LAW SECTIONS FORCING THEM TO KEEP THEIR SEX LIVES SECRET.

DR LEONG ALSO OUTLINED THE STANDPOINT OF THE MEDICAL PROFESSION IN RELATION TO THE EXISTING LAW.

HE SAID THE HONG KONG MEDICAL ASSOCIATION HELD THE VIEW THAT CRIMINAL PENALTIES FOR HOMOSEXUAL ACTS IN PRIVATE BETWEEN CONSENTING ADULTS SHOULD BE REMOVED, AND THAT THE PRESENT LAW DISCRIMINATED AGAINST THE MALE HOMOSEXUALS AS FEMALE HOMOSEXUAL ACTIVITIES OCCURRING IN PRIVATE WERE NOT PUNISHABLE BY LAW.

THE ASSOCIATION ALSO HELD THAT PUNISHMENT FOR BUGGERY WITHOUT CONSENT SHOULD BE THE SAME AS PUNISHMENT FOR RAPE WHILE PUNISHMENT FOR INDECENT ASSAULT IN HOMOSEXUAL ACTS SHOULD BE THE SAME AS THE PUNISHMENT FOR INDECENT ASSAULT ON FEMALES.

"I WANT TO EMPHASISE HERE THAT THE POSITION OF THE HONG KONG MEDICAL ASSOCIATION SHOULD IN NO WAY BE TAKEN TO IMPLY THAT WE CONDONE HOMOSEXUAL ACTIVITIES," DR LEONG ADDED.

THE HON JIMMY MCGREGOR, WHO IS IN EUROPE, HAD ASKED DR LEONG TO INFORM THE LEGISLATIVE COUNCIL THAT HE SUPPORTED THE PROPOSAL TO DECRIMINALISE HOMOSEXUAL ACTS.

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REDUCTION IN MAXIMUM PENALTIES SUPPORTED

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THE HON JAMES TIEN SUPPORTED A REDUCTION IN THE MAXIMUM PENALTIES FOR HOMOSEXUAL ACTS ALTHOUGH HE DISAPPROVED OF ANY MOVE TOWARDS COMPLETE DECRIMINALISATION OF SUCH BEHAVIOUR.

SPEAKING TODAY (WEDNESDAY) AGAINST THE MOTION IN THE LEGCO DEBATE ON THE DECRIMINALISATION OF HOMOSEXUAL ACTS, MR TIEN SAID HE SAW MERIT IN ADOPTING "A MORE REALISTIC APPROACH" TO THE ISSUE.

HE WAS OF THE VIEW THAT A REDUCTION IN SENTENCES WOULD BRING THE LAW INTO LINE WITH THE PRESENT POLICING PRACTICE AND THE PATTERN OF SENTENCING BY THE COURTS WHILE AVOIDING THE UNDESIRABLE CONSEQUENCES WHICH MIGHT BE ASSOCIATED WITH REMOVAL OF THE CRIMINAL PENALTIES FOR HOMOSEXUAL ACTS IN PRIVATE BETWEEN CONSENTING ADULTS.

MR TIEN POINTED OUT THAT ORIENTAL CULTURES WERE IN BROAD TERMS UNSYMPATHETIC, OR EVEN HOSTILE, TO HOMOSEXUAL BEHAVIOUR.

HE SAID IT WOULD BE WRONG TO ARGUE THAT RIGHTS FOR HOMOSEXUALS WERE PART AND PARCEL OF RIGHTS GENERALLY.

THE BILL OF RIGHTS WAS NOT RELEVANT IN THIS RESPECT, HE ADDED.

"THE ARGUMENT FOR SO-CALLED GAY RIGHTS ASSUMES THAT GAY PERSONS HAVE A MORAL CLAIM TO PUBLIC ACCEPTANCE OR APPROVAL.

"GAY RIGHTS REPRESENTS A SCALE OF VALUES WHICH IS OUT OF HARMONY WITH OUR MORAL VALUES. IT IS OUT OF HARMONY WITH ASIAN CULTURES IN THEIR BROAD TRADITION, AS WELL AS THEIR HOPES FOR THEIR FUTURE WELL-BEING.

"I JUST DO NOT SEE WHY WE SHOULD INHERIT OCCIDENTAL PREJUDICES IN MORALITY AND CULTURE," HE SAID.

MR TIEN SAID MEMBERS WERE APPARENTLY BEING ASKED A NARROW LEGAL, RATHER THAN A MORAL, QUESTION.

"DECRIMINALISING HOMOSEXUALITY BETWEEN CONSENTING MEN OVER 21 YEARS OF AGE IS A CLEAR MATTER OF EXPEDIENCY. WHAT DOES THE ARGUMENT BOIL DOWN TO? THE PROPOSAL SIMPLY ARGUES THIS : IF YOU CAN'T EFFECTIVELY POLICE IT, YOU SHOULDN'T REGULATE IT."

HE SAID WHAT THE ARGUMENT ON NARROW LEGALITY IGNORED, HOWEVER, WAS THAT WHAT WENT ON IN PRIVATE OFTEN SPILLED OVER INTO THE PUBLIC ARENA.

HOMOSEXUALITY IF PERMITTED BY LAW IN PRIVATE, MIGHT LEAD TO THE GREATER SOLICITATION OF YOUNG BOYS IN PUBLIC PLACES AND SUCH DEVIANT BEHAVIOUR HAD ALSO BEEN ASSOCIATED WITH OTHER CRIMES, HE ADDED.

MR TIEN SAID IF THE COUNCIL ACCEPTED THE PROPOSAL TO DECRIMINALISE HOMOSEXUALITY, IT WOULD SEND A WRONG MESSAGE TO THE PEOPLE OF HONG KONG.

/"THIS WOULD

"THIS WOULD INDICATE SOME SORT OF APPROVAL TO THE IDEA, NOT THE LAW, ABOUT THIS SENSITIVE MATTER. PEOPLE WON'T SEE THE SUBTLETIES.

"WHAT WE SHOULD SAY IS THAT, WE DO NOT WISH TO APPROVE SOMETHING ... WHEN, IN FACT, WE DO NOT APPROVE OF IT ALL.

"FOR IT IS NOT JUST A QUESTION OF 'YES' OR 'NO' TO A RATHER AMBIGUOUS LAW. IT IS A QUESTION OF WHETHER THE HONG KONG PUBLIC WILL SEE THIS COUNCIL AS CONDONING OR ENCOURAGING SOMETHING WHICH IT FEELS OUR PEOPLE FIND OVERWHELMINGLY REPUGNANT," HE SAID.

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TIMES HAVE CHANGED

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TIMES HAVE CHANGED AND CONTINUING TO TREAT HOMOSEXUAL ACTS AS A CRIME CERTAINLY DOES NOT ASSIST THOSE BORN OR CAUGHT UP WITH SUCH A PROBLEM, THE HON PETER WONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION IN THE DEBATE ON HOMOSEXUALITY, MR WONG SAID HE FOUND DERISORY THE ARGUMENT THAT HOMOSEXUAL LOVE WOULD DESTROY TRADITIONAL FAMILY VALUES.

"SURELY, OUR TRADITIONAL VALUES ARE BASED ON FIRMER FOUNDATIONS THAN THAT SUGGESTED, AND I AM CONFIDENT THAT DECRIMINALISATION SHOULD ALLOW US TO TREAT THE PROBLEM WITH OPENNESS AND HUMANITY."

MR WONG NOTED THAT THE NON-ENFORCEMENT OF THE ORDINANCE AGAINST ACTS COMMITTED IN PRIVATE AND THE LIGHT SENTENCES IMPOSED IN RECENT YEARS ON THOSE WHO HAVE BEEN CAUGHT IN PUBLIC COMMITTING SUCH ACTS, HAD NOT AT THE TIME PRODUCED STRONG PUBLIC OUTCRY ONE MIGHT EXPECT IF THEY HAD OUTRAGED PUBLIC PERCEPTIONS.

HE ALSO FOUND THE ARGUMENT THAT HOMOSEXUAL ACTS SHOULD BE ALLOWED FOR MEN OF 21 AND OVER TO BE ILLOGICAL WHEN 18 WAS CONSIDERED TO BE OLD ENOUGH FOR ALMOST EVERYTHING ELSE.

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MOTION ON RADIATION REGULATIONS PASSED

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THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) PASSED A MOTION APPROVING THE RADIATION (CONTROL OF IRRADIATING APPARATUS) (AMENDMENT) REGULATIONS 1990 AND THE RADIATION (CONTROL OF RADIOACTIVE SUBSTANCES) (AMENDMENT) REGULATIONS 1990 MADE BY THE RADIATION BOARD ON JUNE 8 THIS YEAR.

MOVING THE MOTION, THE SECRETARY FOR HEALTH AND WELFARE, THE HON ELIZABETH WONG, EXPLAINED THAT SECTION 13(1) OF THE RADIATION ORDINANCE EMPOWERED THE RADIATION BOARD TO MAKE REGULATIONS SUBJECT TO THE APPROVAL OF THE LEGISLATIVE COUNCIL.

MANY OF THE AMENDMENTS TO THE REGULATIONS IN THE CURRENT EXERCISE WERE TECHNICAL IN NATURE, SHE SAID.

FOLLOWING THE RECENT INCREASE IN THE LEVEL OF FINES FOR OFFENCES UNDER THE RADIATION ORDINANCE APPROVED BY THE COUNCIL, MRS WONG SAID, THE TWO SETS OF AMENDMENT REGULATIONS SOUGHT TO INTRODUCE A THREE-FOLD INCREASE IN THE LEVEL OF FINES FOR VARIOUS OFFENCES UNDER THE REGULATIONS.

"THESE FINES HAVE NOT BEEN REVISED SINCE THE REGULATIONS CAME INTO FORCE IN 1965 BECAUSE THE NUMBER OF OFFENCES PROSECUTED WAS VERY SMALL.

"HOWEVER, WE CONSIDER IT NECESSARY TO INCREASE THE FINES IN ORDER TO MAINTAIN THEIR DETERRENT EFFECT," SHE SAID.

MRS WONG SAID THAT UNDER THE RADIATION (CONTROL OF IRRADIATING APPARATUS) (AMENDMENT) REGULATIONS 1990, REGULATION 2 SOUGHT TO UPDATE THE EXISTING TERMINOLOGY AND DEFINITIONS WHICH WERE CONSIDERED OUTMODED.

"THESE INCLUDE CHANGING THE TERM 'DENTAL X-RAY MACHINE' TO 'DENTAL IRRADIATING APPARATUS' AND THE REFERENCE OF 'MAXIMUM PERMISSIBLE DOSE' TO 'DOSE-EQUIVALENT LIMIT', INTRODUCING THE TERMS 'DIAGNOSTIC IRRADIATING APPARATUS' AND 'THERAPEUTIC IRRADIATING APPARATUS' AND DEFINING THESE NEW TERMS IN ACCORDANCE WITH INTERNATIONALLY ACCEPTED STANDARDS," SHE SAID.

IN ADDITION, REGULATION 7 AMENDED REGULATION 17 TO EXTEND THE OFFENCES OF LICENSEES IN RELATION TO THE IMPROPER USE OF PROTECTIVE MATERIALS AND SAFETY PRACTICES IN CASE OF IRRADIATING APPARATUS TO ALL PERSONS SO AS TO ENSURE THAT THESE PROVISIONS COULD BE ENFORCED TO PROVIDE THE NECESSARY PROTECTION FROM RADIATION HAZARDS IRRESPECTIVE OF WHETHER A LICENCE WAS IN FORCE.

"IN PRACTICE, THE RADIATION BOARD HAS AT TIMES FOUND IT DIFFICULT TO IDENTIFY THE LICENSEE IN ENFORCING THIS REGULATION WHEN A LICENCE IS EITHER NOT RENEWED OR IS IN THE PROCESS OF BEING APPLIED FOR," SHE SAID.

/MRS WONG

MRS WONG SAID REGULATION 8 UPDATED AND SPELT OUT EXPLICITLY FILTRATION REQUIREMENTS FOR DENTAL AND DIAGNOSTIC IRRADIATING APPARATUS AND LIMITS ON RADIATION LEAKAGE RATES FROM THE PROTECTIVE HOUSING OF X-RAY TUBES.

"THESE SPECIFICATIONS ARE IN ACCORDANCE WITH INTERNATIONALLY ACCEPTED STANDARDS," SHE SAID.

REGULATION 8 ALSO SOUGHT TO REPEAL REGULATION 20 WHICH WAS INCONSISTENT WITH PROVISIONS IN THE PRINCIPAL ORDINANCE.

"REGULATION 20 WAS ENACTED IN 1970 WITH AN INTENTION TO PROHIBIT THE MANUFACTURE, SALE OR POSSESSION OF ANY TELEVISION SET WHICH EMITS IONIZING RADIATION AT A RATE EXCEEDING 130 NANOCOULOMBS PER KILOGRAM PER HOUR OR THE EQUIVALENT OF FIVE MICROSIEVERTS PER HOUR.

"HOWEVER, SECTIONS 2 AND 7 IN THE PRINCIPAL ORDINANCE WHEN TAKEN TOGETHER WILL IMPLY THAT ANY PERSON WHO WISHES TO MANUFACTURE, SELL OR POSSESS SUCH TELEVISION SETS MAY APPLY TO THE RADIATION BOARD FOR A LICENCE.

"THE BOARD IS OF THE VIEW THAT SUCH INCONSISTENCIES SHOULD BE REMOVED AND IN THE LIGHT OF SUFFICIENT CONTROLS OVER SUCH EQUIPMENTS IN THE PRINCIPAL ORDINANCE, REGULATION 20 SHOULD BE REPEALED," MRS WONG EXPLAINED.

FURTHERMORE, UNDER THE RADIATION (CONTROL OF RADIOACTIVE SUBSTANCES) (AMENDMENT) REGULATIONS 1990, AMENDMENTS WERE INTRODUCED TO REPEAL AN OUTDATED DEFINITION OF "VESSEL" AND TO SUBSTITUTE THE TERM "MAXIMUM PERMISSIBLE DOSE" BY THE NEW TERM "DOSE-EQUIVALENT LIMIT" AS PROPOSED IN THE RADIATION (CONTROL OF IRRADIATING APPARATUS) (AMENDMENT) REGULATIONS.

THE REGULATIONS ALSO SOUGHT TO REPEAL REGULATION 7(6) WHICH CURRENTLY PROHIBITED THE CARRYING OF PASSENGERS IN VEHICLES OR VESSELS WHICH WERE AT THE SAME TIME CONVEYING RADIOACTIVE SUBSTANCES AND REQUIRED THAT SUCH SUBSTANCES BE PLACED IN A SEPARATE COMPARTMENT FROM THE CREW.

"THESE PROVISIONS ARE CONSIDERED TO BE UNREALISTIC WHEN THE RADIOACTIVE SUBSTANCES CONVEYED AT ANY ONE TIME ARE IN SMALL QUANTITIES AND OF VERY LOW RADIOACTIVITY.

"INSTEAD, THE BOARD FEELS THAT THE EXISTING PERMIT ARRANGEMENTS UNDER REGULATION 7(1) WILL PROVIDE THE BASIS FOR MORE RATIONAL CONTROLS OVER THE CONVEYANCE OF RADIOACTIVE SUBSTANCES ON VEHICLES OR VESSELS," MRS WONG SAID.

ACCORDINGLY, MRS WONG SAID, THE STATUTORY REQUIREMENT THAT RADIOACTIVE SUBSTANCES SHOULD NOT BE CARRIED IN THE SAME VESSEL WITH OTHER DANGEROUS GOODS UNDER REGULATION 7(7) WAS ALSO REMOVED.

"APPROPRIATE CONDITIONS ON THE CONVEYANCE OF RADIOACTIVE SUBSTANCES ON VEHICLES OR VESSELS WILL, HOWEVER, BE IMPOSED BY THE BOARD IN THE ISSUE OF THE PERMIT," SHE ADDED.

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VIEWS OF SUBSTANTIAL MAJORITY SHOULD PREVAIL IN JSC

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THE ADMINISTRATION CONSIDERS THAT A SUBSTANTIAL MAJORITY ON THE JUDICIAL SERVICE COMMISSION (JSC) SHOULD BE ABLE TO PREVAIL OVER THE VIEWS OF A MINORITY AND TENDER ADVICE ACCORDINGLY, THE CHIEF SECRETARY, THE HON SIR DAVID FORD, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WINDING UP THE SECOND READING DEBATE ON THE JUDICIAL SERVICE COMMISSION (AMENDMENT) BILL 1989, SIR DAVID EXPLAINED THAT THE BILL WAS A REVISED VERSION OF A BILL FIRST INTRODUCED IN JUNE 1988.

IT ALREADY MODIFIED THE EARLIER BILL AS A RESULT OF VIEWS EXCHANGED WITH THE LEGAL PROFESSION AT THE SUGGESTION OF THE AD HOC GROUP ON THE FIRST BILL, HE SAID.

"FURTHER DISCUSSIONS WITH THE AD HOC GROUP ON THE PRESENT BILL, AND THROUGH THE AD HOC GROUP WITH THE LEGAL PROFESSION, HAVE BEEN CARRIED OUT SINCE THIS BILL WAS INTRODUCED," SIR DAVID ADDED.

HE SAID THE MAIN OUTSTANDING ISSUES CONCERNED THE NUMBER OF MEMBERS REQUIRED TO FORM A QUORUM; THE MECHANISM WHEREBY THE GOVERNOR SHOULD CONSULT THE PROFESSION REGARDING THE APPOINTMENT OF BARRISTER AND SOLICITOR MEMBERS OF THE JSC; AND THE NUMBER OF DISSENTING VOTES TO BE ALLOWED IN MAKING THE RECOMMENDATION.

"THE ADMINISTRATION IS PREPARED TO ACCEPT AMENDMENTS TO THE BILL IN RESPECT OF THE FIRST TWO MATTERS," SIR DAVID SAID.

AS TO THE NUMBER OF DISSENTING VOTES TO BE ALLOWED, THE CHIEF SECRETARY SAID MENTION HAD BEEN MADE OF THE FACT THAT RESOLUTIONS OF THE COMMISSION MUST AT PRESENT BE UNANIMOUS.

"THIS ARRANGEMENT CAN GIVE RISE TO A SITUATION IN WHICH A SINGLE MEMBER COULD VETO A DECISION OF THE REMAINDER.

"THAT IS NOT A SATISFACTORY SITUATION, AND THE UNANIMITY RULE IS FELT TO BE UNWORKABLE IN REALLY DIFFICULT CASES.

"IT IS OUR VIEW THAT A SUBSTANTIAL MAJORITY ON THE COMMISSION SHOULD BE ABLE TO PREVAIL OVER THE VIEWS OF A MINORITY AND TENDER ADVICE ACCORDINGLY," SIR DAVID EXPLAINED.

HE POINTED OUT THAT IF, THEN, THE PRINCIPLE OF MAJORITY VOTING WAS ACCEPTED, THE ONLY QUESTION THAT REMAINED WAS THE SIZE OF THE MAJORITY.

THE GOVERNMENT HAD ALWAYS ACCEPTED THAT THERE SHOULD BE A SUBSTANTIAL MAJORITY AND ITS ORIGINAL PROPOSAL, CONTAINED IN THE BILL INTRODUCED IN 1988, HAD BEEN FOR A TWO-THIRDS MAJORITY.

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"THE LEGAL PROFESSION HAVE ARGUED THAT IF THE PRESENT REQUIREMENT FOR UNANIMITY IS TO BE MODIFIED, IT SHOULD BE MODIFIED ONLY TO THE EXTENT OF ALLOWING RESOLUTIONS TO BE PASSED WITH NOT MORE THAN ONE DISSENTING VOTE.

"THAT SIMPLY DOES NOT GO FAR ENOUGH TOWARDS THE OBJECT OF MOVING AWAY FROM THE PRESENT REQUIREMENT FOR UNANIMITY.

"INDEED, GIVEN THAT THE MEMBERSHIP OF THE COMMISSION IS TO BE EXPANDED FROM SIX MEMBERS TO NINE MEMBERS, IT IS HARDLY ANY IMPROVEMENT ON THE PRESENT SITUATION," SIR DAVID SAID.

THE BILL WOULD ENABLE THE COMMISSION TO TENDER ADVICE PROVIDED THAT THERE WERE NO MORE THAN TWO DISSENTING VOTES AND THUS, IF ALL NINE MEMBERS OF THE COMMISSION WERE PRESENT, SEVEN WOULD HAVE TO AGREE BEFORE A RESOLUTION COULD BE EFFECTIVE.

THIS LIMITED MOVE AWAY FROM UNANIMOUS VOTING TOWARDS SUBSTANTIAL MAJORITY VOTING WAS SOMETHING WHICH WAS NEEDED NOW AND IT WOULD BE EVEN MORE NECESSARY IN THE FUTURE, HE SAID.

AT PRESENT THE COMMISSION ADVISED THE GOVERNOR, WHO WAS NOT BOUND IN LAW TO ACCEPT ITS ADVICE.

"IN FUTURE THE GOVERNOR, OR AFTER 1997 THE CHIEF EXECUTIVE, WILL BE BOUND TO ACCEPT THE COMMISSION'S ADVICE.

"THAT IS BECAUSE THE JOINT DECLARATION PROVIDES THAT 'JUDGES OF THE HKSAR COURTS SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OF THE HKSAR ACTING IN ACCORDANCE WITH THE RECOMMENDATION OF AN INDEPENDENT COMMISSION COMPOSED OF LOCAL JUDGES, PERSONS FROM THE LEGAL PROFESSION AND OTHER EMINENT PERSONS', "SIR DAVID SAID.

THAT PROVISION WAS NOW REFLECTED IN THE BASIC LAW, HE ADDED.

THE CHIEF SECRETARY SAID AN EXTREMELY DIFFICULT SITUATION COULD ARISE IF THE COMMISSION WERE UNABLE TO PASS EFFECTIVE RESOLUTIONS.

TO ADOPT THE "8 OUT OF 9" VOTING FORMULA INSTEAD OF THE FORMULA PROPOSED IN THE BILL WOULD INCREASE THE CHANCES OF THAT EXTREMELY DIFFICULT SITUATION ARISING, HE REMARKED.

"IT IS OUR JUDGEMENT THAT THE FORMULA PROPOSED IN THE BILL MEETS OUR TWIN OBJECTIVES OF MOVING AWAY FROM THE UNANIMITY RULE, WHILST RETAINING THE REQUIREMENT OF A SUBSTANTIAL MAJORITY," SIR DAVID SAID.

LATER, IN THE BILL'S COMMITTEE STAGE, SIR DAVID OPPOSED AN AMENDMENT MOTION MOVED BY THE HON RONALD ARCULLI, SAYING THAT THE FURTHER AMENDMENTS TO CLAUSES 2(D) AND 2(E) MOVED BY MR ARCULLI, IF ACCEPTED, WOULD MEAN THAT RESOLUTIONS OF THE COMMISSION COULD ONLY BE PASSED IF THERE WERE NOT MORE THAN ONE DISSENTING VOTE.

SIR DAVID SAID THE ADMINISTRATION HAD MOVED AWAY FROM ITS ORIGINAL POSITION IN THE BILL OF A TWO-THIRDS MAJORITY TO ITS PRESENT POSITION. "IT'S NOT TO SUGGEST THAT WE'VE HAD NO FLEXIBILITY," HE SAID.

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THE ADMINISTRATION BELIEVED THAT IF THERE WAS ONE DISSENTING VOTE, THAT WOULD PUT A POWER OF VETO TOO STRONGLY IN THE HANDS OF VERY LIMITED NUMBER OF MEMBERS OF THE JUDICIAL SERVICE COMMISSION AND DID NOT GO FAR ENOUGH TOWARDS THE OBJECT OF MOVING AWAY FROM THE PRESENT REQUIREMENT FOR UNANIMITY.

"I EXPLAINED IN MY REPLY TO THE DEBATE ON THE SECOND READING WHY WE CONSIDERED IT ESSENTIAL TO MOVE AWAY FROM THE UNANIMITY RULE, WHILST RETAINING THE REQUIREMENT OF A SUBSTANTIAL MAJORITY.

"THE FORMULA PROPOSED IN THE BILL MEETS THOSE OBJECTIVES. THE AMENDMENT DOES NOT," SIR DAVID SAID.

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BILL TO EXPAND JUDICIAL SERVICE COMMISSION'S MEMBERSHIP
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THE JUDICIAL SERVICE COMMISSION (AMENDMENT) BILL 1989 SEEKS TO EXPAND THE MEMBERSHIP OF THE COMMISSION (JSC), TO PROVIDE FOR AN INCREASE IN THE QUORUM AND TO PROVIDE THAT RESOLUTIONS SHOULD BE PASSED WITH NO MORE THAN TWO DISSENTING VOTES, THE HON RONALD ARCULLI SAID IN THE RESUMED DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN HIS CAPACITY AS CONVENER OF THE LEGCO AD HOC GROUP TO STUDY THE BILL, MR ARCULLI SAID THE ISSUES THAT RAISED CONCERN AMONG THE LEGAL PROFESSION AND HIS AD HOC GROUP WERE THE ADVICE OF THE JSC; THE ATTORNEY GENERAL'S MEMBERSHIP ON THE COMMISSION; QUORUM; THE APPOINTMENT OF MEMBERS OF THE LEGAL PROFESSION AS WELL AS THE NUMBER OF DISSENTING VOTES PERMISSIBLE.

MR ARCULLI SAID THE AD HOC GROUP, AFTER THOROUGH DELIBERATIONS, SATISFACTORILY RESOLVED THE DIFFERENCES BETWEEN THE ADMINISTRATION AND THE LEGAL PROFESSION WITH THE EXCEPTION OF THE NUMBER OF DISSENTING VOTES PERMISSIBLE IN THE MAKING OF RESOLUTION.

HE NOTED THAT AS THE BILL WAS DRAFTED AT PRESENT, A RESOLUTION MIGHT BE CARRIED EVEN IF THERE WERE TWO DISSENTING VOICES, BUT IN THE EXISTING ORDINANCE A RESOLUTION WAS CARRIED ONLY IF IT WAS PASSED BY ALL MEMBERS PRESENT.

"IT WILL BE MOVING TOO QUICKLY FROM THE EXISTING RULE OF UNANIMITY IF TWO DISSENTING VOTES ARE ALLOWED.

"MOREOVER, THERE SEEMS TO BE NO EVIDENCE TO SUBSTANTIATE ANY CONCERN BY THE JUDICIARY THAT THE LEGAL PROFESSION HAS IN ANY WAY ABUSED THE EXISTING RIGHT OF VETO," HE SAID.

HE SAID HE HIMSELF WAS PARTICULARLY CONCERNED THAT IF A CANDIDATE DID NOT RECEIVE THE SUPPORT OF THE LEGAL PROFESSION OR THE CHIEF JUSTICE AND THE ATTORNEY GENERAL, HE OR SHE WOULD NEVERTHELESS BE APPOINTED.

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"PERSONALLY I AM IN FAVOUR OF THE AD HOC GROUP'S RECOMMENDATION THAT ONLY ONE DISSENTING VOTE SHOULD BE PERMISSIBLE," HE ADDED.

HAVING SAID THAT, MR ARCULLI SAID THE IMPORTANCE OF THE PRESENT BILL DID NOT MERELY LIE IN THE FACT THAT THE JSC ADVISED THE GOVERNOR IN THE APPOINTMENT OF JUDGES BEFORE 1997, IT WOULD ALSO FORM THE BASIS OF AN INDEPENDENT COMMISSION IN THE FUTURE SAR WHICH WOULD BY THEN ASSUME AN EXECUTIVE ROLE.

WITH THIS IN MIND, HE HOPED THE CHANGES PROPOSED TODAY WOULD HELP UNDERLINE AND ENHANCE THE INDEPENDENCE OF THE PRESENT AS WELL AS THE FUTURE JUDICIAL SYSTEM.

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BETTER BUILDING CONTROL IN NORTHWESTERN NT

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THE BUILDINGS (AMENDMENT) BILL 1990, IF ENACTED, WILL PROVIDE BETTER CONTROL OVER THE GEOTECHNICAL ASPECTS OF BUILDING WORKS IN THE KARST MARBLE AREA OF THE NORTHWESTERN NEW TERRITORIES, THE HON CHENG HON-KWAN SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

SPEAKING IN THE RESUMED DEBATE ON THE BILL, HE SAID THE GOVERNMENT WAS TAKING THE RIGHT STEP TO EMPOWER THE BUILDING AUTHORITY TO TIGHTEN GEOTECHNICAL CONTROL OVER BUILDING WORKS IN THE NORTHWESTERN NEW TERRITORIES IN VIEW OF THE HIGHLY COMPLEX GEOLOGICAL CONDITIONS IN SOME AREAS OF THE REGION.

MR CHENG SAID HE AGREED THAT TO ENSURE SAFE DEVELOPMENT OF A SITE IN SUCH A GEOLOGICALLY COMPLEX AREA, A GOOD UNDERSTANDING OF THE GEOLOGICAL FEATURES UNDERLYING THE SITE WAS ESSENTIAL.

"IT IS THEREFORE NECESSARY TO REQUIRE SUBMISSION OF GROUND INVESTIGATION PLANS FOR THE APPROVAL OF THE BUILDING AUTHORITY PRIOR TO COMMENCEMENT OF GROUND INVESTIGATION WORKS," HE SAID.

AS THIS WOULD BE AN ADDITIONAL REQUIREMENT AND WOULD TAKE EXTRA TIME FOR APPROVAL, MR CHENG SUGGESTED THE BUILDING AUTHORITY ADOPT A SENSIBLE APPROACH TO AVOID UNNECESSARY DELAY IN THE PROCESSING OF THE GROUND INVESTIGATION PLANS.

"AFTER ALL, THE FINAL INVESTIGATION RESULTS WILL BE GIVEN IN THE GEOTECHNICAL REPORT WHICH WILL ACCOMPANY THE SUBMISSION OF THE FOUNDATION PLAN AT A LATER STAGE," HE SAID.

MR CHENG NOTED THAT THE BILL ALSO SOUGHT TO EMPOWER THE BUILDING AUTHORITY TO REQUIRE THE SUBMISSION OF PERFORMANCE REVIEWS OF FOUNDATION WORKS.

HE SAID THERE WAS A NEED TO CONTINUE THE PERFORMANCE REVIEWS FOR A PROLONGED PERIOD UNTIL AT LEAST THE SUPERSTRUCTURE WAS COMPLETED WITH A SUBSTANTIAL PORTION OF LOADS ALREADY IMPOSED ONTO THE FOUNDATION.

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HANG LUNG BANK (ACQUISITION) (AMENDMENT) BILL 1990 INTRODUCED
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THE HANG LUNG BANK (ACQUISITION) (AMENDMENT) BILL 1990, THE PURPOSE OF WHICH IS TO AMEND THE HANG LUNG BANK (ACQUISITION) ORDINANCE SO THAT THE BANK, WHICH HAS BEEN SOLD BY GOVERNMENT, CAN BE PUT BACK ON THE SAME FOOTING AS OTHER BANKS IN THE PRIVATE SECTOR, WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, THE FINANCIAL SECRETARY, THE HON SIR PIERS JACOBS, SAID THE BILL SOUGHT TO REPEAL A NUMBER OF PROVISIONS RELATING TO THE MANAGEMENT AND CONTROL OF THE BANK BY GOVERNMENT BECAUSE THEY WERE NO LONGER APPROPRIATE.

ON THE OTHER HAND, IT WAS NECESSARY TO LEAVE SOME EXISTING PROVISIONS OF THE ORDINANCE INTACT, HE SAID.

"OF THESE SECTIONS 6(3) TO (5) PROVIDE FOR CERTAIN TRANSACTIONS TO BE DISCLAIMED BY THE BANK IF SO DIRECTED BY THE FINANCIAL SECRETARY.

"IT IS IN THE PUBLIC INTEREST THAT SUCH A RIGHT BE PRESERVED BECAUSE GOVERNMENT HAS GIVEN THE PURCHASER OF THE BANK CERTAIN INDEMNITIES AND WARRANTIES IN RESPECT OF LIABILITIES INCURRED BY THE BANK BEFORE ITS ACQUISITION BY GOVERNMENT," SIR PIERS SAID.

SIR PIERS ADDED THAT SINCE THERE WAS A POSSIBILITY THAT SOME RIGHTS TO COMPENSATION CONFERRED BY SECTIONS 8(2) AND (3) OF THE ORDINANCE WOULD NOT BE TIME-BARRED, THE BILL ALSO LEFT THESE PROVISIONS INTACT, TOGETHER WITH PARTS OF SECTION 9, WHICH ALLOWED REGULATIONS RELATING TO SUCH COMPENSATION TO BE MADE.

DEBATE ON THE BILL WAS ADJOURNED.

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MORE EFFECTIVE SENTENCING ALTERNATIVES AVAILABLE
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THE GOVERNMENT BELIEVES THAT THERE ARE MORE EFFECTIVE SENTENCING ALTERNATIVES THAN CORPORAL PUNISHMENT, THE SECRETARY FOR SECURITY, THE HON ALISTAIR ASPREY, SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

MOVING THE SECOND READING OF THE CORPORAL PUNISHMENT (REPEAL) BILL 1990, MR ASPREY SAID THE BILL SOUGHT TO REPEAL THE CORPORAL PUNISHMENT ORDINANCE WHICH GAVE THE COURTS THE POWER TO AWARD SENTENCES OF CORPORAL PUNISHMENT.

HE EMPHASISED THAT THE PROPOSAL TO REPEAL THE CORPORAL PUNISHMENT ORDINANCE DID NOT REPRESENT A RELAXATION OF THE GOVERNMENT'S EFFORTS IN THE FIGHT AGAINST CRIME.

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ALTHOUGH AT PRESENT JUDICIAL CORPORAL PUNISHMENT MIGHT BE IMPOSED FOR A WIDE RANGE OF OFFENCES, IN PRACTICE THE COURTS HAD USED IT VERY SPARINGLY, HE SAID.

"IN THE LAST FIVE YEARS, CORPORAL PUNISHMENT HAS BEEN AWARDED BY THE COURTS ON ONLY 23 OCCASIONS, AND ON NO OCCASION SO FAR IN 1990," MR ASPREY SAID.

"I BELIEVE THAT THE COURTS CONSIDER THAT CORPORAL PUNISHMENT IS UNNECESSARY AND OUTDATED, AND THAT THERE ARE OTHER SENTENCING OPTIONS AVAILABLE WHICH BETTER ACHIEVE THE PENAL OBJECTIVES OF PUNISHMENT, DETERRENCE AND REHABILITATION.

"THAT ALSO IS THE VIEW OF THE ADMINISTRATION FOLLOWING A REVIEW OF THE ADEQUACY OF ALTERNATIVE SENTENCES AND PUNISHMENTS AVAILABLE TO THE COURTS TO DEAL WITH OFFENDERS, AND IN THE LIGHT OF THE RESULTS OF A PUBLIC OPINION SURVEY WHICH WE COMMISSIONED FROM A PRIVATE MARKET RESEARCH COMPANY," HE SAID.

"ALTHOUGH MANY MEMBERS OF THE PUBLIC SUPPORT THE RETENTION OF CORPORAL PUNISHMENT, MOST ALSO CONSIDER THAT IT IS LESS EFFECTIVE AS A PUNISHMENT THAN IMPRISONMENT OR OTHER FORMS OF PUNISHMENT," HE ADDED.

DEBATE ON THE BILL WAS ADJOURNED.

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POLICY ON DETENTION OF YOUNG CHILDREN REVIEWED

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THE GOVERNMENT'S POLICY IS NOT TO DETAIN YOUNG CHILDREN IN PRISON UNLESS THERE IS NO PRACTICAL ALTERNATIVE, THE SECRETARY FOR SECURITY, THE HON ALISTAIR ASPREY, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION FROM THE HON ELSIE TU, MR ASPREY SAID THE DETAILED IMPLEMENTATION OF THIS POLICY HAD BEEN REVIEWED FOLLOWING RECENT COURT CASES.

"WE DO NOT NORMALLY DETAIN YOUNG CHILDREN NOR THEIR MOTHERS WHEN THE LATTER SURRENDER THEMSELVES AS ILLEGAL IMMIGRANTS.

"BUT IN FUTURE WE WILL ENSURE THAT WE WILL NOT DETAIN CHILDREN WHERE RECOGNIZANCE IS PROVIDED, WHERE THE FATHER OR A CLOSE RELATIVE IS WILLING AND CAPABLE OF LOOKING AFTER THE CHILD, AND WHERE THE MOTHER HAS GIVEN HER CONSENT," MR ASPREY SAID.

"ONLY WHERE THE ABOVE CONDITIONS CANNOT BE MET, OR WHERE THERE ARE STRONG REASONS TO BELIEVE THE CHILD WILL BE ASSISTED TO ABSCOND, OR WHERE AN ILLEGAL IMMIGRANT CHILD IS LIKELY TO BE REMOVED FROM HONG KONG WITHIN A FEW DAYS WILL A CHILD BE DETAINED," HE STRESSED.

/"OUR OBJECTIVE

"OUR OBJECTIVE IS TO DETAIN AS FEW CHILDREN AS POSSIBLE.

"BUT IN PRACTICE, MANY MOTHERS WISH TO KEEP THEIR YOUNG CHILDREN WITH THEM, PARTICULARLY IN THE CASE OF VERY YOUNG INFANTS," MR ASPREY ADDED.

HE NOTED THAT MOTHERS WHO HAD BEEN ARRESTED AS ILLEGAL IMMIGRANTS WERE ANOTHER MATTER.

"THEY ARE NOT INNOCENT PARTIES. THEY HAVE DELIBERATELY BROKEN THE LAW, EVADED OUR IMMIGRATION CONTROLS AND MAY HAVE LIVED ILLEGALLY IN HONG KONG FOR A SUBSTANTIAL PERIOD OF TIME, SOMETIMES MANY YEARS.

"IF RELEASED, THEY MAY WELL SEEK TO GO INTO HIDING AGAIN. THEY WILL THEREFORE USUALLY BE DETAINED PENDING REPATRIATION," HE EXPLAINED.

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11 SETS OF REGULATIONS GOVERN PERSONAL PROTECTIVE EQUIPMENT
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THERE ARE AT PRESENT 11 SETS OF INDUSTRIAL SAFETY AND HEALTH REGULATIONS THAT SPECIFY THE PROVISION AND USE OF PERSONAL PROTECTIVE EQUIPMENT, THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON K.Y. YEUNG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN REPLY TO A QUESTION FROM THE HON TAM YIU-CHUNG, MR YEUNG SAID THESE REGULATIONS COVERED ALL AREAS OF WORK WHERE THE INDUSTRIAL PROCESSES INVOLVED REQUIRED THE USE OF SUITABLE PROTECTIVE EQUIPMENT.

"TO THIS EXTENT IT CANNOT BE SAID THAT THE RANGE OF INDUSTRIAL SAFETY LEGISLATION IS INADEQUATE," HE SAID.

ON MR TAM'S QUESTION ABOUT THE GUIDELINES FOR THE EQUIPMENT'S SAFETY STANDARDS AND REQUIREMENTS, MR YEUNG SAID HONG KONG FOLLOWED THE UNITED KINGDOM APPROACH IN THAT WHILE SAFETY LEGISLATION LAID DOWN BROAD PRINCIPLES, THERE WERE CODES OF PRACTICE WHICH OUTLINED THE SAFE PROCEDURES, EQUIPMENT STANDARDS AND THE RANGE OF ACCEPTABLE VARIATIONS.

IN THE AREA OF PROTECTIVE EQUIPMENT, 19 CODES OF PRACTICE HAD ALREADY BEEN INTRODUCED AND MORE WERE BEING DEVELOPED, HE SAID.

ELABORATING ON THE ADEQUACY OF THE PROTECTION, MR YEUNG SAID FIVE OF THE 11 SETS OF REGULATIONS, WHICH DEALT WITH HIGH RISK OPERATIONS, REQUIRED THE PROTECTIVE EQUIPMENT EITHER TO BE APPROVED BY THE COMMISSIONER FOR LABOUR OR TO MEET THE SPECIFICATIONS LAID DOWN IN THE REGULATIONS OR CODES OF PRACTICE.

"THE REMAINING SIX SETS OF REGULATIONS SPECIFY THAT THE PROTECTIVE EQUIPMENT SHOULD BE SUITABLE TO THE WORK OR ACTIVITY INVOLVED," HE ADDED.

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HOWEVER, HE EXPLAINED THAT THE USE OF INADEQUATE OR INEFFECTIVE PROTECTIVE EQUIPMENT OF ITSELF WAS NOT A CAUSE OF INDUSTRIAL ACCIDENTS.

"SERIOUS ACCIDENTS ARE CAUSED MAINLY BY FALLING OBJECTS, THE FALL OF PERSONS AND MACHINERY," HE SAID.

"OVER THE PAST FIVE YEARS, THE LABOUR DEPARTMENT HAS NOT REGISTERED ANY INDUSTRIAL ACCIDENT THAT INVOLVED PROTECTIVE EQUIPMENT THAT IS DEFECTIVE.

"RECENTLY, HOWEVER, CONCERN HAS BEEN EXPRESSED ABOUT THE ABILITY OF SOME LOCALLY MADE SAFETY HELMETS TO WITHSTAND THE IMPACT OF FALLING OBJECTS," MR YEUNG NOTED.

THE LABOUR DEPARTMENT WAS INVESTIGATING THESE REPORTS, INCLUDING THE VALIDITY OF THE TESTS INVOLVED, AND WOULD CONSIDER WHETHER OR NOT IT WOULD BE NECESSARY TO PRESCRIBE PERFORMANCE STANDARDS FOR THE EQUIPMENT, HE SAID.

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CS EXPLAINS DIRECTORATE MANPOWER PROJECTIONS

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THERE IS NO SINGLE 10-YEAR PROJECTION OF MANPOWER NEEDS FOR THE ENTIRE DIRECTORATE OF THE CIVIL SERVICE, THE CHIEF SECRETARY, THE HON SIR DAVID FORD, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"BECAUSE OF DIFFERENT CHARACTERISTICS OF DIFFERENT CIVIL SERVICE GRADES, THE MANPOWER NEEDS ARE DONE ON A GRADE BY GRADE BASIS, TAKING INTO ACCOUNT THE AGE DISTRIBUTION OF SERVING OFFICERS, WASTAGE RATES, GROWTH TRENDS AND VACANCY POSITION," HE SAID.

REPLYING TO A QUESTION FROM THE HON PAUL CHENG, SIR DAVID SAID SOME GRADES DID A LONGER RANGE PROJECTION WHILE SOME PROJECTED FOR THE SHORT TO MEDIUM TERM ONLY.

ON THE SUBJECT OF GOVERNMENT'S OVERSEAS RECRUITMENT EFFORTS, SIR DAVID EXPLAINED WHILST THE MAJORITY OF POSITIONS IN THE CIVIL SERVICE WOULD CONTINUE TO BE FILLED BY LOCAL TALENT, THOSE WITH INTERNATIONAL EXPERIENCE COULD PLAY A VERY USEFUL ROLE IN SERVING HONG KONG, IN VIEW OF OUR OPEN ECONOMY AND THE COSMOPOLITAN CHARACTER OF OUR COMMUNITY.

HE SAID THAT WITHIN THE BROAD FRAMEWORK OF THE LOCALISATION POLICY, IT WAS USEFUL TO HAVE THE BENEFIT OF HONG KONG PEOPLE WHO HAD STUDIED OR WORKED OVERSEAS.

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REGARDING THE TRACK RECORD ON OVERSEAS RECRUITMENT, SIR DAVID SAID THE GOVERNMENT HAD ALWAYS RECRUITED FROM OVERSEAS WHEN SUITABLE LOCAL CANDIDATES WERE NOT AVAILABLE OR WERE AVAILABLE IN INSUFFICIENT NUMBERS.

THE MAJORITY OF THOSE APPOINTEES WERE POLICE INSPECTORS, SURVEYORS, ENGINEERS, ARCHITECTS AND LAWYERS.

"IN THE LAST FIVE YEARS, A TOTAL OF 507 OVERSEAS OFFICERS HAVE BEEN RECRUITED," HE SAID.

SIR DAVID SAID SINCE 1988, THE ADMINISTRATIVE GRADE HAD MOUNTED OVERSEAS RECRUITMENT EXERCISES TARGETTED AT FORMER HONG KONG RESIDENTS AND HONG KONG STUDENTS OVERSEAS.

"IN 1988-89, THREE CANDIDATES FROM THE UK AND THREE FROM USA WERE RECRUITED, OUT OF A TOTAL OF 25 APPOINTEES.

"IN THE EXERCISE THAT HAS JUST BEEN COMPLETED IN 1989-90, APPOINTMENT IS BEING OFFERED TO FOUR CANDIDATES IN THE UK, FIVE IN THE USA AND TWO IN CANADA, OUT OF A TOTAL OF 37 CANDIDATES TO BE OFFERED APPOINTMENT," HE SAID.

SIR DAVID NOTED IN ADDITION TO THE ADMINISTRATIVE GRADE, THE SOCIAL WORK GRADE HAD ALSO ATTEMPTED A SMALL SCALE EXERCISE TO RECRUIT FROM CANADA IN 1989.

SO FAR NO SUITABLE CANDIDATE HAD BEEN IDENTIFIED FOR APPOINTMENT IN THAT EXERCISE AND A SECOND ATTEMPT WOULD BE MADE THIS YEAR.

ON HOW THE DISTRIBUTION OF RESOURCES FOR RECRUITMENT IN DIFFERENT GEOGRAPHICAL LOCATIONS WAS DETERMINED, SIR DAVID EXPLAINED THE DISTRIBUTION WAS DETERMINED ON A NEED BASIS.

"CLEARLY WE SHALL PAY PARTICULAR ATTENTION TO CANADA AND AUSTRALIA WHERE WE KNOW THERE IS A GROWING POOL OF FORMER HONG KONG RESIDENTS WHO MAY WISH TO RETURN TO HONG KONG TO WORK AFTER ACQUIRING THE RIGHT OF ABODE THERE," HE SAID.

SIR DAVID SAID THAT RECRUITMENT IN THE UK WAS CONDUCTED THROUGH THE HONG KONG GOVERNMENT OFFICE IN LONDON WHERE A SMALL DEDICATED TEAM OF STAFF WAS STATIONED TO HANDLE ALL RECRUITMENT RELATED MATTERS FOR ALL CIVIL SERVICE GRADES.

IN NORTH AMERICA, THE ECONOMIC AND TRADE OFFICES IN SAN FRANCISCO AND WASHINGTON PROVIDED ASSISTANCE.

"IN AUSTRALIA AND NEW ZEALAND WHERE THERE IS NO HONG KONG GOVERNMENT OFFICE, EX-CIVIL SERVANTS ARE ENGAGED TO HELP IN CO-ORDINATION WORK, FOR EXAMPLE SORTING APPLICATIONS, CO-ORDINATING INTERVIEW SCHEDULES AND SETTING UP INTERVIEW FACILITIES.

"AFTER INITIAL SCREENING AND WRITTEN EXAMINATIONS, SELECTION INTERVIEWS WITH PROSPECTIVE APPOINTEES ARE USUALLY CONDUCTED BY SENIOR OFFICERS FROM HONG KONG, IN ORDER TO ENSURE THAT CONSISTENT STANDARDS ARE APPLIED BOTH LOCALLY AND OVERSEAS," SIR DAVID SAID.

LIMITS ON PESTICIDE RESIDUE IN AGRICULTURAL PRODUCE SET
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THE GOVERNMENT HAS ALREADY SET LIMITS ON PESTICIDE RESIDUES IN AGRICULTURAL PRODUCE HAVING REGARD TO RECOMMENDATIONS BY THE JOINT FOOD AND AGRICULTURAL ORGANISATION/WORLD HEALTH ORGANISATION (FAO/WHO) CODEX ALIMENTARIUS COMMISSION.

THIS WAS STATED BY THE SECRETARY FOR HEALTH AND WELFARE, THE HON ELIZABETH WONG, IN A WRITTEN REPLY TO A QUESTION FROM THE HON PEGGY LAM IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

NOTING THAT MOST OF HONG KONG'S FRESH AGRICULTURAL PRODUCE CAME FROM OR THROUGH SHENZHEN, MRS WONG SAID FOLLOWING DISCUSSIONS WITH THE SHENZHEN IMPORT AND EXPORT INSPECTION COMMODITY BUREAU IN 1988, FARMERS IN CHINA HAD BEEN REQUIRED TO SUBMIT TO THE BUREAU WRITTEN PARTICULARS OF THE KINDS AND CONCENTRATIONS OF PESTICIDES APPLIED TO THEIR EXPORT VEGETABLE CROPS, THE DATES OF APPLICATION AND HARVESTING.

"THIS INFORMATION, SUPPLEMENTED BY RANDOM TESTS, ALLOWS THE BUREAU TO DETERMINE WHETHER THE VEGETABLES ARE SAFE FOR FOOD.

"IF SO, THE PRODUCE WILL BE CLEARED BY THEM FOR EXPORT AND TAGGED FOR IDENTIFICATION," SHE SAID.

MRS WONG ALSO POINTED OUT THAT STAFF OF THE DEPARTMENT OF HEALTH STATIONED AT BORDER CONTROL POINTS KEPT A CLOSE WATCH FOR UNTAGGED OR INADEQUATELY-TAGGED VEGETABLES TO PREVENT THEM FROM BEING CHANNELLED INTO THE LOCAL MARKET.

"SUCH PRODUCE IS DETAINED AND MAY, IF FOUND UNSUITABLE FOR HUMAN CONSUMPTION, BE DESTROYED."

INSPECTION OF IMPORTED PRODUCE FOR TAGGING WAS AUGMENTED BY SCREENING TESTS AND SAMPLING FOR LABORATORY ANALYSIS OF ANY PESTICIDE RESIDUES, BOTH AT BORDER CROSSING POINTS AND ALSO AT THE CHEUNG SHA WAN VEGETABLE WHOLESALE MARKET.

"LOCALLY-PRODUCED VEGETABLES ARE SUBJECT TO SIMILAR ROUTINE SAMPLING AT VARIOUS STAGES OF THE DISTRIBUTION PROCESS," MRS WONG ADDED.

TOGETHER THESE MEASURES SHOULD PREVENT POISONING CAUSED BY THE CONSUMPTION OF AGRICULTURAL PRODUCE CONTAINING EXCESS PESTICIDE RESIDUE, MRS WONG STRESSED.

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CONSIDERABLE PROGRESS ON CONTROL OF CFC'S

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CONSIDERABLE PROGRESS IS BEING MADE IN IMPLEMENTING THE OBLIGATIONS IMPOSED BY THE MONTREAL PROTOCOL IN THE CONTROL OF THE USE OF CHLOROFLUOROCARBONS (CFC'S).

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON GRAHAM BARNES, STATED THIS IN A WRITTEN REPLY TO A QUESTION FROM THE HON PETER WONG IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE POINTED OUT THAT THE GOVERNMENT BANNED LOCAL MANUFACTURE OF CFC'S AND HALONS FROM JULY 1, 1989.

FROM THE SAME DATE, THE GOVERNMENT ALSO FROZE THE IMPORT OF CFC'S AT 1986 LEVELS, SETTING UP A SCHEME TO REGISTER IMPORTERS AND EXPORTERS OF THESE SUBSTANCES, ALLOCATING A MAXIMUM IMPORT QUOTA TO THEM, AND LICENSING EACH IMPORT AND EXPORT SHIPMENT.

THE GOVERNMENT WAS COMMITTED TO REDUCING USE TO 80 PER CENT OF THE 1986 LEVELS BY 1993, AND TO 50 PER CENT BY 1998 AND DID NOT ANTICIPATE PROBLEMS IN ACHIEVING THESE TARGETS, HE SAID.

FROM JANUARY 1, 1990, THE GOVERNMENT BANNED THE IMPORT OF REGULATED CFC'S AND HALONS FROM COUNTRIES WHICH HAD NOT RATIFIED THE MONTREAL PROTOCOL.

MR BARNES SAID THE GOVERNMENT WAS CURRENTLY DRAFTING LEGISLATION WHICH WOULD BAN THE MANUFACTURE AND IMPORT OF NON-ESSENTIAL AEROSOL PRODUCTS CONTAINING CFC'S AND HALONS.

THE GOVERNMENT WAS THEREFORE MORE THAN MEETING THE INTERNATIONAL OBLIGATIONS, AND WOULD KEEP THE OZONE LAYER PROTECTION ORDINANCE UNDER CONSTANT REVIEW, SO AS TO FALL IN LINE WITH ANY NEW INTERNATIONAL OBLIGATIONS THAT THE TERRITORY WAS REQUIRED TO MEET, AND TAKE FULL ADVANTAGE OF THE AVAILABILITY OF ANY NEW CFC SUBSTITUTES, HE SAID.

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GOVT CONSIDERING SETTING UP FILM ARCHIVES

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THE GOVERNMENT IS CONSIDERING SETTING UP A FILM ARCHIVES, WITH ACQUISITION, PRESERVATION, DOCUMENTATION AND EDUCATION BEING ITS FOUR BASIC FUNCTIONS, THE SECRETARY FOR HOME AFFAIRS, THE HON PETER TSAO, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON ELSIE TU, MR TSAO SAID PRELIMINARY ESTIMATES INDICATED THAT THE CAPITAL COST OF SETTING UP OF A FILM ARCHIVES COULD BE IN THE REGION OF \$8 MILLION AND THE RECURRENT COSTS AROUND \$4 MILLION A YEAR.

/"THESE ESTIMATES

"THESE ESTIMATES DO NOT INCLUDE THE EXPENSES FOR ACQUISITION AND RESTORATION OF FILMS NOR RENTAL CHARGES FOR OFFICE AND STORAGE FACILITIES.

"BESIDES THE FINANCIAL IMPLICATIONS, THE CONTRACTUAL RELATIONSHIP BETWEEN THE ARCHIVES AND THE PRODUCERS AND DISTRIBUTORS OF THE FILMS, INCLUDING COPYRIGHTS, WOULD NEED TO BE EXAMINED IN DETAIL."

IN THIS CONNECTION, MR TSAO SAID, A SURVEY OF FILM COMPANIES HAD RECENTLY BEEN CONDUCTED AND THE RESULTS WERE BEING ANALYSED IN CONJUNCTION WITH THE RECOMMENDATIONS OF A CONSULTANCY COMMISSIONED IN 1989.

"IT IS EXPECTED THAT THE RESULTS WOULD BE AVAILABLE IN TWO TO THREE MONTHS. THIS WILL PAVE THE WAY FOR A DECISION ON WHETHER OR NOT A FILM ARCHIVES SHOULD EVENTUALLY BE SET UP," HE ADDED.

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REVIEW OF POLICY ON VISITORS FROM EASTERN EUROPE

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THE SECRETARY FOR SECURITY, THE HON ALISTAIR ASPREY, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT THE GOVERNMENT HAS RECENTLY REVIEWED ITS POLICY ON THE ENTRY OF VISITORS FROM EASTERN EUROPE AND THE SOVIET UNION, AND THE FOLLOWING CHANGES WILL BE INTRODUCED FROM JULY 16:

- (A) VISITORS FROM THE GERMAN DEMOCRATIC REPUBLIC (EAST GERMANY) WILL BE TREATED IN THE SAME WAY AS VISITORS FROM THE FEDERAL REPUBLIC OF GERMANY (WEST GERMANY), THAT IS THEY WILL BE ABLE TO VISIT HONG KONG FOR UP TO 30 DAYS WITHOUT A VISA; AND
- (B) VISAS FOR THE PURPOSE OF TOURISM AND SIGHTSEEING WILL BE AVAILABLE TO VISITORS FROM CZECHOSLOVAKIA, HUNGARY AND POLAND.

IN GIVING A WRITTEN REPLY TO A QUESTION FROM THE HON MARTIN BARROW, MR ASPREY SAID THE POLICY ON VISITS FROM THE SOVIET UNION AND OTHER EASTERN EUROPEAN COUNTRIES (BULGARIA, ROMANIA, ALBANIA) WOULD REMAIN UNCHANGED FOR THE TIME BEING.

"VISAS WILL BE ISSUED ONLY TO BUSINESSMEN, SPORTSMEN AND ENTERTAINERS OF INTERNATIONAL REPUTATION, DELEGATES TO CONFERENCES, CONVENTIONS AND TRADE FAIRS, MERCHANT SEAMEN, AND A FEW OTHER MINOR CATEGORIES.

"BUSINESSMEN WILL NEED TO DEMONSTRATE ONLY THAT THE PURPOSE OF THEIR VISIT IS BUSINESS; SIMILARLY FOR DELEGATES TO CONFERENCES, CONVENTIONS AND TRADE FAIRS," HE SAID.

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NATURALISATION REQUIREMENT FOR UK NATIONALITY SCHEME PUBLICISED
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ANY NON-BRITISH SUBJECTS WHO WISH TO APPLY FOR BRITISH CITIZENSHIP UNDER THE UK NATIONALITY SCHEME SHOULD APPLY FOR NATURALISATION AS BRITISH DEPENDENT TERRITORIES CITIZENS (HONG KONG) (BDTCS(HK)) BEFORE THE ENACTMENT OF THE BRITISH NATIONALITY (HONG KONG) BILL 1990, THE CHIEF SECRETARY, THE HON SIR DAVID FORD, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON ROSANNA TAM, SIR DAVID SAID: "THIS IS A PRE-REQUISITE UNDER THE BILL."

"ANYONE WHO HAS LIVED IN HONG KONG FOR AT LEAST FIVE YEARS AND IS NOT SUBJECT TO LIMIT OF STAY CAN APPLY FOR NATURALISATION AS A BDTCS, IRRESPECTIVE OF RACE OR NATIONALITY," HE SAID.

APPLICATIONS SHOULD BE MADE TO THE IMMIGRATION DEPARTMENT.

"SPOUSES AND CHILDREN OF PROSPECTIVE APPLICANTS ARE HOWEVER NOT REQUIRED TO MEET THIS NATIONALITY REQUIREMENT," SIR DAVID SAID.

"IT IS EXPECTED THAT ROYAL ASSENT TO THE BILL WILL BE OBTAINED IN LATE JULY.

"ACCORDINGLY, ANYONE WHO DOES NOT FULFIL THE NATIONALITY REQUIREMENT BUT IS INTERESTED IN APPLYING UNDER THE SCHEME IS ADVISED TO APPLY FOR NATURALISATION IMMEDIATELY," THE CHIEF SECRETARY SAID.

SIR DAVID POINTED OUT THAT CONTINUOUS EFFORTS WERE BEING MADE TO INFORM THE PUBLIC THAT PROSPECTIVE APPLICANTS WHO WERE NON-BRITISH SUBJECTS SHOULD APPLY FOR NATURALISATION AS BDTCS BEFORE THE ENACTMENT OF THE BILL.

"THE GOVERNMENT PUBLICISED THIS WHEN THE BILL WAS PUBLISHED IN APRIL.

"THE DIRECTOR OF ADMINISTRATION HAS STRESSED THIS IN MEDIA INTERVIEWS MANY TIMES OVER THE PAST THREE MONTHS," HE SAID.

THE PUBLIC WAS REMINDED OF THIS REQUIREMENT IN THE PRESS STATEMENT FOLLOWING THE PASSAGE OF THE BILL THROUGH ITS SECOND READING IN THE HOUSE OF LORDS ON JUNE 29.

A FURTHER REMINDER WAS GIVEN IN THE TELEVISION "ACCESS" PROGRAMME ON JULY 1, SIR DAVID SAID.

"THE BILL IS EXPECTED TO RECEIVE ROYAL ASSENT BEFORE THE END OF THIS MONTH AND FURTHER REMINDERS WILL BE ISSUED," HE ADDED.

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ICAC OPERATIONS DEPT HANDLED 2,423 CASES IN 1989

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THE OPERATIONS DEPARTMENT OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATED 2,423 REPORTS ALLEGING CORRUPTION IN 1989, AN EIGHT PER CENT INCREASE ON 1988, THE CHAIRMAN OF THE ADVISORY COMMITTEE ON CORRUPTION, DR THE HON DANIEL TSE, SAID TODAY (WEDNESDAY).

TABLING THE ICAC ANNUAL REPORT IN THE LEGISLATIVE COUNCIL, DR TSE SAID THAT OF PARTICULAR SIGNIFICANCE WAS THAT 1,573 OF THESE REPORTS WERE CAPABLE OF INVESTIGATION -- THE HIGHEST NUMBER IN ONE YEAR SINCE THE COMMISSION WAS ESTABLISHED IN 1974.

ALTHOUGH ALLEGATIONS OF CORRUPTION INVOLVING THE PUBLIC SERVICES HAD DECREASED BY ONE PER CENT COMPARED WITH THOSE IN 1988, DR TSE SAID ALLEGATIONS IN RESPECT OF THE PRIVATE SECTOR HAD INCREASED BY 15 PER CENT TO 1,326, THE HIGHEST NUMBER RECORDED SINCE 1974.

HE SAID THAT AS A RESULT OF THE INCREASED NUMBER OF ALLEGATIONS CAPABLE OF INVESTIGATION, THE NUMBER OF PERSONS PROSECUTED AND CAUTIONED IN 1989 WAS 487, THE FOURTH HIGHEST SO FAR.

ACCORDING TO DR TSE, ONE CONSEQUENCE OF THE INCREASE IN ALLEGATIONS INVOLVING THE PRIVATE SECTOR HAD BEEN THAT THE CORRUPTION PREVENTION DEPARTMENT WAS RECEIVING AN INCREASING NUMBER OF REQUESTS FROM PRIVATE SECTOR ORGANISATIONS TO ADVISE ON MEASURES TO PREVENT CORRUPTION AND FRAUD.

"DURING 1989, THE DEPARTMENT SO ASSISTED 176 ORGANISATIONS, THE HIGHEST NUMBER SINCE THE DEPARTMENT'S PRIVATE SECTOR ADVISORY SERVICE WAS ESTABLISHED," HE SAID.

HE SAID THAT ANOTHER REASON FOR THE INCREASE IN THE NUMBER OF ALLEGATIONS CAPABLE OF INVESTIGATION WAS THE PUBLICITY THE COMMUNITY RELATIONS DEPARTMENT HAD BEEN GIVING THROUGH DIRECT CONTACTS WITH THE PUBLIC AND THROUGH THE MASS MEDIA.

DR TSE NOTED THAT IN THE PROCESS OF GETTING THE MESSAGE ACROSS TO THE PRIVATE SECTOR, THE ICAC HAD HAD CONSIDERABLE HELP FROM COMMERCIAL AND INDUSTRIAL ORGANISATIONS.

HE SAID THAT THE DEPARTMENT HAD ALSO FOCUSED PARTICULAR ATTENTION ON GETTING THE ANTI-CORRUPTION MESSAGE ACROSS TO THE YOUNG, AND THE RESPONSE WAS GENERALLY FAVOURABLE.

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LEGCO PASSES MOTION ON DECRIMINALISATION OF HOMOSEXUAL ACTS
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THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) PASSED A MOTION ON THE DECRIMINALISATION OF PRIVATE HOMOSEXUAL ACTS BY CONSENTING ADULT MALES.

THE MOTION, MOVED BY THE CHIEF SECRETARY, READ:

"THAT MEASURES BE PRESENTED TO THIS COUNCIL -

- (A) TO REMOVE THE CRIMINAL PENALTIES RELATING TO HOMOSEXUAL ACTS COMMITTED IN PRIVATE BY CONSENTING MEN WHO HAVE REACHED THE AGE OF 21; AND
- (B) TO EXTEND TO MEN AND BOYS, WHERE APPROPRIATE, THE PROTECTION FROM SEXUAL EXPLOITATION AFFORDED BY THE CRIMES ORDINANCE TO WOMEN AND GIRLS".

THE MOTION WAS PASSED BY VOICE VOTE AND, IN A DIVISION REQUESTED BY THE HON JAMES TIEN, THE VOTE WAS 31 FOR, 13 AGAINST, WITH SIX ABSTENTIONS.

TWENTY-THREE MEMBERS SPOKE IN THE DEBATE, WHICH WAS LED OFF AND WOUND UP BY THE CHIEF SECRETARY. THE ATTORNEY GENERAL AND THE SECRETARY FOR HEALTH AND WELFARE ALSO SPOKE FOR THE GOVERNMENT.

IN OTHER BUSINESS, A MOTION MOVED BY THE SECRETARY FOR HEALTH AND WELFARE UNDER THE RADIATION ORDINANCE WAS ALSO PASSED.

FOUR BILLS WERE PASSED. THESE WERE THE JUDICIAL SERVICE COMMISSION (AMENDMENT) BILL 1990, THE LAWS (LOOSE-LEAF PUBLICATION) BILL 1990, THE BUILDING (AMENDMENT) BILL 1990 AND THE EMPLOYMENT (AMENDMENT) (NO. 2) BILL 1990.

THE DATE OF THE JUDICIAL SERVICE COMMISSION AMENDMENT BILL WAS CHANGED TO 1990, FROM 1989, AT THE THIRD READING STAGE.

IN ADDITION, THREE BILLS WERE INTRODUCED FOR FIRST AND SECOND READINGS. THESE WERE THE HANG LUNG BANK (ACQUISITION) (AMENDMENT) BILL 1990, THE CORPORAL PUNISHMENT (REPEAL) BILL 1990 AND A PRIVATE BILL, THE MORRISON SCHOLARSHIPS FUND BILL, WHICH WAS INTRODUCED BY THE HON SZETO WAH.

DEBATES ON THESE BILLS WERE ADJOURNED.

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CIVIL SERVANTS HAVE TO BE PREPARED FOR CHANGE

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CIVIL SERVANTS IN HONG KONG HAVE TO BE PREPARED FOR CHANGE, TO INITIATE CHANGE AND BE PART OF THE CHANGE, THE SECRETARY FOR THE CIVIL SERVICE, MR BARRIE WIGGHAM, SAID TODAY (WEDNESDAY).

MR WIGGHAM SAID CIVIL SERVANTS, AS MEMBERS OF THE COMMUNITY, HAD EXPERIENCED THE SAME ANXIETIES ABOUT THE FUTURE AS OTHER MEMBERS OF THE COMMUNITY.

"THERE ARE HOWEVER SOME ASPECTS OF THE CHANGE OF SOVEREIGNTY WHICH AFFECT CIVIL SERVANTS MORE DIRECTLY," HE TOLD A LUNCHEON MEETING OF THE LION'S CLUB OF VICTORIA.

MR WIGGHAM SAID CIVIL SERVANTS FOR INSTANCE WOULD HAVE TO ADJUST TO A NEW POLITICAL SYSTEM, GIVEN THE INEVITABLE CHANGES THAT WOULD RESULT FROM THE 1991 AND 1995 DIRECT ELECTIONS TO THE LEGISLATIVE COUNCIL.

"SENIOR CIVIL SERVANTS - POLICY SECRETARIES - WILL CEASE TO BE MEMBERS OF THE LEGISLATIVE COUNCIL; AND DIFFERENT METHODS WILL HAVE TO BE DEVELOPED FOR STEERING LEGISLATION, GOVERNMENT POLICIES AND EXPENDITURE ITEMS THROUGH," HE SAID.

MR WIGGHAM SAID THE RELATIONSHIP BETWEEN CIVIL SERVANTS AND LOCAL LEADERS AND POLITICIANS WOULD ALSO CHANGE.

ALTHOUGH SOME OF THE CONSEQUENCES OF THESE PARTICULAR CHANGES WOULD BE FAR REACHING, CHANGE ITSELF WAS NOTHING NEW; EVEN THE CIVIL SERVICE HAD OVER THE YEARS NOT ESCAPED CHANGE-FREE.

"I HAVE PERSONALLY BEEN VERY MUCH INVOLVED IN SOME OF THOSE CHANGES, AND HAVE SEEN HOW SUCCESSFUL FELLOW BUREAUCRATS HAVE BEEN ABLE TO ADJUST," HE SAID.

THERE WOULD BE CHANGES IN CIVIL SERVANTS' RELATIONSHIP WITH CHINA, MR WIGGHAM SAID.

MOST CIVIL SERVANTS DID NOT HAVE ANY FIRST-HAND EXPERIENCE OF DEALING WITH THEIR EQUIVALENTS IN CHINA, HE NOTED.

"I CAN'T HELP FEELING THAT THE MORE WE CIVIL SERVANTS KNOW ABOUT AND UNDERSTAND THE WORKING OF THE CHINESE BUREAUCRACY - AND VICE VERSA - THE BETTER IT WILL BE FOR BOTH PARTIES," HE SAID.

"THERE IS ALREADY CONSIDERABLE CONTACT AND A STEADY STREAM OF OFFICIAL VISITORS: BUT THIS IS MAINLY AT WHAT ONE MIGHT CALL THE WORKING LEVEL, BETWEEN EXPERTS.

"WE NEED TO GIVE MORE THOUGHT TO ARRANGEMENTS SPECIFICALLY TO STUDY AND LEARN ABOUT EACH OTHER AT A DIFFERENT LEVEL: THIS CAN ONLY BE TO OUR MUTUAL BENEFIT."

/HE SAID

HE SAID MUTUAL TRUST BETWEEN CHINA AND HONG KONG WAS NEEDED FOR THE TERRITORY, UNDER ITS OWN SEPARATE SYSTEMS, TO BE ABLE TO ENJOY TO THE FULL THE PROMISED HIGH DEGREE OF AUTONOMY.

"FOR HISTORICAL REASONS THIS IS NOT LIKELY TO HAPPEN OVERNIGHT: BOTH PARTIES NEED TO WORK AT IT."

MR WIGGHAM NOTED THAT SOMETIME AGO THE GOVERNMENT EMBARKED ON A PROGRAMME OF VISITS BY GROUPS OF SENIOR HONG KONG CIVIL SERVANTS TO THE MAINLAND; THERE WERE A NUMBER OF VISITS BY CHINESE OFFICIALS IN RETURN.

"WE SHOULD NOW CONSIDER WHETHER THE TIME IS RIGHT TO RESUME SUCH A PROGRAMME, TAKING CARE ALWAYS TO ENSURE THAT THE PURPOSE OF SUCH TWO-WAY VISITS IS NOT MISUNDERSTOOD," HE SAID.

TURNING TO CIVIL SERVICE PENSIONS, MR WIGGHAM SAID THAT ANXIETY ABOUT THE FUTURE HAD LED MANY CIVIL SERVICE STAFF ASSOCIATIONS TO ASK FOR FUNDING OF THEIR PENSIONS, OR THE INSTITUTION OF WHAT WERE SEEN AS BETTER SAFEGUARDS THAN THE EXISTING ARRANGEMENTS OF THE GOVERNMENT MEETING ITS PENSION LIABILITIES OUT OF GENERAL REVENUE AS THEY FELL DUE.

HE SAID THAT ACTUALLY ALL THE BENEFITS ACCRUING TO CIVIL SERVANTS WERE GUARANTEED BY CURRENT PENSIONS LEGISLATION, AND IN FUTURE BY THE BASIC LAW.

"I HAVE AGREED TO LOOK AT STAFF SUGGESTIONS IN THE CONTEXT OF EXPERIENCE ELSEWHERE, AND HAVING REGARD TO OUR CURRENT ECONOMIC AND FINANCIAL SITUATION," HE SAID.

"THE ONLY CONCLUSION AT THIS STAGE IS THAT WE WOULD NOT BE ABLE TO FUND OUR PENSION SCHEMES, AS THIS WOULD REQUIRE US TO SET ASIDE SOME \$120 BILLION IF SUFFICIENT INVESTMENT INCOME WERE TO BE GENERATED TO MEET OUR ACCRUED PENSION LIABILITIES BY 1997.

"CHANGES TO EXISTING SCHEMES CAN ONLY BE CONTEMPLATED IF THEY DO NOT IMPOSE A DISPROPORTIONATE FINANCIAL BURDEN ON THE TAXPAYERS: BUT WE ARE CONSIDERING VARIOUS POSSIBILITIES, INCLUDING GREATER FLEXIBILITY."

MR WIGGHAM ALSO SAID ONE OF THE PROBLEMS OF MANAGING THE CIVIL SERVICE WAS ITS SIZE: THE GOVERNMENT WAS THE BIGGEST EMPLOYER IN HONG KONG, WITH 190,000 CIVIL SERVANTS AT THE LAST COUNT.

"IT IS, IN MY VIEW, INEVITABLE THAT IN SUCH A LARGE ORGANISATION THERE WILL BE AT ANY ONE TIME SOME GROUP OR OTHER WITH A COMPLAINT OR A DEMAND OR A CONCERN WHICH, MORE SO NOW THAN IN THE PAST, THEY ARE PREPARED TO EXPRESS PUBLICLY.

"IT WOULD BE A MISTAKE TO CONCLUDE FROM THIS, HOWEVER. THAT HONG KONG'S CIVIL SERVICE IS A SEETHING MASS OF DISCONTENT. THE VAST MAJORITY ARE CONTINUING TO PUT IN A HARD AND HONEST DAY'S WORK," HE SAID.

/HE ADDED

HE ADDED THAT THE POINT MIGHT HAVE BEEN REACHED WHERE THE CIVIL SERVICE BRANCH OF THE GOVERNMENT SECRETARIAT NEEDED TO BE RESTRUCTURED, SO THAT THE BRANCH MIGHT BECOME EVEN MORE EFFECTIVE IN ACHIEVING ITS OVERALL OBJECTIVES AND BE MORE RESPONSIVE TO DEMANDS.

ON CIVIL SERVICE PAY POLICY, MR WIGGHAM SAID THE ANNUAL CIVIL SERVICE PAY ADJUSTMENT WAS NORMALLY BASED ON A SURVEY OF PAY TRENDS IN THE PRIVATE SECTOR OVER THE PREVIOUS YEAR.

THIS GAVE RISE TO A PERCEPTION PROBLEM. SINCE INEVITABLY A PAY AWARD WAS MADE IN THE PERIOD FOLLOWING THE SURVEY PERIOD, THE TIME LAG COULD LEAD TO MISUNDERSTANDING.

"THIS PROBLEM OF PERCEPTION, WHERE THE GOVERNMENT'S 'CATCHING-UP' IS MISTAKEN AS 'TREND SETTING', IS DIFFICULT TO OVERCOME, BUT WE ARE CURRENTLY GIVING THOUGHT AS TO WHETHER ANY CHANGE IS WARRANTED," HE SAID.

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STATEMENT ON HK-GUANGDONG ENVIRONMENTAL PROTECTION

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THE FOLLOWING IS A PRESS RELEASE ISSUED BY THE HONG KONG-GUANGDONG ENVIRONMENTAL PROTECTION LIAISON GROUP AT THE END OF ITS TWO-DAY MEETING:

FOLLOWING YESTERDAY'S SIGNING OF THE MEMORANDUM ON THE ESTABLISHMENT OF THE HONG KONG-GUANGDONG ENVIRONMENTAL PROTECTION LIAISON GROUP, BY MR GRAHAM BARNES (SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS), AND MR QIANG BINGHUAN, DIRECTOR, GUANGDONG ENVIRONMENTAL PROTECTION BUREAU, THE LIAISON GROUP CONVENED FOR THE FIRST TIME THIS (WEDNESDAY) MORNING. TWO ISSUES WERE DISCUSSED -- ENVIRONMENTAL MANAGEMENT IN DEEP BAY AND ITS CATCHMENT AREA, AND THE LOCATION OF THE OCEANIC OUTFALL FOR THE SEWAGE STRATEGY.

ON DEEP BAY, HAVING REVIEWED PRESENT AND PROPOSED FUTURE DEVELOPMENTS IN THE AREA, IT WAS AGREED THAT A JOINT WORKING GROUP OF EXPERTS SHOULD BE SET UP TO CONSIDER COMMON STANDARDS AND OBJECTIVES FOR THE ENVIRONMENTAL PROTECTION OF DEEP BAY'S ECOSYSTEM, IN PARTICULAR THE GENERAL DEVELOPMENT OF THE AREA AND THE BENEFICIAL USES WHICH COULD BE SUSTAINED. THE HONG KONG SIDE WOULD BE LED BY THE DIRECTOR OF PLANNING AND INCLUDE STAFF FROM AGRICULTURE AND FISHERIES DEPARTMENT AND ENVIRONMENTAL PROTECTION DEPARTMENT. THE GUANGDONG SIDE WOULD INCLUDE STAFF IN CHARGE OF ENVIRONMENTAL PROTECTION, PLANNING, AS WELL AS THE MARINE ENVIRONMENT AND THE OCEANIC ADMINISTRATION. THE WORKING GROUP WOULD HAVE ITS FIRST MEETING IN AUGUST AND WOULD REPORT BACK TO THE LIAISON GROUP AT ITS NEXT MEETING IN EARLY 1991 IN GUANGZHOU.

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ON THE OCEANIC OUTFALL LOCATION FOR THE SEWAGE STRATEGY, THE HONG KONG SIDE PRESENTED TO THE GUANGDONG SIDE THREE VOLUMES OF DETAILED FINDINGS ON THE SEWAGE STRATEGY, AND THE GUANGDONG SIDE PRESENTED TO THE HONG KONG SIDE COPIES OF CHINESE LEGISLATION GOVERNING WATER QUALITY AND THE CONSTRUCTION OF MARINE TUNNELS. LIAISON ARRANGEMENTS FOR FURTHER DISCUSSION OF THE STRATEGY WERE ALSO AGREED.

THE MEETING WAS HELD IN A FRIENDLY AND CO-OPERATIVE ATMOSPHERE AND BOTH CHAIRMEN EXPRESSED CONFIDENCE THAT FUTURE MEETINGS WOULD BE EQUALLY SUCCESSFUL.

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GUANGDONG DELEGATION VISITS REFUSE TRANSFER STATION
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REPRESENTATIVES OF THE CHINESE SIDE OF THE HONG KONG-GUANGDONG ENVIRONMENTAL PROTECTION LIAISON GROUP TODAY (WEDNESDAY) VISITED THE KOWLOON BAY REFUSE TRANSFER STATION TO GAIN A BETTER UNDERSTANDING OF ITS OPERATION.

THE FACILITY IS THE FIRST OF ITS KIND IN HONG KONG. AT THE STATION, REFUSE BROUGHT IN BY COLLECTION VEHICLES IS DISCHARGED INTO HOPPERS. HYDRAULIC RAMS IN THE HOPPERS WILL PUSH THE REFUSE INTO LARGE SCALED CONTAINERS FOR TRANSPORT TO THE DISPOSAL SITE.

THE DELEGATION, LED BY VICE-CHAIRMAN OF THE GUANGDONG ENVIRONMENTAL PROTECTION COMMITTEE, MR QIANG BINGHUAN, WAS ACCOMPANIED ON THE VISIT BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION, DR STUART REED.

THE DELEGATION LEARNED THAT THE KOWLOON BAY REFUSE TRANSFER STATION MARKED THE FIRST STAGE IN THE IMPLEMENTATION OF THE HONG KONG GOVERNMENT'S WASTE DISPOSAL STRATEGY FOR THE 1990'S AND BEYOND.

"IT IS THE FIRST IN A SERIES OF FACILITIES THAT HAS BEEN CONSTRUCTED AS PART OF AN EFFECTIVE AND EFFICIENT WASTE MANAGEMENT SYSTEM DEVELOPED BY THE ENVIRONMENTAL PROTECTION DEPARTMENT BY USING THE MOST ADVANCED TECHNIQUES SUCH AS COMPUTER MODELLING," DR REED TOLD THE DELEGATION.

OTHER ELEMENTS OF THE SYSTEM WILL INCLUDE THREE VERY LARGE LANDFILLS AND SEVEN OR MORE REFUSE TRANSFER STATIONS, PLUS AN INTEGRATED TREATMENT CENTRE FOR CHEMICAL WASTE.

CONSIDERATION IS BEING GIVEN TO THE CONSTRUCTION OF AN ADVANCED INCINERATION PLANT AND A FACILITY TO DEAL WITH THE RAPIDLY INCREASING QUANTITY OF CLINICAL AND PATHOLOGICAL WASTE FROM HOSPITALS.

"AND WE ARE PLEASED TO SHOW COLLEAGUES OF THE CHINESE SIDE OUR LATEST DEVELOPMENT IN WASTE MANAGEMENT FACILITIES.

"THIS IS PART OF THE CONTINUING EXCHANGE OF INFORMATION AND OF EXPERIENCES IN THE ENVIRONMENTAL FIELD THAT STARTED NEARLY A DECADE AGO AND WHICH HAS LED TO VALUABLE MUTUAL UNDERSTANDING OF THE PROBLEMS AND PLANS OF EACH SIDE," DR REED SAID.

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MORE WINDING-UP AND BANKRUPTCY CASES

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THERE WERE 142 NEW COMPULSORY WINDING-UPS AND 93 NEW PERSONAL BANKRUPTCIES DURING THE FIRST SIX MONTHS OF THIS YEAR AS COMPARED WITH THE CORRESPONDING FIGURES OF 74 AND 86 IN 1989, THE REGISTRAR GENERAL, MR NOEL GLEESON, SAID TODAY (WEDNESDAY).

IT COULD BE SEEN, THEREFORE, THE RATE OF NEW INSOLVENCIES HAD INCREASED BY 46.88 PER CENT WHICH WAS A REVERSAL OF THE DOWNWARD TREND SINCE 1986, HE SAID.

BY COMPARISON THERE WAS A 20.4 PER CENT DECREASE IN THE NUMBER OF NEW INSOLVENCIES IN THE FIRST HALF YEAR OF 1989 OVER THE SAME PERIOD OF 1988.

THE MORE COMPLICATED OR SIGNIFICANT INSOLVENCIES DURING THE FIRST SIX MONTHS OF THIS YEAR WERE MAGNIFICENT GARMENTS LTD, GRAND UNION LIFE ASSURANCE LTD, HANG LUNG INSURANCE LTD AND ARMOUR INSURANCE CO. LTD.

TOTAL DIVIDENDS DECLARED BY THE OFFICIAL RECEIVER DURING THE FIRST HALF YEAR OF 1990 AMOUNTED TO \$38.99 MILLION IN 122 INSOLVENCIES, AS AGAINST \$88.60 MILLION IN 153 INSOLVENCIES FOR THE CORRESPONDING PERIOD OF 1989.

THE TOTAL NUMBER OF ACTIVE INSOLVENCY CASES BEING HANDLED BY THE OFFICIAL RECEIVER'S OFFICE AT THE END OF JUNE THIS YEAR WAS 1,624 -- 884 COMPULSORY WINDING-UPS AND 740 PERSONAL BANKRUPTCIES.

FUNDS ADMINISTERED BY THE OFFICIAL RECEIVER AT THE END OF JUNE THIS YEAR TOTALLED \$845 MILLION, A DECREASE OF 33.04 PER CENT AS AGAINST \$1,262 MILLION AT THE END OF JUNE 1989.

THE OFFICIAL RECEIVER ALSO ADMINISTERED A SUM OF US\$7.5 MILLION TOGETHER WITH A JOINT OVERSEAS LIQUIDATOR.

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SENIOR CITIZENS SHOULD REMAIN ACTIVE

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SENIOR CITIZENS SHOULD BE ENCOURAGED TO CONTINUE CONTRIBUTING TO THE WELL-BEING OF SOCIETY SO AS TO MAKE THEIR OWN LIVES MORE MEANINGFUL AND REWARDING, THE SECRETARY FOR HONG KONG AND KOWLOON, MR DAVID LAN, SAID TODAY (WEDNESDAY).

HE WAS SPEAKING AT THE 11TH ANNIVERSARY OF THE HONG KONG AND KOWLOON SENIOR CITIZENS' WELFARE ASSOCIATION.

MR LAN NOTED THAT AS HONG KONG STEPPED INTO THE 90'S, THE NUMBER OF ELDERLY PEOPLE WOULD BE ON THE INCREASE.

/THE PROBLEM

THE PROBLEM OF AN AGEING POPULATION HAD TO A CERTAIN EXTENT BEEN COMPOUNDED BY THE MISCONCEPTION THAT PEOPLE OVER 60 SHOULD BE REGARDED AS OLD AND THEREFORE SHOULD RETIRE, HE SAID.

HOWEVER, HE WAS OF THE VIEW THAT AS FAR AS HONG KONG WAS CONCERNED, MOST PEOPLE OVER 60 WERE ABLE TO REMAIN HEALTHY AND ENERGETIC WHICH MEANT THAT THEY SHOULD BE ABLE TO CONTINUE MAKING USE OF THEIR EXPERIENCE AND ABILITIES TO SERVE THE COMMUNITY.

MR LAN HOPED THAT THE HONG KONG AND KOWLOON SENIOR CITIZENS' SOCIETY WOULD ENCOURAGE ITS MEMBERS AND THE PUBLIC TO SPREAD THE MESSAGE THAT THE ELDERLY SHOULD CONTINUE TO WORK FOR THE WELL-BEING OF SOCIETY SO AS TO MAKE THEIR OWN LIVES MORE MEANINGFUL AND REWARDING.

HE COMMENDED THE ASSOCIATION FOR ITS CONTRIBUTIONS TO THE WELFARE OF THE ELDERLY IN THE PAST 11 YEARS.

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DB COMMITTEE TO STUDY REMOVAL OF SHIPYARD

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A REPRESENTATIVE OF THE DISTRICT PLANNING OFFICE WILL PRESENT A FEASIBILITY STUDY REPORT ON THE REMOVAL OF A SHIPYARD FROM CHEUNG SHA WAN TO SIU LAM, TUEN MUN, AT A MEETING OF THE TUEN MUN DISTRICT BOARD'S ENVIRONMENTAL IMPROVEMENT AND DISTRICT DEVELOPMENT COMMITTEE TOMORROW (THURSDAY).

MEASURES TO CONTROL THE NOISE NUISANCE PRODUCED BY BUSES, REPUGNANT SMELL FROM A RIVER RUNNING BETWEEN SIU HONG COURT AND TZE TIN TSUEN, AND POTENTIAL FLOODING AT CHI LOK FA YUEN WILL ALSO BE DISCUSSED.

OTHER AGENDA ITEMS INCLUDE A REPORT BY THE KEEP HONG KONG CLEAN CAMPAIGN WORKING GROUP, A PROPOSAL TO FORM A TUEN MUN ENVIRONMENTAL PROTECTION WORKING ORGANISATION, AND AN APPLICATION FOR FUNDS FOR ORGANISING ENVIRONMENTAL PROTECTION ACTIVITIES.

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NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE MEETING OF THE TUEN MUN DISTRICT BOARD'S ENVIRONMENTAL IMPROVEMENT AND DISTRICT DEVELOPMENT COMMITTEE TO BE HELD TOMORROW (THURSDAY) IN THE DB CONFERENCE ROOM, THIRD FLOOR, TUEN MUN GOVERNMENT OFFICES, 1 TUEN HI ROAD, TUEN MUN.

THE MEETING WILL BEGIN AT 2.30 PM.

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NEW MARKET ON DB COMMITTEE AGENDA

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THE ENVIRONMENT COMMITTEE OF THE YAU TSIM DISTRICT BOARD WILL BE BRIEFED ON THE OPENING OF THE URBAN COUNCIL KWUN CHUNG MARKET AT A MEETING ON FRIDAY (JULY 13).

MEMBERS WILL BE INFORMED OF THE PROPOSED ARRANGEMENTS FOR REPROVISIONING EXISTING MARKET STALLS AS WELL AS RESITING ON-STREET HAWKERS INTO THE NEW MARKET AND COOKED FOOD CENTRE. THE MARKET IS DUE TO BE OPENED NEXT MONTH.

THE COMMITTEE WILL ALSO CONSIDER AN APPLICATION FOR FUNDS FOR CONDUCTING A BUILDING MANAGEMENT PROMOTION CAMPAIGN.

OTHER AGENDA ITEMS INCLUDE THE POSSIBILITY OF BUILDING A ROOF FOR THE JADE HAWKER MARKET IN KANSU STREET.

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NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE MEETING OF THE YAU TSIM DISTRICT BOARD'S ENVIRONMENT COMMITTEE ON FRIDAY (JULY 13) AT THE DISTRICT OFFICE CONFERENCE ROOM, GROUND FLOOR, MIDDLE ROAD CARPARK BUILDING, TSIM SHA TSUI.

THE MEETING WILL BEGIN AT 2.30 PM.

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DB COMMITTEE TO DISCUSS SOCIAL WELFARE SERVICES

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THE TAI PO DISTRICT BOARD'S SOCIAL SERVICES COMMITTEE WILL DISCUSS THE SERVICES PROVIDED BY THE SOCIAL WELFARE DEPARTMENT IN THE DISTRICT AT A MEETING TOMORROW (THURSDAY).

MEMBERS WILL ALSO EXAMINE THE REPORTS BY OTHER GOVERNMENT DEPARTMENTS ON THE PROVISION OF SOCIAL SERVICES AND FACILITIES IN THE DISTRICT IN THIS FINANCIAL YEAR.

OTHER AGENDA ITEMS INCLUDE REPORTS BY THE WORKING GROUPS ON YOUTH PROJECTS AND ON COMMUNITY HEALTH PROJECTS.

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NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE MEETING OF THE TAI PO DISTRICT BOARD'S SOCIAL SERVICES COMMITTEE TO BE HELD TOMORROW (THURSDAY) IN THE DB CONFERENCE ROOM ON THE THIRD FLOOR OF TAI PO COMMERCIAL CENTRE, 152 KWONG FUK ROAD, TAI PO.

THE MEETING WILL BEGIN AT 2.30 PM.

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DB COMMITTEE TO CONSIDER INSTALLING SIGNBOARD
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THE TAI PO DISTRICT BOARD'S PROMOTION AND PUBLICITY COMMITTEE WILL CONSIDER, AT ITS MEETING TOMORROW (THURSDAY), PUTTING UP A DISTRICT SIGNBOARD OUTSIDE TAI PO MARKET KCR STATION.

MEMBERS WILL ALSO DISCUSS THE LOCATIONS OF TRAFFIC SIGNS ALONG THE CYCLING TRACKS IN THE DISTRICT.

IN ADDITION, THEY WILL STUDY A REPORT FROM THE WORKING GROUP ON PUBLICATION.

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NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE MEETING OF THE TAI PO DISTRICT BOARD'S PROMOTION AND PUBLICITY COMMITTEE TO BE HELD TOMORROW (THURSDAY) IN THE DB CONFERENCE ROOM ON THE THIRD FLOOR OF TAI PO COMMERCIAL CENTRE, 152 KWONG FUK ROAD, TAI PO.

THE MEETING WILL BEGIN AT 9.30 AM.

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MERIT TRIP FOR OUTSTANDING CYC MEMBERS
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TWENTY-TWO SECONDARY SCHOOL AND 19 PRIMARY SCHOOL MEMBERS OF THE EDUCATION DEPARTMENT'S COMMUNITY YOUTH CLUB (CYC) WILL BE LEAVING FOR JAPAN AND SINGAPORE ON SATURDAY (JULY 14) AND SUNDAY (JULY 15) FOR A WEEK-LONG EDUCATIONAL TOUR.

THE 41 MEMBERS WERE SELECTED FOR THEIR OUTSTANDING CONTRIBUTION TO COMMUNITY SERVICE PROJECTS THIS YEAR UNDER THE CYC MERIT AWARD SCHEME.

THE SCHEME, WHICH WAS INTRODUCED IN 1978, IS AIMED AT BUILDING UP A STRONG COMMUNITY SPIRIT THROUGH VARIOUS ACTIVITIES ORGANISED FOR PRIMARY AND SECONDARY SCHOOL CHILDREN.

AT A CEREMONY THIS (WEDNESDAY) AFTERNOON, THE DIRECTOR OF EDUCATION, MR Y.T. LI, PRESENTED FLAGS TO THE CHAIRMAN OF THE CYC KWUN TONG DISTRICT COMMITTEE, MRS TO KWONG WAI-YIN WHO WILL LEAD THE SECONDARY GROUP, AND THE CHAIRMAN OF THE CYC TAI PO DISTRICT COMMITTEE, MR KWONG KAI-TO WHO WILL LEAD THE PRIMARY GROUP.

MR LI CALLED ON THE AWARD RECIPIENTS TO PROMOTE THE SPIRIT AND THE GOOD WORK OF CYC WHILE VISITING THE TWO COUNTRIES.

/"AS REPRESENTATIVES

"AS REPRESENTATIVES OF THE 300,000 MEMBERS IN HONG KONG, YOU SHOULD SHARE YOUR EXPERIENCE WITH FELLOW MEMBERS ON YOUR RETURN," MR LI ADDED.

THE TRIPS THIS YEAR ARE SPONSORED BY THE LAW'S FOUNDATION WITH THE ASSISTANCE OF TOKYO METROPOLITAN BOARD OF EDUCATION AND SINGAPORE COMMISSION IN HONG KONG.

THE PROGRAMME FOR BOTH GROUPS INCLUDE SIGHTSEEING AS WELL AS VISITS TO LOCAL PRIMARY AND HIGH SCHOOLS, OLD PEOPLE'S HOMES, PEOPLE'S ASSOCIATIONS AND HOUSING AND DEVELOPMENT PROJECTS.

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NOTE TO EDITORS:

A PHOTOGRAPH OF THE FLAG PRESENTATION CEREMONY WILL BE BOXED.

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STUDENTS WIN READING AWARDS

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WINNERS OF THIS YEAR'S READING AWARD SCHEME FOR SECONDARY SCHOOLS WILL RECEIVE THEIR PRIZES TOMORROW (THURSDAY) FROM THE DIRECTOR OF EDUCATION, MR Y.T. LI, AT A CEREMONY.

THE SCHEME, JOINTLY ORGANISED BY THE BOYS' AND GIRLS' CLUBS ASSOCIATION AND THE EDUCATION DEPARTMENT'S LIBRARY SECTION, IS DESIGNED TO DEVELOP STUDENTS' READING HABITS, IMPROVE THEIR LANGUAGE SKILLS AND TO PROMOTE THE USE OF LIBRARY RESOURCES.

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NOTE TO EDITORS:

YOU ARE INVITED TO SEND REPRESENTATIVES TO COVER THE PRIZE PRESENTATION CEREMONY WHICH WILL TAKE PLACE AT THE HONG KONG TEACHERS' CENTRE, 4 PAK FUK ROAD, NORTH POINT, AT 3 PM TOMORROW (THURSDAY).

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UNAUTHORISED STRUCTURE IN KWUN TONG TO BE CLOSED

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THE BUILDING AUTHORITY IS SEEKING TO CLOSE AN ILLEGAL STRUCTURE IN KWUN TONG SO THAT IT CAN BE DEMOLISHED WITHOUT DANGER TO THE OCCUPIERS AND THE PUBLIC.

THE STRUCTURE IS ON THE REINFORCED CONCRETE CANOPY ADJOINING UNIT B, FIRST FLOOR, KIN TAK FUNG INDUSTRIAL BUILDING, 174 WAI YIP STREET AND 39 TSUN YIP STREET.

NOTICE OF INTENTION TO APPLY FOR A CLOSURE ORDER FROM THE SHA TIN DISTRICT COURT ON AUGUST 10 THIS YEAR HAD BEEN POSTED ON A CONSPICUOUS PART OF THE STRUCTURE.

UNDER THE BUILDINGS ORDINANCE, A CLOSURE ORDER IS REQUIRED BEFORE DEMOLITION CAN BE CARRIED OUT.

IT IS EXPECTED THAT DEMOLITION WORK WILL BE CARRIED OUT ONCE THE CLOSURE ORDER IS OBTAINED.

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URBAN CLEARWAYS IN CENTRAL AND WESTERN DISTRICTS

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM 10 AM ON FRIDAY (JULY 13), THE EASTERN KERBSIDE LANE OF POTTINGER STREET BETWEEN ITS JUNCTIONS WITH CONNAUGHT ROAD CENTRAL AND DES VOEUX ROAD CENTRAL WILL BE DESIGNATED AN URBAN CLEARWAY 24 HOURS DAILY FOR A PERIOD OF ABOUT FOUR MONTHS TO FACILITATE ROAD RE-CONSTRUCTION WORKS.

AT THE SAME TIME, THE EXISTING URBAN CLEARWAY ON THIS ROAD SECTION FROM 7 AM TO 7 PM WILL BE TEMPORARILY CANCELLED.

ALSO, THE SOUTHERN KERBSIDE LANE OF WESTBOUND CONNAUGHT ROAD CENTRAL BETWEEN ITS JUNCTIONS WITH KA ON STREET AND WHITTY STREET, EXCLUDING THE LAY-BY, WILL BE DESIGNATED AN URBAN CLEARWAY 24 HOURS DAILY.

NO VEHICLES EXCEPT FRANCHISED BUSES WILL BE ALLOWED TO STOP FOR PASSENGERS OR GOODS THERE.

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TEMPORARY ROAD CLOSURE IN SOUTHERN DISTRICT

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM 10 AM ON FRIDAY (JULY 13), THE SECTION OF TIN WAN STREET SOUTH OF SHEK PAI WAN ROAD WILL BE CLOSED FOR ABOUT THREE MONTHS TO FACILITATE THE CONSTRUCTION OF A RETAINING WALL AND A PAVEMENT AT TIN WAN STREET AND ABERDEEN PRAYA ROAD.

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URBAN CLEARWAY IN KWUN TONG

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT THE FOLLOWING ROAD SECTIONS IN KWUN TONG WILL BE DESIGNATED AN URBAN CLEARWAY 24 HOURS DAILY WITH EFFECT FROM 10 AM ON FRIDAY (JULY 13).

- * THE EASTBOUND CARRIAGEWAY OF JUNK BAY ROAD FROM ITS JUNCTION WITH LEI YUE MUN ROAD TO A POINT ABOUT 800 METRES EAST OF THE SAME JUNCTION;
- * THE WESTBOUND CARRIAGEWAY OF JUNK BAY ROAD FROM ITS JUNCTION WITH LEI YUE MUN ROAD TO A POINT ABOUT 130 METRES EAST OF THE SAME JUNCTION;
- * THE WESTBOUND CARRIAGEWAY OF JUNK BAY ROAD FROM A POINT ABOUT 150 METRES EAST OF ITS JUNCTION WITH LEI YUE MUN ROAD TO A POINT ABOUT 800 METRES EAST OF THE SAME JUNCTION; AND
- * THE SECTION OF KAI TIN ROAD FROM ITS JUNCTION WITH JUNK BAY ROAD TO A POINT ABOUT 100 METRES SOUTH OF THE SAME JUNCTION.

ALL VEHICLES EXCEPT FRANCHISED BUSES AND THOSE WITH PERMITS ISSUED BY THE COMMISSIONER FOR TRANSPORT WILL BE PROHIBITED FROM STOPPING FOR PASSENGERS OR GOODS.

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SPEED LIMIT IN KWUN TONG
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THE TRANSPORT DEPARTMENT ANNOUNCES THAT A SPEED LIMIT OF 70 KILOMETRES PER HOUR WILL BE INTRODUCED ON THE SECTION OF JUNK BAY ROAD FROM ITS JUNCTION WITH LEI YUE MUN ROAD TO A POINT ABOUT 800 METRES EAST OF THE SAME JUNCTION WITH EFFECT FROM 10 AM ON FRIDAY (JULY 13).

APPROPRIATE TRAFFIC SIGNS WILL BE SET UP TO GUIDE MOTORISTS.

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TEMPORARY CLOSURE OF SHA TIN ROAD
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THE TRANSPORT DEPARTMENT ANNOUNCES THAT SEVERAL SECTIONS OF SHA TIN ROAD WILL BE TEMPORARILY CLOSED TO FACILITATE ROAD MAINTENANCE WORKS.

A SECTION OF ABOUT 200 METRES OF THE FAST LANE OF SHA TIN ROAD NORTHBOUND NEAR TSANG TAI UK WILL BE CLOSED FROM FRIDAY (JULY 13) TO SUNDAY (JULY 15)

THE SLOW LANE OF SHA TIN ROAD NORTHBOUND BETWEEN TSANG TAI UK AND PRINCE OF WALES HOSPITAL WILL BE CLOSED FROM MONDAY (JULY 16) TO FRIDAY (AUGUST 17).

A SECTION OF ABOUT 200 METRES OF THE FAST LANE OF SHA TIN ROAD SOUTHBOUND NEAR TSANG TAI UK WILL BE CLOSED FROM MONDAY (JULY 16) TO SUNDAY (JULY 22).

THE SLOW LANE OF SHA TIN ROAD SOUTHBOUND NEAR TSANG TAI UK FOR A SECTION OF ABOUT 200 METRES WILL BE CLOSED FROM MONDAY (JULY 23) TO SUNDAY (JULY 29).

APPROPRIATE TRAFFIC SIGNS WILL BE SET UP TO GUIDE MOTORISTS.

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