



DAILY INFORMATION BULLETIN

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AG SPEAKS ON BILL OF RIGHTS

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THE BILL OF RIGHTS IS A DOCUMENT OF ENORMOUS SIGNIFICANCE AND ARGUABLY WILL BE THE SINGLE MOST IMPORTANT PIECE OF LEGISLATION EVER TO COME BEFORE THE LEGISLATIVE COUNCIL FOR IT DEMONSTRATES HONG KONG'S DETERMINATION TO MAINTAIN INTERNATIONALLY RECOGNISED BASIC STANDARDS REGARDING HUMAN RIGHTS AND FREEDOMS, THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, SAID TODAY (WEDNESDAY).

SPEAKING IN LEGCO THE DEBATE ON A MOTION ON THE BILL OF RIGHTS, MR MATHEWS SAID IN DRAFTING THE BILL THE ADMINISTRATION HAD HAD TO MEET THE REQUIREMENTS OF THE JOINT DECLARATION AND HAD HAD TO ACCOMMODATE THE BASIC LAW.

"WE HAVE ALSO HAD TO TAKE INTO ACCOUNT THE INTERNATIONAL OBLIGATIONS OF THE UNITED KINGDOM UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND TO MAKE SURE THAT THEY WERE FULLY REFLECTED IN THE DRAFT BILL.

"GIVEN THESE VARIOUS CONSIDERATIONS, IT IS GRATIFYING THEREFORE TO HAVE A DRAFT BILL WHICH IS BROADLY ACCEPTABLE TO MOST MEMBERS OF THIS COUNCIL AND TO VERY MANY OTHER PEOPLE IN HONG KONG AND WHICH, IMPORTANTLY, IS CONSISTENT WITH THE CONSTITUTIONAL REQUIREMENTS," MR MATHEWS SAID.

HE RE-STATED THE GOVERNMENT'S POSITION ON TWO MAJOR POINTS.

"FIRST, WE ARE COMMITTED TO THE PRINCIPLE OF ENSURING THAT THE BILL OF RIGHTS WILL ENDURE BEYOND 1997.

"THERE HAS NEVER BEEN ANY INTENTION ON OUR PART TO MAKE THE BILL OF RIGHTS SOME KIND OF RIVAL TO THE BASIC LAW AND, IN PARTICULAR, ITS CHAPTER III.

"WE ARE SATISFIED THAT THERE WILL BE NO INCONSISTENCY BETWEEN THE BASIC LAW AND THE BILL OF RIGHTS AFTER 1997," MR MATHEWS SAID.

THE BILL OF RIGHTS WOULD THEN GIVE EFFECT TO ARTICLE 39 OF THE BASIC LAW WHICH PROVIDED THAT THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AS APPLIED TO HONG KONG WOULD BE IMPLEMENTED THROUGH LAW, HE ADDED.

"SECONDLY, IT HAS BEEN OF PARTICULAR CONCERN TO US TO ENSURE THAT THE RIGHTS AND FREEDOMS CONTAINED IN THE BILL OF RIGHTS ARE ADEQUATELY SAFEGUARDED BY LEGAL AND CONSTITUTIONAL MEASURES," MR MATHEWS SAID.

THIS, HE SAID, HAD LED TO THE PROPOSAL THAT THE LETTERS PATENT BE AMENDED TO INCORPORATE A CONSTITUTIONAL REQUIREMENT THAT NO LAW WHICH RESTRICTED THE RIGHTS AND FREEDOMS OF PERSONS IN HONG KONG COULD BE ENACTED IF IT WAS INCONSISTENT WITH THE PROVISIONS OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AS APPLIED TO HONG KONG.

"THIS PROPOSAL ACHIEVES WHAT IS SO WIDELY DESIRED, NAMELY A GUARANTEE OF HUMAN RIGHTS IN HONG KONG," MR MATHEWS SAID.

OVER 800 SUBMISSIONS HAD BEEN RECEIVED IN RESPONSE TO THE REQUEST BY THE SECRETARY FOR CONSTITUTIONAL AFFAIRS FOR COMMENTS ON THE DRAFT BILL OF RIGHTS SINCE IT WAS PUBLISHED IN MARCH.

MANY OF THESE WERE FROM PROFESSIONAL OR COMMUNITY ORGANISATIONS, THE BUSINESS SECTOR AND INTEREST GROUPS. THERE WAS A SUBSTANTIAL NUMBER OF RETURNS FROM INDIVIDUALS.

"WHAT EMERGES FROM THE SUBMISSIONS IS SOMETHING WHICH IS VERY HEARTENING AND BODES WELL FOR THE FUTURE OF CIVIL RIGHTS AND THE RULE OF LAW IN HONG KONG.

"NEARLY ALL OF THE SUBMISSIONS SUPPORTED THE PRINCIPLE OF A BILL OF RIGHTS FOR HONG KONG AND THE DIRECT INCORPORATION INTO OUR LEGAL SYSTEM OF INTERNATIONALLY RECOGNISED MINIMUM STANDARDS OF HUMAN RIGHTS," HE SAID.

MR MATHEWS SAID THOSE SUBMISSIONS WHICH HAD DEALT WITH THE LEGAL-TECHNICAL SIDE OF THE BILL HAD BEEN VERY USEFUL IN PROVOKING FURTHER THOUGHT. THERE WERE, FOR EXAMPLE, SUBMISSIONS SUGGESTING THAT PART I OF THE DRAFT BILL MIGHT BE REVISED SO AS TO MAKE IT A MORE EFFECTIVE PIECE OF LEGISLATION.

THE SUBMISSIONS INCLUDED IN PARTICULAR CONTRIBUTIONS FROM THE LEGAL PROFESSION AND FROM MANY ACADEMICS.

"IN ADDITION TO THE SUBMISSIONS FROM MEMBERS OF THE PUBLIC AND INTERESTED GROUPS AND ASSOCIATIONS, IT IS ALSO RIGHT TO ACKNOWLEDGE THE CONTRIBUTION WHICH THE MEDIA HAS MADE TO A BETTER UNDERSTANDING OF THE DRAFT BILL," HE SAID.

MR MATHEWS SAID THE PROPOSALS CONTAINED IN THE REPORT OF THE LEGCO AD HOC GROUP AND THE MANY USEFUL AND PENETRATING COMMENTS IN SUBMISSIONS WERE NOW BEING STUDIED BY THE ADMINISTRATION WITH THE UTMOST CARE.

SUBJECT TO THE FURTHER ADVICE OF THE EXECUTIVE COUNCIL, HE SAID, THE HONG KONG BILL OF RIGHTS BILL WOULD BE INTRODUCED FORMALLY INTO THE LEGISLATIVE COUNCIL ON JULY 25.

HE POINTED OUT THAT SOME OF THE PROPOSALS AND COMMENTS DID NOT RELATE SO MUCH TO THE CONTENT OF THE DRAFT BILL AS TO ITS ANTICIPATED EFFECT.

"AN EXAMPLE IS THE PROPOSAL THAT WE SHOULD HAVE A HUMAN RIGHTS COMMISSION OR SOME SIMILAR BODY FOR HONG KONG. WE SHALL CONSIDER THE IDEA CAREFULLY, RECOGNISING THAT SUCH A COMMISSION CAN HAVE A ROLE IN EDUCATING INDIVIDUALS AS TO THEIR RIGHTS AND COULD ALSO BE AN INFORMAL AND INEXPENSIVE DISPUTE RESOLUTION BODY.

"BUT WE MUST GIVE CAREFUL THOUGHT AS TO WHETHER SUCH A COMMISSION IS REALLY NECESSARY, HAVING REGARD TO OUR EXISTING LEGAL AND JUDICIAL SYSTEM," MR MATHEWS SAID.

/HE SAID

HE SAID CONCERN HAD ALSO BEEN EXPRESSED THAT IF IT PROVED NECESSARY FOR CERTAIN LAW ENFORCEMENT BODIES TO ADJUST THEIR ENABLING LEGISLATION SO AS TO ACCOMMODATE THE LEGAL DEMANDS OF THE BILL OF RIGHTS THEN THIS SHOULD NOT BE AT THE EXPENSE OF MAINTAINING LAW AND ORDER.

"I CAN ASSURE MEMBERS THAT THE ADMINISTRATION ATTACHES THE UTMOST IMPORTANCE TO THE OPERATIONAL EFFECTIVENESS OF THE POLICE AND THE ICAC AND THE OTHER LAW ENFORCEMENT BODIES," MR MATHEWS SAID.

"EVERY EFFORT WILL BE MADE TO ENSURE THAT ANY NECESSARY AMENDMENT TO LAWS WHICH REGULATE LAW AND ORDER IN HONG KONG WILL NOT PREJUDICE THAT EFFECTIVENESS."

HE NOTED THAT THE LEGCO AD HOC GROUP HAD SUGGESTED THAT THE PROPOSED "FREEZE PERIOD" BE REDUCED FROM TWO YEARS TO ONE YEAR WITH A SCHEDULE IDENTIFYING ORDINANCES AND PARTICULAR PROVISIONS IN THEM TO BE FROZEN AND THAT THIS PERIOD MIGHT BE EXTENDED FOR A FURTHER YEAR IF JUSTIFIED.

"THE ADMINISTRATION'S PROPOSAL WAS WIDER IN THAT WE SUGGESTED A TWO-YEAR FREEZE ON ALL EXISTING LEGISLATION.

"THE MOVE BEHIND THE AD HOC GROUP'S PROPOSAL IS CLEARLY THAT WE SHOULD GET THE BILL OF RIGHTS WORKING AS SOON AS POSSIBLE AND LET THE COURTS DECIDE ISSUES OF COMPATIBILITY.

"WE SYMPATHISE WITH THAT FEELING BUT I SHOULD REMIND MEMBERS THAT THE PURPOSE OF THE TWO-YEAR FREEZE AS PROPOSED IN THE DRAFT BILL IS NOT ONLY TO IDENTIFY LAWS AT RISK, BUT ALSO TO GIVE MEMBERS ADEQUATE OPPORTUNITY TO CONSIDER WHAT CHANGES TO SUCH LAWS MAY BE DESIRABLE. WE BELIEVE THAT THIS IS A PRUDENT COURSE.

"IT IS NOT A NOVEL CONCEPT FOR THERE IS PRECEDENT FOR IT ELSEWHERE. NEVERTHELESS MEMBERS CAN BE ASSURED THAT WE WILL GIVE THEIR PROPOSAL THE MOST CAREFUL CONSIDERATION," MR MATHEWS SAID.

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BILL OF RIGHTS WILL BOOST CONFIDENCE

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THE HON SELINA CHOW SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT SHE IS CONVINCED THAT A BILL OF RIGHTS, HOWEVER IMPERFECT, WILL BOOST THE CONFIDENCE OF HONG KONG PEOPLE AND SHOULD BE SEEN AS AN INTEGRAL PART OF DEMOCRATIC EVOLUTION.

LEADING OFF THE DEBATE ON THE MOTION ON THE BILL OF RIGHTS, MRS CHOW APPEALED TO THE GOVERNMENT TO DO ALL IT COULD TO PROMOTE THE CONCEPT OF HUMAN RIGHTS WITHIN A FREE AND RESPONSIBLE SOCIETY IN ANTICIPATION OF THE BILL.

/HER MOTION

HER MOTION READS:

"THAT THIS COUNCIL SUPPORTS THE ENACTMENT OF A BILL OF RIGHTS AND URGES THE GOVERNMENT IN DRAFTING THE BLUE BILL TO TAKE INTO ACCOUNT THE VIEWS EXPRESSED BY THIS COUNCIL."

MRS CHOW, WHO WAS CONVENER OF THE LEGCO AD HOC GROUP ON THE BILL OF RIGHTS 1990, OUTLINED THE KEY POINTS ON THE BILL CONTAINED IN THE GROUP'S REPORT.

SHE SAID WHILE SOME MEMBERS FELT THAT THE ABSOLUTE STATUS OF RIGHTS PROTECTED UNDER THE BILL SHOULD OVERRIDE OTHER RIGHTS AND POWERS FOUND TO BE IN CONFLICT, AN OVERWHELMING MAJORITY OF MEMBERS SHARED THE CONCERN VOICED BY MANY QUARTERS OF THE COMMUNITY THAT WAYS SHOULD BE FOUND TO ACCOMMODATE BOTH THESE RIGHTS AND NECESSARY POWERS WITHIN THE LAW FOR THE EFFECTIVE PROTECTION OF THE COMMUNITY, PARTICULARLY IN MATTERS RELATED TO MAINTENANCE OF LAW AND ORDER, EFFECTIVE IMMIGRATION CONTROL AND ANTI-CORRUPTION MEASURES.

"GIVEN THE SUPREMACY OF THE BASIC LAW AS HONG KONG'S CONSTITUTION AT THE CHANGE OF SOVEREIGNTY," MRS CHOW SAID "THERE DOES NOT SEEM ANY OTHER OPTION OPEN TO US EXCEPT THE ONE PRESENTLY PROPOSED, I.E. A FORM OF SO-CALLED INDIRECT ENTRENCHMENT BY MIRRORING ARTICLE 39 OF CHAPTER 3 OF THE BASIC LAW WITH AN AMENDMENT IN THE LETTERS PATENT."

SHE NOTED THAT THE RELATIONSHIP BETWEEN THE BILL AND EXISTING LEGISLATION WAS ONE OF THE MORE CONTROVERSIAL AREAS TO BE EXAMINED BY THE GROUP WHICH MAINLY CONCERNED THE QUESTION OF WHAT SHOULD BE DONE IF POWERS OF THE EXECUTIVE, IN PARTICULAR LAW ENFORCEMENT AGENCIES, WERE CONSIDERED TO BE IN CONFLICT WITH THE BILL.

SHE SAID EVENTUALLY MEMBERS WERE ABLE TO ARRIVE AT THE COMMON GROUND THAT POWERS WHICH WERE CONSIDERED REASONABLE IN THE CONTEXT OF A DEMOCRATIC SOCIETY COULD PROBABLY BE PROVIDED BY LAW AND BE ACCOMMODATED UNDER THE BILL OF RIGHTS.

ON THE FREEZE PERIOD, MRS CHOW SAID MEMBERS RECOGNISED THAT THERE MIGHT BE A NEED FOR FLEXIBILITY, AND WERE PREPARED TO ACCEPT ONE YEAR WITH ONE RENEWAL OF A FURTHER YEAR IF NECESSARY.

"MEMBERS WOULD ALSO REQUEST THAT ADMINISTRATION TO ADOPT THE APPROACH OF PARTIAL FREEZE OF ONLY THOSE LAWS WHICH, IF NOT FROZEN BEFORE AMENDMENT OR REPLACEMENT, MAY CREATE LEGISLATIVE VACUUMS CAUSING INSTABILITY OR CHAOS TO THE SYSTEM."

WHILE THE PRINCIPLE OF THE COVENANT TO BE APPLICABLE BETWEEN INDIVIDUALS AS WELL AS INDIVIDUALS AND GOVERNMENT WAS WELL SUPPORTED, MRS CHOW SAID MEMBERS WERE PERSUADED THAT A STEP-BY-STEP APPROACH, LEAVING INTER-CITIZEN RIGHTS TO BE INCORPORATED AT A LATER STAGE, WAS PROBABLY A MORE SENSIBLE AND PRACTICAL METHOD TO ADOPT.

MRS CHOW POINTED OUT THAT EMERGING FROM THE DISCUSSION ON THE BILL WAS THE CLEAR CALL FOR THE SETTING UP OF A HUMAN RIGHTS COMMISSION. THE GROUP CONCLUDED THAT THE PROPOSAL DESERVED DETAILED STUDY, AND HOPED THAT GOVERNMENT WOULD INVESTIGATE ITS PRACTICABILITY.

THE GROUP HELD THE VIEW THAT THE COMMISSION, IF FORMED, SHOULD ASSUME AN EDUCATIONAL ROLE AND THE ROLE OF ARBITRATOR IN RIGHTS OF ACTION BETWEEN INDIVIDUALS; REVIEW LEGISLATION AND RECOMMEND CHANGES TO THOSE LAWS THAT MIGHT CONFLICT THE BILL; RECEIVE AND INVESTIGATE COMPLAINTS; AND ISSUE GUIDELINES ON DEFINITION OF HUMAN RIGHTS.

MRS CHOW SAID MEMBERS FELT THAT THE COMMISSION SHOULD MAKE ITS DECISIONS PUBLIC AND SHOULD ALSO MAINTAIN INDEPENDENCE.

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INTER-CITIZEN RIGHTS SHOULD BE RETAINED
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THE HON RONALD ARCULLI DISAGREED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) WITH SUGGESTIONS THAT INTER-CITIZEN OR THIRD PARTY RIGHTS SHOULD EITHER BE EXCLUDED, DEFERRED OR PERHAPS FROZEN FOR A PERIOD.

SPEAKING IN THE DEBATE ON THE BILL OF RIGHTS, MR ARCULLI QUESTIONED WHETHER HUMAN RIGHTS THAT HAD DIFFERENT STATUS WOULD BE CREATED IF INTER-CITIZEN RIGHTS WERE TO BE THE SUBJECT OF SEPARATE LEGISLATION.

"WILL WE USE WORDS IN SUCH SEPARATE LEGISLATION THAT WILL BE MATERIALLY DIFFERENT? IF SO, WHAT WILL BE THE EFFECT? HOW DO WE PERFORM THIS SURGERY OF SEPARATING RIGHTS AGAINST THE GOVERNMENT AS OPPOSED TO AN INDIVIDUAL?" HE ASKED.

HE EXPLAINED THAT BY INTER-CITIZEN OR THIRD PARTY RIGHTS HE MEANT SUCH RIGHTS AS ONE PERSON MIGHT HAVE AGAINST ANOTHER AS WAS PROVIDED IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

MR ARCULLI ASKED IF WE WERE TO LIMIT THE PROPOSED BILL OF RIGHTS TO A CITIZEN/GOVERNMENT RELATIONSHIP, HOW WAS IT PROPOSED TO DISTINGUISH THE ACT OF A CIVIL SERVANT AS AN ACT IN SUCH A CAPACITY AS OPPOSED TO SUCH CIVIL SERVANT ACTING ON HIS OWN.

IN THE FORMER CASE, THE GOVERNMENT WOULD BE RESPONSIBLE FOR SUCH ACTION WHILST IT MIGHT NOT BE IN THE LATTER CASE, HE SAID.

MR ARCULLI FELT THAT SO FAR THOSE WHO HAD ADVOCATED THAT INTER-CITIZEN RIGHTS BE EXCLUDED, DEFERRED OR FROZEN FOR A PERIOD HAD PERHAPS CONCENTRATED TOO MUCH ON AREAS CONCERNING PRIVACY AND DISCRIMINATION.

HE SAID THERE WERE OTHER HUMAN RIGHTS THAT WERE EQUALLY IMPORTANT AND NOT NECESSARILY LESS COMPLICATED, AND CITED A NUMBER OF SUCH EXAMPLES.

IN CONCLUSION, MR ARCULLI REITERATED THAT INTER-CITIZEN RIGHTS WERE BUT AN INSEPARABLE PART OF ANY EFFECTIVE HUMAN RIGHTS LEGISLATION AND THAT CLAUSE 7 OF THE BILL OF RIGHTS WHICH DEALT WITH THE ISSUE SHOULD NOT BE AMENDED.

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WEDNESDAY, JUNE 27, 1990

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BILL OF RIGHTS MUST BE PART OF PACKAGE

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THE HON MARTIN LEE SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT THE BILL OF RIGHTS, AMENDMENT TO THE LETTERS PATENT, AND CHANGES IN THE CROWN PROCEEDINGS ORDINANCE ARE AN INSEPARABLE PACKAGE.

HE WAS SPEAKING IN THE MOTION DEBATE ON THE BILL OF RIGHTS.

"IF THE GOVERNMENT REFUSES TO COME FORWARD WITH THE ENTIRE PACKAGE, IT WILL EFFECTIVELY GUT THE PURPOSE OF THE BILL OF RIGHTS AND DEMONSTRATE THAT THE GOVERNMENT IS NOT GENUINELY COMMITTED TO UPHOLDING HUMAN RIGHTS," HE SAID.

MR LEE SAID A CRITICAL TEST OF THE GOVERNMENT BEING WILLING TO PROTECT HUMAN RIGHTS WAS WHETHER IT WOULD MAKE THE BILL OF RIGHTS EFFECTIVE BY AMENDING BOTH THE LETTERS PATENT AND THE CROWN PROCEEDINGS ORDINANCE.

HE EXPRESSED STRONG DISSATISFACTION THAT UP TO NOW, LEGISLATIVE COUNCILLORS STILL DID NOT KNOW WHEN AND HOW THE LETTERS PATENT WOULD ACTUALLY BE AMENDED TO PROVIDE THE SUPREMACY AND ENTRENCHMENT ELEMENTS LACKING IN THE DRAFT BILL OF RIGHTS.

AS A MATTER OF FACT, HE SAID, THE BASIC LAW ALREADY CONTAINED THE TWO KEY ATTRIBUTES - ENTRENCHMENT AND SUPREMACY. WHILE THE FIRST PARAGRAPH OF ARTICLE 39 ENTRENCHED THE BILL, THE SECOND PARAGRAPH PROVIDED FOR SUPREMACY.

MR LEE SAID THAT CURRENTLY THERE WAS NO INDICATION THAT AFTER 1997 HONG KONG WOULD BE ABLE TO BE A SIGNATORY TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) EITHER THROUGH CHINA OR ON ITS OWN.

HE SAID, "IF THE PROMISE THAT THE COVENANT SHALL REMAIN IN FORCE AFTER 1997 IS TO BE FULFILLED, GREAT BRITAIN SHOULD ALLOW HONG KONG TO BECOME A SIGNATORY ON ITS OWN TO THE ICCPR BEFORE 1997, AND IT SHOULD SEEK EITHER TO PERSUADE CHINA TO SIGN THE COVENANT OR TO ALLOW THE HKSAR TO SIGN THE COVENANT ON ITS OWN."

ON THE POINT OF A TWO-YEAR FREEZE PERIOD, MR LEE SAID HE SAW ABSOLUTELY NO NEED FOR IT, BUT WAS PREPARED TO ACCEPT A SIX-MONTH FREEZE PROVIDED THAT THE GOVERNMENT COULD SPECIFY PRECISELY WHICH SECTIONS OF STATUTES IT INTENDED TO FREEZE AND INCLUDED THAT SCHEDULE IN THE BLUE BILL; THAT THE GOVERNMENT SHOWED THE COUNCIL THAT A FREEZE ON ALL THOSE SECTIONS WAS ABSOLUTELY NECESSARY; AND THAT THE ATTORNEY GENERAL UNDERTOOK NOT TO PROSECUTE ANYONE UNDER A STATUTE THAT WAS FROZEN.

ON THE QUESTION OF LEGAL REMEDIES, MR LEE SAID THE LAW OF TORTS OFTEN DID NOT PROVIDE AN ADEQUATE REMEDY FOR THOSE WHOSE RIGHTS WERE VIOLATED. HE SAID THAT IF REMEDIES WERE THE "TEETH" OF ANY LAW, THEN REMEDIAL TEETH IN THE DRAFT BILL OF RIGHTS WERE LIKE THE "DENTURES OF AN 80-YEAR-OLD WOMAN".

/HE SUPPORTED

HE SUPPORTED THE LAW SOCIETY'S SUGGESTION THAT CLAUSE 6 BE AMENDED TO FOLLOW THE WORDING OF ARTICLE 24 OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS: "ANYONE WHOSE RIGHTS OF FREEDOMS, AS GUARANTEED BY THIS CHARTER, HAVE BEEN INFRINGED OR DENIED MAY APPLY TO A COURT OF COMPETENT JURISDICTION TO OBTAIN SUCH REMEDY AS THE COURT CONSIDERS APPROPRIATE AND JUST IN THE CIRCUMSTANCES."

ON THE PROTECTION OF INTER-CITIZEN RIGHTS, MR LEE AGREED WITH THE GOVERNMENT THAT THE BILL OF RIGHTS SHOULD BE APPLIED TO INDIVIDUALS AS WELL AS TO PUBLIC AUTHORITIES.

BUT HE ADVOCATED THAT INTER-CITIZEN RIGHTS UNDER THE BILL BE FROZEN FOR ONE YEAR IN ORDER TO ALLOW THE GOVERNMENT ENOUGH TIME TO DRAFT LEGISLATION TO PROTECT CITIZENS FROM UNLAWFUL DISCRIMINATION AND FROM INVASIONS OF THEIR PRIVACY.

HE ALSO BELIEVED THAT A HUMAN RIGHTS COMMISSION MIGHT ALSO ASSUME PRIMARY RESPONSIBILITY FOR MEDIATING INTER-CITIZEN DISPUTES.

ON THE RESERVATIONS IN PART III OF THE BILL, MR LEE MAINTAINED THAT ANY RESERVATION BY ITS VERY NATURE REPRESENTED A DENIAL OF WHAT THE INTERNATIONAL COMMUNITY CONSIDERED TO BE A FUNDAMENTAL HUMAN RIGHT. HE THEREFORE URGED BRITAIN AND CHINA TO AGREE TO REMOVE ALL RESERVATIONS FROM THE APPLICATION OF THE ICCPR TO HONG KONG AS SOON AS POSSIBLE.

ON THE TRADITIONAL RIGHTS IN THE NEW TERRITORIES, MR LEE WAS OF THE VIEW THAT THE LEGISLATIVE COUNCIL MUST NOT SUPPORT THE CONTINUATION OF ANY FORM OF DISCRIMINATION AGAINST WOMEN. "IT IS ONLY THOSE TRADITIONS THAT DO NOT VIOLATE BASIC HUMAN RIGHTS THAT SHOULD BE ALLOWED TO CONTINUE," HE SAID.

MR LEE THEN TURNED TO TWO ASPECTS TO WHICH HE SAID THE AD HOC GROUP DID NOT GIVE ATTENTION.

THE FIRST WAS THE PROBLEMS RESULTING FROM THE FAILURE TO ADAPT CERTAIN PARTS OF THE ICCPR IN ORDER TO MAKE THEM EFFECTIVE IN THE CONTEXT OF A DOMESTIC LAW.

HE MAINTAINED THAT THE BILL SHOULD SPELL OUT THE EXACT CIRCUMSTANCES UNDER WHICH A PERSON COULD BE DEPRIVED OF HIS LIBERTY, JUST AS IN THE BILLS OF RIGHTS OF MONTSERRAT AND THE FALKLAND ISLANDS.

THE SECOND MATTER RELATED TO THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR). HE BELIEVED THAT SOME OF THE RIGHTS IN THE ICESCR WHICH WERE ALREADY CONTAINED IN THE BASIC LAW SHOULD ALSO BE INCLUDED IN THE BILL OF RIGHTS.

MR LEE WENT ON TO DISPEL WHAT HE CALLED SOME COMMON MISCONCEPTIONS ABOUT THE NATURE OF A BILL OF RIGHTS.

FIRST OF ALL, HE SAID, THE BILL WAS NOT SOME NOVEL DEVICE THAT CONFLICTED WITH THE JOINT DECLARATION OR THE BASIC LAW.

"ON THE CONTRARY, THE JOINT DECLARATION SPECIFICALLY DECREES THAT THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), FROM WHICH THE BILL OF RIGHTS IS COPIED ALMOST WORD FOR WORD, SHALL REMAIN IN FORCE AFTER 1997," HE SAID.

IN HIS VIEW, A BILL OF RIGHTS REPRESENTED THE MOST COMPREHENSIVE AND CONVENIENT WAY OF FULFILLING THE PROVISIONS OF ARTICLE 39.

HE WAS CONFIDENT THAT ONCE THE CHINESE GOVERNMENT FULLY UNDERSTOOD THAT THE BILL OF RIGHTS MERELY OBEYED ITS OWN IMPERATIVE LANGUAGE IN THE BASIC LAW, THEY WOULD CEASE OBJECTING TO HONG KONG BEING GIVEN A BILL OF RIGHTS.

THE SECOND MISCONCEPTION CENTRED AROUND THE FEAR THAT "A BILL OF RIGHTS MIGHT SEVERELY HINDER THE EFFECTIVE ENFORCEMENT OF LAW AND ORDER, AND, IN PARTICULAR, THE ANTI-CORRUPTION ACTIVITIES OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION".

HE SAID, "THIS FEAR HAS NO FOUNDATION IN FACT, AND INDEED THE EXPERIENCE OF THE MANY COUNTRIES WITH BOTH A BILL OF RIGHTS AND STRONG ANTI-CRIME AND ANTI-CORRUPTION LAWS DEMONSTRATES THAT HUMAN RIGHTS PROTECTION IS IN NO WAY INCOMPATIBLE WITH EFFECTIVE LAW ENFORCEMENT."

HE ADDED: "THE BILL OF RIGHTS IS NOT A SWORD THAT THREATENS EFFECTIVE LAW ENFORCEMENT; RATHER THE BILL PROVIDES FOR A SHIELD AGAINST VIOLATIONS OF HUMAN RIGHTS."

THE THIRD MISCONCEPTION WAS THAT ONCE THE BILL OF RIGHTS WAS ENACTED, THEN ALL OUR RIGHTS WOULD BE EFFECTIVELY PROTECTED.

HE SAID THAT IF THE PRESENT OR FUTURE GOVERNMENT OF HONG KONG WAS NOT FULLY COMMITTED TO UPHOLDING THE BILL, OR IF THE PEOPLE OF HONG KONG DID NOT KNOW OR WERE NOT EAGER TO PROTECT THEIR OWN RIGHTS, THEN THE RIGHTS IN THE BILL WOULD BE ABSOLUTELY USELESS.

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SEXUAL EQUALITY WILL UPSET SOCIAL STRUCTURE IN NT
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THE PROPOSAL TO INTRODUCE SEXUAL EQUALITY UNDER THE BILL OF RIGHTS WILL UPSET THE SOCIAL STRUCTURE OF THE INDIGENOUS VILLAGERS IN THE NEW TERRITORIES, THE HON TAI CHIN-WAH TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN DEBATE ON THE BILL OF RIGHTS, MR TAI EXPLAINED THAT THERE WERE CURRENTLY SEVERAL HUNDREDS OF TSO'S AND TONG'S IN THE NEW TERRITORIES AND ALMOST EVERY INDIGENOUS VILLAGER THERE WAS A MEMBER OF A TONG OR TSO.

HE WAS CONCERNED THAT ARTICLE ONE OF THE EQUAL CIVIL RIGHTS WOULD DISTURB THE EQUILIBRIUM OF THE TRADITIONS AND PRACTICES THAT HAD BEEN OBSERVED FOR HUNDREDS OF YEARS.

MR TAI SAID THE LEGISLATIVE COUNCIL SHOULD REFLECT VERY CAREFULLY OVER THE APPLICATION OF EQUAL RIGHTS FOR MALES AND FEMALES, AS SPECIAL PROVISIONS WERE NEEDED TO SAFEGUARD AGAINST THE NOVEL RIGHTS AS BETWEEN PRIVATE INDIVIDUALS WHEN APPLYING AN INTERNATIONAL COVENANT IN OUR STATUE BOOK, BECAUSE NON-DISCRIMINATION DID NOT IMPLY IDENTICAL TREATMENT NOR ABSOLUTE EQUALITY IN THE CASE OF THESE TRADITIONAL RIGHTS AS PRACTISED FOR MANY YEARS IN THE NEW TERRITORIES.

IN HIS OPINION, THE INTERNATIONAL COVENANT ON SEXUAL EQUALITY WAS TOO GENERAL IN CHARACTER, BUT BY APPLYING THIS COVENANT TO OUR LEGISLATION ONE MUST CONSIDER CAREFULLY THE ADVERSE IMPACT IT COULD HAVE ON THE DIFFERENT CIRCUMSTANCES AND THE SPECIAL AND UNIQUE CHARACTERISTICS OF OUR SOCIETY.

ON THE RIGHTS OF PERSONS CHARGED WITH CRIMINAL OFFENCES, MR TAI SAID TO APPLY THESE STRICTLY WITHOUT TAKING INTO ACCOUNT THE BALANCE OF EFFICACY OF LAW ENFORCEMENT, FAIRNESS AND FUNDAMENTAL HUMAN RIGHTS, COULD UPSET THE MAINTENANCE OF LAW AND ORDER IN OUR SOCIETY.

TURNING TO THE POLITICAL EFFECT ON THE AMENDMENT OF THE BILL, MR TAI SAID CHINA'S REACTION AND ITS RECOGNITION OF THIS BILL TO SURVIVE AFTER 1997 AND BEYOND WAS VITAL.

"THE JOINT DECLARATION STATES THAT MATTERS FOR CONSIDERATION DURING THE FIRST HALF OF THE PERIOD BETWEEN THE ESTABLISHMENT OF THE JOINT LIAISON GROUP SHALL INCLUDE ACTION TO BE TAKEN BY THE TWO GOVERNMENTS TO ENSURE THE CONTINUED APPLICATION OF INTERNATIONAL RIGHTS AND OBLIGATIONS AFFECTING HONG KONG.

"MOREOVER, IT ALSO PROVIDES THAT MATTERS ON WHICH THERE IS DISAGREEMENT IN THE JOINT LIAISON GROUP SHALL BE REFERRED TO THE TWO GOVERNMENTS FOR SOLUTION THROUGH CONSULTATION," HE SAID.

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BILL OF RIGHTS WILL HAVE STABILISING EFFECT

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THE BILL OF RIGHTS WILL, IF ENACTED, HAVE A STABILISING EFFECT IN OUR COMMUNITY, DR THE HON DANIEL TSE SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION ON THE BILL OF RIGHTS, DR TSE SAID HE FULLY SUPPORTED THE RECOMMENDATIONS OF THE LEGCO AD HOC GROUP THAT STUDIED THE BILL.

HE URGED THE GOVERNMENT TO DO WHATEVER WAS NECESSARY TO ENSURE THAT ONCE PASSED THE BILL OF RIGHTS WOULD REMAIN IN FORCE BEFORE AND AFTER 1997.

DR TSE SAID THE BILL WOULD BRING FORWARD THE PROMISE OF THE BASIC LAW IN GUARANTEEING INDIVIDUAL RIGHTS AND FREEDOM ACCORDING TO THE STANDARD OF THE INTERNATIONAL COVENANT.

/HE FELT

HE FELT THAT SUCH AN EARLY START ON WHAT HAD ALREADY BEEN PROVIDED BY THE BASIC LAW IN ARTICLE 39 WOULD STRENGTHEN THE CONFIDENCE OF THE PEOPLE.

"IT WOULD GIVE US THE GOOD FEELING THAT WHAT WE HAVE BEEN PROMISED IN THE BASIC LAW AFTER 1997 WILL BE THE SAME AS WHAT WE CAN ENJOY NOW.

"SUCH AN ARRANGEMENT OF CONTINUITY THROUGH LEGAL MEANS WILL GO A LONG WAY TOWARDS REBUILDING THE CONFIDENCE OF OUR PEOPLE IN THE FUTURE," DR TSE SAID.

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BILL OF RIGHTS WILL NOT CONTRAVENE JOINT DECLARATION
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THE HON EDWARD HO SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT THE INTRODUCTION OF A BILL OF RIGHTS WOULD NOT CONTRAVENE THE JOINT DECLARATION.

SPEAKING IN SUPPORT OF THE DRAFT BILL OF RIGHTS IN THE MOTION DEBATE, MR HO SAID THAT ARTICLE 3(5) OF THE JOINT DECLARATION CLEARLY PROVIDED THAT CERTAIN FUNDAMENTAL RIGHTS AND FREEDOMS WOULD BE PROVIDED BY LAW.

HE SAID SECTION XIII OF ANNEX 1 OF THE JOINT DECLARATION ELABORATED ON THESE PROVISIONS AND MENTIONED THAT "THE PROVISIONS OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) AND THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR) AS APPLIED TO HONG KONG SHALL REMAIN IN FORCE."

SIMILARLY, HE SAID, THE BASIC LAW PROVIDED FOR THE SAFEGUARD OF THE "RIGHTS AND FREEDOMS OF THE RESIDENTS OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION AND OF OTHER PERSONS IN THE REGION IN ACCORDANCE WITH LAW."

THE BASIC LAW ALSO STIPULATED THAT THE ICCPR AND ICESCR AS APPLIED TO HONG KONG SHOULD REMAIN IN FORCE AND SHOULD BE IMPLEMENTED THROUGH THE LAWS OF THE HONG KONG SAR, HE ADDED.

"THOSE PROVISIONS NOT ONLY REMOVE ANY DOUBT THAT A BILL OF RIGHTS ALONG THE LINE OF THE ICCPR AS APPLIED TO HONG KONG WOULD BE IN STRICT ACCORDANCE WITH THE JOINT DECLARATION AND THE BASIC LAW; BUT ALSO, BY SUCH WORDS AS 'IN ACCORDANCE WITH LAW' AND 'SHALL BE IMPLEMENTED THROUGH THE LAWS', A BILL OF RIGHTS IS POSITIVELY REQUIRED," MR HO SAID.

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HK'S INTERNATIONAL CHARACTER HAS TO BE BORNE IN MIND
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WE NEED TO BEAR IN MIND THE OPEN AND INTERNATIONAL CHARACTER OF HONG KONG, AND TO MONITOR TRENDS AROUND THE WORLD, IN CONSIDERING THE QUESTION OF CAPITAL PUNISHMENT IN RELATION TO THE BILL OF RIGHTS, THE HON MARTIN BARROW SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION IN THE DEBATE ON THE BILL OF RIGHTS, MR BARROW SAID WHILE DEATH PENALTIES IN HONG KONG HAD BEEN ROUTINELY COMMUTED TO LIFE IMPRISONMENT SINCE 1966, THERE WERE CLEARLY MANY PEOPLE WHO STRONGLY ADVOCATED A PHILOSOPHY OF RETRIBUTION, A BASIC "EYE FOR AN EYE" APPROACH.

MR BARROW SAID THIS MIGHT, HOWEVER, BE AN OCCASION WHERE THE GOVERNMENT AND THE LEGISLATIVE COUNCIL COULD CONSIDER SHOWING LEADERSHIP, RATHER THAN FOLLOWING WHAT WAS BELIEVED TO BE THE POPULAR VIEW.

HE SAID THERE WAS NO CONVINCING EVIDENCE IN ANY COUNTRY THAT THE USE OF THE DEATH PENALTY HAD A SPECIAL DETERRENT EFFECT.

MR BARROW SAID WHILST FUTURE GOVERNMENTS WOULD HAVE THE RIGHT TO LOOK AGAIN AT THE ISSUE, ABOLITION OF CAPITAL PUNISHMENT AT THIS TIME WOULD MAKE IT MORE DIFFICULT TO RE-IMPOSE IT IN THE FUTURE.

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BILL OF RIGHTS IN LINE WITH CHINA'S COMMITMENT
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THE IDEA OF A BILL OF RIGHTS IS FULLY IN LINE WITH CHINA'S COMMITMENT IN THE JOINT DECLARATION AND THE BASIC LAW, DR THE HON LEONG CHE-HUNG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION ON THE BILL OF RIGHTS, DR LEONG SAID CHINA'S COMMITMENT WAS TO ALLOW THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS AND THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS ALREADY APPLIED IN HONG KONG, TO REMAIN IN FORCE AFTER 1997.

THE NOTION OF THE BILL WAS ALSO CONSISTENT WITH THE WELL-RECOGNISED "THROUGH-TRAIN" CONCEPT OF TRANSITION AND IT WOULD ENHANCE THE SUCCESS OF THE "ONE COUNTRY, TWO SYSTEMS" POLICY, HE SAID.

"ALLOWING SUCH A BILL IS ALSO THE BEST AND THE SIMPLEST THING CHINA CAN DO FOR HONG KONG PEOPLE AND TO MAINTAIN HONG KONG PEOPLE'S CONFIDENCE," HE SAID.

"THIS BILL SHOULD IN NO WAY BE REGARDED AS SOME IDEOLOGICAL FOREPLAY FOR ACADEMIC DISCOURSE BUT IS THE BEST WE CAN DO TO FASHION HUMAN RIGHTS GUARANTEES IN LAW, BEFORE AND AFTER 1997," HE ADDED.

DR LEONG REGARDED THE LEGAL SAFEGUARDS CONTAINED IN THE BILL AND THE CONSTITUTIONAL PROVISIONS IN THE BASIC LAW AS "TWO SIDES OF THE SAME COIN".

HE ALSO POINTED OUT THAT THE BILL SHOULD BE VIEWED AS AN ELABORATION OF THE ARTICLES IN CHAPTER THREE OF THE BASIC LAW.

"THE BILL, WHICH FOLLOWS CLOSELY THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS, SERVES AS AN ADDITIONAL FUNCTION TO ENSURE CONTINUITY OF HUMAN RIGHTS PROVISIONS BEFORE AND AFTER 1997," HE SAID.

ON WHY HONG KONG NEEDED A BILL OF RIGHTS DESPITE THE FACT THAT HUMAN RIGHTS HAD ALREADY BEEN PROTECTED IN HONG KONG BY COMMON LAW AND PROVISIONS IN A NUMBER OF STATUTES, DR LEONG SAID THAT AFTER 1997, HONG KONG COULD NOT CONTINUE TO RELY ON THE COMMON LAW AS THE HONG KONG SYSTEM OF LAW WAS GOING TO BE ON ITS OWN.

BY THEN, PRECEDENTS ESTABLISHED IN BRITISH COURTS WOULD NOT NECESSARILY BIND HONG KONG COURTS. AT BEST, THESE CASES COULD ONLY BE USED FOR REFERENCE AND AS A PERSUASIVE FORCE.

HE SAW THE ENACTMENT OF A BILL OF RIGHTS AS A MEANS TO FILL THIS "LEGAL VACUUM", EXCEPT THAT IT IS ALLOWED TO BE IN PLACE SOONER.

DR LEONG POINTED OUT THAT THERE WAS FEAR THAT WHEN SOVEREIGNTY WAS HANDED OVER TO CHINA, SECTIONS OF THE INTERNATIONAL COVENANT WHICH WERE APPLICABLE TO HONG KONG MIGHT BECOME OBSOLETE BECAUSE CHINA WAS NOT A SIGNATORY TO THE COVENANT. BUT PROVISIONS IN THE FORMS OF A BILL OF RIGHTS UNDER THE AUSPICES OF THE BASIC LAW WOULD REMEDY THIS SITUATION.

TURNING TO THE MORE SPECIFIC ASPECTS OF THE BILL, DR LEONG SAID HE SUPPORTED SECTION 6(2) THAT PERMITTED ALL LEVELS OF COURTS TO BE ABLE TO INTERPRET AND APPLY THE BILL OF RIGHTS.

"HAVING THE CONSTITUTIONAL ISSUES ARISING FROM THE VAGUE CONCEPTS OF AN INTERNATIONAL COVENANT DETERMINED BY TRIBUNALS, MAGISTRATES AND COURTS AT EVERY LEVEL IS THE APPROPRIATE WAY IN THE RIGHT DIRECTION," HE SAID.

"IT WILL HELP BUILD A SYSTEM OF PRECEDENTS - THE NECESSARY EXPERIENCE AND TRADITION REQUIRED," HE ADDED.

HE DESCRIBED A TWO-YEAR GRACE PERIOD BEFORE THE BILL CAME INTO EFFECT AS "TOTALLY UNCALLED FOR" AND AN "UNWANTED HURDLE".

HE ALSO DISAGREED THAT THERE WAS A CONFLICT BETWEEN THE MAINTENANCE OF LAW AND ORDER AND THE ENACTMENT OF THIS BILL.

DR LEONG MADE TWO SUGGESTIONS. FIRST, HE SAID PROVISIONS SHOULD BE MADE TO ALLOW MEMBERS OF THE PUBLIC ACCESS TO LEGAL AID IN HUMAN RIGHT CASES. SECONDLY, A GOOD HUMAN RIGHTS EDUCATION PROGRAMME WAS NEEDED WHICH WOULD INCLUDE HUMAN RIGHTS COURSES IN PRIMARY AND SECONDARY SCHOOLS AND REGULAR TERRITORY-WIDE PROGRAMME TO BOOST AWARENESS AMONG THE LOCAL POPULATION, HE SAID.

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"TO CO-ORDINATE EDUCATION EFFORTS AND MONITOR THE IMPLEMENTATION OF HUMAN RIGHTS IN HONG KONG, A SPECIAL HUMAN RIGHTS COMMITTEE SHOULD BE SET UP IN HONG KONG," HE SAID.

THIS COMMITTEE, DR LEONG SAID, SHOULD ALSO DEAL WITH PUBLIC COMPLAINTS ON HUMAN RIGHT PROBLEMS. IT SHOULD BE INDEPENDENT OF THE GOVERNMENT AND MADE UP OF MOSTLY MEMBERS OF THE PUBLIC. IT SHOULD ALSO COMPILE REGULAR WORKING REPORTS TO THE GOVERNMENT.

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TIME TO PUT BILL OF RIGHTS INTO PLACE
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IT IS ONLY RIGHT THAT A BILL OF RIGHTS IS PUT INTO PLACE AT A TIME WHEN THE HONG KONG COMMUNITY BEGINS TO TAKE ON SELF-GOVERNMENT UNDER "ONE COUNTRY, TWO SYSTEMS", THE HON PAUL CHENG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE DRAFT BILL OF RIGHTS, MR CHENG SAID THAT, GIVEN THE RESPONSIBILITY OF CONTRIBUTING TO A SUCCESSFUL TRANSFER OF SOVEREIGNTY, MEMBERS COULD THROUGH THIS DRAFT BILL OF RIGHTS STRENGTHEN THE FOUNDATIONS OF THE LEGAL SYSTEM BY GIVING DUE RECOGNITION TO THE CIVIL AND POLITICAL RIGHTS OF OUR CITIZENRY.

HE SAID WHILE IT WAS NOT POSSIBLE TO UNDERTAKE AN EXHAUSTIVE OR CONCLUSIVE ASSESSMENT OF THE IMPLICATIONS OF THE BILL OF RIGHTS ON EXISTING LEGISLATION, IT WAS ENCUMBENT UPON LEGISLATORS PREPARING FOR THE EFFECTIVE RUNNING OF HONG KONG AS A SPECIAL ADMINISTRATIVE REGION TO ENSURE THAT ESSENTIAL FREEDOMS WERE ENTRENCHED IN LINE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

"A BILL OF RIGHTS WILL ALLOW FOR THIS IN THE MOST EXPEDIENT MANNER," HE SAID.

MR CHENG ALSO SAID THAT TO FACILITATE JUDICIAL EXPERIENCE OF THE BILL, THERE SHOULD BE A SELECTIVE FREEZE FOR ONE YEAR, DEPENDENT ON SCHEDULING IMPORTANT EXISTING ORDINANCES LIKELY TO BE AFFECTED BY THE BILL OF RIGHTS.

HE ECHOED A REMARK BY DR NIHAL JAYAWICKRAMA OF THE UNIVERSITY OF HONG KONG, WHO HE SAID HAD NOTED THAT THIS BILL WOULD HELP TO EDUCATE GOVERNMENT OFFICIALS AND THE PUBLIC.

"CIVIC EDUCATION MUST BE ONE OF OUR PRIORITIES AS WE LOOK TO 1997 AND BEYOND: THE ENACTMENT OF THIS BILL IS A MAJOR STEP IN ADDRESSING THIS PRIORITY."

"IT IS MOST TIMELY IN VIEW OF THE CHALLENGES WE FACE IN SHIFTING OURSELVES FROM THE SECURITY OF A COLONIAL GOVERNMENT RUNNING THINGS FOR US TO THE RESPONSIBILITY OF RUNNING THINGS FOR OURSELVES," HE SAID.

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BILL OF RIGHTS WILL ENHANCE CONFIDENCE

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THE SUCCESSFUL PASSAGE OF THE BILL OF RIGHTS BILL 1990 IS STRATEGIC IN ENHANCING THE CONFIDENCE OF THE PEOPLE OF HONG KONG, THE HON DAVID CHEUNG SAID IN THE LEGISLATIVE COUNCIL MEETING TODAY (WEDNESDAY).

"THE BILL WILL, ON THE ONE HAND, ALLAY THE FEARS PEOPLE HAVE IN THEIR HEARTS AND, ON THE OTHER, ELEVATE THE MORALE OF THE PEOPLE," MR CHEUNG SAID.

SPEAKING IN SUPPORT OF THE MOTION ON THE BILL OF RIGHTS, MR CHEUNG NEVERTHELESS CAUTIONED AGAINST THE POSSIBLE ABUSE OF HUMAN RIGHTS.

HE SAID IT WAS THE GOVERNMENT'S RESPONSIBILITY TO SEE THAT NO ONE WAS DENIED HUMAN RIGHTS.

"THE GOVERNMENT MUST BE SATISFIED THAT SUCH RIGHTS WERE PROTECTED AND ENJOYED BY ALL HONG KONG PEOPLE."

MR CHEUNG ALSO SAID ABUSE COULD TAKE THE FORM OF EXCESSIVE FREEDOM UNDER THE SPIRIT OF THE BILL.

HE DID NOT WISH TO SEE THE DAY WHEN PEOPLE COULD DO AS THEY WANTED, CLAIMING IMMUNITY UNDER THE BILL OF RIGHTS.

REFERRING TO THE POWERS OF THE ICAC, MR CHEUNG SAID HE DID NOT SUPPORT EXCESSIVE POWERS FOR THE ICAC. BUT HE FELT THAT A TOOTHLESS ICAC MIGHT LEAD TO A REVIVAL OF CORRUPTION WHICH HAD SO FAR BEEN KEPT IN CHECK UNDER THE COMMISSION'S OPERATION.

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CALL TO RETHINK BILL OF RIGHTS

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THE GOVERNMENT SHOULD SERIOUSLY CONSIDER ALL THE IMPLICATIONS OF A HONG KONG BILL OF RIGHTS BEFORE MOVING FURTHER, THE HON NELLIE FONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING AGAINST THE MOTION ON THE BILL OF RIGHTS, MRS FONG SAID IT WAS DIFFICULT TO UNDERSTAND WHY HONG KONG NEEDED THE BILL OF RIGHTS IN A RUSH AND AT THIS SPECIFIC MOMENT.

SHE WAS CONCERNED ABOUT THE POSSIBILITIES OF THE ICAC POWERS BEING TRIMMED, THE POWERS OF THE POLICE FORCE BEING REDUCED AND THE DUTIES OF THE CORRECTIONAL SERVICES DEPARTMENT BEING AFFECTED, WITH THE CONSEQUENCE THAT THE EXISTING LEVEL OF LAW AND ORDER IN THE TERRITORY COULD NOT BE EFFECTIVELY MAINTAINED.

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IN ADDITION, MRS FONG WAS CONCERNED THAT CERTAIN ASPECTS OF HONG KONG'S TRADITIONAL CHINESE CULTURE AND CUSTOMS WOULD NEED TO BE MODIFIED BECAUSE OF THIS BILL OF RIGHTS.

NOTING THAT THE SAME RIGHTS PROPOSED IN THE BILL OF RIGHTS HAD BEEN PROVIDED FOR IN ARTICLE 39 OF THE BASIC LAW, MRS FONG QUESTIONED WHY THEY NEEDED TO BE REPEATED IN A SEPARATE PIECE OF LEGISLATION.

"I DO NOT UNDERSTAND WHY WE NEED TO RUSH INTO MAJOR LEGISLATION BEFORE OUR PEOPLE FULLY UNDERSTAND IT AND IN A MANNER THAT APPEARS TO BE CONFRONTATIONAL WITH CHINA, WHEN A MORE APPROPRIATE WAY MIGHT STILL BE FOUND.

"I AM TOTALLY IN FAVOUR OF HONG KONG PEOPLE HAVING OUR RIGHTS AND OF THOSE RIGHTS BEING UP TO DATE.

"I DO HOWEVER NEED TO BE CONVINCED THAT THIS PIECE OF LEGISLATION IS APPROPRIATE, IS NECESSARY, AND CAN BE IMPLEMENTED IN A WAY THAT IS IN BEST INTERESTS OF THE PEOPLE OF HONG KONG IN THE LONG TERM," SHE SAID.

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IMPORTANT FOR ICAC TO RETAIN EFFECTIVE POWERS
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IT IS MOST IMPORTANT THAT THE POWERS GIVEN TO THE ICAC TO COMBAT CORRUPTION BE RETAINED AS FAR AS THIS CAN BE DONE, THE HON JAMES MCGREGOR SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) WHEN SPEAKING IN THE DEBATE ON THE BILL OF RIGHTS.

SUPPORTING THE INTRODUCTION OF A BILL OF RIGHTS, MR MCGREGOR SAID THAT SECTIONS 10 AND 30 OF THE PREVENTION OF BRIBERY ORDINANCE SEEMED TO BE ESSENTIAL AS, WITHOUT THEM, THE ICAC MIGHT BE UNABLE TO PREVENT A RETURN TO THE ENDEMIC CORRUPTION OF THE 1950'S AND 1960'S.

COMMENTING THAT THERE WAS LEGISLATION WHICH DISCRIMINATED AGAINST CERTAIN SECTORS OF THE COMMUNITY, INCLUDING SEXUAL DISCRIMINATION, MR MCGREGOR SAID IT WAS ALSO IMPORTANT THAT SUCH DISCRIMINATION SHOULD BE REMOVED.

AS FOR THE PROVISION FOR INTERPERSONAL HUMAN RIGHTS ACTION, HE SAID HE WAS AGAINST IT BECAUSE THE MORE IMPORTANT RIGHTS INVOLVING PRIVATE SECTOR PROTECTION AGAINST OFFICIAL ABUSE SEEMED LIKELY TO KEEP HONG KONG BUSY FOR QUITE SOME TIME AND BECAUSE THERE WERE OTHER MEANS BY WHICH PRIVATE SECTOR ACTIONS COULD BE TAKEN.

"WE CAN PERHAPS CONSIDER THE INCLUSION OF INTERPERSONAL PROTECTION AT A LATER STAGE," HE ADDED.

MR MCGREGOR SAID IT WAS ESSENTIAL THAT HONG KONG HAD AN EFFECTIVE MECHANISM BY WHICH COMPLAINTS COULD BE CONSIDERED QUICKLY AND EFFECTIVELY AND HIGH QUALITY MONITORING AND SUPERVISION COULD BE MAINTAINED.

THIS COULD BE DONE BY A HUMAN RIGHTS COMMISSION, AND HE FULLY ENDORSED THE RECOMMENDATION PUT FORWARD BY THE LEGCO AD HOC GROUP ON THE BILL OF RIGHTS.

HE ALSO CONSIDERED THAT THE BILL OF RIGHTS SHOULD BE ENTRENCHED AND BE GIVEN PARAMOUNTCY OVER ALL OTHER HONG KONG LAWS.

MR MCGREGOR EXPRESSED SUPPORT FOR THE REMARKS ON THE DEATH PENALTY MADE BY THE HON MARTIN BARROW, SAYING THAT HE WAS ALSO IN FAVOUR OF REMOVING CAPITAL PUNISHMENT FROM EXISTING LEGISLATION.

IN CONCLUSION, MR MCGREGOR ASKED THE GOVERNMENT TO SEEK DISCUSSION WITH THE CHINESE GOVERNMENT ON THE INCLUSION OF THE BILL OF RIGHTS IN HONG KONG LEGISLATION AND TO OBTAIN AGREEMENT ON ENTRENCHMENT AND SOME FORM OF PARAMOUNTCY.

"CHINESE AGREEMENT WOULD GO A LONG WAY TO ESTABLISHING PUBLIC CONFIDENCE THAT HONG KONG'S HUMAN RIGHTS AND FREEDOMS WILL BE MAINTAINED LONG AFTER 1997," HE STRESSED.

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PARTS OF BASIC LAW HAVE MORE TO OFFER THAN BILL OF RIGHTS
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THERE ARE AREAS IN WHICH THE BASIC LAW HAS MORE TO OFFER THAN THE HONG KONG BILL OF RIGHTS, THE HON ELSIE TU SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MRS TU, WHO SAID SHE INTENDED TO ABSTAIN FROM VOTING ON THE MOTION ON THE BILL OF RIGHTS, SAID THE BILL DID NOT INCLUDE ANY OF THE MOST ESSENTIAL ARTICLES OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR).

SHE SAID THE BASIC LAW, ON THE OTHER HAND, INCLUDED MANY RIGHTS TAKEN FROM THE COVENANT, AND ACTUALLY INCLUDED THE ICESCR IN ITS ARTICLE 39, ADDING THAT THE COVENANT "AS APPLIED TO HONG KONG SHALL REMAIN IN FORCE AND SHALL BE IMPLEMENTED THROUGH THE LAWS OF THE HK SAR".

ON SUGGESTIONS THAT WE SHOULD ASK CHINA TO ALLOW THE BILL OF RIGHTS TO HAVE SUPERIOR STATUS OVER OTHER ORDINANCES, MRS TU SAID SHE THOUGHT EVEN IF THE CHINESE GOVERNMENT WERE TO CONSIDER SUCH A REQUEST, WE WOULD NOT ACHIEVE ANYTHING SUPERIOR TO THE BASIC LAW BY ADOPTING A HALF-HEARTED HONG KONG BILL OF RIGHTS.

NOTING THAT THE ISSUE AS TO HOW FAR THE LAW ENFORCEMENT BODIES COULD CARRY OUT THEIR DUTIES WITHOUT INFRINGING ON SOME CIVIL RIGHTS WAS STILL UNDER DISCUSSION BY THE DEPARTMENTS CONCERNED, MRS TU SAID THE THIN LINE BETWEEN IMPLEMENTING HUMAN RIGHTS AND PUTTING THE PUBLIC AT RISK FROM CRIME, CORRUPTION AND TRIAD ACTIVITY IN OUR SOCIETY WAS NOT AN EASY LINE TO DRAW. BUT, SHE ADDED, IT MUST BE DONE, OTHERWISE CORRUPT AND CRIMINAL ELEMENTS WOULD DEPRIVE US OF ALL OUR RIGHTS.

MRS TU ALSO SAID THAT THE SETTING UP OF A HUMAN RIGHTS COMMISSION WAS LONG OVERDUE IN HONG KONG. HOWEVER, SHE SAID, THE COMMISSION SHOULD NOT BE JUST ANOTHER EXPENSIVE ORNAMENT THAT ENLARGED THE BUREAUCRACY BUT DID LITTLE TO ALLEVIATE INJUSTICES.

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ACCOUNTANTS HAIL BILL OF RIGHTS

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HONG KONG ACCOUNTANTS WELCOME THE INTRODUCTION OF A BILL OF RIGHTS SETTING OUT IN ONE PIECE OF LEGISLATION THE BASIC HUMAN RIGHTS THAT HAVE OFTEN BEEN TAKEN FOR GRANTED, THE HON PETER H.Y. WONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION IN THE DEBATE ON THE BILL, MR WONG SAID WHILE IT COULD BE ARGUED THAT MOST OF THE RIGHTS HAD BEEN INCLUDED IN THE RECENTLY PROMULGATED BASIC LAW, THE PROBLEM REMAINED THAT THE BASIC LAW WAS PROMULGATED BY THE NATIONAL PEOPLE'S CONGRESS IN PEKING AND COULD BE ALTERED OR CANCELLED WITHOUT OUR LEAVE.

"SINCE WE HAVE BEEN DENIED A BILL OF RIGHTS THAT IS ENSHRINED ABOVE ALL OTHER LEGISLATION, WE HAVE TO SETTLE FOR SOMETHING THAT IS AT LEAST OF OUR OWN FREE CHOICE," HE SAID.

NOTING THAT CLAUSE (6) OF ARTICLE 2 OF THE DRAFT HONG KONG BILL OF RIGHTS STATED "NOTHING IN THIS ARTICLE SHALL BE INVOKED TO DELAY OR TO PREVENT THE ABOLITION OF CAPITAL PUNISHMENT IN HONG KONG", MR WONG WAS WORRIED THAT THE SUCCESSOR TO THIS LEGISLATURE, WITH ITS NEW FOUND HIGH DEGREE OF AUTONOMY, WOULD BE INCAPABLE OF EXERCISING THE DUE CARE AND WOULD PERMIT THE USE OF THIS ULTIMATE DETERRENT TO REMOVE UNWELCOME OPPONENTS.

ALTHOUGH THERE WERE SOME HEINOUS CRIME, SUCH AS DRUG TRAFFICKING, THAT MR WONG SAID HE WOULD CONSIDER AS JUSTIFYING THE DEATH SENTENCE, HE HOWEVER WAS CONVINCED THAT CAPITAL PUNISHMENT SHOULD BE ABOLISHED FORTHWITH.

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DIRECT COMMUNICATION ONLY IN EXCEPTIONAL CIRCUMSTANCES

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THE ADMINISTRATION FULLY ACCEPTS THAT DIRECT COMMUNICATION BETWEEN AUDITORS AND THE COMMISSIONER OF BANKING, UNDER THE PROVISIONS OF THE BANKING (AMENDMENT) (NO. 2) BILL 1990, SHOULD BE CONFINED TO EXCEPTIONAL CIRCUMSTANCES, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WINDING UP THE SECOND READING DEBATE ON THE BILL, MR NENDICK SAID THAT FOLLOWING ITS ENACTMENT, THE COMMISSIONER OF BANKING WOULD ISSUE A STATEMENT SETTING OUT THE CIRCUMSTANCES WHERE HE WOULD EXPECT AN AUDITOR TO SEEK A TRIPARTITE OR A BIPARTITE MEETING WITH HIM.

"IN ESSENCE, DIRECT COMMUNICATION WILL ONLY BE EXPECTED TO TAKE PLACE IN EXCEPTIONAL CASES, FOR INSTANCE WHERE THERE ARE INDICATIONS OF SERIOUS FRAUDULENT ACTIVITY.

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"THIS MAY RESULT IN THE AUDITORS NO LONGER HAVING CONFIDENCE IN EITHER THE INTEGRITY OR THE COMPETENCE OF THE DIRECTORS AND SENIOR MANAGEMENT, AND LEAD THEM TO THE VIEW THAT DIRECT REPORTING TO THE COMMISSIONER WOULD BE IN THE BEST INTERESTS OF DEPOSITORS," HE SAID.

MR NENDICK SAID THE HONG KONG SOCIETY OF ACCOUNTANTS ALSO AGREED THAT DIRECT REPORTING SHOULD BE AN EXCEPTIONAL OCCURRENCE.

ITS CURRENT GUIDELINE ON TRIPARTITE MEETINGS ALREADY SET OUT THE VERY LIMITED CIRCUMSTANCES IN WHICH AN AUDITOR SHOULD FEEL COMPELLED TO REPORT DIRECTLY TO THE COMMISSIONER.

"WE UNDERSTAND THAT THE NEW GUIDELINE, FOLLOWING ON THE COMMISSIONER'S STATEMENT, WILL BE ALONG SIMILAR LINES," HE SAID.

MR NENDICK SAID BOTH THE HONG KONG ASSOCIATION OF BANKS AND THE HONG KONG DEPOSIT-TAKING COMPANIES ASSOCIATION HAD MADE SUBMISSIONS TO THE LEGCO AD HOC GROUP EXPRESSING CONCERN ABOUT THE PROVISION IN CLAUSE 5.

"WHILST SUPPORTING THE PRINCIPLE OF DIRECT COMMUNICATION BETWEEN AUDITORS OF AUTHORISED INSTITUTIONS AND THE COMMISSIONER OF BANKING, THE TWO ASSOCIATIONS FELT THAT AUDITORS SHOULD ONLY DO SO IN EXCEPTIONAL CIRCUMSTANCES SO AS NOT TO UNDERMINE THE FRANK AND CONFIDENTIAL RELATIONSHIP BETWEEN AUDITORS AND MANAGEMENT.

"THEY SUGGESTED THAT SUCH CIRCUMSTANCES SHOULD BE SPELT OUT IN LEGISLATION.

"ALTERNATIVELY, THE GOVERNMENT SHOULD, AS IN THE UNITED KINGDOM, HAVE THE 'RESERVE POWER' TO MAKE REGULATIONS SPECIFYING THE PARTICULAR CIRCUMSTANCES FOR SUCH DIALOGUES, IF NO SATISFACTORY PROFESSIONAL GUIDELINE WERE TO BE ISSUED," HE SAID.

THE ASSOCIATIONS HAD ALSO STRESSED THE NEED FOR THE HONG KONG SOCIETY OF ACCOUNTANTS TO CONSULT INTERESTED PARTIES BEFORE FINALISING ITS GUIDELINE RELATING TO THE NEW SECTION 61.

MR NENDICK SAID THE HONG KONG SOCIETY OF ACCOUNTANTS HAD UNDERTAKEN TO CONSULT THE INTERESTED PARTIES, INCLUDING THE HONG KONG ASSOCIATION OF BANKS AND THE DEPOSIT-TAKING COMPANIES ASSOCIATION, ON THE NEW GUIDELINE AS SOON AS POSSIBLE AFTER ENACTMENT OF THE BILL.

"IN THE EVENT, WE SEE NO NEED TO SPECIFY THE CIRCUMSTANCES FOR DIRECT COMMUNICATION IN LEGISLATION, OR TO PROVIDE FOR THE 'RESERVE POWER' AS SUGGESTED. I AM GLAD THAT THIS VIEW IS SHARED BY THE AD HOC GROUP AND THAT NO AMENDMENT IS THEREFORE REQUIRED," HE SAID.

HE ADDED THAT HE WOULD BE MOVING DURING THE COMMITTEE STAGE A FEW TECHNICAL AMENDMENTS TO THE BILL.

THESE AMENDMENTS HAD BEEN EXAMINED BY THE AD HOC GROUP WHO HAD LENT THEIR SUPPORT, HE SAID.

EARLIER, MR NENDICK SAID HE WAS GRATEFUL TO THE HON RONALD ARCULLI AND MEMBERS OF THE AD HOC GROUP FOR THEIR CAREFUL CONSIDERATION OF THE BILL.

MOVING THE AMENDMENTS IN THE COMMITTEE STAGE, MR NENDICK SAID THE BILL HAD TO BE RE-NUMBERED AS THE BANKING (AMENDMENT) (NO. 3) ORDINANCE ON ENACTMENT BECAUSE THE ORIGINAL BANKING (AMENDMENT) (NO. 3) BILL, OWING TO ITS EARLIER ENACTMENT, HAD BECOME THE BANKING (AMENDMENT) (NO. 2) ORDINANCE.

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TRUSTING RELATIONSHIP KEY TO HK'S SUCCESS

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A TRUSTING WORKING RELATIONSHIP BETWEEN THE FINANCIAL SECTOR AND THE ACCOUNTING PROFESSIONS HAS BEEN, AND WILL CONTINUE TO BE, AN IMPORTANT INGREDIENT FOR THE SUCCESS OF HONG KONG, THE HON RONALD ARCULLI SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE SAID HE HAD NO DOUBT THAT AUTHORISED INSTITUTIONS AND THE ACCOUNTING PROFESSIONS WOULD BE PREPARED TO WORK TOGETHER TO FIND A SOLUTION CONCERNING THE DRAWING UP OF GUIDELINES FOR DIRECT COMMUNICATION BETWEEN THE COMMISSIONER OF BANKING AND AUDITORS AS PROVIDED IN THE BANKING (AMENDMENT) (NO. 2) BILL 1990.

SPEAKING IN THE RESUMED DEBATE OF THE BILL, MR ARCULLI SAID THE BILL SOUGHT TO RELIEVE AN AUDITOR OF AN AUTHORISED INSTITUTION OF HIS DUTY OF CONFIDENTIALITY TO THE CLIENT INSTITUTION WHERE HE COMMUNICATED IN GOOD FAITH TO THE COMMISSIONER OF BANKING INFORMATION OR OPINION ON A MATTER OF WHICH HE BECAME AWARE IN HIS CAPACITY AS AUDITOR AND WHICH WAS RELEVANT TO THE FUNCTIONS OF THE COMMISSIONER.

IT PROVIDED PROTECTION TO AN AUDITOR ESPECIALLY IN SITUATIONS WHERE BILATERAL DISCUSSIONS ON A CLIENT INSTITUTION BETWEEN HIM AND THE COMMISSIONER WERE CALLED FOR, HE ADDED.

AS CONVENER OF THE LEGISLATIVE COUNCIL AD HOC GROUP FORMED TO STUDY THE BILL, MR ARCULLI SAID THE FINANCIAL SECTOR AND PROFESSIONAL ORGANISATIONS WERE BEING CONSULTED ON THE BILL.

THE AD HOC GROUP, AFTER EXTENSIVE DISCUSSION CONCLUDED THAT THE NON-STATUTORY ROUTE SHOULD BE SUPPORTED AND THAT AN EXPLICIT PROVISION FOR RESERVE POWER FOR THE COMMISSIONER WAS NOT NECESSARY.

NON-STATUTORY GUIDELINES WOULD HAVE FLEXIBILITY IN ITS APPLICATION AND INTERPRETATION, HE SAID.

MR ARCULLI NOTED THAT THE HONG KONG SOCIETY OF ACCOUNTANTS (HKSA) HAD, SINCE 1988, ADOPTED A SET OF GUIDELINES SETTING OUT CIRCUMSTANCES UNDER WHICH AUDITORS MIGHT INITIATE DISCUSSION WITH THE COMMISSIONER DIRECT, AND THE GUIDELINES WERE APPARENTLY WORKING SATISFACTORILY.

ON RESERVE POWER, MR ARCULLI SAID THE ADMINISTRATION AGREED THAT THE PRESENT APPROACH OF USING HKSA GUIDELINES SHOULD CONTINUE AND IT WOULD NOT BE NECESSARY FOR THE STATED RESERVE POWER.

THE ADMINISTRATION WOULD ALSO ASSURE THAT BILATERAL DISCUSSIONS BETWEEN THE AUDITOR AND THE COMMISSIONER SHOULD TAKE PLACE ONLY IN EXCEPTIONAL CIRCUMSTANCES, HE ADDED.

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SECURITIES (DISCLOSURE OF INTERESTS) (AMENDMENT) BILL 1990 PASSED
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THE PROVISIONS OF THE SECURITIES (DISCLOSURE OF INTERESTS) ORDINANCE RELATING TO THE TIME LIMIT FOR NOTIFICATION OF INTERESTS WILL BE REVIEWED IN THE LIGHT OF EXPERIENCE OF THE ORDINANCE, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WINDING UP DEBATE ON THE SECOND READING OF THE SECURITIES (DISCLOSURE OF INTERESTS) (AMENDMENT) BILL 1990, MR NENDICK POINTED OUT THAT THE FINANCIAL SECRETARY HAD SAID IN THE COURSE OF DEBATE DURING THE PASSAGE OF THE SECURITIES (DISCLOSURE OF INTERESTS) BILL IN JULY 1988 THAT THE PRESENT PROVISIONS WERE CONSIDERED AN APPROPRIATE STARTING POINT FOR HONG KONG.

"I CAN, HOWEVER, ASSURE MEMBERS THAT THESE PROVISIONS WILL BE REVIEWED IN THE LIGHT OF EXPERIENCE OF THE ORDINANCE IN OPERATION, AND HAVING REGARD TO THE PRACTICE OF OTHER JURISDICTIONS," MR NENDICK SAID.

THE RELEVANT PERIOD FOR NOTIFICATION OF INTERESTS UNDER SECTIONS 7, 28 AND 31, WAS CURRENTLY FIVE DAYS NEXT FOLLOWING THE DAY ON WHICH THE DUTY AROSE.

THIS APPEARED TO BE RATHER LONG TO THE AD HOC GROUP, WHICH WAS SET UP TO STUDY THE BILL, GIVEN THE ADVANCEMENT OF MODERN COMMUNICATIONS TECHNOLOGY AND RELEVANT PROVISIONS ELSEWHERE.

ANOTHER ISSUE OF CONCERN TO THE AD HOC GROUP RELATED TO THE PROPOSED IMMUNITY FOR THE STOCK EXCHANGE.

"WE ARE PROPOSING THAT NO LIABILITY SHOULD BE INCURRED BY THE STOCK EXCHANGE OR ITS EMPLOYEES IN THEIR PERFORMANCE IN GOOD FAITH OF DUTIES UNDER THE SECURITIES (DISCLOSURE OF INTERESTS) ORDINANCE," HE NOTED.

THE PROPOSED IMMUNITY WAS CONSIDERED JUSTIFIED FOR TWO REASONS, MR NENDICK SAID.

"FIRST, AN EQUIVALENT IMMUNITY IS GRANTED TO THE SECURITIES AND FUTURES COMMISSION, THE COMMISSIONER OF BANKING AND THE INSURANCE AUTHORITY IN THE BONA FIDE PERFORMANCE OF THEIR DUTIES.

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"THE DUTY IMPOSED UPON THE STOCK EXCHANGE IS UNREMUNERATED AND SIMILAR IN NATURE TO FUNCTIONS CARRIED OUT BY THOSE REGULATORY BODIES."

"SECONDLY, THE UNDERLYING PURPOSE OF THE NOTIFICATION SYSTEM IS TO ENSURE THE PROMPT RELEASE OF PRICE-SENSITIVE INFORMATION TO THE MARKET. THIS OBJECTIVE WOULD BE DEFEATED IF THE STOCK EXCHANGE WERE NOT PROTECTED IN THE WAY PROPOSED.

"THE STOCK EXCHANGE WOULD BE OBLIGED TO CARRY OUT THE MOST CAREFUL CHECKS TO MINIMISE THE RISK OF BEING SUED FOR DAMAGES. THIS WOULD BE VERY TIME-CONSUMING AND LEAD TO DELAYS IN THE PUBLICATION OF INFORMATION RECEIVED," HE SAID.

UNDER THE TERMS OF THE PROPOSED IMMUNITY, MR NENDICK POINTED OUT THAT THE STOCK EXCHANGE WAS, HOWEVER, REQUIRED TO ACT IN GOOD FAITH.

ACCORDINGLY, IT MUST TAKE ALL REASONABLE STEPS TO VERIFY THE INFORMATION RECEIVED AND TO ENSURE THAT IT WAS CORRECTLY PUBLISHED.

"THE STOCK EXCHANGE IS REQUIRED UNDER THE ORDINANCE TO PUBLISH THE INFORMATION IN SUCH MANNER AS THE SECURITIES AND FUTURES COMMISSION MAY APPROVE.

"THE COMMISSION IS SATISFIED THAT NECESSARY CHECKS ARE IN PLACE AND WILL BE MONITORING THE OPERATION OF THESE ARRANGEMENTS," MR NENDICK SAID.

AS FOR THE COMMENCEMENT DATE OF THE PRINCIPAL ORDINANCE, MR NENDICK SAID WHEN THE BILL WAS INTRODUCED INTO THE COUNCIL ON MAY 2, IT HAD BEEN STATED THAT THE INTENTION WAS TO BRING THE PRINCIPAL ORDINANCE INTO FORCE ON JULY 1 THIS YEAR.

"HAVING FURTHER CONSIDERED THE ISSUE, IT IS NOW OUR INTENTION TO DELAY BRINGING THE ORDINANCE INTO FORCE UNTIL LATER IN THE YEAR WHEN APPROPRIATE MEASURES ARE IN PLACE TO ENSURE THAT THE DISCLOSURE REQUIREMENTS WILL ALSO BE APPLICABLE TO OVERSEAS INCORPORATED COMPANIES LISTED ON THE STOCK EXCHANGE," HE SAID.

SPEAKING LATER AT THE COMMITTEE STAGE OF THE BILL, THE ACTING FINANCIAL SECRETARY MOVED VARIOUS AMENDMENTS IN RESPECT OF THE OTHER POINTS RAISED BY THE HON STEPHEN CHEONG, THE CONVENER OF THE AD HOC GROUP.

MR NENDICK EXPLAINED THAT AS THE MAIN PURPOSE OF THE BILL WAS TO IMPROVE THE NOTIFICATION PROCEDURES UNDER THE PRINCIPAL ORDINANCE, IN ORDER TO RECOGNISE MODERN INFORMATION TECHNOLOGY AND TO EASE THE BURDEN OF REPORTING UPON PERSONS, ESPECIALLY OVERSEAS RESIDENTS, CLAUSE 14 WAS AMENDED TO ADD FACSIMILE TRANSMISSION AS AN ACCEPTED METHOD OF NOTIFICATION.

"AT THE SAME TIME, CLAUSE 15(B) IS AMENDED TO GIVE THE NECESSARY FLEXIBILITY IF, IN FUTURE, PRACTICAL EXPERIENCE OF THE OPERATION OF THE ORDINANCE REVEALS THAT SUPPLEMENTARY PROVISIONS IN RESPECT OF THE METHODS OF NOTIFICATION ARE NEEDED."

IN ADDITION, MR NENDICK SAID CLAUSES 5 AND 12 WERE AMENDED TO REDUCE THE MAXIMUM AGE OF A CHILD FROM 21 YEARS TO 18 YEARS TO BRING THE PROVISIONS OF THE ORDINANCE INTO LINE WITH THE RECENTLY ENACTED LAW REFORM (LEGAL EFFECTS OF AGE) ORDINANCE 1990.

"CLAUSE 2 IS AMENDED TO DELETE THE DEFINITION OF 'CHILD' IN SECTION 2 WHICH PROVIDES THAT 'CHILD INCLUDES A STEP-CHILD'.

"WE AGREE WITH THE AD HOC GROUP THAT IT WOULD BE UNREASONABLE TO HOLD A PERSON RESPONSIBLE FOR INTERESTS HELD BY THE CHILD OF HIS SPOUSE'S FORMER MARRIAGES WHO MAY NOT HAVE CLOSE CONTACTS WITH HIM," MR NENDICK SAID.

THE BILL WAS PASSED.

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BILL ENSURES PROMPT RELEASE OF INFORMATION
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THE PROVISIONS OF THE SECURITIES (DISCLOSURE OF INTERESTS) (AMENDMENT) BILL 1990 WILL ENSURE THE PROMPT RELEASE OF PRICE-SENSITIVE INFORMATION TO THE PUBLIC AND WILL REDUCE THE OPPORTUNITY FOR INSIDER INFORMATION TO BE TAKEN ADVANTAGE OF, THE HON STEPHEN CHEONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL IN HIS CAPACITY AS CONVENER OF THE LEGCO AD HOC GROUP FORMED TO STUDY THE BILL, MR CHEONG POINTED OUT THAT HIS GROUP WAS PARTICULARLY CONCERNED WITH THE PROPOSED IMMUNITY AFFORDED FOR THE HONG KONG STOCK EXCHANGE AND ITS EMPLOYEES.

MR CHEONG SAID THE GROUP WAS WORRIED THAT UNDER SUCH CIRCUMSTANCES, A PERSON SUFFERING DAMAGE BECAUSE OF INCORRECT INFORMATION PUBLISHED BY THE EXCHANGE OR ITS EMPLOYEES WOULD HAVE NO REDRESS AT ALL.

THEY WERE ASSURED, HOWEVER, THAT EQUIVALENT IMMUNITY WAS BEING ENJOYED BY THE SECURITIES AND FUTURES COMMISSION, THE COMMISSIONER OF BANKING AND THE INSURANCE AUTHORITY.

BESIDES, THE PURPOSE OF THE SYSTEM, WHICH WAS TO ENSURE THE PROMPT RELEASE OF PRICE-SENSITIVE INFORMATION TO THE MARKET, WOULD BE DEFEATED IF THE EXCHANGE WERE NOT TO BE PROTECTED IN THE WAY PROPOSED, SINCE THE EXCHANGE WOULD HAVE TO PUT IN PLACE THE MOST EXHAUSTIVE CHECKS TO MINIMISE THE RISK OF BEING SUED FOR DAMAGES, MR CHEONG SAID.

"SUCH ARRANGEMENTS WOULD BE COSTLY AND TIME-CONSUMING AND WOULD INEVITABLY DELAY THE PUBLICATION OF INFORMATION RECEIVED."

ACCORDING TO MR CHEONG, ANOTHER ISSUE OF CONCERN RELATED TO THE TIMING OF NOTIFICATION.

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NOTING THAT WITH THE ADVANCEMENT OF MODERN COMMUNICATIONS TECHNOLOGY, A PERIOD OF FIVE DAYS FOR THE DISCLOSURE OF NOTIFIABLE INTERESTS APPEARED TO BE RATHER LONG, MR CHEONG URGED THE GOVERNMENT TO REVIEW THE SITUATION IN THE LIGHT OF THE APPLICATION OF THE BILL IN THE FUTURE.

ANOTHER POINT THE AD HOC GROUP RAISED WITH THE GOVERNMENT WHICH HAD RESULTED IN FURTHER AMENDMENT WAS THE AGE OF A CHILD UNDER THE PRINCIPAL ORDINANCE BEING REDUCED FROM 21 YEARS TO 18 YEARS HAVING REGARD TO THE RECENT ENACTMENT OF THE AGE OF MAJORITY (RELATED PROVISIONS) ORDINANCE, MR CHEONG SAID.

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RADIATION BILL AMENDMENTS SUPPORTED

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THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON NIGEL SHIPMAN, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) HE AGREED EVERY REASONABLE MEASURE SHOULD BE TAKEN TO MINIMISE HEALTH HAZARDS ARISING FROM ANY INAPPROPRIATE USE OF RADIOACTIVE SUBSTANCES OR IRRADIATING APPARATUS.

"IN THIS REGARD, THE RADIATION BOARD BEING THE LICENSING AND CONTROL AUTHORITY WILL CLOSELY MONITOR THE SITUATION AND THROUGH ITS INSPECTORS, WILL ENSURE THAT THE PROVISIONS IN THE RADIATION ORDINANCE ARE VIGOROUSLY ENFORCED," HE SAID IN WINDING UP THE SECOND READING DEBATE ON THE RADIATION (AMENDMENT) BILL 1990.

MR SHIPMAN THANKED PROF THE HON C.K. POON AND HIS COLLEAGUES ON THE LEGCO AD HOC GROUP THAT EXAMINED THE BILL FOR THEIR SUPPORT OF IT.

"THE PROPOSED AMENDMENTS THAT PROF POON WILL MOVE AT COMMITTEE STAGE ARE IMPROVEMENTS TO THE BILL AND HAVE MY FULL SUPPORT," HE ADDED.

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RADIATION (AMENDMENT) BILL SUPPORTED

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THE RADIATION (AMENDMENT) BILL 1990 WILL SEEK TO FURTHER AMEND THE PRINCIPAL ORDINANCE TO FACILITATE THE ENFORCEMENT OF THE IMPORT, EXPORT, POSSESSION AND USE OF RADIOACTIVE SUBSTANCES AND IRRADIATING APPARATUSES, PROFESSOR THE HON C.K. POON SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

IT WOULD ALSO SEEK TO RATIONALISE CERTAIN PROVISIONS TO MEET CURRENT NEEDS, HE ADDED.

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SPEAKING IN THE RESUMED DEBATE ON THE BILL, PROF POON SAID ONE OF THE MAJOR AMENDMENTS OF THE BILL WAS TO REDEFINE "IRRADIATING APPARATUS" TO CLARIFY THAT ANY APPARATUS INTENDED TO PRODUCE OR EMIT IONISING RADIATION CAME WITHIN THE SCOPE OF THE ORDINANCE.

ANOTHER AMENDMENT WAS TO PROVIDE THE RADIATION BOARD POWER TO EXEMPT FROM CONTROL RADIOACTIVE SUBSTANCES OR IRRADIATING APPARATUSES WHICH, THOUGH RADIOACTIVE, WERE NOT HARMFUL TO HEALTH.

THE BILL WOULD INCREASE THE LEVEL OF FINES FOR VARIOUS OFFENCES TO MAINTAIN THEIR DETERRENT VALUES, HE SAID.

PROF POON SAID THE BILL WOULD ALSO MAKE A LICENSEE LIABLE FOR AN OFFENCE UNLESS HE PROVED LACK OF KNOWLEDGE AND THAT HE HAD EXERCISED ALL DUE DILIGENCE TO PREVENT AN OFFENCE.

FURTHER AMENDMENT WAS SOUGHT TO EXTEND TO AN AIRCRAFT THE EXEMPTION FROM THE REQUIREMENT OF OBTAINING A LICENCE WHEN CARRYING RADIOACTIVE SUBSTANCES IN TRANSIT THROUGH HONG KONG, HE SAID.

THESE AMENDMENTS WERE SUPPORTED BY THE LEGCO AD HOC GROUP FORMED TO STUDY THE BILL TWO MORE RECOMMENDATIONS WERE MADE WHICH WERE AGREED BY THE ADMINISTRATION, PROF POON SAID.

ONE WAS THAT RADIATION BOARD INSPECTORS SHOULD BE EMPOWERED TO ENTER AND INSPECT AIRCRAFT AND VESSELS IN TRANSIT. ANOTHER RECOMMENDATION WAS THAT IF A LICENSEE HAD HAD KNOWLEDGE OF AN OFFENCE AND HAD FAILED TO EXERCISE DUE DILIGENCE TO PREVENT THE OFFENCE, THERE SHOULD BE PROVISION FOR HIM TO BECOME LIABLE TO BE SENTENCED TO IMPRISONMENT, HE SAID.

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LOOSE-LEAF PUBLICATION OF LAWS ECONOMICAL AND EFFICIENT
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A LOOSE-LEAF EDITION OF HONG KONG LAWS WILL BE THE MOST ECONOMICAL AND EFFICIENT WAY TO PUBLISH BILINGUAL LAWS AND TO KEEP THEM IN UP-TO-DATE FORM.

MOVING THE SECOND READING OF THE LAWS (LOOSE-LEAF PUBLICATION) BILL 1990 IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, SAID THE NEW EDITION WOULD BE EASIER FOR USERS TO MAINTAIN AND UPDATE.

MR MATHEWS SAID ONE CONSEQUENCE OF THE CHANGE IN FORMAT WOULD BE THAT ANYONE USING A SET OF THE LAWS WOULD NEED TO BUY NEW BINDERS.

THIS WAS BECAUSE THE PAGES WOULD BE OF A DIFFERENT SIZE TO ACCOMMODATE BOTH THE ENGLISH AND CHINESE TEXTS OF BILINGUAL ORDINANCES SIDE BY SIDE.

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"IT IS HOWEVER ESTIMATED THAT THE NEW LOOSE-LEAF FORMAT WILL BRING ABOUT CONSIDERABLE SAVINGS IN PRODUCTION AND MAINTENANCE COSTS," HE SAID.

ON THE NEED TO BRING IN THE NEW FORMAT, MR MATHEWS EXPLAINED THAT THE ORDINANCES OF HONG KONG AND THEIR SUBSIDIARY LEGISLATION, WHEN THEY WERE FIRST ENACTED, WERE PUBLISHED IN THE GOVERNMENT GAZETTE.

FOR THE LAST 25 YEARS OR SO THEY HAD ALSO BEEN PUBLISHED IN CONSOLIDATED FORM IN WHAT WAS KNOWN AS THE REVISED EDITION.

"THE REVISED EDITION IS THE AUTHORITATIVE VERSION OF ALL LAWS INCLUDED IN IT. IT NOW RUNS TO SOME 20,000 PAGES IN 32 VOLUMES AND IT IS UPDATED EVERY YEAR BY AN EDITION OF NEW BOOKLETS AND AMENDMENTS," MR MATHEWS SAID.

HE NOTED THAT THERE WERE APPROXIMATELY 1,800 SETS OF THE REVISED EDITION IN EXISTENCE.

"THE REVISED EDITION HAS SERVED US WELL FOR THE PAST 25 YEARS, BUT NEW AND PROPOSED CHANGES IN ENACTMENT AND PUBLICATION MEAN THAT IT CANNOT CONTINUE TO DO SO," THE ATTORNEY GENERAL SAID.

"NEW ORDINANCES ARE NOW ENACTED AND PUBLISHED IN BOTH THE ENGLISH AND CHINESE LANGUAGES. THERE IS ALSO A PROGRAMME UNDER WAY TO TRANSLATE EXISTING LAWS INTO CHINESE.

"BILINGUAL TEXTS OF NEW ORDINANCES ARE PRESENTED AND PUBLISHED TOGETHER. THE CHINESE TEXT OF THE EXISTING ORDINANCES WILL ALSO BE PUBLISHED IN DUE COURSE," HE POINTED OUT.

TOGETHER WITH THE STEADY INCREASE OF THE AMOUNT OF LAW ENACTED EACH YEAR, IT WAS ANTICIPATED THAT WITHIN THE NEXT FEW YEARS THERE COULD WELL BE 80 VOLUMES OF TEXT IN BILINGUAL FORM.

"THE PRESENT FORMAT OF THE REVISED EDITION DOES NOT READILY LEND ITSELF TO ACCOMMODATING THIS VAST EXPANSION," MR MATHEWS SAID.

AFTER EXTENSIVE CONSULTATION IT WAS CONCLUDED THAT THERE SHOULD BE A COMPLETE CHANGE IN THE FORMAT OF THE CONSOLIDATED LAWS AND THAT IT SHOULD BE OF A LOOSE-LEAF TYPE.

"WITH THIS NEW LOOSE-LEAF FORMAT, OUR PRESENT AMENDMENT SYSTEM CAN BE GREATLY IMPROVED," MR MATHEWS ADDED.

AT PRESENT A NOTER-UP WAS PUBLISHED TO HELP IN BRINGING THE REVISED EDITION UP TO DATE DURING THE YEAR. HOWEVER, BECAUSE THE PROPER USE OF THE NOTER-UP INVOLVED A "CUT AND PASTE" SYSTEM IT WAS BOTH TEDIOUS AND TIME CONSUMING FOR USERS.

MR MATHEWS SAID WITH THE HELP OF COMPUTER-ASSISTED PRINTING TECHNOLOGY, IT WAS POSSIBLE TO PUBLISH AND MAINTAIN AN EDITION OF LAWS IN LOOSE-LEAF FORM THAT WAS CONSTANTLY BROUGHT UP TO DATE BY THE INSERTION OF NEW INDIVIDUAL PAGES IN PLACE OF THE OLD.

IT WAS ESTIMATED THAT THE MANPOWER REQUIRED TO MAINTAIN THE NEW REPLACEMENT SYSTEM WOULD BE A FRACTION OF THAT NEEDED TO MAINTAIN THE EXISTING CUT AND PASTE NOTER-UP SERVICE.

"IT IS PROPOSED TO PUBLISH THE FIRST VOLUMES OF THE LOOSE-LEAF EDITION IN THE SECOND HALF OF 1991, AND THE REMAINDER OVER THE ENSUING THREE YEARS.

"IN THE MEANTIME THE NOTER-UP SERVICE FOR THE REVISED EDITION WILL BE CONTINUED, BUT IT WILL BE PHASED OUT AS THE NEW LOOSE-LEAF EDITION TAKES OVER," HE SAID.

TURNING TO THE BILL, MR MATHEWS SAID: "CLAUSE 2 AUTHORISES THE ATTORNEY GENERAL TO PUBLISH THE NEW LOOSE-LEAF EDITION. IT WILL PERMIT THE ATTORNEY GENERAL TO EXERCISE CERTAIN LIMITED EDITING POWERS AND TO PUBLISH ANY ORDINANCE AS A SEPARATE BOOKLET.

"CLAUSE 3 OF THE BILL PROVIDES FOR THE LEGAL STATUS OF ORDINANCES PUBLISHED IN THE LOOSE-LEAF EDITION. ITS EFFECT IS THAT ORDINANCES PUBLISHED IN THE LOOSE-LEAF EDITION WILL BE DEEMED TO BE CORRECT UNLESS THE CONTRARY IS PROVED.

"THE LAST ANNUAL EDITION OF THE LAWS PUBLISHED UNDER THE REVISED EDITION OF THE LAWS ORDINANCE 1965 WILL BE THE 1989 EDITION AND WILL STATE THE LAW AS IT WAS ON DECEMBER 31, 1989.

"PROVISION FOR THIS IS TO BE FOUND IN CLAUSE 7 OF THE BILL."

DEBATE ON THE BILL WAS ADJOURNED.

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BILL SEEKS TO INCREASE NUMBER OF DAYS OF PAID ANNUAL LEAVE
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THE EMPLOYMENT (AMENDMENT) (NO. 2) BILL WHICH SEEKS TO INCREASE THE NUMBER OF DAYS OF PAID ANNUAL LEAVE FROM SEVEN TO 14, OVER A PERIOD OF FIVE YEARS, WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON K.Y. YEUNG, SAID THIS WAS IN LINE WITH THE AIM OF THE GOVERNMENT'S LABOUR POLICIES TO ACHIEVE A LEVEL OF STATUTORY PROTECTION FOR THE WORKFORCE BROADLY COMPARABLE TO THE BEST PREVAILING IN THE REGION.

"GIVEN AN 84 PER CENT GROWTH IN REAL PER CAPITA GDP BETWEEN 1978 AND 1989, AND HAVING REGARD TO THE LEVELS OF PAID ANNUAL LEAVE PREVAILING IN THE REGION, THE TIME HAS NOW COME FOR US TO IMPROVE THIS BENEFIT," HE SAID.

"ON THE BILL BECOMING LAW, AN EMPLOYEE WITH UP TO TWO YEARS' SERVICE WOULD CONTINUE TO ENJOY ONLY SEVEN DAYS' PAID ANNUAL LEAVE.

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"EMPLOYEES WITH THREE TO FIVE YEARS OF SERVICE, HOWEVER, WOULD HAVE THEIR PAID ANNUAL LEAVE INCREASED TO EIGHT, NINE AND 10 DAYS RESPECTIVELY. EMPLOYEES WITH OVER FIVE YEARS OF SERVICE WOULD HAVE THEIR PAID ANNUAL LEAVE FIXED AT 10 DAYS," HE SAID.

MR YEUNG POINTED OUT THAT ALL THESE ENTITLEMENTS WOULD BE INCREASED AT THE RATE OF ONE DAY FOR EACH ADDITIONAL YEAR OF SERVICE, UNTIL THE MAXIMUM OF 14 DAYS WAS REACHED.

"THUS AN EMPLOYEE WITH FIVE OR MORE YEARS OF SERVICE WOULD SEE HIS ENTITLEMENT REACHING THE MAXIMUM OF 14 DAYS IN THE FIFTH YEAR OF THE BILL BECOMING LAW," HE SAID.

MR YEUNG EMPHASISED THAT THE PROPOSAL TO PHASE IN THE MAXIMUM LEVEL OF BENEFIT OVER A PERIOD OF FIVE YEARS WAS THE OUTCOME OF CAREFUL DELIBERATION BY THE LABOUR ADVISORY BOARD.

TO PROVIDE FLEXIBILITY FOR BOTH EMPLOYERS AND EMPLOYEES, HE SAID THE BILL FURTHER PROPOSED THAT AN EMPLOYER MIGHT MAKE A PAYMENT IN LIEU OF ANNUAL LEAVE FOREGONE, BUT ONLY WHERE THE EMPLOYEE'S ANNUAL LEAVE ENTITLEMENT EXCEEDED 10 DAYS AND HE ELECTED TO FOREGO PART OR ALL OF THE ENTITLEMENT IN EXCESS OF 10 DAYS.

"FOR EXAMPLE, IF AN EMPLOYEE IS ENTITLED TO 13 DAYS AND ELECTS TO FOREGO THREE DAYS, THE EMPLOYER MAY MAKE A PAYMENT TO HIM IN RESPECT OF THOSE THREE DAYS," HE SAID.

MR YEUNG ALSO POINTED OUT THAT AS A SAFEGUARD AGAINST ABUSE, IT WOULD BE NECESSARY TO MAKE IT AN OFFENCE FOR AN EMPLOYER TO INCLUDE IN A CONTRACT OF EMPLOYMENT ANY PROVISION THAT WOULD COMMIT THE EMPLOYEE TO FOREGO ALL OR ANY OF HIS ANNUAL LEAVE ENTITLEMENT.

"THE PROPOSED PENALTY FOR THIS OFFENCE IS A MAXIMUM FINE OF \$10,000," HE SAID.

MR YEUNG NOTED THAT AT THE PRESENT TIME, UNDER THE EMPLOYMENT ORDINANCE AN EMPLOYEE WAS ENTITLED TO SEVEN DAYS' PAID ANNUAL LEAVE FOLLOWING COMPLETION OF 12 MONTHS' CONTINUOUS EMPLOYMENT.

"THIS BENEFITS WAS FIRST INTRODUCED 12 YEARS AGO IN 1978, AND THERE HAS BEEN MOUNTING CRITICISM THAT IT DOES NOT ADEQUATELY REFLECT THE SUBSTANTIAL ECONOMIC GROWTH HONG KONG HAS ENJOYED OVER THE PAST DECADE OR SO.

"THE CURRENT LEVEL OF BENEFIT ALSO COMPARES UNFAVOURABLY WITH OTHER COUNTRIES IN THE ASIA PACIFIC REGION, MANY OF WHICH GIVE THEIR WORKERS 14 DAYS' PAID ANNUAL LEAVE," HE ADDED.

DEBATE ON THE BILL WAS ADJOURNED.

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BILL TO TIGHTEN GEOTECHNICAL CONTROL IN NORTHWESTERN NT
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THE ACTING SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON CLIVE OXLEY, TODAY (WEDNESDAY) MOVED THE SECOND READING OF THE BUILDINGS (AMENDMENT) BILL 1990 IN THE LEGISLATIVE COUNCIL.

THE BILL WILL EMPOWER THE BUILDING AUTHORITY TO TIGHTEN GEOTECHNICAL CONTROL OVER BUILDING WORKS IN THE KARST AREA OF THE NORTHWESTERN NEW TERRITORIES.

MR OXLEY SAID SERIOUS DIFFICULTIES HAD BEEN ENCOUNTERED IN THE DESIGN AND CONSTRUCTION OF FOUNDATIONS FOR, AND THE DEVELOPMENT OF, CERTAIN SITES IN AN AREA OF THE NORTHWESTERN NEW TERRITORIES WHICH WAS UNDERLAIN BY KARSTIC MARBLE BEDROCK, WHICH WAS ESSENTIALLY MARBLE ROCK CONTAINING DISSOLUTION CAVITIES.

"TO ENSURE SAFE DEVELOPMENT OF A SITE IN SUCH A GEOLOGICALLY COMPLEX AREA, A GOOD UNDERSTANDING OF THE GEOLOGICAL FEATURES UNDERLYING THE SITE AND HOW THESE AFFECT THE ENGINEERING BEHAVIOUR OF THE FOUNDATIONS IS ESSENTIAL.

"PROPERLY DESIGNED, HIGH QUALITY AND RELIABLE GROUND INVESTIGATION, FOLLOWED BY CAREFUL INTERPRETATION OF THE GROUND INVESTIGATION RESULTS WILL HELP ACHIEVE THESE ENDS.

"IT IS ALSO NECESSARY TO ENSURE THAT IMPORTANT GEOLOGICAL FEATURES UNDERLYING THE SITE ARE CAREFULLY CONSIDERED AT THE DESIGN STAGE OF THE BUILDING FOUNDATIONS SO AS TO AVOID THE CHOICE OF AN INAPPROPRIATE FOUNDATION LAYOUT OR FOUNDATION TYPE," MR OXLEY SAID.

HE SAID CLAUSES 2 AND 10 OF THE BILL SOUGHT TO AMEND THE BUILDINGS ORDINANCE AND BUILDING (ADMINISTRATION) REGULATIONS TO REQUIRE SUBMISSION OF GROUND INVESTIGATION PLANS FOR THE APPROVAL OF THE BUILDING AUTHORITY PRIOR TO COMMENCEMENT OF GROUND INVESTIGATION WORKS IN THE AREA, AND TO REQUIRE THAT THE SUBMISSION OF A FOUNDATION PLAN SHOULD BE ACCOMPANIED BY A GEOTECHNICAL REPORT CONTAINING A DETAILED DESCRIPTION OF THE GEOLOGY OF THE SITE TOGETHER WITH A DISCUSSION OF THE ANTICIPATED GEOLOGICAL PROBLEMS AND GEOTECHNICAL REQUIREMENTS FOR THE DESIGN AND CONSTRUCTION OF FOUNDATION WORKS.

"FOR FOUNDATIONS IN KARST AREAS, THERE IS ALWAYS A RISK THAT DESPITE CONSERVATIVE DESIGN, PROBLEMS WILL ARISE DURING CONSTRUCTION OF THE FOUNDATIONS," HE SAID.

"TO ENSURE MINIMUM RISK TO THE COMPLETED FOUNDATIONS, IT IS NECESSARY FOR THE AUTHORISED PERSON OR THE REGISTERED STRUCTURAL ENGINEER TO MAINTAIN DETAILED CONSTRUCTION RECORDS AND TO REVIEW THESE AT CLOSE INTERVALS DURING FOUNDATION CONSTRUCTION."

MR OXLEY ADDED THAT CLAUSE 4 OF THE BILL SOUGHT TO EMPOWER THE BUILDING AUTHORITY TO REQUIRE THE SUBMISSION OF PERFORMANCE REVIEWS OF FOUNDATION WORKS WITHIN AREA NUMBER 2 PRIOR TO COMMENCEMENT OF SUPERSTRUCTURAL WORKS.

DEBATE ON THE MOTION WAS ADJOURNED.

REPROVISIONING OF YAU MA TEI FRUIT MARKET INTENDED

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THE GOVERNMENT'S INTENTION, IN THE LONG TERM, IS TO REPROVISION THE YAU MA TEI FRUIT MARKET ON THE WEST KOWLOON RECLAMATION, ALONG WITH OTHER WHOLESALE MARKETS NOW TEMPORARILY LOCATED AT CHEUNG SHA WAN, THE ACTING SECRETARY FOR ECONOMIC SERVICES, MR RAFAEL HUI, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN REPLY TO A QUESTION FROM THE HON KINGSLEY SIT, MR HUI SAID THE NEW PERMANENT SITE FOR THE MARKET WAS EXPECTED TO BE AVAILABLE IN 1993 AND SUBJECT TO THE AVAILABILITY OF FUNDS, THE PROJECT SHOULD BE COMPLETED TOWARDS THE END OF 1996.

"IN THE MEANTIME, THE DISTRICT OFFICE OF YAU TSIM IS CO-ORDINATING EFFORTS TO CONTROL THE ENVIRONMENTAL NUISANCE CAUSED BY THE EXISTING FACILITY.

"I HAVE BEEN INFORMED THAT REFUSE IS COLLECTED FOUR TIMES DAILY AND THAT, TWICE A MONTH, A MAJOR CLEAN-UP EXERCISE IS CONDUCTED BY STAFF OF THE URBAN SERVICES DEPARTMENT," HE SAID.

HE ADDED THAT REGULAR ENFORCEMENT EXERCISES WERE CARRIED OUT BY THE POLICE IN ORDER TO DETER ILLEGAL PARKING AND COMPLAINTS OF NOISE AND OTHER NUISANCE WERE FOLLOWED UP BY THE POLICE AND THE ENVIRONMENTAL PROTECTION DEPARTMENT.

THE YAU MA TEI FRUIT MARKET IS A PRIVATELY OPERATED WHOLESALE MARKET WHICH HAS BEEN IN EXISTENCE FOR OVER 60 YEARS. AT PRESENT, SOME 250 FRUIT TRADERS ARE OPERATING AT THAT MARKET.

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DRAFTING OF COMPOSITE LAND SURVEY BILL IN PROGRESS

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THE ACTING SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON CLIVE OXLEY, SAID A COMPOSITE LAND SURVEY BILL, WHICH SEEKS TO STREAMLINE THE PRESENT SYSTEM OF LAND SURVEYING WORK AND BOUNDARIES RECORDS, WOULD BE READY FOR INTRODUCTION IN THE NEXT LEGISLATIVE COUNCIL SESSION.

REPLYING TO A QUESTION FROM THE HON CHENG HON-KWAN IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), MR OXLEY NOTED THAT SINCE JUNE 1987, THE GOVERNMENT HAD BEEN RE-EXAMINING THE PROPOSALS FOR A LAND SURVEY BILL AND A SEPARATE BOUNDARY RECTIFICATION BILL.

"WE HAVE COME TO THE CONCLUSION THAT A SINGLE PIECE OF LEGISLATION INCORPORATING THE OBJECTIVES OF THE TWO PROPOSED BILLS WOULD ENSURE FIRSTLY, THAT ALL LAND SURVEYING WORK IS CONDUCTED ACCORDING TO PRESCRIBED STANDARDS AND SECONDLY, THAT DEFECTIVE PLANS COULD BE RECTIFIED SO THAT RELIABLE RECORDS OF LAND BOUNDARIES COULD BE MADE AVAILABLE TO THE PUBLIC," HE SAID.

/MR OXLEY

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MR OXLEY SAID THE DRAFT DRAFTING INSTRUCTIONS FOR THE COMPOSITE LAND SURVEY BILL HAD NOW BEEN PREPARED AFTER THOROUGH EXAMINATION OF RELEVANT OVERSEAS LEGISLATION TO ENSURE THE INTRODUCTION OF A SYSTEM WHICH WAS MOST APPROPRIATE TO HONG KONG'S CIRCUMSTANCES.

"WE ARE CAREFULLY ASSESSING THE STAFFING AND OTHER RESOURCE IMPLICATIONS.

"I EXPECT TO BE ABLE TO PASS THE DRAFTING INSTRUCTIONS TO THE LAW DRAFTSMAN SHORTLY, WITH A VIEW TO INTRODUCING THE BILL INTO THIS COUNCIL DURING THE NEXT SESSION," HE SAID.

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CONTRACTING OUT PARCEL DELIVERY SERVICE BEING CONSIDERED

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THE POST OFFICE IS EXPLORING THE POSSIBILITY OF INTRODUCING AN EXPERIMENTAL TRIAL ON CONTRACTING OUT THE PARCEL DELIVERY SERVICE IN KOWLOON EAST AND HONG KONG EAST, THE ACTING SECRETARY FOR ECONOMIC SERVICES, THE HON RAFAEL HUI, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN REPLY TO A QUESTION FROM THE HON PEGGY LAM, MR HUI SAID THE POSTMASTER GENERAL WAS CURRENTLY CONSULTING WITH HIS STAFF BEFORE MAKING A FINAL DECISION ON WHETHER OR NOT TO PROCEED.

HE SAID IN ACCORDANCE WITH THE GOVERNMENT POLICY TO RESTRAIN THE GROWTH OF THE CIVIL SERVICE, THE POST OFFICE, LIKE OTHER GOVERNMENT DEPARTMENTS, WAS SEEKING TO MAXIMISE THE UTILISATION OF STAFF RESOURCES THROUGH A VARIETY OF MEASURES.

"THE POSSIBILITY OF CONTRACTING OUT THE PARCEL DELIVERY SERVICE IS ONE MEASURE IN THIS VEIN, WHICH THE POST OFFICE IS CONSIDERING AT THE PRESENT TIME."

MR HUI SAID AS THE FINANCIAL SECRETARY INFORMED THE COUNCIL ON OCTOBER 25 LAST YEAR IN RESPONSE TO A QUESTION FROM THE HON MARTIN BARROW ON THE GENERAL ISSUE OF THE PRIVATISATION OF PUBLIC SERVICES, CONTROLLING OFFICERS WERE ENCOURAGED AS A GENERAL PRACTICE TO REVIEW PERIODICALLY THE COST-EFFECTIVENESS OF THEIR EXISTING METHODS OF PROVIDING SERVICES TO THE PUBLIC, INCLUDING THE POSSIBILITY OF CONTRACTING OUT SOME OF THE SERVICES WHERE APPROPRIATE.

WITH REGARD TO THE SECOND PART OF MRS LAM'S QUESTION OF WHETHER CONSIDERATION HAD BEEN GIVEN TO PRIVATISING THE OTHER SERVICES OF THE POST OFFICE, MR HUI SAID APART FROM THE PARCEL DELIVERY SERVICE, THERE WERE NO PLANS AT PRESENT FOR THE POST OFFICE TO CONTRACT OUT ANY OTHER POSTAL SERVICES.

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RISKS ASSOCIATED WITH WATER TREATMENT WORKS LOW

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THE RISKS ASSOCIATED WITH THOSE WATER TREATMENT WORKS WHICH HAVE BEEN IDENTIFIED AS POTENTIALLY HAZARDOUS INSTALLATIONS ARE EXTREMELY LOW, THE ACTING SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON CLIVE OXLEY, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON POON CHI-FAI ON IMPROVEMENT MEASURES TO AND DETAILS OF CHLORINE FACILITIES AT WATER TREATMENT WORKS, MR OXLEY SAID THE PROBABILITY OF AN INCIDENT HAPPENING AT ANY OF THESE WATER TREATMENT WORKS AFFECTING LOCAL RESIDENTS WAS ONCE IN ONE MILLION YEARS.

RISK LEVELS OF WATER TREATMENT WORKS LOCATED IN DENSELY POPULATED AREAS, SUCH AS SHA TIN, TSUEN WAN AND TUEN MUN, WERE GENERALLY HIGHER THAN FOR THOSE LOCATED ELSEWHERE.

"ONLY PEOPLE LIVING AND WORKING WITHIN ONE KILOMETRE OF THE WATER TREATMENT WORKS IN QUESTION WILL BE SUBJECT TO MEASURABLE RISK," HE SAID.

IN THE UNLIKELY EVENT OF AN INCIDENT, THE NUMBER OF PEOPLE AFFECTED IN EACH DISTRICT IS AS SET OUT BELOW:

TREATMENT WORK -----	NO. OF PEOPLE LIKELY TO BE AFFECTED IN THE EVENT OF AN INCIDENT -----
SHA TIN	4,300
TSUEN WAN	2,000
TUEN MUN	300
SHEUNG SHUI	100
YAU KAM TAU	300
TAI PO TAU	50
SILVERMINE BAY	50
TAI LAM CHUNG (CHLORINATION HOUSE)	500

"IT SHOULD BE EMPHASISED THAT THE RISKS ASSOCIATED WITH THESE WATER TREATMENT WORKS ARE EXTREMELY LOW.

"EVEN THESE SMALL RISKS WILL BE DRASTICALLY REDUCED UPON COMPLETION OF THE IMPROVEMENT WORKS RECOMMENDED BY THE CONSULTANTS," MR OXLEY SAID.

RECOMMENDATIONS FOR IMPROVEMENTS TO ALL WATER TREATMENT WORKS INCLUDED:

- * IMPROVED STAFF TRAINING AND SAFETY MANAGEMENT AT WATER TREATMENT WORKS;

/* TRAFFIC MANAGEMENT

- * TRAFFIC MANAGEMENT OF CHLORINE VEHICLES, WHILST ON-SITE TO REDUCE THE PROBABILITY OF ACCIDENTS;
- * IMPROVED BUILDING INTEGRITY TO CONTAIN CHLORINE IN THE UNLIKELY EVENT OF A LEAKAGE; AND
- * INSTALLATION OF CHLORINE ABSORBERS TO NEUTRALISE ANY CHLORINE THAT IS RELEASED.

MR OXLEY SAID SITE SPECIFIC IMPROVEMENTS WERE ALSO RECOMMENDED FOR SHA TIN, TSUEN WAN AND TUEN MUN BECAUSE OF THE HIGH POPULATION DENSITIES IN THESE AREAS.

THE SHA TIN WATER TREATMENT WORKS WOULD DECOMMISSION ALL BULK LIQUID CHLORINE TANKS AND CONVERT TO THE USE OF ONE TONNE CHLORINE DRUMS.

SMALLER CHLORINE CONTAINERS WERE ALSO RECOMMENDED FOR TSUEN WAN AND TUEN MUN WATER TREATMENT WORKS BECAUSE OF THE RELATIVELY HIGH POPULATION DENSITIES OF THESE AREAS, HE SAID.

"THE IMPROVEMENT PACKAGE FOR ALL THE EIGHT WATER TREATMENT WORKS IS SCHEDULED TO BE COMPLETED IN 1993," HE SAID.

"PRIORITY WILL BE GIVEN TO IMPLEMENTING MODIFICATIONS AT THE SHA TIN, TSUEN WAN AND TUEN MUN WATER TREATMENT WORKS.

"UPON COMPLETION OF THE IMPROVEMENT MEASURES, ALL WATER TREATMENT WORKS WILL COMPLY WITH THE RISK GUIDELINES STIPULATED FOR POTENTIALLY HAZARDOUS INSTALLATION."

MR OXLEY SAID THE SHA TIN DISTRICT BOARD HAD BEEN INFORMED OF THE RECOMMENDATIONS FOR IMPROVING THE SHA TIN WATER TREATMENT WORKS.

THE FINDINGS OF THE HAZARD ASSESSMENT STUDIES FOR ALL THE OTHER WATER TREATMENT WORKS AND GOVERNMENT'S ACTIONS ARISING FROM EACH STUDY WOULD BE DISCLOSED TO THE PUBLIC THROUGH THE RELEVANT DISTRICT BOARDS.

PRECAUTIONARY MEASURES AND CONTINGENCY PLANS IN THE EVENT OF AN INCIDENT WERE BEING DRAWN UP AND THESE WOULD BE ANNOUNCED AS AND WHEN THEY WERE READY, HE SAID.

WATER MAINS BURSTS MOSTLY CAUSED BY EXTERNAL FACTORS

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THE WATER SUPPLIES DEPARTMENT REGULARLY CARRIES OUT WASTE DETECTION TESTS ON WATER MAINS TO REDUCE THE NUMBER OF FAILURES, THE ACTING SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON CLIVE OXLEY, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON POON CHI-FAI, MR OXLEY SAID THE DETECTION TESTS COULD ASSIST IN LOCATING LEAKAGES, SO THAT THEY MIGHT BE REPAIRED BEFORE DEVELOPING INTO SERIOUS BURSTS.

HE ADDED THAT DAMAGE OR DISTURBANCE TO WATER MAINS CAUSED BY OTHER CONSTRUCTION ACTIVITIES COULD BE PREVENTED OR MINIMISED BY STEPPING UP VIGILANCE ON WORKS BEING CARRIED OUT.

"WHERE RESPONSIBILITY CAN BE ESTABLISHED, THE OFFENDING CONTRACTOR IS CHARGED WITH THE COST OF REPAIRS.

"THE MATTER IS KEPT UNDER REVIEW BY THE WATER SUPPLIES DEPARTMENT IN CONJUNCTION WITH THE HIGHWAYS DEPARTMENT, THE UTILITY COMPANIES AND RELEVANT GOVERNMENT DEPARTMENTS WITH A VIEW TO ALLEVIATING THE PROBLEM," MR OXLEY SAID.

HE POINTED OUT THAT MOST MAINS BURSTS WERE CAUSED BY A VARIETY OF EXTERNAL FACTORS.

THESE INCLUDED ROAD CONSTRUCTION OR RECONSTRUCTION WHERE HEAVY PLANT MIGHT BE USED, TRENCH WORKS FOR OTHER UTILITIES AND DRAINAGE SERVICES, AND DEEP FOUNDATION EXCAVATIONS FOR BUILDING DEVELOPMENT AND FLYOVERS IN THE VICINITY OF THE WATER MAINS.

MR OXLEY SAID SOME OF THESE ACTIVITIES MIGHT DAMAGE THE WATER MAINS DIRECTLY OR DISTURB THEIR FOUNDATIONS.

"IT WOULD BE PROHIBITIVELY EXPENSIVE TO DESIGN WATER MAINS STRONG ENOUGH TO RESIST SUCH EXTERNAL EFFECTS.

"IT IS OFTEN IMPOSSIBLE TO ESTABLISH THE CAUSE AND LIABILITY AFTER A WATER MAIN BURST AS WATER GUSHING OUT UNDER PRESSURE REMOVES ALL THE EVIDENCE AND NATURALLY PRIORITY HAS TO BE GIVEN TO REPAIR WORK TO RESTORE THE WATER SUPPLY AND TRAFFIC FLOW," HE SAID.

MR OXLEY ADDED THAT THE WATER MAINS USED BY THE WATER SUPPLIES DEPARTMENT WERE TESTED AT THE MANUFACTURERS' WORKS TO TWICE THE DESIGNED WORKING PRESSURE AND WERE TESTED AFTER THEY WERE LAID IN POSITION TO ONE AND A HALF TIMES THE DESIGNED WORKING PRESSURE.

THE WATER MAINS WOULD HAVE A LONG SERVICEABLE LIFE, PROBABLY OF SEVERAL DECADES, IF UNDISTURBED AFTER THEY HAD BEEN LAID, HE SAID.

SPECIAL PROVISION PROGRAMME FOR AUTISTIC CHILDREN CLOSELY MONITORED

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THE SOCIAL WELFARE DEPARTMENT (SWD) IS MONITORING CLOSELY THE SPECIAL PROVISION PROGRAMME FOR AUTISTIC CHILDREN AND CHILDREN WITH AUTISTIC FEATURES AND THE SERVICE DEMAND FOR NORMAL PROVISION IN PRE-SCHOOL CENTRES, THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON NIGEL SHIPMAN, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON HUI YIN-FAT, MR SHIPMAN EXPLAINED THAT AT PRESENT, THE TOTAL NUMBER OF CHILDREN DIAGNOSED AS SUFFERING FROM CHILDHOOD AUTISM OR HAVING AUTISTIC FEATURES AND KNOWN TO THE EDUCATION DEPARTMENT (ED) AND SWD WAS 827.

OF THE 827 CHILDREN, 217 WERE AGED SIX YEARS AND ABOVE WITH AUTISTIC FEATURES, 372 WERE AGED SIX YEARS AND ABOVE WITH CHILDHOOD AUTISM, AND THE REMAINING 238 WERE BELOW SIX YEARS OLD.

MR SHIPMAN SAID AUTISTIC CHILDREN WERE COVERED BY THE COMPREHENSIVE OBSERVATION SCHEME.

"SHOULD AUTISM BE SUSPECTED, THEY MAY BE REFERRED FOR ASSESSMENT AND TRAINING AT SOUTH KWAI CHUNG PSYCHIATRIC CENTRE, OR HONG KONG PSYCHIATRIC CENTRE OR TUEN MUN PSYCHIATRIC CENTRE," HE SAID.

THE FIRST TWO CENTRES HAD CHILD UNITS WITH OCCUPATIONAL THERAPISTS AND NURSING STAFF UNDER THE SUPERVISION OF CLINICAL PSYCHOLOGISTS AND PSYCHIATRISTS.

THE THIRD CENTRE DID NOT HAVE A CHILD UNIT BUT CHILDREN MIGHT ATTEND SIMILAR SESSIONS AS OUT-PATIENTS AND SPEECH THERAPY AND TRAINING WAS PROVIDED.

AS FOR PRE-SCHOOL SERVICES AVAILABLE TO THESE CHILDREN, MR SHIPMAN POINTED OUT THAT SINCE 1989-90, A THREE-YEAR PILOT PROJECT TO MEET THE NEEDS OF AUTISTIC CHILDREN OR CHILDREN WITH AUTISTIC FEATURES HAD BEEN INTRODUCED IN 11 SPECIAL CHILD CARE CENTRES (SCCC).

ONE ADDITIONAL SPECIAL CHILD CARE WORKER (SCCCW) HAD BEEN ALLOCATED TO A SCCC WITH SIX AUTISTIC CHILDREN OR CHILDREN WITH AUTISTIC FEATURES, PLUS ADDITIONAL PROFESSIONAL INPUT FROM A CLINICAL PSYCHOLOGIST, HE ADDED.

"IT IS ANTICIPATED THAT MOST CHILDREN IN THE PROGRAMME SHOULD SHOW ENOUGH IMPROVEMENT TO BE DISCHARGED AFTER SIX MONTHS, THUS ENABLING NEW CASES TO BE ADMITTED," MR SHIPMAN SAID.

AS AT THE END OF MARCH 1990, OUT OF THE 86 AUTISTIC CHILDREN OR CHILDREN WITH AUTISTIC FEATURES CERTIFIED TO BE IN NEED OF SCCC SPECIAL PROVISION, 64 HAD BEEN ENROLLED IN SCCC'S, AND ONLY 22 WERE ON THE WAITING LIST.

PRE-SCHOOL CHILDREN WITH AUTISM OR AUTISTIC FEATURES WHO WERE ASSESSED AS NOT BEING IN NEED OF THE SPECIAL PROVISION DESCRIBED ABOVE WERE ADMITTED TO EARLY EDUCATION AND TRAINING CENTRES (EETC), SCCC'S OR INTEGRATED CHILD CARE CENTRES (ICCC) IN THE USUAL WAY, HE SAID.

AS FOR SCHOOL SERVICES, MR SHIPMAN SAID AS THE MAJORITY OF AUTISTIC CHILDREN WERE MENTALLY HANDICAPPED, THEY WOULD BE PROVIDED SPECIAL SCHOOLS PLACES ACCORDING TO THEIR DIAGNOSED LEVEL OF INTELLECTUAL FUNCTIONING AT THE AGE OF SIX.

THESE SCHOOLS ALREADY HAD A REDUCED CLASS SIZE OF 20 FOR MILDLY MENTALLY HANDICAPPED, 10 FOR MODERATELY MENTALLY HANDICAPPED AND EIGHT FOR SEVERELY MENTALLY HANDICAPPED AND ALSO HAD THE SUPPORT OF ADDITIONAL SPECIALIST STAFF SUCH AS AN EDUCATIONAL PSYCHOLOGIST, SPEECH THERAPY PERSONNEL, AND SO ON.

"A SPECIAL SCHOOL FOR MENTALLY HANDICAPPED CHILDREN MAY APPOINT ONE ADDITIONAL RESOURCE TEACHER FOR EVERY EIGHT CHILDREN WITH CHILDHOOD AUTISM WHO ARE ASSESSED TO HAVE A NEED FOR MORE INTENSIVE REMEDIAL SUPPORT IN A RESOURCE TEACHING PROGRAMME.

"AN INITIAL GRANT IS ALSO PROVIDED FOR THE SCHOOL TO PURCHASE ADDITIONAL FURNITURE, EQUIPMENT AND RESOURCE MATERIALS FOR THE PROGRAMME," HE SAID.

MR SHIPMAN ADDED THAT, IF NECESSARY, CHILDREN COULD BE REFERRED BACK TO PSYCHIATRIC CENTRES FOR FOLLOW-UP SERVICES.

IN ADDITION, PROFESSIONAL SUPPORT WAS ALSO GIVEN BY THE ED'S SPECIAL EDUCATION SECTION TO SPECIAL SCHOOLS IN DEVELOPING PROGRAMMES FOR AUTISTIC CHILDREN.

THE SECTION RAN INTENSIVE PRE-SERVICE AND SCHOOL-BASED WORKSHOPS FOR TEACHERS AND SPECIALIST STAFF OF THE SCHOOLS CONCERNED.

AS FOR OTHER SUPPORT SERVICES, MR SHIPMAN SAID CASEWORK AND COUNSELLING SERVICES WERE AVAILABLE TO AUTISTIC CHILDREN AND CHILDREN WITH AUTISTIC FEATURES THROUGH THE SWD'S MEDICAL SOCIAL SERVICE UNITS AND FAMILY SERVICE CENTRES.

"OTHER SUPPORT SERVICES ARE AVAILABLE TO THEM, AND THEIR FAMILIES, IN THE SAME WAY AS THEY ARE TO OTHER MEMBERS OF THE COMMUNITY," HE SAID.

MR SHIPMAN SAID IT WOULD BE POSSIBLE TO EXTEND THE SPECIAL PROGRAMME TO PLANNED SCCC'S IF THIS WAS JUSTIFIED BY DEMAND.

"WHILE THE PROVISION OF SPECIAL CHILD CARE AND EARLY EDUCATION AND TRAINING CENTRE PLACES IS GENERALLY SATISFACTORY, THERE REMAINS A SHORTFALL IN INTEGRATED CHILD CARE CENTRE PLACES," HE SAID.

"THE SWD IS PLANNING TO REDUCE THE WAITING TIME FOR THESE PLACES BY MAKING USE OF SURPLUS EETC AND SCCC PLACES FOR CHILDREN ON THE ICCC WAITING LIST.

"TO ENSURE THAT ALL SCHOOL PUPILS WITH CHILDHOOD AUTISM WILL RECEIVE INTENSIVE REMEDIAL SUPPORT, ALL SCHOOLS FOR MENTALLY HANDICAPPED CHILDREN WILL BE ACTIVELY ENCOURAGED TO OPERATE RESOURCE TEACHING PROGRAMMES FOR SUCH PUPILS WHERE A DEMAND EXISTS," HE ADDED.

MR SHIPMAN SAID THE EXISTING SHORTAGE OF SCHOOL PLACES FOR MENTALLY HANDICAPPED CHILDREN, WHICH ALSO AFFECTED THE PLACEMENT OF AUTISTIC CHILDREN, WAS BEING CLOSELY MONITORED.

"THIS SHORTFALL SHOULD BE MET BY 1992-93 WHEN PLANNED PROJECTS ARE COMPLETED.

"UNTIL THESE PROJECTS ARE READY, INTERIM MEASURES WILL CONTINUE, E.G. USING TEMPORARY ACCOMMODATION FOR SCHOOLS AND PROVIDING PLACEMENT IN HOME BASED CLASSES," HE SAID.

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AMENDMENT BILL TO EXTEND NO-SMOKING AREAS TO GO TO LEGCO
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AN AMENDMENT BILL WILL BE PRESENTED TO THE LEGISLATIVE COUNCIL LATER THIS YEAR TO EXTEND NO-SMOKING AREAS IN PUBLIC PLACES, THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON NIGEL SHIPMAN, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON LEUNG WAI-TUNG, MR SHIPMAN SAID IT WAS ANNOUNCED IN MARCH THIS YEAR THAT THE GOVERNMENT INTENDED TO AMEND THE SMOKING (PUBLIC HEALTH) ORDINANCE TO BAN SMOKING THROUGHOUT ALL PUBLIC TRANSPORT, INCLUDING TAXIS, AND IN CINEMAS, THEATRES, CONCERT HALLS AND VIDEO-GAME CENTRES.

HE POINTED OUT THAT UNDER PRESENT PROVISIONS IN THE SMOKING (PUBLIC HEALTH) ORDINANCE, SMOKING WAS PROHIBITED IN NOT LESS THAN 50 PER CENT OF ALL SEATS IN FERRIES, TRAINS, THEATRES, CONCERT HALLS AND CINEMAS.

IT WAS ALSO TOTALLY BANNED IN ALL LIFTS AND SINGLE DECKER PUBLIC TRANSPORT EXCEPT TAXIS AND HIRED VEHICLES, AND ON THE LOWER DECKS OF DOUBLE DECKER BUSES AND TRAMS.

BOTH THE MASS TRANSIT RAILWAY CORPORATION AND THE KOWLOON-CANTON RAILWAY HAD ALSO TAKEN ACTION UNDER THEIR BY-LAWS TO PROHIBIT SMOKING IN ALL THEIR TRAINS, HE ADDED.

MR SHIPMAN SAID IN ADDITION TO LEGISLATIVE REGULATION, THE GOVERNMENT HAD ADOPTED ADMINISTRATIVE MEASURES TO PROHIBIT SMOKING IN SCHOOLS, HOSPITALS, CLINICS AND PUBLIC AREAS IN GOVERNMENT OFFICES SUCH AS CORRIDORS, LIFT LOBBIES AND PANTRIES.

"GOVERNMENT WILL CONTINUE TO PLAY AN EXEMPLARY ROLE IN BANNING SMOKING IN PUBLIC AREAS IN ITS PREMISES INCLUDING CONFERENCE ROOMS.

"IN THIS REGARD, THE DIRECTOR OF ADMINISTRATION HAS RECENTLY SOUGHT THE CO-OPERATION OF STAFF IN THE CENTRAL GOVERNMENT OFFICES TO REFRAIN FROM SMOKING WHILST IN THE OFFICE.

"WE ENCOURAGE OTHER STATUTORY BODIES AND PRIVATE CORPORATIONS TO TAKE SIMILAR ACTION," HE SAID.

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WORKING GROUP SET UP TO CONSIDER CONTROLS ON LEVERAGED DEALINGS
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A WORKING GROUP HAS RECENTLY BEEN SET UP UNDER THE MONETARY AFFAIRS BRANCH TO CONSIDER WHETHER THERE IS ANY NEED TO IMPOSE CONTROLS ON LEVERAGED DEALINGS IN FOREIGN EXCHANGE BY FRINGE INVESTMENT COMPANIES, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON TAI CHIN-WAH, MR NENDICK SAID WHILE IT WAS TRUE THAT THE NUMBER OF PUBLIC COMPLAINTS RELATING TO LEVERAGED FOREIGN EXCHANGE DEALINGS BY SUCH COMPANIES HAD INCREASED OVER THE PAST FEW MONTHS, THE NUMBER OF COMPLAINTS RELATING TO LEVERAGED GOLD DEALINGS BY THESE COMPANIES HAD BEEN VERY SMALL.

HE TOLD MEMBERS THAT THE WORKING GROUP WAS CHAIRED BY THE DEPUTY SECRETARY FOR MONETARY AFFAIRS AND INCLUDED REPRESENTATION FROM THE OFFICE OF THE COMMISSIONER OF BANKING AND THE SECURITIES AND FUTURES COMMISSION.

MR NENDICK SAID ALTHOUGH THE WORKING GROUP WAS NEWLY FORMED, THE MONETARY AFFAIRS BRANCH HAD BEEN LOOKING AT THE SUBJECT FOR SOME TIME IN CONSULTATION WITH THE COMMERCIAL CRIME BUREAU AND THE ATTORNEY GENERAL'S CHAMBERS.

"WE THINK THAT THE MAJOR PROBLEM ARISING FROM THE ACTIVITIES OF THESE FRINGE COMPANIES LIES WITH NON-PROFESSIONAL INVESTORS.

"MANY OF THEM ARE UNABLE TO ASSESS PROPERLY THE RISKS INVOLVED IN LEVERAGED CONTRACTS IN FOREIGN EXCHANGE AND SO INVEST MORE THAN THEY CAN EASILY AFFORD TO LOSE," HE SAID.

"MANY OF THEM ALSO GIVE THESE COMPANIES MORE DISCRETION TO DEAL ON THEIR BEHALF THAN IS PERHAPS PRUDENT. IN SOME CASES, FRAUD MAY BE INVOLVED BUT THAT IS THEN A MATTER FOR THE COMMERCIAL CRIME BUREAU," HE ADDED.

MR NENDICK SAID THE MONETARY AFFAIRS BRANCH HAD ISSUED A PRESS RELEASE ON JUNE 7 INVITING SUBMISSIONS IN CONFIDENCE ON THE SUBJECT FROM THOSE WHO HAD AN INTEREST IN IT. THE SUBMISSIONS WERE TO BE MADE BY THE END OF NEXT MONTH.

"THE WORKING GROUP WILL THEN EXAMINE THE SUBMISSIONS MADE AND CONSIDER WHETHER THERE IS ANY NEED TO IMPOSE CONTROLS ON LEVERAGED DEALINGS IN FOREIGN CURRENCIES BY THESE COMPANIES.

"IF WE ARE TO INTRODUCE NEW MEASURES THAT GO BEYOND OUR EXISTING REGULATIONS IN RELATION TO TRADING IN THE FINANCIAL SECTOR, THEN WE NEED TO ENSURE THAT WE DO NOT IMPEDE THE DEVELOPMENT OF THE REPUTABLE END OF THE MARKET," HE SAID, ADDED THAT IN TRYING TO SWAT THE IRRITATING FLY IN THE KITCHEN ONE MUST BE CAREFUL NOT TO KNOCK OVER THE STOVE.

IN THE MEANTIME, WARNINGS WOULD CONTINUE TO BE ISSUED THROUGH THE MEDIA ABOUT THE IMPORTANCE OF TAKING GREAT CARE WHEN CONSIDERING INVESTING IN LEVERAGED FOREIGN EXCHANGE CONTRACTS THROUGH UNREGULATED COMPANIES.

AS REGARDS DEALINGS IN GOLD, MR NENDICK SAID IT WAS THE LESS REPUTABLE FRINGE OPERATORS AND BUCKET SHOPS THAT GAVE RISE TO CONCERN AND PUBLICITY HAD BEEN HEIGHTENED TO EDUCATE THE PUBLIC ABOUT THE RISKS OF TRADING THROUGH THE BUCKET SHOPS AND THE POSSIBILITY OF SUCH DEALINGS BEING CAUGHT BY THE PROVISIONS OF THE GAMBLING ORDINANCE IN CERTAIN CIRCUMSTANCES.

"I AM GLAD TO SAY THAT THE NUMBER OF COMPLAINTS AGAINST SUCH OPERATORS HAS SINCE SUBSIDED. WE WILL CONTINUE TO MONITOR THE SITUATION AND REMIND THE PUBLIC FROM TIME TO TIME OF THE RISKS OF TRADING WITH THE FRINGE OPERATORS," HE SAID.

MR NENDICK ADDED THAT HIGH RETURNS WERE USUALLY ASSOCIATED WITH HIGH RISKS.

"IF INVESTORS WISH TO TRADE IN FOREIGN CURRENCIES OR GOLD, THEY ARE BEST ADVISED TO APPROACH A LARGE AND REPUTABLE DEALER SUCH AS A BANK OR DEPOSIT TAKING COMPANY AUTHORISED UNDER THE BANKING ORDINANCE WHICH IS SUBJECT TO THE SUPERVISION OF THE OFFICE OF THE COMMISSIONER OF BANKING.

"THERE IS I BELIEVE ALSO A NEED FOR INVESTORS TO EXERCISE PRUDENCE AND CAUTION AND A DEGREE OF COMMON SENSE BEFORE DECIDING WHETHER THEY SHOULD PARTICIPATE IN COMPLEX AND OFTEN VOLATILE MARKETS, WHICH TEND TO BE MORE FOR THE PROFESSIONALS," HE ADDED.

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REVIEW OF FINANCIAL ASSISTANCE SCHEME TO MAC'S COMPLETED
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THE CITY AND NEW TERRITORIES ADMINISTRATION HAS COMPLETED A REVIEW OF THE FINANCIAL ASSISTANCE SCHEME FOR MUTUAL AID COMMITTEES IN APRIL THIS YEAR AND ITS FINDINGS HAVE BEEN FORWARDED TO THE FINANCE BRANCH FOR CONSIDERATION.

THE SECRETARY FOR HOME AFFAIRS, THE HON PETER TSAO, TOLD THE LEGISLATIVE COUNCIL THIS TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION FROM THE HON CHAN YING-LUN.

MR TSAO ADDED THAT ONE OF THE RECOMMENDATIONS WAS TO RAISE THE CEILING FOR EXPENDITURE ON PHOTOCOPYING.

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RESIDENTIAL REQUIREMENTS FOR FOREIGN RESIDENTS EXPLAINED

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A FOREIGN RESIDENT WILL NORMALLY BE GRANTED UNCONDITIONAL STAY AFTER HE HAS COMPLETED SEVEN YEARS' ORDINARY RESIDENCE IN HONG KONG, AND PROVIDED THAT HE IS NOT IN BREACH OF HIS CONDITIONS OF STAY, DOES NOT HAVE AN ADVERSE CRIMINAL RECORD, AND IS ABLE TO SUPPORT HIMSELF, AND IS NOT LIKELY TO BECOME A BURDEN ON THE COMMUNITY.

THE SECRETARY FOR SECURITY, THE HON ALISTAIR ASPREY, INFORMED THE LEGISLATIVE COUNCIL OF THIS TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION FROM THE HON MARTIN BARROW.

"THESE ARE NORMAL IMMIGRATION REQUIREMENTS," HE SAID.

"WHERE THEY ARE NOT MET IN FULL, A FOREIGN RESIDENT MAY NEVER THELESS BE GRANTED AN EXTENSION OF STAY FOR A FIXED PERIOD IF HE IS NOT IN SERIOUS BREACH OF THE REQUIREMENTS, AND HE OTHERWISE MEETS THE CRITERIA FOR ENTRY FOR EMPLOYMENT AND RESIDENCE," HE ADDED.

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MOTION ON BILL OF RIGHTS PASSED

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A MOTION ON THE BILL OF RIGHTS WAS PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE MOTION, WHICH WAS MOVED BY THE HON SELINA CHOW, READ: "THAT THIS COUNCIL SUPPORTS THE ENACTMENT OF A BILL OF RIGHTS AND URGES THE GOVERNMENT IN DRAFTING THE BLUE BILL TO TAKE INTO ACCOUNT THE VIEWS EXPRESSED BY THIS COUNCIL."

TWENTY-NINE MEMBERS SPOKE IN THE DEBATE ON THE MOTION AND THE ATTORNEY GENERAL SPOKE ON BEHALF OF THE GOVERNMENT.

IN OTHER BUSINESS, FOUR BILLS WERE PASSED. THEY WERE THE BANKING (AMENDMENT) (NO. 2) BILL 1990; THE INSURANCE COMPANIES (AMENDMENT) BILL 1990; THE SECURITIES (DISCLOSURE OF INTERESTS) (AMENDMENT) BILL 1990 AND THE RADIATION (AMENDMENT) BILL 1990.

IN ADDITION, THREE BILLS WERE INTRODUCED FOR FIRST AND SECOND READINGS. THEY WERE THE LAWS (LOOSE-LEAF PUBLICATION) BILL 1990; THE EMPLOYMENT (AMENDMENT) (NO. 2) BILL 1990 AND THE BUILDINGS (AMENDMENT) BILL 1990.

DEBATES ON THESE BILLS WERE ADJOURNED.

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BALANCE OF DIRECT AND INDIRECT TAXATION NEEDS PONDERING
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TO ENSURE THE STABILITY OF ITS REVENUE SOURCES, THE GOVERNMENT MUST CONTINUE TO CONSCIOUSLY CONSIDER HOW BEST TO REDRESS THE IMBALANCE BETWEEN DIRECT AND INDIRECT TAXATION, THE SECRETARY FOR THE TREASURY, MR HAMISH MACLEOD, SAID TODAY (WEDNESDAY).

SPEAKING AT A LUNCH MEETING OF THE HONG KONG EXPORTERS' ASSOCIATION, MR MACLEOD SAID THE DIFFICULT PROBLEMS THAT AROSE IN REDRESSING THE BALANCE BETWEEN THE TWO WERE NOW THE SUBJECT OF A GENERAL REVIEW OF HONG KONG'S TAXATION PHILOSOPHY.

HE ADDED THAT THE JOINT LIAISON COMMITTEE ON TAXATION, AN INDEPENDENT GROUP WHOSE MEMBERS INCLUDED LEGAL AND FINANCIAL PROFESSIONALS IN THE PRIVATE SECTOR, HAD BEEN INVITED FOR THE FIRST TIME TO GIVE THEIR VIEWS TO THE GOVERNMENT ON ALL ASPECTS OF HONG KONG'S TAXATION SYSTEM.

TURNING TO THE EXISTING TAXATION SYSTEM, MR MACLEOD SAID: "INDIRECT TAXATION IS NOT NECESSARILY ALWAYS MORE STABLE THAN DIRECT TAXATION - THE LATTER BEING PRIMARILY PROFITS TAX AND SALARIES TAX - BUT CERTAINLY IT TENDS TO BE."

"HENCE THE PROPORTION OF REVENUE WHICH IS INDIRECT TAX IS TAKEN AS A ROUGH INDICATOR OF STABILITY OF REVENUE. THIS PRESENTLY STANDS AT ONLY ABOUT 36 PER CENT," HE NOTED.

HE SAID IT WAS NOT SURPRISING THAT AFTER SO MANY YEARS OF GROSS DOMESTIC PRODUCT GROWTH, HONG KONG HAD ARRIVED AT THIS POSITION.

YIELDS FROM DIRECT TAXATION ARE ALWAYS PUSHED UP BY GROWTH IN THE ECONOMY, WHILE THERE IS ALWAYS A POLITICAL DOWNWARD PRESSURE ON INDIRECT TAXES, ESPECIALLY WHEN THE GOVERNMENT HAS BEEN FLUSH WITH REVENUE, HE POINTED OUT.

"WE SHOULD BEWARE OF LETTING THIS IMBALANCE IN FAVOUR OF DIRECT TAXATION GET OUT OF HAND," HE SAID.

IN TACKLING THIS ISSUE OF IMBALANCE, THE QUESTION WAS HOW MUCH AND WHEN, MR MACLEOD SAID, ADDING THAT THE FACTORS INVOLVED IN THIS EQUATION WERE VERY COMPLICATED AND SOMETIMES OTHER FACTORS WOULD IN THE END TIP THE BALANCE IN ANOTHER DIRECTION.

"WE HAVE TO BALANCE FOR EXAMPLE POLITICAL CONSIDERATIONS, OUR ABILITY TO COMPETE WITH OUR NEIGHBOURS AND THE NEED TO MAINTAIN A SIMPLE TAXATION SYSTEM WITH LOW RATES."

ON THE POLITICAL SIDE, THE GOVERNMENT HAS TO ANSWER THE QUESTION OF HOW MUCH SHOULD BE CONTRIBUTED TO THE COST OF PROVIDING PUBLIC SERVICES BY DIFFERENT SECTORS OF THE COMMUNITY.

"AT ONE EXTREME, IT CAN BE ARGUED THAT EVERYONE SHOULD CONTRIBUTE SOMETHING, IF ONLY TO INCULCATE A SENSE OF VALUE OF PUBLIC SERVICES. AT THE OTHER EXTREME, IT WILL BE ARGUED THAT ONLY THOSE MOST ABLE TO PAY SHOULD PAY," HE SAID.

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"WITH DIRECT ELECTIONS APPROACHING, THE DEBATE ON THESE ISSUES MAY WELL BECOME RATHER LIVELY," HE SAID.

MR MACLEOD SAID THE APPROPRIATE RATE AT WHICH BUSINESS PROFITS SHOULD BE TAXED WAS ANOTHER DIFFICULT QUESTION TO RESOLVE.

"A VERY SMALL ADJUSTMENT TO THE RATE OF PROFITS TAX REAPS SIGNIFICANT RETURNS. ON THE OTHER HAND WE HAVE TO BE CAREFUL TO KEEP THIS SECTOR HEALTHY OR REVENUE WILL ACTUALLY SUFFER IF TAX RATES GO UP TOO MUCH," HE EXPLAINED.

"WE DO NOT WANT TO SEND PROFITABLE BUSINESS INTO THE HANDS OF OUR INCREASINGLY AMBITIOUS REGIONAL COMPETITORS," HE STRESSED.

"THE OTHER FACTOR WE HAVE VERY MUCH IN MIND WHEN CONSIDERING TAX MEASURES IS THE VALUE OF OUR REPUTATION FOR NOT MAKING HASTY OR RADICAL CHANGES; IDEALLY THEN CHANGES SHOULD BE GRADUAL," HE SAID.

COMPETITION WITH OUR NEIGHBOURS WAS A REAL FACTOR AND ONE WE HAD HAD TO TAKE MORE AND MORE INTO ACCOUNT RECENTLY, HE ADDED.

"I BELIEVE OUR EARLIER INSTINCTS HAVE TURNED OUT RIGHT: STABILITY, SIMPLICITY AND LOW RATES HAVE MADE OUR TAXATION SYSTEM ATTRACTIVE TO OVERSEAS INVESTORS AND THIS STILL REMAINS THE CASE, EVEN THOUGH WE ARE NOW FACING STIFF COMPETITION," HE SAID.

HE POINTED OUT THAT DESPITE A NUMBER OF TAX HOLIDAYS AND CONCESSIONS BEING OFFERED AROUND THE REGION, HONG KONG'S FORMULA OF OVERALL SIMPLICITY AND PREDICTABILITY WAS STILL SET TO WIN.

"BUT OF COURSE, TAXATION IS ONLY ONE OF THE FACTORS IN DECIDING WHERE TO SET UP A REGIONAL CENTRE: WE MUST NOT LET OUR INFRASTRUCTURE AND THE QUALITY AND HONESTY OF OUR PUBLIC SERVICE FALL BEHIND OR THE BALANCE COULD TIP AGAINST US," HE NOTED.

REGARDING RECENT DISCUSSION IN THE PRESS ABOUT WHETHER HONG KONG'S TAXATION SYSTEM WAS IN FACT TOO SIMPLE AND THE GOVERNMENT WAS BEING DONE OUT OF SIGNIFICANT AMOUNTS OF REVENUE BY TAX AVOIDANCE SCHEMES, MR MACLEOD SAID THAT WE MUST BE CAREFUL NOT TO REACT TOO EMOTIONALLY TO THIS SORT OF PROBLEM.

HE SAID IN ANY SYSTEM THERE WERE CERTAIN AREAS IN WHICH TAX CONCESSION OFFERED IN GOOD FAITH TO BENEFIT THE ECONOMY WERE BEING LEGALLY EXPLOITED, ADDING THAT HE WAS REFERRING TO (LEGAL) AVOIDANCE AND NOT (ILLEGAL) EVASION.

"WHERE WE FEEL THAT SUCH EXPLOITATION IS HARMING THE REVENUE TO AN UNACCEPTABLE EXTENT, WE SHALL TAKE COUNTER-MEASURES," HE POINTED OUT.

HE WENT ON TO GIVE AN ASSURANCE THAT ANY MAJOR DRAINS ON REVENUE FROM AVOIDANCE MEASURE WOULD BE ADDRESSED, AS THEY HAD BEEN IN THE PAST.

HOWEVER, WITH PROFITS TAX REVENUE LAST YEAR AT \$22 BILLION, THE PROBLEM HAD NOT GOT TO SERIOUS PROPORTIONS, HE SAID.

TURNING TO INDIRECT TAXATION, MR MACLEOD POINTED OUT THAT A PROBLEM WAS THAT HONG KONG HAD LESS OPTIONS OPEN TO IT THAN IT WOULD WISH BECAUSE OF ITS SIMPLE TAX SYSTEM.

"TRADITIONALLY WE HAVE RELIED TO A GREAT EXTENT ON THE GENERAL PROPERTY RATE AND PROPERTY TAXES, STAMP DUTIES AND CUSTOMS AND EXCISE DUTIES," HE SAID.

"IT IS ARGUABLE THAT THE CONTRIBUTION TO REVENUE FROM DUTIES WOULD NOT HAVE BEEN SO GREAT HAD THERE NOT BEEN A SIGNIFICANT ELEMENT OF CONTROL OF MOTOR VEHICLES, GIVING RISE TO LARGE REVENUES FROM DUTIES ON HYDROCARBON OILS AND VEHICLE FIRST REGISTRATION TAX.

"IT IS NOW WIDELY ACCEPTED THAT THERE IS NOW A STRONG CASE FOR BROADENING THE BASE OF INDIRECT TAXATION. IT IS WHEN WE COME TO DISCUSS HOW BEST TO DO THIS THAT DIFFICULTIES ARISE."

"WHILE THE NEED TO PROTECT THE LESS WELL OFF IS SOMETHING WE CLEARLY RECOGNISE, WITHOUT SOME BROADENING OF THE INDIRECT TAX BASE, FORESEE THERE MAY BE DIFFICULTY IN MEETING INCREASING DEMANDS ON THE PUBLIC SECTOR FOR NEW SERVICES.

"WE ARE CONTINUING TO EXAMINE THE OPTIONS AVAILABLE TO US TO INCREASE STABLE SOURCES OF REVENUE WITHIN THE BOUNDS OF WHAT CAN BE DONE WITHOUT FUELLING INFLATION OR MAKING THE LESS-WELL-OFF WORSE OFF," HE SAID.

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INDUSTRIES MORE INCLINED TO USE SOPHISTICATED TECHNOLOGY * * * * *

WITH THE SUPPORT OF GOVERNMENT, THE LOCAL MANUFACTURING INDUSTRIES ARE NOW MORE INCLINED TO MAKE USE OF SOPHISTICATED TECHNOLOGY TO PRODUCE HIGH-QUALITY, HIGH VALUE-ADDED PRODUCTS IN ORDER TO SHARPEN ITS COMPETITIVE EDGE IN EXPORT MARKETS.

THE SECRETARY FOR TRADE AND INDUSTRY, MR JOHN CHAN, SAID THIS TODAY (WEDNESDAY) AT THE OPENING OF A MULTI-PURPOSE INDUSTRIAL CENTRE IN SHA TIN.

CITING THE INFORMTECH INDUSTRIAL CENTRE AS AN EXAMPLE, MR CHAN SAID THE PROJECT HAD BENEFITTED FROM THE GOVERNMENT'S INDUSTRIAL SUPPORT SERVICES THROUGH THE HONG KONG PRODUCTIVITY COUNCIL.

HE SAID THE COUNCIL HELPED MANUFACTURERS TO UPGRADE THE LEVEL OF THEIR PRODUCTION PROCESSES BY OFFERING A RANGE OF SERVICES FROM MANPOWER TRAINING TO TECHNICAL CONSULTANCY SERVICES.

"INFORMTECH HAS NOT ONLY MADE USE OF THE HONG KONG PRODUCTIVITY COUNCIL'S CONSULTANCY SERVICES TO AUTOMATE ITS PRODUCTION LINE, BUT HAS ALSO, ON THAT COUNCIL'S ADVICE, ESTABLISHED A PRODUCT PLANNING DIVISION TO ANALYSE THE DEMANDS OF ITS MARKETS AND ITS OWN PRODUCTION CAPABILITIES.

"I UNDERSTAND THAT THIS HAS HELPED THE COMPANY TO ACHIEVE CONSIDERABLE SAVINGS. I AM SURE THAT MANY OTHER MANUFACTURERS WOULD FIND IT PROFITABLE TO FOLLOW INFORMTECH'S EXAMPLE AND LOOK MORE CLOSELY AT WHAT THE HONG KONG PRODUCTIVITY COUNCIL HAS TO OFFER.

"INFORMTECH'S ESTABLISHMENT OF THIS NEW INDUSTRIAL CENTRE IS A WELCOME DEMONSTRATION OF ITS CONFIDENCE IN HONG KONG AS A PLACE WHERE HIGH-TECHNOLOGY MANUFACTURING CAN GROW AND THRIVE," MR CHAN ADDED.

THE COMPANY HAS INVESTED IN THE NEW 110,000 SQUARE FEET CENTRE SOME OF THE MOST ADVANCED PRODUCTION MACHINERY TO BE FOUND IN HONG KONG'S ELECTRONIC INDUSTRY. FOR EXAMPLE, INFORMTECH WAS ONE OF THE FIRST COMPANIES IN HONG KONG TO EXPLOIT SURFACE MOUNT TECHNOLOGY.

MOREOVER, THE COMPANY HAS INVESTED HEAVILY IN AXIAL COMPONENT INSERTION MACHINES, WATER CLEANING MACHINES AND WAVE SOLDERING MACHINES. IT HAS RECENTLY INTRODUCED WORKSTATIONS FOR AUTO PCB (PRINTED CIRCUIT BOARD) ROUTING AND FOR CAD (COMPUTER-AIDED-DESIGN).

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U.S. FIRMS ESTABLISHING BASES IN HK TO OVERSEE EXPANSION
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MANY AMERICAN COMPANIES, INCLUDING 158 INVOLVED IN THE MANUFACTURING INDUSTRIES, HAVE ESTABLISHED BASES IN HONG KONG TO OVERSEE THE EXPANSION OF THEIR ASIAN PACIFIC MARKETS.

OF THESE COMPANIES, NEARLY A THIRD ARE REGIONAL HEADQUARTERS, THE ACTING DIRECTOR OF INDUSTRY, MR ANDREW LEUNG, SAID TODAY (WEDNESDAY).

HE WAS SPEAKING AT A CEREMONY TO MARK THE OPENING OF NEW AND EXPANDED FACILITIES FOR BIO-RAD PACIFIC LIMITED, WHOSE AMERICAN PARENT COMPANY, BIO-RAD LABORATORIES, IS A WORLD LEADER IN BIOTECHNOLOGY RESEARCH, DEVELOPMENT AND MANUFACTURING.

MR LEUNG SAID MORE AND MORE ECONOMIES AROUND THE WORLD WERE BECOMING AWARE OF THE COMMERCIAL POSSIBILITIES OF BIOTECHNOLOGY, WHICH WAS STILL A RELATIVELY YOUNG INDUSTRY IN HONG KONG.

"BIO-RAD IS ONE OF THE FIRST BIOTECHNOLOGY COMPANIES IN HONG KONG SPECIALISING IN LIFE SCIENCES RESEARCH PRODUCTS, CLINICAL DIAGNOSTICS AND ANALYTICAL INSTRUMENTS FOR MATERIAL RESEARCH.

"SOME OF THE RESEARCH ACTIVITIES ARE BEING CARRIED OUT IN CO-OPERATION WITH EXPERTISE FROM THE ACADEMIA SINICA OF CHINA," HE SAID.

MR LEUNG SAID THE DECISION OF BIO-RAD TO EXPAND HERE UNDERLINED HONG KONG'S UNIQUE REGIONAL ROLE IN THE EXPLOITATION OF THIS FAST DEVELOPING TECHNOLOGY.

/HE SAID

HE SAID THAT UNDER THE AEGIS OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, CONSULTANTS HAD BEEN ENGAGED TO STUDY THE EXPLOITATION OF BIOTECHNOLOGY IN HONG KONG'S CIRCUMSTANCES.

AT THE SAME TIME, WITH A DONATION OF \$300 MILLION FROM THE ROYAL HONG KONG JOCKEY CLUB, TWO BIOTECHNOLOGY INSTITUTES HAD BEEN ESTABLISHED IN THE HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY AND IN THE CHINESE UNIVERSITY OF HONG KONG.

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MORE INDUSTRIAL ACCIDENTS BUT FEWER KILLED
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THE NUMBER OF INDUSTRIAL ACCIDENTS ROSE ACROSS THE BOARD IN THE FIRST THREE MONTHS OF THE YEAR ALTHOUGH FAR FEWER WORKERS WERE KILLED AS A RESULT.

ACCORDING TO STATISTICS RELEASED BY THE LABOUR DEPARTMENT TODAY (WEDNESDAY), 8,783 ACCIDENTS WITH 12 FATALITIES WERE REPORTED BETWEEN JANUARY AND MARCH THIS YEAR.

THIS REPRESENTS A 14 PER CENT INCREASE OVER THE 7,693 ACCIDENTS IN THE SAME PERIOD LAST YEAR BUT A SIGNIFICANT DROP OF 55 PER CENT FROM THE 27 FATALITIES.

A SPOKESMAN FOR THE DEPARTMENT SAID THAT OF ALL THE ACCIDENTS, THE CONSTRUCTION INDUSTRY ALONE ACCOUNTED FOR 4,109 CASES, FOLLOWED BY 3,827 IN THE MANUFACTURING INDUSTRY AND 847 IN THE MINING, QUARRYING, UTILITIES, TRANSPORT AND SERVICING INDUSTRIES.

"COMPARED WITH THE FIRST QUARTER LAST YEAR, THE NUMBER OF CONSTRUCTION ACCIDENTS REGISTERED A 16 PER CENT INCREASE, MANUFACTURING ACCIDENTS WERE UP BY 13 PER CENT AND THE REST UP BY 11 PER CENT," THE SPOKESMAN SAID.

"HOWEVER, FATALITY RATES DROPPED IN ALL THESE INDUSTRIES, FROM 16 TO NINE CASES, FIVE TO NO CASES, AND SIX TO THREE CASES RESPECTIVELY," HE NOTED.

AS FOR THE MAJOR CAUSES OF THE ACCIDENTS, THE SPOKESMAN SAID THEY WERE INVARIABLY SIMILAR TO THOSE IN PREVIOUS YEARS, THAT IS STEPPING ON OR STRIKING AGAINST OBJECTS (2,824 CASES), MANUAL LIFTING OF GOODS (1,521 CASES), MACHINERY (1,461 CASES), FALL OF PERSONS (970 CASES), HAND TOOLS (551 CASES) AND FALLING OBJECTS (497 CASES).

THE REST WERE DUE MAINLY TO TRANSPORT, HOT OR CORROSIVE SUBSTANCES, FIRE OR EXPLOSION, ELECTRICITY, AND SO ON.

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OF THE FATAL CASES, FIVE WORKERS WERE KILLED AS A RESULT OF FALLING FROM A HEIGHT (FOUR IN THE CONSTRUCTION INDUSTRY), TWO OF MACHINERY (ONE IN THE CONSTRUCTION INDUSTRY), ONE OF TRANSPORT AND ONE EACH OF FALLING ON OBJECTS, COLLAPSE OF SOIL, GAS POISONING OR OTHER TOXIC SUBSTANCES AND STEPPING ON OR STRIKING AGAINST AN OBJECT (ALL IN THE CONSTRUCTION INDUSTRY).

THE SPOKESMAN CALLED FOR CO-OPERATION BETWEEN EMPLOYERS AND EMPLOYEES IN MAKING A GREATER EFFORT TO CURB THE RISE IN INDUSTRIAL ACCIDENTS.

"INDUSTRIAL PROPRIETORS AND WORKERS ALIKE HAVE A GENERAL DUTY TO MAINTAIN SAFETY AND HEALTH AT WORK," HE SAID, ADDING THAT MANY LIVES COULD HAVE BEEN SAVED IF BOTH SIDES HAD BEEN MORE SAFETY-CONSCIOUS.

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VIEWS ON DEVELOPMENT OF SOCIAL WELFARE SERVICES INVITED

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THE WORKING PARTY ON SOCIAL WELFARE POLICIES AND SERVICES IS ON THE POINT OF COMPLETING ITS INITIAL DELIBERATIONS ON THE FUTURE DEVELOPMENT OF SOCIAL WELFARE SERVICES, THE WORKING PARTY'S CHAIRMAN, MRS ELIZABETH WONG, SAID TODAY (WEDNESDAY).

MRS WONG EXPRESSED GRATITUDE AT THE VOLUME AND QUALITY OF PUBLIC COMMENTARIES ON THE DEVELOPMENT OF SERVICES.

OVER 250 WRITTEN SUBMISSIONS HAD BEEN RECEIVED MANY OF WHICH WERE CONSTRUCTIVE AND OF A HIGH QUALITY. THESE HAD BEEN CIRCULATED TO MEMBERS OF THE WORKING PARTY AND ITS SUB-COMMITTEES.

IN VIEW OF THE ADVANCED STAGE OF THE PRESENT DELIBERATIONS, MRS WONG SAID ANY OTHER WRITTEN COMMENTARIES SHOULD REACH THE SOCIAL WELFARE DEPARTMENT OR THE HEALTH AND WELFARE BRANCH BY JULY 9 TO ALLOW AMPLE TIME FOR THEM TO BE CONSIDERED BEFORE THE DRAFT WHITE PAPER IS FINALISED.

SHE POINTED OUT THAT THE PUBLIC WOULD HAVE FURTHER OPPORTUNITIES TO COMMENT ON THE DRAFT WHITE PAPER UPON ITS PUBLICATION IN AUGUST WHEN ANOTHER THREE-MONTH CONSULTATIVE PERIOD WOULD COMMENCE.

COMMENTS SHOULD BE ADDRESSED TO THE SECRETARY FOR HEALTH AND WELFARE, CENTRAL GOVERNMENT OFFICES, LOWER ALBERT ROAD, HONG KONG; OR THE DIRECTOR OF SOCIAL WELFARE, WORLD TRADE CENTRE, 19TH FLOOR, 280 GLOUCESTER ROAD, CAUSEWAY BAY, HONG KONG.

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FINANCE COMMITTEE TO MEET ON FRIDAY
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THE FINANCE COMMITTEE WILL HOLD A MEETING ON FRIDAY (JUNE 29),
IN THE LEGISLATIVE COUNCIL CHAMBER.

THE MEETING WILL BEGIN AT 2.30 PM.

MEMBERS OF THE PUBLIC ARE WELCOME TO OBSERVE THE COMMITTEE'S
PROCEEDINGS FROM THE CHAMBER'S PUBLIC GALLERIES AND THEY MAY MAKE
RESERVATIONS BY TELEPHONING 844 0899.

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DB COMMITTEE TO DISCUSS YOUTH PARTICIPATION IN LOCAL BODIES
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THE SHA TIN DISTRICT BOARD'S COMMUNITY DEVELOPMENT COMMITTEE
WILL DISCUSS THE PARTICIPATION BY YOUNG PEOPLE IN THE DISTRICT'S
ADVISORY BODIES AT ITS MEETING TOMORROW (THURSDAY).

THE SHA TIN DISTRICT OFFICE WILL PROVIDE STATISTICS ON THE
NUMBER OF YOUNG PEOPLE APPOINTED TO THE AREA COMMITTEES, DISTRICT
FIGHT CRIME COMMITTEE, SUMMER YOUTH PROGRAMME COMMITTEE, COMMITTEE
ON YOUTH AND KEEP HONG KONG CLEAN COMMITTEE.

MEMBERS WILL ALSO CONSIDER NINE APPLICATIONS FOR FUNDS
TOTALLING \$189,500 BY WORKING GROUPS AND VARIOUS COMMUNITY HALL
MANAGEMENT COMMITTEES FOR SUBSIDISING THEIR ACTIVITIES.

NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE SHA TIN
DISTRICT BOARD'S COMMUNITY DEVELOPMENT COMMITTEE MEETING TO BE HELD
TOMORROW (THURSDAY) IN THE DB CONFERENCE ROOM ON THE SIXTH FLOOR, KCR
HOUSE, SHA TIN STATION.

THE MEETING WILL BEGIN AT 4 PM.

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WEDNESDAY, JUNE 27, 1990

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NEW ID CARD VISITING SERVICE

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THE IMMIGRATION DEPARTMENT ANNOUNCED TODAY (WEDNESDAY) THAT A VISITING SERVICE TO ASSIST IN THE APPLICATION FOR NEW IDENTITY CARDS WILL BE MADE AVAILABLE TO RESIDENTS OF CHEUNG CHAU, LAMMA, MUI WO, TAI O AND SAI KUNG FROM JULY 23 TO AUGUST 9.

"THIS WILL BE THE SECOND ROUND OF VISITING SERVICE PROVIDED. VISITING TEAMS WILL HANDLE APPLICATIONS FROM MEN BORN IN 1917 OR BEFORE WHO LIVE IN THOSE AREAS," A DEPARTMENT SPOKESMAN SAID.

"THE PURPOSE OF PROVIDING SUCH A SERVICE IS TO FACILITATE APPLICATIONS FROM THOSE AFFECTED BY THE CURRENT PHASE OF THE NEW IDENTITY CARD RE-ISSUE SCHEME, AND TO OFFER THOSE WHO HAVE MISSED THEIR TURN IN PREVIOUS PHASES A LAST OPPORTUNITY TO APPLY.

"MALE LATECOMERS BORN BETWEEN 1918 AND 1940 ARE THEREFORE URGED TO MAKE USE OF THIS SERVICE TO APPLY FOR NEW IDENTITY CARDS," THE SPOKESMAN SAID.

"HOWEVER, THE VISITING TEAMS WILL ONLY DEAL WITH HOLDERS OF VALID OLD TYPE IDENTITY CARDS.

"OTHER APPLICATIONS LIKE REGISTRATION OF AN IDENTITY CARD FOR THE FIRST TIME OR REPLACEMENT OF AN IDENTITY CARD DUE TO LOSS, DAMAGE OR FOR AMENDMENT SHOULD BE SUBMITTED AT ONE OF THE REGULAR REGISTRATION OF PERSONS OFFICES."

ON SOME OCCASIONS, APPLICANTS MAY BE REQUIRED TO ATTEND A NEW IDENTITY CARD ISSUE OFFICE IN THE URBAN AREAS FOR FURTHER FORMALITIES. FOR THESE CASES, THE APPLICANTS WILL BE NOTIFIED INDIVIDUALLY.

APPLICATIONS WILL BE PROCESSED AT THE FOLLOWING LOCATIONS DURING THE SPECIFIED PERIODS, MONDAYS TO SATURDAYS:

OPERATING PERIOD	CENTRE	OPENING HOURS
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JULY 23 TO 26	ISLAND DISTRICT OFFICE, MUI WO SUB-OFFICE, GRAND VIEW MANSION, GROUND FLOOR, SHOP D, 11 MUI WO FERRY PIER ROAD, LANTAU ISLAND.	10 AM - 1 PM 2 PM - 4 PM
JULY 23 TO AUGUST 4	CHEUNG CHAU RURAL COMMITTEE OFFICE, 2 CHURCH ROAD, CHEUNG CHAU.	10 AM - 1 PM 2 PM - 4 PM
JULY 23 TO AUGUST 4	SAI KUNG JOCKEY CLUB TOWN HALL, PO TUNG ROAD, SAI KUNG.	10 AM - 1 PM 2 PM - 4 PM

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JULY 30 TO AUGUST 4	TAI O RURAL COMMITTEE OFFICE, 29 MARKET STREET, TAI O.	10.30 AM - 1 PM 2 PM - 3.30 PM
AUGUST 6 TO 9	NORTH LAMMA RURAL COMMITTEE OFFICE YUNG SHU WAN MAIN STREET, NORTH LAMMA.	10 AM - 1 PM 2 PM - 4 PM

THE SPOKESMAN REITERATED THAT THERE WOULD BE NO AMNESTY FOR ILLEGAL IMMIGRANTS.

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UNAUTHORISED STRUCTURES IN TO KWA WAN TO BE CLOSED

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THE BUILDING AUTHORITY IS SEEKING TO CLOSE THE UNAUTHORISED STRUCTURES ON THE ROOF OF 40 AND 42 NGAN HON STREET, TO KWA WAN, SO THAT THEY CAN BE DEMOLISHED WITHOUT DANGER TO THE OCCUPIERS AND THE PUBLIC.

A NOTICE OF INTENTION TO APPLY FOR A CLOSURE ORDER FROM THE HONG KONG DISTRICT COURT ON SEPTEMBER 26 THIS YEAR WAS POSTED ON A CONSPICUOUS PART OF THE STRUCTURES TODAY (WEDNESDAY).

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

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

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AIR-CONDITIONED COACHES TO SERVE ON KMB ROUTE 2

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM FRIDAY (JUNE 29), KMB ROUTE 2 PLYING BETWEEN STAR FERRY AND SO UK WILL BE SERVICE BY BOTH NON AIR-CONDITIONED DOUBLE-DECK BUSES AND AIR-CONDITIONED SINGLE-DECK COACHES.

FOR THE AIR-CONDITIONED COACH SERVICE, \$4 WILL BE CHARGED PER SINGLE JOURNEY.

A SECTION FARE OF \$3 WILL BE PROVIDED AT THE NATHAN ROAD/BUTE STREET JUNCTION ON JOURNEYS TO STAR FERRY AND AT THE LAI CHI KOK ROAD/NATHAN ROAD JUNCTION ON JOURNEYS TO SO UK.

THE EXISTING FARE OF \$1.70 PER SINGLE JOURNEY FOR THE NON AIR-CONDITIONED BUS SERVICE REMAINS UNCHANGED.

NOTICES WILL BE PUT UP INSIDE THE VEHICLES AND AT TERMINAL POINTS TO INFORM THE TRAVELLING PUBLIC OF THESE CHANGES.

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URBAN CLEARWAYS IN QUARRY BAY

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM 10 AM ON FRIDAY (JUNE 29), THE FOLLOWING SECTIONS OF ROADS IN QUARRY BAY WILL BE DESIGNATED URBAN CLEARWAYS FROM 7 AM TO 10 AM AND FROM 4 PM TO 7 PM DAILY:

- * HONG YUE STREET BETWEEN A POINT ABOUT 30 METRES WEST OF ITS JUNCTION WITH HONG SHING STREET AND A POINT ABOUT 110 METRES EAST OF THE SAME JUNCTION; AND
- * HONG SHING STREET BETWEEN ITS JUNCTION WITH HONG YUE STREET AND A POINT ABOUT 30 METRES SOUTH OF THE SAME JUNCTION.

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

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VEHICLE LENGTH LIMIT IN JARDINE'S LOOKOUT

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM 10 AM ON FRIDAY (JUNE 29), VEHICLES EXCEEDING SEVEN METRES IN LENGTH WILL BE PROHIBITED FROM TURNING LEFT FROM MOUNT BUTLER ROAD NORTHBOUND ONTO HENDERSON ROAD IN JARDINE'S LOOKOUT.

VEHICLES EXCEEDING SUCH LENGTH HEADING FOR HENDERSON ROAD WILL BE DIVERTED VIA TAI HANG ROAD AND PERKINS ROAD.

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LONG VEHICLE BAN ZONE IN HO MAN TIN

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM 10 AM ON FRIDAY (JUNE 29), ALL VEHICLES EXCEEDING 10 METRES IN LENGTH WILL BE PROHIBITED FROM ENTERING THE SOUTHBOUND CARRIAGEWAY OF GULLANE ROAD BETWEEN ARGYLE STREET AND TWEED ROAD, IN HO MAN TIN, 24 HOURS DAILY.

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BAN ZONE IN NEW PO LAM BUS TERMINUS

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM 10 AM ON FRIDAY (JUNE 29), THE NEW PO LAM BUS TERMINUS IN TSEUNG KWAN O WILL BE DESIGNATED A BAN ZONE.

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

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