



## DAILY INFORMATION BULLETIN

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INDEPENDENT JUDICIARY FUNDAMENTAL TO A HEALTHY SOCIETY: CJ

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IN HONG KONG, JUDICIAL INDEPENDENCE MANIFESTS ITSELF IN VARIOUS ASPECTS, THE MOST OBVIOUS OF WHICH IS FREEDOM FROM EXECUTIVE INTERFERENCE IN WHATEVER FORM. THEN THERE IS THE PROTECTION OF PERSON AND THE FAMILY OF THOSE WHO HOLD JUDICIAL OFFICE. THIRDLY, THE PROTECTION OF THE OFFICE ITSELF. FOURTHLY, THE WILLINGNESS AND ABILITY OF THE EXECUTIVE TO CARRY OUT OR TO ASSIST IN CARRYING OUT THE COURT'S ORDERS, THE CHIEF JUSTICE, SIR TI LIANG YANG, SAID TODAY (MONDAY).

UNDER OUR SYSTEM, THE JUDICIARY'S INDEPENDENCE IS IN THE MAIN PROTECTED IN THREE DIFFERENT BUT INTER-RELATED WAYS. FIRST, A FREE AND INDEPENDENT MEDIA, MADE POSSIBLE BY OUR ENJOYMENT OF FREEDOM OF SPEECH GENERALLY, ACTS AS THE GUARDIAN AS WELL AS CRITIC OF THE COURTS. SECOND, A FREE AND INDEPENDENT LEGAL PROFESSION, IMBUED WITH OUR TRADITIONAL VALUES, ALSO PERFORMS A SIMILAR ROLE. THIRD, OUR GOVERNMENT SEES THE IMPORTANCE OF JUDICIAL INDEPENDENCE AND CONDUCTS ITS BUSINESS ACCORDINGLY, THEREBY ENHANCING ITS OWN AUTHORITY AND CREDIBILITY, SIR TI LIANG SAID IN HIS ADDRESS AT THE OPENING CEREMONY OF THE 1990 LEGAL YEAR HELD AT THE CITY HALL.

THE CHIEF JUSTICE SAID THAT IT WAS WITH THE WILL OF THE PEOPLE, IMPLEMENTED BY A GOVERNMENT WHICH WAS RESPONSIVE TO PUBLIC WILL, THAT JUDICIAL INDEPENDENCE MAY TAKE ROOT AND FLOURISH.

"IT CANNOT BE STRESSED TOO STRONGLY THAT AN INDEPENDENT JUDICIARY IS FUNDAMENTAL TO A HEALTHY SOCIETY AND TO THE FREEDOM WE ENJOY. IN THE FINAL ANALYSIS, HOWEVER, THE INDEPENDENCE OF THE JUDICIARY MAY ONLY BE PRESERVED AND PROTECTED TO THE EXTENT THAT SOCIETY WANTS IT PRESERVED AND PROTECTED," HE EMPHASISED.

SIR TI LIANG EXPLAINED THAT THE JUDICIARY ITSELF HAD NEITHER EXECUTIVE, ECONOMIC, NOR MILITARY POWER. IF A GOVERNMENT SHOULD SEEK TO INTERFERE WITH THE JUDICIARY, BY WHATEVER MEANS AT ITS DISPOSAL, THE JUDICIARY'S ONLY WEAPON WITH WHICH TO RESIST SUCH INTERFERENCE WAS ITS MORAL AUTHORITY, AND EVEN THAT AUTHORITY WAS AS STRONG AND PERVASIVE AS SOCIETY WAS PREPARED TO MAKE IT.

"ULTIMATELY, WE LOOK TO A GOVERNMENT WHICH UNDERSTANDS THE LONG-TERM BENEFIT OF JUDICIAL INDEPENDENCE AND IS PREPARED TO EXERCISE RESTRAINT. EVEN MORE, WE LOOK TO THE PEOPLE WHO APPRECIATE AND CHERISH THIS VITAL PRINCIPLE AND INSIST THAT THE GOVERNMENT MUST REFRAIN FROM INTERFERENCE, RESPECT THE INTEGRITY OF THE LEGAL AND JUDICIAL SYSTEM, AND ACCORD THE JUDICIARY EVERY CO-OPERATION AND PROTECTION," HE SAID.

IN THIS CONNECTION, SIR TI LIANG MENTIONED A NUMBER OF MEASURES AND PROPOSALS WHICH WERE ADOPTED LAST YEAR WITH A VIEW TO LAYING GREATER EMPHASIS ON THE VITAL IMPORTANCE OF JUDICIAL INDEPENDENCE, STATING THAT:

/(I) JUDGES OF .....

(I) JUDGES OF THE SUPREME COURT AND OF THE DISTRICT COURT ENJOY A SECURITY OF TENURE WHICH CAN ONLY BE DISTURBED ON EXHAUSTIVE JUDICIAL ENQUIRY INTO ALLEGATIONS OF MISCONDUCT. OTHER JUDICIAL OFFICERS ON PENSIONABLE TERMS ENJOY THE CONSIDERABLE SECURITY OF THAT STATUS UNDER CIVIL SERVICE REGULATIONS. IN THE COURSE OF THE NEXT SIX MONTHS, HOWEVER, LEGISLATION WILL BE INTRODUCED FOR THE APPROVAL OF THE LEGISLATURE WHICH WILL EXTEND THE PROTECTION ENJOYED BY PENSIONABLE OFFICERS TO THOSE JUDICIAL OFFICERS SERVING ON CONTRACTUAL TERMS. THE CONTRACTUAL TERMS FOR TERMINATION OF CONTRACT WILL BE SUPERSEDED BY THIS NEW LEGISLATION BUT THE PRESENT PROCEDURES FOR RENEWAL OF CONTRACTS WILL REMAIN THE SAME.

TO EMPHASISE THE SEPARATION OF THE JUDICIARY FROM THE GOVERNMENT THE LEGISLATION WILL PROVIDE THAT JUDICIAL OFFICERS WILL NO LONGER BE SUBJECT TO CIVIL SERVICE REGULATIONS WHICH WILL BE REPLACED, AS FAR AS THE JUDICIARY IS CONCERNED, BY THE JUDICIAL SERVICE REGULATIONS. THE FINAL AUTHORITY UNDER THE JUDICIAL SERVICE REGULATIONS WILL BE THE CHIEF JUSTICE.

(II) A JUDICIARY ADMINISTRATOR HAS RECENTLY BEEN APPOINTED AT THE LEVEL OF D3 IN THE CIVIL SERVICE TO STRENGTHEN ADMINISTRATION UNDER THE CHIEF JUSTICE AND THE REGISTRAR, SUPREME COURT. THIS NON-JUDICIAL POST WAS ORIGINALLY CANVASSED AT D6 IN THE 1986 ROBINSON REPORT ON THE JUDICIARY. THE RECOMMENDATION WAS THAT THIS HIGH-LEVEL OFFICER WAS TO BE THE ADMINISTRATIVE HEAD OF THE JUDICIARY, ANSWERABLE ONLY TO THE CHIEF JUSTICE. THE LEVEL AND FUNCTION OF THE POST WERE, HOWEVER, PERCEIVED BY THE JUDGES AND JUDICIAL OFFICERS TO COMPROMISE THE JUDICIARY'S INDEPENDENCE. THE GOVERNMENT RESPECTED THE JUDICIARY'S CONCERN AND ACCEPTED THE NEED FOR THE JUDICIARY BOTH TO BE, AND TO BE SEEN TO BE, INDEPENDENT. THE PRESENT APPOINTMENT BRINGS VALUABLE EXPERTISE IN THE ADMINISTRATIVE DISCIPLINE AND STRENGTHENS THE JUDICIARY'S SELF-SUFFICIENCY.

(III) IMPLICIT IN JUDICIAL INDEPENDENCE, IS, OF COURSE, THE QUALITY OF THOSE WHO FORM THE JUDICIARY. THE JUDICIARY THEREFORE AIMS AT PRESERVING AND ENHANCING QUALITY. JUSTICE IS ILL SERVED BY THE IDLE AND INCOMPETENT, HOWEVER INDEPENDENT THE STRUCTURE WITHIN WHICH THEY MAY OPERATE. TO THIS END, A NUMBER OF MEASURES HAVE BEEN ADOPTED:

1) JUDICIAL PENSIONS NOW ACCRUE AT A HIGHER RATE OVER THE AGE OF 50, TO ATTRACT INTO JUDICIAL OFFICE IN MIDDLE LIFE THE ABLEST AND MOST EXPERIENCED MEMBERS OF THE LEGAL PROFESSIONS.

/2) THE RECENT .....

- 2) THE RECENT UPGRADING OF THE MAGISTRATES' POSTS WAS ALSO DESIGNED TO ENCOURAGE WELL-QUALIFIED LAWYERS TO JOIN THE JUDICIARY.
  - 3) A JUDICIAL STUDIES BOARD, CHAIRED BY MR JUSTICE MAIO, WAS SET UP LAST YEAR TO ENABLE HOLDERS OF JUDICIAL OFFICE TO WIDEN AND DEEPEN THEIR KNOWLEDGE ON VARIOUS ASPECTS OF THEIR WORK.
- (IV) JUDICIAL SALARIES HAVE BEEN REMOVED FROM THE CIVIL SERVICE SCALE, GIVING GREATER FLEXIBILITY AND INDEPENDENCE IN ADMINISTRATION. INDEPENDENT OF GOVERNMENT, THERE IS NOW A STANDING COMMITTEE ON JUDICIAL SALARIES AND CONDITIONS OF SERVICE. THIS COMMITTEE HAS IN ITS FIRST OVERALL REVIEW RECENTLY MADE RECOMMENDATIONS WHICH WILL FURTHER DISTINGUISH THE JUDICIARY FROM THE CIVIL SERVICE.
- (V) A FURTHER CHANGE CONCERNS THE JUDICIAL SERVICE COMMISSION, WHICH ADVISES ON APPOINTMENTS AND PROMOTIONS. A BILL HAS BEEN INTRODUCED WHICH, IF PASSED INTO LAW, WILL ENLARGE THE COMMISSION TO INVOLVE MORE NON-LAWYERS IN THE EXERCISE OF ITS RESPONSIBILITIES. IT WILL NO LONGER NEED TO BE UNANIMOUS IN ITS RESOLUTIONS BUT MAY TENDER ADVICE TO THE GOVERNOR ON A DECISION OF A SUBSTANTIAL MAJORITY OF ITS MEMBERS. AT THE APPROPRIATE MOMENT IN THE FUTURE IT IS PROPOSED THAT THE COMMISSION ITSELF WILL MAKE DECISIONS ON APPOINTMENTS OF JUDICIAL OFFICERS AND CEASE TO PERFORM ONLY AN ADVISORY ROLE, ALTHOUGH IT IS FAIR TO SAY THAT THE GOVERNOR INVARIABLY ACCEPTS THE ADVICE OF THE COMMISSION ON SUCH MATTERS. HOWEVER, THERE ARE MANY ASPECTS OF AN EXECUTIVE COMMISSION WHICH NEED CAREFUL STUDY AND THIS WILL TAKE TIME.
- (VI) HONG KONG'S COURT OF FINAL APPEAL IS TO BE ESTABLISHED IN DUE COURSE, AND I HOPE THAT THIS WILL BE SEVERAL YEARS IN ADVANCE OF 1997. THIS WILL BE A STRONG COURT, WITH THE BEST BRAINS THAT ARE AVAILABLE TO THE JUDICIARY. THIS COURT WILL TAKE THE PLACE OF PRIVY COUNCIL IN LONDON AND UNDER THE JOINT DECLARATION MAY INCLUDE JUDGES INVITED FROM OTHER COMMON LAW JURISDICTIONS, FOR EXAMPLE, AUSTRALIA, NEW ZEALAND, THE REPUBLIC OF IRELAND, AND THE UNITED KINGDOM. AFTER 1997 OUR FINAL APPEALS WILL CONTINUE TO BE HEARD AND DETERMINED IN HONG KONG AND NOT IN BEIJING.

THE CHIEF JUSTICE SAID THAT THOSE CHANGES WERE EITHER ALREADY IN PLACE OR WERE SCHEDULED TO COME WITHIN THE NEXT FEW YEARS.

"THEY ILLUSTRATE THE EVOLUTION OF HONG KONG'S JUDICIARY INTO WHAT IS BOTH ACTUALLY AND PERCEPTIBLY A STRONG AND INDEPENDENT BULWARK OF A FREE SOCIETY.

/"I SPEAK .....

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"I SPEAK OF BOTH ACTUALITY AND PERCEPTION, FOR THEY ARE TWO SIDES OF THE SAME COIN. LIKE JUSTICE ITSELF, AN INDEPENDENT JUDICIARY MUST NOT ONLY EXIST BUT BE SEEN TO EXIST. ONLY WHEN THE ACTUALITY IS PERCEIVED DOES THE INSTITUTION GENERATE THE NECESSARY CONFIDENCE IN ITS ABILITY TO PROTECT THE RIGHTS OF THE CITIZEN, AS WELL AS TO ENFORCE HIS OBLIGATIONS," HE SAID.

ON JUDICIAL INDEPENDENCE, SIR TI LIANG MENTIONED THAT THE SINO-BRITISH JOINT DECLARATION UNDERTOOK TO PRESERVE IT BY RETAINING HONG KONG'S LEGAL AND JUDICIAL SYSTEM.

"IN PRACTICAL TERMS, THE JUDICIARY IS NOT, AND WILL NOT BE, AN ARM OF THE EXECUTIVE. IT IS NOT PART OF THE PROCESS WHEREBY, TO A GREATER OR LESSER DEGREE, A GOVERNMENT CONTROLS THE DAILY LIVES OF ITS CITIZENS.

"THE JUDICIARY IS A DISTINCT ENTITY CHARGED WITH THE ENFORCEMENT OF RECIPROCAL RIGHTS BETWEEN SUBJECT AND SUBJECT, AND BETWEEN SUBJECT AND GOVERNMENT. IT IS THE MUTUALITY AND RECIPROCITY OF THOSE RIGHTS WHICH ARE IMPORTANT AND WHICH A JUDICIAL SYSTEM SHOULD GUARD."

TO EXPLAIN IT, SIR TI LIANG SAID THAT IN THE FIELD OF CIVIL DISPUTE, THE JUDICIAL EXERCISE WAS TO BALANCE THE RIGHTS OF OPPOSING PARTIES TO LITIGATION. RIGHTS IN CIVIL DISPUTES WERE AKIN TO BOUNDARIES IN ADJACENT PROPERTIES; IF A PERSON EXERCISED HIS RIGHTS TO EXCESS, THEY MAY CEASE TO BE RIGHTS ON INFRINGING THOSE OF HIS NEIGHBOUR, GIVING THE OTHER PERSON A RIGHT IN TURN TO COMPENSATION FOR THE INFRINGEMENT.

"IT IS IMPORTANT TO REALISE THAT THESE RIGHTS IN CIVIL DISPUTES CAN ALSO EXIST BETWEEN THE CITIZEN AND THE GOVERNMENT. IT IS VITAL THAT A JUDICIARY SHOULD BE FREE TO DECIDE IF THE GOVERNMENT HAS INFRINGED THE PRIVATE RIGHTS OF THE INDIVIDUAL AND IF THE INDIVIDUAL SHOULD BE AWARDED COMPENSATION. JUDICIAL INDEPENDENCE ENSURES THAT THIS WILL BE DONE."

HE SAID THAT IN CRIMINAL MATTERS, HOWEVER SMALL, THE JUDICIARY WOULD ENSURE THE FAIR TRIAL OF AN ALLEGATION THAT AN OFFENCE HAD BEEN COMMITTED. THE FAIRNESS OF THE TRIAL LAY IN THE REGULATION OF ADMISSIBLE EVIDENCE, IN THE TIME-HONOURED RULES OF PROCEDURE AND SPEEDY TRIALS, AND IN THE PRESUMPTION OF INNOCENCE UNTIL PROVEN TO THE CONTRARY BEYOND REASONABLE DOUBT.

THE CHIEF JUSTICE SAID THAT AMONG THE PUBLIC THERE MAY BE THOSE TO WHOM THE SEPARATION OF THE JUDICIARY FROM THE GOVERNMENT MAY NOT BE SO FAMILIAR A CONCEPT.

"TO THESE PEOPLE AND TO EVERYONE ELSE, I GIVE MY ASSURANCE THAT OUR JUDICIARY IS AND WILL REMAIN INDEPENDENT," HE SAID.

/SIR TI .....

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SIR TI LIANG FURTHER ASSURED THE AUDIENCE IN CITY HALL AND THE PUBLIC IN GENERAL THAT THE JUDICIARY WOULD ENFORCE THE LAW ONLY WITHIN THE LAW, HAVING REGARD AT ALL TIMES FOR INDIVIDUAL LIBERTY AND EQUALITY BEFORE THE COURTS.

"ON A LESS FUNDAMENTAL LEVEL, THE INDEPENDENCE OF THE JUDICIARY WILL CONTRIBUTE IN NO SMALL WAY TO OUR CONTINUING PROSPERITY. TO THE INTERNATIONAL BUSINESS COMMUNITY, HONG KONG'S ATTRACTION IS ENHANCED BY AN EVIDENTLY STRONG AND INDEPENDENT JUDICIARY, ABLE IMPARTIALLY TO DECIDE THE COMPLEXITIES OF COMMERCIAL DISPUTE ON FAMILIAR PRINCIPLES. THE RULE OF LAW AND THE UNDERSTANDING THAT IT WILL BE JUSTLY APPLIED BOTH ENCOURAGE INVESTMENT AND ARE AN INCENTIVE TO THE ABLEST PEOPLE EITHER TO STAY IN HONG KONG OR TO COME HERE FOR ITS OPPORTUNITIES," HE SAID.

AT THE END OF HIS ADDRESS, THE CHIEF JUSTICE ACKNOWLEDGED, ON BEHALF OF THE JUDICIARY, THE CONTRIBUTIONS OF MR JUSTICE HOPKINSON AND MR JUSTICE DE BASTO, WHO HAVE RECENTLY RETIRED FROM THE HIGH COURT AFTER MANY YEARS WITH THE JUDICIARY.

ALSO SPEAKING AT THE CEREMONY WERE THE ATTORNEY GENERAL, MR JEREMY MATHEWS; THE CHAIRMAN OF THE HONG KONG BAR ASSOCIATION, MR ROBERT TANG, AND THE PRESIDENT OF THE LAW SOCIETY OF HONG KONG, MR DONALD YAP.

THE CEREMONIAL OPENING OF THE LEGAL YEAR, ORGANISED BY THE JUDICIARY, WAS WELL ATTENDED BY JUDGES, MEMBERS OF THE LEGAL PROFESSION, HEADS OF GOVERNMENT DEPARTMENTS AND OTHER DIGNITARIES.

IT BEGAN WITH A CHURCH SERVICE AT ST JOHN'S CATHEDRAL AT 4 PM.

LATER IN THE AFTERNOON, AT EDINBURGH PLACE, THE CHIEF JUSTICE INSPECTED A GUARD OF HONOUR MOUNTED BY THE DRAGON COMPANY OF THE HONG KONG MILITARY SERVICE CORPS, WITH MUSIC PROVIDED BY THE DUKE OF EDINBURGH'S ROYAL REGIMENT.

AFTER THE INSPECTION, ADDRESSES WERE GIVEN IN THE CITY HALL CONCERT HALL, AND THIS PART OF THE PROGRAMME FINISHED AT ABOUT 6.30 PM.

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CONTINUOUS PROCESS TO IMPROVE LAW  
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THE PROCESS OF IMPROVING AND REFINING THE LAW WILL CONTINUE IN 1990, THE ATTORNEY GENERAL, MR JEREMY MATHEWS, SAID TODAY (MONDAY).

SPEAKING AT THE OPENING OF THE LEGAL YEAR, MR MATHEWS SAID THE COMMON THREAD IN THE CONTINUOUS PROCESS OF REFINEMENT AND IMPROVEMENT IS THE MAINTENANCE OF A PROPER AND EFFICIENT SYSTEM OF ADMINISTRATION OF JUSTICE AND THE ENHANCEMENT OF THE RULE OF LAW.

OUTLINING SOME OF THE MORE IMPORTANT DEVELOPMENTS IN THE LAW LIKELY TO EMERGE THIS YEAR, HE SAID A BILL WILL BE INTRODUCED TO AMEND THE LAW REGARDING THE COMPETENCE AND COMPELLABILITY OF SPOUSES IN CRIMINAL PROCEEDINGS.

HE SAID THIS REFORM WILL BRING THE LAW INTO LINE WITH DEVELOPMENTS IN MANY OTHER COMMON LAW JURISDICTIONS AND REMOVE OUTDATED, OFTEN ARCANE, RESTRICTIONS ON THE TESTIMONY OF SPOUSES.

ON THE LAW REFORM COMMISSION'S REPORT ON BAIL PUBLISHED A FEW WEEKS AGO, MR MATHEWS NOTED THAT THE CORNERSTONE OF THE REPORT IS THAT THERE BE A RIGHT TO BAIL ENSHRINED IN STATUTE, POSSIBLY IN A CODIFICATION OF THE LAW.

"GIVEN THAT BAIL IS A TOPIC CLOSELY TIED UP WITH THE RIGHTS AND LIBERTIES OF HONG KONG PEOPLE," HE SAID, "THE REPORT IS BEING CONSIDERED WITH ALL POSSIBLE SPEED AND I HOPE THAT RECOMMENDATIONS WILL SHORTLY BE PUT TO THE EXECUTIVE COUNCIL."

MR MATHEWS SAID THE ADMINISTRATION IS AT PRESENT COMPLETING ITS CONSIDERATION OF THE RECOMMENDATIONS IN THE LAW REFORM COMMISSION REPORT ON CONTEMPT OF COURT PUBLISHED IN DECEMBER 1986.

THE REPORT RECOMMENDED THE ENACTMENT OF A CONTEMPT OF COURT ORDINANCE WHICH WOULD PROVIDE A CLEAR STATEMENT OF THE PRINCIPLES AND PROCEDURES OF LAW IN THIS AREA.

THIS LENGTHY PERIOD OF REVIEW HAS BEEN NECESSITATED BY THE COMPLEXITY OF THE LAW OF CONTEMPT OF COURT WHICH HAS SERIOUS IMPLICATIONS NOT ONLY FOR THE ADMINISTRATION OF JUSTICE, BUT ALSO FOR FREEDOM OF EXPRESSION IN HONG KONG, HE SAID.

"SOME OF THE MAJOR ISSUES UNDER CONSIDERATION INCLUDE CLARIFICATION OF THE LAW CONCERNING PUBLICATIONS WHICH PREJUDICE OR INTERFERE WITH THE DUE ADMINISTRATION OF JUSTICE AS WELL AS CLARIFICATION OF THE POWERS AND PROCEDURES OF THE COURTS IN THIS AREA," MR MATHEWS SAID.

ANOTHER AREA OF DEVELOPMENT CONCERNS THE JURISDICTION AND POWER OF CORONERS, WHICH IS A VITAL ASPECT OF THE ADMINISTRATION OF JUSTICE.

/MR MATHEWS .....

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MR MATHEWS SAID WORK WILL START SHORTLY ON THE DRAFTING OF LEGISLATION. THE PRINCIPAL OBJECTIVES OF WHICH ARE TO ENSURE THAT THE VERY IMPORTANT WORK UNDERTAKEN BY CORONERS CAN BE DISCHARGED THOROUGHLY, SPEEDILY AND INDEPENDENTLY.

UNCERTAINTY IN RELATION TO THE DUTY TO REPORT CERTAIN TYPES OF DEATH TO THE CORONER WILL BE REMOVED.

THE CORONER WILL BE GIVEN POWER TO OBTAIN POLICE ASSISTANCE FOR THE PURPOSES OF HIS INVESTIGATION AND INQUEST PROCEDURES WILL BE MADE CLEARER AND MORE EFFICIENT. THE POWER TO REQUIRE A CORONER TO RE-OPEN AN INQUEST WILL BE REMOVED FROM THE ATTORNEY GENERAL AND GIVEN TO THE HIGH COURT.

PRESENTLY UNDER CONSIDERATION IS A PROPOSAL TO ESTABLISH AN OFFICE OF OFFICIAL SOLICITOR IN THE LEGAL AID DEPARTMENT.

THE ROLE OF THE OFFICIAL SOLICITOR WILL BE TO PROVIDE NECESSARY LEGAL ADVICE AND REPRESENTATION FOR PERSONS WHO ARE IN PARTICULAR NEED OF SUCH ASSISTANCE BECAUSE OF A VARIETY OF CIRCUMSTANCES SUCH AS MENTAL ILLNESS OR AGE.

"THE OFFICIAL SOLICITOR WILL, IN EFFECT, PROVIDE A LEGAL SAFETY NET FOR THE DISADVANTAGED," MR MATHEWS SAID.

MR MATHEWS SAID DRAFT LEGISLATION IS UNDER PREPARATION TO COUNTER COMPUTER RELATED CRIME AND THE UNAUTHORISED ACCESSING OF COMPUTER SYSTEMS.

THE VOLUME AND SENSITIVITY OF THE INFORMATION STORED IN COMPUTERS, THEIR ABILITY TO PROCESS THAT INFORMATION AT SPEED AND THEIR VULNERABILITY TO UNAUTHORISED INTERFERENCE PRESENT NOVEL OPPORTUNITIES FOR ABUSES WHICH ARE NOT CURRENTLY PROSCRIBED BY LAW.

THE LAW REFORM COMMISSION IS STUDYING THE POSSIBILITY OF CODIFICATION OF ASPECTS OF THE CRIMINAL LAW.

MR MATHEWS SAID A CONSULTATION PAPER ON CODIFICATION OF GENERAL PRINCIPLES OF CRIMINAL LAW HAS BEEN PRODUCED AND IS NOW BEING STUDIED BY LAWYERS IN GOVERNMENT, PRIVATE PRACTICE AND TERTIARY INSTITUTIONS.

ONE OF THE OBVIOUS ADVANTAGES OF ALMOST ANY CODE IS THAT THE LAW THAT IT COVERS WILL BE MORE ACCESSIBLE, COMPREHENSIBLE, CONSISTENT AND CERTAIN. A CODE MAY BE MORE READILY TRANSLATED INTO CHINESE.

"THERE IS ALWAYS THE RISK THAT CODIFICATION MIGHT STULTIFY ONE OF THE AVENUES FOR GROWTH AND DEVELOPMENT OF OUR COMMON LAW AND ITS TRADITIONS: JUDICIAL PRECEDENT.

"PLAINLY WE HAVE TO BALANCE SUCH PROBLEMS AGAINST ANY ADVANTAGES OF ACCESSIBILITY AND CLARITY THAT SOME FORM OF CODIFICATION MIGHT PRODUCE," HE SAID.

/MR MATHEWS .....

MR MATHEWS SAID ALL JUDGES AND LAWYERS HAVE A ROLE TO PLAY IN ENSURING THAT THE LAW AND ITS ADMINISTRATION MEET THE NEEDS AND ASPIRATIONS OF THE PEOPLE OF HONG KONG.

THOSE WHO ADMINISTER THE LEGAL SYSTEM MUST BE EVER ALERT TO KEEP THE LEGAL SYSTEM UNDER REVIEW AND TO PROPOSE CHANGES, HE SAID. "SOME OF THE CHANGES WE HAVE MADE, AND PROPOSE TO MAKE, REPRESENT MAJOR CHANGES IN APPROACH. OTHERS ARE SIMPLY FINE-TUNING."

HE CITED THE ADMINISTRATION OF JUSTICE (MISCELLANEOUS AMENDMENTS) BILL, WHICH PROPOSED MINOR AMENDMENTS TO EXISTING ORDINANCES, SUCH AS WITNESSES ALLOWANCES AND AMENDING INDICTMENTS, AS A FINE TUNING PROCESS.

ON MAJOR CHANGES, MR MATHEWS SAID THAT TWO IMPORTANT ORDINANCES THAT WOULD HAVE A SIGNIFICANT IMPACT ON THE LEGAL SYSTEM WERE ENACTED LAST YEAR.

FIRST WAS THE DRUG TRAFFICKING (RECOVERY OF PROCEEDS) ORDINANCE. THE ORDINANCE PERMITS THE TRACING, FREEZING AND SEIZURE OF THE ASSETS OF DRUG TRAFFICKERS. IN ADDITION IT ESTABLISHES PROCEDURES WHEREBY FOREIGN ORDERS IN RELATION TO CONFISCATION OF THE PROCEEDS OF DRUG TRAFFICKING MAY BE ENFORCED HERE.

"THROUGH THE ENACTMENT OF THIS LAW, WE CONTINUE TO DO OUR PART TO ERADICATE THIS HORRIFYING INTERNATIONAL PROBLEM," HE SAID.

SECOND, ARBITRATION AMENDMENTS WERE MADE TO THE ARBITRATION ORDINANCE TO INCORPORATE THE MODEL LAW DEVELOPED BY THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW.

"THE ADOPTION OF THIS LAW WILL GREATLY STRENGTHEN THE HONG KONG INTERNATIONAL ARBITRATION CENTRE AND WILL ENSURE THAT HONG KONG CONTINUES TO BE A MAJOR CENTRE IN THE PACIFIC REGION IN WHICH TO CONDUCT INTERNATIONAL ARBITRATIONS."

MR MATHEWS POINTED OUT THAT THE TASK OF CONTINUING TO DEVELOP THE LAW IS A NEVER-ENDING AND CHALLENGING ONE.

AS COMMUNITY ATTITUDES CHANGE SO MUST THE LAW AND THE PROVISION OF LEGAL SERVICES.

"AS LAWYERS WE MUST ENSURE THAT WE KEEP PACE - I AM SURE WE CAN.

"WHILE THE LAW REFORM COMMISSION HAS BEEN AND WILL CONTINUE TO BE A SOURCE OF IDEAS FOR THIS PROCESS, THE NEED FOR ALL OF US IN THE LEGAL PROFESSION TO CONTRIBUTE REMAINS.

"EVERY ONE OF US OWES IT TO OUR COMMUNITY TO CONTRIBUTE IDEAS - WHETHER THE TINIEST REFINEMENT OR THE VISTA OF A FUNDAMENTAL AND NEW APPROACH TO A PROBLEM," MR MATHEWS SAID.

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WORK SAFETY SYMPOSIUM OVERSUBSCRIBED

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THE "SYMPOSIUM ON SAFETY AND HEALTH MANAGEMENT - GENERAL DUTIES OF EMPLOYERS AND EMPLOYEES AT WORK" ORGANISED BY THE LABOUR DEPARTMENT AND SCHEDULED TO BE HELD AT THE HONG KONG CONVENTION AND EXHIBITION CENTRE ON WEDNESDAY (JANUARY 10) HAS MET WITH OVERWHELMING RESPONSE AND HAS BEEN OVERSUBSCRIBED.

"THE SYMPOSIUM WAS ORIGINALLY PLANNED FOR 330 PEOPLE BUT WE HAVE HAD TO INCREASE THE ENROLMENT TO 530 TO MEET DEMAND FROM THE INDUSTRIAL AND CONSTRUCTION SECTORS," THE DEPARTMENT'S CHIEF FACTORY INSPECTOR, MR YIP YUK-LUN, SAID TODAY (MONDAY).

ACCORDING TO MR YIP, MOST PARTICIPANTS IN THE SYMPOSIUM ARE MANAGERS, SUPERVISORS AND SAFETY AND HEALTH OFFICERS OF VARIOUS INDUSTRIES.

"IT IS VERY ENCOURAGING TO SEE BOTH EMPLOYERS AND EMPLOYEES BECOME INCREASINGLY AWARE OF THEIR RESPONSIBILITY FOR SAFETY AND HEALTH AT WORK," HE SAID.

"THE SYMPOSIUM WILL GIVE THEM A VALUABLE CHANCE TO DISCUSS AND EXCHANGE VIEWS ON THE RECENTLY ENACTED FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) ORDINANCE 1989 WHICH PRESCRIBES THE GENERAL DUTIES OF EMPLOYERS AND EMPLOYEES IN WORK SAFETY," MR YIP SAID.

ONE OF THE SPEAKERS AT THE SYMPOSIUM IS MR J.D.G. HAMMER, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF LABOUR INSPECTION AND RETIRED DEPUTY DIRECTOR-GENERAL OF THE UNITED KINGDOM HEALTH AND SAFETY EXECUTIVE.

MR HAMMER HAS MORE THAN 35 YEARS' SERVICE IN BRITAIN'S FACTORY INSPECTORATE AND HAS BEEN INVITED BY THE LABOUR DEPARTMENT SPECIALLY TO SPEAK AT THE SYMPOSIUM.

ANOTHER SPEAKER IS MR SUNG WING-KWONG, A SOLICITOR, WHO WILL DISCUSS "CIVIL LIABILITIES OF EMPLOYERS AND EMPLOYEES ON SAFETY AND HEALTH".

THE SYMPOSIUM WILL BE OPENED BY OMELCO MEMBER MR CHENG HON-KWAN, COMMISSIONER FOR LABOUR MR TONY HAMMOND, VICE-CHAIRMAN OF THE HONG KONG FEDERATION OF TRADE UNIONS MISS LAM SHUK-YEE, AND CHAIRMAN OF THE ORGANISING COMMITTEE OF THE SYMPOSIUM MR K.Y. TONGSON.

NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE OPENING CEREMONY OF THE "SYMPOSIUM ON SAFETY AND HEALTH MANAGEMENT - GENERAL DUTIES OF EMPLOYERS AND EMPLOYEES AT WORK" AT THEATRE 1, HONG KONG CONVENTION AND EXHIBITION CENTRE, 1 HARBOUR ROAD, WAN CHAI AT 5.45 PM ON WEDNESDAY (JANUARY 10).

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TEACHING KIT FOR CIVIC EDUCATION WORKERS  
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THE EASTERN DISTRICT BOARD HAS PRODUCED A TEACHING KIT FOR CIVIC EDUCATION WORKERS AND TEACHERS TO ILLUSTRATE THE CONCEPTS OF DEMOCRACY, RULE OF LAW AND HUMAN RIGHTS.

THE KIT CONSISTS OF A SET OF 19 EXHIBITION BOARDS, A 10-MINUTE VIDEO AND AN INFORMATION LEAFLET.

THE TEACHING KIT IS THE RESULT OF SIX MONTHS' WORK BY AN 11-MEMBER CIVIC EDUCATION PROMOTION WORKING GROUP FORMED UNDER THE BOARD.

THE EXHIBITION BOARDS WILL BE PUT ON DISPLAY FROM TOMORROW (TUESDAY) UNTIL THURSDAY (JANUARY 11) AT THE CENTRAL BRIDGE, CITY PLAZA, TAIKOO SHING AND FROM JANUARY 19 TO 21 AT THE NEW JADE SHOPPING CENTRE, CHAI WAN.

THEY WILL BE AVAILABLE FOR LOAN AFTER THE EXHIBITION. INTERESTED LOCAL ORGANISATIONS MAY CONTACT MRS CHRISTINE CHENG OF THE EASTERN DISTRICT CIVIC EDUCATION INFORMATION CENTRE IN HING WAH COMMUNITY HALL, CHAI WAN ON TEL. 5572495.

THE VIDEO WILL BE DISTRIBUTED FREE TO SECONDARY SCHOOLS, LOCAL ORGANISATIONS AND YOUTH AGENCIES IN THE DISTRICT.

APPLICATION FORMS ARE NOW AVAILABLE AT THE DISTRICT OFFICE, 880-886 KING'S ROAD. COMPLETED FORMS SHOULD BE RETURNED TO THE CIVIC EDUCATION PROMOTION WORKING GROUP AT THE DISTRICT OFFICE BEFORE JANUARY 20.

THE INFORMATION LEAFLETS ARE NOW AVAILABLE FOR COLLECTION AT THE EASTERN DISTRICT OFFICE AND ITS THREE SUB-OFFICES ON A FIRST COME, FIRST SERVED BASIS.

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DB COMMITTEE TO DISCUSS DEVELOPMENT OF ZOO  
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THE TAI PO DISTRICT BOARD'S RECREATION, SPORTS AND CULTURAL AFFAIRS COMMITTEE WILL DISCUSS THE DEVELOPMENT OF A ZOO IN MA KWU LAM, SAI KUNG NORTH AT ITS MEETING ON WEDNESDAY (JANUARY 10).

MEMBERS WILL ALSO DISCUSS THE DEVELOPMENT OF PUBLIC BEACHES AND THE PROVISION OF A TOWN HALL IN TAI PO.

/OTHER ITEMS .....

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OTHER ITEMS ON THE AGENDA INCLUDE GOVERNMENT DEPARTMENT REPORTS ON THE RESPONSE TO COMMUNITY ACTIVITIES FOR NOVEMBER AND DECEMBER LAST YEAR, AND PLANNED COMMUNITY ACTIVITIES FOR THIS MONTH AND NEXT MONTH.

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NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE MEETING OF THE TAI PO DISTRICT BOARD'S RECREATION, SPORTS AND CULTURAL AFFAIRS COMMITTEE TO BE HELD ON WEDNESDAY (JANUARY 10) IN THE DB CONFERENCE ROOM ON THE THIRD FLOOR OF TAI PO COMMERCIAL CENTRE, 152 KWONG FUK ROAD, TAI PO.

THE MEETING WILL BEGIN AT 2.30 PM.

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KEEP CLEAN CAMPAIGN ON ISLANDS

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THE COMMUNITY AFFAIRS COMMITTEE OF THE ISLANDS DISTRICT BOARD WILL DISCUSS THE PROGRESS OF THE DISTRICT'S KEEP CLEAN CAMPAIGN AT THE COMMITTEE'S MEETING TOMORROW (TUESDAY).

THE CAMPAIGN STARTED YESTERDAY (SUNDAY) WITH CLEAN-UP EXERCISES AT MUI WO ON LANTAU AND ON SOUTH LAMMA ISLAND.

SIMILAR ACTIVITIES WILL BE HELD AT THE OTHER SIX RURAL COMMITTEE AREAS IN THE DISTRICT DURING THE NEXT TWO WEEKS.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE MEETING OF THE ISLANDS DISTRICT BOARD'S COMMUNITY AFFAIRS COMMITTEE TO BEGIN AT 2.15 PM TOMORROW (TUESDAY) IN THE DB CONFERENCE ROOM, 20TH FLOOR, HARBOUR BUILDING, 38 PIER ROAD, CENTRAL.

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DB COMMITTEE TO DISCUSS HOUSING REPORT

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THE WAN CHAI DISTRICT BOARD'S COMMUNITY BUILDING COMMITTEE WILL DISCUSS THE SUMMARY OF A REPORT BY THE WORKING GROUP ON HOUSING FOR THE ELDERLY AT ITS MEETING TOMORROW (TUESDAY).

MEMBERS WILL ALSO STUDY A PAPER PREPARED BY THE SOCIAL WELFARE DEPARTMENT - "SOCIAL WELFARE INTO THE 1990'S AND BEYOND - AN INVITATION FOR YOUR VIEWS".

A NUMBER OF APPLICATIONS FOR DISTRICT BOARD FUNDS, FOR FINANCING VARIOUS PROJECTS, WILL BE CONSIDERED.

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NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE MEETING OF THE WAN CHAI DISTRICT BOARD'S COMMUNITY BUILDING COMMITTEE TOMORROW (TUESDAY) IN THE DB CONFERENCE ROOM, 21ST FLOOR, SOUTHORN CENTRE, 130 HENNESSY ROAD.

THE MEETING WILL BEGIN AT 4 PM.

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DB ENVIRONMENT COMMITTEE MEETS TOMORROW

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THE ENVIRONMENT COMMITTEE OF YAU TSIM DISTRICT BOARD WILL DISCUSS SEVERAL PROJECTS TO IMPROVE THE DISTRICT'S LIVING ENVIRONMENT AT ITS MEETING TOMORROW (TUESDAY).

THE PROJECTS INCLUDE BUILDING A RAIN SHELTER AT WYLIE ROAD OUTSIDE THE KOWLOON WOMEN'S WELFARE CLUB LI PING MEMORIAL SCHOOL, AND BEAUTIFYING FOUR SPOTS IN THE DISTRICT WITH PLANTS.

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NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE MEETING OF THE YAU TSIM DISTRICT BOARD'S ENVIRONMENT COMMITTEE TO BE HELD TOMORROW (TUESDAY) IN THE CONFERENCE ROOM OF YAU TSIM DISTRICT OFFICE, SECOND FLOOR, 490 NATHAN ROAD, STARTING AT 2.30 PM.

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DB COMMITTEE TO CONSIDER LOCAL PUBLIC WORKS

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THE NORTH DISTRICT BOARD'S ENVIRONMENTAL IMPROVEMENT COMMITTEE WILL CONSIDER REQUESTS FOR LOCAL PUBLIC WORKS IN THE DISTRICT AT ITS MEETING TOMORROW (TUESDAY).

THESE INCLUDE THE CONSTRUCTION OF A VAN TRACK IN HO SHEUNG HEUNG, SHEUNG SHUI, AND THE RECONSTRUCTION OF PLAYGROUNDS IN VILLAGES IN FANLING AND TA KWU LING.

OTHER ITEMS ON THE AGENDA INCLUDE PROGRESS REPORTS ON MINOR ENVIRONMENTAL IMPROVEMENT WORKS, SQUATTER AREA IMPROVEMENT PROJECTS AND VILLAGE LIGHTING INSTALLATIONS.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE MEETING OF THE NORTH DISTRICT BOARD'S ENVIRONMENTAL IMPROVEMENT COMMITTEE TO BE HELD TOMORROW (TUESDAY) IN THE CONFERENCE ROOM OF THE NORTH DISTRICT OFFICE, JOCKEY CLUB ROAD, FANLING.

THE MEETING WILL BEGIN AT 10 AM.

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SCOUT, GUIDE TEAMS HELP COMMUNITY

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MEMBERS OF THE SCOUT AND GUIDE TEAMS FROM THE CORRECTIONAL SERVICES DEPARTMENT'S TRAINING CENTRES TOOK PART IN TWO COMMUNITY SERVICES TODAY (MONDAY).

A CSD SPOKESMAN SAID THE TWO EXERCISES FORMED PART OF A PROGRAMME TO CULTIVATE A SENSE OF CITIZENSHIP AND RESPONSIBILITY AMONG THE INMATES.

MALE INMATES BELONGING TO THE 221ST HONG KONG SCOUT GROUP OF CAPE COLLINSON CORRECTIONAL INSTITUTION HELPED TO REPAIR A FOOTPATH LEADING TO CAPE COLLINSON ROAD AND ALSO REMOVED UNDERGROWTH ALONG THE ROADSIDE.

FEMALE INMATES, OF THE 141ST ISLAND RANGER GUIDE UNIT OF THE TAI TAM GAP CORRECTIONAL INSTITUTION, COLLECTED RUBBISH IN TAI TAM COUNTRY PARK AS PART OF EFFORTS TO KEEP THE PARK CLEAN.

THE SCOUTS AND GUIDES WILL CONTINUE TO DO COMMUNITY SERVICE WORK OVER THE NEXT FEW WEEKS.

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MONDAY, JANUARY 8, 1990

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REMOVAL OF HEALTH CENTRE IN TSUEN WAN  
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THE DEPARTMENT OF HEALTH TODAY (MONDAY) ANNOUNCED THAT THE MAURINE GRANTHAM MATERNAL AND CHILD HEALTH CENTRE, NOW LOCATED AT KWAN MUN HAU STREET, TSUEN WAN, WILL BE MOVED TO 115 CASTLE PEAK ROAD, GROUND FLOOR, TSUEN WAN ON JANUARY 15 (MONDAY).

A COMPREHENSIVE RANGE OF SERVICES, BOTH PREVENTIVE AND CURATIVE, WILL CONTINUE TO BE PROVIDED FOR WOMEN OF CHILDBEARING AGE AND CHILDREN FROM BIRTH TO FIVE YEARS OF AGE.

THESE SERVICES INCLUDE INFANT AND CHILD HEALTH CARE, IMMUNISATION, COMPREHENSIVE OBSERVATION SERVICE, ANTENATAL CARE, POSTNATAL CARE AND FAMILY PLANNING.

THE ENQUIRY TELEPHONE NUMBER FOR THE NEW CENTRE IS 4935204.

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WATER STORAGE FIGURE  
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STORAGE IN HONG KONG'S RESERVOIRS AT 9 AM TODAY (MONDAY) STOOD AT 40.7 PER CENT OF CAPACITY OR 238.640 MILLION CUBIC METRES.

THIS TIME LAST YEAR THE RESERVOIRS CONTAINED 229.790 MILLION CUBIC METRES OF WATER, REPRESENTING 39.2 PER CENT OF CAPACITY.

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