



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
BEACONSFIELD HOUSE, HONG KONG. TEL.: 842 8777

WEDNESDAY, JUNE 5, 1991

<u>CONTENTS</u>	<u>PAGE NO.</u>
<u>LEGISLATIVE COUNCIL MEETING:</u>	
MOVEMENT FROM OTHERS NEEDED TO RESOLVE VM PROBLEM	1
GOVT IS COMMITTED TO PRESERVE HUMAN RIGHTS: CS	5
BILL OF RIGHTS TO IMPLEMENT OBLIGATIONS UNDER HK'S DOMESTIC LAW	7
RECOMMENDATION FOR A SELECTED FREEZE OF ORDINANCES UNDER BILL OF RIGHTS ACCEPTED	9
GOVERNMENT CONSIDERING TO SET UP ADVISORY COMMITTEE TO FURTHER HUMAN RIGHTS EDUCATION	11
BILL OF RIGHTS CONSTITUTES STATEMENT OF RIGHTS AND FREEDOMS: AG	13
SHA OUTLINES CONTROL SCOPE OF CLUBS BILL	16
OATHS AND DECLARATIONS AMENDMENT BILL INTRODUCED	17
BILL ON CONTROLS OF WEAPONS IN TRANSIT	17
OZONE PROTECTION BILL INTRODUCED	18
BILL TO FACILITATE FINANCIAL MARKET CO-OPERATION	18
AMENDMENT BILL ON EXPRESSWAY INTRODUCED	19
POLICE TRUST BILLS INTRODUCED	20
REVIEW ON PUBLIC VEHICLE DRIVER MEDICAL CHECKS	21
TV GAMES SHOWS NOT MINOR GAMBLING	22
MEDICAL COUNCIL AGREES TO PROPOSAL OF LIMITED REGISTRATION OF DOCTORS	22
CROSS BORDER CO-OPERATION FOR RETURN OF STOLEN CARS	23
GOVT CONSIDERS UPGRADING SCHOOL GUIDANCE SERVICES	23
ONE AIRCRAFT DEVIATION CASE IN PAST YEAR	24
INTERCEPTION OPERATION OF VM'S EXPLAINED	25
NO EXEMPTION IN TAX PAYING EXPLAINED	26
AD HOC COMMITTEE TO REVIEW HOUSING SUBSIDY POLICY	27
CONTINGENCY PLANS FOR LION ROCK TUNNEL REVIEWED	27
SUMMARY OF CHANGES TO ESTIMATES OF EXPENDITURE TABLED	28
ENCOURAGING RESULTS ON ENVIRONMENTAL PROTECTION	29

/LATEST POLICE

LATEST POLICE COMPLAINTS COMMITTEE REPORT PUBLISHED	30
FOUR-HOUR LEGCO DEBATE ON VIETNAMESE MIGRANTS	32
VIETNAMESE ASYLUM-SEEKERS	33
JLG 19TH MEETING IN HK	34
FC MEETING ON FRIDAY	34
FIRST REVIEW OF PROGRESS ON WHITE PAPER ON POLLUTION PUBLISHED	34
ACAF MEMBERS RE-APPOINTED	35
SELF-FINANCING A MORE PRACTICAL APPROACH	35
SIX GOVT LOTS TO LET BY TENDER	36
HONG KONG GOVERNMENT EXCHANGE FUND MONEY MARKET OPERATIONS	37

MOVEMENT FROM OTHERS NEEDED TO RESOLVE VM PROBLEM

* * * * *

THE HONG KONG GOVERNMENT HAS BEEN TRYING TO OPERATE THE FULL ARRANGEMENTS UNDER THE COMPREHENSIVE PLAN OF ACTION (CPA), WHICH WAS AGREED BY OVER 70 GOVERNMENTS IN GENEVA IN 1989, FOR AS LONG AS IT PRACTICALLY CAN, BUT MOVEMENT IS NEEDED FROM OTHERS VERY SOON OR THE PLAN WILL SIMPLY FAIL, THE ACTING SECRETARY FOR SECURITY, THE HON IAN STRACHAN, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WINDING UP THE MOTION DEBATE ON VIETNAMESE MIGRANTS (VM), MR STRACHAN NOTED THAT IN THE DEBATE, MEMBERS HAD MADE VERY CLEAR THAT THE COMMUNITY'S PATIENCE HAD ALMOST WORN OUT.

"WE NEED MOVEMENT FROM OTHERS VERY SOON SO AS TO HELP US RESOLVE THE ISSUE OF THE SCREENED OUT AND THE RELATED PROBLEM OF ECONOMIC DEPRIVATION IN VIETNAM.

"OTHERS WILL NEED TO INVEST MORE OF THEIR POLITICAL WILL AND RESOURCES IN HELPING TO RESOLVE THIS TWIN PROBLEM, AS HONG KONG HAS HAD TO INVEST ITS POLITICAL WILL AND RESOURCES SO HEAVILY OVER THE PAST 16 YEARS," HE SAID.

MR STRACHAN SAID HE COULD NEITHER SUPPORT THE HON POON CHI-FAI'S MOTION NOR THE HON STEPHEN CHEONG'S MOTION.

HE SAID THE GOVERNMENT WAS MOVING ON ALL THE FRONTS MR CHEONG REFERRED TO THOUGH NOT IN THE PRECISE MANNER IN WHICH HIS MOTION WAS FRAMED.

WHILE CONCEDING THAT MEMBERS' SENSE OF FRUSTRATION OVER THE VM ISSUE WAS WELL-JUSTIFIED, MR STRACHAN SAID IT SHOULD NOT DISTRACT EITHER OURSELVES OR THE INTERNATIONAL COMMUNITY FROM HONG KONG'S RECORD ON FIRST ASYLUM WHICH THE TERRITORY HAD MUCH TO BE PROUD OF.

AS ONE OF THE MOST CROWDED PLACES IN THE WORLD, HONG KONG HAD NEVERTHELESS ACCEPTED WELL OVER 180,000 ASYLUM SEEKERS FROM VIETNAM SINCE 1975 AND HAD ABSORBED INTO THE COMMUNITY OVER 14,000 PEOPLE FROM INDO-CHINA, WITH NO ASYLUM SEEKER EVER BEEN TURNED AWAY, HE SAID.

"ALL HAVE BEEN PROVIDED WITH REFUGE, FOOD, CLOTHING, MEDICAL CARE AND WHATEVER OTHER LIMITED SERVICES WE HAVE BEEN ABLE TO GIVE THEM," HE SAID.

MR STRACHAN SAID HONG KONG HAD STUCK FIRMLY BY THE INTERNATIONAL AGREEMENT REACHED IN 1979 WHICH ACKNOWLEDGED AND ACCEPTED THAT PERSONS LEAVING VIETNAM SEEKING ASYLUM ELSEWHERE SHOULD BE TREATED AS REFUGEES AND WERE TO BE RESETTLED IN THIRD COUNTRIES, AND THE 1989 AGREEMENT ON THE CPA, WHICH WAS DRAWN UP AFTER THE EARLIER AGREEMENT BROKE DOWN.

HE SAID SINCE THEN HONG KONG HAD STRUGGLED UNDER VERY DIFFICULT CIRCUMSTANCES AND RESOURCE LIMITATIONS TO MAINTAIN THE CPA WHICH HAD REMAINED THE CORNER-STONE OF THE POLICIES OF BOTH THE BRITISH AND HONG KONG GOVERNMENTS IN HANDLING THIS PROBLEM.

"NOW THE CPA IS ITSELF CLOSE TO BREAKING POINT AND HAS INDEED BROKEN DOWN IN SOME COUNTRIES IN THIS REGION," THE ACTING SECRETARY SAID, WHILE NOTING THAT IT WAS A CLEAR MESSAGE FROM MEMBERS THAT THE TERRITORY'S CONTINUING ABILITY TO CARRY OUT THE CPA COULD NOT BE TAKEN FOR GRANTED.

"THE VM PROBLEM IS AN INTERNATIONAL PROBLEM AND HAS BEEN RECOGNISED AS SUCH REPEATEDLY IN INTERNATIONAL CONFERENCES.

"HONG KONG HAS CONTRIBUTED MORE THAN ITS FAIR SHARE TOWARDS THE RESOLUTION OF THIS PROBLEM. IT IS ONLY RIGHT THAT THE INTERNATIONAL COMMUNITY, INCLUDING OF COURSE THE UK AND THE U.S., SHOULD SHARE OUR BURDEN AND INCREASE THEIR ASSISTANCE BOTH FINANCIALLY AND IN PRACTICAL TERMS TO HELP RESOLVE THE PROBLEM," HE SAID.

ON THE SUGGESTION THAT THE HMG SHOULD BE ENCOURAGED TO SPEED UP ITS COMMITMENT TO TAKE 2,000 REFUGEES BEFORE THE END OF 1991, HE SAID THIS WAS BEING ACTIVELY PURSUED BY THE GOVERNMENT.

AS AT 7.30 THIS MORNING, 9,173 VIETNAMESE MIGRANTS HAD ARRIVED IN HONG KONG THIS YEAR. AT THE SAME TIME LAST YEAR 2,321 HAD ARRIVED.

THERE WAS AN INCREASE OF 295 PER CENT IN ARRIVALS IN 1991 COMPARED TO 1990. THE TOTAL NUMBER OF ARRIVALS IN 1990 WAS 6,597, MR STRACHAN SAID.

HE POINTED OUT THAT IN 1991 HONG KONG HAD BEEN RECEIVING 95 PER CENT OF ALL MIGRANTS LEAVING VIETNAM CLANDESTINELY.

THE TOTAL NUMBER OF VIETNAMESE IN HONG KONG CAMPS WAS 58,000, 6,300 WERE VIETNAMESE REFUGEES AND 52,000 WERE VIETNAMESE MIGRANTS, OF WHOM 17,000 WERE SCREENED OUT.

MR STRACHAN SAID IT WAS IN THIS CONTEXT THAT THE WORLD COMMUNITY MUST ACCEPT THAT THE PROBLEM HAD CHANGED BEYOND ANY RECOGNITION OF WHAT IT WAS PREVIOUSLY.

IN THE LATE 70'S, PEOPLE WERE THEN FLEEING FROM VIETNAM MAINLY FOR REASONS OF POLITICAL OR RACIAL PERSECUTION.

"MOST RECENT ARRIVALS IN HONG KONG ARE LEAVING FOR CLEARLY OPPORTUNISTIC REASONS.

"THUS A NEW PROBLEM, WHICH HAS EVOLVED SLOWLY BUT CLEARLY, REQUIRES FRESH CONSIDERATION AND QUITE NEW SOLUTIONS," HE SAID.

ON THE ISSUE OF ABANDONING FIRST ASYLUM, WHICH MANY MEMBERS RAISED IN THE DEBATE, THE ACTING SECRETARY SAID IT WAS IMPORTANT TO RECOGNISE THAT TO ABANDON THE PRINCIPLE OF FIRST ASYLUM WOULD NOT BE AN EASY OR A COST-FREE DECISION FOR HONG KONG.

HE SAID: "NOR WOULD IT NECESSARILY STOPS BOATS COMING TO HONG KONG. WE WOULD HAVE TO FACE THE HARD CHOICE AS MANY MEMBERS REMINDED US OF WHAT TO DO IF FUTURE ARRIVALS SANK THEIR BOATS WHEN THEY WERE REFUSED PERMISSION TO LAND HERE.

"WOULD WE, AS A COMMUNITY, BE WILLING TO LET THESE PEOPLE DROWN? SURELY NOT. I CAN'T BELIEVE WE COULD SUGGEST THIS COURSE OF ACTION ON THE SAME DAY THAT THE COUNCIL HAD PASSED THE BILL OF RIGHTS."

MR STRACHAN SAID HONG KONG WOULD ALSO HAVE TO FACE AN INTERNATIONAL OUTCRY, WHICH WOULD PUT AT RISK OUR PROSPECTS FOR RESETTLING THE 6,000 REFUGEES AND THE REMAINING 52,000 VIETNAMESE MIGRANTS NOW IN HONG KONG.

"WE WOULD ALSO PREJUDICE INTERNATIONAL ATTITUDES TOWARDS HONG KONG IN OTHER AREAS, SUCH AS TRADE, FINANCE AND OUR FUTURE, AREAS IN WHICH WE HAVE VERY IMPORTANT INTERESTS.

"OUR ABILITY TO ACT UNILATERALLY, EVEN WITH THE FIRM SUPPORT OF HMG, TO RESOLVE THIS PROBLEM IS EXTREMELY LIMITED, THOUGH, OF COURSE, WE ARE CONTINUALLY EXAMINING THE OPTIONS AVAILABLE TO US."

ON THE OTHER HAND, MR STRACHAN SAID IF HONG KONG WAS TO MAINTAIN FIRST ASYLUM, THE BALANCE OF OBLIGATIONS IN THE CPA MUST BE IMPLEMENTED IN FULL WITH PLACES OF FIRST ASYLUM HAVING TO ADMIT ASYLUM SEEKERS AND DETERMINE THEIR STATUS; RESETTLEMENT COUNTRIES TO TAKE GENUINE REFUGEES; AND THE COUNTRY OF ORIGIN AND THE INTERNATIONAL COMMUNITY AS A WHOLE TO ACCEPT THAT NON-REFUGEES MUST RETURN HOME WITH ASSISTANCE AND GUARANTEES AS TO THEIR FUTURE TREATMENT.

MR STRACHAN STRESSED THAT HONG KONG HAD FULFILLED ITS OBLIGATIONS TO THE LETTER, BUT OTHERS WERE NOT FULFILLING THEIRS.

"WE HAVE PROVIDED ASYLUM AND CONTINUED AT CONSIDERABLE EXPENSE TO DETERMINE THE STATUS OF MANY HUNDREDS OF NEW ASYLUM SEEKERS EACH WEEK.

"OUR SCREENING SYSTEM, WHICH THOSE WITH NO RESPONSIBILITY FOR SOLVING THIS PROBLEM HAVE CHOSE OFTEN TO CRITICISE, HAS BEEN FOUND TO BE GENERALLY FAIR AND ACCURATE.

"WE CONTINUE TO IMPROVE IT AS FAR AS WE CAN.

"AND YET ONCE STATUS HAS BEEN DETERMINED, WHAT RELIEF IS THERE FOR HONG KONG AND WHAT PROSPECTS ARE THERE FOR THE NON-REFUGEE?" HE ASKED.

HE NOTED THAT THE VOLUNTEER SCHEME SHOWED SOME SIGNS OF PICKING UP AGAIN. HOWEVER, THE NUMBER OF VM'S RETURNED LAST MONTH WAS ABOUT HALF AS MANY AS CAME AS NEW ARRIVALS ON ANY ONE DAY IN THE SAME MONTH.

"WE HAVE OVER 18,000 VIETNAMESE WHO HAVE BEEN SCREENED OUT AS NON-REFUGEES. THEY ARE BEING HELD PENDING REPATRIATION TO VIETNAM. MOST OF THEM SHOW NO INTEREST IN THE VOLUNTEER SCHEME.

"WE ARE TRYING TO GET THE INTERNATIONAL COMMUNITY TO FOCUS ON THIS CENTRAL ISSUE.

"IT IS WHOLLY WRONG THAT MANY THOUSANDS OF PEOPLE AND THEIR CHILDREN SIT IN OUR CAMPS, IN CROWDED AND OFTEN DIFFICULT CONDITIONS, BELIEVING IN SOME FUTILE WAY THAT THE IMMIGRATION POLICIES OF THE USA AND OTHER COUNTRIES ARE GOING TO CHANGE.

"SOONER, RATHER THAN LATER, THESE PEOPLE MUST SET ASIDE ALL RUMOURS AND LIES AND FACE THE REALITY THAT THEIR FUTURE AND THAT OF THEIR CHILDREN, LIES BACK IN VIETNAM," HE SAID.

MR STRACHAN SAID THE VOLUNTARY AGENCIES IN THE CAMPS HAD A SPECIAL ROLE TO PLAY IN THIS REGARD, IN CONJUNCTION WITH THE UNHCR AND CAMP MANagements, NOTING THAT THE CSD STAFF THAT HAD BEEN COUNSELLING AT GREEN ISLAND HAD DEMONSTRATED CLEARLY THAT "WHERE THERE IS A WILL, THERE IS A WAY".

ON THE HON KINGSLEY SIT'S AND THE HON MARTIN BARROW'S QUESTIONS OF WHETHER THE BRITISH EMBASSY IN HANOI WAS ADEQUATELY STAFFED, MR STRACHAN REASSURED THEM THAT HONG KONG HAD BEEN WELL SERVED BY THE EMBASSY THERE AND THE THOROUGH UNDERSTANDING WAS FURTHER ACHIEVED BY REGULAR VISITS BY HONG KONG GOVERNMENT OFFICIALS TO VIETNAM.

MR STRACHAN POINTED OUT THAT THE CENTRAL ISSUE OF RETURNING THE SCREENED OUT WAS TIED TO A WIDER PROBLEM WHICH WENT BEYOND THE CPA ITSELF: THAT OF THE ECONOMIC CONDITIONS IN VIETNAM WHICH THESE PEOPLE WERE NOW FLEEING.

IT WAS THE VIEW OF THE HONG KONG GOVERNMENT THAT THE KEY POINT WAS THAT THE ECONOMY OF VIETNAM SHOULD IMPROVE. THIS WAS ONLY LIKELY TO HAPPEN THROUGH GREATER CONTACT WITH THE OUTSIDE WORLD.

ON HONG KONG'S PART, MR STRACHAN POINTED OUT THAT THE TERRITORY WAS DOING WHAT IT COULD TO ENSURE THAT THIS HAPPENED, BY EXPANDING TRADE AND AIR LINKS AND ENCOURAGING EASIER ACCESS TO VISAS FOR HONG KONG'S ENTREPRENEURS AND TOURISTS TO VISIT VIETNAM.

MR STRACHAN ALSO SAID A HONG KONG/UK DELEGATION HAD BEEN IN WASHINGTON IN THE PAST FEW DAYS SEARCHING FOR A SOLUTION TO THIS VERY POINT.

MR ANDREW BURNS, THE LEADER OF OUR DELEGATION, NOTED DURING THESE DISCUSSIONS THAT THE VIETNAMESE PROBLEM IN HONG KONG WAS "TOP OF HMG'S AGENDA".

"I TRUST THAT THOSE MEMBERS ALSO HAVE BEEN CRITICAL OF HER MAJESTY'S GOVERNMENT, WILL CAREFULLY NOTE THIS STATEMENT," HE SAID.

MR STRACHAN SAID THE CONSULTATIONS WHICH HAVE JUST CONCLUDED IN WASHINGTON WERE ENVISAGED BY THE RECENT MEETING OF THE CPA STEERING COMMITTEE TO EXPLORE MEASURES THAT COULD ENCOURAGE GREATLY ACCELERATED RATES OF RETURN OF VIETNAM OF THOSE DETERMINED NOT TO BE REFUGEES.

HE SAID THE UNITED STATES, THE UNITED KINGDOM AND HONG KONG HAD AGREED THAT THEY REMAIN COMMITTED TO THE CPA, ESPECIALLY FIRST ASYLUM AND FAIR PROCEDURES TO DETERMINE WHO WAS AND WHO WAS NOT A REFUGEE.

THE BRITISH AND HONG KONG SIDES HAD INFORMED THE UNITED STATES THAT THEY INTENDED AS A MATTER OF URGENCY TO SEEK BILATERAL DISCUSSIONS WITH VIETNAM.

"THESE DISCUSSIONS COULD CONSIDER THE ESTABLISHMENT OF AN INTERNATIONALITY MANAGED CENTRE ON TERRITORY PROVIDED BY VIETNAM FOR THOSE ASYLUM SEEKERS WHO ARE DETERMINED NOT TO BE REFUGEES AND WHO HAVE NOT TAKEN ADVANTAGE OF THE EXISTING VOLUNTARY RETURN PROGRAMMES.

"THESE DISCUSSIONS WILL TAKE PLACE IN CLOSE CONSULTATION WITH UNHCR AND THE INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)," HE NOTED.

FOR THOSE WHO HAD LEFT VIETNAM AND WHO HAD NOW BEEN SCREENED OUT, THERE WOULD BE NO RESETTLEMENT.

THE WASHINGTON TALKS ALSO AGREED THAT CUTOFF DATES WOULD REMAIN IN FORCE AND WOULD IN NO CIRCUMSTANCES BE CHANGED AT A LATER DATE.

----- 0 -----

GOVT IS COMMITTED TO PRESERVE HUMAN RIGHTS: CS

* * * * *

THE ENACTMENT OF HONG KONG BILL OF RIGHTS BILL 1990 REPRESENTS FURTHER EVIDENCE OF THE ADMINISTRATION'S COMMITMENT TO THE PRESERVATION OF HUMAN RIGHTS IN HONG KONG, THE CHIEF SECRETARY, THE HON SIR DAVID FORD SAID TODAY (WEDNESDAY).

"I SAY 'FURTHER EVIDENCE' FOR THERE IS, I BELIEVE, CAUSE TO RECOGNISE THE FACT THAT OUR RECORD IN THE FIELD IS ONE OF WHICH WE SHOULD BE READILY PROUD," SIR DAVID SAID WHEN SPEAKING AT THE SECOND READING DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL.

THE CHIEF SECRETARY NOTED IT HAD BEEN SUGGESTED DURING THE DEBATE THAT THE ADMINISTRATION WAS REGRESSIVE WHEN IT CAME TO CIVIL RIGHTS.

"THAT IS AN ALLEGATION THAT DOES NOT BEAR RATIONAL EXAMINATION. OUR HUMAN RIGHTS RECORD IS A GOOD ONE, AND IT IS PROGRESSIVE. THERE IS AMPLE EVIDENCE TO SHOW IT," SIR DAVID SAID, CITING THE FOLLOWING CURRENT AND RECENT EXAMPLES :

- * THE PRESENT PREPARATION OF A TORTURE BILL, TO GIVE EFFECT TO THE CONVENTION AGAINST TORTURE;
- * THE ABOLITION OF JUDICIAL CORPORAL PUNISHMENT;
- * THE REPEAL OF PART OF THE EDUCATION ORDINANCE DEALING WITH POLITICAL ACTIVITIES IN SCHOOLS;
- * THE PROPOSAL TO AMEND THE LAWS ON HOMOSEXUALITY;
- * THE EXAMINATION BY THE LAW REFORM COMMISSION OF POLICE POWERS OF ARREST, DETENTION, SEARCH AND SEIZURE, AND THE LAWS RELATING TO ILLEGITIMACY AND TO THE PROTECTION OF PRIVACY.

SIR DAVID SAID THIS WAS A CATALOGUE OF AN ADMINISTRATION WELL COMMITTED TO THE SAFEGUARDING OF HUMAN RIGHTS, AND TO THAT CATALOGUE, THE GOVERNMENT NOW ADDED A BILL OF RIGHTS FOR HONG KONG.

REFERRING TO THE KEY OBJECTIVES WHICH THE ADMINISTRATION HAD HAD TO BEAR IN MIND IN THE DRAFTING OF THE BILL OF RIGHTS, SIR DAVID SAID: "AT THE END OF THE DAY, I AM SATISFIED THAT IT MEETS THOSE OBJECTIVES, AND IN PARTICULAR THAT IT FAITHFULLY INCORPORATES RELEVANT PROVISIONS OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AS THAT COVENANT IS APPLIED TO HONG KONG."

HE POINTED OUT THAT IT WOULD BE AS WELL TO REMEMBER AT ALL TIMES THAT THE COVENANT WAS THE INTERNATIONAL COMMUNITY'S STATEMENT THAT THERE WERE CERTAIN STANDARDS TO WHICH WE SHOULD ADHERE.

"BUT, MORE THAN THAT, THE STANDARDS ITEMISED IN THE COVENANT ARE MERELY THE MINIMUM STANDARDS. COMPLAINTS THAT THE BILL OF RIGHTS MAY IMPACT ADVERSELY ON OUR ABILITY TO TAKE THIS STEP OR THAT ARE THEREFORE TANTAMOUNT TO ASSERTIONS THAT WE SHOULD NOT ADHERE TO THOSE MINIMUM STANDARDS," HE SAID.

NOTING THAT CONCERNS HAD BEEN EXPRESSED OUTSIDE AND INSIDE THE LEGISLATIVE COUNCIL TODAY THAT THE BILL OF RIGHTS MIGHT HAVE AN ADVERSE EFFECT ON THE EFFICIENCY OF ENFORCEMENT AGENCIES, SIR DAVID POINTED OUT THAT, REGARDLESS OF THE BILL OF RIGHTS, HONG KONG HAD AN INTERNATIONAL OBLIGATION TO ENSURE THAT ITS LAWS WERE IN CONFORMITY WITH THE INTERNATIONAL COVENANT.

"THE ADMINISTRATION IS VERY CONSCIOUS OF THE NEED TO MAINTAIN THE EFFICIENCY OF THE LAW ENFORCEMENT AGENCIES. BUT WE ARE SATISFIED THAT THE BILL OF RIGHTS WILL NOT DIMINISH OPERATIONAL EFFICIENCY IN THIS OR OTHER AREAS," HE SAID.

THE FREEZE PERIOD IN RELATION TO THE SCHEDULE OF ORDINANCES, SAID SIR DAVID WAS DESIGNED TO ALLOW SUFFICIENT TIME TO EXAMINE THESE ORDINANCES AFFECTING LAW ENFORCEMENT AND, SHOULD IT PROVE NECESSARY, TO REPLACE PROVISIONS SO THAT OPERATIONAL VACUUMS DID NOT ARISE, AND WHICH PROVISIONS WERE AT THE SAME TIME CONSISTENT WITH THE BILL OF RIGHTS AND, CONSEQUENTLY, WITH THE ICCPR.

THE CHIEF SECRETARY RECALLED THAT WHEN HE MOVED THE SECOND READING OF THE BILL, HE POINTED OUT THAT THERE WERE A NUMBER OF COUNTRIES WHERE LAW ENFORCEMENT AGENCIES HAD TO OPERATE WITHIN CONSTITUTIONAL GUARANTEES FOR BASIC HUMAN RIGHTS AND FREEDOMS. "THESE ARE HIGHLY ADVANCED AND CIVILIZED COMMUNITIES WHERE LAW AND ORDER IS MAINTAINED," HE ADDED.

"NOR ARE WE EMBARKED ON SOME UNIQUE ADVENTURE. THERE ARE MANY JURISDICTIONS, PARTICULARLY IN THE COMMON LAW WORLD WITH THEIR OWN CHARTER OF RIGHTS," HE SAID, ADDING THAT IT WAS A FEATURE OF ALMOST ALL COMMONWEALTH JURISDICTIONS.

"THE VALUE OF SUCH LAW IS, I BELIEVE, CLEAR: IT SERVES AS A YARDSTICK, A FOCAL POINT, AND IT IS A VITAL EDUCATIVE TOOL, BRINGING HOME TO THE CONSCIOUSNESS OF PRIVATE INDIVIDUAL AND PUBLIC OFFICIAL ALIKE THE IMPORTANCE OF ESSENTIAL RIGHTS AND FREEDOMS, WHICH IN A FREE SOCIETY WE ARE ALWAYS IN DANGER OF TAKING FOR GRANTED," HE SAID.

BILL OF RIGHTS TO IMPLEMENT OBLIGATIONS UNDER HK'S DOMESTIC LAW

* * * * *

THE HONG KONG BILL OF RIGHTS BILL 1990 DOES NO MORE THAN IMPLEMENT IN READILY ACCESSIBLE FORM THOSE OBLIGATIONS AS A CLEAR PART OF HONG KONG'S DOMESTIC LAW, THE CHIEF SECRETARY, THE HON SIR DAVID FORD SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

SPEAKING AT THE SECOND READING DEBATE ON THE BILL, THE CHIEF SECRETARY POINTED OUT THAT THE AMENDMENTS TO BE MOVED DURING THE COMMITTEE STAGE REFLECTED THE RESULTS OF THOSE DISCUSSIONS AND OF THE FULL CONSIDERATION GIVEN BY THE ADMINISTRATION TO REPRESENTATIONS RECEIVED SINCE THE BILL WAS INTRODUCED TO THE LEGISLATURE IN JULY 1990.

SIR DAVID SAID THE ADMINISTRATION HAD PAID CAREFUL ATTENTION TO THE CONTENTIONS OF DISPARATE GROUPS, INCLUDING THOSE EAGER FOR A BROADER STATEMENT OF RIGHTS; AND THOSE WHO HAD ARGUED FOR LIMITED APPLICATION; THOSE CONCERNED LEST THE BILL OF RIGHTS BE GIVEN A STATUS SUPERIOR TO HONG KONG'S LAWS, COMPETING IN PROMINENCE WITH THE LETTERS PATENT, OR AFTER 1997 WITH THE BASIC LAW; AND THOSE WHO, ON THE OTHER HAND, WHO POINTED TO THE SPECIAL STATUS NORMALLY GIVEN TO INSTRUMENTS OF THIS NATURE.

"WE ARE AWARE TOO THAT THERE ARE THOSE WHO SAY THAT SUCH A BILL IS UNNECESSARY, AND OF THOSE WHO ON THE OTHER HAND COMPLAIN THAT IT IS LONG OVERDUE AND IN ANY EVENT IS ENCUMBERED BY RESERVATIONS AND A FREEZE," HE SAID.

IN ANSWER TO THESE COMPETING VIEWS, SIR DAVID POINTED OUT THAT SINCE 1976, HONG KONG HAD HAD AN OBLIGATION IN INTERNATIONAL LAW TO GIVE EFFECT TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

"THAT OBLIGATION EXISTED BEFORE THE JOINT DECLARATION AND LONG BEFORE PROMULGATION OF THE BASIC LAW," HE SAID.

HE POINTED OUT THAT ALTHOUGH IT WAS POSSIBLE TO GIVE EFFECT TO THE INTERNATIONAL COVENANT THROUGH VARIOUS LAWS, THE INTERNATIONAL OBLIGATION, HIGHLIGHTED BY THE JOINT DECLARATION AND THE BASIC LAW, WAS MORE READILY GIVEN CLEAR EFFECT BY A LAW OF THIS KIND.

"THESE TWO INSTRUMENTS HAVE HIGHLIGHTED THE INTERNATIONAL OBLIGATION. AND INDEED THE BILL OF RIGHTS DOES NO MORE THAN IMPLEMENT IN READILY ACCESSIBLE FORM THOSE OBLIGATIONS AS A CLEAR PART OF OUR DOMESTIC LAW," HE SAID.

HOWEVER, SIR DAVID SAID THERE HAD BEEN GROWING IN THE COMMUNITY, THE DESIRE FOR A LAW OF THIS KIND AND THAT MOMENTUM CAME AT A TIME WHEN REPRESENTATIVE GOVERNMENT WAS DEVELOPING AND WHEN THE COMMUNITY WAS GIVING GREATER VOICE TO THOSE ASPIRATIONS WHICH WERE COMMON TO ALL SOCIETIES IN THE THROES OF SUCH EVOLUTION.

"A BILL OF RIGHTS WAS A NATURAL CONSEQUENCE OF THOSE ASPIRATIONS," HE SAID.

/SIR DAVID

SIR DAVID POINTED OUT THAT THE ADMINISTRATION HAD A NUMBER OF KEY OBJECTIVES REGARDING THE BILL:

- * FIRST, TO ENSURE THAT THE BILL OF RIGHTS REFLECTED THE PROVISIONS OF THE INTERNATIONAL COVENANT AS APPLIED TO HONG KONG;
- * SECONDLY, TO ENSURE THAT THE BILL OF RIGHTS WOULD BE A PRACTICAL AND EFFECTIVE LAW;
- * THIRDLY, TO ENSURE THAT LEGITIMATE CONCERNS WERE FULLY TAKEN INTO ACCOUNT;
- * FOURTHLY, TO ENSURE THAT THE BILL OF RIGHTS WAS IN FULL COMPLIANCE WITH THE JOINT DECLARATION;
- * FINALLY, TO MEET APPARENT CONCERNS ABOUT THE STATUS OF THE BILL OF RIGHTS, PARTICULARLY AS REGARDS THE BASIC LAW.

TO SATISFY THE LAST OBJECTIVE, SIR DAVID SAID THE GOVERNMENT HAD MADE SURE THAT THE BILL HAD, AS A MATTER OF LAW, A STATUS THE SAME AS OTHER ORDINANCES, AND THE GOVERNMENT INTRODUCED CERTAIN AMENDMENTS AT THE COMMITTEE STAGE TO MAKE THAT CLEAR.

"WE HAVE ENSURED THAT THE SUBSTANCE OF THE BILL IS FULLY CONSISTENT WITH THE ICCPR AS APPLIED TO HONG KONG.

"THAT IS PARTICULARLY IMPORTANT, FOR BOTH THE JOINT DECLARATION AND THE BASIC LAW MAKE SPECIFIC REFERENCE TO THAT COVENANT, REQUIRING ITS CONTINUED APPLICATION BEYOND 1997. AND WE HAVE TRIED TO ENSURE THAT THERE ARE NO PROCEDURAL CLAUSES WHICH RUN THE RISK OF CONFLICT WITH THE BASIC LAW," HE SAID.

IT WAS EQUALLY IMPORTANT TO APPRECIATE THE MANNER IN WHICH THE BILL FITTED INTO A WIDER MOSAIC WHICH WOULD SERVE TO PROVIDE AN EFFECTIVE SAFEGUARD FOR CIVIL RIGHTS, THE CHIEF SECRETARY SAID.

"THE SCHEME OF SAFEGUARDS OPERATES IN THREE PHASES.

"THE BILL OF RIGHTS ITSELF WILL HAVE AN IMPACT ON EXISTING LAWS. EXISTING LAWS WHICH ARE INCONSISTENT WITH THE BILL OF RIGHTS WILL BE AMENDED OR REPEALED BY IT TO THE EXTENT OF ANY SUCH INCONSISTENCY.

"THIS IS A NORMAL RULE OF INTERPRETATION AS TO THE EFFECT OF LAWS ON EARLIER LAWS. THIS RULE IS MADE CLEAR BY CLAUSE 3(2) OF THE BILL," SIR DAVID SAID.

AS TO THE FUTURE, THE CHIEF SECRETARY SAID HE ANNOUNCED IN JULY 1990 THAT HER MAJESTY'S GOVERNMENT INTENDED TO AMEND THE LETTERS PATENT TO PROVIDE THAT NO LAW SHOULD BE MADE AFTER SUCH AMENDMENT THAT RESTRICTS THE RIGHTS AND FREEDOMS ENJOYED IN HONG KONG IN A MANNER WHICH WAS INCONSISTENT WITH THE INTERNATIONAL COVENANT AS APPLIED TO HONG KONG.

"I CAN NOW TELL MEMBERS THAT HER MAJESTY'S PRIVY COUNCIL HAS APPROVED SUCH AN AMENDMENT. THAT AMENDMENT WILL COME INTO OPERATION AT THE SAME TIME AS THIS BILL OF RIGHTS.

/"THE AMENDMENT

"THE AMENDMENT IS A REFLECTION OF A SIMILAR PROVISION, NAMELY ARTICLE 39, OF THE BASIC LAW. THEREFORE, NEW LAWS ENACTED HEREAFTER CANNOT CONTRAVENE THE COVENANT.

"THAT POSITION IS ENSURED BEFORE 1997 BY THE AMENDED LETTERS PATENT. AFTER 1997 IT IS QUITE SEPARATELY ENSURED BY ARTICLE 39 OF THE BASIC LAW.

"SO, AS A MATTER OF DOMESTIC LAW THE MACHINERY WILL SOON BE IN PLACE WHEREBY THE RIGHTS IN THE COVENANT AS APPLIED TO HONG KONG WILL BE WELL ENSCONCED IN OUR SYSTEM," THE CHIEF SECRETARY SAID.

- - - - 0 - - - -

RECOMMENDATION FOR A SELECTED FREEZE OF ORDINANCES UNDER
BILL OF RIGHTS ACCEPTED

* * * * *

THE ADMINISTRATION HAS DECIDED TO ACCEPT THE LEGCO AD HOC GROUP'S RECOMMENDATION FOR A SELECTED FREEZE OF ORDINANCES LISTED IN A SCHEDULE UNDER THE HONG KONG BILL OF RIGHTS BILL 1990, THE CHIEF SECRETARY, THE HON SIR DAVID FORD SAID TODAY (WEDNESDAY).

SPEAKING AT THE SECOND READING DEBATE ON THE BILL, SIR DAVID SAID THE ADMINISTRATION TOOK FULL NOTE OF THE AD HOC GROUP'S UNHAPPINESS WITH THE IDEA OF A BLANKET FREEZE FOR A YEAR, RENEWABLE FOR A FURTHER YEAR, ON ALL EXISTING LEGISLATION.

"WE HAVE NOW IDENTIFIED THOSE AREAS WHERE OPERATIONAL VACUUMS OF THIS KIND MIGHT BE PARTICULARLY UNFORTUNATE, AND WITH THE STRENGTH OF CONCERN EVIDENT OVER THE ISSUE, THE ADMINISTRATION HAS DECIDED TO ACCEPT THE AD HOC GROUP'S RECOMMENDATION FOR A SELECTED FREEZE OF ORDINANCES LISTED IN A SCHEDULE," SIR DAVID SAID.

SHOULD THAT RECOMMENDATION BE ADOPTED, THE CHIEF SECRETARY POINTED OUT THAT THOSE ORDINANCES ALONE WOULD BE IMMUNE FROM THE OPERATION OF THE BILL OF RIGHTS FOR ONE YEAR, SUBJECT ONLY TO AN EXTENSION FOR A FURTHER YEAR IN RESPECT OF ANY OR ALL OF THE LISTED ORDINANCES, BY APPROVAL OF THE LEGISLATIVE COUNCIL.

"WHETHER ANY PARTICULAR PROVISIONS OF OUR LAW TURN OUT TO CONFLICT WITH THE BILL IS ULTIMATELY A MATTER FOR OUR COURTS, AND INCLUSION OF AN ORDINANCE IN THE SCHEDULE, DOES NOT MEAN THAT THE ORDINANCE OR ANY PART OF IT IS IN FACT IN CONFLICT," SIR DAVID EXPLAINED.

HE NOTED THAT IT HAD BEEN SAID THAT THE GOVERNMENT HAD HAD LONG ENOUGH TO ENSURE THAT HONG KONG'S LAWS COMPLIED WITH THE COVENANT AND, FURTHER, THAT IT WAS NECESSARY TO ENSURE THAT THE COURTS MIGHT BEGIN AS SOON AS POSSIBLE TO DEVELOP THEIR BILL OF RIGHTS JURISPRUDENCE.

"WE HAVE INDEED BEEN LONG AWARE OF OUR INTERNATIONAL OBLIGATIONS AND THEY HAVE NOT BEEN IGNORED.

"THE PLAIN FACT IS THAT THE ABILITY OF THE COURTS TO ADDRESS THESE OBLIGATIONS DIRECTLY REQUIRES THAT WE SEEK TO MAKE DOUBLY SURE THAT IN CERTAIN CORE AREAS WE WILL NOT BE FOUND WANTING. THE MEASURE IS A PRECAUTIONARY ONE. THE PERIOD IS SHORT, AND THE ORDINANCES LISTED ARE FEW," THE CHIEF SECRETARY SAID.

HE POINTED OUT THAT THE ADMINISTRATION HAD MOVED CONSIDERABLY FROM ITS ORIGINAL POSITION, IN DEFERENCE TO THE STRENGTH OF VIEWS EXPRESSED BY THE AD HOC GROUP AND OTHERS, AND HE URGED THE LEGISLATIVE COUNCIL TO ADOPT THE RECOMMENDATION OF THE AD HOC GROUP.

AS TO WHETHER THE BILL OF RIGHTS SHOULD GOVERN OBLIGATIONS BETWEEN INDIVIDUALS, THE CHIEF SECRETARY SAID THE GOVERNMENT HAD AGREED TO EXCLUDE FROM THE OPERATION OF BILL OF RIGHTS ALL INTER-CITIZEN RIGHTS AND OBLIGATIONS, AND THAT THE ORDINANCE SHOULD BIND ONLY THE GOVERNMENT AND ALL PUBLIC AUTHORITIES.

HE POINTED OUT THAT IN THE LIGHT OF CONCERNS EXPRESSED BY THE COMMUNITY DURING THE PUBLIC CONSULTATION PROCESS, THE ADMINISTRATION AGREED, WHEN THE BILL WAS INTRODUCED IN THIS COUNCIL, TO DEFER THE APPLICATION TO THE PRIVATE SECTOR OF ARTICLE 14, THAT WAS, THE RIGHT TO PRIVACY.

"NEVERTHELESS, GENERAL CONCERN, ESPECIALLY THAT OF THE FINANCIAL AND BANKING COMMUNITY, REMAINS ABOUT THE LEGAL UNCERTAINTY CREATED BY APPLYING THE BILL TO THE PRIVATE SECTOR, AND IT HAS BEEN EMPHASISED THAT CERTAIN AREAS OF CONDUCT BETWEEN INDIVIDUALS AND PRIVATE BODIES COVERED BY THE BILL LEND THEMSELVES TO DETAILED LEGISLATION, RATHER THAN TO THE BROAD PROVISIONS OF CERTAIN ARTICLES OF THE INTERNATIONAL COVENANT.

"THE AD HOC GROUP HAVE EXPRESSED THEIR WISH FOR SOME SOLUTION TO BE PUT FORWARD TO ALLAY SUCH CONCERN," SIR DAVID SAID.

HE POINTED OUT THAT THE ADMINISTRATION ACCEPTED THERE WAS NOTHING IN THE COVENANT WHICH REQUIRED STATE PARTIES TO IMPOSE OBLIGATIONS UPON, AND ENABLE CLAIMS TO BE MADE AGAINST, INDIVIDUALS THROUGH THE VEHICLE OF A BILL OF RIGHTS.

"CLAUSE 7 OF THE BILL IS UNUSUAL AND BILLS OF RIGHTS USUALLY APPLY ONLY TO GOVERNMENTS AND PUBLIC AUTHORITIES. IN THESE CIRCUMSTANCES AND IN VIEW OF THE CONCERN EXPRESSED, THE ADMINISTRATION HAS RE-EXAMINED THE NEED FOR AND DESIRABILITY OF PROVIDING FOR INTER-CITIZEN RIGHTS UNDER THE BILL OF RIGHTS.

"WE NOTE PARTICULARLY THAT FEARS ABOUT THE UNCERTAIN EFFECTS OF THE BILL OF RIGHTS COULD UNDERMINE THE VERY CONFIDENCE THAT THE BILL WAS DESIGNED TO STRENGTHEN," HE SAID.

HE NOTED THAT THERE WERE TWO BROAD OPTIONS WHICH MIGHT ADDRESS THIS CONCERN: EITHER TO DEFER THE APPLICATION OF THOSE PARTICULAR ARTICLES MOST LIKELY TO AFFECT INTER-CITIZEN RELATIONSHIPS, OR TO TAKE OUT ALL DIRECT INTER-CITIZEN RIGHTS FROM THE BILL OF RIGHTS.

"WE PREFER THE LATTER APPROACH. IT IS TIDIER, AND WILL AVOID THE UNCERTAINTY AS TO WHICH ASPECTS OF CONDUCT ARE COVERED AND WHICH ARE NOT.

"IT ALSO MEETS THE MAIN OBJECTIVE OF ANY BILL OF RIGHTS, NAMELY, TO CATER FOR VIOLATIONS OF FUNDAMENTAL RIGHTS BY THE GOVERNMENT AND PUBLIC AUTHORITIES.

"WE THEREFORE AGREE TO EXCLUDE FROM THE OPERATION OF BILL OF RIGHTS ALL INTER-CITIZEN RIGHTS AND OBLIGATIONS, AND THAT THE ORDINANCE SHALL BIND ONLY THE GOVERNMENT AND ALL PUBLIC AUTHORITIES," THE CHIEF SECRETARY SAID.

NOTING THAT THE QUESTION WHICH HAD, QUITE NATURALLY, FOLLOWED THE DECISION TO EXCLUDE INTER-CITIZEN RIGHTS CONCERNED THE ALTERNATIVE STEPS PROPOSED TO CATER FOR THE PROTECTION OF INFRINGEMENT BY INDIVIDUALS OF THE RIGHTS OF OTHER INDIVIDUALS, SIR DAVID SAID: "IN THE SPHERE OF CIVIL LIBERTIES, THE CATEGORIES OF PRIVATE INFRINGEMENT WHICH CALL FOR PARTICULAR ATTENTION IN MOST JURISDICTIONS ARE THOSE RELATING TO PRIVACY AND DISCRIMINATION.

"AS TO THE FORMER, THE LAW REFORM COMMISSION IS ALREADY WELL ADVANCED WITH ITS COMPREHENSIVE STUDY OF PRIVACY, WITH A VIEW TO MAKING RECOMMENDATIONS FOR DETAILED LEGISLATION.

"THE ADMINISTRATION HAS ALREADY STARTED CONSIDERATION OF THE QUESTION OF DISCRIMINATION IN CONNECTION WITH ITS STUDY ON THE APPLICATION OF THE UNITED NATIONS CONVENTION FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN.

"THE LEGAL, SOCIAL AND ECONOMIC IMPLICATIONS OF DETAILED ANTI-DISCRIMINATION LEGISLATION ARE COMPLEX AND THEY NEED TO BE CAREFULLY STUDIED BEFORE A MATURE DECISION CAN BE TAKEN. WE WOULD WISH TO REACH AN INFORMED POLICY POSITION ON THE BASIS OF DETAILED STUDIES," HE SAID.

- - - - 0 - - - -

GOVERNMENT CONSIDERING TO SET UP ADVISORY COMMITTEE
TO FURTHER HUMAN RIGHTS EDUCATION

* * * * *

THE ADMINISTRATION IS CONSIDERING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO FURTHER HUMAN RIGHTS EDUCATION, THE CHIEF SECRETARY, THE HON SIR DAVID FORD SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

SPEAKING AT THE SECOND READING DEBATE ON THE HONG KONG BILL OF RIGHTS BILL 1990, THE CHIEF SECRETARY SAID THE GOVERNMENT BELIEVED THAT THE EDUCATION ROLE OF SUCH A BODY WOULD BE IMPORTANT IF THE BILL WAS TO PRODUCE THE DESIRED IMPACT.

COMMENTING ON A PROPOSAL TO SET UP A HUMAN RIGHTS COMMISSION, THE CHIEF SECRETARY SAID THE ADMINISTRATION HAD EXAMINED THOROUGHLY THE ISSUE.

/HE EXPLAINED

HE EXPLAINED THAT WHEN IT WAS STILL THE GOVERNMENT'S INTENTION TO RETAIN INTER-CITIZEN RIGHTS IN THE BILL, THERE WERE SUGGESTIONS THAT SUCH A COMMISSION MIGHT ACT AS A FILTER TO STEM THE FLOW OF INTER-CITIZEN ACTIONS IN THE COURTS, NOTING THAT THE PERCEIVED ROLE WAS THAT OF ARBITRATION, MEDIATION, INVESTIGATION AND PERHAPS A RIGHT TO ENFORCE DECISIONS.

THE CHIEF SECRETARY POINTED OUT THAT THE ADMINISTRATION TOOK THE VIEW THAT IN ORDER TO PERFORM THE ENVISAGED ROLE EFFECTIVELY, SUCH A COMMISSION WOULD HAVE TO HAVE POWERS TO PROVIDE EFFECTIVE REMEDIES.

"THE ESTABLISHMENT OF SUCH A BODY, WERE IT TO PERFORM EFFECTIVELY, WOULD OF COURSE HAVE HAD FINANCIAL IMPLICATIONS AND ONE WOULD WISH CAREFULLY TO STUDY THE NATURE OF ITS COMPOSITION, BEARING IN MIND ALWAYS THE DESIRABILITY OF ADHERING TO THE TYPE OF MACHINERY RECOGNISED BY OUR PRESENT SYSTEM OF LAW.

"THESE DIFFICULTIES ASIDE, HOWEVER, THE FACT IS THAT A DECISION HAS BEEN TAKEN TO EXCLUDE INTER-CITIZEN RIGHTS FROM THE BILL, SO THAT THE CASE FOR ESTABLISHING A HUMAN RIGHTS COMMISSION WITH THE ARBITRATION OR MEDIATION OR DECISION MAKING ROLE ENVISAGED IS CONSIDERABLY WEAKENED.

"I HAVE INDICATED THAT THE PROTECTION OF RIGHTS FROM INFRINGEMENT BY INDIVIDUALS WILL BE CONSIDERED. WHETHER ANY PARTICULAR MECHANISM FOR DEALING WITH THOSE ISSUES WILL PROVE DESIRABLE SHOULD AWAIT THAT CONSIDERATION," HE SAID.

SIR DAVID SAID THE COMMITTEE ON THE PROMOTION OF CIVIC EDUCATION HAD IN RECENT YEARS PURSUED AN ACTIVE PROGRAMME TO PROMOTE AS ONE OF ITS MAJOR THEMES PUBLIC AWARENESS OF THE RULE OF LAW AND HUMAN RIGHTS PROTECTION.

"HOWEVER, THERE WOULD BE BENEFIT IN THE CONCENTRATION OF EXPERTISE IN THIS IMPORTANT AREA, WHICH WOULD SERVE ALSO TO UNDERSCORE THE IMPORTANCE WHICH THE ADMINISTRATION ATTACHES TO THE PROTECTION OF HUMAN RIGHTS.

"I CAN CONFIRM THIS AFTERNOON THAT WE ARE NOW CONSIDERING THE ESTABLISHMENT OF SUCH AN ADVISORY COMMITTEE," HE SAID.

NOTING THAT THERE HAD BEEN REFERENCE DURING THE DEBATE TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND TO THE FACT THAT THE BILL DID NOT INCORPORATE PROVISIONS OF THAT COVENANT, SIR DAVID POINTED OUT THAT THERE WERE SEVERAL REASONS FOR NOT TAKING THAT STEP.

"THE RIGHTS ENSHRINED IN THE ICCPR AND THOSE IN THE ICESCR ARE DIFFERENT IN NATURE AND IT WAS IN RECOGNITION OF THIS DIFFERENCE THAT THE RIGHTS WERE INCLUDED IN TWO SEPARATE COVENANTS.

"MANY OF THE RIGHTS IN THE ECONOMIC COVENANT ARE NOT CAPABLE OF PRECISE LEGAL DEFINITION AND STATE PARTIES ARE OBLIGED ONLY TO REALISE THE RIGHTS AND FREEDOMS CONTAINED IN THAT COVENANT PROGRESSIVELY, ACCORDING TO AVAILABLE RESOURCES," HE SAID.

SIR DAVID SAID IN HONG KONG MANY SUCH RIGHTS HAD ALREADY BEEN TAKEN CARE OF BY HONG KONG'S EXISTING SOCIAL SERVICE PROGRAMMES AND LEGISLATIVE MEASURES.

"FURTHERMORE, WE ARE SATISFIED THAT THE MANY OF THE CIVIL AND POLITICAL RIGHTS WHICH ARE MADE JUSTICABLE IN THE BILL OF RIGHTS WILL INDEED PROTECT THE ICESCR RIGHTS AND FREEDOMS, ALBEIT INDIRECTLY," HE SAID.

SIR DAVID AGREED WITH MRS SELINA CHOW THAT SELECTION OF RIGHTS FROM THE ICESCR TO BE INCLUDED IN THE BILL OF RIGHTS WOULD HAVE ENTAILED EXTENSIVE CONSULTATION AND PROLONGED DEBATE ABOUT WHICH RIGHTS SHOULD BE INCLUDED, WHICH EXCLUDED AND THAT THIS WOULD HAVE DELAYED SIGNIFICANTLY THE ENACTMENT OF THE BILL.

"I TAKE FULL NOTE HOWEVER OF THE CONCERN BY MEMBERS THAT THE ADMINISTRATION SHOULD ADDRESS FURTHER THE QUESTION OF RIGHTS IN THE ECONOMIC AND SOCIAL COVENANT," HE SAID.

----- 0 -----

BILL OF RIGHTS CONSTITUTES STATEMENT OF RIGHTS AND FREEDOMS: AG
* * * * *

THE ENACTMENT OF THE BILL OF RIGHTS WOULD CONSTITUTE A STATEMENT IN ONE INSTRUMENT OF FUNDAMENTAL RIGHTS AND FREEDOMS, JUSTICIABLE BEFORE AN INDEPENDENT JUDICIARY.

IT WAS ALSO A SIGNAL OF THE IMPORTANCE ATTACHED BY THE ADMINISTRATION AND BY MEMBERS OF THE LEGISLATIVE COUNCIL TO THOSE FUNDAMENTAL FREEDOMS THAT SO MUCH TIME HAD BEEN SPENT ON THIS MEASURE.

THE ATTORNEY GENERAL, MR JEREMY MATHEWS, MADE THESE REMARKS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING ON THE RESUMPTION OF SECOND READING DEBATE ON THE HONG KONG BILL OF RIGHTS BILL 1990, MR MATHEWS SAID THE COMMITTEE STAGE AMENDMENTS REFLECTED BY THEIR NUMBER AND NATURE A WIDE VARIETY OF CONCERNS.

"SOME ARE PUT FORWARD TO ALLAY CONCERNS AS TO CLARITY OF PURPOSE. OTHERS ARE BROADER, REFLECTING MORE FUNDAMENTAL WORRIES.

HE SAID THE TWO WITH THE MOST IMPACT RELATED, FIRST, TO THE QUESTION OF INTER-CITIZEN RIGHTS AND, SECOND, TO THE PROPOSAL TO FREEZE, FOR A WHILE, THE EFFECT OF THE BILL OF RIGHTS ON A SMALL NUMBER OF EXISTING LAWS.

HE ADDED THAT THE ADMINISTRATION SUPPORTED THE AMENDMENTS TO BE MOVED BY MRS SELINA CHOW IN RESPECT OF THESE TWO ASPECTS.

ON THE AMENDMENTS INITIATED BY THE ADMINISTRATION, HE DREW THE ATTENTION OF MEMBERS FIRST TO CLAUSE 2(3) OF THE BILL: THE CLAUSE WHICH STIPULATED, FOR THE BENEFIT OF THE COURTS, THE PURPOSE OF THE ORDINANCE.

/HE SAID

HE SAID IT WAS PROPOSED THAT CLAUSE 2(3) BE AMENDED BY REPLACING THE PHRASE "THE PURPOSE OF THIS ORDINANCE IS TO IMPLEMENT FURTHER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AS APPLIED TO HONG KONG" WITH THE EXPRESSION "THE PURPOSE OF THIS ORDINANCE IS TO PROVIDE FOR THE INCORPORATION INTO THE LAW OF HONG KONG OF PROVISIONS OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AS APPLIED TO HONG KONG, AND FOR ANCILLARY AND CONNECTED MATTERS".

HE SAID IT WAS FELT THAT THE PHRASE "TO IMPLEMENT FURTHER" WAS NOT, IN ALL THE CIRCUMSTANCES, THE BEST PHRASE TO DESCRIBE THE PURPOSE OF THE BILL. A SIMILAR AMENDMENT TO THE LONG TITLE WAS PROPOSED.

"THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AS APPLIED TO HONG KONG HAS HITHERTO BEEN IMPLEMENTED IN HONG KONG THROUGH THE COMMON LAW, LEGISLATION AND ADMINISTRATIVE MEASURES.

"THAT BEING SO, THE TEXT OF THE PREAMBLE MIGHT CREATE A MISLEADING IMPRESSION THAT A BILL OF RIGHTS, AS A MATTER OF LAW, IS REQUIRED TO IMPLEMENT THE COVENANT IN HONG KONG.

"THE ADMINISTRATION THEREFORE PROPOSES TO DELETE THE PREAMBLE.

"NONE OF THESE AMENDMENTS IS INTENDED TO CHANGE THE SUBSTANCE OF THE BILL," MR MATHEWS SAID.

HE POINTED OUT THAT CLAUSE 4 PROVIDED THAT ALL FUTURE LEGISLATION WAS TO BE CONSTRUED, SO FAR AS POSSIBLE, AS BEING SUBJECT TO THE BILL OF RIGHTS.

THE USE OF THE PHRASE "SUBJECT TO" HAD GIVEN RISE TO CONCERN THAT THEREBY THE BILL OF RIGHTS WOULD ATTAIN A STATUS IN LAW AS SOME KIND OF SUPERIOR CONSTITUTIONAL INSTRUMENT, COMPETING PERHAPS WITH THE BASIC LAW, HE SAID.

"THAT WAS NOT THE INTENTION," MR MATHEWS SAID.

TO MAKE THIS MORE CLEAR, AN AMENDMENT TO CLAUSE 4 WOULD PROVIDE FOR INTERPRETATION TO BE CONSISTENT, IF POSSIBLE, WITH THE COVENANT.

"SUCH A CLAUSE, WE BELIEVE, WILL SIT WELL WITH THE PROVISIONS OF THE JOINT DECLARATION AND THE BASIC LAW."

HE SAID THAT THERE WAS SOME CONCERN THAT CLAUSE 6, THE REMEDIES CLAUSE, DID NOT MAKE CLEAR THE CIRCUMSTANCES IN WHICH AN ACTION INVOLVING A BREACH OF THE BILL OF RIGHTS MIGHT BE BROUGHT, AND IN PARTICULAR THAT IT WAS INTENDED TO PERMIT AN ACTION WHERE THE SOLE COMPLAINT MIGHT BE A BREACH OF THE BILL OF RIGHTS.

THE AMENDMENT TO CLAUSE 6 WHICH WAS PROPOSED BY MEMBERS WOULD SERVE TO CLARIFY THE FACT THAT THERE WERE TWO BASIC SITUATIONS WHERE A REMEDY MIGHT BE GRANTED UNDER THE BILL.

"THE FIRST IS WHERE AN ACTION IS BROUGHT RELATING SOLELY TO A VIOLATION OF ANY ONE OF THE ARTICLES IN PART II OF THE BILL.

"THE SECOND SITUATION IS WHERE A VIOLATION IS RELEVANT IN THE COURSE OF PROCEEDINGS, BUT THERE IS NO ACTION BASED SOLELY ON THE BILL OF RIGHTS," MR MATHEWS SAID.

MR MATHEWS ALSO COMMENTED ON A SUGGESTION THAT HE SHOULD REFRAIN FROM SEEKING AN ORDER OF COSTS IN CASES WHERE THE PLAINTIFF WAS UNSUCCESSFUL IN AN ACTION AGAINST THE GOVERNMENT INVOLVING THE BILL OF RIGHTS.

HE SAID HE HAD GREAT DIFFICULTY IN SEEING HOW HE COULD POSSIBLY ACCEDE TO THE PROPOSITION.

HE POINTED OUT THAT THE LONG ESTABLISHED RULES OF PROCEDURE WERE THAT THE COURTS HAD FULL DISCRETION IN MAKING ORDERS AS TO THE PAYMENT OF COSTS.

"THE NORMAL RULE IS THAT COSTS FOLLOW THE EVENT. IF YOU WIN, YOU GET YOUR COSTS. IF YOU LOSE, YOU HAVE TO PAY YOUR OPPONENT'S.

"IF I WAS TO BE ASKED TO ACCEDE TO THE PROPOSAL PUT TO ME THIS AFTERNOON, I'LL BE DEPARTING FROM WELL ESTABLISHED PROCEDURES IN A SITUATION WHERE IT IS NOT CLEAR TO ME THAT A CASE HAS BEEN MADE OUT FOR SO DOING."

HE SAID THE PROPOSAL WOULD MEAN THAT IF A CASE WAS BARELY ARGUABLE BUT NOT FRIVOLOUS, THERE WOULD BE NO COSTS. THE COSTS WOULD HAVE TO BE BORNE BY TAXPAYERS.

HE SAID IT MIGHT ENCOURAGE NUISANCE LITIGATION, ENCOURAGE PUBLICITY SEEKING LITIGATION THAT HAD NO UNDERLINING REAL PURPOSE.

HE ADDED THAT MANY OF THE RIGHTS IN THE BILL OF RIGHTS WERE ALREADY PROTECTED BY EXISTING LEGISLATION AND THE COMMON LAW, AND ACTIONABLE AS AGAINST THE GOVERNMENT AND PUBLIC AUTHORITIES.

"IT WOULD BE A VERY ODD SITUATION INDEED IF THE SAME BREACH WAS TREATED DIFFERENTLY SIMPLY BECAUSE AN ACTION WAS BROUGHT UNDER THE BILL OF RIGHTS."

HE POINTED OUT THAT LEGAL AID WAS AVAILABLE TO PERSONS WITH LIMITED MEANS. IF A LEGALLY AIDED PERSON WAS UNSUCCESSFUL, LIABILITY FOR COSTS WOULD BE LIMITED TO THE AMOUNT OF CONTRIBUTION, IF ANY, THAT THAT PERSON WAS LIABLE TO PAY.

HE ALSO SAID THAT THE PROPOSAL ON COSTS WOULD APPLY EVEN TO WEALTHY LITIGANTS WHO, IF UNSUCCESSFUL, WOULD BE SUBSIDISED BY TAXPAYERS.

"UPON ENACTMENT, IT WILL BE FOR THE COURTS TO INTERPRET AND APPLY THIS ORDINANCE.

"THOSE IN PRACTICE BEFORE THE COURTS WILL NO DOUBT FIND A WEALTH OF LEARNING AND EXISTING CASE LAW, NOT ONLY IN CONNECTION WITH THE INTERNATIONAL COVENANT ITSELF, BUT ALSO FROM DECISIONS ON OTHER MULTI-LATERAL CONVENTIONS AND OTHER CHARTERS OF RIGHTS.

"FOR THE RIGHTS ENUMERATED IN THE INTERNATIONAL COVENANT AND, THEREFORE, IN OUR BILL OF RIGHTS, ARE COMMON TO MOST SUCH INSTRUMENTS.

"THAT SHOULD COME AS NO SURPRISE, SINCE THEY ARE BUT A LIST OF FUNDAMENTAL FREEDOMS. THEY ECHO THOSE PRINCIPLES DEVELOPED IN THE COMMON LAW WORLD, TO WHICH HONG KONG BELONGS," MR MATHEWS SAID.

SHA OUTLINES CONTROL SCOPE OF CLUBS BILL

* * * * *

ALL CLUBS HAVING CLUB-HOUSES WILL COME UNDER THE CONTROL OF THE CERTIFICATION SCHEME OF THE CLUBS (SAFETY OF PREMISES) BILL, THE SECRETARY FOR HOME AFFAIRS, THE HON PETER TSAO, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING AT THE RESUMED DEBATE ON THE SECOND READING OF THE BILL, MR TSAO SAID, HOWEVER, THAT THIS SCHEME WOULD, FIRST OF ALL, BE IMPLEMENTED AGAINST PROPRIETARY OR SHAM CLUBS.

THESE ARE USUALLY A PURELY COMMERCIAL UNDERTAKING IN WHICH THE SO-CALLED MEMBERS ARE NO MORE THAN CUSTOMERS OF THE PROPRIETOR, HE SAID.

MR TSAO SAID THIS FORM OF CLUB WAS POPULAR WITH OPERATORS OF MAHJONG PARLOURS, EATING ESTABLISHMENTS, AND KARAOKE CENTRES IN ORDER TO AVOID LICENSING CONTROL UNDER OTHER ORDINANCES.

NOTING THAT NON-PROPRIETARY CLUBS WILL BE TEMPORARILY EXEMPT FROM THE CERTIFICATION SCHEME, MR TSAO SAID THEY WILL NONETHELESS BE REQUIRED TO REGISTER WITH THE AUTHORITY FOR A CERTIFICATE OF EXEMPTION.

HE ALSO EMPHASISED THAT A REASONABLE AND ADEQUATE PERIOD OF TIME WILL BE GIVEN TO EXISTING CLUB-HOUSES TO UPGRADE THEIR SAFETY MEASURES AND TO REGULARISE ANY DEFICIENCY IN COMPLIANCE WITH THE STATUTORY STANDARDS.

ANY AGGRIEVED CLUB OPERATOR, HE SAID, COULD APPEAL TO AN APPEAL BOARD.

AS TO KARAOKE CENTRES, MR TSAO SAID THE GOVERNMENT HAD CONSIDERED THE PRACTICABILITY OF ENLARGING THE AMBIT OF THE BILL TO MAKE THESE AND OTHER CLUB-LIKE ESTABLISHMENTS, SUBJECT TO THE SAFETY REQUIREMENTS OF THE CERTIFICATION SCHEME.

"HOWEVER, WE HAD TO DROP THIS PROPOSAL AFTER RECEIVING ADVICE FROM OUR COUNSEL THAT SUCH A PROPOSAL WOULD BE INADMISSIBLE UNDER STANDING ORDER 45 FOR EXCEEDING THE SCOPE OF THE BILL," HE EXPLAINED.

ADDING THAT OTHER OPTIONS WERE BEING EXPLORED, MR TSAO SAID THE GOVERNMENT WOULD MONITOR THE EFFECT OF THIS BILL ON KARAOKE CENTRES BEFORE FIRING UP A DECISION.

EARLIER, MR TSAO EXPLAINED THAT AT PRESENT, CLUBS WERE GENERALLY REGISTERED IN TWO WAYS.

"THEY MAY BE FORMED UNDER THE SOCIETIES ORDINANCE. EXEMPTION FROM REGISTRATION UNDER THIS ORDINANCE IS GIVEN TO TRADE UNIONS, CREDIT UNIONS, OWNERS' CORPORATION, AND MUTUAL AID COMMITTEES.

"CLUBS MAY ALSO BE FORMED UNDER THE COMPANIES ORDINANCE. THEY USUALLY TAKE THE FORM OF A COMPANY WITH LIABILITIES LIMITED BY MEMBERS' GUARANTEE," HE SAID.

OATHS AND DECLARATIONS AMENDMENT BILL INTRODUCED

* * * * *

THE CHIEF SECRETARY, THE HON SIR DAVID FORD, MOVED THE OATHS AND DECLARATIONS (AMENDMENT) BILL 1991 FOR THE SECOND TIME IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SIR DAVID SAID THE OBJECT OF THIS BILL WAS TWO-FOLD.

"FIRST, SECTION 19 OF THE PRINCIPAL ORDINANCE AT PRESENT PROVIDES THAT THE OATH OF ALLEGIANCE OR THE LEGISLATIVE COUNCIL OATH FOR MEMBERS OF THE COUNCIL SHALL BE TENDERED BY THE GOVERNOR OR OTHER MEMBER PRESIDING.

"CLAUSE 2 OF THE BILL SEEKS TO AMEND THIS SECTION SO THAT THE OATHS WILL BE TENDERED BY THE PRESIDENT OR DEPUTY PRESIDENT OF THE COUNCIL OR OTHER MEMBER PRESIDING," THE CHIEF SECRETARY NOTED.

HE POINTED OUT THAT THIS AMENDMENT WOULD BRING THE ORDINANCE INTO LINE WITH THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE AND THE STANDING ORDERS OF THE COUNCIL, BOTH OF WHICH DREW A DISTINCTION BETWEEN THE EXECUTIVE ROLE OF THE GOVERNOR AND HIS ROLE AS THE PRESIDENT OF THE COUNCIL.

THE CHIEF SECRETARY ADDED THAT THE AMENDMENT WOULD ALSO HELP TO ESTABLISH THE IDENTITY OF THE PRESIDENT OF THE COUNCIL IN PREPARATION FOR AN ELECTED PRESIDENT IN 1995.

THE SECOND OBJECT OF THE BILL RELATED TO THE WISH OF MEMBERS TO AMEND SECTION 22(3A) OF THE PRINCIPAL ORDINANCE TO ALLOW THE STANDING ORDERS TO REQUIRE MEMBERS TO TAKE THEIR OATHS AFRESH AFTER A GENERAL ELECTION OF THE COUNCIL.

"AT PRESENT SECTION 22(3A) PROVIDES THAT NO MEMBER OF THE COUNCIL WHO HAS ALREADY TAKEN AN OATH SHALL BE REQUIRED TO TAKE IT AGAIN," THE CHIEF SECRETARY ADDED.

HE SAID THIS OBJECT WOULD BE ACHIEVED BY CLAUSE 3 OF THE BILL.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

BILL ON CONTROLS OF WEAPONS IN TRANSIT

* * * * *

THE IMPORT AND EXPORT (AMENDMENT) (NO. 2) BILL, WHICH SEEKS TO INTRODUCE CONTROLS OVER WEAPONS AND RELATED ITEMS IN TRANSIT THROUGH HONG KONG, WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, THE FINANCIAL SECRETARY, THE HON SIR PIERS JACOBS, SAID THE SCOPE OF THE NEW CONTROLS WOULD BE LIMITED TO SPECIFIED MUNITIONS AND ITEMS FOR USE RELATING TO NUCLEAR, CHEMICAL OR BIOLOGICAL WEAPONS.

"OTHER GOODS IN TRANSIT WILL REMAIN FREE FROM CONTROL," HE ADDED.

SIR PIERS SAID THE ACTION WAS TAKEN IN RESPONSE TO A GROWING INTERNATIONAL CONSENSUS THAT CONTROLS WERE NECESSARY TO HELP CHECK THE PROLIFERATION OF SUCH WEAPONS.

HE STRESSED THAT THIS WAS INTENDED TO BE A PREVENTIVE MEASURE.

"THERE IS NO INDICATION THAT WEAPONS OF THE TYPE TO BE CONTROLLED ARE BEING SHIPPED THROUGH HONG KONG.

"THEREFORE, THE NEW POWERS WILL BE USED ONLY SPARINGLY, IF AT ALL," HE SAID.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

OZONE PROTECTION BILL INTRODUCED

* * * * *

THE OZONE LAYER PROTECTION (AMENDMENT) BILL 1991 SEEKS TO ENSURE THE TRADING OF SUCH SUBSTANCES WHICH FALL UNDER THE CONTROL OF THE PRINCIPAL ORDINANCE WILL REMAIN OUTSIDE THE SCOPE OF CONTROL WHILE TRANSITTING HONG KONG.

THIS WAS STATED BY THE FINANCIAL SECRETARY, THE HON SIR PIERS JACOBS, WHEN MOVING THE SECOND READING OF THE BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SIR PIERS SAID THE PROVISIONS WERE CONSEQUENTIAL AMENDMENTS TO THE IMPORT AND EXPORT (AMENDMENT) (NO. 2) BILL 1991 WHICH HE INTRODUCED EARLIER.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

BILL TO FACILITATE FINANCIAL MARKET CO-OPERATION

* * * * *

THE SECURITIES AND FUTURES COMMISSION (AMENDMENT) BILL 1991 SEEKS TO FACILITATE CO-OPERATION BETWEEN SECURITIES AND FUTURES COMMISSION AND OTHER FINANCIAL MARKET REGULATORS THROUGH A LIMITED RELAXATION OF THE EXISTING SECRECY REQUIREMENTS.

MOVING THE BILL FOR THE SECOND READING IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), THE FINANCIAL SECRETARY, THE HON SIR PIERS JACOBS, SAID THE BILL WOULD NOT PREJUDICE THE GENERAL CONFIDENTIALITY OF INFORMATION OBTAINED BY THE COMMISSION FOR REGULATORY PURPOSES.

UNDER THE SECURITIES AND FUTURES COMMISSION ORDINANCE, THE COMMISSION COULD DISCLOSE INFORMATION TO OTHER REGULATORS ONLY IF DISCLOSURE WAS CONSIDERED DESIRABLE OR EXPEDIENT IN THE INTERESTS OF THE INVESTING PUBLIC OR IN THE PUBLIC INTEREST.

THE COMMISSION COULD NOT DISCLOSE INFORMATION TO THE REGULATORS MERELY FOR THE PURPOSES OF CO-OPERATION OR ASSISTANCE, SIR PIERS NOTED.

"THIS HAS CREATED DIFFICULTIES FOR HONG KONG SECURITIES COMPANIES CONDUCTING BUSINESS OVERSEAS BECAUSE OVERSEAS REGULATORS OFTEN WISH TO SEEK THE ASSISTANCE OF THE REGULATORY AUTHORITIES IN HONG KONG.

"THE RESTRICTIONS HAS ALSO ON OCCASIONS HAMPERED THE EFFECTIVE REGULATION OF FINANCIAL INSTITUTIONS IN HONG KONG," HE SAID.

THE FINANCIAL SECRETARY SAID THIS BILL PURPOSED TO INCLUDE A NEW FUNCTION FOR THE COMMISSION TO CO-OPERATE WITH AND ASSIST OTHER REGULATORS, BOTH DOMESTIC AND OVERSEAS.

"IT SEEKS TO ALLOW THE COMMISSION TO DISCLOSE INFORMATION TO OTHER REGULATORS TO ENABLE THEM TO PERFORM THEIR FUNCTIONS, PROVIDED THEY ARE SUBJECT TO ADEQUATE SECRECY PROVISIONS AND PROVIDED THE DISCLOSURE IS NOT CONTRARY TO THE INTERESTS OF THE INVESTING PUBLIC OR TO THE PUBLIC INTERESTS," HE ADDED.

SIR PIERS NOTED THAT THE OPPORTUNITY WAS TAKEN TO INCLUDE A FEW REFINEMENTS TO THE EXISTING SECRECY REQUIREMENTS IN AN ATTEMPT TO REMOVE CERTAIN OPERATIONAL DIFFICULTIES BEING EXPERIENCED BY THE COMMISSION.

"IN FORMULATING THESE AMENDMENTS, WE HAVE GIVEN DUE CONSIDERATION TO THE NEED FOR ADEQUATE LEGAL AND ADMINISTRATIVE CONTROLS TO GUARD AGAINST IMPROPER DISCLOSURE OF INFORMATION BY THE COMMISSION OR RECIPIENTS OF SUCH INFORMATION," HE SAID.

DEBATE ON THE MOTION WAS ADJOURNED.

----- 0 -----

AMENDMENT BILL ON EXPRESSWAY INTRODUCED

* * * * *

THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, TODAY (WEDNESDAY) INTRODUCED AN AMENDMENT BILL WHICH PROVIDES FOR THE DESIGNATION OF EXPRESSWAYS, AND FOR THE USE, CONTROL AND MANAGEMENT OF THESE ROADS.

MOVING THE ROAD TRAFFIC (AMENDMENT) (NO. 3) BILL 1991, MR LEUNG SAID EXPRESSWAYS DIFFERED FROM OTHER ROADS IN THAT THEY WERE DESIGNED TO CARRY LARGE VOLUMES OF TRAFFIC AT HIGHER SPEEDS.

TOLO HIGHWAY, ISLAND EASTERN CORRIDOR AND TUEN MUN HIGHWAY WERE EXAMPLES OF ROADS WHICH WOULD BE DESIGNATED AS EXPRESSWAYS UNDER THIS NEW LEGISLATION.

/HE SAID

HE SAID AT PRESENT, THE ROAD TRAFFIC ORDINANCE DID NOT PROVIDE SUFFICIENT CONTROL OVER THE USE OF SUCH ROADS, PARTICULARLY WITH REGARD TO SAFETY STANDARDS.

HE SAID THE BILL EMPOWERED THE COMMISSIONER FOR TRANSPORT TO DESIGNATE ROADS AS EXPRESSWAYS AND DETERMINE THEIR BOUNDARIES.

IT REGULATED THE IMPLEMENTATION OF ROADWORKS ON EXPRESSWAYS, PROVIDED FOR THE REMOVAL OF PLANT AND EQUIPMENT CAUSING AN OBSTRUCTION, AND RESTRICTED ACCESS TO AND EXIT FROM THESE ROADS.

MR LEUNG ADDED THAT THE BILL ENABLED THE GOVERNOR IN COUNCIL TO MAKE REGULATIONS, FOR EXAMPLE, CONCERNING THE TYPES OF VEHICLES PERMITTED TO USE EXPRESSWAYS AND THE NEW DRIVING RULES APPLICABLE.

THE EMPHASIS IN THE NEW REGULATIONS WOULD BE ON MEASURES TO IMPROVE THE SAFETY OF EXPRESSWAYS, FOR EXAMPLE, WITH REGARD TO LANE DISCIPLINE, THE SECRETARY SAID.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

POLICE TRUST BILLS INTRODUCED

* * * * *

THE POLICE CHILDREN'S EDUCATION TRUST (AMENDMENT) BILL 1991 AND THE POLICE EDUCATION AND WELFARE TRUST (AMENDMENT) BILL 1991 WERE INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE POLICE CHILDREN'S EDUCATION TRUST (AMENDMENT) BILL 1991, THE ACTING SECRETARY FOR SECURITY, THE HON IAN STRACHAN, SAID THE BILL SOUGHT TO AMEND SECTION 10(3) OF THE POLICE CHILDREN'S EDUCATION TRUST ORDINANCE TO EXTEND BY THREE MONTHS THE PERIOD WITHIN WHICH THE ANNUAL AUDITED STATEMENT OF ACCOUNTS AND REPORT OF THE TRUSTEE ON THE ADMINISTRATION OF THE FUND UNDER THE ORDINANCE HAD TO BE TABLED IN THE LEGCO.

THE REVISED DEADLINE WOULD ALLOW THE COMMISSIONER OF POLICE, WHO WAS THE TRUSTEE, A MORE REASONABLE TIME TO SUBMIT HIS REPORTS SO AS TO AVOID LATE SUBMISSIONS, MR STRACHAN SAID.

THE COMMISSIONER WAS NOW ALLOWED SIX MONTHS TO PREPARE HIS SUBMISSION EACH YEAR.

"THIS HAS PROVED TO BE INSUFFICIENT GIVEN THE CONSIDERABLE ASSETS AND TRANSACTIONS INVOLVED," HE SAID.

A TOTAL OF 1,700 STUDENTS AND OFFICERS RECEIVED ASSISTANCE FROM THIS TRUST AND FROM THE POLICE EDUCATION AND WELFARE TRUST IN 1989-90, HE ADDED.

MEANWHILE, THE RATIONALE OF THE POLICE EDUCATION AND WELFARE TRUST (AMENDMENT) BILL 1991, WHICH WAS ALSO GIVEN A SECOND READING TODAY, WAS SIMILAR TO THAT OF THE POLICE CHILDREN'S EDUCATION TRUST (AMENDMENT) BILL 1991.

THE BILL SOUGHT TO AMEND SECTION 10(3) OF THE POLICE EDUCATION AND WELFARE TRUST ORDINANCE TO EXTEND BY THREE MONTHS THE PERIOD WITHIN WHICH THE ANNUAL AUDITED STATEMENT OF ACCOUNTS AND REPORT OF THE TRUSTEE ON THE ADMINISTRATION OF THE FUND UNDER THE ORDINANCE MUST BE TABLED IN THE LEGCO.

DEBATES ON THE BILLS WERE ADJOURNED.

- - - - 0 - - - -

REVIEW ON PUBLIC VEHICLE DRIVER MEDICAL CHECKS

* * * * *

THE GOVERNMENT IS CONDUCTING A REVIEW OF PRACTICES ELSEWHERE CONCERNING MEDICAL CHECKS FOR BUS AND HEAVY GOODS VEHICLE DRIVERS, THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THIS EXERCISE WAS PART OF A REGULAR REVIEW OF ROAD SAFETY MEASURES, MR LEUNG SAID.

IN REPLY TO THE HON CHUNG PUI-LAM'S QUESTION ON WHETHER THE GOVERNMENT WOULD INTRODUCE LEGISLATIVE MEASURES IN RESPONSE TO THE RECOMMENDATIONS OF A CORONER'S COURT THAT DRIVERS OF PUBLIC VEHICLES HAVE TO UNDERGO ANNUAL MEDICAL EXAMINATION WHEN THEY REACH A PRESCRIBED AGE, MR LEUNG SAID THE RECOMMENDATIONS OF THE CORONER'S COURT WOULD BE CONSIDERED IN THE CONTEXT OF THAT REVIEW.

HE SAID LAST YEAR THE GOVERNMENT CONSIDERED WHETHER THERE WAS A NEED TO REQUIRE PUBLIC TRANSPORT COMPANIES TO PRODUCE MEDICAL CERTIFICATES FOR EMPLOYEES ABOVE A CERTAIN AGE, CERTIFYING THEIR FITNESS TO DRIVE.

HAVING REGARD TO THE ROAD ACCIDENT RECORDS OF DRIVERS EMPLOYED BY PUBLIC TRANSPORT COMPANIES, THEIR AGE PROFILE, AND THE MANAGEMENT CONTROLS ALREADY IMPOSED BY THESE COMPANIES IN TERMS OF RETIREMENT AGE AND MEDICAL CHECKS, MR LEUNG SAID THE GOVERNMENT CONCLUDED THAT IT WAS NOT NECESSARY TO RECOMMEND THE INTRODUCTION OF STATUTORY MEDICAL CHECKS.

BUT, AS PART OF THE GOVERNMENT'S REGULAR REVIEW OF ROAD SAFETY MEASURES, THE GOVERNMENT WAS CARRYING OUT A REVIEW OF PRACTICES ELSEWHERE ON THIS MATTER, HE ADDED.

- - - - 0 - - - -

TV GAMES SHOWS NOT MINOR GAMBLING

* * * * *

TELEVISION GAMES SHOWS AND CONTESTS CANNOT BE INTERPRETED AS SOME FORM OF MINOR GAMBLING, THE SECRETARY FOR HOME AFFAIRS, THE HON PETER TSAO, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON DAVID CHEUNG CHI-KONG, MR TSAO STRESSED THAT IT WAS THE GOVERNMENT'S BELIEF THAT UNDER THE PRESENT REGULATORY ENVIRONMENT, THESE SHOWS WOULD NOT REPRESENT A THREAT TO THE DEVELOPMENT OF OUR YOUNGSTERS.

HE POINTED OUT THAT TELEVISION STATIONS WERE REQUIRED TO ADHERE TO THE CODE OF PRACTICE FOR PROGRAMME STANDARDS ISSUED BY THE BROADCASTING AUTHORITY.

IN THIS CONNECTION, HE SAID ANY CONTEST INCLUDED IN A PROGRAMME MUST OFFER AN OPPORTUNITY FOR ALL PARTICIPANTS TO WIN ON THE "BASIS OF SKILL OR KNOWLEDGE AND NOT PURELY BY CHANCE".

MONITORING OF THE OUTPUT OF THE TWO TELEVISION STATIONS CONFIRMED THAT THE TELEVISION STATIONS WERE FOLLOWING THE LEGISLATION AND CODE OF PRACTICE, MR TSAO ADDED.

- - - - 0 - - - -

MEDICAL COUNCIL AGREES TO PROPOSAL OF LIMITED REGISTRATION OF DOCTORS

* * * * *

THE MEDICAL COUNCIL HAS AGREED TO THE SUGGESTION TO AMEND THE MEDICAL REGISTRATION ORDINANCE BY ADDING TO IT A PROVISION FOR LIMITED REGISTRATION OF DOCTORS, THE SECRETARY FOR HEALTH AND WELFARE, THE HON ELIZABETH WONG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN REPLY TO A QUESTION BY THE HON MARTIN BARROW, MRS WONG SAID THIS WOULD ALLOW DOCTORS, NOT OTHERWISE REGISTRABLE IN HONG KONG, TO PRACTISE AMONGST SPECIAL GROUPS UNDER CONDITIONS TO BE SPECIFIED BY THE MEDICAL COUNCIL.

"IT IS MY INTENTION TO INTRODUCE A BILL TO THIS EFFECT EARLY IN THE NEXT LEGISLATIVE SESSION AND I LOOK FORWARD TO THIS COUNCIL'S SUPPORT," SHE SAID.

- - - - 0 - - - -

WEDNESDAY, JUNE 5, 1991

- 23 -

CROSS BORDER CO-OPERATION FOR RETURN OF STOLEN CARS

* * * * *

THE GOVERNMENT WILL CONTINUE TO CO-OPERATE WITH THE CHINESE AUTHORITIES FOR THE UNCONDITIONAL RETURN OF THE CARS STOLEN FROM HONG KONG AND SUBSEQUENTLY IDENTIFIED AS SUCH IN CHINA.

THIS WAS STATED BY THE ACTING SECRETARY FOR SECURITY, THE HON IAN STRACHAN, IN HIS WRITTEN REPLY TO A QUESTION BY THE HON DAVID CHEUNG IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

- - - - 0 - - - -

GOVT CONSIDERS UPGRADING SCHOOL GUIDANCE SERVICES

* * * * *

THE GOVERNMENT IS PRESENTLY CONSIDERING RECOMMENDATIONS MADE BY THE EDUCATION COMMISSION IN ITS REPORT NO. 4 (ECR4) TO UPGRADE GUIDANCE SERVICES IN SCHOOLS.

IN THE MEANTIME, THE EDUCATION DEPARTMENT IS DEVELOPING PREVENTIVE MEASURES TO MINIMISE THE POSSIBILITY OF THE INCIDENCE OF SUICIDE ATTEMPTS BY SCHOOL CHILDREN.

THESE WERE THE REMARKS BY THE ACTING SECRETARY FOR EDUCATION AND MANPOWER, THE HON CHRISTINE CHOW, IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION BY THE HON PEGGY LAM.

MISS CHOW SAID SOME OF THE EDUCATION COMMISSION'S RECOMMENDATIONS INCLUDED IMPROVEMENTS TO THE MANNING RATIO FOR STUDENT GUIDANCE OFFICERS (SGO) IN PRIMARY SCHOOLS.

"THE PRESENT PROVISION IS ONE SGO TO 3,000 PUPILS IN THE URBAN AREA AND ONE SGO TO 2,000 PUPILS IN RURAL AREAS.

"THIS ALLOWS ONE SGO TO SERVE AN AVERAGE OF FOUR SCHOOL SESSIONS," MISS CHOW SAID.

THE ECR4 RECOMMENDED THAT THE PRESENT MODE OF PROVISION, THAT WAS EDUCATION DEPARTMENT-BASED SGO'S SERVING UP TO FOUR SCHOOLS EACH, BE CHANGED TO A "WHOLE SCHOOL APPROACH".

THIS MEANT THAT ALL TEACHERS IN A SCHOOL WOULD ACTIVELY PARTICIPATE IN ASSISTING STUDENTS RESOLVE THEIR DEVELOPMENTAL PROBLEMS, THE ACTING SECRETARY NOTED.

SHE SAID THE ECR4 ALSO RECOMMENDED TO GRADUALLY TRANSFER MOST SGO POSTS IN THE EDUCATION DEPARTMENT TO SCHOOLS AS ADDITIONAL POSTS TO ENABLE SCHOOL HEADS TO CHOOSE ONE OF THEIR TEACHERS AS A STUDENT GUIDANCE TEACHER (SGT).

/"ONE SGT

"ONE SGT SHOULD BE SHARED BY TWO OR MORE SCHOOLS UNDER THE SAME SPONSORING BODY," MISS CHOW SAID, ADDING THAT THE MANNING RATIO OF 1:2,500 SHOULD BE ADOPTED AS AN INITIAL STEP IN 1992.

A REVIEW WOULD BE CARRIED OUT IN 1994 TO CONSIDER WHETHER THE IMPROVED MANNING RATIO OF 1:1,350 SHOULD BE ADOPTED, WITH THE ULTIMATE AIM BEING TO HAVE ONE SGT/SGO FOR EACH STANDARD-SIZED PRIMARY SCHOOL I.E. 24- OR 30-CLASSROOM PRIMARY SCHOOL, SHE NOTED.

MISS CHOW SAID THE ADMINISTRATION WAS NOW ASSESSING FEEDBACK FROM THE ECR4 PUBLIC CONSULTATION EXERCISE AND WOULD SHORTLY BE GOING TO THE EXECUTIVE COUNCIL FOR ADVICE AS TO WHETHER THE EDUCATION COMMISSION'S RECOMMENDATIONS SHOULD BE ACCEPTED.

MEANWHILE, SHE POINTED OUT THAT THE EDUCATION DEPARTMENT HAD PROPOSED TO ORGANISE PARENT EDUCATION PROGRAMMES ON A SCHOOL BASIS TO HELP PARENTS COMMUNICATE BETTER WITH THEIR CHILDREN AND TO ALERT THEM TO THE SYMPTOMS OF CHILDREN UNDER MENTAL STRESS.

THE PROGRAMMES WOULD ALSO ENCOURAGE PARENTS TO SEEK PROFESSIONAL HELP WHERE APPROPRIATE, SHE ADDED.

- - - - 0 - - - -

ONE AIRCRAFT DEVIATION CASE IN PAST YEAR

* * * * *

THERE HAS BEEN ONLY ONE OCCASION IN THE PAST YEAR WHERE AN AIRCRAFT DEVIATED FROM THE NORMAL LANDING OR DEPARTURE FLIGHT PATHS, THE ACTING SECRETARY FOR ECONOMIC SERVICES, THE HON ELIZABETH BOSHER, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON PEGGY LAM, MRS BOSHER SAID THE INCIDENT OCCURRED ON MAY 15 WHEN AN AIRCRAFT APPROACHING KAI TAK FROM THE WEST WAS FOUND TO BE FLYING SOUTH OF THE NORMAL FLIGHT PATH BEFORE FINAL APPROACH TO LAND ON THE RUNWAY.

THE AIR TRAFFIC CONTROLLER MONITORING THE FLIGHT IMMEDIATELY INSTRUCTED THE AIRCRAFT TO ABORT THE APPROACH.

A SECOND APPROACH WAS SUBSEQUENTLY MADE AND SUCCESSFULLY EXECUTED.

THE INCIDENT, MRS BOSHER SAID, WAS DUE TO THE PILOT NOT ALIGNING THE AIRCRAFT PROPERLY WITH THE RUNWAY.

SHE POINTED OUT THAT AS THE PILOT WAS IN CLEAR VISUAL CONTACT WITH THE SURFACE AND WAS CLOSELY MONITORED BY THE AIR TRAFFIC CONTROLLER, THERE WAS NO DEGRADATION OF FLIGHT SAFETY.

WITH REGARD TO MANPOWER AND FACILITIES AT THE KAI TAK AIRPORT, MRS BOSHER SAID THEY WERE ADEQUATE IN TERMS OF QUALITY AND QUANTITY TO ENSURE THE SAFE MOVEMENT OF AIRCRAFT.

/"LOSS OF

"LOSS OF MANPOWER IN THE AIR TRAFFIC CONTROLLER GRADE DUE TO EMIGRATION, RETIREMENT AND NORMAL WASTAGE HAS BEEN MADE UP BY TRAINING LOCAL OFFICERS AND DIRECT APPOINTMENT OF EXPERIENCED CONTROLLERS FROM OVERSEAS," SHE SAID.

"ALL THESE OFFICERS MEET THE STRINGENT STANDARDS SET BY THE INTERNATIONAL CIVIL AVIATION ORGANISATION (ICAO)."

IN TERMS OF FACILITIES, MRS BOSHER ADDED THAT THE HONG KONG INTERNATIONAL AIRPORT WAS WELL EQUIPPED WITH VISUAL AND ELECTRONIC AIDS AND FOLLOWED THE RECOMMENDATIONS OF ICAO IN PROVIDING NAVIGATIONAL GUIDANCE TO AIRCRAFT APPROACHING TO AND DEPARTING FROM KAI TAK.

SHE ALSO SAID IN CASE OF ACCIDENTS ON OR IN THE VICINITY OF THE AIRPORT, THERE WERE WELL LAID DOWN EMERGENCY PROCEDURES TO BE FOLLOWED BY THE CIVIL AVIATION DEPARTMENT, FIRE SERVICES DEPARTMENT, THE POLICE AND OTHER RELEVANT AGENCIES.

SHE SAID SPECIALISED EQUIPMENT HAD BEEN ACQUIRED FOR SEARCH AND RESCUE, SALVAGE OF AIRCRAFT AND SO ON.

"ALL CONTINGENCY PLANS ARE KEPT FULLY UP-TO-DATE AND EXERCISES ARE CONDUCTED PERIODICALLY IN ORDER TO MAINTAIN A HIGH STATE OF READINESS TO REACT TO ANY SITUATION," SHE ADDED.

- - - - 0 - - - -

INTERCEPTION OPERATION OF VM'S EXPLAINED

* * * * *

THE FACT THAT THE VAST MAJORITY OF VIETNAMESE BOATS ARE INTERCEPTED WELL BEFORE THEY REACH BUILT-UP AREAS IS A REFLECTION OF THE EFFICIENCY OF HONG KONG'S MARINE POLICE, THE ACTING SECRETARY FOR SECURITY, THE HON IAN STRACHAN, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON POON CHI-FAI, MR STRACHAN SAID MOST VIETNAMESE BOATS WERE INTERCEPTED NEAR THE SEA BOUNDARY IN THE VICINITY OF TAI AH CHAU AND FAN LAU. SOME WERE INTERCEPTED AS NEAR AS CHEUNG CHAU.

"THE EXACT LOCATION DEPENDS ON THE ROUTE THEY TAKE," HE SAID.

REFERRING TO AN INCIDENT ON MAY 15 WHEN A WOODEN MOTOR-VESSEL WITH MORE THAN 100 VIETNAMESE MIGRANTS ON BOARD COULD ENTER INTO THE WATERS OF THE TERRITORY WITHOUT ANY INTERCEPTION BY THE MARINE POLICE UNTIL THEIR ARRIVAL WAS DISCOVERED BY LOCAL RESIDENTS, MR STRACHAN SAID THERE WERE TWO REASONS TO EXPLAIN WHY THE INCIDENT COULD HAVE HAPPENED.

THE FIRST REASON, HE SAID, WAS THAT THE VESSEL ENTERED HONG KONG WATERS AT NIGHT, DURING A THUNDERSTORM AND IN POOR VISIBILITY.

/ALSO, THE

ALSO, THE ARRIVAL OF FOUR OTHER BOATS EARLIER IN THE DAY WITH 164 VIETNAMESE MIGRANTS ON BOARD HAD DRAWN SOME OF THE POLICE LAUNCHES AWAY FROM THEIR USUAL PATROL AREAS FOR CONSIDERABLE PERIODS OF TIME.

"THE PROCESS OF INTERCEPTING, QUESTIONING AND ESCORTING THESE OTHER BOATS TO THE FIRST LANDING AT GREEN ISLAND HAD TAKEN TIME," HE ADDED.

MR STRACHAN POINTED OUT THAT THERE WERE MORE THAN 8,000 VESSEL MOVEMENTS IN THE WATERS OF HONG KONG EACH DAY, THE VAST MAJORITY OF WHICH WERE SMALL CRAFT.

"IN THE SOUTHERN SECTOR OF THE MARINE POLICE REGION, WHICH COVERS THE WATERS SOUTH OF HONG KONG ISLAND FROM PO TOI AND NORTH TO TSING YI, THERE ARE FIVE POLICE VESSELS ON PATROL ON ANY GIVEN DAY," HE SAID.

THE ACTING SECRETARY STRESSED THAT THE INCIDENT ON MAY 15 DID NEED TO BE SEEN IN A WIDER PERSPECTIVE.

"THE POLICE, WHETHER PATROLLING ON LAND OR SEA, CANNOT BE EVERYWHERE AT ONCE," HE ADDED.

- - - - 0 - - - -

NO EXEMPTION IN TAX PAYING EXPLAINED

* * * * *

THERE IS NO PROVISION IN LAW FOR THE COMMISSIONER OF INLAND REVENUE TO EXEMPT TAXPAYERS FROM PAYMENT OF TAX THAT HAS BEEN PROPERLY ASSESSED.

THE FINANCIAL SECRETARY, THE HON SIR PIERS JACOBS, SAID THIS IN A WRITTEN REPLY TO A QUESTION BY THE HON POON CHI-FAI IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

BUT IN EXCEPTIONAL CIRCUMSTANCES AND FOR GENUINE REASONS, THE COMMISSIONER MAY EXERCISE HIS DISCRETION TO ALLOW A TAXPAYER, UPON APPLICATION, TO PAY THE TAX DUE BY INSTALMENTS, SIR PIERS SAID.

"I SHALL NOT COMMENT ON MR POON'S ASSUMPTIONS REGARDING THE MONTHLY EXPENDITURE OF A SINGLE PERSON," HE NOTED, ADDING THAT A SINGLE PERSON EARNING AN ANNUAL INCOME OF \$41,000 IN 1991-92 PAID NO SALARIES TAX.

"EVEN IF HIS OR HER INCOME IS SLIGHTLY ABOVE \$41,000, THE TAX BILL IS STILL VERY SMALL.

"FOR INSTANCE, ON AN ANNUAL INCOME OF \$50,000, THE TAX PAYABLE BY A SINGLE PERSON IS \$180. WHEN INCOME INCREASES TO \$60,000, THE TAX PAYABLE IS ONLY \$380," HE EXPLAINED.

SIR PIERS SAID AT SUCH LOW LEVELS OF TAX, THE TAX BILL WAS CLEARLY NOT AN UNDUE BURDEN.

- - - - 0 - - - -

WEDNESDAY, JUNE 5, 1991

- 27 -

AD HOC COMMITTEE TO REVIEW HOUSING SUBSIDY POLICY
* * * * *

THE HOUSING AUTHORITY WILL BE ASKED ON JULY 11 TO ENDORSE A RECOMMENDATION MADE BY ITS MANAGEMENT AND OPERATIONS COMMITTEE THAT AN AD HOC COMMITTEE SHOULD BE APPOINTED TO REVIEW THE HOUSING SUBSIDY POLICY.

THE SECRETARY FOR HOME AFFAIRS, THE HON PETER TSAO, INFORMED THE LEGISLATIVE COUNCIL THIS TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION FROM THE HON TAM YIU-CHUNG.

MR TSAO SAID THE AUTHORITY WOULD ALSO BE ASKED TO DECIDE, AMONG OTHER THINGS, ON THE SCOPE OF THE REVIEW AND HOW THE PUBLIC SHOULD BE CONSULTED.

- - - - 0 - - - -

CONTINGENCY PLANS FOR LION ROCK TUNNEL REVIEWED
* * * * *

THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, TODAY (WEDNESDAY) SAID CONTINGENCY PLANS FOR DEALING WITH TRAFFIC PROBLEMS IN THE LION ROCK TUNNEL HAD BEEN REVIEWED AND FRESH PROCEDURES INTRODUCED FOLLOWING A RECENT INCIDENT.

THE INCIDENT OCCURRED ON MAY 19 IN WHICH A TIPPER LORRY SPILLED ITS LOAD.

IN A WRITTEN REPLY TO A QUESTION BY THE HON RONALD CHOW IN THE LEGISLATIVE COUNCIL, MR LEUNG SAID THE INCIDENT WAS UNIQUE.

HE SAID A TIPPER LORRY ACCIDENTALLY DROPPED ITS LOAD OF RUBBLE IN THE NORTHBOUND TUBE OF THE TUNNEL SCATTERING IT OVER A 900 METRE-STRETCH OF THE SLOW LANE, WHICH HAD TO BE CLOSED FOR SAFETY REASONS.

ALTHOUGH THE INCIDENT WAS SPOTTED BY TUNNEL STAFF, IT PROVED DIFFICULT FOR THEM TO CLEAR THE RUBBLE MANUALLY BECAUSE OF THE SHEER SIZE OF THE OBSTRUCTION.

TRAFFIC CONGESTION ON THAT DAY WAS FURTHER EXACERBATED BY THE BREAKDOWN OF A HEAVY GOODS VEHICLE IN THE SOUTHBOUND TUBE SHORTLY AFTER THE TIPPER LORRY SPILL.

MR LEUNG SAID APART FROM IMPROVING CONTINGENCY PROCEDURES, THE CLOSED CIRCUIT TELEVISION SYSTEM INSTALLED IN THE TUNNEL IN 1978 WOULD BE REPLACED EARLY NEXT YEAR.

HE SAID THE NEW SYSTEM WOULD PROVIDE FOR BETTER SURVEILLANCE AND MONITORING OF TRAFFIC.

/MR LEUNG

MR LEUNG SAID TRAFFIC FLOW WOULD BE SUBSTANTIALLY IMPROVED AT THE LION ROCK TUNNEL WHEN THE TATE'S CAIRN TUNNEL OPENED ON JULY 1.

MR LEUNG SAID MEASURES PRESENTLY BEING IMPLEMENTED TO HELP EASE CONGESTION AT THE TUNNEL INCLUDED THE TIDAL FLOW ARRANGEMENT, THE CONTROLLED MERGING OF VEHICLES, AND THE LENGTHENING OF BUS-ONLY LANES IN THE APPROACHES TO THE TUNNEL; AND PROVIDING ADDITIONAL TOLL BOOTHS AND EXACT TOLL LANES TO IMPROVE TRAFFIC FLOW.

HE ADDED THAT THE WIDENING OF TAI PO ROAD AND OPENING OF THE SHING MUN TUNNELS HAD REDUCED THE VOLUME OF TRAFFIC USING LION ROCK TUNNEL FROM 104,000 VEHICLES PER DAY IN MARCH 1990 TO ABOUT 97,000 VEHICLES PER DAY AT PRESENT.

- - - - 0 - - - -

SUMMARY OF CHANGES TO ESTIMATES OF EXPENDITURE Tabled
* * * * *

A SUPPLEMENTARY PROVISION OF \$875.1 MILLION WAS APPROVED BY THE FINANCE COMMITTEE FOR THE THIRD QUARTER OF THE FINANCIAL YEAR 1990-91.

THE FINANCIAL SECRETARY, THE HON SIR PIERS JACOBS, STATED THIS WHEN TABLING A SUMMARY OF ALL CHANGES MADE TO THE APPROVED ESTIMATES OF EXPENDITURE FOR THE SAID PERIOD IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SIR PIERS SAID THE SUPPLEMENTARY PROVISION WAS FULLY OFFSET EITHER BY SAVINGS UNDER THE SAME OR OTHER HEADS OF EXPENDITURES OR BY THE DELETION OF FUNDS UNDER THE ADDITIONAL COMMITMENTS SUBHEADS.

THIS INCLUDED \$448.4 MILLION FOR THE FIVE UNIVERSITY AND POLYTECHNIC GRANTS COMMITTEE-FUNDED INSTITUTIONS TO AWARD SALARY INCREASES/ALLOWANCES TO THEIR ACADEMIC AND NON-ACADEMIC STAFF.

THIS ALSO INCLUDED \$109.7 MILLION FOR THE HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY TO PURCHASE GENERAL TEACHING EQUIPMENT, AND \$86.6 MILLION FOR THE HOSPITAL AUTHORITY TO ESTABLISH ITS HEADQUARTERS AND TO MEET THE COSTS FOR UP-FRONT SYSTEMS AND CONSULTANCIES.

SIR PIERS SAID DURING THE PERIOD, APPROVED NON-RECURRENT COMMITMENTS WERE INCREASED BY \$73.7 MILLION AND NEW NON-RECURRENT COMMITMENTS OF \$224.4 MILLION WERE ALSO APPROVED.

IN THE SAME PERIOD, A NET INCREASE OF 703 POSTS WAS APPROVED, HE ADDED.

HE NOTED THAT ITEMS IN THE SUMMARY HAD BEEN APPROVED EITHER BY FINANCE COMMITTEE OR UNDER DELEGATED AUTHORITY.

- - - - 0 - - - -

ENCOURAGING RESULTS ON ENVIRONMENTAL PROTECTION
* * * * *

ENCOURAGING RESULTS HAVE BEEN PRODUCED AFTER THE PUBLICATION OF THE WHITE PAPER ON POLLUTION TWO YEARS AGO.

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON GRAHAM BARNES, STATED THIS WHILE TABLING THE FIRST REVIEW OF PROGRESS ON THE 1989 WHITE PAPER ON POLLUTION IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR BARNES SAID: "AS WITH THE REVIEW ITSELF, MOST OF THE VERY TIGHT DEADLINES WE IMPOSED UPON OURSELVES, WE MET. AS A RESULT, OVER THE PAST TWO YEARS WE HAVE PRODUCED SOME ENCOURAGING RESULTS:

- WE HAVE SUBSTANTIALLY REDUCED AIR POLLUTION;
- WE HAVE MADE GOOD PROGRESS ON IMPLEMENTING A NEW WASTE DISPOSAL STRATEGY;
- WE HAVE REDUCED NOISE DISTURBANCE GENERALLY; AND
- WE HAVE ACHIEVED OUR TARGETS SO FAR IN WATER POLLUTION AND SEWERAGE."

HE CONTINUED: "THERE CAN BE FEW OTHER WHITE PAPERS THAT HAVE BEEN SUBJECT TO SUCH RIGOROUS IMPLEMENTATION AND MONITORING, AND I BELIEVE HONG KONG CAN BE PROUD OF WHAT IT HAS ACHIEVED SO FAR.

"WE HAVE CREATED A FAIR AMOUNT OF MOMENTUM IN THESE FIRST TWO YEARS. WE NOW HAVE TO MAINTAIN THIS MOMENTUM," HE SAID.

MR BARNES STATED: "TO MEET OUR FUTURE OBJECTIVES WE WILL HAVE TO ADAPT TO CHANGING CIRCUMSTANCES, AND TAILOR OUR SUIT TO FIT THE CLOTH.

"BUT IN THE SAME WAY THAT HONG KONG HAS MET THE CHALLENGES OF THE FIRST TWO YEARS, I BELIEVE THAT WE WILL CONTINUE TO FIND WAYS OF ACHIEVING OUR OBJECTIVES, AND THAT, WITH MEMBERS' SUPPORT, THE RECORD OF THE NEXT TWO YEARS WILL SHOW THAT WE HAVE CONTINUED TO MOVE FORWARD IN THE BATTLE TO SAVE OUR ENVIRONMENT WITH RENEWED DETERMINATION AND VIGOUR."

LATEST POLICE COMPLAINTS COMMITTEE REPORT PUBLISHED

* * * * *

THE POLICE COMPLAINTS COMMITTEE (PCC) HAS MADE A NUMBER OF PROPOSALS TO IMPROVE THE OVERALL EFFECTIVENESS OF THE COMPLAINTS SYSTEM AND MINIMISE PUBLIC COMPLAINTS AGAINST THE POLICE.

THE COMMITTEE'S ANNUAL REPORT FOR 1990 WAS TABLED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) BY DR THE HON DANIEL TSE, IN HIS CAPACITY AS PCC'S CHAIRMAN.

THE COMMITTEE WAS SET UP IN EARLY 1986 TO TAKE OVER THE WORK PREVIOUSLY UNDERTAKEN BY THE FORMER UMELCO POLICE GROUP. IT OVERSEES THE HANDLING BY THE POLICE OF COMPLAINTS BY THE PUBLIC.

TODAY'S REPORT WAS THE FIFTH ONE COMPILED BY THE COMMITTEE SINCE ITS ESTABLISHMENT.

DURING THE YEAR 1990, THE COMMITTEE HAD REVIEWED AND ENDORSED 3,620 COMPLAINT CASES, EMBRACING 5,159 ALLEGATIONS, PROCESSED BY THE COMPLAINTS AGAINST THE POLICE OFFICE (CAPO) OF THE ROYAL HONG KONG POLICE FORCE.

WITH THE SUPPORT OF AN INDEPENDENT SECRETARIAT, DR TSE POINTED OUT THAT THE COMMITTEE HAD BEEN ABLE TO VET IN DETAIL EACH AND EVERY COMPLAINT CASE.

THE REPORT STATED THAT THE LARGEST SINGLE SUBJECT OF COMPLAINT WAS ABOUT ASSAULT (38 PER CENT OF THE TOTAL NUMBER OF ALLEGATIONS).

THIS WAS FOLLOWED BY OVERBEARING, IMPOLITE CONDUCT OR ABUSIVE LANGUAGE OF POLICE OFFICERS (22.4 PER CENT), NEGLECT OF DUTY OR IMPROPER ACTION (17.1 PER CENT), UNNECESSARY USE OF AUTHORITY (10.9 PER CENT) AND FABRICATION OF EVIDENCE (7.1 PER CENT).

THE REPORT STATED THAT AS A RESULT OF INVESTIGATION INTO COMPLAINTS MONITORED BY THE COMMITTEE, APPROPRIATE LEGAL PROCEEDINGS AND DISCIPLINARY OR INTERNAL ACTIONS HAD BEEN TAKEN AND ADVICE GIVEN AGAINST 537 POLICE OFFICERS DURING 1990.

IN REVIEWING THE COMPLAINT CASES, THE COMMITTEE HAD PROPOSED A NUMBER OF REVIEWS OF, AND CHANGES TO, POLICE PRACTICES, PROCEDURES AND INSTRUCTIONS WITH A VIEW TO IMPROVING UPON THE OVERALL EFFECTIVENESS OF THE COMPLAINT SYSTEM AND ASSISTING THE COMMISSIONER OF POLICE IN MINIMISING PUBLIC COMPLAINTS AGAINST THE POLICE.

SOME OF THE STUDIES AND CHANGES INITIATED BY THE COMMITTEE INCLUDED:

- * THE APPROPRIATENESS OF DEMANDING IDENTITY CARDS IN TRAFFIC ENFORCEMENT CASES;
- * PERSONS ON POLICE BAIL SHOULD BE INFORMED IN WRITING OF THE DATE AND TIME TO RECLAIM THEIR BAIL MONIES;

- * MULTIPLE EXTENSION OF BAIL;
- * POLICE POWERS OF ENTRY INTO PRIVATE PREMISES;
- * THE NEED TO VERIFY THE TIME WITH THE REGIONAL COMMAND CONTROL CENTRE BEFORE ISSUING FIXED PENALTY TICKETS WHEN THE ELEMENT OF EXACT TIME WAS IN DISPUTE;
- * PROCEDURES OF NOTIFYING COMPLAINANTS/INFORMANTS OF 'COMMON ASSAULT' CASES ABOUT THE RESULT OF INVESTIGATION; AND
- * THE LIABILITY OF THE GOVERNMENT IN THE WRONGFUL DESTRUCTION OF EXHIBITS.

THE TRIAL PERIOD OF THE INFORMAL RESOLUTION SCHEME INTRODUCED IN 1989 TO RESOLVE, THROUGH PERSONAL DISCUSSIONS, CERTAIN MINOR COMPLAINTS WAS EXTENDED FOR SIX MONTHS BY CAPO IN ORDER TO FULLY TEST ITS EFFECTIVENESS.

THE OUTCOME WOULD BE CLOSELY MONITORED AND EVALUATED BY THE COMMITTEE.

THE REPORT ALSO STATED THAT A TOTAL OF 3,437 COMPLAINT CASES WERE REGISTERED BY CAPO IN 1990, A 6.7 PER CENT INCREASE OVER THE 3,221 CASES REGISTERED IN 1989.

NEVERTHELESS, DR TSE SAID THE 1990 FIGURE STILL REPRESENTED AN 11.2 PER CENT DECREASE OVER THE FIGURE OF 3,870 FOR 1987.

AS IN PREVIOUS YEARS, THE MAJORITY OF COMPLAINT CASES (85.3 PER CENT) WERE MADE DIRECT TO THE POLICE FORCE.

THE REPORT SHOWED THE COMMITTEE'S CONCERN OVER THE HIGHER INCIDENCE OF ASSAULT CASES RECEIVED IN 1990 (26.4 PER CENT) THAN FOR 1989.

THE COMMITTEE HAD STUDIED THE TREND RELATING TO ALLEGATIONS OF ASSAULT OVER THE PAST FEW YEARS WITH THE ASSISTANCE OF CAPO.

THE STUDY INDICATED SOME CORRELATION BETWEEN THE NUMBER OF ALLEGATIONS OF ASSAULT AND THE NUMBER OF CRIME REPORTED TOGETHER WITH CONSEQUENTIAL CRIME ARRESTS.

THE MATTER HAD BEEN BROUGHT TO THE ATTENTION OF FORMATION COMMANDERS OF POLICE DISTRICTS BY CAPO FOR APPROPRIATE ACTION.

DR TSE ALSO POINTED OUT THAT A SIGNIFICANT NUMBER OF ALLEGATIONS OF ASSAULT WERE SUBSEQUENTLY WITHDRAWN OR NOT PURSUED BY THE COMPLAINANTS.

IF THE ALLEGATIONS OF ASSAULT WHICH WERE SUBSEQUENTLY CLASSIFIED AS 'WITHDRAWN' OR 'NOT PURSUABLE' WERE DISCOUNTED, THE NUMBER OF ALLEGATIONS REDUCED FROM 1,959 TO 427 IN 1990.

THE REPORT ALSO EMPHASISED THAT THE NUMBER OF PUBLIC COMPLAINTS AND VARIOUS FORMS OF LEGAL AND DISCIPLINARY OR INTERNAL ACTIONS TAKEN AND ADVICE GIVEN AGAINST POLICE OFFICERS SHOULD BE SEEN IN THE LIGHT OF THE DIFFICULT FRONT-LINE NATURE OF POLICE WORK.

/THEY SHOULD

- 32 -

THEY SHOULD BE VIEWED IN THE CONTEXT OF 2.69 MILLION POTENTIAL POLICE-PUBLIC CONFRONTATION SITUATIONS DURING THE YEAR.

THESE INCLUDED 1.18 MILLION PERSONS STOPPED AND CHECKED THROUGH THE POLICE OPERATIONAL NOMINAL INDEX COMPUTER SYSTEM (PONICS) AND 1.51 MILLION TRAFFIC SUMMONSES AND TICKETS ISSUED.

THE PCC WAS AN INDEPENDENT MONITORING GROUP APPOINTED BY THE GOVERNOR.

IN 1990, THE COMMITTEE COMPRISED A CHAIRMAN AND TWO VICE-CHAIRMEN, ALL DRAWN FROM OMELCO AND SEVEN MEMBERS, BEING ACTIVE JUSTICES OF THE PEACE, WITH THE ATTORNEY GENERAL AND THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BEING THE TWO EX-OFFICIO REPRESENTATIVES ON THE COMMITTEE.

- - - - 0 - - - -

FOUR-HOUR LEGCO DEBATE ON VIETNAMESE MIGRANTS

* * * * *

EIGHTEEN LEGISLATIVE COUNCILLORS DEBATED FOR FOUR HOURS ON THE PROBLEM OF VIETNAMESE MIGRANTS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE ACTING SECRETARY FOR SECURITY, THE HON IAN STRACHAN, SPOKE ON BEHALF OF THE GOVERNMENT.

THE ORIGINAL MOTION ON VIETNAMESE MIGRANTS, MOVED BY THE HON POON CHI-FAI, WAS NOT CARRIED WHILE AN AMENDMENT MOTION BY THE HON STEPHEN CHEONG WAS PASSED.

THREE OTHER MOTIONS WERE ALSO PASSED: TWO WERE MOVED BY THE SECRETARY FOR TRANSPORT UNDER THE ROAD TRAFFIC ORDINANCE AND ONE BY THE HON NELLIE FONG UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

MEANWHILE, 13 LEGISLATORS SPOKE ON THE HONG KONG BILL OF RIGHTS BILL 1991 WHICH WAS PASSED BY THE COUNCIL WITH AMENDMENT. THE CHIEF SECRETARY AND THE ATTORNEY GENERAL SPOKE ON BEHALF OF THE GOVERNMENT.

THREE BILLS WERE ALSO PASSED. THEY WERE THE ARBITRATION (AMENDMENT) BILL 1991, CLUBS (SAFETY OF PREMISES) BILL 1991 AND QUEEN ELIZABETH FOUNDATION FOR THE MENTALLY HANDICAPPED (AMENDMENT) BILL 1991.

IN ADDITION, SEVEN BILLS WERE INTRODUCED FOR FIRST AND SECOND READINGS.

THEY WERE OATHS AND DECLARATIONS (AMENDMENT) BILL 1991, IMPORT AND EXPORT (AMENDMENT) (NO.2) BILL 1991, OZONE LAYER PROTECTION (AMENDMENT) BILL 1991, SECURITIES AND FUTURES COMMISSION (AMENDMENT) BILL 1991, ROAD TRAFFIC (AMENDMENT) (NO.3) BILL 1991, POLICE CHILDREN'S EDUCATION TRUST (AMENDMENT) BILL 1991 AND POLICE EDUCATION AND WELFARE TRUST (AMENDMENT) BILL 1991.

DEBATES ON THESE BILLS WERE ADJOURNED.

- - - - 0 - - - -

WEDNESDAY, JUNE 5, 1991

- 33 -

VIETNAMESE ASYLUM-SEEKERS

* * * * *

THE FOLLOWING IS A JOINT STATEMENT ON THE WASHINGTON TALKS ON VIETNAMESE ASYLUM-SEEKERS:

SENIOR OFFICIALS OF THE GOVERNMENTS OF THE UNITED KINGDOM, THE UNITED STATES AND HONG KONG MET IN WASHINGTON, D.C. ON JUNE 3 TO 4 TO DISCUSS MEASURES TO DEAL WITH THE SHARPLY INCREASING NUMBER OF VIETNAMESE ASYLUM-SEEKERS ARRIVING IN HONG KONG IN RECENT MONTHS.

THE INTERNATIONAL RESPONSE TO THE SITUATION OF VIETNAMESE ASYLUM-SEEKERS IN HONG KONG AND SOUTHEAST ASIA IS GOVERNED BY THE MULTILATERAL COMPREHENSIVE PLAN OF ACTION (CPA), WHICH IS IMPLEMENTED BY THE UN HIGH COMMISSIONER FOR REFUGEES (UNHCR).

THESE CONSULTATIONS WERE ENVISAGED BY THE RECENT MEETING OF THE CPA STEERING COMMITTEE TO EXPLORE MEASURES THAT COULD ENCOURAGE GREATLY ACCELERATED RATES OF RETURN TO VIETNAM OF THOSE DETERMINED NOT TO BE REFUGEES.

THE UNITED STATES, THE UNITED KINGDOM AND HONG KONG REMAIN COMMITTED TO THE CPA, ESPECIALLY FIRST ASYLUM AND FAIR PROCEDURES TO DETERMINE WHO IS AND WHO IS NOT A REFUGEE.

THE BRITISH AND HONG KONG SIDES INFORMED THE UNITED STATES THAT THEY INTEND AS A MATTER OF URGENCY TO SEEK BILATERAL DISCUSSIONS WITH VIETNAM.

WITHIN THE CONTEXT OF THE CPA AND THE U.S. POSITION ON INVOLUNTARY REPATRIATION, THE UNITED STATES DOES NOT OBJECT TO THESE DISCUSSIONS.

THE UK-VIETNAM BILATERAL DISCUSSIONS COULD CONSIDER THE ESTABLISHMENT OF AN INTERNATIONALLY MANAGED CENTRE ON TERRITORY PROVIDED BY VIETNAM FOR THOSE ASYLUM SEEKERS WHO ARE DETERMINED NOT TO BE REFUGEES AND HAVE NOT TAKEN ADVANTAGE OF THE EXISTING VOLUNTARY RETURN PROGRAMS.

THESE DISCUSSIONS WILL TAKE PLACE IN CLOSE CONSULTATION WITH THE UNHCR AND THE INTERNATIONAL ORGANISATION FOR MIGRATION (IOM).

THE UNITED STATES AND THE UNITED KINGDOM WILL SUPPORT EFFORTS TO EXPAND ACCESS TO THE ORDERLY DEPARTURE PROGRAM FOR SAFE EMIGRATION FROM VIETNAM.

THE UNITED STATES WILL ALSO CONTINUE ITS POLICY OF OFFERING RESETTLEMENT TO UP TO 50 PER CENT OF THE ASYLUM SEEKERS WHO ARE SCREENED IN AS REFUGEES.

THERE WILL BE NO RESETTLEMENT OF THOSE SCREENED OUT. CUTOFF DATES WILL REMAIN IN FORCE AND WILL IN NO CIRCUMSTANCES BE CHANGED TO A LATER DATE.

- - - - 0 - - - -

WEDNESDAY, JUNE 5, 1991

- 34 -

JLG 19TH MEETING IN HK
* * * * *

THE FOREIGN AND COMMONWEALTH OFFICE ANNOUNCED THIS (WEDNESDAY) MORNING THAT THE 19TH MEETING OF THE SINO-BRITISH JOINT LIAISON GROUP ON HONG KONG WILL TAKE PLACE IN HONG KONG FROM JUNE 11 TO 13.

THE BRITISH TEAM WILL BE LED BY THE SENIOR REPRESENTATIVE, MR ANTHONY GALSWORTHY.

THE OTHER MEMBERS OF THE BRITISH TEAM WILL BE SECRETARY FOR CONSTITUTIONAL AFFAIRS, HONG KONG, MR MICHAEL SUEN; COUNSELLOR, OFFICE OF THE BRITISH SENIOR REPRESENTATIVE, SINO-BRITISH JOINT LIAISON GROUP, HONG KONG, MR DOUG MARTIN; HEAD, HONG KONG DEPARTMENT, FCO, MR ALAN PAUL; AND POLITICAL ADVISER, HONG KONG, MR WILLIAM EHRMAN.

- - - - 0 - - - -

FC MEETING ON FRIDAY
* * * * *

THE FINANCE COMMITTEE WILL HOLD A MEETING ON FRIDAY (JUNE 7) IN THE LEGISLATIVE COUNCIL CHAMBER. IT 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.

- - - - 0 - - - -

FIRST REVIEW OF PROGRESS ON WHITE PAPER ON POLLUTION PUBLISHED
* * * * *

IN COMMEMORATION OF THE WORLD ENVIRONMENT DAY TODAY (WEDNESDAY), THE GOVERNMENT TABLED AT THE LEGISLATIVE COUNCIL ITS FIRST REVIEW OF PROGRESS ON THE 1989 WHITE PAPER ON POLLUTION.

THE FIRST REVIEW COMPRISES A SUMMARY OF WHAT HAVE BEEN ACHIEVED BY THE GOVERNMENT IN TACKLING POLLUTION AND IMPROVING ENVIRONMENT BETWEEN JUNE 1989 AND APRIL THIS YEAR.

IT ALSO CONTAINS DETAILED REPORTS ON THE PROGRESS OF THE REMAINING INITIATIVES SET OUT IN THE WHITE PAPER.

COPIES OF THE FIRST REVIEW, IN ENGLISH AND CHINESE, ARE NOW OBTAINABLE FROM THE PUBLIC SERVICES CENTRES OF THE CITY AND NEW TERRITORIES ADMINISTRATION; THE GOVERNMENT PUBLICATIONS CENTRE, GROUND FLOOR, GENERAL POST OFFICE BUILDING, CONNAUGHT PLACE; THE MARKETING OFFICE OF THE GOVERNMENT INFORMATION SERVICES AT THE FRENCH MISSION BUILDING, 1 BATTERY PATH, CENTRAL; AND THE ENVIRONMENTAL PROTECTION DEPARTMENT, 28TH FLOOR, SOUTHOEN CENTRE, WAN CHAI.

- - - - 0 - - - -

ACAF MEMBERS RE-APPOINTED

* * * * *

THE GOVERNMENT TODAY (WEDNESDAY) ANNOUNCED THE RE-APPOINTMENT OF THE 13 NON-GOVERNMENT MEMBERS OF THE ADVISORY COMMITTEE ON AGRICULTURE AND FISHERIES (ACAF) FOR THE 1991/92 TERM.

THEY ARE MR ANDREW WONG, MR LAU WONG-FAT, MR CHAN KWOK-WAI, MR CHENG FOR-YAU, DR STAN CHEUNG, MR HO TAK-YAU, MR IP YEUK-LAM, DR LAM KIN-CHE, MR LEUNG CHIK, DR LEUNG TIN-PUI, MR SO MOON-CHEUNG, MR YUNG TIN-TACK AND DR ZEE SZE-YONG.

MOST OF THEM HAVE BEEN SERVING ON THE ACAF SINCE ITS INAUGURATION IN MAY 1988.

OFFICIAL MEMBERS ON THE COMMITTEE INCLUDE REPRESENTATIVES FROM THE ECONOMIC SERVICES BRANCH, THE NEW TERRITORIES REGION OF THE CITY AND NEW TERRITORIES ADMINISTRATION AND THE AGRICULTURE AND FISHERIES DEPARTMENT. IT IS CHAIRED BY THE DIRECTOR OF AGRICULTURE AND FISHERIES, DR LAWRENCE LEE.

THE ACAF, A GOVERNMENT-APPOINTED BODY, PROVIDES A FORMALISED CONSULTATION MECHANISM TO ADVISE THE GOVERNMENT ON THE DEVELOPMENT OF LOCAL AGRICULTURE AND FISHERIES PRODUCTION, ON THE FORMULATION OF THEIR LONG-TERM POLICIES AND ON MATTERS RELATING TO THE PRODUCTION, DISTRIBUTION AND MARKETING OF AGRICULTURAL AND FISHERIES PRODUCTS.

ITS MEMBERS ARE DRAWN FROM THE AGRICULTURE, FISHERIES AND MARKETING SECTORS AND EXPERTS IN RELATED FIELDS AS WELL AS REPRESENTATIVES OF OMELCO, THE HEUNG YEE KUK AND RELEVANT GOVERNMENT BRANCHES AND DEPARTMENTS.

THE ACAF IS ASSISTED IN ITS WORK BY ITS FIVE SUB-COMMITTEES ON CROP FARMING, LIVESTOCK, AQUACULTURE, CAPTURE FISHERIES AND MARKETING, AS WELL AS THE WORKING GROUP ON MARGINAL LAND FOR FARMING AND THE LIAISON GROUP ON THE IMPLEMENTATION OF MARICULTURE CONSULTANCY RECOMMENDATIONS.

THE APPOINTMENT OF THE CHAIRMEN AND MEMBERS OF THESE SUB-COMMITTEES, THE WORKING GROUP AND THE LIAISON GROUP WILL BE ANNOUNCED LATER.

- - - - 0 - - - -

SELF-FINANCING A MORE PRACTICAL APPROACH

* * * * *

MOBILISATION OF COMMUNITY RESOURCES TO SERVE RESIDENTS' NEEDS HAS A MORE LASTING EFFECT THAN DEPENDANCE ON GOVERNMENT SUPPORT, THE DIRECTOR OF SOCIAL WELFARE, MR M.D. CARTLAND, SAID TODAY (WEDNESDAY).

"SELF-FINANCING IS A MORE PRACTICAL APPROACH TO DEAL WITH THE HIGHER DEMAND AND ASPIRATIONS OF THE SERVICE RECIPIENTS," HE SAID.

/MR CARTLAND

MR CARTLAND WAS ADDRESSING IN CANTONESE THE INAUGURATION CEREMONY OF THE MANAGEMENT COMMITTEE OF YUEN LONG TOWN HALL.

"I AM VERY HAPPY TO HAVE THE OPPORTUNITY TO RETURN TO YUEN LONG TODAY, TO MEET SO MANY OLD FRIENDS.

"I AM ALSO VERY GLAD TO REVISIT THE YUEN LONG TOWN HALL WITH WHICH I HAD THE PRIVILEGE TO BE INVOLVED DURING THE 1970'S WHEN I WAS SERVING AS DISTRICT OFFICER YUEN LONG," HE SAID.

THE TOWN HALL HAD BEEN SERVING EFFECTIVELY AS A FOCAL POINT FOR COMMUNITY ACTIVITIES IN THE DISTRICT, BY SUPPLEMENTING GOVERNMENT SUBVENTION WITH LOCAL RESOURCES BOTH FINANCIAL AND MANPOWER, HE NOTED.

"THE COMMUNITY-CARE CONCEPT CAN BE WIDELY PROMOTED IN GIVING SUPPORT AND SERVICE FOR GROUPS WITH SPECIAL NEEDS, SUCH AS THE ELDERLY AND SINGLE-PARENT GROUPS," HE ADDED.

MR CARTLAND CONGRATULATED MEMBERS OF THE NEW MANAGEMENT COMMITTEE ON THEIR APPOINTMENT, AND WISHED THE TOWN HALL WOULD CONTINUE TO FLOURISH UNDER THEIR GUIDANCE.

- - - - 0 - - - -

SIX GOVT LOTS TO LET BY TENDER

* * * * *

THE BUILDINGS AND LANDS DEPARTMENT IS INVITING TENDERS FOR THE SHORT-TERM TENANCY OF SIX LOTS IN KWUN TONG, QUARRY BAY AND WESTERN DISTRICT.

THE FIRST LOT, LOCATED AT THE JUNCTION OF SHUN LEE TSUEN ROAD AND LEE ON ROAD, KWUN TONG, MEASURES ABOUT 1.35 HECTARES.

IT IS FOR A FEE-PAYING PUBLIC PARKING AREA FOR MOTOR VEHICLES (EXCLUDING CONTAINER VEHICLES WITH THEIR TRAILERS/CHASSIS ATTACHED) CURRENTLY LICENSED UNDER THE ROAD TRAFFIC ORDINANCE.

THE TENANCY IS FOR ONE YEAR AND RENEWABLE QUARTERLY THEREAFTER.

TWO LOTS, BOTH LOCATED AT MOUNT PARKER ROAD, QUARRY BAY, ARE DESIGNATED FOR OPEN STORAGE, EXCLUDING MOTOR VEHICLES AND DANGEROUS GOODS.

THEY MEASURE ABOUT 1.69 HECTARES AND 7,800 SQUARE METRES.

THE TENANCY FOR BOTH LOTS IS THREE YEARS AND RENEWABLE QUARTERLY THEREAFTER.

LOCATED AT THE JUNCTION OF EASTERN STREET AND CONNAUGHT ROAD WEST, WESTERN RECLAMATION, THE FOURTH LOT MEASURES ABOUT 281.5 SQUARE METRES. IT IS FOR COMMERCIAL GARDEN AND OPEN STORAGE OF THE TENANT'S GOODS.

THE REMAINING TWO LOTS, BOTH LOCATED AT WESTERN PARK ROAD, WESTERN RECLAMATION, MEASURE ABOUT 5,660 AND 7,235 SQUARE METRES.

/THEY ARE

THEY ARE FOR OPEN STORAGE AND/OR VEHICULAR PARKING, INCLUDING THE PARKING OF CONTAINER VEHICLES, AND FOR THE STUFFING AND DESTUFFING OF CONTAINERS.

THE TENANCY FOR THE THREE LOTS IN WESTERN DISTRICT IS 18 MONTHS AND RENEWABLE MONTHLY THEREAFTER.

THE DEADLINE FOR SUBMISSION OF TENDERS IS NOON ON JUNE 21.

FORMS OF TENDER, TENDER NOTICES AND CONDITIONS MAY BE OBTAINED FROM, AND TENDER PLANS INSPECTED AT VARIOUS DISTRICT LANDS OFFICES AND THE BUILDINGS AND LANDS DEPARTMENT, 14TH FLOOR, MURRAY BUILDING, GARDEN ROAD, HONG KONG.

----- 0 -----

HONG KONG GOVERNMENT EXCHANGE FUND
MONEY MARKET OPERATIONS
* * * * *

HKEF

	DATE ----	\$ MILLION -----
CLOSING BALANCE IN THE ACCOUNT ON	4.6.91	380
EFFECT OF FORWARDS TO BE SETTLED ON	5.6.91	-463
EFFECT OF OPERATIONS THIS MORNING		+463
EFFECT OF OPERATIONS THIS AFTERNOON		NEUTRAL
TRADE WEIGHTED INDEX 113.9 *+0.3* 5.6.91		

HONG KONG GOVERNMENT EXCHANGE FUND
91-DAY EXCHANGE FUND BILLS

HKEI

ISSUE NUMBER -----	MATURING ON -----	OUTSTANDING \$ MILLION -----
Q115	10.7.91	450 +30
Q116	17.7.91	420 +60
Q117	24.7.91	648.5 -168.5
Q118	31.7.91	540 -60
Q119	7.8.91	408.5 +71.5
Q120	14.8.91	360 +120
Q121	21.8.91	455 +25
Q122	28.8.91	450 +30
Q123	4.9.91	410 +70
Q111	12.6.91	359 +121
Q112	19.6.91	445 +35
Q113	26.6.91	540 -60
Q114	3.7.91	607 -127

HONG KONG GOVERNMENT EXCHANGE FUND
182-DAY EXCHANGE FUND BILLS

HKEJ

ISSUE NUMBER -----	MATURING ON -----	OUTSTANDING \$ MILLION -----	
H164	13.11.91	190	+70
H165	27.11.91	190	+70
H004	12.6.91	80	+180
H005	26.6.91	180	+80
H101	10.7.91	53	+207
H156	24.7.91	210	+50
H157	7.8.91	179.5	+80.5
H158	21.8.91	220	+40
H159	4.9.91	110	+150
H160	18.9.91	420	-160
H161	2.10.91	180	+80
H162	17.10.91	124	+136
H163	30.10.91	120	+140

HONG KONG GOVERNMENT EXCHANGE FUND
364-DAY EXCHANGE FUND BILLS

HKEK

ISSUE NUMBER -----	MATURING ON -----	OUTSTANDING \$ MILLION -----	
Y187	26.2.92	205	+55
Y188	25.3.92	230	+30
Y189	22.4.92	220	+40
Y190	20.5.92	240	+20

AVERAGE DAILY TRANSFER FOR WEEK ENDING 31.5.91 WAS 5,474 MN