DAILY INFORMATION BULLETIN

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VOTER TURNOUT RATE "RESPECTABLE": SHA
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THE SECRETARY FOR HOME AFFAIRS, MR PETER TSAO, DESCRIBED AS "RESPECTABLE" THE VOTER TURNOUT RATE OF 32.47 PER CENT IN THIS YEAR'S DISTRICT BOARD ELECTIONS, WHICH IS SLIGHTLY HIGHER THAN THE FIGURE OF 30.3 PER CENT IN 1988.

MR TSAO NOTED THAT THE FIGURE WAS ALSO HIGHER THAN THE INTERNATIONAL AVERAGE OF 20 TO 30 PER CENT FOR LOCAL ELECTIONS.

HE BELIEVED THAT THE TURNOUT RATE MIGHT BE ATTRIBUTABLE TO THE PARTICIPATION OF POLITICAL GROUPS IN THE ELECTIONS.

MR TSAO ALSO THANKED MEMBERS OF THE MEDIA FOR THE PART THEY PLAYED IN PUBLICISING THE ELECTIONS.

AS TO THE EFFECT OF SUNDAY POLLING ON THE TURNOUT RATE, HE SAID THIS HAS TO BE FURTHER ANALYSED.

"BUT ONE THING IS CERTAIN. THE TURNOUT OF VOTERS HAS AVERAGED OUT THROUGHOUT THE DAY WHICH MUST INDICATE THAT IT IS A CONVENIENT METHOD OF VOTING AS VOTERS ARE ABLE TO PICK THEIR OWN TIME TO CAST THEIR VOTES," HE SAID.

MR TSAO SAID JUDGING FROM WHAT HE SAW DURING HIS VISITS TO THE POLLING STATIONS, THE PUBLIC WERE VERY ENTHUSIASTIC ABOUT THE ELECTIONS.

THIS WOULD HAVE A GOOD IMPACT ON THE TWO FORTHCOMING ELECTIONS, PARTICULARLY THE LEGISLATIVE COUNCIL ELECTIONS IN SEPTEMBER, HE ADDED.

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GOVERNOR URGES PEOPLE TO EXERCISE THEIR RIGHT TO VOTE
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THE GOVERNOR, SIR DAVID WILSON, SAID THIS (SUNDAY) AFTERNOON THAT WITH SEVERAL HOURS TO GO IN THE DISTRICT BOARD ELECTIONS, HE HOPED THAT AS MANY PEOPLE AS POSSIBLE WOULD GO OUT AND EXERCISE THEIR RIGHT TO VOTE.

SPEAKING TO REPORTERS AFTER ATTENDING THE MUSIC OFFICE ANNUAL CONCERT, SIR DAVID SAID: "THE MORE PEOPLE WE HAVE VOTING IN THESE ELECTIONS THE BETTER IT IS, SO I HOPE PEOPLE WILL GO OUT AND VOTE."

ASKED ABOUT HIS COMING MEETING WITH THE DIRECTOR OF THE HONG KONG AND MACAO AFFAIRS OF CHINA'S STATE COUNCIL, SIR DAVID SAID HE WAS LOOKING FORWARD TO A MEETING WITH MR LU PING.

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"I'M VERY GLAD THAT HE IS TAKING THIS OPPORTUNITY TO COME TO HONG KONG. I HAD A USEFUL MEETING WITH HIM WHEN I WAS IN PEKING AND I LOOK FORWARD TO MEETING HIM AGAIN TOMORROW," HE SAID.

"I WILL BE COVERING A LOT OF THINGS WITH MR LU PING. I AM SURE WE SHALL BE DISCUSSING THE AIRPORT; THAT IS ONE OF THE THINGS ON THE AGENDA, BUT WE'VE GOT A LOT OF OTHER THINGS TO DISCUSS TOO, A WHOLE RANGE OF ISSUES," HE ADDED.

SIR DAVID SAID THAT THE IMPORTANT THING WAS TO TRY TO REACH AGREEMENT ON THE QUESTION OF THE AIRPORT, ADDING: "I DON'T KNOW AT THIS STAGE OBVIOUSLY, HOW FAR WE WILL GET, BUT I AM VERY GLAD TO HAVE THIS OPPORTUNITY TO GO ON DISCUSSING IT WITH MR LU PING."

THE GOVERNOR POINTED OUT THAT NO STATEMENTS SHOULD BE EXPECTED AFTER THE MEETING.

ASKED ABOUT HIS VISIT TO LONDON AND EUROPE, SIR DAVID SAID THE MAIN REASON FOR THE TRIP WAS TO GO TO GERMANY TO OPEN A VERY MAJOR FAIR IN WHICH HONG KONG WAS PLAYING A VERY LARGE ROLE.

"IT'S PART OF THE PROMOTION OF HONG KONG'S EXPORTS. THAT'S THE PRIME REASON; AND THEN ON THE WAY THERE I AM TAKING TO OPPORTUNITY TO GO THROUGH LONDON.

"I MAKE THESE REGULAR JOURNEYS TO LONDON TO KEEP IN TOUCH WITH PEOPLE IN LONDON, WITH MINISTERS AND WITH SENIOR OFFICIALS IN THE FOREIGN OFFICE," HE SAID.

"WHAT I WILL TALK ABOUT IS WHAT I ALWAYS DO, THAT IS TO COVER THE WHOLE RANGE OF ISSUES THAT WE ARE DEALING WITH AT THE MOMENT," SIR DAVID SAID.

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CHIEF SECRETARY URGES ELECTORS TO VOTE

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THE CHIEF SECRETARY, SIR DAVID FORD, TODAY (SUNDAY) ENCOURAGED EVERYBODY TO TAKE THE OPPORTUNITY TO PARTICIPATE IN THE DISTRICT BOARD ELECTIONS.

SPEAKING TO REPORTERS AFTER CASTING HIS BALLOT TOGETHER WITH LADY FORD, SIR DAVID SAID: "THESE DISTRICT BOARD ELECTIONS ARE IMPORTANT."

"THE DISTRICT BOARDS HAVE A CONTINUING ROLE IN THEIR DISTRICTS AND IT'S ALSO THE FIRST OPPORTUNITY THAT PEOPLE HAVE IN THIS SERIES OF ELECTIONS TO DEMONSTRATE THAT THEY ARE INTERESTED IN HAVING A GREATER SAY IN THE WAY IN WHICH HONG KONG IS GOVERNED," HE ADDED.

"I DO ENCOURAGE EVERYBODY TO TAKE THIS OPPORTUNITY TODAY, THE FIRST OF THE THREE ELECTIONS, AND AN IMPORTANT ONE," SIR DAVID SAID.

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NEW DISCLOSURE REQUIREMENTS FOR SALE OF FLATS
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THE REGISTRAR GENERAL, MR NOEL GLEESON, TODAY (SUNDAY) ANNOUNCED DETAILS OF NEW DISCLOSURE REQUIREMENTS WHERE HIS CONSENT IS SOUGHT BY PROPERTY DEVELOPERS FOR THE SALE OF FLATS IN UNCOMPLETED BUILDINGS.

THE NEW REQUIREMENTS, WHICH ARE DESIGNED TO FURTHER PROTECT FLAT PURCHASERS, ARE THE RESULT OF RECOMMENDATIONS MADE BY THE CONSUMER COUNCIL AFTER A STUDY OF THE SUBJECT IN CONSULTATION WITH THE REAL ESTATE DEVELOPERS ASSOCIATION, THE INSTITUTE OF CHARTERED SURVEYORS, THE INSTITUTE OF ARCHITECTS, THE LAW SOCIETY AND RELEVANT GOVERNMENT DEPARTMENTS.

THE MAIN FEATURES OF THE INFORMATION WHICH PROPERTY DEVELOPERS WILL BE REQUIRED TO PROVIDE ARE A SALES BROCHURE AND A PRICE LIST WHICH MUST INCLUDE:

* A GENERAL DESCRIPTION OF THE DEVELOPMENT PLUS THE IDENTITY OF THE MANAGER OF THE DEVELOPMENT;

* A LOCATION PLAN INCLUDING INFORMATION REGARDING PROMINENT ENVIRONMENT FEATURES IN THE FACILITY;

* A LAYOUT PLAN SHOWING COMMUNAL FACILITIES, THEIR COMPLETION DATES, OPEN SPACES WITHIN THE DEVELOPMENT AND THEIR INTENDED USE;

* INFORMATION ON THE GOVERNMENT LEASE, INCLUDING LOT NUMBER, LEASE TERM, USER RESTRICTIONS, ONEROUS CONDITIONS (IF ANY) WHICH WOULD AFFECT PURCHASERS' LEGAL RIGHTS;

* A DETAILED PLAN OF A TYPICAL FLOOR SHOWING ALL THE PRINCIPAL EXTERNAL DIMENSIONS OF THE FLAT, EXTERNAL DIMENSIONS OF THE ROOMS IN EACH FLAT TOGETHER WITH A NOTE CAUTIONING PROSPECTIVE PURCHASERS THAT THE INTERNAL AREAS OR FLATS ON UPPER FLOORS WOULD GENERALLY BE SLIGHTLY LARGER THAN LOWER FLOORS DUE TO REDUCING THICKNESS OF STRUCTURAL WALLS AT UPPER LEVELS, AND, IF THERE ARE SPECIAL FITTINGS OR FIXTURES AFFECTING THE ENJOYMENT OF A PARTICULAR FLAT OR FLATS (FOR EXAMPLE EXPOSED PIPES), SPECIFYING THEIR LOCATION;

* A SEPARATE FLOOR PLAN OF ANY NON-TYPICAL FLOOR;

* A SCHEDULE OF FLAT SIZE, SPECIFYING THE SIZE OF EACH FLAT BY REFERENCE TO A STANDARD DEFINED "SALEABLE AREA", AND THE AREA OF BAY WINDOWS, ROOFS, AND OPEN YARDS;

* A DETAILED LIST OF FITTINGS AND FINISHES RELATING TO THE EXTERNAL WALLS, WINDOWS, BAY WINDOWS, PLANTERS, CORRIDORS, BALCONIES, DRYING FACILITIES FOR CLOTHING, LOBBIES, INTERNAL WALLS AND CEILING, FLOORS, BATHROOMS, TELEPHONE AND AERIALS, WATER SUPPLY AND PIPES, THE LIFTS, LETTERBOX, REFUSE COLLECTION AND PUBLIC UTILITIES;

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* THE COMPLETION DATE OF THE BUILDING;

* IMPORTANT PROVISIONS OF THE DEED OF MUTUAL COVENANT INCLUDING A DEFINITION OF THE COMMON AREAS, TERMS OF APPOINTMENT OF THE PROPERTY MANAGER, THE BASIS OF FIXING MANAGEMENT FEES AND THE AMOUNT OF MANAGEMENT FEES DEPOSIT;

* SPECIFICATION OF THE LOCATION, NUMBER AND MINIMUM DIMENSIONS OF THE CARPARKING SPACES;

* DETAILS OF ANY MISCELLANEOUS PAYMENTS DUE ON DELIVERY OF FLATS;

* DATE OF PRINTING OF THE SALES BROCHURE;

* NAMES OF CONTRACTORS AND OTHER AUTHORISED PERSONS; AND

* THE PRICES OF INDIVIDUAL UNITS, PURCHASE PROCEDURE, TERMS OF PAYMENT, RESPONSIBILITY FOR LEGAL FEES AND OTHER CHARGES, INSTALMENT PAYMENT METHODS AND INTEREST RATES AND THE NUMBER OF UNITS AVAILABLE FOR SALE.

INFORMATION TO BE DISCLOSED ON REQUEST INCLUDES CONVEYANCING CHARGES AND STAMP DUTIES, A COMPLETE SET OF MASTER LAYOUT PLANS (IF ANY) AND THE BUILDING PLANS APPROVED BY THE BUILDING AUTHORITY, AS WELL AS THE FULL TEXT OF THE APPROVED DEED OF MUTUAL COVENANT GOVERNING THE DEVELOPMENT.

THE SALES BROCHURE ARE TO BE PUBLISHED NOT LESS THAN ONE WEEK PRIOR TO THE SALE OF THE FLATS. ANY DISCLAIMERS OF THE ACCURACY OF THE INFORMATION WILL OPERATE AS A BREACH OF THE CONDITIONS OF THE CONSENT FOR THE SALE.

COPIES OF THE SALES BROCHURE COMPLYING WITH THE NEW REQUIREMENTS MUST BE LODGED WITH THE CONSUMER COUNCIL AND THE REGISTRAR GENERAL'S DEPARTMENT, AND A STATEMENT TO THE EFFECT THAT THIS HAS BEEN DONE MUST BE CONTAINED IN THE SOLICITORS' STATUTORY DECLARATION ACCOMPANYING THE CONSENT APPLICATION.

MR GLEESON SAID HE HAD ISSUED A COMPREHENSIVE LAND OFFICE CIRCULAR MEMORANDUM ON THE SUBJECT WHICH WOULD BE CIRCULATED TO PROPERTY DEVELOPERS AND ALSO TO THE LAW SOCIETY FOR CIRCULATION TO ITS MEMBERS.

HE SAID THE NEW DISCLOSURE REQUIREMENTS WERE DESIGNED BASICALLY FOR THE SALE OF UNITS IN RESIDENTIAL DEVELOPMENTS BUT WOULD BE APPLIED ALSO, WITH APPROPRIATE CHANGES, TO COMMERCIAL AND INDUSTRIAL DEVELOPMENTS.

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HUGH OVERSPENDING BEYOND CREDIT CARD LIMITS
IS LIABLE FOR PROSECUTION
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SPENDING ENORMOUSLY BEYOND CREDIT CARD LIMITS CAN BE SEEN AS A CRIMINAL ACT AND THE HONG KONG JUDICIARY HAS POWER OVER GENUINE LOCAL CREDIT CARD HOLDERS EVEN THOUGH THEIR OVERSPENDING IS INCURRED OUTSIDE THE TERRITORY.

THE IMPLICATION IS CLEARLY CONTAINED IN THE 11 SUCCESSFULLY PROSECUTED CASES AGAINST GENUINE CREDIT CARD HOLDERS WHO INTENTIONALLY OVERSPENT HUGE AMOUNTS OVER THEIR CREDIT CEILING.

ALL DEFENDANTS WERE CONVICTED BY DISTRICT COURTS AND WERE SENTENCED TO IMPRISONMENT RANGING FROM SIX MONTHS TO TWO YEARS.

SENIOR INSPECTOR OF THE COMMERCIAL CRIME BUREAU MR LEE WING-KONG BELIEVES THE POLICE HAVE BROUGHT THE CRIMINAL TREND OF ENORMOUSLY SPENDING OVER CREDIT CARD LIMITS UNDER CONTROL.

MR LEE SAID THE CRIME SURFACED IN MID-1987 WHEN SOME BANKS FOUND THAT THEY HAD TO COVER LOCAL CARD HOLDERS' HUGE OVERSPENDING INCURRED OUTSIDE THE TERRITORY.

"UNLIKE OTHER FRAUD CREDIT CARD CASES, ALL CONVICTED WERE GENUINE CREDIT CARD HOLDERS AND OBTAINED THEIR CARDS THROUGH PROPER CHANNELS," MR LEE SAID.

"ALL OFFENDERS HAD SOME IDEA HOW A CREDIT CARD WORKED AND KNEW HOW TO SYSTEMATICALLY AVOID THE SECURITY OF THE BANK.

"THEY TOOK ADVANTAGE OF THE TIME LAPSE OF COMMUNICATION BETWEEN THE PLACE WHERE THEY OVERSPENT THE ALLOWED CREDIT AND THE BANKS IN HONG KONG."

THOUGH ALL OFFENDERS ACTED ON THEIR OWN, MR LEE BELIEVES THAT THERE MAY BE SYNDICATES INVOLVED. "SOME SYNDICATES MAY AID AND ABET THESE WEAK WILLED GENUINE CREDIT CARD HOLDERS TO DO SO.

"THESE CASES SIT BETWEEN THE BORDER LINE OF CRIMINAL AND CIVIL LAW," HE SAID.

LAWYERS OF ALL DEFENDANTS ARGUED STRONGLY AGAINST THE CRIMINAL IMPLICATION OF ENORMOUSLY OVERSPENDING THEIR CREDIT LIMIT.

DURING THE INVESTIGATION OF THE FIRST CASE, CCB HAD TO OBTAIN ADVICE FROM THE LEGAL DEPARTMENT ON THE COLLECTION OF SUFFICIENT AND ADEQUATE EVIDENCE TO PROVE THAT THE OFFENDER HAD CRIMINAL INTENTION TO OVERSPEND.

ONE DIFFICULTY IN PROSECUTION, ESPECIALLY IN THE PRECEDENT-SETTING CASE, SAID MR LEE, WAS THAT THE CASE WAS BASED ON CIRCUMSTANTIAL EVIDENCE AND BRITISH LEGAL CASES WERE CITED AS EXAMPLES IN COURT.

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THE CASE IN OCTOBER 1989, INITIATED BY CCB, WAS ESTABLISHED AS THE TEST CASE IN HONG KONG AS THE JUDGE ACCEPTED THE EVIDENCE PRESENTED TO THE COURT.

THE TEST CASE INVOLVED A 30-YEAR-OLD MAN WHO, HAVING A $3,000 CREDIT LIMIT SPENT OVER $540,000 BETWEEN APRIL AND MAY IN 1987. HE WAS CHARGED UNDER SECTION 18 (D) OF THE THEFT ORDINANCE AND WAS SENTENCED TO SIX MONTHS IMPRISONMENT.

PREVIOUSLY, THE CASE MIGHT HAVE BEEN BROUGHT AT A CIVIL COURT.

"THE CIVIL COURT COULD NOT HELP A BANK EVEN THOUGH ITS LAWYER COULD SUCCESSFULLY SUE THE OVERSPENDING CREDIT CARD HOLDERS ON GROUNDS OF CIVIL LIABILITY," MR LEE SAID.

"THESE PEOPLE DID NOT HAVE SIGNIFICANT ASSETS AND THE BANK COULD NOT GET MUCH BENEFIT FROM A COURT ORDER FOR THE LIQUIDATION OF THE DEFENDANTS' ASSETS."

THE LATEST CASE INVOLVED A SALESMAN POSSESSING FOUR CREDIT CARDS WITH ONLY $6,000 CREDIT CEILING ON EACH.

HE WAS SENTENCED TO TWO YEARS IMPRISONMENT LAST DECEMBER AS HE HAD INCURRED OVER $600,000 DEBTS IN CHINA, TAIWAN AND JAPAN WITHIN TEN DAYS.

MR LEE BELIEVES IMPRISONMENT IS HARSH ENOUGH TO WARN OTHER CREDIT CARD HOLDERS NOT TO OVERSPEND.

"OTHER CREDIT CARD HOLDERS WILL THINK TWICE BEFORE THEY COMMIT THE CRIME. THE BANKING COMMUNITY HAS RECENTLY FOUND FEWER OVERSPENDING CASES."

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ANOTHER CHANCE TO CHOOSE PRIMARY 1 PLACE

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PARENTS WILL HAVE ANOTHER CHANCE OF CHOOSING A GOVERNMENT OR AIDED PRIMARY SCHOOL FOR THEIR CHILDREN WHO HAVE NOT BEEN ALLOCATED A PRIMARY 1 DISCRETIONARY PLACE, AN EDUCATION DEPARTMENT SPOKESMAN SAID TODAY (SUNDAY).

THESE CHILDREN WILL BE ALLOCATED A PLACE IN THE PUBLIC-SECTOR SCHOOLS, THROUGH THE CENTRAL ALLOCATION SYSTEM, WHICH WILL BE AS NEAR TO THEIR HOMES AS POSSIBLE, HE SAID.

LETTERS HAVE BEEN SENT TO THESE PARENTS BY THE PRIMARY 1 ADMISSION UNIT REQUESTED THEM TO GO TO SPECIFIED DISTRIBUTION-COLLECTION CENTRES TO COLLECT A "CHOICE OF SCHOOLS" FORM AND A LIST OF ALL GOVERNMENT AND AIDED PRIMARY SCHOOLS IN THEIR OWN HOME DISTRICT FROM MARCH 9 TO 11 (SATURDAY TO MONDAY), FROM 9.30 AM TO 12.30 PM AND FROM 1.30 PM TO 4.30 PM.

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ALL THE CENTRES WILL REMAIN OPEN ON SUNDAY, MARCH 10.

"COMPLETED FORMS SHOULD BE RETURNED TO THE SAME CENTRE WITHIN THE SAME TIME PERIOD," THE SPOKESMAN SAID.

HE REMINDED PARENTS THAT THEY SHOULD CONTACT THE PRIMARY 1 ADMISSION UNIT AT TEL NO. 572 4383 AS SOON AS POSSIBLE IF THEY DID NOT RECEIVE THE LETTER BY MARCH 9.

THE CENTRAL ALLOCATION IS SOLELY BASED ON PARENTS' CHOICES WITH NO REFERENCE TO THE POINTS SYSTEM.

WHEN A SCHOOL IS OVERSUBSCRIBED - FOR EXAMPLE IN A SCHOOL DISTRICT WHICH DOES NOT HAVE SUFFICIENT PLACES - A RANDOMISATION METHOD WILL BE USED TO ENSURE FAIRNESS TO ALL.

PARENTS WHO HAVE MOVED RECENTLY OR ARE PLANNING TO MOVE IN THE NEAR FUTURE ARE ADVISED TO INFORM THE PRIMARY 1 ADMISSION UNIT SO THAT ARRANGEMENTS CAN BE MADE TO ALLOCATE A PLACE FOR THEIR CHILDREN IN THEIR NEW HOME DISTRICT.

THE SPOKESMAN ADDED THAT THE RESULTS OF THE CENTRAL ALLOCATION OF PRIMARY 1 PLACES WILL BE ANNOUNCED IN JUNE.

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