



DAILY INFORMATION BULLETIN

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WEDNESDAY, JULY 25, 1984

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PEOPLE MUST BE ALLOWED TO MOVE - AG
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HONG KONG HAD TO LET PEOPLE MOVE, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, SAID IN THE LEGISLATIVE COUNCIL TODAY.

TO BUILD A WALL AROUND HONG KONG, TO CONFINE ITS PEOPLE TO ITS 410 SQUARE MILES, WOULD THROTTLE THEIR DRIVE AND ENERGY AND CONDEMN THIS PLACE TO BECOME A DESOLATE BACKWATER, HE SAID AT THE ADJOURNMENT DEBATE ON FREEDOM OF MOVEMENT.

REFERRING TO UNOFFICIAL MEMBERS' EXPRESSION OF CONCERN IN THE DEBATE ABOUT PRESERVING THEIR RIGHT TO TRAVEL AFTER 1997, MR THOMAS SAID IT WAS OBVIOUS THAT THE TWO GOVERNMENTS WHO ARE IN NEGOTIATION TO DEVISE ARRANGEMENTS THAT WOULD ENABLE HONG KONG TO MAINTAIN ITS STABILITY AND PROSPERITY +MUST HAVE A COMMON AIM TO MAINTAIN THOSE FREEDOMS+.

MR THOMAS RECALLED THAT SIR GEOFFREY HOWE HAD ANNOUNCED IN THE LEGISLATIVE COUNCIL CHAMBER ON APRIL 20 THAT BRITAIN'S CHIEF CONCERN IN THE NEGOTIATIONS WAS TO PRESERVE THE WAY OF LIFE IN HONG KONG, AND THAT SIR GEOFFREY SPECIFICALLY MENTIONED IN THAT CONTEXT THE MAINTENANCE OF THE FREEDOM OF TRAVEL AND THE CONTINUITY OF THE LEGAL SYSTEM.

+BUSINESSMEN TRAVEL ABROAD TO MAKE CONTACTS WITH OVERSEAS INVESTORS, MANUFACTURERS AND TRADERS. MANY MORE BRING HERE THEIR COMMERCIAL SKILLS AND THEIR DESIGNS BECAUSE THEY FIND IN HONG KONG WORKERS WHO ARE WILLING TO WORK AND INVESTORS WHO ARE WILLING TO TAKE RISKS,+ MR THOMAS SAID.

THERE WERE IN ESSENCE, FOUR ASPECTS OF THE FREEDOM TO TRAVEL -- TO MOVE, TO LEAVE, TO BELONG AND TO RETURN, MR THOMAS SAID.

HE SAID THAT EXCEPT WITHIN AREAS USED FOR SECURITY PURPOSES, ALL PERSONS LAWFULLY HERE -- BOTH ALIENS AND CITIZENS -- COULD MOVE AND RESIDE AND BUY PROPERTY WHERE THEY LIKED.

THE ONLY REAL EXCEPTION WAS THE CASE OF THE VIETNAMESE REFUGEES IN CLOSED CAMPS, A SPECIAL CASE TO WHICH DIFFERENT PRINCIPLES APPLIED.

THE RIGHT TO LEAVE, MR THOMAS SAID, GAVE NO RIGHT TO ENTER ANY OTHER TERRITORY.

+WHETHER THEY WILL ADMIT PEOPLE FROM HONG KONG IS A MATTER FOR THEM AND INCREASINGLY THIS CENTURY, THE TREND HAS BEEN WORKING AGAINST FREE MOVEMENT OF PEOPLES.

/+GOVERNMENTS AROUND

+GOVERNMENTS AROUND THE WORLD CAN NO LONGER KEEP THEIR DOORS OPEN TO NEW ARRIVALS. ECONOMIC, RACIAL AND SOCIAL PRESSURES FROM WITHIN HAVE PRODUCED RESTRICTIVE ATTITUDES,+ HE SAID.

THE THIRD FREEDOM OF BELONGING, MR THOMAS SAID, LAY IN THE RIGHT OF THOSE WHO BELONG TO A TERRITORY NOT TO BE REMOVED OR DEPORTED FROM IT.

+CITIZENS OF GREECE OR ROME COULD BE BANISHED, BUT THE PRESENT POSITION IS THAT ONCE YOU ARE A CITIZEN THERE CAN BE NO WITHDRAWAL OF FULL RIGHTS.

+WITH ALIENS IT IS ANOTHER MATTER. THERE ARE GRADATIONS BUT EVERY ONE IN HONG KONG CAN BE DEPORTED BY DUE PROCESS OF LAW EXCEPT HONG KONG BELONGERS,+ HE SAID.

THE FOURTH FREEDOM, HE SAID, WAS CONNECTED WITH THE THIRD -- IT WAS THE FREEDOM OF THE BELONGER TO RETURN FROM ABROAD AFTER HE HAS LEFT.

+NO ONE CAN BE STRIPPED OF THEIR RIGHT OF ABODE OR BE MADE STATELESS IN THEIR ABSENCE.

MR THOMAS SAID THAT THE FOUR FREEDOMS WERE NOT UNQUALIFIED BUT THE RESTRICTIONS ON THEM THAT WERE AUTHORISED BY THE INTERNATIONAL COVENANTS WERE HEAVILY CIRCUMSCRIBED: ONLY THOSE WHICH ARE NECESSARY TO PROTECT NATIONAL SECURITY, PUBLIC ORDER, PUBLIC HEALTH OR MORALS OR THE RIGHTS AND FREEDOMS OF OTHERS, AND WERE CONSISTENT WITH THE OTHER RIGHTS IN THE COVENANT.

THUS THERE COULD BE A NUMBER OF LAWFUL RESTRICTIONS IN HONG KONG, MR THOMAS SAID. FOR EXAMPLE, THE CIVIL DEBTOR, THE TAX DODGER AND THE FUGITIVE CRIMINAL MIGHT BE PREVENTED FROM LEAVING KAI TAK UNDER THIS UMBRELLA.

SPEAKING OF THE SPECIAL POSITION OF BRITISH NATIONALS WHO ENJOY RESIDENT STATUS IN HONG KONG, MR THOMAS SAID THESE RIGHTS OF NATIONALITY DEPENDED ON BRITISH LAW AND ULTIMATELY UPON A DECISION OF THE UNITED KINGDOM PARLIAMENT.

+I UNDERSTAND THE WISH OF BRITISH NATIONALS TO PRESS THEIR CAUSE UPON HER MAJESTY'S GOVERNMENT, PARTICULARLY AT A TIME OF ANXIETY ABOUT THE FUTURE OF THIS TERRITORY. AND I WOULD LIKE TO PAY TRIBUTE TO THE IMAGINATIVE PLAN OF MR T.S. LO TO ENCOURAGE GOVERNMENTS OVERSEAS TO BE MORE GENEROUS TO IMMIGRANTS FROM HONG KONG,+ HE SAID.

MR THOMAS DREW ATTENTION TO A WRITTEN ANSWER GIVEN IN THE HOUSE OF COMMONS YESTERDAY WHICH SAID THAT QUESTIONS OF NATIONALITY WERE UNDER DISCUSSION IN THE TALKS ON THE FUTURE OF HONG KONG BEING HELD IN PEKING.

+THE ISSUES INVOLVED ARE COMPLICATED. IT WOULD NOT BE APPROPRIATE FOR ME TO GO INTO DETAILS OF WHAT IS BEING DISCUSSED: BUT MEMBERS MAY REST ASSURED THAT THE NEGOTIATORS HAVE THE INTERESTS OF THE WHOLE OF HONG KONG'S POPULATION AT HEART AND WILL BE SEEKING TO INCORPORATE IN THE AGREEMENT CLEAR AND DETAILED PROVISIONS FOR RESOLVING THIS ISSUE.

+THE OBJECTIVE WHICH THEY HAVE IN MIND IS THE NEED TO ENSURE CONTINUITY IN THE FREEDOM OF MOVEMENT WHICH HONG KONG PEOPLE NOW ENJOY AND WHICH I HAVE EXPLAINED IN DETAIL,+ MR THOMAS SAID.

BUT AT THE SAME TIME, MR THOMAS SAID, IT WOULD BE APPARENT ON READING THE DEBATE IN THE HOUSE OF COMMONS ON MAY 16 THAT THERE WAS NO SUPPORT EXPRESSED BY MEMBERS OF PARLIAMENT FOR WHOLESALE AND OPEN-ENDED GUARANTEES OF PERMANENT IMMIGRATION FROM HONG KONG INTO THE UNITED KINGDOM.

+THE ANXIETIES WHICH GIVE RISE TO DEMANDS FOR SUCH UNDERTAKINGS ARE VERY UNDERSTANDABLE BUT THE FACTS OF POLITICAL LIFE APPEAR TO ME TO RULE THIS OUT,+ HE SAID.

+ANYHOW THE OBJECTIVE OF THE NEGOTIATORS IS TO PRODUCE AN AGREEMENT WHICH WILL ENABLE HONG KONG PEOPLE TO GO ON ENJOYING THE SAME RIGHTS AND FREEDOMS WHICH THEY ENJOY TODAY.

+LET US HOPE THAT THE OUTCOME OF THE TALKS WILL REMOVE THESE ANXIETIES,+ MR THOMAS SAID.

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OPTION SEEKERS SHOULD NOT BE IGNORED
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WHAT HONG KONG CANNOT AFFORD TO IGNORE AT PRESENT IS THE SUCCESSFUL AND SKILLED MIDDLE CLASS WHO ARE SEEKING OPTIONS FOR THEMSELVES AND THEIR FAMILIES, THE HON T.S. LO SAID IN THE LEGISLATIVE COUNCIL TODAY.

LEADING THE ADJOURNMENT DEBATE ON +FREEDOM OF MOVEMENT+, HE SAID THAT MANY WOULD HAVE TO LEAVE HONG KONG FOR A FEW YEARS TO GET SUCH OPTIONS.

+FAMILIES WILL BE SPLIT; CAREERS WILL BE ARRESTED IN MID-STREAM; CHILDREN'S EDUCATION DISRUPTED, SAVINGS SPENT,+ HE SAID.

+WHEN THEY ULTIMATELY RETURN TO HONG KONG AFTER GETTING THE DESIRED OPTION, A FOREIGN PASSPORT, THEY WILL HAVE TO RECONCILE THEMSELVES TO MAKING ANOTHER FRESH START IN LIFE. SOME AT LEAST WILL BE DETERRED BY THAT FURTHER CHALLENGE,+ HE SAID.

/+THE LOSS

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+THE LOSS TO HONG KONG CAUSED BY THEIR DEPARTURE, PARTICULARLY BECAUSE OF THE SUDDENNESS, WILL BE GREAT FOR THEY ARE THE BACKBONE FOR HONG KONG'S PHENOMENAL SUCCESS AND PROVIDE THE MIDDLE MANAGEMENT FOR THE MANY ENTERPRISES THAT HELP TO CREATE THE JOBS WHICH FEED OVER FIVE MILLION PEOPLE,+ HE SAID.

MOREOVER, NOT ALL OF THEM WOULD BE SUCCESSFUL IN THE LONG AND ARDUOUS PURSUIT WHICH ULTIMATELY LEADS TO THE ACQUISITION OF AN OPTION, HE ADDED.

+MANY IN THEIR SEARCH FOR AN OPTION MAY FALL PREY TO SHARKS AND PAY FOR PROPERTY THAT DOES NOT GIVE THEM ANY RIGHT OF RESIDENCE OR BUY FOREIGN PASSPORTS OF DOUBTFUL VALIDITY.

+THE SEARCH WILL SAP TOO MUCH OF THEIR ENERGY AND THERE WILL BE LITTLE LEFT FOR THE CREATIVE WORK WHICH THEY WERE CAPABLE OF AND WHICH HONG KONG NEEDS,+ HE SAID.

HE FELT THAT WORSE STILL, THE SEARCH FOR OPTIONS WAS BEING MISUNDERSTOOD BY WESTERN PEOPLE AND WESTERN COUNTRIES AS A WISH TO EMIGRATE TODAY.

+UNDERESTIMATING OUR FIERCE DESIRE TO STAY IN HONG KONG, WESTERN PEOPLE CYNICALLY AND WRONGLY THINK 'IF YOU HAD THE RIGHT TO COME YOU WOULD BE BOUND TO COME',+ HE SAID.

THEY THEREFORE LOOKED UPON ALL HONG KONG TRAVELLERS WITH INCREASING SUSPICION, HE ADDED.

+THIS WILL GRADUALLY ERODE OUR FREEDOM OF MOVEMENT WHETHER WE TRAVEL FOR BUSINESS OR FOR PLEASURE, FOR SCHOOLING OR FOR IMMIGRATION,+ HE WARNED.

HE SAID THAT HE HAD JUST BEEN TOLD THAT IMMIGRATION OFFICIALS IN SOME FOREIGN COUNTRIES WERE ALREADY DISCRIMINATING AGAINST THE HONG KONG TRAVELLER, INCLUDING THE HONG KONG STUDENT.

+WE CANNOT EXPECT THE HONG KONG GOVERNMENT TO TAKE ANY POSITIVE ACTION THAT MIGHT BE CONSTRUED AS BEING IN CONFLICT WITH BRITISH GOVERNMENT POLICY.

+WE CANNOT EXPECT ANY OTHER GOVERNMENT TO TAKE ANY POSITIVE ACTION THAT MIGHT BE CONSTRUED AS INTERFERENCE WITH THE ADMINISTRATION OF HONG KONG,+ HE SAID.

HE SUGGESTED WHAT THE COMMUNITY COULD MODESTLY DO ON ITS OWN WAS TO ENCOURAGE THE ESTABLISHMENT OF AN INSTITUTION FUNDED PRIVATELY AND CHARGED TO DO SPECIFIC THINGS, SUCH AS THE FOLLOWING:

/* INVESTIGATE THE

- * INVESTIGATE THE PRACTICALITIES OF GUARANTEEING ALL FOREIGN COUNTRIES THAT THE HONG KONG BELONGER TRAVELLER WILL NOT BE A LIABILITY ON THE TAXPAYER OF THAT COUNTRY. IF PRACTICABLE, THIS WOULD REDUCE THE CONCERN OF IMMIGRATION OFFICERS THROUGHOUT THE WORLD AND IMMEDIATELY AND GREATLY ENHANCE THE STATUS OF THE HONG KONG BELONGER.
- * CONVINCED FOREIGN COUNTRIES OF THE TRUTH THAT ALL WE WANT FROM THEM IS AN OPTION AND THAT WE MUCH PREFER HONG KONG. IF IT SUCCEEDS IT WOULD IMMEDIATELY EASE ANY DISCRIMINATORY RESTRICTIONS AGAINST THE HONG KONG TRAVELLER SUCH AS THE HONG KONG STUDENT AND WIFE OFF OUR REFUGEE IMAGE.
- * PROVIDE, IN AN ACCESSIBLE OFFICE, COMPREHENSIVE AND UP-TO-DATE INFORMATION ON IMMIGRATION MATTERS THROUGHOUT THE WORLD. IF THIS IS DONE EFFICIENTLY, RELIABLY AND AT LOW COST, IT WOULD EASE THE MINDS OF EVERYONE SEARCHING FOR THAT ELUSIVE FIRE EXIT OR SAFETY NET.

THE EXPENSES OF THE INSTITUTION SHOULD BE FUNDED PURELY BY MEANS OF A CHARITABLE TRUST ESTABLISHED TO ENSURE THAT THE INSTITUTION KEEPS TO ITS ORIGINAL PURPOSE, HE SAID.

THE TRUST SHOULD BE FUNDED PARTIALLY BY VERY MODEST FEES COLLECTED BY THE INSTITUTION AND PARTIALLY BY CONTRIBUTIONS FROM THE COMMUNITY, HE ADDED.

HE SAID THAT BECAUSE OF THE SPECIAL MAGIC THAT IS HONG KONG, THE TERRITORY RANKS 17TH IN THE WORLD LEAGUE OF EXPORTERS AND IS THE WORLD'S THIRD INTERNATIONAL FINANCIAL CENTRE.

+AN ESSENTIAL PART OF THAT MAGIC IS THE EASE WITH WHICH OUR BUSINESSMEN AS WELL AS CIVIL SERVANTS ARE ABLE TO TRAVEL TO CLINCH A DEAL, RESOLVE A MISUNDERSTANDING AND DEFUSE A PROBLEM,+ HE SAID.

+MANY IN OUR COMMUNITY, INCLUDING SOME IN THIS COUNCIL, HAVE BEEN ABLE TO ARRIVE IN LONDON OR GENEVA, NEW YORK, OTTAWA OR WASHINGTON WITHIN 24 HOURS OF AN OPPORTUNITY OR PROBLEM ARISING, TO SECURE OR SAFEGUARD A VITAL HONG KONG INTEREST,+ HE ADDED.

HE STRESSED THAT THIS HAD ONLY BEEN POSSIBLE BECAUSE THEIR TRAVEL DOCUMENTS WERE ACCEPTABLE IMMEDIATELY WHEREVER THEY MIGHT HAVE TO GO.

+WE MUST DO EVERYTHING WE CAN TO MAINTAIN THAT SITUATION,+ HE SAID.

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NEED FOR CONTINUED FREEDOM TO TRAVEL STRESSED

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BRITAIN MUST ASSUME THE RESPONSIBILITY OF SAFEGUARDING THE FREEDOM OF MOVEMENT BY TRAVEL OF BRITISH DEPENDENT TERRITORIES CITIZENS PASSPORT HOLDERS AND THEIR NEXT GENERATION, THE HON MARIA TAM, SAID TODAY.

ALTHOUGH THE KIND OF BRITISH NATIONALITY THEY NOW HOLD WOULD NO LONGER BE RELATED TO A BRITISH DEPENDENT TERRITORY AFTER 1997, THEIR RIGHT TO BRITISH CONSULAR PROTECTION SHOULD BE RETAINED, MISS TAM TOLD THE LEGISLATIVE COUNCIL AT THE ADJOURNMENT DEBATE ON FREEDOM OF MOVEMENT.

MISS TAM SAID THAT PROTECTION OF FREEDOM OF MOVEMENT MUST BE CLEARLY SET OUT IN THE SINO-BRITISH AGREEMENT, +WHILE PASSPORTS SHOULD BE ISSUED TO CHINESE SUBJECTS RESIDING HERE BY THE GOVERNMENT OF THE SPECIAL ADMINISTRATIVE REGION.+

+FURTHERMORE,+ MISS TAM SAID, +ALL THE CITIZENS OF HONG KONG, BE THEY BRITISH OR CHINESE BY NATIONALITY, SHOULD CONTINUE TO ENJOY THE RIGHT OF ABODE IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION ACCORDING TO THE INTERPRETATION OF 'HONG KONG BELONGERS' SPELT OUT IN THE LAWS OF HONG KONG (CHAPTER 115).+

MISS TAM REFERRED TO THE MANY THOUSANDS OF HONG KONG YOUTHS WHO TRAVEL OVERSEAS FOR FURTHER STUDIES EACH YEAR AND SAID THERE WOULD STILL BE NEED AFTER 1997 FOR SUCH MOVEMENT FOR ACADEMIC, CULTURAL, TECHNOLOGICAL AND EDUCATIONAL PURPOSES. IT WAS VITAL FOR SUCH FREEDOM OF MOVEMENT TO CONTINUE.

+FROM 1981 TO 1983, THERE WERE ABOUT 12 000 YOUTHS WHO WENT ABROAD FOR FURTHER STUDIES EACH YEAR. AND 80 PER CENT OF THEM WERE 'BDTC' PASSPORT HOLDERS,+ SHE SAID.

THE GUARANTEE OF TRAVEL AND THE RIGHT OF ABODE IN HONG KONG WOULD CERTAINLY HELP ESTABLISH HONG KONG PEOPLE'S CONFIDENCE IN THE FUTURE OF THE TERRITORY.

+AND IT IS CONFIDENCE THAT SUSTAINS HONG KONG'S PROSPERITY,+ SHE SAID.

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FREEDOM OF MOVEMENT MEANS MORE THAN RIGHT TO TRAVEL
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APART FROM THE RIGHT TO TRAVEL FREELY, FREEDOM OF MOVEMENT HAS A SIGNIFICANT CONNOTATION OF FREEDOM OF RESIDENCE WITHIN A POLITICAL SOVEREIGN STATE, THE HON CHARLES YEUNG SAID IN THE LEGISLATIVE COUNCIL TODAY.

OTHERWISE, SUCH RIGHTS WOULD BE ILLUSORY, HE SAID, IN THE ADJOURNMENT DEBATE ON +FREEDOM OF MOVEMENT+.

HE POINTED OUT THAT THE CONCEPT OF FREEDOM OF MOVEMENT IN A CIVILISED SOCIETY HAD A LONG HISTORY. IN THE 13TH CENTUARY, IT WAS ENSHRINED IN THE FAMOUS ENGLISH MAGNA CARTA.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS OF THE UNITED NATIONS, PROMULGATES IN ITS ARTICLE 13 THAT EVERYONE HAS THE RIGHT TO FREEDOM OF MOVEMENT AND RESIDENCE WITHIN THE BORDERS OF EACH STATE AND HAS ALSO THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY, HE POINTED OUT.

+THIS GENERAL DECLARATION HAS SINCE BEEN STRENGTHENED BY MORE DEFINITIVE AND DETAILED PROVISIONS OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, IMPOSING AN ABSOLUTE AND IMMEDIATE OBLIGATION ON EACH OF THE STATE PARTIES TO RESPECT AND TO ENSURE SUCH RIGHTS TO ALL INDIVIDUALS WITHIN ITS TERRITORIES AND SUBJECT TO ITS JURISDICTION,+ HE ADDED.

AMERICAN AND EUROPEAN COUNTRIES, AS THE PROTAGONISTS OF HUMAN RIGHTS HAD FURTHER BONDED TOGETHER FOR THE FURTHERANCE AND ENFORCEMENT OF THESE RIGHTS BY SUCH CONVENTIONS AS THE AMERICAN CONVENTION OF HUMAN RIGHTS AND THE COUNCIL OF EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, HE SAID.

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GOVERNMENT URGED TO SUPPORT CASE OF BDTC'S
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THE HON CHEUNG YAN-LUNG URGED THE HONG KONG GOVERNMENT TO SUPPORT THE CASE OF THE BRITISH DEPENDENT TERRITORIES CITIZENS AND TO RECOMMEND TO HER MAJESTY'S GOVERNMENT THAT THEIR RIGHTS AND THE RIGHTS OF ALL HONG KONG PEOPLE TO FREEDOM OF MOVEMENT BE CLEARLY OUTLINED IN THE SINO-BRITISH AGREEMENT.

SPEAKING IN THE ADJOURNMENT DEBATE ON +FREEDOM OF MOVEMENT+, HE SAID, +NO DOUBT ALL HONG KONG PEOPLE, AND IN PARTICULAR BRITISH DEPENDENT TERRITORIES CITIZENS, HAVE GOOD CAUSE TO PONDER THE CHANGING CONCEPT OF THEIR BRITISH NATIONALITY, AND THE UNCERTAIN CONTINUITY OF THEIR PRESENT STATUS AFTER 1997.+

/HE SAID

HE SAID THAT WHEN HE MET MR JI PENGFEI, DIRECTOR OF CHINA'S HONG KONG AND MACAU AFFAIRS OFFICE, EARLIER THIS YEAR, HE ASKED HIM WHERE WOULD BDT CITIZENS STAND IN THE EYES OF CHINA.

+MR JI REPLIED THAT CHINA IS PREPARED TO GRANT HONG KONG BDT CITIZENS DUAL NATIONALITY FOR TWO GENERATIONS AFTER 1997, BECAUSE OUR UNIQUE HISTORICAL CIRCUMSTANCES.

+HE SAID THAT CHINA WOULD NOT BE OPPOSED TO BDT CITIZENS HOLDING BRITISH OVERSEAS CITIZENS PASSPORTS AS WELL AS CHINESE PASSPORTS, PROVIDED THAT HER MAJESTY'S GOVERNMENT AGREES,+ HE RECALLED.

MR CHEUNG STATED THAT DURING THE HOUSE OF LORDS DEBATE IN MAY, LORD GEDDES TOOK UP THE CASE FOR BDT, MR CHEUNG QUOTED HIM AS SAYING DURING THE HOUSE PASSPORT HOLDERS WHEN HE SAID, +... WOULD IT BE ACCEPTABLE TO HER MAJESTY'S GOVERNMENT TO WRITE INTO ANY AGREEMENT WITH BEIJING THAT ALL BRITISH DEPENDENT TERRITORIES CITIZENS OF HONG KONG ON THE DATE OF HAND-OVER WOULD AUTOMATICALLY BECOME BRITISH OVERSEAS CITIZENS FOR SUCH A PERIOD, UNDER THE TERMS OF PART III OF THE BRITISH NATIONALITY ACT, AS SUITABLY

AMENDED TO INCLUDE SUCH PERSONS?+
+SO FAR, THE OFFICIAL BRITISH SILENCE ON THE SUBJECT HAS BEEN DEFEATING. I PERSONALLY FEEL THE TIME HAS COME FOR THE SILENCE TO BE BROKEN,+ MR CHEUNG SAID.

HE SAID LORD GEDDES HAD POINTED OUT THAT SUCH A MOVE WAS MOST UNLIKELY TO +OPEN THE FLOODGATES OF IMMIGRATION+ FROM HONG KONG TO BRITAIN, BUT THAT+ IT COULD WELL TIP THE BALANCE IN PERSUADING THOSE WHO MIGHT HAVE THOUGHT OTHERWISE TO REMAIN IN HONG KONG BOTH UP TO AND BEYOND 1997, THEREBY MAINTAINING IN TURN THAT ALL-IMPORTANT CONFIDENCE.+

+I PERSONALLY BELIEVE ALSO THAT SUCH POSITIVE ACTION WOULD PROVE BRITAIN IS SINCERE IN HER DECLARED OBJECTIVE TO PRESERVE CONTINUITY AND PERSONAL FREEDOMS IN HONG KONG BEYOND 1997,+ MR CHEUNG SAID.

HE SAID THAT BRITAIN WAS WELL AWARE THAT THOUSANDS OF HONG KONG PEOPLE, MOST OF THEM FROM THE NEW TERRITORIES, HAD WORKED HARD IN THE UK, SETTING UP AND RUNNING CHINESE RESTAURANTS AND OTHER SUCCESSFUL BUSINESSES THERE.

+AFTER 1997, WHAT IS THE LIKELIHOOD THAT THEIR FAMILY MEMBERS STILL RESIDING IN HONG KONG WILL NOT BE ABLE TO BE REUNITED WITH THEIR FAMILY MEMBERS LIVING AND WORKING IN THE UK?+ HE ASKED.

+IMMIGRANTS WHO CAME HERE FROM DIFFERENT PARTS OF CHINA DURING THE 1940S AND THE 1950S HAD SET HONG KONG ON THE ROAD TO PROSPERITY AND STABILITY, HE SAID.

THEY AND THEIR FAMILIES WERE OWED THE ASSURANCE OF FREEDOM OF MOVEMENT IN AND OUT OF HONG KONG AFTER 1997, HE ADDED.

+THE SAME ASSURANCE IS VITAL TO OUR BUSINESS AND FINANCIAL SECTORS WHOSE REPRESENTATIVES MUST TRAVEL ALL THE TIME.

+FREEDOM TO TRAVEL IS A MUST FOR THEM, AND MUST BE ASSURED FOR ALL THE PEOPLE OF HONG KONG AFTER 1997,+ MR CHEUNG STRESSED.

HE POINTED OUT THAT VERBAL ASSURANCES WERE NOT GOOD ENOUGH TO CONVINCE HONG KONG PEOPLE.

+AS WE AWAIT THE WRITTEN DRAFT AGREEMENT, WE HOPE IT WILL SPELL OUT CLEARLY THE CONTINUITY OF FREEDOMS TO WHICH WE ARE ACCUSTOMED NOW AND TO WHICH WE MUST BE ENTITLED IN THE FUTURE,+ HE SAID.

NOTING THAT SIR GEOFFREY HAD STARTED CATEGORICALLY THAT BRITAIN'S OBJECTIVES ARE +TO SECURE AGREEMENT FOR ALL THE PEOPLE OF HONG KONG+, HE SAID, +MEANWHILE CHINA HAS ALREADY CONSENTED TO GRANT DUAL NATIONALITY TO BDT CITIZENS, IF BRITAIN WILL AGREE TO LET THEM BECOME BRITISH OVERSEAS CITIZENS. IS THE BALL NOW NOT IN THE BRITISH COURT?+

HE HOPED THAT HONOUR AND INTEGRITY WOULD BE APPLIED TO CLARIFYING AND SAFEGUARDING THE PERSONAL FREEDOMS, ESPECIALLY THE FREEDOM OF TRAVEL OF 5.3 MILLION HONG KONG PEOPLE, INCLUDING ALL BRITISH DEPENDENT TERRITORIES CITIZENS.

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ICAC CASES AT SAME LEVEL - LOBO
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THE NUMBER OF REPORTS OF CORRUPTION LAST YEAR WHICH COULD BE INVESTIGATED BY THE INDEPENDENT COMMISSION AGAINST CORRUPTION REMAINED AT ABOUT THE SAME LEVEL AS IN THE PREVIOUS TWO YEARS, THE HON ROGER LOBO, SAID IN THE LEGISLATIVE COUNCIL TODAY.

TABLING THE 1983 REPORT OF THE ICAC, MR LOBO SAID THAT THIS DEMONSTRATED THE NEED FOR CONTINUED CARE AND VIGILANCE.

+PARTICULARLY,+ MR LOBO SAID, +IN THE FIELD OF FRAUD FACILITATED BY CORRUPTION IN THE BANKING AND FINANCE SECTOR, WHERE RECENT CASES HAVE SHOWN THAT STAGGERING AMOUNTS OF MONEY ARE INVOLVED.+

MR LOBO SAID THAT IT WAS FITTING THAT THE REPORT'S OUTSTANDING FEATURE WAS A SPECIAL CHAPTER DEALING WITH THE FIRST DECADE OF THE COMMISSION'S EXISTENCE.

+THE COMMISSIONER, ON LOOKING BACK, IS GLAD TO BE ABLE TO PAY TRIBUTE IN THIS SPECIAL CHAPTER TO THE VARIOUS FORMS OF SUPPORT WHICH THE COMMISSION HAS RECEIVED FROM OTHER DEPARTMENTS AND BRANCHES OF GOVERNMENT. DESPITE INITIAL SCEPTICISM AND EVEN ANTAGONISM, THE COMMISSION IS NOW CLEARLY ACCEPTED,+ HE SAID.

/+THE COMMISSIONER

+THE COMMISSIONER PAYS TRIBUTE TO THE SUPPORT AND CO-OPERATION OF THE PUBLIC, WHICH IS MANIFESTED NOT ONLY IN THE CONFIDENCE WITH WHICH REPORTS OF CORRUPTION ARE MADE, BUT ALSO IN THE ENTHUSIASTIC SUPPORT OF, AND PARTICIPATION IN, COMMISSION SPONSORED FUNCTIONS EXEMPLIFIED BY THE 'TOWARDS A FULLER LIFE' PROGRAMME WHICH REACHED AN ESTIMATED 120 000 YOUNG PEOPLE.+

HE ALSO SAID THAT AN AREA OF PARTICULAR INTEREST IN WHICH THE CORRUPTION PREVENTION DEPARTMENT WAS CONCERNED WAS RESTAURANT LICENSING PROCEDURES - LONG A SOURCE OF DISCONTENT TO LICENCE OPERATORS BECAUSE OF THE COMPLEXITY OF PROCEDURES AND THE POSSIBILITY OF DELAYS. ANOTHER WAS A STUDY OF THE POLICE UNITS RESPONSIBLE FOR ANTI-VICE AND GAMBLING ENFORCEMENT, WHICH BEGAN AT THE END OF THE YEAR WITH THE FULL CO-OPERATION OF THE POLICE.

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MODERN ENGLISH LAW AND LOCAL PRACTICE COMBINED
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THE CONVEYANCING AND PROPERTY BILL 1984 ATTEMPTED TO EMBODY THE BEST OF MODERN ENGLISH LAW AND LOCAL PRACTICE AND WAS DESIGNED TO MEET HONG KONG'S PARTICULAR NEEDS, THE HON PETER C. WONG SAID IN THE LEGISLATIVE COUNCIL TODAY.

SPEAKING IN SUPPORT OF THE BILL, HE SAID, +TO THIS END, IT IS, IN MY VIEW, A TYPICAL HONG KONG COMPROMISE, ONE THAT WILL PRESERVE CONTINUITY WHILE AT THE SAME TIME INCORPORATING USEFUL AND PRACTICAL IMPROVEMENTS.+

+THIS BILL ASSUMES GREATER IMPORTANCE IF IT IS VIEWED IN THE LIGHT OF THE RAPID DEVELOPMENT OF HONG KONG AS A MODERN FINANCIAL AND INVESTMENT CENTRE.

+IN VIEW OF 1997, IT IS ESSENTIAL THAT WE SHOULD HAVE OUR OWN INDEPENDENT LEGISLATION WHICH IS NOT DEPENDENT UPON ENGLISH LAW AND PRACTICE,+ MR WONG SAID.

HE REPORTED THAT THE COUNCIL'S LEGISLATION SCRUTINY GROUP HAD HELD SIX LENGTHY SESSIONS WITH THE ADMINISTRATION AND, AS A RESULT, AMENDMENTS WOULD BE MADE TO A NUMBER OF CLAUSES AT THE COMMITTEE STAGE.

THE BILL IS SCHEDULED TO BE IN FORCE FROM NOVEMBER 1, 1984.

+MANY PROVISIONS ARE NEW, SUCH AS LEGAL CHARGES CONTAINED IN PART 5, THE CAPACITY OF A CORPORATION TO HOLD LAND AS A JOINT TENANT, AND THE PROVISIONS OF IMPLIED COVENANTS AND STATUTORY FORMS,+ HE SAID.

+THESE AND MANY OTHER CHANGES AND IMPROVEMENTS DESERVE CAREFUL STUDY,+ HE ADDED.

/HE SAID

HE SAID THAT WHILE EVERY EFFORT HAD BEEN MADE TO ENSURE THAT THE BILL WAS FREE FROM DEFICIENCIES, IT WOULD STILL BE NECESSARY TO INTRODUCE REFINEMENTS AND IMPROVEMENTS IN THE LIGHT OF EXPERIENCE.

+HOWEVER, THE BILL REPRESENTS AN EXCELLENT EFFORT AND IS THE RESULT OF THE CONCERTED EXPERTISE IN BOTH THE PRIVATE AND PUBLIC SECTORS,+ HE SAID.

HE ADDED THAT THE REGISTRAR GENERAL HAD AGREED TO MONITOR AND REVIEW THE NEW LEGISLATION.

+ONE PARTICULAR ISSUE WHICH REQUIRES ATTENTION IS THAT IN THE EVENT OF THE DISSOLUTION OF A CORPORATION HOLDING PROPERTY AS A JOINT TENANT, THE LEGAL ESTATE WILL PASS TO THE OTHER JOINT TENANT,+ HE POINTED OUT.

THE LEGISLATION IS SILENT ON THE QUESTION OF STAMP DUTY.

BUT MR WONG SAID THE REGISTRAR GENERAL HAD UNDERTAKEN TO REQUEST THE COMMISSIONER OF INLAND REVENUE TO LOOK INTO THIS ISSUE AS IT INVOLVES PUBLIC REVENUE.

+OTHER MATTERS WHICH NEED FURTHER ATTENTION INCLUDE THE PROVISION OF A STATUTORY FORM WHERE A MORTGAGE OR CHARGE INVOLVES A THIRD PARTY, NORMALLY CALLED A REQUESTING PARTY, WHO IS ENTITLED TO THE USE OF THE LOAN,+ HE SAID.

HE EMPHASISED THAT THE BILL WOULD NOT AFFECT -

- * THE LAW RELATING TO SUCCESSION TO LAND (EXCEPT AS TO THE QUESTION OF SURVIVORSHIP IN THE CASE OF PERSONS DYING IN A DISASTER) (CLAUSE 9 OF THE BILL);
- * CHINESE CUSTOM AS APPLICABLE TO LAND IN THE NEW TERRITORIES UNDER SECTION 13 OF THE NEW TERRITORIES ORDINANCE;
- * THE PROVISIONS OF THE LAND REGISTRATION ORDINANCE;
- * THE LAW RELATING TO LAND IN THE NEW TERRITORIES UNDER PART II OF THE NEW TERRITORIES ORDINANCE (EXCEPT TO IMPROVE THE IMPLIED CONVENANTS AND INTRODUCE IMPROVE CONVEYANCING FORMS);
- * THE LAW OF LANDLORD AND TENANT AS IT RELATES TO A TENANCY OF PREMISES UNDER THE LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE (CAP. 7); AND
- * THE PROVISION OF THE LIMITATION ORDINANCE (CAP. 374).

EARLIER, THE HON BILL BROWN SAID THAT THE UNOFFICIALS' AD HOC GROUP HAD TAKEN ONE YEAR TO STUDY THE LEGISLATION.

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+A NUMBER OF REPRESENTATIONS WERE RECEIVED BY THE AD HOC GROUP AND THESE INCLUDED SEVERAL SUGGESTIONS FOR AMENDMENTS FROM THE HONG KONG ASSOCIATION OF BANKS, WHO LIAISED IN THIS INSTANCE WITH THE HONG KONG DEPOSIT-TAKING COMPANIES ASSOCIATION IN VIEW OF THEIR MUTUALITY OF INTERESTS,+ MR BROWN SAID.

+THE END RESULT OF THE DELIBERATIONS OF THE AD HOC GROUP - TAKING INTO ACCOUNT THE REPRESENTATIONS RECEIVED - WAS AGREEMENT WITH THE ADMINISTRATION ON THE BILL NOW BEFORE US, WHICH INCLUDES A NUMBER OF AMENDMENTS TO THE ORIGINAL WHITE PAPER PUBLISHED IN 1983,+ HE ADDED.

HE SAID THAT THE NEED TO INTRODUCE FURTHER AMENDMENTS OF A TECHNICAL NATURE AT THE COMMITTEE STAGE HAD BEEN REVEALED AFTER A FURTHER CAREFUL STUDY OF THE 1984 BILL PUBLISHED ON FEBRUARY 15 AND THE LATEST VERSION INTRODUCED INTO THE LEGISLATIVE COUNCIL ON JUNE 27.

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PLAN TO BOOST CIVIC EDUCATION

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A PLAN HAS RECENTLY BEEN FORMULATED TO FURTHER STRENGTHEN CIVIC EDUCATION AMONG PRIMARY AND SECONDARY STUDENTS, THE ACTING DIRECTOR OF EDUCATION, THE HON MICHAEL LEUNG, SAID IN THE LEGISLATIVE COUNCIL TODAY.

THE PLAN, WHICH HAD BEEN FULLY DISCUSSED AND ENDORSED BY THE BOARD OF EDUCATION, COVERED A BROAD SPECTRUM OF ACTIVITIES BOTH WITHIN AND OUTSIDE THE CURRICULUM, INCLUDING CIVIC, SOCIAL, POLITICAL AND CURRENT AFFAIRS, MR LEUNG SAID.

HE WAS REPLYING TO THE HON RITA FAN WHO WOULD LIKE TO KNOW ABOUT PLANS FOR PROMOTING AND CO-ORDINATING CIVIC EDUCATION IN SCHOOLS, AND ABOUT PROGRESS MADE.

+WE WILL PURSUE THE PLAN THROUGH TWO SEPARATE BUT INTERRELATED ASPECTS OF SCHOOL LIFE: THE FORMAL CURRICULUM AND EXTRA-CURRICULAR ACTIVITIES,+ HE EXPLAINED.

HE SAID HE INTENDED TO ASK THE CURRICULUM DEVELOPMENT COMMITTEE EARLY IN THE COMING SCHOOL YEAR TO CONSIDER WAYS IN WHICH ASPECTS OF CIVIC EDUCATION IN THE EXISTING CURRICULUM COULD BE STRENGTHENED.

+THE CURRICULUM DEVELOPMENT COMMITTEE WILL BE ASKED TO CONSIDER THE DEVELOPMENT OF TEACHING MODULES FOR USE IN EXISTING OR PROPOSED NEW SUBJECTS AT BOTH PRIMARY AND SECONDARY LEVELS.

+THESE COULD BE IN THE FORM OF TEACHING UNITS, SUPPORTED BY A COMPREHENSIVE RANGE OF RESOURCE MATERIALS, INCLUDING CHARTS, VIDEOTAPES AND NOTES ON METHODOLOGY. RELEVANT RESOURCE AND TEACHING MATERIALS WILL BE COMPILED AND MADE AVAILABLE FOR SCHOOL REFERENCE,+ HE SAID.

THE SCHOOLS WOULD BE ASKED TO DRAW MORE UPON IMPORTANT OR INTERESTING CONTEMPORARY EVENTS TO ILLUSTRATE TEACHING POINTS IN SUBJECTS SUCH AS ECONOMIC AND PUBLIC AFFAIRS, HISTORY AND ECONOMICS, AND TO USE NEWSPAPERS MORE EXTENSIVELY FOR TEACHING PURPOSES.

THE USE OF DISCUSSION TECHNIQUES WOULD BE ENCOURAGED IN THE TEACHING OF A WIDE RANGE OF SUBJECTS, AS WOULD THE USE OF DEBATES IN LANGUAGE LESSONS.

+AS FOR EXTRA-CURRICULAR ACTIVITIES, SCHOOLS WILL BE ENCOURAGED TO HEIGHTEN STUDENTS' AWARENESS OF CURRENT EVENTS BY SUCH MEANS AS THE ESTABLISHMENT OF CURRENT AFFAIRS CLUBS AND DEBATING SOCIETIES.

+THEY WILL BE ASKED TO ARRANGE VISITS FOR SENIOR STUDENTS WHEREVER POSSIBLE TO OBSERVE GOVERNMENT IN ACTION, INCLUDING VISITS TO DISTRICT BOARDS, THE URBAN COUNCIL, THE UMELCO OFFICE, GOVERNMENT DEPARTMENTS AND THE LEGISLATIVE COUNCIL,+ MR LEUNG SAID.

AS WITH ALL EDUCATIONAL PLANS AND PROGRAMMES, FULL CONSULTATION WITH, AND CO-OPERATION FROM HEADS OF SCHOOLS IS ESSENTIAL TO ACHIEVE SUCCESS.

+I INTEND THEREFORE TO MOUNT A SERIES OF SEMINARS AND CONFERENCES WITHIN THE NEXT FEW MONTHS TO SEEK THEIR VIEWS AND SUGGESTIONS.

+EQUAL EMPHASIS MUST ALSO BE PLACED UPON THE PREPARATION OF TEACHERS FOR THIS PROGRAMME. DISCUSSIONS WILL THEREFORE BE HELD WITH THE COLLEGES OF EDUCATION AND OTHER TEACHER TRAINING INSTITUTIONS TO ENSURE THAT BOTH PRE-SERVICE AND IN-SERVICE TRAINING PROGRAMMES ARE STRUCTURED TO REFLECT THE NEW EMPHASIS,+ MR LEUNG SAID.

A COMPREHENSIVE SET OF GUIDELINES WOULD BE COMPILED TO ASSIST TEACHERS AND SCHOOL AUTHORITIES TO IMPLEMENT THE PLAN, HE ADDED.

THE GUIDELINES WOULD BE CROSS-CURRICULAR IN NATURE, SIMILAR TO THOSE ON MORAL EDUCATION, WHICH HAD BEEN WELCOMED BY SCHOOLS SINCE THEIR ISSUE THREE YEARS AGO.

PREPARATORY WORK ON THE GUIDELINES HAD BEGUN AND THE AIM WAS TO HAVE THEM READY FOR IMPLEMENTATION IN SEPTEMBER 1985, HE SAID.

PLANS TO RECRUIT MORE SPECIALISTS
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THE GOVERNMENT HAS PLANS TO RECRUIT IN THE NEXT 10 YEARS, 42 DOCTORS TO SERVE IN THE EYE AND ENT (EAR, NOSE AND THROAT) SERVICES OF THE MEDICAL AND HEALTH DEPARTMENT, SUBJECT TO THE AVAILABILITY OF RESOURCES.

THIS WAS STATED BY THE ACTING DIRECTOR OF MEDICAL AND HEALTH SERVICES, DR THE HON RUDY KHOO, IN THE LEGISLATIVE COUNCIL TODAY, IN REPLY TO QUESTIONS FROM DR THE HON HENRIETTA IP.

WHEN THESE POSTS WERE FILLED, THE NUMBER OF DOCTORS IN THE TWO SERVICES WOULD BE RAISED TO 90, DR KHOO SAID.

HE REPORTED THAT THE GOVERNMENT HAD FORMULATED MEDICAL SERVICE TARGETS FOR THE COMING YEARS, INCLUDING THE DEVELOPMENT AND PLANNING OF EYE AND ENT SERVICES.

+THE APPROPRIATE NUMBER OF STAFF OF VARIOUS RANKS AND SPECIALTIES WILL BE RECRUITED AND TRAINED AT THE RIGHT TIME FOR THESE PROGRAMMES,+ HE SAID.

WHEN ASKED ABOUT THE AVERAGE WAITING TIME REQUIRED FOR APPOINTMENTS WITH A CONSULTANT IN THE EYE AND ENT SERVICES, DR KHOO SAID THAT PATIENTS WITH URGENT PROBLEMS ARE IMMEDIATELY ATTENDED TO AND, WHERE NECESSARY, OPERATED ON.

FOR NON-URGENT OR 'COLD' CASES, THE AVERAGE WAITING TIME FOR CONSULTATIONS IS THREE MONTHS, WHILE THE WAITING TIME FOR OPERATIONS RANGES FROM SIX TO NINE MONTHS FOR DISEASES OF THE EYE AND TWO TO 10 MONTHS FOR ENT CONDITIONS.

+I MUST EMPHASISE THAT THE WAITING TIME FOR OPERATIONS ON 'COLD' CASES HAS NO ADVERSE EFFECT ON THE MEDICAL CONDITIONS OF THE PATIENTS,+ DR KHOO SAID.

+IT IS INHERENT IN OUR HEALTH CARE SYSTEM THAT PATIENTS SUFFERING FROM DISEASES OF THE EYE, ENT OR INDEED OTHER PARTS OF THE BODY, DO NOT NECESSARILY NEED TO RECEIVE TREATMENT ONLY FROM THE CONSULTANTS IN THE RESPECTIVE SPECIALTY,+ HE SAID.

FOR COMMON AILMENTS OF THE EYE AND ENT, HE SAID, GENERAL PRACTITIONERS ARE FULLY COMPETENT TO DEAL WITH SUCH PATIENTS.

+MORE COMPLEX CASES MAY REQUIRE THE ATTENTION OF DOCTORS WHO HAVE RECEIVED HIGHER PROFESSIONAL TRAINING AND EXPERIENCE, BUT WHO MAY NOT NECESSARILY OCCUPY CONSULTANT POSTS.

+THUS THE MEDICAL PRACTITIONERS IN PRIVATE PRACTICE, AND DOCTORS IN THE PUBLIC SECTOR, IN ADDITION TO CONSULTANTS, EACH IN THEIR OWN SETTING, PROVIDE A SERVICE TO THE COMMUNITY WHICH IS COMPLEMENTARY TO EACH OTHER,+ HE SAID.

FREEDOM TO TRAVEL A MUST - IP
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TO KEEP UP HONG KONG'S STANDARD OF MODERNISATION AND TECHNOLOGY, THE PEOPLE HERE MUST HAVE THE FREEDOM TO TRAVEL, DR THE HON HENRIETTA IP SAID IN THE LEGISLATIVE COUNCIL TODAY.

SPEAKING IN THE ADJOURNMENT DEBATE, DR IP SAID THE PEOPLE ALSO NEED THIS FREEDOM IF CROSS-FERTILISATION WAS TO OCCUR IN HONG KONG, WHICH SHE LIKENED TO A +BLOSSOMING FLOWER ON CHINESE SOIL, ATTRACTING PEOPLE INTERNATIONALLY+.

+NOW AND AFTER 1997, HONG KONG HAS AN OBLIGATION AND THE ABILITY TO HELP MODERNISE CHINA,+ SHE SAID.

+SO FOR THOSE WHO HOLD THE POWER TO OUR DESTINY, GIVE US A CHANCE AND WE WILL BRING THEM BLOSSOM IN RETURN,+ DR IP ADDED.

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MAJOR POLICY STEPS BEING TAKEN ON POLLUTION
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PROPOSALS HAVE BEEN FORMULATED FOR THE CLOSER REGULATION OF THE STORAGE AND DISPOSAL OF TOXIC, HAZARDOUS AND DIFFICULT WASTES, THE SECRETARY FOR HEALTH AND WELFARE, THE HON HENRY CHING, SAID TODAY.

THESE LEGISLATIVE PROPOSALS, MR CHING SAID, WOULD BE REFINED AND SUBMITTED TO THE ENVIRONMENTAL POLLUTION ADVISORY COMMITTEE -- EPCOM -- FOR ADVICE DURING THE COMING MONTHS.

REPLYING TO A QUESTION BY THE HON ANDREW SO, MR CHING SAID THE PROPOSALS WERE SOME OF THE MAJOR POLICY ISSUES CONCERNING POLLUTION CONTROL WHICH WOULD BE DISCUSSED WITH EPCOM IN THE NEXT 12 MONTHS OR SO.

DESCRIBING SOME OF THE MORE IMPORTANT POLICY ISSUES, MR CHING SAID ADVICE WOULD BE SOUGHT ON REGULATIONS TO BE MADE UNDER THE WATER POLLUTION CONTROL ORDINANCE FOR THE CONTROL OF POLLUTION IN THE TOLO HARBOUR WATER CONTROL ZONE.

+THE DRAFTING OF THESE REGULATIONS HAS PROVED MORE DIFFICULT THAN EXPECTED, BUT THE WORK IS NOW WELL ADVANCED.

+WE INTEND ALSO TO MAINTAIN PROGRESS IN IMPLEMENTING THE ACTION PLANS RECENTLY DRAWN UP TO REDUCE POLLUTION IN THE STREAMS WHICH FEED INTO OUR COASTAL WATERS, INCLUDING TOLO HARBOUR.

+EPCOM'S ADVICE ON THESE ACTION PLANS WILL BE SOUGHT AS AND WHEN NECESSARY,+ HE SAID.

/EPCOM WOULD

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EPCOM WOULD ALSO BE CONSULTED ON A REVIEW OF SEWAGE TREATMENT STANDARDS AND ON THE DEVELOPMENT OF A COMPREHENSIVE, TERRITORY-WIDE POLICY FOR DETERMINING THE LEVELS OF SEWAGE TREATMENT.

+AND WE SHALL BE SEEKING ADVICE ALSO ON PROPOSALS TO CONTROL THE DISPOSAL OF ANIMAL WASTE, PROBABLY BY MEANS OF LIVESTOCK LICENSING.

+WE MAY ALSO NEED TO SEEK ADVICE ON PRIORITY AREAS FOR IMPLEMENTATION OF SUCH CONTROLS, AND ON THE NEED FOR AND LOCATION OF SPECIAL SITES FOR LIVESTOCK KEEPING SO AS TO MINIMISE WASTE DISPOSAL PROBLEMS,+ HE SAID.

ACTION AGAINST BEACH POLLUTION, HE SAID, WOULD REMAIN A PRIORITY, AND AN ACTION PLAN TO ATTACK THE PROBLEM OF FLOATING REFUSE WAS BEING DEVELOPED.

+EPCOM'S ADVICE WILL BE SOUGHT AS SOON AS THIS PLAN IS READY.

+WE SHALL ALSO BE CONSULTING EPCOM ON PROPOSALS TO BRING INTO FORCE PART IV OF THE WASTE DISPOSAL ORDINANCE SO AS TO PROVIDE FOR THE LICENSING OF PRIVATE WASTE DISPOSAL SERVICES AND SO AS TO PROHIBIT THE IMPORTATION OF WASTE.

+FINALLY, UNDER THE HEADING OF WASTE MANAGEMENT, WE INTEND SOON TO SEEK EPCOM'S ADVICE ON A FIRST DRAFT OF THE WASTE DISPOSAL PLAN WHICH IS REQUIRED UNDER THE ORDINANCE.+

AS A FURTHER STEP IN IMPLEMENTING THE PROVISIONS OF THE AIR POLLUTION CONTROL ORDINANCE, REGULATIONS WOULD BE REQUIRED TO CONTROL INDUSTRIAL PROCESSES WHICH CONSTITUTE POTENTIAL MAJOR SOURCES OF AIR POLLUTION. AT THE SAME TIME, AND IN ORDER TO PROVIDE A FRAMEWORK FOR CONTROL, SPECIFIC AIR QUALITY OBJECTIVES NEEDED TO BE DETERMINED.

EPCOM WOULD BE INVITED TO CONSIDER THIS PACKAGE OF PROPOSALS AT THE BEGINNING OF NEXT YEAR.

EPCOM'S ADVICE WOULD ALSO BE SOUGHT, IN THE MIDDLE OF NEXT YEAR, ON A NOISE CONTROL BILL WHICH WOULD REPLACE EXISTING CONTROLS AND EXPAND THEIR SCOPE, MR CHING SAID.

+MANY OF THESE ISSUES HAVE BEEN KEEPING US BUSY FOR SOME CONSIDERABLE TIME. BUT WE ARE HOPEFUL THAT WE SHALL BE ABLE TO TAKE SOME SIGNIFICANT STEPS FORWARD DURING THE NEXT 12 MONTHS,+ HE SAID.

THESE ITEMS DID NOT CONSTITUTE AN EXHAUSTIVE LIST OF GOVERNMENT'S ACTIVITIES IN THE CONTROL OF POLLUTION, AND EFFORTS WOULD AT THE SAME TIME CONTINUE IN OTHER DIRECTIONS, HE SAID.

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ISSUE OF OBJECTIONABLE PUBLICATIONS EXPLAINED

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THE FINAL DECISION ON WHETHER A PUBLICATION IS OBJECTIONABLE OR NOT RESTS WITH THE COURTS, THE ACTING SECRETARY FOR HOME AFFAIRS, THE HON IAN MACPHERSON, SAID IN THE LEGISLATIVE COUNCIL TODAY.

REPLYING TO A QUESTION FROM THE HON RITA FAN, MR MACPHERSON SAID, +THE ROLE OF THE ADMINISTRATION IS TO DETECT CASES WHICH ARE CONSIDERED TO FALL WITHIN THE DEFINITION OF 'OBJECTIONABLE' AND TO BRING THEM TO THE COURTS.+

AN OBJECTIONABLE PUBLICATION IS DEFINED IN THE LAW AS ONE +WHICH CONSISTS OF OR CONTAINS MATTER OF AN INDECENT, OBSCENE OR REVOLTING NATURE+.

THERE IS NO PROVISION IN THE OBJECTIONABLE PUBLICATIONS ORDINANCE TO BAN A PUBLICATION, HE SAID.

OBJECTIONABLE PUBLICATIONS SOLD IN HONG KONG ARE DETECTED IN A NUMBER OF WAYS:

- * THE POLICE VICE SQUADS MAINTAIN REGULAR SURVEILLANCE IN AREAS WHERE THEY ARE KNOWN TO BE ON SALE PUBLICLY.
- * THE COPYRIGHT DIVISION OF THE CUSTOMS INVESTIGATION BUREAU MAY TAKE LEGAL ACTION AGAINST THE OWNER OR IMPORTER OF ANY OBJECTIONABLE PUBLICATIONS THAT ARE FOUND ON ROUTINE SEARCHES AT VARIOUS ENTRY POINTS INTO HONG KONG.
- * STAFF OF HOME AFFAIRS BRANCH CARRY OUT REGULAR SPOT CHECKS AT KNOWN POTENTIAL OUTLETS.

HE ADDED THAT OBJECTIONABLE PUBLICATIONS MIGHT ALSO COME TO NOTICE THROUGH COMPLAINTS FROM THE PUBLIC.

+IF A MEMBER OF THE PUBLIC COMES ACROSS A PUBLICATION WHICH HE CONSIDERS TO BE OBJECTIONABLE, HE MAY EITHER DRAW IT TO THE ATTENTION OF THE DUTY OFFICER AT THE NEAREST POLICE STATION OR TO THE DISTRICT OFFICES OF THE CITY AND NEW TERRITORIES ADMINISTRATION, OR TO THE HOME AFFAIRS BRANCH OF THE GOVERNMENT SECRETARIAT,+ HE SAID.

LEGAL ADVICE WILL THEN BE SOUGHT AS TO WHETHER ACTION AGAINST THE VENDOR IS APPROPRIATE.

ON CONVICTION, HE ADDED, SUCH PUBLICATIONS WILL BE FORFEITED TO THE CROWN.

LAW PROTECTS WORKERS OVERSEAS

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THE ACTING COMMISSIONER FOR LABOUR, DR THE HON JAMES HAYES, TODAY URGED WORKERS WHO ARE BEING RECRUITED FOR OVERSEAS WORK TO BRING THEIR CONTRACTS TO THE LABOUR DEPARTMENT FOR VETTING AND ATTESTATION.

REPLYING TO QUESTIONS FROM DR THE HON HO KAM-FAI IN THE LEGISLATIVE COUNCIL, DR HAYES SAID WORKERS WHO BRING THEIR CONTRACTS TO THE DEPARTMENT FOR ATTESTATION DO SO IN THEIR OWN INTEREST.

+IN OUR EXPERIENCE, THIS HAPPENS IN MOST CASES, IN WHICH ANY DISPUTE CAN BE SETTLED BY THE LABOUR DEPARTMENT ACCORDING TO THE TERMS AND CONDITIONS OF THE EMPLOYMENT CONTRACT.+

DR HAYES SAID THAT UNDER THE CONTRACTS FOR OVERSEAS EMPLOYMENT ORDINANCE, MANUAL WORKERS BEING EMPLOYED FOR OVERSEAS WORK SHOULD HAVE THEIR CONTRACTS ATTESTED BY THE COMMISSIONER FOR LABOUR.

+THE LEGISLATIVE ELEMENT IS PREDOMINANT IN PROTECTING WORKERS OVERSEAS, AND INDEED THE HONG KONG ORDINANCE FOLLOWS THE PROVISIONS OF THREE INTERNATIONAL LABOUR CONVENTIONS ON THIS SUBJECT,+ HE SAID.

+UNDER OUR ORDINANCE, AN OVERSEAS EMPLOYER IS REQUIRED TO ENTER INTO A DETAILED WRITTEN CONTRACT WITH HIS WORKERS ON THE TERMS OF EMPLOYMENT, INCLUDING WAGES, HOURS OF WORK, HOLIDAYS, EMPLOYEES' COMPENSATION IN THE EVENT OF DEATH OR INJURY, ACCOMMODATION AND REPATRIATION.

+TO HAVE MY APPROVAL, THESE TERMS MUST BE COMPARABLE WITH, OR BETTER THAN, THE GENERAL EMPLOYMENT STANDARDS IN HONG KONG,+ HE SAID.

THE CONTRACT FURTHER PROVIDES THAT NO VARIATION CAN BE MADE TO IT WITHOUT THE APPROVAL OF THE APPROPRIATE GOVERNMENT AUTHORITY IN THE COUNTRY OF EMPLOYMENT, DR HAYES ADDED.

+WE AIM TO ENSURE THAT WORKERS ARE FULLY AWARE OF THEIR RIGHTS AND OBLIGATIONS UNDER THEIR CONTRACTS.+

DR HAYES SAID THAT IN THE FIVE-YEAR PERIOD 1979-83, 2 742 CONTRACTS WERE ATTESTED BY THE LABOUR DEPARTMENT. OF THESE 1 328 WERE FIRST CONTRACTS AND THE REST RE-ENGAGEMENTS.

DURING THE SAME PERIOD, THE DEPARTMENT ALSO RECEIVED 49 COMPLAINTS ARISING FROM EMPLOYMENT OVERSEAS. OF THESE, 33 WERE SETTLED, 10 WERE WITHDRAWN AND SIX ARE PENDING.

AMENDMENTS IMPROVE JURY SYSTEM
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THE HON BILL BROWN TODAY DESCRIBED THE JURY (AMENDMENT) BILL 1984 AS AN IMPROVEMENT TO THE PRESENT SYSTEM.

SPEAKING AT THE RESUMED DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL, MR BROWN SAID THAT HE HAD BEEN A CRITIC FOR SOMETIME, NOT OF THE JURY SYSTEM ITSELF, BUT OF THE +LUDICROUS POSITION+ WHERE HONG KONG HAD AN ACTIVE JURY LIST OF ONLY SOME 25 000 NAMES FROM A POPULATION OF OVER FIVE MILLION PEOPLE.

MOREOVER, HE SAID, THE SMALL JURY LIST INCLUDED MANY FOREIGNERS WHO WERE FREQUENTLY CALLED UPON TO SERVE WITHIN ONLY A FEW MONTHS OF RESIDENCE HERE.

+THIS IN ITSELF DOES NOT MEAN THEY DO NOT MAKE GOOD JURORS, BUT CULTURAL DIFFERENCES DO EXIST AND IF ONE IS TO BE JUDGED BY ONE'S PEERS, THEN THE LONGER JURORS HAVE BEEN RESIDENT IN THE COMMUNITY THE BETTER,+ HE ADDED.

POINTING OUT THAT THE BILL WOULD EXTEND THE JURY LIST TO MANY MORE OF HONG KONG'S CITIZENS, HE SAID, +IN THESE DAYS WHEN WE ARE ALL TALKING OF THE NEED FOR MORE DEMOCRACY, WE SHOULD REMEMBER THAT MEMBERS OF THE PUBLIC HAVE DUTIES AS WELL AS RIGHTS.+

THE PROVISIONS OF THIS BILL WOULD ENABLE MANY MORE PEOPLE TO DISCHARGE ONE OF THE DUTIES ASSOCIATED WITH HONG KONG'S SYSTEM OF LAW, AND IT WAS RIGHT THAT THEY SHOULD BE CALLED UPON TO DO SO, HE SAID.

ON THE ISSUE OF THE LANGUAGE OF HONG KONG'S LAW, HE SHARED THE VIEW OF A CORRESPONDENT TO AN ENGLISH NEWSPAPER THAT THE QUESTION OF THE FUTURE OF THE CHINESE LANGUAGE IN LEGISLATIVE AND JUDICIAL ACTIVITIES HERE HAD TO BE SQUARELY FACED.

+I UNDERSTAND THAT THE JOINT COMMITTEE OF THE HONG KONG BAR ASSOCIATION AND THE LAW SOCIETY, FORMED TO CONSIDER THE FUTURE OF OUR LEGAL SYSTEM, WILL ADDRESS THIS IMPORTANT ISSUE.

+MANY WILL AWAIT THE RESULT OF THEIR DELIBERATIONS WITH INTEREST, FOR ALTHOUGH THE CONTINUED USAGE OF THE ENGLISH LANGUAGE MAY BE DESIRABLE FOR MATTERS RELATING TO OUR INTERNATIONAL COMMERCIAL ACTIVITIES, IN OTHER AREAS AN INABILITY TO SPEAK ENGLISH SHOULD NOT FORM A BARRIER TO JURY DUTY,+ HE SAID.

HE EXPRESSED THE HOPE THAT IN THE LONGER TERM, CIRCUMSTANCES WOULD ALLOW NON-ENGLISH SPEAKING CITIZENS ALSO TO SHOULDER JURY DUTY.

NECESSARY MEASURE

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THE DISTRICT BOARDS AND URBAN COUNCIL ELECTIONS (MISCELLANEOUS AMENDMENTS) BILL 1984 WAS NECESSARY TO TAKE THE DEVELOPMENT OF DISTRICT ADMINISTRATION A STEP FURTHER, THE HON PETER C. WONG SAID TODAY.

SUPPORTING THE BILL, HE SAID: +A NUMBER OF CHANGES WILL TAKE PLACE AFTER THE ELECTION IN MARCH 1985, AND IT IS THEREFORE ESSENTIAL THAT THE RELEVANT LEGISLATIVE PROVISIONS SHOULD BE AMENDED TO ACCOMMODATE THIS FURTHER DEVELOPMENT IN DISTRICT ADMINISTRATION.+

HE NOTED THAT THE BILL HAD BEEN CAREFULLY STUDIED AND UNOFFICIAL MEMBERS WERE GENERALLY HAPPY WITH THE PROPOSALS.

MR WONG LATER MOVED TWO AMENDMENTS AT THE COMMITTEE STAGE.

THE FIRST AMENDMENT INVOLVED THE DELETION OF CLAUSE 11(B) AMENDING SECTION 21 OF THE DISTRICT BOARDS ORDINANCE.

MR WONG SAID THAT THE SWEEPING POWER GIVEN TO THE DESIGNATED OFFICER IN THE NEW SUBSECTION IN THE BILL WAS CONSIDERED TO BE +BOTH UNDESIRABLE AND UNNECESSARY+.

THE OTHER AMENDMENT WAS +A PURELY TECHNICAL+ ONE MADE TO CLAUSE 45.

THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON DAVID AKERS-JONES, DESCRIBED THE BILL AS +ANOTHER POSITIVE STEP+ TO FACILITATE THE EFFECTIVE OPERATION OF THE DISTRICT BOARDS.

AT THE COMMITTEE STAGE, MR AKERS-JONES MOVED AN AMENDMENT RELATING TO A TECHNICAL DEVICE.

THE DEVICE ALLOWS THE TRANSITIONAL PROVISIONS REGARDING THE DECLARATION OF THE NUMBERS OF APPOINTED AND ELECTED DISTRICT BOARD MEMBERS TO TAKE EFFECT IMMEDIATELY.

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RED CROSS TO TAKE OVER PRODUCTION OF BLOOD COMPONENTS

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THERE IS AN ADEQUATE PROVISION OF FRESH FROZEN PLASMA AND CRYOPRECIPITATE TO MEET THE NEEDS OF ALL GOVERNMENT, GOVERNMENT-ASSISTED AND PRIVATE HOSPITALS, THE ACTING DIRECTOR OF MEDICAL AND HEALTH SERVICES, DR THE HON RUDY KHOO, TOLD THE LEGISLATIVE COUNCIL TODAY.

THE PROVISION OF PLATELETS, ON THE OTHER HAND, MEETS 50 TO 60 PER CENT OF THE NEEDS OF THESE HOSPITALS, DR KHOO SAID.

/BUT HE

BUT HE ADDED THAT IT WAS ANTICIPATED ALL REQUESTS FOR BLOOD COMPONENTS WOULD BE MET AFTER THE HONG KONG RED CROSS BLOOD TRANSFUSION SERVICE HAD TAKEN OVER THEIR PRODUCTION.

DR KHOO WAS REPLYING TO QUESTIONS FROM DR THE HON HENRIETTA IP.

AT PRESENT THE QUEEN ELIZABETH HOSPITAL AND THE SAI YING PUN INSTITUTE OF PATHOLOGY ARE RESPONSIBLE FOR PRODUCING THESE BLOOD COMPONENTS.

DR KHOO SAID FROM OCTOBER 1984, THE SERVICE WOULD BE TRANSFERRED IN PHASES TO THE BLOOD TRANSFUSION SERVICE WHERE THE PRODUCTION WILL BE CENTRALISED.

THE BLOOD BANKS AT QUEEN MARY, QUEEN ELIZABETH AND PRINCESS MARGARET HOSPITALS ARE OPEN 24 HOURS A DAY SO THAT BLOOD COMPONENTS CAN BE ISSUED TO THE THREE TYPES OF HOSPITALS UPON REQUEST EVEN DURING NON-OFFICE HOURS, HE SAID.

DOCTORS CAN ALSO CALL ON THESE HOSPITALS FOR THE BLOOD PRODUCTS IN CASE OF EMERGENCIES, HE ADDED.

+AFTER THE BLOOD TRANSFUSION SERVICE HAS TAKEN OVER THE MANUFACTURE AND DISTRIBUTION OF BLOOD COMPONENTS, THERE WILL BE A NIGHT CLERK AT THE BLOOD TRANSFUSION SERVICE TO RECEIVE ANY REQUESTS AND THIS WILL FUNCTION AS A HOTLINE,+ DR KHOO SAID.

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23 CLUBS HOLD LEASES ON ISLAND
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TWENTY-THREE PRIVATE CLUBS HOLD GOVERNMENT LEASES FOR RECREATIONAL PURPOSES ON HONG KONG ISLAND, THE ACTING SECRETARY FOR HOME AFFAIRS, THE HON IAN MACPHERSON, SAID TODAY.

REPLYING TO A QUESTION BY DR THE HON HENRIETTA IP, MR MACPHERSON SAID SUCH CLUBS HAVE, BY THEIR NATURE, MEMBERSHIPS WHICH ARE RESTRICTED BY FACTORS SUCH AS THE SIZE OF AVAILABLE FACILITIES, AND THE GENERAL INTEREST IN THE ACTIVITIES WHICH EACH CLUB SEEKS TO PROMOTE.

THE MAJORITY OF SUCH CLUBS, HE SAID, HOLD PRIVATE RECREATIONAL LEASES WHICH INCLUDE SPECIAL CONDITIONS DESIGNED TO SERVE THE BROADER INTERESTS OF THE COMMUNITY AND TO WIDEN THE USAGE OF THE CLUB GROUNDS.

/THE CONDITIONS

THE CONDITIONS STIPULATE THAT A CLUB'S MEMBERSHIP POLICY MUST NOT DISCRIMINATE ON THE GROUNDS OF RACE, RELIGION OR SEX, AND THAT A CLUB SHOULD MAKE ITS GROUNDS AVAILABLE TO OUTSIDE BODIES, SUCH AS SCHOOLS AND WELFARE ORGANISATIONS, WHEN REQUIRED TO DO SO BY THE DIRECTOR OF EDUCATION, THE DIRECTOR OF SOCIAL WELFARE AND THE DIRECTOR OF URBAN SERVICES AS APPROPRIATE, MR MACPHERSON SAID.

REFERRING TO SPECIFIC POINTS RAISED BY DR IP, MR MACPHERSON SAID ALSO THAT:

- * UNDER CURRENT POLICY, A NEW PRIVATE RECREATIONAL LEASE IS GRANTED FOR A PERIOD OF 21 YEARS AND A RENEWED LEASE FOR 15 YEARS;
- * A TOTAL OF 41 HECTARES OF LAND HAS BEEN GRANTED FOR PRIVATE RECREATIONAL PURPOSES;
- * UNDER EXISTING POLICY, A PRIVATE RECREATIONAL LEASE IS GRANTED AT NIL PREMIUM, AND
- * THE CLUBS ARE OBLIGED TO PAY RATES, AND A NOMINAL CROWN RENT OF \$100 A YEAR, AND THE GOVERNMENT HAS THE POWER TO REVIEW THESE FIGURES ON EXPIRY OF THE LEASES, ALTHOUGH SUCH A REVIEW MAY OCCUR IN THE INTERIM IF THE INDIVIDUAL LEASE ALLOWS.

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ROAD TRAFFIC BILL GETS GENERAL SUPPORT

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THE HON PETER C. WONG SAID IN THE LEGISLATIVE COUNCIL TODAY THAT THE ROAD TRAFFIC (AMENDMENT) (NO. 2) BILL 1984 GENERALLY RECEIVED THE SUPPORT OF UNOFFICIAL MEMBERS.

HE POINTED OUT THAT SECTION 63 OF THE PRINCIPAL ORDINANCE EMPOWERED THE POLICE TO REQUIRE A DRIVER SUSPECTED OF HAVING COMMITTED AN OFFENCE TO GIVE TO THE POLICE, ON DEMAND WITHIN THREE MONTHS OF THE OFFENCE, THE PARTICULARS STATED IN THE RELEVANT SUB-SECTION.

+CLAUSE 8 OF THE BILL REMOVES THE THREE-MONTH LIMITATION, THUS ALLOWING A LONGER PERIOD TO ASK FOR THE PARTICULARS,+ HE EXPLAINED.

HOWEVER, MR WONG SAID THAT THE EXTENDED PERIOD WAS NOT STATED IN THE BILL AND THAT +UNDER THE MAGISTRATES ORDINANCE, ANY INFORMATION SHOULD BE LAID BEFORE A MAGISTRATE WITHIN SIX MONTHS OF THE COMMISSION OF A SUMMARY OFFENCE.+

/+THE COMMITTEE

+THE COMMITTEE STAGE AMENDMENT WILL MAKE IT ABSOLUTELY CLEAR THAT THIS STATUTORY POWER SHOULD BE EXERCISED WITHIN SIX MONTHS OF THE DATE OF THE OFFENCE OR ACCIDENT,+ HE STRESSED.

+THE BILL IS ONE OF A SERIES OF AMENDMENTS IN A TIDYING UP EXERCISE SINCE THE NEW ROAD TRAFFIC ORDINANCE WAS ENACTED IN DECEMBER 1982,+ HE SAID.

THE NEW LEGISLATION IS SCHEDULED TO COME INTO OPERATION ON AUGUST 28, 1984.

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CASH AID TO MACS 'ADEQUATE'
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FINANCIAL ASSISTANCE GIVEN BY GOVERNMENT TO MUTUAL AID COMMITTEES IS GENERALLY ADEQUATE, THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON DAVID AKERS-JONES, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON PAULINE NG, HE POINTED OUT THAT WHILE THE MAXIMUM FINANCIAL ASSISTANCE TO EACH MAC ANNUALLY HAD BEEN INCREASED FROM \$1 200 IN 1979 TO \$2 000 IN 1983, MOST MACS ONLY CLAIMED ABOUT 80 TO 90 PER CENT OF THIS MAXIMUM CEILING ON PRODUCTION OF RECEIPTED BILLS.

+MANY MACS PREFER TO FINANCE THEIR OWN OPERATIONS FROM MEMBERS' CONTRIBUTIONS AND DO NOT CLAIM AT ALL,+ HE SAID.

+THIS ASSISTANCE IS INTENDED TO HELP MACS MEET THE DAY-TO-DAY ADMINISTRATIVE COSTS OF THEIR OFFICES, SUCH AS TELEPHONES, ELECTRICITY AND RATES.

+THE GOVERNMENT REVIEWS THE AMOUNT OF FINANCIAL ASSISTANCE GIVEN FROM TIME TO TIME AND WILL CONTINUE TO DO SO.+

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OFFENCES CARRYING CORPORAL PUNISHMENT UNDER REVIEW
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THE GOVERNMENT IS CURRENTLY REVIEWING THE RANGE OF OFFENCES FOR WHICH CORPORAL PUNISHMENT IS A SENTENCING OPTION SO AS TO IDENTIFY THOSE FOR WHICH IT MAY NO LONGER BE APPROPRIATE, THE ACTING SECRETARY FOR SECURITY, THE HON GORDON MORTIMER, TOLD THE LEGISLATIVE COUNCIL TODAY.

BUT MR MORTIMER ADDED, +WHETHER CORPORAL PUNISHMENT WOULD BE MORE FREQUENTLY ADMINISTERED IN FUTURE IS ENTIRELY A MATTER FOR THE COURTS AND NOT A MATTER OVER WHICH THE GOVERNMENT CAN EXERCISE ANY CONTROL EXCEPT BY THE PASSAGE OF LEGISLATION+.

/IN REPLY

IN REPLY TO A QUESTION FROM THE HON CHEUNG YAN-LUNG, MR MORTIMER SAID THAT CORPORAL PUNISHMENT WAS ADMINISTERED ON 14 OCCASIONS IN 1981, 13 IN 1982, 19 IN 1983 AND 17 IN THE FIRST SIX MONTHS OF THIS YEAR.

+IN OVER 90 PER CENT OF THESE CASES, THE PUNISHMENT WAS AWARDED ON CONVICTION FOR THE OFFENCE OF POSSESSING AN OFFENSIVE WEAPON IN A PUBLIC PLACE,+ HE SAID.

ON THE EFFECTIVENESS OF CORPORAL PUNISHMENT AS A DETERRENT TO CRIMINAL ACTIVITY, HE SAID THAT THIS HAD BEEN STUDIED ON TWO OCCASIONS BY COMMITTEES IN THE UNITED KINGDOM. THESE COMMITTEES CONCLUDED THERE WAS NO EVIDENCE TO SUGGEST THAT IT WAS MORE EFFECTIVE THAN ANY OTHER FORM OF PUNISHMENT.

HE TOLD THE COUNCIL THAT A SIMILAR STUDY, ON A LIMITED SCALE, WAS CONDUCTED BY THE COMMISSIONER OF CORRECTIONAL SERVICES IN 1983 AND THE FINDINGS WERE IN ACCORD WITH THE CONCLUSIONS REACHED BY THE UK COMMITTEES.

+HAVING SAID THIS, I MUST STRESS THAT THE EFFECTIVENESS OF ANY PUNISHMENT AS A DETERRENT REQUIRES AN ASSESSMENT OF ITS PSYCHOLOGICAL EFFECT ON THE MIND OF A POTENTIAL CRIMINAL.

+IT IS EXTREMELY DIFFICULT TO OBTAIN ANY ACCURATE STATISTICAL EVIDENCE TO ASSESS THIS EFFECT AND ANY ASSESSMENT MUST ULTIMATELY CONTAIN A LARGE ELEMENT OF SUBJECTIVITY ON THE PART OF THE ASSESSOR,+ MR MORTIMER SAID.

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NINE BILLS PASSED
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NINE BILLS WERE PASSED IN THE LEGISLATIVE COUNCIL TODAY. THEY ARE : THE CHINESE VISA OFFICE (PRIVILEGES AND IMMUNITIES) BILL 1984, THE CONVEYANCING AND PROPERTY BILL 1984, THE CRIMINAL PROCEDURE (AMENDMENT) BILL 1984, THE JURY (AMENDMENT) BILL 1984, THE DISTRICT BOARDS AND URBAN COUNCIL ELECTIONS (MISCELLANEOUS AMENDMENTS) BILL 1984, THE ROAD TRAFFIC (AMENDMENT) (NO. 2) BILL 1984, THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL 1984, THE FOREIGN MARRIAGE (AMENDMENT) BILL 1984 AND THE LEGITIMACY (AMENDMENT) BILL 1984.

THE MEETING WAS ADJOURNED TO THURSDAY (AUGUST 2).

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GOVERNOR RETURNING TOMORROW

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THE GOVERNOR, SIR EDWARD YOUDE, WILL RETURN FROM PEKING TOMORROW (THURSDAY) AFTER ATTENDING THE LATEST ROUND OF SINO-BRITISH TALKS ON THE FUTURE OF HONG KONG.

SIR EDWARD WILL BE TRAVELLING ON FLIGHT CA 101, ETA 11.15 AM.

A FACILITY HAS BEEN ARRANGED FOR COVERAGE OF SIR EDWARD'S ARRIVAL. MEDIA REPRESENTATIVES SHOULD ASSEMBLE IN THE PRESS CONFERENCE ROOM ON THE GROUND FLOOR OF THE AIRPORT TERMINAL BUILDING BY 10.15 AM TOMORROW.

GIS OFFICERS WILL BE ON HAND TO ASSIST.

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GROUP TO TAKE A BREAK

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IN ANSWER TO PRESS QUESTIONS, A GOVERNMENT SPOKESMAN CONFIRMED TODAY THAT IT HAD BEEN AGREED BETWEEN THE BRITISH AND CHINESE SIDES THAT THE WORKING GROUP WOULD TAKE A SHORT RECESS FROM JULY 31, RESUMING ITS MEETINGS IN THE WEEK BEGINNING AUGUST 13.

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NEW CONVEYANCING LAW 'DESIRABLE' - GLEESON

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COMMENTING ON THE CONVEYANCING AND PROPERTY ORDINANCE 1984 WHICH WAS PASSED IN THE LEGISLATIVE COUNCIL TODAY, THE REGISTRAR GENERAL, MR NOEL GLEESON, SAID THAT IT WAS DESIRABLE THAT HONG KONG AT THIS STAGE OF ITS COMMERCIAL AND POLITICAL DEVELOPMENT SHOULD HAVE ITS OWN FREE STANDING BODY OF LAW RELATING TO PROPERTY AND THE MANNER IN WHICH PROPERTY CAN BE CONVEYED FROM ONE TO ANOTHER.

MR GLEESON ALSO SAID: UNTIL THE ENACTMENT OF THIS ORDINANCE THE LAW RELATING TO PROPERTY AND CONVEYANCING IN HONG KONG FOLLOWED THE LAW AND PRACTICE AS IT WAS IN ENGLAND IN 1844.

+NONE OF THE MAJOR REFORMING MEASURES THAT WERE ADOPTED IN ENGLAND DURING THE 19TH AND 20TH CENTURIES, PARTICULARLY THE PROVISIONS OF THE LAW OF PROPERTY ACT 1925, HAD BEEN INTRODUCED INTO HONG KONG. THIS WAS NOTWITHSTANDING THAT VARIOUS ATTEMPTS HAD BEEN MADE OVER THE YEARS TO DO SO.

+IN 1885, FOR INSTANCE, A VERY LIMITED MEASURE IN THE SHAPE OF A CONVEYANCING BILL WAS PUT TO THE LEGISLATIVE COUNCIL BY A NUMBER OF PROMINENT LAWYERS AND BUSINESSMEN OF THE DAY BUT FOR VARIOUS REASONS IT DID NOT PASS INTO LAW.

+ATTEMPTS WERE SUBSEQUENTLY MADE IN 1966 AND AGAIN THROUGHOUT THE 1970S TO BRING OUR LAW UP-TO-DATE IN THIS RESPECT BUT ALL THESE ATTEMPTS FOUNDERED BECAUSE NO CONSENSUS COULD BE REACHED WITHIN THE LEGAL PROFESSION AS TO WHAT PRECISELY WAS REQUIRED.+

MR GLEESON SAID THAT IN OCTOBER 1982, A WORKING PARTY UNDER HIS CHAIRMANSHIP, AND HAVING AS ITS MEMBERS ONE OF HIS LEGAL OFFICERS, FOUR PRACTISING CONVEYANCING LAWYERS (COMPRISING THE CONVEYANCING SUB-COMMITTEE OF THE LAW SOCIETY) AND THE DEPUTY LAW DRAFTSMAN FROM THE LEGAL DEPARTMENT, WAS FORMED AND BEGAN CONSIDERATION OF DRAFTING INSTRUCTIONS FOR A COMPLETELY NEW BILL.

THIS GROUP WAS LATER JOINED BY THE DIRECTOR OF PROFESSIONAL LEGAL EDUCATION OF THE HONG KONG UNIVERSITY'S FACULTY OF LAW AND A MEMBER OF HIS ACADEMIC STAFF. THE WORKING GROUP MET 35 TIMES, HOLDING ITS FINAL MEETING ON MARCH 26 THIS YEAR.

+THE WORKING GROUP TOOK ACCOUNT OF THE PROVISIONS OF THE UNITED KINGDOM LAW OF PROPERTY ACT 1925 BUT WAS CONSCIOUS OF THE FACT THAT THAT ACT CONTAINED MANY PROVISIONS WHICH WERE NOT RELEVANT TO THE CIRCUMSTANCES OF HONG KONG AND DID NOT CONTAIN MANY PROVISIONS THAT WERE.

+IT WAS DESIRABLE ALSO TO BRING THE LAW UP TO DATE.

+THE WORKING GROUP CONCENTRATED ON WHAT WAS RELEVANT TO AND REQUIRED FOR HONG KONG BOTH AT THE PRESENT TIME AND IN THE FUTURE.

+THE PROVISIONS OF THE CONVEYANCING AND PROPERTY ORDINANCE, THEREFORE, DIFFERED IN A NUMBER OF SIGNIFICANT RESPECTS FROM THE LAW RELATING TO PROPERTY IN THE UNITED KINGDOM, PARTICULARLY IN THE FORMS OF CONVEYANCING THAT ARE PRESCRIBED AND THE COVENANTS AND CONDITIONS THAT ARE IMPLIED IN CONVEYANCING,+ HE SAID.

IN JULY 1983, A BILL WAS PUBLISHED IN THE GAZETTE FOR INFORMATION PURPOSES, AND THE WORKING GROUP THEREAFTER CONSIDERED MANY REPRESENTATIONS AND SUGGESTIONS THAT WERE RECEIVED FOLLOWING PUBLICATION.

AN AMENDED BILL WAS PRINTED AND CIRCULATED IN FEBRUARY THIS YEAR AND WAS FOLLOWED ON FEBRUARY 15 WITH A SEMINAR ON THE BILL AT THE HILTON HOTEL, ATTENDED BY MANY LAWYERS, BANKERS AND OTHER PARTIES.

AFTER THE SEMINAR, THE WORKING GROUP CONSIDERED AND AGREED TO YET FURTHER AMENDMENTS WHICH WERE THEN INCORPORATED INTO THE BILL.

/MR GLEESON

MR GLEESON AND THE DEPUTY LAW DRAFTSMAN, MR J.K. FINDLAY, ALSO HAD A NUMBER OF MEETINGS WITH MR PETER C. WONG OF THE LEGCO UNOFFICIALS' LEGISLATION SCRUTINY GROUP DURING WHICH A NUMBER OF FINAL AMENDMENTS TO THE BILL WERE DISCUSSED AND AGREED ON.

MR GLEESON SAID THAT ALTHOUGH THE ORDINANCE WAS A HIGHLY TECHNICAL MEASURE OF IMMEDIATE INTEREST TO LAWYERS, IT ALSO AFFECTED PROPERTY OWNERS IN HONG KONG WHO, INCLUDING THOSE IN THE NEW TERRITORIES, NOW NUMBER ABOUT ONE MILLION.

THE ORDINANCE WAS ALSO OF PARTICULAR INTEREST TO BANKERS INASMUCH AS IT INTRODUCED A NEW SYSTEM OF CHARGING PROPERTY AS A SECURITY FOR MONEY LENT. THE HONG KONG ASSOCIATION OF BANKS HAD BEEN CONSULTED AND WAS IN AGREEMENT WITH THE NEW LAW, PROCEDURES AND FORMS IN THIS RESPECT.

MR GLEESON POINTED OUT THE MORE IMPORTANT CLAUSES WHICH MADE PROVISIONS FOR THE FOLLOWING MATTERS:

- (1) THE OWNERSHIP OF PROPERTY BY TWO OR MORE PERSONS;
- (2) A SIMPLIFIED AND EXPEDITIOUS COURT PROCEDURE FOR RESOLVING DISPUTES RELATING TO LAND;
- (3) THE SIMPLIFICATION OF THE VENDOR'S OBLIGATION TO PROVIDE PROOF OF TITLE OF LAND PURCHASED;
- (4) THE IMPLICATION OF COVENANTS FOR TITLE TO LAND WHICH SHOULD REDUCE THE LENGTH OF CONVEYANCING DOCUMENTS;
- (5) THE INCORPORATION OF COVENANTS AND CONDITIONS INTO CONVEYANCING DOCUMENTS BY REFERENCE, ALSO FOR THE PURPOSE OF REDUCING THE LENGTH OF LEGAL DOCUMENTS RELATING TO LAND;
- (6) STANDARD CONVEYANCING DOCUMENTS IN A SHORT AND SIMPLIFIED FORM; AND
- (7) A NEW SYSTEM OF MORTGAGING BY WAY OF CHARGE, IN PLACE OF THE ARTIFICIAL ASSIGNMENT OF THE LEGAL ESTATE, WITH INCREASED PROTECTION FOR LENDERS.

HE SAID THAT THOUGH LEGISLATION AS TECHNICAL AS THIS MIGHT REQUIRE AMENDMENT FROM TIME TO TIME OVER THE YEARS, AS DID SIMILAR LEGISLATION IN THE UNITED KINGDOM AND OTHER DEVELOPED PARTS OF THE WORLD, HE HOPED THAT BASICALLY IN ITS PRESENT FORM IT WOULD SERVE HONG KONG AS WELL AND FOR AS LONG A PERIOD OF TIME, AS DID THE ENGLISH COMMON LAW AND THOSE MEDIEVAL ACTS OF PARLIAMENT WHICH IT NOW TO A SIGNIFICANT EXTENT REPLACES.

MR GLEESON SAID THAT THE BILL WOULD COME INTO OPERATION ON NOVEMBER 1, 1984.

THIS WOULD GIVE CONVEYANCING LAWYERS AS WELL AS BANKS AND DEPOSIT-TAKING COMPANIES TIME TO REORGANISE THEIR PROCEDURES AND ADAPT TO THE NEW SYSTEM.

YOUNG MUSICIANS SEEN AT WORK
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THE ACTING SECRETARY FOR HOME AFFAIRS, MR IAN MACPHERSON TODAY (WEDNESDAY) VISITED THE 1984 HONG KONG YOUTH MUSIC CAMP BEING HELD AT THE PO LEUNG KUK PAK TAM CHUNG HOLIDAY CAMP IN SAI KUNG.

MR MACPHERSON FIRST ARRIVED AT SUNG TSUN MIDDLE SCHOOL IN SAI KUNG WHERE HE WATCHED THE MUSIC CAMP SYMPHONY ORCHESTRA IN FULL REHEARSAL AND WAS INTRODUCED TO THE OVERSEAS MUSICIANS, MR GEORG TINTNER (WESTERN CONDUCTOR), MR DETLEF HAHN (UPPER STRINGS), MR SIDNEY SUTCLIFF (WOODWIND), DR WILLIAM LAWING (BRASS) AND MS MELISSA PHELPS (LOWER STRINGS).

ACCOMPANIED BY THE MUSIC ADMINISTRATOR, MRS DORIS HO, HE PROCEEDED TO THE MUSIC CAMP AND SAW THE CHINESE ORCHESTRA REHEARSE IN THE GYMNASIUM AND MET THE FOUR MUSICIANS FROM CHINA - MS HUANG XIAO-FEI (CONDUCTOR), MR LIU DE-HAI (PI-PA), MR XU JIANG-DE (ER-HU), AND MR SONG BAO-CAI (SOU-NA).

MR MACPHERSON LATER INSPECTED THREE OTHER CAMP ORCHESTRAS, THE JUNIOR CHINESE ORCHESTRA, THE JUNIOR STRING ORCHESTRA AND THE SYMPHONIC BAND REHEARSING.

THE 1984 HONG KONG YOUTH MUSIC CAMP, NOW IN ITS FIFTH YEAR, IS PART OF THE SUMMER YOUTH PROGRAMME EVERY YEAR.

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ARRESTS OF COOKED-FOOD HAWKERS TREBLED
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GENERAL DUTIES TEAM MEMBERS IN YAU MA TEI ARE NOW ARRESTING 80 TO 90 COOKED-FOOD HAWKERS A DAY.

ADDITIONALLY, THEY ARE SEIZING HAWKER TROLLEYS LEFT ON FOOTPATHS AND IN DOORWAYS, ON THE GROUNDS THAT THEY ARE CAUSING AN OBSTRUCTION.

ANNOUNCING THIS TODAY, A SPOKESMAN FOR THE CITY SERVICES DEPARTMENT SAID GDT MEMBERS IN YAU MA TEI HAD BEEN ABLE TO TREBLE THEIR ANTI-COOKED FOOD HAWKER OPERATIONS THANKS TO A STAFF RE-STRUCTURING EXERCISE WHICH HAD GIVEN THE POWER OF ARREST TO MANY MORE SENIOR GDT MEMBERS.

SO FAR, MORE THAN 100 TROLLEYS HAD BEEN SEIZED IN YAU MA TEI, MONG KOK AND SHAM SHUI PO.

/THEY WOULD

THEY WOULD BE HELD UNTIL A CLAIMANT CAME FORWARD AND ESTABLISHED OWNERSHIP OF A PARTICULAR TROLLEY.

HOWEVER, WHEN OWNERSHIP WAS ESTABLISHED THE AUTHORITIES WOULD THEN CONSIDER LODGING A CHARGE OF OBSTRUCTION AGAINST THE OWNER, ADDED THE SPOKESMAN.

+THESE MEASURES ARE PART OF THE DEPARTMENT'S STEPPED-UP ACTIONS AGAINST COOKED-FOOD HAWKERS,+ SAID THE SPOKESMAN.

+HOWEVER, BEFORE THE GDT MEMBERS GO INTO ACTION EACH DAY THEY ARE THOROUGHLY BRIEFED ON HOW TO GO ABOUT THEIR DUTIES, IN PARTICULAR ON TAKING EXTREME CARE NOT TO CAUSE COOKED-FOOD HAWKERS TO RUN MADLY ALONG CROWDED FOOTPATHS, PUTTING PEDESTRIANS AT RISK.

+THE FACT THAT THERE HAVE BEEN SO MANY ACCIDENTS RECENTLY IS BECAUSE OF THE IRRESPONSIBILITY AND SELFISHNESS OF THE HAWKERS -- NOT THE ACTIONS OF THE GDT MEMBERS,+ HE ADDED.

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ELECTRICAL WORKS CONTRACT AWARDED

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A \$498 150 CONTRACT FOR INSTALLING LIGHTING IN A PLAYGROUND AT KOWLOON CITY HAS BEEN AWARDED TO SWIRE ENGINEERING LIMITED BY THE ARCHITECTURAL OFFICE OF THE BUILDING DEVELOPMENT DEPARTMENT.

THE PLAYGROUND IS NOW BEING BUILT ON A 1.35-HECTARE SITE AT THE JUNCTION OF CARPENTER ROAD AND SHEK KU LUNG ROAD.

INSTALLATION STARTED AT THE BEGINNING OF THIS MONTH AND WILL TAKE NINE MONTHS TO COMPLETE.

THE PLAYGROUND WILL HAVE FOUR TENNIS COURTS, TWO VOLLEY BALL-AND-BADMINTON COURTS AND TWO MINI-SOCCER PITCHES.

IT WILL INCLUDE A TWO-STOREY SERVICE BUILDING WITH CHANGING ROOMS, TOILETS AND A REFRESHMENT KIOSK.

THE WHOLE SITE AREA WILL BE LANDSCAPED.

A CONTRACT VALUED AT \$2.78 MILLION FOR BUILDING THE PLAYGROUND WAS AWARDED BY THE SAME OFFICE IN MAY.

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SAI YING PUN CLEARWAY HOURS REVISED
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FROM 10 AM ON FRIDAY (JULY 27), THE URBAN CLEARWAY HOURS OF THE FOLLOWING ROAD SECTIONS IN SAI YING PUN WILL BE REVISED TO 4 PM TO 7 PM DAILY:

- * QUEEN'S ROAD WEST BETWEEN A POINT ABOUT 30 METRES EAST OF ITS JUNCTION WITH WILMER STREET AND A POINT ABOUT 20 METRES WEST OF ITS JUNCTION WITH POK FU LAM ROAD;
- * EASTERN STREET BETWEEN A POINT ABOUT 15 METRES NORTH OF ITS JUNCTION WITH QUEEN'S ROAD WEST AND A POINT ABOUT 40 METRES SOUTH OF THE SAME JUNCTION;
- * CENTRE STREET BETWEEN A POINT ABOUT 20 METRES NORTH OF ITS JUNCTION WITH QUEEN'S ROAD WEST AND A POINT ABOUT 30 METRES SOUTH OF THE SAME JUNCTION;
- * WESTERN STREET BETWEEN A POINT ABOUT 30 METRES NORTH OF ITS JUNCTION WITH QUEEN'S ROAD WEST AND FIRST STREET;
- * POK FU LAM ROAD BETWEEN QUEEN'S ROAD WEST AND FIRST STREET;
- * THE NORTHERN TRAFFIC LANE OF FIRST STREET BETWEEN EASTERN STREET AND A POINT ABOUT 30 METRES WEST OF ITS JUNCTION WITH EASTERN STREET;
- * THE SOUTHERN TRAFFIC LANE OF FIRST STREET BETWEEN EASTERN STREET AND A POINT ABOUT 30 METRES WEST OF ITS JUNCTION WITH EASTERN STREET.

NO VEHICLES OTHER THAN FRANCHISED BUSES WILL BE ALLOWED TO STOP FOR PASSENGERS OR GOODS DURING THE RESTRICTED PERIODS WITHIN THE ABOVE ROAD SECTIONS.

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CAREERS EXHIBITION
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THE SIXTH SEMINAR ON CAREERS EDUCATION WILL OPEN AT 10 AM TOMORROW (THURSDAY) AT THE INSTITUTE OF CHINESE STUDIES, CHINESE UNIVERSITY OF HONG KONG.

DR JAMES HAYES, ACTING COMMISSIONER FOR LABOUR AND MR MICHAEL LEUNG, ACTING DIRECTOR OF EDUCATION, WILL SPEAK AT THE OPENING CEREMONY.

THE SEMINAR IS JOINTLY ORGANISED BY THE LABOUR DEPARTMENT, THE EDUCATION DEPARTMENT AND THE HONG KONG ASSOCIATION OF CAREERS MASTERS.

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TUEN MUN SITE OFFERED
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A 6 400-SQUARE-METRE SITE AT TAI LAM CHUNG, TUEN MUN, IS BEING OFFERED ON SHORT TERM TENANCY BY THE LANDS DEPARTMENT.

IT IS TO BE USED FOR OPEN STORAGE TO INCLUDE PARKING OF CONTAINERS, TRACTORS AND TRAILERS.

THE SITE IS BEING OFFERED ON A ONE-YEAR TENANCY AND CAN BE RENEWED AT QUARTERLY INTERVALS.

THE CLOSING DATE FOR ACCEPTANCE OF TENDERS IS AUGUST 10.

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WEAK WATER PRESSURE
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CERTAIN PREMISES IN HUNG HOM AND TSIM SHA TSUI WILL EXPERIENCE WEAK PRESSURE OF FRESH WATER SUPPLY FROM 9 AM ON SATURDAY (JULY 28) TO NOON THE FOLLOWING DAY DUE TO WATER MAINS WORK.

THE AFFECTED PREMISES ARE BOUNDED BY JORDAN ROAD, GASCOIGNE ROAD, CHATHAM ROAD NORTH, MA TAU WAI ROAD, LOK SHAN ROAD AND THE SEAFRONT OF TSIM SHA TSUI AND HUNG HOM.

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