



DAILY INFORMATION BULLETIN

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CONTENTS

PAGE NO.

LEGISLATIVE COUNCIL MEETING:

GOVT SUPPORTS APPOINTMENT OF SELECT COMMITTEE	1
MOTION ON COMMERCIAL CRIMES SELECT COMMITTEE	8
'PUBLIC OPINION WINS IN CONTROVERSY OVER BILL'	9
SIR ROGER LOBO WINDS UP COMMERCIAL CRIMES MOTION	12
APPROPRIATION BILL APPROVED WITH ONE ABSTENTION	13
LOCAL PARTICIPATION ON JLG CALLED FOR	14
CONTACTS CONTINUE ON ARRANGEMENTS FOR JLG	17
NEED FOR ALTERNATIVE OATH EXPLAINED	18
PERSONAL TAX CUTS WILL BENEFIT 280 000	19
BILL PROVIDES FOR SOFT DRINK, COSMETICS DUTY	20
MOTOR VEHICLE FEE RISES SOUGHT	21
LEGAL AID ADMINISTRATION MADE EASIER	21
WIDE SUPPORT FOR OBSCENE PUBLICATIONS TRIBUNAL	23
HOUSING AUTHORITY RECORDS 3.6 PER CENT VACANCY RATE	24
POLICE ACT AGAINST INDECENT DISPLAYS	25
CONTROL OF ILLEGAL BUILDING WORKS UNDER REVIEW	26
WATCH KEPT ON INFECTION CONTROL MEASURES	27

/NEW CONTROL

NEW CONTROL POINT FACILITIES WILL BE MANNED	28
REGULATIONS FOR PHYSIOTHERAPISTS UNDERWAY	29
10 000 OFF-STREET PARKING SPACES IN EASTERN	30
FIRE SERVICES LIABILITY EXPLAINED	30
INSTITUTIONAL CARE FOR MENTALLY HANDICAPPED TO BE EXPANDED	31
MEAT BOUGHT IN CHINA OF GOOD QUALITY	32
INTEREST REVENUE DUE LATER THIS YEAR	32
KCRC CUTS LOSS, CARRIES MORE PASSENGERS	33
JUBILEE SPORTS CENTRE FACILITIES TO BE ENHANCED	34
FIVE BILLS, MOTION APPROVED	35
GOVERNOR, LADY YOUDE TO VISIT CHINA	36
CIVIL SERVICE PAY ADJUSTMENT ANNOUNCED	36
LATEST FIGURES ON ELECTOR REGISTRATION	37
CENTRAL YOUTH BODY ENDORSED BY CONFERENCE	38
SHANGHAI DELEGATION SEES PUBLIC HOUSING ESTATES	39
DECISION ON CONCESSIONARY SCHEME EXPLAINED	39
ACCORD REACHED WITH SWEDEN ON BED LINEN	40
BLITZ ON COUNTERFEIT GOODS TRADERS	41
WORKERS' ROLE IN ACCIDENT PREVENTION STRESSED	41
BOARD TO DISCUSS KWAI CHUNG PARK DEVELOPMENT	42
CONTRACT SIGNING CEREMONY FOR MARKET COMPLEX	43
TENDERS INVITED FOR YUEN LONG SITE	43
SALT WATER WORKS	43

WEDNESDAY, MAY 1, 1985

- 1 -

GOVT SUPPORTS APPOINTMENT OF SELECT COMMITTEE

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THE GOVERNMENT SUPPORTED THE MOTION BY THE SENIOR UNOFFICIAL MEMBER, THE HON SIR ROGER LOBO, FOR APPOINTMENT OF A SELECT COMMITTEE TO CONSIDER THE PROBLEMS INVOLVED IN THE PROSECUTION AND TRIAL OF COMPLEX COMMERCIAL CRIMES, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, SAID TODAY.

THE RECENT CONTROVERSY OVER THE TRIAL OF COMMERCIAL CRIMES BILL HAD TAKEN MANY BY SURPRISE, BUT OUT OF IT HAD COME A VARIETY OF SUGGESTIONS, FROM OPPONENTS AND FROM SUPPORTERS ALIKE, TRYING TO FIND WAYS OF EASING THE PROBLEM THAT EXISTED, HE SAID.

+ALL OF THEM DESERVE TO BE CALMLY AND CAREFULLY CONSIDERED. AND I THEREFORE WELCOME THE APPOINTMENT OF A SELECT COMMITTEE BECAUSE IT WILL AFFORD BOTH THE COMMUNITY AND MEMBERS OF THIS COUNCIL MORE TIME TO FIND THE RIGHT WAY FORWARD IN A DIFFICULT AREA,+ MR THOMAS SAID.

FOLLOWING IS THE TEXT OF THE ATTORNEY GENERAL'S SPEECH:

+I WELCOME THE MOTION MOVED BY SIR ROGER LOBO AND THE GOVERNMENT WILL GIVE IT ITS SUPPORT.

+IT IS, SIR, PART OF MY DUTY, AS I CONCEIVE IT, TO FORMULATE AND PROPOSE CHANGES IN THE LAW WHERE IT SEEMS TO ME THAT THERE IS SCOPE FOR IMPROVEMENT AND INCREASED EFFICIENCY IN THE ADMINISTRATION OF JUSTICE. PRESENT ARRANGEMENTS FOR THE PROSECUTION AND TRIAL OF COMPLEX COMMERCIAL CRIMES DO SEEM TO ME TO RAISE SERIOUS PROBLEMS. AND AS MR PETER C. WONG HAS JUST TOLD THIS COUNCIL, ALL THE REPRESENTATIONS RECEIVED BY HIS AD HOC GROUP HAVE ACKNOWLEDGED THAT PROBLEMS EXIST.

+SO IT WAS THAT THE TRIAL OF COMMERCIAL CRIMES BILL CAME FORWARD TO THIS COUNCIL FOR CONSIDERATION. BUT SINCE I ROSE TO MOVE ITS SECOND READING, THE SUPPORT WHICH THE PROPOSALS ORIGINALLY APPEARED TO ENJOY HAS FADED. OPPOSITION TO THE PASSAGE OF THE BILL HAS BEEN MADE UP OF VARIOUS STRANDS OF OPINION AS WE HAVE JUST HEARD. SOME ARE OPPOSED TO ANY DEPARTURE FROM TRIAL BY JURY. SOME PREFER TO RESERVE THEIR POSITION AND WANT MORE TIME TO REFLECT, AND ABSORB ROSKILL. SOME GO ALONG WITH THE MAIN THRUST OF THE BILL BUT SAY, FOR INSTANCE, THAT THE TRIBUNAL SHOULD GIVE REASONS FOR ITS VERDICT.

+SIR, MY PERSONAL BELIEF - AND THE GOVERNMENT'S VIEW - IS THAT THERE IS MUCH MERIT IN THE BILL'S PROPOSALS FOR THE OPTIMAL MODE OF TRIAL BY JUDGE AND ADJUDICATORS IN BOTH THE HIGH COURT AND THE DISTRICT COURT. BUT THAT IS NO LONGER THE POINT.

/+AS ATTORNEY

+AS ATTORNEY GENERAL, SIR, I HOLD AN OFFICE WITH A HEAVY RESPONSIBILITY FOR THE MAINTENANCE OF THE RULE OF LAW AND THE PRESERVATION OF CONFIDENCE IN OUR LEGAL INSTITUTIONS AND THEIR PROCESSES. EVEN IF THIS COUNCIL WERE MINDED TO PASS THIS BILL, IT WOULD IN MY JUDGMENT BE FRAUGHT WITH DANGER TO INTRODUCE A MODE OF TRIAL THAT DID NOT COMMAND BROAD SUPPORT. IT IS NO LONGER A QUESTION OF WHETHER THE BILL'S PROPOSALS ARE GOOD ONES OR THE BEST OF THE ALTERNATIVES. IT IS A QUESTION OF WHETHER THEY WOULD BE GENERALLY REGARDED AS A BASIS FOR A FAIR TRIAL IF THEY WERE PASSED INTO LAW. PUBLIC CONFIDENCE IN THE JUSTICE OF OUR TRIAL PROCEDURE IS FAR MORE IMPORTANT THAN THE CHOICE BETWEEN ONE MODE OF TRIAL AND ANOTHER. AND THE STRENGTH OF FEELINGS THAT PRESENTLY RUN AGAINST THE PASSAGE OF THIS BILL AT THIS TIME IN THIS FORM CREATES A REAL RISK OF DAMAGING PUBLIC CONFIDENCE IN A JUST VERDICT, WHATEVER THE MERITS OF THE PROPOSAL MAY BE.

+SIR, THE RECENT CONTROVERSY OVER THE BILL HAS TAKEN MANY BY SURPRISE. BUT OUT OF IT HAS COME A VARIETY OF SUGGESTIONS, FROM OPPONENTS AND FROM SUPPORTERS ALIKE, TRYING TO FIND WAYS OF EASING THE PROBLEMS THAT EXIST. ALL OF THEM DESERVE TO BE CALMLY AND CAREFULLY CONSIDERED. AND I THEREFORE WELCOME THE APPOINTMENT OF A SELECT COMMITTEE BECAUSE IT WILL AFFORD BOTH THE COMMUNITY AND MEMBERS OF THIS COUNCIL MORE TIME TO FIND THE RIGHT WAY FORWARD IN A DIFFICULT AREA.

+IN ENGLAND TOO, PROPOSALS TO REPLACE TRIAL BY JURY IN THESE CASES WERE PUT FORWARD IN 1983 BY A NUMBER OF DISTINGUISHED JUDGES AND WRITERS, INCLUDING LORD HAILSHAM, THE LORD CHANCELLOR, LORD ROSKILL HIMSELF AND THE LORD CHIEF JUSTICE, LORD LANE, WHO MADE HIS VIEWS KNOWN TO THE 7TH COMMONWEALTH LAW CONFERENCE WHICH WAS HELD HERE IN HONG KONG IN THAT YEAR. THE ROSKILL COMMITTEE WAS SET UP IN CONSEQUENCE SOME TWELVE MONTHS AGO. LATEST REPORTS SUGGEST THAT THE STRONG SUPPORT WHICH SEEMED TO EXIST FOR THIS REFORM IN ENGLAND HAS ALSO FALLEN AWAY. THE ROSKILL COMMITTEE HAS RECEIVED MANY SUBMISSIONS, SIMILAR TO THOSE RECEIVED BY UMELCO, OPPOSED TO ANY DEPARTURE FROM TRIAL BY JURY. SO IN ENGLAND AS WELL, THE SUPPORTERS OF REFORM HAVE FOUND THEMSELVES OPPOSED BY LEGAL PROFESSIONALS AND ORGANISATIONS WHO FAVOUR NO CHANGE FOR ONE REASON OR ANOTHER. AND IN DUE COURSE, WE SHOULD BE ABLE TO SEE WHAT THE ROSKILL COMMITTEE MAKES OF IT ALL.

/+IT IS

+IT IS OF COURSE, SIR, ONE THING TO CRITICISE PROPOSALS. IT IS ANOTHER TO FIND SOLUTIONS TO A PROBLEM. I DO NOT THINK SIR, THAT THE PROBLEM WILL DISAPPEAR OR BECOME ANY EASIER AS TIME PASSES. THE COMPLEXITIES OF YESTERDAY'S CASES ARE BAD ENOUGH. BUT THE RAPID EVOLUTION HERE IN HONG KONG OF ELECTRONIC DATA PROCESSING WILL UNDOUBTEDLY PROVIDE NEW SCOPE FOR THE COMMERCIAL CRIMINAL. SOME CLAIM THAT THE NEW TECHNOLOGY IS MORE SECURE THAN FORMER MODES OF COMMUNICATION. BUT THERE HAVE BEEN DRAMATIC COMPUTER FRAUDS AND LOSSES REPORTED IN THE UNITED STATES. OUR COURTS MUST BE READY TO DISPOSE OF TOMORROW'S CRIMES FAIRLY AND EFFICIENTLY. BY 'FAIRLY' SIR, I DO NOT MEAN CONVICTIONS WHERE THERE ARE REASONABLE DOUBTS, BUT PROCEDURES THAT ENSURE THAT THE ISSUES AND THE EVIDENCE ARE PROPERLY UNDERSTOOD BY THE TRIBUNAL AND THAT THE VERDICT IS A JUST ONE. IT WOULD BE A SAD DAY IF AN ATTORNEY GENERAL FELT UNABLE TO AUTHORISE A PROSECUTION BECAUSE THE INEVITABLE COMPLEXITIES OF THE CASE PUT IN DOUBT A FAIR TRIAL.

+WHEN I MOVED THE SECOND READING ON 13 MARCH, I REMINDED MEMBERS OF THE WAY IN WHICH OUR PROPOSALS HAD TAKEN SHAPE. AND ALL THAT NOW NEEDS TO BE SAID IS THAT THE PROCESS OF CONSULTATION WHICH MR PETER C. WONG HAS GIVEN IN DETAIL, BEGAN EARLY IN 1984 AND CONCLUDED AT THE END OF 1984 AFTER THE PUBLICATION OF A 92 PAGE DISCUSSION PAPER HAD FAILED TO PROVIDE A TRUE INDICATION OF THE DEPTH OF HOSTILITY TO CHANGE AND THE EXTENT OF CRITICISM OF THE PROPOSALS. I THINK IT IS NOW WELL APPRECIATED THAT GOVERNMENT WAS GIVEN A MISLEADING PICTURE.

+SOME OF THOSE WHO RESPONDED MAY HAVE GIVEN TOO LITTLE ATTENTION TO THESE ISSUES. SOME CRITICS, LIKE THE HONG KONG OBSERVERS, DID NOT RESPOND AT ALL. SOME RESPONDENTS HAVE SINCE ALTERED THEIR STANCE AND WITHDRAWN SUPPORT. THE ORGANISATION OF +JUSTICE+ WHO IN JANUARY 1983 WERE ASKING MY PREDECESSOR URGENTLY TO RESEARCH PROPOSALS FOR COMMERCIAL CASES TO BE TRIED IN THE HIGH COURT WITHOUT A JURY NOW THINK THE JURY SHOULD BE RETAINED. ALTHOUGH COPIES OF THE DISCUSSION PAPER WERE SENT TO EVERY SINGLE MEMBER OF THE BAR, MORE LETTERS WERE RECEIVED FROM SUPPORTERS OF REFORM THAN FROM OPPONENTS. OUR ATTENTION WAS DRAWN TO THE RESOLUTION PASSED AT THE EXTRAORDINARY GENERAL MEETING OF THE BAR. BUT THERE WAS NO DETAILED RESPONSE FROM THE BAR ASSOCIATION TO THE DISCUSSION PAPER. THE LAW SOCIETY, THE LARGEST GROUP OF LAWYERS IN THE COMMUNITY, HAS FRANKLY AND HONESTLY ADMITTED A CHANGE OF HEART. AND IN DOING SO, SIR ROGER LOBO HAS REMINDED US, THAT THEIR PRESIDENT HAS ACKNOWLEDGED THAT THE GOVERNMENT ACTED ON A REASONABLE BELIEF OF SUPPORT.

- 4 -

+AN EDITORIAL IN THE SOUTH CHINA MORNING POST OF THE 17 AUGUST OF LAST YEAR SEEMED TO SUM UP THE GENERAL ATTITUDE OF THE COMMUNITY WHEN IT WROTE:

+WHEN JURIES FIRST CAME INTO EXISTENCE SEVERAL HUNDRED YEARS AGO, THERE WAS NONE OF THE COMPLEXITY THAT PREVAILS IN SOME OF TODAY'S COMMERCIAL CRIMINAL CHARGES. JUSTICE HAS TO MOVE WITH THE TIMES AND THIS SEEMS A TIMELY MOVE+.

BUT SEVEN MONTHS LATER, THE SAME EDITORIAL, STILL WITH ITS FINGER ON THE PULSE, DESCRIBED THE PROVISIONS OF THE BILL AS A DANGEROUS DEPARTURE FROM THE SYSTEM THAT WE EMPLOY IN JURY TRIALS. SIR, I AM REMINDED OF THE LINE FROM OMAR KHAYAM: +THE MOVING FINGER WRITES AND HAVING WRIT, MOVES ON+.

+SIR, I MENTION THESE MATTERS ONLY TO ILLUSTRATE THE WAY IN WHICH THE ATTITUDE TOWARDS THE BILL HAS CHANGED DRAMATICALLY SINCE THE END OF 1984. THE STRENGTH OF OPPOSITION TO THE PROPOSALS OF THE BILL DID NOT EMERGE UNTIL THE BILL WAS ABOUT TO BE INTRODUCED. THE SUPPORTERS OF THE PROPOSALS WHO CHANGED THEIR MINDS OR CHOSE TO REMAIN SILENT WERE ENTITLED TO DO SO. PUBLIC OPINION CAN BE FICKLE. BUT THE FACT IS THAT THE PROCESS OF CONSULTATION - AND IT WAS IN THIS CASE A WIDELY SPREAD PROCESS BASED ON A FULL DISCUSSION PAPER AND A DRAFT BILL - LED THE GOVERNMENT TO BELIEVE THAT THERE WOULD BE MORE SUPPORT AMONG THE COMMUNITY GENERALLY, INCLUDING THE IMPORTANT LEGAL SECTOR, THAN HAS PROVED TO BE THE CASE. IF THE VIEWS NOW EXPRESSED HAD BEEN MADE KNOWN IN OCTOBER LAST YEAR, I DOUBT SIR, IF THE BILL WOULD HAVE BEEN APPROVED IN ITS PRESENT FORM BY THE EXECUTIVE COUNCIL.

+SIR, WHAT WILL THE HISTORIAN MAKE OF THIS EPISODE? A PROPOSAL TO ALTER THE MODE OF TRIAL IN A HANDFUL OF CASES APPEARED TO BE BROADLY IF THINLY SUPPORTED AS A SENSIBLE MEASURE. WITHIN SIX MONTHS IT BECAME THE FOCUS OF OUTRAGED INDIGNATION AND STRIDENT CRITICISM OF ITS PROMOTERS.

+A TRITE EXPLANATION WOULD BE THE THOUGHT THAT APPARENTLY GOOD IDEAS ARE OFTEN NODDED THROUGH BY BUSY PEOPLE AND ORGANISATIONS WITHOUT MUCH CRITICAL EXAMINATION. THAT IS PROBABLY TRUE IN WHICH CASE IT SHOWS THAT THE GOVERNMENT CANNOT TAKE TOO MUCH TROUBLE OVER THE BUSINESS OF CONSULTING THE COMMUNITY ON ITS PROPOSALS, EVEN WHEN IT HAS GONE TO THE TROUBLE, GONE TO THE LENGTHS OF PUBLISHING A DISCUSSION PAPER OUTLINING ITS IDEAS.

+IT IS ALSO EASY TO SEE WITH HINDSIGHT THAT IT WAS UNFORTUNATE THE DISCUSSION PAPER WAS PUBLISHED WHEN IT WAS, IN JULY 1984. DURING THE PERIOD OF CONSULTATION, MOMENTOUS EVENTS TOOK PLACE IN HONG KONG: THE PUBLICATION OF THE SINO-BRITISH JOINT DECLARATION AND THE WORK OF THE ASSESSMENT OFFICE. THE COMMUNITY HAD AT THAT TIME FAR MORE IMPORTANT THINGS TO WORRY ABOUT THAN THESE PROPOSALS FOR LAW REFORM.

/+BUT IT

- 5 -

+BUT IT IS ALSO POSSIBLE TO SUGGEST THAT THERE HAS IN FACT BEEN A CHANGE OF PUBLIC MOOD SINCE THOSE MOMENTOUS TIMES. THE JOINT DECLARATION BROUGHT RELIEF TO THE PEOPLE OF HONG KONG. IT ALSO FOCUSED THEIR ATTENTION UPON THE ESSENTIAL SYSTEMS UNDERPINNING HONG KONG'S WAY OF LIFE, WHICH THE ANNEXES HIGHLIGHTED. DOUBTS ABOUT THE OUTCOME OF THE NEGOTIATIONS GAVE WAY TO DOUBTS ABOUT HONG KONG'S ABILITY TO PRESERVE ITS WAY OF LIFE. AND IN CONSEQUENCE I DETECT A NEW MOOD OF WARINESS TO CHANGE: PARTICULARLY CHANGES TO THE LEGAL SYSTEM, ON WHICH THE RULE OF LAW AND THE PRESERVATION OF INDIVIDUAL RIGHTS AND FREEDOMS SO MUCH DEPEND. BECAUSE IT CAME SO SOON AFTER THE JOINT DECLARATION, THE BILL WAS THE FIRST PROPOSAL TO TOUCH THE RAW NERVE OF ANXIETY ABOUT FUTURE POLITICAL ARRANGEMENTS. AND THE COMMUNITY RECOILED INSTINCTIVELY FROM CHANGES TO TRADITIONAL PROCEDURES THAT HAVE SERVED HONG KONG WELL IN THE PAST.

+MANY ARTICULATE PROFESSIONALS ADVANCED A HOST OF ARGUMENTS AGAINST THIS BILL. THEY WORKED HARD TO DEPLOY THE FORCES OF OPPOSITION. BUT THE ARGUMENT WHICH SUCCEEDED MOST IN MOUNTING OPPOSITION TO THE BILL WAS THE ARGUMENT THAT ANY TAMPERING WITH THE JURY SYSTEM IS UNDESIRABLE IN VIEW OF THE FUTURE POLITICAL CHANGES.

+IT IS RIGHT THEREFORE FOR THE GOVERNMENT TO ACCEPT THAT THE PRESENT POLITICAL MOOD IS NOT RECEPTIVE TO RADICAL CHANGE. BUT I DO NOT THINK IT FOLLOWS THAT CHANGES CANNOT BE MADE TO THE LEGAL SYSTEM BEFORE 1997. THE LAW MUST RESPOND TO NEW DEMANDS PLACED UPON IT. SIR AS I SAID IN MY SPEECH AT THE OPENING OF THE LEGAL YEAR, THE LAW IS NOT A MUSEUM EXHIBIT OR A FOSSIL, IT IS A PUBLIC SERVICE RESPONDING TO THE DEMANDS THAT SOCIETY PLACES UPON IT. AND WE WILL FAIL IN OUR DUTY AS GUARDIANS FOR THE FUTURE IF WE DO NOT ENSURE THAT OUR LEGAL SYSTEM IS RATIONAL AND UP-TO-DATE. AND WHERE ITS PROCEDURES NEED TO BE CHANGED, THEN THEY SHOULD BE CHANGED. BUT IT IS PLAIN FROM THE RECENT EVENTS THAT THE ARGUMENTS FOR CHANGE MUST BE CAREFULLY AND FULLY ARGUED THROUGH. ALTHOUGH NO-ONE HAS ANY RIGHT OF VETO, EVERY ATTEMPT WILL HAVE TO BE MADE TO OBTAIN AT LEAST THE BROAD SUPPORT FROM BOTH PROFESSIONAL AND PUBLIC OPINION FOR IMPORTANT LEGAL REFORMS.

+SIR, ANOTHER QUITE DIFFERENT ASPECT OF THE CONTROVERSY IS THE ANXIETY EXPRESSED BY MANY THAT BECAUSE THE BILL HAD BEEN INTRODUCED INTO THIS COUNCIL, IT FOLLOWED THAT IT WAS BEING RUSHED THROUGH BY GOVERNMENT WITH THE SUPINE CONCURRENCE OF UNOFFICIALS. SIR THIS REALLY WAS, AND I DON'T NEED TO SAY IT. SIR, IN THIS CHAMBER, THIS REALLY, WAS THE MOST UNCHARITABLE VIEW AND IT WAS GROSSLY MISTAKEN, AS PAST AND PRESENT EVENTS HAVE PROVED, AND AS THIS MOTION DEMONSTRATES.

/+THERE IS

+THERE IS STILL NOT A SUFFICIENT UNDERSTANDING OF THE IMPORTANT CONSULTATIVE ROLE PLAYED BY MEMBERS OF THIS COUNCIL WHO ARE IN THE END THE TERRITORY'S LEGISLATORS. JUST OVER A YEAR AGO, I TRIED TO MAKE THIS VERY POINT IN A SPEECH TO THE COUNCIL FOLLOWING THE CONTROVERSY OVER TAXI LICENSING. WHAT I SAID THEN IS THIS:

+THE UNOFFICIALS ... INTERPRET AND EXPOUND THE VIEWS OF THE PUBLIC AND ... PARTICIPATE IN REACHING A FINAL JUDGMENT UPON THE PUBLIC INTEREST. THEY ARE A FUNDAMENTAL CHECK WITHIN OUR SYSTEM OF GOVERNMENT BY CONSENSUS. AND THEY ARE SURELY NEVER HURRIED IN THEIR CONSIDERATION OF BILLS. THEY ARE GIVEN ALL THE TIME THEY NEED TO DEAL WITH REPRESENTATIONS AND FORMULATE THEIR VIEWS. GOVERNMENT REPRESENTATIVES HAVE OFTEN ... QUALIFIED REMARKS ON REFORM AND LEGISLATION BY SAYING THAT THIS OR THAT PROPOSAL IS 'SUBJECT TO THE VIEWS OF EXCO AND ULTIMATELY LEGCO'. THIS IS NO EMPTY PHRASE. IT MEANS EXACTLY WHAT IT SAYS. WE IN GOVERNMENT MAY ALWAYS HOPE THAT BY CONSULTING WIDELY AND STRIVING TO GET IT RIGHT, WE WILL IN DUE COURSE OBTAIN THE NECESSARY SUPPORT. BUT THERE WILL ALWAYS REMAIN THE FINAL OPINION OF MEMBERS OF THE LEGISLATIVE COUNCIL IN WHICH THERE IS ANYHOW A CLEAR MAJORITY OF UNOFFICIALS. THIS COUNCIL IS THE ULTIMATE SAFEGUARD IF THE GOVERNMENT WERE TO MISJUDGE WHAT IS POLITICALLY ACCEPTABLE TO HONG KONG+.

+SIR, THE EVENTS OF THESE LAST FEW WEEKS HAVE VINDICATED, YOU MAY THINK, WHAT I THEN SAID. THIS COUNCIL HAS TAKEN HEED OF THE CHANGE IN ATTITUDE TO THESE PROPOSALS SINCE THEY WERE FIRST CANVASSED AND NOW PROPOSES, QUITE RIGHTLY, THAT THERE MUST BE FURTHER TIME FOR STUDY OF THE PROBLEMS WHICH THE GOVERNMENT HAD SOUGHT TO SOLVE BY THE INTRODUCTION OF THIS CONTENTIOUS BILL.

+THE TERMS OF REFERENCE OF THE SELECT COMMITTEE SIR, WILL ENABLE IT TO TAKE A BROAD VIEW OF ALL THE PROBLEMS SURROUNDING THE PROSECUTION AND TRIAL OF COMPLEX COMMERCIAL CRIMES. MANY LAWYERS HAVE AGREED THAT THERE IS ROOM FOR IMPROVEMENT IN TRIALS OF THIS TYPE OF CASE BEFORE A JURY. THE ORGANISATION +JUSTICE+ HAS PUT FORWARD CONSTRUCTIVE PROPOSALS FOR IMPROVING PRE-TRIAL PROCEDURES AND THE PRESENTATION OF EVIDENCE AT THE TRIAL. THE CHINESE GENERAL CHAMBER OF COMMERCE HAS ENDORSED THE AIM OF IMPROVING THE EFFICIENCY OF TRIALS OF COMMERCIAL FRAUD.

/+SO IT

+SO IT IS CLEAR THAT THE SELECT COMMITTEE WILL HAVE MUCH TO DO STUDYING PROSECUTION PROCEDURES, STUDYING THE PREPARATIONS FOR TRIAL AND STUDYING THE TRIAL PROCESS AS WELL. IF THERE IS A CASE FOR RETAINING JURY TRIAL FOR COMPLEX COMMERCIAL CASES, IT IS ALL THE MORE IMPORTANT THAT ACCEPTABLE REFORMS SHOULD BE IDENTIFIED AND IMPLEMENTED. AND AT THE SAME TIME, THE SELECT COMMITTEE WILL NO DOUBT LOOK ALSO AT THE DISTRICT COURT WHERE NO TRIAL BY JURY IS AVAILABLE.

+FINALLY, MAY I PAY TRIBUTE TO THOSE UNOFFICIAL MEMBERS OF THIS COUNCIL WHO MADE UP THE AD HOC GROUP OF WHICH WE HAVE HEARD, AND PARTICULARLY ITS CHAIRMAN, MR PETER C. WONG, FOR THE TIME AND ENERGY THEY HAVE ALREADY DEVOTED TO THE ORAL AND WRITTEN REPRESENTATIONS ON THE BILL THAT THEY HAVE RECEIVED. IT IS EVEN MORE OF A TRIBUTE TO THEM IF WHAT I HAVE BEEN TOLD IS CORRECT, THAT THOSE SAME MEMBERS HAVE INDICATED THAT THEY ARE WILLING TO OFFER THEMSELVES FOR MEMBERSHIP OF THE SELECT COMMITTEE. YOUR EXCELLENCY WILL HAVE A WIDE RANGE OF PROFESSIONAL COMMERCIAL AND INDUSTRIAL TALENT FROM WHICH TO CHOOSE THE MEMBERSHIP OF THIS SELECT COMMITTEE. THE COMMUNITY CAN BE ASSURED THAT THE COMMITTEE WILL BE WELL QUALIFIED TO RECEIVE EVIDENCE AND TO DRAW CONCLUSIONS.

+I HOPE, SIR, THAT WITH THE PASSAGE OF THIS MOTION, THAT PASSIONS WILL NOW COOL AND REASON WILL RESUME ITS SEAT. IT IS TIME FOR THE COMMUNITY TO TACKLE CONSTRUCTIVELY THE SOLUTION TO THE PROBLEMS IT HAS RECOGNISED AND TO JOIN IN A POSITIVE SPIRIT IN WORKING OUT THE MOST ACCEPTABLE SOLUTIONS. THE FUTURE OF THE BILL WILL DEPEND UPON THE OUTCOME OF THE WORK THAT CAN NOW BEGIN.+

MOTION ON COMMERCIAL CRIMES SELECT COMMITTEE

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WHEN THE TRIAL OF COMMERCIAL CRIMES BILL WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL THE RESPONSE WAS GENERALLY IN FAVOUR OF A CHANGE IN THE MODE OF TRIAL FOR THESE OFFENCES AND ITS OPPONENTS SEEMED TO BE IN THE MINORITY, THE SENIOR UNOFFICIAL MEMBER OF LEGCO, SIR ROGER LOBO, SAID TODAY (WEDNESDAY).

HOWEVER, HE SAID, SINCE THE BILL WAS PUBLISHED, A SWELL OF PUBLIC OPINION TO POSTPONE IT AND GIVE THE MATTER FURTHER CONSIDERATION HAD GROWN. MANY PEOPLE HAD EXPRESSED STRONG VIEWS THAT THEY DID NOT VOLUNTEER DURING THE CONSULTATIVE PROCESS= OTHERS HAD CHANGED THEIR VIEWS AND WERE OPPOSED TO CHANGE, AT LEAST AT THIS TIME.

SIR ROGER WAS PRESENTING A MOTION IN THE COUNCIL CALLING FOR THE APPOINTMENT OF A SELECT COMMITTEE TO +CONSIDER AND REPORT ON THE APPROPRIATE MEASURES TO BE TAKEN TO RESOLVE THE PROBLEMS INVOLVED IN THE PROSECUTION AND TRIAL OF COMPLEX COMMERCIAL CRIMES, INCLUDING CHANGES IN THE PROCEDURES BEFORE AND DURING THE TRIAL AND THE MODE OF TRIAL.+

HE POINTED OUT THAT AN AD HOC GROUP OF UNOFFICIALS UNDER THE CONVENERSHIP OF MR PETER C. WONG, HAD BEEN HEARING PUBLIC REPRESENTATIONS AND EXAMINING THE BILL.

+IT HAS BECOME EVIDENT THAT THERE ARE SERIOUS PROBLEMS INVOLVED IN THE PROSECUTION AND TRIAL OF COMPLEX COMMERCIAL CRIMES.

+WHAT THE SOLUTIONS TO THESE PROBLEMS ARE AND WHETHER THE BILL PROPOSES ONE ANSWER OR A PARTIAL ANSWER WE DO NOT KNOW.

+HOWEVER, WE ARE SATISFIED THAT, WHATEVER THE MERITS OF THE BILL MAY BE, PUBLIC OPINION IS SUCH THAT IT WOULD BE UNWISE TO PROCEED WITH THE MEASURE UNTIL THERE HAS BEEN AN THOROUGH EXAMINATION OF ALL THE OPTIONS AVAILABLE,+ HE SAID.

THE MOTION BEFORE THE COUNCIL PROPOSED THE APPOINTMENT OF A SELECT COMMITTEE UNDER STANDING ORDER 61 TO CONDUCT THAT EXAMINATION.

SIR ROGER SAID IN FAIRNESS, WHETHER OR NOT THE PROPOSALS IN THE BILL WERE RIGHT, HE DID NOT THINK THE ADMINISTRATION SHOULD BE CRITICISED FOR FAILING TO CONSULT ADEQUATELY.

HE RECALLED THAT THE PRESIDENT OF THE LAW SOCIETY HAD SAID THOSE RESPONSIBLE FOR INTRODUCING THE BILL HAD PREPARED AND INTRODUCED IT IN THE REASONABLE BELIEF THAT IT WOULD BE MORE WIDELY SUPPORTED THAN IT HAD TURNED OUT TO BE THE CASE, AND ALL WHO CONTRIBUTED TO THAT BELIEF MUST SHARE THE RESPONSIBILITY OF NOT HAVING VOICED THEIR RESERVATIONS AT AN EARLIER STAGE.

WEDNESDAY, MAY 1, 1985

- 9 -

'PUBLIC OPINION WINS IN CONTROVERSY OVER BILL'

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PUBLIC OPINION HAS WON THE DAY IN THE CONTROVERSY OVER THE TRIAL OF COMMERCIAL CRIMES BILL, THE HON PETER C. WONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

+AND THIS IS AS IT SHOULD BE,+ HE SAID.

MR WONG WAS SPEAKING IN SUPPORT OF A MOTION PRESENTED BY THE SENIOR MEMBER OF THE LEGISLATIVE COUNCIL, SIR ROGER LOBO, PROPOSING THE SETTING UP OF A SELECT COMMITTEE TO STUDY THE ISSUE.

HOWEVER, MR WONG SAID, THAT DID NOT MEAN GOVERNMENT WAS NECESSARILY AT FAULT.

+FAR FROM IT, CREDIT SHOULD BE GIVEN TO THE ADMINISTRATION FOR TACKLING A PROBLEM WHICH ALL AGREE EXISTS AND SHOULD BE SOLVED AS EXPEDITIOUSLY AS POSSIBLE,+ HE SAID.

SINCE THE PUBLICATION OF THE TRIAL OF COMMERCIAL CRIMES BILL ON FEBRUARY 15, MR WONG SAID THAT THE AD HOC GROUP HAD RECEIVED 23 WRITTEN SUBMISSIONS FROM GROUPS AS WELL AS INDIVIDUALS FROM A WIDE CROSS SECTION OF THE COMMUNITY.

THE GROUP HAD HELD SEVERAL MEETINGS AND HEARD SEPARATE REPRESENTATIONS FROM THE HONG KONG BAR ASSOCIATION, MR HENRY LITTON QC, THE HONG KONG BRANCH OF JUSTICE, THE HONG KONG LAW SOCIETY AND MR FRANK FRAME, LEGAL ADVISER AND DIRECTOR OF THE HONGKONG AND SHANGHAI BANKING CORPORATION.

IN ADDITION, IT HAD TAKEN CAREFUL NOTE OF WHAT WAS REPORTED IN THE PRESS AND HAD HELD USEFUL DISCUSSIONS WITH THE ADMINISTRATION.

MEANWHILE, THE UNOFFICIAL MEMBERS HAD DISCUSSED THE MATTER ON AT LEAST FIVE OCCASIONS WHILE KEEPING UMELCO FULLY INFORMED OF DEVELOPMENTS.

A FINAL DECISION WAS TAKEN AT AN IN-HOUSE MEETING OF THE UNOFFICIALS ON APRIL 24.

MR WONG HOPED THAT THE 80-PAGE REPORT COMPILED BY THE AD HOC GROUP, TOGETHER WITH TWO OTHER VOLUMES CONTAINING THE WRITTEN REPRESENTATIONS AND PRESS CUTTINGS, WOULD SERVE AS USEFUL INFORMATION SHOULD THE MOTION BE CARRIED AND A SELECT COMMITTEE BE APPOINTED BY THE GOVERNOR.

ANALYSING THE REPRESENTATIONS, MR WONG SAID THEY ALL RECOGNISED THERE WAS A PROBLEM WITH THE EXISTING SYSTEM OF TRIAL OF COMPLEX COMMERCIAL CRIMES, BUT THE MAJORITY WERE AGAINST THE PROPOSED SOLUTION OF TRIAL BY JUDGE AND ADJUDICATORS.

/NEARLY ALL

NEARLY ALL REGARDED THE BILL'S PROPOSAL AS AN IMPORTANT CHANGE TO OUR LEGAL SYSTEM AND CALLED FOR CAREFUL AND DETAILED CONSIDERATION.

THE MAIN OBJECTIONS WERE: FIRST, TRIAL BY JURY WAS A SAFEGUARD FOR CIVIC LIBERTIES AND IT SHOULD NOT BE REPLACED UNLESS THERE WAS CLEAR EVIDENCE THAT THE JURY SYSTEM WAS NOT WORKING PROPERLY OR UNSUITABLE FOR THE TRIAL OF THE TYPE OF CRIME UNDER CONSIDERATION; SECOND, IT WOULD BE DIFFICULT TO FIND AN ADEQUATE NUMBER OF IMPARTIAL ADJUDICATORS IN THE SMALL BUSINESS COMMUNITY OF HONG KONG.

MR WONG POINTED OUT THAT TWO OF THE REPRESENTATIONS WERE, HOWEVER, CAUTIOUSLY IN FAVOUR OF THE CONCEPT OF TRIAL BY A JUDGE AND COMMERCIAL ADJUDICATORS.

+ON BALANCE, IT APPEARS THAT THE COLLECTIVE EMPHASIS OF THE OPPOSITION TO THE BILL IS MORE ON THE TIMING THAN ON THE CONCEPT ITSELF, ALTHOUGH MANY THOUGHT THAT TRANSLATING IT INTO PRACTICE WOULD REQUIRE FURTHER CONSIDERATION AND RESEARCH,+ HE SAID.

ALL IN ALL, HE SAID, THERE WAS A STRONG DEMAND FOR DEFERRING THE BILL IN ORDER TO ALLOW MORE TIME FOR PUBLIC DISCUSSION WHILE SPECIFICALLY FOUR COMMON REQUESTS HAD BEEN IDENTIFIED:

- * WAIT FOR THE ROSKILL COMMITTEE REPORT WHICH IS LIKELY TO BE AVAILABLE LATER THIS YEAR SO THAT HONG KONG CAN USE ITS FINDINGS AND RECOMMENDATIONS FOR REFERENCE.
- * CONSULT AS WIDELY AS POSSIBLE BEFORE ANY CHANGES ARE MADE.
- * EXAMINE ALTERNATIVE WAYS OF SOLVING THE PROBLEM RELATING TO THE TRIAL OF COMPLEX COMMERCIAL CRIMES.
- * REFER THE MATTER TO THE LAW REFORM COMMISSION FOR CONSIDERATION.

AS REGARDS THE DETAILED PROVISIONS OF THE BILL, MR WONG OBSERVED THERE WAS UNANIMOUS OPPOSITION FROM ALL WHO HAD EXPRESSED VIEWS TO CLAUSE 7 WHICH PROVIDED THAT THE JUDGE WOULD RETIRE TO DISCUSS WITH THE ADJUDICATORS AFTER HIS SUMMING UP IN OPEN COURT AND THAT THE VERDICT WOULD BE DELIVERED WITHOUT ANY REASONS GIVEN.

+ANOTHER AREA WHICH HAS ATTRACTED CRITICISM IS CLAUSE 5 WHERE THE CHIEF JUSTICE IS EMPOWERED TO DECIDE WHETHER A PARTICULAR CASE SHOULD BE TRIED BY JUDGE AND ADJUDICATORS.

+THIS IS NOT SUBJECT TO APPEAL OR REVIEW, NOR IS HIS DECISION ON THE SELECTION OF ADJUDICATORS,+ HE ADDED.

A SUBSTANTIAL NUMBER OF INDIVIDUALS AND ORGANISATIONS WHO MADE REPRESENTATIONS TO THE UNOFFICIALS INDICATED THAT THEY WOULD WISH TO RESERVE THEIR POSITION, ESPECIALLY IN RESPECT OF DETAILS OF THE BILL ITSELF.

A VIEW WOULD BE EXPRESSED AFTER THEY HAD AN OPPORTUNITY TO CONSIDER ALL THE RELEVANT FACTS AND ALTERNATIVE MEANS OF SOLVING THE PROBLEM OF PROSECUTING AND TRYING COMPLEX COMMERCIAL CRIMES IN HONG KONG.

AS TO HOW SERIOUS THE PROBLEM OF TRIALS OF COMMERCIAL CRIMES WAS, MR WONG SAID THE PROBLEM, AS PRESENTED TO THE UNOFFICIALS AND AS THE UNOFFICIALS SAW IT, DESERVED CAREFUL EXAMINATION AND WAS ONE THAT SHOULD BE URGENTLY ADDRESSED, PARTICULARLY IN VIEW OF THE DRAMATIC INCREASE IN COMPLEX COMMERCIAL CRIMES IN RECENT YEARS.

MR WONG SAID THE UNOFFICIALS DID NOT KNOW WHETHER THE PROPOSAL IN THE TRIAL OF COMMERCIAL CRIMES BILL WAS THE BEST SOLUTION TO THE PROBLEM, BUT CONSIDERED THE CONCEPT AS WELL AS THE DETAILS OF THE BILL HAD YET TO BE EXAMINED.

CONSEQUENTLY, THE AD HOC GROUP RECOMMENDED THAT THE BILL BE ADJOURNED INDEFINITELY TO ALLOW MORE TIME FOR DISCUSSION, TAKING ROSKILL'S FINDINGS INTO CONSIDERATION.

IT FURTHER RECOMMENDED THAT A SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL BE APPOINTED UNDER STANDING ORDER 61(1) TO CONSIDER THE WHOLE ISSUE OF TRIAL OF COMPLEX COMMERCIAL CRIMES AND NOT JUST THE BILL ITSELF.

REFERRING TO THE SUGGESTION THAT THERE HAD BEEN INADEQUATE CONSULTATION AND THAT GOVERNMENT WAS PUSHING THE BILL THROUGH THE LEGISLATIVE PROCESS, MR WONG OUTLINED THE BACKGROUND TO THE FORMULATION OF THE BILL AND SAID HE AGREED WITH SIR ROGER LOBO THAT IT WOULD BE UNFAIR TO CRITICISE THE ADMINISTRATION FOR FAILING TO CONSULT ADEQUATELY.

+CERTAINLY, A GREAT DEAL OF EFFORT HAS BEEN MADE, BUT UNFORTUNATELY THERE APPEARS TO BE A BREAK DOWN IN COMMUNICATION,+ HE SAID.

+IT IS A MATTER OF RECORD THAT SOME OF THOSE CONSULTED HAVE NOW CHANGED THEIR MINDS.

+THIS IS PERFECTLY LEGITIMATE.

+IN THE LIGHT OF EVENTS, ANY ASPERSION RELATING TO THE HANDLING OF THE ISSUE SHOULD BE INTERPRETED IN ITS PROPER PERSPECTIVE,+ HE SAID.

/MR WONG

MR WONG THEN DESCRIBED THE SET UP AND TERMS OF REFERENCE OF THE ROSKILL COMMITTEE, ADDING THAT IT APPEARED MOST UNLIKELY THAT THE COMMITTEE WOULD BE ABLE TO REPORT IN JULY THIS YEAR, THOUGH IT HAD PLANNED TO DO SO.

+IT IS FAIR TO SAY THAT THE PROBLEMS FACING THE ROSKILL COMMITTEE ARE NOT QUITE THE SAME AS THOSE WE IN HONG KONG ARE NOW FACING,+ HE OBSERVED.

AS FOR THE SUGGESTION THAT THE WHOLE MATTER SHOULD BE REFERRED TO THE LAW REFORM COMMISSION, HE SAID THE BETTER VIEW WAS THAT, SINCE THE BILL WAS WITH THE LEGISLATIVE COUNCIL, IT WAS MEMBERS' RESPONSIBILITY TO DECIDE WHAT COURSE OF ACTION WOULD BE IN THE BEST INTERESTS OF OUR COMMUNITY.

HE NOTED THAT MANY CRITICS OF THE BILL WELCOMED UMELCO'S PROPOSAL TO DEFER THE BILL AND SET UP A SELECT COMMITTEE, INCLUDING THE PRESIDENT OF THE LAW SOCIETY OF HONG KONG WHO WAS QUOTED AS SAYING THAT IT WAS AN IDEAL ARRANGEMENT.

SUMMING UP, MR WONG SAID HE WOULD EMPHASISE THAT AT THE END OF THE DAY IT WOULD BE THE DUTY OF THE LEGISLATIVE COUNCIL TO ENACT LEGISLATION, WHICH IN ITS COLLECTIVE VIEW, WOULD BEST SERVE THE NEEDS OF HONG KONG.

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SIR ROGER LOBO WINDS UP COMMERCIAL CRIMES MOTION
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IN A WINDING UP ON HIS MOTION IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), SENIOR UNOFFICIAL MEMBER, THE HON SIR ROGER LOBO, SAID THE TERMS OF THE MOTION WERE WIDE ENOUGH TO ENABLE A SELECT COMMITTEE TO CONSIDER ALL THE PROBLEMS CONCERNING THE PROSECUTION AND TRIAL OF COMPLEX COMMERCIAL CRIMES AND NOT ONLY THE PROPOSALS CONTAINED IN THE BILL.

+I BELIEVE IT IS DESIRABLE TO EXTEND THE SCOPE OF THE ENQUIRY SO THAT THIS COUNCIL MAY RECEIVE RECOMMENDATIONS IN RELATION TO POSSIBLE CHANGES IN PROCEDURE OTHER THAN IN RELATION TO THE MODE OF TRIAL,+ HE SAID.

HE ENVISAGED THAT THE COMMITTEE WOULD CONSIDER AND DRAW ON A WIDE RANGE OF SUBMISSIONS AND MATERIALS, INCLUDING THE REPORT OF THE ROSKILL COMMITTEE ON FRAUD TRIALS, WHEN IT WAS PUBLISHED. IT SHOULD CONCERN ITSELF WITH THE PARTICULAR PROBLEMS OF HONG KONG WHICH MIGHT NOT BE THE SAME AS THOSE IN THE UNITED KINGDOM.

/+IN PUTTING

WEDNESDAY, MAY 1, 1985

- 13 -

+IN PUTTING FORWARD THIS MOTION FOR THE UNOFFICIAL SIDE, IT IS OBVIOUS THAT WE DO NOT CONSIDER THAT THE MATTER SHOULD BE REFERRED TO THE LAW REFORM COMMISSION,+ SIR ROGER SAID.

+THE BILL IS WITH THIS COUNCIL AND IT IS THE RESPONSIBILITY OF MEMBERS TO DECIDE WHAT SHOULD BE DONE IN THE BEST INTERESTS OF HONG KONG.

+ANY PROPOSALS FOR LEGISLATION MADE BY THE COMMISSION WOULD HAVE TO BE CONSIDERED BY THIS COUNCIL IN ANY EVENT AND I BELIEVE WE SHOULD GET ON WITH THE JOB NOW,+ HE SAID.

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APPROPRIATION BILL APPROVED WITH ONE ABSTENTION
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AN UNOFFICIAL MEMBER OF THE LEGISLATIVE COUNCIL, THE HON LYDIA DUNN ABSTAINED FROM VOTING AT THE COMMITTEE STAGE AND THIRD READING OF THE APPROPRIATION BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MISS DUNN SAID AT THE END OF HER SPEECH IN THE DEBATE ON THE SECOND READING SHE PUT A NUMBER OF QUESTIONS TO THE FINANCIAL SECRETARY.

+I EXPLAINED THAT IT WAS DIFFICULT TO TAKE A DEFINITIVE VIEW OF THE APPROPRIATION BILL 1985 WITHOUT ANSWERS TO THESE QUESTIONS,+ SHE SAID.

+UNFORTUNATELY, AND I REGRET HAVING TO SAY THIS, THE FINANCIAL SECRETARY DID NOT PROVIDE ME WITH SUFFICIENT OR SUFFICIENTLY CONVINCING ANSWERS TO THESE QUESTIONS.

+FOR INSTANCE, HE EXPLAINED WHY THE GOVERNMENT PUBLISHES ITS SELECTIVE STATEMENT OF ASSETS AND LIABILITIES, BUT HE DID NOT ANSWER THE QUESTION 'WHAT IS THE GOVERNMENT'S TRUE FINANCIAL POSITION?'

+HE IGNORED ENTIRELY THE FACT THAT THE GOVERNMENT'S DEFINITION OF THE PUBLIC SECTOR, WHICH EXCLUDES BOTH THE MTR AND THE KCR, IS HOPELESSLY MISLEADING.

+WE STILL DON'T KNOW WHAT ACTUALLY IS THE SIZE OF THE PUBLIC SECTOR EITHER IN ABSOLUTE OR RELATIVE TERMS AND ARE UNABLE, THEREFORE, TO TAKE AN OVERALL VIEW OF OUR SITUATION.

/+HE RESOLUTELY

WEDNESDAY, MAY 1, 1985

- 14 -

+HE RESOLUTELY REFUSED TO MAKE A 'LONG TERM BUDGETARY FORECAST', BUT I DIDN'T ASK HIM TO.

+I COMPLAINED THAT HE GAVE US NO PROJECTIONS AT ALL, NOT EVEN FOR NEXT YEAR,+ SHE SAID.

IN OTHER WORDS, THE FINANCIAL SECRETARY ASKED US TO ACCEPT THAT HIS PROPOSALS WERE CORRECT, BUT LIGHTLY DISMISSED THE NEED TO SUPPLY US SUCH FACTS AS WE THOUGHT WERE NECESSARY TO ENABLE US TO COME TO AN INFORMED VIEW OF THE GOVERNMENT'S BUDGETARY STRATEGY.

+THIS ATTITUDE IS INCONSISTENT WITH THE WAY IN WHICH BUSINESS SHOULD BE CONDUCTED IN THIS COUNCIL AND IS INCOMPATIBLE WITH THE OBJECTIVE STATED IN THE RECENT WHITE PAPER OF MAKING GOVERNMENT 'MORE DIRECTLY ACCOUNTABLE TO THE PEOPLE OF HONG KONG',+ MISS DUNN SAID.

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LOCAL PARTICIPATION ON JLG CALLED FOR
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AN UNOFFICIAL MEMBER OF THE LEGISLATIVE COUNCIL, THE HON CHEUNG YAN-LUNG, SAID TODAY (WEDNESDAY) HE HOPED PRESS REPORTS THAT BRITAIN WISHED TO APPOINT A LOCAL HONG KONG GOVERNMENT OFFICER AS A MEMBER OF THE JOINT LIAISON GROUP, BUT COULD NOT DO SO BECAUSE OF OBJECTIONS FROM CHINA, WERE UNTRUE.

MR CHEUNG WAS SPEAKING IN SUPPORT OF THE PRIVILEGES AND IMMUNITIES (JOINT LIAISON GROUP) BILL 1985 AT TODAY'S LEGISLATIVE COUNCIL MEETING.

HE SAID HE HOPED THE REPORTS WERE UNTRUE BECAUSE HE ENVISAGED THAT CHINA WOULD UNDERSTAND THAT IT WAS IN THE INTEREST OF THE PEOPLE OF HONG KONG AND IN THE INTEREST OF IMPLEMENTING THE JOINT DECLARATION THAT LOCAL PEOPLE SHOULD TAKE PART IN THE CONSULTATIONS WITHIN THE JOINT LIAISON GROUP.

+WE HAVE LONG PASSED THE STAGE OF THE DEBATE ON THE 'THREE-LEGGED STOOL',+ HE SAID.

THE AGREEMENT HAD BEEN ACCEPTED BY THE PEOPLE OF HONG KONG AS A GOOD ONE.

CHINA KNEW VERY WELL THAT SHE COULD COUNT ON THE PEOPLE OF HONG KONG TO MAKE THE AGREEMENT WORK.

/+I AM

WEDNESDAY, MAY 1, 1985

- 15 -

+I AM SURE SHE WILL NOT OBJECT TO THE PEOPLE OF HONG KONG CONTRIBUTING DIRECTLY IN THE JOINT LIAISON GROUP TO ENSURE A SMOOTH TRANSITION UP TO THE YEAR 2000.

+IN ANY CASE, ONE HAS A FEELING THAT 'OBJECTIONS FROM CHINA' HAVE BEEN USED TOO FREQUENTLY THAT IT HAS LOST ITS CREDIBILITY,+ HE SAID.

MR CHEUNG SAID THERE WERE SUSPICIONS IN THE PAST OF HMG'S INTENTION OR EFFORTS IN LOOKING AFTER THE INTERESTS OF HONG KONG IN ENACTING THE BRITISH NATIONALITY ACT AND DURING THE NEGOTIATIONS ON HONG KONG'S FUTURE.

THE SAME SUSPICION WOULD ARISE AGAIN IF THERE WAS NO LOCAL PARTICIPATION IN THE JOINT LIAISON GROUP.

+THE RESULT WILL BE SERIOUS DAMAGE TO THE CONFIDENCE WHICH HAS JUST RETURNED,+ HE SAID.

LORD KADOORIE HAD GIVEN A WARNING IN THE HOUSE OF LORDS RECENTLY, REMINDING HMG THAT IT MUST NOT NEGLECT THE FEELINGS IN HONG KONG - A FEELING OF A CHILD BEING ABANDONED BY ITS PARENTS.

+I MUST REPEAT THAT WARNING AGAIN FOR THE SAKE OF EFFECTIVE GOVERNMENT DURING THE TRANSITION PERIOD,+ MR CHEUNG SAID.

IT WAS AN IRONY THAT MEMBERS OF THE LEGISLATIVE COUNCIL HAD THE POWER TO ALLOW THIS BILL TO PASS TO ENABLE THE FORMATION OF THE JOINT LIAISON GROUP, BUT HAD NO SAY AT ALL ON THE PERSONS WHO SHOULD REPRESENT THE INTERESTS OF HONG KONG WHEN THE AFFAIRS OF HONG KONG ALONE WOULD BE DISCUSSED IN THE GROUP.

+I WOULD HAVE ABSTAINED FROM VOTING IF NOT FOR THE SAKE OF SHOWING MY COMMITMENT TO MAKE THE JOINT DECLARATION WORK,+ MR CHEUNG SAID.

ECHOING MR CHEUNG'S WORDS, THE HON MRS RITA FAN SAID THERE HAD BEEN CONSIDERABLE SPECULATION AND COMMENT IN THE LOCAL PRESS DURING THE PAST FEW WEEKS, CONCENTRATING MAINLY ON THE PERSONALITIES, WHILST MISSING OUT ON THE REASON WHY IT WAS OF SIGNIFICANCE TO HAVE LOCAL PEOPLE TAKING PART IN THE ACTIVITIES OF THE GROUP AS FULL MEMBERS.

SHE SAID THE PEOPLE OF HONG KONG HAD ACCEPTED THE AGREEMENT AS A GOOD ONE AND SUCCESSFUL IMPLEMENTATION WOULD DEPEND ON THEIR CONTINUING TO BELIEVE THAT IT WAS SO.

+ONE OF THE MOST EFFECTIVE WAYS TO ACHIEVE THAT IS TO ALLOW LOCAL PEOPLE, SAY ONE LOCAL GOVERNMENT OFFICER AT THIS STAGE, TO PARTICIPATE IN THE JOINT LIAISON GROUP AS AN ILLUSTRATION THAT THE INTERESTS OF HONG KONG WOULD BE ADEQUATELY REFLECTED, FULLY RESPECTED AND TAKEN INTO ACCOUNT THROUGHOUT THE TRANSITION PERIOD,+ SHE SAID.

/MRS FAN

WEDNESDAY, MAY 1, 1985

- 16 -

MRS FAN SAID IT WAS AN INDISPUTABLE FACT THAT THE PEOPLE OF HONG KONG WERE BENT ON MAKING THE 'ONE COUNTRY TWO SYSTEMS' CONCEPT WORK SUCCESSFULLY HERE, FOR THIS WAS THE ONLY WAY TO PRESERVE OUR LIFE STYLE AND TO ACHIEVE FUTURE PROGRESS.

+THERE IS NO LACK OF ENTHUSIASM AND MOTIVATION TO CONTRIBUTE TO THE WORK OF THE JOINT LIAISON GROUP.

+NOT TO TAP THIS RESOURCE AND UTILISE IT TO THE FULLEST EXTENT IS, TO SAY THE LEAST, HARDLY IN THE BEST INTERESTS OF ALL PARTIES CONCERNED,+ HE SAID.

MRS FAN SAID THERE WAS ONE WIDELY SPECULATED, YET UNCONFIRMED, REASON FOR KEEPING A LOCAL GOVERNMENT OFFICER OUT OF THE GROUP= THAT WAS MEMBERS OF EACH SIDE OF THE JOINT LIAISON GROUP WERE DIPLOMATIC REPRESENTATIVES OF THEIR RESPECTIVE GOVERNMENTS AND IT WAS DEEMED INAPPROPRIATE FOR A HONG KONG PERSON TO ACQUIRE THAT STATUS.

+THIS MAY BE A TECHNICAL POINT OF SOME VALIDITY, YET I BELIEVE THE PEOPLE OF HONG KONG, BEING VERY PRAGMATIC, WOULD APPRECIATE THAT WITHOUT THE SPIRIT OF 'MUTUAL ACCOMMODATION AND CO-OPERATION' AS DEMONSTRATED BY CHINA AND THE UK, THE REMARKABLE SINO-BRITISH JOINT DECLARATION COULD NOT HAVE MATERIALISED,+ SHE SAID.

SHE ADDED THAT THE WORK OF THE JOINT LIAISON GROUP WAS VERY IMPORTANT AND CRUCIAL TO THE WELL BEING OF HONG KONG.

IN ACHIEVING A SMOOTH WORKING RELATIONSHIP, COMMUNICATION AND CONSULTATION MUST FORM A SIGNIFICANT PART, SHE SAID.

+SINCE THE COMMON OBJECTIVE OF ALL SIDES, NAMELY THE UK, CHINA AND THE PEOPLE OF HONG KONG, IS TO WORK FOR THE WELL BEING OF HONG KONG, THERE IS NO REASON WHY A WAY CANNOT BE FOUND SO THAT PRAGMATISM WOULD PREVAIL OVER DOCTRINAIRE AND THEORETICAL CONSIDERATIONS.

+AFTER ALL, THE JOINT DECLARATION HAS PROMISED A HIGH DEGREE OF AUTONOMY FOR THE HONG KONG SPECIAL ADMINISTRATIVE REGION AFTER 1997= THEREFORE IT IS ONLY APPROPRIATE TO GIVE MEANING TO THAT PROMISE BY INVOLVING LOCAL PEOPLE IN THE WORK OF THE JOINT LIAISON GROUP,+ SHE SAID.

SHE BELIEVED THAT THIS SENSIBLE APPROACH WOULD HELP TO ALLEVIATE ANY LINGERING DOUBT PEOPLE MIGHT HAVE ABOUT THE JOINT DECLARATION.

FURTHER, IT WOULD ENHANCE CONFIDENCE AND DEMONSTRATE CHINA'S COMMITMENT TO AND SINCERITY IN IMPLEMENTING THE TERMS OF THE JOINT DECLARATION.

/+IT IS

+IT IS ALSO IMPORTANT THAT, DURING THE TRANSITION PERIOD, LOCAL PEOPLE ARE TRAINED AND DEVELOPED SO THAT LEADERS CAN EMERGE IN TIME TO REALISE THE 'HONG KONG PEOPLE RULING HONG KONG' CONCEPT.

+IF BOTH BRITAIN AND CHINA AGREED TO LET LOCAL PEOPLE HAVE A HAND IN IMPORTANT ISSUES, SUCH AS TAKING PART IN THE JOINT LIAISON GROUP, THEN WE ARE REALLY MAKING OUR FIRST STEP TOWARDS THAT GOAL,+ MRS FAN SAID.

SHE ALSO SAID IT WAS INCONCEIVABLE THAT MEMBERSHIP OF THE JOINT LIAISON GROUP WOULD REMAIN UNCHANGED UP TO THE YEAR 2000 AND THAT THE PEOPLE OF HONG KONG WOULD NOT ASK FOR MORE DIRECT PARTICIPATION IN THE GROUP AS THE GOVERNMENTAL SYSTEM MOVED TOWARDS BECOMING MORE REPRESENTATIVE.

+APPOINTING A LOCAL HONG KONG GOVERNMENT OFFICIAL TO THE JOINT LIAISON GROUP NOW WOULD MAKE THE EVOLUTION TOWARDS UNOFFICIALS' PARTICIPATION LATER ON MORE NATURAL,+ MRS FAN CONCLUDED.

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CONTACTS CONTINUE ON ARRANGEMENTS FOR JLG
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CONTACTS BETWEEN THE CHINESE AND BRITISH GOVERNMENTS ARE CONTINUING ON ARRANGEMENTS FOR THE JOINT LIAISON GROUP AND AN ANNOUNCEMENT WILL BE MADE IN DUE COURSE, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, TOLD THE LEGISLATIVE COUNCIL.

+UNTIL SUCH TIME PRESS REPORTS SHOULD CONTINUE TO BE REGARDED AS SPECULATIVE,+ HE SAID.

MR THOMAS WAS SPEAKING DURING THE RESUMED DEBATE ON THE PRIVILEGES AND IMMUNITIES (JOINT LIAISON GROUP) BILL 1985.

HE SAID HE HAD TAKEN NOTE OF THE COMMENTS EXPRESSED BY THE HON RITA FAN AND THE HON CHEUNG YAN-LUNG ON THE COMPOSITION OF THE JOINT LIAISON GROUP, WHICH CLEARLY REPRESENTED DEEPLY-FELT VIEWS.

+THE GOVERNMENT NATURALLY SHARES MEMBERS' COMMITMENT TO THE SINO-BRITISH JOINT DECLARATION AND TO ITS FAITHFUL IMPLEMENTATION,+ HE SAID.

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NEED FOR ALTERNATIVE OATH EXPLAINED

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IT WAS NECESSARY TO HAVE AN ALTERNATIVE OATH WHICH COULD BE TAKEN BY ANY MEMBER OF THE LEGISLATIVE COUNCIL WHO DID NOT WISH TO TAKE THE OATH OF ALLEGIANCE, AS HONG KONG WAS MOVING TOWARDS MORE REPRESENTATIVE GOVERNMENT, THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION, THE HON PETER TSAO, SAID TODAY.

HE WAS MOVING THE SECOND READING OF THE OATHS AND DECLARATIONS (AMENDMENT) BILL 1985 IN THE LEGISLATIVE COUNCIL.

+THE NEW ALTERNATIVE OATH WILL BE KNOWN AS THE LEGISLATIVE COUNCIL OATH, THE FORM OF WHICH IS SET OUT IN CLAUSE 5 OF THE BILL AS A NEW PART IV A IN THE SECOND SCHEDULE TO THE PRINCIPAL ORDINANCE,+ HE SAID.

+CLAUSE 2 OF THE BILL ADDS THE NEW OATH TO THE LIST OF OATHS DEALT WITH IN THE ORDINANCE.

+CLAUSE 3 AMENDS THE ORDINANCE SO THAT A MEMBER OF THE LEGISLATIVE COUNCIL WILL HAVE A CHOICE TO TAKE EITHER THE OATH OF ALLEGIANCE OR THE LEGISLATIVE COUNCIL OATH.

+CLAUSE 4 HAS THE EFFECT OF RELIEVING A MEMBER OF THE LEGISLATIVE COUNCIL FROM THE REQUIREMENT TO TAKE EITHER THE OATH OF ALLEGIANCE OR THE LEGISLATIVE COUNCIL OATH IF HE HAS TAKEN EITHER OATH ON PREVIOUS APPOINTMENT TO THE COUNCIL,+ HE SAID.

SUBJECT TO THE BILL BEING PASSED, MR TSAO SAID, CONSEQUENTIAL CHANGES TO THE STANDING ORDERS OF THE LEGISLATIVE COUNCIL WOULD BE MADE BEFORE THE END OF THIS SESSION.

MR TSAO SAID THAT ON APPOINTMENT A MEMBER OF THE LEGISLATIVE COUNCIL, WHETHER OFFICIAL OR UNOFFICIAL, TAKES AN OATH OF ALLEGIANCE UNDER WHICH HE SWEARS THAT HE +WILL BE FAITHFUL AND BEAR TRUE ALLEGIANCE TO HER MAJESTY QUEEN ELIZABETH THE SECOND, HER HEIRS AND SUCCESSORS, ACCORDING TO LAW.+

IN THE CONTEXT OF MOVING TOWARDS MORE REPRESENTATIVE GOVERNMENT, HE SAID, RETENTION OF THE MANDATORY REQUIREMENT TO TAKE THIS OATH IN ITS PRESENT FORM MIGHT BE UNDESIRABLE.

HOWEVER, MR TSAO SAID, IT WAS PROPOSED THAT MEMBER OF THE EXECUTIVE COUNCIL SHOULD CONTINUE TO BE REQUIRED TO TAKE THE OATH OF ALLEGIANCE ON FIRST APPOINTMENT TO THE EXECUTIVE COUNCIL IF HE HAD NOT TAKEN IT BEFORE, EVEN THOUGH HE MIGHT HAVE TAKEN THE LEGISLATIVE COUNCIL OATH.

+NO CHANGE IS PROPOSED TO THAT PART OF THE PRINCIPAL ORDINANCE WHICH PROVIDES THAT AN AFFIRMATION IS PERMITTED IN LIEU OF AN OATH,+ HE SAID.

DEBATE ON THE BILL WAS ADJOURNED.

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PERSONAL TAX CUTS WILL BENEFIT 280 000

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PERSONAL TAX CONCESSIONS HE PROPOSED IN HIS BUDGET SPEECH THIS YEAR WOULD BENEFIT OVER 280 000 PEOPLE EITHER BY REMOVING OR REDUCING THEIR LIABILITY TO SALARIES TAX, THE FINANCIAL SECRETARY, THE HON SIR JOHN BREMRIDGE, SAID TODAY.

THESE PROPOSALS, SIR JOHN SAID, WERE GENEROUS GIVEN THE PRESENT BUDGETARY POSITION, BUT HE BELIEVED THAT THEY HAD BEEN SEEN AS FAIR BY MEMBERS OF THE COUNCIL AND THE PUBLIC, HE SAID.

+AS FORESHADOWED IN MY BUDGET SPEECH THEY ARE INTENDED TO BENEFIT THE LESS WELL-OFF SALARIES TAX-PAYER,+ SIR JOHN SAID, MOVING THE SECOND READING OF THE INLAND REVENUE (AMENDMENT) (NO. 3) BILL 1985.

HE RECALLED THAT THE FOUR CONCESSIONS HE PROPOSED WERE:

- FIRSTLY: TO INCREASE THE MARRIED PERSONS' ADDITIONAL ALLOWANCE FROM \$15 000 TO \$17 000, THEREBY INCREASING THE TOTAL PERSONAL ALLOWANCE OF A MARRIED COUPLE TO \$58 000.
- SECONDLY: TO INCREASE THE CHILD ALLOWANCE FOR A FIRST CHILD FROM \$8 000 TO \$9 000 AND FOR A SECOND CHILD FROM \$5 500 TO \$6 000, THEREBY INCREASING THE MAXIMUM CHILD ALLOWANCE TO \$27 000.
- THIRDLY: TO INCREASE THE ADDITIONAL ALLOWANCE FOR A DEPENDENT PARENT RESIDING WITH THE TAXPAYER FROM \$2 000 TO \$3 000 THUS BRINGING THE TOTAL ALLOWANCE FOR EACH DEPENDENT PARENT TO \$11 000.
- FOURTHLY: DEFERRING THE POINT AT WHICH THE 25 PER CENT TAX RATE TAKES EFFECT BY WIDENING THE 20 PER CENT BAND FROM \$10 000 TO \$20 000.

HE SAID THAT CLAUSE 4 OF THE BILL WAS A TRANSITIONAL PROVISION TO ENSURE THAT PROVISIONAL TAX ASSESSED AFTER APRIL 1, 1985 WAS BASED UPON THE NEW ALLOWANCES.

+THEY WILL NOT HOWEVER, AS WAS THE PRACTICE IN THE PAST, BE APPLICABLE TO THE FINAL TAX LIABILITY FOR THE PREVIOUS YEAR, I.E. THE NEW SCALE OF ALLOWANCES WILL NOT BE APPLICABLE TO 1984-85,+ HE EXPLAINED.

+EVEN SO, THESE MEASURES ARE EXPECTED TO COST THE GOVERNMENT \$150 MILLION IN 1985-86 AND \$210 MILLION PER ANNUM THEREAFTER.+

DEBATE ON THE BILL WAS ADJOURNED.

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BILL PROVIDES FOR SOFT DRINK, COSMETICS DUTY
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A BILL TO AMEND THE DUTIABLE COMMODITIES ORDINANCE AND DUTIABLE COMMODITIES REGULATIONS, TO PROVIDE FOR THE INTRODUCTION OF DUTY ON NON-ALCOHOLIC BEVERAGES AND COSMETICS AND TO BRING CONCENTRATES UNDER THE CONTROL OF THE ORDINANCE, WAS READ A SECOND TIME BY THE FINANCIAL SECRETARY, THE HON SIR JOHN BREMRIDGE, IN THE LEGISLATIVE COUNCIL TODAY.

MOVING THE SECOND READING OF THE DUTIABLE COMMODITIES (AMENDMENT) BILL 1985, SIR JOHN SAID CLAUSE 5 WOULD AMEND SECTION 26A, WHICH AT PRESENT APPLIED ONLY TO IMPORTED DUTIABLE GOODS. THE AMENDMENT WOULD EXTEND THE METHOD OF ASSESSING THE VALUE OF GOODS TO GOODS MANUFACTURED IN HONG KONG.

HE SAID THE CALCULATION OF THE NORMAL PRICE OF SUCH DUTIABLE GOODS WOULD BE DETERMINED ON THE ASSUMPTIONS THAT THE GOODS HAD BEEN DELIVERED TO THE BUYER AT HIS PREMISES, AND THAT THE SELLER BORE ALL CHARGES AND EXPENSES, INCLUDING TRANSPORT, INCIDENTAL TO THE SALE AND DELIVERY OF THE GOODS TO THE BUYER. AS WAS THE CASE FOR IMPORTED GOODS, THE BUYER WOULD BEAR ANY DUTY PAYABLE IN HONG KONG, HE SAID.

OTHER AMENDMENTS WOULD ENABLE THE COMMISSIONER TO REQUIRE AN IMPORTER OR MANUFACTURER OF JUICE TO MAKE A DECLARATION AS TO THE FRUIT OR VEGETABLE FROM WHICH THE JUICE HAD BEEN EXTRACTED, AND WOULD PROVIDE FEES FOR LICENCES IN CONNECTION WITH NON-ALCOHOLIC BEVERAGES AND COSMETICS.

SIR JOHN ALSO GAVE NOTICE THAT, AT THE COMMITTEE STAGE OF THE BILL, HE WOULD MOVE TWO AMENDMENTS.

THE FIRST AMENDMENT WOULD BE FOR DELETION OF +ESSENTIAL OIL+ FROM SECTION 76 (D), AS SET OUT IN CLAUSE 9 OF THE BILL, FOLLOWING REPRESENTATIONS FROM THE TRADE.

THE SECOND AMENDMENT WAS A MINOR AMENDMENT TO CLAUSE 12 OF THE BILL TO EXTEND THE HEADING TO PART VI OF THE SCHEDULE IN THE DUTIABLE COMMODITIES REGULATIONS TO INCLUDE CONCENTRATE. THIS AMENDMENT WAS CONSEQUENTIAL TO OTHER PROVISIONS IN THE BILL, HE SAID.

DEBATE ON THE BILL WAS ADJOURNED.

WEDNESDAY, MAY 1, 1985

- 21 -

MOTOR VEHICLE FEE RISES SOUGHT

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A BILL PROVIDING FOR INCREASES IN FEES FOR THE ANNUAL REGISTRATION OF MOTOR VEHICLES, PROVISIONAL AND FULL DRIVING LICENCES AND DRIVING TESTS, WAS READ A SECOND TIME BY THE FINANCIAL SECRETARY, THE HON SIR JOHN BREMRIDGE TODAY.

MOVING THE ROAD TRAFFIC (DRIVING LICENCES REGULATIONS AND REGISTRATION AND LICENSING OF VEHICLES REGULATIONS) (AMENDMENT) BILL 1985, SIR JOHN SAID THAT THE NEW FEES, AS DESCRIBED IN HIS BUDGET SPEECH, HAD COME INTO EFFECT AT 2.30 PM ON FEBRUARY 27 AS A RESULT OF AN ORDER SIGNED BY THE GOVERNOR UNDER THE PUBLIC REVENUE PROTECTION ORDINANCE.

THE REVISED RATES ARE SET OUT IN CLAUSES 2 AND 3 OF THE BILL WHICH AMEND THE SECOND SCHEDULE TO THE ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS AND THE SECOND SCHEDULE TO THE ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES) REGULATIONS.

THE ADDITIONAL REVENUE YIELD FROM THE INCREASED FEES FOR 1985-86 IS ESTIMATED TO BE \$67 MILLION.

DEBATE ON THE BILL WAS ADJOURNED.

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LEGAL AID ADMINISTRATION MADE EASIER

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A MOTION TO IMPROVE THE ADMINISTRATION OF LEGAL AID IN CRIMINAL CASES WAS APPROVED BY THE LEGISLATIVE COUNCIL TODAY.

IN SEEKING APPROVAL OF THE LEGAL AID IN CRIMINAL CASES (AMENDMENT) RULES 1985, THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION, THE HON PETER TSAO, SAID RULE TWO RELATED TO THOSE CASES IN WHICH A SOLICITOR WAS ASSIGNED BY THE DIRECTOR OF LEGAL AID TO REPRESENT A LEGALLY AIDED PERSON BUT ANOTHER SOLICITOR IN THE SAME FIRM CONDUCTED THE CASE IN PLACE OF THE SOLICITOR ORIGINALLY ASSIGNED.

+IN ORDER TO EXERCISE A MEASURE OF CONTROL OVER THE CONDUCT OF CRIMINAL CASES, AND TO PROTECT THE INTERESTS OF THE AIDED PERSON, THE AMENDMENT SEEKS TO RESTRICT THE RIGHT OF THE SOLICITOR ORIGINALLY ASSIGNED TO PASS THE CASE TO ANOTHER SOLICITOR IN THE SAME FIRM.

/+CASES IN

+CASES IN WHICH THE SOLICITOR IS NOT ASSIGNED AS AN ADVOCATE WILL REMAIN UNAFFECTED BUT IN RESPECT OF THOSE IN WHICH THE SOLICITOR IS ASSIGNED TO CONDUCT THE CASE IN COURT, AN ALTERNATE SOLICITOR FROM THE SAME FIRM WILL ONLY BE PERMITTED TO APPEAR WITH THE PRIOR APPROVAL OF THE DIRECTOR OF LEGAL AID,+ HE SAID.

MR TSAO SAID THE OPPORTUNITY HAD BEEN TAKEN IN RULE 3 TO EXTEND THE AVAILABILITY OF LEGAL AID TO PROCEEDINGS IN THE HIGH COURT OR DISTRICT COURT TO THOSE OFFENDERS WHO MIGHT BE REFERRED BACK TO THE COURT FOR SENTENCE AS A RESULT OF BREACH OF A COMMUNITY SERVICE ORDER AND TO CLARIFY DOUBTS AS TO THE AVAILABILITY OF LEGAL AID FOR THOSE WHO WERE TO BE SENTENCED BY A DISTRICT COURT JUDGE FOR CONTEMPT AND FOR SUMMARY PUNISHMENT FOR PERJURY.

THE RATIONALE BEHIND SUCH EXTENSIONS, MR TSAO SAID, WAS TO ENSURE THAT THOSE WHO WERE TO BE PUNISHED BY THE COURTS WERE NOT, THROUGH LACK OF MEANS, DEPRIVED OF LEGAL REPRESENTATION TO PLEAD MITIGATION.

+A FURTHER AMENDMENT PROVIDED BY RULE 3 ENSURES THAT THE LIMITS OF DISPOSABLE CAPITAL AND INCOME THAT GOVERN ELIGIBILITY FOR LEGAL AID IN CRIMINAL CASES ARE AUTOMATICALLY MAINTAINED AT THE SAME LEVEL AS THOSE THAT APPLY UNDER THE LEGAL AID ORDINANCE IN RESPECT OF CIVIL CASES,+ HE SAID.

MR TSAO SAID THE AMENDMENT CONTAINED IN RULE 6 REMOVED THE STATUTORY LIMIT ON FEES PAYABLE TO SOLICITORS FOR PREPARATORY WORK AND DAILY ATTENDANCES IN CASES WHICH THE COURT HAD CERTIFIED WERE OF EXCEPTIONAL LENGTH OR COMPLEXITY AND EMPOWERED THE DIRECTOR TO PAY SUCH FEES AS WERE PROPER IN THE CIRCUMSTANCES OF THE CASE.

+THIS IS THE EXISTING PRACTICE UNDER THE RULES FOR THE FEES PAYABLE TO COUNSEL ONCE SUCH A CERTIFICATE HAS BEEN GIVEN BY THE COURT.

+THE NEED FOR THE AMENDMENT HAS ARISEN AS A RESULT OF THE INCREASE IN LENGTHY CASES INVOLVING SUBSTANTIAL PREPARATORY WORK BY SOLICITORS PRIOR TO TRIAL.

+THE LEGAL AID DEPARTMENT HAS INSUFFICIENT MANPOWER RESOURCES TO CONDUCT SUCH CASES AND THE EXISTING FEES PAYABLE TO SOLICITORS ARE SUCH THAT PRIVATE PRACTITIONERS ASSIGNED WOULD BE REQUIRED TO CARRY OUT THE WORK AT GROSSLY UNECONOMIC RATES AND ARE NOT UNNATURALLY RELUCTANT TO DO SO DESPITE THEIR RECORD OF SELFLESS ASSISTANCE TO THE LEGAL AID SCHEME.

+AMENDMENTS ARE MADE TO THE FORM OF APPLICATION FOR LEGAL AID IN CRIMINAL CASES TO ACHIEVE CONSISTENCY WITH THAT USED FOR CIVIL CASES AND CROSS REFERENCES TO PREVIOUS REGULATIONS AS TO ASSESSMENT OF RESOURCES AND CONTRIBUTIONS ARE CORRECTED TO REFLECT RECENT CHANGES EFFECTED BY THOSE REGULATIONS,+ MR TSAO SAID.

WEDNESDAY, MAY 1, 1985

- 23 -

WIDE SUPPORT FOR OBSCENE PUBLICATIONS TRIBUNAL
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THERE HAD BEEN WIDESPREAD PUBLIC SUPPORT FOR THE ESTABLISHMENT OF A TRIBUNAL TO DEAL WITH OBSCENE PUBLICATIONS, THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION, THE HON PETER TSAO, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

+AND THE HONG KONG MAGISTRATES' ASSOCIATION HAS GIVEN SUPPORT, IN PRINCIPLE, TO SUCH A SYSTEM,+ HE SAID.

REPLYING TO A QUESTION FROM THE HON RITA FAN, MR TSAO SAID THE GOVERNMENT WAS WELL AWARE OF THE RECENT CLAMOUR FOR THE EARLY ESTABLISHMENT OF SUCH A TRIBUNAL.

+OUR INTENTION IS TO DEVELOP AN ACTION PLAN, TOGETHER WITH A REALISTIC PACKAGE OF PROPOSALS, FOR THE EXECUTIVE COUNCIL'S CONSIDERATION BEFORE THE END OF THIS SUMMER,+ HE SAID.

POINTING OUT THAT THE TRIBUNAL CONCEPT WOULD NOT IN ITSELF SOLVE THE IMMEDIATE PROBLEMS OF OBJECTIONABLE PUBLICATIONS, MR TSAO SAID HE HAD TAKEN UP THE MATTER PERSONALLY WITH THE COMMISSIONER OF POLICE, AND THEY HAD AGREED THAT WAYS AND MEANS SHOULD BE FOUND TO ACHIEVE SPEEDIER AND MORE EFFECTIVE ACTION ON THE GROUND.

+CONSIDERATION IS THEREFORE BEING GIVEN TO TAKING ACTION NOT ONLY AGAINST PUBLISHERS, AS WE HAVE DONE HITHERTO, BUT ALSO PRINTERS, DISTRIBUTORS AND VENDORS WHO ARE EQUALLY LIABLE UNDER EXISTING LAWS,+ HE SAID.

+I HAVE BEEN ASSURED THAT ACTION, AIMING PARTICULARLY AT OFFENDING PUBLISHERS AND VENDORS, WILL BE TAKEN.

+I TRUST THAT THESE MEASURES WILL GIVE THE ADMINISTRATION TIME TO IMPLEMENT A DEFINITIVE SOLUTION, I.E. THE TRIBUNAL CONCEPT.+

AS FOR THE INTER-DEPARTMENTAL WORKING GROUP ESTABLISHED TO CONSIDER IN DETAIL THE SETTING UP OF THE TRIBUNAL, MR TSAO SAID IT HAD CONCLUDED THAT SUCH A TRIBUNAL WOULD SERVE AT LEAST THE FOLLOWING FOUR MAIN PURPOSES:

- * BY VIRTUE OF ITS COMPOSITION, IT WOULD BE BETTER PLACED TO REFLECT THE VIEWS OF THE COMMUNITY;
- * VOLUNTARY PRE-PUBLICATION AND PRE-DISTRIBUTION SUBMISSION TO THE TRIBUNAL FOR A RULING WOULD HELP DISTRIBUTORS AND PUBLISHERS AVOID TRANSGRESSING THE LAW;
- * A DEGREE OF CONSISTENCY IN STANDARDS COULD BE ATTAINED; AND
- * DEFINITIVE AND SPEEDIER RULINGS COULD BE OBTAINED.

/+THE WORKING

+THE WORKING GROUP HAS ALSO DELIBERATED ON A NUMBER OF ISSUES, INCLUDING THE TRIBUNAL'S SCOPE OF WORK, COMPOSITION, PROCEDURE FOR HEARING AND APPEAL, ITS INTERACTION WITH THE COURT SYSTEM AND PROVISIONS FOR MORE EFFECTIVE SEIZURE ACTIONS ONCE A RULING IS PASSED,+ MR TSAO SAID.

+THE WORKING GROUP WILL PRESS ON WITH THE REMAINING ISSUES, SUCH AS, ENFORCEMENT OF THE TRIBUNAL'S RULING, CONTROL OF SALES OUTLETS, SERVICING OF A TRIBUNAL WHICH IS LIKELY TO HAVE FLUCTUATING WORKLOADS.+

MR TSAO POINTED OUT, HOWEVER, THAT THE QUESTION REMAINED AS TO HOW FAR CONTROLS SHOULD GO, AS A LINE WOULD NEED TO BE DRAWN BETWEEN INFRINGING ON THE PERSONAL FREEDOM OF AN ADULT WHO READ FOR HIS PRIVATE PLEASURE AND PROTECTING JUVENILES FROM INDISCRIMINATE EXPOSURE TO INDECENT MATERIAL.

+THE GOVERNMENT IS CONSCIOUS OF THE FACT THAT PORNOGRAPHY IS A SOCIAL ISSUE, WHICH, LIKE MANY OTHERS WITH A MORAL IMPORT, CANNOT AND WILL NOT BE SOLVED BY THE IRON HANDS OF THE LAW ALONE,+ HE SAID.

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HOUSING AUTHORITY RECORDS 3.6 PER CENT VACANCY RATE
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OF THE 15 897 COMMERCIAL PROPERTIES MANAGED BY THE HOUSING AUTHORITY, 577 OR ABOUT 3.6 PER CENT WERE VACANT AT THE END OF MARCH, THE SECRETARY FOR HOUSING, THE HON DAVID FORD, SAID TODAY.

REPLYING TO A QUESTION BY THE HON KEITH LAM, READ OUT BY THE HON CHEUNG YAN-LUNG, IN THE LEGISLATIVE COUNCIL, MR FORD SAID THIS FIGURE WAS ABOUT ONE-THIRD OF THE VACANCY RATE OF COMMERCIAL PREMISES IN THE PRIVATE SECTOR.

HE SAID THE HOUSING AUTHORITY WOULD CONSIDER LOWERING RENTS IN ORDER TO REDUCE VACANCIES AND IT WAS BEING DONE ALREADY.

HOWEVER, HE POINTED OUT THAT ONCE A TENANCY AGREEMENT WAS SIGNED, THE HOUSING AUTHORITY DID NOT THINK IT WAS REASONABLE TO LOWER A TENDERED RATE DURING THE PERIOD OF THE TENANCY, BECAUSE TO DO SO WOULD BE UNFAIR TO UNSUCCESSFUL TENDERS.

+WHILE WE DO NOT LIKE TO SEE TENANTS RUN BUSINESS AT A LOSS, WE DO NOT FEEL THAT THE AUTHORITY CAN BE EXPECTED TO ENSURE THAT ALL ITS SHOP TENANTS CAN MAKE A PROFIT.

/+ON THE

+ON THE OTHER SIDE OF THE COIN, THE AUTHORITY DOES NOT INCREASE RENT DURING AN AGREED TENANCY TERM EVEN IF THE ENTERPRISE IS MAKING VERY GOOD PROFITS,+ HE SAID.

MR FORD SAID THAT UNDER A TENDERED RENT SYSTEM FOR INITIAL LETTINGS OF COMMERCIAL TENANCIES, THE UPSET RENT WAS SET NOT MORE THAN 90 PER CENT OF THE FULL MARKET VALUE AS ASSESSED BY THE COMMISSIONER OF RATING AND VALUATION.

+IF NO TENDERS ARE ATTRACTED ABOVE THIS UPSET RENT, THE PREMISES ARE PUT OUT TO TENDER AGAIN, VERY OFTEN WITHOUT ANY UPSET RENT. IN THE PAST SIX MONTHS, SOME 32 PREMISES WERE LET WITH TENDERED RENTS WELL BELOW 90 PER CENT OF THE ASSESSED FULL MARKET VALUE,+ HE SAID.

WHEN TENANCIES ARE DUE FOR RENEWAL, MR FORD SAID, THE ADVICE OF THE RATING AND VALUATION DEPARTMENT IS SOUGHT ON THE CURRENT MARKET RENT FOR PARTICULAR PREMISES.

+BUT CONSIDERATION IS ALSO GIVEN NOT ONLY TO THIS FIGURE BUT ALSO TO THE VIABILITY OF TENANTS' BUSINESS. IN MANY CASES, THE RENT EVENTUALLY AGREED WITH COMMERCIAL TENANTS ON RENEWAL IS LOWER THAN THE CURRENT MARKET RENT,+ HE SAID.

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POLICE ACT AGAINST INDECENT DISPLAYS

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POLICE HAD SUCCESSFULLY PROSECUTED SHOPOWNERS FOR INDECENT DISPLAYS OF SEXUAL ARTEFACTS, THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION, THE HON PETER TSAO TOLD THE LEGISLATIVE COUNCIL TODAY.

THE LEGAL ACTION HAD BEEN TAKEN UNDER SECTION 4 (1) OF THE OBJECTIONABLE PUBLICATIONS ORDINANCE, CAP 150, MR TSAO SAID, REPLYING TO A QUESTION BY THE HON YEUNG PO-KWAN.

HOWEVER, MR TSAO SAID, LEGAL ADVICE WAS THAT UNLESS THE ARTICLES ON DISPLAY WERE VISUALLY OBSCENE, INDECENT OR REVOLTING, THE MERE DISPLAY OR SALE OF FUNCTIONAL ARTICLES WOULD NOT IN ITSELF GIVE RISE TO SUCCESSFUL PROSECUTIONS.

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WEDNESDAY, MAY 1, 1985

- 26 -

CONTROL OF ILLEGAL BUILDING WORKS UNDER REVIEW
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THE GOVERNMENT WAS FORMULATING A THREE-PRONGED PROGRAMME OF ADMINISTRATIVE, ORGANISATIONAL AND LEGISLATIVE REVIEW OF ITS CONTROL OVER ILLEGAL EXTENSIONS, ALTERATIONS AND STRUCTURES IN MULTI-STOREY BUILDINGS, THE SECRETARY FOR LANDS AND WORKS, THE HON NICKY CHAN, TOLD THE LEGISLATIVE COUNCIL TODAY.

REPLYING TO A QUESTION FROM THE HON YEUNG PO-KWAN, MR CHAN SAID A RADICAL EXAMINATION OF GOVERNMENT'S BASIC POLICY OBJECTIVES OF CONTROL OVER ILLEGAL BUILDING WORKS, INCLUDING A REDEFINITION OF PRIORITIES, WAS NEEDED TO TACKLE THE PROBLEM.

+FOR EXAMPLE, WE SHOULD ASK OURSELVES WHAT DO WE SEEK TO ACHIEVE BY CONTROLLING ILLEGAL WORKS WHICH ARE STRUCTURALLY SAFE,+ HE SAID.

+ADDITIONALLY, PUBLIC ATTITUDES AND THEIR UNDERSTANDING OF THE PROBLEM AND THE GOVERNMENT'S DETERMINATION TO TACKLE THE PROBLEM WILL GO SOME WAY TOWARDS REDUCING IT TO MANAGEABLE PROPORTIONS.+

STRESSING THAT THERE WAS NO COMMITMENT AT THIS STAGE TO ANY DEFINITIVE POLICY INTENTIONS, MR CHAN SAID ONE CONCEPT WHICH HAD DEVELOPED IN THE REVIEW WAS THE INTRODUCTION OF A SYSTEM OF ANNUAL CERTIFICATION OR DECLARATION REGARDING THE EXISTENCE OF ILLEGAL STRUCTURES IN NEWLY COMPLETED RESIDENTIAL BUILDINGS.

+THIS CONCEPT ENVISAGES THE PARTICIPATION OF PRIVATE BUILDING OWNERS WHO ARE CLOSER TO THE CAUSES AND EFFECTS IN ENVIRONMENT, HEALTH AND SAFETY MATTERS,+ HE SAID.

+THIS CONCEPT HAS BEEN FLOATED AND HAS ATTRACTED NOT ONLY PUBLIC AWARENESS OF THE PROBLEM BUT ALSO A WIDE RANGE OF COMMENTS WHICH WOULD ASSIST IN OUR SEARCH FOR A SOLUTION TO THE PROBLEM.

+WE ARE STILL IN THE PROCESS OF CONSULTATION.+

MR CHAN POINTED OUT THAT THE PROLIFERATION OF ILLEGAL BUILDING WORKS OVER THE YEARS HAD RESULTED IN A CURRENT BACKLOG OF 23 000 CASES WHICH CONTINUED TO GROW AT THE RATE OF SOME 800 NEW CASES EACH MONTH.

AN AVERAGE OF 500 CASES INVOLVING CLEARANCE OF SUCH ILLEGAL WORKS WERE BEING DEALT WITH BY THE BUILDINGS ORDINANCE OFFICE EACH MONTH, HE SAID.

+OF THIS NUMBER, ABOUT 10 PER CENT RELATE TO CASES WHERE THERE IS A HAZARD TO LIFE AND LIMB WHICH WARRANT ABSOLUTE PRIORITY,+ HE ADDED.

IN REPLY TO ANOTHER QUESTION RAISED EARLIER BY DR THE HON HENRIETTA IP, MR CHAN SAID THE BUILDINGS ORDINANCE PROVIDED FOR THE PROSECUTION OF ANY PERSON, INCLUDING A CONTRACTOR, WHO CARRIED OUT ILLEGAL BUILDING WORKS.

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WEDNESDAY, MAY 1, 1985

- 27 -

WATCH KEPT ON INFECTION CONTROL MEASURES
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MEASURES TO CONTROL AND PREVENT CROSS INFECTION ARE CONSTANTLY AND REGULARLY MONITORED BY SPECIAL INFECTION CONTROL COMMITTEES IN MAJOR HOSPITALS AND MANAGEMENT COMMITTEES IN ALL OTHER HOSPITALS, THE DIRECTOR OF MEDICAL AND HEALTH SERVICES, DR THE HON K.L. THONG, SAID TODAY.

IN REPLY TO A QUESTION FROM DR THE HON HO KAM-FAI, IN THE LEGISLATIVE COUNCIL, DR THONG SAID THE CONTROL AND PREVENTION OF CROSS INFECTION HAD ALWAYS BEEN AN IMPORTANT ASPECT OF HOSPITAL PRACTICE AND ADMINISTRATION.

+THUS, MEASURES TO IDENTIFY, PREVENT AND CONTROL HOSPITAL ACQUIRED INFECTIONS ARE NORMALLY UNDERTAKEN BY ALL HOSPITAL ADMINISTRATIONS WITHIN THEIR HOSPITALS,+ HE SAID.

DR THONG SAID THAT THE HOSPITAL MANAGEMENT COMMITTEES WERE RESPONSIBLE FOR OVERSEEING THE NORMAL MEDICAL, NURSING AND ADMINISTRATIVE PROCEDURES FOR INFECTION CONTROL PURPOSES.

THESE COMMITTEES ALSO CONSIDERED AND IMPLEMENTED ANY MEASURES WHICH WERE CONSIDERED NECESSARY FOR IMPROVEMENT FROM TIME TO TIME, HE ADDED.

DR THONG TOLD THE COUNCIL THAT ADDITIONAL PROVISIONS WERE MADE FOR THE CARE OF PAEDIATRIC PATIENTS, INCLUDING THE ESTABLISHMENT OF MILK KITCHENS, NEO-NATAL INTENSIVE CARE UNITS FOR PRE-MATURE BABIES AND INFANTS WHO NEEDED SPECIAL CARE AS WELL AS ISOLATION FACILITIES.

+THESE MEASURES ALL HELP TO CONTROL AND REDUCE THE CHANCES OF HOSPITAL INFECTION AMONG PAEDIATRIC PATIENTS,+ HE SAID.

DR THONG OUTLINED THE VARIOUS MEASURES UNDERTAKEN BY ALL HOSPITAL ADMINISTRATIONS TO CONTROL AND PREVENT HOSPITAL ACQUIRED INFECTION. THESE INCLUDED SURVEILLANCE, EDUCATION AND PROTECTION FOR STAFF AND POLICIES AND GUIDELINES FOR PREVENTION AND CONTROL OF CROSS INFECTION.

+SURVEILLANCE IS CARRIED OUT FOR THE PURPOSE OF REPORTING, COLLECTING AND COMPILING RELEVANT DATA ON HOSPITAL INFECTIONS.

+SUCH DATA PROVIDES USEFUL INFORMATION ON THE INCIDENCE, TREND AND PATTERN OF INFECTION AND ASSIST THE HOSPITAL ADMINISTRATIONS IN ASSESSING THE EFFECTIVENESS OF THE REGULAR PREVENTIVE MEASURES.

+IT ALSO ENABLES THE ADMINISTRATION TO RECOGNISE EARLY ANY POTENTIAL SERIOUS OUTBREAKS THAT MAY OCCUR WITHIN THE HOSPITAL SO THAT THE NECESSARY PREVENTIVE MEASURES COULD BE TAKEN IN TIME,+ HE SAID.

/ON EDUCATION

WEDNESDAY, MAY 1, 1985

- 28 -

ON EDUCATION AND PROTECTION FOR STAFF, DR THONG SAID APART FROM THEIR TRAINING, SPECIAL LECTURES WERE ORGANISED AND GUIDELINES ON PRECAUTIONARY MEASURES WERE ISSUED IN RESPECT OF CERTAIN DISEASES OF SPECIAL INTEREST SUCH AS HEPATITIS B AND THE RECENT ACQUIRED IMMUNE DEFICIENCY SYNDROME.

IN ADDITION, THERE ARE POLICIES AND GUIDELINES FOR PREVENTION AND CONTROL OF CROSS INFECTION.

+THESE ARE USEFUL FOR THE HOSPITAL STAFF IN THE COURSE OF THEIR DUTIES TO FOLLOW SO AS TO KEEP CROSS INFECTION TO A MINIMUM.

+THESE INCLUDE PROCEDURES FOR ISOLATION OF PATIENTS, BARRIER NURSING, DISINFECTION, STERILISATION, PROPER CARE OF EQUIPMENT, SURGICAL PROCEDURES AND SPECIAL INFECTION CONTROL MEASURES IN AREAS SUCH AS THE INTENSIVE CARE UNITS AND RENAL DIALYSIS UNITS.

+STERILISED DRESSINGS AND EQUIPMENT FOR USE IN THE WARDS ARE MADE AVAILABLE FROM THE CENTRAL STERILISED SUPPLY DEPARTMENT SO AS TO ELIMINATE THE RISK OF CROSS INFECTION,+ DR THONG SAID.

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NEW CONTROL POINT FACILITIES WILL BE MANNED

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NEW FACILITIES AT THE MAN KAM TO CONTROL POINT WILL HAVE TO BE MANNED SOMEHOW, PERHAPS BY THE REDEPLOYMENT OF POSTS FROM OTHER HEADS OF EXPENDITURE, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, TOLD THE LEGISLATIVE COUNCIL TODAY.

REPLYING TO A QUESTION FROM THE HON YEUNG PO-KWAN, MR JEAFFRESON POINTED OUT THAT SINCE THERE WERE NO PROVISIONS FOR ADDITIONAL POSTS FOR THE IMMIGRATION DEPARTMENT IN THE 1985-86 ESTIMATES, ONE WAY OF DEALING WITH THE INCREASE IN THE NUMBER OF TRAVELLERS PASSING THROUGH MAN KAM TO WAS BY REDEPLOYMENT OF EXISTING STAFF.

+BUT THERE ARE LIMITS TO THE EXTENT TO WHICH STAFF CAN BE REDEPLOYED IN ANY PARTICULAR DIRECTION,+ HE SAID.

+THESE LIMITS, DICTATED BY THE CONSEQUENCES OF DEPLETING STAFF AT OTHER CONTROL POINTS, MAY WELL NOW HAVE BEEN REACHED.

/+OVER THE

+OVER THE LAST TWO YEARS (1982 TO 1984) THE NUMBER OF VEHICLES GOING THROUGH THE CONTROL POINT AT MAN KAM TO HAS BEEN INCREASED FROM 591 000 TO 1.3 MILLION AND THE NUMBER OF PASSENGERS FROM 248 000 TO 310 000 A YEAR.

+AT THE SAME TIME, THE NUMBER OF TRAVELLERS GOING THROUGH THE CONTROL POINTS AT, SAY, KAI TAK HAS INCREASED FROM 7.5 MILLION TO 8.5 MILLION A YEAR.

+BUT THE FACT OF THE MATTER IS THAT THERE ARE PROBLEMS AT MAN KAM TO AND NEW FACILITIES ARE NOW BEING BUILT TO MEET THEM. THEY WILL HAVE TO BE MANNED SOMEHOW, PERHAPS EVEN BY THE REDEPLOYMENT OF POSTS FROM OTHER HEADS OF EXPENDITURE,+ HE SAID.

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REGULATIONS FOR PHYSIOTHERAPISTS UNDERWAY
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THE PHYSIOTHERAPISTS BOARD WAS FINALISING DRAFT REGULATIONS FOR THE REGISTRATION OF SUITABLE AND QUALIFIED PERSONS IN THE PROFESSION, THE DIRECTOR OF MEDICAL AND HEALTH SERVICES, DR THE HON K.L. THONG SAID TODAY (WEDNESDAY).

+IT IS ENVISAGED THAT THESE REGULATIONS WILL BE SUBMITTED TO THE EXECUTIVE COUNCIL FOR CONSIDERATION AND APPROVAL LATER THIS YEAR,+ DR THONG SAID IN REPLY TO A QUESTION FROM DR THE HON HENRIETTA IP IN THE LEGISLATIVE COUNCIL.

IF THE REGULATIONS WERE APPROVED AND WHEN THEY CAME INTO FORCE, DR THONG SAID, ANY PERSON NOT QUALIFIED FOR REGISTRATION BUT PROVEN TO BE PRACTISING AS A PHYSIOTHERAPIST WOULD BE DEALT WITH IN ACCORDANCE WITH THE LAW.

AT PRESENT, HE SAID, THERE WERE NO REGULATIONS IN FORCE SETTING OUT QUALIFICATIONS IN RESPECT OF PHYSIOTHERAPISTS FOR REGISTRATION AND PRACTICE.

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10 000 OFF-STREET PARKING SPACES IN EASTERN
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THERE ARE ABOUT 10 000 OFF-STREET PARKING SPACES IN EASTERN DISTRICT, MOST OF THEM IN HOUSING ESTATES AND RESERVED FOR RESIDENTS, THE SECRETARY FOR TRANSPORT, THE HON IAN MACPHERSON, SAID TODAY.

HOWEVER, MANY OF THESE ESTATES WITH COMMERCIAL CENTRES ALSO MAKE SPACES AVAILABLE TO THE GENERAL PUBLIC, HE ADDED.

REPLYING TO A QUESTION BY DR THE HON HENRIETTA IP IN THE LEGISLATIVE COUNCIL, MR MACPHERSON SAID THERE ARE 721 METERED ON-STREET SPACES OF WHICH 486 ARE IN CAUSEWAY BAY AND NORTH POINT, 79 IN SHAU KEI WAN AND 156 IN CHAI WAN.

ONE HUNDRED OTHER ON-STREET PARKING SPACES HAD BEEN SUSPENDED BECAUSE OF WORK ON THE MTR ISLAND LINE, BUT THEY WOULD SOON BE MADE AVAILABLE AGAIN, HE SAID.

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FIRE SERVICES LIABILITY EXPLAINED
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THE GOVERNMENT WAS NOT LIABLE TO PAY COMPENSATION FOR ANY DAMAGE DONE BY THE FIRE SERVICES DEPARTMENT DURING FIRE FIGHTING OPERATIONS OR IN THE COURSE OF CARRYING OUT ITS OTHER DUTIES UNDER THE FIRE SERVICES ORDINANCE, UNLESS IT COULD BE SHOWN THAT THE DEPARTMENT OR ITS PERSONNEL HAD BEEN NEGLIGENT.

THIS WAS STATED BY THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, TO A QUESTION BY THE HON WONG LAM IN THE LEGISLATIVE COUNCIL TODAY.

HE SAID THAT MEMBERS OF THE DEPARTMENT WOULD ALSO NOT BE LIABLE INDIVIDUALLY TO ANY ACTION FOR DAMAGES AS LONG AS THEY WERE BONA FIDE CARRYING OUT IN THE COURSE OF THEIR DUTIES UNDER POWERS CONFERRED BY THE FIRE SERVICES ORDINANCE.

BUT THE FIRE SERVICES ORDINANCE DID SPECIFICALLY PROVIDE THAT ANY DAMAGE DONE BY THE DEPARTMENT OR ITS PERSONNEL IN THE COURSE OF CARRYING OUT THEIR LEGITIMATE DUTIES ON THE OCCASION OF A FIRE WOULD BE DEEMED TO BE DAMAGE BY FIRE WITHIN THE MEANING OF ANY POLICY OF INSURANCE AGAINST FIRE, HE SAID.

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WEDNESDAY, MAY 1, 1985

- 31 -

INSTITUTIONAL CARE FOR MENTALLY HANDICAPPED TO BE EXPANDED
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ACTIONS PLANNED BY THE GOVERNMENT TO REDUCE THE SHORTFALL OF INSTITUTIONAL CARE FOR THE MENTALLY HANDICAPPED WERE OUTLINED BY THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON NEIL HENDERSON, TODAY.

IN REPLY TO A QUESTION FROM THE HON KEITH LAM READ OUT BY THE HON CHEUNG YAN-LUNG, MR HENDERSON POINTED OUT THAT VERY ACTIVE CONSIDERATION WAS BEING GIVEN TO A PROGRAMME OF CONVERTING SOME ORDINARY SCHOOLS TO SPECIAL SCHOOLS AND TO USING OTHERS AS TEMPORARY PREMISES WHILE NEW SCHOOLS WERE BEING BUILT.

HE ADDED THAT THE STANDARDISING OF BUILDING PLANS FOR ALL TYPES OF SCHOOLS FOR THE MENTALLY HANDICAPPED TO REDUCE THE TIME TAKEN FOR INDIVIDUAL PLANS TO SECURE APPROVAL AND TO SECURE MORE BOARDING PLACES WAS ALSO UNDER VERY ACTIVE CONSIDERATION.

HE NOTED THAT 5 287 SPECIAL SCHOOL PLACES WERE REQUIRED ACCORDING TO THE UPDATED 1984 REHABILITATION PROGRAMME PLAN AND IN 1985-86 4 290 PLACES WOULD BE AVAILABLE.

+THE PLANNING SHORTFALL IS THEREFORE 997 AND THERE ARE 621 STUDENTS ON EDUCATION DEPARTMENT'S WAITING LIST,+ HE SAID.

FOR WORK ACTIVITY CENTRE, MR HENDERSON SAID THESE PLACES WOULD BE INCREASED BY AN ANNUAL AVERAGE OF 300 PLACES.

THE DEMAND FIGURES UNDER THE UPDATED 1984 REHABILITATION PROGRAMME PLAN WERE 4 190 PLACES. IN 1985-86, 1 145 PLACES WOULD BE AVAILABLE, GIVING A SHORTFALL OF 3 045, HE SAID.

+SHELTERED WORKSHOP PLACES ARE TO BE INCREASED BY AN ANNUAL AVERAGE OF 550 PLACES,+ HE SAID, ADDING THAT AT LEAST 70 PER CENT OF THESE PLACES WERE EARMARKED FOR THE MENTALLY HANDICAPPED.

HE POINTED OUT THAT THE CALCULATION OF DEMAND FOR SHELTERED WORKSHOPS WAS BEING REVIEWED, AND THE CURRENT KNOWN REQUIREMENT FOR MENTALLY HANDICAPPED PERSONS WAS 2 283.

+THERE WILL BE 1 834 SUCH PLACES AVAILABLE IN 1985-86, GIVING A SHORTFALL OF 449,+ HE ADDED.

ON RESIDENTIAL CENTRES, MR HENDERSON SAID THE GOVERNMENT PLANNED TO INCREASE THE NUMBER OF PLACES FOR SEVERELY MENTALLY HANDICAPPED ADULTS BY 100 ANNUALLY, AND MODERATELY MENTALLY HANDICAPPED ADULTS BY 200 ANNUALLY.

A TOTAL OF 3 930 PLACES IN SUCH CENTRES WERE REQUIRED AND 1 591 PLACES WERE AVAILABLE IN 1985-86, WHICH MEANT THAT THE SHORTFALL WAS 2 339.

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MEAT BOUGHT IN CHINA OF GOOD QUALITY
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MEAT BOUGHT BY INDIVIDUAL SHOPPERS IN CHINA AND THEN BROUGHT INTO HONG KONG WAS GENERALLY OF A GOOD QUALITY AND IT HAD NOT BEEN FOUND NECESSARY TO SUBJECT IT TO HEALTH INSPECTION.

THE CHIEF SECRETARY, THE HON SIR PHILIP HADDON-CAVE, SAID THIS AT TODAY'S LEGISLATIVE COUNCIL MEETING IN REPLY TO A QUESTION BY THE HON SELINA CHOW.

HE POINTED OUT THAT THIS KIND OF SHOPPING IN NEIGHBOURING CHINESE TOWNS HAD BEEN GOING ON FOR A LONG TIME.

MOREOVER, THE QUANTITIES INVOLVED WERE SMALL, BEING FOR CONSUMPTION BY THE INDIVIDUALS THEMSELVES AND THEIR FAMILIES, SIR PHILIP SAID.

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INTEREST REVENUE DUE LATER THIS YEAR
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REVENUE YIELDS FROM INTEREST RECEIVABLE BY BUSINESS ENTERPRISES WOULD NOT COME IN UNTIL THE LATTER PART OF THE 1985-86 FISCAL YEAR, THE FINANCIAL SECRETARY, THE HON SIR JOHN BREMRIDGE TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON RITA FAN, SIR JOHN RECALLED THAT HE HAD SAID IN HIS 1984 BUDGET SPEECH THAT IT WAS INTENDED THAT HIS PROPOSAL SHOULD APPLY ONLY TO INTEREST ACCRUING ON OR AFTER APRIL 1, 1984 AND THAT IT WOULD HAVE EFFECT FOR THE FIRST TIME IN RESPECT OF FINAL ASSESSMENTS FOR 1984-85, WHICH WERE GENERALLY NOT DUE FOR PAYMENT UNTIL MARCH 31, 1985.

THERE WOULD, THEREFORE, HE HAD THEN SAID, BE NO IMMEDIATE ADDITION TO REVENUE.

SIR JOHN EXPLAINED THAT IN ACCORDANCE WITH CURRENT DEPARTMENTAL ROUTINES, 1984-85 (FINAL) AND 1985-86 (PROVISIONAL) PROFITS TAX RETURNS WERE ISSUED ON APRIL 1, 1985 AND WOULD BEGIN TO FLOW BACK TO THE INLAND REVENUE DEPARTMENT AND BE ASSESSED DURING THE FORTHCOMING MONTHS.

+YIELDS FROM THIS SOURCE, WILL NOT, THEREFORE, BEGIN TO COME IN UNTIL THE LATTER PART OF THE 1985-86 FISCAL YEAR.

+AFTER CONSULTING THE COMMISSIONER OF INLAND REVENUE, I STICK TO MY ORIGINAL ESTIMATE OF A SIGNIFICANT TOTAL YIELD OF \$350 MILLION THIS YEAR,+ SIR JOHN SAID.

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WEDNESDAY, MAY 1, 1985

- 33 -

KCRC CUTS LOSS, CARRIES MORE PASSENGERS
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THE KOWLOON-CANTON RAILWAY CORPORATION SUFFERED A LOSS OF \$65 MILLION FOR THE YEAR ENDING DECEMBER 31, 1984, AFTER DEPRECIATION AND INTEREST CHARGES, AND THIS WAS 58 PER CENT LESS THAN THE LOSS FOR THE PERIOD FROM FEBRUARY TO DECEMBER 1983, THE FINANCIAL SECRETARY, THE HON SIR JOHN BREMRIDGE, TOLD THE LEGISLATIVE COUNCIL TODAY.

TOTAL REVENUE, HE EXPLAINED, CAME TO \$410 MILLION, AND THE RESULTANT OPERATING PROFIT BEFORE DEPRECIATION AND INTEREST WAS \$148 MILLION.

THE DEBT OUTSTANDING TO THE GOVERNMENT HAD BEEN REDUCED TO \$1 BILLION, FOLLOWING THE REPAYMENT OF INTEREST ACCRUED THROUGH 1983, SIR JOHN SAID, TABLING THE KCRC ANNUAL REPORT FOR 1984.

BUT THE 78.7 MILLION PASSENGERS CARRIED BY THE RAILWAY DURING THE YEAR REPRESENTED AN INCREASE OF 63.6 PER CENT OVER THE NUMBER CARRIED IN 1983, HE SAID.

+CROSS BORDER TRAVEL THROUGH LO WU INCREASED BY 57 PER CENT TO 13.2 MILLION PASSENGER MOVEMENTS, WHILE FREIGHT CARRIED TO AND FROM CHINA IN TERMS OF WEIGHT INCREASED BY 50 PER CENT AND 9.8 PER CENT RESPECTIVELY,+ HE SAID.

SIR JOHN ASSURED MEMBERS THAT THE RELIABILITY OF THE SYSTEM WOULD BE FURTHER IMPROVED AFTER CERTAIN SHORT AND LONG TERM REMEDIAL MEASURES HAD BEEN IMPLEMENTED.

+DESPITE A NUMBER OF DISRUPTIONS WHICH OCCURRED TOWARDS THE END OF 1984, THE RAILWAY ACHIEVED A GOOD OVERALL PUNCTUALITY RATE OF 96.6 PER CENT,+ HE SAID.

TURNING TO THE CONSTRUCTION AND OPERATION OF A NEW LIGHT RAIL TRANSIT SYSTEM IN THE WESTERN NEW TERRITORIES, SIR JOHN SAID TENDERS FOR THE PROJECT HAD BEEN INVITED AND THE CONTRACT WOULD BE AWARDED IN THE MIDDLE OF THIS YEAR.

THE CORPORATION, HE SAID, HAD MADE A SUCCESSFUL START IN OPERATING THE NEWLY ELECTRIFIED AND MODERNISED RAILWAY.

BY TAKING ON THE LIGHT RAIL TRANSIT SYSTEM SCHEDULED FOR SERVICE IN MID-1988, THE CORPORATION WAS EXPANDING ITS ROLE IN PROVIDING PUBLIC TRANSPORT SERVICES TO THE COMMUNITY, HE SAID.

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134

WEDNESDAY, MAY 1, 1985

- 34 -

JUBILEE SPORTS CENTRE FACILITIES TO BE ENHANCED
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THE JUBILEE SPORTS CENTRE (JSC) BOARD IS NOW CONSIDERING RECOMMENDATIONS FROM THE CENTRE'S MANAGEMENT TO ENHANCE ITS FACILITIES IN ORDER TO ADAPT TO CHANGING DEMANDS, THE HON F.K. HU, A MEMBER OF THE BOARD, SAID TODAY (WEDNESDAY).

TABLING THE CENTRE'S ANNUAL REPORT FOR THE YEAR ENDING JUNE 30, 1984, IN THE LEGISLATIVE COUNCIL, MR HU SAID THESE PROPOSALS WERE ESTIMATED TO COST IN THE REGION OF \$16 MILLION AND DISCUSSIONS WOULD BE HELD WITH THE GOVERNMENT AND THE ROYAL HONG KONG JOCKEY CLUB ON THE QUESTION OF FUNDING.

HE EXPLAINED THAT THESE PROPOSALS DID NOT TAKE INTO ACCOUNT ANY FUTURE WORKS REQUIRED, AS A RESULT OF SETTLEMENT OF THE LAND, WHICH WOULD REQUIRE FINANCIAL SUPPORT TO RENOVATE THE PLAYING FIELDS, THE TENNIS COURTS, THE ATHLETIC TRACK AND THE ARTIFICIAL GRASS TRAINING AREA.

HE REPORTED THAT PROGRESS HAD BEEN MADE FOR THE ESTABLISHMENT OF A SPORTS SCIENCE LABORATORY AND CLINIC FOR THE TREATMENT OF INJURIES.

+AN AGREEMENT IS EXPECTED TO BE REACHED SHORTLY ON THE OPERATIONAL POLICY AND FUNDING OF THIS FACILITY,+ HE SAID.

TURNING TO THE ACHIEVEMENTS OF THE CENTRE IN THE PAST YEAR, MR HU SAID STEADY PROGRESS HAD BEEN MADE IN ALL THE SPORTS INCLUDED IN THE CENTRE'S PROGRAMME.

THE WORKING RELATIONSHIP WITH THE GOVERNING BODIES OF SPORT HAD IMPROVED CONSIDERABLY, LARGELY AS THE RESULT OF A SERIES OF INFORMAL AND FORMAL DISCUSSIONS BETWEEN THE CENTRE'S MANAGEMENT AND OFFICIALS OF EACH ASSOCIATION, HE SAID.

UNDER THE TRAINING OF JSC COACHES, HONG KONG ATHLETES HAD ACHIEVED OUTSTANDING PERFORMANCES IN THE PAST YEAR, HE SAID, CITING THE VARIOUS AWARDS WON IN SWIMMING, SQUASH AND TABLE TENNIS.

IN ADDITION, THE CENTRE HAD ACCOMMODATED MANY MAJOR INTERNATIONAL EVENTS DURING THE PAST YEAR AND WAS FAST DEVELOPING AS A REFERENCE CENTRE FOR ASIAN SPORT.

THE FIRST ASIAN YOUTH BADMINTON TRAINING CAMP WAS HELD AT THE JSC IN AUGUST, 1983.

THE AMATEUR SPORTS FEDERATION AND OLYMPIC COMMITTEE HAD UTILISED THE JSC FOR ITS SOLIDARITY COURSE PROGRAMME WHICH INCLUDED SEMINARS ON HOCKEY, ARCHERY AND SWIMMING, MR HU SAID.

/MEANWHILE,

WEDNESDAY, MAY 1, 1985

- 35 -

MEANWHILE, THE JSC WAS WORKING CLOSELY WITH SIMILAR INSTITUTES IN DIFFERENT PARTS OF THE WORLD.

+IT IS ENCOURAGING THAT MANY ATHLETES, COACHES AND ADMINISTRATORS FROM CHINA HAVE SPENT TIME AT THE JSC IN BOTH TRAINING AND COMPETITION,+ HE SAID.

MR HU ALSO REPORTED THAT DURING THE YEAR THE JSC BOARD AGREED TO SUSPEND FULL-TIME COACHING SERVICES TO THE HONG KONG AMATEUR ATHLETIC ASSOCIATION AND THE HONG KONG AMATEUR BASKETBALL ASSOCIATION, AND WAS PRESENTLY CONSIDERING WHETHER TO INCLUDE NEW SPORTS IN THE PROGRAMME.

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FIVE BILLS, MOTION APPROVED
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FIVE BILLS WERE PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE MOTION BY SENIOR UNOFFICIAL MEMBER OF THE LEGISLATIVE COUNCIL, SIR ROGER LOBO, FOR APPOINTMENT OF A SELECT COMMITTEE WAS ALSO APPROVED.

THE MOTION READ:

+THAT A SELECT COMMITTEE BE APPOINTED TO CONSIDER AND REPORT ON THE APPROPRIATE MEASURES TO BE TAKEN TO RESOLVE THE PROBLEMS INVOLVED IN THE PROSECUTION AND TRIAL OF COMPLEX COMMERCIAL CRIMES, INCLUDING CHANGES IN THE PROCEDURES BEFORE AND DURING TRIAL AND THE MODE OF TRIAL.+

THE FIVE BILLS PASSED ARE:

THE APPROPRIATION BILL 1985, THE PUBLIC FINANCE (AMENDMENT) BILL 1985, THE AUDIT (AMENDMENT) BILL 1985, THE PRIVILEGES AND IMMUNITIES (JOINT LIAISON GROUP) BILL 1985 AND THE HONG KONG INDUSTRIAL ESTATES CORPORATION (AMENDMENT) BILL 1985.

FOUR BILLS WERE INTRODUCED AND READ A SECOND TIME, AND DEBATE ON THEM WAS ADJOURNED.

THEY ARE THE DUTIABLE COMMODITIES (AMENDMENT) BILL 1985, THE INLAND REVENUE (AMENDMENT) (NO. 3) BILL 1985, THE ROAD TRAFFIC (DRIVING LICENCES REGULATIONS AND REGISTRATION AND LICENSING OF VEHICLES REGULATIONS)(AMENDMENT) BILL 1985 AND THE OATHS AND DECLARATIONS (AMENDMENT) BILL 1985.

THE MEETING WAS ADJOURNED TO MAY 15.

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WEDNESDAY, MAY 1, 1985

- 36 -

GOVERNOR, LADY YOUDE TO VISIT CHINA
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THE GOVERNOR, SIR EDWARD YOUDE, AND LADY YOUDE, WILL LEAVE HONG KONG TOMORROW (THURSDAY) FOR A VISIT TO CHINA.

THEY WILL BE TRAVELLING ON FLIGHT CA304, ETD 12-NOON.

THE GOVERNOR AND LADY YOUDE WILL ARRIVE IN CANTON TOMORROW AFTERNOON, WHERE THEY WILL VISIT THE CANTON TRADE FAIR BEFORE DEPARTING FOR NANJING THE SAME EVENING.

FROM NANJING, THEY WILL VISIT YANGZHOU, ZHENJIANG AND WUXI BEFORE MOVING ON TO SHANGHAI ON MAY 7.

IN SHANGHAI, THE GOVERNOR AND LADY YOUDE WILL BE GUESTS OF HONOUR OF A HIGH-LEVEL ECONOMIC MISSION, ORGANISED BY THE TRADE DEVELOPMENT COUNCIL, TO COINCIDE WITH THE +MADE IN HONG KONG 85+ PRODUCT EXHIBITION TO BE HELD AT THE SHANGHAI EXHIBITION CENTRE FROM MAY 8 TO MAY 13.

SIR EDWARD AND LADY YOUDE ARE EXPECTED TO RETURN TO HONG KONG ON MAY 9.

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CIVIL SERVICE PAY ADJUSTMENT ANNOUNCED
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THE GOVERNMENT ANNOUNCED TODAY A PAY AWARD FOR CIVIL SERVANTS AVERAGING 9.5 PER CENT FROM APRIL 1.

THE PAY AWARD IS TAPERED FROM 11.3 PER CENT AT THE BOTTOM OF THE MASTER PAY SCALE TO 8.7 PER CENT AT THE TOP OF THE SCALE. THE DIRECTORATE PAY SCALE HAS BEEN ADJUSTED UPWARDS BY AN AVERAGE OF 8.5 PER CENT.

THE MODEL SCALE 1 PAY SCALE, THE DISCIPLINED SERVICES (OFFICER) PAY SCALE, THE DISCIPLINED SERVICES (RANK AND FILE) PAY SCALE AND THE TRAINING PAY SCALE HAVE BEEN ADJUSTED IN LINE WITH THE CORRESPONDING POINTS ON THE MASTER PAY SCALE.

COMMENTING ON THE PAY AWARD, A GOVERNMENT SPOKESMAN SAID THAT THE LEVEL OF PAY ADJUSTMENT FOLLOWED CLOSELY THE RESULTS OF THE PAY TREND SURVEY OF 58 COMPANIES IN THE PRIVATE SECTOR.

THESE COMPANIES HAVE ABOUT 95 000 EMPLOYEES AND REPRESENT A CROSS-SECTION OF HONG KONG'S ECONOMIC LIFE. COMPANIES IN THE MANUFACTURING, CONSTRUCTION, WHOLESALE, RETAIL, IMPORT AND EXPORT, RESTAURANTS, TRANSPORT, COMMUNICATION AND FINANCIAL SECTORS ARE INCLUDED.

THE SPOKESMAN SAID THAT THE PAY TREND SURVEY EXCLUDED MERIT PAYMENTS MADE BY PRIVATE COMPANIES, WHICH AVERAGED BETWEEN TWO AND THREE PER CENT WHEN WEIGHTED TO TAKE ACCOUNT OF EMPLOYEES NOT RECEIVING ANY MERIT PAYMENT.

CIVIL SERVICE INCREMENTS CALCULATED ON THE SAME BASIS SHOWED AN AVERAGE SIZE OF 2.9 PER CENT.

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/37

WEDNESDAY, MAY 1, 1985

- 37 -

LATEST FIGURES ON ELECTOR REGISTRATION
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LATEST STATISTICS ON THE NUMBER OF APPLICATIONS FOR REGISTRATION AS ELECTORS IN THE FUNCTIONAL CONSTITUENCIES AND THE ELECTORAL COLLEGE ARE AS FOLLOWS:

<u>FUNCTIONAL CONSTITUENCIES</u>	<u>ESTIMATED SIZE OF ELECTORATE</u> (REVISED)	<u>NUMBER OF APPLICATIONS</u>
COMMERCIAL I	2 610	363
COMMERCIAL II	5 380	1 200
INDUSTRIAL I	830	182
INDUSTRIAL II	2 540	563
FINANCIAL	141	55
LABOUR	390	209
SOCIAL SERVICES	156	44
MEDICAL	5 860	987
LEGAL	2 140	395
TEACHING	53 270	18 497
ENGINEERING, ARCHITECTURAL, SURVEYING AND PLANNING	3 160	1 151
<u>ELECTORAL COLLEGE</u>	441	333
TOTAL	76 918 *	23 979

* THIS ESTIMATED FIGURE IS ON THE HIGH SIDE AS THERE ARE DUPLICATE MEMBERSHIP IN THE COMMERCIAL, INDUSTRIAL AND MEDICAL CONSTITUENCIES.

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WEDNESDAY, MAY 1, 1985

- 38 -

CENTRAL YOUTH BODY ENDORSED BY CONFERENCE

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PARTICIPANTS OF THE INTERNATIONAL YOUTH YEAR CONFERENCE ON +YOUTH POLICIES IN PERSPECTIVE+ PASSED A RESOLUTION AT THE CONCLUDING SESSION TODAY (WEDNESDAY) THAT A CENTRAL PLANNING AND COORDINATING COMMITTEE ON YOUTH AFFAIRS SHOULD BE SET UP AS SOON AS POSSIBLE.

MR LO KING-MAN, CHAIRMAN OF THE ACTIVITIES SUB-COMMITTEE OF THE CENTRAL CO-ORDINATING COMMITTEE ON 1985 INTERNATIONAL YOUTH YEAR (CCCIYY), SAID IN HIS CLOSING REMARKS THAT IT WAS THE CONSENSUS OF THE PARTICIPANTS THAT IF AND WHEN SUCH A CENTRAL COORDINATING BODY WAS FORMED, ITS MEMBERSHIP SHOULD INCLUDE FRONTLINE YOUTH WORKERS AND YOUNG PEOPLE THEMSELVES AS MEMBERS.

+THE FORMATION OF SUCH A BODY WILL HELP TO IDENTIFY YOUTH PROBLEMS, TO DETERMINE THE RATIONALE OF A YOUTH POLICY, AND TO FORMULATE A FLEXIBLE YOUTH POLICY THROUGH CONSTANT REVIEW,+ HE SAID.

MR LO SAID THE COORDINATING COMMITTEE SHOULD ALSO LOOK INTO THE LONG-TERM OBJECTIVES.

EARLIER, MR HUI YIN-FAT, DIRECTOR OF HONG KONG COUNCIL OF SOCIAL SERVICES, SPOKE IN FAVOUR OF THE IDEA AT THIS MORNING'S SESSION ON YOUTH SERVICES.

+HONG KONG HAS ALREADY HAD A QUITE COMPREHENSIVE VARIETY OF YOUTH SERVICES,+ HE SAID. +UNFORTUNATELY, THESE SERVICES ARE NOT PROPERLY COORDINATED, THUS FAILING TO REALISE THEIR FULL POTENTIALS AND MAXIMUM RESULTS.

+WHAT WE NEED NOW IS A COORDINATED APPROACH TO THE PLANNING AND DELIVERY OF SUCH SERVICES,+ HE SAID.

MR HUI SAID THE CENTRAL COORDINATING COMMITTEE SHOULD BE OF A PERMANENT NATURE SO AS TO SERVE, IN A CONSISTENT MANNER, THE GENERAL INTERESTS OF YOUTH IN SOCIETY AND SHOULD BE FULLY INTEGRATED INTO THE GOVERNMENT MACHINERY.

DISCUSSANTS AT TODAY'S CONFERENCE WERE : DR AGNES NG, SENIOR LECTURER OF SOCIAL WORK, CHINESE UNIVERSITY OF HONG KONG; MR YIP MANG-SAU, COUNSELLOR AND PUBLIC RELATIONS EXECUTIVE, BREAKTHROUGH MAGAZINE AND MRS RITA FAN, HEAD OF STUDENT AFFAIRS UNIT, HONG KONG POLYTECHNIC.

A PRELIMINARY REPORT SUMMARISING THE DISCUSSIONS OF THE THREE-DAY CONFERENCE WILL BE COMPILED AND WILL SERVE AS THE GROUNDWORK FOR FURTHER DISCUSSIONS BY REPRESENTATIVES FROM VARIOUS YOUTH BODIES, SCHOOLS, POST-SECONDARY INSTITUTIONS AND UNIVERSITIES IN THE SECOND STAGE OF THE CONFERENCE TO BE HELD IN JULY.

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WEDNESDAY, MAY 1, 1985

- 39 -

SHANGHAI DELEGATION SEES PUBLIC HOUSING ESTATES
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A VISITING CHINESE DELEGATION FROM SHANGHAI WAS TODAY GIVEN AN INSIGHT INTO THE CONSTRUCTION AND MANAGEMENT ASPECTS OF HONG KONG'S PUBLIC HOUSING.

HEADED BY THE VICE DIRECTOR OF THE SHANGHAI MUNICIPAL PLANNING COMMISSION, MR PAN XUE MIN, THE SIX-MEMBER GROUP MET THE ACTING DIRECTOR OF HOUSING, MR H.H.T. BARMA, AND WAS BRIEFED ON THE PUBLIC HOUSING PROGRAMME.

THEY THEN HAD DISCUSSIONS WITH SENIOR HOUSING OFFICIALS ON HOW PUBLIC HOUSING ESTATES WERE BUILT AND MANAGED. THEY ALSO INSPECTED PHOTOGRAPHIC AND MODEL DISPLAYS AT THE HOUSING AUTHORITY'S EXHIBITION HALL.

THE PARTY LATER VISITED LUNG HANG ESTATE AND HOME OWNERSHIP SCHEME KING TIN COURT IN SHA TIN LOOKING AT WIDE-RANGING COMMERCIAL AND COMMUNITY FACILITIES PROVIDED FOR TENANTS.

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DECISION ON CONCESSIONARY SCHEME EXPLAINED
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THE GOVERNMENT'S RECENT DECISION NOT TO CONTINUE THE CONCESSIONARY BUILDING COVENANT EXTENSION SCHEME WHEN IT EXPIRED ON JULY 1, 1985 HAD BEEN TAKEN IN THE LIGHT OF SIGNIFICANT IMPROVEMENTS IN THE PROPERTY MARKET.

THIS WAS SAID TODAY BY THE DIRECTOR OF LANDS, MR JOHN TODD AT A MEETING OF THE REAL ESTATE DEVELOPMENT SUB-COMMITTEE.

AT THE MEETING, DEVELOPERS EXPRESSED CONCERN ABOUT THE DECISION AND SAID THEY MIGHT ASK THE GOVERNMENT TO EXTEND THE GRACE PERIOD FOR SIX MONTHS AFTER THE EXPIRY OF THE SCHEME.

MR TODD SAID THAT THERE HAD BEEN A CONSIDERABLE DROP IN THE NUMBER OF LETTERS B BEING OFFERED FOR REDEMPTION SINCE THEIR MONETISED VALUES INCREASED ON APRIL 1. A NUMBER OF DEVELOPERS WERE ATTEMPTING TO WITHDRAW OFFERS WHICH THEY HAD PREVIOUSLY MADE.

MR TODD SAID THAT IT WAS OBVIOUS THAT LETTERS B HOLDERS WERE SPECULATING ON THEIR HOPES OF A RISING MARKET RATHER THAN TAKING THE OPPORTUNITIES FOR REDEEMING LETTERS B, WHICH GOVERNMENT HAD PROVIDED AT THE HOLDERS' REQUEST.

/HE RECALLED

WEDNESDAY, MAY 1, 1985

- 40 -

HE RECALLED THAT THE PREVIOUS SYSTEM HAD BEEN EXTENDED TO ALLOW LETTERS B TO BE USED IN ALL LAND RELATED TRANSACTIONS IN THE NEW TERRITORIES AND THAT IN ADDITION IT HAD BEEN AGREED THAT THE OPTION TO PAY IN LETTERS B WOULD BE AVAILABLE FOR FOUR SITES IN THE URBAN AREA. IT WAS HOPED THAT ON THIS BASIS ALMOST ALL OF THE OUTSTANDING LETTERS B COULD BE REDEEMED WITHIN A FEW YEARS.

HE EMPHASISED THAT THE USE OF LETTERS B FOR LAND TRANSACTIONS IN THE NEW TERRITORIES WOULD CONTINUE BUT THAT THERE COULD BE NO QUESTION OF FURTHER EXTENDING THE SYSTEM IN THE URBAN AREA.

+IF DEVELOPERS DID NOT TAKE THE OPPORTUNITIES NOW BEING OFFERED ON HONG KONG ISLAND OR IN KOWLOON THE REDEMPTION PERIOD FOR LETTERS B WOULD AT LEAST BE EIGHT TO TEN YEARS,+ HE ADDED.

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ACCORD REACHED WITH SWEDEN ON BED LINEN
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THE TRADE DEPARTMENT ANNOUNCED TODAY (WEDNESDAY) THAT THE GOVERNMENTS OF SWEDEN AND HONG KONG HAD CONCLUDED AN AGREEMENT ON QUOTA RESTRAINT IN RESPECT OF EXPORT OF BED LINEN (GROUP 13) FROM HONG KONG TO SWEDEN.

THE RESTRAINT PERIOD COVERED UNDER THE AGREEMENT WILL BE FROM SEPTEMBER 1, 1984 TO AUGUST 31, 1987.

FOLLOWING THE AGREEMENT AND ON THE ADVICE OF THE TEXTILES ADVISORY BOARD, THE DEPARTMENT HAS DECIDED ON THE PRINCIPLES OF QUOTA ALLOCATION AND CONTROL ARRANGEMENTS FOR EXPORT OF BED LINEN TO SWEDEN DURING THE 1984/85 RESTRAINT PERIOD.

DETAILS OF THE ARRANGEMENTS ARE PUBLISHED IN A NOTICE TO EXPORTERS.

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/41

WEDNESDAY, MAY 1, 1985

- 41 -

BLITZ ON COUNTERFEIT GOODS TRADERS

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THE CUSTOMS AND EXCISE DEPARTMENT HAS, OVER THE LAST THREE DAYS, LAUNCHED A LARGE-SCALE OPERATION ON HAWKERS SELLING SUSPECTED COUNTERFEIT GOODS.

AS A RESULT OF THE OPERATION WHICH STARTED LAST SUNDAY, 60 HAWKERS COMPRISING 53 MEN AND SEVEN WOMEN WERE ARRESTED AND GOODS VALUED AT \$340 000 WERE SEIZED.

THE SEIZURES INCLUDED T-SHIRTS, SPORTS SOCKS, TROUSERS, WATCHES, LEATHER BELTS, BUCKLES OF LEATHER BELTS AND WALLETS.

SOME 170 OFFICERS WERE MOBILIZED FOR THE OPERATION.

RAIDS WERE CARRIED OUT IN VARIOUS PLACES ON BOTH SIDES OF THE HARBOUR INCLUDING TSIM SHA TSUI, YAU MA TEI, MONG KOK, SHAM SHUI PO IN KOWLOON AND CENTRAL, CAUSEWAY BAY, WAN CHAI, NORTH POINT AND STANLEY ON HONG KONG ISLAND.

THE HEAD OF THE INDUSTRIAL PROPERTY INVESTIGATION DIVISION OF THE TRADE INVESTIGATION BUREAU, MR JOHN CHAN, SAID: +THIS IS ONLY A PART OF OUR CONTINUING EFFORT AGAINST TRADEMARK COUNTERFEITING. FURTHER ACTIONS WILL BE TAKEN AGAINST STREET HAWKERS AS WELL AS THE MANUFACTURERS INVOLVED IN COUNTERFEITING IN HONG KONG.+

+I THINK THIS IS VERY IMPORTANT AS THE INTERESTS OF THE TRADEMARK OWNERS AND THE CONSUMERS, AS WELL AS THE INTERNATIONAL TRADING IMAGE OF HONG KONG HAVE TO BE PROTECTED,+ HE SAID.

ALL THE ARRESTED PERSONS WERE RELEASED ON POLICE BAIL AND WILL BE CHARGED UNDER THE TRADE DESCRIPTIONS ORDINANCE.

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WORKERS' ROLE IN ACCIDENT PREVENTION STRESSED

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THE DEPUTY COMMISSIONER FOR LABOUR, MR DARWIN CHEN TODAY (WEDNESDAY) APPEALED TO WORKERS TO FOLLOW SAFETY RULES AND INSTRUCTIONS AT WORK IN AN EFFORT TO REDUCE THE NUMBER OF INDUSTRIAL ACCIDENTS.

SPEAKING AT THE PRIZE PRESENTATION OF THE INDUSTRIAL SAFETY PHOTO COMPETITION AT THE OCEAN TERMINAL, MR CHEN SAID THE PREVENTION OF INDUSTRIAL ACCIDENT COULD NOT RELY SOLELY ON FACTORY INSPECTIONS AND THE LAW ENFORCEMENT BY THE GOVERNMENT.

/MR CHEN

MR CHEN SAID THE NUMBER OF INDUSTRIAL ACCIDENTS, WHICH HAD BEEN STEADILY DECREASING SINCE 1980 AS THE RESULT OF THE TRIPARTITE EFFORTS ON SAFETY PROMOTION BY THE GOVERNMENT, EMPLOYERS AND WORKERS, ROSE SLIGHTLY LAST YEAR.

FORTUNATELY, HE SAID, THE NUMBER OF FATAL ACCIDENTS CONTINUED TO DROP, FROM 92 IN 1983 TO 70 IN 1984.

MR CHEN SAID THAT OF THE 8 000 INCREASE IN INDUSTRIAL ACCIDENTS LAST YEAR, ABOUT 70 PER CENT WERE SLIGHT INJURIES RESULTED FROM MISHANDLING OF HAND TOOLS OR NEGLIGENCE BY INDIVIDUAL WORKERS.

ANOTHER FACTOR WHICH CONTRIBUTED TO THE INCREASE OF REPORTED ACCIDENTS WAS THE INTRODUCTION IN JANUARY 1984 OF COMPULSORY INSURANCE, WHICH PROMPTED MORE WORKERS AND EMPLOYERS TO REPORT MINOR ACCIDENTS.

MR CHEN SAID THE LABOUR DEPARTMENT WOULD KEEP UP WITH ITS EFFORTS TO PROMOTE INDUSTRIAL SAFETY BY ORGANISING SAFETY SEMINARS, PRODUCING SAFETY APIS ON TELEVISION, POSTERS AND PAMPHLETS.

THE DEPARTMENT ALSO PLANNED TO ORGANISE A SERIES OF PUBLICITY CAMPAIGNS SUCH AS THE +MUSIC WHILE YOU WORK+ RADIO PROGRAMME, TELEVISION PROGRAMMES AND SAFETY EXHIBITIONS AND CONTESTS.

MR CHEN SAID THE SAFETY PHOTO COMPETITION, ORGANISED JOINTLY BY THE LABOUR ADVISORY BOARD'S COMMITTEE ON INDUSTRIAL SAFETY AND ACCIDENT PREVENTION, THE HONG KONG POLYTECHNIC AND THE SING TAO NEWSPAPER LIMITED, WAS ONE OF THE PUBLICITY EVENTS TO PROMOTE SAFETY.

AN EXHIBITION OF THE WINNING PHOTOGRAPHS WILL BE HELD FOR FIVE DAYS AT THE OCEAN TERMINAL.

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BOARD TO DISCUSS KWAI CHUNG PARK DEVELOPMENT
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KWAI CHUNG AND TSING YI DISTRICT BOARD MEMBERS WILL DISCUSS THE DEVELOPMENT OF THE 27-HECTARE KWAI CHUNG PARK WHICH IS SCHEDULED TO BE COMPLETED IN 1987 AT THEIR MEETING TOMORROW (THURSDAY).

THEY WILL ALSO DISCUSS PROPOSALS FOR THE SAFETY AND MANAGEMENT OF PRIVATE ROADS WHICH HAVE BEEN SUBMITTED TO THE GOVERNMENT BY A WORKING GROUP SET UP LATE LAST YEAR.

OTHER ITEMS ON THE AGENDA INCLUDE A PAPER ON THE COMPOSITION OF THE BOARD'S COMMITTEES AND QUESTIONS ON LOCAL ISSUES.

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CONTRACT SIGNING CEREMONY FOR MARKET COMPLEX
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A CONTRACT SIGNING CEREMONY FOR THE KOWLOON CITY MARKET COMPLEX WILL BE HELD AT 11 AM ON FRIDAY (MAY 3), AT THE URBAN COUNCIL CHAMBERS, 4/F, ROOM 2, EDINBURGH PLACE.

THE PRINCIPAL GOVERNMENT ARCHITECT, MR JOSE LEI AND A REPRESENTATIVE OF YU WING CONSTRUCTION COMPANY LIMITED WILL SIGN THE CONTRACT.

NOTE TO EDITORS:

YOU ARE WELCOME TO COVER THE EVENT.

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TENDERS INVITED FOR YUEN LONG SITE
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THE LANDS DEPARTMENT IS INVITING TENDERS FOR THE SHORT TERM TENANCY OF A PIECE OF CROWN LAND AT SHUI CHE KWUN STREET, YUEN LONG.

THE 2 930-SQUARE-METRE SITE IS FOR FEE PAYING CAR PARKING PURPOSES.

TENANCY IS FOR ONE YEAR AND IS RENEWABLE QUARTERLY AFTERWARDS.

TENDERS MUST BE SUBMITTED NOT LATER THAN NOON ON MAY 17.

TENDER FORM, TENDER NOTICE AND CONDITIONS MAY BE OBTAINED FROM, AND TENDER PLAN INSPECTED AT, THE DISTRICT LANDS OFFICE, YUEN LONG, THE LANDS DEPARTMENT, SURVEY DIVISION, MURRAY BUILDING, 5TH FLOOR, GARDEN ROAD, HONG KONG AND THE DISTRICT LANDS OFFICE, KOWLOON, YAU MA TEI CAR PARK BUILDING, 10TH FLOOR, 250 SHANGHAI STREET, KOWLOON.

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SALT WATER WORKS
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SALT WATER SUPPLY TO SOME PREMISES IN CAUSEWAY BAY WILL BE SUSPENDED FOR SEVEN HOURS FROM 11 PM ON SATURDAY (MAY 4) FOR LEAKAGE TESTS.

THE AFFECTED PREMISES ARE BOUNDED BY KING'S ROAD, LAU SIN STREET, HING FAT STREET, WHITEFIELD ROAD, AND MERLIN STREET, INCLUDING WATSON ROAD AND ELECTRIC ROAD.

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