



DAILY INFORMATION BULLETIN

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WEDNESDAY, MAY 25, 1983

PREWAR PREMISES RENT INCREASE

THE LEGISLATIVE COUNCIL TODAY PASSED A RESOLUTION TO RAISE PERMITTED RENTS IN PREWAR PREMISES.

THE INCREASES ARE BASED ON THE STANDARD RENTS PREVAILING IN 1941.

FOR PREWAR DOMESTIC PREMISES, THE PERMITTED RENT IS RAISED FROM TWELVE TIMES TO SIXTEEN TIMES THE STANDARD RENT AND FOR BUSINESS PREMISES, FROM TWENTY-SEVEN TIMES TO FORTY TIMES THE STANDARD RENT.

LANDLORDS ARE REQUIRED TO SERVE THEIR TENANTS WITH ONE MONTH'S NOTICE OF THE INCREASED RENTS.

MOVING THE RESOLUTION IN THE LEGISLATIVE COUNCIL TODAY, THE ACTING SECRETARY FOR HOUSING, MR BERNARD WILLIAMS, SAID THERE WERE 8 500 DOMESTIC AND BUSINESS PREMISES IN PREWAR BUILDINGS, ABOUT 4 700 OR 55 PER CENT OF WHICH WERE EFFECTIVELY SUBJECT TO CONTROLS UNDER PART I OF THE LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE.

THE REMAINING 3 800 UNITS ARE EITHER OCCUPIED BY OWNERS, SPECIFICALLY EXCLUDED FROM CONTROLS OR LET AT RENTS AT OR APPROACHING MARKET LEVELS.

MR WILLIAMS SAID DESPITE ANNUAL INCREASES SINCE 1976, AVERAGE PERMITTED RENTS OF PREWAR PREMISES SUBJECT TO THE PART I CONTROLS STILL RANGED FROM ONLY 25 TO 36 PER CENT OF PREVAILING MARKET RENTS.

+THIS IS DUE TO THE VERY LOW BASE ON WHICH RENT INCREASES ARE CALCULATED. UNLESS FURTHER INCREASES ARE ALLOWED, THE GAP BETWEEN EXISTING RENTS AND MARKET RENTS WILL WIDEN,+ HE EXPLAINED.

ABOUT 3 200 DOMESTIC UNITS IN PREWAR BUILDINGS ARE LIKELY TO BE AFFECTED BY THIS ADJUSTMENT. FOR A TYPICAL UPPER FLOOR TENEMENT UNIT, THE ADJUSTMENT WILL RESULT IN AN INCREASE OF ABOUT \$160 PER MONTH, BRINGING THE RENT TO ABOUT \$650 OR 38 PER CENT OF PREVAILING MARKET RENT.

FOR A TYPICAL COMMERCIAL GROUND TENEMENT FLOOR, THE INCREASE WILL BE LESS THAN \$1 100 PER MONTH, BRINGING THE RENT TO ABOUT \$3 300 OR 52 PER CENT OF PREVAILING MARKET RENT. ABOUT 1 400 UNITS ARE LIKELY TO BE AFFECTED.

MR WILLIAMS POINTED OUT THAT THIS ADJUSTMENT WAS THE LAST TIME RENTS FOR PREWAR BUSINESS PREMISES WOULD BE REGULATED UNDER PART I.

THERE IS ALREADY PROVISION IN THE ORDINANCE FOR THE EXCLUSION OF BUSINESS PREMISES FROM RENT CONTROLS WITH EFFECT FROM JULY 1, 1984.

/THEREAFTER

THEREAFTER LANDLORDS AND TENANTS OF SUCH PREMISES WILL BE IN THE SAME POSITION AS LANDLORDS AND TENANTS OF POST-WAR BUSINESS PREMISES, AND WILL BE FREE TO NEGOTIATE RENTS ACCORDING TO PREVAILING MARKET CONDITIONS.

MR WILLIAMS SAID THE INCREASES WERE MODEST IN RELATION TO THE GREAT DISPARITY BETWEEN EXISTING AND MARKET RENTS OF THESE PREMISES.

+YET THEY REPRESENT ANOTHER STEP IN GOVERNMENT'S POLICY OF RELAXING THESE RIGID AND OUTDATED CONTROLS WHICH HAVE BEEN IN FORCE FOR OVER 30 YEARS,+ HE SAID.

+IN THE CASE OF PUBLIC ASSISTANCE RECIPIENTS, ANY INCREASE IN RENT WILL BE OFFSET BY INCREASES IN RENT ALLOWANCES UP TO THE PERMITTED MAXIMA,+ HE ADDED.

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**BILL DESCRIBED AS +A FURTHER STEP FORWARD+

THE HON PETER C. WONG TODAY (WEDNESDAY) TOLD THE LEGISLATIVE COUNCIL THAT +IT WOULD BE VIRTUALLY IMPOSSIBLE TO RECONCILE COMPLETELY THE INTERESTS OF THE LANDLORDS AND THE TENANTS.+

+HOWEVER, THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983 DOES REPRESENT A FURTHER STEP FORWARD IN BALANCING THESE INTERESTS,+ HE SAID DURING THE RESUMED DEBATE ON THE BILL.

MR WONG IS THE CONVENER OF THE AD HOC GROUP OF 12 UNOFFICIAL MEMBERS OF LEGCO EXAMINING THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983.

SEVEN OTHER UNOFFICIALS SPOKE ON THE BILL TODAY.

MR WONG, WHO SUPPORTED THE MOTION, SAID THE LEGCO AD HOC GROUP RECEIVED 31 REPRESENTATIONS. THESE WERE CAREFULLY CONSIDERED AND DISCUSSED WITH THE ADMINISTRATION ALTHOUGH THE MAJORITY OF THESE REPRESENTATIONS RELATED TO POINTS ALREADY RAISED ON PREVIOUS OCCASIONS.

+IT IS INTERESTING TO NOTE THAT ALL THE REPRESENTATIONS RECEIVED ARE FROM INDIVIDUALS, MOSTLY LANDLORDS AND NONE AT ALL FROM ASSOCIATIONS OR CORPORATIONS. TO BE EXACT, WE HAVE RECEIVED ONLY TWO REPRESENTATIONS FROM TENANTS,+ HE SAID.

MR WONG POINTED OUT THAT AS A RESULT OF THE GROUP'S DELIBERATION, THE ADMINISTRATION HAD AGREED TO A NUMBER OF AMENDMENTS, THE MORE IMPORTANT OF WHICH ARE:

- * CLAUSE 11 WILL BE AMENDED TO ENSURE THAT THE BENEFIT OF THE TRANSMISSION OF THE PROTECTED TENANCY AS A RESULT OF THE DEATH OF THE TENANT WILL BE AVAILABLE ONLY TO THOSE MEMBERS OF THE TENANT'S FAMILY WHO WERE RESIDING WITH THE TENANT AT THE TIME OF HIS DEATH - THIS WILL PREVENT THE PERPETUAL TRANSMISSION OF PROTECTED TENANCIES.
- * CLAUSE 15(G) WILL ALSO BE AMENDED TO ENSURE THAT A SUB-TENANT WHO BECOMES THE TENANT OF A LANDLORD UNDER THE NEW SUBSECTIONS (4A) AND (4B) OR SUBSECTION (6A) MAY NOT SUBLET WITHOUT THE WRITTEN PERMISSION OF THE LANDLORD - THIS IS TO PREVENT ABUSE OF THE PROPOSED NEW SUBSECTIONS.
- * CLAUSES 15(H) AND 37(A) WILL BE AMENDED TO PRESERVE THE STATUS QUO IN RESPECT OF THE PERIOD OF PROHIBITION ON ALIENATION OF REPOSSESSED PREMISES - THIS WILL CONTINUE TO BE 24 MONTHS FROM THE DATE OF THE ORDER FOR POSSESSION AND NOT 24 MONTHS FROM THE DATE OF OBTAINING VACANT POSSESSION AS PROPOSED IN THE BILL.
- * CLAUSES 24(B) AND 25 WILL BE AMENDED SO THAT THE COMMISSIONER OF RATING AND VALUATION MAY REQUIRE FROM LANDLORDS AND TENANTS ONLY SUCH PARTICULARS WHICH ARE REASONABLY REQUIRED, AND A PERSON WILL ONLY COMMIT AN OFFENCE IF HE REFUSES WITHOUT REASONABLE EXCUSE TO FURNISH SUCH PARTICULARS.

MR WONG ADDED THAT THE ADMINISTRATION ALSO AGREED TO EXAMINE THE FOLLOWING ISSUES WHEN THE ORDINANCE WAS NEXT REVIEWED. THESE ARE THE EXCLUSION OF CORPORATE TENANTS FROM PART II OF THE ORDINANCE AND THE PROVISION OF SUITABLE EXEMPTIONS TO PART IV OF THE ORDINANCE WHICH RELATES TO SECURITY OF TENURE.

HE SAID THE SECRETARY FOR HOUSING WOULD BE MOVING A NUMBER OF AMENDMENTS AT THE COMMITTEE STAGE AND MOST OF THESE AMENDMENTS WERE OF A TECHNICAL NATURE OR FOR CLARIFICATION.

+SUBJECT TO THE AGREED AMENDMENTS, THE AD HOC GROUP IS GENERALLY SATISFIED THAT THE PROPOSALS CONTAINED IN THE BILL ARE FAIR AND REASONABLE,+ HE SAID.

AS EVENTS IN HONG KONG MOVE VERY RAPIDLY, HE SUGGESTED THAT THE ORDINANCE BE REVIEWED ANNUALLY INSTEAD OF BIANNUALLY. +IN THIS WAY, THE INTERESTS OF BOTH LANDLORDS AND TENANTS WILL BE BETTER SERVED,+ HE SAID.

MR WONG NOTED THAT WITH 32 000 DOMESTIC FLATS STANDING VACANT AT THE END OF 1982 - AND ALL-TIME RECORD - THE CONSENSUS WAS THAT SOMETHING SHOULD BE DONE TO INDUCE EMPTY FLAT OWNERS TO PUT THEIR FLATS ON THE MARKET.

+THE BILL NOW BEFORE COUNCIL REPRESENTS, INTER ALIA, AN ATTEMPT TO CORRECT THIS SITUATION,+ HE SAID, ADDING THAT THE EXTENT OF THE EFFECTIVENESS OF THE PROPOSED MEASURES, HOWEVER, REMAINS TO BE SEEN.

RENT CONTROL PERPETUATING HOUSING SHORTAGE

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RENT CONTROL PERPETUATED THE HOUSING SHORTAGE, AS THE INCREASE IN THE NUMBER OF VACANT DOMESTIC FLATS FROM SOME 17 000 AT THE END OF 1980 TO SOME 32 000 BY THE END OF 1982 SHOWED, THE HON K.C. CHAN SAID IN THE LEGISLATIVE COUNCIL TODAY.

+IF THESE FLATS ARE NOT LET THE MIDDLE AND LOWER INCOME GROUPS WOULD DERIVE NO BENEFIT FROM THEM IN TERMS OF LOWER RENTAL AND GREATER SUPPLY,+ MR CHAN SAID DURING THE RESUMED DEBATE OF THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983.

+HUGE RESOURCES (\$16 BILLION EVEN AT A CONSERVATIVE AVERAGE OF HALF A MILLION DOLLARS PER FLAT) ARE FROZEN AND NOT RECYCLED INTO THE ECONOMY AS RENT, PROPERTY TAX, OPPORTUNITIES FOR EMPLOYMENT, ETC.,+ HE SAID.

MR CHAN, WHO SUPPORTED THE MOTION, SAID THE SECURITY OF TENURE OFFERED BY THE LAW HAD MADE PROPERTY INVESTMENT UNATTRACTIVE IN THAT THE CAPITAL, ONCE INVESTED, COULD NOT BE WITHDRAWN EASILY.

THE CONTROL OF RENT INCREASE BELOW THE RATE OF INFLATION WOULD GRADUALLY ERODE THE LANDLORDS' +LOAF OF BREAD TO SLICES AND THEN TO CRUMBS,+ HE SAID.

WITH PROPERTY TAX NOW COMPUTED AT 15 PER CENT ON ACTUAL RENTALS, REVENUE FROM THIS SOURCE WAS VERY MUCH DEFLATED, MR CHAN SAID.

THE PUBLIC COFFERS THUS SUFFERED BECAUSE IT WAS THE TAXPAYERS WHO WOULD FOOT THE BILL WHEN THERE WAS A GOVERNMENT BUDGET DEFICIT, HE ADDED.

MR CHAN SAID THERE WAS NOW ONLY HALF A MILLION TENANTS IN RENT CONTROLLED PREMISES, COMPARED WITH AN ESTIMATED 1.2 MILLION IN MARCH 1980.

TO ACHIEVE TOTAL RENT DECONTROL, THE GOVERNMENT SHOULD FIRST LOOK INTO THE HOUSING NEEDS OF THESE TENANTS, HE SAID.

+WE SHOULD GET ALL THOSE WELL-OFF TENANTS OR ABSENTEE TENANTS OUT OF PUBLIC HOUSING INTO HOME OWNERSHIP OR PRIVATE HOUSING AND LET THE PEOPLE IN THE QUEUE OF UNDER-PRIVILEGED APPLICANTS WHO CANNOT AFFORD PRIVATE HOUSING TO TAKE UP THE VACANCY THUS CREATED.

+NEW TENANCIES IN PUBLIC HOUSING SHOULD BE OF 10 YEARS DURATION AND TERMINATED OR EXTENDED ACCORDING TO THE THEN PREVAILING FINANCIAL CIRCUMSTANCES OF THE TENANT.

+LET MORE POOR PEOPLE HAVE THAT TEN-YEAR RELIEF IN SUBSIDISED RENT AND HAVE SOME SAVINGS TO CREATE WEALTH AND FOSTER THEIR SENSE OF BELONGING TO HONG KONG+, HE SAID.

MR CHAN DECLARED HIS INTEREST AS A TENANT OF A CONTROLLED DOMESTIC PREMISES.

PROTECTION FOR FAMILY MEMBERS

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THE PROTECTION FOR FAMILY MEMBERS RESIDING WITH A DECEASED TENANT AT THE TIME OF HIS DEATH WAS WELCOMED BY THE HON S.L. CHEN TODAY.

HE WAS SPEAKING ON THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983 AT THE LEGISLATIVE COUNCIL.

THE CURRENT PROVISION IN SECTION 50(4) OF THE PRINCIPAL ORDINANCE ALLOWS DEPENDENTS OF A DECEASED TENANT, WHO WERE RESIDING WITH HIM AT THE TIME OF HIS DEATH, TO BE GIVEN THE SAME BENEFITS AND PROTECTION ON RENT INCREASE AND SECURITY OF TENURE IN RESPECT OF THE PREMISES THEY OCCUPIED.

MR CHEN DESCRIBED THE OBJECTIVE OF THIS PROVISION AS +CORRECT IN SPIRIT.+

HE SAID IT REMOVED THE HARDSHIP OF THOSE DEPENDENT FAMILY MEMBERS WHO MIGHT OTHERWISE HAVE TO LEAVE THE PROTECTED PREMISES AND TO SHOULDER HIGH RENTS FOR THEIR NEW ACCOMMODATION WHEN THEY HAVE ALREADY FACED THE CALAMITY OF LOSING ONE OF THEIR CLOSEST KIN.

HOWEVER, HE SAID, IN EXAMINATION OF THE BILL AND THE PUBLIC REPRESENTATIONS, UNOFFICIAL MEMBERS DISCOVERED THAT SECTION 50(4), AS PRESENTLY WORDED, WENT +MUCH FURTHER THAN THE INTENDED PURPOSE.+

IN EXTREME CASES, IT MAY ALLOW TENANCIES TO BE TRANSMITTED PERPETUALLY, IN FACT THROUGH ENDLESS GENERATIONS, BY GRANTING PROTECTION IN REPEATED SUCCESSIONS AMONG FAMILY MEMBERS.

MR CHEN, WHO SUPPORTED THE MOTION, SAID: +THIS WE CONSIDERED IS AGAINST THE SPIRIT OF THE LAW.

+ACCORDINGLY I SHALL MOVE AMENDMENTS TO CLAUSES 11 AND 30(D) DURING COMMITTEE STAGE TO ENSURE THAT THE PROTECTION INTENDED ONLY FOR THOSE FAMILY MEMBERS RESIDING WITH A DECEASED TENANT AT THE TIME OF HIS DEATH, WILL NOT BE TRANSFERRED TO OTHER PERSONS.+

DEBATE ON THE BILL WAS FURTHER ADJOURNED.

BILL AIMS AT 'REASONABLE BALANCE FOR PEOPLE'S BENEFIT'

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THE OBJECT OF THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983 WAS NOT TO STIMULATE THE PROPERTY MARKET BUT TO +REASONABLY BALANCE THE BENEFITS OF THE RELEVANT CLASSES+, THE HON ANDREW SO SAID AT THE LEGISLATIVE COUNCIL TODAY.

HE FELT THAT THE OBJECT WAS ALSO TO MATCH THE GOVERNMENT'S CONTINUOUS EFFORTS AND GOOD INTENTIONS IN ENCOURAGING THE SUPPLY OF LAND AND HOUSES TO MEET THE PEOPLE'S NEEDS.

SPEAKING IN SUPPORT OF THE BILL, HE SAID SCORES OF REPRESENTATIONS RECEIVED BY UMELCO CAME MOSTLY FROM LANDLORDS.

THEY THOUGHT THAT THE ITEMS TO BE EXCLUDED FROM CONTROL WERE TOO FEW AND DID NOT GO FAR ENOUGH, HE SAID.

MR SO RECALLED THAT WHEN PROPERTY SPECULATION WAS AT ITS ALMOST CRAZY HEIGHT TWO YEARS AGO, PROPERTY PRICES SIMPLY WERE BEYOND THE REACH OF THE ORDINARY PEOPLE.

TENANTS WOULD BECOME VERY APPREHENSIVE ABOUT THE EXPIRATION OF THE LEASES BECAUSE THEY WOULD HAVE TO PAY INCREASED RENTS, OTHERWISE THEIR LEASES WOULD NOT BE RENEWED.

+NOW AS THE PROPERTY MARKET IS STATIC, PROPERTY PRICES AND RENTS HAVE COME DOWN TO A MORE REASONABLE LEVEL,+ HE SAID.

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CONCERN EXPRESSED ABOUT EFFECT OF BILL

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THE HON CHEUNG YAN-LUNG URGED IN THE LEGISLATIVE COUNCIL TODAY THAT THE LANDLORD AND TENANT (CONSOLIDATED)(AMENDMENT) BILL 1983 SHOULD BE REVIEWED.

MR CHEUNG EXPRESSED CONCERN WITH THE EFFECT OF CLAUSE 2 +WHICH REAFFIRMS THAT THE LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE, WITH OR WITHOUT THE AMENDING BILL, IS NEVER INTENDED TO APPLY TO THE TENS OF THOUSANDS OF SMALL HOUSES ERECTED AFTER AUGUST 17, 1945 ON AGRICULTURAL LAND IN THE NEW TERRITORIES.+

+I WOULD LIKE TO QUESTION WHETHER SUCH A POLICY, APPARENTLY FORMULATED SOME 30 YEARS AGO IN 1953, SHOULD NOT BE REVIEWED,+ MR CHEUNG SAID.

NOTING THE RAPID REDEVELOPMENTS IN VARIOUS PARTS OF THE NEW TERRITORIES, MR CHEUNG SAID HE NEEDED TO BE CONVINCED THAT A POLICY, ORIGINALLY INTENDED ONLY TO APPLY TO THE AGRICULTURAL USAGES OF ANCESTRAL LAND, WAS STILL SUITED TO THE PRESENT CIRCUMSTANCES.

+THERE IS HARDLY TODAY A PATCH OF AGRICULTURAL LAND IN THE NEW TERRITORIES WHICH IS STILL BEING USED FOR PADDY CULTIVATION.

+HOWEVER, RENTALS FOR TENANCIES IN RESPECT OF THESE LOTS ARE STILL RECKONED IN TERMS OF PICULS OF UNHUSKED RICE OR 'KUK', WHICH IS NO LONGER PRODUCED,+ MR CHEUNG POINTED OUT.

THIS LAND HAD BEEN SUBLET AND RESUBLET, WITH MANY LOTS HAVING BEEN CONVERTED INTO HOMESTEADS WITH OR WITHOUT THE CONSENT OF THE REGISTERED LAND OWNERS, HE SAID.

THE SITUATION, HE ADDED, HAD BEEN MADE WORSE BY THE TRANSFER OF JUDICIAL AUTHORITY IN DETERMINING DISPUTES OVER INTERESTS IN THIS LAND FROM THE OLD-FASHIONED DISTRICT OFFICERS TO THE DISTRICT COURTS.

+THE UNFAMILIAR PROCEDURES IN A DISTRICT COURT SIMPLY DETER UNSOPHISTICATED VILLAGERS FROM BRINGING THEIR GRIEVANCES OR DISPUTES FOR SETTLEMENT,+ MR CHEUNG SAID, ADDING THAT THIS MADE NEITHER THE LANDLORD NOR THE TENANT HAPPY.

HE SAID THAT THE SITUATION HAD BEEN ALLOWED TO DETERIORATE FOR TOO LONG AND WAS +IN GRAVE NEED OF EXAMINATION TO DETERMINE WHAT, IF ANYTHING, CAN BE DONE TO RESOLVE THESE PROBLEMS.+

SUB-TENANT BURDEN ON LANDLORD REMOVED

UNDER THE PROVISIONS OF THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983, A TENANT OR SUB-TENANT IS PROTECTED AGAINST HARRASSMENT FROM THE LANDLORD OR ANY OTHER PERSON, THE HON MARIA TAM SAID IN THE LEGISLATIVE COUNCIL TODAY.

SPEAKING IN SUPPORT OF THE BILL, MISS TAM POINTED OUT THAT A SUB-TENANT IS ALLOWED TO REMAIN IN POSSESSION OF PART OF THE PREMISES EVEN THOUGH THE LANDLORD HAS RECOVERED POSSESSION OF THE OTHER PARTS FOR HIS OWN OCCUPATION FROM THE PRINCIPAL TENANT.

HOWEVER, WHERE THE PRINCIPAL TENANT MAKES A HANDSOME PROFIT OUT OF RENTALS FROM THE SUB-TENANTS, AND PARTICULARLY IN CASES WHERE HE DOES NOT RESIDE AT THE PREMISES, IT BECOMES NECESSARY TO PROTECT THE INTEREST OF THE LANDLORD, SHE SAID.

IN THESE CIRCUMSTANCES, THE BILL PROVIDES AN ADDITIONAL GROUND FOR THE LANDLORD TO RECOVER POSSESSION OF HIS PREMISES, SHE POINTED OUT.

+BUT THE STORY OF THE LANDLORD'S GRIEF DOES NOT END THERE,+ SHE ADDED.

+WHERE THE SUB-LETTING IS NOT IN BREACH OF THE CONTRACTUAL TENANCY THE SUB-TENANT BECOMES THE PRINCIPAL TENANT.

+HE CAN IN TURN SUB-LET THE WHOLE PREMISES TO HIS SUB-TENANT AND THIS SUB-SUB-TENANT WILL ALSO BE PROTECTED UNDER OUR 'RENT CONTROL' LEGISLATIONS.

+THE LANDLORD, IN EFFECT, NEVER RECOVERS POSSESSION OF HIS PREMISES,+ SHE SAID.

AN AD HOC STUDY GROUP OF UNOFFICIAL MEMBERS THUS PROPOSED THAT WHILE THE IMMEDIATE SUB-TENANT SHOULD ENJOY RENT CONTROL PROTECTION AND SECURITY OF TENURE, THE LANDLORD SHOULD NOT BE BURDENED WITH A SUB-SUB-TENANT WHOSE EXISTENCE WAS NOT CONTEMPLATED BY THE CONTRACT, MISS TAM SAID.

AS A RESULT, AN AMENDMENT WAS MADE TO THE BILL TO THE EFFECT THAT WHERE A SUB-TENANT BECOMES THE TENANT OF A LANDLORD, ANY SUB-LETTING UNDER THAT TENANCY BY THAT TENANT WITHOUT WRITTEN PERMISSION FROM THE LANDLORD WILL BE IN BREACH OF THE CONTRACTUAL TENANCY.

+THIS AMENDMENT WILL GIVE THE LANDLORD A CHOICE AS TO WHETHER HE WISHES TO RECOGNISE AND ACCEPT THE SECOND GENERATION OF SUB-TENANT IN SPITE OF THE FACT THAT IN THE ORIGINAL TENANCY AGREEMENT MADE BETWEEN HIM AND THE FIRST TENANT, THERE WAS NO PROHIBITION ON SUB-LETTING,+ MISS TAM SAID.

UNDER ANOTHER AMENDMENT, WHERE A SUB-TENANT BECOMES A TENANT WITHOUT BREACHING THE CONTRACTUAL TENANCY, AND HE IN TURN SUB-LETS THE PREMISES WITHOUT WRITTEN PERMISSION FROM THE LANDLORD, HE WILL BE COMMITTING A BREACH OF A CONDITION OF THE TENANCY WHICH WILL THEN BE FORFEITED.

/+THESE

+THESE AMENDMENTS CURTAIL ANY UNFAIR SUCCESSION OF SUB-TENANCIES AND I SUPPORT THEM AS I SUPPORT THIS BILL WITH ALL THE OTHER AMENDMENTS,+ MISS TAM SAID.

MISS TAM EARLIER DECLARED HER INTEREST BOTH AS A LANDLORD AND A TENANT OF PREMISES SUBJECT TO CONTROL UNDER PART II OF THE PRINCIPAL ORDINANCE.

TWO SETS OF AMENDMENTS PROPOSED

TWO SETS OF AMENDMENTS TO THE LANDLORD AND TENANT (CONSOLIDATION)(AMENDMENT) BILL 1983 WOULD BE MOVED AT THE COMMITTEE STAGE, THE HON JOHN SWAINE SAID TODAY.

SPEAKING AT THE RESUMED DEBATE OF THE BILL IN THE LEGISLATIVE COUNCIL, MR SWAINE SAID THE FIRST SET RELATED TO RESTRICTIONS ON THE LANDLORD'S POWER TO DEAL WITH THE PREMISES AFTER HE HAD OBTAINED AN ORDER FOR POSSESSION.

THE RESTRICTIONS CURRENTLY IN FORCE RUN FOR A PERIOD OF TWO YEARS FROM THE DATE OF THE ORDER OR DECISION OF THE TRIBUNAL.

+IT WAS ORIGINALLY PROPOSED THAT THIS PERIOD RUN INSTEAD FROM THE DATE OF THE LANDLORD OBTAINING VACANT POSSESSION.

+HOWEVER, THIS FORMULA WOULD HAVE LED TO AN UNDESIRABLE DEGREE OF UNCERTAINTY AS THE TENANT MIGHT HOLD OVER LONG AFTER HE HAD CEASED TO BE ENTITLED.

+FURTHER, IT WAS FELT THAT THE PRESENT RESTRICTION OF TWO YEARS FROM THE DATE OF THE ORDER OR DECISION OF THE TRIBUNAL WAS A SUFFICIENT DETERRENT. ACCORDINGLY THIS FORMULA WILL BE RETAINED,+ HE SAID.

THE SECOND SET OF AMENDMENTS TO BE MOVED RELATES TO THE ENFORCEMENT POWERS OF THE COMMISSIONER OF RATING AND VALUATION.

THESE POWERS ARE SPELT OUT IN DETAIL IN THE PROPOSED BILL AND INCLUDE POWERS TO REQUIRE THE FURNISHING OF INFORMATION AND THE SUPPLY OF TENANCY DOCUMENTS, AS WELL AS POWERS OF INSPECTION OF THE PREMISES.

+THESE POWERS ARE NOW TO BE TEMPERED BY THE PROVISION THAT THE INFORMATION REQUISITIONED BY THE COMMISSIONER MUST BE REASONABLY REQUIRED AND BY FURTHER PROVISION THAT AN OFFENCE IS COMMITTED ONLY IF THERE IS NO REASONABLE EXCUSE FOR THE REFUSAL, NEGLIGENCE OR OBSTRUCTION,+ MR SWAINE SAID.

DEBATE ON THE BILL WAS FURTHER ADJOURNED.

GREATER EFFORT ON SETTLEMENT OF FUTURE URGED

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THE TIME AND ENERGY BEING SPENT ON REDUCING RENT CONTROL COULD MORE PROFITABLY BE SPENT IN EVEN GREATER EFFORTS TO PERSUADE LONDON AND BEIJING TO GET ON WITH REACHING AN ACCEPTABLE SETTLEMENT ON THE FUTURE OF HONG KONG, THE REV THE HON PATRICK MCGOVERN SAID AT THE RESUMED DEBATE OF THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983 IN THE LEGISLATIVE COUNCIL TODAY.

+BY ACCEPTABLE I MEAN SUCH THAT INVESTORS WILL HAVE CONFIDENCE TO INVEST IN LONG TERM PROJECTS ESPECIALLY THOSE INVOLVING LEASES,+ FR MCGOVERN SAID.

HE THOUGHT THAT MOST PEOPLE WERE HEEDING THE GOVERNOR'S ADVICE TO BE PATIENT AND TO GET ON WITH THE DAY-TO-DAY WORK. +BUT TO INVEST MONEY IN AN UNCERTAIN FUTURE IS A DIFFERENT MATTER,+ HE ADDED.

IN OPPOSING THE MOTION FR MCGOVERN SUMMARISED GOVERNMENT'S POLICY +AS BEING TO GRADUALLY PHASE OUT RENT CONTROL IN ORDER TO BRING ACTUAL RENTS UP TO THE LEVEL OF FAIR MARKET RENT.

+THE POLICY SHOULD, OF COURSE BE THE OPPOSITE. IT SHOULD BE TO BRING DOWN THE EXORBITANT, SPECULATION-FED UNFAIR MARKET RENT TO A LEVEL WHICH PEOPLE CAN AFFORD TO PAY,+ HE SAID.

FR MCGOVERN SAID THAT DUE TO SPECULATION AND OTHER REASONS THE +RENTS WERE ON THE WHOLE UNFAIR+.

+I AM GLAD TO NOTE THAT AT LONG LAST GOVERNMENT INDIRECTLY ADMITS THIS FACT BY PROPOSING TO REMOVE THE WORDS 'FAIR MARKET RENT' FROM THE LAW.

+UNFORTUNATELY IN ADMITTING TO THE NEED FOR A CHANGE OF WORDS THERE WOULD APPEAR TO BE NO ADMISSION OF THE NEED FOR A CHANGE OF POLICY.

+POLICY IS STILL BASED ON THE UNCHANGED FACT. WHAT BECOMES 'PREVAILING' REMAINS 'UNFAIR', +FR MCGOVERN SAID.

FR MCGOVERN EXPLAINED THAT HE OPPOSED RELAXATION OF RENT CONTROL AT THE PRESENT TIME FOR FOUR REASONS. IN ADDITION TO THE ONE ABOUT POLICY, +THREE OTHERS WERE ABOUT SUPPOSITIONS WHICH COULD BE WRONG.+

REFERRING TO THE +FIRST POSSIBLY WRONG PRESUMPTION,+ THAT THE ONLY REAL SOLUTION TO THE HOUSING PROBLEM WAS +THE SACRED LAW OF SUPPLY AND DEMAND,+ HE SAID THAT IT DID NOT, IN ITSELF, WORK.

AND HE COULD FIND NO EVIDENCE +AMONG THE MASS OF VERY INTERESTING STATISTICS PROVIDED BY GOVERNMENT,+ THAT RENTS FOR MEDIUM AND SMALLER FLATS WERE GOING DOWN +AS IT WAS CLAIMED THEY WOULD AS A RESULT OF SUPPLY AND DEMAND COMING INTO BALANCE,+ HE SAID.

+OUR REAL PROBLEM IS TO BALANCE SUPPLY AND NEED. THE NEEDY ARE OFTEN IN NO POSITION TO TAKE PART IN THE DEMAND,+ HE SAID.

A SECOND POSSIBLY WRONG PRESUMPTION WAS THE FREQUENTLY MADE STATEMENT THAT THE LARGE NUMBER OF VACANT RESIDENTIAL FLATS WAS DUE TO THE FACT THAT THEY WERE BEING DELIBERATELY HELD OFF THE MARKET BY SPECULATORS WHO WANT TO CREATE A SHORTAGE AND THUS GET THE PRICE UP.

THIS MIGHT BE PARTLY TRUE, BUT IT COULD REASONABLE BE ARGUED THAT ANOTHER MORE IMPORTANT CAUSE COULD BE THAT PEOPLE SIMPLY COULD NOT AFFORD TO PAY THE HIGH RENTS BEING DEMANDED FOR SUCH MEDIUM AND SMALL FLATS.

THE THIRD POSSIBLY WRONG PRESUMPTION WAS THAT IF RENT CONTROL WAS EXTENDED, DEVELOPERS WOULD LOSE INTEREST IN PROPERTY AND THERE WOULD BE FEWER NEW STARTS TO BUILDINGS NOW, AND THUS FEWER NEW FLATS FOR OCCUPATION IN A COUPLE OF YEARS TIME.

THIS TREND WAS ALREADY SHOWN IN STATISTICS, BUT, WAS RENT CONTROL THE CAUSE? HE ASKED.

ANOTHER POSSIBLE CAUSE, HE SAID, WAS THAT IN THE PRESENT POLITICAL UNCERTAINTY INVESTMENT IN ANYTHING LONG TERM IN HONG KONG WAS +SLOWING DOWN IN THE SHADOW OF 1997,+ HE SAID.

+WITH THESE OBSERVATIONS ON OBJECTIVES AND SUPPOSITIONS, I WILL VOTE AGAINST THE SECOND AND THIRD READINGS OF THE BILL IN GENERAL, BECAUSE IT CONTAINS A RELAXATION OF RENT CONTROL,+ HE SAID.

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REMOVAL OF THREE OFFENCES SOUGHT

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DR THE HON HO KAM-FAI TODAY CALLED FOR THE REMOVAL OF THREE DRIVING OFFENCES WHICH CARRY PENALTY POINTS, FROM THE SCHEDULE OF OFFENCES UNDER THE ROAD TRAFFIC (DRIVING OFFENCE POINTS) BILL 1983.

THE THREE OFFENCES ARE: FAILING TO STOP AFTER AN ACCIDENT, FAILING TO GIVE PARTICULARS AFTER AN ACCIDENT AND FAILING TO REPORT AN ACCIDENT.

SPEAKING AT THE LEGISLATIVE COUNCIL, DR HO SAID THE RETENTION OF THE THREE DRIVING OFFENCES ON THE SCHEDULE UNDERMINED THE STATED AIM OF THE BILL WHICH WAS TO PROMOTE SAFE, RESPONSIBLE AND CONSIDERATE DRIVING.

+AS I SEE IT, THE ACT ITSELF IN RESPECT OF ANY OF THESE DRIVING OFFENCES DOES NOT CONSTITUTE UNSAFE DRIVING ON THE ROAD, CAUSING INJURIES OR DAMAGE TO OTHER ROAD USERS,+ HE SAID.

+I AM NOT SAYING THAT SUCH OFFENCES SHOULD GO UNPUNISHED, I AM MERELY POINTING OUT THAT PENALTY POINTS SHOULD BE ALLOCATED TO THE VERY ACT OF UNSAFE DRIVING AND NOT TO SUBSEQUENT BEHAVIOUR,+ HE SAID.

ON THE SPIRIT OF THE BILL ITSELF, DR HO SAID IT WAS LAUDABLE AND WORTHY OF SUPPORT, AS IT WAS AIMED TO PROMOTE ROAD SAFETY THROUGH PENALISING RECKLESS, IRRESPONSIBLE DRIVING BEHAVIOUR.

+CERTAIN ELEMENTS OF DRIVING BEHAVIOUR WHICH POSE A THREAT TO OTHER ROAD USERS HAVE BEEN SELECTED AND PENALTY POINTS ALLOCATED BY REFERENCE TO THE LEVELS OF PENALTIES UNDER THE ROAD TRAFFIC ORDINANCE,+ HE SAID.

WHEN THE DRIVER HAS ACCUMULATED 15 POINTS IN A TWO-YEAR PERIOD, HE WILL BE TEMPORARILY DISQUALIFIED FROM HOLDING A DRIVING LICENCE.

+IN THIS WAY, THE DEMERIT POINT SYSTEM IS DESIGNED TO SERVE AS AN EFFECTIVE DÉTERRENT TO PERSISTENTLY BAD DRIVING BEHAVIOUR,+ HE SAID.

DEBATE ON THE BILL WAS FURTHER ADJOURNED.

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**BILL COULD LEAD TO BETTER DRIVING: UNOFFICIAL

THE ROAD TRAFFIC (DRIVING OFFENCE POINTS) BILL 1983 HAS THE POTENTIAL FOR RE-EDUCATING DRIVERS INTO GOOD HABITS AND IMPROVED DRIVING STANDARDS BY DANGLING THE LARGE STICK OF DISQUALIFICATION IN FRONT OF PERSISTENT OFFENDERS.

THIS WAS STATED BY THE HON S.L. CHEN DURING THE RESUMED DEBATE ON THE BILL AT THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR CHEN IS THE CONVENER OF THE AD HOC GROUP OF UNOFFICIAL MEMBERS OF LEGCO CONSIDERING THE BILL.

+IF THE COMPUTER OF THE SECRETARY FOR TRANSPORT HAS NOT ERRED, THE NUMBER OF PEOPLE WHO WOULD ACTUALLY RISK DISQUALIFICATION FROM THE SYSTEM IS COMPARATIVELY SMALL, BUT THE NUMBER OF THOSE WHOSE DRIVING BEHAVIOUR MAY BE IMPROVED BY THE KNOWLEDGE THAT POSSIBLE DISQUALIFICATION LIES IN WAIT IS LIKELY TO BE CONSIDERABLY HIGHER,+ HE SAID.

SPEAKING IN SUPPORT OF THE MOTION, MR CHEN SAID IT WAS TO THE POTENTIAL EDUCATIONAL VALUE OF THE BILL THAT THE GROUP GAVE WEIGHT IN LENDING ITS SUPPORT.

HE POINTED OUT THAT ONE OF THE MAJOR AREAS OF UNOFFICIAL MEMBERS' CONCERN WAS THE QUESTION OF THE ACCUMULATION PERIOD.

+WE UNANIMOUSLY CONSIDERED THAT THREE YEARS WAS TOO LONG A PERIOD.+

HE SAID THAT TWO-YEAR PERIOD WHICH HE WOULD BE PROPOSING BY MEANS OF AN AMENDMENT IN THE COMMITTEE STATE +OFFERS BOTH A LONG ENOUGH PERIOD TO ENCOURAGE AWARENESS OF AND IMPROVEMENT IN DRIVING SKILLS AND A SHORT ENOUGH PERIOD TO ENSURE THAT THE THREAT OF DISQUALIFICATION DOES NOT HOVER UNJUSTIFIABLY HEAVILY OVER DRIVERS' HEADS.+

MR CHEN NOTED THE +DOUBLE OR MULTIPLE PENALTY+ WHICH THE BILL WOULD IMPOSE OVER AND ABOVE ANY FINANCIAL OR CUSTODIAL PENALTY AWARDED UNDER THE ROAD TRAFFIC ORDINANCE WAS NOT WITHOUT PRECEDENT IN HONG KONG LAW.

/HOWEVER,

HOWEVER, HE WARNED THAT THE POINTS SYSTEM INCLUDING SOME OFFENCES WHICH COULD BE DEALT WITH BY FIXED PENALTY TICKETS, MIGHT RESULT IN INCREASED WORK FOR THE JUDICIARY.

+PEOPLE WHO CURRENTLY PAY FIXED PENALTY TICKETS AND THUS ADMIT GUILT OF AN OFFENCE, MAY BE MORE INCLINED IN FUTURE TO CONTEST THE CASE IN COURT,+ HE SAID.

ON ANOTHER +DOUBLE OR MULTIPLE PENALTY+ ASPECT OF THE BILL, MR CHEN SAID THAT THE AMENDMENT TO CLAUSE 8 NOW CLARIFIED THE POSITION THAT WHEN CALCULATING POINTS FOR THE PURPOSES OF DISQUALIFICATION, THE MAGISTRATE MIGHT TAKE INTO ACCOUNT ONLY ONE OF THOSE +MULTIPLE OFFENCES+.

UNLESS THE OFFENCES WERE OF THE SAME POINT LEVEL, ONLY THE OFFENCE CARRYING THE HIGHEST POINTS WOULD BE COUNTED.

ON THE +THORNY QUESTION+ OF +CARELESS DRIVING+, MR CHEN SAID THE GROUP WAS ASSURED BY THE ADMINISTRATION THAT ADEQUATE SAFEGUARDS EXISTED TO ENSURE THAT A PROSECUTION OF +CARELESS DRIVING+ WAS ONLY BROUGHT AFTER CAREFUL SCRUTINY OF THE FACTS OF THE CASE BY SENIOR POLICE OFFICERS AND BY THEIR LEGAL ADVISERS.

TURNING TO THE SCHEDULE, HE SAID THE SECRETARY FOR TRANSPORT IN HIS SPEECH ON APRIL 13 SAID THAT THE 16 OFFENCES PROPOSED WERE ALL CAREFULLY SELECTED AS HAVING DIRECT BEARING ON ROAD SAFETY.

HE SAID UNOFFICIAL MEMBERS FOUND IT +A LITTLE DIFFICULT TO UNDERSTAND+ THE LOGIC FOR INCLUDING ITEMS 7 TO 11 AND 16 WHICH HAD NO DIRECT BEARING ON ROAD SAFETY AND HAD ADDITIONALLY SOUGHT TO DOWNGRADE THREE OFFENCES IN THE SCHEDULE WHICH APPEARED TO BE RELATIVELY LESS SERIOUS.

MR CHEN SAID AMENDMENT TO EFFECT THESE CHANGES WOULD BE PUT FORWARD DURING THE COMMITTEE STAGE OF THE BILL.

ON THE ITEM OF +GIVING PRECEDENCE TO PEDESTRIANS ON A ZEBRA CROSSING+ OF THE SCHEDULE, HE SAID HONG KONG'S ROADS AND PAVEMENTS WERE EXTREMELY CONGESTED AND IN MANY WIDE AND UNCONTROLLED CROSSING, DRIVERS MIGHT HAVE TO WAIT ALL DAY TO CROSS PEDESTRIAN CROSSINGS IN OBEDIENCE WITH THE LETTER OF THE LAW.

MR CHEN SOUGHT ASSURANCE FROM THE ADMINISTRATION THAT THIS PARTICULAR OFFENCE SHOULD BE TREATED WITH COMMONSENSE.

MR CHEN SAID: +AFTER MANY HOURS OF CONSULTATION BETWEEN THE ADMINISTRATION AND THE UNOFFICIALS, SUBSTANTIAL AMENDMENTS HAVE NOW BEEN PROPOSED TO THE BILL.

+WE ARE, HOWEVER, CONSCIOUS OF THE FACT THAT IN DEALING WITH A PIECE OF LEGISLATION OF THIS NATURE WE CANNOT POSSIBLY PLEASE EVERYONE.

+FOR SOME, THE AMENDED BILL WILL APPEAR TO HAVE ITS CLAWS DRAWN- FOR OTHERS, IT MAY STILL SEEM UNDULY HARSH.

+IN OUR EXAMINATION OF THE BILL, WE TOOK PAINS TO FIND AN EQUITABLE BALANCE BETWEEN THE APPARENTLY CONFLICTING INTERESTS OF THE VARIOUS GROUPS OF PEOPLE WHO USE THE ROAD. ULTIMATELY, ROAD SAFETY IS IN EVERYONE'S INTEREST.+

DEBATE ON THE BILL WAS FURTHER ADJOURNED.

BILL TO GRANT GENERAL PERMIT FOR CLOSED AREAS
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THE PUBLIC ORDER (AMENDMENT) BILL 1983 PROPOSES TO EMPOWER THE COMMISSIONER OF POLICE TO GRANT A GENERAL PERMIT TO SPECIFIC CATEGORIES OF PERSONS TO ENTER OR LEAVE A CLOSED AREA, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, SAID IN THE LEGISLATIVE COUNCIL TODAY.

THE PERMIT WILL BE VALID AT SUCH TIMES AND SUBJECT TO SUCH CONDITIONS AS THE COMMISSIONER MAY SPECIFY, MR JEAFFRESON SAID, IN MOVING THE BILL THROUGH THE SECOND READING.

UNDER S.38 OF THE PUBLIC ORDER ORDINANCE, IT IS AN OFFENCE FOR ANY PERSON TO ENTER OR LEAVE A CLOSED AREA WITHOUT A PERMIT, AND THE PURPOSE OF THE BILL IS TO PROVIDE FOR EXCEPTIONS, MR JEAFFRESON EXPLAINED.

HE NOTED THAT DURING THE FESTIVALS OF CHING MING AND CHUNG YEUNG, IT IS CUSTOMARY FOR PEOPLE TO VISIT THE GRAVES OF THEIR ANCESTORS IN THE SANDY RIDGE CEMETARIES AT LO WU INSIDE THE FRONTIER CLOSED AREA.

+THE FACT OF THE MATTER IS THAT BECAUSE OF THE LARGE NUMBERS INVOLVED, THE COMMISSIONER OF POLICE HAS NOT IN PRACTICE BEEN ABLE TO ISSUE PERMITS FOR THEM,+ MR JEAFFRESON POINTED OUT.

THE SAME APPLIES TO CERTAIN OTHER CATEGORIES OF PERSONS WHO MOVE IN AND OUT OF THE FRONTIER CLOSED AREA.

THEY INCLUDE MEMBERS OF THE DISCIPLINED SERVICES AND THE MILITARY ON DUTY, RESIDENTS OF THE FRONTIER CLOSED AREA UNDER THE AGE OF 18, PASSENGERS TRAVELLING TO AND FROM CHINA AND EMPLOYEES OF TRANSPORT COMPANIES OPERATING BETWEEN HONG KONG AND CHINA, HE SAID.

THE BILL ALSO PROPOSES STATUTORILY TO EXEMPT MILITARY PERSONNEL AND POLICE OFFICERS ON DUTY FROM THE REQUIREMENT TO HAVE A PERMIT, MR JEAFFRESON SAID.

DEBATE ON THE BILL WAS ADJOURNED TILL JUNE 8.

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CORRECTIONAL SERVICES LEGISLATION REVIEWED
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AN EXTENSIVE REVIEW WAS RECENTLY UNDERTAKEN OF LEGISLATION GOVERNING THE FUNCTIONS OF THE CORRECTIONAL SERVICES DEPARTMENT, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, SAID IN THE LEGISLATIVE COUNCIL TODAY.

AS A RESULT, A NUMBER OF MAINLY ADMINISTRATIVE AMENDMENTS WERE NOW PROPOSED TO THE PRISONS ORDINANCE, HE SAID, MOVING THE SECOND READING OF THE PRISONS (AMENDMENT) BILL 1983.

MR JEAFFRESON EXPLAINED THAT SOME OF THE CHANGES WOULD BRING DISCIPLINARY PROCEEDINGS AGAINST OFFICERS OF THE DEPARTMENT INTO LINE WITH THOSE APPLICABLE TO OTHER DISCIPLINED SERVICES.

DEBATE ON THE BILL WAS ADJOURNED TILL JUNE 8.

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WEDNESDAY, MAY 25, 1983

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BILL SEEKS TO 'WIDEN RANGE OF ACTION'

THE OBJECT OF THE DRUG ADDICTION TREATMENT CENTRES (AMENDMENT) BILL 1983 IS TO WIDEN THE RANGE OF ACTION THAT CAN BE TAKEN AGAINST THOSE WHO FAIL TO COMPLY WITH THE REQUIREMENTS SPECIFIED IN A SUPERVISION ORDER, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, SAID TODAY.

THIS WILL BE DONE BY PRESCRIBING PENALTIES OF FINES OF UP TO \$5 000 AND IMPRISONMENT OF UP TO 12 MONTHS FOR BREACHES OF SUPERVISION ORDERS ON CONVICTION IN A COURT, MR JEAFFRESON SAID, IN MOVING THE BILL THROUGH ITS SECOND READING.

SECTION 6 OF THE DRUG ADDICTION TREATMENT CENTRES ORDINANCE EMPOWERS THE COMMISSIONER OF CORRECTIONAL SERVICES TO MAKE A RECALL ORDER AGAINST A PERSON WHO BREACHES THE CONDITIONS OF HIS SUPERVISION ORDER.

THIS SECTION, MR JEAFFRESON POINTED OUT, IS NOT ALWAYS APPROPRIATE, PARTICULARLY IN CASES WHERE THE PERSON IN QUESTION HAS NOT STARTED TAKING DRUGS AGAIN.

HE NOTED THAT PROVISIONS SIMILAR TO THOSE OF THE BILL ARE CONTAINED IN THE DETENTION CENTRES ORDINANCE AND TRAINING CENTRES ORDINANCE.

DEBATE ON THE BILL WAS ADJOURNED TILL JUNE 8.

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PROPOSAL TO INCREASE LEVEL OF FINES

THE WATERWORKS (AMENDMENT) BILL 1983, WHICH IS MERELY TO INCREASE THE LEVEL OF FINES TO BE IMPOSED FOR OFFENCES AGAINST THE PROVISIONS OF THE ORDINANCE AND ITS REGULATIONS, WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY.

SPEAKING AT THE SECOND READING OF THE BILL, THE ACTING SECRETARY FOR LANDS AND WORKS, THE HON CHAN NAI-KEONG SAID:

+THE FINES WHICH MAY AT PRESENT BE IMPOSED WERE SET IN 1974 AND ARE \$10 000, UNDER SECTION 30 OF THE ORDINANCE, FOR THE OFFENCE OF POLLUTING WATER FORMING PART OF THE WATERWORKS, AND A MAXIMUM OF \$2 000, UNDER SECTION 37, FOR THE OFFENCE OF CONTRAVENING THE WATERWORKS REGULATIONS.

+IN VIEW OF THE INFLATION WHICH HAS TAKEN PLACE SINCE THAT DATE, IT IS CONSIDERED REASONABLE TO INCREASE THOSE FINES, IN LINE WITH THE MOVEMENT OF THE CONSUMER PRICE INDEX OVER THE SAME PERIOD, TO \$20 000 AND \$4 000 RESPECTIVELY.+

DEBATE ON THE BILL WAS ADJOURNED TILL JUNE 8.

HANDLING OF CHILD ABUSE CASES
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AN AD HOC WORKING GROUP HAS BEEN REVIEWING AND CLARIFYING THE GUIDELINES FOR INTER-DEPARTMENTAL USE IN HANDLING CHILD ABUSE CASES, THE SECRETARY FOR HEALTH AND WELFARE, THE HON HENRY CHING, TOLD THE LEGISLATIVE COUNCIL TODAY.

HE WAS REPLYING TO A QUESTION BY REV THE HON JOYCE BENNETT WHO ASKED THE GOVERNMENT TO MAKE A STATEMENT CONCERNING THE FINDINGS OF THE SOCIAL WELFARE DEPARTMENT'S INQUIRY INTO THE DEATH OF CHAU PUI-MAN.

POINTING OUT THAT THIS WORKING GROUP WAS UNCONNECTED WITH THE CHAU PUI-MAN CASE, MR CHING SAID THEIR GUIDELINES SET OUT THE STEP-BY-STEP PROCEDURES WHICH GOVERNMENT DEPARTMENTS, HOSPITALS, CLINICS AND SCHOOLS WERE EXPECTED TO FOLLOW.

+THE NEED FOR CASE CONFERENCES IS STRESSED, AND THE NEED FOR FREQUENT HOME VISITS AND PHYSICAL CONTACT WITH THE CHILD IS EMPHASISED.

+I CONSIDER THAT IT WOULD BE TIMELY TO GIVE THIS WORKING GROUP A MORE FORMAL STATUS, WITH THE TASK OF CONDUCTING A GENERAL REVIEW OF THE PROCEDURES FOR HANDLING CHILD ABUSE CASES, AND MAKING RECOMMENDATIONS FOR IMPROVEMENT, INCLUDING THE NEED FOR ANY ADDITIONAL RESOURCES AND LEGISLATIVE AMENDMENTS THAT MIGHT BE REQUIRED,+ HE SAID.

ON THE DEATH OF CHAU PUI-MAN, MR CHING SAID A VERY THOROUGH REVIEW WAS CARRIED OUT WHICH SHOWED THAT ALL CONCERNED WITH THE CASE HAD ACTED IN WHAT WAS CONSCIENTIOUSLY THOUGHT, AT THE TIME, TO BE IN THE CHILD'S BEST INTEREST.

HOWEVER, THE REVIEW ALSO INDICATED THAT THERE WAS ROOM FOR IMPROVEMENTS TO EXISTING PROCEDURES.

+THE REVIEW HAS SHOWN, FIRST, THAT CHILD ABUSE CASES ARE NOT ALWAYS NOTIFIED TO THE SOCIAL WELFARE DEPARTMENT AS EARLY AS THEY COULD BE,+ MR CHING SAID.

THE REVIEW ALSO REAFFIRMED THE IMPORTANT PRINCIPLE THAT IN DECIDING ANY COURSE OF ACTION THE INTERESTS OF THE CHILD MUST BE GIVEN PRECEDENCE.

+THIRDLY, THE REVIEW HAS SHOWN THAT SOCIAL CASE WORKERS MUST BE GIVEN AS MUCH TRAINING AS POSSIBLE,+ HE SAID.

TWO MEASURES HAVE ALREADY BEEN TAKEN -- THE ESTABLISHMENT OF A SPECIAL CHILD PROTECTIVE SERVICE UNIT, STAFFED BY OFFICERS EXPERIENCED IN CHILD ABUSE WORK, IN THE SOCIAL WELFARE DEPARTMENT, AND THE ATTENDANCE OF A HONG KONG UNIVERSITY EXTRA-MURAL COURSE ON CHILD ABUSE BY NINE OFFICERS OF THE DEPARTMENT.

BRIDGE AT LEI YUE MUN STILL PREFERRED
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A BRIDGE AT LEI YUE MUN CONTINUES TO BE THE PREFERRED OPTION FOR A SECOND FIXED VEHICULAR HARBOUR CROSSING, PROVIDED THAT IT DOES NOT INTERFERE UNDULY WITH THE AIRPORT INSTRUMENT LANDING SYSTEM.

THIS WAS STATED BY THE SECRETARY FOR TRANSPORT, THE HON ALAN SCOTT, IN REPLY TO A QUESTION BY THE HON LYDIA DUNN ON THE GOVERNMENT'S THINKING ABOUT A SECOND HARBOUR CROSSING BETWEEN HONG KONG ISLAND AND EAST KOWLOON.

EXAMINATION OF THE CONSULTANTS' REPORT ON THE EFFECTS ON THE INSTRUMENT LANDING SYSTEM OF SUCH A BRIDGE WILL SOON BE FINISHED, AND A MEMORANDUM WILL BE SUBMITTED TO THE GOVERNOR IN COUNCIL NEXT MONTH, HE EXPLAINED.

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SPECIAL POLICE UNIT DEALS WITH COUNTERFEITING
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THE COMMERCIAL CRIME BUREAU OF THE ROYAL HONG KONG POLICE FORCE HAS A SECTION DEDICATED SOLELY TO COMBATING COUNTERFEITING, THE ACTING FINANCIAL SECRETARY, THE HON DOUGLAS BLYE, SAID IN THE LEGISLATIVE COUNCIL TODAY.

HE WAS REPLYING TO A QUESTION BY THE HON MR PETER C. WONG ABOUT GOVERNMENT ACTION AGAINST THE COUNTERFEITING OF BANK NOTES.

+WHILE I CAN CONFIRM, AS HAS BEEN WIDELY REPORTED IN THE PRESS, THAT A NUMBER OF ARRESTS HAVE RECENTLY BEEN MADE IN CONNECTION WITH THE POSSESSION OF FORGED \$1 000 CHARTERED BANK NOTES AND THAT THE POLICE ARE CONTINUING IN THEIR EFFORTS TO LOCATE THE ULTIMATE SOURCE OF THESE FORGERIES, IT WOULD NOT BE SENSIBLE TO REVEAL ANY DETAILS OF POLICE OPERATIONS,+ HE ADDED.

MR BLYE SAID ALSO THAT LAST YEAR THE GOVERNMENT AND THE TWO NOTE ISSUING BANKS ENTERED INTO AN AGREEMENT WITH THOMAS DE LA RUE AND COMPANY LIMITED UNDER WHICH THAT COMPANY WOULD CONSTRUCT A PLANT IN THE NEW TERRITORIES FOR THE PRODUCTION OF HONG KONG'S NOTES, AND THAT THE OPPORTUNITY WAS BEING TAKEN TO INTRODUCE A NEW SERIES OF NOTES, WHICH WOULD PROBABLY BEGIN TO BE ISSUED IN 1985.

+THE NEW NOTES WILL INCORPORATE IMPROVED SECURITY FEATURES, USING THE VERY LATEST TECHNOLOGY,+ HE CONCLUDED.

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CALCULATION OF PREMIUM FOR MODIFICATION

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THE PREMIUM FOR MODIFICATION OF THE NON-ASSIGNMENT CLAUSE IN SMALL HOUSE GRANTS IN THE NEW TERRITORIES IS CALCULATED BY TAKING THE DIFFERENCE IN LAND VALUE BETWEEN A LOT WHICH IS PERMITTED TO BE ASSIGNED AND A LOT WHICH IS NOT PERMITTED TO BE ASSIGNED, THE ACTING SECRETARY FOR LANDS AND WORKS, THE HON CHAN NAI-KEONG TOLD THE LEGISLATIVE COUNCIL TODAY.

REPLYING TO A QUESTION BY THE HON HARRY FANG, MR CHAN SAID THAT TO ENABLE PREMIA IN INDIVIDUAL CASES TO BE READILY ASSESSED A SCHEDULE OF STANDARD PREMIUM RATES FOR DIFFERENT LOCATIONS WAS ISSUED BY THE LANDS DEPARTMENT AND REVISED PERIODICALLY TO TAKE ACCOUNT OF CHANGES IN LAND VALUE.

TURNING TO ANOTHER QUESTION ON THE SAME SUBJECT MR CHAN SAID THE REDUCTION OF 10 PER CENT IN THE PREMIUM RATES SINCE NOVEMBER 1982 REPRESENTED THE ASSESSED DECLINE IN THAT SECTOR OF THE PROPERTY MARKET OVER THE PERIOD NOVEMBER 1982 TO APRIL 1983.

+THE REDUCTION OF 30 PER CENT IN THE RATES SET IN NOVEMBER 1982 SHOWED THE RELATIVELY SHARP DECLINE IN THE MARKET WHICH OCCURRED DURING THE PREVIOUS MONTHS,+ HE SAID.

IN REPLY TO A QUESTION BY THE HON F.K. HU ON WHETHER GOVERNMENT WOULD CONSIDER SETTING UP AN APPELLATE BODY TO REVIEW PREMIA ASSESSMENTS FOR THE RE-GRANT OF LEASES AND MODIFICATIONS ARISING FROM ZONING CHANGES, MR CHAN SAID THAT A PROPOSAL TO SET UP SUCH AN APPELLATE BODY HAD RECENTLY BEEN DISCUSSED IN THE REAL ESTATE DEVELOPMENT SUB-COMMITTEE OF THE BUILDING DEVELOPMENT ADVISORY COMMITTEE AND GOVERNMENT HAD UNDERTAKEN TO CONSIDER THE NEED FOR ADDITIONAL APPEAL PROCEDURES.

+THE STUDY IS NOW IN HAND AND A PAPER ON THE SUBJECT WILL BE PUT TO THE JULY MEETING OF THE SUB-COMMITTEE FOR FURTHER DISCUSSION,+ HE ADDED.

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UNIFORM BASIS FOR APPEALS WELCOMED

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THE PROVISION OF A UNIFORM BASIS FOR APPEALS UNDER THE LANDS TRIBUNAL (AMENDMENT) BILL 1983 WOULD BE WIDELY WELCOMED BY LEGAL PRACTITIONERS, THE HON PETER C. WONG TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE MOTION, HE SAID THE PROVISION WAS AMONG AMENDMENTS OF A TECHNICAL NATURE.

MR WONG IS THE CONVENER OF THE AD HOC GROUP OF 12 UNOFFICIAL MEMBERS CONSIDERING THE LANDS TRIBUNAL (AMENDMENT) BILL 1983 AND THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983.

SINCE 1982, THE LANDS TRIBUNAL HAS BEEN THE JUDICIAL BODY EMPOWERED TO HEAR TENANCY CASES IN THE FIRST INSTANCE.

MR WONG POINTED OUT THAT WHEN LEGISLATIVE PROVISIONS FOR THIS PURPOSE WERE INTRODUCED LAST YEAR, THE TRIBUNAL WAS NOT VESTED WITH JURISDICTION TO DEAL WITH APPLICATIONS FOR POSSESSION DURING THE CONTRACTUAL PERIOD.

+THIS HAS GIVEN RISE TO PRACTICAL PROBLEMS AND CLAUSE 2 OF THE BILL NOW SEEKS TO VEST SUCH JURISDICTION IN THE TRIBUNAL,+ HE SAID.

MR WONG SAID CLAUSES 6, 7 AND 8 OF THE BILL AMENDED LANDS TRIBUNAL RULES.

NORMALLY, SUBSIDIARY LEGISLATION AND AMENDMENTS THERETO WERE TABLED IN THIS COUNCIL BY WAY OF RESOLUTION, HE SAID, ADDING THAT PRESENT DEPARTURE FROM NORMAL PRACTICE WAS PURELY A MATTER OF CONVENIENCE.

+THE CHIEF JUSTICE HAS BEEN FULLY CONSULTED AND HAS APPROVED THE AMENDMENTS,+ HE SAID.

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STEPS TAKEN AGAINST ARMS SMUGGLING * * * *

IN THE PAST 24 MONTHS, NO-ONE ENTERING HONG KONG LEGALLY FROM CHINA WAS CAUGHT TRYING TO SMUGGLE IN FIRE ARMS, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, TOLD THE LEGISLATIVE COUNCIL TODAY.

EIGHT PEOPLE CARRYING FIRE ARMS WERE ARRESTED TRYING TO ENTER HONG KONG ILLEGALLY FROM CHINA, MR JEAFFRESON SAID IN REPLY TO QUESTIONS BY THE HON MARIA TAM.

THERE WERE FIVE CASES INVOLVING ATTEMPTS TO SMUGGLE DRUGS FROM CHINA, ONLY ONE OF WHICH WAS CONCERNED WITH A SIGNIFICANT QUANTITY, HE SAID.

CUSTOMS OFFICERS CHECK PERSONS AND THEIR BAGGAGE ENTERING HONG KONG THROUGH THE TWO BORDER CHECK POINTS AT LO WU AND MAN KAM TO, USING X-RAY MACHINES, METAL DETECTORS AND, FROM TIME TO TIME, DOGS TRAINED TO DETECT NARCOTICS, HE SAID.

+AS A RESULT OF RECENTLY AGREED ARRANGEMENTS, THEY LIAISE WITH THEIR COUNTERPARTS ON THE OTHER SIDE OF THE BORDER, WITH THE RESULT THAT THE PASSING OF INTELLIGENCE ON CUSTOMS MATTERS HAS BEEN GREATLY IMPROVED,+ HE ADDED.

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CARE AND PROTECTION OF CHILDREN
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THE GOVERNMENT WILL EXAMINE WHETHER THE PROTECTION OF WOMEN AND JUVENILES ORDINANCE SHOULD BE AMENDED SO AS TO PERMIT JUVENILE COURTS TO MAKE CARE AND PROTECTION ORDERS ON APPLICATION BY A JUSTICE OF THE PEACE, THE ATTORNEY GENERAL, THE HON JOHN GRIFFITHS, TOLD THE LEGISLATIVE COUNCIL TODAY.

IN REPLY TO A QUESTION BY REV THE HON JOYCE BENNETT, MR GRIFFITHS SAID ANY MEASURES THAT COULD BE TAKEN THAT WOULD EXTEND THE PROTECTIVE NETWORK IN THIS CRUCIAL AREA OF SOCIAL CONCERN WOULD BE GIVEN SERIOUS CONSIDERATION.

MR GRIFFITHS SAID THE ORDINANCE DEFINED THE FOLLOWING THREE TYPES OF SITUATION IN WHICH CARE AND PROTECTION ORDERS COULD BE MADE:

- * WHERE THE CHILD IS PARENTLESS OR HAS AN UNFIT PARENT AND IS FALLING INTO BAD ASSOCIATION OR EXPOSED TO MORAL DANGER OR IS BEYOND CONTROL;
- * WHERE A SPECIFIED OFFENCE SUCH AS ANY OFFENCE INVOLVING BODILY INJURY TO A CHILD OR INCEST HAS BEEN COMMITTED INVOLVING A CHILD OR WHERE A CHILD IS IN A HOUSEHOLD WHERE A SPECIFIED OFFENCE HAS BEEN COMMITTED, AND
- * WHERE A CHILD IS FOUND WANDERING WITHOUT ANY SETTLED PLACE OF ABODE AND WITHOUT VISIBLE MEANS OF SUBSISTENCE.

UNDER THE ORDINANCE A JUVENILE COURT MAY MAKE CARE AND PROTECTION ORDERS ON ITS OWN MOTION OR UPON THE APPLICATION OF THE DIRECTOR OF SOCIAL WELFARE OR OF ANY PROBATION OFFICER OR OF ANY PERSON AUTHORISED BY THE DIRECTOR OF SOCIAL WELFARE IN WRITING OR OF ANY POLICE OFFICER.

+THE EFFECT OF THESE CARE AND PROTECTION ORDERS IS TO REALLOCATE PARENTAL RIGHTS AND DUTIES, EITHER TEMPORARILY OR PERMANENTLY FOR THE PROTECTION OF CHILDREN SUFFERING DEPRIVATION, NEGLECT OR CRUELTY.+

IN ADDITION, HE SAID, IMMEDIATE ACTION COULD BE TAKEN UNDER THE ORDINANCE TO REMOVE A CHILD, KNOWN OR SUSPECTED TO BE THE VICTIM OF ANY FORM OF CHILD ABUSE FROM HIS HOME BY MEANS OF DETENTION OF THE CHILD IN A PLACE OF REFUGE.

+THE PURPOSE OF THIS POWER IS TO PROVIDE A QUICK ACTING EMERGENCY PROVISION TO ENSURE THAT IF A CHILD IS IN ACTUAL DANGER, HE CAN BE IMMEDIATELY TAKEN FROM THAT SITUATION AND PUT IN A PLACE OF SAFETY,+ MR GRIFFITHS SAID.

POLICY ON TEACHER TRAINING EXPLAINED

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THE GOVERNMENT'S PRESENT POLICY IN UPGRADING THE QUALITY OF TEACHERS OF PRACTICAL AND CULTURAL SUBJECTS THROUGH THE ADVANCED COURSE OF TEACHER EDUCATION OFFERED AT THE FOUR COLLEGES OF EDUCATION IS TO EQUIP THEM TO TEACH UP TO FORM FIVE LEVEL IN THEIR CHOSEN SPECIALISMS, THE DIRECTOR OF EDUCATION, MR COLVYN HAYE, SAID TODAY (WEDNESDAY).

IN REPLY TO QUESTIONS RAISED BY REV. THE HON JOYCE BENNETT AT THE LEGISLATIVE COUNCIL, MR HAYE SAID THE ADVANCED COURSE COMPRISED A CORE OF STUDIES IN EDUCATION, EDUCATIONAL TECHNOLOGY, COMPLEMENTARY STUDIES AND LANGUAGE SKILLS WHICH ALL STUDENTS MUST FOLLOW.

IN ADDITION, EACH STUDENT IS REQUIRED TO STUDY IN DEPTH, ON AN ELECTIVE BASIS, ONE AREA OF SUBJECT SPECIALISATION, AND TO TAKE UP PRACTICAL TEACHING IN SCHOOLS. FOR TECHNICAL TEACHERS THE PRACTICAL TEACHING ELEMENT IS REPLACED BY A PERIOD OF ATTACHMENT TO INDUSTRY.

THERE ARE SIX PRACTICAL AND CULTURAL SUBJECTS IN THE COURSE, NAMELY ART AND DESIGN, PHYSICAL EDUCATION, HOME MANAGEMENT, DRESS AND DESIGN, MUSIC, AND DESIGN AND TECHNOLOGY.

MR HAYE SAID THIS YEAR ONLY FIVE OF THESE COURSES WOULD BE HELD BECAUSE THERE WERE NOT ENOUGH SUITABLE CANDIDATES TO JUSTIFY EXPENSIVE COLLEGE RESOURCES FOR THE SIXTH.

IN DECIDING THE RANGE OF THESE COURSES, THEIR NATURE AND OBJECTIVES, MR HAYE SAID THAT IT SHOULD GO WITHOUT SAYING THAT THE NEEDS OF SCHOOLS, THE LACK OF LOCAL TEACHERS IN THE SUBJECTS CONCERNED, THE NEEDS OF THE COMMUNITY AND THE CAPACITY OF THE COLLEGES OF EDUCATION TO MOUNT COURSES DICTATE POLICY.

ALTHOUGH THE ADVANCED COURSE OF TEACHER EDUCATION WAS IMPORTANT, THE DIRECTOR SAID IT WAS ONLY PART OF THE MASSIVE TRAINING AND RE-TRAINING PROGRAMME FOR NON-GRADUATE TEACHERS IN THE COLLEGES OF EDUCATION.

+PRIORITIES MUST BE SET AMONG VARIOUS TRAINING AREAS SO AS NOT TO AFFECT THE GOVERNMENT'S OVERALL TEACHER TRAINING COMMITMENT WHICH, OF NECESSITY, MUST LIE IN THE NEW TWO AND THREE-YEAR BASIC TRAINING COURSES,+ MR HAYE SAID.

HE ADDED THAT THE COLLEGES OF EDUCATION WERE UNDERGOING A MAJOR PROGRAMME OF EXPANSION TO PRODUCE ADDITIONAL TEACHERS FOR PRIMARY AND SECONDARY SCHOOLS AND THIS HAD BEEN CAREFULLY PLANNED SO AS NOT TO OVER STRETCH COLLEGE RESOURCES AND LOWER STANDARDS. EXPANSION OF THE ADVANCED COURSE WOULD TAKE PLACE IF IT WAS JUSTIFIED AND FEASIBLE, HE SAID.

TRAINING CAPACITIES TO BE EXPANDED FOR MEDICAL STAFF

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THERE WERE ON THE WHOLE SUFFICIENT MEDICAL AND PARA-MEDICAL STAFF TO MAINTAIN THE PRESENT LEVEL OF SERVICES, THE SECRETARY FOR HEALTH AND WELFARE, THE HON HENRY CHING, SAID IN THE LEGISLATIVE COUNCIL TODAY.

HOWEVER, THE POSITION WAS LESS SATISFACTORY IN THE SUBVENTED SECTOR THAN IN THE GOVERNMENT SECTOR, MR CHING SAID IN REPLY TO QUESTIONS BY THE HON ALEX WU.

PRESENT INDICATIONS WERE THAT BASED ON THE MEDICAL DEVELOPMENT ADVISORY COMMITTEE'S STANDARDS, THERE WOULD BE A PROJECTED SHORTFALL OF DOCTORS AND, TO A LESSER EXTENT, NURSING AND PARA-MEDICAL STAFF IN THE PUBLIC SECTOR OVER THE NEXT DECADE, MR CHING SAID.

HE TOLD THE COUNCIL THAT DISCUSSIONS WERE BEING HELD WITH THE UNIVERSITIES WITH A VIEW TO INCREASING THE INTAKES TO THE MEDICAL SCHOOLS.

HE SAID THAT IN ADDITION, EIGHT NEW NURSES TRAINING SCHOOLS AND FOUR PROJECTS FOR THE EXTENSION OF EXISTING SCHOOLS WERE BEING PLANNED, INCREASING THE TOTAL TRAINING CAPACITY IN THE PUBLIC SECTOR FROM 1 722 TO 2 567 PLACES BY THE END OF THE PLANNING DECADE.

HE ALSO DISCLOSED THAT PLANS WERE IN HAND TO FURTHER EXPAND TRAINING CAPACITY AT THE POLYTECHNIC FOR MEDICAL LABORATORY TECHNICIANS AND FOR OCCUPATIONAL THERAPISTS.

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CRIMINAL RECORDS MAINTAINED BY POLICE

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THE POLICE MAINTAIN RECORDS OF 481 271 PERSONS WHO HAVE BEEN FOUND GUILTY OF VARIOUS CRIMINAL OFFENCES BY COURTS IN HONG KONG, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, TOLD THE LEGISLATIVE COUNCIL TODAY.

REPLYING TO QUESTIONS BY THE HON ANDREW SO, MR JEAFFRESON SAID IN THE ABSENCE OF A DETAILED EXAMINATION OF EACH RECORD, HE COULD NOT SAY HOW MANY OF THESE CASES HAD BEEN SUBJECT TO +NO CONVICTION RECORDED+ ORDERS.

HE SAID THAT FOR CASES BEFORE THE COURTS IN THE PAST COUPLE OF YEARS, THE PROPORTION WITH +NO CONVICTION RECORDED+ WAS VERY SMALL.

THIS, HE EXPLAINED, WAS THE CONSEQUENCE OF GUIDELINES SET OUT IN APPEAL CASES REGARDING THE USE OF THIS PROCEDURE.

THE NUMBERS OF PERSONS APPLYING FOR +CERTIFICATES OF NO CRIMINAL CONVICTION+ WERE 16 273 IN 1980, 17 521 IN 1981 AND 20 638 IN 1982 WHILE THE NUMBERS OF CERTIFICATES ISSUED FOR THE THREE RESPECTIVE YEARS WERE 15 917 (98 PER CENT), 17 082 (97.5 PER CENT), AND 20 111 (97.2 PER CENT).

/MR JEAFFRESON

MR JEAFFRESON SAID THAT PERSONS WHO ARE THE SUBJECT OF +NO CONVICTION RECORDED+ ORDERS ARE NOT ELIGIBLE FOR +NO CRIMINAL CONVICTION+ CERTIFICATES.

+IN CASES WHERE 'NO CONVICTION RECORDED' HAS BEEN ORDERED, THE COMMISSIONER OF POLICE PROVIDES A LETTER ADVISING THAT ALTHOUGH THE SUBJECT HAS BEEN FOUND GUILTY OF AN OFFENCE IN HONG KONG, THE COURT HAS ORDERED 'NO CONVICTION RECORDED+', HE SAID.

THE COMMISSIONER PROVIDED 95 SUCH LETTERS LAST YEAR.

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SAME CAUSES SEEN FOR MALE AND FEMALE CRIME
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THERE WAS AN INCREASE OF 44.4 PER CENT IN THE NUMBER OF FEMALES CONVICTED OF CRIMINAL OFFENCES DURING THE FIVE YEARS FROM 1978 TO 1982, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, TOLD THE LEGISLATIVE COUNCIL TODAY.

REPLYING TO QUESTIONS FROM THE HON PETER C. WONG, MR JEAFFRESON POINTED OUT THAT SINCE THIS INCREASE ALMOST EXACTLY PARALLELED THAT FOR MALE OFFENDERS, IT WAS REASONABLE TO SUPPOSE THAT THE SAME BASIC CAUSES OF CRIME APPLIED TO BOTH SEXES.

+CERTAINLY THERE IS NOTHING I CAN SEE IN THE PATTERN OF CRIMES COMMITTED TO LEAD TO ANY OTHER CONCLUSION. THE CAUSES ARE OF A GENERAL SOCIAL AND ECONOMIC NATURE,+ HE SAID.

MR JEAFFRESON ADDED THAT FEMALE OFFENDERS REPRESENTED LESS THAN 10 PER CENT OF ALL OFFENDERS IN HONG KONG AND THAT THEY TENDED TO INDULGE IN PRIMARILY THE LESS SERIOUS TYPES OF CRIME.

+THE SOCIAL IMPLICATIONS OF THIS INCREASE ARE, I SUGGEST, OF NO GREAT SIGNIFICANCE,+ HE SAID.

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BILL TO MODERNISE PROVISIONS IN EXCHANGE FUND ORDINANCE
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THE EXCHANGE FUND HAS BEEN USED ON A NUMBER OF OCCASIONS SINCE DECEMBER 1981 FOR THE INTERVENTION IN THE MONEY MARKET TO EXERT PRESSURE ON INTEREST RATES AND THEREBY INFLUENCE THE EXCHANGE RATE, THE ACTING FINANCIAL SECRETARY, THE HON DOUGLAS BLYE, SAID IN THE LEGISLATIVE COUNCIL TODAY.

ON DECEMBER 9, 1981, THE FINANCIAL SECRETARY EXPLAINED TO THE COUNCIL A MECHANISM BY WHICH THE GOVERNMENT COULD INTERVENE IN THE MONEY MARKET THROUGH THE EXCHANGE FUND.

/+EVEN THOUGH

+EVEN THOUGH THE INTERVENTION HAS UNDOUBTEDLY SUCCEEDED AT TIMES IN THE OBJECTIVE OF INFLUENCING THE EXCHANGE RATE, ALBEIT INDIRECTLY, THERE HAVE BEEN DOUBTS AS TO WHETHER THE OPERATIONS INVOLVED FALL UNQUESTIONABLY WITHIN THE DEFINED PURPOSE OF THE EXCHANGE FUND WHICH IS TO REGULATE THE EXCHANGE VALUE OF THE CURRENCY OF HONG KONG,+ MR BLYE SAID, IN MOVING THE SECOND READING OF THE EXCHANGE FUND (AMENDMENT) BILL 1983.

THE MAIN PURPOSE OF THE BILL, HE EXPLAINED, IS TO MODERNISE CERTAIN PROVISIONS IN THE EXCHANGE FUND ORDINANCE SO AS TO GIVE CLEAR LEGAL AUTHORITY FOR CERTAIN EXISTING PRACTICES.

THE PROPOSED AMENDMENT TO SECTION 3(1) OF THE ORDINANCE WOULD PUT THE PROPRIETY OF THIS TYPE OF INTERVENTION BEYOND DOUBT, HE SAID.

ON OTHER PROVISIONS OF THE BILL, MR BLYE NOTED THAT WHEN BANK NOTES ARE ISSUED, A CERTIFICATE OF INDEBTEDNESS IS ISSUED AS COVER FOR THESE NOTES AND THE NOTE-ISSUING BANK IS REQUIRED TO PAY TO THE EXCHANGE FUND A SUM EQUIVALENT TO THE FACE VALUE OF THE CERTIFICATE.

AT PRESENT, THE ORDINANCE REQUIRES THAT THESE SUMS SHOULD BE HELD EXCLUSIVELY FOR THE REDEMPTION OF THE BANK NOTES.

THIS WOULD REQUIRE THE ASSETS BACKING THE NOTE ISSUE TO BE MANAGED SEPARATELY, WHEREAS IN PRACTICE ALL ASSETS OF THE FUND ARE MANAGED AS ONE POOL.

+A PROPOSAL IS NOW MADE TO AMEND THE ORDINANCE IN ORDER TO GIVE FORMAL BACKING TO EXISTING PRACTICE,+ MR BLYE SAID.

AS COINS AND NOTES SERVE SIMILAR MONETARY FUNCTIONS, THERE IS NO REASON WHY THE ASSETS BACKING THE COIN ISSUE SHOULD BE SEPARATED FROM AND EMPLOYED IN A DIFFERENT MANNER TO THOSE BACKING THE NOTE ISSUE, MR BLYE SAID.

+IT IS PROPOSED, THEREFORE, TO AMEND THE ORDINANCE TO ALLOW ALL REVENUE AND EXPENDITURE RELATING TO THE ISSUE, MAINTENANCE, AND RETIREMENT OF COINAGE IN HONG KONG TO BE CREDITED OR CHARGED TO THE EXCHANGE FUND.

+THIS PROPOSAL REFLECTS CURRENT PRACTICE AND PARALLELS THE ACCOUNTING TREATMENT OF REVENUE AND EXPENDITURE ARISING FROM THE NOTE ISSUE,+ HE SAID.

THE BILL ALSO PROPOSES THAT CERTAIN POWERS NOW HELD BY THE SECRETARY OF STATE SHOULD BE TRANSFERRED TO EITHER THE GOVERNOR OR THE FINANCIAL SECRETARY.

THUS, AUTHORITY RELATING TO THE AUDIT OF THE FUND WOULD LIE WITH THE GOVERNOR, AND AUTHORITY FOR THE APPOINTMENT OF STAFF EMPLOYED IN CONNECTION WITH THE PURPOSES OF THE FUND WITH THE FINANCIAL SECRETARY, MR BLYE EXPLAINED.

+THE PROPOSED AMENDMENTS IN THE BILL HAVE NO IMPLICATIONS FOR THE MANAGEMENT AND CONTROL OF THE ASSETS AND LIABILITIES OF THE EXCHANGE FUND, WHICH, AND I EMPHASISE THIS, CONTINUE TO REST ENTIRELY WITH THE HONG KONG GOVERNMENT,+ HE SAID.

DEBATE ON THE BILL WAS ADJOURNED.

CAR REPAIR OPERATIONS
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COORDINATION OF EFFORT AND A UNIFIED APPROACH TO THE INTRACTABLE PROBLEM OF CAR REPAIRING OPERATIONS IN URBAN RESIDENTIAL AREAS WERE THE MORE LIKELY TO PRODUCE RESULTS, THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON DAVID AKERS-JONES, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE SAID HE DID NOT BELIEVE THAT DESIGNATING SINGLE AUTHORITIES, WHICH CUT ACROSS DEPARTMENTAL RESPONSIBILITIES, WAS THE CORRECT AND MOST EFFICIENT WAY TO HANDLE THE MANY DIFFERENT ASPECTS OF A PARTICULAR PROBLEM.

MR AKERS-JONES WAS REPLYING TO A QUESTION BY THE HON CHARLES YEUNG ON WHETHER GOVERNMENT WOULD CONSIDER DESIGNATING A SINGLE AUTHORITY TO ADMINISTER THE RULES APPLICABLE TO CAR REPAIRING OPERATIONS.

+ I HAVE A GENERAL RESPONSIBILITY FOR STREET MANAGEMENT AND FOR TRYING TO BRING ABOUT IMPROVEMENTS IN THE GENERAL PROVISION AND CONTROL OF CAR REPAIR WORKSHOPS, + HE SAID.

+ OTHER DEPARTMENTS AND AUTHORITIES ARE RESPONSIBLE FOR THE SAFETY, THE CLEANLINESS, THE REMOVAL OF OBSTRUCTIONS AND THE COMPLIANCE WITH LEASE CONDITIONS OF CAR REPAIR WORKSHOPS. +

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CONTRACT HIRE CARS
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HOLDERS OF CONTRACT HIRE CAR PERMITS, IN THE COURSE OF OBTAINING THEIR PERMITS, ARE PROVIDED WITH INFORMATION ABOUT THE PENALTIES FOR ILLEGALLY SOLICITING FOR HIRE AND THE POSSIBLE SUSPENSION OF VEHICLE LICENCES, THE SECRETARY FOR TRANSPORT, THE HON ALAN SCOTT, SAID TODAY.

THERE REMAIN FOR CONSIDERATION ILLEGAL +PAK PAI+ OPERATORS, WHO ARE LIABLE TO SUSPENSION OF THEIR VEHICLE LICENCES IN ADDITION TO THE IMPOSITION OF A FINE BY WAY OF FIXED PENALTY, OR BY WAY OF CONVICTION BY A COURT AFTER THE ISSUE OF A SUMMONS, MR SCOTT SAID.

HE WAS REPLYING TO A QUESTION BY THE HON F.K. HU AT THE LEGISLATIVE COUNCIL TODAY.

THERE WERE 134 SUCH SUSPENSIONS OF VEHICLE LICENCES SINCE APRIL 1, 1982. OF THESE, FOUR FOLLOWED UPON THE ISSUE OF FIXED PENALTY TICKETS; THE REMAINDER FOLLOWED UPON SUMMONS AND CONVICTION.

ON THE LARGER ISSUE OF GENERAL PUBLICITY THERE WERE MANY MORE IMPORTANT MATTERS WHICH RATED PRIORITY IN TERMS OF LIMITED RESOURCES AND THE ABSORPTION CAPACITY OF THE PUBLIC, HE SAID.

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PLAY AREAS USUALLY PROTECTED BY NETTING

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SCHOOLS IN PUBLIC HOUSING ESTATES ARE GENERALLY LOCATED AWAY FROM RESIDENTIAL BLOCKS AND THE CHANCES OF OBJECTS FALLING ONTO SCHOOL PLAYGROUNDS ARE RATHER REMOTE.

THE ACTING SECRETARY FOR HOUSING, MR BERNARD WILLIAMS, SAID THIS TODAY AT THE LEGISLATIVE COUNCIL IN REPLY TO A QUESTION BY THE HON HENRIETTA IP MAN-HING.

HE SAID THAT AS FAR AS NURSERIES ON THE GROUND FLOORS OF DOMESTIC BLOCKS WERE CONCERNED, OPEN PLAY AREAS WERE USUALLY PROVIDED WITH PROTECTIVE NETTINGS OR CANOPIES WHERE THERE WAS ANY POTENTIAL DANGER OF FALLING OBJECTS.

+FURTHERMORE, ESTATE STAFF CONSTANTLY REMIND TENANTS OF THE DANGER OF THROWING OBJECTS OUT OF WINDOWS.

+AND WE ALSO SEEK THE HELP OF MUTUAL AID COMMITTEES AND OTHER TENANTS' ASSOCIATIONS IN EDUCATING THEIR FELLOW RESIDENTS TO REFRAIN FROM SUCH DANGEROUS PRACTICES,+ HE SAID.

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ATTENDANCE RATES AT PAEDIATRIC WARDS

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ABOUT HALF OF THE NUMBER OF CHILDREN UNDER 12 ATTENDING THE ACCIDENT AND EMERGENCY DEPARTMENT OF PRINCESS MARGARET HOSPITAL WERE ADMITTED TO THE HOSPITAL'S PAEDIATRIC WARDS IN THE LAST QUARTER OF 1982.

THE RATE OF ADMISSION WAS LOWER IN THE OTHER TWO REGIONAL HOSPITALS -- 40 PER CENT FOR QUEEN ELIZABETH HOSPITAL AND 25 PER CENT FOR QUEEN MARY HOSPITAL.

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES, DR THE HON K.L. THONG, GAVE THESE STATISTICS IN THE LEGISLATIVE COUNCIL TODAY IN REPLY TO A QUESTION BY DR THE HON HENRIETTA IP.

DR THONG POINTED OUT THAT THE NUMBER OF CHILDREN BELOW 12 ADMITTED THROUGH THE A AND E DEPARTMENT OF PRINCESS MARGARET HOSPITAL WERE 5 068 OUT OF A TOTAL ATTENDANCE OF 10 194 FOR THIS AGE GROUP. THE OVERALL ATTENDANCE FOR ALL AGES WAS 40 962.

AT QUEEN ELIZABETH HOSPITAL, 6 953 CHILDREN OUT OF A TOTAL OF 15 958 IN THE SAME AGE GROUP WERE SEEN AT THE A AND E DEPARTMENT, WITH THE OVERALL ATTENDANCE STANDING AT 69 302.

THE CORRESPONDING FIGURES FOR QUEEN MARY HOSPITAL WERE 2 069 OUT OF 7 973, WITH AN OVERALL ATTENDANCE OF 29 307.

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WEDNESDAY, MAY 25, 1983

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MOSQUITO MENACE

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THE TWO MOST COMMON MOSQUITO-BORNE DISEASES IN HONG KONG WERE JAPANESE ENCEPHALITIS AND MALARIA, AND SO FAR THIS YEAR, THERE WAS NO CASE REPORTED OF ANYONE CONTRACTING THESE TWO DISEASES LOCALLY.

THIS WAS STATED BY THE SECRETARY FOR HEALTH AND WELFARE, THE HON HENRY CHING, IN REPLY TO A QUESTION BY THE HON CHEUNG YAN-LUNG, IN THE LEGISLATIVE COUNCIL TODAY.

MR CHING SAID THAT 220 PROSECUTIONS WERE BROUGHT FOR MOSQUITO-BREEDING OFFENCES AND APPLICATIONS WERE MADE FOR 93 SUMMONSES TO BE SERVED ON NEW OFFENDERS SO FAR THIS YEAR.

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DEBATE ADJOURNED

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FIVE BILLS -- THE EXCHANGE FUND (AMENDMENT) BILL 1983, THE WATERWORKS (AMENDMENT) BILL 1983, THE PRISONS (AMENDMENT) BILL 1983, THE DRUG ADDICTION TREATMENT CENTRES (AMENDMENT) BILL 1983 AND THE PUBLIC ORDER (AMENDMENT) BILL 1983 -- WERE INTRODUCED AND READ A SECOND TIME IN THE LEGISLATIVE COUNCIL TODAY. DEBATE ON THEM WAS ADJOURNED TILL JUNE 8.

DEBATE ON THREE OTHER BILLS -- THE ROAD TRAFFIC (DRIVING OFFENCE POINTS) BILL 1983, THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983 AND THE LANDS TRIBUNAL (AMENDMENT) BILL 1983 -- WAS RESUMED AND FURTHER ADJOURNED.

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WEDNESDAY, MAY 25, 1983

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OPENING OF MAI PO FIRE STATION

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HONG KONG'S FIRE SERVICES RECEIVED HIGH PRAISES TODAY FROM FORMER EXECUTIVE COUNCILLOR, SIR ALBERT RODRIGUES WHEN HE OPENED THE DEPARTMENT'S NEW MAI PO FIRE STATION IN FAIR VIEW PARK, YUEN LONG.

SIR ALBERT, WHO WAS SPEAKING AS THE CHAIRMAN OF THE BOARD OF THE CANADIAN OVERSEAS DEVELOPMENT COMPANY LTD AT THE OPENING CEREMONY, SAID: +WITH ITS FINE TRAINING AND VAST EXPERIENCE OUR FIRE SERVICE RANKS AMONG THE MOST EFFICIENT IN THIS PART OF THE WORLD.+

HE ADDED THAT RESIDENTS IN THE AREA WOULD BE COMFORTED IN THE KNOWLEDGE THAT THEIR SAFETY WAS ASSURED IN THE EVENT OF FIRE.

IN WELCOMING SIR ALBERT TO THE CEREMONY, THE CHIEF FIRE OFFICER OF THE NEW TERRITORIES COMMAND, MR CHEUNG SHU-SHING, SAID TO PROVIDE AN ACCEPTABLE STANDARD COVER THROUGHOUT THE TERRITORY OF HONG KONG, THE PROVISION OF NEW FIRE STATIONS MUST GO HAND IN HAND WITH NEW DEVELOPMENT AND POINTED OUT THAT THE COMPLETION OF THE NEW MAI PO FIRE STATION WAS A TYPICAL EXAMPLE.

MR CHEUNG ALSO THANKED THE CANADIAN OVERSEAS DEVELOPMENT COMPANY LTD AND THEIR STAFF FOR THEIR EFFORT IN RENDERING THE NEW FIRE STATION OPERATIVE IN THE SOONEST POSSIBLE TIME.

THE NEW FIRE STATION COMPRISES A TWO-STOREY BUILDING AND A SINGLE STOREY STRUCTURE. THE TWO-STOREY BUILDING CONTAINS THE OFFICES, APPLIANCE ROOMS, RECREATION ROOM, CANTEEN AND DORMITORY WHILE THE SINGLE STOREY BUILDING IS USED FOR DANGEROUS GOODS STORAGE.

IT IS BEING MANNED BY 23 FIRE OFFICERS AND 12 AMBULANCEMEN AND IS EQUIPPED WITH ONE MAJOR PUMP AND TWO AMBULANCES.

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PERCIVAL STREET (CLOSED TO TRAFFIC

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PERCIVAL STREET BETWEEN LOCKHART ROAD AND HENNESSY ROAD IN WAN CHAI WILL BE CLOSED TO TRAFFIC BETWEEN 1 AM AND 6 AM ON FRIDAY (MAY 27) FOR THE CONSTRUCTION OF THE MASS TRANSIT RAILWAY CAUSEWAY BAY STATION.

DURING THE CLOSURE, ALL SOUTHBOUND VEHICLES TRAVELLING ALONG PERCIVAL STREET HEADING FOR HENNESSY ROAD WILL BE DIVERTED VIA LOCKHART ROAD AND CANAL ROAD EAST.

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PLB PROHIBITION IN TUEN MUN

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FROM 10 AM ON FRIDAY (MAY 27), PUBLIC LIGHT BUSES WILL BE PROHIBITED FROM ENTERING THE NEW ROAD LINKING SIU HONG COURT IN TUEN MUN WITH CASTLE PEAK ROAD (LAM TEI).

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