



DAILY INFORMATION BULLETIN

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THE WRITTEN COMMENTS OF THE BAR ASSOCIATION WERE RECEIVED EARLIER THIS WEEK, HE ADDED.

SIR DAVID SAID OTHER INTERESTED GROUPS, AND THE AD HOC GROUP OF THE LEGISLATIVE COUNCIL HAD ALSO TAKEN TIME TO STUDY THE DOCUMENT AND TO MEET ADMINISTRATION OFFICIALS TO GIVE THEIR VIEWS.

THIS CONSULTATION HAS BEEN EXTREMELY USEFUL AND REVEALING AND SHOULD LIKE TO PUT ON RECORD THE GOVERNMENT'S APPRECIATION OF ALL THOSE WHO HAVE TAKEN PART, HE NOTED.

SIR DAVID SAID HE WOULD NOT ATTEMPT TO RESUME TODAY TO THE POINTS WHICH HAD BEEN MADE BECAUSE THEY WEEDED ANALYSIS, AND CONCLUSIONS TO BE DRAWN.

HE SAID HE WOULD LIKE TO ASK THE ADVISOR OF THE EXECUTIVE COUNCIL AS TO WHICH OF THE OPTIONS HE WOULD PREFER TO PURSUE THE FOLLOWING WHICH A STATEMENT WILL BE MADE DURING THE EARLY PART OF THE NEXT SESSION OF THE COUNCIL, SETTING OUT THE GOVERNMENT'S INTENTIONS TO TAKE THEM FORWARD.

HE SAID SINCE ANY OF THE OPTIONS INVOLVED WOULD BE A MATTER OF LEGISLATION WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL.

HE ADDED HE HOPES SOME THINGS CAN BE ACHIEVED RELATIVELY QUICKLY, OTHERS WILL TAKE LONGER.

BUT IN ALL THESE NECESSARY PHASES AND NEGOTIATIONS WE MUST NOT LOSE SIGHT OF OUR ORIGINAL OBJECTIVES, WE MUST REASSURE OUR CITIZENS SO THAT THEY WILL FEEL ABLE TO COME FORWARD AND GIVE EVIDENCE WITHOUT FEAR OF RETALIATION. WE HAVE TO FIND THE MEANS TO DEAL WITH THE SPECIAL CHARACTERISTICS OF THESE ORGANISATIONS WHICH MAKE IT DIFFICULT TO BRING ABOUT NORMAL PROCEDURES AGAINST THEM.

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WIDESPREAD WORRY ON TRIAD PROBLEM
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IT IS THE GENERAL PERCEPTION THAT THERE IS CONTINUING AND WIDESPREAD WORRY ABOUT THE THREAT TO LAW AND ORDER AND TO SOCIETY ITSELF PRESENTED BY TRIAD SOCIETIES AND OTHER GANGS DESPITE SOME RESERVATIONS THAT HAVE BEEN EXPRESSED, THE CHIEF SECRETARY, THE HON SIR DAVID AKERS-JONES, SAID TODAY (WEDNESDAY).

SIR DAVID WAS SPEAKING IN THE LEGISLATIVE COUNCIL'S ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON OPTIONS FOR CHANGES IN THE LAW AND IN THE ADMINISTRATION OF THE LAW TO COUNTER THE TRIAD PROBLEM.

HE SAID THE DEBATE MARKED THE FINAL PHASE OF CONSULTATION ON THE DISCUSSION DOCUMENT AND DURING THE THREE MONTHS OF CONSULTATION, ALL DISTRICT BOARDS AND DISTRICT FIGHT CRIME COMMITTEES HAD DISCUSSED IT.

THE WRITTEN COMMENTS OF THE BAR ASSOCIATION WERE RECEIVED EARLIER THIS WEEK, HE ADDED.

SIR DAVID SAID OTHER INTERESTED GROUPS, AND THE AD HOC GROUP OF THE LEGISLATIVE COUNCIL HAD ALSO TAKEN TIME TO STUDY THE DOCUMENT AND TO MEET ADMINISTRATION OFFICIALS TO GIVE THEIR VIEWS.

+THIS CONSULTATION HAS BEEN EXTREMELY USEFUL AND REVEALING AND I SHOULD LIKE TO PUT ON RECORD THE GOVERNMENT'S APPRECIATION OF ALL THOSE WHO HAVE TAKEN PART,+ HE NOTED.

SIR DAVID SAID HE WOULD NOT ATTEMPT TO RESPOND TODAY TO THE POINTS WHICH HAD BEEN MADE BECAUSE THEY NEEDED ANALYSIS, AND CONCLUSIONS TO BE DRAWN.

HE SAID: +WE SHALL NEED TO SEEK THE ADVICE OF THE EXECUTIVE COUNCIL AS TO WHICH OPTIONS TO PURSUE AND HOW TO PURSUE THEM, FOLLOWING WHICH A STATEMENT WILL BE MADE, DURING THE EARLY PART OF THE NEXT SESSION OF THIS COUNCIL, SETTING OUT THE WAY IN WHICH THE GOVERNMENT INTENDS TO TAKE THEM FORWARD.+

THEREAFTER, SINCE MANY OF THE OPTIONS INVOLVED CHANGES TO THE LAW, SIR DAVID SAID THERE WOULD BE A FURTHER STAGE FOR PUBLIC DEBATE WHEN LEGISLATION WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL.

HE ADDED: +I HOPE SOME THINGS CAN BE ACHIEVED RELATIVELY QUICKLY, OTHERS WILL TAKE LONGER.

+BUT IN ALL THESE NECESSARY PROCESSES AND DELIBERATIONS WE MUST NOT LOSE SIGHT OF OUR PRINCIPAL OBJECTIVES, WE HAVE TO REASSURE OUR CITIZENS SO THAT THEY WILL FEEL ABLE TO COME FORWARD AND GIVE EVIDENCE WITHOUT FEAR OF RETRIBUTION AND WE HAVE TO FIND THE MEANS TO DEAL WITH THE SPECIAL CHARACTERISTICS OF THESE ORGANISATIONS WHICH MAKE IT DIFFICULT TO IMPLEMENT NORMAL PROCEDURES AGAINST THEM.+

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ADDITIONAL SAFEGUARDS NEEDED TO PREVENT POWER ABUSE

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ADDITIONAL SAFEGUARDS SHOULD BE CONSIDERED TO PREVENT THE POSSIBLE ABUSE OF POLICE POWER ARISING FROM AN INCREASE IN POLICE INVESTIGATION, PROSECUTION AND ENFORCEMENT POWER IF OPTIONS TO COMBAT THE TRIAD PROBLEM ARE ADOPTED, DR THE HON HO KAM-FAI SAID TODAY (WEDNESDAY).

HE WAS LEADING THE ADJOURNMENT DEBATE IN THE LEGISLATIVE COUNCIL IN HIS CAPACITY AS CONVENER OF THE AD HOC GROUP THAT STUDIED THE DISCUSSION DOCUMENT ON OPTIONS FOR CHANGES IN THE LAW AND IN THE ADMINISTRATION OF THE LAW TO COUNTER THE TRIAD PROBLEM.

DR HO CONCEDED THAT AT PRESENT THERE WAS A TIGHT SYSTEM OF SUPERVISION WITHIN THE POLICE FORCE AND THE STANDARD OF TRAINING OF POLICE OFFICERS AND THE EDUCATIONAL ATTAINMENT OF POLICE CONSTABLES WERE IMPROVING YEAR BY YEAR.

HE ALSO NOTED THAT THE CROWN'S PROSECUTING ARM WAS NOT A PART OF THE POLICE FORCE AND THERE WAS AN INDEPENDENT JUDICIARY.

AT THE SAME TIME, THE COMPLAINTS AGAINST THE POLICE OFFICE (CAPO) WAS UNDER THE SUPERVISION AND MONITORING OF AN INDEPENDENT BODY KNOWN AS THE POLICE COMPLAINTS COMMITTEE AND HONG KONG WAS AN OPEN SOCIETY WITH AN INCREASINGLY REPRESENTATIVE SYSTEM OF GOVERNMENT AND A FREE PRESS WHICH WAS RIGHTLY CRITICAL OF ANY ABUSE OF POWER.

NEVERTHELESS, HE BELIEVED ADDITIONAL SAFEGUARDS SHOULD BE CONSIDERED THOUGH SOME OF THE OPTIONS IN THE DOCUMENT ALREADY HAD BUILT-IN SAFEGUARDS, IN THAT THEY MIGHT ONLY BE USED WITH THE PERMISSION OF THE ATTORNEY GENERAL.

DR HO NOTED SUGGESTIONS BY DISTRICT BOARDS AND THE PUBLIC THAT CAPO SHOULD BE MADE INDEPENDENT OF THE POLICE AND THAT A SEPARATE BODY SHOULD BE SET UP TO MONITOR POLICE BEHAVIOUR.

SOME OF THE MEASURES PROPOSED IN THE OPTIONS SHOULD HAVE A LIMITED LIFE, AND BE ERASED FROM THE STATUTE BOOKS AFTER THEY HAD SERVED THEIR PURPOSES, HE SAID.

IF OPTIONS PROVED TO BE UNSUCCESSFUL AND INEFFECTIVE, THEY SHOULD NOT WAIT AROUND REDUNDANTLY FOR REPEAL IN SEVERAL YEARS' OR DECADES' TIME, OR, WORSE STILL, TO BE USED IN INAPPROPRIATE CIRCUMSTANCES.

+CONSIDERATION SHOULD BE GIVEN TO GIVING SOME OF THE OPTIONS A LIFE OF, SAY, FIVE YEARS AND MAKING THEM RENEWABLE AND AMENDABLE BY THIS COUNCIL,+ HE SUGGESTED.

/DR HO

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DR HO EXPLAINED THAT HE WAS NOT PROPOSING THAT ALL OPTIONS SHOULD HAVE A LIMITED LIFE BUT THE PROHIBITION SCHEME, THE SUPERVISION SCHEME AND PERHAPS THE RENUNCIATION SCHEME WERE OBVIOUS CANDIDATES FOR THIS TREATMENT.

+THE LIST OF PROHIBITED ACTIVITIES, WHICH HAS CAUSED CONSIDERABLE CONTROVERSY, IS CLEARLY A SCHEDULE THAT WILL HAVE TO BE REGULARLY REVISED, IF ADOPTED,+ HE ADDED.

DR HO NEXT STRESSED THAT THE UNDERSTANDING AND SUPPORT OF THE JUDICIARY WAS ESSENTIAL IN THE FIGHT AGAINST CRIME.

HE POINTED OUT THAT THE COURSE OF PUBLIC CONSULTATION HAD REVEALED THE COURTS WERE NOT SEEN TO BE METING OUT DETERRENT PENALTIES TO CONVICTED TRIAD MEMBERS.

+WHILE WE RECOGNISE THE INDEPENDENCE OF THE JUDICIARY, THE PUBLIC URGE THAT THE JUDICIARY TAKE INTO ACCOUNT THE COMMUNITY'S SENTIMENTS AND CULTURAL AND SOCIAL CONSIDERATIONS WHEN PASSING SENTENCES ON THE TRIADS,+ HE SAID.

+JUST MERELY TO RAISE THE MAXIMUM FINES UNDER THE SOCIETIES ORDINANCE IS NOT AN EFFECTIVE WEAPON TO CRUSH TRIAD AND GANG ACTIVITIES.

+THE GREATEST DETERRENT FOR AN OFFENDER IS HIS BEING CAUGHT AND APPROPRIATELY SANCTIONED,+ HE STRESSED.

DR HO ALSO EMPHASISED THAT A LONG-TERM, CO-ORDINATED EFFORT FROM ALL SECTORS OF THE COMMUNITY AND ALL GOVERNMENT DEPARTMENTS WAS REQUIRED TO EFFECTIVELY CLAMP DOWN ON ORGANISED CRIME.

NOTING THE INCREASED PUBLIC PARTICIPATION IN THE FIGHT AGAINST CRIME, HE SUGGESTED A CENTRALISED ANTI-TRIAD UNIT BE SET UP.

THE UNIT WOULD BE MAINLY OPERATIONAL IN FUNCTION AND IT MUST BE VISIBLE AND ACCESSIBLE TO THE PUBLIC SO THAT PEOPLE IN THE STREET COULD APPROACH IT WITH EASE SHOULD THEY HAVE INFORMATION AND INTELLIGENCE TO CONFIDE IN THE POLICE, DR HO SAID.

HE FELT THAT SUCH A UNIT WOULD IN THE LONG RUN FOSTER A CLOSER LINK BETWEEN PUBLIC AND POLICE AND ENHANCE PUBLIC CONFIDENCE IN THE DETERMINATION OF THE POLICE TO FIGHT CRIME.

COMMENTING ON THE DISCUSSION DOCUMENT AS A WHOLE, DR HO DESCRIBED IT AS +A TIMELY AND MUCH-NEEDED ATTEMPT+ TO GRAPPLE WITH THE TRIAD PROBLEM.

/+WHETHER WE

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+WHETHER WE AGREE WITH ALL, OR SOME, OR NONE OF THE CONCRETE SOLUTIONS IT PUTS FORWARD, FEW OF US WOULD QUESTION THE GOVERNMENT'S SINCERITY AND STRENGTH OF PURPOSE IN SUPPRESSING TRIADS AND GANGS AND IN LISTENING CONSCIENTIOUSLY TO THE PUBLIC COMMENTS THAT THE DOCUMENT HAS GENERATED,+ HE SAID.

HE COMMENDED THE SECURITY BRANCH AND THE ATTORNEY GENERAL'S CHAMBERS FOR SENDING THEIR REPRESENTATIVES TO EXPLAIN THE OPTIONS TO ALL DISTRICT BOARDS AND DISTRICT FIGHT CRIME COMMITTEES, AND TO LISTEN TO THEIR VIEWS.

+IT IS AS A RESULT OF THIS HUGE EXERCISE IN CONSULTATION THAT WE HAVE A CLEAR IDEA OF THE VIEWS OF ALL SEGMENTS OF THE SOCIETY ON THE PROPOSALS.

+THE INTELLIGENCE AND THOUGHTFULNESS BEHIND THE DISCUSSION OF THE DOCUMENT IN THE DISTRICTS IS, I THINK, AMPLE JUSTIFICATION OF OUR BURGEONING SYSTEM OF REPRESENTATIVE GOVERNMENT AND A CREDIT TO ALL THOSE WHO PARTICIPATE IN IT,+ HE SAID.

REFERRING TO THE PUBLIC OPINION SURVEY COMMISSIONED BY THE GOVERNMENT AT THE REQUEST OF THE LEGCO AD HOC GROUP, THE SUMMARY OF VIEWS OF THE DISTRICT BOARDS AND DISTRICT FIGHT CRIME COMMITTEES PREPARED BY THE ADMINISTRATION AND SUBMISSIONS TO UMELCO, DR HO SAID IT WAS INTERESTING TO NOTE THAT THERE WAS A CONSIDERABLE CONVERGENCE OF VIEWS AMONG THE GENERAL PUBLIC ON THE OPTIONS AS RECOMMENDED IN THE DOCUMENT.

HE OBSERVED THAT THERE WAS UNANIMOUS SUPPORT FOR THE GOVERNMENT'S DETERMINATION TO STAMP OUT TRIADS AND FOR THE SPIRIT OF THE DOCUMENT, AND POSITIVE REACTIONS TO OPTIONS PROVIDING FOR HARSHER TREATMENT OF TRIAD MEMBERS, HEAVIER FINES, THE USE OF ONE-WAY VIEWERS, BETTER PROTECTION OF WITNESSES AND TOUGHER MEASURES AGAINST THOSE INVOLVED IN ILLEGAL VICE, GAMBLING AND DRUG TRAFFICKING ACTIVITIES.

HOWEVER, HE SAID, THERE WERE CONTROVERSY ABOUT SEVERAL ASPECTS. THESE INVOLVED POSSIBLE INFRINGEMENT OF CIVIL LIBERTIES, ABUSES OF POWER BY POLICE, AMENDMENTS TO SECTION 20 AND 22 OF THE SOCIETIES ORDINANCE, PROHIBITIONS IMPOSED ON ENTRY INTO CERTAIN PREMISES FOR THOSE CONVICTED UNDER SECTION 20 OF THE SOCIETIES ORDINANCE, AND THE POLICE SUPERVISION SCHEME.

HE FURTHER SAID THAT THERE WAS A GENERAL OUTCRY AGAINST THE OPTION FOR LIBERALISING GAMBLING, AND NOTED THAT IT WAS NO LONGER THE INTENTION OF THE GOVERNMENT TO PURSUE THIS OPTION.

DR HO SUGGESTED THAT THE ADMINISTRATION SHOULD MAKE A FURTHER IN-DEPTH STUDY OF THE OPTIONS AIMED AT TACKLING SOPHISTICATED ORGANISED CRIME AS CONTAINED IN THE LAST CHAPTER OF THE DOCUMENT AND CONSULT THE PUBLIC AGAIN BECAUSE IT WAS POSSIBLE THAT THE PUBLIC DID NOT UNDERSTAND THESE OPTIONS IN VIEW OF THE VERY LITTLE DISCUSSION ON THEM.

/COMMENTING ON

COMMENTING ON CRITICISM OF THE DOCUMENT, DR HO SAID THE CRITICS FEARED THAT PERSONAL FREEDOMS WOULD BE UNDULY RESTRICTED.

HE SAID: +APPARENTLY THEY ARE NOT AWARE OF THE FACT THAT THE AVERAGE PERSON IS AFRAID OF GOING OUT IN QUIET AREAS, OUR WOMEN-FOLK FEEL VERY INSECURE IN THEIR HOME ALONE AT NIGHT, PARENTS TEND TO PROHIBIT THEIR CHILDREN FROM PLAYING IN THE PARKS AND STUDENTS ARE NOT AT EASE EVEN IN THE SCHOOL PREMISES, IN THE LIGHT OF THE BULLYING, INTIMIDATING AND DISRUPTIVE BEHAVIOUR OF THE TRIADS AND GANGSTERS,+ HE SAID.

+TO CONDONE THESE CRIMINAL ELEMENTS IS TANTAMOUNT TO RESTRAINING THE FREEDOMS OF LAW-ABIDING CITIZENS.+

+MAY I THEN ASK THE CRITICS WHY THE SAFETY AND FREEDOM OF THE LAWFUL MAJORITY HAS TO BE SACRIFICED FOR THE LIBERTIES OF THE UNLAWFUL FEW OR THE LONG-TERM ORDER AND PEACE OF THE TERRITORY HAS TO BE TRADED IN FOR THE INSOLENCE AND TERRORISM OF THE UNRULY?+

HE POINTED OUT THAT THE SURVEY HAD INDICATED THAT 73 PER CENT OF THOSE RESPONDENTS INTERVIEWED ACCEPTED THE +LOSS OF CIVIL LIBERTY+ AS A WORTHWHILE PRICE FOR COMBATTING TRIADS AND ORGANISED CRIME, WHILE ONLY 11 PER CENT OF THE RESPONDENTS THOUGHT OTHERWISE.

+THE GREAT MAJORITY HAVE MADE A CONSCIOUS, DELIBERATE CHOICE,+ HE SAID.

AS FOR CRITICISM LEVELLED AT THE DOCUMENT FOR FOCUSING LARGELY ON THE INVESTIGATION, PROSECUTION AND ENFORCEMENT ASPECTS OF THE POLICE EFFORT IN SUPPRESSING TRIAD AND GANG ACTIVITIES, DR HO SAID THE FIGHT CRIME COMMITTEE FULLY SUBSCRIBED TO THE STRATEGY THAT THE PROBLEM MUST BE SUBJECTED TO AS BROAD AN ATTACK AS POSSIBLE IN ORDER TO ACHIEVE MAXIMUM EFFECT.

ACTING IN THIS SPIRIT, HE SAID, THE FIGHT CRIME COMMITTEE HAD SET UP A NUMBER OF SUB-COMMITTEES, EACH DESIGNED TO TACKLE CERTAIN ASPECTS OF THE TRIAD AND GANG PROBLEM, SUCH AS TO REVIEW THE WATCHMEN ORDINANCE TO EXAMINE THE SECURITY INDUSTRY TO REVIEW WITH THE INTENTION TO AMEND THE REGULATIONS GOVERNING THE POSSESSION AND USE OF REPLICA FIREARMS AND TO MONITOR AND ALLEVIATE DELINQUENT AND UNRULY BEHAVIOUR AMONG SCHOOL CHILDREN.

REGARDING THE VIEWS OF THE AD HOC GROUP, DR HO REPORTED THAT BROAD AGREEMENT HAD BEEN REACHED ON SUCH OPTIONS AS INCREASING THE MAXIMUM FINES RENUNCIATION OF TRIAD MEMBERSHIP; CLOSURE ORDERS FOR VICE-ESTABLISHMENTS; POLICE PROTECTION OF WITNESSES; OMISSION OF ADDRESSES IN WITNESS STATEMENTS; ONE-WAY VIEWERS; MANDATORY IDENTIFICATION PARADES; THE USE OF TASK FORCES AND CONFISCATION OF PROCEEDS FROM DRUG TRAFFICKING.

/HOWEVER, THE

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HOWEVER, THE GROUP HAD MIXED VIEWS ON THE AMENDMENTS TO SECTIONS 20, 22 AND 34 OF THE SOCIETIES ORDINANCE, THE PROHIBITION SCHEME, POLICE SUPERVISION, AMENDMENTS TO CERTAIN PROVISIONS IN THE CRIME ORDINANCE AND GREATER USE OF ACCOMPLICE EVIDENCE, HE SAID.

+THE GROUP CONCURRED WITH THE ADMINISTRATION THAT THE OPTIONS WITH REGARD TO THE GRAND JURY AND THE RACKETEER INFLUENCED CORRUPT ORGANISATIONS STATUTE SHOULD BE STUDIED IN GREATER DETAIL BUT OBJECTED STRONGLY TO LEGALISING MORE FORMS OF GAMBLING,+ HE ADDED.

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TRIAD ACTIVITIES A +CANCEROUS GROWTH+
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THE CANCEROUS GROWTH OF TRIAD ACTIVITIES IN HONG KONG MUST BE CHECKED, THE HON K.C. CHAN TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING DURING THE ADJOURNMENT DEBATE ON DISCUSSION DOCUMENT ON THE TRIAD PROBLEM, MR CHAN SAID HE SUPPORTED IN PRINCIPLE THE SPIRIT OF THE DOCUMENT, WHICH ALSO HAD THE GENERAL SUPPORT OF THE PUBLIC.

HE SAID THAT FOR THOSE WHO LIVED IN AN +IVORY TOWER+, THE TRIAD PROBLEM MIGHT SEEM FAR AWAY, BUT THIS WAS NOT THE VIEW OF THE ORDINARY PEOPLE WHO FELL PREY TO TRIAD INTIMIDATION AND EXTORTION.

MR CHAN NOTED THAT OVERSEAS THE TREND HAD BEEN FOR LARGE-SCALE CRIMINAL SYNDICATES TO USE THEIR ILL-GOTTEN WEALTH TO INVEST IN MANY LEGITIMATE ENTERPRISES AND, IN SOME CASES, TO ENTER POLITICS.

THEY COULD AFFORD TO HIRE THE BEST LEGAL AND FINANCIAL SERVICES, COULD CORRUPT LAW OFFICERS, AND EXTORT CONTRACTS AND CONTROL UNIONS.

+IT IS THEREFORE NOT SURPRISING THAT THEY COULD PURCHASE OR CREATE PUBLIC OPINION AND EVEN BEND POLITICIANS WITH THE VOTES UNDER THEIR CONTROL,+ HE SAID, ILLUSTRATING THE NEED FOR HONG KONG TO CHECK THE GROWTH OF TRIAD ACTIVITIES.

REFERRING THEN TO THE TERM +HUMAN RIGHT+, MR CHAN SAID THIS HAD OFTEN BEEN MISUSED.

+THESE RIGHTS ARE FREEDOMS TO DO WHAT ONE SHOULD DO FOR THE GOOD OF ONESELF, FAMILY AND COMMUNITY BUT NOT TO DEPRIVE OTHERS OF THEIR RIGHTS,+ HE OBSERVED.

/HE SAID

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HE SAID ONCE THIS DEMARCATION LINE WAS VIOLATED, THEN CRIMINAL LAW AND LAW ENFORCEMENT SHOULD TAKE OVER TO RESTRICT THE FREEDOM OF THE VIOLATORS TO PROTECT THE VICTIMS' SECURITY AND THE PEACE AND ORDER OF THE COMMUNITY.

MR CHAN WAS DISSATISFIED THAT WHILE THE TRIAD VICTIM WAS LEFT IN TORMENT, THE SUSPECT AND LATER THE CRIMINAL WAS WELL-PROTECTED AND COULD ENJOY THE MULTIPLE BENEFITS OFFERED TO HIM, INCLUDING LEGAL AID PAID BY TAXPAYERS, EXPERT MITIGATION, DISCOUNT FOR THE IMPRISONMENT PERIOD, PROTECTION OF ILL-GOTTEN GAINS ON RELEASE, AND REHABILITATION SERVICES.

+DOES CRIME PAY AND DOES THIS FIT THE CHINESE SAYING TO FOSTER EVIL PROPENSITIES BY BEING OVER LENIENT?+ HE ASKED.

HE SAID HE HOPED A COMBINED REPLY FROM THE COMMUNITY TO THE TWO QUESTIONS WAS A RESOUNDING +NO+.

+ORGANISED CRIME REQUIRES ORGANISED EFFORTS BY THE COMMUNITY TO COMBAT IT, SO THAT CRIME DOES NOT PAY,+ MR CHAN CONCLUDED.

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TIME TO RECONSIDER DEATH PENALTY
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SERIOUS CONSIDERATION SHOULD BE GIVEN TO THE REINSTATEMENT OF THE DEATH PENALTY FOR MASTERMINDS OF GANG WARS AS WELL AS SYNDICATED DRUG TRAFFICKING, THE HON SELINA CHOW SAID TODAY (WEDNESDAY).

SPEAKING DURING THE LEGISLATIVE COUNCIL'S ADJOURNMENT DEBATE ON THE TRIAD PROBLEM, SHE SAID WHEN ONE REFERRED TO TRIAD MEMBERS, ONE WAS TALKING ABOUT A FAIRLY WIDE RANGE IN THE CRIMINAL HIERARCHY.

+THERE IS THE NEWLY RECRUITED 14-YEAR-OLD SCHOOL BOY, AS WELL AS THE 'BIG BROTHER' OF THE DRUG SYNDICATE WHO HEADS THE ORGANISATION.

+WHILE THE FORMER HARDLY COMPREHENDS WHAT HE IS DOING, AND THEREFORE IF PROPERLY REHABILITATED COULD POSSIBLY HAVE A FRESH START IN LIFE, THE LATTER IS BEYOND ANY KIND OF REDEMPTION,+ MRS CHOW SAID.

THE DIFFICULT BUT NECESSARY TASK, SHE SAID, WAS TO SORT THE MEN FROM THE BOYS SO AS TO DETERMINE THE APPROPRIATE ACTION TO BE TAKEN.

FOR THE FIRST OFFENDER AND NOVICE TRIAD MEMBER, APPROPRIATE ACTION INVOLVED MEASURES THAT ACHIEVED REHABILITATION AND PREVENTION OF RECIDIVISM, SHE SAID.

/FOR THE

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FOR THE DIEHARD TRIAD VETERAN, SHE BELIEVED APPROPRIATE ACTION SHOULD LIMIT HIS MOVEMENTS AND INFLUENCE AS EFFECTIVELY AND FOR AS LONG AS POSSIBLE SO AS TO PROTECT SOCIETY.

+IN THIS REGARD, ONE WONDERS WHETHER PRESENT PUNISHMENT IS HEAVY ENOUGH TO COPE WITH THE EXTREMELY SERIOUS OR VIOLENT ORGANISED CRIMES BEING COMMITTED.

+I BELIEVE IT IS TIME TO SERIOUSLY CONSIDER THE REINSTATEMENT OF THE DEATH PENALTY FOR MASTERMINDS OF GANG WARS AS WELL AS SYNDICATED DRUG TRAFFICKING,+ MRS CHOW SUGGESTED.

REFERRING TO THE PROPOSED OPTION WHEREBY AN OFFENDER WOULD BECOME AUTOMATICALLY INDEBTED TO THE CROWN UPON CONVICTION UNDER THE DANGEROUS DRUGS ORDINANCE, MRS CHOW SAID SHE SUPPORTED THIS BUT DID NOT THINK IT WENT FAR ENOUGH.

SHE SAID IN FACT A NUMBER OF TRIAD TRADES SUCH AS GAMBLING DENS AND VICE ESTABLISHMENTS WERE SOURCES OF INCOME WHICH SHOULD BE SUBJECT TO THE SAME TREATMENT AS INCOME FROM DRUG TRAFFICKING.

+FURTHERMORE, ANY MEANS TO CURB THE GROWTH OF CRIMINAL WEALTH THROUGH TRIAD ACTIVITIES SHOULD BE EXPLORED, FOR THIS WOULD NOT ONLY WEAKEN THEIR POSITION CONSIDERABLY, BUT ALSO UNDERMINE THE MATERIALISTIC APPEAL OF SUCH CRIMINAL ASSOCIATION TO THE VANITY OF OUR YOUNG PEOPLE,+ SHE ADDED.

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NEED FOR POLICE AND PUBLIC TO COOPERATE

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IN DEALING WITH TRIAD SOCIETIES AND UNDESIRABLE ELEMENTS, THE POLICE AND THE PUBLIC MUST REACH SOME COMMON UNDERSTANDING AND REALISE EACH OTHER'S POSITION, THE HON RITA FAN SAID TODAY (WEDNESDAY).

SPEAKING AT THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM, MRS FAN SAID THAT CITIZENS HAD TO SPARE MUCH TIME TO GIVING STATEMENTS, IDENTIFYING SUSPECTS AND ACTING AS WITNESSES WHEN THEY REPORTED TO THE POLICE ABOUT TRIADS.

AS A RESULT IT WAS DIFFICULT FOR THE POLICE TO FIND WITNESSES, SHE SAID.

SHE URGED THE POLICE TO APPRECIATE THE DIFFICULTIES EXPERIENCED BY MEMBERS OF THE PUBLIC AND TO DO THEIR BEST TO ASSIST THEM, RATHER THAN RELYING SOLELY ON LEGAL POWERS AND WORKING BY THE BOOK.

/+FIRST OF

+FIRST OF ALL, WITNESSES MUST BE GIVEN SUITABLE PROTECTION AND THE RELEVANT PROPOSALS IN THE DISCUSSION DOCUMENT MUST BE IMPLEMENTED.

+SECONDLY, THE POLICE MUST MAKE EFFORTS TO ESTABLISH AND REINFORCE THE CONFIDENCE OF THE PUBLIC IN THEM,+ SHE SAID.

POINTING OUT THAT THE POLICE CONSTITUTED THE MOST IMPORTANT SECTOR IN THE FIGHT AGAINST TRIAD SOCIETIES, MRS FAN SAID THEY REQUIRED MORE FORCEFUL SUPPORT IN LEGISLATION AND MORE EFFECTIVE PROCEDURES IN ORDER THAT THEY COULD TAKE MORE EFFECTIVE AND FASTER ACTION.

AS FOR THE FEAR OF POSSIBLE ABUSE OF POWER, SHE SAID IF THE POLICE MAINTAINED THEIR EXISTING POWERS, IT WAS VERY DOUBTFUL WHETHER THEY WOULD BE ABLE TO DEAL WITH THE TRIAD PROBLEM, WHICH WAS GETTING MORE AND MORE SERIOUS.

THE POLICE SHOULD THEREFORE BE GIVEN SUFFICIENT POWER TO DEAL WITH THIS PROBLEM BUT IN CASE OF ANY ABUSE OF POWER, POLICE OFFICERS MUST BE SEVERELY PUNISHED, SHE ADDED.

SHE SAID MANY CITIZENS FERVENTLY HOPED THAT JUDICIAL OFFICERS WOULD ALSO PASS A HEAVY SENTENCE ON LAW ENFORCERS WHO VIOLATED THE LAW THEMSELVES.

MRS FAN ALSO SUPPORTED IMPOSING HEAVIER SENTENCES ON CONVICTED TRIAD MEMBERS, AS PROPOSED IN THE DISCUSSION DOCUMENT.

+I FURTHER HOPE THAT HONG KONG'S JUDICIAL OFFICERS WILL NOT BE TOO LENIENT IN PASSING SENTENCES.

+LENIENCY TOWARDS TRIAD MEMBERS IS CRUELTY TOWARDS LAW-ABIDING CITIZENS,+ SHE SAID.

ON OTHER JUDICIAL MEASURES, MRS FAN SAID THERE WAS A NEED TO EXAMINE THE RACKETEER INFLUENCED CORRUPT ORGANISATIONS (RICO) STATUTE AND TO CONSIDER WHETHER IT WAS POSSIBLE TO INSCRIBE ITS SPIRIT IN HONG KONG LAWS.

SHE EXPLAINED THAT THIS AMERICAN STATUTE ENABLED THE PROSECUTION TO PRESENT A FULL PICTURE OF ORGANISED CRIME TO THE COURT SO THAT THE LATTER COULD HAVE A CLEAR PICTURE OF THE RELATIONSHIP BETWEEN THE DIFFERENT CRIMES INVOLVED, AS WELL AS THE EXTENT OF INVOLVEMENT.

+EXISTING CRIMINAL LAW RULES IN HONG KONG GENERALLY RESULT IN VARIOUS CHARGES BROUGHT AGAINST AN ACCUSED PERSON TO BE TRIED SEPARATELY, AND THE COURT WILL CONSIDER EACH CHARGE IN INSOLATION.

+THE DEFECT IN EXISTING LAWS IS THAT IT WOULD NOT BE POSSIBLE TO FULLY EXPOSE THE SERIOUSNESS OF ORGANISED CRIME OF TRIAD SOCIETIES AND IT WOULD ALSO BE DIFFICULT TO BRING TO JUSTICE THE RING LEADER BEHIND THE SCENE,+ SHE SAID.

FOR EXAMPLE, IF SOMEONE MADE USE OF THE GAIN OBTAINED FROM TRIAD ACTIVITIES TO RUN SOME LEGAL BUSINESS, SUCH A PERSON COULD BE BROUGHT TO JUSTICE UNDER THE AMERICAN RICO STATUTE AND HIS GAINS COULD ALSO BE CONFISCATED SO THAT THE ENTIRE CRIMINAL ORGANISATION WOULD BE HARD HIT AND CONSEQUENTLY PUT OUT OF EXISTENCE.

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JOINT EFFORT NEEDED TO CURB ACTIVITIES IN SCHOOLS

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THE ROYAL HONG KONG POLICE FORCE SHOULD NOT AND CANNOT BE THE SOLE DEPARTMENT COMMITTED TO THE TASK OF CURBING TRIAD ACTIVITIES IN SCHOOLS, THE HON PAULINE NG SAID TODAY (WEDNESDAY).

SHE SAID SHE BELIEVED IT WAS ONLY THROUGH THE CO-OPERATION OF THE EDUCATION DEPARTMENT, THE SOCIAL WELFARE DEPARTMENT, THE ICAC AND OTHER DEPARTMENTS CONCERNED THAT THE TASK WOULD ATTAIN ANY SUCCESS.

SHE WAS SPEAKING AT THE ADJOURNMENT DEBATE IN THE LEGISLATIVE COUNCIL ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM.

MRS NG SAID SHE REGRETTED THAT THE DOCUMENT HAD NOT ADEQUATELY ADDRESSED THE TRIAD PROBLEM IN SCHOOLS.

TO COUNTER THE TRIAD PROBLEM IN SCHOOLS, SHE SUGGESTED THAT THE EDUCATION DEPARTMENT SHOULD REVIEW THE FORMMASTER SYSTEM.

AS FORMMASTERS WERE WORKING IN THE FRONT-LINE IN THEIR CONTACT WITH STUDENTS, SHE SAID THE RELEVANT AUTHORITY SHOULD CUT DOWN THEIR TEACHING SESSIONS TO ALLOW THEM AMPLE TIME TO GET TO KNOW THEIR STUDENTS BETTER, KEEP IN TOUCH WITH PARENTS AND TAKE EARLY PRECAUTIONS AGAINST TRIAD ACTIVITIES.

AS FAR AS THE SOCIAL WELFARE DEPARTMENT WAS CONCERNED, MRS NG SAID IT SHOULD REVISE AS SOON AS POSSIBLE THE EXISTING RATIO OF ONE SCHOOL SOCIAL WORKER TO 4 000 STUDENTS.

UNDER THIS RATIO, SHE SAID, SCHOOL SOCIAL WORKERS WERE TOO FULLY OCCUPIED AND WERE UNABLE TO PROVIDE SUFFICIENT COUNSELLING SERVICE TO STUDENTS.

/MEANWHILE,

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MEANWHILE, THE POLICE COMMUNITY RELATIONS BUREAU OF THE POLICE FORCE SHOULD BE ADDITIONALLY STAFFED TO STRENGTHEN ITS TIES WITH SCHOOLS IN A BID TO NIP IN THE BUD TRIAD ACTIVITIES IN SCHOOLS.

LASTLY, SHE URGED THE ICAC TO KEEP UP ITS GOOD WORK OF PROVIDING TO SCHOOLS TEACHING MATERIALS AND AIDS FOR MORAL AND CIVIC EDUCATION.

EARLIER, MRS NG SAID THAT SHE WAS STRONGLY IN FAVOUR OF THE IDEA OF USING THE AMERICAN PROCEDURE OF IDENTIFYING SUSPECTS THROUGH ONE-WAY VIEWERS.

+THE ADOPTION OF THIS PROPOSAL WILL DEFINITELY ENCOURAGE THE PUBLIC TO REPORT CRIME AND GIVE EVIDENCE AS THIS WILL ENSURE THE SAFETY OF THE WITNESSES AND REDUCE THE CHANCE OF THEIR BEING VICTIMS OF REVENGE BY TRIAD ELEMENTS,+ SHE SAID.

SHE WAS ALSO IN SUPPORT OF AMENDMENTS TO THE LEGISLATION TO CONTROL PORNOGRAPHIC ACTIVITIES AND THE NUISANCES ARISING FROM SUCH ACTIVITIES.

FURTHERMORE, MRS NG SAID SHE AGREED THAT THE SUMMARY OFFENCES PROCEEDINGS SHOULD BE ENACTED TO DEAL WITH THE NUISANCES CAUSED BY THOSE +ONE-WOMAN BROTHELS+ SO THAT TENANTS IN DOMESTIC PREMISES COULD MORE EASILY LODGE COMPLAINTS TO THE COURT.

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FOURFOLD APPROACH TO TACKLE PROBLEM SUGGESTED
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LEGISLATIVE COUNCILLOR, THE HON YEUNG PO-KWAN LIKENEED, THE TRIAD PROBLEM TO A VICIOUS DISEASE AND SUGGESTED THE GOVERNMENT TO ADOPT A FOURFOLD APPROACH TO TACKLE IT.

SPEAKING AT THE ADJOURNMENT DEBATE IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), MR YEUNG SAID AS THE INFLUENCE OF THIS DISEASE WAS SO FAR-REACHING AND AS THERE WAS NO BASIC CURE, HE FELT THAT THE PRINCIPAL TASK WAS TO FACE REALITY AND ADOPT EFFECTIVE MEASURES TO CONTROL AND ALLEVIATE THE STATE OF ILLNESS SO THAT IT WOULD NOT SPREAD AND DETERIORATE.

HE THEREFORE SUGGESTED THAT THE GOVERNMENT SHOULD COUNTER THE PROBLEM WITH FOUR MEASURES AT THE SAME TIME, NAMELY STRINGENT POLICIES, REHABILITATION, LONG-TERM ATTENTION AND PREVENTIVE WORK.

/IN IMPLEMENTING

IN IMPLEMENTING STRINGENT POLICIES WHICH WAS SIMILAR TO GIVING SPECIFIC INJECTIONS AND DRUGS TO SUPPORT A SURGICAL OPERATION, MR YEUNG SAID THE OBJECTIVE OF AMENDING THE LAW WAS PRINCIPALLY TO ASSIST THE POLICE IN FURTHER PROTECTING THE LIFE AND PROPERTY OF THE PUBLIC AND NOT TO GIVE THEM ADDITIONAL AND UNNECESSARY POWERS.

IN THIS CONNECTION, HE FELT THAT THE POLICE SHOULD DRAW UP DEPARTMENTAL GUIDELINES SO THAT MEMBERS OF THE FORCE KNEW CLEARLY HOW THEY SHOULD MAKE USE OF THESE POWERS AND AVOID ABUSING THEM AND INFRINGING ON PERSONAL FREEDOM.

HE ALSO BELIEVED THAT BY CUTTING OFF THEIR SOURCES OF INCOME, THE GROWTH OF TRIAD INFLUENCES WOULD DEFINITELY BE CHECKED AND SAID THIS COULD BE DONE BY THOROUGHLY IMPLEMENTING THE CLOSURE ORDER SYSTEM, INCREASING THE PENALTIES FOR ILLEGAL GAMBLING AND CONFISCATING PROFITS AND PROPERTIES ACQUIRED BY DRUG TRAFFICKING.

COMPARING REHABILITATION TO TAKING NOURISHING FOOD OR TONICS TO SPEED UP RECOVERY, MR YEUNG SAID THE +SCHEME OF RENUNCIATION OF TRIAD MEMBERSHIP+ WOULD DEFINITELY BE USEFUL TO THOSE TRIAD MEMBERS WHO WERE AWARE OF THEIR PAST FOLLIES AND WHO WISHED TO TURN OVER A NEW LEAF.

+THE GOVERNMENT SHOULD STEP UP REHABILITATION WORK AND PROVIDE MORE INFORMATION ON JOB OPPORTUNITIES SO THAT THOSE TRIAD MEMBERS WHO INTEND TO TURN OVER A NEW LEAF MAY BE GIVEN AN OPPORTUNITY TO LEAD A NORMAL LIFE AND BE FREE FROM FALLING PREY TO THE INDUCEMENT, THREATS AND CONTROL OF TRIADS ONCE AGAIN,+ HE SAID.

MR YEUNG THEN STRESSED THE IMPORTANCE OF LONG-TERM ATTENTION TO SOCIAL TRENDS TO PREVENT THE RESURGENCE OF TRIAD ACTIVITIES, JUST AS HEALTH CARE AND REGULAR MEDICAL EXAMINATION WERE NECESSARY FOR GOOD HEALTH.

HE CALLED ON VARIOUS GOVERNMENT DEPARTMENTS TO STRENGTHEN CO-ORDINATION AND COMMUNICATION IN ORDER TO MAKE CONCERTED EFFORTS TO COUNTER THE TRIAD PROBLEM.

APART FROM ERADICATING TRIAD ACTIVITIES AT DISTRICT LEVEL, HE FELT THE POLICE SHOULD BE PROVIDED WITH ADEQUATE RESOURCES, SUCH AS INSTALLATION OF COMPUTER EQUIPMENT, TO COPE WITH INTENSIFIED WORK IN CONNECTION WITH COUNTERING TRIAD ACTIVITIES AND STAMPING OUT ORGANISED CRIME.

LASTLY, MR YEUNG SUGGESTED THAT AS +PREVENTION IS BETTER THAN CURE+, THE GOVERNMENT SHOULD CARRY OUT PREVENTIVE WORK BY ACTIVELY PROMOTING YOUTH ACTIVITIES AND ESTABLISHING A HEALTHY SOCIETY WITH PROPER RECREATIONAL ACTIVITIES FOR YOUNG PEOPLE.

HE ALSO EMPHASISED THE NEED TO FULLY WIPE OUT THE +HERO IMAGE+ OF TRIAD SOCIETIES AND TO CONVEY TO YOUTHS THE CORRECT SOCIAL VALUES.

MR YEUNG CONCLUDED BY SAYING THAT IF THE GOVERNMENT ADOPTED THE FOUR MEASURES MENTIONED ABOVE AT THE SAME TIME, THE ADVERSE INFLUENCE OF TRIAD SOCIETIES ON THE PUBLIC WOULD BE REDUCED ACCORDINGLY AND THE IMAGE OF A REALLY STABLE AND PROSPEROUS SOCIETY WOULD DISTINCTLY EMERGE.

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SUPERVISION SCHEME 'INFRINGES ON FREEDOM'
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IF HEAVY PENALTIES IMPOSED TO CRACK DOWN ON TRIADS ARE FOUND TO INFRINGE ON PERSONAL FREEDOM AND THE DIGNITY OF HUMAN RIGHTS, THE ISSUE SHOULD BE CONSIDERED MOST CAREFULLY, THE HON JACKIE CHAN SAID TODAY (WEDNESDAY).

HE VOICED STRONG OBJECTION TO THE SUGGESTED POLICE SUPERVISION SCHEME WHEN SPEAKING IN THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM.

+PERHAPS SOME PEOPLE MAY SAY THAT HEAVY PENALTIES ARE REQUIRED IN TIMES OF TROUBLE, BUT IS HONG KONG IN SUCH TROUBLED TIMES THAT IT REQUIRES US TO SACRIFICE OUR GOOD SPIRIT OF RULE BY LAW TO COMBAT CRIME?+ MR CHAN ASKED.

APART FROM RUNNING COUNTER TO THE SPIRIT OF RULE BY LAW, THIS OPTION IN FACT LEFT MUCH ROOM FOR DISCUSSION, HE SAID.

THE SCHEME AT FIRST APPEARED TO BE ALL RIGHT AS IT WAS ONLY AIMED AT TRIAD ELEMENTS WHO HAD BEEN PENALISED BY DETENTION.

+BUT, IN PRACTICE, THE SITUATION MAY NOT BE AS SIMPLE AS WHAT WE EXPECT AS ORDINARY CITIZENS WILL ALMOST INEVITABLY BE INVOLVED BECAUSE OF THEIR SIMILAR APPEARANCE TO SPECIAL CITIZENS UNDER POLICE SUPERVISION.

+AS A RESULT, THEY WILL OFTEN BE DISTURBED UNNECESSARILY AND THEIR PERSONAL FREEDOM SERIOUSLY INFRINGED UPON,+ MR CHAN SAID.

HE BELIEVED IT WAS IMPRACTICAL TO ENACT A PIECE OF LEGISLATION WHICH WOULD CAUSE INCONVENIENCE TO THE MAJORITY OF CITIZENS SIMPLY BECAUSE SUPERVISION WAS REQUIRED FOR A SMALL NUMBER OF TRIAD MEMBERS RELEASED FROM DETENTION.

BESIDES THIS, HE FELT THE SCHEME WOULD HAVE A SERIOUS IMPACT ON THE PSYCHOLOGY OF THE RELEASED PRISONERS WHO MIGHT FEEL DISCRIMINATED AGAINST AND REJECTED BY THE COMMUNITY DESPITE HAVING SERVED THEIR DUE PUNISHMENT.

THIS COULD INDUCE A RESISTANCE TO THE LAW AND HOSTILITY TOWARDS THE COMMUNITY, LEADING ULTIMATELY TO A CRIMINAL OFFENCE BEING COMMITTED AGAIN.

MR CHAN BELIEVED THAT MANY EMPLOYERS WOULD BE RELUCTANT TO CONSIDER TAKING ON RELEASED PRISONERS UNDER SUPERVISION.

+THE EXISTING POLICY IS TO ASSIST RELEASED PRISONERS TO TURN OVER A NEW LEAF AND RETURN TO SOCIETY.+

/+THIS BIZARRE

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+THIS BIZARRE PROPOSAL HOWEVER SEEMS TO STOP THEM FROM DOING SO,+ HE SAID.

HE SAID POLICE RESOURCES SHOULD NOT BE WASTED ON THE SUPERVISION OF TRIAD MEMBERS ALREADY PENALISED WHEN THE PRIORITY FOR THE FORCE SHOULD BE TO REORGANISE AND EXPAND ITS ANTI-TRIAD UNIT, AND TO CENTRALISE MANPOWER AND RESOURCES IN COMBATTING TRIAD SOCIETIES.

HE BELIEVED IT WAS MOST IMPORTANT TO RESTRAIN TRIAD MASTERMINDS BY LAW, IMPOSE HEAVY PENALTIES ON THEM AND CONFISCATE THE GAINS WHICH THEY HAD ACQUIRED IN ILLEGAL ACTIVITIES.

+WITHOUT A LEADER, I BELIEVE THAT THE THREAT TO OUR SOCIETY POSED BY THE REMAINING TRIAD MEMBERS WILL BE REDUCED TO A MINIMUM,+ HE SAID.

IN THE LONG RUN, THE GOVERNMENT SHOULD STEP UP PREVENTIVE WORK IN SCHOOLS, MR CHAN SUGGESTED.

+ON ONE HAND, AN ALL-OUT EFFORT SHOULD BE MADE TO CURB TRIAD INFILTRATION INTO SCHOOLS WHILE, ON THE OTHER HAND, CORRECT IDEAS SHOULD BE INSTILLED INTO OUR YOUTHS TO RECTIFY THEIR PERCEPTION OF TRIADS AS HEROES AND THEIR ERRONEOUS CONCEPT OF MATERIALISM AND HEDONISM, TO ESTABLISH A HEALTHY SOCIAL PLATFORM FOR THEM SO THAT OUR STABLE AND PROSPEROUS SOCIETY MAY DEVELOP FURTHER UNDER A BALANCED AND ORDERLY CLIMATE,+ HE SAID.

EARLIER, MR CHAN EXPRESSED SUPPORT FOR SEVERAL OPTIONS IN THE DISCUSSION DOCUMENT, INCLUDING THE SCHEME FOR RENUNCIATION OF TRIAD MEMBERSHIP, INTRODUCTION OF A NEW FORM OF IDENTIFICATION PARADE, AND, IN PARTICULAR, AMENDING THE LAW TO ENABLE THE FORMULATION OF CLOSURE ORDERS ON VICE ESTABLISHMENTS.

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CONCERTED EFFORT TO CONTAIN TRIADS STRESSED
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A CONCERTED EFFORT WITHIN THE GOVERNMENT ITSELF IS BOUND TO HAVE A MULTIPLIER EFFECT IN THE LONG RUN TO CONTAIN THE SIZE OF THE TRIAD PROBLEM, THE HON HILTON CHEONG-LEEN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING AT THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM, MR CHEONG-LEEN SAID HE SUPPORTED THE INCREASED CO-ORDINATION RESULTING FROM THE DOCUMENT BETWEEN LAW ENFORCEMENT AGENCIES AND OTHER GOVERNMENT DEPARTMENTS TO TACKLE THE TRIAD PROBLEM.

/HE SAID

HE SAID THE PUBLIC, HAVING NOW BEEN MADE MORE AWARE OF THE DIMENSIONS OF THE PROBLEM, COULD PERHAPS BE PERSUADED TO MORE CLOSELY CO-OPERATE WITH THE AUTHORITIES IN FACING UP TO THE CHALLENGE AND DANGERS OF TRIADS.

+IN THIS RESPECT, THE ORGANISED CRIME AND OTHER SERIOUS CRIMES GROUP WHICH IS RESPONSIBLE FOR DEALING WITH TRIADS WITHIN THE POLICE FORCE COULD ADOPT A MORE VISIBLE PRESENCE WITH THE PUBLIC,+ HE SAID.

A TRIADS HOT LINE WHICH WOULD BE TAKING CALLS 24 HOURS A DAY COULD ALSO BE SET UP, HE SUGGESTED.

IN ORDER TO COMMAND PUBLIC SUPPORT, THE POLICE MUST BE SEEN BY THE PUBLIC TO BE GOING ALL-OUT TO TACKLE THE TRIAD PROBLEM, HE STRESSED.

FURTHERMORE, HE SAID THERE COULD BE MORE FOCUS ON TRIAD-RELATED MATTERS AT DISTRICT FIGHT CRIME COMMITTEE MEETINGS AND AT OTHER FUNCTIONS ATTENDED BY POLICE COMMUNITY RELATIONS OFFICERS TO GIVE ADDED INPUT TO THE POLICE COMMUNICATION NETWORK IN COMBATING THE PROBLEMS.

ON THE PROPOSED OPTIONS WHICH WOULD CURTAIL THE WIDE RANGE OF INDIVIDUAL FREEDOM IF ADOPTED, MR CHEONG-LEEN SAID WE WERE FACED WITH A CHOICE IN THE BALANCING OF THE LARGER INTEREST OF THE COMMUNITY AGAINST THE PERSONAL FREEDOM OF THOSE WHO WOULD FLOUT THE LAW.

IN HIS VIEW, IT WAS NECESSARY TO LEGISLATE FOR SOME OF THE OPTIONS PROPOSED.

+CERTAINLY, THE PUBLIC WOULD WELCOME NEW MEASURES TO ENCOURAGE WITNESSES TO COME FORWARD TO TESTIFY, SUCH AS THE USE OF ONE-WAY MIRRORS, THE CREATION OF 'TASK FORCES' OF INVESTIGATORS AND LAWYERS TO CONCENTRATE ON SUSPECTED INDIVIDUALS AND ENTERPRISES, THE ADAPTING OF SOME OF THE PROCEDURES OF THE AMERICAN GRAND JURY SYSTEM IN THE ATTACKING OF THE ORGANISED CRIME IN ORDER TO GET AT THE 'BIG GUN' IN THE TRIAD WORLD,+ MR CHEONG-LEEN SAID.

ON THE ADDITIONAL POWERS WHICH WOULD BE REQUIRED TO FIGHT TRIADS AND OTHER FORMS OF ORGANISED CRIME, MR CHEONG-LEEN SAID THE LEGISLATIVE COUNCIL SHOULD GIVE THEM TO THE POLICE AND AT THE SAME TIME STRENGTHEN THE MONITORING COMMITTEES TO ENSURE THAT THESE POWERS WOULD NOT BE ABUSED.

HOWEVER, HE ADDED THAT THE LEGISLATIVE COUNCIL WOULD HAVE TO REVIEW THE REDUCTION OF ANY POWERS HAVING TO DO WITH PERSONAL FREEDOM WHICH WERE NO LONGER REQUIRED IN THE OVERALL COMMUNITY INTEREST AS AND WHEN THE GROWING THREAT OF ORGANISED CRIME AS REPRESENTED BY TRIADS IN PARTICULAR BECAME LESS SERIOUS.

MR CHEONG-LEEN ALSO SUPPORTED ALL EFFORTS DESIGNED TO ENABLE THOSE WHO WISHED TO RENUNCIATE THEIR TRIAD LINKS AND THE PROPOSED POLICE SUPERVISORY SYSTEM TARGETTED AT THE 'POTENTIALLY DANGEROUS RE-OFFENDER'.

+HOWEVER, IT WOULD SEEM THAT PENALTIES SUCH AS NOT ENTERING JOCKEY CLUB PREMISES OR POSSESSING A PAGING MACHINE ARE NOT PRACTICAL FROM A WIDER POINT OF VIEW,+ HE SAID.

MR CHEONG-LEE ALSO URGED THAT THE REHABILITATIVE SUPERVISION OF THE CORRECTIONAL SERVICES AND SOCIAL WELFARE DEPARTMENTS BE BROUGHT INTO PLAY WHENEVER IT WAS SUITABLE.

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INDEPENDENT COMMITTEE +COULD MONITOR POLICE SUPERVISION+
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AN INDEPENDENT STATUTORY COMMITTEE SHOULD BE SET UP TO MONITOR THE POLICE IN CARRYING OUT THE PROPOSED SUPERVISION ORDER, THE HON CHUNG PUI-LAM TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING AT ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM, MR CHUNG SAID WHILE THE PROPOSED POLICE SUPERVISION ORDER AND THE PROHIBITION ORDER MIGHT BE EFFECTIVE IN REDUCING CONTACT BETWEEN SUPERVISED PERSONS AND TRIADS, THEY WERE ONLY PENAL MEASURES, AND LACKED COUNSELLING AND REHABILITATIVE FUNCTIONS.

THEREFORE, HE SUGGESTED THE FORMATION OF AN INDEPENDENT STATUTORY COMMITTEE, INSTEAD OF LETTING ONLY THE POLICE CARRY OUT THE SUPERVISION ORDER.

HE SAID THE COMMITTEE SHOULD CONSIST OF UMELCO MEMBERS, REPRESENTATIVES FROM THE POLICE, CORRECTIONAL SERVICES DEPARTMENT, SOCIAL WELFARE DEPARTMENT, EDUCATION DEPARTMENT, HONG KONG DISCHARGED PRISONERS' AID SOCIETY, SOCIAL WORKERS AND MEMBERS OF THE PUBLIC.

+THE POLICE SHOULD SUBMIT TO THE COMMITTEE REPORTS OF THE SUPERVISED PERSONS AT REGULAR INTERVALS,+ HE SAID.

+THE COMMITTEE SHOULD BE EMPOWERED TO PROVIDE PROPER REHABILITATIVE SERVICE TO THOSE PLACED UNDER THE ORDER ACCORDING TO THE ACTUAL NEEDS OF THE ONE BEING SUPERVISED.

+IT SHOULD ALSO BE GIVEN THE RIGHT TO REGULATE THE WEIGHT PLACED ON SUPERVISION IN RELATION TO REHABILITATION AND VICE VERSA FOR EACH CASE, AS WELL AS TO SHORTEN THE TIME OF THE SUPERVISION ORDER IF NECESSARY,+ MR CHUNG SAID.

/IN ADDITION,

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IN ADDITION, THE COMMITTEE COULD PROVIDE ASSISTANCE TO THOSE HARASSED BY TRIADS OR FORMER FELLOW GANG MEMBERS AFTER THE EXPIRY OF A SUPERVISION ORDER, HE SAID.

MR CHUNG SAID IT WAS UNACCEPTABLE THAT A PROPOSAL UNDER THE ORDER COULD INVOLVE A SPECIAL FORM OF CAUTION WHEN A PERSON BEING SUPERVISED WAS CHARGED WITH A SUBSEQUENT OFFENCE OR WAS QUESTIONED IN RELATION TO THAT OFFENCE AT A POLICE STATION.

HE POINTED OUT THAT THIS WOULD MAKE EXPLANATION OR PROVISION OF EVIDENCE TO THE CHARGE MANDATORY IN THE CASE OF A PERSON UNDER THE SUPERVISION ORDER.

+HIS RIGHT TO REMAIN SILENT IS THUS INFRINGED,+ HE SAID.

FURTHERMORE, IF THE SPECIAL FORM OF CAUTION APPEARED IN THE SUSPECT'S STATEMENT, THE COURT WOULD BE AWARE OF THE FACT THAT THE SUSPECT HAD A PREVIOUS CRIMINAL RECORD, WHICH WOULD BE GREATLY DISADVANTAGEOUS TO THE SUSPECT, HE SAID.

REFERRING TO CHANNELS FOR COMPLAINTS AGAINST THE POLICE, MR CHUNG SUGGESTED THAT ALL COMPLAINT CASES, WHETHER MINOR OR SERIOUS, SHOULD BE HANDLED BY THE COMPLAINTS AGAINST POLICE OFFICE ITSELF.

HE SAID IT WAS UNDESIRABLE TO REFER MINOR CASES TO A POLICE STATION WHERE THE POLICE OFFICER COMPLAINED AGAINST WORKED.

AS REGARDS THE GRAND JURY APPROACH, HE SAID ALTHOUGH THERE WAS MERIT IN THIS PROPOSAL, IT WOULD MEAN INFRINGEMENT UPON A WITNESS'S RIGHT TO REMAIN SILENT, THUS CONTRADICTING THE TRADITIONAL PRINCIPLES OF JUSTICE.

MR CHUNG CONSIDERED THAT THIS APPROACH SHOULD NOT BE ADOPTED AT THE PRESENT STAGE.

LASTLY, HE SAID THE PROPOSALS IN THE DOCUMENT WERE MAINLY STOP-GAP MEASURES AND THERE WERE FEW RADICAL SOLUTIONS.

IN HIS OPINION, TO ROOT OUT THE PROBLEM COMPLETELY, THE POLICE, SCHOOLS AND SOCIAL WORKERS SHOULD WORK CLOSELY WITH ONE ANOTHER TO ELIMINATE AND PREVENT TRIAD MEMBERS FROM PENETRATING SCHOOLS, AND MORE EFFECTIVE METHODS SHOULD BE EMPLOYED IN ANTI-TRIAD CAMPAIGNS.

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REHABILITATION METHODS CAN HELP HARNESS TRIADS

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THE IMPORTANCE OF REHABILITATION WORK IN COUNTERING TRIAD ACTIVITIES WAS STRESSED BY THE HON HUI YIN-FAT IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING DURING THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON OPTIONS TO COUNTER THE TRIAD PROBLEM, MR HUI DESCRIBED THE DOCUMENT AS +A LAUDABLE ATTEMPT BY THE GOVERNMENT TO CONTAIN THE CANCEROUS GROWTH OF A PERENNIAL SOCIAL PROBLEM+. HE SAID HE FULLY SUPPORTED ITS PROPOSALS.

ON SPECIFIC OPTIONS, HE SAID THAT THE OBJECTIVES OF THE POLICE SUPERVISION ORDER SCHEME PLACED TOO MUCH EMPHASIS ON THE RESTRICTIVE AND PREVENTIVE EFFECTS OF THE ORDER AND IGNORED THE REHABILITATIVE AND EDUCATIONAL FUNCTIONS OF IMPOSING A JUDICIAL PENALTY.

MR HUI SAID A POLICE SUPERVISION ORDER HAD BEEN REPEALED IN 1983, AND SHOULD BE RE-IMPLEMENTED WITH EXTREME DISCRETION, AIMING AT HARD-CORE CASES.

HE POINTED OUT THAT THE IMPOSITION OF SUCH AN ORDER SHOULD BE DECIDED BY THE COURT UPON THE RECOMMENDATION OF THE POLICE AND PROBATION OFFICERS IN CONSULTATION WITH PROFESSIONAL SOCIAL WORKERS.

+THIS WAY, THE SUITABILITY OF THE ORDER, IMPOSED AFTER SERIOUS CONSIDERATION ON RE-OFFENDERS WITH REAL NEED, CAN BE GUARANTEED,+ HE SAID.

HE ADDED THAT THE ORDER SHOULD BE IMPLEMENTED BY EXPERIENCED POLICE OFFICERS AND THAT THE SCHEME SHOULD BE REVIEWED AFTER A TRIAL PERIOD OF TWO YEARS.

MR HUI FELT THAT THE POLICE SUPERVISION ORDER AS IT NOW STOOD FAILED TO GET TO THE ROOTS OF THE PROBLEM IN THAT IT HAD NOT PROVIDED OFFENDERS WITH THE NECESSARY ASSISTANCE TO ENABLE THEM TO GO STRAIGHT UPON COMPLETION OF THE ORDER.

HE SAID SOCIAL WORKERS GENERALLY FAVOURED A MORE BALANCED APPROACH OF EMPLOYING SUCH ADDITIONAL MEANS AS OUTREACHING SOCIAL WORK AND REHABILITATION SERVICES TO HELP YOUNG OFFENDERS BREAK FREE FROM THE ASSOCIATION AND INTIMIDATION OF TRIAD GANGS.

+BY OFFERING THEM PREVOCATIONAL AND EMPLOYMENT OPPORTUNITIES, WE CAN SUCCESSFULLY HELP THEM TO TURN OVER A NEW LEAF,+ HE SAID.

MR HUI ALSO SAID HE OBJECTED TO THE OPTION THAT PROHIBITED TRIAD MEMBERS FROM VISITING CERTAIN PUBLIC PLACES.

/+APART FROM

+APART FROM OPERATIONAL DIFFICULTIES, THE ENVISAGED NEGATIVE EFFECTS OF THIS OPTION, INCLUDING ANTAGONISING TRIAD MEMBERS AND CURTAILING HUMAN RIGHTS, TEND TO OUTWEIGH THE ADVANTAGES, HE ARGUED.

NOTING THAT ANY FORM OF PENALTY WOULD CARRY WITH IT THE OBJECTIVE OF MAKING THE CRIMINAL PAY FOR HIS OFFENCE, MR HUI MADE THE FOLLOWING SUGGESTIONS:

- * THE POLICE SUPERVISION ORDER SHOULD BE REINTRODUCED AS A MANDATORY SENTENCE FOR SELECTED RE-OFFENDERS IN PROTECTION OF THE PUBLIC INTEREST;
- * A MONITORING GROUP CONSISTING OF PSYCHOLOGISTS, LAWYERS, POLICE AND SOCIAL WORKERS SHOULD BE SET UP TO OVERSEE IMPLEMENTATION OF THE SUPERVISION SCHEME AND TO CONDUCT PERIODICAL REVIEWS;
- * IN VIEW OF THE FACT THAT THE MISCALCULATED DISBANDMENT OF THE TRIAD SOCIETY BUREAU HAD GIVEN RISE TO THE RAMIFICATIONS OF TRIAD ACTIVITIES, THIS SPECIAL UNIT SHOULD BE RE-ESTABLISHED AND STRENGTHENED AS A HIGH-POWERED LAW ENFORCEMENT AGENCY;
- * OTHER FORMS OF PENALTIES SHOULD BE EXPLORED IN DEALING WITH DIFFERENT TYPES OF TRIAD OFFENCES.

IN CONCLUSION MR HUI EMPHASISED THE NEED TO GIVE CONSIDERATION TO THE MAINTENANCE OF FREEDOM IN SOCIETY AS FREEDOM COULD NOT BE SACRIFICED AS A MEANS OF ACHIEVING A QUICK SOLUTION TO THE TRIAD PROBLEM.

+IT IS THEREFORE NECESSARY TO HARNESS TRIAD ACTIVITIES BY EMPLOYING LONGER TERM REHABILITATION METHODS, FOR WHICH MORE SOCIAL RESOURCES SHOULD BE DEPLOYED TO IMPROVE THE EXISTING PROVISIONS,+ HE SAID.

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LEGAL GAMBLING OPTION 'IMPRACTICAL'

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THE TRIAD DOCUMENT'S OPTION PROVIDING FOR MORE LEGAL GAMBLING WAS HIGHLY IMPRACTICAL, AND WOULD INSTEAD LEAD TO MORE TRIAD ACTIVITIES, THE HON RICHARD LAI TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

+SUCH A PROPOSAL WILL AFFECT SOCIETY FAR MORE THAN TRIAD SOCIETIES BECAUSE MORE CITIZENS WILL INDULGE IN GAMBLING, THUS RESULTING IN MORE BROKEN HOMES AND SOCIAL TRAGEDIES, AS WELL AS DISRUPTING PEOPLE'S LIVES AND AFFECTING HONG KONG'S ECONOMIC GROWTH,+ HE SAID DURING THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT.

/IT WOULD

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IT WOULD ALSO LEAD TO MORE LOAN-SHARKING AND INTIMIDATION.

MR LAI COMMENTED THAT ILLEGAL GAMBLING WHICH OFFERED MORE ATTRACTIVE PAYOUTS WOULD CONTINUE TO MAINTAIN ITS ATTRACTION IRRESPECTIVE OF THE EXISTENCE OF LEGAL FORMS OF GAMBLING.

IN HIS VIEW, THE OPTION WOULD ONLY HELP TO BOOST THE INFLUENCE OF TRIADS.

+AS A MATTER OF PRINCIPLE, THE ENCOURAGEMENT OF GAMBLING IS UNDOUBTEDLY CONTRADICTORY TO THE OBJECTIVE OF BUILDING A HEALTHY AND STABLE SOCIETY,+ MR LAI MAINTAINED.

REFERRING TO THE OPTION PROVIDING FOR A POLICE SUPERVISION SCHEME, HE SAID THIS WOULD ONLY RESULT IN SOCIAL STRATIFICATION AND CREATE A SENSE OF ANTAGONISM AMONG DISCHARGED CRIMINALS, MAKING IT MORE DIFFICULT FOR THEM TO RECOVER AS NORMAL CITIZENS AND BE RE-INTEGRATED INTO SOCIETY.

HE ALSO EXPRESSED CONCERN THAT SUCH A SCHEME MIGHT LEAD TO AN ABUSE OF POWER BY POLICE OFFICERS.

LIMITATIONS ON DISCHARGED CRIMINALS SO THAT THEY COULD NOT ENTER CERTAIN PLACES OR USE CERTAIN EQUIPMENT WOULD ONLY ENCOURAGE THEM TO FIND LOOPHOLES.

MR LAI SAID THAT WHEN CRIMINALS WERE SENTENCED TO PRISON, IT MEANT THEY HAD TO BE HELD RESPONSIBLE AND TO PAY THE PRICE FOR THEIR DEEDS.

+THEREFORE, IN ORDER TO IMPOSE HEAVIER PENALTIES OR FURTHER DEPRIVE THEM OF THEIR FREEDOM, IT WOULD BE MORE APPROPRIATE TO CARRY OUT SUCH MEASURES WHILE THEY ARE STILL IN PRISON RATHER THAN AFTER THEY HAVE BEEN DISCHARGED,+ HE SAID.

AS FOR THE OPTION TO MAKE IT AN OFFENCE FOR ANY PERSON TO IMPLY, DELIBERATELY, THAT HE WAS A MEMBER OF A TRIAD SOCIETY, MR LAI SAID THIS WOULD CREATE MANY ENFORCEMENT PROBLEMS BECAUSE OF THE FLEXIBILITY IN THE PROVISION.

ABUSE OF POWER BY THE POLICE COULD ARISE IN THE PROCESS OF PROSECUTION AS WELL AS IN THE COURSE OF ARREST ALTHOUGH PROSECUTIONS MADE UNDER THE PROVISION HAD TO HAVE THE APPROVAL OF THE ATTORNEY GENERAL.

ANOTHER OPTION WHICH WOULD SWITCH THE BURDEN OF PROOF FROM THE PROSECUTION TO THE DEFENCE WOULD CONTRAVENE THE JUDICIAL SPIRIT IN HONG KONG.

MR LAI SUPPORTED IN PRINCIPLE A SCHEME FOR RENUNCIATION OF TRIAD MEMBERSHIP.

/BUT HE

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BUT HE HOPED THAT THE POWER OF THE REGISTRAR OF SOCIETIES TO REFUSE APPLICATIONS FOR RENUNCIATION COULD BE USED WHERE NECESSARY TO PREVENT THE SCHEME FROM BEING ABUSED BY HARDENED CRIMINALS.

HE FURTHER SUGGESTED THAT IF POSSIBLE RENUNCIATION SHOULD BE ACCOMPLISHED AS A FORMAL CEREMONY IN CAMERA BEFORE A MAGISTRATE.

MR LAI SAID THE OPTION CONCERNING THE PROTECTION OF EVIDENCE WAS FEASIBLE, BUT THE LEGISLATION MUST PROVIDE FLEXIBILITY IN APPLICATION.

+IF THE STATEMENTS GIVEN BY A WITNESS ARE CONTRADICTIONARY, HE SHOULD BE GIVEN A CHANCE TO EXPLAIN THE REASONS.+

+THE COURT ALSO HAS TO INVESTIGATE CAREFULLY TO SEE IF THE WITNESS' EXPLANATIONS ARE SATISFACTORY BEFORE DECIDING WHETHER HE HAS COMMITTED PERJURY,+ HE SAID.

MR LAI ALSO SAID THE DOCUMENT FAILED TO PROVIDE INFORMATION ON THE SITUATION CONCERNING TRIAD SOCIETIES AND PLACED TOO MUCH EMPHASIS ON EXPANDING THE ENFORCEMENT ACTION OF THE POLICE AND ON THE CHARGING OF SUSPECTS.

HE AGREED THAT MORE SEVERE SENTENCES SHOULD BE IMPOSED IN TACKLING CRIME, BUT NOT NECESSARILY BY PUTTING THE EMPHASIS ON AMENDING THE LAW.

THE CRIME PROBLEM COULD BE DEALT WITH MORE THOROUGHLY BY FOCUSING ON THE JUDICIAL SYSTEM AS A WHOLE, HE SUGGESTED.

HE STRESSED THE IMPORTANCE OF HAVING STRICTER CONTROLS ON THE LICENSING OF BILLIARD SALOONS AND AUTOMATIC GAMES CENTRES.

+EFFORTS SHOULD ALSO BE MADE TO ELIMINATE ILLEGAL ESTABLISHMENTS WHILE PROVIDING AN EFFECTIVE CHANNEL FOR THE PUBLIC TO REPORT TRIAD ACTIVITIES,+ HE ADDED.

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POLICE SUPERVISION 'DOUBLE PUNISHMENT IN DISGUISE'
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THE OPTION FOR POLICE SUPERVISION PROPOSED BY THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM REPRESENTED A FORM OF +DOUBLE PUNISHMENT IN DISGUISE+, DR THE HON CONRAD LAM SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IT WAS UNFAIR FOR THE POLICE TO UNDERTAKE FURTHER SUPERVISION OF DISCHARGED TRIAD OFFENDERS WHO HAD ALREADY RECEIVED THEIR DUE PUNISHMENT THROUGH IMPRISONMENT, HE SAID DURING THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT IN THE LEGISLATIVE COUNCIL.

/+UNDER

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+UNDER POLICE SUPERVISION FOR A LONG PERIOD, DISCHARGED OFFENDERS MAY FIND IT HARD TO FIND A JOB AND THIS MAY AFFECT THEIR EFFORTS IN REHABILITATION,+ HE SAID.

DISCHARGED OFFENDERS SHOULD BE ALLOWED TO ENTER FREELY INTO BILLIARD HALLS, ENTERTAINMENT PLACES AND TO CARRY PAGING MACHINE JUST LIKE ORDINARY CITIZENS.

+I BELIEVE THAT EVERYONE OF US IN THIS CONFERENCE HALL HAS DONE SOMETHING WRONG IN THE PAST. IF WE ADHERE TO THE PRINCIPLE OF 'DO NOT IMPOSE ON OTHERS WHAT WE DO NOT WANT TO BE IMPOSED ON OURSELVES', WE WILL NOT GIVE OUR CONSENT TO THE PROPOSED SUPERVISION ON DISCHARGED OFFENDERS SO READILY,+ HE SAID.

ON THE OPTION TO MAKE IT AN OFFENCE FOR PEOPLE TO PROCLAIM THEMSELVES TO BE TRIADS, DR LAM SAID IT COULD PERHAPS DEAL A BLOW TO THE 'SMALL POTATOES' OF TRIAD GANGS BUT WOULD NOT BE ABLE TO UNCOVER THE IDENTITIES OF CORE MEMBERS.

HE ALSO OBSERVED THAT IT WAS A NATURAL AND LOGICAL RESULT THAT THE POWERS OF THE POLICE WOULD BE INCREASED FOLLOWING AN EXPANSION OF THEIR SCOPE OF WORK WITH IMPLEMENTATION OF THE OPTIONS PROPOSED BY THE DOCUMENT.

+IN VIEW OF THE FACT THAT IN 1985, ON THE AVERAGE, 12 CASES OF COMPLAINTS AGAINST POLICE WERE LODGED BY THE PUBLIC EVERY DAY, WE MUST PROCEED VERY CAREFULLY AND TAKE APPROPRIATE MEASURES TO PREVENT POLICE COMMUNITY RELATIONS FROM DETERIORATING,+ HE SAID.

ON THE OTHER HAND, DR LAM WELCOMED THE OPTION ON PROTECTION OF WITNESSES AND SUGGESTED THAT A HOTLINE BE SET UP TO RECEIVE COMPLAINTS AND INFORMATION FROM THE PUBLIC ABOUT TRIAD ACTIVITIES.

A CENTRALISED TRIAD SOCIETIES BUREAU SHOULD ALSO BE ESTABLISHED TO CO-ORDINATE ALL EFFORTS THROUGHOUT THE TERRITORY TO COMBAT TRIAD GANGS, HE ADDED.

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CONFIDENCE IN POLICE CRUCIAL TO TACKLING PROBLEM

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THE TRIAD PROBLEM CANNOT BE SOLVED UNLESS THE POLICE HAVE THE CONFIDENCE OF THE PEOPLE, THE HON MARTIN LEE SAID TODAY (WEDNESDAY).

SPEAKING AT THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON TRIAD PROBLEM, MR LEE NOTED THERE SEEMED TO BE A GENERAL RELUCTANCE ON THE PART OF THE PUBLIC TO REPORT TRIAD-RELATED CRIMES TO THE POLICE.

/HE ATTRIBUTED

HE ATTRIBUTED THIS TO THE FOLLOWING REASONS:

* FEAR OF REPRISAL;

* NO CONFIDENCE THAT THE POLICE WOULD GIVE SUFFICIENT PROTECTION TO THE PUBLIC IF THEY REPORT THE CRIMES;

* THE BELIEF (RIGHTLY OR WRONGLY) THAT SOME MEMBERS OF THE POLICE FORCE WORK HAND-IN-GLOVE WITH TRIAD MEMBERS SO THAT IF THE PUBLIC WERE TO REPORT SUCH CRIMES TO THE POLICE, THEY MAY BE VICTIMISED BY THE POLICE; AND

* NOT ENOUGH HAS BEEN DONE BY THE POLICE TO FACILITATE THE REPORTING OF THESE CRIMES.

MR LEE SAID FEAR OF REPRISAL COULD AND WOULD BE REMOVED IF THE POLICE COULD RECTIFY THE OTHER THREE MATTERS.

HE POINTED OUT THAT IT WAS TIME FOR THE POLICE TO TAKE A SERIOUS LOOK AT ITS OWN DEFICIENCIES AND TRY TO IMPROVE ON THEM.

HE SUGGESTED THAT THEY SHOULD START BY MAKING IT EASIER FOR THE PUBLIC TO REPORT TRIAD-RELATED CRIMES, FOR EXAMPLE, BY HAVING A HOT LINE AS SUGGESTED BY THE HONG KONG BAR ASSOCIATION.

THE POLICE MUST ALSO DISPEL THE BELIEF THAT THEY WERE WORKING HAND-IN-GLOVE WITH TRIAD MEMBERS BY DOING MORE TO SEEK OUT ALL THE BAD ELEMENTS WITHIN THE FORCE AND BRING THEM TO COURT.

+AND FURTHER, THEY SHOULD ASSURE THE PUBLIC THAT AS SOON AS THEY REPORT THESE CRIMES, THEY WILL, IF THEY DO REQUEST, RECEIVE IMMEDIATE PROTECTION FROM THE POLICE WHICH WILL CONTINUE EVEN AFTER THE CULPITS HAVE BEEN DEALT WITH BY LAW,+ HE SAID.

MR LEE SAID HE WAS SURE THAT WITH THESE IMPROVEMENTS, THE PUBLIC WOULD BE MUCH MORE READY TO REPORT THESE CRIMES AND GIVE EVIDENCE AT THE TRIAL OF TRIAD MEMBERS.

HE SAID IF AFTER THESE IMPROVEMENTS HAD BEEN MADE, IT WAS FOUND THAT THE POWERS OF THE POLICE WERE INSUFFICIENT TO ENABLE THEM TO SECURE CONVICTIONS OF GUILTY TRIAD MEMBERS WITHOUT THE PROPOSED ADDITIONAL POWERS, THEN THE PROPOSALS COULD BE CONSIDERED.

/+BUT EVEN

+BUT EVEN THEN I SUGGEST THAT IT IS STILL INCUMBENT TO PROVIDE ADDITIONAL SAFEGUARDS AGAINST THE POSSIBLE ABUSE OF THESE ADDITIONAL POWERS,+ HE NOTED.

MR LEE BELIEVED THIS WAS THE WAY TO TACKLE THE PROBLEM, RATHER THAN THE APPROACH ADOPTED IN THE DISCUSSION DOCUMENT WHICH HE DESCRIBED AS +ENTIRELY ILLOGICAL, TOTALLY MISLEADING IN ITS CONCLUSION+ AND MISSING THE WOOD OF THE TREES.

+THE RESULT IS THAT OUR ATTENTION IS DIVERTED AWAY FROM THE REAL AND IMMEDIATE PROBLEMS WHICH PERTAIN TO THE POLICE FORCE AND FOCUSED INSTEAD ON THE REFORM OF OUR LEGAL SYSTEM,+ HE SAID.

HE STRESSED THAT UNTIL THE POLICE HAD SUCCEEDED IN PUTTING ITS OWN HOUSE IN ORDER, ANY ADDITIONAL POWER WAS LIKELY TO AGGRAVATE THE PROBLEM EVEN MORE.

+IF THE PUBLIC DO NOT TRUST THE POLICE WITH THE PRESENT POWERS, THE PUBLIC WILL TRUST THE POLICE EVEN LESS WITH ADDITIONAL POWERS,+ HE SAID.

MR LEE ALSO MADE SOME OBSERVATIONS ON THE RESULT OF THE RECENT PUBLIC OPINION SURVEY ON THE DOCUMENT.

HE WARNED THAT THE APPARENT SUPPORT FROM THE PUBLIC ON THE SPIRIT OF THE DOCUMENT SHOULD BE VIEWED WITH THE GREATEST CARE BECAUSE IT WAS SO EASY TO INFLUENCE PUBLIC OPINION BY FRAMING THE RIGHT QUESTIONS.

+IF WE WERE TO CONTINUE TO INCREASE POLICE POWERS AS A RESULT OF THESE SURVEYS, WE WILL BECOME A POLICE STATE VERY SOON INDEED,+ HE SAID.

MR LEE SAID THERE WAS GENERAL CONCERN AMONG THE PEOPLE SURVEYED THAT THERE SHOULD BE ADDITIONAL SAFEGUARDS AGAINST ABUSE AND URGED THAT THERE SHOULD NOT BE ADDITIONAL POWERS WITHOUT ADDITIONAL SAFEGUARDS.

HE CONCLUDED THAT THE TRIAD PROBLEM COULD NOT BE SOLVED UNLESS THE POLICE HAD THE CONFIDENCE OF THE PEOPLE.

+SO LET IMPROVEMENTS START WITH THE POLICE. AND LET US NOT INTERFERE WITH OUR EXISTING LEGAL SYSTEM UNLESS IT IS ABSOLUTELY NECESSARY TO DO SO,+ HE SAID.

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MORE LEGISLATIVE PROTECTION FOR JUVENILES URGED

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A CALL WAS MADE BY THE HON LEE YU-TAI IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) TO AMEND EXISTING LEGISLATION TO ASSIST PARENTS AND TEACHERS TO RELIEVE YOUNG PEOPLE FROM THE CONTROL OF TRIADS.

SPEAKING AT THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM, MR LEE SAID THAT YOUNG PEOPLE WERE THE MAIN TARGETS OF RECRUITMENT OF TRIAD SOCIETIES, AND THEIR PARENTS AND TEACHERS WERE HELPLESS IN BRINGING THEM BACK.

HE FELT THAT AT PRESENT THE PROTECTION OF WOMEN AND JUVENILES ORDINANCE WAS UNABLE TO IMPOSE ADEQUATE PROTECTION FOR JUVENILES AS IT ONLY PROVIDED THE DIRECTOR OF SOCIAL WELFARE WITH THE RIGHT TO GUARDIANSHIP.

+ACTION SHOULD THEREFORE BE TAKEN TO REVIEW AND AMEND THE ORDINANCE AS SOON AS POSSIBLE SO THAT PARENTS MAY THEN APPLY TO THE COURT OR THE AUTHORITY CONCERNED FOR INJUNCTION TO RELIEVE THEIR CHILDREN WHO ARE STILL JUVENILES FROM THE INTIMIDATION AND CONTROL OF THE TRIAD SOCIETIES WHEREBY THEY MAY LEAD A NORMAL LIFE AGAIN UNDER GOOD PROTECTION,+ HE URGED.

HE BELIEVED THAT SUCCESS IN STOPPING THE TRIAD SOCIETIES FROM RECRUITING NEW MEMBERS WOULD MEAN SUCCESS IN THE PREVENTION OF TRIAD ACTIVITIES.

MR LEE ALSO NOTED THAT THE DOCUMENT HAD NOT DRAWN UP ANY SUBSTANTIVE PROGRAMME FOR THE REHABILITATION OF EX-OFFENDERS WHO WISHED TO START A NEW LIFE.

CRITICISING THE PROPOSAL TO RESTRICT THE FREEDOM OF THE EX-RECIDIVISTS, HE SAID: +SUCH MEASURE WOULD MAKE IT EXTREMELY DIFFICULT FOR THOSE UNDER SUPERVISION ORDER TO RETURN TO THEIR NORMAL LIFE.

+ON THE CONTRARY, THEY WOULD BE DISCRIMINATED AND LOOKED DOWN UPON AS OBJECTIONABLE ELEMENTS OF THE SOCIETY.+

HE WARNED THAT AS A RESULT THEY WOULD HAVE NO ALTERNATIVE BUT JOIN THEIR GANGS AND TAKE UP THEIR FORMER ACTIVITIES, ENDING UP BEING 'ONCE A TRIAD, ALWAYS A TRIAD'.

AS THE PROPOSAL HAD A +BRANDING+ EFFECT WHICH WOULD BE UNFAIR TO EX-OFFENDERS WHO WISHED TO GO STRAIGHT, IT SHOULD BE CAREFULLY CONSIDERED, HE SAID.

ON THE DOCUMENT AS A WHOLE, MR LEE SAID IT SEEMED TO HAVE FAILED IN GRASPING THE PROBLEM IN ITS FULL CONTEXT AND THE OPTIONS THEREIN COULD NOT BE FULLY EFFECTIVE IN ROOTING OUT THE TRIAD PROBLEM.

/TO SUCCESSFULLY

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TO SUCCESSFULLY CONTAIN THE PROBLEM, HE SUGGESTED THAT A COMPREHENSIVE AND ALL-OUT COUNTER-ACTION SHOULD BE LAUNCHED.

HE ALSO CALLED FOR THE INTRODUCTION OF MORE PREVENTIVE MEASURES AND STRICTER LEGISLATION TO STOP TRIAD SOCIETIES FROM RECRUITING NEW MEMBERS AND MORE FOLLOW UP ACTIONS AND BETTER REHABILITATION PROGRAMMES TO HELP THOSE WHO HAD GONE ASTRAY TO START A NEW AND LEAD A NORMAL LIFE AGAIN.

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SPECIAL BODY SHOULD BE FORMED
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A SPECIAL BODY SHOULD BE FORMED TO DEAL WITH THE TRIAD PROBLEM, THE HON LIU LIT-FOR SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN THE ADJOURNMENT DEBATE ON THE TRIAD DISCUSSION DOCUMENT, MR LIU NOTED THAT THE CENTRAL AND DISTRICT FIGHT CRIMES COMMITTEES HAD ALREADY FORMED AN EFFECTIVE STRUCTURE FOR TACKLING SERIOUS CRIMES.

HE SAID THIS STRUCTURE SHOULD BE MAINTAINED AND STRENGTHENED SO AS TO ACHIEVE THE OBJECTIVES OF CRIME PREVENTION AND PUBLIC EDUCATION AND TO PROVIDE FEEDBACK ON VARIOUS WAYS TO COMBAT CRIMINAL ACTIVITIES AND ORGANISED CRIME.

+HOWEVER, GIVEN THE EXTENT OF THE TRIAD PROBLEM, THERE APPEARS TO BE A NEED TO SET UP AN ADDITIONAL BODY TO DEAL SPECIFICALLY WITH THE PROBLEM,+ HE SAID.

HE BELIEVED THAT A SPECIALISED BODY WOULD ALLOW THE POOLING OF ALL RELEVANT RESOURCES AND PROFESSIONAL TALENT TO CO-ORDINATE AND EFFECT ANTI-TRIAD MEASURES THROUGH THE ASSISTANCE OF THE POLICE AND OTHER DEPARTMENTS.

+THE TRIAD PROBLEM IS A SPECIAL PROBLEM WHICH CALLS FOR SPECIFIC MEASURES,+ HE STRESSED.

MR LIU WAS PARTICULARLY CONCERNED ABOUT TRIAD INFLUENCE ON CHILDREN IN SCHOOLS, AND SAID PREVENTIVE MEASURES IN SCHOOLS SHOULD BE STEPPED UP.

HE NOTED THAT THE DISCUSSION DOCUMENT TOUCHED ONLY BRIEFLY ON THIS POINT AND HOPED THE GOVERNMENT WOULD FORMULATE SPECIFIC PROPOSALS TO PREVENT STUDENTS FROM GOING ASTRAY AND BEING INDUCED TO JOIN TRIAD SOCIETIES.

/MR LIU

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MR LIU SAID HE AGREED IN PRINCIPLE WITH THE VARIOUS OPTIONS PROPOSED IN THE DOCUMENT.

HOWEVER, HE HAD CERTAIN RESERVATIONS, FOR EXAMPLE ON THE OPTION TO PROHIBIT CONVICTED TRIAD MEMBERS FROM ENTERING CERTAIN PUBLIC PLACES.

+RESTRICTING THEM FROM ENTERING PREMISES DOES NOT GUARANTEE THAT THEY WILL NOT GATHER AT OTHER UNEXPECTED PLACES, OR EVEN CARRY OUT MORE SECRET ACTIVITIES WHICH RENDER POLICE INVESTIGATION EVEN MORE DIFFICULT,+ HE ARGUED.

HE ALSO FELT THAT THE RESTRICTION SEEMED TO HAVE DEPRIVED THE INDIVIDUAL OF HIS BASIC FREEDOM AND IT WAS NECESSARY TO ASCERTAIN WHETHER THIS OPTION WAS PARCTICABLE AND EFFECTIVE.

MR LIU SAID HE FULLY SUPPORTED THE LEGAL PROCEDURE CONCERNING THE SCHEME FOR RENUNCIATION OF TRIAD MEMBERSHIP AS THIS GAVE TRIAD MEMBERS A CHANCE OF REHABILITATION.

AS FOR THE OPTION CONCERNING IDENTIFICATION PARADES, MR LIU URGED THAT IT BE ADOPTED SO AS TO ENCOURAGE MORE WITNESSES TO COME FORWARD AND ASSIST THE POLICE IN PUNISHING CRIMINALS WITHOUT FEAR OF REPRISAL.

MR LIU CRITICISED THE OPTION FOR LEGALISING MORE GAMBLING ACTIVITIES WHICH HE SAID WOULD BE A SERIOUS MISTAKE AND COULD NEVER HELP SOLVE THE TRIAD PROBLEM.

+ON THE CONTRARY, THIS WOULD BRING ABOUT A NEGATIVE EFFECT BY ENCOURAGING MORE GAMBLING ACTIVITIES,+ HE SAID.

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HEAVY PENALTY AND TOUGH LAWS IMPORTANT

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THE IMPORTANCE OF HEAVY PENALTIES AND TOUGH LAWS TO DETER CRIMES WAS UNDERLINED BY THE HON POON CHI-FAI DURING THE ADJOURNMENT DEBATE ON THE TRIAD PROBLEM.

THE USE OF HEAVY PUNISHMENT AT TROUBLED TIMES WAS INDEED INEVITABLE, HE SAID.

MR POON SAID HE HOPED THAT THE AUTHORITIES CONCERNED WOULD, AS FAR AS POSSIBLE, LIST OUT THE MAXIMUM AS WELL AS MINIMUM PENALTIES OF ALL OFFENCES IN THE PENAL CODE AND MAKE SURE THAT SERIOUS CRIMES WOULD BE SEVERELY PUNISHED.

/HE ALSO

HE ALSO OBSERVED THAT IMPRISONMENT AND PAYMENT OF A FINE WERE LOSING THEIR DETERRENT EFFECT AS THEY HAD COME TO BE REGARDED AS PART OF THE OPERATIONAL COST BY SOME ILLEGAL SYNDICATES AND MERE VACATION BY MANY CRIMINALS.

+INSTEAD, CANING AS A PUNISHMENT IS WHAT STRIKES FEAR IN THE CRIMINALS AND LEAVES A LASTING MEMORY AND, AS SUCH, IS THE BEST DETERRENT,+ HE SAID.

MR POON SAID HE HOPED THAT THE AUTHORITIES CONCERNED WOULD CONSIDER CANING AS A PENALTY IN ADDITION TO IMPRISONMENT IN ORDER TO ACHIEVE DETERRENT EFFECT:

HEAVY PENALTY AND TOUGH LAWS, SUPPLEMENTED BY MORAL EDUCATION FOR YOUNG PEOPLE, PROMPT INTRODUCTION OF CIVIC EDUCATION, EXTENSIVE ANTI-CRIME PUBLICITY, PROMOTION OF PUBLIC AWARENESS OF THE EVILS OF TRIAD SOCIETIES AND A REHABILITATION PROGRAMME FOR OFFENDERS, WOULD HELP TO CURB CRIMES BY TACKLING THE PROBLEM BOTH AT ITS SOURCE AND AT ITS MANIFESTATION, HE ADDED.

ON THE PROBLEM OF PREVENTING THE POLICE FROM ABUSING POWERS, MR POON SUGGESTED THE SETTING UP OF AN INDEPENDENT BODY WITH MEMBERS DRAWN FROM THE LEGISLATIVE COUNCIL, DISTRICT BOARDS AND THE PUBLIC TO MONITOR ANY POSSIBLE ABUSE OF POWERS AND TO RECEIVE COMPLAINTS.

AS TO THE SCHEME OF RENUNCIATION OF TRIAD MEMBERSHIP, HE SAID AN OFFENDER CHARGED ONLY WITH BEING A TRIAD MEMBER AND WHO HAD NEVER PREVIOUSLY COMMITTED ANY OTHER OFFENCE SHOULD RECEIVE A LIGHT SENTENCE SO AS TO MAKE IT EASIER FOR HIM TO TURN OVER A NEW LEAF.

ON THE PROPOSAL TO RESTRICT THE ACTIVITIES OF CONVICTED TRIAD MEMBERS FOR AT LEAST TWO YEARS AFTER DETENTION, MR POON SAID THIS WAS DIFFICULT TO ACCEPT AND WAS CONTRARY TO THE PRINCIPLE OF LAW.

+IT IS PARTICULARLY UNFAIR TO PERSONS WHO MERELY POSSESS TRIAD MEMBERSHIP BUT HAVE NOT BEEN CONVICTED OF OTHER OFFENCES,+ HE SAID.

MR POON ALSO POINTED OUT THAT THE SUPERVISION ORDER WAS UNREASONABLE BECAUSE IT AMOUNTED TO IMPOSING FURTHER PENALTY AFTER SENTENCING, WHICH WAS AGAINST THE SPIRIT AND PRINCIPLE OF LAW.

+IF THE SUPERVISION ORDER IS TO BE REGARDED AS PART OF THE WHOLE PENALTY, THEN IT MUST BE PUT BEFORE THE COURT PRIOR TO SENTENCING TO ENABLE THE COURT TO CONSIDER BOTH THE ORDER AND OTHER PENALTIES AS A WHOLE,+ HE SAID.

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'LOOPHOLES' MUST BE PLUGGED
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SOME +LOOPHOLES+ EXISTED IN THE TRIAD DOCUMENT'S OPTION FOR INTRODUCING A SCHEME WHEREBY MEMBERSHIP OF A TRIAD SOCIETY COULD BE RENOUNCED, THE HON ROSANNA TAM TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM, MRS TAM SAID SHE ACCEPTED THE IDEA OF THE SCHEME BUT THE LOOPHOLES CONTAINED IN IT MUST BE PLUGGED.

ACCORDING TO THE DOCUMENT'S OPTION, ANY PERSON WHO WISHED TO RENOUNCE HIS TRIAD AFFILIATION THROUGH THE SCHEME MUST FIRST IDENTIFY HIS TRIAD STATUS, COMPLETE A FORM OF DECLARATION AND THEN RETURN IT TO THE REGISTRAR OF SOCIETIES OR A MAGISTRATE, WHO WOULD DECIDE WHETHER THE APPLICATION SHOULD BE ACCEPTED,+ SHE EXPLAINED.

WHILE IT WAS STIPULATED THAT NO PROSECUTION WOULD BE MADE BY THE AUTHORITIES ON THE BASIS OF ADMISSIONS CONTAINED IN THE FORM ONCE SUCH A DECLARATION WAS ACCEPTED, MRS TAM POINTED OUT THAT THE PROPOSAL GAVE NO SPECIFIC GUARANTEE THAT THE DECLARER WOULD NOT BE PROSECUTED WHEN THE DECLARATION WAS NOT ACCEPTED.

+THIS LOOPHOLE IS UNFAIR TO THE DECLARER AND THE WORRIES IT CREATES WILL ALSO DETER THOSE WHO REALLY WANT TO RENOUNCE THEIR TRIAD MEMBERSHIP FROM COMING FORWARD,+ SHE SAID.

THEREFORE, SHE PROPOSED THAT AN AMENDMENT BE MADE TO PROTECT THE DECLARER FROM BEING PROSECUTED EVEN IF HIS DECLARATION WAS NOT ACCEPTED.

TURNING TO THE REINTRODUCTION OF A POLICE SUPERVISION SCHEME, MRS TAM SAID THE SUGGESTED SCHEME WAS STILL ESSENTIALLY A MEASURE OF SOCIAL RESTRAINT AND DID NOT CARRY ANY REHABILITATIVE FUNCTION.

+ITS TARGETS, THEREFORE, SHOULD NOT BE THOSE POTENTIALLY DANGEROUS RE-OFFENDERS MENTIONED IN THE DOCUMENT, BUT RECIDIVISTS WHO HAVE COMMITTED SERIOUS CRIMES AND WHO HAVE A LONG CRIMINAL RECORD.

+I THINK WHAT THE POTENTIALLY DANGEROUS RE-OFFENDERS SHOULD RECEIVE IS THE KIND OF REHABILITATIVE SCHEME PROVIDED BY THE CORRECTIONAL SERVICES OR OTHER CONCERNED GOVERNMENT DEPARTMENTS,+ SHE SAID.

/SHE ALSO

SHE ALSO EXPRESSED RESERVATIONS ON THE OPTION REQUIRING THOSE UNDER SUPERVISION TO BE GIVEN A SPECIAL FORM OF CAUTION ON BEING CHARGED.

+ON ONE HAND, IT IS AGAINST THE CURRENT JUDICIAL SPIRIT IN HONG KONG TO PASS THE BURDEN OF PROOF ON TO THE DEFENDANT.

+ON THE OTHER, THIS PROPOSAL WILL INDIRECTLY MAKE KNOWN THE DEFENDANT'S PAST CRIMINAL RECORD TO THE JUDGE AND HENCE, MIGHT BIAS THE TRIAL,+ SHE SAID.

ON RESTRICTING THE ACTIVITIES OF TRIAD OFFENDERS, MRS TAM AGREED THAT TRIAD FOLKLORE SHOULD BE STRIPPED OF ITS +GLAMOUR+ BUT SHE HAD SOME RESERVATIONS ON ADOPTING THE SUGGESTED APPROACH FOR THREE REASONS.

+FIRST, RESTRICTING TRIAD MEMBERS FROM ENTERING PLACES OF ENTERTAINMENT DOES NOT NECESSARILY MEAN THAT OPPORTUNITIES FOR COMMITTING CRIMES WILL BE REDUCED.+

+TRIAD MEMBERS COULD EASILY SWITCH THEIR BASE TO FOOTBALL GROUNDS, THEATRES, OR EVEN RESTAURANTS, THUS CREATING GREATER DISTURBANCE TO THE PUBLIC,+ SHE SAID.

+SECOND, THIS MIGHT CREATE A SENSE OF SOCIAL DISCRIMINATION AMONG THOSE WHO HAVE BEEN TRIAD MEMBERS AND REINFORCE THEIR BELIEF THAT 'ONCE A TRIAD, ALWAYS A TRIAD' AND THUS MAKE IT MORE DIFFICULT FOR THEM TO RE-LIVE THE LIFE OF A NORMAL PERSON.+

+THIRDLY, SOME OF THE PROHIBITED PLACES OF ACTIVITY LISTED IN THE DOCUMENT HAVE BEEN INAPPROPRIATELY INCLUDED, SUCH AS BILLIARD SALOONS AND AUTOMATIC GAMES CENTRE,+ SHE ADDED.

MRS TAM BELIEVED ONCE THE CONTROL OF BILLIARD SALOONS BILL AND THE AUTOMATIC GAMES CENTRES BILL WERE PASSED, THE MANAGEMENT OF THESE PLACES WOULD BE IMPROVED. THEREFORE THEY SHOULD NOT BE INCLUDED AS PROHIBITED PLACES OF ENTERTAINMENT.

LASTLY, MRS TAM SAID SHE WAS GLAD THAT THE GOVERNMENT WAS TAKING THE TRIAD PROBLEM SERIOUSLY AND HAD COME UP WITH SOME OPTIONS FOR LEGISLATIVE CHANGES TO DEAL WITH TRIAD ACTIVITIES.

HOWEVER, AT THE SAME TIME, SHE HOPED THAT THE GOVERNMENT WOULD ATTACH IMPORTANCE TO ENFORCEMENT POWER AND MEASURES BY REESTABLISHING AN ANTI-TRIAD UNIT WITHIN THE POLICE, SO AS TO CENTRALISE RESOURCES IN FIGHTING TRIADS.

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LACK OF INTEGRATED PLAN TO COUNTER TRIADS CRITICISED
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THE GOVERNMENT HAS BEEN CRITICISED BY THE HON TAM YIU-CHUNG FOR LACKING AN INTEGRATED AND COMPREHENSIVE PLAN FOR PREVENTING AND SUPPRESSING TRIAD ACTIVITIES.

SPEAKING DURING THE ADJOURNMENT DEBATE IN THE LEGISLATIVE COUNCIL ON THE DISCUSSION DOCUMENT TO COUNTER THE TRIAD PROBLEM, MR TAM SAID THE DOCUMENT HAD GENERALLY EXPOSED THE RAMPANT SITUATION OF THE TRIAD PROBLEM BUT PROVIDED LITTLE RELEVANT INFORMATION TO PROVE THE SERIOUSNESS OF THE PROBLEM, NOT TO MENTION THE LACK OF A MORE PROFOUND AND COMPREHENSIVE ANALYSIS OF THE VARIOUS CAUSES LEADING TO IT.

HE POINTED OUT THAT SUGGESTIONS IN THE DOCUMENT TENDED TO CONCENTRATE ONLY ON THE LAW ENFORCEMENT AND PROSECUTION.

+WHILE NO CONSIDERATION HAS BEEN MADE FROM THE ANGLE OF COUNSELLING, THE DOCUMENT ALSO REVEALS THAT THE GOVERNMENT DOES NOT HAVE AN INTEGRATED AND COMPREHENSIVE PLAN FOR PREVENTING AND SUPPRESSING TRIAD ACTIVITIES, OR FOR CUTTING OFF VARIOUS FACTORS WHICH CONTRIBUTE TO THE EXPANSION OF TRIAD POWER,+ HE SAID.

MR TAM EXPRESSED DOUBTS ON A NUMBER OF PROPOSALS IN THE DOCUMENT, INCLUDING THE PROPOSED PLACING OF A SUPERVISION ORDER ON THE +POTENTIALLY DANGEROUS RE-OFFENDERS+, THE EFFECTIVENESS OF THE PROHIBITION ORDER AND PROPOSED AMENDMENTS TO THE SOCIETIES ORDINANCE.

HE SAID IF THE SUPERVISION ORDER WAS MISUSED OR USED ON YOUTHS WHO WERE ONLY FIRST OFFENDERS, IT MIGHT CREATE AN ADVERSE EFFECT OF GIVING RISE TO MORE ANTI-SOCIAL BEHAVIOUR AND THEREFORE SUGGESTED THAT THE ORDER SHOULD BE PLACED MAINLY ON CORE MEMBERS OF TRIAD SOCIETIES.

MR TAM ALSO SAID HE WAS DOUBTFUL ABOUT THE EFFECTIVENESS OF THE PROHIBITION ORDER SINCE RESTRICTING TRIAD MEMBERS FROM GOING TO CERTAIN PLACES DID NOT MEAN THAT THEIR CHANCES OF COMMITTING CRIMES WOULD BE REDUCED AS THEY COULD EASILY GATHER AT SOME OTHER PLACES.

AS FOR THE PROPOSAL TO AMEND THE SOCIETIES ORDINANCE, HE WAS WORRIED THAT INNOCENT SOCIETIES WHICH HAD NO TRIAD AFFILIATION WOULD BE AFFECTED.

MR TAM SUGGESTED THAT IN CRACKING DOWN ON TRIAD ACTIVITIES, EMPHASIS SHOULD BE PLACED ON DISCONNECTING THEIR FINANCIAL SOURCES AND ON GETTING RID OF THE CORE MEMBERS OF SUCH ORGANISATIONS.

/HE ALSO

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HE ALSO STRESSED THE NEED FOR EFFECTIVE AND STRICT MONITORING MEASURES TO TACKLE THE EXPANSION OF POLICE POWER AND INTERFERENCE WITH CIVIL RIGHTS WHICH MIGHT RESULT FROM THE IMPLEMENTATION OF THE PROPOSALS IN THE DOCUMENT.

LASTLY, HE POINTED OUT THAT THE LATENT THREATS POSED BY TRIAD SOCIETIES HAD PREVENTED THE EFFECTIVE OPERATION OF +FULL-FLEDGED+ LEGAL MEASURES.

+PREVENTION OF THE INFILTRATION OF TRIAD INFLUENCE INTO THE POLICE FORCE WILL HELP TO REDUCE ITS THREATENING FORCE AND SO REINFORCE PUBLIC CONFIDENCE IN SOLVING THE TRIAD PROBLEM,+ HE SAID.

MR TAM CONCLUDED BY SAYING THAT THE DISCUSSION DOCUMENT COULD ONLY BE REGARDED AS A FIRST STEP TO COUNTER THE TRIAD PROBLEM.

+WE MUST TRY TO GET TO THE ROOT CAUSES OF THE PROBLEM BY ADOPTING A MORE COMPREHENSIVE AND THOROUGH SCHEME THAT BRINGS TOGETHER THE VARIOUS SYSTEMS OF THE COMMUNITY, SO AS TO ATTAIN BETTER RESULTS AND MINIMISE ANY SOCIAL EFFECTS,+ HE SAID.

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COMPREHENSIVE STRATEGY NEEDED TO ELIMINATE TRIADS
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A COMPREHENSIVE STRATEGY IS NEEDED TO ELIMINATE TRIAD ORGANISATIONS AS WELL AS CRIMINAL SYNDICATE ACTIVITIES, THE HON LAU WONG-FAT SAID TODAY (WEDNESDAY).

HE WAS SPEAKING DURING THE ADJOURNMENT DEBATE IN THE LEGISLATIVE COUNCIL ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM.

MR LAU STRESSED, HOWEVER, THAT THERE WAS A NEED TO BE VERY PRUDENT AND NOT TO ACT WITH UNDUE HASTE, IRRESPECTIVE OF WHETHER WE WERE AMENDING THE CURRENT LEGISLATION OR ENACTING NEW LAWS TO THAT EFFECT.

OTHERWISE, HE ADDED, IT WOULD EASILY EXERT A PERNICIOUS INFLUENCE AND THE ORIGINAL PURPOSE OF THE CONCEPT WOULD BE DEFEATED.

MR LAU NOTED THAT CERTAIN PARTS OF THE PREVAILING LEGISLATION TO DEAL WITH TRIAD SOCIETIES WERE APPARENTLY OUTDATED IN VIEW OF CHANGES IN SOCIAL CIRCUMSTANCES.

HE THEREFORE SUGGESTED THAT GOVERNMENT SHOULD CONSIDER AT THE PRESENT STAGE AN INCREASE IN THE PENALTY TERMS AND MAKE APPROPRIATE AMENDMENTS TO CERTAIN RELEVANT LEGISLATION IN THE LIGHT OF CURRENT SOCIAL CIRCUMSTANCES.

/+ONLY BY

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+ONLY BY DOING SO CAN WE BRING ABOUT A STOP-GAP AS WELL AS A RADICAL SOLUTION TO THE PROBLEM,+ HE SAID.

NOTING THAT MOP-UP OPERATIONS WERE THE MOST EFFECTIVE WAY TO ELIMINATE CRIMINAL SOCIETIES, MR LAU SAID CONSIDERATION SHOULD BE GIVEN TO STRENGTHENING THE POLICE FORCE BY WAY OF ESTABLISHING A SPECIAL UNIT TO DEAL SPECIFICALLY WITH THE ORGANISED CRIMINAL SYNDICATES.

TO REMOVE WORRIES THAT THE POLICE WOULD ABUSE THEIR POWERS AND TO SAFEGUARD CIVIC RIGHTS, A MONITORING COMMISSION HEADED BY A JUDGE COULD BE SET UP TO DEAL WITH COMPLAINTS AGAINST THE POLICE, HE SAID.

MR LAU ALSO SUGGESTED THAT THE GOVERNMENT SHOULD PROBE DEEPLY INTO THE REASONS AND BACKGROUND LEADING TO YOUNG PEOPLE JOINING TRIAD SOCIETIES AND COMMITTING CRIMES, AND WORK OUT ACCORDINGLY ITS EDUCATIONAL AND PROPAGANDA POLICIES.

BY ENABLING YOUNG PEOPLE TO TAKE PART IN CULTURAL AND RECREATIONAL ACTIVITIES, IT WOULD MINIMISE THEIR CHANCES OF GETTING IN TOUCH WITH TRIAD ELEMENTS, THEREBY STEERING THEM BACK ON THE RIGHT TRACK AND MAKING THEM BECOME GOOD CITIZENS, HE SAID.

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COMPULSORY CUSTODIAL SENTENCES WARRANTED

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COMPULSORY CUSTODIAL SENTENCES MAY BE WARRANTED TO DEAL WITH THE TRIAD PROBLEM, THE HON TAI CHIN-WAH SAID TODAY (WEDNESDAY).

SPEAKING DURING THE LEGISLATIVE COUNCIL'S ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM, MR TAI WARNED THAT THE PROBLEM WOULD HINDER THE PROPER MAINTENANCE OF LAW AND ORDER IF IT WAS NOT TACKLED SERIOUSLY.

HE STATED THAT OVER THE YEARS THE JUDICIARY HAD TAKEN A LENIENT ATTITUDE TOWARDS TRIAD MEMBERS AND RELATED TRIAD OFFENCES, AND CUSTODIAL SENTENCES WERE RARELY IMPOSED.

+REFORMATIVE MEASURES HAVE ALSO BEEN TAKEN BY THE APPROPRIATE AUTHORITY TO DEAL WITH THOSE WHO HAVE SUBSTANTIAL CONNECTION WITH TRIADS, BUT THE DIMENSION AND PROLIFERATION OF TRIADS NOW EXISTING IN HONG KONG DO SUGGEST WE HAVE TO TAKE ANOTHER LOOK AT THE PROBLEMS FACING US AND, PERHAPS, THERE IS A NEED TO TAKE DETERRENT MEASURES AGAINST THESE OFFENCES,+ MR TAI SAID.

/HE QUESTIONED

HE QUESTIONED THE EFFECTIVENESS OF IMPOSING FINES AS A DETERRENT.

+FOR TECHNICAL OFFENCES OR FOR OFFENCES WHICH DO NOT POSE A SERIOUS THREAT TO THE WELL-BEING OF OUR SOCIETY, A FINE WOULD BE A PROPER DETERRENT MEASURE,+ HE SAID.

HOWEVER, WITH THE TRIAD PROBLEM NOW FACING HONG KONG, COMPULSORY CUSTODIAL SENTENCES MIGHT BE WARRANTED.

REFERRING TO THE OPTION FOR CHANGING THE RELEVANT PROVISIONS OF THE CRIMES ORDINANCE RELATING TO WITNESS STATEMENTS MADE DURING THE COURSE OF POLICE INVESTIGATION, MR TAI SAID THE CLEAR DISADVANTAGE WAS THAT A HOSTILE WITNESS MIGHT RESIST TELLING THE TRUTH FOR FEAR OF SANCTION.

AS THE CHANGES WOULD NOT ONLY HAVE AN EFFECT ON THE LAW OF EVIDENCE RELATING TO TRIAD CASES, BUT ALSO ON WITNESS STATEMENTS IN ALL CRIMINAL CASES, MR TAI HOPED THAT THE ADMINISTRATION WOULD LOOK AGAIN AT THIS MATTER.

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FAIRNESS, EFFECTIVENESS OF ANTI-TRIAD MEASURES QUESTIONED
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TO PINPOINT AT TRIAD SOCIETY AND NOT THE WHOLE COMMUNITY OF CULPRITS OF ORGANISED CRIME WILL BRING ABOUT TWO PROBLEMS, THE HON ANDREW WONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE SOUNDED THIS WARNING DURING THE ADJOURNMENT DEBATE ON THE DISCUSSION DOCUMENT ON THE TRIAD PROBLEM WHILE CONGRATULATING THE GOVERNMENT, THE FIGHT CRIME COMMITTEE AND ITS WORKING GROUP FOR THE DOCUMENT AND SALUTING DISTRICT BOARDS AND OTHER ORGANISATIONS WHO HAD EXPRESSED VIEWS ON IT.

+BY PINPOINTING AT THE ORGANISATION BUT NOT THE OFFENCE, ARE WE PUTTING THE CART BEFORE THE HORSE? WILL IT FORCE CRIMINALS TO DENOUNCE THEIR TRIAD MEMBERSHIP AND CONTINUE TO COMMIT OFFENCES IN ANOTHER ORGANISED FORM?+ HE ASKED.

MR WONG SAID CRITICS DID HAVE A POINT TO MAKE WHEN THEY SAID THE DOCUMENT WAS FAR FROM COMPREHENSIVE.

HOWEVER, HE CONCEDED THE DOCUMENT DID CONSIDER THE OVERALL PROBLEM APART FROM TACKLING THE TRIAD PROBLEM WITHIN ITS TERMS OF REFERENCE, SUCH AS ITS RECOMMENDATION FOR A FURTHER STUDY OF THE RICO (RACKETEER INFLUENCED CORRUPTED ORGANISATIONS) STATUTE OF THE UNITED STATES OF AMERICA.

/ON SPECIFIC

ON SPECIFIC PROPOSALS OF THE DOCUMENT, HE SAID HE SUPPORTED THE SCHEME OF RENUNCIATION OF TRIAD MEMBERSHIP.

IN HIS OPINION, THERE WAS SOMETHING WRONG WITH THE CONCEPT OF IDENTIFYING TRIAD SOCIETIES AS CRIMINAL ORGANISATIONS.

HE ARGUED THAT SOME MIGHT HAVE NEVER COMMITTED ANY CRIME, OTHERS WOULD NEVER DO SO, WHILE STILL OTHERS MIGHT HAVE DONE SO BUT HAD ALREADY TURNED OVER A NEW LEAF.

+HOWEVER, IT IS PERFECTLY REASONABLE TO CLASSIFY TRIAD SOCIETIES AS ILLEGAL ORGANISATIONS AND REGARD TRIAD MEMBERS WHO, ONCE AFFILIATED, AS HAVING COMMITTED CERTAIN CRIMES AND THUS AS CRIMINALS,+ HE SAID.

HE SAID HE AGREED THAT A FREE SOCIETY LIKE HONG KONG SHOULD ALLOW ITS PEOPLE TO HAVE THE FREEDOM OF FORMING SOCIETIES AND ALLOW SOCIETIES TO HAVE PRIVACY.

+HOWEVER, IT SHOULD NOT ALLOW ITS PEOPLE TO FORM SOCIETIES SECRETLY AND CARRY OUT SECRET ACTIVITIES, BECAUSE THESE ARE NOT PRIVACY, BUT RATHER INDULGENCE, THE SELF-INDULGENCE AS WELL AS GOVERNMENT'S INDULGENCE OF SOME PEOPLE,+ HE SAID.

+IN VIEW OF THE FACT THAT THE SOCIETIES ORDINANCE SPECIFICALLY DEALS WITH TRIAD SOCIETIES, AND THAT TRIAD MEMBERS ARE NOT NECESSARILY CRIMINALS, AND THAT THEY MAY NOT COMMIT ANY CRIMES OR COMMIT ANY CRIMES AGAIN, I THEREFORE SUPPORT THE SCHEME OF RENUNCIATION OF TRIAD MEMBERSHIP AS PROPOSED IN THE DISCUSSION DOCUMENT,+ HE SAID.

ON THE QUESTION OF PUNISHMENT, MR WONG MAINTAINED THAT ALL PUNISHMENT SHOULD ONLY HAVE ONE OBJECTIVE OF GIVING DUE JUDGMENT WHICH WAS NOT RETALIATORY RATHER THAN THE COMMONLY-BELIEVED FUNCTIONS OF RETRIBUTION, REFORM AND DETERRENCE.

+THIS DOES NOT EXCLUDE CAPITAL PUNISHMENT BECAUSE THIS MAY BE THE DUE JUDGMENT FOR CERTAIN CRIMES.

+REFORM IS SIMPLY THE EFFECT PRODUCED EITHER DELIBERATELY OR ACCIDENTALLY WHEN IMPLEMENTING THE PENALTY,+ HE ADDED.

THEREFORE, THE RATIONALE BEHIND HIS SUPPORT FOR A REVIEW OF THE AMOUNT OF FINES AND AN INCREASE IN THE YEARS OF PUNISHMENT WAS NOT DETERRENCE, HE SAID.

LASTLY, MR WONG SAID HE OPPOSED IN PRINCIPLE THE PROPOSALS ON SUPERVISION ORDER AND ON RESTRICTING THE ACTIVITIES OF TRIAD MEMBERS.

+I WOULD LIKE TO EARNESTLY REQUEST HEREBY THOSE WHO SUPPORT IN PRINCIPLE THE ABOVE PROPOSALS TO CONSIDER WHETHER THESE MEASURES ARE PRACTICABLE AND EFFECTIVE,+ HE URGED.

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APPROPRIATE PROTECTION FOR DOMESTIC VIOLENCE VICTIMS
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A WOMAN WHO IS A VICTIM OF DOMESTIC VIOLENCE NEEDS SOME SORT OF PROCEDURE THAT WILL ENABLE HER TO GO QUICKLY TO A COURT AND OBTAIN TEMPORARY RELIEF THAT WILL GIVE HER APPROPRIATE SHORT-TERM PROTECTION, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE DOMESTIC VIOLENCE BILL 1986, MR THOMAS SAID THAT THE BILL GAVE THE VICTIM OF DOMESTIC VIOLENCE THE RIGHT TO CLAIM AN INJUNCTION FROM A DISTRICT COURT ON A SIMPLE APPLICATION, WITHOUT THE NEED FOR DIVORCE PROCEEDINGS.

THE HIGH COURT WOULD ALSO HAVE JURISDICTION TO GRANT THE INJUNCTION IN URGENT CASES OR WHERE THERE WERE SPECIAL CIRCUMSTANCES, HE SAID.

THREE TYPES OF ORDER MIGHT BE ISSUED: TO FORBID THE MOLESTATION OF THE APPLICANT OR A CHILD= TO EXCLUDE THE OTHER PARTY FROM THE HOME OR A PART OF THE HOME= OR TO REQUIRE THE OTHER PARTY TO PERMIT THE APPLICANT TO ENTER AND REMAIN IN THE MATRIMONIAL HOME.

MR THOMAS SAID THAT THE BILL WAS ALSO OF INTEREST TO MEN BECAUSE +THEY ARE THE MAIN CULPRITS AND SO THEY WILL BE DIRECTLY AFFECTED BY ORDERS MADE UNDER THE BILL+.

+IN ADDITION, THE PROTECTION OF THE BILL APPLIES TO MEN AS WELL AS TO WOMEN AND IT IS RIGHT THAT IT SHOULD DO SO,+ HE SAID.

MR THOMAS QUOTED STATISTICS OF THE SOCIAL WELFARE DEPARTMENT WHICH SHOWED THAT OUT OF 838 CASES OF DOMESTIC VIOLENCE RECORDED DURING THE YEAR ENDING MARCH 31, 1986, THERE WERE 51 CASES OF MEN BEING THE VICTIMS.

MR THOMAS DESCRIBED IN PARTICULAR THREE FEATURES OF THE BILL.

FIRST, IT APPLIED TO COHABITEES AS WELL AS TO MARRIED PERSONS, THOUGH SPECIAL PROVISION WAS MADE TO REQUIRE THE JUDGE TO HAVE REGARD TO THE PERMANENCE OF THE RELATIONSHIP.

SECOND, THE BILL WOULD ENABLE A JUDGE TO ATTACH A POWER OF ARREST TO HIS ORDER IF HE WAS SATISFIED THAT THE OTHER PARTY HAD ALREADY CAUSED ACTUAL BODILY HARM TO THE APPLICANT OR A CHILD, MEANING THAT IF THE VIOLENCE CONTINUED THE POLICE COULD MAKE AN ARREST.

THIRD, AN EXCLUSION ORDER WOULD HAVE NO LEGAL EFFECT ON PROPERTY RIGHTS OR TENANCIES.

/MR THOMAS

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MR THOMAS POINTED OUT THAT THERE WOULD HAVE BEEN LITTLE HESITATION IN LEGISLATING FOR VIOLENCE IF IT TOOK PLACE OUTSIDE THE FAMILY AND QUESTIONED THE FACT THAT VIOLENCE BEHIND CLOSED DOORS SHOULD BE A REASON TO DENY THE VICTIM THE POSSIBILITY OF FIRST AID THROUGH THE COURTS.

+THE KNOWN FIGURES MAY BE RELATIVELY SMALL,+ HE SAID, +BUT I TAKE THE VIEW THAT THIS LEGISLATION WOULD BE JUSTIFIED EVEN IF THERE WAS ONLY ONE CASE WHERE THE VICTIM OF VIOLENCE WISHED TO TAKE ADVANTAGE OF ITS PROVISIONS.+

AT THE PRESENT TIME, IF A WOMAN WAS ASSAULTED BY HER HUSBAND AND FELT SHE COULD NO LONGER PUT UP WITH IT, SHE HAD A LIMITED RANGE OF OPTIONS.

+SHE COULD OF COURSE LEAVE HOME, BUT THIS ASSUMES SHE AND HER CHILDREN HAVE SOMEWHERE TO GO AND TO SEEK REFUGE. IF SHE CALLS THE POLICE, SHE WILL GENERALLY FIND THAT THEY ARE RELUCTANT TO BECOME INVOLVED IN DOMESTIC PROCEEDINGS.

+SHE COULD HERSELF COMMENCE PROCEEDINGS FOR ASSAULT. BUT WHILE SHE WAITS FOR THE CASE TO COME ON, THE VIOLENCE IN THE HOUSE MAY CONTINUE. AND THE OUTCOME OF THE CASE IS UNCERTAIN.

+SHE MAY COMMENCE DIVORCE PROCEEDINGS AND SEEK THE ASSISTANCE OF THE COURT. BUT SHE MAY STILL LOVE HER HUSBAND AND HOPE TO SAVE THE MARRIAGE,+ HE SAID.

MR THOMAS SAID THAT IN EARLY 1984, HE INITIATED STEPS TO HAVE THE MATTER REVIEWED AND THE NECESSARY AMENDING LEGISLATION INTRODUCED.

DEBATE ON THE BILL WAS ADJOURNED.

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FEE REVISIONS FOLLOW COST STUDY
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BILLS PROPOSING REVISIONS OF FEES PAYABLE FOR VARIOUS SERVICES PROVIDED BY THE IMMIGRATION DEPARTMENT WERE INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE BILLS ARE THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL 1986, THE LEGITIMACY (AMENDMENT) BILL 1986 AND THE FOREIGN MARRIAGE (AMENDMENT) BILL 1986.

MOVING THE SECOND READING OF THE BILLS, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, SAID THE OBJECT OF THE PROPOSED REVISIONS WAS TO RECOVER A GREATER PROPORTION OF THE COST OF THE SERVICES.

/MR THOMAS

MR THOMAS SAID THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL 1986 PROPOSED REVISION IN THE LEVEL OF FEES PAYABLE FOR VARIOUS MISCELLANEOUS SERVICES PROVIDED BY THE DEPARTMENT UNDER THE BIRTHS AND DEATHS REGISTRATION ORDINANCE.

THESE SERVICES INCLUDED LATE REGISTRATION OF BIRTHS, SEARCH OF BIRTHS AND DEATHS RECORDS, ISSUE OF CERTIFICATES OF REGISTRATION AND ADDITIONS OR ALTERATIONS TO THE REGISTERED NAME OF A CHILD.

IT WAS PROPOSED THAT THE FEES BE INCREASED BY AMOUNTS VARYING BETWEEN 10 AND 25 PER CENT AND IT WAS ESTIMATED THAT ADDITIONAL REVENUE OF NOT MORE THAN \$500 000 A YEAR WOULD BE GENERATED BY THE MEASURE.

THE LEGITIMACY (AMENDMENT) BILL 1986 PROPOSED A REVISION IN THE LEVEL OF THE FEES PAYABLE FOR THE RE-REGISTRATION OF THE BIRTH OF LEGITIMATED PERSONS OUTSIDE THE STIPULATED PERIOD OF TIME AND THE ISSUE OF CERTIFIED COPIES OF ENTRIES OF THE BIRTH OF SUCH PERSONS, MR THOMAS SAID.

+IT IS NOW PROPOSED THAT THEY BE INCREASED FROM \$30 AND \$10 TO \$35 AND \$12 RESPECTIVELY.+

THE FOREIGN MARRIAGE (AMENDMENT) BILL 1986, HE SAID, PROPOSED A REVISION IN THE FEES PAYABLE FOR THE ISSUE OF A GOVERNOR'S LICENCE OF FOREIGN MARRIAGE UNDER THE FOREIGN MARRIAGE ORDINANCE.

IT WAS PROPOSED THAT THE FEE BE INCREASED FROM \$60 TO \$70.

HE SAID THAT THE REVISIONS WERE PROPOSED ON THE BASIS OF A COST STUDY AND THAT THE FEES IN QUESTION WERE LAST REVISED IN 1984.

DEBATES ON THE BILLS WERE ADJOURNED.

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COMPUTERISED LAND RECORDS FOR BETTER SERVICE
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THE COMPUTERISATION OF LAND REGISTRATION RECORDS WOULD PROVIDE A BETTER SERVICE TO THE PUBLIC, THE SECRETARY FOR LANDS AND WORKS, THE HON NICKY CHAN, SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

MOVING THE SECOND READING OF THE LAND REGISTRATION (AMENDMENT) BILL 1986, MR CHAN SAID THE MAIN PURPOSE OF THE BILL WAS TO AMEND THE LAND REGISTRATION ORDINANCE TO FACILITATE THE STORAGE OF LAND REGISTRATION RECORDS ON COMPUTER.

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+THIS IS ACHIEVED BY INSERTING INTO THE PRINCIPAL ORDINANCE AN INTERPRETATION PROVISION DEFINING 'DOCUMENT' AND 'RECORD' WIDELY ENOUGH TO INCLUDE COMPUTER SOFTWARE AND MICROFILM,+ MR CHAN SAID.

+THIS WILL ENABLE REGULATIONS TO BE MADE FOR THE KEEPING OF RECORDS ON COMPUTER.+

HE SAID COMPUTERISATION OF LAND REGISTRATION RECORDS WOULD ENABLE THE LAND OFFICE TO PROVIDE A BETTER SERVICE TO THE PUBLIC BY SIMPLIFYING SEARCH PROCEDURES AND REDUCING THE SEARCH TIME TAKEN.

IT WOULD ALSO PROVIDE A MORE COST EFFICIENT AND LESS LABOUR INTENSIVE RECORD SYSTEM.

+THE FINANCE COMMITTEE OF THIS COUNCIL HAS ALREADY APPROVED FUNDS TO COMPUTERISE LAND REGISTRATION RECORDS,+ MR CHAN SAID.

IT IS ANTICIPATED THAT THE COMPUTERISATION PROGRAMME WOULD START IN NOVEMBER 1986 AND BE COMPLETED BY OCTOBER 1988.

+WHEN COMPLETED, IT IS EXPECTED TO ACHIEVE AN ANNUAL SAVING OF ABOUT \$6 MILLION IN STAFF COSTS AND \$1.3 MILLION IN ACCOMMODATION COST,+ MR CHAN SAID.

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PUTTING RIGHT TRAFFIC LAW ANOMALY WELCOMED
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THE GOVERNMENT HAS BEEN ASKED TO WIDELY AND CLEARLY PUBLICISE THE NEW SYSTEM OF SPEEDING PENALTIES IN ORDER TO ENCOURAGE SAFE DRIVING AND TO DETER THE WOULD-BE SPEEDER.

THIS CALL WAS MADE BY THE HON CHENG HON-KWAN TODAY (WEDNESDAY) DURING THE RESUMED DEBATE OF THE ROAD TRAFFIC (AMENDMENT) (NO. 2) BILL 1986 AND THE ROAD TRAFFIC (DRIVING-OFFENCE POINTS) (AMENDMENT) BILL 1986.

MR CHENG, CONVENER OF A LEGISLATIVE COUNCIL AD HOC GROUP STUDYING THE TWO BILLS, WELCOMED THE GOVERNMENT'S ACTION IN INTRODUCING LEGISLATION TO PUT RIGHT A SERIOUS ANOMALY IN THE LAWS RELATING TO THE OFFENCE OF SPEEDING.

HE SAID THE REMOVAL OF THE MANDATORY DISQUALIFICATION AND RETEST FROM THE ROAD TRAFFIC ORDINANCE AND THE ACCOMPANYING AMENDMENTS TO THE DRIVING-OFFENCE POINTS ORDINANCE WOULD PRODUCE A FAIRER AND MORE CONSISTENT SYSTEM OF PENALTIES.

/MR CHENG

MR CHENG REVEALED THAT THE ANOMALY WAS BROUGHT TO THE ATTENTION OF UMELCO MEMBERS IN OCTOBER LAST YEAR BY THE MOTOR TRANSPORT WORKERS' UNION, AND AN AD HOC GROUP WAS FORMED TO EXAMINE THE PROBLEM.

HE SAID THAT THE GROUP MET THE ADMINISTRATION ON TWO OCCASIONS TO DISCUSS THE PROPOSED RECTIFICATION OF THE ANOMALY AND THE MORE DIFFICULT QUESTION OF ARRANGING RETROSPECTIVE LEGISLATION TO EXONERATE AFFECTED DRIVERS.

+AFTER LENGTHY AND COMPLICATED DISCUSSIONS WE WERE GENERALLY SATISFIED THAT ANY ATTEMPT AT RETROSPECTIVE LEGISLATION WOULD AMOUNT TO AN INTERFERENCE IN PROPERLY-PASSED JUDICIAL SENTENCES AND WOULD PROBABLY RESULT IN ALLOWING BACK ON THE ROADS WITHOUT A RETEST A NUMBER OF DRIVERS WHO WERE NOT FIT TO DRIVE,+ HE SAID.

+WE THEREFORE RELUCTANTLY ACCEPTED THAT RETROSPECTIVE LEGISLATION, EVEN FOR THOSE WHO HAD ONLY COMMITTED MINOR OFFENCES, WAS NOT A SENSIBLE SOLUTION,+ HE ADDED.

EARLIER, MR CHENG SAID IT WAS ACCEPTED THAT SECTION 41 OF THE ROAD TRAFFIC ORDINANCE, WHICH PROVIDED FOR A FINE OF UP TO \$4 000 AND POSSIBLE DISQUALIFICATION UNDER ANOTHER SECTION, MUST STILL EXIST FOR EXCEPTIONAL CASES AND FOR VERY SERIOUS OFFENCES.

HOWEVER, HE SAID HE WOULD LIKE THE GOVERNMENT TO GIVE A CLEAR ACCOUNT TO THE LEGISLATIVE COUNCIL OF WHAT KIND OF CASES SECTION 41 OF THE ORDINANCE WOULD BE USED FOR AND AN ASSURANCE THAT IT WOULD ONLY BE USED IN CASES WHERE THE FIXED PENALTY ORDINANCE COULD NOT BE APPLIED.

ANOTHER LEGISLATIVE COUNCILLOR, THE HON RICHARD LAI, POINTED OUT THAT THE ANOMALIES WHICH CAME TO EXIST BETWEEN THE TRAFFIC ORDINANCES WERE THE RESULTS OF OVERSIGHTS ON THE PART OF THE ADMINISTRATION.

IN THE ENSUING CONFUSION, MR LAI SAID HE FELT THAT THE PUBLIC WAS NOT ADEQUATELY INFORMED OF THE SEVERITY OF PENALTIES LIKELY TO BE INCURRED EVEN FOR MINOR SPEEDING OFFENCES, AND THAT THE POLICE HAD TOO FREE A HAND IN DECIDING WHICH PENALTY WAS APPROPRIATE FOR A GIVEN OFFENCE.

HE SAID IN THE ABSENCE OF CLEAR GUIDELINES AN OFFENDER COULD BE PENALISED EITHER WITH PENALTY POINTS OR WITH DISQUALIFICATION DEPENDING UPON WHICH LAW THE POLICE CHOSE TO APPLY.

+THE ROAD TRAFFIC ORDINANCE WAS INTENDED TO BE USED FOR SERIOUS SPEEDING OFFENCES AND NOT, AS BECAME COMMON PRACTICE, FOR REPEATED MINOR OFFENCES,+ HE NOTED.

/BECAUSE OF

BECAUSE OF ARBITRARY USE OF THE ORDINANCES, DRIVERS WHO WOULD HAVE INCURRED PENALTY POINTS UNDER THE ROAD TRAFFIC (DRIVING-OFFENCE POINTS) ORDINANCE HAD IN SOME INSTANCES SUFFERED DISQUALIFICATION FOR UP TO 12 MONTHS WITH THE ADDED BURDEN OF AN OBLIGATORY RE-TEST, MR LAI OBSERVED.

SUCH HARSH PENALTIES HAD IN SOME CASES LED TO A LOSS OF LIVELIHOOD, AND UNDOUBTEDLY, SOME DRIVERS HAD SUFFERED UNDULY BECAUSE OF THE DISCREPANCY WITHIN THE LAW, HE SAID.

THEREFORE, IN WELCOMING THE PROPOSED CHANGES TO REMOVE THE ANOMALIES IN THE LAWS, MR LAI SAID HE WISHED TO PLACE ON RECORD HIS CONCERN REGARDING THE INJUSTICE SUFFERED INEVITABLY BY SOME DRIVERS.

ALSO SPEAKING AT THE RESUMED DEBATE OF THE TWO BILLS, THE HON HILTON CHEONG-LEEN SUGGESTED THAT THE ADMINISTRATION SHOULD CONSIDER IN FUTURE TWO REFINEMENTS TO THE SYSTEM OF PENALTIES FOR SPEEDING OFFENCES.

FIRSTLY, IN THE CASE OF DRIVING IN EXCESS OF SPEED LIMIT BY MORE THAN 30 KILOMETRES AND 45 KILOMETRES PER HOUR, THE FIXED PENALTIES SCALE SHOULD BE ESCALATED PROGRESSIVELY, HE SAID.

SECONDLY, IN THE CASE OF HEAVY VEHICLES SUCH AS LORRIES AND BUSES, WHERE SPEEDING COULD BE A MUCH MORE SERIOUS MATTER THAN SPEEDING BY ORDINARY VEHICLES, THE LEVEL OF FIXED PENALTIES FOR THESE HEAVY VEHICLES SHOULD BE ON A HIGHER SCALE, HE ADDED.

THE HON TAM YIU-CHUNG ECHOED MR CHENG'S APPEAL TO THE GOVERNMENT TO GIVE THE BILLS EXTENSIVE PUBLICITY ONCE THEY HAD BEEN PASSED, SO AS TO EDUCATE THE MOTORISTS.

HE ALSO SUGGESTED THAT GOVERNMENT COULD CONSIDER ERECTING CONSPICUOUS WARNING SIGNS ON SOME ROADS TO ADVISE MOTORISTS OF THE NEED TO REDUCE SPEED, SO THAT THEY COULD BE PSYCHOLOGICALLY PREPARED AND PLAY THEIR PART IN A JOINT EFFORT TO SAFEGUARD ROAD SAFETY.

HOWEVER, MR TAM OBSERVED THAT EVEN IF THE BILLS WERE PASSED, PROFESSIONAL DRIVERS MIGHT STILL WORRY ABOUT THE CONTINUED EXISTENCE OF DUAL SYSTEMS, AS THE POLICE COULD PROSECUTE THEM UNDER THE TWO DIFFERENT ORDINANCES.

IN ADDITION, THOSE PROFESSIONAL DRIVERS DISQUALIFIED UNDER THE EXISTING LEGISLATION BECAUSE OF MINOR SPEEDING OFFENCES MIGHT WISH TO REQUEST FOR EXEMPTION FROM THE RE-TEST, HE SAID.

FIRMLY BELIEVING THAT THE ADMINISTRATION HAD THE IMPORTANT RESPONSIBILITY FOR SAFEGUARDING ROAD SAFETY, MR TAM SAID HE AGREED THAT GOVERNMENT SHOULD DEAL SEVERELY WITH THOSE WHO BLATANTLY COMMITTED SERIOUS SPEEDING OFFENCES.

+AS TO THOSE DISQUALIFIED UNDER THE DUAL SYSTEMS FOR REPEATED MINOR OFFENCES, I THINK GOVERNMENT SHOULD CONSIDER ACCEDING TO THEIR REQUESTS,+ HE SAID.

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RELIEF FOR DISQUALIFIED DRIVERS UNDESIRABLE
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IT WAS ACCEPTED ON ALL SIDES THAT RETROSPECTIVE LEGISLATION, WHICH WOULD PROVIDE RELIEF FOR DRIVERS ALREADY DISQUALIFIED UNDER THE ROAD TRAFFIC ORDINANCE, WOULD BE UNDESIRABLE FOR A NUMBER OF LEGAL AND PRACTICAL REASONS, THE SECRETARY FOR TRANSPORT, THE HON HARNAM GREWAL, SAID TODAY (WEDNESDAY).

NOT THE LEAST OF THESE WAS THE RISK OF ALLOWING UNFIT DRIVERS BACK ONTO THE ROADS, HE SAID.

WINDING UP THE DEBATE ON THE ROAD TRAFFIC (AMENDMENT)(NO. 2) BILL 1986 TODAY AT THE LEGISLATIVE COUNCIL, MR GREWAL SAID THE MATTER, WHICH WAS RAISED BY THE HON TAM YIU-CHUNG, HAD BEEN GIVEN VERY SERIOUS CONSIDERATION AND BEEN UNDER EXTENSIVE DISCUSSIONS WITH AN AD HOC GROUP OF UMELCO MEMBERS.

TURNING TO THE PROPOSED NEW SYSTEM, MR GREWAL SAID SPEEDING OFFENCES WOULD NORMALLY BE DEALT WITH BY THE FIXED PENALTY PROCEDURE UNDER THE FIXED PENALTY (CRIMINAL PROCEEDINGS) ORDINANCE AND THE ROAD TRAFFIC (DRIVING-OFFENCE POINTS) ORDINANCE.

SUMMONS ACTION UNDER THE ROAD TRAFFIC ORDINANCE WOULD BE TAKEN ONLY IN THE FOLLOWING CIRCUMSTANCES:

FIRST, IN A CASE WHERE THE OFFENDER IS A HOLDER OF AN INTERNATIONAL DRIVING PERMIT OR A FOREIGN DRIVING LICENCE RECOGNISED IN HONG KONG AND WHERE ACTION BY FIXED PENALTY IS TECHNICALLY NOT POSSIBLE;

SECONDLY, IN A CASE WHERE A DRIVER COMMITS SPEEDING AND OTHER TRAFFIC OFFENCES AT THE SAME TIME;

THIRDLY, IN A CASE WHERE THE SERIOUSNESS OF THE OFFENCE WARRANTS EXPOSURE OF THE OFFENDER TO HIGHER PENALTIES PROVIDED FOR UNDER THE ROAD TRAFFIC ORDINANCE; AND

FOURTHLY, IN A CASE WHERE THE DRIVER CANNOT BE STOPPED AT THE SCENE OF A SPEEDING OFFENCE AND CANNOT BE TRACED AFTER 3-1/2 MONTHS.

ELABORATING ON THE LAST CATEGORY, MR GREWAL SAID SUMMONS ACTION WOULD ONLY BE TAKEN AGAINST THE REGISTERED VEHICLE OWNER.

THE 3-1/2 MONTH PERIOD WAS SET ADMINISTRATIVELY TO COPE WITH THE LEGAL REQUIREMENT TO SERVE A DEMAND NOTICE OR TO APPLY FOR SUMMONS WITHIN SIX MONTHS OF THE DATE OF AN OFFENCE, HE SAID.

MR GREWAL SAID THAT ARRANGEMENTS WERE IN HAND TO PUBLICISE THE NEW PROVISIONS WIDELY.

A PAMPHLET, WHICH CLEARLY SET OUT THE OFFENCES FOR WHICH DRIVING-OFFENCE POINTS WOULD BE AWARDED AND THE NUMBER OF POINTS IN EACH CASE, WOULD BE AVAILABLE AT ALL TRANSPORT DEPARTMENT LICENSING OFFICES AND DISTRICT OFFICES, HE SAID.

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GREATER FLEXIBILITY CALL FOR SUBSIDIARY LAW SUPERVISION
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WHILE THE PRESENT PROCEDURE FOR THE SUPERVISION OF SUBSIDIARY LEGISLATION IS ACCEPTABLE IN MOST CASES, THERE ARE OCCASIONS WHEN A GREATER DEGREE OF FLEXIBILITY IS NEEDED.

THIS WAS STATED BY THE HON MARIA TAM WHEN SHE SPOKE AT THE RESUMED DEBATE ON THE INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) (NO. 2) BILL 1986 IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SHE SAID THE BILL HAD BEEN INTRODUCED AS A RESULT OF RECOMMENDATIONS OF A LEGISLATIVE COUNCIL AD HOC GROUP SET UP TO STUDY GUIDELINES FOR THE MAKING OF SUBSIDIARY LEGISLATION AND TO REVIEW THE PRESENT PROCEDURE FOR THE SUPERVISION OF SUBSIDIARY LEGISLATION.

MISS TAM SAID IT SOUGHT TO AMEND THE PRINCIPAL ORDINANCE TO ALLOW THE LEGISLATIVE COUNCIL TO EXTEND BY RESOLUTION THE PERIOD IN WHICH IT MIGHT INTERVENE TO AMEND A SUBSIDIARY LEGISLATION TABLED IN THE COUNCIL BY UP TO 21 DAYS AND TO INTERVENE AT ANY TIME WITHIN THE FIRST 28 DAYS AFTER A SUBSIDIARY LEGISLATION WAS TABLED.

SHE NOTED THAT UNDER THE CURRENT PRACTICE, A DIFFICULT SITUATION WOULD ARISE WHEN THE POTENTIAL IMPACT OF AN ITEM OF SUBSIDIARY LEGISLATION COULD NOT BE ASSESSED FULLY WITHIN THE STIPULATED TIME LIMIT OF 28 DAYS OR WHEN A LARGE NUMBER OF PUBLIC REPRESENTATIONS WERE RECEIVED AND DETAILED DISCUSSION WITH THE ADMINISTRATION HAD TO TAKE PLACE.

MISS TAM SAID: +TO GIVE THE LEGISLATIVE COUNCIL A GREATER DEGREE OF FLEXIBILITY, THE AD HOC GROUP RECOMMENDS THAT A PROVISION BE MADE TO ENABLE AN EXTENSION, IF NECESSARY, OF THE PERIOD DURING WHICH AMENDMENTS MAY BE MADE.

+NEVERTHELESS, CONSCIOUS OF THE NEED TO CONFINE THE EXTENSION TO A REASONABLE PERIOD, THE GROUP HAS AGREED TO A MAXIMUM OF 21 DAYS.

+THIS PERIOD, IN ADDITION TO THE 28 DAYS ALREADY PROVIDED FOR, SHOULD BE SUFFICIENT FOR PROPER CONSIDERATION TO BE GIVEN TO EVEN COMPLEX OR CONTROVERSIAL ITEMS.+

ON THE OTHER HAND, THE AD HOC GROUP FOUND THAT THERE WAS AN UNDESIRABLE POSSIBILITY FOR SUBSIDIARY LEGISLATION TO HAVE TAKEN EFFECT BEFORE THE LEGISLATIVE COUNCIL COULD EXERCISE ITS POWERS TO INTERVENE.

/MISS TAM

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MISS TAM OBSERVED THAT GIVEN THE FACT THAT SUBSIDIARY LEGISLATION WHICH WAS SUBJECT TO THE LEGISLATIVE COUNCIL SUPERVISION UNDER SECTION 34 CAME INTO IMMEDIATE LEGAL EFFECT ONCE IT WAS PUBLISHED IN THE GAZETTE, SECTION 34 OF THE ORDINANCE EFFECTIVELY PREVENTED THE LEGISLATIVE COUNCIL FROM AMENDING SUBSIDIARY LEGISLATION UNTIL THE FIRST SITTING HELD NOT LESS THAN 27 DAYS AFTER IT WAS TABLED.

TO PREVENT THIS FROM HAPPENING, THE GROUP PROPOSED THAT THE LEGISLATIVE COUNCIL BE PROVIDED WITH THE POWERS TO AMEND SUBSIDIARY LEGISLATION AT ANY TIME WITHIN THE PERIOD STIPULATED UNDER SECTION 34.

MISS TAM BELIEVED THIS SHOULD GIVE ADEQUATE FLEXIBILITY FOR THE EFFICIENT SUPERVISION OF SUBSIDIARY LEGISLATION BY THE LEGISLATIVE COUNCIL.

LASTLY, AS BOTH +SUBSIDIARY LEGISLATION+ AND +REGULATIONS+ WERE DEFINED IN THE ORDINANCE AS HAVING THE SAME MEANING, THE GROUP PROPOSED TO REMOVE ANOMALOUS WORDING IN SECTION 34 BY SUBSTITUTING +SUBSIDIARY LEGISLATION+ FOR +RULES, REGULATIONS AND BY-LAWS+, SHE SAID.

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PERSONAL INJURY LAWS BEING RATIONALISED
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A SINGLE ORDINANCE SHOULD BE CREATED TO DEAL WITH CLAIMS BY DEPENDANTS AND THE ESTATE OF AN ACCIDENT VICTIM, THE HON PETER C. WONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE SAID THAT SUCH CLAIMS WERE AT PRESENT DEALT WITH UNDER TWO SEPARATE ORDINANCES AND HE WAS PLEASED THAT THE ADMINISTRATION WOULD CONSIDER AMALGAMATING THE VARIOUS PROVISIONS INTO A SINGLE ORDINANCE.

MR WONG WAS SPEAKING IN THE RESUMED DEBATE ON THE LAW AMENDMENT AND REFORM (CONSOLIDATION) (AMENDMENT) BILL 1986 AND THE FATAL ACCIDENTS BILL 1986.

THE PURPOSE OF THE BILLS WAS TO IMPLEMENT THE PROPOSALS OF THE LAW REFORM COMMISSION CONTAINED IN ITS +REPORT ON DAMAGES FOR PERSONAL INJURY AND DEATH+ WHICH AIMED AT UPDATING AND RATIONALISING LEGISLATION IN THIS AREA OF THE LAW, WHICH WAS IN NEED OF REFORM, MR WONG SAID.

/HE NOTED

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HE NOTED THAT A NUMBER OF AMENDMENTS COULD BE MOVED AT THE COMMITTEE STAGE.

THE NEW PROPOSALS DEALT WITH THREE MAJOR ISSUES, MR WONG SAID.

THE FIRST WAS THE BROADENING OF THE LIST OF DEPENDANTS WHO MIGHT CLAIM DAMAGES AND HE SAID THE ADDITION OF COHABITEES WAS SOMEWHAT CONTROVERSIAL BUT AFTER CAREFUL CONSIDERATION, THE COUNCIL'S AD HOC GROUP FELT THAT THE INCLUSION WAS JUSTIFIED.

REFERRING TO THE SECOND ISSUE OF GIVING THE COURT POWER TO AWARD PROVISIONAL DAMAGES WHICH WAS NOT POSSIBLE UNDER THE EXISTING LAW, HE SAID THIS WAS SEEN TO BE MORE EQUITABLE AS A ONE-OFF AWARD WOULD NOT BE ABLE TO TAKE FULLY INTO ACCOUNT ANY FURTHER DISABILITY OR ILLNESS WHICH THE INJURED PERSON MIGHT SUFFER AS A RESULT OF THE ACCIDENT.

THE THIRD MAJOR ISSUE WAS TO ABOLISH CERTAIN CLAIMS WHICH WERE CONSIDERED TO BE ARCHAIC AND ANOMALOUS AND MR WONG CITED AS EXAMPLE THE ACTION OF SERVITIUM WHICH ENABLED AN EMPLOYER TO SUE FOR THE LOSS OF HIS EMPLOYEE'S SERVICE.

HE NOTED THAT THE LAW REFORM COMMISSION ALSO PROPOSED OTHER REFORMS SUCH AS DOING AWAY WITH +WINDFALL+ DAMAGES AND THE CREATION OF A CLAIM FOR BEREAVEMENT.

+THE PROPOSALS CONTAINED IN THE TWO BILLS ARE BROADLY IN LINE WITH RECENT REFORMS IN ENGLAND, AND ARE TAILORED TO MEET THE UNIQUE CIRCUMSTANCES OF HONG KONG,+ HE SAID.

+ONE EXAMPLE IS THE INCLUSION OF CONCUBINES TAKEN BEFORE OCTOBER 7, 1971 AS DEPENDANTS WHO MAY CLAIM DAMAGES.+

MR WONG LISTED THE AGREED AMENDMENTS TO BE MOVED BY HIMSELF AND THE HON MARIA TAM AND DR THE HON HENRIETTA IP AT THE COMMITTEE STAGE.

LASTLY, HE SAID IT WAS AGREED THAT CONSIDERATION SHOULD BE GIVEN TO A REVIEW OF THE LAW OF SUCCESSION IN THE LIGHT OF REFORMS NOW BEING PROPOSED.

+UNDER THE NEW PROPOSALS, IF A COHABITEE DIES AS A RESULT OF AN ACCIDENT, THE SURVIVING COHABITEE MAY CLAIM DAMAGES.

+HOWEVER, UNDER THE EXISTING LAW OF INTESTACY, IF THE COHABITEE DIES OF A HEART ATTACK, THE SURVIVING COHABITEE WOULD NOT BE ENTITLED TO ANY DISTRIBUTION OF THE DECEASED'S ESTATE,+ HE SAID, ADDING THAT SUCH INCONSISTENCY WAS UNDESIRABLE.

/HE SAID

HE SAID IT WAS UNDERSTOOD THAT THE SUBJECT WAS CURRENTLY BEING EXAMINED BY A SUB-COMMITTEE OF THE LAW REFORM COMMISSION AND THE ADMINISTRATION WOULD BRING TO THE SUB-COMMITTEE'S ATTENTION THE GROUP'S OBSERVATION.

ANOTHER MEMBER, DR THE HON HENRIETTA IP, ALSO ENDORSED THE RECOMMENDATION THAT THE LAW AMENDMENT AND REFORM (CONSOLIDATION) ORDINANCE (LARCO) AND THE FATAL ACCIDENTS ORDINANCE (FAO) BE COMBINED INTO ONE.

COMMENTING ON SPECIFIC PROVISIONS OF THE AMENDING BILL TO LARCO, DR IP SAID ONE OF THEM WAS TO REMOVE INCIDENTS OF +DOUBLE RECOVERY+.

SHE EXPLAINED THAT THE LARCO DEALT WITH THE AWARD OF DAMAGES FOR INJURIES AND IN SOME CASES DEATH AND THE FAO DEALT WITH THE AWARD OF DAMAGES FOR FATAL INJURIES.

+WHEN A PERSON IS INJURED THROUGH THE TORTIOUS ACTS OF ANOTHER, HIS 'DEPENDANTS' ARE ENTITLED TO COMPENSATION FOR LOSS OF HIS SUPPORT.

+IN THE CASE OF A FATAL ACCIDENT, ANY PECUNIARY BENEFIT WHICH ACCRUES TO A DEPENDANT OF A DECEASED IN CONSEQUENCE OF HIS DEATH MUST BE TAKEN INTO ACCOUNT WHEN DAMAGES ARE AWARDED TO HIS DEPENDANT UNDER FAO,+ SHE SAID.

IN PRINCIPLE THIS AWARD MERGED WITH THE AWARD FOR LOST YEARS UNDER LARCO BUT, IF THERE WERE MORE THAN ONE DEPENDANT, FOR EXAMPLE, A WIFE AND CHILD, THE WIFE MIGHT INHERIT THE WHOLE OF THE LARCO AWARD, AND THE SON WOULD BE ENTITLED IN HIS OWN RIGHT TO DAMAGES UNDER THE FAO, WHICH MEANT THAT THE DEFENDANT MUST PAY THE FULL LARCO AWARD PLUS A FURTHER AMOUNT UNDER THE FAO.

+TO ELIMINATE THE INCIDENTS OF 'DOUBLE RECOVERY', CLAUSE 2 OF THIS BILL PROVIDES THAT THE CALCULATION OF AN AWARD UNDER LARCO SHALL BE MADE WITHOUT REFERENCE TO ANY LOSS OR GAIN TO THE DECEASED'S ESTATE CONSEQUENT TO HIS DEATH (EXCEPT FOR FUNERAL EXPENSES) AND DAMAGE FOR LOSS OF ABILITY TO RENDER SERVICE AFTER HIS DEATH.

+THE DAMAGES UNDER LARCO IS ALSO SUBJECTED TO ANY DEDUCTION THE COURT FINDS JUSTIFIED IN THE PARTICULAR CIRCUMSTANCES,+ DR IP EXPLAINED.

ON THE OTHER HAND, SHE SAID, WHERE THE VICTIM SUFFERED NON-FATAL INJURIES AND THEIR EXTENT AND EFFECT COULD NOT HAVE BEEN FULLY ASSESSED BY THE TIME JUDGEMENT WAS GIVEN IN HIS FAVOUR, THE DAMAGES AWARDED MIGHT NOT FULLY REFLECT THE DEGREE OF DISABILITY HE WOULD SUFFER SOME YEARS LATER.

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AS A RESULT OF THIS, HE COULD BE UNDER-COMPENSATED FOR HIS INJURIES.

HENCE UNDER CLAUSE 5 OF THE BILL THE HIGH COURT SHOULD BE GIVEN POWER TO MAKE AWARDS OF PROVISIONAL DAMAGES, SHE SAID.

SHE NOTED THAT THE RULES OF THE SUPREME COURT WOULD BE AMENDED TO ALLOW FOR THESE CHANGES AND FOR ASSESSMENT AND AWARD OF FURTHER DAMAGES.

ON THE ASSESSMENT ON AN AWARD FOR LOST YEARS, DR IP REPORTED THAT THE ADMINISTRATION HAD ACCEPTED A PROPOSAL MADE BY THE HON MARTIN LEE THAT UNDER CLAUSE 2 OF LARCO COMPENSATION SHOULD BE GIVEN FOR THE ACTUAL LOSS THE DECEASED PERSON'S ESTATE SUFFERED AS A RESULT OF HIS PREMATURE DEATH BY DIRECTING THE COURT TO THE ACCUMULATED WEALTH WHICH WOULD HAVE BEEN IN THE DECEASED'S ESTATE IN THE NORMAL COURSE OF EVENTS.

+THIS APPROACH AVOIDS PROBLEMS SUCH AS HOW TO TREAT NON-CONTRIBUTORY PENSIONS FOR THE PURPOSES OF THE BILLS' ORIGINALLY PROPOSED 'PATTERN OF SAVINGS' FORMULAE,+ SHE SAID.

DR IP ALSO SAID THE AD HOC GROUP HAD HELD LENGTHY DISCUSSIONS ON WHETHER COHABITEES SHOULD BE INCLUDED IN THE DEFINITION OF 'DEPENDANTS' WHO WOULD BENEFIT FROM THE AWARD OF DAMAGES, AS THEY DID NOT ENCOURAGE COHABITATION.

HOWEVER, IT HAD BEEN BROUGHT TO MEMBERS' ATTENTION THAT MANY NEWLY-ARRIVED CHINESE RESIDENTS IN HONG KONG HAD GONE INTO COHABITATION, NOT REALISING THE NEED IN HONG KONG TO REGISTER A MARRIAGE, AND WERE THEREFORE EXCLUDED FROM COMPENSATION UNDER BOTH LARCO AND FAO.

+THE LAW REFORM COMMISSION'S REPORT SUGGESTED THAT COHABITEES WHO HAVE LIVED TOGETHER AS MAN AND WIFE FOR TWO YEARS OR MORE SHOULD BE INCLUDED AS 'DEPENDANTS' BECAUSE THERE IS SUFFICIENT EVIDENCE TO SHOW THAT A PERMANENT RELATIONSHIP EXISTS BETWEEN THEM,+ DR IP SAID.

AS FOR THE INCLUSION OF +A GODCHILD OR A GODPARENT OF THE DECEASED ACCORDING TO THE CHINESE CUSTOM+ IN THE DEPENDANT LIST, DR IP SAID +KUO KAI+ WAS A DEEPLY ENTRENCHED CUSTOM IN CHINESE FAMILIES AND OFTEN A MAN WITHOUT A SON WOULD TAKE HIS NEPHEW AS HIS OWN CHILD TO INHERIT HIS WEALTH.

+THESE PROPOSALS ALSO COVER THE SITUATION WHERE A PERSON TAKES A GODCHILD ACCORDING TO THE CHINESE CUSTOM. IN BOTH INCIDENTS THE +GODCHILD+ MUST PROVE THAT HE DEPENDS ON THE SUPPORT OF THE VICTIM,+ SHE ADDED.

/ON GRATUITOUS

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ON GRATUITOUS SERVICES, DR IP SAID THE PROPOSAL WAS THAT THE INJURED PERSON, RATHER THAN THE PERSON WHO LOST THE BENEFIT OF GRATUITOUS SERVICES, MIGHT CLAIM COMPENSATION.

+THE RATIONALE IS THAT GRATUITOUS SERVICES ARE RENDERED AT THE OPTION OF THE PERSON WHO SUPPLIES THEM.

+HE CAN WITHDRAW THEM WHENEVER HE WISHES AND IT WOULD BE WRONG TO DEPRIVE HIM OF THE COMPENSATION WHICH IS INTENDED TO SUBSTITUTE FOR HIS ABILITY TO RENDER GRATUITOUS SERVICES.

+DAMAGES ARE INTENDED TO PUT A PERSON BACK IN THE POSITION THEY WOULD HAVE BEEN HAD THE ACCIDENT NOT HAPPENED,+ SHE OBSERVED.

DR IP ADDED THAT THE AD HOC GROUP HAD IN CONSIDERING THESE AMENDMENTS, GONE INTO GREAT DETAIL TO ENSURE FAIR TREATMENT TO ALL THOSE WHO WERE DEPENDANT ON THE SUPPORT OF A VICTIM OF FATAL OR NON-FATAL ACCIDENTS AND HOPED THAT THE PROPOSALS WOULD MEET WITH THE APPROVAL OF THE JUDICIARY.

REGARDING THE FAO BILL, SHE NOTED THAT THE AMENDMENT CONTAINED IN CLAUSE 5(3) MIGHT REQUIRE AN AMENDMENT TO THE SUPREME COURT RULES TO ENSURE THAT ALL DEPENDANTS MIGHT BE JOINED AS A PLAINTIFF IN THE SAME ACTION.

SHE SAID SHE UNDERSTOOD THAT THE RULES OF THE SUPREME COURT WOULD BE RECONSIDERED BY THE RULES COMMITTEE IN THIS CONNECTION.

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PRAISE FOR UMELCO AD HOC GROUP

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AMENDMENTS THAT THE HON MARIA TAM AND DR THE HON HENRIETTA IP MOVED TO TWO BILLS HAD THE FULL SUPPORT OF THE ADMINISTRATION, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR THOMAS WAS WINDING UP DEBATE ON THE LAW AMENDMENT AND REFORM (CONSOLIDATION)(AMENDMENT) BILL 1986 AND THE FATAL ACCIDENTS BILL 1986.

HE NOTED THAT THESE AMENDMENTS AROSE FROM THE WORK OF A PARTICULARLY ASTUTE AND ATTENTIVE AD HOC GROUP OF UMELCO, AND COMMENTED: +THE TWO ORDINANCES, AS THEY WILL FINALLY EMERGE FROM THIS CHAMBER, WILL UNDOUBTEDLY BE BETTER PIECES OF LEGISLATION AS A RESULT OF THEIR EFFORTS, AND MEMBERS OF THIS COUNCIL HAVE PROVED YET AGAIN THAT THEY CAN PLAY A MOST VALUABLE ROLE IN THE PROCESS OF LAW REFORM.+

/THE ADMINISTRATION

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THE ADMINISTRATION HAD ADOPTED AND PROMOTED PROPOSALS FROM THE LAW REFORM COMMISSION IN A WAY THAT WAS NOT MATERIALLY DIFFERENT FROM THE FORMS SUGGESTED BY THE COMMISSION IN ITS REPORT.

THAT THE AD HOC GROUP WAS ABLE TO FIND WAYS OF FURTHER REFINING SOME ALREADY SOPHISTICATED PROPOSALS WAS NOT AN ADVERSE REFLECTION UPON THE LAW REFORM COMMISSION, BUT +RATHER A CONFIRMATION OF THE FACT THAT NO LAW REFORM PROPOSAL IS EVER PERFECT, PERHAPS NOT EVEN NOW, AND THAT WITH TIME AND HINDSIGHT, AND WITH NEW PERSPECTIVES, IT OFTEN HAPPENS THAT NEW, AND BETTER, WAYS OF DEALING WITH PROBLEMS ARE BROUGHT TO LIGHT.+

MR THOMAS SAID THIS WAS PARTICULARLY EVIDENT IN THE AMENDMENT PROPOSED BY MISS TAM TO THE LAW AMENDMENT AND REFORM (CONSOLIDATION) (AMENDMENT) BILL'S PROVISIONS RELATING TO THE LOST YEARS' CLAIM WHICH AIMED AT ENSURING THAT THE ESTATE OF A DECEASED PERSON WAS COMPENSATED FOR WHAT IT LOST AS A RESULT OF THE DECEASED'S PREMATURE DEATH.

IN ENGLAND THIS CLAIM HAD BEEN COMPLETELY ABOLISHED. PARLIAMENT HAD SEEN NO SOLUTION TO THE PROBLEMS WHICH BESET IT.

HOWEVER, MISS TAM'S AMENDMENT ACHIEVED THE OBJECTIVE OF THE PROVISIONS CONCERNING THIS ASPECT 'IN THE SIMPLEST WAY POSSIBLE'.

MR THOMAS SAID HE HAD NOTICED THE HON PETER C. WONG'S COMMENTS ABOUT THE DESIRABILITY OF AMALGAMATING ALL THE PROVISIONS IN THE LAW RELATING TO DAMAGES FOR PERSONAL INJURY AND DEATH INTO ONE ORDINANCE.

+I HAVE A GREAT DEAL OF SYMPATHY FOR HIS SUGGESTION, BUT IT IS NOT AS EASY TO IMPLEMENT AS MIGHT AT FIRST SIGHT APPEAR.+

HE INTENDED TO KEEP THE WHOLE MATTER UNDER REVIEW AND SEE WHAT COULD BE DONE TO MEET THE SUGGESTION.

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CALL TO REVIEW PRISONERS WELFARE FUND USE
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THE USE OF THE PRISONERS WELFARE FUND SHOULD BE REVIEWED AND EXPANDED TO ASSIST PRISONERS AFTER DISCHARGE, THE HON HILTON CHEONG-LEEN SAID TODAY (WEDNESDAY).

SPEAKING AT THE RESUMED DEBATE OF THE PRISONS (AMENDMENT) BILL 1986 IN THE LEGISLATIVE COUNCIL, MR CHEONG-LEEN SAID ALTHOUGH THE FUND HAD IN FACT EXISTED FOR MANY YEARS, NO MONEY HAD EVER BEEN DISBURSED FOR HELPING EX-PRISONERS.

/+HERE I

+HERE I THINK A REVIEW WOULD BE BENEFICIAL FIRSTLY TO THE DISCHARGED PRISONER WHO IS IN NEED OF SUCH HELP, DEPENDING ON INDIVIDUAL CIRCUMSTANCES, AND SECONDLY TO THE COMMUNITY AT LARGE, WHICH HAS A VESTED INTEREST IN THESE PERSONS WHO HAVE EXPIATED THEIR CRIME AND ARE REJOINING SOCIETY,+ HE SAID.

HE SUGGESTED THAT THE FUND BE EXPANDED IN A CONSTRUCTIVE WAY TO ASSIST EX-PRISONERS TO GET BACK INTO THE MAINSTREAM OF SOCIETY AS REFORMED INDIVIDUALS.

IN THIS RESPECT, HE SAID A MULTI-AGENCY APPROACH SHOULD BE ADOPTED IN WHICH THE ASSISTANCE OF OTHER GOVERNMENT DEPARTMENTS COULD BE CALLED UPON EVEN MORE THAN BEFORE.

+SPECIFICALLY, ASSISTANCE WHERE SUITABLE COULD BE GIVEN TO TRIAD MEMBERS WHO HAVE OR ARE PREPARED TO RENOUNCE THEIR TRIAD CONNECTIONS,+ HE STRESSED.

THANKING MR CHEONG-LEEN FOR HIS SUPPORT FOR THE BILL AND HIS VALUABLE SUGGESTIONS FOR DISBURSING BENEFITS FROM THE FUND, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, SAID THE COMMISSIONER OF CORRECTIONAL SERVICES HAD GIVEN ASSURANCE TO REVIEW THE PROCEDURES FOR ADMINISTERING THE FUND IN ORDER TO IDENTIFY DESERVING CASES AND TO RENDER ASSISTANCE TO THEM.

+EACH CASE WILL, OF COURSE, BE DEALT WITH ON ITS MERITS,+ MR THOMAS SAID.

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LEGAL AID EXTENDED TO OVERSEAS CASES
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A RESOLUTION TO APPROVE THE LEGAL AID IN CRIMINAL CASES (AMENDMENT) RULES 1986 WAS PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE RESOLUTION, THE CHIEF SECRETARY, THE HON SIR DAVID AKERS-JONES, SAID THE AMENDED RULES, WHICH WERE MADE BY THE CHIEF JUSTICE UNDER THE PROVISIONS OF THE CRIMINAL PROCEDURE ORDINANCE, WERE AIMED AT EXTENDING THE AVAILABILITY OF LEGAL AID TO PROCEEDINGS OVERSEAS WHERE EVIDENCE WAS TO BE TAKEN FOR THE PURPOSE OF CRIMINAL PROCEEDINGS IN HONG KONG.

+THIS HAS BEEN DONE IN RULE 2(B),+ HE NOTED.

+RULE 3 MAKES CONSEQUENTIAL AMENDMENTS TO ENABLE THE DIRECTOR OF LEGAL AID TO ENGAGE OVERSEAS LAWYERS TO REPRESENT THE ACCUSED PERSON IN SUCH PROCEEDINGS OVERSEAS,+ SIR DAVID SAID.

+AND RULE 5 CONSEQUENTIALLY ADDS THE PROVISION FOR PAYMENT OF FEES TO SUCH OVERSEAS LAWYERS,+ HE ADDED.

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STANDING ORDER NO. 14 AMENDED

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THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) APPROVED A MOTION AMENDING STANDING ORDERS SO AS TO ENABLE MEMBERS TO SPEAK ON SUBSIDIARY LEGISLATION TABLED IN THE COUNCIL.

MOVING THE MOTION TO AMEND STANDING ORDER NO. 14, THE HON MARIA TAM EXPLAINED TODAY (WEDNESDAY) THAT THE MAIN PURPOSE OF THE AMENDMENT WAS TO ENABLE MEMBERS, WITH THE CONSENT OF THE PRESIDENT, TO ADDRESS THE COUNCIL ON SUBSIDIARY LEGISLATION TABLED AT THAT PARTICULAR SITTING OR AT ANY OF THE THREE SITTINGS IMMEDIATELY PRECEDING THAT SITTING.

AT PRESENT, MEMBERS OTHER THAN EX-OFFICIO OR OFFICIAL MEMBERS CAN ONLY SPEAK ON SUCH LEGISLATION IF A RESOLUTION TO AMEND IS MOVED OR IF THE LEGISLATION IS MADE THE SUBJECT OF A MOTION FOR DEBATE OR AN ADJOURNMENT DEBATE.

HOWEVER, MISS TAM SAID, MEMBERS HAD COME ACROSS SUBSIDIARY LEGISLATION THE ENACTMENT OF WHICH ENHANCED NOT ONLY THE ACTIVITIES OF A SECTOR OF THE COMMUNITY, BUT ALSO THE POSITION OF HONG KONG AS A FINANCIAL CENTRE OF THE WORLD OR AFFECTED THE INTEREST OF A VITAL SECTION OF ECONOMIC ACTIVITIES.

UNDER THESE CIRCUMSTANCES, MEMBERS BELIEVED IT WAS APPROPRIATE TO DRAW ATTENTION TO THE IMPLICATIONS OF SUCH SUBSIDIARY LEGISLATION, OR TO EXPLAIN THE NECESSARY BALANCE STRUCK BETWEEN PROTECTING THE SECTORAL INTEREST AS WELL AS PUBLIC INTEREST.

+WITH THE AMENDMENT PROPOSED IN THIS MOTION, WE SHALL BE ABLE TO DO SO WITHOUT THE AFOREMENTIONED RESTRICTIONS,+ MISS TAM SAID.

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SEWAGE SYSTEM IMPROVEMENT KEPT UNDER REVIEW

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THE NEED FOR IMPROVEMENTS TO HONG KONG'S TRUNK SEWERAGE SYSTEM AND SEWAGE TREATMENT PLANTS IS KEPT UNDER REGULAR REVIEW, THE SECRETARY FOR LANDS AND WORKS, THE HON NICKY CHAN, SAID TODAY (WEDNESDAY).

ANSWERING A QUESTION IN THE LEGISLATIVE COUNCIL FROM THE HON WONG PO-YAN, MR CHAN SAID THIS WAS TO ENSURE THAT THE SEWERAGE SYSTEM MET NEW REQUIREMENTS AND DID NOT BECOME A CONSTRAINT ON FUTURE DEVELOPMENT.

/MINOR UPGRADING

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MINOR UPGRADING WORKS WERE CARRIED OUT SPEEDILY UNDER A BLOCK VOTE FOR +WORKS CONTINGENT ON DEVELOPMENT+.

FOR MAJOR IMPROVEMENT WORKS THERE WAS A 10-YEAR +SEWAGE TREATMENT AND DISPOSAL PROGRAMME+ WHICH INCLUDED ALL PROJECTS FOR THE PROVISION OF TRUNK SEWERAGE AND SEWAGE DISPOSAL.

MR CHAN SAID IMPROVEMENTS TO EXISTING OUTFALLS IN OLDER DISTRICTS SUCH AS TO KWA WAN, KWUN TONG AND WAN CHAI HAD BEEN CARRIED OUT UNDER THIS PROGRAMME, WITH OLD SEA-WALL OUTFALLS BEING REPLACED BY UNDERWATER OUTFALLS WHICH CARRIED SEWAGE AWAY FROM THE SHORE LINE TO THE MAIN TIDAL FLOW.

+IN THE PAST FIVE YEARS, SOME 30 KILOMETRES OF NEW SEWERS HAVE BEEN LAID, AND A FURTHER 47 KILOMETRES ARE NOW UNDER PLANNING OR CONSTRUCTION,+ HE SAID.

A MAJOR NEW SEWAGE OUTFALL, FOR EXAMPLE, WAS PLANNED TO SERVE LAI CHI KOK, TAI KOK TSUI AND SHAM SHUI PO, AND CONSTRUCTION SHOULD START SHORTLY.

THERE WERE 20 SEWAGE TREATMENT PLANTS IN OPERATION, AND 27 MORE WERE UNDER VARIOUS STAGES OF PLANNING AND CONSTRUCTION.

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HIGH PRIORITY GIVEN TO SAFETY CAMPAIGN * * * * *

THE INDUSTRIAL SAFETY CAMPAIGN HAS BEEN ACCORDED HIGH PRIORITY FOR THE PAST TEN YEARS AND CONTINUES TO BE TREATED AS A MAJOR CAMPAIGN, THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON MICHAEL LEUNG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON TAM YIU-CHUNG, MR LEUNG SAID ONLY ONE OTHER PUBLICITY CAMPAIGN HAD BEEN ALLOCATED AN AMOUNT EQUAL TO THE \$750 000 ALLOCATED TO INDUSTRIAL SAFETY THIS YEAR.

+IN RECENT YEARS, MOREOVER, WITH ACCUMULATED EXPERIENCE IN ORGANISING PROMOTIONAL ACTIVITIES, THE COST-EFFECTIVENESS OF THE CAMPAIGN HAS BEEN ENHANCED AND THE TARGETTING OF THE PROMOTIONAL EFFORT HAS BEEN IMPROVED,+ HE SAID.

DEVELOPMENT OF TRIPARTITE PARTICIPATION HAD BEEN ANOTHER IMPORTANT FACTOR.

/+THE LABOUR

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+THE LABOUR DEPARTMENT HAS ACTIVELY PROMOTED IN RECENT YEARS A CO-OPERATIVE EFFORT IN WHICH REPRESENTATIVES OF EMPLOYERS, EMPLOYEES AND THE GOVERNMENT ARE BROUGHT TOGETHER TO WORK FOR THE COMMON OBJECTIVE OF IMPROVING SAFETY AT WORK,+ HE SAID.

+THESE EFFORTS ARE BEGINNING TO BEAR FRUIT AND GENEROUS DONATIONS AND SPONSORSHIP HAS BEEN OBTAINED FROM INDIVIDUAL INDUSTRIALISTS AND EMPLOYERS' ASSOCIATIONS.+

IN 1985-86, ABOUT \$90 000 WAS DONATED BY THE PRIVATE SECTOR TOWARDS THE COSTS OF THE INDUSTRIAL SAFETY CAMPAIGN. IN THE CURRENT FINANCIAL YEAR THE LABOUR DEPARTMENT HOPED TO SECURE DONATIONS TOTALLING \$200 000.

WHILE THE GOVERNMENT'S LONG-TERM COMMITMENT TO INDUSTRIAL SAFETY REMAINED UNCHANGED, MR LEUNG SAID, IT HAD BEEN POSSIBLE AS A RESULT OF THESE DEVELOPMENTS TO SUSTAIN THE INDUSTRIAL SAFETY DRIVE AT REDUCED COSTS TO PUBLIC FUNDS BUT WITH INCREASED IMPACT.

THUS A DECREASE IN PROVISION BY NO MEANS IMPLIED THAT THE GOVERNMENT WAS ATTACHING LESS IMPORTANCE TO INDUSTRIAL SAFETY.

MR LEUNG ALSO NOTED THAT THE ALLOCATION OF PUBLIC FUNDS FOR A PARTICULAR PROMOTIONAL PROGRAMME DEPENDED ON THE TOTAL RESOURCES AVAILABLE IN A GIVEN YEAR TO MEET THE CLAIMS OF ALL DEPARTMENTS FOR PUBLICITY AND CAMPAIGN FUNDING.

HE SAID WORK IN INDUSTRIAL SAFETY WAS KEPT UNDER REVIEW AND THE EFFECTIVENESS OF VARIOUS PROMOTIONAL ACTIVITIES WAS CLOSELY MONITORED TO ENSURE THAT THE BEST VALUE WAS OBTAINED FROM THE PUBLIC AND PRIVATE FUNDS AVAILABLE.

+THE ACTIVE INVOLVEMENT OF EMPLOYER AND EMPLOYEE REPRESENTATIVES, THROUGH THEIR PARTICIPATION IN THE LABOUR ADVISORY BOARD'S COMMITTEE ON INDUSTRIAL SAFETY AND ACCIDENT PREVENTION AND ITS SIX INDUSTRY-BASED SUB-COMMITTEES, IS OF PARTICULAR VALUE IN ENSURING CRITICAL EXAMINATION OF THE INDUSTRIAL SAFETY PROGRAMME AND A HEALTHY INFUSION OF NEW IDEAS,+ HE ADDED.

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GOVERNMENT'S POSITION ON RELIGIOUS CULTS STATED

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WHILE THE GOVERNMENT IS COMMITTED TO UPHOLD RELIGIOUS FREEDOM, POLICE WILL INITIATE PROSECUTION WHENEVER ACTIVITIES OF NON-TRADITIONAL RELIGIOUS SECTS OR CULTS WHICH ADVERSELY AFFECT YOUNG PEOPLE CONSTITUTE A PRIMA FACIE BREACH OF THE LAW, THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON DONALD LIAO, SAID TODAY (WEDNESDAY).

IN REPLY TO A QUESTION BY THE HON LEE YU-TAI IN THE LEGISLATIVE COUNCIL, MR LIAO SAID THE GOVERNMENT IS AWARE OF THE ACTIVITIES OF SUCH SECTS OR CULTS, THE DOCTRINE AND PRACTICES OF WHICH ARE SOCIALLY UNDESIRABLE AND RUN COUNTER TO GENERALLY ACCEPTED ETHICAL STANDARDS.

+FOR INSTANCE, WE HAVE HAD REPORTS OF ONE CULT WHOSE ADHERENTS ARE BEING ENCOURAGED TO USE SEX TO RECRUIT NEW MEMBERS. ANOTHER ONE SEEKS TO SET UP BASES IN VARIOUS DISTRICTS AND PREACH ESCHATOLOGY TO INCULCATE A PESSIMISTIC OUTLOOK ON LIFE AMONG ITS FOLLOWERS.+

MR LIAO SAID PERSONS RELATED TO ANY OBSCURE RELIGIOUS MOVEMENTS ARE SUBJECT TO CLOSE VETTING AND MAY BE REFUSED LANDING ON ARRIVAL OR SUBSEQUENT EXTENSION OF STAY.

+DISTRICT SOCIAL WELFARE STAFF, WHO ARE WELL AWARE OF THE NATURE OF THE ACTIVITIES OF THESE NON-TRADITIONAL RELIGIOUS CULTS, PROVIDE NECESSARY COUNSELLING SERVICE TO PREVENT YOUNG PEOPLE FROM FALLING A PREY TO SUCH CULTS,+ HE SAID.

MR LIAO STRESSED THAT THERE IS AS YET LITTLE EVIDENCE TO SUGGEST THAT SUCH RELIGIOUS CULTS HAVE SPREAD TO THE EXTENT TO BE A CAUSE FOR ALARM.

+HOWEVER, TO COMBAT THIS TYPE OF PROBLEM EFFECTIVELY, IT WOULD REQUIRE INCREASED ATTENTION OF CARE BY THE COMMUNITY AS A WHOLE,+ HE ADDED.

+IN PARTICULAR, FAMILIES, SCHOOLS, TRADITIONAL RELIGIOUS BODIES, SOCIAL WORK ORGANISATIONS AND ALL THOSE CONCERNED WITH THE WELL-BEING OF YOUTH HAVE A PART TO PLAY.+

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DETAILED STUDY NEEDED ON NULLAH POLLUTION
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THE LONG-TERM ANSWER TO POLLUTION OF THE WONG CHUK HANG NULLAH LIES IN REDUCING THE AMOUNT OF INDUSTRIAL AND DOMESTIC WASTE ENTERING IT, THE SECRETARY FOR HEALTH AND WELFARE, THE HON NIGEL SHIPMAN, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THIS WOULD INVOLVE A DETAILED STUDY OF THE SOURCES OF POLLUTION AND TAKING ACTION AGAINST THE PERSONS OR COMPANIES RESPONSIBLE, MR SHIPMAN SAID.

+IN SOME CASES IT MAY BE NECESSARY TO DIVERT GROSSLY-POLLUTED STORMWATER DRAINS INTO THE SEWERAGE SYSTEM.+

REPLYING TO A QUESTION BY THE HON LIU LIT-FOR, MR SHIPMAN SAID THAT DOMESTIC WASTE FROM SQUATTER AREAS AND INDUSTRIAL DISCHARGES CONNECTED INTO THE STORM WATER DRAINS WERE SOURCES OF POLLUTION IN THE WONG CHUK HANG NULLAH.

THE TIDAL FLOWS FROM ABERDEEN HARBOUR ALSO CARRIED POLLUTANTS AND REDUCED THE FLUSHING RATE OF THE NULLAH.

+AS A RESULT, THE NULLAH IS HEAVILY POLLUTED, PARTICULARLY AT THE MAIN TIDAL STRETCH DOWNSTREAM OF THE NAM LONG SHAN ROAD BRIDGE,+ HE SAID.

+ESPECIALLY IN DRY WEATHER, THE DISSOLVED OXYGEN LEVEL IN THE WATER IS LOW AND AN OBNOXIOUS ODOUR EXUDES FROM THE POLLUTED MUD ON THE BED OF THE NULLAH.+

HOWEVER, A MEASURE OF IMPROVEMENT HAD BEEN NOTED SINCE WATER DISCHARGED FROM OCEAN PARK'S WATER WORLD BEGAN FLOWING THROUGH THE NULLAH.

+IN ORDER TO REDUCE THE NUISANCE, THE NULLAH IS CLEANED AND DESILTED ON A REGULAR ANNUAL BASIS,+ HE SAID. THIS WORK BROUGHT ONLY TEMPORARY RELIEF, AND THERE WERE NO PLANS TO UNDERTAKE IT MORE FREQUENTLY.

MR SHIPMAN SAID IT WOULD NOT BE POSSIBLE TO DECK OVER OR FILL IN THE NULLAH.

+DECKING OVER THE NULLAH HAS BEEN CONSIDERED BUT IS NOT THOUGHT TO BE WORTHWHILE SO LONG AS INDUSTRIAL AND DOMESTIC WASTES CONTINUE TO BE DISCHARGED INTO IT. THERE WOULD BE A RISK OF TRAPPING VAPOURS AND GASES BENEATH THE DECKING,+ HE EXPLAINED.

FURTHER, AS THE ESTIMATED COST FOR DECKING OVER THE WHOLE OF THE NULLAH WAS ABOUT \$200 MILLION, THE PROJECT WOULD NOT BE JUSTIFIED UNLESS THE ADDITIONAL LAND SPACE THUS CREATED WAS REQUIRED FOR ROAD IMPROVEMENTS OR FOR OTHER FACILITIES.

/+IT WOULD

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+IT WOULD ALSO MAKE CLEANING AND MAINTENANCE OPERATIONS MORE DIFFICULT AND EXPENSIVE,+ HE ADDED.

AS FOR FILLING IN THE NULLAH, HE EXPLAINED IT WOULD ALSO NOT BE POSSIBLE AS THE NULLAH WAS REQUIRED TO PROVIDE ADEQUATE DRAINAGE OF STORM WATER IN THE AREA.

MR SHIPMAN POINTED OUT THAT THE POLLUTION OF NULLAHS BY THE IMPROPER DISPOSAL OF WASTE WAS A TERRITORY-WIDE PROBLEM. +THE ENVIRONMENTAL PROTECTION DEPARTMENT IS ALREADY COMMITTED TO STUDIES IN OTHER AREAS, BUT WILL EXAMINE HOW THE PROBLEMS AT WONG CHUK HANG SHOULD BE REMEDIED ONCE RESOURCES BECOME AVAILABLE. I HOPE THAT THESE STUDIES CAN BE UNDERTAKEN IN THE COURSE OF NEXT YEAR,+ HE ADDED.

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ANTI-DRUG PUBLICITY DIRECTED TOWARDS HEROIN
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THE GOVERNMENT IS SPENDING \$1.58 MILLION THIS FINANCIAL YEAR TO COVER ALL ASPECTS OF THE ANTI-NARCOTICS PREVENTIVE EDUCATION AND PUBLICITY PROGRAMME, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON HILTON CHEONG-LEEN, MR THOMAS SAID IT WAS NOT POSSIBLE TO PROVIDE A BREAKDOWN OF THE EXPENDITURE IN RESPECT OF PREVENTIVE EDUCATION AND PUBLICITY PROGRAMMES RELATING TO THE ABUSE OF NON-OPIATE PSYCHOTROPIC SUBSTANCES.

HE SAID: +IN HONG KONG, THE MOST COMMONLY ABUSED DRUG IS HEROIN AND, FOR THIS REASON, THE MAIN THRUST OF PUBLICITY IS DIRECTED TOWARDS THE HEROIN PROBLEM.+

HE REMINDED MEMBERS THAT MEASURES DIRECTED SPECIFICALLY AT THE ABUSE OF PSYCHOTROPIC SUBSTANCES HAD BEEN OUTLINED BY THE ACTING ATTORNEY GENERAL, MR FINDLAY, IN ANSWER TO A QUESTION IN THE COUNCIL ON MAY 21.

WITH REGARD TO CRISIS COUNSELLING, MR THOMAS SAID: +ABUSERS OF PSYCHOTROPIC DRUGS WOULD PROBABLY NOT REALISE THAT A CRISIS SITUATION HAD ARISEN UNTIL EITHER THEY WERE IN URGENT NEED OF MEDICAL TREATMENT OR THEIR DRUG TAKING HAD LED THEM INTO SOCIAL AND FINANCIAL DIFFICULTIES.+

IN THE FORMER CASE, HE SAID, COUNSELLING WOULD FORM PART OF THE TREATMENT AVAILABLE IN THE PSYCHIATRIC HOSPITAL OR OUT-PATIENT SERVICE.

/IN THE

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IN THE LATTER CASE, IF IN SOCIAL OR FINANCIAL DIFFICULTIES THE ABUSERS COULD TURN TO ONE OF A NUMBER OF VOLUNTARY AGENCIES WHO COULD REFER THEM TO THE SOCIETY FOR THE AID AND REHABILITATION OF DRUG ABUSERS (SARDA) FOR COUNSELLING.

+WHERE A CRISIS SITUATION HAD NOT ARISEN, ANY OUT-REACH SOCIAL WORKER COMING INTO CONTACT WITH AN ABUSER OF PSYCHOTROPIC DRUGS WILL BE ABLE TO PROVIDE SOME DEGREE OF COUNSELLING,+
MR THOMAS ADDED.

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PUBLIC ASSISTANCE REVIEW NEARING COMPLETION
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THE REVIEW OF THE PUBLIC ASSISTANCE SCHEME IS NEARING COMPLETION, THE SECRETARY FOR HEALTH AND WELFARE, THE HON NIGEL SHIPMAN, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO QUESTIONS BY THE HON HUI YIN-FAT, MR SHIPMAN SAID: +I HOPE THAT IT WILL BE POSSIBLE TO FINALISE THE PROPOSALS WITHIN THE NEXT MONTH OR SO.+

HE SAID THE REVIEW WAS NOT CONCERNED WITH REVISING THE PUBLIC ASSISTANCE INDEX, WHICH WAS A STATISTICAL MEASUREMENT OF THE AGGREGATE CHANGE IN THE PRICES OF ITEMS OF EXPENDITURE LIKELY TO BE INCURRED BY HOUSEHOLDS RECEIVING PUBLIC ASSISTANCE.

+THE REAL VALUE OF PUBLIC ASSISTANCE PAYMENTS IS MONITORED EACH MONTH AGAINST MOVEMENTS OF THE INDEX AND THE BASIC SCALE OF RATES IS ADJUSTED WHEN PRICE MOVEMENTS IN THE INDEX HAVE SHOWN THIS TO BE NECESSARY,+ MR SHIPMAN SAID.

+EACH TIME THE RATES ARE ADJUSTED, THEY ARE SET SLIGHTLY ABOVE THE CURRENT LEVEL ON THE INDEX TO ALLOW FOR FUTURE INFLATION.+

HE SAID THE REASON WHY NO INCREASE HAD BEEN NECESSARY SINCE FEBRUARY 1984 WAS THAT INFLATION HAD SLOWED DOWN AND THE ADJUSTMENT MECHANISM HAD NOT BEEN TRIGGERED.

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NO HARDSHIP IN IMPLEMENTING CENTRALISED SCHOOLS SCHEME
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THE GOVERNMENT HAS TAKEN FULL ACCOUNT OF THE NEEDS OF THE DIFFERENT LOCALITIES TO ENSURE THAT NO HARDSHIP WILL BE CREATED FOR PUPILS, PARENTS OR SCHOOL AUTHORITIES WHEN IMPLEMENTING THE CENTRALISED PRIMARY SCHOOLS SCHEME, THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON MICHAEL LEUNG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON CHEUNG YAN-LUNG, MR LEUNG SAID THE AGREEMENT OF THE CONSTITUENT SCHOOL AUTHORITIES WOULD BE SOUGHT AT THE INITIAL STAGE.

AS FAR AS POSSIBLE, THE INCORPORATED BODY RESPONSIBLE FOR THE NEW SCHOOL WOULD BE COMPOSED OF REPRESENTATIVES OF THE CONSTITUENT SCHOOLS TO BE REPLACED.

SECONDLY, IN ORDER TO ASSIST WITH THE TRAVELLING EXPENSES WHICH MIGHT BE INCURRED BY VILLAGE CHILDREN IN ATTENDING A CENTRALISED PRIMARY SCHOOL, THE GOVERNMENT WAS PREPARED TO CONSIDER TRANSPORT SUBSIDIES WHEN NECESSARY.

MR LEUNG SAID THAT ANY MEMBERS OF THE TEACHING STAFF OF THE CONSTITUENT SCHOOLS WHO COULD NOT BE RE-EMPLOYED IN THE NEW CENTRALISED SCHOOL WOULD BE GIVEN APPROPRIATE ASSISTANCE IN FINDING ALTERNATIVE POSTS ELSEWHERE.

TO ANOTHER QUESTION BY MR CHEUNG, ABOUT PROGRESS MADE IN IMPLEMENTING THE SCHEME, MR LEUNG NOTED THAT FOUR CENTRALISED PRIMARY SCHOOLS HAD BEEN PROPOSED, BASED ON THE RECOMMENDATION IN THE 1981 WHITE PAPER +PRIMARY EDUCATION AND PRE-PRIMARY SERVICES+. OF THESE, THE ONE IN HO CHUNG (SAI KUNG) HAD BEEN IN OPERATION SINCE OCTOBER 1984.

THE REMAINING THREE WERE INTENDED TO REPLACE SMALL RURAL SCHOOLS IN HANG HAU (SAI KUNG), SHA TAU KOK AND LANTAU ISLAND.

MR LEUNG SAID A SITE AT MANG KUNG UK VILLAGE, WHICH AT PRESENT ACCOMMODATED THE EXISTING HANG HAU DISTRICT PUBLIC SCHOOL, WAS CHOSEN FOR THE HANG HAU PROJECT.

+THE INTENTION IS TO BUILD A NEW 12 CLASSROOM PRIMARY SCHOOL ON THIS SITE TO REPLACE THE EXISTING SCHOOL AND TO ACCOMMODATE THE PUPILS FROM FIVE OTHER SMALL PRIMARY SCHOOLS IN THE VICINITY.+

HE SAID HE HOPED THE HANG HAU CENTRALISED PRIMARY SCHOOL WOULD BE COMPLETED IN TIME FOR THE 1989-90 SCHOOL YEAR.

/THE THIRD

THE THIRD CENTRALISED PRIMARY SCHOOL, HE SAID, WOULD BE BUILT AT SHA TAU KOK TO REPROVISION THE EXISTING FISH MARKETING ORGANISATION'S SCHOOL, WHICH WOULD BE CLOSED DUE TO A REDEVELOPMENT PROGRAMME THERE, AND TO REPLACE FOUR OTHER SMALL RURAL SCHOOLS IN THE VICINITY.

HE ALSO ADDED THAT THE NORTH DISTRICT BOARD HAD GIVEN SUPPORT TO THE PROJECT WHICH WOULD BE COMPLETED IN TIME FOR THE 1988-89 SCHOOL YEAR.

AS REGARDS A CENTRALISED PRIMARY SCHOOL ON LANTAU, HE SAID THAT DUE TO THE LACK OF SUPPORT FROM HEADMASTERS, TEACHERS AND PARENTS CONCERNED, THIS PROJECT WOULD BE SHELVED FOR THE TIME BEING.

MR LEUNG SAID THE INTENTION WAS TO AMALGAMATE FIVE SMALL RURAL SCHOOLS IN SOUTH LANTAU. THE PREMISES OF ONE OF THE EXISTING SCHOOLS WOULD BE USED FOR THE NEW SCHOOL AS DEMAND FOR SCHOOL PLACES IN THAT PART OF THE ISLAND DID NOT WARRANT THE BUILDING OF A NEW 12 CLASSROOM SCHOOL.

+IT WAS HOPED THAT THE PROPOSED AMALGAMATION WOULD BRING ABOUT MORE EFFECTIVE TEACHING BY DOING AWAY WITH COMBINED CLASSES,+ HE EXPLAINED.

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SUICIDE CASES: OUTLINE OF POSSIBLE FACTORS

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THE REASON FOR THE INCREASE IN SUICIDE CASES INVOLVING SCHOOL CHILDREN OVER THE PAST TWO YEARS IS NOT KNOWN, ALTHOUGH IT IS SUSPECTED THAT THE INFLUENCE OF SUICIDES AMONG PEERS AND REPORTING OF CASES LOCALLY AND OVERSEAS MIGHT BE CONTRIBUTING FACTORS, THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON MICHAEL LEUNG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO DR THE HON CONRAD LAM, MR LEUNG SAID THE TOTAL NUMBERS OF CASES, KNOWN TO THE EDUCATION DEPARTMENT, OF SUICIDE OR ATTEMPTED SUICIDE INVOLVING SCHOOL CHILDREN WERE TEN IN 1983-84, 34 IN 1984-85 AND 56 IN 1985-86.

THERE WERE TWO DEATHS IN 1983-84, ONE IN 1984-85, AND FIVE IN 1985-86.

IN ADDITION, MR LEUNG SAID, THE TECHNICAL EDUCATION AND INDUSTRIAL TRAINING DEPARTMENT KNEW OF TWO FATAL CASES, BOTH DURING THE CURRENT ACADEMIC YEAR, INVOLVING STUDENTS ATTENDING TECHNICAL INSTITUTES.

/NO INFORMATION

NO INFORMATION WAS IMMEDIATELY AVAILABLE ABOUT CASES INVOLVING POST-SECONDARY OR TERTIARY STUDENTS, HE SAID.

+FIGURES FROM THE CORONER'S OFFICE, MEANWHILE, INDICATE THAT THE TOTAL NUMBER OF SUICIDES IN THE 10-19 AGE GROUP IN THE YEARS 1983, 1984 AND 1985 WERE 21, NINE AND 14 RESPECTIVELY,+ HE SAID.

+IT SHOULD BE NOTED, HOWEVER, THAT THE TIME PERIODS ARE CALENDAR RATHER THAN ACADEMIC YEARS AND THAT THE 10-19 AGE GROUP IS NOT COMPOSED WHOLLY OF STUDENTS.+

PRINCIPAL, BUT NOT NECESSARILY SOLE, CAUSES IN THE CASES INVOLVING SCHOOL CHILDREN, AS REVEALED BY THE EDUCATION DEPARTMENT'S INVESTIGATIONS, INCLUDED POOR FAMILY RELATIONSHIPS, ABNORMAL EMOTIONAL REACTIONS AND SCHOOL PROBLEMS.

AS REGARDS THE TWO STUDENTS ATTENDING TECHNICAL INSTITUTES, HE SAID, THE UNDERLYING CAUSE IN ONE CASE APPEARED TO HAVE BEEN A COMBINATION OF PERSONAL AND WORK-RELATED FACTORS, WHILE THE CAUSE IN THE OTHER CASE WAS NOT KNOWN.

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LEI YUE MUN TO PRESERVE VILLAGE CHARACTER
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THERE ARE NO PLANS FOR MAJOR DEVELOPMENT AT LEI YUE MUN AND IT IS INTENDED THAT THE PRESENT VILLAGE CHARACTER OF THE AREA SHOULD BE PRESERVED, THE SECRETARY FOR LANDS AND WORKS, THE HON NICKY CHAN, SAID TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO QUESTIONS BY THE HON POON CHI-FAI, MR CHAN SAID IMPLEMENTATION OF STAGE 4 OF THE SAM KA TSUEN DEVELOPMENT INVOLVED SOME MINOR CLEARANCE ON THE PERIPHERY OF LEI YUE MUN VILLAGE, BUT THE VILLAGE ITSELF WOULD NOT BE AFFECTED.

+NEVERTHELESS, IMPROVEMENTS TO THE ENVIRONMENT AND FACILITIES OF THE AREA ARE NEEDED,+ HE SAID.

ON CAR PARKING, MR CHAN SAID AS A LONG-TERM SOLUTION A SITE HAD BEEN RESERVED AT THE EDGE OF LEI YUE MUN VILLAGE FOR A MULTI-STORY CAR-LORRY PARK.

IN THE SHORTER TERM, THREE PIECES OF LAND HAD BEEN LET ON SHORT-TERM TENANCIES FOR TEMPORARY CAR PARKS, PROVIDING A TOTAL OF 162 SPACES.

/IN ADDITION,

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IN ADDITION, SITES AT THE JUNCTIONS OF YAN WING STREET AND KA WING STREET AND ALONG SHUNG SHUN STREET WERE ALSO PROPOSED FOR TEMPORARY CAR PARKS, PROVIDING A FURTHER 88 PARKING SPACES.

MR CHAN SAID IMPROVEMENTS TO THE STORMWATER DRAINAGE SYSTEM WERE BEING CARRIED OUT BY THE HOUSING DEPARTMENT UNDER THEIR SQUATTER AREA IMPROVEMENT PROGRAMME AND WERE SCHEDULED FOR COMPLETION EARLY NEXT YEAR.

+THERE IS AT PRESENT NO SEWERAGE SYSTEM FOR THE AREA, BUT A STUDY ON THE SEWERAGE SYSTEM FOR THE WHOLE OF EAST KOWLOON, INCLUDING LEI YUE MUN, IS AT PRESENT BEING UNDERTAKEN,+ MR CHAN SAID.

THE STUDY WAS TENTATIVELY SCHEDULED FOR COMPLETION IN 1987.

A SITE AT KO FAI ROAD WAS EARMARKED FOR A SEWAGE TREATMENT WORKS FOR THE AREA.

ON FACILITIES FOR RESIDENTS OF THE VILLAGE, MR CHAN SAID A 4.5-METRE-WIDE EMERGENCY ACCESS LANE LEADING TO THE EXISTING JETTY HAS BEEN PROPOSED. SUBJECT TO THE AVAILABILITY OF FUNDS, THIS WAS SCHEDULED FOR COMPLETION IN MARCH 1988.

IMPROVEMENTS TO EXISTING FOOTPATHS WOULD ALSO BE MADE UNDER THE SQUATTER AREA IMPROVEMENTS PROGRAMME.

+WORK ON OTHER IMPROVEMENTS, INCLUDING A METERED WATER SUPPLY AND STREET LIGHTING, IS IN HAND AND SHOULD BE COMPLETED IN 1987,+ MR CHAN SAID.

+THE PROVISION OF FACILITIES IN THE SHORT TERM IS HINDERED BY THE LACK OF VACANT LAND IN THE VILLAGE.

+HOWEVER, LONGER TERM IMPROVEMENTS FOR THE AREA ARE BEING CONSIDERED,+ HE SAID.

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SIX BILLS PASSED
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SIX BILLS -- THE INTERPRETATION AND GENERAL CLAUSES (AMENDMENT)(NO. 2) BILL 1986, THE LAW AMENDMENT AND REFORM (CONSOLIDATION)(AMENDMENT) BILL 1986, THE FATAL ACCIDENTS BILL 1986, THE PRISONS (AMENDMENT) BILL 1986, THE ROAD TRAFFIC (AMENDMENT)(NO. 2) BILL 1986 AND THE ROAD TRAFFIC (DRIVING-OFFENCE POINTS)(AMENDMENT) BILL 1986 -- WERE PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

FIVE OTHER BILLS -- THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL 1986, THE FOREIGN MARRIAGE (AMENDMENT) BILL 1986, THE LEGITIMACY (AMENDMENT) BILL 1986, THE DOMESTIC VIOLENCE BILL 1986 AND THE LAND REGISTRATION (AMENDMENT) BILL 1986 -- WERE READ A SECOND TIME AND DEBATE ON THEM WAS ADJOURNED.

THE MEETING WAS ADJOURNED TO JULY 16.

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GOVERNOR TO VISIT PEKING

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A GOVERNMENT SPOKESMAN SAID TODAY (WEDNESDAY) THAT THE GOVERNOR, SIR EDWARD YOUDE, WILL VISIT PEKING OVER THE WEEKEND OF AUGUST 29 TO SEPTEMBER 2 AS A GUEST OF THE BRITISH AMBASSADOR, SIR RICHARD EVANS.

SIR EDWARD, WHO SERVED IN PEKING FOR MANY YEARS, HOPES ALSO TO VISIT CHENGDE.

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GOVERNOR LEAVES FOR NORTH AMERICA TOMORROW

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THE GOVERNOR, SIR EDWARD YOUDE, ACCOMPANIED BY LADY YOUDE, WILL LEAVE TOMORROW (THURSDAY) MORNING FOR A 13-DAY OFFICIAL VISIT TO NORTH AMERICA TO FURTHER HONG KONG'S INTERNATIONAL TRADE AND ECONOMIC TIES.

SIR EDWARD'S VISIT WILL TAKE HIM TO SAN FRANCISCO, SEATTLE, VANCOUVER AND CHICAGO. HE WILL MAKE SPEECHES IN EACH CITY, AND WILL ALSO HAVE A SERIES OF MEETINGS WITH BUSINESSMEN AND INDUSTRIALISTS AS WELL AS GOVERNMENTAL OFFICIALS.

THE VISIT IS INTENDED TO DELIVER A POSITIVE MESSAGE ON HONG KONG'S FUTURE, AND ITS TRADING AND BUSINESS POTENTIAL FOR THE UNITED STATES AND CANADA. HE WILL ALSO STRESS THE THREAT THAT PROTECTIONISM POSES TO WORLD TRADE.

THE GOVERNOR WILL DELIVER HIS FIRST SPEECH IN SAN FRANCISCO ON MONDAY, JULY 14, AT A LUNCH JOINTLY HOSTED BY THE WORLD AFFAIRS COUNCIL OF NORTHERN CALIFORNIA AND THE HONG KONG BAY AREA ASSOCIATION. THE AUDIENCE OF 600 WILL INCLUDE CITY AND STATE POLITICIANS, BUSINESS PEOPLE AND COMMUNITY LEADERS.

THE NEXT DAY HE WILL OPEN THE HONG KONG GOVERNMENT'S NEW ECONOMIC AFFAIRS OFFICE LOCATED IN CENTRAL SAN FRANCISCO. THIS OFFICE, HEADED BY MR BILLY LAM, HAS BEEN SET UP IN RECOGNITION OF THE AMERICAN MARKET'S IMPORTANCE TO HONG KONG.

THE VISIT TO SAN FRANCISCO COINCIDES WITH A +HONG KONG WEEK+ BEING HELD IN THE CITY.

/SIR EDWARD

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SIR EDWARD WILL FLY TO SEATTLE ON WEDNESDAY, JULY 16 AND WHILE THERE WILL GIVE A LUNCH SPEECH TO MEMBERS OF THE WASHINGTON STATE COUNCIL ON INTERNATIONAL TRADE AND THE WASHINGTON STATE CHINA RELATIONS COUNCIL.

LATER THAT DAY SIR EDWARD WILL GO ON TO VANCOUVER WHERE HE WILL REMAIN UNTIL SUNDAY, JULY 20. ON THURSDAY, JULY 17 HE WILL SPEAK TO MEMBERS OF THE VANCOUVER BOARD OF TRADE, THE HONG KONG-CANADA BUSINESS ASSOCIATION AND THE ROYAL COMMONWEALTH SOCIETY.

SIR EDWARD AND LADY YOUDE WILL SPEND FRIDAY, JULY 18 AT EXPO '86, FIRST INSPECTING THE HONG KONG PAVILION AND THEN TOURING THE EXHIBITION SITE. THE DAY HAS BEEN DESIGNATED +HONG KONG DAY+ BY THE EXPOSITION ORGANISERS.

THE GOVERNOR WILL FLY TO CHICAGO ON JULY 20. ON MONDAY, JULY 21, HE WILL HAVE DISCUSSIONS WITH OFFICIALS OF THE CHICAGO BOARD OF TRADE, AND THEN WILL GIVE HIS FOURTH MAJOR SPEECH, AT A LUNCH HOSTED BY THE CHICAGO COUNCIL ON FOREIGN RELATIONS.

AT THE END OF THE NORTH AMERICAN VISIT, SIR EDWARD AND LADY YOUDE WILL FLY TO LONDON TO BEGIN THEIR ANNUAL LEAVE.

THE GOVERNOR WILL BE FLYING TO SAN FRANCISCO AS GUEST-OF-HONOUR ON CATHAY PACIFIC AIRWAYS' INAUGURAL FLIGHT TO THAT CITY.

ALSO ON BOARD WILL BE THE CHAIRMAN OF THE TRADE DEVELOPMENT COUNCIL, MISS LYDIA DUNN= THE CHAIRMAN OF THE HONG KONG BANK, SIR MICHAEL SANDBERG= AND CATHAY PACIFIC CHAIRMAN, MR MICHAEL MILES, WHO IS ALSO CHAIRMAN OF THE HONG KONG TOURIST ASSOCIATION.

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NOTE TO EDITORS:

THE GOVERNOR WILL BE DEPARTING ON CX800 AT 10.15 AM TOMORROW. A PHOTOGRAPHIC FACILITY WILL BE ARRANGED FOR MEDIA REPRESENTATIVES TO COVER THE DEPARTURE. MEDIA REPRESENTATIVES SHOULD ASSEMBLE IN THE AIRPORT PRESS ROOM BY 9.15 AM.

GIS OFFICERS WILL BE ON HAND TO ASSIST.

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WEDNESDAY, JULY 9, 1986

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GOVERNMENT RECORDS TO BE APPRAISED
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MR A. I. DIAMOND, THE FORMER ARCHIVIST, HAS BEEN APPOINTED
+GOVERNMENT RECORDS CO-ORDINATOR+ FOR A PERIOD OF SIX MONTHS.

HIS TASK WILL BE TO INITIATE AN APPRAISAL OF GOVERNMENT
RECORDS WITH A VIEW TO IDENTIFYING THOSE WHICH SHOULD BE SENT
TO THE UNITED KINGDOM BEFORE 1997.

THE APPRAISAL WILL ALSO INCLUDE AN INVESTIGATION OF THE RECORD
KEEPING PRACTICES IN DEPARTMENTS WITH A VIEW TO PROMOTING GREATER
EFFECTIVENESS IN THE MANAGEMENT OF PUBLIC RECORDS.

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REGISTRATION REVOKED
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THE COMMISSIONER OF DEPOSIT-TAKING COMPANIES ANNOUNCED THAT THE
REGISTRATION OF SINO-THAI FINANCE LIMITED AS A DEPOSIT-TAKING COMPANY
HAS BEEN REVOKED AT ITS OWN REQUEST UNDER SECTION 14(2) OF THE
DEPOSIT-TAKING COMPANIES ORDINANCE.

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AH KUNG NGAM WATER KIOSK REOPENS
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THE WATER SUPPLIES DEPARTMENT IS TO REOPEN ITS WATER SELLING
KIOSK FOR DWELLERS OF AH KUNG NGAM IN SHAU KEI WAN FROM TOMORROW
(THURSDAY).

LOCATED AT THE SEAWALL ON THE EASTERN SIDE OF THE ALDRICH
BAY TYPHOON SHELTER, THE KIOSK HAD BEEN CLOSED SINCE JULY 1982
BECAUSE OF RECLAMATION WORK.

DURING THAT PERIOD, A TEMPORARY KIOSK HAD BEEN OPERATING
AT SAI WAN HO.

OPENING HOURS OF THE KIOSK WILL BE FROM 8 AM TO NOON AND 1 PM
TO 5 PM DAILY, INCLUDING SUNDAYS AND PUBLIC HOLIDAYS.

TICKETS FOR PURCHASING WATER ARE AVAILABLE AT:

- * TREASURY - CENTRAL COLLECTION CENTRE;
- * YAU MA TEI SUB-TREASURY;
- * MARINE DEPARTMENT HEADQUARTERS IN CENTRAL; AND
- * SHAU KEI WAN MARINE OFFICE.

THE PRICE WILL BE \$2.11 PER CUBIC METRE.

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DB COMMITTEE TO DISCUSS STREET LIGHT PROBLEM
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MEMBERS OF THE ENVIRONMENTAL IMPROVEMENT COMMITTEE OF THE CENTRAL AND WESTERN DISTRICT BOARD WILL DISCUSS THE PROBLEM OF STREET LIGHTS IN SQUATTER AREAS AT THEIR MEETING TOMORROW (THURSDAY) AFTERNOON.

THE SUBJECT IS RAISED BY THE HOUSING DEPARTMENT WHO PROPOSED TO TAKE OVER ALL EXISTING PUBLIC STREET LIGHTS INSTALLED BY DISTRICT BOARDS IN SQUATTER AREAS FOR SUBSEQUENT MAINTENANCE AND PAYMENT OF ELECTRICITY COST.

MEMBERS WILL ALSO DISCUSS WAYS TO MAINTAIN AND ENHANCE THE GREENERY OF THE DISTRICT AND THE PROBLEM OF VANDALISM TO THE FACILITIES PROVIDED BY THE BOARD AT THE SUMMIT OF MOUNT DAVIS.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE ENVIRONMENTAL IMPROVEMENT COMMITTEE MEETING OF THE CENTRAL AND WESTERN DISTRICT BOARD TO BE HELD AT 2.30 PM TOMORROW (THURSDAY) IN THE CONFERENCE ROOM OF THE DISTRICT OFFICE ON THE 14TH FLOOR OF HARBOUR BUILDING, 38 PIER ROAD, CENTRAL.

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PRESS BRIEFING
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THE CHAIRMAN OF THE TAI PO DISTRICT BOARD'S TRAFFIC AND TRANSPORT COMMITTEE, DR STEPHAN TANG LUNG-WAI, WILL BRIEF THE PRESS TOMORROW (THURSDAY) ON MATTERS WHICH WERE DISCUSSED AT A COMMITTEE MEETING HELD YESTERDAY (TUESDAY).

THE BRIEFING WILL BE HELD AT 11.30 AM IN THE CONFERENCE ROOM OF THE DISTRICT BOARD SECRETARIAT ON THE THIRD FLOOR, TAI PO COMMERCIAL CENTRE, 152-172 KWONG FUK ROAD, TAI PO.

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NOTE TO EDITORS:

YOU ARE INVITED TO ATTEND.

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DETAILS OF SUMMER YOUTH PROGRAMME
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A PRESS CONFERENCE TO ANNOUNCE DETAILS OF THIS YEAR'S CENTRAL AND WESTERN DISTRICT SUMMER YOUTH PROGRAMME WILL BE HELD AT 12.30 PM TOMORROW (THURSDAY) ON THE SIXTH FLOOR OF THE UNITED CENTRE RESTAURANT, ADMIRALTY, QUEENSWAY.

ATTENDING THE PRESS CONFERENCE WILL BE THE ASSISTANT DISTRICT OFFICER, MISS ELIZABETH TSE, THE CHAIRMAN OF THE DISTRICT'S SUMMER YOUTH PROGRAMME CO-ORDINATING COMMITTEE, MR WONG CHUNG-YING.

NOTE TO EDITORS:

YOU ARE INVITED TO ATTEND.

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TEMPORARY TRAFFIC CHANGES IN WESTERN
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TO FACILITATE ROAD RECONSTRUCTION ON BELCHER'S STREET, THE FOLLOWING TRAFFIC ARRANGEMENTS WILL BE IMPLEMENTED IN WESTERN DISTRICT FROM 10 AM ON SATURDAY (JULY 12) FOR ABOUT FOUR WEEKS:

- * NO VEHICLE OTHER THAN EMERGENCY VEHICLES WILL BE ALLOWED TO ENTER THE SECTION OF SMITHFIELD BETWEEN HOUSE NO. 41A AND ITS JUNCTION WITH BELCHER'S STREET.
- * TRAFFIC EXCEPT EMERGENCY VEHICLES FROM SMITHFIELD SOUTH OF BELCHER'S STREET WILL BE BANNED FROM TURNING LEFT INTO BELCHER'S STREET. GREEN MINIBUS ROUTES 12, 13 AND 23 ON THIS SECTION OF SMITHFIELD WILL BE ALLOWED TO TURN RIGHT INTO BELCHER'S STREET, WHILE OTHER AFFECTED VEHICLES WILL BE DIVERTED TO POKFIELD ROAD AND POK FU LAM ROAD.
- * GREEN MINIBUS ROUTE 12 ON ITS JOURNEY TO KWUN LUNG LAU WILL HAVE TO USE BELCHER'S STREET AND SMITHFIELD, OMITTING CADOGAN STREET AND CATCHICK STREET.
- * GREEN MINIBUS ROUTE 13 ON ITS JOURNEY TO SAI YING PUN WILL HAVE TO TRAVEL VIA CATCHICK STREET, SANDS STREET, BELCHER'S STREET WESTBOUND AND SMITHFIELD BEFORE RESUMING NORMAL ROUTEING.

/* GREEN MINIBUS

- * GREEN MINIBUS ROUTE 23 ON ITS JOURNEY TO POK FU LAM WILL BE DIVERTED TO CATCHICK STREET, SANDS STREET, BELCHER'S STREET WESTBOUND AND SMITHFIELD BEFORE RESUMING NORMAL ROUTEING.

IN ADDITION, THE FOLLOWING MEASURES WILL ALSO BE IMPLEMENTED FROM 10 AM ON SATURDAY FOR ABOUT FOUR MONTHS:

- * HAU WO STREET WILL BE REROUTED ONE-WAY WESTBOUND, WHILE THE NORTHERN KERBSIDE LANE OF HAU WO STREET WILL BE MADE A PEAK HOUR (7 AM TO 10 AM AND 4 PM TO 7 PM) DAILY URBAN CLEARWAY. BESIDES, METERED PARKING SPACES ON HAU WO STREET WILL ALSO BE TEMPORARILY SUSPENDED.
- * THE PUBLIC LIGHT BUS (PLB) STAND ON SMITHFIELD, OPPOSITE THE KENNEDY TOWN PUBLIC SWIMMING POOL WILL BE RESITED TO HAU WO STREET NEAR ITS JUNCTION WITH DAVIS STREET, WHILE THE PLB STAND ON SMITHFIELD NORTH OF BELCHER'S STREET WILL BE RESITED TO THE SECTION OF SMITHFIELD BETWEEN FORBES STREET AND BELCHER'S STREET.
- * THE SECTION OF SMITHFIELD BETWEEN HAU WO STREET AND BELCHER'S STREET WILL BE CLOSED TO ALL VEHICLES EXCEPT EMERGENCY VEHICLES. AFFECTED VEHICLES WILL BE DIVERTED TO HAU WO STREET AND DAVIS STREET TO REJOIN BELCHER'S STREET.
- * VEHICLES NOT EXCEEDING 10 METRES IN LENGTH ON WESTBOUND BELCHER'S STREET WILL BE ALLOWED TO TURN LEFT INTO SMITHFIELD.
- * PLB'S WILL BE ALLOWED TO ENTER THE SECTION OF CADOGAN STREET BETWEEN BELCHER'S STREET AND CATCHICK STREET, AND THE SECTION OF CATCHICK STREET BETWEEN CADOGAN STREET AND SMITHFIELD 24 HOURS DAILY. AT THE SAME TIME, THE SAME ROAD SECTIONS WILL BE MADE A 24-HOUR DAILY PLB URBAN CLEARWAY.

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TRAFFIC CHANGES IN EASTERN DISTRICT
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THE EXISTING 7 AM TO MIDNIGHT DAILY URBAN CLEARWAY RESTRICTION ON THE SECTION OF MARBLE ROAD BETWEEN A POINT ABOUT 42 METRES EAST OF ITS JUNCTION WITH KAM HONG STREET AND A POINT ABOUT 20 METRES WEST OF THE SAME JUNCTION WILL BE LIFTED FROM 10 AM ON FRIDAY (JULY 11).

ALSO FROM 10 AM ON FRIDAY, THE WESTBOUND TRAM TRACK ON KING'S ROAD FROM A POINT ABOUT 120 METRES WEST OF ITS JUNCTION WITH TAIKOO SHING ROAD TO A POINT ABOUT 130 METRES WEST OF THE SAME JUNCTION WILL BE MADE A TRAM-ONLY LANE 24 HOURS DAILY. THE MEASURE WILL BE IN FORCE FOR ABOUT FOUR MONTHS.

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PLB RESTRICTION IN ABERDEEN
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THE NORTHERN KERBSIDE LANE OF SAI ON STREET BETWEEN CHENGTU ROAD AND TUNG SING ROAD, EXCEPT THE GREEN MINIBUS STAND, WILL BE MADE A 24-HOUR DAILY URBAN CLEARWAY FOR PUBLIC LIGHT BUSES FROM 10 AM ON SATURDAY (JULY 12).

WITHIN THE URBAN CLEARWAY, NO PUBLIC LIGHT BUS WILL BE ALLOWED TO PICK UP OR SET DOWN PASSENGERS.

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