



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
BEACONSFIELD HOUSE, HONG KONG, TEL: 5-233191

WEDNESDAY, JULY 8, 1987

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WEDNESDAY, JULY 8, 1987

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NEED TO SAFEGUARD COMMON GOOD STRESSED

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FREEDOM OF EXPRESSION SHOULD BE MAINTAINED AS FAR AS POSSIBLE AND THAT ANY EXCEPTION TO THAT PRINCIPLE MUST BE PROVEN TO BE FOR THE OVERALL BENEFIT OF THE PEOPLE OF HONG KONG WHEN THE GOVERNMENT CONSIDERS THE NEED FOR FILM CENSORSHIP, THE CHIEF SECRETARY, THE HON DAVID FORD, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE ADDED THAT IF ANY RESTRICTION WAS TO BE IMPOSED, IT MUST BE THE MINIMUM NECESSARY TO SAFEGUARD THE COMMON GOOD.

MR FORD WAS SPEAKING AGAINST A MOTION MOVED BY THE HON MARTIN LEE TO DELETE A CLAUSE OF THE FILM CENSORSHIP REGULATIONS 1987.

HE SAID THE AIM OF REGULATION 3A(VII) WAS TO SAFEGUARD THE INTERESTS OF HONG KONG BY PREVENTING IT FROM BEING USED AS A PROPAGANDA BASE AGAINST OTHER TERRITORIES.

IN CONSIDERING THE MOTION, HE SAID SERIOUS THOUGHTS SHOULD BE GIVEN TO THREE SIGNIFICANT FACTORS - THE NEED TO PRESERVE INDIVIDUAL FREEDOMS; THE IMPORTANCE TO HONG KONG'S ECONOMY OF MAINTAINING GOOD RELATIONS WITH ITS TRADING PARTNERS AND THE PARTICULAR POLITICAL AND GEOGRAPHICAL CIRCUMSTANCES OF HONG KONG.

"AS IN SO MANY CASES THE JUDGEMENT ON HOW TO STRIKE THE RIGHT BALANCE BETWEEN THE VARIOUS PRINCIPLES IS A DIFFICULT ONE TO MAKE," MR FORD NOTED.

WHETHER THERE WAS A NEED TO HAVE ANY CENSORSHIP BASED ON REGULATION 3A(VII), HE SAID THE ATTORNEY GENERAL HAD INDICATED THAT HONG KONG, IN COMMON WITH MOST OTHER TERRITORIES, HAD A NATURAL DESIRE TO LIVE PEACEABLY WITH ITS NEIGHBOURS AND TO DIMINISH THE SCOPE FOR ANY HOSTILITY OR INTERNATIONAL RECRIMINATIONS.

IN ADDITION, HE SAID THE GOVERNMENT HAD ALSO TAKEN THE VIEW THAT BECAUSE HONG KONG'S WHOLE ECONOMY AND LIVELIHOOD OF ITS PEOPLE WAS UNIQUELY DEPENDENT UPON ITS ABILITY TO TRADE, THE TERRITORY'S RELATIONS WITH ITS TRADING PARTNERS MUST NOT BE PUT AT RISK.

"FOR BOTH THESE REASONS WE DO NOT SEE WHY WE SHOULD RISK DAMAGE TO HONG KONG'S RELATIONS WITH OTHER TERRITORIES BY ALLOWING IT TO BE USED AS A PLACE WHERE POLITICAL FILMS, CRITICAL OF EITHER OUR NEIGHBOURS OR OF OUR TRADING PARTNERS, SHOULD BE SHOWN," MR FORD ADDED.

HE STRESSED THAT THE DECISIONS OF NOT TO SHOW SUCH FILMS WERE MADE ON THE GOVERNMENT'S OWN INITIATIVE, BASED ON JUDGEMENT OF THE LIKELIHOOD OF THE FILM CAUSING OFFENCE TO OTHER TERRITORIES.

MR FORD POINTED OUT THAT OVER THE PAST 14 YEARS ABOUT 10,000 FILMS HAD BEEN SUBMITTED FOR CENSORSHIP.

"A TOTAL OF 15 FILMS, ONLY ONE OR TWO A YEAR, FROM NINE DIFFERENT COUNTRIES HAVE BEEN BANNED."

/HE ADDED

HE ADDED NOT ALL THE FILMS BANNED WERE CRITICAL OF CHINA. FOUR WERE CRITICAL OF THE U.S., ONE OF FRANCE AND ONE OF SOUTH KOREA, HE SAID.

"FOR ALL THE YEARS THAT HONG KONG HAS HAD THIS REGULATION THE AUTHORITIES HAVE EXERCISED IT SPARINGLY," HE STRESSED.

MR FORD BELIEVED THAT THE PEOPLE OF HONG KONG EXPECTED DIFFERENT STANDARDS TO BE APPLIED TO THE CENSORSHIP OF FILMS THAN WAS APPLIED TO THE PRINT MEDIA.

HE SAID THE IMPACT OF FILMS WAS MORE IMMEDIATE AND MORE VIVID AND BECAUSE THEY WERE SHOWN TO LARGE AUDIENCES GATHERED TOGETHER IN ONE PLACE, THE REACTIONS THAT COULD BE PROVOKED BY THEM COULD BE QUITE DRAMATIC.

"WHAT SEEMS TO BE CLEAR FROM ALL THE MANY SURVEYS THAT HAVE BEEN UNDERTAKEN IN THIS FIELD IS THAT THE STANDARDS THE CENSORS HAVE APPLIED IN THE PAST HAVE BEEN BROADLY ACCEPTABLE TO THE MAJORITY OF HONG KONG'S PEOPLE," MR FORD SAID.

NOTING THAT HONG KONG HAD HAD THIS REGULATION FOR SOME 14 YEARS AND HAD NEVER SEEN THE NEED TO EXTEND IT TO THE PRINT MEDIA, MR FORD SAID THERE WAS NO REASON WHY THE VIEW SHOULD BE CHANGED.

HE SAID THE EXTENSION OF THESE REGULATIONS WAS ON A STRICTLY TEMPORARY BASIS. IN CONSIDERING THE NEW FILM CENSORSHIP BILL THE PRINCIPLE THAT ONLY THE MINIMUM OF RESTRICTIONS ON THE FREEDOM OF THE INDIVIDUAL SHOULD BE IMPOSED HAD AGAIN BEEN APPLIED.

MR FORD SAID THE NEW BILL, WHICH WAS PUBLISHED IN APRIL FOR PUBLIC INFORMATION AND COMMENT, WOULD FURTHER LIMIT THE POWERS OF THE CENSORS. "UNDER THE BILL THE COMPOSITION OF THE FILM CENSORSHIP APPEAL BOARD WILL BE CHANGED SUBSTANTIALLY," HE SAID.

"THIS WILL ENABLE GREATER PUBLIC PARTICIPATION IN THE CENSORSHIP PROCESS AND WILL INDEED PLACE THE FINAL DECISION AS TO WHETHER OR NOT A FILM IS SHOWN IN THE HANDS OF A MAJORITY OF UNOFFICIALS RATHER THAN A MAJORITY OF OFFICIALS AS AT PRESENT," HE ADDED.

HE SAID THE BILL WAS INTENDED TO BE INTRODUCED INTO THE LEGISLATIVE COUNCIL AS SOON AS PRACTICABLE IN THE NEXT SESSION SUBJECT TO THE EXECUTIVE COUNCIL'S APPROVAL.

HE POINTED OUT THAT THE FILM CENSORSHIP REGULATIONS 1987 TABLED BEFORE THE COUNCIL WERE DESIGNED FOR THE SOLE PURPOSE OF PUTTING BEYOND DOUBT THE LEGAL BASIS OF THE CURRENT FILM CENSORSHIP PRACTICES.

"AS SUCH THEY DO NO MORE THAN PROVIDE THE FRAMEWORK TO ENABLE THE EXISTING CENSORSHIP PRACTICES TO BE CONTINUED."

"THE MAKING OF THESE REGULATIONS IS WITHOUT PREJUDICE TO THE CONSIDERATION OF THE NEW FILM CENSORSHIP BILL 1987. THESE REGULATIONS WILL BE REVOKED WHEN NEW PERMANENT LEGISLATION IS IN PLACE," MR FORD ADDED.

FILM REGULATIONS BALANCE INDIVIDUAL RIGHTS WITH COMMUNITY INTERESTS
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THE FILM CENSORSHIP REGULATIONS STRIKE A BALANCE BETWEEN INDIVIDUAL RIGHTS ON THE ONE HAND AND THE NEED TO MAINTAIN PUBLIC ORDER, SECURITY AND THE INTEREST OF THE COMMUNITY ON THE OTHER, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE SAID IT WAS THE APPROACH OF THESE REGULATIONS WHICH GAVE TO A CENSOR A DISCRETION, FOR HE MIGHT NOT DISAPPROVE A FILM FOR EXHIBITION UNLESS IN HIS CONSIDERED OPINION THERE WAS A LIKELIHOOD THAT ITS SHOWING IN A PUBLIC PLACE WOULD DAMAGE GOOD RELATIONS WITH OTHER TERRITORIES.

IN RESPONSE TO THE LEGAL ASPECTS OF THE ARGUMENTS PUT FORWARD BY THE HON MARTIN LEE THAT THE PROPOSED REGULATIONS WOULD BREACH ARTICLE 19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, MR THOMAS SAID THE QUESTION OF THE DEBATE WAS WHETHER THE PROPOSED POWER TO RESTRICT THE EXHIBITION OF FILMS COULD FAIRLY BE REGARDED AS FALLING WITHIN THE SCOPE OF THE RESTRICTIONS PERMITTED BY ARTICLE 19.

"THE RIGHTS IN ARTICLE 19, THE RIGHT TO EXPRESS VIEWS AND THE RIGHT TO RECEIVE THEM, IN THE FORM OF FILMS OR OTHERWISE, CAN NEVER BE ABSOLUTE OR UNLIMITED.

"THEY ARE ORDINARILY RESTRICTED BY LAW IN A VARIETY OF WAYS THAT ARE FREELY ACCEPTED: FOR EXAMPLE TO PROTECT THE INTERESTS OF OTHERS, OR TO PROTECT THE INTERESTS OF THE COMMUNITY AS A WHOLE.

"SUCH RESTRICTIONS ARE CLEARLY CONTEMPLATED BY ARTICLE 19."

REFERRING TO THE THREE CRITERIA LAID DOWN IN ARTICLE 19 FOR THE RESTRICTIONS IT PERMITTED MR THOMAS SAID THE FIRST ONE -- THAT THEY MUST BE PROVIDED BY LAW -- WAS CLEARLY SATISFIED.

"WE ARE DEBATING A RESTRICTION WHICH WILL HAVE EFFECT UNDER REGULATIONS THAT MAY HAVE THE FORCE OF LAW," HE EXPLAINED.

THE SECOND CRITERION WAS THAT THE RESTRICTIONS IMPOSED MUST SERVE THE PURPOSES MENTIONED IN ARTICLE 19, WHICH INCLUDED RESPECT OF THE RIGHTS OR REPUTATIONS OF OTHERS AND PROTECTION OF NATIONAL SECURITY OR OF PUBLIC ORDER, OTHERWISE INTERPRETED AS ORDRE PUBLIC.

"IT IS THE CONSIDERED VIEW OF THE ADMINISTRATION, BASED ON THE ADVICE WE HAVE RECEIVED THAT IF THE CENSOR WERE TO BAN A FILM THAT THE CENSOR THOUGHT LIKELY TO DAMAGE GOOD RELATIONS WITH OTHER TERRITORIES, AND THEREFORE WARRANTED RESTRICTION, HIS DECISION WOULD FALL WITHIN THE SCOPE OF THOSE PURPOSES,"

MR THOMAS

MR THOMAS STRESSED THAT IT WAS NOT THESE REGULATIONS OR THE PROSPECTIVE BILL THAT COULD BE CALLED INTO QUESTION AS BREACHES OF THE INTERNATIONAL LAW.

"A BREACH COULD ONLY ARISE WHEN SOMEONE IS DENIED THE RIGHT TO EXPRESS VIEWS OR THE RIGHT TO RECEIVE VIEWS," HE CONTINUED.

"AND WHETHER AT THAT POINT THE CENSOR'S DECISION WOULD VIOLATE THE UNITED KINGDOM'S OBLIGATIONS UNDER INTERNATIONAL LAW, WILL NATURALLY DEPEND UPON THE PARTICULAR CIRCUMSTANCES OF THAT CASE.

"ALL ONE CAN SAY, AT THIS STAGE IS THAT A CENSOR WHO CONSCIENTIOUSLY DECIDED THAT A FILM OR A PARTICULAR SERIES OF FILMS COULD NOT BE SHOWN WITHOUT DAMAGING GOOD RELATIONS WITH OTHER TERRITORIES WOULD BE ACTING WITHIN THE SCOPE OF THE RESTRICTIONS PERMITTED BY THE COVENANT."

ON THE THIRD CRITERION IN THE COVENANT -- THAT THE RESTRICTIONS MUST BE NECESSARY TO ACHIEVE THE PURPOSE THAT WERE PERMITTED, MR THOMAS SAID CONCEPTS SUCH AS THE NEEDS OF NATIONAL SECURITY AND PUBLIC POLICY VARIED FROM PLACE TO PLACE, AND FROM COMMUNITY TO COMMUNITY.

"AND SO WITH THE CONSEQUENT NECESSITY FOR RESTRICTIONS UPON THE RIGHTS OF THE INDIVIDUAL," HE SAID.

"IT HAS BEEN RECOGNISED THAT A CONTRACTING STATE HAS A MARGIN OF APPRECIATION AS TO WHETHER IT IS NECESSARY TO APPLY AN AUTHORISED RESTRICTION, AND IF IT IS, HOW FAR IT NEEDS TO GO TO REFLECT ITS ASSESSMENT OF THE NEED."

MR THOMAS SAID THE FACT THAT HONG KONG PROVIDED THIS FORM OF CENSORSHIP FOR THE EXHIBITION OF FILMS ONLY WOULD NOT UNDERMINE THE CASE THAT THIS RESTRICTION WAS IN CONFORMITY WITH ARTICLE 19.

"THAT IS HONG KONG'S APPRECIATION OF THE SPECIAL NEEDS AND CIRCUMSTANCES OF THIS TERRITORY."

MR THOMAS ALSO REMARKED THAT HONG KONG WAS NOT UNIQUE IN SEEKING TO USE POWERS OF CENSORSHIP TO PREVENT DAMAGE TO ITS RELATIONS WITH OTHER TERRITORIES, AND SO FAR AS RESEARCHES WENT NO ONE HAD PREVIOUSLY SOUGHT TO MAKE THE CASE THAT ARTICLE 19 WOULD BE INFRINGED BY CENSORSHIP FOR SUCH A PURPOSE.

"GOOD RELATIONS BETWEEN TERRITORIES IS THE FUNDAMENTAL BASIS OF ALL INTERNATIONAL LAW," HE SAID.

"I SHOULD DOUBT WHETHER THE ACCEPTANCE OF THE RIGHT OF FILM-MAKERS TO EXPRESS IDEAS WAS INTENDED TO BE CARRIED SO FAR AS TO ENABLE THOSE GOOD RELATIONS TO BE UNDERMINED BY MEANS OF POLITICAL PROPAGANDA THAT IS LIKELY TO CAUSE OFFENCE IN OVERSEAS TERRITORIES."

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POLITICAL FILM CENSORSHIP INFRINGES FREEDOM OF EXPRESSION, LEE

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AT THE LEGISLATIVE COUNCIL MEETING TODAY (WEDNESDAY), A MOTION WAS MOVED BY THE HON MARTIN LEE TO AMEND THE FILM CENSORSHIP REGULATIONS 1987 MADE UNDER THE PLACES OF PUBLIC ENTERTAINMENT ORDINANCE.

THE MOTION SOUGHT TO DELETE REGULATION 3A(VII), SO AS TO REVOKE THE POWER OF THE CENSOR TO REFUSE TO APPROVE THE EXHIBITION OF A FILM WHEN HE IS OF THE OPINION THAT THE SHOWING OF THE FILM IN A PUBLIC PLACE "WOULD DAMAGE GOOD RELATIONS WITH OTHER TERRITORIES".

MR LEE EXPLAINED WHY HE CONSIDERED IT NECESSARY TO MOVE THIS MOTION TO DELETE WHAT HAD BEEN CALLED AN INTERIM MEASURE WHILE THE FILM CENSORSHIP BILL 1987 WAS STILL BEING CONSIDERED BY THE PUBLIC.

"FIRST, THIS IS A MATTER OF PRINCIPLE AS IT CONCERNS A FUNDAMENTAL FREEDOM, NAMELY, THE FREEDOM OF EXPRESSION. I THEREFORE FEEL THAT THE LOSS OF SUCH A FREEDOM EVEN FOR ONE DAY IS ONE DAY TOO MANY," HE SAID.

SECONDLY, MR LEE SAID HE HAD INDICATED EARLIER TO THE ADMINISTRATION THAT HE WOULD BE WILLING TO ACCEPT A COMPROMISE AS AN INTERIM MEASURE, THAT WAS IF THE ADMINISTRATION WOULD AGREE TO RESTRICT THE GOOD RELATIONS CLAUSE TO THE THREE EXCEPTIONS ALLOWED FOR IN ARTICLE 19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND RELIED UPON BY THE FOREIGN AND COMMONWEALTH OFFICE IN JUSTIFYING THE EXISTENCE OF THIS PARTICULAR PROVISION.

MR LEE'S PROPOSAL WAS TO ADD A PROVISIO TO REGULATION 3A(VII) WHICH READ:

"PROVIDED THAT THE CENSOR SHALL NOT BAN A FILM OR ANY PART THEREOF UNLESS HE IS SATISFIED THAT THE FILM OR ANY PART THEREOF:

- (I) INFRINGES THE RIGHTS OR REPUTATIONS OF OTHERS INCLUDING PUBLIC FIGURES IN OTHER COUNTRIES; OR
- (II) THREATENS OR IS LIKELY TO THREATEN THE TERRITORIAL SECURITY OF HONG KONG".

"THIS AMENDMENT WOULD HAVE TAKEN CARE OF TWO OF THE THREE CRITERIA GIVEN BY THE FCO.

"AS FOR THE THIRD CRITERION, PROTECTION OF PUBLIC ORDER, IT IS SEPARATELY DEALT WITH UNDER PARAGRAPH (VIII) OF REGULATION 3A, THAT IS: 'ENCOURAGE PUBLIC DISORDER'".

MR LEE SAID THAT THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION HAD TOLD THE AD HOC GROUP THAT SUCH AN AMENDMENT WOULD BE UNACCEPTABLE TO THE ADMINISTRATION BECAUSE IT WOULD MEAN THAT THE BANNING OF SUCH A FILM WOULD BE MORE DIFFICULT TO DEFEND IN A COURT OF LAW IN HONG KONG; AND MORE IMPORTANTLY BECAUSE THE ADMINISTRATION WOULD NOT LIKE ITS POWER OF CENSORSHIP TO BE LIMITED TO THE VERY NARROW AREAS SET OUT IN HIS PROVISIO.

/"HE MAINTAINED

"HE MAINTAINED THAT BOTH POINTS WERE BAD," HE SAID. "THE FIRST POINT IS A THOROUGHLY BAD ONE, BECAUSE WE BELIEVE IN THE RULE OF LAW, AND IF A POWER IS WRONGLY EXERCISED BY THE ADMINISTRATION, THEN IT IS IN THE PUBLIC INTEREST THAT SUCH AN ABUSE OF POWER BE PUT RIGHT BY JUDICIAL REVIEW.

TO ILLUSTRATE HIS SECOND POINT MR LEE SAID: "SUPPOSE I NEED \$3 FROM A FRIEND IN ORDER TO BUY A MTR TICKET AND I SAY TO HIM: 'MAY I HAVE YOUR WALLET SO THAT I CAN HAVE \$3 TO BUY MYSELF A TICKET?' BUT I MUST SAY THAT ONCE I HAVE YOUR WALLET, I WILL TAKE MORE THAN \$3.

"WILL MY FRIEND IN THESE CIRCUMSTANCE LET ME HAVE HIS WALLET?" HE ASKED.

MR LEE SAID: "THIS COUNCIL IS BEING ASKED TO ALLOW THE POWER GIVEN TO THE CENSOR TO CONTINUE ON THE BASIS THAT IT CAN BE JUSTIFIED UNDER ARTICLE 19 OF THE SAID COVENANT IN ONLY THREE AREAS, AND YET THIS COUNCIL IS TOLD THAT ONCE THE POWER IS LEFT INTACT, IT WILL BE APPLIED TO OTHER AREAS NOT MENTIONED IN ARTICLE 19.

"IS THE ADMINISTRATION NOT INSULTING THE INTELLIGENCE OF MEMBERS OF THIS COUNCIL?"

MR LEE SAID HIS THIRD REASON FOR MOVING AN AMENDMENT TO THE INTERIM MEASURES WAS DUE TO THE ADMINISTRATION'S FAILURE TO SHOW THAT THE RESTRICTION WAS NECESSARY, PRINCIPALLY BECAUSE OF THE UNLAWFUL EXERCISE BY THE CENSOR OF A POWER WHICH WAS NEVER GIVEN TO HIM FOR OVER 30 YEARS.

"DURING THIS PERIOD, MANY FILMS HAD BEEN BANNED ON POLITICAL GROUNDS, WITH THE RESULT THAT THE PUBLIC CANNOT JUDGE FOR THEMSELVES WHAT EFFECT THESE FILMS WOULD HAVE ON OUR COMMUNITY.

"IF MY MOTION IS CARRIED, THEN AT LEAST UNTIL THE FILM CENSORSHIP BILL 1987 IS PRESENTED TO THIS COUNCIL IN A FEW MONTHS' TIME, THERE WILL BE NO POLITICAL CENSORSHIP OF FILMS IN HONG KONG.

"THE PUBLIC CAN THEN JUDGE FOR THEMSELVES WHETHER WE NEED A SIMILAR PROVISION IN THE BILL, NAMELY, TO BAN A FILM IF IT IS 'SERIOUSLY PREJUDICIAL TO GOOD RELATIONS TO TERRITORIES OUTSIDE HONG KONG'.

"BUT IF MY MOTION IS DEFEATED TODAY, WE WILL NEVER KNOW WHETHER THERE IS A REAL NECESSITY FOR IT."

MR LEE SAID HE DID NOT SEE ANY DANGER IN SUSPENDING SUCH A POWER FOR SUCH A SHORT TIME.

ON THE POLITICAL CENSORSHIP OF FILMS, MR LEE SAID AS HONG KONG WAS MOVING TOWARDS 1997, THE PEOPLE OF HONG KONG WERE EXTREMELY CONCERNED ABOUT ANY LEGISLATION WHICH HAD A LIKELY EFFECT OF INFRINGING ANY OF THEIR FREEDOMS.

"WE ARE TODAY CONCERNED WITH A FUNDAMENTAL FREEDOM, THE FREEDOM OF EXPRESSION, WHICH HAS BEEN ENSHRINED IN ARTICLE 19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS."

"AS WE ALL KNOW, THIS INTERNATIONAL COVENANT HAS BEEN ENSHRINED IN THE SINO-BRITISH JOINT DECLARATION AND NO DOUBT IT WILL ALSO BE INCORPORATED INTO THE BASIC LAW."

MR LEE SAID FREEDOM OF EXPRESSION APPLIED NOT ONLY TO INFORMATION OR IDEAS THAT WERE FAVOURABLY RECEIVED OR REGARDED AS INOFFENSIVE OR AS A MATTER OF INDIFFERENCE, BUT ALSO TO THOSE THAT OFFEND, SHOCK OR DISTURB.

"SUCH ARE THE DEMANDS OF THAT PLURALISM, TOLERANCE AND BROADMINDEDNESS WITHOUT WHICH THERE IS NO TRUE FREE SOCIETY."

MR LEE ASKED THE COUNCIL TO SERIOUSLY CONSIDER WHETHER POLITICAL CENSORSHIP OF FILMS WAS REALLY NEEDED TODAY AND, IF ALLOWED, WHAT SAFEGUARD COULD THERE BE THAT IT WOULD NOT IN THE FUTURE BE EXTENDED TO COVER TELEVISION, THE THEATRE AS WELL AS THE PRINTED MEDIA?

"IF ONE FREEDOM IS LOST TODAY, NO OTHER FREEDOM IS SAFE IN THE FUTURE," HE SAID.

MR LEE ALSO REFERRED TO A LETTER TO THE EDITOR OF THE SOUTH CHINA MORNING POST PUBLISHED TODAY BY DR. JAYAWICKRAMA, A LAW LECTURER OF THE UNIVERSITY OF HONG KONG, IN WHICH HE NOTED THAT SRI LANKA HAD PROGRESSED BEYOND THE STAGE OF POLITICAL CENSORSHIP OF FILMS.

MR LEE POINTED OUT THAT DR. JAYAWICKRAMA WAS THE ACTING ATTORNEY GENERAL OF SRI LANKA IN 1970; AND THE PERMANENT SECRETARY TO THE MINISTRY OF JUSTICE IN SRI LANKA FROM 1970-1977.

"PLEASE LET US TAKE HEED AND LEARN FROM THE EXAMPLE OF SRI LANKA," MR LEE SAID.

ON THE INCOMPATIBILITY OF THE GOOD RELATIONS CLAUSE WITH ARTICLE 19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, MR LEE SAID: "IT IS FOR THE ADMINISTRATION TO SHOW THAT THE GOOD RELATIONS CLAUSE IS NECESSARY BEFORE IT CAN BE ALLOWED TO EXIST AS AN EXCEPTION TO THE FREEDOM OF EXPRESSION UNDER THE SAID ARTICLE 19".

"IN THIS CONTEXT, THE WORD 'NECESSARY' DOES NOT MEAN 'USEFUL', 'REASONABLE' OR 'DESIRABLE'. THE LEADING CASES IN THIS RESPECT ALL SHOW THAT NO MATTER HOW USEFUL, REASONABLE OR DESIRABLE A PARTICULAR RESTRICTION IS IN THE VIEW OF THE GOVERNMENT CONCERNED, IT WILL BE CONSIDERED TO BE AN INFRINGEMENT OF THE SAID ARTICLE 19 UNLESS IT HAS BEEN ESTABLISHED THAT THERE IS 'A PRESSING SOCIAL NEED' FOR IT.

"FURTHER, THE LEADING CASES DEMONSTRATE THAT THE REASONS GIVEN TO JUSTIFY A RESTRICTION MUST BE 'RELEVANT AND SUFFICIENT'.

MR LEE SAID THAT UP TO NOW, THE ADMINISTRATION HAD NOT GIVEN GOOD OR SUFFICIENT REASON AS TO THE NECESSITY OF SUCH A PROVISION, NAMELY, THAT THERE WAS A PRESSING SOCIAL NEED FOR IT.

MR LEE SAID IT HAD BEEN SUGGESTED THAT HONG KONG WAS IN A VERY UNIQUE POSITION FOR ITS PROXIMITY TO CHINA AS WELL AS TAIWAN AND THAT IF THERE WAS NO POLITICAL CENSORSHIP OF FILMS, THEN A NUMBER OF POLITICAL FILMS WOULD BE PRODUCED, NOT FOR THE PURPOSES OF PROFIT, BUT FOR THE PURPOSES OF ADVANCING THE POLITICAL OBJECTS OF A PARTICULAR GOVERNMENT, THUS CAUSING INSTABILITY TO HONG KONG.

WHILE SUCH A SCENARIO WAS POSSIBLE, MR LEE WAS NOT CONVINCED THAT IT WAS LIKELY. "IN THE ABSENCE OF ANY CONCRETE EVIDENCE PRODUCED BY THE ADMINISTRATION, THE SUGGESTION IS MERE SPECULATIVE, AND IT CERTAINLY DOES NOT FULFIL THE TEST LAID DOWN BY THE AUTHORITIES, NAMELY, THAT THE REASONS MUST BE RELEVANT AND SUFFICIENT."

MR LEE POINTED OUT THAT THE PEOPLE OF HONG KONG WERE ENTIRELY FREE TO GO OR NOT TO GO TO A PARTICULAR CINEMA AND WATCH A PARTICULAR POLITICAL FILM, AND MOST PEOPLE BELIEVED THAT POLITICAL FILMS WOULD NOT ATTRACT A LARGE AUDIENCE. "IS IT, THEREFORE, CONCEIVABLE THAT THE EXHIBITION OF ONE OR MORE POLITICAL FILMS WILL REALLY BRING ABOUT INSTABILITY IN HONG KONG?"

MR LEE SAID THAT TWO NIGHTS AGO, MORE THAN 10 MEMBERS OF THE COUNCIL WERE GIVEN A PRIVATE SHOWING OF "THE COLDEST WINTER IN PEKING" AND "IF I WERE FOR REAL" - TWO FILMS PRODUCED IN TAIWAN - BOTH OF WHICH USED LIFE WITHIN THE PRC AS THEIR SETTING.

"HAVING SEEN THEM, I CANNOT UNDERSTAND WHY THEY HAVE BEEN BANNED. I DO NOT BELIEVE THAT ANY OF US LEAVING THE SHAW STUDIO BORE ANY FEELING OF ANIMOSITY TOWARDS THE PRC, THE CHINESE COMMUNIST PARTY, OR THE PEOPLE OF CHINA. I COMPLETELY FAIL TO SEE HOW EACH OF THESE TWO FILMS CAN BE SAID TO DAMAGE THE GOOD RELATIONS WITH THE PRC."

MR LEE NOTED THAT THE ADMINISTRATION SOUGHT TO JUSTIFY THIS PROVISION BY RELYING ON A LEGAL OPINION GIVEN BY A LEGAL ADVISER OF THE FOREIGN AND COMMONWEALTH OFFICE. "I MUST SOUND A WORD OF WARNING HERE BECAUSE THE TRACK RECORD OF THE UK GOVERNMENT ITSELF BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS IS NOT VERY REASSURING IN THAT SINCE 1967, OF A TOTAL OF 27 CASES SUBMITTED TO THE EUROPEAN COURT OF HUMAN RIGHTS BY THE EUROPEAN HUMAN RIGHTS COMMISSION, JUDGMENT WAS GIVEN AGAINST THE UK GOVERNMENT IN 14 OF THEM WHILE SIX ARE STILL PENDING.

"IN RELATION TO THE TWO FILMS WHICH WE SAW, NEITHER CONSTITUTED AN ATTACK ON THE REPUTATIONS OF 'PUBLIC FIGURES' IN THE PRC AS THE PRINCIPAL CHARACTERS WERE ALL FICTIONAL. NOR DO THEY EXPOSE HONG KONG 'TO EITHER EXTERNAL OR EXTERNALLY-INSPIRED THREAT' FROM THE PRC."

/MR LEE

MR LEE ADDED IT COULD NOT BE ARGUED THAT THE EXHIBITION OF EITHER OF THESE FILMS "COULD LEAD TO PUBLIC DISTURBANCES OR PUBLIC DISQUIET LEADING TO DISAFFECTION ON THE PART OF LOCAL PUBLIC OFFICIALS".

MR LEE SAID: "WE HAVE ONLY SEEN TWO OF THESE 11 BANNED FILMS. BUT SINCE WE SAW THE WORST TWO, I AM CONFIDENT THAT THERE WOULD BE EVEN LESS EXCUSE IN BANNING THE OTHER NINE."

MR LEE SAID THE ISSUE BEFORE THE COUNCIL TODAY CONCERNED A WIDE PRINCIPLE, THE PRE-PUBLICATION CENSORSHIP OF FILMS. "BEFORE THIS COUNCIL VOTES ON THE MOTION IT IS IMPORTANT TO ASK OURSELVES THESE QUESTIONS: WHERE ARE WE GOING FROM HERE? ARE WE GOING FORWARD TOWARDS A GOVERNMENT WITH A HIGH DEGREE OF AUTONOMY? OR ARE WE ENTERING AN ERA WHEN A NOD OR A SHAKE OF THE HEAD FROM SOMEONE IN THE NEW CHINA NEWS AGENCY WILL DECIDE WHAT THE PEOPLE OF HONG KONG MAY OR MAY NOT SEE?"

"FURTHER, ONCE WE ALLOW PRE-PUBLICATION CENSORSHIP IN FILMS, THERE IS NO WAY TO ARREST THE TIDE OF POLITICAL CENSORSHIP FROM OVERFLOWING TO THE THEATRE, TO TELEVISION AND TO THE PRINTED MEDIA.

"WE HAVE SEEN WHAT HAPPENED IN SRI LANKA. LET US STOP IT FROM HAPPENING IN HONG KONG," MR LEE ADDED.

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NEED TO RETAIN POLITICAL CENSORSHIP CLAUSE

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THE HON HILTON CHEONG-LEEN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT IN THE INTEREST OF THE POLITICAL SECURITY AND WELL-BEING OF HONG KONG, THERE WAS NEED TO RETAIN THE FILM CENSORSHIP REGULATIONS 1987 WITHOUT DELETION OF REGULATION 3A (VII).

THE REGULATION CONCERNED TOUCHED ON THE CENSORSHIP PRINCIPLE RELATING TO DAMAGE TO GOOD RELATIONS WITH OTHER TERRITORIES.

MR CHEONG-LEEN SAID: "THE HONG KONG GOVERNMENT HAS BEEN FOLLOWING THE SPIRIT OF THIS REGULATION BY WAY OF A GUIDELINE FOR OVER 13 YEARS ALREADY, AND IT HAS NOT DONE DAMAGE TO HONG KONG'S POLITICAL, ECONOMIC, SOCIAL OR CULTURAL VIABILITY, NOR VIOLATED INDIVIDUAL LIBERTIES, AS FAR AS I CAN ASCERTAIN."

HOWEVER, HE AGREED THAT AS HONG KONG MOVED FORWARD TOWARDS 1997, LEGISLATIVE COUNCILLORS COULD MONITOR THE MANNER OF ENFORCEMENT OF THE REGULATION.

"IF AT ANY TIME THE ADMINISTRATION SHOULD SEEM TO BE ACTING EXCESSIVELY OR UNREASONABLY IN THE ENFORCEMENT OF THIS REGULATION, THUS CAUSING MUCH PUBLIC CONCERN ABOUT THE VIOLATION OF CIVIL LIBERTIES, ESPECIALLY FREEDOM OF THOUGHT AND EXPRESSION, THE LEGISLATURE BY MAJORITY VOTE CAN AT ANY TIME RESCIND REGULATION 3A (VII)," HE ADDED.

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HK MUST MAINTAIN CORDIAL RELATIONSHIP WITH OTHERS

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GIVEN ITS EXTREME VULNERABILITY TO EXTERNAL INFLUENCES, HONG KONG MUST MAINTAIN A CORDIAL RELATIONSHIP WITH OTHER TERRITORIES OR COUNTRIES IN ORDER TO SUSTAIN ITS ECONOMIC AND POLITICAL STABILITY, DR THE HON HO KAM-FAI TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING ON THE HON MARTIN LEE'S MOTION ON FILM CENSORSHIP REGULATIONS 1987, DR HO SAID THE RIGHT TO FREEDOM OF EXPRESSION WAS NOT AN ABSOLUTE RIGHT.

"IT IS SUBJECT TO CERTAIN RESTRICTIONS AND MUST HAVE PROPER REGARD TO PUBLIC INTEREST," HE SAID.

DR HO SAID THE QUESTION AS TO WHETHER OR NOT THE "GOOD RELATIONS" CLAUSE OF THE FILM CENSORSHIP REGULATIONS CONTRAVENED THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS WAS BEST ASSESSED BY REFERENCE TO THE LEGAL OPINION OF THE FOREIGN AND COMMONWEALTH OFFICE, BECAUSE THE UNITED KINGDOM BEING A SIGNATORY OF THE COVENANT, WOULD HAVE THE OBLIGATION TO DEFEND ANY ALLEGATION OF BREACH.

"THE OPINION OF FCO IS THAT THE 'GOOD RELATIONS' CLAUSE IS NOT INCONSISTENT WITH, OR IN VIOLATION OF, THE INTERNATIONAL COVENANT."

HE FURTHER POINTED OUT THAT COMPARABLE PROVISIONS ON FILM CENSORSHIP ON "GOOD RELATIONS" GROUNDS EXISTED IN OTHER COUNTRIES WHICH WERE PARTY TO THE COVENANT.

DR HO SAID THE EUROPEAN COURT OF HUMAN RIGHTS AND THE HUMAN RIGHTS COMMISSION HAD RULED IN PREVIOUS DECIDED CASES THAT A STATE WAS ENTITLED TO A "MARGIN OF APPRECIATION" AND WAS PERMITTED TO TAKE INTO ACCOUNT THE PARTICULAR CIRCUMSTANCES IN DETERMINING WHAT WAS NECESSARY FOR ACHIEVING THE GOALS OF "PUBLIC ORDER", "NATIONAL SECURITY" OR "RESPECT OF THE RIGHTS OR REPUTATION OF OTHERS", SPECIFIED IN ARTICLE 19(3) OF THE INTERNATIONAL COVENANT.

HE ALSO ADDED THAT UNDER HONG KONG LAW, BANNING A FILM FOR EXHIBITION IN A CINEMA WOULD AUTOMATICALLY RESULT IN ITS BAN ON TELEVISION.

"IN VIEW OF THE PERVASIVE INFLUENCE OF TELEVISION, THE ABSENCE OF CENSORING RESTRICTIONS ON 'GOOD RELATIONS' GROUNDS IN THE PRESS AND IN OTHER FORMS OF MEDIA SHOULD NOT LEAD TO THE ARGUMENT AGAINST SIMILAR RESTRICTIONS ON FILMS AND TELEVISION, AS IMPLIED BY MR ERIC BARENDT, ON WHOSE OPINION MR MARTIN LEE IN PART RELIED WHEN MOVING HIS RESOLUTION IN THIS COUNCIL," DR HO SAID.

"IN MY VIEW, ONCE A LEGISLATIVE COUNCILLOR IS SATISFIED THAT A CERTAIN PIECE OF LEGISLATION IS NECESSARY FOR ATTAINING SPECIFIED SOCIAL GOALS AND IS NOT INCOMPATIBLE WITH AN INTERNATIONAL COVENANT, HE SHOULD TAKE A DECISION AS TO WHETHER OR NOT TO ENACT THE LAW ON THE BASIS OF THE GREATEST INTEREST OF THE COMMUNITY.

ON THESE GROUNDS, DR HO SAID, HE OPPOSED THE RESOLUTION MOVED BY MR LEE.

POLITICAL CENSORSHIP WILL BE VIEWED WITH SUSPICION

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ANY STEP WHICH MOVES TOWARDS "POLITICAL CENSORSHIP", WHETHER REAL OR IMAGINARY, WILL BE VIEWED WITH SUSPICION BY THE PEOPLE OF HONG KONG, PARTICULARLY AT THIS SENSITIVE TIME, THE HON DESMOND LEE YU-TAI SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING ON THE MOTION BY THE HON MARTIN LEE ON FILM CENSORSHIP REGULATIONS, MR LEE SAID, "WE WANT CREATIVE WORK WHICH IS FREELY EXPRESSED AND WHICH IS NOT INHIBITED BY EXCESSIVE RESTRICTIONS."

MR LEE SAID SOME PEOPLE WERE MINDFUL ABOUT POSSIBLE REACTIONS FROM CHINA.

"I ACCEPT THAT WE SHOULD IMPROVE COMMUNICATION AND MUTUAL UNDERSTANDING WITH THE MAINLAND. BUT WE MUST PRESENT THE TRUE POSITION OF HONG KONG TO THE CHINESE AUTHORITIES SO THAT THEY UNDERSTAND THE HONG KONG PEOPLE AND HOW WE OPERATE THE PLACE."

HE SAID IT WAS WRONG TO ANTICIPATE WHAT THE CHINESE LEADERS WOULD BE HAPPY TO SEE AND HEAR AND THEN DO AND SAY THINGS TO PLEASE THEM.

"SUCH ACTION IS 'MEASURING A GENTLEMEN'S STOMACH WITH A SMALL MAN'S HEART'. CHINESE LEADERS HAVE REPEATEDLY STATED THAT PEOPLE CAN CRITICISE THE COMMUNIST PARTY.

"WHY SHOULD WE NOT BE FORTHCOMING WITH HONEST VIEWS AND PRESENT THE TRUTH TO THESE LEADERS? WHY IS IT NECESSARY TO EXERCISE SELF CENSORSHIP?"

MR LEE SAID HE WOULD PREFER TO SEE AN ABSENCE OF ADVANCE CENSORSHIP OF PUBLICATIONS AND OTHER FORMS OF EXPRESSION INCLUDING MOVIE FILMS.

"ANY FORM OF CONTROL SHOULD BE EXERCISED THROUGH PUNITIVE MEASURES WHICH ARE IMPOSED BY LAW AFTER THE EVENT.

"IN ORDER TO OBTAIN THE RISK OF BEING PUNISHED, THE PUBLISHER OR PRODUCER MAY, IF HE SO WISHES. SUBMIT THE PUBLICATION OR PRODUCTION FOR ADVANCE SCRUTINY OR CLASSIFICATION ON A VOLUNTARY BASIS."

HE SAID THIS PRINCIPLE WAS USED IN THE CONTROL OF OBSCENE AND INDECENT ARTICLE ORDINANCE AND SHOULD BE APPLIED TO THE LEGISLATION ON FILM CENSORSHIP.

MR LEE SAID THE PRESENT REGULATIONS WERE INTENDED AS A TEMPORARY MEASURE AND THE BILL FOR FILM CENSORSHIP WAS STILL IN ITS CONSULTATION PERIOD.

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"THIS IS A GOLDEN OPPORTUNITY TO TRY OUT WHETHER OR NOT DELETION OF THE SO-CALLED 'POLITICAL CENSORSHIP' WOULD CAUSE ANY HARM TO EXTERNAL RELATIONS OF HONG KONG.

"IF THINGS RUN OUT OF CONTROL, THIS KIND OF CENSORSHIP CAN BE CONSIDERED FOR RE-INSTATEMENT IN THE MAIN LEGISLATION. OTHERWISE, THE BILL SHOULD BE AMENDED TO EXCLUDE 'POLITICAL CENSORSHIP'."

I WOULD CONSIDER CONTRAVENTION OF HUMAN RIGHTS AND UNNECESSARY RESTRICTION OF FREEDOM NOT MERELY AS UNDESIRABLE AT THIS TIME BUT AS A BACKWARD STEP IN HUMAN CIVILISATION.

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MOTION WILL LEAD HK TO OPEN CONFRONTATION
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THE HON STEPHEN CHEONG SAID TODAY (WEDNESDAY) THAT THE MOTION BY THE HON MARTIN LEE ON FILM CENSORSHIP, IF ADOPTED, WOULD RUN A GREAT RISK OF LEADING HONG KONG DOWN A PATH OF OPEN CONFRONTATION, WHICH WAS CERTAINLY NOT CONDUCIVE TO HONG KONG'S FUTURE STABILITY AND PROSPERITY.

SPEAKING IN THE LEGISLATIVE COUNCIL AGAINST THE MOTION, MR CHEONG SAID WHAT SEEMED TO BE A REFINEMENT AND IMPROVEMENT OF EXISTING REGULATIONS AND GUIDELINES HAD SOMEHOW BEEN CLEVERLY USED BY SOME AS A TOOL IN THEIR EFFORTS TO CONTINUOUSLY SOW SEEDS OF DISTRUST OF THE ADMINISTRATION IN HONG KONG.

"IN THE MIDST OF THE NEWSWORTH FUROR THAT HAS BEEN CREATED, THE FACT THAT THE OLD REGULATIONS AND THE GUIDELINES HAD BEEN IN SMOOTH OPERATION FOR OVER 13 YEARS HAS BEEN OVERLOOKED," HE SAID.

MORE IMPORTANT, THE IRONIC PART WAS THAT THOSE WHO VEHEMENTLY OPPOSED THE FILM CENSORSHIP REGULATION CONCERNING DAMAGING THE GOOD RELATIONS WITH OTHER TERRITORIES HAD CONVENIENTLY OVERLOOKED THE FACT THAT THERE WAS APPARENTLY NO SERIOUS COMPLAINTS LODGED AGAINST THE ACTUAL ADMINISTRATION OF THE OLD REGULATIONS AND GUIDELINES THROUGHOUT THE YEARS, HE SAID.

"IN FACT, ALL AVAILABLE EVIDENCE POINTS TO THE FACT THAT HARDLY ANYONE IN HONG KONG HAD COMPLAINED IN THE PAST 13 YEARS ABOUT THE REGULATIONS AND GUIDELINES HAVING THE EFFECT OF SUPPRESSING FREEDOM OF EXPRESSION IN HONG KONG," HE SAID.

MR CHEONG

MR CHEONG NOTED THAT SOME HAD REASONED THAT THEY COULD MOST PROBABLY TRUST THE ADMINISTRATION UNDER THE BRITISH FLAG BUT THEY DID HAVE SERIOUS RESERVATIONS ABOUT THE ADMINISTRATION AFTER 1997 FOR IT WAS FEARED THAT IT COULD THEN INDISCRIMINATELY APPLY SUCH CENSORSHIP REGULATIONS TO SUPPRESS FREEDOM OF EXPRESSION IN HONG KONG.

HE SAID IT WAS PERHAPS UNDERSTANDABLE OR EVEN NATURAL FOR SOME PEOPLE TO HAVE RESERVATIONS ABOUT THE SITUATION AFTER 1997.

"HOWEVER, IT WILL BE DISASTROUS FOR THE FUTURE OF HONG KONG IF WE WERE TO TAKE ON EVERY ISSUE ONLY WITH THE ATTITUDE OF UNMOVABLE DISTRUST WHILST SHUNTING OFF THE VALUE OF OBJECTIVE PRAGMATIC ANALYSIS OF THE ISSUES INVOLVED," HE SAID.

MR CHEONG WENT ON TO SAY THAT THE LEGISLATIVE COUNCIL AD HOC GROUP SET UP TO STUDY FILM CLASSIFICATION AND CENSORSHIP DID NOT COME TO THE DECISION LIGHTLY IN RECOMMENDING THE INTERIM MEASURES TO THE COUNCIL. IT HAD DONE SO AFTER A LOT OF WORK, DELIBERATION AS WELL AS THOUGHT BY MEMBERS.

HE SAID WHAT WAS IMPORTANT WAS THAT THERE SEEMED TO BE A CONSENSUS OF UNDERSTANDING REACHED AT LEAST AMONGST THE MAJORITY OF NON-LAWYER MEMBERS OF THE GROUP.

THE CONSENSUS WAS THAT THE TWO SEEMINGLY DIFFERENT LEGAL OPINIONS, ONE BY THE FCO AND THE OTHER BY THE HON MARTIN LEE'S CONSULTANT, REPRESENTED DIFFERENT ANGLES OF EMPHASIS AND DIFFERENT APPROACHES IN THE INTERPRETATION OF THE NEW REGULATIONS VIS A VIS THE VIOLATION OR OTHERWISE OF THE INTERNATIONAL COVENANT. NO CLEAR CUT CASE HAD BEEN OR COULD BE ESTABLISHED BEYOND DOUBT AS TO WHICH APPROACH WAS THE ONLY RIGHT APPROACH, HE NOTED.

"UNDER THAT CIRCUMSTANCES, IN HAVING TO EXERCISE JUDGEMENT ON THIS ISSUE, WE CAN ONLY BE GUIDED BY OUR OWN PERCEPTION OF WHAT IS AND WHAT IS NOT IN THE BEST INTERESTS FOR HONG KONG AS A WHOLE," HE SAID.

HE SAID THAT THE QUESTION OF WHETHER THE INTERIM MEASURES OR INDEED THE NEW REGULATIONS, IF ADOPTED, WOULD CONTRAVENE THE PROVISIONS OF THE INTERNATIONAL COVENANT SEEMED TO HIM TO BE NO MORE THAN A TOOL DEPLOYED TO CONSOLIDATE OR PERHAPS EVEN TO PROPAGATE ONE'S OWN DISTRUST OF THE POST-1997 ADMINISTRATION.

HE SAID THIS APPROACH WAS NOT IN THE BEST INTEREST OF HONG KONG. TOO DEEP-SEATED A DISTRUST COULD EASILY LEAD TO UNWARRANTED IMAGINATIONS AND SUSPICIONS WHICH IN TURN WOULD CREATE UNNECESSARY BARRIERS TO SMOOTH SOLUTIONS OF ANY FUTURE DIFFERENCE OF OPINIONS BETWEEN HONG KONG AND THE SOVEREIGN STATE.

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MAINTENANCE OF GOOD RELATIONS WITH CHINA IMPORTANT

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LEGISLATIVE COUNCILLOR THE HON HELMUT SOHMEN SAID TODAY (WEDNESDAY) THAT WHEN CONSIDERING FILM CENSORSHIP, THE MAINTENANCE OF GOOD RELATIONSHIP WITH CHINA, ESPECIALLY DURING THE TRANSITION PERIOD LEADING UP TO THE CHANGE IN SOVEREIGNTY, WAS OF PARAMOUNT IMPORTANCE TO HONG KONG.

SPEAKING IN THE LEGISLATIVE COUNCIL, MR SOHMEN SAID HE OPPOSED THE MOTION ON FILM CENSORSHIP TABLED BY THE HON MARTIN LEE.

HE ADDED THAT HE DID SO WITH SOME RELUCTANCE AND HE WAS UNEASY ABOUT CENSORSHIP FOR POLITICAL MOTIVE SINCE THE JUDGEMENTS WHICH HAD TO BE MADE BY THE CENSOR WERE MORE DIFFICULT AND MORE PRONE TO ABUSE THAN, FOR EXAMPLE, RESTRAINTS IMPOSED ON THE FREEDOM OF SPEECH FOR MORAL REASONS.

"MR MARTIN LEE MUST BE GIVEN CREDIT FOR HIGHLIGHTING THE PROBLEMS INHERENT IN THIS ISSUE; I MUST FRANKLY CONFESS THAT IF THIS WAS TOTALLY NEW LEGISLATION WE WERE CONSIDERING - RATHER THAN A QUESTION OF LEGITIMISING, AS AN INTERIM MEASURE, A PRACTICE THAT HAS BEEN GOING FOR SOME TIME - I WOULD IN ALL LIKELIHOOD VOTE AGAINST THE INTRODUCTION OF SUCH NEW PROVISIONS," HE SAID.

THIS OF COURSE DID NOT MEAN THAT MR LEE'S ARGUMENTS WERE CORRECT OR FULLY VALID, MR SOHMEN ADDED. HE SAID MR LEE AND THE UK LAWYER WHO GAVE MR LEE LEGAL ADVICE REGARDING THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS HAD APPROACHED THE ISSUE IN TOO LEGALISTIC A FASHION, IN THAT THEY ONLY FOCUSED ON THE FORMAT AND NOT ON THE SUBSTANCE OF WHAT NEEDED TO BE THE LIMITS OF PERMISSIBLE CENSORSHIP.

THIS WAS NOT A MATTER OF FORMALISTIC LEGAL INTERPRETATION BUT CLEARLY REQUIRED A POLITICAL EVALUATION AS TO WHETHER THE RESTRICTIONS IMPOSED ON THE FREEDOM OF EXPRESSION WERE SUFFICIENTLY AND JUSTIFIABLY IN THE PUBLIC INTEREST, TAKING INTO ACCOUNT ALL THE OBJECTIVE AND SUBJECTIVE FACTORS GOVERNING A PARTICULAR SITUATION BOTH AS TO TIME AND PLACE, HE SAID.

"EVEN MORE SIMPLISTICALLY PUT, THE COVENANT HAS DRAWN US A SQUARE WHICH CAN BE LEFT ENTIRELY BLANK OR WHICH WE CAN FILL IN WITH AS MANY COLOURS WE CHOOSE, ALL THE WHILE ACCEPTING THE FACT THAT THE BORDERS OF THE SQUARE ONLY DETERMINE THE LIMITS OF THE PAINTED AREA BUT NOT NECESSARILY THE CHOICE OF COLOURS," HE SAID.

HE ADDED THAT HONG KONG WAS IN A RATHER PECULIAR SITUATION, CLAIMING AN ECONOMIC, SOCIAL, POLITICAL AND CULTURAL BACKGROUND QUITE DIFFERENT FROM THE COUNTRY TO WHICH ETHNICALLY AND GEOGRAPHICALLY THE TERRITORY WAS VERY CLOSE, AND OF WHICH IT LEGALLY SOON WOULD BE AN INTEGRAL PART. THE MAINTENANCE OF GOOD RELATIONS WITH CHINA WAS THEREFORE OF PARAMOUNT IMPORTANCE.

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"A CHANGE AWAY FROM ESTABLISHED PRACTICES, IN PARTICULAR WHEN THESE DO TOUCH VERY DIRECTLY ON NATIONAL POLITICAL SENSIBILITIES ELSEWHERE, IN ITSELF MIGHT BE SEEN AS A DELIBERATE ACT INTENDED TO BE PREJUDICIAL TO GOOD RELATIONS, IRRESPECTIVE OF WHETHER THE NEED FOR CHANGE IS IMPOSED FROM THE OUTSIDE, IS JUSTIFIED AS A LOGICAL RESULT OF INTERVENING DEVELOPMENTS AND NEW CIRCUMSTANCES, OR WHICH HAS NO INHERENT HARMFUL CONSEQUENCES," HE SAID.

MR SOHMEN SAID: "AFTER ALL, IN THIS CONTEXT WE ARE DEALING NOT ONLY WITH THE DOMESTIC PERCEPTION OF WHAT EXPRESSIONS ARE OBVIOUSLY, OR POSSIBLY, PREJUDICIAL OR NOT PREJUDICIAL BUT HAVE TO FACE THE POSSIBILITY THAT THE INTERPRETATION - OR MISINTERPRETATION - PUT UPON THEM EXTERNALLY COULD GIVE RISE TO UNWANTED FRICTION.

"WE SHOULD OF COURSE BEAR IN MIND THAT THE REACTIONS, IN CHINA, TO COMMENT FROM ABROAD HAVE OF LATE BECOME LESS DEFENSIVE, AND THAT THE COUNTRY'S OPEN-DOOR POLICIES HAVE LED NOT ONLY TO GREATER CONFIDENCE AT HOME BUT ALSO TO A BETTER RECOGNITION OF THE EXISTENCE OF MANY DIFFERENT VIEWS AND APPROACHES AND A BELIEF IN THE INTRINSIC VALUE OF CRITICISM IN OTHER PLACE."

HOWEVER, IN THE ABSENCE OF CLEAR SIGNALS TO THE EFFECT THAT TOLERANCE WAS UNLIMITED, PARTICULARLY AS REGARDS COMMENT FROM HONG KONG, IT WOULD NOT APPEAR TO BE IN HONG KONG'S BEST INTERESTS TO PROVOCATIVELY TEST THE BOUNDARIES OF SUCH ACCEPTANCE OR CHANGE IN ATTITUDES, HE SAID.

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VR RESETTLEMENT COUNTRIES "SYMPATHETIC" TO HK
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BOTH THE BRITISH AND HONG KONG GOVERNMENTS HAVE MADE VIGOROUS EFFORTS TO PERSUADE RESETTLEMENT COUNTRIES TO ACCEPT MORE VIETNAMESE REFUGEES -- PARTICULARLY THE LONG-STAYERS -- FROM HONG KONG, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN HIS FIRST SIX-MONTH VIETNAMESE REFUGEES PROGRESS REPORT TO THE COUNCIL, MR JEAFFRESON SAID THE BRITISH GOVERNMENT HAD ASKED THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) TO MAKE PARALLEL APPROACHES TO RESETTLEMENT COUNTRIES TO LOBBY FOR ADDITIONAL RESETTLEMENT PLACES FOR HONG KONG'S REFUGEES.

"THE UNHCR HAVE AGREED TO TREAT LONG-STAYERS IN HONG KONG AS A PRIORITY IN THEIR RESETTLEMENT EFFORTS," HE SAID.

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IN HONG KONG, MR JEAFFRESON HAD DISCUSSED THE REFUGEE PROBLEM WITH THE CONSULS-GENERAL AND COMMISSIONERS OF 17 RESETTLEMENT COUNTRIES.

"ALL THEIR INITIAL RESPONSES HAVE BEEN SYMPATHETIC AND THEY HAVE AGREED TO PASS ON OUR PLEAS TO THEIR GOVERNMENTS TO CONSIDER," HE SAID.

THE LOBBYING EXERCISE FOLLOWED THE BRITISH GOVERNMENT'S ANNOUNCEMENT IN MAY TO ACCEPT A FURTHER 468 REFUGEE FROM HONG KONG UNDER THE RELAXED FAMILY REUNION CRITERIA, AT AN OFFTAKE RATE OF ABOUT 20 PER MONTH.

"PROCESSING OF THESE CASES HAS STARTED AND WE EXPECT THAT THE FIRST GROUP WILL LEAVE HONG KONG FOR RESETTLEMENT IN THE UK LATER THIS MONTH," MR JEAFFRESON SAID.

HE SAID IN THE FIRST FIVE-MONTHS OF THIS YEAR ARRIVALS WERE 28 PER CENT DOWN ON ARRIVALS IN THE SAME PERIOD OF LAST YEAR.

"BUT A SUDDEN INCREASE IN JUNE, A TOTAL OF 405 COMPARED WITH 191 IN JUNE LAST YEAR, NOW MEANS THAT THE TOTAL NUMBER OF ARRIVALS SO FAR THIS YEAR, AT 976, EXCEEDS LAST YEAR'S FIGURE FOR THE SAME PERIOD BY 4," HE SAID.

SO FAR THIS YEAR, 1,309 REFUGEES HAD BEEN RESETTLED, COMPARED WITH 2,372 FOR THE SAME PERIOD LAST YEAR.

"IF THE PRESENT TRENDS CONTINUE, WE ESTIMATE THAT THERE WILL BE AROUND 2,200 ARRIVALS AND ROUGHLY THE SAME NUMBER OF DEPARTURES FOR THE FULL YEAR," MR JEAFFRESON SAID.

ADDING IN BIRTHS, HE EXPECTED THE TOTAL REFUGEE POPULATION, NOW AT 7,852, TO INCREASE TOWARDS THE END OF THE YEAR.

OF THOSE WHO WERE LEFT, ABOUT 4,600 HAD BEEN IN HONG KONG FOR THREE YEARS AND AROUND 3,200 FOR AS LONG AS FIVE YEARS, HE ADDED.

ON THE REASON FOR THE LOWER RATE OF RESETTLEMENT, MR JEAFFRESON EXPLAINED THAT FEWER REFUGEES SEEMED TO MEET THE CRITERIA SET BY THE RESETTLEMENT COUNTRIES, SUCH AS CLOSE FAMILY CONNECTIONS.

"A SECOND REASON IS THAT MANY OF THE RESETTLEMENT COUNTRIES ARE HAVING QUITE SERIOUS PROBLEMS WITH REFUGEES AND ILLEGAL IMMIGRANTS FROM OTHER PLACES IN THE WORLD, AND ARE HAVING TO LIMIT THE NUMBERS THEY CAN TAKE FROM HONG KONG," ADDING THAT A THIRD REASON BEING THE RELUCTANCE OF SOME COUNTRIES TO TAKE NORTHERNERS.

ABOUT 76 PER CENT OF THE ARRIVALS SO FAR THIS YEAR WERE FROM NORTH VIETNAM, HE ADDED.

"WHATEVER MIGHT BE DONE IN THE SHORT-TERM TO IMPROVE THE PROSPECTS OF RESETTLEMENT AND TO LIGHTEN THE BURDEN ON OUR COMMUNITY, WE ARE ALL HERE IN FULL AGREEMENT THAT THERE HAS TO BE A LONG-TERM SOLUTION," MR JEAFFRESON CONTINUED.

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"AND WE ARE ALL AGREED THAT THE ONLY VIABLE ONE IS TO REPATRIATE ALL WHO CANNOT ESTABLISH THAT THEY ARE GENUINE REFUGEES, PROVIDED WE CAN BE SATISFIED THEY WILL NOT BE TREATED INHUMANELY.

"IN THIS CONTEXT WE ARE ONLY TOO CONSCIOUS OF THE WAY WE HAVE TO TREAT ILLEGAL IMMIGRANTS FROM CHINA."

QUOTING AN ANNOUNCEMENT BY THE MINISTER OF STATE OF THE HOME OFFICE WHICH STRESSED THE IMPORTANCE OF CONCERTED INTERNATIONAL ACTION TO FIND A DURABLE SOLUTION, MR JEAFFRESON SAID: "HER MAJESTY'S GOVERNMENT IS DOING ALL IT CAN TO HELP HONG KONG IN THIS RESPECT".

HE REITERATED THAT THE SEARCH FOR A DURABLE SOLUTION WOULD BE A SLOW AND DIFFICULT PROCESS.

"GIVEN THAT, AS A PLACE OF FIRST ASYLUM, HONG KONG HAS TO ACCEPT ALL WHO ARRIVE ILLEGALLY FROM VIETNAM, WE ARE CONTINUING TO REMIND LONDON OF THE CONSIDERABLE CONCERN IN HONG KONG AT THE DIFFICULTIES WE ARE HAVING IN GETTING VIETNAMESE REFUGEES RESETTLED AND OF THE WIDE SUPPORT AMONG MEMBERS OF THIS COUNCIL AND IN THE COMMUNITY BOTH FOR A GREATER DEGREE OF RESETTLEMENT IN THE SHORT-TERM AND FOR A LONG-TERM SOLUTION INVOLVING REPATRIATION OF THOSE WHO CAN NOT BE RESETTLED BECAUSE THEY ARE NOT IN FACT REFUGEES," HE ADDED.

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HOUSING STRATEGY ENSURES ADEQUATE SUPPLY AT AFFORDABLE COST * * * * *

THE LONG TERM HOUSING STRATEGY DOES NOT DEPART FROM THE EXISTING POLICY WHICH AIMS TO ENSURE A SUPPLY OF ADEQUATE HOUSING AT AN AFFORDABLE PRICE OR RENT FOR ALL HOUSEHOLDS, THE CHIEF SECRETARY, THE HON DAVID FORD, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR FORD SAID THAT RATHER THE STRATEGY EXTENDED AND REINFORCED THIS POLICY SO THAT PEOPLE WOULD BE PROVIDED NOT ONLY WITH ADEQUATE HOUSING, BUT ALSO WITH A CHOICE OF EITHER RENTING OR PURCHASING THEIR HOME, MR FORD ADDED.

HE SAID IT AIMED TO ENSURE THAT THE BEST USE WAS MADE OF PUBLIC AND PRIVATE SECTOR RESOURCES AND PROGRESSIVELY TO UPGRADE THE STANDARD OF THE OLDER HOUSING STOCK.

WINDING UP THE ADJOURNMENT DEBATE ON THE LONG TERM HOUSING STRATEGY, MR FORD SAID HE WAS GRATEFUL WITH SO MUCH PUBLIC DISCUSSIONS, INCLUDING MEMBERS OF THE DISTRICT BOARDS, INTEREST GROUPS AND THE GENERAL PUBLIC WHO HAD SHOWN SO MUCH INTEREST IN THE SCHEME AND TO THE MEMBERS OF THIS COUNCIL WHO HAD HELPED TO CRYSTALLISE THE MANY POINTS MADE IN PUBLIC DEBATE OF THE STRATEGY.

/HE NOTED

HE NOTED THAT THE LONG TERM HOUSING STRATEGY HAD THREE MAIN STRANDS, AND THE MOST IMPORTANT ONE, WHICH DEALT WITH THE BALANCE BETWEEN HOME OWNERSHIP AND PUBLIC RENTAL HOUSING HAD PERHAPS ATTRACTED LEAST ATTENTION IN PUBLIC DEBATE.

HE SAID RECENT HOME OWNERSHIP SCHEME SALES HAD SHOWN A STRONG DEMAND FOR HOME OWNERSHIP AND IT WAS CLEARLY DESIRABLE NOT ONLY TO PLAN TO SATISFY THIS DEMAND BUT TO GIVE DUE PRIORITY TO THE PROVISION OF PUBLIC RENTAL HOUSING.

MR FORD SAID THERE WAS A CONSIDERABLE NUMBER OF PROSPECTIVE PUBLIC RENTAL TENANTS WHO PREFERRED HOME OWNERSHIP SCHEME FLATS BUT THEIR CHANCES OF OBTAINING SUCH FLATS UNDER THE PRESENT POLICY WAS VERY SMALL AND MOST HAD TO MOVE INTO PUBLIC RENTAL HOUSING.

"UNDER THE NEW STRATEGY, IT IS INTENDED TO GAUGE THE PREFERENCE OF PROSPECTIVE TENANTS BEFORE THEY ARE REHOUSED AND TO PROVIDE THE RIGHT BALANCE OF HOME OWNERSHIP AND PUBLIC RENTAL HOUSING UNITS TO MATCH THEIR DEMAND.

"PROSPECTIVE TENANTS OF RENTED HOUSING WILL THEREFORE NOT BE COMPETING IN BALLOTING EXERCISES AND THE CHANCES OF SUCCESS IN BALLOTING BY OTHER APPLICANTS WHO WISH TO BUY THEIR OWN HOMES WILL BE IMPROVED."

HE POINTED OUT THAT SOME CRITICS OF THE STRATEGY HAD SEEN THESE PROPOSALS AS SHIFTING THE BASIS OF THE PUBLIC HOUSING PROGRAMME FROM RENTAL TO PURCHASE. "THEY ARE CONCERNED THAT THE NEEDS OF THE LOWER INCOME GROUPS WHO CANNOT AFFORD TO BUY WILL BE NEGLECTED. BUT THESE CRITICS HAVE FAILED TO GRASP THE ESSENTIAL PRINCIPLE OF THE NEW STRATEGY WHICH IS TO MAKE HOUSING PROVISION DEMAND LED."

HE ADDED THAT PRESENT INDICATIONS AND PROJECTIONS SHOWED AN INCREASING DEMAND FOR HOME PURCHASE BUT IF THIS TREND SHOULD BE REVERSED, THE BALANCE OF THE PROGRAMME COULD READILY BE CHANGED TO MEET AN INCREASED PROPORTION OF RENTAL DEMAND.

THIS FLEXIBILITY, WHICH WAS INHERENT IN A DEMAND LED STRATEGY, SHOULD ALSO ALLAY THE FEARS OF THOSE WHO SAW THE PROJECTIONS AS BEING TOO OPTIMISTIC OR OVER-EMPHASISING PEOPLE'S ABILITY TO AFFORD HOME PURCHASE, HE SAID.

"THE SECOND AIM OF THE STRATEGY IS TO INCREASE THE OPPORTUNITY FOR ASSISTED HOME PURCHASE THROUGH THE INTRODUCTION OF A HOME PURCHASE LOAN SCHEME TO SUPPLEMENT THE HOME OWNERSHIP SCHEME AND PRIVATE SECTOR PARTICIPATION SCHEMES.

"UNDER THESE SCHEMES THE CHOICE OF LOCATION, SIZE AND LAYOUT OF FLATS IS LIMITED AND THESE SCHEMES DO NOT MAKE FULL USE OF THE FINANCIAL AND LAND RESOURCES AVAILABLE AND OF THE EXPERTISE OF THE PRIVATE SECTOR.

"THE HOME PURCHASE LOAN SCHEME, WHICH WILL OFFER A LOAN AT NIL INTEREST TO MEET PART OF THE PURCHASE PRICE OF A FLAT OF THEIR OWN CHOICE, IS INTENDED TO SOLVE THESE PROBLEMS," MR FORD SAID.

HE SAID THIS PART OF THE STRATEGY HAD CAUSED THE MOST PUBLIC COMMENT, WHICH SOME HAD SUGGESTED THAT THE INTRODUCTION OF SUCH A SCHEME WOULD INFLATE FLAT PRICES, AND MUCH HAD BEEN MADE OF THE SIZE OF THE LOAN WHICH MANY HAD DESCRIBED AS INADEQUATE.

OTHERS SUGGESTED THAT THE CHOICE OF FLATS SHOULD BE INCREASED BY ALLOWING THOSE TAKING THE LOAN TO BUY SECOND-HAND FLATS. IT HAD ALSO BEEN SUGGESTED THAT THE SCHEME SHOULD BE EXTENDED TO OTHERS THAN PUBLIC HOUSING TENANTS AND CLEAREES.

IT WAS OBVIOUSLY NOT EASY TO BE SURE OF STRIKING THE RIGHT BALANCE IN A NEW SCHEME OF THIS NATURE AND THE COMMENTS WHICH HAD BEEN MADE WOULD BE VERY HELPFUL IN FINALISING THE DETAILS OF THE SCHEME.

ADJUSTMENTS COULD BE MADE AS EXPERIENCE WAS GAINED OF THE WORKING OF THE SCHEME, MR FORD SAID.

"THE THIRD ASPECT OF THE LONG TERM HOUSING STRATEGY IS THE PROPOSED REDEVELOPMENT PROGRAMME. THE PRESENT REDEVELOPMENT PROGRAMME IS RESTRICTED TO NON-SELF-CONTAINED BLOCKS. THE NEW STRATEGY EXTENDS THIS TO OTHER OLDER BLOCKS WHERE CONDITIONS WILL NOT BE COMPATIBLE WITH RISING HOUSING STANDARDS AND EXPECTATIONS," HE ADDED.

HE SAID HE KNEW THAT SOME CONCERN HAD BEEN EXPRESSED ON THREE ASPECTS OF THIS PROPOSAL. THE FIRST WAS THAT AN ENLARGED REDEVELOPMENT PROGRAMME WOULD ADVERSELY AFFECT THE WAITING LIST. AS MOST OF THE REDEVELOPMENT WOULD TAKE PLACE IN THE SECOND PART OF THE 1990'S BY WHICH TIME OUTSTANDING DEMAND SHOULD BE LARGELY MET THIS SHOULD NOT HAPPEN.

THE SECOND CONCERN WAS THAT THOSE NOW LIVING IN THESE ESTATES WOULD BE REQUIRED TO MOVE TO OTHER AREAS. THE REDEVELOPMENT PROGRAMME WOULD BE DESIGNED TO ENSURE THAT ALTERNATIVE ACCOMMODATION WAS PROVIDED IN THE SAME GENERAL AREA, WITH A MIXTURE OF HOME OWNERSHIP AND RENTAL FLATS TAILORED TO MEET THE NEEDS OF THOSE AFFECTED BY THE REDEVELOPMENT.

MR FORD ASSURED THAT THE REDEVELOPMENT SCHEME WAS NOT SOME DEVIANT DEVICE DESIGNED TO ENABLE GOVERNMENT TO ACQUIRE DESIRABLE URBAN SITES FOR SALE TO THE PRIVATE SECTOR AS SOME CRITICS HAD SUGGESTED.

THE LAST POINT WAS THE CONCERN THAT THOSE AFFECTED BY REDEVELOPMENT MIGHT NOT BE ABLE TO AFFORD THE RENTS IN THE NEW ESTATES. EXPERIENCE OF PRESENT REDEVELOPMENT PROJECTS SUGGESTED THAT THIS WAS UNLIKELY TO BE A MAJOR PROBLEM, BUT IT WAS OBVIOUS THAT THE NEED TO RETAIN SOME CHEAPER FLATS MUST BE INCORPORATED INTO THE REDEVELOPMENT PROGRAMME TO ENSURE THAT THE OVERRIDING CRITERION THAT HOUSING SHOULD BE AVAILABLE AT AFFORDABLE PRICES WAS MAINTAINED.

/HE SAID

HE SAID THAT INEVITABLY RESOURCES WERE LIMITED AND HONG KONG MUST WORK ON A SYSTEM OF PRIORITIES, GIVING HELP WHERE IT WAS MOST NEEDED.

"DESPITE THE CONSIDERABLE PROGRESS WHICH HAS BEEN MADE IN HOUSING IN HONG KONG WE STILL HAVE OUTSTANDING DEMAND FROM OUR PRESENT TARGET GROUPS, AND UNTIL THIS IS MET, IT IS VERY DIFFICULT TO JUSTIFY EXPANDING," HE ADDED.

HE SAID THAT ONE SUGGESTION WHICH HAD BEEN MADE WAS THAT GOVERNMENT SHOULD HELP BY OFFERING TAX RELIEF TO HOME BUYERS.

"THIS REPRESENTS INDEED A RADICAL DEPARTURE FROM OUR PRESENT TAX POLICY AND SUGGESTS A SYSTEM WHICH HAS HAD WIDE ECONOMIC IMPLICATIONS IN OTHER COUNTRIES. IT, THEREFORE, MERITS A VERY THOROUGH EXAMINATION IN A WIDER CONTEXT THAN THAT OF HOUSING BEFORE ANY FIRM VIEW CAN BE TAKEN.

"THERE HAVE BEEN SUGGESTIONS THAT WE SHOULD SPEED UP THE PROGRAMME BY INCREASING PRODUCTION.

"THIS IS OF COURSE AN IDEAL SOLUTION BUT HOW ARE WE TO ACHIEVE IT? THERE ARE SIGNS THAT THE CONSTRUCTION INDUSTRY, OF WHICH HOUSING IS ONLY A PART, IS FULLY STRETCHED.

"NO DOUBT WITH IMPROVED METHODS AND IMPROVED TRAINING THE CAPACITY OF THE INDUSTRY WILL INCREASE IN THE FUTURE. BUT THIS EXPANSION WILL TAKE TIME AND I THINK IT IS WISE TO BASE THE STRATEGY ON WHAT IS A VERY HIGH FIGURE, 70,000 TO 75,000 FLATS A YEAR. WE KNOW THIS TO BE ATTAINABLE AND I THINK WE ARE WISE TO COUNT ON THIS RATHER THAN ON SOME FUTURE INCREASE WHICH MAY NOT BE ACHIEVED," HE ADDED.

IN DEALING WITH THE POINT PUBLICLY EXPRESSED THAT GOVERNMENT WAS REDUCING ITS COMMITMENT TO HOUSING, HE STRESSED THAT THE NEW STRATEGY, FAR FROM REDUCING THE COMMITMENT, INDEED EXTENDED IT.

IT PROVIDED AN OPPORTUNITY TO CLEAR OUTSTANDING DEMAND FOR HOUSING, AND VERY IMPORTANTLY TO DO SO IN ACCORDANCE WITH PEOPLE'S PREFERENCES.

MOREOVER, THE LIVING CONDITIONS OF SOME 125,000 FAMILIES IN OLDER PUBLIC RENTAL ESTATES WOULD BE IMPROVED THROUGH REDEVELOPMENT.

"THE LONG TERM HOUSING STRATEGY CANNOT BE MORE THAN A FRAMEWORK WITHIN WHICH DETAILED PROGRAMMES CAN BE PLANNED.

"IMPLEMENTATION MUST BE DYNAMIC AND THE SUBJECT OF CONSTANT REVIEW. IT WILL REQUIRE A SOPHISTICATED PLANNING SYSTEM, SENSITIVE TO CHANGING DEMAND AND ABLE TO REACT QUICKLY TO SUCH CHANGES.

"I AM SURE THAT THE HOUSING AUTHORITY AND THE GOVERNMENT CAN MEET THESE CHALLENGES AND THAT THE STRATEGY CAN PROVIDE A SOUND FOUNDATION ON WHICH TO PLAN OUR FUTURE HOUSING PROGRAMMES," HE ADDED.

LONG TERM HOUSING STRATEGY 'TIMELY'

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CONVENER OF THE LEGCO AD HOC GROUP TO PREPARE FOR THE ADJOURNMENT DEBATE ON LONG TERM HOUSING STRATEGY, THE HON MRS SELINA CHOW TODAY (WEDNESDAY) SAID ALL MEMBERS OF THE GROUP AGREED THAT THE STRATEGY WAS TIMELY AND NECESSARY FOR ADJUSTING THE FOCUS ON THE WAY AHEAD.

SHE ADDED THAT MEMBERS ACCEPTED THERE WAS A GROWING DEMAND FOR HOME PURCHASE, AND THEY ALSO AGREED THAT SUCH DEMAND SHOULD BE MET AS FAR AS POSSIBLE.

MRS CHOW WAS SPEAKING IN THE LEGISLATIVE COUNCIL DURING THE ADJOURNMENT DEBATE ON LONG TERM HOUSING STRATEGY.

"HOWEVER THE QUESTION IS RAISED AS TO HOW THE NEED FOR ALL TYPES OF HOUSING IS TO BE SATISFIED, WHETHER THIS IS INDEED IN ACCORDANCE WITH ESTABLISHED PRIORITIES, OR WHETHER THIS DOES NOT IN FACT REPRESENT A SHIFT IN ESTABLISHED PRIORITIES," SHE SAID.

SHE SAID MEMBERS OF THE AD HOC GROUP SHARED THE QUERY RAISED BY SOME MEMBERS OF THE PUBLIC HOW THIS RECOGNITION OF ASPIRATION FOR HOME PURCHASE WOULD AFFECT THE RATIO BETWEEN PUBLIC RENTED HOUSING AND HOME OWNERSHIP SCHEMES, AND WHETHER THE FLEXIBILITY TO DETERMINE THE RATIO ACCORDING TO DEMAND WOULD NOT ADVERSELY AFFECT ELIGIBLE RENTAL APPLICANTS AND TENANTS WHO WERE UNDOUBTEDLY THOSE MOST IN NEED OF HELP.

SHE SAID MEMBERS OF THE GROUP WERE GENERALLY CONCERNED THAT THE GOVERNMENT'S LONG TERM HOUSING STRATEGY POLICY STATEMENT HAD NOT DEMONSTRATED IN ANY WAY THAT THE GOVERNMENT WAS GIVING PRIORITY ATTENTION TO THE EXTREMELY LONG PUBLIC HOUSING WAITING LIST.

"WHILE ENDORSING THE AIM TO IMPROVE LIVING CONDITION OF THOSE ALREADY RESIDING IN THE PUBLIC HOUSING SECTOR, WE QUESTION THE RANKING OF THIS PRIORITY OVER THE RELIEF OF THE WAITING LIST," SHE SAID.

SHE SAID A MAJORITY OF MEMBERS AGREED WITH THE NEW CONCEPT OF SUPPLEMENTING PUBLIC HOUSING PRODUCTION BY TAPPING PRIVATE SECTOR RESOURCES THROUGH THE INTRODUCTION OF THE HOME PURCHASE LOAN SCHEME, WHILE A MINORITY OF MEMBERS ECHO THE OBJECTION RAISED BY SOME INTEREST GROUPS IN THE COMMUNITY BASED MAINLY ON TWO GROUNDS.

FIRST, THEY REGARDED THIS PROPOSAL AS A FORM OF GOVERNMENT SUBSIDY TO BOOST PROFITS OF PROPERTY DEVELOPERS. IT MIGHT PRODUCE THE UNDERSIRABLE EFFECT OF INFLATING THE PROPERTY MARKET AS WELL AS THE ECONOMY.

"THEY ARE PARTICULARLY WORRIED THAT EVEN THOSE WHO COULD NOT AFFORD IT WOULD BE TEMPTED TO PURCHASE AND THIS WOULD LEAD TO HARDSHIP AND OTHER SOCIAL PROBLEMS," SHE SAID.

/THE MAJORITY

THE MAJORITY ON THE AD HOC GROUP, HOWEVER, CONCLUDED THAT EVERYTHING CONSIDERED, ESPECIALLY TAKING THE MACRO VIEW ON HOUSING, THE SCHEME WAS WORTH SUPPORTING, AND THE DECISION TO BUY SHOULD REST WITH THE APPLICANT. IT WAS ALSO AGREED THAT THE SCHEME SHOULD BE MADE AS ATTRACTIVE AS POSSIBLE SO AS TO ACHIEVE ITS SUPPLEMENTARY FUNCTION.

SHE ADDED THAT THE GROUP REMAINED UNCERTAIN AS TO HOW FAR THIS PROPOSAL AND THE PROPOSAL TO INTERCHANGE PUBLIC RENTAL HOUSING AND HOME OWNERSHIP UNITS WOULD SUCCEED IN NETTING MORE VACANT RENTAL FLATS FOR THE MORE NEEDY, GIVEN THE CONSIDERABLE WASTAGE NECESSARY IN TERMS OF WAITING TIME DURING WHICH RECOVERED UNITS HAD TO REMAIN VACANT PRIOR TO REDEVELOPMENT.

SHE SAID MEMBERS OF THE AD HOC GROUP WERE SENSITIVE TO PUBLIC HOUSING TENANTS' QUERY OVER THE PATTERN AND SCALE OF BOTH DOMESTIC AND COMMERCIAL RENT INCREASE IN PUBLIC HOUSING IN FUTURE. IT WAS EVIDENT TO MEMBERS ALSO THAT WITH THIS LONG TERM STRATEGY, THERE WAS A PHASING OUT OF THE SOCIAL WELFARE FUNCTION IN HOUSING.

WITH NEW ESTATES COMING ON STREAM AND THE REDEVELOPMENT OF OLD ONES, RENT LEVELS MIGHT BE BEYOND THE REACH OF AN INCREASING NUMBER OF ELIGIBLE TENANTS. GOVERNMENT SHOULD SPELL OUT CLEARLY MEASURES IT WOULD ADOPT TO ASSIST THIS NEEDY MINORITY, SHE SAID.

APART FROM EXPRESSING THE AD HOC GROUP'S VIEWS, MRS CHOW ALSO MADE KNOWN HER OWN VIEWS ON THE LONG TERM HOUSING STRATEGY.

SHE SAID THE GOVERNMENT WAS IN NO POSITION TO ARGUE THAT THERE WAS ANY INCREASE IN ITS COMMITMENT TO HOUSING UNDER THE REVISED STRATEGY. THE CONTRARY WAS IN FACT TRUE. ELIGIBLE TENANTS WERE BEING ASSISTED TO INCREASE THEIR COMMITMENT TO HOUSING.

"IN SPITE OF THIS I AM IN FULL SUPPORT OF THIS NEW DIRECTION, AS I AM CONVINCED THAT WE ARE A VERY DIFFERENT COMMUNITY FROM WHAT WE WERE WHEN THE EXISTING HOUSING PROGRAMME STARTED IN THE EARLY 70'S, AND NOT ONLY OUR PUBLIC HOUSING RESIDENTS BUT THE ENTIRE HONG KONG HAS BENEFITED FROM IT ECONOMICALLY AND SOCIALLY," SHE SAID.

SHE ADDED THAT NOW WAS DEFINITELY THE TIME TO READJUST THE BURDENS OF RESPONSIBILITY ACCORDING TO AFFORDABILITY AND NEED. IT WAS THE ONLY FAIR THING TO DO.

SHE SAID HER SUPPORT OF THE HOME PURCHASE LOAN SCHEME WAS NOT TOTALLY UNQUALIFIED. THE REASON THE HOME OWNERSHIP SCHEME WAS CONSIDERED PREFERABLE OVER PRIVATE DEVELOPMENTS WAS THAT RIGHTLY OR WRONGLY, THE QUALITY AND VALUE OF THE FORMER WERE PERCEIVED TO BE BETTER.

/SHE SAID

SHE SAID THE ELEMENT OF GOVERNMENT SUBSIDY IN THE HOME PURCHASE LOAN SCHEME AS WELL AS THE NEED TO ENSURE ITS ATTRACTION AND SUCCESS MUST SURELY DEMAND THAT MINIMUM STANDARDS SHOULD BE MET BEFORE PRIVATE DEVELOPMENTS CAN QUALIFY FOR THE SCHEME. BY PROMOTING SUCH STANDARDS, ALL HOME PURCHASERS, SUBSIDISED OR NOT, WOULD BE GUARANTEED THE CONSUMER PROTECTION THEY DESERVE BUT WAS PRESENTLY NOT AVAILABLE.

"THE WAITING LIST IS STILL DISAPPOINTINGLY LONG, AND TO AIM TO SATISFY ALL APPLICANTS UNDER THIS CATEGORY IN NINE TO 10 YEARS, WHILE CLEARANCES WITH NO INCOME ELIGIBILITY CRITERIA AND SITTING TENANTS ARE GIVEN PRIORITY OF REHOUSING, IS CLEARLY UNJUST," SHE SAID.

TURNING TO THE SANDWICH CLASS, SHE URGED THE GOVERNMENT TO COME UP WITH A FORM OF ASSISTANCE, SUCH AS TAX RELIEF OR LOW INTEREST FIRST INSTALMENTS, FOR FAMILIES WHOSE INCOME FELL IMMEDIATE OUTSIDE THE WAITING LIST INCOME LIMIT TO BUY THEIR HOME.

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HOUSING STRATEGY OBJECTIVE COMMENDED

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THE SPIRIT OF THE LONG TERM HOUSING STRATEGY IS COMMENDABLE BECAUSE IT HAS A CLEAR OBJECTIVE AND PAYS EQUAL ATTENTION TO QUALITY AS WELL AS QUANTITY OF HOUSING, THE HON CHEUNG YAN-LUNG, SAID TODAY (WEDNESDAY).

SPEAKING AT THE ADJOURNMENT DEBATE ON LONG TERM HOUSING STRATEGY AT THE LEGISLATIVE COUNCIL, MR CHEUNG SAID THE STRATEGY NOT ONLY CONCERNED THE DEVELOPMENT OF PUBLIC HOUSING, BUT ALSO REALISED THE IMPORTANCE OF THE EFFECTIVE UTILISATION OF PRIVATE SECTOR RESOURCES AND THE CO-ORDINATION BETWEEN THE TWO SECTORS.

MR CHEUNG SAID IT WAS A GOOD AND PRACTICAL MEANS TO INTRODUCE A FLEXIBILITY TO THE PRODUCTION OF HOME OWNERSHIP SCHEME AND PUBLIC RENTAL HOUSING.

"LOOKING AT THE RECENT ENTHUSIASTIC RESPONSES FROM THE SITTING TENANTS AND PROSPECTIVE TENANTS TO THE SALE OF HOS FLATS AND THE RELATIVELY LOW SUCCESS RATE, IT CAN BE DISCERNED THAT THE DEMAND FOR HOME OWNERSHIP FLATS CANNOT BE MET," HE SAID.

"IF WE CAN ASSESS THE PREFERENCES OF THE PROSPECTIVE TENANTS AND THOSE AFFECTED BY REDEVELOPMENT ON THE TYPES OF HOUSING WHICH THEY REALLY WANT AND USE SUCH INDICATION TO ADJUST FLEXIBLY THE CONSTRUCTION RATIO BETWEEN HOS AND PRH, THOSE CONCERNED SHOULD FIND THIS METHOD A MORE SATISFACTORY AND PRACTICAL ONE.

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"AT THE SAME TIME, IF MORE SITTING TENANTS CAN MOVE TO HOS ACCORDING TO THEIR WISHES, MORE PUBLIC RENTAL UNITS CAN THEN BE RELEASED AND BE RE-ALLOCATED TO THE MORE NEEDY."

IN THIS WAY, MR CHEUNG SAID, THE HOUSING SUBSIDY WHICH THE TENANTS ARE RECEIVING WILL BE MORE RELATED TO THEIR NEEDS AND THE PUBLIC RESOURCES WHICH ARE ALLOCATED FOR HOUSING PURPOSES COULD BE BETTER UTILISED.

HE ALSO SAID THAT THE MOST CONTROVERSIAL PART OF THE HOUSING STRATEGY WAS THE INTRODUCATION OF THE HOME PURCHASE LOAN SCHEME.

"THIS SCHEME, IN MY VIEW, IS AN INNOVATIVE IDEA AND THE CRUX OF THE PROPOSAL IS THAT AN ADDITIONAL OPTION FOR ASSISTED HOME PURCHASE FOR THOSE ELIGIBLE IS PROVIDED IN ADDITION TO THE EXISTING HOME OWNERSHIP SCHEME," HE SAID.

MR CHEUNG SAID SINCE THE SCHEME WAS A PURELY VOLUNTARY ONE, IT HAD NOT AFFECTED THE RIGHTS OF ANY PERSON AND THIS WAS A VERY IMPORTANT PRINCIPLE.

"THEREFORE, THE CHOICE IS REALLY LEFT FOR THOSE ELIGIBLE. THEY CAN DECIDE ON WHETHER TO APPLY OR NOT AFTER CONSIDERING THE SPECIFIC CONDITIONS, NEEDS AND PREFERENCES OF THEIR FAMILIES."

HOWEVER, HE SAID NO MENTION HAD BEEN MADE TO THE DETAILS OF THE IMPLEMENTATION OF THE SCHEME IN THE POLICY STATEMENT.

"DURING THE PAST FEW MONTHS, MEMBERS OF THE PUBLIC HAVE EXPRESSED THEIR VIEWS ON THE SCHEME AND I THINK THE GOVERNMENT SHOULD PAY DUE CONSIDERATION TO THESE COMMENTS IN DRAWING UP THE PLAN FOR IMPLEMENTATION.

"IN PARTICULAR, GOVERNMENT SHOULD CONSIDER SLIGHTLY INCREASING THE AMOUNT OF THE LOAN AND EXTENDING THE ELIGIBILITY TO THE WAITING LIST APPLICANTS."

MR CHEUNG SAID AN IMPORTANT ASSUMPTION OF THE STRATEGY WAS THAT MORE SITTING TENANTS AND THOSE AFFECTED BY REDEVELOPMENT WOULD OPT FOR HOME PURCHASE IF THEY WERE GIVEN THE OPTION.

"HOWEVER, ONCE THERE IS A CHANGE IN THE RESIDENTS' DEMAND FOR HOME PURCHASE THEREBY INEVITABLY AFFECT THE STRATEGY.

"THEREFORE, WE SHOULD NOTE THAT IN IMPLEMENTING THE PROPOSALS OF THE STRATEGY EFFECTIVELY, CAREFUL PLANNING, CLOSE CO-ORDINATION AMONGST ALL PARTIES CONCERNED AND EFFECTIVE MONITORING ARE NEEDED TO ENSURE THAT QUICK RESPONSES CAN BE MADE TO ANY CHANGES IN THE OBJECTIVE ENVIRONMENT.

"NO MATTER WHEN WE ARE PLANNING ON THE REDEVELOPMENT, DECIDING ON THE NUMBER OF HOS AND PRH FLATS EVERY YEAR, DEVISING AN APPROPRIATE AMOUNT FOR THE LOAN AND QUOTA, OR MONITORING THE TREND AND FLUCTUATIONS IN THE PROPERTY MARKET AND FLAT PRICES, WE NEED AN EFFECTIVE CO-ORDINATION SYSTEM."

MR CHEUNG SAID ONE POSSIBLE SOLUTION MIGHT BE TO DESIGN A BLOCK-TYPE WHICH COULD, BY SLIGHT ADOPTION IN A SHORT TIME, MADE THE BLOCKS SUITABLE FOR HOS OR PRH PURPOSES TO MEET THE CHANGING DEMAND.

HE ALSO URGED THE GOVERNMENT TO CARRY OUT CONSTANT REVIEWS ON THE ASSUMPTIONS IN BACKING UP THE STRATEGY, CONSIDER VIEWS EXPRESSED BY THE MEMBERS OF THE PUBLIC AND PROFESSIONALS AND STRENGTHEN THE EXISTING PLANNING MECHANISM.

MR CHEUNG SAID THE HOUSING AUTHORITY SHOULD HAVE AN IMPORTANT ROLE TO PLAY IN THE IMPLEMENTATION OF THE STRATEGY AND ALL PROPOSALS ON REDEVELOPMENT, PUBLIC HOUSING PRODUCTION AND THE HOME PURCHASE LOAN SCHEME SHOULD BE SUBMITTED TO THE AUTHORITY FOR CONSIDERATION AND COMMENTS BEFORE THEY WERE PUT INTO PRACTICE.

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NEED TO MONITOR IMPLICATIONS OF HOUSING POLICY
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THE HON CHENG HON-KWAN SAID TODAY (WEDNESDAY) THAT HE SUPPORTED THE LONG TERM HOUSING STRATEGY WHICH EXTENDED THE EXISTING HOUSING POLICY TO INCREASE GOVERNMENT'S COMMITMENT TO HOUSING TO SATISFY ALL IDENTIFIED DEMANDS AT AN EARLIER DATE.

HOWEVER, HE SAID, IN THE IMPLEMENTATION OF THE EXTENDED POLICY, IT WAS NECESSARY FOR GOVERNMENT, IN COLLABORATION WITH THE PROPERTY PROFESSION IN THE PRIVATE SECTOR, TO MONITOR CLOSELY ITS IMPLICATIONS ON PROPORTION OF HOUSING MIX, PRIVATE HOUSING MARKET AND EFFICIENCY OF SUPPLY TO MEET DEMAND.

MR CHENG WAS SPEAKING DURING THE ADJOURNMENT DEBATE ON LONG TERM HOUSING STRATEGY IN THE LEGISLATIVE COUNCIL.

"WITHIN THE CONTEXT OF THE NEW HOUSING POLICY WE WOULD LIKE TO SEE A GRADUAL REDUCTION AND EVENTUAL REMOVAL OF ALL ELEMENTS OF SUBSIDY," HE SAID.

"GOVERNMENT HAS THE RESPONSIBILITY TO STABILISE THE PROPERTY MARKET AND ENSURE A SUFFICIENT SUPPLY OF FLATS AT AFFORDABLE PRICES TO SUCCESSFULLY MEET THE HOUSING POLICY OBJECTIVES," HE ADDED.

MR CHENG

MR CHENG SAID HE HAD CONSULTED MEMBERS OF HIS FUNCTIONAL CONSTITUENCY, IN PARTICULAR THE HONG KONG INSTITUTE OF SURVEYORS AND ROYAL INSTITUTION OF CHARTERED SURVEYORS (HONG KONG BRANCH) JOINT WORKING PARTY, AND HAD RECEIVED ADVICE FROM INTERESTED GROUPS ON THE MAIN CHANGES DEVISED IN THE AMENDED STRATEGY.

WHILE REDEVELOPMENT WAS NECESSARY OF THE OLDER ESTATES TO IMPROVE ENVIRONMENT AND LIVING STANDARDS WITH A BETTER BALANCE IN THE HOUSING MIX, GOVERNMENT SHOULD ENSURE THAT SUCH REDEVELOPMENT WOULD INCREASE THE NUMBER OF FLATS TO ACCOMMODATE A GREAT DEAL MORE HOUSEHOLDS BEARING IN MIND THAT THE DEMAND FOR HOUSING REMAINED TO BE SUBSTANTIAL, MR CHENG SAID.

IN PLANNING ANY REDEVELOPMENT, HE ADDED, IT WAS IMPORTANT THAT CARE SHOULD BE TAKEN NOT TO PROVIDE TOO MANY VARIED SIZES OF UNIT SOME OF WHICH HAD PROVED TO BE UNSUITABLE FOR AVERAGE HOUSEHOLD NEED IN RECENT REDEVELOPMENT.

"PAST EXPERIENCE HAS ALERTED THAT IN FUTURE REDEVELOPMENT GOVERNMENT SHOULD ASSURE QUALITY NOT ONLY IN DESIGN BUT ALSO IN CONSTRUCTION TO AVOID SUCH DEFICIENCIES THAT WOULD REQUIRE YET ANOTHER REDEVELOPMENT AFTER A RELATIVELY SHORT LIFESPAN," HE SAID.

MR CHENG SAID HE WAS IN FAVOUR OF THE INTRODUCTION OF A HOME PURCHASE LOAN SCHEME. HOWEVER, HE SAID, THE SCHEME NOW PROPOSED BY GOVERNMENT WAS NOT AT ALL ATTRACTIVE TO ASSIST MANY POTENTIAL FAMILIES IN OVERCOMING THE PROBLEM OF INITIAL FINANCING.

HE THEREFORE SUGGESTED THAT THE MAXIMUM LOAN OF \$50,000 BE SUITABLY INCREASED AND THAT THE LIMIT OF 10 PER CENT OF THE FLAT PRICE BE DELETED.

FURTHERMORE, MR CHENG DESCRIBED AS MOST UNFAIR A PROPOSAL THAT THE VENDOR WOULD BE REQUIRED TO REPAY THE GOVERNMENT AN AMOUNT ALLOWED FOR PROFIT TAKEN AT RESALE OF FLATS AS A DISINCENTIVE TO SPECULATION.

HE SAID THE PROPOSAL SHOULD NOT BE APPLICABLE AFTER A TIME LIMIT, SAY A PERIOD OF FIVE YEARS, AFTER WHICH IN HIS OPINION, ANY RE-SALE WOULD BE VERY UNLIKELY TO BE SPECULATIVE.

HK SHOULD BE PROUD OF ITS PUBLIC HOUSING

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IT WOULD BE DIFFICULT NOT TO EXPRESS GENERAL SUPPORT FOR HONG KONG'S PUBLIC HOUSING POLICY WHEN A TOTAL OF 2.4 MILLION PEOPLE - OR 45 PER CENT OF OUR POPULATION ARE LIVING IN ACCOMMODATION UNDER THE MANAGEMENT OF THE HOUSING AUTHORITY AND THE HOUSING SOCIETY, THE HON HILTON CHEONG-LEEN, SAID TODAY.

SPEAKING AT THE ADJOURNMENT DEBATE ON LONG TERM HOUSING STRATEGY, MR CHEONG-LEEN SAID THERE WOULD ALSO BE HALF A MILLION PEOPLE SCHEDULED TO BE ACCOMMODATED BY THE HOUSING AUTHORITY AND THE HOUSING SOCIETY BY THE END OF THIS DECADE AND LARGE PRODUCTION PROGRAMMES WOULD CONTINUE INTO THE 1990'S AS WELL.

"THIS IS A RECORD WHICH WE IN HONG KONG SHOULD BE PROUD OF," HE SAID.

MR CHEONG-LEEN SAID HE AGREED THAT TOP PRIORITY SHOULD BE GIVEN TO PROVIDE PUBLIC RENTAL HOUSING FOR ALL QUALIFYING LOW-INCOME FAMILIES IN NEED OF SUCH HOUSING.

"THE HOUSING AUTHORITY'S POLICY STATEMENT STATES THAT OUTSTANDING DEMAND FOR PUBLIC RENTAL HOUSING FROM CLEARANCE, REDEVELOPMENT OF NON-SELF-CONTAINED PUBLIC RENTAL HOUSING FLATS, AND FROM THE WAITING LIST WILL HAVE BEEN SUBSTANTIALLY MET BY 1996 OR 1997.

"I AM PREPARED TO ACCEPT SUCH ESTIMATE PROVIDED THAT THE HOUSING AUTHORITY REVIEWS THE SITUATION ON AN ANNUAL ROLL-FORWARD BASIS, WITH A CAREFUL MONITORING OF THE CONTRIBUTION OF THE PRIVATE SECTOR FROM YEAR TO YEAR IN THIS PARTICULAR TYPE OF HOUSING TO ENSURE THERE IS GOOD CO-ORDINATION ALL ROUND."

MR CHEONG-LEEN SAID THE MAIN THRUST WOULD HAVE TO REMAIN WITH THE HOUSING AUTHORITY SINCE THE COST OF LAND WAS FREE.

"THE STRESS SHOULD BE IMPROVED QUALITY, MORE UNITS, GOOD TRANSPORTATION AND INFRASTRUCTURAL FACILITIES," HE SAID.

HE ALSO SUPPORTED THE REDEVELOPMENT PLANS PROPOSED IN THE STRATEGY PAPER ON THE UNDERSTANDING THAT PRIORITY BE GIVEN TO REDEVELOPING THOSE ESTATES WHICH COULD BE MORE FULLY DEVELOPED AND PROVIDE ADDITIONAL ACCOMMODATION FOR AN INCREASED NUMBER OF PEOPLE.

"ANOTHER CATEGORY WHICH I BELIEVE SHOULD BE GIVEN GREATER PRIORITY IS THE HOME OWNERSHIP SCHEME, WHICH INTERLOCKS WITH THE PRIVATE SECTOR PARTICIPATION SCHEME.

"I WOULD URGE THAT THIS SCHEME BE REVIEWED REGULARLY TO ENSURE THAT EXPANSION CAN MEET THE DEMAND AS MUCH AS POSSIBLE IN ORDER TO ENCOURAGE AND BUILD UP A SOLID SENSE OF COMMITMENT AND OF IDENTITY TO HONG KONG."

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ON THE INTRODUCTION OF THE HOME PURCHASE LOAN SCHEME, MR CHEONG-LEEN SAID THE AMOUNT COULD BE INCREASED TO 15 PER CENT INTEREST FREE ON THE FLAT PRICE.

"I UNDERSTAND THAT THE SCHEME WILL START WITH AN INITIAL QUOTA OF 2,000 LOANS IN ORDER TO ALLOW PRIVATE DEVELOPERS SUFFICIENT TIME TO INCREASE THEIR PRODUCTION.

HE URGED THAT THE SCHEME BE EXTENDED IN DUE COURSE TO WAITING LIST APPLICANTS AS WELL AS TO SANDWICH CLASS FAMILIES WHOSE INCOME WERE JUST ABOVE THE ACCEPTED LIMITS.

"IN ORDER TO ENCOURAGE MORE HOME OWNERSHIP, THE FINANCIAL SECRETARY SHOULD BE URGED TO GRANT TAX EXEMPTION TO PERMANENT HONG KONG RESIDENTS ON THEIR ANNUAL MORTGAGE PAYMENTS."

MR CHEONG-LEEN ALSO SUGGESTED THAT THE HOUSING AUTHORITY SHOULD ENSURE THAT THE STANDARDS FOR HOME PURCHASE LOAN SCHEME ACCOMMODATION WERE COMPARABLE TO WHAT WERE ACCEPTED UNDER THE HOME OWNERSHIP SCHEME.

HE FURTHER PROPOSED THAT WITH THE SETTING UP OF LAND DEVELOPMENT CORPORATION IN THE URBAN AREA, A COMPARATIVELY LIMITED NUMBER OF PUBLIC HOUSING UNITS BE BUILT EITHER BY THE HOUSING SOCIETY OR EVEN THE HOUSING AUTHORITY AT A LATER DATE, DEPENDING ON THE SUITABLE SITES THAT COULD BE MADE AVAILABLE .

MR CHEONG-LEEN SAID THE GOVERNMENT SHOULD LOOK INTO THE FEASIBILITY OF THE SANDWICH CLASS OR MIDDLE INCOME FAMILIES BEING ABLE TO BUY THEIR OWN HOMES ON TERMS THAT THEY COULD AFFORD.

"BETWEEN NOW AND 1997 ABOUT 10 PER CENT OF OUR POPULATION MAY BE ACTIVELY CONSIDERING TO EMIGRATE TO OTHER COUNTRIES, AND I THINK IT SHOULD BE PUBLIC POLICY TO ENCOURAGE OUR MIDDLE CLASS, MANY OF WHOM ARE IN THE PROFESSIONAL, MANAGERIAL AND TECHNICAL GROUPS, TO REMAIN IN HONG KONG AND TO PUT THEIR FAITH IN THE FUTURE OF HONG KONG AS A CHALLENGING DYNAMIC INTERNATIONAL CITY WITH MUCH PROMISE FOR THEMSELVES AND THEIR CHILDREN," HE SAID.

"HOME OWNERSHIP ON TERMS THAT THEY CAN AFFORD WILL BE AN ADDED INCENTIVE FOR THEM TO DO JUST THAT, ESPECIALLY SINCE WE NOW SEEM TO BE RUNNING INTO A PERIOD OF HIGH RENTS IN PRIVATE SECTOR ACCOMMODATION."

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SHORTFALLS IN HOUSING STRATEGY IDENTIFIED

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THE LONG TERM HOUSING STRATEGY REPRESENTS A RESPONSIVE STEP TAKEN BY GOVERNMENT TO MEET CHANGING HOUSING NEEDS IN HONG KONG IN THE LIGHT OF DWINDLING PUBLIC DEMAND FOR PUBLIC RENTAL HOUSING (PRH) UNITS, THE HON Y.F. HUI SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING AT THE ADJOURNMENT DEBATE, MR HUI SAID THERE WERE, HOWEVER, TWO SHORTFALLS IN THE STRATEGY.

"FIRST, THE ADOPTION OF THE HOME PURCHASE LOAN SCHEME (HPLS) INSTEAD OF PRIVATE SECTOR PARTICIPATION SCHEME (PSPS) AS THE LEAD STRATEGY; AND SECOND, THE EXCLUSION OF THE HOUSING NEEDS OF THE SANDWICH CLASS, FOR WHICH REASON THE DOCUMENT WOULD BE MORE APPROPRIATELY ENTITLED LONG TERM HOUSING STRATEGY FOR THE LOWER INCOME GROUP," MR HUI SAID.

MR HUI SAID ALTHOUGH THE HPLS OFFERED A BETTER CHOICE OF ACCOMMODATION TO THOSE WHO COULD AFFORD TO BUY THEIR OWN FLATS, INCREASED DEMAND FOR HOME PURCHASE WOULD EASILY INFLATE THE PRICES OF PRIVATE FLATS, WHICH WOULD IN TURN PUSH UP THE COST OF LIVING.

"IF THE LOAN OF HK\$50,000 IS THE CARROT, THEN THE ENVISAGED RISING MORTGAGE PAYMENTS WILL BE THE STICK THAT BLUDGEONS THE HOME BUYERS INTO BEARING THE BRUNT OF THE PROPERTY MARKET," HE SAID.

"INDEED, IF INTEREST RATE SPIRALLED FROM ITS PRESENT LEVEL, THOSE HPLS PURCHASERS WHO ARE FORMER PRH TENANTS WOULD BE HELPING GOVERNMENT TO BUY ITS PRH FLATS BY PAYING PRIVATE DEVELOPERS HIGHER FLAT PRICES."

MR HUI SAID ALTHOUGH THE LOAN SCHEME AIMED AT ASSISTING THE LOWER INCOME GROUP TO BUY THEIR OWN HOMES, IT IN FACT BENEFITTED THE PRIVATE DEVELOPERS BY WAY OF INCREASED LAND SALES, BOOSTED BANKING BUSINESS, AND INVIGORATED CONSTRUCTION ACTIVITIES -- WHICH ALTOGETHER HELPED TO READJUST THE PROPERTY MARKET.

"FOR THIS REASON, I MUST DEMUR TO THE SCHEME THAT PROTECTS THE INTEREST OF THE RICH AT THE EXPENSE OF THE LOWER INCOME PEOPLE IN OUR MIDST."

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ON THE OTHER HAND, HE SAID THE PSPS CARRIED ALL THE MERITS OF THE LOAN SCHEME WITHOUT THE LATTER'S DEFECTS. "THE PSPS NOT ONLY REAPS FOR GOVERNMENT LAND PREMIUM PLUS INTEREST FROM PRIVATE DEVELOPERS; BUT LIKE THE HOME OWNERSHIP SCHEME (HOS), ALSO GENERATES REGULAR PROFITS FROM THE SALE OF FLATS."

"WITH PRIVATE DEVELOPERS FINANCING AND BUILDING FLATS TO GOVERNMENT'S SPECIFICATIONS, THE ONLY COST GOVERNMENT HAS TO BEAR IS ADMINISTRATIVE EXPENSES.

"SINCE PSPS FLATS ARE READILY CONVERTIBLE BACK TO PRH UNITS WHEN DEMAND AND SUPPLY SITUATION REQUIRES, THE SCHEME OFFERS A MOST IDEAL STRATEGY FOR GOVERNMENT TO MEET THE GROWING DEMAND FOR HOME PURCHASE WITH MINIMUM FINANCIAL COMMITMENT ON ITS PART.

HE SAID IF GOVERNMENT WAS ANXIOUS TO MEET THE DEMAND FOR HOME PURCHASE, THEN IT HAD TO INCREASE ITS COMMITMENT IN TERMS OF LAND, MONEY AND STAFF RESOURCES FOR BUILDING MORE HOS AND PSPS FLATS.

"FURTHERMORE, IT SHOULD CONSIDER CONSTRUCTING DIFFERENT TYPES OF LOW COST HOUSING UNITS SUITED TO THE NEEDS OF VARIOUS CATEGORIES OF LOW INCOME HOME BUYERS.

"WHILE STRONGLY DISAGREEING WITH GOVERNMENT'S INTERVENTION IN THE PROPERTY MARKET, I WISH TO POINT OUT THAT THE HPLS OUGHT TO BE PURSUED AS A SUPPORTING STRATEGY TO SATISFY THE DEMAND LEFT UNSATISFIED BY HOS/PSPS FLATS PRODUCTION.

"IN THIS RESPECT, A CORRECT BALANCE BETWEEN PUBLIC AND PRIVATE HOUSING PRODUCTION SHOULD BE KEPT CONSTANTLY UNDER REVIEW IN ACCORDANCE WITH THE DEMAND AND SUPPLY SITUATION; AND IF NECESSARY, A LIMIT ON THE PERCENTAGE INCREASE OF FLAT PRICES SHOULD BE IMPOSED.

MR HUI ALSO POINTED OUT THAT THERE WAS EVERY REASON TO BELIEVE THAT GOVERNMENT MIGHT HAVE OVER-ESTIMATED THE DEMAND FOR HOME PURCHASE AMONG ITS PUBLIC HOUSING TENANTS WHOSE INCOME AND LIVING STANDARD COULD HARDLY QUALIFY THEM FOR HPLS FLATS.

"THE FACT THAT SOME 45 PER CENT OF PRH TENANTS IS ESTIMATED TO HAVE EXCEEDED THE WAITING LIST INCOME LIMIT CANNOT BE EQUATED WITH THE NUMBER OF HOME PURCHASERS; SINCE MANY OF THEM WOULD CHOOSE TO STAY IN PRH UNITS WITH IMPROVED AMENITIES."

HE SAID RATHER THAN PROVIDING THESE PEOPLE WITH A DOUBLE SUBSIDY THROUGH THE LOAN SCHEME, ASSISTANCE SHOULD BE GIVEN TO PRIVATE HOUSING TENANTS WHO DID NOT QUALIFY FOR PUBLIC HOUSING.

/"THIS MARGINAL

"THIS MARGINAL GROUP, I.E. PEOPLE WITH A MONTHLY INCOME IN THE HK\$8,500 - HK\$12,000 BRACKET ARE PAYING HIGH RENTS FOR SUB-STANDARD ACCOMMODATION IN THE PRIVATE SECTOR, SOME OF THEM SHARING FLATS WITH OTHER FAMILIES, WHILE MANY HAVING BEEN ON THE PUBLIC HOUSING WAITING LIST FOR MANY YEARS.

"THEIR HOUSING PROBLEM IS AGGRAVATED BY THE INTRODUCTION OF THE LOAN SCHEME --- IN FACT, ANOTHER REASON WHY I OPPOSE TO THE HPLS LEAD STRATEGY IS THE REPURCUSSIONS INCREASED FLAT PRICES MAY HAVE ON THE SANDWICH CLASS.

"AT THE MOMENT, ONLY A SMALL NUMBER OF FAMILIES BELONGING TO THE SANDWICH CLASS WERE STAYING IN HOS UNITS AND ENJOYING THE BENEFITS OF SUBSIDISED HOME PURCHASE," HE SAID.

"TO ACTIVELY ASSIST OTHER FAMILIES IN THIS GROUP, GOVERNMENT SHOULD EXERCISE MORE FLEXIBILITY IN WORKING OUT THE PROPORTION BETWEEN PRH UNITS AND HOS/PSPS FLATS IN ORDER TO MEET THE GROWING DEMAND FOR THE LATTER AMONG THE SANDWICH CLASS."

MR HUI SAID THAT BEARING IN MIND THE INCOME LEVEL OF THE SANDWICH CLASS, AN ALTERNATIVE TO THE LOAN SCHEME WOULD BE GRANTING THEM TAX ALLOWANCE ON HOME PURCHASE DOWN PAYMENTS TO BE CLAIMED OVER A TWO-YEAR PERIOD.

"AT THE SAME TIME, GOVERNMENT SHOULD CONSIDER GIVING FURTHER TAX ALLOWANCE TO THE SANDWICH CLASS TO COVER THEIR ANNUAL MORTGAGE PAYMENTS --- A POLICY WHICH IS BEING PRACTISED IN THE DEVELOPED COUNTRIES."

MR HUI SAID THE LAUNCHING OF THE HOS IN 1977 SHOWED GOVERNMENT'S SENSITIVE RESPONSE TOWARDS CHANGING HOUSING NEEDS --- GOVERNMENT NOT ONLY SUBSIDISED THE POOR THROUGH ITS PUBLIC HOUSING PROGRAMME, BUT ALSO WENT BEYOND PUBLIC HOUSING TO CATER FOR HOME PURCHASE NEED NOT MET BY PRIVATE HOUSING.

"THE LONG TERM HOUSING STRATEGY, HOWEVER, TEND TO TAKE A RETROGRESSIVE STEP. BY ADOPTING THE PRIVATE SECTOR LEAD STRATEGY, IT IS TURNING A SOCIAL WELFARE SERVICE INTO AN INVESTMENT-ORIENTED PROJECT THAT BENEFITS PRIVATE DEVELOPERS."

"ONLY BY INCREASING ITS COMMITMENT IN THE PRODUCTION OF HOS/PSPS FLATS AND ASSISTING QUALIFIED HOME PURCHASERS IN THE MIDDLE-LOWER INCOME GROUP TO BUY THOSE FLATS CAN GOVERNMENT MEASURE UP TO ITS LAUDABLE ACHIEVEMENTS IN HOUSING --- ABOUT THE ONLY SUBSTANTIAL WELFARE SCHEME HONG KONG HAS FOR OUR PEOPLE," HE ADDED.

PRIORITY FOR WAITING LIST APPLICANTS

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PRIORITY IN THE PROVISION OF PUBLIC RENTAL HOUSING MUST BE GIVEN TO THOSE ON THE WAITING LIST AND THOSE AFFECTED BY CLEARANCE, THE HON HU FA-KUANG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WHEN THE HOUSING AUTHORITY HAD BASICALLY RESOLVED HOUSING NEEDS FROM THESE TWO CATEGORIES, ATTENTION COULD THEN BE GIVEN TO THOSE LIVING IN OLDER PUBLIC HOUSING ESTATES WHICH REQUIRED ADDITIONAL 125,000 UNITS, HE ADDED.

SPEAKING DURING THE ADJOURNMENT DEBATE ON LONG TERM HOUSING STRATEGY, MR HU SAID REDEVELOPMENT OF OLDER ESTATES WOULD UNDOUBTEDLY IMPROVE THE ENVIRONMENTAL AND LIVING CONDITIONS, BUT REDEVELOPED ESTATES, DUE TO ADDITIONAL CONSTRUCTION COST, WOULD ALSO MEAN CONSIDERABLY HIGHER RENT FOR TENANTS.

MEANWHILE, ADDITIONAL ROUTINE MAINTENANCE CHARGES FOR OLDER ESTATES WOULD HAVE COMPARATIVELY LESS EFFECT ON RENTAL CHARGE, HE SAID.

"IT IS THEREFORE IMPORTANT THAT THE HOUSING AUTHORITY SHOULD KEEP A RANGE OF PUBLIC RENTAL HOUSING ESTATES WITH DIFFERENT RENTAL CHARGES DEPENDING ON THE STANDARD OF LIVING CONDITIONS AND SUPPORTING FACILITIES FOR THE APPLICANTS OR TENANTS TO CHOOSE," HE ADVISED.

"WE HAVE TO KEEP SOME OLDER LOW COST LOW RENT HOUSING ESTATES ESPECIALLY FOR THE LOWER-INCOME GROUP.

"THIS APPLIES PARTICULARLY TO HOUSING ESTATES WHICH HAVE BEEN FULLY DEVELOPED AND REDEVELOPMENT COULD NOT PRODUCE ADDITIONAL ACCOMMODATION," HE SAID.

MR HU SAID TENANTS IN THESE OLDER HOUSING ESTATES COULD MOVE TO EITHER NEWER ESTATES WITH HIGHER RENT OR PURCHASE HOS/PSPS FLATS OR FLATS FROM THE PRIVATE SECTOR IF THEY COULD AFFORD THE REMOVAL FINANCIALLY.

THE VACATED UNITS COULD THEN BE ALLOCATED TO APPLICANTS OR TENANTS WHO PREFERRED LOWER RENTAL PAYMENT.

HE SAID: "REDEVELOPMENT OF OLDER HOUSING ESTATES CAN BE CONSIDERED IF REDEVELOPMENT CAN PRODUCE ADDITIONAL ACCOMMODATION WHICH WILL BE BENEFICIAL TO THE WAITING LIST APPLICANTS.

"OLDER HOUSING ESTATES NOT TO BE REDEVELOPED MAY HAVE LIMITED ENVIRONMENTAL AND FACILITY IMPROVEMENT FOR THE PURPOSE OF RAISING LIVING CONDITIONS, BUT WITHOUT SERIOUS EFFECT ON RENTAL CHARGE."

/MR HU

MR HU CAUTIONED THAT REDEVELOPMENT OF OLDER HOUSING ESTATES SHOULD NOT SERIOUSLY DISTURB THE LIFE OF AFFECTED TENANTS WHO WOULD PREFER TO BE RE-SETTLED IN A NEARBY AREA FOR REASONS OF EMPLOYMENT AND PROXIMITY TO SCHOOLS.

MR HU ADDED THAT IN PRINCIPLE HE SUPPORTED THE LONG TERM HOUSING STRATEGY PAPER WHICH WAS A CONTINUATION OF THE PRESENT HOUSING POLICY BUT WITH ADDITIONAL REFINEMENT COUPLED WITH FLEXIBILITY TO COPE WITH THE CHANGING SITUATION AIMING AT MAXIMUM UTILISATION OF RESOURCES FROM ALL SOURCES.

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IMPROVEMENTS TO LOAN SCHEME PROPOSED

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DR THE HON HO KAM-FAI SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT THE HOME PURCHASE LOAN SCHEME AS A STRATEGY TO PROMOTE HOME OWNERSHIP AND TO BROADEN THE CHOICE OF HOME PURCHASE WAS WORTHY OF SUPPORT.

HOWEVER, IN ORDER TO MAKE THE STRATEGY WORK MORE EFFECTIVELY, HE SUGGESTED IMPROVEMENTS IN THREE AREAS FOR THE ADMINISTRATION'S CONSIDERATION.

SPEAKING DURING THE ADJOURNMENT DEBATE ON LONG TERM HOUSING STRATEGY, DR HO SAID FIRSTLY, HOME OWNERSHIP SHOULD BE MADE MORE EASILY AFFORDABLE BY RELAXING SOME OF THE TERMS OF THE LOAN SCHEME.

HE SAID THE ADMINISTRATION MUST CONSIDER TO INCREASE THE INTEREST-FREE HOME PURCHASE LOAN SUBSTANTIALLY TO A LEVEL ENOUGH TO COVER OTHER NECESSARY ITEMS OF EXPENSES ASSOCIATED WITH HOME PURCHASE, SUCH AS LEGAL FEES, STAMP DUTY, FIRE INSURANCE PREMIUM AND DECORATION.

THE FINANCIAL BURDEN ON THE HOME BUYER WOULD BE REDUCED, IF THE GOVERNMENT CONSIDERED TO MAKE MORTGAGE REPAYMENTS TAX-EXEMPTED, HE NOTED.

FURTHERMORE, IF THE LOAN WAS ONLY SUBJECT TO A MAXIMUM AMOUNT WITHOUT THE 10 PER CENT OF THE FLAT PRICE RESTRICTION, THE ARRANGEMENT WOULD INEVITABLY RENDER THE MONTHLY MORTGAGE REPAYMENTS LESS ONEROUS FOR THE LOAN RECIPIENTS, HE ADDED.

SECONDLY, DR HO SAID THE HOME PURCHASE LOAN SCHEME SHOULD BE EXTENDED TO INCLUDE PRIVATE SECTOR TENANTS AND WAITING-LIST APPLICANTS WHO MET THE INCOME CRITERIA FOR HOME OWNERSHIP SCHEME, AND THAT THE INITIAL 2,000 LOANS SHOULD BE DOUBLED TO PROVIDE MORE OPPORTUNITIES FOR HOME PURCHASE.

/IN ORDER

IN ORDER NOT TO MAKE AN UNDUE IMPACT ON THE PROPERTY MARKET, IT HAD BEEN ARGUED THAT PRIVATE SECTOR FLATS CONSTRUCTED IN THE PAST FIVE YEARS SHOULD BE CONSIDERED ELIGIBLE FOR THE HOME PURCHASE SCHEME, HE SAID.

"A 5-YEAR LIMIT IS SUGGESTED BECAUSE SUCH A FLAT IS NORMALLY CAPABLE OF SECURING A MORTGAGE LOAN WORTHY OF 90 PER CENT OF ITS VALUE," HE EXPLAINED.

FINALLY, DR HO SAID THE ADMINISTRATION MUST CONSIDER AND PUBLISH A CONTINGENCY PLAN FOR THOSE LOAN RECIPIENTS WHO WERE UNABLE TO FULFIL THEIR MORTGAGE REPAYMENT OBLIGATIONS FOR REASONS BEYOND THEIR ANTICIPATION AND CONTROL.

"PERHAPS, THEY MIGHT BE ALLOWED TO MOVE BACK TO A PUBLIC RENTAL HOUSING UNIT, IF THEY STILL MEET THE INCOME CRITERIA," HE SAID.

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NO PROSECUTION AGAINST MAGAZINE AND NEWSPAPER INTENDED

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NO INVESTIGATION HAS BEEN, OR IS BEING INSTITUTED, IN RELATION TO THE PUBLICATIONS OF TWO STATEMENTS RECENTLY A MAGAZINE AND A NEWSPAPER, ACCORDING TO THE ATTORNEY GENERAL, THE HON MICHEAL THOMAS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR THOMAS WAS REPLYING TO A QUESTION BY THE HON MARTIN LEE WHETHER PROSECUTIONS WOULD BE INSTITUTED UNDER SECTION 27 OF THE PUBLIC ORDER ORDINANCE IN RELATION TO THE PUBLICATION BY THE OUTLOOK MAGAZINE OF A STATEMENT ATTRIBUTED TO THE SECRETARY GENERAL OF THE BASIC LAW DRAFTING COMMITTEE, MR LI HOU AND THE PUBLICATION BY THE HONG KONG STANDARD OF CERTAIN STATEMENTS ATTRIBUTED TO A FOREIGN OFFICE SPOKESMAN.

"NOR CAN I SEE ANY PROSPECT OF A PROSECUTION UNDER SECTION 27 OF THE PUBLIC ORDER ORDINANCE IN THE LIGHT OF THE FACTS DISCLOSED BY THE QUESTION," HE ADDED.

"WHEN THE BILL WAS DEBATED LAST MARCH, THIS COUNCIL SUPPORTED THIS SECTION ON THE BASIS THAT IT WAS DIRECTED AT THE IRRESPONSIBLE PUBLICATION OF BLATANT FALSEHOODS AND WOULD BE USED ONLY AS A MEASURE OF LAST RESORT," HE SAID.

"THERE IS NOTHING IN THE QUESTION TO SUGGEST THAT THESE CASES COME ANYWHERE NEAR THE INTENDED SCOPE OF THIS OFFENCE," HE SAID.

"INDEED, I AM RATHER SURPRISED THAT MR LEE SHOULD BE SUGGESTING THAT CONSIDERATION SHOULD BE GIVEN TO USING SECTION 27 IN SUCH CASES," HE ADDED.

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MORE STRINGENT MEASURES TO CURB EMPLOYMENT OF II'S

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THE SECRETARY FOR SECURITY, MR DAVID JEAFFRESON, SAID TODAY (WEDNESDAY) THE GOVERNMENT IS CONSIDERING MORE STRINGENT MEASURES TO CURB THE EMPLOYMENT OF ILLEGAL IMMIGRANTS.

SPEAKING IN THE LEGISLATIVE COUNCIL, MR JEAFFRESON NOTED THAT THE NEW MEASURES "WILL PROBABLY INCLUDE REFINEMENTS TO POLICE PROCEDURES FOR DEALING WITH SUCH CASES AND AMENDMENTS TO THE IMMIGRATION ORDINANCE TO TIGHTEN UP THE REQUIREMENTS FOR EMPLOYERS TO KEEP PROPER RECORDS AND TO CHECK THE VALIDITY OF IDENTITY DOCUMENTS PRESENTED BY NEW EMPLOYEES."

HE POINTED OUT THAT FROM JANUARY 1985 TO JUNE THIS YEAR, A TOTAL OF 251 ILLEGAL IMMIGRANTS WERE CAUGHT BY THE IMMIGRATION DEPARTMENT WORKING IN HONG KONG. OF THESE, 55 WERE INTERCEPTED IN 1985, 122 IN 1986 AND 74 IN THE FIRST SIX MONTHS OF 1987.

"MANY MORE HAVE BEEN CAUGHT BY THE POLICE IN RAIDS ON CONSTRUCTION SITES AND OTHER PREMISES, OFTEN IN THE COURSE OF OTHER INVESTIGATIONS. THE POLICE HAVE NOT BEEN KEEPING CONSOLIDATED RECORDS UNTIL THIS YEAR BUT SINCE JANUARY 1 THIS YEAR, THEY HAVE FOUND 309 ILLEGAL IMMIGRANTS ON CONSTRUCTION SITES AS A RESULT OF 93 RAIDS UP TO JULY 6," HE ADDED.

MR JEAFFRESON WENT ON TO SAY THAT 79 LOCAL EMPLOYERS WERE PROSECUTED FOR EMPLOYING ILLEGAL IMMIGRANTS. OF THESE, 15 WERE PROSECUTED IN 1985, 33 IN 1986 AND 31 IN THE FIRST HALF OF THIS YEAR.

DURING THE SAME PERIOD, THE LABOUR DEPARTMENT INITIATED A TOTAL OF 57 PROSECUTIONS AGAINST EMPLOYERS WHO FAILED TO PRODUCE OR PROPERLY MAINTAIN RECORDS OF EMPLOYEES. FIFTY-THREE OF THE EMPLOYERS WERE CONVICTED.

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UNIVERSITIES FREE TO DECIDE OWN CURRICULA

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THE GOVERNMENT'S POLICY DOES NOT SEEK TO DETERMINE OR INFLUENCE THE CONTENTS OF CURRICULA IN INSTITUTIONS FUNDED BY THE UNIVERSITY AND POLYTECHNIC GRANTS COMMITTEE (UPGC), THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON MICHELANGELO PAGLIARI, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON CHEUNG YAN-LUNG, HE SAID THAT THERE WAS A COMPREHENSIVE POLICY ON THE PROVISION OF DEGREE AND SUB-DEGREE PLACES AT THE INSTITUTIONS OF TERTIARY EDUCATION WHICH SOUGHT TO MEET THE ASPIRATIONS OF YOUNG PEOPLE FOR HIGHER EDUCATION AND ALSO TO PROVIDE TRAINED MANPOWER IN SPECIFIC AREAS TO MEET THE NEEDS OF THE COMMUNITY.

/HE SAID

HE SAID THAT THE UPGC-FUNDED INSTITUTIONS MADE THEIR ACADEMIC PROPOSALS TO THE UPGC ON A TRIENNIAL BASIS AND THE UPGC SCRUTINISED THESE TO ENSURE THAT THEY WERE CONSISTENT WITH THE STUDENT TARGET NUMBERS SET BY THE GOVERNMENT, WITH THE NEEDS OF THE COMMUNITY AND WITH THE PLANNED EXPANSION OF FACILITIES AT THE INSTITUTIONS.

HE NOTED THAT THE UPGC ALSO ASSESSED THE FUNDING REQUIREMENT OF THESE ACADEMIC PROPOSALS AND SOUGHT TO ENSURE THAT PROGRAMMES WERE PROVIDED IN THE MOST ECONOMICAL MANNER AND THAT DUPLICATION WAS AVOIDED.

HE ALSO POINTED OUT THAT IN THE INTERIM REPORT FOR THE 1985-88 TRIENNIUM, WHICH WAS LAID BEFORE THE COUNCIL ON MARCH 25 THIS YEAR, THE UPGC STATED THAT IT HAD BEEN NOTIFIED BY THE VICE-CHANCELLOR OF THE UNIVERSITY OF HONG KONG OF THE RECENT PROPOSAL BY THE SENATE OF THE UNIVERSITY TO EXTEND THE CURRICULUM FOR DEGREE COURSES AT THE INSTITUTION FROM THREE YEARS TO FOUR YEARS AND OF THE SUBSEQUENT ESTABLISHMENT OF A SENATE WORKING PARTY TO ASCERTAIN THE ACADEMIC AND FINANCIAL IMPLICATIONS OF THIS PROPOSAL.

IT WENT ON TO SAY THAT WHEN FORMAL PROPOSALS WERE SUBMITTED, THE COMMITTEE WOULD EXAMINE THEM CAREFULLY, WITH DUE REGARD FOR THE IMPACT ON THE UNIVERSITY, ON THE OTHER INSTITUTIONS OF HIGHER EDUCATION AND ON THE COMMUNITY, AND THAT THE COMMITTEE'S CONSIDERATION WOULD INCLUDE THE CONSEQUENCES FOR FUNDING AND FOR STUDENT NUMBER TARGETS IN THE TERTIARY SECTOR, BEARING IN MIND COMPETING DEMANDS FOR LIMITED RESOURCES.

MOREOVER, ACADEMIC PROPOSALS FOR THE 1988-91 TRIENNIUM WERE CONSIDERED IN DEPTH BY THE UPGC EARLIER THIS YEAR AND BLOCK GRANT PROPOSALS BASED ON THEM WERE IN THE FINAL STAGES OF COMPLETION.

"THE EFFECT OF ANY RESTRUCTURING PROPOSALS FROM THE SENATE OF THE UNIVERSITY OF HONG KONG, WHEN AND IF THEY ARE MADE, WOULD THEREFORE NOT BE FELT UNTIL THE ACADEMIC YEAR 1991-1992 AT THE EARLIEST," HE SAID.

"THE UPGC WILL EXAMINE THE PROPOSALS IN DETAIL TO CONSIDER, IN PARTICULAR, THEIR EFFECTS ON FUNDING AND ON STUDENT NUMBER TARGETS AND WHETHER THESE EFFECTS ARE JUSTIFIED BEFORE ANY SUCH CHANGES TAKE PLACE," HE ADDED.

MR PAGLIARI POINTED OUT THAT MEMBERS HAD TO BE AWARE THAT THE EDUCATION COMMISSION WAS CURRENTLY EMBARKED ON A STUDY OF THE STRUCTURE OF THE TERTIARY SECTOR IN THE LIGHT OF THE RECOMMENDATIONS ON SIXTH-FORM EDUCATION.

"THE UPGC WILL NO DOUBT TAKE ACCOUNT OF THE COMMISSION'S RECOMMENDATIONS WHEN COMING TO ITS CONCLUSIONS," HE SAID, "THE BOARD OF EDUCATION WILL ALSO REQUIRE TO BE CONSULTED SHOULD THE UPGC'S CONCLUSIONS HAVE IMPLICATIONS FOR THE STRUCTURE OF SECONDARY EDUCATION."

HE ADDED THAT THE VERY SERIOUS IMPLICATIONS OF ANY RESTRUCTURING PROPOSAL BY THE SENATE OF THE UNIVERSITY OF HONG KONG FOR STUDENT NUMBERS, FOR TERTIARY EDUCATION OPPORTUNITIES IN HONG KONG, FOR THE FINANCING OF EDUCATION AND FOR THE STRUCTURE AND QUALITY OF SECONDARY EDUCATION, SHOULD NOT BE UNDERESTIMATED.

GOVERNMENT PROVIDES REQUISITE FACILITIES FOR TOURISM
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THE GOVERNMENT TRIES TO ENSURE THE PROVISION OF THE NECESSARY INFRASTRUCTURE TO MEET THE TOURIST INDUSTRY'S NEEDS, ALTHOUGH IT DOES NOT INVOLVE ITSELF DIRECTLY IN THE PROMOTION AND DEVELOPMENT OF TOURISM, THE ACTING FINANCIAL SECRETARY, THE HON JOHN YAXLEY, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE GOVERNMENT WOULD EITHER PROVIDE THE REQUISITE FACILITIES ITSELF, SUCH AS HONG KONG INTERNATIONAL AIRPORT, OR ENABLE THE PRIVATE SECTOR TO DO SO, SUCH AS THE AVAILABILITY OF ADDITIONAL HOTEL SITES, HE EXPLAINED.

IN A WRITTEN REPLY TO A QUESTION BY THE HON HILTON CHEONG-LEEN, MR YAXLEY SAID THE GOVERNMENT'S POLICY OBJECTIVES FOR THE PROMOTION AND DEVELOPMENT OF THE TOURIST INDUSTRY IN HONG KONG WERE IN EFFECT, THOSE LAID DOWN UPON THE HONG KONG TOURIST ASSOCIATION IN PARAGRAPHS (A) TO (E) OF SECTION 4 OF THE HONG KONG TOURIST ASSOCIATION ORDINANCE, NAMELY:

- * TO ENDEAVOUR TO INCREASE THE NUMBER OF VISITORS TO HONG KONG;
- * TO FURTHER THE DEVELOPMENT OF HONG KONG AS A TOURIST DESTINATION;
- * TO PROMOTE THE IMPROVEMENT OF FACILITIES FOR VISITORS;
- * TO SECURE OVERSEAS PUBLICITY FOR THE TOURIST ATTRACTIONS OF HONG KONG; AND
- * TO CO-ORDINATE THE ACTIVITIES OF PERSONS PROVIDING SERVICES FOR VISITORS TO HONG KONG.

"THE GOVERNMENT SEEKS TO ACHIEVE THESE OBJECTIVES MAINLY THROUGH THE MEDIUM OF THE HONG KONG TOURIST ASSOCIATION WHICH IS A STATUTORY CORPORATION WHOSE BOARD OF MANAGEMENT CONSISTS OF INDIVIDUALS FROM THE VARIOUS SECTORS OF THE INDUSTRY," MR YAXLEY ADDED.

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NEW NEIGHBOURHOOD OFFICES SYSTEM WORKS WELL

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THE GREAT ADVANTAGE OF THE NEW NEIGHBOURHOOD POLICE OFFICES SYSTEM, WITH OPERATING HOURS ADJUSTED TO REFLECT PUBLIC DEMAND, IS THAT DIVISIONAL COMMANDERS HAVE MORE MEN AVAILABLE FOR BEAT PATROL AND CAN DEPLOY THEM WITH GREATER FLEXIBILITY, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, SAID TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON POON CHI-FAI IN THE LEGISLATIVE COUNCIL, MR JEAFFRESON SAID A REVIEW COMPLETED IN 1985 ON THE SCHEME REVEALED THAT, THROUGH MORE EFFICIENT DEPLOYMENT OF MEN AND RESOURCES, THE NEW SCHEME HAD ENHANCED THE OVERALL EFFECTIVENESS OF THE POLICE FORCE IN ITS FIGHT AGAINST CRIME.

COVERAGE OF THE FORMER NEIGHBOURHOOD POLICE UNIT AREAS, IN WHICH THE UNITS WERE MANNED 24 HOURS A DAY, HAD NOT DECREASED AND PUBLIC CRITICISM OF THE NEW NEIGHBOUR POLICE OFFICES SYSTEM HAD BEEN SLIGHT, HE ADDED.

MR JEAFFRESON SAID THAT WITH THE INSTALLATION OF EXTERNAL DIRECT-LINE TELEPHONES, MEMBERS OF THE PUBLIC COULD NOW COMMUNICATE IMMEDIATELY WITH POLICE EVEN IF THE NEIGHBOURHOOD POLICE OFFICE WAS UNATTENDED.

THE CONTROL CENTRE COULD THEN, AS NECESSARY, CO-ORDINATE A QUICK RESPONSE FROM THE POLICEMEN PATROLLING IN THE VICINITY, USING THE BEAT RADIO SYSTEM, HE SAID.

TO STRENGTHEN CONTACT WITH THE COMMUNITY, THE GOVERNMENT AIMED TO INCREASE THE NUMBER OF NEIGHBOURHOOD POLICE CO-ORDINATORS, ALL SERGEANTS, TO AROUND 140 FROM THE PRESENT 82.

MR JEAFFRESON SAID A SECOND REVIEW OF THE NEIGHBOURHOOD POLICE SCHEME WAS NEARLY COMPLETE AFTER SUGGESTIONS BY SOME DISTRICT FIGHT CRIME COMMITTEES THAT ANOTHER LOOK SHOULD BE GIVEN TO THE SCHEME.

BUT MR JEAFFRESON SAID IT WAS UNLIKELY THAT SIGNIFICANT CHANGES WOULD BE RECOMMENDED GIVEN THE FAVOURABLE FINDINGS OF THE NEIGHBOURHOOD POLICE OFFICES SCHEME.

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PROTECTION OF WORKERS IN RELOCATION OF WORK PLACE ADEQUATE

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AN EMPLOYEE WOULD BE CONSIDERED TO HAVE BEEN CONSTRUCTIVELY DISMISSED AND BE ENTITLED TO SEVERANCE PAY IF THE CHANGING OF THE PLACE OF WORK ANYWHERE WITHIN THE TERRITORY CAUSES SO MUCH HARDSHIP AS TO MAKE IT IMPOSSIBLE FOR HIM TO CONTINUE WITH THE EMPLOYMENT.

THIS WAS STATED BY THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON MICHELANGELO PAGLIARI, IN A WRITTEN REPLY TO A QUESTION BY THE HON TAM YIU-CHUNG.

MR PAGLIARI CITED SECTION 31B(2)(C) OF THE EMPLOYMENT ORDINANCE, WHICH SAID THAT EMPLOYEES WOULD BE REGARDED AS HAVING BEEN DISMISSED BY REASON OF REDUNDANCY AND BE ENTITLED TO SEVERANCE PAY IF "THE REQUIREMENTS OF THAT BUSINESS FOR EMPLOYEES TO CARRY OUT WORK OF A PARTICULAR KIND IN THE PLACE WHERE THE EMPLOYEE WAS SO EMPLOYED HAVE CEASED OR DIMINISHED OR ARE EXPECTED TO CEASE OR DIMINISH".

HE SAID ADEQUATE PROTECTION WAS THEREFORE AVAILABLE TO THE EMPLOYEES IN QUESTION.

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FLEXIBILITY NEEDED IN DEALING WITH YOUNG OFFENDERS

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FOR THE PURPOSES OF THE CRIMINAL LAW, THERE WERE A VARIETY OF DIFFERENT AGES AT WHICH YOUNG PERSONS WERE HELD BOTH TO BE RESPONSIBLE FOR THEIR OWN ACTIONS AND TO REQUIRE PROTECTION, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"THESE AGES WILL VARY ACCORDING TO THE DIFFERING CONCEPTS AND CRITERIA WHICH THE UNDERLYING POLICY ADOPTS TO ACHIEVE ITS DISPARATE AIMS," HE SAID.

IN A WRITTEN REPLY TO A QUESTION BY THE HON MRS ROSANNA TAM, MR THOMAS SAID HE COULD WELL UNDERSTAND THE FACT THAT THE WORD "JUVENILE" WHICH WAS DEFINED TO MEAN DIFFERENT AGE GROUPS IN DIFFERENT ORDINANCES, COULD BE CONFUSING.

BUT HE SAID THIS APPROACH BEST ENABLED THE CRIMINAL LAW TO DEAL JUSTLY WITH THE WIDE VARIETY OF OFFENCES AND SITUATIONS INVOLVING YOUNG PEOPLE.

FOR EXAMPLE, A CHILD UNDER SEVEN WAS NOT CAPABLE OF COMMITTING AN OFFENCE AT ALL AND A PERSON BETWEEN THE AGES OF SEVEN AND 14 WAS PRESUMED NOT TO HAVE FORMED THE NECESSARY INTENT TO COMMIT AN OFFENCE, HE ADDED.

/MR THOMAS

MR THOMAS ALSO POINTED OUT THAT DIFFERENT PENALTIES WERE IMPOSED ON PERSONS CONVICTED OF SEXUAL OFFENCES AGAINST YOUNG PERSONS, ACCORDING TO THE AGE OF THOSE YOUNG PERSONS.

THUS, HE SAID UNLAWFUL SEXUAL INTERCOURSE WITH A GIRL UNDER 13 ATTRACTED A PENALTY OF LIFE IMPRISONMENT WHEREAS UNLAWFUL INTERCOURSE WITH A GIRL AGED BETWEEN 13 AND 16 ATTRACTED A PENALTY OF FIVE YEARS IMPRISONMENT. "THE INTENT OF THE LEGISLATURE IS, OF COURSE, TO GIVE A GREATER DEGREE OF PROTECTION TO A GIRL UNDER 13," HE ADDED.

HE NOTED THAT IT WOULD BE WISE TO MAINTAIN THIS EXISTING APPROACH, EVEN AT THE RISK OF CAUSING SOME CONFUSION.

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MAJOR COURTESY CAMPAIGN BEING CONSIDERED

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THE GOVERNMENT WOULD CONSIDER HOLDING A TERRITORY-WIDE COURTESY CAMPAIGN AS PART OF ITS 1988-89 PUBLICITY CAMPAIGNS, THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON T.H. CHAU, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN REPLY TO A QUESTION FROM THE HON HILTON CHEONG-LEEN, MR CHAU SAID APART FROM THE COMMUNITY INVOLVEMENT AND CIVIC EDUCATION ASPECTS OF SUCH A CAMPAIGN, THERE WAS A GREAT DEAL TO BE SAID FOR PROMOTING COURTESY AS AN END IN ITSELF.

"I DO NOT MEAN TO PASS ANY JUDGMENT ON THE COURTEOUSNESS OF THE PEOPLE OF HONG KONG", HE SAID.

"THE POINT IS RATHER THAT, HOWEVER COURTEOUS WE MAY ALREADY BE, THERE MUST ALWAYS BE ROOM FOR IMPROVEMENT," HE ADDED.

MR CHAU SAID AS FUNDS FOR THE 1987-88 PROGRAMME OF GOVERNMENT CAMPAIGNS HAD ALL BEEN ALLOCATED, CONSIDERATION WOULD BE GIVEN TO THE FOLLOWING YEAR'S PROGRAMME.

AS REGARDS MAKING IT AN ANNUAL EVENT, MR CHAU SAID: "I WOULD SUGGEST THAT WE WAIT UNTIL WE HAVE HAD THE FIRST ONE BEFORE CONSIDERING WHETHER THERE SHOULD BE SUBSEQUENT ONES."

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RENTS TO BE DECONTROLLED IN FOUR YEARS

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THE GOVERNMENT AIMS TO ACHIEVE ITS LONG-TERM OBJECTIVE OF ELIMINATING RENT CONTROL IN FOUR YEARS, BUT IN THE MEANTIME TENANTS OF POST-WAR PREMISES WOULD BE PROTECTED FOR ANOTHER TWO YEARS WHILE RENTS FOR PRE-WAR TENANCIES WOULD BE BROUGHT IN LINE TO MARKET LEVELS, THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON T.H. CHAU TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN MOVING THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) RESOLUTION 1987, MR CHAU SAID THE PROPOSALS SOUGHT TO RAISE THE RENTS OF PRE-WAR PREMISES TO MORE REALISTIC LEVELS AND AT THE SAME TIME EXTEND FOR TWO YEARS, THE DUAL PROTECTION OF RENT CONTROL AND SECURITY OF TENURE TO TENANTS OF POST-WAR PREMISES.

RENTS OF PRE-WAR PREMISES COVERED IN PART ONE OF THE ORDINANCE WERE DERIVED FROM A STANDARD RENT AS AT DECEMBER 25, 1941. THE CURRENT PERMITTED RENT WAS SET AT 30 TIMES THIS LEVEL, AND THIS WOULD BE INCREASED TO 35 TIMES THE STANDARD RENT UNDER THE PROPOSED RESOLUTION, MR CHAU SAID.

"THIS WOULD BRING THE AVERAGE PERMITTED RENT OF PRE-WAR PREMISES UP TO 70 PER CENT OF THE MARKET LEVEL, WHICH WOULD RESULT IN AN AVERAGE INCREASE OF ABOUT \$190 PER MONTH, OR 17 PER CENT, ON CURRENT PERMITTED RENTS AFFECTING 1,860 DOMESTIC PREMISES," HE ADDED.

MR CHAU SAID THE RESOLUTION ALSO PROPOSED A FURTHER EXTENSION OF TWO YEARS TO THE LIFE OF PART TWO OF THE ORDINANCE, FROM DECEMBER 19, 1987 TO DECEMBER 18, 1989, WHICH PROVIDED THE DUAL PROTECTION OF RENT CONTROL AND SECURITY OF TENURE TO 90,000 POST-WAR TENANCIES PLUS AN UNDETERMINED NUMBER OF SUB-TENANCIES AFFECTING ABOUT 180,000 HOUSEHOLDS OR SOME 650,000 PEOPLE.

"THE AVERAGE CONTROLLED RENTS FOR THESE TENANCIES NOW STAND AT ABOUT 70 PER CENT OF THE PREVAILING MARKET RENT.

"FOR ABOUT TWO-THIRDS OF THESE TENANCIES, HOWEVER, THE RATIO IS BELOW THIS OVERALL AVERAGE AND FOR ABOUT TWO-FIFTHS, THE RENTS ARE LESS THAN 60 PER CENT OF MARKET RENTS.

"IF PART TWO IS ALLOWED TO EXPIRE ON DECEMBER 18 THIS YEAR, TENANTS CONCERNED WILL FACE, ON AVERAGE, AN IMMEDIATE RENT INCREASE OF MORE THAN 40 PER CENT AND A LARGE NUMBER WILL HAVE THEIR RENTS NEARLY DOUBLED," MR CHAU SAID.

THE LIKELY HARDSHIP AND DISLOCATION WOULD BE SERIOUS AND SOCIALLY DISRUPTIVE, HE ADDED.

MR CHAU SAID THIS SECTION OF THE ORDINANCE PERMITTED A MAXIMUM BIENNIAL INCREASE OF 30 PER CENT ON CURRENT RENT, PROVIDED THAT THE NEW RENT DID NOT EXCEED PREVAILING MARKET LEVELS.

/"THIS WILL

"THIS WILL HAVE THE EFFECT OF BRINGING RENTS FOR PART TWO TENANCIES PROGRESSIVELY CLOSER TO PREVAILING MARKET RENTS," HE SAID.

"THE CURRENT PROPERTY AND RENTAL MARKET IS STABLE AND THIS IS LIKELY TO CONTINUE BECAUSE OF THE AMPLE SUPPLY OF NEW FLATS IN THE NEXT FEW YEARS," HE ADDED.

MR CHAU SAID THE GOVERNMENT EXPECTED THAT IT WOULD BE POSSIBLE TO PHASE OUT RENT CONTROL IN ABOUT FOUR YEARS, EVEN IF NO INCREASE WAS MADE THIS YEAR IN THE MINIMUM PERCENTAGE COMPONENT IN THE RENT INCREASE MECHANISM FOR PART TWO TENANCIES.

"THE GOVERNMENT CONSIDERS THAT FOUR YEARS IS A REASONABLE PERIOD IN WHICH TO ACHIEVE THE AIM OF ELIMINATING RENT CONTROL AND, THEREFORE, PROPOSES THAT THE LIFE OF PART TWO OF THE ORDINANCE SHOULD BE EXTENDED FOR TWO YEARS IN THIS INSTANCE, SUBJECT TO A FURTHER REVIEW," HE SAID.

MR CHAU SAID IN REVIEWING THE WORKING OF THE ORDINANCE ANNUALLY, GOVERNMENT WOULD TAKE INTO ACCOUNT THE STATE OF THE PROPERTY MARKET AND THE SOCIAL AND ECONOMIC CONSEQUENCES BEFORE PROPOSING CHANGES TO THE LAW.

"THE PUBLIC CAN BE RE-ASSURED THAT ANY FURTHER STEPS TOWARDS DECONTROL WILL BE CAREFULLY CONSIDERED IN THE LIGHT OF THE SITUATION AT THE TIME AND WILL TAKE INTO ACCOUNT OF THE NEEDS OF BOTH TENANTS AND PROPERTY OWNERS," MR CHAU SAID.

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FUEL DUTY REFUND TO KCRC FOR BUS OPERATIONS
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A RESOLUTION ALLOWING THE KOWLOON-CANTON RAILWAY CORPORATION (KCRC) TO GET A REFUND OF FUEL DUTY FOR ITS BUS OPERATION IN THE NORTHWEST TRANSIT SERVICE AREA WAS PASSED BY THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING A MOTION TO AMEND THE SCHEDULE TO THE DUTIABLE COMMODITIES ORDINANCE, THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, NOTED THAT THE EXISTING POLICY ALLOWED THE DUTY ON LIGHT DIESEL OIL USED IN VEHICLES OWNED AND OPERATED BY FRANCHISED BUS OPERATORS TO BE REFUNDED AT A RATE OF \$0.65 PER LITRE.

IN THE NORTHWEST TRANSIT SERVICE AREA, THE KCRC WILL OPERATE THE LIGHT RAIL TRANSIT SYSTEM AND A NETWORK OF FEEDER BUS SERVICES TO MEET THE DEMAND FOR INTERNAL TRAVEL, REPLACING EXISTING FRANCHISED BUS SERVICES IN THAT PART OF THE TERRITORY.

"IT IS THEREFORE PROPOSED THAT THE CURRENT FACILITY FOR REFUND OF FUEL DUTY BE EXTENDED TO THE BUS OPERATION OF THE KCRC IN THE NORTHWEST TRANSIT SERVICE AREA," SAID MR LEUNG.

UNDER SECTION 4(2)(B) OF THE DUTIABLE COMMODITIES ORDINANCE (CHAPTER 109), LEGCO MAY BY RESOLUTION AMEND THE SCHEDULE TO THE ORDINANCE TO WAIVE OR REMIT ANY DUTY IMPOSED THEREIN TO ANY EXTENT.

FORMS USED IN MAGISTRATES COURTS UPDATED
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THE MAGISTRATES (FORMS) (AMENDMENT) RULES 1987 SEEKS TO TIDY UP AND BRING UP TO DATE THE VARIOUS FORMS USED IN THE MAGISTRATES COURTS, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE MOTION IN THE LEGISLATIVE COUNCIL, MR THOMAS SAID THE AMENDMENT TO THE MAGISTRATES (FORMS) RULES WHICH ARE MADE UNDER SECTION 133 OF THE MAGISTRATES ORDINANCE, CAP. 227, WAS NO MORE THAN A USEFUL HOUSEKEEPING EXERCISE.

HE SAID THE EXISTING FORMS 1A AND 1B WOULD BE REPLACED BY A NEW COMBINED FORM 1A.

HE ALSO SAID THE NEW FORM SIMPLIFIED THE FORMAT AND TOOK INTO ACCOUNT CHANGES TO SECTION 8A(5) OF THE ORDINANCE (WHICH INCREASED THE AMOUNT OF COSTS THAT A MAGISTRATE MIGHT ORDER), AND THE PROPOSED REVISION OF THE FOURTH SCHEDULE TO THE ORDINANCE (WHICH WOULD ADD REFERENCES TO OFFICERS OF THE REGIONAL SERVICES DEPARTMENT AND REPLACED OBSOLETE TITLES OF DEPARTMENTS AND OFFICERS BY NEW TERMINOLOGY).

THE MOTION WAS PASSED.

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MOTION FOR SPECIAL TELEPHONE SERVICES PASSED
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A MOTION ENABLING TELEPHONE SERVICES FOR THE ELDERLY AND HANDICAPPED AND THE INTERNATIONAL TOLL-FREE SERVICE TO BE INTRODUCED WAS PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE MOTION IN THE LEGISLATIVE COUNCIL, THE ACTING FINANCIAL SECRETARY, THE HON JOHN YAXLEY, SAID THE HONG KONG TELEPHONE CO LTD HAD PROPOSED TO PROVIDE SERVICES FOR THE ELDERLY AND HANDICAPPED AND AN INTERNATIONAL TOLL-FREE SERVICE.

HE SAID THE SERVICES FOR THE ELDERLY AND HANDICAPPED COMPRISED ITEMS OF TELEPHONE EQUIPMENT OF PARTICULAR UTILITY TO THESE GROUPS. THESE INCLUDED TELEPHONE SETS OF USE TO THOSE WITH DEXTERITY PROBLEMS AND TELEPHONE AIDS FOR THE IMPAIRED OF HEARING, HE ADDED.

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ON THE OTHER HAND, MR YAXLEY SAID THE INTERNATIONAL TOLL-FREE SERVICE WOULD FACILITATE TOLL-FREE CALLS TO SUBSCRIBERS IN HONG KONG. IT WAS CONSIDERED TO BE OF PARTICULAR VALUE TO COMPANIES WITH INTERNATIONAL BUSINESS AS IT ENABLED CUSTOMERS FROM ABROAD TO RING WITHOUT THEIR HAVING TO BEAR THE CHARGE, HE SAID.

"AS REGARDS THE PROPOSED SERVICES FOR THE ELDERLY AND THE HANDICAPPED, PROFESSIONAL ADVICE IN THE FIELD OF REHABILITATION HAS CONFIRMED THAT THE INTRODUCTION OF SUCH SERVICES CAN BE SUPPORTED.

"THE PROPOSED CHARGES AS CONTAINED IN THE RESOLUTION ACCOMPANYING THIS MOTION HAVE BEEN EXAMINED BY THE ADMINISTRATION AND HAVE BEEN FOUND TO BE REASONABLE", MR YAXLEY ADDED.

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NEW FEES INTRODUCED FOR BANKRUPTCY PROCEEDINGS

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THE BANKRUPTCY (AMENDMENT) (NO 2) RULES 1987 AND THE BANKRUPTCY (FEES AND PERCENTAGES) (AMENDMENT) ORDER 1987 WERE APPROVED BY THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE TWO AMENDMENTS, THE ACTING FINANCIAL SECRETARY, THE HON JOHN YAXLEY SAID: "THE BANKRUPTCY (AMENDMENT) (NO 2) RULES 1987 AMEND RULE 59 OF THE BANKRUPTCY RULES IN CONSEQUENCE OF THE AMENDMENT TO SECTION 9(1) OF THE PRINCIPAL ORDINANCE, EFFECTED BY THE BANKRUPTCY (AMENDMENT) ORDINANCE 1987.

"THESE AMENDMENTS INTRODUCE A REQUIREMENT FOR THE PERSONAL SERVICE OF BANKRUPTCY NOTICES AND BANKRUPTCY PETITIONS, WITH PROVISION FOR SUBSTITUTED SERVICE BY COURT ORDER IN APPROPRIATE CIRCUMSTANCES."

ON THE BANKRUPTCY (FEES AND PERCENTAGES) (AMENDMENT) ORDER, MR YAXLEY SAID THE ORDER PRESCRIBED A NEW SCALE OF FEES TO BE PAID IN RESPECT OF ASSETS REALISED AND BROUGHT TO CREDIT IN BANKRUPTCY PROCEEDINGS.

"THESE FEES ARE TO BE CHARGED ON THE SUBMISSION OF ACCOUNTS BY BANKRUPTCY TRUSTEES, AT RATES SIMILAR TO THE NEW AD VALOREM FEES LAID DOWN IN THE COMPANIES (FEES AND PERCENTAGES) (AMENDMENT) ORDER," HE SAID.

THE COMPANIES AMENDMENT ORDER WAS ALSO PASSED BY THE LEGISLATIVE COUNCIL TODAY.

NEW FEES FOR WINDING UP OF COMPANY APPROVED

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AN AMENDMENT ORDER WHICH PRESCRIBES A NEW SCALE OF AD VALOREM FEES TO BE PAID IN RESPECT OF THE ASSETS REALISED AND BROUGHT TO CREDIT IN THE COMPULSORY WINDING UP OF A COMPANY, WAS APPROVED BY THE LEGISLATIVE COUNCIL THIS (WEDNESDAY) AFTERNOON.

MOVING THE COMPANIES (FEES AND PERCENTAGES) (AMENDMENT) ORDER 1987, THE ACTING FINANCIAL SECRETARY, THE HON JOHN YAXLEY, EXPLAINED THAT THE NEW FEES WERE PAYABLE UPON SUBMISSION OF A LIQUIDATOR'S ACCOUNT TO THE OFFICIAL RECEIVER OR, WHERE THE OFFICIAL RECEIVER WAS THE LIQUIDATOR, BEFORE HE WAS RELEASED.

"COMPARED WITH THE EXISTING AUDIT FEES, THE AD VALOREM FEES TEND TO BE MARGINALLY HIGHER IN SMALL CASES AND CONSIDERABLY LOWER IN LARGE CASES," HE SAID.

THE REPLACEMENT OF AUDIT FEES BY THE NEW SCALE OF AD VALOREM FEES WOULD NOT RESULT IN ANY SIGNIFICANT CHANGE IN TOTAL REVENUE, MR YAXLEY SAID.

THE AMENDMENT ORDER ALSO PROVIDED FOR TRANSITIONAL ARRANGEMENTS WHICH SET OUT THE MANNER IN WHICH LIQUIDATORS' ACCOUNTS THAT HAD ALREADY BEEN SUBMITTED WOULD BE TREATED.

"THE UNDERLYING PRINCIPLE IS THAT THE FEE TO BE CHARGED SHOULD BE THE LOWER OF THE FEE CALCULATED UNDER THE OLD SCALE AND THAT UNDER THE NEW SCALE," MR YAXLEY ADDED.

ALSO APPROVED BY THE LEGISLATIVE COUNCIL TODAY WAS THE COMPANIES (WINDING-UP) (AMENDMENT) (NO. 2) RULES 1987 WHICH AMENDED RULE 160 OF THE COMPANIES (WINDING-UP) RULES IN CONSEQUENCE OF THE AMENDMENTS TO SECTION 295 OF THE PRINCIPAL ORDINANCE, EFFECTED BY THE COMPANIES (AMENDMENT)(NO.2) ORDINANCE 1987.

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RIGHTS OF INNOCENT THIRD PARTIES PROTECTED

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THE AMENDMENTS PROPOSED IN THE PREVENTION OF BRIBERY (AMENDMENT) BILL WOULD IMPROVE THE SAFEGUARDS OF THE RIGHTS OF INNOCENT THIRD PARTIES AND AT THE SAME TIME ENHANCE THE OVERALL EFFECTIVENESS OF THE LEGISLATION, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING AT THE RESUME DEBATE FOR THE SECOND READING OF THE BILL, MR THOMAS SAID THESE AMENDMENTS WERE READILY ACCEPTED BY THE ADMINISTRATION.

NOTING THAT THE LATEST ANNUAL REPORT OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION TABLED IN THE LEGISLATIVE COUNCIL LAST MONTH HAD NOT SHOWN ANY DROP IN CORRUPTION REPORTS, MR THOMAS SAID THE ROLE OF THE COMMISSION IN UPHOLDING STANDARDS OF INTEGRITY AND TRUST IN THE COMMUNITY REMAINED AS VITAL AS EVER.

"AS ALWAYS IT IS NECESSARY CAREFULLY TO MAINTAIN A FAIR BALANCE BETWEEN THE RIGHTS OF A LAW ENFORCEMENT AGENCY, EVEN ONE WITH THE HIGH REPUTATION OF I.C.A.C., AND THE RIGHTS OF THE LAW-ABIDING PUBLIC GOING ABOUT ITS BUSINESS," HE SAID.

HE THANKED MEMBERS OF THE COUNCIL FOR THEIR THOROUGH AND HELPFUL STUDY OF THE BILL AND ITS COMPANION MEASURE, THE INDEPENDENT COMMISSION AGAINST CORRUPTION (AMENDMENT) BILL 1987.

MR THOMAS POINTED OUT THAT THE PROPOSALS IN THESE BILLS HAD SURVIVED A LONG AND EXACTING PROCESS OF EXAMINATION, NOT ONLY BY THE LEGCO AD HOC GROUP, BUT PREVIOUSLY BY THE OMELCO STANDING PANEL ON SECURITY AS WELL AS THE BAR ASSOCIATION AND THE LAW SOCIETY.

"MANY OF THE SUGGESTIONS MADE BY MEMBERS OF THESE BODIES HAVE AFFECTED NOT ONLY WHAT THE BILLS CONTAIN, BUT WHAT THEY NO LONGER CONTAIN," HE SAID.

HE ADDED THAT THE PUBLIC AT LARGE COULD NOW BE ASSURED BY THE FACT THAT ALL PARTIES WERE ABLE TO SUPPORT THE BILLS AS AMENDED TO INCORPORATE THE MINOR CHANGES PROPOSED BY THE AD HOC GROUP.

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EFFORTS AGAINST CORRUPTION BOOSTED

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THE HON PETER C. WONG TODAY (WEDNESDAY) SUPPORTED TWO BILLS WHICH, AMONG OTHER THINGS, SOUGHT TO EMPOWER THE COURT TO ORDER THE CONFISCATION OF PROPERTY FOUND AT A CORRUPTION TRIAL TO BE IN THE CONTROL OF THE CONVICTED CROWN SERVANT, WHETHER IT WAS IN HIS POSSESSION FOR IN THE HANDS OF A THIRD PARTY.

THE TWO PIECES OF LEGISLATION WERE THE PREVENTION OF BRIBERY (AMENDMENT) BILL 1987 AND THE INDEPENDENT COMMISSION AGAINST CORRUPTION (AMENDMENT) BILL 1987.

SPEAKING IN THE LEGISLATIVE COUNCIL, MR WONG SAID CLAUSE 4 OF THE PREVENTION OF BRIBERY (AMENDMENT) BILL 1987 WAS WITHOUT DOUBT THE MOST IMPORTANT.

THAT CLAUSE PROVIDED FOR THE MAKING OF AN ORDER FOR THE CONFISCATION OF PROPERTY OR PECUNIARY RESOURCES FOUND TO BE IN THE CONTROL OF A CROWN SERVANT WHO WAS CONVICTED OF A SECTION 10(1)(B) OFFENCE, THAT WAS BEING ON CONTROL OF UNEXPLAINED PECUNIARY RESOURCES OR PROPERTY DISPROPORTIONATE TO HIS OFFICIAL EMOLUMENTS.

HE SAID THAT WHILE ACCEPTING THE ATTORNEY GENERAL'S VIEW THAT THE NEW POWER WAS NECESSARY FOR THE BETTER ADMINISTRATION OF JUSTICE, THE LEGCO AD HOC GROUP WHICH STUDIED THE TWO BILLS HAD PAID PARTICULAR ATTENTION TO THE NEED TO PROTECT INNOCENT THIRD PARTIES AND THE PRACTICAL ASPECTS OF IMPLEMENTATION.

HE SAID THE AD HOC GROUP WAS SATISFIED THAT THE LIMITATIONS AND SAFEGUARDS IN THE BILL WOULD PROVIDE SUFFICIENT PROTECTION FOR INNOCENT THIRD PARTIES.

THE SAFEGUARDS WERE THAT THE APPLICATION FOR AN ORDER FOR CONFISCATION MUST BE MADE BY THE ATTORNEY GENERAL WITHIN 28 DAYS AFTER THE CONVICTION AND THAT THE THIRD PARTY CONCERNED MUST BE GIVEN A REASONABLE OPPORTUNITY TO SHOW CAUSE WHY THE ORDER SHOULD NOT BE MADE.

ANOTHER SAFEGUARD WAS THAT NO ORDER MIGHT BE MADE UPON ASSETS HELD BY A THIRD PARTY IF THE THIRD PARTY SATISFIED THE COURT THAT AN ORDER WOULD BE UNJUST IN THE CIRCUMSTANCES.

FURTHERMORE, A CONFISCATION ORDER AND A MONETARY PENALTY ORDER COULD NOT BE IMPOSED IN RESPECT OF THE SAME ASSETS, AND THE THIRD PARTY WAS GIVEN A RIGHT OF APPEAL.

TURNING TO THE POWER TO DETAIN A SUSPECT'S TRAVEL DOCUMENT, MR WONG NOTED THAT UNDER THE EXISTING LAW, THE MAXIMUM PERIOD FOR WHICH TRAVEL DOCUMENT MIGHT BE DETAINED WAS SIX MONTHS WITH A POSSIBLE EXTENSION FOR A FURTHER THREE MONTHS ON APPLICATION TO A MAGISTRATE.

/HE ALSO

HE ALSO NOTED THAT THE GOVERNMENT HAD PROPOSED THAT A FURTHER ADDITIONAL THREE MONTHS EXTENSION SHOULD BE ALLOWED WHERE A MAGISTRATE WAS SATISFIED THAT AN INVESTIGATION COULD NOT REASONABLY HAVE BEEN COMPLETED WITHIN THE EXISTING TIME LIMITS OF NINE MONTHS, PARTICULARLY IN THE CASE OF COMPLEX AND EXTENSIVE CORRUPTION-RELATED COMMERCIAL FRAUDS.

HE SAID THE OMELCO SECURITY PANEL WAS NOT IN FAVOUR OF THE PROPOSED ADDITIONAL EXTENSION IN VIEW OF THE FACT THAT THE DETENTION OF TRAVEL DOCUMENTS COULD CAUSE GREAT INCONVENIENCE AND HARDSHIP TO PERSONS SUCH AS BUSINESSMEN WHO HAD TO TRAVEL FREQUENTLY.

HE SAID HE WAS PLEASED TO NOTE THAT THE ADVICE OF THE PANEL HAD BEEN HEEDED AND THE LAW NOW REMAINED UNCHANGED.

HE SAID ANOTHER AREA WHICH THE AD HOC GROUP FOCUSED ITS ATTENTION RELATED TO THE NEW PROVISION WHEREBY INCOME FROM PROPERTY MIGHT BE FROZEN.

"IN APPLYING THIS NEW PROVISION, IT IS POSSIBLE THAT THE SUSPECTED PERSON MAY BE LEFT WITHOUT MEANS TO SUPPORT HIMSELF OR HIS FAMILY OR TO PAY FOR LEGAL ADVICE OR REPRESENTATION," HE SAID.

MEMBERS' CONCERN WAS SOMEWHAT ALLAYED BY THE GOVERNMENT'S ASSURANCE THAT THE COMMISSIONER WAS ALWAYS PREPARED TO CONSIDER SYMPATHETICALLY AN APPLICATION FOR "NECESSARY EXPENSES". FURTHERMORE, THE SUSPECTED PERSON MIGHT APPEAL AGAINST THE COMMISSIONER'S DECISION, HE SAID.

HE ALSO SAID THE GOVERNMENT HAD ACCEPTED THE AD HOC GROUP'S PROPOSAL TO EXTEND THE PERIOD WITHIN WHICH A THIRD PARTY COULD APPEAL AGAINST AN ORDER FOR CONFISCATION FROM 14 DAYS TO 28 DAYS.

"SINCE THE ATTORNEY GENERAL MAY APPLY FOR AN ORDER FOR CONFISCATION WITHIN 28 DAYS, IT WAS FELT THAT TO BE CONSISTENT, THE THIRD PARTY SHOULD ALSO BE ALLOWED 28 DAYS TO APPEAL," HE SAID.

ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION (AMENDMENT) BILL 1987, MR WONG SAID THE AD HOC GROUP WAS SATISFIED THAT THE RANGE OR SCOPE OF THE COMMISSION'S INVESTIGATORY POWERS HAD NOT BEEN EXTENDED BY THE INCLUSION OF THE NEW OFFENCES UNDER CLAUSE 4.

THE GROUP WAS ALSO SATISFIED THAT THE POWERS OF ARREST UNDER THE BILL WERE NO MORE AND NO LESS THAN THOSE NOW EXERCISED BY POLICE OFFICERS UNDER THE CRIMINAL PROCEDURE ORDINANCE.

BROADCASTING AUTHORITY TO INCLUDE CROSS-SECTION OF COMMUNITY

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THE GOVERNMENT RECOGNISES THE IMPORTANT ROLE OF THE BROADCASTING AUTHORITY AND WILL ENSURE THAT THE MEMBERSHIP OF THE AUTHORITY REPRESENTS A WIDE CROSS-SECTION OF THE COMMUNITY, THE CHIEF SECRETARY, THE HON DAVID FORD, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WINDING UP THE DEBATE ON THE BROADCASTING AUTHORITY BILL 1987, MR FORD AGREED THAT CLAUSE 4(1)(B) SHOULD INCLUDE A RESIDENTIAL QUALIFICATION FOR A NON-OFFICIAL MEMBER OF THE BROADCASTING AUTHORITY.

HE THANKED THE AD HOC GROUP, AND PARTICULARLY MR ALLEN LEE, FOR THE TIME AND EFFORT THEY HAD CONTRIBUTED TO ENABLE THE SECOND READING DEBATE ON THE BILL TO RESUME WITHIN SUCH A SHORT TIME.

HE AGREED THAT THE STANDING ORDERS TO BE MADE UNDER CLAUSE 6(3) SHOULD BE CONSISTENT WITH ALL THE PROVISIONS OF THE BILL, INCLUDING CLAUSE 7 WHICH PROVIDES FOR THE DISCLOSURE OF MEMBERS' INTEREST AT MEETINGS.

MR FORD SAID THE DUTY TO CONSULT AFFECTED LICENSEES BEFORE ISSUING ORDERS UNDER SECTION 35(1) AND 36 OF THE BILL WAS AN IMPORTANT ONE AND SHOULD BE INCLUDED INTO CLAUSE 9.

HE CONCEDED THAT THE ORIGINAL WORDING OF CLAUSE 13(3) WHICH PROVIDED THE PRINCIPAL EXECUTIVE OFFICER OF THE AUTHORITY TO RENDER ADVICE "AS HE THINKS FIT" COULD CONCEIVABLY BE INTERPRETED TO ALLOW HIM TO REFUSE TO GIVE ADVICE TO THE BROADCASTING AUTHORITY. BUT MR FORD ASSURED MEMBERS THAT THIS WAS NEVER THE INTENTION.

"THE PROPOSED REFINEMENT TO THIS CLAUSE WILL, I AM SURE, REMOVE ANY SUCH POSSIBILITY," HE SAID.

AS REGARDS THE MANY RECOMMENDATIONS OF THE BROADCASTING REVIEW BOARD, MR FORD SAID THE BROADCASTING AUTHORITY WHEN IT WAS ESTABLISHED WOULD EXAMINE THEM CAREFULLY AND, WHERE APPROPRIATE, INCLUDE THEM AS CONDITIONS IN THE RENEWED LICENSES OF THE TWO TV STATIONS.

THE ADMINISTRATION WOULD ALSO CAREFULLY CONSIDER POLICIES FOR CABLE TV AND RADIO BEFORE DRAFTING LEGISLATIONS TO ENABLE THE REGULATION OF THESE BROADCASTING SERVICES, HE SAID.

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COUNCILLORS WELCOME BROADCASTING AUTHORITY BILL

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LEGISLATIVE COUNCILLORS TODAY (WEDNESDAY) WELCOMED THE BROADCASTING AUTHORITY BILL 1987, WHICH SOUGHT TO ESTABLISH THE AUTHORITY AND SET OUT IN LEGAL TERMS ITS POWERS AND FUNCTIONS.

SPEAKING IN THE LEGISLATIVE COUNCIL IN SUPPORT OF THE BILL, THE HON ALLEN LEE SAID THE SETTING UP OF A BROADCASTING AUTHORITY WAS AMONG THE MAJOR RECOMMENDATIONS IN THE BROADCASTING REVIEW BOARD REPORT AND THAT IT WAS SUPPORTED BY MEMBERS AT THE ADJOURNMENT DEBATE ON THE REPORT IN MARCH LAST YEAR.

HOWEVER, MR LEE SAID THE LEGCO AD HOC GROUP SCRUTINISING THE BILL, OF WHICH HE WAS THE CONVENER, HAD IDENTIFIED A NUMBER OF POINTS FOR CLARIFICATION WITH THE ADMINISTRATION RESULTING IN IMPROVEMENTS TO BE MADE TO THE BILL BY WAY OF FOUR COMMITTEE STAGE AMENDMENTS.

THE FIRST AMENDMENT WAS ABOUT THE MEMBERSHIP OF THE AUTHORITY. MR LEE SAID ITS MEMBERSHIP SHOULD CONSIST OF AS WIDE A CROSS-SECTION OF THE COMMUNITY AS POSSIBLE SO THAT IT COULD CARRY ITS FUNCTIONS EFFECTIVELY.

THEREFORE, THE RELEVANT CLAUSE OF THE BILL SHOULD BE FURTHER QUALIFIED BY A REQUIREMENT THAT NON-GOVERNMENT MEMBERS OF THE AUTHORITY SHOULD BE PERSONS WHO HAD HAD NO LESS THAN SEVEN YEARS' ORDINARY RESIDENCE IN HONG KONG PRIOR TO APPOINTMENT, HE SAID.

"THIS WILL ENSURE THAT THOSE WHO SERVE ON THE AUTHORITY WILL HAVE A GOOD BACKGROUND KNOWLEDGE OF THE LOCAL COMMUNITY AND WILL BE BETTER ABLE TO SERVE THE PUBLIC INTEREST," HE ADDED.

MR LEE NOTED THAT THE OTHER THREE AMENDMENTS, WHICH WERE MORE TECHNICAL IN NATURE, WERE TO MAKE IT CLEAR THAT THE OBLIGATION TO CONSULT THE LICENSEES BEFORE PROHIBITION OF BROADCASTING WAS ALSO A MAJOR FUNCTION OF THE AUTHORITY; THAT TO ADVISE THE AUTHORITY WAS ONE OF THE MAJOR FUNCTIONS OF THE COMMISSIONER FOR TELEVISION AND ENTERTAINMENT LICENSING; AND ALSO TO PROVIDE THAT THE STANDING ORDERS REGULATING THE PROCEDURES OF MEETINGS COULD MAKE REFERENCE TO OTHER RELEVANT SECTIONS OF THE ORDINANCE.

HE SAID THERE WERE A NUMBER OF OTHER POINTS WHICH THE ADMINISTRATION SHOULD BEAR IN MIND OR TAKE APPROPRIATE ACTION IN THE CONTEXT OF EITHER THE IMPLEMENTATION OF THE BILL OR IN THE REVIEW OF THE TELEVISION ORDINANCE AND THE DRAWING UP OF THE FUTURE BROADCASTING ORDINANCE.

CITING AN EXAMPLE, MR LEE SAID THAT ON THE QUESTION OF THE RENEWAL OF THE EXISTING TELEVISION LICENCES, THE ADMINISTRATION SHOULD ENSURE THAT THE RELEVANT RECOMMENDATIONS OF THE BROADCASTING REVIEW BOARD WOULD BE INCLUDED AS NEW LICENSING CONDITIONS.

THE BROADCASTING AUTHORITY SHOULD BE ABLE TO IMPOSE ADDITIONAL CONDITIONS, IF NECESSARY, BEFORE THE LICENCES WERE RENEWED, HE SAID.

HE ADDED THAT THE ADMINISTRATION SHOULD ALSO TAKE THE OPPORTUNITY TO CONDUCT AN OVERALL REVIEW OF POLICY CONSIDERATIONS ASSOCIATED WITH THE VARIOUS PROPOSALS AND THEIR INTER-RELATED IMPLICATIONS AS THE AUTHORITY'S RESPONSIBILITIES WOULD BE EXTENDED FROM WIRELESS TELEVISION TO COVER RADIO AND CABLE TELEVISION.

LASTLY, MR LEE PRAISED THE ADMINISTRATION FOR ITS PROMPT AND HELPFUL RESPONSE TO THE AD HOC GROUP'S SUGGESTIONS TO IMPROVE THE BILL.

"THE SPEEDY BUT SMOOTH PASSAGE OF THIS BILL DESPITE THE LIMITED TIME WE HAVE, OWES MUCH TO THE SPIRIT OF COOPERATION BETWEEN THE ADMINISTRATION AND THE AD HOC GROUP," HE SAID.

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BROADCASTING AUTHORITY BILL SUPPORTED
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THE ESTABLISHMENT OF A BROADCASTING AUTHORITY TO REPLACE THE TELEVISION ADVISORY BOARD AND THE TELEVISION AUTHORITY WAS DEFINITELY AN IMPROVEMENT IN TWO ASPECTS, DR THE HON HO KAM-FAI TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BROADCASTING AUTHORITY BILL 1987, DR HO SAID THE AUTHORITY VESTED WITH EXECUTIVE POWER WOULD BE MORE EFFICIENT IN THE CONTROL AND REGULATION OF TELEVISION BROADCASTING.

FURTHERMORE, HE SAID GREATER PUBLIC PARTICIPATION IN POLICY FORMULATION IN THE BROADCASTING INDUSTRY WAS MADE POSSIBLE BY WAY OF A NON-OFFICIAL CHAIRMAN AND A MAJORITY OF NON-OFFICIAL MEMBERS WHO WERE REQUIRED TO HAVE AT LEAST SEVEN YEARS OF RESIDENCE IN HONG KONG.

HE NOTED THAT THE LENGTH OF RESIDENCE WAS NECESSARY FOR THE MEMBER TO BE WELL ACQUAINTED WITH THE SOCIAL, CULTURAL AND MORAL CONDITIONS AND STANDARDS OF THE LOCAL COMMUNITY.

DR HO SAID THE BILL ALSO PROVIDED FOR THE SETTING UP OF ADVISORY COMMITTEES AND THE APPOINTMENT OF CO-OPTED MEMBERS.

"THROUGH THIS CHANNEL OF CONSULTATION, THE NECESSARY EXPERTISE AND TECHNICAL INPUT OF THE INDUSTRY CAN BE JUDICIOUSLY EXPLOITED, WITHOUT HAVING TO RUN THE RISK OF EVOKING A CONFLICT OF ROLES IN A FULL MEMBER," HE SAID.

DR HO POINTED OUT THAT THE PROVISION OF A COMPLAINTS COMMITTEE UNDER THE AUTHORITY WAS A MUCH MORE DESIRABLE OPTION THAN A COMPLAINTS TRIBUNAL AS RECOMMENDED IN THE BROADCASTING REVIEW BOARD REPORT.

HE SAID SOME MEMBERS HAD EXPRESSED THE WISH THAT THE REDRESS OF PUBLIC GRIEVANCES AND DISSATISFACTION IN RESPECT OF TELEVISION PROGRAMMES AND ADVERTISING SHOULD BE DEALT WITH IN ACCORDANCE WITH THE NORMAL PROCEDURES OF HONG KONG'S EXISTING JUDICIARY SYSTEM.

DR HO SAID AS A MEANS OF STEPPING UP THE MONITORING OF TELEVISION BROADCASTING, THE PUBLIC MUST BE MADE AWARE OF THEIR ENTITLEMENT TO MAKE COMPLAINTS.

"TO THIS END, THE BROADCASTING AUTHORITY SHOULD MAKE IT A CONDITION OF LICENCE FOR THE TELEVISION LICENSEES TO BROADCAST SUCH ANNOUNCEMENTS FROM TIME TO TIME," HE SUGGESTED.

"IN ADDITION, THE COMPLAINTS COMMITTEE SHOULD BE ADVISED TO ATTEND TO COMPLAINTS AS SPEEDILY AS ADMINISTRATIVELY POSSIBLE, SAY WITHIN A PERIOD OF 30 DAYS AFTER RECEIPT OF THE COMPLAINTS, IN ORDER TO SUSTAIN THE CONFIDENCE OF THE PUBLIC IN THE COMMITTEE," HE ADDED.

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PUBLICITY PLANNED FOR WEIGHTS AND MEASURES BILL

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THERE HAS BEEN CONCERN AMONG CERTAIN TRADING GROUPS THAT SOME PROVISIONS OF THE WEIGHTS AND MEASURES BILL WILL OUTLAW THEIR ESTABLISHED TRADING PRACTICES, THE SECRETARY FOR TRADE AND INDUSTRY, MR K.Y. YEUNG SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

HE STRESSED THAT THE BILL IS NOT INTENDED TO DISRUPT LEGITIMATE TRADE AND THAT CERTAIN CLAUSES ALREADY PROVIDE FOR EXEMPTION WHERE IT IS CLEAR THAT EXEMPTION IS NECESSARY AND JUSTIFIED.

"ANY TRADER OR GROUPS OF TRADERS MAY SEEK CLARIFICATION FROM THE CUSTOMS AND EXCISE DEPARTMENT REGARDING THE LEGALITY OF THEIR TRADE PRACTICES AND THEY MAY PROPOSE THAT REGULATIONS BE MADE TO EXEMPT THEM FROM THE LEGISLATION ALTOGETHER.

"INDEED, A FEW PROPOSALS FOR EXEMPTION CONCERNING CERTAIN SPECIFIC TRADES HAVE BEEN ALREADY BROUGHT TO OUR ATTENTION, AND THE CUSTOMS AND EXCISE DEPARTMENT WILL SHORTLY BE EXAMINING THEM IN CONSULTATION WITH THE TRADES CONCERNED."

REGARDING COMMENTS THAT THE BILL IS SOMEWHAT TECHNICAL AND DIFFICULT TO UNDERSTAND, MR YEUNG EXPLAINED THAT FOR A BILL OF SUCH NATURE IT IS DIFFICULT TO AVOID.

HE ADDED THAT THE GOVERNMENT WILL OVER THE NEXT YEAR OR SO ORGANISE APPROPRIATE EDUCATIONAL PUBLICITY TO EXPLAIN THE BILL AND HOW IT WILL AFFECT TRADERS AND CONSUMERS.

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GREATER PROTECTION FOR CONSUMERS

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THE LEGCO AD HOC GROUP SET UP TO STUDY THE WEIGHTS AND MEASURES BILL 1987 IS FULLY IN SUPPORT OF GOVERNMENT'S EFFORTS TO PROVIDE MORE EFFECTIVE CONSUMER PROTECTION, THE HON PETER C. WONG, CONVENER OF THE GROUP, SAID TODAY (WEDNESDAY).

SPEAKING AT THE RESUMED DEBATE ON THE SECOND READING OF THE BILL, MR WONG SAID IT WAS ALSO THE LATEST EXAMPLE OF GOVERNMENT'S EFFORTS TO PROMOTE FAIR AND ORDERLY TRADING.

"IT WILL BE WELCOMED BY HOUSEWIVES AND SHOPPERS, PROVIDING AS IT DOES GREATER PROTECTION AGAINST THOSE WHO SET OUT TO DEFRAUD IN ONE FORM OR ANOTHER.

"IT WILL ALSO, I BELIEVE, BE WELL RECEIVED BY MANUFACTURERS AND TRADERS.

"THIS BILL, TOGETHER WITH THE TRADE DESCRIPTIONS ORDINANCE, WILL NOW PROVIDE CLEARER GUIDANCE ON HOW TO CONDUCT TRADING AND MANUFACTURING BUSINESS IN AN ORDERLY AND STRAIGHTFORWARD MANNER."

MR WONG SAID THE EXISTING WEIGHTS AND MEASURES ORDINANCE ENACTED MORE THAN 100 YEARS AGO AND LAST AMENDED IN 1947 WAS TOTALLY INADEQUATE FOR THE COMPLEX SOCIETY IN WHICH WE NOW LIVED.

"THE PRESENT BILL, IN CONTRAST, TAKES A COMPREHENSIVE APPROACH TO THE SUBJECT," HE SAID.

"IT PRESCRIBES MAXIMUM PENALTIES OF SIX MONTHS IMPRISONMENT AND A \$20,000 FINE FOR OFFENCES CONTAINING AN ELEMENT OF FRAUD.

"THE BILL PUTS THE MAIN RESPONSIBILITY FOR IMPLEMENTING AND ENFORCING THE LEGISLATION IN THE HANDS OF THE COMMISSIONER OF CUSTOMS AND EXCISE, WHOSE DEPARTMENT HAS CONSIDERABLE EXPERTISE AND EXPERIENCE IN HANDLING OFFENCES CONNECTED WITH TRADE."

MR WONG SAID, HOWEVER, THE BILL CONTAINED A NUMBER OF TECHNICAL AND TRADE RELATED TERMINOLOGIES WHICH WERE BY NO MEANS EASY TO UNDERSTAND AND THESE WERE CAREFULLY EXAMINED BY THE AD HOC GROUP.

"ONE OF THE GROUP'S TASKS WAS TO ENSURE THAT LEGISLATION DESIGNED TO DETER AND PENALISE DISHONEST TRADING WOULD NOT CAUSE UNDUE DIFFICULTY OR INJUSTICE TO THE HONEST TRADER," HE SAID.

"THE GROUP FOLLOWED CERTAIN PRINCIPLES, WHICH REFLECTED OUR VARIOUS CONCERNS.

/"THE BILL

"THE BILL SHOULD BE EASILY UNDERSTOOD BY THOSE SUBJECT TO ITS PROVISIONS OR RESPONSIBLE FOR ENFORCING THEM. INNOCENT AND HARMLESS DEVIATIONS FROM SOME OF ITS LESS IMPORTANT REQUIREMENTS RESULTING FROM IGNORANCE OR CONFUSION SHOULD BE TREATED LENIENTLY.

"FINALLY, THE VERY THOROUGH AND COMPREHENSIVE PROVISIONS OF THE BILL SHOULD NOT STIFLE TRADE AND THEREBY THREATEN OUR PROSPERITY BY PENALISING SPECIALISED TRADES WHICH HAVE BEEN USING, IN A PERFECTLY HONEST AND ACCEPTABLE WAY, MEASURES OR WEIGHTS NOT SPECIFIED IN THE BILL."

MR WONG SAID THE GROUP'S FIRST CONCERN HAD PRODUCED A NUMBER OF TEXTUAL AMENDMENTS TO THE BILL TO MAKE THE DRAFTING CLEARER AND MORE CONSISTENT.

"OUR SECOND CONCERN, THAT OF ENSURING THAT THERE SHOULD BE NO INJUSTICE TO THE TRADER, HAS LED US TO EXAMINE VERY CAREFULLY THE POWERS CONFERRED BY THE BILL ON THE ENFORCEMENT AUTHORITY AND THE PENALTIES PRESCRIBED."

HE SAID THAT SINCE IT WOULD BE VERY DIFFICULT TO PROVE CRIMINAL INTENT, FOR EXAMPLE, IN THE USE OF FALSE AND DEFECTIVE WEIGHING MACHINE OR TRADE, THE GROUP ACCEPTED THAT SOME OF THE OFFENCES IN THE BILL MUST CARRY STRICT LIABILITY.

"IT IS WORTH NOTING THAT IMPRISONMENT IS ONLY AVAILABLE FOR OFFENCES WITH AN ELEMENT OF FRAUD, THAT IS, WHERE THERE IS AN INTENTION TO DECEIVE."

MR WONG SAID THAT IN ORDER TO AVOID PENALISING THE HONEST TRADER WHO UNWITTINGLY USED ESTABLISHED AND ACCEPTED SYMBOLS THAT WERE NOT LISTED IN THE SCHEDULES TO THE BILL, HE WOULD MOVE A COMMITTEE STAGE AMENDMENT TO MAKE IT CLEAR THAT A PERSON ONLY COMMITTED AN OFFENCE IF HE USED A SYMBOL OR ABBREVIATION OF UNIT OF MEASUREMENT NOT SPECIFIED IN THE SECOND SCHEDULE WITH INTENT TO DECEIVE.

"THIS WILL ALLOW, AMONG OTHER THINGS, THE USE OF THE TIME-HONOURED SYMBOLS OF THE APOSTROPHE AND DOUBLE APOSTROPHE TO INDICATE FEET AND INCHES RESPECTIVELY WHERE THERE IS NOT INTENTION TO DECEIVE."

THE GROUP'S THIRD CONCERN, THAT THE BILL SHOULD NOT HINDER FREE TRADE, HAD BEEN ECHOED BY A LOCAL OIL COMPANY AND THE FEDERATION OF HONG KONG INDUSTRIES.

MR WONG SAID THE OIL COMPANY WAS CONCERNED ABOUT AEROPLANE FUEL SOLD AT THE AIRPORT WHICH WAS MEASURED IN U.S. GALLONS; WHILE THE FEDERATION WAS CONCERNED THAT THE NEW LEGISLATION MIGHT CREATE DIFFICULTIES FOR MANUFACTURERS USING FAST-FILLING EQUIPMENT TO PACKAGE GOODS WHICH SOMETIMES PRODUCED SLIGHT VARIATIONS IN THE NET WEIGHT OF THE PACKED GOODS.

HE SAID THESE WERE LEGITIMATE CONCERNS AND BOTH THE GROUP AND THE ADMINISTRATION HAD GIVEN THEM SERIOUS CONSIDERATION.

"FORTUNATELY, THE BILL ALLOWS FOR FLEXIBILITY. THERE IS PROVISION FOR EXEMPTIONS OF CERTAIN GOODS OR CLASSES OF GOODS AND FOR MAKING REGULATIONS.

"IN THE 12 MONTHS BETWEEN THE PASSING OF THIS BILL AND THE PROPOSED ENFORCEMENT OF THE BILL'S PROVISIONS, I AM CONFIDENT THAT GOVERNMENT WILL SYSTEMATICALLY AND ENERGETICALLY CONSULT AND EDUCATE TRADERS AND TRADERS' ORGANISATIONS, LISTEN WITH UNDERSTANDING TO CASES FOR SPECIAL ALLOWANCES TO BE MADE, AND RESPOND SYMPATHETICALLY AND POSITIVELY, AND WITH A DEGREE OF FLEXIBILITY, WHERE A CASE CAN BE MADE.

"BY DOING THIS, GOVERNMENT SHOULD BEAR IN MIND BOTH THE INTERESTS OF THE INDIVIDUAL CONSUMER AND THE FACT THAT OUR PROSPERITY AS A COMMUNITY OWES MUCH TO OUR POLICY OF MINIMAL INTERFERENCE IN TRADING PRACTICES."

MR WONG SAID ANOTHER IMPORTANT DIFFERENCE BETWEEN THE PRESENT BILL AND THE ONE IT SOUGHT TO REPEAL WAS THAT THE BILL HAD BEEN DRAFTED AND GAZETTED IN BOTH ENGLISH AND CHINESE.

"BILINGUAL LEGISLATION IS A NEW EXPERIENCE IN THE HONG KONG CONTEXT. OUR AIM IS TO ESTABLISH A WORKING PROCEDURE WHEREBY BILINGUAL LEGISLATION MAY EFFECTIVELY BE PASSED INTO LAW WITHOUT UNDUE DELAY AND WITHOUT SACRIFICING OUR USUAL DETAILED SCRUTINY OF PROPOSED LEGISLATION," HE SAID.

HE SAID THAT AS TO THE CHINESE VERSION, A PRELIMINARY STUDY SHOWED THAT THE CHINESE TEXT VERY CLOSELY REFLECTED THAT OF THE ENGLISH VERSION.

"HOWEVER, THE CHINESE TEXT IS BY NO MEANS PERFECT AND MORE CONCERTED EFFORT HAS TO BE DIRECTED TOWARDS THE LINGUISTIC ASPECT," HE ADDED.

"THE GROUP PROPOSES TO CONTINUE ITS WORK DURING THE SUMMER RECESS AND WE LOOK FORWARD TO USEFUL EXCHANGE OF VIEWS WITH THE ADMINISTRATION."

MR WONG SAID A REFINED VERSION OF THE CHINESE TEXT, INCORPORATING THE AGREED AMENDMENTS, WOULD BE PUBLISHED FOR PUBLIC INFORMATION IN DUE COURSE.

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WEIGHTS BILL HAS PRACTICAL IMPLEMENTATION PROBLEMS

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THERE ARE PRACTICAL IMPLEMENTATION PROBLEMS OF THE WEIGHTS AND MEASURES BILL 1987, WHICH WOULD NEED TO BE RESOLVED BEFORE THE BILL THE HON STEPHEN CHEONG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING DURING THE RESUMED DEBATE ON THE SECOND READING OF THE BILL, MR CHEONG SAID INDUSTRY SUPPORTED THE SPIRIT OF THE BILL IN REGULATING TRADE TRANSACTIONS REGARDING GOODS SUPPLIED BY WEIGHT OR MEASURE.

HOWEVER, HE SAID, LEGISLATION COULD SERVE ITS INTENDED PURPOSE ONLY IF COMPLIANCE AND ENFORCEMENT WERE MADE PRACTICABLE.

MR CHEONG SAID: "FIRST OF ALL, THE BILL STIPULATES UNDER CLAUSE 16 THAT GOODS HAVE TO BE SUPPLIED BY NET WEIGHT OF MEASURE.

"IN THE CASE OF PRE-PACKED GOODS, ESPECIALLY WHERE THE FOOD INDUSTRY IS CONCERNED, THE USE OF HIGH SPEED FAST-FILLING EQUIPMENT MAY RESULT IN UNINTENTIONAL SLIGHT VARIATIONS IN THE NET WEIGHT OF INDIVIDUAL PRE-PACKED ITEMS."

TO ALLOW FOR REALISTIC AND PRACTICABLE ENFORCEMENT OF THE LAW, INDUSTRY DEFINITELY PREFERRED NET WEIGHT TO BE INTERPRETED AS AVERAGE NET WEIGHT WITHIN ACCEPTABLE DEVIATION LIMITS FOR SPECIFIED SAMPLE SIZES, HE SAID.

MR CHEONG ALSO SAID IN OVERSEAS COUNTRIES, ENFORCEMENT AUTHORITIES OF WEIGHTS AND MEASURES LEGISLATION USUALLY MADE ALLOWANCES FOR QUANTITY DEVIATIONS UP TO SPECIFIED TOLERANCE LEVELS.

HE THEREFORE THOUGHT THAT THE ADOPTION OF SIMILAR ENFORCEMENT GUIDELINES BY THE CUSTOMS AND EXCISE DEPARTMENT AND THE COMMUNICATION OF THESE GUIDELINES TO THE TRADE WOULD BE A SENSIBLE MOVE.

SECONDLY, MR CHEONG POINTED OUT THAT UNDER THE EXISTING ORDINANCE, THE USE OF TRADITIONAL U.S. UNITS OF MEASUREMENT WAS ALLOWED.

"HOWEVER, SUCH UNITS OF MEASUREMENTS WILL BE EXCLUDED FROM THE SECOND AND THE THIRD SCHEDULES OF THE BILL AND THEIR USE WILL THUS BECOME ILLEGAL IN HONG KONG WHEN THE NEW WEIGHTS AND MEASURES ORDINANCE COMES INTO EFFECT.

"THIS WILL RENDER IMPORTED GOODS WHICH ARE LABELLED IN TRADITIONAL U.S. UNITS, EVEN THOSE INDICATED IN PARALLEL WITH METRIC UNITS, ILLEGAL," HE SAID.

/HE SUGGESTED

HE SUGGESTED THAT CONSIDERATION SHOULD BE GIVEN TO MAKING THE EXPRESSION OF WEIGHTS AND MEASURES IN SYSTEMS OF UNITS OUTSIDE THOSE STIPULATED UNDER THE BILL LEGAL IF THEY WERE INDICATED IN CONNECTION WITH UNITS OF MEASUREMENT PERMITTED UNDER THE BILL.

THIRDLY, MR CHEONG SAID EXEMPTIONS SHOULD ALSO BE GIVEN TO TRADERS WHO POSSESSED MEASURING EQUIPMENT CALIBRATED IN UNITS OTHER THAN THOSE AUTHORISED UNDER THE NEW ORDINANCE IF THE EQUIPMENT WAS USED TO WEIGH OR MEASURE GOODS INTENDED FOR EXPORT OR RE-EXPORT TO PLACES OUTSIDE HONG KONG WHERE OTHER WEIGHTS AND MEASURES SYSTEMS WERE USED.

FOURTHLY, NOTING THAT THE REGULATIONS WOULD NOT COME INTO OPERATION BEFORE THE EXPIRATION OF THREE MONTHS AFTER THEY WERE GAZETTED, MR CHEONG WANTED TO SEEK CLARIFICATION AS TO WHETHER THIS COULD BE INTERPRETED AS THE MINIMUM GRACE PERIOD GIVEN TO THE TRADE.

"OBVIOUSLY MANUFACTURERS WILL HAVE TO RE-CALIBRATE THEIR MEASURING EQUIPMENT OR IMPORT NEW ONES TO MEET THE REQUIRED STANDARD," HE SAID.

"MOREOVER, ACCOUNT SHOULD BE TAKEN OF THE LEAD TIME NEEDED FOR THEM TO MAKE RELEVANT LABELLING AND PACKAGING ADJUSTMENTS."

MR CHEONG SAID A THREE MONTHS' GRACE PERIOD WOULD PROBABLY BE INSUFFICIENT IN MOST CASES.

IN ORDER TO MINIMISE THE DIFFICULTIES POSED TO THE TRADE, HE SUGGESTED THAT, SHOULD ANY OF THE REGULATIONS BE DRAWN UP, THE TRADE SHOULD BE INVOLVED FROM AN EARLY STAGE THE DRAFTING PROCESS AND CONSULT THE TRADE ON A REASONABLE TIME-TABLE FOR IMPLEMENTING THE REQUEST.

LASTLY, MR CHEONG SAID THE BILL FAILED TO GIVE A CLEAR DEFINITION AS TO WHAT "CAPACITY" MEANT.

IT DOES NOT INDICATE WHETHER MEASUREMENTS FOR ENERGY UNITS SUCH AS HORSEPOWER OR JOULE WILL BE OUTSIDE ITS COVERAGE.

"MOREOVER, FOR CERTAIN PRODUCTS, A STATED VOLUME OR CAPACITY, SAY, A CUBIC METRE OF GAS, IS NOT MEANINGFUL WITHOUT RELATION TO A SPECIFIED TEMPERATURE AND PRESSURE."

"IN THE CASES WHERE THE QUANTITY OF GOODS CAN BE SUBJECT TO VARIATION BY MEANS OF CONTROLLED ADJUSTMENTS IN THE TEMPERATURE OR PRESSURE IN THE MANUFACTURING ENVIRONMENT RATHER THAN BY CLIMATIC INFLUENCES, PROVISIONS STIPULATING THE TEMPERATURE AND PRESSURE UNDER WHICH QUANTITY SHOULD BE MEASURED WOULD BE NECESSARY," HE ADDED.

GOVERNMENT URGED TO EDUCATE PUBLIC ON WEIGHTS BILL

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THE GOVERNMENT MUST TAKE POSITIVE STEPS TO MAKE SURE THAT THOSE AFFECTED BY THE WEIGHTS AND MEASURES (AMENDMENT) BILL 1987 MUST BE GIVEN EVERY OPPORTUNITY TO UNDERSTAND THEIR LEGAL OBLIGATION, THE HON MRS SELINA CHOW SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING AT THE RESUMED DEBATE ON THE SECOND READING OF THE BILL, MRS CHOW SAID SHE SUPPORTED WHOLE-HEARTEDLY THE PASSAGE OF THE BILL AND URGED THE GOVERNMENT TO SPARE NO EFFORT IN PUBLIC EDUCATION IN THE NEXT 12 MONTHS TO ENSURE THAT THE DETAILS AND PRACTICAL APPLICATION OF ITS CONTENT WOULD BE CLEARLY UNDERSTOOD, ESPECIALLY AMONGST HAWKERS AND STREET TRADERS, WHOSE DAILY DEALINGS WERE NECESSARILY CONCERNED.

"I WELCOME THIS BILL AS A LONG OVERDUE MOVE TO UPDATE AND MODERNISE WEIGHTS AND MEASURES LEGISLATION AND IN PARTICULAR TO PROTECT CONSUMERS FROM FRAUDULENT OR UNFAIR TRADE PRACTICES IN CONNECTION WITH QUANTITY," SHE SAID.

MRS CHOW RECALLED THAT AS EARLY AS 1975, A WORKING GROUP WAS SET UP BY GOVERNMENT TO REVIEW THE ANTIQUATED WEIGHTS AND MEASURES ORDINANCE ORIGINALLY ENACTED IN 1885.

"AND AFTER CONTINUOUS ROUNDS OF DELIBERATION, WITH THE HELP OF OVERSEAS EXPERTISE AS WELL AS LOCAL INPUT INCLUDING VIEWS FROM THE DISTRICT BOARD AND THE CONSUMER COUNCIL, THE ADMINISTRATION HAS AT LAST COME UP WITH THE BILL."

MRS CHOW ADDED: "THE CONSUMER COUNCIL, ON OUR PART, IS LOOKING INTO THE POSSIBILITY OF INSTALLING A CALIBRATED WEIGHING MACHINE IN EVERY DISTRICT ADVICE CENTRE, SO THAT CONSUMERS CAN RESORT TO A DEPENDABLE STANDARD WHEN THEY SUSPECT FRAUDULENT TRADING."

ON ENFORCEMENT, SHE SAID THAT WHILE SHE AGREED THAT DIRECT CONTROL ON WEIGHING DEVICES MIGHT BE DIFFICULT TO IMPOSE, ENFORCEMENT STAFF SHOULD HAVE THE POWER TO DEMAND A CERTIFICATE OF CALIBRATION ON INSTRUMENTS USED IN TRADES WHICH WERE SUSPECT.

"THE CALIBRATION LABORATORY OF THE INDUSTRY DEPARTMENT SHOULD BE ABLE TO HANDLE THIS WITH EASE," MRS CHOW SAID.

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WIDE PUBLICITY FOR NEW BILL ADVOCATED

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LEGISLATIVE COUNCILLOR THE HON HILTON CHEONG-LEEN TODAY (WEDNESDAY) ADVOCATED WIDEST POSSIBLE AND SUSTAINED PUBLICITY BE GIVEN TO THE CONTENTS OF THE WEIGHTS AND MEASURES BILL 1987.

SPEAKING DURING THE RESUMED DEBATE ON SECOND READING OF THE BILL IN THE LEGISLATIVE COUNCIL, MR CHEONG-LEEN SAID WIDE PUBLICITY WAS REQUIRED BECAUSE IT WAS THE FIRST BILL DRAFTED AND GAZETTED IN BOTH ENGLISH AND CHINESE.

HE SAID IT WOULD BE MOST HELPFUL IF ACTIVE COOPERATION COULD BE OBTAINED FROM BODIES SUCH AS DISTRICT BOARDS, AREA COMMITTEES, MUTUAL AID COMMITTEES, THE URBAN COUNCIL, REGIONAL COUNCIL, CONSUMER COUNCIL, COMMERCIAL AND INDUSTRIAL ASSOCIATIONS, AS WELL AS HAWKER AND RETAILER ASSOCIATIONS.

HE ALSO SUGGESTED THAT A SIMPLIER BILINGUAL VERSION OF THE BILL BE PRODUCED TO MAKE THE CONTENTS MORE DIGESTIBLE.

HE SAID HE WAS GLAD TO LEARN THAT A COORDINATING COMMITTEE UNDER THE AEGIS OF THE TRADE AND INDUSTRY BRANCH HAD ALREADY BEEN SET UP TO ENSURE THAT PUBLICITY WOULD BE SUSTAINED AND EFFECTIVE BEFORE THE BILL WAS FINALLY BROUGHT INTO EFFECT.

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NEW CHILD ABUSE PROTECTION MEASURES TO BE MONITORED

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THE PROTECTION OF WOMEN AND JUVENILES (AMENDMENT) BILL 1987 WAS PASSED IN THE LEGISLATIVE COUNCIL THIS (WEDNESDAY) AFTERNOON.

IN WINDING UP DEBATE ON THE BILL, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, SAID HE WAS "MOST GRATIFYING THAT THIS IMPORTANT BILL HAS RECEIVED A GENERAL WELCOME AND THAT IT WILL BE IN EFFECT BEFORE THE END OF THE PRESENT SESSION."

MR CHAMBERS SAID HE NOTED THE QUESTION OF WHETHER UNDER CERTAIN CIRCUMSTANCES IT WAS APPROPRIATE FOR SOME CHILDREN OVER THE AGE OF SEVEN TO APPEAR IN COURT.

"THE MAIN PURPOSE OF THIS PROVISION IS TO ENABLE THE COURT TO TAKE THE CHILD'S VIEWS INTO ACCOUNT. BUT I UNDERSTAND THAT THE CHILD NEED NOT ATTEND THE ENTIRE HEARING, AND THE JUDGE ALSO HAS DISCRETION TO REQUIRE THE PARENTS OR GUARDIAN TO WITHDRAW FROM THE COURT, IF HE WISHES TO HEAR THE CHILD'S VIEWS ON HIS OWN," HE ADDED.

MR CHAMBERS ALSO NOTED THAT THE GOVERNMENT WOULD OBSERVE CAREFULLY HOW THE AMENDED PROVISIONS OPERATE IN PRACTICE, AND IF NECESSARY, FURTHER AMENDMENTS COULD BE CONSIDERED AS PART OF THE COMPREHENSIVE REVIEW.

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SOCIAL WORKERS WELCOME BILL ON CHILD ABUSE

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THE PROTECTION OF WOMEN AND JUVENILES (AMENDMENT) BILL 1987 WHICH STREAMLINES PROCEDURES FOR HANDLING CHILD ABUSE CASES HAS WON PLAUDITS FROM THE SOCIAL WORK FIELD FOR ITS LIBERAL, FLEXIBLE AND COMPREHENSIVE PROVISIONS.

THIS WAS STATED BY THE HON HUI YIN-FAT DURING THE RESUMED DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE SAID THE BILL REPRESENTED A TIMELY STEP TAKEN BY GOVERNMENT TO UPDATE AN OBSOLETE ORDINANCE WHICH WAS ENACTED ALMOST FOUR DECADES AGO.

MR HUI RECALLED THAT THE KWOK AH-NUI CASE LAST YEAR HAD LED THE SOCIAL WORK SECTOR TO QUESTION THE EXTENT TO WHICH THE AUTHORITY OF THE DIRECTOR OF SOCIAL WELFARE COULD BE EXERCISED WITHOUT INDUCING THE ABUSE OF POWER AND INFRINGING UPON HUMAN RIGHT.

HE NOTED THAT CLAUSE 7 OF THE BILL, BASED ON THE RECOMMENDATION OF THE WORKING GROUP ON CHILD ABUSE, OFFERED A SOLUTION TO THE PROBLEM RAISED.

"IT STIPULATES THAT BEFORE FORCIBLE ENTRY INTO PREMISES, THE DIRECTOR OF SOCIAL WELFARE MUST OBTAIN A WARRANT ISSUED BY A MAGISTRATE, JUVENILE COURT OR DISTRICT COURT ACTING AS THE THIRD PARTY IN A MOVE THAT AFFECTS THE WELL-BEING OF THE FAMILY INVOLVED.

"SINCE THE COURT CAN ONLY ISSUE A WARRANT ON REASONABLE GROUNDS, ITS DECISION WOULD LEND SUPPORT TO THE PROFESSIONAL JUDGMENT OF SOCIAL WORKERS," MR HUI SAID.

HE WELCOMED THIS AMENDMENT THAT NOT ONLY UPHELD THE CLIENT'S DIGNITY BUT ALSO FACILITATED THE WORK IN HANDLING CHILD ABUSE CASES.

MR HUI APPRECIATED THAT CLAUSE 3 OF THE BILL, WHICH REQUIRED CHILDREN AGED 7 OR ABOVE TO GIVE EVIDENCE IN COURT AND PROVIDED THE COURT WITH DISCRETION TO BRING YOUNGER CHILDREN BEFORE IT IF NECESSARY, WAS AIMED AT AVOIDING EMOTIONAL TRAUMA FOR YOUNG CHILDREN.

HOWEVER, HE BELIEVED THAT INSTEAD OF TAKING AGE AS THE ONLY CRITERION FOR COURT APPEARANCE, THE MENTAL, PSYCHOLOGICAL AND SOCIAL CONDITIONS OF ABUSED CHILDREN SHOULD BE TAKEN INTO CONSIDERATION AS WELL.

HE CONCLUDED BY CALLING ON THE GOVERNMENT TO SPEED UP A COMPREHENSIVE REVIEW OF THE OUTDATED PRINCIPAL ORDINANCE, IN THE LIGHT OF RAPID SOCIAL CHANGES IN HONG KONG.

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TWO SCHEMES FOR RELEASE ON PAROLE PROPOSED

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A BILL SEEKING TO GIVE LEGAL EFFECT TO TWO PROPOSED SCHEMES FOR PRISONERS TO BE RELEASED ON PAROLE, NAMELY, THE RELEASE UNDER SUPERVISION SCHEME AND THE PRE-RELEASE EMPLOYMENT SCHEME, WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE PRISONERS (RELEASE UNDER SUPERVISION) BILL 1987, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, SAID THE BILL ALSO PROVIDED FOR THE ESTABLISHMENT OF A RELEASE UNDER SUPERVISION BOARD WHICH WOULD MAKE RECOMMENDATIONS TO THE GOVERNOR ON MATTERS WHICH REQUIRED DECISIONS UNDER THE LEGISLATION.

MR JEAFFRESON POINTED OUT THAT THE IDEA OF INTRODUCING A SYSTEM OF PAROLE IN HONG KONG HAD BEEN UNDER CONSIDERATION FOR MORE THAN 15 YEARS, AND THE GOVERNMENT HAD LONG CONSIDERED THAT THERE WOULD BE CONSIDERABLE BENEFITS BOTH FOR SOCIETY AND FOR THE PERSONS INVOLVED IN SUCH A SCHEME.

FOR THE SOCIETY AS A WHOLE, HE EXPLAINED THAT THE SUCCESS OF A PENAL SYSTEM LARGELY DEPENDED ON THE EXTENT TO WHICH IT REDUCED THE NUMBER OF PRISONERS RETURNING TO CRIME ON RELEASE FROM PRISON.

"A PAROLE SYSTEM, IN THIS CONTEXT, PROVIDES A GOOD OPPORTUNITY FOR PRISONERS TO BE RELEASED INTO THE COMMUNITY AT THE TIME WHEN, UNLESS THEY ARE HARDENED CRIMINALS, THEY ARE MOST LIKELY TO BE ABLE TO RE-ESTABLISH THEMSELVES WITHOUT REVERTING TO CRIME.

"BY THUS PROVIDING FOR PRISONERS WHO ARE NOT HARDENED CRIMINALS TO BE RELEASED ON PAROLE, WE SHOULD BE ABLE TO REDUCE THE RISK TO SOCIETY OF THEIR SUBSEQUENTLY MISBEHAVING," MR JEAFFRESON SAID.

AS FOR THE PRISONERS THEMSELVES, HE SAID A PAROLE SYSTEM PROVIDED ONE OF THE BEST MEANS TO HELP THEM TO ADJUST FROM A HIGHLY DISCIPLINED PRISON ENVIRONMENT TO THE FREEDOM OF LIVING NORMALLY IN THE COMMUNITY.

"AS A RESULT OF THIS HELP, THEY SHOULD BE IN A BETTER POSITION TO LEAD A LAW-ABIDING LIFE AND NOT TO RETURN TO CRIME AGAIN," MR JEAFFRESON ADDED.

HE SAID THE PROBLEM IN THE PAST OF THE LACK OF EXPERIENCE IN THIS FIELD AND THE DOUBT AS TO WHETHER THE PUBLIC WOULD SUPPORT SUCH A SCHEME HAD BEEN OVERCOME.

MR JEAFFRESON EXPLAINED THAT THE PAROLE INVOLVED THE EARLY RELEASE, UNDER SUPERVISION, OF CAREFULLY SELECTED PRISONERS WHOM IT WAS CONSIDERED WOULD BE MOST LIKELY TO BE SUCCESSFULLY REINTEGRATED INTO THE SOCIETY.

/HE SAID

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HE SAID IT WAS PROPOSED THAT THE EARLY RELEASE WOULD BE MADE AFTER 20 MONTHS OR ONE HALF OF THE SENTENCE WHICHEVER WAS THE GREATER.

NOTING THAT THE CORRECTIONAL SERVICES DEPARTMENT HAD ALMOST 35 YEARS OF EXPERIENCE IN THE AFTERCARE OF PERSONS WHO HAD BEEN IN TRAINING CENTRES, DETENTION CENTRES AND DRUG ADDICTION TREATMENT CENTRES, MR JEAFFRESON SAID THE DEPARTMENT WOULD BE ABLE TO RENDER APPROPRIATE ASSISTANCE TO THE ADULT PRISONERS RELEASED ON PAROLE.

HE SAID THE DEPARTMENT WOULD BE PROVIDED WITH SOME ADDITIONAL STAFF FOR THIS PURPOSE.

TURNING TO THE REACTION OF THE PUBLIC, MR JEAFFRESON SAID IT WAS NOW EVIDENT THAT PEOPLE IN HONG KONG RECOGNISED THE IMPORTANCE OF REHABILITATION IN TREATING PRISONERS.

HE SAID THAT SINCE THE BILL WAS GAZETTED ON JUNE 26, SCHEMES SEEMED TO HAVE BEEN WELL RECEIVED AS A MEANS BETTER TO REHABILITATE OFFENDERS.

"GIVEN THIS PUBLIC SUPPORT, WE HAVE NO DOUBT THAT THE PROPOSED SCHEMES HAVE A GOOD CHANCE OF BEING A SUCCESS," HE NOTED.

MR JEAFFRESON SAID A RELEASED PRISONER MIGHT BE REQUIRED TO RESIDE IN A HOSTEL WHICH WAS UNDER THE ADMINISTRATION OF THE CORRECTIONAL SERVICES DEPARTMENT, AND IF SO, UNAUTHORISED ABSENCE FROM THE HOSTEL WOULD BE PUNISHABLE.

"BUT WHETHER OR NOT HE IS REQUIRED TO RESIDE IN A HOSTEL, HE WILL RECEIVE A SUPERVISION ORDER FROM THE COMMISSIONER OF CORRECTIONAL SERVICES, WHICH WILL SET OUT THE CONDITIONS AGREED FOR HIS RELEASE AND WILL SPECIFY THE DATE ON WHICH THE ORDER WILL EXPIRE," HE SAID.

THE CONDITIONS OF HIS RELEASE WOULD INCLUDE A REQUIREMENT TO MEET REGULARLY WITH HIS SUPERVISOR AND TO DISASSOCIATE WITH CRIMINAL ELEMENTS, AND COULD INCLUDE A REQUIREMENT TO LIVE IN A CERTAIN LOCATION, TO CONTRIBUTE TO HIS FAMILY AND IF NECESSARY TO HAVE MEDICAL ATTENTION, MR JEAFFRESON SAID.

A PRISONER WHOSE APPLICATION FOR RELEASE UNDER SUPERVISION WAS REFUSED WILL BE ABLE TO APPLY FOR A REVIEW OF THE DECISION TO REFUSE HIS RELEASE.

THE BILL ALSO PROVIDED FOR CASES IN WHICH A SUPERVISION ORDER MIGHT BE TERMINATED BEFORE ITS DUE EXPIRY DATE.

MR JEAFFRESON SAID A SUPERVISION ORDER WOULD BE CAPABLE OF BEING REVOKED BY THE GOVERNOR ON THE BOARD'S RECOMMENDATION, OR BY THE COMMISSIONER OF CORRECTIONAL SERVICES IN CIRCUMSTANCES WHERE THE PUBLIC INTEREST REQUIRED IMMEDIATE ACTION.

/HE SAID

HE SAID IT WOULD ALSO CEASE TO HAVE EFFECT IN THE EVENT OF A FURTHER SENTENCE OF IMPRISONMENT BEING ORDERED AGAINST THE SAME PERSON. THE PRISONER WOULD THEN BE LIABLE TO BE REIMPRISONED FOR THE FULL REMAINDER OF HIS SENTENCE FOR THE FIRST OFFENCE, BUT WOULD BE ABLE TO APPLY TO THE BOARD FOR A REVIEW OF HIS CASE.

MR JEAFFRESON SAID THE SCHEME WOULD BE PROCEEDED CAUTIOUSLY. IT WAS EXPECTED THAT NOT MORE THAN 100 PRISONERS, OR FIVE PER CENT OF THOSE ELIGIBLE MIGHT INITIALLY BE RELEASED UNDER SUPERVISION.

HE ADDED THAT A COMPRESHENSIVE REVIEW WOULD BE CARRIED OUT THREE YEARS AFTER IMPLEMENTATION OR EARLIER IF NECESSARY AND, A REPORT ON THE BOARD'S WORK WOULD BE TABLED ANNUALLY.

DEBATE ON THE BILL WAS ADJOURNED.

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BILL TO UPDATE BUILDINGS ORDINANCE
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THE SECRETARY FOR LANDS AND WORKS, THE HON GRAHAM BARNES, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT THE BUILDINGS AMENDMENT BILL UPDATED THE BUILDING ORDINANCE TO ACHIEVE GREATER EFFICIENCY IN ITS APPLICATION.

MOVING THE SECOND READING OF THE BILL, MR BARNES SAID THE AUTHORIZED PERSONS AND STRUCTURAL ENGINEERS REGISTRATION COMMITTEE COMPRISED THREE GOVERNMENT AND SIX NON-GOVERNMENT MEMBERS.

A QUORUM FOR THE COMMITTEE REQUIRED SIX MEMBERS, INCLUDING ALL THREE GOVERNMENT MEMBERS.

THIS HAD CREATED PROBLEMS THROUGH INDISPOSITION AND HAD RENDERED SCHEDULED MEETINGS AND PRE-ARRANGED PROFESSIONAL INTERVIEWS ABORTIVE.

THE BILL MODIFIED THE ORDINANCE SO THAT THE QUORUM ONLY REQUIRED TWO GOVERNMENT MEMBERS AND WAS REDUCED TO FIVE.

MR BARNES SAID ALTHOUGH THERE WAS A RIGHT OF APPEAL AGAINST DECISIONS OF THE AUTHORIZED PERSONS AND REGISTERED STRUCTURAL ENGINEERS REGISTRATION COMMITTEE A SIMILAR RIGHT WAS NOT AVAILABLE FOR DEFERRALS AND AS DEFERRALS COULD BE IMPOSED REPEATEDLY THIS WAS UNFAIR.

A SUBSECTION WAS ADDED TO THE ORDINANCE WHICH ONLY PERMITTED AN APPLICATION TO BE DEFERRED ONCE.

ALUMINIUM AND OTHER METALS, GLASS, PLASTIC AND COMPOSITE MATERIALS WERE IN INCREASING USE IN BUILDING CONSTRUCTION, BUT DID NOT COME WITHIN THE SCOPE OF THE BUILDINGS ORDINANCE, MR BARNES SAID.

NEITHER DID EXCAVATION, PILING, AND FOUNDATION WORKS WHICH WARRANTED TIGHT SUPERVISION AND MONITORING TO ENSURE PUBLIC SAFETY.

CLAUSE 4 OF THE BILL EXPANDED THE SCOPE OF THE ORDINANCE TO INCLUDE THESE.

HE SAID THE BUILDING AUTHORITY UNDER THE ORDINANCE COULD CARRY OUT VARIOUS WORKS IN THE INTERESTS OF PUBLIC SAFETY, AND COULD RECOVER THE DIRECT COSTS INCURRED FROM PERSONS WHO HAD FAILED TO CARRY OUT THE WORKS THEMSELVES.

HOWEVER, INCIDENTAL COSTS WERE OFTEN INVOLVED WHICH WERE NOT RECOVERABLE.

CLAUSES 5 AND 6 OF THE BILL AMENDED THE ORDINANCE TO INCLUDE FOR THESE.

"THESE WORKS AND SERVICES WILL HOWEVER BE KEPT TO A MINIMUM," MR BARNES SAID.

HE SAID UNDER THE ORDINANCE BUILDING WORKS NOT INVOLVING THE STRUCTURE OF A BUILDING MAY BE CARRIED OUT WITHOUT APPROVAL FROM THE BUILDING AUTHORITY.

BUT IF ALTERATION TO EXISTING DRAINS WERE INVOLVED, HOWEVER MINOR, THE FULL APPROVAL PROCESS WAS REQUIRED.

"THIS REQUIREMENT DELAYS THE PROCESSING OF LICENCE APPLICATIONS PARTICULARLY FOR RESTAURANTS AND LICENSED PREMISES," HE SAID.

CLAUSE 8 OF THE BILL MODIFIED THE ORDINANCE TO ALLOW MINOR DRAINAGE WORKS TO BE CARRIED OUT WITHOUT APPROVAL FROM THE BUILDING AUTHORITY.

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ANTI-SMOKING COUNCIL A FOCAL POINT FOR ACTION

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THE HONG KONG COUNCIL ON SMOKING AND HEALTH BILL 1987 SEEKS TO PROPOSE THE ESTABLISHMENT OF AN INDEPENDENT STATUTORY COUNCIL ON SMOKING AND HEALTH, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE BILL FOR SECOND READING, MR CHAMBERS SAID THE GOVERNMENT'S ANTI-SMOKING POLICIES HAD ACHIEVED A CONSIDERABLE DEGREE OF SUCCESS IN MAKING THE COMMUNITY AWARE OF THE DANGERS OF SMOKING, IN ENCOURAGING SMOKERS TO STOP SMOKING AND IN DISCOURAGING NON-SMOKERS FROM STARTING TO SMOKE.

"WE REALISE THAT SMOKING AND HEALTH IS A DYNAMIC AREA WHICH REQUIRES PROMPT AND CONTINUOUS RESPONSES TO NEW RESEARCH, CHANGING PUBLIC ATTITUDES, NEW LEGISLATIVE REQUIREMENTS AND THE ACTIVITIES OF THE TOBACCO INDUSTRY.

"EXPERIENCE IN OTHER COUNTRIES INDICATES THAT THE MOST EFFECTIVE METHOD OF KEEPING ABREAST OF SUCH DEVELOPMENTS IS TO SET UP AN INDEPENDENT PUBLIC BODY TO SERVE AS A FOCAL POINT FOR ACTION ON THIS SUBJECT," MR CHAMBERS SAID.

THE MAIN TASKS OF THE COUNCIL WOULD BE:

- (A) TO COLLATE THE LATEST INFORMATION AND RESEARCH CONNECTED WITH SMOKING AND HEALTH;
- (B) TO ORGANISE ANTI-SMOKING PUBLICITY AND EDUCATION PROGRAMMES;
- (C) TO ADVISE THE GOVERNMENT ON THE IMPLEMENTATION AND DEVELOPMENT OF ANTI-SMOKING MEASURES; AND
- (D) TO LIAISE WITH OTHER LOCAL BODIES AND INTERNATIONAL AGENCIES ON SMOKING AND HEALTH MATTERS.

THE COUNCIL HAD BEEN OPERATING IN A PROVISIONAL FORM SINCE DECEMBER LAST YEAR.

MR CHAMBES SAID IT WAS THE GOVERNMENT'S VIEW, HOWEVER, THAT STATUTORY IN-CORPORATION WAS DESIRABLE IN THAT IT ESTABLISHED THE COUNCIL AS A LEGAL ENTITY SEPARATE AND INDEPENDENT FROM THE GOVERNMENT, PROVIDED A FORMAL FRAMEWORK FOR THE COUNCIL'S OPERATIONS AND CONFERRED PROTECTION ON MEMBERS AND EMPLOYEES OF THE COUNCIL AGAINST PERSONAL LIABILITY FOR ANY ACT DONE BY THE COUNCIL IN GOOD FAITH IN THE COURSE OF ITS OPERATIONS.

THE BILL FOLLOWED CLOSELY THE PATTERN OF OTHER LEGISLATION ESTABLISHING STATUTORY BODIES OF A SIMILAR NATURE, HE SAID.

/"IT SETS

"IT SETS OUT THE AIMS, FUNCTIONS AND POWERS OF THE COUNCIL, PROVIDES FOR APPOINTMENT OF CHAIRMAN AND MEMBER BY THE GOVERNOR, AND LAYS DOWN PROCEDURES AT MEETINGS.

"IT ALSO EMPOWERS THE COUNCIL TO APPOINT ITS OWN STAFF, AS WELL AS FINANCIAL AND ACCOUNTING ARRANGEMENTS," MR CHAMBERS SAID.

THE COUNCIL WOULD BE SUBVENTED BY THE GOVERNMENT AND A SUM OF \$1.2 MILLION HAD BEEN INCLUDED IN THIS YEAR'S ESTIMATES, HE ADDED.

"ALTHOUGH THE ESTABLISHMENT OF THE COUNCIL WILL RELIEVE THE GOVERNMENT OF SOME OF THE EXECUTIVE DUTIES CONNECTED WITH ANTI-SMOKING MEASURES, THE SECRETARY FOR HEALTH AND WELFARE WILL REMAIN RESPONSIBLE FOR FORMULATING THE GOVERNMENT'S POLICY IN THIS AREA AND FOR ENSURING THE IMPLEMENTATION OF THAT POLICY," MR CHAMBERS SAID.

THE DEBATE ON THIS MOTION WAS ADJOURNED.

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SEVEN BILLS PASSED
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SEVEN BILLS WERE PASSED INTO LAW IN THE LEGISLATIVE COUNCIL MEETING TODAY (WEDNESDAY).

THEY ARE: BROADCASTING AUTHORITY BILL 1987; PREVENTION OF BRIBERY (AMENDMENT) BILL 1987; INDEPENDENT COMMISSION AGAINST CORRUPTION (AMENDMENT) BILL 1987; SUPREME COURT (AMENDMENT) BILL 1987; PROTECTION OF WOMEN AND JUVENILES (AMENDMENT) BILL 1987; WEIGHTS AND MEASURES BILL 1987; AND EMPLOYMENT (AMENDMENT) BILL 1987.

MEANWHILE, THREE BILLS WERE INTRODUCED FOR FIRST AND SECOND READINGS TODAY. THEY ARE: HONG KONG COUNCIL ON SMOKING AND HEALTH BILL 1987; BUILDINGS (AMENDMENT) BILL 1987 AND PRISONERS (RELEASE UNDER SUPERVISION) BILL 1987. DEBATE ON THE THREE BILLS WERE ADJOURNED.

MEMBERS ALSO APPROVED SIX MOTIONS IN TODAY'S SITTING. BUT A MEMBER'S MOTION SEEKING TO DELETE REGULATION 3(A)(VII) OF THE FILM CENSORSHIP REGULATIONS 1987 WAS DEFEATED.

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CALL TO COMBAT PROTECTIONIST PRESSURE

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THE DIRECTOR OF TRADE, MR MICHAEL SZE, TODAY (WEDNESDAY) CALLED ON THE BUSINESS COMMUNITY TO JOIN IN EFFORTS TO COMBAT PROTECTIONIST PRESSURES SO THAT THE WORLD OVER COULD ENJOY FREE ACCESS TO ALL MARKETS.

SPEAKING AT THE OPENING CEREMONY OF THE WORLD APPAREL EXPO AND FASHION ACCESSORIES EXPO 87, MR SZE SAID A GOOD PART OF THE WORLD TRADE IN TEXTILES AND CLOTHING WAS SUBJECT TO QUANTITATIVE RESTRICTIONS AND PRESSURES FOR MORE PROTECTION IN THE WORLD'S MAJOR MARKETS SELDOM WANED.

HE NOTED THAT HONG KONG BELIEVED IN AND PRACTISED AN OPEN MARKET POLICY AND IMPOSED NO DUTY OR RESTRICTIONS ON IMPORTS.

"IN 1986, TEXTILES IMPORTS AMOUNTED TO HK\$43 BILLION AND WE ALSO IMPORTED FROM ALL OVER THE WORLD GARMENTS WORTH HK\$20 BILLION."

"HONG KONG IS THUS A VALUABLE MARKET FOR OVERSEAS SUPPLIERS WHERE ALL FOREIGN AND DOMESTIC PRODUCTS COMPETE ON AN EQUAL FOOTING."

ON TEXTILES AND CLOTHING EXPORTS, MR SZE SAID HONG KONG WAS ONE OF THE WORLD'S LARGEST GARMENT MANUFACTURING CENTRES.

"IN 1986, CLOTHING EXPORTS FROM HONG KONG AMOUNTED TO HK\$52 BILLION, WHICH REPRESENTED 34 PER CENT OF HONG KONG'S DOMESTIC EXPORTS."

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EYE CARE FOR THE ELDERLY IN KOWLOON CITY

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ELDERLY RESIDENTS OF KOWLOON CITY WILL BE ABLE TO RECEIVE FREE EYE CHECK-UP AND SPECTACLES AS WELL AS TO LEARN ABOUT THE BASIC KNOWLEDGE OF EYE CARE DURING A TWO-WEEK 'EYE CARE CAMPAIGN FOR THE ELDERLY' STARTING FROM JULY 19.

THE CAMPAIGN, DESIGNED FOR RESIDENTS AGED OVER 60, IS JOINTLY ORGANISED BY THE KOWLOON CITY DISTRICT BOARD, THE TUNG WAH GROUP OF HOSPITALS AND THE HONG KONG OPTOMETRIC ASSOCIATION.

SPEAKING AT A PRESS CONFERENCE TODAY (WEDNESDAY) TO ANNOUNCE DETAILS OF THE CAMPAIGN, CHAIRMAN OF THE ORGANISING COMMITTEE, MR TANG PO-HONG, SAID THE CAMPAIGN WAS A SIGNIFICANT ACTIVITY TO SHOW RESPECT AND CONCERN FOR THE ELDERLY IN THE DISTRICT.

"IT IS ALSO A STEP FORWARD IN IMPROVING THE PROVISION OF CARE SERVICES AND ATTENTION TOWARDS THE ELDERLY," HE SAID.

THE CAMPAIGN WILL START WITH AN OPENING CEREMONY AT THE MARTHA BOSS COMMUNITY CENTRE IN HO MAN TIN ON SUNDAY (JULY 19). THERE WILL ALSO BE AN EYE CARE EXHIBITION, FREE EYE CHECK-UPS AS WELL AS THE DISTRIBUTION OF EYE CARE BOOKLETS AT EIGHT VENUES THROUGHOUT THE DISTRICT IN THE FOLLOWING TWO WEEKS.

THE FREE EYE CHECK-UPS WILL BE PROVIDED BY THE HONG KONG OPTOMETRIC ASSOCIATION. ELDERLY RESIDENTS WHO TAKE PART IN THE CHECK-UPS WILL BE PROVIDED, IF NECESSARY, WITH SPECTACLES FROM APPOINTED OPTICAL SHOPS. THOSE WHO NEED FURTHER MEDICAL TREATMENT WILL BE REFERRED TO THE TUNG WAH GROUP OF HOSPITALS OR GOVERNMENT CLINICS.

ALSO SPEAKING AT THE PRESS CONFERENCE, CHAIRMAN OF THE TUNG WAH GROUP OF HOSPITALS, MRS THERESA LAU, SAID THE MAIN PURPOSE OF THE CAMPAIGN WAS TO AROUSE PUBLIC CONCERN TOWARDS ELDERLY SERVICES AND TO PROMOTE RESPECT FOR THE AGED.

"IT IS HOPED THAT THROUGH THIS CAMPAIGN, THE PUBLIC, ESPECIALLY THE ELDERLY, WILL BECOME MORE AWARE OF THE BASIC KNOWLEDGE OF EYE CARE," SHE ADDED.

MRS LAU SAID THIS WAS THE SIXTH TIME THE TUNG WAH GROUP OF HOSPITALS WAS ORGANISING SUCH LARGE SCALE SOCIAL SERVICES FOR THE ELDERLY WITH THE DISTRICT BOARDS AND LOCAL ORGANISATIONS.

SHE ADDED THAT THE TUNG WAH GROUP PROVIDED NUMEROUS TYPES OF SOCIAL SERVICES TO THE ELDERLY THROUGHOUT THE TERRITORY.

THE EYE CARE CAMPAIGN COSTS ABOUT \$200,000 WITH THE TUNG WAH GROUP PROVIDING \$180,000 AND THE REMAINDER MET BY THE KOWLOON CITY DISTRICT BOARD.

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SSPA RESULTS TO BE RELEASED FRIDAY

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RESULTS OF THE SECONDARY SCHOOL PLACES ALLOCATION (SSPA) WILL BE RELEASED ON FRIDAY (JULY 10), THE EDUCATION DEPARTMENT ANNOUNCED TODAY (WEDNESDAY).

A TOTAL OF 86,618 PRIMARY 6 PUPILS TOOK PART IN THE SSPA THIS YEAR AND ALL OF THEM HAVE BEEN ALLOCATED FORM 1 OR MIDDLE 1 PLACES IN GOVERNMENT, AIDED OR PRIVATE SECONDARY SCHOOLS, SAID A SPOKESMAN FOR THE DEPARTMENT.

/AMONG THE

AMONG THE PRIMARY 6 LEAVERS, 36,618 (42.36 PER CENT) HAVE BEEN ALLOCATED PLACES OF THEIR FIRST CHOICE. ANOTHER 17,450 HAVE BEEN GIVEN PLACES OF THEIR SECOND AND THIRD CHOICES, BRINGING THE COMBINED TOTAL OF STUDENTS ALLOCATED PLACES OF THEIR FIRST THREE CHOICES TO 62.51 PER CENT.

UNDER THE SCHEME, PARTICIPATING PUPILS WILL BE GIVEN THREE YEARS OF FREE EDUCATION UP TO FORM 3 OR MIDDLE 3 LEVEL AND NO TUITION FEES WILL BE CHARGED.

ALLOCATION RESULTS WILL BE AVAILABLE FROM PUPILS' PRIMARY SCHOOLS ON FRIDAY. THE SPOKESMAN ADVISED PUPILS TO FOLLOW ARRANGEMENTS LAID DOWN BY THEIR RESPECTIVE PRIMARY SCHOOLS WHEN COLLECTING THEIR RESULTS OF ALLOCATION.

"ALL PUPILS SHOULD TAKE ALONG WITH THEM THEIR PRIMARY 6 IDENTIFICATION FORMS SO THAT THEIR INDIVIDUAL ALLOCATION SLIPS MAY BE ATTACHED TO THE FORMS," THE SPOKESMAN SAID.

"THEY SHOULD REPORT TO THE SECONDARY SCHOOLS TO WHICH THEY HAVE BEEN ALLOCATED PLACES DURING THE FIRST REGISTRATION PERIOD BETWEEN JULY 15 AND 16 AND THOSE WHO FAIL TO REPORT TO THE SECONDARY SCHOOLS ALLOCATED ARE DEEMED TO HAVE CHOSEN NOT TO TAKE UP THE PLACES ALLOCATED," THE SPOKESMAN SAID.

WHEN REPORTING TO THE SECONDARY SCHOOLS FOR REGISTRATION, PUPILS ARE ADVISED TO BRING THE FOLLOWING DOCUMENTS:

- (A) PRIMARY 6 IDENTIFICATION FORMS, TO WHICH THEIR INDIVIDUAL ALLOCATION SLIPS HAVE BEEN STAPLED OR GLUED;
- (B) ADMISSION SLIPS;
- (C) BIRTH CERTIFICATES, HONG KONG JUVENILE IDENTITY CARDS OR OTHER DOCUMENTARY EVIDENCE OF THEIR DATE OF BIRTH AND STATUS AS PERMANENT RESIDENTS OF HONG KONG;
- (D) LATEST SCHOOL REPORTS, IF ANY; AND
- (E) TWO RECENT PASSPORT-SIZE PHOTOGRAPHS.

"PARENTS SEEKING TRANSFERS FOR THEIR CHILDREN HAVE TO APPLY DIRECT TO THE SCHOOLS CONCERNED WHICH HAVE ENTIRE DISCRETION TO ACCEPT AN APPLICANT OR NOT," THE SPOKESMAN SAID.

SUCCESSFUL APPLICANTS HAVE TO RETRIEVE THE ADMISSION SLIPS FROM THE SCHOOLS WHICH THEY HAVE REGISTERED DURING THE FIRST REGISTRATION AND REPORT TO THE SCHOOLS TRANSFERRED ON THE SECOND REGISTRATION DAY ON JULY 23.

/IN CASE

IN CASE OF CROSS-NET TRANSFERS, PARENTS MAY BE DIRECTED BY THE PRINCIPALS OF THE RECEIVING SCHOOLS TO OBTAIN APPROVAL FROM APPROPRIATE DISTRICT COUNCIL SECRETARIES BEFORE ADMITTING THEIR PUPILS.

"SHOULD THERE BE A TROPICAL CYCLONE, PERSISTENT HEAVY RAIN OR THUNDERSTORM DURING THE REGISTRATION PERIODS, SCHOOL HEADS AND PARENTS ARE ADVISED TO PAY ATTENTION TO ANNOUNCEMENTS IN THE MEDIA FOR ANY NECESSARY SPECIAL ARRANGEMENTS," THE SPOKESMAN SAID.

ENQUIRIES CONCERNING THE ALLOCATION RESULTS SHOULD BE REFERRED TO THE SECONDARY SCHOOL PLACES ALLOCATION SECTION OF THE EDUCATION DEPARTMENT ON 5-8912200.

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EXPANSION OF MARINE POLICE FLEET UNDER WAY
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MARINE POLICE HAVE TAKEN DELIVERY OF THE FIRST OF EIGHT NEW HIGH-SPEED INFLATABLE BOATS UNDER A CONTINUING EXPANSION AND MODERNISATION PROGRAMME THAT WILL ADD 32 NEW CRAFT OF VARIOUS TYPES TO THE FLEET BY THE YEAR'S END.

THE EIGHT SEVEN-METRE RIGID-HULLED INFLATABLES - WHICH WILL BE USED BY THE SMALL BOAT UNIT - HAVE BEEN SPECIALLY DESIGNED TO MEET THE FORCE'S REQUIREMENTS. THE FIRST CRAFT PERFORMED FULLY UP TO EXPECTATIONS IN A DAY OF TRIALS LATE LAST MONTH.

TWO MORE OF THE BRITISH-BUILT BOATS WILL BE DELIVERED SHORTLY AND IT IS EXPECTED THAT THE REMAINING FIVE WILL ARRIVE BY NOVEMBER.

THE BOATS HAVE BEEN BOUGHT UNDER THE EXPANSION AND MODERNISATION PROGRAMME WHICH, SINCE 1979, HAS ALREADY ADDED 24 DIVISIONAL PATROL VESSELS, THREE LARGE AND FAST LOGISTICS VESSELS AND THREE WATER-JET BOATS TO THE FLEET.

TOTAL SPENDING ON THESE AND OTHER VESSELS, EITHER NOW BEING DELIVERED OR IN THE PIPELINE, WILL EXCEED \$450 MILLION.

COMING ON STREAM THIS MONTH ARE 114.7-METRE FULLY INFLATABLE BOATS, COMPLETE WITH ENGINES AND SPARE ENGINES, WHICH WILL REPLACE THE ZODIACS NOW CARRIED BY DIVISIONAL PATROL LAUNCHES.

/"THESE CRAFT

"THESE CRAFT ARE DISTINCTIVE IN THAT THEY ARE BUILT TO ADVANCED SPECIFICATIONS AND ARE MADE IN NEW ZEALAND. THEY ARE THE FIRST BOATS WE HAVE BOUGHT FROM THERE," SAID SUPT. VIANNEY WILLY-FURTH, STAFF OFFICER/SUPPORT, MARINE.

A MAJOR DEVELOPMENT HAS BEEN THE BUILDING LOCALLY OF TWO DIVISIONAL COMMAND LAUNCHES - 3 AND 4. THE FIRST WILL BE DELIVERED THIS MONTH AND THE SECOND IN SEPTEMBER.

EACH COMMAND LAUNCH WILL CARRY TWO DIESEL-ENGINED RIGID-HULLED INFLATABLE BOATS, BUT THESE WILL NOT ARRIVE UNTIL NOVEMBER. THEY ARE BUILT BY THE SAME FIRM THAT IS PRODUCING THE NEW BOATS FOR THE SBU, AND THE SPECIFICATIONS ARE SIMILAR.

THE SBU CRAFT HAVE TWIN PETROL-DRIVEN OUTBOARD ENGINES, EACH GIVING 120 HORSEPOWER, WHEREAS THE COMMAND LAUNCH BOATS WILL HAVE A SINGLE DIESEL-DRIVEN INBOARD ENGINE, OPERATING ON THE WATER-JET PRINCIPLE.

"THESE RIGID-HULLED INFLATABLES ARE OF A UNIQUE DESIGN AND CONSTRUCTION, AND ARE TAILOR-MADE FOR OUR NEEDS," SAID SUPT. WILLY-FURTH. HE EXPLAINED THAT THERE HAVE BEEN TREMENDOUS DEVELOPMENTS IN THIS BOAT-BUILDING FIELD IN THE LAST FIVE YEARS.

ALSO THIS MONTH, MARINE POLICE WILL BE ACCEPTING FROM A LOCAL SHIPYARD THE FIRST OF SEVEN HARBOUR PATROL LAUNCHES. THESE WILL REPLACE THE EIGHT LAUNCHES NOW IN SERVICE WHICH WERE BUILT IN 1944 IN AUSTRALIA. THE LAST OF THE SEVEN WILL BE DELIVERED IN NOVEMBER.

"AT THE SAME TIME, WE ARE GOING OUT TO CONTRACT SHORTLY FOR A FOUR-METRE RIGID INFLATABLE FOR EACH OF THE HARBOUR LAUNCHES. AND WE WILL ALSO BE GOING OUT TO CONTRACT FOR TWO 9.5-METRE RIGID INFLATABLES FOR THE SBU," SAID SUPT. WILLY-FURTH.

IN ADDITION, SPECIFICATIONS ARE BEING DRAWN UP FOR SEVEN INSHORE PATROL VESSELS, WHICH WILL BE ABOUT 8.5 METRES IN LENGTH AND BE CAPABLE OF 20 KNOTS, AND TWO 11-METRE FAST INSHORE PATROL BOATS. THE LATTER WILL BE ABLE TO TRAVEL AT 35 KNOTS.

EVEN HIGHER SPEEDS WILL BE ATTAINED BY TWO 8.5-METRE CATAMARANS FOR WHICH SPECIFICATIONS ARE NOW BEING PREPARED. THESE CRAFT WILL BE OPERATED BY THE SBU.

/ "BESIDES ALL

"BESIDES ALL THIS, IT IS INTENDED TO DEFINE, IN THE NEXT TWO MONTHS AND IN CONJUNCTION WITH THE MARINE DEPARTMENT, THE LIMITED PROCUREMENT SPECIFICATION FOR SEVEN LAUNCHES TO REPLACE THE VOSPER 78 PATROL LAUNCHES WHICH HAVE BEEN IN SERVICE SINCE 1971," SAID SUPT. WILLY-FURTH.

DISCUSSING COSTS, HE SAID: "WE TRY TO MAKE THESE VESSELS AS COST EFFECTIVE AS POSSIBLE. YOU CAN CUT CORNERS, BUT THEN YOU END UP PAYING FOR IT IN THE LONG RUN. IF YOU BUY QUALITY, IT LASTS."

"OUR VESSELS HAVE TO BE BUILT TO VERY HIGH SPECIFICATIONS SIMPLY BECAUSE OF THE USAGE. WE GET MORE MILEAGE OUT OF ANY OF OUR CRAFT THAN DOES ALMOST ANY OTHER ORGANISATION LIKE THE FORCE."

"WE TRY TO KEEP OUR BOATS AT SEA FOR 300 DAYS OF THE YEAR, WITH ONLY 60 DAYS OF 'DOWN TIME'."

"BASICALLY, WITH THESE NEW CRAFT, WE WILL BE ABLE TO MAINTAIN A VISIBLE POLICE PRESENCE AT SEA 24 HOURS A DAY THROUGHOUT THE ENTIRE YEAR."

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CHILDREN'S CHOIR QUESTS FOR NEW TALENT

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THE MONG KOK CHILDREN'S CHOIR IS RECRUITING NEW MEMBERS TO EXPAND ITS ACTIVITIES.

YOUNG MUSIC LOVERS AGED BETWEEN SIX AND 16 MAY APPLY FOR ENROLMENT IN VARIOUS TRAINING SESSIONS INCLUDING CHORUS SINGING, PERCUSSION BAND PLAYING AND DANCING; WHILE THOSE AGED OVER 16 MAY JOIN THE YOUTH GROUP FOR TRAINING IN CHORUS SINGING AND DANCING.

THE CLASSES ARE CONDUCTED ON SATURDAY AFTERNOON IN LOCAL SCHOOLS AND COMMUNITY CENTRES. THE TRAINING FEE IS \$100 A SEASON.

THE CHILDREN'S CHOIR, CURRENTLY WITH A MEMBERSHIP OF 130, WAS SET UP IN 1975 BY THE MONG KOK DISTRICT CULTURAL RECREATIONAL AND SPORTS ASSOCIATION TO PROVIDE PROPER AND FORMAL MUSIC TRAINING FOR CHILDREN IN THE DISTRICT.

APART FROM TRAINING, THE CHOIR ACTIVELY TAKES PART IN FUNCTIONS TO POLISH ITS PERFORMING SKILLS AND ACQUIRE EXPERIENCE.

APPLICATION FORMS FOR THE CHILDREN'S CHOIR ARE AVAILABLE AT THE MONG KOK DISTRICT OFFICE, 157 PRINCE EDWARD ROAD; TAI KOK TSUI BRANCH OFFICE, 85 IVY STREET AND LIM POR YEN CENTRE, 110 BEECH STREET.

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TRAFFIC ARRANGEMENTS IN MONG KOK, TAI PO
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MONG KOK ROAD BETWEEN NATHAN ROAD AND SAI YEE STREET WILL BE DESIGNATED A RESTRICTED ZONE FROM 7 AM TO 7 PM DAILY FROM 10 AM ON FRIDAY (JULY 10).

THE MOVE IS TO FACILITATE ROAD RECONSTRUCTION WORK AND WILL LAST FOR ABOUT 18 MONTHS.

IN TAI PO, THE SECTION OF ON TAI ROAD BETWEEN ITS TWO JUNCTIONS WITH ON PONG ROAD WILL BE CLOSED TO TRAFFIC FROM 30 MINUTES PAST MIDNIGHT TO 2.30 AM ON THE SAME DAY FOR THE CONSTRUCTION OF AN OVERHEAD FOOTBRIDGE.

POLICE WILL BE AT SITE TO GUIDE MOTORISTS.

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RESTRICTED ZONES IN TSING YI ROUNDABOUT, KWAI CHUNG
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THE TSING YI ROUNDABOUT WILL BE DESIGNATED A PROHIBITED ZONE FROM 7 AM TO 7 PM DAILY EXCEPT SUNDAYS WITH EFFECT FROM FRIDAY (JULY 10) TO IMPROVE TRAFFIC FLOW THERE.

TRAFFIC SIGNS WILL BE PUT UP TO INFORM MOTORISTS OF THE EXTENT OF THE PROHIBITED AREA. NO VEHICLE OTHER THAN FRANCHISED BUSES AND GREEN MINIBUSES WILL BE ALLOWED TO ENTER THE RESTRICTED AREA.

IN KWAI CHUNG, FROM 10 AM ON THE SAME DAY, THE SOUTHBOUND CARRIAGEWAY OF LEI MUK ROAD BETWEEN ITS JUNCTION WITH TUNG CHI STREET AND A POINT ABOUT 50 METRES SOUTH OF THE SAME JUNCTION WILL BE MADE A 7 AM TO 7 PM DAILY RESTRICTED ZONE.

NO VEHICLE WILL BE ALLOWED TO STOP FOR PASSENGERS OR GOODS WITHIN THE RESTRICTED AREA.

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PLB RESTRICTED ZONES IN SHEUNG SHUI AND TAI PO

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THE PUBLIC CAR PARK AND THE GREEN MINIBUS TERMINUS IN SHEUNG SHUI AREA 6B, ADJACENT TO THE PETROL STATION OFF ROAD 601 WILL BE DESIGNATED PROHIBITED ZONES FOR PUBLIC LIGHT BUSES FROM 10 AM ON FRIDAY (JULY 10).

NO PLB WILL BE ALLOWED TO ENTER THE PROHIBITED AREA 24-HOUR DAILY.

AT THE SAME TIME, THE SECTION OF ROAD L9 BETWEEN ROAD D1 AND ROAD D7; THE SECTION OF ROAD D7 BETWEEN ROAD D1 AND ROAD L9; AND ROAD 601 WILL BE MADE 24-HOUR RESTRICTED ZONES FOR PLBS.

NO PLB WILL BE ALLOWED TO STOP FOR PASSENGERS OR GOODS WITHIN THE RESTRICTED AREA.

IN TAI PO, THE SECTION OF WAN TAU STREET TO THE SOUTH OF HEUNG SZE WUI STREET WILL ALSO BE DESIGNATED A PLB PROHIBITED ZONE WITH EFFECT FROM THE SAME TIME.

ALL PLBS WILL BE PROHIBITED FROM ENTERING THE ABOVE AREA.

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