



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
BEACONSFIELD HOUSE, HONG KONG. TEL.: 842 8777

WEDNESDAY, JULY 25, 1990

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CS OUTLINES OBJECTIVES OF BILL OF RIGHTS
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THE CHIEF SECRETARY, THE HON SIR DAVID FORD SAID TODAY (WEDNESDAY) ONE OF THE OVERRIDING PRINCIPLES IN ENACTING A BILL OF RIGHTS HAS BEEN AND WILL BE TO ENSURE THAT IT FULFILS OUR OBLIGATIONS UNDER THE JOINT DECLARATION SO THAT IT CAN LAST BEYOND 1997.

MOVING THE SECOND READING OF THE HONG KONG BILL OF RIGHTS BILL 1990 IN THE LEGISLATIVE COUNCIL, SIR DAVID SAID: "WE CAN SEE NO BETTER WAY THAN TO ENACT A COMPREHENSIVE BILL OF RIGHTS."

SIR DAVID RECALLED THAT IN OCTOBER LAST YEAR, THE GOVERNOR HAD STATED THE GOVERNMENT INTENDED TO ENACT A BILL OF RIGHTS TO GIVE EFFECT IN DOMESTIC LAW TO THE RELEVANT PROVISIONS OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) AS APPLIED TO HONG KONG.

NOTING THAT A WHITE BILL WAS PUBLISHED FOR PUBLIC DISCUSSION ON MARCH 6, HE SAID THE GOVERNMENT RECEIVED 800 WRITTEN SUBMISSIONS FROM GROUPS AND INDIVIDUALS WHEN THE CONSULTATION PERIOD ENDED THE BEGINNING OF JUNE.

"WE ALSO DISCUSSED THE WHITE BILL WITH 13 DISTRICT BOARDS AND THE HEUNG YEE KUK.

"THE OVERWHELMING MAJORITY OF THESE SUBMISSIONS ARE IN SUPPORT OF THE ENACTMENT OF A BILL OF RIGHTS AS A FURTHER MEASURE TO PROTECT HUMAN RIGHTS IN HONG KONG," SIR DAVID SAID.

THE CHIEF SECRETARY ALSO NOTED THAT A LEGCO AD HOC GROUP ON THE BILL OF RIGHTS, UNDER THE CONVENORSHIP OF THE HON SELINA CHOW, WAS SET UP LAST NOVEMBER.

APART FROM MEETING WITH REPRESENTATIVES FROM THE ADMINISTRATION, THE GROUP ALSO MET WITH MEMBERS OF THE PUBLIC AND RECEIVED THEIR REPRESENTATIONS.

THE GROUP FORWARDED ITS REPORT ON THE WHITE BILL TO THE ADMINISTRATION IN JUNE THIS YEAR, AND THE LEGISLATIVE COUNCIL ALSO HELD A MOTION DEBATE ON THE BILL OF RIGHTS ON JUNE 27.

"THE ADMINISTRATION HAS STUDIED VERY CAREFULLY THE COMMENTS MADE BY MEMBERS OF THE PUBLIC AND BY THE AD HOC GROUP, AND HAS GIVEN SERIOUS CONSIDERATION TO WHAT CHANGES SHOULD BE MADE TO IMPROVE THE WHITE BILL.

"THE BILL NOW BEFORE MEMBERS REFLECTS THE OUTCOME OF THIS CONSIDERATION AND INCORPORATES A NUMBER OF CHANGES TO THE WHITE BILL," SIR DAVID SAID.

"THE CHANGES MAINLY CONCERN PART I OF THE BILL WHICH DEALS WITH THE APPLICATION OF THE BILL," HE ADDED.

/THE CHIEF

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THE CHIEF SECRETARY TOLD MEMBERS THAT THE ADMINISTRATION TOOK THE VIEW THAT IT WAS ESSENTIAL THAT THE BILL OF RIGHTS WAS CONSISTENT WITH THE BASIC LAW SO THAT IT COULD CONTINUE TO BE IN FORCE AFTER 1997.

"THIS CAN BEST BE ACHIEVED BY MAKING THE SUBSTANCE OF THE BILL FULLY CONSISTENT WITH THE ICCPR AS APPLIED TO HONG KONG - WHICH BY VIRTUE OF THE JOINT DECLARATION AND ARTICLE 39 OF THE BASIC LAW WILL REMAIN IN FORCE AND BE IMPLEMENTED IN THE LAWS OF THE SAR; AND TO TAKE CARE THAT PROCEDURAL CLAUSES WITHIN THE BILL RUN NO RISK OF CONFLICTING WITH THE BASIC LAW," HE SAID.

"THIS REMAINS THE BASIC CONSIDERATION THROUGHOUT OUR DELIBERATIONS," SIR DAVID STRESSED.

"INDEED, THE ADMINISTRATION IS QUITE CLEAR THAT THE BILL BEFORE MEMBERS TODAY IS FULLY CONSISTENT WITH THE JOINT DECLARATION AND THE BASIC LAW.

"WE HAVE BEEN AWARE THAT THE CHINESE AUTHORITIES HAVE SOME CONCERN ABOUT THE BILL AND WE HAVE HAD MANY CONTACTS WITH THE CHINESE SIDE THROUGH A NUMBER OF CHANNELS, INCLUDING DISCUSSIONS IN THE JOINT LIAISON GROUP AND ON INFORMAL OCCASIONS," SIR DAVID SAID.

"BOTH THE WHITE BILL AND THE BILL NOW BEFORE MEMBERS HAVE BEEN GIVEN TO THE CHINESE SIDE AND EXPLAINED TO THEM," HE ADDED.

ON THE PROPOSED FREEZE PERIOD, SIR DAVID SAID THE MAJORITY OF WRITTEN SUBMISSIONS AND DISTRICT BOARD MEMBERS WHO EXPRESSED A VIEW ON THE ISSUE WERE OPPOSED TO A TWO-YEAR FREEZE PERIOD.

SOME HAD SUGGESTED THAT THERE SHOULD BE NO FREEZE PERIOD AT ALL.

THE LEGCO AD HOC GROUP HAD RECOMMENDED THAT THERE SHOULD BE A SELECTIVE FREEZE FOR ONE YEAR ACHIEVED BY LISTING IN A SCHEDULE THE ORDINANCES LIKELY TO BE AFFECTED BY THE BILL OF RIGHTS, AND THAT THE FREEZE COULD BE EXTENDED, UPON THE APPROVAL OF THE LEGISLATIVE COUNCIL FOR ANOTHER YEAR.

"THE FREEZE IS NECESSARY TO AVOID THE DESTABILISING EFFECTS OF LEGISLATIVE AND OPERATIONAL VACUUMS WHICH MAY OCCUR IF STATUTORY LAWS ARE FOUND TO BE INVALID AND, IF FOR PRACTICAL REASONS, THERE ARE SUBSTANTIAL DELAYS BEFORE THEY CAN BE REPLACED," SIR DAVID SAID.

THE CHIEF SECRETARY SAID IT WAS IMPRACTICABLE TO WORK OUT A DETAILED SCHEDULE FOR A SELECTIVE FREEZE AT THE OUTSET, THOUGH THE GOVERNMENT CONSIDERED THAT THE CONCERNS OF THE LEGCO AD HOC GROUP AND THE PUBLIC SHOULD BE ACCOMMODATED AS FAR AS POSSIBLE.

"INDEED, THE PURPOSE OF THE PROPOSED FREEZE WAS TO ENABLE US TO IDENTIFY ORDINANCES LIKELY TO BE AFFECTED BY THE BILL AND TO TAKE REMEDIAL ACTION.

/"WE PROPOSE

"WE PROPOSE THAT THERE SHOULD BE A BLANKET FREEZE ON EXISTING LEGISLATION FOR ONLY ONE YEAR INSTEAD OF TWO AFTER THE ENACTMENT OF THE BILL.

"WE FURTHER PROPOSE THAT DURING THIS PERIOD, THE COUNCIL SHOULD, FOLLOWING CONSULTATION WITH THE ADMINISTRATION, DECIDE WHICH PROVISIONS OF OUR ORDINANCES SHOULD BE FROZEN FOR ANOTHER YEAR OR SUCH LONGER PERIOD AS THIS COUNCIL MAY, BY RESOLUTION, DETERMINE.

"TO AVOID ANY DOUBT, WE ALSO RECOMMEND THAT THE BILL SHOULD MAKE IT CLEAR THAT THE FREEZE WILL ALSO COVER ACTS DONE UNDER EXISTING STATUTORY POWERS INCLUDING THE EXERCISE OF DISCRETIONARY POWERS," HE ADDED.

"THE ADMINISTRATION REMAINS COMMITTED TO FULL APPLICATION OF THE BILL OF RIGHTS AT THE EARLIEST POSSIBLE DATE."

THE CHIEF SECRETARY POINTED OUT THAT A NUMBER OF PROVISIONS IN THE BILL FOLLOWED THE ICCPR IN ALLOWING RIGHTS AND FREEDOMS TO BE RESTRICTED ON THE GROUNDS OF "NATIONAL SECURITY" OR TO PROTECT "THE LIFE OF THE NATION".

THE WHITE BILL DEFINED THESE TERMS AS INCLUDING THE SECURITY AND LIFE OF HONG KONG.

THERE HAD BEEN SUGGESTIONS TO SUBSTITUTE THEM WITH "SECURITY OF HONG KONG" AND "LIFE OF HONG KONG" RESPECTIVELY.

"THESE FORMULATIONS WOULD, HOWEVER, PERMIT THE RESTRICTION OF RIGHTS IN CIRCUMSTANCES WHICH AFFECT ONLY HONG KONG, THEREBY WIDENING THE SCOPE FOR RESTRICTION ALLOWED BY THE ICCPR.

"IT WOULD THEREFORE BE INCONSISTENT WITH THE ICCPR. WE HAVE THEREFORE CONCLUDED THAT THE LANGUAGE OF THE ICCPR SHOULD BE ADOPTED IN THE BILL," SIR DAVID.

SIR DAVID NOTED THAT SOME MEMBERS OF THE PUBLIC HAD COMMENTED THAT THE PHRASE "THE RULES OF INTERPRETATION APPLICABLE TO OTHER ORDINANCES MIGHT BE DISREGARDED" IN CLAUSE 2(3) OF THE WHITE BILL MIGHT BE SEEN AS ADVOCATING A DEPARTURE FROM ESTABLISHED LEGAL PRACTICE AND COULD BE CONTRARY TO THE JOINT DECLARATION AND THE BASIC LAW.

"WE HAVE NOW DELETED THESE REFERENCES FROM THE CLAUSE," HE SAID.

"FURTHERMORE, GIVEN THE PROVISION IN THE CLAUSE THAT THE PURPOSE OF THE BILL IS TO IMPLEMENT THE RELEVANT PROVISIONS OF THE ICCPR IN HONG KONG, WE BELIEVE COURTS WILL MAKE APPROPRIATE REFERENCE TO DECISIONS IN OTHER JURISDICTIONS RELATING TO THE ICCPR TO HELP INTERPRET AND APPLY THE BILL OF RIGHTS.

"WE HAVE THEREFORE DECIDED IT IS UNNECESSARY TO RETAIN CLAUSE 2(3)(B) OF THE WHITE BILL," THE CHIEF SECRETARY SAID.

THE CHIEF SECRETARY ALSO SAID THE PUBLIC EMERGENCY CLAUSE WAS RETAINED AS IT WAS DESIRABLE THAT THERE SHOULD BE PROVISIONS ON THE CIRCUMSTANCES UNDER WHICH DEROGATION FROM THE BILL WOULD BE PERMISSIBLE, AS PROVIDED UNDER THE ICCPR.

ON THE CRITICISM OF CLAUSE 6(1) OF THE WHITE BILL WHICH CHARACTERISED A BREACH OF THE BILL OF RIGHTS AS A TORT, SIR DAVID SAID THE GOVERNMENT BELIEVED THAT THERE WAS SOME FORCE IN THE ARGUMENT AND HAD NOW DELETED THIS PROVISION.

"IN OUR VIEW, CLAUSE 6 AS NOW DRAFTED IS SUFFICIENT TO ENABLE COURTS AND TRIBUNALS TO GRANT AN EFFECTIVE REMEDY IN RESPECT OF BREACHES OF THE BILL OF RIGHTS AND WILL ENABLE DAMAGES TO BE AWARDED WHEN IT IS APPROPRIATE AND JUST TO DO SO," HE ADDED.

SIR DAVID NOTED THAT THE OBLIGATIONS OF INDIVIDUALS TO EACH OTHER PROPOSED IN CLAUSE 7 OF THE WHITE BILL HAD CAUSED CONCERN IN THE BUSINESS SECTOR.

"WE ACCEPT THAT THE CONCERNS ABOUT ARTICLE 14 ON RIGHTS TO PRIVACY ARE VALID BECAUSE, IN THE ABSENCE OF ANY SPECIFIC LEGISLATION, IT COULD BE COMMERCIALY DISRUPTIVE," HE SAID.

"SINCE THE LAW REFORM COMMISSION IS STUDYING THE SUBJECT OF PRIVACY WITH A VIEW TO MAKING RECOMMENDATIONS FOR DETAILED LEGISLATION, WE HAVE CONCLUDED THAT THE APPLICATION OF THIS ARTICLE TO THE PRIVATE SECTOR SHOULD BE DEFERRED UNTIL SUCH LEGISLATION IS ENACTED. CLAUSE 7(3) AND (4) REFLECT THIS," THE CHIEF SECRETARY ADDED.

"WE DO NOT, HOWEVER, ACCEPT THAT THE RIGHT TO FREEDOM OF EXPRESSION (INCLUDING THE FREEDOM TO SEEK, RECEIVE AND IMPART INFORMATION) IN ARTICLE 16 AND THE ANTI-DISCRIMINATION PROVISIONS IN ARTICLE 22 OF THE BILL WOULD ALSO BE DISRUPTIVE.

"THERE WOULD NOT SEEM TO BE MUCH SCOPE FOR CLAIMS AGAINST THE PRIVATE SECTOR UNDER THESE ARTICLES," SIR DAVID SAID.

"AN INDIVIDUAL'S FREEDOM TO RECEIVE INFORMATION, FOR EXAMPLE, DOES NOT MEAN THAT DATA HELD BY A COMMERCIAL CONCERN MUST BE DISCLOSED TO HIM, OR INDEED THAT ANYBODY IS OBLIGED TO GIVE HIM THE INFORMATION HE SEEKS. ARTICLE 16 IS CLEARLY ABOUT PROMOTING AND PROTECTING THE FREE EXCHANGES OF IDEAS BETWEEN INDIVIDUALS," HE EXPLAINED.

THE KIND OF ISSUES WHICH COULD ARISE UNDER THIS ARTICLE COULD INCLUDE FREEDOM OF THE PRESS, LITERARY AND ARTISTIC SELF-EXPRESSION AND RESTRICTIONS ON OR MANIPULATION OF RADIO AND TV BROADCASTING.

ITS POTENTIAL FOR DISRUPTION IN THE BUSINESS COMMUNITY WAS HARD TO SEE, SIR DAVID SAID.

"THE APPLICATION OF ARTICLE 22 WHICH COVERS DISCRIMINATION WILL BE LIMITED TO THE MAKING OF LAWS; IT IS INTENDED TO BIND THE LEGISLATURE, NOT INDIVIDUALS, AS IS CLEAR FROM ITS TEXT WHICH STATES, INTER ALIA, THAT THE LAW SHALL PROHIBIT DISCRIMINATION ON GROUNDS SUCH AS RACE, COLOUR, SEX, LANGUAGE ETC, SIR DAVID POINTED OUT.

"THE UNITED NATIONS HUMAN RIGHTS COMMITTEE HAS MADE IT CLEAR, IN TWO CASES, THAT THESE PROVISIONS DO NOT SAY WHAT LAWS MUST BE MADE. THEY DO HOWEVER PROVIDE THAT IF AND WHEN LEGISLATION IS ENACTED IT MUST COMPLY WITH THE RULE AGAINST DISCRIMINATION.

"THEREFORE, IN THE VIEW OF THE ADMINISTRATION, THESE TWO ARTICLES DO NOT CREATE A DUTY IN THE PRIVATE SECTOR TO DISCLOSE INFORMATION OR GUARANTEE PROTECTION AGAINST DISCRIMINATION," HE SAID.

THE CHIEF SECRETARY SAID THE GOVERNMENT HAD CONCLUDED THAT THERE WOULD BE NO POINT IN A DEFERMENT IN THE APPLICATION OF ARTICLES 16 AND 22 AS THERE WAS NO INTENTION TO INTRODUCE FURTHER LEGISLATION AND THERE WAS NO OBLIGATION UNDER THE ICCPR TO LEGISLATE FURTHER ON THESE MATTERS.

ON PART II OF THE BILL WHICH INCORPORATED THE RELEVANT ARTICLES OF THE ICCPR AS APPLIED TO HONG KONG AND ADHERED CLOSELY TO THE WORDING OF THE ICCPR, SIR DAVID SAID ONLY TWO CHANGES OF SUBSTANCE HAD BEEN MADE.

"ARTICLE 17 OF THE WHITE BILL STATES THAT PROPAGANDA FOR WAR OR ADVOCACY OF NATIONAL, RACIAL OR RELIGIOUS HATRED SHALL BE PROHIBITED BY LAW.

"THIS ARTICLE CORRESPONDS TO A PROVISION OF THE ICCPR, BUT UNDER A RESERVATION ENTERED BY HER MAJESTY'S GOVERNMENT, WE ARE UNDER NO OBLIGATION TO INTRODUCE FURTHER LEGISLATION IN RESPECT OF THIS ARTICLE," THE CHIEF SECRETARY SAID.

"HOWEVER, ARTICLE 17 ITSELF CREATES AN OBLIGATION TO LEGISLATE IN RESPECT OF THESE MATTERS WHILE CLAUSE 13 WHICH REPEATS THE RESERVATION SAYS THERE IS NO SUCH OBLIGATION.

"THE INCLUSION OF THESE CONTRADICTORY PROVISIONS WOULD BE MEANINGLESS AND WE HAVE CONCLUDED THAT BOTH ARTICLE 17 AND CLAUSE 13 OF THE WHITE BILL SHOULD BE DELETED," SIR DAVID SAID.

ON ARTICLE 22 OF THE WHITE BILL WHICH REFERRED TO CITIZENS' RIGHTS TO PARTICIPATE IN PUBLIC LIFE, SIR DAVID SAID THE USE OF THE TERM "CITIZEN" WAS INAPPROPRIATE FOR HONG KONG BECAUSE THE CONCEPT OF A HONG KONG CITIZEN WAS UNKNOWN TO OUR LAW.

"WHAT WE NEED IS A GENERIC TERM WHICH HAS A SUFFICIENTLY WIDE MEANING TO EMBRACE THE WHOLE RANGE OF PERSONS IN HONG KONG WHO NOW HAVE THE RIGHT TO VOTE AND TO STAND FOR ELECTION.

"WE HAVE CONCLUDED THAT "PERMANENT RESIDENT" IS SUCH A TERM AND IT ALSO MIRRORS THE RELEVANT PROVISIONS IN THE BASIC LAW.

"WE HAVE THEREFORE MADE THIS SUBSTITUTION IN THE NEW ARTICLE 21 OF THE BILL," THE CHIEF SECRETARY SAID.

SIR DAVID ASSURED MEMBERS THAT ALL PERSONS WHO UNDER OUR EXISTING LEGISLATION HAD THE RIGHT TO VOTE AND STAND FOR ELECTION WOULD CONTINUE TO ENJOY THESE RIGHTS.

THE CHIEF SECRETARY ALSO NOTED THAT THE CHINESE TITLE OF THE BILL OF RIGHTS HAD BEEN CHANGED FROM "RENQUAN XUANYAN" TO "RENQUAN FA'AN" TO ACCORD WITH THE GENERALLY ACCEPTED TRANSLATION OF THE TERM.

ON THE QUESTION OF WHETHER THE CUSTOMS OF THE INDIGENOUS POPULATION IN THE NEW TERRITORIES WOULD BE AFFECTED BY THE BILL OF RIGHTS, SIR DAVID SAID ITS IMPACT ON PRESENT LAW AND POLICY INCLUDING THAT IN RELATION TO CUSTOMARY LAW IN THE NEW TERRITORIES DEPENDED UPON INTERPRETATION OF THE RELEVANT ARTICLES OF THE ICCPR.

EXISTING CUSTOMARY LAW ON INHERITANCE OF COMMUNAL LAND KNOWN AS TSO AND TONG LAND IN THE NEW TERRITORIES REFLECTED AN IMPORTANT ELEMENT OF THE SOCIAL FABRIC OF NT VILLAGES, HE SAID.

"WE HAVE STUDIED CAREFULLY THE IMPLICATIONS OF THE ICCPR ON SUCH CUSTOMARY LAW AND HAVE COME TO THE CONCLUSION THAT IT IS COMPATIBLE WITH THE ICCPR AND THIS BILL.

"THE FACT THAT CUSTOMARY LAW IN THE NT TREATS WOMEN IN A WAY DIFFERENT TO MEN DOES NOT MEAN THAT THE LAW IS NECESSARILY DISCRIMINATORY UNDER THE BILL OF RIGHTS," SIR DAVID SAID.

THE CHIEF SECRETARY SAID THE GOVERNMENT HAD NOTED THE ARGUMENTS THAT CUSTOMARY LAW HELPED PRESERVE A TRADITIONAL WAY OF LIFE AND WAS ESSENTIAL IN ORDER TO MAINTAIN THE CULTURAL LIFE AND MORAL VALUES OF THE NT VILLAGES.

"THAT SAID, THERE CAN BE NO QUESTION OF EXCLUDING INDIGENOUS VILLAGERS IN THE NT FROM THE APPLICATION OF THE BILL AS THIS WOULD CLEARLY FAIL TO BE A FULL IMPLEMENTATION OF THE ICCPR."

NOTING THAT THE GOVERNMENT DID NOT RECOMMEND ANY EXEMPTION TO THE ICAC AND LAW ENFORCEMENT AGENCIES, SIR DAVID SAID: "WE ALL RECOGNISE THAT THERE IS A NEED TO STRIKE A BALANCE BETWEEN PROTECTION OF INDIVIDUAL RIGHTS AND THE EFFECTIVE MAINTENANCE OF LAW AND ORDER."

HE SAID HE BELIEVED THAT THIS WAS ONE OF THE ISSUES WHICH HAD TO BE EXAMINED WITH THE UTMOST CARE DURING THE FREEZE PERIOD.

"I AM HOWEVER CONFIDENT THAT WAYS CAN BE FOUND TO ENSURE, ON THE ONE HAND, THAT THE ICAC, AND POLICE AND OTHER ENFORCEMENT AGENCIES WILL CONTINUE TO OPERATE AT A HIGH STANDARD OF EFFECTIVENESS, AND ON THE OTHER, THAT THE ORDINANCES IN QUESTION WILL BE CONSISTENT WITH THE BILL OF RIGHTS," SIR DAVID SAID.

THE CHIEF SECRETARY ALSO SAID FURTHER CONSIDERATION WOULD BE GIVEN TO THE PROPOSAL FOR THE SETTING UP OF A HUMAN RIGHTS COMMISSION FOLLOWING THE ENACTMENT OF THE BILL OF RIGHTS.

"TO GIVE THE BILL OF RIGHTS A SUPREME STATUS OVER ALL LOCAL LAWS AND TO DIRECTLY ENTRENCH IT EITHER CONSTITUTIONALLY OR BY SPECIAL PROCEDURAL DEVICES WILL CLEARLY GO AGAINST PROVISIONS IN THE BASIC LAW.

"INSTEAD WE WILL PROPOSE TO RECOMMEND TO HER MAJESTY'S PRIVY COUNCIL THAT THE LETTERS PATENT BE AMENDED TO PROVIDE THAT NO LAW SHALL BE MADE THAT RESTRICTS THE RIGHTS AND FREEDOMS OF PERSONS IN HONG KONG IN A MANNER WHICH IS INCONSISTENT WITH ICCPR AS APPLIED TO HONG KONG," SIR DAVID SAID.

"SUCH AN AMENDMENT WILL ENTRENCH IN OUR DOMESTIC LAW THE PRINCIPLE THAT NO LAWS MADE BY THE LEGISLATURE SHALL CONTRAVENE THE ICCPR AND WILL REFLECT THE SIMILAR PROVISION IN ARTICLE 39 OF THE BASIC LAW.

"OUR PRESENT PLAN IS TO SUBMIT THE RECOMMENDATION TO THE PRIVY COUNCIL LATER THIS YEAR, TO COINCIDE WITH THE ENACTMENT OF THE BILL HERE," THE CHIEF SECRETARY SAID.

DEBATE ON THE BILL WAS ADJOURNED.

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BILLS TO PROVIDE LEGISLATION FOR ELECTIONS NEXT YEAR

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SIX BILLS WHICH PROVIDE FOR NECESSARY LEGISLATION FOR THE THREE SETS OF ELECTIONS WHICH WILL TAKE PLACE IN 1991, WERE INTRODUCED FOR FIRST AND SECOND READINGS IN THE LEGISLATIVE COUNCIL THIS AFTERNOON (WEDNESDAY).

THE BILLS ARE THE ELECTORAL PROVISIONS (AMENDMENT) BILL 1990, LEGISLATIVE COUNCIL (ELECTORAL PROVISIONS) (AMENDMENT) BILL 1990, URBAN COUNCIL (AMENDMENT) (NO. 2) BILL 1990, REGIONAL COUNCIL (AMENDMENT) (NO. 2) BILL 1990, DISTRICT BOARD (AMENDMENT) BILL 1990 AND THE CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1990.

THE THREE SETS OF ELECTIONS ARE ELECTIONS TO THE LEGISLATIVE COUNCIL, THE MUNICIPAL COUNCILS AND THE DISTRICT BOARDS.

MOVING THE SECOND READING OF THE ELECTORAL PROVISIONS (AMENDMENT) BILL 1990, THE CHIEF SECRETARY, THE HON SIR DAVID FORD SAID THAT 1991 WOULD WITNESS FOR THE FIRST TIME IN HONG KONG'S HISTORY THE DIRECT ELECTION OF MEMBERS TO THE LEGISLATIVE COUNCIL BY GEOGRAPHICAL CONSTITUENCIES.

HE SAID A LEGISLATIVE FRAMEWORK ALREADY EXISTED IN THE ELECTORAL PROVISIONS ORDINANCE TO PROVIDE FOR DIRECT ELECTIONS TO THE MUNICIPAL COUNCILS AND DISTRICT BOARDS.

/"AS THIS

"AS THIS LEGISLATIVE FRAMEWORK IS ALREADY FAMILIAR TO ELECTORS AND CANDIDATES, IT IS LOGICAL TO USE IT FOR THE DIRECT ELECTIONS TO THIS COUNCIL.

"THE PRIMARY OBJECTIVE OF THE BILL IS THEREFORE TO EXPAND THE SCOPE OF THE ELECTORAL PROVISIONS ORDINANCE FOR THIS PURPOSE," HE SAID.

THE BILL ALSO SEEKS TO CLARIFY THE LIST OF DISQUALIFYING OFFICES OF THE ELECTORAL PROVISIONS ORDINANCE.

FIRST, THE TERM "PUBLIC OFFICE" IN THE EXISTING DISQUALIFICATION WILL BE REPLACED BY REFERENCES TO OFFICES IN THE CIVIL SERVICE AND THE JUDICIAL SERVICE, IN THE ARMED FORCES, AND IN A SCHEDULE OF SPECIFIC OFFICES WHICH SHOULD BE DISQUALIFIED ON ACCOUNT OF THE PUBLIC FUNCTIONS THEY PERFORM DESPITE THEIR INDEPENDENT NATURE.

"THESE SPECIFIC OFFICES INCLUDE THE COMMISSIONER AGAINST CORRUPTION, THE CHAIRMAN OF THE PUBLIC SERVICE COMMISSION AND THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS," SIR DAVID SAID.

"SECONDLY, A PERSON HOLDING AN OFFICE OF EMOLUMENT IN THE GIFT OR DISPOSAL OF THE LEGISLATIVE COUNCIL WILL ALSO BE DISQUALIFIED. AT PRESENT ONLY THOSE EMPLOYED BY THE TWO MUNICIPAL COUNCILS ARE DISQUALIFIED.

"THIRDLY, THE EXISTING INDEFINITE DISQUALIFICATION ON GROUNDS OF DISMISSAL FROM THE GOVERNMENT OR THE MUNICIPAL COUNCILS WILL BE REMOVED. THIS DISQUALIFICATION IS CONSIDERED TOO HARSH AS OTHER DISQUALIFICATIONS WHICH ARE BASED ON MORE SERIOUS OFFENCES SUCH AS A SENTENCE OF IMPRISONMENT AND CONVICTION OF CORRUPT AND ILLEGAL PRACTICES APPLY FOR FINITE PERIODS.

"FOURTHLY, THE POSITION OF THE CHAIRMEN AND VICE-CHAIRMEN OF THE TWO MUNICIPAL COUNCILS WILL BE CLARIFIED BEYOND DOUBT THAT THEY ARE NOT HOLDING AN OFFICE OF EMOLUMENT IN THE GIFT OR DISPOSAL OF THE RESPECTIVE COUNCIL," HE SAID.

THE CHIEF SECRETARY MOVED SIMILAR AMENDMENTS TO THE EQUIVALENT PROVISIONS IN THE LEGISLATIVE COUNCIL (ELECTORAL PROVISIONS) ORDINANCE, THE URBAN COUNCIL ORDINANCE, THE DISTRICT BOARDS ORDINANCE, AND THE REGIONAL COUNCIL ORDINANCE.

"THE INTENTION IS TO APPLY THE DISQUALIFICATIONS UNIFORMLY TO DIFFERENT CATEGORIES OF MEMBERSHIP ON THE THREE TIERS OF REPRESENTATIVE GOVERNMENT," SIR DAVID EXPLAINED.

THE BILL ALSO SEEKS TO RATIONALISE THE EXISTING ARRANGEMENTS FOR THE REGISTRATION OF ELECTORS.

THE CHIEF SECRETARY POINTED OUT THAT AT PRESENT, THE STATUTORY PERIOD FOR REGISTRATION OF ELECTORS IN A GEOGRAPHICAL CONSTITUENCY WAS BETWEEN AUGUST 15 AND SEPTEMBER 30 EACH YEAR AND A FINAL REGISTER WAS PUBLISHED IN JANUARY THE FOLLOWING YEAR.

"THUS THE FINAL REGISTER WILL NOT BE UP-TO-DATE FOR THE PURPOSE OF THE DIRECT ELECTIONS TO THE LEGISLATIVE COUNCIL WHICH WILL BE HELD IN SEPTEMBER 1991 AND SEPTEMBER 1995," HE SAID.

SIR DAVID SAID REGISTRATION OF ELECTORS IN LEGISLATIVE COUNCIL FUNCTIONAL CONSTITUENCIES TOOK PLACE IN APRIL AND MAY EACH YEAR AND AN ELIGIBLE PERSON MUST HAVE BEEN REGISTERED FIRST AS AN ELECTOR IN A GEOGRAPHICAL CONSTITUENCY UNDER THE ELECTORAL PROVISIONS ORDINANCE.

"BECAUSE OF THESE REQUIREMENTS AND PROCEDURES, AN ELIGIBLE PERSON WILL HAVE TO GO THROUGH REGISTRATION UNDER THE TWO DIFFERENT REGISTERS IN TWO SUCCESSIVE YEARS BEFORE HE IS ABLE TO VOTE IN A FUNCTIONAL CONSTITUENCY. IN THE LEGISLATIVE COUNCIL ELECTIONS IN 1985 AND 1988, SPECIAL ARRANGEMENTS WERE MADE TO WAIVE THE REQUIREMENT OF PRIOR REGISTRATION IN A GEOGRAPHICAL CONSTITUENCY.

"WE PROPOSE THEREFORE THAT THE TWO REGISTRATION EXERCISES IN RESPECT OF GEOGRAPHICAL CONSTITUENCIES AND FUNCTIONAL CONSTITUENCIES, RESPECTIVELY, SHOULD TAKE PLACE TOGETHER IN APRIL AND MAY EACH YEAR STARTING FROM 1991, AND THAT SIMULTANEOUS REGISTRATION TO THE TWO TYPES OF CONSTITUENCY SHOULD BE PERMITTED.

"THE RESPECTIVE FINAL REGISTERS WILL THEN BE PUBLISHED IN AUGUST OF THE SAME YEAR, I.E. ABOUT ONE MONTH BEFORE THE ELECTIONS TO THE LEGISLATIVE COUNCIL IN 1991," THE CHIEF SECRETARY SAID.

THE BILL PROVIDES THAT A RESIDENTIAL ADDRESS MUST BE SUPPLIED FOR REGISTRATION SO AS TO ENABLE THE REGISTRATION OFFICER TO DEAL WITH SUSPECT REGISTRATIONS, SUBJECT TO THE EXISTING EXTERNAL CHECKS UNDER THE PRINCIPAL ORDINANCE BY A REVISING OFFICER, WHO WILL BE A MEMBER OF THE JUDICIARY.

"REGISTERING FALSE RESIDENTIAL ADDRESSES CAN BE A PROBLEM IN ELECTIONS BASED ON GEOGRAPHICAL CONSTITUENCIES. THIS CAN TAKE THE FORM OF A GROUP OF ELECTORS FALSELY REGISTERING UNDER A COMMON ADDRESS IN ORDER TO VOTE EN BLOC IN A PARTICULAR CONSTITUENCY FOR A PARTICULAR CANDIDATE.

THIS COMPROMISED THE HONESTY OF THE ELECTIONS, THE CHIEF SECRETARY SAID.

THE BILL ALSO PROVIDES FOR THE DISENFRANCHISEMENT AND DISQUALIFICATION FROM CANDIDATURE AND OFFICE OF ANYONE WHO MAKES FALSE STATEMENTS IN THE REGISTRATION PROCESS UNDER THE ELECTORAL PROVISIONS (REGISTRATION OF ELECTORS) REGULATIONS AND THE LEGISLATIVE COUNCIL (ELECTORAL PROVISIONS) (REGISTRATION OF ELECTORS AND APPOINTMENT OF AUTHORISED REPRESENTATIVES) REGULATIONS RESPECTIVELY.

"WE CONSIDER THAT ANY DELIBERATE ATTEMPT BY AN APPLICANT TO FALSELY REGISTER AS AN ELECTOR, WHICH IS EQUIVALENT TO AN ILLEGAL PRACTICE UNDER THE CORRUPT AND ILLEGAL PRACTICES ORDINANCE, SHOULD BE A DISQUALIFICATION FOR BOTH REGISTRATION AS A VOTER AND STANDING FOR ELECTION," SIR DAVID SAID.

MOVING THE SECOND READING OF THE LEGISLATIVE COUNCIL (ELECTORAL PROVISIONS) (AMENDMENT) BILL 1990, SIR DAVID POINTED OUT THAT THE 1988 WHITE PAPER ON POLITICAL DEVELOPMENT ANNOUNCED THAT IN 1991 THE ELECTORAL COLLEGE CONSTITUENCIES, WITH THE EXCEPTION OF THE TWO SPECIAL CONSTITUENCIES OF THE MUNICIPAL COUNCILS, SHOULD BE REPLACED BY DIRECT ELECTIONS FROM GEOGRAPHICAL CONSTITUENCIES.

"FOLLOWING A REVIEW OF THE DECISIONS CONTAINED IN THE 1988 WHITE PAPER IN THE EARLIER PART OF THIS YEAR, THE GOVERNMENT DECIDED THAT THE NUMBER OF FUNCTIONAL CONSTITUENCIES SHOULD BE INCREASED TO 21. THIS DECISION WAS ANNOUNCED IN THIS COUNCIL ON MARCH 21, 1990.

"THE PRIMARY OBJECTIVE OF THE BILL IS THEREFORE TO GIVE EFFECT TO THESE DECISIONS," THE CHIEF SECRETARY SAID.

THE BILL SEEKS TO REMOVE THE PROVISIONS RELATING TO ELECTORAL COLLEGE CONSTITUENCIES WHICH WILL BE ABOLISHED.

THE NEW FUNCTIONAL CONSTITUENCIES ARE PROVIDED FOR IN CLAUSE 19 WHICH AMENDS THE SECOND SCHEDULE TO THE PRINCIPAL ORDINANCE.

"IN CONSIDERING THE AMENDMENTS TO THE SECOND SCHEDULE, WE HAVE REVIEWED THE GROUPING OF FUNCTIONAL CONSTITUENCIES IN THE LIGHT OF THE CHANGES TO BE INTRODUCED IN 1991," HE SAID.

SIR DAVID POINTED OUT THAT AT PRESENT THE FINANCE FUNCTIONAL CONSTITUENCY CONSISTED OF TWO ELECTORAL DIVISIONS, ONE COMPRISING LICENSED BANKS, AND THE OTHER PROFESSIONAL ACCOUNTANTS.

"IN 1991 THE FINANCIAL SERVICES SECTOR WILL RETURN A REPRESENTATIVE TO THIS COUNCIL. WE PROPOSE TO GROUP THIS SECTOR WITH THE BANKING SECTOR TO FORM TWO ELECTORAL DIVISIONS IN A RECONSTITUTED FINANCE FUNCTIONAL CONSTITUENCY.

"THE EXISTING ACCOUNTANCY DIVISION WILL THEN BECOME THE ACCOUNTANCY FUNCTIONAL CONSTITUENCY," HE SAID.

AT PRESENT THE TEACHING FUNCTIONAL CONSTITUENCY CONSISTS PARTLY OF FULL-TIME TEACHERS IN TERTIARY, POST-SECONDARY AND VOCATIONAL TRAINING INSTITUTIONS.

"WE PROPOSE TO ADD TO THE LIST THE HONG KONG ACADEMY FOR PERFORMING ARTS, THE OPEN LEARNING INSTITUTE OF HONG KONG AND THE HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY," HE SAID.

NOTING THAT THE SMALL ELECTORATE SIZE OF THE TWO MUNICIPAL COUNCILS REQUIRED SPECIAL MEASURES TO ENSURE THAT THEIR ELECTIONS OF REPRESENTATIVES TO THE LEGISLATIVE COUNCIL HAD ADEQUATE ELECTOR PARTICIPATION, SIR DAVID SAID, THE ADMINISTRATION THEREFORE PROPOSED IN THE AMENDED SCHEDULE THAT A PERSON WHO WAS ELIGIBLE TO REGISTER AS AN ELECTOR IN A MUNICIPAL COUNCIL CONSTITUENCY AS WELL AS IN FUNCTIONAL CONSTITUENCIES WOULD ONLY BE ALLOWED TO REGISTER IN THE FORMER.

"HOWEVER, SINCE THE CHAIRMAN AND THE TWO VICE-CHAIRMEN OF THE HEUNG YEE KUK ARE REQUIRED BY LAW TO SERVE ON THE REGIONAL COUNCIL AS EX-OFFICIO MEMBERS, THEY WILL BE GIVEN THE CHOICE TO REGISTER AS ELECTORS IN EITHER THE REGIONAL COUNCIL OR THE RURAL FUNCTIONAL CONSTITUENCY," THE CHIEF SECRETARY SAID.

THE BILL ALSO PROVIDES THAT A PERSON CANNOT STAND AT THE SAME TIME FOR BOTH A DIRECT ELECTION AND AN INDIRECT ELECTION, I.E. THROUGH A FUNCTIONAL CONSTITUENCY, TO THE LEGISLATIVE COUNCIL.

THE CHIEF SECRETARY ALSO MOVED FOR SECOND READING OF THE URBAN COUNCIL (AMENDMENT) (NO. 2) BILL 1990, THE REGIONAL COUNCIL (AMENDMENT) (NO. 2) BILL 1990 AND THE DISTRICT BOARDS (AMENDMENT) BILL 1990 WHICH SOUGHT MAINLY TO APPLY THE CLARIFICATION OF DISQUALIFYING OFFICES PROPOSED UNDER THE ELECTORAL PROVISIONS (AMENDMENT) BILL 1990 TO THE APPOINTED AND EX-OFFICIO MEMBERSHIP OF THE URBAN COUNCIL, REGIONAL COUNCIL AND DISTRICT BOARD AND TO EXTEND TO EX-OFFICIO MEMBERS THE FULL RANGE OF DISQUALIFICATIONS APPLICABLE TO AN ELECTED OR APPOINTED MEMBER.

SIR DAVID EXPLAINED THAT THE INTENTION WAS TO APPLY THE REVISED DISQUALIFICATION UNIFORMLY TO ALL THREE TIERS OF REPRESENTATIVE GOVERNMENT.

SPEAKING AT THE SECOND READING OF THE CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1990, SIR DAVID SAID THE PURPOSE OF THE CORRUPT AND ILLEGAL PRACTICES ORDINANCE WAS TO PROTECT THE HONESTY AND INTEGRITY OF ELECTIONS.

"IN GENERAL, CORRUPT PRACTICES, SUCH AS BRIBERY, INTIMIDATION, UNDUE INFLUENCE, ARE CONSIDERED TO BE OF A MORE SERIOUS NATURE AND THEREFORE ATTRACT A HIGHER PENALTY THAN ILLEGAL PRACTICES, SUCH AS MISUSE OF ELECTION EXPENSES AND FALSE STATEMENTS.

"A REVIEW OF THE CURRENT LEVEL OF PENALTIES HAS CONCLUDED THAT THEY ARE INADEQUATE TO ACHIEVE THE DESIRED DETERRENT EFFECT.

"AS CORRUPT PRACTICES UNDER THE ORDINANCE ARE MOSTLY DISHONEST ACTS CALCULATED TO INFLUENCE THE RESULTS OF AN ELECTION IT IS CONSIDERED THAT THEY SHOULD AT LEAST ATTRACT THE SAME LEVEL OF PENALTY AS THAT FOR MAKING A FALSE STATEMENT IN APPLYING FOR REGISTRATION AS AN ELECTOR, WHICH ATTRACTS A MAXIMUM FINE OF \$5,000 AND IMPRISONMENT FOR 6 MONTHS UPON CONVICTION," HE SAID.

THE BILL SEEKS TO INCREASE THE PENALTY FOR CORRUPT PRACTICES BY INCREASING THE MAXIMUM FINE FROM \$1,000 TO \$5,000 AND THE MAXIMUM SENTENCE OF IMPRISONMENT FROM THREE MONTHS TO SIX MONTHS ON SUMMARY CONVICTION AND INCREASING THE MAXIMUM FINE FROM \$5,000 TO \$10,000 ON CONVICTION ON INDICTMENT.

IT ALSO SEEKS TO INCREASE THE PENALTY FOR ILLEGAL PRACTICES BY INCREASING THE MAXIMUM FINE FROM \$500 TO \$2,500 ON SUMMARY CONVICTION AND FROM \$2,000 TO \$5,000 ON CONVICTION ON INDICTMENT.

IT FURTHER PROPOSES TO PROVIDE A CUSTODIAL SENTENCE FOR ANY CONTRAVENTION OF SECTION 17 OF THE PRINCIPAL ORDINANCE WHICH REGULATES FALSE CLAIMS OF SUPPORT IN A CANDIDATE'S PUBLICITY.

"ANY FALSE CLAIM OF SUPPORT WILL MISLEAD ELECTORS IN VOTING. RECENT EXPERIENCE HAS SHOWN A SIGNIFICANT INCREASE IN THE NUMBER OF COMPLAINTS OF THIS NATURE," THE CHIEF SECRETARY SAID.

PENALTY FOR FAILURE TO COMPLY WITH STATUTORY REQUIREMENTS FOR DECLARING ELECTION EXPENSES AFTER AN ELECTION IS INCREASED UNDER THE AMENDMENT BILL.

THE PRINCIPAL ORDINANCE PROVIDES THAT A PERSON CONVICTED OF A CORRUPT OR ILLEGAL PRACTICE IN AN ELECTION IS DISENFRANCHISED FOR SEVEN YEARS AND DEBARRED FOR 10 YEARS FROM APPOINTMENT OR ELECTION TO THE DISTRICT BOARDS, MUNICIPAL COUNCILS AND LEGISLATIVE COUNCIL.

HOWEVER, THERE IS AN ANOMALY IN SECTION 24 OF THE ORDINANCE WHICH REFERS TO DISQUALIFICATION FROM NOMINATION AND ELECTION FOR THREE YEARS. THIS SHOULD BE 10 YEARS AND CLAUSE 5 SEEKS TO RECTIFY THE ANOMALY.

IN ORDER TO DEAL WITH COMPREHENSIVELY, THE PROBLEM ON THE USE OF FALSE RESIDENTIAL ADDRESSES FOR THE PURPOSE OF REGISTRATION, IT IS PROPOSED THAT AN OFFENCE SHOULD BE CREATED UNDER THE CORRUPT AND ILLEGAL PRACTICES ORDINANCE FOR FRAUDULENT VOTING ON THE BASIS OF FALSE REGISTRATION.

A NEW SUB-SECTION IS PROPOSED TO DEAL WITH FRAUDULENT VOTING ON THE BASIS OF A FALSE REGISTRATION AS AN ELECTOR.

DEBATES ON THE SIX BILLS WERE ADJOURNED.

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HA AN IMPORTANT STEP IN REVITALISING PUBLIC HOSPITAL SYSTEM

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THE ESTABLISHMENT OF THE HOSPITAL AUTHORITY WILL BE THE MOST IMPORTANT STEP IN REVITALISING OUR PUBLIC HOSPITAL SYSTEM, AND IN ENSURING THAT IT WILL SERVE THE NEXT GENERATION BETTER THAN IN THE PAST, THE SECRETARY FOR HEALTH AND WELFARE, THE HON ELIZABETH WONG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN THE RESUMED SECOND READING DEBATE ON THE HOSPITAL AUTHORITY BILL 1990, MRS WONG SAID IN DEBATING THIS BILL SHE THOUGHT THAT IT WAS IMPORTANT TO ASK OURSELVES TWO QUESTIONS : WHAT WAS THE PURPOSE OF THE HOSPITAL AUTHORITY? AND WHERE DID OUR DUTY LIE?

MRS WONG POINTED OUT THAT THIS WAS PARTICULARLY NECESSARY AS DURING THE PAST FEW MONTHS OF INTENSIVE BRIEFING AND CONSULTATION, THE DIVERSE VIEWS EXPRESSED, SOME WITHOUT THE FOUNDATION OF FACT, HAD UNFORTUNATELY CLOUDED THE ISSUE.

"SOME OF US ARE NO LONGER CERTAIN WHAT WE WANT. WE NEED TO RE-FOCUS. TO PUT IT SIMPLY, WE WANT THE HOSPITAL AUTHORITY BECAUSE WE WANT BETTER SERVICE," SHE STRESSED.

MRS WONG SAID THAT THE SOLE AIM OF SETTING UP THE HOSPITAL AUTHORITY WAS INTENDED TO MAKE THE SYSTEM BETTER AND MORE USER-FRIENDLY, AND TO IMPROVE PATIENT CARE.

"THIS IS THE FIRST MAJOR STEP FORWARD IN THE WAY OF HEALTH SERVICE REFORMS, SHE SAID.

SHE LISTED THE MAIN BENEFITS TO THE COMMUNITY AS FOLLOWS :

- * IT WILL PROVIDE A FRAMEWORK FOR BRINGING GOVERNMENT AND SUBVENTED HOSPITALS TOGETHER IN AN INTEGRATED PUBLIC HOSPITAL SYSTEM, WITH BETTER CO-ORDINATION AND DEPLOYMENT OF MANPOWER AND RESOURCES, WHILE AT THE SAME TIME PRESERVING THE TRADITIONS AND CHARACTERISTICS OF INDIVIDUAL HOSPITALS. SINCE THE AUTHORITY WILL OFFER COMMON TERMS OF SERVICE TO ALL THE STAFF, DIFFERENCES OVER FRINGE BENEFITS, WHICH HAVE BEEN A FREQUENT SOURCE OF COMPLAINT AMONGST STAFF IN THE SUBVENTED SECTOR, WILL EVENTUALLY BE REMOVED;
- * BY BEING ESTABLISHED OUTSIDE THE CIVIL SERVICE, THE HOSPITAL AUTHORITY WILL BE ABLE TO PROVIDE FOR GREATER DEVOLUTION OF AUTHORITY FROM THE CENTRAL TO THE OPERATIONAL LEVELS; GREATER FLEXIBILITY IN MANAGEMENT THEREBY RESPONDING MORE QUICKLY TO CHANGING DEMANDS;
- * COMMUNITY PARTICIPATION IN THE PROVISION AND OPERATION OF PUBLIC HOSPITAL SERVICES WILL BE ENHANCED THROUGH THE VARIOUS REGIONAL ADVISORY COMMITTEES AND HOSPITAL GOVERNING COMMITTEES THAT WILL BE ESTABLISHED AND IN PARTICULAR THE HOSPITAL AUTHORITY BOARD ITSELF.

TURNING TO FEES AND CHARGES, MRS WONG SAID SHE WOULD NEED ONLY TO HIGHLIGHT, AND PERHAPS REPEAT HERSELF AD NAUSEAM, THAT A BROAD STRATEGIC PLAN FOR FEE AND WAIVER ARRANGEMENTS MUST BE PUT IN PLACE BEFORE ANY CHANGES TO THE CURRENT POLICY WERE INTRODUCED; AND THAT UNLESS THERE WERE IMPROVEMENTS TO SERVICES, NO CHANGES TO SUCH FEE POLICY WOULD BE INSTITUTED.

"I DON'T THINK I CAN BE MORE REASSURING OR SAY ANYTHING IN MORE CONCRETE TERMS. THERE IS NO QUESTION OF KEEPING ANYONE IN THE DARK," SHE SAID.

MRS WONG THANKED THE SUGGESTIONS MADE BY MEMBERS ON THE NEED TO INSTITUTE AND PUT IN PLACE OTHER MEASURES TO HELP WITH THE WAIVER SYSTEM SO AS NOT TO COMPLICATE THE ADMINISTRATIVE MEASURES.

HOWEVER, MRS WONG SAID THAT LEST THE EMOTIONS OF THE CONCERN OVER FEES AND CHARGES SHOULD ONCE MORE BLUR OUR VISION, IT WAS OF RELEVANCE TO POINT OUT THAT THE BILL CONTAINED IMPORTANT SAFEGUARDS.

"IT ENSURES THAT HOSPITAL FEES REMAIN A MATTER ON WHICH THE GOVERNMENT WILL ULTIMATELY DETERMINE POLICY. THE GOVERNMENT HAS NOT WASHED ITS HANDS OF THE MATTER.

"THIS IS FURTHER REINFORCED BY THE AMENDMENTS TO CLAUSE 18 TO BE MOVED IN COMMITTEE.

"MOREOVER, CLAUSE 4(D) STATES THAT NO PERSON SHALL BE PREVENTED, THROUGH LACK OF MEANS, FROM OBTAINING ADEQUATE MEDICAL TREATMENT," SHE SAID.

MRS WONG POINTED OUT THAT NEVER BEFORE HAD THIS PRINCIPLE, THE CORNER STONE OF THE GOVERNMENT'S POLICY ON HEALTH CARE, BEEN SO CLEARLY ENSHRINED IN THE LAW ITSELF, ADDING THAT NEVER BEFORE HAD THERE BEEN SUCH A SAFEGUARD FOR OUR PEOPLE.

TURNING TO STAFF REACTION, SHE SAID THAT THEIR CONCERNS WERE WELL KNOWN.

"ALTHOUGH THESE CONCERNS ARE OUTSIDE THE PROVISIONS OF THIS PIECE OF ENABLING LEGISLATION, I THINK THESE ISSUES ARE VERY IMPORTANT," MRS WONG SAID.

"AND THEREFORE I TEND TO AGREE WITH MY HONOURABLE FRIENDS MR MARTIN LEE, MR RONALD CHOW, MR TAM YIU-CHUNG AND MRS ELSIE TU THAT IT CANNOT BE GOOD FOR THE PUBLIC IF THE HEALTH STAFF THEMSELVES, THE PROFESSIONALS INVOLVED IN THIS BUSINESS, WHO ARE KEY TO OUR PROPOSED REFORMS, ARE UNTRUSTING AND DISGRUNTLED. WE NEED THEIR SUPPORT AND I PLEAD FOR GOODWILL AND UNDERSTANDING," SHE ADDED.

MRS WONG POINTED OUT THAT IT WOULD BE A PITY IF THE PLAN WHICH WAS THE RESULT OF MANY YEARS OF HARD WORK BY MANY EXPERTS SHOULD FOUNDER ON A LACK OF TRUST.

"IT WOULD BE A PITY IF WE HAVE TO THROW AWAY THE BABY WITH THE BATH WATER, ON A LACK OF GOODWILL," SHE SAID.

TURNING TO THE SUBJECT OF CONSULTATION, MRS WONG SAID SINCE 1985, THERE HAD BEEN CONTINUOUS, PROTRACTED CONSULTATION.

"AND THIS WAS STEPPED UP IN 1988, CULMINATING IN INTENSIVE BRIEFING AND CONSULTATION SINCE APRIL THIS YEAR, NOT ONLY WITH STAFF AND ALSO WITH THE GENERAL PUBLIC.

"WE'VE HAD NUMEROUS MEETINGS AND PRESENTATION OF THE HOSPITAL AUTHORITY CASE TO DISTRICT BOARDS AND OTHER LOCAL COMMUNITIES.

"WE HAVE ARRANGED 70 SESSIONS WITH STAFF ALTHOUGH 20 OF THEM HAVE BEEN BOYCOTTED. NEVERTHELESS, WE HAD 50 SESSIONS AND IN OUR GENUINE EFFORT TO REACH OUT TO THE STAFF, WE PUBLISHED LEAFLETS, ESTABLISHED HOTLINES, ARRANGED SMALL GROUP DISCUSSIONS, DIRECTLY AND INDIRECTLY THROUGH MASS FORA, VARIOUS CHANNELS REACHED OUT.

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"NOW, FURTHERMORE, IN OUR ENDEAVOUR TO EXPLAIN TO STAFF AND DISPEL ANY MISAPPREHENSION, WE RE-ENGAGED AT CONSIDERABLE EXPENDITURE TO THE PUBLIC PURSE, IN CONSULTATION WITH THE PROVISIONAL HOSPITAL AUTHORITY, A CONSULTANT TO EXPLAIN TO OUR STAFF HOW CERTAIN FORMULAE WERE ARRIVED AT IN ORDER TO DISPEL THEIR FEARS, TO ALLAY THEIR CONCERN," SHE SAID.

MRS WONG SAID THE ADMINISTRATION IN ITS EARNEST ENDEAVOUR TO ADDRESS THE LEGITIMATE CONCERNS OF STAFF, THE TERMS OF SERVICE AND BRIDGING-OVER ARRANGEMENTS WERE REVISED TO REPRESENT A CONSIDERABLE IMPROVEMENT ON WHAT HAD PREVIOUSLY BEEN OFFERED.

"I HOPE THAT MANY MORE OF THE EXISTING HOSPITAL STAFF WILL FIND THE NEW TERMS ATTRACTIVE. NOTWITHSTANDING THIS, IF ANYONE SHOULD STILL BE IN DOUBT AND PERCEIVE A PERSONAL LOSS, HE WILL BE FREE TO RETAIN HIS EXISTING TERMS," SHE SAID.

MRS WONG SAID NO ONE WOULD BE COMPELLED TO ACCEPT THE HA TERMS OF SERVICE AGAINST HIS WILL AND THEY WOULD HAVE THREE YEARS TO CONSIDER THEIR PERSONAL CIRCUMSTANCES BEFORE EXERCISING THEIR OPTION.

"THERE WILL BE DETAILED BRIEFING SESSIONS. THERE WILL BE CAREFUL EXPLANATIONS.

"WE INTEND TO CONTINUE WITH BRIEFING SESSIONS FOR BOTH THE GOVERNMENT AND SUBVENTED SECTORS. FOR WHAT IS WORTH DOING IS WORTH DOING WELL," MRS WONG SAID.

THE PHA, MRS WONG SAID, HAD RE-EXAMINED THE PROPOSED MANAGEMENT STRUCTURE IN THE LIGHT OF THE VIEWS EXPRESSED BY NURSES AND CERTAIN MODIFICATIONS HAD BEEN MADE, PARTICULARLY TO THE ARRANGEMENTS FOR STAFF APPRAISAL.

"I AM GIVEN TO UNDERSTAND THAT THE STAFF WILL BE CONSULTED AGAIN," SHE SAID.

MRS WONG SAID THE NEW MANAGEMENT STRUCTURE WOULD NOT BE INTRODUCED IMMEDIATELY UPON THE INCEPTION OF THE AUTHORITY, AND EVEN THEN ONLY IN THE INITIAL PHASE OF THREE TO FIVE HOSPITALS.

"THERE WILL CLEARLY BE AMPLE TIME FOR FURTHER CONSULTATION," SHE ADDED.

AS REGARDS THE HOSPITAL AUTHORITY'S PERSONNEL REGULATIONS, MRS WONG SAID, A SUMMARY WAS BEING PREPARED TOGETHER WITH AN EMPLOYEES' HANDBOOK AS A BASIS FOR CONSULTATION WITH STAFF.

"THIS PROCESS WILL COMMENCE EARLY NEXT MONTH. THE PERSONNEL POLICIES WILL BE REVISED HAVING REGARD TO STAFF VIEWS BEFORE BEING FINALISED," SHE SAID.

/MRS WONG

MRS WONG NOTED THAT SOME HAD QUESTIONED THE VIABILITY OF A MIXED STAFF SITUATION AND HAD QUERIED THE PURPOSE OF RETAINING THE HOSPITAL SERVICES DEPARTMENT, SINCE IT WOULD NO LONGER HAVE OPERATIONAL RESPONSIBILITIES ONCE THE PUBLIC HOSPITAL SYSTEM HAD BEEN BROUGHT UNDER THE MANAGEMENT AND CONTROL OF THE HOSPITAL AUTHORITY.

SHE REITERATED THAT A MIXED STAFF SITUATION WAS ENVISAGED RIGHT FROM THE OUTSET.

"NO DOUBT, DURING THE INITIAL YEARS, THERE WILL BE CIVIL SERVANTS AND SUBVENTED STAFF WORKING FOR THE AUTHORITY BUT RETAINING THEIR EXISTING TERMS.

"THE RETENTION OF THE HOSPITAL SERVICES DEPARTMENT, EVEN WITH A DIMINISHING ROLE, WILL HELP TO FACILITATE THE PROCESS OF TRANSITION AND ASSURE THOSE CONCERNED THAT THEIR LEGITIMATE INTERESTS WILL BE LOOKED AFTER.

"I FIRMLY BELIEVE THAT GIVEN A COMMON OBJECTIVE, GIVEN GOODWILL AND UNDERSTANDING, AND A SENSE OF FAIRNESS UNDER THE LEADERSHIP OF THE HEALTH PROFESSIONALS, WE WILL SURMOUNT ANY PROBLEMS LIKELY TO EMERGE AND WE WILL MAKE IT WORK," MRS WONG SAID.

TURNING TO THE COMMUNICATIONS WHICH SHE RECEIVED LATE YESTERDAY, MENTIONED NOTABLY BY MR ANDREW WONG, MR MARTIN LEE AND MR RONALD CHOW, MRS WONG SAID THE LETTERS, THE REPRESENTATIONS RECEIVED, WERE MAINLY RELATED TO RELATIONSHIP BETWEEN THE BOARD OF THE SUBVENTED HOSPITAL WITH THAT OF THE FUTURE HOSPITAL AUTHORITY.

"THESE ARE IMPORTANT COMMUNICATIONS. AND I'M SURE THE PRESENT PROVISIONAL HOSPITAL AUTHORITY AND THE FUTURE HOSPITAL AUTHORITY WILL GIVE DUE CONSIDERATION THAT THESE COMMUNICATIONS DESERVE.

"INDEED, I UNDERSTAND THE PROVISIONAL HOSPITAL AUTHORITY HAS BEEN AND WILL FORMERLY CONSULT INDIVIDUAL SUBVENTED HOSPITAL BOARDS BEFORE FINALISATION OF DETAILS WHICH WILL BE SPELT OUT AGAIN IN A FORMAL AGREEMENT.

"THIS, I BELIEVE, THEY CANNOT DO UNLESS THE HOSPITAL AUTHORITY IS SET UP. AND WITHOUT ENACTMENT OF THIS BILL WE CAN'T SET UP THE HOSPITAL AUTHORITY, SO IT REALLY SPEAKS FOR EARLY PASSAGE OF THE BILL RATHER THAN THE OTHER WAY ROUND.

"AND, OF COURSE, THERE ARE ALWAYS PROVISIONS FOR SUBSEQUENT AMENDMENTS UNDER EVEN EXISTING LEGAL PROCEDURE," SHE SAID.

MRS WONG SAID SHE WAS GRATEFUL TO ALL THOSE WHO HAD SUPPORTED THE BILL AT THE PRESENT TIME AND SHE WAS SORRY TO HEAR SUGGESTIONS OF DEFERMENT WITH AN IMPLICATION FOR STOPPING NOW AND RETHINKING THE WHOLE THING AGAIN.

SHE REMINDED MEMBERS THAT IT WAS ORIGINALLY PLANNED TO SET UP THE HOSPITAL AUTHORITY MUCH EARLIER, ADDING THAT DEFERRING THE PASSAGE OF THE BILL NOW WOULD MEAN FURTHER UNCERTAINTY AND MORE CONFUSION.

"I BELIEVE THAT IT WOULD BE DIFFICULT TO JUSTIFY SUCH A DELAY, PARTICULARLY AS THE MAIN REASONS FOR IT DO NOT AFFECT THE PROVISIONS OF THE BILL."

SHE SAID TO TALK ABOUT ALTERNATIVE MEASURES NOW, AS SUGGESTED BY SOME MEMBERS IN THE COUNCIL WOULD BE A LITTLE TOO LITTLE AND A LITTLE TOO LATE.

"IT IS IRONIC THAT AFTER SOME FIVE YEARS OF TALKING, WHEN WE FINALLY COME TO ACTION, SOME OF US SHOULD HAVE COLD FEET!

"I, FOR ONE, SHARE THE OPTIMISTIC BELIEF THAT WE MUST PLAN FOR OUR FUTURE IN ORDER TO HAVE A FUTURE. WE FIGHT THE GOOD FIGHT, NOT BECAUSE WE KNOW WE WILL WIN BUT IN ORDER TO WIN," MRS WONG SAID.

"IF WE DO NOT EFFECT REFORM MEASURES NOW, THEN WHEN? IF WE DON'T DO THIS THIS WAY, THEN HOW?" SHE ASKED.

HOWEVER, SHE POINTED OUT THAT IT WOULD BE WRONG, IN HER VIEW, TO UNDERESTIMATE THE MAGNITUDE OF THE MISSION BEFORE US.

"THE SETTING UP OF THE HOSPITAL AUTHORITY INVOLVES SOME 35,000 PEOPLE WORKING IN 34 HOSPITALS; AND INVOLVING ALL MEMBERS OF THE COMMUNITY BECAUSE, IN THE FINAL ANALYSIS, WE ARE ALL STAKEHOLDERS IN THE LONG TERM HEALTH OF THE TERRITORY.

"THE PASSAGE OF THE HOSPITAL AUTHORITY BILL WILL LEAD OTHER REFORM MEASURES AS MENTIONED IN THIS COUNCIL; LIKE PRIMARY HEALTH CARE, IS ALSO INTER-RELATED WITH THE ACADEMY OF MEDICINE ON WHICH WE ARE WORKING.

"IT IS A WHOLE PACKAGE OF REFORMS. THE PASSAGE OF THE HOSPITAL AUTHORITY BILL WILL NOT ONLY MARK THE BEGINNING OF REFORM OR SHOULD I SAY THE BIRTH OF A NEW LIFE. IT ALSO SIGNIFIES THE BEGINNING OF A LIFE-LONG ENDEAVOUR. MORE OPPORTUNITIES WILL BE THERE, OF COURSE, BUT MORE HARD WORK LIES AHEAD.

"THERE IS NO QUESTION OF RESTING. THIS IS THE BEGINNING OF REAL WORK. THOSE OF US, THEREFORE, WHO HAVE HOPE IN THE FUTURE, WHO ARE PREPARED TO GIVE OUR BEST AND WHO BELIEVE THAT WHAT WE DO IS RIGHT, I THINK WE SHOULD STAND UP NOW AND BE COUNTED," SHE SAID.

FUTURE HOSPITAL SYSTEM WILL ACHIEVE POSITIVE RESULTS
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THE LEGCO AD HOC GROUP THAT STUDIED THE HOSPITAL AUTHORITY BILL 1990 IS SATISFIED THAT THE PROPOSALS FOR THE FUTURE HOSPITAL SYSTEM CONTAINED IN THE BILL WILL, GIVEN TIME, ACHIEVE THE POSITIVE RESULTS THAT THE COMUNITY HAS COME TO EXPECT.

THE DEPUTY CONVENER OF THE AD HOC GROUP, THE HON ANDREW WONG, SAID THIS TODAY (WEDNESDAY) DURING THE DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL.

"ANY ALTERNATIVE MEASURES AT THIS STAGE FOR IMPROVING HOSPITAL SERVICES WOULD TAKE A MUCH LONGER TIME TO DEVELOP," HE SAID.

MR WONG SAID THE BILL WAS AIMED TO ESTABLISH THE HOSPITAL AUTHORITY (HA) AS A BODY CORPORATE TO MANAGE AND CONTROL PUBLIC HOSPITALS IN ORDER TO PROMOTE, DEVELOP AND MAINTAIN HOSPITAL SERVICES PROVIDED BY SUCH HOSPITALS.

HE SAID THE AD HOC GROUP WAS OF THE VIEW THAT WHILST THE HA SHOULD BE GIVEN ADEQUATE POWERS TO DISCHARGE ITS FUNCTIONS, IT WAS IMPORTANT THAT ADEQUATE CONTROL OVER THE ACTIVITIES OF THE HA SHOULD BE RETAINED BY GOVERNMENT WHICH IN TURN SHOULD BE HELD ACCOUNTABLE TO THE LEGISLATIVE COUNCIL.

THE GROUP WAS SATISFIED THAT ADEQUATE SAFEGUARD WAS AVAILABLE IN THE BILL TO MONITOR THE WORK OF THE HA.

MR WONG NOTED THAT FROM THE REPRESENTATIONS ON THE BILL RECEIVED BY THE GROUP, TWO ISSUES STOOD OUT AS MAJOR CONTROVERSIES.

THE FIRST WAS ABOUT THE SO CALLED COST-RECOVERY POLICY WHICH COULD BE ADOPTED EVEN IN THE EVENT NO HA WAS ESTABLISHED.

MR WONG SAID THE ADMINISTRATION HAD ASSURED THE GROUP THAT GOVERNMENT HAD NOT ENDORSED THE PROPOSAL THAT FEE LEVELS SHOULD BE AT 15 PER CENT TO 20 PER CENT OF COSTS.

IN DECIDING ON ANY NEW POLICY RECOMMENDED BY THE HA, THE GOVERNMENT WOULD TAKE INTO ACCOUNT THE COSTING OF HOSPITAL BEDS; WAIVER ARRANGEMENTS; THE AFFORDABILITY OF PATIENTS; AND THE QUALITY OF THE HOSPITAL SERVICES PROVIDED.

MOREOVER, ANY FEE INCREASES WOULD BE IMPLEMENTED GRADUALLY BY PHASES AND WOULD NOT TAKE PLACE UNTIL SIGNIFICANT IMPROVEMENTS IN SERVICES HAD BEEN MADE, HE SAID.

THE SECOND CONTROVERSIAL ISSUE HAD TO DO WITH HA'S TERMS AND CONDITIONS OF EMPLOYMENT, BRIDGING-OVER ARRANGEMENTS, AND THE MIXED STAFF SITUATION IN THE NEW HA.

MR WONG SAID ALTHOUGH THESE WERE STRICTLY OUTSIDE THE SCOPE OF THE BILL, THEY WERE OF GRAVE CONCERN TO THE GROUP.

/NEVERTHELESS, THE

NEVERTHELESS, THE GROUP APPRECIATED THAT IT WOULD NOT BE REASONABLE TO EXPECT ALL MATTERS CONCERNING THE HA'S STAFFING COULD BE IRONED OUT BEFORE ITS ESTABLISHMENT.

THE GROUP HAD THEREFORE URGED THE ADMINISTRATION TO TAKE ALL POSSIBLE STEPS TO FINALISE AGREEMENTS ON STAFFING BEFORE IMPLEMENTING THE INTEGRATED HOSPITAL SYSTEM, MR WONG SAID.

MR WONG NOTED THAT THERE WERE LATE REPRESENTATIONS FROM SUBVENTED HOSPITALS REGARDING THE RELATIONSHIP BETWEEN THE HA AND THE GOVERNING BODY OF THE HOSPITALS.

HE URGED THE ADMINISTRATION TO STUDY THESE REPRESENTATIONS CAREFULLY WITH A VIEW TO REMOVING THE WORRIES OF THE HOSPITALS BY LEGISLATIVE AMENDMENTS EARLY NEXT SESSION, IF NECESSARY.

MR WONG ALSO POINTED OUT THAT A NUMBER OF REPRESENTATIONS HIGHLIGHTED THE IMPORTANCE OF A COMPREHENSIVE WHITE PAPER ON MEDICAL AND HEALTH SERVICES WHICH WAS LONG OVERDUE, THE LAST BEING WAY BACK IN 1974.

HE FOUND THEIR REASONING COGENT AND URGED THE ADMINISTRATION TO TAKE IT UP AS A MATTER OF URGENCY, PERHAPS SOON AFTER THE COMPLETION OF THE PRIMARY HEALTH CARE STUDY.

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HA WILL IMPROVE PRODUCTIVITY AND COST EFFECTIVENESS
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THE ESTABLISHMENT OF THE HOSPITAL AUTHORITY IS A CORPORATISATION SCHEME TO IMPROVE THE PRODUCTIVITY AND COST-EFFECTIVENESS OF THE DELIVERY OF HOSPITAL SERVICES FOR THE WELL-BEING OF HONG KONG PEOPLE, THE HON PEGGY LAM SAID TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE HOSPITAL AUTHORITY BILL 1990 IN THE LEGISLATIVE COUNCIL, MRS LAM STRESSED THAT THE SETTING UP OF THE HOSPITAL AUTHORITY WAS NOT A PRIVATISATION FOR SELF-FINANCING OF THE HOSPITAL SERVICES AS MANY HAD THOUGHT.

SHE NOTED THAT IT WAS A DECLARED POLICY THAT NO ONE WOULD BE DEPRIVED OF HOSPITAL SERVICES MERELY BECAUSE OF LACK OF FINANCIAL MEANS AND THAT THE GOVERNMENT WOULD STAND BEHIND THE HOSPITAL AUTHORITY TO FINANCE ITS SERVICES.

NEVERTHELESS, SHE URGED THAT, APART FROM ADJUSTMENT FOR INFLATION, FEES SHOULD NOT BE RAISED BEFORE SERVICES WERE IMPROVED.

AN EFFICIENT WAIVER SYSTEM SHOULD ALSO BE IMPLEMENTED BEFORE ANY REVISION OF HOSPITAL FEES, SHE ADDED.

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WELCOMING THE INTRODUCTION OF THE BILL, MRS LAM SAID THE IMPLEMENTATION OF THE PROVISIONAL HOSPITAL AUTHORITY REPORT WOULD CREATE COMMUNITY INVOLVEMENT IN THE PUBLIC HOSPITAL SYSTEM.

SHE POINTED OUT THAT THE REGIONAL ADVISORY BOARD WOULD COMPARE THE EFFICIENCY OF EACH HOSPITAL AND ADVISE ON THE NEED FOR FUTURE DEVELOPMENT OF HOSPITAL SERVICES IN THE REGION.

"THIS COMMUNITY FEEDBACK WILL CREATE A JOINT EFFORT TO IMPROVE SERVICES TO PATIENTS," SHE SAID, ADDING THAT THESE IMPROVEMENTS IN MANAGEMENT WOULD NOT ONLY INCREASE THE EFFICIENCY OF THE SERVICES BUT ALSO MAINTAIN HIGH MORALE AMONG THE MEDICAL STAFF AND ENSURE THEIR EXPERTISE WOULD BE CORRECTLY USED.

MRS LAM SAID IT WOULD ALSO ATTRACT AMBITIOUS YOUNG PEOPLE WHO WOULD FIND IT MEANINGFUL AND WORTHWHILE TO JOIN THE HOSPITAL AUTHORITY, THROUGH WHICH THEY COULD CONTRIBUTE THEIR SERVICES FOR THE WELL-BEING OF THE PEOPLE.

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FOUNDATION FOR REORGANISING HEALTH CARE SYSTEM

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THE HOSPITAL AUTHORITY BILL 1990, IF TREATED PROPERLY, COULD BECOME THE FOUNDATION FOR REORGANISING THE OVERALL HEALTH CARE SYSTEM IN HONG KONG IN THE FUTURE.

HOWEVER, THE BILL WOULD BE SUPERFLUOUS IF IT WERE TO ESTABLISH A HOSPITAL AUTHORITY (HA) THAT WOULD NOT WORK, DR THE HON LEONG CHE-HUNG SAID DURING THE DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

DR LEONG, WHO SUPPORTED THE BILL WITH RESERVATIONS, SAID THAT THERE HAD BEEN FEW, IF ANY, DISSENTING VOICES ARGUING AGAINST THE PRINCIPLES OF THE HA.

THE HONG KONG MEDICAL ASSOCIATION AND THE GOVERNMENT DOCTORS' ASSOCIATION HAD CONSISTENTLY SUPPORTED THE HA CONCEPT, DR LEONG SAID, ADDING THAT EVEN PRESSURE GROUPS HAD NOT CHALLENGED THIS PRINCIPLE.

YET, THERE WERE CALLS FOR DEFERMENT OR EVEN SCRAPPING OF THE BILL, HE NOTED.

DR LEONG HELD THAT IT WAS NOT THE MANAGEMENT CONCEPT OF THE HA THAT HAD CAUSED CONFUSION BUT THE LACK OF POLICY VISION IN REVAMPING THE ENTIRE MEDICAL SERVICES.

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SIMILARLY, THE COMPLETE LACK OF DIRECTION IN THE STUDY OF HEALTH ECONOMIES COUPLED WITH THE UNTIMELY INTRODUCTION OF THE CONCEPT OF PARTIAL COST RECOVERY FOR HOSPITAL CARE HAD PRODUCED A PUBLIC OUTCRY, HE SAID.

DR LEONG, FROM THE MEDICAL FUNCTIONAL CONSTITUENCY, SAID THE MEDICAL PROFESSION HAD URGED THE GOVERNMENT TO ENSURE FULL FINANCIAL COMMITMENT FOR THE ESTABLISHMENT OF THE HA, AS WELL AS ENSURING THE ADDITIONAL RESOURCES REQUIRED TO EFFECT IMPROVEMENT IN THE SERVICE UNDER THE NEW SYSTEM.

THEY ALSO CALLED ON THE GOVERNMENT TO ENSURE THERE WERE NO MAJOR CHANGES IN THE FEE STRUCTURE OF PUBLIC HOSPITALS BEFORE THE HA COULD ACHIEVE AN IMPROVEMENT IN SERVICE.

THE GOVERNMENT SHOULD ENSURE STAFF ACCEPTANCE BY CONSTANT COMMUNICATION WITH STAFF AND DEMONSTRATION OF THE COMPARABILITY OF THE NEW PACKAGE WITH THEIR EXISTING TERMS OF SERVICE.

NOTING THAT SUBVENTED ORGANISATIONS WERE CONCERNED THAT THEIR AUTONOMY APPEARED TO BE ERODING, DR LEONG SAID THIS MUST BE LOOKED INTO AND SUBSEQUENT AMENDMENTS MADE IN THE ORDINANCE IF DEEMED NECESSARY.

DR LEONG SAID THE MEDICAL PROFESSION FELT THAT THE POLITICAL AND SOCIAL ASPECTS OF THE ESTABLISHMENT OF THE HA HAD TO BE ADDRESSED.

THESE WERE THE UNCERTAIN AND AMBIVALENT ROLE OF GOVERNMENT; THE UNCERTAINTY OF THE MONITORING MECHANISM OF THE HA WITH PRIMARY RESPONSIBILITY; AND COMPETITION WITH PRIVATE HOSPITALS.

SAYING THAT HEALTH SERVICE REFORM WAS BADLY NEEDED, DR LEONG SUGGESTED THREE FURTHER STEPS THAT "MUST BE ADDRESSED WITHOUT DELAY".

THE FIRST ONE WAS A COMPLETE LOOK AT THE DEVELOPMENT OF MEDICAL AND HEALTH SERVICES IN THE SHORT AND LONG TERM FUTURE.

SECONDLY, THE GOVERNMENT SHOULD TAKE A LEADING ROLE IN REVIEWING THE CURRENT HEALTH AND MEDICAL INSURANCE SCHEME IN ORDER TO COMPLEMENT ANY CHANGES IN POLICY.

AS MEDICAL SERVICES COULD NOT AND SHOULD NOT BE SECTORISED, THE UPGRADING OF PRIMARY HEALTH CARE MUST THEREFORE BE TAKEN SIMULTANEOUSLY WITH THAT OF THE HOSPITAL SERVICE AND PROPER INTEGRATION MUST BE INSTIGATED AT ONCE, DR LEONG SAID.

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HOSPITAL AUTHORITY IS FOR THE BENEFIT OF HK

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THE HOSPITAL AUTHORITY (HA) IS FOR THE BENEFIT OF HONG KONG AND ITS MANDATE IS TO RUN THE PRESENT AND FUTURE HOSPITAL SYSTEM IN HONG KONG AS EFFICIENTLY AS POSSIBLE, THE HON JAMES TIEN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE HOSPITAL AUTHORITY BILL 1990 DURING ITS RESUMED DEBATE, MR TIEN SAID WE SHOULD NOT THINK OF THE SCHEME ONLY AS A MEANS OF STAFF BENEFITS, IMPORTANT THOUGH THEY WERE.

HE SAID THE GOVERNMENT HAD CONSIDERABLY IMPROVED ON ITS ORIGINAL PROPOSALS, AND ALL TO THE BENEFIT OF STAFF MEMBERS.

HE POINTED OUT THAT FOR RETIREMENT BENEFITS, A PROVIDENT FUND WOULD BE SET UP WHICH WOULD COST THE EMPLOYEE NOTHING, AND THAT THE HA AS AN EMPLOYER WOULD CONTRIBUTE ALL 15 PER CENT TO MAINTAIN THIS FUND.

COMPARED WITH THE PENSION ARRANGEMENTS AVAILABLE TO CIVIL SERVANTS, THE PROPOSALS WERE DEMONSTRABLY MORE GENEROUS. FOR EXAMPLE, THE PROVIDENT FUND WOULD BE FUNDED SEPARATELY AND THERE WAS NO WORRY THAT THE EMPLOYER WOULD BE UNABLE TO DELIVER THE PROMISED PENSION, MR TIEN SAID.

HE ALSO SAID THAT THE SCHEME WOULD BE HANDED OVER TO PROFESSIONAL MANAGERS WHOSE OBJECTIVES WOULD BE TO GET THE BEST RETURN TOGETHER WITH THE MOST REASONABLE LEVEL OF SECURITY.

MR TIEN SAID THAT PARTICULARLY IMPRESSIVE WAS THE FLEXIBILITY OF THE SCHEME.

"STAFF WILL NOT HAVE TO WAIT FOR RETIREMENT AGE TO GET THEIR BENEFITS. THEY CAN TAKE AWAY ONE LUMP SUM WHEN THEY LEAVE."

SECONDLY, MR TIEN SAID THE PROPOSAL TO COMMUTE CURRENT FRINGE BENEFITS INTO CASH ALLOWANCES WAS VERY PRACTICAL TO STAFF.

"SUCH CASH ALLOWANCES WILL BE PAID AT RATES RANGING FROM 4.5 PER CENT TO 60 PER CENT OF STAFF MEMBER'S SALARY."

MORE THAN THIS WAS THE PARTICULARLY VALUABLE BENEFIT THAT THE CASH ALLOWANCE WOULD BE INCREASED IN PROPORTION WITH SALARY INCREASES AS YEARS WENT ON, HE SAID.

AS FOR HOUSING BENEFITS, MR TIEN SAID STAFF WOULD BE ABLE TO TAKE OUT A MORTGAGE UP TO A MAXIMUM OF 60 MONTHS' SALARY, AND HA WAS PREPARED TO SUBSIDISE HALF OF THE INTEREST PAYABLE UP TO A MAXIMUM LIABILITY OF SIX PER CENT.

MOREOVER, HA WOULD NEGOTIATE WITH BANKS TO COVER 100 PER CENT OF THE VALUE OF THE CHOSEN PROPERTY, AND STAFF WOULD NOT BE REQUIRED TO MAKE ANY DOWN PAYMENT FOR THE FLAT OR PROPERTY CONCERNED, HE ADDED.

ON BRIDGING OVER ARRANGEMENTS, MR TIEN NOTED THAT AS STAFF MOVED OVER TO THE HA FROM THE CIVIL SERVICE, THEY COULD BE ASSURED THAT THEY WOULD ENJOY THE SAME PENSION AS IF THEY HAD STAYED IN THE CIVIL SERVICE.

REFERRING TO THE QUESTION OF FEES AND CHARGES, MR TIEN SAID THEY MIGHT BE AIMED AT RECOVERING 15 PER CENT TO 20 PER CENT OF COSTS OVER A PERIOD OF YEARS, BUT ONLY WHEN HOSPITAL SERVICES HAD SHOWN SUBSTANTIAL IMPROVEMENTS.

MOREOVER, PATIENTS WHO GENUINELY WERE UNABLE TO AFFORD TO PAY COULD BE RELIEVED EVEN OF THESE MODEST CHARGES, HE SAID.

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PUBLIC NEEDS MORE FACTS ABOUT HOSPITAL AUTHORITY

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THE PUBLIC NEEDS MORE FACTS BEFORE ANYONE CAN CLAIM THAT THE HOSPITAL AUTHORITY IS FOR THE PUBLIC GOOD, THE HON ELSIE TU SAID TODAY (WEDNESDAY) WHEN SPEAKING AGAINST THE HOSPITAL AUTHORITY BILL 1990 DURING THE RESUMED DEBATE ON IT IN THE LEGISLATIVE COUNCIL.

MRS TU SAID THE PUBLIC HAD BEEN LEFT IN THE DARK ABOUT LIKELY FEES AND CHARGES AND HAD MERELY BEEN TOLD THAT NO ONE WOULD BE LEFT WITHOUT HOSPITAL CARE BECAUSE HE OR SHE WAS POOR.

"BUT WE HAVE NOT BEEN TOLD WHAT IS THE GOVERNMENT'S DEFINITION OF 'POOR'. IS IT SIMILAR TO THE DEFINITION OF 'POOR' AS APPLIED TO KINDERGARTEN FEE ASSISTANCE, WHICH MEANS LIVING AT OR BELOW THE BREAD-LINE?

"IS IT SIMILAR TO THE DEFINITION SETTING OUT THE INCOME LIMITS FOR RENTED PUBLIC HOUSING BY THE HOUSING AUTHORITY, WHICH LEAVES A SANDWICH GROUP THAT CAN NEVER QUALIFY FOR RENTED HOUSING YET ALSO CANNOT AFFORD TO GO FOR HOME OWNERSHIP?" SHE ASKED.

SHE SAID THE PUBLIC NEEDED ASSURANCE IN CONCRETE TERMS BEFORE STEPS WERE TAKEN TO DEPRIVE THEM OF ADEQUATE MEDICAL CARE AT A PRICE THEY COULD AFFORD TO PAY.

TURNING TO HOSPITAL STAFF, MRS TU SAID IT COULD NOT BE GOOD FOR THE PUBLIC IF THE STAFF WHO TOOK CARE OF THE SICK FELT INSECURE AND UNHAPPY ABOUT THEIR CONDITIONS OF SERVICE.

"NOR CAN IT BE IN THE PUBLIC GOOD THAT MEDICAL STAFF ARE DIVIDED INTO GROUPS SERVING DIFFERENT MASTERS, THE CIVIL SERVICE, THE HOSPITAL AUTHORITY, THE SUBVENTED ORGANISATIONS AND THE UNIVERSITY TEACHING SCHOOL," SHE SAID.

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SHE SAID THAT SEEN FROM THE OUTSIDE, THE PICTURE WAS ONE OF UTTER CONFUSION AND MISTRUST, WHICH COULD NOT POSSIBLY BE IN THE PUBLIC'S INTEREST.

MRS TU SAID THAT WHILE IT MIGHT WELL BE THAT THE HOSPITAL AUTHORITY WAS GOOD FOR ALL CONCERNED, SHE COULD NOT SUPPORT THE BILL UNTIL SHE FELT ASSURED THAT IT CONTAINED WHAT WAS GOOD FOR THE PUBLIC.

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ARGUMENTS NOT RELEVANT

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ARGUMENTS AGAINST THE PASSING OF THE HOSPITAL AUTHORITY BILL 1990 BASING ON FEES AND CHARGES ARE NOT RELEVANT IN THE CONTEXT OF THE OVERWHELMING NEED TO FORM THE HOSPITAL AUTHORITY (HA) AS SOON AS POSSIBLE.

SPEAKING IN SUPPORT OF THE BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), THE HON PETER WONG SAID THE OVERRIDING OBJECTIVES OF THE HOSPITAL REFORM WERE TO PLACE THE PUBLIC HOSPITALS UNDER A NEW MANAGEMENT SYSTEM AND TO REDRESS THE INEQUITIES OF THE SUBVENTED HOSPITALS.

MR WONG REFUTED CHARGES THAT THE GOVERNMENT, THROUGH THE PROVISIONAL HOSPITAL AUTHORITY, WAS ATTEMPTING TO PUT THE CHARGES UP TO 15 PER CENT TO 20 PER CENT OF COSTS.

HE ALSO NOTED THAT THE TIMING FOR LAUNCHING THE NEW FEE CHARGING SCHEME HAD BEEN MISINTERPRETED.

ON THE REMUNERATION PACKAGE, MR WONG AGREED THAT MORE CONSULTATION BETWEEN THE MANAGEMENT AND STAFF COULD HAVE MINIMISED THE REGRETTABLE CONFLICTS.

HE SAID THAT THE NEW PACKAGE WAS A BONANZA FOR HOSPITAL STAFF BECAUSE THE TERMS OF THE EXISTING PACKAGES WERE SO GOOD AND THE REAL BENEFITS SO WELL DISGUISED THAT CIVIL SERVANTS DID NOT KNOW HOW WELL OFF THEY WERE.

HE SAID THE HOUSING LOAN WAS A GOOD DEAL, ASSUMING A RISING MARKET AND WAS HIGHLY RECOMMENDED.

NEVERTHELESS, MR WONG SAID THE HA STILL LACKED ONE ESSENTIAL INGREDIENT.

HE REGRETTED THAT THE ADMINISTRATION HAD NOT BEEN ABLE TO PROVIDE THE FIRST FULL DRAFT OF THE MEMORANDUM OF ADMINISTRATIVE ARRANGEMENT (MAA) OR EVEN THE SECTION CONCERNING THE FINANCIAL ARRANGEMENT BETWEEN THE GOVERNMENT AND THE FUTURE HOSPITAL AUTHORITY.

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THIS WAS VITALLY IMPORTANT TO THE HA BECAUSE IT WOULD SET OUT THE SERVICES AND FUNDING THAT WOULD BE PROVIDED TO EACH OTHER AND HOW THEY WOULD BE PAID FOR, MR WONG SAID.

HE BELIEVED THAT THE DELAY IN FINALISING THE MAA WAS ALSO DETRIMENTAL TO THE NEGOTIATION OF THE INDIVIDUAL AGREEMENTS BETWEEN THE HA AND THE SUBVENTED HOSPITALS, SINCE A SUBVENTED HOSPITAL COULD NOT BE PROMISED MORE THAN WHAT THE HA COULD GET FROM THE GOVERNMENT IN THE FIRST PLACE.

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FLEXIBLE, EFFECTIVE WAY TO TACKLE INSIDER DEALING

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THE ADMINISTRATION REMAINS OF THE VIEW THAT INSIDER DEALING SHOULD NOT FOR THE PRESENT BE MADE A CRIMINAL OFFENCE BUT THAT THE POSITION SHOULD BE REVIEWED IN THE LIGHT OF EXPERIENCE OF THE EFFECT OF INCREASED TRIBUNAL SANCTIONS AND THE EFFECTIVENESS OF ENFORCEMENT ACTION.

THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, SAID THIS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) IN THE RESUMED DEBATE ON THE SECURITIES (INSIDER DEALING) BILL 1989.

HE SAID CRIMINAL SANCTIONS HAD IN FACT PROVED INEFFECTIVE ELSEWHERE BECAUSE OF THE DIFFICULTIES OF PROSECUTION AND OF SECURING CONVICTIONS.

"WE FIRMLY BELIEVE THAT, AT THE PRESENT TIME, THE TRIBUNAL APPROACH REPRESENTS THE MOST FLEXIBLE AND EFFECTIVE WAY TO TACKLE THE PROBLEM IN HONG KONG," HE SAID.

ON A SUGGESTION THAT, GIVEN THE QUASI-CRIMINAL SANCTIONS BEING MADE AVAILABLE TO THE TRIBUNAL, THE NON-APPLICATION OF THIS RIGHT SHOULD BE LIFTED, MR NENDICK SAID THE ADMINISTRATION DID NOT SUPPORT THIS SUGGESTION.

HE SAID THE PRIVILEGE AGAINST SELF-INCRIMINATION OR "RIGHT TO SILENCE" APPLIED TO CRIMINAL PROCEEDINGS, BUT INSIDER DEALING WAS NOT A CRIMINAL OFFENCE, NOTWITHSTANDING THE TRIBUNAL'S POWER TO IMPOSE PENAL SANCTIONS.

"THE WHOLE PURPOSE OF RETAINING THE TRIBUNAL SYSTEM IS TO ENSURE THAT AS FAR AS POSSIBLE THE TRIBUNAL IS ABLE TO GET AT THE TRUTH.

"WE BELIEVE THIS APPROACH IS NECESSARY TO TACKLE MORE EFFECTIVELY THE PROBLEM OF INSIDER DEALING WHICH, BY ITS NATURE, IS MOST DIFFICULT TO PROVE," HE SAID.

AS FOR THE CONCERN ABOUT THE IMPLICATIONS OF THE BILL OF RIGHTS IN RELATION TO THE "RIGHT TO SILENCE", MR NENDICK SAID THE ATTORNEY GENERAL'S CHAMBERS HAD BEEN CONSULTED AND THEIR ADVICE WAS THAT IT WOULD BE MOST UNLIKELY FOR THE COURTS TO FIND THE LEGISLATION TO BE IN CONFLICT WITH THE BILL OF RIGHTS.

"THE COURTS CAN BE RELIED UPON TO RESOLVE DOUBTS SHOULD THE NEED ARISE.

"WE FIRMLY BELIEVE THAT CLAUSE 16, WHICH IS CENTRAL TO THE EFFECTIVENESS OF THE TRIBUNAL APPROACH, SHOULD BE RETAINED," HE SAID.

MR NENDICK SAID THE ADMINISTRATION CONTINUED TO FAVOUR HEARINGS IN PUBLIC WITH A DISCRETION FOR THE TRIBUNAL TO HOLD SITTINGS, OR PART THEREOF, IN PRIVATE IF THE INTERESTS OF JUSTICE SO REQUIRE.

HE SAID THE WIDER PUBLIC INTEREST CALLED FOR PUBLIC HEARINGS.

THE VIRTUE OF PUBLIC HEARINGS WAS THAT PUBLIC SCRUTINY ASSISTED IN PREVENTING OPPRESSIVE OR UNFAIR PROCEDURES BEING EMPLOYED, AND PUBLIC AWARENESS OF WHAT WAS TAKING PLACE DISPELLED SUSPICION OF OPPRESSION AND UNFAIRNESS.

BUT TO MEET THE LEGITIMATE CONCERN ABOUT POSSIBLE INJUSTICE, THERE MUST BE A DISCRETION TO HOLD SITTINGS IN PRIVATE, AND THE TRIBUNAL WAS BEST PLACED TO EXERCISE THIS DISCRETION, MR NENDICK SAID.

HE SAID THE ADMINISTRATION BELIEVED THE TRIBUNAL PROCEDURES TO BE ADEQUATE AND THAT THEY NEED NOT BE ENSHRINED IN THE LAW.

"FIRST THE INSIDER DEALING TRIBUNAL, LIKE ANY OTHER TRIBUNAL, IS SUBJECT TO THE RULES OF NATURAL JUSTICE.

"THE TRIBUNAL HAS A DUTY TO ACT IN A JUDICIAL AND FAIR MANNER AND NO PERSON SHALL BE CONDEMNED UNLESS HE HAS BEEN GIVEN PRIOR NOTICE OF THE ALLEGATIONS AGAINST HIM AND AN OPPORTUNITY TO BE HEARD - THE PRINCIPLE OF AUDI ALTERI PARTEM.

"SECONDLY, THEIR ENSHRINEMENT WOULD IMPOSE UNNECESSARY RESTRAINTS UPON THE TRIBUNAL," HE SAID.

NOTING THAT THE TRIBUNAL'S PROCEEDINGS WERE INVESTIGATIVE OR INQUISITORIAL BY NATURE, MR NENDICK SAID THE FLEXIBILITY WHICH THIS APPROACH AFFORDED WAS THE MAIN ATTRACTION OF THE TRIBUNAL SYSTEM AND ANY ATTEMPT TO LAY DOWN FORMAL PROCEDURAL REQUIREMENTS WOULD INHIBIT THE TRIBUNAL AND WOULD UNDERMINE THE VERY FLEXIBILITY WHICH WAS CRUCIAL TO THE EFFECTIVENESS OF THE SYSTEM.

"WE PREFER THEREFORE TO ALLOW THE TRIBUNAL TO SET ITS OWN PROCEDURES IN THE LIGHT OF THE CIRCUMSTANCES OF EACH INQUIRY, BEARING IN MIND ITS DUTY TO OBSERVE THE RULES OF NATURAL JUSTICE," HE SAID.

AS TO THE SCOPE OF THE BILL AND ITS EFFECT ON MARKET ACTIVITIES, MR NENDICK EXPLAINED A NUMBER OF SEPARATE POINTS.

ON THE DEFINITION OF "CONNECTED PERSON" UNDER CLAUSE 3, MR NENDICK NOTED THAT IT WAS SUGGESTED THAT A PERSON MIGHT BE REGARDED AS AN INSIDER DEALER EVEN THOUGH HE DID NOT KNOW THAT THE INFORMATION HE POSSESSED WAS RELEVANT INFORMATION OR THAT HE WAS A CONNECTED PERSON.

"KNOWLEDGE THAT THE INFORMATION IS RELEVANT INFORMATION IS ALREADY A TEST UNDER CLAUSE 8.

"IN FACT WE WOULD EXPECT MOST PEOPLE TO DEAL PRECISELY BECAUSE THEY KNOW THE INFORMATION IN THEIR POSSESSION TO BE RELEVANT I.E. PRICE SENSITIVE.

"WE DO NOT THINK THE DEFINITION OF 'CONNECTED PERSON' IS UNNECESSARILY WIDE. NOR DO WE BELIEVE THE DEFINITION WILL CAST DOUBT ON NORMAL COMMERCIAL DEALS," HE SAID.

MR NENDICK SAID THE NET MUST BE CAST WIDE TO BE EFFECTIVE, ADDING THAT THERE WERE IMPORTANT TESTS WHICH HAD TO BE APPLIED AND THERE WERE ALSO IMPORTANT PROCEDURAL SAFEGUARDS.

"I CAN ASSURE MEMBERS THAT THERE WILL BE A CAREFUL SCREENING PROCESS," HE SAID.

"CLAUSE 13(1) OF THE BILL EMPOWERS THE FINANCIAL SECRETARY TO INSTITUTE AN INQUIRY BY THE TRIBUNAL, WHETHER FOLLOWING REPRESENTATIONS BY THE SECURITIES AND FUTURES COMMISSION OR OTHERWISE.

"IN ACTUAL FACT, WE ENVISAGE THAT AN INVESTIGATION WILL USUALLY BE INITIATED BY THE SFC, AND THE COMMISSION WOULD NOT MAKE REPRESENTATIONS TO THE FINANCIAL SECRETARY UNLESS IT HAD REASONABLE GROUNDS TO BELIEVE THAT INSIDER DEALING HAD TAKEN PLACE, I.E. THAT THERE WAS A PRIMA FACIE CASE TO BE INVESTIGATED BY A TRIBUNAL.

"THE FINANCIAL SECRETARY WILL ONLY INSTITUTE AN INQUIRY IF HE IS SATISFIED THAT A PRIMA FACIE CASE HAS BEEN ESTABLISHED AND THAT IT WOULD BE IN THE PUBLIC INTEREST TO HAVE A FULL INVESTIGATION.

"HE WILL NORMALLY SEEK LEGAL ADVICE BEFORE DECIDING WHETHER AN INQUIRY SHOULD BE INSTITUTED."

TO ADDRESS THE PROBLEM OF NEGLIGENT OFFICERS, THAT IS OFFICERS OF A CORPORATION WHO DO NOT CONSENT TO OR CONNIVE AT AN INSIDER DEALING, BUT ARE NEGLIGENT ABOUT TAKING PRECAUTIONS TO PREVENT SUCH DEALINGS, MR NENDICK SAID THE ADMINISTRATION NOW PROPOSED THAT THE BILL SHOULD REFER TO AN "INSIDER DEALER" INSTEAD OF "A PERSON INVOLVED IN INSIDER DEALING".

THIS WOULD ALLOW A DISTINCTION TO BE DRAWN BETWEEN A TRUE INSIDER DEALER AND A NEGLIGENT OFFICER, WITHOUT RESTRICTING THE TRIBUNAL'S DISCRETION TO HAVE REGARD TO THE NATURE OF INVOLVEMENT OF ALL PERSONS CONCERNED, HE SAID.

CONCERNING THE DEFINITION OF "RELEVANT INFORMATION", MR NENDICK SAID IT WAS AGREED THAT A REVISED DEFINITION ALONG THE LINES OF THE DEFINITION IN THE UK COMPANY SECURITIES (INSIDER DEALING) ACT, SUBJECT TO MINOR MODIFICATIONS, SHOULD BE ADOPTED.

HE SAID THE AD HOC GROUP CONSIDERED THAT THE NEW DEFINITION WOULD NARROW DOWN THE SCOPE OF RELEVANT INFORMATION AND BRING GREATER CERTAINTY TO THE MARKET.

MR NENDICK, HOWEVER, POINTED OUT THAT THE PRESENT UK DEFINITION WOULD SHORTLY BE REPLACED BY THE DEFINITION USED IN THE EUROPEAN COMMUNITIES COUNCIL DIRECTIVE CO-ORDINATING REGULATIONS ON INSIDER DEALING, AND IT WOULD BE NECESSARY TO CONSIDER IN DUE COURSE WHETHER THE EC DEFINITION SHOULD BE ADOPTED.

"IT IS, THEREFORE, OUR INTENTION TO REVIEW THIS ISSUE IN THE LIGHT OF EXPERIENCE OF THE LEGISLATION IN OPERATION," HE SAID.

CONCERNING TRANSACTIONS WHICH WERE NOT TO BE REGARDED AS INSIDER DEALING FOR THE PURPOSE OF THE ORDINANCE, MR NENDICK SAID IT WAS ACCEPTED THAT AN OFF-MARKET TRANSACTION BETWEEN TWO INSIDERS SHOULD BE EXEMPTED IF THE PARTIES CONCERNED CAN ESTABLISH THAT EACH HAD THE SAME LEVEL OF INFORMATION WHEN THEY ENTERED INTO THE TRANSACTION.

ANOTHER DEFENCE TO BE INCLUDED WOULD BE THE SO-CALLED "CAVEAT EMPTOR" PROVISION, UNDER WHICH A PERSON WHO ENTERED INTO A TRANSACTION IN WHICH THE OTHER PARTY WAS AWARE, OR OUGHT REASONABLY TO BE AWARE, THAT HE WAS DEALING WITH A CONNECTED PERSON WOULD NOT BE HELD TO BE AN INSIDER DEALER.

MR NENDICK SAID THE CONNECTED PERSON WOULD, HOWEVER, BE WELL ADVISED TO TAKE THE PRECAUTION OF OBTAINING A WRITTEN ACKNOWLEDGEMENT FROM THE OTHER PARTY THAT HE HAD THE REQUIRED AWARENESS AND TO REPORT THE DETAILS OF THE TRANSACTION TO THE SFC.

ON THE EFFECT OF THE BILL ON MARKET LIQUIDITY, MR NENDICK SAID THE ADMINISTRATION BELIEVED THE LONG-TERM SOLUTION TO THE "LIQUIDITY" PROBLEM WAS TO ENCOURAGE THE DEVELOPMENT IN HONG KONG OF DEALERS WHO WERE ABLE TO ACT AS MARKET MAKERS IN THE PROPER SENSE OF THE TERM AND HAD THE CAPITAL TO SUPPORT SUCH OPERATIONS.

"ANY MARGINAL REDUCTION IN LIQUIDITY OVER THE SHORT TERM WILL, IN OUR VIEW, BE MORE THAN OFFSET OVER TIME BY THE EXTRA INVESTMENT WHICH WILL BE ATTRACTED BY GREATER PUBLIC CONFIDENCE IN THE INTEGRITY OF THE MARKET AND BY IMPROVED PERCEPTION INTERNATIONALLY," HE SAID.

AS FOR THE POSSIBILITY OF GRANTING EXEMPTION TO MAJOR SHAREHOLDERS TO HELP MARKET LIQUIDITY, HE SAID, THE EXEMPTION OF OFF-MARKET DEALS BETWEEN TWO INSIDERS AND THE "CAVEAT EMPTOR" PROVISION WOULD IN FACT PROVIDE A MEASURE OF EXEMPTION TO SUCH PERSONS.

"BUT, THIS APART, IT IS OUR FIRM VIEW THAT INSIDER DEALERS, BIG OR SMALL, SHOULD BE CAUGHT BY THE LAW," HE SAID.

"IT WOULD BE UTTERLY UNFAIR TO EXEMPT INSIDER DEALING BY MAJOR SHAREHOLDERS SIMPLY FOR THE SAKE OF MARKET LIQUIDITY.

"THIS WOULD NOT BE IN THE INTEREST OF THE INVESTING PUBLIC AND WOULD TARNISH THE IMAGE OF HONG KONG AS AN INTERNATIONAL FINANCIAL CENTRE.

"IF THE BILL IS TO HAVE ANY REAL DETERRENT EFFECT, IT MUST APPLY EQUALLY TO ALL INVESTORS."

MR NENDICK SAID A NUMBER OF MEASURES WERE CURRENTLY BEING DEVELOPED WHICH WOULD SIGNIFICANTLY IMPROVE THE LIQUIDITY OF THE MARKET.

THESE INCLUDED PROPOSALS TO ALLOW THE BUYBACK OF SHARES BY LISTED COMPANIES, STOCK LENDING AND BORROWING FREE OF STAMP DUTY AND SHORT-SELLING.

"THE FIRST TWO OF THESE PROPOSALS ARE IN FACT CLOSE TO BEING FINALISED AND IN RECOGNITION OF THE CONCERN OF THE SECURITIES INDUSTRY AND THE AD HOC GROUP, WE HAVE AGREED NOT TO BRING THIS BILL INTO OPERATION UNTIL THEY HAVE BEEN IMPLEMENTED.

"DRAFT LEGISLATION IS CURRENTLY UNDER PREPARATION IN RESPECT OF THE BUYBACK OF SHARES BY LISTED COMPANIES; IF EVERYTHING GOES ACCORDING TO PLAN, WILL BE ENACTED BY END OF THE YEAR," HE SAID.

AS REGARDS STOCK BORROWING AND LENDING, THE STAMP DUTY (AMENDMENT) ORDINANCE 1989 HAD ALREADY BEEN ENACTED AND WOULD BE BROUGHT INTO EFFECT ONCE A PROPER RISK MANAGEMENT SYSTEM FOR STOCK BORROWING AND LENDING WAS IN PLACE, MR NENDICK SAID, ADDING THAT GOOD PROGRESS WAS BEING MADE AND THERE WAS A GOOD PROSPECT OF BRINGING THE ORDINANCE INTO FORCE IN ABOUT THREE MONTHS' TIME.

MOVING A NUMBER OF AMENDMENTS TO THE BILL AT THE COMMITTEE STAGE, MR NENDICK SAID CLAUSE 1(2) PROVIDED THAT THE ORDINANCE SHALL COME INTO OPERATION ON A DATE TO BE APPOINTED BY THE GOVERNOR TO ENABLE THE BRINGING INTO FORCE OF THE BILL AT A LATER DATE WHEN THE BUYBACK OF SHARES BY LISTED COMPANIES AND STOCK BORROWING AND LENDING FREE OF STAMP DUTY WERE IN PLACE.

CLAUSE 2(1) SET OUT A NEW DEFINITION OF INSIDER DEALER BY REFERENCE TO A PERSON WHO PERPETRATED ANY ACT WHICH WAS AN INSIDER DEALING WITHIN THE MEANING OF CLAUSE 8.

"THIS AVOIDS DIFFICULTIES IN DETERMINING A PERSON'S 'INVOLVEMENT' IN AN INSIDER DEALING.

"IT ALSO REFERS TO A PERSON WHO IS TO BE REGARDED AS AN INSIDER DEALER UNDER THE NEW CLAUSE 13(6)," MR NENDICK SAID.

CLAUSE 13 WAS AMENDED BY DELETING SUB-CLAUSE (4) AND REPLACING IT BY A NEW SUB-CLAUSE TO DRAW A CLEAR DISTINCTION BETWEEN A "NEGLIGENT OFFICER" AND A "TRUE" INSIDER DEALER.

"A NEGLIGENT OFFICER WILL BE A PERSON WHO FAILS TO TAKE NECESSARY PRECAUTIONS TO PREVENT A CORPORATION FROM PERPETRATING AN INSIDER DEALING," MR NENDICK SAID.

HE SAID CLAUSE 13 WAS ALSO AMENDED BY ADDING A NEW SUB-CLAUSE (5) TO ENSHRINE THE RIGHT TO BE HEARD BEFORE ANY FINDING IS MADE BY THE TRIBUNAL, WHILE CLAUSE 27 WAS AMENDED BY ADDING A NEW SUB-CLAUSE (2) TO EMPOWER THE COURT OF APPEAL TO MAKE ORDERS AS REGARDS AN APPEAL AGAINST A DECISION OF THE TRIBUNAL.

CLAUSE 19(2)(P)(IV) WAS AMENDED TO EMPOWER THE TRIBUNAL TO FURNISH A COPY OF THE TRIBUNAL REPORT TO ANY PROFESSIONAL BODY OF WHICH AN INSIDER DEALER OR A NEGLIGENT OFFICER WAS A MEMBER.

"THIS WILL SERVE AS A FORMAL NOTICE TO THE PROFESSIONAL BODY UPON WHICH IT MAY CONSIDER TAKING APPROPRIATE DISCIPLINARY ACTION," MR NENDICK SAID.

HE SAID CLAUSE 20(1)(C) WAS AMENDED TO REMOVE ANY CRIMINAL CONNOTATION ASSOCIATED WITH THE WORD "FINE" AND TO ALLOW THE TRIBUNAL TO IMPOSE A PENALTY UPON AN INSIDER DEALING CORPORATION OR AN OFFICER OF SUCH A CORPORATION WHO HAD FAILED TO DISCHARGE HIS DUTY TO PREVENT INSIDER DEALING, REGARDLESS OF WHO MADE THE PROFIT OR AVOIDED THE LOSS.

"THIS IS TO GIVE THE TRIBUNAL THE NECESSARY FLEXIBILITY TO IMPOSE PENALTIES AS IT SEES FIT IN ALL THE CIRCUMSTANCES," MR NENDICK SAID.

THE BILL WAS PASSED.

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AIM IS TO ENSURE RIGHT INVESTMENT ENVIRONMENT

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THE MAIN OBJECTIVE FOR THE LEGCO AD HOC GROUP VESTED WITH THE RESPONSIBILITY TO STUDY THE SECURITIES (INSIDER DEALING) BILL 1989 WAS TO STRIKE A BALANCE IN THE LAW TO KEEP HONG KONG AN ATTRACTIVE MARKET FOR INVESTORS, THE HON STEPHEN CHEONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN THE RESUMED DEBATE ON THE BILL, MR CHEONG SAID THE AD HOC GROUP, AFTER 13 MONTHS' DELIBERATION, HAD TO ENSURE THAT THE LEGISLATION EVENTUALLY PASSED WAS EFFECTIVE BUT NOT TO THE EXTENT OF KILLING THE MARKET.

HE NOTED THAT MANY OF THE CHANGES TO THE DRAFT BILL WOULD ADDRESS THE VARIOUS CONCERNS IN THE MARKET AS EXPRESSED BY DIFFERENT ORGANISATIONS AND INDIVIDUALS ABOUT THE SCOPE OF THE BILL.

/MR CHEONG

MR CHEONG, CONVENER OF THE AD HOC GROUP, POINTED OUT THAT A PREDOMINANT CONCERN WAS ON THE WIDTH OF THE SCOPE OF INSIDER DEALING THAT AROSE FROM PROVISIONS, SUCH AS "CONNECTED WITH A CORPORATION" (CLAUSE 3) AND DEFINITION OF "RELEVANT INFORMATION" (CLAUSE 7).

HE SAID UNCERTAINTY OVER THE WIDTH OF THE SCOPE OF INSIDER DEALING MIGHT BECOME A DETERRENT TO MARKET ACTIVITIES, AND WAS NOT CONDUCTIVE TO THE CONTINUED DEVELOPMENT OF HONG KONG AS AN INTERNATIONAL FINANCIAL CENTRE.

FOLLOWING DISCUSSIONS WITH THE ADMINISTRATION, A NUMBER OF CHANGES TO THE BILL WERE AGREED TO RESTRICT THE SCOPE OF THE PROVISIONS, TOGETHER WITH A NUMBER OF CLARIFICATIONS, HE SAID.

ON THE DEFINITION OF WHAT CONSTITUTED "RELEVANT INFORMATION", MR CHEONG SAID THE AD HOC GROUP FOUND THE TWO COMPONENTS OF THE DEFINITION, NAMELY INFORMATION WHICH WAS "NOT GENERALLY AVAILABLE" AND INFORMATION WHICH WOULD BE LIKELY TO BRING ABOUT "A MATERIAL CHANGE IN THE PRICE" OF ANY LISTED SECURITIES OF A CORPORATION, WERE WIDE AND LACKED CLARITY.

HE SAID A NEW DEFINITION WOULD BE MOVED BY THE HON MIRIAM LAU TO NARROW THE SCOPE OF "RELEVANT INFORMATION" AND WOULD AFFORD GREATER CERTAINTY TO THE MARKET.

MR CHEONG NOTED THAT THE WIDTH OF THE DEFINITION OF A PERSON "CONNECTED WITH A CORPORATION" UNDER CLAUSE 3 HAD RESULTED IN UNEASE ABOUT THE POSSIBILITY OF A PERSON BEING CAUGHT WITHOUT KNOWING THAT THEY WERE CONNECTED.

THE AD HOC GROUP WAS ASSURED THAT THERE WERE IMPORTANT TESTS, SUCH AS MOTIVE TEST, TO BE APPLIED AND IMPORTANT PROCEDURAL SAFEGUARDS AGAINST IMPLICATING THE INNOCENT, HE SAID.

HE SAID THE HON PETER WONG WOULD MOVE AMENDMENTS TO THE BILL TO PROVIDE FOR A NUMBER OF ADDITIONAL DEFENCES OR EXCEPTIONS IN THE LEGISLATION.

IN RELATION TO THE CONCERN ABOUT THE LACK OF A CLEAR DISTINCTION BETWEEN A TRUE INSIDER DEALER AND A NEGLIGENT PERSON IN GENERAL, THE ADMINISTRATION HAD PROPOSED TO INTRODUCE A NEW CONCEPT OF AN "INSIDER DEALER" IN THE BILL, AND TO MAKE PROVISIONS TO CATER FOR THE CONCERN ABOUT THE NEGLIGENT DIRECTOR BEING IMPLICATED, HE ADDED.

MR CHEONG SAID THE AD HOC GROUP FELT MANY OF THE HYPOTHETICAL CASES PRESENTED BY MARKET ORGANISATIONS HAD STEMMED FROM A LACK OF UNDERSTANDING OF THE PROCEDURES TO BE FOLLOWED FOR THE INVESTIGATION INTO POSSIBLE CASES OF INSIDER DEALING BEFORE A DECISION WAS MADE TO SET UP A TRIBUNAL.

IT WAS ENVISAGED THAT THE SECURITIES AND FUTURES COMMISSION WOULD BE RESPONSIBLE FOR INITIAL INVESTIGATION, AND WOULD HAVE TO BE SATISFIED THAT THERE WAS A CASE TO BE ANSWERED AND INVESTIGATED BY A TRIBUNAL BEFORE MAKING A RECOMMENDATION TO THIS EFFECT TO THE FINANCIAL SECRETARY WHO WOULD HAVE THE ULTIMATE SAY ON WHETHER A TRIBUNAL OUGHT TO BE SET UP, HE SAID.

HE SAID THE FINANCIAL SECRETARY WOULD BE REQUESTED TO EXPLAIN IN GREATER DETAIL THE MECHANISM INVOLVED IN TODAY'S LEGCO SITTING AND THE HON MARTIN BARROW WOULD MOVE AMENDMENTS TO CLAUSES 9 AND 10 OF THE BILL TO ADDRESS CONCERN ABOUT THE MECHANISM.

MR CHEONG SAID ANOTHER MAJOR ISSUE DEALT WITH BY THE AD HOC GROUP WAS RELATED TO THE ROLE PLAYED BY CONTROLLING SHAREHOLDERS OF LISTED COMPANIES IN ACTING AS THE BUYERS OR SELLERS OF LAST RESORT IN THE SHARES OF THEIR COMPANIES.

IT WAS A COMMON FEATURE OF THE HONG KONG MARKET IN WHICH A LARGE PROPORTION OF THE SHARES OF MANY LISTED COMPANIES WERE HELD BY CONTROLLING SHAREHOLDERS, WHO WOULD FROM TIME TO TIME BE APPROACHED BY BROKERS FOR THE PURCHASE OR SALE OF LARGE LINES OF THE SHARES OF THEIR COMPANY.

SUCH ACTIVITIES OF THE CONTROLLING SHAREHOLDERS HAD PLAYED A VITAL ROLE IN MAINTAINING THE LIQUIDITY OF THE MARKET, HE ADDED.

MR CHEONG SAID THE ADMINISTRATION MAINTAINED, AFTER A SERIES OF DISCUSSIONS WITH THE AD HOC GROUP, THAT IT WOULD NOT BE POSSIBLE TO MAKE A BLANKET EXCEPTION OF SUCH ACTIVITIES OF CONTROLLING SHAREHOLDERS WHO, UNLIKE GENUINE "MARKET-MAKERS" IN OTHER MARKETS, HAD THE LIBERTY TO DECIDE WHETHER OR NOT TO RESPOND, LARGELY TO SUIT THEIR OWN CIRCUMSTANCES.

"HOWEVER, A WAY FORWARD WAS FOUND USING THE 'CAVEAT EMPTOR' PRINCIPLE BY PROVIDING AN EXCEPTION IN THE BILL ON THE BASIS THAT A DEALING SHOULD NOT BE PROHIBITED IF THE PARTY TO BE INVOLVED IN A TRANSACTION WITH A CONTROLLING SHAREHOLDER WAS AWARE THAT HE WAS DEALING WITH A PERSON WHO WAS A CONNECTED PERSON AND WHO MIGHT THEREFORE BE IN POSSESSION OF RELEVANT INFORMATION, I.E. THE PARTY ACCEPTING THE POSSIBILITY OF BEING DISADVANTAGED BY ENGAGING IN THE DEAL. A NEW CLAUSE 9(6) WILL BE MOVED BY MY COLLEAGUE THE HON PETER WONG.

"IN RESPONSE TO THE AD HOC GROUP'S QUERY ABOUT WHAT WOULD BE DONE SPECIFICALLY TO ADDRESS THE CONCERN ABOUT LIQUIDITY OF THE MARKET, THE ADMINISTRATION HAS SUGGESTED THAT LIQUIDITY WOULD BE ENHANCED BY THREE MEASURES WHICH WOULD BE PUT IN PLACE SOON.

"THE FIRST IS A PROPOSAL TO ALLOW THE BUYBACK OF SHARES BY LISTED COMPANIES, WHICH IS EXPECTED TO BE IN PLACE BY THE END OF 1990.

"THE SECOND ONE RELATES TO ATTEMPTS TO THE BRINGING INTO FORCE EXISTING LEGISLATION WHICH ALLOWS STOCK BORROWING OR LENDING FREE OF STAMP DUTY.

/"THE THIRD

"THE THIRD RELATES TO PERMITTING SHORT-SELLING.

"THE ADMINISTRATION HAS FURTHER AGREED TO DEFER THE COMMENCEMENT OF THE ORDINANCE UNTIL LEGISLATION RELATING TO BUYBACK AND STOCK BORROWING ARE INTRODUCED POSSIBLY BY THE END OF 1990.

"THE GROUP'S VIEW IS THAT THESE TWO MEASURES MAY BE MARGINALLY BUT NOT SIGNIFICANTLY EFFECTIVE IN ADDRESSING THE ISSUE OF LIQUIDITY.

"THE GROUP ACCEPTS THAT SHORT-SELLING WILL BE MORE OF AN EFFECTIVE TOOL. NEVERTHELESS, GIVEN THE COMPLEXITY OF DRAFTING THE NECESSARY LEGISLATION, THE GROUP ACCEPTS THAT THE INSIDER DEALING ORDINANCE SHOULD NOT BE HELD UP FOR A FURTHER YEAR.

"ACCORDINGLY, WE BELIEVE THAT THE INTRODUCTION OF THE CAVEAT EMPTOR PROVISION PLUS THE INTRODUCTION OF THE TWO MEASURES MENTIONED ABOVE SHOULD GO SOME WAY TO ADDRESS THE PROBLEMS OF MARKET LIQUIDITY AS UNIQUELY EXPERIENCED IN HONG KONG," MR CHEONG SAID.

ON THE ISSUE OF CRIMINALISING INSIDER DEALING, MR CHEONG SAID THE AD HOC GROUP FOUND THE ISSUE SHOULD NOT BE PURSUED AT THIS STAGE BECAUSE OF ITS SENSITIVITY BUT HAD ASKED THE ADMINISTRATION TO ADDRESS THE CONCERN ABOUT THE POSSIBLE EROSION OF CIVIL LIBERTY IN THE CONTEXT OF THE BILL OF RIGHTS.

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SFC SHOULD HAVE MEANS TO BRING INSIDER DEALERS TO BOOK
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THE SECURITIES AND FUTURES COMMISSION SHOULD BE GIVEN EFFECTIVE MEANS TO BRING INSIDER DEALERS TO BOOK, THE HON PETER WONG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

NEVERTHELESS, MR WONG HELD THAT THESE MEANS SHOULD BE BALANCED AGAINST THE POSSIBLE INTRUSIONS UPON THE RIGHTS OF THE INDIVIDUALS.

HE SAID THE SECURITIES (INSIDER DEALING) BILL 1989 ATTEMPTED TO BALANCE THESE POWERS AND INTRUSIONS.

SPEAKING IN THE RESUMED DEBATE ON THE BILL, MR WONG SAID HE SUPPORTED THE BILL AS A WHOLE BUT HAD STRONG RESERVATION ON THE DEFINITION OF "RELEVANT INFORMATION".

HE WAS DISAPPOINTED THAT THE ADMINISTRATION HAD GIVEN IN TO THE NEW DEFINITION OF "RELEVANT INFORMATION" WHICH WAS BASED UPON THE EXISTING UK DEFINITION OF "INSIDE INFORMATION".

MR WONG NOTED THAT THE UK DEFINITION WOULD SHORTLY BE REPLACED BY A NEW DEFINITION WHICH WAS CONTAINED IN THE EUROPEAN COMMUNITY DIRECTIVE.

/THIS MEANT

THIS MEANT HONG KONG WAS UNLIKELY TO GET MUCH HELP FROM THE DECISIONS OF THE EUROPEAN COURTS IN INTERPRETING THE FINER POINTS OF THE DEFINITION, HE SAID.

MR WONG SAID HE UNDERSTOOD THAT ONE OF THE REASONS FOR THE NEW WORDING WAS TO ASSIST FINANCIAL ANALYSTS WHO MIGHT BE PASSING ON THEIR RECOMMENDATIONS IN RELATION TO PARTICULAR SECURITIES TO A SELECTED NUMBER OF CLIENTS.

HE FELT THAT IT WAS DIFFICULT TO SEE HOW SUCH RECOMMENDATIONS COULD AMOUNT TO INSIDE INFORMATION IF THEY WERE BASED ON RESEARCH INTO PUBLICLY AVAILABLE INFORMATION.

"IF, ON THE OTHER HAND, THEY RESULT FROM TIPS FROM DIRECTORS IN POSSESSION OF INSIDE INFORMATION, THE ANALYST SHOULD NOT BE DEALING OR ENCOURAGING HIS CLIENTS TO DEAL ON THE BASIS OF SUCH TIPS," HE SAID.

HE SAID IT WOULD BE BETTER TO LEAVE THE TEXT AS IT WAS IN THE PREVIOUS DRAFT OF THE BILL AND WHICH WAS CURRENTLY IN THE EXISTING LEGISLATION, THAT IS, THE INSIDER MUST SHOW THE INFORMATION WAS "GENERALLY AVAILABLE".

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TWO AREAS OF CONCERN ADDRESSED
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THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, TODAY (WEDNESDAY) ADDRESSED TWO AREAS OF CONCERN IN THE COMPANIES (AMENDMENT) (NO. 4) BILL 1990 WHICH RELATED TO THE TIME LIMIT FOR AN APPLICATION FOR CONVERSION TO A VOLUNTARY WINDING-UP (SECTION 209A(1) AND THE VARIOUS MATTERS RELATING TO THE PUBLIC INTEREST TO WHICH THE COURT SHOULD HAVE REGARD (SECTION 209A(2)).

SPEAKING IN THE RESUMED DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL, MR NENDICK SAID SECTION 209A WAS A PROVISION WHICH STOOD VERY MUCH ON ITS OWN AND WHICH COULD THEREFORE BE AMENDED SEPARATELY, WITHOUT IMPINGING ON THE OTHER WINDING-UP PROVISIONS OF THE ORDINANCE.

HE SAID THAT THE FIRST AREA OF CONCERN RELATED TO THE TIME LIMIT FOR AN APPLICATION FOR CONVERSION TO A VOLUNTARY WINDING-UP AND THE POSSIBILITY OF THE OFFICIAL RECEIVER'S DIVISION FUNCTIONING ON A TIME-COST BASIS.

ON THE CONCERN THAT THE TIME LIMIT OF THREE MONTHS FROM THE FIRST MEETING OF THE CREDITORS AND CONTRIBUTORIES WAS TOO SHORT AND THAT IT WOULD BE UNNECESSARY TO IMPOSE A TIME LIMIT IF THE OFFICIAL RECEIVER COULD CHARGE FEES ON A TIME-COST BASIS, MR NENDICK SAID THE PROPOSED CHANGE TO A SYSTEM OF TIME-COSTING WOULD POSE SIGNIFICANT PRACTICAL PROBLEMS FOR THE OFFICIAL RECEIVER.

/"I SHOULD

"I SHOULD, HOWEVER, REITERATE THAT UNDER THE PRESENT SYSTEM, CREDITORS CAN SEEK CONVERSION AT ANY TIME DURING THE COURSE OF A COMPULSORY LIQUIDATION TO AVOID THE PAYMENT OF FEES TO THE OFFICIAL RECEIVER FOR HIS INVESTIGATORY WORK," HE SAID.

MR NENDICK NOTED THAT THE MAIN REASON WHICH HAD BEEN GIVEN IN MOST OF THE SUCCESSFUL CONVERSIONS TO DATE WAS THAT OF AVOIDING PAYMENT OF SUCH FEES.

"THIS IS AN UNSATISFACTORY SITUATION AND NEEDS TO BE RECTIFIED," HE SAID.

"OUR PROPOSAL TO REMEDY THIS WEAKNESS IS TO REQUIRE ANY APPLICATION FOR CONVERSION TO BE MADE WITHIN A PERIOD OF THREE MONTHS FROM THE STATUTORY FIRST MEETINGS.

"WE BELIEVE THAT THIS TIME PERIOD SHOULD IN NORMAL CIRCUMSTANCES BE SUFFICIENT FOR CREDITORS TO REACH A DECISION ON THE WAY FORWARD AND FOR THEM TO PREPARE THE NECESSARY DOCUMENTS."

MR NENDICK SAID, HOWEVER, THAT THERE MIGHT BE PARTICULAR CIRCUMSTANCES IN WHICH CREDITORS WOULD NEED MORE TIME TO CONSIDER THE QUESTION OF CONVERSION.

"ACCORDINGLY, THE BILL PROVIDES FOR AN ADJOURNMENT OF THE MEETING. CREDITORS CAN ALSO APPLY TO THE COURT FOR AN EXTENSION OF THE TIME LIMIT.

"THERE ARE THUS ADEQUATE SAFEGUARDS AVAILABLE TO THE CREDITORS AND CONTRIBUTORIES," HE SAID.

ON THE SECOND AREA OF CONCERN RELATED TO THE VARIOUS MATTERS RELATING TO THE PUBLIC INTEREST TO WHICH THE COURT SHOULD HAVE REGARD AND TO THE OFFICIAL RECEIVER'S RIGHT OF AUDIENCE BEFORE THE COURT ON THE HEARING OF AN APPLICATION FOR CONVERSION, THE ACTING FINANCIAL SECRETARY SAID THE PURPOSE OF THE SECTION 209A(2) WAS TO SPECIFY VARIOUS MATTERS OF PUBLIC INTEREST WHICH THE COURT SHALL CONSIDER BEFORE EXERCISING ITS DISCRETION UNDER THE NEW SUBSECTION (1).

"IF CERTAIN FACTORS CANNOT APPLY IN A PARTICULAR CASE, THEN CLEARLY THE COURT WOULD NOT NEED TO HAVE REGARD TO THEM," MR NENDICK SAID.

AS FOR THE VIEW THAT THE OFFICIAL RECEIVER SHOULD MAINTAIN A NEUTRAL STANCE AND THAT HIS RIGHT OF AUDIENCE UNDER THE NEW SUBSECTION 209A(7) SHOULD BE REMOVED, MR NENDICK SAID IT WAS IMPORTANT FOR THE OFFICIAL RECEIVER TO HAVE THE RIGHT TO BE HEARD ON ANY APPLICATION FOR CONVERSION AS THERE MIGHT BE GOOD REASONS IN THE PUBLIC INTEREST FOR HIM TO SUPPORT OR OPPOSE A PARTICULAR APPLICATION.

"I AM GLAD THAT THE AD HOC GROUP SHARES OUR VIEW THAT NO AMENDMENT TO SECTION 209A(7) IS REQUIRED," HE SAID.

AMENDMENTS TO THE BILL WERE INTRODUCED BY MR NENDICK DURING THE COMMITTEE STAGE.

"THE ADDITION TO SECTION 209A(1)(B) OF THE WORDS 'FROM THE DATE' IS TO MAKE THE TIME PERIOD IN THIS SUB-SECTION CONSISTENT WITH THAT IN SECTION 209A(1)(A).

"THE PROPOSAL TO AMEND SECTION 209A(3) IS TO MAKE IT CLEAR THAT THE COURT IS ONLY REQUIRED TO DIRECT SEPARATE MEETINGS OF CREDITORS AND CONTRIBUTORIES IN RESPECT OF SUMMARY PROCEDURE ORDERS UNDER SECTION 227F."

MR NENDICK SAID THAT IN ALL OTHER CASES, THE WISHES OF CREDITORS AND CONTRIBUTORIES AS TO WHETHER TO MAKE A SECTION 209A APPLICATION WOULD USUALLY BE ASCERTAINED AT THE FIRST STATUTORY MEETING (OR ANY ADJOURNED MEETING) HELD UNDER SECTION 194, AND IT WOULD NOT BE NECESSARY TO HOLD TWO SEPARATE MEETINGS TO CONSIDER THESE ISSUES.

"THE AMENDMENT TO SECTION 209C(2) IS NECESSARY TO CLARIFY THAT THE TRANSITIONAL PROVISIONS WILL ONLY APPLY TO A COMPANY WOUND UP BY THE COURT AFTER AUGUST 30, 1983 AND BEFORE THE COMMENCEMENT OF THE AMENDING ORDINANCE, AND CREDITORS OF SUCH COMPANIES ARE GIVEN A THREE-MONTH GRACE PERIOD TO APPLY FOR CONVERSION UNDER THE PROVISIONS OF THE FORMER LAW," HE ADDED.

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TIME-COSTING WILL POSE ADMINISTRATIVE PROBLEMS
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ONE OF THE MAJOR CONCERNS ON THE COMPANIES (AMENDMENT) (NO. 4) BILL 1990 WAS RELATED TO THE ISSUE OF TIME LIMIT FOR MAKING AN APPLICATION FOR CONVERSION OF A COMPULSORY WINDING-UP TO A CREDITORS' VOLUNTARY WINDING-UP, THE HON MARTIN BARROW SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE NOTED THAT SECTION 209A STIPULATED THAT AN APPLICATION FOR CONVERSION SHOULD BE MADE WITHIN THREE MONTHS OF THE DATE OF A RESOLUTION PASSED AT THE FIRST MEETING OF THE CREDITORS AND CONTRIBUTORIES OR ANY ADJOURNMENT OF THAT MEETING OR WITHIN SUCH FURTHER PERIOD AS THE COURT MIGHT PERMIT.

SPEAKING IN THE RESUMED DEBATE ON THE BILL, MR BARROW SAID DEPUTATIONS FROM CONCERNED GROUPS, INCLUDING THE HONG KONG SOCIETY OF ACCOUNTANTS, SUGGESTED THAT IF THE OFFICIAL RECEIVER'S OFFICE COULD FUNCTION ON A TIME-COSTING BASIS, FEES FOR THE WORK DONE BY THE OFFICIAL RECEIVER IN RESPECT OF A COMPULSORY WINDING-UP COULD BE RECOVERED, AND SUCH A TIME LIMIT WOULD THEN BE UNNECESSARY.

THE AD HOC GROUP WAS INFORMED THAT THE CHANGE TO A SYSTEM OF TIME-COSTING WOULD INVOLVE VERY SUBSTANTIAL ADMINISTRATIVE PROBLEMS FOR THE OFFICIAL RECEIVER, HE SAID.

/"HAVING CONSIDERED

"HAVING CONSIDERED THE VIEWS OF THE ADMINISTRATION, WE FEEL THAT THERE ARE REAL DIFFICULTIES FOR THE OFFICIAL RECEIVER'S OFFICE TO MAINTAIN A TIME-COSTING SYSTEM AND THAT REGARD MUST BE GIVEN TO THE ADMINISTRATION'S EXISTING POLICY ON THE FINANCING OF THE OFFICIAL RECEIVER'S OFFICE.

"WE ALSO CONSIDER IT UNFAIR TO THE OFFICIAL RECEIVER IF HE IS NOT PAID A FEE AFTER HE HAS CARRIED OUT MOST OF THE PRELIMINARY WORK IN A COMPULSORY LIQUIDATION SIMPLY BECAUSE OF THE CONVERSIONS TO A CREDITORS' VOLUNTARY WINDING UP.

"IT IS ALSO FELT THAT PEOPLE WHO USE THE SERVICE PROVIDED BY THE OFFICIAL RECEIVER'S OFFICE SHOULD PAY FOR IT: THERE IS NO JUSTIFICATION FOR ANY SUBSIDY FROM THE TAXPAYER'S MONEY.

"IN ESSENCE, WE AGREE THAT THE PROVISION SHOULD BE LEFT AS IT IS," HE SAID.

MR BARROW SAID THE SECOND MAIN CONCERN OF THE AD HOC GROUP WAS RELATED TO THE OFFICIAL RECEIVER'S RIGHT OF AUDIENCE BEFORE THE COURT ON THE HEARING OF AN APPLICATION FOR CONVERSION.

HE SAID THE AD HOC GROUP FOUND IT WAS APPROPRIATE FOR THE OFFICIAL RECEIVER TO BE GIVEN THE RIGHT TO BE HEARD ON ANY APPLICATION FOR CONVERSION SINCE THE EFFECT OF A CONVERSION TO CREDITORS' VOLUNTARY WINDING-UP WAS TO REMOVE A LIQUIDATION FROM THE COURT'S SUPERVISION AND THERE MIGHT BE GOOD REASONS IN THE PUBLIC INTEREST WHY AN APPLICATION SHOULD BE SUPPORTED OR OPPOSED.

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FEAR THAT PROVISION WILL CREATE MORE COST

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THE THREE-MONTH DEADLINE FOR CONVERSION OF A COMPULSORY WINDING-UP TO A CREDITORS' VOLUNTARY WINDING-UP UNDER THE COMPANIES (AMENDMENT) (NO. 4) BILL 1990 WOULD CREATE MORE RED-TAPE AND COST INSTEAD OF STREAMLINING THE OPERATION OF THE OFFICIAL RECEIVER, THE HON PETER WONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN THE RESUMED DEBATE ON THE BILL, MR WONG SAID THE HONG KONG SOCIETY OF ACCOUNTANTS WAS FEARFUL THAT THE DEADLINE WOULD MEAN THAT IN ALL BUT THE MOST SIMPLE CASES, LIQUIDATORS WOULD AUTOMATICALLY APPLY FOR AN EXTENSION OF TIME JUST TO PROTECT THEMSELVES AGAINST ANY UNFORESEEN CIRCUMSTANCES.

MR WONG, WHO ABSTAINED FROM VOTING ON THE BILL, SAID THE MAIN POINT OF CONTENTION OF ACCOUNTANTS WAS THE INEQUITABLE WAY THAT LIQUIDATIONS UNDERTAKEN BY THE OFFICIAL RECEIVER WERE CHARGED ON A FIXED PERCENTAGE BASIS ON BOTH ASSETS REALISED AND BANK DEPOSIT INCOME.

/"IT IS

"IT IS FOR THE PUBLIC GOOD THAT THE OR'S OFFICE IS ESTABLISHED TO WIND UP THE AFFAIRS OF THE BANKRUPTS AND INSOLVENT COMPANIES. BUT IS IT FAIR THAT THOSE WITH HIGH PROPORTION OF ASSETS SHOULD SUBSIDISE THOSE WITH LITTLE OR NO ASSETS?

"THE HONG KONG SOCIETY OF ACCOUNTANTS FEELS THAT THIS CENTRAL ISSUE SHOULD BE ADDRESSED WITH A FULL REVIEW OF INSOLVENCY LEGISLATION RATHER THAN PASSING A PIECE-MEAL LEGISLATION THAT THIS NO. 4 AMENDMENT BILL PRESENTS.

"I BELIEVE THAT TIME COSTING RECORDS SHOULD BE KEPT BY ALL PROFESSIONAL STAFF OF THE OR OFFICE SO THAT CHARGES CAN BE BASED ON WORK DONE AND NOT ON PERCENTAGES.

"THIS CONVENIENT, TRADITIONAL PERCENTAGE WAY ENSURES THAT INEFFICIENCIES ARE BURIED AND INDIVIDUAL OFFICERS ARE NOT ACCOUNTABLE FOR THEIR PERFORMANCE.

"TIME RECORDS ARE A USEFUL MANAGEMENT TOOL FOR ALL PROFESSIONALS WHO HAVE TO ORGANISE THEIR TIME WISELY.

"I UNDERSTAND THAT THE OR OFFICE IS INTRODUCING TIME SHEETS THIS AUTUMN, BUT WOULD STRONGLY URGE THAT THE OR ADOPTS COMMERCIAL DISCIPLINE AND ALSO USES TIME SPENT AS AN ALTERNATIVE AND FAIRER WAY OF CHARGING HIS FEES," HE SAID.

MR WONG, WHO REPRESENTS THE ACCOUNTING PROFESSION IN THE LEGISLATIVE COUNCIL, SUGGESTED THAT IT WOULD BE FOR THE PUBLIC GOOD THAT THE OFFICIAL RECEIVER CHARGED HIS WORK ON AN INDIVIDUAL CASE BY CASE BASIS AT TIME COST OR ACTUAL ASSETS AVAILABLE WHICHEVER WAS THE LOWER.

"SHORTFALL ON COMPANY INSOLVENCIES SHOULD BE PAID FOR BY A STANDARD OR SCALED LEVY ON BUSINESSES REGISTERED. INDIVIDUAL BANKRUPTCIES SHOULD BE A CHARGE AGAINST GENERAL REVENUES," HE SAID.

IN CONCLUSION, MR WONG SAID HE FOUND IT DIFFICULT TO SUPPORT THE BILL BECAUSE OF THE FUNDAMENTAL FLAW IN THE MANNER IN WHICH THE EXERCISE WAS TO BE PAID FOR.

"ALTHOUGH THE AMENDED BILL ACHIEVES THE OBJECTIVES SET OUT, THE EXERCISE WILL NOT REALLY HELP IN STREAMLINING INSOLVENCY WORK.

"I WOULD HAVE VOTED AGAINST THE PASSAGE OF THE BILL BUT FOR MY POSSIBLE INTEREST, AND WOULD THEREFORE ABSTAIN," HE SAID.

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ADEQUATE FACILITIES FOR COMPANY NAME SEARCHES
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ADEQUATE FACILITIES FOR NAME SEARCHES WILL BE MADE AVAILABLE TO ENSURE THAT THE PUBLIC HAS AMPLE ACCESS TO THE RECORD OF COMPANY NAMES, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN THE RESUMED DEBATE ON THE COMPANIES (AMENDMENT) (NO. 5) BILL 1990, MR NENDICK SAID THIS ENSURED THAT ADEQUATE SAFEGUARDS WERE AVAILABLE FOR EXISTING COMPANIES.

IT WOULD ALSO MINIMISE THE POSSIBLE HARDSHIP TO A NEW COMPANY WHICH MIGHT BE DIRECTED BY THE REGISTRAR OF COMPANIES TO CHANGE ITS NAME WITHIN 12 MONTHS OF ITS INCORPORATION, HE SAID.

MR NENDICK POINTED OUT THAT UNDER THE PROPOSED SYSTEM, WHERE A COMPANY NAME WAS REGISTERED WHICH, IN THE OPINION OF THE REGISTRAR, WAS TOO SIMILAR TO A NAME ALREADY ENTERED IN THE INDEX OF COMPANIES, THE REGISTRAR MIGHT, WITHIN 12 MONTHS OF REGISTRATION, DIRECTED THE COMPANY TO CHANGE ITS NAME.

BOTH THE ADMINISTRATION AND THE AD HOC GROUP CONSIDERED THAT THE RESPONSIBILITY FOR CHECKING THE INDEX OF COMPANIES TO GUARD AGAINST "TOO LIKE" NAMES SHOULD REST WITH THE PRIVATE SECTOR, HE SAID.

"IT IS FOR THE PROMOTERS OF ANY NEW COMPANY TO ENSURE THAT A THOROUGH SEARCH IS CONDUCTED BEFORE APPLYING FOR INCORPORATION.

"AS I HAVE ALREADY SAID, WE SHALL BE ENSURING THAT ADEQUATE FACILITIES ARE MADE AVAILABLE FOR SUCH SEARCHES," HE ADDED.

HE THANKED THE HON MARTIN BARROW AND MEMBERS OF THE AD HOC GROUP FOR THEIR CAREFUL CONSIDERATION OF AND SUPPORT FOR THE BILL.

ON THE AD HOC GROUP'S CONCERN ABOUT THE POSSIBILITY OF ABUSE OF THE NEW SYSTEM BY UNSCRUPULOUS PROMOTERS, MR NENDICK SAID THE GOVERNMENT AGREED A FIRM AND HARD LINE HAD TO BE TAKEN.

IN MOVING COMMITTEE STAGE AMENDMENTS TO INCREASE THE PENALTIES IN RESPECT OF A COMPANY'S FAILURE TO COMPLY WITH THE REGISTRAR'S DIRECTION TO CHANGE ITS NAME, MR NENDICK SAID THERE COULD WELL BE CIRCUMSTANCES WHERE A COMPANY MIGHT REFUSE TO COMPLY WITH THE REGISTRAR'S DIRECTION, REGARDING THE PENALTIES AS BUSINESS EXPENSES.

EVEN A SUBSTANTIAL INCREASE IN THE PENALTIES IN MONEY TERMS MIGHT NOT BE ADEQUATE IN SUCH A CASE, HE ADDED.

"WE CONSIDER THAT ONLY THE POSSIBILITY OF IMPRISONMENT WOULD ENSURE COMPLIANCE WITH THE REGISTRAR'S DIRECTION.

/"TO THIS

"TO THIS END, WE PROPOSE THAT THE PENALTIES UNDER CLAUSE 10 BE INCREASED TO A ONE-TIME FINE OF \$50,000, A DAILY DEFAULT FINE OF \$500 AND A MAXIMUM TERM OF IMPRISONMENT OF SIX MONTHS," HE SAID.

THIS PROPOSAL WAS IN LINE WITH OTHER PENALTIES PRESCRIBED UNDER THE COMPANIES ORDINANCE, HE NOTED.

AMENDMENTS WERE ALSO MADE TO ENSURE THAT LOCALLY INCORPORATED COMPANIES AND OVERSEAS INCORPORATED COMPANIES WOULD BE SUBJECT TO THE SAME PENALTIES.

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POLLUTION CONTROL BILL WILL SAVE ENVIRONMENT
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THE WATER POLLUTION CONTROL (AMENDMENT) BILL 1990 WILL SAVE OUR ENVIRONMENT FROM FURTHER DETERIORATION, THE CONVENER OF THE LEGCO AD HOC GROUP THAT STUDIED THE BILL, THE HON EDWARD HO, SAID TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL DURING THE RESUMED DEBATE ON IT IN THE LEGISLATIVE COUNCIL, MR HO SAID THE PROTECTION OF OUR ENVIRONMENT REQUIRED THE CONCERTED EFFORTS OF ALL, AND HE WAS ENCOURAGED BY THE INDUSTRIALISTS' WILLINGNESS TO CONTRIBUTE TO POLLUTION CONTROL.

OUTLINING THE IMPORTANT CHANGES TO EXISTING PROVISIONS ON EXEMPTIONS WHICH THE BILL SOUGHT TO INTRODUCE, HE SAID, FIRSTLY, THE RIGHT OF EXEMPTION FROM LICENSING WAS DELETED ENTIRELY FOR DISCHARGES IN FUTURE WATER CONTROL ZONES.

SECONDLY, IN EXISTING WATER CONTROL ZONES, THE RIGHT OF EXEMPTION FROM LICENSING WAS DELETED ENTIRELY AFTER TWO YEARS AND REPLACED BY A RIGHT TO A LICENCE UNDER SPECIFIED CONDITIONS.

THIRDLY, WHEN SETTING LICENSING CONDITIONS, THE DIRECTOR OF ENVIRONMENTAL PROTECTION WAS TO BE GUIDED BY EFFLUENT STANDARDS WHICH WERE TO BE LAID DOWN IN A TECHNICAL MEMORANDUM ISSUED BY THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS.

MR HO SAID IT WAS ASSESSED THAT NINE TRADES GENERATED SIGNIFICANT VOLUME OF EFFLUENTS AND THAT 11,500 ESTABLISHMENTS IN THESE TRADES WOULD INCUR ADDITIONAL COSTS TO MEET THE REQUIREMENTS OF THE BILL.

HE NOTED THAT REPRESENTATIONS RECEIVED BY HIS GROUP WERE GENERALLY IN SUPPORT OF THE GOVERNMENT'S INTENTION TO CONTROL WATER POLLUTION. HOWEVER, VIEWS WERE CONFLICTING ON THE TIMING OF THE BILL.

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AFTER HEARING THE VIEWS OF DIFFERENT PARTIES, THE AD HOC GROUP FELT THAT THE CONTROVERSY WAS ON THE STANDARDS IN THE TECHNICAL MEMORANDUM, MR HO SAID.

HE SAID THE GROUP AGREED WITH THE ADMINISTRATION THAT A TECHNICAL STANDARDS COMMITTEE SHOULD BE FORMED, COMPRISING MEMBERS OF THE CONCERNED INDUSTRIAL ASSOCIATIONS, THE ADMINISTRATION AND INTERESTED INSTITUTIONS TO CONSIDER THE STANDARDS STIPULATED IN THE TECHNICAL MEMORANDUM.

THE GROUP FURTHER SUGGESTED THAT TO ENSURE CONTINUITY OF WORK, THE COMMITTEE SHOULD BE MADE A STANDING ONE AND SHULD PREFERABLY INCLUDE LEGISLATIVE COUNCIL MEMBERS.

MR HO ANTICIPATED THAT THE ORDINANCE WOULD TAKE EFFECT NOT LATER THAN DECEMBER 1, 1990.

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ACT NOW TO ENSURE WATER QUALITY

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IT WAS VITAL THAT THE WATER POLLUTION CONTROL (AMENDMENT) BILL 1990 BE PASSED AND THE ANNOUNCED PROGRAMME BE IMPLEMENTED WITHOUT ANY UNNECESSARY SLIPPAGE, THE HON PETER WONG SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

HE STRESSED THAT THE TIMING WAS CRITICAL AS ANY FURTHER DELAY COULD RESULT IN THE LONG TERM DESTRUCTION OF THE HABITAT.

SPEAKING IN THE RESUMED DEBATE ON THE BILL, MR WONG SAID HE TRUSTED INDUSTRIALISTS WERE GENUINELY SUPPORTIVE OF THE AIMS OF THE LEGISLATION AND WOULD NOT USE THE SHORT DELAY IN AGREEMENT OVER THE TECHNICAL MEMORANDUM TO INDEFINITELY STALL THE OPERATION OF THE MEASURES.

HE ALSO URGED THE ADMINISTRATION TO IMPROVE COMMUNICATION WITH INDUSTRIALISTS AND TECHNICAL CONSULTANTS.

"WE SIMPLY CANNOT PROTECT THE ENVIRONMENT JUST BY ISSUING EDICTS AND RELY ON EVERYONE TO UNDERSTAND AND APPLY THE LAW.

"IT IS A MATTER OF CO-OPERATION WITH AND EDUCATION OF THE POLLUTERS WHO ARE OFTEN NOT IN A GOOD POSITION TO HELP THEMSELVES, ESPECIALLY FACTORY OWNERS OPERATING IN SMALL PREMISES.

"THE ADMINISTRATION MUST SPARE NO EFFORTS TO WORK WITH AND NOT AGAINST THE POLLUTERS. CAJOLING IS FAR MORE EFFECTIVE THAN THREATS, SPECIALLY IF YOU CAN ALSO DEMONSTRATE THE BENEFITS YOU ARE BRINGING.

/"MUCH MORE

"MUCH MORE CAN BE DONE BY THE ADMINISTRATION TO FUND INSTITUTES LIKE THE CENTRE OF ENVIRONMENT TECHNOLOGY FOR INDUSTRY AND ALSO TO ENSURE THAT THERE ARE SUFFICIENT CONSULTANTS TO ASSIST INDUSTRIES AT A FAIR PRICE TO MEET THE REQUIREMENTS.

"THE ENVIRONMENTAL PROTECTION DEPARTMENT SHOULD ALSO GIVE CONVINCING PROOFS THAT IT IS INDEED PRACTICAL FOR THE BULK OF INDUSTRY TO MEET THE STANDARDS IN GOOD TIME. GENUINE CASES OF DIFFICULTY MUST BE HANDLED SYMPATHETICALLY," HE SAID.

MR WONG SAID INDUSTRIAL LOBBY WOULD BE FIGHTING FOR THEIR RIGHTS TO MINIMISE THE DOWNSIDE OF THE TECHNICAL MEMORANDUM; BUT THE ENVIRONMENTAL PROTECTION DEPARTMENT, ASSISTED BY ENVIRONMENTALISTS, HAD TO FIGHT EQUALLY HARD AND FAIR TO PROTECT THE ENVIRONMENT.

ON THE PENALTY SIDE, MR WONG SAID DOUBTS HAD BEEN EXPRESSED THAT EVEN THE RAISED LEVEL OF FINES WERE NOT A SUFFICIENT DETERRENT FOR THE DIE HARD POLLUTERS WHO SAW THEM AS A MERE COST OF DOING BUSINESS.

"I HAVE ACCEPTED MY COLLEAGUES' ASSURANCES THAT WE WILL RE-EXAMINE FINES AS WELL AS POSSIBLE CUSTODIAL SENTENCES IF PERSISTENT POLLUTERS ARE NOT DETERRED BY THE PROPOSED FINES," HE SAID.

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INDUSTRY WILL CO-OPERATE TO CREATE A CLEANER HK
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THERE IS NO DOUBT THAT INDUSTRY AT LARGE WILL ACCEPT RESPONSIBILITY TO TRY THEIR BEST TO CONTRIBUTE TOWARDS A CLEANER HONG KONG, THE HON STEPHEN CHEONG SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL.

BUT THE COMMUNITY SHOULD ALSO BE AWARE OF THE KNOCK ON EFFECTS ON THE GENERAL ECONOMY IF SOME INDUSTRIES HAD TO CLOSE DOWN DUE TO INCREASED COSTS IN COMBATTING POLLUTION, HE ADDED.

SPEAKING IN THE RESUMED DEBATE ON THE WATER POLLUTION CONTROL (AMENDMENT) BILL 1990, MR CHEONG SAID THE DEATH OF ONE INDUSTRY MIGHT NOT IN ITSELF SEEM SIGNIFICANT.

"HOWEVER, IF WE DELIBERATE WITHOUT CLEAR UNDERSTANDING OF ALL THE KNOCK ON ADVERSE IMPACTS, THEN WE RUN THE RISK OF MAKING DECISIONS THE CONSEQUENCE OF WHICH MAY CREATE OTHER SERIOUS PROBLEMS TO THE COMMUNITY LATER," HE SAID.

MR CHEONG POINTED OUT THAT THE DYEING AND FINISHING INDUSTRY AS WELL AS THE ELECTROPLATING INDUSTRY WERE VERY CRUCIAL SUPPORT INDUSTRIES TO OTHER MANUFACTURERS IN HONG KONG.

THE DEATH OF THE DYEING AND FINISHING INDUSTRY WOULD BRING IMMEDIATE ADVERSE IMPACT ONTO THE COMPETITIVENESS OF OUR APPAREL INDUSTRY WHICH STILL ACCOUNTED FOR AROUND 38 PER CENT OF TOTAL DOMESTIC EXPORTS, HE SAID.

THE DEATH OF THE ELECTROPLATING INDUSTRY WOULD IMMEDIATELY HAMPER DOMESTIC EXPORT OR EVEN RE-EXPORT OF TOYS, METAL PRODUCTS, WATCHES, JEWELLERY, HOUSE WARE AND GIFT WARE INDUSTRIES, HE ADDED.

MR CHEONG SAID ANOTHER PRACTICAL CONCERN FOR INDUSTRIALISTS WAS THAT THE MAJORITY OF INDUSTRIAL ENTERPRISES WERE HOUSED IN MULTI-STOREY FLATTED INDUSTRIAL BUILDINGS.

THE INSTALLATION OF EQUIPMENT TO COPE WITH THE TEMPERATURE AND PROBLEMS OF THE EFFLUENTS MIGHT PHYSICALLY REQUIRE MUCH MORE SPACE THAN WAS CURRENTLY AVAILABLE IN INDIVIDUAL ENTERPRISE, HE SAID.

HE WELCOMED THE SETTING UP OF THE TECHNICAL STANDARDS COMMITTEE WHICH BROUGHT THE ADMINISTRATION AND INDUSTRY TOGETHER IN ADDRESSING THE PRACTICAL ISSUES INVOLVED.

"BOTH THE HON JAMES TIEN AND MYSELF HAVE MADE GREAT EFFORTS TO IMPRESS UPON OUR COLLEAGUES IN INDUSTRY THAT DISCUSSIONS WITHIN THE COMMITTEE SHOULD BE CONDUCTED IN A NON-CONFRONTATIONAL AND PRAGMATIC MANNER," HE SAID.

MR CHEONG NOTED THAT GIVEN MOST OF THE INDUSTRIAL ENTERPRISES WERE SMALL AND MEDIUM IN SIZE, IT HAD TO BE PREPARED TO ACCEPT THAT SOME OF THEM MIGHT HAVE TO CLOSE DOWN BECAUSE OF INCREASED COST.

"WE CAN ONLY HOPE THAT SUCH UNFORTUNATE INCIDENT WILL NOT LEAD TO TOO DEVASTATING AN EFFECT.

"IT IS THEREFORE IMPERATIVE THAT IMPLEMENTATION OF WHATEVER REGULATIONS BE APPROACHED FAIRLY, PRAGMATICALLY AND, WHERE POSSIBLE, WITH A DEGREE OF UNDERSTANDING," HE SAID.

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HIGH CONTROL STANDARDS NEEDED TO IMPROVE WATER QUALITY

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THE WATER POLLUTION CONTROL (AMENDMENT) BILL 1990 COULD PROVE TO BE EFFECTIVE IN IMPROVING THE WATER QUALITY OF HONG KONG IF THE LEGISLATIVE COUNCIL WOULD APPROVE REASONABLE POLLUTION CONTROL STANDARDS, THE HON MARTIN LEE SAID TODAY (WEDNESDAY).

SPEAKING IN THE RESUMED DEBATE ON THE BILL IN THE COUNCIL, MR LEE SAID IF OVERLY LOOSE RESTRICTIONS WERE ADOPTED, THE WHOLE PURPOSE OF THE BILL WOULD HAVE BEEN THWARTED AND THE BID TO HALT THE TIDE OF POLLUTION WOULD HAVE FAILED.

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"IT IS MY HOPE THAT THE TECHNICAL STANDARDS COMMITTEE CAN ESTABLISH LEVELS THAT WILL PROTECT OUR WATERS AND BE ACCEPTABLE TO BOTH THE ADMINISTRATION AND THE AD HOC GROUP," HE SAID.

MR LEE POINTED OUT THAT THE STANDARDS TO BE SET OUT IN THE TECHNICAL MEMORANDUM WERE CRITICAL IN DETERMINING WHETHER THE SCHEME CONTAINED IN THE BILL WOULD BE EFFECTIVE IN COMBATING WATER POLLUTION.

AT THE ACTUAL EFFECT ON INDUSTRIES WAS ALMOST ENTIRELY DEPENDENT ON THE STANDARDS PRESCRIBED IN THE TECHNICAL MEMORANDUM, HE ADDED.

MR LEE SAID THE BILL WOULD PROVIDE A BASELINE OF ENVIRONMENTAL PROTECTION AS WELL AS A MORE STRAIGHTFORWARD SYSTEM OF WATER POLLUTION CONTROL.

"THE NEW SYSTEM WILL BE EASIER FOR THE GOVERNMENT AUTHORITY TO IMPLEMENT, FOR IT WILL SET OUT STANDARDS IN A STATUTORY DOCUMENT (THE TECHNICAL MEMORANDUM).

"THE SETTING OF CLEAR STANDARDS WILL ALSO ENABLE FACTORIES TO PLAN RATIONALLY THE DEVELOPMENT OF THEIR INDUSTRIAL PROJECTS," HE SAID.

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CALL FOR SUPPORT PROGRAMME FOR POLLUTION CONTROL BILL
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THE GOVERNMENT MUST INTRODUCE A COMPREHENSIVE SUPPORT PROGRAMME TO ENABLE INDUSTRY TO COMPLY WITH THE TECHNICAL MEMORANDUM (TM) THAT WILL FOLLOW THE WATER POLLUTION CONTROL (AMENDMENT) BILL 1990, THE HON JAMES TIEN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SUPPORTING THE BILL, MR TIEN SAID THE TM WAS NECESSARY BECAUSE IT SET OUT CLEARLY THE DISCHARGE REQUIREMENTS FOR COMPLIANCE.

HE POINTED OUT, HOWEVER, THAT HIS MAIN CONCERN WAS THAT HONG KONG FACTORIES LACKED THE KNOWLEDGE OF METHODS BY WHICH WATER POLLUTION COULD BE MINIMISED.

FURTHERMORE, THERE WAS A SERIOUS SHORTAGE OF TECHNICALLY QUALIFIED PERSONS IN POLLUTION CONTROL; AND FACTORIES WERE COMPELLED TO DISCHARGE EFFLUENTS INTO STORM SEWERS BECAUSE THERE WERE NOT ENOUGH FOUL SEWERS AVAILABLE.

MR TIEN STRESSED THAT THE DISCHARGE REQUIREMENTS IN THE TM MUST BE CONSISTENT WITH TREATMENT TECHNOLOGIES CURRENTLY AVAILABLE TO INDUSTRY.

/NOTING THAT

NOTING THAT THE DISCHARGE REQUIREMENTS AS CURRENTLY LAID DOWN IN THE TM BECAME MORE STRINGENT AS THE DISCHARGE VOLUME INCREASED, MR TIEN URGED THE GOVERNMENT TO REVISE THE REQUIREMENTS TO ENCOURAGE THE ESTABLISHMENT OF COMMUNAL TREATMENT FACILITIES.

HE ALSO SUGGESTED THAT THE GOVERNMENT SHOULD URGE TERTIARY ACADEMIC INSTITUTIONS TO GROOM PEOPLE BOTH AT GRADUATE LEVEL TO TAKE ON THE DESIGN WORK OF TREATMENT SYSTEMS, AND AT DIPLOMA LEVEL TO OPERATE AND MAINTAIN TREATMENT FACILITIES.

OBSERVING THAT MANY FACTORIES WERE LOCATED IN AREAS THAT DID NOT HAVE ADEQUATE FOUL SEWERAGE SYSTEM YET, HE CALLED ON THE GOVERNMENT TO ALLOW THOSE FACTORIES TO DISCHARGE INTO DESIGNATED STORM SEWERS AS AN INTERIM MEASURE UNTIL PERMANENT FACILITIES WERE BUILT BY GOVERNMENT AS A MATTER OF URGENCY.

FINALLY, MR TIEN WELCOMED THE SETTING UP OF THE TECHNICAL STANDARD COMMITTEE TO REVIEW DISCHARGE REQUIREMENTS AS SET OUT IN THE TM.

HE GAVE ASSURANCE THAT THE HONG KONG PRODUCTIVITY COUNCIL, WHICH WOULD BE REPRESENTED ON THE COMMITTEE AND WHICH HAD OVER TWO DECADES OF CLOSE COLLABORATION AND TRUST IN INDUSTRY, WOULD PLAY ITS FULL ROLE TO ACHIEVE THE HIGHEST POSSIBLE STANDARD THAT INDUSTRY COULD CURRENTLY SUPPORT, BOTH FINANCIALLY AND TECHNICALLY.

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PRESENCE OF COUNCILLOR ENSURES REGARD FOR POLICIES

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THE PRESENCE OF ONE MUNICIPAL COUNCILLOR ON A MUNICIPAL SERVICES APPEALS BOARD WILL BE SUFFICIENT TO ENSURE THAT DUE REGARD IS GIVEN TO COUNCIL POLICIES IN DECIDING APPEALS.

THE COMPOSITION CAN ALSO GIVE THE PUBLIC GREATER CONFIDENCE IN THE INDEPENDENCE OF THE APPEALS BOARDS BECAUSE NON-COUNCIL MEMBERS WILL BE IN A SIGNIFICANT MAJORITY.

THE CONVENER OF THE LEGCO AD HOC GROUP THAT STUDIED THE MUNICIPAL SERVICES APPEALS BOARDS BILL 1990, THE HON RITA FAN, SAID THIS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) WHEN SPEAKING ON THE RESUMED DEBATE ON THE BILL.

SHE EXPLAINED THAT UNDER THE BILL, APPEALS AGAINST THE DECISIONS OF THE URBAN COUNCIL AND REGIONAL COUNCIL, AND CERTAIN OFFICERS, UNDER SPECIFIED LEGISLATION, SHOULD BE MADE TO AN URBAN SERVICES APPEALS BOARD OR REGIONAL SERVICES APPEALS BOARD, AS THE CASE MIGHT BE, AND NOT TO THE GOVERNOR IN COUNCIL.

MRS FAN SAID THAT THE ORIGINAL BILL PROVIDED THAT EACH OF THE APPEALS BOARDS WOULD HAVE A CHAIRMAN OR A VICE-CHAIRMAN WHO SHALL PRESIDE, TWO OR MORE MEMBERS OF THE RELEVANT COUNCIL, AND AN EQUAL NUMBER OF PERSONS FROM A PANEL APPOINTED BY THE GOVERNOR AND NOMINATED BY THE SECRETARY OF THE BOARD.

/SHE SAID

SHE SAID THAT IN STUDYING THE BILL, THE GROUP WAS CONCERNED WHETHER NATURAL JUSTICE WOULD BE SEEN TO BE ACHIEVED FROM THE APPELLANT'S POINT OF VIEW, GIVEN THE PRESENCE OF TWO MEMBERS FROM THE RELEVANT MUNICIPAL COUNCILS OUT OF A TOTAL NUMBER OF FIVE MEMBERS ON THE APPEALS BOARDS.

MRS FAN SAID THE GROUP HAD CONSIDERED A PROPOSAL OF EXCLUDING MUNICIPAL COUNCILLORS FROM THE BOARDS.

"THIS HOWEVER IS NOT ACCEPTABLE TO THE MUNICIPAL COUNCILS WHO FEEL STRONGLY THAT THERE SHOULD BE A MEMBER OF THE RELEVANT COUNCIL ON THE BOARD WHO CAN INFORM THE NON-COUNCIL MEMBERS ... OF THE CONSIDERATIONS WHICH INFLUENCED THE COUNCIL WHEN FORMULATING THE POLICY AND HOW POLICIES ACTUALLY WORK," SHE SAID.

SHE SAID THAT AFTER GIVING DUE WEIGHT TO THE SENTIMENT OF THE MUNICIPAL COUNCILS AND THE CONFIDENCE OF THE APPELLANTS, THE MAJORITY OF MEMBERS OF THE GROUP FAVOURED THE OPTION TO HAVE ONLY ONE MUNICIPAL COUNCILLOR AND TWO NON-COUNCIL MEMBERS ON THE BOARD.

THE GROUP HAD ALSO EXAMINED THE COMPOSITION OF OTHER APPEALS BOARDS AND TRIBUNALS AND FOUND THIS WAS IN LINE WITH THE COMPOSITION OF MOST OF THEM.

MOREOVER, TO ENSURE THAT A DECISION COULD BE MADE IF A BOARD WAS EVENLY DIVIDED OVER AN APPEAL, THE GROUP AGREED THAT THE CHAIRMAN WOULD BE GIVEN AN ORIGINAL AS WELL AS A CASTING VOTE, MRS FAN SAID.

NOTING THAT THERE APPEARED TO BE NO STANDARD PRACTICE IN REGARD TO THE CONSTITUTIONS OF THE VARIOUS STATUTORY APPEALS BODIES IN HONG KONG, MRS FAN SAID THE GROUP FELT THAT THE GOVERNMENT SHOULD BE ASKED TO CONSIDER ADJUSTING THE MEMBERSHIPS OF EXISTING STATUTORY APPEALS BODIES SO THAT THE NUMBER OF PERSONS WHO MIGHT HAVE BEEN DIRECTLY OR INDIRECTLY INVOLVED IN MAKING A DECISION WHICH WAS SUBJECT TO APPEAL SHOULD BE REDUCED TO THE ABSOLUTE MINIMUM.

THE PRINCIPLE SHOULD ALSO APPLY IN ANY FUTURE APPEALS BODIES TO BE SET UP, SHE ADDED.

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MUNICIPAL SERVICES APPEALS BOARDS BILL SUPPORTED

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THE MUNICIPAL SERVICES APPEALS BOARDS BILL 1990 IS SUPPORTED BY THE URBAN COUNCIL, WITH ARRANGEMENTS HAVING NOW BEEN MADE FOR HOLDING SEPARATE HEARINGS FOR APPEALS CONCERNING LICENSED PREMISES AND ON MARKET AND STREET TRADERS POLICIES.

THE REPRESENTATIVE OF THE URBAN COUNCIL CONSTITUENCY IN THE LEGISLATIVE COUNCIL, THE HON ELSIE TU, SAID THIS IN THE COUNCIL TODAY (WEDNESDAY) DURING THE RESUMED SECOND READING DEBATE ON THE BILL.

UNDER THE NEW ARRANGEMENTS, MRS TU SAID, AN URBAN COUNCILLOR WITH THE RELEVANT EXPERTISE MIGHT BE PRESENT AT EACH TYPE OF HEARING.

SHE RECALLED THAT WHEN THE BILL WAS FIRST TABLED, THE GOVERNMENT AND THE URBAN COUNCIL HAD ALREADY REACHED AGREEMENT ON ITS ORIGINAL TERMS, THAT TWO URBAN COUNCILLORS SHOULD BE APPOINTED TO THE APPEALS BOARD.

THE PURPOSE WAS TO ENSURE THAT EXPERTISE WAS AVAILABLE ON BOTH LICENSED PREMISES AND ON MARKET AND STREET TRADERS POLICIES.

WHEN THE AD HOC GROUP AND THE IN-HOUSE MEETING OF THE LEGISLATIVE COUNCIL DECIDED TO REDUCE REPRESENTATION ON THE APPEALS BOARDS TO ONE MUNICIPAL COUNCIL MEMBER, THE URBAN COUNCIL REQUESTED THAT ARRANGEMENTS BE MADE TO HOLD SEPARATE HEARINGS FOR THE TWO TYPES OF APPEAL, SO THAT AN URBAN COUNCILLOR WITH THE RELEVANT EXPERTISE MIGHT BE PRESENT AT EACH TYPE OF HEARING, SHE SAID.

THE URBAN COUNCIL'S REQUEST WAS GRANTED, AND THOSE ARRANGEMENTS HAD NOW BEEN MADE WITHIN THE ADMINISTRATIVE PROCEDURES OF THE MUNICIPAL SERVICES APPEALS BOARDS, SUBJECT TO FORMAL APPROVAL BY THE BOARD CHAIRMAN.

UNDER THESE ARRANGEMENTS, THE MUNICIPAL COUNCILS WOULD BE REQUIRED ANUALLY TO SUBMIT TWO SEPARATE LISTS OF COUNCILLORS, ONE WITH KNOWLEDGE OF LICENSED PREMISES AND THE OTHER OF MARKETS AND STREET TRADERS POLICIES.

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CS PAYS TRIBUTE FOR WORK ON BILL

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THE CHIEF SECRETARY, THE HON SIR DAVID FORD, TODAY (WEDNESDAY) THANKED THE LEGCO AD HOC GROUP THAT STUDIED THE MEASURE AND THE TWO MUNICIPAL COUNCILS FOR COMING TOGETHER AND FINDING A GOOD COMPROMISE WAY OF PROCEEDING WITH THE MUNICIPAL SERVICES APPEALS BOARDS BILL 1990.

WINDING UP THE SECOND READING DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL, SIR DAVID NOTED THAT THE AD HOC GROUP'S CONVENER, THE HON RITA FAN, HAD OUTLINED THE PROPOSALS WHICH SHE WAS PUTTING ON MEMBERSHIP OF THE BOARDS WHICH HAD THE SUPPORT OF THE TWO COUNCILS AND WERE SUPPORTED BY THE ADMINISTRATION.

HE SAID THE HON ELSIE TU HAD MADE THE THE POINT ABOUT THE EXPERIENCE OF MEMBERS STANDING ON RELEVANT SELECT COMMITTEES AND THE ADMINISTRATION HAD ALSO ACCEPTED THE PROCEDURE WHICH MRS TU HAD OUTLINED.

"THE PROBLEM DOESN'T ARISE, I SHOULD SAY, IN TERMS OF THE REGIONAL SERVICES APPEALS BOARD BECAUSE THE REGIONAL COUNCIL HAS A DIFFERENT COMMITTEE STRUCTURE FROM THE URBAN COUNCIL," HE SAID.

SIR DAVID ALSO REFERRED TO MRS FAN'S POINT THAT THERE APPEARED TO BE NO STANDARD PRACTICE IN REGARD TO THE CONSTITUTIONS OF VARIOUS STATUTORY APPEALS BODIES IN HONG KONG.

"WE FIND IT IS DIFFICULT TO ADOPT A STANDARD PRACTICE BECAUSE OF THE VARIED NATURE OF THE BOARDS.

"SOME OF THEM ARE CONCERNED WITH JUDICIAL APPEALS AND OTHERS WITH ADMINISTRATIVE APPEALS AND EACH HAS TO BE LOOKED AT IN THE LIGHT OF THE CIRCUMSTANCES SURROUNDING THE APPEALS BOARDS.

"BUT WE WILL CERTAINLY BEAR IN MIND THE AD HOC GROUP'S VIEWS WHEN CONSIDERING THE ESTABLISHMENT OF ANY FUTURE APPEAL BODIES," HE SAID.

SIR DAVID ADDED THAT AT THE COMMITTEE STAGE HE WOULD ALSO MOVE ONE AMENDMENT TO REMOVE A LOOPHOLE WHICH HAD BEEN DETECTED IN CLAUSE 5 AND HE SHOULD ALSO BE MAKING SOME AMENDMENTS TO IMPROVE THE PRACTICAL WORKING OF THE APPEALS BOARDS.

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PROVISIONS FOR BRITISH CITIZENSHIP SCHEME INTRODUCED

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THE BRITISH NATIONALITY (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL 1990 WILL INTRODUCE TWO NEW PROVISIONS WHICH ARE NEEDED FOR THE IMPLEMENTATION OF THE BRITISH CITIZENSHIP SCHEME, THE SECRETARY FOR SECURITY, THE HON ALISTAIR ASPREY, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, MR ASPREY SAID THE GOVERNMENT NEEDED TO HAVE THE LEGISLATION IN PLACE BEFORE INVITING APPLICATIONS UNDER THE BRITISH CITIZENSHIP SCHEME.

"FIRST, CLAUSE 4 WILL MAKE IT AN OFFENCE FOR A PERSON TO MAKE A FALSE STATEMENT WHEN APPLYING FOR BRITISH CITIZENSHIP UNDER THE SCHEME.

"THE OFFENCE WILL CARRY A MAXIMUM PENALTY OF A FINE OF \$15,000 AND IMPRISONMENT FOR THREE MONTHS," HE SAID.

"THIS IS IN LINE WITH OUR EXISTING LAW WHEREBY IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN ANY APPLICATION UNDER THE BRITISH NATIONALITY ACT 1981," MR ASPREY ADDED.

/"SECONDLY, CLAUSE

"SECONDLY, CLAUSE 5 WILL MAKE IT AN OFFENCE FOR ANYONE INVOLVED IN THE PROCESSING OF APPLICATIONS UNDER THE SCHEME TO DISCLOSE THE IDENTITY OF, OR ANY INFORMATION RELATING TO, PERSONS WHO HAVE APPLIED FOR BRITISH CITIZENSHIP EXCEPT IN THE PERFORMANCE OF DUTY.

"THE OFFENCE WILL CARRY A MAXIMUM PENALTY OF A FINE OF \$50,000 AND IMPRISONMENT FOR SIX MONTHS," HE SAID.

MR ASPREY POINTED OUT THAT THIS PROVISION WAS NECESSARY BECAUSE A LARGE AMOUNT OF DETAILED PERSONAL INFORMATION WOULD HAVE TO BE PROVIDED TO THE GOVERNMENT IN SUPPORT OF APPLICATIONS UNDER THE SCHEME.

SIMILAR PROVISIONS ALREADY EXISTED TO PROTECT THE PRIVACY OF INFORMATION GIVEN TO THE GOVERNMENT UNDER THE CENSUS AND STATISTICS ORDINANCE AND THE INLAND REVENUE ORDINANCE, HE SAID.

"THE BRITISH NATIONALITY (HONG KONG) ACT 1990 HAS NOW COMPLETED ITS PASSAGE THROUGH PARLIAMENT, AND IS, I UNDERSTAND, LIKELY TO RECEIVE THE ROYAL ASSENT AT THE END OF THIS MONTH.

"OUR PRESENT PLAN IS TO START RECEIVING APPLICATIONS ON DECEMBER 1, 1990," MR ASPREY SAID.

DEBATE ON THE BILL WAS ADJOURNED.

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BILL DEALS WITH PROSTITUTION-RELATED NUISANCES

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THE MAIN OBJECTIVE OF THE CRIMES (AMENDMENT) BILL 1989 IS TO CREATE CRIMINAL SANCTIONS TO DEAL WITH NUISANCES ASSOCIATED WITH PROSTITUTION, THE CONVENER OF THE LEGCO AD HOC GROUP THAT STUDIED THE BILL, THE HON CHUNG PUI-LAM, SAID TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL IN THE LEGISLATIVE COUNCIL, MR CHUNG POINTED OUT THAT ONE OF THE MAIN CONCERNS OF HIS GROUP WAS WHETHER FORFEITURE OF VESSELS WAS IN LINE WITH THE GRAVITY OF THE OFFENCE.

HE SAID THAT AFTER DISCUSSION WITH THE ADMINISTRATION, THE GROUP WAS SATISFIED THAT IT WAS IMPOSSIBLE TO PHYSICALLY CLOSE A VESSEL, AND TEMPORARY IMPOUNDING WOULD CREATE SERIOUS PROBLEMS IN FINDING MOORINGS AND IN MAINTAINING THE VESSELS.

ANOTHER AREA OF CONCERN WAS THE GRACE PERIOD OF FOUR MONTHS FOR THE LANDLORD TO EVICT THE CONVICTED TENANT FOLLOWING A FIRST VICE-RELATED CONVICTION.

/MR CHUNG

MR CHUNG SAID THE GROUP WAS CONCERNED THAT THE FOUR-MONTH PERIOD MIGHT NOT BE ADEQUATE BUT IN ORDER NOT TO UNDERMINE THE EFFECTIVENESS OF THE SCHEME, IT WAS AGREED THAT THE GRACE PERIOD SHOULD BE REVIEWED AFTER A TRIAL PERIOD.

ON SERVING WRITTEN NOTICE OF FIRST CONVICTION TO THE REGISTERED OWNER, MR CHUNG SAID THAT THE ARRANGEMENT WOULD BE THAT, APART FROM AFFIXING A NOTICE TO THE PREMISES CONCERNED AND PUBLISHING IT IN NEWSPAPERS, THE REGISTERED OWNER WOULD BE SENT A COPY OF THE REGISTERED NOTIFICATION AT THE LAST KNOWN ADDRESS ACCORDING TO THE RECORDS OF THE LANDS OFFICE.

ON REGISTRATION OF CHARGES AND CONVICTIONS, MR CHUNG SAID THAT TO PROTECT THE INTERESTS OF PROSPECTIVE PURCHASERS AND MORTGAGEE BANKS, PROVISION HAD BEEN INCLUDED IN THE BILL FOR THE REGISTRATION OF ALL CHARGES AND CONVICTIONS. THE SAME PROCEDURES WOULD APPLY IN RELATION TO VESSELS.

ALSO, PROVISION HAD BEEN MADE FOR MORTGAGEES AND CHARGEES TO MAKE A CLAIM IN THE EVENT THEIR PREMISES WERE CLOSED, MR CHUNG ADDED.

TO AVOID POSSIBLE PROCEDURAL PROBLEMS IF A VESSEL OWNER COULD NOT BE LOCATED FOR THE COURT HEARING, MR CHUNG SAID THAT AGREEMENT HAD BEEN REACHED WITH THE ADMINISTRATION THAT AUTOMATIC FORFEITURE SHOULD APPLY IN CASES WHERE NO CLAIMS CAME FORWARD WITHIN A SPECIFIED PERIOD.

FINALLY, CONSIDERING THAT CLOSURE OF PREMISES MIGHT BE TOO SEVERE FOR OPERATORS OF UNLICENSED MASSAGE ESTABLISHMENTS, IT HAD BEEN AGREED THAT THERE WAS NO NEED TO EXTEND THE SCHEME TO UNLICENSED MASSAGE ESTABLISHMENTS, MR CHUNG SAID.

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ADEQUATE LEVEL OF MEDICAL SERVICES ON LANTAU MAINTAINED

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ARRANGEMENTS ARE IN HAND TO ENSURE AN ADEQUATE LEVEL OF MEDICAL AND HEALTH SERVICES ON LANTAU ISLAND UPON THE IMPENDING CLOSURE OF THE SOUTH LANTAU HOSPITAL, THE SECRETARY FOR HEALTH AND WELFARE, THE HON ELIZABETH WONG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION FROM THE HON LAM WAI-KEUNG, MRS WONG SAID "SERVICES IN MUI WO WILL BE ENHANCED TO INCLUDE ACCIDENT AND EMERGENCY (A&E) AND GENERAL OUT-PATIENT (GOP) SERVICES AT THE REPROVISIONED MUI WO DISPENSARY DUE FOR COMPLETION BY THE END OF THIS YEAR.

"IN-PATIENT MATERNITY CASES WILL BE CATERED FOR AT TAI O JOCKEY CLUB CLINIC," SHE SAID.

/THE CLINIC

THE CLINIC ALSO PROVIDED AN A&E AS WELL AS A GOP SERVICE, MRS WONG NOTED.

"THE TWO CLINICS AT TAI O AND MUI WO WILL BE ABLE TO ABSORB THE A&E AND GOP WORKLOAD PREVIOUSLY UNDERTAKEN BY THE SOUTH LANTAO HOSPITAL.

"FURTHERMORE, A VISITING CLINIC PROVIDING GOP SERVICE THREE DAYS A WEEK IS OPERATED AT TUNG CHUNG CLINIC," MRS WONG SAID.

FOR COMPLICATED CASES WHICH REQUIRED MORE SPECIALISED TREATMENT AND POSSIBLE HOSPITAL ADMISSION, THE PATIENTS WOULD BE TRANSPORTED FOR FURTHER MANAGEMENT VIA LAUNCHES OR HELICOPTERS AS APPROPRIATE TO QUEEN MARY HOSPITAL, TUEN MUN HOSPITAL OR PRINCESS MARGARET HOSPITAL.

"THE DENTAL SERVICE AT SOUTH LANTAO HOSPITAL CURRENTLY PROVIDES TREATMENT TO CIVIL SERVANTS AND THEIR DEPENDANTS, AND EMERGENCY DENTAL TREATMENT FOR THE GENERAL PUBLIC.

"THIS CAN BE ABSORBED BY THE DENTAL SERVICE AT TAI O CLINIC AND ST JOHN HOSPITAL ON CHEUNG CHAU," SHE ADDED.

MRS WONG SAID THE TRAVELLING DISPENSARY WOULD BE RETAINED TO PROVIDE SERVICE TO THE MORE REMOTE PARTS OF THE ISLAND.

"THE SERVICES DESCRIBED ABOVE SHOULD BE ADEQUATE TO CATER FOR THE NEEDS OF LANTAU RESIDENTS AND HOLIDAY MAKERS, AND WORKERS WHO SUSTAIN INJURIES DURING THE CONSTRUCTION OF THE FUTURE CHEK LAP KOK AIRPORT," SHE SAID.

SOUTH LANTAO HOSPITAL IN CHEUNG SHA AT PRESENT HAD 15 IN-PATIENT BEDS AND PROVIDED AN A&E, A GOP, DENTAL, AND A TRAVELLING DISPENSARY SERVICE, MRS WONG NOTED.

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DISTINCTION BETWEEN URBAN AND NT TAXIS TO BE MAINTAINED

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THE GOVERNMENT HAS NO INTENTION TO REMOVE THE DISTINCTION BETWEEN URBAN AND NEW TERRITORIES TAXIS IN THE FORESEEABLE FUTURE, BUT THEIR OPERATING BOUNDARIES WILL BE KEPT UNDER REVIEW, THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN REPLY TO A QUESTION FROM THE HON DAVID CHEUNG, MR LEUNG SAID NEW TERRITORIES TAXIS WERE FIRST INTRODUCED IN 1976 TO SERVE RESIDENTS LIVING IN REMOTE OR RURAL AREAS OF THE NEW TERRITORIES NOT ADEQUATELY SERVED BY OTHER FORMS OF PUBLIC TRANSPORT, AS WELL AS TO COMBAT ILLEGAL "PAK PAI" OR HIRE CAR ACTIVITIES WHICH WERE PREVALENT AT THAT TIME.

NT TAXI OPERATING BOUNDARIES WERE SPECIFICALLY DRAWN UP TO PREVENT THEIR PENETRATION INTO THE URBAN AREAS, HE SAID.

MR LEUNG SAID TO REMOVE THE DISTINCTION BETWEEN URBAN AND NT TAXIS WOULD ENCOURAGE THE LATTER TO OPERATE IN THE MORE LUCRATIVE URBAN AREAS AND POPULATION CENTRES, THEREBY DEPRIVING NT RESIDENTS IN THE REMOTE OR RURAL AREAS OF A MUCH NEEDED SERVICE, THUS DEFEATING THE VERY OBJECTIVE OF NT TAXIS.

"IT WOULD ALSO AGGRAVATE THE TRAFFIC CONGESTION PROBLEM IN THE NEW TOWN CENTRES AND URBAN AREAS, AND COULD ALSO RESULT IN THE REVIVAL OF ILLEGAL 'PAK PAI' ACTIVITIES," HE SAID.

A RECENT SURVEY CONDUCTED BY THE TRANSPORT DEPARTMENT INDICATED A STRONG DEMAND FOR NT TAXI SERVICES IN THE RURAL AREAS WHERE PUBLIC TRANSPORT SERVICES WERE LESS ADEQUATE.

THERE WAS A CONTINUING NEED TO MAINTAIN AN ACCEPTABLE LEVEL OF NT TAXI SERVICES, THEREFORE AND IT WAS THE GOVERNMENT'S POLICY TO MAINTAIN THE TWO CATEGORIES OF TAXIS AND KEEP THEM SEPARATE WITHIN WELL-DEFINED GEOGRAPHICAL BOUNDARIES, MR LEUNG SAID.

HE ADDED THAT THE GOVERNMENT WAS RESPONSIVE TO CHANGING NEEDS.

"IN RECENT YEARS, THE OPERATING BOUNDARIES OF NT TAXIS HAVE BEEN REVIEWED AND, WHERE APPROPRIATE AND JUSTIFIED, ADJUSTED TO TAKE INTO ACCOUNT CHANGING CIRCUMSTANCES SUCH AS THE OPENING OF NEW ROADS, MAJOR CHANGES IN LAND USE, THE ADEQUACY OF PUBLIC TRANSPORT SERVICES AND OTHER FACTORS AFFECTING TRAVEL DEMAND.

"THIS PRACTICE WILL CONTINUE," HE SAID.

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NO STATUTORY CONTROL ON PAYMENT OF DIRECTORS' FEES
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THERE IS NO STATUTORY CONTROL OVER THE PAYMENT OF DIRECTORS' FEES FOR EITHER LISTED OR UNLISTED COMPANIES, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION FROM THE HON CHUNG PUI-LAM, MR NENDICK EXPLAINED THAT THE PAYMENT OF DIRECTORS' FEES WAS REGULATED BY A COMPANY'S MEMORANDUM AND ARTICLES OF ASSOCIATION.

THE ARTICLES USUALLY PROVIDED FOR THE COMPANY TO DETERMINE THE REMUNERATION OF DIRECTORS IN A GENERAL MEETING, HE ADDED.

"MEMBERS OF A COMPANY ARE CONSIDERED IN THE BEST POSITION TO DETERMINE AND APPROVE THE QUANTUM OF DIRECTORS' FEES AS THEIR INTERESTS ARE DIRECTLY INVOLVED," MR NENDICK SAID.

HE NOTED THAT ANY REMUNERATION PAYABLE TO THE DIRECTORS MUST BE MADE PUBLIC BY DISCLOSURE IN THE COMPANY'S ANNUAL ACCOUNTS UNDER SECTION 161 OF THE COMPANIES ORDINANCE.

"FAILURE TO TAKE REASONABLE STEPS TO COMPLY CARRIES CRIMINAL PENALTIES INCLUDING A FINE OF \$10,000 AND SIX MONTHS IMPRISONMENT.

"THERE WOULD BE SIGNIFICANT PRACTICAL DIFFICULTIES WERE ONE TO SEEK TO LAY DOWN SPECIFIC CRITERIA FOR THE PAYMENT OF SUCH FEES AS MANY OF THE FACTORS WHICH SHOULD BE TAKEN INTO ACCOUNT IN DETERMINING WHAT IS REASONABLE REMUNERATION ARE HIGHLY SUBJECTIVE AND DIFFICULT TO MEASURE, FOR INSTANCE, THE CALIBRE AND PERFORMANCE OF PARTICULAR DIRECTORS," MR NENDICK SAID.

HE POINTED OUT THAT EVEN THE PERFORMANCE OF THE COMPANY ITSELF, WHICH WAS ANOTHER IMPORTANT FACTOR, HAD TO BE JUDGED WITHIN THE ECONOMIC ENVIRONMENT FACED BY THE COMPANY.

"IT IS, HOWEVER, OPEN TO ANY MEMBER OF A COMPANY WHO CONSIDERS THAT THE AFFAIRS OF A COMPANY ARE BEING CONDUCTED IN A MANNER UNFAIRLY PREJUDICIAL TO THE INTERESTS OF SOME PART OF THE MEMBERS (INCLUDING HIMSELF) TO PETITION TO THE COURT FOR AN ORDER UNDER SECTION 168A OF THE COMPANIES ORDINANCE.

"THE COURT MAY MAKE AN ORDER RESTRAINING THE PAYMENT OR SUCH OTHER ORDER AS IT THINKS FIT," HE SAID.

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\$634 MILLION SO FAR IN AIRPORT PROJECT CONSULTANCIES
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SINCE THE DECISION WAS TAKEN IN OCTOBER 1989 TO PROCEED WITH THE PROJECT, THE TOTAL AMOUNT INCURRED IN RESPECT OF CONSULTANCIES FOR THE NEW AIRPORT AND ITS APPROACH ROAD AND RAIL SYSTEM IS \$634 MILLION, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"OF THIS \$70 MILLION HAS SO FAR BEEN DISBURSED," HE ADDED IN REPLY TO A QUESTION FROM THE HON SELINA CHOW.

MR NENDICK NOTED THAT THE CONSULTANCIES COMMISSIONED SO FAR FOCUSED MAINLY ON PLANNING AND FEASIBILITY ASPECTS OF THE VARIOUS COMPONENT PROJECTS UNDER THE AIRPORT DEVELOPMENT STRATEGY.

"A MAJOR CONSULTANCY FOR THE PREPARATION OF THE DETAILED MASTER PLAN, THE CIVIL ENGINEERING DESIGN AND THE ENVIRONMENTAL IMPACT ASSESSMENT OF THE NEW AIRPORT WAS COMMISSIONED IN JULY," HE SAID.

/OTHER STUDIES

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OTHER STUDIES WERE IN PROGRESS ON THE LANTAU FIXED CROSSING, THE WESTERN HARBOUR CROSSING, THE AIRPORT RAILWAY AND A PART OF ROUTE THREE.

MR NENDICK SAID TWO FURTHER CONSULTANCIES HAD RECENTLY BEEN AWARDED FOR THE DETAILED DESIGN AND CONSTRUCTION OF THE WEST KOWLOON EXPRESSWAY AND THE RELATED WEST KOWLOON RECLAMATION.

HE ALSO SAID THE FIRST PHASE OF AN OVERALL PROJECT MANAGEMENT CONSULTANCY TO DEAL PRIMARILY WITH THE PROGRAMMING AND PROJECT CONTROL ASPECTS FOR THIS COMPLEX PROJECT HAD GOT UNDERWAY IN MAY THIS YEAR.

"AS THE PROJECT ADVANCES, IT WILL BE NECESSARY TO COMMISSION FURTHER CONSULTANCIES."

THESE CONSULTANCIES WOULD INCLUDE THE APPOINTMENT OF AN OVERALL FINANCIAL ADVISER, A STUDY OF THE COMMERCIAL ENTERPRISES THAT WERE TO BE RELOCATED WITH THE NEW AIRPORT, DETAILED DESIGN FOR THE LANTAU FIXED CROSSING AND DETAILED DESIGN AND CONSTRUCTION FOR THE NEW AIRPORT, THE NORTH LANTAU EXPRESSWAY AND A PART OF ROUTE THREE TO CONNECT WITH THE WEST KOWLOON EXPRESSWAY, MR NENDICK SAID.

"IT IS ALSO ENVISAGED THAT THE OVERALL PROJECT MANAGEMENT CONSULTANCY, COMMISSIONED IN MAY THIS YEAR, COULD BE EXTENDED IN THE LIGHT OF REQUIREMENTS WHEN ITS TERM EXPIRES IN DECEMBER 1991."

HE ADDED THAT A VERY ROUGH ORDER OF COST FOR THESE FURTHER CONSULTANCIES IS \$1,400 MILLION.

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OBJECTIVES OF FINANCIAL ASSISTANCE IN ELECTIONS OUTLINED

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THE GOVERNMENT HAS CONSIDERED CAREFULLY THE QUESTION OF GRANTING FINANCIAL AND OTHER FORMS OF ASSISTANCE TO CANDIDATES IN ELECTIONS TO THE LEGISLATIVE COUNCIL, THE CHIEF SECRETARY, THE HON SIR DAVID FORD, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"WE HAVE CONCLUDED THAT SUCH ASSISTANCE SHOULD BE GIVEN BOTH TO ENCOURAGE PARTICIPATION AND TO HELP VOTERS IN MAKING THEIR CHOICES," SIR DAVID SAID IN REPLY TO A QUESTION FROM THE HON RONALD CHOW.

HE SAID THAT IN THE 1991 DIRECT ELECTIONS TO THE LEGISLATIVE COUNCIL, THE GOVERNMENT WOULD PROVIDE TWO ROUNDS OF FREE MAILING FOR EACH CANDIDATE.

THE COST OF THIS WORKED OUT TO BE ABOUT \$240,000 FOR A CANDIDATE IN AN AVERAGE CONSTITUENCY WITH 200,000 REGISTERED ELECTORS, HE ADDED.

/HE SAID

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HE SAID THE GOVERNMENT ALSO DISTRIBUTED INFORMATION LEAFLETS TO REGISTERED ELECTORS ON ALL CANDIDATES IN THEIR CONSTITUENCY AND PROVIDED GENERAL PUBLICITY ON ELECTIONS TO ENCOURAGE PUBLIC PARTICIPATION.

"HOWEVER, WE CONSIDER THAT IF A CANDIDATE WISHES TO SPEND MORE ON A CAMPAIGN BY WAY OF ADDITIONAL STAFF OR PRINTING OF PUBLICITY MATERIAL, THESE COSTS SHOULD BE MET BY THE CANDIDATES THEMSELVES AND THOSE SUPPORTING THEM RATHER THAN FROM PUBLIC FUNDS," SIR DAVID SAID.

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EXHAUST EMISSIONS FROM RESTAURANTS NOT SERIOUS

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A TOTAL OF 33 CASES OF COMPLAINTS ABOUT SMOKE EMISSIONS FROM RESTAURANTS AND FOOD PREMISES IN YAU TSIM DISTRICT WERE RECEIVED DURING THE LAST 12 MONTHS AND NEARLY ALL OF THEM HAVE BEEN SETTLED BY ADVICE, INCLUDING ADVICE TO IMPROVE THE RESTAURANTS' EXHAUST SCRUBBING SYSTEM, OR TO REDIRECT THE EMISSION OUTLET TO ANOTHER LOCATION.

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON GRAHAM BARNES, SAID THIS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) IN REPLY TO A QUESTION FROM THE HON LEUNG WAI-TUNG.

MR BARNES SAID IF OFFICIAL ADVICE WAS NOT FOLLOWED AND THE NUISANCE PERSISTED, ACTION MIGHT BE TAKEN BY WAY OF A NUISANCE ABATEMENT NOTICE UNDER THE PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE OR THE AIR POLLUTION CONTROL ORDINANCE.

"DURING THE LAST 12 MONTHS ONLY TWO SUCH NOTICES HAVE BEEN ISSUED, ONE EACH FOR A RESTAURANT AND FOOD PREMISE," HE SAID.

MR BARNES SAID THAT OF THE 33 COMPLAINTS, THREE WERE RECEIVED BY THE DISTRICT OFFICE, SEVEN BY THE ENVIRONMENTAL PROTECTION DEPARTMENT, AND 23 BY THE URBAN SERVICES DEPARTMENT AND URBAN COUNCILLORS.

ACCORDING TO THE ENVIRONMENTAL PROTECTION DEPARTMENT AND THE URBAN SERVICES DEPARTMENT, NONE OF THE COMPLAINTS AGAINST RESTAURANTS HAD BEEN SERIOUS, MR BARNES SAID.

HE SAID THERE WERE 859 LICENSED RESTAURANTS, AND 312 OTHER LICENSED FOOD PREMISES WITHIN THE DISTRICT.

THE YAU TSIM DISTRICT WAS PROBABLY THE MOST IMPORTANT TOURIST AREA IN HONG KONG AND CLEARLY ITS RESTAURANTS WERE A CENTRAL FEATURE OF ITS ATTRACTIVENESS TO TOURISTS AND ALSO OF THE PROSPERITY OF THE DISTRICT AS A WHOLE, HE ADDED.

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FULL COST RECOVERY FOR TREATMENT CENTRE AIMED AT

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THE GOVERNMENT IS COMMITTED TO COST RECOVERY AND IS PRESENTLY EXPLORING THE FEASIBILITY OF INDIRECT CHARGING SCHEMES AIMED AT FULL RECOVERY OF THE COST OF CONSTRUCTION AND OPERATION OF THE CHEMICAL WASTE TREATMENT CENTRE ON TSING YI ISLAND.

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON GRAHAM BARNES, SAID THIS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) IN REPLY TO A QUESTION FROM THE HON PETER WONG.

"TO THIS END, A CONSULTANTS' STUDY WAS COMMISSIONED IN NOVEMBER 1989 TO LOOK AT POSSIBLE CHARGING SCHEMES," MR BARNES SAID.

"THE STUDY HAS JUST BEEN COMPLETED AND THE ADMINISTRATION IS CONSIDERING THE RECOMMENDATIONS.

"FURTHER DISCUSSION ON THE ISSUE WILL BE NECESSARY BOTH WITHIN THE ADMINISTRATION AND THEN WITH INDUSTRY, BEFORE WE CAN COME TO A FIRM VIEW AND MAKE A RECOMMENDATION TO THE GOVERNOR IN COUNCIL," HE ADDED.

THE CENTRE WAS FIRST TENDERED IN FEBRUARY LAST YEAR, BUT HAD HAD TO BE RE-TENDERED IN JUNE THIS YEAR BECAUSE NONE OF THE FIRST TENDER SUBMISSIONS WAS COMPLETELY ACCEPTABLE.

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MEASURES TO COMBAT ILLEGAL IMPORTATION OF FIREARMS

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THE SECRETARY FOR SECURITY, THE HON ALISTAIR ASPREY, TODAY (WEDNESDAY) OUTLINED MEASURES TAKEN TO COMBAT THE ILLEGAL IMPORTATION OF GENUINE FIREARMS INTO HONG KONG.

IN REPLY TO A QUESTION FROM THE HON RITA FAN IN THE LEGISLATIVE COUNCIL, MR ASPREY SAID THE MEASURES WERE:

- * POLICE CRIMINAL INTELLIGENCE UNITS SOUGHT TO IDENTIFY THE SUPPLIERS OF ILLEGAL FIREARMS, AND THEIR DISTRIBUTION NETWORKS;
- * POLICE AND CUSTOMS AND EXCISE STAFF AT BORDER CONTROL POINTS GAVE THE HIGHEST PRIORITY TO UNCOVERING THE ILLEGAL IMPORT OF FIREARMS;
- * INDIVIDUALS AND SYNDICATES KNOWN TO BE INVOLVED IN THE ILLEGAL IMPORTATION AND USE OF FIREARMS WERE SPECIFICALLY TARGETTED BY POLICE AND THE CUSTOMS AND EXCISE SERVICE;

- * IN-DEPTH INVESTIGATIONS WERE CONDUCTED BY THE POLICE IN EACH AND EVERY CASE WHERE FIREARMS WERE USED ILLEGALLY; AND
- * CLOSE LIAISON WAS MAINTAINED AND INTELLIGENCE EXCHANGED VIA BORDER LIAISON AND INTERPOL CHANNELS WITH THE CHINESE AUTHORITIES. HIGH LEVEL MEETINGS BETWEEN THE HONG KONG AND CHINESE POLICE WERE HELD ON A REGULAR BASIS TO MONITOR THE PROBLEM OF ILLEGAL FIREARMS.

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MEASURES TO PREVENT NOISE POLLUTION FROM INSHORE OPERATIONS

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THE GOVERNMENT HAS TAKEN SEVERAL MORE IMMEDIATE MEASURES TO MITIGATE FOR NEARBY RESIDENTS THE NOISE POLLUTION CAUSED BY THE OPERATION OF SHIPYARDS, WATERFRONT CARGO HANDLING AREAS AND LIGHTERS, PARTICULARLY AT NIGHT.

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON GRAHAM BARNES, SAID THIS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION FROM THE HON LEUNG WAI-TUNG.

MR BARNES SAID THAT BECAUSE OF THE COMPLAINTS ABOUT NOISE FROM THE SHAM SHUI PO PUBLIC CARGO WORKING AREA (PCWA), THE DIRECTOR OF MARINE HAD RESTRICTED ITS WORKING HOURS FROM 8 AM TO 7 PM, COMPARED WITH THE NORMAL WORKING HOURS OF PCWA'S OF 7 AM TO 9 PM.

"SPECIAL PERMITS FOR WORKING AT NIGHT, WHICH ARE OCCASIONALLY ISSUED FOR PCWA'S, WILL NOT BE ISSUED FOR SHAM SHUI PO PCWA," HE SAID.

"THE DIRECTOR OF MARINE HAS ALSO ADVISED THE OPERATORS OF PRIVATE SHIPYARDS IN THE VICINITY OF RESIDENTIAL BUILDINGS TO CURTAIL NOISE BY STAGGERING THE EARLY MORNING 'START-UP TIMES' OF HEAVY MACHINERY AND BY REDUCING THE 'WARM-UP' PERIOD FOR THEIR ENGINES," HE ADDED.

MR BARNES ALSO POINTED OUT THAT THE NOISE FROM THESE FACILITIES WAS ALSO CONTROLLED UNDER PROVISIONS IN THE NOISE CONTROL ORDINANCE.

NOISE FROM SHIPYARDS AND DESIGNATED PRIVATE CARGO HANDLING AREAS WAS SUBJECT TO NOISE ABATEMENT NOTICES ISSUED UNDER SECTION 13 OF THE ORDINANCE, WHILE NOISE FROM PUBLIC CARGO HANDLING AREAS WAS CONTROLLED UNDER SECTIONS 4 AND 5 AND WAS ENFORCED BY THE POLICE.

HE NOTED THAT SINCE JANUARY, THE ENVIRONMENTAL PROTECTION DEPARTMENT HAD RECEIVED SEVEN COMPLAINTS OF NOISE EMANATING FROM SHIPYARDS AND 16 COMPLAINTS OF NOISE EMANATING FROM WATERFRONT CARGO HANDLING AREAS.

ON THE LONG-TERM MEASURES TO PREVENT NOISE POLLUTION FROM THE OPERATION OF SHIPYARDS, CARGO HANDLING AREAS AND LIGHTERS, MR BARNES SAID THE ONLY WAY WAS TO MOVE THEM AWAY FROM THE IMMEDIATE VICINITY OF RESIDENTIAL AREAS.

"OUR AIM MUST BE TO ENSURE THAT AS FAR AS POSSIBLE THESE FACILITIES ARE RELOCATED TO AREAS WHICH ARE SUFFICIENTLY SEPARATED FROM RESIDENTIAL AREAS.

"THIS IS BY NO MEANS EASY, AS AREAS WHICH ARE PHYSICALLY AND COMMERCIALY SUITABLE TO SHIPYARDS ARE FEW. NEVERTHELESS A NUMBER OF PROPOSALS TO REMOVE SHIPYARDS ARE IN TRAIN," HE SAID.

MR BARNES SAID THE GOVERNMENT WAS WELL AWARE OF THE NOISE POLLUTION PROBLEMS CAUSED BY THESE FACILITIES, BUT WAS HOPEFUL THAT THE MEASURES OUTLINED ABOVE WOULD REDUCE THIS NUISANCE SUBSTANTIALLY AND THEREBY HELP IMPROVE THE ENVIRONMENT OF NEARBY RESIDENTIAL BUILDINGS.

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CANDIDATES CONSIDERED ON EQUAL TERMS

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THE CIVIL SERVICE RECRUITMENT POLICY PROVIDES FOR ALL CANDIDATES WHO MEET THE PRESCRIBED ENTRY REQUIREMENTS TO BE CONSIDERED FOR APPOINTMENT ON EQUAL TERMS, THE CHIEF SECRETARY, THE HON SIR DAVID FORD, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON DAVID CHEUNG ON THE RATIO OF CHINESE SECONDARY SCHOOL GRADUATES TO ANGLO-CHINESE SECONDARY SCHOOL GRADUATES WHO WERE APPOINTED TO THE CIVIL SERVICE IN THE PAST FIVE YEARS, SIR DAVID SAID APPOINTMENTS TO SCHOOL CERTIFICATE GRADES IN THE CIVIL SERVICE WERE MADE BY INDIVIDUAL HEADS OF DEPARTMENT OR GRADE.

THE INFORMATION WHICH HAD BEEN REQUESTED BY MR CHEUNG WAS NOT KEPT BY DEPARTMENTS, AS IT WAS NOT A FACTOR IN RECRUITMENT, HE SAID.

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TUNNEL FIGURES SHOW IMPROVED TRAFFIC FLOW IN SHA TIN
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THE INTRODUCTION OF DIFFERENTIAL TOLLS AT LION ROCK TUNNEL AND SHING MUN TUNNELS, COUPLED WITH A WIDENED TAI PO ROAD, HAD IMPROVED TRAFFIC FLOW AT BOTH THE TUNNELS AND ALONG TAI PO ROAD, THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON ANDREW WONG, MR LEUNG SAID EVEN MORE IMPROVEMENTS COULD BE EXPECTED WHEN TATE'S CAIRN TUNNEL OPENED NEXT SUMMER.

MR LEUNG SAID BEFORE THE OPENING OF THE SHING MUN TUNNELS AND THE INTRODUCTION OF DIFFERENTIAL TOLLS, THERE WERE ON AVERAGE 104,000 VEHICLES USING THE LION ROCK TUNNEL AND 47,000 VEHICLES USING TAI PO ROAD EVERY DAY.

SINCE THE OPENING OF THE SHING MUN TUNNELS AND THE INTRODUCTION OF DIFFERENTIAL TOLLS ON APRIL 20 THIS YEAR, THE CORRESPONDING FIGURES WERE CURRENTLY 92,000 AND 41,000. AN AVERAGE OF 29,000 VEHICLES USED THE SHING MUN TUNNELS DAILY.

HE SAID THESE FIGURES INDICATED THAT THERE HAD BEEN A DECREASE OF 12,000 VEHICLES, OR 12 PER CENT, USING LION ROCK TUNNEL, AND A DECREASE OF 6,000 VEHICLES, OR 13 PER CENT, USING TAI PO ROAD, EVERY DAY.

ABOUT 29,000 VEHICLES, OR 18 PER CENT OF THE TOTAL NUMBER OF VEHICLES USING THE THREE MAIN CORRIDORS IN THIS AREA, HAD BEEN ATTRACTED TO USE THE NEW ROUTE THROUGH SHING MUN TUNNELS.

REGARDING THE EFFECT OF THE DIFFERENTIAL TOLLS ON THE TRAFFIC FLOWS OF THE TWO TUNNELS AND TAI PO ROAD, MR LEUNG SAID A RECENT SURVEY SHOWED :-

AT LION ROCK TUNNEL

- * THE SOUTHBOUND TRAFFIC DURING MORNING PEAK PERIOD (7 AM TO 9 AM) HAD DROPPED BY ABOUT SIX PER CENT;
- * THE JOURNEY TIME FROM PRINCE OF WALES HOSPITAL TO THE NORTH PORTAL OF LION ROCK TUNNEL WAS NINE MINUTES SHORTER; THE AVERAGE QUEUE LENGTH HAD BEEN REDUCED BY ONE KILOMETRE;
- * NORTHBOUND TRAFFIC DURING THE MORNING PEAK HAD DECLINED BY SEVEN PER CENT, WITH IMPROVEMENTS IN JOURNEY TIME AND REDUCED QUEUE LENGTH;
- * DURING THE EVENING PEAK PERIOD (5 PM TO 6 PM), SOUTHBOUND TRAFFIC HAD DROPPED FROM 2,800 TO 2,500 VEHICLES: AN 11 PER CENT REDUCTION, WITH REDUCED JOURNEY TIME, AND SHORTER QUEUE LENGTH; AND

/* NORTHBOUND TRAFFIC

- * NORTHBOUND TRAFFIC DURING THE EVENING PEAK PERIOD (6 PM TO 7 PM) REMAINED AT ABOUT 3,000 VEHICLES, BUT THE JOURNEY TIME FROM WONG TAI SIN, VIA THE WESTERN LUNG CHEUNG ROAD APPROACH TO THE SOUTH PORTAL OF LION ROCK TUNNEL, HAD BEEN REDUCED BY NINE MINUTES.

AT TAI PO ROAD

- * THE SOUTHBOUND TRAFFIC ALONG TAI PO ROAD DURING THE MORNING PEAK PERIOD HAD DROPPED FROM 2,200 TO 1,600 VEHICLES, A 27 PER CENT REDUCTION;
- * THE NORTHBOUND TRAFFIC DURING THE MORNING PEAK PERIOD HAD DROPPED FROM 1,100 TO 1,000 VEHICLES, A NINE PER CENT REDUCTION;
- * THE SOUTHBOUND TRAFFIC DURING THE EVENING PEAK PERIOD HAD DROPPED FROM 1,400 TO 1,200 VEHICLES, A 14 PER CENT REDUCTION;
- * THE NORTHBOUND TRAFFIC DURING THE EVENING PEAK PERIOD HAD INCREASED FROM 1,200 TO 1,400 VEHICLES, A 17 PER CENT INCREASE; AND
- * NO PERSISTENT TRAFFIC QUEUE WAS OBSERVED ON TAI PO ROAD IN EITHER DIRECTION DURING EITHER THE MORNING OR EVENING PEAK HOURS.

AT SHING MUN TUNNELS

- * THE TRAFFIC FLOWED SMOOTHLY IN BOTH DIRECTIONS, AND NO TRAFFIC QUEUE WAS OBSERVED AT EITHER END OF THE TUNNELS.

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NO DECISION YET ON REMOVING BANYAN TREE

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THE GOVERNMENT HAS NOT TAKEN ANY DECISION TO REMOVE THE BANYAN TREE OUTSIDE THE WEST WING OF THE CENTRAL GOVERNMENT OFFICES, THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, THE HON GRAHAM BARNES, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR BARNES STATED THIS IN A WRITTEN REPLY TO A QUESTION FROM THE HON PETER WONG, WHO HAD EXPRESSED CONCERN THAT THE TREE, WHICH WAS BELIEVED TO BE 100 YEAR OLDS, WOULD BE REMOVED.

MR BARNES SAID ON THE CONTRARY, THE GOVERNMENT HAD REQUIRED THE ARCHITECTS FOR THE FOOTBRIDGE PROJECT TO COME UP WITH A PROPOSAL THAT WOULD AVOID ANY SUBSTANTIAL INTERFERENCE WITH THE TREE.

HE SAID THE ARCHITECTS CONCERNED WERE NOW WORKING ON THE PROPOSAL.

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SFC UNDERTAKING ESSENTIAL TASKS

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THE TASKS THE SECURITIES AND FUTURES COMMISSION (SFC) IS UNDERTAKING ARE ESSENTIAL FOR THE LONG-TERM WELFARE OF HONG KONG'S FINANCIAL MARKETS AND THAT IT THEREFORE DESERVES FULL SUPPORT, THE ACTING FINANCIAL SECRETARY, THE HON DAVID NENDICK, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

TABLING THE SFC ANNUAL REPORT 1989, MR NENDICK SAID THE COMMISSION HAD HAD A FAIRLY ROUGH RIDE IN ITS FIRST YEAR OR SO OF OPERATION.

HOWEVER, AFTER NOTING THE CIRCUMSTANCES WHICH LED TO THE ESTABLISHMENT OF THE COMMISSION ON MAY 1, 1989, MR NENDICK SAID MUCH HAD BEEN ACHIEVED IN A RELATIVELY SHORT PERIOD OF TIME.

"THE VALUE OF THE REFORMS WE HAVE INTRODUCED WAS AMPLY DEMONSTRATED LAST YEAR WHEN OUR MARKETS WITHSTOOD THE SHOCK OF THE EVENTS IN PEKING WELL.

"THIS WAS IN MARKED CONTRAST TO WHAT HAD HAPPENED IN OCTOBER 1987," HE SAID.

MR NENDICK RECOGNISED THAT THERE MIGHT STILL BE THOSE WHO FEARED THAT HONG KONG WAS MOVING IN THE DIRECTION OF OVER-REGULATION BUT HE REITERATED THAT THAT WAS NOT THE CASE.

"OUR PHILOSOPHY IS, AND WILL CONTINUE TO BE, THAT WE ONLY INTERVENE IN THE WORKINGS OF THE MARKET PLACE WHERE THIS IS NECESSARY EITHER IN THE INTERESTS OF THE INTEGRITY OF THE SYSTEM AS A WHOLE OR OF IMPORTANT PARTS OF IT OR TO PROTECT NON-PROFESSIONAL PARTICIPANTS.

"WE ARE AS CONCERNED AS ANY THAT OUR MARKETS ARE NOT STIFLED BY A PLETHORA OF RULES AND REGULATIONS, BUT WE MUST EQUALLY ENSURE THAT ORDINARY INVESTORS, BOTH LOCAL AND INTERNATIONAL, RECEIVE AN ADEQUATE DEGREE OF PROTECTION FROM EXPLOITATION.

"I BELIEVE THAT WE HAVE CURRENTLY GOT THE BALANCE ABOUT RIGHT," HE SAID.

MR NENDICK SAID IT OFTEN FAILED TO BE RECOGNISED THAT THE VOICE OF THE ORDINARY INVESTOR WAS SELDOM HEARD IN HONG KONG UNLESS THINGS WENT SERIOUSLY WRONG.

THIS WAS MAINLY BECAUSE ONLY A SMALL PROPORTION OF SHARES HERE WERE HELD BY LOCALLY BASED INSTITUTIONAL INVESTORS SUCH AS INSURANCE COMPANIES AND PENSION FUNDS.

ELSEWHERE, SUCH INSTITUTIONS OFTEN HAD SUBSTANTIAL VOTING POWER AND, IN PROTECTING THEIR OWN INTERESTS, THEY COULD IN EFFECT ACT AS WATCHDOGS FOR THE WHOLE COMMUNITY.

/"AS THIS

"AS THIS IS NOT THE CASE IN HONG KONG, IT IS LARGELY LEFT TO THE GOVERNMENT TO PROTECT THE INTERESTS OF ORDINARY SHAREHOLDERS.

"NEVERTHELESS, WE SHALL CONTINUE TO EXERCISE THIS ROLE WITH SENSITIVITY AND GOOD COMMON SENSE AND TO ENCOURAGE THE DEVELOPEMENT OF SELF REGULATION WHEREVER THIS IS POSSIBLE AND PRACTICABLE," MR NENDICK SAID.

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ANTIQUITIES ADVISORY BOARD REPORT TABLED

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MANY PEOPLE ARE SURPRISED WHEN THEY LEARN HOW MUCH REMAINS TO REMIND US OF THE STORY OF HUMAN SETTLEMENT IN AND AROUND HONG KONG, THE HON EDWARD HO SAID TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL WHEN HE TABLED THE ANTIQUITIES ADVISORY BOARD (AAB) REPORT FOR 1988 AND 1989.

MR HO, WHO IS CHAIRMAN OF THE AAB, SAID HISTORICAL RELICS RANGED FROM THE SITES OF PREHISTORIC SETTLEMENT OVER 6,000 YEARS OLD, TO BUILDINGS PUT UP LESS THAN 60 YEARS AGO, DISPLAYING ARCHITECTURAL FEATURES WHICH HAD ALL DISAPPEARED FROM THE TERRITORY'S CONCRETE JUNGLE.

"THE BOARD HAS PLAYED AN IMPORTANT ROLE IN CONSERVING HONG KONG'S HERITAGE BY ADVISING ON WHICH SITES AND STRUCTURES MERIT DECLARATION AS PROTECTED MONUMENTS SINCE 1976.

"SEVEN MONUMENTS WERE DECLARED INCLUDING THE KUN LUNG GATE HOUSE IN FANLING, THE YEUNG HAU KUNG IN YUEN LONG AND THE FLAGSTAFF HOUSE AND THE FORMER FRENCH MISSION BUILDING IN CENTRAL IN 1988 AND 1989," HE SAID.

MR HO POINTED OUT THAT THE BOARD HAD ALSO EXPANDED ITS WORK TO GRADE VARIOUS TYPES OF HISTORIC BUILDINGS, TO INCREASE EDUCATION AND PUBLICITY WORK, AND TO SYSTEMATISE REPORTING ON ARCHAEOLOGICAL EXCAVATIONS.

HE PAID TRIBUTE TO THE ROYAL HONG KONG JOCKEY CLUB FOR ITS GENEROUS DONATION TO SUPPORT THE RESTORATION WORKS OF TAI FU TAI IN SHA TIN AND KUN TING STUDY HALL IN YUEN LONG AND URGED EMULATION BY OTHER ORGANISATIONS.

"DESPITE THE INEVITABLE DISAPPOINTMENTS WHEN PARTS OF HONG KONG'S HERITAGE ARE SWEEP AWAY BY DEVELOPMENT, THE BOARD REMAINS COMMITTED TO PLAYING ITS PART IN PRESERVING FOR THE COMMUNITY THESE TANGIBLE REMINDERS OF OUR HISTORY AND TRADITIONS," MR HO ADDED.

/THE AAB

THE AAB WAS APPOINTED BY THE GOVERNOR UNDER THE ANTIQUITIES AND MONUMENTS ORDINANCE TO ADVISE ON ANY MATTERS IN RELATION TO ANTIQUITIES AND MONUMENTS. IT IS THE EIGHTH REPORT OF THE BOARD SINCE THE ORDINANCE WAS ENACTED IN 1976.

COPIES OF THE BILINGUAL REPORT ARE AVAILABLE FREE OF CHARGE FROM THE HONG KONG MUSEUM OF HISTORY AT KOWLOON PARK, TSIM SHA TSUI, THE SAM TUNG UK MUSEUM IN TSUEN WAN AND THE ANTIQUITIES AND MONUMENTS OFFICE AT KCR HOUSE IN SHA TIN.

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GOVERNOR THANKS COUNCILLORS FOR HARD WORK

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HIS EXCELLENCY THE GOVERNOR, SIR DAVID WILSON, PAID TRIBUTE TONIGHT (WEDNESDAY) TO LEGISLATIVE COUNCILLORS FOR THEIR HARD WORK DURING THE 1989-90 LEGISLATIVE COUNCIL SESSION.

NOTING THE TIME WAS 10 MINUTES PAST 10, SIR DAVID SAID THIS MADE TODAY'S MEETING THE LONGEST SITTING THIS SESSION.

HE SAID MEMBERS HAD SHOWN GREAT STAMINA IN THE SESSION.

IT HAD IN FACT BEEN A SESSION WITH SOME VERY SUBSTANTIAL BUSINESS DONE, HE SAID.

"FOR THOSE WHO ARE INTERESTED IN STATISTICS, THE COUNCIL HAS PASSED A TOTAL OF 90 BILLS DURING THIS SESSION, AND THAT COMPARES WITH 68 LAST SESSION.

"FOR AMENDMENTS, THE COUNCIL HAS PASSED A TOTAL 410 AMENDMENTS, AND 56 OF THOSE RELATED TO ONE PARTICULAR BILL PASSED TODAY," HE ADDED.

BUT, SIR DAVID POINTED OUT THAT THE COUNCIL WAS NOT SOME SORT OF LEGISLATIVE OLYMPIC GAMES WHERE COUNCILLORS SIMPLY SAT TO SET RECORDS.

WHAT THE FIGURES DID SHOW WAS THE IMMENSE AMOUNT OF HARD, DETAILED WORK DONE BY MEMBERS.

A GREAT DEAL HAD BEEN DONE DURING THIS YEAR BY MEMBERS TO PROMOTE HONG KONG AS AN INTERNATIONAL FINANCIAL AND COMMERCIAL CENTRE.

"A GREAT DEAL HAS BEEN DONE BY MEMBERS TO MAKE SURE THAT BRITISH MEMBERS OF PARLIAMENT, OF THE HOUSE OF COMMONS, IN PARTICULAR, HAVE BEEN KEPT FULLY UP-TO-DATE ON WHAT IS HAPPENING IN HONG KONG, SO THAT THEY KNOW WHAT IS HAPPENING HERE WHEN THEY PASS ANY LEGISLATION AFFECTING HONG KONG," HE ADDED.

/IN CONCLUSION

IN CONCLUSION, SIR DAVID SAID: "I SHOULD LIKE MOST WARMLY TO THANK ALL MEMBERS OF THE COUNCIL FOR THE IMMENSE AMOUNT OF HARD WORK WHICH YOU ALL DO, AND NOT SIMPLY THOSE WHO SIT IN THE CHAMBER, BUT THOSE WHO SIT OUTSIDE THE CHAMBER WHO BACK UP THE WORK DONE BY THIS COUNCIL, WITHOUT WHOM THE WORK OF THE COUNCIL COULDN'T BE CARRIED OUT SO EFFECTIVELY AND EFFICIENTLY AS IT IS, AND THEY HAVE WORKED PARTICULARLY HARD TODAY."

THE NEXT SESSION OF THE LEGISLATIVE COUNCIL IS SCHEDULED TO BEGIN ON WEDNESDAY, OCTOBER 10.

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THIRTEEN BILLS PASSED IN LEGCO
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THE HOSPITAL AUTHORITY BILL 1990 AND THE SECURITIES (INSIDER DEALING) BILL 1990 WERE PASSED IN THE LEGISLATIVE COUNCIL MEETING TODAY (WEDNESDAY).

ELEVEN OTHER BILLS WERE ALSO PASSED. THESE WERE THE MUNICIPAL SERVICES APPEALS BOARDS BILL 1990, THE COMPANIES (AMENDMENT) (NO. 4) BILL 1990, THE COMPANIES (AMENDMENT) (NO. 5) BILL 1990, THE HANG LUNG BANK (ACQUISITION) (AMENDMENT) BILL 1990, THE SECURITIES AND FUTURES COMMISSION (AMENDMENT) BILL 1990, THE COMMODITIES TRADING (AMENDMENT) BILL 1990, THE STOCK EXCHANGES UNIFICATION (AMENDMENT) BILL 1990, THE SECURITIES AND FUTURES COMMISSION (AMENDMENT) (NO. 2) BILL 1990, THE WATER POLLUTION CONTROL (AMENDMENT) BILL 1990, THE CRIMES (AMENDMENT) BILL 1990 AND A PRIVATE BILL, THE MORRISON SCHOLARSHIPS FUND BILL 1990.

THE DATES OF THE SECURITIES (INSIDER DEALING) BILL AND THE CRIMES (AMENDMENT) BILL WERE CHANGED TO 1990, FROM 1989, AT THE COMMITTEE STAGE.

IN ADDITION, EIGHT BILLS WERE INTRODUCED FOR FIRST AND SECOND READINGS.

THESE WERE THE HONG KONG BILL OF RIGHTS BILL 1990, THE ELECTORAL PROVISIONS (AMENDMENT) BILL 1990, THE LEGISLATIVE COUNCIL (ELECTORAL PROVISIONS) (AMENDMENT) BILL 1990, THE URBAN COUNCIL (AMENDMENT) (NO. 2) BILL 1990, THE REGIONAL COUNCIL (AMENDMENT) (NO. 2) BILL 1990, THE DISTRICT BOARDS (AMENDMENT) BILL 1990, THE CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1990 AND THE BRITISH NATIONALITY (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL 1990.

DEBATES ON THESE BILLS WERE ADJOURNED.

THE SECURITIES AND FUTURES COMMISSION ANNUAL REPORT 1989 AND THE REPORT OF THE ANTIQUITIES ADVISORY BOARD 1988 AND 1989 WERE TABLED IN THE MEETING.

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PROPOSALS TO EXTEND JURISDICTION OF TOWN PLANNING ORDINANCE

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AMENDING LEGISLATION TO EXTEND THE JURISDICTION OF THE TOWN PLANNING ORDINANCE TO COVER THE RURAL NEW TERRITORIES WHILE AT THE SAME TIME GIVING IT THE POWER TO CONTROL UNAUTHORISED DEVELOPMENTS IN THE AREAS TO BE BROUGHT INTO ITS JURISDICTION WILL BE GAZETTED ON FRIDAY (JULY 27).

ENTITLED THE TOWN PLANNING (AMENDMENT) BILL 1990, THE DRAFT LEGISLATION PROPOSES FIVE MAIN AREAS OF CHANGE TO THE PRESENT ORDINANCE:

- * TO EXTEND THE JURISDICTION OF THE ORDINANCE TO COVER THE WHOLE TERRITORY AND TO EXPAND THE TYPES OF ZONING WHICH THE TOWN PLANNING BOARD (TPB) MAY INCLUDE IN AN OUTLINE ZONING PLAN;
- * TO EMPOWER THE TPB TO PREPARE PLANS TO DESIGNATE ANY AREA AS "DEVELOPMENT PERMISSION AREAS" (DPA), WITHIN WHICH PLANNING PERMISSION UNDER SECTION 16 OF THE ORDINANCE WILL BE REQUIRED FOR ALL DEVELOPMENT, UNLESS OTHERWISE EXEMPTED IN THE PLAN;
- * TO PROVIDE FOR MEANS OF ENFORCEMENT AGAINST UNAUTHORISED DEVELOPMENT WITHIN THE DPA;
- * TO PROVIDE FOR DELEGATION OF AUTHORITY BY THE TPB; AND
- * TO PROVIDE TRANSITIONAL PROVISIONS.

AT A PRESS CONFERENCE TODAY (WEDNESDAY), THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, MR GRAHAM BARNES, SAID THE BILL HAD BEEN REQUIRED AS EMERGENCY INTERIM LEGISLATION IN ADVANCE OF THE CURRENT COMPREHENSIVE REVISION OF THE ORDINANCE BECAUSE OF CONTINUING DEGRADATION OF THE ENVIRONMENT IN THE RURAL AREAS.

BUT HE STRESSED THAT THE INTERIM AMENDMENTS WOULD NOT DELAY WORK ON THE CURRENT COMPLETE REVISION OF THE ORDINANCE.

MR BARNES NOTED THAT THE TOWN PLANNING ORDINANCE, WHICH WAS ENACTED IN 1939, HAD SEEN NO CHANGES IN THE LEGISLATION EXCEPT FOR A FEW MINOR AND PIECEMEAL AMENDMENTS ALTHOUGH HONG KONG HAD UNDERGONE DRAMATIC CHANGES IN ITS SOCIAL AND ECONOMIC ENVIRONMENT SINCE THEN.

THE EXISTING TOWN PLANNING ORDINANCE PROVIDES FOR THE APPOINTMENT OF THE TPB, WHICH IS AN INDEPENDENT STATUTORY BODY APPOINTED BY THE GOVERNOR, TO PREPARE PLANS FOR THE FUTURE LAY-OUT OF EXISTING AND POTENTIAL URBAN AREAS.

OVER THE YEARS, STATUTORY OUTLINE ZONING PLANS (OZP'S) HAVE BEEN PREPARED FOR THE URBAN AREAS AND FOR THE NEW TOWNS IN THE NEW TERRITORIES. THESE STATUTORY PLANS PROVIDE A BASIC FRAMEWORK TO GUIDE DEVELOPMENT, AND WITHIN WHICH TO OPERATE A SYSTEM OF PLANNING PERMISSION, AND HAVE PROVED TO BE VERY EFFECTIVE.

HOWEVER, MR BARNES SAID THE LACK OF STATUTORY PLANNING CONTROL AND ENFORCEMENT POWER HAD BECOME A PARTICULAR PROBLEM IN RECENT YEARS IN THE RURAL AREAS.

HE NOTED THAT FOR MANY YEARS CONTROL OF THE USE OF AGRICULTURAL LAND WAS EXERCISED EFFECTIVELY THROUGH THE LEASE CONDITIONS. BUT, AS A RESULT OF A CHALLENGE IN THE COURTS ON THE VALIDITY OF THE EXERCISE OF THESE POWERS, THIS MEANS OF CONTROL HAD NOW BEEN DISCONTINUED IN RESPECT OF CONVERSION OF AGRICULTURAL LAND TO OPEN STORAGE AND ALLIED USES.

"MANY OF THESE DEVELOPMENTS HAVE BEEN CARRIED OUT IN A HAPHAZARD AND DISORDERLY MANNER, CREATING ENVIRONMENTAL AND TRAFFIC PROBLEMS, AND IN MANY CASES RESULTING IN INCOMPATIBLE LAND USES.

"MUCH AGRICULTURAL LAND HAS BEEN CONVERTED TO OPEN STORAGE USES, FOR USE AS CAR DUMPS, OPEN AIR WORKSHOPS, CONTAINER STORAGE AND VEHICLE PARKS.

"IN MANY CASES THESE DEVELOPMENTS HAVE DEGRADED THE ENVIRONMENT CREATING PROBLEMS FOR ADJACENT SITES, AND THIS HAS BEEN A COMMON CAUSE OF COMPLAINT FROM RESIDENTS.

"THESE CHANGES OF USE HAVE EITHER COMPROMISED ENVIRONMENTAL OR CONSERVATION OBJECTIVES, OR MADE IT MORE DIFFICULT TO ACHIEVE PROPERLY PLANNED AND SERVICED DEVELOPMENT," HE SAID.

MR BARNES EXPLAINED THAT AS A MAJOR STEP TO IMPROVE THE RURAL ENVIRONMENT, IN PARTICULAR TO CONTROL THE PROLIFERATION OF UNPLANNED URBAN ACTIVITIES INTO THE RURAL AREAS, THE GOVERNMENT CONSIDERED THAT THERE WAS AN URGENT NEED TO EXTEND THE JURISDICTION OF THE TOWN PLANNING ORDINANCE TO COVER THE RURAL NEW TERRITORIES SO AS TO PROVIDE A STATUTORY PLANNING FRAMEWORK TO GUIDE AND CONTROL PRIVATE DEVELOPMENT OUTSIDE NEW TOWNS.

"THIS WILL ENABLE THE TOWN PLANNING BOARD TO MAKE ADEQUATE PROVISION TO GUIDE DEVELOPMENT IN AREAS WHERE IT IS NEEDED, WHILE AT THE SAME TIME CONSERVING THOSE AREAS WHERE DEVELOPMENT IS A THREAT," MR BARNES SAID.

UNDER THE PROVISIONS IN THE AMENDMENT BILL, THE TPB MAY, AS DIRECTED BY THE GOVERNOR, DESIGNATE AREAS WHICH REQUIRE IMMEDIATE PLANNING CONTROL AS DPA'S.

THE DPA PLAN, WHICH WILL TAKE EFFECT FROM THE DATE OF GAZETTING, WILL BE EXHIBITED IN THE SAME MANNER AND SUBJECT TO THE SAME OBJECTION PROCEDURES AS THE CURRENT STATUTORY OZP'S.

WITHIN THESE DPA'S SOME AREAS WILL BE ZONED SO AS TO INDICATE WHICH TYPES OF DEVELOPMENT ARE ALWAYS PERMITTED, OR MAY BE PERMITTED ON APPLICATION. WHERE NO ZONING IS SHOWN WITHIN A DPA THEN ALL FORMS OF DEVELOPMENT WOULD REQUIRE PERMISSION.

REGARDING ENFORCEMENT WITHIN THE DPA, THE BILL ALSO EMPOWERS THE AUTHORITY (THE DIRECTOR OF PLANNING) TO ENTER THE LAND AND TAKE THE NECESSARY STEPS TO ENSURE THE DISCONTINUANCE OF UNAUTHORISED DEVELOPMENTS, TO PREVENT THE ADVERSE EFFECTS OF SUCH DEVELOPMENTS, OR TO REINSTATE THE LAND.

OFFENDERS ARE LIABLE TO A FINE OF \$500,000, IMPRISONMENT FOR ONE YEAR AND A FINE OF \$10,000 FOR EACH DAY ON WHICH THE OFFENCE IS PROVED TO HAVE CONTINUED.

ALSO SPEAKING AT THE PRESS CONFERENCE, THE DIRECTOR OF PLANNING, MR ROBERT UPTON, SAID EXISTING USES PREDATING THE GAZETTING OF DPA PLANS WOULD BE TOLERATED.

"BUT TO PREVENT A RUSH TO CONVERT EXISTING AGRICULTURAL LAND TO OPEN STORAGE THE BILL CONTAINS A CLAUSE ALLOWING INTERIM DPA'S TO BE DESIGNATED IN ANTICIPATION OF THE BILL'S ENACTMENT."

INTERIM DPA'S WOULD BE PUBLISHED ADMINISTRATIVELY, AND WITHIN THEM A SYSTEM OF PERMISSIONS SIMILAR TO THAT TO BE BROUGHT IN ON THE ENACTMENT OF THE LEGISLATION WOULD BE OPERATED.

PERMISSION GRANTED BY THE AUTHORITY WOULD BE HONOURED WHEN INTERIM DPA'S WERE REPLACED BY STATUTORY DPA'S.

ANY DEVELOPMENTS IN INTERIM DPA'S WHICH DID NOT HAVE PERMISSION WOULD BE SUBJECT TO ENFORCEMENT ACTION WHEN THE STATUTORY DPA WAS GAZETTED. ALL INTERIM DPA'S WOULD BE SO REPLACED SOON AFTER THE ENACTMENT OF THE LEGISLATION.

MR UPTON SAID COPIES OF A CONSULTATIVE DOCUMENT OUTLINING ALL THE INTERIM AMENDMENTS PROPOSED IN THE TOWN PLANNING (AMENDMENT) BILL 1990 WOULD BE AVAILABLE TO THE PUBLIC ON FRIDAY FROM THE VARIOUS DISTRICT OFFICES, DISTRICT LANDS OFFICES AND DISTRICT PLANNING OFFICES.

"THE GOVERNMENT WILL TAKE FULL ACCOUNT OF ALL VIEWS BEFORE THE BILL IS FORMALLY INTRODUCED INTO THE LEGISLATIVE COUNCIL IN OCTOBER 1990.

"IT IS THE GOVERNMENT'S INTENTION TO PRODUCE A DETAILED CONSULTATIVE DOCUMENT ON THE COMPREHENSIVE REVISION OF THE FULL ORDINANCE AT THE BEGINNING OF 1991, AND IT IS ENVISAGED THAT THE REVISED ORDINANCE SHOULD BE ENACTED IN 1992," HE SAID.

COMMENTS FROM THE PUBLIC ON THE AMENDMENT BILL SHOULD BE SENT BY SEPTEMBER 30 TO THE PLANNING DEPARTMENT, FOURTH FLOOR, MURRAY BUILDING, GARDEN ROAD, HONG KONG.

JUNE PROVISIONAL TRADE FIGURES RELEASED

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THE VALUE OF DOMESTIC EXPORTS RECORDED A SMALL DECREASE IN JUNE OVER A YEAR EARLIER, WHILE THAT OF RE-EXPORTS CONTINUED TO RISE SIGNIFICANTLY.

THE VALUE OF IMPORTS SHOWED A MODERATE INCREASE, BUT THAT OF RETAINED IMPORTS DECREASED OVER THE SAME PERIOD.

THESE ARE SHOWN IN THE PROVISIONAL TRADE FIGURES RELEASED TODAY (WEDNESDAY) BY THE CENSUS AND STATISTICS DEPARTMENT.

THE VALUE OF DOMESTIC EXPORTS IN JUNE 1990 WAS \$18,845 MILLION, \$111 MILLION OR 0.6 PER CENT LESS THAN IN JUNE 1989, WHILE THE VALUE OF RE-EXPORTS INCREASED BY \$4,310 MILLION OR 14.4 PER CENT TO \$34,196 MILLION.

THE VALUE OF TOTAL EXPORTS (DOMESTIC EXPORTS PLUS RE-EXPORTS), AT \$53,041 MILLION IN JUNE 1990, WAS THUS \$4,199 MILLION OR 8.6 PER CENT HIGHER THAN IN JUNE 1989.

THE VALUE OF IMPORTS GREW BY \$1,967 MILLION OR 3.9 PER CENT OVER A YEAR EARLIER, TO \$52,021 MILLION IN JUNE 1990.

AS THE VALUE OF TOTAL EXPORTS WAS LARGER THAN THAT OF IMPORTS, A VISIBLE TRADE SURPLUS OF \$1,020 MILLION, EQUIVALENT TO 2.0 PER CENT OF THE VALUE OF IMPORTS, WAS RECORDED IN JUNE 1990.

THIS COMPARES WITH A DEFICIT OF \$1,212 MILLION, EQUIVALENT TO 2.4 PER CENT OF THE VALUE OF IMPORTS, RECORDED IN JUNE 1989.

PUTTING THESE FIGURES IN PERSPECTIVE, THE VALUE OF TOTAL EXPORTS FOR THE FIRST HALF OF 1990 WAS \$283,635 MILLION, MADE UP OF DOMESTIC EXPORTS OF \$100,538 MILLION AND RE-EXPORTS OF \$183,097 MILLION.

COMPARED WITH THE FIRST HALF OF 1989, TOTAL EXPORTS GREW BY \$20,481 MILLION OR 7.8 PER CENT IN VALUE TERMS, WITH DOMESTIC EXPORTS FALLING BY \$1,520 MILLION OR 1.5 PER CENT AND RE-EXPORTS RISING BY \$22,001 MILLION OR 13.7 PER CENT.

OVER THE SAME PERIOD, THE VALUE OF IMPORTS ROSE BY \$15,210 MILLION OR 5.5 PER CENT, TO \$291,833 MILLION.

A VISIBLE TRADE DEFICIT OF \$8,198 MILLION, EQUIVALENT TO 2.8 PER CENT OF THE VALUE OF IMPORTS, WAS RECORDED IN THE FIRST HALF OF 1990. THIS COMPARES WITH A DEFICIT OF \$13,469 MILLION, EQUIVALENT TO 4.9 PER CENT OF THE VALUE OF IMPORTS, RECORDED IN THE SAME PERIOD IN 1989.

COMMENTING ON THESE FIGURES, A GOVERNMENT SECRETARIAT SPOKESMAN SAID THE PERFORMANCE OF DOMESTIC EXPORTS WAS STILL SLUGGISH IN JUNE 1990, AFTER A REVIVAL TO POSITIVE GROWTH IN MAY.

ON THE OTHER HAND, RE-EXPORTS CONTINUED TO RISE SIGNIFICANTLY IN JUNE, LARGELY ATTRIBUTABLE TO THE STRONG GROWTH IN RE-EXPORTS OF CHINA ORIGIN.

AS REGARDS RETAINED IMPORTS, THERE WAS, HOWEVER, A DECLINE IN JUNE 1990 FROM A YEAR EARLIER.

THE FOLLOWING TABLE PRESENTS THE PROVISIONAL TRADE FIGURES FOR JUNE 1990.

MERCHANDISE:	DOMESTIC EXPORTS	:	\$18,845 MILLION	
	RE-EXPORTS	:	\$34,196 MILLION	
	TOTAL EXPORTS	:	\$53,041 MILLION	
	IMPORTS	:	\$52,021 MILLION	
	TRADE BALANCE	:	\$1,020 MILLION	[IN SURPLUS]

COMPARATIVE FIGURES

LATEST 3 MONTHS	APR 90 TO	APR 89 TO	INCREASE	
	JUN 90	JUN 89	HK\$ MN.	%
	HK\$ MN.	HK\$ MN.		
DOMESTIC EXPORTS	54,078	54,130	-52	-0.1
RE-EXPORTS	99,948	85,975	13,973	16.3
TOTAL EXPORTS	154,026	140,105	13,921	9.9
IMPORTS	159,152	146,593	12,559	8.6
TRADE BALANCE	-5,126	-6,488	1,362	

SAME MONTH LAST YEAR	JUNE	JUNE	INCREASE	
	1990	1989	HK\$ MN.	%
	HK\$ MN.	HK\$ MN.		
DOMESTIC EXPORTS	18,845	18,956	-111	-0.6
(% OF TOTAL EXPORTS)	(35.5%)	(38.8%)		
RE-EXPORTS	34,196	29,886	4,310	14.4
TOTAL EXPORTS	53,041	48,842	4,199	8.6
IMPORTS	52,021	50,054	1,967	3.9
TRADE BALANCE	1,020	-1,212	2,232	

LAST MONTH	JUNE	MAY	INCREASE	
	1990	1990	HK\$ MN.	%
	HK\$ MN.	HK\$ MN.		
DOMESTIC EXPORTS	18,845	18,826	19	0.1
(% OF TOTAL EXPORTS)	(35.5%)	(35.0%)		
RE-EXPORTS	34,196	34,892	-696	-2.0
TOTAL EXPORTS	53,041	53,718	-677	-1.3
IMPORTS	52,021	56,492	-4,471	-7.9
TRADE BALANCE	1,020	-2,774	3,794	

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CALENDAR YEAR TO-DATE	JAN-JUN	JAN-JUN	INCREASE	
	1990	1989	HK\$ MN.	%
	HK\$ MN.	HK\$ MN.	HK\$ MN.	%
DOMESTIC EXPORTS	100,538	102,058	-1,520	-1.5
(% OF TOTAL EXPORTS)	(35.4%)	(38.8%)		
RE-EXPORTS	183,097	161,096	22,001	13.7
TOTAL EXPORTS	283,635	263,154	20,481	7.8
IMPORTS	291,833	276,623	15,210	5.5
TRADE BALANCE	-8,198	-13,469	5,271	

LAST 12 MONTHS	JUL 89 TO	JUL 88 TO	INCREASE	
	JUN 90	JUN 89	HK\$ MN.	%
	HK\$ MN.	HK\$ MN.	HK\$ MN.	%
DOMESTIC EXPORTS	222,585	224,103	-1,518	-0.7
RE-EXPORTS	368,406	319,180	49,226	15.4
TOTAL EXPORTS	590,991	543,283	47,708	8.8
IMPORTS	577,991	553,730	24,261	4.4
TRADE BALANCE	13,000	-10,447	23,447	

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GREATER DIVERSITY SHOULD BE INTRODUCED INTO EDUCATION SYSTEM

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THERE IS NO DOUBT THAT SOMETHING NEEDS TO BE DONE TO INJECT GREATER DIVERSITY INTO HONG KONG'S EDUCATION SYSTEM TO CATER FOR THOSE WHO NEED A DIFFERENT SORT OF EDUCATION, THE SECRETARY FOR EDUCATION AND MANPOWER, MR K.Y. YEUNG, SAID TODAY (WEDNESDAY).

SPEAKING AT THE 34TH GRADUATION CEREMONY OF THE HONG KONG JUVENILE CARE CENTRE, MR YEUNG SAID THAT COMPULSORY EDUCATION HAD MEANT THAT STUDENTS WITH A WIDE RANGE OF ABILITIES, INTERESTS AND NEEDS HAD BEEN BROUGHT INTO THE EDUCATION SYSTEM.

WHILE THE COMMON CORE CURRICULUM WAS MEETING THE NEEDS OF THE MAJORITY OF STUDENTS, NO MATTER HOW MUCH DIVERSITY WAS INTRODUCED, IT WAS CLEAR THAT THE COMMON CORE CURRICULUM WOULD STILL FAIL TO MEET THE NEEDS OF STUDENTS WHO WERE EITHER AT THE EXTREMES OF THE ABILITY RANGE OR WERE UNMOTIVATED TO LEARNING, MR YEUNG SAID.

"IT IS THEREFORE NECESSARY TO PROVIDE THEM WITH ALTERNATIVE CURRICULA AND EDUCATION OPPORTUNITIES," HE POINTED OUT.

REGARDING THE POSSIBLE MEASURES IN THIS DIRECTION, MR YEUNG SAID THAT A FIRST POSSIBILITY MIGHT BE THE INTRODUCTION OF BRIDGING COURSES FOR STUDENTS WISHING TO TRANSFER TO PRE-VOCATIONAL SCHOOLS AT SECONDARY 2 OR SECONDARY 3.

"FOR GRAMMAR SCHOOL STUDENTS WHO ARE MORE INCLINED TO PRACTICAL SUBJECTS, IT MAY BE BETTER FOR THEM TO FURTHER THEIR STUDIES IN THE PRE-VOCATIONAL STREAM WHICH IS MORE SUITED TO THEIR APTITUDES AND INTERESTS," HE SAID.

"IN FACT, SOME DROPOUTS IN SECONDARY GRAMMAR SCHOOLS HAVE EXPRESSED AN INTEREST IN THE KIND OF COURSES OFFERED IN PRE-VOCATIONAL SCHOOLS," HE SAID.

A SECOND POSSIBILITY, MR YEUNG SAID, WOULD BE PRACTICAL SCHOOLS FOR ACADEMICALLY UNMOTIVATED STUDENTS WHO MIGHT BECOME DROPOUTS OR POSSIBLY DELINQUENTS.

"IT IS NECESSARY TO PROVIDE ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR THEM WHICH PLACE LESS EMPHASIS ON THE ACADEMIC SUBJECTS AND MORE ON THE PRACTICAL," MR YEUNG SAID.

PRACTICAL SCHOOLS, WITH A DIVERSIFIED CURRICULUM, WOULD PREPARE THEM FOR EITHER DIRECT EMPLOYMENT OR APPRENTICESHIP SCHEMES, HE EXPLAINED.

"A THIRD POSSIBILITY IS THE CREATION OF SKILLS OPPORTUNITY SCHOOLS FOR CHILDREN WITH LEARNING DIFFICULTIES," MR YEUNG SAID.

"THESE WOULD SERVE ANOTHER GROUP OF CHILDREN, THOSE WHO CANNOT BENEFIT FROM THE EXISTING CORE CURRICULUM OF ORDINARY SCHOOLS EVEN WITH THE HELP OF REMEDIAL TEACHING, BECAUSE THEY ARE BORDERING ON BEING MENTALLY HANDICAPPED," HE SAID.

HE NOTED THAT SOME PEOPLE WOULD ARGUE THAT THE ESTABLISHMENT OF SUCH SCHOOLS WOULD GIVE A NEGATIVE LABEL TO STUDENTS.

"HOWEVER, THE INTEGRATION OF SUCH STUDENTS IN ORDINARY SCHOOLS HAS GIVEN RISE TO PROBLEMS IN CLASS AND MET WITH PARENTAL AND TEACHERS' RESISTANCE.

"MOREOVER, THE STUDENTS THEMSELVES ARE NOT ABLE TO BENEFIT FROM THE MAIN STREAM CURRICULUM," HE SAID.

"I BELIEVE IT MORE DESIRABLE TO GROUP THEM TOGETHER IN A NEW TYPE OF SCHOOLS WITH A CURRICULUM MORE SUITED TO THEIR NEEDS, THAN TO TRY TO PERSUADE TEACHERS OR PARENTS TO ACCEPT UNWANTED CHANGES IN SCHOOLS," HE STRESSED.

HE NOTED THAT WHETHER THE EDUCATION COMMISSION RECOMMENDED CHANGES SUCH AS THESE HAD YET TO BE SEEN.

EARLIER IN HIS SPEECH, MR YEUNG SAID THAT THE CURRICULUM DEVELOPMENT COUNCIL WAS NOW IN THE MIDDLE OF AN OVERALL REVIEW OF THE COMMON CORE CURRICULA FOR ALL LEVELS OF EDUCATION.

THE REVIEW, THE PURPOSE OF WHICH WAS THREEFOLD, WAS EXPECTED TO BE COMPLETED BY THE END OF THIS YEAR, HE SAID.

THE FIRST PURPOSE WAS TO RE-EXAMINE THE SUBJECT CONTENT AGAINST CLEARLY DEFINED EDUCATIONAL AIMS, WITH A VIEW TO STRIKING A BALANCE BETWEEN THE DIFFERING DEMANDS OF ACADEMIC EXCELLENCE AND SOCIAL RELEVANCE, MR YEUNG SAID.

"THE SECOND IS TO RE-EXAMINE THE SCOPE OF THE COMMON CORE IN THE LIGHT OF PRESENT AND POSSIBLE FUTURE COMMUNITY PRESSURE FOR INCLUDING ADDITIONAL SUBJECTS.

"THE THIRD PURPOSE IS TO EXAMINE HOW SCHOOL-BASED CURRICULA MIGHT BE FURTHER DEVELOPED TO SUIT THE NEEDS OF PUPILS IN INDIVIDUAL SCHOOLS, WHILE MAINTAINING CURRICULUM CONTINUITY AND CONSISTENCY," HE SAID.

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STABLE PROPERTY MARKET FOR FIRST HALF OF THIS YEAR

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THE PROPERTY MARKET IN THE FIRST HALF OF THIS YEAR BOTH IN THE SALES AND RENTAL FIELD CAN BE REGARDED AS STABLE FOLLOWING A REMARKABLE RECOVERY IN THE SECOND HALF OF LAST YEAR.

THIS WAS STATED IN A REPORT ON THE PROPERTY MARKET CONSIDERED AT A MEETING OF THE LAND AND BUILDING ADVISORY COMMITTEE TODAY (WEDNESDAY).

THE REPORT STATED THAT PERFORMANCE IN THE VARIOUS SECTORS OF PROPERTY HAD BEEN MIXED WITH SMALL TO MEDIUM SIZED FLATS BEING THE MOST ACTIVE.

THE ONE PER CENT INCREASE IN THE MORTGAGE RATE IN APRIL THIS YEAR APPEARED TO HAVE LITTLE EFFECT.

IN TERMS OF VOLUME OF TRANSACTIONS, THE NUMBER OF PROPERTY TRANSFER ASSIGNMENTS FELL BY SIX PER CENT AS COMPARED WITH THE FIRST HALF OF 1989, WITH A SIMILAR FALL IN VALUE.

THE MARKET FOR SMALL TO MEDIUM SIZED RESIDENTIAL FLATS (BELOW 100 SQUARE METRES) WAS ACTIVE WITH PRICES GENERALLY HIGHER THAN THE PEAK ACHIEVED DURING THE SAME PERIOD IN 1989.

THE MARKET FOR LARGER FLATS (OVER 100 SQUARE METRES) WAS RELATIVELY QUIET WITH FEW PROJECTS BEING RELEASED.

SUPPLY OF NEW OFFICE SPACE DURING THE FIRST HALF OF 1990 REACHED 101,000 SQUARE METRES, REPRESENTING A 31 PER CENT INCREASE OVER THE SAME PERIOD LAST YEAR.

ALTHOUGH ADVERTISED RENTALS HAD NOT DROPPED SIGNIFICANTLY, NEGOTIATED RENTALS HAD FALLEN WELL BELOW ADVERTISED LEVELS WITH UP TO SIX MONTHS' RENT-FREE PERIODS OFFERED.

THE RETAIL SECTOR REMAINED SOFT IN THE FIRST HALF OF 1990 PARTLY DUE TO AN INCREASED SUPPLY AND PARTLY BECAUSE OF THE SLOWDOWN IN EXPENDITURE OF TOURISTS AND LOCALS ALIKE. THE SECTOR ENJOYED A 10 PER CENT RISE IN OCCUPANCY RATES WHICH WAS INCREASED TO 81 PER CENT IN JUNE 1990.

HOWEVER, UPON COMPLETION OF A NUMBER OF NEW HOTEL PROJECTS IN CENTRAL, THE INCREASE IN OCCUPANCY RATES WOULD BE DAMPENED.

THE MARKET FOR INDUSTRIAL FLOOR SPACE REMAINED QUIET WITH AN AVERAGE FIVE PER CENT DECREASE IN SELLING PRICES.

IT WAS CONSIDERED THAT THE MARKET WOULD REMAIN WEAK FOR THE TIME BEING IN VIEW OF THE FACT THAT DURING THE FIRST HALF OF THIS YEAR, CONSENT TO COMMENCE WORK IN NEW INDUSTRIAL BUILDINGS WAS GIVEN FOR 473,000 SQUARE METRES OF FLOOR SPACE, REPRESENTING AN INCREASE OF 32 PER CENT OVER THE SAME PERIOD IN 1989.

REGARDING LAND SALES, SOME 6.6 HECTARES WERE SOLD BY AUCTION OR TENDER AT GENERALLY SATISFACTORY PRICES. SOME LOW DENSITY RESIDENTIAL SITES ACHIEVED ENCOURAGING RESULTS BUT INDUSTRIAL SALES ATTRACTED A RELATIVELY WEAK RESPONSE.

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WELFARE SERVICES MAINLY FOR NEEDY PEOPLE

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WELFARE SERVICES ARE TARGETTED MAINLY AT THOSE WHO NEED THEM AND THE GOVERNMENT TRIES NOT TO PURSUE SOCIAL POLICIES THAT WOULD UNDERMINE THE COMPETITIVE AND PRODUCTIVE ENGINE OF THE ECONOMY, THE DIRECTOR OF SOCIAL WELFARE, MR M.D. CARTLAND, SAID TODAY (WEDNESDAY).

HE WAS SPEAKING AT THE SHUN TAK FRATERNAL ASSOCIATION'S 12TH PARTY FOR ABOUT 1,000 ELDERLY PEOPLE AT THE CITY HALL CONCERT HALL.

MR CARTLAND NOTED THAT THE LOCAL WELFARE SERVICES PACKAGE WAS NOT DESIGNED TO PROVIDE THE TYPE OF FAR-REACHING COMPREHENSIVE SUPPORT, WHICH WAS A FEATURE OF WESTERN STYLE WELFARE STATES.

HE POINTED OUT THAT SUCH SYSTEMS RESULTED IN CRIPPLING TAX BURDENS AND AT THE SAME TIME LOWERED THE ABILITY OF THE POPULACE.

"IN THE LONG RUN THE RESULTS ARE DECLINING NATIONAL INCOME AND DETERIORATING LIVING STANDARDS," HE OBSERVED.

MR CARTLAND STRESSED THAT "THOSE WHO ARE SELF-SUFFICIENT ARE ENCOURAGED TO REMAIN SO".

"HOWEVER, THE ELDERLY IS CLEARLY ONE GROUP THAT MERITS PARTICULAR ATTENTION," HE SAID.

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HE NOTED THAT THERE WERE ABOUT 730,000 ELDERLY PEOPLE OVER THE AGE OF 60 IN HONG KONG AND THAT APPROXIMATELY HALF OF THEM HAD ALREADY BENEFITTED FROM SOCIAL SECURITY PAYMENTS.

"THE VAST MAJORITY OF THEM COULD EXPECT TO REMAIN SUFFICIENTLY FIT AND ACTIVE TO STAY IN THEIR OWN HOMES AND WITH THEIR OWN FAMILIES," HE SAID.

"ALTHOUGH FOR THIS PURPOSE SOME OF THEM WILL NEED THE SUPPORT OF SPECIFIC SERVICES, INCLUDING SOCIAL CENTRES, DAY CARE CENTRES AND HOME HELP SERVICES, DESIGNED TO ENABLE THEM TO REMAIN IN A FAMILIAR ENVIRONMENT FOR AS LONG AS POSSIBLE," HE ADDED.

MR CARTLAND ALSO PRAISED THE ASSOCIATION FOR ITS EFFORTS IN PROMOTING THE WELL-BEING OF ELDERLY PEOPLE IN HONG KONG.

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CSD STAGES CAREER DISPLAY IN SHA TIN
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A THREE-DAY CAREER DISPLAY STAGED BY THE CORRECTIONAL SERVICES DEPARTMENT (CSD) BEGAN TODAY (WEDNESDAY) AT THE NEW TOWN PLAZA IN SHA TIN.

THE DISPLAY, CONSISTING OF SIX PANELS, FEATURES VARIOUS CORRECTIONAL PROGRAMMES FOR ADULT OFFENDERS, YOUNG OFFENDERS AND DRUG ADDICTS; SUCCESS RATES OF CORRECTIONAL AND REHABILITATION WORK; JOB NATURE OF CSD OFFICERS AND THEIR TRAINING, WELFARE AND PROMOTION PROSPECTS.

A CSD SPOKESMAN SAID THE DISPLAY FORMED PART OF THE DEPARTMENT'S MAJOR RECRUITMENT EXERCISE FOR 1990/91.

"THE DEPARTMENT AIMS TO RECRUIT SOME 1,300 YOUNG MEN AND WOMEN IN THE CURRENT FINANCIAL YEAR TO FILL THE VACANCIES OF OFFICERS AND ASSISTANT OFFICERS," HE SAID.

IN ORDER TO MEET THIS TARGET, SIMILAR CAREER DISPLAYS WOULD BE STAGED IN OTHER PLACES LATER THIS YEAR, THE SPOKESMAN ADDED.

DURING THE DISPLAY PERIOD, CSD OFFICERS WILL BE ON HAND TO ANSWER ENQUIRIES FROM MEMBERS OF THE PUBLIC.

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OPENING OF KOTEWALL FIRE STATION

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RESIDENTS OF THE MID-LEVELS WERE TODAY (WEDNESDAY) ASSURED OF BETTER PROTECTION DURING FIRE AND OTHER EMERGENCIES FOLLOWING THE OPENING OF THE KOTEWALL FIRE STATION.

SPEAKING AT THE OPENING OF THE FIRE STATION, THE CHIEF FIRE OFFICER OF HONG KONG COMMAND, MR RAYMOND JOHNSTON, SAID: "WITH THE COMMISSIONING OF THIS STATION, THERE ARE TWO APPLIANCES ON RUN DAY AND NIGHT AND THE RESPONSE TIME TO EMERGENCIES WITHIN THE REGION CAN BE MADE WELL WITHIN THE TARGET TIME OF SIX MINUTES WHICH THE FIRE SERVICES TRY TO GUARANTEE.

"RESIDENTS OF THE AREA CAN THEREFORE BE REST A LITTLE EASIER KNOWING THAT THEY ARE VERY WELL PROTECTED."

IN TIMES OF DANGER BE IT FIRE OR FLOODING, TYPHOON OR RAINSTORM, THE FIREMEN OF THIS STATION WOULD CONTINUE TO RENDER THEIR DEDICATED SERVICE IN THE TRUE TRADITION OF THE FIRE SERVICES HERE AND ELSEWHERE IN THE TERRITORY AS AND WHEN THEIR SERVICES WERE REQUIRED, MR JOHNSTON SAID.

THE KOTEWALL FIRE STATION COVERS AN AREA OF A POPULATION OF ABOUT 50,000, SERVING THE MID-LEVELS ABOVE BONHAM ROAD AND CAINE ROAD AND EXTENDING EASTWARDS TO GLENEALY AND WESTWARDS TO POK FU LAM ROAD AND INCLUDING THE UNIVERSITY OF HONG KONG.

WITHIN THE AREA, THERE EXIST ONE HOSPITAL, ONE REHABILITATION CENTRE, NINE SCHOOLS AND COLLEGES, TWO KINDERGARTENS, AND 42 HIGH-RISE BUILDING CONSTRUCTION SITES IN ADDITION TO THE NUMEROUS EXISTING HIGH-RISE DOMESTIC BUILDINGS.

MR JOHNSTON RECALLED THE KOTEWALL ROAD DISASTER WHICH OCCURRED IN JUNE 1972 AT A SITE WHICH WAS JUST ABOUT ONE MINUTE'S WALK FROM THE FIRE STATION. IN THIS TRAGEDY 67 PEOPLE LOST THEIR LIVES IN A LANDSLIDE AND BUILDING COLLAPSE CAUSED BY A RAINSTORM.

HE SAID IN THIS INCIDENT THE FIRE SERVICES WERE RESPONSIBLE FOR THE RESCUE OPERATION AND WERE ABLE TO RESCUE 21 PEOPLE ALIVE.

AS A RESULT OF THEIR EFFORTS, EIGHT FIREMEN AND OFFICERS RECEIVED AWARDS FOR GALLANTRY FROM THE QUEEN AND ONE OF THEM WAS THE RECIPIENT OF THE GEORGE MEDAL FOR GALLANTRY WHICH IS ONE OF THE HIGHEST CIVILIAN AWARDS FOR OUTSTANDING BRAVERY, MR JOHNSTON SAID.

ALSO ATTENDING TODAY'S FUNCTION WERE THE ACTING DEPUTY DIRECTOR, MR CHEUNG SHU-SHING, AND CHIEF FIRE OFFICER (HEADQUARTERS), MR PETER CHEUNG.

DB COMMITTEE TO DISCUSS FUNDING PRINCIPLES
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THE SHAM SHUI PO DISTRICT BOARD'S COMMUNITY BUILDING COMMITTEE WILL DISCUSS THE GUIDING PRINCIPLES GOVERNING THE ALLOCATION OF FUNDS FOR COMMUNITY BUILDING ACTIVITIES AT ITS MEETING TOMORROW (THURSDAY).

THE COMMITTEE WILL ALSO CONSIDER APPLICATIONS FOR FUNDS TOTALLING MORE THAN \$80,000 FOR CARRYING OUT ACTIVITIES WHICH INCLUDE A PRIVATE BUILDING MANAGEMENT SEMINAR, A MOCK DISTRICT BOARD MEETING, CALLIGRAPHY COMPETITION, CANTONESE OPERA AND OTHER RECREATIONAL ACTIVITIES.

NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE SHAM SHUI PO DISTRICT BOARD'S COMMUNITY BUILDING COMMITTEE MEETING TOMORROW (THURSDAY) AT THE SHEK KIP MEI COMMUNITY HALL, BLOCK 42, SHEK KIP MEI ESTATE, NAM CHEONG STREET.

THE MEETING WILL BEGIN AT 2 PM.

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EASTERN DB TO IDENTIFY TOURIST ATTRACTIONS
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THE EASTERN DISTRICT BOARD WILL IDENTIFY LOCAL TOURIST ATTRACTIONS AT ITS MEETING TOMORROW (THURSDAY).

MEMBERS WILL SUBMIT THEIR SUGGESTIONS TO THE OMELCO FOR USE IN PROMOTIONAL WORK AIMED AT ENCOURAGING VISITORS TO STAY LONGER IN HONG KONG.

THEY WILL ALSO DISCUSS THE PROGRESS OF THE RESUMPTION OF PRIVATE STREETS AND WHETHER TO CONTINUE MAKING GOODWILL VISITS TO LOCAL ORGANISATIONS.

NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE EASTERN DISTRICT BOARD MEETING TOMORROW (THURSDAY) IN THE DISTRICT OFFICE CONFERENCE ROOM, FIRST FLOOR, 880-886 KING'S ROAD.

THE MEETING WILL BEGIN AT 2.30 PM.

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TEMPORARY TRAFFIC ARRANGEMENTS IN EASTERN DISTRICT

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM 10 AM ON FRIDAY (JULY 27), THE FOLLOWING SECTIONS OF ROADS IN THE EASTERN DISTRICT WILL BE DESIGNATED URBAN CLEARWAYS FOR A PERIOD OF ABOUT FIVE MONTHS TO FACILITATE THE RECONSTRUCTION OF KING'S ROAD:

FROM 7 AM TO MIDNIGHT DAILY

- * KING'S ROAD EASTBOUND FROM ITS JUNCTION WITH OIL STREET TO A POINT ABOUT 30 METRES WEST OF THE SAME JUNCTION;
- * KING'S ROAD EASTBOUND FROM ITS JUNCTION WITH TIN CHONG STREET TO A POINT ABOUT 40 METRES EAST OF THE SAME JUNCTION;
- * THE NORTHERN KERBSIDE LANE OF ELECTRIC ROAD FROM A POINT ABOUT 25 METRES WEST OF OIL STREET TO A POINT ABOUT 35 METRES EAST OF OIL STREET;
- * THE NORTHERN KERBSIDE LANE OF ELECTRIC ROAD FROM A POINT ABOUT FIVE METRES EAST OF ITS JUNCTION WITH WHARF ROAD TO A POINT ABOUT 56 METRES EAST OF THE SAME JUNCTION;
- * THE NORTHERN KERBSIDE LANE OF ELECTRIC ROAD FROM A POINT ABOUT 70 METRES EAST OF ITS JUNCTION WITH WHARF ROAD TO A POINT ABOUT 130 METRES EAST OF THE SAME JUNCTION;
- * THE SOUTHERN KERBSIDE LANE OF ELECTRIC ROAD FROM A POINT ABOUT 25 METRES WEST OF OIL STREET TO A POINT ABOUT 25 METRES EAST OF TIN CHONG STREET;
- * OIL STREET BETWEEN KING'S ROAD AND A POINT ABOUT 20 METRES NORTH OF ELECTRIC ROAD;
- * POWER STREET BETWEEN KING'S ROAD AND ELECTRIC ROAD;
- * THE WESTERN KERBSIDE LANE OF TIN CHONG STREET FROM ITS JUNCTION WITH KING'S ROAD TO A POINT ABOUT 35 METRES NORTH OF THE SAME JUNCTION; AND
- * THE EASTERN KERBSIDE LANE OF TIN CHONG STREET FROM ELECTRIC ROAD TO KING'S ROAD.

FROM 7 AM TO 7 PM DAILY

- * THE NORTHERN KERBSIDE LANE OF ELECTRIC ROAD FROM A POINT ABOUT 35 METRES EAST OF OIL STREET TO A POINT ABOUT FIVE METRES EAST OF WHARF ROAD;

- * WHARF ROAD BETWEEN ITS JUNCTION WITH ELECTRIC ROAD AND A POINT ABOUT 10 METRES NORTH OF THE SAME JUNCTION; AND
- * THE WESTERN KERBSIDE LANE OF TIN CHONG STREET FROM ITS JUNCTION WITH ELECTRIC ROAD TO A POINT ABOUT 25 METRES SOUTH OF THE SAME JUNCTION.

NO VEHICLES EXCEPT FRANCHISED BUSES WILL BE ALLOWED TO STOP FOR PASSENGERS OR GOODS THERE.

AT THE SAME TIME, A SERIES OF TEMPORARY TRAFFIC ARRANGEMENTS WILL BE IMPLEMENTED. THE SECTION OF KING'S ROAD EASTBOUND BETWEEN OIL STREET AND TIN CHONG STREET WILL BE CLOSED.

OIL STREET BETWEEN ELECTRIC ROAD AND KING'S ROAD WILL BE RE-ROUTED FROM ONE-WAY SOUTHBOUND TO ONE-WAY NORTHBOUND, AND POWER STREET WILL BE RE-ROUTED FROM ONE-WAY SOUTHBOUND TO ONE-WAY NORTHBOUND. THE RE-ROUTING WILL REMAIN PERMANENT AFTER THE COMPLETION OF RECONSTRUCTION WORKS.

THE RIGHT TURNING MOVEMENT FROM FORTRESS HILL ROAD NORTHBOUND TO KING'S ROAD EASTBOUND WILL BE BANNED.

VEHICLES ON KING'S ROAD EASTBOUND WILL BE DIVERTED VIA OIL STREET, ELECTRIC ROAD AND TIN CHONG STREET TO REJOIN KING'S ROAD EASTBOUND. CMB ROUTES 2, 8, 18, 20, 21, 22, 80, 81, 81M AND 87, AND CROSS HARBOUR TUNNEL BUS ROUTES 102, 106, 110, 112, 116 AND 601 WILL FOLLOW THE SAME DIVERSION.

CMB ROUTES 10, 10A, 19, 23, 27, 38, 41, 42, 63 AND 65, AND CROSS HARBOUR TUNNEL BUS ROUTE 122 WILL BE DIVERTED VIA OIL STREET, ELECTRIC ROAD, JAVA ROAD AND SHU KUK STREET BEFORE TERMINATING AT NORTH POINT FERRY PIER.

VEHICLES ON OIL STREET NORTH OF ELECTRIC ROAD HEADING FOR KING'S ROAD WESTBOUND WILL BE DIVERTED VIA ELECTRIC ROAD AND TIN CHONG STREET TO REJOIN KING'S ROAD WESTBOUND.

VEHICLES ON OIL STREET NORTH OF ELECTRIC ROAD HEADING FOR THE SECTION OF OIL STREET BETWEEN ELECTRIC ROAD AND KING'S ROAD WILL FOLLOW THE SAME DIVERSION AND CONTINUE VIA TSING FUNG STREET, HING FAT STREET, WING HING STREET AND KING'S ROAD EASTBOUND TO REJOIN OIL STREET.

VEHICLES ON ELECTRIC ROAD AT ITS JUNCTION WITH POWER STREET HEADING FOR KING'S ROAD EASTBOUND WILL BE DIVERTED VIA ELECTRIC ROAD AND TIN CHONG STREET TO REJOIN KING'S ROAD EASTBOUND.

VEHICLES ON ELECTRIC ROAD AT ITS JUNCTION WITH POWER STREET HEADING FOR FORTRESS HILL ROAD WILL BE DIVERTED VIA ELECTRIC ROAD, TIN CHONG STREET AND KING'S ROAD WESTBOUND TO REJOIN FORTRESS HILL ROAD.

VEHICLES ON ELECTRIC ROAD HEADING FOR POWER STREET WILL BE DIVERTED VIA ELECTRIC ROAD, TIN CHONG STREET, KING'S ROAD WESTBOUND, TIN HAU TEMPLE ROAD AND FORTRESS HILL ROAD TO REJOIN POWER STREET.

WEDNESDAY, JULY 25, 1990

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TRAFFIC ARRANGEMENT IN KWUN TONG

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM 10 AM ON FRIDAY (JULY 27), THE RIGHT-TURN MOVEMENT FROM SHEUNG YUET ROAD WESTBOUND ONTO WANG HOI ROAD NORTHBOUND, IN KWUN TONG, WILL BE BANNED.

VEHICLES HEADING FOR WANG HOI ROAD NORTHBOUND MAY MAKE USE OF SHEUNG YUET ROAD, WANG TAI ROAD AND WANG YUEN STREET.

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TEMPORARY LANE CLOSURES IN FANLING AND SHEUNG SHUI

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT SEVERAL SECTIONS OF TAI PO ROAD FANLING AND NEW TERRITORIES CIRCULAR ROAD WILL BE PARTIALLY CLOSED TO FACILITATE ROAD MAINTENANCE WORKS.

THE OUTER-MOST LANE OF NEW TERRITORIES CIRCULAR ROAD NORTHBOUND NEAR SHEUNG SHUI ROUNDABOUT FOR A SECTION OF ABOUT 1.2 KILOMETRES WILL BE CLOSED FROM FRIDAY (JULY 27) TO SATURDAY (JULY 28).

THE OUTER-MOST LANE OF NEW TERRITORIES CIRCULAR ROAD SOUTHBOUND NEAR SHEUNG SHUI ROUNDABOUT FOR A SECTION OF ABOUT 1.2 KILOMETRES WILL BE CLOSED FROM MONDAY (JULY 30) TO TUESDAY (JULY 31).

THE OUTER-MOST LANE OF TAI PO ROAD FANLING NORTHBOUND NEAR KAI LENG ROUNDABOUT FOR A SECTION OF ABOUT 1.5 KILOMETRES WILL BE CLOSED FROM JULY 31 TO AUGUST 2.

THE OUTER-MOST LANE OF TAI PO ROAD FANLING SOUTHBOUND NEAR KAI LENG ROUNDABOUT FOR A SECTION OF ABOUT 1.4 KILOMETRES WILL BE CLOSED FROM AUGUST 6 TO AUGUST 8.

MOTORISTS ARE URGED TO DRIVE WITH CARE AND PATIENCE. APPROPRIATE TRAFFIC AIDS WILL BE SET UP TO GUIDE MOTORISTS.

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URBAN CLEARWAY IN CENTRAL DISTRICT

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT FROM 10 AM ON FRIDAY (JULY 27), THE SECTION OF QUEEN'S ROAD CENTRAL FROM ITS JUNCTION WITH THE ACCESS ROAD LEADING TO THE GARDEN ROAD MULTI-STOREY CAR PARK TO A POINT ABOUT 50 METRES WEST OF THE SAME JUNCTION WILL BE DESIGNATED AN URBAN CLEARWAY 24 HOURS DAILY.

NO VEHICLES EXCEPT FRANCHISED BUSES WILL BE ALLOWED TO STOP FOR PASSENGERS OR GOODS THERE.

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TEMPORARY LANE CLOSURE ON TUEN MUN ROAD

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THE TRANSPORT DEPARTMENT ANNOUNCES THAT TO FACILITATE ROAD MAINTENANCE WORKS, THE THREE TRAFFIC LANES OF THE TUEN MUN BOUND CARRIAGEWAY OF TUEN MUN ROAD NEAR TAI LAM CHUNG WILL BE PARTIALLY CLOSED IN TURN FROM 9.30 PM TODAY (WEDNESDAY) UNTIL 6 AM ON JULY 31.

CLOSURE OF TWO TRAFFIC LANES WILL BE IMPLEMENTED DURING THE NIGHT TIME (FROM 9.30 PM TO 6 AM THE FOLLOWING DAY), WHILE ONE TRAFFIC LANE WILL BE CLOSED FOR THE REST OF THE CLOSURE PERIOD.

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