



DAILY INFORMATION BULLETIN

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

WEDNESDAY, JUNE 12, 1985

CONTENTS

PAGE NO.

LEGISLATIVE COUNCIL MEETING:

PUBLIC MORE AWARE OF LEGCO'S VITAL ROLE	1
LEGISLATING FOR AN EFFECTIVE AND STRONG LEGCO ESSENTIAL ...	4
PUBLIC VIEWS CONSIDERED BY AD HOC GROUP	10
BILL PROVIDES FOR ORDERLY CONDUCT OF LEGCO BUSINESS	10
DUNN AGREES WITH MUCH OF THE CRITICISMS	11
'SUMMONSING WITNESS NOT INFRINGEMENT OF PRIVACY'	12
LEGCO DIFFERENT NEXT SESSION, SAYS SO	14
AMENDMENT TO BE MADE TO CONTROVERSIAL CLAUSE	16
AN ADMITTANCE TO +DRAFTING OVERSIGHTS+	17
AMENDMENTS NECESSARY TO ALLEVIATE CONCERN	19
CALL TO REDRAFT 'STRANGERS' CLAUSE	20
AMENDMENT AND DELETION SUGGESTED	22
DR FANG WINDS UP DEBATE ON BILL	23
INDUSTRY GIVEN INFRASTRUCTURE SUPPORT	23
FILIPINA DOMESTIC HELPERS' STATUS OUTLINED	25
WAYS TO PRODUCE TEXTBOOKS IN CHINESE STUDIED	25
NON-AGRICULTURAL PESTICIDE CONTROL NEEDED	26
DIFFERENCES HALT NORTH DISTRICT SCHOOL PLAN	27

/MEDIA COUNCIL

MEDIA COUNCIL - A MATTER FOR THE MEDIA	28
CRITERIA FOR ZEBRA-CROSSINGS EXPLAINED	28
LAYOUT PLAN PREPARED FOR ON LOK TSUEN	29
UMELCO GROUP BACKS PROPOSAL ON HANDLING OF COMPLAINTS	30
BILL TO UPHOLD ARBITRATION CLAUSES	31
STANDARDS SET FOR DANGEROUS GOODS AIR FREIGHT	32
BILL PAVES WAY FOR +OSPREY+ REHEARING	34
BILL TO CLARIFY WATER POLLUTION CONTROL	35
APPOINTMENTS CONFIRMED	36
FOUR BILLS PASSED	37
FRESH APPROACH TO VICTORIA BARRACKS DEVELOPMENT PLAN	38
NEW CONCEPT IN CROP PEST CONTROL INTRODUCED	40
DB MEMBERS ATTEND ENVIRONMENTAL SEMINAR	41
DMC CALL ON EASTERN DB CHAIRMAN	41
RENOWNED VIRTUOSO TO GIVE DOUBLE BASS DEMONSTRATION	42
VOCATIONAL TRAINING COUNCIL GROUP TO VISIT UK	43
NEW FIRE STATION IN SAI KUNG OPENING	43
NEW TSING YI ROADS TO OPEN	43
TEMPORARY CLOSURE	44
TEMPORARY TRAFFIC CHANGES IN CENTRAL	44
LANE CLOSED FOR MAIN LAYING	44

WEDNESDAY, JUNE 12, 1985

- 1 -

PUBLIC MORE AWARE OF LEGCO'S VITAL ROLE
* * * *

THE PUBLIC DEBATE WHICH HAD TAKEN PLACE SINCE PUBLICATION OF THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL 1985 PROVIDED +A CLEAR INDICATION OF A HEIGHTENED PUBLIC AWARENESS OF THE IMPORTANT ROLE PLAYED BY THE COUNCIL IN THE AFFAIRS OF HONG KONG,+ THE CHIEF SECRETARY, MR DAVID AKERS-JONES, SAID TODAY.

MAKING HIS FIRST SPEECH IN THE CHAMBER AS CHIEF SECRETARY WHEN MOVING THE SECOND READING OF THE BILL, MR AKERS-JONES OUTLINED PROPOSALS FOR +SUBSTANTIAL AMENDMENTS AND DELETIONS TO THE BILL,+ AND SAID:

+I BELIEVE THAT THE BILL IN ITS AMENDED FORM WILL COMMEND ITSELF TO MEMBERS AND TO THE PUBLIC AT LARGE.+

HE ADDED: +IT PROTECTS THE PRINCIPLES, IT ESTABLISHES THE PROCEDURES IT WILL SET THE NEW LEGISLATURE ON COURSE IN ITS OWN COUNCIL CHAMBER, AND I HAVE NO HESITATION THEREFORE IN PROPOSING THAT THE BILL BE READ A SECOND TIME.+

THE PROPOSALS, HE SAID, HAD BEEN MADE AFTER SERIOUS AND PROLONGED DELIBERATION AND CONSULTATION AND WOULD BE CONTAINED IN AN AMENDED TEXT OF THE FULL BILL WHICH WOULD BE PUBLISHED IN THE GAZETTE AT THE END OF THIS WEEK FOR GENERAL INFORMATION.

+I TRUST THAT THE CHANGES TO THE BILL WHEN IT APPEARS IN THE GAZETTE ON FRIDAY WILL MEET MOST, IF NOT ALL, OF THE CRITICISMS WHICH HAVE BEEN MADE.

+ 'STRANGERS' WILL GO; SO WILL 'INTENTIONAL DISRESPECT;' A REVISED CLAUSE WILL EXPRESS THE GENERAL PRINCIPLE THAT COUNCIL BUSINESS SHOULD BE IN PUBLIC LEAVING MEMBERS TO DECIDE WHEN, IF AT ALL, THEY NEED TO CONDUCT SOME BUSINESS IN PRIVATE.

+THERE MUST BE TRUST IN THE COUNCIL TO USE ITS GOOD SENSE AND HAVE REGARD TO THE PUBLIC INTEREST WHEN DECIDING TO EXERCISE THIS POWER,+ MR AKERS-JONES SAID.

MR AKERS-JONES SAID HE WAS VERY CONSCIOUS +OF THE DEEP CONCERN SHOWN OVER THIS LEGISLATION BY LAWYERS, JOURNALISTS, PUBLIC SPIRITED GROUPS AND, IN RESPONSE TO THEIR ANXIETY, PERHAPS OF A WIDER CONCERN WITHIN THE COMMUNITY THAT THERE WAS SOME HIDDEN PURPOSE BEHIND THE INTRODUCTION OF THE LEGISLATION INTO THE COUNCIL AT THE PRESENT TIME.+

+I HAVE NO NEED TO ASSURE MEMBERS OF THIS COUNCIL THAT THIS IS NOT THE CASE, BUT LET ME SAY SO QUITE EMPHATICALLY TO THIS WIDER AUDIENCE WHICH IS CONCERNED ABOUT THE PROCEEDINGS OF THIS COUNCIL TODAY. THERE IS NO HIDDEN AGENDA,+ MR AKERS-JONES SAID.

/THE DEBATE

THE DEBATE AND DISCUSSIONS OF THE PAST WEEKS HAD BEEN MOST VALUABLE AND A GREAT DEAL OF USEFUL AND CONSTRUCTIVE CRITICISM ARISING FROM THE PUBLIC DEBATE HAD BEEN RECEIVED, HE SAID.

THERE HAD BEEN SO MUCH CRITICISM OF CERTAIN PASSAGES OF THE BILL THAT THERE HAD BEEN DANGER OF LOSING SIGHT OF THE ESSENTIAL PRINCIPLES AND OBJECTIVES LYING BEHIND THE LEGISLATION. THAT WAS NOT TO SAY THAT THERE HAD NOT BEEN WELCOME SUPPORT FOR THESE PRINCIPLES FROM A NUMBER OF QUARTERS.

+THE QUESTION BEFORE US TODAY IS TO DECIDE, HAVING LISTENED TO CRITICISM AND ADVICE WHETHER WE ARE PREPARED TO PROCEED WITH THE SECOND READING OF THE BILL, DOING SO IN THE KNOWLEDGE THAT WE STICK TO THE PRINCIPLES BUT MAKE SUFFICIENT, AND IN SOME CASES SUBSTANTIAL AMENDMENTS AND DELETIONS TO TAKE ACCOUNT OF THE LEGITIMATE CONCERNS WHICH HAVE BEEN EXPRESSED,+ HE SAID.

IT WAS NECESSARY NOW TO SET DOWN IN LAW A CLEAR STATEMENT OF THE POWERS AND PROTECTION THAT FUTURE MEMBERS OF THE COUNCIL WOULD HAVE BEFORE THEM WHEN THEY TAKE OFFICE AS A RESULT OF THE PROCESS OF CONSTITUTIONAL CHANGE, HE SAID.

IT WAS ALSO FITTING THAT THIS SHOULD BE DONE AS THE LEGISLATIVE COUNCIL WAS ABOUT TO MOVE INTO ITS OWN PREMISES IN OCTOBER. THERE WAS NEED TO HAVE SET OUT CLEARLY IN THE LAW OF HONG KONG THE AUTHORITY OF THE LEGISLATIVE COUNCIL THROUGH ITS PRESIDENT TO REGULATE THE CONDUCT OF MEMBERS OF THE PUBLIC ADMITTED TO THE NEW COUNCIL CHAMBER, TO COMMITTEE ROOMS AND TO ROOMS SET ASIDE FOR MEMBERS OF THE PUBLIC TO MEET MEMBERS OF THE COUNCIL, HE SAID.

REFERRING TO THE QUESTION OF THE +PHILOSOPHY OF THE BILL,+ MR AKERS-JONES SAID THAT JUST AS THE PROVISIONS OF THE BILL WERE DERIVED FROM THE EXISTING LAW, SO THE PHILOSOPHY OF THE BILL REFLECTED THE PHILOSOPHY OF THE LAW.

+AND THAT LAW IS PARLIAMENTARY LAW. IT IS NOT THE CASE THAT THE BILL PROPOSES TO INTRODUCE PARLIAMENTARY LAW IN A SITUATION WHERE IT IS NOT ALREADY PRESENT.

+THE ESSENTIAL POINT THAT MUST BE EMPHASISED IS THAT PARLIAMENTARY LAW IS NOW BEING AND HAS LONG BEEN APPLIED TO HONG KONG IN RESPECT OF THIS COUNCIL.

+I AM ADVISED AND I ACCEPT THAT IN THE CONTEXT OF HONG KONG THIS BILL IS A FAITHFUL REFLECTION OF THAT LAW AND THE EXISTING SITUATION: IT DOES NOT INTRODUCE NEW LAW,+ HE SAID.

AN ELEMENT OF THE BILL THAT WAS SOMEWHAT DIFFERENT FROM THE CLASSIC TRADITIONS OF PARLIAMENTARY LAW WAS THAT INSTEAD OF THE COUNCIL CLAIMING POWER TO PUNISH FOR BREACHES OF PRIVILEGE, THAT QUESTION WAS TO BE HANDED OVER TO THE COURTS.

WEDNESDAY, JUNE 12, 1985

- 3 -

+IN OTHER WORDS THE BILL MAKES THE CONCESSION, AND RIGHTLY SO, THAT THIS COUNCIL SHOULD NEVER ACT AS JUDGE IN ITS OWN CAUSE,+ HE SAID.

MANY OF THE CONCERNS ABOUT THE BILL, PARTICULARLY THOSE OF THE PRESS, HAD FOCUSED ON CLAUSE 20, WHICH DEALT WITH DEFAMATORY AND UNAUTHORISED PUBLICATIONS, HE SAID.

THE CLAUSE REPRESENTED AN ATTEMPT TO IMPOSE LIMITS ON THE EXERCISE OF THE RIGHT TO SUBJECT THE COUNCIL, ITS MEMBERS OR PROCEEDINGS TO SCURRILOUS ABUSE OR MALICIOUS ATTACKS OR TO DISCLOSE IN A PUBLIC WAY WHAT HAD BEEN DONE AND DISCUSSED IN CONFIDENCE.

HOWEVER, HE SAID, THE LAW OF LIBEL ALREADY EXISTED WHICH PROTECTED MEMBERS AS ORDINARY PERSONS AND THERE MIGHT BE OTHER LAWS WHICH WERE RELEVANT.

THE GOVERNMENT THEREFORE, IF MEMBERS WERE CONTENT, WAS PREPARED NOT TO PROCEED WITH THIS CLAUSE.

HOWEVER, THE ADMINISTRATION CONTINUED TO SEE MERIT IN HAVING PROVISIONS TO GUARD AGAINST THE DISCLOSURE OF CONFIDENTIAL INFORMATION AND PROCEEDINGS, AND WOULD MAKE AN EXAMINATION OF THE EXTENT TO WHICH THESE OBJECTIVES COULD BE ACHIEVED.

REFERRING TO CLAUSE 24, HE SAID THAT THERE WAS NOTHING IN IT THAT WOULD PREVENT A PERSON CHALLENGING IN THE COURTS AN UNLAWFUL EXERCISE OF POWERS.

+I CANNOT THEREFORE SUPPORT THE SUGGESTION THAT CLAUSE 24 BE DELETED FROM THE BILL,+ HE SAID.

AN AMENDMENT WOULD HOWEVER, BE TABLED TO MAKE IT CLEAR THAT THIS CLAUSE DEALT WITH THE +LAWFUL+ EXERCISE OF ANY POWER CONFERRED UNDER THE ORDINANCE ON THE STANDING ORDERS OF THE COUNCIL.

MR AKERS-JONES SAID THAT TO ENABLE MEMBERS OF THE COUNCIL TO ACT IN THE PUBLIC INTEREST TO INVESTIGATE TOPICS OF PUBLIC CONCERN, THE COUNCIL HAD TO ENJOY POWERS TO REQUIRE THE ATTENDANCE OF MEMBERS OF THE PUBLIC WITH INFORMATION OR KNOWLEDGE TO IMPART AND TO PRODUCE DOCUMENTS AND TO GIVE EVIDENCE.

THE ARRANGEMENTS IN PARAGRAPH 16 OF THE BILL AS DRAFTED WERE TOO FAR-REACHING IN PROTECTION OF INDIVIDUAL WITNESSES FOR THEY MIGHT AFFECT THE RIGHTS OF THIRD PARTIES AND DEFEAT THE ENDS OF JUSTICE.

AMENDMENTS WOULD BE PROPOSED TO MAKE SUCH EVIDENCE INADMISSIBLE IN SUBSEQUENT PROCEEDINGS WHICH HE HOPED WOULD BE SEEN TO BE ADEQUATE PROTECTION FOR THAT PURPOSE, HE SAID.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

/4

WEDNESDAY, JUNE 12, 1985

- 4 -

LEGISLATING FOR AN EFFECTIVE AND STRONG LEGCO ESSENTIAL
* * * * *

THE DECISION TO GO AHEAD WITH THE SECOND READING ON THE GENERAL PRINCIPLE AND MERITS OF THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL IS MADE NOT OUT OF INSENSITIVITY TO PUBLIC OPINION, BUT OUT OF DETERMINATION TO FIRMLY STEER THE BILL THROUGH THE DIFFERENCES OF OPINIONS AND BALANCE ON JUDGEMENT BETWEEN LEGISLATING FOR AN EFFECTIVE AND STRONG LEGISLATIVE COUNCIL AND ACCOMMODATING THE CONCERNS OF THE PUBLIC AND THE MEDIA OVER THEIR FREEDOMS.

THIS WAS SAID BY THE HON MARIA TAM, CONVENER OF THE AD HOC GROUP STUDYING THE BILL, WHEN LEADING THE UNOFFICIALS' DEBATE TODAY (WEDNESDAY).

+THE LEGISLATIVE COUNCIL MUST BE ABLE TO EXERCISE ITS JUDGEMENT AND AUTHORITY AS DECISION MAKERS AND REPRESENTATIVES OF THE PEOPLE BOTH NOW AND IN THE FUTURE BY GRASPING THE ISSUES BEFORE IT, ANALYSE AND DEAL WITH THEM WITH A CLEAR CONSCIENCE THAT THE DECISION IS MADE IN THE INTEREST OF THE PUBLIC AT LARGE,+ SHE SAID.

+AND THE INTEREST OF THE PUBLIC NEEDS TO BE SERVED BY A LEGISLATURE BUTTRESSED BY LEGISLATION WHICH GIVES A FIRM CONTROL OVER THE MANAGEMENT OF ITS OWN AFFAIRS, EFFECTIVE INVESTIGATORY POWERS AND AS MUCH POWERS AND PRIVILEGES AND RESPECT WHICH THE COURTS OF LAW ENJOY IN THIS TERRITORY,+ SHE ADDED.

SHE POINTED OUT THAT +THE SINO-BRITISH JOINT DECLARATION ON THE FUTURE OF HONG KONG WAS RATIFIED ON MAY 27, 1985 AND WE HAD MOVED INTO THE 'TRANSITIONAL PERIOD'.

IN FOUR MONTHS' TIME THERE WOULD BE 24 ELECTED REPRESENTATIVES OF THE PEOPLE OF HONG KONG JOINING THE LEGISLATIVE COUNCIL AND IN 12 YEARS' TIME THIS TERRITORY WOULD BE GOVERNED BY AN ELECTED LEGISLATURE, SHE SAID.

+BY THEN IT WILL NEITHER BE APPROPRIATE NOR POSSIBLE FOR THE SAR GOVERNMENT TO LOOK TO WESTMINSTER AND SEEK REFERENCE TO ITS PARLIAMENTARY PRACTICES ON HOW TO MANAGE THE AFFAIRS OF THE HONG KONG LEGISLATURE.

+IT WILL BE NECESSARY THEREFORE TO ENACT OUR OWN RULES,+ MISS TAM SAID.

THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL WAS INTRODUCED TO ENACT SUCH RULES IN HONG KONG BY AN ORDINANCE AND AN AD HOC GROUP OF THE LEGISLATIVE COUNCIL WAS FORMED TO CONSIDER ITS PROVISIONS.

/+THIS BILL

+THIS BILL SEEKS TO CODIFY THE EXISTING COMMON LAW AND PARLIAMENTARY PRACTICE WHICH CAN BE EXTENDED OR HAS ALREADY BEEN EXTENDED TO THE HONG KONG LEGISLATURE UNDER THE DOCTRINE OF INHERENT NECESSITY,+ SHE SAID.

ALSO, SECTION 4 OF THE OATHS AND DECLARATIONS ORDINANCE WHICH PROVIDES FOR THE SUMMONSING OF WITNESSES TO GIVE EVIDENCE BEFORE THE COUNCIL AND ITS COMMITTEES FORMED THE LEGAL BASIS FOR THE CLAUSES ON EVIDENCE IN PART III, AND CLAUSES 17 AND 18 UNDER PART IV OF THE BILL, SHE ADDED.

MISS TAM THEN LISTED THE CONSIDERATIONS GIVEN INTO INTRODUCING THIS BILL AT THIS POINT IN TIME:

1. AFTER 1997 ANY INHERENT POWERS AND PRIVILEGES DERIVED FROM THE PRESENT STATUS OF THE LEGISLATIVE COUNCIL AS A COLONIAL LEGISLATURE WILL CEASE TO HAVE EFFECT IN HONG KONG;
2. THE POWERS AND PRIVILEGES DERIVED FROM CASE LAWS HAVE NOT REALLY BEEN BROUGHT OUT IN COURT RULINGS AND IT IS DESIRABLE THAT THERE SHOULD BE A CLEAR UNDERSTANDING OF WHAT RIGHT THE LEGISLATURE HAS;
3. WE ARE ALREADY IN THE TRANSITIONAL PERIOD, AND AS WE MOVE TOWARDS REPRESENTATIVE GOVERNMENT AND MOVE AWAY FROM THE TRADITION OF CONSENSUS POLITICS, IT WILL ASSIST THE FUNCTIONING OF THE LEGISLATIVE COUNCIL IF THE POWERS AND PRIVILEGES, THAT THE LEGISLATURE AND ITS MEMBERS CAN ENJOY, ARE CLEARLY UNDERSTOOD;
4. IN THE GREEN PAPER ON FUTURE DEVELOPMENT OF REPRESENTATIVE GOVERNMENT IN HONG KONG, IT WAS ENVISAGED THAT THE LEGISLATIVE COUNCIL IN FUTURE MAY ELECT ITS OWN PRESIDENT WHO WILL LACK THE OTHER PROOFS OF AUTHORITY WHICH THE GOVERNOR HAS. THE PRESIDENT MUST HAVE CLEAR LEGAL SANCTION TO WHICH TO POINT FOR HIS CONDUCT OF THE BUSINESS OF THE LEGISLATURE; AND
5. FINALLY, WITH THE DEVELOPING PUBLIC ROLE OF THE COUNCIL'S COMMITTEE FOLLOWING ON THE OPENING UP OF THE HEARING OF THE FINANCE COMMITTEE AND BUDGET ESTIMATES AND THE PUBLIC ACCOUNTS COMMITTEE, AND NOW THE SETTING UP OF THE SELECT COMMITTEE ON COMPLEX COMMERCIAL CRIMES, IT IS TIMELY THAT THE POSITION REGARDING THE CALLING OF WITNESSES AND THE HEARING OF EVIDENCE SHOULD BE CODIFIED.

/+ALL THESE

+ALL THESE FIVE REASONS, JUDGING FROM THE POSITIVE RESPONSE WE HAVE HAD TOWARDS A MORE REPRESENTATIVE GOVERNMENT, ARGUES FOR THE CODIFICATION EXERCISE TO BE DONE AT THIS POINT IN TIME, AND INDEED, UNTIL JUNE 10, 1985, NEARLY ALL THE GROUPS OR ORGANISATIONS THAT CAME AND MADE REPRESENTATIONS TO THE AD HOC GROUP SUPPORTED THE SPIRIT AND PURPOSE OF THE BILL ALTHOUGH THEY RIGHTLY CRITICISED INDIVIDUAL CLAUSES IN ITS CONTENTS,+ SHE SAID.

THEY SUPPORTED THE MAIN PRIVILEGES DEFINED IN THE BILL IN RESPECT OF THE STATEMENTS MADE IN DEBATE IN COUNCIL; PROTECTION OF MEMBERS FROM ANY ACTION IN THE COURTS FOR DEFAMATION ARISING OUT OF SUCH STATEMENTS; MEMBERS' FREEDOM FROM ARREST WHILE DISCHARGING THEIR DUTY AS LEGISLATIVE COUNCILLORS WITHIN THE PRECINCTS OF THE COUNCIL (OR IN THE CASE OF CIVIL MATTER, WHILE GOING TO AND COMING AWAY FROM ITS PRECINCTS); EXEMPTIONS FROM JURY SERVICE AND ATTENDANCE IN COURT AS WITNESSES.

THERE WAS A VERY STRONG SUPPORT TOO ON THE DEVELOPMENT OF THE INVESTIGATORY ROLE OF THE COMMITTEES OF THE COUNCIL, SHE OBSERVED.

HOWEVER IN SPITE OF THE OBVIOUS NEED FOR SUCH A PIECE OF LEGISLATION, THE INTRODUCTION OF THE BILL HAD MET WITH A CONTROVERSIAL RECEPTION.

+I BELIEVE IT IS RIGHTLY CRITICISED THAT THERE WAS A LACK OF CONSULTATION ON THE BILL OUTSIDE THE UNOFFICIAL MEMBERS OF THIS COUNCIL, AND IT IS WRONGLY, THOUGH NOT DELIBERATELY, PERCEIVED AS A BILL WHICH WILL ATTRACT ONLY A LIMITED INTEREST; AND THAT IN TRYING TO ADOPT A SAFE AND WELL TRIED FORMULA IN CREATING THIS BILL A LITTLE TOO MUCH GRAFTING IS MADE FROM THE EQUIVALENT ACTS OF TERRITORIES WHICH WERE ONCE BRITISH COLONIES, BUT ARE NOW INDEPENDENT,+ SHE SAID.

+BUT THE MOST PERSUASIVE ARGUMENT WHICH CAUSED THE AD HOC GROUP IN CHARGE OF THE BILL TO EMBARK ON AN OVERHAUL OF PART IV OF THIS BILL WAS THAT SOON AFTER WE RECEIVED THE FIRST REPRESENTATION ON MAY 24, WE KNEW THAT THE CONCEPT OF PARLIAMENTARY PRIVILEGES AND PRACTICE IS FAR REMOVED FROM THE ORDINARY LIFE OF THE HONG KONG COMMUNITY; THAT THERE IS THE NEED TO REASSURE THE PUBLIC OF OUR COMMITMENT TO A MORE OPEN GOVERNMENT AND, IN PARTICULAR, THE FREEDOM OF THE PRESS, AND THE FREEDOM OF SPEECH, IN THE LIGHT OF CHANGES LEADING UP TO 1997,+ SHE ADDED.

THE AD HOC GROUP, SHE SAID, TOOK IMMEDIATE ACTION AFTER RECEIVING THE FIRST REPRESENTATION BY THE HONG KONG AFFAIRS SOCIETY ON MAY 24 TO CONTACT THE ADMINISTRATION AND THE ATTORNEY GENERAL'S CHAMBERS TO WORK ON AMENDMENTS TO THE BILL, WHICH FIRST DRAFT WAS READY ON JUNE 3.

/THESE

THESE AMENDMENTS IN FACT DEALT WITH 90 PER CENT OF THE COMPLAINTS WHICH WAS REPEATED BY VARIOUS GROUPS, THE LEGAL PROFESSION AND THE NEWS MEDIA ON THE EIGHT DAYS TO FOLLOW, WHICH ON JUNE 10 AND 11 HAD DEVELOPED INTO A STRONG DEMAND TO DEFER THE SECOND READING.

HAVING EXPLAINED THE DECISION TO GO AHEAD WITH THE SECOND READING, MISS TAM SET OUT THE AMENDMENTS WHICH THE UNOFFICIALS HAVE ASKED FOR IN ANSWER TO PUBLIC CRITICISM TO THE BILL:

- (1) ON CLAUSE 8 TO THE EFFECT THAT SITTING OF THE COUNCIL SHALL BE OPEN TO THE PUBLIC SUBJECT TO CERTAIN RESTRICTIONS, WHICH HAS TO BE PUBLICISED IN FORM OF ORDERS;
- (2) ON CLAUSE 13 TO RESTRICT THE PRESIDENT'S POWER TO CALL FOR EVIDENCE ONLY WHEN IT IS LAWFUL AND RELEVANT TO THE ISSUE;
- (3) ON CLAUSE 14 TO GIVE FURTHER PROTECTIONS TO A WITNESS FROM INCRIMINATION OF SELF OR SPOUSE;
- (4) CLAUSE 15 TO ALLOW FOR THE DEVELOPMENT OF THE PRACTICE OF THE COMMITTEE OR THE COUNCIL AND THE PRESIDENT'S POWER IN THE DETERMINATION OF QUESTIONS TO BE PUT TO THE WITNESSES BY VIRTUE OF ANY RESOLUTION OF THE COUNCIL;
- (5) CLAUSE 16 TO ACKNOWLEDGE THE WITNESS' PRIVILEGE AGAINST INCRIMINATION OF SELF OR SPOUSE; AND AMEND IT BY PUTTING IN AN EQUIVALENT SECTION TO SECTION 44A OF THE SUPREME COURT ORDINANCE CAP. 4; AND TO THE EFFECT THAT THE EVIDENCE HE HAS GIVEN BEFORE THE SELECT COMMITTEE OF THE COUNCIL WILL BE INADMISSIBLE AGAINST HIM;
- (6) DELETION OF CLAUSE 17(D) THE OFFENCE OF INTENTIONAL DISRESPECT;
- (7) DELETION OF CLAUSE 19(A) WHICH CAN BE COVERED BY SECTION 4 OF THE PREVENTION OF BRIBERY ORDINANCE;
- (8) CLAUSE 20 BY DELETING IT FROM THIS BILL BUT TO EXPLORE OTHER APPROPRIATE MEASURES TO PROTECT FROM DISCLOSURE OF CERTAIN PROCEEDINGS OF CLOSED DOOR MEETINGS OF THE COUNCIL OR COMMITTEE; AND
- (9) CLAUSE 24 WHICH AT THE MOMENT EXCLUDES THE JURISDICTION OF THE COURT IN RESPECT OF THE ACTS OF THE COUNCIL, THE PRESIDENT OR THE OFFICERS.

SHE SAID HER COLLEAGUES WHO WERE GOING TO SPEAK ON THIS BILL OR OF THEIR SUGGESTIONS TO AMENDMENTS WOULD GIVE HIS OR HER REASONS.

+AT THE END OF THE DEBATE WE SHALL VOTE ON THE SECOND READING I.E. ON THE PRINCIPLE AND GENERAL MERITS OF THIS BILL WITH A CLEAR UNDERSTANDING THAT IT IS SUBJECTED TO THE AMENDMENTS REFLECTING THE POINTS THAT WE HAD MADE IN THIS COUNCIL,+ SHE ADDED.

SHE SAID SHE BELIEVED A NEW VERSION OF THIS BILL WOULD BE GAZETTED IN TWO DAYS' TIME AND THE AD HOC GROUP WOULD SCRUTINISE IT AND THE PUBLIC WOULD NO DOUBT DO THE SAME.

MISS TAM THEN REFERRED IN PARTICULAR TO THREE POINTS OF CRITICISM, THE FIRST BEING THAT +THE EXISTING LEGISLATIVE COUNCIL MEMBERS HAVE A VESTED INTEREST IN THIS BILL AND THEREFORE IT SHOULD BE DEFERRED UNTIL IT IS DEBATED BY THE NEW LEGISLATIVE COUNCIL WITH ITS ELECTED MEMBERS+.

SHE SAID: +I HOPE THIS IS NOT BASED ON THE ASSUMPTION THAT APPOINTED MEMBERS ARE MORE PRONE TO SERVE THEIR OWN INTEREST THAN ELECTED MEMBERS.+

+THE CONDUCT OF EVERY LEGISLATIVE COUNCILLOR ELECTED OR APPOINTED MUST BE AND IS INDEED SUBJECT TO THE PUBLIC'S SCRUTINY.

+IT IS WITHIN OUR ANTICIPATION TO WORK ON A CODE OF CONDUCT FOLLOWING THE ULTIMATE PASSAGE OF THIS BILL AND POSSIBLE AMENDMENTS TO THE STANDING ORDERS OF THE LEGISLATIVE COUNCIL,+ SHE SAID.

AS TO THE SUGGESTION THAT THERE SHOULD BE NO RESTRICTION ON REPORTING ON THE PROCEEDINGS OF THE CLOSED DOOR MEETINGS OF THE COUNCIL OR COMMITTEE; AND THAT THE PRESS MUST JUDGE WHETHER THE REPORTING ON SUCH PROCEEDINGS IS IN THE PUBLIC INTEREST, MISS TAM SAID SHE COULD SEE THE CONCERN OF THE PRESS AND MEDIA ON SUCH RESTRICTIONS AND AGREED THAT CLAUSE 20, AND IN PARTICULAR CLAUSE 20(C), SHOULD BE DELETED.

+BUT I BELIEVE THAT APPROPRIATE LEGISLATIVE MEASURES SHOULD BE INTRODUCED TO SAFEGUARD THE INTEREST OF A WITNESS WHO GIVES EVIDENCE IN CAMERA, OR THE DISCLOSURE OF SENSITIVE INFORMATION GIVEN BEFORE A COMMITTEE,+ SHE SAID.

IT WOULD BE WISE TO ADOPT THE PRACTICE IN THE COURTS ON PROCEEDINGS IN CAMERA, AND RESTRICTIONS ON REPORT ON EVIDENCE HEARD IN CAMERA, A PRACTICE WITH WHICH THE HONG KONG PRESS AND MEDIA WERE WELL FAMILIAR, SHE ADDED.

SHE SAID SHE ALSO BELIEVED THAT THE CHAIRMAN OF ANY COMMITTEE OR THE PRESIDENT OF THE COUNCIL MUST EXERCISE HIS JUDGMENT ON HOW TO PROTECT PUBLIC INTEREST, WITHOUT ABDICATING SUCH A RESPONSIBILITY AND LEAVING IT TO THE PRESS.

/ON THE

ON THE CRITICISMS THAT THE BILL WAS NOT A MERE CODIFICATION EXERCISE BUT NEW OFFENCES HAD BEEN CREATED AND NEW POWERS BESTOWED UPON THE LEGISLATIVE COUNCIL UNDER CLAUSE 24, MISS TAM SAID THE UNOFFICIALS HAD HELD A FURTHER WORKING SESSION WITH THE LAW DRAFTSMAN AND THE ATTORNEY GENERAL TO IDENTIFY THE AREAS CODIFIED AND THE AREAS COVERED BY SECTION 4 OF CAP. 11.

+IT WAS EXPLAINED TO US AGAIN THAT CLAUSE 24 FALLS WITHIN THE SCOPE OF WHAT IS 'INHERENTLY NECESSARY' TO A COLONIAL LEGISLATURE AND THE COURT IN HONG KONG WILL BE EXTREMELY UNLIKELY TO QUESTION THE EXERCISE OF SUCH POWERS CONFERRED ON THE COUNCIL UNDER THIS ORDINANCE.

+HOWEVER, IN ORDER TO ENSURE THAT THE NEW LEGISLATIVE COUNCIL DOES NOT ENJOY MORE POWER THAN WE HAVE ALREADY, AN AMENDMENT WILL BE INTRODUCED TO EXCLUDE THE COURTS' JURISDICTION UNDER CLAUSE 24 ON THE LAWFUL EXERCISE OF SUCH POWERS AND THE CORRESPONDING CLAUSES, I.E. CLAUSES 10, 13, 14(1) AND 70 WILL BE AMENDED ACCORDINGLY,+ SHE SAID.

+IN FACT IN THIS BILL, THERE HAS NEVER BEEN THE INTENTION OR THE WORDING TO SEEK THE POWER TO PROSECUTE OR ENFORCE ITS PROVISION, BY THE LEGISLATIVE COUNCIL. THE REAL POWER RESTS IN THE HANDS OF THE ATTORNEY GENERAL AND THE COURTS OF LAW,+ SHE ADDED.

PREDICTING THAT THERE WOULD STILL BE CRITICISMS THAT THE UNOFFICIALS HAD NOT DEFERRED THE SECOND READING IN ORDER TO ALLOW MORE PUBLIC COMMENTS ON THIS BILL, SHE SAID THE AD HOC GROUP AND THEIR UNOFFICIAL COLLEAGUES WERE CONVINCED OF THE INTRINSIC VALUE OF THIS BILL AND THAT THE LEGISLATIVE COUNCIL WAS THE PROPER FORUM FOR THEM TO EXPRESS THEIR VIEWS.

+WE HAVE GONE THROUGH MANY TIMES THE REPEATED CRITICISMS AND BELIEVE THAT WE SHOULD MAKE CLEAR OUR SUPPORT TO ITS INTRINSIC VALUE AND GIVE REASONS FOR IT BEFORE THE PUBLIC JUDGMENT ON THE MERIT OF THIS BILL IS SO CLOUDED BY THE CRITICISMS MADE AGAINST PARTS OF THE BILL, WHICH WE KNOW, AS EARLY AS ON JUNE 3 WILL BE REMOVED.

+THESE PARTS OF THE BILL WILL BE SUBJECTED TO DELETION OR AMENDMENTS AND WE SHOULD NOT THROW AWAY THE BABY WITH THE BATHWATER,+ SHE SAID.

TO HER, SHE SAID, OPEN GOVERNMENT, WHETHER ITS LEGISLATURE WAS APPOINTED OR ELECTED OR A COMBINATION OF BOTH, MEANT RESPONSIBLE AND RESPONSIVE GOVERNMENT.

+IT DOES NOT MEAN IT IS OPEN FOR EVERYONE TO GOVERN.

+THE LEGISLATIVE COUNCIL ALONE MUST MAKE THE FINAL DECISION. IT MUST DO SO NOW; IT WILL DO SO IN THE FUTURE,+ SHE SAID.

WEDNESDAY, JUNE 12, 1985

- 10 -

PUBLIC VIEWS CONSIDERED BY AD HOC GROUP

* * * * *

THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL 1985 HAS ATTRACTED CONSIDERABLE INTEREST AMONG THE GENERAL PUBLIC SINCE ITS PUBLICATION, THE HON FRANCIS TIEN SAID IN THE COUNCIL TODAY.

SPEAKING IN SUPPORT OF THE BILL, HE SAID VARIOUS GROUPS AND ORGANISATIONS HAD EXPRESSED CONCERN ABOUT IT.

+THE LEGCO AD HOC GROUP UNDER THE CONVENERSHIP OF MISS MARIA TAM HAS STUDIED THE BILL THOROUGHLY AND CONSIDERED THE VARIOUS VIEWS EXPRESSED BY THE PUBLIC.

+AS A RESULT, A SERIES OF AMENDMENTS WHICH HAVE BEEN ACCEPTED BY THE ADMINISTRATION WILL BE MADE TO THE BILL,+ HE SAID.

MR TIEN SAID THE AMENDMENTS WOULD BE PUBLISHED IN THE HONG KONG GOVERNMENT GAZETTE THIS COMING FRIDAY AND THE PUBLIC COULD FURTHER COMMENT ON THEM.

+HAVING EXAMINED THE PROPOSED AMENDMENTS, AS WELL AS CONSIDERED FURTHER CLARIFICATIONS BY THE ADMINISTRATION, I AM SATISFIED THAT THE PROVISIONS OF THE BILL WOULD NOT GIVE ANY NEW OR ADDITIONAL POWERS TO THIS COUNCIL OTHER THAN THOSE ALREADY IN EXISTENCE,+ HE SAID.

- - - - 0 - - - -

BILL PROVIDES FOR ORDERLY CONDUCT OF LEGCO BUSINESS

* * * * *

SPEAKING IN SUPPORT OF THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL, THE HON S.L. CHEN SAID WHEN IT WAS INTRODUCED ON MAY 15 IT WAS PRESENTED AS A MEASURE TO CODIFY THE EXISTING POWERS AND PRIVILEGES OF THE COUNCIL.

+I THINK THE SCALE AND SCOPE OF THE AMENDMENTS PROPOSED, IN RESPONSE TO PUBLIC REPRESENTATIONS AND THE VIEWS OF THE UNOFFICIAL MEMBERS OF THIS COUNCIL, SHOW THAT IT WENT BEYOND THAT UNDERSTANDING,+ HE SAID.

MAKING A SECOND POINT, WHICH HE DESCRIBED AS PRESENTATIONAL, MR CHEN SAID POWERS AND PRIVILEGES AS ENSHRINED IN THE BILL DID NOT REFLECT THE COMMON MEANING OF THESE WORDS.

+THE PROVISIONS OF THIS BILL PROVIDE FOR THE ORDERLY CONDUCT OF THE BUSINESS OF THIS COUNCIL AND IT WOULD HAVE BEEN FAR PREFERABLE IN MY VIEW TO PRESENT THEM AS SUCH,+ HE SAID.

/IT WAS

IT WAS ALSO MISLEADING TO ARGUE THAT LEGISLATIVE COUNCIL MEMBERS WERE LEGISLATING POWERS AND PRIVILEGES FOR THEMSELVES.

+WE ARE PROCEEDING WITH THE BUSINESS OF THIS COUNCIL AND SEEKING TO CODIFY FOR HONG KONG LEGISLATIVE COUNCILS OF THE FUTURE THE POWERS AND IMMUNITIES WE AT PRESENT ENJOY.

+WITH THE AMENDMENTS PROPOSED, I AM SATISFIED THAT THEY ARE NECESSARY, INDEED ESSENTIAL, FOR THE ORDERLY, EFFECTIVE AND LAWFUL CONDUCT OF THE BUSINESS OF THIS COUNCIL,+ HE SAID.

----- 0 -----

DUNN AGREES WITH MUCH OF THE CRITICISMS

* * * * *

+THERE IS NO DOUBT IN MY MIND AS TO THE MERITS OF THE PRINCIPLES THAT HAVE BEEN EMBODIED IN THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL,+ THE HON LYDIA DUNN SAID IN THE COUNCIL TODAY.

+WE ARE MOVING AWAY FROM THE COLONIAL ERA,+ SHE SAID.

+WE ARE MOVING TOWARDS A LEGISLATURE CONSTITUTED BY ELECTIONS ENJOYING A HIGH DEGREE OF AUTONOMY.+

LEGISLATORS MUST FEEL FREE TO SPEAK THEIR MINDS AND THEIR RIGHT TO DO SO SHOULD BE CLEARLY STATED IN THE LAW OF HONG KONG.

THESE PRINCIPLES WERE SOUND AND REASONABLE AND TIMELY.

+TO VOTE AGAINST THIS BILL TODAY WOULD IMPLY THAT I DID NOT ACCEPT THESE PRINCIPLES,+ SHE SAID.

+I DO.

+I SHALL VOTE IN FAVOUR OF READING THIS BILL A SECOND TIME.+

MISS DUNN SAID SHE HAD FOLLOWED THE PUBLIC COMMENT.

+I AGREE WITH MANY OF THE CRITICISMS OF PARTICULAR ASPECTS OF THE BILL.

+BUT THIS IS NOT THE STAGE IN THE LEGISLATIVE PROCEDURE WHEN DETAILED CHANGES IN THE WORDS OF THE BILL, TO TAKE ACCOUNT OF SOUND POINTS OF SUBSTANCE, CAN BE SETTLED.+

IN THE NEXT STAGE, THE COMMITTEE STAGE, WE SHOULD BE REQUIRED TO VOTE ON THE BILL CLAUSE BY CLAUSE, ON AMENDMENTS PROPOSED, ON CLAUSES AS AMENDED AND, ULTIMATELY, IN THE THIRD READING, ON THE AMENDED BILL AS A WHOLE.

/+THERE IS

- 12 -

+THERE IS STILL SOME WAY TO GO.+

MISS DUNN SAID THE BILL HAD QUITE RIGHTLY ATTRACTED A GREAT DEAL OF PUBLIC INTEREST AND GENERATED A GREAT DEAL OF COMMENT.

SO MUCH HAD BEEN SAID BY SO MANY THERE WAS NOW A THOROUGH STATE OF CONFUSION IN MANY PEOPLE'S MINDS.

WHAT, FOR INSTANCE, WAS THE PURPOSE OF TODAY'S DEBATE? SHE ASKED.

TO MAKE A NEW LAW MANY WOULD SAY.

+IT IS NOTHING OF THE SORT,+ MISS DUNN STATED.

+OUR AIM TODAY IS MUCH SIMPLER.

+IT IS TO EXPRESS OUR APPROVAL IN PRINCIPLE THAT A LAW SHOULD BE MADE TO ENSURE IN THIS LEGISLATURE: THAT MEMBERS SHOULD BE ABLE TO SPEAK FREELY WITHOUT FEAR THAT THEY WILL BE SUBJECT TO LEGAL ACTION= THAT WHEN WE NEED THE ASSISTANCE OF WITNESSES THERE ARE PROPER LEGAL ARRANGEMENTS TO GOVERN THE WAY IN WHICH THESE WITNESSES CAN BE OF MOST HELP FOR THE PUBLIC GOOD= AND THAT THERE ARE SANCTIONS AGAINST MISCHIEVOUS ATTEMPTS TO FRUSTRATE THE WORK OF THE BODY REQUIRED TO MAKE LAWS FOR THE GOOD GOVERNMENT OF HONG KONG.+

THE PURPOSE OF THE SECOND READING DEBATE WAS TO RESOLVE THESE MATTERS OF PRINCIPLE AND RECORD WHERE, IN SUBSTANCE, CHANGES SHOULD BE MADE TO THE DRAFT OF THE BILL.

- - - - 0 - - - -

'SUMMONSING WITNESS NOT INFRINGEMENT OF PRIVACY'
* * * * *

THE PURPOSE OF SUMMONSING WITNESSES TO GIVE EVIDENCE BEFORE THE LEGISLATIVE COUNCIL OR ITS COMMITTEES IS TO INVESTIGATE MATTERS OF PUBLIC POLICY, NOT PRIVATE AFFAIRS OF CITIZENS.

THIS WAS STATED TODAY BY DR THE HON HO KAM-FAI DURING THE DEBATE ON THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL 1985.

HE SAID THE INTENTIONS OF THE BILL WERE TO LAY DOWN SOME RULES SO AS TO ENABLE MEMBERS OF THE COUNCIL AS A BODY TO PROPERLY AND EFFICIENTLY PERFORM THEIR DUTIES AND RESPONSIBILITIES.

HOWEVER, QUITE A FEW CRITICS SEEMED TO HAVE THE IMPRESSION THAT THE BILL CONFERRED MORE POWERS AND PRIVILEGES THAN THOSE AT PRESENT ENJOYED BY THE COUNCIL.

/IN PARTICULAR,

IN PARTICULAR, THEY THOUGHT THE POWER TO CALL WITNESSES TO GIVE EVIDENCE BEFORE THE COUNCIL WAS A NEW INVENTION AND EXPRESSED CONCERN THAT IT MIGHT INFRINGE ON PRIVACY OR CIVIL LIBERTIES.

HE INVITED ATTENTION TO THE FACT THAT SUCH POWER HAD FOR MANY YEARS BEEN PROVIDED UNDER SECTION 4 OF THE OATHS AND DECLARATIONS ORDINANCE AND ANALYSED WHY IT WAS NECESSARY TO LAY DOWN THE SAME POWER UNDER THIS BILL.

HE THOUGHT THE ANSWER TO THIS QUESTION WAS TWO-FOLD.

+FIRST, IT WOULD BE PREFERABLE TO TIDY UP AND PUT TOGETHER PROVISIONS ON THIS COUNCIL'S POWERS AND PRIVILEGES SCATTERED IN DIFFERENT PLACES SO THAT THE PUBLIC AS WELL AS FUTURE MEMBERS OF THIS COUNCIL MAY HAVE A BETTER IDEA OF WHAT THOSE POWERS AND PRIVILEGES ARE.

+SECONDLY, IN VIEW OF THE CHANGE OF SOVEREIGNTY OVER HONG KONG IN 1997, WE CANNOT SIMPLY RELY ON THE PRACTICE IN THE UK HOUSE OF COMMONS AS PROVIDED IN THE OATHS AND DECLARATIONS ORDINANCE,+ HE SAID.

+WE NEED TO LAY DOWN NOW WHAT EXACTLY ARE THOSE POWERS AND PRIVILEGES RELATING TO EVIDENCE AND TO BUILD UP OUR OWN TRADITION.

+AFTER ALL, 12 YEARS IS NOT A LONG TIME,+ HE ADDED.

AS FOR THE FINANCE COMMITTEE AND THE PUBLIC ACCOUNTS COMMITTEE, HE POINTED OUT THAT THEIR POWER TO CALL EVIDENCE WAS NOW GOVERNED BY STANDING ORDERS.

EMPHASISING THAT THE PURPOSE OF SUMMONSING WITNESSES WAS TO INVESTIGATE MATTERS OF PUBLIC POLICY, DR HO SOUGHT TO FURTHER ASSURE PEOPLE WHO MIGHT STILL HAVE DOUBTS ABOUT THIS THAT UNDER CLAUSE 12 OF THE BILL A WITNESS SUMMONSED TO GIVE EVIDENCE OR TO PRODUCE ANY PAPER BEFORE THE COUNCIL MIGHT REFUSE TO ANSWER A QUESTION OR PRODUCE ANY SUCH PAPER ON THE GROUND THAT IT WAS OF A PRIVATE NATURE AND DID NOT AFFECT THE SUBJECT OF INQUIRY.

THE PRESIDENT MIGHT THEN EXCUSE THE ANSWERING OF THE QUESTION OR PRODUCTION OF THE PAPER.

+FURTHER PROTECTION IS GIVEN UNDER CLAUSE 14(1) WHICH SAYS THAT A WITNESS IS ENTITLED TO THE SAME RIGHT AND PRIVILEGE AS BEFORE A COURT OF LAW, WHICH INCLUDES NON-DISCLOSURE OF PRIVILEGED INFORMATION LIKE THAT BETWEEN A WITNESS AND HIS LAWYER, AND PROTECTION AGAINST SELF-INCRIMINATION,+ HE SAID.

ADDRESSING THE CONCERN RAISED OVER THE POWER OF THE PRESIDENT IN DECIDING WHETHER OR NOT A WITNESS MIGHT BE EXCUSED FROM ANSWERING A QUESTION OR PRODUCING A PAPER, DR HO SAID SOMEONE HAD TO DECIDE ON SUCH MATTERS AND IT APPEARED TO BE A SENSIBLE ARRANGEMENT FOR THE PRESIDENT TO MAKE THE DECISION.

/+THE PRESIDENT,

+THE PRESIDENT, WHO MAY BE ELECTED BY MEMBERS OF THE COUNCIL IN FUTURE, WILL BE HELD ACCOUNTABLE TO MEMBERS FOR HIS EXERCISE OF POWER AND SHOULD BE TRUSTED TO ACT REASONABLY.

+IF HE WERE TO ACT IN A WHOLLY UNREASONABLE WAY OR BEYOND HIS POWERS, THEN THE WITNESS MAY, AS I UNDERSTAND THE PROPOSED AMENDMENT TO CLAUSE 24, HAVE RECOURSE TO THE COURT FOR REDRESS,+ HE SAID.

ON THE SUGGESTION THAT SOME KIND OF RULES COMMITTEE SIMILAR TO THE UK PARLIAMENTARY COMMITTEE ON PRIVILEGE SHOULD BE SET UP TO HANDLE ANY COMPLAINTS WITNESSES MIGHT WISH TO LODGE AFTER GIVING EVIDENCE, HE FELT IT MERITED SOME CONSIDERATION IN THAT IT WOULD GIVE A WITNESS AN APPEAL CHANNEL TO SEEK REDRESS FOR ANY GRIEVANCE, WHETHER IT BE REAL OR IMAGINED.

HE HOPED THE ADMINISTRATION WOULD REFLECT UPON THIS PROPOSAL AND ARRIVE AT SOME CONCRETE PLANS.

+WITH THESE REMARKS AND SUBJECT TO THE PROPOSED AMENDMENTS, I SUPPORT THE BILL IN PRINCIPLE,+ DR HO SAID IN CONCLUSION.

- - - - 0 - - - -

LEGO DIFFERENT NEXT SESSION, SAYS SO
* * * * *

SPEAKING IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) ON THE POWERS AND PRIVILEGES BILL, THE HON ANDREW SO SAID CLAUSE 15 PROVIDED THAT WHEN QUESTIONS RELATING TO EVIDENCE AND PRODUCTION OF DOCUMENTS AROSE, THE COUNCIL AND ITS COMMITTEE SHOULD, IN THE INTEREST OF THE PUBLIC, MAKE ITS DECISION IN ACCORDANCE WITH THE FORMER USAGE AND PRACTICE PRIOR TO THE COMMENCEMENT OF THE ORDINANCE.

+THIS PROVISION IS BASICALLY CORRECT,+ MR SO SAID.

HOWEVER, BOTH THE HONG KONG AFFAIRS SOCIETY AND MEETING POINT AS WELL AS THE PUBLIC WERE OF THE OPINION THAT THESE FORMER USAGES AND PRACTICES SHOULD BE CLEARLY SPELT OUT.

+IN LINE WITH THE DEVELOPMENT OF THE COUNCIL, I THINK THERE SHOULD BE SOME FLEXIBILITY IN THIS RESPECT, SO THAT HARD AND FAST RULES OF FORMER USAGE AND PRACTICE NEED NOT BE FOLLOWED SLAVISHLY,+ HE SAID.

+I AM GLAD TO NOTE THAT AN AMENDMENT WILL BE MADE TO THIS CLAUSE AT THE COMMITTEE STAGE TO PROVIDE THAT QUESTIONS MAY BE DETERMINED EITHER IN ACCORDANCE WITH PAST USAGE AND PRACTICE OR BY RESOLUTION OF THE COUNCIL,+ HE ADDED.

/MR SO

WEDNESDAY, JUNE 12, 1985

- 15 -

MR SO SAID BEFORE TAKING OFFICE MEMBERS OF THE COUNCIL MUST PLEDGE AN OATH OF ALLEGIANCE.

+AN OATH IS A SACRED PROMISE,+ HE SAID.

+WE HAVE TO THOROUGHLY UNDERSTAND OUR RIGHTS AND OBLIGATIONS BEFORE WE UNDERTAKE TO MAKE THE PROMISE.

+THE AIM OF THIS BILL IS TO SET OUT EXPLICITLY THESE BASIC RIGHTS.

+WHEN THE NEW SESSION BEGINS, THE LEGISLATIVE COUNCIL WILL BE VERY DIFFERENT FROM WHAT IT IS NOW BOTH IN ITS COMPOSITION AND IN THE ATMOSPHERE OF ITS MEETINGS, THOUGH ITS ROLE WILL REMAIN UNCHANGED.+

TO GIVE JUST ONE EXAMPLE, THERE WOULD BE A MUCH GREATER NUMBER OF SELECT COMMITTEES TO BE SET UP UNDER THE COUNCIL.

AT PRESENT, WE ONLY HAD THE FINANCE COMMITTEE AND THE PUBLIC ACCOUNTS COMMITTEE, PLUS THE RECENTLY-APPOINTED SELECT COMMITTEE ON COMMERCIAL CRIMES.

+AS THE STATUS OF THE LEGISLATIVE COUNCIL BECOMES INCREASINGLY IMPORTANT, THE NEED TO SET UP SELECT COMMITTEES TO DISPOSE OF ITS DUTIES WILL INCREASE ACCORDINGLY,+ MR SO SAID.

HE SAID AS ALL UNOFFICIAL MEMBERS WERE HITHERTO APPOINTED, THEY HAD IN THE PAST, ON THEIR OWN INITIATIVE, SET UP VARIOUS WORKING GROUPS TO CARRY OUT DIFFERENT TASKS.

MEMBERS TOOK PART IN ACCORDANCE WITH THEIR INDIVIDUAL INTERESTS AND SPECIALTIES.

IN MOST CASES, SENIORITY AND THE ALPHABETIC ORDER OF SURNAMES WOULD DECIDE WHO WOULD BE THE CONVENER OF A WORKING GROUP.

+A MORE DESIRABLE ARRANGEMENT WILL BE FOR YOU, SIR, IN YOUR CAPACITY AS PRESIDENT OF THE COUNCIL, TO APPOINT SELECT COMMITTEES AND THEIR CHAIRMEN TO DEAL WITH SPECIAL AFFAIRS OF THE COUNCIL,+ MR SO SAID.

HE SAID BEING A MEMBER OF THE AD HOC GROUP ON THE BILL HE HAD BEEN INVOLVED IN EXAMINING ITS SPIRIT AND WORDING.

+MOREOVER, I AM ALSO A MEMBER OF THE THREE EXISTING SELECT COMMITTEES OF THE COUNCIL.

+I AM WILLING TO SUPPORT THE PRINCIPLE OF THIS IMPORTANT BILL AND SELFISHLY HOPE TO HAVE THE CHANCE TO VOTE ON IT AND ITS AMENDMENTS PRIOR TO THE EXPIRY OF MY TERM OF OFFICE ON OCTOBER 30,+ HE SAID.

- - - - 0 - - - -

/16

AMENDMENT TO BE MADE TO CONTROVERSIAL CLAUSE

* * * * *

THE ADMINISTRATION HAS AGREED THAT AN AMENDMENT WILL BE MADE AT THE COMMITTEE STAGE TO CLAUSE 24 OF THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL, THE HON JOHN SWAINE SAID IN THE COUNCIL TODAY.

SUPPORTING THE BILL IN THE LIGHT OF VARIOUS AMENDMENTS TO IT, MR SWAINE SAID THE CLAUSE HAD BEEN ONE OF THE MOST CONTROVERSIAL AND HAD LED TO THE COMMENT THAT IT PLACED THE LEGISLATIVE COUNCIL ABOVE THE LAW.

+IN THE UNITED KINGDOM, WHERE THE LEGISLATURE IS SOVEREIGN, THE DOCTRINE OF THE SEPARATION OF POWERS APPLIES IN ITS FULL VIGOUR, AND IT HAS BEEN HELD BY THE HIGHEST JUDICIAL AUTHORITY THAT PARLIAMENT IS TRULY MASTER OF ITS OWN HOUSE, AND IS NOT SUBJECT TO CONTROL BY THE COURTS,+ HE SAID.

HOWEVER, MR SWAINE STRESSED THAT THIS UNLIMITED IMMUNITY HAD NEVER APPLIED IN HONG KONG.

+BECAUSE THE LEGISLATIVE COUNCIL IS NOT A SOVEREIGN BODY THE IMMUNITY WHICH IT POSSESSES FROM JUDICIAL ENQUIRY IS LIMITED, AND THIS IS FOUNDED ON THE DOCTRINE THAT ONLY THOSE POWERS AND PRIVILEGES ARE TO BE IMPLIED WHICH ARE NECESSARY FOR THE PROPER EXERCISE OF THE FUNCTIONS OF THE LEGISLATIVE BODY,+ HE EXPLAINED.

MR SWAINE SAID AS THE UNDERLYING PRINCIPLE OF THE BILL WAS TO DECLARE AND CODIFY THE LAW, AND NOT TO EFFECT ANY SUBSTANTIAL CHANGE, CLAUSE 24 IN ITS ORIGINAL FORM WAS OPEN TO OBJECTION AS GOING BEYOND THAT MANDATE.

+ACCORDINGLY, THE ADMINISTRATION HAS AGREED THAT AN AMENDMENT WILL BE MADE AT THE COMMITTEE STAGE WHICH WILL EXCLUDE THE JURISDICTION OF THE COURT ONLY IN RESPECT OF THE LAWFUL EXERCISE OF THE POWERS CONFERRED BY THE BILL OR STANDING ORDERS.

+THIS AMENDMENT WILL LEAVE INTACT THE COURT'S POWER OF ENQUIRY AS TO WHETHER THE POWER IN QUESTION EXISTS AND WHETHER THE EXERCISE OF THAT POWER IS LAWFUL.

+I AM SATISFIED THAT WITH THIS AMENDMENT A FAIR BALANCE WILL BE STRUCK BETWEEN ENSURING SUFFICIENT FREEDOM OF ACTION FOR THE LEGISLATIVE COUNCIL SO THAT IT WILL NOT BE HAMSTRUNG IN THE EXERCISE OF ITS POWERS, AND THE PRESERVATION OF THE CITIZEN'S RIGHT OF ACCESS TO THE COURTS TO CHECK THE ABUSE OF POWER,+ HE SAID.

COMMENTING ON THE BILL IN GENERAL, MR SWAINE SAID OF THE PROVISIONS WHICH REMAINED, THERE COULD BE NO QUARREL WITH THOSE WHICH SOUGHT TO ENSURE FREEDOM OF SPEECH AND DEBATE IN THE COUNCIL OR ITS COMMITTEES.

+NOR CAN THERE BE ANY SERIOUS QUARREL WITH THE PRINCIPLE THAT THE COUNCIL AND ITS COMMITTEES SHALL HAVE POWER TO COMPEL THE ATTENDANCE OF WITNESSES AND TO HAVE THEM EXAMINED ON OATH.

+SUCH POWER WOULD PROBABLY BE IMPLIED ANYWAY, AND IS IN ANY EVENT CONFERRED BY SECTION 4 OF THE OATHS AND DECLARATIONS ORDINANCE, WHICH IS AN UMBRELLA PROVISION OF VERY WIDE SCOPE.

+THIS IS TO BE REPLACED BY THE SPECIFIC PROVISIONS OF PART III OF THE BILL,+ HE SAID.

MR SWAINE POINTED OUT THAT DISOBEDIENCE AND CONTEMPTS WERE TO BE PUNISHABLE AS OFFENCES, BUT THE POWER OF PUNISHMENT LAY NOT IN THE LEGISLATURE, BUT IN THE COURTS.

+I REGARD THIS AS A NECESSARY SAFEGUARD AGAINST THE ARBITRARY USE OF POWER,+ HE SAID.

- - - - 0 - - - -

AN ADMITTANCE TO +DRAFTING OVERSIGHTS+
* * * *

LEGISLATIVE COUNCILLOR THE HON STEPHEN CHEONG ADMITTED DURING THE DEBATE TODAY (WEDNESDAY) ON THE POWERS AND PRIVILEGES BILL THAT PRIOR TO RECEIVING THE +VERY BELATED+ AVALANCHE OF COMMENTS ON THE BILL SOME MEMBERS OF THE IN-HOUSE AD HOC GROUP WERE UNABLE TO DETECT SOME VERY CONTROVERSIAL YET IMPORTANT +DRAFTING OVERSIGHTS+.

+SUDDENLY, JUST A FEW DAYS BEFORE THE BILL WAS SCHEDULED TO BE READ THE SECOND TIME, THE MATTER WAS GIVEN AN UNEXPECTED LIFT AND IN THIS REGARD THE HONG KONG AFFAIRS SOCIETY SHOULD BE COMMENDED FOR THEIR CATALYTIC EFFORTS,+ MR CHEONG SAID.

HE SAID SINCE THEN UMELCO HAD RECEIVED REPRESENTATIONS FROM NO LESS THAN 10 GROUPS OF PUBLIC SPIRITED ORGANISATIONS OR COMMENTATORS.

+VALID POINTS RAISED BY THESE REPRESENTATIONS DID OFFER A LOT OF HELP IN THE PROCESS OF FURTHER CRYSTALISATION OF OUR THOUGHTS ON THE SUBJECT MATTER,+ HE SAID.

FOR THE PAST 10 DAYS TREMENDOUS EFFORTS HAD BEEN MADE BY UNOFFICIALS AS WELL AS THE ADMINISTRATION IN GOING OVER IN DETAIL ALL THE OBSERVATIONS SUBMITTED.

+THE GUIDING LIGHT OF OUR DELIBERATION HAS BEEN THE UNDERLYING PRINCIPLE THAT THE DETAILED PROVISIONS ARE MEANT TO BE A CODIFICATION EXERCISE OF THE PRESENT PRACTICE AND THAT THEY SHOULD SEEK NO MORE OR NO LESS THAN IS NECESSARY TO ENABLE LEGISLATORS TO DISCHARGE THEIR DUTIES AND OBLIGATIONS PROPERLY, WITHOUT FEAR OR FAVOUR,+ HE SAID.

THEY DELIBERATED AT LENGTH AND IN GREAT DETAIL PARTICULARLY OVER THE PROVISIONS OF CLAUSE 20 AND CLAUSE 24, HE CONTINUED.

THE RESULTANT CONSENSUS WAS THAT CLAUSE 20 WOULD BE DELETED ENTIRELY AND THAT CLAUSE 24 WOULD BE SO AMENDED AS TO REFLECT AGREEMENT THAT UNLAWFUL ACTS OF THE COUNCIL OR THE PRESIDENT OR OFFICERS OF THE COUNCIL WOULD STILL BE SUBJECTED TO THE SCRUTINY OF THE JUDICIARY.

ON ONE +WIDELY PUBLICISED ASSERTION+ THAT IT WOULD NOT BE CONDUCIVE TO PUBLIC CONFIDENCE IN THE LEGISLATURE IF THIS BILL WAS PUSHED THROUGH WITH INDECENT HASTE DURING THE CURRENT SESSION BEFORE THE ARRIVAL OF THE ELECTED MEMBERS, MR CHEONG SAID THIS WAS FORWARDED AS ONE OF THE PRINCIPAL REASON BEHIND THE CALL FOR DEFERMENT OF THE SECOND READING OF THE BILL.

+I AM SURE I WILL NOT BE ALONE IN QUESTIONING THE LOGIC BEHIND SUCH AN ASSERTION AND THE VALIDITY OF ITS IMPLIED ASSUMPTIONS,+ HE SAID.

PUBLIC CONFIDENCE IN THE LEGISLATURE SURELY HAD TO BE EARNED, IT DID NOT COME AUTOMATICALLY WITH THE ARRIVAL OR OTHERWISE OF ELECTED MEMBERS.

IN ANY CASE, THE IMPLIED ASSUMPTION THAT ELECTED MEMBERS WOULD HAVE LESS VESTED INTEREST THAN APPOINTED MEMBERS IN THIS ISSUE DID NOT HOLD TRUE.

+WHY THEN SHOULD IT FOLLOW THAT APPOINTED MEMBERS, SITTING IN THE CURRENT SESSION OF THE LEGISLATURE, WILL NOT BE ABLE TO LOOK AFTER THE INTEREST OF THE PUBLIC WHILST DELIBERATING OVER THE PROVISIONS OF THIS BILL?+ HE QUESTIONED.

+IN MY VIEW, IF AND WHEN MEMBERS ARE FIRST SATISFIED THAT THEY HAVE BEEN CONSCIENTIOUS AND DILIGENT IN THEIR DELIBERATIONS AND IN SO DOING, SECONDLY, HAVE FULLY TAKEN INTO CONSIDERATION ALL REPRESENTATION WHILST TRYING, THIRDLY, TO TAKE STEPS TO AMEND WHAT MIGHT HAVE BEEN WRONG, THEN THEIR DUTIES AS LEGISLATORS WOULD HAVE BEEN DISCHARGED HONORABLY.

+I WOULD LIKE TO TAKE THIS OPPORTUNITY TO EMPHASISE THAT THE FINAL PACKAGE, INCLUSIVE OF ALL THE AMENDMENTS, HAS BEEN ARRIVED AT WITH DUE CARE AND OBJECTIVITY AND, IN MY OPINION, IT CAN BE CONSIDERED AS A CLASSIC EXAMPLE OF HOW MEANINGFUL IMPROVEMENTS TO THE PROVISIONS OF ANY BILL CAN BE ACHIEVED THROUGH CONSCIOUS AND REASONABLE PUBLIC REPRESENTATIONS MADE TO UMELCO.

+THEREFORE ANY FURTHER DEFERMENT OF THIS BILL IS UNNECESSARY,+ HE DECLARED.

IN CONCLUSION, MR CHEONG SAID HE HAD GREAT PLEASURE IN DECLARING HIS WHOLE-HEARTED SUPPORT OF THE MOTION, SUBJECT TO THE AMENDMENTS BEING PROPOSED AND ENACTED IN THE COMMITTEE STAGE OF THE BILL.

WEDNESDAY, JUNE 12, 1985

- 19 -

AMENDMENTS NECESSARY TO ALLEVIATE CONCERN

* * * * *

DURING THE SINO-BRITISH NEGOTIATIONS THE WISH OF HONG KONG TO RETAIN MANY OF ITS FREEDOMS WAS UNQUESTIONABLE, THE HON MRS SELINA CHOW SAID TODAY (WEDNESDAY).

SHE WAS SPEAKING DURING THE SECOND READING OF THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL 1985.

+IT WAS THEREFORE UNDERSTANDABLE,+ SHE SAID,+THAT MUCH WAS VOICED BY THE PUBLIC IN GENERAL AND MEMBERS OF THE MEDIA IN PARTICULAR ON THE NECESSITY TO SAFEGUARD EXISTING FREEDOM OF SPEECH AND THE PRESS IN THE CONTEXT OF THE BILL BEFORE US.

+I SHARE THE SENTIMENT, AND FEEL THAT CERTAIN AMENDMENTS ARE NECESSARY TO ALLEVIATE CONCERN.+

TWO POINTS WERE OFTEN CRITICISED IN CLAUSE 17(D).

THE PHRASE 'INTENTIONAL DISRESPECT' WAS GENERALLY NOT FAVOURED, AS ITS DEFINITION WAS OPEN TO QUESTION.

+MOREOVER, THE FOLLOWING PHRASE 'TO OR WITH REFERENCE TO THE PROCEEDINGS OF THE COUNCIL OR A COMMITTEE OR TO ANY PERSON PRESIDING AT SUCH PROCEEDINGS' COULD MEAN ANYTHING RANGING FROM DISRESPECTFUL WORDS OR ACT TO GENUINE COMMENTARY MADE OUTSIDE THE COUNCIL WHICH MAY BE CRITICAL OF IT, IN EITHER SPOKEN, WRITTEN OR PUBLISHED FORM.

+THIS GRAVE RESERVATION IS JUSTIFIED, AND IN MY VIEW, CLAUSE 17(D) SHOULD BE REMOVED ALTOGETHER,+ SHE SAID.

MOVING TO CLAUSE 20 WHICH SHE SAID SEEMED TO CAUSE THE MOST PROBLEMS AS FAR AS FREEDOM OF SPEECH WAS CONCERNED, MRS CHOW SAID SHE CERTAINLY SHARED THE THINKING OF THOSE MEMBERS OF THE MEDIA THAT CLAUSE 20 SHOULD BE DELETED, SO THAT MEMBERS WERE LEFT IN NO DOUBT THAT THE PRESENT ROLE OF THE MEDIA AS THE WATCHDOG OF GOVERNMENT WOULD NOT IN ANY WAY BE ERODED.

+THE LEGISLATIVE COUNCIL DOES NOT AND SHOULD NOT REQUIRE ANY MORE PROTECTION THAN IS PRESENTLY AFFORDED BY EXISTING LEGISLATION.

+AT THIS JUNCTURE, THERE MUST BE NO NEW LEGAL PROVISION THAT CAN BE CONSTRUED OR INTERPRETED AS RETROGRESSION IN THE PART THE MEDIA IS ALLOWED TO PLAY BY LAW, PARTICULARLY WHEN WE ARE MOVING TOWARDS A MORE OPEN FORM OF REPRESENTATIVE GOVERNMENT.+

SHE SAID IN DISPOSING OF CLAUSE 20, THERE WAS JUST A SMALL QUESTION MARK THAT REMAINED IN HER MIND.

/+I AM

+I AM ABSOLUTELY CONVINCED THAT IN THE CASE OF A CLOSED MEETING THE PUBLISHER OF REPORTS OF THE PROCEEDINGS OF THAT MEETING SHOULD NOT BE OPEN TO PROSECUTION. THIS HAS BEEN AND IS PRESENTLY THE CASE, AND MUST NOT CHANGE.

+HOWEVER, SHOULD THE COUNCIL DECIDE TO GIVE AN UNDERTAKING TO A THIRD PARTY COMING FORWARD TO GIVE EVIDENCE THAT HIS SUBMISSION AS WELL AS THE PROCEEDINGS OF THE MEETING IN WHICH HE IS ASKED TO TAKE PART WILL BE KEPT CONFIDENTIAL, THERE WILL BE NO LEGAL SAFEGUARD THAT THE COUNCIL OR ITS COMMITTEE CAN MAKE GOOD ITS PROMISE REGARDING THE PUBLICATION OF SUCH EVIDENCE OR PROCEEDING.

+I HOPE THIS POINT WILL BE GIVEN DUE CONSIDERATION,+ SHE SAID.

PERHAPS A LEAF COULD BE TAKEN OUT OF THE BOOK OF SECTION 5 OF THE JUDICIAL PROCEEDINGS (REGULATIONS OF REPORTS) ORDINANCE IN WHICH THE COURT WAS EMPOWERED TO PROHIBIT PUBLICATION OF CERTAIN PROCEEDINGS AND INFORMATION RELATING TO THEM. SO LONG AS THE COURT TOOK AN ACTIVE DECISION TO DO SO, AND STATED CLEARLY THAT SUCH PUBLICATION WOULD CONSTITUTE CONTEMPT.

MRS CHOW CONCLUDED: +SUBJECT TO ACCEPTANCE OF THE PROPOSED DELETION OF CLAUSE 17(D) AND CLAUSE 20 AT THE COMMITTEE STAGE, WHEREBY I BELIEVE THE PRESENT FREEDOM OF THE MEDIA IN ITS WORK ON THE COUNCIL WILL BE PRESERVED, I SUPPORT THE BILL.+

- - - - 0 - - - -

CALL TO REDRAFT 'STRANGERS' CLAUSE

* * * *

DEALING WITH CLAUSE 8 OF THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL 1985 WHICH RELATES TO REGULATING THE ADMITTANCE OF STRANGERS TO THE COUNCIL CHAMBER, THE HON CHAN YING-LUN SAID IN THE COUNCIL TODAY THAT COMMENTS ON THE FIRST PART OF CLAUSE 8 (1) HAD FOCUSED ON THE FIRST SENTENCE, WHICH READ +NO STRANGER SHALL BE ENTITLED AS OF RIGHT TO ENTER OR TO REMAIN WITHIN THE PRECINCTS OF THE CHAMBER+, AND IN PARTICULAR THE WORDS +STRANGERS+ AND +AS OF RIGHT+ SEEMED TO BE THE MOST CONTENTIOUS.

+SOME PEOPLE HAVE EXPRESSED CONCERN THAT THIS WOULD DEPRIVE MEMBERS OF THE PUBLIC, INCLUDING THE PRESS, OF THE RIGHT TO OBSERVE THE PROCEEDINGS OF THE COUNCIL,+ MR CHAN SAID.

HE SAID THE SECOND PART OF CLAUSE 8 (1) GAVE POWER TO THE PRESIDENT TO ORDER WITHDRAWAL OF STRANGERS FROM THE PRECINCTS OF THE CHAMBER.

+SOME PEOPLE ARE CONCERNED THAT THE PRESIDENT MAY HAVE ARBITRARY POWER TO EXCLUDE ANY PERSON WHOM HE DOES NOT LIKE,+ HE ADDED.

CLAUSE 8 (2) GAVE POWER TO THE PRESIDENT TO ISSUE SUCH ORDERS AS HE MAY DEEM +NECESSARY OR EXPEDIENT+.

+SOME PEOPLE HAVE AGAIN EXPRESSED CONCERN OVER POSSIBLE ABUSE OF POWER,+ MR CHAN SAID.

CLAUSE 8 (3) WAS PURELY ADMINISTRATIVE AND HAD ATTRACTED NO COMMENTS.

+TAKING ALL THE REPRESENTATIONS ON CLAUSE 8 AS A WHOLE, ALTHOUGH TWO GROUPS CALLED FOR ITS DELETION, THERE HAS BEEN NO DENIAL THAT THE PRESIDENT OF THE LEGISLATIVE COUNCIL SHOULD HAVE POWER TO REGULATE ADMITTANCE OF THE PUBLIC TO THE PRECINCTS OF THE COUNCIL CHAMBER AS THIS POWER IS ALREADY PROVIDED IN THE STANDING ORDERS,+ MR CHAN SAID.

+THE OVERWHELMING REACTION OF THE INTERESTED GROUPS TO THIS CLAUSE IS THAT IT SHOULD BE REDRAFTED TO STATE THE RIGHT OF THE PUBLIC TO OBSERVE PROCEEDINGS OF THE COUNCIL, AND TO PREVENT ARBITRARY USE OF POWER BY THE PRESIDENT.

+I CONSIDER THESE REQUESTS BOTH LEGITIMATE AND CONSTRUCTIVE.+

HE PROPOSED THAT CLAUSE 8 (1) SHOULD BE REDRAFTED TO STATE IN A POSITIVE MANNER THE RIGHT OF THE PUBLIC TO OBSERVE THE PROCEEDINGS OF THE COUNCIL SUBJECT TO CERTAIN RULES.

TO ALLAY ANY POSSIBLE FEARS THAT THE PRESIDENT COULD MAKE ARBITRARY RULES, HE SUGGESTED THAT THERE SHOULD BE CLEAR STIPULATIONS THAT SUCH RULES SHOULD BE PROVIDED EITHER IN THE STANDING ORDERS OR BY RESOLUTION OF THE COUNCIL.

+BY FOLLOWING THE LINE OF THE STANDING ORDERS, THE WORDS 'STRANGERS' AND 'AS OF RIGHT' CAN THUS BE REMOVED,+ HE SAID.

AS REGARDS COMMENTS ON CLAUSE 8 (2) WHICH CONCERNED THE ISSUE OF ORDERS BY THE PRESIDENT, MR CHAN SAID HE AGREED WITH THE REPRESENTATIONS THAT IN ADDITION TO THE QUALIFICATION OF +NECESSARY AND EXPEDIENT+, THE PURPOSE OF ISSUING SUCH ORDERS SHOULD BE CLARIFIED, SUCH AS FOR MAINTAINING THE SECURITY OF THE PRECINCTS OF THE CHAMBER, ENSURING THE PROPER BEHAVIOUR AND DECORUM OF PERSONS AND FOR OTHER ADMINISTRATIVE PURPOSES.

+TO FURTHER ALLAY ANY MISUNDERSTANDING ABOUT ABUSE OF POWER, THE WORD 'ORDER' CAN BE SUBSTITUTED BY 'ADMINISTRATIVE INSTRUCTIONS' WHICH IS EXACTLY WHAT IT MEANS IN THE CLAUSE.+

HE SAID IN LINE WITH THE ABOVE PROPOSED AMENDMENTS, CORRESPONDING AMENDMENTS SHOULD ALSO BE MADE TO CLAUSE 21 (A), (B) AND (C) WHICH DEALT WITH SITUATIONS UNDER WHICH OFFENCES WOULD BE COMMITTED BY MEMBERS OF THE PUBLIC.

HE SAID HE SUPPORTED THE SECOND READING OF THE BILL, SUBJECT TO THE ABOVE PROPOSED AMENDMENTS.

WEDNESDAY, JUNE 12, 1985

- 22 -

AMENDMENT AND DELETION SUGGESTED
* * * * *

UNOFFICIAL MEMBER THE HON PAULINE NG CALLED FOR THE AMENDMENT OF CLAUSE 16 AND DELETION OF CLAUSE 19(A) OF THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL IN THE COUNCIL MEETING TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL, MRS NG SAID THE WORDING OF CLAUSE 16 OF THE CURRENT BILL MIGHT GIVE PEOPLE THE WRONG IMPRESSION THAT THE WITNESS ENJOYED AN IMMUNITY FROM PROSECUTION AND THAT EVEN IF THERE WAS INDEPENDENT EVIDENCE THE WITNESS COULD NOT BE BROUGHT TO JUSTICE.

+HENCE, CLAUSE 16 SHOULD BE AMENDED TO STIPULATE THAT THE STATEMENT MADE BY A WITNESS TO THE LEGISLATIVE COUNCIL CANNOT BE USED AS EVIDENCE AT COURT IN A CHARGE OF CRIMINAL OFFENCE OR CIVIL LIABILITIES AGAINST HIM, BUT HE MAY STILL BE PROSECUTED IF THERE IS OTHER EVIDENCE TO PROVE THAT HE IS GUILTY OF SUCH AN OFFENCE,+ SHE SAID.

+THIS PROVISION MAY ALSO BE AMENDED ALONG THE LINES OF SECTION 44A OF THE SUPREME COURT ORDINANCE,+ SHE ADDED.

REFERRING TO CLAUSE 19(A) OF THE BILL, MRS NG SAID IT COULD BE DELETED AS IT WAS SIMILAR TO SECTION 4 OF THE PREVENTION OF BRIBERY ORDINANCE (CAP 201).

+SOME MEMBERS OF THE LEGAL PROFESSION HAVE CRITICISED THAT THERE IS NO PROVISION IN THE BILL TO PREVENT LEGISLATIVE COUNCILLORS FROM ACCEPTING ADVANTAGES.

+AS A MATTER OF FACT, LEGISLATIVE COUNCILLORS ARE INCLUDED IN THE DEFINITION OF PUBLIC SERVANTS REFERRED TO IN THE PREVENTION OF BRIBERY ORDINANCE, AND ARE ALREADY RESTRICTED BY LAW TO RECEIVE ADVANTAGES FROM THE PUBLIC.

+IT IS THEREFORE UNNECESSARY TO RAISE THE SAME POINT AGAIN IN THIS BILL,+ SHE SAID.

- - - - 0 - - - -

/23

WEDNESDAY, JUNE 12, 1985

- 23 -

DR FANG WINDS UP DEBATE ON BILL
* * * *

WINDING UP THE DEBATE ON THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL 1985 IN THE COUNCIL TODAY, DR THE HON HARRY FANG SAID HE DID NOT THINK HE COULD USEFULLY ADD TO THE VIEWS EXPRESSED SO ELOQUENTLY AND PERSUASIVELY BY HIS COLLEAGUES WHICH REFLECTED IN GENERAL THE MANY HOURS THEY HAD SPENT IN DISCUSSION IN THE UMELCO OFFICE ON THIS IMPORTANT ISSUE.

+WE ARE SATISFIED THAT, SUBJECT TO THE EXTENSIVE AMENDMENTS AGREED, WHICH WILL BE INTRODUCED AT THE COMMITTEE STAGE, THE BILL BEFORE THIS COUNCIL WILL PROVIDE THOSE RIGHTS, DUTIES AND OBLIGATIONS WHICH ARE NECESSARY FOR THE ORDERLY AND LAWFUL CONDUCT OF THIS COUNCIL,+ HE SAID.

+ON THIS UNDERSTANDING, I AM PLEASED TO GIVE MY SUPPORT TO THE UNANIMOUS VIEW OF MY COLLEAGUES THAT THIS BILL BE READ A SECOND TIME,+ HE CONCLUDED.

- - - - 0 - - - -

INDUSTRY GIVEN INFRASTRUCTURE SUPPORT
* * * * *

THE GOVERNMENT SAW ITS ROLE AS PROVIDING AN ADEQUATE INFRASTRUCTURE TO ENABLE INDUSTRY TO FUNCTION EFFICIENTLY WITH THE MINIMUM OF INTERFERENCE, THE SECRETARY FOR TRADE AND INDUSTRY, THE HON E.P. HO SAID TODAY.

IN THIS WAY IT WAS HOPED THAT HIGHER TECHNOLOGY MANUFACTURING INDUSTRY WOULD BE ATTRACTED TO HONG KONG.

MR HO WAS REPLYING TO A QUESTION BY THE HON WONG PO-YAN ON GOVERNMENT'S POLICY AND PLANS FOR DEVELOPING HIGH TECHNOLOGY FOR MANUFACTURING INDUSTRIES.

HE EXPLAINED THAT ADVICE ON THE PROVISION OF SERVICES AND FACILITIES NEEDED BY INDUSTRY WAS CHANNELLED TO GOVERNMENT PRINCIPALLY THROUGH THE INDUSTRY DEVELOPMENT BOARD (IDB) ON WHICH MAJOR TRADE AND INDUSTRIAL ORGANISATIONS WERE REPRESENTED.

ON THE RECOMMENDATION OF THE IDB, PUBLIC FUNDS HAD BEEN PROVIDED FOR THREE RESEARCH PROJECTS RELATED TO ELECTRONICS AND COMPUTER-AIDED-DESIGN TECHNOLOGY WHICH WERE BEING UNDERTAKEN BY THE TWO UNIVERSITIES AND THE HONG KONG POLYTECHNIC. IN ADDITION, A PHASED PROGRAMME HAD BEEN IMPLEMENTED TO CONDUCT, ON A REGULAR BASIS, TECHNO-ECONOMIC AND MARKET RESEARCH STUDIES ON MAJOR SECTORS OF THE MANUFACTURING INDUSTRY, NAMEDLY ELECTRONICS, PLASTICS, METALS, LIGHT ENGINEERING AND GARMENTS-TEXTILES.

/+SUCH RESEARCH

+SUCH RESEARCH STUDIES WILL EXAMINE THE LOCAL CHARACTERISTICS OF THE MAJOR SECTORS, THEIR STRENGTH AND WEAKNESSES IN THE CONTEXT OF WORLD-WIDE TREND AND WILL IN ADDITION IDENTIFY, ON A MACRO-LEVEL, TECHNOLOGICAL DEVELOPMENT TRENDS AND MARKET POTENTIALS OF THEIR PRODUCTS.

+THEY WILL ASSIST INDIVIDUAL MANUFACTURERS IN FORMULATING THEIR PLANS FOR EXPANSION, DIVERSIFICATION OR UPGRADING,+ HE SAID.

AS A BACK-UP SERVICE TO ENCOURAGE THE DEVELOPMENT OF TECHNOLOGY FOR INDUSTRY, THE HONG KONG GOVERNMENT STANDARDS AND CALIBRATION LABORATORY WAS SET UP IN SEPTEMBER 1984.

ATTRACTION OF HIGHER TECHNOLOGY TO HONG KONG WAS PARAMOUNT IN THE INDUSTRY DEPARTMENT'S EFFORTS TO PROMOTE INVESTMENT IN HONG KONG INDUSTRY.

THE DEPARTMENT HAD ASSISTED IN THE ESTABLISHMENT IN HONG KONG OF A SIGNIFICANT NUMBER OF FACTORIES EMPLOYING MANUFACTURING PROCESSES WHICH REPRESENTED THE CURRENT STATE-OF-THE-ART AND WERE AMONG THE MOST EFFICIENT IN THIS REGION.

OTHER SUPPORT FOR HIGH TECHNOLOGY WAS THROUGH:

- * TECHNICAL EDUCATION AND TRAINING TO PROVIDE A POOL OF ADAPTABLE MANPOWER;
- * ESTABLISHMENT IN 1977 OF THE INDUSTRIAL ESTATES CORPORATION - PRIMARILY TO MAKE AVAILABLE FULLY SERVICED LAND TO INDUSTRIAL UNDERTAKINGS WHICH HELP TO DIVERSIFY AND BROADEN HONG KONG'S INDUSTRIAL BASE AND TO UPGRADE THE TECHNOLOGICAL LEVEL OF INDUSTRY.

THESE ESTATES NOW HOUSE SOME OF THE MOST MODERN PLANTS IN HONG KONG AND IN THIS REGION.

IN ADDITION, INDUSTRIES HAVING SPECIAL LAND REQUIREMENTS COULD APPROACH THE GOVERNMENT FOR A PRIVATE TREATY GRANT OF LAND UNDER THE SPECIAL INDUSTRIES POLICY.

AND, FINALLY, THE HONG KONG PRODUCTIVITY CENTRE ASSISTS INDUSTRY TO UPGRADE ITSELF, AND PROVIDES THE NECESSARY SUPPORT SERVICES TO FACILITATE THE DEVELOPMENT OF INDUSTRIES AT A HIGHER LEVEL OF TECHNOLOGY THAN THAT EXISTS AT PRESENT.

+WE ARE MAKING GOOD PROGRESS IN THE VARIOUS AREAS DESIGNED TO ASSIST THE APPLICATION OF HIGH TECHNOLOGY IN OUR INDUSTRIES,+ MR HO SAID.

WEDNESDAY, JUNE 12, 1985

- 25 -

FILIPINA DOMESTIC HELPERS' STATUS OUTLINED

FILIPINA DOMESTIC HELPERS WERE NOT PREVENTED BY THE TERMS OF THEIR CONTRACTS FROM CHANGING EMPLOYERS DURING THE CONTRACT PERIOD, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON TOLD THE LEGISLATIVE COUNCIL TODAY.

BUT THE 'CONDITIONS OF STAY' THE DIRECTOR OF IMMIGRATION IMPOSED ON THEM WHEN THEY ARRIVED IN HONG KONG WOULD SPECIFY WHO THEIR EMPLOYERS IN HONG KONG WERE, MR JEAFFRESON SAID.

IF, THEREAFTER, THEY WANTED TO CHANGE EMPLOYERS, THEN UNDER THE IMMIGRATION ORDINANCE THEY HAD TO GET THE DIRECTOR OF IMMIGRATION'S APPROVAL, HE SAID.

MR JEAFFRESON WAS REPLYING TO A QUESTION BY THE HON SELINA CHOW ON THE EMPLOYMENT OF FILIPINA DOMESTIC HELPERS IN HONG KONG.

AS REGARDS ENFORCING COMPLIANCE WITH THE +CONDITIONS OF STAY+, MR JEAFFRESON SAID A FILIPINA DOMESTIC HELPER WHO CHANGED EMPLOYER WITHOUT GETTING THE APPROVAL OF THE DIRECTOR OF IMMIGRATION WOULD BE GUILTY OF AN OFFENCE UNDER SECTION 41 OF THE IMMIGRATION ORDINANCE.

THE OFFENDER WOULD BE LIABLE ON CONVICTION TO A FINE OF \$5 000 AND TO IMPRISONMENT FOR TWO YEARS, MR JEAFFRESON SAID.

AT THE END OF MAY, HE SAID, THERE WERE 24 008 FILIPINA DOMESTIC HELPERS WORKING IN HONG KONG.

THE NUMBER HAD INCREASED BY 66 PER CENT SINCE JANUARY 1982.

THE ANNUAL RATES WERE 39 PER CENT IN 1982, 23 PER CENT IN 1983, MINUS SEVEN PER CENT IN 1984, AND PLUS FIVE PER CENT IN THE FIRST FIVE MONTHS OF 1985, HE SAID.

----- 0 -----

WAYS TO PRODUCE TEXTBOOKS IN CHINESE STUDIED

THE ADMINISTRATION WAS AT PRESENT EXAMINING A NUMBER OF OPTIONS AS TO HOW THE PRODUCTION OF TEXTBOOKS WRITTEN IN CHINESE SHOULD BEST BE ARRANGED, THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON NEIL HENDERSON, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

FIRM PROPOSALS ON THIS, AND ON THE OTHER RECOMMENDATIONS OF THE WORKING PARTY ON THE DEVELOPMENT OF A CHINESE LANGUAGE FOUNDATION, WOULD HOPEFULLY BE TAKEN TO THE EXECUTIVE COUNCIL FOR ADVICE WITHIN THE NEXT TWO OR THREE MONTHS, HE SAID.

/HE WAS

HE WAS REPLYING TO A QUESTION BY THE HON ALEX WU ON GOVERNMENT'S DECISION REGARDING THE REPORT SUBMITTED BY THE WORKING PARTY IN MARCH 1982. MR HENDERSON SAID THE WORKING PARTY, CHAIRED BY THE HON ALEX WU, HAD CORRECTLY IDENTIFIED THE LACK OF ADEQUATE CHINESE LANGUAGE TEXTBOOKS AS AN INHIBITING FACTOR IN RAISING THE STANDARD OF CHINESE LANGUAGE USED BY THE COMMUNITY AT LARGE.

+IT THEREFORE RECOMMENDED THAT, IN PROMOTING THE BETTER USE OF CHINESE, A CHINESE LANGUAGE FOUNDATION, IF ESTABLISHED, SHOULD GIVE PARTICULAR EMPHASIS TO THE PRODUCTION OF HIGH QUALITY TEXTBOOKS IN CHINESE,+ MR HENDERSON SAID.

- - - - 0 - - - -

NON-AGRICULTURAL PESTICIDE CONTROL NEEDED
* * * * *

THERE WAS A NEED TO INTRODUCE CONTROL OF NON-AGRICULTURAL PESTICIDES AND NEW LEGISLATION WOULD BE CONSIDERED, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, TOLD THE LEGISLATIVE COUNCIL TODAY.

REPLYING TO A QUESTION BY DR THE HON HO KAM-FAI, MR CHAMBERS SAID LEGISLATIVE CONTROL OF PESTICIDES FOR AGRICULTURAL USE WAS PROVIDED BY THE AGRICULTURAL PESTICIDES ORDINANCE.

UNDER THIS ORDINANCE CONTROLS WERE EXERCISED ON THE IMPORT, SUPPLY, STORAGE, TRANSPORT, RETAIL SALE, LABELLING, BOTTLING AND MAXIMUM CONCENTRATION LIMITS OF AGRICULTURAL PESTICIDES, HE SAID.

+THESE CONTROLS ARE CONSIDERED TO BE GENERALLY ADEQUATE,+ HE SAID.

REGARDING HEALTH HAZARDS THAT MIGHT ARISE FROM THE MISUSE OF THESE PESTICIDES, MR CHAMBERS SAID ONE OF THE LABELLING REQUIREMENTS WAS THAT INSTRUCTIONS ON HOW TO USE THE PESTICIDE AS WELL AS PRECAUTIONARY MEASURES TO BE TAKEN SHOULD BE PRINTED IN ENGLISH AND CHINESE ON THE LABEL OF THE CONTAINER OF THE PESTICIDE.

IN ADDITION, THE AGRICULTURE AND FISHERIES DEPARTMENT PROVIDED AN ADVISORY SERVICE AND TRAINING PROGRAMMES FOR USERS ON THE SAFE USE AND HANDLING OF AGRICULTURAL PESTICIDES, HE SAID.

AS FOR NON-AGRICULTURAL PESTICIDES, MR CHAMBERS SAID THERE WAS AT PRESENT NO LEGISLATION WHICH DEALT SPECIFICALLY WITH THESE PESTICIDES.

/HOWEVER, HE

- 27 -

HOWEVER, HE SAID, THE INGREDIENTS OF SOME SUCH PESTICIDES WERE INCLUDED IN THE POISONS LIST MADE UNDER THE PHARMACY AND POISONS ORDINANCE AND IN THESE CASES, THE PESTICIDES WERE SUBJECT TO CONTROLS IN RESPECT OF STORAGE, TRANSPORT, SALE, LABELLING AND BOTTLING.

+IT IS RECOGNISED HOWEVER THAT THE PHARMACY AND POISONS ORDINANCE, WHICH WAS NOT INTENDED TO CONTROL NON-PHARMACEUTICAL POISONS, IS NOT REALLY APPROPRIATE FOR THE CONTROL OF NON-AGRICULTURAL PESTICIDES.

+FOLLOWING RECENT CONSULTATIONS BETWEEN GOVERNMENT DEPARTMENTS IT IS ACCEPTED THAT THERE IS A NEED FOR CONTROLS TO BE INTRODUCED IN THIS AREA AND NEW LEGISLATION WILL BE CONSIDERED,+ HE SAID.

- - - - 0 - - - -

DIFFERENCES HALT NORTH DISTRICT SCHOOL PLAN
* * * * *

THE ESTABLISHMENT OF A CENTRAL PRIMARY SCHOOL IN NORTH DISTRICT WOULD DEPEND ON THE OUTCOME OF FURTHER DISCUSSIONS AMONG THE PARTIES CONCERNED BECAUSE OF A DIFFERENCE OF OPINIONS, THE DIRECTOR OF EDUCATION, THE HON MICHAEL LEUNG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

RESPONDING TO A QUESTION BY THE HON YEUNG PO-KWAN ON THE PROPOSED CENTRALISED PRIMARY SCHOOL IN NORTH DISTRICT, MR LEUNG SAID IT WAS PROPOSED TO COMBINE FIVE SMALL RURAL SCHOOLS IN THE AREA AND USING THE EXISTING PREMISES OF ONE OF THESE SCHOOLS WHICH WAS CENTRALLY LOCATED AND COULD BE SUITABLY RENOVATED FOR THE PURPOSE.

+BECAUSE OF THE VERY SMALL SIZE OF THE TOTAL ENROLMENT IN THESE FIVE SCHOOLS, A NEW SCHOOL PROJECT IS NOT CONSIDERED JUSTIFIED,+ HE SAID.

IN LINE WITH PREVIOUS PRACTICE, CONSULTATION WITH THE SCHOOL MANAGERS INVOLVED BEGAN IN FEBRUARY TO SECURE THEIR FULL CONSENT AND ACCEPTANCE OF THE SCHEME BEFORE IMPLEMENTATION.

MR LEUNG SAID THAT BECAUSE OF UNFAVOURABLE REACTION FROM SCHOOL MANAGERS TO BEING RECONSTITUTED INTO A NEW MANAGEMENT COMMITTEE, IT WAS FELT THAT WIDER CONSULTATION INVOLVING PARENTS WOULD BE NECESSARY TO ENABLE THEM TO UNDERSTAND THE BENEFITS OF THE CENTRAL SCHOOL.

HE EXPLAINED THAT IT WAS GOVERNMENT'S POLICY TO IMPROVE THE QUALITY OF EDUCATION IN RURAL AREAS BY COMBINING A NUMBER OF SMALL SCHOOLS IN THE NEIGHBOURING AREAS TO FORM CENTRAL PRIMARY SCHOOLS, SUBJECT TO THE ACCEPTANCE OF THE SCHEME BY THE SCHOOL AUTHORITIES CONCERNED.

ONE SUCH SCHOOL WAS SUCCESSFULLY ESTABLISHED AT HO CHUNG IN SAI KUNG IN 1984, HE SAID.

- - - - 0 - - - -

MEDIA COUNCIL - A MATTER FOR THE MEDIA
* * * *

THE GOVERNMENT BELIEVED THAT THE PROPOSAL FOR A MEDIA COUNCIL WAS A MATTER WHICH SHOULD BE PURSUED BY THE MEDIA THEMSELVES, THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION, THE HON PETER TSAO, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON SELINA CHOW, MR TSAO SAID THAT THE GOVERNMENT WAS AWARE OF THE FORMATION OF A PREPARATORY COMMITTEE OF THE MEDIA COUNCIL.

A PRESS STATEMENT HAD BEEN ISSUED ON MAY 30 BY THE PREPARATORY COMMITTEE ANNOUNCING ITS ESTABLISHMENT UNDER THE CHAIRMANSHIP OF MR JUSTICE SIMON LI, HE SAID.

+WE WELCOME THE INITIATIVE TO CONSIDER THE DESIRABILITY OF A MEDIA COUNCIL FOR HONG KONG.

+THE GOVERNMENT IS NOT AND DOES NOT INTEND TO BECOME DIRECTLY INVOLVED IN THE WORK OF THE PREPARATORY COMMITTEE,+ MR TSAO SAID.

- - - - 0 - - - -

CRITERIA FOR ZEBRA-CROSSINGS EXPLAINED
* * * *

PEDESTRIAN SAFETY, THE EFFECT ON MOTORISTS AND NEARBY PREMISES AND TRAFFIC CONDITIONS WERE THREE MAIN CRITERIA TAKEN INTO ACCOUNT BY THE TRANSPORT DEPARTMENT WHEN CONSIDERING THE NEED FOR ZEBRA-CROSSINGS ON PUBLIC ROADS, THE SECRETARY FOR TRANSPORT, THE HON CHRISTOPHER WONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

OTHER FACTORS WOULD BE THE NUMBER OF PEDESTRIANS LIKELY TO USE THE CROSSING, THE POSITION OF THE CROSSING AND THE GRADIENT OF THE ROAD.

BUT THESE WERE ONLY GENERAL GUIDELINES, HE SAID, REPLYING TO QUESTION BY THE HON PAULINE NG.

+THE CIRCUMSTANCES OF POTENTIAL SITES CAN VARY VERY CONSIDERABLY AND A DECISION CAN ONLY BE TAKEN IN ANY PARTICULAR SITUATION AFTER A CAREFUL SITE INVESTIGATION,+ HE SAID.

INSIDE PUBLIC HOUSING ESTATES, HE SAID, THE SAME ARRANGEMENTS APPLIED WHEN THE ROAD HAD BEEN GAZETTED AS A PUBLIC ROAD.

/WHERE A

- 29 -

WHERE A ROAD HAD NOT BEEN GAZETTED AS A PUBLIC ROAD, THE HOUSING DEPARTMENT WAS RESPONSIBLE AND CONSIDERED EACH LOCATION ON ITS MERITS WITH REGARD TO THE DENSITY OF PEDESTRIAN AND VEHICULAR TRAFFIC.

INSIDE PRIVATE HOUSING ESTATES, HE SAID, THE PROVISION OF ZEBRA-CROSSINGS WAS LEFT TO THE DISCRETION OF ESTATE MANAGERS. THIS WAS BECAUSE THE ROAD TRAFFIC ORDINANCE DID NOT AT PRESENT APPLY TO SUCH ROADS.

+HOWEVER, THE EXECUTIVE COUNCIL HAS RECENTLY ENDORSED A RECOMMENDATION THAT THE ROAD SAFETY PROVISIONS OF THIS ORDINANCE SHOULD APPLY TO THESE ROADS AND NON-GAZETTED ROADS IN PUBLIC HOUSING ESTATES.

+THIS WILL BRING THE PROVISION OF SUCH ZEBRA-CROSSINGS UNDER THE CONTROL OF THE TRANSPORT DEPARTMENT AND DRAFT LEGISLATION IS BEING PREPARED TO GIVE EFFECT TO THIS,+ HE SAID.

ANSWERING ANOTHER QUESTION, BY THE HON YEUNG PO-KWAN, AS TO WHETHER GOVERNMENT WOULD CONSIDER BUILDING MORE LAY-BYS TO RELIEVE THE HEAVY TRAFFIC CONGESTION AT MAN KAM TO, MR WONG SAID THE GOVERNMENT WAS CONSIDERING WHETHER IT WOULD BE USEFUL TO INCLUDE AN ADDITIONAL VEHICLE HOLDING AREA - +IN EFFECT, A LARGE LAY-BY IN THE EXPANDED CONTROL COMPLEX AT MAN KAM TO+.

+THE FEASIBILITY OF EXPANDING THE MAN KAM TO ROAD TO A THREE-LANE ROAD IS ALSO BEING CONSIDERED,+ HE SAID.

- - - - 0 - - - -

LAYOUT PLAN PREPARED FOR ON LOK TSUEN
* * * * *

ON LOK TSUEN SHOULD BE DEVELOPED AS A LIGHT INDUSTRIAL AREA PROVIDING SCOPE FOR INDUSTRIAL INVESTMENT AND EMPLOYMENT AS PART OF THE DEVELOPMENT OF FANLING NEW TOWN, THE SECRETARY FOR LANDS AND WORKS, THE HON NICKY CHAN, SAID TODAY (WEDNESDAY).

MR CHAN WAS REPLYING TO A QUESTION FROM LEGISLATIVE COUNCILLOR, THE HON YEUNG PO-KWAN, ON INDUSTRIAL DEVELOPMENT PLANS FOR ON LOK TSUEN IN FANLING.

+A LAYOUT PLAN HAS BEEN PREPARED FOR THE AREA TO PRODUCE 15 HECTARES OF INDUSTRIAL LAND WHICH, IF DEVELOPED TO ITS FULL POTENTIAL, COULD PROVIDE JOBS FOR UP TO 30 000 PEOPLE,+ HE SAID.

+THE LAND WITHIN THE LAYOUT IS LARGELY IN PRIVATE HANDS AND HAS BEEN CONVERTED OVER THE YEARS FROM AGRICULTURAL TO TEMPORARY INDUSTRIAL USE UNDER SHORT TERM WAIVERS.

+A SURVEY IN 1983 INDICATED THAT ABOUT 130 UNDERTAKINGS WERE THEN OPERATING AND EMPLOYING BETWEEN ONE AND TWO THOUSAND PEOPLE.

/+IMPLEMENTATION OF

+IMPLEMENTATION OF THE LAYOUT THEREFORE INVOLVES UPGRADING BY CONVERTING THE TEMPORARY TO THE PERMANENT THROUGH LEASE MODIFICATIONS AND LAND EXCHANGES WITH GOVERNMENT RESUMING SOME LAND TO PROVIDE THE NECESSARY ROADS AND DRAINAGE TO SERVE THE AREA,+ HE SAID.

MR CHAN SAID PRESENT ARRANGEMENTS PROVIDED DEVELOPERS WITH FLEXIBILITY TO DEVELOP TO A PLOT RATIO OF BETWEEN TWO AND FIVE AND A BUILDING COVENANT PERIOD OF 48 MONTHS.

HOWEVER, HE POINTED OUT, PROGRESS WAS SLOW BECAUSE OF THE CURRENT STATE OF THE INDUSTRIAL LAND MARKET.

THE FEW CROWN LAND SITES WHICH EXISTED IN THE AREA SHOULD BEGIN TO COME ONTO THE MARKET NEXT YEAR, MR CHAN ADDED.

- - - - 0 - - - -

UMELCO GROUP BACKS PROPOSAL ON HANDLING OF COMPLAINTS
* * * * *

THE UMELCO POLICE GROUP HAS ENDORSED RECOMMENDATIONS BY A WORKING PARTY TO IMPROVE THE EFFICIENCY AND WORKING PROCEDURES FOR MONITORING THE HANDLING OF PUBLIC COMPLAINTS AGAINST THE POLICE.

THIS WAS STATED BY HON S.L. CHEN IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) WHEN TABLING THE REPORT OF THE GROUP FOR 1984 IN HIS CAPACITY AS THE DEPUTY CHAIRMAN.

THESE RECOMMENDATIONS WERE BEING CONSIDERED BY THE ADMINISTRATION, HE SAID.

THE WORKING PARTY, FORMED WITH REPRESENTATIVES FROM THE ATTORNEY GENERAL'S CHAMBERS, THE SECURITY BRANCH, THE POLICE AND THE UMELCO OFFICE, HAD SUBMITTED ITS REPORT AND HAD RECOMMENDED, AMONG OTHER THINGS, THE SETTING UP OF A FULL-TIME ADMINISTRATIVE AND LEGAL SECRETARIAT TO SERVICE THE GROUP.

+THE WORKING PARTY HAS ALSO RECOMMENDED THE INTRODUCTION OF A FILTERING SYSTEM UNDER WHICH THE HANDLING OF SERIOUS COMPLAINTS WOULD BE EXAMINED IN DEPTH BY MEMBERS OF THE GROUP, WHILE THE HANDLING OF LESS SERIOUS COMPLAINTS WOULD BE EXAMINED ON BEHALF OF THE GROUP MEMBERS BY THE FULL-TIME SECRETARIAT, WHO WOULD REPORT ITS FINDINGS TO MEMBERS,+ MR CHEN SAID.

ON THE WORK OF THE GROUP IN 1984, MR CHEN SAID IT HAD EXAMINED A RECORD NUMBER OF POLICE INVESTIGATION REPORTS IN CONTINUATION OF THE TREND WHICH HAD DEVELOPED SINCE THE ESTABLISHMENT OF THE GROUP IN 1977.

/HE THANKED

HE THANKED THE COMMISSIONER OF POLICE AND ALL OFFICERS OF THE COMPLAINTS AND INTERNAL INVESTIGATION BRANCH FOR THE CO-OPERATION AND ASSISTANCE RENDERED TO THE GROUP.

+I WOULD ALSO LIKE TO EXPRESS MY APPRECIATION FOR THE DEDICATED SUPPORT OF MEMBERS OF THE GROUP AND LAST, BUT NOT LEAST, TO THE OUTSTANDING LEADERSHIP AND INVALUABLE CONTRIBUTION OF MR T.S. LO, FORMER CHAIRMAN, WHO LED THE GROUP DURING THE PERIOD UNDER REVIEW AND WAS A MEMBER FROM ITS INCEPTION,+ HE SAID.

- - - - 0 - - - -

BILL TO UPHOLD ARBITRATION CLAUSES
* * * * *

A BILL SEEKING TO CHANGE SOME WELL-ESTABLISHED BUT UNFAIR RULES CONCERNING FOREIGN JUDGMENTS ON CIVIL PROCEEDINGS OBTAINED IN ANOTHER JURISDICTION WAS READ A SECOND TIME TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE FOREIGN JUDGMENTS (RESTRICTION ON RECOGNITION AND ENFORCEMENT) BILL 1985, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, SAID ITS MAIN PURPOSE WAS TO RESTATE POSITIVELY AND REINFORCE THE NEED TO GIVE EFFECT TO ARBITRATION CLAUSES FREELY ENTERED INTO.

+IF HONG KONG IS TO BE SEEN AS AN IMPORTANT INTERNATIONAL CENTRE FOR ARBITRATIONS, THEN IT IS CLEARLY RIGHT THAT THE LAW SHOULD UPHOLD ARBITRATION CLAUSES RATHER THAN SEE THEM CIRCUMVENTED,+ MR THOMAS STRESSED.

+THE SECOND OBJECTIVE OF THE BILL IS TO PREVENT JUDGMENT CREDITORS COMMENCING FRESH PROCEEDINGS IN HONG KONG INSTEAD OF ENFORCING THE FOREIGN JUDGMENT ITSELF.

+A FOREIGN JUDGMENT WHICH IS ENFORCEABLE AND ENTITLED TO RECOGNITION IN HONG KONG WILL THEREFORE OPERATE AS A BAR TO ANY ATTEMPT TO OBTAIN A SEPARATE HONG KONG JUDGMENT,+ HE SAID.

MR THOMAS POINTED OUT THAT HONG KONG ALREADY HAD A STATUTORY SCHEME WHICH PROVIDED A RELATIVELY SIMPLE PROCEDURE FOR REGISTERING FOREIGN JUDGMENTS IN THE HIGH COURT FOR THE PURPOSE OF EXECUTING THEM AGAINST DEFENDANT DEBTORS' ASSETS IN HONG KONG.

EVEN THOUGH LIMITED BY THE NUMBER OF COUNTRIES WHOSE COURTS COME WITHIN THE SCHEME, THIS APPEARED TO WORK QUITE WELL.

IN CASES WHICH FELL OUTSIDE THE STATUTORY SCHEME, MR THOMAS SAID, IT WAS POSSIBLE FOR A JUDGMENT CREDITOR WHO SOUGHT TO ENFORCE HIS JUDGMENT AGAINST THE HONG KONG ASSETS OF THE DEBTOR TO DO SO, BUT ONLY BY COMMENCING LEGAL PROCEEDINGS HERE BASED ON THE FOREIGN JUDGMENT FOR THAT PURPOSE.

+A FURTHER POSSIBILITY, AND ONE WHICH MAY BE UNJUST TO ONE OF THE PARTIES TO THE DISPUTE, IS TO COMMENCE FRESH LEGAL PROCEEDINGS IN HONG KONG FOR THE PURPOSE OF OBTAINING A SEPARATE HONG KONG JUDGMENT,+ HE SAID.

MR THOMAS POINTED OUT THAT IN CASES WHERE A CREDITOR CAME TO THE COURTS OF HONG KONG RELYING UPON A JUDGMENT OBTAINED IN A FOREIGN COURT, THE COURTS HERE WERE BOUND TO RECOGNISE THAT JUDGMENT IF THE DEBTOR APPEARED IN THAT FOREIGN COURT.

+WHERE HE APPEARED TO MAKE OUT HIS DEFENCE AND FAILED, THAT IS CLEARLY RIGHT, BUT VERY OFTEN THE DEBTOR APPEARED IN THE FOREIGN COURT ONLY TO PERSUADE IT NOT TO ENTERTAIN THE CLAIM AGAINST HIM BECAUSE, FOR EXAMPLE, THE DISPUTE OUGHT TO HAVE BEEN REFERRED TO ARBITRATION UNDER A BINDING ARBITRATION SUBMISSION.

+THIS BILL RELAXES THE LAWS OF HONG KONG TO DEAL WITH THAT CASE. IF THAT WAS THE PURPOSE OF THE DEBTOR'S APPEARANCE IN THE FOREIGN COURT AND HE RAISED NO CLAIM HIMSELF, THE FOREIGN JUDGMENT WILL NOT NOW BE RECOGNISED OR ENFORCED IN HONG KONG.

THE BILL WHICH FOLLOWED UNITED KINGDOM CHANGES MADE IN 1982 HAS THE SUPPORT OF THE BAR ASSOCIATION AND THE LAW SOCIETY, AND WAS PROMPTED IN PART BY THE KEEN INTEREST OF MR JUSTICE RHIND.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

STANDARDS SET FOR DANGEROUS GOODS AIR FREIGHT * * * *

IT IS HIGHLY DESIRABLE THAT HONG KONG SHOULD APPLY INTERNATIONALLY RECOGNISED STANDARDS FOR THE SAFE CARRIAGE OF DANGEROUS GOODS BY AIR, THE SECRETARY FOR ECONOMIC SERVICES, THE HON PIERS JACOBS, SAID TODAY (WEDNESDAY).

HE WAS EMPHASISING THIS POINT WHEN MOVING THE SECOND READING OF THE DANGEROUS GOODS (CONSIGNMENT BY AIR) (SAFETY) BILL 1985.

MR JACOBS SAID THE PURPOSE OF THE BILL WAS TO PROVIDE A LEGAL FRAMEWORK FOR THE IMPLEMENTATION, IN PART, OF ANNEX 18 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION AND THE ASSOCIATED TECHNICAL INSTRUCTIONS, WHICH COMPRISED A COMPREHENSIVE SET OF STANDARDS AND RECOMMENDED PRACTICES FOR THE SAFE TRANSPORT OF DANGEROUS GOODS BY AIR.

THE INTERNATIONAL CIVIL AVIATION ORGANISATION (ICAO) CONTRACTING STATES WERE EXPECTED TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS ANNEX AND THE TECHNICAL INSTRUCTIONS BY MEANS OF SUITABLE LEGISLATION, HE NOTED.

/+THEY ARE

HE THANKED THE COMMISSIONER OF POLICE AND ALL OFFICERS OF THE COMPLAINTS AND INTERNAL INVESTIGATION BRANCH FOR THE CO-OPERATION AND ASSISTANCE RENDERED TO THE GROUP.

+I WOULD ALSO LIKE TO EXPRESS MY APPRECIATION FOR THE DEDICATED SUPPORT OF MEMBERS OF THE GROUP AND LAST, BUT NOT LEAST, TO THE OUTSTANDING LEADERSHIP AND INVALUABLE CONTRIBUTION OF MR T.S. LO, FORMER CHAIRMAN, WHO LED THE GROUP DURING THE PERIOD UNDER REVIEW AND WAS A MEMBER FROM ITS INCEPTION,+ HE SAID.

- - - - 0 - - - -

BILL TO UPHOLD ARBITRATION CLAUSES
* * * * *

A BILL SEEKING TO CHANGE SOME WELL-ESTABLISHED BUT UNFAIR RULES CONCERNING FOREIGN JUDGMENTS ON CIVIL PROCEEDINGS OBTAINED IN ANOTHER JURISDICTION WAS READ A SECOND TIME TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE FOREIGN JUDGMENTS (RESTRICTION ON RECOGNITION AND ENFORCEMENT) BILL 1985, THE ATTORNEY GENERAL, THE HON MICHAEL THOMAS, SAID ITS MAIN PURPOSE WAS TO RESTATE POSITIVELY AND REINFORCE THE NEED TO GIVE EFFECT TO ARBITRATION CLAUSES FREELY ENTERED INTO.

+IF HONG KONG IS TO BE SEEN AS AN IMPORTANT INTERNATIONAL CENTRE FOR ARBITRATIONS, THEN IT IS CLEARLY RIGHT THAT THE LAW SHOULD UPHOLD ARBITRATION CLAUSES RATHER THAN SEE THEM CIRCUMVENTED,+ MR THOMAS STRESSED.

+THE SECOND OBJECTIVE OF THE BILL IS TO PREVENT JUDGMENT CREDITORS COMMENCING FRESH PROCEEDINGS IN HONG KONG INSTEAD OF ENFORCING THE FOREIGN JUDGMENT ITSELF.

+A FOREIGN JUDGMENT WHICH IS ENFORCEABLE AND ENTITLED TO RECOGNITION IN HONG KONG WILL THEREFORE OPERATE AS A BAR TO ANY ATTEMPT TO OBTAIN A SEPARATE HONG KONG JUDGMENT,+ HE SAID.

MR THOMAS POINTED OUT THAT HONG KONG ALREADY HAD A STATUTORY SCHEME WHICH PROVIDED A RELATIVELY SIMPLE PROCEDURE FOR REGISTERING FOREIGN JUDGMENTS IN THE HIGH COURT FOR THE PURPOSE OF EXECUTING THEM AGAINST DEFENDANT DEBTORS' ASSETS IN HONG KONG.

EVEN THOUGH LIMITED BY THE NUMBER OF COUNTRIES WHOSE COURTS COME WITHIN THE SCHEME, THIS APPEARED TO WORK QUITE WELL.

IN CASES WHICH FELL OUTSIDE THE STATUTORY SCHEME, MR THOMAS SAID, IT WAS POSSIBLE FOR A JUDGMENT CREDITOR WHO SOUGHT TO ENFORCE HIS JUDGMENT AGAINST THE HONG KONG ASSETS OF THE DEBTOR TO DO SO, BUT ONLY BY COMMENCING LEGAL PROCEEDINGS HERE BASED ON THE FOREIGN JUDGMENT FOR THAT PURPOSE.

/+A FURTHER

+A FURTHER POSSIBILITY, AND ONE WHICH MAY BE UNJUST TO ONE OF THE PARTIES TO THE DISPUTE, IS TO COMMENCE FRESH LEGAL PROCEEDINGS IN HONG KONG FOR THE PURPOSE OF OBTAINING A SEPARATE HONG KONG JUDGMENT,+ HE SAID.

MR THOMAS POINTED OUT THAT IN CASES WHERE A CREDITOR CAME TO THE COURTS OF HONG KONG RELYING UPON A JUDGMENT OBTAINED IN A FOREIGN COURT, THE COURTS HERE WERE BOUND TO RECOGNISE THAT JUDGMENT IF THE DEBTOR APPEARED IN THAT FOREIGN COURT.

+WHERE HE APPEARED TO MAKE OUT HIS DEFENCE AND FAILED, THAT IS CLEARLY RIGHT, BUT VERY OFTEN THE DEBTOR APPEARED IN THE FOREIGN COURT ONLY TO PERSUADE IT NOT TO ENTERTAIN THE CLAIM AGAINST HIM BECAUSE, FOR EXAMPLE, THE DISPUTE OUGHT TO HAVE BEEN REFERRED TO ARBITRATION UNDER A BINDING ARBITRATION SUBMISSION.

+THIS BILL RELAXES THE LAWS OF HONG KONG TO DEAL WITH THAT CASE. IF THAT WAS THE PURPOSE OF THE DEBTOR'S APPEARANCE IN THE FOREIGN COURT AND HE RAISED NO CLAIM HIMSELF, THE FOREIGN JUDGMENT WILL NOT NOW BE RECOGNISED OR ENFORCED IN HONG KONG.

THE BILL WHICH FOLLOWED UNITED KINGDOM CHANGES MADE IN 1982 HAS THE SUPPORT OF THE BAR ASSOCIATION AND THE LAW SOCIETY, AND WAS PROMPTED IN PART BY THE KEEN INTEREST OF MR JUSTICE RHIND.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

STANDARDS SET FOR DANGEROUS GOODS AIR FREIGHT
* * * *

IT IS HIGHLY DESIRABLE THAT HONG KONG SHOULD APPLY INTERNATIONALLY RECOGNISED STANDARDS FOR THE SAFE CARRIAGE OF DANGEROUS GOODS BY AIR, THE SECRETARY FOR ECONOMIC SERVICES, THE HON PIERS JACOBS, SAID TODAY (WEDNESDAY).

HE WAS EMPHASISING THIS POINT WHEN MOVING THE SECOND READING OF THE DANGEROUS GOODS (CONSIGNMENT BY AIR) (SAFETY) BILL 1985.

MR JACOBS SAID THE PURPOSE OF THE BILL WAS TO PROVIDE A LEGAL FRAMEWORK FOR THE IMPLEMENTATION, IN PART, OF ANNEX 18 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION AND THE ASSOCIATED TECHNICAL INSTRUCTIONS, WHICH COMPRISED A COMPREHENSIVE SET OF STANDARDS AND RECOMMENDED PRACTICES FOR THE SAFE TRANSPORT OF DANGEROUS GOODS BY AIR.

THE INTERNATIONAL CIVIL AVIATION ORGANISATION (ICAO) CONTRACTING STATES WERE EXPECTED TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS ANNEX AND THE TECHNICAL INSTRUCTIONS BY MEANS OF SUITABLE LEGISLATION, HE NOTED.

/+THEY ARE

+THEY ARE ALSO REQUIRED TO ESTABLISH INSPECTION, SURVEILLANCE AND ENFORCEMENT PROCEDURES TO ENSURE THAT THOSE INVOLVED WITH THE SHIPMENT OF DANGEROUS GOODS BY AIR COMPLY WITH SUCH LEGISLATION,+ HE SAID.

INDEED, HE ADDED, ICAO SET JANUARY 1, 1984 AS THE TARGET DATE FOR FULL COMPLIANCE WITH ANNEX 18 AND TECHNICAL INSTRUCTIONS.

HONG KONG, MR JACOBS SAID, WAS A PARTY TO THE CONVENTION THROUGH ITS APPLICATION TO BRITISH DEPENDENT TERRITORIES BY HMG.

+BUT, EVEN IF IT WERE NOT, IT IS HIGHLY DESIRABLE THAT HONG KONG SHOULD APPLY INTERNATIONALLY RECOGNISED STANDARDS FOR THE SAFE CARRIAGE OF DANGEROUS GOODS BY AIR.+

HE SAID THAT THE PRESENT SYSTEM OF REGULATION AND SUPERVISION OF THE TRANSPORTATION OF DANGEROUS GOODS BY AIRLINE OPERATORS, ENFORCED UNDER ARTICLE 41 OF THE AIR NAVIGATION (OVERSEAS TERRITORIES) ORDER 1977, WAS IN COMPLIANCE WITH ICAO STANDARDS AND REQUIREMENTS.

HOWEVER, IT FELL SHORT OF FULL COMPLIANCE WITH ANNEX 18 AND THE TECHNICAL INSTRUCTIONS IN THAT, AT PRESENT, THERE WAS NO LEGISLATION TO CONTROL THE PREPARATION, PACKING, LABELLING, MARKING OR OFFERING OF DANGEROUS GOODS FOR CARRIAGE BY AIR.

THE BILL PROVIDED THAT THE GOVERNOR IN COUNCIL MIGHT MAKE REGULATIONS AIMED AT SECURING COMPLIANCE WITH ANNEX 18 AND THE TECHNICAL INSTRUCTIONS BY SHIPPERS, FREIGHT FORWARDERS AND OTHERS, SUBJECT TO EXPRESS EXEMPTIONS, HE POINTED OUT.

IT ALSO PERMITTED THE DIRECTOR OF CIVIL AVIATION OR ANY OFFICER AUTHORISED IN WRITING BY HIM TO ENTER PREMISES FOR THE PURPOSES OF INSPECTING AND SEARCHING PREMISES, AND SEIZING DANGEROUS GOODS, AND TO DETAIN VESSELS, VEHICLES OR AIRCRAFT FOR PURPOSES OF SEARCH.

LASTLY, MR JACOBS SAID, THE BILL PROVIDED FOR THE LIABILITY OF COMPANY DIRECTORS AND MANAGEMENT WHERE ANY OFFENCE UNDER THE ORDINANCE WAS COMMITTED BY A COMPANY; AND CLAUSE 6 EMPOWERED A MAGISTRATE TO ORDER THE FORFEITURE OF ANY DANGEROUS GOODS IN RESPECT OF WHICH AN OFFENCE HAD BEEN COMMITTED, WHETHER OR NOT ANY PERSON HAD BEEN CHARGED WITH THE OFFENCE.

IT IS PROPOSED THAT THE BILL, IF PASSED AND ENACTED, IS TO COME INTO OPERATION ON AUGUST 1, 1985 TOGETHER WITH REGULATIONS TO BE MADE UNDER ITS PROVISIONS BY THE GOVERNOR IN COUNCIL.

THE PROPOSALS REFLECTED IN THE BILL HAD BEEN DRAWN UP IN CONSULTATION WITH, AND WERE SUPPORTED BY THE DANGEROUS GOODS STANDING COMMITTEE AND THE HONG KONG SHIPPERS' COUNCIL, MR JACOBS SAID.

DEBATE ON THE BILL WAS ADJOURNED.

WEDNESDAY, JUNE 12, 1985

- 34 -

BILL PAVES WAY FOR +OSPREY+ REHEARING

* * * * *

THE DISCOVERY OF THE WRECK OF THE BARQUENTINE +OSPREY+ SINCE THE MARINE COURT FINDINGS IN MID-1984, TOGETHER WITH OTHER NEW EVIDENCE, SUGGESTED THAT A REHEARING SHOULD BE ORDERED, THE SECRETARY FOR ECONOMIC SERVICES, THE HON PIERS JACOBS, TOLD THE LEGISLATIVE COUNCIL TODAY.

THE WRECK, HE SAID, HAD BEEN DISCOVERED AND POSITIVELY IDENTIFIED +IN A LOCATION SUBSTANTIALLY DIFFERENT FROM THAT IN WHICH THE COURT FOUND THE VESSEL WAS LOST.+

MOVING THE SECOND READING OF THE MERCHANT SHIPPING (AMENDMENT) BILL 1985, MR JACOBS SAID IT WAS TO MAKE CLEAR THAT THE GOVERNOR MIGHT ORDER THE REHEARING OF AN INVESTIGATION BY A MARINE COURT INTO A CASUALTY AFFECTING A SHIP.

HE EXPLAINED THAT +UNDER SECTION 56(1) OF THE PRINCIPAL ORDINANCE, THE GOVERNOR'S POWER TO ORDER A REHEARING RELATED SPECIFICALLY TO INVESTIGATIONS INTO THE CONDUCT OF A HOLDER OF A CERTIFICATE OF COMPETENCY.

THERE WAS SOME DOUBT AS TO WHETHER THE GOVERNOR MIGHT ORDER A REHEARING OF INVESTIGATION INTO A CASUALTY AFFECTING A SHIP EVEN THOUGH THE ORIGINAL HEARING WOULD USUALLY HAVE TOUCHED ON MATTERS CONCERNING THE CONDUCT OF CERTIFICATE HOLDERS.

+CLAUSE 2(A) OF THE DRAFT BILL MAKES THE POSITION ABUNDANTLY CLEAR,+ HE SAID.

+WHILST THIS BILL REPRESENTS A NECESSARY AND DESIRABLE AMENDMENT TO THE PRINCIPAL ORDINANCE, IT WILL BE OF DIRECT RELEVANCE TO THE INQUIRY INTO THE LOSS OF THE 'OSPREY'.+

CLAUSE 2(B) OF THE BILL, WHICH PROVIDED THAT SUCH AN ORDER FOR A REHEARING MIGHT BE MADE IN RELATION TO AN INVESTIGATION HELD BEFORE OR AFTER THE BILL TOOK EFFECT, WOULD ENABLE THIS TO BE DONE, HE SAID.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

/35

BILL TO CLARIFY WATER POLLUTION CONTROL
* * * * *

THE WATER POLLUTION CONTROL (AMENDMENT) BILL 1985, WHICH SOUGHT TO CLARIFY CERTAIN PROVISIONS OF THE WATER POLLUTION CONTROL ORDINANCE WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, SAID THE EXISTING ORDINANCE WAS LARGELY AN ENABLING ORDINANCE THAT SET OUT THE BASIC PRINCIPLES AND PROVISIONS OF THE WATER POLLUTION CONTROL ARRANGEMENTS.

DETAILS OF THE METHODS OF CALCULATION OF QUANTITIES AND RATES OF DISCHARGES, THE FORM AND CONTENT OF NOTICES AND APPLICATIONS AND OTHER SUCH MATTERS WERE LEFT TO BE DEALT WITH IN REGULATIONS TO BE MADE BY THE GOVERNOR-IN-COUNCIL.

MR CHAMBERS SAID THE BILL SOUGHT TO CLARIFY THE EXISTING ORDINANCE IN THREE WAYS.

+FIRST OF ALL, IT WILL BRING WITHIN THE SCOPE OF THE ORDINANCE ANY DISCHARGE OF OIL, OR A MIXTURE CONTAINING OIL, INTO WATERS - INCLUDING INLAND WATERS - SITUATED INSIDE A WATER CONTROL ZONE,+ MR CHAMBERS SAID.

SECONDLY, MR CHAMBERS SAID, THE BILL SOUGHT TO SPECIFY WHO MIGHT CLAIM COMPENSATION FOLLOWING THE CANCELLATION OR VARIATION OF A LICENCE OR AN EXEMPTION IN RESPECT OF A DISCHARGE OR DEPOSIT OF MATTER INTO A WATER CONTROL ZONE.

+THIRDLY, THE BILL PROVIDES THAT, IN THE EVENT OF DISAGREEMENT OVER THE AMOUNT OF COMPENSATION, THE DISPUTE WOULD BE REFERRED TO THE LANDS TRIBUNAL FOR DETERMINATION,+ MR CHAMBERS SAID.

MR CHAMBERS NOTED THAT COMPREHENSIVE REGULATIONS HAD BEEN DRAFTED AND PUBLISHED IN DRAFT FORM IN SPECIAL SUPPLEMENT NO. 5 OF THE GOVERNMENT GAZETTE OF MAY 31, 1985.

THE DRAFT WATER POLLUTION CONTROL (GENERAL) REGULATIONS, AS IS INEVITABLE WITH POLLUTION CONTROL AND ENVIRONMENTAL LEGISLATION, ARE QUITE LENGTHY AND SOMEWHAT COMPLEX, HE NOTED.

+EXTENSIVE CONSULTATION HAS TAKEN PLACE WITH INDUSTRIAL ORGANISATIONS AND INDIVIDUAL FIRMS INVOLVED IN THE INDUSTRIES WHICH WILL BE AFFECTED BY THE REGULATIONS, BUT IT IS CONSIDERED DESIRABLE THAT THE GENERAL PUBLIC SHOULD HAVE AN OPPORTUNITY TO EXPRESS THEIR VIEWS ON THEM,+ MR CHAMBERS SAID.

HE POINTED OUT THAT THE PUBLIC HAD BEEN INVITED TO SEND IN THEIR VIEWS TO THE HEALTH AND WELFARE BRANCH AND HE ALSO WELCOMED ANY COMMENTS FROM FELLOW MEMBERS.

HIGHLIGHTING TWO POINTS ABOUT THE DRAFT REGULATIONS, MR CHAMBERS SAID THEY WOULD INITIALLY APPLY ONLY TO THE TOLO HARBOUR AND CHANNEL WATER CONTROL ZONE, THE ONLY ZONE SO FAR DECLARED UNDER THE ORDINANCE, ALTHOUGH IT WAS THE INTENTION TO DECLARE OTHER WATER CONTROL ZONES IN THE FUTURE IN THE LIGHT OF EXPERIENCE GAINED IN THE TOLO AREA.

+SECONDLY, DETAILED GUIDANCE NOTES, IN BOTH CHINESE AND ENGLISH, WILL BE ISSUED TO HELP INDUSTRIALISTS TO COMPLETE THE NECESSARY APPLICATION FORMS,+ MR CHAMBERS SAID.

IN ADDITION, SEMINARS WOULD BE ORGANISED TO EXPLAIN THE OPERATION OF THE LEGISLATION, AND THE AUTHORITY WOULD ALWAYS BE PREPARED TO ASSIST APPLICANTS IN THE COMPLETION OF FORMS, HE SAID.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

APPOINTMENTS CONFIRMED

* * * *

A TEMPORARY BILL, CONFIRMING THE APPOINTMENT OF AN URBAN COUNCILLOR AND FOUR DISTRICT BOARD MEMBERS, WAS TAKEN THROUGH ALL ITS STAGES AT ONE SITTING IN THE LEGISLATIVE COUNCIL TODAY.

EXPLAINING THE URGENCY OF THE PUBLIC BODIES (CONFIRMATION OF APPOINTED MEMBERS) (TEMPORARY PROVISIONS) BILL 1985, THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION, THE HON PETER TSAO, SAID THAT IT HAD BEEN RECENTLY DISCOVERED THAT THE FIVE PERSONS HAD NOT FIRST GONE THROUGH THE REQUIREMENT OF REGISTERING AS ELECTORS IN TERMS OF THE ELECTORAL PROVISIONS ORDINANCE.

AND THE ADMINISTRATION, HE SAID, ACCEPTED RESPONSIBILITY FOR THE +UNFORTUNATE OVERSIGHT+.

HE SAID THAT THE LEGAL STATUS OF THE FIVE MEMBERS DID NOT INVALIDATE ANY ACTS ALREADY PERFORMED BY THEM IN THEIR RESPECTIVE BODIES.

+THIS IS SO BECAUSE IN BOTH THE URBAN COUNCIL ORDINANCE AND THE DISTRICT BOARDS ORDINANCE, THERE IS A PROVISION TO THE EFFECT THAT THE ACTS AND PROCEEDINGS OF ANY MEMBER ACTING AS SUCH SHALL, NOTWITHSTANDING HIS WANT OF QUALIFICATION OR DISQUALIFICATION, BE AS VALID AND EFFECTUAL AS IF HE HAD BEEN QUALIFIED,+ MR TSAO SAID.

/MR TSAO

MR TSAO EXPLAINED THAT THE BILL WAS INTENDED AS A TEMPORARY MEASURE TO ENABLE THE FIVE PERSONS TO CONTINUE TO ACT AS MEMBERS, AND IN THE INTERIM, TO SEEK REGISTRATION ON THE GENERAL ELECTORAL ROLL.

THE NEXT REGISTRATION PERIOD WOULD START ON AUGUST 15, AND LEAD TO THE PUBLICATION OF THE NEW FINAL REGISTER OF ELECTORS IN JANUARY 1986, WHEN, IT WAS PROPOSED, THE BILL SHOULD LAPSE.

+THIS WILL PROVIDE AN OPPORTUNITY TO THE FIVE PERSONS CONCERNED TO QUALIFY THEMSELVES FOR APPOINTMENT BY SECURING REGISTRATION, AND THEREAFTER TO BE VALIDLY APPOINTED TO THE RESPECTIVE BODIES IN THE NORMAL WAY,+ MR TSAO SAID.

+IT IS THUS DESIRABLE, IN THE INTEREST OF THESE BODIES, THAT THE POSITION OF THE FIVE PERSONS SHOULD BE PUT RIGHT AS SOON AS POSSIBLE, AND IT IS FOR THIS REASON THAT IT IS PROPOSED THE BILL SHOULD BE TAKEN THROUGH ALL ITS STAGES AT ONE SITTING.+

MR TSAO ASSURED THE COUNCIL THAT STEPS HAD BEEN TAKEN TO PREVENT A REPETITION OF THE OVERSIGHT.

- - - - - 0 - - - - -

FOUR BILLS PASSED
* * *

FOUR BILLS WERE PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THEY ARE THE EMPLOYEES' COMPENSATION (AMENDMENT) BILL 1985; THE LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1985; THE BILLS OF SALE (AMENDMENT) BILL 1985; AND THE PUBLIC BODIES (CONFIRMATION OF APPOINTED MEMBERS)(TEMPORARY PROVISIONS) BILL 1985.

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

THEY ARE THE FOREIGN JUDGMENTS (RESTRICTION ON RECOGNITION AND ENFORCEMENT) BILL 1985; THE DANGEROUS GOODS (CONSIGNMENT BY AIR) (SAFETY) BILL 1985; THE MERCHANT SHIPPING (AMENDMENT) BILL 1985; AND THE WATER POLLUTION CONTROL (AMENDMENT) BILL 1985.

DEBATE ON THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) BILL, WHICH RESUMED TODAY WAS ALSO ADJOURNED.

THE MEETING WAS ADJOURNED TO JUNE 26.

- - - - - 0 - - - - -

WEDNESDAY, JUNE 12, 1985

- 38 -

FRESH APPROACH TO VICTORIA BARRACKS DEVELOPMENT PLAN
* * * * *

THE RECREATION SELECT COMMITTEE OF THE URBAN COUNCIL TODAY DECIDED THAT AN ENTIRELY FRESH APPROACH WAS NECESSARY ON THE LONG-DELAYED DEVELOPMENT PLANS FOR THE VICTORIA BARRACKS SITE, BUT WITH THE EMPHASIS TO REMAIN ON CONSERVING AS MUCH OF THE NATURAL BEAUTY OF THE SITE AS POSSIBLE AND BRINGING IT INTO PUBLIC RECREATION USE WITH THE MINIMUM OF FURTHER DELAY.

THE COMMITTEE, AS PART OF ITS IMPORTANT DECISION, RULED AGAINST EARLIER SUGGESTIONS FOR THE CREATION OF A LARGE, SPECIALIZED SHOZHOU GARDEN, AND AGAINST THE RE-SITING OF MURRAY HOUSE IN THIS AREA.

+CIRCUMSTANCES BEYOND THE COUNCIL'S CONTROL VIRTUALLY FORCED THE SELECT COMMITTEE TO TAKE A FRESH APPROACH TO THE WHOLE PROJECT,+ SAID A COUNCIL SPOKESMAN.

+AN OVERALL DEVELOPMENT PLAN IS NOW NEEDED QUICKLY IN ORDER TO ENSURE THAT THIS BEAUTIFUL AREA IS DEVELOPED AS A CO-ORDINATED WHOLE AND NOT IN BITS AND PIECES.

+BASICALLY, THE COMMITTEE WISHES TO MAKE THE AREA AVAILABLE FOR THE PUBLIC TO ENJOY AND WITH THE BARE MINIMUM OF BUILDING AND FORMAL, ACTIVE RECREATION FACILITIES.+

EXPLAINING THE DECISION NOT TO GO AHEAD WITH PROPOSALS FOR A SHOZHOU GARDEN, THE SPOKESMAN SAID THAT FURTHER STUDIES HAD SHOWN THAT SUCH A FACILITY WOULD BE TOTALLY UNSUITABLE FOR LARGE CROWDS OF VISITORS.

+THE WHOLE AESTHETIC BEAUTY OF SUCH A GARDEN IS IN ITS VERY PRIVACY AND SENSE OF ONENESS WITH NATURE,+ SAID THE SPOKESMAN.

+IT WOULD BE IMPOSSIBLE TO CAPTURE THE SPIRIT OR ESSENCE OF SUCH A GARDEN WITH PEOPLE BEING SQUASHED TOGETHER ON NARROW WALKWAYS AMID ROCKERY AND SHRUBS, AND CHILDREN RUNNING BACK AND FORTH ALONG LITTLE BRIDGES OVER CHARMING LITTLE PONDS CONTAINING LOTUS BLOOMS AND GOLDFISH.

+FURTHERMORE, DESPITE THE COUNCIL'S OBJECTIONS, A FIRE STATION IS BEING BUILT ON ANOTHER AREA, ALONGSIDE COTTON TREE DRIVE, WHICH WOULD ALSO BE IN TOTAL CONFLICT WITH THE PREVIOUS SUGGESTION FOR A TRANQUIL SHOZHOU GARDEN.+

/CONCERNING MURRAY

CONCERNING MURRAY HOUSE, THE SPOKESMAN SAID THERE WERE SEVERAL REASONS AGAINST IT BEING RE-SITED IN THIS AREA INCLUDING:

- + IT SEEMED TO THE COMMITTEE TO BE A GOVERNMENT RESPONSIBILITY TO FINANCE AND SITE THE RECONSTRUCTION OF THIS OLD BUILDING IF GOVERNMENT FEELS THE BUILDING TO BE OF SUCH HISTORICAL SIGNIFICANCE. GOVERNMENT HAS REJECTED OTHER SUGGESTIONS FOR THE RECONSTRUCTION AND RE-USE OF MURRAY HOUSE ON THE GROUNDS THAT A NEW BUILDING COULD BE OBTAINED AT ROUGHLY HALF THE COST OF RE-ERECTING THE FABRIC OF THIS OLD MILITARY BUILDING. THE COUNCIL FEELS LIKewise. THE PRESERVATION OF OLD BUILDINGS IS A GOVERNMENT AND NOT AN URBAN COUNCIL RESPONSIBILITY. IF THE GOVERNMENT CANNOT AFFORD IT, THE COUNCIL CERTAINLY CANNOT.
- + WHILE THE COUNCIL HAD NEVER BEEN ENTHUSIASTIC ABOUT THE GOVERNMENT'S PROPOSAL TO RE-ERECT THE BUILDING ON THE SITE OF THE INFANTS' SCHOOL INSIDE THE BARRACKS, IT HAD NOW BEEN ESTABLISHED THAT THIS SITE WAS TOO SMALL, AND VERY CONSIDERABLE AND EXPENSIVE SLOPE-CUTTING AND STABILISATION WORK WOULD BE NEEDED FIRST. THIS IN TURN WOULD ENTAIL THE LOSS OF A CONSIDERABLE NUMBER OF ESTABLISHED TREES AND SHRUBS.

+AT PRESENT THIS BEAUTIFUL SITE IN THE HEART OF CENTRAL HAS ONLY ONE COMPLETED DEVELOPMENT, WHICH IS THE FLAGSTAFF HOUSE MUSEUM OF TEA WARE,+ SAID THE SPOKESMAN.

+A SQUASH COMPLEX FOR THE COUNCIL IS UNDER CONSTRUCTION AT ONE END OF THE SITE.

+THE COUNCIL IS ANXIOUS TO GET THE AGREEMENT OF THE GOVERNMENT TO MOVE AHEAD AS SOON AS POSSIBLE WITH A REVISED DEVELOPMENT CONCEPT INCORPORATING AN OVERALL PLAN, THE BASIS OF WHICH WILL INVOLVE THE DEMOLITION OF ALL UNNECESSARY BUILDINGS AS QUICKLY AS POSSIBLE AND THE DEVELOPMENT OF LARGE GARDEN AREAS WITH A VARIETY OF PASSIVE RECREATION FEATURES.

THE CHAIRMAN OF THE URBAN COUNCIL WILL SHORTLY BE PUTTING DETAILS OF THE REVISED DEVELOPMENT CONCEPT TO THE GOVERNMENT.

TODAY'S MEETING WAS CHAIRED BY THE CHAIRMAN OF THE RECREATION SELECT COMMITTEE, MR HOWARD YOUNG, AND WAS ATTENDED BY THE SECRETARY FOR MUNICIPAL SERVICES, MR GRAHAM BARNES.

- 40 -

NEW CONCEPT IN CROP PEST CONTROL INTRODUCED

* * * * *

THE AGRICULTURE AND FISHERIES DEPARTMENT HAS INTRODUCED A NEW CONCEPT IN THE EFFECTIVE CONTROL OF CERTAIN MAJOR INSECTS THAT ARE A PEST TO LOCAL VEGETABLES.

AFTER CONSIDERABLE INVESTIGATIONS AND FIELD EVALUATIONS BY THE DEPARTMENT, IT WAS FOUND THAT A BACTERIUM -- BACILLUS THURINGIENSIS -- HAS PROVED EFFECTIVE IN CONTROLLING UNDER LOCAL CONDITIONS THE DIAMOND-BACK MOTH, A PERSISTENT PEST TO COMMONLY GROWN BRASSICA CROPS SUCH AS CHINESE KALE, CHINESE FLOWERING CABBAGE AND WHITE CABBAGE.

A DEPARTMENT SPOKESMAN SAID THE BACTERIUM WAS HARMLESS TO HUMAN BEINGS AND ANIMALS.

AS A BIOLOGICAL CONTROL AGENT IT PROVIDED LONG-TERM CONTROL OF THE PEST WHICH HAS ALREADY DEVELOPED A RESISTANCE TO MOST CHEMICAL PESTICIDES AVAILABLE LOCALLY.

THE NEW IDEA IN AGRICULTURAL PEST CONTROL WAS INTRODUCED BY THE DEPARTMENT'S SENIOR CROP DEVELOPMENT OFFICER, MR C.W. FONG, TO 20 REPRESENTATIVES OF LOCAL FARMER GROUPS WHEN THEY VISITED TAI LUNG FARM AT SHEUNG SHUI.

THE VISIT IS PART OF REGULAR EVENTS ORGANISED BY THE FARM FOR LOCAL FARMERS TO ENABLE THEM TO LOOK AT EFFECTIVE MEASURES INTRODUCED TO PROTECT CROPS FROM BEING DAMAGED BY DISEASES, INSECTS AND OTHER PESTS.

FARMERS WERE ALSO SHOWN VARIOUS NON-CHEMICAL METHODS THAT THE DEPARTMENT WAS EXPERIMENTING IN TO REDUCE THE ATTACK OF THRIPS ON HAIRY GOURD, INCLUDING THE USE OF REFLECTIVE MATERIALS AND DIFFERENT TYPES OF MULCH. THESE HAVE YIELDED SIGNIFICANT RESULTS IN REDUCING THE PROBLEM.

THE VISIT STARTED WITH A BRIEFING BY AFD OFFICERS ON CURRENT CROP RESEARCH AND PLANT PROPAGATION WORK UNDERTAKEN BY THE DEPARTMENT.

THIS WAS FOLLOWED BY A TOUR OF THE AGRICULTURAL CHEMISTRY AND AGRICULTURAL ENTOMOLOGY AND PLANT PATHOLOGY LABORATORIES WHERE EXAMINATIONS AND IDENTIFICATIONS OF INSECT PESTS AND DISEASE PATHOGENS ARE BEING CONDUCTED.

VISITORS THEN SAW FIELD EXPERIMENTS ON WEED CONTROL ON LEAFY VEGETABLES AND VARIOUS DESIGNS OF PROTECTIVE STRUCTURES FOR VEGETABLE GROWTH, AND ALSO TOURED THE FARM'S MUSHROOM LABORATORY.

TAI LUNG FARM IS THE DEPARTMENT'S CENTRE FOR CROP EXPERIMENTAL WORK AND IS ALSO USED FOR MULTIPLICATION OF GOOD-QUALITY SEEDS AND PLANT MATERIALS. AT PRESENT, MANY LONG-TERM AND SHORT-TERM STUDIES OF CROP PRODUCTION AND PROTECTION ARE IN PROGRESS.

- - - - 0 - - - -

WEDNESDAY, JUNE 12, 1985

- 41 -

DB MEMBERS ATTEND ENVIRONMENTAL SEMINAR
* * * *

MORE THAN 60 MEMBERS OF DISTRICT BOARDS IN THE NEW TERRITORIES TODAY (WEDNESDAY) ATTENDED A SEMINAR ON ENVIRONMENTAL POLICY AND PLANNING.

THE SEMINAR WAS JOINTLY ORGANISED BY THE CITY AND NEW TERRITORIES ADMINISTRATION, THE GOVERNMENT ENVIRONMENTAL PROTECTION AGENCY AND THE HONG KONG UNIVERSITY.

PARTICIPANTS AT THE SEMINAR WERE WELCOMED BY THE SECRETARY FOR HEALTH AND WELFARE, MR J.W. CHAMBERS.

A CNTA SPOKESMAN SAID THE SEMINAR WAS AIMED AT PROVIDING DISTRICT BOARD MEMBERS WITH INFORMATION ABOUT PROBLEMS RELATING TO ENVIRONMENTAL POLLUTION, CURRENT GOVERNMENT APPROACH TO ENVIRONMENTAL POLICY AND PLANNING, THE VIEW OF THE CONSERVANCY ASSOCIATION ON THE SUBJECT, AND WAYS IN WHICH BOARD MEMBERS COULD CONTRIBUTE IN THIS FIELD.

EXPERTS FROM THE CENTRE FOR URBAN STUDIES AND URBAN PLANNING OF THE HONG KONG UNIVERSITY, THE GOVERNMENT ENVIRONMENTAL PROTECTION AGENCY AND THE CONSERVANCY ASSOCIATION, GAVE TALKS ON VARIOUS SUBJECTS RELATING TO ENVIRONMENT.

THERE WERE ALSO TWO SESSIONS ON QUESTIONS AND ANSWERS DURING WHICH PARTICIPANTS FREELY EXCHANGED VIEWS.

ANOTHER SEMINAR ON THE SAME TOPIC WILL BE HELD NEXT WEEK FOR MEMBERS OF THE URBAN DISTRICT BOARDS.

+IT IS ENVISAGED THAT SIMILAR SEMINARS ON DIFFERENT SUBJECTS WILL BE HELD IN FUTURE FOR DISTRICT BOARD MEMBERS,+ THE SPOKESMAN SAID.

- - - - 0 - - - -

DMC CALL ON EASTERN DB CHAIRMAN
* * *

IN THE CURRENT STAGE OF DEVELOPING DISTRICT ADMINISTRATION, IT WAS IMPORTANT THAT THE DISTRICT BOARDS AND THE DISTRICT MANAGEMENT COMMITTEES WORK VERY CLOSELY AND WITH MUTUAL UNDERSTANDING, EASTERN DISTRICT OFFICER, MR LUI HAU-TUEN, SAID TODAY (WEDNESDAY).

+THE DISTRICT MANAGEMENT COMMITTEE IS THE CLEARING HOUSE FOR GOVERNMENT DEPARTMENTS ON POLICY AND OPERATIONAL MATTERS AFFECTING THE DISTRICT,+ HE SAID.

/+IT ALSO

+IT ALSO PLAYS AN IMPORTANT ROLE IN SUPPORTING THE DISTRICT BOARD IN IMPLEMENTING VARIOUS PROJECTS IN THE DISTRICT,+ HE ADDED.

MR LUI MADE THE REMARKS DURING A COURTESY CALL BY MEMBERS OF THE DISTRICT MANAGEMENT COMMITTEE ON THE CHAIRMAN OF THE EASTERN DISTRICT BOARD, MR SHUM CHOI-SANG, AND THREE COMMITTEE CHAIRMEN OF THE BOARD.

MR LUI IS THE CHAIRMAN OF THE DMC WHICH COMPRISE REPRESENTATIVES FROM THE POLICE, THE URBAN AREA DEVELOPMENT ORGANISATION, THE FIRE SERVICES, SOCIAL WELFARE, URBAN SERVICES, LANDS, HOUSING, TRANSPORT, EDUCATION, MEDICAL AND HEALTH, AND LABOUR DEPARTMENTS.

- - - - 0 - - - -

RENOWNED VIRTUOSO TO GIVE DOUBLE BASS DEMONSTRATION

* * * * *

THE MUSIC OFFICE OF THE MUNICIPAL SERVICES BRANCH WILL PRESENT A DOUBLE BASS DEMONSTRATION BY AN INTERNATIONALLY RENOWNED MUSICIAN THIS SATURDAY (JUNE 15) AT 10 AM AT THE HONG KONG MUSIC CENTRE, ARTS CENTRE.

GARY KARR, KNOWN AS ONE OF THE FOUR GREATEST VIRTUOSOS IN THE MUSICAL HISTORY OF DOUBLE BASS, HAS PERFORMED AS A SOLOIST WITH OVER 100 ORCHESTRAS AND HAS GIVEN MORE THAN 500 RECITALS THROUGHOUT THE UNITED STATES, CANADA, MEXICO AND EUROPE.

KARR'S EXCELLENT TECHNIQUE HAS ALSO INSPIRED SUCH LEADING COMPOSERS AS HANS WERNER HENZE, GUNTHER SCHULLER, ALEC WILDER AND SIR MALCOLM ARNOLD TO COMPOSE WORKS ESPECIALLY FOR HIM.

FREE ADMISSION TICKETS ARE NOW AVAILABLE AT ALL MUSIC CENTRES OF THE MUSIC OFFICE ON A FIRST-COME-FIRST-SERVED BASIS.

- - - - 0 - - - -

WEDNESDAY, JUNE 12, 1985

- 43 -

VOCATIONAL TRAINING COUNCIL GROUP TO VISIT UK

A SIX-MAN VOCATIONAL TRAINING COUNCIL DELEGATION WILL VISIT BRITAIN ON JUNE 18 TO STUDY THE LATEST DEVELOPMENTS IN INDUSTRIAL AND VOCATIONAL TRAINING THERE.

THE GROUP IS HEADED BY THE COUNCIL'S CHAIRMAN, DR FRANCIS Y.H. TIEN, AND WILL INCLUDE THE DEPUTY CHAIRMAN OF THE COUNCIL, MR ALEX S.C. WU, AND THE DEPUTY EXECUTIVE DIRECTOR OF VOCATIONAL TRAINING COUNCIL, MR H.R. KNIGHT.

A PRESS CONFERENCE WILL BE HELD AT THE GIS THEATRE AT 10.30 AM ON FRIDAY (JUNE 14) AT WHICH DR TIEN WILL TALK ABOUT THEIR NINE-DAY TRIP.

----- 0 -----

NEW FIRE STATION IN SAI KUNG OPENING

A MULTI-MILLION DOLLAR SUB-DIVISIONAL FIRE STATION IN SAI KUNG WILL BE OFFICIALLY OPENED BY THE CHIEF FIRE OFFICER, KOWLOON FIRE COMMAND, MR M. KINGDOM, ON FRIDAY (JUNE 14) AT 10.30 AM.

THE NEW FIRE STATION COMPLEX, LOCATED OUTSIDE SAI KUNG TOWN, IS TO REPLACE AN EXISTING TEMPORARY STATION IN AN OLD ARMY BARRACK.

----- 0 -----

NEW TSING YI ROADS TO OPEN

CHING HONG ROAD BETWEEN ROAD TY11 AND ROAD TY1, AS WELL AS CHUNG MEI ROAD BETWEEN CHING HONG ROAD AND TSING YI HEUNG SZE WUI ROAD ON TSING YI ISLAND WILL BE OPEN TO TRAFFIC FROM NOON ON FRIDAY (JUNE 14).

----- 0 -----

/44

WEDNESDAY, JUNE 12, 1985

- 44 -

TEMPORARY CLOSURE

* * *

KO SHING STREET IN SAI YING PUN WILL BE CLOSED TO TRAFFIC FROM NOON ON SATURDAY (JUNE 15) TO 7 AM ON JUNE 17 FOR DRAINAGE WORKS.

DURING THE CLOSURE, ALL PARKING SPACES ALONG KO SHING STREET WILL BE SUSPENDED.

THE SAME MEASURES WILL BE REPEATED FROM JUNE 17 TO JUNE 23, DAILY BETWEEN 7 PM AND 7 AM THE FOLLOWING DAY.

- - - - 0 - - - -

TEMPORARY TRAFFIC CHANGES IN CENTRAL

* * * *

VEHICLES ON LOWER ALBERT ROAD WILL BE BANNED FROM TURNING RIGHT INTO ICE HOUSE STREET FROM 10 AM ON SATURDAY (JUNE 15) TO 8 AM ON JUNE 17 TO FACILITATE ROAD WORKS.

DURING THE PERIOD, CROSS-HARBOUR TUNNEL BUSES ON ROUTE NO. 103 BOUND FOR KOWLOON WILL BE DIVERTED TO GARDEN ROAD AND CHATER ROAD.

OTHER VEHICLES ON LOWER ALBERT ROAD HEADING FOR ICE HOUSE STREET WILL HAVE TO PROCEED VIA GLENEALY, UPPER ALBERT ROAD, ARBUTHNOT ROAD AND WYNDHAM STREET.

- - - - 0 - - - -

LANE CLOSED FOR MAIN LAYING

* * * *

THE SERVICE LANE JOINING TAI YAU STREET AND SZE MEI STREET IN SAN PO KONG WILL BE CLOSED FROM SATURDAY (JUNE 15) TO JULY 14 TO FACILITATE THE LAYING OF WATER MAIN.

FROM MIDNIGHT TO 6 AM ON THE SAME DAY, THE EASTBOUND CARRIAGEWAY OF THE PRINCE EDWARD ROAD WEST FLYOVER, BETWEEN COLLEGE ROAD AND SA PO ROAD IN KOWLOON CITY, WILL BE CLOSED TO TRAFFIC TO FACILITATE THE REPAIR OF FIRE HYDRANTS.

TRAFFIC ON EASTBOUND BOUNDARY STREET HEADING FOR SAN PO KONG AND KWUN TONG WILL BE DIVERTED TO BOUNDARY STREET AND PRINCE EDWARD ROAD WEST.

- - - - 0 - - - -