



# DAILY INFORMATION BULLETIN

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COMMISSIONER'S ROLE AND SCOPE WILL BE REVIEWED

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THE ROLE AND SCOPE OF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS WILL BE REVIEWED AFTER THE OFFICE COMES INTO OPERATION, THE LEGISLATIVE COUNCIL WAS TOLD TODAY (WEDNESDAY).

WINDING UP THE RESUMED DEBATE ON THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1988, THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, SAID THE MATTER HAD IMPORTANT IMPLICATIONS AND HAD ATTRACTED SUBSTANTIAL PUBLIC INTEREST.

HE SAID THE ADMINISTRATION WOULD UNDERTAKE A REVIEW AFTER THE COMMISSIONER HAD OPERATED FOR A REASONABLE PERIOD OF TIME TO SEE WHETHER CHANGES WERE REQUIRED TO HIS ROLE, SCOPE OF JURISDICTION, INTERFACE WITH THE LEGISLATIVE COUNCIL, OPERATING MACHINERY AND SO ON.

"I STRONGLY BELIEVE THAT WE SHOULD NOW PROCEED TO ENACT THE BILL AND THEN TO SET UP THE COMMISSION FOR ADMINISTRATIVE COMPLAINTS AND SEEK TO IMPROVE THE BILL'S PROVISIONS AS NECESSARY IN THE LIGHT OF EXPERIENCE RATHER THAN DELAY IT FURTHER IN THE HOPE OF SEARCHING FOR AN EVEN BETTER MODEL," MR MATHEWS SAID.

HE SAID THE AD HOC GROUP WHICH STUDIED THE BILL, UNDER THE CONVENORSHIP OF THE HON SELINA CHOW, HAD MADE A VERY THOROUGH EXAMINATION OF THE BILL.

THE COMMITTEE STAGE AMENDMENTS TO BE MOVED BY MRS CHOW REPRESENTED THE OUTCOME OF VERY CAREFUL CONSIDERATION AND THE ADMINISTRATION FULLY ACCEPTED THOSE AMENDMENTS.

CONCERN HAD BEEN EXPRESSED BY THE HON HUI YIN-FAT AND THE HON MARTIN LEE ABOUT THE EXCLUSION OF THE POLICE AND THE ICAC FROM THE JURISDICTION OF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS.

MR MATHEWS EXPLAINED THAT AS THE CHIEF SECRETARY HAD SAID, WHEN MOVING THE SECOND READING OF THE BILL ON JUNE 22, MOST OF THE COMPLAINTS AGAINST THE POLICE AND THE ICAC WERE OF A FUNDAMENTALLY DIFFERENT NATURE TO MALADMINISTRATION COMPLAINTS.

"EXPERIENCE SHOWS THAT ONLY A VERY SMALL PROPORTION OF COMPLAINTS AGAINST THE POLICE AND THE ICAC INVOLVE ALLEGED MALADMINISTRATION.

"IF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS WERE TO ACT AS A FURTHER AVENUE OF APPEAL FOR THE POLICE AND THE ICAC COMPLAINTS COMMITTEE, HE COULD ONLY DEAL WITH THIS VERY SMALL PROPORTION OF CASES.

/"THE GOVERNMENT .....

"THE GOVERNMENT DOES NOT BELIEVE IT WOULD BE REASONABLE FOR AN AVENUE OF APPEAL TO BE AVAILABLE TO A SMALL MINORITY, BUT NOT TO THE MAJORITY, OF COMPLAINANTS WHOSE COMPLAINTS ARE DEALT WITH BY THE TWO COMMITTEES," MR MATHEWS SAID.

HE ALSO REITERATED THAT IT WAS THE GOVERNMENT'S INTENTION TO APPOINT THE COMMISSIONER AS AN EX-OFFICIO MEMBER OF BOTH THE POLICE COMPLAINTS COMMITTEE AND THE ICAC COMPLAINTS COMMITTEE.

THIS WOULD ENABLE HIM TO LEND HIS EXPERTISE TO THESE ORGANISATIONS AND BOLSTER THEIR OPERATION.

MOREOVER, COMPLAINANTS WHO WERE DISSATISFIED WITH THE RESULTS OF THEIR COMPLAINTS WOULD CONTINUE TO HAVE THE RIGHT, AS AT PRESENT, TO PETITION THE GOVERNOR TO SEEK REVIEW OF THEIR CASES.

"THE GOVERNMENT BELIEVES THAT ALL THESE MEASURES TAKEN TOGETHER SHOULD BE SUFFICIENT FOR THE REDRESS OF GRIEVANCES ARISING FROM POLICE AND ICAC ACTIONS," MR MATHEWS SAID.

ON THE QUESTION OF PUBLIC CONCERN ABOUT THE INDEPENDENT IMAGE OF THE COMMISSIONER AND HIS STAFF, MENTIONED BY THE HON HILTON CHEONG-LEEN AND MR LEE, HE SAID THE ADMINISTRATION AGREED IN PRINCIPLE THAT THE COMMISSIONER AND HIS SENIOR AND INVESTIGATORY STAFF SHOULD BE NON-CIVIL SERVANTS.

APPROPRIATE ARRANGEMENTS WOULD BE MADE TO ENSURE THAT THIS WAS IMPLEMENTED AS FAR AS POSSIBLE.

HOWEVER, AT THE INITIAL STAGE, IT MIGHT BE DIFFICULT TO AVOID SECONDING CIVIL SERVANTS TO THE COMMISSIONER'S ORGANISATION SO THAT IT MIGHT START OPERATION AS SOON AS POSSIBLE, HE SAID.

TURNING TO THE REMARKS BY DR THE HON HELMUT SOHMEN, HE SAID THE BILL HAD GONE THROUGH A VERY DETAILED PROCESS OF PUBLIC CONSULTATION.

THIS INCLUDED TWO MONTHS' CONSULTATION IN THE FORM OF A WHITE BILL PUBLISHED ON OCTOBER 30 LAST YEAR, SUBSEQUENT DETAILED STUDY BY THE COUNCIL'S AD HOC GROUP, WHICH NOT ONLY FORMULATED ITS OWN VIEWS BUT ALSO COMMENTED ON THE SUGGESTIONS CONTAINED IN THE PUBLIC SUBMISSIONS, AND, FURTHERMORE, VERY CAREFUL CONSIDERATION BY THE GOVERNMENT OF THE COMMENTS MADE BY MEMBERS OF THE PUBLIC AND THE AD HOC GROUP.

"THE GOVERNMENT HAS GIVEN SERIOUS CONSIDERATION TO ALL PROPOSALS FOR AMENDMENTS AND HAS ACCEPTED MANY OF THEM.

"THE OVERALL EFFECT OF THESE CHANGES HAS BEEN TO BROADEN SOMEWHAT THE JURISDICTION OF THE COMMISSIONER.

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"THE COMMITTEE STAGE AMENDMENTS TO BE MOVED BY MRS SELINA CHOW WILL FURTHER IMPROVE THE EXISTING PROVISIONS OF THE BILL," MR MATHEWS SAID.

HE SAID THERE OBVIOUSLY COULD BE OTHER APPROACHES AS DR SOHMEN HAD SUGGESTED.

"HOWEVER, IT IS IMPORTANT TO BUILD ON EXISTING MACHINERY AND CHANNELS," HE SAID.

"WE ALREADY HAVE A WELL DEVELOPED AND COMPREHENSIVE SYSTEM FOR REDRESSING THE GRIEVANCES FELT BY THE PUBLIC ARISING FROM THE ACTS OF THE GOVERNMENT, BASED ON AN INDEPENDENT JUDICIARY, A PARTIALLY ELECTED LEGISLATURE AND A RANGE OF OTHER CHANNELS.

"IT IS CLEARLY DESIRABLE TO AVOID DISRUPTING THE OPERATION OF THESE EXISTING CHANNELS.

"AFTER ALL, GRIEVANCES COULD ARISE FROM GOVERNMENT DECISIONS EVEN WHERE NO MALADMINISTRATION IS INVOLVED - AND QUESTIONS OF POLICY ARE OUTSIDE THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS' JURISDICTION."

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#### ADMINISTRATIVE COMPLAINTS COMMISSIONER BILL SUPPORTED

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THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1988 SHOULD BE SUPPORTED BECAUSE, AFTER EXTENSIVE PUBLIC DISCUSSION ON THE SUBJECT, THE BILL FINALLY ENABLES HONG KONG TO PROCEED WITH THE SETTING UP OF THE COMMISSIONER'S OFFICE, THE HON. SELINA CHOW SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MRS CHOW SAID THE CONSULTATION PROCESS THAT LED TO THE BILL DESERVED PRAISE.

"IT MORE THAN MAKES UP FOR THE INADEQUACIES OF THE ORIGINAL CONSULTATIVE DOCUMENT WHICH MANY REGARDED AS SKETCHY AND LACKING IN SINCERITY," SHE SAID.

SHE NOTED THAT VARIOUS POINTS RAISED BY THE LEGCO AD HOC GROUP STUDYING THE BILL, OF WHICH SHE WAS CONVENER, HAD ALL BEEN ACCEPTED BY THE GOVERNMENT WITH ONE EXCEPTION.

THE EXCEPTION RELATED TO WHETHER THE POLICE AND THE ICAC OUGHT TO COME UNDER THE COMMISSIONER'S JURISDICTION.

/ "A FEW .....

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"A FEW MEMBERS FEEL QUITE STRONGLY THAT THE HANDLING OF COMPLAINTS AGAINST THE POLICE HAVE NOT BEEN AND ARE NOT SEEN BY THE PUBLIC TO BE TOTALLY UNBIASED," SHE SAID.

THIS GAVE RISE TO THE SUGGESTION THAT PERHAPS THE COMMISSIONER COULD BE GIVEN THE POWER TO ACT AS A LAST RESORT FOR COMPLAINANTS WHO HAD EXHAUSTED THE EXISTING CHANNELS OF THE COMPLAINTS AGAINST POLICE OFFICE AND THE POLICE COMPLAINTS COMMITTEE, PROVIDED THE COMPLAINTS IN QUESTION FITTED THE DEFINITION OF MALADMINISTRATION.

MRS CHOW NOTED THAT THE GOVERNMENT, HOWEVER, WAS OF THE VIEW THAT THE ARRANGEMENT FOR ENABLING THE COMMISSIONER TO BE A MEMBER OF THE POLICE COMPLAINTS COMMITTEE WOULD ENABLE HIM TO LOOK AT CASES ON WHICH HE MIGHT HAVE QUESTIONS, WHILE IT WOULD NOT RAISE PUBLIC HOPES WHICH THE COMMISSIONER MIGHT NOT BE ABLE TO SATISFY.

THE MAJORITY OF THE MEMBERS OF THE AD HOC GROUP WERE PREPARED TO ACCEPT THE GOVERNMENT'S SUGGESTION AS A BEGINNING, SHE SAID.

THE MATTER WOULD NO DOUBT BE REVIEWED IN THE CONTEXT OF THE EFFECTIVENESS OF THE JURISDICTION CONTAINED IN THE BILL A YEAR OR TWO AFTER THE LAW HAD BEEN ENACTED, SHE ADDED.

REGARDING THE SCOPE OF THE COMMISSIONER'S JURISDICTION AS OUTLINED IN THE FIRST SCHEDULE, MRS CHOW POINTED OUT THAT SINCE THE OMELCO SECRETARIAT WAS INCLUDED BECAUSE IT CAME INTO REGULAR CONTACT WITH THE PUBLIC, MEMBERS FELT THAT FOR THE SAME REASONS THE TWO SECRETARIATS OF THE MUNICIPAL COUNCILS SHOULD ALSO BE INCLUDED.

"THE ADMINISTRATION HAS AGREED TO CONSULT THE PARTIES CONCERNED FOR INCLUSION AT A LATER STAGE," SHE NOTED.

WHILE SPEAKING ON THE REFERRAL ARRANGEMENT, MRS CHOW SAID ALTHOUGH SOME MEMBERS STILL PREFERRED THE DIRECT APPROACH, THE AD HOC GROUP IN GENERAL ACCEPTED THAT LEGCO SCREENING AND MONITORING DID HAVE MERIT.

"WHAT MUST BE RESOLVED ARE THE LOGISTICS OF THE RECEPTION OF CASES AND INVOLVEMENT OF MEMBERS," SHE SAID.

SHE ADDED THAT LEGCO HAD ALSO TO EXAMINE HOW IT SHOULD MONITOR AND LIAISE WITH THE COMMISSIONER'S OFFICE WHICH, NO DOUBT, WOULD BE A PRIORITY MATTER IN THE NEW SESSION.

MRS CHOW ALSO MOVED A NUMBER OF COMMITTEE STAGE AMENDMENTS TO THE BILL WHICH RESULTED FROM SUGGESTIONS PUT FORWARD BY THE AD HOC GROUP AND ACCEPTED BY THE GOVERNMENT.

ONE OF THE AMENDMENTS WAS TO EXTEND THE DEFINITION OF MALADMINISTRATION TO INCLUDE THE EXERCISE OF DISCRETIONARY POWERS, SO AS TO PUT IT BEYOND DOUBT THAT THE WRONGFUL EXERCISE OF SUCH POWERS WOULD FALL WITHIN THE JURISDICTION OF THE COMMISSIONER.

/ANOTHER AMENDMENT .....

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ANOTHER AMENDMENT WAS TO ENABLE THE COMMISSIONER TO PROCEED WITH AN INVESTIGATION IF HE CONSIDERED IT IN THE PUBLIC INTEREST TO DO SO EVEN IF THE COMPLAINANT, FOR WHATEVER REASON, CHOSE TO WITHDRAW THE COMPLAINT.

AN AMENDMENT WAS ALSO MADE TO THE BILL TO ALLOW THE COMMISSIONER TO ALERT A PARTY WHO MIGHT NOT BE AWARE OF THE INJUSTICE DONE TO HIM SO THAT HE MIGHT BE IN A POSITION TO CHOOSE WHETHER TO LODGE A COMPLAINT.

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COMMISSIONER'S SCOPE COULD BE EXPANDED IN TIME

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CONSIDERATION SHOULD BE GIVEN TO EXPANDING THE ROLE AND SCOPE OF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS AFTER TWO YEARS IF THE NEW OFFICE OF THE COMMISSIONER PROVES ITS WORTH, THE HON HILTON CHEONG-LEEN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1988, MR CHEONG-LEEN BELIEVED IT WOULD BE MORE PRACTICAL FOR THE COMMISSIONER TO START WITH HANDLING ONLY THOSE COMPLAINTS WHICH WERE CHANNELLED THROUGH LEGCO MEMBERS.

THIS WAS BECAUSE THE STAFF ESTABLISHMENT FOR THE COMMISSIONER'S OFFICE WOULD BEGIN WITH MERELY 19 POSTS AND THE INVESTIGATIVE DIVISION WOULD BE SMALL.

"IN THE LIGHT OF THE COMMISSIONER'S EXPERIENCE AFTER THE FIRST TWO YEARS, THE SITUATION COULD THEN BE REVIEWED AS TO WHETHER COMPLAINTS COULD BE MADE BY ANY MEMBER OF THE PUBLIC DIRECT TO THE COMMISSIONER'S OFFICE," HE SAID.

A SUGGESTION THAT COMPLAINANTS WHO WERE DISSATISFIED WITH THE FINDINGS OF THE POLICE COMPLAINTS COMMITTEE OR ICAC COMPLAINTS COMMITTEE SHOULD BE ABLE TO LODGE THEIR COMPLAINTS WITH THE COMMISSIONER DID NOT FIND FAVOUR WITH MR CHEONG-LEEN.

"AS I HAVE POINTED OUT ALREADY, THE COMMISSIONER'S OFFICE WILL HAVE A SMALL STAFF, AND DURING THE INITIAL TWO YEARS, IT WOULD BE ADVISABLE TO SEE HOW THE COMMISSIONER PERFORMS IN RESPECT OF THE 52 DEPARTMENTS AND ORGANISATIONS TO WHICH THE ORDINANCE APPLIES AS LISTED IN THE FIRST SCHEDULE," HE SAID.

/NEVERTHELESS, HE .....

NEVERTHELESS, HE SUPPORTED THE PROPOSAL THAT THE COMMISSIONER BE APPOINTED AN EX-OFFICIO MEMBER OF BOTH THE POLICE COMPLAINTS COMMITTEE AND THE ICAC COMPLAINTS COMMITTEE AS THIS ARRANGEMENT SHOULD ENABLE THE COMMISSIONER TO LEND HIS EXPERTISE TO THESE TWO MONITORING BODIES.

BUT IT SHOULD BE NOTED THAT COMPLAINANTS WOULD STILL HAVE THE RIGHT TO APPEAL DIRECT TO THE GOVERNOR, HE STRESSED.

REFERRING TO THE PUBLIC COMMENT THAT THE COMMISSIONER MUST BE INDEPENDENT AND BE SEEN TO BE SO, MR CHEONG-LEEN POINTED OUT THAT THE ADMINISTRATION HAD PROMISED THAT AS FAR AS PRACTICABLE, THE COMMISSIONER'S STAFF WOULD NOT BE CIVIL SERVANTS SO AS TO REGISTER WITH THE PUBLIC THE INDEPENDENCE OF THE COMMISSIONER'S OFFICE.

"THE COMMISSIONER'S APPOINTMENT WILL BE FOR FIVE YEARS, AND HE MAY BE REAPPOINTED. IN ORDER TO UPHOLD HIS INDEPENDENCE, THE GOVERNOR CAN ONLY REMOVE THE COMMISSIONER SUBJECT TO THE APPROVAL OF THE LEGISLATIVE COUNCIL ON THE GROUND OF INABILITY TO DISCHARGE THE FUNCTIONS OF HIS OFFICE, OR MISBEHAVIOUR.

"FURTHERMORE, ONCE THE COMMISSIONER RECEIVES A RELEVANT COMPLAINT THROUGH A LEGISLATIVE COUNCILLOR, HE HAS TO INFORM THE COMPLAINANT DIRECT AND THE COUNCILLOR CONCERNED OF THE RESULTS OF HIS INVESTIGATIONS.

"THIS IS ANOTHER CHECKS-AND-BALANCE ARRANGEMENT WHEREBY A LEGISLATIVE COUNCILLOR IS ABLE TO FOLLOW THROUGH ON A COMPLAINT," HE CONTINUED.

MR CHEONG-LEEN NOTED THAT THERE WERE CLAUSES WHICH PROVIDED FOR THE COMMISSIONER TO REPORT SERIOUS IRREGULARITIES TO THE GOVERNOR FOR TABLING IN LEGCO AND ALSO STIPULATING THAT THE GOVERNOR SHOULD ANNUALLY PRESENT TO THE LEGISLATIVE COUNCIL A REPORT ON THE COMMISSIONER'S WORK.

"THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS WILL BE NO 'PAO KUNG' TRAVELLING ROUND THE URBAN AREAS AND THE NEW TERRITORIES SEEKING TO UNEARTH INJUSTICES. BUT WE HOPE THAT THIS OFFICE WILL BE A REFINEMENT AND IMPROVEMENT ON THE EXISTING NETWORK OF COMPLAINTS SYSTEM," HE CONCLUDED.

'BUILT IN SAFETY VALVE' REQUIRED

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THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1988 SHOULD HAVE A "BUILT IN SAFETY VALVE", THE HON HUI YIN-FAT SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE SAID THIS WOULD ENABLE COMPLAINANTS AGAINST THE POLICE AND ICAC TO APPEAL TO THE COMMISSIONER IF THEY WERE NOT SATISFIED WITH THE RULINGS OF THE POLICE COMPLAINTS COMMITTEE AND THE ICAC COMPLAINTS COMMITTEE.

SPEAKING IN SUPPORT OF THE BILL, BUT NOT WITHOUT RESERVATIONS, MR HUI SAID HE FULLY APPRECIATED THE NEED TO PROTECT THE CONFIDENTIALITY OF THE ICAC AND THE COMPLAINTS AGAINST POLICE OFFICE.

BUT HE WAS WORRIED ABOUT THE LACK OF FINAL APPEAL AGAINST ARBITRARY RULINGS IMPOSED BY THEIR MONITORING BODIES, AND THE POSSIBILITY OF COVER-UP OF MALPRACTICES.

"INSTEAD OF ADVOCATING THE REPLACEMENT OF THE TWO COMMITTEES BY THE COMMISSIONER, I WOULD CALL FOR SOME STATUTORY SAFEGUARD FOR THE COMMISSIONER TO SERVE AS A LAST RESORT," HE SAID.

"THAT IS, COMPLAINTS AGAINST THE POLICE AND ICAC SHOULD BE LODGED IN THE FIRST INSTANCE TO THE EXISTING CHANNELS; HOWEVER, IF THE COMPLAINANT IS NOT SATISFIED WITH THE OUTCOME, HE CAN APPEAL TO THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS."

HE BELIEVED THAT BY MAKING AVAILABLE A SECOND OPINION, THE CREDIBILITY OF THE MONITORING BODIES WOULD BE INCREASED.

MR HUI MAINTAINED THAT THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS, A SYSTEM WHICH PROMISED THAT THE DOOR OF THE REDRESS SYSTEM WOULD BE OPEN TO ANYONE WHO KNOCKED AT IT, MUST GO ALL THE WAY TO GIVE BLANKET COVERAGE OF ALL CIVIL SERVANTS AND EMPLOYEES OF QUASI-GOVERNMENT AND PUBLIC BODIES, INCLUDING THE POLICE AND ICAC.

"THE COMMISSIONER SHOULD BE ABLE TO PURSUE IN THE INTEREST OF THE PUBLIC AN INVESTIGATION WHICH HAS REVEALED ADEQUATE EVIDENCE OF MALADMINISTRATION, EVEN IF THE COMPLAINANT HAS WITHDRAWN HIS CASE DUE TO CONFLICT OF INTEREST," HE SAID.

HE ALSO SUGGESTED THAT THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS SHOULD EVALUATE COMPLAINTS REGULARLY AND RECOMMEND FOLLOW-UP ACTION THAT WOULD PREVENT THE RE-OCCURRENCE OF SIMILAR COMPLAINTS.

WITHOUT AN ALL-EMBRACING SCOPE OF AUTHORITY AND ADEQUATE PREVENTIVE MEASURES TO BACK HIM UP, THE COMMISSIONER MIGHT EASILY DIMINISH INTO ANOTHER ONE OF THE EXISTING COMPLAINT CHANNELS, IN WHICH CASE THE \$6.3 MILLION OUTLAY INVOLVED WOULD BE WASTED.

/MR HUI .....

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MR HUI SAID HE WAS CONVINCED BY THE ANGER, FRUSTRATION AND HELPLESSNESS OF PEOPLE WHO ASKED TO SEE HIM WHEN ALL DOORS OF THE PRESENT REMEDIAL SYSTEM WERE CLOSED THAT THE EXISTING REDRESS SYSTEM FOR COMPLAINTS AGAINST THE ABUSE OF AUTHORITY, INCLUDING THE POLICE AND ICAC, WAS GROSSLY INADEQUATE.

HE CITED A CASE INVOLVING THE POLICE TO ILLUSTRATE HOW PERSONAL INJUSTICES INFLICTED BY INAPPROPRIATE ACTIONS OF THE POLICE WERE OFTEN NOT RESOLVED.

FIRST, THERE WAS THE UNREASONABLY LONG TIME THE AUTHORITIES TOOK TO INVESTIGATE COMPLAINTS, CAUSING INTERMINABLE SUFFERING IN THE PUNITIVE SENSE TO THE COMPLAINANTS, BECOMING A DETERRENT TO LODGING COMPLAINTS AGAINST MALADMINISTRATION.

SECONDLY, THE OFFICIAL RESPONSE TO ENQUIRIES AND THE SECRETIVE MANNER IN WHICH INVESTIGATION WAS CARRIED OUT HAD FORCED PEOPLE TO BECOME INCREDULOUS OF THE IMPARTIALTY OF AN INVESTIGATORY MECHANISM MANNED BY CIVIL SERVANTS.

THIRDLY, APPEALS MADE TO THE MONITORING BODIES, WHICH WERE LEFT AT THE MERCY OF CIVIL SERVANTS, OFTEN ENDED UP WITH THE ORIGINAL DECISION, WITHOUT EXPLANATION GIVEN ON THE RATIONALE BEHIND IT.

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C FOR AC BILL FAR FROM PERFECT

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THE MOST FUNDAMENTAL FLAW IN THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1988 IS THE EXCLUSION OF THE POLICE AND THE ICAC FROM THE JURISDICTION OF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS (C FOR AC).

THIS WAS ONE OF THE CRITICISMS MADE BY THE HON MARTIN LEE WHEN HE SPOKE IN SUPPORT OF THE BILL DURING THE RESUMED DEBATE IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE EXPLAINED THAT HE HAD RELUCTANTLY DECIDED TO SUPPORT THE BILL DESPITE "STRONG RESERVATIONS" BECAUSE HE DID NOT WANT TO FURTHER DELAY ITS PASSAGE.

HE POINTED OUT THAT THE LONG-AWAITED BILL WAS "FAR FROM BEING PERFECT" AND THERE WERE A NUMBER OF "IMPORTANT DEFICIENCIES".

/HE NOTED .....

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HE NOTED THAT THE COMPLAINTS AGAINST POLICE OFFICE (CAPO) DID NOT ENJOY THE CONFIDENCE OF THE PUBLIC BECAUSE INVESTIGATIONS WERE DONE BY POLICE OFFICERS WHO WERE SEEN BY THE PUBLIC TO BE TAKING SIDES WITH THE POLICEMAN UNDER COMPLAINT; BECAUSE REPORTS WERE COMPILED BY POLICE OFFICERS; AND BECAUSE CAPO WAS MANNED BY POLICE OFFICERS WHO WOULD ULTIMATELY RETURN TO THEIR ORIGINAL OR OTHER UNITS WITHIN THE POLICE FORCE.

HE SAID THAT AS A RESULT, "JUSTICE IS MANIFESTLY NOT SEEN TO BE DONE".

COMMENTING ON THE ARGUMENT THAT THE C FOR AC WOULD NOT HAVE ENOUGH EXPERTISE TO INVESTIGATE COMPLAINTS AGAINST THE POLICE AND THE ICAC, MR LEE SAID INVESTIGATORS WOULD HAVE TO BE ENGAGED AND TRAINED AS IN THE EARLY DAYS OF THE ICAC.

MR LEE DID NOT THINK THE C FOR AC COULD DO MUCH AS A MEMBER OF THE POLICE COMPLAINTS COMMITTEE AS PROPOSED BY THE CHIEF SECRETARY, BECAUSE HIS "EXPERTISE" COULD NOT HELP HIM ENSURE THAT CAPO WOULD DO A GOOD JOB IN RELATION TO, FOR EXAMPLE, THE TAKING OF STATEMENTS FROM POLICEMEN COMPLAINED OF, OR THAT CAPO HAD CARRIED OUT ITS DUTIES CONSCIENTIOUSLY.

MR LEE SAID THAT SINCE THE POLICE FORCE RECEIVED THE GREATEST NUMBER OF COMPLAINTS FROM THE PUBLIC, IT WAS ESSENTIAL THAT THERE WAS A VERY EFFECTIVE COMPLAINTS SYSTEM DEALING WITH THESE COMPLAINTS, SO THAT THE PUBLIC COULD HAVE CONFIDENCE IN THE POLICE AND CO-OPERATE WITH THEM IN THE FIGHT AGAINST CRIME.

MR LEE STRESSED THAT INDEPENDENCE OF THE C FOR AC FROM THE GOVERNMENT WAS ABSOLUTELY VITAL.

IT WOULD THEREFORE BE WRONG IN PRINCIPLE FOR OFFICERS ASSISTING THE COMMISSIONER TO BE SECONDED FROM OTHER GOVERNMENT DEPARTMENTS, HE MAINTAINED.

IN ORDER TO ATTRACT SUITABLE CANDIDATES TO JOIN THE OFFICE, HE PROPOSED THAT THEY COULD BE PAID MORE THAN THEIR COUNTERPARTS IN OTHER GOVERNMENT DEPARTMENTS.

MR LEE WAS ALSO CRITICAL OF THE REFERRAL SYSTEM WHEREBY COMPLAINTS WERE ONLY CHANNELLED TO THE C FOR AC BY INDIVIDUAL NON-GOVERNMENT MEMBERS OF THE EXECUTIVE COUNCIL AND LEGCO FOR THIS PLACED AN UNDULY HEAVY BURDEN ON MEMBERS, WHO WERE NOT FULL TIME POLITICIANS, AND AS A RESULT AFFECTED THEIR PERFORMANCE AS SUPERVISORS.

"IN THAT EVENT, THE PUBLIC IMAGE OF THE C FOR AC AS WELL AS OMELCO AS A WHOLE WOULD BE TARNISHED," HE SAID.

HE SUGGESTED ALL COMPLAINTS SHOULD GO DIRECTLY TO THE C FOR AC, WHOSE STAFF WOULD SCREEN THEM AND REFER ALL COMPLAINTS ON POLICY TO THE OMELCO COMPLAINTS DIVISION WHILE RETAINING THOSE WHICH RELATED TO MALADMINISTRATION AS DEFINED UNDER THE BILL.

SCREENING, WHICH WAS CONSIDERED BY MR LEE AS A NECESSITY, COULD EITHER BE DONE BY THE STAFF OF THE C FOR AC OR THE STAFF OF OMELCO, THOUGH PREFERABLY BY THE FORMER.

'OMBUDSMAN' BILL DEFICIENT IN BASIC APPROACH

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THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1988 IS DEFICIENT IN ITS BASIC APPROACH AND WILL NOT EFFECTIVELY ACHIEVE THE AIMS WHICH IT HAS SET OUT TO PRODUCE.

SPEAKING AGAINST THE BILL DURING THE RESUMED DEBATE ON IT IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), DR THE HON HELMUT SOHMEN SAID THAT IN PASSING THE BILL IN ITS PRESENT FORM, COUNCILLORS FACED THE RISK OF BEING JUDGED TO HAVE BEEN NEITHER WISE NOR PRACTICAL.

"WE SHOULD NOT MAKE LAWS THAT ARE SIMPLY PALLIATIVES, BAND-AIDS, OR FIG LEAVES. WE SHOULD ALSO NOT MAKE LAWS THAT ARE BASED ON MUDDLED POLICIES, UNCERTAIN AMBITIONS, OR ILL-FITTING MODELS BORROWED FROM OTHER PLACES", DR SOHMEN SAID.

"IF WE PROMISE A RELIEF VALUE BUT IT DOES NOT WORK, DISSATISFACTION WILL BE GREATER THAN IF WE HAD NOT DONE ANYTHING AT ALL," HE ADDED.

DR SOHMEN GAVE FOUR REASONS FOR OBJECTING TO THE BILL.

FIRST, HE DESCRIBED THE REQUIREMENT FOR COMPLAINTS TO THE COMMISSIONER TO BE FILTERED THROUGH OMELCO MEMBERS AS "UNNECESSARY" AND "UNDULY COMPLICATING".

"TO USE SUCH A REFERRAL PROCEDURE DOES DAMAGE THE IMAGE OF THE COMMISSIONER IN THE PUBLIC MIND WHICH EXPECTS EASY ACCESSIBILITY, INDEPENDENCE FROM OTHER GOVERNMENTAL ORGANS TO ENSURE NEUTRALITY AND SPEEDY PROCESSING OF COMPLAINTS," HE SAID.

SECONDLY, DR SOHMEN BELIEVED THAT THE SETTING UP OF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS OFFICE IN ADDITION TO THE EXISTING CHANNELS OF COMPLAINTS WOULD GIVE RISE TO DUPLICATION, IF NOT TRIPLICATION, OF WORK.

HIS ORIGINAL SUGGESTION IN THE DEBATE ON THE "CONSULTATIVE DOCUMENT: REDRESS OF GRIEVANCES" ON APRIL 8 LAST YEAR WAS THAT THE COMMISSIONER'S OFFICE SHOULD REPLACE, NOT BE ESTABLISHED IN ADDITION TO, THE EXISTING STRUCTURES.

HE QUESTIONED THE NEED FOR AN "OMBUDSMAN" IF THE EXISTING CHANNELS AND SYSTEM WERE WELL-DEVELOPED AND COMPREHENSIVE.

"ON THE OTHER HAND, IF THERE ARE GENUINE DOUBTS ABOUT THE EFFICACY OF EXISTING PROCEDURES, WHY NOT ABOLISH THE PRESENT STRUCTURES AND REPLACE THEM WITH SOMETHING BETTER?

"WHY GO FOR A MISH-MASH OF INSTITUTIONS THAT MAY END UP COMPETING WITH EACH OTHER, WILL DEFINITELY COST THE TAXPAYERS MORE AND MAY ULTIMATELY NOT ACHIEVE MORE SATISFACTORY RESULTS?" HE ASKED.

/THIRDLY, DR .....

THIRDLY, DR SOHMEN MAINTAINED THAT THE POLICE AND THE ICAC SHOULD NOT BE EXCLUDED FROM THE JURISDICTION OF THE COMMISSION.

HE SAID THAT SUCH A MOVE WOULD BE SEEN BY THE PUBLIC AS A SIGN THAT THE ESTABLISHMENT OF THIS NEW INSTITUTION WAS NOT REALLY A SERIOUS EFFORT TO PROVIDE AN EFFECTIVE CHANNEL FOR THESE COMPLAINTS.

HE DID NOT BELIEVE THAT BY MAKING THE COMMISSIONER AN EX-OFFICIO MEMBER OF THE POLICE COMPLAINTS COMMITTEE AND THE ICAC COMPLAINTS COMMITTEE WOULD SOLVE THE PROBLEM.

"INDEED IN THE PUBLIC EYE, IT COULD LOWER THE STATUS OF THE COMMISSIONER AS A SUPPOSEDLY IMPARTIAL REVIEW ORGAN OF THE GRIEVANCES OF PRIVATE CITIZENS," HE SAID.

FOURTHLY, DR SOHMEN FELT STRONGLY THAT THE APPOINTMENT OF THE COMMISSIONER BY THE GOVERNOR SHOULD HAVE THE APPROVAL OF LEGISLATIVE COUNCILLORS.

"WE ARE NOW IN A TRANSITION PERIOD FOR HONG KONG AND ARE CREATING AN INSTITUTION WHOSE POWERS OF INVESTIGATION COULD LET IT ASSUME AN INFLUENCE OVER THE CONDUCT OF GOVERNMENT AFFAIRS WHICH GOES BEYOND THE ORIGINAL DESIGN," HE SAID.

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AUTHORITY MAY IN TIME RECONSIDER TV BILL PROVISION

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THE BROADCASTING AUTHORITY MAY RECONSIDER THE PROVISION WHICH RESTRICTS A TELEVISION LICENSEE'S PARTICIPATION AS A MINORITY SHAREHOLDER IN OTHER COMPANIES, IF THE CASE SO WARRANTS.

THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION, THE HON PETER TSAO, TOLD THE LEGISLATIVE COUNCIL THIS TODAY (WEDNESDAY) WHEN WINDING UP THE RESUMED DEBATE ON THE TELEVISION (AMENDMENT) BILL 1988.

MR TSAO POINTED OUT THAT SECTION 17A UNDER CLAUSE 14 REQUIRED THAT THE LICENSEE MIGHT ONLY HOLD A MAJORITY INTEREST IN OTHER COMPANIES, AND REQUIRED, IN EFFECT, THE LICENSEE TO HAVE CONTROL OVER THE MANAGEMENT OF SUCH SUBSIDIARY COMPANIES, AS IT MIGHT BE PERMITTED TO ACQUIRE.

THE PURPOSE WAS TO ENSURE THAT THE LICENSEE WAS FULLY RESPONSIBLE FOR ANY OTHER BUSINESS IN WHICH IT HAD AN INTEREST AND WAS NOT SUBJECT TO ANY UNDUE EXTERNAL PRESSURE AS A RESULT OF ITS OUTSIDE INVESTMENTS.

/NOTING THE .....

NOTING THE LEGCO AD HOC GROUPS'S CONCERN THAT THE PROVISION MIGHT BE UNDULY RESTRICTIVE ON A LICENSEE, MR TSAO SAID "THE DOOR IS NOT FOREVER CLOSED IN THIS RESPECT".

"IF, IN THE FUTURE, THE OPPORTUNITY FOR SUCH PARTICIPATION ARISES, AND A LICENSEE CAN MAKE A CASE THAT PARTICIPATION IN OTHER COMPANIES WOULD BENEFIT TELEVISION BROADCASTING IN HONG KONG, THEN THE ISSUE MAY BE RECONSIDERED BY THE BROADCASTING AUTHORITY AND THE RELEVANT PROVISIONS OF THE LEGISLATION MAY BE REVIEWED," HE SAID.

EXPLAINING THE ESSENCE OF THE BILL, MR TSAO SAID IT DEALT WITH OWNERSHIP, CONTROL OF LICENSEE'S COMPANIES, THE PROHIBITION ON LICENSEES BEING HELD BY HOLDING COMPANIES AND CONTROLS ON INTERESTS LICENSEES MIGHT HAVE IN OTHER COMPANIES, AND THE CALCULATION OF ROYALTY.

IT SOUGHT TO AMEND AND ADD TO THE EXISTING PROVISIONS AND INCLUDE MORE DETAILED MACHANISMS TO ENSURE THAT THE NEW LEGISLATION WOULD BE EFFECTIVE AND MORE EFFECTIVE THAN THE EXISTING LEGISLATION.

MR TSAO SAID IT WAS ESSENTIAL THAT LEGISLATION BE ENACTED TO PROVIDE THE STATUTORY FRAMEWORK FOR THE IMPOSITION OF SOME OF THE NEW CONDITIONS ATTACHING TO THE NEW TELEVISION LICENCES, WHICH WOULD BE EFFECTIVE FROM DECEMBER 1 THIS YEAR.

THANKING MEMBERS OF THE AD HOC GROUP FOR THEIR CONSTRUCTIVE COMMENTS, MR TSAO SAID HE AGREED THAT THE STANDARD OF TELEVISION BROADCASTING MUST BE MAINTAINED AND IMPROVED.

"IT IS, OF COURSE, NOT APPROPRIATE TO DEAL WITH ALL OF THE TERMS AND CONDITIONS RELATING TO THE NEW LICENCES BY MEANS OF LEGISLATION," HE SAID.

"WE ARE ALSO IN THE PROCESS OF REVIEWING THE CODES OF PRACTICE ON PROGRAMME, ADVERTISING AND TECHNICAL STANDARDS.

"IN ADDITION, SOME OF THE MORE DETAILED PROGRAMMES AND OTHER REQUIREMENTS WILL BE INCLUDED AS CONDITIONS IN THE NEW LICENCES."

REFERRING TO THE TECHNICAL NATURE OF THE LEGISLATION, MR TSAO SAID IT SHOULD NOT UNDULY CONCERN THE SMALL SHAREHOLDER OR SMALL INVESTOR, BECAUSE IT AFFECTED PRIMARILY THOSE NON-LOCAL SHAREHOLDERS WITH LARGE SHAREHOLDINGS IN A LICENSEE'S COMPANY, WHO WOULD HAVE ACCESS TO EXPERT PROFESSIONAL ADVICE.

LATER, IN THE COMMITTEE STAGE, MR TSAO MOVED AMENDMENTS TO CLAUSES 1, 2, 5, 11, 12, 14 AND 20.

/ON CLAUSE .....

ON CLAUSE 14, HE SAID THE AMENDMENT TO SECTION 17A(1)(B) WAS TO ALLOW THE SETTING UP OF "SECOND-TIER" SUBSIDIARIES OF A LICENSEE, THAT IS, SUBSIDIARIES OF SUBSIDIARIES.

AMENDMENT (D)(II) WAS DESIRABLE TO BRING SECTION 17D(3) INTO LINE WITH 17D(4).

SECTION 17D(3) REQUIRED A PERSON TO DECLARE AN INTEREST IN THE VOTING SHARES OF A LICENSEE IF HE HAD A RELEVANT INTEREST IN AT LEAST 35 PER CENT OF THE SHARES OF A COMPANY, AND THAT COMPANY IN TURN HAD A RELEVANT INTEREST IN AT LEAST TWO PER CENT OF THE VOTING SHARES OF A LICENSEE.

"THIS PROVISION COULD BE CIRCUMVENTED BY THE CREATION OF A SUBSIDIARY COMPANY WITH THE PURPOSE OF HOLDING SUCH INTEREST. THE PROPOSED AMENDMENT WILL REMOVE SUCH AN ESCAPE," MR TSAO SAID.

AMENDMENT (G)(III), RELATING TO SECTION 17L, WAS TO BRING THE BILL INTO LINE WITH THE SECURITIES (DISCLOSURE OF INTERESTS) ORDINANCE.

THE AMENDMENT TO CLAUSE 1, MR TSAO SAID, WAS TO PROVIDE FOR DIFFERENT SECTIONS TO THE BILL TO COME INTO EFFECT ON DIFFERENT DAYS, AS MIGHT BE SPECIFIED BY THE GOVERNOR IN THE GAZETTE.

"THIS ARRANGEMENT WOULD, FOR EXAMPLE, ALLOW A LICENSEE A LONGER PERIOD OF TIME TO COMPLY WITH CERTAIN CONDITIONS," HE SAID.

"THE ONE THAT IMMEDIATELY COMES TO MIND WOULD BE THE RESTRICTIONS ON SHAREHOLDINGS BY NON-LOCAL PERSONS PRIOR TO THE SHAREHOLDERS DECLARING THEIR RESIDENTIAL STATUS."

AS REGARDS CLAUSE 2, MR TSAO NOTED THAT AMENDMENT (A) MADE PROVISION FOR EXISTING LICENSEES TO BE ABSORBED INTO OR MERGED WITH THEIR RESPECTIVE HOLDING COMPANIES.

AMENDMENT (B) WAS TO BRING THE BILL INTO LINE WITH THE SECURITIES (DISCLOSURE OF INTERESTS) ORDINANCE.

NOTING THAT CLAUSE 20 DEALT WITH THE IMPOSITION OF ROYALTY UPON THE LICENSEES, MR TSAO SAID AMENDMENT (A) WAS NECESSARY TO MAKE IT CLEAR THAT WHERE THE AMOUNTS ON WHICH ROYALTY WAS PAYABLE EXCEEDED A CERTAIN LEVEL OF THE SLIDING SCALE, THE HIGHER PERCENTAGE APPLIED ONLY TO THAT PART OF THOSE AMOUNTS WHICH EXCEEDED THE RELEVANT THRESHOLD, AND NOT TO THE WHOLE OF THOSE AMOUNTS.

THE FLAT RATE REMAINED APPLICABLE TO THE ENTIRE SUM.

"GIVEN THAT THE ROYALTY PAYABLE IS BASED UPON A LICENSEE'S ACCOUNTING YEAR, AMENDMENT (E) IS NECESSARY TO COVER THE ROYALTY FOR ANY ODD PERIODS OUTSIDE A FULL ACCOUNTING YEAR," MR TSAO SAID.

"AS THE ACCOUNTING YEAR OF THE CURRENT LICENSEES BEGINS ON JANUARY 1, THIS PROVISION WOULD COVER THE MONTH OF DECEMBER 1988."

THE AMENDMENTS TO CLAUSES 5, 11 AND 12 WERE PURELY TECHNICAL DRAFTING POINTS, HE SAID.

BROADCASTING INDUSTRY BETTER PLACED TO SERVE PUBLIC

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THE PASSAGE OF THE TELEVISION (AMENDMENT) BILL 1988 WILL ENABLE HONG KONG'S BROADCASTING INDUSTRY TO BE BETTER PLACED TO CONTINUE TO SERVE THE COMMUNITY WELL ON THE ONE HAND WHILE HAVING THE OPPORTUNITY TO HAVE A MEANINGFUL RETURN FOR THEIR EFFORTS ON THE OTHER, THE HON STEPHEN CHEONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL, MR CHEONG DISCLOSED THAT THE LEGCO AD HOC GROUP FORMED TO STUDY THE BILL HAD RECEIVED REPRESENTATIONS FROM THE TWO INCUMBENT LICENSEES OVER VARIOUS PROVISIONS BUT FOUND THAT MANY OF THE SUGGESTED SOLUTIONS TO THE PERCEIVED PROBLEMS WERE AT ODDS WITH MOST OF THE BASIC PRINCIPLES CONSIDERED AT LENGTH BY THE BROADCASTING AUTHORITY.

"SUCH IMPORTANT ISSUES AS COMPANY STRUCTURE, FOREIGN OWNERSHIP, ETC. ETC. HAVE INDEED BEEN FULLY DELIBERATED BY THE BROADCASTING AUTHORITY AND THEIR RECOMMENDATIONS HAVE BEEN REFLECTED IN THE PROVISIONS OF THIS BILL," HE SAID.

"SAVE FOR SOME MINOR AMENDMENTS THE GROUP LENT ITS FULL SUPPORT TO THIS BILL."

ONE MINOR AMENDMENT RELATED TO THE AD HOC GROUP RECOGNISING THAT PROVISIONS IN THE BILL RELATING TO THE PROHIBITION OF NOMINEE SHAREHOLDING UNINTENTIONALLY CARRIED A SIDE EFFECT PREVENTING A SHAREHOLDER OF THE LICENSEES FROM USING HIS SHARES AS COLLATERAL TO SECURE LOANS OR CREDIT FACILITIES FROM LICENSED FINANCIAL INSTITUTIONS.

THE GROUP WAS AWARE THAT IT WAS A COMMON BUSINESS PRACTICE FOR THE CREDITOR BANK TO DEMAND PRIOR TRANSFER OF THE BORROWER'S SHARES TO ITS ASSOCIATED NOMINEE COMPANY.

THE PROHIBITION OF NOMINEE SHAREHOLDING FOR THE PURPOSE OF CREDIT GENERATION WOULD THUS ADVERSELY AFFECT THE NORMAL FLEXIBILITY ENJOYED BY SHAREHOLDERS AS WELL AS THE MARKETABILITY OF THE LICENSEES' SHARES ESPECIALLY IF THE LICENSEES WERE TO SEEK PUBLIC LISTING IN THE STOCK MARKET.

TO REMOVE THIS ANOMALY, MR CHEONG MOVED A COMMITTEE STAGE AMENDMENT ON CLAUSE 6 AND CLAUSE 14 OF THE BILL.

ON THE LICENSEES' CONCERN THAT THE BILL WOULD DEPRIVE THEM OF THE OPPORTUNITY OF MINORITY PARTICIPATION IN JOINT VENTURES WITH OVERSEAS PARTNERS EVEN IF THESE PROJECTS COULD BE BENEFICIAL TO THE DEVELOPMENT OF THE BROADCASTING INDUSTRY IN HONG KONG, THE ADMINISTRATION REASSURED THE AD HOC GROUP THAT THEY WERE KEEPING AN OPEN MIND ON THIS ISSUE, MR CHEONG SAID.

/"SHOULD THE .....

"SHOULD THE LICENSEES COME UP WITH ACTUAL PROJECTS AND JUSTIFICATIONS, WE ARE CONFIDENT THAT IT WILL BE SYMPATHETICALLY CONSIDERED BY THE BROADCASTING AUTHORITY AND THE ADMINISTRATION.

"IF BY THEN IT WARRANTS ANY CHANGE TO THE EXISTING LEGISLATION TO ACCOMMODATE THE PROJECTS, WE ARE SURE THAT WITH THE RECOMMENDATIONS FROM THE BROADCASTING AUTHORITY THIS COUNCIL WILL ALSO CONSIDER IT SYMPATHETICALLY.

"THE PRINCIPLE WE HAVE ADOPTED IS THAT NO AMENDMENT TO THE LEGISLATION IS NEEDED NOW TO CATER FOR HYPOTHETICAL SITUATIONS THAT MIGHT NEVER MATERIALISE," HE SAID.

FURTHERMORE, MR CHEONG POINTED OUT THAT THE BILL AS DRAFTED PROHIBITED A LICENSEE FROM HOLDING INTERESTS IN COMPANIES WITH LESS THAN 51 PER CENT OF VOTING SHARES REGISTERED IN THE NAME OF THE LICENSEE. THIS WOULD BE TANTAMOUNT TO A TOTAL BAN ON "SECOND TIER" SUBSIDIARIES AND COULD INTERFERE UNNECESSARILY WITH SOME NORMAL OFFSHORE COMMERCIAL OPERATIONS OF THE LICENSEES.

TO RECTIFY THIS, THE ADMINISTRATION PROPOSED A COMMITTEE STAGE AMENDMENT ALLOWING THE LICENSEES TO SET UP SUBSIDIARIES WITH 51 PER CENT OF VOTING SHARES REGISTERED IN THE NAME OF THE LICENSEE OR ITS OTHER SUBSIDIARIES.

SOUNDING OUT A WARNING THAT POSSIBLE ADVERSE EFFECTS ON THE COMMUNITY COULD BE FAR-REACHING IF NO CLEAR RULES, REGULATIONS AND GUIDELINES WERE SET DOWN FOR THE BROADCASTING BUSINESS, MR CHEONG STRESSED THAT THESE RULES, REGULATIONS AND GUIDELINES SHOULD AIM TO BALANCE THE INTEREST OF SHAREHOLDERS OF THE BUSINESS AND THOSE OF THE OVERALL PUBLIC.

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COMMUNITY INTEREST WILL BE SAFEGUARDED

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THE TELEVISION (AMENDMENT) BILL 1988 WILL NOT ONLY SAFEGUARD THE INTEREST OF THE COMMUNITY BUT WILL ALSO PROVIDE HONG KONG WITH BETTER QUALITY PROGRAMMES, THE HON EDWARD HO SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL, MR HO SAID THAT BECAUSE OF THE CONSIDERABLE POWER OF INFLUENCE THAT TELEVISION HAD ON THE COMMUNITY, THIS INFLUENCE MUST NOT BE LEFT UNCHECKED.

/"COMMUNITY INTEREST .....

"COMMUNITY INTEREST DICTATES THAT LICENSEES WHO ARE GRANTED FRANCHISES FOR OFF-AIR TELEVISION BROADCASTING ARE CONTROLLED WITH RESPECT TO THEIR PROGRAMME, ADVERTISING AND TECHNICAL STANDARDS," HE SAID.

IN ADDITION, IN ORDER THAT THE POWERFUL INFLUENCE OF TELEVISION WOULD NOT BE EXPLOITED BY FOREIGN INTERESTS, IT WAS THE PRACTICE OF ALL COUNTRIES, THAT HE KNEW OF, TO RESTRICT THE CONTROLLING INTEREST OF TELEVISION LICENSEES TO LOCAL OWNERSHIPS.

A COMPANY THAT OPERATED A TELEVISION BROADCASTING STATION ON BEHALF OF A COMMUNITY HAD A HEAVY RESPONSIBILITY TOWARDS THE COMMUNITY, AND ITS ACTIVITIES AS A COMPANY COULD NOT BE SIMPLY CONSIDERED AS THOSE UNDERTAKEN BY A NORMAL COMMERCIAL BUSINESS, HE SAID.

MR HO NOTED THAT, TO A LARGE EXTENT, SUCH TYPES OF RESTRICTIONS AND CONTROLS HAD ALREADY BEEN PRACTISED IN HONG KONG IN THE PROVISIONS OF THE TELEVISION ORDINANCE.

THE TELEVISION (AMENDMENT) BILL 1988, ON THE OTHER HAND, WAS AIMED AT ENACTING AMENDMENTS TO THE PRINCIPAL LEGISLATION THAT WOULD PROVIDE A MORE EFFECTIVE MEANS OF ENSURING THAT THESE CONTROLS WERE NOT CIRCUMVENTED.

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TRAVEL AGENTS BROUGHT INTO ONE RECOGNISED BODY

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THE STATUTORY LICENSING REQUIREMENT OF TRAVEL INDUSTRY COUNCIL (TIC) MEMBERSHIP WILL BRING ALL TRAVEL AGENTS WITHIN ONE RECOGNISED TRADE BODY FOR THE FIRST TIME, THE FINANCIAL SECRETARY, THE HON PIERS JACOBS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WINDING UP DEBATE ON THE TRAVEL AGENTS (AMENDMENT) BILL 1988, MR JACOBS SAID THIS WOULD FACILITATE THE INDUSTRY IN RAISING PROFESSIONAL STANDARDS AND INTRODUCING A CODE OF CONDUCT FOR MEMBERS TO FOLLOW IN SERVING THE TRAVELLING PUBLIC.

HE SAID THE ADMINISTRATION WAS SATISFIED THAT THE MEMBERSHIP CRITERIA ADOPTED BY THE TIC WERE NOT ONEROUS AND BONA FIDE OPERATORS SHOULD HAVE NO DIFFICULTY IN COMPLYING. THERE WAS ALSO PROVISION FOR ADMISSION OF NEW ASSOCIATION MEMBERS.

"ANY APPLICANT WHO HAS BEEN REFUSED TIC MEMBERSHIP MAY APPLY TO AN APPEAL BOARD, ESTABLISHED UNDER THE TIC CONSTITUTION, FOR THE CASE TO BE REVIEWED.

/"EVERY EFFORT .....

"EVERY EFFORT HAS BEEN MADE TO ENSURE THAT THE TRADE REMAINS OPEN TO NEWCOMERS SO THAT CONSUMERS WILL CONTINUE TO HAVE A WIDE CHOICE OF TRAVEL AGENTS," HE SAID.

MR JACOBS SAID ABOUT HALF OF THE 1,000 LICENSED TRAVEL AGENTS WERE ALREADY MEMBERS OF THE TIC.

SO FAR, SOME 300 TRAVEL AGENTS, WHO WERE NOT MEMBERS OF THE TIC PREVIOUSLY, HAD APPLIED TO JOIN.

THE REMAINDER WERE EXPECTED TO JOIN THE TIC IN THE NEXT FEW MONTHS AS THEIR CURRENT LICENCES EXPIRED.

"I AM HAPPY TO BE ABLE TO INFORM THIS COUNCIL THAT THE RESPONSE FROM INDIVIDUAL AGENTS CONFIRMS THAT THE NEW MEASURES HAVE WIDE SUPPORT FROM THE TRADE," HE SAID.

MR JACOBS SAID AN IMPORTANT ELEMENT OF THE NEW SCHEME WAS THE ESTABLISHMENT OF A NON-STATUTORY COMPENSATION SCHEME TO REPLACE THE TRAVEL AGENTS' RESERVE FUND, WHICH WAS EXPECTED TO PROVIDE A BETTER CUSHION FOR CUSTOMERS OF ANY TRAVEL AGENT WHO MIGHT DEFAULT.

HE NOTED THAT THE TIC RESERVE FUND CONSTITUTION PROVIDES FOR SEVEN OF THE 11 TIC RESERVE FUND BOARD MEMBERS TO BE APPOINTED FROM OUTSIDE THE TRADE AND FOR ALTERNATE DIRECTORS TO BE APPOINTED TO STAND IN, WHEN NECESSARY.

"THE POLICY OF THE FUND WILL BE TO PROVIDE 70 PER CENT EX-GRATIA COMPENSATION TO CUSTOMERS OF DEFAULTING TRAVEL AGENTS," HE SAID.

"FULL COMPENSATION WILL NOT BE PROVIDED MAINLY BECAUSE WE FEEL THAT CUSTOMERS SHOULD BEAR SOME RESPONSIBILITY WHICH ANYONE ENTERING INTO A COMMERCIAL CONTRACT OF ANY SORT WOULD NORMALLY HAVE TO ACCEPT.

"I KNOW THAT THE CONSUMER COUNCIL HAS BEEN CONCERNED ABOUT THIS POINT.

"BUT I MIGHT ADD THAT IN MOST LIQUIDATION OR BANKRUPTCY PROCEEDINGS, THERE IS LITTLE LIKELIHOOD THAT AN ORDINARY CREDITOR WOULD RECOVER ALL THE MONEY OWING TO HIM. WHAT WE HAVE PROPOSED IS, I SUGGEST, A REASONABLE BALANCE BETWEEN THE VARIOUS INTERESTS INVOLVED."

MR JACOBS NOTED THAT MEMBERS OF THE AD HOC GROUP CONVENED BY DR THE HON HENRIETTA IP PROPOSED THAT A TIME LIMIT SHOULD BE STIPULATED FOR THE FUTURE PROCESSING OF APPLICATIONS FOR EX-GRATIA COMPENSATION, SO THAT CUSTOMERS OF DEFAULTING AGENTS WOULD BE GIVEN AN ANSWER WITHIN A FINITE TIME.

/THIS SUGGESTION .....

THIS SUGGESTION WOULD BE FOLLOWED UP WHEN DETAILED RULES AND PROCEDURES FOR ADMINISTERING THE NEW COMPENSATION SCHEME WERE ESTABLISHED BY THE TIC RESERVE FUND BOARD.

THE BILL PROVIDED A BROAD FRAMEWORK FOR THE POLICY OF SELF-REGULATION TO BE INTRODUCED, MR JACOBS SAID.

MANY OF THE DETAILED MEASURES WERE CONTAINED IN THE CONSTITUTIONS OF THE TRAVEL INDUSTRY COUNCIL AND THE TIC RESERVE FUND.

"THESE DOCUMENTS HAVE BEEN PREPARED BY THE TRAVEL INDUSTRY COUNCIL IN CLOSE CO-OPERATION WITH THE ADMINISTRATION. THEY HAVE ALSO BEEN STUDIED BY THE AD HOC GROUP OF THIS COUNCIL.

"WHILST THE CONSTITUTIONS DO NOT, IN THEMSELVES, HAVE STATUTORY FORCE, CERTAIN SAFEGUARDS HAVE BEEN BUILT IN TO REQUIRE THE PRIOR APPROVAL OF THE GOVERNMENT IN RESPECT OF FUTURE AMENDMENTS TO KEY FEATURES OF THE SELF-REGULATION SCHEME.

"THE CONTROLS ON FUTURE AMENDMENTS COVER MAINLY CHANGES TO THE TIC MEMBERSHIP CRITERIA, THE APPEALS MECHANISM FOR REVIEWING REJECTION OF APPLICATIONS FOR TIC MEMBERSHIP AND THE ARRANGEMENTS FOR ADMINISTERING THE TIC RESERVE FUND.

"THESE SAFEGUARDS WILL GIVE THE GOVERNMENT AN ADEQUATE DEGREE OF CONTROL TO ENSURE THAT SELF-REGULATION DOES NOT LEAD TO RESTRICTIVE TRADE PRACTICES."

MR JACOBS SAID IT HAD ALSO BEEN PROPOSED THAT THE TRAVEL INDUSTRY COUNCIL AND THE TIC RESERVE FUND SHOULD BE MADE "PUBLIC BODIES" UNDER THE PREVENTION OF BRIBERY ORDINANCE. THE ADMINISTRATION SUPPORTED THIS PROPOSAL IN PRINCIPLE, AND THE TIC ALSO RECOGNISED THE IMPORTANCE OF ACCOUNTABILITY IN THIS REGARD.

"AS A FIRST STEP, THE TIC WITH THE ASSISTANCE OF ICAC, WILL DEVELOP A CODE OF CONDUCT FOR THE TIC AND TIC RESERVE FUND DIRECTORS TO FOLLOW," HE SAID.

"WHEN THE NECESSARY GROUND WORK HAS BEEN DONE, STEPS WILL THEN BE TAKEN TO DESIGNATE THE TIC AND THE TIC RESERVE FUND AS 'PUBLIC BODIES'.

"THE CO-OPERATION OF THE TRAVEL INDUSTRY COUNCIL IN RELATION TO THIS ASPECT IS, I FEEL, PARTICULARLY COMMENDABLE."

REFERRING TO MEMBERS' SUGGESTION THAT THE COMPENSATION LEVEL SHOULD BE SET AT 100 PER CENT, MR JACOBS SAID THE 70 PER CENT LEVEL PROPOSED IN THE BILL STRUCK A REASONABLE BALANCE BETWEEN THE VARIOUS INTERESTS INVOLVED.

HOWEVER, HE COULD SEE THERE WAS STRONG PUBLIC FEELING ON THIS POINT, AND THE ADMINISTRATION WOULD LOOK AT IT AGAIN.

REFERRING TO A POINT MADE BY THE HON K.C. CHAN, MR JACOBS SAID A VALID DISTINCTION COULD BE DRAWN BETWEEN PROTECTION OF A MAN'S LIVELIHOOD OR SOMEONE'S SAVINGS AND PROTECTION OF MONEY WHICH HAD BEEN SPENT FOR RECREATIONAL AND PLEASURE PURPOSES.

WEDNESDAY, JULY 20, 1988

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SELF-REGULATION WILL HELP TRAVEL INDUSTRY

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SELF-REGULATION IS THE BEST WAY TO HELP THE TRAVEL INDUSTRY DEVELOP IN A HEALTHY AND CONSTRUCTIVE DIRECTION, DR THE HON HENRIETTA IP SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE TRAVEL AGENTS (AMENDMENT) BILL 1988, DR IP SAID THE BILL REPRESENTED A VERY SIGNIFICANT STEP IN MOVING TOWARDS SELF-REGULATION BY THE TRAVEL INDUSTRY.

SHE NOTED THE MAIN FEATURES OF THE NEW PACKAGE TO PROTECT CONSUMERS WERE THAT ALL TRAVEL AGENTS WOULD BE REQUIRED TO BECOME MEMBERS OF THE TRAVEL INDUSTRY COUNCIL (TIC) AND THAT THE TIC SHOULD ESTABLISH A COMPENSATION SCHEME BY COLLECTING A ONE PER CENT LEVY ON THE SALE OF ALL OUTBOUND PACKAGE TOURS.

ANOTHER MAIN FEATURE WAS THAT CLIENTS OF A DEFAULTING TRAVEL AGENT WOULD RECEIVE COMPENSATION EQUIVALENT TO 70 PER CENT OF THE UNSATISFIED CLAIM.

"WE DO RECOGNISE THAT SOME SMALL OPERATORS MAY HAVE TO UPGRADE THEMSELVES FINANCIALLY BEFORE THEY CAN JOIN TIC BUT SURELY THIS WILL PROVIDE A FURTHER SAFEGUARD FROM THE CONSUMERS' POINT OF VIEW," SHE SAID.

TWO IMPORTANT ELEMENTS RELATED TO THE BILL WERE THE CONSTITUTIONS OF THE TRAVEL INDUSTRY COUNCIL AND THE TIC RESERVE FUND, WHICH WAS A SUBSIDIARY TO BE FORMED TO ADMINISTER SEPARATELY THE FUTURE RESERVE FUND, SHE SAID.

DR IP SAID THE LEGCO AD HOC GROUP FORMED TO STUDY THE BILL HAD ENQUIRED AS TO WHETHER PROVISIONS LAID DOWN IN SUCH NON-STATUTORY DOCUMENTS IN THE FORM OF A CONSTITUTION WOULD BE LESS THAN EFFECTIVE.

"WE HAVE BEEN ADVISED THAT THE TWO CONSTITUTIONS WOULD BE LEGALLY BINDING CONTRACT DOCUMENTS AND IF A PARTY FEELS AGGRIEVED HE IS ENTITLED TO APPROACH THE COURT FOR NECESSARY REMEDY," SAID DR IP, WHO WAS CONVENER OF THE AD HOC GROUP.

BESIDES, APPROVAL FROM THE FINANCIAL SECRETARY WOULD BE REQUIRED BEFORE AMENDMENTS TO THE CONSTITUTIONS COULD BE MADE IN SUCH AREAS AS THE TIC MEMBERSHIP CRITERIA AND RULES TO BE MADE FOR THE MANAGEMENT OF THE RESERVE FUND.

DR IP SAID THE AD HOC GROUP HAD BEEN PLEASED TO NOTE THAT THE CRITERIA FOR BECOMING MEMBERS OF THE TIC WOULD BE CLEARLY LAID DOWN IN THE TIC CONSTITUTION.

THERE WOULD BE AN ELABORATE APPEALS SYSTEM TO ENSURE THAT THE MEMBERSHIP CRITERIA WERE ADMINISTERED FAIRLY AND IMPARTIALLY.

/TURNING TO .....

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TURNING TO COMPENSATION, DR IP SAID THE BOARD OF THE TRAVEL INDUSTRY COUNCIL RESERVE FUND WOULD IN FUTURE BE ABLE TO EXERCISE ITS DISCRETION IN SUITABLE CASES TO APPROVE EX-GRATIA PAYMENTS WITHOUT REQUIRING THE APPLICANTS TO EXHAUST JUDICIAL PROCEEDINGS.

THE COMPENSATION FOR CLIENTS OF DEFAULTING AGENTS WOULD BE FIXED AT 70 PER CENT.

SHE SAID THIS HAD TO BE SEEN AGAINST THE BACKGROUND OF THE PRESENT TRAVEL AGENTS' RESERVE FUND WHERE THE COMPENSATION COULD VARY FROM NIL TO 100 PER CENT.

TO FIX THE COMPENSATION AT 70 PER CENT SHOULD BE REGARDED AS AN IMPROVEMENT, SHE SAID.

DR IP ALSO OUTLINED THE AD HOC GROUP'S SUGGESTIONS WHICH HAD BEEN ACCEPTED BY THE GOVERNMENT.

SHE SAID THAT TO ENHANCE THE INDEPENDENCE OF THE TICRF BOARD, THE PROPOSED FOUR PROFESSIONAL MEMBERS SHOULD BE APPOINTED BY THE FINANCIAL SECRETARY AFTER CONSULTATION WITH TIC.

THE PRESENT PROPOSAL OF NOMINATION THROUGH TIC SHOULD BE DISPENSED WITH.

THE QUORUM NECESSARY FOR TRANSACTION OF BUSINESS BY THE TICRF BOARD WAS FIXED AT FIVE.

THE AD HOC GROUP'S VIEW WAS THAT ARRANGEMENT SHOULD BE MADE TO COUNTERACT THE POSSIBILITY THAT THE QUORUM MIGHT BE MADE UP OF A MAJORITY OF TIC OR TIC-NOMINATED MEMBERS.

A REASONABLE TIME LIMIT SHOULD BE PRESCRIBED FOR THE CONSIDERATION OF APPLICATIONS FOR TIC MEMBERSHIP AND ALSO FOR PROCESSING COMPENSATION CLAIMS.

THE TIC AND TICRF SHOULD BE MADE "PUBLIC BODIES" UNDER THE PREVENTION OF BRIBERY ORDINANCE TO ENSURE THAT THE OPERATIONS OF THE TWO BODIES WERE CARRIED OUT IN A PROPER MANNER.

DR IP ALSO MOVED A COMMITTEE STAGE AMENDMENT TO THE BILL TO CHANGE THE COMMENCEMENT DATE OF THE NEW SCHEME FROM JULY 15 TO JULY 31 THIS YEAR.

SHE EXPLAINED THAT THE CHANGE TIED IN WITH THE CURRENT CYCLE OF LICENCE RENEWALS FOR TOUR OPERATORS.

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COMPENSATION FOR TRAVELLERS GUARANTEED

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THE REPLACEMENT OF THE TRAVEL AGENTS' RESERVE FUND BY A NEW TRAVEL INDUSTRY COUNCIL RESERVE FUND WILL ENSURE THAT THERE ARE ADEQUATE FUNDS TO COMPENSATE AGGRIEVED TRAVELLERS, THE HON HILTON CHEONG-LEEN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR CHEONG-LEEN WAS SPEAKING IN SUPPORT OF THE TRAVEL AGENTS (AMENDMENT) BILL 1988.

UNDER THE BILL, A ONE PER CENT LEVY ON OUTBOUND PACKAGE TOUR PRICES WOULD FUND THE NEW TRAVEL INDUSTRY COUNCIL RESERVE FUND, AND CLIENTS OF ANY FUTURE DEFAULTING TRAVEL AGENTS MIGHT RECEIVE COMPENSATION EQUAL TO 70 PER CENT OF THEIR UNSATISFIED CLAIMS.

"IT HAS BEEN SUGGESTED THAT SINCE ALL TRAVEL AGENTS WILL IN FUTURE HAVE TO BE A MEMBER OF THE TRAVEL INDUSTRY COUNCIL THROUGH AN AFFILIATED ORGANISATION, CLIENTS SHOULD BE ENTITLED TO 100 PER CENT COMPENSATION INSTEAD OF ONLY 70 PER CENT.

"AS THE NEW COMPENSATION ARRANGEMENTS REQUIRE SOME TIME TO SETTLE DOWN, I THINK THE QUESTION OF 100 PER CENT COMPENSATION COULD BE REVIEWED BY GOVERNMENT TWO YEARS FROM NOW," HE SAID.

MR CHEONG-LEEN URGED RESIDENTS WISHING TO PURCHASE TRAVEL TICKETS TO JOIN A TOUR FOR THEMSELVES OR THEIR FAMILIES TO FOLLOW THE PRINCIPLE OF "CAVEAT EMPTOR" AND ENSURE THAT THEY GOT GOOD VALUE FOR MONEY AND NOT NECESSARILY BOUGHT THE CHEAPEST PRICED TICKET THAT WAS OFFERED.

THE FACT THAT THE "RULES FOR ADMINISTERING THE TRAVEL INDUSTRY COUNCIL RESERVE FUND" WOULD HAVE TO BE APPROVED BY THE FINANCIAL SECRETARY AND THAT PROVISION WOULD BE MADE FOR CLAIMS BY CLIENTS OF DEFAULTING AGENTS TO BE PROCESSED WITHIN A CERTAIN PERIOD OF TIME AFTER THE COURT RULING OR WINDING-UP DECISION HAD BEEN OBTAINED REPRESENTED ADDITIONAL PROTECTION FOR THE CONSUMER, HE POINTED OUT.

MOREOVER, THE PRESENCE OF ONE LEGCO MEMBER, ONE CONSUMER COUNCIL REPRESENTATIVE AND ONE GOVERNMENT REPRESENTATIVE ON THE BOARD OF DIRECTORS ADMINISTERING THE TRAVEL INDUSTRY COUNCIL RESERVE FUND WOULD ENSURE THE IMPARTIAL OPERATION OF THE FUND.

MR CHEONG-LEEN SUPPORTED THE GOVERNMENT'S OBJECTIVE OF LIMITED GOVERNMENT INVOLVEMENT IN ORDER TO INTRODUCE SELF-REGULATION OF THE OUTBOUND TRAVEL INDUSTRY, AND AT THE SAME TIME ENSURE THAT THERE WAS A REASONABLE DEGREE OF PROTECTION FOR THE CONSUMER.

"I WOULD HOPE THAT THIS BILL IS THE FIRST PHASE IN THE EVOLUTION TOWARDS COMPLETE SELF-REGULATION," HE SAID.

/HE SUPPORTED .....

HE SUPPORTED THE VIEW THAT THE TRAVEL INDUSTRY COUNCIL AND THE TRAVEL INDUSTRY COUNCIL RESERVE FUND SHOULD BE MADE "PUBLIC BODIES" UNDER THE PREVENTION OF BRIBERY ORDINANCE.

IN ADDITION, THE INCORPORATION OF A PROVISION INTO THE TRAVEL INDUSTRY COUNCIL'S CONSTITUTION TO STIPULATE A TIME LIMIT FOR THE PROCESSING OF MEMBERSHIP APPLICATIONS WHICH WOULD BIND BOTH PARTIES WOULD ENSURE FAIR PLAY WITHIN THE TRAVEL INDUSTRY, MR CHEONG-LEEN NOTED.

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FULL COMPENSATION FROM TRAVEL FUND ADVOCATED  
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COMPENSATION FOR VICTIMS OF DEFAULTING TRAVEL AGENTS SHOULD BE SET AT 100 PER CENT BY INCREASING THE LEVY ON TRAVEL AGENTS TO 1.43 PER CENT, THE HON K.C. CHAN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR CHAN SAID THE PUBLIC FELT THAT 100 PER CENT COMPENSATION WAS FAIR, AND TO INCREASE THE LEVY TO 1.43 PER CENT WOULD MEAN AN INCREASE OF ONLY \$8.6 FOR A \$3,000 TOUR.

SPEAKING ON THE TRAVEL AGENTS (AMENDMENT) BILL 1988, MR CHAN SAID ANOTHER OPTION TO RESOLVE THE ISSUE OF WHETHER THE COMPENSATION SHOULD BE 100 PER CENT OR 70 PER CENT WAS TO SET A LOW CEILING OF, SAY, \$5,000 PER CLAIM OR LOWER.

THIS WOULD MEAN 100 PER CENT COMPENSATION FOR THE ABSOLUTE MAJORITY OF THOSE WHO COULD AFFORD ONLY THE LESS EXPENSIVE TOURS.

"HOW WOULD ONE LIKE, AFTER PAYING LIFE INSURANCE PREMIUM, TO FIND THAT ONE'S WIDOW OR WIDOWER COULD ONLY RECEIVE 70 PER CENT OF THE SUM INSURED?" HE QUESTIONED, WHEN REFERRING TO THE 70 PER CENT COMPENSATION PROVIDED FOR BY THE BILL.

MR CHAN ALSO COMPARED THE TRAVEL AGENTS RESERVE FUND (TARF) WITH THE PROTECTION OF WAGES IN INSOLVENCY FUND (PWIF).

"THE PWIF PLANNERS KNEW THAT IT HAS TO CATER FOR 2.6 - 2.7 MILLION EMPLOYEES; IT KNEW THE AVERAGE ANNUAL TOTAL AMOUNT OF BANKRUPTCIES IN THE PAST 10 YEARS; IT SETS A CEILING FOR PAYMENT FOR EACH CASE; IT HAS ACCUMULATED SIX MONTHS' LEVY IN RESERVE BEFORE COMMENCING OPERATION; IT HAS A SIMPLE WAY TO COLLECT A CONTINUOUS MONTHLY INCOME AND IT KNOWS THAT IT CAN MEET A ONE-OFF PAYMENT FOR ONE PER CENT UNEMPLOYMENT OF HONG KONG'S WORK FORCE," HE SAID.

/"IF ONE .....

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"IF ONE CHECKED THESE AGAINST THE TARP ONE KNOWS THE REASONS FOR ITS FAILURE," HE REMARKED.

MR CHAN ALSO NOTED THAT THIS WOULD BE HIS LAST SPEECH BEFORE RETIREMENT FROM THE LEGISLATIVE COUNCIL.

"WITH THE FEELING OF MISSION ACCOMPLISHED, I CAN NOW LOOK BACK TO 1947 WHEN I JOINED PUBLIC SERVICE WITH ABSOLUTELY NO REGRET," HE SAID.

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DISCOUNTED COMPENSATION UNREASONABLE

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THE CONSUMER COUNCIL HAS RAISED SERIOUS OBJECTION TO THE 70 PER CENT COMPENSATION FORMULA PROPOSED UNDER THE TRAVEL AGENTS (AMENDMENT) BILL 1988, THE HON SELINA CHOW SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING DURING THE RESUMED DEBATE ON THE SECOND READING OF THE BILL, MRS CHOW SAID THERE WAS NO VALID REASON TO DISCOUNT THE COMPENSATION FOR CONSUMERS BY 30 PER CENT AS THE LEVY CAME FROM THEM.

"THIS IS A RETROGRESSIVE STEP FROM THE PRESENT POSITION, WHERE THE LAW STATES THAT COMPENSATION IS BASED ON PROOF OF DEBT, AND IS NOT SUBJECT TO ANY DISCOUNT," SHE SAID.

SHE URGED THE GOVERNMENT AND THE TRADE TO ADOPT AN OPEN ATTITUDE TOWARDS THIS ISSUE, AND TO BE PREPARED TO REVIEW THIS FORMULA AS SOON AS THE TRAVEL INDUSTRY COUNCIL (TIC) RESERVE FUND REACHED A SUBSTANTIAL LEVEL.

THE PARTIES CONCERNED SHOULD ACKNOWLEDGE THE FACT THAT THE FUND BELONGED TO THE TRAVELLING PUBLIC, WHO, HAVING PAID FOR IT, SHOULD BE OBTAINED TO HAVE FULL REDRESS FROM IT WHEN A MEMBER OF THE TRADE LET THEM DOWN IN CASE OF FAILURE OR ABSCONDENCE, SHE ADDED.

MRS CHOW SAID SHE WAS GLAD THAT THE ADMINISTRATION HAD ACCEPTED THE CONSUMER COUNCIL'S PROPOSALS TO BRING BOTH THE TIC AND THE TIC RESERVE FUND LTD UNDER THE AEGIS OF THE PREVENTION OF BRIBERY ORDINANCE AND FOR THE FINANCIAL SECRETARY TO DIRECTLY APPOINT FOUR MEMBERS FROM THE BANKING, INSURANCE, ACCOUNTANCY AND LEGAL PROFESSIONS TO THE TIC RESERVE FUND BOARD.

"THE CONSUMER COUNCIL CONSIDERS THE ABOVE ARRANGEMENTS OF UTMOST IMPORTANCE IN ORDER TO ENSURE THE COMPLETE IMPARTIALITY AND ACCOUNTABILITY OF THE BOARD OF THE TIC RESERVE FUND, WHICH MUST BE SEEN TO EXERCISE ITS DUTIES IN THE BROAD PUBLIC INTEREST," SHE NOTED.

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WHILE THE ADMINISTRATION WAS GUIDED BY ITS BELIEF IN SELF-REGULATION BY THE TRADE ITSELF, MRS CHOW SAID THERE WAS STILL A VITAL NEED FOR CONTINUED GOVERNMENT PARTICIPATION, AND THE CONSUMER COUNCIL WOULD CLOSELY MONITOR THE SITUATION TO ENSURE THE INTEREST OF CONSUMERS WAS SAFEGUARDED AT ALL TIMES.

HOWEVER, SHE POINTED OUT THAT THE PROPOSED AMENDMENT BILL AND THE ENTIRE SELF-REGULATORY MEASURE, IN SPITE OF THE CONSUMER COUNCIL'S RESERVATION, WAS NONETHELESS A GOOD START.

"IN ORDER TO ENSURE ITS EVENTUAL SUCCESS, IT WILL BE IN THE PUBLIC INTEREST TO SAFEGUARD, AT ALL TIMES, THE INDEPENDENCE OF THE TIC RESERVE FUND IN VIEW OF THE HUGE AMOUNT OF MONIES TO BE HELD IN ITS TRUST IN THE NEAR FUTURE.

"THESE MONIES MUST OF COURSE BE DEVOTED TO THE SOLE PURPOSE OF COMPENSATING CONSUMERS OF DEFAULT TRAVEL AGENTS, WHO ARE THE ULTIMATE BENEFICIARY OF THE TRUST FUND," SHE SAID.

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MID-1989 TARGET FOR FULLY IMPLEMENTING NOISE CONTROL

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THE ENVIRONMENTAL PROTECTION DEPARTMENT, AS THE NOISE CONTROL AUTHORITY, INTENDED TO IMPLEMENT ALL PARTS OF THE NOISE CONTROL BILL 1988 BY THE MIDDLE OF NEXT YEAR, THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON ADOLF HSU, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WINDING UP DEBATE ON THE BILL, MR HSU SAID THE RECRUITMENT OF STAFF FOR THIS PURPOSE HAD ALREADY COMMENCED.

"THIS BILL IS THE RESULT OF MANY YEARS OF DETAILED WORK AND CONSULTATION OF ALL CONCERNED, AND WILL PROVIDE EFFECTIVE CONTROL OF ENVIRONMENTAL NOISE," HE EXPLAINED.

MR HSU THANKED MEMBERS OF THE AD HOC GROUP FOR THEIR PAINSTAKING EFFORTS IN STUDYING THE PROVISIONS OF THE BILL AND FOR THEIR FULL SUPPORT.

THEIR CONSTRUCTIVE SUGGESTIONS HAD LED TO THE VARIOUS AMENDMENTS WHICH WOULD BE MADE AT THE COMMITTEE STAGE.

HE SUPPORTED THESE AMENDMENTS, WHICH HE DESCRIBED AS USEFUL POINTS OF CLARIFICATION.

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"A MORE SUBSTANTIVE POINT IS THAT THE TECHNICAL MEMORANDA, WHICH WILL BE ISSUED BY THE SECRETARY FOR HEALTH AND WELFARE AND WHICH SET OUT STANDARDS AND GUIDELINES FOR THE MEASUREMENT AND ASSESSMENT OF NOISE FROM VARIOUS SOURCES, SHOULD BE SUBJECT TO THE APPROVAL OF THE LEGISLATIVE COUNCIL," MU HSU SAID.

"THIS WILL ENSURE THAT THE PUBLIC INTEREST IS PROPERLY REPRESENTED BEFORE THE FINAL FORM OF THESE IMPORTANT DOCUMENTS IS AGREED."

MR HSU POINTED OUT THAT THE PROVISION DEALING WITH NOISE ARISING FROM MULTIPLE SOURCES WAS CONSIDERED ESSENTIAL SINCE MANY NOISE PROBLEMS WERE THE RESULT OF THE COMBINATION OF NOISE FROM A NUMBER OF SOURCES.

IN PRACTICE, DUE CONSIDERATION WOULD BE GIVEN TO THE RELATIVE CONTRIBUTIONS OF EACH SOURCE THROUGH THE USE OF SOPHISTICATED MEASURING AND ANALYSIS TECHNIQUES.

THE APPEAL BOARD WOULD ALSO PROVIDE A CHECK TO ENSURE THAT THE PROVISION WAS APPLIED IN A FAIR AND EQUITABLE MANNER.

AS FOR THE NOISE INSULATION PROGRAMME FOR SCHOOLS NEAR KAI TAK AIRPORT, MR HSU SAID WORK ON THE 24 SCHOOLS WHICH EXPERIENCED A MORE SEVERE NOISE PROBLEM WOULD BE COMPLETED BY THE END OF THIS SUMMER AND FUNDS FOR THE REMAINING 12 SCHOOLS WOULD BE SOUGHT FROM THE FINANCE COMMITTEE EARLY IN THE NEXT SESSION.

HE SAID THE GOVERNMENT WOULD BEAR IN MIND OTHER SUGGESTIONS FOR A TERRITORY-WIDE DRIVE TO PROMOTE PUBLIC SUPPORT IN CONTROLLING NOISE POLLUTION AND FOR THE ENVIRONMENTAL PROTECTION DEPARTMENT TO DEPLOY ADEQUATE STAFF TO DEAL EFFECTIVELY WITH NOISE CAUSED BY AIR-CONDITIONING EQUIPMENT IN COMMERCIAL BUILDINGS.

SOME MEMBERS NOTED THAT THE BILL DID NOT ATTEMPT TO CONTROL TRAFFIC NOISE AND RECOMMENDED THAT THIS PROBLEM SHOULD BE ADDRESSED EARLY, HE SAID.

"IN HONG KONG'S CONCENTRATED ENVIRONMENT IT IS INEVITABLE THAT, IN CERTAIN LOCATIONS, LARGE VOLUMES OF TRAFFIC WILL PASS CLOSE TO NOISE-SENSITIVE BUILDINGS.

"THIS PROBLEM IS MORE EFFECTIVELY ADDRESSED THROUGH THE PLANNING PROCESS AND THE ENVIRONMENTAL PROTECTION DEPARTMENT HAS BEEN ACTIVE IN PROVIDING TECHNICAL ADVICE ON NOISE REDUCTION METHODS TO HIGHWAYS DEPARTMENT, INCLUDING THE USE OF NOISE BARRIERS WHERE APPROPRIATE," MR HSU EXPLAINED.

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REFERRING TO REMARKS BY THE HON MARTIN LEE THAT THERE WAS A DEFICIENCY IN TOWN PLANNING, AND A LACK OF CO-ORDINATION, MR HSU POINTED OUT THAT THE ENVIRONMENTAL PROTECTION DEPARTMENT WAS REPRESENTED ON ALL MAJOR PLANNING COMMITTEES AND MIGHT ATTEND A TOWN PLANNING BOARD MEETING IF NECESSARY.

"AS REGARDS MR LEE'S POINT ON A POSSIBLE PROBLEM OF PROSECUTION IN A CASE OF A FACTORY AREA IN WHICH SEPARATE FACTORIES IN DIFFERENT UNITS JOINTLY EMIT THE SAME LEVEL OF NOISE, I WOULD LIKE TO POINT OUT THAT CLAUSE 11, SUBCLAUSE 1, OF THE BILL COVERS THIS TYPE OF OFFENCE AND PROVIDES A REMEDY," HE SAID.

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#### NOISE CONTROL BILL ACHIEVES BALANCE

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THE NOISE CONTROL BILL 1988 WILL HOPEFULLY PROVIDE A REASONABLE BALANCE BETWEEN ENVIRONMENTAL PROTECTION AND ECONOMIC VIABILITY, THE HON F.K. HU SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL, MR HU, CONVENER OF THE LEGCO AD HOC GROUP FORMED TO STUDY THE BILL, SAID HE SAW NO REASON FOR ANY FURTHER DELAY IN PASSING THE BILL WHICH WAS FIRST PUBLISHED IN MARCH LAST YEAR.

MR HU SAID THE AD HOC GROUP HAD HELD EIGHT MEETINGS, MET A WIDE CROSS SECTION OF THE PUBLIC WITH A MAJORITY COMING FROM COMMUNITY GROUPS AND THE CONSTRUCTION AND INDUSTRIAL SECTORS, AND CONSIDERED THEIR VIEWS THOROUGHLY BEFORE SHAPING THE BILL INTO ITS PRESENT FORM.

TURNING TO THE AMENDMENTS PROPOSED BY THE AD HOC GROUP, HE NOTED THAT THE ORIGINAL PROVISION FOR IMPRISONMENT FOR REPEATED OFFENDERS IN CONSTRUCTION AND INDUSTRIAL NOISE WAS CONSIDERED TOO HARSH AND, AFTER CONSULTATION, THE ADMINISTRATION AGREED TO DELETE THE IMPRISONMENT PROVISIONS EXCEPT THAT PROVISION PERTAINING TO DISCLOSURE OF CONFIDENTIAL INFORMATION.

THE GROUP ALSO PROPOSED TO EXTEND THE DEFINITION OF DOMESTIC PREMISES IN CLAUSE 2 TO COVER PARTS OF HOTELS OR GUESTHOUSES WHICH WERE LET TO OUTSIDE GUESTS AS NOISE FROM THESE PREMISES WAS A POTENTIAL SOURCE OF COMPLAINT.

MR HU POINTED OUT THAT IN CLAUSE 8, SUBCLAUSE 4, CONSTRUCTION NOISE PERMITS ISSUED TO CONSTRUCTION WORKS WOULD NOT BE VALID FOR MORE THAN 30 DAYS AND THE CONSTRUCTION COMPANY CONCERNED WOULD HAVE TO REAPPLY BEFORE THE PERMIT EXPIRED IN ORDER TO AVOID INTERRUPTION OF WORK.

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THE CONSTRUCTION COMPANY WOULD HAVE TO SUBMIT A NEW APPLICATION WITHIN TWO DAYS AFTER RECEIVING THE PERMIT.

THIS ARRANGEMENT WAS CONSIDERED UNFAIR FOR THE CONSTRUCTION COMPANY AND IT WAS SUGGESTED THAT THE ADMINISTRATION SHOULD EXPEDITE THE PROCESS OF ISSUING PERMITS SO THAT THE PERMIT WOULD BE GRANTED ONCE AND FOR ALL WITHOUT THE 28 DAYS ARRANGEMENT.

"THE PRESENT CLAUSE 8, SUBCLAUSE 5, GIVES THE AUTHORITY NO ALTERNATIVE BUT TO REFUSE TO ISSUE A CONSTRUCTION NOISE PERMIT IF THE ISSUE OF A PERMIT IS CONTRARY TO ANY PROCEDURE SET OUT IN THE TECHNICAL MEMORANDA.

"TO GIVE THE AUTHORITY SOME FLEXIBILITY IN THE ISSUE OF PERMITS, I PROPOSE THE WORD 'SHALL' SHOULD BE CHANGED TO 'MAY'," MR HU SAID.

"THE PROVISION UNDER CLAUSE 8, SUBCLAUSE 6, ALSO HAS TO BE STREAMLINED.

"IT PROVIDES THAT IN THE CASE OF A NOISE PERMIT SUBJECT TO CONDITIONS ISSUED IN RESPECT OF PERCUSSIVE PILING, THE CONSTRUCTION COMPANY HAS TO WRITE TO THE AUTHORITY FOR THE REASONS.

"TO SIMPLIFY THE PROCEDURE, IT IS PROPOSED THAT THE REASON IN EACH CASE SHOULD BE GIVEN ALONG WITH THE NOTICE OF PERMIT WITHOUT WAITING FOR A REQUEST FROM THE CONSTRUCTION COMPANIES," HE CONTINUED.

FOR CLAUSE 10, THE AD HOC GROUP PROPOSED THAT ALL TECHNICAL MEMORANDA AND SUBSEQUENT AMENDMENTS SHOULD BE PUBLISHED IN THE GAZETTE AND BE SUBJECT TO APPROVAL OF THE LEGISLATIVE COUNCIL.

"THIS IS TO ENSURE THAT THE PUBLIC WILL HAVE AN OPPORTUNITY TO VOICE THEIR OPINIONS AND MEMBERS OF THE LEGISLATIVE COUNCIL CAN MAKE AMENDMENTS IF NECESSARY IN REGARD TO THE CONTENTS OF THESE MEMORANDA," MR HU EXPLAINED.

MOREOVER, THE TERM "ECONOMIC HARDSHIP" USED IN CLAUSES 17 AND 18, WHICH PROVIDE FOR GROUNDS FOR APPEAL, WAS CONSIDERED TOO VAGUE AND GENERAL AND FURTHER CLARIFICATION WAS NEEDED.

AS FOR CLAUSE 36, SUBCLAUSE 2, WHICH ENSURED THAT THE BILL WAS ALSO APPLICABLE TO THE CROWN, THE AD HOC GROUP CONSIDERED THAT COMPARED WITH THE RELATED SECTION IN THE ORIGINAL BILL THIS CLAUSE WAS LESS SATISFACTORY AND IT WAS PROPOSED THAT THE RELEVANT SECTION IN THE ORIGINAL BILL BE USED INSTEAD.

MR HU SAID THERE WERE STILL SOME AREAS WHICH WERE NOT ADEQUATELY COVERED BY THE BILL, SUCH AS THE PROBLEM OF NOISE ARISING FROM MULTIPLE SOURCES AND NOISE GENERATED BY TRAFFIC.

"HONG KONG HAS ITS UNIQUE NOISE POLLUTION PROBLEM DUE TO ITS RAPID DEVELOPMENT.

/"IN MANY .....

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"IN MANY PARTS OF HONG KONG, FACTORIES CAN OPERATE IN RESIDENTIAL AREAS WHERE COMMERCIAL BUILDINGS AND RESIDENTIAL BUILDINGS ARE VIRTUALLY INDISTINGUISHABLE.

"EVEN IF THE PROVISIONS IN THE NOISE CONTROL BILL ARE STRICTLY ENFORCED, THERE IS NO GUARANTEE THAT THE RESULT WILL BE TOTALLY SATISFACTORY.

"TO IMPROVE THE ENVIRONMENT IT IS THEREFORE IMPORTANT THAT FUTURE TOWN PLANNING HAS TO DISTINGUISH CAREFULLY DIFFERENT AREAS FOR DIFFERENT USAGES.

"AND IT IS NECESSARY THAT TOWN PLANNING GUIDELINES BE UPDATED FROM TIME TO TIME IN ACCORDANCE WITH THE PROVISIONS IN THE NOISE CONTROL BILL," MR HU CONCLUDED.

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CIVIC EDUCATION ON NOISE POLLUTION NEEDED

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THE GOVERNMENT SHOULD INCLUDE IN ITS CIVIC EDUCATION CAMPAIGNS AND PROGRAMMES A TERRITORY-WIDE DRIVE TO GET WIDESPREAD PUBLIC SUPPORT IN CONTROLLING AND REDUCING NOISE POLLUTION IN THE GENERAL NEIGHBOURHOOD, THE HON HILTON CHEONG-LEEN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE WAS SPEAKING IN SUPPORT OF THE NOISE CONTROL BILL 1988, DURING THE RESUMED DEBATE ON THE BILL.

BY GENERAL NEIGHBOURHOOD NOISE, MR CHEONG-LEEN REFERRED TO THE NOISE FROM DOMESTIC PREMISES BY SOURCES SUCH AS TV SETS OR DOGS, AND NOISE PRODUCED IN PUBLIC PLACES BY HAWKERS, LOUDSPEAKERS AND SO ON.

THE EDUCATION CAMPAIGN WOULD INVOLVE CHANGING ATTITUDES ON THE PART OF THE POPULATION AND SHOWING MORE RESPECT FOR THE RIGHTS OF OTHERS TO ENJOY A GREATER MEASURE OF PEACE AND QUIET, HE SAID.

"THE MAIN PURPOSE OF THIS BILL AS I SEE IT IS TO BRING DOWN THE LEVEL OF NOISE AS A DAY-TO-DAY - AND OFTEN INTOLERABLE - NUISANCE TO THE PUBLIC," HE SAID.

/"THIS WILL .....

"THIS WILL BE ACHIEVED IN THE MAIN BY THE ESTABLISHING OF DETAILED CONTROL CRITERIA, MEASUREMENT PROCEDURES, AND OTHER TECHNICAL DETAILS TO BE CONTAINED IN REGULATIONS, AND ALSO TECHNICAL MEMORANDA WHICH BECAUSE OF ITS IMPORTANCE WILL HAVE TO BE TABLED IN LEGISLATIVE COUNCIL AND AMENDED BY THE COUNCIL IF SUCH IS CONSIDERED NECESSARY IN THE PUBLIC INTEREST."

NOTING THAT NOISE CAUSED BY AIR-CONDITIONING EQUIPMENT IN COMMERCIAL BUILDINGS USED BY RESTAURANTS, AND OTHER ESTABLISHMENTS LICENSED BY THE URBAN COUNCIL WAS A CONSTANT SOURCE OF COMPLAINT BY RESIDENTS LIVING IN NEARBY BUILDINGS, HE URGED THE ENVIRONMENTAL PROTECTION DEPARTMENT TO DEPLOY ENOUGH STAFF TO DEAL EFFECTIVELY WITH THIS TYPE OF NUISANCE.

APART FROM SUPPORTING THE AMENDMENTS TO THE BILL, HE ALSO AGREED WITH CLAUSE 25 OF THE BILL WHICH STATED THAT THE ENVIRONMENTAL POLLUTION ADVISORY COMMITTEE MUST BE CONSULTED BEFORE ANY REGULATIONS WERE MADE UNDER THE ORDINANCE.

"THIS WILL HELP TO ENSURE THAT A REASONABLE BALANCE WILL BE STRUCK BETWEEN IMPROVED ENVIRONMENTAL STANDARDS AND THEIR ECONOMIC IMPACT ON THE COMMUNITY," HE EXPLAINED.

ALTHOUGH THE CONTROL OF AIRCRAFT NOISE WAS NOT PART OF THE BILL, MR CHEONG-LEEN HOPED THE GOVERNMENT WOULD ENSURE THAT THE PROGRAMME FOR THE SCHOOLS AROUND KAI TAK AIRPORT TO HAVE DOUBLE-GLAZED WINDOWS INSTALLED WOULD BE COMPLETED IN TIME FOR THE OPENING OF THE SCHOOL YEAR IN SEPTEMBER.

HE ALSO URGED THE GOVERNMENT TO ADDRESS THE PROBLEM OF TRAFFIC NOISE, WHICH HE SAID WAS GROWING MORE SERIOUS THAN EVER.

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TECHNICAL MEMORANDA SHOULD BE WRITTEN INTO LAW

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THE TECHNICAL MEMORANDA ISSUED UNDER THE NOISE CONTROL BILL 1988 SHOULD BE IN THE FORM OF SUBSIDIARY LEGISLATION SO THAT ANY FUTURE AMENDMENT REQUIRED THE APPROVAL OF THE LEGISLATIVE COUNCIL, PROF THE HON C.K. POON SAID IN THE COUNCIL TODAY (WEDNESDAY).

IN OTHER WORDS, THE PROPOSED AMENDMENTS WOULD NEED TO BE GAZETTED FOR PUBLIC INFORMATION AND COMMENT, HE SAID.

SPEAKING IN SUPPORT OF THE BILL, MR POON SAID UNDER CLAUSES 9 AND 10 THE SECRETARY FOR HEALTH AND WELFARE MIGHT AMEND THE TECHNICAL MEMORANDA WITHOUT REFERENCE TO THE COUNCIL.

/HOWEVER, HE .....

HOWEVER, HE SAID THE GOVERNMENT HAD NOW AGREED TO CONCEDE TO MEMBERS' PROPOSAL AND RELEVANT AMENDMENTS WOULD BE MADE AT THE COMMITTEE STAGE OF THE BILL.

WITH REGARD TO THE QUESTION OF MULTIPLE NOISE SOURCES, MR POON NOTED THAT THE BILL INCLUDED A PROVISION ENABLING THE GOVERNMENT TO CONSIDER THIS ASPECT AND TO DETERMINE WHETHER OR NOT A NOISE ABATEMENT NOTICE SHOULD BE ISSUED IN SUCH A CASE.

"ALTHOUGH IT IS POSSIBLE, AT LEAST IN PRINCIPLE, TO DETERMINE THE MOST DOMINANT OF THESE SOURCES, IT COULD NOT BE DENIED THAT THERE ARE MANY PRACTICAL PROBLEMS IN THE ENFORCEMENT ACTION, ESPECIALLY IN SOME COMPLEX SITUATIONS," HE SAID.

HE THEREFORE URGED THAT CARE SHOULD BE EXERCISED TO ENSURE THAT THE ENFORCEMENT WAS APPLIED IN A FAIR AND EQUITABLE MANNER.

FURTHERMORE, MR POON HOPED THAT THE ISSUE OF GENERAL TRAFFIC NOISE CONTROL, WHICH HAD NOT BEEN INCLUDED IN THE BILL, WOULD BE SERIOUSLY CONSIDERED BY THE GOVERNMENT, ESPECIALLY IN THE AREA OF PLANNING.

MR POON LATER MOVED A COMMITTEE STAGE AMENDMENT TO THE BILL PROPOSING THAT THE LIMITED VALIDITY OF THE CONSTRUCTION NOISE PERMIT SHOULD BE DELETED AND THAT IT WOULD BE INCUMBENT ON THE ADMINISTRATION TO PROCESS THE APPLICATION EXPEDITIOUSLY WITHIN THE STIPULATED PERIOD OF 28 DAYS, OTHERWISE A PERMIT SHOULD BE DEEMED TO HAVE BEEN ISSUED.

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SECRETARY FOR ENVIRONMENT NEEDED  
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THE GOVERNMENT SHOULD ESTABLISH A NEW POST OF SECRETARY FOR TOWN PLANNING AND ENVIRONMENTAL PROTECTION TO ENSURE THAT THERE WILL BE PROPER CO-ORDINATION BETWEEN THE TOWN PLANNING BOARD AND THE ENVIRONMENTAL PROTECTION DEPARTMENT.

THE HON MARTIN LEE MADE THIS SUGGESTION TODAY (WEDNESDAY) WHEN SPEAKING IN THE LEGISLATIVE COUNCIL IN SUPPORT OF THE NOISE CONTROL BILL 1988.

MR LEE SAID A RECENT COMPLAINT TO OMELCO BY RESIDENT REPRESENTATIVES OF TSUEN TAK GARDENS IN TSUEN WAN HIGHLIGHTED THE DEFICIENCY IN TOWN PLANNING AS WELL AS THE LACK OF CO-ORDINATION BETWEEN THE TOWN PLANNING BOARD AND THE ENVIRONMENTAL PROTECTION DEPARTMENT.

/HE SAID .....

HE SAID THE RESIDENTS COMPLAINED OF EXCESSIVE NOISE FROM FACTORIES AROUND THEM.

AND, ON ANALYSIS, IT APPEARED THAT THE RESIDENTIAL BLOCKS WERE IN AN AREA WHICH HAD RECENTLY BEEN ZONED BY THE TOWN PLANNING BOARD AS "COMMERCIAL/RESIDENTIAL" ALTHOUGH THE AREA WAS FORMERLY IN AN INDUSTRIAL ZONE.

THE RESULT WAS THAT THE EXISTING FACTORY BUILDINGS IN THE ZONE WERE NOT REQUIRED TO BE DEMOLISHED.

THE CASE UNDERLINED THE IMPORTANCE OF HAVING BETTER CO-ORDINATION BETWEEN THE TOWN PLANNING AND ENVIRONMENTAL PROTECTION AUTHORITIES, HE SAID.

MR LEE SAID ANOTHER DIFFICULTY HIGHLIGHTED BY THE TSUEN TAK GARDENS CASE WAS THAT EACH OF THE FACTORY UNITS IN THE RELEVANT INDUSTRIAL BLOCK APPARENTLY DID NOT EMIT EXCESSIVE NOISE AS WOULD CONTRAVENE THE PROVISIONS OF THE BILL, BUT THE CUMULATIVE EFFECT OF THE NOISE COMING FROM ALL THE UNITS IN THE SAME BLOCK WOULD CONSTITUTE SUCH AN OFFENCE.

UNDER THE PRESENT SYSTEM AN OPERATOR OF A LARGE FACTORY WHICH EMITTED EXCESSIVE NOISE COULD BE DEALT WITH BY LAW; BUT IF THE SAME FACTORY AREA HAD BEEN OCCUPIED BY SEPARATE OPERATORS IN DIFFERENT UNITS, EMITTING JOINTLY THE SAME LEVEL OF NOISE, THEN NONE OF THEM COULD BE PROSECUTED.

THIS WAS NOT LOGICAL, HE SAID, ADDING THAT THE GOVERNMENT SHOULD ADDRESS THE PROBLEM URGENTLY AS IT OCCURRED FREQUENTLY IN HONG KONG.

TURNING TO THE QUESTION OF PENALTY, MR LEE NOTED THAT WHEN THE WHITE BILL RELATING TO THE SUBJECT MATTER WAS PUBLISHED IN MARCH LAST YEAR, IT CONTAINED A PENALTY CLAUSE OF A MAXIMUM FINE OF \$100,000 OR TWO YEARS OF IMPRISONMENT FOR SERIOUS VIOLATIONS OF THE LAW.

BUT UPON THE OBJECTIONS OF THE INDUSTRIALIST LOBBY, THE PRESENT PENALTIES WERE CONFINED TO FINES ALONE, RANGING BETWEEN \$5,000 AND \$100,000.

"CONCERNED GROUPS HAVE EXPRESSED THE VIEW THAT THIS IS LIKELY TO ENCOURAGE BLATANT BREACHES OF THE LAW BY CERTAIN FACTORY OPERATORS WHENEVER IT IS IN THEIR FINANCIAL INTEREST TO DO SO, FOR EXAMPLE, WHEN GOODS HAVE TO BE PRODUCED URGENTLY IN ORDER TO MEET THEIR CONTRACT COMMITMENTS," HE SAID.

HE SUGGESTED THAT IT WOULD BE SENSIBLE TO HAVE IMPRISONMENT AS A PENALTY FOR PERSISTENT OFFENDERS IN ORDER TO GIVE REAL TEETH TO THE BILL.

/MR LEE .....

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MR LEE ALSO SAID THAT DESPITE HIS VARIOUS RESERVATIONS ABOUT THE BILL, THE LEGISLATION WAS CLEARLY A STEP IN THE RIGHT DIRECTION, AND RATHER THAN TO AMEND IT AND CAUSE FURTHER DELAY TO ITS ENACTMENT HE WOULD SUPPORT THE BILL TO MAKE SURE THAT IT WOULD BE PASSED INTO LAW TODAY.

"BUT I DO URGE MOST STRONGLY ON THE ADMINISTRATION TO REVIEW THE EFFECTIVENESS OF THIS LAW WITHIN SIX MONTHS TO MAKE SURE THAT THE MATTERS I HAVE BROUGHT OUT TODAY MAY BE SATISFACTORILY RESOLVED," HE SAID.

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IMPORTANT NEED FOR CLOSE CO-OPERATION

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THE BANKING (AMENDMENT) (NO.2) BILL 1988 WILL ENABLE THE COMMISSIONER OF BANKING TO SHARE INFORMATION WITH LOCAL AND OVERSEAS REGULATORY AUTHORITIES, THE FINANCIAL SECRETARY, THE HON PIERS JACOBS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN THE COMMITTEE STAGE OF THE BILL, MR JACOBS THANKED THE HON DAVID LI AND THE HONG KONG ASSOCIATION OF BANKS FOR THE CONSIDERATION THEY HAD GIVEN TO THE BILL.

"WITH GROWING INTEGRATION OF FINANCIAL MARKETS AND THE BANKING BUSINESS BECOMING MORE MULTINATIONAL IN CHARACTER, THERE IS AN IMPORTANT NEED FOR CLOSER CO-OPERATION AMONG REGULATORY AUTHORITIES, BOTH LOCALLY AS WELL AS OVERSEAS," HE SAID.

HOWEVER, MR JACOBS STRESSED THAT THE INFORMATION SHARED WOULD ONLY BE DISCLOSED TO OVERSEAS SUPERVISORS IF THE COMMISSIONER WAS SATISFIED THAT THE AUTHORITY CONCERNED WAS SUBJECT TO ADEQUATE SECRECY PROVISIONS AND THAT THE INFORMATION WOULD ENABLE OR ASSIST THE AUTHORITY IN THE EXERCISE OF ITS FUNCTIONS.

"ACCORDINGLY, I CAN ASSURE MR LI AND THE BANKING COMMUNITY THAT EVERY EFFORT WILL BE MADE TO ENSURE THAT SHARED INFORMATION WILL NOT BE DISCLOSED TO THIRD PARTIES BY OVERSEAS SUPERVISORS WITHOUT THE COMMISSIONER'S CONSENT," MR JACOBS ADDED, WHEN FULLY SUPPORTING THE COMMITTEE STAGE AMENDMENTS TO BE MOVED BY MR LI.

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DRAFTING POINT AMENDMENT MADE TO BILL

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AN AMENDMENT TO THE MONEY LENDERS (AMENDMENT) BILL 1988 WAS MOVED BY THE FINANCIAL SECRETARY, THE HON PIERS JACOBS, DURING THE BILL'S COMMITTEE STAGE IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR JACOBS SAID THE AMENDMENT TO CLAUSE 31 CONCERNED A DRAFTING POINT AND HE WAS GRATEFUL TO THE HON DAVID LI FOR BRINGING IT TO ATTENTION.

"THE PROPOSED SECTION 33C AT CLAUSE 31 OF THE BILL PROVIDES THAT WHERE AN EXEMPTED PERSON SPECIFIED IN PART 1 OF SCHEDULE 1 MAKES A LOAN AND THEREAFTER CEASES TO BE SO SPECIFIED, THAT LOAN SHALL BE DEEMED TO BE AN EXEMPTED LOAN SPECIFIED IN PART 2 OF SCHEDULE 1," HE SAID.

"THE MONEY LENDERS ORDINANCE WORKS ON THE PRINCIPLE THAT THE LENDER'S STATUS AS AN EXEMPTED PERSON IS ONLY RELEVANT AS AT THE TIME OF MAKING THE LOAN.

"SO ANY CHANGE IN THE LENDER'S STATUS SUBSEQUENT TO THE LOAN DOES NOT AFFECT THE VALIDITY OF THE LOAN.

"THE PROPOSED SECTION 33C IS THEREFORE REDUNDANT. MOREOVER, IT RAISES DOUBTS AS TO THE STATUS OF EXEMPTED LOANS WHERE THE BORROWER SUBSEQUENTLY CEASES TO MEET THE REQUIREMENTS NECESSARY FOR THE LOAN TO QUALIFY AS AN EXEMPTED LOAN.

"TO REMOVE THE UNCERTAINTY, I PROPOSE TO DELETE THE PROPOSED SECTION 33C."

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CALL FOR VIGILANCE ON RETROSPECTIVE LEGISLATION

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THE HON MARTIN LEE URGED HIS LEGCO COLLEAGUES TODAY (WEDNESDAY) TO BE VIGILANT IN MAKING SURE THAT RETROSPECTIVE LEGISLATION WOULD ONLY BE PASSED AS A MATTER OF ABSOLUTE NECESSITY.

IT SHOULD ONLY BE PASSED IN WHOLLY EXCEPTIONAL CIRCUMSTANCES, AND ONLY WHEN THEY WERE FULLY SATISFIED THAT IT WOULD NOT DO ANY INJUSTICE TO ANYONE WHO MIGHT BE AFFECTED BY IT, HE ADDED.

MR LEE WAS SPEAKING IN SUPPORT OF THE SOCIETIES (AMENDMENT) (NO. 3) BILL 1988 WHICH SOUGHT TO RECTIFY A DRAFTING OVERSIGHT THAT PARTNERSHIPS OF SOLICITORS, ACCOUNTANTS AND OTHERS CONSISTING OF MORE THAN 20 PERSONS HAVE NOT BEEN EXEMPTED FROM ITEM (6) OF THE SCHEDULE TO THE SOCIETIES ORDINANCE.

/THE BILL, .....

THE BILL, WHEN PASSED INTO LAW, WOULD HAVE RETROSPECTIVE EFFECT.

MR LEE NOTED THAT IF THE AMENDMENT WERE NOT TO BE RETROSPECTIVE, IT WOULD ENABLE PERSONS WHO HAVE ENGAGED LARGE AND RESPECTABLE FIRMS OF SOLICITORS, ACCOUNTANTS, OR STOCK BROKERS TO DO WORK FOR THEM TO EVADE PAYMENT OF PROFESSIONAL FEES OR CHARGES AFTER THE WORK WAS DONE AND SATISFACTORILY DONE, ON THE GROUND THAT THE PARTNERSHIP IN QUESTION IS ILLEGAL, WITH A POSSIBLE RESULT THAT ANY CLAIM FOR SUCH FEES OR CHARGES BY THESE LARGE FIRMS WILL NOT BE ENTERTAINED BY A COURT OF LAW.

"I SUBMIT THAT IN THESE CIRCUMSTANCES IT WOULD NOT BE UNJUST OR UNFAIR TO THESE NON-PAYERS IF THE BILL WAS GIVEN RETROSPECTIVE EFFECT.

"INDEED, IF WE LOOK AT THE OTHER SIDE OF THE COIN, IT WOULD MOST CERTAINLY BE UNJUST TO THESE LARGE AND RESPECTABLE FIRMS IF THE AMENDMENT WERE NOT TO BE RETROSPECTIVE, FOR THAT MIGHT PREVENT THEM FROM GETTING WHAT IS CLEARLY DUE TO THEM, BUT FOR AN UNFORTUNATE OVERSIGHT MANY YEARS AGO," MR LEE POINTED OUT.

HE FURTHER NOTED THAT SUBSECTION (3) OF CLAUSE 1 OF THE BILL MEANT THAT IF A DEFENDANT IN A LEGAL ACTION HAD ALREADY PLEADED IN HIS DEFENCE ON OR BEFORE JUNE 21 THIS YEAR THE POINT OF ILLEGALITY ON THE GROUND THAT THE PLAINTIFF PARTNERSHIP CONSIST OF MORE THAN 20 PARTNERS BUT HAD NOT REGISTERED THEMSELVES UNDER THE SOCIETIES ORDINANCE, THEN THE ISSUE WOULD BE DETERMINED BY A COURT, AND THE AMENDMENT CONTAINED IN THE BILL WOULD NOT AFFECT THE DEFENDANT'S POINT OF LAW.

THE AMENDMENT WOULD NOT ENABLE OTHER DEFENDANTS TO OTHER LEGAL ACTIONS TO TAKE THE SAME POINT AFTER JUNE 21.

"IN THE CIRCUMSTANCES, I AM SATISFIED THAT AS THE RETROSPECTIVE ASPECT OF THIS BILL IS RESTRICTED, IT IS NOT UNREASONABLE AND DOES NOT ENCROACH UPON THE INDEPENDENCE OF OUR JUDICIARY OR THE RULE OF LAW OR CAUSE INJUSTICE TO ANYBODY," MR LEE CONCLUDED.

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HIGHER STANDARDS OF WORKER SAFETY, HEALTH  
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THE PROPOSED OCCUPATIONAL SAFETY AND HEALTH COUNCIL WILL BRING ABOUT HIGHER STANDARDS OF SAFETY AND HEALTH FOR PEOPLE AT WORK, THE ACTING SECRETARY FOR EDUCATION AND MANPOWER, THE HON DOMINIC WONG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING DURING THE RESUMED DEBATE ON THE OCCUPATIONAL SAFETY AND HEALTH COUNCIL BILL 1988, MR WONG STRESSED THE COUNCIL WOULD BE AN INDEPENDENT BODY AND WOULD ENJOY THE ADVANTAGES OF SUCH INDEPENDENCE IN MATTERS SPECIFIED IN THE BILL.

/THIS WOULD .....

THIS WOULD ENABLE A DIVISION OF LABOUR BETWEEN PROMOTION AND ENCOURAGEMENT ON THE ONE HAND, AND INSPECTION AND ENFORCEMENT ON THE OTHER, HE SAID.

MR WONG POINTED OUT THE EXISTING DOUBLE IDENTITY OF THE LABOUR DEPARTMENT AS BOTH "PROMOTER" AND "POLICEMAN", WHICH HE CONSIDERED AS UNSATISFACTORY.

THE MAIN OBJECT OF SETTING UP THE COUNCIL, HE SAID, WAS TO OVERCOME THIS PROBLEM AND ACHIEVE HIGHER OCCUPATIONAL SAFETY AND HEALTH STANDARDS.

MR WONG ALSO NOTED THE REMARK THAT THE COUNCIL SHOULD BE ABLE TO ADVISE THE GOVERNMENT ON POLICIES AND LEGISLATIVE PROPOSALS RELATING TO INDUSTRIAL SAFETY, AND TO MONITOR THE LABOUR DEPARTMENT'S ENFORCEMENT ACTION.

HE SAID CONSTRUCTIVE SUGGESTIONS FROM THE COUNCIL, WHETHER RELATED TO POLICY OR OTHER AREAS, WERE WELCOME, AS ONE MAJOR FUNCTION OF THE COUNCIL WAS TO "ADVISE THE GOVERNMENT ON ANY LEGISLATIVE MEASURES NECESSARY TO IMPROVE THE STANDARDS OF HEALTH AND SAFETY AT WORK".

"WE FIND IT DIFFICULT, HOWEVER, TO ACCEPT THE SUGGESTION THAT THE COUNCIL SHOULD MONITOR THE LABOUR DEPARTMENT'S STATUTORY FUNCTIONS.

"IT WOULD BE MORE APPROPRIATE FOR THE DEPARTMENT TO BE ACCOUNTABLE TO THE GOVERNMENT," MR WONG SAID, ADDING THAT THE DEPARTMENT WOULD NO DOUBT CO-OPERATE WITH THE COUNCIL IN PROMOTING SAFETY AND HEALTH AT WORK.

REFERRING TO A SUGGESTION THAT THE COUNCIL'S, OPERATIONS BE REVIEWED AFTER ONE YEAR TO SEE IF ITS RESPONSIBILITY SHOULD BE EXPANDED, MR WONG SAID ONE YEAR WOULD BE A LITTLE TOO SHORT.

"BUT IN VIEW OF MEMBERS' KEEN INTEREST IN THIS MATTER, I AGREE THAT SUCH A REVIEW SHOULD TAKE PLACE," HE SAID.

MR WONG ALSO ADDED THAT SUGGESTIONS REGARDING THE APPOINTMENT OF THE CHAIRMAN WOULD BE TAKEN INTO CONSIDERATION BEFORE THE COUNCIL WAS SET UP.

AS REGARDS ELECTED MEMBERSHIP, HE SAID MORE CONSIDERATION WOULD BE REQUIRED, AND IT WOULD NOT BE POSSIBLE TO CONSIDER THIS IN THE FIRST ROUND OF APPOINTMENT.

ON REFERENCES TO THE OBJECTION IN PRINCIPLE OF THE INSURANCE COUNCIL OF HONG KONG TO ANY LEVY ON INSURANCE PREMIUM BEING USED TO FINANCE STATUTORY BODIES, MR WONG SAID THIS MATTER HAD BEEN DISCUSSED BEFORE WITH REPRESENTATIVES OF THE INSURANCE INDUSTRY.

"OUR CONCLUSION REMAINS, HOWEVER, THAT IT IS ENTIRELY APPROPRIATE TO FUND THE COUNCIL BY A LEVY ON EMPLOYEES' COMPENSATION INSURANCE PREMIUM AS THE WORK OF THE COUNCIL WILL HELP TO REDUCE THE NUMBER OF ACCIDENTS IN EMPLOYMENT, WHICH IN TURN HAS A DIRECT BEARING ON INSURANCE PREMIUM PAID," HE SAID.

LATER IN THE COMMITTEE STAGE, MR WONG MOVED AMENDMENTS TO CLAUSES 13, 14, 15, 17 AND 24 WHICH, HE SAID, RESULTED FROM FURTHER CONSULTATION WITH THE INSURANCE INDUSTRY AFTER THE BILL WAS GAZETTED.

"THE PROPOSED AMENDMENT TO CLAUSE 13 EXTENDS THE NOTICE PERIOD FOR SUBSEQUENT CHANGES TO THE RATE OF LEVY FROM 30 TO 60 DAYS," HE SAID.

"THIS WILL GIVE THE INSURANCE INDUSTRY AMPLE TIME TO NOTIFY THEIR CLIENTS."

THE NOTICE PERIOD FOR THE FIRST RATE OF THE LEVY REMAINED UNCHANGED AT 30 DAYS AS THERE WOULD BE A FEW MONTHS GAP BEFORE THE LEVY PROVISION CAME INTO EFFECT.

ON CLAUSE 14, MR WONG SAID THE AMENDMENT MADE IT CLEAR THAT THE INSURER OR ITS AGENT HAD THE RESPONSIBILITY TO RECEIVE THE LEVY.

THE ORIGINAL REFERENCE TO INVOICES HAD BEEN DELETED AT THE REQUEST OF THE INSURANCE INDUSTRY.

"THE PROPOSED AMENDMENT TO CLAUSE 15 INTRODUCES THE FIRST PART OF THE INSPECTION MECHANISM BY REQUIRING THE INSURER TO KEEP AND MAINTAIN PROPER RECORDS, AND TO SUBMIT AN ANNUAL CERTIFIED STATEMENT OF THE AMOUNTS OF PREMIUM AND LEVY RECEIVED," MR WONG CONTINUED.

"NEW CLAUSE 17 SET OUT THE SECOND PART OF THE INSPECTION MECHANISM WHICH ENABLED THE PROPOSED COUNCIL TO INSPECT THE RECORDS KEPT BY THE INSURER AND TO REQUIRE THE INSURER TO FURNISH FURTHER INFORMATION, IF NECESSARY," HE SAID.

"IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE COMMERCIAL INFORMATION OF THE INSURER, SUB-CLAUSES 7 AND 8 PROHIBIT UNAUTHORISED DISCLOSURE EXCEPT FOR THE PURPOSES OF LEGAL PROCEEDINGS."

THE PROPOSED AMENDMENT TO CLAUSE 24, MR WONG SAID, WAS TO CREATE THE NECESSARY OFFENCES TO ENSURE THE INTEGRITY OF THE INSPECTION MECHANISM.

EXPLAINING THE CONCEPT BEHIND THESE AMENDMENTS, MR WONG SAID THEY EMBODIED AN INSPECTION MECHANISM WHICH NOT ONLY ENSURED THAT THE LEVY WAS PROPERLY COLLECTED AND REMITTED TO THE PROPOSED COUNCIL, BUT ALSO TOOK INTO ACCOUNT THE NORMAL BUSINESS PRACTICES OF THE INSURANCE INDUSTRY.

INSURANCE INDUSTRY WANTS PLEDGE ON LEVY

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THE GOVERNMENT SHOULD GIVE A FIRM ASSURANCE THAT THE INSURANCE INDUSTRY WILL NOT BE REQUIRED TO COLLECT FUNDS FOR STATUTORY BODIES OTHER THAN THE OCCUPATIONAL SAFETY AND HEALTH COUNCIL, THE HON HILTON CHEONG-LEEN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR CHEONG-LEEN WAS SPEAKING IN SUPPORT OF THE OCCUPATIONAL SAFETY AND HEALTH COUNCIL BILL 1988.

HE SAID UNDER THE BILL THE INSURANCE INDUSTRY WOULD BE RESPONSIBLE FOR COLLECTING THE REQUIRED LEVY ON INSURANCE PREMIUM TO BE USED FOR FINANCING THE ACTIVITIES OF THE OCCUPATIONAL SAFETY AND HEALTH COUNCIL.

HOWEVER, HE SAID, THE INSURANCE COUNCIL OF HONG KONG HAD OBJECTED IN PRINCIPLE TO ANY LEVY ON INSURANCE PREMIUM BEING USED FOR FINANCING STATUTORY BODIES.

THE INSURANCE INDUSTRY WAS CONCERNED THAT ONCE A PRECEDENT WAS SET, THE INDUSTRY COULD BE REQUIRED TO COLLECT FUNDS FOR OTHER BODIES FOR PURPOSES SUCH AS TRAFFIC SAFETY, FIRE OR CRIME PREVENTION, HE SAID.

THEREFORE, THE INDUSTRY WOULD LIKE TO HAVE A FIRM ASSURANCE FROM THE GOVERNMENT THAT THE ADOPTION OF THE BILL WOULD NOT BE THE THIN EDGE OF THE WEDGE AND THAT LATER ON THE GOVERNMENT WOULD NOT WANT THE INDUSTRY TO COLLECT OTHER LEVIES FOR OTHER BODIES, HE SAID.

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EXTENSION WOULD DILUTE FOUNDATION'S RESOURCES

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AN EXTENSION OF THE SCOPE OF THE QUEEN ELIZABETH FOUNDATION FOR THE MENTALLY HANDICAPPED TO COVER OTHER DISABILITY GROUPS WOULD MEAN SCATTERING AND DILUTING THE LIMITED RESOURCES OF THE FOUNDATION, THE ACTING SECRETARY FOR EDUCATION AND MANPOWER, THE HON DOMINIC WONG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY)..

WINDING UP DEBATE ON THE QUEEN ELIZABETH FOUNDATION FOR THE MENTALLY HANDICAPPED BILL 1988, MR WONG SAID SUCH A COURSE WOULD PROBABLY ACHIEVE MUCH LESS THAN IF THE FOUNDATION CONCENTRATED ON A PARTICULAR DISABILITY.

HE NOTED THAT THERE WERE ABOUT 110,000 MENTALLY HANDICAPPED PEOPLE IN HONG KONG, WHICH WAS THE LARGEST GROUP AMONG ALL DISABILITIES.

/"DESPITE THE .....

"DESPITE THE WIDE RANGE OF SERVICES OFFERED TO THEM, THERE ARE STILL SIGNIFICANT SHORTFALLS," HE SAID.

REGARDING OTHER DISABILITY GROUPS INCLUDING THE MENTALLY ILL, MR WONG SAID THERE WERE VARIOUS CHARITABLE FUNDS AND ORGANISATIONS TO WHICH THEY COULD TURN TO COMPLEMENT THE GOVERNMENT'S REHABILITATION PROGRAMME PLAN.

HOWEVER, HE AGREED THAT THE RESOURCES OF THE FOUNDATION SHOULD BE KEPT UNDER REGULAR REVIEW.

"IN THE EVENT THAT THE FOUNDATION HAS ACCUMULATED A SURPLUS OF INCOME WHICH IT CANNOT MEANINGFULLY SPEND, CONSIDERATION MAY THEN BE GIVEN TO EXPANDING THE SCOPE OF THE FOUNDATION TO COVER OTHER DISABILITY GROUPS," HE SAID.

SUGGESTIONS ON THE COMPOSITION OF THE COUNCIL OF THE FOUNDATION WOULD BE TAKEN INTO CONSIDERATION BEFORE THE COUNCIL WAS SET UP, HE ADDED.

REFERRING TO A POINT RAISED BY DR THE HON HENRIETTA IP, MR WONG SAID THE INTENTION WAS THAT THE FOUNDATION SHOULD LIAISE CLOSELY WITH THE REHABILITATION DEVELOPMENT CO-ORDINATING COMMITTEE TO ENSURE THAT THERE WOULD BE NO OVERLAP BETWEEN WHAT WAS FUNDED FROM GENERAL REVENUE AND THE ACTIVITIES OF THE FOUNDATION.

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FOUNDATION SHOULD COVER OTHER GROUPS OF DISABLED

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THE USE OF THE RESOURCES OF THE QUEEN ELIZABETH FOUNDATION FOR THE MENTALLY HANDICAPPED SHOULD BE KEPT UNDER CONSTANT REVIEW SO THAT, WHERE POSSIBLE, THE SCOPE OF THE FOUNDATION COULD BE EXPANDED TO COVER THE NEEDS OF OTHER GROUPS OF DISABLED PEOPLE, DR THE HON HENRIETTA IP SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE QUEEN ELIZABETH FOUNDATION FOR THE MENTALLY HANDICAPPED BILL 1988, DR IP SUGGESTED THAT MEMBERSHIP OF THE COUNCIL OF THE FOUNDATION SHOULD INCLUDE PEOPLE CLOSELY INVOLVED WITH THE MENTALLY HANDICAPPED AND THE MULTIPLE HANDICAPPED AS WELL AS PARENTS OF THE MENTALLY HANDICAPPED.

/SHE NOTED .....

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SHE NOTED THAT THE REHABILITATION DEVELOPMENT CO-ORDINATING COMMITTEE, WHICH SHE CHAIRED, HAD SUGGESTED THAT THE AIMS OF THE FOUNDATION SHOULD SPECIFICALLY INCLUDE THE PROMOTION OF THE EMPLOYMENT PROSPECTS OF THE MENTALLY HANDICAPPED, IN ADDITION TO FURTHERING THEIR WELFARE, EDUCATION AND TRAINING.

SHE WAS GLAD THAT THIS ADVICE BY THE COMMITTEE HAD BEEN TAKEN INTO ACCOUNT, AND WAS NOW REFLECTED IN THE BILL.

DR IP ALSO STRESSED THAT THE FOUNDATION SHOULD LIAISE CLOSELY WITH THE REHABILITATION DEVELOPMENT CO-ORDINATING COMMITTEE TO ENSURE THAT THERE WAS NO OVERLAP BETWEEN WHAT WAS BEING FUNDED FROM GENERAL REVENUE IN IMPLEMENTING THE REHABILITATION PROGRAMME PLAN AND THE ACTIVITIES OF THE FOUNDATION.

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MENTALLY ILL SHOULD BE INCLUDED IN COVERAGE  
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THE GOVERNMENT SHOULD CONSIDER EXTENDING THE SCOPE OF COVERAGE OF THE QUEEN ELIZABETH FOUNDATION FOR THE MENTALLY HANDICAPPED, THE HON HUI YIN-FAT SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE QUEEN ELIZABETH FOUNDATION FOR THE MENTALLY HANDICAPPED BILL 1988, MR HUI SAID THE EXCLUSION OF OTHER DISABLED GROUPS FROM THE PROVISIONS WAS SOMEWHAT DISAPPOINTING.

FOR EXAMPLE, THE MENTALLY ILL HAD AN EQUALLY PRESSING NEED FOR THE FURTHERANCE OF REHABILITATION SERVICE AND PROMOTION OF THEIR EMPLOYMENT PROSPECTS AND THEIR DEMANDS WERE FAR FROM BEING MET.

"THEREFORE, COULD THE GOVERNMENT INFORM THIS COUNCIL WHETHER THERE ARE FUNDING RESOURCES FROM WHICH ASSISTANCE FOR THE MENTALLY ILL CAN BE OBTAINED, AND, IF NOT, WHETHER IT WILL CONSIDER EXTENDING THE SCOPE OF COVERAGE OF THE QUEEN ELIZABETH FUND?" HE ASKED.

MR HUI SAID HE WAS PLEASED TO NOTE THAT THE COUNCIL OF THE QUEEN ELIZABETH FOUNDATION WOULD CONSIST OF FIVE TO NINE APPOINTED MEMBERS.

"I WISH TO EMPHASISE THAT VOLUNTARY AGENCIES, BEING THE PIONEER OF HONG KONG'S REHABILITATION SERVICES AND HAVING LONG YEARS OF WORKING EXPERIENCE BEHIND THEM, COULD MAKE INVALUABLE CONTRIBUTION TOWARDS USING THE FOUNDATION FOR THE BENEFIT OF THE MENTALLY HANDICAPPED," HE SAID.

HE ADDED THAT THE ESTABLISHMENT OF THE QUEEN ELIZABETH FOUNDATION ANSWERED A LONG-FELT NEED FOR THE ALLOCATION OF MORE RESOURCES TO DEVELOP WELFARE, EDUCATION AND TRAINING SERVICES FOR MENTALLY HANDICAPPED PEOPLE.

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RESTAURANTS STOPPED FROM FLOUTING LAW  
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THE PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) (NO. 2) BILL 1988 WOULD PROVIDE THE URBAN AND REGIONAL COUNCILS WITH THE NECESSARY TEETH TO PREVENT UNLICENSED RESTAURANTS FROM OPENLY FLOUTING THE LAW TO THE DETRIMENT OF THE GENERAL HEALTH OF THE COMMUNITY.

THE HON HILTON CHEONG-LEEN SAID THIS DURING THE RESUMED DEBATE ON SECOND READING OF THE BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR CHEONG-LEEN SAID HE SUPPORTED THE BILL WHICH WOULD EMPOWER A MAGISTRATE'S COURT TO MAKE A CLOSURE ORDER IN RESPECT OF PREMISES TO WHICH FOOD AND DRUG HYGIENE REGULATIONS APPLIED AND AGAINST WHICH A PROHIBITION ORDER HAD BEEN MADE AND NOT COMPILED WITH.

UNDER THE EXISTING LAW, ANY PERSON WHO OPERATED A RESTAURANT WITHOUT A LICENCE COMMITTED AN OFFENCE AND MIGHT BE PROSECUTED, HE SAID.

HOWEVER, HE SAID, DUE TO PROBLEMS IN INTERPRETATION OF THE LAW IT HAD NOT BEEN POSSIBLE SINCE 1972 FOR THE DEPARTMENTS CONCERNED TO CARRY OUT A CLOSURE ORDER AGAINST AN UNLICENSED RESTAURANT.

"PROHIBITION ORDERS WHICH PROHIBIT THE USE OF THE PREMISES WERE OPENLY AND EASILY FLOUTED SIMPLY BY WILLINGNESS TO RECEIVE FURTHER SUMMONS AND PAYING HIGHER FINANCIAL PENALTIES IF FOUND GUILTY," HE NOTED.

MR CHEONG-LEEN SUGGESTED THAT BEFORE THE BILL CAME INTO FORCE ON OCTOBER 1, WIDE PUBLICITY SHOULD BE GIVEN TO ITS PROVISIONS TO ENSURE THAT BOTH THE COURTS AND THE TRADE WERE FULLY AWARE OF ITS PROVISIONS.

WINDING UP THE DEBATE, THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON ADOLF HSU, SAID HE WAS GRATEFUL TO MR CHEONG-LEEN FOR HIS SUPPORT.

"I WOULD LIKE TO ASSURE HIM THAT APPROPRIATE PUBLICITY WILL BE GIVEN TO THE BILL BEFORE IT COMES INTO OPERATION ON OCTOBER 1," HE ADDED.

WEDNESDAY, JULY 20, 1988

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TEN BILLS PASSED

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TEN BILLS WERE PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) WHEN THE COUNCIL HELD ITS FINAL MEETING IN THE 1987-88 SESSION.

THE BILLS PASSED INCLUDED THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS BILL 1988, TRAVEL AGENTS (AMENDMENT) BILL 1988, TELEVISION (AMENDMENT) BILL 1988, AND NOISE CONTROL BILL 1988.

THE OTHER SIX WERE THE BANKING (AMENDMENT) (NO. 2) BILL 1988, MONEY LENDERS (AMENDMENT) BILL 1988, SOCIETIES (AMENDMENT) (NO. 3) BILL 1988, OCCUPATIONAL SAFETY AND HEALTH COUNCIL BILL 1988, QUEEN ELIZABETH FOUNDATION FOR THE MENTALLY HANDICAPPED BILL 1988, AND PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) (NO. 2) BILL 1988.

A MOTION UNDER THE TELEPHONE ORDINANCE, MOVED BY THE CHIEF SECRETARY, WAS ALSO APPROVED BY THE COUNCIL.

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MOTION ON NEW TELCO SERVICE PASSED

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THE HONG KONG TELEPHONE CO LTD PROPOSES TO INTRODUCE A NEW SERVICE KNOWN AS CENTREX, THE FINANCIAL SECRETARY, THE HON PIERS JACOBS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"THIS NEW SERVICE WILL PROVIDE SUBSCRIBERS WITH A RANGE OF FACILITIES SIMILAR TO THOSE PROVIDED BY PRIVATE AUTOMATIC BRANCH EXCHANGES (PABX'S), E.G. INTERCOM DIALLING, SPEED CALLING, CALL HOLD ETC.," MR JACOBS SAID.

HE WAS MOVING A MOTION THAT THE COUNCIL AMEND PART I OF THE SCHEDULE TO THE TELEPHONE ORDINANCE, ADDING TO THE SCHEDULE CHARGES FOR THE NEW CENTREX SERVICE.

THE MOTION WAS PASSED.

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WEDNESDAY, JULY 20, 1988

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COMPRESSED AIR WORK: SAFETY PROVISIONS ADEQUATE

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THE EXISTING PROVISIONS IN LAW AND ENFORCEMENT ARE ADEQUATE TO SAFEGUARD THE SAFETY AND HEALTH OF WORKERS ENGAGED IN COMPRESSED AIR WORK, THE ACTING SECRETARY FOR EDUCATION AND MANPOWER, THE HON DOMINIC WONG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY DR THE HON HENRIETTA IP, MR WONG POINTED OUT THAT SINCE 1987 ONLY THE EASTERN HARBOUR CROSSING PROJECT INVOLVED WORK IN COMPRESSED AIR.

HE SAID THAT BETWEEN MAY 1987 WHEN SUCH WORK BEGAN AND JUNE THIS YEAR, 244 DECOMPRESSION SICKNESS CASES ARISING FROM WORK IN COMPRESSED AIR WERE REPORTED TO THE LABOUR DEPARTMENT.

THESE CASES WERE DIVIDED INTO TWO TYPES ACCORDING TO THE DEGREE OF SERIOUSNESS: 239 WERE CATEGORISED AS TYPE I OR MILD CASES, AND FIVE WERE TYPE II OR MORE SERIOUS CASES, HE SAID.

CONCERNING THE NATURE OF SICKNESS, MR WONG EXPLAINED THAT IN COMPRESSED AIR MORE NITROGEN DISSOLVED IN THE BODY FLUIDS THAN AT NORMAL PRESSURE.

IF THE AIR PRESSURE WAS SUDDENLY REDUCED, BUBBLES OF NITROGEN WOULD FORM IN THE BODY TISSUES AND IN THE BLOODSTREAM, PRODUCING SYMPTOMS COLLECTIVELY KNOWN AS THE "BENDS".

"IN TYPE I CASES, PATIENTS SUFFER FROM PAIN IN ONE OR MORE OF THEIR LIMBS BUT DO NOT FEEL OR LOOK ILL. THE INTENSITY OF THE PAIN VARIES FROM SLIGHT TO AGONISING," HE SAID.

"IN TYPE II CASES, PATIENTS USUALLY FEEL AND APPEAR ILL. IN ADDITION TO PAINS IN THE LIMBS, THEIR BLOOD CIRCULATION SYSTEM, NEUROLOGICAL SYSTEM, RESPIRATORY SYSTEM OR DIGESTIVE SYSTEM MAY BE AFFECTED."

TURNING TO THE QUESTION OF ADEQUACY OF MEASURES TO SAFEGUARD THE HEALTH OF WORKERS, MR WONG POINTED OUT THAT COMPRESSED AIR OPERATIONS WERE GOVERNED BY THE FACTORIES AND INDUSTRIAL UNDERTAKINGS (WORK IN COMPRESSED AIR) REGULATIONS.

"CONTRACTORS ARE REQUIRED TO PROVIDE ADEQUATE MEDICAL SUPERVISION AND TREATMENT FACILITIES FOR WORKERS. A MEDICAL PRACTITIONER MUST BE APPOINTED TO SUPERVISE ALL MEDICAL MATTERS RELATING TO SUCH WORK," HE SAID.

"A NEW HAND CAN ONLY START WORK IF HE HAS OBTAINED A CERTIFICATE OF FITNESS NOT MORE THAN THREE DAYS BEFORE EMPLOYMENT."

"REGULAR WORKERS MUST ALSO OBTAIN CERTIFICATES OF FITNESS EVERY FOUR WEEKS BEFORE THEY CAN CONTINUE TO BE EMPLOYED."

/"EVEN WITH .....

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"EVEN WITH THE FITNESS CERTIFICATE, A WORKER CANNOT BE EMPLOYED IN COMPRESSED AIR WORK IF HE IS SUFFERING FROM A COLD, CHEST INFECTION, SORE THROAT OR EARACHE.

"ANY WORKER SUFFERING FROM THESE OR OTHER ILLNESSES AND HAS BEEN ABSENT FROM WORK FOR MORE THAN THREE DAYS MUST BE RE-EXAMINED AND CERTIFIED TO BE FIT BEFORE HE CAN RESUME WORK.

"IN ADDITION, ALL WORKERS ARE REQUIRED TO UNDERGO X-RAY EXAMINATIONS OF THEIR MAJOR JOINTS WITHIN FOUR WEEKS OF EMPLOYMENT AND ANNUALLY THEREAFTER."

MR WONG SAID THE REGULATIONS ALSO SPECIFIED THE PROPER USE OF COMPRESSED AIR MAN-LOCKS AND THEIR CONTROL BY TRAINED LOCK ATTENDANTS.

IN ADDITION, A NEW WORKER MUST BE ACCOMPANIED BY A PERSON EXPERIENCED IN COMPRESSED AIR WORK. THE EMPLOYER WAS REQUIRED TO GIVE AN ADVISORY LEAFLET TO THE NEW WORKER ADVISING HIM TO FOLLOW ALL THE RULES.

A MEDICAL LOCK FOR IMMEDIATE TREATMENT PURPOSES MUST BE KEPT READY ON SITE AT ALL TIMES.

ALSO, EVERY WORKER MUST WEAR A LABEL GIVING THE ADDRESS OF THE TREATMENT FACILITIES TO WHICH HE SHOULD BE SENT IF TAKEN ILL AFTER WORK.

"IN ORDER TO ENFORCE THE REGULATIONS IN THE CASE OF THE EASTERN HARBOUR CROSSING PROJECT, THE LABOUR DEPARTMENT HAS A SPECIAL UNIT OF THREE EXPERIENCED FACTORY INSPECTORS TO CONDUCT PERIODIC SITE INSPECTIONS, AND TO PROVIDE ADVICE AND COURSES ON SAFETY AT WORK IN COMPRESSED AIR FOR SITE PERSONNEL," MR WONG SAID.

"A BOOKLET ENTITLED 'LOCK ATTENDANT'S HANDBOOK', IN ENGLISH AND CHINESE, IS MADE AVAILABLE TO COMPRESSED AIR MAN-LOCK ATTENDANTS."

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POLICY ON FOREIGN LAWYERS BEING REVIEWED

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THE GOVERNMENT IS REVIEWING THE POLICY ON FOREIGN LAW FIRMS, THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY DR THE HON HELMUT SOHMEN, MR MATHEWS SAID THE GOVERNMENT'S RECOMMENDATIONS WOULD, IN DUE COURSE, BE PUT TO THE EXECUTIVE COUNCIL.

/HE SAID .....

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HE SAID THE REVIEW WAS BEING CONDUCTED IN THE LIGHT OF A REPORT TO THE GOVERNOR BY THE FORMER CHIEF JUSTICE.

THIS REPORT CONSIDERED VARIOUS ISSUES, INCLUDING THE SPECIFIC QUESTION OF THE WORK WHICH FOREIGN LAW FIRMS SHOULD BE PERMITTED TO UNDERTAKE AND WHETHER THEY SHOULD BE ALLOWED TO EMPLOY, OR TAKE INTO PARTNERSHIP, LOCALLY QUALIFIED SOLICITORS.

IN ADDITION, HE SAID, A NUMBER OF AMERICAN LAW FIRMS IN HONG KONG HAD PETITIONED THE GOVERNOR, SEEKING TO BE ALLOWED TO EMPLOY, OR TO ADMIT AS PARTNERS, HONG KONG SOLICITORS, WHO MIGHT CONTINUE TO PRACTISE HONG KONG LAW OR SUCH OTHER LAW AS THEY WERE QUALIFIED TO PRACTISE IN THE NAME OF THE FOREIGN LAW FIRMS.

THEY ALSO SOUGHT A CHANGE IN THE LAW TO ENABLE ADMISSION TO PRACTISE AS A SOLICITOR TO BE BASED ON MOTION WITHOUT EXAMINATION IF RECIPROCAL PRIVILEGES HAD BEEN ACCORDED TO HONG KONG PRACTITIONERS IN THE JURISDICTION OF THE APPLICANT.

IT WAS IN THE LIGHT OF THESE DEVELOPMENTS THAT THE CURRENT REVIEW WAS BEING CONDUCTED, MR MATHEWS EXPLAINED.

"ALL I CAN SAY AT THIS STAGE IS THAT THESE RECOMMENDATIONS WILL BE FORMULATED ON THE BASIS OF HONG KONG'S BEST INTERESTS, TAKING INTO ACCOUNT THE NEED FOR HIGH QUALITY LEGAL SERVICES COMMENSURATE WITH HONG KONG'S POSITION AS A MAJOR INTERNATIONAL CENTRE OF COMMERCE AND FINANCE," HE SAID.

THE ATTORNEY GENERAL SAID THE GOVERNMENT FULLY SUPPORTED ANY ACTION TAKEN BY THE LEGAL PROFESSION TO ENSURE THAT THE HIGHEST POSSIBLE STANDARDS OF LEGAL SERVICES WERE PROVIDED TO THE COMMUNITY.

"AT THE SAME TIME, IN LINE WITH ITS PHILOSOPHY IN SO MANY OTHER AREAS, GOVERNMENT DOES NOT FAVOUR RESTRICTIVE PRACTICES AIMED AT PROTECTING PARTICULAR GROUPS AGAINST COMPETITION.

"THERE IS CLEARLY A BALANCE TO BE STRUCK BETWEEN THESE TWO AIMS," HE SAID.

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FIRE SERVICES PLANS REGISTRY ON CHEMICALS

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THE FIRE SERVICES DEPARTMENT IS SEEKING APPROVAL FOR THE ACQUISITION OF A CENTRAL REGISTRY SYSTEM CONCERNING CHEMICAL PRODUCTS, THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON ADOLF HSU, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY PROF THE HON C. K. POON, MR HSU SAID THE SYSTEM WOULD PROVIDE INFORMATION TO IDENTIFY CHEMICAL PRODUCTS, THEIR INHERENT HAZARDS AND THE CORRECT PROCEDURES FOR DEALING WITH THEM IN EMERGENCIES.

"IT WILL BE A MICRO COMPUTER SYSTEM WORKING ON A SUBSCRIBED PACKAGE DATA BASE," HE SAID.

"ONCE THE SYSTEM IS OPERATIONAL, THE DEPARTMENT WILL BE ABLE TO OBTAIN THE RELEVANT INFORMATION VERY RAPIDLY AND THIS SHOULD GREATLY ASSIST THE DEPARTMENT IN ITS FIRE FIGHTING AND RESCUE OPERATIONS."

MR HSU SAID THAT IN THE INTERIM, ARRANGEMENTS HAD BEEN MADE FOR THE DEPARTMENT TO OBTAIN INFORMATION ON HAZARDOUS CHEMICAL PRODUCTS FROM THE ENVIRONMENTAL PROTECTION DEPARTMENT.

THE EPD HAD A LIMITED SYSTEM CONTAINING INFORMATION ON THE PROPERTIES OF HAZARDOUS CHEMICALS, DECONTAMINATION AND FIRST AID MEASURES, AS WELL AS RECOMMENDATIONS ON PROTECTIVE CLOTHING AND FIRE FIGHTING METHODS.

IN ADDITION, THE GOVERNMENT LABORATORY HAD A 24-HOUR STANDBY SERVICE WHEREBY OFFICERS COULD BE CALLED OUT TO ANY SITE WHERE THERE WAS A PROBLEM OR DANGEROUS SITUATION INVOLVING CHEMICALS, WHETHER LEAKING OR OTHERWISE.

IN THE CASE OF PHARMACEUTICALS, AN INFORMATION SERVICE ON DRUGS AND DRUG THERAPY, ACUTE AND CHRONIC POISONING FROM DRUGS OR CHEMICALS AND ADVERSE DRUG REACTIONS, HAD BEEN PROVIDED SINCE JANUARY THIS YEAR BY THE DEPARTMENT OF CLINICAL PHARMACOLOGY OF THE CHINESE UNIVERSITY OF HONG KONG AND BASED AT THE PRINCE OF WALES HOSPITAL.

"THIS SERVICE IS AVAILABLE TO ALL MEMBERS OF THE MEDICAL PROFESSION AND IS PUBLICISED THROUGH THE MEDICAL ASSOCIATIONS," MR HSU ADDED.

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STEPS BEING TAKEN TO IMPROVE SCHOOL MEDICAL SERVICE

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AS A RESULT OF A RECENT REVIEW BY THE SCHOOL MEDICAL SERVICE BOARD, DEFICIENCIES IN THE SCHOOL MEDICAL SERVICE SCHEME HAVE BEEN IDENTIFIED.

THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON ADOLF HSU, STATED THIS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION BY DR THE HON CONRAD LAM.

MR HSU SAID THAT AS TO QUALITY OF SERVICE, A NUMBER OF COMPLAINTS HAD BEEN RECEIVED BY THE SCHOOL MEDICAL SERVICE BOARD SECRETARIAT OVER THE YEARS FROM PARENTS OF PARTICIPATING STUDENTS.

THESE COMPLAINTS MAINLY CONCERNED DISCRIMINATORY TREATMENT IN DOCTORS' CLINICS, AND THE QUESTION OF WHETHER PATIENTS SHOULD BE CHARGED SEPARATELY FOR THE PROVISION OF MEDICINES.

THE PRINCIPAL DEFICIENCY IN THE EXISTING SCHEME WAS ADMINISTRATIVE IN NATURE, HE SAID.

AT PRESENT A SCHOOL PRINCIPAL CHOSE A NUMBER OF DOCTORS AND CIRCULATED THEIR NAMES TO PARENTS OF HIS STUDENTS INVITING THEM TO JOIN THE SCHEME.

"SINCE ENROLMENT IN THE SCHEME IS VOLUNTARY, A STUDENT'S ABILITY OR INCENTIVE TO PARTICIPATE IS INFLUENCED BY THE ATTITUDE OF THE SCHOOL PRINCIPAL," HE SAID.

"SOME PRINCIPALS ARE NOT INTERESTED IN THE SCHEME AND REFUSE PARTICIPATION BY THEIR SCHOOLS, THEREBY MAKING IT VERY INCONVENIENT FOR INDIVIDUAL STUDENTS TO JOIN EVEN IF THEY WISH BECAUSE THEY WOULD THEN HAVE TO BE REGISTERED IN PERSON AT THE BOARD'S OFFICE.

"CERTAIN PARENTS MAY NOT WISH THEIR CHILDREN TO PARTICIPATE BECAUSE THE DOCTORS SELECTED BY THE SCHOOL ARE UNKNOWN TO THEM OR THEIR CLINICS ARE INCONVENIENTLY LOCATED."

MR HSU ALSO SAID THAT THE SCHOOL MEDICAL SERVICE BOARD, WORKING CLOSELY WITH THE GOVERNMENT, HAD DRAWN UP A NUMBER OF IMMEDIATE REMEDIES, ESTABLISHING A SUB-COMMITTEE TO INVESTIGATE COMPLAINTS SINCE SEPTEMBER 1987.

IT HAD ALSO DECIDED TO MAKE ADMINISTRATIVE CHANGES TO THE "SCHOOL CHOOSES DOCTOR" SYSTEM AND INTRODUCE A SYSTEM WITH PARENTAL CHOICE IN DOCTORS STARTING FROM THE NEXT ACADEMIC YEAR.

THE SYSTEM INVOLVED PARENTS CHOOSING FROM A LIST OF PARTICIPATING DOCTORS DRAWN UP BY THE BOARD AND CIRCULATED THROUGH THE SCHOOLS.

/THIS WOULD .....

THIS WOULD HELP TO OBTAIN THE DEFICIENCIES AND ALSO ENABLE PARENTS TO CHANGE THEIR CHOICE OF DOCTORS ON A YEAR-BY-YEAR BASIS, AND THUS THE QUALITY OF SERVICE COULD BE ENSURED.

MR HSU SAID THE SCHOOL MEDICAL SERVICE BOARD HAD PUT FORWARD A NUMBER OF PROPOSALS TO THE GOVERNMENT TO IMPROVE THE EXISTING SCHEME.

"THEY RELATE MAINLY TO THE LEVEL OF REMUNERATION PAYABLE TO DOCTORS, THE LEVEL OF ENROLMENT FEE PAYABLE BY PARENTS, PROCEDURES RELATING TO THE ISSUE OF PRESCRIPTIONS AND MEDICINES, AND THE NEED FOR AN INCREASED ELEMENT OF PREVENTIVE MEDICINE IN THE SCHEME."

HE ADDED THAT THE SECRETARY FOR HEALTH AND WELFARE WOULD APPOINT A WORKING GROUP TO EXAMINE THE BOARD'S PROPOSALS AND TO REVIEW THE SCHOOL MEDICAL SERVICE SCHEME AND ITS FUTURE DIRECTION, WITH A VIEW TO FINDING THE MOST APPROPRIATE WAY IN DELIVERING MEDICAL SERVICES TO SCHOOL CHILDREN.

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#### NO PLAN TO CONTROL PRIVATE FUNERAL FUNDS

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THE GOVERNMENT HAS NO PLAN, NOR CONSIDERS IT JUSTIFIED, TO INTRODUCE LEGISLATIVE CONTROL OVER PRIVATE FUNERAL FUNDS FOR THE ELDERLY, THE LEGISLATIVE COUNCIL WAS TOLD TODAY (WEDNESDAY).

THE HON PAULINE NG HAD ASKED WHETHER THERE WAS ANY PLAN TO INTRODUCE LEGISLATIVE CONTROL OVER THE ESTABLISHMENT OF PRIVATE FUNERAL FUNDS FOR THE ELDERLY AND WHAT MEASURES WOULD BE TAKEN TO PROTECT PARTICIPANTS CONTRIBUTING TO SUCH FUNDS.

IN A WRITTEN REPLY, THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON DONALD LIAO, EXPLAINED THAT A NUMBER OF FUNERAL FUNDS FOR THE ELDERLY WERE BEING OPERATED ESSENTIALLY AS PRIVATE ARRANGEMENTS BY TRADITIONAL ORGANISATIONS SUCH AS KAIFONG AND CLANSMEN ASSOCIATIONS IN SOME DISTRICTS.

MEMBERS MIGHT PAY A SMALL MONTHLY SUBSCRIPTION, RANGING FROM \$1 TO \$10, FOR A SPECIFIED PERIOD AND THE FUND PAID FAMILY MEMBERS A FUNERAL SUBSIDY WHEN A MEMBER PASSED AWAY.

ALTERNATIVELY, THEY PAID NO MONTHLY SUBSCRIPTION AND WHEN A MEMBER DIED THE SURVIVING MEMBERS IN THE FUND ALL CONTRIBUTED A FIXED AMOUNT TO SUBSIDISE FUNERAL EXPENSES.

"THE ESTABLISHMENT OF THESE FUNDS CAN BE TRACED TO THE EARLY 1940'S," MR LIAO SAID.

/ "DURING RECENT .....

"DURING RECENT YEARS, THEY HAVE RAPIDLY LOST THEIR POPULARITY MAINLY AS A RESULT OF IMPROVED SERVICES TO THE ELDERLY, CHEAPER FUNERAL SERVICES AND GENERAL ACCEPTANCE OF CREMATION.

"MOST OF THE FUNDS BEING OPERATED ARE FACING DECLINING MEMBERSHIP, AND SOME HAVE CEASED TO RECRUIT NEW MEMBERS AS A RESULT OF DIMINISHED SUPPORT."

MR LIAO EMPHASISED THAT THE FUNDS WERE GENERALLY WELL MANAGED AND NO COMPLAINTS HAD BEEN RECEIVED ON EITHER THEIR MANAGEMENT OR OPERATION IN THE LAST FEW YEARS.

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#### QUOTAS ON CROSS-BORDER CAR TRAFFIC

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THE NUMBER OF PRIVATE CARS ALLOWED TO CROSS INTO CHINA IS REGULATED BY QUOTAS AGREED BY THE HONG KONG AND SHENZHEN AUTHORITIES.

SIR DAVID FORD, IN HIS CAPACITY AS CHIEF SECRETARY, STATED THIS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION BY THE HON POON CHI-FAI.

SIR DAVID SAID THE QUOTAS CURRENTLY STOOD AT 300 FOR THE MAN KAM TO BORDER CROSSING POINT AND 600 FOR SHA TAU KOK.

THE HIGHER QUOTA AT SHA TAU KOK WAS TO RELIEVE PRESSURE AT MAN KAM TO WHICH WAS OPERATING CLOSE TO CAPACITY.

"THE PRESENT NUMBER OF CARS MAKING USE OF THIS FACILITY IS 263 FOR MAN KAM TO AND 397 FOR SHA TAU KOK. THE QUOTAS ARE THEREFORE NOT FULLY TAKEN UP," HE SAID.

SIR DAVID POINTED OUT THAT THE GOVERNMENT WAS NOT IN A POSITION TO PROVIDE INFORMATION ON CHINA'S TRAFFIC OR CUSTOMS REGULATIONS FOR HONG KONG RESIDENTS TRAVELLING BY CAR TO CHINA.

"THIS IS A MATTER FOR THE CHINESE AUTHORITIES, ALTHOUGH ISSUES THAT HAVE ARISEN ARE RAISED DURING REGULAR BORDER LIAISON MEETINGS," HE SAID.

AT PRESENT, ALL VEHICLES ENTERING CHINA WERE SUBJECT TO CHINESE LICENSING AND REGISTRATION REQUIREMENTS AND THE DRIVERS WERE REQUIRED TO PASS A CHINESE DRIVING TEST.

/"DRIVERS ARE .....

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"DRIVERS ARE THEREFORE GIVEN ALL NECESSARY INSTRUCTION ON TRAFFIC REGULATIONS AND PROCEDURES BY THE CHINESE AUTHORITIES BEFORE BEING ALLOWED TO DRIVE THERE," HE SAID.

"SHOULD ANY ADDITIONAL INFORMATION BE REQUIRED, DRIVERS OR VEHICLE OWNERS CAN MAKE ENQUIRIES OF THE SHENZHEN AUTHORITIES."

ON CUSTOMS REGULATIONS, SIR DAVID SAID THE SHENZHEN AUTHORITIES ISSUED A "CUSTOMS HANDBOK FOR DRIVERS" WHEN VEHICLES PASSED A VEHICLE INSPECTION, WHICH WAS A CONDITION FOR BEING ALLOWED TO DRIVE IN SHENZHEN.

"THIS MATTER WAS RAISED AT A REGULAR BORDER LIAISON MEETING ON JULY 14 AND THE SHENZHEN AUTHORITIES UNDERTOOK TO CONSIDER WHETHER MORE INFORMATION ABOUT CUSTOMS REGULATIONS SHOULD BE GIVEN TO HONG KONG DRIVERS CROSSING INTO CHINA," HE ADDED.

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#### MARBLE CAVERNS NOT CAUSING DANGER TO EXISTING BUILDINGS

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THE GEOTECHNICAL CONTROL OFFICE (GCO) HAS NO REASON TO BELIEVE THAT THE PRESENCE OF CAVERNS IN THE MARBLE IN YUEN LONG IS POSING ANY DANGER TO EXISTING BUILDINGS, BUT IT WILL CONTINUE TO MONITOR THE SITUATION.

THE ACTING SECRETARY FOR LANDS AND WORKS, THE HON ROBIN SAUNDERS, GAVE THIS REASSURANCE IN A WRITTEN REPLY TO A QUESTION BY THE HON LAU WONG-FAT IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) ON THE EXTENT THE UNDERGROUND CAVES IN YUEN LONG WOULD AFFECT DEVELOPMENT OF THE DISTRICT.

HE ALSO ASKED WHETHER A FULL SCALE SURVEY OF YUEN LONG WOULD BE CARRIED OUT AND WHAT MEASURES TAKEN TO ENSURE THE SAFETY OF THE BUILDINGS IN THE DISTRICT.

MR SAUNDERS SAID THE PRESENCE OF CAVERNS IN THE MARBLE UNDER DEVELOPMENT SITES IN YUEN LONG MIGHT CAUSE PROBLEMS FOR THE DESIGN AND CONSTRUCTION OF BUILDING FOUNDATIONS.

IF THE PRESENCE OF CAVERNS WAS SUSPECTED, DETAILED GEOTECHNICAL INVESTIGATIONS WOULD NEED TO BE CARRIED OUT AS PART OF THE DESIGN PROCESS.

"DESIGN AND CONSTRUCTION PROBLEMS CAN GENERALLY BE OVERCOME, BUT FOUNDATIONS OF BUILDINGS ON CAVERNOUS MARBLE ARE LIKELY TO BE MORE EXPENSIVE TO CONSTRUCT THAN NORMAL," HE SAID.

/ "HOWEVER, MARBLE .....

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"HOWEVER, MARBLE DOES NOT OCCUR EVERYWHERE IN THE YUEN LONG DISTRICT AND, EVEN WHERE IT DOES OCCUR, IT MAY NOT CONTAIN CAVITIES."

MR SAUNDERS ADDED THAT A MAJOR GEOLOGICAL MAPPING PROJECT AIMED AT LOCATING MARBLE BEDROCK WAS NOW BEING UNDERTAKEN BY THE GCO.

THIS INVOLVED THE DRILLING OF DEEP BOREHOLES AND THE ASSESSMENT OF EXISTING BOREHOLE DATA, RESULTING IN A SERIES OF DETAILED GEOLOGICAL MAPS SHOWING THE AREAS OF MARBLE KNOWN TO CONTAIN CAVITIES.

THE MAPS WOULD BE PRODUCED OVER THE NEXT 16 MONTHS WITH PRIORITY BEING GIVEN TO THE YUEN LONG TOWN AREA. A PRELIMINARY MAP WOULD BE AVAILABLE LATER THIS MONTH.

MR SAUNDERS POINTED OUT THAT IN ADDITION TO THE GEOLOGICAL MAPS, OTHER RELEVANT DATA SUCH AS BOREHOLE RECORDS AND INVESTIGATION REPORTS WERE BEING ASSEMBLED BY THE GCO.

THESE DATA WOULD PROVIDE A VALUABLE SOURCE OF INFORMATION FOR ENGINEERS AND ARCHITECTS IN THE DESIGN OF NEW DEVELOPMENTS.

"CONCERNING THE SAFETY OF BUILDINGS, THE DESIGN FOR FOUNDATIONS FOR ANY PRIVATE DEVELOPMENT MUST BE SUBMITTED FOR APPROVAL TO THE BUILDINGS ORDINANCE OFFICE, WHO WILL SEEK THE ADVICE OF THE GCO," HE SAID.

"THE INTENTION IS TO GIVE APPROVAL ONLY TO FOUNDATIONS WHICH WILL SAFELY SUPPORT THE BUILDINGS TO BE BUILT ON THEM."

THE GCO WAS BEING ASSISTED BY SPECIALIST CONSULTANTS, WHO WERE ADVISING ON THE MAPPING OF THE AREA AND ON SUITABLE DESIGN AND CONSTRUCTION STANDARDS, MR SAUNDERS ADDED.

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METROPLAN WILL COMPLEMENT NEW TOWN DEVELOPMENT

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THE METROPLAN WILL COMPLEMENT, RATHER THAN COMPETE WITH, THE DEVELOPMENT PROGRAMMES FOR THE NEW TOWNS TO WHICH THE GOVERNMENT IS FULLY COMMITTED, THE ACTING SECRETARY FOR LANDS AND WORKS, THE HON ROBIN SAUNDERS, STATED IN A WRITTEN REPLY TO THE HON LAU WONG-FAT IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR LAU WAS ASKING ABOUT THE EFFECTS THE METROPLAN WOULD HAVE ON THE OVERALL DEVELOPMENT OF THE NEW TOWNS.

/MR SAUNDERS .....

MR SAUNDERS EXPLAINED THAT METROPLAN WAS THE NAME GIVEN TO THE SUB-REGIONAL PLANNING STATEMENT FOR THE METROPOLITAN AREA WHICH INCLUDED HONG KONG ISLAND, KOWLOON, TSUEN WAN, KWAI CHUNG AND TSING YI.

"THE PURPOSE OF THE PLANNING STATEMENT IS TO SET DOWN THE GOVERNMENT'S OBJECTIVES FOR THE FUTURE DEVELOPMENT OF THIS AREA, AND TO PROVIDE A FRAMEWORK FOR THIS," HE SAID.

"THE DEMAND FOR TRANSPORT CAPACITY BETWEEN THE NEW TOWNS AND THE METROPOLITAN AREA IS BEING STUDIED IN THE CONTEXT OF THE SECOND COMPREHENSIVE TRANSPORT STUDY (CTS-2), WHICH WILL PRODUCE AN UPDATED PLAN OF TRANSPORT NETWORKS AND SERVICES TO MEET PREDICTED TERRITORY-WIDE TRAVEL NEEDS UP TO THE YEAR 2001.

"THE METROPLAN STUDY WILL TAKE ACCOUNT OF THE TRANSPORT FRAMEWORK DERIVED FROM CTS-2 IN RECOMMENDING LAND-USE PATTERNS FOR THE METROPOLITAN AREA," MR SAUNDERS SAID.

REGARDING JOB OPPORTUNITIES, MR SAUNDERS SAID METROPLAN WOULD EXPLORE THE SCOPE FOR ENCOURAGING THE DECENTRALISATION OF JOBS IN MANUFACTURING INDUSTRY, PARTICULARLY FROM HEAVILY CONGESTED AND OBSOLETE INDUSTRIAL ZONES.

"HOWEVER," HE SAID, "IT IS INEVITABLE THAT THE METROPOLITAN AREA WILL FOR SOME YEARS TO COME REMAIN THE CENTRE FOR MAJOR BUSINESS ACTIVITIES, ALTHOUGH 'SATELLITE' DEVELOPMENTS COULD OCCUR AT CERTAIN LOCATIONS WHERE IMPROVED ACCESSIBILITY IS LIKELY TO OCCUR."

AS REGARDS ENVIRONMENTAL IMPROVEMENTS, MR SAUNDERS SAID IT WAS THE AIM OF METROPLAN TO FOLLOW AS FAR AS POSSIBLE THE STANDARDS NOW APPLICABLE TO THE NEW TOWNS IN THE PROVISION OF COMMUNITY FACILITIES.

ON "CONSISTENCY" BETWEEN METROPLAN AND THE NEW TOWNS, HE SAID BOTH THE DEVELOPMENT OF THE METROPOLITAN AREA AND THE CONTINUED DEVELOPMENT OF THE NEW TOWNS FORMED PART OF THE STRATEGIC FRAMEWORK IDENTIFIED BY THE TERRITORIAL DEVELOPMENT STRATEGY (TDS) STUDY.

"INDEED, ONE OF THE PLANNING ASSUMPTIONS OF METROPLAN IS THAT POPULATION IN THE METROPOLITAN AREA WILL BE KEPT AT ABOUT THE CURRENT LEVEL OF 4.2 MILLION, WITH ANY INCREASES IN POPULATION TAKEN UP IN THE NEW TOWNS EXCEPT TSUEN WAN/KWAI CHUNG/TSING YI.

"THE NEED FOR COMPATIBILITY OF DEVELOPMENTS THROUGHOUT THE TERRITORY IS KEPT FIRMLY IN MIND IN FUTURE UPDATING OF THE TDS FRAMEWORK AND IN THE PREPARATION OF DEVELOPMENT PROGRAMMES," MR SAUNDERS SAID.

MEASURES TO ENSURE PROPER DISPLAY OF TRAFFIC SIGNS

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THERE ARE WELL ESTABLISHED PROCEDURES TO ENSURE THAT TRAFFIC SIGNS ARE PROPERLY DISPLAYED DURING AND AFTER ROAD WORKS, THE ACTING SECRETARY FOR TRANSPORT, THE HON MAK CHUN-FONG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON POON CHI-FAI, MR MAK SAID THAT CONTRACTORS WERE NOT PERMITTED TO ALTER ANY TRAFFIC SIGNS OR ROAD MARKINGS UNLESS THEY WERE PHYSICALLY AFFECTED BY THE ROAD WORKS.

FOR ROAD WORKS INVOLVING ALTERATION TO TRAFFIC SIGNS, THE HIGHWAYS DEPARTMENT WOULD WORK OUT WITH THE TRANSPORT DEPARTMENT AND THE POLICE SATISFACTORY TEMPORARY SIGNING ARRANGEMENTS BEFORE THE WORKS BEGAN.

THE CONTRACTORS WERE REQUIRED TO TAKE EVERY CARE TO MAINTAIN TEMPORARY SIGNS AND SUBSEQUENTLY REINSTATE THESE SIGNS UPON COMPLETION OF THE ROAD WORKS.

THE HIGHWAYS DEPARTMENT WOULD CONDUCT INSPECTIONS TO ENSURE ALL AFFECTED TRAFFIC SIGNS WERE CORRECTLY AND PROPERLY REINSTATED.

TRANSPORT DEPARTMENT STAFF ALSO INSPECTED REGULARLY EXISTING SIGNS TO ENSURE THAT THEY WERE MAINTAINED IN GOOD CONDITION AND WERE COMPATIBLE WITH ANY CHANGE IN ROAD TRAFFIC CONDITIONS.

IN ADDITION, MR MAK SAID, A CODE OF PRACTICE FOR THE LIGHTING, SIGNING AND GUARDING OF ROAD WORKS DURING MAINTENANCE OR CONSTRUCTION WORK WAS PUBLISHED IN 1984.

IT PROVIDED COMPREHENSIVE GUIDANCE ON MEASURES TO BE TAKEN TO MINIMISE INCONVENIENCE AND POTENTIAL HAZARDS TO ROAD USERS DURING ROAD WORKS.

THE TYPES OF TEMPORARY TRAFFIC SIGNS THAT SHOULD BE USED AND THEIR PROPER LOCATION WERE ILLUSTRATED IN DETAIL IN THE CODE.

ON POLICE PROSECUTION, MR MAK SAID THAT POLICE OFFICERS WERE REQUIRED TO EXERCISE THEIR DISCRETION IN ENFORCING TRAFFIC OFFENCES.

EXTENUATING CIRCUMSTANCES SUCH AS THE POOR DISPLAY OF A TRAFFIC SIGN WOULD NOT NORMALLY LEAD TO THE ISSUE OF A FIXED PENALTY TICKET.

UNDER NORMAL CIRCUMSTANCES, NO PROSECUTION WOULD BE TAKEN FOR CONTRAVENING AN OUTDATED TRAFFIC SIGN.

MR MAK ASSURED MEMBERS THAT WHEN A DRIVER SENT A WRITTEN COMPLAINT OF UNJUST ISSUE OF A FIXED PENALTY TICKET AND IF IT WAS CONFIRMED THAT THE TRAFFIC SIGN WAS POORLY LOCATED OR NEEDS IMPROVEMENT, THE FIXED PENALTY TICKET CONCERNED WOULD BE CANCELLED AND THE TRANSPORT DEPARTMENT WOULD BE NOTIFIED IN ORDER TO RECTIFY THE SITUATION.

ROLE OF ORTHOPTISTS EXPLAINED

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THE GOVERNMENT TRAINING SCHOLARSHIP SCHEME IN ORTHOPTICS AND THE HONG KONG POLYTECHNIC PROFESSIONAL DIPLOMA COURSE IN OPTOMETRY HAVE DIFFERENT PURPOSES, THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON ADOLF HSU, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON EDWARD HO, MR HSU EXPLAINED THAT ORTHOPTISTS WERE DEPLOYED IN THE OPHTHALMIC SERVICE TO ASSIST OPHTHALMOLOGISTS IN DEALING WITH PROBLEMS ASSOCIATED WITH BINOCULAR FUNCTIONS, INCLUDING DIAGNOSIS AND MANAGEMENT OF CERTAIN EYE CONDITIONS, IN PARTICULAR, SQUINTS AND LAZY EYES.

"THEY ARE NOT PRACTISING OPTOMETRY," HE SAID.

THE REQUISITE QUALIFICATION FOR APPOINTMENT AS AN ORTHOPTIST IN THE MEDICAL AND HEALTH DEPARTMENT WAS A DIPLOMA OF THE BRITISH ORTHOPTIC COUNCIL, OR ITS EQUIVALENT, OR A DIPLOMA OF THE ORTHOPTIC BOARD OF AUSTRALIA, MR HSU EXPLAINED.

"NEITHER OF THESE IS OBTAINABLE LOCALLY, AND THERE IS A SHORTAGE IN SUPPLY OF QUALIFIED CANDIDATES IN THE LOCAL MARKET."

MR HSU SAID THE OFFER OF GOVERNMENT TRAINING SCHOLARSHIPS IN ORTHOPTICS WAS TO ENABLE SELECTED CANDIDATES FROM WITHIN THE CIVIL SERVICE TO RECEIVE A THREE-YEAR TRAINING PROGRAMME, EITHER IN THE UNITED KINGDOM OR AUSTRALIA, SO AS TO ATTAIN THE REQUISITE QUALIFICATION FOR APPOINTMENT AS AN ORTHOPTIST IN THE MEDICAL AND HEALTH DEPARTMENT.

OPTOMETRISTS, ON THE OTHER HAND, WERE TRAINED IN THE HONG KONG POLYTECHNIC AT PROFESSIONAL DIPLOMA LEVEL.

THE SCOPE OF PRACTICE FOR OPTOMETRISTS INCLUDED: TESTING VISION; PRESCRIBING OPTICAL APPLIANCES; FITTING OPTICAL APPLIANCES; OR SUPPLYING OPTICAL APPLIANCES ON PRESCRIPTION.

THEY WERE NOT QUALIFIED TO PRACTISE ORTHOPTICS.

OVERALL, MR HSU SAID A SIMILAR SITUATION EXISTED IN THE UNITED KINGDOM AND AUSTRALIA WHERE DIFFERENT TRAINING PROGRAMMES FOR ORTHOPTISTS AND OPTOMETRISTS WERE PROVIDED.

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DISPUTE DELAYS WATER SUPPLY SYSTEM FOR MA WAN

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A DISPUTE BETWEEN THE ENGINEER AND THE CONTRACTOR OVER THE BUILDING OF A 1.5 KILOMETRE SUBMARINE MAIN FROM SHAM TSENG TO MA WAN IS THE REASON FOR THE DELAY IN THE COMPLETION OF A WATER SUPPLY SYSTEM FOR MA WAN RESIDENTS.

THE ACTING SECRETARY FOR LANDS AND WORKS, THE HON ROBIN SAUNDERS, EXPLAINED THIS IN A WRITTEN REPLY TO A QUESTION BY DR THE HON RICHARD LAI IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR SAUNDERS SAID ALTHOUGH THE DISPUTE WOULD HAVE TO BE REFERRED TO ARBITRATION, IT HAD BEEN DECIDED THAT THE PROJECT SHOULD BE COMPLETED AS SOON AS POSSIBLE.

"TO THAT END FURTHER NEGOTIATIONS WITH THE CONTRACTOR HAVE JUST BEEN COMPLETED AND A SUPPLEMENTAL AGREEMENT WAS SIGNED ON JUNE 30, 1988," HE SAID.

"WORK ON SITE WILL RE-COMMENCE IMMEDIATELY FOLLOWING MOBILISATION OF A SPECIAL BARGE FOR CONSTRUCTING THE ROCK BEDDING AND FOR MAINLAYING.

"IT IS EXPECTED THAT LAYING OF THE SUBMARINE MAIN WILL BE COMPLETED BY DECEMBER 1988 AT WHICH TIME WATER SUPPLY WILL BE AVAILABLE TO THE RESIDENTS OF MA WAN ISLAND."

IN THE INTERIM, MR SAUNDERS SAID THE WATER SUPPLIES DEPARTMENT WAS ARRANGING TO INSTALL SOME TEMPORARY STANDPIPES TO ENABLE THE WATER IN THE RESERVOIR TO BE USED.

"HOWEVER, THIS WILL ONLY BE OF LIMITED ASSISTANCE. THE REAL ANSWER LIES IN THE WATER SUPPLIES DEPARTMENT DOING EVERYTHING POSSIBLE TO ENSURE THE TIMELY COMPLETION OF THE ENTIRE PROJECT BY DECEMBER 1988, WHEN THE PROBLEM WILL BE SOLVED ONCE AND FOR ALL."

THE MA WAN WATER SUPPLY PROJECT COMPRISES A SUPPLY MAIN FROM YAU KOM TAU TO MA WAN, CONSISTING OF FIVE KILOMETRES OF LAND MAIN ALONG CASTLE PEAK ROAD FROM YAU KOM TAU TO SHAM TSENG, AND 1.5 KILOMETRES OF SUBMARINE MAIN FROM SHAM TSENG TO MA WAN; AND A SERVICE RESERVOIR AND DISTRIBUTION MAINS ON MA WAN ISLAND.

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ADEQUATE CONTROL OVER TWO RAILWAY CORPORATIONS

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THERE IS SUFFICIENT GOVERNMENT CONTROL OVER THE OPERATION OF THE TWO RAILWAY CORPORATIONS TO ENSURE THAT THEY OPERATE ACCORDING TO PRUDENT COMMERCIAL PRINCIPLES, HAVING REGARD TO HONG KONG'S TRANSPORT REQUIREMENTS.

THIS WAS STATED BY THE ACTING SECRETARY FOR TRANSPORT, THE HON MAK CHUN-FONG, IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION BY DR THE HON CONRAD LAM.

MR MAK SAID THE TWO CORPORATIONS WERE GOVERNED, IN THEIR OVERALL OPERATIONS, BY THEIR RESPECTIVE BOARDS WHOSE CHAIRMEN AND MEMBERS WERE APPOINTED BY THE GOVERNOR.

MOREOVER, THE GOVERNOR IN COUNCIL WAS EMPOWERED UNDER THE RESPECTIVE ORDINANCES TO GIVE DIRECTIONS TO THE CORPORATIONS IF HE CONSIDERED THE PUBLIC INTEREST SO REQUIRED.

ON DETERMINATION OF FARES BY THE MASS TRANSIT RAILWAY CORPORATION (MTRC) AND KOWLOON CANTON RAILWAY CORPORATION (KCRC), MR MAK SAID THE TWO CORPORATIONS WERE EMPOWERED TO DETERMINE FARES UNDER THEIR RESPECTIVE ORDINANCES.

BEFORE FARES WERE INTRODUCED OR REVISED, THE GOVERNOR IN COUNCIL WOULD BE INFORMED BEFOREHAND.

"THE GOVERNOR IN COUNCIL WAS FULLY INFORMED OF BOTH THE RECENT MTR FARE INCREASE AND THE FARE STRUCTURE TO BE ADOPTED FOR THE LIGHT RAIL TRANSIT SYSTEM," HE SAID.

"IN THE LATTER CASE, KCRC HAS ALSO REASSURED THIS COUNCIL THAT IT WILL CONTINUE TO LIAISE CLOSELY AND DISCUSS WITH THE JOINT MONITORING GROUP OF THE TUEN MUN AND YUEN LONG DISTRICT BOARDS MATTERS RELATING TO SERVICES AND FARES."

REGARDING THE ROLE OF TRANSPORT ADVISORY COMMITTEE (TAC), MR MAK SAID THE COMMITTEE ADVISED THE GOVERNOR IN COUNCIL ON BROAD ISSUES OF TRANSPORT POLICY WITH A VIEW TO IMPROVING THE MOVEMENT OF BOTH PEOPLE AND FREIGHT.

THE TAC HAD DISCUSSED MATTERS RELATING TO BOTH RAILWAYS ON PREVIOUS OCCASIONS, PARTICULARLY HOW THEY WOULD AFFECT THE OVERALL PROVISION OF PUBLIC TRANSPORT SERVICES AND THEIR CO-ORDINATION.

MR MAK STRESSED THAT THE RECENT APPOINTMENT OF TWO ADDITIONAL TAC MEMBERS, WHO WERE ALSO DIRECTORS OF THE MTRC AND KCRC BOARDS, WOULD FURTHER STRENGTHEN COMMUNICATIONS BETWEEN TAC AND THE TWO CORPORATIONS.

THE TAC, AS GOVERNMENT'S MAIN ADVISORY BODY ON TRANSPORT MATTERS, COULD THUS COVER THE FULL RANGE OF TRANSPORT MATTERS MORE EFFECTIVELY.

VISA FEES COVER COST OF SERVICE

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IN HONG KONG, AS IN OTHER BRITISH DEPENDENT TERRITORIES, THE IMMIGRATION AUTHORITIES ISSUE ENTRY CLEARANCES ON BEHALF OF THE BRITISH GOVERNMENT AND CHARGE THE SAME FEES IN ACCORDANCE WITH THE UNITED KINGDOM LEGISLATION.

THE SECRETARY FOR SECURITY, THE HON GEOFFREY BARNES, STATED THIS IN A WRITTEN REPLY TO A QUESTION BY THE HON HILTON CHEONG-LEEN IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"THE FEES COLLECTED BY THE IMMIGRATION DEPARTMENT ARE NOT REMITTED TO THE UNITED KINGDOM BUT ARE USED TO COVER THE COST OF THE SERVICE IN HONG KONG," MR BARNES EXPLAINED.

"IF THE FEES ON APPLICATIONS FOR ENTRY CLEARANCES WERE TO BE WAIVED, THE COST OF THE SERVICE WOULD FALL ON THE HONG KONG TAXPAYER."

CONCERNING THE CHARGING OF FEES FOR VISAS AND ENTRY CERTIFICATES (COLLECTIVELY KNOWN AS ENTRY CLEARANCES) TO THE UNITED KINGDOM, MR BARNES SAID IT WAS A MATTER OF LAW IN THE UNITED KINGDOM.

SUCH FEES WERE LEVIED UNDER THE CONSULAR FEES ACT 1980 AND IN ACCORDANCE WITH THE CONSULAR FEES ORDER 1987 AND AMENDED FROM TIME TO TIME BY ORDER IN COUNCIL.

CONCERNING THE AMOUNT OF THE FEES, MR BARNES SAID THAT THEY WERE UNIFORM WORLDWIDE REGARDLESS OF WHERE THE APPLICATIONS WERE SUBMITTED.

THEY WERE STERLING BASED AND THE EQUIVALENTS WERE CHARGED IN THE APPROPRIATE LOCAL CURRENCY.

THEY WERE SET AT LEVELS WITH A VIEW TO HAVING BY THE EARLY 1990'S ARRANGEMENTS WHEREBY THE FULL COSTS OF THE UNITED KINGDOM'S ENTRY CLEARANCE OPERATIONS WORLDWIDE WERE RECOVERED.

"IT IS RELEVANT TO NOTE THAT A VISA TO VISIT, STUDY OR WORK IN THE UNITED KINGDOM IS MANDATORY FOR A HOLDER OF HONG KONG CERTIFICATE OF IDENTITY OR OTHER NON-NATIONAL TRAVEL DOCUMENTS," MR BARNES ADDED.

"BUT AN ENTRY CERTIFICATE FOR VISITING OR TRANSITTING THE UNITED KINGDOM IS AN OPTIONAL FACILITY AVAILABLE TO A HOLDER OF A HONG KONG PASSPORT WHO CHOOSES TO APPLY OR WHO MAY BE IN DOUBT ABOUT HIS ADMISSIBILITY TO THE UNITED KINGDOM.

"THE OPTION IS WELL PUBLICISED AND MADE KNOWN TO ALL LIKELY APPLICANTS."

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EMERGENCY AMBULANCE SERVICES HAVE PRIORITY

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AMBULANCES ARE USED FOR BOTH EMERGENCY AND NON-EMERGENCY PURPOSES, BUT NON-EMERGENCY SERVICES HAVE NO ADVERSE EFFECT ON EMERGENCY SERVICES AS THE LATTER ARE ACCORDED PRIORITY OVER THE FORMER, THE LEGISLATIVE COUNCIL WAS TOLD TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON CHUNG PUI-LAM, THE SECRETARY FOR SECURITY, THE HON GEOFFREY BARNES, SAID THAT DURING THE 12 MONTHS ENDING JUNE 30, THE AMBULANCE SERVICE RESPONDED TO A TOTAL OF 416,122 CALLS.

OF THESE, 121,192 CALLS, OR 29.1 PER CENT, WERE FOR NON-EMERGENCY SERVICES.

"THE EXECUTIVE COUNCIL HAS ADVISED THAT THE AMBULANCE SERVICES REVIEW STEERING GROUP SHOULD EXAMINE THE FEASIBILITY OF LEVYING A CHARGE FOR NON-EMERGENCY SERVICES," MR BARNES SAID.

"THE STEERING GROUP IS ABOUT TO FINALISE ITS DELIBERATIONS ON THE SUBJECT AND WILL SOON SUBMIT ITS RECOMMENDATION TO THE EXECUTIVE COUNCIL.

"I SHALL ENSURE THAT THE LEGISLATIVE COUNCIL IS KEPT INFORMED OF THE MATTER."

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NEW AM CHANNEL UNDER RTHK BEING PLANNED

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THE GOVERNMENT IS AT PRESENT TAKING STEPS TO ESTABLISH AN AM CHANNEL, UNDER RADIO TELEVISION HONG KONG, WHICH WILL NORMALLY BROADCAST NEWS, WEATHER REPORTS, TRAFFIC BULLETINS AND MUSIC.

THIS WAS STATED BY THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION, THE HON PETER TSAO, IN A WRITTEN REPLY TO A QUESTION BY THE HON EDWARD HO IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR TSAO SAID IN THE EVENT OF SERIOUS TRAFFIC CONGESTION AFFECTING A LARGE PART OF HONG KONG CAUSED BY AN INCIDENT, SUCH AS A GAS LEAK, THE CHANNEL WOULD BROADCAST TRAFFIC BULLETINS CONTINUOUSLY UNTIL NORMAL TRAFFIC WAS RESTORED.

THE BROADCAST ON THIS NEW CHANNEL WOULD BE IN BOTH CANTONESE AND ENGLISH.

/MR TSAO .....

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MR TSAO EXPLAINED THAT RTHK WOULD COLLECT, COLLATE AND CONTINUOUSLY UPDATE INFORMATION FOR BROADCAST ON THE NEW CHANNEL FROM ALL AVAILABLE SOURCES.

THESE INCLUDED THE POLICE, THE TRANSPORT DEPARTMENT, THE INFORMATION SERVICES DEPARTMENT, THE VARIOUS EMERGENCY SERVICES AND PUBLIC TRANSPORT COMPANIES.

SUBJECT TO APPROVAL BY THE FINANCE COMMITTEE OF FUNDS FOR STAFF AND TRANSMISSION FACILITIES, THE NEW CHANNEL COULD COME INTO OPERATION IN THE FIRST QUARTER OF 1989, HE ADDED.

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#### PROBLEMS IN ESTABLISHING DYEING, FINISHING COMPLEX

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THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON ADOLF HSU, EXPLAINED TO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THE PROBLEMS CONCERNING A CENTRALISED COMPLEX PROPOSED FOR DYEING AND FINISHING FACTORIES.

"IN NOVEMBER 1987, A CONSORTIUM APPLIED TO THE HONG KONG INDUSTRIAL ESTATES CORPORATION (HKIEC) FOR A 10 HECTARE SITE AT YUEN LONG INDUSTRIAL ESTATE TO BUILD A CENTRALISED COMPLEX FOR SALE TO A NUMBER OF DYEING AND FINISHING FACTORIES," MR HSU SAID IN A WRITTEN REPLY TO A QUESTION BY THE HON CHENG HON-KWAN.

HE POINTED OUT THAT ONE PROBLEM WAS THE MASSIVE WATER SUPPLY AND WASTEWATER EFFLUENT REQUIREMENTS -- 113 MILLION LITRES PER DAY -- OF THE PROPOSED COMPLEX.

"THE INFRASTRUCTURAL PROVISION IN THE YUEN LONG AREA WOULD THEREFORE NEED SUBSTANTIAL UPGRADING," MR HSU CONTINUED.

"AND IT IS UNLIKELY, EVEN IF THIS COULD BE AFFORDED, THAT THE WORKS COULD BE COMPLETED BEFORE THE YUEN LONG INDUSTRIAL ESTATE WAS SOLD OUT."

MOREOVER, HE SAID THERE WERE DOUBTS WHETHER THE PROJECT COULD MEET THE HKIEC'S LEGAL REQUIREMENTS REGARDING ASSIGNMENT AND SUB-LEASING.

REFERRING TO WAYS TO REDUCE POLLUTION BY THE DYEING AND FINISHING INDUSTRY, MR HSU SAID THE EXEMPTION OF EXISTING DISCHARGES UNDER THE WATER POLLUTION CONTROL ORDINANCE SHOULD BE REVIEWED.

/BESIDES, THE .....

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BESIDES, THE ORDINANCE SHOULD IN FUTURE BE ENFORCED ON A TERRITORY-WIDE BASIS, HE ADDED.

NOTING THAT THE DYEING AND FINISHING INDUSTRY WAS A SIGNIFICANT SOURCE OF POLLUTION, MR HSU SAID: "IN THIS CASE, A LONG TERM SOLUTION TO THE POLLUTION PROBLEM WILL NEED TO BE FOUND.

"TO THIS END, ADDITIONAL STUDIES TO INCREASE THE CAPACITY OF VARIOUS TRUNK SEWERS AND SEWAGE TREATMENT WORKS ARE BEING UNDERTAKEN TO DETERMINE WHETHER SUITABLE INFRASTRUCTURE CAN BE PROVIDED TO MEET THE FUTURE NEEDS OF THE DYEING AND FINISHING INDUSTRY."

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#### COUNCILLORS PRAISED FOR HARD WORK

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THE DEPUTY TO THE GOVERNOR, SIR DAVID FORD, PAID TRIBUTE TO THE HARD WORK OF THE LEGISLATIVE COUNCILLORS WHEN HE PRESIDED OVER THE LAST MEETING TODAY (WEDNESDAY) IN THE COUNCIL'S 1987-88 SESSION.

SIR DAVID SAID THAT A TREMENDOUS AMOUNT OF TIME AND EFFORT HAD BEEN CONTRIBUTED BY LEGCO MEMBERS TO ENSURING THAT ONE OF THE PRIME FUNCTIONS OF THE COUNCIL, THE MAKING OF LEGISLATION, WAS ACHIEVED.

"THIS SESSION HAS SEEN A RECORD NUMBER OF BILLS ENACTED - 90 IN ALL," HE NOTED.

"OF THESE, 31 WERE ENACTED IN THE FIRST SIX MONTHS OF THIS SESSION AND 59 IN THE LAST THREE MONTHS."

SIR DAVID THANKED MEMBERS FOR THEIR PATIENCE AND UNDERSTANDING IN DEALING WITH THE LARGE VOLUME OF WORK GENERATED IN THE PAST FEW MONTHS.

HE ADDED THAT THE ADMINISTRATION WOULD DO ITS BEST TO ENSURE THAT IN THE FUTURE THE FLOW OF LEGISLATION TO THE COUNCIL WAS BETTER DISTRIBUTED THROUGHOUT THE YEAR.

SIR DAVID SAID THE FIRST MEETING IN THE 1988-89 SESSION WAS SCHEDULED FOR WEDNESDAY, OCTOBER 12.

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GOVT AIMS TO ENSURE HK'S FUTURE AS FINANCIAL CENTRE  
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THE HONG KONG GOVERNMENT'S AIM IS TO ENSURE THAT BY 1997, IN THE FINANCIAL SECTOR AS ELSEWHERE, HONG KONG HAS A SYSTEM WHICH WILL INSPIRE INTERNATIONAL CONFIDENCE AND STAND THE TEST OF TIME, THE GOVERNOR, SIR DAVID WILSON, SAID IN LONDON TODAY (WEDNESDAY).

SIR DAVID SAID THIS IN A SPEECH TO REPRESENTATIVES OF THE BUSINESS AND FINANCIAL COMMUNITY AT THE STATIONERS HALL.

HE POINTED OUT THAT THE GOVERNMENT'S REACTION TO THE STOCK MARKET COLLAPSE LAST OCTOBER; ITS RESPONSE TO THE REPORT OF THE SECURITIES REVIEW COMMITTEE; AS WELL AS THE ACTIONS THAT IT WAS TAKING IN OTHER AREAS, SHOWED THE IMPORTANCE IT ATTACHED TO ENSURING THAT, IN PRACTICE AND PROCEDURE, HONG KONG MEETS INTERNATIONALLY-RECOGNISED STANDARDS.

ON THE OCTOBER CRASH DURING WHICH THE HONG KONG STOCK MARKET CLOSED FOR FOUR DAYS, SIR DAVID SAID THE CRASH REVEALED PROBLEMS THAT NEEDED TO BE DEALT WITH QUICKLY AND FIRMLY.

HE RECALLED THE APPOINTMENT OF MR IAN HAY DAVISON TO HEAD THE SECURITIES REVIEW COMMITTEE TO LOOK INTO THE OPERATION AND MANAGEMENT OF THE HONG KONG MARKETS AND OF ITS REGULATORY SYSTEM.

THE COMMITTEE PRODUCED ITS REPORT, WHICH CONTAINED SOME 160 RECOMMENDATIONS, EARLY LAST MONTH.

SIR DAVID SAID THE ANALYSIS OF THE REPORT WAS CRISP; THE RECOMMENDATIONS WERE WELL THOUGHT OUT AND THE REPORT PULLED NO PUNCHES.

"KEY ISSUES ARE THE RECOMMENDATIONS FOR THE REORGANISATION OF THE STOCK AND FUTURES EXCHANGES," HE SAID.

THE REPORT ALSO RECOMMENDED THE ESTABLISHMENT OF A NEW REGULATORY AUTHORITY INDEPENDENT OF THE GOVERNMENT AND THE ESTABLISHMENT OF A CENTRAL CLEARING AND SETTLEMENT SYSTEM FOR SECURITIES.

THE GOVERNMENT HAD ALREADY ANNOUNCED ACCEPTING THE MAIN THRUST OF THE RECOMMENDATIONS AND WAS MOVING TO IMPLEMENT THEM, HE SAID.

AS A RESULT OF THIS, SIR DAVID SAID MR ROBERT OWEN WAS APPOINTED AS A SPECIAL CONSULTANT TO ADVISE ON THE ESTABLISHMENT OF THE NEW REGULATORY AUTHORITY -- THE SECURITIES AND FUTURES COMMISSION.

"OUR AIM IS TO HAVE THE NEW COMMISSION IN PLACE BY THE END OF THIS YEAR, COMPLETE WITH THE RESOURCES AND LEGISLATIVE TEETH NEEDED FOR IT TO DO ITS WORK PROPERLY," SIR DAVID EXPLAINED.

/MEANWHILE, BOTH .....

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MEANWHILE, BOTH THE STOCK EXCHANGE AND THE FUTURES EXCHANGE HAD ALREADY DONE A GREAT DEAL SINCE LAST OCTOBER TO PUT RIGHT SOME OF THE OPERATIONAL AND MANAGEMENT PROBLEMS THAT THE CRISIS SHOWED UP.

"A KEY MOVE HAS BEEN THAT THE MANAGEMENT COMMITTEE OF THE STOCK EXCHANGE, WITH THE FULL BACKING OF THE GOVERNMENT, HAD TAKEN THE INITIATIVE TO INTRODUCE A NEW ORGANISATIONAL STRUCTURE," HE SAID.

THE NEW STRUCTURE WOULD INCORPORATE ALL THE KEY ELEMENTS OF THE RECOMMENDATIONS MADE BY THE SECURITIES REVIEW COMMITTEE.

NOTING THAT THE STOCK EXCHANGE HELD AN EXTRAORDINARY GENERAL MEETING EARLIER TODAY TO APPROVE THESE CHANGES, SIR DAVID SAID HE WAS GLAD TO HEAR THAT THE MANAGEMENT COMMITTEE'S PROPOSALS WERE ACCEPTED AND WOULD COME INTO EFFECT BY THE END OF SEPTEMBER.

THIS MEANT THAT WITHIN 10 WEEKS FROM NOW THERE WOULD BE A COMPLETELY RECONSTITUTED STOCK EXCHANGE, WITH A NEW CHAIRMAN, A NEW CHIEF EXECUTIVE AND A COMMITTEE THAT WAS MORE REPRESENTATIVE OF THE MARKET OPERATORS - AND ALL THIS WITHOUT HAVING TO GO DOWN THE SLOWER ROAD OF GOVERNMENT INTRODUCED LEGISLATION.

HE CONGRATULATED THE HONG KONG STOCK EXCHANGE ON THE ACTION IT HAD TAKEN TO IMPROVE ITS ORGANISATION AND TO IMPROVE HONG KONG'S POSITION AS AN INTERNATIONAL FINANCIAL AND TRADING CENTRE.

AS TO THE PROBLEMS PRESENTED BY THE FUTURES EXCHANGE, SIR DAVID SAID THE QUESTION WAS WHETHER THE MARKET WANTED A FUTURES EXCHANGE IN HONG KONG. HE SAID HE BELIEVED IT WAS A QUESTION FOR THE MARKET TO DECIDE AND NOT ONE THAT THE GOVERNMENT SHOULD ATTEMPT TO ANSWER.

"ALREADY THE BOARD OF DIRECTORS OF THE FUTURES EXCHANGE HAS TAKEN A LEAD IN INITIATING DISCUSSIONS WITH ITS OWN MEMBERS AND WITH THE CLEARING HOUSE AND GUARANTEES CORPORATION," HE NOTED.

"THE GOVERNMENT WILL GIVE THEM ANY ASSISTANCE THEY NEED," HE SAID.

TURNING TO ANOTHER IMPORTANT RECOMMENDATION OF THE SECURITIES REVIEW COMMITTEE OF ESTABLISHING A CENTRAL CLEARING AND SETTLEMENT SYSTEM FOR SECURITIES, SIR DAVID NOTED THIS INVOLVED A COMPLEX SET OF PROPOSALS WHICH WOULD TAKE TIME TO IMPLEMENT.

BUT THE HONG KONG STOCK EXCHANGE AND THE BANKS WERE ALREADY WORKING TOGETHER ON THEM.

IN THE MEANTIME, THE EXCHANGE WAS TAKING THE INITIATIVE IN WORKING OUT PROPOSALS FOR INTERIM IMPROVEMENTS TO THE PRESENT ARRANGEMENTS, HE ADDED.

APART FROM ISSUES RAISED IN THE HAY DAVISON REPORT, SIR DAVID SAID THE GOVERNMENT REALISED THAT HONG KONG NEEDED TO INTRODUCE OTHER REGULATORY REFORMS TO BRING IT INTO LINE WITH INTERNATIONAL STANDARDS.

/HE SAID .....

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HE SAID THESE WERE IN HAND. FOR EXAMPLE, LEGISLATION WAS PASSED LAST WEEK TO REQUIRE MAJOR SHAREHOLDERS, DIRECTORS AND CHIEF EXECUTIVES OF PUBLICLY-LISTED COMPANIES TO DISCLOSE THE BENEFICIAL INTERESTS IN THE SHARES THEY HOLD.

ANOTHER EXAMPLE WAS THAT, BY THE END OF THE YEAR, HONG KONG WOULD INTRODUCE LEGISLATION TO GIVE MORE TEETH TO ITS INSIDER DEALING TRIBUNAL SYSTEM.

"WE DO NOT WISH TO OVER-REGULATE. BUT IF HONG KONG IS TO CONTINUE TO BE A MAJOR INTERNATIONAL FINANCIAL CENTRE - AND WE INTEND THAT IT SHOULD - THEN IT MUST HAVE RULES OF BEHAVIOUR UP TO INTERNATIONAL STANDARDS," SIR DAVID STRESSED.

WHILE SUGGESTING THAT GEOGRAPHY AND THE QUALITY OF ITS PEOPLE GAVE A GREAT ADVANTAGE TO HONG KONG, SIR DAVID NOTED THAT IT WAS ALSO BELIEVED THAT THE TERRITORY'S POLITICAL AND ECONOMIC PHILOSOPHY HAD CONTRIBUTED TO ITS SUCCESS.

HE SAID THAT HONG KONG HAD INTERNAL POLITICAL STABILITY WITH NO POLICY U-TURNS RESULTING FROM A CHANGE OF GOVERNMENT.

IN ADDITION TO HAVING A BUOYANT AND OPEN ECONOMY, NO EXCHANGE CONTROLS, LOW INCOME AND CORPORATE TAX RATES, HE SAID HONG KONG HAD A GOVERNMENT WHICH BELIEVED THAT BUSINESSMEN KNOW WHAT WOULD BE BEST FOR BUSINESS.

HONG KONG'S PLACE ON THE MAP MADE IT A NATURAL CENTRE FOR THE ASIA PACIFIC REGION - AND A GATEWAY TO CHINA.

HE POINTED OUT THAT IN THE PAST 10 YEARS THE ECONOMIC LINKS BETWEEN HONG KONG AND CHINA HAD GROWN ASTONISHINGLY QUICKLY, WITH ABOUT 60 PER CENT OF EXTERNAL INVESTMENT IN CHINA CAME FROM OR THROUGH HONG KONG.

WHILE IN THE OTHER DIRECTION, CHINA WAS NOW THE THIRD LARGEST INVESTOR IN HONG KONG'S MANUFACTURING SECTOR AFTER THE UNITED STATES AND JAPAN.

SIR DAVID SAID IT WAS GOOD TO SEE THAT HONG KONG'S ADVANTAGES WERE REALISED BY MANY UK INTERESTS. THERE WERE 22 BRITISH BANKS AND DEPOSIT-TAKING COMPANIES IN HONG KONG.

UK RELATED FINANCIAL INSTITUTIONS PROBABLY ACCOUNTED FOR 15 TO 20 PER CENT OF THE TOTAL TURNOVER ON THE STOCK EXCHANGE, AND UK OWNED EQUITIES ACCOUNTED FOR ABOUT 30 PER CENT OF TOTAL MARKET CAPITALISATION, HE CONTINUED.

HOWEVER, SIR DAVID STRESSED THAT HE DID NOT WISH TO TRY TO GIVE THE IMPRESSION THAT ALL IN HONG KONG WAS ROSY.

/HE POINTED .....

HE POINTED OUT THAT RECENT ECONOMIC SUCCESS (13 PER CENT REAL GROWTH ON 11 PER CENT REAL GROWTH) HAD CAUSED A CERTAIN AMOUNT OF OVER HEATING OF THE ECONOMY WITH THE INFLATION RATE RISING TO AROUND SEVEN PER CENT.

"WORRIES ABOUT THE FUTURE, COUPLED WITH THE IMMIGRATION POLICIES BEING ADOPTED BY SOME COUNTRIES, HAVE CAUSED AN INCREASE IN EMIGRATION, PARTICULARLY AMONG OUR TALENTED MIDDLE-MANAGEMENT AND PROFESSIONAL CLASS," SIR DAVID SAID.

"NATURALLY THIS IS A WORRY, PARTICULARLY WHEN COMBINED WITH THE INTENSE COMPETITION FOR TALENTED MANPOWER CREATED BY A BUOYANT ECONOMY."

HE POINTED OUT THAT THERE WERE BOUND TO BE UPS AND DOWNS AHEAD OF HONG KONG, BOTH BEFORE AND AFTER 1997.

"BUT HONG KONG AND ITS PEOPLE HAVE, THROUGH MANY YEARS AND MANY CRISES, SHOWN THEIR RESILIENCE AND THEIR ABILITY TO TAKE PROBLEMS IN THEIR STRIDE," SIR DAVID SAID.

CITING AN ANALYSIS WHICH PREDICTED THAT BY THE YEAR 2000, THE EAST ASIAN ECONOMIES WOULD HAVE A JOINT GNP GREATER THAN THAT OF WESTERN EUROPE AND AS BIG AS THAT OF NORTH AMERICA, HE SAID HONG KONG WAS IDEALLY PLACED TO PLAY A LEADING PART IN THIS.

"WE AS A GOVERNMENT ARE COMMITTED TO CREATING THE CONDITIONS FOR HONG KONG'S FINANCIAL MARKETS TO MEET THE NEEDS OF HONG KONG, CHINA AND THE REGION WELL INTO THE NEXT CENTURY.

"HONG KONG WILL CONTINUE TO BE A PLACE OF INTERNATIONAL OPPORTUNITY," HE STRESSED.

THE GOVERNOR ADDED THAT THE SINO-BRITISH JOINT DECLARATION, WHILE STATED IN TERMS THAT HONG KONG WAS TO REMAIN AN INTERNATIONAL FINANCIAL CENTRE, ALSO CONTAINED A NUMBER OF IMPORTANT POINTS WHICH CREATED THE PRACTICAL CONDITIONS TO ENABLE THIS TO HAPPEN, FOR AT LEAST 50 YEARS AFTER 1997.

ALL THE IMPORTANT PROVISIONS HAD BEEN INCORPORATED IN THE DRAFT BASIC LAW FOR THE HONG KONG SPECIAL ADMINISTRATIVE REGION WHICH WAS PUBLISHED IN APRIL, SIR DAVID SAID.

HE NOTED THAT THE CLEAR AIM OF THE BASIC LAW DRAFTERS WHICH WAS TO REINFORCE THE GENERAL PROMISES OF CONTINUITY CONTAINED IN THE JOINT DECLARATION, HAD, IN SOME CASES, LED THEM TO GO BEYOND THE JOINT DECLARATION AND LAY DOWN OTHER POLICY GUIDELINES, SUCH AS A LOW TAX POLICY AND BALANCED BUDGET.

"THESE ARE OF COURSE ADMIRABLE OBJECTIVES IN THEMSELVES. BUT LAYING THEM DOWN IN A LAW WOULD LIMIT THE FLEXIBILITY OF THE SAR GOVERNMENT AND TEND TO RESTRICT THE AUTONOMY THAT IS PROMISED IN THE JOINT DECLARATION.

"SO IT MUST BE QUESTIONABLE WHETHER THEY SHOULD BE INCLUDED IN THE DRAFT BASIC LAW," THE GOVERNOR SAID.

WHILE CONCEDED THAT THE FIRST DRAFT HAD FLAWS OF WHICH THE DRAFTERS THEMSELVES HAD ADMITTED AS MUCH, THE GOVERNOR HOWEVER POINTED OUT THAT THE DRAFTERS HAD ALSO SHOWN A WELCOME WILLINGNESS TO LISTEN TO HONG KONG VIEWS ON WHAT THOSE FLAWS MIGHT BE AND TO MAKE CHANGES.

THEREFORE, HE SAID, THE JOINT DECLARATION, AND IN DUE COURSE THE BASIC LAW, PROVIDED THE ESSENTIAL FRAMEWORK TO ALLOW HONG KONG TO CONTINUE AS A LEADING INTERNATIONAL FINANCIAL CENTRE.

"IF YOU LIKE, THE GOLF COURSE IS THERE," HE SAID, "IT IS UP TO THE PLAYERS HOW WELL THEY PLAY ON IT AND WHETHER THEY SPEND MORE TIME ON THE FAIRWAY OR IN THE ROUGH."

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FS ON INSIDER DEALING TRIBUNAL SYSTEM

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REFERRING TO THE GOVERNOR'S SPEECH IN LONDON EARLIER TODAY (WEDNESDAY), IN WHICH MENTION WAS MADE TO INTRODUCING LEGISLATION TO GIVE MORE TEETH TO HONG KONG'S INSIDER DEALING TRIBUNAL SYSTEM, THE FINANCIAL SECRETARY, MR PIERS JACOBS, SAID THIS EVENING THAT IT HAD BEEN AGREED IN PRINCIPLE THAT THE PRESENT SYSTEM BASED UPON THE INSIDER DEALING TRIBUNAL SHOULD BE RETAINED, AT LEAST FOR THE TIME BEING, BUT THAT THERE SHOULD BE SUBSTANTIALLY INCREASED SANCTIONS AGAINST INSIDER DEALERS. DETAILED PROPOSALS WILL BE SUBJECT TO THE ADVICE OF THE EXECUTIVE COUNCIL.

UNDER THE SECURITIES ORDINANCE, IT IS THE ROLE OF THE INSIDER DEALING TRIBUNAL TO DETERMINE WHETHER CULPABLE INSIDER DEALING HAS TAKEN PLACE, IDENTIFYING THE PERSONS INVOLVED AND THE EXTENT OF THEIR CULPABILITY. PUBLIC CENSURE IS THE ONLY SANCTION AGAINST A CULPABLE INSIDER AS THE LAW STANDS NOW. BOTH THE STANDING COMMITTEE ON COMPANY LAW REFORM AND THE SECURITIES COMMISSION HAVE CONSIDERED THE ISSUE IN SOME DEPTH AND HAVE AGREED THAT THE PRESENT LEGISLATION IS UNSATISFACTORY AND THAT MORE EFFECTIVE DETERRENTS ARE REQUIRED.

TWO OPTIONS FOR TACKLING THE QUESTION OF INSIDER DEALING HAVE BEEN EXAMINED: STRENGTHENING THE PRESENT TRIBUNAL SYSTEM OR MAKING INSIDER DEALING A CRIMINAL OFFENCE. THERE WERE DIVIDED VIEWS IN BOTH THE STANDING COMMITTEE AND COMMISSION ON THE APPROPRIATE WAY FORWARD. THE MERITS AND DEMERITS OF THE TWO OPTIONS HAVE BEEN CAREFULLY CONSIDERED BY THE ADMINISTRATION, AND IT HAS BEEN DECIDED THAT THE CRIMINALISATION ROUTE SHOULD NOT BE FOLLOWED AT LEAST AT THIS STAGE. INSTEAD THE TRIBUNAL SYSTEM WILL BE RETAINED WITH SUBSTANTIALLY INCREASED SANCTIONS.

/MR JACOBS .....

MR JACOBS SAID: "WE ARE NOT, HOWEVER, DISMISSING THE CONCEPT OF CRIMINALISATION ENTIRELY. WE WILL KEEP THE MATTER UNDER REVIEW IN THE LIGHT OF EXPERIENCE GAINED ONCE THE NEW SANCTIONS ARE IN OPERATION. CRIMINALISATION IS THE COMMUNITY'S UNIQUE CONDEMNATION OF A PARTICULAR ACTIVITY AND THE POSSIBILITY OF FOLLOWING THIS OPTION IF THE NEW SANCTIONS DO NOT WORK MUST NOT BE RULED OUT."

MR JACOBS CONTINUED: "THERE ARE MERITS IN THE TRIBUNAL SYSTEM. THE PROCEEDINGS ARE INVESTIGATIVE AND THERE IS THEREFORE SOMEWHAT MORE LATITUDE COMPARED WITH A CRIMINAL TRIAL. THE PERSON UNDER INVESTIGATION BY THE TRIBUNAL IS BOUND TO ANSWER ALL QUESTIONS THAT ARE PUT TO HIM. IN CRIMINAL PROCEEDINGS THE ACCUSED IS ENTITLED TO REMAIN SILENT. ACCORDINGLY, UNDER THE TRIBUNAL SYSTEM IT SHOULD BE EASIER TO ASCERTAIN THE FACTS."

THE ADDITIONAL SANCTIONS IT IS PROPOSED TO INTRODUCE INCLUDE EMPOWERING THE TRIBUNAL:

- (A) TO MAKE AN ORDER TO BAN A CULPABLE INSIDER DEALER FROM ACTING AS A DIRECTOR OF ANY COMPANY OR TAKING PART IN THE MANAGEMENT OF ANY COMPANY;
- (B) TO REFER ANY CULPABLE PROFESSIONAL TO THE APPROPRIATE PROFESSIONAL ASSOCIATION FOR DISCIPLINARY ACTION;
- (C) TO REFER THOSE INSIDER DEALERS WHO ARE PROFESSIONALLY INVOLVED IN THE SECURITIES MARKET TO THE SECURITIES AND FUTURES COMMISSION FOR DISCIPLINARY ACTION;
- (D) TO REQUIRE THE DISGORGEMENT OF ANY PROFITS IMPROPERLY MADE OR LOSSES IMPROPERLY AVOIDED, AND TO IMPOSE A PENALTY OF UP TO THREE TIMES THE PROFITS MADE; AND
- (E) TO ISSUE A NOTE OF CENSURE AGAINST THOSE WHO, WHILST NOT FOUND TO BE ACTUAL INSIDER DEALERS, ARE DETERMINED TO HAVE BEEN CLOSELY ASSOCIATED WITH THE ACTIVITY.

IT IS PROPOSED THAT HEARING OF THE TRIBUNAL WOULD IN FUTURE NORMALLY BE HELD IN PUBLIC, BUT THE TRIBUNAL WOULD HAVE DISCRETION TO CONDUCT HEARINGS IN CAMERA.

IT IS CONSIDERED THAT THE ENHANCED SANCTIONS SHOULD PROVE AN EFFECTIVE DETERRENT AGAINST INSIDER DEALING, WHILE THE PROVISIONS IN THE RECENTLY ENACTED SECURITIES (DISCLOSURE OF INTERESTS) ORDINANCE WOULD MAKE INSIDER DEALING HARDER TO CONCEAL. LEGISLATIVE AMENDMENTS TO THE SECURITIES ORDINANCE WOULD BE REQUIRED TO BRING ABOUT THE INCREASED SANCTIONS AND A BILL WOULD BE INTRODUCED INTO THE LEGISLATIVE COUNCIL IN THE EARLY PART OF THE NEXT LEGISLATIVE SESSION.

MR JACOBS POINTED OUT, HOWEVER, THAT A STRENGTHENING OF THE PRESENT INVESTIGATORY AND ENFORCEMENT MACHINERY WOULD BE REQUIRED IF THE NEW SANCTIONS WERE TO PROVE EFFECTIVE. THUS IT WAS NOT THE INTENTION TO BRING THE NEW PROVISIONS INTO FORCE UNTIL THE SECURITIES AND FUTURES COMMISSION HAD BEEN ESTABLISHED AND HAD THE NECESSARY RESOURCES TO ENSURE THAT INVESTIGATIONS AND SURVEILLANCE OF THE MARKET WERE CARRIED OUT EFFECTIVELY.

WEDNESDAY, JULY 20, 1988

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FS CONGRATULATES HKSE'S DECISION ON CONSTITUTIONAL AMENDMENTS

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THE FINANCIAL SECRETARY, MR PIERS JACOBS, TODAY (WEDNESDAY) CONGRATULATED THE HONG KONG STOCK EXCHANGE FOR HAVING SUCCESSFULLY AMENDED ITS ARTICLES OF ASSOCIATION THUS PAVING WAY FOR ESTABLISHING A MORE BROADLY-BASED AND REPRESENTATIVE COUNCIL BY OCTOBER THIS YEAR.

AT AN EXTRAORDINARY GENERAL MEETING HELD EARLIER THIS AFTERNOON, MEMBERS OF THE EXCHANGE ENDORSED A PROPOSAL PUT FORTH BY THE MANAGEMENT COMMITTEE TO REVISE THE EXCHANGE'S ARTICLES OF ASSOCIATION TO FORM A 22-MEMBER COUNCIL AS RECOMMENDED BY THE SECURITIES REVIEW COMMITTEE.

"I AM VERY PLEASED WITH THE DECISION OF MEMBERS OF THE EXCHANGE AND THE EFFORTS OF ALL CONCERNED, IN PARTICULAR, THE MANAGEMENT COMMITTEE, WHO TOOK THE INITIATIVE TO CHANGE THE EXCHANGE'S CONSTITUTION," MR JACOBS SAID.

"THE SUCCESSFUL RECONSTITUTION OF THE EXCHANGE IS A MAJOR STEP FORWARD IN BRINGING ABOUT IMPROVEMENTS TO THE SECURITIES INDUSTRY IN HONG KONG.

"FOR ITS PART, THE GOVERNMENT WILL CONTINUE WITH ITS EFFORTS TO ENSURE THAT THE OTHER REFORMS RECOMMENDED BY THE SECURITIES REVIEW COMMITTEE ARE IMPLEMENTED AS SOON AS PRACTICABLE," HE ADDED.

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NEW VOTING SYSTEM FOR LEGCO ELECTIONS

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A NEW PREFERENTIAL ELIMINATION VOTING SYSTEM WILL BE INTRODUCED FOR THIS YEAR'S LEGISLATIVE COUNCIL ELECTIONS IN SEPTEMBER.

IT WILL REPLACE THE EXISTING TWO TYPES OF ELECTION PROCEDURE, NAMELY THE "REPEATED BALLOT SYSTEM" FOR ELECTORAL COLLEGE CONSTITUENCIES AND "PREFERENTIAL (ADDITION) VOTING SYSTEM" FOR FUNCTIONAL CONSTITUENCIES.

THE NEW VOTING SYSTEM AND OTHER MINOR AMENDMENTS TO THE LEGISLATIVE COUNCIL (ELECTORAL PROVISIONS) (PROCEDURE) (AMENDMENT) REGULATIONS 1988 WERE PUBLISHED IN THE GAZETTE EXTRAORDINARY.

UNDER THE NEW VOTING SYSTEM, A GOVERNMENT SPOKESMAN EXPLAINED THAT AN ELECTOR WILL VOTE ONCE ONLY AND RECORD HIS PREFERENCE FOR THE CANDIDATES IN A CONSECUTIVE DESCENDING ORDER.

/HE MUST .....

HE MUST MARK A FIRST PREFERENCE AND IS FREE TO MARK SECOND, THIRD AND SUBSEQUENT PREFERENCES FOR ANY REMAINING CANDIDATES.

THE CANDIDATE WHO OBTAINS THE LEAST NUMBER OF PREFERENCE VOTES AT EACH STAGE OF THE COUNT DROPS OUT AND HIS VOTES ARE "TRANSFERRED" TO THE REMAINING CANDIDATES.

THE CANDIDATE WHO EVENTUALLY OBTAINS AN ABSOLUTE MAJORITY IS ELECTED.

THE SAME ELIMINATION PROCESS AND TRANSFER OF VOTES WILL BE APPLIED IN THE CASE OF A TWO-SEAT CONSTITUENCY.

THE CANDIDATE WHO SECURES AN ABSOLUTE MAJORITY WILL BE ELECTED TO THE FIRST SEAT, AND THE CANDIDATE WHO OBTAINS THE NEXT HIGHEST NUMBER OF PREFERENCES AT THE LAST COUNT OF THE ELECTION WILL SECURE THE SECOND SEAT.

THE SPOKESMAN SAID THE INTRODUCTION OF THE NEW VOTING SYSTEM FOLLOWED THE PUBLICATION, IN FEBRUARY THIS YEAR, THE WHITE PAPER: "THE DEVELOPMENT OF REPRESENTATIVE GOVERNMENT: THE WAY FORWARD".

IT STATED THAT THE PREFERENTIAL ELIMINATION VOTING SYSTEM WOULD BE ADOPTED IN THE 1988 LEGISLATIVE COUNCIL ELECTIONS FOR BOTH THE FUNCTIONAL CONSTITUENCIES AND ELECTORAL COLLEGE CONSTITUENCIES.

OTHER AMENDMENTS TO THE REGULATIONS GAZETTED TODAY ARE MAINLY ADMINISTRATIVE ARRANGEMENTS, SOME OF WHICH HAVE ALREADY BEEN INTRODUCED AT THE DISTRICT BOARD ELECTIONS HELD EARLIER THIS YEAR.

THESE INCLUDE AN INCREASE OF THE ELECTION DEPOSIT FOR LEGCO ELECTIONS FROM \$2,000 TO \$4,000, THE SEALING OF BALLOT BOXES AND ELECTORAL DOCUMENTS, REVISING THE FORM OF BALLOT PAPER, DEFINING DOUBLE-SEAT AND SINGLE-SEAT CONSTITUENCIES AND THE PROVISION OF A UNIFORM SET OF DIRECTIONS FOR THE MARKING OF BALLOT PAPERS, AS THE PROCEDURE IN BOTH THE ELECTORAL COLLEGE AND FUNCTIONAL CONSTITUENCIES WILL BE THE SAME.

THE SPOKESMAN SAID THAT SINCE PUBLICATION OF THE WHITE PAPER, TWO ERRORS HAD BEEN DISCOVERED IN APPENDIX C OF THE PAPER.

"FIRSTLY, UNDER EXAMPLE B, PARAGRAPH 6 STATED THAT, WHEN THE 110 FIRST PREFERENCE VOTES OF CANDIDATE D (WHO IS ELIMINATED AFTER THE SECOND ROUND OF VOTE COUNTING) ARE REDISTRIBUTED, THE 30 BALLOT PAPERS WHICH SHOW CANDIDATE A AS THE SECOND PREFERENCE ARE SET ASIDE AS EXHAUSTED VOTES BECAUSE CANDIDATE A HAD BEEN ELIMINATED AFTER THE FIRST ROUND.

"THIS IS INCORRECT: THE 30 BALLOT PAPERS IN QUESTION SHOULD BE TRANSFERRED TO CANDIDATE B OR C ACCORDING TO THE THIRD PREFERENCE SHOWN ON THEM.

/"SECONDLY, UNDER .....

"SECONDLY, UNDER EXAMPLE C, PARAGRAPH 2 STATED THAT IN THE SEPARATE (ELIMINATION) COUNT, THE SECOND PREFERENCE VOTES ARE ADDED TO THE FIRST PREFERENCE VOTES OF EACH CANDIDATE TO DETERMINE THE WINNER.

"THIS IS NOT NECESSARY, BECAUSE THE TOTALS OF THE FIRST PREFERENCE VOTES ARE THE SAME FOR EACH CANDIDATE AND ONLY THE NUMBERS OF SECOND PREFERENCE VOTES NEED BE CONSIDERED: THE CANDIDATE WITH THE LEAST NUMBER OF SUCH VOTES WILL BE ELIMINATED.

"THE AMENDMENT REGULATIONS GAZETTED SET OUT THE CORRECT PROCEDURE," HE SAID.

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#### FOUR TYPES OF YOUTH WORK EXPLAINED

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YOUTH WORK IN THE SOCIAL WELFARE SETTING AIMS TO ENABLE YOUNG PEOPLE TO DEVELOP THEIR ABILITIES AND POTENTIALS THROUGH SOCIAL WORK METHODS AND WELFARE SERVICES IN THE RECOGNITION THAT YOUNG PEOPLE ARE THE RESOURCES OF OUR SOCIETY, THE DEPUTY DIRECTOR OF SOCIAL WELFARE, MR STEPHEN LAW, SAID TODAY (WEDNESDAY).

ADDRESSING A LUNCHEON MEETING OF THE ROTARY CLUB OF SHA TIN, MR LAW SAID YOUTH SERVICES RENDERED IN THIS SETTING COULD BE CLASSIFIED INTO FOUR TYPES, NAMELY DEVELOPMENTAL, PREVENTIVE, PROTECTIVE AND REMEDIAL.

UNDER THE DEVELOPMENTAL SERVICES ARE CHILDREN AND YOUTH CENTRES AND OTHER YOUTH GROUPS WHILE PREVENTIVE SERVICES COMPRISE OUTREACHING SOCIAL WORK AND SCHOOL SOCIAL WORK.

THERE IS ONE CHILDREN AND YOUTH CENTRE FOR EVERY DISTRICT WITH 20,000 TO 30,000 POPULATION AND THERE ARE NOW 230 SUCH CENTRES WITH A TOTAL MEMBERSHIP OF ABOUT 275,000.

IN ADDITION, THERE ARE MORE THAN 70,000 MEMBERS IN THE UNIFORM GROUPS AND SOME 10,000 PEOPLE ARE BEING SERVED BY OUTREACHING SERVICE AND SCHOOL SOCIAL WORK.

"THESE FIGURES ALONE CAN TELL THE EXTENT AND INFLUENCE OF YOUTH WORK.

"MORE IMPORTANTLY, THERE ARE PROFESSIONAL SOCIAL WORKERS TO GIVE INDIVIDUALS AND GROUPS EVERY NECESSARY GUIDANCE AND ASSISTANCE," MR LAW SAID.

/HE ADDED .....

HE ADDED THAT IN THE CURRENT FINANCIAL YEAR THE ESTIMATED EXPENDITURE FOR THESE SERVICES EXCEEDED \$240 MILLION, REPRESENTING ABOUT 20 PER CENT OF DIRECT WELFARE EXPENDITURE.

HOWEVER, MR LAW STRESSED THAT DEVELOPMENTAL YOUTH WORK COULD NOT ACHIEVE ITS OBJECTIVE WITHOUT THE RESPONSE, SUPPORT AND GUIDANCE OF THE FAMILY AND THE COMMUNITY.

IT WAS ALSO NECESSARY FOR THE YOUNG PEOPLE TO SEEK OPPORTUNITIES TO PARTICIPATE IN COMMUNITY PROJECTS, HE SAID.

ON PREVENTIVE SERVICES, HE NOTED THAT SCHOOL SOCIAL WORK HAD BEEN EXTENDED TO EVERY SCHOOL WHILE OUTREACHING WORK WAS MAKING STEADY PROGRESS.

"ON THE OTHER HAND, WHEN CHILDREN ARE IN NEED OF CARE AND PROTECTION OF SOCIAL WORKERS, EITHER BECAUSE OF THEIR BEHAVIOURAL OR FAMILY PROBLEMS, THE SOCIAL WELFARE DEPARTMENT WILL GIVE THEM ASSISTANCE," MR LAW SAID.

"VERY OFTEN, THESE CASES ARE ASSIGNED BY THE COURT TO BE PUT UNDER THE COUNSEL AND SUPERVISION OF SOCIAL WORKERS OF THE FAMILY SERVICES CENTRES.

"FOR SOME CASES, THEY MAY EVEN REQUIRE INSTITUTIONAL CARE AND TRAINING," HE ADDED.

AT PRESENT, THERE ARE SOME 2,000 YOUNGSTERS RECEIVING THE CARE AND PROTECTION BEING RENDERED MOSTLY BY CASE WORKERS.

REMEDIAL SERVICES, COMPRISING PROBATION, INSTITUTIONAL TRAINING AND AFTERCARE, WOULD BE NEEDED TO REHABILITATE THE YOUNG PEOPLE WHEN THEY BROKE THE LAW, MR LAW SAID.

"THE PROBATION OFFICERS OF THE SOCIAL WELFARE DEPARTMENT AND OTHER SOCIAL WORKERS ARE NOW SERVING SOME 3,500 CLIENTS WITH LONGER TERM, REMEDIAL COUNSELLING SERVICE," HE OBSERVED.

IN CONCLUSION THERE WAS A BALANCED DEVELOPMENT OF THESE FOUR TYPES OF YOUTH WORK, HE SAID.

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## TAKE EXTRA SAFETY MEASURES, CONTRACTORS URGED

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THE CHAIRMAN OF THE CONSTRUCTION INDUSTRY SAFETY SUB-COMMITTEE (CISS), MR PETER NIE, TODAY (WEDNESDAY) REMINDED EMPLOYERS AND WORKERS IN THE CONSTRUCTION INDUSTRY OF THE NEED TO TAKE EXTRA SAFETY MEASURES AT CONSTRUCTION SITES DURING THE RAINY SEASON.

"PAST EXPERIENCE SHOWS THAT ADVERSE WEATHER CONDITIONS CAN AGGRAVATE WORKING CONDITIONS AT CONSTRUCTION SITES AND THOSE ENGAGED IN THE INDUSTRY SHOULD BE ON THE ALERT FOR POTENTIAL HAZARDS," HE SAID.

MR NIE SUGGESTED THAT EMPLOYERS AND WORKERS IN THE CONSTRUCTION INDUSTRY SHOULD ADOPT THE FOLLOWING PRECAUTIONARY MEASURES IMMEDIATELY:

- \* ALL ELECTRIC SWITCHBOARDS, WIRING, APPARATUS AND EQUIPMENT AFFECTED BY RAIN SHOULD BE INSPECTED BY A COMPETENT PERSON BEFORE THEY ARE USED AGAIN.
- \* EXCAVATION, EARTHWORK AND TIMBERING ERECTED SHOULD BE INSPECTED BY A COMPETENT PERSON BEFORE FURTHER WORK IS CARRIED ON.
- \* EMERGENCY ESCAPE SHOULD BE PROVIDED FOR PERSONS WORKING INSIDE EXCAVATIONS, SHAFTS, TUNNELS, PITS OR OPENINGS IN THE GROUND IN CASE OF RISING WATER OR IRRUPTION OF WATER OR MATERIAL.
- \* PARTICULAR CARE SHOULD BE TAKEN WHILE USING WET AND SLIPPERY WORKING PLATFORMS, GANGWAYS, LADDERS AND SCAFFOLDS.
- \* SCAFFOLDS SHOULD BE INSPECTED BY A COMPETENT PERSON SINCE EXPOSURE TO WEATHER CONDITIONS IS LIKELY TO HAVE AFFECTED THEIR STRENGTH OR STABILITY OR TO HAVE DISPLACED ANY PART BEFORE THEY ARE USED AGAIN.

TO PROMOTE SAFETY AT WORK, MR NIE SAID, THE CISS HAS PRODUCED A POSTER AND AN INFORMATION LEAFLET WARNING AGAINST THE COMMON PITFALLS FOUND AT CONSTRUCTION SITES.

HE APPEALED TO CONTRACTORS TO PUT UP THE POSTER AT PROMINENT LOCATION AT THEIR CONSTRUCTION SITES TO HELP BRING HOME THE SAFETY MESSAGE.

THE CISS IS ONE OF THE SIX INDUSTRY-BASED SAFETY SUB-COMMITTEES FORMED UNDER THE INDUSTRIAL SAFETY AND HEALTH COMMITTEE OF THE LABOUR ADVISORY BOARD TO PROMOTE INDUSTRIAL SAFETY AND HEALTH IN HONG KONG.

IT IS TRIPARTITE IN NATURE COMPRISING REPRESENTATIVES OF THE FACTORY INSPECTORATE DIVISION OF THE LABOUR DEPARTMENT, EMPLOYERS' ASSOCIATIONS AND WORKERS' UNIONS FROM THE CONSTRUCTION INDUSTRY.

MONG KOK DB TO DISCUSS CRIMES (AMENDMENT) BILL  
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THE MONG KOK DISTRICT BOARD WILL DISCUSS AT ITS MEETING TOMORROW (THURSDAY) THE CRIMES (AMENDMENT) BILL WHICH SEEKS TO REDUCE NUISANCES CAUSED BY VICE ESTABLISHMENTS.

MEMBERS OF THE COMMITTEE WILL BE CONSULTED ON THE INTRODUCTION OF SUMMER TIME AND ON THE DRAFT BASIC LAW.

THEY WILL ALSO BE REQUESTED TO ENDORSE THE ALLOCATION OF FUNDS FOR PUTTING UP CHRISTMAS AND NEW YEAR LIGHTING, THE IMPLEMENTATION OF TWO BEAUTIFICATION PROJECTS AND FOR A STUDY ON THE LIVING CONDITION OF RESIDENTS IN OLD TENEMENT BUILDINGS IN MONG KOK.

OTHER ITEMS ON THE AGENDA ARE PROGRESS REPORTS OF THE DISTRICT MANAGEMENT COMMITTEE, THE DISTRICT BOARD'S COMMUNITY BUILDING AND ENVIRONMENT COMMITTEES AS WELL AS THE DISTRICT'S AREA COMMITTEES.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE MONG KOK DISTRICT BOARD MEETING TO BEGIN AT 2.30 PM TOMORROW (THURSDAY) IN THE CONFERENCE ROOM OF THE DISTRICT OFFICE, FIRST FLOOR, 157 PRINCE EDWARD ROAD, KOWLOON.

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EASTERN DB TO DISCUSS EDUCATION COMMISSION REPORT  
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THE EASTERN DISTRICT BOARD WILL DISCUSS THE EDUCATION COMMISSION REPORT NO. 3 AT THEIR MEETING TO BE HELD TOMORROW (THURSDAY).

A MEMBER OF THE EDUCATION COMMISSION, DR RAYMOND WU, WILL BRIEF BOARD MEMBERS ON THE REPORT AND ANSWER QUESTIONS.

THE HIGHWAYS DEPARTMENT AND THE ENVIRONMENTAL PROTECTION DEPARTMENT WILL PRESENT AN INTERIM REPORT ON A NOISE POLLUTION CONTROL SCHEME ON A SECTION OF THE ISLAND EASTERN CORRIDOR.

MEMBERS WILL ALSO DISCUSS THE CRIME (AMENDMENT) BILL 1988.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE EASTERN DISTRICT BOARD MEETING TO BEGIN AT 2.30 PM TOMORROW (THURSDAY) IN THE CONFERENCE ROOM OF THE DISTRICT OFFICE, FIRST FLOOR, 880-886 KING'S ROAD.

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DB COMMITTEE TO CONSIDER FUND APPLICATIONS

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THE COMMUNITY BUILDING COMMITTEE OF THE KOWLOON CITY DISTRICT BOARD WILL CONSIDER 13 APPLICATIONS FOR FUNDS TO ORGANISE COMMUNITY ACTIVITIES AT ITS MEETING TOMORROW (THURSDAY).

THE ACTIVITIES INCLUDE A TALENT SHOW AND A "FUND DAY" FOR THE ELDERLY, A BASKETBALL COMPETITION, A SWIMMING GALA, A DANCE COMPETITION, AN EXHIBITION ON MUSICAL INSTRUMENTS, THE KOWLOON CITY DISTRICT CIVIC EDUCATION CAMPAIGN OPENING CEREMONY, AND PROGRAMMES TO PROMOTE DENTAL HEALTH.

THE MEETING WILL ALSO REVIEW THE GUIDELINES FOR GRANTING DISTRICT BOARD FUNDS FOR COMMUNITY INVOLVEMENT PROJECTS.

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NOTE TO EDITORS:

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE MEETING OF THE KOWLOON CITY DISTRICT BOARD'S COMMUNITY BUILDING COMMITTEE TO BE HELD TOMORROW (THURSDAY) IN THE CONFERENCE ROOM OF THE KOWLOON CITY DISTRICT OFFICE AT 141 KAU PUI LONG ROAD. THE MEETING WILL BEGIN AT 2.15 PM.

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TRAVEL TRADE SYMPOSIUM INVITES APPLICATIONS

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THE HOTEL, CATERING AND TOURISM TRAINING BOARD OF THE VOCATIONAL TRAINING COUNCIL WILL ORGANISE A TWO-DAY SYMPOSIUM FOR TRAINERS IN THE HOTEL, CATERING AND TRAVEL TRADES.

THE "TRAVEL TRADE SYMPOSIUM" WILL BE CONDUCTED ON AUGUST 1 AND 2 AT THE MANAGEMENT DEVELOPMENT CENTRE OF HONG KONG.

THE OBJECT IS TO UPDATE EDUCATORS/INSTRUCTIONAL STAFF ON THE RECENT DEVELOPMENT OF THE TRAVEL INDUSTRY.

THE SYMPOSIUM WILL BE CONDUCTED BY VISITING PROFESSOR CHUCK Y. GEE AND MR JACK FOOTE OF THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT, UNIVERSITY OF HAWAII (MANOA).

DEPENDING ON SPONSORS OF THE APPLICANTS, FEES FOR THE SYMPOSIUM WILL RANGE FROM \$100 TO \$200 PER DAY. CLOSING DATE FOR APPLICATION IS JULY 28.

ENQUIRIES CAN BE DIRECTED TO SECRETARY OF THE BOARD, MISS CHAN, ON 5-8932341 EXT 282.

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GOVERNMENT LAND TO LET BY TENDER

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THE BUILDINGS AND LANDS DEPARTMENT IS INVITING TENDERS FOR THE SHORT TERM TENANCY OF A LOT IN THE NEW TERRITORIES.

THE LOT IS LOCATED IN D.D. NO. 51 ON FUK STREET, ON LOK TSUEN, FANLING.

IT COVERS AN AREA OF ABOUT 1,654 SQUARE METRES AND IS FOR OPEN STORAGE OR CONCRETE BATCHING.

THE TENANCY IS FOR TWO YEARS AND THEREAFTER QUARTERLY.

THE CLOSING DATE FOR ACCEPTANCE OF TENDERS IS NOON ON AUGUST 5.

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TRAFFIC CHANGES FOR LRT OPERATIONS

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A SERIES OF TRAFFIC ARRANGEMENTS WILL BE IMPLEMENTED IN YUEN LONG AND TUEN MUN FROM 10 AM ON FRIDAY (JULY 22) TO FACILITATE THE OPERATIONS OF THE LIGHT RAIL TRANSIT (LRT) SYSTEM, THE TRANSPORT DEPARTMENT ANNOUNCED.

UNDER THE ARRANGEMENTS, TWO RIGHT-TURN MOVEMENTS IN YUEN LONG WILL BE BANNED.

VEHICLES ON CASTLE PEAK ROAD (YUEN LONG SECTION) WILL NOT BE ALLOWED TO TURN RIGHT ONTO CASTLE PEAK ROAD AU TAU-BOUND. THEY WILL BE DIVERTED VIA ROAD L1.

THE EXISTING RIGHT-TURN MOVEMENTS FROM LONG YIP STREET ONTO CASTLE PEAK ROAD (YUEN LONG SECTION) WILL ALSO BE BANNED. AFFECTED VEHICLES WILL BE DIVERTED VIA ROAD L1 AND AN UNNAMED EXIT ROAD FROM YUEN LONG LRT INTERCHANGE.

AT THE SAME TIME, NO VEHICLES OTHER THAN FRANCHISED BUSES WILL BE ALLOWED TO ENTER THE FOLLOWING AREAS AT ANY TIME OF THE DAY:

- \* THE YUEN LONG (EAST) BUS TERMINUS NEAR ROAD L1.
- \* THE OFFSIDE LANE OF ROAD L1 FROM ITS JUNCTION WITH THE UNNAMED ACCESS ROAD TO NAM PIN WAI AND THE ENTRANCE TO THE BUS TERMINUS IN THE INTERCHANGE.

/TWO ROAD .....

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TWO ROAD SECTIONS IN YUEN LONG WILL BE MADE URBAN CLEARWAYS:

- \* THE SECTION OF TUNG LOK STREET BETWEEN YUEN LONG ON NING ROAD AND SAU FU STREET WILL BE MADE A PEAK-HOUR (THAT IS 7 AM TO 10 AM AND 4 PM TO 7 PM) DAILY URBAN CLEARWAY.
- \* THE SECTION OF ROAD L1 FROM ITS JUNCTION WITH THE UNNAMED ACCESS ROAD TO NAM PIN WAI TO ITS JUNCTION WITH CASTLE PEAK ROAD (YUEN LONG SECTION) WILL BECOME AN URBAN CLEARWAY OPERATING ROUND THE CLOCK.

IN TUEN MUN, THE FOLLOWING ROAD SECTIONS WILL ALSO BE DESIGNATED 24-HOUR DAILY URBAN CLEARWAYS:

- \* THE SOUTHERN KERBSIDE LANE OF TAI FONG STREET FROM ITS JUNCTION WITH TSUN WEN ROAD TO ITS JUNCTION WITH THE ACCESS ROAD LEADING TO THE NO. 9 CARPARK OF TAI HING ESTATE.
- \* THE SOUTHEASTERN KERBSIDE LANE OF THE ACCESS ROAD LEADING TO THE NO. 9 CARPARK OF TAI HING ESTATE FROM ITS JUNCTION WITH TAI FONG STREET TO A POINT ABOUT 10 METRES SOUTH OF THE SAME JUNCTION.
- \* TAI HING STREET BETWEEN ITS JUNCTION WITH TAI FONG STREET AND A POINT ABOUT 50 METRES SOUTH OF THE SAME JUNCTION.
- \* THE WESTERN KERBSIDE LANE OF TSUN WEN ROAD FROM ITS JUNCTION WITH TAI FONG STREET TO A POINT ABOUT 35 METRES SOUTH OF THE SAME JUNCTION.
- \* THE EASTERN KERBSIDE LANE OF TSUN WEN ROAD FROM ITS JUNCTION WITH TSING CHUNG KOON ROAD TO A POINT ABOUT 25 METRES SOUTH OF THE SAME JUNCTION.
- \* THE NORTHERN KERBSIDE LANE OF TSING CHUNG KOON ROAD FROM ITS JUNCTION WITH TSUN WEN ROAD TO A POINT ABOUT 35 METRES EAST OF THE SAME JUNCTION.
- \* THE SOUTHERN KERBSIDE LANE OF TSING CHUNG KOON ROAD FROM ITS JUNCTION WITH TSUN WEN ROAD TO A POINT ABOUT 65 METRES EAST OF THE SAME JUNCTION.

ALL VEHICLES EXCEPT FRANCHISED BUSES WILL NOT BE ALLOWED TO STOP WITHIN THESE URBAN CLEARWAYS FOR PASSENGERS OR GOODS.

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TEMPORARY LANE CLOSURE ON LION ROCK TUNNEL ROAD  
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TO FACILITATE THE REPAIR OF SAFETY FENCE ALONG LION ROCK TUNNEL ROAD, A 150-METRE SECTION OF THE NORTHBOUND SLOW LANE OF LION ROCK TUNNEL ROAD NEAR WORLDWIDE GARDENS WILL BE CLOSED TEMPORARILY FROM MIDNIGHT TOMORROW (THURSDAY) TO 6 AM THE FOLLOWING DAY.

MOTORISTS ARE ADVISED TO WATCH OUT FOR TRAFFIC DIRECTIONAL SIGNS AND DRIVE WITH EXTRA CARE AND PATIENCE.

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SUSPENSION OF PARKING SPACES  
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THE TRANSPORT DEPARTMENT ANNOUNCED THAT PARKING SPACE NOS. 20 TO 40 AND 144 TO 152 AT MURRAY BARRACKS CARPARK IN CENTRAL WILL BE SUSPENDED FROM 8 AM ON SATURDAY (JULY 23).

THIS MEASURE WILL LAST FOR ABOUT SIX MONTHS FOR ROADWORKS.

MOREOVER, THE PARKING SPACES 1 TO 19, 47 TO 61, 63, 153, 155, 157 AND 159 TO 171 AT THIS CARPARK WILL ALSO BE SUSPENDED FROM 8 AM ON AUGUST 1 FOR ABOUT SIX MONTHS FOR ROADWORKS.

AS A RESULT, THE NUMBER OF MONTHLY PASSES ISSUED FOR MURRAY BARRACKS CARPARK WILL BE REDUCED FROM 100 TO 60 FROM NEXT MONTH.

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TEMPORARY ROAD CLOSURE IN YAU MA TEI  
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THE TRANSPORT DEPARTMENT ANNOUNCED THAT THE SECTION OF BOWRING STREET IN YAU MA TEI BETWEEN WOOSUNG STREET AND TEMPLE STREET WILL BE CLOSED TO TRAFFIC FROM 10 AM ON FRIDAY (JULY 22).

THE CLOSURE WILL BE IN FORCE FOR ABOUT TWO MONTHS TO FACILITATE ROAD RECONSTRUCTION.

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