



DAILY INFORMATION BULLETIN

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SATURDAY, JUNE 6, 1992

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ORGANISED CRIME BILL REVISED

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TOUGH NEW LEGISLATION PROPOSED IN THE 1991 WHITE BILL ON ORGANISED CRIME HAS BEEN REVISED TO INCLUDE NEW INVESTIGATIVE POWERS.

ANNOUNCING THIS TODAY (SATURDAY), A GOVERNMENT SPOKESMAN SAID THE NEW MEASURES WERE AMONG SEVERAL CHANGES MADE TO REFLECT VIEWS AND COMMENTS GATHERED DURING THE CONSULTATION PERIOD HELD TOWARDS THE END OF LAST YEAR ON THE 1991 WHITE BILL.

"WHILE THERE WAS GENERAL SUPPORT FOR THE PROPOSALS TO IMPOSE HEAVIER PENALTIES, INTRODUCE A MONEY LAUNDERING OFFENCE AND PROVIDE FOR CONFISCATION OF THE PROCEEDS OF CRIME, THERE WERE DOUBTS THAT SOME NEW OFFENCES COULD BE PROSECUTED SUCCESSFULLY," HE SAID.

ALSO, PROVING MEMBERSHIP OF AN ORGANISED CRIME GROUP RELIED ON CERTAIN PRESUMPTIONS WHICH MIGHT BE CHALLENGED AS CONTRARY TO THE BILL OF RIGHTS, HE ADDED.

THE WHITE BILL DEFINED AN ORGANISED CRIME GROUP AS A TRIAD SOCIETY OR TWO OR MORE INDIVIDUALS ASSOCIATED TOGETHER SOLELY OR PARTLY FOR THE PURPOSE OF REPEATEDLY COMMITTING OFFENCES SUCH AS ILLEGAL GAMBLING, PROSTITUTION, DRUG TRAFFICKING, EXTORTION AND BLACKMAIL.

AS A RESULT OF THE CONCERNS, THE REVISED BILL WILL EXCLUDE PROVISIONS WHICH INVOLVE PROVING THAT A PERSON WAS A MEMBER OF AN ORGANISED CRIME GROUP WHEN HE COMMITTED A SPECIFIED OFFENCE.

"RECENT EXPERIENCE WITH VIOLENT CRIME HAS DEMONSTRATED THAT EVEN A SINGLE CRIME CAN HAVE A GRAVE IMPACT ON THE COMMUNITY, AND MAY WARRANT THE APPLICATION OF POWERS PROPOSED IN THE BILL," HE SAID.

THE SPOKESMAN POINTED OUT THAT EVEN IF THE TARGETS FOR THE BILL WERE ACTS OF ORGANISED CRIME GROUPS, IT WAS NOT ALWAYS POSSIBLE TO KNOW, AT THE START OF AN INVESTIGATION, WHETHER THE OFFENDERS HAVE REPEATEDLY COMMITTED OFFENCES.

"WE WILL ACHIEVE OUR AIMS BY FOCUSING THE BILL ON ORGANISED CRIMES COMMITTED BY TWO OR MORE INDIVIDUALS, EVEN ON A ONE-OFF BASIS," HE SAID.

ORGANISED CRIME WILL BE DEFINED AS TWO OR MORE PERSONS COMMITTING A SPECIFIED OFFENCE, OR ONE, OR MORE THAN ONE, PERSON INCITING ANOTHER TO COMMIT AN OFFENCE.

"THIS DEFINITION, WHICH INCLUDES ONE-OFF OFFENCES COMMITTED BY MORE THAN ONE PERSON, WILL ENCOMPASS MOST OF THE OFFENCES COMMITTED BY TRIAD SOCIETIES," SAID THE SPOKESMAN.

HOWEVER, HE SAID THAT NO AMOUNT OF NEW LEGISLATION WOULD REDUCE THE TRIAD MENACE UNLESS THE POLICE HAD ADEQUATE POWERS TO INVESTIGATE ORGANISED CRIME.

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"POLICE OFTEN FACE A WALL OF SILENCE BECAUSE WITNESSES FEAR REPRISAL OR ARE WILLINGLY INVOLVED IN OFFENCES SUCH AS ILLEGAL GAMBLING," HE SAID.

"PRESENT INVESTIGATIVE POWERS ARE INADEQUATE TO IDENTIFY THE ORGANISERS WHO OFTEN DO NOT PARTICIPATE DIRECTLY IN THE COMMISSION OF CRIMES," HE ADDED.

IN AN EFFORT TO OVERCOME THESE PROBLEMS, THE REVISED BILL PROPOSES TO GIVE THE POLICE SPECIAL INVESTIGATIVE POWERS TO REQUIRE A PERSON TO ANSWER QUESTIONS AND OTHERWISE FURNISH INFORMATION RELEVANT TO THE INVESTIGATION.

ADDITIONALLY, A PERSON HAVING POSSESSION OR CONTROL OF MATERIALS RELEVANT TO THE INVESTIGATION WILL BE REQUIRED TO PRODUCE THESE MATERIALS OR TO GIVE THE POLICE ACCESS TO THEM.

"THESE POWERS WILL BE SUBJECT TO MANY SAFEGUARDS," SAID THE SPOKESMAN.

"FIRST, WE PROPOSE THAT THE POWERS SHOULD ONLY BE AVAILABLE IF AUTHORISED BY THE HIGH COURT, AND ALL APPLICATIONS WILL BE MADE BY THE ATTORNEY GENERAL OR THE DIRECTOR OF PUBLIC PROSECUTIONS.

"SECOND, WE PROPOSE THAT THE HIGH COURT SHOULD ONLY GRANT AN APPLICATION FOR THE USE OF SUCH POWERS IF IT IS SATISFIED THAT IT IS IN THE PUBLIC INTEREST," HE ADDED.

A PERSON NOTIFIED TO ATTEND AN INTERVIEW TO ANSWER QUESTIONS OR TO PRODUCE MATERIAL WOULD COMMIT AN OFFENCE IF HE REFUSES OR FAILS TO ATTEND, REFUSES TO PROVIDE INFORMATION OR PRODUCE MATERIAL, PROVIDES OR PRODUCES FALSE OR MISLEADING INFORMATION OR MATERIAL, OR DESTROYS, FALSIFIES, CONCEALS OR DISPOSES OF MATERIALS.

THE SPOKESMAN STRESSED THAT A PERSON'S ANSWERS WOULD NOT BE ADMISSABLE AGAINST HIM EXCEPT IN PROCEEDINGS FOR GIVING FALSE OR MISLEADING INFORMATION.

UNDER THE POWERS, THE HIGH COURT COULD ORDER BANK AND THE INLAND REVENUE DEPARTMENT TO PRODUCE RELEVANT INFORMATION.

"WE BELIEVE THESE SPECIAL INVESTIGATIVE POWERS, WHICH ALREADY EXIST IN A NUMBER OF JURISDICTIONS, ADDRESS THE PUBLIC CONCERN THAT THE POLICE SHOULD BE GIVEN ADEQUATE TOOLS TO COMBAT CRIME," HE SAID.

"THE POWER TO COMPEL DISCLOSURE OF INFORMATION WILL BE OF SIGNIFICANT BENEFIT TO THE POLICE IDENTIFYING PEOPLE INVOLVED IN ORGANISED CRIMES AND TO DEVELOP A PROSECUTABLE CASE AGAINST THEM."

HE SAID THE GOVERNMENT WAS MINDFUL OF HUMAN RIGHTS CONSIDERATIONS AND WAS PREPARING THE PROPOSED MEASURES IN ORDER THAT THEY WERE CONSISTENT WITH THE BILL OF RIGHTS.

ANOTHER PROPOSED NEW PROVISION IS TO ABOLISH THE NEED FOR THE JUDGE TO WARN THE JURY ABOUT EVIDENCE GIVEN BY ACCOMPLICES.

"THE NATURE OF THE WARNING AND ITS APPLICATION ARE EXTREMELY COMPLICATED AND THE LAW AND PRACTICE HAVE BEEN CRITICISED WIDELY," HE SAID.

"WE HAVE DECIDED TO FOLLOW THE LEAD OF THE ENGLISH LAW COMMISSION WHICH RECENTLY CALLED FOR ITS ABOLITION THERE, IN LINE WITH OTHER COMMON LAW JURISDICTIONS."

THE ENGLISH LAW COMMISSION HAS ALSO BEEN CONSIDERING HOW THE OFFENCE OF CONSPIRACY COULD BE BROADENED TO HELP PROSECUTE PEOPLE ON THE FRINGES OF CRIMINAL ACTIVITIES.

THEIR RECOMMENDATION THAT THE OFFENCE OF AIDING, ABETTING, COUNSELLING AND PROCURING A CONSPIRACY BE INCLUDED IN ITS PROPOSED CRIMINAL CODE IS TO BE ADOPTED HERE IN THE REVISED BILL.

"SUCH AN OFFENCE WILL MAKE IT EASIER TO PROSECUTE THE HEAD OF AN ORGANISED CRIME GROUP WHO INSTIGATES THE CONSPIRACY WHERE THERE IS INSUFFICIENT EVIDENCE TO PROVE THAT HE WAS A MEMBER OF THE CONSPIRACY," SAID THE SPOKESMAN.

PROVISION WILL BE MADE TO ALLOW THE PROSECUTION TO INFORM THE COURT DURING THE SENTENCING HEARING ON MATTERS WHICH COULD EFFECT THE SEVERITY OF PUNISHMENT.

SUCH INFORMATION COULD INCLUDE THE PREVALENCE OF THE OFFENCE, ITS FINANCIAL REWARDS, ITS IMPACT ON THE COMMUNITY OR VICTIMS, AND WHETHER THE DEFENDANT HAS BEEN INVOLVED WITH ORGANISED CRIME INCLUDING TRIADS.

"THIS ENABLES THE COURT TO BE INFORMED OF THE BROADER PICTURE SURROUNDING THE PRESENT CONVICTION BEFORE DECIDING UPON AN APPROPRIATE SENTENCE, BUT WITHOUT PREJUDICING A FAIR TRIAL," HE SAID.

ANOTHER MEASURE IN THE WHITE BILL THAT HAS BEEN EXTENDED BEYOND THE CONFINES OF ORGANISED CRIME IS THAT RELATING TO CONFISCATION AND MONEY LAUNDERING.

"THE PROPOSAL WOULD ALLOW THE COURT TO CONFISCATE ALL PROCEEDS OF CRIME RECEIVED BY THE CONVICTED PERSON IN CONNECTION WITH THE COMMISSION OF ANY OFFENCE," SAID THE SPOKESMAN.

"WE ALSO PROPOSE THE INTRODUCTION OF A GENERAL MONEY LAUNDERING OFFENCE COVERING THE PROCEEDS OF ALL CRIME," HE ADDED.

THE SPOKESMAN SAID DRAFTING OF THE REVISED LEGISLATION WAS NEARING COMPLETION AND IT WAS HOPED THAT IT COULD BE INTRODUCED INTO THE LEGISLATIVE COUNCIL AS SOON AS POSSIBLE.

TO TRULY REFLECT THE NATURE AND CONTENT OF THE REVISED PROPOSALS, THE LEGISLATION WILL BE RENAMED ORGANISED AND SERIOUS CRIMES BILL 1992.

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APPLY FOR TRAVEL DOCUMENT NOW TO AVOID RUSH

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ANYONE INTENDING TO TRAVEL ABROAD DURING THE SUMMER HOLIDAYS SHOULD APPLY FOR TRAVEL DOCUMENT NOW.

A SPOKESMAN FOR THE IMMIGRATION DEPARTMENT SAID TODAY (SATURDAY):

"THE NUMBER OF PEOPLE TRAVELLING OUTSIDE HONG KONG WILL IN NORMAL CASE GREATLY INCREASE DURING THIS TIME OF THE YEAR. IN ORDER TO AVOID LAST MINUTE RUSH, PEOPLE ARE ADVISED TO APPLY FOR PASSPORT AND CERTIFICATE OF IDENTITY WELL IN ADVANCE OF THE DATE ON WHICH THEY INTEND TO TRAVEL."

FOR FIRST-TIME APPLICATIONS, IT MAY REQUIRE 20 WORKING DAYS (I.E. ABOUT FOUR WEEKS) TO ISSUE A BRITISH HONG KONG PASSPORT AND 15 WORKING DAYS (I.E. ABOUT THREE WEEKS) TO ISSUE A HONG KONG CERTIFICATE OF IDENTITY.

MEMBERS OF THE PUBLIC WHO ARE IN HONG KONG AND ARE AGED 18 OR OVER MAY SEND THEIR APPLICATIONS BY POST FOR REPLACEMENT OF THEIR HONG KONG BRITISH DEPENDENT TERRITORIES CITIZEN PASSPORTS, BRITISH NATIONAL (OVERSEAS) PASSPORTS OR HONG KONG CERTIFICATES OF IDENTITY.

"FOR APPLICATIONS MADE BY POST OR DEPOSITED IN A DROP-IN BOX AT OUR HEADQUARTERS, IT WILL NORMALLY TAKE 10 WORKING DAYS FROM THE DATE OF RECEIPT OF APPLICATION TO ISSUE A NEW PASSPORT OR CERTIFICATE OF IDENTITY."

FOR APPLICATIONS DEPOSITED IN A DROP-IN BOX AT AN IMMIGRATION BRANCH OFFICE, IT WILL TAKE ABOUT 15 WORKING DAYS.

APPLICANTS WILL BE INFORMED BY LETTER OF THE DATE AND OFFICE TO COLLECT THEIR NEW TRAVEL DOCUMENTS.

THOSE WHO WISH TO MAKE USE OF THESE NEW SERVICES MAY CALL THE INFORMATION OFFICE ON TEL. 824 6111 FOR FURTHER DETAILS.

RE-ENTRY PERMIT AND DOCUMENT OF IDENTITY FOR VISA PURPOSES ARE NORMALLY ISSUED ON THE SAME DAY BUT DELAY IS LIKELY IF THERE ARE TOO MANY APPLICANTS COMING AT THE SAME TIME, FOR EXAMPLE, ON SATURDAY IN WHICH WE COULD ONLY PROVIDE A LIMITED SERVICE WITH HALF STRENGTH.

"THE PERIOD BEFORE THE SUMMER HOLIDAYS IS ONE OF THE BUSIEST TIME OF THE YEAR. BY APPLYING EARLY, IT WILL NOT ONLY SPREAD THE WORKLOAD OF THE DEPARTMENT BUT WILL ALSO GIVE APPLICANTS EXTRA TIME TO MEET ANY FURTHER VISA PROCESSING REQUIREMENTS WHERE NECESSARY," THE SPOKESMAN ADDED.

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HK HEALTH TEAM TO VISIT GUANGDONG

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THE DIRECTOR OF HEALTH, DR S.H. LEE, WILL LEAVE FOR GUANGZHOU TOMORROW (SUNDAY) MORNING FOR AN EIGHT-DAY VISIT, AT THE INVITATION OF THE DIRECTOR OF PUBLIC HEALTH BUREAU OF GUANGDONG PROVINCE.

DR LEE WILL BE ACCOMPANIED BY TWO COMMUNITY PHYSICIANS OF THE DEPARTMENT OF HEALTH, DR T.H. LEUNG AND DR MONICA WONG.

DR LEE SAID THE VISIT WOULD PROVIDE THEM WITH AN OPPORTUNITY TO FOSTER CLOSER TIE BETWEEN THE TWO PLACES AND TO EXCHANGE EXPERIENCE AND VIEWS ON HEALTH SERVICES.

THE DELEGATION WILL VISIT HEALTH FACILITIES IN GUANGZHOU AND NEARBY AREAS AND WILL RETURN TO HONG KONG ON JUNE 14.

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BLITZ ON SHIPYARDS TO IMPROVE SAFETY

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FACTORY INSPECTORS FROM THE LABOUR DEPARTMENT ARE CURRENTLY TAKING VIGOROUS ENFORCEMENT ACTION ON SHIPBUILDING AND REPAIRING ESTABLISHMENTS IN A BID TO FURTHER REDUCE THE NUMBER OF ACCIDENTS IN THE INDUSTRY.

UNDER A MONTH-LONG SPECIAL INSPECTION CAMPAIGN STARTED ON JUNE 1, FACTORY INSPECTORS ARE VISITING ALL SHIPYARDS THROUGHOUT THE TERRITORY TO ENSURE THAT PROPRIETORS COMPLY WITH INDUSTRIAL SAFETY LAWS.

"DURING THE VISITS, SPECIAL ATTENTION IS PAID TO PROBLEM AREAS LIKELY TO CAUSE SERIOUS ACCIDENTS, SUCH AS THE FALL OF PERSONS FROM A HEIGHT AND INJURIES BY UNGUARDED MACHINERY," DEPUTY CHIEF FACTORY INSPECTOR KAN HON-SANG SAID.

"SHIPYARD PROPRIETORS ARE ALSO REMINDED OF THEIR GENERAL DUTY UNDER THE LAW TO MAINTAIN SAFETY AT WORK AND OF THE NEED TO ADOPT A SAFE WORK SYSTEM APPROPRIATE TO THEIR INDUSTRY," MR KAN ADDED.

"PROSECUTION ACTION MAY BE TAKEN OUT AGAINST BLATANT OFFENDERS DURING THE OPERATION," HE SAID, NOTING THAT THE INDUSTRY RECORDED 857 ACCIDENTS LAST YEAR.

WITH 117 ACCIDENTS PER THOUSAND WORKERS, MR KAN SAID THE INDUSTRY WAS THE SECOND MOST DANGEROUS TRADE, AFTER THE CONSTRUCTION INDUSTRY.

MOST SERIOUS ACCIDENTS IN SHIPYARDS ARE CAUSED BY UNGUARDED MACHINERY AND FALL OF PERSONS FROM A HEIGHT, WHILE ABOUT HALF OF ALL ACCIDENTS IN THE INDUSTRY ARE CAUSED BY STEPPING ON OR STRIKING AGAINST OBJECTS AND MANUAL LIFTING OF WEIGHTS.

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COUNTRY PARK CONSERVATION WORK PRAISED

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THE DIRECTOR OF AGRICULTURE AND FISHERIES, DR LAWRENCE LEE, TODAY (SATURDAY) PRAISED THE COMMUNITY YOUTH CLUB (CYC) MEMBERS FOR THEIR EFFORTS IN HELPING THE CONSERVATION OF COUNTRY PARKS.

OFFICIATING AT THE CLOSING CEREMONY OF THE 1991-92 CYC COUNTRY PARKS ADOPTION SCHEME, DR LEE SAID:

"DURING THE PAST SEVEN MONTHS, CYC MEMBERS FROM 50 SCHOOLS WHO JOINED THE SCHEME CARRIED OUT A VARIETY OF COUNTRYSIDE CONSERVATION AND MANAGEMENT JOBS IN 10 COUNTRY PARKS."

"SINCE THE LAUNCHING OF THE SCHEME IN 1989, CYC MEMBERS HAVE BEEN ACTIVELY PARTICIPATING AND TAKING THE LEAD IN VARIOUS ACTIVITIES AND SERVICES IN COUNTRYSIDE CONSERVATION.

"I AM IMPRESSED BY THEIR HIGH SENSE OF SOCIAL RESPONSIBILITY AND COMMUNITY SERVICE," HE SAID.

DR LEE ALSO THANKED AND APPRECIATED THE LIONS CLUBS FOR THEIR GENEROUS SPONSORSHIP TO THIS YEAR'S SCHEME.

HE ALSO PAID TRIBUTE TO PRINCIPALS AND TEACHERS OF PARTICIPATING SCHOOLS FOR THEIR FULL SUPPORT IN MOBILISING STUDENTS TO TAKE PART IN THIS SCHEME.

"THEIR ENTHUSIASM AND FULL SUPPORT TO THE SCHEME ARE EXTREMELY IMPORTANT IN GIVING THE NECESSARY ENCOURAGEMENT AND MOMENTUM FOR THEIR STUDENTS TO TAKE PART IN THE HARD BUT MEANINGFUL COUNTRYSIDE CONSERVATION ACTIVITIES," HE SAID.

THE SCHEME, JOINTLY ORGANISED BY THE AGRICULTURE AND FISHERIES DEPARTMENT (AFD) AND THE EDUCATION DEPARTMENT, AIMS AT PROMOTING THE SENSE OF COUNTRYSIDE CONSERVATION AMONG PARTICIPATING STUDENTS THROUGH VOLUNTARY WORK IN COUNTRY PARKS.

TO ENABLE THE STUDENTS TO CARRY OUT THEIR WORK PROPERLY AND SMOOTHLY, BASIC TRAINING HAD BEEN PROVIDED BY THE AFD ON PRACTICAL COUNTRYSIDE CONSERVATION TO SOME OF THEM. ON-SITE GUIDANCE HAD ALSO BEEN GIVEN TO THEM BY PARK WARDENS.

THE VOLUNTARY COUNTRY PARK MANAGEMENT WORK DONE BY THE PARTICIPANTS THIS YEAR INCLUDED TREE PLANTING AND TENDING, APPLYING FERTILISER, WEEDING, PATH MAINTENANCE AND LITTER COLLECTION.

ALSO OFFICIATING AT TODAY'S CLOSING CEREMONY WERE THE DIRECTOR OF EDUCATION, MR LI YUET-TING AND THE DISTRICT GOVERNOR, LIONS CLUBS INTERNATIONAL DISTRICT 303, MR ALBERT WONG.

/MR LI

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MR LI SHARED THE VIEW THAT THE MAIN OBJECTIVE OF THE SCHEME WAS TO MAKE YOUNG PARTICIPANTS MORE AWARE OF THE IMPORTANCE OF CONSERVING THE NATURAL ENVIRONMENT.

"THROUGH PARTICIPATION IN THE SCHEME, CYC MEMBERS HAVE ALSO BEEN ENCOURAGED TO PLAY A MORE ACTIVE PART IN COMMUNITY SERVICE.

"THEY ALSO SET GOOD EXAMPLES FOR OTHER COUNTRY PARKS USERS," HE SAID.

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HONG KONG GOVERNMENT EXCHANGE FUND
MONEY MARKET OPERATIONS
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	DATE	\$ MILLION
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CLOSING BALANCE IN THE ACCOUNT ON	4.6.92	1,068 *
EFFECT OF FORWARDS TO BE SETTLED ON	6.6.92	NEUTRAL
EFFECT OF OPERATIONS THIS MORNING		NEUTRAL

* INCLUDES 80 MN O/N ASSISTANCE
TO BE REVERSED ON 8 JUNE

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DEPARTMENT