



DAILY INFORMATION BULLETIN

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THURSDAY, APRIL 21, 1994

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THURSDAY, APRIL 21, 1994

- 1 -

STATEMENT BY GOVERNOR TO LEGCO

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FOLLOWING IS THE STATEMENT BY THE GOVERNOR, THE RT HON CHRISTOPHER PATTEN, TO THE LEGISLATIVE COUNCIL TODAY (THURSDAY):

MR PRESIDENT,

I AM PLEASED TO HAVE THIS OPPORTUNITY TO TAKE QUESTIONS FROM MEMBERS OF THIS COUNCIL. JUST FOR THE RECORD, THIS IS THE 15TH OCCASION ON WHICH I HAVE NOW DONE SO. TODAY I PROPOSE TO REPORT ON MY RECENT VISIT TO LONDON, AND TO SAY SOMETHING ABOUT THE NEWLY PUBLISHED REPORT BY THE FOREIGN AFFAIRS SELECT COMMITTEE OF THE HOUSE OF COMMONS.

I VISITED LONDON FROM MARCH 30 TO APRIL 9. BEFORE ARRIVING IN LONDON, I WENT TO DUBLIN TO DELIVER THE INDEPENDENT LECTURE ON THE IMPORTANT TOPIC OF FREEDOM OF SPEECH. WHILE IN DUBLIN, I HAD MEETINGS WITH THE IRISH PRIME MINISTER, MR ALBERT REYNOLDS AND EDITORS OF THE PRINCIPAL IRISH NEWSPAPERS.

AS HONOURABLE MEMBERS KNOW, LIKE MY PREDECESSOR I BELIEVE IT IS VALUABLE TO MAKE SHORT, REGULAR VISITS TO THE UK ABOUT FOUR OR FIVE TIMES A YEAR. THIS VISIT FELL INTO THAT PATTERN. I HAD A SERIES OF USEFUL MEETINGS. I HAD LUNCH WITH THE FOREIGN SECRETARY, MEETINGS WITH MR GOODLAD AND SENIOR FOREIGN OFFICE OFFICIALS, PLUS MEETINGS WITH A NUMBER OF OTHER CABINET MINISTERS AND MINISTERS. I HAD A LENGTHY TELEPHONE CONVERSATION WITH THE PRIME MINISTER, WHOM I DID NOT SEE ON THIS OCCASION BECAUSE HE WAS IN HIS HUNTINGDON CONSTITUENCY. IT WAS USEFUL FOR ME TO BE ABLE TO UPDATE HIM AND OTHERS ON HOW THINGS ARE GOING IN HONG KONG AND TO UNDERLINE, FOR EXAMPLE, THE IMPORTANCE TO US OF THE UNCONDITIONAL RENEWAL OF MFN. THE BRITISH GOVERNMENT HAVE ALREADY EMPHASISED THIS AT THE HIGHEST LEVELS OF THE U.S. ADMINISTRATION. THEY - AND WE - WILL CONTINUE TO DO SO AS WE APPROACH THE DEADLINE FOR A DECISION. THE CHIEF SECRETARY WILL BE LEAVING FOR WASHINGTON TOMORROW ON AN IMPORTANT VISIT, DURING WHICH SHE EXPECTS TO MEET AN INFLUENTIAL CROSS-SECTION OF SENIOR MEMBERS IN THE ADMINISTRATION AND CONGRESS, AND COVER A WIDE RANGE OF ISSUES OF INTEREST TO HONG KONG, INCLUDING MFN. WE ALL WISH HER WELL ON HER IMPORTANT MISSION.

WHILE IN LONDON I ALSO HAD A MEETING WITH LADY THATCHER. AS ONE OF THE SIGNATORIES OF THE JOINT DECLARATION SHE CONTINUES TO KEEP A CLOSE INTEREST IN HONG KONG AFFAIRS, AND I HAVE KEPT IN REGULAR TOUCH WITH HER OVER THE LAST TWO YEARS.

IN LONDON I FOUND CONTINUING INTEREST AND SOLID SUPPORT FOR WHAT WE ARE TRYING TO DO IN HONG KONG, AND A GROWING UNDERSTANDING OF WHY WE MUST ENSURE - WITH OUR CHINESE COLLEAGUES - THE FULL IMPLEMENTATION OF THE JOINT DECLARATION. I ALSO FOUND CONSIDERABLE ADMIRATION FOR AND INTEREST IN HONG KONG'S CONTINUING ECONOMIC AND SOCIAL SUCCESS STORY.

/SHORTLY AFTER

SHORTLY AFTER MY RETURN TO HONG KONG, THE FOREIGN AFFAIRS SELECT COMMITTEE OF THE HOUSE OF COMMONS PUBLISHED THEIR REPORT ON RELATIONS BETWEEN THE UNITED KINGDOM AND CHINA IN THE PERIOD UP TO AND BEYOND 1997. IT IS AN EXTREMELY THOROUGH AND IMPRESSIVE DOCUMENT, AS MANY OF YOU WILL HAVE SEEN. THEY SOUGHT VIEWS FROM RIGHT ACROSS THE BOARD - FROM THE CHINESE AND BRITISH GOVERNMENTS, AS WELL AS FROM A LARGE NUMBER OF OTHER SOURCES, INCLUDING ME AND A GOOD MANY MEMBERS OF THIS COUNCIL.

NATURALLY I INTEND TO COMMENT IN ANY DETAIL ONLY ON THE SECTION ON HONG KONG. I AM GLAD THAT THE COMMITTEE GAVE UNANIMOUS BACKING TO THE APPROACH WE HAVE TAKEN ON POLITICAL DEVELOPMENT IN HONG KONG OVER THE LAST COUPLE OF YEARS. HAVING HEARD AND WEIGHED UP ALL THE ARGUMENTS, THE COMMITTEE CONFIRMED THAT THE PROPOSALS WHICH THE HONG KONG GOVERNMENT ANNOUNCED IN 1992 ARE CONSISTENT WITH AGREEMENTS REACHED WITH CHINA. THEY MAKE CLEAR THEIR SUPPORT FOR THE SPECIFIC PROPOSALS AND FOR THE OVERALL APPROACH WE HAVE ADOPTED. I NATURALLY WELCOME THAT, PARTICULARLY SO BECAUSE THIS REPORT IS UNANIMOUS AND CROSS-PARTY. IT IS CERTAINLY NOT A GOVERNMENT REPORT. SELECT COMMITTEES DO NOT SPEAK FOR THE BRITISH GOVERNMENT. THEY SPEAK FOR THEMSELVES, INDEPENDENTLY AND FEARLESSLY, AND THEY HAVE DONE SO IN THIS CASE CLEARLY AND UNAMBIGUOUSLY AND AUTHORITATIVELY.

THE FAC MAKE SEVERAL SPECIFIC RECOMMENDATIONS IN THEIR REPORT. THE BRITISH GOVERNMENT - WITH THE HONG KONG GOVERNMENT - WILL WANT TO CONSIDER THESE CAREFULLY BEFORE GIVING A FORMAL RESPONSE. SO WHAT FOLLOWS ARE BY WAY OF PRELIMINARY REMARKS.

THE COMMITTEE RIGHTLY EMPHASISED THE NEED FOR THE UNITED KINGDOM AND CHINA TO WORK CLOSELY TOGETHER IN THE INTERESTS OF HONG KONG IN THE TIME REMAINING BEFORE THE TRANSFER OF SOVEREIGNTY. BRITISH MINISTERS AND I HAVE OFTEN SAID THAT WE STRONGLY FAVOUR SUCH CO-OPERATION. I WAS THEREFORE PLEASED TO NOTE THAT THE CHINESE FOREIGN MINISTER HAD EXPRESSED SIMILAR SENTIMENTS SUPPORTING SUCH CO-OPERATION IN A RECENT INTERVIEW WITH TA KUNG PAO.

ON NATIONALITY ISSUES, THE FAC RECOMMEND, AS THIS COUNCIL HAS DONE, THAT THE BRITISH GOVERNMENT GRANT FULL BRITISH CITIZENSHIP TO THE WIVES AND WIDOWS OF EX-SERVICEMEN IN HONG KONG. AS THE COUNCIL WILL KNOW, I SUPPORT THAT VIEW AND HAVE PRESSED THE BRITISH GOVERNMENT TO GRANT FULL BRITISH CITIZENSHIP TO THIS EXCEPTIONAL GROUP. UNFORTUNATELY, THE BRITISH GOVERNMENT WOULD NOT BE ABLE TO GRANT FULL CITIZENSHIP WITHOUT PRIMARY LEGISLATION IN PARLIAMENT, AND THEY ARE NOT PERSUADED OF THE CASE FOR INITIATING THIS. INSTEAD, THE HOME SECRETARY HAS WRITTEN PERSONALLY TO EACH OF THE LADIES CONCERNED AND HAS AGREED THAT THEY MAY HAVE A SPECIAL STAMP IN THEIR PASSPORTS GUARANTEEING THAT THEY ARE FREE TO COME AND GO FROM THE UK WHENEVER THEY WISH, AND TO SETTLE THERE. THESE ARE SPECIAL STEPS WHICH I HOPE WILL GO SOME WAY TOWARDS MEETING THE LADIES' CONCERNS.

/THE FAC

THE FAC ALSO RECOMMEND - AS ITS PREDECESSOR DID IN 1989 - THAT BRITAIN SHOULD GIVE FULL BRITISH CITIZENSHIP TO THE NON-CHINESE ETHNIC MINORITY RESIDENTS IN HONG KONG. IF THAT IS NOT POSSIBLE, THEN THEY RECOMMEND THAT THE BRITISH GOVERNMENT GO FURTHER THAN ITS EXISTING PLEDGE AND STATE PUBLICLY THAT IF THIS GROUP ENCOUNTER DISCRIMINATION IN THE NEW SAR, WHETHER OR NOT THEY FACE EXPLICIT PRESSURE TO LEAVE, THEY WILL BE GIVEN EVERY HELP TO ENTER BRITAIN AND ACQUIRE BRITISH CITIZENSHIP. AGAIN, I HAVE CONSISTENTLY PRESSED UPON THE BRITISH GOVERNMENT - AS HAS THIS COUNCIL - THE CASE FOR FULL BRITISH CITIZENSHIP FOR THE ETHNIC MINORITIES. OUR EFFORTS HAVE NOT YET BORNE FRUIT. BUT WE SHALL CONTINUE TO ARGUE THE CASE, AND THIS RECOMMENDATION BY THE FAC WILL BE AN EXTRA STRING TO OUR BOW.

THE FAC REPORT MAKES THOUGHTFUL AND DETAILED RECOMMENDATIONS ABOUT REINFORCING HUMAN RIGHTS IN HONG KONG. IT CONTAINS FOUR SPECIFIC RECOMMENDATIONS. AGAIN, WE WILL WANT TO THINK ABOUT THESE CAREFULLY. MY STARTING POINT IS THAT WE MUST INDEED DO ALL WE CAN TO ENSURE THAT HONG KONG'S WAY OF LIFE - WHICH INCLUDES RESPECT FOR HUMAN RIGHTS - CONTINUES BEYOND 1997, AS THE JOINT DECLARATION PLEDGES IT WILL. ABOVE ALL, THAT MEANS ENSURING THAT HONG KONG'S INSTITUTIONAL FRAMEWORK - THE FRAMEWORK WHICH PROTECTS THE RIGHTS AND FREEDOMS OF THIS OPEN SOCIETY - IS IN AS STRONG AND AS HEALTHY A STATE AS POSSIBLE WHEN IT IS INHERITED BY THE SAR.

THE FAC'S KEY RECOMMENDATION IS THE ESTABLISHMENT OF A HUMAN RIGHTS COMMISSION. WE WILL WANT TO LOOK AGAIN AT ALL THE ARGUMENTS FOR AND AGAINST THIS. THE FAC ALSO STRONGLY SUPPORT POSITIVE ACTION TO END SEX DISCRIMINATION IN HONG KONG. AS HONOURABLE MEMBERS KNOW, WE PUBLISHED A GREEN PAPER LAST YEAR ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN AND SOUGHT THE PUBLIC'S VIEWS. WE SHALL BE SEEKING EXCO'S VIEWS SHORTLY ON A STRATEGY TO PROMOTE EQUALITY BETWEEN THE SEXES IN HONG KONG. THE POSSIBILITIES INCLUDE THE EXTENSION OF CEDAW TO HONG KONG; THE ENACTMENT OF SEX DISCRIMINATION LEGISLATION; AND IMPROVED MEASURES TO PROMOTE EDUCATION ON GENDER EQUALITY.

HUMAN RIGHTS ISSUES HAVE RISEN TO TOP OF THE PUBLIC AGENDA IN RECENT WEEKS. THE PROPER PROTECTION OF HUMAN RIGHTS IS FUNDAMENTAL TO A FREE SOCIETY. I WANT TO SAY A WORD, IN THIS CONTEXT ABOUT THE ICAC, WHICH HAS FOUND ITSELF THRUST INTO THIS DEBATE ON HUMAN RIGHTS IN RECENT WEEKS. I WANT TO REPEAT THREE POINTS, IN VIEW OF THE UNFOUNDED ALLEGATIONS WHICH WERE MADE - UNDER THE SHIELD OF IMMUNITY - IN THIS COUNCIL A WEEK AGO.

- FIRST, THERE HAS NEVER BEEN NOR WILL THERE BE ANY POLITICISATION OF THE ICAC. THAT WOULD BE AGAINST THE LAWS WITHIN WHICH IT OPERATES. ITS JOB IS TO FIGHT CORRUPTION - NO MORE, NO LESS.

/- SECONDLY, THERE

- SECONDLY, THERE HAS - PERFECTLY LEGITIMATELY - BEEN A PUBLIC DEBATE FOR SOME TIME AS TO WHETHER THE POWERS OF THE ICAC ARE RIGHT FOR TODAY'S HONG KONG. IT IS BECAUSE OF THAT DEBATE AND BECAUSE OF THE ANXIETIES WHICH SOME PEOPLE HAVE THAT THE POWERS AND FUNCTIONS OF THE ICAC ARE BEING EXAMINED AT THE MOMENT BY A DISTINGUISHED AND INDEPENDENT COMMITTEE. IT WILL REPORT AT THE END OF THE YEAR. AND ITS REPORT WILL BE PUBLIC. BUT THE ICAC DOES NOT OPERATE IN A VACUUM. EVERY ICAC INVESTIGATION IS MONITORED BY THE ICAC OPERATIONS REVIEW COMMITTEE, THE MAJORITY OF WHOSE MEMBERS COME FROM OUTSIDE THE ADMINISTRATION. SO CHECKS AND BALANCES ALREADY EXIST. THE INDEPENDENT REVIEW COMMITTEE WILL CONSIDER WHETHER FURTHER CHANGES NEED TO BE MADE TO MEET TODAY'S CIRCUMSTANCES.

- THIRDLY, THE BOTTOM LINE IS THIS : DO WE WANT AN ICAC THAT IS CAPABLE OF BEATING CORRUPTION IN HONG KONG OR NOT? IF WE DO - AND I BELIEVE THE VAST MAJORITY DO WANT TO KEEP HONG KONG CORRUPTION FREE - THEN WHILE WE MUST CERTAINLY REVIEW THE ICAC'S POWERS AND FUNCTIONS FROM TIME TO TIME, AND WHILE WE MUST TAKE CARE TO KEEP IT INDEPENDENT, WE MUST ALSO GIVE IT OUR STAUNCH SUPPORT AND UNDERSTANDING IN ITS VERY DIFFICULT TASK. THE UNFOUNDED ALLEGATIONS MADE LAST WEEK WILL NOT HELP IN THAT. IF THEY SUCCEEDED IN UNDERMINING PUBLIC CONFIDENCE IN THE LONG-TERM WORK OF THE ICAC, THEN IT WOULD BE A SAD DAY FOR HONG KONG.

WE WILL, AS I SAY, BE CONSIDERING, WITH THE BRITISH GOVERNMENT, VERY CAREFULLY THE RECOMMENDATIONS CONTAINED IN THE FAC REPORT. WE WILL DO SO WITHOUT DELAY. THE ISSUES ARE URGENT ONES, AND WE MUST PRESS AHEAD WITH THEM. I HOPE WE WILL BE ABLE TO ANNOUNCE, IN DETAIL, OUR RESPONSE AND A PROPOSED PLAN OF ACTION BY THE END OF JUNE.

FOLLOWING IS THE TRANSCRIPT OF THE QUESTION AND ANSWER SESSION BY THE GOVERNOR, THE RT HON CHRISTOPHER PATTEN, IN LEGCO TODAY:

MR SZETO WAH (THROUGH INTERPRETER): MR GOVERNOR, I HAVE FOUR QUESTIONS TO ASK. IF YOU ONLY ALLOW ME TO ASK ONE THEN PLEASE PICK ONE OUT OF THE FOUR QUESTIONS I'M GOING TO ASK. FOR THE REMAINING THREE YOU CAN GIVE ME WRITTEN ANSWERS.

THE FIRST QUESTION - THE BASIC LAW WAS PROMULGATED IN APRIL 1990, FOUR YEARS HAVE LAPSED. THE FAC SAID ONLY NOW THAT TWO ARTICLES OF THE BASIC LAW WERE AGAINST THE JOINT DECLARATION, DOES THAT MEAN THAT IT IS BEING SYMPATHETIC ONLY AT TOO LATE AN HOUR?

SECONDLY, ACCORDING TO THE SEVEN LETTERS BETWEEN THE TWO GOVERNMENTS, WE KNOW THAT WHEN THE BASIC LAW WAS BEING DRAFTED THE CHINESE AND THE BRITISH GOVERNMENTS DID SOME BARGAINING. AT THAT TIME, ON THE TWO ARTICLES MENTIONED BY THE FAC DID THE BRITISH GOVERNMENT MENTION ITS OPPOSITION TO INCLUDING THAT IN THE BASIC LAW?

/THIRDLY, ARE

THIRDLY, ARE THESE THE ONLY TWO ARTICLES WHICH ARE AGAINST THE JOINT DECLARATION? FOR EXAMPLE ARTICLE 17, THIS HAS SOMETHING TO DO WITH ENACTING LEGISLATION IN HONG KONG. THE NPCSC WILL HAVE THE FINAL VETO POWER. DO YOU THINK THAT THIS IS AGAINST THE JOINT DECLARATION?

FOURTHLY, THE JLG HAS REACHED AN AGREEMENT ON THE FINAL COURT OF APPEAL. DO YOU THINK THAT THAT DECISION IS AGAINST THE JOINT DECLARATION?

GOVERNOR: PERHAPS BRIEFLY I CAN TRY TO PERSUADE THE HONOURABLE MEMBER THAT CHRISTMAS HAS COME EARLY AND ANSWER ALL FOUR OF HIS QUESTIONS RATHER THAN JUST ONE OF THEM.

PERHAPS I CAN REMIND HONOURABLE MEMBERS WHAT ARTICLES 18 AND 158 OF THE BASIC LAW ACTUALLY SAY BECAUSE THOSE ARE THE TWO ARTICLES IN QUESTION AND THEY ARE THE TWO ON WHICH THE FOREIGN AFFAIRS SELECT COMMITTEE HAVE FOCUSED.

ARTICLE BASIC LAW 18 IS ABOUT INTERVENTIONS IN HONG KONG IN THE CASE OF TURMOIL IN HONG KONG. I THINK THAT HONOURABLE MEMBERS ARE PROBABLY FAMILIAR WITH THE ARTICLE IN QUESTION. THE OTHER ARTICLE CONCERNS THE POWER OF INTERPRETATION OF THE NPC STANDING COMMITTEE.

THE POSITION WHICH THE BRITISH GOVERNMENT HAS TAKEN UP FROM THE OUTSET IS THAT THERE IS A VERY FUNDAMENTAL DIFFERENCE BETWEEN THE JOINT DECLARATION AND THE BASIC LAW. THE JOINT DECLARATION IS AN INTERNATIONAL AND BINDING TREATY BETWEEN TWO SOVEREIGN POWERS. THE BASIC LAW IS A LAW PASSED BY THE NPC OF ONE OF THOSE SOVEREIGN POWERS AND WAS NOT THE SUBJECT OF NEGOTIATION BETWEEN BRITAIN AND CHINA, THOUGH BRITAIN DID AT VARIOUS POINTS MAKE KNOWN THE SORT OF OUTCOME IT WOULD LIKE TO SEE IN THE BASIC LAW AND MADE IT CLEAR THAT THERE WERE SOME PIECES OF DRAFTING WHICH IT WOULD HAVE PREFERRED TO HAVE BEEN DIFFERENT. I THINK THAT TOUCHED BOTH ARTICLE 18 AND ARTICLE 158 AMONG OTHERS.

OUR POSITION IS THAT IF ARTICLES 18 OR 158 OF THE BASIC LAW WERE USED TO UNDERMINE THE AUTONOMY OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, THAT WOULD BE IN CONTRAVENTION OF THE JOINT DECLARATION. BUT I'M SURE THAT AS THE CHINESE AUTHORITIES HAVE SAID AGAIN AND AGAIN THEY INTEND TO COMPLY WITH THE TERMS OF THE JOINT DECLARATION AND THEREFORE WOULDN'T USE THE BASIC LAW IN A WAY WHICH CONTRADICTED THE TERMS OF THE JOINT DECLARATION. I THINK THOSE ARE ARGUMENTS WHICH ARE PROBABLY FAMILIAR TO THE HONOURABLE GENTLEMAN. I'M SORRY THAT THE ANXIETIES STILL EXIST AND I HOPE THAT CHINESE OFFICIALS AS WELL AS BRITISH OFFICIALS WILL BE ABLE TO PUT THE HONOURABLE MEMBER'S MIND AT REST AND THOSE MINDS OF OTHER MEMBERS OF THE COMMUNITY.

AS FOR THE AGREEMENT ON THE CFA, THE GOVERNMENT DOES TAKE THE VIEW THAT IT'S IN LINE WITH THE JOINT DECLARATION. I DARESAY THAT WE'LL HAVE OPPORTUNITIES OF DEBATING THE COURT OF FINAL APPEAL IN THE COMING MONTHS AND THIS COUNCIL WILL IN DUE COURSE HAVE TO MAKE IN EFFECT A CRUCIAL DECISION AS TO WHETHER WE GET A COURT OF FINAL APPEAL UP AND RUNNING BEFORE 1997 OR NOT.

MR SIMON IP: THANK YOU MR PRESIDENT. GOVERNOR, ARE YOU ABLE TO CONFIRM AS ACCURATE RECENT PRESS REPORTS THAT THE INDEPENDENT REVIEW COMMITTEE WILL LOOK AT THE ICAC'S POWERS TO TAP TELEPHONES UNDER THE TELECOMMUNICATIONS ORDINANCE AND IF SO, WHETHER THAT COMMITTEE WILL BE ASKED TO CONSIDER THE SETTING UP OF SOME AUTHORITY, OTHER THAN YOURSELF, TO MONITOR AND REPORT ON TELEPHONE TAPPING UNDER THE ORDINANCE?

GOVERNOR: I'M SURE THE HONOURABLE MEMBER KNOWS THAT THE QUESTION OF INTERCEPTIONS IS IN FACT ALREADY BEING LOOKED AT AT THE SPECIFIC REQUEST OF THE GOVERNMENT. IT'S ALREADY BEING LOOKED AT BY THE LAW COMMISSION WHICH WE HOPE WILL REPORT IN AUGUST OF THIS YEAR. IT'S PART OF THE LAW COMMISSION'S WORK ON PRIVACY. WE ASKED THEM TO LOOK AT INTERCEPTIONS AND THEY'RE DOING SO. THE POSITION AT PRESENT IS COVERED BY THE TELECOMMUNICATIONS ORDINANCE, SECTION 33, AND OF COURSE THERE ARE PROVISIONS IN THE ICAC ORDINANCE AS WELL WHICH AFFECT OPERATIONS IN RESPECT OF THAT BODY'S WORK. I IMAGINE THAT WHEN IT LOOKS AT THE POWERS AND FUNCTIONS OF THE ICAC, THE REVIEW COMMITTEE WILL WANT BOTH TO CONSIDER THE WORK THAT'S ALREADY BEEN DONE BY THE LAW COMMISSION AND MAY WISH TO LOOK AT THE SUBJECT ITSELF QUITE INDEPENDENTLY. IT WILL BRING FORWARD RECOMMENDATIONS AND THE LAW COMMISSION WILL BRING FORWARD RECOMMENDATIONS AND WE'LL CONSIDER THEM IN GOOD FAITH. SOME PEOPLE HAVE SUGGESTED ADDITIONAL SAFEGUARDS WHEN IT COMES TO AUTHORISATION, I'M SURE THAT THAT IS ONE OF THE THINGS THAT WILL BE LOOKED AT.

I DO WANT TO MAKE IT CLEAR ONCE AGAIN TO HONOURABLE MEMBERS THAT ANY INTERCEPTIONS ARE CARRIED OUT WHOLLY WITHIN THE PARAMETERS OF THE LAW. IF WE WISH TO CHANGE THE LAW THEN THAT IS A DECISION WHICH THE LEGISLATIVE COUNCIL AND THE COMMUNITY WILL TAKE OVER THE COMING MONTHS AND YEARS. BUT ANYTHING WHICH IS DONE IS DONE WITHIN THE LAW AND IT'S THE GOVERNMENT WHICH HAS TAKEN THE INITIATIVE, BOTH IN RELATION TO THE LAW COMMISSION AND IN RELATION TO THE ICAC REVIEW, IT'S THE GOVERNMENT WHICH HAS TAKEN THE INITIATIVE TO ACTUALLY REVIEW THE LAW IN THESE MATTERS.

MS EMILY LAU: THANK YOU, MR PRESIDENT, THE GOVERNOR TOLD US THAT THERE WAS NO POLITICISATION OF THE ICAC AND SAID THE RECENT UNFOUNDED ALLEGATIONS WILL ONLY UNDERMINE PUBLIC CONFIDENCE IN THE ICAC. MR PRESIDENT, I WANT THE GOVERNOR TO CONFIRM FOR THIS COUNCIL AND FOR THE MEMBERS OF THE PUBLIC OF HONG KONG, THAT HE HIMSELF, NOR ANY SENIOR GOVERNMENT OFFICIAL, HAS NOT AUTHORISED THE ICAC TO 'BUG' THE TELEPHONES OF FORMER SENIOR GOVERNMENT OFFICIALS AND POLITICIANS FOR NON-CORRUPTION RELATED OFFENCES.

/GOVERNOR:

GOVERNOR: I REPEAT WHAT I SAID EARLIER, THERE IS NO INTERCEPTION OF TELEPHONE CONVERSATIONS FOR POLITICAL PURPOSES. THERE IS OF COURSE INTERCEPTION IN TWO AREAS, ONE IS IN THE AREA OF CORRUPTION WHERE INTERCEPTIONS HAVE BEEN CARRIED OUT, THE OTHER IS IN THE AREA OF CRIME AND SECURITY WHERE IT IS ALSO THE CASE THAT INTERCEPTIONS HAVE BEEN CARRIED OUT WITHIN THE LAW. BUT I REPEAT THAT RIGHT ACROSS THE BOARD, ANY INTERCEPTIONS WHICH HAVE BEEN CONDUCTED HAVE BEEN WITHIN THE LAW AND NONE HAVE BEEN CARRIED OUT FOR POLITICAL PURPOSES. THIS IS AN OPEN SOCIETY, THIS IS A PLURAL SOCIETY, PEOPLE HAVE A WIDE SPREAD OF OPINIONS - PERHAPS ON SOME ISSUES WIDER THAN ELSEWHERE ON OTHER ISSUES LESS WIDE THAN IN OTHER COMMUNITIES - AND SO LONG AS I AM RESPONSIBLE IT WILL REMAIN.

THERE IS A DIFFICULTY WHEN ONE IS RESPONDING TO THIS ENDLESS FLOOD OF UNFOUNDED ALLEGATIONS. IT IS IMPOSSIBLE FOR THE EXECUTIVE FOR THE ADMINISTRATION RESPONSIBLY TO REPLY TO, RESPOND TO, EACH ALLEGATION - TO EACH ALLEGATION CONCERNING INDIVIDUALS - WITHOUT PUTTING ITSELF IN AN IMPOSSIBLE POSITION. SO WE DO HAVE TO SAY, WHEN SPECIFIC ALLEGATIONS COME UP FROM TIME TO TIME, "NO COMMENT" AND THOSE RESPONSES OF "NO COMMENT" AREN'T "NO COMMENT" MEANING "YES", THEY ARE "NO COMMENT" MEANING "NO COMMENT". AND THAT'S THE WAY THAT IT'S GOT TO BE. THAT'S WHY I HAVE TO SAY THAT ALLEGATIONS MADE WITH IMMUNITY CAN LEAD TO, I THINK, AN EXTREMELY DIFFICULT AND DELICATE POSITION WHICH IS GROTESQUELY UNFAIR TO PRIVATE INDIVIDUALS AND I AM SURE THAT IS SOMETHING WHICH THIS COUNCIL WILL WANT TO TAKE ACCOUNT OF.

MS EMILY LAU: A FOLLOW UP. WILL THE GOVERNOR CONFIRM FOR THIS COUNCIL THAT ALL THE TELEPHONE 'BUGGING' AND WIRE-TAPPING THAT THE AUTHORITIES CONCERNED CONDUCT, IS DONE WITH YOUR APPROVAL AND YOU KNOWING ABOUT IT?

GOVERNOR: YES. I THINK IT IS IMPORTANT THAT THE COUNCIL SHOULD BE ABSOLUTELY CLEAR ABOUT THAT. I AS GOVERNOR, LIKE MY PREDECESSORS, HAVE FINAL RESPONSIBILITY TO AUTHORISE ANY INTERCEPTION. THIS COUNCIL WILL KNOW THAT WHEN ONE IS DEALING, FOR EXAMPLE, WITH MAJOR INTERNATIONAL CRIME OR BIG CORRUPTION CASES, THESE TECHNIQUES ARE NOT JUST DESIRABLE, ARE NOT JUST NECESSARY, BUT ESSENTIAL IF ONE IS TO MAKE ANY PROGRESS. BUT NOTHING IS DONE UNLESS I FINALLY AUTHORISE IT. IF SOMETHING HAS TO BE DONE URGENTLY IN THE CASE OF THE ICAC, THE COMMISSIONER OF THE ICAC HAS REGULAR MEETINGS WITH THE DESIGNATED OFFICER WHO IS ABLE TO AUTHORISE, BUT HE IS ONLY ABLE TO AUTHORISE UNTIL I ACTUALLY PUT MY STAMP ON THINGS MYSELF WHICH I DO VERY SWIFTLY. AND NOTHING SENSITIVE WOULD BE DONE, I AM ABSOLUTELY CONVINCED, WITHOUT MY SAY SO. BUT EVENTUALLY, EVERY DECISION COMES TO ME, EVERY DECISION IS AUTHORISED BY ME, EVERY SINGLE DECISION THAT IS MADE.

MISS ANNA WU: THANK YOU MR PRESIDENT. GOVERNOR, GIVEN THE RECOMMENDATION IN THE FAC REPORT THAT IT WOULD BE POSSIBLE, LEGAL AND DESIRABLE TO SET UP A HUMAN RIGHTS COMMISSION IN HONG KONG, AND GIVEN THE ADDED UNEQUIVOCAL SUPPORT FROM AMNESTY INTERNATIONAL, WHAT WILL IT TAKE YOU AND YOUR GOVERNMENT TO SET UP A COMMISSION IN HONG KONG OR TO ALLOW THAT MATTER TO BE DETERMINED BY THE LEGISLATIVE COUNCIL? WHAT IS TROUBLING YOU ON THIS PROPOSAL TO SET UP A COMMISSION IN HONG KONG?

GOVERNOR: NOTHING'S TROUBLING ME, I'M AS THE COUNCIL KNOWS A TROUBLE-FREE MAN. WHAT DOES INTEREST ME IS HOW WE CAN BEST SECURE THE BILL OF RIGHTS AND ITS PROPER IMPLEMENTATION. LET ME SPELL OUT WHAT I MEAN IN SOME DETAIL. THE ARGUMENTS SET OUT BY AMNESTY AND BY THE FOREIGN AFFAIRS SELECT COMMITTEE AND PERSUASIVELY BY THE HONOURABLE LADY FOR A HUMAN RIGHTS COMMISSION ARE POSITED ON THE ASSUMPTION THAT WE NEED TO MAKE PROGRESS IN THREE AREAS. FIRST OF ALL WE NEED TO DO SOMETHING ABOUT AWARENESS OF HUMAN RIGHTS. SECONDLY WE NEED TO DO SOMETHING ABOUT ACCESS AND THIRDLY WE NEED TO DO SOMETHING ABOUT AFFORDABILITY. NOW IT'S A LEGITIMATE QUESTION TO ASK WHETHER YOU MEET THOSE OBJECTIVES BEST BY SETTING UP A HUMAN RIGHTS COMMISSION OR WHETHER THERE ARE OTHER WAYS IN WHICH YOU CAN MEET THOSE OBJECTIVES. THAT SEEMS TO ME TO BE A PERFECTLY REASONABLE ARGUMENT TO HAVE. IF YOU LOOK AROUND THE WORLD, IT'S DIFFICULT TO FIND MANY EXAMPLES OF COMMUNITIES WHICH HAVE BOTH A BILL OF RIGHTS AND A HUMAN RIGHTS COMMISSION. CANADA IS ONE SUCH, BUT THERE AREN'T MANY OTHER EXAMPLES. ONE CAN THINK OF SOME HUMAN RIGHTS COMMISSIONS WHICH ARE PRETTY TOOTHLESS CREATURES AND PERHAPS AT THE END OF THE DAY DO LESS FOR THE ADVANCE OF HUMAN RIGHTS THAN COULD HAVE BEEN ACHIEVED IN OTHER WAYS.

ALL I'M DOING IS SAYING TO THE HONOURABLE LADY, THERE IS AN ARGUMENT AND WHAT WE WANT TO ENSURE AT THE END OF THE DAY IS THAT WE HAVE DONE MORE TO SECURE THE BILL OF RIGHTS RATHER THAN MORE TO UNDERMINE THE BILL OR RIGHTS. WE ALSO WANT TO MAKE SURE THAT WE MEET THE SPECIFIC OBJECTIVES SET OUT BY AMNESTY AND OTHERS WHICH I SHARE. THAT IS AWARENESS, ACCESS AND AFFORDABILITY.

THERE'LL BE A LOT OF DISCUSSION AND DEBATE ABOUT THIS. THERE'LL BE A GOOD DEAL OF DISCUSSION AND DEBATE ABOUT HOW AN EQUAL OPPORTUNITIES COMMISSION OR WOMEN'S' COMMISSION, IF THERE IS PRESSURE TO SET ONE OF THOSE UP, WOULD SIT ALONG SIDE A HUMAN RIGHTS COMMISSION, WHEN IT WOULD BE PLAINLY DOING A GREAT DEAL OF THE WORK OF A HUMAN RIGHTS COMMISSION. THERE'LL BE A GOOD DEAL OF DISCUSSION ABOUT THE ENHANCED ROLE OF THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS IN RELATION TO A HUMAN RIGHTS COMMISSION. I'M SURE AT THE END OF THE DAY WE CAN ALL SHARE THE OBJECTIVE OF STRENGTHENING THE BILL OF RIGHTS AND ITS IMPLEMENTATION AND I HOPE THAT WE COME OFF WITH SOLUTIONS WHICH THE HONOURABLE LADY FINDS AS ACCEPTABLE AS I DO.

MISS ANNA WU: MAY I ASK A SHORT FOLLOW-UP MR PRESIDENT. GOVERNOR, HOW LONG WILL IT TAKE YOU TO COME TO A DECISION ON THIS MATTER?

GOVERNOR: AS I SAID IN MY STATEMENT, WE WANT TO COME TO A DECISION BY THE END OF JUNE, BUT IT MAY WELL BE THAT IN RELATION TO THAT AND ONE OR TWO OTHER ISSUES WHICH ARE STARTING TO INTEREST, WELL NOT STARTING TO, WHICH ARE INTERESTING AND CONCERNING THE COUNCIL, WE WOULD WANT TO COME TO A CONCLUSION EARLIER THAN THAT IF POSSIBLE.

MISS ANNA WU: THANK YOU.

THURSDAY, APRIL 21, 1994

- 9 -

MR TIMOTHY HA (THROUGH INTERPRETER) : THANK YOU, MR PRESIDENT.
MR GOVERNOR, I UNDERSTAND THAT RECENTLY THE PRESIDENT OF PORTUGAL HAS
PAID YOU A VISIT AND HAS ALSO MADE A VISIT TO MACAU. DURING THE
VISIT, ACCORDING TO PRESS REPORTS, THE PRESIDENT OF PORTUGAL, WITH
REGARD TO PEOPLE IN MACAU AND HONG KONG HOLDING PORTUGUESE PASSPORTS,
MADE AN ABSOLUTE UNDERTAKING TO THEM. I WOULD LIKE TO KNOW, UNDER THE
PRESENT CIRCUMSTANCES BETWEEN CHINA AND BRITAIN, WILL THE FAC, WITH
REGARD TO THE HOLDERS OF BRITISH PASSPORTS IN HONG KONG, WILL IT
RECONSIDER THEIR CONDITION CONCERNING RIGHT OF ABODE IN ENGLAND?

GOVERNOR: I WAS ABLE TO TALK ABOUT THESE MATTERS WITH THE
PRIME MINISTER - NOT THE PRESIDENT - THE PRIME MINISTER OF PORTUGAL,
YESTERDAY, FOR ABOUT AN HOUR-AND-A-HALF BEFORE LUNCH AND THEN FOR SOME
TIME OVER LUNCH AS WELL. I THINK THE HONOURABLE MEMBER WILL KNOW THE
DIFFERENCES BETWEEN THE SCALE OF THE ISSUE IN PORTUGAL AND HONG KONG.
BUT THERE ARE PRINCIPLES WHICH ARE SIMILAR AND I CAN ASSURE THE
HONOURABLE GENTLEMAN THAT I DO, WITH SOME REGULARITY, DRAW TO THE
ATTENTION OF THE BRITISH GOVERNMENT THE ISSUES AT STAKE, NOT ONLY IN
RELATION TO THIS ISSUE BUT IN RELATION TO OTHER NATIONALITY AND RIGHT
OF ABODE ISSUES TOO.

MR JAMES TO (THROUGH INTERPRETER): MR GOVERNOR, SECTION 33
OF THE TELE-COMMUNICATIONS ORDINANCE SAYS THAT YOU CAN, IF IT IS YOUR
VIEW THAT IT IS IN THE INTERESTS OF THE PUBLIC, AUTHORISE THE TAPPING
OF TELEPHONES OR TO INTERCEPT CERTAIN TELECOMMUNICATION MESSAGES AND
RECENTLY, ICAC HAS TAKEN OVER THE SPECIAL BRANCH AND ITS WORK. ABOUT
A PERSONALITY CHECK OR INTEGRITY CHECKING OF SENIOR OFFICIALS, THE
ICAC HAS ALSO TAKEN OVER THAT AND THAT WOULD INCLUDE FINANCIAL MATTERS
OR POSSIBLE CORRUPTION. AND SO I WOULD LIKE TO ASK YOU THIS:
CONCERNING SECTION 33, REGARDING PUBLIC INTEREST, DOES IT INCLUDE THE
AUTHORISATION TO AUTHORISE PHONE-TAPPING THAT IS NOT RELATED TO
CORRUPTION BUT HAS TO DO WITH PERSONALITY CHARACTERS AS WELL AS THE
INTEGRITY OF CERTAIN PERSONS? BECAUSE RECENTLY, THE HEARING HAS
CAUSED A LOT OF SOCIAL ATTENTION. AND SO, HAVE YOU CONSIDERED MAKING
EVIDENCE TO THE SECURITY PANEL UNDER OATH?

GOVERNOR: I THINK IT IS RATHER MORE DESIRABLE THAT I
SHOULD ANSWER QUESTIONS TO THIS COUNCIL OPENLY AT REGULAR INTERVALS
AND THAT I WILL CONTINUE TO DO. JUST LET ME SAY A WORD OR TWO ABOUT
INTEGRITY CHECKING AND EXTENDING CHECKING. FIRST OF ALL, FOR THE ICAC
TO BE CONCERNED ABOUT INTEGRITY CHECKING ISN'T NEW, IT'S BEEN
HAPPENING FOR MANY YEARS, I THINK EVER SINCE THE ICAC WAS SET UP.
WHAT IS NEW IS THE PROPOSAL THAT FROM THIS JULY, THE ICAC SHOULD BE
RESPONSIBLE FOR EXTENDED CHECKING WHICH WAS PREVIOUSLY UNDERTAKEN BY
THE SPECIAL BRANCH. THE TELECOMMUNICATIONS ORDINANCE SECTION 33
DOESN'T DEAL WITH PERSONALITY CHECKS, IT'S DEALING WITH ISSUES LIKE
CORRUPTION, MAJOR CRIME AND THE SECURITY AND STABILITY OF THE
TERRITORY AND I DON'T, FRANKLY, THINK THAT THOSE ARE ISSUES THAT ARE
LIKELY TO ARISE WHEN ONE IS DECIDING WHETHER OR NOT TO CONFIRM A
SECRETARY IN HIS OR HER POST. SO I THINK THE HONOURABLE GENTLEMAN
SHOULD RECOGNISE THE DIFFERENCE BETWEEN THE VARIOUS FUNCTIONS OF BOTH
THE ICAC AND THE POLICE FORCE.

/I'M SURE

- 10 -

I'M SURE THAT THE ROLE WHICH WE HAVE ASKED THE ICAC TO TAKE ON FROM THE SPECIAL BRANCH IN RELATION TO EXTENDED CHECKING, IS A FUNCTION OF THE ICAC WHICH THE REVIEW COMMITTEE WILL WANT TO LOOK AT TO CONSIDER WHETHER IT APPROPRIATELY SITS WITH THE ICAC OR NOT. THE ICAC WAS ASKED TO UNDERTAKE THIS WORK IN GOOD FAITH. THE ICAC WASN'T PRESSING THE REST OF US TO UNDERTAKE THE WORK.

LET ME SAY ONE OTHER THING WHICH IS RELEVANT TO THE GENERAL ENQUIRY WHICH THE HONOURABLE MEMBER REFERRED TO. THIS LEGISLATIVE COUNCIL IS DEVELOPING ITS ROLE, IS DEVELOPING VERY VIGOROUSLY, AS WE SHOULD ALL WANT IT TO, ITS RESPONSIBILITIES IN HOLDING THE EXECUTIVE TO ACCOUNT. I HOPE THAT THE LEGISLATIVE COUNCIL, AS IT CARRIES OUT THIS RESPONSIBILITY AND THIS DUTY, RECOGNISES THAT ACTIONS HAVE CONSEQUENCES. AND I VERY MUCH HOPE THAT AS A RESULT OF THE INTEREST WHICH IS SHOWN IN IMPROVING AND MAKING MORE EFFECTIVE THE ICAC, NOTHING IS DONE AND NOTHING IS SAID WHICH MAKES THE ICAC'S JOB MORE DIFFICULT, WHICH UNDERMINES THE ICAC. THIS COMMUNITY NEEDS TODAY, AS MUCH AS IT HAS EVER NEEDED, PERHAPS IN SOME RESPECTS MORE THAN IT HAS NEEDED SINCE IT WAS FIRST SET UP, AN EFFECTIVE COMMISSION TO FIGHT CORRUPTION. AND IF AT THIS JUNCTURE OF OUR AFFAIRS, IF AT THIS JUNCTURE, FOR WHATEVER REASONS, WE UNDERMINE THE ROLE OF THE ICAC, IF WE MAKE IT MORE DIFFICULT FOR IT TO CARRY OUT ITS TASK IN THE FRONT-LINE AGAINST CORRUPTION, THEN THE WHOLE COMMUNITY WILL RUE THE DAY.

MRS SELINA CHOW: GOVERNOR, GIVEN THE NOT SO GOOD RELATIONS BETWEEN THE HONG KONG GOVERNMENT AND THE CHINESE GOVERNMENT, FOLLOWING THE BREAKDOWN OF NEGOTIATIONS ON CONSTITUTIONAL DEVELOPMENT, AND GIVEN THE IMPORTANCE OF MAINTENANCE OF A QUALITY CIVIL SERVICE IN ORDER TO EFFECT A SMOOTH TRANSITION, AND BEARING IN MIND ALL THESE STORIES THAT WE READ IN THE PAPERS ABOUT SENIOR CIVIL SERVANTS WHO ARE ABOUT TO LEAVE THE SERVICE COME 1997, WHAT ARE YOU SIR DOING TO MAINTAIN THE QUALITY OF THE CIVIL SERVICE FOR IT TO HAVE THE QUALITY AND THE CONTINUITY BEYOND 1997?

GOVERNOR: I SHARE WITH THE HONOURABLE LADY THE IMPLIED REGARD, THE REGARD IMPLIED IN HER QUESTION, FOR THE QUALITY OF THE CIVIL SERVICE. I THINK THE QUALITY OF THE PUBLIC SERVICE IN HONG KONG IS ONE OF THE MOST IMPORTANT REASONS FOR HONG KONG'S ASTONISHING ECONOMIC AND SOCIAL SUCCESS STORY. SO ANYBODY IN THEIR RIGHT MIND MUST BE CONCERNED TO ENSURE THAT WE CONTINUE TO HAVE A HIGH QUALITY CIVIL SERVICE WHICH IS WELL MOTIVATED, WHICH OPERATES ACCORDING TO THE TRADITIONAL INTEGRITY OF PUBLIC SERVICE WHICH IS UNCORRUPT, WHICH IS IMAGINATIVE AND WHICH SERVES THE COMMUNITY. THERE IS A LIMITED AMOUNT THAT I CAN DO AFTER 1997 AND WHAT IS SAID BY OFFICIALS IN THE NORTH IS MORE LIKELY TO AFFECT ATTITUDES ABOUT POST-1997. THE HONOURABLE LADY REFERRED TO I THINK A RECENT SURVEY CARRIED OUT BY ACADEMICS AT THE POLYTECHNIC. SOME PEOPLE HAVE SUGGESTED THAT THE CONCLUSIONS OF THAT SURVEY WEREN'T QUITE AS DAMAGING AS THE HEADLINES SUGGESTED, BUT THEY WERE, IT HAS TO BE SAID WORRYING, EVEN NOT AS WORRYING AS SOME HEADLINES MADE OUT, WORRYING BECAUSE OF THE ANXIETIES WHICH WERE EXPRESSED ABOUT THE SITUATION IN 1997 AND BEYOND, WORRYING BECAUSE OF CONCERNS ABOUT INTERFERENCE AFTER 1997.

/LET ME

LET ME SAY THE FOLLOWING, FIRST WE HAVE CONSISTENTLY MADE IT CLEAR TO CHINESE OFFICIALS INCLUDING ON A NUMBER OF OCCASIONS, TO THE DIRECTOR OF THE HONG KONG MACAU AFFAIRS OFFICE, THAT WE WOULD LIKE TO GET INVOLVED IN A SERIOUS DISCUSSION ABOUT THE CIVIL SERVICE TRANSITION THROUGH 1997. I FIRST RAISED THE QUESTION WITH DIRECTOR LU WHEN I WENT TO SEE HIM IN PEKING IN OCTOBER, 1992. AT THE SAME TIME THE LEGISLATIVE COUNCIL WILL RECALL WE PROPOSED SETTING UP A COURSE AT QINGHUA UNIVERSITY FOR SENIOR CIVIL SERVANTS. THAT'S NOW BEEN ESTABLISHED, TWO GROUPS OF CIVIL SERVANTS HAVE BEEN THROUGH IT. A THIRD WILL SHORTLY GO THROUGH IT. IT'S BEEN A SUCCESS. WE ARE KEEN ON CIVIL SERVANTS FROM CHINA COMING AND SEEING HOW WE DO THINGS IN HONG KONG AND SENDING CIVIL SERVANTS FROM HONG KONG INTO CHINA TO SEE HOW THINGS ARE DONE THERE. WE'RE INCREASING TRAINING IN PUTONGHUA IN OUR CIVIL SERVICE SO'S TO ENSURE THAT WE HAVE THE LINGUISTIC SKILLS THAT ARE GOING TO BE REQUIRED FOR THE FUTURE. WE WOULD LIKE TO TALK ABOUT DOING MORE WITH OUR CHINESE INTERLOCUTORS.

SECONDLY, I HAVE ABSOLUTELY NO DOUBT AT ALL THAT WHEN DIRECTOR LU AND SOME OF HIS SENIOR COLLEAGUES SAY THEY RECOGNISE THE IMPORTANT ROLE OF THE CIVIL SERVICE AND THAT THEY WANT THE BEST MOST MERITOCRATIC CIVIL SERVICE THROUGH 1997, I HAVE NO DOUBT AT ALL THAT DIRECTOR LU AND SOME OF HIS SENIOR ASSOCIATES ARE TALKING NOTHING BUT THE TRUTH. I THINK THAT IS WHAT THEY WANT. I THINK THAT OCCASIONALLY HOWEVER THINGS HAVE BEEN SAID BY OTHERS INCLUDING SOME WHO PURPORT TO ADVISE THEM, WHICH HAVEN'T BEEN VERY HELPFUL IN ENCOURAGING CIVIL SERVANTS TO THINK THAT THE TRANSITION WILL BE SMOOTH AND THE OPERATING STYLE WILL BE THE SAME AFTER 1997. BUT I DO HOPE THAT WE CAN FIND MORE WAYS OF DISCUSSING THESE ISSUE AND MORE WAYS OF WORKING TOGETHER ON THESE ISSUES.

AS I'VE SAID ON MANY PREVIOUS OCCASIONS, BECAUSE WE HAVEN'T BEEN ABLE TO AGREE ON POLITICAL DEVELOPMENT IN HONG KONG, IT DOESN'T MEAN THAT WE CAN'T AGREE ON AS MANY OTHER THINGS AS POSSIBLE. WE HAD TODAY FOR EXAMPLE A MEETING OF THE LAND COMMISSION INVOLVING OF COURSE HONG KONG CIVIL SERVANTS WHICH REACHED I THINK VERY SATISFACTORY CONCLUSIONS. IT IS POSSIBLE TO DO BUSINESS AND TO CO-OPERATE IN A SENSIBLE WAY IN THE INTERESTS OF HONG KONG AND THERE IS NO AREA WHERE IT'S MORE IMPORTANT TO DO THIS THAN IN DISCUSSING AND HELPING TO PROTECT THE FUTURE OF THE CIVIL SERVICE. WHERE THERE HAVE BEEN REAL ANXIETIES AND WE COULD CONTRIBUTE, FOR EXAMPLE, IN SETTING UP THE SEVEN AND A HALF BILLION PENSION FUND FOR CIVIL SERVANTS, WE HAVE ACTED OURSELVES. I'M SURE THAT CHINESE OFFICIALS RECOGNISE THAT THEY HAVE TO ACT TOO.

MRS ELSIE TU: THANK YOU MR PRESIDENT. IN HIS INTRODUCTORY REMARKS TODAY THE GOVERNOR REMARKED, I'LL QUOTE HIS WORDS, "ARRANGEMENTS ANNOUNCED BY THE HONG KONG GOVERNMENT IN 1992". SINCE THE GOVERNOR'S ELECTORAL PROPOSALS WERE MADE ON 7 OCTOBER, 1992, WITHOUT CONSULTATION WITH EITHER THE OUTGOING OR INCOMING EXECUTIVE COUNCILS, WOULD THE GOVERNOR BE PREPARED TO TELL US WHERE THOSE PROPOSALS ORIGINATED AND WHAT HE MEANT WHEN HE CALLED THEM "ARRANGEMENTS ANNOUNCED BY THE GOVERNMENT IN 1992"?

GOVERNOR: WELL, I'M SURE THE HONOURABLE LADY WILL RECALL THAT WHEN I CAME TO HONG KONG I HAD A WIDE RANGE OF DISCUSSIONS WITH POLITICAL GROUPS AND OTHERS AND THE PROPOSALS THAT WERE PUT TO THIS COUNCIL IN THE AUTUMN OF 1992 WERE THE RESULT OF THOSE WIDE RANGING DISCUSSIONS.

/I THINK

I THINK I CAN SAY HAND ON HEART THAT VIRTUALLY EVERY PROPOSAL I PUT FORWARD HAD ALREADY BEEN PUT FORWARD BY A MEMBER OF THIS LEGISLATIVE COUNCIL. I'M PRETTY CERTAIN I CAN SAY THAT, INCLUDING I HAVE TO SAY TO THE HONOURABLE LADY, ONE OR TWO MEMBERS OF THE LEGISLATIVE COUNCIL NOT SITTING VERY FAR FROM THE HONOURABLE LADY. SO THE PROPOSALS WERE BORN AND BROUGHT UP IN HONG KONG AND IT WILL BE FOR THIS LEGISLATIVE COUNCIL IN HONG KONG TO DECIDE IN THE NEXT FEW WEEKS WHETHER IT WISHES TO CHANGE ANY OF THEM IN ANY WAY AS I'M DELIGHTED THAT SO FAR WE'VE SEEN TWO BILLS PASSED THROUGH THE LEGISLATIVE COUNCIL, SO THAT WE'RE GOT ABOUT TWO-THIRDS OF THEM ON THE STATUTE BOOK.

MRS ELSIE TU: MAY I JUST FOLLOW-UP? I THINK THE GOVERNOR MISSED MY POINT THERE, THAT HE TALKED ABOUT ARRANGEMENTS ANNOUNCED BY THE HONG KONG GOVERNMENT FROM WHICH I PRESUME THE EXECUTIVE COUNCIL HAS TO BE CONSULTED AND I UNDERSTAND IT WAS NOT. IS THAT CORRECT?

GOVERNOR: THE HONOURABLE LADY WILL KNOW THE CONSTITUTIONAL POSITION. THE ADMINISTRATION IS ADVISED BY THE EXECUTIVE COUNCIL. IT HAPPENS THAT THE EXECUTIVE COUNCIL WAS CHANGED IN OCTOBER, 1992, FOR THE REASONS WHICH WERE SET OUT PRETTY CLEARLY AT THE TIME.

MS CHRISTINE LOH: GOVERNOR, I WOULD LIKE TO ASK YOU ABOUT THE CONDITIONS OF HUMAN RIGHTS IN HONG KONG TODAY. TWO DAYS AGO, THE SECRETARY FOR SECURITY CAME TO THIS COUNCIL TO BRIEF US ON THE RAID THAT TOOK PLACE AT THE WHITEHEAD DETENTION CENTRE ON THE 7TH APRIL. HE SAID THAT HE HAD BRIEFED BOTH YOU AND THE CHIEF SECRETARY ABOUT THE RAID. IT IS NOT CLEAR HOW DETAILED WAS THE BRIEFING BUT IF YOU KNEW THAT OFFICERS WOULD GO INTO THE CAMP WITHOUT PREVIOUS ADVICE TO THE DETAINEES THAT THEY WOULD ONLY MOVE FROM ONE CAMP TO ANOTHER AND THAT IN THE END THEY ENDED UP USING OVER 500 CANS OF TEAR GAS, AND IN ADDITION TO THAT, THEY USED MACE AND PEPPER-FOG, WOULD YOU HAVE QUESTIONED THAT OPERATION OR WOULD YOU HAVE CONSENTED TO THAT OPERATION?

GOVERNOR: I WOULD BE A RARE CREATURE IF I DIDN'T TAKE THE VIEW THAT IT WAS EASIER TO TAKE DECISIONS AFTER THE EVENT RATHER THAN BEFORE AND THE BENEFITS OF HINDSIGHT ARE NOW AVAILABLE TO ALL OF US. I DON'T WANT TO SAY ANYTHING TODAY WHICH WOULD IN ANY WAY INHIBIT THE INQUIRY WHICH WE'VE PUT IN PLACE WHICH I'M SURE WILL ASSIST US IN DRAWING ANY GENERAL CONCLUSIONS WHICH ARE REQUIRED FROM THIS EXTREMELY UNFORTUNATE INCIDENT. THERE IS A REAL PROBLEM WHICH THE ADMINISTRATION HAS AND WHICH THE CSD HAVE. THERE'S BEEN A RAPID RUN-DOWN IN THE NUMBER OF PEOPLE, THE NUMBER OF VM'S IN THE CAMPS. I THINK THAT MOST OF US WHEN WE LOOK AT THE CONDITIONS IN VIETNAM TODAY THINK THAT REMOVAL OF PEOPLE FROM THE CAMPS, THINK THAT RETURN TO VIETNAM, SHOULD IF ANYTHING BE A GOOD DEAL FASTER. BUT THE REDUCTION IN THE NUMBERS DOES CREATE REAL PROBLEMS OF MANAGEMENT IN THE CAMPS. DOES THE LEGISLATIVE COUNCIL WHICH IS RESPONSIBLE IN MANY WAYS FOR OVERSEEING THE SPENDING OF THE TAXPAYERS' MONEY, WANT US TO GO ON WITH THE SAME NUMBER OF CAMPS EVEN AS THE NUMBER OF PEOPLE IN THEM FALLS? THE HONOURABLE LADY LOOKS SLIGHTLY PUZZLED BY THAT BUT IT IS A REASONABLE QUESTION. SHOULD WE?

WHAT ACCOUNT DO WE TAKE OF INCIDENTS IN THE CAMP WHICH SUGGEST THAT VERY OFTEN THERE IS A HARD CORE WHICH IS MAKING LIFE MORE DIFFICULT FOR SOME OF THE OTHER INHABITANTS? I DON'T MAKE THOSE POINTS PROVOCATIVELY; THEY ARE SERIOUS PROBLEMS IN TERMS OF REASONABLE CAMP MANAGEMENT. DEALING WITH THEM FIRMLY CREATES A LOT OF DIFFICULTIES FOR CSD AND THE ADMINISTRATION AND I HOPE THAT ONE OF THE OUTCOMES OF THIS INQUIRY - WHICH IS, ALAS, BECAUSE OF EVENTS WHICH SADDEN US ALL, NECESSARY - I HOPE ONE OF THE RESULTS OF THE INQUIRY'S WORK IS THAT WE WILL BE ABLE TO DEAL WITH THOSE MATTERS IN A MORE EFFECTIVE AND MORE INFORMED WAY.

A LOT OF QUESTIONS, I'M SURE, OCCUR TO THE GOVERNOR AS WELL AS LEGISLATORS AND THE REST OF THE COMMUNITY, ABOUT THE QUANTITY OF TEARGAS USED, ABOUT THE EFFECTS OF TEAR GAS, ABOUT THE REASONS FOR INJURIES, ABOUT WHETHER OR NOT WARNINGS SHOULD BE GIVEN OR WHETHER WARNINGS WOULD LEAD TO PROVOCATIVELY DEFENSIVE ACTIONS BY THOSE IN THE CAMPS. THOSE ARE ALL PROBLEMS THAT WE HAVE TO LOOK AT AND WE HAVE, AT THE END OF THE DAY, TO COME UP WITH ARRANGEMENTS WHICH ENABLE US TO DO A DIFFICULT JOB IN AS CALM AND FAIR AND REASONABLE AND WITH A SMALL 'L', LIBERAL A WAY AS POSSIBLE.

MS CHRISTINE LOH: A FOLLOW UP, PLEASE. YES, GOVERNOR, WOULD IT BE RIGHT IN SAYING THAT ACTUALLY YOU DID NOT HAVE ANY DETAILS OF THE RAID?

GOVERNOR: THAT WOULD BE RIGHT BECAUSE I WASN'T ACTUALLY IN HONG KONG AT THE TIME BUT THAT IS NOT AN ATTEMPT TO SHUFFLE-OFF RESPONSIBILITY. I HAVE TOTAL CONFIDENCE IN ALL THOSE WHO TOOK DECISIONS AND WHETHER OR NOT I WAS IN HONG KONG AT THE TIME, I AM RESPONSIBLE FOR WHAT HAPPENED.

MR TAM YIU-CHUNG (THROUGH INTERPRETER): ACCORDING TO PRESS REPORTS THE PWC WILL, IN HONG KONG, CARRY OUT SMALL GROUP MEETINGS AND MR LU PING WILL PROBABLY BE ATTENDING THE MEETINGS OF THE SMALL GROUP UNDER THE PWC. I WOULD LIKE TO ASK YOU THIS, MR GOVERNOR: SO, DO YOU WELCOME THE HOLDING OF SMALL GROUP MEETINGS OF THE PWC IN HONG KONG AND WILL YOU BE FACILITATING SUCH SMALL GROUP MEETINGS, AND WILL YOU BE CAPITALISING ON THIS CHANCE TO MEET WITH MR LU PING IN ORDER TO BETTER THE RELATIONSHIP BETWEEN YOURSELF AND CHINA?

GOVERNOR: WELL, THE ACTIVITIES OF THE PWC ARE NOT MY RESPONSIBILITY. I WISH THE PWC WELL IN ITS ENDEAVOURS. I HOPE THAT IT WILL GIVE ADVICE WITHOUT FEAR OR FAVOUR TO CHINESE OFFICIALS. I THINK THERE ARE MANY PEOPLE WHO HAVE LOOKED AT SOME OF THE ADVICE THAT IT HAS GIVEN IN THE PAST AND RAISED A QUIZZICAL EYEBROW, BUT BECAUSE I AM A MAN OF LEGENDARY CHARITY I AM NOT AMONG THEM. I HAVE READ REPORTS IN THE PRESS ABOUT A POSSIBLE VISIT TO HONG KONG BY DIRECTOR LU. I THINK THAT IF THE DIRECTOR WERE TO AGREE TO COME TO HONG KONG AGAIN IT WOULD BE A MATTER FOR CONSIDERABLE SATISFACTION FOR THE WHOLE COMMUNITY. I THINK WE WOULD THROW OUR HATS IN THE AIR. I'M SORRY THAT HE HASN'T BEEN ABLE TO COME FOR A COUPLE OF YEARS. I THINK WE WOULD VERY MUCH WELCOME A VISIT SOON, AND MANY VISITS OVER THE NEXT THREE YEARS, BECAUSE WE RECOGNISE THAT HE HAS RESPONSIBILITIES WHICH TOUCH VERY SENSITIVELY ON THE FUTURE PROSPERITY AND STABILITY OF HONG KONG.

I HAVE SAID ON A NUMBER OF OCCASIONS THAT I WOULD BE DELIGHTED TO SEE HIM AND TALK TO HIM AGAIN. I WOULD GENUINELY. THERE ARE MANY THINGS THAT IT WOULD BE USEFUL FOR US TO TALK ABOUT; THERE ARE MANY THINGS ON WHICH WE NEED TO DEVELOP AS CANDID AND CO-OPERATIVE RELATIONSHIP AS POSSIBLE. CAN I JUST FINISH AND THEN THE HONOURABLE MEMBER CAN COME BACK? WE HAVEN'T YET HAD ANY FORMAL NOTIFICATION THAT DIRECTOR LU IS COMING BUT IF HE IS, I'M SURE HE WILL HAVE MUCH TO SAY TO HONG KONG. I AM SURE THAT, I HOPE SOME OF IT, MOST OF IT, ALL OF IT, WILL BE GOOD NEWS, AND MY DOOR REMAINS ALWAYS OPEN AND THERE IS A RED CARPET READY TO ROLL DOWN THE STEPS OF GOVERNMENT HOUSE.

MR TAM YIU-CHUNG (THROUGH INTERPRETER): THERE WERE TWO POINTS THAT WERE VERY IMPORTANT IN MY QUESTION BUT I DON'T THINK THE GOVERNOR HAS GIVEN A RESPONSE TO THEM. I ASKED HIM, WITH REGARD TO THE SMALL GROUP MEETINGS UNDER THE PWC IN HONG KONG, DOES HE WELCOME THE MEETINGS AND WILL HE BE FACILITATING THE HOLDING OF SUCH MEETINGS UNDER THE PWC? HE HASN'T REALLY RESPONDED TO THOSE TWO POINTS. I THINK HE HAS ONLY COMMENTED ON SOME OF THE REMARKS MADE BY PWC MEMBERS.

GOVERNOR: IT'S FOR ME TO FACILITATE MEETINGS OF THE JOINT LIAISON GROUP. IT'S FOR ME TO FACILITATE MEETINGS OF THE LAND COMMISSION. IT'S FOR ME TO FACILITATE MEETINGS OF THE AIRPORT COMMITTEE. WHILE I WELCOME ANYBODY WHO COMES TO MEET IN HONG KONG, IT IS NOT FOR ME TO FACILITATE MEETINGS THAT LIE OUTSIDE THE USUAL RELATIONSHIPS BETWEEN THE SOVEREIGN POWERS AND HONG KONG. SO, I WELCOME MEETINGS BY THE INTERNATIONAL LIONS AND I WELCOME MEETINGS BY THE INTERNATIONAL ROTARY AND I WELCOME MEETINGS BY THE CHAMBER OF COMMERCE AND I WELCOME MEETINGS BY THE PWC, BUT I AM NOT ACTUALLY RESPONSIBLE FOR ANY OF THEM. I VERY MUCH HOPE THAT THE EXISTING AND VERY IMPORTANT CHANNELS THAT WE HAVE, THE CHANNELS OF COMMUNICATION BETWEEN THE PRESENT AND FUTURE SOVEREIGN POWERS AND HONG KONG, WILL WORK AS EFFECTIVELY AS POSSIBLE AND WE WILL FACILITATE AS MUCH AS WE CAN ALL THOSE ACTIVITIES. AS FOR THE MEETINGS OF THE PWC, THEY ARE ADVISERS TO THE FUTURE SOVEREIGN POWER; I HOPE THEY WILL GIVE THE VERY POSSIBLE ADVICE IN THE INTERESTS OF HONG KONG. I CAN OFFER THEM MY THOUGHTS AND PRAYERS BUT IT WOULD BE TOTALLY WRONG OF ME TO OFFER ANYTHING ELSE AND I'M SURE IF I WERE TO DO SO, I'D HAVE MY WRIST VERY PROMPTLY SLAPPED BY THE NCNA.

MR CHEUNG MAN-KWONG (THROUGH INTERPRETER): MR GOVERNOR, BECAUSE MR TO CANNOT ASK A FOLLOW-UP QUESTION, I WOULD LIKE TO ASK THIS QUESTION. CONCERNING THE ANTI-CORRUPTION WORK OF THE ICAC. I WOULD LIKE TO KNOW WHETHER IT HAS A PARAMOUNT POSITION SO THAT MEMBERS OF THE PUBLIC AND LEGCO CANNOT MONITOR ICAC BECAUSE OF ITS ANTI-CORRUPTION WORK? WHEN MEMBERS OF PUBLIC QUERY WHETHER ICAC HAS TOO MUCH POWER, WHETHER ICAC HAS EXCEEDED IN ITS POWERS TO DO SOMETHING THAT IS NOT RELATED TO CORRUPTION, THE GOVERNOR SAID THAT IT WOULD UNDERMINE ICAC'S ROLE AS A CORRUPTION FIGHTER. I WOULD LIKE TO KNOW WHETHER THAT IS AN OVER-REACTION ON THE PART OF THE ADMINISTRATION?

ACTUALLY WITH REGARD TO THE HEARING ON MR TSUI, IT HAS JUST COMMENCED AND MEMBERS OF THIS COUNCIL HAVEN'T ACTUALLY ASKED QUESTIONS TO MR TSUI AND ON VARIOUS OCCASIONS THE GOVERNMENT HAS ALREADY BEEN SAYING THAT LEGCO HAS BEEN DEVIATING FROM THE ORIGINAL POSITION. I WOULD LIKE TO KNOW WHETHER THAT IS A PREMATURE CONCLUSION, WHETHER IT'S FAIR TO LEGCO?

IF WE HAVE AN ICAC THAT IS ABOVE LEGCO, AN ICAC THAT HAS OVER THE WORK OF THE SPECIAL BRANCH AND ACTUALLY IS ABOVE LEGCO. IS IT REALLY GOING TO BE HEALTHY TO HONG KONG WITH REGARD TO CORRUPTION FIGHTING?

GOVERNOR: WELL, LIFE'S A COMPLICATED OLD BUSINESS AND IT'S MUCH MORE COMPLICATED AND DIFFICULT WHEN ONE GETS ATTACKED OR CRITICISED FOR THINGS ONE DIDN'T SAY RATHER THAN FOR THINGS ONE DID SAY.

I INVITE THE HONOURABLE MEMBER TO LOOK AT WHAT I ACTUALLY SAID. NOBODY IS SUGGESTING FOR ONE MOMENT THAT THE ICAC IS ABOVE THIS COUNCIL OR ABOVE THE EXECUTIVE, NOBODY IS SUGGESTING THAT IT SHOULDN'T BE ACCOUNTABLE, IT SHOULD BE ACCOUNTABLE. THAT'S WHY WE HAVE THE OPERATION REVIEWS COMMITTEE WHICH HAS I THINK EIGHT OUT OF TWELVE MEMBERS FROM OUTSIDE THE ADMINISTRATION, THAT'S WHY I'VE SET UP THE REVIEW COMMITTEE TO SEE, INCLUDING I THINK TWO MEMBERS OF THIS COUNCIL, TO SEE WHETHER IN THEIR VIEW THE ACCOUNTABILITY AS WELL AS THE ACCOUNTABILITY OF THE COUNCIL HAS TO BE ENHANCED AND ITS FUNCTIONS LOOKED AT. THOSE ARE BOTH PERFECTLY PROPER WAYS OF TRYING TO ENSURE THE ACCOUNTABILITY OF THE ICAC.

ALL I SAID IS THAT IN LOOKING AT THE ICAC'S FUNCTIONS, IN CONSIDERING THE QUESTION OF ACCOUNTABILITY, EVERYONE HAS TO BE VERY CAREFUL IN THE WAY THEY GO ABOUT THESE MATTERS. JUST LET ME MAKE TWO PERFECTLY OBVIOUS POINTS TO THE HONOURABLE MEMBER. NEXT TIME, IF THERE IS A NEXT TIME, THAT MANAGEMENT IN THE ICAC HAVE AN EMPLOYEE WHO THEY THINK FOR A VARIETY OF REASONS SHOULD BE DISMISSED, WHAT CONCLUSIONS AFTER THE LAST FEW WEEKS DOES ONE EXPECT THEM TO COME TO? DO THEY CONCLUDE THAT IT'S A RISK FREE ENTERPRISE, DOING WHAT IS BEST FOR THE MANAGEMENT OF THE ICAC, OR DO THEY CONCLUDE THAT IF THEY TRY TO DO WHAT IS BEST IN PERSONNEL TERMS FOR THE ICAC AND IT'S ADMINISTRATION, IT'S GOING TO LEAD TO THE SORT OF UNFOUNDED ALLEGATIONS THAT HAVE BEEN POURING OUT AND I GUESS WILL PROBABLY CONTINUE TO POUR OUT OVER THE LAST FEW WEEKS? I WONDER, I WONDER WHAT SIR JACK CATER OR ANY OF THOSE WHO FOUNDED THE ICAC AND MADE IT SUCH A VIGOROUS OPPONENT OF CORRUPTION WOULD HAVE THOUGHT IF THEIR ABILITY TO MANAGE THE INSTITUTION HAD BEEN AFFECTED IN THAT WAY.

/IT'S ALSO

IT'S ALSO THE CASE, THE COUNCIL MUST KNOW IT, THAT THERE ARE PEOPLE IN THE ICAC, THERE ARE INDIVIDUAL MEN AND WOMEN WHO ARE DOING INCREDIBLY SENSITIVE WORK, WHO ARE DOING WORK WHICH BRINGS THEM PERSONAL DANGER. HOW DOES THE HONOURABLE MEMBER THINK THEY FEEL ABOUT THE POSSIBILITY THAT AT ANY MOMENT AN OPERATION IN WHICH THEY'RE INVOLVED CAN BE HALF-SPLASHED OVER THE PAPERS OR LEAKED TO THE PAPERS. I'M NOT SAYING TO THE HONOURABLE MEMBER, I'M CERTAINLY NOT SAYING THAT WE DON'T NEED TO ENSURE THAT THE ICAC WORKS IN A WAY WHICH IS APPROPRIATE FOR THE CONDITIONS IN HONG KONG TODAY, THAT IS TOTALLY RIGHT. I ALSO TOTALLY ACCEPT THAT ISSUE LIKE SURVEILLANCE WHICH I'VE TALKED ABOUT TODAY, THAT ISSUES LIKE THE DRIVE AGAINST CORRUPTION, SHOULD BE ISSUES FOR WHICH THE EXECUTIVE IS ACCOUNTABLE TO THIS COUNCIL AND COUNCILLORS ARE ENTIRELY RIGHT TO ASK QUESTIONS ABOUT THEM. BUT THERE ARE WAYS IN WHICH ONE CAN PROCEED WHICH ACTUALLY MAKE IT VERY DIFFICULT FOR ASPECTS OF THE ADMINISTRATION TO OPERATE SUBSEQUENTLY WITH THE SORT OF SUPPORT WHICH THEY NEED FROM THE COMMUNITY.

LET'S MAKE THOSE VERY OBVIOUS POINTS TO THE COUNCIL, NOT IN ORDER TO TRY TO INHIBIT THE COUNCIL, BUT JUST TO TRY TO ENCOURAGE THE COUNCIL TO LOOK AT THE WAY IN WHICH IT ACTUALLY DISCHARGES ITS' RESPONSIBILITIES.

MR CHEUNG MAN-KWONG (THROUGH INTERPRETER): MR PRESIDENT, ACTUALLY I DON'T KNOW WHETHER MR GOVERNOR IS AWARE OF WHAT HAPPENED ON THAT DAY. AFTER MR TSUI HAS GIVEN HIS SPEECH THAT WAS ALREADY 6.30 IN THE AFTERNOON AND WE HAD TO GIVE HIM AN EXTRA FIFTEEN MINUTES FOR HIM TO FINISH HIS SPEECH AND ON THAT PARTICULAR DAY LEGCO MEMBERS DID NOT HAVE A CHANCE TO PUT QUESTIONS TO HIM. AND HOW WOULD YOU KNOW THAT IF LEGCO MEMBERS HAD THE TIME TO ASK QUESTIONS TO MR TSUI, LEGCO MEMBERS WOULD HAVE QUERIED THE POWER OF ICAC AND HOW DO YOU KNOW THAT LEGCO MEMBERS WOULD NOT HAVE QUERIED MR TSUI? AND HOW DO YOU AT SUCH AN EARLY STAGE KNOW THAT WE WOULD NOT HAVE ENDEAVOURED TO DIG INTO THE TRUTH AND HOW DO YOU KNOW THAT WE WOULD NOT, AFTER AN ENQUIRY, ACTUALLY ENHANCE THE OPERATION OF ICAC?

GOVERNOR: WELL IF THE HONOURABLE MEMBER AND I SHARE THE OBJECTIVE OF TRYING TO ENHANCE THE CAPACITY OF THE ICAC, THEN THAT IS A USEFUL NOTE OF CO-OPERATION ON WHICH TO CONCLUDE THIS AFTERNOON. I'M NOT SEEKING TO PRE-JUDGE THE WAY THE COUNCIL WORKS IN ITS ENQUIRIES. THE ONLY POINT THAT I AM MAKING IS THE POINT I MADE EARLIER, THAT THERE ARE CONSEQUENCES OF THE ACTIONS THAT ONE TAKES AND THAT MEANS THAT WHEN ONE IS IN A SENSITIVE AREA, ONE HAS TO BE VERY CAREFUL ABOUT THE WAY ONE PROCEEDS AND I WAS DELIGHTED BY THE ASSURANCE FROM THE HONOURABLE MEMBER THAT HE RECOGNISES THAT AND I HOPE HE WILL TAKE IT FROM ME THAT I WASN'T SEEKING TO CRITICISE THE LEGITIMATE UNDERTAKING OF THIS COUNCIL'S ROLE BY INDIVIDUAL MEMBERS. NO INTENTION OF THAT ON MY PART WHATSOEVER. BUT I REPEAT, THE WAY THE COUNCIL OPERATES HAS CONSEQUENCES.

THE PRESIDENT: IN ACCORDANCE WITH STANDING ORDERS I NOW ADJOURN THE SITTING UNTIL WEDNESDAY 27 APRIL, 1994.

LAND COMMISSION 28TH MEETING

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THE 28TH MEETING OF THE SINO-BRITISH LAND COMMISSION WAS HELD TODAY (APRIL 21).

THE TWO SIDES AGREED THAT THE LAND DISPOSAL PROGRAMME FOR THE 1994/95 FINANCIAL YEAR SHOULD AMOUNT TO 117.27 HECTARES.

THE PROGRAMME COMPRISES 31.01 HECTARES FOR COMMERCIAL, RESIDENTIAL AND INDUSTRIAL DEVELOPMENT; 31.43 HECTARES FOR HOME OWNERSHIP SCHEME, SANDWICH CLASS HOUSING SCHEME, PRIVATE SECTOR PARTICIPATION SCHEME, HONG KONG HOUSING SOCIETY DEVELOPMENT AND VILLAGE HOUSING; 17.67 HECTARES FOR PUBLIC UTILITIES, EDUCATIONAL, WELFARE, RELIGIOUS, RECREATIONAL AND OTHER USES; AND 37.16 HECTARES AS SPECIAL REQUIREMENTS.

BESIDES, THE TWO SIDES ALSO AGREED TO SET ASIDE 5 HECTARES OF LAND IN A SUPPLEMENTARY LAND DISPOSAL PROGRAMME.

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BETTER PROTECTION PROPOSED FOR CONSUMERS

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A PACKAGE OF PROPOSED LEGISLATION ON CONSUMER PROTECTION WILL BE INTRODUCED INTO THE LEGISLATIVE COUNCIL NEXT WEDNESDAY (APRIL 27).

THESE ARE THE SALE OF GOODS (AMENDMENT) BILL, THE SUPPLY OF SERVICES (IMPLIED TERMS) BILL AND THE UNCONSCIONABLE CONTRACTS BILL, DETAILS OF WHICH WILL BE GAZETTED TOMORROW (FRIDAY).

A GOVERNMENT SPOKESMAN SAID TODAY THAT THESE THREE BILLS SOUGHT TO IMPLEMENT RECOMMENDATIONS MADE BY THE LAW REFORM COMMISSION FOR THE BETTER PROTECTION OF CONSUMERS.

AT PRESENT, THE SALE OF GOODS ORDINANCE PROVIDES THAT IN CONTRACTS FOR THE SALE OF GOODS, THERE SHOULD BE AN IMPLIED CONDITION THAT THE GOODS ARE OF MERCHANTABLE QUALITY.

THE SALE OF GOODS (AMENDMENT) BILL SEEKS TO PROVIDE ADDITIONAL CRITERIA TO BETTER DEFINE MERCHANTABLE QUALITY.

THEY INCLUDE THE APPEARANCE AND FINISH OF THE GOODS, THEIR FREEDOM FROM DEFECTS, DURABILITY AND SAFETY.

"WE BELIEVE THAT THESE FOUR ADDITIONAL CRITERIA FOR ASSESSING MERCHANTABLE QUALITY REPRESENT A FAIR SUMMARY OF WHAT A BUYER CAN REASONABLY EXPECT OF THE QUALITY OF GOODS," THE SPOKESMAN SAID.

"ONCE INTRODUCED, THEY WILL ENHANCE SUPPLIERS' AWARENESS OF THEIR OBLIGATION TO ENSURE THE MERCHANTABILITY OF THEIR GOODS.

"THEY WILL ALSO PROVIDE GUIDELINES TO THE CONSUMERS AND THE COURT IN DECIDING WHETHER PARTICULAR GOODS ARE OF MERCHANTABLE QUALITY."

THE AMENDMENT BILL ALSO PROVIDES THAT IN A CONSUMER CONTRACT, IF THE CONSUMER HAS NOT BEEN OFFERED A REASONABLE OPPORTUNITY OF EXAMINING THE GOODS, HE IS NOT DEEMED TO HAVE ACCEPTED THE GOODS BY THE MERE SIGNING OF AN ACCEPTANCE NOTE.

"THE PRACTICE OF TREATING THE ACCEPTANCE NOTE SIGNED BY THE BUYER AS REFLECTING ACCEPTANCE OF THE GOODS HAS ENABLED UNSCRUPULOUS SELLERS TO DEPRIVE CONSUMERS OF THEIR PROTECTION," THE SPOKESMAN SAID.

THE SUPPLY OF SERVICES (IMPLIED TERMS) BILL SEEKS TO CODIFY SOME COMMON LAW PRINCIPLES REGARDING CONTRACTS FOR THE SUPPLY OF SERVICES TO ENHANCE GREATER CLARITY AND OVERALL CONSISTENCY IN THEIR APPLICATION.

UNDER THE BILL, A SUPPLIER OF SERVICES IS OBLIGED TO DELIVER HIS SERVICE WITH REASONABLE CARE AND SKILL AND WITHIN A REASONABLE TIME; WHEREAS THE BUYER IS REQUIRED TO PAY A REASONABLE CHARGE.

THE SPOKESMAN SAID THE UNCONSCIONABLE CONTRACTS BILL WOULD EMPOWER THE COURT TO REWRITE OR STRIKE DOWN UNCONSCIONABLE TERMS IN CONSUMER CONTRACTS.

THE BILL SEEKS TO PROVIDE JUDICIAL GUIDELINES FOR THE COURT IN DETERMINING UNCONSCIONABILITY AND EXERCISING ITS POWER.

"WE BELIEVE THAT THE COURTS ARE IN THE POSITION TO GRANT THE NECESSARY RELIEF TO THE CONSUMERS, HAVING TAKEN INTO ACCOUNT THE CIRCUMSTANCES UNDER WHICH A CONSUMER ENTERS INTO A CONTRACT AND THE NATURE OF THE CONTRACT," HE ADDED.

THE JUDICIAL GUIDELINES FOR DETERMINING WHETHER A CONTRACT TERM IS UNCONSCIONABLE INCLUDE:

- * THE RELATIVE STRENGTHS OF THE BARGAINING POSITIONS OF THE CONSUMER AND THE SELLER;
- * WHETHER THE CONSUMER WAS REQUIRED TO COMPLY WITH CONDITIONS THAT WERE NOT REASONABLY NECESSARY FOR PROTECTING THE LEGITIMATE INTERESTS OF THE SELLER;
- * WHETHER THE CONSUMER WAS ABLE TO UNDERSTAND ANY DOCUMENTS RELATING TO THE SUPPLY OF THE GOODS OR SERVICES;
- * WHETHER THE CONSUMER EXPERIENCED UNDUE INFLUENCE, PRESSURE, OR ANY UNFAIR TACTICS AGAINST HIM; AND
- * THE AMOUNT FOR WHICH, AND THE CIRCUMSTANCES UNDER WHICH, THE CONSUMER COULD HAVE ACQUIRED IDENTICAL OR EQUIVALENT GOODS OR SERVICES FROM ANOTHER SELLER.

THE SPOKESMAN SAID THERE WOULD BE A ONE-YEAR GRACE PERIOD AFTER ENACTMENT OF THE UNCONSCIONABLE CONTRACTS BILL TO ENABLE THE BUSINESS COMMUNITY TO CONSIDER THEIR USE OF CONTRACTS IN THE SALE OF GOODS AND SUPPLY OF SERVICES TO CONSUMERS AND TO MAKE ANY NECESSARY AMENDMENTS.

"WE HOPE THAT INTRODUCTION OF THE PROPOSED LEGISLATION WILL HELP ENHANCE THE BARGAINING POWER OF THE SMALL CONSUMERS," HE SAID.

THURSDAY, APRIL 21, 1994

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GOVT RESPONSE TO AMNESTY INTERNATIONAL REPORT

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A GOVERNMENT SPOKESMAN TODAY (THURSDAY) MADE THE FOLLOWING REMARKS IN RESPONSE TO THE PUBLICATION OF THE AMNESTY INTERNATIONAL REPORT:

AMNESTY INTERNATIONAL REPRESENTATIVES PRESENTED THEIR REPORT TO THE GOVERNOR ON APRIL 19.

THE GOVERNOR'S INITIAL REACTION WAS THAT THIS IS A THOUGHTFUL AND IMPRESSIVE REPORT AND THAT ITS RECOMMENDATIONS DESERVE THE GOVERNMENT'S EARLY AND CLOSE ATTENTION.

THE SPOKESMAN SAID IT WAS TOO IMPORTANT A REPORT FOR SNAP JUDGMENTS OR COMMENTS.

THE GOVERNMENT WILL NOW STUDY THE ARGUMENTS AND RECOMMENDATIONS AND FORMULATE A RESPONSE. "WE HOPE TO BE IN A POSITION TO PROVIDE A FULL RESPONSE BY THE END OF JUNE," THE SPOKESMAN SAID.

HUMAN RIGHTS ARE TAKEN SERIOUSLY IN HONG KONG BY THE COMMUNITY, THE LEGISLATIVE COUNCIL AND THE GOVERNMENT, THE SPOKESMAN SAID.

"OUR OBJECTIVE IS TO IDENTIFY THE RIGHT NEXT STEPS FOR HONG KONG."

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AMENDMENT PROPOSED TO TRAVEL AGENTS LAW

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THE GOVERNMENT HAS PROPOSED TO AMEND THE TRAVEL AGENTS ORDINANCE TO BRING ONE OF ITS SECTIONS IN LINE WITH THE BILL OF RIGHTS ORDINANCE BY TRANSFERRING THE POWER TO PROHIBIT A TRAVEL AGENT FROM LEAVING HONG KONG FROM THE REGISTRAR OF TRAVEL AGENTS TO A MAGISTRATE.

THE PROPOSED AMENDMENT IS CONTAINED IN THE TRAVEL AGENTS (AMENDMENT) BILL 1994 WHICH WILL BE GAZETTED ON APRIL 29 AND INTRODUCED INTO THE LEGISLATIVE COUNCIL ON MAY 11.

EXPLAINING THE PURPOSE OF THE PROPOSED AMENDMENT, A GOVERNMENT SPOKESMAN SAID SECTION 21 OF THE TRAVEL AGENTS ORDINANCE EMPOWERED THE REGISTRAR OF TRAVEL AGENTS TO CONDUCT AN INVESTIGATION INTO THE BUSINESS OF A TRAVEL AGENT IF HE SUSPECTED THAT THE BUSINESS WAS BEING CARRIED ON CONTRARY TO THE PUBLIC INTEREST.

HAVING DECIDED TO CONDUCT AN INVESTIGATION, THE REGISTRAR MAY UNDER SECTION 29 OF THE ORDINANCE REQUIRE A MAGISTRATE TO ISSUE A PROHIBITION ORDER TO A TRAVEL AGENT TO PROHIBIT HIM FROM LEAVING HONG KONG.

/"LEGAL ADVICE

"LEGAL ADVICE INDICATES THAT SECTION 29 IN ITS PRESENT FORM COULD BE HELD TO CONTRAVENE THE RIGHT TO LEAVE HONG KONG AND THE RIGHT TO A FAIR HEARING LAID DOWN RESPECTIVELY IN ARTICLES 8(2) AND 10 OF THE BILL OF RIGHTS ORDINANCE.

"THE TRAVEL AGENTS (AMENDMENT) BILL SEEKS TO MAKE THE ISSUE OF A PROHIBITION ORDER A JUDICIAL FUNCTION. THE DISCRETION TO ISSUE SUCH AN ORDER WILL BE EXERCISED BY A MAGISTRATE," THE SPOKESMAN SAID.

THE AMENDED SECTION 29 ALSO PROVIDES FOR AN APPEAL TO THE HIGH COURT AGAINST THE DECISION OF A MAGISTRATE TO MAKE A PROHIBITION ORDER.

"THE BILL SEEKS TO STRIKE A BALANCE BETWEEN THE PROTECTION OF THE INTEREST OF OUTBOUND TRAVELLERS AND THE NEED FOR SECTION 29 OF THE ORDINANCE TO BE COMPATIBLE WITH THE BILL OF RIGHTS ORDINANCE," HE SAID.

"THE AMENDMENTS FOLLOW CLOSELY A SIMILAR PRECEDENT IN THE INLAND REVENUE (AMENDMENT) ORDINANCE WHICH WAS ENACTED IN JULY 1993," HE ADDED.

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HK MOVING FAST ON ENVIRONMENTAL PROTECTION

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THE HONG KONG GOVERNMENT, SINCE THE PUBLICATION OF THE FIRST WHITE PAPER ON THE ENVIRONMENT IN 1989, HAS BEEN MOVING AT A FAST PACE AND INVESTING VERY LARGE SUMS OF MONEY TO CORRECT PAST ENVIRONMENTAL MISTAKES; FEW GOVERNMENTS ANYWHERE HAVE DONE SO MUCH, SO QUICKLY.

THIS WAS STATED BY THE DEPUTY SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, MR TONY COOPER, TODAY (THURSDAY) IN A KEY-NOTE SPEECH TO AN ENVIRONMENT AUDITING WORKSHOP ORGANISED BY THE HONG KONG GENERAL CHAMBER OF COMMERCE.

MR. COOPER SAID HONG KONG HAD SOLUTIONS TO MANY OF OUR ENVIRONMENTAL PROBLEMS, THE RESOURCES TO IMPLEMENT THEM AND THE ABILITY TO MOVE AT A SPEED WHICH MADE MOST OTHER COMMUNITIES APPEAR TO BE STANDING STILL.

"WE NOW HAVE COMPREHENSIVE ACTION PLANS FOR DEALING WITH WASTE - CHEMICAL WASTE, SOLID WASTE, CONSTRUCTION WASTE, DOMESTIC WASTE AND SEWAGE.

"WE HAVE PLANS FOR TACKLING AIR POLLUTION, NOISE POLLUTION AND FOR STRENGTHENING LEGISLATION.

"WE HAVE PLANS TO MAKE POLLUTERS PAY, AND FOR ENHANCING COMMUNITY AWARENESS ABOUT THE ENVIRONMENT."

BUT MR COOPER SAID THAT MORE REMAINED TO BE DONE IN CARRYING OUT THESE PLANS TO FRUITION AND THEN BUILDING ON THEM TO DEVELOP A SUSTAINABLE HONG KONG.

MR COOPER SAID THE GOVERNMENT COULD NOT SHOULDER ALONE ALL THE ENVIRONMENTAL BURDENS BECAUSE POLLUTION ABATEMENT MUST NOT BE OUR ONLY GOAL.

"RATHER, SUSTAINABLE DEVELOPMENT IS NOW, RIGHTLY, A MAJOR OBJECTIVE - PERHAPS THE KEY OBJECTIVE."

THE SECOND REVIEW OF THE 1989 WHITE PAPER ON POLLUTION, PUBLISHED LATE LAST YEAR, PROPOUNDED THE CONCEPT THAT A KEY FEATURE OF ANY SUSTAINABLE DEVELOPMENT PROGRAMME MUST BE COMMUNITY PARTNERSHIPS.

"THAT IS, PARTNERSHIPS BETWEEN GOVERNMENT AND SOCIETY, PARTNERSHIPS TO BRING ABOUT A CHANGE IN THINKING AND ACTION REGARDING THE ENVIRONMENT."

MR COOPER SAID COMMERCE AND INDUSTRY SHOULD FACE UP TO THE FACT THAT THEY HAD POSSIBLY A GREATER RESPONSIBILITY AND FACE A GREATER CHALLENGE TOWARDS SUSTAINABLE DEVELOPMENT THAN OTHER SECTORS OF SOCIETY BECAUSE THREATS TO SUSTAINABLE DEVELOPMENT, AND MODERN ENVIRONMENTAL POLLUTION, BEGAN WITH THE INDUSTRIAL REVOLUTION.

"IN ADDITION, IN HONG KONG, COMMERCE AND INDUSTRY ARE INVOLVED BECAUSE SOME INDUSTRIAL CONCERNS HAVE, FOR TOO LONG, TREATED THE ENVIRONMENT AS A SORT OF FREE SERVICE TO BE USED AND ABUSED AS THEY SAW FIT."

THEY HAD DUMPED TOXIC METALS IN THE SEWERS, CONSTRUCTION WASTE IN PARKS AND THE HARBOUR, AND LIVESTOCK WASTE IN RIVERS AND STREAMS. EVEN THOUGH SOME OF THEM DID NOT PARTICIPATE IN THESE ABUSES, THEY IGNORED THEM.

MR COOPER NOTED THAT RESPONSIBILITY, WHEN IT CAME, WAS EITHER FORCED ON THEM BY RESENTED LEGISLATION OR FORCED UPON THEM BY OVERSEAS FIRMS WHO TASKED THEM TO CONFORM TO NEW ENVIRONMENTAL STANDARDS BECAUSE OF CHANGING CONSUMER ATTITUDES IN THEIR DOMESTIC MARKETS.

"A CULTURE CHANGE IS THEREFORE REQUIRED."

IN FACING UP TO THE ENVIRONMENT AS A COMMUNITY ISSUE, MR COOPER SAID BUSINESSMEN SHOULD SEARCH OUT FOR NEW, FRESH, GREEN PARTNERSHIPS WITH THE COMMUNITY.

HE SUGGESTED THAT BUSINESSMEN COULD LINK WITH DISTRICT BASED ORGANISATIONS AND LOCAL GROUPS TO SEE WHAT THEY COULD DO TO HELP THAT DISTRICT'S ENVIRONMENT.

THEY COULD FORM UMBRELLA PARTNERSHIPS WITH OTHER COMPANIES INVOLVED IN COMPLEMENTARY BUSINESSES TO ADDRESS GREEN ISSUES AS WELL AS INTER-TRADE PARTNERSHIPS WITH COMPANIES IN COMPATIBLE TRADES.

THEY COULD ALSO MAKE GREEN PLEDGES FOR THEIR INDUSTRY AND DONATE FUNDS TO WORTHWHILE PROGRAMMES TO ENHANCE COMMUNITY UNDERSTANDING OF ENVIRONMENTAL ISSUES, HE ADDED.

POLICE DUTIES RELATED FEES TO BE REVISED

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FEES FOR THE ISSUE AND RENEWAL OF A TEMPORARY LIQUOR LICENCE AND A MASSAGE ESTABLISHMENT LICENCE WILL BE REVISED FROM MAY 26.

IN ADDITION, FEES RELATED TO THE LICENCES ISSUED AND THE STORAGE SERVICES PROVIDED UNDER THE FIREARMS AND AMMUNITION ORDINANCE WILL BE ADJUSTED ON THE SAME DAY.

DETAILS OF THE REVISED FEES ARE SET OUT IN THE DUTIABLE COMMODITIES (AMENDMENT) REGULATION 1994, FIREARMS AND AMMUNITION (AMENDMENT) REGULATION 1994, FIREARMS AND AMMUNITION (STORAGE FEES) (AMENDMENT) ORDER 1994 AND MASSAGE ESTABLISHMENTS (AMENDMENT) REGULATION 1994 TO BE GAZETTED TOMORROW (FRIDAY).

A GOVERNMENT SPOKESMAN SAID THE REVISED FEES WERE SET AT LEVELS SUFFICIENT TO RECOVER THE FULL COSTS OF PROVIDING THE SERVICES.

FOLLOWING ARE DETAILS OF THE REVISIONS:

UNDER DUTIABLE COMMODITIES (AMENDMENT) REGULATION 1994

	EXISTING FEE	REVISED FEE
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FEE FOR A TEMPORARY LIQUOR LICENCE	\$100 PER DAY	\$220 PER DAY

UNDER FIREARMS AND AMMUNITION (AMENDMENT) REGULATION 1994

ITEM	EXISTING FEE	REVISED FEE
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A) FEE FOR AN EXEMPTION UNDER SECTION 4(3) OF THE ORDINANCE	\$220	\$284
B) FEE FOR THE ISSUE OR THE RENEWAL OF A LICENCE FOR POSSESSION:		
I) GRANTED FOR A LIMITED PURPOSE UNDER SECTION 30(1)(A) OR (B)	\$30	\$39
II) GRANTED TO A WATCHMAN	\$80	\$103
III) IN ANY OTHER CASE	\$800	\$1,035

/C) FEE FOR

C) FEE FOR THE ISSUE OR THE RENEWAL OF A DEALER'S LICENCE:

I)	RESTRICTED TO A PRESCRIBED CLASS OR DESCRIPTION OF ARMS OR AMMUNITION OR BOTH [IF NOT FALLING WITHIN (II)]	\$2,000	\$2,580
II)	RESTRICTED TO SCRAP CARTRIDGE CASES ONLY	\$2,500	\$3,220
III)	IN ANY OTHER CASE	\$10,000	\$12,880
D)	FEE FOR THE AMENDMENT OF A LICENCE OR A CONDITION THEREOF	\$30	\$39
E)	FEE FOR THE REPLACEMENT OF A LICENCE OR AN EXEMPTION	\$30	\$39

UNDER FIREARMS AND AMMUNITION (STORAGE FEES) (AMENDMENT) ORDER 1994

ITEM	EXISTING FEE	REVISED FEE
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A) FEE FOR STORING ARMS (FOR EACH ARTICLE FOR EACH MONTH OR PART THEREOF)	\$60	\$71
B) FEE FOR STORING IMITATION FIREARMS (FOR EACH ARTICLE FOR EACH MONTH OR PART THEREOF)	\$60	\$71
C) FEE FOR STORING AMMUNITION (FOR EACH ARTICLE FOR EACH MONTH OR PART THEREOF)	\$60	\$71
D) FEE FOR THE STORAGE OF ARMS AND AMMUNITION AWAITING TRANSHIPMENT WHERE THE ARMS AND AMMUNITION ARE STORED IN A BOX, CRATE OR SIMILAR CONTAINER (FOR EACH 50KG GROSS WEIGHT OR PART THEREOF, FOR EACH MONTH OR PART THEREOF)	\$45	\$53

UNDER MESSAGE ESTABLISHMENTS (AMENDMENT) REGULATION

	EXISTING FEE	REVISED FEE
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THE ISSUE AND RENEWAL OF A MESSAGE ESTABLISHMENT	\$5,000	\$5,870

RESPONSE ON PROPOSED OLD AGE PENSION SCHEME

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IN RESPONSE TO PRESS ENQUIRIES, A GOVERNMENT SPOKESMAN SAID TODAY (THURSDAY) THAT THE PROPOSED OLD AGE PENSION SCHEME (OPS) WORKED ON THE GUIDING PRINCIPLE THAT AN "IRON LINK" WOULD BE ESTABLISHED BETWEEN CONTRIBUTIONS AND PENSION PAYOUTS, THAT IS, PENSION BENEFITS WOULD BE TAILORED ACCORDING TO THE AMOUNT OF CONTRIBUTIONS THAT COULD BE COLLECTED.

"THERE IS THEREFORE NO QUESTION OF 'LOSSES' OR 'DEFICITS' AS CLAIMED BY THE HONG KONG GENERAL CHAMBER OF COMMERCE AND WE ARE NOT SURE HOW IT ARRIVED AT THE FIGURES ON LOSSES TO BE INCURRED BY THE OPS," HE SAID.

THE SPOKESMAN SAID THE GOVERNMENT WAS NOW WORKING OUT THE DETAILED FINANCIAL AND ADMINISTRATIVE IMPLICATIONS OF IMPLEMENTING THE PROPOSED SCHEME.

"A CONSULTATION DOCUMENT WILL BE PUBLISHED IN THE SUMMER, BY WHICH TIME THE PUBLIC WILL BE ABLE TO COMMENT ON THE PROPOSAL IN DETAIL, ON THE BASIS OF WELL-FOUNDED FIGURES," HE ADDED.

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ACTION PLAN TO IMPROVE FAMILY LIFE

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THE DIRECTOR OF SOCIAL WELFARE, MR IAN STRACHAN, TODAY (THURSDAY) OUTLINED A THREE-PRONGED ACTION PLAN TO IMPROVE THE QUALITY OF FAMILY LIFE IN HONG KONG.

MR STRACHAN INTRODUCED HIS PLAN WHEN HE DELIVERED A "SPEECH ENTITLED "TAKING THE FAMILY SERIOUSLY: AN ACTION PLAN" AT THE PLENARY SESSION OF THE INTERNATIONAL CONFERENCE ON FAMILY AND COMMUNITY CARE.

MR STRACHAN SAID HIS ACTION PLAN COULD BE SUMMARISED INTO THREE CATEGORIES: PREVENTION, SUPPORTING THE FAMILY AND HELPING FAMILIES IN TROUBLE.

"OUR AIM IS TO SERVE FAMILIES IN TIME OF CRISES, TO PERPETUATE A CARING SPIRIT AMONG FAMILIES IN THE COMMUNITY AND ULTIMATELY TO PREVENT FAMILY BREAKDOWN.

"TAKING THE FAMILY MORE SERIOUSLY IS NOT JUST AN ISSUE FOR THE SOCIAL WELFARE DEPARTMENT, NOR IS IT ONE SIMPLY FOR GOVERNMENT; IT IS A CHALLENGE FOR THE WHOLE COMMUNITY," HE SAID.

"SO IT IS IMPORTANT THAT ALL WELFARE POLICY PLANNERS BOTH IN THE GOVERNMENT AND IN THE COMMUNITY AT LARGE REALLY TAKE ACTION TO IMPROVE THE QUALITY OF FAMILY LIFE.

"THE GOVERNMENT, HOWEVER, MUST PROVIDE CLEAR LEADERSHIP IN TERMS OF STRATEGY, PLANNING AND FINANCIAL SUPPORT," MR STRACHAN SAID.

/HE POINTED

HE POINTED OUT THAT 80 PER CENT OF DIRECT SOCIAL WELFARE SERVICES IN HONG KONG WERE PROVIDED BY NON-GOVERNMENT ORGANISATIONS (NGOS).

DURING THIS FINANCIAL YEAR GOVERNMENT WILL PROVIDE NGOS WITH ABOUT \$3 BILLION IN CAPITAL AND RECURRENT EXPENDITURE TO MEET AGREED SOCIAL WELFARE TARGETS, OVER 88 PER CENT OF THEIR TOTAL EXPENDITURE.

EXPENDITURE ON FAMILY AND CHILD WELFARE ALONE THIS YEAR WILL INCREASE BY 17.5 PER CENT IN REAL TERMS TO \$909 MILLION.

"IN ADDITION, SERVICES FOR THE ELDERLY AND REHABILITATION WILL INCREASE RESPECTIVELY BY 27.1 PER CENT AND 17.4 PER CENT TO \$884 MILLION AND \$749 MILLION.

"TO FURTHER SUPPORT FAMILIES WITH ELDERLY PERSONS, THERE IS A WIDE RANGE OF SERVICES, INCLUDING FINANCIAL ASSISTANCE THROUGH THE SOCIAL SECURITY ALLOWANCE SCHEME, COMMUNITY SUPPORT SERVICES LIKE SOCIAL CENTRES, MULTI-SERVICES CENTRES AND DAY CARE CENTRES FOR THE ELDERLY, AND RESIDENTIAL FACILITIES LIKE CARE-AND-ATTENTION HOMES AND HOMES FOR THE AGED," MR STRACHAN SAID.

A WORKING GROUP ON CARE FOR THE ELDERLY HAS BEEN APPOINTED BY THE GOVERNOR TO REVIEW POLICIES ON HOUSING, SOCIAL SECURITY, WELFARE, MEDICAL AND HEALTH SERVICES FOR THE ELDERLY. THIS WORKING GROUP IS FORMULATING STRATEGIES FOR THE FURTHER DEVELOPMENT OF SERVICES FOR THE ELDERLY.

ON A PACKAGE OF SERVICES TO SUPPORT FAMILIES WITH DISABLED MEMBERS, THE DIRECTOR OF SOCIAL WELFARE SAID THESE INCLUDED DAY ACTIVITY AND TRAINING CENTRES, SHELTERED WORKSHOPS, RESIDENTIAL CARE AND RESPITE SERVICES.

THE SOCIAL WELFARE DEPARTMENT IS DEVELOPING SUPPORT EMPLOYMENT FOR DISABLED PERSONS TO ENHANCE THEIR CAPACITY FOR WORK AND MORE INDEPENDENT LIVING. IT IS ALSO CONDUCTING A REVIEW OF THE OPERATION OF SHELTERED WORKSHOPS WITH THE SAME PURPOSE.

"RECENTLY, WE ADOPTED A MORE STATISTICALLY BASED FORMULA IN PROJECTING DEMANDS FOR REHABILITATION SERVICES.

"THE DEPARTMENT WILL BID FOR MORE RESOURCES TO MEET ALL THESE DEMANDS AS SOON AS IT IS PRACTICABLY POSSIBLE," HE SAID.

TURNING TO THE GOVERNMENT'S STRATEGY ON SOCIAL WELFARE POLICY, MR STRACHAN SAID IT WAS SET OUT IN THE 1991 WHITE PAPER: "SOCIAL WELFARE INTO THE 1990'S AND BEYOND."

"THEREIN THE STATUS OF FAMILIES IN THE COMMUNITY IS EXPLICITLY AND POSITIVELY AFFIRMED AND A WAY IS PAVED FOR ALL EXISTING AND NEW WELFARE SERVICES TO BE EXPANDED AND DEVELOPED TO MEET PLANNED TARGETS AGREED BY THE GOVERNMENT IN CONSULTATION WITH THE HONG KONG COUNCIL OF SOCIAL SERVICE AND NGOS.

"IN ORDER TO REALISE A WELFARE PLAN FOR FAMILIES, THE WHITE PAPER TARGETS HAVE TO BE FULFILLED THROUGH RE-ORGANISATION OF EXISTING RESOURCES, INPUT OF ADDITIONAL RESOURCES, AND SETTING OF PRIORITIES," HE ADDED.

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IN THIS RESPECT, THE SOCIAL WELFARE DEPARTMENT FORMULATED AN ACTION PLAN ON TAKING THE FAMILY SERIOUSLY IN MAY 1993 AND UPDATED THE PLAN IN OCTOBER 1993.

WITH THE ALLOCATION OF ADDITIONAL RESOURCES, MR STRACHAN SAID THE DEPARTMENT WAS BEGINNING TO IMPLEMENT THE ACTION PLAN IN 1994.

"IT ALSO INVOLVES IMPROVEMENT, NOT ONLY IN QUANTITY, BUT ALSO QUALITY AND VARIETY, IN MEETING THE CHANGING NEEDS OF THE SOCIETY," HE CONCLUDED.

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BEC CHAIRMAN URGES PUBLIC TO REGISTER AS VOTERS

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THE CHAIRMAN OF THE BOUNDARY AND ELECTION COMMISSION, MR JUSTICE WOO KWOK-HING, TODAY (THURSDAY) URGED THE TWO MILLION POTENTIAL VOTERS IN HONG KONG TO REGISTER.

"TO BE A VOTER IS A CIVIC RIGHT, IT SIGNIFIES ONE'S COMMITMENT TO SOCIETY," MR JUSTICE WOO SAID.

HE WAS SPEAKING AT THE PRESS CONFERENCE HOSTED BY THE TELEVISION BROADCASTS LIMITED TO ANNOUNCE ITS PROGRAMMES ON VOTER REGISTRATION.

THE CHAIRMAN SAID HONG KONG HAD ENTERED A HISTORICAL ERA.

"1994 AND 1995 ARE IMPORTANT MILESTONES IN THE DEVELOPMENT OF REPRESENTATIVE GOVERNMENT IN HONG KONG, LAYING THE GROUNDWORK FOR REALISING THE CONCEPT OF 'HONG KONG PEOPLE RULING HONG KONG'," HE SAID.

HONG KONG PEOPLE LIVE AND STAND TOGETHER THROUGH THICK AND THIN. THEY SHOULD FACE THEIR COMMON CHALLENGES AND CONTRIBUTE TO THE WELL-BEING AND PROSPERITY OF THE TERRITORY, HE ADDED.

"FIRST AND FOREMOST, THEY MUST REGISTER AS A VOTER," MR JUSTICE WOO SAID.

HE ALSO SAID IT WAS A VERY ENCOURAGING DEVELOPMENT TO HAVE VOTING AGE LOWERED FROM 21 TO 18.

DISTRICT BOARD ELECTIONS WILL BE HELD ON SEPTEMBER 18 AND MUNICIPAL COUNCIL ELECTIONS ON MARCH 5 NEXT YEAR.

A THREE-MONTH VOTER REGISTRATION CAMPAIGN HAS STARTED ON APRIL 1 IN PREPARATION FOR THESE IMPORTANT ELECTIONS.

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CNTA CONDUCTS CHECKS ON UNLICENSED CLUBS

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OFFICERS FROM THE CITY AND NEW TERRITORIES LICENSING AUTHORITY HAVE THIS WEEK BEEN CARRYING OUT SURPRISE INSPECTIONS OF HIGH FIRE RISK CLUBS WHOSE OPERATORS ARE STILL CARRYING ON BUSINESS WITHOUT A CERTIFICATE OF COMPLIANCE.

A SPOKESMAN FOR CITY AND NEW TERRITORIES ADMINISTRATION SAID TODAY (THURSDAY) THAT MORE THAN 70 CHECKS HAD SO FAR BEEN MADE AND THE OPERATORS OF 43 HAD BEEN WARNED TO SHUT DOWN IMMEDIATELY OR FACE PROSECUTION.

UNLESS THEY CARRY OUT IMPROVEMENT WORKS TO COMPLY WITH THE CLUBS (SAFETY OF PREMISES) ORDINANCE, THEY ARE LIABLE, ON CONVICTION, TO A FINE OF \$200,000 AND TWO YEARS' IMPRISONMENT AND TO AN ADDITIONAL FINE OF \$20,000 FOR EACH DAY DURING WHICH THE OFFENCE CONTINUES.

THE SPOKESMAN SAID THE OPERATORS HAD BEEN GIVEN AMPLE TIME TO UPGRADE THEIR CLUBS IN RELATION TO FIRE AND BUILDING SAFETY STANDARDS.

AS THIS DEADLINE EXPIRED ON MARCH 31, ENFORCEMENT ACTION HAS BEGUN TO ENSURE THAT CLUB PATRONS ARE PROVIDED WITH A SAFE ENVIRONMENT.

THE SPOKESMAN WARNED THAT THE POLICING EXERCISE WOULD BE AN ONGOING ONE WITH NO TIME LIMIT.

HE ALSO STRESSED THAT INSPECTIONS WOULD NOT BE LIMITED TO ANY PARTICULAR DISTRICT.

THE CLUBS (SAFETY OF PREMISES) ORDINANCE, WHICH CAME INTO EFFECT ON NOVEMBER 1, 1991, PROVIDES FOR A CERTIFICATION SCHEME FOR THE REGULATION AND CONTROL OF CLUBS WITH CLUBHOUSES IN RESPECT OF THEIR FIRE AND STRUCTURAL SAFETY.

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POST OFFICE TO SET UP NEW TELEPHONE SYSTEM

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MEMBERS OF THE PUBLIC CALLING THE POST OFFICE WILL GET THROUGH MORE EASILY DURING BUSY PERIODS WITH THE INTRODUCTION OF AN INTERACTIVE VOICE PROCESSING SYSTEM NEXT TUESDAY (APRIL 26).

AND, THEY CAN OBTAIN INSTANT REPLIES TO SIMPLE ENQUIRIES EVEN AFTER OFFICE HOURS.

"THE SYSTEM IS PART OF OUR PERFORMANCE PLEDGES TO IMPROVE POSTAL SERVICES," THE ACTING POSTMASTER GENERAL, MISS NANCY LAW, SAID.

THE SYSTEM WILL PROVIDE A 24-HOUR TELEPHONE ENQUIRY SERVICE ALL YEAR ROUND TO STRENGTHEN THE EXISTING SERVICE PROVIDED BY OPERATORS.

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ALL INCOMING ENQUIRIES MADE FROM TOUCH-TONE TELEPHONES WILL BE RECEIVED AUTOMATICALLY.

THE CALLER WILL BE GIVEN INSTRUCTIONS BY A DIGITISED HUMAN VOICE AS TO THE PARTICULAR DIGIT TO BE PRESSED FOR OBTAINING INFORMATION ON A PARTICULAR SUBJECT FROM A PRE-RECORDED MESSAGE.

THE SYSTEM CAN PROVIDE A HARD COPY OF THE MESSAGE THROUGH FAX TRANSMISSION IF THE CALLER HAS ACCESS TO A FAX MACHINE.

IT ALSO ALLOWS THE CALLER TO SWITCH TO AN OPERATOR IF THE ENQUIRIES ARE COMPLICATED.

AS REGARDS ENQUIRIES MADE FROM PULSE-DIAL TELEPHONES, MISS LAW SAID OPERATOR SERVICE WOULD CONTINUE TO BE PROVIDED.

THE TELEPHONE NUMBER OF THE TELEPHONE ENQUIRY BUREAU OF THE POST OFFICE WILL REMAIN UNCHANGED AT 9221 2222.

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FINANCE COMMITTEE MEETS TOMORROW

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THE FINANCE COMMITTEE WILL HOLD A MEETING AT 2.30 PM TOMORROW (FRIDAY) AT THE LEGISLATIVE COUNCIL CHAMBER.

MEMBERS OF THE PUBLIC ARE WELCOME TO OBSERVE THE PROCEEDINGS FROM THE PUBLIC GALLERY. THEY MAY RESERVE SEATS BY CALLING 869 9399.

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ATTENTION NEWS EDITORS:

YOUR REPRESENTATIVES ARE INVITED TO COVER THE MEETING.

ADVANCE COPIES OF THE PAPERS FOR THE MEETING WILL BE AVAILABLE AFTER 2.30 PM TODAY (THURSDAY) IN THE PRESS ROOM OF THE LEGISLATIVE COUNCIL BUILDING, 8 JACKSON ROAD, CENTRAL. PLEASE NOTE THAT THE PAPERS ARE NOT FOR USE UNTIL THE MEETING IS OVER.

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HONG KONG MONETARY AUTHORITY
MONEY MARKET OPERATIONS

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	\$ MILLION	TIME (HOURS)	CUMULATIVE CHANGE (\$ MILLION)
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OPENING BALANCE IN THE ACCOUNT	2,201	0930	+635
CLOSING BALANCE IN THE ACCOUNT	1,916	1000	+650
CHANGE ATTRIBUTABLE TO :		1100	+630
MONEY MARKET ACTIVITY	+630	1200	+630
LAF TODAY	-915	1500	+630
		1600	+630
LAF RATE 2.00 BID/4.00 OFFER		TWI 125.0 * -0.2*	21.4.94

HONG KONG MONETARY AUTHORITY

EF BILLS

EF NOTES/HONG KONG GOVERNMENT BONDS

TERMS	YIELD	TERM	ISSUE	COUPON	PRICE	YIELD
1 WEEK	3.04	16 MONTHS	2508	4.625	99.31	5.23
1 MONTH	3.43	19 MONTHS	2511	4.15	98.13	5.46
3 MONTHS	3.90	22 MONTHS	2602	4.40	97.83	5.75
6 MONTHS	4.30	30 MONTHS	3610	4.20	95.55	6.23
12 MONTHS	4.90	33 MONTHS	3701	4.60	95.71	6.41

TOTAL TURNOVER OF BILLS AND BONDS - 17,925 MN

CLOSED 21 APRIL 1994

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