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## DAILY INFORMATION BULLETIN

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Government proposals on report on arrest

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The Government has proposed a number of measures arising from the Law Reform Commission (LRC) Report on Arrest as part of its on-going efforts to improve the criminal justice system.

Announcing the proposals of an inter-departmental working group on the LRC Report today (Monday), a government spokesman said: "In examining the report, we endeavour to strike a balance between the need for effective law enforcement and the protection of rights of individuals."

The spokesman noted that among the 61 major recommendations in the Report, the working group had accepted 30 in full, 21 in principle with adaptations taking into account existing law enforcement practice and local situations.

"After thorough examination, the working group did not accept six recommendations which were considered unnecessary, impracticable, and would weaken unjustifiably the existing law enforcement capability," he said.

The remaining four were technical amendments consequential to proposals which the working group had rejected.

The spokesman said the Government would conduct a two-month consultation exercise from today to seek the views of the community.

The Legislative Council Panel on Security, the Fight Crime Committee, district fight crime committees and district boards will receive copies of the consultation paper as well as briefings by government officials.

Members of the public can obtain copies of the paper from district offices from tomorrow (Tuesday).

The working group broadly agreed with the following key principles of the Report:

- \* Powers to stop and search - Safeguards should be adopted to avoid possible abuse of power to stop and search. Law enforcement officers should explain the object and the grounds of any search and keep proper record of every search;

- \* Powers of entry, search and seizure - Warrants for entry and search for evidence may only be issued by the proper authority and on reasonable grounds. Certain categories of material should be subject to special safeguards. Warrantless entry and search should be allowed only under certain prescribed conditions;
- \* Powers of arrests - The power of arrest without warrant may only be exercised upon reasonable grounds. The person arrested should be informed of his arrest and the grounds for it. The arrested person may be searched subject to certain conditions;
- \* Detention - There should be greater certainty on length of detention with review of the need for longer periods of detention. Safeguards against arbitrary detention should be introduced and a person should be immediately released if the grounds for detention cease to apply;
- \* Treatment of detainees - Arrested persons should have the right to inform a friend/relative or consult a lawyer without any unnecessary delay. Special safeguards should apply to children and young persons under detention. Detention facilities should be improved where appropriate; and
- \* Taking of intimate and non-intimate samples - Intimate samples should be taken from a detainee only with consent and normally with prior judicial authorisation. Non-intimate samples should be taken with written consent or without consent under certain conditions.

The key principles of the Report which were not accepted include:

- \* Codification of laws under an omnibus bill - LRC recommends that the existing legal provisions and codes of practice of law enforcement agencies should be codified under an omnibus bill. The working group considers this mammoth exercise unnecessary. Also codes of practices will need to be updated or amended frequently in the light of operational experience. Such regular amendments should best be dealt with administratively.

- \* Arrestable offence - LRC recommends that the threshold for invoking the power of stop, search, arrest and detention should be set at "arrestable offence" to safeguard against possible abuse of powers. The working group is of the view that this will reduce the law enforcement powers because some serious offences carrying 12 months imprisonment or less, for example possession of a simulated bomb, will be left out. The working group therefore suggests "imprisonable offence" as an alternative threshold. In addition, the working group proposes to consider whether any minor offences ought to become "non-imprisonable".

Arrestable offence means an offence for which the sentence is fixed by law or for which a person may be sentenced to imprisonment for a term exceeding 12 months. Imprisonable offence refers to offences that carry imprisonment.

- \* Statutory procedural safeguards - LRC recommends that detailed procedural safeguards should be built into the law to serve as checks against possible abuse of powers, for example, detailed written record of searches, exact legal authority for stop and search, detailed procedures for detention. While the working group agrees with the underlying principles, it is considered that administrative arrangements would be more effective and flexible in most cases.

"The working group believes that their proposals will provide the law enforcement agencies with the necessary powers to investigate crime but at the same time balance those powers with the safeguards necessary to ensure that they are used properly," the spokesman said.

"The proposals will ensure the proper treatment of persons affected by the exercise of the law enforcement powers, in particular, those involving arrest or detention.

"The public will also be able to better understand their rights and obligations."

Members of the public and interested parties should send their views on the consultation paper to the Security Branch, Central Government Offices, Lower Albert Road, Hong Kong on or before December 28.

End

Language education standing committee holds first meeting

\* \* \* \* \*

The Standing Committee on Language Education and Research (SCOLAR), chaired by Dr Daniel Tse Chi-wai, held its first meeting today (Monday).

The Committee has decided to set up two sub-committees to facilitate the working of SCOLAR. Mr Tsang Yok-sing was elected Chairman of the Chinese Language Sub-committee and Mrs Lau Pong Elim was elected Chairman of the English Language Sub-committee.

At the meeting, members were briefed on the present position of the Language Fund which has now been put under the auspices of SCOLAR. It was agreed that a more pro-active approach should be adopted to carry out priority research projects to be identified by the Committee.

"SCOLAR will need to hold further discussions before a work plan for the next 12 months can be drawn up," Dr Tse said.

"With such a distinguished membership, we have made a good start in having such a wide spectrum of expertise among us. We recognise the importance of our role here in shaping and directing issues in language education in Hong Kong.

"With members' enthusiastic support and sound advice, the SCOLAR will endeavour to accomplish its role," Dr Tse said.

End

Experimental orientation programme for new arrivals

\* \* \* \* \*

An experimental orientation programme for new arrivals will be launched early next month to help them to gain a better understanding of the range of public services that would facilitate their integration into the community.

The programme, jointly organised by the Eastern District Office, Eastern District Board and Social Welfare Department, include a tour on November 17 of famous landmarks on Hong Kong Island and around areas where most new arrivals congregate and three talks on local welfare and education services on the evenings of November 1, 8 and 15.

A spokesman for the Home Affairs Department said the programme was aimed at helping new immigrants integrate into the community as quickly as possible and encouraging their participation in community affairs.

"The first talk will focus on social services such as public housing as well as medical and social welfare services.

"The second talk is mainly concerned with the educational system, including an introduction to adult education and vocational training. Some young mainland immigrants who have achieved good results in school will speak of their learning experience.

"The third talk will centre on ways of adjusting to a new environment and fostering harmonious family life. The talks will be conducted by representatives from the government and non-governmental organisations in both Putonghua and Cantonese.

"An evaluation of the programme will be made later to decide whether similar, or modified, orientation programmes should be introduced," the spokesman said.

Admission to the programme is free and the number of participants limited to 100.

Application forms are now available at the Eastern District Office, Social Welfare Department's Causeway Community Centre, Fukien Middle School and Fukienese Association Limited.

Enquiries can be directed to the Eastern District Office on 2570 4125.

End

Inaugural issue of 10-year exchange fund notes well received

\* \* \* \* \*

There was good market response to the tender today (Monday) for the inaugural issue of 10-year exchange fund notes which mature in 2006, according to the Hong Kong Monetary Authority (HKMA).

The 10-year notes, which carried a coupon rate of 7.37% were 13.52 times over-subscribed, a new record for Exchange Fund paper issued so far.

The average accepted tender price was 99.55, providing an annualised yield of 7.57%, or about 92 basis points above that for the 10-year US Treasury notes.

"The tender results for our first 10-year Exchange Fund paper are very encouraging. There is certainly a strong market appetite for high quality and long maturity paper," said a HKMA spokesman.

"The narrow spread between the yield of our paper and that of the US treasuries is a clear demonstration of market confidence in the Hong Kong dollar debt market," he said.

HKMA launched the Exchange Fund Bills and Notes Programme in 1990 to help develop Hong Kong's debt market. Today, the outstanding amount of Exchange Fund paper has exceeded \$64 billion and the Exchange Fund bills and notes market is one of the most active and liquid government securities markets in the world.

The launch of the 10-year notes marks another milestone in the development of the Exchange Fund Notes Programme.

The programme was introduced in May 1993, with the launch of the 2-year notes to replace the 2-year government bonds. This was followed by the launch of 3-year notes in October 1993, 5-year notes in September 1994 and 7-year notes in November 1995.

End

Ten pre-sale consent applications approved for 3rd quarter

\* \* \* \* \*

The Lands Department has approved a total of 10 applications for consent to pre-sale of residential and non-residential units in uncompleted developments between July and September.

Of the 10 applications, seven are for the pre-sale of a total of 3,421 residential units located in Hong Kong, Kowloon, Sai Kung, Tuen Mun, Tai Po, Tsuen Wan and Yuen Long. They are estimated to be completed between the end of 1996 and June 1997.

The other three applications are for the pre-sale of non-residential units located in Hong Kong and Kowloon districts.

In addition, three consents to assign residential units were approved where occupation permits have been issued involving 4,412 units in Kowloon, North and Yuen Long districts.

A total of seven deeds of mutual covenant and management agreement, two deeds of mutual covenant and one sub-deed of mutual covenant for residential or non-residential developments were also approved during the quarter.

At the end of September, a total of 24 applications for pre-sale consent involving 17,637 residential units and 10 applications in respect of non-residential developments are pending approval.

These developments are located in various districts throughout the territory, and the majority are estimated to be completed in late 1996 to late 1997. However, a Hong Kong Housing Society development is expected to be completed in March 1999.

The department has given consent to a total of 25,314 residential units since the introduction of new measures for pre-sale of residential and non-residential units in June 1994.

Four private sector participation scheme projects (totalling 5,810 units), two sandwich class housing developments (totalling 1,906 units) and one flat-for-sale scheme project (totalling 400 units), which are not subject to the new measures, have also received pre-sale consent.

End

#### School drama festival to be launched tomorrow

\* \* \* \* \*

The opening ceremony of the Hong Kong School Drama Festival 1996-97 will be held at Sai Wan Ho Civic Centre tomorrow (Tuesday).

Organised by the Education Department and jointly presented by the Hong Kong School Drama Council, the Urban and Regional councils, the annual festival aims at inculcate students with interests in drama activities and the associated knowledge and techniques.

It also encourages the development of drama as a regular extra-curricular activities in schools and provide students with an exciting and interesting focus on drama activities outside the classroom.

Some 190 schools will take part in the event. Each participating secondary school will be granted a subsidy of \$1,400 and primary school \$1,200.

An extra grant of \$2,000 will be given to schools selected to participate in the public performance phase and gala evenings.

The Education Department will also invite the Hong Kong Academy for Performing Arts and other professionals in drama to provide training sessions to students on different aspects of drama and on site advice in producing the play.

The Hong Kong School Drama Festival will be conducted in four phases: school performance phase (February and March 1997), public performance phase (April 1997), prize presentation ceremony and gala evenings (May 1997).

End

#### Operator and staff of unlicensed guesthouse fined

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Two men were fined \$15,000 and \$6,000 respectively today (Monday) in South Kowloon Magistracy after pleading guilty to operating and managing an unlicensed guesthouse in Mirador Mansion, Tsim Sha Tsui.

The proprietor had been asked by officers of the Home Affairs Department's Licensing Authority in February and April to cease operation since his licence had expired. However, when an inspection was conducted in July, it was still in operation.

The proprietor and an employee were subsequently charged under Section 5 of the Hotel and Guesthouse Accommodation Ordinance.

A spokesman for the department said unlicensed guesthouses would not be tolerated and enforcement action would continue to be taken against them to ensure that they operate only with all building and fire safety provisions in place.

He also appealed to members of the public to help in the crackdown on unlicensed guesthouses by reporting them to the Licensing Authority on 2881 7034.

End

185 VMs depart on orderly repatriation flights

\* \* \* \* \*

Two groups totalling 185 Vietnamese migrants (VMs) returned by air to Hanoi, Vietnam, today (Monday) on the 67th and 68th flights under the Orderly Repatriation Programme (ORP).

Majority of the returnees, comprising 62 men, 60 women, 29 boys and 34 girls, are from South and Central Vietnam. Eight of them are from North Vietnam.

The majority of them arrived in Hong Kong in 1989, with the remaining in 1988, 1990 and 1991.

The two groups brought the total number repatriated on ORP flights to 6,490 since November 1991.

End

Monitors' report submitted to CS

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The monitors appointed to observe the Orderly Repatriation Programme operation this (Monday) morning have submitted their report to the Chief Secretary.

The two monitors comprised a non-official Justice of the Peace, Mr Edinson So Hoi-pan; and representative from a non-government organisation, Mr Andes Leung from Oxfam, Hong Kong.

End

Water storage figure

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Storage in Hong Kong's reservoirs at 9 am today (Monday) stood at 96.5 per cent of capacity or 565.691 million cubic metres.

This time last year the reservoirs contained 581.275 million cubic metres of water, representing 99.2 per cent of capacity.

End

Flushing water cut in Tsuen Wan and Kwai Chung

\* \* \* \* \*

The flushing water supply to all premises in Tsuen Wan and Kwai Chung districts will be temporarily suspended from 10 pm on Thursday (October 31) to 11 am the following day for repair and alteration work on watermains.

The suspension will affect Tsuen Wan and Kwai Chung districts including Upper Kwai Chung, Lower Kwai Chung and the container terminus.

End

Hong Kong Monetary Authority tender results

\* \* \* \* \*

Tender date	28 Oct 1996
Paper on offer	EF notes
Issue number	1610
Issue date	29 Oct 1996
Maturity date	30 Oct 2006
Coupon	7.37 PCT
Amount applied	HK\$7,260 MN
Amount allotted	HK\$500 MN
Average price accepted (yield)	99.55 (7.57 PCT)
Lowest price accepted (yield)	99.51 (7.58 PCT)
Pro rata ratio	About 6 PCT
Average tender price (yield)	99.47 (7.58 PCT)

End

Hong Kong Monetary Authority money market operations

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	<u>\$ million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	1,841	0930	+657
Closing balance in the account	2,649	1000	+857
Change attributable to:		1100	+857
Money market activity	+858	1200	+858
LAF today	- 50	1500	+858
		1600	+858

LAF rate 4.00% bid/6.00% offer TWI 125.0 \*+0.1\* 28.10.96

Hong Kong Monetary Authority

EF bills		EF notes/MTRC				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	4.86	2 years	2808	6.00	100.39	5.84
1 month	4.88	3 years	3910	6.28	100.14	6.32
3 months	4.94	5 years	5109	7.32	102.16	6.90
6 months	5.04	7 years	7308	7.24	100.51	7.27
12 months	5.29	5 years	M503	7.35	100.98	7.23

Total turnover of EF bills and notes - \$11,114 million

Closed October 28, 1996

End