



DAILY INFORMATION BULLETIN

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CS ON COURT OF FINAL APPEAL

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FOLLOWING IS A SPEECH BY THE CHIEF SECRETARY, THE HON SIR DAVID FORD, ON THE MOTION DEBATE ON THE COURT OF FINAL APPEAL, IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR DEPUTY PRESIDENT,

IN A FEW MOMENTS MEMBERS WILL BE ASKED TO VOTE ON THIS MOTION. MANY COGENT AND DIFFERING ARGUMENTS HAVE BEEN PUT BY MEMBERS IN THE COURSE OF THIS DEBATE. IT IS VERY CLEAR THAT THERE ARE STRONGLY HELD VIEWS ON BOTH SIDES. I SINCERELY HOPE THAT MEMBERS, HAVING LISTENED TO WHAT HAS BEEN SAID, WILL BE PREPARED TO CONSIDER THEIR POSITIONS IN THE LIGHT OF THOSE COMMENTS. THIS HAS BEEN A REAL DEBATE; IT WOULD BE VERY SAD IF ALL MEMBERS HAD COME INTO THIS CHAMBER AT 2.30 THIS AFTERNOON WITH CLOSED MINDS AND A FIRM DECISION AS TO HOW THEY WERE GOING TO VOTE.

I KNOW THAT SOME MEMBERS ARE CONCERNED THAT THEIR CREDIBILITY WOULD BE DAMAGED IN THE EYES OF THE PUBLIC, AND THE MEDIA, IF THEY WERE TO VOTE DIFFERENTLY TODAY FROM THE WAY THEY VOTED DURING THE IN-HOUSE MEETING SOME FIVE WEEKS AGO. BUT TIME AND EVENTS HAVE MOVED ON; A WEEK IS A LONG TIME IN POLITICS; THE FIVE WEEKS SINCE THE IN-HOUSE DISCUSSION IS A LIFETIME, AND I ASK MEMBERS TO CONSIDER TWO IMPORTANT POINTS.

FIRSTLY, THE SITUATION HAS BECOME MUCH CLEARER SINCE THAT FIRST IN-HOUSE VOTE WAS TAKEN. THE CHINESE GOVERNMENT HAS FORMALLY STATED THAT A RE-NEGOTIATION OF THE AGREEMENT IN THE JLG IS NOT POSSIBLE. CLEARLY, ANY THINKING PERSON WOULD ACCEPT THAT IT IS ENTIRELY REASONABLE FOR ANY MEMBER OF THIS COUNCIL TO TAKE THAT FACTOR INTO ACCOUNT IN CONSIDERING THE ISSUES TODAY. GOOD POLITICIANS KNOW THAT POLITICS IS THE ART OF THE POSSIBLE, AND I BELIEVE THAT THE PEOPLE OF HONG KONG WOULD EXPECT US TO TAKE ACCOUNT OF WHAT IS ACHIEVABLE AND WHAT IS PRACTICABLE IN TRYING TO TAKE THIS MATTER FORWARD.

SECONDLY, I THINK THAT MANY MEMBERS ARE INCLINED TO VOTE FOR THE MOTION SINCE IT IS VERY SIMILAR TO THAT AGREED BY THE IN-HOUSE MEETING. "HOW CAN WE NOT VOTE FOR IT?", SOME PEOPLE SAY, "IT'S AS WHOLESOME AS MOTHERHOOD OR SLICED-BREAD." BUT TODAY, MR IP HAS SPELT OUT THE IMPLICATIONS OF VOTING FOR HIS MOTION. HE CERTAINLY DOES NOT INTEND TO OFFER MEMBERS A SOFT OPTION, WHAT HE IS SAYING IS THAT THE AGREEMENT REACHED IN THE JOINT LIAISON GROUP MUST BE REOPENED TO ACHIEVE MORE FLEXIBILITY, AND IF THAT IS NOT POSSIBLE, HE BELIEVES MOST STRONGLY THAT IT IS BETTER NOT TO HAVE A COURT ESTABLISHED AHEAD OF 1997 THAN TO ACCEPT THE ARRANGEMENTS WHICH HAVE BEEN AGREED IN THE JOINT LIAISON GROUP. SO MR IP IS COMMITTED TO AN ALL OR NOTHING APPROACH; MORE FLEXIBILITY OR NO COURT BEFORE 1997. AND THAT IS WHY HE HAS AMENDED HIS MOTION TO DELETE THE REFERENCE TO THE SETTING UP OF A COURT BY 1993.

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LET ME FINALLY TRY AND SUM-UP THE POSITION OF THE GOVERNMENT VERY BRIEFLY. I BELIEVE THAT MEMBERS MUST ASK THEMSELVES WHETHER THEY WISH TO HAVE A COURT OF FINAL APPEAL, ALBEIT NOT THE MOST IDEAL IN THEIR MINDS, WELL BEFORE 1997, WHICH IS GUARANTEED TO CARRY ON UNALTERED ACROSS 1997? OR ARE THEY PREPARED TO FACE THE PROSPECT OF UNCERTAINTY, OF DRIFTING TOWARDS 1997 WITH NO CLEAR IDEA OF WHAT WOULD BE PUT IN PLACE EVENTUALLY? ON AN ISSUE AS IMPORTANT AS THIS, SURELY WE SHOULD NOT LET THE BEST BECOME THE ENEMY OF THE GOOD. IN MAKING UP OUR MINDS WE SHOULD NOT LOSE SITE OF OUR PRIMARY OBJECTIVE IN ESTABLISHING A COURT OF FINAL APPEAL IN HONG KONG AHEAD OF 1997. THIS IS TO INSTIL CERTAINTY, TO ALLOW TIME TO BUILD UP THE MEMBERSHIP AND THE REPUTATION OF THE COURT, AND TO REINFORCE THE MESSAGE TO THE HONG KONG COMMUNITY AND INVESTORS THAT HONG KONG'S LEGAL SYSTEM WILL CONTINUE UNCHANGED AFTER 1997.

I HOPE MEMBERS WILL CONSIDER VERY CAREFULLY THE REAL ISSUES INVOLVED AND THE REAL OPTIONS WHEN THEY COME TO CAST THEIR VOTE. TO STRIKE A BALANCE BETWEEN WHAT IS DESIRABLE AND WHAT IS ACHIEVABLE IS NOT TO TAKE A SOFT OPTION; IT IS TO TAKE A HARD-HEADED AND MATURE JUDGMENT AS TO WHAT IS IN THE BEST INTERESTS OF HONG KONG.

MR DEPUTY PRESIDENT, I OPPOSE THE MOTION.

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AG ON COURT OF FINAL APPEAL

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FOLLOWING IS A SPEECH BY THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, ON THE MOTION DEBATE ON COURT OF FINAL APPEAL, IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY):

MR DEPUTY PRESIDENT,

THE MANY SPEECHES TODAY AND THIS EVENING ON THIS MOTION HAVE UNDERScoreD THE IMPORTANCE WHICH ALL OF US ATTACH TO THE ESTABLISHMENT OF THE COURT OF FINAL APPEAL. MY COLLEAGUE, THE SECRETARY FOR CONSTITUTIONAL AFFAIRS, HAS EXPLAINED IN CLEAR AND UNAMBIGUOUS TERMS THE CHOICES THAT LIE BEFORE US, AND I WOULD URGE MEMBERS MOST SERIOUSLY TO REFLECT CAREFULLY ON HIS WORDS BEFORE THEY CAST THEIR VOTES LATER THIS EVENING.

I WOULD LIKE TO RESPOND, MR DEPUTY PRESIDENT, TO A NUMBER OF THE LEGAL ISSUES THAT HAVE BEEN RAISED IN THIS DEBATE.

FIRSTLY, LET ME EXPLAIN WHY I BELIEVE IT IS SO IMPORTANT TO HAVE THE COURT OF FINAL APPEAL SET UP NOW IN A DURABLE WAY TO ENSURE CONTINUITY PAST 1997. A COURT OF FINAL APPEAL, AS HAS BEEN SAID REPEATEDLY THIS EVENING, DEALS WITH CASES OF THE GREATEST IMPORTANCE. THE COURT'S JUDGMENTS, BINDING ON ALL LOWER COURTS, ARE NOT SIMPLY LEGAL OPINIONS ON LEGAL ISSUES - THEY ARE THE LAW ITSELF. THOSE JUDGMENTS REPRESENT A BODY OF LAW - A JURISPRUDENCE - TO WHICH WE CAN TURN WITH CONFIDENCE AND CERTAINTY. IT IS, I BELIEVE, OF FUNDAMENTAL IMPORTANCE THAT THE COURT OF FINAL APPEAL BE ESTABLISHED AS EARLY AS POSSIBLE TO BEGIN THE PROCESS OF BUILDING UP A HONG KONG JURISPRUDENCE WITHIN THE COMMON LAW TRADITION. WERE THE COURT NOT TO BE SET UP UNTIL AFTER 1997, THEN WE WOULD HAVE LOST A GOLDEN OPPORTUNITY FOR THE COURT TO ESTABLISH ITSELF, AND TO HAVE BEGUN ITS VITAL WORK.

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MUCH OF THIS DEBATE HAS FOCUSED ON WHETHER OR NOT THE AGREEMENT REACHED IN THE JOINT LIAISON GROUP ACCORDS WITH OR IS IN BREACH OF THE JOINT DECLARATION. THE AGREEMENT IS ATTACKED AS BEING A SERIOUS EROSION OF JUDICIAL INDEPENDENCE. MR DEPUTY PRESIDENT, I WILL NOT WEARY THIS COUNCIL THIS EVENING BY REHEARSING THE CLASH OF LEGAL OPINIONS. ANNEX I, PARA III, SUB PARA 4 TO THE JOINT DECLARATION, A PROVISION MIRRORED EXACTLY BY ARTICLE 82 OF THE BASIC LAW, PROVIDES THAT THE COURT OF FINAL APPEAL IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION MAY, AND I QUOTE, "AS REQUIRED INVITE JUDGES FROM OTHER COMMON LAW JURISDICTIONS TO SIT ON THE COURT OF FINAL APPEAL". BUT THAT PROVISION DOES NOT SAY, - DOES NOT SAY - THAT THE COURT "MAY AS IT REQUIRES" INVITE OVERSEAS JUDGES; IT SAYS THE COURT "MAY AS REQUIRED" INVITE SUCH JUDGES. THIS IS CLEARLY AN OBJECTIVE TEST AND DOES NOT GIVE AN UNFETTERED DISCRETION TO THE COURT TO INVITE AS MANY VISITING JUDGES TO SIT ON IT AS IT WISHES.

IF THE DISCRETION OF THE COURT OF FINAL APPEAL TO INVITE OTHER COMMON LAW JUDGES WERE UNLIMITED, IT WOULD MEAN THAT AFTER 1997 ALL THE JUDGES IN THAT COURT OF FINAL APPEAL COULD CONSIST OF JUDGES FROM OTHER COMMON LAW JURISDICTIONS. IT SHOULD BE CLEAR TO MEMBERS THAT SUCH A SITUATION WOULD NOT BE TENABLE. THE DISCRETION OF THE COURT OF FINAL APPEAL WAS NEVER INTENDED TO BE AN UNLIMITED ONE. IT IS AN OBJECTIVE TEST AND IT IS ONE WHICH IT IS PROPER FOR THIS LEGISLATURE TO PROVIDE FOR IN THE LEGISLATION CONSTITUTING THE COURT OF FINAL APPEAL.

THERE IS ONE MORE IMPORTANT FACT THAT MUST NOT BE OVERLOOKED. NOWHERE IN THE JOINT DECLARATION, OR IN THE BASIC LAW, IS A MINIMUM NUMBER OF JUDGES, OR INDEED ANY NUMBER OF JUDGES, SPECIFIED. IT IS THEREFORE ENTIRELY PROPER AND INDEED NECESSARY FOR THESE DETAILS TO BE FILLED IN BY THIS COUNCIL BY MEANS OF AN ORDINANCE.

THE JOINT DECLARATION IS, AS WE ALL KNOW, AN INTERNATIONAL TREATY REGISTERED AT THE UNITED NATIONS UNDER ARTICLE 102 OF THE UNITED NATIONS CHARTER. INTERNATIONAL TREATIES ARE INTERPRETED NOT IN ACCORDANCE WITH RESTRICTIVE PROVISIONS OF NATIONAL LAW BUT IN ACCORDANCE WITH INTERNATIONAL LAW AS CODIFIED IN THE VIENNA CONVENTION ON THE LAW OF TREATIES. MR MAN SAI CHEONG HAS VERY HELPFULLY ALREADY SPOKEN ABOUT ARTICLE 31 BUT FOR CONVENIENCE I WILL REMIND MEMBERS AGAIN WHAT THAT SAYS; ARTICLE 31 OF THE CONVENTION SETS OUT THE RULE THAT A TREATY SHALL BE INTERPRETED IN GOOD FAITH IN ACCORDANCE WITH THE ORDINARY MEANING TO BE GIVEN TO ITS TERMS IN THEIR CONTEXT AND IN THE LIGHT OF ITS OBJECT AND PURPOSE. THE SAME ARTICLE ALSO PROVIDES THAT THERE SHOULD BE TAKEN INTO ACCOUNT, TOGETHER WITH THE CONTEXT, ANY SUBSEQUENT AGREEMENT BETWEEN THE PARTIES REGARDING THE INTERPRETATION OF THE TREATY OR THE APPLICATION OF ITS PROVISIONS.

APPLYING THESE RULES OF INTERNATIONAL LAW THE JOINT LIAISON GROUP AGREEMENT ON THE COMPOSITION OF THE COURT OF FINAL APPEAL IS, I BELIEVE, CONSISTENT WITH THE JOINT DECLARATION.

IN SUMMARY, MR DEPUTY PRESIDENT, ON THIS ISSUE, I TAKE ISSUE WITH THE VIEW THAT THE AGREEMENT CONTRAVENES THE PROVISIONS OF THE JOINT DECLARATION. THE AGREEMENT HAS BEEN REACHED IN A MANNER CONSISTENT WITH THE ORIGINAL INTERNATIONAL TREATY AND IS IN ACCORDANCE WITH ITS PROVISIONS, WHEN THESE ARE PROPERLY INTERPRETED.

SOME HERE TODAY, HAVE CAST DOUBT ON THE QUALITY OF THE COURT OF FINAL APPEAL BY NOTING THE NUMBER OF DECISIONS OF THE COURT OF APPEAL THAT HAVE BEEN REVERSED BY THE PRIVY COUNCIL. THERE IS THE IMPLICATION THAT THE JUDGES OF OUR COURT OF APPEAL WOULD NOT BE OF SUFFICIENT CALIBRE TO SIT IN THE COURT OF FINAL APPEAL.

MR DEPUTY PRESIDENT, I HAVE CONSIDERABLE DIFFICULTY IN UNDERSTANDING THAT POINT. FIRSTLY, COURTS OF FINAL ADJUDICATION IN MANY PLACES ARE, ON THE WHOLE, MANNED BY JUDGES WHO HAVE REACHED THEIR POSITIONS BY WAY OF PROMOTION, USUALLY FROM A COURT OF APPEAL. MOST MEMBERS OF THE PRIVY COUNCIL PREVIOUSLY SERVED IN LOWER COURTS, IN THE ENGLISH COURT OF APPEAL. SO THERE IS NOTHING NOVEL IN PROVIDING THE COURT OF FINAL APPEAL WITH A CORE OF JUDGES DRAWN FROM OUR OWN EXCELLENT COURT OF APPEAL. SECONDLY, IF THE DOUBTS THAT HAVE BEEN EXPRESSED THIS EVENING ARE INTENDED TO REFLECT ON THE QUALITY OF THE HONG KONG COURT OF APPEAL, THEN I MUST STATE, QUITE EMPHATICALLY, THAT I DON'T SHARE THEM.

THE FACT THAT SOME OF A COURT OF APPEAL'S JUDGMENTS ARE REVERSED AT A HIGHER LEVEL IS AN INESCAPABLE FEATURE OF A JUDICIAL SYSTEM WHERE THERE IS A HIERARCHY OF COURTS. IT IS INEVITABLE THAT SOME DECISIONS WILL BE REVERSED OR VARIED AT A HIGHER LEVEL. THE FACT THAT THIS OCCURS SHOULD NOT BE USED TO CRITICISE THE SYSTEM, OR THE COURTS, OR THE JUDGES, RATHER IT SHOULD BE USED AS AN INDICATOR THAT THE SYSTEM TO WHICH WE ALL ATTACH SO MUCH IMPORTANCE, AND RIGHTLY SO, IS WORKING PROPERLY. JUDICIAL REVERSAL AT A HIGHER LEVEL OCCURS IN ALL REPUTABLE JURISDICTIONS.

THE STATISTICS QUOTED TO THIS COUNCIL TODAY DO NO MORE THAN ILLUSTRATE WHAT I HAVE SAID.

WHILST I DO NOT BELIEVE THAT WE SHOULD BE LED TOO FAR BY STATISTICS, THEY CERTAINLY CANNOT BE USED TO THE DETRIMENT OF HONG KONG'S COURT OF APPEAL.

MEMBERS HAVE BEEN GIVEN FIGURES FOR APPEALS FROM THE HONG KONG COURT OF APPEAL TO THE PRIVY COUNCIL, AND BY WAY OF COMPARISON, APPEALS FROM THE ENGLISH COURT OF APPEAL TO THE HOUSE OF LORDS FOR THE FIVE YEARS BETWEEN 1986 AND 1990. AS MEMBERS WILL DOUBTLESS BE AWARE, APPEALS FROM THE ENGLISH COURT OF APPEAL LIE TO THE APPELLATE COMMITTEE OF THE HOUSE OF LORDS, WHICH CONSISTS LARGELY OF THE SAME JUDGES WHO SIT IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL. WHEN THE PRIVY COUNCIL HEARS AN APPEAL FROM HONG KONG, WE ARE IN EFFECT HAVING OUR CASE DECIDED BY THE JUDGES OF THE HOUSE OF LORDS.

THE FIGURES SHOW THAT FOR BOTH COURTS OF APPEAL, HONG KONG AND ENGLAND, ABOUT 60% OF THEIR JUDGMENTS WERE UPHELD ON APPEAL. IN THE YEAR 1990, THE LAST COMPLETE YEAR FOR WHICH FIGURES ARE AVAILABLE, 45% OF THE JUDGMENTS OF THE COURT OF APPEAL IN ENGLAND AND WALES WERE REVERSED BY THE HOUSE OF LORDS, WHILE THE FIGURE FOR HONG KONG'S COURT OF APPEAL WAS ONLY 20%. AND PUT THE OTHER WAY AROUND, IN OTHER WORDS 78% OF THE JUDGMENTS OF OUR COURT OF APPEAL LAST YEAR WERE UPHELD BY THE PRIVY COUNCIL. SOMEHOW THAT TRACK RECORD IN RELATION TO HONG KONG IS USED TO SUGGEST SOME INFERIOR QUALITY. YET NO ONE CAN SERIOUSLY LEVEL THAT ACCUSATION AGAINST THE ENGLISH COURT OF APPEAL; AND REMEMBER THAT APPEALS FROM BOTH COURTS GO, ESSENTIALLY, TO THE SAME JUDGES.

I BELIEVE THAT OUR COURT OF APPEAL HAS ESTABLISHED A FINE REPUTATION FOR QUALITY. IF SOME OF ITS JUDGES SIT ON THE COURT OF FINAL APPEAL, THEY WILL UNDOUBTEDLY ENHANCE ITS AUTHORITY AND REPUTATION.

MR DEPUTY PRESIDENT, THE SECRETARY FOR CONSTITUTIONAL AFFAIRS HAS SPOKEN OF A COMPREHENSIVE SET OF MEASURES INTENDED TO ESTABLISH THE COURT OF FINAL APPEAL. THERE IS MUCH WORK TO DO AND MANY LEGAL ISSUES TO BE CONSIDERED. SOME OF THOSE HAVE ALREADY BEEN MENTIONED BY THE SECRETARY. I EARNESTLY HOPE THAT WE CAN HAVE THE CO-OPERATION OF ALL MEMBERS OF THIS COUNCIL AND OF THE LEGAL PROFESSION IN WORKING TOGETHER IN THIS HISTORIC TASK.

IN CONCLUSION, MR DEPUTY PRESIDENT, LET ME RE-STATE THAT THE AGREEMENT REACHED IN THE JOINT LIAISON GROUP IS NOT IN BREACH OF THE JOINT DECLARATION. I BELIEVE THAT THE AGREEMENT PROVIDES US WITH A WORKABLE AND DURABLE FRAMEWORK - A VIEW SHARED BY THE CHIEF JUSTICE, THE HEAD OF THE JUDICIARY - AND THAT IT GIVES US A GREAT OPPORTUNITY TO ESTABLISH A COURT OF FINAL APPEAL WELL BEFORE 1997, WITH ALL THE BENEFITS I HAVE DESCRIBED, WITH IN PARTICULAR THE GUARANTEE OF CONTINUITY IN OUR JUDICIAL SYSTEM.

MR DEPUTY PRESIDENT, I OPPOSE THE MOTION.

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SCA ON COURT OF FINAL APPEAL
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FOLLOWING IS A SPEECH BY SECRETARY FOR CONSTITUTIONAL AFFAIRS, MR MICHAEL SZE ON THE MOTION DEBATE ON THE COURT OF FINAL APPEAL IN THE LEGISLATIVE COUNCIL ON WEDNESDAY, 4 DECEMBER 1991:

MR DEPUTY PRESIDENT,

I SHOULD FIRST LIKE TO SET OUT THE GOVERNMENT'S CASE FOR THE AGREEMENT REACHED IN THE JOINT LIAISON GROUP ON THE ESTABLISHMENT OF A COURT OF FINAL APPEAL IN HONG KONG BEFORE 1997. I SHOULD THEN EXPLAIN THE CONSIDERATIONS WHICH THE ADMINISTRATION TAKES INTO ACCOUNT IN OPPOSING THE MOTION MOVED BY MR SIMON IP.

LET ME BEGIN BY MAKING ONE THING CLEAR, THAT THE HONG KONG GOVERNMENT WAS FULLY CONSULTED ON THE AGREEMENT REACHED BETWEEN THE BRITISH AND CHINESE GOVERNMENTS ON THE COURT OF FINAL APPEAL. IT HAS SOMETIMES BEEN ALLEGED THAT SOMEHOW THE BRITISH GOVERNMENT HAVE REACHED THIS AGREEMENT WITH THE CHINESE GOVERNMENT BEHIND OUR BACKS, THAT WE HAVE BEEN SOLD DOWN THE RIVER. THIS CANNOT BE FURTHER FROM THE TRUTH. SPECIFICALLY, THE HONG KONG GOVERNMENT, AND THE EXECUTIVE COUNCIL AND THE JUDICIARY, WERE FULLY CONSULTED ON THE SO-CALLED "FOUR-ONE" COMPOSITION OF THE COURT. WE HAVE CONCLUDED THAT SUCH A COMPOSITION, THOUGH NOT IDEAL, WAS WORKABLE AND CONSISTENT WITH THE JOINT DECLARATION AND THE BASIC LAW. IT WAS CERTAINLY NOT SOMETHING IMPOSED ON US BY THE UK GOVERNMENT, LEAST OF ALL WITHOUT OUR CONSENT.

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I BELIEVE IT IS NO SECRET THAT OUR STARTING POINT IN THESE NEGOTIATIONS WAS SOMEWHAT DIFFERENT FROM THE EVENTUALLY AGREED FORMULA. SO WHY DID WE THINK IT RIGHT TO SETTLE FOR THE TERMS WE DID?

IT IS BECAUSE WE FIRMLY BELIEVE THAT THE OVERALL INTEREST OF HONG KONG IS BEST SERVED BY ESTABLISHING, WELL BEFORE 1997, A COURT OF FINAL APPEAL CAPABLE OF CONTINUING UNALTERED BEYOND 1997. THE AGREEMENT REACHED IN THE JLG SECURED FOR US THE KEY OBJECTIVE OF PRESERVING THE CONTINUITY OF OUR JUDICIAL SYSTEM. WE MUST REMEMBER THAT THE VESTING OF THE POWER OF FINAL JUDGMENT IN THE COURTS OF A NON-SOVEREIGN TERRITORY IS TO SAY THE LEAST UNTRIED. THE JOINT DECLARATION AND THE BASIC LAW PROMISE THE VESTING OF THAT POWER IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION AFTER 1997, NOT BEFORE. BUT WE BELIEVE THAT IT WILL DO AN IMMENSE AMOUNT OF GOOD TO THE CONFIDENCE OF THE COMMUNITY, AND IN PARTICULAR TO THE CONFIDENCE OF THE BUSINESS COMMUNITY, FOR SUCH A POWER TO BE EXERCISED SUCCESSFULLY, AND SEEN TO BE SO, BY A COURT IN HONG KONG BEFORE THE CHANGE OF SOVEREIGNTY TAKES PLACE. ESTABLISHING A COURT OF FINAL APPEAL IN GOOD TIME BEFORE 1997 WOULD ENABLE THAT COURT TO GAIN THE EXPERIENCE, AND BUILD UP ITS REPUTATION OVER A NUMBER OF YEARS. IT WILL ABOVE ALL BE HIGHLY IMPORTANT THAT THERE SHOULD NOT BE A BREAK IN THE JUDICIAL SYSTEM IN 1997, EITHER BECAUSE THE POWER OF FINAL JUDGMENT IS THEN AND ONLY THEN EXERCISED BY A COURT IN HONG KONG, OR BECAUSE SUCH A COURT ESTABLISHED IN HONG KONG BEFORE 1 JULY 1997 HAS TO BE RECONSTITUTED ON THAT DATE. IN EITHER CASE, THERE WOULD BE NO CERTAINTY AS REGARDS ITS STRUCTURE, ITS PERSONNEL, ITS MODE OF OPERATION, AND NO MEANS OF SATISFYING ANYONE BEFOREHAND THAT SUCH A COURT WOULD OPERATE SUCCESSFULLY AND INDEPENDENTLY. THIS CANNOT BE IN THE INTEREST OF A SMOOTH TRANSITION.

THUS, IT IS FOR THE SAKE OF CERTAINTY AND CONTINUITY THAT SOME MODERATION OF OUR ASPIRATIONS FOR QUOTE GREATER FLEXIBILITY UNQUOTE BECOMES NECESSARY. TO THOSE WHO ACCUSE US OF KNUCKLING UNDER CHINESE PRESSURE, LET THEM REFLECT CAREFULLY ON THE PROSPECT OF A COURT OF FINAL APPEAL OF UNKNOWN QUALITY, ESTABLISHED ONLY ON 1 JULY 1997. WILL THAT BE BETTER FOR HONG KONG? IT IS IN THE NATURE OF NEGOTIATIONS, AND I HAVE BEEN A NEGOTIATOR FOR SOME YEARS, THAT MORE OFTEN THAN NOT YOU WILL NOT ACHIEVE EVERYTHING THAT YOU DESIRE. WE MUST BE CLEAR IN OUR OWN MINDS WHAT IS OUR OVER-RIDING OBJECTIVE, AND ON WHAT ISSUE IT MAKES SENSE TO COMPROMISE. I BELIEVE THE AGREEMENT ON THE COURT OF FINAL APPEAL STRUCK THE RIGHT BALANCE.

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THE SO-CALLED "FOUR-ONE" COMPOSITION OF THE CFA IS AN ENTIRELY WORKABLE FORMULA. IT WOULD IN NO WAY PREJUDICE THE INDEPENDENCE OF THE COURT IN THE EXERCISE OF ITS JUDICIAL POWERS. INDEED ANY SUGGESTION THAT JUDGES IN HONG KONG, SOME OF WHOM HAVE AND WILL NO DOUBT CONTINUE TO COME FROM OTHER COMMON LAW JURISDICTIONS, ARE ANY LESS INDEPENDENT IN THE DISCHARGE OF THEIR JUDICIAL FUNCTIONS THAN JUDGES ANYWHERE ELSE IS A TOTALLY UNSUPPORTABLE AND INVIDIOUS ASSERTION. FURTHERMORE, I DO NOT BELIEVE THAT WE HAVE COMPROMISED ON ANY MATTER OF FUNDAMENTAL PRINCIPLE. IT IS VERY CLEAR TO US, EVEN AT THE START, THAT A COURT OF FINAL APPEAL IN HONG KONG COMPOSED OF A MAJORITY OF VISITING JUDGES WOULD NOT BE A VIABLE PROPOSITION. THE PROVISIONS OF THE JOINT DECLARATION, WHICH IS A BINDING INTERNATIONAL TREATY, CANNOT AND SHOULD NOT BE INTERPRETED AS GIVING THE COURT OF FINAL APPEAL AN UNLIMITED POWER TO INVITE AS MANY VISITING JUDGES TO SIT ON IT AS IT WISHES. TO ARGUE OTHERWISE IS TO PUT A GLOSS ON THE JOINT DECLARATION WHICH CANNOT BE SUPPORTED BY A PROPER INTERPRETATION OF THE RELEVANT PROVISIONS OF THE JOINT DECLARATION IN ACCORDANCE WITH THE CANONS OF INTERNATIONAL LAW. MY COLLEAGUE THE ATTORNEY GENERAL WILL ELABORATE ON THIS POINT LATER. SO WE ARE REALLY DOWN TO A DIFFERENCE BETWEEN TWO VISITING JUDGES AND ONE VISITING JUDGE. THAT CANNOT BE A MATTER OF FUNDAMENTAL PRINCIPLE.

I NOW TURN TO THE CONSIDERATIONS WHICH WE HAVE REGARD TO, AND WHICH I URGE MEMBERS TO BEAR IN MIND ALSO IN THIS DEBATE. THE WORDING OF MR. IP'S MOTION IS DECEPTIVELY MILD: IT EXPRESSES A DESIRE FOR THE COURT OF FINAL APPEAL TO HAVE MORE FLEXIBILITY, AND SUCH FLEXIBILITY SHOULD BE IN ACCORDANCE WITH THE JOINT DECLARATION AND THE BASIC LAW.

BUT LET US NOT FOOL OURSELVES. THE MOTION CALLS FOR A GREATER DEGREE OF FLEXIBILITY WHEN IT IS EMINENTLY CLEAR THAT SUCH AN OBJECTIVE IS UNACHIEVABLE WITHOUT SACRIFICING THE EVEN GREATER, AND INDEED IN MY VIEW PARAMOUNT OBJECTIVE OF CONTINUITY AND CERTAINTY. WE HAVE NOT COME LIGHTLY TO THAT CONCLUSION. WE REACHED THAT VIEW AFTER THREE YEARS OF HARD-SLOGGING NEGOTIATION. THE MOTION IN EFFECT AMOUNTS TO A CALL FOR RE-NEGOTIATION OF THE AGREEMENT WHEN IT HAS BEEN MADE ABSOLUTELY CLEAR TO US BY THE CHINESE GOVERNMENT, BOTH PRIVATELY AND PUBLICLY, FORMALLY AS WELL AS INFORMALLY, THAT SUCH A COURSE OF ACTION WILL NOT BE CONTEMPLATED. INDEED I HAVE JUST COME FROM A MEETING OF THE JOINT LIAISON GROUP, AT WHICH THE CHINESE SIDE HAVE MADE IT ABSOLUTELY CLEAR THAT THERE WOULD BE NO QUESTION OF RENEGOTIATION. SO WE MUST FACE THE QUESTION SQUARELY: DO WE WISH TO HAVE AN AGREEMENT WHICH ENABLES US TO HAVE A COURT OF FINAL APPEAL CAPABLE OF CONTINUING UNALTERED BEYOND 1997? OR NO AGREEMENT, IN WHICH CASE MAXIMUM CONTINUITY OF AN JUDICIAL SYSTEM ACROSS 1997 CANNOT BE ACHIEVED?

I BELIEVE THAT IT IS RIGHT FOR US TO STAND FIRM ON MATTERS OF FUNDAMENTAL PRINCIPLE. BUT THE ISSUE OF "MORE FLEXIBILITY" IS NOT AN ISSUE OF FUNDAMENTAL PRINCIPLE. WOULD IT REALLY BE RIGHT TO SACRIFICE THE KEY OBJECTIVE OF MAXIMUM CONTINUITY OF OUR JUDICIAL SYSTEM FOR SOMETHING WHICH IS MERELY DESIRABLE, BUT NOT ESSENTIAL? WOULD IT REALLY BE IN THE OVERALL INTEREST OF HONG KONG TO PUT AT RISK OUR EFFORTS IN THE JOINT LIAISON GROUP TO SEEK AGREEMENTS WITH THE CHINESE GOVERNMENT IN MANY OTHER AREAS WHICH ARE VITAL TO THE CONTINUED STABILITY AND PROSPERITY OF HONG KONG AND A SMOOTH TRANSITION? I DO NOT BELIEVE THAT WE SHOULD LET THE BEST BE THE ENEMY OF THE GOOD.

THE MOTION ALSO FOCUSSES NARROWLY, AND TO MY MIND REGRETTABLY, ON THE NUMBER OF JUDGES FROM OTHER COMMON LAW JURISDICTIONS WHO MAY BE INVITED TO SIT ON THE CFA. BUT THAT IS ONLY ONE ASPECT OF A COMPREHENSIVE SET OF MEASURES WHICH WE INTEND TO PROPOSE TO THIS COUNCIL. THESE MEASURES WILL INCLUDE PROVISIONS TO SAFEGUARD THE INDEPENDENCE AND INTEGRITY OF THE COURT, SO THAT JUDGES OF FINAL APPEAL WILL BE ABLE TO EXERCISE THEIR JUDICIAL FUNCTIONS FREE FROM EXECUTIVE INTERFERENCE. THEY WILL BE SET OUT VERY CLEARLY IN THE BILL PROVIDING FOR THE COURT WHICH WE ARE NOW DRAFTING. AS I HAVE MENTIONED IN AN EARLIER DEBATE IN THIS COUNCIL, WE WILL BE SHARING OUR IDEAS WITH MEMBERS, AND THE LEGAL PROFESSION. WHEN WE INTRODUCE THE BILL INTO THIS COUNCIL, THAT WOULD BE THE RIGHT MOMENT TO PASS YOUR JUDGMENT ON WHETHER OR NOT THE ARRANGEMENTS WHICH WE PROPOSE ARE SATISFACTORY.

MR DEPUTY PRESIDENT, MANY MEMBERS WILL NO DOUBT SPEAK IN THIS DEBATE AND EXPRESS THEIR PREFERENCE FOR MORE FLEXIBILITY FOR THE COURT OF FINAL APPEAL. BUT I HOPE MEMBERS WILL CONSIDER VERY CAREFULLY WHAT THEY THINK IS RIGHT IN THE LIGHT OF THE REAL SITUATION. IT IS NOT JUST A QUESTION OF MORE, OR LESS FLEXIBILITY. MEMBERS SHOULD ASK THEMSELVES WHETHER IT IS RIGHT TO PUT AT RISK THE KEY OBJECTIVE, SECURED BY THE JLG AGREEMENT, OF SETTING UP A COURT OF FINAL APPEAL WELL BEFORE 1997 WHICH IS GUARANTEED TO CONTINUE UNALTERED BEYOND THAT DATE. OR WHETHER MEMBERS ARE WILLING TO SUSPEND THEIR JUDGMENT FOR THE TIME BEING UNTIL THEY HAVE A CHANCE TO EXAMINE THOROUGHLY THE WHOLE PACKAGE OF ARRANGEMENTS FOR THE ESTABLISHMENT OF THAT COURT. I BELIEVE THE LATTER COURSE IS THE PRUDENT COURSE TO TAKE.

THANK YOU, MR DEPUTY PRESIDENT.

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THREE BILLS TO FACILITATE AUDITORS TO REPORT FRAUD INTRODUCED

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THREE BILLS WHICH SEEK TO FACILITATE THE REPORTING OF FRAUD DETECTED BY AUDITORS WERE INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THEY ARE THE SECURITIES AND FUTURES COMMISSION (AMENDMENT) (NO. 2) BILL 1991, THE COMMODITIES TRADING (AMENDMENT) (NO. 2) BILL 1991 AND THE SECURITIES (AMENDMENT) (NO. 3) BILL 1991.

MOVING THE SECOND READING OF THE SECURITIES AND FUTURES COMMISSION (AMENDMENT) (NO. 2) BILL 1991, THE SECRETARY FOR MONETARY AFFAIRS, MR DAVID NENDICK, SAID AT PRESENT, UNDER THE SECURITIES AND COMMODITIES TRADING ORDINANCES, THE SCOPE OF THE REPORTING REQUIREMENTS FOR AUDITORS WAS VERY LIMITED AND DID NOT COVER, FOR INSTANCE, CIRCUMSTANCES WHERE FRAUD OR ILLEGAL DEALINGS HAD BEEN DETECTED.

HE SAID THE ADMINISTRATION BELIEVED THAT AUDITORS SHOULD BE ABLE TO REPORT TO THE SECURITIES AND FUTURES COMMISSION (SFC) MATTERS OF MATERIAL CONCERN SO AS TO PROTECT THE INTERESTS OF INVESTORS AND PRESERVE THE INTEGRITY OF THE MARKETS.

"IN RETURN, AUDITORS SHOULD BE AFFORDED STATUTORY PROTECTION AGAINST ANY POSSIBLE LIABILITY THEY MAY INCUR IN RESPECT OF BREACH OF DUTY OF CONFIDENTIALITY TO CLIENTS WHEN COMMUNICATING IN GOOD FAITH TO THE SFC," THE SECRETARY SAID.

"SIMILAR PROTECTION IS ALREADY AVAILABLE UNDER THE BANKING ORDINANCE," HE ADDED.

GIVEN THAT A CHANGE OR PROSPECTIVE CHANGE OF AN AUDITOR MAY SIGNIFY POSSIBLE IRREGULARITIES IN THE OPERATION OF A DEALER'S AFFAIRS WHICH COULD GIVE RISE TO PRUDENTIAL CONCERNS, MR NENDICK ALSO PROPOSED THAT DEALERS SHOULD BE REQUIRED TO NOTIFY THE SFC OF ANY SUCH CHANGE.

FOR SIMILAR REASONS, THE SFC OUGHT ALSO BE INFORMED BY AUDITORS OF THEIR INTENTION TO RESIGN OR TO QUALIFY ACCOUNTS, HE SAID.

MR NENDICK SAID THE PROPOSED AMENDMENTS TO THE SECURITIES AND FUTURES COMMISSION ORDINANCE WOULD ALSO ENABLE SFC TO DISCLOSE INFORMATION RELATING TO AN AUDITOR TO THE HONG KONG SOCIETY OF ACCOUNTANTS FOR THE PURPOSE OF ANY DISCIPLINARY PROCEEDINGS.

IN MOVING THE SECOND READINGS OF THE OTHER TWO BILLS, MR NENDICK SAID THE PURPOSE OF THESE BILLS WAS ALSO TO REVOKE THE LICENCES OF DEALERS WHO HAD NEVER TRADED.

AS REGARDS THE QUESTION OF REVOKING THE LICENCES OF DEALERS WHO HAD NEVER TRADED, HE SAID UNDER EXISTING PROVISIONS, THE SFC COULD ROUTINELY SUSPEND OR REVOKE REGISTRATION ON GROUNDS OF CESSATION OF BUSINESS.

BUT BECAUSE OF THE WORDING OF THE EXISTING PROVISIONS, WHILE THE COMMISSION COULD REVOKE LICENCES OF DEALERS WHO HAD CEASED BUSINESS, IT WAS UNABLE TO REVOKE LICENCES OF DEALERS WHO HAD NEVER COMMENCED BUSINESS.

THE BILLS SOUGHT TO REDRESS THIS SHORTCOMING BY EXTENDING THE GROUNDS FOR REVOCATION TO COVER ANY INDIVIDUAL OR CORPORATION WHICH DID NOT CARRY ON THE BUSINESS FOR WHICH THEY WERE REGISTERED.

"THIS WILL MAKE IT IMMATERIAL WHETHER THE PERSON CONCERNED HAS CEASED TO CARRY ON BUSINESS OR HAS NEVER STARTED," MR NENDICK SAID.

DEBATES ON THE BILLS WERE ADJOURNED.

WEDNESDAY, DECEMBER 4, 1991

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PENSION ARRANGEMENTS FOR CIVIL SERVANTS
TRANSFERRED TO HOSPITAL AUTHORITY

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A BILL WHICH PROVIDES FOR TWO PENSION ARRANGEMENTS FOR PROFESSIONAL AND DEPARTMENTAL STAFF OF THE HOSPITAL SERVICES DEPARTMENT AND THE DEPARTMENT OF HEALTH TRANSFERRED TO THE HOSPITAL AUTHORITY WAS INTRODUCED TO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE PENSIONS (SPECIAL PROVISIONS) (HOSPITAL AUTHORITY) BILL 1991, THE SECRETARY FOR THE CIVIL SERVICE, MR BARRIE WIGGHAM, SAID THE STAFF COULD HAVE THE CHOICE OF PRESERVING THEIR PENSION RIGHTS UNDER THE "MIXED SERVICE PENSION" ARRANGEMENT AFTER TRANSFERRING TO THE AUTHORITY.

"THEIR TOTAL LENGTH OF SERVICE FOR THE PURPOSE OF PENSION CALCULATION WOULD BE THE SUM OF THEIR SERVICE WITH THE GOVERNMENT AND THE AUTHORITY," HE SAID.

ALTERNATIVELY, THEY CAN CHOOSE THE PROVIDENT FUND SCHEME OFFERED BY THE AUTHORITY AND HAVE THEIR PENSION EARNED DURING THEIR SERVICE WITH THE GOVERNMENT FROZEN. THE PENSION WOULD BE PAYABLE WHEN THEY RETIRE FROM THE AUTHORITY.

THE HOSPITAL AUTHORITY TOOK OVER THE MANAGEMENT AND CONTROL OF ALL PUBLIC HOSPITAL SERVICES ON DECEMBER 1 THIS YEAR.

TO COVER THOSE OFFICERS WHO TRANSFERRED TO THE AUTHORITY BEFORE ENACTMENT OF THE BILL, THE PROVISIONS OF THE BILL ARE DEEMED TO HAVE COME INTO OPERATION ON DECEMBER 1 THIS YEAR.

THE BILL ALSO PROVIDES FOR RETIREMENT BENEFITS UNDER THE FROZEN PENSION ARRANGEMENT TO BE BASED ON THE LAST SUBSTANTIVE SALARY POINT, EXCEPT IN CIRCUMSTANCES OF RESIGNATION AND DEATH, AND FOR THE COUNTING OF SERVICE WITH THE AUTHORITY AS QUALIFYING SERVICE FOR PENSION PURPOSES.

DEBATE ON THE BILL WAS ADJOURNED.

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STAMP DUTY BILL INTRODUCED

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A BILL SEEKING TO CURB SPECULATIVE ACTIVITY IN THE RESIDENTIAL PROPERTY MARKET BY MAKING STAMP DUTY PAYABLE ON SALE AND PURCHASE AGREEMENTS WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE STAMP DUTY (AMENDMENT) (NO. 4) BILL 1991, THE SECRETARY FOR THE TREASURY, MR YEUNG KAI-YIN, SAID WITH SOME EXCEPTIONS, VENDORS AND PURCHASERS WOULD BE REQUIRED TO PAY STAMP DUTY, ON AN AD VALOREM SLIDING SCALE, ON ALL SALE AND PURCHASE AGREEMENTS IN RESPECT OF RESIDENTIAL PROPERTY.

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SPECULATIVE ACTIVITY AND PUBLIC CONCERN OVER THE EFFECT OF SPECULATION ON INFLATION HAVE BEEN LARGELY CONFINED TO THE RESIDENTIAL PROPERTY MARKET. NON-RESIDENTIAL PROPERTY IS THEREFORE EXEMPTED FROM THE NEW PROVISIONS.

"BUT TO THE EXTENT THAT THERE ARE INDICATIONS OF SPECULATIVE ACTIVITY IN THE COMMERCIAL OFFICE SECTOR, WE WILL NEED TO KEEP THIS SITUATION UNDER REVIEW," HE SAID.

THE SECRETARY POINTED OUT THAT THE BILL ALSO SOUGHT TO CLOSE AN EXISTING TAX AVOIDANCE LOOPHOLE.

THE LOOPHOLE IS EXPLOITED WHERE A PERSON SETS UP A COMPANY, THE MAIN OR ONLY ASSET OF WHICH IS IMMOVABLE PROPERTY, AND THEN TRANSFERS PART OR ALL OF HIS INTEREST IN THAT PROPERTY BY SELLING HIS COMPANY'S SHARES.

THESE TRANSACTIONS NOW ATTRACT STAMP DUTY AT THE CONTRACT NOTE RATE, WHICH IS MUCH LOWER THAN THAT PAYABLE ON PROPERTY CONVEYANCE.

MR YEUNG SAID THE IMPOSITION OF STAMP DUTY ON AGREEMENTS FOR SALE AND PURCHASE MAY ENCOURAGE EVEN GREATER EXPLOITATION OF THIS LOOPHOLE.

TO DISCOURAGE THIS FORM OF TAX AVOIDANCE, HE SAID THE BILL WOULD FIX THE STAMP DUTY TO BE PAID ON THE SALE OR PURCHASE OF SUCH SHARES AT THE HIGHER CONVEYANCING RATE.

THIS MEANS THAT PARTIES USING THIS "LAND-HOLDING COMPANY" DEVICE WOULD BE LIABLE TO PAY \$27.50 FOR EVERY \$1,000 OF THE CONSIDERATION INVOLVED IN THE TRANSACTION, AS OPPOSED TO THE PRESENT CONTRACT NOTE LEVEL OF \$5 PER THOUSAND.

DEBATE ON THE BILL WAS ADJOURNED.

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BILL TO BRING PORNO VIDEOTAPES AND PUBLICATIONS
UNDER SAME LEGISLATIVE CONTROLS

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A BILL TO PUT FILMS WHICH ARE INTENDED FOR SALE AND RENTING RATHER THAN SIMPLY FOR EXHIBITION UNDER THE SAME CONTROLS UNDER THE CONTROL OF OBSCENE AND INDECENT ARTICLES ORDINANCE WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE CONTROL OF OBSCENE AND INDECENT ARTICLES (AMENDMENT) BILL 1991, THE SECRETARY FOR RECREATION AND CULTURE, MR JAMES SO, SAID THE BILL SOUGHT TO PLUG AN EXISTING LOOPHOLE IN THE LAW WHERE FILMS WHICH HAD BEEN DEALT WITH UNDER THE FILM CENSORSHIP ORDINANCE, CHAPTER 392, WERE NOT SUBJECT TO THE PROVISIONS OF THE CONTROL OF OBSCENE AND INDECENT ARTICLES ORDINANCE, WHEN THEY WERE BEING DISTRIBUTED IN THE FORM OF VIDEOTAPES OR LASER DISCS.

"AS A RESULT OF THE LOOPHOLE, SOME FILMS WHICH HAVE BEEN APPROVED BY THE FILM CENSORSHIP AUTHORITY FOR EXHIBITION ONLY TO PERSONS OVER THE AGE OF 18 YEARS BECOME EASILY AVAILABLE TO YOUNG PEOPLE IN THE FORM OF VIDEOTAPES OR LASER DISCS," HE SAID.

"THIS DEFEATS THE PURPOSE OF THE EXISTING LEGISLATION WHICH AIMS TO PROTECT YOUNG PEOPLE AGAINST THE CORRUPTING INFLUENCE OF INDECENT ARTICLES WHILST STILL ALLOWING ADULTS THE RIGHT TO OBTAIN THEM."

MR SO SAID THE PROPOSED AMENDMENT MEANT THAT IN FUTURE, A FILM BEING PUBLISHED IN THE FORM OF A VIDEOTAPE OR A LASER DISC, ONCE CLASSIFIED BY THE OBSCENE ARTICLES TRIBUNAL AS INDECENT, COULD ONLY BE SOLD OR HIRED TO A PERSON OVER THE AGE OF 18 YEARS AND A WARNING NOTICE TO THAT EFFECT MUST BE DISPLAYED ON THE ARTICLE IN QUESTION.

"THE OBSCENE ARTICLES TRIBUNAL MAY ALSO IMPOSE ADDITIONAL CONDITIONS SUCH AS REMOVING CERTAIN SCENES FROM THE FILM.

"A FILM CLASSIFIED AS OBSCENE WILL BE PROHIBITED FROM PUBLICATION," HE SAID.

THE SECRETARY ADDED THAT THE BILL ALSO SOUGHT TO AMEND THE WORDING OF THE WARNING NOTICE ON AN INDECENT ARTICLE TO MAKE IT CLEAR THAT THE ARTICLE MAY NOT BE DISTRIBUTED, CIRCULATED, SOLD, HIRED, GIVEN, LENT, SHOWN, PLAYED OR PROJECTED TO A PERSON UNDER THE AGE OF 18 YEARS.

IT IS ESTIMATED THAT THERE ARE 400 CATEGORY III FILMS IN CIRCULATION IN THE FORM OF VIDEOTAPES OR LASER DISCS ON THE MARKET.

PUBLISHERS AND DISTRIBUTORS ARE URGED TO SUBMIT THESE TAPES OR DISCS TO THE OBSCENE ARTICLES TRIBUNAL FOR CLASSIFICATION.

THE SECRETARY SAID THE AMENDMENT LEGISLATION WOULD COME INTO EFFECT THREE MONTHS AFTER ITS ENACTMENT TO GIVE THE TRIBUNAL SUFFICIENT TIME TO CLEAR THE BACKLOG.

THE PROPOSED AMENDMENT TO THE WARNING NOTICE WILL TAKE EFFECT IMMEDIATELY UPON ENACTMENT OF THE BILL.

DEBATE ON THE BILL WAS ADJOURNED.

FUNDING OF NEW AIRPORT EXPLAINED

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THE PART OF THE COST OF THE AIRPORT PROJECTS WHICH WILL BE FUNDED AS GOVERNMENT CAPITAL EXPENDITURE WILL TAKE UP ONLY ABOUT ONE QUARTER OF THE TOTAL CAPITAL EXPENDITURE IN THE SIX YEARS OF CONSTRUCTION, THE FINANCIAL SECRETARY, THE HON HAMISH MACLEOD, SAID TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON FELICE LIEH-MAK IN THE LEGISLATIVE COUNCIL, MR MACLEOD SAID OVER HALF OF THIS AMOUNT WAS ATTRIBUTABLE TO PROJECTS SUCH AS WEST KOWLOON RECLAMATION AND ROUTE 3 WHICH WOULD HAVE TO BE IMPLEMENTED EVEN WITHOUT THE NEW AIRPORT.

REGARDING THE PERCEPTION THAT THE AIRPORT CORE PROJECTS WERE RESPONSIBLE FOR PROPOSED CUTS IN PUBLIC EXPENDITURE WHICH MIGHT DEPRIVE THE COMMUNITY OF ADEQUATE ESSENTIAL SERVICES, MR MACLEOD SAID THE REALITY WAS QUITE DIFFERENT.

HE SAID THE GOVERNMENT WAS PLANNING OVERALL FOR REAL GROWTH IN PUBLIC EXPENDITURE, NOT "CUTS".

"THE PRIME CONSTRAINT ON HOW MUCH MORE CAN BE SPENT ON NEW SERVICES IS IN FACT THE RELATIVELY LOW ECONOMIC GROWTH WE ARE CURRENTLY EXPERIENCING.

"WHERE THE CONFUSION ARISES IS THAT, GIVEN BIDS FOR NEW SERVICES ALWAYS EXCEED AVAILABLE NEW MONEY, WE ARE REQUIRING DEPARTMENTS TO FIND MODEST SAVINGS IN WHAT THEY SPEND ON EXISTING SERVICES, SO THAT MORE CAN BE SPENT ON NEW SERVICES," HE SAID.

"WHILST THE COST OF THE AIRPORT PROJECTS IS SUBSTANTIAL, IT NEEDS TO BE KEPT IN PERSPECTIVE," THE SECRETARY SAID.

"MOREOVER, THE AIRPORT PROJECTS ARE A VITAL ENGINE OF FUTURE ECONOMIC GROWTH," HE SAID.

THE SECRETARY NOTED THAT THE ESTIMATED COSTS AND THE FUNDING ARRANGEMENTS FOR THE AIRPORT CORE PROGRAMME (ACP) WERE GIVEN TO MEMBERS OF FINANCE COMMITTEE IN JULY THIS YEAR.

"THESE PROJECT ESTIMATES TOTALLING \$98.6 BILLION AT MARCH 1991 PRICES REMAIN OUR BEST ESTIMATES AT THIS STAGE," HE SAID.

MR MACLEOD POINTED OUT THAT THE FUNDING SPLIT BETWEEN GOVERNMENT AND THE PRIVATE SECTOR WAS THE BEST ESTIMATE OF THE ATTAINABLE LEVEL OF PRIVATE SECTOR FUNDING.

"OUR GENERAL AIM HAS BEEN TO ATTRACT PRIVATE INVESTMENT WHEREVER THIS MAKES SENSE. USUALLY THIS MEANS THAT A PROJECT WOULD GENERATE A SUFFICIENT RETURN ON INVESTMENT," HE SAID.

MR MACLEOD SAID THIS MEANT IN ESSENCE THE WESTERN HARBOUR CROSSING WOULD BE A BUILD, OPERATE AND TRANSFER FRANCHISE ARRANGEMENT.

THE AIRPORT AND THE AIRPORT RAILWAY, WHICH WILL BE IMPLEMENTED BY STATUTORY CORPORATIONS, WILL BE FUNDED PARTLY WITH GOVERNMENT EQUITY AND PARTLY WITH FUNDS FROM THE PRIVATE SECTOR, HE SAID.

"THE AMOUNTS OF GOVERNMENT EQUITY REQUIRED FOR THE AIRPORT WILL BE REFINED ONCE THE AIRPORT FINANCIAL ADVISOR'S RECOMMENDATION AND THE PROVISIONAL AIRPORT AUTHORITY'S BUSINESS PLAN ARE FINALISED.

"THE FUNDING ARRANGEMENT FOR THE AIRPORT RAILWAY IS STILL UNDER DISCUSSION WITH THE MASS TRANSIT RAILWAY CORPORATION," HE SAID.

THE REMAINING ACP PROJECTS WILL BE TREATED IN THE SAME WAY AS OTHER PUBLIC WORKS ITEMS. THEY WILL BE FUNDED BY WAY OF GOVERNMENT CAPITAL EXPENDITURE.

HOWEVER, IT IS INTENDED AT SOME LATER STAGE TO WHOLLY OR PARTLY PRIVATISE THE LANTAU FIXED CROSSING THROUGH THE AWARD OF AN OPERATING FRANCHISE, HE SAID.

MUCH WILL HAVE HAPPENED BY AROUND MARCH NEXT YEAR - A VIEW TAKEN ON THE AIRPORT RAILWAY PROJECT; THE PAA'S AIRPORT MASTER PLAN, THE AIRPORT FINANCIAL ADVISOR'S RECOMMENDED FUNDING STRATEGY AND THE PAA'S OWN BUSINESS PLAN WILL HAVE BEEN STUDIED; TENDERS FOR SOME MAJOR ACP CONTRACTS WILL HAVE BEEN RECEIVED; AND DESIGN FOR OTHER PROJECTS WILL HAVE FURTHER PROGRESSED, HE SAID.

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VARIOUS MEASURES TO CONTROL MEDICAL GAS SUPPLY

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VARIOUS MEASURES HAVE BEEN IN PLACE TO CONTROL THE MANUFACTURE, STORAGE AND TRANSPORTATION OF GAS INTENDED FOR MEDICAL USE, THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

AS A RESULT OF THE INCIDENTS WHICH OCCURRED IN 1989 AND 1990 AT THE CANOSSA HOSPITAL AND CARITAS MEDICAL CENTRE RESPECTIVELY, MR ASPREY SAID WORKING PARTIES WERE APPOINTED TO INVESTIGATE THE INCIDENTS AND TO MAKE RECOMMENDATIONS ON IMPROVEMENTS AIMED AT PREVENTING SIMILAR INCIDENTS FROM OCCURRING IN FUTURE.

REPLYING TO A QUESTION BY THE HON MOSES CHENG, MR ASPREY SAID THE REPORT OF THE FIRST WORKING PARTY HAD ALREADY BEEN MADE PUBLIC.

"THE FIRE SERVICES DEPARTMENT WILL TOMORROW MAKE PUBLIC THE REPORT OF THE SECOND WORKING PARTY.

"THE FIRST REPORT CONTAINED 12 RECOMMENDATIONS, AND THE SECOND A FURTHER 15," HE SAID.

THE SECRETARY POINTED OUT THAT NEARLY ALL OF THE RECOMMENDATIONS, RELATING TO IMPROVED WORKING PRACTICES, SAFETY AND SECURITY MEASURES AND TRAINING, HAD ALREADY BEEN FULLY IMPLEMENTED BY THE HONG KONG OXYGEN AND ACETYLENE COMPANY.

"THE REMAINDER ARE IN THE PROCESS OF IMPLEMENTATION, AND SHOULD BE FULLY IMPLEMENTED BY THE MIDDLE OF NEXT YEAR," HE ADDED.

THE ADMINISTRATION HAS DECIDED TO COMMISSION A CONSULTANT WHO WILL START IN THE NEXT FEW WEEKS A TWO-MONTH STUDY ON OTHER SAFETY AND QUALITY MEASURES, REQUIRING EXPERTISE NOT AVAILABLE WITHIN THE GOVERNMENT, THE SECRETARY SAID.

IN ORDER TO ENSURE COMPLIANCE WITH THE VARIOUS MEASURES RECOMMENDED IN THE REPORTS, HE SAID THE FIRE SERVICES DEPARTMENT HAD SINCE LAST YEAR HAD AN INSPECTION TEAM BASED AT THE HONG KONG OXYGEN PRODUCTION PLANT.

HE ADDED THAT SPOT CHECKS WERE MADE ON THE DISTRIBUTION, DELIVERY AND STORAGE OF MEDICAL GASES.

IN ADDITION, THE FIRE SERVICES DEPARTMENT HAS IMPOSED ADDITIONAL CONDITIONS IN THE LICENCE GRANTED TO HONG KONG OXYGEN UNDER THE DANGEROUS GOODS ORDINANCE.

AS REGARDS WHETHER SUCH MEASURES WERE BASED UPON INTERNATIONALLY ACCEPTED STANDARDS, MR ASPREY EXPLAINED THAT THE IMPROVEMENT MEASURES SO FAR INTRODUCED HAD BEEN BASED ON ACCEPTED INTERNATIONAL STANDARDS SUCH AS THE BRITISH STANDARDS AND GUIDE TO GOOD PHARMACEUTICAL MANUFACTURING PRACTICE FOR MEDICAL GASES.

"ONE OF THE TASKS OF OUR CONSULTANTS WILL BE TO ADVISE ON WHETHER AND IF SO HOW OUR STANDARDS CAN AND SHOULD BE FURTHER IMPROVED," THE SECRETARY SAID.

AT PRESENT, THE HONG KONG OXYGEN IS THE ONLY COMPANY LICENSED TO SUPPLY MEDICAL GAS TO HOSPITALS IN HONG KONG.

HOWEVER, OTHER GAS SUPPLIERS MAY ALSO APPLY FOR LICENCES TO MANUFACTURE, STORE AND TRANSPORT MEDICAL GASES UNDER THE DANGEROUS GOODS ORDINANCE AND TO SUPPLY SUCH GASES TO HOSPITALS, SUBJECT TO THEIR COMPLYING WITH THE REQUIRED STANDARDS, MR ASPREY SAID.

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MARINE POLICE TRAINED ON PERSONAL SAFETY

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THE MARINE POLICE HAVE COMPREHENSIVE ORDERS ON HOW TO HANDLE SITUATIONS WHEN THEIR PERSONAL SAFETY IS THREATENED THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, SAID TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON HENRY TANG YING-YEN IN THE LEGISLATIVE COUNCIL, HE SAID ALL POLICE OFFICERS WERE TRAINED IN THE USE OF FORCE WHERE PERSONAL SAFETY WAS THREATENED.

"OPERATIONAL COMMANDERS ARE FULLY AWARE OF THE POTENTIAL DANGERS POSED AND TAKE PRECAUTIONS TO ENSURE RISKS ARE MINIMISED," HE SAID.

/AS REGARDS

WEDNESDAY, DECEMBER 4, 1991

AS REGARDS A RECENT INCIDENT ON NOVEMBER 19, MR ASPREY SAID THREE POLICE VESSELS AND A NUMBER OF POLICE ON LAND WERE INVOLVED IN AN ANTI-SMUGGLING OPERATION AT THE ASH LAGOON AT NIM WAN IN DEEP BAY.

AT ABOUT 10.30 PM A WOODEN VESSEL WAS SEEN TO LEAVE THE ASH LAGOON. WHEN THE POLICE WENT TO INTERCEPT IT, A SAMPAN INTERPOSED ITSELF BETWEEN THE POLICE VESSELS AND THE WOODEN VESSEL.

ALL THREE CREW ON THE SAMPAN WERE WEARING GREEN UNIFORM, TWO WITH GOLD STRIPES ON THE SLEEVES. ONE POINTED A TYPE 56 RIFLE AT THE POLICE. ANOTHER POINTED A PISTOL.

THE POLICE OBSERVED THAT ONE OF THE TWO CREW ON THE WOODEN VESSEL WAS ALSO A MAN IN UNIFORM CARRYING A TYPE 56 RIFLE.

THE SAMPAN AND THE WOODEN VESSEL HEADED IN THE DIRECTION OF SHEKOU. THE POLICE FOLLOWED. AT THIS POINT A WHITE SPEEDBOAT WITH A RED STRIPE APPEARED. IT HAD FOUR CREW, ALL IN UNIFORM, THREE CARRYING TYPE 56 RIFLES WHICH THEY POINTED AT THE POLICE.

THE THREE BOATS THEN PASSED INTO CHINESE WATERS AND WERE SEEN TO DOCK AT THE SHEKOU HYDROFOIL PIER AT ABOUT 10.40 PM.

MR ASPREY SAID THIS INCIDENT HAD BEEN RAISED WITH BOTH THE NCNA AND THE GUANGDONG FOREIGN AFFAIRS BUREAU, AND ALSO WITH THE CHINESE MINISTRY OF FOREIGN AFFAIRS THROUGH THE BRITISH EMBASSY IN PEKING.

"WE HAVE EXPRESSED OUR CONCERN THAT PEOPLE WHO APPEARED TO BE CHINESE SECURITY PERSONNEL HAD BEEN OPERATING WELL INSIDE HONG KONG WATERS.

"THE CHINESE AUTHORITIES HAVE NOT YET REPLIED, AND WE AWAIT THE OUTCOME OF THEIR INVESTIGATIONS," HE SAID.

NOTING THAT THE PROBLEM OF INCURSIONS BY ARMED INTRUDERS WAS NOT NEW TO THE MARINE POLICE, MR ASPREY SAID THEY WERE EXPERIENCED IN HANDLING SUCH INCIDENTS.

THE ROYAL NAVY CONDUCTS REGULAR PATROLS OF THE 50 MILE SQUARE BOUNDARY TO DEMONSTRATE SOVEREIGNTY AND TO ENSURE THE INTEGRITY OF HONG KONG'S TERRITORIAL BOUNDARIES.

MR ASPREY SAID IT WAS IMPOSSIBLE TO ENSURE THAT INCURSIONS WOULD NOT TAKE PLACE IN FUTURE.

"BUT WE HAVE MADE CONCERNS KNOWN VERY CLEARLY TO THE CHINESE AUTHORITIES.

"THE CHINESE HAVE ASSURED US THAT THEY DO NOT SEEK TO EXERCISE JURISDICTION IN HONG KONG WATERS AND THAT THEY ARE FIRMLY OPPOSED TO ALL SMUGGLING ACTIVITY," HE SAID.

10 MORE SECONDARY AND PREVOCATIONAL SCHOOLS PLANNED FOR YUEN LONG

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THE GOVERNMENT PLANS TO BUILD NINE SECONDARY SCHOOLS AND ONE PREVOCATIONAL SCHOOL IN YUEN LONG IN THE NEXT DECADE, THE SECRETARY FOR EDUCATION AND MANPOWER, MR JOHN CHAN, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THESE SCHOOLS, ALMOST ALL IN TIN SHUI WAI, ARE EXPECTED TO PROVIDE 11,600 SCHOOL PLACES.

IN A WRITTEN REPLY TO A QUESTION BY THE HON STEPHEN NG MING-YUM, MR CHAN SAID IT WAS NOT POSSIBLE TO GIVE THE ESTIMATED DEMAND FOR SECONDARY SCHOOL PLACES IN THE DISTRICT IN THE NEXT DECADE "SINCE DEMAND FIGURES ARE CALCULATED FOR THE TERRITORY AS A WHOLE AND NOT FOR INDIVIDUAL DISTRICTS".

HE SAID THE SCHOOL BUILDING PROGRAMME WAS CLOSELY MONITORED TO ENSURE THAT THE TOTAL NUMBER OF SCHOOL PLACES IN THE TERRITORY AS A WHOLE WAS ADEQUATE TO MEET THE DEMAND OF ALL DISTRICTS AT ALL TIMES.

"EVERY EFFORT IS MADE TO MINIMISE DISTRICT IMBALANCES BY SITING NEW SCHOOLS IN AREAS WHERE THEY ARE NEEDED OR BY ADJUSTING THE SCHOOL NETS FOR THE ALLOCATION OF SECONDARY SCHOOL PLACES.

"HOWEVER, IT IS NOT POSSIBLE TO ACHIEVE A COMPLETE BALANCE OF SUPPLY AND DEMAND IN EACH INDIVIDUAL DISTRICT DUE TO FREQUENT DEMOGRAPHIC CHANGES," MR CHAN SAID.

AT PRESENT THERE ARE FOUR GOVERNMENT AND 13 AIDED SECONDARY SCHOOLS IN YUEN LONG.

IN SPITE OF THE APPARENT OVER-SUPPLY OF PLACES AT SECONDARY 1 LEVEL, ALL OF THESE SCHOOLS HAVE OR WILL HAVE FLOATING CLASSES WHICH HELP TO MAKE UP FOR THE SHORTFALL OF PLACES IN TUEN MUN.

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SCHOOLS ADVISED ON TEXTBOOKS SELECTION AND ACCEPTANCE OF DONATIONS

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THE DIRECTOR OF EDUCATION HAS ACCEPTED A PACKAGE OF RECOMMENDATIONS BY THE INDEPENDENT COMMISSION AGAINST CORRUPTION (ICAC) ON HOW SCHOOLS SELECT TEXTBOOKS AND ACCEPT DONATIONS FROM PUBLISHERS.

SCHOOLS WILL BE ADVISED OF THEIR IMPLEMENTATION IN A CIRCULAR TO BE ISSUED BY THE EDUCATION DEPARTMENT IN JANUARY.

THIS WAS STATED BY THE SECRETARY FOR EDUCATION AND MANPOWER, MR JOHN CHAN, IN A WRITTEN REPLY TO A QUESTION BY THE HON TIK CHI-YUEN AT THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

/HE SAID

HE SAID THAT ON THE ADVICE OF THE ICAC, THE EDUCATION DEPARTMENT WOULD ISSUE GUIDELINES TO SCHOOLS, WHICH SHOULD BE PROMULGATED TO ALL TEACHERS AS WELL, TO FORMALISE THE TEXTBOOKS SELECTION PROCEDURES THAT INVOLVE SUBJECT TEACHERS.

"SPONSORING BODIES WOULD BE ADVISED TO DISCONTINUE THE PRACTICE OF USING THE SAME SET OF TEXTBOOKS FOR ALL THEIR SCHOOLS.

"INDIVIDUAL SCHOOLS SHOULD ADOPT FORMAL PROCEDURES FOR SELECTING TEXTBOOKS WHICH BEST SUIT THEIR PUPILS' INTERESTS, WITH THE INDIVIDUAL SCHOOL MANAGEMENT COMMITTEES ASSUMING A MONITORING ROLE," MR CHAN SAID.

ON THE ACCEPTANCE OF DONATIONS, SCHOOL MANAGEMENT COMMITTEES SHOULD DECIDE FOR THEMSELVES WHETHER OR NOT TO ACCEPT SUCH DONATIONS RATHER THAN DELEGATE THAT AUTHORITY TO THE SCHOOL HEAD.

THE EDUCATION DEPARTMENT WILL TAKE STEPS TO ENFORCE THE REQUIREMENT UNDER THE CODES OF AID FOR SCHOOLS TO REPORT TO THE DEPARTMENT DONATIONS ON A QUARTERLY BASIS.

IN ADDITION, THE DEPARTMENT WILL ALSO ENCOURAGE SCHOOLS TO LAY DOWN IN WRITING THEIR ANTI-CORRUPTION POLICY, SETTING OUT THE TYPES OF ADVANTAGES AND THE CIRCUMSTANCES UNDER WHICH STAFF MAY OR MAY NOT ACCEPT THEM.

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WALLED CITY RESIDENTS MAY APPEAL AGAINST COMPENSATION OFFERS

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RESIDENTS AFFECTED BY THE KOWLOON WALLED CITY CLEARANCE PHASE I BUT HAVE NOT ACCEPTED THE GOVERNMENT'S COMPENSATION OR REHOUSING OFFERS, HAVE BEEN URGED TO SUBMIT APPEALS TO THE ASSESSMENT REVIEW BOARD BY JANUARY 28 NEXT YEAR, THE SECRETARY FOR HOME AFFAIRS, MR MICHAEL SUEN, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON ERIC LI, MR SUEN STRESSED THAT ALL WALLED CITY RESIDENTS HAD BEEN INFORMED OF THE AVAILABILITY OF THE BOARD AND THEY WERE AWARE THAT THEY COULD MAKE AN APPLICATION TO THE BOARD IF THEY WISHED.

HE ALSO STRESSED THAT THE SPECIAL DUTIES OFFICE WOULD CONTINUE TO TAKE EVERY OPPORTUNITY IN FUTURE, THROUGH DIRECT CONTACT AND THE MEDIA, TO REMIND WALLED CITY RESIDENTS OF THE AVAILABILITY OF THE APPEAL AVENUE.

THE ASSESSMENT REVIEW BOARD, HE SAID, WAS SET UP BY THE SPECIAL COMMITTEE ON CLEARANCE OF KOWLOON WALLED CITY IN 1987 AS AN ADMINISTRATIVE BODY TO CONSIDER MATTERS RELATING TO COMPENSATION OFFERS.

THE BOARD MAY BE CONVENED AT THE REQUEST OF EITHER THE GOVERNMENT LAND AGENT/SPECIAL DUTIES OR A KOWLOON WALLED CITY RESIDENT, HAVING REGARD TO THE RULES OF ASSESSMENT.

MR SUEN SAID THE BOARD HAD THE RIGHT TO CONSIDER WHETHER THE OFFER MADE BY THE GOVERNMENT LAND AGENT/SPECIAL DUTIES TO THE RESIDENT WAS FAIR.

"SHOULD THE BOARD CONSIDER THE OFFER NOT FAIR, IT WILL DETERMINE THE AMOUNT THAT IT REGARDS AS FAIR AND GIVE REASONS FOR THAT DECISION," HE SAID.

ON THE COMPOSITION OF THE REVIEW BOARD, MR SUEN SAID IT COMPRISED A NON-OFFICIAL CHAIRMAN WHO WAS ALSO A MEMBER OF THE SPECIAL COMMITTEE AND AT LEAST TWO MEMBERS DRAWN FROM A LIST OF 33 PEOPLE NOMINATED BY PROFESSIONAL BODIES - THE HONG KONG SOCIETY OF ACCOUNTANTS, THE ROYAL INSTITUTION OF CHARTERED SURVEYORS (HONG KONG BRANCH) AND THE HONG KONG INSTITUTE OF SURVEYORS.

ON OTHER POINTS RAISED BY MR LI, MR SUEN SAID THE ASSESSMENT REVIEW BOARD WAS WIDELY PUBLICISED THROUGH THE MEDIA SINCE ITS INCEPTION IN 1987.

ADDITIONALLY, ITS TERMS OF REFERENCE WERE SET OUT IN A SPECIAL PAMPHLET ON COMPENSATION AND REHOUSING ARRANGEMENTS DISTRIBUTED TO WALLED CITY RESIDENTS.

SINCE IT CAME INTO OPERATION, THE ASSESSMENT REVIEW BOARD DEALT WITH ONE CASE OF APPEAL AGAINST THE ADEQUACY OF GOVERNMENT'S COMPENSATION OFFER AT THE REQUEST OF A WALLED CITY RESIDENT, MR SUEN SAID, ADDING THAT THE BOARD HAD DECIDED THAT THE COMPENSATION OFFERED BY THE GOVERNMENT WAS REASONABLE.

MR SUEN ADDED THAT TWO APPEAL CASES HAD RECENTLY BEEN SUBMITTED TO THE BOARD BY RESIDENTS AND THAT ARRANGEMENTS FOR THE BOARD TO MEET TO CONSIDER THESE APPEALS WERE BEING FINALISED.

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LAW REFORM COMMISSION REVIEWING EIGHT TOPICS

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THE LAW REFORM COMMISSION HAS COMPLETED THE REVIEW OF 11 TOPICS SINCE 1986 AND IS CURRENTLY REVIEWING EIGHT TOPICS, THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON EMILY LAU, MR MATHEWS SAID THE REVIEW OF TWO FURTHER TOPICS WHICH HAD BEEN REFERRED TO THE COMMISSION WOULD RECEIVE ATTENTION AS SOON AS MANPOWER RESOURCES PERMITTED.

HE SAID THE AVERAGE LENGTH OF TIME OF THREE YEARS EIGHT MONTHS TAKEN TO COMPLETE THE REVIEW OF A TOPIC, WAS CONSIDERED ACCEPTABLE.

/THE ATTORNEY

THE ATTORNEY GENERAL SAID THE COMMISSION, WITH THE AIM OF PRODUCING REPORTS IN A SHORTER TIME, HAD RECENTLY INITIATED A "FAST TRACK" PROCEDURE FOR SHORTER AND LESS COMPLEX TOPICS WHICH DID NOT REQUIRE THE ASSISTANCE OF AN EXPERT SUB-COMMITTEE.

"IT IS ANTICIPATED THAT THIS NEW PROCEDURE WILL FURTHER ENHANCE THE COMMISSION'S AVERAGE REVIEW TIME," HE SAID.

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SHW ON SOCIAL WELFARE SERVICES

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FOLLOWING IS THE FULL TEXT OF THE WRITTEN REPLY BY THE SECRETARY FOR HEALTH AND WELFARE, MRS ELIZABETH WONG, TO A QUESTION FROM THE HON LI WAH-MING ON SOCIAL WELFARE SERVICES IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY):

THE DEVELOPMENT OF SOCIAL WELFARE SERVICES IN THE PAST TEN YEARS WAS GUIDED BY THE 1979 WHITE PAPER ON SOCIAL WELFARE INTO THE 1980S WHICH SET OUT BROAD PRINCIPLES AND PRIORITIES.

2. ANNUAL PROVISION TARGETS DURING THE PAST TEN YEARS WERE SET OUT IN THE SOCIAL WELFARE FIVE-YEAR DEVELOPMENT PLANS WHICH DEALT WITH SPECIFIC PROGRAMMES OF DEVELOPMENT.

3. THE 1979 WHITE PAPER MADE CERTAIN FINANCIAL PROJECTIONS FOR THE PERIOD FROM 1981/82 TO 1986/87. HOWEVER, MEANINGFUL COMPARISON OF ACTUAL DEVELOPMENTS AGAINST THESE FIGURES IS NOT POSSIBLE BECAUSE OF THE CONSIDERABLE CHANGES IN THE NATURE, SCOPE AND DELIVERY OF SERVICES DURING THESE YEARS. CONSEQUENTLY, ACHIEVEMENTS OVER THE LAST DECADE COULD ONLY BE MEASURED BY A COMPARISON OF ACTUAL EXPENDITURE FOR 1981/82 WITH THE ESTIMATED EXPENDITURE FOR 1991/92.

4. THE PRINCIPAL OBJECTIVES FOR EACH BROAD SERVICE AREA, THE PROGRESS ACHIEVED DURING THE PERIOD FROM 1981/82 TO 1991/92 IN TERMS OF PLACES/CLIENTS/CENTRES AND THE RELEVANT FINANCIAL COMPARISONS ARE SET OUT IN THE PARAGRAPHS BELOW. THE MAIN SERVICE AREAS DESCRIBED BELOW ARE :

- (A) FAMILY AND CHILD CARE SERVICES;
- (B) PROBATION AND CORRECTIONAL SERVICES;
- (C) SERVICES FOR CHILDREN AND YOUTH;
- (D) SERVICES FOR THE ELDERLY;
- (E) SOCIAL SECURITY; AND
- (F) SERVICES FOR THE DISABLED.

/FAMILY AND

FAMILY AND CHILD CARE SERVICES

5. THE POLICY COMMITMENTS FOR FAMILY AND CHILD CARE SERVICES AS SET OUT IN THE 1979 WHITE PAPER WERE :

- (A) TO PROVIDE A COMPREHENSIVE FAMILY LIFE EDUCATION PROGRAMME;
- (B) TO FORMULATE POLICY GUIDELINES ON HOME HELP;
- (C) TO REVIEW THE CHILD CARE CENTRES ORDINANCE (CAP 243) AND REGULATIONS;
- (D) TO REVIEW THE OVERALL RELATIONSHIP BETWEEN CHILD CARE CENTRES AND KINDERGARTENS;
- (E) TO REVIEW THE ADEQUACY OF RESIDENTIAL CARE FOR CHILDREN; AND
- (F) TO REVIEW THE PROCEDURES FOR ADOPTION CASES.

6. THE PROGRESS MADE DURING THE PERIOD IS SUMMARIZED BELOW:

(A) FAMILY LIFE EDUCATION

THE NUMBER OF FAMILY LIFE EDUCATION OFFICERS HAVE INCREASED FROM 17 IN 1981 TO 59 IN 1991.

(B) HOME HELP SERVICE

IN 1982, A UNIFIED HOME HELP POLICY WAS INTRODUCED, WHICH INCLUDED SERVICES FOR THE ELDERLY, THE DISABLED, AND SOCIAL NEED CASES. IN ORDER TO IMPROVE MANAGEMENT AND CO-ORDINATION OF SERVICE, HOME HELPERS HAVE BEEN DEPLOYED TO DISTRICTS AND OPERATED ON A TEAM BASIS SINCE 1983. THE NUMBER OF HOME HELP TEAMS HAVE INCREASED FROM 23 IN 1983 TO 60 IN 1991. FOLLOWING A REVIEW IN 1988, A FLEXIBLE CASELOAD OF 60-70 CASES FOR EACH HOME HELP TEAM WAS INTRODUCED IN 1990. HOME HELP SERVICE DURING HOLIDAYS AND A FAMILY AIDE SERVICE WERE IMPLEMENTED IN 1991. A DEMAND STUDY WAS COMPLETED IN 1989.

(C) CHILD CARE CENTRES ORDINANCE AND REGULATIONS

A NUMBER OF REVIEWS OF THE LEGISLATION WERE MADE. THE CHILD CARE CENTRES ORDINANCE AND REGULATIONS WERE AMENDED IN 1980, 1982, 1983 AND 1986 RESPECTIVELY TO ESTABLISH IMPROVED STANDARDS IN RESPECT OF STAFF TO CHILDREN RATIOS, SPACE REQUIREMENTS AND MINIMUM ACADEMIC QUALIFICATIONS AND EXPERIENCE OF CHILD CARE STAFF. ANOTHER MAJOR REVIEW OF THE ORDINANCE AND REGULATIONS HAS RECENTLY BEEN COMPLETED BY THE SOCIAL WELFARE DEPARTMENT IN CONSULTATION WITH NON-GOVERNMENTAL ORGANIZATIONS. AMENDMENTS TO THE LEGISLATION WILL BE INTRODUCED TO CONTROL CHILD-MINDERS, AND TO INCREASE THE LEVEL OF PENALTIES AS A DETERRENT ON THE ADVICE OF THE SOCIAL WELFARE ADVISORY COMMITTEE.

/(D) CHILD

(D) CHILD CARE CENTRES AND KINDERGARTENS

A WORKING PARTY WAS FORMED TO STUDY PRIMARY EDUCATION AND PRE-PRIMARY SERVICES. A WHITE PAPER ON PRIMARY EDUCATION AND PRE-PRIMARY SERVICES WAS PUBLISHED IN JULY 1981. FOLLOWING THE RECOMMENDATIONS OF THE WHITE PAPER, A FEE ASSISTANCE SCHEME HAS BEEN IMPLEMENTED SINCE SEPTEMBER 1982 FOR LOW-INCOME FAMILIES WHO HAVE A SOCIAL NEED TO PLACE THEIR CHILDREN IN DAY NURSERIES FOR WHOLE-DAY CARE. AN ASSESSMENT OF THE DEMAND FOR CHILD CARE AND KINDERGARTEN SERVICES WAS MADE. A WORKING PARTY ON KINDERGARTEN EDUCATION HAS BEEN FORMED AND WILL ADVISE GOVERNMENT ON THE PRACTICABILITY OF UNIFYING ALL PRE-PRIMARY SERVICES.

(E) RESIDENTIAL CARE FOR CHILDREN

REVIEWS ON THE ADEQUACY OF RESIDENTIAL CARE SERVICES FOR CHILDREN WERE CARRIED IN THE PAST TEN YEARS BY THREE WORKING GROUPS. THE PRINCIPLES OF RESIDENTIAL CARE, STAFFING STANDARDS FOR VARIOUS RESIDENTIAL FACILITIES AND THE EXPANSION OF NON-INSTITUTIONAL FACILITIES IN THE FORM OF SMALL GROUP HOMES AND FOSTER CARE WERE CONFIRMED. THE RESIDENTIAL CHILD CARE SERVICES DEVELOPMENT COMMITTEE, WHICH WAS RECONVENED IN JULY 1991, WILL REVIEW SERVICE PROVISION AND RECOMMEND WAYS TO IMPROVE THE SERVICE.

(F) ADOPTION

A REVIEW OF THE ADOPTION SERVICE WAS CARRIED OUT, AND SIGNIFICANT IMPROVEMENTS WERE MADE. IMPROVEMENTS INCLUDED AMENDMENTS TO THE ADOPTION ORDINANCE (CAP 290), THE STREAMLINING OF ADOPTION PROCEDURES, THE ESTABLISHMENT OF A MONITORING SYSTEM, THE CENTRALIZATION OF PRE-ADOPTION SERVICES, INCREASED PUBLICITY AND THE ARRANGEMENT OF FOSTER CARE PLACEMENTS FOR SPECIAL NEEDS CHILDREN AWAITING OVERSEAS ADOPTION. THESE MEASURES HAVE ENHANCED THE EFFICIENCY OF THE SERVICES PROVIDED AND REDUCED PROCESSING TIME SIGNIFICANTLY.

7. A COMPARISON OF THE PROVISIONS IN THIS SERVICE AREA BETWEEN 1981/82 AND 1991/92 IS AS FOLLOWS :

PROGRAMME	UNIT	1981/82 PROVISION	1991/92 PROVISION	INCREASE
-----	----	-----	-----	-----
FAMILY AND CHILD CARE -----				
I. FAMILY SERVICES				
1. CASEWORKERS	SOCIAL WORKER	251	428	177

/2. FAMILY

2. FAMILY LIFE EDUCATION WORKERS	SOCIAL WORKER	19	59	42
3. CLINICAL PSYCHOLOGISTS	CLINICAL PSYCHOLOGIST	7	13	6
(1984/85 FIGURE)				
4. HOME HELP TEAMS	WORKER	30	512	482
5. FAMILY AIDE SERVICES	WORKER	0	4	4
6. TEMPORARY SHELTER/URBAN HOSTELS/DAY RELIEF FACILITIES FOR STREET SLEEPERS	CENTRE	0	2	2
7. MEDICAL SOCIAL WORK UNITS	UNIT	*86	105	19

* THIS IS THE FIGURE FOR 1983/84, THE YEAR IN WHICH UNITS WERE TAKEN OVER BY SWD.

II. DAY CARE SERVICES

1. AIDED DAY NURSERY PLACES	PLACE	10093	21249	11156
2. DAY CRECHE PLACES	PLACE	913	1000	83

III. RESIDENTIAL CARE SERVICES

1. FOSTER CARE	PLACE	70	240	170
2. SMALL GROUP HOMES	HOME	3	17	14
3. CHILDREN HOMES, HOMES/HOSTELS FOR BOYS/GIRLS AND HALF-WAY HOUSES	PLACE	1516	1608	92

FINANCIAL PROVISION	\$123M	\$571M	\$448M (+364%)
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/PROBATION AND

PROBATION AND CORRECTIONAL SERVICES

8. THE POLICY COMMITMENTS FOR PROBATION AND CORRECTIONAL SERVICES AS SET OUT IN THE 1979 WHITE PAPER WERE :

- (A) TO STRENGTHEN THE PROBATION SERVICE;
- (B) TO ESTABLISH MORE INSTITUTIONAL FACILITIES; AND
- (C) TO EXPAND AFTERCARE SERVICE, THE VOLUNTEER SCHEME FOR PROBATIONERS, AND PROBATION REPORTING CENTRES.

9. THE FOLLOWING MEASURES HAVE BEEN MADE TO IMPROVE PROBATION AND CORRECTIONAL SERVICES :

(A) PROBATION SERVICE

- (I) A NEW COMMUNITY-BASED PROBATION SERVICE, THE COMMUNITY SERVICE ORDER SCHEME, WAS ESTABLISHED IN 1987. THE SCHEME HAS PROVED TO BE VERY EFFECTIVE.
- (II) THE PROBATION SERVICE WAS STRENGTHENED WITH 20 ADDITIONAL PROBATION OFFICERS.
- (III) SERVICES FOR THE COURTS HAVE BEEN IMPROVED BY THE ESTABLISHMENT OF THE HIGH COURT PROBATION OFFICE, WITH AN IMPROVED MANNING SCALE.
- (IV) TWO NEW PROBATION OFFICES WERE ESTABLISHED AT SHATIN AND TUEN MUN. EIGHT OF THE 11 PROBATION OFFICES ARE NOW LOCATED AT DISTRICT/REGIONAL SOCIAL WELFARE OFFICES OR MULTI-SERVICE PREMISES, WHICH PROVIDE A STIGMA-FREE ENVIRONMENT. ONE REPORTING CENTRE AND 11 SUB-OFFICES ARE AVAILABLE FOR EASY ACCESS BY CLIENTS.
- (V) THE VOLUNTEER SCHEME FOR PROBATIONERS WAS EXTENDED TO SERVE RESIDENTS IN INSTITUTIONS.

(B) INSTITUTIONAL FACILITIES

- (I) THREE NEW HOMES HAVE BEEN ESTABLISHED AFTER A STUDY OF THE USE OF THE INSTITUTIONS BY AN OVERSEAS CONSULTANT IN 1981.
- (II) THE RESIDENTIAL TRAINING PROGRAMME WAS IMPROVED BY THE INTRODUCTION OF QUALIFIED TEACHERS INTO THE HOMES TO STRENGTHEN THE QUALITY OF EDUCATION.
- (III) AFTERCARE SERVICE HAS BEEN STREAMLINED FOR DISCHARGEES OF REFORMATORY SCHOOLS. FOR EX-PRISONERS, TWO HALF-WAY HOUSES FOR THOSE WITH MENTAL ILLNESS (ONE NEWLY ESTABLISHED AND ONE CONVERTED FROM AN EXISTING HOSTEL) WERE ESTABLISHED IN THE 1980S. THE MANNING SCALE FOR COUNSELLING SERVICES FOR EX-PRISONERS WAS IMPROVED IN THE 1980S BRINGING THE CASELOAD PER WORKER TO 1:90.

/(IV) TO ENSURE

(IV) TO ENSURE THAT THE MOST APPROPRIATE REHABILITATION PROGRAMME COULD BE PROVIDED TO YOUNG OFFENDERS, A YOUNG OFFENDER ASSESSMENT PANEL WAS ESTABLISHED IN 1987 JOINTLY BY THE SOCIAL WELFARE DEPARTMENT AND THE CORRECTIONAL SERVICES DEPARTMENT TO ADVISE MAGISTRATES BEFORE SENTENCING.

10. A COMPARISON OF THE PROVISIONS IN THIS SERVICE AREA BETWEEN 1981/82 AND 1991/92 IS AS FOLLOWS :

PROGRAMME	UNIT	1981/82 PROVISION	1991/92 PROVISION	INCREASE
-----	----	-----	-----	-----
OFFENDERS				

1. PROBATION OFFICERS	SOCIAL WORKERS	80	100	20
2. RESIDENTIAL INSTITUTIONS FOR JUVENILE DELINQUENTS	HOMES	5	8	3
3. AFTERCARE SERVICES FOR EX-PRISONERS	SOCIAL WORKERS	19	23	4
4. SUPPORT SERVICES FOR OFFENDERS	HOSTELS/ HALF-WAY HOUSES	12	15	3
FINANCIAL PROVISION		\$26M	\$108M	\$82M +315%

SERVICES FOR CHILDREN AND YOUTH

11. THE POLICY COMMITMENTS FOR SERVICES FOR CHILDREN AND YOUTH AS SET OUT IN THE 1979 WHITE PAPER WERE :

- (A) TO PROVIDE CENTRES FOR CHILDREN AND YOUNG PEOPLE AT THE RATE OF 11 CHILDREN CENTRES AND 11 YOUTH CENTRES EACH YEAR;
- (B) TO EXPAND SCHOOL SOCIAL WORK TO COVER ALL SECONDARY SCHOOLS; AND
- (C) TO EXPAND OUTREACHING SOCIAL WORK TO HELP YOUTHS AT RISK.

12. THESE COMMITMENTS HAVE ON THE WHOLE BEEN ACHIEVED. A COMPARISON OF THE PROVISIONS IN THIS SERVICE AREA BETWEEN 1981/82 TO 1991/92 IS AS FOLLOWS :

/PROGRAMME

<u>PROGRAMME</u>	<u>UNIT</u>	<u>1981/82 PROVISION</u>	<u>1991/92 PROVISION</u>	<u>INCREASE</u>
<u>SERVICES FOR YOUNG PEOPLE</u>				
SINGLE AND COMBINED CHILDREN AND YOUTH CENTRES	CENTRE	247	416	169
SCHOOL SOCIAL WORK	SOCIAL WORKER	120	150	30
OUTREACHING SOCIAL WORK	TEAM	20	24	4
FINANCIAL PROVISION		\$26M	\$422M	\$396M (+1523%)

SERVICES FOR THE ELDERLY

13. THE POLICY COMMITMENTS FOR ELDERLY SERVICES AS SET OUT IN THE 1979 WHITE PAPER WERE :

- (A) TO PROVIDE SUPPORT SERVICES FOR ELDERLY PERSONS TO ENABLE THEM TO REMAIN IN THE COMMUNITY FOR AS LONG AS POSSIBLE; AND
- (B) TO THE EXTENT NECESSARY, TO PROVIDE RESIDENTIAL CARE SUITED TO THEIR VARYING NEEDS.

14. THE SPECIFIC AREAS OF EXPANSION IN COMMUNITY SUPPORT AND RESIDENTIAL SERVICES WERE :

- (A) TO PROVIDE 1,600 ADDITIONAL HOME FOR THE AGED PLACES BY 1982/83;
- (B) TO PROVIDE 4 CARE-AND-ATTENTION HOME PLACES FOR EVERY 1,000 POPULATION AGED 60 AND OVER;
- (C) TO PROVIDE MULTI-SERVICE CENTRES ON A DISTRICT BASIS WITH A VIEW TO PROVIDING A MINIMUM OF 17 SUCH CENTRES OVER THE WHOLE TERRITORY;
- (D) TO PROVIDE DAY CARE CENTRES ON AN EXPERIMENTAL BASIS WITH A VIEW TO FURTHER DEVELOPING SUCH FACILITIES; AND
- (E) TO PROVIDE AN ADDITIONAL 117 SOCIAL CENTRES AND TO ACHIEVE A TARGET OF ONE CENTRE FOR EVERY 20,000 OF THE POPULATION.

15. SATISFACTORY PROGRESS HAS BEEN MADE IN THE PAST TEN YEARS IN ACHIEVING THESE TARGETS.

16. A COMPARISON OF THE PROVISIONS IN THIS SERVICE AREA BETWEEN 1981/82 AND 1991/92 IS AS FOLLOWS :

PROGRAMME	UNIT	1981/82 PROVISION	1991/92 PROVISION	INCREASE
-----	----	-----	-----	-----
ELDERLY SERVICES				

HOMES FOR THE AGED	PLACE	3760	7490	3730
CARE AND ATTENTION HOMES	PLACE	375	3702	3327
BOUGHT PLACE SCHEME	PLACE	-	500	500
INFIRMARY UNITS IN CARE AND ATTENTION HOMES	PLACE	-	360	360
MULTI-SERVICE CENTRES	CENTRE	7	17	10
DAY CARE CENTRES	CENTRE	2	11	9
SOCIAL CENTRES	CENTRE	68	165	97
FINANCIAL PROVISION		\$20M	\$353M	\$333M (+1665%)

SOCIAL SECURITY

17. IN THE 1979 WHITE PAPER, IT WAS STATED THAT HELP SHOULD BE CONCENTRATED ON THOSE LEAST ABLE TO HELP THEMSELVES. WHILE THE OVERALL PUBLIC ASSISTANCE FRAMEWORK REMAINED APPROPRIATE, IT WAS CONSIDERED THAT IMPROVEMENTS SHOULD BE MADE. SIGNIFICANT PROGRESS HAS BEEN MADE IN THE PAST TEN YEARS TO IMPROVE THE SOCIAL SECURITY SYSTEM. IN ADDITION TO THE OLD AGE SUPPLEMENT, A DISABILITY SUPPLEMENT WAS INTRODUCED IN APRIL 1980 UNDER THE PUBLIC ASSISTANCE SCHEME.

18. THE SPECIAL NEEDS ALLOWANCE SCHEME (INCLUDING OLD AGE ALLOWANCE AND DISABILITY ALLOWANCE) HAS CONTINUED TO BE BASED ON NEED ESTABLISHED BY REFERENCE TO THE CIRCUMSTANCES OF THE INDIVIDUAL AND NOT BY REFERENCE TO LOW INCOME.

19. ACCIDENT COMPENSATION (EMERGENCY RELIEF FUND AND CRIMINAL AND LAW ENFORCEMENT INJURIES COMPENSATION SCHEME) HAS BEEN DEVELOPED TO HELP THOSE WHO SUFFER FROM NATURAL DISASTERS OR ACCIDENTS. IT IS DESIGNED TO TIDE A FAMILY OVER A SERIOUS AND UNFORESEEN SETBACK, AND IS NOT INTENDED TO PROVIDE LONG-TERM SUPPORT. IN MAY 1979, A TRAFFIC ACCIDENT VICTIMS ASSISTANCE SCHEME WAS ADDED TO THE ACCIDENT COMPENSATION SCHEMES.

/20. TO IMPROVE

20. TO IMPROVE THE SOCIAL SECURITY SYSTEM, THE FOLLOWING MAJOR ITEMS WERE INTRODUCED DURING THIS PERIOD :

ITEM	IMPLEMENTATION DATE
-----	-----
(A) PUBLIC ASSISTANCE SCHEME	

(I) REVISION OF PAYMENT RATES	7 TIMES SINCE 1981
(II) MEAL ALLOWANCE FOR FULL-DAY STUDENTS	1 JANUARY 1988
(III) SPECIAL ONE-OFF GRANT FOR NEW BORN BABIES	AUGUST 1988
(IV) SPECIAL ONE-OFF GRANT FOR YOUNG PERSONS TAKING UP A FIRST JOB AFTER LEAVING SCHOOL	1 AUGUST 1989
(B) SPECIAL NEEDS ALLOWANCE SCHEME	

(I) REVISION OF PAYMENT RATES	7 TIMES SINCE 1981
(II) A HIGHER RATE OF DA	1 APRIL 1988 FOR THOSE AGED 60+ 1 APRIL 1989 FOR THOSE AGED 16+ 1 APRIL 1990 FOR ALL AGES
(III) A HIGHER RATE OF OAA	1 APRIL 1988 FOR THOSE AGED 70+
(IV) EXTENSION OF OAA TO THE 65-69 AGE GROUPS	1 SEPTEMBER 1988 FOR THOSE AGED 68-69 1 APRIL 1989 FOR THOSE AGED 67+ 1 APRIL 1990 FOR THOSE AGED 66+ 1 APRIL 1991 FOR THOSE AGED 65+

21. A COMPARISON OF THE PROVISIONS IN THIS SERVICE AREA BETWEEN 1981/82 AND 1991/92 IS AS FOLLOWS :

PROGRAMME	UNIT	1981/82 PROVISION	1991/92 PROVISION	INCREASE
-----	-----	-----	-----	-----
SOCIAL SECURITY				

PUBLIC ASSISTANCE	CASE	46600	70400	23800
PUBLIC ASSISTANCE (CHILD SUPPLEMENT INTRODUCED IN NOVEMBER 1991)	PERSON	-	22700	22700

OLD AGE ALLOWANCE	CASE	159300	416100	256800
DISABILITY ALLOWANCE	CASE	28900	69100	40200
CRIMINAL AND LAW ENFORCMENT INJURY COMPENSATION	CASE	450	830	380
TRAFFIC ACCIDENT VICTIM ASSISTANCE	CASE	4720	5900	1180
FINANCIAL PROVISION		\$798M	\$3554M	\$2756M (+345%)

SERVICES FOR THE DISABLED

22. IN RESPECT OF SOCIAL WELFARE SERVICES FOR THE DISABLED, THE SOCIAL WELFARE DEPARTMENT IS GUIDED BY THE 1977 WHITE PAPER ON REHABILITATION, "INTEGRATING THE DISABLED INTO THE COMMUNITY : A UNITED EFFORT".

23. THE WHITE PAPER ENCOURAGES THE INTEGRATION OF CHILDREN WITH MINOR DISABILITIES IN ORDINARY NURSERIES AND THE PROVISION OF SPECIAL PRE-SCHOOL TRAINING FACILITIES TO DISABLED CHILDREN. AT THE SAME TIME, BOTH DAY AND RESIDENTIAL FACILITIES FOR THE DISABLED ARE TO BE EXPANDED.

24. THE OBJECTIVES OF THE REHABILITATION WHITE PAPER INCLUDE :

- (A) TO INCREASE THE NUMBER OF SHELTERED WORKSHOP PLACES TO 2,600;
- (B) TO INCREASE THE NUMBER OF HALF-WAY HOUSE PLACES TO 386 BY 1984; AND
- (C) TO INCREASE THE NUMBER OF DIFFERENT TYPES OF RESIDENTIAL FACILITIES FOR DISABLED PERSONS FROM 1,260 TO 3,400 BY 1985/86.

25. SATISFACTORY PROGRESS HAS BEEN MADE IN THE PAST TEN YEARS IN ACHIEVING THESE TARGETS.

26. A COMPARISON OF THE PROVISIONS IN THIS SERVICE AREA BETWEEN 1981/82 AND 1991/92 IS AS FOLLOWS :

PROGRAMME	1981/82 PROVISION	1991/92 PROVISION	INCREASE
-----	-----	-----	-----
	(PLACES)	(PLACES)	(PLACES)
(A) INTEGRATED PROGRAMME IN CHILD CARE CENTRES	180	676	496
(B) SPECIAL CHILD CARE CENTRES	291	987	696

/(C) EARLY EDUCATION

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(C) EARLY EDUCATION AND TRAINING CENTRES	60	845	785
(D) DAY ACTIVITY CENTRES	248	1,773	1,525
(E) SHELTERED WORKSHOPS	995	4,095	3,100
(F) HOSTELS FOR THE MODERATELY MENTALLY HANDICAPPED	208	896	688
(G) HOSTELS FOR THE SEVERELY MENTALLY HANDICAPPED	120	796	676
(H) HOSTELS FOR THE PHYSICALLY HANDICAPPED	84	257	173
(I) HALF-WAY HOUSES FOR DISCHARGED MENTALLY ILL PERSONS	80	809	729
(J) LONG STAY CARE HOME	-	200	200
FINANCIAL PROVISION FOR REHABILITATION SERVICES	\$43M	\$398M	\$355M (+826%)

27. APPENDIX F IN THE 1991 WHITE PAPER ON SOCIAL WELFARE INTO THE 1990S AND BEYOND SETS OUT THE TARGET PROVISION BY 1995/96 OF THE VARIOUS MAJOR COMMITMENTS. GOVERNMENT HAS ALREADY INTRODUCED THE CHILD SUPPLEMENT UNDER THE PUBLIC ASSISTANCE SCHEME IN 1991/92. IMPLEMENTATION OF OTHER ITEMS WILL BE CARRIED OUT AS AND WHEN MANPOWER AND FINANCIAL RESOURCES PERMIT. THE INFORMATION IS SHOWN BELOW :

FAMILY AND CHILD CARE SERVICES

ITEM	PROVISION IN 1991/92	ADDITIONAL PROVISION BY 1995/96
I. FAMILY SERVICES		
1. ADDITIONAL CASEWORKERS TO MEET INCREASE IN DEMAND (1:70 CASES)	(428) SOCIAL WORKERS	+160 (588)
2. CREATING THE POSTS OF SENIOR PRACTITIONERS	(0) SOCIAL WORKERS	+31 (31)

/3. ADDITIONAL FAMILY

3. ADDITIONAL FAMILY LIFE EDUCATION WORKERS TO MEET AN IMPROVED PLANNING RATIO OF 1:50 000 TARGET POPULATION	(59) SOCIAL WORKERS	+15 (74)
4. ADDITIONAL CLINICAL PSYCHOLOGISTS TO MEET INCREASE IN DEMAND	(13) CLINICAL PSYCHOLOGISTS	+16 (29)
5. ADDITIONAL HOME HELP TEAMS	(64) TEAMS	+44 (108)
6. EXPANSION OF FAMILY AIDE SERVICES	(4) WORKERS	+31 (35)
7. EXTENDING TEMPORARY SHELTER/URBAN HOSTELS/DAY RELIEF FACILITIES FOR STREET SLEEPERS	(2) CENTRES	+4 (6)
8. ADDITIONAL MEDICAL SOCIAL WORKERS TO MEET INCREASE IN DEMAND	(235) SOCIAL WORKERS	+201 (436)

NOTE : FIGURES IN BRACKETS DENOTE THE TOTAL PROVISION IN THAT YEAR.

ITEM	PROVISION IN 1991/92	ADDITIONAL PROVISION BY 1995/96
II. DAY CARE SERVICES		
1. EXPANSION OF AIDED DAY NURSERY PLACES	(21,249) AIDED PLACES	+5,600 (26,849)
2. EXPANSION OF DAY CRECHE PLACES	(1,000) SUBVENTED PLACES	+1,000 (2,000)
III. RESIDENTIAL CARE SERVICES		
1. EXPANSION OF FOSTER CARE PLACES	(220) PLACES	+280 (500)

/2. ADDITIONAL SMALL

2. ADDITIONAL SMALL GROUP HOMES	(17) HOMES	+42 (59)
3. ADDITIONAL PLACES IN CHILDREN'S HOMES, HOMES/HOSTELS FOR BOYS/GIRLS AND HALF-WAY HOUSES	(1,608) PLACES	+170 (1,778)

PROBATION AND CORRECTIONAL SERVICES

ITEM -----	PROVISION IN '1991/92 -----	ADDITIONAL PROVISION BY 1995/96 -----
1. ADDITIONAL SOCIAL WORKERS FOR AFTERCARE SERVICES FOR EX-PRISONERS TO MEET INCREASE IN DEMAND	(23) SOCIAL WORKERS	+16 (39)
2. ADDITIONAL PROBATION OFFICERS TO MEET INCREASE IN DEMAND	(100) SOCIAL WORKERS	+36 (136)

SERVICES FOR CHILDREN AND YOUTH

I. SCHOOL SOCIAL WORK

IMPROVEMENT OF MANNING RATIO (1 SCHOOL SOCIAL WORKER TO 2,000 STUDENT POPULATION)	(150) SOCIAL WORKERS	+78 (228)
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II. CHILDREN AND YOUTH CENTRES

ADDITIONAL CHILDREN AND YOUTH CENTRES (NOTE 1)

(1) CHILDREN AND YOUTH CENTRES	(154) CENTRES	+36 (190)
(2) CHILDREN CENTRES (NOTE 2)	(52) CENTRES	-12 (40)
(3) YOUTH CENTRES (NOTE 2)	(56) CENTRES	-9 (47)

III. OUTREACHING SOCIAL WORK

ADDITIONAL OUTREACHING TEAMS	(24) TEAMS	+4 (30)
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NOTE 1 : A COMBINED CHILDREN AND YOUTH CENTRE IS COUNTED AS TWO CENTRE
----- UNITS. THE NUMBER OF CHILDREN AND YOUTH CENTRE UNITS IN
1991/92 WILL BE 416 (154 X 2 + 52 + 56).

NOTE 2 : THE NUMBER OF SINGLE CHILDREN CENTRES AND YOUTH CENTRES SHOW
----- A DECREASE AS SOME OF THESE CENTRES HAVE BEEN AND WILL
CONTINUE TO BE REPROVISIONED AND TURNED INTO COMBINED
CHILDREN AND YOUTH CENTRES WHICH ARE A PREFERRED MODE OF
SERVICE DELIVERY.

SERVICES FOR THE ELDERLY

ITEM	PROVISION IN 1991/92	ADDITIONAL PROVISION BY 1995/96
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I. RESIDENTIAL SERVICES		

1. ADDITIONAL PLACES IN HOMES FOR THE AGED (10 PLACES PER 1,000 ELDERLY PEOPLE)	(7,490) PLACES	+968 (8,458)
2. ADDITIONAL PLACES IN CARE AND ATTENTION HOMES (REVISED PLANNING RATIO OF 11 PLACES PER 1,000 ELDERLY PEOPLE)	(3,702) PLACES	+4,095 (7,797)
3. BOUGHT PLACE SCHEME	(500) PLACES	(500)
4. ADDITIONAL INFIRMARY UNITS IN CARE AND ATTENTION HOMES (1 UNIT =20 PLACES)	(18) UNITS	+12 (30)
II. COMMUNITY SUPPORT SERVICES		

1. ADDITIONAL MULTI-SERVICE CENTRES (REVISED PLANNING RATIO OF 1 CENTRE PER 25,000 ELDERLY PEOPLE)	(17) CENTRES	+12 (29)

2.	ADDITIONAL DAY CARE CENTRES (REVISED PLANNING RATIO OF 1 CENTRE PER 25,000 ELDERLY PEOPLE)	(11) CENTRES	+19 (30)
3.	ADDITIONAL SOCIAL CENTRES (REVISED PLANNING RATIO OF 1 CENTRE PER 3,000 ELDERLY PEOPLE)	(165)	+91 (256)

- REMARKS 1. THE NUMBER OF PLACES REQUIRED UNDER ITEMS I1 AND I2 MAY BE
----- REDUCED FOLLOWING THE LIKELY EXPANSION OF LICENSED PRIVATE
HOMES AND SELF- FINANCING HOMES.
2. THERE IS CORRELATION BETWEEN ITEMS I2 D I3 - AN INCREASE IN
PLACES UNDER THE BOUGHT PLACE SCHEME WOULD MEAN A REDUCTION
IN THE DEMAND FOR CARE AND ATTENTION PLACES.

SOCIAL SECURITY

ITEM	PROVISION IN 1991/92	ADDITIONAL PROVISION BY 1995/96
-----	-----	-----
I. PUBLIC ASSISTANCE		

1. PROJECTED INCREASE IN CASELOAD	(70,400) CASES	+7,800 (78,200)
2. INTRODUCTION OF A CHILD SUPPLEMENT	(22,700) PERSONS	+2,300 (25,000)
II. OLD AGE ALLOWANCES		

1. PROJECTED INCREASE IN CASELOAD	(416,100) PERSONS	+85,100 (501,200)
III. DISABILITY ALLOWANCES		

1. PROJECTED INCREASE IN CASELOAD	(69,100) PERSONS	+16,500 (85,600)

/IV. ACCIDENT

IV. ACCIDENT COMPENSATION SCHEMES

MEETING DEMAND OF NEW PAID
CASES

1. CLEIC (NOTE 1)	(830) CASES	(830)
2. TAVA (NOTE 2)	(5,900) CASES	(5,900)
3. ERF (NOTE 3)	-	-

NOTE 1 : CLEIC (CRIMINAL AND LAW ENFORCEMENT INJURIES COMPENSATION
----- SCHEME) - THE AVERAGE NUMBER OF NEW PAID CASES PER YEAR WAS
830 FROM 1986/87 TO 1989/90. IT IS ASSUMED IT WILL REMAIN
CONSTANT.

NOTE 2 : TAVA (TRAFFIC ACCIDENT VICTIMS ASSISTANCE SCHEME) - THE
----- NUMBER OF NEW PAID CASES PER YEAR IS ESTIMATED TO BE CONSTANT
AT THE 1989/90 LEVEL.

NOTE 3 : ERF (EMERGENCY RELIEF FUND) - IT IS DIFFICULT TO MAKE AN
----- ACCURATE ESTIMATE OF THE NUMBER OF CASES FOR EMERGENCY RELIEF
PAYMENTS, AS THE FREQUENCY OF DISASTERS AND THE NUMBR OF
VICTIMS INVOLVED WILL VARY FROM YEAR TO YEAR.

SUPPORT SERVICES

ITEM -----	PROVISION IN 1991/92 -----	ADDITIONAL PROVISION BY 1995/96 -----
EXTENSION OF STANDARD COST SUBVENTION TO SERVICES (EXCLUDING SERVICES UNDER THE COMMUNITY DEVELOPMENT AND REHABILITATION PROGRAMMES)	(22) SERVICES	+6 (28)

SERVICES FOR THE DISABLED

A WORKING PARTY IS REVIEWING REHABILITATION POLICIES AND SERVICES AND
WILL PRODUCE A GREEN PAPER SHORTLY FOR PUBLIC CONSULTATION. PLANS FOR
SERVICES FOR THE DISABLED IN THE NEXT FIVE YEARS ARE THEREFORE NOT YET
AVAILABLE.

FINAL CONSULTANCY REPORT ON KCRC TRAIN NOISE READY BY YEAR END

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THE GOVERNMENT WILL ASK THE KOWLOON-CANTON RAILWAY CORPORATION (KCRC) TO RELEASE THE FINAL CONSULTANCY REPORT OF TRAIN NOISE ASSESSMENT WHEN IT IS AVAILABLE BY THE END OF THIS YEAR, THE SECRETARY FOR TRANSPORT, MR MICHAEL LEUNG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON FUNG CHI-WOOD, MR LEUNG SAID THE FIRST DRAFT OF THE CONSULTANCY REPORT WAS AVAILABLE IN JULY THIS YEAR BUT FURTHER STUDIES OF NOISE ABATEMENT MEASURES WERE REQUIRED.

ON PUBLIC CONSULTATION, MR LEUNG SAID AFTER THE ENVIRONMENTAL PROTECTION DEPARTMENT AND KCRC HAD WORKED OUT A PROGRAMME TO IMPLEMENT THE NOISE MITIGATION MEASURES, DISTRICT BOARDS WOULD BE CONSULTED ON THEIR IMPLEMENTATION.

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APPROVAL FOR POWER STATION'S CONSTRUCTION EXPLAINED

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IN THE LIGHT OF THE RECOMMENDATIONS IN TWO STUDIES, THE EXECUTIVE COUNCIL IN OCTOBER THIS YEAR APPROVED IN PRINCIPLE RESERVATION OF A SITE OF APPROXIMATELY 120 HECTARES AT BLACK POINT, TUEN MUN FOR CONSTRUCTION OF A NEW LARGE THERMAL POWER STATION.

THE SECRETARY FOR ECONOMIC SERVICES, MRS ANSON CHAN, INFORMED THE LEGISLATIVE COUNCIL THIS TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION FROM REV THE HON FUNG CHI-WOOD.

EIGHTY-SIX HECTARES OF THE SITE WOULD BE RECLAIMED FROM THE SEA, SHE SAID.

MRS CHAN SAID THE FIRST STUDY WAS A TECHNICAL ASSESSMENT OF THE PROPOSALS CONTAINED IN CHINA LIGHT AND POWER'S GENERATION DEVELOPMENT PLAN FOR THE PERIOD 1990-1999.

THE ASSESSMENT, WHICH WAS UNDERTAKEN WITH THE ASSISTANCE OF OVERSEAS EXPERT CONSULTANTS, EXAMINED THE COMPANY'S FORECAST OF GROWTH IN DEMAND FOR ELECTRICITY DURING THAT PERIOD AND THE BEST DEVELOPMENT STRATEGY FOR MEETING THAT DEMAND.

"ON THE BASIS OF THIS STUDY THE GOVERNMENT IS SATISFIED THAT IN ORDER TO SAFEGUARD A RELIABLE SUPPLY, IT IS NECESSARY FOR CLP TO CONSTRUCT A NEW LARGE THERMAL POWER STATION SOME TIME IN THE LATTER HALF OF THIS DECADE," THE SECRETARY SAID.

A SECOND STUDY WAS CARRIED OUT TO IDENTIFY THE MOST SUITABLE SITE FOR THE NEW POWER STATION.

/AN INITIAL

AN INITIAL LIST OF 12 POTENTIAL LOCATIONS WAS SHORTLISTED BASED ON THE CONSIDERATIONS OF ENGINEERING FEASIBILITY; SECURITY OF MARINE FUEL SUPPLY; SECURITY OF THE TRANSMISSION SYSTEM; OPERATIONAL REQUIREMENTS; ENVIRONMENTAL IMPACT; COMPATIBILITY WITH GOVERNMENT PLANNING; AND COSTS.

MRS CHAN SAID BLACK POINT WAS EVENTUALLY CHOSEN AS THE PREFERRED SITE BECAUSE IT OFFERED THE LOWEST LEVEL OF OVERALL ENVIRONMENTAL IMPACT, TAKING ACCOUNT OF BOTH THE POWER STATION ITSELF AND THE ASSOCIATED TRANSMISSION LINKS.

"THE CONSULTANTS RECOMMENDED, HOWEVER, THAT THE CUMULATIVE AIR QUALITY IMPACT OF THE PROPOSED STATION AND THE EXISTING CASTLE PEAK POWER STATION SHOULD BE SUBJECT TO FURTHER DETAILED ASSESSMENT IN A FULL ENVIRONMENTAL IMPACT ASSESSMENT," SHE SAID.

AS REGARDS PUBLIC CONSULTATION, THE SECRETARY SAID IT WAS NOT INTENDED TO PUBLISH THE FIRST STUDY REPORT AS IT CONTAINED COMMERCIALLY SENSITIVE INFORMATION SUPPLIED TO GOVERNMENT BY THE COMPANY ON A CONFIDENTIAL BASIS.

AS FOR THE SITE SEARCH REPORT, MRS CHAN SAID THE TUEN MUN DISTRICT BOARD AND THE HEUNG YEE KUK HAD BEEN CONSULTED ON THE RESULTS OF THE STUDY.

SHE POINTED OUT THAT BRIEFING DOCUMENTS ON THE PRINCIPAL FINDINGS OF THE SITE SEARCH STUDY WERE ALSO CIRCULATED TO MEMBERS OF THE NEW TERRITORIES DISTRICT BOARDS AND HEUNG YEE KUK FOR REFERENCE.

"THESE ORGANISATIONS WILL BE CONSULTED FURTHER IN THE COURSE OF THE ENVIRONMENTAL IMPACT ASSESSMENT STUDY WHICH IS CURRENTLY IN PROGRESS.

"A FINAL DECISION ON THE CONSTRUCTION OF THE POWER STATION WILL BE TAKEN WHEN THE ENVIRONMENTAL IMPACT HAS BEEN FULLY ASSESSED," SHE SAID.

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MTR EXTENSION TO TSEUNG KWAN O TO BE CONSIDERED

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THE TIMING AND PRIORITY FOR THE EXTENSION OF THE MASS TRANSIT RAILWAY TO TSEUNG KWAN O WILL BE CONSIDERED IN THE RAILWAY DEVELOPMENT STUDY, ALONG WITH OTHER PROPOSALS FOR EXPANDING THE RAIL NETWORK.

THIS WAS STATED BY THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, MR GRAHAM BARNES TODAY (WEDNESDAY) IN A WRITTEN REPLY TO A QUESTION FROM THE HON EMILY LAU IN THE LEGISLATIVE COUNCIL MEETING.

NOTING THAT THE EXTENSION PLAN WAS NOT SHELVED, MR BARNES SAID THE STUDY HAD JUST STARTED AND THE RESULTS WOULD BE AVAILABLE BY THE END OF NEXT YEAR.

/"CONSTRUCTION OF

"CONSTRUCTION OF THE EXTENSION IS LIKELY TO BE JUSTIFIED ON TRANSPORT GROUNDS WHEN THE POPULATION OF THE AREA REACHES ABOUT 270,000, WHICH WILL OCCUR IN 1999 ACCORDING TO THE LATEST POPULATION PROJECTIONS," HE SAID.

AS REGARDS THE PROVISION OF A REGIONAL HOSPITAL IN THE AREA, MR BARNES SAID A SITE HAD BEEN RESERVED FOR A 600-BED DISTRICT HOSPITAL IN AREA 32, TSEUNG KWAN O.

"ACTUAL PROVISION WILL, HOWEVER, DEPEND ON THE POPULATION GROWTH IN THE DISTRICT AND THEIR CHANGING NEEDS," HE EXPLAINED.

MEANWHILE, PLANS ARE IN HAND TO REDEVELOP THE HAVEN OF HOPE HOSPITAL INTO A 316-BED HOSPITAL PROVIDING SERVICES IN ACUTE, REHABILITATION, TUBERCULOSIS, CHEST, HOSPICE AND CONVALESCENT CARE. THE PROJECT IS SCHEDULED TO START IN 1992/93.

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KWAI CHUNG POLLUTION NO CRISIS

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THE LEVEL OF AIR POLLUTION IN KWAI CHUNG WILL CONTINUE TO BE A MATTER OF CONCERN TO THE ADMINISTRATION, BUT IT IS NOT, AND SHOULD NOT BE, REGARDED AS A PROBLEM OF CRISIS PROPORTIONS, THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, MR GRAHAM BARNES, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON LEE WING-TAT, MR BARNES SAID THE INCREASE IN AIR POLLUTANTS NOTED IN KWAI CHUNG IN OCTOBER WAS IN LINE WITH PAST EXPERIENCE, AND NOT A MATTER FOR GRAVE CONCERN.

MR BARNES SAID BOTH TOTAL SUSPENDED PARTICULATES (TSP) AND NITROGEN DIOXIDE (NO₂), AS MEASURED AT THE KWAI CHUNG AIR POLLUTION MONITORING STATION IN THE LAST TWO YEARS, HAD SHOWN HIGHER LEVELS IN THE COOLER WINTER MONTHS THAN IN THE HOTTER SUMMER MONTHS.

THIS WAS BECAUSE OF THE HIGHER CAPACITY OF THE ATMOSPHERE IN SUMMER TO DISPERSE AIR POLLUTANTS.

"THIS IS A TERRITORY-WIDE PHENOMENON, AND THE PATTERN FOUND AT KWAI CHUNG IS ENTIRELY IN LINE WITH WHAT IS SEEN ELSEWHERE," HE SAID.

MR BARNES SAID THAT BASED ON THE RESULTS OF MONITORING SO FAR THIS YEAR, THERE WAS NO DANGER THAT THE ANNUAL AVERAGE FOR NO₂ WOULD EXCEED THE RELEVANT AIR QUALITY OBJECTIVE (AQO).

"WHILE WE CANNOT BE COMPLACENT ABOUT THIS POLLUTANT IN KWAI CHUNG, THE LEVELS OF NO₂ IN KWAI CHUNG ARE NOT A MATTER OF GRAVE CONCERN," HE SAID.

MR BARNES SAID IT WAS LIKELY THAT THE AQO FOR TSP WOULD BE EXCEEDED THIS YEAR IN KWAI CHUNG, BY PERHAPS AS MUCH AS 10 PER CENT.

/HOWEVER HE

HOWEVER HE ADDED THAT THIS WOULD REFLECT A PATTERN WHICH HAD BEEN COMMON OVER THE LAST FOUR OR FIVE YEARS, WHERE THE TSP RATE HAD BEEN STEADILY CLOSE TO, OR SLIGHTLY ABOVE, THE AQO.

MR BARNES SAID THIS WAS A PROBLEM WHICH WAS COMMON THROUGHOUT THE DEVELOPED AREAS OF HONG KONG.

"KWAI CHUNG IS NOT DISSIMILAR IN ITS POLLUTION CHARACTERISTICS FROM OTHER DEVELOPED AREAS SUCH AS KWUN TONG, SHAM SHUI PO OR CHEUNG SHA WAN.

"THE POSITION WITH REGARD TO NO2 AND TSP IN KWAI CHUNG IS NOT CONSIDERED TO BE ANY MORE - OR ANY LESS - A MATTER FOR CONCERN THAN THE CLOSELY SIMILAR POSITION IN OTHER MAJOR INDUSTRIALISED AREAS OF HONG KONG," HE SAID.

MR BARNES POINTED OUT THAT THE PREDOMINANT SOURCE OF NO2 WAS THE COMBUSTION OF FUEL-OILS IN INDUSTRIAL PLANTS, AND ALL TYPES OF MOTOR VEHICLES WHILE TSP WERE PREDOMINANTLY EMITTED FROM DIESEL VEHICLES, CONSTRUCTION ACTIVITIES AND MANUFACTURING PROCESSES ESPECIALLY THOSE INVOLVING TEXTILES.

"KWAI CHUNG IS A DISTRICT WHICH HAS A VERY HIGH CONCENTRATION OF TSP-PRODUCING POLLUTERS - A HEAVY CONCENTRATION OF TEXTILE FACTORIES, THE HEAVIEST CONCENTRATION OF CONTAINER TRUCKS WITHIN HONG KONG, AND A GREAT DEAL OF CONSTRUCTION, PARTICULARLY, IN RECENT YEARS, EARTHWORKS, CUTTING, AND RECLAMATION.

"AS A MAJOR INDUSTRIAL AREA, IT ALSO HAS A HIGH CONCENTRATION OF INDUSTRIAL FUEL-OIL PLANT," HE SAID.

MR BARNES SAID THE BASIC POLICY ON CONTROL OF THESE AND OTHER AIR POLLUTANTS WAS SET OUT IN THE GOVERNMENT'S WHITE PAPER ON POLLUTION IN HONG KONG, ISSUED IN JUNE 1989 AND REVIEWED IN MAY THIS YEAR.

"THIS LISTS OUT THE AQO'S WHICH REPRESENT WHAT THE GOVERNMENT CONSIDERS TO BE THE MINIMUM LEVEL OF ACCEPTABLE AIR QUALITY.

"BASIC POLICY ON AIR POLLUTION IS TO BRING THE QUALITY OF THE AIR WITHIN THESE PARAMETERS: WHERE THE AIR IS WITHIN THEM, IT IS, BY DEFINITION, ACCEPTABLE," HE SAID.

MR BARNES SAID MEASURES ADOPTED BY THE GOVERNMENT TO LOWER THE DENSITY OF THESE POLLUTANTS INCLUDED THE IMPLEMENTATION OF THE AIR POLLUTION CONTROL (FUEL RESTRICTIONS) REGULATIONS, THE SMOKY VEHICLE CONTROL PROGRAMME, AND THE NEW AIR POLLUTION CONTROL (VEHICLE DESIGN STANDARDS) (EMISSION) REGULATIONS TO BE EFFECTIVE FROM JANUARY 1 NEXT YEAR.

/HE SAID

HE SAID CONSIDERATION WAS BEING GIVEN TO FURTHER STATUTORY CONTROLS ON THE MAINTENANCE AND USE OF MOTOR VEHICLES AS WELL AS MEASURES TO CONTROL DUST FROM CONSTRUCTION SITES.

MR BARNES SAID STEPS WERE BEING TAKEN THROUGH TOWN PLANNING TO ENSURE THAT IN THE FUTURE SIGNIFICANT POLLUTERS SUCH AS FACTORY BUILDINGS, BUS DEPOTS OR CONTAINER PARKS WERE NOT PERMITTED TO BE BUILT CLOSE TO SENSITIVE RECEIVERS SUCH AS RESIDENTIAL BLOCKS, AND THAT SENSITIVE USES WERE NOT PERMITTED TO BE BUILT CLOSE TO EXISTING POLLUTERS.

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'TWO-WEEK RULE' NOT CHALLENGED FOR CONTRAVENING BILL OF RIGHTS

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THE PRESENT "TWO-WEEK RULE" WHICH LIMITS A FOREIGN DOMESTIC HELPER'S STAY IN HONG KONG AFTER TERMINATION OF EMPLOYMENT CONTRACT HAS NOT BEEN CHALLENGED IN COURT FOR CONTRAVENING THE BILL OF RIGHTS.

THE SECRETARY FOR SECURITY, THE HON ALISTAIR ASPREY, INFORMED THE LEGISLATIVE COUNCIL THIS TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON ELSIE TU, MR ASPREY SAID THE RULE WAS CHALLENGED IN COURT IN 1987 ON THE GROUNDS THAT IT WAS ULTRA VIRES THE IMMIGRATION ORDINANCE; BUT THE CHALLENGE WAS DISMISSED.

HE EXPLAINED THAT THE RULE WAS INTRODUCED IN 1987 TO CONTROL THE MOVEMENT OF FOREIGN DOMESTIC HELPERS BETWEEN EMPLOYERS.

"IN PRACTICE, IF A FOREIGN DOMESTIC HELPER HAS A GENUINE REASON FOR NEEDING TO REMAIN IN HONG KONG BEYOND THE TWO WEEKS PERMITTED, FOR EXAMPLE, IF SHE IS UNFAIRLY TREATED AND HER CONTRACT TERMINATED PREMATURELY, SHE MAY APPLY FOR AN EXTENSION OF STAY IN ORDER TO PURSUE A CLAIM AGAINST HER FORMER EMPLOYER.

"IN SUCH CASES EXTENSIONS OF STAY WILL NORMALLY BE GRANTED," MR ASPREY SAID.

A FOREIGN DOMESTIC HELPER WAS ALLOWED TO WORK IN HONG KONG FOR A SPECIFIC EMPLOYER UNDER AN APPROVED CONTRACT OF EMPLOYMENT, THE SECRETARY SAID.

"ON ARRIVAL, SHE IS PERMITTED TO STAY IN HONG KONG FOR 12 MONTHS OR FOR TWO WEEKS AFTER HER CONTRACT IS TERMINATED, WHICHEVER IS THE EARLIER.

"AT THE END OF THE FIRST YEAR, SHE MAY APPLY FOR AND BE GRANTED AN EXTENSION OF STAY FOR ANOTHER 12 MONTHS ON THE SAME CONDITIONS," HE SAID.

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WEDNESDAY, DECEMBER 4, 1991

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ADEQUATE RESOURCES WILL BE PROVIDED TO MAINTAIN LAW AND ORDER
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THE POLICE WILL CONTINUE TO MAKE EVERY EFFORT TO ENSURE THAT ADEQUATE RESOURCES ARE PROVIDED IN ALL DISTRICTS, INCLUDING TUEN MUN AND YUEN LONG, TO MAINTAIN LAW AND ORDER, THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, INFORMED THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION FROM THE HON STEPHEN NG MING-YUM, MR ASPREY STATED THAT THE POLICE WERE DEPLOYING AS MANY POLICE OFFICERS AS POSSIBLE IN ALL DISTRICTS TO COMBAT CRIME AND MAINTAIN LAW AND ORDER.

"SINCE SEPTEMBER THIS YEAR, AN ADDITIONAL POLICE TACTICAL UNIT COMPANY OF 160 MEN HAS BEEN DEPLOYED TO THE NEW TERRITORIES TO INCREASE POLICE PRESENCE ON THE STREETS," HE SAID.

ON MR NG'S REQUEST FOR VARIOUS STATISTICS, THE SECRETARY SAID IT WAS NOT POSSIBLE TO PROVIDE DETAILED COSTINGS OF RESOURCES COMMITTED TO COMBATING CRIME IN TUEN MUN AND YUEN LONG DISTRICTS IN THE PAST NINE YEARS.

HOWEVER, HE SUPPLIED STATISTICS ON THE NUMBERS OF POLICE DEPLOYED IN THOSE TWO DISTRICTS EACH YEAR SINCE 1983, THE POPULATIONS OF THE TWO DISTRICTS IN 1981, 1986 AND 1991, BASED ON THE CENSUS CONDUCTED BY THE CENSUS AND STATISTICS DEPARTMENT IN EACH OF THOSE YEARS; AND CRIME STATISTICS FOR THE TWO DISTRICTS, AND FOR THE TERRITORY AS A WHOLE, FROM 1982 TO 1990.

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Annex IPopulation in Tuen Mun

<u>Age</u>	<u>1981</u>	<u>1986</u>	<u>1991</u>
0-4	16,732	33,642	29,749
5-9	15,958	43,519	40,635
10-14	9,501	27,146	44,540
15-19	10,285	15,624	28,903
20-24	10,279	18,452	20,194
25-29	12,641	30,534	34,253
30-34	12,275	36,519	45,205
35-39	6,034	26,782	41,912
40-44	5,105	11,774	29,390
45-49	4,339	9,100	13,340
50-54	4,041	7,217	10,518
55-59	3,350	6,454	8,955
60-64	2,928	5,768	8,078
65-69	2,303	4,480	6,607
70-74	1,592	3,710	4,974
75+	1,765	3,808	6,113
Total	119,128	284,529	373,366

Population in Yuen Long

<u>Age</u>	<u>1981</u>	<u>1986</u>	<u>1991</u>
0-4	18,290	20,013	18,736
5-9	17,365	17,437	21,607
10-14	19,561	17,577	17,290
15-19	24,360	18,949	16,574
20-24	21,614	23,464	17,596
25-29	15,990	23,296	24,937
30-34	11,603	16,800	25,201
35-39	6,901	11,627	17,892
40-44	7,470	7,539	12,260
45-49	8,279	8,484	7,681
50-54	8,996	9,534	8,101
55-59	7,683	9,569	8,811
60-64	6,166	8,232	8,713
65-69	4,968	6,069	7,261
70-74	3,463	4,543	5,114
75+	3,902	6,258	7,504
Total	186,611	209,391	225,278

Crimes for Tuen Mun District for 1982 - 1990

Selected Crimes	1982	1983	1984	1985	1986	1987	1988	1989	1990
Wounding and Serious Assault	129	173	194	220	279	297	314	334	362
Hobbery	160	250	166	135	115	129	256	365	484
Burglary	302	472	544	465	389	503	534	633	655
Snatching	28	48	33	48	29	32	41	104	182
Pickpocketing	5	8	16	17	6	16	14	7	21
Shop Theft	73	115	117	250	232	396	399	410	436
Theft from Vehicle	332	350	304	230	242	307	319	348	343
Taking Conveyance without Authority	264	296	275	174	154	183	221	238	298
Miscellaneous Theft	440	525	403	453	412	414	418	551	655
Drug Trafficking Offence	11	11	24	44	57	53	66	73	106
Unlawful Society Offence	43	56	45	87	26	35	27	41	96
Possession of Offensive Weapon and Arms	5	14	17	15	9	20	22	24	91
Others	334	622	643	580	684	824	812	1069	1430
Total Crimes	2126	2940	2786	2698	2634	3209	3443	4197	5159

/CRIMES FOR

Crimes for Yuen Long District for 1982 - 1990

WEDNESDAY, DECEMBER 4, 1991

<u>Recorded Crimes</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Wounding and Serious Assault	257	270	336	253	202	276	342	426	371
Robbery	238	303	212	109	145	153	255	337	273
Burglary	503	538	627	527	445	615	686	681	769
Snatching	54	104	67	48	45	28	62	58	65
Pickpocketing	9	22	20	9	10	12	21	6	10
Shop Theft	56	150	151	249	188	314	215	159	203
Theft from Vehicle	400	416	387	285	289	335	402	400	323
Taking Conveyance without Authority	301	351	260	141	149	225	305	333	398
Miscellaneous Theft	437	461	505	533	505	512	560	618	601
Drug Trafficking Offence	126	108	112	201	168	236	206	298	161
Unlawful Society Offence	48	24	50	123	32	50	60	218	129
Possession of Offensive Weapon and Arms	29	31	39	36	24	28	34	67	60
Others	818	1312	869	1161	712	876	1180	1227	1235
Total Crimes	3276	3605	3635	3675	2914	3660	4328	4828	4598

/CRIME FOR

Crimes for Whole Hong Kong for 1982-1990

	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Wounding and Serious Assault	5762	5910	6112	5759	5678	6302	6206	6986	6695
Robbery	8548	8308	7245	6745	5372	5461	5705	6452	8029
Burglary	11526	11308	12663	13722	11942	10601	10749	10913	12701
Snatching	2177	2844	2447	2357	1843	1644	1364	1478	2024
Pickpocketing	2692	2902	2880	3036	3073	3329	1595	972	932
Shop Theft	2800	3985	3897	6482	6170	7077	5611	5140	5847
Theft from Vehicle	6426	6339	5048	4988	5028	5392	5216	5151	4607
Taking Conveyance without Authority	6013	5542	4121	3149	2967	2980	3605	4476	6134
Miscellaneous Theft	14395	12841	13560	13512	13140	12326	12255	12397	12164
Drug Trafficking Offence	2238	2790	2531	3549	4118	4143	5527	5040	3604
Unlawful Society Offence	940	695	1058	1392	1055	963	908	1041	1084
Possession of Offensive Weapon and Arms	449	706	596	569	580	588	638	857	1146
Others	20271	20330	21374	21384	20445	21122	19805	20905	23033
Total Crimes	84227	86000	83532	86944	81411	81928	79184	81808	88300

Annex III

Establishment and Strength of Disciplined Staff
in the Yuen Long Police District since 1983

<u>Rank</u>	1983		1984		1985		1986		1987		1988		1989		1990		1991	
	<u>E</u>	<u>S</u>	<u>E</u>	<u>S</u>	<u>E</u>	<u>S</u>	<u>E</u>	<u>S</u>	<u>E</u>	<u>S</u>	<u>E</u>	<u>S</u>	<u>E</u>	<u>S</u>	<u>E</u>	<u>S</u>	<u>E</u>	<u>S</u>
Chief Superintendent of Police	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Senior Superintendent of Police	1	2	1	0	1	1	1	1	1	1	1	0	1	1	1	1	1	1
Superintendent of Police	3	1	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Chief Inspector of Police	7	3	7	6	7	7	7	7	7	7	7	7	9	9	9	11	9	9
Senior Inspector/Inspector of Police	18	20	17	18	20	19	26	24	26	26	26	30	25	26	25	26	25	27
Station Sergeant	15	13	16	14	17	16	22	17	22	15	21	17	21	17	21	22	21	21
Sergeant	87	74	37	75	83	73	34	78	34	33	82	81	82	81	83	79	83	69
Police Constable	407	419	408	395	404	420	404	423	404	429	402	416	406	421	396	383	396	357
<u>Total</u>	<u>539</u>	<u>532</u>	<u>540</u>	<u>512</u>	<u>536</u>	<u>545</u>	<u>548</u>	<u>554</u>	<u>548</u>	<u>565</u>	<u>543</u>	<u>555</u>	<u>548</u>	<u>559</u>	<u>539</u>	<u>526</u>	<u>539</u>	<u>498</u>

Legend

E : Establishment
S : Strength

/ESTABLISHMENT AND

Annex III

Establishment and Strength of Disciplined Staff
in the Tuen Mun Police District since 1983

Rank	1983		1984		1985		1986		1987		1988		1989		1990		1991		
	E	S	E	S	E	S	E	S	E	S	E	S	E	S	E	S	E	S	
Chief Superintendent of Police	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Senior Superintendent of Police	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Superintendent of Police	3	2	3	3	3	3	3	3	3	4	4	4	4	5	4	5	5	5	5
Chief Inspector of Police	6	3	6	6	6	6	6	6	7	7	7	7	8	8	9	10	11	11	11
Senior Inspector/Inspector of Police	15	15	14	15	16	20	20	20	20	26	23	25	24	24	25	27	30	37	37
Station Sergeant	14	12	15	12	16	14	23	18	28	19	25	21	28	22	27	25	38	28	28
Sergeant	63	51	63	53	61	53	64	67	75	71	70	66	77	80	81	77	84	84	84
Police Constable	297	282	314	329	316	337	316	322	385	380	363	385	382	403	388	362	381	394	394
<u>Total</u>	<u>400</u>	<u>367</u>	<u>417</u>	<u>420</u>	<u>420</u>	<u>435</u>	<u>434</u>	<u>438</u>	<u>520</u>	<u>509</u>	<u>494</u>	<u>510</u>	<u>525</u>	<u>544</u>	<u>536</u>	<u>508</u>	<u>551</u>	<u>561</u>	<u>561</u>

Legend

E : Establishment
S : Strength

MOTION ON COURT OF FINAL APPEAL PASSED

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A MOTION ON THE COURT OF FINAL APPEAL MOVED BY THE HON SIMON IP WAS PASSED AFTER A FIVE-HOUR DEBATE IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE MOTION READ: "THAT WHEN THE COURT OF FINAL APPEAL IN HONG KONG IS SET UP, IT SHOULD HAVE MORE FLEXIBILITY TO INVITE OVERSEAS JUDGES TO SIT ON IT THAN HAS BEEN AGREED BY THE BRITISH AND CHINESE GOVERNMENTS, AND SUCH FLEXIBILITY SHOULD BE IN ACCORDANCE WITH THE JOINT DECLARATION AND THE BASIC LAW."

A TOTAL OF 32 MEMBERS SPOKE IN THE MOTION DEBATE. THE CHIEF SECRETARY, THE HON SIR DAVID FORD; THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS; AND THE SECRETARY FOR CONSTITUTIONAL AFFAIRS, MR MICHAEL SZE SPOKE ON BEHALF OF THE GOVERNMENT.

MEANWHILE, SIX BILLS WERE INTRODUCED FOR FIRST AND SECOND READINGS. DEBATES ON THEM WERE ADJOURNED.

THE BILLS ARE THE SECURITIES AND FUTURES COMMISSION (AMENDMENT) (NO. 2) BILL 1991, COMMODITIES TRADING (AMENDMENT) (NO. 2) BILL 1991, SECURITIES (AMENDMENT) (NO. 3) BILL 1991, PENSIONS (SPECIAL PROVISIONS) (HOSPITAL AUTHORITY) BILL, STAMP DUTY (AMENDMENT) (NO. 4) BILL 1991 AND CONTROL OF OBSCENE AND INDECENT ARTICLES (AMENDMENT) BILL 1991.

WEDNESDAY, DECEMBER 4, 1991

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COURT OF FINAL APPEAL SHOULD BE SET UP AS SOON AS POSSIBLE: CS
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THE ADMINISTRATION BELIEVES THAT CERTAINTY IS VERY IMPORTANT AND THAT WE SHOULD GO AHEAD AND TRY TO SET UP THE COURT OF FINAL APPEAL AS SOON AS WE POSSIBLY CAN, THE CHIEF SECRETARY, SIR DAVID FORD, SAID THIS (WEDNESDAY) EVENING.

SPEAKING TO REPORTERS AFTER THE LEGISLATIVE COUNCIL DEBATE ON A MOTION ON THE COURT OF FINAL APPEAL, SIR DAVID SAID: "IT'S VERY CLEAR THAT THE LARGE NUMBER OF MEMBERS OF THE LEGCO WOULD LIKE TO SEE MORE FLEXIBILITY IN THE NUMBER OF JUDGES TO FORM THE COURT OF FINAL APPEAL.

"BUT WE DO NOT BELIEVE THAT THAT IS A REAL OPTION TO RE-NEGOTIATE AN AGREEMENT WHICH HAS BEEN MADE IN THE JOINT LIAISON GROUP. THE CHINESE GOVERNMENT HAS MADE IT VERY CLEAR THAT THAT IS NOT AN OPTION AND CANNOT BE RE-NEGOTIATED," HE SAID.

"SO THE REAL OPTIONS WHICH FACE US NOW ARE TO GO AHEAD AND IMPLEMENT THE AGREEMENT WHICH HAD BEEN MADE IN THE JOINT LIAISON GROUP AND TO ESTABLISH THE COURT OF FINAL APPEAL AHEAD OF 1997, OR TO FACE THE PROSPECT OF UNCERTAINTY WITH NO COURT SET UP AHEAD OF 1997," HE ADDED.

"WE WILL BE WORKING ON THE LEGISLATION IN THE MONTHS AHEAD; THERE ARE STILL MANY DETAILS TO BE WORKED OUT AND WE HOPE THAT WE WILL GIVE THE LEGISLATIVE COUNCIL ANOTHER CHANCE TO CONSIDER ALL THE ARGUMENTS WHICH HAVE BEEN PUT. IN THE MEANTIME, WE HOPE THAT MEMBERS WILL CONSIDER VERY CAREFULLY THE POINTS THAT THE ADMINISTRATION HAS MADE TODAY," SIR DAVID SAID.

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DUCHESS OF KENT VISITS CHESHIRE HOME
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THE DUCHESS OF KENT STARTED HER SERIES OF ACTIVITIES IN HONG KONG THIS AFTERNOON (WEDNESDAY) WITH A VISIT TO THE CHESHIRE HOME IN SHA TIN.

ACCOMPANIED BY DR PETER LEE, THE CHAIRMAN OF THE HOSPITAL GOVERNING COMMITTEE OF THE CHESHIRE HOME (SHA TIN), THE DUCHESS TOURED VARIOUS FACILITIES OF THE HOME INCLUDING THE CONVALESCENT WARDS, THE OCCUPATIONAL THERAPY DEPARTMENT, THE PHYSIOTHERAPY DEPARTMENT, THE SEVERELY DISABLED WARD, AND THE CHALETS.

THE DUCHESS VIEWED A MINI-EXHIBITION DEPICTING SERVICES PROVIDED BY THE HOME AND A DISPLAY OF HANDICRAFT MADE BY THE RESIDENTS.

/ONE OF

ONE OF THE RESIDENTS, MR CHENG SHING-YIP, PRESENTED TO THE DUCHESS A SELF-MADE CUSHION.

THE NEW SHA TIN CHESHIRE HOME OPENED IN SEPTEMBER THIS YEAR, HAS BEEN DESIGNED TO CREATE A PERSONAL AND RESIDENTIAL COMMUNITY FOR THE DISABLED.

AT PRESENT, IT HAS ADMITTED 100 CONVALESCENT PATIENTS REFERRED BY THE PRINCE OF WALES HOSPITAL AND THERE ARE SOME 46 RESIDENTS LIVING IN THE CHALETs.

THE DUKE OF KENT PAID AN OFFICIAL VISIT TO MACAU EARLY THIS MORNING.

THE DUKE AND THE DUCHESS WILL ATTEND A DINNER HOSTED BY THE ENGINEERING COUNCIL OF CHARTERED ENGINEERS, HONG KONG AT THE HONG KONG CLUB IN THE EVENING.

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HONG KONG RELIES ON GATT DISPUTE SETTLEMENT MECHANISM

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THE ACTING DEPUTY DIRECTOR-GENERAL OF TRADE, MR PATRICK LAU, ATTACHED GREAT IMPORTANCE TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT), SAYING THAT IT WAS ESSENTIAL FOR THE HEALTHY DEVELOPMENT OF INTERNATIONAL COMMERCE AND AN OPEN MULTILATERAL TRADING SYSTEM.

SPEAKING AT A ROTARY CLUB LUNCHEON MEETING TODAY (WEDNESDAY), MR LAU REFUTED THE SAYING THAT GATT WAS "JUST A TALK SHOP".

"THE GATT DISPUTE SETTLEMENT MECHANISM PROVIDES US WITH OUR LAST RESORT IF WE GET NO SATISFACTION FROM COUNTRIES WHICH TAKE DISCRIMINATORY RESTRICTIVE MEASURES AGAINST US.

"AS A MATTER OF FACT, IN 1978 AND 1982 WE SOUGHT ASSISTANCE FROM THE GATT TO RESOLVE TWO DISPUTES WITH NORWAY AND FRANCE INVOLVING DISCRIMINATORY TRADE MEASURES AGAINST OUR EXPORTS.

"ON BOTH OCCASIONS THE PANELS ESTABLISHED TO EXAMINE THE DISPUTES UPHELD OUR COMPLAINT," HE SAID.

"THE GATT-INCONSISTENT MEASURES EVENTUALLY WERE EITHER ABOLISHED OR MADE CONSISTENT WITH THE GATT," HE ADDED.

THEREFORE, MR LAU FIRMLY BELIEVED THAT THE GATT COULD PRODUCE PRACTICAL RESULTS FOR HONG KONG, WHICH BECAME A SEPARATE MEMBER OF THE GATT IN APRIL 1986.

"WE SHALL SHORTLY BE REQUESTING SIMILAR ASSISTANCE FROM THE GATT TO HELP US DETERMINE THE GATT-CONSISTENCY OF THE U.S. ANTI-DUMPING ACTION TAKEN AGAINST OUR EXPORTS OF MAN-MADE FIBRE KNITTED SWEATERS TO THE USA," HE SAID.

TALKING ABOUT THE CURRENT URUGUAY ROUND OF MULTILATERAL TRADE TALKS, MR LAU SAID HONG KONG HAD MADE FULL USE OF ITS SEPARATE MEMBER STATUS TO PARTICIPATE ACTIVELY.

"OUR INTERESTS COVER TEXTILES, IMPROVEMENT IN GATT RULES GOVERNING ANTI-DUMPING AND SAFEGUARD MEASURES THAT RESTRICT IMPORTS TO PROTECT THE DOMESTIC INDUSTRY, TARIFFS, TRADE IN SERVICES AND INTELLECTUAL PROPERTY RIGHTS," HE SAID.

"IN THE CASE OF TEXTILES, WE WOULD LIKE TO SEE THE GRADUAL PHASING OUT OF THE EXISTING DISCRIMINATORY RESTRICTIONS. WE WOULD LIKE TO BRING THE TEXTILE AND CLOTHING SECTOR BACK TO THE RULE OF THE GATT," HE SAID.

ON ANTI-DUMPING, MR LAU SAID HONG KONG CONCERNED THAT ANTI-DUMPING ACTIONS MIGHT PROLIFERATE AS TOOLS OF TRADE PROTECTION.

"WE SEEK BETTER GATT DISCIPLINES WHICH WILL MINIMISE THE ARBITRARY AND OBSCURE WAY IN WHICH IMPORTING COUNTRIES DETERMINE THE EXISTENCE OF DUMPING TO THE DISADVANTAGE OF EXPORTING COUNTRIES," HE SAID.

IN THE AREA OF SAFEGUARDS, HONG KONG SOUGHT TO UPHOLD THE NON-DISCRIMINATORY PRINCIPLE OF THE GATT IN THE APPLICATION OF IMPORT RESTRICTIONS TAKEN ON AN EMERGENCY BASIS TO RELIEF DOMESTIC INDUSTRY.

AS REGARDS TARIFFS, HONG KONG REPRESENTATIVES WERE NEGOTIATING WITH MOST OF ITS MAJOR TRADING PARTNERS TO REDUCE OR ELIMINATE TARIFFS ON ITEMS OF INTEREST TO HONG KONG.

"IN RESPECT OF TRADE IN SERVICES, WE SUPPORT AN AGREEMENT WHICH WOULD LAY DOWN DISCIPLINES FOR INTERNATIONAL TRADE IN SERVICES MUCH AS THE GATT HAS DONE FOR TRADE IN GOODS," MR LAU SAID.

HE EXPLAINED THAT THIS WAS IN HONG KONG'S INTEREST GIVEN THE TRANSFORMATION OF OUR ECONOMIC STRUCTURE AND THE GROWING SIGNIFICANCE OF ITS SERVICE SECTORS.

IN THE AREA OF INTELLECTUAL PROPERTY RIGHT PROTECTION, MR LAU SAID HONG KONG SUPPORTED AN AGREEMENT WHICH WOULD ENSURE PROTECTION OF SUCH RIGHTS AND YET AT THE SAME TIME PREVENT THE RISK OF SUCH PROTECTION MEASURES FROM BEING ABUSED TO RESTRICT LEGITIMATE TRADE.

MR LAU SAID HE DID NOT SEE, AT PRESENT, THE URUGUAY ROUND TALKS WOULD FAIL.

SUCCESS OF THE ROUND WOULD REAFFIRM COMMITMENT TO ABIDE BY GATT OBLIGATIONS, IMPROVE THE WORLD TRADING SYSTEM, LEAD TO EXPANSION OF WORLD TRADE.

"WE HAVE THEREFORE MADE IT OUR TOP PRIORITY TO WORK TOWARDS A SUCCESSFUL URUGUAY ROUND WHICH WOULD STRENGTHEN THE GATT," HE SAID.

WEDNESDAY, DECEMBER 4, 1991

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ANNUAL SEARCH AND RESCUE EXERCISE STARTS

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THE ANNUAL SEARCH AND RESCUE EXERCISE CO-ORDINATED BY THE CIVIL AVIATION DEPARTMENT (CAD) IS BEING HELD TODAY (WEDNESDAY) AND TOMORROW.

PARTICIPATING IN THE EXERCISE ARE A NUMBER OF GOVERNMENT DEPARTMENTS AND EMERGENCY UNITS FROM THE ASIA PACIFIC REGION.

A CAD SPOKESMAN SAID THE OBJECTIVE OF THE EXERCISE WAS TO PROVIDE TRAINING AND FAMILIARISATION FOR STAFF OF THE DEPARTMENT AND OTHER SUPPORTING UNITS IN SEARCH AND RESCUE TECHNIQUES.

"PERSONNEL FROM OTHER EMERGENCY UNITS FROM THE ASIA PACIFIC REGION LIKELY TO BE INVOLVED IN SUCH OPERATIONS WILL ALSO BENEFIT FROM THE EXERCISE," THE SPOKESMAN SAID.

"IT WILL ALSO TEST ALERTING, CO-ORDINATION AND COMMUNICATION FACILITIES," HE SAID.

IN ADDITION, THE EXERCISE WILL PROVIDE AN OPPORTUNITY FOR OTHER DEPARTMENTS AND EMERGENCY SERVICES OF NEIGHBOURING COUNTRIES TO CO-ORDINATE THEIR PROCEDURES.

THE EXERCISE COMPRISES A SHORT-RANGE AND A LONG-RANGE SEARCH OPERATION INVOLVING FIXED-WING AIRCRAFT, HELICOPTERS AND VESSELS.

THE SHORT-RANGE EXERCISE WAS HELD THIS AFTERNOON NEAR THE NINEPIN GROUP OF ISLANDS WITH A DEMONSTRATION OF WINCHING "SURVIVORS" FROM THE SEA ONTO HELICOPTERS.

THE LONG-RANGE EXERCISE WILL BE ACTIVATED THIS EVENING, SIMULATING AN AIRCRAFT IN DISTRESS ABOUT 70 MILES SOUTH OF HONG KONG. AIRCRAFT, HELICOPTERS AND SHIPS WILL BE DESPACHED TO SEARCH AND LOCATE THE TARGETS IN THE SOUTH CHINA SEA.

TAKING PART IN THIS YEAR'S EXERCISE ARE THE CIVIL AVIATION DEPARTMENT, MARINE DEPARTMENT, ROYAL AIR FORCE, ROYAL HONG KONG AUXILIARY AIR FORCE, ROYAL HONG KONG POLICE, ROYAL NAVY, FIRE SERVICES DEPARTMENT, CIVIL AID SERVICES, THE U.S. AIR FORCE, U.S. NAVY, U.S. COAST GUARD, AND THE JAPANESE MARITIME SAFETY AGENCY.

OBSERVERS FROM NEIGHBOURING COUNTRIES INCLUDING REPRESENTATIVES FROM CHINA, SINGAPORE, MALAYSIA, THAILAND AND BRUNEI ARE ALSO PRESENT.

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WEDNESDAY, DECEMBER 4, 1991

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GOVT LAND TO LET BY TENDER

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THE BUILDINGS AND LANDS DEPARTMENT IS INVITING TENDERS FOR THE SHORT-TERM TENANCY OF FOUR PIECES OF GOVERNMENT LAND.

THE FIRST LOT IS LOCATED AT TIN WAN PRAYA ROAD, ABERDEEN, HONG KONG.

IT HAS AN AREA OF ABOUT 4,700 SQUARE METRES AND IS FOR A FEE-PAYING CARPARK FOR LICENSED GOODS VEHICLES EXCLUDING ARTICULATED VEHICLES.

THE TENANCY IS FOR TWO YEARS AND QUARTERLY AFTERWARDS.

THE SECOND LOT IS LOCATED AT FUNG TAK ROAD, DIAMOND HILL, KOWLOON.

WITH AN AREA OF ABOUT 2,700 SQUARE METRES, THE SITE IS DESIGNATED FOR A PLANT NURSERY AND/OR A PROCESSING YARD FOR LANDSCAPE GARDENING.

THE TENANCY IS FOR ONE YEAR AND QUARTERLY AFTERWARDS.

THE THIRD SITE IS LOCATED AT LOK WAH STREET, TSZ WAN SHAN, KOWLOON.

IT HAS AN AREA OF ABOUT 4,300 SQUARE METRES AND IS FOR A FEE-PAYING PARKING AREA FOR THE PARKING OF MOTOR VEHICLES (EXCLUDING CONTAINER VEHICLES WITH THEIR TRAILERS/CHASSIS ATTACHED) CURRENTLY LICENSED UNDER THE ROAD TRAFFIC ORDINANCE.

THE TENANCY IS FOR TWO YEARS AND QUARTERLY AFTERWARDS.

THE LAST SITE IS LOCATED AT THE JUNCTION OF MA LOK PATH AND KAU TO SHAN ROAD, SHA TIN, NEW TERRITORIES.

THE SITE HAS AN AREA OF ABOUT 2,550 SQUARE METRES. IT IS FOR A PLANT NURSERY AND/OR COMMERCIAL GARDEN INCLUDING GROWING, STORAGE AND SALE OF PLANTS, FLOWERS AND OTHER ANCILLARY GARDEN PRODUCTS.

THE TENANCY IS FOR THREE YEARS AND QUARTERLY AFTERWARDS.

THE CLOSING DATE FOR SUBMISSION OF TENDERS IS NOON ON DECEMBER 20.

FORMS OF TENDER, TENDER NOTICES AND CONDITIONS MAY BE OBTAINED FROM AND TENDER PLANS INSPECTED AT THE BUILDINGS AND LANDS DEPARTMENT, 14TH FLOOR, MURRAY BUILDING, GARDEN ROAD, HONG KONG; THE DISTRICT LANDS OFFICES KOWLOON, 10TH FLOOR, YAU MA TEI CARPARK BUILDING, 250 SHANGHAI STREET; AND THE SHA TIN AND HONG KONG SOUTH DISTRICT LANDS OFFICES.

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WEDNESDAY, DECEMBER 4, 1991

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FESTIVE LIGHTING IN MONG KOK
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MONG KOK WILL BE LIT UP WITH FESTIVE LIGHTINGS DURING THE CHRISTMAS AND NEW YEAR SEASONS.

A SWITCHING-ON CEREMONY FOR THE ILLUMINATIONS WILL BE HELD AT THE JUNCTION OF ARGYLE STREET AND NATHAN ROAD THIS FRIDAY (DECEMBER 6).

AN EXECUTIVE AND LEGISLATIVE COUNCILLOR, MR ALLEN LEE PENG-FEI, WILL OFFICIATE AT THE CEREMONY.

THE CHAIRMAN OF THE MONG KOK CHRISTMAS AND NEW YEAR LIGHTINGS PROJECT ORGANISING COMMITTEE, MR JUSTIN CHIU KWOK-HUNG, SAID TODAY (WEDNESDAY) THAT THE ILLUMINATIONS WOULD BE ON FROM FRIDAY UNTIL JANUARY 5, AND AGAIN FROM JANUARY 25 TO FEBRUARY 18 FOR THE LUNAR NEW YEAR.

"A FOCAL POINT OF THE DISPLAYS WILL BE AT THE JUNCTION OF ARGYLE STREET AND NATHAN ROAD.

"OTHER THOROUGHFARES WITH ILLUMINATIONS WILL INCLUDE A SECTION OF NATHAN ROAD BETWEEN PRINCE EDWARD ROAD AND SOY STREET, A SECTION OF ARGYLE STREET BETWEEN SHANGHAI STREET AND SAI YEE STREET AND A SECTION OF LAI CHI KOK ROAD," HE SAID.

THE ILLUMINATIONS WHICH COST MORE THAN \$800,000 ARE JOINTLY SPONSORED BY THE MONG KOK DISTRICT BOARD AND LOCAL COMMERCIAL ORGANISATIONS.

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ATTENTION NEWS EDITORS:

THE SWITCHING-ON CEREMONY OF THE MONG KOK CHRISTMAS AND NEW YEAR ILLUMINATIONS WILL BE HELD AT THE JUNCTION OF NATHAN ROAD AND ARGYLE STREET ON FRIDAY (DECEMBER 6) AT 6.30 PM.

FOLLOWING THE CEREMONY, THERE WILL BE A COCKTAIL PARTY ON THE SIXTH FLOOR OF THE GRAND TOWER HOTEL, 627-641 NATHAN ROAD, AT 6.45 PM.

MEDIA REPRESENTATIVES ARE INVITED TO COVER THE CEREMONY AND ATTEND THE COCKTAIL PARTY.

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TSUEN WAN ARTS FORTNIGHT

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A PROGRAMME OF 15 EVENTS HAS BEEN DRAWN UP FOR THE TSUEN WAN ARTS FORTNIGHT TO BE HELD FROM DECEMBER 7 TO 20.

IT WILL FEATURE CANTONESE OPERA SINGING, DRAMAS, MODERN AND CLASSICAL DANCING, PIANO RECITAL, A CONCERT BY THE CHINESE ORCHESTRA, AND A PAPER ART EXHIBITION. THESE CULTURAL EVENTS ARE ANNUALLY ORGANISED FOR RESIDENTS IN TSUEN WAN.

A SPOKESMAN FOR THE TSUEN WAN DISTRICT OFFICE SAID TODAY (WEDNESDAY) THE ARTS FORTNIGHT AIMED AT PROMOTING VARIOUS FORMS OF PERFORMING ARTS AND ENCOURAGING ACTIVE PARTICIPATION BY CULTURAL ORGANISATIONS IN THE DISTRICT.

HE SAID THE FORTNIGHT WILL BE LAUNCHED WITH AN ARTS SPECTACULAR AT 7.30 PM ON SATURDAY (DECEMBER 7) AT THE TSUEN WAN TOWN HALL. THERE WILL BE JOINT PERFORMANCES BY A CHILDREN'S CHOIR, FOLK SONG SINGING GROUPS AND DANCING TROUPES.

ADMISSION TO THE SPECTACULAR IS FREE AND TICKETS ARE NOW AVAILABLE AT THE TSUEN WAN DISTRICT OFFICE, FIRST FLOOR, TSUEN WAN STATION MULTI-STOREY CARPARK BUILDING, AND THE OFFICE OF THE TSUEN WAN CULTURE AND RECREATION CO-ORDINATING ASSOCIATION AT 8, BLOCK 1, SHEK WAI KOK CARPARK BUILDING.

TICKETS FOR OTHER EVENTS ARE ON SALE AT THE TSUEN WAN TOWN HALL, THE URBIX OUTLETS, AND THE CULTURE AND RECREATION CO-ORDINATING ASSOCIATION.

THE FUNCTION IS ORGANISED BY THE TSUEN WAN DISTRICT OFFICE AND THE DISTRICT'S CULTURE AND RECREATION CO-ORDINATING ASSOCIATION. THE ESTIMATED COST OF \$350,000 WILL BE FUNDED BY THE DISTRICT BOARD AND THE REGIONAL COUNCIL.

PROGRAMME LEAFLETS ARE AVAILABLE AT THE DISTRICT OFFICE AND ENQUIRIES CAN BE MADE ON 413 8138.

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HONG KONG GOVERNMENT EXCHANGE FUND
MONEY MARKET OPERATIONS

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	DATE ----	\$ MILLION -----
CLOSING BALANCE IN THE ACCOUNT ON	3.12.91	500
EFFECT OF FORWARDS TO BE SETTLED ON	4.12.91	-381
EFFECT OF OPERATIONS THIS MORNING		+381
EFFECT OF OPERATIONS THIS AFTERNOON		NEUTRAL

TRADE WEIGHTED INDEX 110.8 **0.0* 4.12.91

HONG KONG GOVERNMENT EXCHANGE FUND

EF BILLS

HONG KONG GOVERNMENT BONDS

TERMS	YIELD	TERM	ISSUE	COUPON	PRICE	YIELD
1 WEEK	3.65 PCT	24 MONTHS	2311	6.25	101.58	5.46
1 MONTH	3.98 PCT					
3 MONTHS	3.95 PCT					
6 MONTHS	4.07 PCT					
12 MONTHS	4.86 PCT					

TURNOVER - BILLS 5,841 MN, BONDS 71 MN

CLOSED 4 DECEMBER 1991