



DAILY INFORMATION BULLETIN

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1987-88 SURPLUS PUT AT \$11.6 BILLION

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THE FINALISED SURPLUS FOR THE FINANCIAL YEAR 1987-88 IS \$11.6 BILLION, THE FINANCIAL SECRETARY, THE HON PIERS JACOBS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

ACTUAL REVENUE, AFTER BEING FINALISED BY THE DIRECTOR OF ACCOUNTING SERVICES, AMOUNTED TO \$55.6 BILLION AND TOTAL EXPENDITURE \$44 BILLION, MR JACOBS SAID, WHEN MOVING THE SECOND READING OF THE SUPPLEMENTARY APPROPRIATION (1987-88) BILL 1988.

AN ESTIMATED SURPLUS OF \$10.5 BILLION WAS MENTIONED IN HIS BUDGET SPEECH IN MAY, HE ADDED.

"THE EXPENDITURE CHARGED TO 52 HEADS IS IN EXCESS OF THE SUM APPROPRIATED FOR THOSE HEADS BY THE APPROPRIATION ORDINANCE 1987," MR JACOBS NOTED.

"THIS IS BECAUSE SUFFICIENT OFFSETTING SAVINGS COULD NOT BE FOUND WITHIN THE HEADS CONCERNED."

MR JACOBS SAID THE EXCESS HAD BEEN INCLUDED IN THE SUPPLEMENTARY APPROPRIATION (1987-88) BILL 1988, WHICH SOUGHT TO GIVE FINAL LEGISLATIVE AUTHORITY FOR THE AMOUNT OF SUPPLEMENTARY PROVISION APPROVED IN RESPECT OF PARTICULAR HEADS OF EXPENDITURE BY THE FINANCE COMMITTEE OR UNDER POWERS DELEGATED BY IT.

THE TOTAL NET SUPPLEMENTARY APPROPRIATION REQUIRED IN RESPECT OF THE 52 HEADS OF EXPENDITURE WAS \$1,526.3 MILLION, HE SAID.

THE EXCESS WAS LARGELY ACCOUNTED FOR BY THE 1987 PAY ADJUSTMENT AND PAY IMPROVEMENT PACKAGE FOR MODEL SCALE 1 STAFF FOR THE CIVIL SERVICE (\$808.2 MILLION) AND GOVERNMENT SUBVENTED ORGANISATIONS (\$388.4 MILLION).

OTHER MAJOR CONTRIBUTING FACTORS INCLUDED THE EARLY REPAYMENT IN FULL OF THE FOUR OUTSTANDING ASIAN DEVELOPMENT BANK LOANS (\$318.2 MILLION) AND THE PURCHASE OF WATER FROM CHINA (\$132 MILLION).

"SAVINGS MADE IN OTHER SUBHEADS ARE DUE TO CONTINUED TIGHT CONTROL OVER PUBLIC EXPENDITURE," MR JACOBS SAID, THANKING THE CONTROLLING OFFICERS AND OTHERS WHO HAD CONTRIBUTED TO RESTRAINT.

DEBATE ON THE BILL WAS ADJOURNED.

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'USEFUL TOOL' IN BATTLE AGAINST COMMERCIAL CRIME

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THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT THE COMPLEX COMMERCIAL CRIMES BILL 1988 "WILL PROVE A USEFUL TOOL IN THE BATTLE AGAINST COMMERCIAL CRIME".

WINDING UP THE DEBATE ON THE SECOND READING OF THE BILL, MR MATHEWS THANKED THE HON PETER C. WONG, THE HON JOHN SWAINE, THE HON MARTIN LEE AND THE HON NGAI SHIU-KIT FOR THEIR EXPRESSIONS OF SUPPORT.

"AS THEY HAVE INDICATED, THE CONSULTATIVE PROCESS AND DETAILED SCRUTINY OF THE BILL BY MEMBERS HAS CONTINUED WITH GREAT INTENSITY SINCE IT WAS INTRODUCED INTO THIS COUNCIL ON JUNE 1," HE SAID.

HE SAID HE WAS PLEASED TO SUPPORT THE MODIFICATIONS AND IMPROVEMENTS TO THE BILL WHICH WOULD BE MOVED BY MR SWAINE AND MR LEE.

THE ACCEPTANCE BY THE ADMINISTRATION OF THOSE AMENDMENTS CONFIRMED THAT THE BILL INDEED REPRESENTED A COMMUNITY OF INTEREST AND OBJECTIVE OF ALL THOSE INVOLVED IN ITS CONSIDERATION, MR MATHEWS SAID.

THE BILL WAS A TRIBUTE TO THOSE MEMBERS OF THE COUNCIL, THE BAR ASSOCIATION AND THE LAW SOCIETY WHO HAD DEVOTED SO MUCH TIME, CARE AND ENERGY IN DEVISING A PROCEDURE TO IMPROVE THE TRIAL OF COMPLEX COMMERCIAL CRIMES, MR MATHEWS ADDED.

"ONCE IT IS ON THE STATUTE BOOK, IT WILL BE FOR THOSE OF US INVOLVED IN THE TRIAL OF SUCH CRIMES TO ENSURE THAT THEIR EFFORTS HAVE NOT BEEN IN VAIN.

"WHETHER THE PROCEDURE EMBODIED IN THE BILL WILL BE SUCCESSFUL WILL TO A LARGE DEGREE DEPEND ON THE DILIGENCE OF THE PROSECUTOR AND THE WILLINGNESS OF THE LEGAL PROFESSION TO ADOPT THE SPIRIT OF THE LEGISLATION AND TO OPERATE WITHIN IT.

"THE JUDICIARY TOO WILL HAVE A KEY ROLE TO PLAY BY ENSURING COMPLIANCE WITH ORDERS MADE AT THE PREPARATORY HEARING STAGE OF THE TRIAL," HE SAID.

MEASURE WILL HELP REDUCE LENGTH OF TRIALS

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THE COMPLEX COMMERCIAL CRIMES BILL 1988 WILL GO A LONG WAY TOWARDS REDUCING THE LENGTH AND COST OF COMPLEX COMMERCIAL CRIME TRIALS WITHOUT IMPINGING UPON THE RIGHTS OF THE ACCUSED, THE HON PETER C. WONG SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN THE RESUMED DEBATE ON THE BILL, MR WONG NOTED THAT THE MEASURE SOUGHT TO IMPLEMENT, AS FAR AS POSSIBLE, THE REPORT OF THE SELECT COMMITTEE ON THE PROBLEMS INVOLVED IN THE PROSECUTION AND TRIAL OF COMPLEX COMMERCIAL CRIMES.

THE PURPOSE OF THE BILL WAS TO PROVIDE A NEW PROCEDURE FOR THE TRIAL OF COMPLEX COMMERCIAL CRIMES, HE SAID.

SERIOUS COMPLEX COMMERCIAL CRIME CASES MIGHT BE TRANSFERRED FROM THE MAGISTRACY TO THE HIGH COURT WITHOUT THE NEED FOR - COMMITTAL PROCEEDINGS.

WHERE A CASE WAS TRANSFERRED UNDER THIS PROCEDURE AND A JUDGE DETERMINED THAT A PREPARATORY HEARING SHOULD TAKE PLACE, THE TRIAL WOULD BEGIN WITH A PREPARATORY HEARING WITHOUT A JURY.

THE PURPOSE OF THE PREPARATORY HEARING WAS TO SETTLE POINTS OF LAW AND CLARIFY ISSUES FOR THE JURY.

AT THE CONCLUSION OF THE PREPARATORY HEARING, A JURY WOULD BE EMPANELLED AND THE TRIAL WOULD PROCEED IN THE USUAL WAY.

MR WONG SAID A LEGISLATIVE COUNCIL AD HOC GROUP SET UP TO STUDY THE BILL, OF WHICH HE WAS CONVENER, HAD REACHED AGREEMENT WITH THE GOVERNMENT ON A NUMBER OF AMENDMENTS TO THE BILL.

ONE OF THE AMENDMENTS WAS THE DEFINITION OF COMPLEX COMMERCIAL CRIMES.

THE AD HOC GROUP CONSIDERED THE SCOPE OF THE REVISED DEFINITION WAS TOO WIDE AS IT COULD BE EXTENDED TO COVER CASES OF SERIOUS AND COMPLEX FRAUD IRRESPECTIVE OF WHETHER THIS WAS IN A COMMERCIAL CONTEXT.

"THE ADMINISTRATION CONCEDED THAT THE POINT MADE IS VALID AND THE CLAUSE WILL BE AMENDED SO THAT IT IS CONFINED ONLY TO CASES OF FRAUD AND/OR DISHONESTY IN THE COMMERCIAL CONTEXT," MR WONG SAID.

ANOTHER AMENDMENT WAS THAT IN THE WHITE BILL ONLY THE ATTORNEY GENERAL WAS GIVEN THE POWER TO DECIDE WHETHER A CASE FELL WITHIN THE AMBIT OF THE NEW LEGISLATION.

/ "THIS WAS

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"THIS WAS THOUGHT UNDERSIRABLE, AND THE JUDGE IS NOW GIVEN THE DISCRETION TO DECIDE WHETHER, HAVING REGARD TO THE NATURE OF A CASE, THERE WILL BE A NEED TO HOLD A PREPARATORY HEARING BEFORE THE JURY IS EMPANELLED," HE SAID.

MR WONG ALSO SAID THE ORIGINAL PROPOSAL CONTAINED IN THE WHITE BILL WAS FOR THE DEFENCE TO SUPPLY A WRITTEN OUTLINE OF ITS CASE IN RESPONSE TO EACH OF THE PRINCIPAL FACTS IN THE PROSECUTION CASE, AND SPECIFYING THE PRINCIPAL FACTS UPON WHICH THE DEFENCE CASE WAS BASED.

THE AD HOC GROUP FELT THAT THE SCOPE OF SUCH A PROVISION WAS TOO WIDE, HE SAID.

THE GOVERNMENT SUBSEQUENTLY AGREED THAT THE DEFENCE CASE OUTLINE BE REPLACED BY A "DEFENCE RESPONSE" WHICH WAS MERELY A WRITTEN STATEMENT INDICATING, WITH REFERENCE TO THE PROSECUTION CASE STATEMENT, THE FACTS ON WHICH THE DEFENCE WOULD TAKE ISSUE WITH THE PROSECUTION.

IN SIMPLE TERMS, THE DEFENCE WOULD NOT NOW BE OBLIGED TO REVEAL ITS DEFENCE AT THE PREPARATORY HEARING.

THE GOVERNMENT HAD ALSO AGREED TO THE AD HOC GROUP'S SUGGESTION THAT NO CHANGE TO THE PROSECUTION STATEMENT SHOULD BE ALLOWED EXCEPT WHERE THE JUDGE WAS SATISFIED THAT THE CHANGE HAD BEEN BROUGHT ABOUT BY UNFORESEEN CIRCUMSTANCES BEYOND THE CONTROL OF THE PROSECUTION.

THE AMENDMENT WAS MADE IN THE INTERESTS OF JUSTICE, HE SAID.

MR WONG ADDED THAT A MAJOR HURDLE IN DELIBERATION ON THE BILL WAS CLAUSE 16 (3) WHICH SOUGHT TO PREVENT THE DEFENCE FROM INTRODUCING EVIDENCE, AFTER THE JURY HAD BEEN EMPANELLED, WHICH WAS INCONSISTENT WITH THE DEFENCE RESPONSE, EXCEPT WITH THE LEAVE OF THE JUDGE.

THE BAR ASSOCIATION AND THE LAW SOCIETY HAD ARGUED STRONGLY THAT THE CLAUSE WAS UNFAIR. THE GOVERNMENT HAD SUBSEQUENTLY AGREED TO DELETE THE CLAUSE.

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REFORM ACHIEVED WITHOUT SACRIFICING PRINCIPLE

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THE COMPLEX COMMERCIAL CRIMES BILL 1988 ACHIEVES THE OBJECT OF REFORM WITHOUT SACRIFICE OF PRINCIPLE AND CAN BE SUPPORTED, THE HON JOHN SWAINE SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR SWAINE SAID THE DIFFICULTY IN INTRODUCING THE BILL HAD BEEN TO ENSURE THAT THE MUCH NEEDED REFORM IN FRAUD TRIALS WAS NOT INTRODUCED AT THE EXPENSE OF FUNDAMENTAL PRINCIPLE RELATING TO THE BURDEN ON THE PROSECUTION TO PROVE THE GUILT OF THE ACCUSED AND TO THE RIGHT OF THE ACCUSED TO SILENCE.

SPEAKING DURING THE RESUMED DEBATE ON THE BILL, HE NOTED THAT IT HAD BEEN NECESSARY TO ENSURE THAT ONLY SUCH CRIMES AS MIGHT PROPERLY BE DESCRIBED AS COMPLEX COMMERCIAL CRIMES WERE SUBJECT TO THE NEW PROCEDURES, AND THIS WAS ACHIEVED BY THE DEFINITION CLAUSE 3(B) (II) WHICH MADE CLEAR THAT THE FRAUD OR DISHONESTY WAS IN A COMMERCIAL CONTEXT AND THAT IT MUST BE BOTH SERIOUS AND COMPLEX.

MUCH OF THE IMPROVED PROCEDURE WOULD LIE IN THE PREPARATORY HEARING, BEFORE THE JURY WAS EMPANELLED.

"UNDER CLAUSE 9, IT IS FOR THE JUDGE TO DECIDE WHETHER SUCH A PREPARATORY HEARING SHOULD TAKE PLACE, AND HE MAY ACT ON THE APPLICATION EITHER OF THE PROSECUTOR OR OF THE PERSON INDICTED OR OF HIS OWN MOTION," MR SWAINE SAID.

"AMONG HIS POWERS UNDER CLAUSE 13, THE JUDGE MAY ORDER THE PROSECUTOR TO SERVE ON THE ACCUSED AND DELIVER TO THE COURT A STATEMENT CONTAINING A CONCISE ACCOUNT OF THE FACTS AND THE INFERENCES SOUGHT TO BE DRAWN FROM THOSE FACTS ON WHICH THE PROSECUTION CASE WAS BASED, AND ALSO A STATEMENT OF ANY PROPOSITION OF LAW SPECIFICALLY APPLICABLE TO THE PROSECUTION CASE ON WHICH THE PROSECUTOR PROPOSED TO RELY."

IT WOULD BE SEEN THAT THE PROSECUTION MIGHT BE ORDERED AT THIS EARLY STAGE TO DISCLOSE ITS CASE, AS PART OF THE REFORM TO ENSURE THAT THE TRUE ISSUES IN THE CASE WERE IDENTIFIED BEFORE THE JURY WAS EMPANELLED, MR SWAINE ADDED.

THE COMPLEMENTARY REFORM RELATING TO THE DEFENCE CASE WAS CONTAINED IN CLAUSE 16, BY WHICH THE JUDGE MIGHT ORDER THE ACCUSED TO SERVE ON THE PROSECUTOR AND DELIVER TO THE COURT A WRITTEN STATEMENT INDICATING THE FACTS AND INFERENCES ON WHICH HE TOOK ISSUE WITH THE PROSECUTION, AS WELL AS A WRITTEN STATEMENT OF ALL PROPOSITIONS OF LAW IN REPLY TO ANY PROPOSITIONS OF LAW STATED BY THE PROSECUTOR.

/"IT WILL

"IT WILL BE SEEN THAT THE DEFENCE RESPONSE IS TO BE PURELY DEFENSIVE AND RESPONSIVE," HE SAID. "THE ACCUSED IS NOT OBLIGED UNDER THIS PROPOSED REFORM TO REVEAL HIS POSITIVE CASE, AND IN THAT VERY REAL WAY, HIS RIGHT TO SILENCE IS PRESERVED."

MR SWAINE NOTED THAT THIS TONED-DOWN VERSION OF THE DEFENCE CASE REPRESENTED A WORKABLE COMPROMISE OF WHAT THE DEFENCE SHOULD BE OBLIGED TO DISCLOSE AT THE PREPARATORY HEARING. IT DID NOT GO AS FAR AS THE SELECT COMMITTEE RECOMMENDED.

HE WENT ON TO SAY THAT THE SELECT COMMITTEE'S RECOMMENDATION FOR DEFENCE DISCLOSURE WAS HEAVILY QUALIFIED AND REFLECTED THE REAL DILEMMA FACING IT OF PROPOSING REFORMS TO THE LAW WITHOUT UNDUE SACRIFICE OF PRINCIPLE.

THAT DILEMMA HAD, HOWEVER, BEEN RESOLVED BY THE CONCEPT OF THE DEFENCE RESPONSE, HE SAID. BY THIS MEANS THE PROSECUTION WAS ABLE TO TELL WHICH PART OF ITS CASE WAS IN ISSUE AND WHICH PART WAS NOT.

"IT IS THUS ENABLED TO CONCENTRATE ON THE REAL ISSUES WHICH IT MUST PROVE ACCORDING TO THE NORMAL STANDARDS IN CRIMINAL CASES," HE SAID.

AS TO THOSE PARTS OF ITS CASE WHICH WERE NOT IN ISSUE, THE PROSECUTION WAS ABLE BY MEANS OF THE NEW PROCEDURES TO CALL ON THE DEFENCE TO MAKE FORMAL ADMISSIONS AS TO FACTS AND DOCUMENTS, MR SWAINE SAID.

THE JUDGE WAS TO HAVE POWER TO REQUIRE THE DEFENCE TO MAKE THESE ADMISSIONS OR TO STATE THE REASONS FOR ITS REFUSAL.

"UNDER SUB-CLAUSE (3) IT IS SUFFICIENT, IF THE DOCUMENT, FACT OR MATTER TO WHICH HIS REFUSAL RELATES IS CENTRAL TO A FACT ON WHICH THE ACCUSED TAKES ISSUE WITH THE PROSECUTION AS INDICATED IN THE DEFENCE RESPONSE, TO GIVE THIS AS A REASON," HE ADDED.

"IT WILL THEREFORE BE SEEN THAT THE DEFENCE RESPONSE IS THE KEY TO THE IMPROVED PROCEDURES.

"THE DEFENCE IS NOT OBLIGED TO BE CO-OPERATIVE WITH THE PROSECUTION IN NARROWING THE ISSUES BY SERVING A MEANINGFUL RESPONSE TO THE PROSECUTION CASE STATEMENT.

"IT MAY HAVE GENUINE REASONS FOR ADOPTING A CAUTIOUS LINE IN ITS RESPONSE."

THE ACCUSED DID, HOWEVER, TAKE THE RISK OF BEING PENALISED IN COSTS IF THE JUDGE CONSIDERED THAT SUCH COSTS HAD BEEN INCURRED AS A RESULT OF AN UNNECESSARY OR IMPROPER ACT OR OMISSION BY OR ON HIS BEHALF.

/MR SWAINE

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MR SWAINE SAID ONE FURTHER REFORM INTRODUCED BY THE BILL RELATED TO THE DISPOSITION AT THE PREPARATORY STAGE OF OBJECTIONS TO EVIDENCE.

UNDER CLAUSE 13(1), THE JUDGE MIGHT ORDER THE PROSECUTOR TO SERVE ON THE ACCUSED AND DELIVER TO THE COURT COPIES OF THE STATEMENTS OF THE WITNESSES WHOM THE PROSECUTOR INTENDED TO CALL AT THE TRIAL AFTER THE JURY HAD BEEN EMPANELLED.

THE JUDGE MIGHT ALSO ORDER THE ACCUSED TO STATE ANY OBJECTION HE HAD TO SUCH EVIDENCE, AND THE GROUND OF HIS OBJECTION.

MR SWAINE EXPLAINED THAT THE OBJECT OF THIS REFORM WAS TO MINIMISE DELAYS OCCASIONED DURING THE TRIAL AFTER THE JURY HAD BEEN EMPANELLED BY THE LATE TAKING OF OBJECTIONS TO EVIDENCE.

"WHERE THE DEFENCE DOES NOT OBJECT IN ADVANCE TO SUCH EVIDENCE, ITS ADMISSIBILITY AT THE TRIAL SHALL NOT BE OBJECTED TO UNLESS THE JUDGE IS SATISFIED THAT THE OBJECTION COULD NOT REASONABLY HAVE BEEN MADE DURING THE PREPARATORY HEARING," HE ADDED.

NOTING THAT IT HAD BEEN CONSIDERED TOO DRASTIC TO SHUT OUT A LATE OBJECTION TO EVIDENCE, WHICH MIGHT OTHERWISE BE MERITORIOUS, MR SWAINE SAID THAT A PROVISION WOULD BE INTRODUCED AUTHORIZING THE JUDGE SPECIFICALLY TO ORDER THE ACCUSED TO PAY TO THE PROSECUTOR THE ADDITIONAL COSTS THUS INCURRED.

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CARDINAL PRINCIPLES OF CRIMINAL JUSTICE MUST BE UPHELD

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THE CARDINAL PRINCIPLES OF CRIMINAL JUSTICE MUST NOT BE WHITTLED DOWN IN ANY CIRCUMSTANCES WHATSOEVER IF THE PEOPLE OF HONG KONG WISH TO PRESERVE THE RULE OF LAW AND THE INDEPENDENCE OF THE JUDICIARY AFTER 1997, THE HON MARTIN LEE SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR LEE WAS SPEAKING IN SUPPORT OF THE COMPLEX COMMERCIAL CRIMES BILL 1988.

HE SAID IT WAS NECESSARY FOR PEOPLE TO REMIND THEMSELVES THAT ON TWO OCCASIONS TWO VERY BASIC PRINCIPLES OF HONG KONG'S SYSTEM OF CRIMINAL JUSTICE HAD BEEN UNDER THREAT.

FIRST, THE TRIAL OF COMMERCIAL CRIMES BILL 1985 PROPOSED THE ABOLITION OF JURY TRIAL FOR COMPLEX COMMERCIAL CRIMES BY SUBSTITUTING THE JURY BY TWO COMMERCIAL ADJUDICATORS SITTING WITH A JUDGE.

/"AND SO

"AND SO THE JURY SYSTEM WHICH IS THE CORNERSTONE OF OUR CRIMINAL JUSTICE IN HONG KONG WAS BEING ROCKED TO ITS VERY FOUNDATION," HE REMARKED.

THEN THE WHITE BILL ON THE DRAFT COMPLEX COMMERCIAL CRIMES BILL 1987 REQUIRED AN ACCUSED INDICTED FOR A COMPLEX COMMERCIAL CRIME TO DELIVER TO THE COURT A WRITTEN OUTLINE OF THE DEFENCE CASE.

"SUCH A REQUIREMENT WOULD HAVE FORCED THE ACCUSED TO TELL THE PROSECUTOR HIS CASE EVEN BEFORE THE TRIAL COMMENCED, AND IT THEREFORE THREATENED ANOTHER CARDINAL PRINCIPLE OF CRIMINAL JUSTICE, NAMELY, THAT A PERSON IS PRESUMED INNOCENT UNTIL THE CONTRARY IS PROVED, WITH A COROLLARY THAT AN ACCUSED HAS THE RIGHT TO REMAIN SILENT THROUGHOUT," HE SAID.

MR LEE SAID THAT, NOT UNNATURALLY, BOTH THE BAR COMMITTEE AND THE COUNCIL OF THE LAW SOCIETY MADE STRONG OBJECTIONS ON BOTH OCCASIONS.

HE ADDED THAT IT WAS TO THE CREDIT OF LEGISLATIVE COUNCILLORS AND TO THE RESPECTIVE ATTORNEYS GENERAL THAT BOTH THREATS WERE NOW REMOVED.

"IF, AS WAS ARGUED AT ONE STAGE, JURY TRIALS ARE PROTRACTED AND COSTLY, THEN WE MUST APPRECIATE THAT ONCE WE SACRIFICE THE QUALITY OF JUSTICE FOR SPEED AND THE SAVING OF COST, THEN EVERY CITIZEN WOULD SUFFER BECAUSE A SERIOUS INROAD WOULD BE MADE INTO OUR RIGHT TO TRIAL BY OUR PEERS," HE SAID.

LIKEWISE, IF, AS HAD BEEN ARGUED RECENTLY, IT WOULD SHORTEN THE TRIAL IF THE PROSECUTOR WERE TO BE INFORMED BEFORE COMMENCEMENT OF THE ACCUSED PERSON'S DEFENCE, THEREBY SAVING TIME AND MONEY, AGAIN IT WOULD BE A SERIOUS INROAD INTO THE PRESUMPTION OF INNOCENCE.

"IN THE CONTEXT OF 1997, NOTHING CAN BE MORE IMPORTANT THAN THE PRESERVATION OF THESE CARDINAL PRINCIPLES," MR LEE ADDED.

PROVISIONS IN BILL WELCOMED

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THE COMPLEX COMMERCIAL CRIMES BILL 1988 SHOULD SERVE TO SHORTEN THE DURATION OF FRAUD TRIALS AND TO REDUCE THE COST WHILE PRESERVING THE COMMON LAW SPIRIT OF THE JUDICIAL SYSTEM, THE HON NGAI SHIU-KIT SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL, MR NGAI SAID THAT WITH HONG KONG'S GROWTH AS AN INTERNATIONAL COMMERCIAL AND FINANCIAL CENTRE AND INCREASING SOPHISTICATION IN BUSINESS TRANSACTIONS, EXISTING ITEMS OF LEGISLATION WERE HARDLY ADEQUATE TO DEAL WITH COMMERCIAL CRIME CASES OF AN UNUSUALLY COMPLEX NATURE.

HE SAID PUBLIC CONCERN ON THE ISSUE HAD GIVEN RISE TO A SERIES OF DEVELOPMENTS.

THESE INCLUDED PUBLICATION OF THE TRIAL OF COMMERCIAL CRIMES BILL 1985, APPOINTMENT OF THE SELECT COMMITTEE ON THE PROBLEMS INVOLVED IN THE PROSECUTION AND TRIAL OF COMPLEX COMMERCIAL CRIMES IN THE SAME YEAR, PUBLICATION OF THE SELECT COMMITTEE'S REPORT IN 1986, PUBLICATION OF THE COMPLEX COMMERCIAL CRIMES BILL 1987, AND NOW THE PRESENT BILL.

AS A MEMBER OF THE LEGCO AD HOC GROUP ON THE 1987 WHITE BILL AND SUBSEQUENTLY ON THE 1988 BILL, MR NGAI SAID HE WAS GLAD THAT THE AD HOC GROUP'S MAJOR RECOMMENDATIONS REGARDING THE 1987 BILL HAD ALL BEEN INCORPORATED IN THE PRESENT BILL.

"I THINK IT IS OF OVER-RIDING SIGNIFICANCE THAT THE DEFINITION OF 'COMPLEX COMMERCIAL CRIMES' SHOULD BE MADE IN RELATION TO WHETHER FRAUD OR DISHONESTY IN THE COMMERCIAL CONTEXT IS INVOLVED RATHER THAN BY REFERENCE TO A SCHEDULE OF OFFENCES AS ORIGINALLY APPEARED IN THE 1987 BILL.

"I ALSO CONSIDER IT OF MAJOR IMPORTANCE THAT COMPLEX COMMERCIAL CRIMES BE CONFINED TO CASES OF BOTH FRAUD AND DISHONESTY IN THE COMMERCIAL CONTEXT AND NOT OTHERWISE," HE SAID.

ACCORDING TO MR NGAI, ANOTHER IMPORTANT IMPROVEMENT OF THE PRESENT BILL ON THE 1987 WHITE BILL WAS TO GIVE THE JUDGE THE DISCRETION TO DECIDE WHETHER IT WAS NECESSARY TO HAVE A PREPARATORY HEARING BEFORE THE JURY WAS EMPANELLED.

"THIS PROVISION IS IMPORTANT BECAUSE IT ALLOWS ALL REASONABLY FORESEEABLE POINTS OF LEGAL ARGUMENT TO BE DEALT WITH BEFORE THE JURY IS EMPANELLED, AND IT IS RECOGNISED THAT JUDICIAL DISCRETION SHOULD BE EXERCISED IN THE ORDERING OF SPECIAL PROCEDURES FOR THE TRIAL OF COMPLEX COMMERCIAL CRIME CASES," HE SAID.

THE THIRD IMPORTANT IMPROVEMENT CONCERNED THE EXTENT OF THE DEFENCE'S OBLIGATION TO DISCLOSE ITS CASE, MR NGAI SAID.

HE SAID THE ORIGINAL PROPOSAL IN THE 1987 WHITE BILL MET WITH STRONG OPPOSITION BECAUSE IT WOULD SEEK TO DEPRIVE DEFENDANTS OF THEIR RIGHT TO SILENCE, AND HENCE PUTTING THEM IN A VERY DISADVANTAGEOUS POSITION.

MR NGAI SAID HE WAS THEREFORE PLEASED THAT THE SCOPE OF THE DISCLOSURE HAD BEEN NARROWED TO ONLY A WRITTEN STATEMENT GIVING THE FACTS ON WHICH THE DEFENCE TOOK ISSUE WITH THE PROSECUTION.

HOWEVER, HE CONSIDERED THAT CLAUSE 16(1)(B) OF THE BILL WHICH REQUIRED THAT "A WRITTEN STATEMENT OF ALL REASONABLY FORESEEABLE PROPOSITIONS OF LAW ON WHICH THE DEFENCE MAY WISH TO RELY" BE DELIVERED TO THE COURT, WAS A HEAVY AND UNFAIR BURDEN ON THE DEFENCE.

"SUBJECT TO MR MARTIN LEE'S COMMITTEE STAGE AMENDMENT ON THIS CLAUSE, I WOULD CONSIDER IT MORE ACCEPTABLE TO REQUIRE ONLY A WRITTEN STATEMENT IN RESPONSE TO THE PROSECUTION'S PROPOSITIONS OF LAW," MR NGAI SAID.

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SOCIETIES BILL 'A SENSIBLE, TIDYING-UP MEASURE'

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THE SOCIETIES (AMENDMENT) (NO. 3) BILL 1988 IS DESIGNED AS "A SENSIBLE, TIDYING-UP MEASURE", THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, MR MATHEWS SAID THE SOCIETIES ORDINANCE WAS INTENDED TO PROHIBIT TRIAD SOCIETIES AND OTHER GROUPS WHICH THREATENED THE PEACE, WELFARE OR GOOD ORDER OF HONG KONG.

HE EXPLAINED THAT AT PRESENT, BY ITEM (6) OF THE SCHEDULE TO THE ORDINANCE, PARTNERSHIPS CONSISTING OF NOT MORE THAN 20 PERSONS FORMED FOR THE SOLE PURPOSE OF CARRYING ON ANY LAWFUL BUSINESS AND REGISTERED UNDER ANY OTHER ORDINANCE WERE EXEMPTED FROM REGISTRATION.

THIS EXCLUSION WAS PROVIDED AND LIMITED TO PARTNERSHIPS OF NOT MORE THAN 20 MEMBERS BECAUSE, PRIOR TO 1978, THE COMPANIES ORDINANCE PROHIBITED PARTNERSHIPS OF MORE THAN 20 MEMBERS.

IN 1978, THE COMPANIES ORDINANCE WAS AMENDED TO PERMIT PARTNERSHIPS OF MORE THAN 20 SOLICITORS, ACCOUNTANTS OR STOCKBROKERS. BUT, BY AN APPARENT OVERSIGHT, NO CORRESPONDING AMENDMENT WAS MADE TO ITEM (6).

/SUBSEQUENTLY, MANY

SUBSEQUENTLY, MANY PROFESSIONAL FIRMS EXPANDED BEYOND THE 20 PARTNER LIMIT. BY FAILING TO REGISTER THEY HAD BECOME "UNLAWFUL SOCIETIES" RENDERING THEIR PARTNERS, EMPLOYEES, LANDLORDS AND OTHERS HAVING DEALINGS WITH THEM LIABLE TO CRIMINAL PROSECUTION.

EQUALLY, AS THE COURTS WOULD NOT ENFORCE ILLEGAL CONTRACTS, SUCH PERSONS MIGHT BE UNABLE TO SUE FOR THEIR FEES, WAGES, RENT, AND OTHER DEBTS, MR MATHEWS SAID.

"CLEARLY THE SOCIETIES ORDINANCE WAS NEVER INTENDED TO APPLY TO LEGITIMATE BUSINESS ENTERPRISES AND IT IS UNJUST THAT THROUGH ITS OPERATION PERSONS ENGAGED IN BUSINESS ASSOCIATIONS MAY HAVE BEEN RENDERED LIABLE TO CRIMINAL PROSECUTION AND UNABLE TO USE THE LAW TO ENFORCE THEIR CIVIL CLAIMS," HE SAID.

CLAUSE 2 OF THE BILL AMENDED THE SCHEDULE SO THAT ANY PARTNERSHIP, IRRESPECTIVE OF THE NUMBER OF MEMBERS, WOULD BE EXCLUDED FROM THE REQUIREMENT TO REGISTER AS A SOCIETY PROVIDED THAT IT WAS SOLELY ENGAGED IN A LAWFUL BUSINESS AND WAS REGISTERED UNDER ANY OTHER ORDINANCE (SUCH AS THE BUSINESS REGISTRATION ORDINANCE).

BY CLAUSE 1(2) THE AMENDMENT WOULD BE RETROSPECTIVE TO THE DATE WHEN THE NEW SECTION 345(2) OF THE COMPANIES ORDINANCE CAME INTO EFFECT IN 1978.

BY CLAUSE 1(3) CURRENT LEGAL PROCEEDINGS WOULD BE EXCLUDED FROM THE RETROSPECTIVE OPERATION OF THE AMENDMENT.

MR MATHEWS SAID: "IT IS CONSIDERED THAT CLAUSE 2 MUST BE GIVEN RETROSPECTIVE EFFECT IN ORDER TO ENSURE THAT THOSE WHO HAVE ALREADY ENTERED INTO OTHERWISE LEGITIMATE TRANSACTIONS WITH LARGE LEGAL, ACCOUNTING AND STOCKBROKING FIRMS ARE NOT PRECLUDED FROM ENFORCING THEIR RIGHTS OR ARE PERMITTED TO EVADE THEIR OBLIGATIONS ARISING FROM SUCH TRANSACTIONS.

"THERE IS ALSO A SIGNIFICANT RISK THAT WHERE THE LARGE FIRMS HAVE ACTED AS AGENTS IN LEGAL PROCEEDINGS OR IN COMMERCIAL, FINANCIAL OR SHARE TRANSACTIONS THE PARTIES FOR WHOM THEY ACTED AND PERSONS WITH WHOM THEY DEALT MAY BE UNABLE TO ENFORCE THEIR INTERESTS UNLESS THE CLAUSE OPERATES RETROSPECTIVELY."

HE ADDED THAT HE COMMENDED THE BILL TO THE COUNCIL AS A SENSIBLE, TIDYING-UP MEASURE DESIGNED TO REMEDY AN OVERSIGHT.

DEBATE ON THE BILL WAS ADJOURNED.

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RENUNCIATION SCHEME OPEN TO ALL

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THE TRIAD RENUNCIATION SCHEME WILL BE OPEN TO ALL PEOPLE WISHING TO SEVER THEIR TRIAD LINKS, THE SECRETARY FOR SECURITY, THE HON GEOFFREY BARNES, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

WINDING UP DEBATE ON THE SOCIETIES (AMENDMENT) (NO.2) BILL, MR BARNES SAID THE OPERATION OF THE SCHEME WOULD BE MONITORED BY THE FIGHT CRIME COMMITTEE AND WOULD BE REVIEWED AFTER ITS FIRST SIX MONTHS OF OPERATION.

HE DESCRIBED THE BILL AS AN IMAGINATIVE AND POTENTIALLY EFFECTIVE INITIATIVE, DEVELOPED BY THE FIGHT CRIME COMMITTEE AS ONE MORE MEASURE IN THE FIGHT AGAINST TRIADS AND TRIAD INFLUENCE.

MR BARNES ALSO THANKED DR THE HON HO KAM-FAI AND THE HON ROSANNA TAM FOR SPEAKING IN SUPPORT OF THE BILL AND FOR CALLING UPON TRIAD MEMBERS, PARTICULARLY YOUNG TRIAD MEMBERS, TO TAKE THE OPPORTUNITY TO TURN OVER A NEW LEAF.

"ONCE THE BILL IS PASSED WE SHALL ARRANGE FOR AN EXTENSIVE PUBLICITY CAMPAIGN PROVIDING INFORMATION ABOUT APPLICATION AND RENUNCIATION PROCEDURES AND ENCOURAGING PEOPLE, PARTICULARLY YOUNG PEOPLE, TO TURN THEIR BACKS ON TRIAD SOCIETIES AND RENOUNCE TRIAD MEMBERSHIP," HE SAID.

HE SAID THE CAMPAIGN WOULD BE CO-ORDINATED AND MONITORED BY THE PUBLICITY SUB-COMMITTEE OF THE FIGHT CRIME COMMITTEE.

CONCERNING RENUNCIATION PROCEDURES, MR BARNES SAID THAT STRICT CONFIDENTIALITY WOULD BE MAINTAINED BY BOTH THE STAFF AND THE MEMBERS OF THE TRIBUNAL.

"NAMES OF INDIVIDUAL APPLICANTS AND RENOUNCERS WILL BE KNOWN ONLY TO THE TRIBUNAL, AND TO ITS SMALL SECRETARIAT," HE SAID.

"THE SECRECY PROVISIONS IN SECTIONS 26K AND 26L WILL BE STRICTLY ENFORCED.

"THE TRIBUNAL WILL BE INDEPENDENT OF THE POLICE ALTHOUGH IT WILL BE ESSENTIAL FOR ONE POLICE OFFICER WITH EXPERIENCE IN TRIAD MATTERS TO BE AVAILABLE AS PART OF THE SECRETARIAT TO PROVIDE ADVICE, WHERE NECESSARY, TO THE TRIBUNAL."

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TRIAD RENUNCIATION SCHEME SUPPORTED

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THE TRIAD MEMBERSHIP RENUNCIATION SCHEME IS DESIGNED TO DISINTEGRATE TRIAD SOCIETIES BY REDUCING THE NUMBER OF THEIR MEMBERS AND TO ENABLE REFORMED TRIAD MEMBERS TO TURN OVER A NEW LEAF AND BECOME LAW-ABIDING AND SOCIALLY PRODUCTIVE CITIZENS.

DR THE HON HO KAM-FAI SAID THIS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) WHEN SPEAKING IN THE RESUMED DEBATE ON THE SOCIETIES (AMENDMENT) (NO.2) BILL 1988.

SUPPORTING THE BILL, DR HO SAID TO MAKE THE SCHEME A SUCCESS IT WAS IMPERATIVE THAT THE ADMINISTRATION MOUNTED A SERIES OF TERRITORY-WIDE PUBLICITY CAMPAIGNS THROUGH VARIOUS MEDIUMS.

IN PARTICULAR, THOSE PEOPLE WHO WISHED TO RENOUNCE THEIR TRIAD MEMBERSHIP MUST BE MADE AWARE OF THE SCHEME AND BE CONVINCED OF THE ADMINISTRATION'S GENUINE INTENTION TO HELP THEM RATHER THAN TO PROSECUTE THEM, HE SAID.

HE ADDED THAT SOCIAL WORKERS, TEACHERS, DISCIPLINARY MASTERS, SCHOOL COUNSELLORS, POLICE COMMUNITY RELATIONS OFFICERS AND JUNIOR POLICE CALL MEMBERS MUST ALSO BE THOROUGHLY BRIEFED ON THE PURPOSES OF THE RENUNCIATION SCHEME.

FURTHERMORE, DR HO SAID, THE CONFIDENCE OF THE WOULD-BE RENOUNCERS MUST BE GAINED. THIS COULD BE ACHIEVED BY THE CONFIDENTIALITY OF THE SCHEME, ITS ABSOLUTE INDEPENDENCE OF THE POLICE, AND STRICT ADHERENCE BY STAFF MEMBERS TO THE SECRECY PROVISIONS INVOLVED IN HANDLING RENUNCIATION APPLICATIONS AND THE PROCEEDINGS.

HE SAID PRIVACY MUST BE PROVIDED TO APPLICANTS AND RENUNCIATION APPLICATIONS MUST BE PROCESSED IN CONFIDENCE SO THAT THE RENOUNCERS WOULD FEEL THAT THEIR PERSONAL SAFETY AND THE SECURITY OF THEIR EMPLOYMENT AND CAREER WERE PROPERLY PROTECTED.

"THE DECISION THAT THE SCHEME IS OPEN TO ALL MEMBERS OF THE COMMUNITY, INCLUDING GOVERNMENT STAFF, WILL ADD CREDIBILITY AND EFFECTIVENESS TO THE SCHEME, BECAUSE FAIR AND EQUAL TREATMENT IS SEEN TO BE GIVEN TO THE RENOUNCERS REGARDLESS OF THEIR SOCIAL STATUS," HE SAID.

FINALLY, HE STRESSED THAT THE COMMITMENT BY THE ADMINISTRATION TO REVIEW THE SCHEME AFTER SIX MONTHS WAS NECESSARY IN ORDER TO ENSURE ITS SMOOTH AND EFFICIENT OPERATION.

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HELP YOUNG TRIAD MEMBERS CHANGE, COUNCILLOR URGES

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THE HON ROSANNA TAM TODAY (WEDNESDAY) CALLED ON TEACHERS, SCHOOL SOCIAL WORKERS, OUTREACHING SOCIAL WORKERS, MASTERS OF DISCIPLINE IN SCHOOLS AND PARENTS TO ENCOURAGE YOUNGSTERS IN NEED TO HELP TO RENOUNCE TRIAD MEMBERSHIP.

MRS TAM MADE THE APPEAL WHEN SPEAKING IN THE LEGISLATIVE COUNCIL IN SUPPORT OF THE SOCIETIES (AMENDMENT) (NO. 2) BILL WHICH PROVIDED TRIAD MEMBERS THE OPPORTUNITY TO RENOUNCE THEIR MEMBERSHIP.

SHE SAID THE BILL REPRESENTED A MAJOR BREAKTHROUGH IN REMOVING THE TRADITIONAL CONCEPT OF "ONCE A TRIAD, ALWAYS A TRIAD" WHICH ATTACHED LIFE-LONG STIGMAS TO TRIAD MEMBERS.

UNDER THE EXISTING LEGISLATION, IT WAS A CRIMINAL OFFENCE FOR ANYONE TO BECOME A TRIAD MEMBER. AS A RESULT ONCE ADMITTED AS A MEMBER OF A TRIAD SOCIETY, A PERSON WAS DESTINED TO LIVE IN FEAR OF BEING PROSECUTED THROUGHOUT HIS LIFE.

"EVEN THOUGH HE INTENDS TO TURN OVER A NEW LEAF, HE CAN DO NOTHING TO CHANGE HIS STATUS," SHE SAID.

TO MAKE THE PROPOSALS IN THE BILL EFFECTIVE, MRS TAM SAID IT WAS MOST IMPORTANT THAT THOSE WHO INTENDED TO TURN OVER A NEW LEAF SHOULD COME FORWARD AND MAKE AN APPLICATION TO THE TRIAD RENUNCIATION TRIBUNAL.

"WE ARE PARTICULARLY CONCERNED THAT A LARGE NUMBER OF YOUNG PEOPLE HAVE GOT THEMSELVES INVOLVED UNKNOWINGLY BEFORE THEY HAVE A FULL KNOWLEDGE OF THE IMPLICATIONS OF JOINING TRIAD SOCIETIES.

"IF THESE YOUNG PEOPLE REALISE THE EVILS OF THESE SOCIETIES NOW AND FEEL REGRET TODAY, THEY SHOULD PAY ATTENTION TO THE ESTABLISHMENT OF THE TRIAD RENUNCIATION TRIBUNAL AND SEIZE THIS CHANCE OF REHABILITATION," SHE SAID.

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EMPLOYERS MUST PUT REQUEST IN WRITING

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AN AMENDMENT TO THE EMPLOYEES' COMPENSATION (AMENDMENT) BILL 1988 GIVES EFFECT TO A LEGCO AD HOC GROUP'S RECOMMENDATION THAT EMPLOYERS SHOULD BE REQUIRED TO MAKE A WRITTEN REQUEST TO EMPLOYEES WHEN SOLICITING INFORMATION ABOUT CONCURRENT EMPLOYMENTS HELD BY THE EMPLOYEES, THE HON PANG CHUN-HOI SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING A COMMITTEE STAGE AMENDMENT TO CLAUSE 2 OF THE BILL, MR PANG SAID THAT THE PURPOSE OF THE AMENDMENT WAS TO AVOID UNNECESSARY ARGUMENTS IN FUTURE ON WHETHER THE EMPLOYERS HAD ACTUALLY REQUESTED THE INFORMATION.

HE SAID THAT UNDER THE EXISTING WORDING OF THE CLAUSE, EMPLOYERS WOULD BE ABLE TO CONVEY THE REQUESTS ORALLY AND IT WAS FEARED THAT THIS MIGHT LEAD TO MISUNDERSTANDING AND ARGUMENTS.

"TO MAKE IT FAIR, EMPLOYEES WILL ALSO BE REQUIRED TO PROVIDE THE REQUIRED INFORMATION IN WRITING UNDER THE LAW," MR PANG ADDED.

IN REPLY, THE ACTING SECRETARY FOR EDUCATION AND MANPOWER, THE HON DOMINIC WONG, SAID HE SUPPORTED THE AMENDMENTS.

"THE AMENDMENTS MOVED BY MR PANG SERVE TO CLARIFY THE PROCEDURE AND PUT MATTERS BEYOND DOUBT FOR BOTH PARTIES," HE SAID.

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OBJECTIVES OF SUPPLEMENTARY MEDICAL PROVISIONS BILL EXPLAINED

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THE MAJOR AMENDMENTS PROPOSED IN THE SUPPLEMENTARY MEDICAL PROFESSIONS (AMENDMENT) BILL 1988 ARE MAINLY ENABLING PROVISIONS, THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON ADOLF HSU, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, MR HSU EXPLAINED THAT FOLLOWING THE ENACTMENT OF THE SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE IN 1980, WORK BEGAN ON THE DRAFTING OF THE SUBSIDIARY LEGISLATION AND THE FORMATION OF THE FIVE PARA-MEDICAL PROFESSIONS BOARDS.

THESE WOULD BE RESPONSIBLE FOR SETTING STANDARDS OF PROFESSIONAL PRACTICE AND CONDUCT AMONG MEMBERS OF THEIR RELEVANT PROFESSION, AND HAD NOW BEEN FORMED.

/THE DRAFTING

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THE DRAFTING PROCESS WAS, HOWEVER, DELAYED INITIALLY BECAUSE OF THE NEED TO AMEND THE PRINCIPAL ORDINANCE TO ENABLE CERTAIN PROVISIONS AND PROPOSALS RECOMMENDED BY THE BOARDS TO BE INCLUDED IN THE REGULATIONS.

SUBSEQUENTLY, THE SUPPLEMENTARY MEDICAL PROFESSIONS, MIDWIVES REGISTRATION AND NURSES REGISTRATION (AMENDMENT) ORDINANCE WAS PASSED IN 1985 TO GIVE EFFECT TO THESE CHANGES, AND DRAFTING OF THE VARIOUS REGULATIONS THEN RESUMED.

MR HSU SAID THE REGULATIONS FOR OCCUPATIONAL THERAPISTS AND MEDICAL LABORATORY TECHNOLOGISTS HAD NOW BEEN COMPLETED.

"THOSE FOR THE REMAINING THREE PROFESSIONS ARE IN THEIR FINAL STAGE OF DRAFTING.

"IN THE COURSE OF DRAFTING THESE REGULATIONS IT HAS BECOME EVIDENT THAT FURTHER AMENDMENTS TO THE ORDINANCE WERE NECESSARY IN ORDER TO IMPLEMENT THE PROPOSALS FOR THE DISCIPLINE AND CONTROL OF THE PROFESSIONS. THE BILL BEFORE MEMBERS SEEKS TO MAKE THOSE AMENDMENTS," HE SAID.

MR HSU SAID CLAUSE 6 INTRODUCED A NEW SECTION 15A TO PROVIDE THE PROFESSIONAL BOARDS WITH THE POWER TO HOLD EXAMINATIONS TO ASSESS THE PROFESSIONAL COMPETENCY OF PERSONS APPLYING FOR CERTIFICATES OR REGISTRATIONS UNDER THE RELEVANT PROVISIONS OF THE PRINCIPAL ORDINANCE.

THE NEW SECTION 15B PROVIDED THAT A PERSON MIGHT APPEAL TO THE COUNCIL AGAINST ANY DECISION OF A BOARD OTHER THAN A DECISION IN RELATION TO REGISTRATION, DISCIPLINE, PROVISIONAL REGISTRATION AND EXAMINATION.

CLAUSE 8 DEALT WITH CODES OF PRACTICE FOR THE PROFESSIONS.

IT EMPOWERED THE BOARDS TO PROVIDE FOR GUIDELINES REGULATING THE ACTIVITIES OF PERSONS SUPERVISING REGISTERED PERSONS AND ACTIVITIES OF THOSE WHO WERE BEING SUPERVISED, IN THE CODES OF PRACTICE PREPARED BY THE BOARDS.

IT ALSO REQUIRED THE PROFESSIONAL BOARDS TO NOTIFY THE SUPPLEMENTARY MEDICAL PROFESSIONS COUNCIL ON THE CODES OF PRACTICE DRAWN UP OR ANY SUBSEQUENT REVISION MADE TO THEM.

MR HSU SAID CLAUSE 9 ENABLED REGULATIONS TO BE MADE, CREATING CATEGORIES OF REGISTERED PERSONS ACCORDING TO THEIR QUALIFICATIONS, TRAINING AND EXPERIENCE, PRESCRIBING THE QUALIFICATIONS AND EXPERIENCE NECESSARY FOR PRACTISING A PROFESSION WITHOUT SUPERVISION, SPECIFYING WHO WOULD BE ENTITLED TO PRACTISE WITHOUT SUPERVISION, AND RESTRICTING THOSE WITHOUT THE PRESCRIBED QUALIFICATIONS FROM DOING SO.

/THE ORDINANCE

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THE ORDINANCE AS IT STOOD ENABLED PERSONS WITH QUALIFICATIONS AND EXPERIENCE ADDITIONAL TO THOSE REQUIRED TO QUALIFY FOR REGISTRATION TO "PRACTISE ON THEIR OWN ACCOUNT".

SINCE THAT PHRASE IMPLIED CONTROL OF THE MODE OF BUSINESS, RATHER THAN THE NEED AND ADEQUACY OF PROFESSIONAL SUPERVISION, IT WAS PROPOSED TO REPLACE "PRACTISE ON THEIR OWN ACCOUNT" WITH "PRACTISE WITHOUT SUPERVISION" TO REFLECT THE REAL INTENTION OF THE LAW.

THIS CLAUSE ALSO CONTAINED AMENDMENTS FOR REGULATIONS TO BE MADE ENABLING THE BOARD TO DETERMINE THE QUALITY OF THE EXPERIENCE ACCEPTABLE TO THE BOARD AND TO ACCEPT EXPERIENCE OTHER THAN THE PRESCRIBED EXPERIENCE.

MR HSU SAID CLAUSE 10 REQUIRED PARA-MEDICAL PROFESSIONALS WORKING IN APPROVED TEACHING INSTITUTIONS, SUBVENTED ORGANISATIONS OR THE CIVIL SERVICE TO BE REGISTERED RATHER THAN EXEMPTED AS AT PRESENT, SO THAT THEY, TOO, WOULD BE SUBJECT TO THE DISCIPLINARY CONTROL OF THE PROFESSIONAL BOARDS.

HOWEVER, THEY WOULD CONTINUE TO BE EXEMPTED FROM THE PAYMENT OF REGISTRATION FEES, THE REQUIREMENT TO DISPLAY A PRACTISING CERTIFICATE AND THE REQUIREMENT TO PRACTISE IN LICENSED PREMISES.

DEBATE ON THE BILL WAS ADJOURNED.

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AMENDMENTS TO STANDING ORDERS APPROVED

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A MOTION TO AMEND THE STANDING ORDERS OF THE LEGISLATIVE COUNCIL WAS APPROVED BY THE COUNCIL AT ITS MEETING TODAY (WEDNESDAY).

MOVING THE MOTION, THE CHIEF SECRETARY, SIR DAVID FORD, SAID THE MAIN PURPOSE WAS TO PROVIDE FOR THE FORTHCOMING DISSOLUTION OF THE COUNCIL AND SUBSEQUENT DISSOLUTIONS.

CLAUSE 2 PROVIDED THAT A SESSION OF THE COUNCIL WOULD END ON A DISSOLUTION, AND CLAUSE 3 ENABLED THE COUNCIL TO CONVENE FOR THE CONSIDERATION OF URGENT BUSINESS IN THE PERIOD BETWEEN ELECTION DAY AND THE DATE SET FOR THE GOVERNOR TO GIVE HIS ANNUAL ADDRESS.

CLAUSE 4 WAS A TECHNICAL AMENDMENT WHICH MADE IT CLEAR THAT THE PERIOD BETWEEN SESSIONS EXCLUDED THE PERIOD OF A DISSOLUTION.

CLAUSE 5 PROVIDED THAT STANDING ORDERS SHOULD APPLY TO ANY SITTING HELD FOR THE CONSIDERATION OF URGENT BUSINESS FOLLOWING A DISSOLUTION.

/SIR DAVID

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SIR DAVID SAID THE OPPORTUNITY WAS TAKEN TO MAKE OTHER DESIRABLE AMENDMENTS TO STANDING ORDERS.

"FOR EXAMPLE, CLAUSE 1 IS INTENDED TO MAKE IT CLEAR THAT THE PRESIDENT DOES NOT HAVE TO BE ABSENT FROM HONG KONG, BUT MERELY FROM THE LEGISLATIVE COUNCIL, BEFORE THE ARRANGEMENTS FOR PRESIDING IN HIS ABSENCE MAY APPLY.

"THIS FOLLOWS A SIMILAR CLARIFICATION WHICH WAS MADE WHEN THE ROYAL INSTRUCTIONS WERE AMENDED EARLIER THIS YEAR," HE SAID.

CLAUSES 6 AND 7(B) PROVIDED FOR THE REPLACEMENT OF MARGINAL NOTES IN BILLS LEFT BY MARGIN SECTION HEADINGS. THIS AMENDMENT ALSO FOLLOWED FROM RECENT CHANGES TO THE ROYAL INSTRUCTIONS.

SIR DAVID SAID CLAUSES 7(A) AND 8 WERE TECHNICAL AMENDMENTS CONCERNED WITH THE PROCEDURES FOR DEBATING AMENDMENTS TO BILLS IN COMMITTEE.

"LASTLY, CLAUSE 9 GIVES AUTHORITY TO FINANCE COMMITTEE TO APPOINT SUB-COMMITTEES AND PERMITS THE COMMITTEE TO DEAL WITH MATTERS BY CIRCULATION DURING A RECESS AND, IF NECESSARY, TO HOLD A MEETING IN A RECESS TO DECIDE MATTERS WHICH CANNOT BE DETERMINED ON CIRCULATION," HE ADDED.

LATER, IN REPLY TO SUGGESTIONS BY THE HON ANDREW WONG, THE CHIEF SECRETARY SAID THE DISSOLUTION OF THE LEGISLATIVE COUNCIL THIS YEAR, CONSISTENT WITH THE EXISTING LAW AND THE CONSTRAINTS OF THE ELECTION TIMETABLE, WOULD BE AS SHORT AS POSSIBLE.

"THE ADMINISTRATION WILL LOOK AT THESE ARRANGEMENTS TO SEE WHETHER FURTHER REDUCTIONS COULD BE MADE IN FUTURE YEARS," HE ADDED.

ON MR WONG'S REMARK THAT THE GOVERNOR SHOULD EXERCISE HIS POWER AND APPOINT A NON-OFFICIAL MEMBER TO PRESIDE IN HIS ABSENCE AS OFTEN AS POSSIBLE, SIR DAVID QUOTED PARAGRAPH 60 OF THE WHITE PAPER ON "THE DEVELOPMENT OF REPRESENTATIVE GOVERNMENT-THE WAY FORWARD".

IT STATED THAT "WHEN THE GOVERNOR CANNOT ATTEND THE COUNCIL A MEMBER APPOINTED BY HIM OR THE SENIOR OFFICIAL MEMBER PRESENT WILL PRESIDE IN HIS PLACE."

THE GOVERNOR HAD ALREADY USED THE POWER ON A NUMBER OF OCCASIONS, AND WOULD NO DOUBT CONTINUE TO DO SO, SIR DAVID SAID.

THE POWER DID, OF COURSE, ENABLE THE GOVERNOR TO APPOINT A MEMBER OTHER THAN AN OFFICIAL MEMBER, HE ADDED.

REGARDING THE PROVISIONS IN CLAUSES 6 AND 7(B), SIR DAVID CONFIRMED THAT SECTION HEADINGS, LIKE MARGINAL NOTES, HAD NO LEGAL EFFECT, AS PROVIDED FOR IN SECTION 18(3) OF THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

/SIR DAVID

SIR DAVID ALSO CONFIRMED THAT THE FINANCE COMMITTEE COULD NOT NORMALLY BE CONVENED FOLLOWING A DISSOLUTION.

"HOWEVER, UNDER THE ROYAL INSTRUCTIONS, THE GOVERNOR HAS POWER TO CONVENE A SITTING OF THE COUNCIL FOR CONSIDERATION OF URGENT BUSINESS AFTER A DISSOLUTION," HE CONTINUED.

"IN SUCH AN EMERGENCY SITUATION, IT IS POSSIBLE TO ENVISAGE CIRCUMSTANCES WHEN THE FINANCE COMMITTEE MIGHT INDEED BE RECALLED."

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CALL FOR NON-GOVERNMENT MEMBER TO PRESIDE

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THE GOVERNOR SHOULD EXERCISE HIS POWER TO APPOINT A NON-GOVERNMENT MEMBER OF THE LEGISLATIVE COUNCIL TO PRESIDE OVER COUNCIL SITTINGS IN HIS PLACE, THE HON ANDREW WONG SAID TODAY (WEDNESDAY).

MR WONG WAS SPEAKING IN THE COUNCIL IN SUPPORT OF A MOTION, MOVED BY THE CHIEF SECRETARY, TO AMEND THE COUNCIL STANDING ORDERS.

MR WONG RECALLED THAT HE HAD SAID ON PREVIOUS OCCASIONS THAT THE GOVERNOR NEED NOT BE THE PRESIDENT OF THE LEGISLATIVE COUNCIL.

HE HAD ALSO SAID THAT BEFORE HONG KONG'S CONSTITUTIONAL ARRANGEMENTS HAD EVOLVED TO THAT STAGE, THE GOVERNOR OUGHT TO CONSISTENTLY APPOINT A NON-GOVERNMENT MEMBER OF THE COUNCIL TO PRESIDE IN HIS PLACE.

BUT, BECAUSE OF THE WORDING OF THE STANDING ORDERS AND THE ROYAL INSTRUCTIONS, DOUBTS COULD BE CAST AS TO WHETHER OR NOT THE PRESIDENT OF THE LEGISLATIVE COUNCIL HAD THE NECESSARY POWERS.

MR WONG NOTED THAT THE ROYAL INSTRUCTION HAD BEEN AMENDED EARLIER THIS YEAR TO REMOVE THE DOUBTS.

CLAUSE 1 OF THE PRESENT MOTION PROPOSED A SIMILAR REDRAFTING TO THE STANDING ORDERS.

HE WELCOMED THE AMENDMENT AND URGED THE PRESIDENT TO EXERCISE HIS UNEQUIVOCAL POWERS TO APPOINT A NON-GOVERNMENT MEMBER TO PRESIDE IN HIS PLACE.

TURNING TO THE DISSOLUTION OF THE LEGISLATIVE COUNCIL, MR WONG NOTED THAT THE PROVISION HAD BEEN AMENDED EARLIER THIS YEAR TO ALLOW FOR AN INCREASED FLEXIBILITY OF A SHORTER DISSOLUTION WITHOUT UPSETTING THE TRADITION OF A RECESS DURING AUGUST AND SEPTEMBER.

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THE PRESENT AMENDMENT SOUGHT TO ALLOW FOR A FURTHER INCREASE IN THE FLEXIBILITY OF A SHORTER DISSOLUTION BY MAKING IT POSSIBLE FOR A SITTING TO BE HELD FOR URGENT BUSINESS BETWEEN ELECTION DAY AND THE DAY OF THE COMMENCEMENT OF THE NEW COUNCIL.

MR WONG SAID MEMBERS BELIEVED THAT IT WAS IMPORTANT THE DISSOLUTION PERIOD OUGHT TO BE AS SHORT AS POSSIBLE.

"I DO URGE THE ADMINISTRATION TO FURTHER STUDY THE POSSIBILITY OF FURTHER REDUCING THE DISSOLUTION PERIOD TO, SAY, THREE WEEKS BEFORE ELECTION DAY AND, SAY, UP TO TWO WEEKS BEFORE COMMENCEMENT, AS IS THE CASE IN THE UNITED KINGDOM," HE SAID.

ON CLAUSE 6 WHICH PROPOSED TO REPLACE MARGINAL NOTES BY SECTION HEADINGS IN HONG KONG'S LAWS, MR WONG SOUGHT THE GOVERNMENT'S CONFIRMATION THAT SECTION HEADINGS, LIKE MARGINAL NOTES, HAD NO LEGAL EFFECT.

HE ALSO WELCOMED THE CLARIFICATION PROPOSED IN CLAUSE 9 THAT THE FINANCE COMMITTEE COULD SIT DURING A RECESS.

HE ASKED THE GOVERNMENT TO CONFIRM THAT THIS DID NOT INCLUDE THE DISSOLUTION PERIOD EXCEPT WHEN THE COUNCIL WAS RECALLED.

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SUMMARY OF CHANGES IN EXPENDITURE

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A SUMMARY OF ALL CHANGES MADE TO THE APPROVED ESTIMATES OF EXPENDITURE FOR THE FINAL QUARTER OF THE FINANCIAL YEAR 1987-88 WAS TABLED BY THE FINANCIAL SECRETARY, THE HON PIERS JACOBS, IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE ADDED THAT ITEMS IN THE SUMMARY HAD BEEN APPROVED EITHER BY FINANCE COMMITTEE OR UNDER DELEGATED AUTHORITY. THE LATTER HAD BEEN REPORTED TO THE FINANCE COMMITTEE IN ACCORDANCE WITH SECTION 8(8)(A) OF THE PUBLIC FINANCE ORDINANCE.

MR JACOBS SAID SUPPLEMENTARY PROVISION OF \$1,826.5 MILLION WAS APPROVED.

IT WAS FULLY OFFSET EITHER BY SAVINGS UNDER THE SAME OR OTHER HEADS OF EXPENDITURE OR BY DELETION OF FUNDS UNDER THE ADDITIONAL COMMITMENTS SUBHEADS.

/THIS INCLUDED

THIS INCLUDED SUPPLEMENTARY PROVISION OF \$1,193.6 MILLION FOR THE 1987 PAY ADJUSTMENT AND PAY IMPROVEMENT PACKAGE FOR MODEL SCALE 1 STAFF IN RESPECT OF THE CIVIL SERVICE AND GOVERNMENT SUBVENTED ORGANISATIONS.

APPROVED NON-RECURRENT COMMITMENTS WERE INCREASED BY \$82.8 MILLION DURING THE PERIOD, AND NEW NON-RECURRENT COMMITMENTS OF \$773.2 MILLION WERE ALSO APPROVED.

IN THE SAME PERIOD, A NET INCREASE OF 848 POSTS WAS APPROVED, MR JACOBS SAID.

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COMPLEX COMMERCIAL CRIMES BILL PASSED

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THE COMPLEX COMMERCIAL CRIMES BILL 1988 WAS AMONG SEVEN BILLS PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE OTHER BILLS PASSED WERE THE BANKRUPTCY (AMENDMENT) BILL 1988, COMPANIES (AMENDMENT) (NO.2) BILL 1988, DANGEROUS GOODS (CONSIGNMENT BY AIR) (SAFETY) (AMENDMENT) BILL 1988, SOCIETIES (AMENDMENT) (NO.2) BILL 1988, EMPLOYEES' COMPENSATION (AMENDMENT) BILL 1988, AND A PRIVATE BILL, THE RAINIER INTERNATIONAL BANK (TRANSFER OF HONG KONG UNDERTAKING) BILL 1988.

THREE BILLS WERE INTRODUCED FOR FIRST AND SECOND READINGS.

THEY WERE THE SUPPLEMENTARY APPROPRIATION (1987-1988) BILL 1988, SOCIETIES (AMENDMENT) (NO.3) BILL 1988, AND THE SUPPLEMENTARY MEDICAL PROFESSIONS (AMENDMENT) BILL 1988.

DEBATES ON THESE BILLS WERE ADJOURNED.

THE COUNCIL ALSO APPROVED A MOTION, MOVED BY THE CHIEF SECRETARY, THAT CERTAIN AMENDMENTS BE MADE TO ITS STANDING ORDERS.

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PLANS TO IMPROVE TRANSPORT LINKS WITH CHINA

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EXPANSION PLANS ARE BEING ACTIVELY PURSUED TO IMPROVE THE TRANSPORT INFRASTRUCTURE TO COPE WITH HONG KONG'S INCREASING ECONOMIC LINKS WITH CHINA, ESPECIALLY GUANGDONG PROVINCE, THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN REPLY TO A QUESTION BY THE HON HILTON CHEONG-LEEN ON WHETHER THERE ARE PLANS TO EXTEND HONG KONG'S RAIL LINKS AND OTHER FORMS OF TRANSPORT LINKS WITH SOUTHERN CHINA, MR LEUNG SAID THAT IN THE PAST FEW YEARS MUCH HAD BEEN DONE TO IMPROVE TRANSPORT LINKS WITH CHINA AND THAT INTERIM MEASURES HAD BEEN ADOPTED TO PROVIDE SHORT-TERM RELIEF.

"AS A RESULT OF THESE IMPROVEMENTS, OUR TRANSPORT LINKS ARE, BROADLY SPEAKING, ADEQUATE IN MEETING THE PRESENT DEMAND. LONG-TERM DEVELOPMENT PLANS ARE ALSO BEING EXAMINED UNDER THE SECOND COMPREHENSIVE TRANSPORT STUDY AND THE PORT AND AIRPORT DEVELOPMENT STRATEGY STUDY," HE SAID.

ON RAIL LINKS, MR LEUNG SAID THAT RAIL FREIGHT WAS EXPECTED TO CONTINUE TO GROW AND DOUBLE IN THE NEXT FIVE YEARS.

"THE KOWLOON-CANTON RAILWAY CORPORATION HAS EMPLOYED CONSULTANTS TO LOOK INTO THE CONSTRUCTION OF ADDITIONAL FREIGHT FACILITIES AT THE HUNG HOM BAY RECLAMATION.

"TO MATCH THE EXPANSION PLAN FOR HUNG HOM, A NEW MARSHALLING YARD AT LO WU IS BEING PLANNED. THESE PROJECTS ARE UNDER JOINT CONSIDERATION BY GOVERNMENT AND KCRC," HE SAID.

FOR PASSENGERS, MR LEUNG SAID THAT THE NEW LO WU STATION OPENED SINCE JANUARY LAST YEAR OFFERED MUCH IMPROVED FACILITIES.

"TO COPE WITH THE INCREASING CROSS BORDER PASSENGER MOVEMENTS, A FIFTH THROUGH TRAIN IN ADDITION TO THE FOUR REGULAR ONES HAS BEEN INTRODUCED. OTHER MEASURES INCLUDE THE INTRODUCTION OF EXPRESS TRAINS TO LO WU AND FURTHER EXPANSION OF FACILITIES AT LO WU TERMINAL," HE SAID.

TURNING TO ROAD LINKS, MR LEUNG SAID THAT AS AN INTERIM MEASURE, MAN KAM TO ROAD WAS BEING WIDENED TO PROVIDE ONE SOUTHBOUND LANE AND TWO NORTHBOUND LANES TO ALLOW TRAFFIC QUEUING TO BE CONFINED TO ONE LANE, LEAVING THE REMAINING LANE FOR OTHER TRAFFIC. THE WIDENING WORK WOULD BE COMPLETED AT THE END OF THIS MONTH.

/"IN ADDITION,

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"IN ADDITION, A TEMPORARY VEHICLE HOLDING AREA FOR 500 VEHICLES HAS BEEN COMPLETED IN SHEUNG SHUI. ANOTHER HOLDING AREA FOR 100 VEHICLES WILL SOON BE AVAILABLE TO HONG KONG BOUND VEHICLES," HE ADDED.

THE SECRETARY ADDED THAT THE THIRD CROSSING POINT AT LOK MA CHAU WAS BEING CONSTRUCTED JOINTLY WITH CHINA.

"STAGE ONE COMPRISING A DUAL TWO-LANE BRIDGE, A BORDER CONTROL COMPLEX AND TWO VEHICLE HOLDING AREAS IS DUE FOR COMPLETION IN APRIL NEXT YEAR. STAGE TWO INVOLVING A SECOND BRIDGE WILL BE COMPLETED IN EARLY 1990. THE TOTAL PLANNED CAPACITY IS 40,000 VEHICLES A DAY.

"THERE ARE ALSO PLANS TO UPGRADE SHA TAU KOK ROAD. CONSTRUCTION IS EXPECTED TO START NEXT YEAR. BASED ON PRESENT PROJECTIONS, THESE IMPROVEMENTS AND NEW WORKS WILL BE ADEQUATE TO MEET DEMAND UNTIL THE END OF THE CENTURY," MR LEUNG SAID.

REGARDING SEA LINKS, MR LEUNG SAID THAT ADDITIONAL CARGO HANDLING AREAS WOULD BE PROVIDED IN THE NEXT FEW YEARS AT AP LEI CHAU, RAMBLER CHANNEL, CHAI WAN AND QUARRY BAY. BY 1992, AN ADDITIONAL 1,300 METRES OF SEA FRONTAGE WOULD BE AVAILABLE.

ON CROSS-BORDER FERRY TRAFFIC, HE SAID THAT A NEW CHINA FERRY TERMINAL AT TSIM SHA TSUI WOULD COME INTO OPERATION IN SEPTEMBER THIS YEAR, REPLACING THE EXISTING TERMINALS AT TAI KOK TSUI AND CENTRAL.

"THE NEW TERMINAL CAN HANDLE 4,400 PASSENGERS PER HOUR, WITH A MAXIMUM DESIGNED CAPACITY FOR OVER 19 MILLION PASSENGERS PER YEAR, AN EIGHT-FOLD INCREASE OVER THE CURRENT PATRONAGE," HE SAID.

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PROMOTION OF ADULT EDUCATION

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THE GOVERNMENT PROMOTES ADULT EDUCATION DIRECTLY THROUGH COURSES RUN BY THE EDUCATION DEPARTMENT, AND INDIRECTLY BY SUBVENTING COURSES PROVIDED BY VOLUNTARY AGENCIES, THE ACTING SECRETARY FOR EDUCATION AND MANPOWER, THE HON DOMINIC WONG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN REPLY TO A QUESTION BY THE HON PAULINE NG, MR WONG SAID THE ADULT EDUCATION SECTION OF THE EDUCATION DEPARTMENT ORGANISED BOTH FORMAL AND NON-FORMAL COURSES FOR ADULTS IN THE EVENING.

FORMAL COURSES COVERED THOSE IN BASIC GENERAL EDUCATION AT THE PRIMARY LEVEL, AND SECONDARY SCHOOL COURSES LEADING TO THE HONG KONG CERTIFICATE OF EDUCATION EXAMINATION.

/IT ALSO

IT ALSO INCLUDED COURSES IN ENGLISH LANGUAGE LEADING TO THE HONG KONG CERTIFICATE OF EDUCATION EXAMINATION OR TO THE UNIVERSITY OF LONDON ORDINARY LEVEL EXAMINATION; A DIPLOMA COURSE IN HIGHER CHINESE STUDIES; AND REFRESHER TRAINING COURSES IN CULTURAL SUBJECTS FOR SERVING TEACHERS.

AS FOR THE NON-FORMAL COURSES, MR WONG SAID THE EDUCATION DEPARTMENT ORGANISED NUMEROUS COURSES IN THE EVENING.

"THEY INCLUDE PRACTICAL COURSES IN BASIC HOUSEHOLD SKILLS AND OTHER COURSES OF A CULTURAL, RECREATIONAL AND EDUCATIONAL NATURE," HE EXPLAINED.

"THE GENERAL AIM IS TO ASSIST INTERESTED ADULTS IN DEVELOPING TALENTS AND SKILLS, AND IN MAKING SENSIBLE USE OF THEIR LEISURE TIME."

MR WONG POINTED OUT THAT PRESENT ENROLMENT IN THE EDUCATION DEPARTMENT'S ADULT EDUCATION COURSES, NOW BEING RUN AT 54 LOCATIONS ALL OVER THE TERRITORY, STOOD AT AROUND 40,000 PEOPLE PER YEAR.

TURNING TO THE SUBVENTED SECTOR, HE SAID THAT SINCE 1980 A SUBVENTION SCHEME HAD BEEN IN OPERATION TO ASSIST VOLUNTARY AGENCIES TO RUN ADULT EDUCATION COURSES.

"TODAY 59 AGENCIES ARE RECEIVING SUBVENTIONS FOR 177 COURSES INVOLVING SOME 13,000 PARTICIPANTS. THESE COURSES GENERALLY SUPPLEMENT OR COMPLEMENT THOSE RUN BY THE EDUCATION DEPARTMENT," MR WONG SAID.

ON THE QUESTION OF EFFECTIVENESS, HE SAID IT WAS DIFFICULT TO BE SCIENTIFIC BECAUSE THERE WAS DEMAND AND THE ENROLMENT RATES WERE HIGH.

"ONCE ENROLLED IN A COURSE, MOST ADULT STUDENTS ATTEND REGULARLY AND ONLY A SMALL NUMBER DROP OUT COMPLETELY," MR WONG SAID.

"IN ANY CASE COURSES ARE INTRODUCED UPON INDICATION OF DEMAND."

THE FEEDBACK FROM PARTICIPANTS AND POST-COURSE EVALUATION BY THE EDUCATION DEPARTMENT AND VOLUNTARY AGENCIES CONCERNED WOULD ENABLE DECISIONS TO BE TAKEN AS TO WHETHER A PARTICULAR COURSE SHOULD BE CONTINUED OR WHETHER CHANGES AND IMPROVEMENTS NEEDED TO BE MADE, MR WONG ADDED.

CONSULTATION PERIOD FOR EDUCATION REPORT EXTENDED
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THE CONSULTATION PERIOD FOR THE EDUCATION COMMISSION REPORT NO. 3 WILL BE EXTENDED BY TWO MONTHS, THE ACTING SECRETARY FOR EDUCATION AND MANPOWER, THE HON DOMINIC WONG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON SZETO WAH, MR WONG SAID THE EXTENSION MEANT THAT THE CONSULTATION PERIOD WOULD NOW END ON OCTOBER 15.

"THE EXTENSION WILL, I BELIEVE, GIVE MEMBERS OF THE PUBLIC AND VARIOUS INTERESTED GROUPS ADEQUATE TIME TO PRESENT THEIR VIEWS ON THE TWO SUBJECTS LISTED FOR CONSULTATION," HE SAID.

MR WONG POINTED OUT THAT SINCE THE PUBLICATION OF THE REPORT ON JUNE 16, THE EDUCATION AND MANPOWER BRANCH HAD BEEN MONITORING PUBLIC OPINION.

"WE HAVE ALSO BEEN INVOLVED EXTENSIVELY IN BRIEFING AND DISCUSSING WITH VARIOUS INTERESTED GROUPS," HE EXPLAINED.

"MANY PEOPLE HAVE ALREADY EXPRESSED THEIR OPINION IN ONE FORM OR ANOTHER."

HE ADDED THAT SEVERAL GROUPS HAD ALSO INDICATED TO THE GOVERNMENT THAT THEY WOULD NOT BE ABLE TO RESPOND WITHIN THE TWO-MONTH CONSULTATION PERIOD BECAUSE OF REAL LOGISTICAL DIFFICULTIES.

AFTER HAVING CONSIDERED ALL THESE REQUESTS, MR WONG SAID THE GOVERNMENT HAD THEREFORE DECIDED TO EXTEND THE CONSULTATION PERIOD.

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ACTION TAKEN AGAINST OFFENDING COMICS
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WITH THE CO-OPERATION OF THE POLICE AND THE PUBLIC, SUFFICIENT SUCCESSFUL PROSECUTIONS HAD BEEN OBTAINED TO CONVINCING RETAILERS THAT THERE WAS A SIGNIFICANT RISK IN SELLING OBSCENE OR INDECENT MATERIAL TO YOUNG PEOPLE, THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION, THE HON PETER TSAO, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON CHAN YING-LUN, MR TSAO SAID THE AUTHORITIES WERE AWARE THAT COMIC BOOKS DEPICTING VIOLENCE AND SEX HAD BEEN AVAILABLE AT CERTAIN COMMERCIAL OUTLETS FOR SOME TIME.

/ "IN A

"IN A RECENT SURVEY OF 32 NEWSPAPER VENDORS AND STREET STALLS, THREE WERE FOUND TO BE SELLING ARTICLES CLASSIFIED AS CLASS II, THAT IS, INDECENT, OR CLASS III, THAT IS, OBSCENE, IN CONTRAVENTION OF THE ORDINANCE," HE SAID.

MR TSAO POINTED OUT THAT THOSE WHO PEDDLED OBSCENE MATERIALS TO YOUNG PEOPLE WERE CRIMINALS AND, LIKE CRIMINALS, THEY TOOK STEPS TO CONCEAL THEIR ACTIVITIES.

TO COUNTER SUCH ACTIVITIES, HE SAID THAT OFFICERS OF THE POLICE, THE CUSTOMS DEPARTMENT AND THE COMMISSIONER FOR TELEVISION AND ENTERTAINMENT LICENSING WERE DELEGATED AUTHORITY TO REFER MATERIALS FOR CONSIDERATION BY THE OBSCENE ARTICLES TRIBUNAL.

THE COMMISSIONER FOR TELEVISION AND ENTERTAINMENT LICENSING ALSO RESPONDED TO COMPLAINTS ABOUT SUCH COMICS FROM THE PUBLIC AND DISTRICT BOARDS.

HE NOTED THAT THE OBSCENE ARTICLES TRIBUNAL HAD CONSIDERED 197 COMIC BOOKS SINCE THE CONTROL OF OBSCENE AND INDECENT ARTICLES ORDINANCE CAME INTO EFFECT ON SEPTEMBER 1, 1987.

"SIX WERE CLASSIFIED CLASS I, THAT IS SUITABLE FOR GENERAL CONSUMPTION, AND 123 AS INDECENT AND 68 AS OBSCENE.

"THERE HAVE BEEN NINE SUCCESSFUL PROSECUTIONS INVOLVING 131 COMIC BOOKS.

"FINES IMPOSED BY THE COURTS HAVE RANGED FROM \$500 TO \$12,000, WITH MOST OFFENDERS HAVING BEEN FINED ABOUT \$1,000," HE SAID.

MOREOVER, MR TSAO SAID THE COMMISSIONER FOR TELEVISION AND ENTERTAINMENT LICENSING HAD STAFF MEMBERS EMPLOYED FULL-TIME IN PATROLLING OUTLETS WHICH SOLD COMICS.

"IN ADDITION, THE POLICE, SUBJECT TO LOCAL RESOURCES AND PRIORITIES, TAKE ENFORCEMENT ACTION AGAINST OUTLETS SUSPECTED OF SELLING OBSCENE MATERIAL," HE NOTED.

"MOST CASES NOW UNDER INVESTIGATION ARE INITIATED BY THE COMMISSIONER FOR TELEVISION AND ENTERTAINMENT LICENSING'S STAFF; HOWEVER, COMPLAINTS AND REFERRALS FROM DISTRICT BOARDS AND THE PUBLIC ARE A VALUABLE ADDITION TO THE SOURCE OF INFORMATION THAT WE'VE OBTAINED."

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HILLSIDE ESCALATOR DRAFT DESIGN BEING VETTED

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THE GOVERNMENT IS NOW CONSIDERING THE PRELIMINARY DESIGN OF THE PROJECT TO CONNECT CENTRAL AND MID-LEVELS WITH A SERIES OF HILLSIDE ESCALATORS.

IT HOPED TO FINALISE THE DRAFT DESIGN SOON AND THEREAFTER CALL FOR A DETAILED DESIGN.

THIS WAS SAID BY THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) IN REPLY TO A QUESTION BY THE HON MARIA TAM.

HE SAID THE CAPITAL COST OF THE PROJECT WAS NOW ESTIMATED AT \$105 MILLION AND RECURRENT YEARLY EXPENDITURE AT \$1 MILLION.

MR LEUNG SAID THAT BECAUSE OF RISING COSTS A REVIEW OF THE COST EFFECTIVENESS OF THE PROJECT AND AN ENVIRONMENTAL IMPACT STUDY WERE NECESSARY.

"ONCE THESE STUDIES HAVE BEEN COMPLETED, GOVERNMENT WILL BE IN A BETTER POSITION TO DECIDE ON THE TIMING FOR THE CONSTRUCTION OF THE PROJECT."

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POWER COMPANIES VERY CONSCIOUS OF RESPONSIBILITY

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THE POWER COMPANIES HAVE ALWAYS BEEN VERY CONSCIOUS OF THEIR RESPONSIBILITY TO PROVIDE A RELIABLE ELECTRICITY SUPPLY TO THEIR CONSUMERS, THE FINANCIAL SECRETARY, THE HON PIERS JACOBS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

"ALL REASONABLE MEASURES ARE TAKEN TO MINIMISE POWER FAILURES, SUCH AS THE USE OF RELIABLE EQUIPMENT AND BACK-UP FACILITIES, A REGULAR MAINTENANCE PROGRAMME AND TIMELY REPLACEMENT OF AGING AND OVERLOADED EQUIPMENT," MR JACOBS SAID IN REPLY TO A QUESTION BY THE HON POON CHI-FAI.

IN ADDITION, CONSUMERS WERE ADVISED TO RECTIFY ANY FAULTS FOUND IN THEIR OWN INSTALLATIONS.

"THE IMPLEMENTATION OF ALL THESE MEASURES HAS ENABLED THE COMPANIES TO MAINTAIN A VERY GOOD RECORD IN TERMS OF SUPPLY RELIABILITY.

/ "ALTHOUGH MINOR

"ALTHOUGH MINOR LOCALISED BLACKOUTS INEVITABLY OCCUR FROM TIME TO TIME, LARGE-SCALE POWER FAILURES HAVE, FORTUNATELY, BEEN AN EXTREMELY RARE OCCURRENCE IN HONG KONG," HE SAID.

ON CONTINGENCY PLANNING FOR LARGE-SCALE BLACKOUTS, MR JACOBS SAID THE POWER COMPANIES HAD ESTABLISHED PROCEDURES DESIGNED TO RESTORE POWER TO AFFECTED AREAS AS QUICKLY AS POSSIBLE.

"PRIORITY IS, HOWEVER, GIVEN TO ESSENTIAL SERVICES INCLUDING THE MASS TRANSIT RAILWAY, KOWLOON-CANTON RAILWAY AND THE AIRPORT.

"KEY GOVERNMENT BUILDINGS SUCH AS HOSPITALS, AND POLICE STATIONS HAVE THEIR OWN STANDBY GENERATORS TO ENSURE THE MAINTENANCE OF ESSENTIAL ELECTRICITY SUPPLY DURING ANY POWER LOSS.

"THE POLICE AND THE FIRE SERVICES HAVE SHOWN THAT THEY CAN RESPOND EFFECTIVELY TO ANY LARGE-SCALE POWER BLACKOUTS," HE SAID.

MR JACOBS SAID COMPILATION OF STATISTICS ON POWER FAILURES WAS DONE BY THE POWER COMPANIES.

WHENEVER THERE WAS A FAILURE, INQUIRIES WERE MADE BY THE COMPANY CONCERNED IN ORDER TO ASCERTAIN THE CAUSES SO THAT MEASURES COULD BE ADOPTED TO PREVENT A RECURRENCE.

THE FINDINGS OF THESE INQUIRIES WERE REPORTED TO THE GOVERNMENT.

"THERE ARE, OF COURSE, MANY POSSIBLE CAUSES OF POWER FAILURES.

"THESE INCLUDE EQUIPMENT BREAKDOWN, DAMAGE TO POWER LINES FROM SEVERE WEATHER CONDITIONS, THIRD PARTY INTERFERENCE AND FAULTS WITHIN CONSUMER INSTALLATIONS," HE ADDED.

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PROCEDURES ON SCHOOL STRUCTURAL SAFETY SATISFACTORY

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EXISTING PROCEDURES ARE SATISFACTORY IN ENSURING THE STRUCTURAL SAFETY OF SCHOOL BUILDINGS IF THESE ARE ADHERED TO CORRECTLY, THE ACTING SECRETARY FOR LANDS AND WORKS, THE HON ROBIN SAUNDERS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SCHOOL PREMISES WERE IN GENERAL MAINTAINED IN A REASONABLE STATE OF REPAIR AND STRUCTURAL FAILURES WERE VERY RARE, MR SAUNDERS SAID IN REPLY TO A QUESTION BY THE HON RITA FAN.

/MRS FAN

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MRS FAN HAD REFERRED TO A RECENT INCIDENT WHEN A WALL COLLAPSED IN A SCHOOL DORMITORY, KILLING A STUDENT.

SHE ASKED WHETHER REGULAR INSPECTIONS WERE CARRIED OUT BY THE GOVERNMENT TO ENSURE THE STRUCTURAL SAFETY OF SCHOOL BUILDINGS AND WHETHER THERE COULD BE IMPROVEMENTS TO PREVENT THE RECURRENCE OF SUCH ACCIDENTS.

MR SAUNDERS SAID INSPECTIONS OF SCHOOL PREMISES WERE CARRIED OUT BY RELEVANT GOVERNMENT DEPARTMENTS, ALTHOUGH THESE WERE NOT SPECIFICALLY FOR THE PURPOSES OF ENSURING STRUCTURAL SAFETY.

HE SAID GOVERNMENT AND AIDED SCHOOLS WERE, "ON AVERAGE, INSPECTED ABOUT EVERY FIVE YEARS BY EITHER THE ARCHITECTURAL SERVICES DEPARTMENT OR THE HOUSING DEPARTMENT, DEPENDING UPON WHETHER THE PREMISES WERE WITHIN A HOUSING ESTATE OR NOT.

"THESE INSPECTIONS ARE PRIMARILY TO ASCERTAIN MAINTENANCE REQUIREMENT, FOR WHICH THE TWO DEPARTMENTS ARE RESPONSIBLE, BUT THE GOVERNMENT INSPECTORS DO ALSO CARRY OUT, AT THE SAME TIME, A SUPERFICIAL EXAMINATION OF THE BUILDINGS FOR ANY TELL-TALE SIGNS OF STRUCTURAL DISTRESS," HE SAID.

"IN THE CASE OF PRIVATE SCHOOLS, THERE IS A REQUIREMENT UNDER REGULATION 15 OF THE EDUCATION REGULATIONS, 1971, THAT, FOR SCHOOLS SITUATED IN BUILDINGS WHICH, HAVING REGARD TO THE LOADINGS FOR WHICH THEY WERE DESIGNED, ARE NOT GENERALLY SUITABLE FOR USE AS SCHOOL PREMISES, SCHOOL SUPERVISORS MUST ARRANGE FOR THEIR BUILDINGS TO BE INSPECTED PERIODICALLY BY A QUALIFIED ARCHITECT.

"THE PURPOSE OF THESE INSPECTIONS IS TO ENSURE THAT THE BUILDINGS ARE STRUCTURALLY SAFE, PARTICULARLY IN THE CASE OF OLDER BUILDINGS OR, FOR EXAMPLE, WHERE TIMBER JOISTS ARE USED IN THE FLOORING," HE SAID.

HE SAID FOR PRIVATE SCHOOLS IN PURPOSE-BUILT PREMISES, THERE WAS NO REQUIREMENT UNDER THESE REGULATIONS FOR SUCH INSPECTIONS, AND IT WAS THE RESPONSIBILITY OF THE SCHOOLS THEMSELVES TO ENSURE THAT THE BUILDINGS WERE SAFE.

MR SAUNDERS SAID ALL SCHOOLS WERE REGULARLY INSPECTED BY DISTRICT EDUCATION OFFICERS FROM THE EDUCATION DEPARTMENT.

HE HAD BEEN ADVISED BY THE DIRECTOR OF EDUCATION THAT, FOLLOWING THE INCIDENT TO WHICH MRS FAN REFERRED, IT HAD BEEN ARRANGED THAT, DURING THESE INSPECTIONS, THE OPPORTUNITY WOULD BE TAKEN TO REMIND SCHOOL AUTHORITIES THAT THEY SHOULD TAKE APPROPRIATE ACTION IF THEY NOTICED ANY SIGNS OF STRUCTURAL WEAKNESS.

IN GOVERNMENT AND AIDED SCHOOLS, THE SCHOOL AUTHORITIES WOULD REPORT TO THE DIRECTOR OF EDUCATION ANY STRUCTURAL DEFECTS WHICH THEY THOUGHT MIGHT POSE A RISK, HE SAID.

/THE DIRECTOR

THE DIRECTOR WOULD THEN ARRANGE FOR THE GOVERNMENT MAINTENANCE SURVEYOR TO INSPECT THE BUILDING, INVESTIGATE ANY PROBLEMS, AND ADVISE ON REMEDIAL ACTION, HE SAID.

MR SAUNDERS SAID THE BUILDINGS ORDINANCE OFFICE WAS ALSO EMPOWERED TO TAKE ACTION REGARDING CASES IN WHICH BUILDINGS BECAME POSITIVELY UNSAFE OR WERE SHOWING SIGNS OF STRUCTURAL DETERIORATION.

"IN THE CASE REFERRED TO BY MRS FAN, THE WALL WHICH COLLAPSED WAS AN INTERNAL NON-LOAD-BEARING PARTITION AND THE STRUCTURE OF THE BUILDING WAS NOT AT RISK," HE ADDED.

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COUNCILLORS CAN GIVE SUPPORT IN INDIVIDUAL CAPACITIES

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IT IS NOT FOR THE ADMINISTRATION EITHER TO APPROVE OR DISAPPROVE OF MEMBERS OF THE EXECUTIVE COUNCIL, OTHER THAN OFFICIAL MEMBERS, GIVING SUPPORT TO CANDIDATES IN THE FORTHCOMING LEGISLATIVE COUNCIL ELECTIONS.

THIS WAS SAID BY THE CHIEF SECRETARY, SIR DAVID FORD, IN THE LEGISLATIVE COUNCIL MEETING TODAY (WEDNESDAY) WHEN REPLYING TO A QUESTION BY THE HON MARTIN LEE.

SIR DAVID SAID JUST AS MEMBERS OF THE LEGISLATIVE COUNCIL WERE FREE TO SUPPORT CANDIDATES IN ELECTIONS AT ALL LEVELS, EXECUTIVE COUNCILLORS WERE FREE TO ACT IN THEIR INDIVIDUAL CAPACITIES.

"OF COURSE, I WOULD NOT EXPECT THEM TO CLAIM - AND I AM SURE THEY WILL NOT CLAIM - THAT IN GIVING ANY SUCH SUPPORT THEY REPRESENT THE VIEWS OF THE EXECUTIVE COUNCIL AS A WHOLE OR OF THE HONG KONG GOVERNMENT," HE SAID.

"AND, IN THE FINAL ANALYSIS, IT IS ENTIRELY UP TO THE INDIVIDUAL ELECTOR TO DECIDE WHETHER OR NOT TO TAKE SUCH SUPPORT INTO ACCOUNT."

STRESSING THAT THE GOVERNMENT'S POSITION WAS ONE OF "COMPLETE NEUTRALITY AS BETWEEN CANDIDATES", SIR DAVID SAID THE ADMINISTRATION PROVIDED THREE KINDS OF ASSISTANCE TO ALL CANDIDATES ON AN EQUAL FOOTING:

- * FIRST, UNDER REGULATION 6 OF THE POST OFFICE REGULATIONS, EACH CANDIDATE MIGHT SEND ONE LETTER TO EACH REGISTERED ELECTOR IN HIS CONSTITUENCY FREE OF POSTAGE.

/x SECONDLY, THE

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- * SECONDLY, THE ADMINISTRATION DISTRIBUTED TO THE ELECTORATE, ON BEHALF OF THE CANDIDATES, FREE OF CHARGE, LEAFLETS CONTAINING THE PLATFORMS OF EACH CANDIDATE.
- * FINALLY, DISTRICT OFFICERS ARRANGED SEMINARS AND DISCUSSION FORUMS IN THEIR DISTRICTS TO PRESENT ELECTORAL COLLEGE CANDIDATES AND THEIR RESPECTIVE PLATFORMS.

"THESE MEASURES ARE TAKEN TO PROMOTE REPRESENTATIVE GOVERNMENT GENERALLY AND TO HELP ACQUAINT THE ELECTORATE WITH THE CANDIDATES," SIR DAVID NOTED.

"THE ADMINISTRATION DOES NOT, AND DOES NOT INTEND TO, DO ANYTHING WHICH AMOUNTS TO SUPPORTING ANY ONE CANDIDATE AS AGAINST ANOTHER."

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WIDOW'S, CHILDREN'S PENSIONS SCHEME BEING REVIEWED

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THE WIDOW'S AND CHILDREN'S PENSIONS SCHEME FOR THE CIVIL SERVICE IS BEING REVIEWED AT PRESENT WITH A VIEW TO UPDATING ITS PROVISIONS AND REMOVING EXISTING ANOMALIES, THE CHIEF SECRETARY, SIR DAVID FORD, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN THE WRITTEN REPLY TO A QUESTION BY THE HON TAM YIU-CHUNG, SIR DAVID SAID THE PROVISIONS OF THE SCHEME, INCLUDING ITS COMPULSORY MEMBERSHIP, RATE OF CONTRIBUTION AND THE DEFINITION OF BENEFICIARY WOULD BE CAREFULLY EXAMINED IN THE LIGHT OF STAFF VIEWS AND ACTUARIAL ADVICE.

"IT IS PREMATURE TO SAY AT THIS STAGE WHAT IMPROVEMENTS SPECIFICALLY WILL BE BROUGHT ABOUT AS A RESULT OF THE REVIEW," HE ADDED.

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FUTURE USE OF FRICTION COURSE DEPENDS ON TRIAL RESULTS

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THE USE OF A FRICTION COURSE TO REDUCE TRAFFIC NOISE WOULD DEPEND ON THE RESULTS OF A SUFFICIENTLY LONG TRIAL ON THE ISLAND EASTERN CORRIDOR, THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON POON CHI-FAI, MR LEUNG SAID THAT RESULTS OF SEVERAL NOISE SURVEYS CONDUCTED BY THE ENVIRONMENTAL PROTECTION DEPARTMENT SHOWED THAT THE FRICTION COURSE LAID ON A 300-METRE SECTION OF THE ISLAND EASTERN CORRIDOR HAD REDUCED THE NOISE GENERATED BY ROAD VEHICLES BY AN AVERAGE OF FIVE DECIBELS.

THIS WAS CONSIDERED SIGNIFICANT BECAUSE TO ACHIEVE THIS REDUCTION THE TRAFFIC FLOW ON THE ISLAND EASTERN CORRIDOR WOULD HAVE TO BE REDUCED TO ABOUT 30 PER CENT OF ITS CURRENT FLOW.

HOWEVER, MR LEUNG SAID, THE MAJOR PROBLEM IN APPLYING THIS FRICTION COURSE TO ELEVATED CONCRETE ROADS WAS TO ACCOMMODATE THE EXPANSION JOINTS OF THESE STRUCTURES. ON THE ISLAND EASTERN CORRIDOR THE JOINTS HAD BEEN COVERED USING A BURIED JOINT SYSTEM NOT PREVIOUSLY USED IN HONG KONG.

"THE DURABILITY OF THIS SYSTEM AND THE ADHESION OF THE FRICTION COURSE TO THE OLD CONCRETE SURFACE WILL NEED TO BE MONITORED FOR A LONGER PERIOD BEFORE ANY EXTENSION OF THE TRIAL CAN BE CONSIDERED," HE SAID.

MR LEUNG SAID THE USE OF THIS BITUMINOUS FRICTION COURSE WAS DEVELOPED BY HIGHWAYS DEPARTMENT MAINLY TO IMPROVE SKID RESISTANCE AND WAS USED ORIGINALLY ON THE NEW TERRITORIES CIRCULAR ROAD WHERE TRAFFIC WAS EXPECTED TO TRAVEL AT HIGHER SPEEDS.

THE FUTURE USE OF THIS MATERIAL TO REDUCE TRAFFIC NOISE IN ADDITION TO IMPROVING SKID RESISTANCE WOULD BE MORE ACTIVELY PURSUED ONCE THE PRESENT TRIAL SECTION ON THE ISLAND EASTERN CORRIDOR HAD PROVED TO BE SUCCESSFUL OVER A SUFFICIENT PERIOD OF TIME.

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COVERS PROPOSED TO REDUCE FLYOVER NOISE

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THE ENVIRONMENTAL PROTECTION DEPARTMENT HAS PROPOSED THAT LIGHT-WEIGHT TRANSPARENT COVERS SHOULD BE CONSIDERED FOR FLYOVERS CARRYING A HIGH VOLUME OF TRAFFIC CLOSE TO RESIDENTIAL BUILDINGS, THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON ADOLF HSU, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON HILTON CHEONG-LEEN, MR HSU SAID THE MEASURE WOULD BE EFFECTIVE IN REDUCING THE NOISE PROBLEM, AND WAS LIKELY TO BE MORE ATTRACTIVE THAN CONCRETE COVERS.

"THE PRACTICABILITY AND FEASIBILITY OF SUCH DESIGNS ARE BEING REVIEWED BY THE ADMINISTRATION, BUT AN ACTUAL EXPERIMENT HAS NOT YET BEEN CONDUCTED," HE SAID.

HOWEVER, IT HAD BEEN AGREED THAT TWO ELEVATED SECTIONS OF THE TATE'S CAIRN TUNNEL APPROACH ROADS NEAR CHOI HUNG ESTATE AND RICHLAND GARDENS IN KOWLOON SHOULD BE CONSTRUCTED WITH NOISE REDUCING ENCLOSURES.

"PLANS ARE IN HAND TO EVALUATE WHETHER THESE ENCLOSURES COULD BE MADE OF LIGHT-WEIGHT TRANSPARENT MATERIALS," MR HSU SAID.

HE ADDED THAT THE ENVIRONMENTAL PROTECTION DEPARTMENT WAS CONSIDERING THIS MATTER TOGETHER WITH THE HIGHWAYS DEPARTMENT.

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RAIL WAGONS CLEANSED IN CHINA

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RAILWAY WAGONS ARE SENT BACK THE SAME DAY FOR CLEANSING IN CHINA AFTER UNLOADING OF LIVE PIGS, THE ACTING SECRETARY FOR HEALTH AND WELFARE, THE HON ADOLF HSU, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON CHAN YING-LUN, MR HSU SAID THE WAGONS USED TO IMPORT LIVESTOCK FROM CHINA ON THE KOWLOON-CANTON RAILWAY WERE NOT CLEANSED IN HONG KONG.

HE SAID THAT IT WAS THE INTENTION THAT THE UNLOADING OF LIVE PIGS NOW TAKING PLACE AT HO MAN TIN WOULD BE TRANSFERRED TO THE NEW SHEUNG SHUI ABATTOIR BY 1990.

/THIS WOULD

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THIS WOULD REMOVE THE NEED FOR PIGS TO BE BROUGHT INTO THE URBAN AREA.

MR HSU ALSO POINTED OUT THAT ABATTOIRS, MARKETS AND LAIRAGES WERE EXEMPTED FROM THE PROVISIONS OF THE WASTE DISPOSAL (AMENDMENT) ORDINANCE WHICH CONTROLLED THE DISPOSAL OF LIVESTOCK WASTE.

"HOWEVER, ADEQUATE ANTI-POLLUTION MEASURES ARE TAKEN BY THE RELEVANT GOVERNMENT DEPARTMENTS AT THESE FACILITIES.

"LIVESTOCK WASTE IS COLLECTED ON A DAILY BASIS AND DISPOSED OF AT LANDFILLS AND INCINERATORS," HE SAID.

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INCREASE IN APPLICATIONS FOR BN(O) PASSPORTS EXPECTED

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THE GOVERNMENT BELIEVES THAT THE NUMBER OF APPLICATIONS FOR BRITISH NATIONAL (OVERSEAS) PASSPORTS WILL GRADUALLY INCREASE, THE SECRETARY FOR SECURITY, THE HON GEOFFREY BARNES, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY DR THE HON CONRAD LAM, MR BARNES EXPLAINED THAT THE BN(O) PASSPORT HAD A 10-YEAR VALIDITY AND IT COULD BE REPLACED BOTH BEFORE AND AFTER JULY 1, 1997.

ON THE OTHER HAND, THE BRITISH DEPENDENT TERRITORY CITIZEN PASSPORT HAD A PROGRESSIVELY SHORTER VALIDITY AS 1997 APPROACHED, AND WAS NOT REPLACEABLE AFTER JULY 1, 1997.

MR BARNES SAID: "THE UNITED KINGDOM MEMORANDUM ASSOCIATED WITH THE SINO-BRITISH JOINT DECLARATION ON THE FUTURE OF HONG KONG PROVIDES THAT HONG KONG BRITISH DEPENDENT TERRITORIES CITIZENS (BDTC'S) WILL CEASE TO BE SUCH CITIZENS WITH EFFECT FROM JULY 1, 1997, BUT WILL BE ELIGIBLE TO RETAIN AN APPROPRIATE STATUS WHICH WILL ENTITLE THEM TO USE BRITISH PASSPORTS.

"THE SCHEDULE TO THE HONG KONG ACT 1985 PROVIDES THE LEGAL BASIS TO GIVE EFFECT TO THE PROVISION OF THE UNITED KINGDOM MEMORANDUM."

UNDER THE ACT, THE HONG KONG (BRITISH NATIONALITY) ORDER WAS MADE WHEREBY THE BRITISH NATIONAL (OVERSEAS), OR BN(O), STATUS HAD BEEN CREATED, HE ADDED.

/MR BARNES

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MR BARNES NOTED THAT A HONG KONG BDTC WAS ENTITLED UNDER THE HONG KONG (BRITISH NATIONALITY) ORDER 1986, TO REGISTER AS A BN(O) AND TO HOLD A BN(O) PASSPORT.

THEREFORE, THE APPLICATION FOR A BN(O) PASSPORT EMBODIED THE APPLICATION FOR REGISTRATION AS SUCH A NATIONAL, HE SAID.

THE STATUS OF A HONG KONG BRITISH DEPENDENT TERRITORIES CITIZEN WOULD CEASE ON JULY 1, 1997.

"UNTIL THAT DATE THERE IS A CHOICE FOR HONG KONG BRITISH DEPENDENT TERRITORIES CITIZENS TO ELECT TO ACQUIRE THE BN(O) STATUS AND THE PASSPORT THAT GOES WITH IT," HE SAID.

HE POINTED OUT THAT IT WAS ESTABLISHED GOVERNMENT POLICY NEITHER TO ENCOURAGE NOR DISCOURAGE INDIVIDUALS TO ACQUIRE A NATIONALITY OR CITIZENSHIP THROUGH REGISTRATION OR NATURALISATION.

"THE CHOICE MUST BE LEFT TO THE INDIVIDUALS THEMSELVES, AND IT IS CONSIDERED INAPPROPRIATE FOR THE GOVERNMENT TO EXERT ANY INFLUENCE IN THIS RESPECT," HE SAID.

"NEVERTHELESS, IT IS THE GOVERNMENT'S RESPONSIBILITY TO PROVIDE THE PUBLIC WITH SUFFICIENT INFORMATION ON THE BN(O) STATUS AND ADEQUATE GUIDANCE ON HOW TO APPLY FOR A BN(O) PASSPORT.

"AS EARLY AS OCTOBER 1985 WHEN THE WHITE PAPER ON THE DRAFT HONG KONG (BRITISH NATIONALITY) ORDER 1986 WAS PUBLISHED, THE GOVERNMENT INITIATED EFFORTS TO EXPLAIN THE BN(O) STATUS AND TO INVITE THE PUBLIC TO MAKE KNOWN THEIR VIEWS.

"PRIOR TO THE INTRODUCTION OF THE BN(O) PASSPORT, EFFORTS WERE ALSO MADE TO PROVIDE THE PUBLIC WITH MORE INFORMATION AND GUIDANCE THROUGH THE MASS MEDIA, DISCUSSIONS AT DISTRICT BOARD MEETINGS, DISPLAYS OF POSTERS, DISTRIBUTION OF EXPLANATORY LEAFLETS AND OPERATION OF A RECORDED TELEPHONE MESSAGE SYSTEM."

MR BARNES ADDED THAT SINCE NOVEMBER 17, 1987, A HOTLINE HAD BEEN OPERATING IN THE IMMIGRATION DEPARTMENT TO SERVE MEMBERS OF THE PUBLIC WHO WISHED TO ENQUIRE ABOUT THE BN(O) PASSPORT.

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FINANCE COMMITTEE APPROVES FUNDS FOR DCA

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THE FINANCE COMMITTEE NOTED THE TERMS OF THE 1988 DEFENCE COSTS AGREEMENT (DCA) WITH THE UNITED KINGDOM GOVERNMENT AND APPROVED PROVISION OF \$1,407 MILLION FOR PAYMENT OF THE HONG KONG GOVERNMENT'S CASH CONTRIBUTION TOWARDS THE COSTS OF THE GARRISON IN 1988-89.

AT TODAY'S MEETING, THE COMMITTEE ALSO APPROVED THE PAYMENT OF \$266 MILLION TO COVER VALUE ADDED TAX (VAT) AND SALARIES TAX ON ALLOWANCES INCURRED UNDER THE 1981 DEFENCE COSTS AGREEMENT.

MEMBERS WERE TOLD THAT IN THE ABSENCE OF A FIRM TIME-TABLE FOR THE WITHDRAWAL OF GARRISON UNITS BEFORE 1997, IT WAS NOT PRACTICABLE TO PROVIDE A DETAILED ESTIMATE OF THE EXPECTED SAVINGS FROM THIS SOURCE.

HOWEVER, FROM THE BROAD OUTLINE, IT WAS ANTICIPATED THAT THE REDUCTION IN FORCE LEVELS PRIOR TO 1997 WOULD RESULT IN SAVINGS TO THE HONG KONG GOVERNMENT OF APPROXIMATELY \$5,800 MILLION OVER THE LIFE OF THE NEW AGREEMENT WHICH WOULD RUN FROM APRIL 1, 1988 TO JUNE 30, 1997.

THIS COMPARED WITH AN ESTIMATED COST OF \$2,000 MILLION OVER THE PERIOD OF THE NEW AGREEMENT FOR THE EXPANSION OF LOCAL SERVICES TO TAKE OVER THE ANTI-ILLEGAL IMMIGRATION ROLE AT PRESENT PERFORMED BY THE GARRISON.

IF THE FINANCIAL EFFECTS OF WITHDRAWAL, WHICH WERE NOT A DIRECT CONSEQUENCE OF THE IMPROVED TERMS AND CONDITIONS OF THE NEW DCA, WERE EXCLUDED FROM THE CALCULATIONS, IT WAS ESTIMATED THAT THE HONG KONG SHARE OF THE COSTS OF THE GARRISON WOULD HAVE BEEN \$11,200 MILLION HAD THE TERMS OF THE OLD AGREEMENT REMAINED IN FORCE.

UNDER THE NEW DCA, THE REDUCTION IN HONG KONG GOVERNMENT'S CONTRIBUTION ARISES FROM TWO SOURCES.

THE FIRST IS THE EFFECT OF THE REDUCTION IN THE APPORTIONMENT OF COSTS FROM 75:25 TO 65:35 WHICH CUT THE HONG KONG GOVERNMENT'S SHARE OF GARRISON COSTS BY A TOTAL OF \$1,400 MILLION OVER THE LIFE OF THE NEW AGREEMENT.

THE OTHER REDUCTION ARISES FROM ECONOMY MEASURES CONCERNING THE PROCUREMENT OF STORES AND SUPPLIES, AND THE MAINTENANCE AND CAPITAL WORKS PROGRAMMES FOR THE GARRISON.

DURING THE NEGOTIATIONS, THE HONG KONG GOVERNMENT AND THE MINISTRY OF DEFENCE (MOD) TEAMS SOUGHT TO IDENTIFY AND AGREE ON AREAS WHERE COST SAVINGS AND RATIONALIZATION MIGHT BE MADE.

/LARGELY AS

LARGELY AS A RESULT OF THE PROPOSED NEW ARRANGEMENTS FOR STORES, SUPPLIES AND EQUIPMENT, AND THE ANTICIPATED REDUCTION IN THE SCOPE OF THE WORKS SERVICES PROGRAMME, SAVINGS OF \$800 MILLION OVER THE LIFE OF THE NEW AGREEMENT WERE IDENTIFIED.

HOWEVER, THERE WERE ADJUSTMENTS WHICH RESULTED IN A COST TO THE HONG KONG GOVERNMENT OF SOME \$500 MILLION OVER THE LIFE OF THE NEW AGREEMENT.

ONE OF THESE STEMMED FROM THE HONG KONG GOVERNMENT'S AGREEMENT TO MAKE A RECONCILIATION PAYMENT IN RESPECT OF UNITED KINGDOM VAT AND HONG KONG SALARIES TAX DUE ON THE ALLOWANCES PAID BY THE MOD TO MILITARY PERSONNEL SERVING IN HONG KONG UNDER THE 1981 AGREEMENT.

FOR THIS, THE FINANCE COMMITTEE TODAY APPROVED THE CREATION UNDER HEAD 34 OF A NEW CAPITAL ACCOUNT SUBHEAD '1981 DEFENCE COSTS AGREEMENT: RECONCILIATION OF VAT AND SALARIES TAX ON ALLOWANCES' WITH A COMMITMENT AND PROVISION OF \$266 MILLION TO PROVIDE FOR THE SETTLEMENT OF THE DISPUTE UNDER THE 1981 DCA.

THE HONG KONG GOVERNMENT HAS ACCEPTED THAT THE STATUS OF VAT PAYMENTS MADE BY MOD WAS NOT CLEARLY ESTABLISHED UNDER THE 1981 DCA, AND HAS AGREED TO SETTLE THE ISSUE ON THE UNDERSTANDING THAT VAT WOULD NOT BE A LEGITIMATE CHARGE TO THE COSTS OF THE GARRISON UNDER THE 1988 DCA.

FURTHER ADJUSTMENTS WERE NECESSARY AS A RESULT OF THE AGREEMENT BY BOTH GOVERNMENTS TO MEET 100 PER CENT OF THE COST OF CERTAIN ITEMS WHICH FALL OUTSIDE THE COSTS TO BE APPORTIONED.

WHEN THESE ADDITIONAL COSTS ARE ADDED BACK, THE TOTAL NET SAVING TO HONG KONG GOVERNMENT OF THE NEW DCA IS \$1,700 MILLION.

THE TOTAL COST OF THE NEW DCA IS ESTIMATED AT \$9,500 MILLION FOR THE PERIOD APRIL 1, 1988 TO JUNE 30, 1997.

EXCLUDING THE PROVISION ALREADY APPROVED UNDER HEAD 34 FOR WORKS SERVICES, THE TOTAL ESTIMATED HONG KONG GOVERNMENT'S CONTRIBUTION TO THE COSTS OF THE GARRISON IN THE CURRENT FINANCIAL YEAR IS \$1,673 MILLION.

THIS TOTAL COMPRISES \$1,407 MILLION TO COVER THE 65 PER CENT HONG KONG GOVERNMENT'S CASH CONTRIBUTION TOWARDS DCA COSTS AND \$266 MILLION TO COVER THE ONE-OFF SETTLEMENT IN RESPECT OF VAT AND HONG KONG SALARIES TAX ON ALLOWANCES ARISING OUT OF THE 1981 DCA.

WEDNESDAY, JULY 6, 1988

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SOUTHERN DB TO DISCUSS NEW BOAT PEOPLE POLICY
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THE SOUTHERN DISTRICT BOARD WILL DISCUSS THE NEWLY INTRODUCED SCREENING POLICY FOR VIETNAMESE BOAT PEOPLE AT A BOARD MEETING TOMORROW (THURSDAY).

THE BOARD WILL ALSO CONSIDER THE PROPOSED RE-INTRODUCTION OF SUMMER TIME IN HONG KONG. A PRINCIPAL ASSISTANT SECRETARY OF THE ADMINISTRATIVE SERVICES AND INFORMATION BRANCH, MRS S. BOURNE, WILL BRIEF MEMBERS ON THE SUBJECT AND ANSWER RELATED QUESTIONS.

MEANWHILE, ASSISTANT DIRECTOR (PLANNING AND DEVELOPMENT) OF THE URBAN SERVICES DEPARTMENT, MISS ANISSA S.Y. WONG, WILL BE PRESENT TO BRIEF THE BOARD ON THE FIVE-YEAR URBAN CAPITAL WORKS PROGRAMME FOR SOUTHERN DISTRICT AND TO REPORT ON THE PROGRESS OF WORKS PLANNED IN PREVIOUS YEARS.

DURING THE MEETING, THE MEMBERS WILL ALSO BE INFORMED OF THE PROGRESS OF A STUDY ON THE OPENING OF A HONG KONG ELECTRIC CABLE TROUGH IN DEEP WATER BAY TO THE PUBLIC FOR USE AS A WALKWAY.

OTHER ITEMS ON THE AGENDA INCLUDE THE HOUSING AUTHORITY'S COMPREHENSIVE REDEVELOPMENT PROGRAMME, AND REPORTS OF THE DISTRICT MANAGEMENT COMMITTEE AND THE BOARD'S VARIOUS COMMITTEES.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE SOUTHERN DISTRICT BOARD MEETING TO BE HELD TOMORROW (THURSDAY) IN THE BOARD'S CONFERENCE ROOM, SECOND FLOOR, MEI FUNG COURT, ABERDEEN CENTRE, 7-11 NAM NING STREET, ABERDEEN. THE MEETING WILL START AT 2.30 PM.

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DB COMMITTEE TO STUDY HK Q MARK SCHEME
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THE YUEN LONG DISTRICT BOARD'S INDUSTRY, COMMERCE AND AGRICULTURE COMMITTEE WILL STUDY AT A MEETING TOMORROW (THURSDAY) THE HONG KONG Q MARK SCHEME, A SCHEME OPERATED TO ENCOURAGE LOCAL MANUFACTURERS TO PRODUCE HIGH-QUALITY PRODUCTS.

UNDER THE SCHEME, LOCAL MANUFACTURERS WHOSE PRODUCTS ACHIEVE AN ESTABLISHED STANDARD ARE ISSUED WITH 'Q' MARK LICENCES, WHICH ILLUSTRATES THAT THEIR PRODUCTS ARE RECOGNISED AS OF HIGH QUALITY.

/TWO REPRESENTATIVES

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TWO REPRESENTATIVES OF THE COUNCIL WILL ATTEND THE MEETING TO EXPLAIN THE SCHEME.

THE COMMITTEE WILL ALSO DISCUSS A PROPOSED VISIT TO KADOORIE FARM.

NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE MEETING OF THE YUEN LONG DISTRICT BOARD'S INDUSTRY, COMMERCE AND AGRICULTURE COMMITTEE TO BE HELD TOMORROW (THURSDAY) IN THE DB CONFERENCE ROOM, 13TH FLOOR, TAI KIU GOVERNMENT OFFICES BUILDING, 2 KIU LOK SQUARE, YUEN LONG. THE MEETING WILL START AT 10 AM.

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KWAI TSING DB TO MEET TOMORROW

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MEMBERS OF THE KWAI TSING DISTRICT BOARD WILL DISCUSS PROBLEMS RELATED TO THE MAINTENANCE OF PUBLIC HOUSING BLOCKS IN THE DISTRICT AT A MEETING TOMORROW (THURSDAY).

OTHER ITEMS FOR DISCUSSION WILL INCLUDE THE REPORT ON YOUTH POLICY, THE OPERATION OF CHEUNG HONG HOSTEL SOCIETY OF BOYS' CENTRE AND THE CONSULTANCY ON THE ENVIRONMENTAL ASPECTS OF DAYA BAY NUCLEAR POWER STATION.

A TOTAL OF EIGHT QUESTIONS WILL BE RAISED BY MEMBERS CONCERNING LOCAL HOUSING, INDUSTRIAL SAFETY, AIR POLLUTION AND EDUCATIONAL SERVICES.

MEMBERS WILL ALSO BE BRIEFED BY GOVERNMENT OFFICIALS AT THE MEETING ON THE "DISTRICT STRATEGY 1988-91 - PLANNING OF PUBLIC TRANSPORT IN KWAI TSING DISTRICT"; THE HIGHWAY IMPROVEMENTS ALONG THE KWAI CHUNG TRANSPORT CORRIDOR AND THE MAJOR TOPICS DISCUSSED AT THE LAST DISTRICT MANAGEMENT COMMITTEE MEETING.

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DB COMMITTEE TO DISCUSS REPORT ON SPORT

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THE RECREATION AND CULTURE COMMITTEE OF THE NORTH DISTRICT BOARD WILL MEET TOMORROW (THURSDAY) TO DISCUSS A CONSULTANCY REPORT ON SPORT IN HONG KONG.

THE REPORT, ENTITLED "THE WAY AHEAD", RECOMMENDS THAT A STATUTORY BODY BE SET UP BY THE GOVERNMENT WITH THE OBJECT OF DEVELOPING SPORT AND RECREATION THROUGHOUT THE TERRITORY.

THE COMMITTEE WILL ALSO CONSIDER APPLICATIONS FOR FUNDS FOR ORGANISING RECREATIONAL AND SPORTS ACTIVITIES FOR RESIDENTS IN THE DISTRICT.

OTHER ITEMS ON THE AGENDA INCLUDE THE USAGE PATTERN OF MAJOR RECREATIONAL VENUES, THE REGIONAL COUNCIL'S ENTERTAINMENT PROGRAMME FOR THE DISTRICT, AND A REPORT FROM THE NORTH DISTRICT ARTS ADVANCEMENT ASSOCIATION.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE MEETING OF THE NORTH DISTRICT BOARD'S RECREATION AND CULTURE COMMITTEE TOMORROW (THURSDAY) IN THE CONFERENCE ROOM OF THE NORTH DISTRICT OFFICE, JOCKEY CLUB ROAD, FANLING. IT WILL BEGIN AT 2.30 PM.

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OUTSTANDING CYC MEMBERS BOUND FOR JAPAN, SINGAPORE

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TWENTY-THREE OUTSTANDING MEMBERS OF THE COMMUNITY YOUTH CLUB (CYC) WERE AWARDED TRIPS EITHER TO JAPAN OR TO SINGAPORE FOR THEIR EXCELLENT ACHIEVEMENTS IN COMMUNITY SERVICE PROJECTS THIS YEAR.

FIVE OF THE CYC MEMBERS WILL LEAVE FOR TOKYO ON SUNDAY (JULY 10) AND 18 WILL LEAVE FOR SINGAPORE ON THE FOLLOWING THURSDAY (JULY 14).

THE CYC MEMBERS, COMPRISING 11 BOYS AND 12 GIRLS FROM VARIOUS PRIMARY AND SECONDARY SCHOOLS, WILL VISIT A NUMBER OF SCHOOLS AND YOUTH ORGANISATIONS DURING THEIR SIX-DAY VISITS TO THE TWO COUNTRIES.

/A JOINT

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A JOINT FLAG PRESENTATION CEREMONY AND A TEA PARTY FOR THE CHILDREN AND THEIR PARENTS WILL BE HELD AT THE LEE GARDENS HOTEL ON FRIDAY (JULY 8) AFTERNOON.

THE DIRECTOR OF EDUCATION, MR Y.T. LI, WILL PRESENT BANNERS TO THE DELEGATION LEADERS TO MARK THE COMING DEPARTURE OF THE TWO GOODWILL TOUR GROUPS.

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NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE EVENT AT CAROLINE ROOM, FIRST FLOOR, LEE GARDENS HOTEL, HYSAN AVENUE, CAUSEWAY BAY, AT 3 PM ON FRIDAY (JULY 8).

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1986 WHOLESALE, RETAIL AND IMPORT/EXPORT TRADES,
RESTAURANTS AND HOTELS SURVEY
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ACCORDING TO THE SUMMARY RESULTS OF THE 1986 SURVEY OF WHOLESALE, RETAIL AND IMPORT/EXPORT TRADES, RESTAURANTS AND HOTELS RELEASED TODAY BY THE CENSUS AND STATISTICS DEPARTMENT, 111,666 WHOLESALE, RETAIL AND IMPORT/EXPORT ESTABLISHMENTS, RESTAURANTS AND HOTELS/BOARDING HOUSES WERE IN OPERATION DURING THE WHOLE OR PART OF 1986.

WHEN COMPARED WITH 1985, THE NUMBER OF ESTABLISHMENTS INCREASED BY 8 PER CENT.

IN 1986, THESE ESTABLISHMENTS GENERATED \$606,418 MILLION OF SALES AND OTHER RECEIPTS; AND SPENT \$29,392 MILLION ON COMPENSATION OF EMPLOYEES, \$56,481 MILLION ON OPERATING EXPENSES AND \$497,464 MILLION ON PURCHASES OF GOODS FOR SALE.

WHEN COMPARED WITH 1985, SALES AND OTHER RECEIPTS INCREASED BY 21 PER CENT, WHILE COMPENSATION OF EMPLOYEES, OPERATING EXPENSES AND PURCHASES OF GOODS FOR SALES ROSE BY 15 PER CENT, 18 PER CENT AND 22 PER CENT RESPECTIVELY.

THE SECTOR'S VALUE ADDED, REPRESENTING ITS CONTRIBUTION TO THE GROSS DOMESTIC PRODUCT OF HONG KONG, INCREASED BY 23 PER CENT TO \$62,707 MILLION IN 1986, FROM \$50,836 MILLION IN 1985.

WHEN ANALYSED BY ECONOMIC ACTIVITY, THE IMPORT/EXPORT TRADE RECORDED THE LARGEST SHARE OF SALES AND OTHER RECEIPTS, AT \$429,662 MILLION OR 71 PER CENT OF THE SECTOR TOTAL.

/RETAIL TRADE

RETAIL TRADE ACCOUNTED FOR 14 PER CENT, WHILE WHOLESALE TRADE TOOK UP 11 PER CENT, RESTAURANTS 4 PER CENT AND HOTELS/BOARDING HOUSES 1 PER CENT.

IN 1986, THE IMPORT/EXPORT TRADE ALSO ACCOUNTED FOR THE LARGEST SHARE (58 PER CENT) OF TOTAL VALUE ADDED IN THE SECTOR. THE REST WAS CONTRIBUTED BY RETAIL TRADE (17 PER CENT), RESTAURANTS (13 PER CENT), WHOLESALE TRADE (7 PER CENT) AND HOTELS/BOARDING HOUSES (6 PER CENT).

WHEN COMPARED WITH 1985, THE WHOLESALE TRADE AND THE IMPORT/EXPORT TRADE RECORDED THE LARGEST PERCENTAGE INCREASE IN SALES AND OTHER RECEIPTS (BOTH BY +23 PER CENT), FOLLOWED BY HOTELS/BOARDING HOUSES (+19 PER CENT), RETAIL TRADE (+13 PER CENT) AND RESTAURANTS (+9 PER CENT).

IN TERMS OF VALUE ADDED, THE IMPORT/EXPORT TRADE, RECORDED THE LARGEST PERCENTAGE INCREASE (+28 PER CENT), FOLLOWED BY HOTELS/BOARDING HOUSES (+21 PER CENT), RETAIL TRADE (+20 PER CENT), WHOLESALE TRADE (+18 PER CENT) AND RESTAURANTS (+14 PER CENT).

THE ACCOMPANYING TABLE COMPARES SOME SELECTED PRINCIPAL STATISTICS BY ECONOMIC ACTIVITY FOR 1985 AND 1986.

THE 1986 SURVEY WAS ONE IN A SERIES OF ANNUAL SURVEYS CONDUCTED FOR THE PURPOSE OF ASCERTAINING THE STRUCTURE AND OPERATING CHARACTERISTICS OF THE DISTRIBUTIVE TRADE AND SERVICE SECTOR AND UPDATING ITS CONTRIBUTION TO THE GROSS DOMESTIC PRODUCT OF HONG KONG.

DATA COLLECTED IN THE SURVEY INCLUDED TYPE OF OWNERSHIP, FLOOR AREA, NUMBER OF PERSONS ENGAGED, NUMBER OF EMPLOYEES, COMPENSATION OF EMPLOYEES, OPERATING EXPENSES, PURCHASES OF GOODS FOR SALE, STOCKS, SALES AND OTHER RECEIPTS, AND ACQUISITION AND DISPOSAL OF FIXED ASSETS.

A DESCRIPTION OF THE BACKGROUND AND METHODOLOGY OF THE SURVEY, TOGETHER WITH ANALYTICAL TABLES SHOWING THE PRINCIPAL STATISTICS FOR ALL ESTABLISHMENTS CLASSIFIED BY MAJOR TRADE GROUP/ACTIVITY AND ANALYSED BY VARIOUS ECONOMIC VARIABLES, ARE INCLUDED IN THE STATISTICAL REPORT ENTITLED "1986 SURVEY OF WHOLESALE, RETAIL AND IMPORT/EXPORT TRADES, RESTAURANTS AND HOTELS".

THIS REPORT WILL BE ON SALE THIS MONTH AT THE GOVERNMENT PUBLICATIONS CENTRE, GENERAL POST OFFICE BUILDING, CONNAUGHT PLACE CENTRAL; AND THE PUBLICATIONS SALES COUNTER OF THE CENSUS AND STATISTICS DEPARTMENT ON THE 19TH FLOOR, WANCHAI TOWER I, 12 HARBOUR ROAD, WAN CHAI.

STATISTICS CONTAINED IN THE REPORT WILL BE USEFUL TO THE GOVERNMENT FOR POLICY FORMULATION, AND TO THE PRIVATE SECTOR FOR DECISION MAKING, ECONOMIC ANALYSIS AND MARKET RESEARCH.

ENQUIRIES ABOUT THE SURVEY RESULTS MAY BE DIRECTED TO THE WHOLESALE/RETAIL TRADE STATISTICS SECTION OF THE CENSUS AND STATISTICS DEPARTMENT ON 5-8234942.

Comparison of Selected Principal Statistics for all establishments in
the Wholesale, Retail and Import/Export Trades, Restaurants and Hotels Sector between 1985 and 1986

Activity		Number of establishments	Number of persons engaged	Number of employees	Compensation of employees	Operating expenses	Purchases of goods for sale	Changes in stocks	Sales and other receipts	Value added
					\$ Mn.	\$ Mn.	\$ Mn.	\$ Mn.	\$ Mn.	\$ Mn.
Wholesale trade	1985	13 446	761 149	46 179	1 938	3 072	46 723	379	52 996	3 623
	1986	14 199	62 222	45 434	2 104	3 932	57 843	724	65 198	4 265
	% change	+6	+2	-2	+9	+28	+24	+91	+23	+18
Retail trade	1985	48 030	168 496	109 609	4 683	8 170	57 285	1 044	73 131	8 880
	1986	51 369	173 943	112 803	5 274	9 576	64 936	2 095	82 910	10 640
	% change	+7	+3	+3	+13	+17	+13	+101	+13	+20
Import/export trade	1985	33 881	205 780	183 169	11 856	29 771	293 767	1 282	349 765	28 308
	1986	37 947	225 032	198 373	14 197	35 618	364 801	6 135	429 662	36 172
	% change	+12	+9	+8	+20	+20	+24	+379	+23	+28
Restaurants	1985	6 620	157 453	150 270	5 887	5 100	8 592	5	20 585	6 946
	1986	7 113	164 116	155 243	6 410	5 286	9 264	45	22 350	7 910
	% change	+7	+4	+3	+9	+4	+8	+851	+9	+14
Hotels/boarding houses	1985	942	24 372	23 690	1 238	1 881	514	3	5 299	3 079
	1986	1 038	27 212	26 252	1 407	2 069	619	8	6 298	3 719
	% change	+10	+12	+11	+14	+10	+21	+233	+19	+21
Total	1985	102 919	617 250	512 917	25 601	47 994	406 881	2 712	501 776	50 836
	1986	111 666	652 525	538 104	29 392	56 481	497 464	9 008	606 418	62 707
	% change	+8	+6	+5	+15	+18	+22	+232	+21	+23

Notes : (1) Individual items may not add up to total due to rounding.

(2) Figures denoting changes are derived from unrounded figures.

(3) Value added is a measure of the contribution of an economic sector to Hong Kong's Gross Domestic Product. The definition can be found in the "1986 Survey of Wholesale, Retail and Import/Export Trades, Restaurants and Hotels" report.

(4) Figures on number of persons engaged cover persons engaged by establishments which operated for the whole or part of the reference year and therefore are not figures referring to a particular time point.

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REPORT ON 1986 SURVEY OF BUILDING, CONSTRUCTION AND REAL
ESTATE SECTORS ON SALE
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A STATISTICAL REPORT ENTITLED "1986 SURVEY OF BUILDING, CONSTRUCTION AND REAL ESTATE SECTORS" HAS RECENTLY BEEN PUBLISHED BY THE CENSUS AND STATISTICS DEPARTMENT AND IS NOW ON SALE AT \$20 PER COPY.

IT IS ONE IN A SERIES OF REPORTS PUBLISHED ANNUALLY ON THE SURVEY.

THE REPORT CONTAINS A WIDE RANGE OF STATISTICS ON THE STRUCTURAL AND OPERATING CHARACTERISTICS OF THE BUILDING, CONSTRUCTION AND REAL ESTATE SECTORS IN THE YEAR 1986, BASED ON THE DATA COLLECTED FROM ESTABLISHMENTS IN THESE SECTORS.

BUILDING, CONSTRUCTION AND REAL ESTATE SECTORS REFER TO THE SECTORS OF :-

- * BUILDING AND CIVIL ENGINEERING CONSTRUCTION
- * REAL ESTATE DEVELOPMENT, LEASING, BROKERAGE AND MAINTENANCE MANAGEMENT SERVICES
- * ARCHITECTURAL, SURVEYING AND PROJECT ENGINEERING SERVICES

EXAMPLES OF THE STATISTICAL INFORMATION ITEMS INCLUDED IN THE REPORT ARE :-

- * NUMBER OF ESTABLISHMENTS, EMPLOYMENT, COMPENSATION OF EMPLOYEES
- * GROSS OUTPUT, SERVICE INCOME AND OTHER INCOME
- * VALUE ADDED (A MEASURE OF CONTRIBUTION TO GROSS DOMESTIC PRODUCT)
- * PURCHASES OF GOODS AND MATERIALS
- * OTHER OPERATING EXPENSES
- * GROSS ADDITIONS TO FIXED ASSETS

APART FROM STATISTICS RELATING TO THE YEAR 1986, THE REPORT ALSO CONTAINS SOME SUMMARY STATISTICS FOR THE YEARS 1984 AND 1985 TO SHOW THE DEVELOPMENT OF THESE SECTORS IN RECENT YEARS.

/THE STATISTICS

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THE STATISTICS CONTAINED IN THE REPORT ARE USEFUL TO BOTH THE GOVERNMENT AND THE PRIVATE SECTOR FOR POLICY FORMULATION, DECISION MAKING, ECONOMIC ANALYSIS AND MARKET RESEARCH.

PURCHASES OF THE REPORT MAY BE MADE AT THE GOVERNMENT PUBLICATIONS CENTRE, GENERAL POST OFFICE BUILDING, GROUND FLOOR, CONNAUGHT PLACE, CENTRAL OR AT THE CENSUS AND STATISTICS DEPARTMENT PUBLICATIONS SALES COUNTER, 19/F., WANCHAI TOWER I, 12 HARBOUR ROAD, WAN CHAI.

ENQUIRIES FOR FURTHER INFORMATION ABOUT THE REPORT MAY BE DIRECTED TO THE BUILDING, CONSTRUCTION AND REAL ESTATE STATISTICS SECTION OF THE CENSUS AND STATISTICS DEPARTMENT AT TELEPHONE NUMBER 5-8234977.

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JUNE SURVEY OF EMPLOYMENT, VACANCIES AND PAYROLL

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THE CENSUS AND STATISTICS DEPARTMENT IS CONDUCTING THE JUNE 1988 ROUND OF THE SURVEY OF EMPLOYMENT, VACANCIES AND PAYROLL IN MAJOR SECTORS OF THE ECONOMY.

THE SURVEY COVERS ABOUT 170,000 ESTABLISHMENTS. THEY ARE RANDOMLY DRAWN FROM THOSE IN THE INDUSTRIAL SECTOR (MINING AND QUARRYING; MANUFACTURING; ELECTRICITY AND GAS) AND THE SERVICES SECTOR (TRANSPORT, STORAGE AND COMMUNICATION, FINANCING, INSURANCE, REAL ESTATE AND BUSINESS SERVICES; COMMUNITY, SOCIAL AND PERSONAL SERVICES), AND THEY COVER ALL THOSE IN THE DISTRIBUTIVE TRADES SECTOR (WHOLESALE, RETAIL, IMPORT AND EXPORT TRADES, RESTAURANTS AND HOTELS).

QUESTIONNAIRES HAVE BEEN MAILED TO INDIVIDUAL ESTABLISHMENTS SELECTED BY THE SURVEY AT THE END OF JUNE.

REMINDERS ARE NOW BEING SENT TO ESTABLISHMENTS NOT RESPONDING TO THE INITIAL MAIL ENQUIRY.

IN ACCORDANCE WITH THE CENSUS AND STATISTICS ORDER 1982 (LEGAL NOTICE NO. 69 OF 1982, GAZETTED ON MARCH 5, 1982), A SPOKESMAN FOR THE CENSUS AND STATISTICS DEPARTMENT SAID, ESTABLISHMENTS RECEIVING QUESTIONNAIRES ARE REQUIRED TO COMPLETE AND RETURN THEM TO THE CENSUS AND STATISTICS DEPARTMENT WITHIN THE SPECIFIED PERIOD.

INFORMATION IS BEING SOUGHT ON THE NUMBER OF PERSONS ENGAGED AND EXISTING VACANCIES ON JUNE 30 FOR EACH ESTABLISHMENT.

/SOME 10,000

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SOME 10,000 ESTABLISHMENTS HAVE BEEN RANDOMLY SELECTED FROM THESE 170,000 ESTABLISHMENTS TO PROVIDE ADDITIONAL INFORMATION ON PAYROLL IN EACH OF THE THREE MONTHS DURING THE REFERENCE PERIOD OF APRIL - JUNE.

SHOULD RESPONDENTS FIND DIFFICULTIES IN COMPLETING THE FORMS, THEY ARE WELCOME TO CONTACT THE DEPARTMENT FOR ASSISTANCE ON 5-8235076.

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TENANCY SOUGHT FOR GOVERNMENT LAND
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A PIECE OF GOVERNMENT LAND IN KOWLOON IS TO BE LET BY TENDER ON SHORT-TERM TENANCY BY THE BUILDINGS AND LANDS DEPARTMENT.

THE LAND IS AT THE JUNCTION OF TAI HANG TUNG ROAD AND TO YUEN STREET, AND COVERS ABOUT 850 SQUARE METRES. IT IS FOR OPEN STORAGE (EXCLUDING CONTAINERS) AND/OR COMMERCIAL GARDEN PURPOSES.

THE INITIAL TENANCY IS FOR TWO YEARS, RENEWABLE QUARTERLY THEREAFTER.

TENDERS CLOSE AT NOON ON JULY 22.

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REVISED FARES FOR EIGHT GMB ROUTES ON ISLAND
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THE TRANSPORT DEPARTMENT ANNOUNCED THAT THE FARES FOR EIGHT GREEN MINIBUS (GMB) ROUTES ON HONG KONG ISLAND WILL BE REVISED FROM SATURDAY (JULY 9).

THE SINGLE JOURNEY FARES FOR ROUTES 4A, 4B, 4C, 5 AND 35M WILL BE INCREASED BY 50 CENTS TO \$3.50 WHILE THOSE FOR ROUTES 6, 7 AND 8 WILL GO UP BY \$1 TO \$4.

/FOLLOWING IS

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FOLLOWING IS A NEW FARE TABLE OF THESE GMB ROUTES:

<u>ROUTE NO.</u>	<u>ROUTE</u>	<u>NEW FARE (\$)</u>
4A	ABERDEEN (SHEK PAI WAN) TO CAUSEWAY BAY (YUN PING ROAD)	3.50
4B	ABERDEEN (SHEK PAI WAN) TO WAN CHAI (CIRCULAR)	3.50
4C	ABERDEEN (SHEK PAI WAN) TO CAUSEWAY BAY (YUN PING ROAD)	3.50
5	ABERDEEN (NAM NING STREET) TO CAUSEWAY BAY (PAK SHA ROAD)	3.50
6	OCEAN PARK/SHOUSON HILL TO CENTRAL (STAR FERRY)	4
7	MOUNT NICHOLSON TO CENTRAL (STAR FERRY)	4
8	BAGUIO VILLA (LOWER) TO CENTRAL (STAR FERRY)	4
35M	ABERDEEN (NAM NING STREET) TO WAN CHAI (LUN FAT STREET)	3.50

CERTAIN SECTION FARES FOR ROUTES 4A, 4B, 4C AND 5 WILL ALSO BE INCREASED BY AN AVERAGE OF 50 CENTS WHILE THOSE FOR ROUTES 6, 7 AND 8 WILL GO UP BY AN AVERAGE OF \$1.

MOREOVER, SECTION FARES RANGING FROM 50 CENTS TO \$3 WILL BE INTRODUCED FOR ROUTE 35M.

A SPOKESMAN FOR THE DEPARTMENT SAID THE FARE INCREASES WERE APPROVED IN VIEW OF THE INCREASING OPERATING COSTS AND THE GMB OPERATOR'S CONTINUING EFFORTS TO PROVIDE SATISFACTORY SERVICES AND MODERNISE THE VEHICLE FLEET.

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TRAFFIC CHANGES IN TUEN MUN AND YUEN LONG
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THE TRANSPORT DEPARTMENT ANNOUNCED THAT FROM 10 AM ON FRIDAY (JULY 8), NO VEHICLES OTHER THAN FRANCHISED BUSES WILL BE ALLOWED TO ENTER THE BUS TERMINUS OF THE TUEN MUN PIER HEAD TRANSPORT INTERCHANGE IN TUEN MUN AREA 44 AT ANY TIME OF THE DAY.

AT THE SAME TIME, THREE ROAD SECTIONS NEARBY WILL BE MADE 24-HOUR URBAN CLEARWAYS.

THEY ARE:

- * THE APPROACH ROAD LEADING FROM ROAD 44K TO THE TRANSPORT INTERCHANGE.
- * THE NORTHERN KERBSIDE LANE OF THE EXIT ROAD IN THE TRANSPORT INTERCHANGE FROM THE EASTERN-MOST TAXI BAY TO THE WESTERN-MOST BUS BAY.
- * THE EXIT ROAD LEADING FROM THE TRANSPORT INTERCHANGE TO ROAD 44K.

ALL VEHICLES EXCEPT FRANCHISED BUSES WILL BE BANNED FROM STOPPING WITHIN THE URBAN CLEARWAYS FOR PASSENGERS OR GOODS.

THE MEASURES ARE IMPLEMENTED TO COINCIDE WITH THE OPENING OF THE TRANSPORT INTERCHANGE IN MID-JULY.

MEANWHILE, IN YUEN LONG, VEHICLES ON KUK TING STREET WILL BE ALLOWED TO TRAVEL STRAIGHT ACROSS CASTLE PEAK ROAD ONTO TAI TONG ROAD FROM 10 AM ON FRIDAY.

THE MEASURE IS TO FACILITATE THE OPERATIONS OF THE LIGHT RAIL TRANSIT SYSTEM. AS VEHICLES WILL HAVE TO CUT ACROSS THE TRAIN TRACK ALONG CASTLE PEAK ROAD, MOTORISTS ARE ADVISED TO FOLLOW DIRECTIONS OF TRAFFIC LIGHT SIGNALS AND DRIVE WITH CARE.

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FRESH WATER CUTS IN KWUN TONG, FANLING
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FRESH WATER SUPPLY TO CERTAIN PREMISES IN KWUN TONG AND IN FANLING WILL BE TURNED OFF FROM 11 PM TOMORROW (THURSDAY) TO 6 AM THE NEXT DAY TO FACILITATE NIGHT LEAKAGE TESTS.

THE AFFECTED PREMISES IN KWUN TONG INCLUDE BLOCKS 32-41 OF SAU MAU PING ESTATE. IN FANLING, ALL VILLAGES ALONG PING CHE ROAD WILL BE AFFECTED.

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