



# DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES  
BEACONSFIELD HOUSE, HONG KONG. TEL.: 842 8777

WEDNESDAY, JULY 14, 1993

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WEDNESDAY, JULY 14, 1993

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OWNERS AND WORKERS REMINDED TO OBSERVE NEW NOISE REGULATION

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A REGULATION THAT PROVIDES EMPLOYEES WITH MORE EFFECTIVE PROTECTION AGAINST NOISE HAZARDS IN INDUSTRIAL UNDERTAKINGS WILL COME INTO FORCE TOMORROW (THURSDAY).

A SPOKESMAN FOR THE LABOUR DEPARTMENT TODAY REMINDED PROPRIETORS AND WORKERS TO OBSERVE THE NEW FACTORIES AND INDUSTRIAL UNDERTAKINGS (NOISE AT WORK) REGULATION WHICH WAS APPROVED IN THE LEGISLATIVE COUNCIL IN MID-JULY LAST YEAR.

UNDER THE REGULATION, INDUSTRIAL UNDERTAKING PROPRIETORS ARE REQUIRED TO APPOINT COMPETENT PERSONS TO CONDUCT NOISE ASSESSMENTS AND DEMARCATe AFFECTED AREAS AS EAR PROTECTION ZONES WHEN THE EMPLOYEES ARE LIKELY TO BE EXPOSED TO NOISE HAZARDS.

"A COPY OF THE NOISE ASSESSMENT REPORT, TO BE COMPLETED BY A COMPETENT PERSON, SHOULD BE SUBMITTED TO THE LABOUR DEPARTMENT WITHIN 28 DAYS AFTER ASSESSMENT BY THE PROPRIETOR," HE SAID.

WHERE DEMARCATION IS IMPRACTICABLE, FOR EXAMPLE ON A CONSTRUCTION SITE WHERE NOISY MACHINES ARE BEING MOVED AROUND QUITE FREQUENTLY, THE REGULATION REQUIRES PROPRIETORS TO LABEL THE NOISY MACHINES INDICATING THE DISTANCE WITHIN WHICH EAR PROTECTORS MUST BE WORN.

"DEMARCATION AND LABELLING WILL MAKE THE EMPLOYEES MORE CONSCIOUS OF THE NEED FOR HAVING PROTECTION," THE SPOKESMAN SAID.

THE NEW REGULATION DIVIDES NOISE HAZARDS INTO THREE DIFFERENT ACTION LEVELS.

IT ALSO SPELLS OUT THE DUTIES OF PROPRIETORS AND EMPLOYEES AT THE RESPECTIVE ACTION LEVELS.

THE MAJOR REQUIREMENTS ARE:

- \* AT THE FIRST ACTION LEVEL, A PROPRIETOR HAS TO PROVIDE A SUITABLE APPROVED EAR PROTECTOR TO AN EMPLOYEE UPON REQUEST, EXCEPT WHERE THE WEARING OF EAR PROTECTORS WOULD BE LIKELY TO CAUSE A RISK TO THE SAFETY OF THE EMPLOYEE OR TO ANY OTHER PERSON;
- \* AT THE SECOND ACTION LEVEL OR ABOVE, OR AT THE PEAK ACTION LEVEL, PROPRIETORS MUST PROVIDE AND EMPLOYEES MUST WEAR APPROVED EAR PROTECTORS, AND THE AREA IN ANY INDUSTRIAL UNDERTAKING THUS AFFECTED MUST BE DEMARCATED AS AN EAR PROTECTION ZONE; AND
- \* WHERE DEMARCATION IS IMPRACTICABLE, AS IN THE CASE OF A CONSTRUCTION SITE, ALL NOISY MACHINES MUST BE LABELLED. EMPLOYEES ATTENDING TO THESE NOISY MACHINES MUST WEAR SUITABLE APPROVED EAR PROTECTORS.

/"SIGNS AND .....

"SIGNS AND NOTICES SHOULD BE PUT UP IN PROMINENT POSITIONS TO INFORM WORKERS THAT THE AREA IN WHICH THEY WORK IS AN EAR PROTECTION ZONE AND THAT EMPLOYEES MUST WEAR SUITABLE APPROVED EAR PROTECTORS WHILE IN THE ZONE.

"CONTRAVENTION OF THE NEW REGULATION WILL INCUR A MAXIMUM PENALTY OF \$30,000 FOR EMPLOYERS AND \$10,000 FOR EMPLOYEES," HE ADDED.

ENQUIRIES ON THE NEW REGULATION CAN BE MADE ON TEL 606 5573 AND 606 5552.

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GOVT SEEKS INFORMATION ON ALLEGED SEA INCIDENT

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THE HONG KONG GOVERNMENT IS SEEKING URGENT INFORMATION FROM CHINESE AUTHORITIES ABOUT REPORTS THAT A NORTH KOREAN CARGO VESSEL OUTSIDE HONG KONG WATERS IS SURROUNDED BY FOUR ARMED SHIPS AND IS UNDER FIRE.

A GOVERNMENT SPOKESMAN SAID THE POLITICAL ADVISER'S OFFICE HAD BEEN IN TOUCH WITH THE NEW CHINA NEWS AGENCY WHICH HAD AGREED TO CONTACT GUANGDONG AUTHORITIES TO DETERMINE WHETHER OR NOT CHINESE SECURITY FORCES WERE INVOLVED IN THE INCIDENT.

"BEFORE TAKING FURTHER ACTION, WE MUST BE SURE THAT THIS IS AN ACT OF PIRACY INVOLVING PRIVATE INDIVIDUALS," HE SAID.

THE MARINE RESCUE CO-ORDINATION CENTRE (MRCC) DISPATCHED A GOVERNMENT FLYING SERVICE HELICOPTER TO THE REPORTED LOCATION OF THE VESSEL "KO MAL SHAN" - ABOUT 52 MILES EAST-NORTH-EAST OF HONG KONG - THIS (WEDNESDAY) EVENING.

HOWEVER, A SEARCH OF THE AREA PROVED FRUITLESS AND THE HELICOPTER WAS RECALLED, THE SPOKESMAN SAID.

HE SAID HONG KONG AUTHORITIES HAD HAD NO RADIO OR VISUAL CONTACT WITH THE NORTH KOREAN VESSEL. THE REPORTS OF THE ALLEGED INCIDENT HAD BEEN RELAYED BY THE LOCAL AGENTS FROM THE OWNERS IN NORTH KOREA.

THE FIRST REPORT THIS MORNING SAID THE VESSEL HAD BEEN INTERCEPTED ABOUT 8.8 NAUTICAL MILES EAST-SOUTH-EAST OF WAGLAN ISLAND (OUTSIDE HONG KONG WATERS) ABOUT 8 AM TODAY.

THE REPORT SAID AMRED MEN FROM A MOTOR BOAT TOOK CONTROL OF THE KO MAL SHAN AND DIRECTED HER TO PROCEED TO AN UNKNOWN DESTINATION.

THE SECOND REPORT FROM THE LOCAL AGENTS CAME LATE AFTERNOON, SAYING THE VESSEL WAS UNDER FIRE AND SURROUNDED BY FOUR SHIPS.

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"THE MRCC WAS ALERTED BECAUSE OF THE SHOOTING REPORT AND THE POSSIBILITY THAT THERE MIGHT BE CASUALTIES," SAID THE SPOKESMAN.

ACCORDING TO THE LOCAL AGENT, THE KO MAL SHAN HAS A GROSS REGISTERED TONNAGE (GRT) OF 2,226 AND HAS A CREW OF 36. SHE IS CARRYING NEW AND USED CARS AND OTHER GENERAL CARGO EN ROUTE FROM HONG KONG TO NORTH KOREA.

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STATEMENT ON DRIVERS' STRIKE

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IN RESPONSE TO A STRIKE BY DRIVERS OF KOWLOON GREEN MINIBUS ROUTE 20 THIS (WEDNESDAY) MORNING, A TRANSPORT DEPARTMENT SPOKESMAN SAID:

"GMB ROUTES ARE INTRODUCED FROM TIME TO TIME TO SERVE DIFFERENT AREAS. DUE TO THE DENSE PUBLIC TRANSPORT NETWORK, IT IS INEVITABLE THAT ROUTEING OF NEW PUBLIC TRANSPORT SERVICE WILL OVERLAP WITH PART OF OTHER PUBLIC TRANSPORT SERVICE ALTHOUGH THE TRANSPORT DEPARTMENT HAD TRIED ITS BEST TO AVOID TOO MUCH OVERLAPPING.

"OPERATORS FOR GMB ROUTES ARE SELECTED BY THE GREEN MINIBUS OPERATORS SELECTION BOARD. THE BOARD COMPRISES A MEMBER OF THE TRANSPORT ADVISORY COMMITTEE, AND THE INDEPENDENT COMMISSION AGAINST CORRUPTION AMONGST REPRESENTATIVES FROM OTHER CONCERNED GOVERNMENT DEPARTMENTS.

"ALL QUALIFIED APPLICANTS ARE ASSESSED ON THEIR PREVIOUS EXPERIENCE, FINANCIAL RESOURCES, VEHICLE MANAGEMENT RIGHTS, VEHICLE MAINTENANCE RECORDS AND THE QUALITY OF THE VEHICLES TO BE DEPLOYED.

"UNSUCCESSFUL APPLICANTS CAN MAKE AN APPEAL WHICH WILL BE CONSIDERED BY THE SELECTION BOARD AGAIN TO ENSURE FAIRNESS."

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MONITORING OF SCHOOL ACCOUNTS

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IN RESPONSE TO MEDIA ENQUIRIES ABOUT THE EDUCATION DEPARTMENT'S ROLE IN MONITORING SCHOOL ACCOUNTS, A SPOKESMAN FOR THE DEPARTMENT SAID: "PRIVATE SCHOOLS WHICH RECEIVE NO SUBSIDY FROM THE GOVERNMENT ARE RESPONSIBLE FOR THEIR OWN ACCOUNTS."

"IN RESPECT OF AIDED SCHOOLS, PRESENT REGULATIONS AND THE CODES OF AID ARE EFFECTIVE ENOUGH IN MONITORING THE PROPER USE OF SCHOOL FUNDS.

"FOR OBVIOUS REASONS, IT WOULD NOT BE APPROPRIATE TO COMMENT FURTHER," HE SAID.

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MACAU WORKS SECRETARY VISITS HK

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THE SECRETARY FOR TRANSPORT AND PUBLIC WORKS OF MACAU, DR JOSE MACHADO TODAY (WEDNESDAY) PAID A VISIT TO HONG KONG IN RETURN FOR AN EARLIER VISIT TO MACAU BY THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, MR TONY EASON.

DURING THE VISIT, DR MACHADO WAS BRIEFED ON THE NEW AIRPORT PROJECTS BY THE DIRECTOR OF THE NEW AIRPORT PROJECTS CO-ORDINATION OFFICE, MR BILLY LAM.

HE THEN WENT ON A HELICOPTER TOUR OF THE WEST KOWLOON RECLAMATION, CONTAINER PORT, BRIDGE LINKS TO LANTAU, THE CHEK LAP KOK AIRPORT SITE AND SOME OF THE NEW TOWNS IN THE NEW TERRITORIES.

HE WAS ACCOMPANIED ON THE TOUR BY THE SECRETARY FOR WORKS, MR JAMES BLAKE.

DR MACHADO WAS BRIEFED ON PLANNING AND LAND ADMINISTRATION MATTERS BY THE DIRECTOR OF PLANNING, DR K S PUN AND THE ACTING DIRECTOR OF BUILDINGS AND LANDS MR ROBERT POPE RESPECTIVELY.

HE HAD A GENERAL DISCUSSION WITH MR EASON BEFORE HE LEFT IN THE AFTERNOON.

MR EASON SAID: "THE VISIT IS PART OF A REGULAR EXCHANGE BETWEEN THE TWO SIDES ON MATTERS OF MUTUAL INTEREST. IT ENABLES US TO UPDATE OURSELVES ON PLANNING STRATEGIES AND NEW DEVELOPMENTS ON EACH SIDE".

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READING SCHEME TO COVER PRIMARY SCHOOLS

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THE ENGLISH EXTENSIVE READING SCHEME FOR SECONDARY SCHOOL STUDENTS WILL SOON BE EXPANDED TO COVER THOSE AT THE UPPER PRIMARY LEVEL.

INCLUDED ALSO WILL BE A CHINESE READING SCHEME TO FOSTER GOOD READING HABITS IN BOTH CHINESE AND ENGLISH AMONG PRIMARY SCHOOL STUDENTS, THE ASSISTANT DIRECTOR OF EDUCATION (INSTITUTE OF LANGUAGE IN EDUCATION), DR JOHN CLARK, SAID.

SPEAKING AT THE PRIZE-PRESENTATION CEREMONY OF THE EXTENSIVE READING SCHEME, DR CLARK SAID THE SCHEME TO ENCOURAGE SECONDARY 1 STUDENTS TO READ ENGLISH BEGAN IN 1991 IN 19 SCHOOLS.

"THE SCHEME NOW INCLUDES 49 SCHOOLS AND BOTH SECONDARY 1 AND 2 STUDENTS. IT WILL EXPAND FURTHER AND BY THIS SEPTEMBER, 79 SCHOOLS, OR ABOUT ONE-FIFTH OF THE PUBLIC-SECTOR SECONDARY SCHOOLS IN HONG KONG, WILL BE PARTICIPATING," HE ADDED.

/REPORTING ON .....

REPORTING ON THIS YEAR'S COMPETITION, SENIOR LECTURER OF THE INSTITUTE OF LANGUAGE IN EDUCATION, MRS VIVIENNE YU, SAID THE WINNERS HAD WRITTEN REPORTS ON SUCH CLASSICS AS "FRANKENSTEIN" AND "THE SECRET GARDEN".

OTHER FAVOURITES WERE "REAR WINDOW" AND "THE ELVIS MYSTERY", SHE SAID.

"THERE WAS ALSO AN INCREASE IN THE NUMBER OF BOOKS READ BY THE BEST READERS - SIX OF THEM WHO ARE SECONDARY 1 STUDENTS HAD READ OVER 100 BOOKS AND MANY OTHERS HAD READ 80 OR 90," MRS YU SAID.

SHE POINTED OUT THAT THE SCHEME WAS ABLE TO HELP MANY STUDENTS DEVELOP A READING HABIT BECAUSE IT WAS INCORPORATED INTO THE CURRICULUM.

"THE EDUCATION DEPARTMENT PROVIDES THE SCHOOLS WITH BOOKS AT EIGHT READING LEVELS SO THAT STUDENTS CAN CHOOSE THOSE THAT SUIT THEIR OWN READING LEVEL AND INTEREST," SHE EXPLAINED.

MRS YU ADDED THAT STUDENTS WERE GIVEN TWO TO THREE PERIODS A WEEK TO READ IN CLASS AND DISCUSS THE BOOKS WITH THEIR TEACHERS AND THAT WITH THIS ENCOURAGEMENT AND SUPPORT, MANY STUDENTS WERE ABLE TO DEVELOP CONFIDENCE AND INTEREST IN READING ENGLISH BOOKS.

IN ADDITION, THE SCHEME VASTLY INCREASED THE STUDENTS' EXPOSURE TO ENGLISH AND HELPED THEM BECOME AT HOME IN ENGLISH, SHE SAID.

MORE THAN 13,000 STUDENTS FROM 49 SCHOOLS TOOK PART IN THE 1992 SCHOOL YEAR SCHEME, WITH 350 TEACHERS GIVING HELP.

PRIZES WERE SPONSORED BY THE ZONTA CLUB OF HONG KONG EAST AND WERE PRESENTED TO THE WINNERS BY ITS PRESIDENT, DR CISSY YU, AND DR CLARK.

BEFORE PRESENTING THE PRIZES, DR YU SAID THE CLUB ALWAYS HAD CONCERN FOR THE FUTURE OF THE COMMUNITY AND THAT IT HAD FOUND THE SCHEME AN EFFECTIVE PROJECT NOT ONLY IN IMPROVING THE STANDARD OF ENGLISH LANGUAGE AMONG YOUNG PEOPLE, BUT ALSO IN BROADENING THEIR KNOWLEDGE AND PERSPECTIVES.

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FRESH WATER CUT IN TSIM SHA TSUI

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FRESH WATER SUPPLY TO SOME PREMISES IN TSIM SHA TSUI WILL GO OFF FROM 11 PM ON FRIDAY (JULY 16) TO 6 AM THE FOLLOWING DAY TO FACILITATE WASTE DETECTION WORK ON WATER MAINS.

THE SUSPENSION WILL AFFECT ALL THE PREMISES AT CHATHAM ROAD SOUTH, MODY ROAD, MINDEN AVENUE AND HANOI ROAD.

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FINANCE COMMITTEE MEETS ON FRIDAY

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THE FINANCE COMMITTEE WILL HOLD A MEETING AT 2.30 PM ON FRIDAY (JULY 16) AT THE LEGISLATIVE COUNCIL CHAMBER.

MEMBERS OF THE PUBLIC ARE WELCOME TO OBSERVE THE PROCEEDINGS FROM THE PUBLIC GALLERY. THEY MAY RESERVE SEATS BY CALLING 869 9492.

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ATTENTION NEWS EDITORS:

YOUR REPRESENTATIVES ARE INVITED TO COVER THE MEETING.

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

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HONG KONG GOVERNMENT EXCHANGE FUND  
MONEY MARKET OPERATIONS

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	\$ MILLION
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OPENING BALANCE IN THE ACCOUNT	1,980
REVERSAL OF LAF	+820
BALANCE AFTER REVERSAL OF LAF	2,800
NET INJECTION/WITHDRAWAL TODAY	NIL
EFFECT OF LAF TODAY	-873
CLOSING BALANCE IN THE ACCOUNT	1,927
LAF RATE 2.00 BID/4.00 OFFER	TWI 112.8 *-0.2* 14.7.93

/HONG KONG .....

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HONG KONG GOVERNMENT EXCHANGE FUND

EF BILLS		EF NOTES/HONG KONG GOVERNMENT BONDS				
TERMS	YIELD	TERM	ISSUE	COUPON	PRICE	YIELD
1 WEEK	2.37 PCT	13 MONTHS	2408	4.375	100.56	3.88
1 MONTH	2.70 PCT	16 MONTHS	2411	4.625	100.79	4.05
3 MONTHS	3.16 PCT	19 MONTHS	2502	4.75	100.88	4.21
6 MONTHS	3.38 PCT	22 MONTHS	2505	3.75	98.92	4.41
12 MONTHS	3.78 PCT					

TOTAL TURNOVER OF BILLS AND BONDS - 32,406 MN

CLOSED 14 JULY 1993

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MOTION DEBATE ON EXCO AND LEGCO RELATIONS

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THE FOLLOWING IS THE FULL TEXT OF THE SPEECH BY THE SECRETARY FOR CONSTITUTIONAL AFFAIRS, MR MICHAEL SZE, IN THE MOTION DEBATE ON WORKING RELATIONSHIP BETWEEN THE EXECUTIVE AND THE LEGISLATURE IN THE LEGISLATIVE COUNCIL TONIGHT:

MR PRESIDENT,

I AM GRATEFUL TO THE HONOURABLE VINCENT CHENG FOR INTRODUCING A MOTION DEBATE TODAY ON THIS IMPORTANT SUBJECT WHICH BEARS ON THE SYSTEM OF GOVERNMENT IN HONG KONG. I CAN SAY UP-FRONT THAT MY EX-OFFICIO COLLEAGUES WILL VOTE IN SUPPORT OF THE MOTION.

LET ME BEGIN BY STATING WHAT THE GOVERNMENT'S GUIDING PRINCIPLE IS. IN THE WORDS OF THE GOVERNOR, WHEN HE ADDRESSED THE LEGISLATIVE COUNCIL IN OCTOBER LAST, OUR INTENTION IS "TO ENSURE THAT WE HAVE VIGOROUS AND EFFECTIVE EXECUTIVE-LED GOVERNMENT THAT IS PROPERLY ACCOUNTABLE TO THIS LEGISLATIVE COUNCIL". TO ACHIEVE THAT OBJECTIVE, THE FOLLOWING CHANGES HAVE TAKEN PLACE IN THE CURRENT LEGCO SESSION:

FIRST, WE HAVE SEPARATED THE NON-OFFICIAL MEMBERSHIP OF THE EXECUTIVE AND LEGISLATIVE COUNCILS, SO AS TO ALLOW BOTH COUNCILS TO PLAY THEIR PROPER ROLES. AT THE TIME, WE ENVISAGED THAT WITHIN THIS COUNCIL, POLITICAL PARTIES AND GROUPS COULD BE FREE TO DEVELOP THEIR PROGRAMMES AND PLATFORMS, WITHOUT THE CONSTRAINTS THAT MEMBERSHIP OF THE EXECUTIVE COUNCIL WOULD IMPOSE.

THAT, AS EVERYONE NOW KNOWS, HAS HAPPENED. WE HAVE SEEN, OVER THE LAST YEAR, THE FORMATION OF A SUBSTANTIAL POLITICAL PARTY, AND THE DEVELOPMENT OF OTHER POLITICAL GROUPS IN THIS COUNCIL. THAT HAS INDEED MADE THE DEBATES OF THIS COUNCIL A MUCH LIVELIER AFFAIR. AND, ON THE WHOLE, THIS COUNCIL HAS FULFILLED ITS ROLE AS AN EFFECTIVE FORUM FOR THE EXPRESSION OF THE WISHES OF THE COMMUNITY.

SECONDLY, THIS COUNCIL NOW HAS ITS OWN ELECTED PRESIDENT, AND THIS ENABLED THE GOVERNOR TO BE ANSWERABLE TO THIS COUNCIL AS THE HEAD OF GOVERNMENT. INDEED THE GOVERNOR HAS DONE SO THROUGH HIS QUESTION AND ANSWER SESSIONS WITH THIS COUNCIL, OF WHICH THERE WERE 8 IN THE PAST YEAR, AND THE 9TH WOULD TAKE PLACE TOMORROW. THE GOVERNOR HAVE ALSO HAD MANY MEETINGS WITH MEMBERS OF THIS COUNCIL, INDIVIDUALLY AND IN GROUPS. FURTHERMORE, SENIOR OFFICIALS, INCLUDING THE CHIEF SECRETARY, THE FINANCIAL SECRETARY AND THE ATTORNEY GENERAL HAVE GIVEN MANY BRIEFING SESSIONS TO MEMBERS OF THIS COUNCIL AND POLICY SECRETARIES KEEP IN REGULAR AND CLOSE TOUCH WITH MEMBERS OF THE RELEVANT LEGISLATIVE COUNCIL PANELS. THESE CONSULTATIONS AND BRIEFINGS ARE FAR FROM BEING SUPERFICIAL AS ONE MEMBER CLAIMED. FOR EXAMPLE, THE CONSULTATIONS CARRIED OUT BY THE FINANCIAL SECRETARY PRIOR TO THE LAST BUDGET WAS RECOGNISED BY MANY MEMBERS AS GENUINE CONSULTATION WHICH SIGNIFICANTLY AFFECTED THE CONTENT OF THE BUDGET.

/THIRDLY, THIS .....

THIRDLY, THIS COUNCIL HAS IN TURN TAKEN DECISIONS ON HOW IT RUNS ITS OWN AFFAIRS. IT HAS, FOR EXAMPLE, INSTITUTED A SERIES OF REFORMS TO ITS PROCEDURES AND COMMITTEE STRUCTURE. AND I BELIEVE YOU ARE WELL ON THE WAY TO ESTABLISHING YOUR OWN SECRETARIAT SUPPORT IN A PROPER, STATUTORY FOOTING.

ALL THESE DEVELOPMENTS ARE WELL WITHIN THE FRAMEWORK OF HONG KONG'S GOVERNMENT STRUCTURE MAPPED OUT IN THE PRESENT CONSTITUTIONAL DOCUMENTS, I.E. THE LETTERS PATENT AND ROYAL INSTRUCTIONS, AND THE FUTURE CONSTITUTION OF THE HONG KONG SAR, I.E. THE BASIC LAW. THEY ARE HEALTHY DEVELOPMENTS. SOME MEMBERS HAVE SPOKEN ABOUT DEVELOPING FURTHER TOWARDS A "MINISTERIAL" OR "QUASI-MINISTERIAL" SYSTEM OF SOME SORT EITHER NOW OR AFTER 1997. I SHOULD JUST POINT OUT THAT SUCH A SYSTEM IS NOT ENVISAGED IN THE CURRENT CONSTITUTIONAL ARRANGEMENTS OR, AS FAR AS I KNOW, IN THE BASIC LAW. IT IS IMPORTANT THAT WE SHOULD BUILD ON WHAT HAS PROVED TO WORK WELL, RATHER THAN DISCARD IT ALL FOR SOME IMPORTED SYSTEM THE SUITABILITY OF WHICH FOR HONG KONG IS UNTESTED.

SO, ON THE WHOLE, I BELIEVE THAT THE RELATIONSHIP BETWEEN THE EXECUTIVE AND THE LEGISLATURE IS DEVELOPING ALONG A PATH THAT MEETS OUR OBJECTIVE. BUT EQUALLY CLEARLY, THERE SHOULD BE STEPS THAT COULD BE TAKEN TO OIL THE MACHINERY AND TO MAKE IT WORK SMOOTHER. ONE PROPOSAL THAT WAS MADE BY THE GOVERNOR IN HIS LEGCO ADDRESS WAS TO ESTABLISH A GOVERNMENT-LEGCO COMMITTEE, WHERE THE ADMINISTRATION CAN DISCUSS WITH MEMBERS OF THIS COUNCIL THE HANDLING OF THE ADMINISTRATION'S LEGISLATIVE AND FINANCIAL PROGRAMMES. WE HAVE NOT YET ESTABLISHED SUCH A COMMITTEE BUT, IF MEMBERS OF THIS COUNCIL AND I DO RECOGNISE THAT THERE ARE DIFFERENT VIEWS WOULD LIKE TO TAKE THIS PROPOSAL FURTHER FORWARD, WE ON OUR PART WOULD BE PERFECTLY HAPPY TO COOPERATE.

SOME MEMBERS OF THIS COUNCIL HAVE ALLEGED THAT THERE IS SOMEHOW A COMMUNICATION GAP BETWEEN THIS COUNCIL AND THE EXECUTIVE COUNCIL WHEN THE EXECUTIVE COUNCIL TAKES A VIEW ON CERTAIN POLICY ISSUES WHICH IS DIFFERENT FROM THEIRS. I HAVE TO SAY THAT THEY HAVE MISUNDERSTOOD THE RESPECTIVE ROLES OF THESE TWO COUNCILS. IT IS FOR THE GOVERNOR, ON THE ADVICE OF THE EXECUTIVE COUNCIL, TO TAKE DECISIONS ON POLICIES, AND ON THE INTRODUCTION OF LEGISLATION AND FINANCIAL PROPOSALS TO THIS COUNCIL. IT IS THE LEGISLATIVE COUNCIL'S ROLE TO DEBATE THESE POLICY DECISIONS, AND TO DECIDE ON WHETHER THE LEGISLATIVE AND FINANCIAL PROPOSALS SHOULD BE APPROVED. IN AN IDEAL WORLD EVERYONE WOULD SEE EYE TO EYE ON EVERYTHING AND AGREE WITH EACH OTHER. BUT WE DON'T LIVE IN AN IDEAL WORLD : MEMBERS OF THIS COUNCIL, FOR EXAMPLE, DO NOT ALWAYS SEE EYE TO EYE WITH EACH OTHER. IN A PLURALISTIC SOCIETY LIKE OURS THAT IS BOUND TO HAPPEN; IN AN OPEN SOCIETY LIKES OURS THAT HAPPENS PUBLICLY.

THERE ARE MANY INFORMAL CHANNELS OF COMMUNICATION BETWEEN MEMBERS OF THE EXECUTIVE COUNCIL AND THE LEGISLATIVE COUNCIL. AND, TODAY, SOME MEMBERS SUGGESTED THAT WE SHOULD ALSO HAVE FORMAL CHANNELS OF COMMUNICATION BETWEEN MEMBERS OF THE TWO COUNCILS. NO DOUBT THEY WOULD RECALL THAT THE FORMER OMELCO MEETING SYSTEM WAS ABOLISHED AT THE SUGGESTION OF SOME MEMBERS AT THE TIME. BUT IF MEMBERS NOW WISH, WE WOULD CERTAINLY LOOK AT SOME SIMILAR ARRANGEMENTS FOR THE FUTURE. I CAN ASSURE HONOURABLE MEMBERS THAT THEIR VIEWS ARE FULLY TAKEN INTO ACCOUNT WHEN DECISIONS ARE TAKEN IN EXECUTIVE COUNCIL. BUT SO LONG AS THE TWO COUNCILS WITH OR WITHOUT DUAL MEMBERSHIP ARE SEPARATE AND PLAY DIFFERENT ROLES, NO ONE SHOULD BE SURPRISED IF OCCASIONALLY THERE ARE DISAGREEMENTS.

THAT SAID, I AND MY COLLEAGUES IN THE EXECUTIVE COUNCIL ARE FULLY ALIVE TO THE NEED TO PROMOTE AN EFFECTIVE WORKING RELATIONSHIP WITH THIS COUNCIL. MANY MEMBERS HAVE, IN TODAY'S DEBATE, MADE THOUGHT-PROVOKING SUGGESTIONS. I ASSURE YOU THAT WE WILL EXAMINE THESE SUGGESTIONS SERIOUSLY, AND WE LOOK FORWARD TO WORKING TOGETHER WITH THIS COUNCIL TO MOVE AHEAD.

THANK YOU, MR PRESIDENT.

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SCA IN HUMAN RIGHTS DEBATE

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THE FOLLOWING IS THE FULL TEXT OF THE SPEECH BY SECRETARY FOR CONSTITUTIONAL AFFAIRS, MR MICHAEL SZE, AT THE MOTION DEBATE ON HUMAN RIGHTS COMMISSION IN THE LEGISLATIVE COUNCIL TONIGHT:

MR PRESIDENT,

I WISH TO THANK MEMBERS FOR THEIR VIEWS, SO ELOQUENTLY EXPRESSED. IT IS CLEAR THAT MOST MEMBERS WHO HAVE SPOKEN ARE STRONGLY IN SUPPORT OF THE IDEA OF SETTING UP A HUMAN RIGHTS COMMISSION TO HELP PROMOTE AND PROTECT HUMAN RIGHTS BY VARIOUS MEASURES, INCLUDING:

- (A) PUBLIC EDUCATION;
- (B) EVALUATION OF LAWS AND POLICIES;
- (C) MONITORING OF GOVERNMENT ACTIONS AND PRACTICES; AND
- (D) RESOLVING DISPUTES THROUGH RECONCILIATION OR ADJUDICATION.

/THE GOVERNMENT .....

THE GOVERNMENT APPRECIATES AND RESPECTS THESE VIEWS, BUT WE DO NOT THINK THAT THERE IS A SUFFICIENTLY STRONG CASE FOR THE SETTING UP OF A HUMAN RIGHTS COMMISSION IN ORDER TO PERFORM THESE FUNCTIONS. THIS IS NOT TO SAY THAT THE GOVERNMENT DOES NOT FULLY SUBSCRIBE TO THE IMPLEMENTATION AND PROMOTION OF HUMAN RIGHTS IN HONG KONG. NOR ARE WE AFFECTED IN OUR THINKING BY NON-HONG KONG FACTORS AS ONE MEMBER SUGGESTED. OUR RECORD ON STANDING UP FOR HONG KONG AND WHAT IS RIGHT FOR HONG KONG HAS BEEN FULLY DEMONSTRATED SINCE OCTOBER LAST YEAR. INDEED SINCE THE ENACTMENT OF THE BILL OF RIGHTS ORDINANCE, THE GOVERNMENT HAS TRIED TO MEET THE DEMANDS ARISING FROM ITS APPLICATION THROUGH A NUMBER OF CHANNELS. IN SOME CASES, BECAUSE OF COMPETING PRIORITIES, WE MAY NOT HAVE BEEN ABLE TO PROCEED AS FAST AS WE WOULD WISH. NEVERTHELESS, THE MACHINERY IS ALREADY THERE, AS MY FOLLOWING REMARKS ON EACH OF THE PROPOSED FUNCTIONS WILL SHOW.

#### PUBLIC EDUCATION

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ON HUMAN RIGHTS EDUCATION, A HUMAN RIGHTS EDUCATION SUB-COMMITTEE WAS SET UP UNDER THE COMMITTEE ON THE PROMOTION OF CIVIC EDUCATION IN MAY 1992 TO PROMOTE PUBLIC UNDERSTANDING OF HUMAN RIGHTS. THIS IS ENTIRELY LOGICAL. HUMAN RIGHTS IS PART OF CIVIC EDUCATION AND I MAKE NO APOLOGIES FOR PUTTING THIS UNDER THE AMBIT OF THE CIVIC RIGHTS EDUCATION.

DESPITE DOUBTS CAST BY SOME MEMBERS ON ITS EFFECTIVENESS, I AM GLAD TO REPORT THAT IN THE FOURTEEN MONTHS OR SO SINCE ITS COMING INTO OPERATION, THE SUB-COMMITTEE HAS BEEN VERY ACTIVE. IT HAS ORGANISED A NUMBER OF PROJECTS, VERY SUCCESSFUL ONES INCLUDING A COMMUNITY PARTICIPATION SCHEME, "INFOLINE" MESSAGES, RADIO PROGRAMMES AND A LARGE-SCALE EXHIBITION ON HUMAN RIGHTS. IT ATTEMPTS TO EDUCATE AND TO INTEREST THE MEN-IN-THE-STREET ON THEIR HUMAN RIGHTS. I DON'T THINK THAT OUR PRIORITIES ARE THE TAIPANS OF HONG KONG. THEY SHOULD KNOW BETTER. MORE ARE BEING PLANNED FOR THE COMING MONTHS, FOR EXAMPLE, THE PRODUCTION OF TEACHING KIT FOR EDUCATORS AND YOUNG PEOPLE, AS WELL AS SEMINARS FOR PROMOTING ITS USE. MEETINGS WITH SCHOOLHEADS TO PROMOTE HUMAN RIGHTS EDUCATION IN THE SCHOOL SETTING WILL ALSO BE HELD. I WOULD, MR PRESIDENT, LIKE TO TAKE THIS OPPORTUNITY TO EXPRESS THE GOVERNMENT'S SINCERE APPRECIATION TO THE COMMITTEE FOR ALL ITS HARD WORK. THOUGH NOT ALWAYS APPRECIATED.

IN ADDITION, THE GOVERNMENT HAS PUBLISHED INTRODUCTORY BOOKLETS ON THE BILL OF RIGHTS TO HELP THE PUBLIC UNDERSTAND THE SIGNIFICANCE OF THE ORDINANCE.

EVALUATION OF LAWS AND POLICIES  
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CONCERNING THE EVALUATION OF LAWS, MANY MEMBERS ARE WELL AWARE THAT THE GOVERNMENT IS CONDUCTING AN ON-GOING REVIEW OF LEGISLATION IN THE LIGHT OF THE BILL OF RIGHTS. SINCE THE ENACTMENT OF THE BILL OF RIGHTS IN JUNE 1991, TWELVE AMENDMENT BILLS HAVE ALREADY BEEN ENACTED TO BRING EXISTING LEGISLATION INTO LINE WITH THE BOR. ONE FURTHER AMENDING BILL, NAMELY, THE INLAND REVENUE (AMENDMENT) BILL, IS EXPECTED TO HAVE ITS THIRD READING NEXT WEDNESDAY 21 JULY. WE SHALL BE COMPLETING OUR PREPARATIONS FOR AMENDING THE PUBLIC ORDER ORDINANCE IN THE NEXT COUPLE OF WEEKS AND WILL INTRODUCE AMENDMENTS TO IT EARLY IN THE NEXT LEGISLATIVE SESSION. THE SUMMARY OFFENCES ORDINANCE WILL BE AMENDED ALONG WITH THE PUBLIC ORDER ORDINANCE. THE GOVERNOR IN COUNCIL WILL ALSO BE ASKED TO AMEND THE PRISON RULES AND MENTAL HEALTH REGULATIONS IN THE NEXT FEW MONTHS. THREE OTHER AMENDING BILLS ARE EXPECTED TO BE INTRODUCED INTO THIS COUNCIL IN 1993-94.

IN THE CONTEXT OF THE SEPARATE BUT RELATED REVIEW OF LAWS WHICH MIGHT AFFECT PRESS FREEDOM, THE GOVERNMENT HAS ALSO IDENTIFIED A NUMBER OF LEGISLATIVE PROVISIONS WHICH ARE EITHER OBSOLETE OR WHICH SEEM AT ODDS WITH THE BOR. THESE WILL BE REPEALED OR AMENDED AS SOON AS THE LEGISLATIVE PROGRAMME ALLOWS.

WE APPRECIATE MEMBERS' WISH TO SEE A FASTER PACE OF REVIEW AND AMENDMENT OF LEGISLATION. BUT ONLY THE COURTS CAN DETERMINE WHETHER A PARTICULAR PROVISION IS INCONSISTENT WITH THE BOR. UNLESS THERE IS A CLEAR CASE OF INCONSISTENCY WE WOULD NOT WANT TO PRE-EMPT THE COURTS BY JUMPING TO CONCLUSION. THE NEED FOR CAUTION IS MADE MORE EVIDENT BY THE FACT THAT HUMAN RIGHTS LAW IN HONG KONG IS NEW AND DEVELOPING. THE PRIVY COUNCIL HAS URGED THAT BOR ISSUES BE APPROACHED WITH REALISM AND GOOD SENSE AND BE KEPT IN PROPORTION, OR THE BILL MIGHT BECOME A SOURCE OF INJUSTICE RATHER THAN JUSTICE. THE REVIEW OF LEGISLATION IS AIMED AT FINDING THAT BALANCE. SUCH A DELICATE TASK DOES NOT LEND ITSELF TO EXCESSIVE HASTE. BESIDES, THE LEGISLATIVE PROGRAMME CAN ONLY TAKE ON SO MUCH EVERY YEAR. EXAMINING CORRESPONDING POLICIES AND THE NEED FOR OPERATIONAL CHANGES CAN ALSO BE TIME-CONSUMING.

THIS BRINGS ME TO THE QUESTION OF MEMBERS' SUGGESTION THAT A HUMAN RIGHTS COMMISSION SHOULD ALSO PERFORM THE FUNCTION OF EVALUATION OF POLICIES. MY RESPONSE TO THAT IS THAT, WHILE OUTSIDE BODIES ARE NOT PREVENTED FROM EVALUATING GOVERNMENT POLICIES - INDEED, WE ALREADY HAVE A NETWORK OF ADVISORY BODIES TO ADVISE THE GOVERNMENT ON POLICIES, E.G. THE LAW REFORM COMMISSION - THE RESPONSIBILITY FOR REVIEWING AND INTRODUCING ANY CHANGES TO SUCH POLICIES ULTIMATELY RESTS WITH THE GOVERNMENT. WE DO CONSTANTLY REVIEW OUR POLICIES, INCLUDING THOSE HAVING AN IMPACT ON HUMAN RIGHTS, AND ARE PUBLICLY ACCOUNTABLE FOR THEM. THE 'CHECKS AND BALANCES' ARE PROVIDED BY THIS COUNCIL.

MONITORING GOVERNMENT ACTIONS AND PRACTICES

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THE SAME APPLIES TO THE MONITORING OF GOVERNMENT ACTIONS AND PRACTICES, EXCEPT THAT IN THIS CASE, AN ADDITIONAL SAFEGUARD IS THAT, WHERE THE GOVERNMENT HAS BY ITS ADMINISTRATIVE ACTION ALLEGEDLY BREACHED THE BOR, THE OFFENDED INDIVIDUAL COULD SEEK LEGAL REMEDIES THROUGH THE COURTS. APART FROM THAT, THE COMMISSIONER FOR ADMINISTRATIVE COMPLAINTS IS EMPOWERED TO INVESTIGATE COMPLAINTS THAT FALL WITHIN HIS REMIT IN RELATION TO ALLEGED MALADMINISTRATION. "MALADMINISTRATION" COVERS ABUSE OF POWER INCLUDING ANY ACTION WHICH IS UNREASONABLE, UNJUST, OPPRESSIVE OR IMPROPERLY DISCRIMINATORY. IT WOULD INCLUDE ADMINISTRATIVE ACTS WHICH MAY HAVE BOR IMPLICATIONS. IN THIS CONNECTION, MEMBERS WILL PROBABLY BE AWARE OF THE VARIOUS LEGISLATIVE PROPOSALS TO STRENGTHEN THE COMAC REDRESS SYSTEM WHICH WILL BE INTRODUCED INTO THIS COUNCIL NEXT WEDNESDAY. ONE OF THE PROPOSALS WILL MAKE THE COMAC MORE ACCESSIBLE TO THE PUBLIC.

THERE ARE OTHER EXISTING AVENUES FOR REDRESSING GRIEVANCES ARISING FROM HUMAN RIGHTS INFRINGEMENTS CONCERNING SPECIFIC LAW ENFORCEMENT AGENCIES SUCH AS THE POLICE COMPLAINTS COMMITTEE AND ICAC COMPLAINTS COMMITTEE.

RESOLVING DISPUTES THROUGH RECONCILIATION OR ADJUDICATION

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WE HAVE RESERVATIONS ABOUT A HUMAN RIGHTS COMMISSION'S ROLE IN DISPUTE RESOLUTION, AT LEAST IN THE HONG KONG CONTEXT.

RECONCILIATION, A LESS FORMAL WAY OF RESOLVING DISPUTES, IS EXPEDIENT FOR DEALING WITH ACTIONS BETWEEN PRIVATE PARTIES - AN AREA EXCLUDED FROM THE BOR ORDINANCE. FULL-FLEDGED JUDICIAL INTERVENTION, ON THE OTHER HAND, IS OFTEN WARRANTED IN A CASE OF ALLEGED GOVERNMENT BREACH, FOR THE CHANCES ARE THAT THE BREACH HAS A GREATER IMPACT ON THE INDIVIDUAL. IN FACT, MOST BOR DISPUTES HAVE HITHERTO ARISEN FROM CRIMINAL PROCEEDINGS. IT IS HARD TO IMAGINE THESE DISPUTES BEING DEALT WITH BY A HUMAN RIGHTS COMMISSION.

THERE ARE OTHER RAMIFICATIONS. IN HONG KONG, BOR DISPUTES ESSENTIALLY CONCERN QUESTIONS OF LAW AND STATUTORY INTERPRETATION. UNLESS A COMMISSION'S LEGAL RULING IS FINAL, IN WHICH CASE THE COMMISSION WILL ASSUME A LAW-MAKING ROLE, THE COURTS WILL REMAIN THE FORUM OF LAST RESORT. IF THE COURTS DO REMAIN THE FORUM OF LAST RESORT, AND MOST COMMISSION CASES END UP IN THE COURTS, THE ROLE OF THE COMMISSION AS A SEPARATE ADJUDICATING BODY WILL BE THROWN IN DOUBT. IF, ON THE OTHER HAND, MOST CASES GO NO FURTHER THAN THE COMMISSION, DEVELOPMENT OF LOCAL JURISPRUDENCE WILL BE ADVERSELY AFFECTED, AT LEAST IN THE EARLY STAGES.

OTHER DIFFICULTIES INCLUDE DEFINING THE COMMISSION'S POWERS AND STAFFING IT WITH THE RIGHT CANDIDATES. ALL THESE STRENGTHEN OUR BELIEF THAT BOR DISPUTES ARE BEST RESOLVED THROUGH THE JUDICIAL PROCESS. AND I HAVE TO SAY, THEY ARE BEING DONE VERY ACTIVELY BY THE COURTS.

THERE IS CONCERN THAT SOME BOR POINTS ARE NOT PURSUED IN COURTS BECAUSE OF THE PROHIBITIVE LEGAL COSTS INVOLVED. THE INTER-DEPARTMENTAL WORKING GROUP ON LEGAL AID POLICY REVIEW HAS ADDRESSED THIS POINT IN THE CONSULTATIVE PAPER ON LEGAL AID WHICH IS AT PRESENT GOING THROUGH THE PUBLIC CONSULTATION PROCESS. THE WORKING GROUP'S PRELIMINARY VIEW IS THAT THE EXISTING SCOPE OF CIVIL LEGAL AID IS BROAD ENOUGH TO COVER CASES INVOLVING CHALLENGES ON BOR GROUNDS. IN CRIMINAL CASES, THE DIRECTOR OF LEGAL AID HAS THE DISCRETION TO PROVIDE LEGAL AID IN SUCH CASES IN THE INTERESTS OF JUSTICE EVEN IF THE APPLICANT FAILS THE MEANS TEST.

THIS DISCRETION OF THE DIRECTOR, COUPLED WITH THE EXPANSION OF THE DUTY LAWYER SCHEME SINCE 1991, ALSO MEANS THAT THE GOVERNMENT HAS FULLY MET ITS OBLIGATION UNDER ARTICLE 11(2)(D) OF THE BILL OF RIGHTS ORDINANCE. THAT ARTICLE PROVIDES THAT LEGAL ASSISTANCE SHOULD BE PROVIDED TO ANY PERSON CHARGED WITH A CRIMINAL OFFENCE "WHERE THE INTERESTS OF JUSTICE SO REQUIRE AND WITHOUT PAYMENT BY HIM IN SUCH CASES IF HE DOES NOT HAVE SUFFICIENT MEANS TO PAY FOR IT".

MANY MEMBERS TODAY SUGGESTED PROBLEM AREAS WHICH A HUMAN RIGHTS COMMISSION MIGHT SOMEHOW BE ABLE TO DEAL WITH, BETTER, EASIER OR MORE SPEEDILY. I HOPE WHAT I HAVE SAID EARLIER DEMONSTRATED THAT A HUMAN RIGHTS COMMISSION IS NOT A PANACEA. INCIDENTALLY, ONE OF THESE PROBLEM CASES MENTIONED BY MR K K FUNG IS EVIDENTLY NOT ONE WHICH IS IGNORED BY THE GOVERNMENT. MR FUNG HIGHLIGHTED SOME OF THE MORE OBVIOUS DEFICIENCIES OF CORPORATE VOTING IN THE FUNCTIONAL CONSTITUENCIES. I HAVE TO REMIND MR FUNG THAT THIS IS ONE PROBLEM AREA WHICH IS ACKNOWLEDGED BY THE GOVERNMENT AND WE ARE SET OUT TO RECTIFY IN OUR PROPOSALS FOR THE 1994/95 ELECTORAL ARRANGEMENTS.

#### CONCLUSION

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MR PRESIDENT, WHILE WE APPRECIATE MEMBERS' PREFERENCE FOR MORE TO BE DONE ON THE HUMAN RIGHTS FRONT, INCLUDING THE ESTABLISHMENT OF A HUMAN RIGHTS COMMISSION, WE HAVE TO ACKNOWLEDGE THAT HONG KONG DOES HAVE A GOOD HUMAN RIGHTS RECORD, COMPARABLE TO THE BEST IN ASIA. OUR CITIZENS WILL AGREE, I THINK, THAT WE ARE A FREE SOCIETY. I AM NOT SAYING THAT WE SHOULD BE COMPLACENT, BUT MEMBERS SHOULD ACCEPT THAT A HUMAN RIGHTS COMMISSION IS NOT ESSENTIAL FOR THE PERFORMANCE OF THE FUNCTIONS ENVISAGED BY MEMBERS, AND IT HAS INDEED ITS DRAWBACKS. WE DO NOT SEE A STRONG CASE FOR SETTING UP A HUMAN RIGHTS COMMISSION AT THIS TIME, BUT OBVIOUSLY WE ALWAYS KEEP AN OPEN MIND AND WOULD LOOK AT IT AGAIN IF AND WHEN FUTURE DEVELOPMENTS SO WARRANT. ACCORDINGLY, THE OFFICIAL MEMBERS WILL ABSTAIN FROM VOTING IN THIS MOTION.

BALANCE SHEET OF EXCHANGE FUND PUBLISHED  
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FINANCIAL SECRETARY THE HON HAMISH MACLEOD, IN A STATEMENT TO THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), TABLED THE BALANCE SHEET OF THE EXCHANGE FUND SHOWING THE POSITION AS AT THE END OF 1992.

THIS IS IN KEEPING WITH HIS COMMITMENT MADE IN JULY LAST YEAR TO PUBLISH EVERY YEAR THE EXCHANGE FUND BALANCE SHEET.

AT THE END OF 1992, THE EXCHANGE FUND STOOD AT HK\$287 BILLION, UP 22 PER CENT FROM HK\$236 BILLION AT THE END OF 1991. MORE THAN 95 PER CENT OF THE FUND WAS IN FOREIGN CURRENCY ASSETS.

THE ACCUMULATED EARNINGS OF THE FUND AT THE END OF 1992 WAS HK\$107 BILLION, COMPARED TO HK\$99 BILLION AT THE END OF 1991.

"AT US\$35 BILLION, OUR FOREIGN CURRENCY HOLDINGS WERE THE 10TH HIGHEST IN THE WORLD, COMPARED WITH A RANKING OF 12TH AT THE END OF 1991," MR MACLEOD SAID.

"OUR PER CAPITA FOREIGN CURRENCY HOLDINGS STOOD AT US\$6,000, COMPARED WITH US\$5,000 AT THE END OF 1991. THE CORRESPONDING AVERAGE FOR THE OECD COUNTRIES HAS, AS A MATTER OF INTEREST, FALLEN FROM US\$740 AT THE END OF 1991 TO US\$700 AT THE END OF 1992," HE ADDED.

IN FUTURE, THE YEAR-END BALANCE SHEET OF THE FUND WILL BE INCLUDED IN THE ANNUAL REPORT OF THE HONG KONG MONETARY AUTHORITY WHICH WAS ESTABLISHED ON APRIL 1 AND THE ANNUAL REPORT WILL BE TABLED IN THE LEGISLATIVE COUNCIL.

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HEALTH CONSULTATION DOCUMENT OFFERS  
SAFETY NET AND MORE CHOICE  
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THE SECRETARY FOR HEALTH AND WELFARE; MRS ELIZABETH WONG, REASSURED THE PUBLIC THAT THE CONSULTATION DOCUMENT "TOWARDS BETTER HEALTH" PUBLISHED TODAY (WEDNESDAY) WAS NOT A DOCUMENT ABOUT FEE INCREASES.

IN FACT, IT SEEKS TO REMOVE REMEDIABLE FLAWS IN THE EXISTING HEALTH CARE SYSTEM IN HONG KONG, RATIONALISE THE FINANCIAL STRUCTURE OF PUBLIC HEALTH SERVICES AND OFFERS POSSIBLE OPTIONS FOR CHANGE FOR THE BETTER.

AS CLEARLY STATED IN THE DOCUMENT, SHE SAID, THE GOVERNMENT'S OBJECTIVES WERE:

- \* TO ENSURE THAT THE EXISTING POLICY THAT NO ONE SHOULD BE DENIED ADEQUATE MEDICAL TREATMENT THROUGH LACK OF MEANS REMAINED PARAMOUNT;
- \* TO ENSURE INCREASED ACCESSIBILITY, THAT IS, REDUCING WAITING TIME, BETTER SERVICES AND MORE CHOICE, SIMPLER ADMINISTRATION AND IMPROVED EFFICIENCY; AND

\* TO ENSURE THAT A BALANCE WAS STRUCK BETWEEN THE PROVISION OF SERVICES AND THE LEVEL OF SUBSIDY FOR THESE SERVICES.

MRS WONG MADE THE REMARKS WHEN TABLING THE CONSULTATION DOCUMENT IN THE LEGISLATIVE COUNCIL THIS AFTERNOON.

TO ENSURE THAT THE GOVERNMENT'S COMMITMENT TOWARDS PUBLIC HEALTH SERVICES REMAINS PARAMOUNT, THE GOVERNOR PLEDGED IN HIS POLICY ADDRESS LAST OCTOBER "TO INCREASE RECURRENT SPENDING ON HEALTH CARE BY 22 PER CENT IN REAL TERMS BY 1997".

"ACCESS TO AFFORDABLE HEALTH CARE IS A PUBLIC RIGHT," MRS WONG STATED, ADDING THAT THIS RIGHT REMAINED THE CORNERSTONE OF GOVERNMENT POLICY.

LIKE MANY OTHER COUNTRIES, SHE CONTINUED, HONG KONG WAS COMING UNDER INCREASING STRESS DUE TO ESCALATING MEDICAL COSTS, AN AGEING POPULATION AND RISING EXPECTATION FOR IMPROVED SERVICES.

FEEES CHARGED BY THE PUBLIC HOSPITAL SYSTEM HAD THEIR ORIGINS IN THE POST-WAR YEARS WHEN THEY WERE ORIGINALLY BASED ON THE COST OF CATERING, WHILST THE FEES CHARGED BY PUBLIC OUT-PATIENT CLINICS WERE BASED ON OPERATING COST.

AND FEES LEVIED IN PUBLIC HOSPITALS - BE THEY ACUTE GENERAL, INFIRMARY AND PSYCHIATRIC - ARE THE SAME IRRESPECTIVE OF THE DIFFERENT LEVELS OF SERVICE, OPERATING COST AND PATIENT'S ABILITY TO PAY.

MRS WONG EXPLAINED THAT ALL FEES WERE UPDATED EVERY YEAR, BASED ON AVERAGE OPERATING COST AND IN LINE WITH THE MOVEMENT OF GOVERNMENT CONSUMPTION EXPENDITURE DEFLATOR.

FURTHERMORE, SHE SAID, PRIOR TO THE SETTING UP OF THE HOSPITAL AUTHORITY, DIFFERENT HOSPITALS HAD DIFFERENT CHARGING POLICIES.

"WHEREAS EX-GOVERNMENT HOSPITALS IMPOSED AN ALL-INCLUSIVE FLAT RATE, THAT IS, 'STANDARD CHARGE' FOR THE OCCUPATION OF A GENERAL WARD BED, SOME EX-SUBVENTED HOSPITALS CHARGED SEPARATELY FOR ADMISSION, SURGICAL OPERATIONS AND DRUGS IN ADDITION TO THE BASIC RATE," SAID MRS WONG.

"THUS THE CURRENT SYSTEM OF FEES CHARGED IN THE PUBLIC SECTOR IS NEITHER RATIONAL, CONSISTENT NOR CLEARLY UNDERSTOOD. UNLESS OPTIONS ARE ADOPTED, THE EXISTING SYSTEM WILL CONTINUE. "THESE HISTORICAL METHODS OF CHARGING STILL APPLY TODAY IN SOME CIRCUMSTANCES.

"THESE HISTORICAL ANOMALIES IN FEE STRUCTURE CREATE CONFUSION AND NEED TO BE RATIONALISED."

MRS WONG ALSO NOTED THAT HONG KONG'S HEALTH AND WELFARE POLICY HAD ALWAYS FOCUSED ON THE PHILOSOPHY OF HELPING THE VULNERABLE AND THOSE WITH SPECIAL NEEDS.

YET, UNDER THE EXISTING HEALTH CARE SYSTEM, THE LESS WELL OFF, THE ELDERLY AND LONG-STAY PATIENTS DO NOT HAVE CERTAINTY OF ACCESS TO WAIVER BECAUSE THE CURRENT FEE CHARGING SYSTEM DOES NOT CARRY WITH IT A CLEAR-CUT WAIVER SYSTEM EXCEPT FOR PUBLIC ASSISTANCE RECIPIENTS.

FOR EXAMPLE, AN ELDERLY PATIENT AT PRESENT HAS TO PAY \$43 A DAY PLUS VARIOUS INPATIENT CHARGES STILL IMPOSED IN SOME HOSPITALS UNDER THE HOSPITAL AUTHORITY. THERE IS NO AUTOMATIC WAIVER SYSTEM IN PLACE.

ALSO, PUBLIC HOSPITALS OFFER LITTLE CHOICE OF ACCOMMODATION TO CONSUMERS.

"AFTER RATIONALISATION, THE PATIENT WILL KNOW WITH CERTAINTY, AND IN ADVANCE, HIS ENTITLEMENT, THAT IS TO SAY WHAT WILL BE CHARGED AND WHAT WILL BE WAIVED.

"AND PATIENTS WILL HAVE MORE CHOICE AT AN AFFORDABLE PRICE, PARTICULARLY WITH REGARD TO HOSPITAL ACCOMMODATION AND ENVIRONMENT."

GIVEN THE IMPERFECTIONS OF THE EXISTING SYSTEM, MRS WONG SAID THE CONSULTATION DOCUMENT OFFERED A NUMBER OF OPTIONS ON POSSIBLE APPROACHES TO GIVE PEOPLE A SAFETY NET WITH CERTAINTY, MORE CHOICE AT AFFORDABLE PRICES, WHILST MAINTAINING THE GOVERNMENT'S COMMITMENT IN SUBSIDISING HEALTH CARE SERVICES AND POISING OURSELVES TO MEET THE MEDICAL AND DEMOGRAPHIC CHALLENGES OF TOMORROW.

CHAPTER 4 OF THE DOCUMENT OUTLINES THE FOLLOWING FIVE POSSIBLE OPTIONS AS A WAY FORWARD:

OPTION A: PERCENTAGE SUBSIDY APPROACH

OPTION B: TARGET GROUP APPROACH

OPTION C: CO-ORDINATED VOLUNTARY INSURANCE APPROACH

OPTION D: COMPULSORY COMPREHENSIVE INSURANCE APPROACH

OPTION E: PRIORITISATION OF TREATMENT APPROACH

OPTIONS A AND B ARE WAYS OF FEE CHARGING AND WAIVER; OPTIONS C AND D ARE WAYS OF FUNDING HEALTH SERVICES FOR THE COMMUNITY; AND OPTION E IS A WAY OF ALLOCATING RESOURCES.

OF THE FIVE APPROACHES OFFERED FOR CONSULTATION, THE GOVERNMENT FAVOURS A COMBINATION OF APPROACHES.

THE COMBINATION WILL HAVE THE ADVANTAGE OF CONTINUITY IN MAINTAINING HEAVILY-SUBSIDISED PUBLIC HOSPITAL SERVICES FOR GENERAL WARD PATIENTS WHILST PROVIDING MORE CHOICE THROUGH THE INTRODUCTION OF SEMI-PRIVATE ROOMS.

MORE IMPORTANTLY, FOR THE FIRST TIME IN HONG KONG, THERE WILL BE A CLEAR WAIVER FOR TARGETED VULNERABLE GROUPS.

THE ADMINISTRATION ALSO FAVOURS THE INTRODUCTION OF A CO-ORDINATED VOLUNTARY INSURANCE SCHEME AS A FRAMEWORK TO ALLOW CONSUMERS MORE CHOICE AT AFFORDABLE PRICES.

COUPLED WITH THE GOVERNMENT'S COMMITMENT TO INCREASE RECURRENT SPENDING ON HEALTH CARE BY 22 PER CENT IN REAL TERMS BY 1997, THE COMBINATION OF OPTIONS WILL PUT HONG KONG'S HEALTH CARE SYSTEM ON A SOUND FOOTING.

/MRS WONG .....

MRS WONG CONCLUDED: "IF WE MOVE FORWARD TO CATER TO THE ASPIRATIONS OF THE COMMUNITY AND ANTICIPATE THE NEEDS OF THE FUTURE, WE SHOULD, FROM A WIDE SPECTRUM OF OPTIONS, SELECT THOSE MOST APPROPRIATE TO HONG KONG AND MOST ACCEPTABLE TO OUR COMMUNITY.

"I HOPE MEMBERS OF THE PUBLIC WILL OPENLY AND FRANKLY PUT FORWARD THEIR VIEWS. WE NEED TO SEE YOUR NEEDS THROUGH YOUR EYES."

THE CONSULTATION DOCUMENT IS NOW AVAILABLE FROM ALL DISTRICT OFFICES, HOSPITALS AND CLINICS.

ALL VIEWS SHOULD BE SENT TO THE HEALTH AND WELFARE BRANCH, PO BOX 8138, GENERAL POST OFFICE, ON OR BEFORE SEPTEMBER 30, THIS YEAR.

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AMUSEMENT GAME CENTRES BILL PASSED

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THE AMUSEMENT GAME CENTRES BILL WAS PASSED WITH AMENDMENTS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING AT THE RESUMED DEBATE ON THE BILL, THE SECRETARY FOR HOME AFFAIRS, MR MICHAEL SUEN, SAID THE BILL SOUGHT TO ESTABLISH AN EFFECTIVE REGULATORY REGIME FOR LICENSING AMUSEMENT GAME CENTRES.

ADDRESSING MEMBERS' CONCERN OVER THE OPERATION OF VENDING MACHINES AND COMPUTER SOFTWARE SALES, MR SUEN SAID THE PRIMARY PURPOSE OF A VENDING MACHINE WAS FOR THE SALE OF MERCHANDISE RATHER THAN FOR PROVIDING ENTERTAINMENT.

"FURTHERMORE, THE ELEMENT OF CHANCE IS ABSENT.

"IT IS THEREFORE NOT OUR INTENTION TO CONTROL VENDING MACHINES UNDER THIS LEGISLATION," HE SAID.

HOWEVER, WITH REGARD TO COMPUTER SOFTWARE VENDORS, MR SUEN SAID THEY WOULD BE REQUIRED TO OBTAIN AN AMUSEMENT GAME CENTRE LICENCE, IF THEY PROVIDED AMUSEMENT GAMES ON THEIR PREMISES AT A CHARGE.

BUT THOSE COMPUTER VENDORS WHO SELL SOFTWARE FOR PRIVATE USE WOULD NOT REQUIRE SUCH A LICENCE, HE SAID.

MR SUEN NOTED THE LICENSED AMUSEMENT GAME CENTRES TRADE ASSOCIATION LTD'S OBJECTION TO THE PROPOSED CUT-OFF AGE OF 16 FOR ADMISSION INTO ADULT'S AND CHILDREN'S CENTRES.

THE ASSOCIATION ARGUED FOR THE ADOPTION OF A SYSTEM SIMILAR TO THAT USED FOR THE CLASSIFICATION OF FILMS, WHICH PROVIDES FOR A CUT-OFF AGE OF 18.

BUT MR SUEN ASSERTED THAT AMUSEMENT GAMES AND FILM VIEWING WERE TWO DIFFERENT FORMS OF ENTERTAINMENT.

"THE PHYSICAL ENVIRONMENT IN WHICH AMUSEMENT GAMES ARE PLAYED, THE DEGREE OF PARTICIPATION BY PLAYERS AND THE INTERACTIVE NATURE OF MODERN GAMES HAVE MADE THEM A UNIQUE FORM OF ENTERTAINMENT WHICH SHOULD NOT BE COMPARED WITH FILM VIEWING OR OTHER FORMS OF ENTERTAINMENT.

"FOR THE SAME REASON, THE GROUNDS FOR PROVIDING EXTRA PROTECTION TO THOSE ADMITTED TO CHILDREN'S CENTRES AND TO FREE THEM FROM HARASSMENT BY OTHERS WHO ARE OLDER ARE THAT MUCH STRONGER," HE SAID.

HE CONFIRMED THAT THE AGE OF 16 STIPULATED IN THE BILL WAS A POPULAR CHOICE, BOTH WITH THE MEMBERS OF THE BILLS COMMITTEE AND MEMBERS OF THE PUBLIC.

AS TO MEMBERS' CONCERN OVER POSSIBLE ABUSE OF THE ENFORCEMENT PROVISIONS, MR SUEN REASSURED MEMBERS THAT THE LICENSING AUTHORITY WOULD TAKE A NUMBER OF ADMINISTRATIVE MEASURES, INCLUDING ADVISORY LETTERS AND WARNING LETTERS BEFORE RESORTING TO PROSECUTIONS.

"PRIOR TO THE SUSPENSION OR REVOCATION OF LICENCES, OPERATORS WILL BE INVITED TO MAKE REPRESENTATIONS.

"IN ADDITION, ENFORCEMENT GUIDELINES WILL BE DRAWN UP BETWEEN THE TELEVISION AND ENTERTAINMENT LICENSING AUTHORITY AND THE POLICE.

"THE TRADE AND ANY OTHER INTERESTED PARTIES WILL BE FULLY INFORMED OF THE DETAILS OF THE GUIDELINES BEFORE THEY ARE BROUGHT INTO OPERATION," HE ADDED.

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CENSORSHIP OF FILMS, VIDEOTAPES AND LASERDISCS  
UNDER ONE ROOF  
\* \* \* \* \*

HONG KONG IS NOT READY TO ADOPT A FILM CENSORSHIP SYSTEM WHEREBY THE FILM INDUSTRY EXERCISES SELF-REGULATION AS PRACTISED IN THE UNITED STATES AND JAPAN, THE SECRETARY FOR RECREATION AND CULTURE, MR JAMES SO, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE EXPLAINED THAT THE FILM INDUSTRY IN HONG KONG, ALTHOUGH BOOMING, STILL LACKED COHESION AND A STRONG ORGANISATION FOR IT TO BE CHARGED WITH THIS VERY SENSITIVE, ONEROUS AND AT TIMES HIGHLY CONTROVERSIAL TASK.

FURTHERMORE, HONG KONG PUBLIC STILL LOOKS TO THE GOVERNMENT AS THE PROPER GUARDIAN OF PUBLIC MORALS, HE SAID.

HOWEVER, I SHALL BE HAPPY TO EXAMINE THIS IDEA FURTHER IN CONSULTATION WITH THE RECREATION AND CULTURE PANEL OF THE LEGISLATIVE COUNCIL AS WELL AS THE FILM INDUSTRY.

MR SO WAS SPEAKING AT THE RESUMED DEBATE OF THE FILM CENSORSHIP (AMENDMENT) BILL 1993 WHICH AIMED TO PLACE THE CENSORSHIP OF FILMS, AND VIDEOTAPES AND LASERDISCS MADE FROM SUCH FILMS, IN THE HANDS OF THE FILM CENSORSHIP AUTHORITY.

IN THE COURSE OF EXAMINING THE BILL BY THE BILLS COMMITTEE, MEMBERS RAISED A NUMBER OF ISSUES, ONE OF WHICH RELATED TO THE INCREASE IN FINES FOR EXHIBITING A CATEGORY III FILM TO A PERSON BELOW 18 YEARS OF AGE FROM \$10,000 TO \$50,000.

ALTHOUGH MEMBERS HAD GENERALLY AGREED THAT PENALTIES FOR THIS OFFENCE MUST BE SET AT A REALISTIC LEVEL TO ACHIEVE THE DESIRED DETERRENT EFFECT, THE HONG KONG THEATRE ASSOCIATION RAISED STRONG OBJECTIONS, ARGUING THAT IT WAS DIFFICULT FOR THEM TO ENFORCE THIS PROVISION.

IN RESPONSE TO THIS OBJECTION, MR SO SAID, THE FILM CENSORSHIP AUTHORITY HAD ADOPTED A SYSTEM WHEREBY A WARNING LETTER WOULD BE ISSUED TO REMIND CINEMA OPERATORS OF THEIR LEGAL RESPONSIBILITIES WHEN AN OFFENCE WAS FIRST DETECTED.

PROSECUTION ACTION WOULD ONLY BE TAKEN WHEN AN OFFENCE WAS DETECTED ON A THIRD AND SUBSEQUENT OCCASION.

TO ENSURE THAT SUCH WARNING LETTERS WILL NOT HANG OVER THE HEADS OF A CINEMA OPERATOR FOREVER, SUCH LETTERS WILL BE INVALIDATED AFTER TWO YEARS IF DURING THAT PERIOD THE CINEMA OPERATOR HAS NOT BEEN FOUND TO HAVE COMMITTED A FURTHER BREACH, MR SO SAID.

"THE AUTHORITY WILL BE FORMALISING THIS ARRANGEMENT TO GIVE CINEMA OPERATORS CLARITY AND CERTAINTY."

ON THE ASSOCIATION'S ARGUMENT THAT UNDERAGED PERSONS VIEWING CATEGORY III FILMS SHOULD BEAR SOME OF THE RESPONSIBILITIES THEMSELVES, MR SO DID NOT AGREE.

HE CONSIDERED THAT THE PRESENT PRACTICE OF GIVING VERBAL WARNINGS TO MINORS WHEN FOUND VIEWING A CATEGORY III MOVIE, AND THE POSSIBILITY OF REQUIRING THEM TO APPEAR AS WITNESSES IN COURT SHOULD SERVE AS ADEQUATE DETERRENTS TO THE YOUNGSTERS.

THE SECRETARY ALSO SHARED MEMBERS' CONCERN OVER THE CORRUPTING INFLUENCE OF THE RATHER EXPLICIT PICTURES AND WORDINGS APPEARING ON THE PACKAGE OF VIDEOTAPES AND LASERDISCS.

HE PROPOSED TO INCLUDE A NEW SECTION IN THE BILL REQUIRING THE PACKAGING OF VIDEOTAPES AND LASERDISCS MADE FROM ALL CATEGORY III FILMS TO BE SUBMITTED TO THE FILM CENSORSHIP AUTHORITY FOR SCRUTINY.

A CERTIFICATE WILL BE ISSUED REGARDING THE PACKAGING SUBMITTED AND ANY PERSON WHO PUBLISHES OR DISPLAYS SUCH PACKAGING WITHOUT A VALID CERTIFICATE COMMITS AN OFFENCE AND IS LIABLE TO A FINE OF \$50,000 AND IMPRISONMENT OF SIX MONTHS, MR SO WARNED.

MEMBERS OF THE BILLS COMMITTEE HAD ASKED THAT SECTION 10(2)(C) OF THE FILM CENSORSHIP ORDINANCE REQUIRING A FILM TO BE CENSORED IF IT SERIOUSLY DAMAGED GOOD RELATIONS WITH OTHER TERRITORIES, BE REPEALED ON GROUNDS THAT IT WAS INCOMPATIBLE WITH THE BILL OF RIGHTS ORDINANCE.

ACCORDING TO LEGAL ADVICE, MR SO SAID, THE PROVISION WAS NOT INCOMPATIBLE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS OR THE HONG KONG BILL OF RIGHTS ORDINANCE.

HOWEVER, HE AGREED THAT THIS ISSUE SHOULD BE KEPT UNDER CONSTANT REVIEW AND THAT HE WOULD DISCUSS THIS MATTER FURTHER WITH THE RECREATION AND CULTURE PANEL IN FUTURE.

THE BILL WAS PASSED WITH AMENDMENTS.

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CRIMINAL PROCEDURE (AMENDMENT) BILL 1993 INTRODUCED

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THE PRINCIPAL OBJECT OF THE CRIMINAL PROCEDURE (AMENDMENT) BILL 1993 IS TO CREATE A STATUTORY RIGHT TO BAIL FOLLOWING RECOMMENDATIONS MADE BY THE LAW REFORM COMMISSION IN ITS REPORT ON BAIL IN CRIMINAL PROCEEDINGS.

MOVING THE SECOND READING OF THE BILL, THE ATTORNEY GENERAL, MR JEREMY MATHEWS, SAID IT HAD BEEN THE PRACTICE OF THE COURTS FOR MANY YEARS TO GRANT BAIL PENDING TRIAL, EXCEPT WHERE THERE WAS GOOD REASON NOT TO DO SO.

"A GOOD REASON TO DENY BAIL EXISTS WHERE THERE ARE GROUNDS TO FEAR THAT THE DEFENDANT WILL FAIL TO APPEAR AT FUTURE COURT HEARINGS, OR WILL COMMIT OFFENCES WHILE ON BAIL, OR WILL INTERFERE WITH THE COURSE OF JUSTICE; AND ALSO WHERE THE DEFENDANT SHOULD BE REMANDED IN CUSTODY FOR HIS OWN PROTECTION," HE SAID.

THE BILL PROPOSED TO GIVE STATUTORY EFFECT TO THE PRACTICE OF THE COURTS, AND FOR THE FIRST TIME WOULD CREATE A POSITIVE PRESUMPTION IN FAVOUR OF BAIL.

"THIS WILL IN NO WAY DETRACT FROM THE POWERS OF THE COURT TO REFUSE BAIL IN APPROPRIATE CIRCUMSTANCES.

"IT WILL, HOWEVER, PROHIBIT THE ARBITRARY OR UNREASONABLE REFUSAL OF BAIL, AND WILL IMPOSE A DUTY UPON THE COURTS TO EXPLAIN THE BASIS ON WHICH BAIL IS REFUSED," MR MATHEWS STRESSED.

THE PROPOSED AMENDMENT EMPHASISED THE NEED FOR THE COURT TO CONSIDER PROPERLY THE ALLEGED FACTS ON WHICH OBJECTIONS TO BAIL WERE BASED, AND PROVIDED THAT CONDITIONS OF BAIL MIGHT BE IMPOSED ONLY WHERE THE COURT CONSIDERED THEM TO BE NECESSARY.

IN THE VAST MAJORITY OF CASES, HE SAID, THE ISSUE FOR THE COURT TO DETERMINE WOULD BE WHETHER THE DEFENDANT WOULD FAIL TO SURRENDER TO CUSTODY, COMMIT AN OFFENCE ON BAIL OR INTERFERE WITH THE COURSE OF JUSTICE.

"IN DEFINING THE STANDARD OF PROOF FOR PROSECUTION OBJECTIONS, THE BILL STATES THAT THE COURT MUST GRANT BAIL UNLESS IT APPEARS TO THE COURT THAT THERE IS AN UNACCEPTABLE RISK THE DEFENDANT WILL DO ONE OR MORE OF THOSE THREE THINGS," HE POINTED OUT.

THE PROPOSED PRESUMPTION IN FAVOUR OF BAIL WOULD ARISE ONLY PRIOR TO CONVICTION. IT WOULD NOT APPLY TO BAIL PENDING APPEAL, ALTHOUGH COURTS WOULD RETAIN THEIR PRESENT DISCRETIONARY POWERS TO GRANT BAIL.

THE BILL PROPOSED TO ABOLISH THE POWER OF COURTS TO TAKE RECOGNIZANCES FROM BAIL PERSONS AS GUARANTEES FOR THEIR FUTURE SURRENDER TO CUSTODY.

INSTEAD, A SPECIFIC OFFENCE OF FAILING TO SURRENDER TO CUSTODY WAS PROPOSED. EXISTING POWERS FOR COURTS TO REQUIRE CASH DEPOSITS FROM DEFENDANTS, AND TO REQUIRE SURETIES, WERE RETAINED.

"IN ANY CASE WHERE A PERSON IS REFUSED UNCONDITIONAL BAIL BY A MAGISTRATE OR A DISTRICT COURT JUDGE, THE BILL PROVIDES THAT HE OR SHE WILL HAVE THE RIGHT TO APPLY TO A HIGH COURT JUDGE WHO WILL CONSIDER THE MATTER AFRESH. THE BILL IN SUBSTANCE REPEATS THE EFFECT OF EXISTING LAW," MR MATHEWS SAID.

THE BILL PRESERVED EXISTING POWERS OF ARREST WITHOUT WARRANT BY A POLICE OFFICER WHERE THERE WERE REASONABLE GROUNDS TO BELIEVE A PERSON HAD BREACHED OR WAS LIKELY TO BREACH HIS BAIL.

IT ALSO PRESERVED THE ATTORNEY GENERAL'S RIGHT TO SEEK A REVIEW OF BAIL GRANTED BY A MAGISTRATE OR DISTRICT COURT JUDGE.

MR MATHEWS POINTED OUT THAT THE BILL ONLY SOUGHT TO REGULATE THE MANNER IN WHICH COURTS EXERCISED THEIR DISCRETION.

HE SAID FOR THE MOST PART, THE COURTS' JURISDICTION TO GRANT BAIL WAS NOT ALTERED, WITH ONLY ONE EXCEPTION.

THE BILL PROPOSED THAT THE COURT OF APPEAL SHOULD BE EMPOWERED TO GRANT BAIL OR DETAIN A PERSON IN CUSTODY PENDING A PROSECUTION OR DEFENCE APPEAL TO THE PRIVY COUNCIL.

AT PRESENT, THERE WAS NO SUCH POWER.

MR MATHEWS SAID ALTHOUGH THE LAW REFORM COMMISSION'S RECOMMENDATIONS RELATED BOTH TO BAIL BY THE POLICE AND BAIL BY THE COURTS, THE BILL RELATED ONLY TO THE LATTER BECAUSE A FURTHER LAW REFORM COMMISSION REPORT ON ARREST, DETENTION, SEARCH AND SEIZURE, PUBLISHED IN NOVEMBER 1992, WAS UNDER ACTIVE CONSIDERATION.

THIS DEALT WITH POLICE POWERS GENERALLY AND THE QUESTION OF BAIL BY THE POLICE IS MORE APPROPRIATELY CONSIDERED IN THAT WIDER CONTEXT.

MR MATHEWS STRESSED THE BILL WOULD BE BALANCING THE INDIVIDUAL'S RIGHT TO FREEDOM WITH, THE NEED TO PROTECT SOCIETY AGAINST CRIMINALS.

DEBATE ON THE BILL WAS ADJOURNED.

TIGHT CONTROL OF LEVERAGED FOREIGN EXCHANGE CONTRACTS

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THE NATURE OF THE LEVERAGED FOREIGN EXCHANGE CONTRACTS AND THE VOLATILITY OF THE FOREIGN EXCHANGE MARKET CALL FOR TIGHT REGULATION SO AS TO PROVIDE A SAFER AND MORE ORDERLY ENVIRONMENT IN WHICH THE INVESTING PUBLIC CAN HAVE CONFIDENCE.

THE REMARK WAS MADE BY THE SECRETARY FOR FINANCIAL SERVICES, MR MICHAEL CARTLAND, WHEN HE MOVED THE SECOND READING OF THE LEVERAGED FOREIGN EXCHANGE TRADING BILL IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE SAID INVESTORS IN THE CONTRACTS WOULD BE GIVEN MORE PROTECTION UNDER A LEGAL REGULATORY FRAMEWORK PROPOSED IN THE BILL.

COMPANIES INVOLVED IN THE BUSINESS AND THEIR REPRESENTATIVES WILL BE REQUIRED IN FUTURE TO OBTAIN A LICENCE FROM THE SECURITIES AND FUTURES COMMISSION (SFC), HE SAID.

EXCEPT FOR CERTAIN EXEMPTIONS GIVEN TO AUTHORISED INSTITUTIONS AND DEALS CONDUCTED UNDER SPECIFIED CIRCUMSTANCES, IT WILL BE A CRIMINAL OFFENCE FOR ANYONE TO CARRY ON SUCH BUSINESS WITHOUT BEING SO REGISTERED.

THE PENALTY FOR A BREACH OF THIS REQUIREMENT INVOLVES A MAXIMUM FINE OF \$10 MILLION AND MAXIMUM IMPRISONMENT FOR SEVEN YEARS.

MR CARTLAND SAID THERE HAD BEEN FREQUENT COMPLAINTS FROM INVESTORS ABOUT MALPRACTICES BY THESE COMPANIES.

"DESPITE THE COMPLAINTS RECEIVED, IT IS DIFFICULT TO SECURE SUFFICIENT EVIDENCE TO PROVE THAT THESE COMPANIES HAVE DISHONESTLY OR RECKLESSLY TRADED THEIR CLIENTS' ACCOUNTS," MR CARTLAND SAID.

"SOME HAVE EVEN ROUTED THEIR DEALS TO OVERSEAS SISTER COMPANIES, MAKING IT VIRTUALLY IMPOSSIBLE TO OBTAIN SUFFICIENT EVIDENCE TO SUPPORT A PROSECUTION OR CIVIL SUIT," HE SAID.

AT PRESENT, IT IS ESTIMATED THAT NO FEWER THAN 200 COMPANIES ARE ENGAGED IN THE BUSINESS.

THESE COMPANIES ARE NOT SUBJECT TO ANY FORM OF GOVERNMENT REGULATION APART FROM HAVING TO FULFILL THE INITIAL REGISTRATION REQUIREMENTS APPLICABLE TO ALL COMPANIES UNDER THE COMPANIES ORDINANCE.

MR CARTLAND SAID MALPRACTICES, COUPLED WITH BAD MANAGEMENT, HAD LED TO THE COLLAPSE OF SOME OF THESE COMPANIES.

IN THE LIGHT OF THIS SITUATION, THERE SHOULD BE STRINGENT REQUIREMENTS IN ORDER TO PROVIDE ADEQUATE PROTECTION TO INVESTORS, HE SAID.

DEBATE ON THE BILL WAS ADJOURNED.

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FEEES TO COMPANIES REGISTRAR REVISED

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CERTAIN FEES PAYABLE TO THE REGISTRAR OF COMPANIES WILL BE INCREASED BY AN AVERAGE OF 30 PER CENT FROM AUGUST 1.

THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) PASSED TWO RESOLUTIONS TO THAT EFFECT.

THE TWO FEE REVISIONS WERE ON THE INSPECTION AND PHOTOCOPYING OF LIQUIDATORS' STATEMENTS SENT TO THE REGISTRAR UNDER THE COMPANIES ORDINANCE AND THE INCORPORATION OF TRUSTEES UNDER THE REGISTERED TRUSTEES INCORPORATION ORDINANCE RESPECTIVELY.

MOVING THE RESOLUTIONS, THE SECRETARY FOR FINANCIAL SERVICES, MR MICHAEL CARTLAND, SAID THE REVISIONS WERE MADE AFTER INCREASES IN THE COST OF PROVIDING SUCH SERVICES SINCE 1988 WHEN THE FEES WERE LAST REVISED.

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PUBLIC HELP A KEY FACTOR IN CRIME-FIGHTING

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THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT THE POLICE ATTACHED MUCH IMPORTANCE TO GOOD PUBLIC RELATIONS IN THEIR FIGHT AGAINST CRIME.

"THEY ARE VERY WELL AWARE THAT CO-OPERATION AND ASSISTANCE FROM THE PUBLIC ARE ESSENTIAL IF THEY ARE TO FIGHT CRIME EFFECTIVELY," HE SAID.

REPLYING TO A QUESTION BY DR THE HON CONRAD LAM, MR ASPREY SAID ALL POLICE OFFICERS WERE GIVEN TRAINING IN PUBLIC RELATIONS AT RECRUITMENT AND IN SUBSEQUENT YEARS OF SERVICE.

"REGULAR REVIEWS ARE CONDUCTED ON THE WAYS OF PROMOTING GOOD PUBLIC RELATIONS.

"THE POLICE PUBLIC RELATIONS BUREAU ITSELF IS CURRENTLY UNDER STUDY AS PART OF THE OVERALL POLICE MANAGEMENT REVIEW," HE SAID.

THE BUREAU IS CHARGED WITH THE SPECIFIC ROLE OF PROMOTING GOOD PUBLIC RELATIONS. IT CO-ORDINATES COMMUNITY RELATIONS ACTIVITIES, MAINTAINS GOOD MEDIA RELATIONS, CARRIES OUT PUBLICITY AS WELL AS PLANS AND IMPLEMENTS CAMPAIGNS.

AT DISTRICT LEVEL, DISTRICT COMMANDERS ATTEND MEETINGS OF DISTRICT BOARDS AND DISTRICT FIGHT CRIME COMMITTEES TO LISTEN TO THEIR VIEWS ON LAW AND ORDER ISSUES AND TO EXPLAIN POLICIES AND MEASURES TO TACKLE CRIME.

/THE DISTRICT .....

THE DISTRICT POLICE COMMUNITY RELATIONS OFFICERS ARE INVOLVED IN A NUMBER OF SCHEMES SUCH AS THE JUNIOR POLICE CALL, THE NEIGHBOURHOOD POLICE SCHEME AND SCHOOL LIAISON SCHEME.

"THEY ALSO MAINTAIN CLOSE CONTACT WITH AREA COMMITTEES, MUTUAL AID COMMITTEES, OWNERS CORPORATIONS AND SIMILAR ORGANISATIONS," MR ASPREY SAID.

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MORE INFIRMARY BEDS FOR ELDERLY

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A TOTAL OF 1,114 NEW INFIRMARY BEDS WOULD COME ON STREAM IN THE YEARS FROM NOW TO 1998/99 TO MEET THE INCREASING NEEDS OF THE ELDERLY REQUIRING MEDICAL SERVICES, THE SECRETARY FOR HEALTH AND WELFARE, MRS ELIZABETH WONG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON FREDERICK FUNG, THE SECRETARY SAID PLANS WERE BEING FORMULATED BY THE HOSPITAL AUTHORITY TO REDESIGNATE ABOUT 500 GENERAL BEDS AND TO CONVERT SOME HOSPITAL FACILITIES AS AN ADDITIONAL SUPPLY OF INFIRMARY BEDS.

IN ADDITION TO INFIRMARY PLACES, MRS WONG SAID, THE GOVERNMENT WAS ALSO FOCUSING ON THE PROVISION OF OUTREACH SERVICE.

THIS WOULD BE DONE THROUGH THE SETTING UP OF COMMUNITY-BASED GERIATRIC SERVICE WHICH WOULD PROVIDE PRE-REGISTRATION ASSESSMENT AND MEDICAL CARE FOR THE ELDERLY OUTSIDE THE HOSPITAL ENVIRONMENT.

SPECIALIST SUPPORT WOULD BE GIVEN TO SUBVENTED CARE-AND-ATTENTION HOMES, SHE ADDED.

"COMMUNITY NURSING SERVICE AND DOMICILIARY OCCUPATIONAL THERAPY ARE ALSO IN PLACE TO PROVIDE PROFESSIONAL CARE AND SUPPORT TO ELDERLY PEOPLE IN THE COMMUNITY AS WELL AS THOSE WHO CARE FOR THEM," SHE SAID.

MORE, DISTRICT-BASED CO-ORDINATING COMMITTEES ARE BEING FORMED IN COLLABORATION WITH THE SOCIAL WELFARE DEPARTMENT, NON-GOVERNMENTAL ORGANISATIONS AND THE DEPARTMENT OF HEALTH TO CO-ORDINATE SERVICE REQUIREMENTS.

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NEW MEASURES TO IMPROVE TRAFFIC FLOW IN KWAI CHUNG

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MUCH HAS BEEN DONE TO IMPROVE THE TRAFFIC FLOW IN KWAI CHUNG IN THE LAST FEW YEARS AND A NUMBER OF NEW MEASURES WILL BE INTRODUCED SHORTLY, THE SECRETARY FOR TRANSPORT, MR K Y YEUNG, SAID TODAY (WEDNESDAY).

MR YEUNG SAID THE NEW MEASURES INCLUDED THE ALLOCATION OF ABOUT 30 HECTARES OF LAND IN THE NEXT SIX MONTHS TO BE USED AS ADDITIONAL BACK-UP SERVICE AREAS FOR THE PORT AND THE PROVISION OF A SECOND EMERGENCY HOLDING AREA WHICH WOULD BE CAPABLE OF ACCOMMODATING ABOUT 150 CONTAINER VEHICLES.

HE WAS REPLYING TO A QUESTION BY THE HON ZACHARY WONG IN THE LEGISLATIVE COUNCIL.

HE SAID THE ADOPTION BY TWO CONTAINER TERMINAL OPERATORS OF AN APPOINTMENT SYSTEM FOR VEHICLES SHOULD FACILITATE A MORE ORDERLY FLOW TO AND FROM THE PORT AND THE STRENGTHENING OF THE POLICE DISTRICT TRAFFIC TEAM AT TIMES OF EXPECTED CONGESTION WOULD IMPROVE TRAFFIC REGULATION IN THE AREA.

MR YEUNG SAID OTHER PROPOSALS UNDER CONSIDERATION INCLUDED A REVIEW OF ACCESS POINTS TO THE TERMINALS TO SEE WHETHER THESE COULD BE IMPROVED SO AS TO PROVIDE FOR A SMOOTHER TRAFFIC FLOW AND THE ESTABLISHMENT OF AN EMERGENCY CONTROL CENTRE IN KWAI CHUNG.

THE PROPOSED CENTRE SHOULD COMPRISE REPRESENTATIVES OF GOVERNMENT DEPARTMENTS, TERMINAL OPERATORS AND THE TRUCKING INDUSTRY, WHICH WOULD BE MANNED AT TIMES OF PARTICULARLY HEAVY TRAFFIC DEMAND.

"GIVEN THE FACT THAT THE CONGESTION WE HAVE SEEN IS DUE TO THE TERMINALS REACHING SATURATION, THE REAL, LONG-TERM SOLUTION LIES IN THE OPENING UP OF CONTAINER TERMINALS 8 AND 9, WITH THEIR VERY SUBSTANTIAL BACK UP AREAS TOTTALLING 76 HECTARES AND ASSOCIATED ACCESS ROAD IMPROVEMENTS," MR YEUNG SAID.

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NURSES TRAINING SCHOOLS TO BE EXPANDED

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PLANS ARE BEING MADE TO EXPAND THE NURSES TRAINING SCHOOL AT THE UNITED CHRISTIAN HOSPITAL AND THE TAI PO NETHERSOLE HOSPITAL IN ORDER TO MEET THE PROJECTED REQUIREMENT OF NURSES FOR NEW HOSPITAL PROJECTS, THE SECRETARY FOR HEALTH AND WELFARE, MRS ELIZABETH WONG, SAID.

UNDER THE PLANS, AN ADDITIONAL 130 REGISTERED NURSES WILL BE PROVIDED EACH YEAR.

/REPLYING TO .....

REPLYING TO A QUESTION BY THE HON TIK CHI-YUEN IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), MRS WONG SAID OTHER SOURCES OF SUPPLY INCLUDED DIRECT RECRUITMENT AND NURSING DEGREE GRADUATES FROM THE TERTIARY INSTITUTIONS.

TAKING INTO CONSIDERATION CURRENT ANNUAL WASTAGE RATE AT 7.4 PER CENT FOR DOCTORS AND 9.6 PER CENT FOR NURSES RESPECTIVELY, IT IS ESTIMATED THAT ON AVERAGE ABOUT 255 DOCTORS AND 1,223 REGISTERED NURSES WILL BE REQUIRED IN EACH OF THE NEXT FIVE YEARS TO MEET THE DEMAND ARISING FROM NEW SERVICE AREAS.

"AGAINST THIS DEMAND, THERE WILL BE AN ANNUAL SUPPLY FROM LOCAL TERTIARY INSTITUTIONS AND FROM OUR NURSES TRAINING SCHOOLS OF ABOUT 250 DOCTORS AND 1,200 REGISTERED NURSES FOR EMPLOYMENT IN THE PUBLIC SECTOR," SHE SAID.

APART FROM RATIOS DRAWN UP BY THE FORMER MEDICAL DEVELOPMENT ADVISORY COMMITTEE, THE HOSPITAL AUTHORITY ALSO TAKES REFERENCE FROM THE ACTUAL OPERATIONAL REQUIREMENTS AND STAFFING PROVISION IN PUBLIC HOSPITALS HAVING REGARD TO THE ADVANCEMENTS IN MEDICAL TECHNOLOGY AND THE ADVENT OF NEW TREATMENT PROCEDURES.

MRS WONG EXPLAINED THAT THE MANPOWER PLANNING PROCESS FIRST INVOLVED BUSINESS PLANNING BY INDIVIDUAL HOSPITALS TO IDENTIFY THE ACTUAL DEMAND AND OPERATIONAL REQUIREMENTS IN RELATION TO THEIR OBJECTIVES AND TARGETS.

THIS IS FOLLOWED BY CENTRAL ASSESSMENT BY THE HOSPITAL AUTHORITY ON THE OVERALL DEMAND AND SUPPLY OF MANPOWER AND THE SETTING OF ANNUAL RECRUITMENT TARGETS.

"THIS PLANNING PROCESS HAS BEEN APPLIED IN THE CASE OF PAMELA YOUDE NETHERSOLE EASTERN HOSPITAL AND THE TAI PO NETHERSOLE HOSPITAL," SHE SAID.

REGARDING THE PLANNED NEW NORTH DISTRICT HOSPITAL, SHE SAID A COMMITTEE CHAIRED BY HER HAD BEEN SET UP TO PLAN THE MANPOWER REQUIREMENTS AND TO ENSURE THAT TRAINING PROGRAMMES WERE IN PLACE TO MEET THEM.

THE COMMITTEE COMPRISES REPRESENTATIVES FROM FINANCE BRANCH, HOSPITAL AUTHORITY AND DEPARTMENT OF HEALTH.

STEPS TAKEN TO AVOID MISTAKES IN FUTURE JURY TRIALS

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THE ACTING CHIEF JUSTICE HAS THIS WEEK SENT TO ALL JUDGES OF THE HIGH COURT A SPECIMEN DIRECTION AND A FORM WHICH THE JUDGES WERE INVITED TO USE IN ALL FUTURE JURY TRIALS AS ONE OF THE STEPS TAKEN TO AVOID A MISTAKEN JURY VERDICT OCCURING IN THE FUTURE, THE ATTORNEY GENERAL, THE HON JEREMY MATHEWS, SAID.

IN HIS REPLY TO THE LEGISLATIVE COUNCIL, MR MATHEWS SAID THE SPECIMEN DIRECTION WAS TO BE GIVEN BEFORE THE JURY RETIRED TO CONSIDER ITS VERDICT.

IT EXPLAINED EACH JUROR WOULD BE GIVEN A PIECE OF PAPER SETTING OUT THE QUESTIONS THAT THE FOREMAN OF THE JURY WOULD LATER BE ASKED.

"IT THEN SUGGESTS THAT, AFTER THE COLLECTIVE DECISION IS REACHED, EACH JUROR SHOULD NOTE ON HIS OR HER PIECE OF PAPER THE AGREED ANSWERS, AND SHOULD RETURN TO COURT WITH THAT PIECE OF PAPER.

"IF ANY MISTAKE ARISES WHEN THE FOREMAN ANSWERS THE QUESTIONS PUT TO HIM OR HER, THE JURORS ARE INSTRUCTED IN THE SPECIMEN DIRECTION TO DRAW IT TO THE JUDGE'S IMMEDIATE ATTENTION," MR MATHEWS SAID.

THE PIECE OF PAPER WAS TO BE BASED ON THE FORM SENT OUT BY THE ACTING CHIEF JUSTICE. IT MIGHT HAVE TO BE MODIFIED TO MEET PARTICULAR CIRCUMSTANCES.

IT SET OUT A SERIES OF QUESTIONS IN RESPECT OF EACH COUNT AND EACH ACCUSED, AND IN RESPECT OF EACH ALTERNATIVE VERDICT OPEN TO THE JURY IF THE VERDICT ON THE MAIN COUNT WAS NOT GUILTY.

"THE ACTING CHIEF JUSTICE HAS ASKED HIGH COURT JUDGES, AT THE END OF THREE MONTHS, TO SUPPLY THE CHIEF JUSTICE WITH ANY COMMENTS THEY MAY HAVE ON HOW THIS SCHEME IS WORKING," MR MATHEWS SAID.

"THE PRIMARY RESPONSIBILITY FOR ENSURING THAT JURORS UNDERSTAND THEIR RIGHTS AND DUTIES LIES WITH THE TRIAL JUDGE. THE NEW SPECIMEN DIRECTION AND FORM ARE DESIGNED TO HELP JURORS UNDERSTAND WHAT THEY ARE BEING ASKED TO DECIDE AND WHAT THEY SHOULD DO IF THE FOREMAN MAKES A MISTAKE.

"JURORS ARE ALSO ASSISTED BEFORE THE TRIAL BEGINS BY BEING GIVEN A PAMPHLET THAT EXPLAINS THEIR ROLE. THE PAMPHLET IS NOW BEING REVISED AND THE JUDICIARY HAS PROPOSED THAT, IN ADDITION, AN INSTRUCTIONAL VIDEO SHOULD BE PREPARED FOR THE INFORMATION OF JURORS," HE SAID.

NO PLANS TO REVIEW PLOT RATIO SYSTEM

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THERE ARE NO IMMEDIATE PLANS TO REVIEW THE PLOT RATIO SYSTEM USED TO CONTROL BUILDING DENSITY AS IT HAS NOT GIVEN RISE TO SIGNIFICANT PROBLEMS SINCE IT WAS INTRODUCED IN 1962, THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, MR TONY EASON, SAID TODAY (WEDNESDAY).

REPLYING TO A QUESTION FROM THE HON MRS PEGGY LAM IN THE LEGISLATIVE COUNCIL, MR EASON SAID THE SYSTEM WAS WELL-UNDERSTOOD AND EFFECTIVE.

PLOT RATIOS STIPULATED UNDER PARTICULAR STATUTORY TOWN PLANS MIGHT HOWEVER BE REVIEWED FROM TIME TO TIME TO MEET CHANGING CIRCUMSTANCES ON A CASE BY CASE BASIS.

HE SAID A HIGHER PLOT RATIO WAS PERMITTED FOR NON-DOMESTIC BUILDINGS SUCH AS THOSE USED FOR COMMERCIAL AND GODOWN PURPOSES BECAUSE THEY MIGHT RELY ON ARTIFICIAL LIGHTING AND VENTILATION TO A GREATER EXTENT AND HAD HIGHER DEVELOPMENT DENSITIES.

DOMESTIC BUILDINGS, WHICH WERE FOR HUMAN HABITATION, NEEDED TO MEET CERTAIN CRITERIA RELATING TO NATURAL LIGHT AND VENTILATION, HE EXPLAINED.

MR EASON SAID THERE WERE NO INDICATIONS THAT DIFFERENCES IN PLOT RATIO POTENTIAL HAD DISCOURAGED INVESTMENT IN DOMESTIC BUILDING PROJECTS.

"THE CHOICE OF DEVELOPMENT TYPE FOR A PARTICULAR SITE IS RESTRICTED IN MOST CASES BY STATUTORY ZONING AND LEASE CONDITIONS.

"DEVELOPMENT DECISIONS ARE ALSO HEAVILY INFLUENCED BY MARKET CONDITIONS AND THE ECONOMIC OUTLOOK," HE SAID.

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STANDARDISING FEE STRUCTURE IN PUBLIC HOSPITALS PROPOSED

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THE NEED FOR RATIONALISING AND STANDARDISING THE FEE STRUCTURE IN PUBLIC HOSPITALS IS SPELT OUT IN THE CONSULTATION DOCUMENT 'TOWARDS BETTER HEALTH' TABLED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING IN REPLY TO A QUESTION BY THE HON EMILY LAU WAI-HING, THE SECRETARY FOR HEALTH AND WELFARE, MRS ELIZABETH WONG, SAID WITH THE SETTING UP OF THE HOSPITAL AUTHORITY AND THE BRINGING OF ALL 39 PUBLIC HOSPITALS UNDER ONE MANAGEMENT, IT WAS NECESSARY TO STANDARDISE THE FEE STRUCTURE SO THAT PATIENTS KNEW BEFOREHAND WITH CERTAINTY HOW MUCH THEY WOULD HAVE TO PAY FOR HOSPITAL SERVICES.

MRS WONG EXPLAINED THAT IN FORMER GOVERNMENT HOSPITALS, MOST PATIENTS STAYING IN PUBLIC WARDS WERE CHARGED A DAILY MAINTENANCE FEE AT \$43.

THE MAINTENANCE FEE COVERS CLINICAL, BIOCHEMICAL AND PATHOLOGICAL INVESTIGATIONS, VACCINES, GENERAL NURSING AND MEDICINE.

OTHER CHARGES SUCH AS FOR CERTAIN SURGICAL IMPLANTS AND SPECIAL EQUIPMENT, ARE DETERMINED BY THE MEDICAL OFFICER ATTENDING THE PATIENT.

MRS WONG POINTED OUT THAT IF PATIENTS COULD NOT AFFORD THE SPECIAL EQUIPMENT OR SURGICAL IMPLANTS, THEY MIGHT APPLY FOR WAIVER THROUGH THE MEDICAL SOCIAL WORKERS, UPON WHOSE RECOMMENDATION GRANTS COULD BE RELEASED FROM THE SAMARITAN FUND TO COVER WHOLE OR PART OF THE COST INVOLVED.

"SOME PUBLIC HOSPITALS, THAT IS, FORMER SUBVENTED HOSPITALS, HAVE HISTORICALLY APPLIED THEIR OWN FEE STRUCTURE IN RESPECT OF MEDICAL TREATMENT NOT COVERED BY THE DAILY MAINTENANCE FEE," MRS WONG SAID.

"THESE INCLUDE ITEMISED CHARGES FOR ADMISSION, SURGICAL OPERATIONS AND DRUGS," SHE ADDED.

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#### DISQUALIFICATION RULE TO STAY

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THE ADMINISTRATION DOES NOT HAVE ANY PLANS TO CHANGE THE TRIGGER POINT FOR DISQUALIFICATION OF MEMBERS OF THE LEGISLATIVE AND MUNICIPAL COUNCILS AND DISTRICT BOARDS FROM ONE BASED ON SENTENCE TO ONE BASED ON CONVICTION.

THIS WAS STATED BY THE SECRETARY FOR CONSTITUTIONAL AFFAIRS, MR MICHAEL SZE, IN A WRITTEN REPLY TO A QUESTION BY THE HON HENRY TANG AT THE LEGISLATIVE COUNCIL MEETING TODAY (WEDNESDAY).

MR SZE SAID ALLOWING AN INCUMBENT MEMBER SERVING A PRISON SENTENCE TO RETAIN HIS SEAT PENDING THE OUTCOME OF HIS APPEAL WOULD CREATE CONSIDERABLE UNCERTAINTIES THAT WOULD BE AGAINST THE INTERESTS OF BOTH HIS CONSTITUENCY AS WELL AS THE GENERAL PUBLIC.

"THE EXISTING DISQUALIFICATION PROVISIONS ENSURE THAT SUCH UNCERTAINTIES WILL NOT ARISE, AND IS NOT A PRE-JUDGMENT OF ANY APPEAL WHICH THE INCUMBENT MEMBER MAY LODGE," HE SAID.

UNDER CURRENT ELECTORAL LAWS, AN INCUMBENT MEMBER WHO HAS BEEN SENTENCED TO IMPRISONMENT FOR THREE MONTHS OR MORE WILL IMMEDIATELY BE DISQUALIFIED FROM HOLDING OFFICE.

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NO VISA REQUIREMENT FOR SHORT-TERM VISITORS FROM CHINA

THERE IS NO NEED FOR SHORT-TERM VISITORS FROM CHINA TO APPLY SEPARATELY FOR A VISA.

THIS WAS STATED BY THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, IN A WRITTEN REPLY TO A QUESTION BY THE HON MARTIN BARROW IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR ASPREY SAID APART FROM THOSE TRANSITTING HONG KONG TO OTHER DESTINATIONS, NEARLY ALL SHORT-TERM VISITORS COME TO THE TERRITORY ON TWO-WAY PERMITS.

TRANSIENTS FROM CHINA ARE ALLOWED TO STAY IN THE TERRITORY FOR SEVEN DAYS VISA-FREE. THE GOVERNMENT ANNOUNCED ON JUNE 17 THAT THE ARRANGEMENT WILL START ON AUGUST 1 THIS YEAR.

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TRAINING COURSES FOR ENGLISH TEACHERS

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FOUR TRAINING COURSES WERE CONDUCTED FOR 131 NON-SUBJECT-TRAINED ENGLISH TEACHERS FROM 119 SECONDARY SCHOOLS IN THE 1992/93 SCHOOL YEAR.

SIMILAR COURSES WILL ALSO BE ORGANISED IN COMING SEPTEMBER AND OCTOBER.

IN A WRITTEN REPLY TO A QUESTION BY THE HON ERIC LI IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), THE SECRETARY FOR EDUCATION AND MANPOWER, MR MICHAEL LEUNG, SAID THE ADVISORY INSPECTORATE OF THE EDUCATION DEPARTMENT ORGANISED SPECIAL TRAINING COURSES AND WORKSHOPS EACH YEAR FOR NON-ENGLISH MAJOR TEACHERS.

THIS IS TO ENHANCE THEIR PROFICIENCY IN ENGLISH AND COMPETENCE IN TEACHING THE SUBJECT.

THE ADVISORY INSPECTORATE AND THE INSTITUTE OF LANGUAGE IN EDUCATION ALSO PROVIDE REGULAR TRAINING COURSES OPEN TO ALL ENGLISH TEACHERS, WHETHER THEY ARE GRADUATES OF ENGLISH OR GRADUATES OF OTHER DISCIPLINES, HE ADDED.

IN ADDITION, SUBJECT INSPECTORS OF THE DEPARTMENT PROVIDE OTHER ADVISORY SERVICES, INCLUDING CONSULTATION SESSIONS, FOR ENGLISH TEACHERS WHO NEED ASSISTANCE.

MR LEUNG ALSO NOTED THAT UNDER THE EDUCATION REGULATIONS, A UNIVERSITY GRADUATE NOT MAJORING IN ENGLISH LANGUAGE OR ENGLISH LITERATURE MIGHT TEACH ENGLISH IF HE WAS A REGISTERED TEACHER, OR A PERMITTED TEACHER POSSESSING THE FOLLOWING REQUIREMENTS:

- \* GRADE E OR HIGHER GRADE IN ENGLISH LANGUAGE (SYLLABUS B) IN THE HONG KONG CERTIFICATE OF EDUCATION EXAMINATION; OR
- \* GRADE E OR HIGHER GRADE IN ENGLISH LANGUAGE IN THE HONG KONG CERTIFICATE OF EDUCATION (ENGLISH) EXAMINATION; OR
- \* A PASS IN ENGLISH LANGUAGE IN THE HONG KONG ENGLISH SCHOOL CERTIFICATE, THE HONG KONG CHINESE SCHOOL CERTIFICATE, OR THE HONG KONG SCHOOL CERTIFICATE; OR
- \* A KNOWLEDGE OF ENGLISH OF A STANDARD WHICH IN THE OPINION OF THE DIRECTOR OF EDUCATION IS EQUIVALENT TO GRADE E IN ENGLISH LANGUAGE (SYLLABUS B) IN THE HONG KONG CERTIFICATE OF EDUCATION EXAMINATION.

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GOVT ALL OUT TO SOLVE CROSS-BORDER CONGESTION  
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THE GOVERNMENT HAS UNDERTAKEN A NUMBER OF INITIATIVES TO EASE CONGESTION AND TO SPEED UP CLEARANCE TIMES AT THE LO WU TERMINAL WHICH IS BEING BILLED AS THE WORLD'S BUSIEST SINGLE CROSSING-POINT.

THESE ARE IN ADDITION TO MAJOR IMPROVEMENTS ALREADY UNDER WAY.

IN A WRITTEN REPLY TO A QUESTION BY REV THE HON FUNG CHI-WOOD IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, SAID THESE INITIATIVES WERE:

- \* SEPARATE IMMIGRATION COUNTERS INTRODUCED LAST YEAR FOR RESIDENTS AND VISITORS;
- \* THE EASY TRAVEL SCHEME ENABLING PERMANENT IDENTITY CARD-HOLDERS TO CLEAR IMMIGRATION MUCH MORE EASILY;
- \* EXTENSION OF THE OPENING HOURS OF LU WU TERMINAL BY ONE AND HALF HOURS LAST YEAR. THE TERMINAL NOW OPERATES 16 HOURS A DAY FROM 7 AM TO 11 PM; AND
- \* STARTING FROM AUGUST 1, THIS YEAR, ARRANGEMENT WILL BE MADE TO ALLOW TRANSITEES FROM CHINA TO STAY FOR SEVEN DAYS WITHOUT A VISA. THIS WILL ENABLE MANPOWER AT LO WU NOW EMPLOYED ON PAPER WORK FOR ISSUING VISAS TO BE DEPLOYED TO DIRECT COUNTER DUTY, THUS REDUCING QUEUES.

FURTHER, MR ASPREY SAID, ADDITIONAL IMMIGRATION STAFF WOULD BE PROVIDED FOR LO WU LATER THIS YEAR BY REDEPLOYING STAFF AS THE SCREENING OF VIETNAMESE MIGRANTS WAS COMPLETED.

HE SAID TWO-WAY PERMIT HOLDERS FROM CHINA WERE ALREADY PERMITTED TO USE ENTRY POINTS OTHER THAN LO WU.

A LARGE PROPORTION OF ORGANISED TOURS FROM HONG KONG ALSO USE OTHER ENTRY POINTS.

WITH EFFECT FROM AUGUST 1, CHINESE NATIONALS TRANSITING THROUGH HONG KONG WILL BE PERMITTED TO USE ANY OF THE OTHER LAND AND SEA CONTROL POINTS.

THIS WILL RELIEVE LO WU FURTHER, MR ASPREY SAID.

AS FOR MAJOR IMPROVEMENTS, HE SAID A MAJOR EXTENSION TO THE LO WU TERMINAL WAS DUE TO BE COMPLETED IN 1995.

THIS WILL PROVIDE AN ADDITIONAL 72 IMMIGRATION COUNTERS, AN INCREASE OF 82 PER CENT.

HE SAID THE INTRODUCTION OF OPTICAL READERS IN THE SAME YEAR WOULD ALSO SPEED UP SIGNIFICANTLY THE CLEARANCE OF HONG KONG IDENTITY CARD-HOLDERS, WHO ARE THE VAST MAJORITY OF BORDER-CROSSERS.

THE LO WU CROSSING-POINT WAS UNDER INCREASING PRESSURE, WITH PASSENGER TRAFFIC AVERAGING NEARLY 9,000 PEOPLE AN HOUR.

MR ASPREY SAID 90 PER CENT OF TRAVELLERS WERE BEING CLEARED WITHIN THE 30-MINUTE TARGET WAITING TIME.

"ONLY ON BUSY WEEKENDS AND PUBLIC HOLIDAYS ARE IMMIGRATION DEPARTMENT FAILING SIGNIFICANTLY TO REACH THE TARGET."

THE SECRETARY SAID OUT OF 84 MILLION PEOPLE CROSSING THE BORDER IN THE LAST TWO-AND-A-HALF YEARS, ONLY 52 FORMAL COMPLAINTS HAD BEEN RECEIVED.

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FACTORS TO AFFECT WATER CHARGES  
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THE TARGET RATE OF RETURN IS ONLY ONE OF THE FACTORS IN CONSIDERING THE APPROPRIATE LEVEL OF WATER CHARGES.

THIS WAS STATED BY THE SECRETARY FOR WORKS, MR JAMES BLAKE, IN A WRITTEN REPLY TO A QUESTION BY THE HON FRED LI IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR BLAKE SAID OTHER FACTORS SUCH AS PUBLIC ACCEPTABILITY AND INFLATION WOULD BE CAREFULLY ASSESSED.

"TIME FRAME AND SPECIFIC PLANS FOR ACHIEVEMENT ARE CURRENTLY UNDER GENERAL REVIEW," HE SAID.

MR BLAKE NOTED THAT THE TARGET RETURN OF SEVEN PER CENT, WHICH WAS A NOTIONAL FIGURE TO REFLECT THE FINANCING CHARGES AND OPPORTUNITY COST OF THE CAPITAL EMPLOYED FOR SUPPLYING WATER, WAS APPLICABLE TO BOTH DOMESTIC AND INDUSTRIAL CONSUMERS.

HE ADDED THAT THE ACTUAL RATES OF RETURN FOR THE PAST FIVE YEARS AND THOSE ANTICIPATED FOR THE NEXT TWO YEARS WERE ALL LOWER THAN THE TARGET RETURN OF SEVEN PER CENT.

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NO EXEMPTED MEDICAL PRACTITIONER PROSECUTED  
IN PAST THREE YEARS

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THERE ARE AT PRESENT 149 UNREGISTRABLE MEDICAL PRACTITIONERS PRACTISING IN 137 CLINICS EXEMPTED UNDER SECTION 8 OF THE MEDICAL CLINIC ORDINANCE.

THE AVERAGE NUMBER OF ATTENDANCES PER YEAR IN THESE CLINICS OVER THE PAST THREE YEARS IS ABOUT 1,235,000.

BUT NO EXEMPTED CLINIC PRACTITIONER HAD BEEN PROSECUTED IN THE PAST THREE YEARS.

IN REPLY TO A WRITTEN QUESTION BY THE HON LAU WAH-SUM, THE SECRETARY FOR HEALTH AND WELFARE, MRS ELIZABETH WONG SAID THE AVERAGE CHARGE PER CONSULTATION IN THE EXEMPTED CLINICS, INCLUDING A TWO DAY SUPPLY OF DRUGS, WAS ABOUT \$35 IN THE PAST THREE YEARS.

MRS WONG EXPLAINED THAT THE MEDICAL CLINICS ORDINANCE EMPOWERED THE REGISTRAR OF CLINICS (THE DIRECTOR OF HEALTH) TO EXEMPT CLINICS ESTABLISHED BEFORE 1963 FROM THE STATUTORY REQUIREMENT TO EMPLOY REGISTERED DOCTORS.

"THIS ALLOWS UNREGISTRABLE MEDICAL PRACTITIONERS TO CONTINUE TO BE EMPLOYED, BUT, AT THE SAME TIME, THIS MECHANISM BRINGS THEM UNDER THE CONTROL OF THE AUTHORITY IN ORDER TO PROTECT THE INTERESTS OF PATIENTS," SHE SAID.

"PRACTITIONERS IN EXEMPTED CLINICS ARE SUBJECT TO A CODE OF PRACTICE ISSUED BY THE REGISTRAR REGARDING MODE OF PRACTICE, SCOPE OF FUNCTIONS AND STANDARD OF CONDUCT."

EACH EXEMPTED CLINIC IS INSPECTED AT LEAST TWICE A YEAR BY STAFF OF THE DEPARTMENT OF HEALTH, SHE ADDED.

ON THE REVIEW OF UNREGISTRABLE MEDICAL PRACTITIONERS, MRS WONG SAID MEMBERS OF THE LEGISLATIVE COUNCIL ENACTED THE MEDICAL CLINICS (AMENDMENT) BILL IN DECEMBER 1984 TO RECOGNISE THE ROLE OF THESE PRACTITIONERS IN GRANTING THEM EXEMPTION.

IN REVIEWING WHETHER THIS EXEMPTION SHOULD BE RENEWED, MRS WONG SAID THE REGISTRAR'S PRIMARY CONCERN WAS TO PROTECT THE CONSUMER BY ENSURING COMPLIANCE WITH THE CODE OF PRACTICE.

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LAND RESERVED IN TUEN MUN FOR CHEMICAL INDUSTRY  
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ABOUT 25 HECTARES OF LAND IN A 55-HECTARE SPECIAL INDUSTRIAL AREA IN TUEN MUN AREA 38 WILL BE RESERVED FOR THE CHEMICAL INDUSTRY TO SERVE BOTH NEW DEVELOPMENTS AS WELL AS EXISTING FACILITIES WHICH MAY WISH TO MOVE THERE.

THIS WAS STATED BY THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS, MR TONY EASON, IN A WRITTEN REPLY TO A QUESTION BY THE HON PETER WONG IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR EASON SAID RECLAMATION AND SERVICING WORKS THERE WERE SCHEDULED TO START IN THE MIDDLE OF NEXT YEAR FOR COMPLETION IN PHASES BY 1999.

THE GOVERNMENT DID NOT INTEND TO INITIATE OR ORGANISE RELOCATION ARRANGEMENTS, MR EASON SAID, ADDING THAT IT WOULD BE FOR OPERATORS TO DECIDE WHETHER TO RELOCATE THEMSELVES.

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HEART VALVE PATIENTS PROPERLY TREATED  
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THE INDEPENDENT INQUIRY BY A VISITING CARDIOLOGIST ON ALL BARUAH VALVE REPLACEMENTS PERFORMED AT THE PRINCE OF WALES HOSPITAL HAS CONCLUDED THAT PATIENTS HAVE BEEN PROVIDED WITH PROPER CARE AND MEDICAL TREATMENT.

THE INQUIRY WAS COMMISSIONED BY THE HOSPITAL AUTHORITY FOLLOWING AN INCIDENT IN WHICH A PATIENT DIED AFTER UNDERGOING AN OPERATION INVOLVING IMPLANTATION OF BARUAH HEART VALVES AT THE PRINCE OF WALES HOSPITAL IN APRIL LAST YEAR.

IN A WRITTEN REPLY TO A QUESTION BY THE HON MICHAEL HO MUN-KA IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), THE SECRETARY FOR HEALTH AND WELFARE, MRS ELIZABETH WONG, SAID THE INQUIRY ALSO CONCLUDED THAT PATIENTS' CONSENT HAD BEEN OBTAINED BEFORE THE OPERATIONS AND THAT THEY HAD BEEN GIVEN A FULL EXPLANATION OF THE POTENTIAL RISKS INVOLVED.

AS REGARDS THE INCIDENT IN QUESTION, THE FAMILY OF THE DECEASED PATIENT HAD BEEN PROVIDED WITH FULL REASONS ON THE CAUSE OF DEATH AND A POST-MORTEM REPORT.

"HOWEVER, IT WOULD NOT BE APPROPRIATE TO MAKE PUBLIC THESE DETAILS IN THE INTEREST OF SAFEGUARDING THE RIGHT AND PRIVACY OF PATIENTS," MRS WONG SAID.

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WEDNESDAY, JULY 14, 1993

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NEW SCHEME TO HELP TEXTILES TRADE

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THE TRADE DEPARTMENT HAS INTRODUCED A VOLUNTARY TEXTILES TRADERS REGISTRATION SCHEME TO FURTHER HELP TEXTILES TRADERS FROM JULY 1 THIS YEAR, THE SECRETARY FOR TRADE AND INDUSTRY, MR T H CHAU, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY DR THE HON HUANG CHEN-YA, MR CHAU SAID TEXTILES TRADERS REGISTERED UNDER THE SCHEME MIGHT IMPORT TEXTILES PRODUCTS, EXPORT SUCH PRODUCTS TO NON-RESTRAINED MARKETS AND RE-EXPORT THEM TO ALL MARKETS WITHOUT A LICENCE.

IN THE LONG RUN, THE PROCESSING OF EXPORT DOCUMENTS WOULD BE FURTHER FACILITATED THROUGH THE IMPLEMENTATION OF AN ELECTRONIC DATA INTERCHANGE SYSTEM, HE SAID.

THE SYSTEM, WHICH ENABLED TRADERS TO COMPLETE EXPORT DOCUMENTATION PROCEDURES THROUGH THE TRANSMISSION OF ELECTRONIC MESSAGES, WOULD OBTAIN THE NEED FOR THEM TO APPLY FOR THE DOCUMENTS IN PERSON.

AS A RESULT, TIME AND COSTS AS WELL AS PAPERWORK INVOLVED WOULD BE SUBSTANTIALLY REDUCED.

"THE CURRENT PLAN IS TO HAVE THIS SERVICE AVAILABLE TO TRADERS IN STAGES STARTING FROM 1995," MR CHAU SAID.

THE TRADE DEPARTMENT IS COMMITTED TO PROCESSING EXPORT LICENCE APPLICATIONS AND OTHER EXPORT DOCUMENTS AS EXPEDITIOUSLY AS POSSIBLE WITHOUT COMPROMISING THE INTEGRITY OF THE TRADE CONTROL SYSTEMS.

"OUR COMMITMENT TOWARDS THIS OBJECTIVE IS REFLECTED IN THE PERFORMANCE PLEDGES MADE BY THE TRADE DEPARTMENT TO ADHERE TO TARGET PROCESSING TIME OF ONE TO THREE WORKING DAYS FOR VARIOUS TYPES OF EXPORT DOCUMENTS," HE SAID.

THE SECRETARY ALSO STRESSED THAT IT WAS THE GOVERNMENT'S LONG-STANDING POLICY TO PROMOTE EFFICIENCY ON THE PART OF MANUFACTURERS IN PRODUCTION, MANAGEMENT (INCLUDING INVENTORY CONTROL) AND DELIVERY OF MANUFACTURED GOODS.

A WIDE RANGE OF SUPPORT SERVICES ARE PROVIDED BY THE INDUSTRY DEPARTMENT AND OTHER INDUSTRIAL SUPPORT ORGANISATIONS SUCH AS THE HONG KONG PRODUCTIVITY COUNCIL.

THESE INCLUDE CONSULTANCY SERVICES PROVIDED BY THE COUNCIL ON PRODUCTION TECHNOLOGY AS WELL AS MANAGEMENT SYSTEMS TO IMPROVE STOCK CONTROL.

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FEW CHINESE TRANSITEES OVERSTAY IN HK

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PEOPLE'S REPUBLIC OF CHINA (PRC) NATIONALS TRANSITTING HONG KONG HAVE CREATED FEW PROBLEMS IN RECENT YEARS WITH ONLY 0.02 PER CENT OVERSTAYED LAST YEAR, THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, SAID TODAY (WEDNESDAY).

THEY ARE NOW ALLOWED TO STAY IN THE TERRITORY IN TRANSIT FOR SEVEN DAYS WITHOUT VISAS.

"THIS PROMPTED THE CHANGE IN POLICY, WHICH WILL ALSO RESULT IN THE RELEASE OF STAFF FROM VISA-PROCESSING WORK TO MUCH-NEEDED COUNTER DUTIES AT LO WU," HE SAID.

"WE WILL MAINTAIN EFFECTIVE PRE-ENTRY AND POST-ENTRY CONTROLS TO PREVENT OVERSTAYING," MR ASPREY TOLD THE LEGISLATIVE COUNCIL IN A WRITTEN REPLY TO A QUESTION BY THE HON PANG CHUN-HOI.

PRC TRANSITEES ARE REQUIRED TO PROVE THAT THEY HAVE VALID PASSPORTS, VISAS AND ONWARD AIR TICKETS FOR THEIR DESTINATION COUNTRIES BEFORE THEY ARE ADMITTED INTO HONG KONG.

THE IMMIGRATION DEPARTMENT'S COMPUTERISED PASSENGER MOVEMENT RECORD EXPOSES ANY TRANSITEE WHO HAS OVERSTAYED.

MR ASPREY SAID OVERSTAYERS WERE LIABLE TO PROSECUTION AND REMOVAL FROM HONG KONG.

REGARDING TAIWANESE VISITORS IN TRANSIT, HE SAID THERE WAS NO PLAN TO WAIVE VISA REQUIREMENTS FOR THEM.

VISAS OR PERMITS ARE REQUIRED FROM ALL VISITORS FROM ADMINISTRATIONS NOT RECOGNISED BY THE BRITISH GOVERNMENT, INCLUDING TAIWAN.

"HOWEVER, THE REQUIREMENTS FOR TAIWANESE VISITORS ARE NOT ONEROUS," HE SAID.

THEY CAN OBTAIN MULTIPLE VISIT PERMITS, AND DURING THE VALIDITY OF THEIR PERMITS, THEY CAN VISIT HONG KONG AS THEY WISH.

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NEW TRAFFIC CONTROL STATION FOR MA WAN CHANNEL

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A CONTROL STATION WILL BE BUILT IN MA WAN CHANNEL TO ENHANCE THE SEA TRAFFIC MANAGEMENT SYSTEM THERE.

ACCORDING TO THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, THE BUILDING IS DUE TO START LATER THIS YEAR.

MA WAN CHANNEL IS A MAJOR WATERWAY FOR OCEAN-GOING VESSELS PASSING THROUGH HONG KONG.

IN A WRITTEN REPLY TO A QUESTION BY THE HON J D MCGREGOR IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), MR ASPREY SAID THE MARINE DEPARTMENT MAINTAINED A TRAFFIC MANAGEMENT SYSTEM THERE TO MINIMISE ANY POSSIBLE RISKS.

IN ADDITION, MR ASPREY SAID, PILOTAGE WAS COMPULSORY FOR ALL VESSELS OVER 5,000 GROSS REGISTERED TONS.

THE MARINE DEPARTMENT ALSO PROVIDES DEDICATED LAUNCHES FOR ESCORTING LARGE VESSELS IN TRANSIT AROUND MA WAN.

ALL LOCAL CRAFT, AND OCEAN-GOING VESSELS LOADING AND UNLOADING IN HONG KONG, ARE SUBJECT TO CONTROL UNDER LOCAL LAW.

SPECIFICALLY, THE CARRIAGE OF DANGEROUS GOODS ON VESSELS IS REGULATED BY THE DANGEROUS GOODS (SHIPPING) REGULATIONS, HE SAID.

OTHER VESSELS IN TRANSIT THROUGH HONG KONG ARE NOT SUBJECT TO THIS LAW, BUT THEY MUST COMPLY WITH ALL THE SAFETY STANDARDS LAID DOWN UNDER INTERNATIONAL MARITIME CONVENTIONS, THE SECRETARY ADDED.

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STAY EXTENSION CRITERIA FOR VISITORS ARE ADEQUATE

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THE IMMIGRATION DEPARTMENT ONLY GRANTS EXTENSIONS OF STAY TO VISITORS WITH A GENUINE REASON TO STAY LONGER AND THE MEANS TO SUPPORT THEMSELVES LEGALLY IN THE TERRITORY, THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, SAID TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON TAM YIU-CHUNG IN THE LEGISLATIVE COUNCIL, MR ASPREY SAID THESE CRITERIA WERE ADEQUATE.

"IT IS NOT OUR POLICY TO GRANT VISITORS EXTENSIONS OF STAY BEYOND ONE YEAR," MR ASPREY SAID.

HE POINTED OUT THAT VISITORS, FOUND IN NON-APPROVED EMPLOYMENT IN THE TERRITORY, WERE IN BREACH OF THEIR CONDITIONS OF STAY.

UNDER SECTION 41 OF THE IMMIGRATION ORDINANCE, HE SAID, THEY WERE LIABLE TO PROSECUTION AND IF CONVICTED, TO A FINE OF \$5,000 AND TO IMPRISONMENT FOR TWO YEARS.

"IF TOURISTS ARE PROSECUTED AND CONVICTED OF HAWKING WITHOUT A LICENCE, THE IMMIGRATION DEPARTMENT IS UNLIKELY TO GRANT THEM ANY FURTHER EXTENSION OF STAY," MR ASPREY SAID.

HE SAID IMMIGRATION OFFICERS CONDUCTED SURPRISE VISITS TO LOCATIONS WHERE FOREIGN WORKERS WERE SUSPECTED TO BE ILLEGALLY EMPLOYED.

URBAN AND REGIONAL SERVICES DEPARTMENT STAFF ALSO TOOK ACTION AGAINST ALL UNLICENSED HAWKERS.

THE URBAN SERVICES DEPARTMENT IN PARTICULAR DEPLOYS GENERAL DUTIES TEAM ON SUNDAYS AND PUBLIC HOLIDAYS TO PATROL CERTAIN AREAS WHERE FOREIGN HAWKERS TEND TO CONGREGATE.

A TOTAL OF ABOUT 1,000 ARRESTS OF FOREIGN HAWKERS WERE MADE BETWEEN 1990 AND MAY 1993.

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MEASURES TO PREVENT FALSE RESIDENCE BID

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ADEQUATE CHECKS WILL BE TAKEN TO EXPOSE ANY ATTEMPT TO OBTAIN RIGHT OF ABODE IN HONG KONG ON JULY 1, 1997 BY FRAUDULENT MEANS FOR CHINESE CHILDREN WITH AT LEAST ONE PARENT WHO WAS A PERMANENT HONG KONG RESIDENT, THE SECRETARY FOR SECURITY, MR ALISTAIR ASPREY, SAID.

IN A WRITTEN REPLY TO A QUESTION BY THE HON CHIM PUI-CHUNG IN THE LEGISLATIVE COUNCIL, MR ASPREY SAID DETAILED ADMINISTRATIVE ARRANGEMENTS WOULD HAVE TO BE WORKED OUT WITH THE CHINESE AUTHORITIES.

THE GOVERNMENT WILL SUGGEST THAT THE CHINESE AUTHORITIES SHOULD VERIFY THE PARENT-CHILD RELATIONSHIP CLAIMED IN EACH APPLICATION AND PROVIDE DETAILS OF THE PARENT(S) FOR CHECKING WHETHER HE/SHE/THEY HAD PERMANENT RESIDENT STATUS AT THE TIME OF THE CHILD'S BIRTH.

A FURTHER CHECK WILL BE CONDUCTED BY INTERVIEWING THE CHILDREN WHEN THEY ENTER THE TERRITORY TO CONFIRM THAT THEY ARE INDEED THE CHILDREN IN THE APPLICATION, HE SAID.

MR ASPREY SAID: "STRICT PENALTIES FOR SUCH FRAUD ALREADY EXIST."

UNDER THE IMMIGRATION ORDINANCE, A PERSON WHO MAKES A FALSE STATEMENT OR REPRESENTATION TO AN IMMIGRATION OFFICER SHALL BE GUILTY OF AN OFFENCE, FOR WHICH HE OR SHE IS LIABLE TO IMPRISONMENT FOR UP TO 14 YEARS.

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LEGCO PASSES MOTION TO ENHANCE LEGISLATURE/EXECUTIVE LINKS

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THE LEGISLATIVE COUNCIL TONIGHT PASSED A MOTION TO ESTABLISH A MORE EFFICIENT AND EFFECTIVE WORKING RELATIONSHIP BETWEEN THE EXECUTIVE AND THE LEGISLATURE AFTER MORE THAN TWO HOURS OF DEBATE.

TWENTY MEMBERS SPOKE IN THE DEBATE PROPOSED BY THE HON VINCENT CHENG. THE SECRETARY FOR CONSTITUTIONAL AFFAIRS, MR MICHAEL SZE, REPLIED FOR THE GOVERNMENT.

ANOTHER MOTION MOVED BY THE HON ANNA WU ON THE ESTABLISHMENT OF AN INDEPENDENT HUMAN RIGHTS COMMISSION WAS ALSO PASSED.

A TOTAL OF 19 MEMBERS SPOKE IN THE DEBATE WHICH LASTED MORE THAN TWO HOURS. MR SZE SPOKE ON BEHALF OF THE GOVERNMENT.

TWO MOTIONS MOVED BY THE SECRETARY FOR FINANCIAL SERVICES, MR MICHAEL CARTLAND, UNDER THE COMPANIES ORDINANCE AND THE REGISTERED TRUSTEES INCORPORATION ORDINANCE RESPECTIVELY WERE PASSED.

A TOTAL OF FIVE BILLS WERE ALSO PASSED, TWO WITH AMENDMENTS.

THE TWO BILLS WITH AMENDMENTS WERE AMUSEMENT GAME CENTRES BILL AND FILM CENSORSHIP (AMENDMENT) BILL 1993.

THE OTHER BILLS PASSED WERE SUPPLEMENTARY APPROPRIATION (1992-93) BILL 1993, EMPLOYMENT (AMENDMENT) BILL 1993 AND IMPORT AND EXPORT (AMENDMENT) BILL 1992.

TWO BILLS WERE INTRODUCED FOR FIRST AND SECOND READINGS. THEY WERE CRIMINAL PROCEDURE (AMENDMENT) BILL 1993 AND LEVERAGED FOREIGN EXCHANGE TRADING BILL.

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