



# DAILY INFORMATION BULLETIN

WEDNESDAY, JULY 4, 1979

<u>CONTENTS</u>	<u>PAGE NO.</u>
NEW MEASURES TO REDUCE BUS ACCIDENTS TO BE INTRODUCED NEXT YEAR .....	1
ACTION AGAINST MOTORISTS FOR EXCESSIVE NOISE AND EXHAUST FUMES .....	2
ANNUALISED CONSUMER PRICES INCREASING AT 8.5 PER CENT AND 10.5 PER CENT .....	4
STEPS TAKEN TO SEIZE PETER GODBER'S ASSETS .....	5
CALL FOR ABOLITION OF IMPRISONMENT OVER DEBT .....	6
CALL FOR A REVIEW ON IMPRISONMENT OVER DEBTS .....	8
ID CARD BILL PASSED .....	9
MTR CORPORATION (AMENDMENT) BILL 1979 .....	10
BILL TO MAKE SMALL CLAIMS TRIBUNAL A PERMANENT PART OF JUDICIAL SYSTEM .....	11
CHILD LABOUR NO LONGER A SERIOUS PROBLEM .....	12
INLAND REVENUE (AMENDMENT)(NO. 6) BILL 1979 .....	13
BILL SEEKS INCLUSION OF POLICE SERGEANTS IN SHIPPING AND PORT CONTROL WORK .....	15
CDO'S CO-ORDINATION EXPLAINED .....	15
CROSS HARBOUR TUNNEL (AMENDMENT)(NO. 2) BY-LAWS 1979 .....	16
SOLAR ENERGY REPORT BEING STUDIED .....	17
UPROOTED TREES ARE REPLANTED .....	17
PUBLIC HEALTH AND URBAN SERVICES ORDINANCE (AMENDMENT) BILL 1979 .....	18
COUNTER-MEASURES TO TACKLE FAKE \$5 COINS .....	19

/OVER 1,400 LOCAL . . . .

OVER 1,400 LOCAL OFFICERS RECEIVED OVERSEAS TRAINING BETWEEN 1974-75 AND 1978-79 .....	19
BILL TO IMPROVE ADMINISTRATION OF CLEAN AIR ORDINANCE .....	20
WIDOWS' AND CHILDREN'S (AMENDMENT) BILL .....	21
STRENGTH OF GOVT CAR PARK RAILINGS .....	22
GEOTECHNICAL INVESTIGATIONS .....	22
FOUR BILLS PASSED .....	23
EMPLOYMENT CHANGES IN MARCH 1979 .....	23
UNHCR'S DEPUTY HIGH COMMISSIONER SENDS MESSAGE OF CONDOLENCE .....	25
FOUR BUILDINGS IN WESTERN DECLARED DANGEROUS .....	25
WATER CUT .....	26

---

WEDNESDAY, JULY 4, 1979

- 1 -

NEW MEASURES TO REDUCE BUS ACCIDENTS TO BE INTRODUCED NEXT YEAR  
\*\*\*\*\*

THE ACTING SECRETARY FOR THE ENVIRONMENT, THE HON. GRAHAM BARNES, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT THE COMMISSIONER FOR TRANSPORT WILL INTRODUCE FROM NEXT YEAR A SERIES OF MEASURES TO HELP ENSURE THAT BUSES ARE KEPT SAFE.

HE SAID THIS WHEN REPLYING TO A QUESTION FROM DR. THE HON. HARRY FANG WHO ASKED WHAT MEASURES, BOTH LONG AND SHORT TERM, THE GOVERNMENT WAS TAKING TO REDUCE BUS ACCIDENTS.

MR. BARNES SAID THAT IN JANUARY 1980 THE COMMISSIONER FOR TRANSPORT WILL START THE RELICENSING OF BUSES ON INSPECTION OF STEERING, BRAKES, TYRES, SUSPENSION AND LIGHTING AND SO ON, AND THE ISSUE OF A CERTIFICATE OF ROAD WORTHINESS. IT WILL ALSO START A SYSTEM OF SPOT CHECKS.

HOWEVER, HE SAID WHAT WAS STILL NEEDED WAS A GREATER ATTENTION TO THE FACTORS WHICH HAD CAUSED UNSAFE DRIVING.

+THIS REQUIRES A COMPREHENSIVE INVESTIGATION OF THE CIRCUMSTANCES WHICH LEAD TO UNSAFE DRIVING. THIS IS BEING DONE,+ HE POINTED OUT.

TURNING TO THE TWO RECENT BUS ACCIDENTS REFERRED TO BY DR. FANG, THE SECRETARY SAID ALTHOUGH THEY WERE SERIOUS, THEY FORTUNATELY DID NOT SEEM TO CONSTITUTE A TREND, PARTICULARLY AS IT SEEMED LIKELY THEY OCCURRED FOR DIFFERENT REASONS.

STATING THAT THE GOVERNMENT'S MAIN CHECKS ON THE SAFETY OF BUSES HAD BEEN SUMMARISED IN THE COUNCIL MANY TIMES BEFORE, MR. BARNES SAID BRIEFLY THEY WERE:

ON BUSES:

- \* A PRECOMMISSIONING FULL INSPECTION RESULTING IN A CERTIFICATE OF FITNESS-
- \* MONITORING OF MAINTENANCE FACILITIES AND MAINTENANCE ROUTINES, AND
- \* PERIODIC CHECKS ON STEERING, BRAKES, TYRES, SUSPENSION LIGHTING, AND ALL OTHER PARTS ESSENTIAL TO ACCIDENT PREVENTION-

ON THE OPERATION OF BUSES:

- \* AGREEMENT ON TRAINING PROGRAMMES-
- \* TESTING OF DRIVERS FOR LICENSING-
- \* ADJUSTMENT OF SCHEDULES TO MEET TRAFFIC CONDITIONS-

- \* TEST RUN ON ROUTES TO ESTABLISH SPECIAL DRIVING INSTRUCTIONS TO ENSURE SAFE DRIVING, AND
- \* GENERAL LIAISON WITH THE COMPANIES ON ALL MATTERS AFFECTING DRIVERS.

FINALLY, MR. BARNES SAID, HE COULD OFFER NO IMMEDIATE INSURANCE AGAINST FURTHER ACCIDENTS, BUT ASSURED THE COUNCIL THE GOVERNMENT WOULD USE ALL ITS POWERS TO REDUCE THEIR INCIDENCE AND SEEK MORE POWERS, IF THESE WERE FOUND DEFICIENT.

- - - - 0 - - - -

ACTION AGAINST MOTORISTS FOR EXCESSIVE NOISE AND EXHAUST FUMES  
\* \* \* \* \*

THE POLICE INSTITUTED 5,600 PROSECUTIONS IN 1978 AND ALMOST 3,000 IN THE FIRST HALF OF THIS YEAR REGARDING EMISSION OF EXHAUST FUMES FROM VEHICLES, THE LEGISLATIVE COUNCIL WAS TOLD TODAY (WEDNESDAY).

THE FIGURES WERE GIVEN IN REPLY TO A QUESTION FROM THE REV. THE HON. JOYCE M. BENNETT BY THE ACTING SECRETARY FOR ENVIRONMENT, THE HON. GRAHAM BARNES.

HE SAID THE POLICE EMPLOYING FIVE OF THE NINE INSTRUMENTS IN USE BY GOVERNMENT DEPARTMENTS TO MEASURE SMOKE EMISSION FROM VEHICLES RESULTED IN THE PROSECUTION OF MOTORISTS.

THE OTHERS ARE IN USE AT VARIOUS ROUTINE VEHICLE TESTING STATIONS OPERATED BY THE TRANSPORT DEPARTMENT.

HOWEVER, MR. BARNES SAID EMISSIONS OF SMOKE FROM VEHICLES REPRESENTED ONLY ONE COMPONENT OF EXHAUST FUMES.

+THEY ARE, OF COURSE, THE PART THAT IS MOST READILY OBSERVABLE,+ HE POINTED OUT.

+BUT THERE ARE OTHER EMISSIONS THAT ARE POTENTIALLY MORE HARMFUL TO HEALTH, SUCH AS LEAD, CARBON MONOXIDE AND OXIDES OF NITROGEN. THESE POLLUTANTS ARE INVISIBLE AND ODOURLESS AND NOT THEREFORE READILY OBSERVED OR DETECTED BY THE GENERAL PUBLIC.

+I AM, HOWEVER, IN THE PROCESS OF SEEKING THE NECESSARY RESOURCES, IN TERMS OF MANPOWER AND EQUIPMENT, NEEDED TO MEASURE THE CONCENTRATION OF THESE POLLUTANTS IN THE AIR ALONGSIDE BUSY ROADS IN HONG KONG,+ HE ADDED.

IN REPLY TO A SEPARATE QUESTION FROM THE HON. WONG LAM ON THE CONTROL OF NOISE POLLUTION GENERATED BY MOTORCYCLES, MR. BARNES SAID THE GOVERNMENT WAS CONSIDERING THE POSSIBILITY OF INTRODUCING NOISE LIMITS FOR NEW VEHICLES.

+THERE ARE AS YET NO RULES WHICH PLACE LIMITS ON THE NOISE EMITTED BY NEW MOTOR VEHICLES ALTHOUGH SUCH LIMITS ARE IN FORCE IN MANY OTHER COUNTRIES,+ HE SAID.

WEDNESDAY, JULY 4, 1979

- 3 -

HE SAID THERE WERE 122 PROSECUTIONS FOR EXCESSIVE NOISE FROM MOTOR VEHICLES IN 1978 OF WHICH 52 WERE MOTORCYCLES. SO FAR IN 1979 THE EQUIVALENT FIGURES ARE 15 AND 11.

+NOISE POLLUTION FROM MOTORCYCLES AND OTHER MOTOR VEHICLES IS CONTROLLED UNDER THE ROAD TRAFFIC (CONSTRUCTION AND USE) REGULATIONS,+ HE EXPLAINED.

+POLICE OFFICERS ON PATROL, OR EVEN MEMBERS OF THE GENERAL PUBLIC, WHO SPOT A MOTORCYCLE OR OTHER VEHICLE WHICH IS APPARENTLY DEFECTIVE BECAUSE IT IS MAKING EXCESSIVE NOISE, CAN REPORT THE OWNER WHO IS THEN REQUIRED TO ATTEND AT A POLICE POUND FOR INSPECTION OF HIS VEHICLE BY A MOTOR VEHICLE EXAMINER.

+IF THE SILENCER OR OTHER RELEVANT PART OF THE VEHICLE IS FOUND TO BE DEFECTIVE, THEN THE OWNER IS PROSECUTED,+ HE SAID.

MR. BARNES SAID THAT MANY OWNERS WOULD REPAIR THEIR VEHICLES BEFORE REPORTING FOR INSPECTION SO THAT THE NUMBER OF PROSECUTIONS DID NOT REALLY REFLECT THE LEVEL OF CONTROL ACTIVITY.

+WHERE THERE HAVE BEEN REPEATED INCIDENTS OR COMPLAINTS OF NOISY VEHICLES ON A PARTICULAR ROAD, THE POLICE WILL MAKE A SPECIAL EFFORT AND SET UP ROAD BLOCKS WITH, WHERE POSSIBLE, A MOTOR VEHICLE EXAMINER PRESENT,+ HE SAID.

+IN SUCH CASES A PROSECUTION CAN BE INITIATED AGAINST AN OFFENDER ON THE SPOT WITHOUT FIRST REFERRING THE VEHICLE TO INSPECTION AT A POLICE POUND,+ HE ADDED.

- - - - 0 - - - -

/4 .....

WEDNESDAY, JULY 4, 1979

- 4 -

ANNUALISED CONSUMER PRICES INCREASING AT 8-1/2% AND 10-1/2%  
\* \* \* \*

THE FINANCIAL SECRETARY, THE HON. PHILIP HADDON-CAVE, SAID THE ANNUALISED CONSUMER PRICES FOR THE CURRENT YEAR ARE INCREASING AT A RATE OF BETWEEN 8-1/2 AND 10-1/2 PER CENT.

THIS DEPENDED ON WHETHER ONE CONSIDERED THE GOVERNMENT'S CONSUMER PRICE INDEXES COVERING EXPENDITURE INCURRED BY THOSE WITH INCOMES UP TO \$3,000 PER MONTH OR THE HANG SENG INDEX WHICH COVERS EXPENDITURE BY THOSE WITH INCOMES BETWEEN \$3,000 AND \$10,000 PER MONTH, MR. HADDON-CAVE SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), IN ANSWER TO A QUESTION FROM THE HON. HILTON CHEONG-LEEN CONCERNING THE RATE OF INFLATION.

MR. HADDON-CAVE REMINDED THAT IN THE BUDGET SPEECH HE FORECAST THAT THE CONSUMER PRICES WOULD INCREASE BY NINE PER CENT IN 1979 OVER 1978.

REFERRING TO THE INCREASE IN THE GENERAL PRICE LEVEL, MR. HADDON-CAVE SAID HE WAS NOT IN A POSITION TO UPDATE HIS BUDGET FORECAST OF EIGHT PER CENT, BUT ADDED THAT HE WOULD DO SO WHEN HE MADE HIS MID-YEAR REVIEW OF THE STATE OF THE ECONOMY IN TWO MONTHS' TIME.

+MY PRESENT GUESS IS THAT, TAKING ALL RELEVANT FACTORS INTO CONSIDERATION, INCLUDING RECENT EVENTS WHICH I COULD NOT HAVE FORESEEN SIX MONTHS AGO AND WHICH HAVE AFFECTED THE IMPORT PRICES OF SOME RAW MATERIALS AND SEMI-MANUFACTURES, THE BUDGET SPEECH FORECAST OF EIGHT PER CENT IS PROBABLY ON THE LOW SIDE, BUT NOT DRAMATICALLY SO.+

- - - - 0 - - - -

/5 .....

WEDNESDAY, JULY 4, 1979

- 5 -

STEPS TAKEN TO SEIZE PETER GODBER'S ASSETS

\* \* \*

THE GOVERNMENT HAS TAKEN STEPS TO SEIZE THE ASSETS OF PETER GODBER IN THE UNITED KINGDOM, THE ATTORNEY GENERAL, THE HON. JOHN GRIFFITHS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE ASSETS INCLUDE A COTTAGE AND JOINT BANK ACCOUNT HELD BY GODBER AND HIS WIFE.

THE ACTION WAS TAKEN AFTER GOVERNMENT'S SOLICITORS IN LONDON OBTAINED ON JUNE 7 A JUDGEMENT IN DEFAULT OF APPEARANCE BY GODBER AND HIS WIFE IN THE SUM OF ALMOST \$4.2 MILLION.

MR. GRIFFITHS SAID IN REPLY TO A QUESTION FROM THE HON. LYDIA DUNN THAT THE GOVERNMENT'S SOLICITORS IN LONDON HAD OBTAINED ON JUNE 12 A +CHARGING ORDER NISI+ UPON THE COTTAGE — THE FIRST STEP IN THE LEGAL PROCESS OF SEIZURE AND SALE.

+AN APPLICATION IS CURRENTLY BEFORE THE HIGH COURT IN LONDON TO REGISTER THIS CHARGE AGAINST MR. AND MRS. GODBER, BOTH SOLELY AND JOINTLY, BECAUSE IT IS NOT POSSIBLE AT THIS STAGE TO KNOW EXACTLY HOW THE TITLE TO THE COTTAGE IS VESTED.

+AS FAR AS THE BANK ACCOUNT IS CONCERNED, THIS HAD BEEN FROZEN BY THE COURT UNDER A GARNISHEE ORDER NISI AND IN DUE TIME IT WILL BE SEQUESTERED BY DUE PROCESS OF LAW,+ HE SAID.

MR. GRIFFITHS SAID THE PRESENT WHEREABOUTS OF GODBER AND HIS WIFE ARE NOT KNOWN, BUT THEY WERE BELIEVED TO BE AWAY FROM THE UNITED KINGDOM.

+THE GOVERNMENT WOULD WELCOME ANY RELIABLE INFORMATION WHICH MEMBERS OF THE PUBLIC CAN GIVE US AS TO THEIR PRESENT EXACT WHEREABOUTS. BECAUSE IT IS OUR INTENTION, ONCE WE KNOW EXACTLY WHERE THEY ARE, TO PURSUE THEM AS RELENTLESSLY AS WE CAN, UNTIL EVERY PENNY OF THE \$4.2 MILLION IS RECOVERED,+ HE SAID.

MR. GRIFFITHS ALSO APPEALED FOR ANY INFORMATION CONCERNING OTHER ASSETS BELONGING TO THE GODBERS IN THE UNITED KINGDOM THAT THE GOVERNMENT HAS NO KNOWLEDGE ABOUT.

+IF ANY OTHER ASSETS IN THE UK ARE FOUND IN THE NAME OF GODBER OR HIS WIFE THE GOVERNMENT'S LONDON SOLICITORS WILL BE INSTRUCTED TO TAKE THE APPROPRIATE ACTION,+ HE ASSURED.

- - - - 0 - - - -

/6 .....

CALL FOR ABOLITION OF IMPRISONMENT OVER DEBT  
\* \* \* \* \*

THE HON. PETER C. WONG CALLED FOR A STOP TO THE IMPRISONMENT OF CIVIL DEBTORS IN HONG KONG DURING A DEBATE HE INITIATED UNDER THE SUBJECT +POVERTY IS NOT A CRIME+ AT THE ADJOURNMENT OF THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

HE SAID THAT ACCORDING TO THE MODERN APPROACH TO PENOLOGY, IMPRISONMENT, WHICH IS AN EXTREME FORM OF PENALTY BECAUSE IT DEPRIVES A CITIZEN OF HIS PERSONAL LIBERTY, SHOULD OPERATE ONLY WITHIN CRIMINAL LAW.

+INDEED, ACTION TAKEN AGAINST THE PERSON AS DISTINCT FROM THE PROPERTY OF THE DEBTOR CAN HARDLY BE JUSTIFIED CONCEPTUALLY,+ HE POINTED OUT.

THE AVERAGE ANNUAL NUMBER OF PRISONERS FOR DEBT OVER THE PAST SEVEN YEARS WAS LESS THAN 100 AND THEIR AVERAGE LENGTH OF STAY IN PRISON WAS 24.3 DAYS IN 1977 AND 19.7 DAYS IN 1978.

+IT IS DISTURBING TO NOTE THAT ON THE AVERAGE AN IMPRISONED DEBTOR WHO HAD NOT COMMITTED ANY CRIME HAD TO SPEND SOME THREE WEEKS IN PRISON.

+THIS IS PARTICULARLY SO WHEN ONE REALISES THAT AT LEAST IN SOME CASES THE DEBT COULD BE ASTONISHINGLY SMALL. THE STIGMA AND ADVERSE PSYCHOLOGICAL EFFECTS OF IMPRISONMENT COULD HAVE FAR-REACHING CONSEQUENCES,+ MR. WONG SAID.

HE GAVE OTHER REASONS FOR HIS VIEW THAT IMPRISONMENT FOR CIVIL DEBT SHOULD BE ABOLISHED.

HE POINTED OUT THAT EVEN WITH CRIMINAL OFFENDERS, IT HAS LONG BEEN RECOGNISED THAT THEIR MEANS AND BACKGROUND, PARTICULARLY IN THE CASE OF YOUNG OFFENDERS, SHOULD BE INVESTIGATED BEFORE SENTENCE IS PASSED.

+HOWEVER, A CIVIL DEBTOR, WHATEVER HIS AGE, CAN BE IMPRISONED AT THE INSTANCE OF THE CREDITOR WITHOUT THE NECESSITY OF FURNISHING THE COURT WITH A SOCIAL ENQUIRY REPORT,+ HE SAID.

ACADEMICALLY, IT IS DIFFICULT TO ARGUE A CAUSAL CONNECTION BETWEEN THE THREAT FOR IMPRISONMENT FOR DEBT AND A DISPOSITION AMONG CITIZENS TO HONOUR THEIR OBLIGATIONS.

+ADMITTEDLY, THERE ARE PEOPLE WHOSE MORALITY IS BELOW THE AVERAGE COMMERCIAL MORALITY OF THE AGE, BUT THE EXISTENCE OF THE COMMERCIAL MORALITY CAN HARDLY BE MADE DEPENDENT UPON THE THREAT OF IMPRISONMENT,+ MR. WONG SAID.

ANOTHER REASON HE GAVE AGAINST IMPRISONING DEBTORS IS THE IRONICAL FACT THAT IT MAKES IT MORE DIFFICULT, IF NOT IMPOSSIBLE, FOR THE DEBTOR, WHO CANNOT IMPROVE HIS FINANCIAL POSITION THROUGH IMPRISONMENT, TO DISCHARGE HIS PRESENT OR FUTURE DEBTS.

BESIDES, CONSIDERING THE TIME AND LABOUR OF JUDGES, CLERICAL STAFF AND BAILIFFS INVOLVED IN THE CASES AND THE COST OF IMPRISONMENT, THE AMOUNT OF MONTHLY ALLOWANCE THE CREDITOR IS REQUIRED TO PAY TO MAINTAIN THE DEBTOR IN PRISON, AT A MAXIMUM OF \$30 PER DAY, IS APPARENTLY INSUFFICIENT.

+IT IS HARDLY FAIR TO EXPECT THE PUBLIC TO FINANCE THE ATTEMPTS BY CREDITORS TO RECOVER THEIR DEBTS IN THIS MANNER,+ HE SAID.

FURTHERMORE, ALTHOUGH ANY SUBSIDY BY THE CROWN IS NOT RECOVERABLE, A CREDITOR IS ABLE TO RECOVER FROM THE DEBTOR ALL SUMS HE INCURRED IN IMPRISONING HIM.

INCIDENTALLY, MR. WONG ADDED, THE ABOLITION OF IMPRISONMENT FOR DEBT MAY HELP EASE THE STRAIN ON OUR CONGESTED PRISONS.

MR. WONG OUTLINED THE HISTORICAL BACKGROUND OF THE ENGLISH LAW RELATING TO CIVIL DEBTS AND POINTED OUT THAT AFTER SEVERAL MODIFICATIONS TO THE LAW, IMPRISONMENT FOR CIVIL DEBT IS NOW VIRTUALLY ABOLISHED THERE, WITH CERTAIN EXCEPTIONS, SUCH AS MAINTENANCE ORDERS AND CROWN DEBTS.

IN HONG KONG HOWEVER, A DEBTOR CAN BE IMPRISONED FOR A PERIOD UP TO A YEAR, OR SIX MONTHS IF THE DEBT IS LESS THAN \$1,000, THREE MONTHS IF LESS THAN \$500, AND ONE MONTH IF LESS THAN \$100.

THERE ARE PROVISIONS IN HONG KONG SIMILAR TO A 1671 ACT OF PARLIAMENT UNDER WHICH THE PRISONER WOULD BE DISCHARGED IF HE SWORE BEFORE A JUSTICE OF THE PEACE THAT HE HAD NO ESTATE ABOVE THE VALUE OF 10 POUNDS STERLING AND THAT HE HAD NOT DISPOSED OF HIS ESTATE TO DEFRAUD HIS CREDITORS, PROVIDED THAT HIS OATH WAS NOT DISPROVED BY HIS CREDITOR.

+NEVERTHELESS, IT IS FRIGHTENING TO KNOW THAT IF A PERSON OWES LESS THAN \$100, HE MAY BE IMPRISONED FOR A MONTH,+ MR. WONG SAID.

THE HONG KONG LAW ALSO PROVIDES THAT IN CASES WHERE THE COURT IS SATISFIED THERE IS PROBABLE CAUSE FOR BELIEVING THAT THE DEFENDANT MAY LEAVE THE JURISDICTION, IT MAY ISSUE A WARRANT TO BRING HIM BEFORE THE COURT TO GIVE EXPLANATION, AND IF HE DOES NOT COMPLY WITH THE COURT ORDER HE MAY BE COMMITTED TO PRISON.

MR. WONG POINTED OUT THAT THIS PROVISION IS TOTALLY UNKNOWN IN ENGLISH LAW AND NEEDS TO BE REVISED.

HE THOUGHT THERE MIGHT HAVE BEEN JUSTIFICATION FOR IMPRISONMENT FOR DEBT 100 YEARS AGO BUT NOT IN OUR RELATIVELY ADVANCED AND SOPHISTICATED COMMUNITY TODAY.

APART FROM DEBTS OWED TO THE CROWN OR TO ONE'S SPOUSE IN THE FORM OF MAINTENANCE PAYMENT, BECAUSE +THE SOLIDARITY OF OUR COMMUNITY AND THE SANCTITY OF MARRIAGE SHOULD BE UPHeld EVEN AT A PRICE,+ ENFORCEMENT OF CIVIL DEBTS SHOULD NOT BE UNDERTAKEN BY INVOKING IMPRISONMENT, HE SAID.

HE SUGGESTED THAT AN ALTERNATIVE PROCEDURE BE DEvised, PERHAPS ALONG THE LINES LAID DOWN BY THE ATTACHMENT OF EARNINGS ACT 1971.

CALL FOR A REVIEW ON IMPRISONMENT OVER DEBTS

\* \* \* \* \*

THE ATTORNEY GENERAL, THE HON. JOHN GRIFFITHS, TODAY (WEDNESDAY) PROPOSED TO INSTITUTE A REVIEW AIMED AT ENSURING THAT WHILE THE POSSIBILITY OF IMPRISONMENT REMAINS AS A DETERRENT TO THE DISHONEST OR THE UNDULY EXTRAVAGANT DEBTOR, NEVERTHELESS IMPRISONMENT FOR HOWEVER SHORT A TIME CAN ONLY TAKE PLACE IN SUCH CASES.

MR. GRIFFITHS WAS SPEAKING ON A MOTION THAT +POVERTY IS NOT A CRIME+ MOVED IN THE LEGISLATIVE COUNCIL BY THE HON. PETER C. WONG.

+THIS REVIEW WOULD ALSO CONSIDER WHETHER THERE ARE IN OTHER PARTS OF THE WORLD, NOT ONLY ENGLAND BUT ELSEWHERE TOO, OTHER EFFECTIVE PROCEDURES FOR COLLECTING DEBTS, INCLUDING MATRIMONIAL MAINTENANCE, WHICH COULD APPROPRIATELY BE ADOPTED FOR USE IN HONG KONG,+ MR. GRIFFITHS SAID.

THE MONTHLY ALLOWANCE A CREDITOR IS REQUIRED TO PAY TO MAINTAIN A DEBTOR IN PRISON, AT A MAXIMUM OF \$30 A DAY, WOULD ALSO BE LOOKED INTO WITH A VIEW TO RAISING IT, SHOULD IT PROVE TO BE TOO LOW, HE SAID.

THE ATTORNEY GENERAL POINTED OUT, HOWEVER, THAT THE POWER OF IMPRISONMENT OF DEBTORS DOES NOT APPEAR TO BE A LARGE PROBLEM.

IN 1977 AND 1978 RESPECTIVELY, 99 AND 85 PERSONS ALTOGETHER WERE IMPRISONED, AND ONLY 12 PEOPLE ARE IN PRISON AT THE MOMENT.

SINCE 1974 ONLY FOUR PERSONS HAVE IN FACT SPENT 12 MONTHS IN PRISON. THE DEBTS IN THEIR CASES WERE \$630,000, \$90,000, \$880,000 AND \$190,000.

MR. GRIFFITHS EMPHASISED THAT IMPRISONMENT FOR DEBT WILL ONLY BE RESORTED TO AFTER ALL OTHER AVENUES HAVE BEEN EXPLORED AND WHEN IT APPEARS CLEAR THAT THE DEBTOR IS A RECALCITRANT CASE WHO POSSESSES THE MEANS TO PAY, BUT NOT THE INCLINATION TO DO SO.

HE ALSO POINTED OUT THAT WHILE A JUDGMENT DEBTOR CAN BE IMPRISONED FOR VARYING PERIODS OF BETWEEN ONE MONTH AND 12 MONTHS, DEPENDING UPON THE AMOUNT OF THE DEBT, THE DEBTOR MAY AT ANY TIME MAKE APPLICATION TO THE COURT TO BE RELEASED.

WHEN THE APPLICATION IS MADE, THE DEBTOR MUST BE RELEASED UNLESS THE JUDGMENT CREDITOR SUCCEEDS IN PROVING ONE OF THREE THINGS : EITHER, FIRST, THAT THE DEBTOR'S INABILITY TO SATISFY THE JUDGMENT IS ATTRIBUTABLE TO THE DEBTOR'S UNJUSTIFIABLE EXTRAVAGANCE IN LIVING- OR, SECOND, THAT HE SEEKS TO AVOID PAYING THE DEBT BY WILFULLY AND DELIBERATELY CONCEDED HIS PROPERTY FROM HIS CREDITOR- OR, THIRD, THAT TO AVOID THE PAYMENT OF HIS DEBT HE HAS FRAUDULENTLY TRANSFERRED TO, SAY HIS WIFE, OR SOME OTHER PERSONS, AGAIN WITH THE DELIBERATE OBJECT OF AVOIDING PAYMENT OR COMMITTED SOME OTHER ACT OF BAD FAITH TO AVOID PAYMENT.

+THE BURDEN OF PROVING THESE THREE GROUNDS OR ONE OF THEM RESTS ON THE CREDITOR; UNLESS HE SUCCEEDS IN DOING THAT, THE DEBTOR MUST BE DISCHARGED AND ONCE HAS BEEN DISCHARGED HE CAN NOT BE RE-ARRANGED FOR THE SAME DEBT,+ MR. GRIFFITHS EXPLAINED.

+I VENTURE TO SUGGEST, DESPITE MY SHORT EXPERIENCE SO FAR IN HONG KONG, THAT MOST PEOPLE HERE WOULD REGARD THESE PROVISIONS AS FAIR. WHY SHOULD A MAN NOT BE IMPRISONED FOR A COMPARATIVELY SHORT PERIOD IF, BUT ONLY IF, IT CAN BE PROVED THAT HE HAS FINANCED HIS OWN UNJUSTIFIABLE EXTRAVAGANCE IN LIVING, THROUGH HIS CREDITORS, OR ALTERNATIVELY IF IT CAN BE SHOWN THAT HE HAS DELIBERATELY OR FRAUDULENTLY ATTEMPTED TO HIDE HIS MONEY FROM THEM WHEN PERFECTLY WELL HE COULD PAY?+

+MANY WOULD ARGUE THAT WERE IT NOT FOR THE THREAT OF IMPRISONMENT, FAR MORE PEOPLE THAN DO SO AT PRESENT WOULD SEEK TO AVOID THEIR JUST DEBTS BY HIDING THEIR ASSETS OUT OF THE REACH OF THEIR CREDITORS.+

- - - - 0 - - - -

ID CARD BILL PASSED

\* \* \* \* \*

THE REGISTRATION OF PERSONS (AMENDMENT) BILL WHICH SEEKS TO AUTHORISE THE MAKING OF REGULATIONS PROVIDING FOR THE COMPULSORY CARRYING AND PRODUCTION OF IDENTITY CARDS WAS PASSED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

SPEAKING AT THE DEBATE ON THE BILL BEFORE IT WAS PASSED, THE SECRETARY FOR SECURITY, THE HON. LEWIS DAVIES, SAID HE HAD PROPOSED THAT THE BILL SHOULD PROCEED THROUGH ALL ITS STAGES AT ONE SITTING BECAUSE THE AMENDMENTS WERE REQUIRED URGENTLY TO IMPROVE THE GOVERNMENT'S CAPACITY TO DEAL EFFECTIVELY WITH ILLEGAL IMMIGRANTS FROM CHINA.

MR. DAVIES NOTED THAT THERE HAD BEEN A SUBSTANTIAL INCREASE IN THE NUMBER OF ILLEGAL IMMIGRANTS ENTERING HONG KONG FROM CHINA THIS YEAR — BY THE END OF JUNE 45,943 HAD BEEN APPREHENDED.

+ALTHOUGH THE NUMBERS ARRESTED HAVE FALLEN SHARPLY RECENTLY IT REMAINS AS EVER TO PURSUE OUR POLICY TO PREVENT AND DETER ILLEGAL ENTRY,+ MR. DAVIES SAID.

+THE AMENDMENT PROPOSED IN THIS BILL WILL AUTHORISE THE GOVERNOR IN COUNCIL TO MAKE REGULATIONS PROVIDING THAT PERSONS MUST CARRY THEIR IDENTITY CARDS WHEN VISITING DESIGNATED AREAS.

+THIS PROVISION WILL BE OF ASSISTANCE TO THE SECURITY FORCES IN HELPING TO IDENTIFY THOSE WHO HAVE ENTERED HONG KONG ILLEGALLY,+ HE ADDED.

MR. DAVIES SAID THE GOVERNMENT DID NOT INTEND TO DESIGNATE LARGE AREAS OF POPULATION AS PLACES IN WHICH PERSONS WOULD BE REQUIRED TO CARRY THEIR IDENTITY CARDS.

+THERE ARE, HOWEVER, PARTICULAR AREAS IN WHICH THEIR CARRIAGE WILL BE OF ASSISTANCE. ONE SUCH AREA IS PING CHAU.

+ANY DECISION OF THE GOVERNOR IN COUNCIL TO REQUIRE THE CARRIAGE OF IDENTITY CARDS WILL BE PUBLICISED EXTENSIVELY AND A PERIOD OF NOTICE WILL BE GIVEN BEFORE ANY ORDER TAKES EFFECT,+ MR. DAVIES SAID.

- - - - 0 - - - -

MTR CORPORATION (AMENDMENT) BILL 1979

\* \* \* \* \*

THE MASS TRANSIT RAILWAY CORPORATION (AMENDMENT) BILL 1979 WHICH SEEKS TO PROVIDE THE LEGISLATIVE MACHINERY TO ENSURE THE SAFE OPERATION OF THE RAILWAY WHEN IT STARTS TO CARRY PASSENGERS, WAS INTRODUCED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE ACTING SECRETARY FOR THE ENVIRONMENT, THE HON. GRAHAM BARNES, SAID THE FIRST SECTION OF THE MODIFIED INITIAL SYSTEM OF THE MASS TRANSIT RAILWAY BETWEEN KWUN TONG AND SHEK KIP MEI WOULD OPEN ON OCTOBER 1, AND THE REMAINDER OF THE SYSTEM, INCLUDING THE SECTION TO CENTRAL DISTRICT, WOULD BE OPERATING BY EARLY 1980.

THE SCOPE OF THE AMENDING SECTIONS INCLUDES THE PROVISION FOR THE APPOINTMENT OF INSPECTORS BY THE GOVERNOR, THEIR POWERS OF INSPECTION, THE DUTY OF EMPLOYEES AND CONTRACTORS OF THE CORPORATION TO CO-OPERATE WITH OR PROVIDE INFORMATION TO THEM, AND PENALTIES FOR NON-COOPERATION OR PROVISION OF FALSE INFORMATION.

ANOTHER SECTION EMPOWERS THE CHIEF SECRETARY TO ORDER THE CORPORATION TO REMEDY DEFECTS REGARDING THE CONDITION AND OPERATION OF ANY PART OF THE MTR IF HE CONSIDERS THAT THEY ARE LIKELY TO CAUSE A RISK OF INJURY TO ANY PERSON, ENABLES HIM TO SET TIME LIMITS FOR REMEDIAL WORKS, AND SPECIFIES FINES FOR NON-COMPLIANCE WITH HIS ORDERS.

CRIMINAL LIABILITY ON AN EMPLOYEE OF THE CORPORATION WHO ENDANGERS SAFETY THROUGH THE NEGLIGENT PERFORMANCE OF HIS DUTY IS ALSO IMPOSED BY THE BILL.

THE BILL ALSO MAKES IT AN OFFENCE FOR ANY PERSON WILFULLY TO DO ANYTHING WHICH ENDANGERS SAFETY.

THE PENALTY IN EACH OF THESE CASES IS A FINE OF \$5,000 AND IMPRISONMENT FOR SIX MONTHS.

THE BILL ALSO PROVIDES FOR THE MAKING OF REGULATIONS REGARDING THE REPORTING AND INVESTIGATION OF ACCIDENTS AND THE POWERS OF INSPECTORS MAKING SUCH INVESTIGATIONS.

MR. BARNES SAID THAT THE PRIMARY RESPONSIBILITY FOR THE SAFETY OF PASSENGERS AND WORKERS OF MTR MUST LIE WITH THE CORPORATION. HE ADDED THAT WORKERS ON THE RAILWAY WERE ALREADY AFFORDED THE PROTECTION OF THE FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE.

- - - - 0 - - - -

WEDNESDAY, JULY 4, 1979

- 11 -

BILL TO MAKE SMALL CLAIMS TRIBUNAL  
A PERMANENT PART OF JUDICIAL SYSTEM  
\* \* \* \*

THE GOVERNMENT HAS PROPOSED TO MAKE THE SMALL CLAIMS TRIBUNAL, WHICH WAS ORIGINALLY SET UP TO LAST FOR THREE YEARS, A PERMANENT PART OF THE JUDICIAL SYSTEM IN HONG KONG.

THE ATTORNEY GENERAL, THE HON. JOHN GRIFFITHS, INTRODUCED THE SMALL CLAIMS TRIBUNAL (AMENDMENT) BILL 1979 IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) TO ACHIEVE THAT OBJECTIVE AND AT THE SAME TIME TO MAKE SOME PROCEDURAL AMENDMENTS TO IMPROVE THE SERVICE WHICH THE TRIBUNAL OFFERS TO THE PUBLIC.

MR. GRIFFITHS SAID THAT SINCE THE TRIBUNALS WERE OPENED IN HONG KONG, KOWLOON AND THE NEW TERRITORIES, 9,729 CLAIMS OF UP TO \$3,000 WERE DEALT WITH BETWEEN OCTOBER 1976 AND DECEMBER 1977. IN THE YEAR ENDING DECEMBER 1978, 11,485 WERE COMMENCED.

+DUE TO THE EXPERIMENTAL NATURE OF THE LEGISLATION AND OF THE TRIBUNAL, THE ORDINANCE WHICH BROUGHT IT INTO BEING PROVIDED THAT IT SHOULD INITIALLY EXIST ONLY FOR THREE YEARS. THAT PERIOD IS DUE TO EXPIRE THIS YEAR UNLESS EXTENDED BY THIS COUNCIL,+ MR. GRIFFITHS SAID.

+IT IS CONSIDERED, HOWEVER, THAT THE TRIBUNAL HAS BEEN A SUCCESS AND THAT IT SHOULD NOW BECOME A PERMANENT PART OF OUR JUDICIAL SYSTEM,+ HE ADDED.

THE AMENDMENTS INCLUDED IN THE BILL ARE:-

- \* CLAUSE 2 AMENDS THE SERVICE PROVISION OF THE PRINCIPAL ORDINANCE BY MAKING SPECIFIC PROVISION FOR SERVICE BY REGISTERED POST ADDRESSED TO A DEFENDANT AT HIS LAST KNOWN PLACE OF RESIDENCE OR BUSINESS-
- \* CLAUSE 3 CONTAINS A NEW PROCEDURE WHICH WILL ENABLE A CLAIMANT TO OBTAIN JUDGMENT ON THE BASIS OF WRITTEN EVIDENCE IN THE FORM OF AN AFFIDAVIT WHERE A DEFENDANT DOES NOT APPEAR AT THE HEARING. A CLAIMANT MAY CALL ORAL EVIDENCE IF HE WISHES, AND JUDGMENT WILL NOT BE ENTERED UNLESS THE TRIBUNAL IS SATISFIED THAT SERVICE HAS BEEN EFFECTED IN ACCORDANCE WITH THE PRINCIPAL ORDINANCE-
- \* CLAUSE 4 AMENDS SECTION 32A OF THE PRINCIPAL ORDINANCE WHICH PROVIDES FOR AN APPLICATION TO SET JUDGMENT ASIDE. THE AMENDMENT EXTENDS THE EXISTING TIME OF SEVEN DAYS WITHIN WHICH SUCH AN APPLICATION MUST BE MADE, TO SUCH FURTHER TIME AS THE TRIBUNAL MAY ALLOW- AND
- \* CLAUSE 5 REPEALS THE SECTION IN THE PRINCIPAL ORDINANCE WHICH LIMITS THE LIFE OF THE TRIBUNAL.

- - - - - 0 - - - - -

/12 .....

CHILD LABOUR NO LONGER A SERIOUS PROBLEM

\* \* \* \* \*

THE POSITION WITH REGARD TO CHILD LABOUR IN HONG KONG HAS IMPROVED ENORMOUSLY OVER THE LAST DECADE.

IN INDUSTRY IT IS NO LONGER A SERIOUS PROBLEM, AND THE LABOUR INSPECTORATE ARE VIGILANT IN THEIR WORK IN ERADICATING WHAT LITTLE REMAINS.

THIS WAS STATED BY THE COMMISSIONER FOR LABOUR, THE HON. NEIL HENDERSON, AT THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) WHEN HE OUTLINED PROPOSALS TO EXTEND THE EXISTING PROHIBITION OF EMPLOYMENT OF CHILDREN IN INDUSTRIAL UNDERTAKINGS TO THE NON-INDUSTRIAL SECTOR.

MOVING THE SECOND READING OF THE EMPLOYMENT (MISCELLANEOUS PROVISIONS) BILL 1979, MR. HENDERSON DESCRIBED THE PROPOSAL AS A MEASURE TO EXTEND THE MINIMUM AGE FOR EMPLOYMENT TO ALL SECTORS.

HE RECALLED A STATEMENT MADE BY THE GOVERNOR AT THE LEGISLATIVE COUNCIL ON OCTOBER 5, 1977, WHICH OUTLINED THE GOVERNMENT'S INTENTIONS:

- \* TO MAKE JUNIOR SECONDARY EDUCATION COMPULSORY UP TO A CHILD'S 15TH BIRTHDAY OR UNTIL THE FORM III COURSE HAS BEEN COMPLETED- AND
- \* TO EXTEND, BY SIMILAR STAGES, THE EXISTING PROHIBITION OF EMPLOYMENT OF CHILDREN IN INDUSTRIAL UNDERTAKINGS TO NON-INDUSTRIAL ONES AS WELL.

TO IMPLEMENT THE FIRST PART OF THESE POLICIES THE COUNCIL HAS PASSED THE EDUCATION (AMENDMENT) ORDINANCE 1979 WHICH WILL COME INTO OPERATION ON SEPTEMBER 1 THIS YEAR.

THE BILL IS AIMED AT BRINGING THE SECOND PART INTO OPERATION.

THE BILL, HE EXPLAINED, SEEKS TO AMEND THE EMPLOYMENT ORDINANCE, AND CONSEQUENTIALLY THE EMPLOYMENT OF YOUNG PERSONS AND CHILDREN AT SEA ORDINANCE, THE FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE AND REGULATIONS, AND THE PROTECTION OF WOMEN AND JUVENILES ORDINANCE, ALL OF WHICH DEAL, INTER ALIA, WITH MINIMUM AGES OF EMPLOYMENT.

IN BRIEF, THE EMPLOYMENT ORDINANCE WILL BE AMENDED BY INTRODUCING A DEFINITION OF +CHILD+ SO AS TO SPECIFY A MINIMUM AGE AT 14 IN SEPTEMBER 1979 AND AT 15 IN SEPTEMBER 1980 FOR ALL FORMS OF EMPLOYMENT. THE DEFINITION OF +YOUNG PERSON+ HAS TO BE AMENDED AS A CONSEQUENCE, ALSO IN TWO STAGES.

IF THE BILL IS APPROVED BY THE COUNCIL, MR. HENDERSON SAID, RECOMMENDATION WILL BE MADE TO THE GOVERNOR IN COUNCIL TO MAKE A SET OF REGULATIONS CONCERNING THE EMPLOYMENT OF CHILDREN.

THE INTENTION IS TO PROHIBIT THE EMPLOYMENT OF CHILDREN GENERALLY EXCEPT IN SPECIFIC CIRCUMSTANCES WHICH ARE LAID DOWN IN THE REGULATIONS. THESE INCLUDE WORK PERFORMED BY CHILDREN UNDER 13 IN A GENUINE FAMILY BUSINESS OR FROM 14 AS APPRENTICES UNDER THE APPRENTICESHIP ORDINANCE.

CHILDREN AGED 13 OR OVER AND WHO HAVE NOT YET COMPLETED FORM III MAY, WITH THE CONSENT OF THEIR PARENTS, ENGAGE IN PART-TIME EMPLOYMENT IN NON-INDUSTRIAL ESTABLISHMENTS SUBJECT TO THE RESTRICTIONS AIMED AT PROTECTING THEIR PHYSICAL AND MORAL HEALTH OR FOR THE PURPOSE OF ENFORCEMENT OF COMPULSORY JUNIOR SECONDARY EDUCATION. FOR THIS REASON THOSE TAKING UP PART-TIME EMPLOYMENT WILL HAVE TO PRODUCE A SCHOOL ATTENDANCE CERTIFICATE TO SHOW THAT THEY ARE ATTENDING SCHOOL FULL-TIME.

THEIR PERIOD OF EMPLOYMENT AND HOURS OF WORK WILL BE LAID DOWN BY REGULATIONS, BUT BROADLY THEY WILL BE LIMITED TO TWO HOURS A DAY DURING SCHOOL DAYS, FOUR HOURS ON OTHER DAYS, AND EIGHT HOURS DURING SUMMER HOLIDAYS.

FINALLY THERE WILL BE A SCHEDULE OF COMPLETELY PROHIBITED OCCUPATIONS WHICH ARE UNDESIRABLE, FOR HEALTH, MORAL OR HAZARD REASONS, FOR CHILDREN TO BE INVOLVED WITH.

MR. HENDERSON POINTED OUT THAT A NEW PROVISION IS ALSO INTRODUCED TO ENABLE THE GOVERNOR IN COUNCIL TO MAKE REGULATIONS PROHIBITING OR CONTROLLING THE EMPLOYMENT OF PERSONS OR ANY CLASS OF PERSONS= REQUIRING IF NECESSARY THE KEEPING OF EMPLOYMENT RECORDS AND OTHER MATTERS FOR THE EFFECTIVE ENFORCEMENT OF THE REGULATIONS.

THE COMMISSIONER FOR LABOUR WILL BE EMPOWERED TO EXEMPT, IN WRITING, ANY PERSON OR CLASS OF PERSONS, FOR EXAMPLE, CHILD ENTERTAINERS, FROM ANY REGULATIONS SUBJECT TO SUCH CONDITIONS AS HE MAY IMPOSE.

CONTRAVENTION OF ANY OF THE REGULATIONS PROHIBITING THE EMPLOYMENT OF CHILDREN CARRIES A MAXIMUM FINE OF \$10,000.

- - - - 0 - - - -

INLAND REVENUE (AMENDMENT)(NO. 6) BILL 1979  
\* \* \* \* \*

THE FINANCIAL SECRETARY, THE HON. PHILIP HADDON-CAVE, TODAY (WEDNESDAY) INTRODUCED THE INLAND REVENUE (AMENDMENT)(NO. 6) BILL 1979 IN THE LEGISLATIVE COUNCIL +TO PUT BEYOND DOUBT THE INTENTION OF THE INLAND REVENUE ORDINANCE, AND TO ENDORSE EXISTING PRACTICE.+

THE PROPOSED BILL AMENDS SECTION 9 OF THE PRINCIPAL ORDINANCE BY INTRODUCING A DEFINITION OF +PLACE OF RESIDENCE+ WHICH MAKES IT CLEAR THAT IT INCLUDES A PLACE OF RESIDENCE WHICH THE EMPLOYEE HAS BEEN DIRECTED TO OCCUPY, WHETHER OR NOT, BY SO DOING, HE CAN BETTER PERFORM HIS DUTIES.

THE AMENDMENT WILL ALSO APPLY FOR THE YEAR OF ASSESSMENT 1978-79 (FINAL ASSESSMENT) AND SUBSEQUENT YEARS.

THE BILL WAS PROPOSED AS A RESULT OF DOUBTS RAISED AS TO WHETHER A QUARTER PROVIDED BY AN EMPLOYER IS SUBJECT TO TAX IF THE EMPLOYEE IS REQUIRED TO OCCUPY THEM UNDER HIS TERMS OF EMPLOYMENT IN ORDER TO BETTER PERFORM HIS DUTIES.

/MR. HADDON-CAVE .....

MR. HADDON-CAVE EXPLAINED THAT SINCE THE INLAND REVENUE ORDINANCE WAS ENACTED IN 1947, THE COMMISSIONER OF INLAND REVENUE HAD ALWAYS REGARDED A QUARTER TO BE A +PLACE OF RESIDENCE+ FOR SALARIES TAX PURPOSES, NOTWITHSTANDING THE FACT THAT THE EMPLOYEE WAS DIRECTED TO THAT PARTICULAR QUARTER AND NOTWITHSTANDING THE FACT THAT HE WAS SO DIRECTED BECAUSE HE COULD BETTER PERFORM HIS DUTIES.

FOR EXAMPLE, WHEN A DEPARTMENTAL QUARTER HAS BEEN PROVIDED FOR A CIVIL SERVANT, IRRESPECTIVE OF DIRECTION TO THE OFFICER TO OCCUPY THAT PARTICULAR QUARTER ON OPERATIONAL GROUNDS, TAX IS CHARGED ON THE NOTIONAL VALUE OF THE QUARTER.

+THIS APPLICATION OF THE LAW BY THE COMMISSIONER HAS NOT BEEN CHALLENGED UNTIL RECENTLY WHEN THE BOARD OF REVIEW HELD THAT THE DOCTRINE OF 'REPRESENTATIVE OCCUPATION', WHICH HAD BEEN DEVELOPED BY UNITED KINGDOM COURTS IN THE COURSE OF APPEALS UNDER THE UNITED KINGDOM INCOME TAX ACTS, ALSO APPLIED TO OUR ORDINANCE,+ MR. HADDON-CAVE SAID.

THE CONCEPT OF +REPRESENTATIVE OCCUPATION,+ AS DEVELOPED IN THE UK, IS THAT IF AN EMPLOYEE IS REQUIRED AS A CONDITION OF HIS EMPLOYMENT TO RESIDE IN A QUARTER PROVIDED BY HIS EMPLOYER, AND HIS RESIDENCE THERE MATERIALLY ASSISTS IN THE PERFORMANCE OF HIS DUTIES, SUBJECT TO SATISFYING CERTAIN TESTS, NOTHING CAN BE ASSESSED ON THE EMPLOYEE FOR THIS PERQUISITE.

THE DECISION OF THE BOARD OF REVIEW WAS CONTESTED IN THE HIGH COURT WHERE IT WAS HELD THAT THE BOARD WAS CORRECT IN ITS VIEW. AN APPEAL AGAINST THIS JUDGMENT HAS BEEN FILED WITH THE COURT OF APPEAL BY THE COMMISSIONER OF INLAND REVENUE.

MR. HADDON-CAVE WARNED THAT THE ACCEPTANCE OF THIS CONCEPT OF +REPRESENTATIVE OCCUPATION+ COULD HAVE FAR REACHING IMPLICATIONS FOR CASES WIDELY DIFFERENT FROM THE PARTICULAR CASE WHICH IS THE SUBJECT OF THE APPEAL.

+IT IS ESTIMATED THAT SEVERAL THOUSAND GOVERNMENT SERVANTS AND OTHER EMPLOYEES IN THE PRIVATE SECTOR WHO ARE ENJOYING SUBSIDISED ACCOMMODATION PROVIDED BY THEIR EMPLOYERS WOULD BENEFIT FROM THE APPLICATION OF THE 'REPRESENTATIVE OCCUPATION' DOCTRINE.

+IN PARTICULAR, IN THE CIVIL SERVICE, POLICEMEN AND PRISON OFFICERS ARE REQUIRED TO RESIDE AT OR CLOSE TO THEIR PLACE OF WORK ON OPERATIONAL GROUNDS.

+FURTHERMORE, THE CONCEPT OF 'REPRESENTATIVE OCCUPATION', IF INTRODUCED IN HONG KONG LAW, WOULD POSE PRACTICAL DIFFICULTIES IN DETERMINING WHAT DOES AND DOES NOT CONSTITUTE 'REPRESENTATIVE OCCUPATION'.

+IN THE GOVERNMENT'S VIEW, THE EXISTING TREATMENT OF ACCOMMODATION FOR SALARIES TAX PURPOSES IS ALREADY FAVOURABLE ENOUGH WITHOUT FREEING A LARGE CLASS OF EMPLOYEES FROM TAX ON WHAT IS, IN THE CONTEXT OF CONDITIONS IN HONG KONG, AN EXTREMELY VALUABLE PERQUISITE,+ MR. HADDON-CAVE SAID.

BILL SEEKS INCLUSION OF POLICE SERGEANTS  
IN SHIPPING AND PORT CONTROL WORK  
\* \* \* \* \*

THE SECRETARY FOR ECONOMIC SERVICES, THE HON. D.G. JEAFFRESON, MOVED THE SECOND READING OF THE SHIPPING AND PORT CONTROL (AMENDMENT) (NO. 2) BILL 1979 IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE BILL SEEKS TO INCLUDE POLICE SERGEANTS AMONG THE +AUTHORISED OFFICERS+ DEFINED IN SECTION 2 OF THE PRINCIPAL ORDINANCE WHICH PROVIDES FOR THE CONTROL OF PORTS AND OF VESSELS IN HONG KONG WATERS.

THE NEED FOR THIS AMENDMENT AROSE FROM A PROPOSAL BY THE COMMISSIONER OF POLICE THAT, WITH THE PRESENT DEMAND ON MARINE POLICE RESOURCES, THERE IS A NEED TO USE SERGEANTS TO COMMAND LAUNCHES FROM TIME TO TIME FOR THE PURPOSE OF ENFORCING THE PROVISIONS.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - - 0 - - - - -

CDO'S CO-ORDINATION EXPLAINED  
\* \* \* \* \*

THE CITY DISTRICT OFFICERS ARE RESPONSIBLE FOR HELPING TO CO-ORDINATE THE ACTIVITIES OF A NUMBER OF GOVERNMENT DEPARTMENTS THAT HAVE DECENTRALISED WITHIN THE ADMINISTRATIVE AREAS OF THE 10 CITY DISTRICT OFFICES FOR THEIR REGIONAL OPERATIONS.

THIS WAS STATED TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL BY THE DIRECTOR OF HOME AFFAIRS, THE HON. JOHN WALDEN, IN ANSWER TO A QUESTION FROM DR. THE HON. HARRY FANG.

THE CDO'S, HOWEVER, ARE NOT AT PRESENT VESTED WITH EXECUTIVE CO-ORDINATING POWERS EXCEPT FOR EMERGENCY RELIEF OPERATIONS. THE CO-ORDINATION IS DONE IN AN INFORMAL WAY.

MR. WALDEN ADDED THAT IT WAS NOT CO-ORDINATION IN THE MANAGERIAL SENSE OF PLANNING, DIRECTING AND MONITORING THE OPERATIONS OF ALL GOVERNMENT DEPARTMENTS WORKING WITHIN THE REGION, BUT WITHIN ITS LIMITATIONS IT DID CONTRIBUTE TOWARDS EFFICIENCY AND EFFECTIVENESS.

+IT IS MAINLY DIRECTED TOWARDS SORTING OUT PROBLEM SITUATIONS THAT NEED CONCERTED GOVERNMENT ACTION BUT WHERE RESPONSIBILITY IS DIVIDED BETWEEN DIFFERENT AUTHORITIES,+ MR. WALDEN EXPLAINED.

+THEY ARE ALSO ABLE TO DO SOME CO-ORDINATING OF PROGRAMMES IN WHICH THE COMMUNITY TAKES AN ACTIVE PART SUCH AS FIGHTING CRIME, ROAD SAFETY, BUILDING CLEANLINESS AND RECREATION.+

THE URBAN SERVICES DEPARTMENT, POLICE, RECREATIONAL AND SPORT SERVICE AND THE SOCIAL WELFARE DEPARTMENT USE THE ADMINISTRATIVE AREAS OF THE 10 CDO'S FOR THEIR REGIONAL OPERATIONS.

BUT THERE WERE A GREAT NUMBER OF DIFFERENT ARRANGEMENTS FOR CO-ORDINATING DEPARTMENTAL ACTIVITIES AT THE REGIONAL LEVEL IN THE URBAN AREAS TO ENSURE EFFICIENCY AND EFFECTIVENESS, MR. WALDEN POINTED OUT.

WEDNESDAY, JULY 4, 1979

- 16 -

HE EXPLAINED THAT DIFFERENT ARRANGEMENTS WERE NECESSARY BECAUSE VARIOUS DEPARTMENTS OPERATE WITH DIFFERING DEGREES OF DECENTRALISATION AND THEY DO NOT NECESSARILY DECENTRALISE TO THE SAME OPERATIONAL REGIONS.

+ON THE FACE OF IT THIS MAY SEEM UNTIDY. BUT THE GOVERNMENT HAS ALWAYS HELD THAT IT WOULD NOT MAKE GOOD ADMINISTRATIVE SENSE TO CARVE AN AREA AS SMALL AS HONG KONG ISLAND AND KOWLOON INTO A MULTIPLICITY OF ADMINISTRATIVE REGIONS AND REQUIRE ALL GOVERNMENT DEPARTMENTS WISHING TO DECENTRALISE THEIR OPERATIONS TO CONFORM STRICTLY TO THOSE REGIONS,+ MR. WALDEN SAID.

+DEPARTMENTS HAVE BEEN ALLOWED A DEGREE OF FLEXIBILITY IN REGIONALISATION TO SUIT THE NATURE OF THEIR OPERATIONS.+

- - - - 0 - - - -

CROSS HARBOUR TUNNEL (AMENDMENT)(NO. 2) BY-LAWS 1979

\* \* \* \* \*

THE CROSS HARBOUR TUNNEL (AMENDMENT)(NO. 2) BY-LAWS 1979, WHICH PROPOSES TO BAN VEHICLES FROM CARRYING CERTAIN DANGEROUS GOODS THROUGH THE TUNNEL EVEN THOUGH THEIR CONTAINERS MAY BE EMPTY, WAS PASSED BY THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE MOTION MADE BY THE CROSS HARBOUR COMPANY ON JUNE 22, 1979, THE ACTING SECRETARY FOR THE ENVIRONMENT, THE HON. GRAHAM BARNES SAID RESTRICTIONS ON THE PASSAGE OF VEHICLES CARRYING COMPRESSED GAS AND PETROLEUM WERE IMPOSED FROM JANUARY 15 AND JULY 1 THIS YEAR RESPECTIVELY, BUT DID NOT SPECIFICALLY PROHIBIT THE PASSAGE OF VEHICLES WITH EMPTY TANKS OR CYLINDERS.

+AS A PETROL TANKER WITH A SMALL AMOUNT OF PETROL IN ITS CONTAINER TANK IS POTENTIALLY MORE DANGEROUS THAN A TANKER CARRYING A FULL CONTAINER TANK AND THERE IS A SIMILAR ELEMENT OF RISK WITH GAS CYLINDERS, IT IS NECESSARY TO TIGHTEN THE EXISTING RESTRICTIONS ON VEHICLES IN THESE CATEGORIES,+ HE SAID.

OTHER AMENDMENT INTRODUCED BY THESE BY-LAWS INCLUDE A PROVISION FOR FRANCHISED BUSES TO STOP AT DESIGNATED STOPS IN THE TUNNEL AREA, AN INCREASE IN THE PERMIT FEE FOR THE PASSAGE OF CONSTRUCTION SITE VEHICLES THROUGH THE TUNNEL AND THE INCLUSION OF FIVE ADDITIONAL ROAD SIGNS IN THE SCHEDULE TO THE BY-LAWS.

- - - - 0 - - - -

/17 .....

WEDNESDAY, JULY 4, 1979

- 17 -

### SOLAR ENERGY REPORT BEING STUDIED

\* \* \* \* \*

THE LATEST REPORT BY THE CONSULTANT, COMMISSIONED BY THE GOVERNMENT TO INVESTIGATE THE POSSIBILITY OF UTILISING SOLAR ENERGY, IS CURRENTLY UNDER STUDY.

THIS WAS STATED BY THE ACTING DIRECTOR OF PUBLIC WORKS, THE HON. WILLIAM BELL, IN REPLY TO A QUESTION FROM THE HON. HILTON CHEONG-LEEN IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MR. BELL SAID THAT THE INVESTIGATIONS RELATED TO THE HEATING OF BATH HOUSES AS WELL AS SWIMMING POOLS.

HOWEVER, HE ADDED THAT +THERE ARE NO PLANS FOR ANY FURTHER WORK IN THIS FIELD AT THE PRESENT TIME.+

MR. BELL SAID THAT SOLAR ENERGY HAD NOT SO FAR BEEN UTILISED IN ANY PUBLIC-FINANCED PROJECT.

AS EARLY AS 1969, HE RECALLED, AN INVESTIGATION WAS UNDERTAKEN TO ASSESS THE POSSIBILITY OF HEATING SWIMMING POOLS BY SOLAR ENERGY DURING THE WINTER MONTHS, BUT THE RESULTS WERE UNFAVOURABLE IN ECONOMIC TERMS IN RELATION TO THE COST OF FUEL PREVAILING AT THAT TIME.

CONSIDERABLE DIFFICULTIES WERE ALSO EXPERIENCED WITH THE PRACTICAL ASPECTS OF THE SCHEME AS A RESULT OF INSUFFICIENT TECHNOLOGICAL ADVANCEMENT, MR. BELL SAID.

- - - - 0 - - - -

### UPROOTED TREES ARE REPLANTED

\* \* \* \* \*

WHEN IT IS NECESSARY TO REMOVE OR FELL TREES IN THE COURSE OF PRIVATE OR PUBLIC DEVELOPMENT, EVERY EFFORT IS MADE TO ENSURE THAT THE TREES REMOVED ARE REPLANTED ELSEWHERE, OR REPLACED BY NEW PLANTINGS.

THIS WAS STATED BY THE ACTING SECRETARY FOR ENVIRONMENT, THE HON. GRAHAM BARNES, IN REPLY TO A QUESTION FROM THE REV. THE HON. JOYCE M. BENNETT IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

+IT IS GOVERNMENT'S POLICY TO PROTECT TREES FROM DESTRUCTION WHEREVER POSSIBLE,+ HE SAID.

HE EMPHASISED THAT NO SUBSTANTIAL TREES ON CROWN LAND MAY BE CUT DOWN WITHOUT BEING SUBJECTED TO A FORMAL AND VERY CRITICAL PROCEDURE.

BETWEEN APRIL 1, 1978 AND MARCH 31, 1979, ABOUT 1,800 TREES WERE FELLED.

+REPLANTING CANNOT ALWAYS BE CARRIED OUT ON A TREE FOR TREE BASIS, BUT A TOTAL OF 920 TREES WERE REPLANTED IN THE SAME PERIOD,+ MR. BARNES SAID.

/+IN ADDITION, .....

+IN ADDITION, 12,348 TREES WERE PLANTED IN NEW PARKS, ON ROADSIDES AND OTHER NEW LOCATIONS DURING THE YEAR, THUS PROVIDING A TOTAL OF 13,268 TREES PLANTED IN THE 12 MONTHS ENDING MARCH 31, 1979,+ HE ADDED.

HE SAID THE SURVIVAL RATE OF ALL NEW TREE PLANTINGS IN URBAN AREAS WAS ABOUT 90 PER CENT.

+ALL TREES FOR NEW PLANTINGS MUST MEET STRINGENT SPECIFICATIONS. THEY MUST BE AT LEAST EIGHT FEET TALL AND THE ROOT SYSTEM MUST BE PROTECTED SO THAT IT IS NOT DISTURBED DURING PLANTING,+ MR. BARNES ADDED.

- - - - 0 - - - -

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE (AMENDMENT) BILL 1979  
\* \* \* \* \*

A BILL WHICH SEEKS TO ENABLE THE URBAN COUNCIL AND DIRECTOR OF URBAN SERVICES TO REGULATE AND CONTROL THE NEW ACTIVITIES AND IMPLEMENT THEM WHERE THEY HAVE NOT ALREADY BEEN PROVIDED WAS INTRODUCED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN MOVING THE SECOND READING OF THE PUBLIC HEALTH AND URBAN SERVICES ORDINANCE (AMENDMENT) BILL 1979, THE SECRETARY FOR HOME AFFAIRS, THE HON. F.K. LI, SAID THAT DURING RECENT YEARS MANY PUBLIC LIBRARIES IN HONG KONG HAVE INTRODUCED A WIDE RANGE OF OF EDUCATIONAL AND CULTURAL ACTIVITIES, SUCH AS STORY HOURS FOR CHILDREN, TALKS, LECTURES AND VARIOUS EXHIBITIONS.

IN ADDITION, HE CONTINUED, A SCHEME IS BEING FORMULATED TO INTRODUCE AUDIO-VISUAL AIDS LIKE SLIDES AND FILMSTRIPS.

+ALL THESE ACTIVITIES ARE NOT COVERED BY THE PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, IT IS NECESSARY TO AMEND THE ORDINANCE TO ENABLE THE URBAN COUNCIL AND DIRECTOR OF URBAN SERVICES TO REGULATE AND CONTROL THE NEW ACTIVITIES AND IMPLEMENT THEM WHERE THEY HAVE NOT ALREADY BEEN PROVIDED,+ MR. LI EXPLAINED.

+CARE HAS, AND WILL CONTINUE TO BE TAKEN TO ENSURE THAT NEW ACTIVITIES ARE NOT INTRODUCED AT THE EXPENSE OF THE SUPPLY OF BOOKS OR THE PROVISION OF SPACE FOR READING.

+IN FACT MOST OF THE NEW ACTIVITIES ARE BOTH EDUCATIONAL AND SERVE AS AN ADDED ATTRACTION IN PARTICULAR TO YOUNG PEOPLE TO UTILISE THE LIBRARIES' BASIC FACILITIES BETTER AND MORE EXTENSIVELY,+ HE ADDED.

- - - - 0 - - - -

COUNTER-MEASURES TO TACKLE FAKE \$5 COINS  
\* \* \* \* \*

THE FINANCIAL SECRETARY, THE HON. HADDON-CAVE, TODAY (WEDNESDAY) TOLD THE LEGISLATIVE COUNCIL THAT ALL THE POSSIBLE COUNTER-MEASURES ARE BEING EXPLORED IN CONSULTATION WITH THE COMMISSIONER OF POLICE AND WITH THE ROYAL MINT'S EXPERTS TO TACKLE THE PROBLEM OF FAKE \$5 COINS.

THE FINANCIAL SECRETARY SAID THIS IN REPLY TO A QUESTION RAISED BY THE HON. HILTON CHEONG-LEEN.

+IN ADDITION, THE SECRETARY FOR MONETARY AFFAIRS IS SCHEDULED TO HOLD DISCUSSIONS AT THE ROYAL MINT IN ENGLAND EARLY NEXT MONTH,+ HE ADDED.

- - - - 0 - - - -

OVER 1,400 LOCAL OFFICERS RECEIVED  
OVERSEAS TRAINING BETWEEN 1974-75 AND 1978-79  
\* \* \* \* \*

THE HONG KONG GOVERNMENT HAS SENT 1,422 LOCAL OFFICERS IN THE FIVE-YEAR PERIOD BETWEEN 1974-75 AND 1978-79 FOR OVERSEAS TRAINING.

THIS WAS STATED TODAY (WEDNESDAY) IN THE LEGISLATIVE COUNCIL BY THE ACTING SECRETARY FOR CIVIL SERVICE, THE HON. S.E. ALLEYNE, IN REPLYING TO A QUESTION BY THE HON. FRANCIS TIEN.

DURING THE CURRENT FINANCIAL YEAR, MR. ALLEYNE SAID, ANOTHER 329 LOCAL OFFICERS ARE EXPECTED TO BE SENT OVERSEAS AT A COST OF \$9.6 MILLION.

+IN GENERAL OFFICERS ARE SENT OVERSEAS FOR TRAINING ONLY IF THE FACILITIES REQUIRED ARE NOT AVAILABLE IN HONG KONG,+ HE POINTED OUT.

+OVERSEAS TRAINING IS AIMED MAINLY AT HELPING STAFF TO ACQUIRE PROFESSIONAL QUALIFICATIONS, TO UPDATE SPECIALISED KNOWLEDGE AND TO IMPROVE MANAGEMENT SKILLS.

+AT PRESENT 79 PER CENT OF THE GOVERNMENT'S OVERSEAS TRAINING TAKES PLACE IN THE UK, 11 PER CENT IN SOUTHEAST ASIA AND 10 PER CENT IN EUROPE, AUSTRALIA AND NORTH AMERICA.+

TURNING TO UNIVERSITY STUDIES, THE SECRETARY SAID 99 OFFICERS UNDERTOOK VARIOUS COURSES IN OVERSEAS UNIVERSITIES OR SIMILAR INSTITUTIONS IN THE YEAR 1978-79. DURING THE COMING ACADEMIC YEAR, 81 ARE EXPECTED TO BE SENT ABROAD FOR COURSES IN ENGINEERING, SURVEYING, EDUCATION, MEDICAL, MANAGEMENT AND ADMINISTRATION.

MOST OF THESE COURSES LEAD TO THE AWARD OF A QUALIFICATION, SUCH AS A HIGHER DEGREE, DIPLOMA OR MEMBERSHIP OF A PROFESSIONAL BODY, HE ADDED.

- - - - 0 - - - -

WEDNESDAY, JULY 4, 1979

- 20 -

BILL TO IMPROVE ADMINISTRATION OF CLEAN AIR ORDINANCE  
\*\*\*\*\*

THE CLEAN AIR (AMENDMENT) BILL 1979 IS INTENDED TO REMEDY CERTAIN OPERATIONAL PROBLEMS ARISING FROM THE ADMINISTRATION OF THE CLEAN AIR ORDINANCE, THE COMMISSIONER FOR LABOUR, THE HON. NEIL HENDERSON, SAID AT THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, HE SAID IT PROVIDES FOR THE APPOINTMENT BY THE GOVERNOR OF AN AIR POLLUTION CONTROL OFFICER AND AUTHORISES THE OFFICER TO ISSUE SMOKE ABATEMENT NOTICES.

AT PRESENT HE HAD TO APPROVE PERSONALLY THE ISSUE OF SUCH NOTICES AND TO EXERCISE PERSONALLY THE FUNCTIONS AS A COMPETENT AUTHORITY FOR THE PURPOSES OF THE ORDINANCE AND ITS TWO SETS OF REGULATIONS, MR. HENDERSON SAID.

IN ADDITION, MR. HENDERSON CONTINUED, THE BILL PROVIDES FOR A TWO-YEAR TIME LIMIT ON THE INSTITUTION OF PROCEEDINGS FROM THE TIME AN OFFENCE IS COMMITTED. THIS PROVISION, HOWEVER, WILL APPLY TO OFFENCES COMMITTED AFTER THE BILL PASSES INTO LAW.

HE POINTED OUT THAT THIS PROVISION WAS NECESSARY LEST SOME OFFENDERS MIGHT ESCAPE PROSECUTION.

+DUE TO THE SIX-MONTH TIME LIMIT FOR LAYING AN INFORMATION PRESCRIBED UNDER SECTION 26 OF THE MAGISTRATES ORDINANCE, LEGAL ACTION IS TIME-BARRED IF AN OFFENCE UNDER THE CLEAN AIR ORDINANCE OR ITS SUBSIDIARY REGULATIONS IS DISCOVERED LATER THAN SIX MONTHS FROM THE TIME THE OFFENCE TOOK PLACE,+ HE EXPLAINED.

+AS IT IS NOT PRACTICABLE FOR THE EXISTING STAFF TO INSPECT EACH AND EVERY FUEL-USING PLANT BI-ANNUALLY, SOME OFFENDERS MAY ESCAPE PROSECUTION. IN ADDITION, THIS PROVISION AS IT STANDS PRESENTS POSSIBLE OPPORTUNITIES FOR CORRUPTION,+ HE ADDED.

- - - - 0 - - - -

/21 .....

WEDNESDAY, JULY 4, 1979

- 21 -

WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL

\* \* \* \* \*

THE WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL, AIMED AT CLARIFYING TWO PROVISIONS OF THE PRINCIPAL ORDINANCE, WAS INTRODUCED IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN MOVING THE SECOND READING OF THE BILL, THE ACTING SECRETARY FOR CIVIL SERVICE, THE HON. SELWYN ALLEYNE, SAID ONE AMENDMENT WILL MAKE IT CLEAR THAT THE DIRECTORS OF THE WIDOWS' AND CHILDREN'S PENSIONS SCHEME ARE EMPOWERED TO DETERMINE THAT A PERIOD DURING WHICH A CHILD IS NOT ACTUALLY UNDERGOING INSTRUCTION MAY NONETHELESS BE TREATED AS A PERIOD OF FULL-TIME EDUCATION FOR THE PURPOSES OF A PENSION PAYABLE UNDER THE ORDINANCE.

+THIS AMENDMENT WILL REMOVE ANY DOUBT THAT THE PENSION OF A CHILD UNDERGOING FULL-TIME EDUCATION MAY CONTINUE TO BE PAID DURING VACATIONS, WHILST AWAITING EXAMINATION RESULTS OR PENDING ENTRY TO ANOTHER EDUCATIONAL INSTITUTION,+ MR. ALLEYNE SAID.

THE OTHER AMENDMENT WILL MAKE IT CLEAR THAT THE TOTAL PERIOD OF AN OFFICER'S CONTRIBUTORY SERVICE TO THE WIDOWS' AND CHILDREN'S PENSIONS SCHEME IN COMPLETE MONTHS SHALL BE TAKEN INTO ACCOUNT WHEN CALCULATING THE INTEREST PAYABLE ON CONTRIBUTIONS TO BE RETURNED.

+THIS AMENDMENT IS NEEDED TO COVER CASES WHERE AN OFFICER'S SERVICE HAS INCLUDED A PERIOD WITHOUT PAY (E.G. STUDY LEAVE WITHOUT PAY) AND HENCE A PERIOD DURING WHICH HE DID NOT CONTRIBUTE TO THE SCHEME,+ MR. ALLEYNE SAID.

+AS PREVIOUS CONTRIBUTIONS WILL HAVE CONTINUED TO BE HELD BY THE SCHEME DURING THE PERIOD OF LEAVE WITHOUT PAY, IT IS CONSIDERED PROPER TO INCLUDE SUCH PERIOD IN CALCULATING INTEREST PAYABLE ON CONTRIBUTIONS WHICH MAY BE REFUNDED UNDER THE PROVISIONS OF THE ORDINANCE,+ HE ADDED.

DEBATE ON THE BILL WAS ADJOURNED.

- - - - 0 - - - -

/22 .....

STRENGTH OF GOVT CAR PARK RAILINGS

\* \* \* \* \*

AN INVESTIGATION HAS BEEN CARRIED OUT INTO THE VARIOUS DESIGNS AND CONSTRUCTION DETAILS OF GOVERNMENT MULTI-STOREY CAR PARKS, THE HON. WILLIAM BELL, ACTING DIRECTOR OF PUBLIC WORKS, SAID TODAY (WEDNESDAY).

+IT HAS BEEN FOUND THAT IN MOST CASES THE RAILINGS AND ASSOCIATED CONCRETE UP-STANDS ARE OF SUFFICIENTLY SUBSTANTIAL CONSTRUCTION TO BE ABLE TO WITHSTAND THE IMPACT OF MOVING VEHICLES UNDER NORMAL CIRCUMSTANCES,+ HE SAID.

+WHERE IT HAS BEEN FOUND THAT THE STANDARDS ARE LESS THAN SATISFACTORY, MODIFICATIONS ARE BEING PUT IN HAND AS A MATTER OF URGENCY.+

MR. BELL WAS REPLYING TO A QUESTION BY DR. THE HON. HARRY FANG IN THE LEGISLATIVE COUNCIL ON THE STRENGTH OF RAILINGS IN MULTI-STOREY CAR PARKS.

IN THE CASE OF MULTI-STOREY CAR PARKS CONSTRUCTED BY THE PRIVATE SECTOR, HE SAID, BALUSTRADES, PARAPETS, HANDRAILS AND BARRIERS MUST BE ABLE TO RESIST HORIZONTAL STATIC LOADS AS SPECIFIED UNDER THE BUILDINGS (CONSTRUCTION) REGULATIONS.

MR. BELL SAID: +THE PROVISION IN THE REGULATIONS COVERING THE DYNAMIC EFFECT OF MOVING LOADS IS HOWEVER SOMEWHAT OBSCURE AND STEPS ARE BEING TAKEN TO REVIEW THIS CLAUSE AS PART OF THE GENERAL REVIEW OF THE BUILDINGS ORDINANCE WHICH HAS NOW ALMOST BEEN COMPLETED.+

HE POINTED OUT THAT AMENDMENTS PROPOSED AS A RESULT OF THIS REVIEW WOULD SHORTLY BE SUBMITTED TO THE LEGAL DEPARTMENT FOR DRAFTING.

- - - - 0 - - - -

GEOTECHNICAL INVESTIGATIONS

\* \* \* \* \*

THE ACTING DIRECTOR OF PUBLIC WORKS, THE HON. WILLIAM BELL, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT THE CLEARWATER BAY ROAD WIDENING SCHEME CURRENTLY UNDER CONSTRUCTION HAD BEEN DESIGNED ON THE BASIS OF GEOTECHNICAL INVESTIGATIONS.

REPLYING TO A QUESTION FROM THE HON. S.L. CHEN, HE SAID: +REGULAR INSPECTIONS AND SOIL TESTING ARE BEING CARRIED OUT DURING THE COURSE OF WORK, AND DESIGNS ARE CONSTANTLY REVIEWED AND REVISED IF NECESSARY IN THE LIGHT OF SOIL CHARACTERISTICS FOUND.

+THIS IS A CONTINUING PROCESS AND THESE MEASURES SHOULD ENSURE THAT THE RISKS OF LANDSLIDES AND SOIL SUBSIDENCE ARE REDUCED TO A MINIMUM.+

- - - - 0 - - - -

- 23 -  
 FOUR BILLS PASSED  
 \* \* \*

FOUR BILLS WERE PASSED INTO LAW IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THEY ARE THE ESTATE DUTY (AMENDMENT) (NO. 2) BILL 1979, THE RATING (AMENDMENT) BILL 1979, THE REGISTRATION OF PERSONS (AMENDMENT) BILL 1979 AND THE MERCHANT SHIPPING (AMENDMENT) (NO. 2) BILL 1979.

- - - - 0 - - - -

EMPLOYMENT CHANGES IN MARCH 1979  
 \* \* \* \* \*

THE CENSUS AND STATISTICS DEPARTMENT TODAY (WEDNESDAY) RELEASED THE RESULTS OF THE MARCH 1979 EMPLOYMENT SURVEY OF THE MANUFACTURING INDUSTRIES AND THE REVISED EMPLOYMENT FIGURES OF THE MANUFACTURING INDUSTRIES FOR DECEMBER 1978.

A TOTAL OF 812,446 PERSONS WERE ENGAGED IN MANUFACTURING ESTABLISHMENTS AS AT MARCH 15, 1979, +WHICH IS NOT SIGNIFICANTLY DIFFERENT FROM THE DECEMBER 1978 FIGURE OF 816,683 PERSONS ENGAGED, + A SPOKESMAN FOR THE DEPARTMENT SAID.

WHEN COMPARED WITH 766,230 PERSONS ENGAGED IN MARCH 1978, THERE WAS AN INCREASE OF ABOUT 46,200 PERSONS OR 6.0 PER CENT.

THERE WERE A TOTAL OF 40,631 MANUFACTURING ESTABLISHMENTS IN OPERATION IN MARCH, 1979. THIS REPRESENTED A DECREASE OF 609 ESTABLISHMENTS WHEN COMPARED WITH 41,240 ESTABLISHMENTS IN DECEMBER 1978- AND AN INCREASE OF 2,028 ESTABLISHMENTS WHEN COMPARED WITH 38,603 ESTABLISHMENTS IN MARCH 1978.

IN TERMS OF EMPLOYMENT, THE FIVE LARGEST MANUFACTURING INDUSTRIES REMAINED WEARING APPAREL- TEXTILES- ELECTRICAL MACHINERY, APPLIANCES AND SUPPLIES- PLASTIC PRODUCTS- AND FABRICATED METAL PRODUCTS.

A COMPARISON OF EMPLOYMENT IN THESE INDUSTRIES BETWEEN MARCH 1979 AND DECEMBER 1978 IS GIVEN BELOW:

INDUSTRY GROUP	PERSONS ENGAGED IN DEC. 1978	PERSONS ENGAGED IN MARCH 1979	CHANGE OF MARCH 1979 OVER DEC. 1978	
			PERSONS ENGAGED	% CHANGE
WEARING APPAREL	271,318	271,819	+ 501	+ 0.2
TEXTILES	98,607	99,244	+ 637	+ 0.6
ELECTRICAL MACHINERY, APPLIANCES AND SUPPLIES, INCLUDING ELECTRONIC PRODUCTS	97,962	92,567	-5,395	- 5.5
PLASTIC PRODUCTS	86,512	84,540	-1,972	- 2.3
FABRICATED METAL PRODUCTS	80,106	78,693	-1,413	- 1.8

THE MORE SIGNIFICANT CHANGES IN EMPLOYMENT AT THE INDUSTRY SECTOR LEVEL BETWEEN MARCH 1979 AND DECEMBER 1978 WERE AS FOLLOWS:

INDUSTRY SECTOR	PERSONS * ENGAGED IN DEC. 1978	PERSONS ENGAGED IN MARCH 1979	CHANGE OF MARCH 1979 OVER DEC. 1978	
			PERSONS ENGAGED	% CHANGE
ELECTRONIC PRODUCTS	74,534	69,299	-5,235	- 7.0
GARMENTS EXCEPT KNITWEAR FROM YARN	211,202	209,923	-1,279	- 0.6
MISCELLANEOUS FABRICATED METAL PRODUCTS	31,693	30,785	- 908	- 2.9
PLASTIC TOYS	46,201	45,338	- 863	- 1.9
WATCHES AND CLOCKS	21,182	23,430	+2,248	+10.6
JOB PRINTING	15,695	16,787	+1,092	+ 7.0
COTTON WEAVING	26,059	26,801	+ 742	+ 2.8
GLOVES	11,574	12,248	+ 674	+ 5.8

DETAILED EMPLOYMENT FIGURES FOR VARIOUS INDUSTRY GROUPS AND SECTORS ARE OBTAINABLE ON REQUEST FROM THE EMPLOYMENT AND EARNINGS STATISTICS SECTION OF THE CENSUS AND STATISTICS DEPARTMENT.

\* REVISED FIGURES. THE RECORDS OF BUSINESS REGISTRATIONS KEPT IN THE BUSINESS REGISTRATION OFFICE ARE USED AS THE BASIC FRAME OF THE EMPLOYMENT SURVEYS. A CHANGE IN THE PROCEDURES FOR UPDATING THESE RECORDS IN THE SECOND HALF OF 1978 RESULTED IN A SIGNIFICANT INCREASE IN THE NUMBER OF SUCH RECORDS BEING TRANSMITTED TO THE CENSUS AND STATISTICS DEPARTMENT. IT WAS NOT POSSIBLE TO INCLUDE IN THE DECEMBER 1978 SURVEY ALL THE RECORDS RECEIVED IN THAT QUARTER AND, AS A RESULT, THE DECEMBER 1978 EMPLOYMENT FIGURES WERE SLIGHTLY UNDER-ESTIMATED. IN THE MARCH 1979 SURVEY, INFORMATION ON THE DECEMBER 1978 EMPLOYMENT WAS COLLECTED FROM THE RELEVANT ESTABLISHMENTS. THE REVISED FIGURES QUOTED ABOVE ARE FINAL.

WEDNESDAY, JULY 4, 1979

- 25 -

UNHCR'S DEPUTY HIGH COMMISSIONER  
SENDS MESSAGE OF CONDOLENCE

\* \* \* \* \*

THE DEPUTY HIGH COMMISSIONER, UNITED NATIONS HIGH COMMISSION FOR REFUGEES, MR. DALE DE HAAN, HAS SENT A MESSAGE OF CONDOLENCE TO THE FAMILY OF THE LATE MR. JOHN SLIMMING.

IN A CABLE FROM GENEVA, MR. DE HAAN SAID IT WAS WITH THE DEEPEST REGRET THAT HE LEARNED OF THE DEATH OF MR. SLIMMING.

HE SAID HE GREATLY APPRECIATED THE PROFESSIONAL ASSISTANCE AND FRIENDLY SUPPORT OF MR. SLIMMING DURING HIS RECENT VISIT TO HONG KONG AND WISHED TO EXTEND HIS SINCERE CONDOLENCES.

- - - - 0 - - - -

FOUR BUILDINGS IN WESTERN DECLARED DANGEROUS

\* \* \* \* \*

THE BUILDING AUTHORITY TODAY (WEDNESDAY) DECLARED FOUR BUILDINGS IN WESTERN DISTRICT TO BE IN A DANGEROUS CONDITION.

TWO ARE AT 243 AND 245 DES VOEUX ROAD WEST AND THE OTHER PAIR AT 196 AND 198 QUEEN'S ROAD WEST.

A SPOKESMAN FOR THE BUILDING ORDINANCE OFFICE SAID THE PAIR OF FOUR-STOREY PRE-WAR BUILDINGS IN DES VOEUX ROAD WEST HAD BEEN UNDER REGULAR OBSERVATION SINCE 1967.

THESE BUILDINGS ARE IN VERY POOR CONDITION AND ARE CONSTRUCTED WITH LOAD-BEARING WALLS SUPPORTING REINFORCED CONCRETE FLOORS AND ROOFS. THE VERANDAHS OF NO. 245 WERE CLOSED AND DEMOLISHED IN 1971.

+DURING RECENT INSPECTIONS SERIOUS OUTWARD MOVEMENT IN THE MAIN WALLS AND AN INCREASING DETERIORATION OF THE REINFORCED CONCRETE ELEMENTS HAS BEEN NOTED,+ THE SPOKESMAN SAID.

+IT IS CONSIDERED THAT THERE IS A RISK OF COLLAPSE AND IT IS THEREFORE NECESSARY TO CLOSE AND DEMOLISH THESE BUILDINGS,+ HE ADDED.

ACCORDINGLY NOTICES OF INTENTION TO APPLY FOR CLOSURE ORDERS IN VICTORIA DISTRICT COURT AT 9.30 A.M. ON AUGUST 1 WERE POSTED TODAY.

THE SPOKESMAN SAID THE OTHER TWO THREE-STOREY PRE-WAR BUILDINGS HAD ALSO BEEN UNDER REGULAR OBSERVATION SINCE 1968.

THESE BUILDINGS ARE IN A GENERALLY POOR CONDITION AND ARE CONSTRUCTED WITH LOAD-BEARING BRICK WALLS SUPPORTING TIMBER FLOORS AND ROOFS.

/+DURING RECENT .....

WEDNESDAY, JULY 4, 1979

- 26 -

+DURING RECENT INSPECTIONS SERIOUS NEW MOVEMENT OF THE FRONT MAIN WALL AND VERANDAHS HAD BEEN DETECTED,+ THE SPOKESMAN SAID.

+AS THERE IS A RISK OF COLLAPSE, IT IS NECESSARY TO CLOSE AND DEMOLISH THESE BUILDINGS,+ HE ADDED.

ACCORDINGLY NOTICES OF INTENTION TO APPLY FOR CLOSURE ORDERS IN VICTORIA DISTRICT COURT AT 9.30 A.M. ON AUGUST 1 WERE POSTED TODAY.

- - - - 0 - - - -

WATER CUT  
\* \* \*

THE WATER SUPPLIES DEPARTMENT ANNOUNCED TODAY (WEDNESDAY) THAT SALT WATER SUPPLY TO A NUMBER OF PREMISES IN TAI HANG TUNG AND FRESH WATER SUPPLY TO A NUMBER OF PREMISES IN KAM TIN WILL BE SUSPENDED FROM MIDNIGHT TO 6 A.M. ON SATURDAY FOR NIGHT LEAKAGE TESTS.

THE AREA AFFECTED IN TAI HANG TUNG IS BOUNDED BY TONG YAM STREET AND TAI HANG TUNG ROAD INCLUDING BLOCK NOS. 1 TO 8, TAI HANG TUNG ESTATE.

THE AFFECTED AREA IN KAM TIN IS BOUNDED BY KAM TIN ROAD BETWEEN AU TAU CROSS ROAD AND ACCESS ROAD OF SHEK KONG AIRPORT INCLUDING WING LUNG WAI, SHING MUN SAN TSUEN, TAI HONG WAI, KAM TIN SHI, KAM HING WAI, SHUI TAU TSUEN AND FUI SHA WAI.

- - - - 0 - - - -