



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
BEACONSFIELD HOUSE, HONG KONG. TEL: 5-233191

WEDNESDAY, MARCH 11, 1987

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DETERMINED EFFORT TO REPEAL REPRESSIVE MEASURES
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THE PUBLIC ORDER (AMENDMENT) BILL 1986 WAS A +DETERMINED EFFORT BY THE GOVERNMENT TO REPEAL THOSE REPRESSIVE MEASURES IN OUR LAWS WHICH WERE SO CONTRARY TO ALL THE FREEDOMS THAT HONG KONG STANDS FOR+, THE CHIEF SECRETARY, THE HON DAVID FORD, SAID TODAY (WEDNESDAY).

THE BILL, HE ADDED, WAS INTRODUCED INTO THE LEGISLATIVE COUNCIL MORE THAN TWO MONTHS AGO FOLLOWING A LONG AND THOROUGH REVIEW OF EXISTING LEGISLATION DEALING WITH THE CONTROL OF PUBLICATIONS IN HONG KONG.

WINDING UP THE RESUMED DEBATE ON THE BILL, MR FORD SAID AS A RESULT OF THAT REVIEW +WHICH THE MEDIA ASKED FOR AND SUPPORTED+, THE BILL INTRODUCED INTO THE COUNCIL REPEALED PROVISIONS WHICH HAD BEEN ON THE STATUTE BOOKS FOR OVER 30 YEARS.

THESE PROVISIONS ARE:

- (A) TO MAKE IT AN OFFENCE TO PRINT OR PUBLISH ANYTHING OF A SUBVERSIVE NATURE;
- (B) TO PROVIDE FOR THE SUPPRESSION OF NEWSPAPERS AND THEIR PUBLICATIONS;
- (C) TO PROVIDE FOR THE PROHIBITION OF THE IMPORTATION OF PUBLICATIONS;
- (D) TO PROVIDE FOR THE REGISTRAR OF NEWSPAPERS TO REFUSE OR SUSPEND THE REGISTRATION OF NEWS AGENCIES;
- (E) TO PROVIDE FOR THE SEIZURE OF PRINTING PRESSES;
- (F) TO PROVIDE FOR THE SEARCH, SEIZURE, FORFEITURE AND THE DISPOSAL OF ARTICLES USED FOR CONTRAVENING THE (CONTROL OF PUBLICATIONS CONSOLIDATION) ORDINANCE; AND
- (G) TO ALLOW THE REGISTRAR TO REFUSE TO LICENSE, OR CANCEL THE LICENCE OF DISTRIBUTORS.

+FOR SOME 35 YEARS THE COMMUNITY AND THE MEDIA IN HONG KONG HAVE LIVED WITH THESE PROVISIONS AS PART OF THE LAW, AND AMONGST THEM, IN THE CONTROL OF PUBLICATIONS CONSOLIDATION ORDINANCE IN CHAPTER 268 SECTION 6 WAS A PASSAGE CONCERNED WITH THE PUBLICATION OF FALSE NEWS,+ MR FORD SAID.

IN SPITE OF THE EXISTENCE OF THESE LAWS, THIS GOVERNMENT HAS ESPOUSED AND ENCOURAGED THE FREEDOM OF EXPRESSION IN THE MEDIA AND IN PUBLIC GENERALLY IN A WAY WHICH HAS DRAWN PRAISE, NOT ONLY FROM COUNTRIES IN THIS REGION, BUT FROM MANY PARTS OF THE WESTERN WORLD ALSO.

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+BUT TWO MONTHS AGO IN ORDER TO BRING OUR LAWS INTO LINE WITH THE FREEDOMS WE PRACTISE IN HONG KONG, WE PROPOSED TO REPEAL THOSE DRACONIAN LAWS, AND RETAIN ONLY ONE CLAUSE IN ONE PIECE OF LEGISLATION WHICH IS SOLELY CONCERNED WITH THE MAINTENANCE OF PUBLIC ORDER,+ HE ADDED.

THE REMOVAL OF THE FALSE NEWS PROVISION FROM THE CONTROL OF PUBLICATIONS (CONSOLIDATION) ORDINANCE TO THE PUBLIC ORDER ORDINANCE WAS A +CLEAR INDICATION THAT THE PROVISION IS NOT MEANT TO LIMIT PRESS OR PERSONAL FREEDOM BUT SIMPLY SAFEGUARD THE COMMUNITY FROM FALSE NEWS WHICH IS LIKELY TO ALARM PUBLIC OPINION OR DISTURB PUBLIC ORDER+.

+WITHOUT DOUBT, THE PRESENT FORMULATION OF THE CLAUSE IS THE MOST MILDLY PHRASED SECTION IN ALL OUR PREVIOUS LEGISLATION.

+IT IS FOR THIS REASON, AND FOR THIS REASON ALONE, THAT WE HAVE INCLUDED THIS CLAUSE IN THE PUBLIC ORDER ORDINANCE. SO WE BELIEVE THAT THE COMMUNITY IS ENTITLED TO PROTECTION FROM IRRESPONSIBLE REPORTS WHICH HAVE SERIOUS CONSEQUENCES FOR THE STABILITY OF THIS TERRITORY.

+IF IT IS EVER USED, IT WILL BE USED SPARINGLY, AND WITH PARTICULAR CARE. IT IS A MEASURE OF LAST RESORT.

+I TOTALLY REJECT EVERY ALLEGATION WHICH IMPUTES THE MOTIVE OF THIS GOVERNMENT IN BRINGING IN THIS CLAUSE. SOME, SUCH AS THE ABSURD PROPOSITION THAT WE RETAINED IT TO SEEK FAVOUR WITH PEKING ARE BIZARRE TO SAY THE LEAST.+

MR FORD SAID HE WAS +ASTOUNDED BY THE WAY IN WHICH THIS PROPOSAL WHICH AIMS TO LIBERALISE PRESS LAW WAS GREETED IN THE LAST WEEK OF A TWO-MONTH CONSULTATION PERIOD BY OUR FRIENDS IN THE MEDIA+. HE THEN GAVE A FEW EXAMPLES OF THE QUOTATIONS BY THE MEDIA.

+AS A LONGTIME DEFENDER OF THE PRINCIPLE OF FREE SPEECH I COULD HARDLY TAKE ISSUE WITH THE RIGHTS OF THE AUTHORS OF THESE QUOTATIONS TO SPEAK THEIR MIND AS THEY SEE FIT. BUT I ENJOY THAT FREEDOM TOO. I ENJOY THE FREEDOM TO SUGGEST THAT SUCH IRRATIONAL OUTBURSTS AS THESE DO LITTLE CREDIT TO CERTAIN SECTORS OF THE MEDIA IN HONG KONG.+

IF ONE STUDIED WITH AN OPEN MIND THE CAREFUL EXPLANATION BY THE ATTORNEY GENERAL EARLIER DURING THE MEETING, ONE WOULD APPRECIATE THE VERY LIMITED EFFECT OF RETAINING IN THE PUBLIC ORDER ORDINANCE AN OFFENCE OF PUBLIC MISCHIEF FOR THE PUBLICATION OF FALSE NEWS, HE SAID.

+OVER THE MANY YEARS I HAVE BEEN CLOSELY ASSOCIATED WITH THE MEDIA IN HONG KONG, I HAVE ALWAYS BELIEVED, AND WILL CONTINUE TO BELIEVE, THAT THEY HAVE AN IMPORTANT ROLE TO PLAY AS WATCHDOGS IN OUR COMMUNITY,+ MR FORD SAID.

/+BUT THE

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+BUT THE TREMENDOUS INFLUENCE THEY EXERT OVER THE PUBLIC CARRIES WITH IT THE RESPONSIBILITY TO PRESENT ARGUMENTS IN A FAIR AND BALANCED WAY, AND WHEREVER POSSIBLE TO ENSURE THAT THEIR NEWS IS TRUTH.

+SIMILARLY, IT IS FOR THE GOVERNMENT TO EXERCISE ITS POWERS IN A RESPONSIBLE WAY. THE TRACK RECORD OF THIS GOVERNMENT, I BELIEVE, CAN GIVE NO CAUSE FOR CONCERN IN THIS REGARD.+

DESPITE ALL THAT HAD BEEN WRITTEN ABOUT THE IMMEDIATE AND DAMAGING EFFECT OF INTRODUCING THIS LEGISLATION, MR FORD SAID, HE DID NOT BELIEVE THAT THE MEDIA OR THE PEOPLE OF HONG KONG FORESAW THE PROSPECT OF THE GOVERNMENT MAKING USE OF IT TO INHIBIT PERSONAL FREEDOM.

+MANY MEMBERS OF THE MEDIA HAVE INDEED MADE THIS POINT TO ME SPECIFICALLY.

+THEIR REAL FEARS HAVE BEEN NEATLY DESCRIBED BY THE VICE-CHAIRMAN OF THE NEWSPAPER SOCIETY. THIS BILL WILL BE THE PERFECT WEAPON IN TIME, SHOULD THE AUTHORITIES USE IT TO GAG THE PRESS.

+SO AT THE HEART OF THEIR PROBLEM APPEARS TO BE THE THOUGHT THAT A FUTURE GOVERNMENT OF THIS PLACE COULD USE THIS BILL IN A REPRESSIVE AND AUTHORITARIAN WAY.+

MR FORD SAID HE FOUND THIS ARGUMENT DIFFICULT TO FOLLOW ON THREE GROUNDS.

+FIRSTLY, IF THE RULE OF LAW IS TO CONTINUE TO APPLY THE CONSIDERABLE BURDEN OF PROOF WHICH LIES WITH THE PROSECUTION WILL CERTAINLY INHIBIT ITS USE AS A REPRESSIVE MEASURE AGAINST THE FREEDOM OF THE PRESS.

+SECONDLY, THE ABSENCE OF ANY LAW WHICH MAKES THE DISSEMINATION OF FALSE NEWS AN OFFENCE WOULD NOT IN ITSELF GUARANTEE THAT THERE WOULD BE TOTAL PRESS FREEDOM. INDEED A BETTER SAFEGUARD WOULD BE TO BUILD A SYSTEM WITH CHECKS AND BALANCES SO AS TO ENSURE THAT POWERS WERE NOT ABUSED.

+THIRDLY, SADLY, IF HOWEVER A FUTURE GOVERNMENT IS DETERMINED TO RESTRICT PRESS FREEDOM THE ABSENCE OR PRESENCE OF A LAW WOULD NOT INHIBIT IT, AS EVERY JOURNALIST WHO HAS WORKED ELSEWHERE IN THE REGION MUST KNOW.+

MR FORD ASKED MEMBERS OF THE COUNCIL TO CONSIDER THE RECORD OF THE HONG KONG GOVERNMENT ON THE QUESTION OF PERSONAL FREEDOM WHILE RECOMMENDING THE BILL TO THE COUNCIL IN ITS REVISED FORM.

/+BECAUSE THIS

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+BECAUSE THIS BILL CANNOT BE LOOKED AT IN ISOLATION I WOULD STRESS THE EXTREMELY LIMITED EFFECT OF THE CLAUSE WHICH WE ARE DISCUSSING AND THE CONSIDERABLE BURDEN OF PROOF PUTS UPON THE PROSECUTION.

+IN PARTICULAR, I WOULD ASK MEMBERS TO REMEMBER THE KEY ELEMENT IN THE BILL WHICH REQUIRES PROOF BY THE PROSECUTION THAT ALARM IS LIKELY TO BE CAUSED TO THE PUBLIC OR THAT PUBLIC IS LIKELY TO BE DISTURBED. A CLAUSE, I MUST SAY, THAT VOCIFEROUS OPPONENTS OF THE BILL HAVE, MORE OFTEN THAN NOT, CHOSEN TO IGNORE IN THEIR ARGUMENT AGAINST THE PROPOSED AMENDMENT.+

EARLIER, MR FORD THANKED ALL MEMBERS WHO SPOKE ON THE BILL.

+ALL HAVE EXPRESSED WITH GREAT CONVICTION THEIR STRONGLY-HELD VIEWS AND THE DEBATE HAS BEEN LIVELY AND STIMULATING.

+IT IS FURTHER EVIDENCE, IF ANY WERE REQUIRED, OF THE FREEDOM WHICH WE ALL ENJOY TO SPEAK OUR MINDS IN THIS COMMUNITY.+

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PROTECTION WITHOUT AFFECTING FREEDOM OF EXPRESSION

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AMENDMENTS TO THE PUBLIC ORDER (AMENDMENT) BILL 1986 WILL PROTECT THE COMMUNITY AGAINST THE PUBLICATION OF PUBLICLY DISRUPTIVE FALSE NEWS WITHOUT AFFECTING THE FREEDOM OF EXPRESSION IN HONG KONG, THE CHIEF SECRETARY, THE HON DAVID FORD, SAID TODAY (WEDNESDAY).

MOVING AMENDMENTS TO THE PUBLIC ORDER (AMENDMENT) BILL 1986 AND THE CONTROL OF PUBLICATIONS CONSOLIDATION (AMENDMENT) BILL DURING THE COMMITTEE STAGE, MR FORD EMPHASISED THAT THE SUGGESTIONS FOR THE AMENDMENTS WERE MADE FOLLOWING LENGTHY DISCUSSIONS WITH INTERESTED GROUPS AND MEMBERS OF THE AD HOC GROUP OF THE LEGISLATIVE COUNCIL.

THE AIM OF THE AMENDMENTS WAS TO MEET REPRESENTATIONS MADE BY INTERESTED GROUPS, AND OFFICIALS READILY ACCEDED THESE SUGGESTIONS, HE SAID.

+I BELIEVE IT SHOULD NOW BE APPARENT THAT THE AMENDMENT I AM MOVING WILL NOT INHIBIT THE FREEDOM OF EXPRESSION IN HONG KONG, WILL NOT LIMIT THE FREEDOM OF PRESS AND ABOVE ALL WILL NOT DISCOURAGE INVESTIGATIVE REPORTING.

+IT IS SIMPLY DESIGNED TO PROTECT THE PUBLIC FROM A MISCHIEF, WHICH COULD CAUSE THEM UNNECESSARY ALARM.+

/MR FORD

MR FORD ASSURED MEMBERS THAT THE GOVERNMENT WOULD CAREFULLY MONITOR THE SITUATION AND WOULD REVIEW THE PROVISIONS IN THE LIGHT OF EXPERIENCE.

ON THE PROPOSED AMENDMENT TO CLAUSES 4 AND 18 OF THE CONTROL OF PUBLICATIONS CONSOLIDATION (AMENDMENT) BILL IN RESPECT OF THE INTERPRETATION OF +NEWSPAPER+, MR FORD SAID THE PROPOSAL HAD TAKEN INTO ACCOUNT THE OBSERVATIONS MADE BY THE LEGISLATIVE COUNCIL'S AD HOC GROUP UNDER THE CHAIRMANSHIP OF THE HON PETER C. WONG.

+THE REVISIONS ARE NOW MUCH CLEARER FOR THOSE WHO NEED TO FIND OUT WHETHER A PUBLICATION IS REGISTRABLE UNDER THE AMENDED ORDINANCE,+ HE SAID.

MR FORD THANKED THE AD HOC GROUP FOR THEIR COMMENTS ON THE SUBSIDIARY REGULATIONS.

+THE ADMINISTRATION SUPPORTS IN PRINCIPLE THE VARIOUS POINTS MADE,+ HE SAID.

+APPROPRIATE AMENDMENTS WILL BE INCORPORATED IN THE REGULATIONS WHICH WILL BE SUBMITTED FOR CONSIDERATION BY THE EXECUTIVE COUNCIL SOON.+

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MOTION TO DEFER BILL OBJECTED
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THE PACE OF INTRODUCING THE PUBLIC ORDER (AMENDMENT) BILL 1986 INTO THE LEGISLATIVE COUNCIL DOES NOT SUGGEST GREAT HASTE, THE CHIEF SECRETARY, THE HON DAVID FORD, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A MOTION BY THE HON SZETO WAH TO DEFER THE SECOND AND THIRD READINGS OF THE BILL, MR FORD SAID HE DID NOT BELIEVE THE CHARGE THAT THE BILL WAS BEING RUSHED THROUGH COULD STAND REAL SCRUTINY.

MR FORD SAID THAT THE BILL WAS GAZETTED ON DECEMBER 19, 1986 AND FIRST INTRODUCED INTO THE COUNCIL ON JANUARY 7.

+THIS ADMINISTRATION AGREED TO DEFER THE RESUMPTION OF DEBATE ON THE SECOND READING TWICE, ORIGINALLY SCHEDULED FOR JANUARY 21 AND THEN FOR FEBRUARY 18,+ HE SAID.

THE ADMINISTRATION ALSO MET WITH THE LEGCO AD HOC GROUP ON THREE OCCASIONS TO EXCHANGE VIEWS.

/IT WAS

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IT WAS THE RESULT OF THESE MEETINGS, WHICH CONSIDERED IN DETAILS THE PUBLISHED BILL AS WELL AS POINTS RAISED BY THE HONG KONG JOURNALISTS' ASSOCIATION, THAT THE AMENDMENT TABLED TODAY WAS AGREED BY THE MAJORITY OF MEMBERS OF THE AD HOC GROUP.

MR FORD POINTED OUT THAT THE REMOVAL OF THE WORD +MALICIOUS+ AND THE WIDENING OF THE CLAUSE SO THAT IT WAS NOT LIMITED TO THE PRESS WAS INITIATED BY A LARGE MAJORITY OF THE AD HOC GROUP.

+THERE MUST COME A TIME WHEN A MAJORITY DECISION MUST BE TAKEN,+ HE SAID.

HE SAID THAT IF THE VIEWS OF THE MEMBERS OF THE COUNCIL COULD NOT REACH A CONSENSUS,+ THEN WE SHOULD PUT THE MATTER TO THE VOTE+.

+WITH THESE REMARKS, I OBJECT THE MOTION OF MR SZETO WAH,+ HE ADDED.

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FEATURES OF BILLS HIGHLIGHTED
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THE CONVENER OF THE LEGISLATIVE COUNCIL AD HOC GROUP TO STUDY THE CONTROL OF PUBLICATIONS CONSOLIDATION (AMENDMENT) BILL 1986 AND THE PUBLIC ORDER (AMENDMENT) BILL 1986, THE HON PETER C. WONG TODAY (WEDNESDAY) HIGHLIGHTED SOME AREAS OF THE TWO BILLS WHERE CONSENSUS WAS REACHED, AND THE AREA WHERE A COMMON VIEW COULD NOT BE OBTAINED.

SPEAKING DURING THE RESUMED DEBATE OF THE BILLS, MR WONG FIRST REFERRED TO THE CONTROL OF PUBLICATIONS CONSOLIDATION (AMENDMENT) BILL 1986 AND POINTED OUT THAT SUPPRESSION PROVISIONS ON LOCAL NEWSPAPERS HAD BEEN USED MOST SPARINGLY DURING THE EXISTENCE OF THE ORDINANCE, WHICH WAS ENACTED IN 1951.

+THE PROPOSED DELETION OF 10 SECTIONS RELATING TO CONTROL AND SUPPRESSION OF LOCAL NEWSPAPER IS THEREFORE SUPPORTED BY THE AD HOC GROUP AS A POSITIVE STEP TOWARDS ENHANCING FREEDOM OF OUR PRESS,+ HE SAID.

HE SAID MEMBERS WERE ALSO CONCERNED WITH THE AMOUNT OF PERSONAL DETAILS REQUIRED UNDER THE REGULATIONS RELATING TO REGISTRATION OF NEWSPAPERS, SUCH AS THE REQUIREMENT TO PROVIDE PHOTOGRAPHS, HOME ADDRESSES AND HOME TELEPHONE NUMBERS.

/+THE ADMINISTRATION

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+THE ADMINISTRATION WAS RECEPTIVE TO OUR PROPOSALS AND IT HAS BEEN AGREED THAT SOME OF THE PARTICULARS REQUIRED FOR REGISTRATION SUCH AS THOSE MENTIONED ABOVE WOULD BE DISPENSED WITH,+ HE SAID.

TURNING TO SECTION 27 OF THE PUBLIC ORDER (AMENDMENT) BILL 1986 RELATING TO THE PUBLICATION OF FALSE NEWS, MR WONG SAID ONE AREA WHERE THE AD HOC GROUP WAS ABLE TO REACH CONSENSUS WAS THAT THE SECTION SHOULD NOT ONLY AIMED AT THE PRESS SINCE IT WAS INTENDED TO BE INCLUDED IN THE PUBLIC ORDER ORDINANCE.

REPRESENTATIONS BY JOURNALISTS ON THIS POINT WAS DULY CONVEYED TO THE ADMINISTRATION, HE ADDED.

+THIS ARGUMENT WAS ACCEPTED BY THE GOVERNMENT AS LOGICAL AND A COMMITTEE STAGE AMENDMENT TO THIS EFFECT WILL BE MOVED BY THE CHIEF SECRETARY,+ HE SAID.

ANOTHER AREA WHERE CONSENSUS WAS REACHED WAS THE DELETION OF +MALICIOUS+ AND +MALICE+ IN THE BILL. THE DELETION WOULD ALSO BE EFFECTED BY A COMMITTEE STAGE AMENDMENT.

MR WONG SAID THE POINTS OF CONTENTION WERE WHETHER THERE WAS A NEED TO RETAIN THE SECTION ON FALSE NEWS AND, IF IT WAS THOUGHT NECESSARY, WHETHER THE ONUS OF THE BURDEN OF PROOF REGARDING THE KNOWLEDGE OF THE FALSE NEWS SHOULD CONTINUE TO REST WITH THE ACCUSED.

HE NOTED THAT THOSE AGAINST THE SECTION FELT THAT IT REPRESENTED A DEPARTURE FROM THE COMMON LAW PRINCIPLE THAT AN ACCUSED WAS PRESUMED INNOCENT UNTIL HIS GUILT WAS PROVEN BEYOND REASONABLE DOUBT.

MR WONG ALSO NOTED THE ARGUMENT THAT IF A JOURNALIST FOLLOWED THE INTERNATIONALLY ACCEPTED PRINCIPLE OF KEEPING THE SOURCE OF HIS INFORMATION CONFIDENTIAL, THEN HE WOULD BE DEPRIVED OF THE ONLY DEFENCE AVAILABLE TO HIM SHOULD HE BE CHARGED UNDER THE NEW SECTION.

+FURTHERMORE, A FEW MEMBERS ALSO BELIEVE THAT IN CASES WHERE THE TRUTH OR AUTHENTICITY OF THE NEWS IS NOT IMMEDIATELY OR READILY AVAILABLE, THE NEW SECTION WOULD POSE AN ALMOST IMPOSSIBLE BURDEN ON THE ACCUSED AND WOULD UNDULY INHIBIT FURTHER INVESTIGATION BY THE MEDIA WHICH MIGHT EVENTUALLY BRING OUT IMPORTANT AND MATERIAL FACTS IN THE INTERESTS OF THE WHOLE COMMUNITY.+

NONETHELESS, DESPITE THE DOUBTS AND RESERVATIONS, OTHER MEMBERS WERE CONVINCED THAT THE BILL, AS AMENDED, STRUCK A FAIR BALANCE, MR WONG SAID.

/+SINCE IT

+SINCE IT IS EXTREMELY DIFFICULT TO ESTABLISH WHAT WAS IN THE MIND OF THE PERSON PUBLISHING THE FALSE NEWS, IT IS ACCEPTABLE TO REQUIRE THE ACCUSED TO PROVE THAT HE HAD REASONABLE GROUNDS FOR BELIEVING THAT THE NEWS TO WHICH THE CHARGE RELATES WAS TRUE.+

OTHERWISE, THE PROVISION WOULD BECOME A DEAD LETTER OF THE LAW, HE ADDED.

HE NOTED THAT FALSE NEWS IN ITSELF WAS NOT AN OFFENCE UNDER THE EXISTING OR THE NEW SECTION. AN OFFENCE WOULD BE COMMITTED ONLY IF THE FALSE NEWS WAS ALSO LIKELY TO ALARM PUBLIC OPINION OR DISTURB PUBLIC ORDER.

THE COMBINATION OF THESE TWO FACTORS WOULD MAKE IT EXTREMELY UNLIKELY FOR AN OFFENCE TO BE COMMITTED UNDER THE EXISTING OR THE NEW SECTION, PARTICULARLY UNDER NORMAL CIRCUMSTANCES, HE SAID.

+IT IS FELT THAT IN HONG KONG TODAY, THERE IS JUSTIFICATION TO RETAIN SOME RESIDUAL POWER OVER UNSCRUPULOUS PUBLICATION, WHICH MAY RESULT IN SERIOUS CONSEQUENCES TO THE PUBLIC,+ HE ADDED.

ON THE SUGGESTION THAT BY NOT DISCRIMINATING AGAINST THE PRESS AND THUS WIDENING THE AMBIT OF THE SECTION TO COVER ANY PERSON, REPRESENTED A CHANGE IN THE LEGISLATIVE INTENT, MR WONG SAID THIS VIEW WAS NOT SHARED BY A NUMBER OF MEMBERS.

THEY WERE OF THE VIEW THAT THE LEGISLATIVE INTENT HAD ALWAYS BEEN THE SAME, WHICH WAS THE PREVENTION OF PUBLICATION OF FALSE NEWS LIKELY TO ALARM PUBLIC OPINION OR DISTURB PUBLIC ORDER.

+TO SUGGEST THAT MAKING IT AN OFFENCE FOR A PERSON TO PUBLISH FALSE NEWS LIKELY TO ALARM PUBLIC OPINION OR DISTURB PUBLIC ORDER IS A THREAT TO FREEDOM OF EXPRESSION IS STRETCHING REASON AND LOGIC TO A POINT WHERE IT STANDS ON VERY TENUOUS GROUNDS,+ MR WONG SAID.

NO PRESS, NO PERSON IN AN ORDERLY AND DEMOCRATIC SOCIETY SHOULD BE PERMITTED TO COMMIT ACTS WHICH WERE PREJUDICIAL TO THE PUBLIC GOOD, HE ADDED.

HE SAID THAT AS A LAWYER, HE WAS NATURALLY NOT HAPPY ABOUT SHIFTING THE BURDEN OF PROOF TO THE ACCUSED. BUT IN THIS PARTICULAR CASE, THE ARGUMENTS WERE FINELY BALANCED, HE SAID.

MR WONG ALSO NOTED THAT THE EXISTING PROVISION HAD BEEN IN EXISTENCE SINCE 1951, AND HAD NOT CAUSED ANY PROBLEM NOR POSED ANY THREAT AT ALL. NOR HAD IT BEEN ABUSED BY THE GOVERNMENT AT ANY TIME DURING THE PAST 36 YEARS.

+TO ALLOW THE TWO BILLS TO PASS INTO LAW IS A SENSIBLE AND ACCEPTABLE POLITICAL COMPROMISE,+ HE CONCLUDED.

NEED TO SAFEGUARD OVERALL PUBLIC INTEREST

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THE HON CHEN SHOU-LUM SAID TODAY (WEDNESDAY) THAT ANY HINDERANCE OR CONTROL ON FREEDOM OF EXPRESSION WAS UNDESIRABLE, BUT THERE HAD TO BE A BASELINE TO UNDERSCORE THE PROFESSIONAL AND SOCIAL RESPONSIBILITY OF ANY PERSON BEFORE THEY SPREAD A PIECE OF NEWS.

MR CHEN WAS SPEAKING IN SUPPORT OF THE NEW SECTION 27 PROPOSED IN THE PUBLIC ORDER (AMENDMENT) BILL 1986 DURING THE DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL.

HE SAID HE HAD NO HESITATION TO ACKNOWLEDGE THE PUBLIC'S RIGHT TO KNOW AND THE CRUCIAL ROLE PLAYED BY THE MEDIA IN REPORTING THE TRUTH.

+BUT FOR AN IMPORTANT ISSUE SUCH AS PUBLICATION OF FALSE NEWS WHICH MAY CAUSE PUBLIC DISTURBANCE, A BALANCE HAS TO BE STRUCK IN ORDER TO SAFEGUARD THE OVERALL PUBLIC INTEREST.

+IN MY VIEW, THE BALANCE SHOULD BE TILTED IN FAVOUR OF THE MAINTENANCE OF PUBLIC CONFIDENCE,+ HE SAID.

MR CHEN SAID HE HAD FULL FAITH IN THE IMPARTIALITY OF THE HONG KONG LEGAL SYSTEM AND THE COMMON LAW PRINCIPLE OF +PRESUMED INNOCENCE UNTIL PROVEN GUILTY+. HOWEVER, HE BELIEVED THAT THIS PRINCIPLE SHOULD BE FLEXIBLY AND SENSIBLY APPLIED.

+THE RATIONALE FOR PLACING THE BURDEN OF PROOF ON THE DEFENCE IS THAT IN MANY CASES WHERE THE INGREDIENTS OF THE OFFENCE ARE LARGELY WITHIN THE PERSONAL KNOWLEDGE OF THE ACCUSED, IT WILL BE ALMOST IMPOSSIBLE FOR THE PROSECUTION TO ESTABLISH EVIDENCE TO PROVE THE GUILT,+ HE SAID.

TO FOLLOW THE PRINCIPLE OF +PRESUMED INNOCENCE+ WOULD, IN SUCH CASES, NULLIFY THE DETERRENT EFFECT OF THE LAW, HE ADDED.

IN THE CASE OF THE NEW SECTION 27, MR CHEN SAID HE FIRMLY BELIEVED THAT THERE WERE ENOUGH JUSTIFICATION FOR A DEPARTURE FROM THE PRINCIPLE OF +PRESUMED INNOCENCE+.

IN PRACTICE, HE EXPLAINED, BEFORE A PERSON COULD BE CHARGED, THE PROSECUTION WOULD HAVE TO PROVE THREE POINTS OF FACTS, NAMELY THAT THE NEWS WAS FALSE, THAT IT WAS LIKELY TO CAUSE DISTURBANCES TO PUBLIC ORDER, AND THAT IT WAS ACTUALLY PUBLISHED.

+GIVEN THESE INGREDIENTS, I THINK IT IS FAIR TO PLACE ON THE DEFENDANT THE BURDEN OF PROOF THAT HE HAS REASONABLE GROUND FOR BELIEVING THE NEWS WAS TRUE,+ HE SAID.

/+HAVING SAID

+HAVING SAID THAT, I AGREE THAT SAFEGUARDS SHOULD ALSO BE PROVIDED TO PREVENT POSSIBLE ABUSE OF POWER,+ HE ADDED.

THEREFORE, HE WELCOMED THE ADDITION OF A NEW SUBSECTION TO THE BILL MAKING IT COMPULSORY FOR THE ATTORNEY GENERAL'S APPROVAL BE SOUGHT BEFORE A PROSECUTION COULD PROCEED UNDER THE NEW SECTION 27.

MR CHEN NOTED THAT SOME ARGUMENTS HAD BEEN PUT FORWARD BY THOSE WHO OBJECTED TO THE NEW SECTION 27 THAT LEGISLATIVE PROVISIONS AGAINST THE PUBLICATION OF FALSE NEWS WERE NO LONGER NECESSARY SINCE THEY HAD REMAINED DORMANT THROUGHOUT RECENT YEARS.

HOWEVER, HE SAID THE ABSENCE OF CASES WHICH INVOLVED THE INVOCATION OF LEGISLATIVE PROVISIONS AGAINST PUBLICATION OF FALSE NEWS COULD BE ATTRIBUTABLE TO TWO FACTORS.

+FIRSTLY, IT SERVES TO CONFIRM THE DISCIPLINE OF OUR JOURNALISTS WHO WORK CONSCIENTIOUSLY IN THE INTEREST OF THE WHOLE COMMUNITY.

+SECONDLY, IT DEMONSTRATES CLEARLY THE EFFECTIVENESS OF SUCH PROVISIONS IN DETERRING IRRESPONSIBLE REPORTING,+ HE SAID.

THE LACK OF PROSECUTION CASES SHOULD THEREFORE BE VIEWED IN A POSITIVE LIGHT, MR CHEN ADDED.

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BILL NOT MEANT TO SUPPRESS FREEDOM OF SPEECH
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THE PUBLIC ORDER (AMENDMENT) BILL 1986 WILL PROVIDE A LEGAL FRAMEWORK FOR FREEDOM OF SPEECH TO BE PROPERLY EXERCISED AND IS NEVER MEANT TO SUPPRESS THIS FREEDOM, DR THE HON HO KAM-FAI SAID TODAY (WEDNESDAY).

SPEAKING DURING THE RESUMED DEBATE ON THE BILL, DR HO POINTED OUT THAT PEOPLE NOT ONLY WANTED TO BE INFORMED BUT TO BE INFORMED ACCURATELY AND CORRECTLY.

HE STRESSED THAT PEOPLE WHO REPORTED OR PUBLISHED RESPONSIBLY NEED NOT WORRY ABOUT THE AMENDMENT TO BE PROPOSED BY THE CHIEF SECRETARY AT THE COMMITTEE STAGE.

/+THERE IS

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+THERE IS A PROVISION FOR THE DEFENCE OF THE ACCUSED IF HE PROVES THAT HE HAS REASONABLE GROUNDS TO BELIEVE THAT THE NEWS IS TRUE,+ HE EXPLAINED.

+AN ADDITIONAL SAFEGUARD IS THAT NO PROSECUTION WILL BE COMMENCED WITHOUT THE CONSENT OF THE ATTORNEY GENERAL,+ HE ADDED.

DR HO ALSO POINTED OUT THAT AS THE RULE OF LAW PREVAILED IN HONG KONG AND THE JUDICIARY WAS INDEPENDENT, ANY ABUSE OF THE LAW BY THE ADMINISTRATION WOULD BE DEALT WITH JUDICIOUSLY BY THE COURTS.

+IN OTHER WORDS, THE COURTS WOULD PROVIDE AN EFFECTIVE SAFEGUARD FOR THE PUBLIC AGAINST POSSIBLE ABUSES OF THE LAW BY THE ADMINISTRATION,+ HE SAID.

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SPIRIT OF BILL SUPPORTED

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IF THE DEGREE OF FALSE NEWS WAS SEVERE ENOUGH TO CAUSE PUBLIC DISTURBANCE, CERTAINLY THE PERSON WHO REPORTED THIS FALSE NEWS MUST BEAR THE RESPONSIBILITY, THE HON ALLEN LEE SAID TODAY (WEDNESDAY).

SPEAKING AT THE RESUMED DEBATE ON THE PUBLIC ORDER (AMENDMENT) BILL 1986, MR LEE SAID IT WAS IN THIS SPIRIT THAT HE SUPPORTED THE AMENDMENT TO THE BILL TO BE PROPOSED BY THE CHIEF SECRETARY.

MR LEE SAID HE DID NOT BELIEVE THAT THE GOVERNMENT HAD AN INTENTION OF GAGGING THE PRESS OR EXERCISING WIDE-SPREAD CONTROL OVER THE MEDIA. THIS WAS CERTAINLY NOT THE PRINCIPLE NOR THE SPIRIT OF THE BILL.

+WHAT WE ARE TALKING ABOUT IS WITH REGARD TO FALSE NEWS WHICH IS LIKELY TO ALARM PUBLIC OPINION OR DISTURB PUBLIC ORDER.+

MR LEE BELIEVED THAT MEMBERS OF THE PRESS WOULD AGREE THAT THERE WAS PROFESSIONAL INTEGRITY INVOLVED IN JOURNALISM, AS IN ANY OTHER PROFESSION. TO REPORT FALSE NEWS WAS A SERIOUS MATTER AND SURELY IT WAS NOT IN THE INTEREST OF THE COMMUNITY AT LARGE.

HE ADDED THAT THERE WOULD BE SUFFICIENT PROTECTION FOR MEMBERS OF THE PRESS BECAUSE THE PROSECUTION MUST ESTABLISH THAT IT WAS FALSE NEWS, THAT THE FALSE NEWS MUST BE HARMFUL ENOUGH AS LIKELY TO CAUSE PUBLIC ALARM OR DISTURB PUBLIC ORDER, AND THAT THE PROSECUTION OF THE OFFENCE MUST HAVE THE CONSENT OF THE ATTORNEY GENERAL.

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+IF I BELIEVED THAT THE PROVISIONS OF THIS BILL IS IN ANY WAY A MEANS FOR GOVERNMENT TO GAG THE PRESS OR TO EXERCISE WIDE-SPREAD CONTROL OVER THE MEDIA WHICH WOULD IN TURN THREATEN OUR PRESS FREEDOM, I WOULD FIGHT AGAINST IT,+ HE SAID.

REFERRING TO CONCERNS ABOUT PRESS FREEDOM AFTER 1997, MR LEE SAID THIS CONCERN WAS UNDERSTANDABLE BUT HE BELIEVED PEOPLE SHOULD NOT ALLOW THE 1997 SYNDROM TO GET INTO THEIR HEADS.

+FRANKLY, THE SAR GOVERNMENT MAY MAKE NEW LAWS OR AMEND EXISTING LAWS AS THEY DEEM NECESSARY AT THAT TIME, THIS GOVERNMENT OF THE DAY MUST ADMINISTER AND ADMINISTER EFFECTIVELY IN THE INTEREST OF THE PEOPLE,+ HE SAID.

HE ADDED THAT HE HAD BEEN WITH THE LEGISLATIVE COUNCIL FOR NINE YEARS AND HAD HAD THE HONOUR OF SERVING HONG KONG ACCORDING TO HIS CONSCIENCE.

+I AM PROUD OF HONG KONG AND ITS ACHIEVEMENTS. I HAVE ALWAYS BELIEVED THAT AT THE END OF THE DAY, THE TRUTH WILL PREVAIL,+ HE SAID.

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BILL ROCKS FOUNDATION OF LEGAL SYSTEM
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THE PUBLIC ORDER (AMENDMENT) BILL 1986 TOUCHES ON A FUNDAMENTAL ISSUE BY SHIFTING THE BURDEN OF PROOF TO THE DEFENDANT, WHICH IS VERY MUCH AGAINST BRITISH JUSTICE, THE HON K.C. CHAN SAID TODAY (WEDNESDAY).

SPEAKING DURING THE RESUMED DEBATE ON THE BILL, MR CHAN SAID HE WOULD VOTE +NO+ TO SUCH AN IMPORTANT ISSUE WHICH +ROCKS THE VERY FOUNDATION OF OUR LEGAL SYSTEM AND THE FOUR BASIC FREEDOM OF HUMAN RIGHTS+.

HE SAID IT WAS VERY MUCH AGAINST UNIVERSAL JOURNALISTIC ETHICS FOR REPORTERS TO PRODUCE THEIR SOURCE OF INFORMATION, AND YET THE INFORMER MIGHT ALWAYS DENY WHAT HAD BEEN SAID.

HE STRESSED THAT FREEDOM OF PRESS AND SPEECH WAS ONE OF THE MAIN PILLARS OF STABILITY AND PROSPERITY AND THAT HE HAD PERFORMED HIS DUTIES OF REFLECTING PUBLIC OPINION.

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PUTTING ONUS OF PROOF ON DEFENDANTS 'UNCONVINCING'
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THE HON STEPHEN CHEONG TODAY (WEDNESDAY) SAID HE REMAINED UNCONVINCED ON THE NEED TO PUT THE ONUS OF PROOF ONTO THE DEFENDANT ACCUSED OF PUBLISHING FALSE NEWS.

SPEAKING AGAINST THE PROPOSED NEW SECTION 27 IN THE PUBLIC ORDER (AMENDMENT) BILL 1986, MR CHEONG SAID WHILE HE WAS AGAINST THE PRESUMPTION CLAUSE OF THE BILL, HE WAS NOT AGAINST THE SPIRIT THAT DETERRENT SHOULD BE ESTABLISHED AGAINST THOSE PERSONS WHO PUBLISHED FALSE NEWS THAT WAS LIKELY TO ALARM PUBLIC OPINION OR DISTURB PUBLIC ORDER.

CITING THE WATERGATE INCIDENT IN THE U.S. AS AN EXAMPLE, MR CHEONG QUESTIONED WHETHER THE NEW SECTION 27 WOULD ADVERSELY AFFECT OR EVEN IMPEDE THE WORK OF JOURNALISTS.

+COULD IT BE THAT UNDER THE REQUIREMENT THAT THE DEFENDANTS WOULD HAVE TO PROVE THEIR OWN INNOCENCE, THEY WOULD BE VERY HARD PUT TO PUT UP ANY MEANINGFUL DEFENCE UNLESS THEY REVEAL THE SOURCE OF THE INFORMATION?+ HE QUESTIONED.

HE SAID HONG KONG SHOULD BE PRAGMATIC ENOUGH TO RECOGNISE THAT THERE EXISTED CERTAIN ETHICS AND PRACTICES WITHIN THE JOURNALIST TRADE AND THAT JOURNALISTS WORLDWIDE BY AND LARGE ADHERED STRINGENTLY TO THIS PRACTICE.

+IT WOULD AT BEST BE UNREASONABLE AND AT WORST WRONG FOR HONG KONG TO REQUIRE OUR JOURNALISTS TO BREAK SUCH AN INTERNATIONAL CODE OF PRACTICE ESPECIALLY WHEN WE HAVE EVERY DESIRE TO TRY TO MAINTAIN HONG KONG AS AN INTERNATIONAL CENTRE,+ HE SAID.

REFERRING TO THE OPPOSITION CAMPAIGN TO BLOCK THE BILL, MR CHEONG SAID THAT IN HIS VIEW EMOTIONS HAD BEEN UNNECESSARILY WHIPPED UP TO SO HIGH A LEVEL THAT ONE MIGHT BE LIABLE TO FALL INTO A TRAP OF LOOSING ONE'S SENSE OF BALANCE.

+PRESSURE CAMPAIGNS WERE MOUNTED DESIGNED TO LOBBY OR EVEN FORCE COUNCILLORS INTO A CORNER SO AS TO STOP THIS BILL DEAD,+ HE SAID.

MR CHEONG ADDED THAT THE NET EFFECT OF ALL THESE HIGH PRESSURE TACTICS REALLY HAD NOT BEEN CONDUCTIVE TO COOL-HEADED AND OBJECTIVE ANALYSIS OF THE SUBJECT MATTER.

+FOR EXAMPLE, THE ADMINISTRATION IN STRIKING OUT REFERENCE TO LOCAL PAPERS IN THE AMENDED VERSION OF THE BILL, IS NOW ACCUSED OF PURPOSELY WIDENING THE SCOPE OF COVERAGE FROM THE ORIGINAL GAZETTED VERSION SO AS TO GAG THE FREEDOM OF SPEECH IN HONG KONG,+ HE NOTED.

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THE FACT OF THE MATTER WAS THAT SUCH REFERENCES WERE ONLY STRUCK OUT AFTER DUE CONSIDERATION WAS GIVEN TO THE SUBMISSIONS BY THE HONG KONG JOURNALISTS ASSOCIATION, HE SAID.

MR CHEONG SAID THAT NO ONE, NOT EVEN THE SEVEREST CRITICS, SHOULD FOREVER APPROACH ANY ISSUE WITH THE ASSUMPTION THAT GOVERNMENT ALWAYS HAD AN EVIL TWIST OF CONSPIRACY.

+IF WE ARE TO CONTINUE TO SURVIVE IN FUTURE AND IF WE DO TREASURE WHAT WE HAVE, THEN WE MUST NOT START TO APPROACH ANY ISSUE WITH UNBENDING SUSPICION IN OUR MINDS,+ HE SAID.

HE SAID IT WAS A FACT THAT THIS BILL HAD BEEN DISCUSSED EXTENSIVELY IN AD HOC GROUP MEETINGS AS WELL AS IN FOUR LEGISLATIVE COUNCIL IN-HOUSE MEETINGS AND THAT THE MAJORITY OF MEMBERS HAD INDICATED SUPPORT FOR THE BILL.

+AT THIS MOMENT IN TIME, WHETHER ONE PERSONALLY LIKES IT OR NOT, IN THE TRUE SPIRIT OF PRACTISING DEMOCRACY, IF ONE INTENDS TO REMAIN AS RESPONSIBLE TEAM PLAYERS, ONE MUST LEARN TO BE MATURE ENOUGH TO RESPECT AND ACCEPT THE DECISION OF THE MAJORITY,+ HE SAID.

HE ADDED THAT NEVERTHELESS IT MUST BE ACCEPTED AS ANOTHER FACT THAT THE PUBLISHING INDUSTRY AND THOSE RELATED WITH IT PLUS SOME CONCERN GROUPS HAD MADE SOME ELEVENTH HOUR REPRESENTATIONS. HE SAID SOME OF THE POINTS RAISED WOULD NEED TO BE ADDRESSED.

HE STRONGLY URGED THE GOVERNMENT TO UNDERTAKE FIRST TO CONTINUE TO PONDER ON THE POINTS RAISED AND, SECONDLY, IN THE LIGHT OF EXPERIENCE AFTER THE ENACTMENT OF THE BILL, TO COMMIT TO A REVIEW OF ITS PROVISIONS WITHIN A PERIOD OF THREE YEARS.

HE ALSO URGED THE PUBLISHING INDUSTRY NOT TO BE TOTALLY NEGATIVE AFTER THIS EPISODE.

+THIS COULD WELL BE THE CATALYST NEEDED THAT COULD SET INTO MOTION THE BUILDING OF A FOUNDATION FOR CLOSER DIALOGUE AND CO-OPERATION AMONGST DIFFERENT COMPONENTS OF THE INDUSTRY,+ HE SAID.

HE ADDED THAT THE GOVERNMENT HAD BY AND LARGE BEEN RESPECTFUL AND RESPONSIVE TO LOGIC AND RATIONALE, AND THAT IT WOULD BE HIGHLY UNLIKELY FOR SUCH AN ADMINISTRATION TO TURN A BLIND EYE TO WELL-REASONED ANALYSIS AND/OR SUGGESTIONS PUT FORWARD THROUGH THE COMBINED EFFORTS OF ALL CONCERNED WITHIN THE INDUSTRY.

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SAFEGUARDS AGAINST PRESSURE ON PRESS PROPOSED
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PROVISIONS TO SAFEGUARD AGAINST UNDUE PRESSURE ON JOURNALISTIC PRACTICE, TO BE EMBODIED IN THE CONTROL OF PUBLICATIONS (CONSOLIDATION) (AMENDMENT) BILL 1986 AND THE PUBLIC ORDER (AMENDMENT) BILL 1986, WERE PROPOSED BY THE HON CHEUNG YAN-LUNG.

SPEAKING DURING THE RESUMED DEBATE OF THE TWO BILLS IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), MR CHEUNG SAID HE SUPPORTED THE GENERAL SPIRIT OF THE LEGISLATIONS, BUT RECOGNISED THAT NO AMOUNT OF VERBAL ASSURANCES OTHER THAN CONCRETE MEASURES ENSHRINED IN THE LAW MIGHT ALLAY THE FEARS OF THOSE IN THE TRADE OF PUBLICATION.

HE SUGGESTED THAT THE TRIAL OF +PUBLISHING FALSE NEWS+ SHOULD BE CONDUCTED BY JURY AND THAT THE +BURDEN OF PROOF+ SHOULD BE IMPOSED ON THE PROSECUTION RATHER THAN THE DEFENDANT AS TWO SAFEGUARDS AGAINST UNDUE PRESSURE.

MR CHEUNG SAID THE MAINTENANCE OF A FREE PRESS SHOULD BE REGARDED AS THE CORNERSTONE OF GOVERNMENT'S POLICY IN THE AREA OF THE MEDIA COMMUNICATION.

HE NOTED THAT MUCH OF THE CONTROVERSY WAS CENTRED ON THE PROPOSED AMENDMENT TO THE PUBLIC ORDER ORDINANCE.

HE SAID THE PROVISION WAS INTENDED AS A SAFEGUARD AGAINST POSSIBLE ABUSES AND THAT IT WAS BEING INTRODUCED ON THE UNDERSTANDING THAT JOURNALISTS SHOULD NOT ABUSE THEIR RIGHTS IN PERFORMING A PUBLIC FUNCTION.

HE FELT OBJECTIONS OVER THE PROVISION LAY IN THE AMBIGUITIES WHEN IT CAME TO APPLICATION OF THE LAW.

+THERE SHOULD BE CLARIFICATIONS ON THE PART OF THE GOVERNMENT ON THE WAYS TO ASSESS OR ASCERTAIN THE EFFECT OF A NEWS ITEM WHICH IS ALLEGEDLY RESPONSIBLE FOR 'ALARMING PUBLIC OPINION OR DISTURBING PUBLIC ORDER',+ HE SAID.

+NO SUCH IMPORTANT LAW, EVEN IF PASSED BY THE COUNCIL, MAY BE EFFECTIVE FOR THE FULFILMENT OF ITS ORIGINAL PURPOSE UNLESS IT IS SO CLEARLY DRAFTED AS TO LEAVE VERY LITTLE ROOM FOR ABUSE BY ALL THOSE CONCERNED,+ HE ADDED.

MR CHEUNG ALSO CAUTIONED THAT THE LIBERATION OF THE PRESS FROM ANACHRONISTIC LEGAL MEASURES SHOULD NOT MEAN A LICENCE TO PRINT WHAT ONE LIKED.

+WHERE THE AUDACITY TO SPEAK WITH A HIGH DEGREE OF DECENCY WILL ENSURE A HEALTHY STATE OF MASS COMMUNICATION BUSINESS, ABUSES - NOTABLY WHEN IT BECOMES A PHENOMENON - WILL IN DUE COURSE ENGENDER A PUBLIC SENTIMENT THAT MAY CRY FOR A RE-INSTITUTING OF THE CONSTRAINTS OF THE KIND WHICH WE WILL SOON REMOVE AND WHICH NO ONE, LEAST OF ALL OUR FRIENDS IN THE JOURNALISTIC FIELD, WOULD LIKE TO SEE,+ HE SAID.

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+FALSE NEWS+ CLAUSE SHOULD BE REPEALED
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SECTION 27 IN THE PUBLIC ORDER (AMENDMENT) BILL 1986 REGARDING THE PUBLISHING OF FALSE NEWS SHOULD BE REPEALED ALTOGETHER, THE HON HILTON CHEONG-LEEN SAID TODAY (WEDNESDAY).

IN THIS DAY AND AGE OF INSTANT COMMUNICATION, HE SAID, THE PERPETRATOR OF FALSE NEWS COULD BE SWIFTLY DISAVOWED AND LOSE CREDIBILITY.

SPEAKING DURING THE RESUMED DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL, MR CHEONG-LEEN SAID HE WAS NOT IN FAVOUR OF THAT PARTICULAR SECTION IN THE BILL AND THAT HE WOULD VOTE AGAINST IT, IN EITHER THE AMENDED VERSIONS TO BE MOVED BY THE HON MARTIN LEE AND THE CHIEF SECRETARY AT THE COMMITTEE STAGE.

HE SAID ALTHOUGH THE EQUIVALENT OF THE +FALSE NEWS+ OFFENCE HAD BEEN PART OF THE LEGISLATION FOR MANY YEARS AND HAD SO FAR NOT BEEN INVOKED THE QUESTION WAS WHETHER IT WAS WORTHWHILE RETAINING THE OFFENCE AS A DETERRENT, OR WHETHER IT SHOULD NOW BE ELIMINATED ALTOGETHER AT A TIME WHEN FREEDOM OF SPEECH AND EXPRESSION WAS SUCH A HIGHLY SENSITIVE ISSUE DURING THE TRANSITION PERIOD.

+BY REINSTATING THE FALSE NEWS OFFENCE AT THIS PARTICULAR TIME ARE WE CAUSING FURTHER GENUINELY FELT ANXIETY THAT WE ARE IN DANGER OF EVER SO IMPERCEPTABLY SLIDING DOWN THE SLIPPERY SLOPE OF CONTROL OF THE PRESS AND OF FREE EXPRESSION?+ HE QUESTIONED.

ALSO SPEAKING DURING THE COMMITTEE STAGE OF THE BILL, MR CHEONG-LEEN SAID NEITHER OF THE TWO PROPOSED AMENDMENTS MOVED BY MR LEE AND THE CHIEF SECRETARY WAS A GOOD PIECE OF LEGISLATION, AND IT SUFFERED FROM BEING NEITHER FISH NOR FOWL IN THAT IT OBVIOUSLY AIMED TO APPLY TO THE PRESS IN PARTICULAR AND TO THE GENERAL PUBLIC AS WELL.

IF THE GOVERNMENT WISHED TO ESTABLISH LEGAL SAFEGUARDS AGAINST THE PRESS ACTING IN AN IRRESPONSIBLY WAY IT SHOULD HAVE BEEN MORE SPECIFIC IN THE DRAFTING OF THE REVISED AMENDMENT, HE SAID.

+AS FOR APPLICATION OF CLAUSE 27 TO OTHER MEMBERS OF THE GENERAL PUBLIC, I CAN ONLY EXPRESS TODAY MY GRAVE CONCERN SHOULD CLAUSE 27 BE ADOPTED TODAY, AND HOPE THAT THE ATTORNEY GENERAL WILL EXERCISE UTMOST CARE AND CAUTION IN PROTECTING THE FREEDOM OF EXPRESSION OF THE INDIVIDUAL CITIZEN IN HONG KONG,+ MR CHEONG-LEEN ADDED.

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NEED TO EXERCISE REASONABLE CONTROL

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TO EXERCISE A REASONABLE LEVEL OF CONTROL IN THE LEGISLATION FOR THE BEST INTEREST OF THE GENERAL PUBLIC WAS A MUST, DR THE HON CHIU HIN-KWONG SAID TODAY (WEDNESDAY).

SPEAKING AT THE RESUMED DEBATE OF THE PUBLIC ORDER (AMENDMENT) BILL 1986 IN THE LEGISLATIVE COUNCIL, DR CHIU SAID HE SUPPORTED THE PRINCIPLES OF THE BILL.

HE SAID HE WOULD LIKE TO EMPHASISE THAT ALL LEGISLATORS SHOULD BE FAIR TO ALL AND THAT REVIEW EXERCISES SHOULD BE UNDERTAKEN FROM TIME TO TIME IN THE LIGHT OF THE ACTUAL EXPERIENCE OBTAINED FROM ENACTMENT.

HE SAID THAT IT WAS MOST UNFORTUNATE THAT THE REAL INTENTION, SINCERITY AND GOOD WILL TO AMEND THE OUTDATED ORDINANCE BY REMOVING THE SUPPRESSION PROVISIONS FROM THE CONTROL OF PUBLICATIONS CONSOLIDATION ORDINANCE AND TRANSFERRING THE CONTROL PROVISION REGARDING +PUBLICATION OF FALSE NEWS+ TO THE PUBLIC ORDER ORDINANCE HAD BEEN, TO A LARGE EXTENT, OVERSIGHTED.

HE SAID THE IDEA OF UPDATING THE ORDINANCE WAS GENERATED AFTER THE SIGNING OF THE SINO-BRITISH JOINT DECLARATION.

+AS THE POLITICAL SITUATION AND FOREIGN RELATIONSHIP BETWEEN HONG KONG AND HER NEIGHBOURHOOD COUNTRIES TODAY ARE VERY DIFFERENT FROM THAT IN THE PAST, THE GOVERNMENT IN CONSIDERING THE IMPORTANCE AND NECESSITY TO SAFEGUARD THE FREEDOM OF THE PRESS DURING THE TRANSITION AND THE PERIOD BEYOND 1997, FEELS THAT IT IS THE TIME TO REPEAL CERTAIN SECTIONS OF THE ORDINANCE REGARDING TO THE CONTROL AND SUPPRESSION OF NEWSPAPERS AND TO UPDATE SOME PROVISIONS OF OUR EXISTING ORDINANCE CONCERNING THE REGISTRATION OF NEWSPAPERS,+ HE SAID.

IN THE PROCESS OF SO DOING, THE NEED TO EXERCISE SOME SORT OF CONTROL TO ENSURE THE QUALITY OF REPORTING WAS ALSO CONSIDERED AS IMPERATIVE, HE ADDED.

REFERRING TO WORRIES EXPRESSED BY CONCERNED GROUPS THAT THE ENACTMENT OF THE BILL WOULD MEAN AN INFRINGEMENT OF THE FREEDOM OF EXPRESSION IN GENERAL AND THE FREEDOM OF THE PRESS IN PARTICULAR, DR CHIU SAID THEIR WORRIES AND ANXIETY WERE UNDERSTOOD AND THAT HE SHARED THEIR FEELINGS TO THE UTMOST.

HE SAID THAT AS A HONG KONG RESIDENT HE COULD NOT AGREE WITH THE JOURNALISTS AND PUBLISHERS MORE THAT PRESS FREEDOM WAS A FUNDAMENTAL AND ESSENTIAL ELEMENT IN HONG KONG ESPECIALLY DURING THE NEXT 10 YEARS LEADING TO POST-1997.

+WHILE I RECOGNISE THE IMPORTANCE OF FREEDOM OF PRESS, I CANNOT FORGET THAT TO RECEIVE ACCURATE AND RESPONSIBLE INFORMATION AND REPORTING IS ALSO A BASIC HUMAN RIGHT.

+AS A LEGISLATOR, I AM BOUND TO STRIKE A BALANCE BETWEEN THEM IF CONFLICT ARISES+ HE ADDED.

IRRESPONSIBLE REPORTING SHOULD BE RESTRICTED

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THE HON HO SAI-CHU TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY) THAT HE WAS IN FAVOUR OF HAVING A PROVISION IN THE PUBLIC ORDER ORDINANCE WHICH RESTRICTED IRRESPONSIBLE REPORTING OF FALSE NEWS, ALTHOUGH THE MEDIA WAS GENERALLY AGAINST HAVING SUCH A PROVISION IN THE STATUTE BOOKS.

SPEAKING IN SUPPORT OF THE PUBLIC ORDER (AMENDMENT) BILL, MR HO DECLARED AN INTEREST IN THE MATTER IN VIEW OF HIS POSITION AS PUBLISHER AND CHIEF EDITOR OF TIN TIN DAILY NEWS.

+I PERSONALLY FEEL, AS A MATTER OF PRINCIPLE, THAT THE PUBLIC SHOULD BE PROTECTED FROM IRRESPONSIBLE REPORTING OF FALSE NEWS WHICH COULD UNDERMINE THE CONFIDENCE, INTERNAL STABILITY OF HONG KONG AND THE PUBLIC'S RIGHT TO KNOW WHAT IS HAPPENING BOTH HERE AND ABROAD.+

HE SAID IT SHOULD NOT BE TOO DIFFICULT A TASK FOR THE MEDIA TO CHECK AND VERIFY THE TRUTHFULNESS OR OTHERWISE OF AN ITEM OF NEWS.

+IT IS THEIR RESPONSIBILITY TO DO SO AS THEY HAVE A PARAMOUNT DUTY TOWARDS THE PUBLIC RATHER THAN A DESIRE TO AROUSE PUBLIC INTEREST AND TO BOOST THE MARKETABILITY OF THEIR PUBLICATIONS WITHOUT DUE REGARD TO THE SOCIAL IMPACT OF THEIR CONDUCT,+ HE ADDED.

MR HO SAID THE MEDIA SHOULD NOT FEAR THE ENACTMENT OF SUCH A MEASURE AS A NEW PROVISION WOULD BE PROPOSED TO PROVIDE A DEFENCE FOR THE PERSON CHARGED AND THAT NO PROSECUTION WOULD BE COMMENCED WITHOUT THE CONSENT OF THE ATTORNEY GENERAL.

HE NOTED THAT AT TIMES DIFFICULTIES MIGHT ARISE AS A RESULT OF THE MEDIA'S PROFESSIONAL ETHICS OF NOT DISCLOSING ITS SOURCE OF INFORMATION WITHOUT ITS PRIOR CONSENT BUT, IF THAT HAPPENED, THE INTEREST OF THE PUBLIC SHOULD BE PARAMOUNT.

MR HO CONCLUDED BY ASKING THE GOVERNMENT FOR AN ASSURANCE THAT THE NEW SECTION 27 OF THE PUBLIC ORDER ORDINANCE SHOULD NOT BE USED FOR TRIVIAL CASES AS THE SECTION CLEARLY PERMITTED THOSE CASES TO BE TRIED SUMMARILY AND AS SUCH COULD NOT BE OF ANY GREAT MOMENT.

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/U FULL PUBLIC CONSULTATION ON BILL URGED

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THE GOVERNMENT WAS CRITICISED TODAY (WEDNESDAY) BY THE HON HUI YIN-FAT FOR NOT HAVING WIDELY CONSULTED THE PUBLIC ON THE PUBLIC ORDER (AMENDMENT) BILL 1986.

SPEAKING DURING THE RESUMED DEBATE ON THE BILL IN THE LEGISLATIVE COUNCIL, MR HUI SAID IT WAS APPARENT THAT THE MEDIA HAD NOT BEEN TREATED FAIRLY ON THIS OCCASION.

+AT THE VERY LEAST, THE BILL SHOULD NOT HAVE BEEN SUBMITTED HURRIEDLY TO THIS COUNCIL FOR SECOND READING BEFORE CLEAR DEFINITIONS HAVE BEEN GIVEN ON CERTAIN CONTROVERSIAL AND OBSCURE EXPRESSIONS.+

MR HUI POINTED OUT THAT AS THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION ANNOUNCED ONLY LAST THURSDAY THAT THE CHIEF SECRETARY WOULD PROPOSE AN AMENDMENT TO SECTION 27 OF THE BILL TODAY, IT WAS DOUBTFUL THAT THE MEDIA AND THE PUBLIC WOULD BE ABLE TO EXPRESS THEIR VIEWS ON THE AMENDMENT FULLY.

NOTING THAT THE GOVERNMENT PROBABLY INTENDED TO PROTECT THE PUBLIC FROM BEING AFFECTED BY FALSE NEWS WHEN PROPOSING THE BILL, HE SAID REPEATED EFFORTS TO EXPLAIN THE BILL HAD FAILED TO PUT THE MIND OF THE PRESS AND THE PUBLIC AT EASE.

HE SAID THIS REFLECTED THAT THERE MIGHT ACTUALLY BE SOMETHING AMISS IN THE CONTENT AND WORDING OF SOME OF ITS CLAUSES.

HE THEREFORE SUGGESTED THAT THE BILL SHOULD BE DEFERRED TO ALLOW AMPLE TIME FOR BOTH THE MEDIA AND THE PUBLIC TO EXPRESS THEIR VIEWS BEFORE IT WAS PRESENTED TO THE COUNCIL.

MR HUI SAID HE FELT THAT DURING THIS SENSITIVE TIME, IF THERE WAS ANY NEED FOR THE GOVERNMENT TO ENACT OR AMEND LEGISLATION OF A CONTROVERSIAL NATURE, THE PUBLIC SHOULD BE FULLY CONSULTED AND THEIR VIEWS SHOULD BE GIVEN DUE CONSIDERATION SO AS TO REDUCE CONFLICTS BETWEEN THE GOVERNMENT AND THE PEOPLE.

MR HUI CONCLUDED HIS SPEECH BY QUOTING A FAMOUS CHINESE SAYING: +VIRTUE ALONE IS NOT SUFFICIENT FOR THE EXERCISE OF GOVERNMENT; AND LAWS ALONE CANNOT CARRY THEMSELVES INTO PRACTICE.+

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CALL FOR MORE TIME TO STUDY BILL

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THE PUBLIC ORDER (AMENDMENT) BILL 1986 WAS TODAY (WEDNESDAY) CRITICISED BY A LEGISLATIVE COUNCILLOR AS BEING +TOO LOOSE TO INSPIRE CONFIDENCE THAT FREEDOM OF THE PRESS IS BEING SAFE-GUARDED ADEQUATELY+.

SPEAKING DURING THE RESUMED DEBATE ON THE BILL, THE HON RICHARD LAI SAID THE THREATS POSED BY SECTION 27 OF THE BILL ON PRESS FREEDOM WAS +REAL, IMMINENT AND ADVERSE TO PUBLIC INTEREST+.

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HE COULD NOT ENDORSE THE BILL AS IT NOW STANDS, BUT WOULD ONLY CONSIDER IT IF THE PRESS WOULD BE GIVEN REASONABLE PROTECTION FROM UNNECESSARY INTERFERENCE.

HE RECALLED THAT HE HAD URGED FOR THE REPEAL OF THE CONTROL OF PUBLICATIONS (CONSOLIDATION) ORDINANCE LAST AUGUST BECAUSE OF A NUMBER OF +RESTRICTIVE AND OPPRESSIVE+ PROVISIONS IN IT.

MR LAI SAID HE WAS DISMAYED TO FIND THAT THE PRESENT AMENDMENT AMOUNTED TO NO MORE THAN TRANSFERRING THE +MOST OBJECTIONABLE+ ELEMENT OF ONE ORDINANCE TO ANOTHER.

HE NOTED THAT SECTION 27 OF THE BILL RETAINED THE SAME PROVISION HITHERTO STIPULATED IN SECTION 6 OF THE CONTROL OF PUBLICATIONS (CONSOLIDATION) ORDINANCE.

MR LAI SAID THAT SINCE MEMBERS WERE UNABLE TO COME UP WITH A CONSENSUAL DECISION AND IN THE LIGHT OF RECENT FLOOD OF PUBLIC OUTCRY, IT WOULD BE BETTER IF MORE TIME WAS ALLOWED TO STUDY THE AMENDMENTS CAREFULLY.

HE POINTED OUT THAT DURING THE 36 YEARS OF THE EXISTENCE OF THE CONTROL OF PUBLICATIONS (CONSOLIDATION) ORDINANCE, IT HAD ONLY BEEN USED THREE TIMES AND ALL DURING THE 1967 RIOTS.

+THAT RECORD SPEAKS FOR ITSELF - THE PRESS HERE IN HONG KONG, BY AND LARGE, IS RESPONSIBLE AND SELF-DISCIPLINED,+ HE SAID.

MR LAI SUGGESTED THAT IT WOULD BE MORE SENSIBLE TO SEE HOW THE PRESS WOULD BEHAVE WITHOUT BEING SUBJECT TO THE THREATS OF THE BILL SINCE SIMILAR LEGISLATION COULD BE INTRODUCED IMMEDIATELY IF THE RESULTS WERE LESS THAN SATISFACTORY.

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CALL FOR UNCONDITIONAL PRESS FREEDOM
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FREEDOM OF SPEECH SHOULD BE UNCONDITIONAL AND THE IMPOSITION OF ANY CONDITIONS OR RESTRICTIONS WOULD RESULT IN A SITUATION WHERE ONE COULD ALWAYS TRUMP UP A CHARGE IN ORDER TO CONDEMN SOMEBODY, THE HON LEE YU-TAI SAID TODAY (WEDNESDAY).

SPEAKING IN THE LEGISLATIVE COUNCIL DURING THE RESUMED DEBATE ON THE PUBLIC ORDER (AMENDMENT) BILL 1986, MR LEE SAID THE PROPOSED SECTION 27 OF THE BILL WAS ENTIRELY CONTRARY TO THE COMMON LAW PRINCIPLE UNDER WHICH AN ACCUSED PERSON WAS PRESUMED INNOCENT UNTIL PROVED OTHERWISE.

/HE SAID

HE SAID THE PROVISION ALSO VIOLATED JOURNALISTS' RIGHT OF KEEPING THE SOURCES OF NEWS SECRET. TO PROVE THAT THE TRUTH OF THE NEWS HAD BEEN VERIFIED WAS TANTAMOUNT TO DIVULGING THE SOURCE OF THE NEWS, AND HENCE THE PROVISION WAS ABSOLUTELY UNACCEPTABLE.

THE PROVISION NOT ONLY SUPPRESSED THE FREEDOM OF THE PRESS BUT ALSO AFFECTED THE PUBLIC AT LARGE, HE SAID.

+FOR INSTANCE, NEWSPAPER EDITORS, KNOWING THAT THE VIEWS EXPRESSED BY READERS ARE ALSO SUBJECTED TO SUCH SUPPRESSION, WILL BE DOUBLY CAREFUL IN PUBLISHING LETTERS TO THE EDITOR, AND SO THE CHANNEL FOR THE PUBLIC TO AIR THEIR VIEWS WILL BE OBSTRUCTED,+ HE SAID.

MR LEE NOTED THAT AS HONG KONG WAS A CAPITALIST SOCIETY, THERE WERE BOUND TO BE SOME UNSCRUPULOUS PEOPLE WHO WOULD MAKE USE OF LOOPHOLES IN THE LAW TO TAKE ADVANTAGES THROUGH FOUL MEANS. CRITICISM EXERTED BY PUBLIC OPINION WAS THE ONLY POSSIBLE CHECK.

+FOR THIS REASON, THE PRESS IS TASKED WITH THE MISSION OF UPHOLDING SOCIAL JUSTICE,+ HE SAID.

HE ADDED THAT THE EXPRESSION +FALSE NEWS+ AND +POSSIBLY GIVES RISE TO PUBLIC ALARM+ AS USED IN SECTION 27 OF THE BILL INVOLVED SUBJECTIVE JUDGEMENT AND MIGHT RESULT IN +RULING BY MAN RATHER THAN RULING BY LAW+.

MR LEE CITED A RECENT CASE IN WHICH THE PRESS HAD UNCOVERED TWO INCIDENTS WHICH INVOLVED THE THREATENED POISONING OF PACKETED DRINKS. +WARNING LETTERS WERE SUBSEQUENTLY ISSUED BY THE ATTORNEY GENERAL TO THE NEWSPAPERS. BUT AFTERWARDS, A CRIMINAL WAS ARRESTED AND CONVICTED, PROVING THAT THE NEWS REPORTED WAS TRUE.

+IF THE NEWS DISTRIBUTOR HAD BEEN PROSECUTED ACCORDING TO THE FALSE NEWS ORDINANCE, IT WOULD BE MISCARRIAGE OF JUSTICE WHEN THE NEWS WAS EVENTUALLY FOUND TO BE TRUE,+ HE SAID.

EVEN IF THE BILL WAS PASSED BY THE MAJORITY, MR LEE SAID HE WOULD STILL ASK THE GOVERNMENT TO CONDUCT AN IMMEDIATE REVIEW, INCLUDING THE CONSULTATION OF THE JOURNALIST PROFESSION AND THE DELETION OF SECTION 27 IN FUTURE.

MR LEE SAID HE WISHED THAT THE PRESIDENT OF THE LEGISLATIVE COUNCIL WOULD, IN ACCORDANCE WITH THE STANDING ORDERS, TAKE NOTE OF THE VOICES IN FAVOUR AND THOSE AGAINST THE BILL.

IF THERE WAS ONLY A NARROW GAP, HE HOPED THE PRESIDENT WOULD DECIDE WHETHER IT WAS NECESSARY TO TAKE COUNT OF THE VOTES SEPARATELY.

AT THE COMMITTEE STAGE OF THE BILL, MR LEE REITERATED THAT THERE COULD BE NO COMPROMISE OVER FREEDOM OF THE PRESS AND THAT NO CONDITIONS SHOULD BE IMPOSED TO RESTRICT FREEDOM OF SPEECH.

HE SAID HE SUPPORTED THE AMENDMENT MOVED BY THE HON MARTIN LEE, NOT BECAUSE IT WAS A SATISFACTORY SITUATION BUT BECAUSE IT WAS LESS UNSATISFACTORY THAN THE ORIGINAL BILL AND THE OFFICIAL AMENDMENT.

+I WOULD ACCEPT ONLY THE COMPLETE DELETION OF SECTION 27 AND WOULD THEREFORE OPPOSE TO THE BILL BEING PASSED INTO LAW AT THE THIRD READING,+ HE SAID.

HE SAID THE REASON FOR SUPPORTING THE AMENDMENT WAS TO TAKE PRECAUTIONARY MEASURE AGAINST THE EVENTUALITY OF HIS OPPOSITION BEING REJECTED. IF THAT EVENTUALITY TRANSPIRED, HE WOULD NOT BE ABLE TO ACHIEVE A SATISFACTORY POSITION. BUT WITH THE AMENDMENT, THE SITUATION WOULD BE A LESSER EVIL.

+IN THE CASE THAT EVEN THIS MOTION FAILED, I WOULD THEN VOTE AGAINST THE LESS PREFERABLE OFFICIAL AMENDMENT BECAUSE OF ITS EMBRACING EFFECT WHICH HAS LED TO PUBLIC ANXIETY,+ HE SAID.

HE ADDED THAT IF OPPOSITION TO THE ENTIRE BILL FAILED, WHETHER WITH OR WITHOUT AMENDMENT, HE WOULD CALL UPON THE GOVERNMENT TO CONDUCT AN IMMEDIATE REVIEW OF THE LEGISLATION AND TO CONSIDER THE POSSIBILITY FOR REMOVAL OF THE WHOLE SECTION 27 AT THE EARLIEST OPPORTUNITY.

+FOR THIS REVIEW, THE ADMINISTRATION MUST CONSULT THE VIEWS OF THE PUBLIC, PARTICULARLY THOSE OF THE JOURNALIST PROFESSION,+ HE SAID.

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BACKING FOR PROPER SAFEGUARD FOR FREEDOM OF SPEECH
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THE HON DAVID LI TODAY (WEDNESDAY) SUPPORTED THE AMENDMENT TO THE PUBLIC ORDER (AMENDMENT) BILL 1986 PROPOSED BY THE HON MARTIN LEE.

SPEAKING IN THE LEGISLATIVE COUNCIL DURING THE RESUMED DEBATE ON THE BILL, MR LI SAID THAT THE AMENDMENT, DRAFTED AS IT WAS IN SIMILAR TERMS TO THE EQUIVALENT PROVISION IN THE CANADIAN FEDERAL CRIMINAL CODE, PROVIDED A PROPER SAFEGUARD FOR FREEDOM OF EXPRESSION NOT ONLY OF THE MEDIA BUT OF EVERY CONCERNED CITIZEN OF HONG KONG.

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+MR LEE'S AMENDMENT THEREFORE DESERVES THE SUPPORT OF ALL MEMBERS OF THIS COUNCIL IN THEIR DESIRE TO SEE THAT WE MAINTAIN IN HONG KONG THAT FREEDOM OF EXPRESSION WHICH IS UNEQUALLED IN ANY OTHER TERRITORY IN ASIA,+ HE SAID.

HE SAID SECTION 6 OF THE CONTROL OF PUBLICATIONS CONSOLIDATION ORDINANCE RELATING TO FALSE NEWS WAS A DRACONIAN PIECE OF LEGISLATION.

+ITS PRESENCE ON THE STATUTE BOOK WAS A THREAT TO PRESS FREEDOM RELIEVED ONLY BY THE COMMON SENSE AND FAIRNESS OF THE ADMINISTRATION IN NOT SEEKING TO APPLY ITS PROVISIONS,+ HE SAID.

MR LI SAID HE WAS NOT ALONE IN BELIEVING THAT COMMON SENSE AND FAIRNESS COULD NOT BE CONSIDERED AS SATISFACTORY GUARANTEES OF THE FREEDOM OF EXPRESSION OF THE PEOPLE OF HONG KONG.

+IT IS THEREFORE A MATTER OF GRAVE CONCERN TO ALL THAT THE GOVERNMENT'S PROPOSED AMENDMENT SHOULD EXTEND THE PROVISIONS OF SECTION 27 OF THE PUBLIC ORDER (AMENDMENT) BILL TO EVERY FORM OF EXPRESSION,+ HE ADDED.

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FREEDOM OF SPEECH CAN NEVER BE ABSOLUTE

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FREEDOM OF SPEECH, LIKE ALL OTHER FREEDOMS, COULD NEVER BE ABSOLUTE BUT MUST FIND ITS SCOPE LIMITED BY THE NEED TO SAFEGUARD THE RIGHTS AND THE WELL-BEING OF ALL MEMBERS OF THE COMMUNITY, THE HON HELMUT SOHMEN SAID TODAY (WEDNESDAY).

SPEAKING DURING THE RESUMED DEBATE ON THE PUBLIC ORDER (AMENDMENT) BILL 1986, HE SAID THAT IN THE PAST FEW DAYS DISCUSSION ON THE BILL HAD DEVELOPED INTO A CRESCENDO OF EMOTIVE COMMENT IN THE PRESS, DRAMATICALLY DESCRIBING THE AMENDMENT AS A +PRESS-GAGGING+ MEASURE, AS BEING AGAINST THE FUNDAMENTAL PRINCIPLES OF THE COMMON LAW, AS A THREAT TO FREE SPEECH, AND EVEN AS THE BEGINNING OF A JOURNEY INTO THE AUTHORITARIAN NIGHT.

+WE MUST CAREFULLY WEIGH ALL VIEWS EXPRESSED BUT MUST ALSO ALWAYS BEAR IN MIND THAT THERE IS NEVER ANY ONE SECTOR OF THE COMMUNITY WHICH CAN CLAIM TO BE THE BEST PROTECTOR OF OUR RIGHTS, PARTICULARLY WHEN THE MOST VOCAL EXPRESSIONS COME FROM THOSE WITH A VESTED INTEREST,+ HE SAID.

/MR SOHMEN

MR SOHMEN NOTED THAT AT THE HEART OF THE PRESENT CONTROVERSY WAS THE PERCEIVED DIFFICULTY FOR THE CROWN TO PROVE, BEYOND ALL REASONABLE DOUBT, THE STATE OF MIND OF THE DEFENDANT WHEN THE SUBJECT MATTER WAS SO MUCH WITHIN THE DEFENDANT'S PERSONAL KNOWLEDGE AND WHEN IN THE ABSENCE OF DIRECT EVIDENCE, SUCH AS A CONFESSION, THE PROSECUTION HAD TO RELY SOLELY ON CIRCUMSTANTIAL EVIDENCE.

+TO SUGGEST THAT THE BURDEN OF PROOF IN THIS PARTICULAR CIRCUMSTANCE SHOULD REST ENTIRELY WITH THE PROSECUTION IS IN ESSENCE AN ARGUMENT TO REMOVE THE THREAT OF CONVICTION IN ALL BUT THE MOST BLATANT CASES,+ HE SAID.

MR SOHMEN ADDED THAT THE RESULT WOULD PRODUCE BAD LAW AND THEREFORE NOT WORTHY OF SUPPORT.

HE SAID IT SHOULD BE REMEMBERED THAT THE INITIAL BURDEN OF PROOF AS TO +FALSEHOOD+ AND THE LIKELIHOOD TO +CAUSE ALARM OR DISTURB PUBLIC CONFIDENCE+ REMAINED WITH THE CROWN.

THIS WAS IN ITSELF DIFFICULT AND REQUIRED A STANDARD OF PROOF HIGHER THAN THAT IMPOSED ON THE DEFENDANT FOR A DEFENCE, HE SAID.

HE SAID THAT ALL THOSE CLAIMING THAT THE LEGISLATION WOULD +MUZZLE+ THE MEDIA SHOULD BE CONSCIOUS OF THE RISK OF BEING CALLED SIMPLISTIC, AND OF PROPAGATING A RIGHT TO PUBLISH FALSEHOODS WITHOUT REGARD TO THEIR SOCIAL CONSEQUENCES.

MR SOHMEN ALSO REFERRED TO COMMENTS THAT BY IMPOSING RESPONSIBILITY FOR THEIR PRONOUNCEMENTS ON ALL THOSE IN THE PUBLIC EYE, AND NOT JUST ON THE PRESS, A VERY DIFFERENT RESULT FROM THE ALLEGED +GAGGING OF THE PRESS+ COULD RESULT.

+THE PUBLIC WAS QUITE CRITICAL OF A RECENT DECISION NOT TO PROSECUTE FOR A FALSE STATEMENT MADE IN A FINANCIAL CONTEXT" DOES THIS NOT SUGGEST THAT THE COMMUNITY RECOGNISES THE NEED FOR STATUTORY LIMITATIONS ON THE FREEDOM OF EXPRESSION, AND ACCEPTS THE NEED FOR SANCTION?" HE QUESTIONED.

HE SAID HE DID NOT ACCEPT AS VALID THE ARGUMENTS THAT THE BILL COULD BE OPEN TO ABUSE BY THE PRESENT OR ANY FUTURE GOVERNMENT.

+ALL LAWS CAN BE MISINTERPRETED OR MISAPPLIED, BUT I SUBMIT THAT WE CANNOT LEGISLATE PROPERLY TO ACHIEVE CURRENT SOCIAL OBJECTIVES IF FROM THE START WE PREMISE OUR JUDGEMENT ON A DISTRUST OF EITHER THE JUDICIAL SYSTEM OR THE WILLINGNESS OF THE EXECUTIVE BRANCH TO ACT IN ACCORDANCE WITH THE RULE OF LAW,+ HE SAID.

'WE MUST LEARN HOW TO COMPROMISE'
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IN THE ABSENCE OF ANY BETTER ALTERNATIVE AT THIS STAGE, THE HON TAI CHIN-WAH SAID HE WAS SATISFIED WITH THE PRESENT VERSION OF THE PUBLIC ORDER (AMENDMENT) BILL 1986.

SPEAKING IN SUPPORT OF THE BILL DURING THE RESUMED DEBATE IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY), MR TAI SAID HE WAS SYMPATHETIC TO THE REQUEST FOR A SHORT EXTENSION OF PUBLIC CONSULTATION ON THE BILL.

APART FROM POLITICAL REASONS, HE SAID HE COULD NOT SEE ANY STRONG REASON WHY THE BILL COULD NOT BE DEFERRED FOR A SHORT PERIOD OF TIME.

+HONG KONG HAS LATELY BEEN SUBJECTED TO MUCH POLITICAL CONFRONTATION AND IT WOULD BE A MISCONCEPTION TO THINK THAT BY DEFERRING THE BILL IT COULD BE REGARDED AS DETRIMENTAL TO GOVERNMENT'S EFFECTIVENESS AND CREDIBILITY.

+FOR THE LONGER TERM BENEFIT AND VIABILITY OF HONG KONG, WE MUST LEARN HOW TO COMPROMISE,+ HE SAID.

SECTION 27(3) STIPULATED THE NECESSITY FOR THE ATTORNEY GENERAL'S CONSENT TO INITIATE PROSECUTION AND HE WAS ACCOUNTABLE TO THE LEGISLATIVE COUNCIL FOR WHATEVER ACTION OR INACTION ON HIS PART REGARDING A PARTICULAR CASE.

+TOO OFTEN WE TALK OF ACCOUNTABILITY OF THE EXECUTIVE TO THE LEGISLATURE, AND THE LEGISLATORS'S ACCOUNTABILITY TO THE PUBLIC.

+SHOULD NOT THE PUBLISHER IN TURN BE ACCOUNTABLE TO THE PUBLIC FOR WHAT HE PUBLISHES IF THE STATEMENTS HE MAKES ARE FALSE AND RESULT IN PUBLIC DISORDER?+ MR TAI ASKED.

HE SAID UNTIL AND UNLESS THE BILL WAS PUT INTO PRACTICE AND CASE LAW ESTABLISHED REGARDING ITS PRACTICAL ENFORCEMENT, OR THAT ALTERNATIVE WORDING WAS FOUND TO REMOVE THE DIFFICULTIES OF THE BILL, OR THAT THERE WAS CLEAR EVIDENCE WHICH INDICATED THAT THE BILL HAD INDEED IMPOSED SUPPRESSION ON FREEDOM OF SPEECH, HE WOULD SUPPORT THE PASSAGE OF THE BILL TODAY.

MR TAI ADMITTED THAT THE BILL HAD A NUMBER OF FLAWS. FIRSTLY, IT FAILED TO CLARIFY THE MEANING BEHIND THE WORDINGS SUCH AS +LIKELY TO CAUSE PUBLIC ALARM AND PUBLIC DISORDER+, THE PRECISE LEGAL IMPLICATION OF WHICH WAS UNCLEAR.

/SECONDLY, IT

SECONDLY, IT IMPOSED THE BURDEN OF PROOF ON THE DEFENDANT WHICH WAS CONTRARY TO COMMON LAW PRINCIPLE THAT THE PROSECUTOR HAD TO PROVE ALL THE PHYSICAL AND MENTAL ELEMENTS OF A CRIMINAL OFFENCE, AND INSTEAD REQUIRED THE ACCUSED TO PROVE THAT HE HAD COMMITTED THE OFFENCE IN THE ABSENCE OF THE REQUISITE CRIMINAL INTENT.

THE MAIN CRITICISM AGAINST THE BILL WAS THAT IT WAS A POSSIBLE THREAT TO FREEDOM OF SPEECH AND THE PRESS, AND WOULD MAKE IT DIFFICULT FOR JOURNALISTS TO PERFORM THEIR TASK. MR TAI SAID THIS CRITICISM WAS NOT WITHOUT MERIT.

NONETHELESS, IN THIS PARTICULAR CASE, HE SAID ONE SHOULD BE CAREFUL NOT TO DEPART FROM THE FUNDAMENTAL COMMON LAW PRINCIPLE BY SWINGING THE BURDEN OF PROOF ONTO THE DEFENDANT FOR THE SAKE OF AN EASIER CONVICTION.

ON BALANCE, IT WAS THE GRAVITY OF DAMAGE TO THE SOCIETY AND THE PRACTICAL ENFORCEMENT ASPECTS OF THE LEGISLATION THAT SHOULD RECEIVE THE SUPPORT TODAY FOR PUTTING THE BURDEN OF PROOF FOR THE REQUISITE CRIMINAL INTENT ONTO THE DEFENDANT IN CONTRARY TO THE COMMON LAW PRINCIPLE.

+WE HAVE A NUMBER OF SIMILAR OFFENCES IN THE STATUTE BOOKS IN WHICH THE DEFENDANT IS REQUIRED TO SHOW THAT AT THE TIME OF COMMISSION OF THE OFFENCE, HE DOES NOT HAVE THE REQUISITE CRIMINAL INTENT.

41 AGREE THAT WE MUST BE CAREFUL NOT TO DIVERT FROM THAT COMMON LAW PRINCIPLE TOO EASILY EXCEPT ONLY FOR VERY EXCEPTIONAL CASES,+ HE SAID.

ON THE LACK OF CLEAR DEFINITIONS FOR TERMS SUCH AS +LIKELY TO CAUSE+ WHICH APPEARED IN THE BILL, MR TAI AGREED THAT IT WAS NOT SATISFACTORY.

HE FELT THAT IF A PUBLICATION WAS MADE WITH JUSTIFICABLE CAUSE, THOUGH NOT 100 PER CENT ACCURATE, AND IT TURNED OUT TO AROUSE PUBLIC ATTENTION TO A PARTICULAR ISSUE, IT SHOULD NOT RENDER THE PUBLISHER LIABLE TO CRIMINAL PROSECUTION.

+THIS POSES A THREAT TO OUR FREEDOM OF SPEECH,+ HE SAID.

NO URGENCY TO ENACT BILL
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THERE IS NO URGENCY IN ENACTING PROVISIONS IN THE PUBLIC ORDER (AMENDMENT) BILL 1986, ACCORDING TO THE HON LAU WONG-FAT.

SPEAKING AT THE RESUMED DEBATE OF THE BILL TODAY (WEDNESDAY), HE NOTED THAT THE PROVISIONS WERE +OPEN TO QUESTION+.

+BESIDES, PEOPLE FROM ALL SECTORS, ESPECIALLY THOSE FROM THE LEGAL SECTOR AND THE MEDIA, HAVE GIVEN A LOT OF COMMENTS ON THE BILL RECENTLY,+ HE SAID.

MR LAU REQUESTED THE CHIEF SECRETARY TO POSTPONE THE SECOND AND THIRD READINGS OF THE BILL +TO ALLOW FOR A THOROUGH STUDY INTO IT+.

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OVERWHELMING SUPPORT FOR SIR EDWARD YOUDE FUND
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THE SIR EDWARD YOUDE MEMORIAL FUND BILL 1987 WAS PASSED INTO LAW TODAY (WEDNESDAY) TO FORMALLY CREATE THE FUND BY LEGISLATION.

IN ORDER THAT THE ORDINANCE MAY COME INTO EFFECT ON APRIL 1, THE BILL PASSED THROUGH ALL STAGES IN ONE SITTING OF THE LEGISLATIVE COUNCIL THIS AFTERNOON.

MOVING THE SECOND READING OF THE BILL, THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON DONALD LIAO, SAID THE PURPOSE OF THE BILL WAS TO ESTABLISH A TRUST FUND IN MEMORY OF THE DISTINGUISHED GOVERNORSHIP OF THE LATE SIR EDWARD YOUDE.

+IN ACCORDANCE WITH LADY YOUDE'S WISHES, THE APPLICATION AND PURPOSE OF THE FUND WILL BE SUFFICIENTLY BROAD TO COVER THE FURTHERANCE OF EDUCATION, LEARNING OR RESEARCH LOCALLY OR OVERSEAS FOR THE PEOPLE OF HONG KONG AND TO ENABLE GRANTS OR LOANS TO BE MADE FOR THAT PURPOSE TO EDUCATIONAL INSTITUTIONS BASED IN HONG KONG,+ HE SAID.

SUPPORT FOR THE FUND HAD BEEN ENTHUSIASTIC AND OVERWHELMING WITH DONATIONS FROM ALL SECTORS OF THE COMMUNITY WHICH, TO DATE, STOOD AT \$76 MILLION, AND MORE WERE EXPECTED, HE SAID.

HE POINTED OUT THAT THERE WERE THE GENEROUS DONATION OF \$30 MILLION BY STEWARDS OF THE ROYAL HONG KONG JOCKEY CLUB AND THE \$38 MILLION COLLECTED FROM MORE THAN 70 MAJOR COMPANIES AND ASSOCIATIONS AS WELL AS LEADING PHILANTHROPISTS.

/NOTING THAT

NOTING THAT WHILE THERE WERE NUMEROUS LARGE DONATIONS FROM ORGANISATIONS AND INDIVIDUALS, MR LIAO SAID THE NUMBER OF DONATIONS WAS AS IMPORTANT AS THE AMOUNT DONATED.

+IN THIS RESPECT, IT IS GRATIFYING TO NOTE THAT THE \$10 DONATION CAMPAIGN LAUNCHED BY MEMBERS HAS RECEIVED OVERWHELMING RESPONSE AT THE DISTRICT LEVEL.

+ALL THE 19 DISTRICT BOARDS IN THE TERRITORY EITHER SUPPORTED THE CAMPAIGN OR TOOK THE LEAD IN ENCOURAGING OTHER COMMUNITY ORGANISATIONS TO CONTRIBUTE.

+SO FAR, 170 COMMUNITY ORGANISATIONS INCLUDING AREA COMMITTEES AND MUTUAL AID COMMITTEES HAD RAISED DONATIONS TO THE FUND INVOLVING TENS OF THOUSANDS OF PEOPLE.

+AT THE SAME TIME, IT IS ESTIMATED THAT ABOUT 200 000 STUDENTS FROM 340 PRIMARY AND SECONDARY SCHOOLS DONATED THEIR POCKET MONEY TO THIS WORTHY CAUSE,+ MR LIAO ADDED.

THE TRUST FUND, AS A CHARITABLE TRUST, WILL BE EXEMPTED FROM TAX, AND DONATIONS TO IT, INCLUDING THOSE RECEIVED PRIOR TO ITS FORMAL ESTABLISHMENT, ARE TAX DEDUCTABLE.

THE FUND WILL BE VESTED IN A BOARD OF TRUSTEES COMPRISING A CHAIRMAN AND FOUR MEMBERS.

THE TRUSTEES WILL BE EMPOWERED TO INVEST ANY MONEYS OF THE FUND, TO EMPLOY ANY PROFESSIONAL PERSON OR FINANCIAL INSTITUTION TO ADVISE THEM ON INVESTMENT MATTERS, TO BORROW MONEY AND TO ACCUMULATE ANY INCOME OF THE FUND.

THE BOARD OF TRUSTEES WILL BE REQUIRED TO MAKE AN ANNUAL REPORT AND TO SUBMIT ITS ANNUAL ACCOUNTS TO THE LEGISLATIVE COUNCIL.

A COUNCIL, COMPRISING A CHAIRMAN AND SIX MEMBERS, WILL BE SET UP TO APPLY THE INCOME OF THE FUND FOR ITS OBJECTIVES.

+THE STRUCTURE OF THE FUND IS DIFFERENT FROM SIMILAR FUNDS, FOR EXAMPLE, THE SIR ROBERT BLACK TRUST FUND AND THE SIR MURRAY MACLEHOSE TRUST FUND WHICH ARE VESTED IN AND MANAGED BY A SINGLE TRUSTEE,+ MR LIAO SAID.

+THE PRESENT STRUCTURE TAKES INTO ACCOUNT THE FACT THAT THE SIR EDWARD YOUDE MEMORIAL FUND WILL BE LARGER THAN OTHER FUNDS.

+IN VIEW OF HER INTEREST IN THE FUND AND THE IMPLEMENTATION OF ITS OBJECT, THE BILL HAS PROVIDED FOR THE APPOINTMENT OF LADY YOUDE AS ONE OF THE MEMBERS OF THE BOARD OF TRUSTEES AS WELL AS THE COUNCIL.

+LADY YOUDE HAS INDICATED THAT SHE WILL BE HAPPY TO ACCEPT SUCH APPOINTMENTS,+ MR LIAO SAID.

NEW LAW WILL STREAMLINE ADOPTION PROCEDURE

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THE ADOPTION (AMENDMENT) BILL 1987, WHICH STREAMLINES THE EXISTING PROCEDURE FOR ADOPTION, WAS PASSED INTO LAW TODAY (WEDNESDAY).

SPEAKING IN SUPPORT OF THE BILL IN THE LEGISLATIVE COUNCIL, DR THE HON HO KAM-FAI SAID ADEQUATE MANPOWER RESOURCES INCLUDING TRAINED SOCIAL WORKERS ASSIGNED TO THE ADOPTION UNIT MUST TAKE INTO CONSIDERATION THE LABOUR-INTENSIVE NATURE AND WORKLOAD OF THE SERVICE.

+OTHERWISE THE IMPROVEMENTS ARISING FROM THE STREAMLINING OF THE ADOPTION PROCEDURES WILL BE GREATLY DIMINISHED,+ HE SAID.

DR HO EXPLAINED THAT THE PROPOSED AMENDMENTS WERE AIMED AT PROMOTING THE WELFARE OF THE INFANT, WHILE ADEQUATELY SAFEGUARDING THE RIGHTS OF THOSE PARENTS WHO SHOWED GENUINE INTEREST IN THE WELL-BEING OF THE INFANT.

ONE OF THE MOST SIGNIFICANT PROVISIONS IN THE BILL, HE ADDED, WAS TO ENABLE THE DIRECTOR OF SOCIAL WELFARE, IF HE WAS THE LEGAL GUARDIAN OF AN INFANT, TO OBTAIN AN ORDER FROM A COURT FREEING THE INFANT FOR ADOPTION.

BY VIRTUE OF THIS COURT ORDER, THE DIRECTOR OF SOCIAL WELFARE COULD PROCEED TO LOCATE A PROSPECTIVE ADOPTIVE HOME FOR THE INFANT AND THE INFANT MIGHT BE GIVEN AN OPPORTUNITY TO MOVE FROM AN INSTITUTION TO A HOME WITH PARENTAL LOVE AND CARE, HE SAID.

+IT HAS BEEN ESTABLISHED THAT THE EFFECT OF LONG-TERM INSTITUTIONALISATION IS DETRIMENTAL TO THE EMOTIONAL AND PHYSICAL DEVELOPMENT OF A CHILD,+ HE SAID.

DR HO ADDED THAT THERE HAD BEEN A NUMBER OF CASES WHERE A CHILD HAD BEEN DEPRIVED OF A HOME FOR AN UNNECESSARILY PROLONGED PERIOD AS A RESULT OF HIS/HER PARENTS' BLATANT INDIFFERENCE TOWARD THE CHILD'S INTEREST ON THE QUESTION OF CONSENT.

+THIS DEPRIVATION IS UNNECESSARY AND AVOIDABLE IN THE LIGHT OF THE NUMBER OF APPLICATIONS FOR ADOPTION, LOCALLY AND OVERSEAS,+ HE SAID.

THANKING DR HO FOR HIS SUPPORT OF THE BILL, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, SAID THE NEEDS OF THE ADOPTIVE SERVICE HAD ALWAYS BEEN GIVEN HIGH PRIORITY IN THE DEPARTMENT'S ALLOCATION OF MANPOWER RESOURCES.

+THE MANNING RATIO OF ONE WORKER TO 40 CASES, WHICH IS CONSIDERABLY MORE FAVOURABLE THAN FOR OTHER TYPES OF CASE WORK, TAKES INTO CONSIDERATION THE LABOUR INTENSIVE NATURE OF THIS SERVICE,+ HE SAID.

THE AMENDMENTS TO THE ORDINANCE, HE ADDED, WOULD ENABLE THE ADOPTION PROCEDURES TO BE FURTHER IMPROVED AND STREAM-LINED.

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CROWN'S ROLE IN PARTITION DISPUTES CLARIFIED
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THE MAIN OBJECT OF THE PARTITION (AMENDMENT) BILL 1987 IS TO ABOLISH THE STATUTORY REQUIREMENT OF MAKING THE CROWN A NECESSARY PARTY TO EVERY PARTITION ACTION, THE ACTING ATTORNEY GENERAL, THE HON JEREMY MATHEWS, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

MOVING THE SECOND READING OF THE BILL, MR MATHEWS SAID THE BILL SOUGHT TO REPLACE THIS REQUIREMENT WITH A REQUIREMENT FOR SERVICE OF THE RELEVANT DOCUMENTS ON THE DIRECTOR OF BUILDINGS AND LANDS IN THE FIRST INSTANCE SO THAT HE WOULD HAVE NOTICE OF THE INTENDED PARTITION.

+THE BILL ALSO PROVIDES THE MEANS FOR THE DIRECTOR TO OBTAIN MORE TIME, WHERE NECESSARY, TO SEEK ADVICE FROM OR INSTRUCT THE ATTORNEY GENERAL.

+THIS IS ACHIEVED BY A PROVISION ALLOWING THE DIRECTOR TO FILE A MEMORANDUM IN COURT UPON WHICH THE PROCEEDINGS WILL BE STAYED FOR A SPECIFIED PERIOD OF TIME.

+ALLIED TO THESE MEASURES IS THE PROVISION ENABLING THE ATTORNEY GENERAL TO BE JOINED AS A PARTY AT ANY STAGE IN A PARTITION ACTION ON HIS APPLICATION.+

MR MATHEWS SAID THE PARTITION ORDINANCE, WHICH WAS ENACTED IN 1969 AS A LAW REFORM MEASURE, PROVIDED FOR THE DIVISION OF THE OWNERSHIP OF BUILDINGS OR LAND HELD BY CO-OWNERS.

+THE NEED FOR THIS MACHINERY ARISES MOST FREQUENTLY WHERE THERE ARE DISPUTES BETWEEN CO-OWNERS. THE ORDINANCE EMPOWERS THE COURT TO DIVIDE BUILDINGS AND LAND FAIRLY IN ACCORDANCE WITH SETTLED LEGAL PRINCIPLES,+ HE EXPLAINED.

+THE ONLY PROBLEM WHICH HAS ARISEN IN PRACTICE IS THAT, AS THE ORDINANCE STANDS NOW, UNDER SECTION 3, THE CROWN HAS TO BE MADE A NECESSARY PARTY TO EVERY PARTITION PROCEEDING.

+A REVIEW WAS DONE TO SEE WHETHER PUBLIC ISSUES ARISE BEYOND THE INTERESTS OF THE PRIVATE PARTIES IN THESE CASES,+ HE ADDED.

THE REVIEW, MR MATHEWS SAID, HAD BEEN PROMPTED BY A COURT CASE WHERE THE ATTORNEY GENERAL'S COSTS IN APPEARING WERE DISALLOWED BY THE TRIAL JUDGE ON THE BASIS THAT THE CROWN'S INVOLVEMENT HAD BEEN UNNECESSARY.

+THIS REVIEW REACHED TWO CONCLUSIONS -- FIRSTLY, EXPERIENCE HAS SHOWN THAT FEW ISSUES OF CONCERN TO THE CROWN ARISE IN THESE ACTIONS AND SECONDLY, THAT ANY INTERESTS THE CROWN HAS CAN BE ADEQUATELY PROTECTED WITHOUT THE INTERVENTION OF THE CROWN IN THE FIRST INSTANCE.+

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CALLING THE AMENDMENTS SENSIBLE AND STRAIGHT-FORWARD, MR MATHEWS SAID THE CROWN WOULD NO LONGER HAVE TO BE A PARTY.

+IF THE ATTORNEY GENERAL NEEDS TO INTERVENE IN THE PUBLIC INTEREST, THE RIGHT TO DO SO IS EXPRESSLY RESERVED. COSTS TO THE PUBLIC PURSE OR THE PRIVATE LITIGANTS INVOLVED WILL BE SAVED.+

HE ALSO POINTED OUT THAT THE BILL HAD THE SUPPORT OF THE JUDICIARY, AND THE LEGAL PROFESSION REPRESENTED BY THE BAR ASSOCIATION AND THE LAW SOCIETY.

MR MATHEWS SAID THAT AT THE COMMITTEE STAGE HE PROPOSED TO MOVE AN AMENDMENT TO DELETE THE NEW SECTION 3B(3) (A) (II) IN CLAUSE 4 OF THE BILL AS THERE WAS NO SYSTEM OF CAVEATS IN HONG KONG NOW AND THAT THIS PROVISION SERVED NO PRACTICAL PURPOSE.

DEBATE ON THE MOTION WAS ADJOURNED.

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EXCHANGE FUND BORROWING LIMIT RAISED
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THE BORROWING LIMIT OF THE EXCHANGE FUND WAS INCREASED TODAY (WEDNESDAY) FROM \$30 BILLION TO \$50 BILLION AFTER A MOTION BY THE FINANCIAL SECRETARY, THE HON PIERS JACOBS, WAS APPROVED BY THE LEGISLATIVE COUNCIL.

LAST REVISED IN 1981, THE BORROWING LIMIT WAS SET TO GOVERN THE TOTAL BORROWING BY THE EXCHANGE FUND FROM THE GENERAL REVENUE ACCOUNT AND VARIOUS FUNDS AND ALSO THE BORROWING BY THE FUND ARISING FROM MONEY MARKET OPERATIONS.

MOVING THE MOTION, MR JACOBS SAID: +THE BULK OF THE GOVERNMENT'S ACCUMULATED BALANCES ON THE GENERAL REVENUE ACCOUNT AND IN THE VARIOUS FUNDS IS INVESTED BY THE TREASURY WITH THE EXCHANGE FUND AGAINST THE ISSUE BY THE FUND OF INTEREST-BEARING DEBT CERTIFICATES.+

AN ARRANGEMENT WAS ALSO MADE TO ENABLE THE EXCHANGE FUND TO CONDUCT MONEY MARKET OPERATIONS WITH A VIEW TO INFLUENCING THE LEVEL OF INTEREST RATES IN THE INTERBANK MARKET IN A WAY CONSISTENT WITH MONETARY POLICY OBJECTIVES.

/+AS AT

+AS AT THE CLOSE OF THE BUSINESS TODAY, THE TOTAL AMOUNT OF DEBT CERTIFICATES ISSUED BY THE EXCHANGE FUND IN RETURN FOR MONEY TRANSFERRED FROM THE GENERAL REVENUE ACCOUNT AND THE VARIOUS FUNDS, IN OTHER WORDS THE TOTAL BORROWING BY THE EXCHANGE FUND FROM THESE SOURCES, WILL BE \$26.9 BILLION,+ HE SAID.

+BORROWING ARISING FROM MONEY MARKET OPERATIONS WILL AMOUNT TO AN ADDITIONAL \$2.9 BILLION, MAKING A TOTAL OF \$29.8 BILLION, JUST SHORT OF THE BORROWING LIMIT OF \$30 BILLION.+

MR JACOBS SAID THAT THE GOVERNMENT'S FISCAL RESERVES WERE EXPECTED TO TOTAL AROUND \$32 BILLION BY THE END OF THIS FINANCIAL YEAR AND WERE LIKELY SUBSTANTIALLY TO EXCEED THAT FIGURE IN VIEW OF THE SEASONAL INFLOW OF REVENUE AND THE LARGE TURNOVER IN PUBLIC FINANCES.

+THE CURRENT BORROWING LIMIT OF \$30 BILLION WILL, THEREFORE, CONSTRAIN THE ABILITY OF THE EXCHANGE FUND TO CONTINUE TO TAKE IN THESE FISCAL RESERVES BY THE ISSUE OF INTEREST-BEARING DEBT CERTIFICATES.

+IT WILL ALSO CONSTRAIN THE ABILITY OF THE EXCHANGE FUND IN ITS MONEY MARKET OPERATIONS,+ HE SAID.

MR JACOBS POINTED OUT THAT THE APPROVAL OF THE SECRETARY OF STATE TO INTRODUCE THE RESOLUTION HAD BEEN OBTAINED, AND THAT THE RELATIVELY LARGE INCREASE WAS PROPOSED SO AS TO REDUCE THE NUMBER OF TIMES IT WOULD BE NECESSARY TO INTRODUCE A SIMILAR MOTION INTO THE COUNCIL.

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FUNDS APPROVED FOR GOVERNMENT SERVICES

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A MOTION BY THE FINANCIAL SECRETARY, THE HON PIERS JACOBS, SEEKING \$16 266 785 000 ON ACCOUNT TO ENABLE THE GOVERNMENT TO CARRY ON EXISTING SERVICES BETWEEN THE START OF THE NEW FINANCIAL YEAR ON APRIL 1 AND THE ENACTMENT OF THE APPROPRIATION BILL, WAS APPROVED BY THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

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FIRM BASE ESTABLISHED FOR ACADEMY FOR PERFORMING ARTS
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A FIRM BASE HAS BEEN SECURED FOR THE GROWTH AND DEVELOPMENT OF THE HONG KONG ACADEMY FOR PERFORMING ARTS AS AN INSTITUTION OF INTERNATIONAL STANDING, THE HON HELMUT SOHMEN SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

TABLING THE FIRST ANNUAL REPORT OF THE ACADEMY, MR SOHMEN, CHAIRMAN OF THE COUNCIL OF THE ACADEMY, SAID THAT DURING THE 1985-86 SESSION THE INSTITUTION HAD FACED THE DOUBLE CHALLENGE OF ESTABLISHING NEW TEACHING COURSES AND OF SETTLING INTO A NEW BUILDING OF CONSIDERABLE DIVERSITY AND COMPLEXITY.

HOWEVER, MOST OF THE INITIAL PROBLEMS WERE BEING SOLVED, HE SAID.

ARRANGEMENTS HAD ALSO BEEN MADE TO MANAGE AND LET ACADEMY VENUES ON A COMMERCIAL BASIS, TO ENRICH FURTHER THE CULTURAL RESOURCES OF THE TERRITORY AND TO GENERATE SOME LIMITED REVENUE, HE ADDED.

+THE ACADEMY IS PRESENTLY FULLY SUBVENTED AND NOT CHEAP. I SEE NO REASON WHY HONG KONG SHOULD BE SATISFIED WITH SECOND BEST IN AN AREA OF CONSIDERABLE SCOPE FOR ITS FUTURE,+ MR SOHMEN SAID.

IN SEPTEMBER, THE ACADEMY'S FOUR SCHOOLS OF DANCE, MUSIC, DRAMA AND TECHNICAL ARTS COMMENCED OPERATION, ATTRACTING A BODY OF TEACHERS AND STUDENTS OF CALIBRE.

ON THE ACADEMY'S CONTRIBUTION TO SOCIETY, MR SOHMEN SAID IT HAD RECOGNISED FROM THE BEGINNING ITS RESPONSIBILITIES TO THE COMMUNITY AND THE NEED TO ESTABLISH CLOSE LINKS WITH THE PEOPLE OF HONG KONG.

AN EXPANDING PROGRAMME OF OUTREACH TO THE COMMUNITY WAS BEING PURSUED, AND REGULAR VISITS WERE ARRANGED FOR EDUCATIONAL AND COMMUNITY GROUPS.

THE ACADEMY WAS OFFERING CLASSES AND SEMINARS ON ARTS FOR THE PUBLIC AND FOR SPECIALIST GROUPS, AND HAD ACTED AS HOST FOR CONFERENCES ON THE ARTS IN HONG KONG AND AS A VENUE FOR LOCAL AND OVERSEAS PERFORMING ORGANISATIONS, HE SAID.

REFERRING TO ITS EDUCATIONAL PROGRAMME, MR SOHMEN SAID THAT SINCE SPECIALISED TRAINING FACILITIES IN THE PERFORMING ARTS WERE LIMITED IN SECONDARY EDUCATION, THE ACADEMY HAD ESTABLISHED PART-TIME JUNIOR COURSES FOR EXCEPTIONALLY GIFTED CHILDREN IN DANCE AND MUSIC.

+TWO ASPECTS CURRENTLY UNDER CONSIDERATION ARE THE ADMISSION OF A LIMITED NUMBER OF STUDENTS FROM ABROAD TO THE ACADEMY COURSES, AND THE ROLE OF THE FIRST-YEAR FOUNDATION COURSES,+ HE ADDED.

MR SOHMEN PRAISED THE GOVERNMENT, THE ROYAL HONG KONG JOCKEY CLUB AND SOME FAR-SIGHTED INDIVIDUALS FOR THEIR JOINT EFFORTS IN BRINGING ABOUT A BI-CULTURAL, MULTI-DISCIPLINARY INSTITUTION OF INTERNATIONAL STANDARDS.

THEIR CONCEPT OF SUCH AN INSTITUTION SERVING LOCAL PEOPLE WAS VISIONARY AND HAD FEW PRECEDENTS IN THE WORLD, HE SAID.

ADEQUATE PROTECTION FOR MENTALLY RETARDED RESIDENTS

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THERE ARE STANDING ARRANGEMENTS AND RULES TO PROTECT MENTALLY RETARDED RESIDENTS IN A REHABILITATION INSTITUTION FROM ABUSE, THE SECRETARY FOR EDUCATION AND MANPOWER, THE HON RON BRIDGE, SAID TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON PAULINE NG, MR BRIDGE SAID THESE INCLUDED THE SEPARATION OF ACCOMMODATION BY SEX, THE PROVISION OF PERSONAL CARE FOR MALE AND FEMALE RESIDENTS BY MALE AND FEMALE STAFF RESPECTIVELY.

THERE WERE CLOSE SUPERVISION OF ANY MALE WORKMAN REQUIRED TO ENTER A FEMALE DORMITORY TO CARRY OUT REPAIRS OR HEAVY WORK, STRICT PROHIBITION OF CORPORAL PUNISHMENT OF ANY RESIDENT, REGULAR AND FREQUENT INSPECTION OF INSTITUTIONS BY SUPERVISORY STAFF, AND GENERAL AWARENESS OF THE COMPLAINT PROCEDURES AMONG THE RESIDENTS AND STAFF CONCERNED, HE ADDED.

+TWO ALLEGATIONS OF SEXUAL ABUSE OF FEMALE INMATES BY TWO WARD ATTENDANTS OF A REHABILITATION CENTRE HAVE BEEN MADE IN RECENT WEEKS AND BOTH ALLEGATIONS ARE NOW BEING INVESTIGATED BY THE POLICE,+ HE SAID.

+APART FROM THESE THERE HAVE BEEN NO OTHER ALLEGATIONS OF RAPE OR ABUSE OF MENTALLY RETARDED FEMALE INMATES OF A REHABILITATION INSTITUTION DURING THE LAST THREE YEARS.+

ON THE PROCEDURES FOR HANDLING SUCH COMPLAINTS, MR BRIDGE SAID THAT WHEN A COMPLAINT OF ABUSE IN SUCH AN INSTITUTION WAS RECEIVED, THE SUPERINTENDENT IMMEDIATELY ENQUIRED INTO THE FACTS BY INTERVIEWING THE PARTIES CONCERNED.

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+AT THE SAME TIME, THE SUPERINTENDENT INFORMS THE PARENTS OR GUARDIANS OF THE ALLEGED VICTIM IF THEY ARE AVAILABLE.

+AFTER THIS PRELIMINARY INQUIRY, THE CASE IS THEN REPORTED TO THE POLICE FOR INVESTIGATION, AND CONCURRENTLY, TO SOCIAL WELFARE DEPARTMENT HEADQUARTERS.

+ANY MEMBER OF THE STAFF OF AN INSTITUTION INVOLVED IN A CASE OF ABUSE IS INTERDICTED DURING THE POLICE INVESTIGATION AND, WHERE NECESSARY, DURING JUDICIARY PROCEEDINGS.

+WHETHER OR NOT THE INCIDENT LEADS TO A CRIMINAL PROSECUTION, APPROPRIATE DISCIPLINARY ACTION IS TAKEN,+ MR BRIDGE SAID.

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INCREASE IN ISLAND LINE PATRONAGE EXPECTED
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THE MAXIMUM ONE DIRECTION LOADING IN THE PEAK HOUR ON THE ISLAND LINE WAS SOME 25 000 PASSENGERS AT PRESENT, WHICH WAS ONLY ABOUT ONE-THIRD OF THE COMPARABLE FIGURE ON THE TSUEN WAN LINE AND 44 PER CENT OF THAT ON THE KWUN TONG LINE, THE SECRETARY OF TRANSPORT, THE HON MICHAEL LEUNG, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON LIU LIT-FOR, MR LEUNG SAID IT WAS WORTH NOTING THAT OF THE NEARLY 1.6 MILLION PEOPLE CURRENTLY USING THE MTR SYSTEM DAILY, SOME 448 000 OR 28 PER CENT USED AN ISLAND LINE STATION (EXCLUDING CENTRAL AND ADMIRALTY) FOR AT LEAST ONE END OF THEIR JOURNEY.

HE SAID THAT IT WAS TRUE THAT CURRENTLY THE ISLAND LINE WAS LESS WELL UTILISED THAN EITHER THE KWUN TONG OR TSUEN WAN LINES.

+HOWEVER, IT MUST BE RECOGNISED THAT THE FULL ISLAND LINE HAS ONLY BEEN IN OPERATION FOR SOME NINE MONTHS AND THE GROWTH SINCE THE OPENING OF THE INITIAL SECTION BETWEEN ADMIRALTY AND WAN CHAI IN MAY 1985 HAS BEEN QUITE ENCOURAGING; THE CURRENT INTRA-ISLAND PATRONAGE BEING SOME 50 PER CENT HIGHER THAN THAT ATTRACTED LAST YEAR.+

THE ISLAND LINE STATIONS HAD BEEN DESIGNED FOR THE LONG TERM, MR LEUNG SAID, ADDING THAT THE CORPORATION WOULD BE CONTINUING ITS EFFORTS TO ATTRACT ADDITIONAL PATRONAGE TO THE ISLAND LINE THROUGH IMPROVEMENTS TO THE SERVICE AND THROUGH PROMOTIONS.

+THERE WILL ALSO BE A NATURAL INCREASE IN DEMAND ONCE THE MANY NEW DEVELOPMENTS NEAR ISLAND LINE STATIONS ARE COMPLETED,+ HE SAID.

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IMPORTANCE OF DB CONSULTATION STRESSED

THE GOVERNMENT PLACED GREAT IMPORTANCE ON CONSULTATION WITH DISTRICT BOARDS ON POLICY PROPOSALS, THE SECRETARY FOR DISTRICT ADMINISTRATION, THE HON DONALD LIAO, SAID TODAY (WEDNESDAY).

REPLYING TO A QUESTION FROM THE HON LEE YU-TAI IN THE LEGISLATIVE COUNCIL, MR LIAO SAID THE DECISION AS TO WHETHER DISTRICT BOARDS SHOULD BE CONSULTED ON A PARTICULAR POLICY ISSUE RESTED WITH THE POLICY SECRETARY CONCERNED.

+GENERALLY, SUCH A DECISION TAKES INTO ACCOUNT THE DEGREE OF PUBLIC CONCERN OVER THE MATTER, THE NEED FOR THE GOVERNMENT TO GIVE A FULL EXPLANATION OF THE PROPOSED POLICY AND THE AVAILABILITY OF OPTIONS ON WHICH DISTRICT BOARDS ARE TO BE CONSULTED,+ HE ADDED.

MR LIAO ALSO SAID THE GOVERNMENT WOULD SEE TO IT THAT POLICY PROPOSALS WERE CAREFULLY SELECTED FOR CONSULTATION WITH DISTRICT BOARDS.

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CAMPAIGN TO PROMOTE BN(O) PASSPORT WELL UNDERWAY

AS A REMINDER TO FOREIGN AND COMMONWEALTH GOVERNMENTS AND AS PART OF THE BRITISH GOVERNMENT'S ONGOING CAMPAIGN TO OBTAIN INTERNATIONAL RECOGNITION FOR THE NEW BRITISH NATIONAL (OVERSEAS) PASSPORT, SPECIMENS OF THE PASSPORT SHOWING THE NATIONAL STATUS AND OTHER ENDORSEMENTS WOULD BE HANDED OVER TO THOSE GOVERNMENTS AND TO THEIR REPRESENTATIVES IN HONG KONG BEFORE THE ISSUE DATE OF JULY 1, 1987, THE SECRETARY FOR SECURITY, THE HON DAVID JEAFFRESON, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON HELMUT SOHMEN, MR JEAFFRESON SAID: +I'VE SPOKEN PERSONALLY TO CONSUL-GENERALS AND COMMISSIONERS OF 25 COUNTRIES TO WHICH HONG KONG PEOPLE TEND TO TRAVEL MOST. I'VE STRESSED THE IMPORTANCE OF THEIR GETTING IN TOUCH WITH US IMMEDIATELY IF THEY FORESAW ANY DIFFICULTIES.+

NINE COUNTRIES HAD SO FAR PUBLICLY INDICATED THAT THEY WOULD RECOGNISE THE NEW PASSPORT. THESE WERE THE UNITED STATES, CANADA, AUSTRALIA, NEW ZEALAND, SWITZERLAND, SPAIN, HUNGARY, ISRAEL AND TONGA.

/+AND I

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+AND I WOULD LIKE TO TAKE THIS OPPORTUNITY TO STATE OUR APPRECIATION AND THANKS TO THESE GOVERNMENTS FOR REACTING SO PROMPTLY,+ MR JEAFFRESON SAID.

HE SAID THE BRITISH GOVERNMENT HAD MOUNTED AN EXTENSIVE DIPLOMATIC EXERCISE SINCE LAST SEPTEMBER TO EXPLAIN THE NEW BN(O) STATUS AND THE PASSPORT THAT WENT WITH IT.

+IT HAS ADOPTED A THREE-PRONGED APPROACH. FIRST, FORMAL APPROACHES HAVE BEEN MADE BY HER MAJESTY'S GOVERNMENT TO MISSIONS OF FOREIGN AND COMMONWEALTH COUNTRIES IN LONDON. THIS EXERCISE HAS BEEN COMPLEMENTED SECONDLY BY PARALLEL ACTION BY BRITISH MISSIONS IN THE CAPITALS OF THESE COUNTRIES.+

+AT THE SAME TIME, THIRDLY, THE HONG KONG GOVERNMENT HAS APPROACHED ALL CONSULAR REPRESENTATIVES IN HONG KONG.+

INITIAL REACTIONS OF OTHER GOVERNMENTS HAD BEEN FAVOURABLE, MR JEAFFRESON SAID, ADDING THAT NONE HAD STATED THAT IT WOULD NOT RECOGNISE THE NEW STATUS AND PASSPORT.

+WE ARE CONFIDENT THAT THE NEW BN(O) STATUS AND THE PASSPORT THAT GOES WITH IT WILL HAVE RECEIVED WIDESPREAD INTERNATIONAL ACCEPTANCE BY JULY 1 THIS YEAR,+ HE SAID.

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EXPENDITURE ON VILLAGE, NEW TOWN IMPROVEMENT OUTLINED *****

TOTAL EXPENDITURE ON NEW WORKS IN THE NEW TOWNS AND RURAL TOWNSHIPS FOR 1986-87 WAS EXPECTED TO BE ABOUT \$2 700 MILLION, THE SECRETARY FOR LANDS AND WORKS, THE HON GRAHAM BARNES, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

THE EXPENDITURE INCLUDED LAND FORMATION, ROADS AND THE GOVERNMENT-FUNDED UTILITIES, AMENITIES AND FACILITIES NOT INCLUDED IN THE PUBLIC HOUSING ESTATES.

THIS EXPENDITURE AMOUNTED TO \$3 030 MILLION IN 1983-84; \$2 802 MILLION IN 1984-85; AND \$2 555 MILLION IN 1985-86.

MR BARNES WAS REPLYING TO THE HON TAI CHIN-WAH'S QUESTION ON POPULATION AND LEVEL OF PUBLIC EXPENDITURE ON VILLAGE AND NEW TOWN IMPROVEMENT IN THE NEW TERRITORIES.

/THE POPULATION

THE POPULATION LIVING IN THE COUNTRY AND VILLAGES OUTSIDE THE NEW TOWNS IN THE NEW TERRITORIES AMOUNTED TO ABOUT 290 000. THE POPULATION LIVING INSIDE THE NEW TOWNS AREAS AND RURAL TOWNSHIPS WHICH INCLUDED SOME 119 000 PERSONS LIVING IN VILLAGE HOUSES AND OTHER STRUCTURES, WAS NOW ABOUT 1.6 MILLION, HE SAID.

HE ADDED THAT VILLAGE IMPROVEMENT OUTSIDE NEW TOWNS AND RURAL TOWNSHIPS WAS MAINLY CARRIED OUT UNDER THE LOCAL PUBLIC WORKS VOTE CONTROLLED BY THE DISTRICT OFFICES.

THE ANNUAL EXPENDITURE ON LOCAL PUBLIC WORKS FOR THE PAST THREE YEARS AMOUNTED TO \$12.3 MILLION IN 1983-84= \$12.7 MILLION IN 1984-85 AND \$13.5 MILLION IN 1985-86. EXPENDITURE FOR 1986-87 WOULD BE ABOUT \$14.25 MILLION.

+FROM 1987-88 IMPROVEMENT WORKS OUTSIDE NEW TOWNS AND RURAL TOWNSHIPS WILL BE FUNDED BY MEANS OF A NEW PWP ITEM WHICH HAS \$13 MILLION FOR NEW LOCAL PUBLIC WORKS PROJECTS AND \$12 MILLION FOR URBAN FRINGE IMPROVEMENTS SUCH AS ACCESS ROADS IN AREAS ON THE FRINGES OF THE NEW TOWN, IN EACH OF THE NEXT FIVE YEARS,+ HE SAID.

+IN ADDITION, THERE WILL BE A NEW PROVISION OF \$7.5 MILLION FOR MAINTENANCE OF LOCAL PUBLIC WORKS.

+THE REGIONAL COUNCIL ALSO SPENDS ABOUT \$3 MILLION PER ANNUM ON RURAL SANITATION SCHEMES, AND A FAIRLY SMALL PART OF THE DISTRICT BOARD FUNDS IS ALSO SPENT ON THESE AREAS,+ HE SAID.

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PAMPHLETS BEING PRODUCED ON GUIDELINES TO PREVENT AIDS

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NEW PUBLICITY MATERIAL BEING PREPARED WILL INCLUDE GUIDELINES ON HOW TO PREVENT INFECTIONS BY THE AIDS VIRUS AND OTHER MICRO-ORGANISMS WHEN CARRYING OUT ACUPUNCTURE, TATTOOING, EAR-PIERCING, SHAVING, MANICURE AND OTHER SIMILAR PROCEDURES, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, SAID TODAY (WEDNESDAY).

REPLYING TO A QUESTION IN THE LEGISLATIVE COUNCIL BY THE HON HILTON CHEONG-LEEN, MR CHAMBERS SAID THAT ADVICE ON THE RISK OF TRANSMISSION OF HEPATITIS B THROUGH THE USE OF UNSTERILISED CONTAMINATED NEEDLES WAS INCLUDED IN PUBLICITY MATERIAL USED DURING A CAMPAIGN ON THE PREVENTION OF COMMUNICABLE DISEASES IN 1983.

HOWEVER, THE PAMPHLETS PRODUCED DID NOT SPECIFICALLY REFER TO THE USE OF NEEDLES BY ACUPUNCTURISTS AND TATTOOISTS.

MR CHAMBERS SAID IT WAS INTENDED TO DISTRIBUTE THE NEW PAMPHLETS AS WIDELY AS POSSIBLE, IN ADDITION TO PUBLICITY THROUGH OTHER MEDIA SUCH AS POSTERS AND TELEVISION.

SUB-COMMITTEE SET UP TO REVIEW TAXI POLICY
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THE TRANSPORT ADVISORY COMMITTEE HAS SET UP A SUB-COMMITTEE UNDER THE CHAIRMANSHIP OF MR JACKIE CHAN TO CARRY OUT AN OVERALL REVIEW OF THE TAXI POLICY, INCLUDING THE QUESTION OF SPECULATION OF TAXI LICENCES, THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, SAID TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY PROF THE HON POON CHUNG-KWONG, MR LEUNG SAID A RECENT SURVEY UNDERTAKEN ON BEHALF OF THE SUB-COMMITTEE HAD FOUND TENDER PRICE FOR LICENCES TO BE FOLLOWING THE MARKET PRICE.

+THE VALUE OF A TAXI LICENCE HAS FLUCTUATED IN THE PAST FEW YEARS: IT FELL FROM \$237 000 IN 1978 TO \$161 000 IN 1984 AND HAS RISEN RAPIDLY TO \$450 000 AT THE TIME OF THE LAST TENDER EXERCISE IN JANUARY THIS YEAR.

+IN REAL TERMS, HOWEVER, ALLOWING FOR INFLATION, THE AVERAGE PREMIUM OF A TAXI LICENCE HAS ACTUALLY GONE DOWN BY AS MUCH AS 23 PER CENT OVER THE LAST 10 YEARS.+

MR LEUNG SAID IT WAS FOUND IN THE SURVEY THAT FACTORS CONTRIBUTING TO THE RISE IN THE VALUE OF A LICENCE INCLUDED THE PROFITABILITY OF TAXI OPERATION, WHICH HAD A DIRECT BEARING ON THE DEMAND FOR TAXI LICENCES; GROWTH IN THE ECONOMY AND REAL INCOME WHICH RESULTED IN AN INCREASE IN THE DEMAND FOR TAXI LICENCES; AND THE SUPPLY OF NEW LICENCES.

ALTHOUGH THE SURVEY RESULTS DID NOT PROVIDE ANY DIRECT EVIDENCE THAT SPECULATION WAS A MAJOR FACTOR, THIS ELEMENT COULD NOT BE RULED OUT ENTIRELY WHEN FREE TRADING TOOK PLACE AND THE SUPPLY OF NEW LICENCES WAS LIMITED, HE ADDED.

+THE TAC SUB-COMMITTEE IS EXAMINING ALL FEASIBLE IMPROVEMENTS TO THE CURRENT METHOD OF ISSUING TAXI LICENCES. APPROPRIATE RECOMMENDATIONS WILL BE MADE TO STRENGTHEN AND IMPROVE THE CURRENT SYSTEM NOW IN OPERATION,+ HE SAID.

HOWEVER, HE POINTED OUT THAT THE PRIMARY CONCERN WAS THE GENERAL QUALITY OF TAXI SERVICE TO THE PUBLIC AND THE EFFICIENCY OF THE OVERALL TRANSPORT SYSTEM IN SERVING THE COMMUNITY.

+IT IS IMPORTANT TO NOTE THAT BOTH THE QUALITY AND COST OF TAXI SERVICE IN HONG KONG ARE GENERALLY SATISFACTORY. EVEN SUPPOSING THERE IS SPECULATION IT IS NOT HAVING AN OBVIOUS EFFECT ON THE SERVICE OFFERED TO THE PUBLIC,+ HE ADDED.

MOST RECOMMENDATIONS IN EX-MENTAL PATIENT REPORT ACCEPTED
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NINETEEN OF THE 32 RECOMMENDATIONS CONTAINED IN THE REPORT OF THE WORKING GROUP ON EX-MENTAL PATIENTS WITH A HISTORY OF CRIMINAL VIOLENCE HAVE BEEN ACCEPTED AND HAVE BEEN FULLY IMPLEMENTED OR ARE IN THE PROCESS OF BEING IMPLEMENTED, THE SECRETARY FOR HEALTH AND WELFARE, THE HON JOHN CHAMBERS, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

REPLYING TO A QUESTION BY THE HON HUI YIN-FAT, HE SAID THAT THE MORE IMPORTANT OF THESE INCLUDED THE ESTABLISHMENT OF A CENTRAL REGISTRY, THE USE OF MULTI-DISCIPLINARY CASE CONFERENCES, INCREASED OUTREACH SERVICES, THE STEPPING-UP OF PUBLICITY MEASURES, THE ESTABLISHMENT OF COMMUNITY WORK AND AFTERCARE UNITS AND THE PROVISION OF ADDITIONAL HALF-WAY HOUSE PLACES.

+IN ADDITION, 11 RECOMMENDATIONS REQUIRING CHANGES IN THE LAW HAVE BEEN INCORPORATED IN A BILL TO AMEND THE MENTAL HEALTH ORDINANCE (CAP. 136).

+I EXPECT THAT THIS BILL WILL BE INTRODUCED INTO THIS COUNCIL WITHIN THE CURRENT SESSION, SUBJECT TO THE AGREEMENT OF THE GOVERNOR-IN-COUNCIL,+ HE SAID.

MR CHAMBERS SAID THAT ONLY TWO OF THE RECOMMENDATIONS HAD NOT BEEN ACCEPTED.

THE FIRST OF THESE WAS THE ESTABLISHMENT OF A PSYCHIATRIC EMERGENCY SQUAD, TO PROVIDE ON-THE-SPOT HELP FOR MENTAL PATIENTS AND THEIR FAMILIES IN EMERGENCY SITUATIONS, SHOULD BE EXAMINED.

+THE CONCLUSION WAS THAT THIS WOULD NOT BE A VERY APPROPRIATE WAY OF DEALING WITH SUCH SITUATIONS, PARTICULARLY WHEN THE PATIENT WAS VIOLENT; NOR WOULD IT BE POSSIBLE TO PROVIDE TERRITORY-WIDE COVERAGE WITH THE LIMITED STAFF RESOURCES AVAILABLE.+

THE SECOND RECOMMENDATION THAT WAS NOT ACCEPTED WAS THAT A FULL-TIME PSYCHIATRIST SHOULD BE PROVIDED FOR THE SIU LAM PSYCHIATRIC CENTRE.

+IN THIS CASE IT WAS CONSIDERED THAT THE EXISTING ARRANGEMENT OF TWO VISITING PSYCHIATRISTS WOULD BE MORE APPROPRIATE, PARTICULARLY WHEN THE PROPOSED CONSULTANT POST WITH OVERALL RESPONSIBILITY FOR FORENSIC PSYCHIATRY HAS BEEN ESTABLISHED,+ HE SAID.

APPROVAL NEEDED FOR WORK AFTER RETIREMENT

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THE PENSIONS ORDINANCE REQUIRED RETIRED CIVIL SERVANTS TO SEEK PRIOR APPROVAL BEFORE TAKING UP POST-RETIREMENT EMPLOYMENT OR WHEN ENTERING INTO BUSINESS, IF THE PRINCIPAL PART OF SUCH EMPLOYMENT OR BUSINESS WAS IN HONG KONG, THE CHIEF SECRETARY, THE HON DAVID FORD, TOLD THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

+OTHERWISE PENSION BENEFITS PAYABLE TO THEM MAY CEASE,+ HE SAID.

IN A WRITTEN REPLY TO A QUESTION BY DR THE HON CONRAD LAM, MR FORD SAID THAT FOR OFFICERS AT SECRETARY OR HEAD OF DEPARTMENT LEVEL A FURTHER CAVEAT WAS THAT THEY WERE NOT PERMITTED TO TAKE UP EMPLOYMENT UNTIL AT LEAST THREE MONTHS FROM THEIR LAST DAY OF ACTIVE SERVICE.

+ALTHOUGH THE GOVERNOR HAS DISCRETION TO WAIVE THIS 'SANITATION' PERIOD, HE HAS THE AUTHORITY TO WITHHOLD PERMISSION FOR UP TO TWO YEARS IN EXCEPTIONAL CIRCUMSTANCES, FOR EXAMPLE, IF A CONFLICT OF INTEREST MAY ARISE,+ HE ADDED.

UNDER EXISTING ARRANGEMENTS, PERMISSION WAS GRANTED FREELY IF THE FOLLOWING THREE CRITERIA WERE SATISFIED:

- (A) THE OFFICER WILL NOT HAVE UNFAIR ADVANTAGE OVER COMPETITORS ;
- (B) THE OFFICER WILL NOT BE IN A POSITION TO USE OFFICIAL INFORMATION IMPROPERLY; AND
- (C) THE OFFICER WILL NOT BE IN A POSITION TO EXERT INFLUENCE OVER HIS FORMER DEPARTMENT.

MR FORD SAID THAT APART FROM PROVISIONS OF THE PENSIONS ORDINANCE ALL OFFICERS WERE BOUND BY THE OFFICIAL SECRETS ACT AND WERE THUS DEBARRED FROM MAKING USE OF OR RELEASING ANY INFORMATION WHICH MIGHT BE SENSITIVE.

AS REGARDS OFFICERS WHO HAD RESIGNED FROM THE SERVICE WITHOUT A PENSION THEY WERE FREE TO TAKE UP EMPLOYMENT IN THE PRIVATE SECTOR WITHOUT SEEKING PERMISSION BUT THEY TOO WERE BOUND BY THE OFFICIAL SECRETS ACT, HE ADDED.

PLANS TO REDUCE TRAFFIC SIGNS IN MORE AREAS
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THE TRANSPORT DEPARTMENT IS CONSIDERING REDUCING THE NUMBER OF TRAFFIC SIGNS IN MORE AREAS AS AND WHEN RESOURCES PERMIT, THE SECRETARY FOR TRANSPORT, THE HON MICHAEL LEUNG, SAID IN THE LEGISLATIVE COUNCIL TODAY (WEDNESDAY).

IN A WRITTEN REPLY TO A QUESTION BY THE HON HILTON CHEONG-LEEN, MR LEUNG SAID TRAFFIC SIGNS HAD AN ESSENTIAL FUNCTION TO PERFORM, AND IT WAS INEVITABLE THAT IN A DENSELY POPULATED PLACE WITH HEAVY VEHICULAR AND PEDESTRIAN TRAFFIC THERE WERE GOING TO BE A LOT OF THEM.

AT THE SAME TIME IT WAS RECOGNISED A YEAR OR TWO AGO THAT IN SOME LOCATIONS THERE WERE SO MANY SIGNS THAT ROAD USERS COULD BE CONFUSED AS A RESULT.

+FOLLOWING THE IMPLEMENTATION OF THE ROAD TRAFFIC ORDINANCE IN 1984, WHICH ALLOWED THE TRANSPORT DEPARTMENT TO SIMPLIFY SIGNING ARRANGEMENTS, TWO TRIAL AREAS, EAST TSIM SHA TSUI AND CAUSEWAY BAY, WERE CHOSEN TO SEE WHAT COULD BE DONE TO REDUCE THE NUMBER OF SIGNS, + HE SAID.

ABOUT 350 SIGN PLATES IN EAST TSIM SHA TSUI HAD BEEN REDUCED TO 130, AND IN CAUSEWAY BAY 674 SIGN PLATES HAD BEEN REDUCED TO 281.

+IN NEITHER AREA HAVE THERE BEEN ANY COMPLAINTS FROM THE PUBLIC THAT THE REDUCED NUMBER OF SIGNS IS INADEQUATE. NOR HAVE THE POLICE EXPERIENCED ANY ENFORCEMENT PROBLEMS.

+IN VIEW OF THIS, THE TRANSPORT DEPARTMENT IS CONSIDERING OTHER AREAS FOR THE SAME TREATMENT AND WILL BE CARRYING OUT FURTHER, SIMILAR EXERCISES AS AND WHEN RESOURCES PERMIT, + MR LEUNG SAID.

HOWEVER, HE POINTED OUT THAT THE RESOURCES WHICH COULD BE ALLOCATED TO THIS TASK WERE LIMITED AND IT WAS LIKELY TO BE SOME YEARS BEFORE THE WHOLE TERRITORY COULD BE COVERED.

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FIVE BILLS PASSED
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THE SIR EDWARD YOUDE MEMORIAL FUND BILL 1987, THE PUBLIC ORDER (AMENDMENT) BILL 1986, THE CONTROL OF PUBLICATIONS CONSOLIDATION (AMENDMENT) BILL 1986, THE ADOPTION (AMENDMENT) BILL 1987 AND THE HONG KONG EXAMINATIONS AUTHORITY (AMENDMENT) BILL 1987 WERE PASSED IN THE LEGISLATIVE COUNCIL YESTERDAY (WEDNESDAY).

THE PARTITION (AMENDMENT) BILL 1987 WAS READ A SECOND TIME AND DEBATE ON IT WAS ADJOURNED.

THE MEETING WAS ADJOURNED TO MARCH 18.

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JOINT DECLARATION +WELL ON COURSE+ - THOMAS
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THE POLITICAL WORK OF IMPLEMENTING THE SINO-BRITISH JOINT DECLARATION ON HONG KONG'S FUTURE IS WELL ON COURSE, THE ATTORNEY-GENERAL, MR MICHAEL THOMAS, SAID IN NEW YORK YESTERDAY (TUESDAY).

SPEAKING BEFORE THE NATIONAL COMMITTEE ON U.S.-CHINA RELATIONS, MR THOMAS PAID TRIBUTE TO THE WORK OF BOTH THE JOINT LIAISON GROUP AND THE LAND COMMISSION.

+THE JLG HAS BECOME ACCEPTED AS A USEFUL FORUM FOR THE DISCUSSION OF POLICIES AND IMPLICATIONS FOR THE FUTURE BEYOND 1997. NEXT YEAR IT WILL BECOME PERMANENTLY QUARTERED IN HONG KONG. ITS ACHIEVEMENTS HAVE BEEN SOLID,+ HE SAID.

MR THOMAS SAID THAT THE BULK OF THE LAND COMMISSION'S POLICY WORK HAS BEEN COMPLETED. +IT TOO HAS MADE EXCELLENT PROGRESS IN ENSURING THAT LAND WILL CONTINUE TO BE MADE AVAILABLE TO MEET HONG KONG'S FUTURE DEVELOPMENT NEEDS,+ HE SAID.

+I BELIEVE THESE YEARS ARE GOING VERY WELL. THERE IS ENORMOUS OPTIMISM AND HONG KONG HAS A NEW LEASE OF LIFE,+ MR THOMAS SAID.

HE ALSO POINTED OUT THE IMPROVED FORTUNES OF THE PRIVATE SECTOR SINCE THE SIGNING OF THE JOINT DECLARATION. +INVESTORS' CONFIDENCE IN THE FUTURE OF HONG KONG HAS STEADILY REVIVED AND THIS REVIVAL IS NOW REFLECTED IN THE BOOMING MARKETS AND IN THE LEVEL OF FINANCIAL ACTIVITIES.+

FOR ITS PART, MR THOMAS SAID, THE HONG KONG GOVERNMENT HAS DEMONSTRATED ITS CONFIDENCE IN THE FUTURE BY MAINTAINING ITS AMBITIOUS DEVELOPMENT PROGRAMMES. THESE INCLUDED THE BUILDING OF PUBLIC HOUSING AND DEVELOPMENT OF NEW TOWNS, MAJOR IMPROVEMENTS TO THE TRANSPORT INFRASTRUCTURE, AND THE BUILDING OF THE THIRD UNIVERSITY.

LOOKING TO THE FUTURE, MR THOMAS SAID THERE OBVIOUSLY WILL BE CHANGES, WITH A GREAT DEAL OF WORK REMAINING TO BE DONE TO GIVE EFFECT TO THE JOINT DECLARATION.

+THE BRITISH AND THE CHINESE GOVERNMENTS ARE COMMITTED TO IMPLEMENTING THE AGREEMENT AND MAINTAINING THE ECONOMIC PROSPERITY OF HONG KONG. IT IS INDEED VERY MUCH IN THEIR INTEREST TO DO SO,+ HE SAID.

FOR ITS PART, THE HONG KONG GOVERNMENT WAS ALSO DETERMINED TO MAINTAIN THOSE POLICIES WHICH HAVE IN THE PAST BEEN SO SUCCESSFUL IN ENSURING ECONOMIC GROWTH AND IN GIVING THE PEOPLE OF HONG KONG ONE OF THE HIGHEST LIVING STANDARD IN ASIA, MR THOMAS SAID.

/+WE WILL

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+WE WILL CONTINUE TO DEVELOP THE INFRASTRUCTURE, HOUSING AND SOCIAL IMPROVEMENTS AND A WELL-REGULATED BUSINESS ENVIRONMENT SO AS TO RETAIN THE CONFIDENCE OF THE INTERNATIONAL COMMUNITY AND OF OUR OWN PEOPLE AND TO ENSURE THE CONTINUED PROSPERITY AND STABILITY OF HONG KONG,+ HE SAID.

+HONG KONG THUS OFFERS MANY OPPORTUNITIES FOR FOREIGN INVESTORS. GIVEN THE DETERMINATION AND COMMITMENT OF THE BRITISH AND CHINESE GOVERNMENTS TO IMPLEMENTING THE JOINT DECLARATION IN BOTH LETTER AND SPIRIT, I AM CONFIDENT THAT HONG KONG WILL CONTINUE ITS PRESENT IMPORTANT ROLE IN THE WORLD ECONOMIC SCENE,+ MR THOMAS CONCLUDED.

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SIXTH JLG MEETING IN HONG KONG
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THE FOREIGN AND COMMONWEALTH OFFICE ANNOUNCED THIS (WEDNESDAY) MORNING THAT THE SIXTH MEETING OF THE SINO-BRITISH JOINT LIAISON GROUP ON HONG KONG WILL TAKE PLACE IN HONG KONG FROM MARCH 17 TO 20. THE BRITISH TEAM WILL BE LED BY THE NEW SENIOR REPRESENTATIVE, MR ROBIN MCLAREN.

THE OTHER MEMBERS OF THE BRITISH TEAM WILL BE MR ERIC HO (SECRETARY FOR TRADE AND INDUSTRY, HONG KONG), MR DICK CLIFT (POLITICAL ADVISER, HONG KONG), MR PETER THOMSON (COUNSELLOR, BRITISH EMBASSY, PEKING) AND MR CHRISTOPHER HUM (HEAD OF HONG KONG DEPARTMENT, FCO).

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NOTE TO EDITORS:

A PHOTOGRAPHIC FACILITY HAS BEEN ARRANGED FOR THE MEDIA TO COVER THE ARRIVAL OF MR MCLAREN ON FLIGHT BR382 TOMORROW (THURSDAY) AT 5.55 PM (ETA).

MEDIA REPRESENTATIVES SHOULD ASSEMBLE AT THE PRESS ROOM ON THE GROUND FLOOR OF THE AIRPORT BUILDING AT 5 PM. GIS OFFICERS WILL BE ON HAND TO ASSIST.

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OVERSEAS ATTACHMENTS FOR CIVIL SERVANTS

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TWO SENIOR CIVIL SERVANTS ARE SOON TO BE SECONDED TO THE UNITED KINGDOM TO BROADEN THEIR EXPERIENCE AS ADMINISTRATIVE OFFICERS.

PRINCIPAL ASSISTANT SECRETARY, TRANSPORT BRANCH, MR RICKY FUNG, WILL BE SECONDED TO THE MANAGEMENT AND EFFICIENCY DIVISION IN THE MANAGEMENT AND PERSONNEL OFFICE OF THE CABINET OFFICE IN APRIL WHILE PRINCIPAL ASSISTANT SECRETARY IN THE ADMINISTRATIVE SERVICES AND INFORMATION BRANCH, MISS JACQUELINE WILLIS, WILL BE SECONDED TO THE DEPARTMENT OF HEALTH AND SOCIAL SECURITY IN MAY.

BOTH SECONDMENTS WILL BE FOR ONE YEAR.

ANNOUNCING THIS EXTENSION OF OVERSEAS TRAINING, THE SECRETARY FOR THE CIVIL SERVICE, MR HARNAM GREWAL, SAID THE OBJECT WAS TO PROVIDE OPPORTUNITIES FOR OFFICERS TO GAIN WIDER EXPERIENCE IN A DIFFERENT ENVIRONMENT.

ALREADY AN ADMINISTRATIVE OFFICER HOLDS A POST IN THE HONG KONG DEPARTMENT OF THE FOREIGN AND COMMONWEALTH OFFICE IN LONDON WHILE OTHERS GAIN OVERSEAS EXPERIENCE IN HONG KONG OFFICES IN LONDON, GENEVA, BRUSSELS, WASHINGTON, NEW YORK AND SAN FRANCISCO. THERE ARE ALSO PLANS TO ATTACH OFFICERS TO THE PRIVATE SECTOR IN HONG KONG.

HE ADDED THAT THE ATTACHMENTS WOULD BROADEN THE EXPERIENCE OF OFFICERS THROUGH PRACTICAL WORK WITH OTHER GOVERNMENTS AND ORGANISATIONS.

AT THE CABINET OFFICE, MR FUNG WILL ASSIST IN A STUDY TO LOOK AT THE SERVICE PROVIDED BY THE CIVIL SERVICE TO MEMBERS OF THE PUBLIC. THIS WILL INVOLVE VISITING A WIDE RANGE OF GOVERNMENT DEPARTMENTS AS WELL AS DEVELOPING CONTACTS WITH PRIVATE ORGANISATIONS AND FAMILIARISATION WITH PRACTICE IN THE CIVIL SERVICES IN OTHER COUNTRIES. HE MAY ALSO ATTEND APPROPRIATE COURSES AT THE CIVIL SERVICE COLLEGE.

MISS WILLIS, WHO HAS CONSIDERABLE EXPERIENCE IN THE SOCIAL SERVICES FIELD, WILL BE SECONDED TO THE SUPPLEMENTARY BENEFIT DIVISION OF THE DEPARTMENT OF HEALTH AND SOCIAL SECURITY WHICH IS RESPONSIBLE FOR SUPPLEMENTARY BENEFITS PAYABLE TO PEOPLE WHO HAVE NO OTHER MEANS OF SUPPORT. HER DUTIES ARE LIKELY TO INCLUDE DEALING WITH HOUSING BENEFITS INVOLVING ASSISTANCE WITH RENTS AND RATES.

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BUILDING REGULATIONS AMENDMENTS APPROVED

A NUMBER OF AMENDMENTS TO THE BUILDING (ADMINISTRATION) REGULATIONS HAVE BEEN APPROVED BY THE EXECUTIVE COUNCIL.

THE AMENDMENTS WERE MADE TO UPDATE AND REVISE THE PROVISIONS CONCERNING EXPERIENCE, QUALIFICATIONS AND ADMISSION PROCEDURES FOR INCLUSION IN THE AUTHORISED PERSONS' AND STRUCTURAL ENGINEERS' REGISTER.

THEY HAVE BEEN ENDORSED BY THE LAND AND BUILDINGS ADVISORY COMMITTEE WHICH INCLUDES REPRESENTATIVES OF THE CONSTRUCTION INDUSTRY.

AUTHORISED PERSONS AND REGISTERED STRUCTURAL ENGINEERS WILL BE NOTIFIED ABOUT THE AMENDMENTS THROUGH PRACTICE NOTES ISSUED BY THE BUILDINGS ORDINANCE OFFICE OF THE BUILDINGS AND LANDS DEPARTMENT.

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DTC REGISTRATION REVOKED

THE COMMISSIONER OF BANKING ANNOUNCED THAT THE REGISTRATION OF K.N.K. INVESTMENT INTERNATIONAL COMPANY LIMITED AS A DEPOSIT-TAKING COMPANY HAS BEEN REVOKED TODAY AT ITS OWN REQUEST UNDER SECTION 31(2) OF THE BANKING ORDINANCE 1986.

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DA INFORMATION KIT AVAILABLE TO SCHOOLS

A SET OF COMPREHENSIVE INFORMATION ON DISTRICT ADMINISTRATION HAS BEEN PRODUCED BY THE CITY AND NEW TERRITORIES ADMINISTRATION FOR DISTRIBUTION TO SECONDARY SCHOOLS AND FOR LOAN TO THE PUBLIC.

AT A BRIEF CEREMONY THIS (WEDNESDAY) MORNING, CHAIRMAN OF THE COMMITTEE ON THE PROMOTION OF CIVIC EDUCATION, MRS RITA FAN, AND A PRINCIPAL ASSISTANT SECRETARY OF CNTA, MR PETER TAM, JOINTLY PRESENTED ABOUT 700 SETS OF THE INFORMATION KIT TO THE DIRECTOR OF EDUCATION, MR Y.T. LI.

+THE PRODUCTION OF THE INFORMATION KIT IS PART OF GOVERNMENT'S EFFORT TO PROMOTE CIVIC EDUCATION AND TO TIE IN WITH PEOPLE'S CONCERN ON THE POLITICAL DEVELOPMENT IN HONG KONG,+ MRS FAN SAID.

+ITS AIM IS TO PROVIDE SOME BACKGROUND INFORMATION ON DISTRICT ADMINISTRATION AND THE EXISTING POLITICAL AND ADMINISTRATIVE SYSTEM IN HONG KONG.+

THE INFORMATION KIT WOULD SERVE AS USEFUL AUDIO-VISUAL AIDS OR REFERENCE MATERIALS IN THE ORGANISATION OF RELATED CIVIC EDUCATION ACTIVITIES, SHE ADDED.

THE CONTENT OF THE INFORMATION KIT COVERED A WIDE RANGE OF TOPICS WHICH INCLUDED THE SETTING UP OF DISTRICT BOARDS IN 1982; DISTRICT BOARD ELECTIONS IN 1985; THE FIRST ELECTION OF THE LEGISLATIVE COUNCIL IN 1985; AND THE URBAN AND REGIONAL COUNCILS ELECTIONS IN 1986, MR TAM SAID.

APART FROM A BOOKLET ON DISTRICT ADMINISTRATION AND FIVE FACT SHEETS, THE KIT ALSO CONTAINS A VIDEO TAPE WITH FOUR DOCUMENTARY FILMS ON THE VARIOUS ELECTIONS AND A SET OF 20-MINUTE SLIDE-CUM-TAPE ON THE WORK OF DISTRICT BOARDS AND DISTRICT MANAGEMENT COMMITTEES.

THE KIT IS MAINLY IN CHINESE, BUT PART OF THE MATERIALS ARE ALSO AVAILABLE IN ENGLISH. ALL THE MATERIALS CAN BE USED SEPARATELY OR AS A PACKAGE TO SUPPLEMENT EACH OTHER.

A TOTAL OF 800 SETS OF INFORMATION KIT HAD BEEN PRODUCED AND THE MAJORITY WOULD BE GIVEN TO SECONDARY SCHOOLS. OTHER COPIES WOULD BE AVAILABLE FOR LOAN TO COMMUNITY ORGANISATIONS OR INDIVIDUALS AT DISTRICT OFFICES AND COMMUNITY CENTRES, MR TAM ADDED.

FOR ENQUIRIES ON THE DISTRICT ADMINISTRATION INFORMATION KIT, THE PUBLIC ARE WELCOME TO CONTACT THE GENERAL DIVISION OF THE CITY AND NEW TERRITORIES ADMINISTRATION AT 3-665492.

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ILLEGAL STRUCTURES CLEARED IN TO KWA WAN
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AN OPERATION TO CLEAR 32 ILLEGAL STRUCTURES AND EIGHT CANOPIES IN TO KWA WAN BEGAN TODAY (WEDNESDAY) AS PART OF THE DISTRICT'S ON-GOING ENVIRONMENTAL IMPROVEMENT PROGRAMME.

THE ILLEGAL STRUCTURES AND CANOPIES IN SIX REAR LANES ARE BOUNDED BY THE ARGYLE STREET PLAYGROUND, SHING TAK STREET, MA TAU KOK ROAD AND MA TAU CHUNG ROAD.

SEVENTEEN OF THE CLEARED STRUCTURES WERE FOR COMMERCIAL AND STORAGE USES AND THE OTHERS FOR DOMESTIC UNITS. THIRTEEN FAMILIES COMPRISING 25 PEOPLE WERE AFFECTED AND THOSE ELIGIBLE FOR REHOUSING HAD BEEN OFFERED ACCOMMODATION.

THE CLEARANCE OPERATION, EXPECTED TO BE COMPLETED BY TOMORROW, IS CO-ORDINATED BY THE KOWLOON CITY DISTRICT OFFICE AND JOINTLY CARRIED OUT BY THE HOUSING DEPARTMENT, BUILDINGS AND LANDS DEPARTMENT, URBAN SERVICES DEPARTMENT AND THE POLICE.

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BRIEFING ON CLEARANCE ARRANGEMENTS
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THE WONG TAI SIN DISTRICT OFFICE WILL HOLD A MEETING TOMORROW (THURSDAY) WITH REPRESENTATIVES OF UNAUTHORISED HAWKER STALLS PLYING THEIR TRADE IN FRONT OF THE WONG TAI SIN TEMPLE.

ASSISTANT WONG TAI SIN DISTRICT OFFICER, MR NG HON-WAH, WILL ANNOUNCE DETAILS OF ARRANGEMENTS THAT WOULD ALLOW THEM TO CONTINUE BUSINESS AFTER THEIR STALLS ARE CLEARED.

UNDER AN ENVIRONMENTAL CLEARANCE PLAN, ILLEGAL STRUCTURES IN FRONT OF THE TEMPLE WOULD BE CLEARED AROUND AUGUST THIS YEAR. EX-GRATIA ALLOWANCE WOULD BE PAID TO ELIGIBLE STALL OWNERS.

MEANWHILE, THE TUNG WAH GROUP OF HOSPITALS, WHICH IS THE MANAGEMENT AUTHORITY OF THE AUTHORISED SOOTHSAYERS STALLS WITHIN THE TEMPLE BOUNDARY, HAS PLANNED TO BUILD A PERMANENT STRUCTURE TO ACCOMMODATE ALL AUTHORISED STALLS.

AFTER DISCUSSION WITH THE CLEARANCE WORKING GROUP, THE TUNG WAH GROUP HAS AGREED TO ALLOCATE THE 70 STALLS IN THE PERMANENT STRUCTURE TO THE UNAUTHORISED STALL HOLDERS BY DRAWING LOTS.

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NOTE TO EDITORS:

YOU ARE INVITED TO ATTEND THE MEETING AT 3 PM TOMORROW AT THE CONFERENCE ROOM OF THE WONG TAI SIN DISTRICT OFFICE ON THE FOURTH FLOOR OF SAN PO KONG GOVERNMENT OFFICES BUILDING, KING FUK STREET, SAN PO KONG.

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PROGRESS REPORT ON WESTERN DISTRICT TRAFFIC STUDY
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MEMBERS OF THE CENTRAL AND WESTERN DISTRICT BOARD'S TRAFFIC AND TRANSPORT COMMITTEE WILL LEARN ABOUT THE PROGRESS OF THE WESTERN DISTRICT TRAFFIC STUDY AT A MEETING TOMORROW (THURSDAY).

THEY WILL DISCUSS THE PROGRESS REPORT BY THE HIGHWAYS DEPARTMENT ON SURVEYS BEING CARRIED OUT UNDER THE STUDY. RESULTS OF THE SURVEYS WILL BE USED TO FORECAST TRAFFIC FLOW IN THE 1990'S AND TO DRAW UP STRATEGIES TO SOLVE TRAFFIC PROBLEMS.

AN INFORMATION PAPER ON THE ENVIRONMENTAL ASPECTS OF THE PROPOSED ELEVATED ROAD ALONG CONNAUGHT ROAD WILL BE PRESENTED TO THE COMMITTEE.

/MEMBERS WILL

MEMBERS WILL ALSO COMMENT ON A GOVERNMENT PROPOSAL ON THE WIDENING OF THE POK FU LAM ROAD TO PROVIDE A FOUR-LANE CARRIAGEWAY FROM BONHAM ROAD TO SHEK PAI WAN ROAD.

IN ADDITION, QUESTIONS ON THE PROPOSED FARE INCREASE FOR A GOODS VEHICLE PARK, NEW OPERATING SCHEDULE OF TRAMS AFTER THE RE-CONSTRUCTION OF DES VOEUX ROAD CENTRAL AND WIDENING OF THE PEDESTRIAN PAVEMENT ALONG ARBUTHNOT ROAD WILL BE RAISED.

NOTE TO EDITORS:

YOU ARE INVITED TO COVER THE MEETING TO BE HELD IN THE CONFERENCE ROOM, 14TH FLOOR, HARBOUR BUILDING, 38 PIER ROAD, CENTRAL, STARTING AT 2.30 PM (TOMORROW).

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TEMPORARY TRAFFIC CHANGES ON CASTLE PEAK ROAD
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THE KERBSIDE AND MIDDLE LANES OF CASTLE PEAK ROAD WESTBOUND NEAR ITS JUNCTION WITH SHA TSUI ROAD IN TSUEN WAN WILL BE CLOSED TO TRAFFIC FROM 8 AM TOMORROW (THURSDAY) FOR ABOUT SEVEN WEEKS FOR ROAD RECONSTRUCTION WORK.

DURING THE CLOSURE, THE FOLLOWING TRAFFIC ARRANGEMENTS WILL BE IMPLEMENTED:

GENERAL TRAFFIC DIVERSION

- * MOTORISTS ON WESTBOUND CARRIAGEWAY OF CASTLE PEAK ROAD INTENDING TO MAKE LEFT TURNS ONTO SHA TSUI ROAD WILL BE DIVERTED TO THE ROUNDABOUT UNDER TSUEN WAN ROAD AT CHAI WAN KOK, EASTBOUND CARRIAGEWAY OF CASTLE PEAK ROAD AND MAKE RIGHT TURNS ONTO SHA TSUI ROAD.
- * MOTORISTS ON THE WEST END OF SHA TSUI ROAD INTENDING TO MAKE RIGHT TURNS ONTO EASTBOUND CARRIAGEWAY OF CASTLE PEAK ROAD WILL BE DIVERTED TO THE EASTBOUND CARRIAGEWAY OF CASTLE PEAK ROAD AND THE ROUNDABOUT UNDER TSUEN WAN ROAD AT CHAI WAN KOK.

TEMPORARY RELOCATION OF KMB STOP

THE BUS STOP OF KMB BUS ROUTES 52M, 57M, 59A, 59M, 60, 60M, 66, 66M, 67M, 68, 68A AND 68M WILL BE RELOCATED 50 METRES EASTWARDS.