

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 27 April 1983****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR EDWARD YOUDE, G.C.M.G., M.B.E.

THE HONOURABLE THE CHIEF SECRETARY
SIR CHARLES PHILIP HADDON-CAVE, K.B.E., C.M.G., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY
MR. JOHN HENRY BREMRIDGE, O.B.E.,

THE HONOURABLE THE ATTORNEY GENERAL
MR. JOHN CALVERT GRIFFITHS, Q.C.

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR. DENIS CAMPBELL BRAY, C.M.G., C.V.O., J.P.

THE HONOURABLE ROGERIO HYNDMAN LOBO, C.B.E., J.P.

THE HONOURABLE DAVID AKERS-JONES, C.M.G., J.P.
SECRETARY FOR DISTRICT ADMINISTRATION

THE HONOURABLE DAVID WYLIE McDONALD, C.M.G., J.P.
SECRETARY FOR LANDS AND WORKS

DR. THE HONOURABLE HARRY FANG SIN-YANG, C.B.E., J.P.

THE HONOURABLE LO TAK-SHING, C.B.E., J.P.

THE HONOURABLE FRANCIS YUAN-HAO TIEN, O.B.E., J.P.

THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, C.M.G., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE ALEX WU SHU-CHIH, O.B.E., J.P.

THE REVD. THE HONOURABLE JOYCE MARY BENNETT, O.B.E., J.P.

THE HONOURABLE CHEN SHOU-LUM, O.B.E., J.P.

THE HONOURABLE LYDIA DUNN, O.B.E., J.P.

DR. THE HONOURABLE HENRY HU HUNG-LICK, O.B.E., J.P.

THE REVD. THE HONOURABLE PATRICK TERENCE MCGOVERN, O.B.E., S.J., J.P.

THE HONOURABLE ALAN JAMES SCOTT, C.B.E., J.P.
SECRETARY FOR TRANSPORT

THE HONOURABLE PETER C. WONG, O.B.E., J.P.

THE HONOURABLE WONG LAM, O.B.E., J.P.

DR. THE HONOURABLE THONG KAH-LEONG, C.B.E., J.P.
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE ERIC PETER HO, C.B.E., J.P.
SECRETARY FOR TRADE AND INDUSTRY

DR. THE HONOURABLE RAYSON LISUNG HUANG, C.B.E., J.P.

THE HONOURABLE CHARLES YEUNG SIU-CHO, O.B.E., J.P.

THE HONOURABLE JOHN MARTIN ROWLANDS, C.B.E., J.P.
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE JAMES NEIL HENDERSON, O.B.E., J.P.
COMMISSIONER FOR LABOUR

DR. THE HONOURABLE HO KAM-FAI, O.B.E., J.P.

THE HONOURABLE ALLEN LEE PENG-FEI, O.B.E., J.P.

THE HONOURABLE ANDREW SO KWOK-WING, J.P.

THE HONOURABLE GERALD PAUL NAZARETH, O.B.E., Q.C., J.P.
LAW DRAFTSMAN

THE HONOURABLE WONG PO-YAN, O.B.E., J.P.

DR. THE HONOURABLE JOHN MORRISON RIDDELL-SWAN, O.B.E., J.P.
DIRECTOR OF AGRICULTURE AND FISHERIES

THE HONOURABLE DONALD LIAO POON-HUAI, C.B.E., J.P.
SECRETARY FOR HOUSING

THE HONOURABLE GRAHAM BARNES, J.P.
REGIONAL SECRETARY (HONG KONG AND KOWLOON), CITY AND
NEW TERRITORIES ADMINISTRATION

THE HONOURABLE WILLIAM CHARLES LANGDON BROWN, O.B.E., J.P.

THE HONOURABLE CHAN KAM-CHUEN, J.P.

THE HONOURABLE JOHN JOSEPH SWAINE, O.B.E., Q.C., J.P.

THE HONOURABLE COLVYN HUGH HAYE, J.P.
DIRECTOR OF EDUCATION

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, J.P.

THE HONOURABLE CHEUNG YAN-LUNG, M.B.E., J.P.

THE HONOURABLE MRS. SELINA CHOW LIANG SHUK-YEE, J.P.

THE HONOURABLE MARIA TAM WAI-CHU, J.P.

DR. THE HONOURABLE HENRIETTA IP MAN-HING

THE HONOURABLE PIERS JACOBS, O.B.E., J.P.
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE DAVID GREGORY JEAFFRESON, C.B.E., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE GEOFFREY THOMAS BARNES, J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE JOHN WALTER CHAMBERS, J.P.
DIRECTOR OF SOCIAL WELFARE

ABSENT

THE HONOURABLE HU FA-KUANG, J.P.

THE HONOURABLE IAN FRANCIS CLUNY MACPHERSON, O.B.E., J.P.
REGIONAL SECRETARY (NEW TERRITORIES), CITY AND NEW TERRITORIES
ADMINISTRATION

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MRS. JENNIE CHOK PANG YUEN-YEE

Papers

The following papers were laid pursuant to Standing Order 14(2):—

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Shipping and Port Control Ordinance. Shipping and Port Control (Typhoon Shelters) (Amendment) Regulations 1983.....	130
Shipping and Port Control Ordinance. Merchant Shipping (Miscellaneous Craft) (Amendment) Regulations 1983.....	131
Shipping and Port Control Ordinance. Shipping and Port Control (Dwelling Vessels) Regulations 1983	132
Public Omnibus Services Ordinance. Schedule of Routes (New Lantao Bus Company) Order 1983	133
Audit Ordinance. Audit (Director's Salary) Order 1983.....	134
Evidence Ordinance. Evidence (Authorized Persons) (No. 3) Order 1983.....	135
Evidence Ordinance. Evidence (Authorized Persons) (No. 4) Order 1983.....	136
Registration of Persons Ordinance. Registration of Persons (Application for New Identity Cards) Order 1983.....	137
Antiquities and Monuments Ordinance. Antiquities and Monuments (Declaration of Monument) (No. 5) Notice 1983.....	138
Antiquities and Monuments Ordinance. Antiquities and Monuments (Declaration of Monument) (No. 6) Notice 1983.....	139
Proclamation. No. 1 of 1983.....	140
Cremation and Gardens of Remembrance (New Territories) (Amendment) Regulations 1982. Cremation and Gardens of Remembrance (New Territories) (Amendment) Regulations 1982 (Commencement) Notice 1983	141
Inland Revenue Ordinance. Inland Revenue (Interest Tax) (Exemption) (Amendment) Notice 1983	142

Buildings Ordinance.	
Building (Planning) (Amendment) Regulations 1983	143
Hong Kong Association of Banks Ordinance.	
Hong Kong Association of Banks (Amendment of Schedule) Order 1983.....	144
Supreme Court Ordinance.	
Rules of the Supreme Court (Amendment) (No. 2) Rules 1983	145
Sessional Papers 1982-83:	
No. 52—Report by the Trustee of the Police Children's Education Trust and Police Education and Welfare Trust for the period 1 April 1981 to 31 March 1982.	
No. 53—Mass Transit Railway Corporation Annual Report 1982.	

Oral answers to questions

Law and order

1. MISS DUNN asked:—*Is the Government aware of the growing anxiety in the community about the present state of law and order and, in particular, of the widespread concern about recent kidnapping cases? If so, would the Government state whether it proposes to take any special measures to contain this deteriorating situation?*

THE CHIEF SECRETARY:—Yes, Sir, the Government is aware that there is public concern and even anxiety about the present state of law and order triggered perhaps by several most unpleasant murder cases, a spate of robberies of goldsmiths shops and the recent highly organized kidnapping case.

Unfortunately, recent statistical trends tend to justify this upsurge of concern. If the state of law and order can be measured in terms of the number of reported crimes per 100 000 of the population, then there has been a deterioration in recent years. The number of reported crimes per 100 000 of the population was 1 468 in 1980: an increase of 3.4% was recorded in 1981 and a further increase of 8% in 1982. In the first quarter of 1983, there was an increase of 2.8% over the first quarter of 1982. In terms of violent crime per 100 000 of the population the picture is slightly better, violent crime incidentally being defined to include murder, kidnapping, robbery, arson, blackmail and rape. The number of reported violent crimes per 100 000 of the population was 424 in 1980: a *decrease* of 5.8% was recorded in 1981, but this was followed by an *increase* of 7.6% in 1982; and in the first quarter of 1983, there was an increase of 5.5% over the first quarter of 1982. Some slight comfort can also be derived from the figures for homicides and for kidnapping: there were 86 homicides in 1980, 105

in 1981, 93 in 1982 and 18 in the first quarter of 1983 (annualized this is the equivalent of 72). These figures may be compared with 115 in 1972, the worst year for homicides in the 1970s. The lowest number recorded in that decade was 57 in 1977. (And remember, when assessing recent figures, that between 1971 and 1982 the population increased from 3.9 million to 5.2 million). As regards kidnapping, there were ten reported cases in 1980, eight in 1981 and four in 1982. There have been three so far this year. The highest number of reported cases of kidnapping in the 1970s was nine in 1975.

All these statistics are in respect of *reported* crimes only. Unhappily, not all crimes are reported. This is notably the case, we believe, in respect of kidnapping. As the criminals concerned are apparently prepared to murder if they do not get the ransom they are demanding, the relatives of those kidnapped probably fear that they themselves will suffer reprisals should they report the kidnapping to the Police. In considering this possibility, relatives probably also bear in mind that the kidnappers often operate in gangs and so, even if the kidnappers are caught and imprisoned, they might have accomplices around and about seeking revenge. In any event, one can only too readily understand that relatives of the kidnapped, under intense emotional pressure, might prefer to pay up and bring the incident to a close rather than go to the Police.

Nevertheless, Sir, I must stress that one of the most useful and practical measures members of the public can take against crime is to report it. I detect some improvement in the willingness of people to report crime, but far too many crimes go unreported and for really quite inexcusable reasons. The Police are entrusted by the Government with the task of ensuring that every member of this community can go about his or her business without let or hindrance. The Commissioner, his senior officers and all members of the Police Force are committed to this task. But this task is impossible of achievement if criminal acts—attempted or successful—go unreported. So all members of the public must understand that they have an obligation to all others to report crime. The Police will seek to protect us when we do so and, in serious cases, special care is taken to secure a potential victim's safety until the culprits are apprehended.

And it *is* worthwhile reporting crime. The overall detection rate in Hong Kong is high by international standards and in some areas it is very high indeed. For example, of 24 cases of kidnapping reported to the Police in the two and a quarter years from January 1980 to end March 1983, the Police successfully detected those involved in 23. And there have been no reprisals. As regards the recent case, I am sure Members will be aware that the Police have made several arrests already as a result of intensive investigations and these investigations are still being vigorously pursued. The *reason* why reporting crime is worthwhile is that the Government has invested heavily in a well manned, well equipped and well trained Police Force.

Sir, may I conclude by saying this: whatever the statistical trends may be, and no matter how favourably Hong Kong may compare with other cities, there is still too *much* crime generally and violent crime in particular. I readily admit

that: and the Government and the Police are committed to reducing the figures. To this end, the Commissioner is engaged in a restructuring exercise, involving both the Uniform Branch and the C.I.D. designed to give commanders in the regions and districts greater flexibility in the deployment of resources available to them to meet the problems with which they are faced. The Police are also constantly reviewing their methods of investigating crime. Of course, the *fundamental* task is to prevent crime from happening in the first place. There are many departments of the Government, and many community organizations, involved in the prevention of crime and we shall shortly be seeking the advice of Executive Council on how their various efforts can be made, collectively, more effective.

MISS DUNN:—*Sir, while the detection rate reflects well on the performance of the Police, does the Chief Secretary agree that sentences handed down by the Courts sometimes lack a deterrent element? And is it not time the Government reviewed the position on the imposition of the death penalty?*

THE CHIEF SECRETARY:—*Sir, I think I should begin by saying that it would, of course, be inappropriate for the Administration to comment on the Judiciary's sentencing policy, but it is my impression from speaking to the Police that they regard the present level of sentences imposed on those convicted of serious crimes as adequate, and I think it would be the Attorney General's view that the review of sentencing procedure and associated safeguards are quite sufficient to ensure that when a manifestly inadequate sentence is handed down appropriate action can be taken. As regards the death penalty I am afraid, Sir, I can best respond to that particular point in Miss DUNN's supplementary question by referring to the statement made by the then Chief Secretary in this Council on 6 November 1975 which is reported fully in Hansard of that year. I know that the sense of frustration to which Sir Denys ROBERTS then referred still exists but the reality remains that Parliamentary opinion in Britain would not support advice tendered by the Secretary of State to the Queen that death sentences should be carried out; but I would point out that, unless the circumstances of a particular case indicate a lesser sentence, life imprisonment is now imposed—and 'life' means life.*

Summer Youth Programmes

2. MR. SO asked in Cantonese:—

- (甲) 去年學校暑假期間，政府與志願團體合辦了多少項青少年康樂活動？
- (乙) 公共開支緊縮對本年度的青少年暑期活動會有甚麼影響？
- (丙) 區議會在青少年暑期活動中擔當何種角色？

(The following is the interpretation of what Mr. So asked.)

- (a) *How many recreational events for young persons were organized by Government jointly with voluntary organizations during the last summer vacation period for schools?*
- (b) *To what extent will Summer Youth Programmes this year be affected by restraints on public expenditure?*
- (c) *What role will be played by District Boards in the Summer Youth Programmes?*

SECRETARY FOR HOME AFFAIRS:—

- (a) About 7 000 events of various types were available to young people in the 1982 Summer Youth Programme. Most were recreational.
- (b) Summer Youth Programmes are funded by the Jockey Club, the Government, by participants' fees, donations and the Urban Council. Participating departments have indicated that there will be no increase of Government funding. Unless donations from other sources are increased, the scale of the Programme for 1983 is likely to remain the same as that for 1982.
- (c) The promotion of recreational activities is one of the functions District Boards are particularly enthusiastic about. Apart from direct efforts by the District Boards, there are many other local programmes organized by other district organizations and co-ordinated by District Officers to ensure that district efforts in recreational activities complement each other. This means that in the annual programme, planned by District Boards, the number of youth programmes features prominently during the summer months.

REVD. JOYCE M. BENNETT:—*Sir, how many of these 7 000 events were in fact organized by the Government jointly with voluntary organizations?*

SECRETARY FOR HOME AFFAIRS:—*Sir, I haven't got a breakdown but I should think most of them were.*

Mutual Aid Committees

3. MR. WONG LAM asked in Cantonese:—

政府可否說明，互助委員會在防止罪案和發揮鄰里守望相助精神方面的效用？

(The following is the interpretation of what Mr. WONG Lam asked.)

Will Government make a statement on the effectiveness of Mutual Aid Committees in preventing crime and in the promotion of community spirit?

SECRETARY FOR DISTRICT ADMINISTRATION:—*Sir, in the ten years since 1973 when the movement first started 3 800 Mutual Aid Committees have been formed in Hong Kong, Kowloon and the New Territories and it is probably true to say today that half the total population of Hong Kong comes under the umbrella of a Mutual Aid Committee.*

The Committees were formed to improve the cleanliness of our buildings and to improve their security. They were, and are, a most important element in the continuing campaign against crime and in sustaining the effort to keep Hong Kong clean. I can say, with confidence, that without them life today would be intolerable for a large proportion of our people. They work within their buildings and their work is largely unseen by passers-by: but their work is vital to the material well-being of our society and, for the work they do, the members of these committees deserve the grateful thanks of us all.

But, not content with the limited role I have described Mutual Aid Committees have given their enthusiastic support to campaigns directed at other targets: anti-narcotics; road safety, fire prevention and so on.

Mutual Aid Committees are our basic community organization; they provide a means of communication with the people in our densely populated city and, through their work within buildings, strangers become neighbours and friends. Their importance has grown beyond the confines of their buildings: they forge links with Area Committees, District Boards and District Offices, they have played an active and enthusiastic part in developing district administration; and they are now helping to organize recreational activities and other projects and functions.

Sir, I have no hesitation in saying that Mutual Aid Committees are a most effective organization in promoting the security and cleanliness of our buildings and in preventing crime and they have contributed a great deal to creating a spirit of community at a time of great social and physical change and development. I would go so far as to say that we could not have done and cannot do without them.

Supply of reflex-reflecting car number plates

4. MR. S. L. CHEN asked:—*How many manufacturers and distributors have been authorized to supply the new reflex-reflecting car number plates and on what criteria is approval to supply given by the Transport Department?*

SECRETARY FOR TRANSPORT:—Sir, three manufacturers and distributors, so far, have been authorized to supply the new reflex-reflecting car number plates.

More applications are expected. The Commissioner for Transport will approve any application provided that all components of the plates meet the British Standard BS AU 145(a).

MR. S. L. CHEN:—*Sir, are these plates sold at free market price?*

SECRETARY FOR TRANSPORT:—I think it would be fair to say that, Sir. The current price range is between \$50 and \$150.

Centralized system of teaching music for schools

5. REVD. JOYCE M. BENNETT asked:—*Will the Government make a progress report on the centralized system for teaching music for the Hong Kong Certificate of Education and Higher Level Examinations? Are arrangements in hand for the continuation and expansion of this programme in September 1983?*

DIRECTOR OF EDUCATION:—Sir, the system launched last September has been evaluated with encouraging results and I have sought policy approval to continue it this September. There will be a further evaluation in the light of examination results next year before another decision to continue, and perhaps expand the system can be taken.

Members who may be baffled by this somewhat esoteric exchange may be interested to know that we are trying out a centralized system of teaching music for schools which have a genuine difficulty in timetabling small numbers of pupils wishing to take post-Form III Certificate of Education Courses in Music as a school subject.

As I have indicated, I hope to continue and perhaps expand the present arrangements.

REVD. JOYCE M. BENNETT:—*Sir, does the Director of Education have any breakdown of figures to show how many are in fact studying under this scheme for the Certificate of Education, and how many for the Higher Level examination?*

DIRECTOR OF EDUCATION:—Yes, Sir, I do have statistics which indicate that if we are talking about the group in question, some 80 are taking the Certificate of Education course, and numbers were insufficient to justify the opening of a class for Higher Level. There were in fact 33 applicants of whom nine were found to be qualified, so the figures are of that order.

REVD. JOYCE M. BENNETT:—*Sir, does this indicate that in the future, after the 80 odd have taken Certificate of Education in 1984 in the subject of Music, there will be more hope for those taking Higher Level examination?*

DIRECTOR OF EDUCATION:—That may well follow, Sir.

Naturalization as British Subjects and British Dependent Territories Citizens

6. MR. SO asked in Cantonese:—

- (甲) 一九八三年一月一日前的五年內，香港每月平均有多少人申請歸化入英籍，在該日期後，每月平均又有多少人申請歸化為英國屬土公民？
- (乙) 一九八一年英國國籍法在一九八三年一月一日生效後，歸化手續是否有改變？

(The following is the interpretation of what Mr. SO asked.)

- (a) *What was the monthly average number of persons in Hong Kong who applied for naturalization as British Subjects during the five years before 1 January 1983, and what has been the monthly average number of applications for naturalization as British Dependent Territories citizens in the period since that date?*
- (b) *What changes, if any, have been made to naturalization procedures since the British Nationality Act 1981 came into effect on 1 January 1983?*

SECRETARY FOR SECURITY:—Sir, the answer to the first part of my honourable Friend's question is that there were on average 45 people applying for naturalization as British Subject during the five years before 1 January 1983. Thereafter there were 78 as the average monthly figure for applications for British Dependent Territories Citizenship.

The main changes to the procedures, to answer my honourable Friend's second question, are, first of all, the number of referees required has been reduced from four to two; secondly, the residence requirement for the spouse of a citizen has been reduced from five years to three; and thirdly, an application or naturalization as a British Dependent Territories Citizen can be approved in Hong Kong without reference to the Secretary of State in the United Kingdom.

Beach water pollution control

7. MR. CHEUNG YAN-LUNG asked:—*Will the Government say whether the pollution control measures applicable to gazetted beaches are adequate to safeguard the health of swimmers?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, beach water pollution control is achieved mainly through three processes: firstly planning, which is designed to ensure that adequate measures are taken to prevent effluents from new developments fouling our bathing beaches; secondly an on-going programme for the construction of sewage treatment and disposal facilities, one of the objectives of which is to maintain the proper quality of our coastal waters; and thirdly, specific controls upon marine and beach littering.

In order to determine whether or not these controls have the desired effect in maintaining the quality of the water at our gazetted beaches at a level adequate to safeguard the health of swimmers, a regular, systematic programme of water sampling is undertaken. All samples are analysed, and action is taken if the results indicate that the water quality has fallen below the standard recommended by the World Health Organization as acceptable for swimming. In 1981 this led to two of the Territory's 42 gazetted beaches being judged unsafe for swimming—Castle Peak Beach at Tuen Mun and Anglers' Beach near Tsuen Wan. At these beaches notices have been posted prominently, warning people not to swim. The situation at these and the remainder of our gazetted beaches is very closely monitored. This is essential in view of the rapid expansion of the

Territory's population and industry. Should water quality at any beach ever be found to have deteriorated to the extent that it can no longer meet the World Health Organization standard, prompt action will be taken to inform the public of the health hazards by means of warning notices posted at the beach.

Without in any way wishing to sound complacent—which I can assure you we are not—I consider these measures generally to be adequate to safeguard the health of swimmers at our gazetted beaches.

Private residential homes for the elderly

8. DR. HO asked:—*Are private residential homes for elderly people subject to Government controls regarding quality of service and safety standards?*

DIRECTOR OF SOCIAL WELFARE:—Sir, private residential homes for the elderly are not at present subject to any specific Government controls. They are of course subject to the normal provisions of the Buildings Ordinance which apply to all private buildings.

I am aware that a number of private residential homes of this kind have been established in recent months and my Department is at present obtaining information about the facilities and services which they provide with a view to deciding whether any Government intervention is required. Visits already made to some of these homes do not indicate any immediate cause for concern.

These private homes for the elderly appear to be meeting a community need, particularly for the relatively better-off families who are not normally catered for by subvented homes. No complaint has so far been received so far from any resident of these homes.

DR. HO:—*Sir, in the meantime, can the Director of Social Welfare assume some responsibility to make sure that the residents in these homes are given the minimum acceptable level of care and attention and that they are adequately protected against fire and safety hazards?*

DIRECTOR OF SOCIAL WELFARE:—Sir, as I have just said, there is no legislative power to take action against situations of the kind envisaged by my honourable Friend. However, I can assure him that we are looking very closely into these homes and should any situation develop which appears to require immediate action, we will do all within our power to do so.

Construction of footbridges at North Point and Quarry Bay

9. MISS TAM asked:—*In view of the Government's recent decision to shelve the construction of footbridges at North Point and Quarry Bay in order to finance the Consultancy on Electronic Road Pricing, will Government state:*

- (a) *the location of the footbridges in question;*
- (b) *whether these footbridges were recommended by the consultancy on the King's Road Gyratory Traffic Management Scheme;*
- (c) *the effect of shelving the construction of these footbridges on the traffic situation and, in particular, on the gyratory system; and*
- (d) *what consultation has taken place in reaching this decision?*

SECRETARY FOR TRANSPORT:—Sir, the question is in four parts and I shall reply accordingly.

First, going from West to East, one footbridge is on Java Road at its junction with North Point Road. The remaining eight are along King's Road at its junctions with North Point Road, Tin Chiu Street, Mansion Street, Finnie Street, Pan Hoi Street, Quarry Bay Street, Yau Man Street, and Tai Koo Shing Road.

Second, these footbridges were recommended by the consultancy on the King's Road Gyratory Traffic Management Scheme.

Third, the footbridges project has not been upgraded from Category AB to Category A of the Public Works Programme, as had been scheduled. The effect is that the full potential benefits of the Gyratory Traffic Management Scheme will be delayed. However, the implementation of the Gyratory System has already brought about a significant improvement in traffic flows along King's Road, resulting in journey time savings of the order of five minutes for eastbound traffic and five to 11 minutes for westbound traffic. Further improvements are expected during the next 12 months as a result of the implementation of the Hong Kong Area Traffic Control Initial System. This system, in addition to King's Road, will cover Hennessy Road, Causeway Road and Shau Kei Wan Road.

Fourth, the Governor in Council approved the proposal for a consultancy to establish the pilot stage of an electronic road pricing scheme, subject to savings being found in the transport component of the Public Works Programme. The Finance Committee of this Council, when considering the provision of funds for the pilot stage, noted which projects were proposed for postponement in order to provide the necessary funds. This difficult decision was taken in the light of the progress in the Gyratory Traffic Management Scheme to which I earlier referred, and the strategic requirement for effective road traffic management in Hong Kong as a whole.

MISS TAM:—*Sir, in respect of part (b) of the answer, can I ask the Secretary for Transport—*

- (a) *for how long do we expect to experience the effect of the delay;*
- (b) *could the Gyratory Traffic Management System with the footbridges be in full operation before 50 000 people take up residence in Korn Hill in the mid- 1980s and*

(c) *while we are pressing for a better traffic flow on the road of vehicles, what is the safety factor affecting the pedestrians crossing the road?*

SECRETARY FOR TRANSPORT:—First, Sir, the question of delay. This will depend upon when it will be possible to get the project upgraded to Category A. Already we have in hand one of the bridges, that at Finnie Street, which will be an entrusted work done by the Mass Transit Railway Corporation. That one has been selected first because it is the only one of the nine sites where there is not already a signalized pedestrian crossing.

The second point, will the footbridges be finished by the mid-1980s, yes.

The third point, traffic flow and safety. As I mentioned, of the nine footbridge sites, eight already have signalized traffic crossings, the ninth we shall, as I say, provide a footbridge quite quickly by means of entrusted work. The effect on traffic flow and safety is difficult to predict but I think I should say that already the pedestrian injury rate along this road has gone down by over one-third in 1982 as against 1981 as a result of the Gyrotory System which has made the traffic flow clearer, and as a result of the efficient operation of the signalized crossings.

MISS TAM:—*In respect of part (d) of the answer, in reaching this decision, why is it not done that the residents in Eastern Hong Kong District, who has to put up with prolonged construction work in that area, been consulted before hand?*

SECRETARY FOR TRANSPORT:—Sir, I take it Miss TAM is referring to the Eastern District Board. The view of that district board on the public transport priority scheme for King's Road, including the construction of footbridges, are, of course, well-known and they were consulted about this scheme as a whole. But with due respect to that Board, I don't think they can be expected to have an over-view of the needs of their district as against other districts and in relation to Hong Kong as a whole. These assessments of priority of allocation of funds are difficult and invidious, but I think they have to lie with central Government.

Triad activities in schools

10. MR. CHAN KAM-CHUEN asked:—*Will the Government state what steps have been taken in preventing triad activities in schools?*

DIRECTOR OF EDUCATION:—Sir, the Government is fully alert to the dangers of triad activities in schools and positive action has been taken to combat them.

All schools have been told how to recognize the symptoms of triad or gang activities, and how to counter them. This has been through very close and constant liaison with the Royal Hong Kong Police Force on a day-to-day basis with local Police and Community Relations Officers, and on a regular seminar

basis with my Department and the Force. Specific advice and action is available to any school requiring it and teachers know that they have only to lift a phone to get immediate help.

In the long term we have taken a number of measures to prevent children being drawn into unhealthy pursuits or activities both in and out of school. We encourage a wide and stimulating range of extra-curricular activities with an emphasis on community service and involvement. Of the many school-based clubs two deserve particular mention—the Community Youth Clubs (which have been going since 1979 and which now have a membership of 72 000 drawn from 590 schools) and the Junior Police Call Clubs (which have enjoyed phenomenal popularity since they were launched in 1981 and which now have 330 000 members in 247 schools).

A few months ago I made a very comprehensive statement in this Chamber on the progress we have made in promoting an awareness of moral and ethical behaviour in our schools, which Members may recall. This highlighted not only the moral education of pupils, but steps taken to reach parents and teachers in arresting an apparent erosion of traditional social values.

It is against this background of awareness that general and specific programmes of education and action have been launched. I can promise Mr. CHAN, and the public, that they will be vigorously maintained.

REVD. JOYCE M. BENNETT:—*Sir, how soon will all secondary education be all day schooling, thus limiting the time teenagers are able to wander the streets and get involved in triad activities?*

DIRECTOR OF EDUCATION:—As and when it is possible, Sir. *(laughter)*

Involvement of recent arrivals in crime

11. MRS. CHOW asked:—*Will Government inform this Council*

- (a) the trend of involvement of recent legal and illegal immigrants in criminal activities particularly in the commission of violent crimes;*
- (b) statistics of their involvement in 1982 as compared with 1981 and 1980; and*
- (c) what measures will Government adopt to improve on the situation?*

SECRETARY FOR SECURITY:—Sir, for the purpose of answering the first two questions of my honourable Friend:

‘recent arrivals’ means all illegal immigrants, evaders and legal immigrants from China since 1 January 1978;

‘illegal immigrants’ are those who entered illegally from 1 January 1978 to 31 December 1980 (that is roughly before the end of the ‘reach base’ policy);

‘evaders’ are those who entered illegally since 31 December 1980;

‘legal arrivals’ are those who entered Hong Kong legally since 1 January 1978; and

‘local residents’ means all persons living in Hong Kong who are not ‘recent arrivals’.

Question (a)

I am afraid I have to report that the trend has been upward.

Question (b)

In 1980, recent arrivals made up 6.4% of the population and accounted for 6.8% of the prosecutions for crime and 6.1% of the prosecutions for violent crime. In 1981 the percentages were 8%, 11.1% and 9.5%. In 1982 9%, they were 13.7% and 11.9%.

The Police recently did a detailed study on the prosecution of recent arrivals in 1982 which was submitted to Executive Council. I am tabling an updated version of it. You will see that evaders are extensively involved in crime, particularly robbery, pickpocketing and theft. Of the 16 to 30 male age group which is the group most prone to crime, evaders and legal arrivals are appreciably more prone to crime in Hong Kong than are local residents.

Question (c)

There are three main ways in which the Government will continue to try to improve the situation.

First, we are continuing to take measures to eliminate illegal immigration and to contain legal immigration. Secondly, we are tackling the difficult question of facilitating the assimilation of legal immigrants into our society. And thirdly, the Police are devoting considerable resources to the pursuit of recently arrived criminal elements.

MRS. CHOW:—*Sir, with reference to paragraph 6 of the answer given, may I ask what comprehensive plan is formulated and implemented by Government to facilitate the assimilation of legal immigrants into our society?*

SECRETARY FOR SECURITY:—*Sir, rather than going at length into the detail, may I refer my honourable Friend to the reply by the Secretary for City and New Territories Administration to a similar question in this house on 19 January this year.*

Drowning accidents at public beaches and swimming pools

12. MR. CHEUNG YAN-LUNG asked:—

(a) *How many drowning accidents occurred at public beaches and public swimming pools in 1981 and 1982 respectively?*

(b) *What measures will be taken to promote the safety of bathers at such places during the on-coming swimming season?*

SECRETARY FOR HOME AFFAIRS:—There were 11 drowning accidents in 1981 and three in 1982 at public beaches and public swimming pools.

As in previous years the annual Water Sports Safety Campaign will be coordinated this summer by the Recreation and Culture Department on the advice of the Council for Recreation and Sport.

Honorary life guards will be employed by the Urban Services Department to supplement regular life guard service during peak swimming season.

The Urban Council Water Safety Poster Design Competition will again be held this year. The winning entries will be used as the design for the poster, copies of which will be displayed at public beaches and swimming pools as well as other prominent poster sites.

The Urban Council Learn-to-Swim Scheme together with Recreation and Sport Service swimming classes will again be held this year to introduce and promote swimming skills and safety concepts.

MR. CHEUNG YAN-LUNG:—*Sir, what are the causes of such drowning accidents in 1981 and 1982; and what is the average strength of life-guards posted at the gazetted beaches?*

SECRETARY FOR HOME AFFAIRS:—Sir, the numbers are quite small though I do not have the information as to the detailed causes which I will supply to the honourable Member.

The numbers of life guards vary at different times of the year and, in the summer when they are most needed, are supplemented by honorary life-guards. The numbers at the beach depend, of course, on the size of the beach.

Statement

Mass Transit Railway Corporation Annual Report 1982

THE FINANCIAL SECRETARY:—Sir, in accordance with section 16(4) of the Mass Transit Railway Corporation Ordinance (Cap. 270), the annual report of the Mass Transit Railway Corporation for the year ended 31 December 1982 and its accounts are tabled today.

The most significant event during the year under review was the commissioning of the Tsuen Wan Extension on 17 May 1982. It was completed below budget and seven months ahead of schedule. By the end of 1982 the Modified Initial System and the Tsuen Wan Extension together were carrying a daily average of 1.2 million passengers compared with just over 700 000 at the end of 1981.

Major contracts for the construction of the Island Line have been let as planned and progress has been satisfactory, despite problems due to the changed circumstances in Hong Kong's property development market.

The substantial achievement of the Corporation reflects the concerted efforts of all its staff. The M.T.R. has clearly proved itself as a popular, efficient and reasonably priced form of public transport. Its able first Chairman, Mr. Norman THOMPSON will retire with pride from that post next month. I am pleased to be able to take this opportunity of placing on the record the Government's appreciation of his unique contributions to the creation of the Mass Transit Railway. He has been an outstanding Chairman, and we wish him equal success in his future activities.

Government business

Motions

DUTIABLE COMMODITIES ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—Under section 4 of the Dutiable Commodities Ordinance that with effect from 2.30 p.m. on 23 February 1983—

- (a) the resolution made and passed by the Legislative Council on 2 June 1982 and published in *Gazette* on 4 June 1982 as Legal Notice No. 191 of 1982 be rescinded; and
- (b) duty shall be payable on liquors, tobacco, hydrocarbon oils and methyl alcohol as follows—

DUTIES ON LIQUORS

PART I—(EUROPEAN-TYPE LIQUORS)

Duty shall be payable on the following types of liquor at the following rates per litre measured at a temperature of 20 degrees Celsius—

Type of Liquor

Brandy	67.00
Liqueurs, Whisky, Gin, Rum, Vodka and other spirituous liquors	48.00
Champagne and other sparkling wines	30.00
Still wines above 15% alcohol by volume	20.00
Still wines not more than 15% alcohol by volume.....	17.00
Still wines above 15% alcohol by volume imported in casks	12.00
Still wines not more than 15% alcohol by volume imported in casks.....	10.00

Type of Liquor

Intoxicating liquors in this Part above the strength of 45% alcohol by volume, for every 1% above such strength in addition to the duties specified above..... 1.30

Duty shall be payable on the following type of liquor at the following rate per hectolitre measured at a temperature of 20 degrees Celsius—

Type of Liquor

Cider and Perry and other similar beverages 124.00

Duty shall be payable on the following types of liquor at the following rates per hectolitre measured at a temperature of 20 degrees Celsius—

Type of Liquor

	<i>Hong Kong Origin \$</i>	<i>Other Origin \$</i>
Beer, except Cider and Perry, not exceeding 1030° original gravity	66.00	81.40
and in addition for every degree by which the original gravity exceeds 1030°	2.20	2.20

PART II—(NON-EUROPEAN-TYPE LIQUORS)

Duty shall be payable on the following types of liquor at the following rates per hectolitre measured at a temperature of 20 degrees Celsius—

Type of Liquor

	<i>Hong Kong Origin \$</i>	<i>Other Origin \$</i>
Non-European-type wines	584.00	628.00
Non-European-type spirits including Chinese-type spirits, Sake, Arrack.....	292.00	317.00
and in addition for every 1% by which the alcoholic strength by volume exceeds 30%	12.00	13.00

PART III—(INDUSTRIAL-TYPE LIQUORS)

Duty shall be payable on the following types of liquor at the following rates per litre measured at a temperature of 20 degrees Celsius—

Type of Liquor

	<i>Hong Kong Origin \$</i>	<i>Other Origin \$</i>
Ethyl alcohol, and admixtures containing ethyl alcohol	2.92	3.17
and in addition for every 1% by which the alcoholic strength by volume exceeds 30%	0.12	0.13

Provided that the Commissioner may assess the duty on—

- (a) intoxicating liquors not specified in Part I or II at the rate prescribed for liquor which in his opinion most nearly approximates to the liquor on which duty is to be assessed; and
- (b) any quantity of liquor of less than 12 litres imported at any time in one consignment at \$67.00 per litre.

DUTIES ON TOBACCO

Duty shall be payable on tobacco at the following rates per kilogram—

A—on UNMANUFACTURED TOBACCO—

	\$
(1) Tobacco of Malawi origin.....	130.75
(2) Other tobacco	131.40

B—on MANUFACTURED TOBACCO—

	\$
(1) Cigars.....	175.00
(2) Cigarettes	178.00
(3) Other manufactured tobacco including snuff and cigar cuttings—	
(a) Chinese prepared tobacco	33.00
(b) Other varieties	140.00

DUTIES ON HYDROCARBON OILS

Duty shall be payable on hydrocarbon oils at the following rates per litre—

	\$
(a) Light oils—	
Motor spirit and aircraft spirit	2.00
(b) Heavy oils—	
Diesel oil for road vehicles.....	1.00

Provided that where it is proved to the satisfaction of the Commissioner that diesel oil for road vehicles on which duty has been paid under paragraph (b) has been used in road vehicles owned and operated by the grantee of a franchise under section 5 of the Public Omnibus Services Ordinance (Chapter 230) in maintaining public omnibus services on specified routes as defined by section 2 of that Ordinance, a sum amounting to \$0.65 per litre of the diesel oil so used shall be refunded to the grantee.

DUTY ON METHYL ALCOHOL

Duty shall be payable on methyl alcohol and admixtures containing methyl alcohol at the rate of \$3.24 per litre measured at a temperature of 20

degrees Celsius and in addition, for every 1% by which the alcoholic strength by volume exceeds 25%, \$0.13 per litre.

He said:—Sir, I move the first motion standing in my name on the Order Paper.

The proposed Resolution provides for the increases in the duty rates for liquor, tobacco and hydrocarbon oils described in paragraphs 92 to 99 of the Budget Speech. The increases came into effect at 2.30 p.m. on 23 February 1983 as a result of a Public Revenue Protection Order signed by Your Excellency. The total additional revenue yield from the increased duty rates for 1983-84 is estimated at \$1.73 billion.

Since these increases came into force, it has been represented to me that the resultant increase in the absolute differential between the new duty rates payable on imported unmanufactured tobacco and imported cigarettes may be having unforeseen consequences on some importers of the latter. I am now examining this very technical issue further to see if any adjustments are fairly indicated.

Sir, I beg to move.

Question put and agreed to.

HOTEL ACCOMMODATION TAX ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—Under section 3(2) of the Hotel Accommodation Tax Ordinance that with effect from 1 April 1983—

- (a) the resolution made and passed by the Legislative Council on 5 February 1975 and published in the *Gazette* on 7 February 1975 as Legal Notice No. 39 of 1975 be rescinded; and
- (b) the rate of tax imposed under section 3(1) of the Hotel Accommodation Tax Ordinance be 5 per cent.

He said:—Sir, I move the second motion standing in my name on the Order Paper.

The proposed Resolution provides for the increase from 4% to 5% in the rate of Hotel Accommodation Tax levied on hotel room charges described in paragraphs 109 to 111 of the Budget Speech. The increase came into effect on 1 April 1983 as a result of a Public Revenue Protection Order signed by Your Excellency. The additional revenue yield from the increased rate of tax for 1983-84 is estimated at \$15 million.

Sir, I beg to move.

Question put and agreed to.

BUSINESS REGISTRATION ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—Under section 18 of the Business Registration Ordinance that, with effect from 1 April 1983, the Schedule to the Ordinance be amended in item 1 by deleting paragraph (d) and substituting the following—

‘(d) On or after 1 April 1979 and before 1 April 1983.....	\$175	7
(e) On or after 1 April 1983.....	\$350	7’.

He said:—Sir, I move the third motion standing in my name on the Order Paper.

The proposed Resolution provides for the increase from \$175 to \$350 in the annual business registration fee described in paragraph 106 of the Budget Speech. The increase came into effect on 1 April 1983 as a result of a Public Revenue Protection Order signed by Your Excellency. The additional revenue yield from the increased fee for 1983-84 is estimated at \$60 million.

Sir, I beg to move.

Question put and agreed to.

RATING ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—In exercise of the powers conferred by section 18(1) of the Rating Ordinance that, for the period 1 April 1983 to 31 March 1984, for every tenement in a specified area set out in the first column of the Schedule, the general and Urban Council rates shall be computed on the basis of the respective percentage of the rateable value of such tenement set out opposite that area in the second and third columns of the Schedule.

SCHEDULE

<i>Specified Area</i>	<i>General Rates</i>	<i>Urban Council Rates</i>
A	5½%	8%
BC	5½%	8%
D and D2	13½%	Nil
E	13½%	Nil
F1, F2, F3, F4, F5, F6 and F7	13½%	Nil
G1, G2, G3, G4 and G5	13½%	Nil
H1, H2, H3, H4 and H5	13½%	Nil
J1, J2, J3 and J4	13½%	Nil
K1 and K2	13½%	Nil
L1, L2, L4 and L5	13½%	Nil

<i>Specified Area</i>	<i>General Rates</i>	<i>Urban Council Rates</i>
M1, M2, M3, M4 and M5	13½%	Nil
N1, N2, N3, N4 and N5	13½%	Nil
P	11%	Nil
Q	11%	Nil
R	11%	Nil
S	11%	Nil

He said:—Sir, I move the fourth motion standing in my name on the Order Paper.

The proposed Resolution provides for the increases in the General Rate percentages described in paragraphs 119 to 127 of the Budget Speech. The increases came into effect on 1 April 1983 as a result of a Public Revenue Protection Order signed by Your Excellency. The additional revenue yield from the increases in the General Rate percentages for 1983-84 is estimated at \$300 million.

Sir, I beg to move.

Question put and agreed to.

First reading of bills

BETTING DUTY (AMENDMENT) BILL 1983

COMPANIES (AMENDMENT) (NO. 2) BILL 1983

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS (AMENDMENT) BILL 1983

ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES) REGULATIONS (AMENDMENT) BILL 1983

LEGAL AID (AMENDMENT) BILL 1983

MOTOR VEHICLES (FIRST REGISTRATION TAX) (AMENDMENT) BILL 1983

LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983

LANDS TRIBUNAL (AMENDMENT) BILL 1983

Bills read the first time and ordered to be set down for second reading pursuant to Standing Order 41(3).

Second reading of bills**BETTING DUTY (AMENDMENT) BILL 1983**

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Betting Duty Ordinance’.

He said:—Sir, I move the second reading of the Betting Duty (Amendment) Bill 1983.

This Bill provides for the increases in betting duty described in paragraphs 112 to 115 of the Budget Speech. The increases are set out in clauses 2, 3 and 4 of the Bill, which amend sections 3, 4C and 6 of the principal Ordinance. These increases came into effect on 1 April 1983 as a result of a Public Revenue Protection Order signed by Your Excellency. The additional revenue yield from the increased rates of Betting Duty for 1983-84 is estimated at \$220 million.

Sir, I move that the debate on this motion be adjourned.

*Motion made. That the debate on the second reading of the Bill be adjourned—*THE FINANCIAL SECRETARY.

Question put and agreed to.

COMPANIES (AMENDMENT) (NO. 2) BILL 1983

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Companies Ordinance’.

He said:—Sir, I move the second reading of the Companies (Amendment) (No. 2) Bill 1983.

The Bill provides for the increase from \$300 to \$600 in the company registration fee, and the increase from \$4 to \$6 for every \$1,000 of share capital in the additional ad valorem charge described in paragraphs 107 and 108 of the Budget Speech. The revised fee and charge are set out in clause 2 of the Bill, which amends the Eighth Schedule to the principal Ordinance. They came into effect immediately after midnight on 23 February 1983 as a result of a Public Revenue Protection Order signed by Your Excellency. The additional revenue yield from the increased fee and charge for 1983-84 is estimated at \$90 million.

Sir, I move that the debate on this motion be adjourned.

*Motion made. That the debate on the second reading of the Bill be adjourned—*THE FINANCIAL SECRETARY.

Question put and agreed to.

**ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS
(AMENDMENT) BILL 1983**

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Road Traffic (Driving Licences) Regulations’.

He said:—Sir, I move the second reading of the Road Traffic (Driving Licences) (Regulations) (Amendment) Bill 1983.

This Bill provides for the increases in the fees for provisional driving licences, annual driving licences and driving tests described in paragraph 100 of the Budget Speech. The new rates are set out in clause 2 of the Bill, which amends the provisions of the Road Traffic (Driving Licences) Regulations. These rates came into effect at 2.30 p.m. on 23 February 1983 as a result of an Order signed by Your Excellency under the Public Revenue Protection Ordinance. The additional revenue yield from the increased fees for 1983-84 is estimated at \$90 million.

Sir, I move that the debate on this motion be adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—THE FINANCIAL SECRETARY.

Question put and agreed to.

**ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES)
REGULATIONS (AMENDMENT) BILL 1983**

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Road Traffic (Registration and Licensing of Vehicles) Regulations’.

He said:—Sir, I move the second reading of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Amendment) Bill 1983.

The Bill provides for the increases in the annual licence fees for specified classes of motor vehicles described in paragraphs 101 and 104 of the Budget Speech. The revised rates are set out in clause 2 of the Bill, which amends the Third Schedule to the Regulations. They came into effect at 2.30 p.m. on 23 February 1983 as a result of an Order signed by Your Excellency under the Public Revenue Protection Ordinance. The additional revenue yield from the increased fees for 1983-84 is estimated at \$220 million.

Sir, I move that the debate on this motion be adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—THE FINANCIAL SECRETARY.

Question put and agreed to.

LEGAL AID (AMENDMENT) BILL 1983

THE LAW DRAFTSMAN moved the second reading of:—‘A bill to amend the Legal Aid Ordinance and to make consequential amendments accordingly’.

He said:—Sir, I move that the Legal Aid (Amendment) Bill 1983 be read the second time.

To meet the constantly changing and developing demands on our statute law, we have to enact not only major Bills, but also some very minor ones. And this Bill is one of the latter. All it seeks to do, Sir, as explained in its Explanatory Memorandum, is to change the title of three offices in the Legal Aid Department and make some consequential amendments. The new titles reflect more accurately the duties and responsibilities of the officers concerned, and fit better in the general nomenclature of comparable grades.

Sir, I move that the debate on this motion be adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—LAW DRAFTSMAN.

Question put and agreed to.

MOTOR VEHICLES (FIRST REGISTRATION TAX) (AMENDMENT) BILL 1983

THE SECRETARY FOR EDUCATION AND MANPOWER moved the second reading of:—‘A bill to amend the Motor Vehicles (First Registration Tax) Ordinance’.

He said:—Sir, I move that the Motor Vehicles (First Registration Tax) (Amendment) Bill 1983 be read a second time.

The main purpose of this Bill is to permit a disabled person to register a new car with a C.I.F. value of up to \$30,000 without paying first registration tax. This concession will be allowed once every five years unless the Commissioner for Transport is satisfied that there are special circumstances justifying a shorter period.

Our 370 disabled drivers are dependent on a car for mobility, and this latest concession will support and reaffirm the Government’s continuing intention to (and I quote from Rehabilitation International’s Charter for the 80s) ‘ensure the fullest possible integration of people with disabilities in all aspects of the life of their communities’. The opportunity is also taken to amend a number of definitions to bring them into line with those used in the Road Traffic Ordinance

1982; and to close a possible loophole in the law, whereby a motor vehicle is first registered in a category carrying a low rate of tax and, by change of use, is converted into a vehicle of a category which would have attracted a higher rate of tax. In future the difference in tax in such a case would be payable and calculated with reference to the date on which the vehicle was registered initially.

Sir, I move that the debate on this motion be adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—SECRETARY FOR EDUCATION AND MANPOWER.

Question put and agreed to.

LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) BILL 1983

THE SECRETARY FOR HOUSING moved the second reading of:—‘A bill to amend the Landlord and Tenant (Consolidation) Ordinance and to make consequential amendments’.

He said:—Sir, I move the second reading of the Landlord and Tenant (Consolidation) (Amendment) Bill 1983, which contains mainly proposals in respect of rent control for post-war domestic premises.

In November last year I stated that future forms of control were being considered and appropriate legislation would be introduced in the current legislative session. The Rating and Valuation Department have carried out a very detailed and comprehensive survey of the up-to-date situation as regards private rental accommodation, and the Bill now before Council is largely the result of those efforts.

Rent control policy is a dynamic entity which must be adjusted in response to social and market situations while keeping in view the overall objective of an eventual return to free market conditions. Although a number of steps in this direction were taken in 1981, circumstances have since changed: selling prices of flats have dropped substantially and rents have stabilized or fallen. At the end of 1982, there were some 32 000 domestic premises standing vacant—an all-time record. It is against this background that the proposals in the Bill now before this Council have been formulated.

The main proposal is that the life of Part II of the Ordinance should be further extended for two years beyond its present expiry date of 18 December 1983.

Because of prolonged and rigid rent increase control there is in many cases a very wide disparity between controlled and market rents; whilst controlled rents

stand, on average, at about 45% of market rents, a great number of tenants pay substantially lower rents for their accommodation. Under these circumstances, it would clearly be wrong to consider sudden and complete removal of rent controls: the degree of social upheaval would be unacceptable. It is for this reason above all that the Government is committed to a *gradual* return to a free market in private rented accommodation.

In extending the life of this legislation, we are proposing three further steps in this gradual decontrol process:

First, the modification of the existing system of rent increase control under Part II so that very low controlled rents may be increased to at least 30% of the prevailing market rent;

Secondly, the exclusion from the provisions of Part II of all fresh tenancies; and

Thirdly, the exclusion from Part II from 19 December 1983 onwards of existing tenancies of premises with rateable values of \$50,000 or more.

As regards the system for controlling permissible rent increases, the modification proposed is intended to prevent exceptionally low controlled rents from falling even further below market level, and to make possible the eventual raising of such rents closer to market levels. Under the revised system, about 7 000 tenancies, or 5% of all protected sole tenancies, will face a larger increase than under the present arrangements in order that their rents may be brought up to at least 30% of the prevailing market rent. These increases, however, will be on very low base rents which have generally been subject to control for many years, and thus are not expected to be significant in money terms. Tenants affected by this proposal would be those whose current rents are 23% or less of prevailing market rent. For the remaining 95% of protected tenancies, the permitted rent increase would remain as determined by the existing system, that is, 30% or less of current rent.

The proposal to exclude fresh lettings from rent increase control under Part II should encourage landlords to release vacant premises onto the rental market, thus helping to stimulate the supply of flats for rent. This measure is expected to have a positive stabilizing effect on the movement of rents to the benefit of prospective tenants.

The exclusion of tenancies of premises with rateable values of \$50,000 or more is a continuation of the progressive decontrol of luxury premises, as recommended by the Committee of Review. About 1 100 tenancies would be affected by the proposal. Of these, some 80 per cent are held in the name of corporate bodies, governments etc. It is our intention to continue the process of excluding luxury premises from rent increase control. Further proposals in this regard will be made following the introduction of new rateable values next April.

In regard to these exclusions, tenancies would continue to enjoy security of tenure, at a prevailing market rent, under Part IV of the Ordinance.

Other than these measures in pursuit of decontrol, a number of improvements to the existing legislation are proposed.

Provision is made for the surrender by agreement of a tenancy protected under Part II. The agreement would be subject to endorsement by the Commissioner of Rating and Valuation, who must be satisfied that the tenant involved understands its effect.

Another recommendation is that a principal tenant who has sub-let the whole of a premises should not be accorded security of tenure. A landlord in such cases would be able to seek possession of the premises from the principal tenant. This, however, would not affect sub-tenants of the premises, as they would become direct tenants of the landlord and continue to enjoy security of tenure.

An important provision in the Bill is that which would make harassment with intent to induce a tenant to quit a criminal offence. Anyone convicted of such an offence would be liable to a fine of \$500,000 and, on a subsequent conviction, to imprisonment for 12 months.

The Bill also seeks to strengthen the existing prohibition on letting or selling of premises following recovery of possession for self-occupation or redevelopment. Under the proposal, this prohibition would remain in effect for two years from the date of recovery of vacant possession, rather than simply from the date of the order for possession, as at present.

Sir, public reaction to the Bill since its publication on 15 April has, in general, been positive, and indicated fairly wide acceptance of the proposals. Understandably, some comment has been that they do not go far enough, whilst others are opposed to any moves towards decontrols, however gradual. We shall continue to welcome comments and suggestions on the Bill.

Sir, I move that the debate be now adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—SECRETARY FOR HOUSING.

Question put and agreed to.

LANDS TRIBUNAL (AMENDMENT) BILL 1983

THE SECRETARY FOR HOUSING moved the second reading of:—‘A bill to amend the Lands Tribunal Ordinance’.

He said:—Sir, I move the second reading of the Lands Tribunal (Amendment) Bill 1983, which proposes extension of the jurisdiction of the Lands Tribunal and improvements in matters of practice and procedure. As the Lands Tribunal is now the major judicial body on landlord and tenant matters, this Bill is closely

linked to the Landlord and Tenant (Consolidation) (Amendment) Bill 1983 the second reading of which I have just moved in my earlier speech.

The most important provision is that contained in clause 2 which gives the Tribunal jurisdiction to deal with applications for possession during the contractual period of a lease. At present such cases have to be referred to the District Court.

The other provisions of this Bill are technical and are fully explained in the Explanatory Memorandum to the Bill.

The public are expected to welcome this Bill as an improvement towards saving costs and further rationalization of jurisdiction in landlord and tenants matters.

Sir, I move that the debate be now adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—SECRETARY FOR HOUSING.

Question put and agreed to.

BILLS OF EXCHANGE (AMENDMENT) BILL 1983

Resumption of debate on second reading (13 April 1983)

Question proposed.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).

AIR POLLUTION CONTROL BILL 1982

Resumption of debate on second reading (16 June 1982)

Question proposed.

MR. LO:—Sir, that the Air Pollution Control Bill was introduced last June and is only brought back before Council today was due in part to general holidays and to absences from Hong Kong of some of those concerned and to an underdeveloped sense of urgency. Both the Administration and Unofficials contributed to the state of affairs although I dare say the laurels go to the Administration.

A more important reason for the time taken was that the Administration for a considerable time did not consider it appropriate to look at the fundamental issues raised by the Bill. Because we have already on the statute books the Clean Air Ordinance, it was argued with great conviction if not logic that whatever the fundamental issues may have been they need not be looked at afresh. I can understand this attitude for I am aware how very effectively led is the pressure group of environmentalists known as E.P.C.O.M. In the end the Unofficials indicated to the Administration that if these issues were not dealt with and the Bill in its original form were to be brought back to Council they would vote against it. Subsequently, the Bill was removed from the Order Paper. More meetings followed in one of which we were much benefited by the presence of the Attorney General himself whose contribution allowed substantial changes to the Bill to be made which my colleagues will describe in detail later in this debate.

As originally published the Bill in effect allowed the Administration to cause a person to be punished by the courts for not complying with an abatement notice without the courts being able to consider whether he was responsible for any pollution at all.

The Bill also licensed, we are told, large polluters and so long as they complied with the terms of their licences they were not liable to abatement notices even though many justifiable complaints might be made against them.

These are pretty substantial points and I am glad that they are no longer there to offend the eye. On a theoretical plane therefore, much of our concern has been satisfied. It is now possible to imagine, theoretically at any rate, the men of the Air Pollution Control Division of the Labour Department dealing wisely and impartially with all complaints of pollution they receive, ranging from clouds of smoke erupting from a Government incinerator to faintly visible fumes from the stove of an ancient itinerant hawker roasting chestnuts. These wise men will advise the ancient hawker expertly and patiently how to extract his chestnuts from the fire and, in the case of the Government incinerator, take on the Chief Secretary and advise him on the type of \$120 million precipitator to be installed with equal expertise and, I hope, with equal patience. (*laughter*) I would be astonished that such wise and patient men could be attracted into dedicated Government employment on point 21 of the Master Pay Scale.

Frankly, Sir, I find it very difficult to believe that the passage of this Bill will give us clean air, less dirty air, or even controlled polluted air. Very likely it will merely interfere with many people making a living. I am not sure and I shall abstain from voting.

MR. S. L. CHEN:—Sir, I think I am right in saying that air quality in Hong Kong is not generally speaking at an unsatisfactory level, and therefore believe that my Unofficial Colleagues have good reasons to be concerned about the provisions of the Bill as published. I shall confine myself in this debate to three areas.

Firstly, Part II of the Bill provides for the declaration of Air Control Zones (ACZ) and the establishment of Air Quality Objectives (AQO). These are the general guidelines for the Authority to observe and translate into control requirements for individual plants or industrial processes so that collectively, the air quality of a particular zone would be maintained within a certain established standard. This being the case the Bill would therefore operate on a 'first come first served' basis in the sense that if the emission of a new plant, when taken together with the existing emissions from other adjacent plants, were within the established AQO in an Air Control Zone, the plant could be allowed. On the other hand, another identical plant with similar or less emission might be disallowed because the total emission from all other plants in the Zone had already saturated the AQO. This appears to be unfair and new industry would as a consequence be penalized.

I expect, Sir, that when setting the AQO limits for an Air Control Zone the Secretary must have regard to the normal and potential industrial growth in the zone such that the Air Quality Objectives established will not reach or likely to reach saturation point for a considerable period of time, say at least a decade or two. For a situation such as the one I mentioned earlier, although the provision in clause 7(3) of the Bill would enable the AQO to be amended from time to time by the Secretary, after consultation with the Environmental Protection Advisory Committee, I nevertheless would like to have an assurance from Government that as an administrative policy guideline, no industry shall be disallowed or unduly penalized on the grounds of Air Quality Objectives.

Secondly, I am concerned that the power provided by clause 28 of the Bill is far too wide. In particular, under sub-clause (1)(iv) an authorized officer is empowered to observe and record any process or procedure used or in connection with the conduct of any specified process, and to inspect and make copies of drawings, records or documents relating to the specified process. The danger that trade secrets could be revealed is not an impossibility. We were told, however, that such a situation would be safeguarded by clause 41 of the Bill where a person commits an offence in disclosing to another person trade or manufactory secret which has come to his knowledge or possession in the course of performing his duties under the proposed Ordinance, and is liable to a fine of \$10,000 and to imprisonment for six months. However, for some highly profitable trade secrets, these penalties would hardly provide any protection, and I remain unconvinced that clause 28 should be allowed to stand without some modifications.

Finally, I would like to say a few words on the staffing implications of the Bill. In the beginning, we were told that additional staff would be required by the Labour Department for the survey, inspection and licensing of specified process, and for surveillance of sources of air pollutant nuisance arising from the extension of existing legislation. When we scrutinized the Bill it became

apparent that the Government's intention is to control pollution from specified processes by adopting a 'process-oriented' approach, the wisdom of which I still have considerable doubts. Thus the Bill empowers the Government not only to survey and inspect premises operating specified processes but also to examine the inherent design of a particular piece of equipment or plant and its operating and maintenance procedures in order to ensure that the desired level of pollutant emission is achieved. This had led us to suspect that to operate the Bill, Government would need to substantially increase its manpower resources.

However, to 'allay Members' fear as to its effect upon civil service numbers', quoting the Administration's own words, we were told that to operate the Bill the Air Pollution Control Division of the Labour Department would only need to increase its manpower strength by the addition of four professional and three clerical officers when the Bill is enacted. The Division at present comprises 1 Air Pollution Control Officer, 2 Senior Environmental Protection Officer, 17 Environmental Protection Officer and 6 clerical staff. I am quite prepared to accept the proposed increase in manpower requirement but would oppose strongly, that any further additional posts to be created in the foreseeable future, say during the next three or four years after the enactment of the Bill.

Unless my first two points are dealt with satisfactorily, I am afraid, Sir, that I shall abstain from voting on the Bill.

MR. CHARLES YEUNG:—Sir, ideally everyone should be able to enjoy natural and clean air. Living in clean and pleasant surroundings we stand a much better chance of staying healthy and strong. This will inevitably help to reduce expenditure on medical and health care. On this fundamental concept the developed countries led the world in legislating for the preservation of clean air. Hong Kong followed suit and passed the Clean Air Ordinance in 1959.

Population and industrial growth during the last two decades has rendered the Clean Air Ordinance out of date, and Government has wisely consulted experts to advise on comprehensive environmental protection measures. Thus, this Air Pollution Control Bill before Council.

The main aim of the Bill is to ensure a *reasonable* degree of clean air according to the dictate of the circumstances. The level of control and prohibition should therefore only be that which is necessary to achieve that aim.

The degree of 'reasonableness' is relative to circumstances. One cannot expect city air to be as clean as country air. The source of pollution in industrial towns is different from that in commercial or residential areas. In recognition of this, Part II provides for the establishment of Air Control Zones and Air Quality Objectives. One can foresee difficulties in setting acceptable standards, and care must be taken to ensure the widest possible consultation and to monitor public

reaction to its application. Changes where necessary should be promptly introduced in the light of experience.

Pollution from area sources is generally controlled by Part III of the Bill which deals with the abatement of air pollutant nuisances. It extends the provisions of the Clean Air Ordinance to include chemicals and emissions injurious to health.

This particular Part of the Bill will cast a very wide net and will affect not only restaurants and small factories but also housewives, hawkers, farmers and nearly everybody. If this Bill is to be accepted by the community as good law, it is of particular importance that its provisions should be specific, meaning certain, and that they should be applied fairly, taking into account all economic, social and geographical factors.

In order to achieve this, much time and effort has been spent by Unofficial Members in examining this Part of the Bill. Although my Unofficial Colleagues will be moving amendments to improve the situation, one can never be certain that the right balance has been struck. Vigilance is required to monitor progress.

As regards pollution from point sources, large scale emitters, such as municipal incinerators, power and cement plants pose the most serious pollution threat and the cost for reducing pollution from this source alone will be very high.

Part IV of the Bill attempts to contain the present level of pollution emitted by existing plants and to control emissions from new specified processes by requiring them to apply for licences.

Government aims to pursue its objective of improving air quality by imposing conditions on the conduct of these processes. It also accepts liability for the payment of compensation in the event of cancellation or variation of the licence.

If Government imposes too high a standard, the costs to achieve it may become prohibitive and thereby stifle our economy. On the other hand if too low a standard is set, the emission may be in contravention of the law under Part II or Part III of the Bill and the operator of the plant will be responsible for such emissions. Government will certainly be blamed by the operator and the cancellation or change of the licence will incur Government payment of compensation. Furthermore in this respect, specified processes of large scale plants have an advantage over non-specified processes of small factories and restaurants as this benefit is not available to them.

Therefore when the Bill becomes law, the Authority should proceed with circumspection in its implementation and enforcement.

Sir, with these remarks I support the motion.

MR. SO delivered his speech in Cantonese:—

督憲閣下：本港所提出的法案，有很多由草擬至正式成為條例期間，都經過一連串的諮詢程序，空氣污染管制法案就是一個典型的例子。民政司將會動議修改的其中兩項，把一九八二年改為一九八三年，及把「民政」改為「衛生福利」指出了其間的時間及人事改變。本人除了是環境保護諮詢委員會的成員，亦是立法局非官守議員鑽研此法案的一般事務小組的一份子，故能親身領略到研究和辯論這法案的審慎過程。

本法案主要是透過「活動程序」管制一些有高度染污空氣可能的大工業，同時亦以「勸籲減少干擾」的辦法，限制一些小型工業及其他溯源所產生的空氣染污的干擾。就算本法案獲得通過，亦只不過是一個開始。香港在防止和處理染污空氣方面要做的工作，將以這個法案作為骨幹，制訂有關規例，使各有關當局能有效的執行工作。不過，我們必要平衡社會的需要和經濟的利益，在執行這方面的工作時，要盡量做到公平。

督憲閣下，本人謹此陳辭，支持本法案。

(The following is the interpretation of what Mr. So said.)

Sir, many of the bills introduced in Hong Kong undergo a series of consultative processes before they are formally adopted. The Air Pollution Control Bill is a typical example. With regard to this Bill, I understand that the Secretary for Home Affairs will propose at the committee stage that '1982' be amended to read '1983', and that the responsibility for formulating environmental policy be transferred from the 'Home Affairs Branch' to the 'Health and Welfare Branch'. These amendments reflect a passage of time and a change in personnel. As I am a member of the Environmental Protection Advisory Committee and of the Legislative Council Unofficials' General Services Working Group on Air Pollution Control Bill, I have been able to appreciate fully the prudent procedures involved in studying and debating the Bill.

The main purpose of the Bill is to control certain large industries that pose a major pollution hazard through licensing arrangements for 'Specified Processes'. At the same time it aims to control air pollutant nuisance caused by certain small industries and other sources of pollution by means of 'Abatement Notices' procedures. Even if the Bill is passed, it will only be a beginning, serving as a framework for drawing up future regulations that deal with prevention and treatment of air pollution so that the enforcement authorities may follow the regulations and execute their duties effectively. However, we must also keep in mind the balance between social needs and economic interests. In the field of enforcement, we must try our best to be fair to all parties concerned.

Sir, with these remarks, I support the motion.

MR. WONG PO-YAN:—Sir, we are all aware that pollution is a complex and difficult issue. It confronts not only the advanced industrial states, but also the undeveloped nations. Rich and poor alike, therefore, mankind is exposed to pollutants of various forms and modes.

The Secretary for Home Affairs has told us that the present Bill is the third in a series of five pieces of environmental protection legislation proposed by a consultant's study of the measures necessary for environmental protection in Hong Kong. Having had some progress in managing solid wastes and water pollutants, the Secretary, I should think, has treaded on more delicate grounds.

I say this because, of the common pollutants, air pollutants are perhaps the least tractable and most difficult to measure. Thus, solid wastes and water pollutants can be detected with relative ease by sight and scientific analysis; noise pollution can be perceived by sense of hearing and measured by decibels; but air pollutants disperse in the atmosphere, so much so that what appear to be harmless—because they cannot be detected visually or by odour—may turn out to be fatal.

The complexity inherent in air pollutants has rendered legislative control on them more difficult. So far, no single piece of legislation can deal with all aspects of the problem, and I am heartened by the Government's declared intention to protect our environment and to provide a legislative framework within which regulatory measures could be devised to control and abate air pollution and to improve air quality.

The interests and physical well-being of citizens must be of paramount importance; and I support the Bill with the following observations.

Air Control Zones and Air Quality Objectives

Part II of the Bill provides for the establishment of air quality objectives which are guidelines outlining the maximum permissible rates of pollutant emissions, taking into account the special conditions of each zone.

We are aware that air quality standards have been established in various countries according to its special ecological circumstances. These scientifically established standards lay down the maximum permissible level of a given pollutant to which the population at large may safely be exposed. There is, unfortunately, but not unexpectedly, no internationally recognized standards.

We are also aware that with advances in technology, new materials, machinery and processes have created new pollutants. Simultaneously, new processes to abate air pollution have also been developed through scientific research. The air pollution issue is therefore constantly evolving.

Recognizing that there can be no complete and simple solution to an evolving problem, Government should, therefore, take every precaution to set these objectives at realistic levels and make provision for future development, taking into account the special nature of air emission, dispersive characteristics of the atmospheric environment and local ecological conditions.

Control Measures

Part IV and Part VII of the Bill provide comprehensive guidelines to minimize air pollution by—

First, requiring large scale plants with high pollution potential to hold licences, and
Secondly, encouraging small operators to comply with Codes of Practice which advise on standard control measures.

During the many hours of deliberations on the Bill, Unofficials of the LegCo General Services Working Group had been concerned that the stringent control provisions stipulated would be inexpedient and impracticable if applied indiscriminately. Unofficials, therefore, urged that a schedule of specified processes be added to define in detail processes that would be subject to licensing. At Members' request, the Secretary for Home Affairs identified 23 specified processes which will form a new Schedule 1A and I understand that he would be moving the new Schedule at the committee stage. If Members agree to it, it will be a major improvement to the Bill, for it will offer an important guideline for our small industries, without which they may not be sure beyond any reasonable doubt whether they would come under the category of specified processes. For my part, I shall be proposing an amendment to clause 11 to the effect that any process not included in the list will not be a specified process and will not be subject to control procedures under Part IV of the Bill.

The amended clause 11 will also make provision for the inclusion of new processes and, more importantly, for this Council to amend the new Schedule 1A of Specified Processes by resolution.

Here, I should emphasize the need for maintaining flexibility in setting licensing conditions for individual operators so as to minimize the initial impact on operational efficiency and possible higher costs of production.

Before leaving this debate, I would like to say a few words about the small industries. Under the Bill, they will not be required to take out licenses, at least initially because of their small size and production capacities. Words of caution have been expressed that because of this exemption arrangements, these small factories will be reluctant to invest in new techniques to modernize their processes. This is because the installation of pollution reduction equipment may be prohibitively expensive. The result is that the enactment of the Bill may affect the competitiveness of our industry in the world market. Here, I would like to remind Members of the cumulative effects of a succession of legislations which can add to an individual firm's burden. When the Employee's Compensation (Amendment) Bill was enacted last year, I had information that since 1975, 90 pieces of legislation of concern to the Labour Department had been passed. The number must have increased since. This very point of cumulative impact was also addressed to U.M.E.L.C.O. Members from time to time by factory owners who argued that the manufacturing industry was being strangled by various restrictive measures imposed by Government. I therefore suggest that these small operators be offered every assistance and positive incentive to help them understand the importance of pollution control and limit their pollutant emissions voluntarily. They should also be encouraged to actively explore economical and viable alternatives to meet the stipulated standards.

With these observations, Sir, I support the motion.

4.02 p.m.

HIS EXCELLENCY THE PRESIDENT:—At this point the Council might wish to take a short break.

4.15 p.m.

HIS EXCELLENCY THE PRESIDENT:—Council will resume.

MR. BROWN:—Sir, pollution in general, and air pollution in particular, has been a popular subject for debate within our community for a long period—indeed according to some opinion polls pollution comes second only to violent crime as a matter of public concern. The subject gives cause for strong arguments between those who hold differing views regarding anti-pollution measures. But these arguments are seldom against anti-pollution measures as such—they are normally concerned as to their likely effectiveness, and whether it is appropriate to introduce them at this point in time.

When trying to draw the line between what is essential and what is merely desirable we must remember that it is only in the past decade that serious attempts have been made to control pollution in the advanced industrialized countries. Since the early 1970s a variety of legislative and technological approaches have been tried in these countries, but even there it has been found that the technological capabilities and control devices available to abate pollution are not always economically feasible.

In giving careful consideration to this Bill it is necessary to realize that pollution control cannot be achieved merely by placing legislation on the Statute Book. Such control must also include institutional, scientific and technological arrangements, which are economically feasible, and without which the legislation would be a pointless exercise. It has been necessary to enquire into and satisfy ourselves on these counts, and I for one remain unabashed that the need for thoroughness has taken time.

Additionally I have been concerned, as have been my other Unofficial colleagues, that the desire to improve the environment should not be achieved at the expense of unnecessary encroachment upon those civil rights our citizens are entitled to see preserved. The Bill as it currently stands operates on the basis of the opinion of the law enforcement officer as far as the issue of abatement notices is concerned. The Secretary for Home Affairs was optimistic that the Appeal Board procedures would ensure justice and good government. However, as the main function of the Appeal Board on this matter will be to decide whether the Authority is right to issue the abatement notice and as it is an offence not to comply with the notification, it is difficult to see on what grounds appeals would succeed.

To get over this, it had been suggested that the Bill could be amended to make it clear that the Appeal Board must consider the question of whether a nuisance existed or was imminent at the time an abatement notification was given. However, this would impose upon the individual the burden of proof that an air pollutant nuisance does not exist or is not imminent at the time an abatement notice is given. This is against a fundamental principle in English law that it is up to the State to prove beyond reasonable doubt that an individual has committed an offence.

At the committee stage, therefore, I shall be moving amendments to clause 10 to the effect that an individual can have his case considered by the court and, more importantly, to place upon the prosecution (instead of on the individual) the burden of proof that an air pollutant existed.

There is another fundamental principle in English law, which is that if an individual suffers loss or damage, and incurs substantial costs by being wrongly accused, he should be awarded costs and in appropriate circumstances compensation. This is not provided for in the Bill. Accordingly, at the committee stage I shall be moving amendments to clause 33 which will have the effect of conferring upon the Appeal Board the power to award costs and compensation, where the Appeal Board allows an appeal.

These amendments have been agreed with the Administration and I am grateful that they have their support.

I turn now to whether or not this Bill, as amended, will be effective in its aims. Here I must confess I still have reservations as to the ability of the authorities to enforce its provisions. In the final analysis effective law enforcement is not really possible without the support of the public, and concern must be expressed as to whether such support is being eroded by the criminal statute book becoming unmanageable through the sheer volume of criminal law being added to it. Support from the public depends on respect, but when one sees daily violations of the law going unpunished that respect begins to wane.

We must be careful, therefore, to question all newly created offences, indeed I see it as an important part of the duties of Unofficial Members to question all newly created offences to ensure such are really necessary. The trend whereby we are witnessing a continuing proliferation of Government agencies that are concerned with enforcing the criminal law, and the overall growing burden cast on the machinery of the administration of justice in Hong Kong, is a trend we should ponder on with care.

To illustrate this important point I need only refer to the answer given in this Council at our last meeting on 13 April, by the Attorney General to a question asked by my colleague Mr. T. S. Lo, when we were informed that no less than 431 new offences were created by this Council—by way of Ordinances or subsidiary legislation—in the two year period 1981-1982.

Sir, I think it will be clear from the debate on this Bill that the Unofficial Members of this Council are far from the rubber stamping device as seen by some of our critics, and important issues, such as those embodied in this Bill, are unlikely to emerge from our scrutiny without the benefit of what is hoped to be taken as constructive criticism. My support is subject to all the various important amendments to be moved at the committee stage. These amendments will result in a Bill different in many fundamental respects from that as originally introduced. In its amended form it is, however, in my view appropriate to what we are trying to achieve in Hong Kong in the field of anti-pollution measures at this stage of our development.

Sir, subject to those observations I will support the motion.

MR. CHAN KAM-CHUEN:—Sir, I rise to support the Air Pollution Control Bill 1982 the purpose of which is to control the emission of air pollutants from fixed sources. However, I shall speak about air pollution on slightly broader terms.

Air pollution is an ancient subject. It started with the first forest fire caused by lightning, but Mother Nature counter-balanced its effects and the environment remained stable. Then came Man. Man discovered the secret of making fire, and the environment has since been plagued by pollution. The situation worsens with increased fuel usage, growing population in urban areas and increased industrialization.

As early as 1273, the first smoke abatement law was passed in England. By 1306, concern about air pollution was so great that a Royal Proclamation was made to prohibit the burning of coal in London. A manufacturer disobeyed the proclamation. He was tried, found guilty and beheaded. This is the first recorded penalty imposed for violating an air pollution code. Let me hasten to reassure the public that this Bill is very much milder by all standards and no heads will roll as a result of its enactment.

My personal experience with air pollution is a long and unpleasant one. It dated back to the post war years when I lived in the industrial cum residential areas such as Sham Shui Po, To Kwa Wan and Kwun Tong for a quarter of a century. I therefore share the feeling of the unhappy people living in the area who suffer air pollution constantly. I remember living opposite to the smokestack of a weaving and dyeing factory: our bedsheets got spotted with soot quickly, and even with windows will close the strong smell of sulphur gave one no rest, so that we had to move out as soon as possible. However, I got my strongest-impression on air pollution during my visit to London in the 1970s when the British Museums were being cleansed. The cleansed walls were sparkling white while the rest was pitch black. The black and white contrast made me think about my lungs.

Subsequently, I learnt that in December 1952, following a temperature inversion, London was covered with smog. There were 3 500 more deaths in the following month, mostly elderly people with respiratory diseases. As Hong

Kong may have similar weather in spring, let us do our best to prevent our environment from deteriorating. If we should have such weather, I would advise the elderly people to remain indoor and to stay in bed if they feel unwell.

In cities where incidents of lung cancer increase alarmingly, cigarette smoking and atmospheric pollution are usually associated to be the killers. Carcinogenic hydrocarbons or cancer inducing substances have been isolated from cigarette tar and from soot taken from a polluted atmosphere.

It may be argued that as human beings live in a sea of carcinogenic materials, their bodies must have built up some resistance to them. The question is for how long and at what intensity can a person be exposed to these materials before the point of no return is reached and malignant tumours develop. As these pollutants are in the air, everyone would have a fair dose of them, without exception.

Sometimes, primary contaminants in the air by themselves may not be harmful, but when mixed with other matters in the air, they become secondary contaminants which are often harmful. An example is the formation of sulphates from sulphur dioxide, and 'acid rain' is corrosive even to metals.

Turning to confined space pollution, some industrial nations have 'Threshold Limit Value Tables of Common Industrial Contaminants' which are reviewed annually for the benefit of workers who are continually working in confined polluted environments. These tables list several hundred items and would provide useful guidelines for monitoring toxicity in the atmosphere.

Environmental control is always a controversial issue and the clash of armour between industrialists and environmentalists can be heard in the corridors of power in many industrialized countries, but it should be borne in mind that industries may not be the biggest air pollutant emitters. I came across some figures produced by U.S.A. in the early 1970s when there were a lot of public debates on environmental protection. It was estimated that about 215 million tons of pollutants were poured into the air each year, or one ton per person, from the various sources as follows:—

<i>Source</i>	<i>Million tons</i>
Vehicles (mostly automobiles)	90
Smokestacks (chiefly electric power plants)	46
Industrial processes	30
Solid-waste disposal (incineration)	11
Miscellaneous sources (including forest fires)	38

If we do not have to spend millions of dollars to produce similar statistics, it would be interesting to compare Hong Kong's figures with the above. Perhaps, because we have fewer heavy industries and automobiles and our public transport modes are gradually shifting to non-polluting ones e.g. electrified trains and trams, we may have more encouraging figures. In this, I think Government has made a significant step in the right direction to improve public

health and our air quality by legislating against cigarette smoking. If we encourage more restaurants in residential areas to cook with gas and electricity, and taxis to use LP gas instead of diesel oil like Japan, it may further help to reduce air pollution.

I am all for fighting air pollution, but in Hong Kong's unique set-up, we must protect our industry, over 95% of which are small establishments employing less than 50 workers in each establishment, but which provide for most of the jobs. We should not get ourselves into the situation faced by some advanced industrial nations, where due to too harsh environmental-protection controls, a number of one-industry towns have turned into ghost towns. We should learn through others' mistakes.

This brings me to a specific point in the Bill. Clause 9 of the Bill, as published, empowers the Administration to give notices of air pollutant nuisance to owners of premises to abate the nuisance, either verbally or in writing. However, it appears that a verbal notification would suffice. I see danger here, and I share my colleagues' views that a written notice should be mandatory. At the committee stage, therefore, I shall be moving an amendment to clause 9 to this effect.

It may appear that the direct costs of controlling air pollution will only be borne by the utilities and industries responsible. This is true only in the beginning. The costs will ultimately be passed onto the local consumers, resulting in higher prices and possibly increased taxation. We are aware of the Chinese saying '羊毛出在羊身上', i.e., 'we can get wool from the sheep'. For overseas consumers, this could result in our prices becoming less competitive, resulting in less orders and local employment.

Therefore, in the longer term, we must proceed cautiously and educate the public on the importance of eliminating air pollution at source. As this will be least costly, we should seek co-operation from the public in the first instance. It is also important to seek a balance between the social and economic costs and the benefits that can be derived. Our objective should be to get clean air, without undue economic risks to our manufacturing sector which is still the life blood of Hong Kong.

With these observations, Sir, I support the motion.

MR. STEPHEN CHEONG:—Sir, in our deliberations on this Bill, the Unofficials' Working Group met no less than nine times each lasting a minimum of two hours. Lengthy correspondences were also exchanged with the Administration seeking clarifications and hoping to reconcile whatever differences there might have been. If, later on this afternoon, honourable Members present are to vote 'Aye' to the various amendments proposed, then these efforts would have been well spent for we have no doubt in our mind that we now have a more balanced Bill than that which was first introduced into this Council on 16 June 1982.

In supporting the motion, Sir, I wish to make two observations and one reservation. I shall also propose one amendment in the committee stage of the Bill. First, it must be pointed out that there was no argument against the objective of creating a better living environment for the citizens of Hong Kong nor was there any opposition to the principle of taking some pre-emptive control measures in respect of potentially polluting industries. What disturbed us most was the Administration's inability to clearly inform the public the relevant facts and figures. For example what is the current level of air pollution in Hong Kong? Given Hong Kong's own circumstances what is and what is not an acceptable level of pollution? We have repeatedly asked for such information but the answers given were both vague and non-definitive. Secondly, we were advised that approximately 60% of the source of air pollution in Hong Kong can be attributed to movable sources such as motor vehicles and aircraft whilst the stationary culprits such as factories, incinerators only account for approximately 40%. Given this fact, it would be logical to assume that the objective of having cleaner air for Hong Kong can only be achieved through taking a combination of measures against both movable as well as stationary sources of pollution. Without knowing what the current levels of pollution are and what level of pollution is acceptable or not, any meaningful plan envisaged must be theoretical to a great extent. It would be helpful, therefore, if this facet of the problem can be further examined and that the Administration can make known to us, at the earliest convenient date, a master plan defining clearly our objectives and the optimum combination of measures to be taken against both sources of pollution. Naturally, in drawing up and implementing this master plan, I would expect that cost implications to the community will be carefully analysed.

Sir, I bring out the question of cost implications to the community because it is very important that we know what type of water we are getting into. The momentum of implementing the concept of environmental protection gathered steam only in the more affluent O.E.C.D. countries during the past two decades. The build up of this momentum was coincidentally associated with the high economic growth rate years of the O.E.C.D. countries. Lately, there have been various articles on the economic impact of stringent environmental protection measures. They all point to the tremendous cost the community has to bear when such measures were implemented. Even with her mighty economic strength U.S.A. was reported to need to find breathing space in their efforts to implement some environmental protection measures. These O.E.C.D. countries can of course afford the luxury of imposing expensive measures onto their community. We in Hong Kong unfortunately cannot. Hence we must guard against importing on a wholesale basis such standards and ideas from affluent countries without taking serious consideration of our own circumstances. I have no doubt the Administration will assure us that local conditions will be taken into consideration. Yet this issue of whether we can afford it or not is of such paramount importance that a cautionary note, if needed, can only be of long term interest to the community of Hong Kong. Let us not lose sight of the fact

that our survival is very much dependent on whether or not we can continue our progress on the economic front.

Accordingly, I sincerely hope that whatever future plans Mr. SO and his colleagues have in store for us in the name of social needs, such plans will not have the effect of stifling and choking off our economic life-line.

My reservation arises out of the reason given for the need to widen the definition of 'air pollutant' to include 'particulate'. This widening of definition is the corner stone on which the major part of the Bill is built. We are told that the present Clean Air Ordinance is ineffective without the widened definition of 'air pollutant'. It cannot, for example, deal with a lot of pollutants commonly emitted from small industries such as cotton fluff, cooking fumes and other gaseous emissions. The Bill before us, therefore, has the effect of bringing them under control and making it possible to prosecute operators of these small industries which, hitherto, cannot be prosecuted under the Clean Air Ordinance. When quizzed on statistical information, it was established that of the 16 000 or so premises which could emit air pollutants other than smoke, only 96 were actually creating an air pollutant nuisance such as would be actionable under the Bill. Further, of the complaints received in the 18 month period between 1.1.81 and 30.6.82, it could be said that only about 5% did not heed the Administration's advice to abate the nuisance. When asked what was the guesstimated level of pollution caused by these 96 premises, there was no definitive reply.

It was repeatedly argued instead that we should not oppose this definition widening because the effect of the Bill, i.e. the number of cases affected, will be so insignificant that there would be negligible adverse impact on industry. It seems to me therefore that our simple attempt to analyse both the cause and effect of this Bill points towards a conclusion that both are insignificant. The rationale in asking us to support the Bill seems to rely heavily on the relative insignificance of its adverse impacts. The question that needs to be asked therefore must be that if both the cause and effect of the Bill are so insignificant why should there be such an urgent need for us to spend so much time and effort in drafting, studying and debating such a piece of legislation? Furthermore, on the enforcement side, it is our belief that good government usually requires that the law, whenever enacted, be enforced effectively with equal application to all.

It appears from what has been presented to us that in this case controls will be applied on an uneven and haphazard basis and that, in fact, no serious attempt to monitor all emissions and to take action against all offenders will be made at all.

We are of the opinion that any statutory action in respect of emissions from sources other than 'specified processes' should be based on factual evidence that the emissions constitute or contribute substantially to an air pollutant nuisance. Under this Bill, no scientific standards are laid down and no scientific tests are provided for, and the abatement provisions require only that the Authority or

an authorized officer be of the opinion that the emissions contribute to some undefined and possibly minimal extent to an air pollutant nuisance.

Finally we are concerned that, in the absence of any overall monitoring of emissions, action under the abatement provisions will in practice be taken mainly, if not solely, on the basis of complaints from members of the public. The complainant need produce no factual evidence or prove any damage, and the complaint will therefore at best be based on the opinion of the complainant. The result may be that control will probably be applied unevenly and haphazardly, and that action may be taken against very minor offenders but no attention paid to major offenders.

Turning now to a specific point in the Bill, clause 46 of the Bill in the published form allows a period of one year for the laying of a complaint or information from the time whence they arise. It further allows a period of two years for the laying of a complaint on information from the time of the commission of an offence. This means that the Authority will effectively has up to two years, from the time an offence under the Ordinance is committed, to gather information on the offence. This is far too long. It might lead one to misinterpret that the Administration lacks efficiency in its enforcement actions. Hence, to remove doubts on the ability and effectiveness of the Administration, I shall be moving amendments to this clause at the committee stage to the effect that the period be reduced by half, that is, to six months and one year respectively. I am most grateful that the Administration has agreed to these amendments.

With these remarks, Sir, I support the motion.

MRS. CHOW:—Sir, my colleagues who spoke before me have dealt with many salient points about the Air Pollution Control Bill 1982. I will confine myself in this debate to discussing how procedures for licensing specified processes can be improved and simplified.

Part IV of the Bill deals with specified processes. As published, clause 16 requires the operator of a specified process to repeat the entire application procedures when his licence is due for renewal. My Unofficial Colleagues had expressed strong feeling that these licence holders should not upon renewal be required to repeat the same lengthy procedures required by fresh application. To simplify matters, I shall move at the committee stage an amendment to make it clear that the procedures for application for new licences would not apply to applications for renewals unless the Authority directs otherwise.

My next point would be of particular interest to those intending to apply for a licence to operate specified processes. In its present form, clause 19 which deals with notices of existing premises used for specified process does not provide for the Authority to state specific requirements for applications, and it is not clear that the Authority would so specify. Further, it is not clear when the notice period of six months would commence. To remove any trace of doubt, I shall

move amendments to clause 19 at the committee stage seeking to require the Authority to state specific requirements regarding particulars and information to be furnished by the owner of any premises used for the conduct of a specified process, and to clarify that the period of six months' notice would start from the time when the order for such information is published. Consequential to this amendment, clauses 20 and 21 would need to be suitably amended; and I will move amendments to these two clauses at the committee stage as well.

I am glad that the Administration has agreed to all these amendments, which if adopted will go a long way to eliminating unnecessary red tape. Before I conclude, I would like to voice the following reservations. I share Mr. S. L. CHEN's concern about the wide powers enjoyed by the Authority under clause 28 subsection 1(4). Furthermore, under clause 28 subsection 2—the Authority is granted the right of entry to search any premises without warrant. I shared some of my colleagues' concern that such wide powers might be open to abuse, until we were given the assurance by the Administration that such powers would only be exercised only by senior members of the Authority. I hope extreme caution and discretion will be taken, and close monitoring will be undertaken to ensure that execution is in line with the original spirit and intention of the Bill.

With these observations, Sir, I welcome the Bill in its amended form and support the motion.

COMMISSIONER FOR LABOUR:—Sir, in view of the thread of concern running through the speeches of some Members about enforcement of this legislation and the need for protection against arbitrary executive action I should, as the statutory authority, give some reassurance to them.

I wish to point out first that the original provision in clause 9 of the Bill for the abatement of an air pollutant nuisance was similar in principle to the provision in section 4 of the Clean Air Ordinance for the abatement of a smoke nuisance, in that action is taken on the 'opinion' of the 'Authority'. As the principal enforcing authority of the Clean Air Ordinance for the past 23 years, the powers have been exercised to require the abatement of a smoke nuisance with careful consideration, a sense of what is practical and with regard to natural justice. Whatever relevant scientific measurements and international standards which were available were applied to determine whether a smoke nuisance existed. Nonetheless, I welcome the revised provision in clause 10 which in the last analysis will enable a judicial finding to be made of whether an air pollutant nuisance did exist or was imminent when a notice was issued under the powers in clause 9. Even the most prudent 'Authority' may err and resort to a judicial check in disputed cases is a desirable safeguard.

It has always been the Department's policy in enforcement to advise, persuade and give technical assistance to the person concerned to bring about the abatement of a nuisance. This has worked well. In the great majority of cases the nuisances were abated without resorting to the statutory notice which was issued only upon the approval of the head of the Air Pollution Control

Division. In 1982, 302 cases of smoke nuisances were dealt with. Only in eight cases statutory notices had to be issued. The extent of reduction of smoke emission is clearly stated in the statutory notice. This will enable the person concerned to know exactly what he is required to do.

The existing Clean Air Ordinance also provides under section 14A for appeal by way of petition to the Governor within 28 days if the recipient of the statutory notice feels that he is aggrieved by the notice. This appeal provision is stated in the statutory notice to draw the attention of the recipient of the notice of his right. Since the Clean Air Ordinance came into force in 1960 there has been no such appeal. As the appeal procedure is very easy to apply and a person who is aggrieved in such circumstances is likely to exercise his right since he has nothing to lose by doing so, the fact so far there has been not a single appeal is perhaps a reasonable indication that the law has been reasonably and fairly enforced. In fact the enforcing authority's opinion on the existence of a smoke nuisance has always been the result of thorough investigation and careful consideration of the facts and circumstances. New appeal procedures are contained in the new legislation for those who feel they have a grievance against decisions of the authority so the necessary protection remains, though hopefully it will not be necessary to utilize it often.

I understand that I shall continue to be the enforcing authority under the new Air Pollution Control Ordinance. I wish to assure Members that I will apply the well-trying enforcement policy under the Clean Air Ordinance to the new law to ensure that the similar powers are exercised conscientiously and effectively as in the past. In particular, the investigating officer must get the approval of a senior officer before he may issue a statutory notice for the abatement of an air pollutant nuisance. Furthermore, a set of carefully thought out guidelines for the investigation of air pollution complaints will be used to bring about uniformity and fairness in enforcement.

The Air Pollution Control Division has a comprehensive programme to monitor emissions throughout the territory by routine inspection. But because of limited manpower one complete round of inspection will take two to three years. I note Mr. S.L. CHEN's strictures about staffing and assure him that there will be no increase beyond that already proposed for this year. Thereafter the position will be reviewed in the light of experience. In a sense, Mr. CHEN's point is the opposite of Mr. Stephen CHEONG's. The latter feels that complete and frequent monitoring and inspection are the only methods of enforcing the law fairly and evenly which, of course, is very staff-intensive. This and much other legislation, particularly where the public at large is affected, must rely on a mixture of enforcement by inspection and complaint. Our experience shows that complaint is an effective way of drawing our attention to the problem spots. Every complaint is thoroughly investigated and only when it is found justified that further action will be taken. On average less than half of the smoke complaints were found justified. I can reassure Mr. Stephen CHEONG that major offenders will certainly receive our full attention when necessary.

Mrs. Selina CHOW and Mr. S. L. CHEN expressed concern about the powers of entry and inspection contained in clause 28. I wish to point out that similar powers already exist under section 12(2) of the Clean Air Ordinance. Clause 28(3) expressly excludes premises used solely for dwelling purposes from being entered or searched without a warrant. These powers are necessary to enable the Authority to determine the source and cause of air pollution. Several factories often share a common chimney, and without powers of entry it would not be possible to determine the factory which is causing the air pollutant nuisance. These powers have been used under the Clean Air Ordinance without producing the problems as envisaged by some Members. I intend to confine my delegation of these powers only to the professional officers in the Air Pollution Control Division of Labour Department.

Finally, I must take slight issue with Mr. WONG Po-yan on the subject of labour legislation. He makes a very legitimate point about the need to watch the cumulative effect of legislation on the ability of factory owners to pursue their businesses in a viable manner. However, he blankets such legislation by the term 'restrictive measures'. It seems to me that this description is to undervalue greatly the improved health, safety and welfare provision for the workforce on which industry depends, and it certainly does less than justice to the support given by employers and their organizations to much of this legislation. With regard to assistance to small operators we will certainly tender whatever help and advice we can, and I am sure other bodies such as the Productivity Centre and Polytechnic will play their part in this.

In conclusion, Sir, may I say something about the enforcing staff of the Air Pollution Control Division of the Labour Department. Firstly, perhaps it should be said that they have not yet beheaded anybody. Now while it may be true that they will not achieve the quality objective set by my Friend Mr. T. S. LO, that is, having the wisdom and patience of Solomon combined with a determination sufficient to make the Chief Secretary quake in his shoes, they are a body of experienced, professional and dedicated staff who have shown in the past the ability to operate the Clean Air Ordinance in a positive advisory spirit rather than with a negative and prosecution-minded attitude to gain compliance with requirements. Their record of seldom having to resort to issuing notices or prosecuting is testimony of this sound approach which has taken years to develop, and I see no reason why it should suddenly change with the advent of the new Ordinance. I hope, therefore, the staff's consistent and effective methods of operation will, for the future, obviate most of the dangers and alleviate the worries that Members foresee in the implementation of the new legislation.

Sir, I support the motion.

SECRETARY FOR HOME AFFAIRS:—If anybody still thinks that in the absence of an elected Legislature the Government in Hong Kong can casually dash off and enact legislation without examination I should very much like to see him

afterwards and tell him about the four year gestation period of this Bill and the nearly one year of its passage through this Council.

In 1978 that work on the Bill started and long before it came to this Council it had been first through the Environmental Protection Advisory Committee whose sole unofficial representative in this Council, Mr. Andrew SO, has devoted so much time to this subject and whose support has been so reassuring. Then there were long sessions with industrialists, lawyers, administrators, conservationists, environmental scientists and anyone else who thought he knew about it. Even so, we found that much of the ground had to be gone over from first principles in this Council. I do not resent this and I think the Bill is better now. But I am glad I do not have many such bills (*laughter*).

I should like to start by summing up as simply as I can the Bill's aims and what all the discussion has been about.

In this Bill we are considering air pollution arising from static sources—furnaces, factories, chimneys and the like. These operations are divided into two sorts: those obviously likely to give rise to serious pollution on the one hand and the rest on the other.

The first sort of operation we have called 'specified processes'. There are provisions for licensing these processes plant by plant. The planning, design, construction and operation are required to take place under controlled conditions so that the best practical methods can be incorporated from the beginning. Plants already in operation when the law comes into force are exempted from licensing until the plant is replaced or expanded. The whole process of pollution control is done plant by plant. There are 81 plants of this sort operating in Hong Kong Now.

For the rest the Bill proposes generally to follow the practices that have been in use for over twenty years under the Clean Air Ordinance. Here operators proceed unfettered unless they are causing a nuisance to people round about. If this happens they are shown how to reduce the nuisance and, when necessary, there are powers to require operators to put things right.

Specified Processes

The provisions for dealing with the potentially very polluting activities described as specified processes have been generally welcomed. Mrs. CHOW has proposed some amendments to improve procedure and I am happy with these. The principal change of substance has however been proposed by Mr. WONG Po-yan. The original Bill provided that specified processes should be determined by the Governor in Council. There never was any question that the list would be secret or unknown to small industrialists as Mr. WONG suggested, but the list could have been added to without formal public debate. By putting the list in a Schedule to the Bill, and providing that amendments to the Schedule will require a Resolution of this Council, the addition of new processes only follows after due public notification and debate. This is an improvement.

Both Mr. WONG and Mr. S. L. CHEN asked that in fixing Air Quality Objectives realistic account should be taken of the facts of industrial life. Mr. CHEN went so far as to ask for a specific assurance that no industry would be disallowed or unduly penalized on the grounds of achieving an Air Quality Objective. I am afraid I cannot give quite such a categorical assurance. I can well imagine that Air Quality Objectives in Central District would be set at such a level which would make it impossible to grant a licence for a large power station in Statue Square. Obviously there is no need for a power station in Statue Square but this does not mean Hong Kong must be deprived of electricity. As the honourable Member knows two large power stations with excellent controls over air pollution have been built on sites chosen precisely because power generation is bound to generate some pollution and should be kept away from where people live.

In somewhat less rigorous terms though I can give an assurance that Air Quality Objectives will take account of what is practical. If a point is reached at which Air Quality Objectives are endangered then as new specified processes are proposed special care over siting or over licence conditions could still make them acceptable.

I find it difficult to accept Mr. CHEN's second point concerning the need to inspect plans of plants involved in specific processes. To exercise proper control, in a cost-effective way, the Authority's officers plainly need access to information about the plant. The danger that they might be encouraged to divulge this is heavily countered by the penalties set under clause 41. This is the only clause in this Bill under which someone can be sent to prison: a penalty not to be inflicted even upon someone who is poisoning the atmosphere and one which would certainly end an officer's career.

Mr. CHEN might like us to follow the precedent of the 1306 Proclamation Mr. CHAN Kam-chuen reminded us of and behead all offenders. I do not imagine that such a proposal would find great favour with civil service trade unions. (*laughter*)

Mr. Lo expresses relief that the big operators operating under licence will not have the right to cause air pollution nuisances without retribution. At one stage I thought we were under pressure to confine control of specified processes to licensing conditions and we looked hard at this. We concluded that if we did so there would be a tendency to try to cover every conceivable possibility by excessively restrictive conditions. I am glad this idea was dropped and that the sanctions of the abatement procedures will apply to all as was originally intended in the Bill.

These specified processes are the ones which pose the greatest threat of air pollution. Their operations will need care and control and I am glad to say that these proposals did not cause great difficulty.

Air Pollution Nuisances

What did cause much more difficulty was the comparatively minor extension of control procedures that have operated for over twenty years without generating either a corrupt or oppressive bureaucracy nor any body of protest. The arguments were more theoretical than practical. In particular I find Mr. LO's and Mr. Charles YEUNG's reference to housewives, hawkers and farmers a bit farfetched. This Bill is not aimed at an old man puffing his pipe or a hawker boiling up some wan tun min, or even people pulling chestnuts out of the fire. The concept of nuisance which is used in the Bill, though the subject of pages of discussion in learned law books, clearly involves serious and unreasonable interference with the comfort and convenience of other people. In summarizing our discussions I too shall have to be somewhat theoretical.

First the basic principles. There are a great many minor industrial activities that can give rise to air pollution. The basic principle is that if the pollution is not causing a nuisance, is not a danger to health or to aircraft it really cannot be doing much harm and may be left alone.

I cannot understand why some Members found this eminently commonsense approach so objectionable. The practical problems of compiling a compendium of the standards of every conceivable form of air pollution would be formidable. And what would be the point of it? For the generality of this minor pollution what matters is not whether some standard or other is breached but whether the pollution is causing trouble to other people. This is the basic criterion. It seems to me to be sensible to concentrate on the effect on people and not some abstruse chemical or physical standard.

But people and their feelings are not susceptible to mathematical measurement and so the Bill and its predecessor the Clean Air Ordinance proceed deliberately.

Initially it is a professional officer whose judgement is exercised in assessing whether the air pollution is causing a nuisance or not. If there is a nuisance he will first proceed by offering advice. Often some simple improvements will eliminate the nuisance and these are readily under-taken. If the plant operator fails to heed advice the authority may then require, by a notice, some action be taken to abate the nuisance. I think Mr. CHAN Kam-chuen's proposal to require that the notice be in writing is a good one for this will make everything very much clearer. The notice is required to be quite specific. At this point there may be serious disagreement between the authority and the plant operator. Somebody has to settle the argument.

In English practice the next step is a prosecution in a Magistrates' Court. We thought it would be better to have such arguments heard before an Appeal Board comprising a District Judge and experts in the relevant engineering field. I cannot agree with Mr. BROWN that the Appeal Board was ever unable to make a full and comprehensive examination of the problem including whether the initial action of the authority was correct. The Board does not try an offence. It

is considering the problem of someone 'aggrieved by a decision, requirement or specification of a public officer'. The Appeal Board is enabled to 'confirm, reverse or vary the decision, requirement or specification appealed from.' These are very wide powers and could only be exercised if the Appeal Board made a proper examination of the whole problem including, of course, whether there ever was a nuisance in the first place. We can agree to differ since I see no objection to the amendment he proposes to require the Appeal Board to start at the beginning—that is to consider whether there ever was a nuisance at all.

Whether a plant operator wins or loses his appeal there is still no question of an offence having been committed. The Appeal Board is only his first line of defence and one he need not use if he does not want to. An offence is committed only after a plant operator fails to comply with an abatement order assuming that this order has been confirmed by the Appeal Board if an appeal has been heard. Originally we thought that by this time it should have been necessary only to prove in court that the abatement order was not being complied with—the reasonableness of the abatement order having already been examined by the Appeal Board. It was however argued that a plant operator need not go to the Appeal Board and that if he did not do so the Magistrate could not question the abatement order itself. This is theoretical possibility though I should have thought most operators who really believed they were right would not wish to be summonsed to court but would have preferred to have their problems looked at by a District Judge and professional men who understood the industrial processes involved. To take account of every eventuality, Mr. BROWN proposes now that regardless of whether a case has been examined by an Appeal Board the prosecution in a Magistrates' Court should start from the beginning by the authority proving that a nuisance existed so that he had authority to issue the abatement order. This is certainly an added safeguard in the case of an operator who fails to go to an Appeal Board and does not impose an unreasonable burden on the authorities who should be able to establish the justification for each step.

I welcome Mr. BROWN's proposal for the award of costs and compensation if a plant operator has been unreasonably pursued.

Mr. Stephen CHEONG finds himself puzzled by the whole field of air pollution and the official approach to dealing with it. He says we have been unable to say what is the current level of pollution in Hong Kong. Well we have. As he says a great deal of paper has gone to and fro so it could be that he did not see Appendix 1 to Annex C to a Memorandum dated 13 October 1982 from my office to the U.M.E.L.C.O. Secretariat. This paper included graphs specifying levels of sulphur dioxide in milligrams per cubic metre and suspended particulates in the same measure year by year for ten years at several locations and a full analysis of the readings. This compared in the most precise way air pollution in these locations with standards used in the E.E.C. and found the situation in Hong Kong acceptable.

I should like to assure Mr. CHEONG that the network of monitors is still measuring key pollutants. These are sulphur dioxide, coefficient of haze and total suspended particulate concentrations. These are the key indicators of industrial air pollution in a city like ours. The data presented supports view that present levels of air pollution are within tolerable limits, although the situation is marginal in some places and there are undoubted blackspots. It should be remembered, however, that despite reasonable controls on the new chemical, power generation and cement production facilities already under construction, there will be substantial increases in emissions of such things as sulphur dioxide, oxides of nitrogen and particulate matter over the next few years. Without the overall, as well as detailed, controls on further additional emissions which the Air Pollution Control Bill is intended to provide, air quality in Hong Kong would deteriorate to unacceptable levels.

Mr. CHEONG also suggests that most of the air pollution problems existing in Hong Kong could be dealt with by existing legislation, that is without extending the ambit of the Clean Air Ordinance, because at a given time there were only 96 premises causing air pollution which did not come within the Clean Air Ordinance. The extension is to cover air pollution not only by smoke and grit but by numerous poisonous gases though not odours which really are unmeasurable. This happily low figure of plants not now covered is not static. With continuing development it may be expected to rise and even now half the air pollution complaints received arise from processes not covered by the Clean Air Ordinance. Our prime aim is to stabilize the present situation and guard against further deterioration, not launch a massive assault upon existing industry. Far better, by prudent planning; to place ourselves advantageously to guard against further deterioration, than to fail to arm ourselves now on the grounds that there is no existing problem.

Mr. CHEONG discusses air pollution generally and this goes further than the scope and form of this Bill. It is reasonable that he should seek to see the current proposals in context.

As I explained when introducing this Bill's second reading last June, it will not deal with mobile sources of air pollution, that is vehicular sources. These are already controlled by existing legislation. The existing Road Traffic (Construction and Use) Regulations of the Road Traffic Ordinance require that vehicles manufactured after 1 November 1974 shall meet emission standards comparable to the Regulations of the Economic Commission for Europe. In addition, the emission of excessive smoke by any motor vehicle is an offence and controls are exercised primarily by the Police using smoke meters to examine suspect vehicles. Those exceeding the standard, and here we do have a precise standard, may be issued with a Fixed Penalty ticket (\$100). Nearly 6 000 of these were issued in the period July-December last year. So what we are doing today is to plug the gap in existing legislation by extending controls on stationary sources for which the Clean Air Ordinance is inadequate.

If Members who have spoken feel there are some points which I've failed to deal with, I can only say that the dilatoriness spoken of by Mr. LO as characterizing this debate, was maintained to the last moment. Although agreement was reached on the nature of the Bill I saw speeches yesterday for the first time in the evening, and some only this morning. One was kindly read to me over the phone last night.*(laughter)*

I hope now we have got this right. This is not easy legislation and it is important.

Sir, I beg to move.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).

MARINE FISH CULTURE (AMENDMENT) BILL 1983

Resumption of debate on second reading (13 April 1983)

Question proposed.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).

Committee stage of bills

Council went into Committee

APPROPRIATION BILL 1983

Heads 21 to 194 were agreed to.

Clauses 1 and 2 were agreed to.

BILLS OF EXCHANGE (AMENDMENT) BILL 1983

Clauses 1 to 3 were agreed to.

AIR POLLUTION CONTROL BILL 1982

Clause 1

SECRETARY FOR HOME AFFAIRS:—Sir, I move that clause 1 be amended to reflect the passage of another year.*(laughter)*

Proposed amendment

Clause 1

That clause 1 be amended in subclause (1) by deleting ‘1982’ and substituting the following—

‘1983’.

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clause 2

SECRETARY FOR HOME AFFAIRS:—Sir, clause 2 is the definition clause and the amendments to it are consequential upon those proposed to other subsequent clauses. I therefore move that clause 2 be postponed until the other clauses have been dealt with.

Question put and agreed to.

Clauses 3 to 8 were agreed to.

Clause 9

MR. CHAN KAM-CHUEN:—Sir, I move that clause 9 be amended as set out in the paper circulated to Members.

The amendment to clause 9, if adopted, will make it mandatory for the Administration to issue written warnings to owners of premises to abate air pollutant nuisance, as opposed to verbal warnings.

*Proposed amendment***Clause 9**

That clause 9 be amended in subclause (4) by deleting paragraph (b).

The amendment was agreed to.

Clause 9, as amended, was agreed to.

Clause 10

MR. BROWN:—I move that clause 10 be amended as set out in the paper circulated to Members for reasons I described in my speech in the debate.

*Proposed amendments***Clause 10**

That clause 10 be amended by—

- (a) deleting ‘Any owner’ and substituting the following—
‘subject to subsection (2), any owner’;
- (b) inserting the following subsection—

‘(2) A court shall not convict an owner under subsection (1) unless the prosecution proves that the air pollutant nuisance mentioned in the notification existed or was imminent at the time the notification was given to the owner under section 9.’.

The amendments were agreed to.

Clause 10, as amended, was agreed to.

Clause 11

MR. WONG PO-YAN:—Sir, I move that clause 11 be amended as set out in the paper circulated to Members.

The amendment, if adopted, would empower this Council to amend by resolution the new Schedule 1A which is the list of Specified Processes that will be dealt with by the Secretary for Home Affairs. Taken together, this would have the effect of laying down specifically all the Specified Processes identified at any one time.

*Proposed amendment***Clause 11**

That clause 11 be deleted and the following substituted—

‘Power to amend Schedule 1A. 11. The Legislative Council may by resolution amend Schedule 1A.’.

The amendment was agreed to.

Clause 11, as amended, was agreed to.

Clauses 12 to 15 were agreed to.

Clause 16

MRS. CHOW:—Sir, I move that clause 16 be amended as set out in the paper circulated to Members for reasons as explained in my speech earlier.

*Proposed amendment***Clause 16**

That clause 16 be amended by deleting subclauses (3) and (4) and substituting the following—

‘(3) Except where the Secretary directs otherwise, the provisions of section 14(3)(b) shall not apply in relation to an application for renewal of a licence.

(4) The Authority may renew or refuse to renew the licence but shall not do so later than 21 days before the expiry of the licence, nor, where section 14(3)(b) applies under subsection (3), earlier than 40 days after the last notice is published in a newspaper pursuant to that section.’.

The amendment was agreed to.

Clause 16, as amended, was agreed to.

Clauses 17 and 18 were agreed to.

Clause 19

MRS. CHOW:—Sir, I move that clause 19 be amended as set out in the paper circulated to Members for reasons explained earlier.

*Proposed amendment***Clause 19**

That clause 19 be amended by deleting subclause (1) and substituting the following—

‘(1) The Secretary may, by order published in the *Gazette*, specify in relation to any specified process the particulars and information required to be furnished to the Authority by the owner of any premises used for the conduct of that specified process and, within 6 months after the publication of such an order, or such further period as the Authority may in any particular case allow, the owner of the premises concerned shall give notice of the existence of those premises to the authority in such manner and form and containing such particulars and information as may be specified in the order.’

The amendment was agreed to.

Clause 19, as amended, was agreed to.

Clause 20

MRS. CHOW:—Sir, I move that clause 20 be amended as set out in the paper circulated to Members. This is a consequential amendment to the amendments to clauses 11 and 19.

Proposed amendments

Clause 20

That clause 20 be amended—

- (a) in subclause (1), by deleting ‘section 11(1)’ and substituting the following—
‘section 19’; and
- (b) in subclause (5), by deleting ‘section 11(1)’ and substituting the following—
‘section 19’.

The amendments were agreed to.

Clause 20, as amended, was agreed to.

Clause 21

MRS. CHOW:—Sir, I move that clause 21 be amended as set out in the paper circulated to Members. This is also a consequential amendment to the amendment to clause 20.

Proposed amendments

Clause 21

That clause 21 be amended in subclause (2)—

(a) by deleting ‘shall have effect accordingly’; and

(b) by inserting after ‘grant a licence’ the following—

‘shall likewise not apply except where the Secretary has directed that section 14(3)(b) shall apply’.

The amendments were agreed to.

Clause 21, as amended, was agreed to.

Clauses 22 to 32 were agreed to.

Clause 33

MR. BROWN:—Sir, I move that clause 33 be amended as set out in the paper circulated to Members for reasons I explained in my speech in the debate.

Proposed amendment

Clause 33

That clause 33 be amended by inserting after subclause (5) the following—

‘(5A) Where an Appeal Board allows an appeal under section 31(1)(a) or (b), it may make an award of—

(a) costs in the case of an appeal under section 31(1)(a), and

(b) costs and compensation in the case of an appeal under section 31(1)(b),

of such sum, if any, as is just and equitable in all the circumstances of the case, including the conduct and comparative blameworthiness of the appellant and his servants and agents, and of the public officers and any other persons concerned.’.

The amendment was agreed to.

Clause 33, as amended, was agreed to.

Clauses 34 to 44 were agreed to.

Clause 45

SECRETARY FOR HOME AFFAIRS:—Sir, this is an amendment consequential to that to clause 11, moved by my honourable Friend WONG Po-yan. It deletes reference to that clause, since the Environmental Advisory Committee is no longer mentioned therein following Mr. WONG’s amendment.

*Proposed amendment***Clause 45**

That clause 45 be amended by deleting '11,'.

The amendment was agreed to.

Clause 45, as amended, was agreed to.

Clause 46

MR. STEPHEN CHEONG:—I move that clause 46 be amended as set out in the paper circulated to Members.

*Proposed amendments***Clause 46**

That clause 46 be amended—

(a) in paragraph (a), by deleting '1 year' and substituting the following—
'6 months'; and

(b) in paragraph (b), by deleting '2 years' and substituting the following—
'1 year'.

The amendments were agreed to.

Clause 46, as amended, was agreed to.

Clauses 47 to 49 were agreed to.

Clause 50

SECRETARY FOR HOME AFFAIRS:—Sir, I move that clause 50 be amended as set out in the paper circulated to Members. This is a technical correction to the clause as previously drafted.

*Proposed amendments***Clause 50**

That clause 50 be amended—

(a) in subclause (2), by deleting '1982' and substituting the following—
'1983'; and

(b) in subclause (4) by deleting paragraph (d) and substituting the following—

‘(d) in the Schedule, by deleting the Note at the end thereof and substituting the following—

“Note: This certificate of approval may be required for inspection by the Authority or an authorized officer and should be kept in a safe place at the above-mentioned premises.

註： 本許可證須妥為保存於上述樓宇內，以便主管當局或受權人員查閱。” .’.

The amendments were agreed to.

Clause 50, as amended, was agreed to.

Clause 2

SECRETARY FOR HOME AFFAIRS:—Sir, I move that clause 2 be amended as set out in the paper circulated to Members. These amendments reflect changes that have taken place in the Bill as a result of other amendments now agreed and also reflect the change of policy Secretary responsible for the environmental protection programme.

Proposed amendments

Clause 2

That clause 2 be amended—

(a) in the definition of ‘air pollutant’ by deleting ‘, and includes any noxious or offensive emission’;

(b) by inserting after the definition of ‘oven’ the following—

‘ “prejudicial to health” means injurious, or likely to cause in jury, to health;’;

(c) in the definition of ‘Secretary’ by deleting ‘Home Affairs’ and substituting the following—

‘Health and Welfare’; and

(d) in the definition of ‘specified process’ by deleting ‘under section 11(1)’ and substituting the following—

‘in Schedule 1A’.

The amendments were agreed to.

Clause 2, as amended, was agreed to.

First Schedule was agreed to.

Second Schedule

SECRETARY FOR HOME AFFAIRS:—Sir, I move that this Schedule be amended as set out in the paper circulated to Members. This corrects errors in the Bill as first published.

Proposed amendments

Second Schedule

That the Second Schedule be amended—

- (a) in items 4, 5 and 6, by deleting ‘(including handling and packing)’, wherever occurring; and
- (b) in item 8—
 - (i) in the second column, by deleting ‘(Styrene Train No. 2)’ and
 - (ii) in the third column, by adding after ‘Town Lot No. 59)’ the following—

‘(Styrene Train No. 2)’.

The amendments were agreed to.

Second Schedule, as amended, was agreed to.

Third Schedule was agreed to.

New Schedule 1A

Schedule read the first time and ordered to set down for second reading pursuant to Standing Order 46(7).

SECRETARY FOR HOME AFFAIRS:—In accordance with Standing Order 46(7), I move that new Schedule 1A as set out in the paper circulated to Members be read a second time.

This introduces the first list of Specified Processes to be declared under this Bill. Such lists will now be included a Schedule to the Bill and not created by subsidiary legislation.

I should explain the principles used in the drawing-up of the Schedule. In the first place the list comprises those processes which can give rise to the major types of air pollution. These include such pollutants as sulphur dioxide, chlorine, particulates, carbon monoxide, hydrocarbons, sulphuric acid and lead dusts. The list of 23 processes is made up from 17 processes which already exist in Hong Kong (found at present in 81 separate premises) and six which we can realistically anticipate being set up here in the foreseeable future based on an analysis of the existing industrial structure. These are the final six on the list at Schedule 1A. I think it is reasonable to plan forward in this way so that we can give fair notice to anyone planning to enter these industries and bring new major sources of air pollution under control straightaway, by means of licensing.

The majority of the processes listed in the Schedule are defined in such a way as to incorporate a minimum size of plant, *below* which an operator will not require to be licensed as a Specified Process. This is in order to avoid an unnecessary burden upon the small man, whose emissions can quite well be controlled through the use of the Abatement Notice provisions alone. The only exceptions to this rule are those three processes on the list which give rise to exceptionally hazardous or toxic fumes—Acrylates Works, Chlorine Works and Gas Works: for these no minimum size is specified.

Once this Schedule is brought into effect all new operators of these processes will require to be licensed. Existing operators (that is, the 81 which I have just mentioned) will gain exemption from licensing so long as they continue to operate in accordance with the registered particulars describing their plant, which they will be asked to submit. The only exceptions to this category of existing operators are those listed in the existing Second Schedule. As Members will know, it has been agreed that these eight very large, existing emitters shall be licensed.

Question put and agreed to.

New Schedule 1A read the second time.

SECRETARY FOR HOME AFFAIRS:—I move that new Schedule 1A be added to the Bill.

Proposed addition

New Schedule 1A

New Schedule That the Bill be amended by inserting, immediately after clause 50, the following—

‘SCHEDULE 1A

[ss. 2 & 11.]

<i>Process</i>	<i>Description</i>
1. Acrylates Works	Works in which acrylates are— (a) made; (b) purified; or (c) made or purified and polymerized.
2. Aluminium Works	Works of the following kinds in which the processing capacity exceeds 1 tonne (expressed as aluminium) or, if the mode of operation is continuous, 0.67 tonne (expressed as aluminium) per hour, and in which—

- (a) aluminium swarf is degreased by the application of heat;
- (b) aluminium or aluminium alloys are recovered from aluminium or aluminium alloy scrap fabricated metal, swarf, skimmings, drosses or other residues by melting but not including works in which aluminium or aluminium alloys are separated from ferrous metals by liquation in sloping hearth furnaces;
- (c) molten aluminium or aluminium alloys are treated by any process involving the evolution of chlorine or its compounds;
- (d) aluminium is extracted from any material containing aluminium; or
- (e) oxide of aluminium is extracted from any ore;

and any materials used in the above processes.

3. Cement Works

Works in which the total silo capacity exceeds 10 000 tonnes and in which cement is handled or in which argillaceous and calcareous materials are used in the production of cement clinker and works in which cement clinker is ground.

4. Ceramic Works

Works in which the processing capacity exceed 2 tonnes or, if the mode of operation is continuous, 0.67 tonne per day, and in which

- (a) pottery products (including domestic earthenware and china, sanitary ware, electrical porcelain, glazed tiles and teapots) are made in intermittent kilns fired by coal or oil;
- (b) heavy clay or refractory goods are fired by coal or oil in—
 - (i) intermittent kilns;
 - (ii) continuous grate-fired kilns, not being tunnel kilns; or

- (iii) any kiln in which a reducing atmosphere is essential; or
 - (c) salt glazing of any earthenware or clay material is carried on.
- 5. Chlorine Works Works in which chlorine is made or used in any manufacturing process.
- 6. Copper Works Works in which the processing capacity exceeds 0.5 tonne (expressed as copper) or, if the mode of operation is continuous, 0.45 tonne (expressed as copper) per hour and in which—
 - (a) by the application of heat—
 - (i) copper is extracted from any ore or concentrate or from any material containing copper or its compounds;
 - (ii) molten copper is refined;
 - (iii) copper or copper alloy swarf is degreased; or
 - (iv) copper alloys are recovered from scrap fabricated metal, swarf or residues by processes designed to reduce the zinc content; or
 - (b) copper or copper alloy is melted and cast in moulds the internal surfaces of which have been coated with grease-bound or oil-bound dressings.
- 7. Electricity Works Works in which fossil fuel is burnt either wholly for or as part of the process of electricity generation where the installed generation capacity of such works exceeds 5 MW.
- 8. Gas Works Works in which coal, coke, oil or any mixtures or derivatives thereof are handled or prepared for carbonization or gasification and in which such materials are subsequently carbonized or gasified.
- 9. Iron and Steel Works Works in which the installed furnace capacity exceeds 1 tonne and in which a ferrous metal melting process for casting is carried out.

10. Metal Recovery Works Works in which scrap metals are treated in any type of furnace for recovery of metal with a processing capacity exceeding 50 kg per hour, where this is the primary object of the works.
11. Mineral Works Works in which the processing capacity exceeds 5 000 tonnes per annum and in which metallurgical slags or pulverized fuel ash or minerals are subjected to any size reduction, grading or heating by processes giving rise to dust, including the subsequent handling of the products of any such process.
12. Incinerators Works in which the installed capacity exceeds 0.5 tonne per hour and which are used for the destruction by burning of wastes or refuse.
13. Petrochemical Works Works in which the processing capacity exceeds 200 tonnes per annum, and in which —
- (a) any products of petroleum are prepared or used, except as solvent, in any chemical manufacturing process, not being a chemical manufacturing process described in any other specified process; or
 - (b) used lubricating oil is prepared for re-use by any thermal process.
14. Sulphuric Acid Works Works in which the installed capacity exceeds 1 000 tonnes per annum and in which the manufacture of sulphuric acid is carried on by any process, and works for the concentration or distillation of sulphuric acid.
15. Tar and Bitumen Works Works of the following kinds in which the installed capacity exceeds 3 000 tonnes per annum, and in which—
- (a) gas tar or coal tar is distilled or is heated in any manufacturing process; or

- (b) creosote or any other product of distillation of gas tar or coal tar is distilled or is heated in any manufacturing operation.
16. Frit Works Works in which the installed furnace capacity exceeds 1 tonne and in which frit is made by fusion of minerals and quenching.
17. Lead Works Works in which the installed capacity exceeds 0.4 tonne or, if the mode of operation is continuous 0.25 tonne per hour, and in which by the application of heat, lead is extracted from any material containing lead or its compounds and works in which compounds of lead are manufactured from metallic lead or its compounds by dry processes which give rise to dust and fumes.
18. Amines Works Works in which the processing capacity exceeds 1 000 tonnes per annum and in which—
- (a) any methylamine or any ethylamine is made; or
- (b) any methylamine or any ethylamine is used in any chemical process.
19. Asbestos Works Works in which the installed capacity exceeds 200 tonnes (expressed as asbestos) per annum and in which the preparation and fabrication of asbestos is carried out.
20. Chemical Incineration Works Works in which installed capacity exceeds 100 kg per hour and are used for the destruction by burning of wastes produced in the course of organic chemical reactions which occur during the manufacture of materials for the fabrication of plastics and fibres, and works for the destruction by burning of chemical wastes containing combined chlorine, fluorine, nitrogen, phosphorus or sulphur.

21. Hydrochloric Acid Works Works of the following kinds in which the installed capacity exceeds 1 000 tonnes per annum—
- (a) hydrochloric acid works or works where hydrochloric acid gas is evolved either during the preparation of liquid hydrochloric acid or for use in any manufacturing process or as the result of the use of chlorides in a chemical process;
 - (b) tinsplate flux works, works in which any residue or flux from tinsplate works is calcined for the utilization of such residue or flux, and in which hydrochloric acid gas is evolved; or
 - (c) salt works (not being works in which salt is produced by refining rock salt, otherwise than by the dissolution of rock salt at the place of deposit) in which the extraction of salt from brine is carried on, and in which hydrochloric acid gas is evolved.
22. Hydrogen Cyanide Works Works in which the installed capacity exceeds 1 000 tonnes per annum and in which hydrogen cyanide is made or is used in any chemical manufacturing process.
23. Sulphide Works Works in which the processing capacity exceeds 1 000 tonnes (expressed as sulphuretted hydrogen) per annum and in which sulphuretted hydrogen is evolved by the decomposition of metallic sulphides, or in which sulphuretted hydrogen is used in production of such sulphides, or any works in which sulphuretted hydrogen is evolved as part of a chemical process not being a chemical process described in any other specified process.’

The addition of the new Schedule 1A was agreed to.

MARINE FISH CULTURE (AMENDMENT) BILL 1983

Clauses 1 to 5 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

APPROPRIATION BILL

BILLS OF EXCHANGE (AMENDMENT) BILL and the

MARINE FISH CULTURE (AMENDMENT) BILL

had passed through Committee without amendment and the

AIR POLLUTION CONTROL BILL

had passed through Committee with amendments and moved the third reading of each of the Bills.

Question put on each Bill and agreed to.

Bills read the third time and passed.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I adjourn the Council until 2.30 p.m. on Wednesday, 11 May 1983.

Adjourned accordingly at twenty-nine minutes past five o'clock.