

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 29 June 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
SIR JOHN HENRY BREMRIDGE, K.B.E.

THE HONOURABLE THE ATTORNEY GENERAL
MR. MICHAEL DAVID THOMAS, 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, C.B.E., J.P.

THE HONOURABLE CHEN SHOU-LUM, 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.

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

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 HU FA-KUANG, J.P.

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

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

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

THE HONOURABLE CHAN KAM-CHUEN, J.P.

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

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

THE HONOURABLE HENRY CHING, C.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE LAWRENCE WILLIAM ROBERT MILLS, J.P.
REGIONAL SECRETARY (HONG KONG AND KOWLOON), CITY AND NEW TERRITORIES
ADMINISTRATION

THE HONOURABLE JUSTIN YUE KWOK-HUNG, M.B.E., J.P.
SECRETARY FOR TRADE AND INDUSTRY (*Acting*)

DR. THE HONOURABLE LAM SIM-FOOK, O.B.E., J.P.
DIRECTOR OF MEDICAL AND HEALTH SERVICES (*Acting*)

ABSENT

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

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

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

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

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

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

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):—

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Use of Putonghua in Legislative Council

1. MR. ALEX WU asked:—*Will Government consider amending Standing Orders to enable Putonghua to be used in this Chamber?*

THE CHIEF SECRETARY:—Sir, I think the first point I should make, Sir, is that by virtue of Article 23 of the Royal Instructions it is this Council which makes the Standing Orders which regulate the proceedings of this Council. It would be, therefore, a matter for this Council to amend the relevant Standing Order to permit Putonghua to be used. At present Standing Order 2(1) specifies that a Member may address the Council in either English or Cantonese. This dates from an amendment made in 1971 following a recommendation in the First Report of the Chinese Language Committee chaired by Sir Kenneth FUNG Ping-fan.

The argument in support of this recommendation was quite simple: the use of Cantonese with English would enable ‘non-English speaking members of the public to comprehend the proceedings of (the Council)’. The Committee considered whether Cantonese alone, Cantonese and Mandarin (Putonghua), or Mandarin alone should be adopted. On the basis that Cantonese was the usual language of the overwhelming majority of Hong Kong people, and that an even greater number understood Cantonese, the Committee concluded ‘that Cantonese would at the present moment have more relevance and reality for the population as a whole ... and that interpretation facilities ... should be confined to English and Cantonese only’.

The Committee went on to say that the possibility of introducing Mandarin ‘in years to come’ should be kept under review. We have not, to my personal knowledge, formally reviewed the position, since 1971. Perhaps we should do so

now and I shall consult with the Senior Member. One possibility would be to form an *ad hoc* group of Official and Unofficial Members to consider whether Standing Order 2(1) should be amended and the practical implications of doing so. This *ad hoc* group could include Members of the UMELCO Chinese Language Policy Panel.

MR. ALEX WU:—*Sir, may I enquire what would be the other possibilities and when would the ad hoc group be formed?*

THE CHIEF SECRETARY:—I am not absolutely certain, Sir, what Mr. WU means by the other possibilities. If he means other combinations, clearly it is difficult to imagine our dispensing with English or Cantonese so I imagine the most likely outcome, if the use of Putonghua is to be seriously considered, would be English, Cantonese and Putonghua which would require a three-way simultaneous interpretation; and that I must confess would involve some difficulty because our existing team of 14 full and part-time simultaneous interpreters are fairly stretched and only three or four, I believe, can speak Putonghua fluently. We have had some difficulty in recent years in recruiting interpreters. There is also the further point, I suppose I should add, that in these premises it would be difficult perhaps to fit in additional simultaneous interpretation facilities for technical reasons and therefore any change *might*—I am only saying *might*— have to await a move to our new premises.

MR. ALEX WU:—*I was actually referring to the last paragraph of the Chief Secretary's reply which said 'one possibility'. May I now ask the Chief Secretary to answer the second part of my question: when would the ad hoc group be formed?*

THE CHIEF SECRETARY:—Obviously if we are to make amendments to Standing Orders then Members of this Council must be consulted, and I think that could best be done through an *ad hoc* group. I cannot possibly answer when the *ad hoc* group would be convened because that would have to be a matter for agreement between the Official side and Mr. LOBO as Senior Unofficial Member.

Registration under the Business Registration Ordinance

2. DR. IP asked:—*Are persons offering private tuition in, say, painting, music, dancing and academic subjects in their own homes and who charge fees, required to register under the Business Registration Ordinance?*

THE FINANCIAL SECRETARY:—Yes, Sir. Under the provisions of the Business Registration Ordinance every person carrying on a business or other activity for gain, including the offering of private tuition at home for a fee, is required to register with the Business Registrations Office within one month of commencement. The registration fee is \$350 payable annually.

There is of course a thin line between running a business from one's home and earning a bit of pin money. The C.I.R. must be expected to use his judgement. There is also an exception, or exemption, on income under \$450 per month for services, and \$1,500 for the sale of goods.

DR. IP:—*Sir, what simple and non-costly measures have Government taken to publicize the need for such persons offering private tuition to register under the Business Registration Ordinance and also to ensure that this requirement is met?*

THE FINANCIAL SECRETARY:—I don't think there is any doubt about this being generally known and the Inland Revenue Department estimates that there must at present be several hundred such registrations at least.

DR. IP:—*Sir, as the summer holidays will start soon, for the benefit of those who will use this opportunity to offer private tuition on a small scale could Government clarify under what circumstances shall there be exemption on payment of registration fees and how can such applications be made?*

THE FINANCIAL SECRETARY:—I think perhaps my kindest answer to that question will be that I will discuss the matter with Dr. IP and let her know what we can do. The trouble is this is a matter of law in Hong Kong and in the interpretation of law there is room for certain manoeuvre but not too much. Perhaps we can discuss this outside this Chamber and decide what is for the best in the best of all circumstances.

DR. IP:—*Sir, could Government comment on the advantages to Hong Kong in the field of business and commerce if the Business Registration Office can provide a breakdown into categories of its 800 000 registrations or records, the facility of which I was informed not to exist at present?*

THE FINANCIAL SECRETARY:—Again, Sir, that is a far reaching supplementary and I will endeavour to secure the information for which Dr. IP asks.

Water sports centre

3. DR. FANG asked:—*What progress has been made since June 1980 when this Council was informed that a consultant would be engaged with a view to identifying selected reservoirs for sport and recreational activities?*

SECRETARY FOR HOME AFFAIRS:—Sir, in October 1980, consultants were engaged to investigate and identify a site most suitable for a pilot water sports centre among the Plover Cove, Shing Mun and High Island reservoirs. The consultants recommended in 1981 that a site at Plover Cove near Chung Pui, off Bride's Pool Road, as the most suitable for such a pilot project.

Having regard to the technical problems such as safety, accessibility of the site, pollution and fluctuation of the water level of the reservoir, Government is considering the possibility of using one reservoir (most likely to be Plover Cove) for *restricted organized* water sports activities. Consideration is also being given to allowing one or more of Hong Kong's governing water sports bodies to establish a trial scheme. Further development in this area will have to depend on the success or otherwise of the trial scheme.

DR. FANG:—*Sir, will it be possible for Government at this stage to indicate a date for the proposed trial scheme?*

SECRETARY FOR HOME AFFAIRS:—*Sir, the Recreation and Culture Department has been consulting the governing bodies of water sports several of which have shown a positive interest. Whilst the technical problems can be overcome, and provided funds can be made available, the pilot project can be attempted. The pilot project itself would not be an elaborate undertaking. The timing depends largely on the initiative of the water sports bodies.*

Abandoned vehicles

4. MR. PETER C. WONG asked:—*What action has Government taken over the past three years against owners who abandoned their vehicles on Crown land and, in particular, on streets and pavements?*

SECRETARY FOR DISTRICT ADMINISTRATION:—*Sir, owners of abandoned vehicles found on public roads and Crown land may be charged with offences of illegal parking, obstruction and, where appropriate, possession of unlicensed and uninsured vehicles. However prosecutions are not very frequent and their deterrent effect is doubtful. The difficulty lies in determining the identification and whereabouts of the true owner as the licence discs and number plates have usually been removed from the vehicles, and tracing the most recent owner through the chassis number involves a very substantial and often not very rewarding search through many records. Even in cases where an owner has been identified, after a lot of research, prosecution may be prevented by complications arising from transfer of ownership and possibly hire-purchase arrangements.*

The Government therefore believes that the important task is to expedite the clearance of abandoned vehicles. To this end, cumbersome and lengthy interdepartmental procedures have been streamlined and improved, with the result that in 1982, 6 159 abandoned vehicles were crushed, compared with 4 380 in 1980 and 4 145 in 1981. In the first five months of this year, 3 661 abandoned vehicles were sized and crushed: an average of 730 a month, compared with 350 a month at the beginning of 1982.

The speed with which abandoned and impounded vehicles can be dealt with will be further increased when the statutory period for keeping an abandoned vehicle at a Police pound before disposal is reduced from one month to two weeks.

Sir, I should like to re-assure Mr. WONG that much has been done and will continue to be done to bring this matter under effective control.

MR. S. L. CHEN:—*Sir, all this is very well in dealing with illegally abandoned vehicles, but how about to deal with voluntary surrender? As I understood it the one and only one existing vehicle surrender centre is most of the time full. What additional facilities would Government have to deal with this particular problem?*

SECRETARY FOR DISTRICT ADMINISTRATION:—*Sir, if I may say so I think Mr. CHEN's assumption is incorrect. The present centre at Kowloon Bay is adequate and with an efficient through-put there should be no over-flowing. It takes approximately four to seven days from the time a vehicle owner surrenders his vehicle to the time it is crushed and the present facilities are adequate.*

East Island Corridor

5. MRS. CHOW asked:—*Will Government inform this Council the progress of the East Island Corridor currently under construction?*

SECRETARY FOR LANDS AND WORKS:—*Sir, three sections of the Island Eastern Corridor are currently under construction. These are from Causeway Bay to Healthy Street West; from Healthy Street West to Tai Koo Shing; and from Tai Koo Shing to Shau Kei Wan.*

The whole length from Causeway Bay to Shau Kei Wan has been programmed for completion in mid-1985. In order to bring early relief to King's Road, the sections from Causeway Bay to Tai Koo Shing were planned to be completed and opened to traffic several months in advance of that date. Despite setbacks to the construction programme due to underground obstructions to piling and unusually wet weather, this objective will still be achieved.

The construction of the remainder of the Corridor from Shau Kei Wan to Chai Wan, will commence from the Chai Wan end. The sections in Chai Wan itself and from Chai Wan to Pak Chai Wan are scheduled to commence towards the end of this year for completion in 1985 and the final section from Pak Chai Wan to Shau Kei Wan will be completed in 1987.

Motor-cycle parking

6. MR. SO asked in Cantonese:—

有關提供電單車停泊地點，請問政府的現行政策怎樣？該項政策，是否根據本港目前已註冊私人電單車的數目而擬定？

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

What is Government's existing policy on the provision of parking facilities for motor-cycles, and is it related to the present number of registered private motor-cycles in Hong Kong?

SECRETARY FOR TRANSPORT:—Sir, Government policy on motor-cycle parking is to provide free on-street spaces, the number of which is broadly related to the demand and to available space. There are about 3 200 designated motor-cycle spaces, of which 900 are on Hong Kong Island, 1 500 in Kowloon and 800 in the New Territories.

Provision of motor-cycle parking facilities is not related solely to the number of registered private motor-cycles. The provision of parking facilities has to be balanced to take account of the needs of all types of vehicle.

MR. SO asked in Cantonese:—

閣下，請問香港現在已登記之私人電單車有多少輛，同時，政府是否規定這些電單車超過某一個年份，需嚴格檢查合格之後，才可以重新領得行車證？

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

Sir, how many registered motor cycles are there in Hong Kong at the moment and will the Government stipulate that they will have to be examined after a certain age before their licence can be renewed?

SECRETARY FOR TRANSPORT:—Sir, there are at the end of April 26 978 registered motor cycles. As to the second part of the question, Sir, it is our policy that in due course all vehicles will be examined after a certain age, but I cannot guarantee that motor cycles will be examined with the frequency with which Mr. So requests.

Herpes Simplex viruses

7. MR. WONG LAM asked in Cantonese:—

政府可否告知本局，目前本港流行的疱疹病毒類型，以及是否會因使用公共設施，如游泳池及廁所等而感染該等傳染病？

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

Will Government inform this Council which strains of the herpes virus are prevalent in Hong Kong and whether the resulting infections can be contracted through the use of public facilities such as swimming pools and toilets?

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, there are two strains of viruses, namely Type I and Type II which cause a condition known as Herpes Simplex. The Herpes that is caused by the Type I strain normally manifests itself as skin lesions around the mouth and the face and is commonly known as cold sores as it usually follows a common cold.

This is by far the more prevalent type of infection and as its name implies is quite harmless and the disease is self-limiting.

The Type II strain causes a condition which normally manifests itself as lesions around the genitalia. This condition is much less common and is known as genital herpes.

Both Type I and Type II strains of the Herpes Simplex viruses are micro organisms which when exposed to the natural elements outside the human body do not survive. Thus, swimming in pools and the use of toilet seats as such in practice do not constitute any significant sources of infection. In the case of the cold sores, transmission is by direct contact from person to person or by droplets when the persons are in close proximity; while in the case of genital herpes, transmission is through sexual activities.

Unemployment

8. MRS. CHOW asked:—*Will Government coment on—*

- (a) the present unemployment situation in Hong Kong;*
- (b) how this compares with the same time last year; and*
- (c) what is being forecast for the rest of the year?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, when I last spoke in this Council on the subject of unemployment on 5 January 1983, I said, in answer to a question raised by Mr. CHEUNG Yan-lung, that the unemployment rate in the second half of 1982 was about 4%. I pointed out, however, that the indications were that there would be less employment opportunities or shorter working hours in the manufacturing sector in the next few months. Unhappily the implication of this warning—that the overall rate of unemployment would rise—has proved correct.

In the three months February to April 1983, the seasonally adjusted unemployment rate was 5.2%. This was higher than the 3.4% recorded for the same period last year.

But today, Sir, I am pleased to say that recent figures indicate that, as our economy gradually recovers from the recession, the unemployment situation has ceased to deteriorate.

Domestic exports of goods increased by roughly 5% in real terms in the first four months of this year compared with the same period last year. Orders in hand in the manufacturing sector as a whole have lengthened from 3.8 months in December 1982 to 4.2 months in April 1983. Also, retained imports of raw materials and semi-manufactures in the first four months of this year increased by roughly 5% in real terms compared with the same period last year.

I must caution, however, that although the economy is improving and seems likely to go on improving, there is no guarantee that this improvement will be translated immediately into new jobs. The reason for this is that after economic recovery begins there tends to be a lag before employment opportunities start to increase again. Nevertheless, all the indicators suggest that there should be an improvement in the unemployment situation in the next few months.

MRS. CHOW:—*Sir, is the under-employment situation also improving?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, the under-employment rate in the period February to April 1983 was 2.4%, the same as that recorded in the period November 1982 to January 1983. The under-employment situation has stabilized and indeed may have started to improve.

MRS. CHOW:—*Sir, is it true that in practical terms 100% employment can never be attained and, if so, what is the lowest percentage one can hope to achieve?*

SECRETARY FOR ECONOMIC SERVICES:—It is true, Sir. A figure of about 3% to 4% would seem to be the figure in answer to Mrs. CHOW's question.

Loss suffered by chicken farms

9. MR. CHARLES YEUNG asked:—

- (a) *What is the estimated financial loss to local chicken farmers as a result of the recent publicity on the ill-effects of the use of growth hormones in chicken raising?*
- (b) *Does the Government have any plans to alleviate the plight of chicken farmers who have suffered losses?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, in answer to the first part of Mr. YEUNG's question, the sales and prices of locally produced chickens have fallen sharply since late May when the publicity regarding the use of synthetic hormones began to have effect. We have estimated the loss suffered by chicken farms in Hong Kong at \$17.61 million as at 26 June 1983. In giving this figure I

am aware that different sums have been mentioned. The discrepancy is probably due to different bases of calculation.

In answer to the second part of the question, the Agriculture and Fisheries Department has received 1 520 applications from local chicken farmers for loans, again as at 26 June 1983. In order to meet these applications, the Kadoorie Agricultural Aid Loan Fund and the J. E. Joseph Trust Fund, both administered by the Director of Agriculture and Fisheries, will be used for the purpose of granting loans to chicken farmers who meet the established criteria. Furthermore, with the agreement of the Marketing Advisory Board, the Vegetable Marketing Organization is also making available a substantial part of its accumulated surpluses for the same purpose. The Agriculture and Fisheries Department has already started processing applications as a matter of urgency. The loans will be made at favourable rates of interest.

I must emphasize that the financial assistance being made available should not be regarded as compensation for farmers' losses. The main objective of the loans is to help the local poultry industry regain its position and to develop safe methods of production. With an estimated total turnover of over \$400 million in 1982, the local chicken rearing industry is a significant economic activity. Furthermore, it is in the community's interest to have a degree of self-sufficiency in major foodstuffs.

We shall not stop short at the provision of financial assistance. The Agriculture and Fisheries Department will start intensive training courses in safe methods of increasing productivity.

Sir, the financial and technical assistance to be provided together with the courses of action which I announced in this Council on 8 June 1983 regarding the use of hexoestrol and the control of imports of meat treated with this substance will, I have no doubt, fully revive public confidence in our poultry industry. Indeed, there are some signs already that confidence is being restored.

MR. CHARLES YEUNG:—*Sir, what types of training courses will the Agriculture and Fisheries Department provide to teach the farmers the safe methods of increased productivity?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, the first method of increasing productivity is to breed hybrid-broilers. Out of the 18 million live chickens produced locally last year 2.3 million were hybrid-broilers. Preparations are well under way to start courses in July to teach farmers how to breed such broilers. Each course will last for six half-days.

Another method of increasing productivity concerns techniques for the sexing of chickens. This involves trying to distinguish male chicks from female chicks when they are one day old, so that the male chicks will be discarded and only female chicks will be reared to full maturity for the market. The relevant expertise is not available in Hong Kong and the Agriculture and Fisheries

Department plans to send its officers abroad for training so that courses can be arranged locally. This, Sir, is likely to take some time, so the Department is exploring the possibility of hiring experts from abroad so as to shorten the time before courses can start.

MR. LO:—*Sir, when can a member of the public be sure that no local or imported chicken raised with growth hormones will be on sale?*

SECRETARY FOR ECONOMIC SERVICES:—*Sir, it's difficult to give a precise time. I should say in answer to this question that many chicken farmers have acted responsibly and quickly to the recent publicity by voluntarily ceasing to use these pellets. Others have resorted to the massive destruction of male chicks. Although we cannot estimate precisely the extent to which the use of the compound has stopped it seems safe to say that the number of hormone implanted chickens available on the market must be decreasing.*

MR. LO:—*Sir, I think the answer only related to the locally raised chickens. My question included imported chickens.*

SECRETARY FOR ECONOMIC SERVICES:—*Sir, I don't think I can answer the question about imported chickens. As I said on the last occasion machinery or instruments are to be installed so that imported meat can be tested, but I can't as yet give an answer as to the time scale.*

Non-gazetted beaches

10. MR. WONG PO-YAN asked:—*Will Government inform this Council of:—*

- (a) its policy on the use of non-gazetted beaches; and,*
- (b) whether it is concerned that members of the public swim from non-gazetted beaches such as Butterfly Beach which is said to be a health hazard, and if so, whether it intends to do anything about this?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, the terms gazetted and non-gazetted beach are misleading. To many people, a gazetted beach is taken as being one at which swimming is officially permitted, and conversely a non-gazetted beach is regarded as one at which swimming is not permitted. This is incorrect, Sir, and so in order to avoid confusion, before answering the specific question, it might help if I were to explain that what is referred to as a 'gazetted beach' is no more than a beach which has been designated under the Public Health and Urban Services Ordinance as a public pleasure ground.*

The purpose of designating a beach as a public pleasure ground is simply to bring it within the statutory management of the appropriate authority (the Urban Council in the Urban Area or the Director of Urban Services in the New Territories). This is done whenever a beach becomes so popular that a degree of control is necessary and the provision of services and facilities is justified.

Whether or not the waters adjacent to a beach are of such a quality as to render them suitable for swimming is not the sole criterion for deciding whether a beach should be designated as a public pleasure ground. Indeed, there are other amenities apart from swimming which may attract users to a beach in such numbers as to justify the statutory management which designation makes possible, and there are beaches which are suitable for swimming but which are not designated as public pleasure grounds simply because, for example, of difficulty of access.

It follows therefore that the Government's policy on the use of beaches for swimming does not depend upon whether the beach is 'gazetted' or 'non-gazetted'.

In the context of pollution, clearly members of the public should avoid swimming at those beaches, whether 'gazetted' or not, where the water quality is such as to pose a serious health hazard. The Government is concerned that people should not swim in seriously polluted waters.

The water quality is analysed regularly at all beaches designated as public pleasure grounds, and at some nine other beaches which are not at present so designated but which attract swimmers and which may at some future date require designation. Where the water quality falls below the standard recommended by the World Health Organization as being acceptable for swimming, notices are posted prominently warning people that it is unsafe for them to swim there.

Such notices have already been posted at Castle Peak and Anglers' Beach which are gazetted beaches, and Butterfly Beach which is a non-gazetted beach, and considerable publicity has been given to the fact that the waters adjacent to those three beaches are now so polluted as to be unsafe for swimmers.

MR. WONG PO-YAN:—*Sir, will Government agree that the beaches are valuable assets of Hong Kong especially since the cost of building a swimming pool is so expensive, therefore Government should take a longer term effort to preserve the beaches from any possibility of pollution in order to keep these beaches available to the public for recreational purposes when circumstances permit it?*

SECRETARY FOR HEALTH AND WELFARE:—Yes, Sir.

Floating refuse on gazetted beaches

11. MR. CHEUNG YAN-LUNG asked:—*What action is being taken to collect floating refuse from gazetted public beaches and to deal with vessels and individuals causing this nuisance?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, all so-called gazetted beaches are provided with a litter collection service. In addition to collecting refuse on the

beach itself, the service also includes the collection of floating refuse on the waters adjacent to the beach, and in particular on those waters set aside for the sole use of swimmers and normally delineated by boom-lines.

Urban Services Department staff are stationed at all gazetted beaches and they are empowered to summons litter offenders. The statistics do not differentiate unfortunately between littering on the beach itself and littering on the waters adjacent to the beach. But overall in 1982 the Urban Services Department successfully took out 771 prosecutions relating to littering on beaches. 173 of these were in respect of the first five months of the year, and the comparable figure for the first five months of this year is 117.

MR. CHEUNG YAN-LUNG:—*Sir, how many gazetted beaches are there in the whole territory and are there any rubbish collection vessels deployed to keep these beaches clean and, if so, how many?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, the number of gazetted beaches appears to be in dispute. It's somewhere between 38 and 42. (laughter) As to the use of vessels these are used at some of the major beaches to collect floating refuse. The vessels known as 'seacats' are modified life-boats with the mechanism for scooping up refuse; they are being used on an experimental basis.*

DR. IP:—*Will Government confirm whether such vessels are put into operation at weekends and on public holidays when the beaches are most crowded with swimmers?*

SECRETARY FOR HEALTH AND WELFARE:—*I am not sure, Sir, that I really know the answer to that question, but I would be very surprised if they are because the density of people using the beaches—in the water—would make the use of these vessels impractical.*

Marking Order

12. MR. LOBO asked:—*What is the position regarding the preparation of Marking Orders to control the fraudulent and misleading description of gold articles on sale in local shops?*

SECRETARY FOR TRADE AND INDUSTRY:—*Sir, following detailed consultations with trade, consumer and tourist organizations, a Marking Order has been drafted. Subject to a final consideration of the financial implications, the draft Order will be submitted to the Executive Council for approval in the near future.*

Psychiatric health of the community

13. MR. CHEUNG YAN-LUNG asked:—*Will Government inform this Council*

- (a) *whether mental depression requiring clinical treatment is considered a serious local problem;*
- (b) *what steps are being taken to improve the psychiatric health of the community?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, mental depression is the most common psychiatric condition in many developed and developing countries. It is a condition which is generally related to the person's reaction to his environment. In this respect, it is no more or no less serious in Hong Kong than in any other city of comparable size and population.

In general, therefore, the answer to the second part of my honourable Friend's question lies in all the measures that the Government is taking to improve the quality of life in Hong Kong.

More specifically in the medical field, significant steps have been taken to promote mental health and prevent psychiatric illness.

In this regard, the major programmes are:—

1. The Central Health Education Unit in my Department has organized as part of its prime activities mental health campaigns through exhibitions and the mass media aimed at educating the public on the theme which puts emphasis on good mental health. Such activities are on-going throughout the year.
2. Counselling services to promote good mental health are available in all our mental health centres. Doctors hold regular sessions in the clinics within the centres to help patients who require such counselling services. Whenever possible, the opportunity is taken by our experts to participate and contribute in meetings and seminars with a view to keeping the profession and public abreast of modern development and practice of psychiatry in this field.

Waste disposal

14. MR. SO asked in Cantonese:—

本港目前設有甚麼形式的廢物處理系統，以處置工業與住宅廢物，以及有毒素和其他會造成危險的廢物？

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

What waste management systems are we having in Hong Kong to deal with industrial and domestic refuse and toxic and other hazardous wastes?

SECRETARY FOR HEALTH AND WELFARE:—Sir, a daily collection service for domestic refuse is provided by the Urban Services Department. Collections are made from refuse collection points placed throughout the territory, except for very remote areas, according to population density and site availability. In appropriate cases commercial refuse is also collected. There is no public collection service for industrial and trade wastes, and these are collected privately.

All wastes collected, apart from those recycled through private enterprise, are disposed of by incineration, composting or dumping at controlled tips. There are at present three incinerators, one composting plant and four controlled tips in operation. The controlled tips account for some 75% of total waste disposal.

For the future, a comprehensive waste disposal plan is being developed. This is a major task. The concepts of bulk transport of refuse and the use of refuse transfer stations to maximize the cost-effective use of resources are also being examined. Further possible sites for controlled tips and new incinerators are being looked at.

As regards toxic and hazardous wastes, a report has recently been received from consultants. This recommends possible methods for the safe disposal of such wastes, including the construction of certain specialized facilities. These comprise a neutralization plant for aqueous wastes, an oily wastes treatment plant, a chemical wastes incinerator and a solvents recovery plant. The consultants' recommendations are now under study.

Weights and measures

15. REVD. P. T. MCGOVERN asked:—*In view of the statement by the then Secretary for Economic Services in December 1978, that while he would not hold out much cheer for that Christmas he had hopes for the Christmas thereafter (i.e. 1979) of new and available standards and a new Ordinance, would Government make a statement on the progress of the new Weights and Measures Ordinance in the intervening 4½ years, before the Standard Yard is further bent and the Standard Weights further corroded?*

SECRETARY FOR TRADE AND INDUSTRY:—Sir, with hindsight, Government may not have envisaged in 1978 the extent of detailed consideration that has subsequently proved necessary. While no one would dispute the desirability of the measures envisaged, Government in pursuing this would be doing the consumers a disservice if it did not take account of the problems involved.

The statement by the Secretary for Economic Services in 1978, to which Father MCGOVERN refers, followed a study from which Government concluded that it would itself need to acquire some expertise in this field as a first step. The expert was eventually in post in November 1980. Thereafter, detailed study

and drafting was set in train, in consultation with international bodies and appropriate organizations in other countries who had experience in this field.

As a result of this phase of the work, Government concluded that such legislation would have far reaching effects on the every day life of virtually the whole population of Hong Kong. To take a single example, the widespread use of the 'Ching's' raised questions as to how far its continued use and possible standardization needed to be envisaged. The Secretary for Economic Services consequently decided in March 1982 that an appropriate consultative document should be circulated to obtain the views and comments of district boards, the Consumer Council and the relevant trade and industry organizations and advisory bodies.

This process was completed at the end of 1982, shortly after the responsibility for this subject was transferred from the Economic Services Branch to the Trade and Industry Branch. The underlying objectives in the consultative document were widely welcomed by all concerned, and it has been Government's task in the first part of this year to seek to translate those objectives into clear, workable and enforceable legislation. That we should not seek to pass legislation until Government is fully able to enforce it is to me almost axiomatic. The sort of proposals envisaged would require a large number of staff and inevitably represent a substantial financial commitment by Government. Consequently the next step is to establish what would be a cost-effective way of enforcement, following which the proposed legislation will be submitted to the Executive Council for approval.

Sir, in the meantime corrosion prevention measures are being applied to the Standard Yard and Weights.

REV. MCGOVERN:—*Would the Secretary venture an estimate of when the legislation might reach this Council—4½ more years or less?*

SECRETARY FOR TRADE AND INDUSTRY:—Sir, I am not currently in a position to give such a forecast. Much would depend on how soon we would be able to establish what would be a cost-effective way of enforcement.

Kindergarten fee assistance

16. MISS TAM asked:—*Will Government state—*

- (a) the reasons for reducing fee assistance for Kindergartens from \$31.6 million in 1982-83 to \$5.05 million in 1983-84;*
- (b) whether the maximum fee assistance level is too low to attract applications; and*
- (c) whether the means test criteria prevent many parents from obtaining assistance?*

DIRECTOR OF EDUCATION:—Sir, the provision of \$31.6 million for kindergarten fee assistance in 1982-83 was based on the assumption that some 73 000 eligible applicants would be found. In the event only 10 070 came forward for the 1982-83 school year, and of these 7 550 were found to be eligible. Consequently, a more realistic assessment of the likely number of eligible applicants in 1983-84 has been made—and this we think will be in the region of 11 000, requiring a provision of \$5.05 million. Fee assistance is not being reduced: the budget estimate has merely been adjusted.

In accordance with the terms of the 1981 White Paper on Primary Education and Pre-primary Services, the maximum level of fee assistance for kindergartens is based on the average fee charged in non-profit-making kindergartens. This level is updated every year to bring the maximum assistance in line with current average fee levels which are \$110 per month for half-day kindergartens and \$300 per month for full-day kindergartens. Within the limits of the present assistance scheme, the maximum fee assistance level is considered adequate to attract eligible applications.

Fee assistance is granted to parents in accordance with a sliding scale based on the family's total monthly income after payment of rent. As stated in the 1981 White Paper, the prime object of the scheme is to assist low-income families to meet the cost of kindergarten fees. I have no reason to believe that this object is being frustrated.

MISS TAM:—*May I ask Director of Education whether the gap between 73 000 eligible applicants estimated and the actual 10 070 applicants that came forward for the year 1982-83 occurred because the maximum fee assistance level is too low, or the means test criteria prevent them from obtaining assistance, or the lack of publicity to brief them on the situation, or there was simply a mistake in the forecast?*

DIRECTOR OF EDUCATION:—There may well have been a mistake, Sir, but we don't think the maximum fee assistance level is too low to attract applications, nor do we think that the means test criteria may prevent many parents from obtaining assistance. It may well be that publicity has not reached every parent. The scheme after all is a very new one but we think that 11 000 is a much more realistic assessment for this year. If, of course, we have again made the mistake we shall have to adjust upwards.

Tram stops

17. MR. CHAN KAM-CHUEN asked:—*In the interests of passenger safety and better traffic management, will Government consider resiting existing tram stops, where practicable, near traffic lights?*

SECRETARY FOR TRANSPORT:—Sir, the Road Safety Division of the Transport Department in its regular programme of work takes a close interest in the safety of passengers boarding or alighting from trams, and recommends improvements. Resiting tram stops can indeed be a method of improving safety and traffic management, but, other measures, somewhat more easily implemented, are also effective. At one site (Des Voeux Road/Eastern Road junction) for instance, the number of pedestrian accidents was reduced from 21 per annum to 1 per annum, by banning motor vehicles from travelling on the tram tracks adjacent to a tram island.

As to the relationship between tram stops and traffic lights about half of the tram stops are near road junctions, many of which have traffic signals. However, if Mr. CHAN has any particular stops in mind, perhaps he will let me know, and I will, with pleasure, arrange to have them investigated.

MR. CHAN KAM-CHUEN:—*Sir, my observation is that those tram stops at traffic lights are the safest and those with a tram island are next. But what I have in mind are those tram stops which stop at middle-road with a line drawn as a tram stop, whereby if a tram stops a whole line of cars have to stop following it thus not making a very smooth flow of traffic.*

SECRETARY FOR TRANSPORT:—Yes, I think I see the point. There are certainly instances where that is the case. It is usually because the road overall is too narrow to allow the segregation of the tram track and the vehicles, but again if there are particular places I shall be happy to have them looked at again.

Weather warning arrangements

18. MR. CHAN KAM-CHUEN asked:—*Is Government satisfied with the existing flood warning arrangements and with the arrangements for advising parents on whether to send their children to school when it may be dangerous to do so?*

DIRECTOR OF EDUCATION:—Sir, the Government has a comprehensive network of weather warning arrangements which include the Education Department. Such warnings cover a wide range of weather information relating to tropical cyclones, thunderstorms, prolonged heavy rain and flooding, and natural disasters.

As this question particularly relates to arrangements for advising parents on whether to send their children to school when it may be dangerous to do so, I shall confine my remarks to the arrangements made by my Department.

The Education Department keeps a weather-watch through direct links with the Royal Observatory, the Information Services Department and the Police. In the case of heavy persistent rain during the night likely to cause flooding or disruption to public transport, one of my officers is under standing instruction

to contact the Duty Forecaster of the Royal Observatory, the Duty Press Officer of the Information Services Department and the Colony Polmil Office in Police Headquarters which is jointly manned by Police and Military Duty Officers, for weather, road and public transport information between 5 and 5.30 a.m. the next day. His duty is to keep the Deputy Director of Education informed, who in turn reports to me at 5.30 a.m., when a decision must be taken to close schools or leave them open. Action is necessary at this very early hour to permit messages to be relayed to radio and television stations between 6 and 6.15 a.m. when parents with children in morning session schools are listening before they set out for school.

When the information from these various sources clearly indicates dangerous weather and flooding, or disruption of public transport, it is easy to come to the decision to close schools. But if there is no indication of the intensity or likely duration of heavy rain, and when road and public transport conditions are reported to be normal, judgement is to be exercised and a decision is usually taken to open schools but that parents should be asked to use their discretion in sending their children to school having regard to weather, road and transport conditions in their particular locality.

If subsequently there is a sudden deterioration of the weather with flooding and disruption of road traffic, thought must be given to whether or not schools should remain open, and here judgement must again be exercised with the safety of children a paramount consideration. Naturally school authorities are expected to play a responsible role in safeguarding children who may have braved the weather to go to school, and this might take the form of simply waiting for a lull in the weather before releasing them to the custody of parents, school or public transport.

The Department's concern covers not only schools in the morning session, but all-day schools, and afternoon schools to which children may be travelling from 11 a.m. onwards. Public announcements through the radio and television stations must be gauged with this in mind.

Members will gather that much depends on the discretion of the Education Department in arriving at decisions, and, thereafter, the good sense of parents and school authorities. Cardinal to the Department's decision-making process must be the adequacy of information about the weather and road and transportation conditions; but given the variability of local circumstance there has to be dependence on individual observation of local conditions.

To turn to the specific occasion on Friday, 17 June this year, when sudden heavy rains and flooding occurred and which I am sure has given rise to this question, I have to say that I received no indication of the intensity or likely duration of heavy rains at 5.30 that morning, and road and public transport conditions were reported to be normal. It was therefore decided that schools would open as usual but that parents should be reminded to use their discretion in sending their children to school having regard to local weather, road and

transportation conditions. Information provided was not comprehensive enough to warrant a change in the decision which was announced at 6 a.m., when parents and children would be expected to be preparing to leave home for morning session schools. At 6.25 a.m. a further check did not indicate any widespread flooding or damage.

As we now know, there was a sudden massive deluge soon afterwards, with flooding and serious traffic congestion. My communications were knocked out and it was not until 10 a.m. that I could confer again with my senior staff to take the immediate decision to close all schools for the rest of the day, despite a lull in the weather. There was an announcement at 10.20 a.m. to this effect.

It is easy to be wise after an event, but given the same set of circumstances and the same information, the decision to open schools that morning, trusting parents to use their discretion and schools to behave responsibly, would again have been taken. Regrettably many parents did not use their discretion and some schools were reported to have sent children into the storm when they should have been sheltering them.

A quick review of standing arrangements has persuaded me that most of them should remain but that greater efforts must be made to secure as much information as possible of local weather, road and transportation conditions to permit safer decisions. This will mean delaying public announcements from 6 a.m. to 6.15 a.m. on mornings in question to catch early school users, and from 10.30 a.m. to 11 a.m. to cover all-day and afternoon schools. It will involve repeated announcements by radio and television with insistent underlining of the duties of parents and school authorities to safeguard children. It will also mean fresh directives to schools to emphasize the obvious need for great care in an emergency such as that of Friday, 17 June.

I am extremely grateful to Mr. K. C. CHAN for providing me with this opportunity to reassure Members and the public that there are comprehensive and adequate weather warning arrangements for the guidance of parents and the safety of children.

I might add that the same arrangements permitted a decision to close schools on Saturday 18 June, and open schools on Monday, 20 June. Naturally, these decisions did not attract comment from the public and the media.

MR. CHAN KAM-CHUEN:—*Sir, I thank the Director of Education for the full statement of the events and we are very fortunate that no school children was drowned on the day. As regards his remarks about being wise over the event, I think we should get wiser—is it possible to arrange such simplified procedures as like No. 8 typhoon signal the workers and the school children go home automatically, and when there is a landslip signal the squatters automatically vacate their huts? Would it be possible to arrange that once flooding signal is announced automatically school stops, otherwise the parents and the school children, if they have a school examination, are always in doubt whether to go to school or otherwise?*

DIRECTOR OF EDUCATION:—Sir, we have thought about this very hard and have concluded that perhaps an improved series of announcements may be possible. The trouble about automatic closure of schools when there is a flooding warning is that it involves the degree of flooding. In this particular case, there was such an announcement at 7.40 a.m. on the day in question but it concerned flooding in low-lying areas. I think perhaps we can sharpen up on our information system. This is something that I am sure my Friend the Secretary for Security will be considering, but as far as schools are concerned, perhaps the safest decision is to shut schools at the slightest hint of danger. The only trouble is, in an exceptional year such as we have had, had I shut schools at the first hint of rainstorms or danger I think schools would have been closed for a greater proportion of the time than they would have been open.*(laughter)*

MRS. CHOW:—*The essential point here seems to be safety for the children and I was wondering whether the Director of Education has actually considered that perhaps the important thing really is to keep the children indoors and not whether the schools are closed or not. I think that is really a matter of arrangement. But in the case of heavy rain or flooding the sensible thing to do surely is to make sure that the children are kept indoors. If they happen to be in the schools at the time they should be kept in the schools and they should wait until a time when it is safe to fetch them back home. I don't know whether the Director of Education might think along those lines for future arrangements?*

DIRECTOR OF EDUCATION:—I must thank Mrs. CHOW for that suggestion. In actual fact, at 9.20 on that particular day we did announce that children should be kept indoors: if they happened to be at school they should be kept indoors until they were allowed in the weather. So in that sense we had considered the necessity for keeping children indoors. I cannot but help stress the discretion of parents. I was appalled to find many instances of parents taking their children out into what was patently a very bad storm, of which we had no warning whatsoever, and then persisting in taking the children to schools where they quarrelled with school authorities who advised them that perhaps they ought to take them home again and keep them safe. I think the discretion of parents is something that I have to stress time and again and I shall certainly be doing so in the future.

MR. ALEX WU:—*That is the very point. That is, would the Director inform the parents that they do have the discretion and also to advise the principals to exercise special leniency when dealing with absences under such circumstances?*

DIRECTOR OF EDUCATION:—That is certainly in mind, Sir.

MR. CHARLES YEUNG:—*Sir, I am concerned about the statement made by the Director saying that his communications were knocked out and it was not until 10 a.m. that he could confer. Would this situation be remedied in future? Otherwise it might be dangerous. Similarly, I ask what is the arrangement for future?*

DIRECTOR OF EDUCATION:—Had Mr. YEUNG lived on the Peak his communications too would have been knocked out soon after 7 o'clock in the morning. Yes, there are back-up arrangements. My deputy has been delegated authority to deal with an emergency of this kind, but I thought I made it very clear in my answer that in actual fact all the necessary action had been taken by 6 o'clock and between 6 and 6.30 because that was the time at which children normally set out. Any subsequent action had to be taken before 10.30 and we thought we had done that, but we were very concerned that communications should in fact have taken such a knock by the quite unprecedented rainstorm that occurred between 8 and 9.30.

DR. IP:—*Can the Director of Education confirm again that when some students have braved the weather to go to school by the time Education Department declares schools to be closed because of bad weather, that the teaching staff who have also arrived at school then are responsible to supervise the children until they can be evacuated safely? If the answer is yes, would the Director of Education consider when he announces that schools be closed after the children have already arrived at school that he should re-iterate to the teaching staff that this is their responsibility?*

DIRECTOR OF EDUCATION:—I am happy to confirm that, Sir. I thought I made that very clear in my main answer.

Government business

Motions

DELEGATION OF FINANCIAL POWERS

THE FINANCIAL SECRETARY moved the following motion:—That on the resolution relating to the delegation of financial powers in accordance with Colonial Regulation 223, made and passed by the Legislative Council on 18 July 1973 and published in the *Gazette* on 20 July 1973 as Legal Notice No. 136 of 1973, be rescinded.

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

The purpose of the Resolution before you is formally to rescind the Resolution passed by this Council ten years ago whereby powers to approve provision in addition to the approved estimates of expenditure were delegated to specified public officers. These delegations have been superseded in practice by a new set of delegated powers to make changes to the Estimates approved on 9 March 1983 by Finance Committee under the Public Finance Ordinance.

Sir, I beg to move.

Question put and agreed to.

SCHEDULE OF WRITE-OFFS FOR THE FINANCIAL YEAR 1982-83

THE FINANCIAL SECRETARY moved the following motion:—That the write-offs for the financial year 1982-83 and the outstanding write-off for the financial year 1981-82, as set out in the Schedule, be approved.

SCHEDULE OF WRITE-OFFS AUTHORIZED BY FINANCE COMMITTEE IN THE
FINANCIAL YEAR 1982-83

<i>Amount</i>	<i>Date of meeting</i>	<i>Category</i>	<i>Remarks</i>
\$ 713,530.19	22.7.81	Loan	Write-off of outstanding balance of a loan granted to Baptist College in 1975 to cover its accumulated recurrent deficit. This item was not included in the 1981-82 schedule.
98,920.00	19.5.82	Bail	Write-off of bail money stolen from the safe of the Assistant Sub-Divisional Inspector of Wan Chai Police Station between 15 and 19 November 1979.
937,100.10	19.5.82	Salaries and associated payments	Write-off of overpayment of salaries and associated payments to 338 police sergeants during the period between 1 July 1977 and 30 June 1981.
Unknown	30.6.82	Licence fees	Write-off of under-collection of dangerous goods licence fees before 1 March 1982.
Unknown	13.10.82	Overtime allowance	Write-off of overpayment of overtime allowance to the personal chauffeur in the Judiciary between July 1959 and March 1979.
1,348,610.00	10.11.82	Parking meter revenue	Write-off of net estimated loss of parking meter revenue during the period between 1 October 1978 and 30 April 1980.

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

The purpose of this motion is to seek the covering approval of the Council for the write-offs made during the financial year 1982-83 and for one write-off made in 1981-82 as listed in the schedule. The write-offs have individually been authorized by the Finance Committee of this Council.

Sir, I beg to move.

Question put and agreed to.

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL 1983**INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) BILL 1983****INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) (NO. 2) BILL 1983****PROBATE AND ADMINISTRATION (AMENDMENT) BILL 1983****EDUCATION (AMENDMENT) BILL 1983****CHILD CARE CENTRES (AMENDMENT) BILL 1983****IMPORT AND EXPORT (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**INLAND REVENUE (AMENDMENT) (NO. 3) BILL 1983**

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

He said:—Sir, I move that the Inland Revenue (Amendment) (No. 3) Bill 1983 be read the second time.

This Bill seeks to give legislative effect to two proposals made in paragraphs 131 to 135 of this year’s budget speech. The first will provide relief for profits tax purposes for expenditure incurred on the acquisition of patent rights and trade marks. The second will introduce a new additional dependent parents allowance of \$2,000 per parent for those accommodated within the family. The total cost to the general revenue of these proposals is estimated at \$24 million in 1983-84, and \$14.5 million in a full ordinary year at present levels of income and profits. Even at a time of financial stringency it is appropriate to loosen the purse strings for obviously sound causes. I am particularly conscious of the growing problem not just in Hong Kong but in the world as a whole of providing reasonably for the aged—and of course people live much longer as a result of medical advances.

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

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

Question put and agreed to.

HONG KONG INDUSTRIAL ESTATES CORPORATION (AMENDMENT) BILL 1983

THE SECRETARY FOR LANDS AND WORKS moved the second reading of:—‘A bill to amend the Hong Kong Industrial Estates Corporation Ordinance’.

He said:—Sir, I rise to move the second reading of the Hong Kong Industrial Estates Corporation (Amendment) Bill 1983. The purpose of this Bill is to enable the Hong Kong Industrial Estates Corporation to grant short term leases of land within its estates for non-industrial purposes.

Under existing provisions in the Hong Kong Industrial Estates Corporation Ordinance, Chapter 209, the Corporation is only permitted to use the land within its estates at Tai Po and Yuen Long for industrial purposes. Since its establishment in 1977 the Corporation has pursued a policy of forming land as quickly as possible, having regard to the lead time required and the need to have sufficient land always available to meet demand. It was of course recognized that this policy might result in a surplus of land arising from time to time, but the recent world recession and high interest rates have exacerbated the situation by causing a slow down in the take-up rate of available land.

Statistics show that the Corporation as at April 1983 had allocated a total of 30 hectares but still had 35 hectares of formed land unallocated. Another 53 hectares will become available in 1984 and a further five hectares in 1985. With an average annual take-up rate of five hectares, there is likely to be a considerable surplus in the short term. The Board of the Corporation has accordingly approached the Government with a request that the Ordinance be amended to permit the Corporation to grant short term leases for non-industrial purposes. Initially about 20 hectares of land will be earmarked for such use. The Government considers this a sensible approach since it will make land available for purposes such as open storage, for which there has been considerable demand recently, and will enable the Corporation to derive income from land which might otherwise lie idle for some time. The land bank of the Corporation will be more than adequate to meet the expected demand for sites from eligible industries.

The Bill seeks to amend sections 4 and 5 of the Ordinance by expanding the present purposes and powers of the Corporation so as to permit it to dispose of and manage any land within an industrial estate, subject to the terms of the Crown leases on which the land is held. Following the enactment of the Bill, it is intended to offer the Corporation a waiver to permit it to grant short term leases for non-industrial purposes within the Yuen Long Industrial Estate.

Sir, I move that the debate be adjourned.

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

Question put and agreed to.

LAND ACQUISITION (POSSESSORY TITLE) BILL 1983

THE SECRETARY FOR LANDS AND WORKS moved the second reading of:—‘A bill to provide for the acquisition of land, held under a possessory title by virtue of the Limitation Ordinance, required for public purposes, the compensation for such acquisition, and for matters incidental thereto and connected therewith’.

He said:—Sir, I rise to move the second reading of the Land Acquisition (Possessory Title) Bill 1983. The purpose of this Bill is to enable the Crown upon payment of fair and reasonable compensation to acquire land to which the Crown has lost its title under the Limitation Ordinance, Chapter 347. The title acquired by a person to such land is referred to in legal terminology as possessory title.

Section 7 of the Limitation Ordinance provides that no action for the recovery of land may be brought by the Crown after a period of 60 years from the date the right of action accrued to the Crown, that is the date of commencement of adverse possession. Section 17 of the Ordinance provides that the title of the Crown to such land is extinguished on the expiry of this period. The Crown has no power at present, either under the Crown Lands Resumption Ordinance, Chapter 124, or any other ordinance conferring land acquisition powers, to acquire such land, if it is required for public purposes.

While no claim to possessory title has yet succeeded and, indeed very few cases of this type have ever actually arisen, the fact that claims can be made and might succeed, however remote these possibilities, represents a potential difficulty for the Government’s land acquisition and development programmes.

It is therefore necessary to provide the means to overcome this difficulty, should it arise, by empowering the Crown first to acquire such land free of all private rights therein and then to settle any claims of possessory title and compensation in respect of the land. The principles and procedures laid down in the Bill relating to the acquisition of land and assessment of compensation follow, as far as possible, the provisions of the Crown Lands Resumption Ordinance.

Sir, I move that the debate be adjourned.

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

Question put and agreed to.

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL 1983

THE COMMISSIONER FOR LABOUR moved the second reading of:—‘A bill to amend the Factories and Industrial Undertakings Ordinance’.

He said:—Sir, I rise to move the second reading of the Factories and Industrial Undertakings (Amendment) Bill 1983.

The main purposes of this Bill are to empower the Commissioner for Labour to hold a formal inquiry into an industrial accident, to remove the requirement for factory registrations to be periodically renewed, and to make clear that construction sites do not need to be registered under the Ordinance. The Bill also proposes to revise the levels of some penalties, to amend the definitions of ‘factory’, ‘Commissioner’ and ‘inspector’, and to streamline certain other provisions.

Clause 2 amends the definitions of ‘Commissioner’ and ‘inspector’ to reflect the creation of the new offices of an Occupational Health Consultant, Deputy Chief Factory Inspector and Chief Labour Inspector. For the same reason, clause 3 amends section 3 which concerns appointment of officers. Clause 2 proposes to amend the definition of ‘factory’ to exclude the types of small workshops which do not constitute safety or health hazards or are adequately controlled by special safety regulations.

Clause 4 proposes to amend section 9 to exclude construction sites from the requirement of registration. Registration under section 9(1) was really intended for permanent establishments, mainly factories. Construction sites are not permanent, and have very different working conditions to those intended for registration under this section. In any event, any contractor carrying on construction work for six weeks or longer, or employing more than ten workmen, must submit notification on commencement of work to the Commissioner in accordance with regulation 56 of the Construction Sites (Safety) Regulations.

Clause 4 also proposes to amend section 9 to remove the requirement for renewal of registration. Since 1968 renewal of registration has tended to become automatic and virtually a clerical exercise. In recent years a great number of safety regulations have been made which cover the safety and health of workers in industrial undertakings. Therefore, it is no longer necessary to use the system of renewal of registration to stipulate special conditions to safeguard the safety and health of workers. It is considered that renewal of registration may now be dropped.

Clause 5 proposes to amend section 10 to increase the penalties from \$5,000 to \$30,000 in sub-sections (1) and (2), from \$2,000 to \$20,000 in sub-section (3) and from \$2,000 to \$10,000 in sub-section (4). Clause 7 proposes to raise the penalty in section 12 from \$1,000 to \$5,000. These increases follow the same principles which I outlined in this Council on 23rd July 1980 when I moved the second reading of the Factories and Industrial Undertakings (Amendment) (No. 2) Bill. This is, in effect, the completion of the lengthy exercise to revise fines in the Ordinance and all its Regulations in conformity with those principles and does not reflect any particular concern about the offences which are specifically proposed for amendment in this clause.

Clause 5 also proposes to delete sub-sections 10(5) and 10(6), which empower a magistrate to order the sealing of machinery in a registrable workplace following a conviction for operating a registrable workplace without a valid certificate. This provision was specially introduced in 1963, and it was intended to limit its application to cases where the continued operation of machinery was considered dangerous. Now that there is a wide range of specific safety regulations covering machinery and equipment, experience has shown that this provision is no longer necessary. The existence of section 11, which empowers a magistrate, if he is satisfied that the condition or operation of an industrial undertaking may cause danger, to stop its operation or require steps to be taken to remedy the danger, is considered sufficient to back up the normal enforcement of safety legislation.

Clause 6 introduces three new sections, 11A, 11B and 11C. These provide for the Commissioner for Labour to hold a formal inquiry into an industrial accident. These provisions will enable him to order the Chief Factory Inspector to make an informal inquiry. Where the Chief Factory Inspector considers that his inquiry may be frustrated or delayed for any reason, such as refusal by any persons to provide information, he may submit a statement to the Commissioner who may then hold a formal inquiry. In such an inquiry, the Commissioner, or Deputy Commissioner, will have the power to summon witnesses, call for the production of books and, if necessary, hold part of the inquiry in private to protect trade secrets. Any person acting in contempt of the inquiry will be guilty of an offence, as will anyone failing to give evidence if summoned or to produce documents. A safeguard against self incrimination is provided.

The present position is that accidents are generally investigated by the Factory Inspectorate, and in fatal cases they will be reported to and inquired into by the Coroner and these methods will continue. However there are some accidents which may give rise to widespread public concern. In such circumstances, it might be necessary to carry out an inquiry in accordance with these new provisions in order to reassure the public. In cases where an accident results in death, the normal inquest procedure would be adequate in practically all cases, but there may be an occasional need to establish very urgently whether any widely-used equipment or materials are defective. Some form of formal

inquiry might be necessary if, say, the equipment manufacturer failed to cooperate. This would be additional to and not a substitute for the inquest, and in no way derogates from the powers of the Coroner. Further, there can be serious and important accident cases where no fatality is involved, but for reasons of public interest it would be necessary to ascertain authoritatively and quickly the cause of the accident.

The Labour Advisory Board has been consulted on the main proposals contained in this Bill and has endorsed them.

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

Motion made. That the debate on the second reading of the Bill be adjourned—
COMMISSIONER FOR LABOUR.

Question put and agreed to.

INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) BILL 1983

THE LAW DRAFTSMAN moved the second reading of:—‘A bill to amend the Interpretation and General Clauses Ordinance’.

He said:—Sir, I move that the Interpretation and General Clauses (Amendment) Bill 1983 be read the second time.

Where Hong Kong is obliged under a treaty to render a service to individuals, it is doubtful whether the Government is legally entitled to levy a fee for that service without statutory authority. An example of such a treaty is the 1961 Hague Convention abolishing the Requirement of Legalization for Foreign Public Documents. As its name suggests this Convention abolished the former requirements for diplomatic and consular legalization of foreign public documents, and substituted instead a simplified procedure of designated Government officials in each country authenticating public documents, which renders them acceptable in other countries that have subscribed to the Convention. Hong Kong is obliged by the Convention to provide the simplified authentication procedure. The sort of document most usually involved is one that has to be notarized and, for example one day last week, the Registrar of the Supreme Court who is a designated official for the purposes of the Convention, authenticated a declaration by a foreign lawyer, a contract for the sale of a ship overseas, a document relating to a foreign bank debenture, a power of attorney relating to a foreign ship mortgage and an overseas management and agency agreement.

The demand for authentication under the Convention has risen sharply in recent years. And these authentications involve use of Government staff and resources of a relatively substantial nature. Signatures and seals to be

authenticated have to be checked against relevant registers. Frequently several Government departments have to be consulted. Certificates called apostilles have to be prepared and affixed to the documents, and then signed by the designated official. And for all this no fees are being charged.

This Bill accordingly amends the Interpretation and General Clauses Ordinance to empower the Financial Secretary to prescribe a fee for authentications for the purpose of any treaty.

The opportunity has also been taken of empowering the Financial Secretary to prescribe a fee where an authentication is done for the purposes of any foreign or Commonwealth law. It is true that where such authentication is a voluntary service by the Hong Kong Government, authority to levy a fee may not be necessary. But to avoid problems, it is desirable to have clear legal authority anyway.

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.

INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) (NO. 2) BILL 1983

THE ATTORNEY GENERAL moved the second reading of:—‘A bill to amend the Interpretation and General Clauses Ordinance to make provision for gale warning days in the computation of time and to make a consequential amendment’.

He said:—Sir, I move that the Interpretation and General Clauses (Amendment) (No. 2) Bill 1983 be read the second time.

This Bill is a measure entirely fit for a maiden speech. It is a modest measure of law reform. It needs no eloquence on my part to justify it, and as a former maritime lawyer I have a personal interest in the damaging effects of gale warnings. The problem addressed by this Bill is how to count days, not a problem in ordinary life you may think but nonetheless a problem for the Courts.

Various Ordinances require certain steps to be taken within a certain period of time. Section 71 of the Interpretation and General Clauses Ordinance (Cap. 1) provides that public holidays on which such periods end or which occur during such periods not exceeding six days, shall not be taken into account in making the computation of time. This left out of account gale warning days or more simply typhoon days, that is to say those days on which a number 8

(or higher) typhoon warning is given by the Royal Observatory and when the Courts and offices are forced to close. Consequently section 10 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62) enacted in 1969 provided that gale warning days and days on which judicial proceedings are adjourned under that Ordinance should not be reckoned at all in the computation of time for the purposes of any ordinance.

Sir, it was pointed out more recently by Professor WILLOUGHBY in a note in the Hong Kong Law Journal that this provision was far too wide. For example, where the law requires a person to bring an action in contract or tort within six years of the matters giving rise to his complaint, the application of this Ordinance would give him quite unintentionally a period of six years plus whatever number of typhoon days had occurred in that period. (*laughter*) The professor instanced other examples of notices required to be given within specific periods under the Companies Ordinance or the Landlord and Tenant (Consolidation) Ordinance which would similarly be affected by extensions on account of typhoon days. More debatably, he questioned whether persons celebrating their 21st birthday might not have jumped the gun if during the previous 21 years there had been days on which No. 8 typhoon warnings had been issued by the Royal Observatory. (*laughter*)

Consequently it has been accepted that the Ordinance is unhappily expressed, that it allows typhoon days to be excluded in the computation of time in situations that were never intended to be affected, and that a reform is necessary.

The intention underlying the present provisions is to avoid a situation where something which must or should be done within a relatively short period of time or on a particular day cannot be done because public and private offices and the courts themselves are not functioning at that time or on that day because of typhoon conditions. Accordingly it is proposed that typhoon days should be dealt with in exactly the same way as public holidays are dealt with in the existing Interpretation and General Clauses Ordinance.

Perhaps I should mention two other aspects of the Bill. Although days on which the Chief Justice has, by order, adjourned judicial proceedings because of a tropical cyclone or its effects are within the present legislation, the Bill does not make provision specifically to allow such a day to be excluded from computation of time. Such orders are very rare in practice; only one has been made since 1969. But in that rare case provision already exists within the rules of the Supreme Court for disallowing days lost for that reason. The second matter I would mention is that it is proposed that the present Bill if passed should come into operation 60 days after gazetting. This is because there have been 55 typhoon days since Cap. 62 was enacted in 1969. Thus anybody who has been relying on the existing state of the law in counting time will be able to derive that benefit notwithstanding this proposal for change. I agree, Sir, that that assumes cautiously but I hope realistically that there will not be more than five typhoon days in the two months following the date on which this Bill, if passed, is gazetted. (*laughter*)

I am able to say that the Chief Justice, the Registrar of the Supreme Court, the Bar Association, the Law Society and the Director of Professional Legal Education at Hong Kong University have each and all approved these proposals. If the Bill is passed, it will deprive some academic lawyers of the fun they have obtained from the unintended effects of Cap. 62. Apart from that, Sir, I can think of no good reason for opposing this useful measure of reform.

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 ATTORNEY GENERAL.

Question put and agreed to.

PROBATE AND ADMINISTRATION (AMENDMENT) BILL 1983

THE LAW DRAFTSMAN moved the second reading of:—‘A bill to amend the Probate and Administration Ordinance’.

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

Section 15(1) of the Probate and Administration Ordinance provides that the Registrar of the Supreme Court, in his capacity as Official Administrator, may summarily administer the estate of a deceased person if he is of the opinion that it does not exceed \$20,000 in value.

This, Sir, is a useful and sensible provision that enables small estates to be administered relatively inexpensively, simply and quickly. Not surprisingly therefore the number of estates so administered has risen by an average of more than 16% in each of the last five years to a total of 1 671 in 1982-83. If inflation had not severely eroded the real value of the \$20,000 limit, which was fixed in 1971 when the Ordinance was enacted, it is probable that the number would have risen even more steeply. But however that may have turned out, it is clearly time to increase the limit of \$20,000 and this Bill proposes to lift it to \$50,000.

Like the increased amounts for surviving spouses on intestacy, about which I spoke earlier this afternoon, the proposal for this increase came originally from the Judiciary. And, as in the case of those increases, the Bar Association and Law Society have been consulted.

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.

EDUCATION (AMENDMENT) BILL 1983

THE DIRECTOR OF EDUCATION moved the second reading of:—‘A bill to amend the Education Ordinance and the Education (Amendment) Ordinance 1982’.

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

The purpose of this Bill is to enable nursery classes to be operated in kindergarten schools registered under the Education Ordinance, and to set standards for these classes appropriate to the care and attention of the very young children who attend them.

The Education (Amendment) Bill 1982, which was debated in this Council in June 1982, required kindergartens operating nursery classes already registered with the Education Department to register nursery classes afresh with the Social Welfare Department to standards laid down by the Child Care Centres Ordinance, and I said at that time that I was aware of unease among these operators at the prospect of dual registration. I had fortunately been alerted to this unease by Dr. Harry FANG and his UMELCO Social Services Group who pointed out very reasonably that there might be genuine practical difficulties in registration of kindergartens with nursery classes under two Ordinances and administered by two departments. I appreciated the need for flexibility and consultation in resolving these practical difficulties without compromising the aims of the White Paper in providing for the needs of the very young children concerned, and I said that I would talk to all involved.

As promised, I entered into a dialogue with the relevant parties and soon came to the conclusion that registration of part of the premises of a kindergarten under the Child Care Centres Ordinance would be impracticable for many kindergarten operators and would result in a serious reduction of a valuable service to the public. I am now satisfied that the Education (Amendment) Bill 1983 overcomes these difficulties by single registration with the Education Department; and I am sure that special requirements of amended Education Regulations which have been drafted with the kind counsel of the Director of Social Welfare set adequate and appropriate standards of provision for nursery classes. I think I must say how grateful I am to Dr. Harry FANG and his Unofficial Colleagues for all the help they have given us in resolving the problems of most operators of kindergartens with nursery classes.

Clause 2 of this Bill defines nursery education as being suitable for children aged between three years and three years eight months. The lower limit corresponds to the minimum age envisaged in the 1981 White Paper. The upper limit corresponds to the lower age limit for kindergarten education which will be brought into operation in September 1985. Clause 2 also amends the definition of a school to include any institution providing nursery education.

Under sections 5 and 6 of the Education (Amendment) Ordinance 1982, which will come into operation in September 1986, the Director of Education will have the power to refuse to approve, or to withdraw approval of a teacher as the principal of a kindergarten if he is not satisfied that the teacher is appropriately qualified. Clauses 3 and 4 of this Bill extend this power to cover principals of nursery schools. This will also be brought into operation in September 1986.

I have already mentioned that I am satisfied that adequate standards of provision for nursery classes in kindergartens will be maintained through special requirements under the Education Regulations. These include new provisions regarding space requirements and class size which are similar to those for full-day kindergartens and so will permit the necessary amount of care and attention. Attendance at nursery classes will also be restricted to half-day sessions to maintain their distinction from full-day kindergartens. It is intended that these new regulations will come into operation in September 1986.

I am satisfied, Sir, that if enacted, this Bill will not only relieve the unease among many kindergarten operators, but will also provide a more flexible and practicable approach to the implementation of the 1981 White Paper on Primary Education and Pre-primary Services.

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

Motion made. That the debate on the second reading of the Bill be adjourned—DIRECTOR OF EDUCATION.

Question put and agreed to.

CHILD CARE CENTRES (AMENDMENT) BILL 1983

THE DIRECTOR OF SOCIAL WELFARE moved the second reading of:—‘A bill to amend the Child Care Centres Ordinance’.

He said:—Sir, I move that the Child Care Centres (Amendment) Bill 1983 be read a second time.

My predecessor introduced a Bill into this Council in July 1982 providing for amendments to the Child Care Centres Ordinance which, amongst other things, paved the way for a redefinition of the age structure of children attending child care centres as recommended in the 1981 White Paper on Primary Education and Pre-primary Services. My Colleague the Director of Education has just explained the circumstances which have led us to reconsider the advisability of adopting a rigid distinction, based on age, between child care and kindergarten education. I would like to confirm my support of the proposed amendments to the Education Ordinance, which provide a solution which meets the genuine concerns of kindergarten operators in a manner which is satisfactory both to myself and to the Director of Education.

The purpose of this Bill is to bring certain offences and penalties in the Child Care Centres Ordinance into line with those in the Education Ordinance which affect the care and education of young children. The amendments provide for common offences where appropriate, and common penalties under both Ordinances. Similar amendments have also been made to the Child Care Centres Regulations in respect of a number of offences. Although in certain cases, for example the offence of operating an unregistered child care centre, the amendments will result in significant increases in the penalties prescribed in the Child Care Centres Ordinance, I believe these to be fully justified having regard to the need to protect the interests of the very young children who use these centres.

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

Motion made. That the debate on the second reading of the Bill be adjourned—DIRECTOR OF SOCIAL WELFARE.

Question put and agreed to.

IMPORT AND EXPORT (AMENDMENT) BILL 1983

THE SECRETARY FOR TRADE AND INDUSTRY moved the second reading of:—‘A bill to amend the Import and Export Ordinance’.

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

The purpose of the Bill is to amend the principal Ordinance to improve the ability of the Commissioner of Customs and Excise to monitor the movement of imports and exports, particularly with regard to textile products, so as to help prevent circumvention of the textile licensing system. Within this broad objective, the Bill first seeks to facilitate the examination of consignments by the Customs and Excise Service, and second to tighten the manifest requirements for cargo imported or exported by rail.

The Bill seeks first of all to clarify the existing authority of the Customs and Excise Service to request a cargo manifest. This authority is not readily apparent from the present wording of the principal Ordinance. There is at present also an ambiguity as to what documents would constitute a ‘manifest’. To clarify the position, the Bill seeks to ensure that the documents submitted as cargo manifests meet the legal requirements as prescribed by the Commissioner.

To facilitate the examination of imported cargo where the identity of the consignee is not known, or if a doubt exists as to his identity, the Bill seeks to provide the Customs and Excise Service with the authority to require the cargo to be held at an agreed location until completion of verification and examination. This authority, which already exists in respect of prohibited

articles, serves to minimize the inconvenience to carriers, whose aircraft, vessels or vehicles might otherwise be delayed if cargo examinations were to be conducted on board.

The Bill also seeks to ensure that the manifest requirements can be properly applied to cargo transported by rail. Under the principal Ordinance, the person in charge of a vehicle, which includes train, has to provide the Customs and Excise Service with a manifest of the cargo in his vehicle. In respect of a train, I am advised that the expression 'person in charge of a vehicle' can only refer to the Kowloon-Canton Railway Corporation. Since rail cargo is in practice handled by a local agent who alone holds the particulars of the cargo, it is inappropriate to hold the Kowloon-Canton Railway Corporation liable for the manifest requirements. Clause 3(a) of the Bill, therefore, expands the ambit of section 15 to place the requirements of this section on the person acting as the agent, or the owner, of goods carried by train.

Sir, I am satisfied that the provisions in this Bill are necessary for the effective enforcement of our import and export control system, particularly with regard to the textile licensing system, and will strengthen our ability to maintain Hong Kong's integrity as a responsible trading partner.

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

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

Question put and agreed to.

CORRECTIONAL SERVICES CHILDREN'S EDUCATION TRUST BILL 1983

Resumption of debate on second reading (8 June 1983)

Question proposed.

DR. IP:—Sir, the establishment of the Correctional Services Children's Education Trust will go a long way towards assisting rank and file officers of the Correctional Services Department in the provision of education for their children.

I wish to speak specifically on the provisions regarding handicapped children as laid out in clause 5(1)(b) of the Bill. I understand that this is the first time that a statutory trust is established with providing *assistance to the education of handicapped children* being one of its objectives. A number of private organizations have been offering scholarships and grants for the same purpose, but never have the *aim been stated in the law*. I therefore welcome this as an important milestone in the community's efforts towards meeting the education needs of our handicapped children.

The Bill, as drafted, shows that a great deal of consideration has been given to the *special needs of handicapped children*. I was informed that clause 5(1)(c) is intentionally included to allow flexibility to the trustee to provide ‘opportunities’ for the furtherance of education of children concerned. They will, I understand, include provisions on study aids, transportation and other special equipments. I sincerely hope that this *considerate attitude should set a good example to the community at large and be further cultivated*.

Sir, with these remarks, I support the motion.

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 bill

CORRECTIONAL SERVICES CHILDREN’S EDUCATION TRUST BILL 1983

Clauses 1 to 12 were agreed to.

Council then resumed.

Third reading of bill

THE ATTORNEY GENERAL reported that the

CORRECTIONAL SERVICES CHILDREN’S EDUCATION TRUST BILL

had passed through Committee without amendment and moved the third reading of the Bill.

Question put on the Bill and agreed to.

Bill read the third time and passed.

VALEDICTORY

HIS EXCELLENCY THE PRESIDENT:—Before adjourning this Council I would like to mark the departure of Mr. David McDONALD after nine years membership, first as Director of Public Works and then as Secretary for Lands and Works.

Mr. MCDONALD, as I think Members will know, joined the Hong Kong Government as an Architect. in 1955. He has contributed immeasurably throughout his 28 years of service, and particularly in the last nine years, to the planning and progressive development of Hong Kong's housing programme and public works projects. Much that is best in the landscape and environment of modern Hong Kong has been created under his influence. In this Chamber, I think Members will agree, he has been a spirited performer, and a Member who has borne his full share of the load of the Council's work, with unfailing good humour.

I am sure that we would all wish to record our thanks to him on his retirement, and our appreciation of his most valuable services. We wish him and Mrs. MCDONALD a very long and happy retirement.

MR. LOBO:—Sir, the Unofficial Members of this Council would wish to be associated with the warm tribute which Your Excellency has paid to Mr. MCDONALD.

As the Secretary for Lands and Works, and as the Director of Public Works before that, Mr. MCDONALD has contributed tremendously to the shaping and development of Hong Kong we know today.

During his time he has seen the development of many New Towns, the Cross Harbour and Aberdeen Tunnels, the Mass Transit Railway and the electrification of the Kowloon-Canton Railway, the spaghetti junctions we have, to name a few, and many other projects which came to fruition under his guidance in recent years.

David MCDONALD is an architect and his entire service, over the past 28 years, has been in the buildings and lands field.

The defederalization of the Public Works Department which had existed for 140 years must have been a difficult and searching, if not painful task for him. But the success of this operation and the establishment of the six departments which now operate efficiently and effectively under the Lands and Works Branch headed by him is a great tribute to his management skills.

As you have just said, Sir, Mr. MCDONALD'S helpful and forthright response to questions and challenges in this Council, including his remarks and contribution made this afternoon, is a matter of public record. We know him well in the UMELCO Office, in this Chamber, as well as at Finance Committee meetings and the Public Works Sub-Committee, and his patient explanation of complex issues has been of great benefit to us.

He has discharged a most difficult and demanding job with distinction, and we shall miss him very much both inside and outside this Chamber.

I would like, on behalf of my Unofficial Colleagues, to wish Mr. and Mrs. MCDONALD every good fortune in the future and hope that their retirement will be a long, happy and active one.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday 13 July 1983.

Adjourned accordingly at twenty-two minutes past four o'clock.

APPENDIX**Message from Mr. Richard LUCE, M.P.**

The Foreign and Commonwealth Secretary has asked me to take on special responsibility for Hong Kong as part of my duties. I am particularly pleased by this as I have long admired Hong Kong's vitality and achievements. I realize that this is a critical time in Hong Kong's history and assure you and your Executive and Legislative Councils that we shall go on working for a negotiated settlement on the future of the Territory which would preserve the stability and prosperity of Hong Kong. I look forward to working with you all and hope that I shall have an early opportunity for a visit.

Kind regards,

RICHARD LUCE