

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 29 May 1985****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., J.P.

THE HONOURABLE THE ATTORNEY GENERAL  
MR. MICHAEL DAVID THOMAS, C.M.G., Q.C.

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE HU FA-KUANG, O.B.E., J.P.

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

THE HONOURABLE DONALD LIAO POON-HUAI, O.B.E., J.P.  
SECRETARY FOR DISTRICT ADMINISTRATION

THE HONOURABLE CHAN KAM-CHUEN, O.B.E., J.P.

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, O.B.E., J.P.

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

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

THE HONOURABLE MARIA TAM WAI-CHU, O.B.E., J.P.

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

THE HONOURABLE CHAN NAI-KEONG, C.B.E., J.P.  
SECRETARY FOR LANDS AND WORKS

THE HONOURABLE RONALD GEORGE BLACKER BRIDGE, J.P.  
COMMISSIONER FOR LABOUR

THE HONOURABLE CHAN YING-LUN

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN

THE HONOURABLE PETER POON WING-CHEUNG, M.B.E., J.P.

THE HONOURABLE YEUNG PO-KWAN, C.P.M.

THE HONOURABLE JAMES NEIL HENDERSON, O.B.E., J.P.  
SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE KIM CHAM YAU-SUM, J.P.

THE HONOURABLE KEITH LAM HON-KEUNG, J.P.

THE HONOURABLE CARL TONG KA-WING

THE HONOURABLE JOHN WALTER CHAMBERS, J.P.  
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.  
DIRECTOR OF EDUCATION

THE HONOURABLE PETER TSAO KWANG-YUNG, C.P.M., J.P.  
SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION

THE HONOURABLE DAVID ROBERT FORD, L.V.O., O.B.E., J.P.  
SECRETARY FOR HOUSING

THE HONOURABLE IAN FRANCIS CLUNY MACPHERSON, O.B.E., J.P.  
SECRETARY FOR TRANSPORT

THE HONOURABLE GERALD AIDIAN HIGGINSON, A.E., J.P.  
SECRETARY FOR ECONOMIC SERVICES (*Acting*)

**ABSENT**

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

THE HONOURABLE ANDREW SO KWOK-WING, O.B.E., J.P.

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

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

DR. THE HONOURABLE HENRIETTA IP MAN-HING

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

**IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR. LI WING

**Papers**

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

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Sessional Papers 1984-85:	
No. 59—Hong Kong Baptist College Annual Report 1983-1984 with statement of accounts for the year ended 30 June 1984.	

## Oral answers to questions

### Coroner's powers and procedures

1. DR. FANG asked:—*Will Government make a statement on progress in implementing the Cons Report prepared in 1980 on coroners' powers and procedures?*

THE ATTORNEY GENERAL:—In 1979 a working group chaired by Mr. Justice CONS was appointed by the Chief Justice to review the working of the Coroners Ordinance and to make such recommendations for amendment to the Ordinance or to practice as it considered desirable.

The working group reported in January 1980 and made eight recommendations, five of which required legislation. Those five were implemented by the Coroners (Amendment) Ordinance which was assented to by the Governor on 24 July 1980. Two recommendations were implemented administratively. Two full-time coroners were appointed for the first time, as recommended, in November 1980. The legal representation of the Coroners' Office by Crown Counsel became a regular feature of inquests in the same year. The last recommendation proposed no change to the law and practice relating to the issue of death certificates or the notification of death to the Coroner.

Nonetheless a number of criticisms of the law, practice and procedures relating to the certification of death and the investigation of the causes of death were made subsequently by lawyers appearing for interested parties at death inquiries and separately by a former Hong Kong Coroner (Mr. John HANSEN). Those criticisms were brought to my attention. As a result, and in the light of my own thoughts upon existing arrangements, a background and issues paper was prepared in my Chambers.

In April 1984 the Chief Justice and I decided to refer the matter of death certification and coroners' functions and procedures to the Law Reform Commission under wide terms of reference. Since June last year a Law Reform Commission sub-committee, chaired by the Honourable Dr. Henrietta Ip, has been hard at work. It is expected to report to the Commission this autumn.

DR. FANG:—*Sir, would the Attorney General kindly indicate whether two fulltime coroners are enough at present?*

THE ATTORNEY GENERAL:—I have had no representation to suggest that they are not enough.

DR. FANG:—*Sir, may I ask whether the Attorney General would think that coroners need to have some medical experience or medical qualifications as well?*

THE ATTORNEY GENERAL:—Sir, I would like to have notice of that question since it raises an important question about the qualifications of those appointed to the office. So far as I am aware to questions have been raised hitherto, either in the working group chaired by Mr. Justice CONS or elsewhere, to suggest that the qualifications presently held by coroners are insufficient.

### **Security conditions in country parks**

2. DR. Ho asked:—*Will the Government made a statement on security conditions in country parks?*

SECRETARY FOR SECURITY:—Yes, Sir, there are 21 country parks. They cover about 40 per cent of the total land area of Hong Kong. During the year ending March 1985, some 9.2 million people visited them.

The police do not keep detailed statistics for crime specifically in country parks. But they undertook a special study from April 1982 to March 1983 to see what was happening there. Their findings were 101 cases of reported crime, including 68 cases involving burglary or theft, 15 cases of criminal damage, nine robberies, two assaults, four thefts of vehicles, two drug offences and one sexual offence. Compared to the total number of reported crimes in Hong Kong at more than 80 000 for the same 12 months, the incidence of crime in country parks was very low.

The responsibility for policing country parks rests with the Police Districts in which they are located. The police continue to keep a close watch for any signs of an increase in crimes there. So far, the level of crime remains low. Police patrols are deployed in accordance with the needs on the ground and may take the form of motorcycle and mobile patrols, or patrols by dog-handlers and other policemen on foot.

In addition to the police presence, the Agriculture and Fisheries Department maintains 28 management centres and 19 Park Warden Posts which are strategically located within the country parks. From these centres and posts, 117 uniformed park rangers regularly patrol different parts of the country parks on motor cycles and on foot. They are equipped with radio transceivers linking them with the Management Centres. They will report crimes to the police.

DR. Ho:—*Sir, as country parks are large in area, and hilly in topography, will Government consider or has Government considered deploying park rangers or policemen on horse-back in order to enhance patrol efficiency?*

SECRETARY FOR SECURITY:—Not a bad idea, Sir, and we'll certainly give it some thought.

MISS DUNN:—*Does the Government have any idea of incidents of unreported crimes in country parks?*

SECRETARY FOR SECURITY:—No, Sir, I'm afraid by definition, we have no indication at all of unreported crime in country parks, except to say to the extent that in unreported crime there might be obvious evidence lying around in the park, and we have no evidence of that sort whatsoever.

MRS. CHOW:—*As the Fight Crime Committee has in fact commissioned research or survey into incidents of unreported crime generally, wouldn't you say that perhaps there's something worthwhile to undertake to get a clear picture of exactly what the situation is in country parks as well?*

SECRETARY FOR SECURITY:—Yes, Sir, every now and then we do a survey, to the extent that any is possible with any degree of accuracy, of crime, to try to determine how much crime is not reported. We certainly have no evidence from these surveys that there is any particular unreported crime going on in country parks. Of course we'll keep this idea in mind.

### **Purchase of flats with unauthorised alterations**

3. MR. S. L. CHEN asked:—*Will Government inform this Council what measures are taken to curb and prevent property transactions involving the sale of flats which have been illegally sub-divided and modified into smaller units to prevent innocent purchasers from being victimised?*

SECRETARY FOR LANDS AND WORKS:—Sir, several measures are being taken by the Government to curb and prevent property transactions involving and sale of flats which have been illegally sub-divided or modified. First, the Building Authority on discovering such unauthorised alterations would issue a notice under section 24(1) of the Buildings Ordinance, requiring the unauthorised structure to be demolished and the property to be restored to its former condition. A notice of this kind is registered in the Land Office and thus any intending purchaser would be put on notice of the matter if he makes a search of the property in the Land Office. Secondly, modern lease conditions invariably include a provision for compliance with the Buildings Ordinance and an unauthorised subdivision would amount to a breach of the lease conditions and subject to re-entry enforcement action. Thirdly, publicity is stepped up by the Government and the Consumer Council to warn the general public of the risks of buying flats which have been altered or erected in contravention of the provisions of the Buildings Ordinance.

It is in the interest of every consumer to make all appropriate enquiries before purchasing a flat, to consult a solicitor or an Authorised Person, and in case of doubt to make an enquiry with the Buildings Ordinance Office.

MR. S. L. CHEN:—*Sir, presumably, the property transactions in question would have been dealt with through solicitors, in which case would it be proper for Government to refer the names of the solicitors involved to the Law Society to ascertain whether they have acted responsibly?*

SECRETARY FOR LANDS AND WORKS:—*Sir, I would imagine if anyone feels aggrieved and has a complaint about possible incompetence or negligence of lawyers in property transaction cases, he would lodge such a complaint with the Law Society of Hong Kong for investigation.*

MR. ALLEN LEE:—*May I ask a question about enquiries. How many enquiries, say, in 1984, have been received by the Buildings Ordinance Office with regard to purchase of flats, as to whether the flat is in contravention of the provision of the Buildings Ordinance?*

SECRETARY FOR LANDS AND WORKS:—*I don't have statistics ready in hand but I would imagine very few enquiries had been made.*

MR. STEPHEN CHEONG:—*Sir, can the Secretary confirm or otherwise that 'unauthorised structure' means structure that would probably provide difficult situation or damage to life and limb?*

SECRETARY FOR LANDS AND WORKS:—*Not necessarily, Sir, any building work which has not had approval from the Building Authority for commencement and construction would under the law be unauthorised. They may become legal if in every respect they comply with the Ordinance and subsequently an Authorised Person had submitted plans for those works and subsequently received approval of the Building Authority.*

MR. STEPHEN CHEONG:—*Sir, would the addition of seating capacity, for example, in this Chamber, be classified as unauthorised, if there is no Authorised Person to submit plans for the Buildings Ordinance Office to vet?*

SECRETARY FOR LANDS AND WORKS:—*The law says that all building works require submission of plans to the Building Authority for approval. Of course there are categories of minor works, such as putting up partitions and decorators' works, which could be exempted.*

### **Death certificates for victims of industrial accidents**

4. MR. CHAN KAM-CHUEN asked:—*Can Government explain the procedures for issuing death certificates for victims of industrial accidents and the normal time taken to issue such certificates?*

SECRETARY FOR SECURITY:—Sir, the procedures for issuing death certificates for victims of industrial accidents are the same as those for other persons who die unnatural deaths.

Under the provisions of the Coroners' Ordinance, when a person dies suddenly, by accident (including industrial accidents) or as a result of violence, or under suspicious circumstances, a coroner may enquire into the cause of the death and the circumstances connected with it. The object of the enquiry is generally speaking to determine the cause and whether any person should be charged with a criminal offence as a result. When the coroner is satisfied as to the cause, he notifies the Registrar of Births and Deaths of the particulars of the deceased (including the person's name, sex, age, last address, date and place of death and the cause of death) to enable the Registrar to make an entry in the Death Register. Once the particulars of the dead person are recorded in the Death Register, the registration procedures are considered complete. The Registrar may then issue a death certificate for the person concerned on application by a member of the public. The Registrar will also inform the next of kin that he can now collect a death certificate. He will get it as soon as he turns up at the General Register Office.

What takes the time is the coroner's enquiry—and the length of that depends on how complicated the issues are.

MR. CHAN KAM-CHUEN:—*Sir, is the Government aware that out of some 200 reported occupational fatal accidents in a year, some of these unfortunate families have to wait about four months to obtain a death certificate just to sell the Home Ownership flat to pay off debts and loan interest which is growing larger during the delay; and in order to ease the hardship of these families, would Government consider issuing a temporary death certificate swiftly to certify only the fact that the person is dead, and leave the cause of death, etc. to the coroner to decide later?*

SECRETARY FOR SECURITY:—Yes, Sir, we are fully aware that the problem involved with the coroners' inquiry can lead to a lapse of time of up to four months, and indeed beyond, before a formal death certificate can be issued. The Director of Immigration is always prepared to be as helpful as he possibly can in these circumstances, and will issue the next of kin with some other form of notification of death that he is aware of the death even though it may not have been registered, in order to help the next of kin with whatever particular problems he is facing.

MR. CHAN KAM-CHUEN:—*Sir, can these easy procedures be publicised and be given to the families of such accidents?*

SECRETARY FOR SECURITY:—I'm sure that could be managed, Sir.

### Quality of Hong Kong's marine waters

5. MR. YEUNG PO-KWAN asked:—*Will the Government make a statement on water quality in Hong Kong waters with particular regard to areas frequented by sea bathers?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, it is a sure sign that summer has arrived when a question on water quality at our beaches is asked in this Council. This is quite right and proper, when we consider that each summer more than 20 million visits are made to our beaches.

In general the quality of Hong Kong's marine waters is satisfactory, but this is not to deny that there are problem areas. Deep Bay, despite its name, is shallow and moderately polluted. The limited tidal flushing in the Bay cannot cope fully with the heavy pollutant loads from the New Territories and from Shenzhen. On the eastern side of the New Territories, Tolo Harbour, Port Shelter, Hebe Haven and Junk Bay—especially Tolo Harbour—are polluted inshore and have deteriorated seriously from their natural condition.

Rather surprisingly, so far as water quality is concerned, most of Victoria Harbour is still considered, by and large, to be in a generally satisfactory condition despite the heavy load it has to bear. In general the Harbour is well flushed by tides and currents, but its condition is, of course, only satisfactory if it is accepted that in no way can it be classified as a recreational amenity—it is a very busy working harbour. Moreover, enclosed areas such as typhoon shelters require special remedial measures and floating refuse presents a separate problem.

Most of our sea bathers frequent the 40 gazetted beaches, and the quality of water at these beaches and at 11 popular non-gazetted beaches is judged against a standard agreed by EPCOM in April 1981, which in turn is based on a World Health Organisation recommendation. At present there are three beaches which consistently fail to meet the required standard—Castle Peak, Anglers' and Butterfly Beaches (the first two only are gazetted). There are notices at these beaches warning people not to swim there. The remaining beaches are classified as 'satisfactory' or 'good'.

There are still some polluting and potentially polluting drains which discharge across or close to bathing beaches. The Beach Pollution Action Committee, which I chair, has identified and investigated these drains and action is in hand to improve the situation where possible.

One major source of pollution seems to be unavoidable; that is the swimmers themselves. Wherever large numbers of people congregate there is a danger that these diseases may be transmitted, and beaches are no exception. There is scientific evidence that swimmers may deposit significant quantities of bacteria into the water, even if their personal hygiene is good. Estimates of the number

of bathers on some of the more popular beaches on summer Sundays range from 20 000 upwards, and the water samples taken on Sundays and holidays show a significantly higher level of bacteria at these times.

Sir, I am most concerned to give Members a balanced picture of the situation at our beaches, which is obviously important to many people. I should make it clear that there is no scientific evidence of any significant risk of disease in the waters of our bathing beaches, and I can assure the Council that if any such threat materialises prompt action will be taken.

MR. YEUNG PO-KWAN:—*Sir, will the Government state what special remedial measures are required in typhoon shelters and how does it solve the problem of floating refuse?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, typhoon shelters have particular problems in that people actually live in very restricted areas in the shelters, and the problem lies particularly in refuse from the boats. There is a special programme of collection of refuse from the harbour generally and particularly from typhoon shelters. This is the approach that we have adopted towards this particular problem.

MR. YEUNG PO-KWAN:—*Sir, will the Government inform this Council what beaches are mainly affected by the potentially polluting drains and what actions have been taken to improve the situation?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, I don't have details of the exact names of the beaches, but I can tell you that the method that we're adopting is largely either to divert the drain away from the beaches, or to put a ring main across the beach which will intercept the effluent and divert it away from the beach. But I will give Mr. YEUNG a list of the beaches which are affected and the steps that we are taking towards solving the problem.

MR. YEUNG PO-KWAN:—*Sir, is there any effective scientific control over the deposit of significant quantities of bacteria into the waters by the swimmers?*

SECRETARY FOR HEALTH AND WELFARE:—No, Sir, I'm afraid there isn't. People are going into the waters in large numbers at the weekends, and we don't know whether they had a bath or shower before they go in. *(laughter)* I am afraid there's nothing very much we can do about it.

### **Turnover rate of graduate teachers**

6. MRS. CHOW asked:—*Will Government inform this Council of the turnover rate of graduate teachers within the first three years of their employment, over the past five years?*

DIRECTOR OF EDUCATION:—Sir, I am afraid I can provide the exact information sought by Mrs. CHOW only in respect of graduate teachers in government secondary schools for the previous two school years. Of those who had taught for three years or less, in 1982-83 only six out of 94 (or 6.4 per cent) and in 1983-84, only three out of 90 (or 3.3 per cent) resigned or transferred to another government department.

As for graduate teachers in aided and private secondary schools, we only have information on the percentages of those teachers, by age bracket and not by length of teaching experience, who left the teaching profession or transferred to another school in the 1981-82 and 1982-83 school years. The information for the 1983-84 school year is not yet available.

The age bracket closest to the group referred to by Mrs. CHOW is 24 or below. In 1981-82, 9.9 per cent of the aided secondary school graduate teachers in this age bracket left the teaching profession while another 5.9 per cent transferred to another school. In 1982-83 the corresponding percentages were 7.3 per cent and 5.2 per cent respectively.

As for private secondary school graduate teachers in the same age bracket, in 1981-82, 15.3 per cent left the teaching profession while another 17.1 per cent transferred to another school. The corresponding percentages for 1982-83 were 21.6 per cent and 6.5 per cent respectively.

MRS. CHOW:—*Sir, what accounts for the high turnover and wastage rate of graduate teachers in the aided and private secondary schools, and what action does Government intend to take to remedy the situation?*

DIRECTOR OF EDUCATION:—Sir, as for the aided schools, the percentages in fact were decreasing over the last two years, from an overall percentage of 15.8 per cent to 12.5 per cent, and so far we have no particular problem in keeping and recruiting new teachers in aided schools. As for private schools, again the same trend is established, from 32.4 per cent in 81-82 to 28 per cent in the year after. Again this is the problem which is common in private schools with their own independence. It is not considered necessary to retain teachers or to have rules for them in this particular category.

MRS. CHOW:—*Sir, while accepting that perhaps the Education Department does not have the necessary statistics which I ask for, wouldn't the Director of Education agree that figures of two years would hardly indicate a trend, and that the percentages that we are looking at would warrant some concern, and would the Director and his department be keeping a close watch on the situation, as information from the ground seem to indicate that there is a groundswell of dissatisfaction from young graduate teachers?*

DIRECTOR OF EDUCATION:—Yes, Sir, I can assure Mrs. CHOW that we'll be keeping statistics from now on over the next few years, and I'm sure the trend

will be established after a few years' time. But in practice we've adopted a wastage rate of 9 to 10 per cent over the years in forecasting future demands, and this figure is quite close to the overall figure which we have in mind.

### **Overcrowding relief in public housing**

7. MR. CHAN YING-LUN asked:—*With regard to the relief of overcrowding in public housing estates, can Government inform this Council:*

- (a) what are the reasons for tightening the space-eligibility criterion from 3.25 sq m to 2.23 sq m per person;*
- (b) how will the demand and supply for relief of overcrowding be affected by the revised space eligibility criterion; and*
- (c) for those overcrowded families not eligible for relief, by what other means can they improve their situation?*

SECRETARY FOR HOUSING:—Sir, the present policy on overcrowding relief is that relief is provided to families currently living in the more overcrowded conditions, that is those people occupying less than 2.23 sq m per person. In order to qualify for overcrowding relief, household income must be below \$7,500 per month and tenants should not possess domestic property. Overcrowding relief may also be provided when tenants are rehoused for management reasons, including re-development, improvement or conversion; or when there is a need to create small flats for single persons and two-person households. This policy has been implemented since November of last year.

The main reason for imposing the space eligibility of 2.23 sq m per person is to make the best use of limited housing resources for the most deserving cases, that is those more overcrowded families who are unable to buy Home Ownership flats, rather than a tightening of the eligibility criterion.

The demand and supply situation in public housing has not been affected by the revised space eligibility criterion. The numbers of families transferred for overcrowding relief purposes in the six years up to 1984-85 were 4 100, 3 600, 4 500, 6 200, 4 800 and 5 000 families respectively. These figures suggest that the transfer pattern has not changed substantially over this period nor do I expect it in the future.

As for those overcrowded families who are not eligible for relief, they can improve their space situation in various ways. Firstly, by the purchase of Home Ownership flats making use of the Green Form. Secondly, by applying for large flats through the Waiting List, in which case the Waiting List eligibility criteria will apply. Thirdly, in the case of large extended families, one or more of the nuclear family units may apply for public housing through the Waiting List or buy Home Ownership flats. If large families are able to give up one rental flat, they will be eligible to buy Home Ownership flats under the Green Form system.

But if they are not able to give up a rental flat, they can still apply for Home Ownership but through the White Form system. fourthly, overcrowded families may be provided with larger flats on compassionate grounds.

MR. CHAN YING-LUN:—*Sir, can the Secretary for Housing state how serious is the problem of overcrowding in public housing estates, and to what extent is the present arrangement for transfers to larger flats alleviating this problem?*

SECRETARY FOR HOUSING:—*Sir, the situation has been improving over the years. When the Housing Authority came into existence in 1973, there were 77 000 families occupying spaces of less than 2.23 sq m per person; and no less than a 109 000 families occupying spaces between 2.23 sq m to 23.24 sq m. Over the years as a result of the measures we've taken to deal with the problem, the number of families occupying 2.23 sq m has dropped by 85 per cent i.e. to 11 000 families, and those living in spaces between 2.23 sq m to 23.24 sq m has dropped by some 43 per cent i.e. still 62 000 families and that is obviously an unsatisfactory situation. If we were to continue with our present policies, we would take some 15 years to deal with the problem as a whole, on the basis of the allocation that we make at the moment for relief of overcrowding. But the situation is improving because we're encouraging more people to buy Home Ownership and to apply through the waiting list. And indeed since Home Ownership came into being, some 23 000 families have moved into Home Ownership. This is helping considerably the overcrowding situation. We expect this trend to continue and hopefully increase.*

### **Second cross-harbour tunnel**

8. DR. FANG asked:—*Has Government arrived at a decision on the second crossharbour tunnel or alternative crossing and what is the present position?*

SECRETARY FOR TRANSPORT:—*Sir, in October 1984, following a study of three possible alignments, Government called for proposals to finance, construct and operate a second cross-harbour road tunnel from Quarry Bay to Cha Kwo Ling. The requirement was for a minimum of two traffic lanes in each direction, but it was also announced that this was not to be restrictive and that proposals for joint road and rail tunnels would, for example, be considered.*

Nine consortia representing Australian, British, Chinese, Dutch, French, Hong Kong and Japanese interests submitted proposals on 1 April—a truly international response which indicates a very encouraging confidence in the future of Hong Kong. Many of the consortia showed interest in providing an MTR as well as a road tunnel.

These proposals are now being considered by a steering group chaired by myself with members from all interested government departments. Consultants

have also been retained to advise on some of the complex financial issues. I hope shortly to be putting certain initial recommendations to the Executive Council and final announcement will be made by the end of the year.

DR. FANG:—*Sir, will the Secretary for Transport be prepared to indicate whether his initial recommendations will be confined to a rail tunnel or a joint road and rail tunnel?*

SECRETARY FOR TRANSPORT:—*Sir, it is indeed the intention that there should be a rail link if the financial and economic viability of such a link is established. It is my hope that this will be the case for this is an excellent opportunity to have a second cross-harbour rail link at a much lower cost than at any other time or any other alignment.*

### **Consumer protection for tourists**

9. MR. CHEUNG YAN-LUNG asked in Cantonese:—

請問政府現正採取甚麼行動去為遊客提供消費保障？

(The following is the interpretation of what Mr. CHEUNG Yan-lung asked.)

*What actions are being taken by the Government to provide consumer protection for tourists?*

SECRETARY FOR ECONOMIC SERVICES:—*Sir, tourists are entitled to the same protection under the law as the citizens of Hong Kong. However, I do recognise that consumer protection through law enforcement is not always a practical solution for tourists, given that their stay in Hong Kong is normally short and that legal proceedings invariably take time. In consumer disputes involving tourists it is, I believe, better to rely on persuasion and active mediation by the independent bodies. The Consumer Council and the Hong Kong Tourist Association have both done much good work in this respect.*

The Administration is always prepared to consider new proposals to give further protection to consumers, be they citizens or tourists, if this can be achieved without *unnecessarily* interfering with normal business practices.

MR. CHEUNG YAN-LUNG asked in Cantonese:—

督憲閣下，在過去一年，這一類投訴，有多少宗？

(The following is the interpretation of what Mr. CHEUNG Yan-lung asked.)

*Sir, in the past year how many cases of complaints have we received?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, I have the figures for 1984 in which complaints received and dealt with by the Consumer Council were 1 179 and by the Hong Kong Tourist Association complaints of any substance were about 400. To put this into perspective, Sir, in 1984 there were 3.15 million visitors to Hong Kong.

MR. CHEUNG YAN-LUNG asked in Cantonese:—

閣下，那一個政府部門有權對這種欺騙行爲，提出起訴？

(The following is the interpretation of what Mr. CHEUNG Yan-lung asked.)

*Sir, which government department has the authority to take prosecution action in such cases?*

SECRETARY FOR ECONOMIC SERVICES:—It depends on the nature of the complaints, Sir. If complaints are to be pursued under the Theft Ordinance this would be a matter for the Royal Hong Kong Police Force. If they are to be pursued under the Trades Descriptions Ordinance this would be a matter for the Commissioner of Customs and Excise.

MR. CHEUNG YAN-LUNG asked in Cantonese:—

閣下，旅客投訴時，已經受了不合理的損失，亦不能久留香港等候事件的澄清，這事件的善後問題，有關當局如何處理？有否考慮賦予消費者委員會或旅遊協會權力，使這類事件能及早解決？

(The following is the interpretation of what Mr. CHEUNG Yan-lung asked.)

*Sir, by the time when tourists lodge their complaints they have already suffered losses and they will not be able to stay in Hong Kong until the case is settled. So how would Government take follow up action in these cases? Has the Government considered giving power to the Consumer Council or the Tourist Association so that speedy redress of grievances could be effected?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, I would agree it is indeed a difficult problem. We have been working closely with the Consumer Council and the Hong Kong Tourist Association and with various branches of the Administration. We are considering with the Registrar of the Supreme Court whether it might be possible to arrange for more expeditious hearings in the Small Claims Tribunal to accommodate tourists. We are also considering whether any of the existing legislation needs to be improved to enable tourists and citizens to have rapid recourse to compensation or to have their disputes settled.

### **Crimes on KCR and MTR premises**

10. MR. CHEUNG YAN-LUNG asked in Cantonese:—

政府可否告知本局，一九八四年內據報在九廣鐵路各車站和車廂內發生的罪案有多少宗，而同期內在地下鐵路發生的又有多少宗？政府會否考慮將地下鐵路的警察單位擴大至包括九廣鐵路在內？

(The following is the interpretation of what Mr. CHEUNG Yan-lung asked.)

*Will the Government inform this Council of the number of crimes reported on KCR premises and trains during 1984 compared with the MTR during the same period and say whether it will consider extending the MTR police unit to cover the KCR?*

SECRETARY FOR SECURITY:—Yes, Sir, the answer to the first part of Mr. CHEUNG's question is that 332 cases of reported crime occurred on KCR premises and trains in 1984. The corresponding figure for the MTR was 249.

The answer to the second part of Mr. CHEUNG's question is 'Yes', but only if and when circumstances so justify.

The present arrangements for the MTR are that the MTR Police District is a dedicated unit which provides police coverage to all MTR stations and trains.

The police coverage of KCR trains and stations is co-ordinated by the Regional Police Commander of the New Territories. The day to day responsibility for providing uniformed and plain-clothes police coverage in KCR stations and on the trains remains with the District Commanders of Mong Kok, Kowloon City, Sha Tin and Frontier Districts.

The police conducted a comprehensive review of these arrangements in 1984. The review found that they were working well and that a change in the command structure would not be justified. These findings were confirmed in a second review completed earlier this year. Reported crime on the KCR dropped from 472 in 1983 to 332 in 1984—and the indications are that it might be even lower in 1985.

MR. CHEUNG YAN-LUNG asked in Cantonese:—

督憲閣下，根據九廣鐵路公司所得的統計數字顯示，一九八四年內，據報在九廣鐵路範圍內發生的罪案，共有二百三十七宗，同期內，據報在地下鐵範圍內發生的罪案，共有二百一十三宗；以每一百萬九廣鐵路乘客及相同數目的地下鐵乘客單位計算，罪案的比例是前者數字比後者大六倍，根據上述的數字，政府是否認為有足夠理由將地下鐵路的警察隊擴展，包括九廣鐵路在內？

(The following is the interpretation of what Mr. CHEUNG Yan-lung asked.)

*Sir, according to the KCR statistics for 1984 the crimes reported on KCR premises is 237 cases and the figure for MTR was 213 cases. For every one million KCR passengers and the same number of MTR passengers it seems that the crime rate in the case of the former is six times higher than that of the latter. According to such statistics, does the Government think that there is sufficient reason to expand the MTR police unit to the KCR as well?*

SECRETARY FOR SECURITY:—My honourable friend is quite right. The crime per passenger on the KCR is much higher than that one the MTR. But we're talking,

Sir, about 90 million passengers for 1985 (estimated) on the KCR and 580 million on the MTR for 1985. 580 million passengers justify in the view of the police a unit dedicated to the MTR. 90 million they don't think does and I'm inclined to agree with them. But that doesn't alter the fact that they deploy more police per passenger on the KCR by a fair margin than they do on the MTR. But can I repeat, Sir, if these conditions get worse on the KCR the police will certainly give this idea, if I may say so, a *third* thought.

### **Postal delivery services**

11. MR. CHAN YING-LUN asked:—*Can Government make a statement regarding postal delivery services of ordinary mail and parcels, and the delivery of registered items to domestic premises and squatter areas?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, it is the policy of the Post Office to deliver letter mail to the door at all identifiable addresses. Where there is no identifiable address, for example in areas where buildings are not numbered or are in unnamed streets, a delivery service is provided to a communal letter box or nest of letter boxes installed at a location agreed by all residents in the area.

As regards registered items, these are delivered to the addressee in person. If the addressee is out when his registered letter arrives, a second attempt at delivery is made a few days later. Only if this attempt is also unsuccessful is the item returned to the local post office, where it may still be picked up by the addressee within 14 days. In areas which do not enjoy a door-to-door service, a card is left in the communal letter box or nest of letter boxes, informing the addressee that a registered item is awaiting collection.

Parcels to be delivered in the urban area, apart from the Central business district, are treated in the same way as registered items, with the difference that only one attempt at delivery is made, after which the parcel may be picked up within seven days. In the New Territories, where Post Office manpower is limited, addressees are advised by card that a parcel is awaiting collection.

MR. CHAN YING-LUN:—*Sir, the delivery of mail to squatter areas is most welcome by residents indeed. What steps are taken by Government to extend this service to all squatter areas?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, the Postmaster General is well aware of, and very sensitive to, the need to maintain a good standard of service and to this extent would be interested to learn from the various District Boards of areas where the service is considered to be sub-standard.

MR. CHAN YING-LUN:—*Sir, regarding the delivery of registered letters the Secretary for Economic Services said in his reply that if delivery to an addressee*

*cannot be made in the first instance a second attempt is made a few days later. Can Government provide an alternative arrangement for the addressee to be notified in the first instance to go and collect his letter from the Post Office so that he doesn't have to wait a few days for the postman to come again?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, I corrected my reply from that in the written text. The second attempt is made on the next delivery by the postman, not a few days later. And only if the addressee is still not there then a card is left for him to call.

MR. CHAN YING-LUN:—*Sir, but normally, from my experience, it would take about four days between the first attempt and the date the addressee can go and collect his letter. So can the addressee go to the Post Office and get his letter before the second attempt is made?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, I will raise this again with the Postmaster General. However, it strikes me on first hearing that. A person, if he is at home, would rather have the letter delivered to him than be asked to go to call at the Post Office. However, I will raise this matter again with the Postmaster General.

### **Policy on inheritance of public housing tenancies**

12. MRS. NG asked in Cantonese:—

政府可否就去年十一月開始推行的公屋戶籍承繼權新政策的實施情況，作出聲明？

(The following is the interpretation of what Mrs. NG asked.)

*Can Government make a statement on the implementation of the new policy on inheritance of public housing tenancies since its introduction in November last year?*

SECRETARY FOR HOUSING:—Sir, the present policy on inheritance is based upon the principle that the Housing Authority believes that rental housing should be provided to those most in need and that it is inequitable for tenancies to pass from one generation to another in perpetuity without regard to the income of the tenants. It seems to us reasonable, therefore, that before a tenancy is inherited, some form of income test should be applied.

Under present arrangements, when a tenant dies, the tenancy can however automatically be inherited by the surviving spouse. If both parents have passed away, the second generation can inherit the tenancy if the total family income is less than \$7,500 per month. This figure is the *maximum* household income limit for the purchase of Home Ownership for applicants from the private sector.

If the family's income exceeds this limit, they will be required to relinquish the tenancy within one year and to find alternative accommodation either by buying a Home Ownership flat or moving into the private sector. If they opt to buy a Home Ownership flat, they are given priority under the Green Form system.

In the case of large extended families who occupy more than one flat under the same tenancy, each nuclear family will be subject to the income limit of \$7,500 and treated accordingly.

Since the implementation of the new policy on inheritance in November last year, 251 applications for the inheritance of tenancies have been received by the Housing Department. Of these: 247 second generation families have been permitted to inherit the tenancies; two have been found to exceed the income limit; and the remaining two own other domestic properties.

The present limit of \$7,500 is higher than the Waiting List limit and is considered to be quite generous. While families in private sector housing are barred from applying for Home Ownership flats when their income exceeds \$7,500, second generation families in public housing are not restricted by this limit. Furthermore they are given Green Form status which allows them a much better chance of getting the Home Ownership flat of their choice.

The recommendations of the Committee on Housing Subsidy may have some bearing on the inheritance issue but, judging from the very small number of unsuccessful cases, we do not feel that there is a need at the moment to review the inheritance policy. However, the issue will be further considered in the light of the recommendations of the Committee on Housing Subsidy and the public comment on them.

MRS. NG asked in Cantonese:—

閣下，政府可否告知本局，當局會否根據檢討公屋資助小組委員會的建議，對富裕住戶所採取的措施，來檢討公屋繼承權的政策？

(The following is the interpretation of what Mrs. NG asked.)

*Sir, can the Government inform this Council whether Government will consider reviewing the inheritance policy in the light of the committee's recommendations on measures against rich families?*

SECRETARY FOR HOUSING:—Sir, as I've explained, the inheritance policy as it's been applied so far, has been very mild. Indeed the four families who have not been able to inherit their tenancies make quite interesting reading. One person's household income was HK\$12,000 per month. He is a bachelor and not surprisingly he's being snapped up and will be married shortly (*laughter*) which will enable him to apply for a Home Ownership flat. The second family have an income of HK\$8,180 per month. The principal income earner there is retiring in

September of this year and if the household income drops below the limit then the department will review the case. As I've explained the other two cases involve domestic premises. The tenants have already got domestic tenancies, that is, they've got other homes. Their cases are being considered but we do not believe in principle that people should be allowed to inherit tenancies when they have another home of their own. As far as the Committee on Housing Subsidy is concerned, the recommendations of that committee are going to be considered in July of this year and they will be the subject of a green paper for consultation during August and September. In the light of those recommendations and the final decision upon them, we'll then review the inheritance policy and see whether there need to be any changes made to it.

### **Commercial helicopter services**

13. MR. PETER POON asked:—*Will the Government make a statement on its policy regarding commercial helicopter services and what plans it has, if any, to encourage such services?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, Government's long standing policy is to facilitate, as opposed positively to encourage, the development of commercial helicopter services based in Hong Kong. The Civil Aviation Department provides a degree of encouragement by the offer of professional guidance and technical support to prospective operators. During recent years, however, there have been only a handful of enquiries. This is presumably because in commercial terms helicopter operations are finely balanced ventures. Furthermore, the demand for domestic and international helicopter services for passenger services appears to be small, because such operations must compete with established efficient, convenient and much cheaper methods of transport.

As a result of the high costs involved in the provision of the necessary physical infrastructure to facilitate commercial helicopter services, and in view of the limited demand demonstrated thus far, no direct investment of public funds for the provision of facilities for commercial helicopter services is justified at the present time. However, during the past year, four sites in the New Territories have been identified as being suitable for development by commercial operators as bases for domestic or international services should there be a demand for such services.

### **Statement**

#### **The Hong Kong Baptist College Annual Report July 1983-June 1984**

MR. WONG PO-YAN:—Sir, tabled before this Council today is the audited statement of accounts and annual report of activities of the Hong Kong Baptist College for the year 1983-84.

The Council of the Hong Kong Baptist College, being an executive statutory body comprising members from the Board of Governors of the college, the Academic Board and experienced personalities from the commercial and industrial sectors, has functioned very well. Amongst other things, the council is most satisfied that the college has established an effective management system to ensure that public funds allocated to the college are spent in the best possible ways. This has brought about optimum improvements to the quality of the college's academic work and directly benefitting the deserving students who aspire for better higher education.

Although it was not until November 1983 that the college came under the auspices of the University and Polytechnic Grants committee, government funding received since then has already made a very significant impact on the staff and support facilities for the college's academic programmes. While the college truly appreciates the support of the Government, it is equally gratifying that support by well-wishers from the community is still continuing. Private donations have been received for a variety of purposes, including the setting up of scholarships and bursaries, the development of the library and the campus and also for research purposes.

Details of many of the positive developments in 1983-84 are recorded in the annual report tabled before this Council. The college is now full steam ahead in planning new courses at the degree level and is sparing no efforts in introducing the first two degree courses in October 1986. It has also launched a capital project to add five new buildings. Based on my own experience with the college, I can project with confidence that it will have many more encouraging developments to report by this time next year, when the college will be celebrating the 30th anniversary of its foundation.

## **Government business**

### **MOTIONS**

#### **DUTIABLE COMMODITIES ORDINANCE**

THE FINANCIAL SECRETARY moved the following motion:—Under section 4 of the Dutiable Commodities Ordinance that, with effect from 2.30 p.m. on 27 February 1985, duty shall be payable on the following non-alcoholic beverages and cosmetics—

##### **DUTY ON NON-ALCOHOLIC BEVERAGES**

Duty shall be payable on non-alcoholic beverages at the rate of \$60.00 per hectolitre.

## DUTY ON COSMETICS

Duty shall be payable on cosmetics at the rate of 25 per cent of the value of the cosmetics (in accordance with section 26A of the Dutiable Commodities Ordinance).

He said:—Sir, the proposed resolution provides for the introduction of duties that shall be payable on non alcoholic beverages at the rate of \$60 per hectolitre and on cosmetics at the rate of 25 per cent on the CIF price for imported, or wholesale price for locally produced, cosmetics.

These duties came into effect on 27 February this year as a result of the Public Revenue Protection Order signed by Your Excellency. The proposals should produce revenue of the order of \$100 million and \$200 million respectively for cosmetics and non alcoholic beverages in 1985-86.

*Question put and agreed to.*

## DUTIABLE COMMODITIES ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—Under section 4 of the Dutiable Commodities Ordinance that, with effect from 2.30 p.m. on 27 February 1985, the resolution made and passed by the Legislative Council on 27 April 1983 and published as Legal Notice No. 148 of 1983 be amended—

(a) in PART I—(EUROPEAN-TYPE LIQUORS) by deleting the following—

<i>'Type of Liquor</i>	<i>Hong Kong Origin</i> \$	<i>Other Origin</i> \$
Beer, except Cider and Perry, not exceeding 1030 <sup>0</sup> original gravity.....	66.00	81.40
and in addition for every degree by which the original gravity exceeds 1030 <sup>0</sup> .....	2.20	2.20';

and substituting the following—

<i>'Type of Liquor</i>	\$
Beer, except Cider and Perry, not exceeding 1030 <sup>0</sup> original gravity.....	120.00
and in addition for every degree by which the original gravity exceeds 1030 <sup>0</sup> .....	4.00';

(b) in PART II—(NON-EUROPEAN-TYPE LIQUORS) by deleting the following—

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

and substituting the following—

<i>'Type of Liquor</i>	\$
Non-European-type wines .....	780.00
Non-European-type spirits including Chinesetype spirits, Sake, Arrack.....	400.00
and in addition for every 1 per cent by which the alcoholic strength by volume exceeds 30 per cent.....	13.30';

(c) in PART III—(INDUSTRIAL-TYPE LIQUORS) by—

(i) deleting 'rates per litre' and substituting the following—  
'rates per hectolitre';

(ii) deleting the following—

<i>'Type of Liquor</i>	<i>Hong Kong Origin \$</i>	<i>Other Origin \$</i>
Ethyl alcohol, and admixtures containing ethyl alcohol.....	2.92	3.17
and in addition for every 1 per cent by which the alcoholic strength exceeds 30 per cent .....	0.12	0.13';

and substituting the following—

<i>'Type of Liquor</i>	\$
Ethyl alcohol, and admixtures containing ethly alcohol and in addition for every 1 per cent by which the alcoholic strength exceeds 30 per cent.....	400.00 13.30';

- (d) in paragraph (b) of the proviso after PART III—(INDUSTRIAL-TYPE LIQUORS) by deleting ‘\$67.00 per litre’ and substituting the following—  
‘\$85.00 per litre’;

- (e) under the heading DUTIES ON TOBACCO by deleting all that appears immediately following ‘Duty shall be payable on tobacco at the following rates per kilogram— ‘, up to and including ‘(b) Other varieties...140.00’, and substituting the following—

‘A—On UNMANUFACTURED TOBACCO—

	\$
(1) Tobacco of Malawian origin.....	170.00
(2) Other tobacco .....	170.00

B—On MANUFACTURED TOBACCO—

	\$
(1) Cigars .....	210.00
(2) Cigarettes .....	210.00
(3) Other manufactured tobacco including snuff and cigar cuttings—	
(a) Chinese prepared tobacco .....	40.00
(b) Other varieties .....	170.00’;

- (f) under the heading DUTIES ON HYDROCARBON OILS by deleting all that appears immediately following ‘Duty shall be payable on hydrocarbon oils at the following rates per litre— ‘ up to and including ‘Diesel oil for road vehicles...1.00’, and substituting the following—

	\$
‘(a) Light oils—	
Motor spirits and aircraft spirit.....	2.20
(b) Heavy oils—	
Diesel oil for road vehicles.....	1.10’;and

- (g) under the heading DUTY ON METHYL ALCOHOL by—  
(i) deleting ‘\$3.24 per litre’ and substituting the following—  
‘\$400 per hectolitre’; and  
(ii) deleting ‘25 per cent, \$0.13 per litre’ and substituting the following—

‘30 per cent, \$13.30 per hectolitre’.

He said:—Sir, the proposed resolution provides for increases in existing duties as explained in the Budget speech.

Apart from raising duties, these proposals remove the differential rate on commodities of Hong Kong and non Hong Kong origin; namely beer, non European-type wines and spirits, and ethyl and methyl alcohol. In addition, the differential between unmanufactured raw tobacco and imported manufactured cigarettes has been reduced to its lowest level since its introduction in 1949.

These increased duties came into effect on 27 February as a result of another Public Revenue Protection Order signed by Your Excellency. The proposals are expected to produce additional revenue in 1985-86 in the different categories as follows—beer, \$125 million; non European-type wines and spirits, \$13 million; industrial type liquors, \$2 million; tobacco, \$110 million; and hydrocarbon oils, \$110 million.

*Question put and agreed to.*

### **First reading of bills**

#### **EMPLOYEES' COMPENSATION (AMENDMENT) BILL 1985**

#### **BILLS OF SALE (AMENDMENT) BILL 1985**

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

### **Second reading of bills**

#### **EMPLOYEES' COMPENSATION (AMENDMENT) BILL 1985**

THE COMMISSIONER FOR LABOUR moved the second reading of:— 'A bill to amend the Employees' Compensation Ordinance'.

He said:—Sir, I move the second reading of the Employees' Compensation (Amendment) Bill 1985.

In December 1982 the Employees' Compensation Ordinance was amended to provide for a number of improvements to the compensation system. These included provision for minor claims to be settled quickly and conveniently by a certificate of assessment issued by the Labour Department, instead of the previous time-consuming requirement for the employer and employee to negotiate an agreement in every case. This simplified system has been widely welcomed by both employers and employees and it is now proposed to apply it to a wider range of claims.

Till now the simplified system has applied only to claims for injuries resulting in temporary incapacity for not more than 14 days. The present Bill proposes to extend it to cover any case in which no permanent incapacity is involved. Injuries causing permanent incapacity will continue to be dealt with by the twotier Compensation Board system introduced in December 1982. The simplified system now covers about 75 per cent of cases. The effect of the amendment will be to extend it to about 87 per cent of all cases. It will still be open to either the employer or the employee to appeal against the Labour Department's assessment if they wish.

The other amendments proposed in the Bill are intended to make the working of the Compensation Board system more flexible and efficient. At present employees' claims are sometimes prejudiced by breaks in sick leave arising from purely technical reasons, such as a gap of a few days between the expiry of sick leave and the next appointment with the doctor. The Bill proposes to give Assessment Boards the discretion to certify such periods as periods of temporary incapacity for compensation purposes.

Under the present law the Labour Department representative on the Ordinary Assessment Board has to be a Labour Officer. It would sometimes be convenient for a Senior Labour Officer to fill this role. The Bill provides for this.

At present board decisions can only be reviewed on appeal by employer or employee. The Bill provides for a board to review its assessment on its own initiative or on the application of the Commissioner for Labour.

The proposed amendments have the full support of the Labour Advisory Board and I am confident that they will be welcomed by both employers and employees.

Sir, I move that the debate be now adjourned.

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

*Question put and agreed to.*

## **BILLS OF SALE (AMENDMENT) BILL 1985**

THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION moved the second reading of:—‘A bill to amend the Bills of Sale Ordinance’.

He said:—Sir, I beg to move that the Bills of Sale (Amendment) Bill 1985 be read a second time.

The fees charged under the Bills of Sale Ordinance and the Bills of Sale (Fees) Regulations have not been updated since 1976. The Judiciary have recently completed a review of all fees and charges. This is the last Ordinance affected by this review.

In the Ordinance as it stands at present the fee for searching the register of bills of sale and for inspecting bills of sale is contained in section 22(3) of the Ordinance, whereas all other fees appear in the Bills of Sale (Fees) Regulations. Section 4 of the Amendment Bill 1985 therefore provides for both these items to be prescribed by regulations made by the Governor in Council, so as to achieve consistency.

At the same time the opportunity is taken to amend sections 3 and 7 of the Ordinance which contain references to 'the Colony'. Sections 2 and 3 of the Amendment Bill substitute the words 'Hong Kong' for 'the Colony'.

Sir, I move that the debate be adjourned.

*Motion made. That the debate on the second reading of the Bill be adjourned*—SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION.

*Question put and agreed to.*

## **CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1985**

### **Resumption of debate on second reading (15 May 1985)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

## **COMPANIES (AMENDMENT) BILL 1985**

### **Resumption of debate on second reading (15 May 1985)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**BANKRUPTCY (AMENDMENT) BILL 1985****Resumption of debate on second reading (15 May 1985)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**TRUSTEE (AMENDMENT) BILL 1985****Resumption of debate on second reading (15 May 1985)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**CONSUMER COUNCIL (AMENDMENT) BILL 1985****Resumption of debate on second reading (15 May 1985)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**PILOTAGE (AMENDMENT) BILL 1985****Resumption of debate on second reading (15 May 1985)**

*Question proposed.*

MR. S. L. CHEN:—Sir, any proposal that would efficiently regulate shipping movements and improve safety standards within the Hong Kong waters must be welcomed and supported. The publication of this Bill, which designed to introduce compulsory pilotage to the port of Hong Kong, has drawn general approvals from virtually all sectors of the maritime community. While I would readily join them in rendering my support to the principles and spirit of the Bill, I am concerned about its smooth implementation.

Sir, the success of this proposal hinges on two important factors, that is to say, the standards and the availability of sufficient qualified pilots to carry out the job. The safety of our port traffic is of paramount importance. Therefore, the present high standards of the pilots working within Hong Kong waters must be maintained and should not be impaired as a result of demands generated from compulsory pilotage. To achieve these aims, the training and qualifications of pilots should not, in any way, be compromised.

Last year, some 11 800 ocean-going vessels called at Hong Kong and discharged more than 31 million tonnes of cargo. On average, ships working cargo at harbour moorings are in port for two and a half to three days and container ships at the Kwai Chung terminals remain for about 13 hours. These are probably the fastest turn-round times for ships at any port in the Far East. I am sure Members of this Council would be as anxious as I am to see that the turn-round times of vessels covered by compulsory pilotage would not be unduly delayed because of an insufficient supply of qualified pilots. The Government should ensure that adequate supply of qualified pilots would be made available in the course of phasing in this compulsory requirement.

Although, at the moment, some 95 per cent of ocean-going vessels over 10 000 gross registered tonnes (GRT) entering or leaving Hong Kong harbour use the services of pilots, the implementation of compulsory pilotage would extend the coverage to a much wider scope and include, eventually, ships of much smaller sizes. The pilotage dues, which would form part of the regular expenditure of the shipping industry must be set at a level that would not hamper the future development and the competitiveness of the industry. Since the pilotage dues would have much wider implications than before, the Government should examine the situation carefully with the widest possible consultation in the next review of the Pilotage (Dues) Order.

As one of the world's major and busiest ports, Hong Kong has earned a world-wide reputation for efficiency in meeting the increasing demands of modern shipping requirements. I sincerely urge that the Government would be flexible in the implementation of the proposal and would avoid getting into a situation where, following the passage of this Bill, the volume of pilotage movement is expanding at such a rate that the supply of qualified pilot could not match. In this regard, I would like to seek the Government's assurance that

suitable training facilities would be provided to ensure adequate supply of properly trained pilots to meet the demands generated by the implementation of compulsory pilotage.

Sir, with this remarks, I support the motion.

MISS TAM:—Sir, on the 12 October 1981, the ‘Sunshine Island’, an ocean-going Panama vessel, sailed from the Western Anchorage, Hong Kong and bounded for Keelung, Taiwan. Its original route was to sail west of Green Island and through the East Lamma Channel, but after picking up the anchor, it changed its course and went through the Southern Fairway to Sulphur Channel and then to the East Lamma Channel. While turning to starboard to enter the fairway, the vessel overshot the fairway and rammed into the North East part of the Green Island Cement Company Pier and alighted along the pier.

Extensive damage was caused both to the pier and the vessel and two persons who were fishing on the pier and a watchman of the cement company lost their lives.

There was no pilot on board the vessel.

I welcome the introduction of the Pilotage (Amendment) Bill 1985 which, as the Secretary for Economic Services promised this Council on 25 November 1981, will phase in compulsory pilotage in Hong Kong waters. The gross registered tonnage specified under the First Schedule to which the Honourable S. L. CHEN has just referred in the Bill covers only the first phase of this exercise. I trust how soon we can move to phases two and three must depend on the availability of licensed pilots and the two criteria the Honourable S. L. CHEN has explained very clearly. However I am pleased to note that the next phase will not take another four years.

On the Bill itself, I wish to briefly mention that the application of clause 10F(c) which gives the Director of Marine the power to ‘waive the requirement of compulsory pilotage in respect of a ship navigating in the pilotage area if there exists any condition which in the opinion of the Authority may cause danger to a licensed pilot . . .’. I was reassured by the Administration that the words ‘any condition’ here mean conditions on board the vessel, such as a fire, which would cause danger to the life and limb of the pilot and it is not contemplated that he would otherwise leave his ship in distress.

Sir, with these observations, I support the Bill.

SECRETARY FOR ECONOMIC SERVICES:—Sir, I thank Miss TAM and Mr. CHEN for their comments and for their support. Both have expressed concern that we must maintain the availability of a sufficient number of high quality licensed pilots so as progressively to extend the scope of compulsory pilotage and to maintain the efficiency of the port.

I have been assured, Sir, by the Director of Marine, as the Pilotage Authority and by the Hong Kong Pilots Association, that neither standards nor an adequacy of numbers will prove difficult. The introduction of compulsory pilotage will be closely monitored by the Pilotage Advisory Committee. For the Government's part, we are determined that neither training nor qualifications will be compromised and that adequate numbers will be available.

Miss TAM referred to clause 10F(c) which provides that the Pilotage Authority may waive compulsory pilotage should conditions exist where the pilot might be endangered. I reconfirm that it is envisaged that this clause would be applicable in circumstances which would cause danger to life and limb of the pilot. It might also be invoked when weather conditions were such that the pilot was physically unable to board the vessel.

As to Mr. CHEN'S point that any further revision of pilotage dues should be carefully examined and be subject to wide consultation because of their effects on the shipping industry, I agree. Pilotage dues are set on the recommendation of the Pilotage Advisory Committee, the statutory membership of which includes representatives of the shipping industry in Hong Kong. This, I believe, will ensure that the needs of the industry are fully taken into account.

*Question put and agreed to.*

Bill read the second time.

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

### **Committee stage of bills**

Council went into Committee

### **CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1985**

Clauses 1 to 9 were agreed to.

### **COMPANIES (AMENDMENT) BILL 1985**

Clauses 1 to 7 were agreed to.

### **BANKRUPTCY (AMENDMENT) BILL 1985**

Clauses 1 to 3 were agreed to.

**TRUSTEE (AMENDMENT) BILL 1985**

Clauses 1 to 3 were agreed to.

**CONSUMER COUNCIL (AMENDMENT) BILL 1985**

Clauses 1 to 4 were agreed to.

**PILOTAGE (AMENDMENT) BILL 1985**

Clauses 1 to 8 were agreed to.

Council then resumed.

**Third reading of bills**

THE ATTORNEY GENERAL reported that the

CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL

COMPANIES (AMENDMENT) BILL

BANKRUPTCY (AMENDMENT) BILL

TRUSTEE (AMENDMENT) BILL

CONSUMER COUNCIL (AMENDMENT) BILL

PILOTAGE (AMENDMENT) BILL

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

*Question put and agreed to.*

Bills read the third time and passed.

**Valedictory to Sir Philip HADDON-CAVE**

HIS EXCELLENCY THE PRESIDENT:—Honourable Members, Sir Philip HADDON-CAVE will shortly leave Hong Kong on retirement, and this is the last sitting of the Council at which he will be with us. I should like to pay a warm tribute to him for his outstanding contribution to the work of the Government, both inside and outside this Council.

Sir Philip joined the Hong Kong Civil Service in 1962 and became an *ex officio* Member of this Council in 1971 when he was appointed Financial Secretary. For a decade Hong Kong had the benefit of his shrewd and imaginative guidance of our economy and finances. During those ten years Hong Kong enjoyed an era of economic growth and prosperity.

For the past four years Sir Philip has been Chief Secretary. These have been historic and eventful years. The agreement on Hong Kong's future has been reached; progress has been made towards more representative government; and the business of government have been conducted with efficiency and with despatch. Hong Kong owes Sir Philip a great debt of gratitude for his unfailing devotion to its interests, and his outstanding leadership of the Administration and the civil service throughout this often testing period.

Sir Philip has long been a member of this Council and on many occasions has presided over it. Members need no reminder of his tact and robust good humour in conducting its business. Many of his speeches and statements will be the sources to which future historians will turn in seeking and authoritative exposition of the economic and administrative policies which have been at the heart of Hong Kong's success. We shall miss him, his wise counsel, and his incisive mind. Debates—and question time—in this Council will never be the same without him.

I have no doubt honourable Members will wish to join me in wishing Sir Philip and Lady HADDON-CAVE a long, happy and well-deserved retirement.

SIR ROGER LOBO:—Sir, my Unofficial colleagues and I would like to be associated with the warm tribute which Your Excellency has paid to Sir Philip.

During his service in Hong Kong, Sir Philip has made an outstanding contribution to the formulation of government policies and the provision of a favourable framework for economic development and social progress.

His scrupulously detailed explanatory footnotes and marathon Budget addresses are further memorable events from Sir Philip's distinguished decade in the office of Financial Secretary.

He is also known as the architect of Hong Kong's establishment as a leading financial centre and the author/inventor of 'positive non-interventionism'— although I am still not quite sure what it means. (*laughter*)

An *ex officio* Member since 1971, he is one of the most formidable and trenchant debaters in this Council and his intellectual powers have won him the highest respect both inside and outside this Chamber.

His long established relationship with the Unofficials and his commitment to Hong Kong was particularly valued by us in the many useful meetings and discussions we have held over the past years and indeed, during the most trying period in our history when the future of Hong Kong was under negotiation and in the balance.

Sir Philip's term of office has also seen firm plans laid for the further development of representative government in Hong Kong, and it is a pity that he will not be able to see the new style Legislative Council take office in the next session.

We are greatly honoured, Sir, to have witnessed the distinguished service Sir Philip has given to Hong Kong. He will be greatly missed by us all, and my Unofficial colleagues and I would like to place on record our high regard and affection for him and to wish him and Lady HADDON-CAVE a happy retirement.

### **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 12 June 1985.

*Adjourned accordingly at seven minutes to four o'clock.*