

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 20 November 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 DAVID AKERS-JONES, 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 LYDIA DUNN, C.B.E., J.P.

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

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

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, C.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, O.B.E., J.P.

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

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

DR. THE HONOURABLE HENRIETTA IP MAN-HING

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

THE HONOURABLE CHAN YING-LUN

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

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

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

THE HONOURABLE JACKIE CHAN CHAI-KEUNG

THE HONOURABLE CHENG HON-KWAN

THE HONOURABLE HILTON CHEONG-LEEN, C.B.E., J.P.

DR. THE HONOURABLE CHIU HIN-KWONG

THE HONOURABLE CHUNG PUI-LAM

THE HONOURABLE THOMAS CLYDESDALE

THE HONOURABLE HO SAI-CHU, M.B.E., J.P.

THE HONOURABLE HUI YIN-FAT

THE HONOURABLE RICHARD LAI SUNG-LUNG

DR. THE HONOURABLE CONRAD LAM KUI-SHING

THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.

THE HONOURABLE LEE YU-TAI

THE HONOURABLE DAVID LI KWOK-PO

THE HONOURABLE LIU LIT-FOR, J.P.

THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.

THE HONOURABLE PANG CHUN-HOI, M.B.E.

THE HONOURABLE POON CHI-FAI

PROF. THE HONOURABLE POON CHUNG-KWONG

THE HONOURABLE HELMUT SOHMEN

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING

THE HONOURABLE TAM YIU-CHUNG

DR. THE HONOURABLE DANIEL TSE CHI-WAI, J.P.

THE HONOURABLE ANDREW WONG WANG-FAT

THE HONOURABLE PANG YUK-LING, I.S.O., J.P.
SECRETARY FOR HOUSING (*Acting*)

ABSENT

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

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN

THE HONOURABLE LAU WONG-FAT, M.B.E., J.P.

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR. LI WING

Papers

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

Subject *L.N. No.*

Subsidiary Legislation:

Royal Hong Kong Regiment Ordinance.	
Royal Hong Kong Regiment (Amendment) Regulations 1985	316
Boilers and Pressure Receivers Ordinance.	
Boilers and Pressure Receivers (Exemption) (Consolidation) (Amendment) (No. 5) Order 1985	317
Public Health and Urban Services Ordinance.	
Public Health and Urban Services (Designation of Libraries) (No. 3) Order 1985	318
Registration of Persons Ordinance.	
Registration of Persons (Application for New Identity Cards) (No. 9) Order 1985	319
Interpretation and General Clauses Ordinance.	
Specification of Public Officers (No. 2) Order 1985	320

Sessional Papers 1985-86:

- No. 19—Changes to approved Estimates of Expenditure approved during the second quarter of 1985-1986—Public Finance Ordinance: Section 8.
- No. 20—Annual Report of the Director of Accounting Services— Accounts of Hong Kong 1984-1985.
- No. 21—Report and Certificate of the Director of Audit on the Accounts of the Hong Kong Government for the year ended 31 March 1985.

Oral answers to questions**Metrication**

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

(The following is the translation of his question.)

Will the Government inform this Council what progress has been made in inducing the man in the street to use the metric system, when it is expected that the system will be fully implemented in all retail markets and whether such full implementation will result in better consumer protection?

SECRETARY FOR TRADE AND INDUSTRY:— Sir, the Metrication Committee has since 1978 embarked on a publicity and educational programme to encourage, help and persuade all sectors of the community to adopt the metric system and use metric units. The rationale is that the international trend is towards metrication.

Through the efforts of the committee, much progress has been made. In three of the five broad target areas identified by the committee metrication has already been achieved: these are education and training, building and construction, and utilities.

Progress has also been made at the retail level where metric units are now used in the labelling of prepackaged food and drinks and in a wide range of household goods and electrical appliances. A recent survey by the committee shows that 70 per cent of clothing and fashion products have converted to the new system.

There is no denying that much remains to be done in the traditional market places, where there appears to be reluctance to going metric. While it is the intention of the Metrication Committee to concentrate its efforts in this area, I am afraid it would be extremely rash of me to attempt any forecast of the likely timetable for the achievement of this goal. In the final analysis, metrication in all retail markets will be attained when there is willingness and a desire on the part of both the retailers and the general public for this change.

To the consumer, the implementation of metrication will remove the confusion which results from different systems being used simultaneously: it should make price comparison easier. However, to the extent that the standard unit in the hawker and market stalls is the catty there is already ease of comparison. I suspect that the pressure for change will come through competition from the supermarkets with their prepackaged items with metric units.

MR. CHEUNG YAN-LUNG asked in Cantonese:—

(The following is the interpretation of his question.)

Sir, since the launching of the metrication programme, what is the total government expenditure in this area; and will Government adopt the 'weather hotline' system so as to provide people with a conversion rate for the metric system over a hot line?

SECRETARY FOR TRADE AND INDUSTRY:— Sir, there has been a six-year programme under which the Metrication Committee was provided with a budget of \$3.2 million and this was for the period from 1978 to 1984. In addition the Metrication Committee has had support from the Government Information Services General Publicity Vote as well as from sponsors. Over the years a total of \$350,000 has been received from commercial sponsors. Mr. CHEUNG may like

to know that in the current year, an allocation of \$20,000 is available in the Government Information Services Publicity Vote for publicity purposes of the Metrication Committee.

As regards Mr. CHEUNG's very constructive suggestion of a hot line. I am afraid that there is no programme for its inclusion, but I will certainly convey this interesting suggestion to the Metrication Committee for consideration.

DR. DANIEL TSE asked in Cantonese:—

(The following is the interpretation of his question.)

For the weights and measures to go metric, are the Chinese nomenclature of the units the same as those used in China and other countries using Chinese? I understand that China adopts the international terms, so if the terms we use are different, would Government change them so that there is standardisation of these terms in Chinese?

SECRETARY FOR TRADE AND INDUSTRY:—Sir, I am aware that there have been contacts between the Metrication Committee and the metrology authorities in China. I am sure the aim is to align ourselves with the international system.

MR. NGAI:—*Sir, it appears that there has been little promotion recently on the 'Go Metric' message through the media. I wish to know what future plans the Government has in mind to sustain the momentum of the metrication campaign.*

SECRETARY FOR TRADE AND INDUSTRY:—Sir, the Metrication Committee has an on-going programme for continuing the publicity for metrication and the current targets are mainly the retail sector where they are working in close co-operation with a sub-committee chaired by the Executive Director of the Consumer Council in furthering its aims.

MR. MARTIN LEE:—*Sir, does the Secretary for Trade and Industry think that it is necessary first to induce Members of this Council to turn metric before the public could be persuaded that it is a good thing?*

SECRETARY FOR TRADE AND INDUSTRY:—I am sure we all think metric, Sir. We use decimal coinage and other things which are related to the metric system.

Industrial accidents

2. MR. YEUNG PO-KWAN asked:—*In view of recent repeated occurrences of industrial accidents involving workmen falling from a height in various places in the territory, will Government inform this Council what measures will be adopted to prevent similar accidents?*

SECRETARY FOR EDUCATION AND MANPOWER:—Sir, while we do not have statistics of falls from a height as distinct from the much larger category of falls of persons under all circumstances, we do know that fatal cases are almost entirely the result of falls from a height and that around three quarters of such cases occur in the construction industry. The total number of fatalities is declining—from 52 in 1981 to 24 in 1984 and to 19 so far this year.

The number of such accidents has been and remains a major priority of the Labour Department. Cases are very carefully investigated and analysed with a view to identifying causes and seeking the preventive measures required.

The department's strategy in this area is composed of three broad elements: legal enforcement, education and publicity. As regards the legal framework, the Construction Sites (Safety) Regulations were amended in 1983 to make more specific provision for persons working at height. These amendments have been vigorously enforced. Of 492 prosecutions in 1984 for breaches of Construction Sites regulations, 282 cases were in this particular area.

Meanwhile, the Labour Department's Industrial Safety Training Centre conducts safety courses specifically tailored to the needs of the construction industry and also assist other organisations in running similar courses. The department itself ran 40 courses last year, attended by some 850 people.

Publicity is the third major weapon. In recent years, the Labour Department—in conjunction with the Labour Advisory Board's Committee on Industrial Safety and Accident Prevention and other organisations—has conducted an intensive publicity campaign aimed at promoting good safety practices and instilling a sense of safety-consciousness at work. Safety in the construction industry has featured prominently in this effort.

Action of the kind I have described will continue to be taken and I trust that this will contribute to a further decline in fatalities caused by this type of accident.

MR. YEUNG PO-KWAN:—*Sir, in the light of the amendment made in the Construction Site (Safety) Regulations in 1983 to make more specific provisions for persons working at height, does the Government make enough provision of manpower to ensure that the amended regulations are effectively and efficiently enforced?*

SECRETARY FOR EDUCATION AND MANPOWER:—Yes, Sir, I should perhaps make clear that although the amendments to the Construction Site (Safety) Regulations were actually made in 1983, they were based on a safe practice code which was drawn up with the Building Contractors' Association and others, so in fact the operation of the type of safety measures go back considerably before the amendments were brought in. As regards the question of manpower, I think in

most safety matters all departments could probably do with more than they actually have, but I am satisfied that within the resources available the Factory Inspectorate is doing a good job in this area.

MR. LEE YU-TAI:—*Sir, will the Secretary for Education and Manpower inform this Council whether or not Government considers current requirements adequate for insurance on workmen exposed to the danger of falling from great height?*

SECRETARY FOR EDUCATION AND MANPOWER:—It is always very difficult to be satisfied in any area of safety. I think—and I believe the Commissioner for Labour would concur with this view—that at the moment the biggest defect as it were is perhaps supervision on the site and Members would probably like to be aware that I am proposing to bring to this Council in the next two or three months Safety Officers Regulations to bring in Safety Officers and Safety Supervisors on construction sites. I am sure this will make a substantial difference in the long run.

MR. CHUNG asked in Cantonese:—

(The following is the interpretation of his question.)

Mr. Chairman, on the actual execution, will Government send Labour Inspectors to inspect all construction sites and I stress all construction sites. If this is the case, could this Council be informed of the frequency of such visits and how many Labour Inspectors there are with the special responsibility of visiting construction sites with a view to checking on the safety of workers?

SECRETARY FOR EDUCATION AND MANPOWER:—It would certainly be an impossible task to have inspectors on all construction sites at all time I think and of course this is one of the reasons that safety should be built into the method of work by the construction companies and contractors. I haven't got it with me, but I will write to Mr. CHUNG on the question of what the current frequency is. It isn't always easy because construction sites move round a great deal and although contractors are by law required to inform the Labour Department of all sites it may take some time to get round to them all. (Annex I)

Censorship of advertising and promotion material relating to films

3. MRS. CHOW asked:—*Will Government inform this Council what procedures have been recently introduced regarding the censorship of advertising and promotion material relating to films to be shown in public?*

THE CHIEF SECRETARY:—Sir, under section 5 of the Places of Public Entertainment Ordinance (Chapter 172), all posters, pictures, figures or the text of any advertisement used in connexion with any film intended for public viewing must be submitted to the Film Censorship Authority, that is the Commissioner for Television and Entertainment Licensing, for approval.

The authority gives immediate consideration to advertising material on the spot when it is submitted. However, it is the authority's view that this practice does not allow sufficient time properly to scrutinise all the material presented.

Support for this view is evidenced by complaints about the loose standards being applied to film advertising materials, in particular those in newspapers.

The commissioner considers that he needs sufficient time for the censors properly to assess the material submitted, and where necessary, to consult members of his Public Advisory Group. With this in mind, a new procedure was introduced with effect from 1 November allowing two clear working days for the commissioner to approve advertising materials. A formal record of registering the materials submitted and conveying details of the decision will be introduced.

MRS. CHOW:—*Sir, has the view of the trade been consulted regarding the new requirement of the two clear working days and will the commissioner be prepared to apply this new rule with flexibility without, of course, compromising the standard in any way, but taking into consideration difficulties likely to be encountered by the trade as a result of market conditions?*

THE CHIEF SECRETARY:—*Sir, the commissioner had sounded out the practicality of the revised procedure with a number of prominent film distributors in the absence of a formal trade association of film distributors and the general response to his enquiries was not unfavourable. The commissioner is prepared to waive the two-day requirement on application in order to meet genuine scheduling needs, but in normal circumstances, he would like two clear working days.*

MR. LEE YU-TAI:—*Sir, will the Chief Secretary inform this Council whether people in the advertising business prefer that current standards be retained or would they be prepared to take a greater degree of censor?*

THE CHIEF SECRETARY:—*Sir, I am sure those in the trade would prefer standards which bring in the crowds but we have to concern ourselves with the public and what the public would like and strike a balance.*

Pornographic magazines

4. MR. LEE YU-TAI asked:—*Certain actions were taken against 'pornographic magazines' in May 1985, after which the magazines more or less disappeared. It has been reported that the publication and sale of similar magazines have now resumed. Does the Government know how the present situation compares with that before May 1985, in terms of number of titles and sales volume?*

THE CHIEF SECRETARY:—Sir, since May this year, the Government has taken firmer action to deal with the sale of publications deemed to be objectionable. Following seizures at newspaper stands in May, both publishers and vendors became more cautious about what they have published or displayed for sale, and some have even ceased or discontinued publication.

The number of titles requiring regular surveillance has decreased from 13 in May to about nine at present. As an indication of the overall situation during April and May this year, there were 29 prosecutions, whereas over the past two months, there have only been eight. Government action to control and eliminate this objectionable trade continues.

As regards sales volume, the Government does not have access to such statistics, but indirect sources indicate that the popularity of these magazines has declined. The sales of the most popular titles is currently believed to be about 100 000 copies per issue, compared to about 200 000 copies in May. The average circulation of the other issues is about 20 000 copies per issue.

MR. LEE YU-TAI:—*Can the Chief Secretary inform this Council whether or not the proliferation of pornographic literature has caused any increase in sex related crimes such as indecent assaults and rapes?*

THE CHIEF SECRETARY:—No, Sir. I couldn't confirm that there is a direct correlation between these two things.

MISS DUNN:—*What exactly does the Government do, to quote the Chief Secretary 'to control and eliminate this objectionable trade'?*

THE CHIEF SECRETARY:—Sir, the police, the Customs and Excise Department and the Legal Department are the main government agencies for enforcing the Objectionable Publications Ordinance. The Police Special Duties Squads maintain regular surveillance in areas where objectionable publications are known to be on sale. The Copyright Division of the Customs Investigation Bureau carries out regular checks at various entry points into Hong Kong. Staff of the Administrative Services and Information Branch of the Government Secretariat also assist in closely monitoring the contents of registered printed publications that are delivered to the branch by local publishers as well as in performing *ad hoc* surveillance at potential outlets of objectionable articles.

MR. HUI YIN-FAT:—*Sir, a survey conducted by the Hong Kong Christian Service lately of 4 000 F. I to F. III students has reviewed that 40 per cent of the young students read local pornographic magazines at least once weekly. Does the Government consider this serious enough to introduce some measures to discourage this trend of development which will immoralise the healthy growth of our juveniles?*

THE CHIEF SECRETARY:—Yes, Sir. A package of proposals setting out possible options for improving the control of obscene and violent publications including proposals for controlling the access and sale conditions will be considered by the Executive Council shortly.

MRS. FAN:—*Sir, the Government had on a number of occasions called for public assistance in reporting pornographic magazines. I wonder whether the Chief Secretary could tell us what kind of co-operation has the Government received from members of the public on this?*

THE CHIEF SECRETARY:—Sir, I cannot say exactly the scale of the help that has been given, but I would like to say in this Council that any help that can be given by organisations and associations in Hong Kong and by members of the public to help in the war against this sale of these objectionable articles and publications will be gladly received.

Nuisance caused by pig-breeding in the urban area

5. MR. KIM CHAM asked:—*In the urban area, some sites with pig-breeding activities are causes of environmental nuisance to nearby residents and have led to regular complaints. What is the Government's policy towards these activities?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, it is certainly the Government's policy that pig-breeding activities which cause environmental nuisance should not be tolerated.

Unfortunately, the by-laws which control the conditions under which pigs and other animals can be kept and in particular the means of disposal of animal wastes, have proved very difficult to enforce and are largely ineffective. We are about to begin public consultation on a package of proposals for the control of animal wastes, which will include a ban on the keeping of pigs in the main urban areas.

MR. KIM CHAM:—*Sir, with the present inadequacy of the by-laws would consideration be given to compensating the existing breeders, resiting them or assisting them to improve the treatment of animal waste so as to bring about a quicker solution to this very difficult problem of nuisance?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, the package to which I refer does include a number of options for dealing with this particularly intractable problem but the general consensus within the Administration is that in the main urban areas probably the only very satisfactory solution would be a total ban on these activities.

DR. HO:—*Sir, how many complaints about nuisance caused by pig-breeding in urban areas were received by the Government in the last three years and what measure has the Government taken to remedy these complaints?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, I do not have statistics of the number of such complaints and as I said just now it is extremely difficult given the present state of the laws to take effective action to control the disposal of animal waste which is what causes the main problem but I have good hopes that the package of proposals which we are about to unveil and to start an elaborate consultation process will remedy the situation.*

MR. CHEONG-LEEN:—*Sir, does the urban areas mean Hong Kong Island and urban Kowloon?*

SECRETARY FOR HEALTH AND WELFARE:—*I am not exactly sure what Mr. CHEONG-LEEN is referring to, but the proposals that we are formulating cover not just the main urban areas of Hong Kong and Kowloon but also the new towns of the New Territories.*

Diversion of traffic from Lion Rock and Aberdeen Tunnels at peak hours

6. MR. CHENG HON-KWAN asked:—*In view of the traffic congestion at the Lion Rock Tunnel and the Aberdeen Tunnel during the peak hours, has the Government ever considered operating a warning signal at the entrance to the tunnel area as necessary to divert traffic to an alternative route before being jammed in the queue?*

SECRETARY FOR TRANSPORT:—*Sir, yes, this is something which has been considered. However, current traffic conditions at the Aberdeen Tunnel are not such as to warrant the use of warning signals, and in the case of the Lion Rock Tunnel there are practical problems which means that the use of such signals would not really help. If signals were to be used they would have to be placed so far back from the tunnel, particularly on the Sha Tin side coming southbound, in order to enable drivers to take an alternative route, that they might well not reflect the actual traffic situation at the tunnel by the time a vehicle reached it. In any case, the Tai Po Road, which is the only alternative route to Lion Rock Tunnel, is already being used to capacity during peak periods. Warning signals would I fear be of little use to motorists.*

MR. CHENG HON-KWAN:—*Sir, I understand that provision has already been made in the elevated road sign at the southern entrance to the Aberdeen Tunnel area. Would the Government be prepared to use it during the peak hours especially when the elevated roadway between the Aberdeen Tunnel and the Cross-Harbour Tunnel is fully congested?*

SECRETARY FOR TRANSPORT:—Yes, Sir, we will consider that suggestion.

MISS DUNN:—*Sir, if warning signals are of little use, what does the Government propose to do to tackle this problem?*

SECRETARY FOR TRANSPORT:—The problem immediately facing us in the Lion Rock Tunnel is that the traffic volume going through the toll booths is less than the capacity of the tunnel; so the short term step to be taken, which is being taken, is to increase the number of booths. An additional two booths have already been built and are in operation and a further three are under construction. This will enable something like 6 500 vehicles to go through the tunnel per hour and matches very nearly the actual capacity of the tunnel itself. A second step to be taken is the introduction as early as possible to prepaid tickets. There is no doubt that the three-dollar toll has slow down the throughput at the tunnel. I have, Sir, in fact provided that information in a written answer to question No. 13 by Mr. Andrew WONG.

School children vans

7. MR. YEUNG PO-KWAN asked:—*In view of the large number of students who travel in school children vans everyday, will Government inform this Council:*

- (a) what are the number and types of school children vans presently registered with the Transport Department;*
- (b) whether existing legislation governing school children vans is adequate to meet present needs; and*
- (c) what measures will Government adopt to ensure that students get on and off the vans safely?*

SECRETARY FOR TRANSPORT:—Sir, there are 1 598 van-type vehicles which are registered with the Transport Department as being used for school transport. This figure is made up of 1 430 light buses which have between seven and 14 seats which have been registered as private light buses (school service) and 168 seven-seater vans which have been registered as private cars and issued with school hire car permits.

Existing legislation governing these vehicles is considered adequate to meet present needs to the extent that it requires them to be constructed to a safe design and to be driven safely. All vehicles used for the transport of school children must comply with the requirements prescribed in the regulations governing the construction and maintenance of vehicles whilst all drivers are required by the Road Traffic Ordinance to exercise proper care to ensure that they do not endanger themselves, their passengers or other road users. Persons licensed to drive private light buses are required to have held a valid driving licence for a private car for at least three years and to pass a driving test for light buses.

The Government does in a number of ways assist parents and operators of school vans and light buses to ensure the safety of children boarding and alighting from these vehicles. Each year the Education Department issues guidelines to kindergarten supervisors on the safety of children travelling in school mini-buses. These recommend, amongst other things, that children should be supervised by a teacher or an adult other than the driver whilst travelling and that they should be taught the correct way to get off and on the bus. In addition, the police regularly give talks to kindergartens and primary schools about road safety. These deal mainly with the behaviour of children as pedestrians but their behaviour in vehicles is also covered. To supplement this, the Government intends to produce a leaflet for drivers of school vans and light buses, and for parents and children on the correct way to behave in these vehicles and to advise them on how to get on and off such vehicles safely. The leaflet should be ready early next year.

MR. YEUNG PO-KWAN:—*Sir, despite the guidelines on safety issued by the Education Department each year, can the Government assure the public that there is full compliance on the part of the school van operators with a recommendation that children should be supervised by a teacher or an adult other than the driver while travelling?*

SECRETARY FOR TRANSPORT:—*Sir, I would like to give a general assurance that these vehicles are properly constructed, properly maintained and that they do behave in a safe manner, generally speaking. Over 70 per cent of the vehicles, as shown by a recent survey, do have an adult supervisor in addition to the driver and I believe that the present system is very much better than the old system where vehicles were not properly maintained and properly insured.*

PROF. POON:—*Sir, I would like to make reference to the question of present needs. There are two types of school children, one going to the normal schools and the other going to special schools. I understand that children going to special schools, because of their need, pay an average of \$100 more than those going to normal schools. I believe a large number of children going to special schools come from families of insufficient means. Will Government inform this Council whether there are plans to subsidise the cost of the transport service for needy parents of special school pupils?*

SECRETARY FOR TRANSPORT:—*Sir, I think perhaps that question might be better answered by my colleague, the Secretary for Education and Manpower. I am not myself personally aware of the details of the particular question's answer.*

SECRETARY FOR EDUCATION AND MANPOWER:—*I must confess I don't have this one at my fingertips either; but the Rehabilitation Development Coordinating Committee is currently considering a report on the transport needs of the disabled. I will ensure this point is also looked into. (Annex II)*

DR. DANIEL TSE:—*Sir, it is common knowledge that because of the small size of the children seven-seaters often serve as 14-seaters and 14-seaters often serve as 20-seaters for the small children. Would Government have any specific instructions or contemplate any regulation against this type of overloading of these light buses for the children?*

SECRETARY FOR TRANSPORT:—Yes, Sir, I will take particular care to ensure that the leaflet I referred to covers this point.

MR. SZETO WAH asked in Cantonese:—

(The following is the interpretation of his question.)

Sir, since in the vicinity of many schools there are urban clearways, when the children get off they have to walk quite a long way and pass by many accident-prone areas before they get to school. Can the Government inform this Council how the situation can be improved to ensure children's safety?

SECRETARY FOR TRANSPORT:—It would of course not be suitable for these vehicles to stop at urban clearways as this would certainly be dangerous. The only answer is to ensure that the schools themselves whenever possible have an area off-street for the vans to go. As for the other possibilities the only answer is to ensure that there are side streets where the vans can stop safely.

MR. MARTIN LEE:—*Sir, from one of the answers from the Secretary for Transport it is apparent that 30 per cent of the operators of these vans do not follow the guideline requiring someone to supervise young children while travelling. Is there any reason then why this should not be obligatory by law?*

SECRETARY FOR TRANSPORT:—Mr. LEE is quite right, this is not a legal requirement although I believe the voluntary requirement has been followed increasingly, as I said, over 75 per cent, and the number is rising. Many of these vans have only seven or 14 seats and the economics of them are such if they were required to pay for a full-time supervisor, it might put them out of business and I'd like to assure this Council that this present system is working well and I do not want to take the risk of upsetting it.

Employment of social work graduates

8. MR. HUI YIN-FAT asked:—*Many agreed improvements in standards of social welfare programmes have been delayed due to unavailability of manpower resources, e.g. the agreed ratio of one social worker to 2 000 instead of 4 000 students has still not been implemented 'pending available manpower resources', but according to a recent survey conducted by the Hong Kong Council of Social Service last month, a total of 28 fresh social work graduates this year were still*

unemployed. Does the Government have any plans, like the one intelligently implemented last September to improve the quality of education in government and aided schools by the provision of additional teachers due to available manpower, to place these fresh social work graduates in relevant gainful employment?

SECRETARY FOR HEALTH AND WELFARE:—Sir, improvements to social welfare services, like all other projects in the public sector, depend upon the availability both of manpower resources and of funds. It is for these reasons that the proposed improvements in the manning ratio for school social work, which have figured in the Five Year Plan since 1982 have not yet been implemented. For the current financial year, on the advice of the Subvention and Lotteries Fund Advisory Committee, it has been decided that new projects and expansion of services should be accorded a higher priority than improvements to existing services.

Mr. HUI informs us that 28 of this year's social work graduates were still unemployed last month. I do not know whether these graduates still hope to get jobs in the public sector of social services or elsewhere. In any case, the Government cannot guarantee to find employment for all graduates in any subject although the universities do of course take into account the demand and supply situation when planning their enrolment.

I understand from the Secretary for Education and Manpower that the scheme for providing additional teachers which was implemented last September was part of a longer-term project begun in 1981 to improve the quality of education in government and aided schools in stages. It was not devised with the sole object of absorbing the graduates of the Colleges of Education.

MR. HUI YIN-FAT:—*Sir, the Hong Kong Council of Social Service survey showed that the projected employment situation for social work graduates of 1986, that is next year, will be worse, with supply of over 400 graduates, out stripping demand of 200 vacancies by over 100 per cent. Would the Government consider terminating its training scheme for general degree holders implemented in 1983 as a temporary measure to resolve the social work manpower shortage in order to maximise the use of available resources? At the same time would the Government review existing manning ratio in various social services in order to absorb qualified people into the workforce?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, the scheme to recruit graduates in subjects other than social work was introduced, as Mr. HUI said, about two years ago. It was always an intention that this should be a temporary arrangement and that it would be reviewed in the light of the manpower situation at the time and I think I can give an assurance that this will be done.

MR. SEZTO WAH asked in Cantonese:—

(The following is the interpretation of his question.)

Sir, can the Government inform this Council when the change of the manning ratio of social workers in schools from 1:4 000 to 1:2 000 will be achieved?

SECRETARY FOR HEALTH AND WELFARE:—Sir, I am afraid I can give no firm assurance of when this will be achieved. As I said in the earlier answer it depends both on the manpower situation, which Mr. HUI assures us is improving, and on the financial situation.

Placement of the disabled in full-time employment

9. DR. HO asked:—*Is the Government satisfied with its service with regard to the placing of disabled persons in full-time employment, and are there any plans to expedite placement of the disabled?*

SECRETARY FOR EDUCATION AND MANPOWER:—Sir, the Government agency concerned is the Selective Placement Service which was established within the Labour Department in July 1980 with the objective of providing job placement assistance to blind, deaf and otherwise physically handicapped persons seeking employment. Up to September of this year, the S.P.S. has registered or re-registered some 8 000 job-seekers and has made 3 300 placements, a placement rate of approximately 41 per cent.

The service was extended to the mentally handicapped in July 1984. At present, the Tsuen Wan office is attending to persons who are mentally handicapped while the Ngau Tau Kok office looks after the physically handicapped and the Hong Kong office offers service to both the mentally handicapped and the physically disabled. Plans are in hand to open up the former two offices to both categories so that all three offices of the Selective Placement Service will provide a comprehensive service to disabled persons.

Placement officers of the S.P.S. make regular visits to employers both to explain to them the working ability of the disabled and to identify jobs which are suitable for disabled persons. The service has also produced five pamphlets, dealing with different kinds of disability to advise prospective employers on how to cope with disabled employees. Appeals to employers to take on disabled workers are regularly made through the use of television announcements of public interests and liaison is also maintained with major employers' associations.

To summarise, Sir the problem of placing the disabled is being tackled and I think it is fair to say to good effect. We shall nevertheless be looking out for ways to improve this service further.

DR. HO:—*Sir, what monetary incentives does the Government provide to the employers who are willing to employ disabled persons and how much has the Government spent in the last three years as incentives and how many disabled persons have been placed under such scheme?*

SECRETARY FOR EDUCATION AND MANPOWER:—*Sir, I think Dr. Ho referred to monetary incentives though there are no direct monetary incentives as such, although of course we do, in conjunction with employers associations, honour employers who make special efforts in employing the disabled.*

PROF. POON:—*Sir, has the Government any plans to increase the annual intake of disabled persons in full-time employment since it is the biggest employer in Hong Kong?*

SECRETARY FOR EDUCATION AND MANPOWER:—*That question, Sir, should of course be addressed to the Chief Secretary. However I will manfully try on his behalf since it is civil service employment. The Government recognises the need to take a lead in placing the disabled in appropriate jobs in the civil service wherever possible. As at 1 April 1985 there were 1 966 disabled officers working in a wide variety of jobs in the civil service. The number of disabled persons newly recruited each year has been increasing from 70 in 1980 to 189 in 1983. The number dropped to 169 in 1984 and so far this year 97 has been placed. This drop is largely the result of the financial restraint placed on civil service growth. The Selective Placement Service and the Civil Service Branch are concurrently conducting a series of visits to departments with a view to identifying more job opportunities to the disabled in the civil service.*

Blackmail by adulterating soft-drinks

10. MR. RICHARD LAI asked:—*In view of the potential danger to the public, would the Government explain why in the recent incident involving the poisoning of soft drinks on sale in a local supermarket, no announcement was given to the matter until after the suspects had been arrested?*

THE ATTORNEY GENERAL:—*Sir, I understand that this question refers to two amateurish attempts in the last year to extort money from a soft drink manufacturer.*

In the first blackmail attempt, eight bottles of soft drink on sale in a local supermarket were affected with nothing more than pinholes. The second attempt did involve the discovery of 12 bottles of adulterated soft drinks—but the police were quickly able to establish that the amounts of poison introduced were so minute that even if drunk by a child, it would only have caused mild reactions.

Had the danger to the public been more serious, a warning would certainly have been given.

But careful consideration led the police to conclude, on reasonable grounds, that this was not necessary. The police were quickly able to establish a link between the two attempts, the lack of sophistication of the culprits, the fact that the affected drinks appeared to be in one location, and, most important of all, the minimal quantities of adulterant found. In these circumstances, it was judged that premature publicity would only have played into the hands of the culprits by creating unnecessary public alarm and improving the chances of a successful extortion.

Finally, Sir, I would add that world experience shows a distressing tendency for imitative or 'copycat' crimes to result from the publicity given to cases of this sort.

Accordingly, the less publicity the better where there is no significant threat to public health.

MR. RICHARD LAI:—*Sir, can the Government inform this Council of the time lag between the first and the second attempt?*

THE ATTORNEY GENERAL:—Sir, the first incident took place on 26 November 1984 and the second demand relating to the second incident on 28 February 1985.

Abuse of the aged

11. DR. CONRAD LAM asked in Cantonese:—

(The following is the translation of his question.)

Can the Government inform this Council of the number of cases of maltreatment of elderly persons during the past three years, and what measures are being taken to improve the situation?

SECRETARY FOR HEALTH AND WELFARE:—Sir, abuse of the elderly can take many forms, including physical abuse, psychological abuse, and various forms of neglect. The family welfare case records do not include a specific category which covers these types of case, but a recent study identified a total of 277 cases being handled by the Social Welfare Department, the welfare agencies and the subvented hospitals in late 1983. This does not indicate that abuse of the elderly is a major problem area.

The Government's overall policy for the welfare of the elderly is to encourage them to remain in the community as long as possible, preferably within the family or a familiar environment. Public assistance and the old age allowance enable many elderly people to maintain a degree of financial independence, which helps to avoid one of the main causes of friction within the family.

The Family Life Education programme also places considerable emphasis on respect for the elderly and the need to improve relationships between the generations. In addition a variety of other services for the elderly are provided, mainly by voluntary agencies, including home help and community nursing, day centres, social centres and multi-service centres.

For elderly people who can no longer live on their own or with their families, a range of accommodation services are provided, including hostels, care-and-attention homes and special arrangements for compassionate re-housing in public housing estates. All these services are aimed at improving the lot of the elderly, and lessening the likelihood of their being subject to abuse.

DR. CONRAD LAM asked in Chinese:—

(The following is the interpretation of his question.)

Sir, when did the 277 cases mentioned in the first paragraph happen and how does this number compare with the number of cases of maltreating children?

SECRETARY FOR HEALTH AND WELFARE:—Sir, there were 277 active cases in the latter part of 1983 when the survey was conducted. I do not have with me figures of the abuse of children, but I am sure that there are far more cases of that type than there are cases of abuse of the elderly but I will give Dr. LAM a note setting out the comparison. (Annex III)

MISS DUNN:—*Sir, on the same thing, is the Government satisfied that the study conducted in 1983 based on cases being handled by various agencies at that time can be taken as an indication, a realistic indication, whether or not there is a problem?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, we have no reason to suspect the situation has notably worsened during the last two years.

MR. HUI YIN-FAT:—*Sir, will the Government consider co-ordinating among its departments, voluntary agencies and professional groups concerned to work out a guideline to identify, assist and protect the abused elderly just as the ones established for child abuse cases?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, I agree with Mr. HUI that it would be worthwhile conducting a similar exercise to the one we did on abused children a little while ago. I propose to undertake this.

Appointment of inspectors into the affairs of the Carrian Group of Companies

12. MR. DAVID LI asked:—*Would the Government inform this Council why the inspectors into the affairs of the Carrian Group of Companies were appointed under the powers contained in the Securities Ordinance and not those of the Companies Ordinance?*

THE FINANCIAL SECRETARY:—Sir, the first factor is the appointment of inspectors to investigate the affairs of Eda Investments Limited and its subsidiaries and associated companies on 8 March 1983. Prior to that appointment, both the Securities Commission and the Administration carefully considered whether the investigation should be conducted under the aegis of the Securities Ordinance or the Companies Ordinance. The arguments were finely balanced; but the conclusion was that an investigation under section 127 of the Securities Ordinance was preferable. The Ordinance directly governs the area that was that of greatest concern to the public, i.e. dealings in securities. It also gives greater flexibility and wider powers.

A need to appoint inspectors to investigate the affairs of the Carrion Group of Companies became apparent in April 1983. Because the investigation into Eda had shown a high degree of interaction between Eda and the Carrion Group of Companies and between certain individuals, the Securities Commission and the Administration both agreed that for speed of enquiry and the general benefit to be derived from it, the same inspectors should be appointed under the same legislation.

MR. LEE YU-TAI:—*Sir, surely given the power of inspectors under the Companies Ordinance to make interim reports which would be available to the prosecution would it have been more prudent to appoint them under the Companies Ordinance?*

THE FINANCIAL SECRETARY:—Sir, that there is specific power under the Companies Ordinance to make interim reports does not mean to say that interim reports cannot be given by the inspectors appointed under the Securities Ordinance. In fact this is exactly what has happened and there have been a series of interim reports. The problem is not actually with the reports; it is that we cannot make the reports available to the prosecution because of undertakings given by the inspectors with the consent of the Securities Commission to the accused in the Carrion trial in order that they would give evidence to the inspectors before the conclusion of that trial.

MR. DAVID LI:—*Sir, in view of the high cost of the inspectors appointed and the fact that their investigation is often a duplication of that of other investigative departments and of a limited use, would the Government consider amending the Securities Ordinance and the Companies Ordinance to give the inspectors appointed thereunder greater power?*

THE FINANCIAL SECRETARY:—Once the report of the inspectors is available to the Securities Commission which is a distinguished body of citizens and under the chairmanship of a retired Judge of the Court of Appeal, they will of course see if there are any messages to be learnt from the inspectors' conclusions and they will so advise the Government.

Written answer to question**Regulation of traffic flow through Lion Rock Tunnel**

13. MR. WONG WANG-FAT asked:—*In view of the fact that tunnels are built for the purpose of facilitating traffic and tolls are collected to cover the operation cost and possibly also to recover the construction cost of the tunnels but not to hinder traffic, and that the traffic flow through the toll booths of the Lion Rock Tunnel is well below the potential traffic flow through the tunnels at Lion Rock themselves, and although Government is now constructing three booths in addition to the existing nine which are not expected to be fully operational before early 1986, will Government inform this Council that until the new booths are operational:*

- (a) whether it intends to temporarily dispense with tunnel charges at the Lion Rock Tunnel, if so, when? If not, why not? and*
- (b) or alternatively whether it intends to introduce a prepaid ticket system to increase the traffic flow through the existing booths, if so, when? If not, why not?*

SECRETARY FOR TRANSPORT:—It is not intended temporarily to dispense with tunnel charges at the Lion Rock Tunnel pending completion of the additional three toll booths now under construction. To do so would add to the volume of traffic using the tunnel as it is estimated that anything up to 50 per cent of vehicles currently using the toll free Tai Po Road would be diverted on to the Lion Rock Tunnel Road. This is not desirable as the volume of traffic using the Lion Rock Tunnel and Waterloo Road is increasing steadily and there is no way of knowing whether traffic diverted to the tunnel would revert to the Tai Po Road when tolls were reimposed.

As regards the question about prepaid tickets, the answer is 'yes'; it is intended to supplement the present warrant system used by large fleet operators with a prepaid ticket system available to all as soon as the arrangements for printing and selling the tickets are finalised. This should be early in the new year.

Statements**Government Paper on the Director of Audit's Report on the Accounts of the Hong Kong Government for the year ended 31 March 1985**

THE CHIEF SECRETARY:—Sir, tabled in this Council today is the Report of the Director of Audit on the Accounts of the Government for the year ended 31 March 1985. Also tabled is a Government Paper in response to comments on certain policy issues in the report. I would like briefly to explain the reasons for the Government proceeding in this way.

The appropriate forum for considering policy issues, including any that may be raised in the Director of Audit's Annual Report, is this Council where they can be fully and properly debated. Moreover, from a practical point of view, Controlling Officers who are required to appear before the Public Accounts Committee, are rarely the officers responsible for policy, and are not therefore usually in a position to respond authoritatively on matters of policy.

Sir, the Report of the Director of Audit is a thorough and highly professional piece of work. The point I make is out of principle regarding the procedures to be used for discussion of policy issues raised by the report; but let me, at the same time, assure Members of this Council the Government will answer all the points raised in the report.

Air Transport Policy

THE FINANCIAL SECRETARY:—Sir, with your permission, I shall make a statement on air transport policy.

Introduction

For many years there has been only one active Hong Kong airline. In recent months, however, we have seen the establishment of two additional airlines. One is already operational and has mounted a number of charter services, and the other is planning to start operations at an early date. Together they have made a total of 15 licence applications to the Air Transport Licensing Authority (A.T.L.A.), which are to be the subject of a public enquiry next month. There is also a prospect of further airlines seeking to enter the air transport market shortly.

This new situation has required the Government to reconsider its policy in relation to certain air services matters. It has done so, taking into account its overall responsibility and the interests of the travelling public and shippers. It has also had to take cognizance of the highly regulated nature of the international air transport industry.

The Government considers it desirable that its policy on scheduled and nonscheduled operations by Hong Kong airlines should be known to the public and to the airlines themselves.

Scheduled services

Let me deal first with scheduled services. To operate such services on any given route, an airline already holding an air operator's certificate must, as a first step, obtain the requisite licence. It is A.T.L.A., an independent body established under the Air Transport (Licensing of Air Services) Regulations, which determines licence applications. Its terms of reference for doing so are laid down in law in some detail, but generally speaking it must have regard to the

co-ordination and development of air services with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping. An A.T.L.A. decision on a licence application is final.

The next step is for the airline (assuming it meets the designation criteria) to be designated under the relevant air services agreement to exercise rights on the route for which it has been licensed or, if the rights do not exist, for a decision to be taken as to whether those rights should be sought. Designation and the decision on whether to seek additional rights are matters for H.M.G. acting on the advice of the Hong Kong Government. Where the rights exist, it is only in the most exceptional circumstances that a government can decline to accept designation of an airline.

As I mentioned earlier, international air transport is highly regulated. Air traffic rights are not available to all and sundry. Such valuable rights are jealously guarded and governments seek to retain the maximum share for their own airlines. Often there is only one international carrier, which may well be wholly or partly state-owned. Consequently, many, if not most, bilateral air services arrangements provide for only one airline to be designated by each party to operate all its routes; others permit no more than one airline per route for each side.

In these circumstances designation of more than one Hong Kong airline on any route would be considered only in circumstances where it was judged that more competition was needed in the public interest and the traffic was sufficient to sustain a substantial operation by more than one Hong Kong airline. At the present time however the most heavily travelled routes to and from Hong Kong are already well served by several established operators. The Government has therefore decided that as a general rule, and subject to the existing arrangements in any given case, designation in respect of routes available to Hong Kong will be limited to one airline per route. The airline first licensed by A.T.L.A. for a route will normally be the one to be designated for that route.

There are other circumstances in which the Government has a role to play in designation. They are:

- (a) where one airline has been licensed and designated for a route, but for commercial reasons chooses not or ceases to serve that route or does not operate services on it satisfactorily, consideration would be given to designation another licensed airline in place of the first; and
- (b) where—although this is unlikely to happen—two airlines have been granted, at the same time, a licence for the same route, a choice for designation purposes would have to be made between the two of them.

In seeking rights to satisfy an airline licensed to operate a new route or in designating an airline for an existing route, it might be found that the other party to the air services arrangements was trying to exact a price for those rights

or the designation of a new carrier respectively, If this price was, in the opinion of the Government, unacceptable in the overall interests of Hong Kong or unduly damaging to the interests of an airline already operating another route between Hong Kong and the destination country, then that price would not be paid.

That briefly is the Government's general policy on designation. It applies equally to all Hong Kong airlines.

Non-scheduled services

Turning to non-scheduled services, under the relevant provisions of the Air Transport (Licensing of Air Services) Regulations, it is the Director of Civil Aviation who decides whether or not to grant a permit and what conditions, appropriate to the nature and circumstances of the application, to attach to a permit.

The Director of Civil Aviation will normally approve an application for a permit for an *ad hoc*, non-scheduled service, if the applicant airline holding an air operator's certificate has reasonably demonstrated that corresponding scheduled services cannot satisfy a genuine demand by providing the service or capacity requested, whether for passengers or cargo, at the price offered. Applications for non-scheduled services for the same route will be dealt with on a 'first come, first served' basis. Of course approval by the Director of Civil Aviation must be matched by equivalent approval by the other administration involved.

Changes to approved Estimates of Expenditure approved during the second quarter of 1985-86—Public Finance Ordinance: Section 8

THE FINANCIAL SECRETARY:—Sir, in accordance with section 8(8)(b) of the Public Finance Ordinance, I have tabled for Members' information a summary of changes made to the approved Estimates of Expenditure in the second quarter of the financial year 1985-86.

Supplementary provision of just under \$262.5 million was approved, of which \$145.8 million were included in supplementary warrants. Some major provisions included \$198.7 million for the payment of grants to the universities, polytechnics, Baptist College and Urban Council as a result of the 1985 civil service pay adjustment; \$8.2 million for the construction of the City Polytechnic premises and \$7.3 million for reimbursement to the English Schools Foundation of rent allowances for former government teachers and their replacements. It is reassuring to note that there will be no net increase in expenditure arising from the supplementary provision approved because it has been offset either by savings under the same or other heads of expenditure or by deletion of funds under the additional commitments votes.

Approved commitments were increased by \$43.5 million during this period and new commitments of \$151.4 million were also approved.

Items in this summary have been approved either by Finance Committee or under delegated authority. The latter have been reported to the Finance Committee in accordance with section 8(8)(a) of the Public Finance Ordinance.

Government Business

Motions

EMPLOYEES' COMPENSATION ORDINANCE

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion:—

That the Ordinance be amended, with effect from 1 January 1986, as follows—

(a) in section 6—

(i) by deleting '\$242,000' in the three places where it occurs in subsection (1) and substituting in each case the following—

'\$299,000'; and

(ii) by deleting '\$81,000' in subsection (2) and substituting the following—

'\$100,000';

(b) in section 7—

(i) by deleting '\$276,000' in the three places where it occurs in subsection (1) and substituting in each case the following—

'\$341,000'; and

(ii) by deleting '\$92,000' in subsection (2) and substituting the following—

'\$114,000';

(c) in section 8(4) by deleting '\$111,000' and substituting the following—

'\$137,000';

(d) in section 11(5) by deleting '\$600' in the two places where it occurs and substituting in each case the following—

'\$800';

(e) in section 36C by deleting '\$10,000' and substituting the following—

'\$12,000';

- (f) in section 36J by deleting '\$30,000' and substituting the following—
'\$37,000'; and
- (g) in the Third Schedule—
- (i) by deleting '\$20' in item 1(b) and substituting the following—
'\$30';
- (ii) by deleting '\$10' in item 2(b) and substituting the following—
'\$15'; and
- (iii) by deleting '\$20' in item 3 and substituting the following—
'\$30'.

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

The levels of compensation specified under various sections of the Employees' Compensation Ordinance are, in accordance with the recommendations of a 1978 working party which reviewed the then Workmen's Compensation Ordinance, revised every two years. Since the present levels have been in force since July 1983, a further revision is now due. To give insurers sufficient time to make adjustments to their rates of premium, it is proposed to bring the revised levels of compensation into force on 1 January 1986.

It is proposed to raise the present levels of compensation by roughly 23.5 per cent. The basis for this proposal is the 15.6 per cent increase in overall wage rates, according to the Census and Statistics Department, between March 1983, the date against which the present levels of compensation were set, and March 1985. The present levels of compensation were set on the basis of calculations made several months before their introduction which underestimated the increase in wage rates in the meantime. Allowing therefore for an adjustment to correct this under-estimation and assuming a further 5 per cent increase in overall wage rates between March 1985 and January 1986, compensation levels should be set, with effect from January 1986, 23.5 per cent higher than at present.

Accordingly, it is proposed to raise the maximum amounts of compensation for death and for permanent total incapacity from \$242,000 to \$299,000; and from \$276,000 to \$341,000 respectively; and the minimum amounts from \$81,000 to \$100,000 and from \$92,000 to \$114,000 respectively. Compensation for the need for constant attention will be raised from \$111,000 to \$137,000.

A similar increase is proposed in the maximum payments to be made by an employer towards the costs of supplying and fitting a prosthesis or a surgical appliance and for its repair or renewal. The present amounts, \$10,000 and \$30,000 respectively, will accordingly be raised to \$12,000 and \$37,000.

The maximum daily rates payable by the employer for, respectively, hospital stay and outpatient treatment for an employee receiving medical treatment also require adjustment to take into account recent increases in the daily charges of government and subvented hospitals. These rates have not been adjusted since 1977 and accordingly a rather higher level of increase is proposed, from \$20 to \$30 for each day of stay in a hospital and from \$10 to \$15 for each day of outpatient treatment. The revised rates should enable an employee to recover full medical expenses from his employer if he receives treatment in a government or subvented hospital or to receive a reasonable subsidy if he chooses to receive treatment at private hospitals or from private doctors.

Finally, section 11(5) of the Ordinance deems an employee's minimum earnings for the purpose of calculating compensation to be \$600. This figure is based on the level of subsistence allowance for a single person under the Public Assistance Scheme. It is proposed to increase this figure to \$800 in line with its current equivalent.

Under section 48A of the Employees' Compensation Ordinance, levels of compensation may be amended by resolution of this Council. An appropriate draft resolution has been prepared.

Sir, I beg to move.

Question put and agreed to.

PNEUMOCONIOSIS (COMPENSATION) ORDINANCE

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion:—
That the Ordinance be amended, with effect from 1 January 1986, as follows—

(a) in the First Schedule—

(i) in Part I—

(A) by deleting '\$242,000' in items 1,2 and 3 and substituting in each case the following—

'\$299,000'; and

(B) by deleting '\$81,000' in item 4 and substituting the following—

'\$100,000';

(ii) in Part II—

(A) by deleting '\$276,000' in items 1,2 and 3 and substituting in each case the following—

'\$341,000'; and

(B) by deleting '\$92,000' in item 4 and substituting the following—

'\$114,000'; and

(iii) in Part IV by deleting '\$111,000' in item 4 and substituting the following—

'\$137,000'; and

(b) in the Second Schedule—

(i) by deleting '\$20' in item 1(b) and substituting the following—

'\$30';

(ii) by deleting '\$10' in item 2(b) and substituting the following—

'\$15'; and

(iii) by deleting '\$20' in item 3 and substituting the following—

'\$30'.

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

The maximum and minimum levels of compensation specified in the Pneumoconiosis (Compensation) Ordinance for death, total permanent incapacity and constant attention, and for daily rates of medical expenses, are the same as those under the Employees' Compensation Ordinance. It is therefore proposed that they be increased in line with the equivalent levels in the Employees' Compensation Ordinance, as provided in the resolution which I have just moved.

A resolution of the Legislative Council has been prepared under section 40 of the Pneumoconiosis (Compensation) Ordinance which makes the proposed adjustments.

Sir, I beg to move.

Question put and agreed to.

First reading of bills

ARBITRATION (AMENDMENT) (NO.2) 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

ARBITRATION (AMENDMENT) (NO.2) BILL 1985

THE ATTORNEY GENERAL moved the second reading of:—'A bill to amend the Arbitration Ordinance'.

He said:—Sir, I move that the Arbitration (Amendment) (No.2) Bill 1985 be read the second time.

The Bill contains a short amendment to subsection (2) of section 6B of the Arbitration Ordinance to remove a potential difficulty.

Section 6B empowers the High Court to consolidate two or more arbitration proceedings on any of the grounds specified in subsection (1).

The difficulty with the section is that where the court is required to appoint an arbitrator or umpire for consolidated arbitration proceedings, the existing provision does not expressly give the court power to remove any arbitrator or umpire already appointed to act in the various arbitration proceedings which the court wishes to consolidate.

This very problem arose in a recent High Court case. Although it was held that the court did have the power to remove an existing arbitrator, it had to imply that power from a liberal reading of the section in the absence of express provision to that effect. As a consequence, the Judiciary has proposed that the section be amended to put beyond doubt that the court's power under section 6B(2) of the Arbitration Ordinance to appoint an arbitrator or umpire for consolidated proceedings includes the power to remove any existing arbitrator or umpire. Hence this Bill.

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

Motion made. That the debate on the second reading of the Bill be adjourned—
THE ATTORNEY GENERAL.

Question put and agreed to.

CHIT-FUND BUSINESSES (PROHIBITION) (AMENDMENT) BILL 1985

Resumption of debate on second reading (6 November 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).

MATRIMONIAL CAUSES (AMENDMENT) BILL 1985**Resumption of debate on second reading (6 November 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).

BUILDINGS (AMENDMENT) (NO.2) BILL 1985**Resumption of debate on second reading (6 November 1985)**

Question proposed.

MR. CHENG HON-KWAN:—Sir, an ad hoc group, with my colleague Mr. Peter C. WONG as the convener, was formed to study the Bill. The group had the pleasure of meeting the Secretary for Lands and Works and his colleagues in the Administration on 5 November to clarify two points of concern.

The first relates to clause 3 in the Bill, which seeks to validate retrospectively the delegations previously made to officers outside the Building Development Department. The group, which was concerned about the effect the clause might have on cases due to be heard in court, was assured at the meeting that there was no pending litigation. The group accepts that the retrospective provision is necessary to put beyond doubt the Building Authority's power to recover costs of works which have been carried out by, for example, the Engineering Development Department, on behalf of private developers.

The group's second—and in a way more serious—concern is about the wide power of delegation sought in the Bill, whereby the Director of Building Development, if the Bill is enacted as it is, will be able to delegate his powers and functions to any government officers in any government departments. The group takes the view that the scope of delegation should not be wider than necessary. On the understanding that currently delegations have to be made to officers in only four departments, namely, Building Development Department Engineering Development Department, New Territories Development Department and Lands Department, it is considered that these departments should be specified in the legislation.

The group recognises, however, the need for flexibility. In order that the scope of delegation may be extended, if and when necessary in future, without going through the elaborate procedure involved in amending an ordinance, the group has proposed that the specification be in the form of a schedule to the Buildings Ordinance and that the schedule may be revised by resolution of the Council.

At the committee stage, my colleague, Mr. Ho Sai-chu, will move an amendment to the Bill to reflect the group's proposal. Sir, subject to that amendment, I support the motion.

SECRETARY FOR LANDS AND WORKS:—Sir, whilst one might consider it inconceivable that the Director of Building Development would delegate his statutory powers and responsibilities to a public officer who is not competent nor qualified for that purpose, one would readily agree that since the current practice is that only certain officers in the Engineering Development Department, Lands Department and New Territories Development Department other than those in the Building Development Department require delegated powers, such delegation should be written in the law by way of a schedule, listing the specific departments to which powers might be delegated. I agree, therefore, that the delegation should be so specified.

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

CHIT-FUND BUSINESSES (PROHIBITION) (AMENDMENT) BILL 1985

Clauses 1 to 7 were agreed to.

MATRIMONIAL CAUSES (AMENDMENT) BILL 1985

Clauses 1 and 2 were agreed to.

BUILDINGS (AMENDMENT) (NO.2) BILL 1985

Clauses 1 and 3 were agreed to.

Clause 2

MR. HO SAI-CHU:—I move that clause 2 be amended as set out under my name in the paper circulated to Members for the reasons stated earlier by my colleague Mr. H. K. CHENG.

Proposed amendment

Clause 2

That clause 2 be deleted and substituted by the following—

- "Amend
ment of
section 2.
(Cap.123
- 2.** Section 2 of the principal Ordinance is amended—
- (a) in subsection (2) by deleting "any officer of the Building Development Department" and substituting the following—
"an officer of any Department of the Government specified in the Fourth Schedule who is"; and
- Fourth
Schedule
- (b) by inserting after subsection (2) the following—
"(3) The Legislative Council may by resolution amend the Fourth Schedule."

- Addition
of Fourth
Schedule.
- 2A.** The principal Ordinance is amended by adding after the Third Schedule the following—

"FOURTH SCHEDULE

[s.2(2).]

1. Building Development Department
2. Engineering Development Department
3. Lands Department
4. New Territories Development Department ".".

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

CHIT-FUND BUSINESSES (PROHIBITION) (AMENDMENT) BILL and
MATRIMONIAL CAUSES (AMENDMENT) BILL

had passed through Committee without amendment and the

BUILDINGS (AMENDMENT) (NO.2) BILL

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

Question put on the Bills and agreed to.

Bills read the third time and passed.

Unofficial Members' Motion**Appointment of a Select Committee**

MISS LYDIA DUNN moved the following motion:—That a select committee be appointed to examine the Report by the Select Committee tabled in the Legislative Council on 7 August 1985 and to consider further and report on the appropriate measures to be taken to resolve the problems involved in the prosecution and trial of complex commercial crimes, including changes in the procedures before and during trial and the mode of trial.

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

A select committee was appointed on 1 May 1985 by the Council to consider and report on the appropriate measures to be taken to resolve the problems involved in the prosecution and trial of complex commercial crimes, including changes in the procedures before and during trial and the mode of trial. However under Standing Order 61(5) a select committee is automatically dissolved at the end of each session and by the time Members were nominated on 25 May, this committee had only some two months to tackle a very important and complex task. Under the chairmanship of my colleague, Mr. Peter C. WONG and with 13 of my Unofficial colleagues plus Mr. Piers JACOBS, the Secretary for Economic Services as members, the committee sat nine times and met twice with the Legal Department, once with the Commercial Crime Bureau of the Royal Hong Kong Police Force and once in joint public session with the Hong Kong Bar Association and the Law Society of Hong Kong.

The present motion arises from a recommendation by the select committee in paragraph 17 of its report which was tabled in this Council on 7 August 1985. The committee recommended that a select committee be appointed in the new session of the Legislative Council to consider further the appropriate measures to be taken to resolve the problems involved in the prosecution and trial of complex commercial crimes. It said that a study of the Fraud Trials (Roskill) Committee Report when it is published in the UK will be helpful, but any recommendations by that committee will need to be examined in the context of Hong Kong.

Sir, I believe that although the committee reached no final conclusion, its preliminary enquiries were both encouraging and productive and will serve as a useful starting point for the new select committee.

Sir, I beg to move.

THE CHIEF SECRETARY:—Sir, I rise to support Miss DUNN'S motion and to assure her and her colleagues of the Government's intention to do all it can to assist the select committee in its deliberations.

The select committee appointed in the last session under the chairmanship of Mr. Peter C. WONG has already done much valuable work in identifying the problems involved in the investigation and prosecution of complex commercial crimes. I am sure that the new committee will continue this excellent work.

I take this opportunity of thanking Mr. Peter C. WONG and the other members of the select committee appointed on 1 May 1985 for their dedicated efforts to find solutions to this problem.

Question put and agreed to.

Adjournment and next sitting.

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on 27 November 1985.

Adjourned accordingly at 4 o'clock.

Note: The short titles of motion/bills listed in the Hansard Report have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

WRITTEN ANSWERS**Annex I****Written answer by the Secretary for Education and Manpower to Mr. CHUNG Pui-lam's supplementary question to Question No.2.**

In accordance with Regulation 56(1) of the Construction Sites (Safety) Regulations, Contractors are required to notify the Labour Department, in writing, within seven days of the commencement of work on site. On receipt of the notification, the site will be visited by a member of the Factory Inspectorate and this initial visit will be followed by further inspections on a regular basis thereafter. In the event that a contractor fails to notify the Department of the commencement of work, then action will be taken in response to information from any other source indicating that construction work is under way. Failure to notify under section 56(1) is an offence, the penalty for which is a fine of \$10,000.

At present the Factory Inspectorate has a strength of 188 inspectors and 31 of these are specifically assigned to this task. This enables the Department to make three or four visits each year to active sites. Of course, sites which have an unfavourable safety record are subject to closer surveillance and more frequent visits.

Annex II**Written answer by Secretary for Education and Manpower to Prof. POON'S supplementary question to Question No.7.**

As a general rule we feel that children attending special schools should not have to pay more for transport than those attending ordinary schools. At present special schools receive a transport subsidy in the form of a full subvention for meeting the salary of drivers providing transport services to schools for the blind, physically handicapped, the moderately and severely handicapped, the deaf (primary) and the maladjusted.

However there is some evidence to suggest that the average transport fees to users of special school transport are higher than ordinary school transport. The Education Department is therefore considering a proposal which would bring the special school transport fees into line with ordinary school transport fees. I would hope that a government view can be taken on this proposal by mid-1986.

WRITTEN ANSWERS—Continued**Annex III****Written answer by Secretary for Health and Welfare to Dr. Conrad Lam's supplementary question to question No.11.**

Statistics on the number of child abuse cases recorded by both the Social Welfare Department and the voluntary agencies in late 1983 show that at that time there were 373 active cases. The figures at the end of 1984 and 1985 were 313 and 337 respectively. While these statistics appear to confirm my belief that there are more cases of child abuse, the bases on which the two sets of statistics were compiled were very different, and I doubt whether too much significance should be attached to the comparison. However, I understand that social workers in the department feel that of the two problems that presented by child abuse is of greater concern.

In view of the increasing concern in the community about the problem of abuse of the elderly, it is clearly desirable that reliable statistics on these cases should be available. As from 1 January 1986, case-workers in the family service centres have been asked to examine their existing cases with a view to identifying those which involve abuse of the elderly, and to submit monthly returns to the headquarters. Based on these statistics, we should in due course be in a better position to assess the size of the problem and to establish trends.