

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 14 May 1986

The Council met at half-past Two o'clock

PRESENT

HIS HONOUR THE DEPUTY TO THE GOVERNOR (*PRESIDENT*)
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 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 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 JOHN JOSEPH SWAINE, O.B.E., Q.C., 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 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 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 LIU LIT-FOR, J.P.

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

THE HONOURABLE POON CHI-FAI

PROF. THE HONOURABLE POON CHUNG-KWONG

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

THE HONOURABLE ANDREW WONG WANG-FAT

THE HONOURABLE JOHN RAWLING TODD, C.V.O., O.B.E., J.P.
SECRETARY FOR HOUSING

ABSENT

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

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

THE HONOURABLE DAVID LI KWOK-PO, J.P.

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

THE HONOURABLE HELMUT SOHMEN

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR. LAW KAM-SANG

Papers

The following papers were laid on the table pursuant to Standing Order 14(2):

Subject *L.N.No.*

Subsidiary Legislation:

Employment Ordinance	
Employment Agency (Amendment) Regulations 1986.....	113
Places of Public Entertainment Ordinance	
Film Censorship (Amendment) Regulations 1986.....	114
Companies Ordinance	
Companies (Interest of Investments)(No. 2) Notice 1986.....	115
Registration of Persons Ordinance	
Registration of Persons (Application for New Identity Cards) (No. 5) Order 1986	116
Inland Revenue Ordinance	
Inland Revenue (Interest Tax)(Exemption)(Amendment)(No. 2) Notice 1986	117
Tax Reserve Certificates (Fourth Series) Rules	
Tax Reserve Certificates (Rate of Interest)(No. 2) Notice 1986	118

Oral answers to questions**Ceiling of preferential debt in respect of wages and severance payment**

1. MR. TAM asked (in Cantonese): *Under section 265 of the Companies Ordinance, the maximum ceiling of preferential debts in respect of salary in arrears, wages in lieu of notice and severance pay that could be recovered by a worker in case of a company becoming insolvent is \$8,000, \$2,000 and \$8,000 respectively. In view of the fact that these provisions were made in 1977, will the Government inform this Council:*

- (1) *what principles were followed in determining the ceiling of the above-mentioned payments; and*
- (2) *will the Government consider amending the Companies Ordinance in the light of the gradual increase in the wages of workers over the past nine years so as to raise the maximum ceiling of the above-mentioned payments to which workers are entitled, thus ensuring that the protection enjoyed by workers will not reduce in real terms?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, to reply to the first part of Mr. TAM's question, the preferential limits under the Companies and Bankruptcy Ordinances were set by reference to the non-manual wage ceiling in force at that time under the Employment Ordinance. The limits in respect of wages and severance payment were set at four times the ceiling figure of \$2,000 per month and the limit for wages in lieu of notice at the same amount as the ceiling figure, reflecting the length of the preferential period for wages in arrears and wages in lieu laid down in the Companies and Bankruptcy Ordinances.

As regards the second part of Mr. TAM's question, there are no plans at present to raise the preferential limits under the Companies and Bankruptcy Ordinances. There is logic in the argument that the real value of these limits should be maintained by increasing them in line with the manual wage ceiling under the Employment Ordinance. In practice, however, there is no necessary link between the Companies and Bankruptcy Ordinances on the one hand and the Employment Ordinance on the other in regard to the purpose of these limits. The object of the wage ceiling in the Employment Ordinance is to define the category of employees covered, while the preferential limits under the former two Ordinances govern the distribution of assets in the event of winding up or bankruptcy.

The Labour Department has conducted a number of reviews of preferential payment claims since 1977, the last being completed in April of this year. Data gathered in this connection indicate that the average claim in 1985-86 for wages in arrears amounted to \$2,892, for wages in lieu of notice to \$1,776 and for severance pay to \$13,068. This would suggest that the present limits are adequate as regards wages in arrears and wages in lieu of notice, although the average claim for severance pay is substantially above the limit. However, if the preferential limits were raised, then higher-paid employees would obtain a somewhat larger share of the finite sum realised on disposal of a company's remaining assets, while lower-paid employee would get less.

The scope and operation of the Protection of Wages on Insolvency Fund is relevant to this whole question. I said in the course of this year's policy debate that we should need to review the present arrangements after two years' experience and it may perhaps be opportune to look again at the issue of preferential limits, amongst other things in that context.

MR. TAM (in Cantonese): *Sir, can the Government inform this Council of the companies that became insolvent last year, how many workers were not paid severance pay exceeding \$8,000? As most of these workers had been working for quite a long time in these companies, when the companies wound up, it would be very difficult for them to find new jobs; so will the Government consider raising the maximum ceiling so that the older workers will be protected?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I don't think I can here and now give the detailed figures that Mr. TAM has requested and I will do so in writing because this question refers to preferential limits rather than the fund itself. However, I can assure Mr. TAM that, as I said in the policy debate, we do propose to review the question of whether severance payments should be met from the Wages Insolvency Fund during the review after its first two years working. (Annex I)

Festival for the Elderly

2. DR. CHIU asked: *In view of the fact that various community groups have been jointly organising the Festival for the Elderly on every third Sunday of November for the last seven years, will the Government give official recognition to this festival in order to further promote love, care and respect for our senior citizens?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the Festival for the Elderly is a community education project which has become an annual event since it was initiated by the Hong Kong Council of Social Service in 1979. It is organised by the council and its member agencies with financial support from charitable and community organisations, district boards, business firms and individuals and its aims are to promote public awareness of the needs of the elderly and the concept of caring for the elderly in the community to publicise services provided for the elderly and to encourage co-operation amongst agencies operating in this field.

Needless to say, Sir, this festival deserves and receives official support. Social Welfare Department and District Office staff join with voluntary agencies and local organisations in organising special activity programmes for the elderly during the festival which has twice received financial support through grants from the Lotteries Fund.

The festival certainly receives a considerable degree of official recognition, and I am sure that the present blend of voluntary agencies' initiative, enthusiastic and generous community involvement and official support will ensure its continued success.

DR. CHIU: *Sir, I am glad to learn that Government officially recognises the Festival for the Elderly. Will the Government further consider formulating the policy on community care for the elderly to enable the device of special rates and privileges for the senior citizens to use public services and community facilities such as medical care, public transport, culture and recreational activities and so on?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I think that I did answer a question on this subject some little time ago in this Council. At that time I said that these were a number of such arrangements already in force operated by district boards and other bodies and that the Director of Social Welfare would be discussing with transport companies and other organisations the possibility of further services of this kind.

MR. CHEONG-LEEN: *Sir, in regard to the supplementary question raised by Dr. CHIU, would the Secretary for Health and Welfare welcome any further support from the Urban Council?*

SECRETARY FOR HEALTH AND WELFARE: Certainly, Sir, we should be delighted with any help that the Urban Council can give.

MR. HUI: *Sir, would Government consider additional measures to bring home to the people that this is recognised by Government perhaps by providing more money in supporting the activities for the Festival for the Elderly and involving more Government departments in participation in such activities?*

SECRETARY FOR HEALTH AND WELFARE: Sir, so far as financial support is concerned, as I mentioned, on two occasions an application to the Lotteries Fund has been successful and I am sure the Director of Social Welfare would be pleased to give favourable consideration to any further requests from the Council of Social Service for this purpose.

DR. CHIU: *Sir, would the Government consider issuing the senior citizenship card in order to facilitate these services?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I think we are getting rather a long way from the Festival for the Elderly! I think that I replied to a similar question some weeks ago. I said that in view of the fact that all senior citizens in Hong Kong do have identity cards which show their age, there didn't seem to us to be a great deal of advantage in issuing a special senior citizens card for this purpose.

MR. CHEONG-LEEN: *In regard to the answer by the Secretary for Health and Welfare isn't it possible that there would be some senior citizens who would prefer not to have their age so obviously known!*

HIS HONOUR THE PRESIDENT: I think that is a speculative question. We will pass on to the next question!

Seating capacity of private cars

3. PROF. POON asked: *Will Government inform this Council how the licensed seating capacity of a private car is determined?*

SECRETARY FOR TRANSPORT: Sir, the licensed seating capacity of a private car is determined in accordance with the Road Traffic (Construction and Maintenance of Vehicles) Regulations. The maximum passenger seating capacity specified for a private car is seven. The seating capacity for a particular type or model of private car is assigned having regard to regulation 27(4) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations, which provides that seats in private cars should 'measure at least 380 mm from the backrest to the front edge of the seat and 380 mm along the back'.

PROF. POON: *Sir, in view of the fact that most private cars in Hong Kong are licensed to carry four passengers but the typical Chinese extended family of three generations would consist of six persons, will Government consider allowing private car owners to decide for themselves whether to carry more passengers whilst sacrificing comfort?*

SECRETARY FOR TRANSPORT: Well, Sir, if it was just a question of comfort then of course I think one could pursue that line of thought although even that might be debatable. But it is most certainly not just a question of comfort. It is a question of road safety. Overloading provides a hazard and is a contributory cause of road accidents.

PROF. POON: *Sir, if safety is the real concern, why are most taxis in Hong Kong allowed to carry five passengers?*

SECRETARY FOR TRANSPORT: Sir, I do believe that the front seat in some taxis is a continuous bench seat and I have a note here to say that regulation 26(2) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations provides that where a vehicle is fitted with a continuous seat for passengers beside the driver, the space available for passengers should be measured from the point 380 mm from that part of the seat nearest to the centre of the steering wheel. If the space so measured can accommodate two seats beside the driver, a taxi with a continuous bench seat in the front can sit two passengers there.

MR. PETER C. WONG: *Sir, may I ask the Secretary in what way is measurement connected with safety?*

SECRETARY FOR TRANSPORT: Well, Sir, if the number of seats is determined by these measurements and the number of people in the car exceeds the number of seats determined by those measurements then you have an overloading situation. You have a situation where the power of the engine may not be

adequate to cope and you have a situation where the brakes may not be able to cope. Members of course are probably aware that children under three do not count for these purposes and that slightly older children less than 1.3 metres in height, three children are counted as two.

Squatter fires

4. MR. CHAN YING-LUN asked (in Cantonese): *Will Government inform this Council:*

- (a) *the number of squatter fires occurring in the territory in each of the past five years and the number of squatter fire victims involved;*
- (b) *the reasons for the increase/decrease in the number of squatter fires over the past five years;*
- (c) *whether actions have been taken to investigate the causes of these fires and if so, what are the results; and*
- (d) *the measures undertaken by the Government to prevent such fires?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir,

- (a) The number of reported squatter fires occurring in each of the last five calendar years and the number of fire victims involved are as follows:

<i>Year</i>	<i>No. of fires</i>	<i>No. of victims</i>
1981	273	26 610
1982	96	11 211
1983	118	3 319
1984	262	5 151
1985	368	1 260
	1 117	47 551

- (b) While the data on the causes of the fires are available, it is not possible to determine from an examination of such data as to why the number of squatter fires has increased or decreased during the five-year period. The number first decreased and then increased. It is noteworthy, however, that while the number of fires has increased since 1982, the number of fire victims has decreased considerably from over 26 000 in 1981 to 1 260 in 1985. Since September 1982, a policy has been implemented whereby victims of squatter area fires are rehoused only in the New Territories. The dramatic fall of the number of squatter fire victims in the three years following the introduction of this policy indicates the extent to which it

(* Persons genuinely made homeless by a squatter fire)

has acted as a deterrent against deliberate fires in urban squatter areas. Another indication is that there are more reported fires of a relatively minor nature, not resulting in homelessness. This is further borne out by the fact that during the last three years, over 85 per cent of the fires were extinguished by initial attendance and there were only *one* No. 4 alarm in 1983, 1984 and 1985 as compared to *five* in 1981 and 1982.

- (c) As to the causes, staff of the Fire Services Department always investigate the cause of each fire e.g. the finding for the calendar year 1985 indicates that squatter fires are attributed to the following:

<i>Causes</i>	<i>Number</i>	<i>Percentage</i>
Electrical origin, including illegal tapping	112	30
Smoking materials	81	22
Cooking stoves	70	19
Suspected arson	24	7
Others (e.g. burning of mosquito coils, jossticks and so on)	81	22
	368	100
Total:		

- (d) The measures undertaken by Government to prevent such fires are in many forms:
- (1) *Publicity programmes*: Staff of local fire stations pay regular visits to squatter communities to give advice on fire protection and preventive measures. Fire prevention campaigns are also organised especially for squatter communities by the staff of the Information Services Department and the Fire Services Department jointly.
 - (2) *Fire watch teams*: Local fire watch teams comprising squatter residents are trained by staff of the Fire Services Department to recognise fire hazards so that they may better give advice to the squatter communities.
 - (3) *Squatter area improvement programme*: As part of the Housing Department's squatter area improvement programme, the following measures have been taken:
 - (a) fourteen squatter areas have to date been provided with a legal and proper electricity supply. This obviates the need for tapping and thereby removes one of the primary fire risks.
 - (b) fire breaks of at least 10 m wide are provided to prevent the spread of fire;
 - (c) fixed pipelines are provided to supply water for fire fighting; and
 - (d) access has been improved throughout the squatter areas, so that fire fighting teams can get quickly to the fires.

MR. CHAN YING-LUN (in Cantonese): *Sir, from the huge decrease in the number of fire victims it seems that the measures taken have been very effective but people have been saying recently that some fires have started in vacant squatter units vacated by people who have moved to housing estates and also it is suspected that some fires have been started by bad elements. What is the Government going to do to handle the situation?*

SECRETARY FOR DISTRICT ADMINISTRATION: *Sir, the question involves a bit of housing policy which is perhaps best answered by the Secretary for Housing on another occasion. On the question of the involvement of triad activities in the squatter area, the sub-working group of the Fight Crime Campaign has discussed this matter and the conclusion was that there is no evidence to prove that there are triad activities related to squatter fires.*

MR. CHAN YING-LUN (in Cantonese): *Sir, can the Government inform this Council of the following: after the notice of clearance has been given but if a fire happens before the clearance is effected, will those affected also have to be resettled to the New Territories? Although this seems a digression from the original question, there are people who are very concerned about this and I hope that an answer can be given to alleviate the fears of the people.*

SECRETARY FOR DISTRICT ADMINISTRATION: *Sir, the policy of rehousing fire victims remains the same as that in 1982. The exception, however, is in the case of fires taking place in urban squatter areas where notices of clearance have already been served and a pre-clearance survey has been completed before the fire. Such victims would normally be offered rehousing locally provided that suitable housing is available in or near the urban areas. Currently there is a shortage of housing resources in the urban areas.*

MR. LEE YU-TAI: *Sir, is there any significance in the 1985 figures, the number of reported cases being the highest in the last five years and the number of victims being the smallest? Does it lead to such conclusions as an increase of arson cases?*

SECRETARY FOR DISTRICT ADMINISTRATION: *Sir, as I have already said, there is no evidence which indicates that arson is the cause of fire in the urban areas. The number of fires in 1985 was greater than previously but, as I said, they were mainly minor fires.*

MR. CHEONG-LEEN: *Sir, since the squatter area improvement programme has been very successful in reducing the incidence of fires in squatter areas, could I ask whether this programme has been fully completed and if not has there been any undue delay and when would it be expected that the programme would be completed?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the squatter improvement area programme is a five-year programme and I think it is only the second or third year at the moment, but the indication is that it is having a great effect in preventing further squatting as well as fires.

DR. CHIU: *Sir, how many of these 47 551 fire victims in the past five years have been rehoused in public housing estates and to what extent does it affect those who are already on the public housing waiting list?*

HIS HONOUR THE PRESIDENT: I think that goes beyond the scope of the original question, Dr. CHIU. But certainly you may ask it on another occasion.

MR. CHUNG: *Sir, could the Secretary for District Administration inform this Council whether the fire watch teams and their equipment is financed by public funds?*

SECRETARY FOR DISTRICT ADMINISTRATION: The answer is yes.

Revocation of registration of deposit-taking companies

5. MR. LIU asked (in Cantonese): *Will Government inform this Council:*

- (a) *of the number of deposit-taking companies which have had their licences or registrations revoked at their own request or on the initiative of the authorities during the past year; and*
- (b) *whether the general public had suffered any monetary loss resulting from these de-registrations and, if so, what is the amount involved?*

FINANCIAL SECRETARY: Sir, the number of deposit-taking companies whose registrations have been revoked since 1 April 1985 is 44. No deposit-taking licences have been revoked. Distinction between voluntary or requested revocation is pretty meaningless as in many cases voluntary revocations are a face saving route for the institutions involved.

Except in one case, no depositors have suffered monetary loss as a result of de-registration. This single case is now in the hands of the Commercial Crimes Bureau and the liquidator. It would not be proper for me to disclose details. I would remind Mr. LIU that small depositors with less than the specified sum, which is currently set at \$100,000, are debarred from depositing their money with registered DTCs.

MR. LIU (in Cantonese): *Sir, will the Government inform the Council when the Government revoked the registration of deposit-taking companies, what criteria the Government will follow?*

FINANCIAL SECRETARY: When we don't think that they should be accepting deposits from the public, Sir.

Lead content in ceramics

6. MR. LAI asked: *Does Government have any plans to introduce measures to control the lead content in ceramics sold in Hong Kong?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the Government monitors the level of lead content of ceramic wares and especially those used in restaurants. The Municipal Services Branch has advised restaurant operators that certain types of highly coloured eating utensils may contain an excessive level of lead and that food should not be served or stored in them. Importers, traders and local manufacturers of eating utensils are also advised of a number of precautions that they should take to provide a safe product for use by the consumer. The guideline level of lead content which has been adopted is that of the British Standard Specification which is seven parts per million. These arrangements appear to be satisfactory and none of the reported cases of lead poisoning during the past three years was found to be attributable to ceramic utensils.

Following recent tests conducted on eating utensils, the Consumer Council warned the public about the dangers of using highly coloured pottery and has sought and obtained an assurance from Chinese exporters, who are a major source of supply of eating utensils, that sub-standard utensils would not be imported into Hong Kong.

There are no plans at present to introduce any further measures to control the lead content of ceramics sold in Hong Kong.

MR. LAI: *Results of recent tests carried out by the Consumer Council have shown that the lead content level of eight out of ten ceramic ware dishes is well above the British Standard Specification. May I ask whether the Government intends to carry out more tests on ceramic wares to reduce the danger of poisoning? If the answer is no, then perhaps the Government would consider displaying notices informing our at-risk population that pottery may be hazardous to our health.*

SECRETARY FOR HEALTH AND WELFARE: Sir, I am sure that the authorities concerned will continue to carry out tests from time to time. I think that we can rely upon the publicity by the Consumer Council, and by the notifications by the Municipal Services Branch and the Urban and Regional Councils to restaurant operators and other users, to be an effective warning to the public about the possible dangers.

MISS DUNN: *Sir, I am curious to know. Can the Secretary for Health and Welfare explain how he has come to the conclusion that we can actually rely on restaurants and home owners to determine that lead contents are within safe levels?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I think we have to rely basically on publicity for this purpose. If it becomes evident in the future that publicity is not having the desired effect, then I agree it would be necessary to consider whether legislation would be required.

MISS DUNN: *Sir, what were the causes of the reported cases of lead poisoning?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I don't have details of these but I will find out and let MISS DUNN know. (Annex II)

MRS. CHOW: *Sir, bearing in mind there may be unauthorised ceramic exports from China, which, if any, Government department is responsible for ensuring that ceramics with unacceptable levels of lead content are not sold and can the sale of such ceramics be prevented by law?*

SECRETARY FOR HEALTH AND WELFARE: There is no law at present which prevents the sale of these products as I understand it.

MR. ALLEN LEE: *The Secretary mentioned that sub-standard utensils would not be imported into Hong Kong. Can the Secretary inform this Council how Government monitors or even checks these sub-standard utensils to ensure that they would not be imported into Hong Kong?*

SECRETARY FOR HEALTH AND WELFARE: Sir, as I said in the original answer to the question the Municipal Services Branch and the two councils monitor the use of crockery of this kind in restaurants. I am not aware that there is any particular monitoring of such goods sold in shops but there it is that I think we have to rely on the efforts of the Consumer Council.

MR. ALLEN LEE: *The answer says that sub-standard utensils would not be imported into Hong Kong, so at the point of entry, how do you assure the public that you have proper checks and that no sub-standard utensils would be imported into Hong Kong?*

SECRETARY FOR HEALTH AND WELFARE: Sir, what I said was that the Consumer Council had received an assurance from Chinese exporters that they would not be imported into Hong Kong. If it appears that this assurance is not being honoured, then I presume it would be possible to consider legislation under the Import and Export Regulations to take action.

MRS. CHOW: *Is Government aware that in fact quite a substantial amount of such Chinese ceramics and potteries are imported through the way of parallel imports and therefore are not through authorised Chinese exporters? In the way of preventative measures, would the Government in fact consider checks or even legislation to check the sale of such dangerous products?*

SECRETARY FOR HEALTH AND WELFARE: I am sure that the Government would give careful consideration to any recommendations by the Consumer Council on this point.

MR. MARTIN LEE: *Sir, the Secretary having heard such a cross-examination from our Members, would he kindly confirm that he will consider introducing legislation in this regard?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I will convey to my colleague, the Secretary for Municipal Services, the views of Members on this issue.

MISS DUNN: *Sir, the Secretary for Health and Welfare is the policy Secretary concerned with this problem and I find it strange that he should refer it to the Secretary for Municipal Services. Could he now answer Mr. LEE'S question?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I do not propose to get into an argument about who is the policy Secretary for this subject; certainly the advice on which my reply was given was provided by the Secretary for Municipal Services. I will discuss with him and between us we will consider carefully what needs to be done.

Recruitment of police inspectors

7. DR. LAM asked (in Contonese): *With regard to the recruitment of police inspectors, will Government inform this Council:*

- (a) *what are the selection criteria used;*
- (b) *what is the number of:*
 - (i) *vacant posts;*
 - (ii) *applications received;*
 - (iii) *qualified candidates; and*
 - (iv) *officers recruited for the last three years; and*
- (c) *what measures will Government take to reduce the number of existing vacancies?*

ATTORNEY GENERAL: Sir, to be considered for appointment, candidates are required to meet certain minimum requirements on such matters as age, academic qualifications and physical characteristics. Appointments are made

from qualified candidates on the basis of a rigorous selection procedure designed to test common sense, maturity, self-confidence, leadership potential, English language ability and physical fitness.

As to the second part of question, the number of vacancies, the number of applications received, the number of qualified candidates and the number of appointments made in the last three years are set out in the table of statistics distributed to Members. Table 1, may I add, gives the figures for the end of each financial year; the other three tables give totals for each financial year.

As to the third part, Sir, the vacancy position has remained at only 2.5 per cent or less in the last three years. It is not possible to achieve full establishment in any large organisation—resignations, retirements and creation of new posts inevitably mean there will be vacancies on any particular day. Indeed in the Civil Service overall, the vacancy position is about 3 per cent.

There is no lack of response to recruitment exercises. The success rate of both local and overseas candidates remains low. It is not thought necessary to introduce additional measures to reduce the number of existing vacancies—rather new measures are aimed at attracting an increased number of suitable local applicants.

Recruitment of Inspectors of Police—Statistics of 1983-84 to 1985-86

1. The vacancy position:

Year	Establishment	Strength	Vacancies	% Filled
1983-84	2 046	2 007	39	98.1
1984-85	2 107	2 057	50	97.6
1985-86	2 179	2 125	54	97.5

2. The numbers of applications and nominations received:

Year	Local		Overseas	Total
	Direct Entry	Force Entry	Direct Entry	
1983-84	3 110	261	740	4 111
1984-85	2 464	114	1 029	3 607
1985-86	2 637	238	701	3 576

3. The numbers of candidates who met the basic qualifications and were initially accepted for further processing:

Year	Local		Overseas	Total
	Direct Entry	Force Entry	Direct Entry	
1983-84	2 342	156	445	2 943
1984-85	1 807	184	768	2 759
1985-86	1 998	116	523	2 637

4. The numbers of candidates recruited:

Year	Local		Overseas	Total
	Direct Entry	Force Entry	Direct Entry	
1983-84	60	70	73	203
1984-85	58	62	44	164
1985-86	59	44	56	159

DR. LAM (in Cantonese): *Sir, according to the figures indicated in the reply, the percentage of overseas candidates recruited is much higher than that of the locally recruited. According to paragraph 1 of the answer concerning the various selection criteria, in what areas are overseas candidates better than their local counterparts and among the candidates, how many local candidates do not meet the requirement for English language ability?*

ATTORNEY GENERAL: The question as to the success rate is, of course, related in part to the level of those who pass the initial qualifications, not merely a question of the final selection. It is the fact that the educational qualifications for overseas applicants are set at a higher level than for local candidates and thus the raw material available from which to select is of a higher educational standard. Additionally, a proportion of overseas candidates have previous experience in the United Kingdom police force or in HM Forces; indeed 21 of the 56 recruited in 1985-86 had such experience. As to the precise number of local candidates who failed the English language requirements, I would have to give further statistics on some other occasion to Dr. LAM. That I will gladly do. (Annex III)

MR. MARTIN LEE: *Sir, according to paragraph 1 of the learned Attorney's answer, there is a regular selection procedure designed to test common sense, maturity, self-confidence, leadership potential, English language ability and physical fitness. May I ask whether these standards are set perhaps too high for inspectors, bearing in mind that if the same standards were set to Legislative Councillors very few of us would have passed?*

ATTORNEY GENERAL: Sir, the various factors which are mentioned are those that are thought necessary for the exacting responsibilities of police inspectors. I would rather not comment on the qualifications required for Members of this Council.

MR. JACKIE CHAN: *Sir, can the Government inform this Council of the following: (1) for members of the rank and file, what is the procedure they have to go through to become inspectors? (2) is there a programme to train members of the rank and file who have potential to become inspectors?*

ATTORNEY GENERAL: Sir, there is, as the figures show, quite a large number of persons who have come in from the force who are able to obtain promotion to inspectorate rank. Indeed, I could perhaps mention that 26 per cent of police officers at the rank of inspector and above have been promoted from the rank and file. Indeed, it is the police policy to identify and to promote rank and file police officers who have the necessary qualifications and leadership qualities and in the last 12 months, 44 rank and file police officers have indeed been promoted to inspectors, so that source of entry is a very fruitful one and it is one that the police force has in mind.

DR. HO: *Comparing tables 3 and 4, the overall rate of successful recruitment was about seven and even less in the last three years. Does such a small successful recruitment rate indicate unduly stringent procedures and criteria being adopted and would the police authority review its selection and recruitment policy for police inspectors?*

ATTORNEY GENERAL: There is, of course, no difference between the selection criteria for overseas candidates and those used in selecting local candidates. That I hope I have already made clear. In the future, of course, there is a localisation policy and it may be that in that direction we will find more and more local inspectors selected and appointed.

MRS. FAN: *Sir, the Attorney General in his answer indicated that he thought it might be necessary to introduce new measures in attracting an increased number of suitable local applicants. Could the Attorney General give an idea of what he has in mind for new measures?*

ATTORNEY GENERAL: The police are very concerned to improve the general quality of applicants with a view to maintaining the high standards which they set and in 1985 set up a working party to review the recruitment procedures of direct entry local inspectors. And a number of the recommendations of that working party have been implemented. First, there is a full time unit which has been set up within the police force to co-ordinate the recruitment drive for local candidates. Second, with effect from April of this year, married local candidates are being considered for the first time. Third, the application forms have been

made more widely available in police stations and neighbourhood police offices and applications by post are now accepted. Fourth, the venue for the preliminary interviews is now at a much more convenient location. Lastly, the extended interviews for candidates have been shortened from three days to one and a half days and are now held over the weekend rather than on weekdays but in addition a number of other steps have been taken to enhance the recruitment drive for local inspectors and perhaps the most important is that the police recruitment unit is now working very closely with the appointments services of the universities and post-secondary colleges to attract applications from university graduates and post-secondary students, because it is now a feature of recruitment to the rank of inspector that graduates more and more are featuring largely. A second and recent step taken too, is that arrangements are made for potential candidates to visit the Police Training School at an early stage and have explained to them the recruitment procedures which otherwise may appear rather daunting.

MR. TAI: *Sir, since the majority of the residents in Hong Kong are Chinese speaking, would it be prudent to include Chinese language ability in the selection procedure?*

ATTORNEY GENERAL: Well, Sir, the present policy is to treat the main language in use in the employment and the work of inspectors as English and at present there are no plans to change over to using Chinese as the main language in the selection process. So long as the language of the law is English, the medium of training at the Police Training School will continue to be in English, and English is, of course, used extensively throughout the police force day to day, so the candidates' command of the English language will therefore have to be thoroughly tested before he is appointed but the need to test the candidates' proficiency in the Chinese language is under consideration.

MR. CHUNG: *Sir, would the Attorney General inform this Council whether the same selection criteria in his answer in paragraph 1 would apply in its entirety to appointments from members of the rank and file and if not, what is the difference?*

ATTORNEY GENERAL: Yes, I come to answer questions about the selection procedures for inspectors but I think if there are to be questions about the selection procedures for rank and file police officers I would prefer another question to be put down on a different occasion.

HIS HONOUR THE PRESIDENT: Your question is related to the original question?

MR. ANDREW WONG (in Cantonese): *Yes, Sir, Can the Government confirm that in the past when inspectors were recruited there was an informal quota for overseas candidates. Has there been such a policy? And is the same policy being followed? If so, what is the quota?*

ATTORNEY GENERAL: No, Sir, there is no quota. The criteria are the same. The procedures are different: the procedures leading from the point of satisfying the qualifications to the point of selection. The criteria for selection are the same both for locals as for overseas.

Off-course betting centres

8. MR. LEE YU-TAI asked: *Will the Government inform this Council:*

- (i) how many off-course betting centres does the Royal Hong Kong Jockey Club operate at the present time;*
- (ii) how many new centres were established in each of the last three years;*
- (iii) how many applications for new centres, if any, have been received from the Jockey Club for the next three years;*
- (iv) what was the total volume of betting in each of the last three years and what proportion of the total volume was received through off-course betting centres in the corresponding period;*
- (v) whether or not the Government assesses public reaction towards the proliferation of off-course betting centres, and, if so, how; and*
- (vi) what are the Government's actions, if any, in response to the results of the assessment at (v)?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, there are 128 off-course betting centres.

In the last three years, a total of seven new centres have been opened, three each in 1984 and 1985, and one this year. The Government is at present processing three applications from the club, all for centres to be opened in 1987.

Total betting turnover was \$12 billion in 1983, \$15 billion in 1984 and \$19 billion in 1985, of which off-course betting centres accounted for 47 per cent, 57 per cent and 60 per cent in each year respectively.

There has been no proliferation of off-course betting centres in recent years. Indeed, the number has dropped slightly from 134 in 1976 to 128 now.

The Government seeks local views through the District Office whenever an application is received from the Royal Hong Kong Jockey Club. In the past, objections from local residents, together with other factors, such as police intelligence on illegal gambling, potential crowd control problems, and the proximity of schools, youth centres and other off-course betting centres in the vicinity, had been responsible for the rejection of a number of applications.

The Government will continue to consult community opinion when considering future applications from the Royal Hong Kong Jockey Club.

MR. LEE YU-TAI (in Cantonese): *Sir, when permission was given to open off-course betting centres over a decade ago, was it the intention to eliminate illegal bookmaking and if so has that target been reached and is there any evidence to indicate that the effort has been successful?*

SECRETARY FOR DISTRICT ADMINISTRATION: *Sir, the main reason for legalising gambling particularly through off-course betting centres certainly is to combat illegal gambling. The setting up of off-course betting centres has effectively and significantly reduced illegal betting activities since its inception.*

MISS DUNN: *Has the Government any idea whether the easy availability of off-course betting has had the effect of inducing people who would not normally bet on horses to bet?*

SECRETARY FOR DISTRICT ADMINISTRATION: *Sir, neither the Government nor the club has over the years encouraged betting as such. It is true that betting through off-course betting centres has been made easy. It has had the direct effect of reducing illegal activities.*

MR. HUI: *Sir, does Government consider it necessary to monitor the situation so that young people under 18 and students in school uniforms are forbidden from entering off-course betting centres. If not, why not? If yes, how?*

SECRETARY FOR DISTRICT ADMINISTRATION: *Sir, the minimum age to enter the off-course betting centres is 18 and there are staff and a policeman outside each off-course betting centre who are there to see to it that this is followed.*

Assistance for Hong Kong residents detained in China

9. MR. CHEONG-LEEN asked: *What steps are being taken by Government to assist Hong Kong residents who are in Mainland China on bona fide business but whose travel documents are withheld by local authorities for the purpose of detaining such residents for questioning or investigation for known or unknown reasons, and will Government strengthen measures—especially communication links with China—to ensure that the travel documents of any such Hong Kong residents are not unduly withheld so that they may return to Hong Kong without delay?*

ATTORNEY GENERAL: *Sir, Hong Kong residents who are British nationals are entitled to consular assistance and protection from British consular authorities. However, no such entitlement exists when such persons are travelling in a country whose Government regards them as its own nationals. The majority of Chinese Hong Kong residents who travel to the PRC do so, not on British passports, but on re-entry permits issued by the Hong Kong Government and*

'home visit permits' issued by the Chinese authorities. British consular officials in the PRC have no formal standing to offer consular assistance or protection to such Hong Kong residents. In practice, however, informal approaches to the Chinese authorities on behalf of such Hong Kong residents can be made. Various appropriate channels of communication exist for such approaches.

MR. CHEONG-LEEN: *Sir, can the Attorney General confirm that the existing channels of communication are generally adequate in case a Hong Kong resident finds there is a need to approach Government for assistance in this respect, and such assistance can be followed up as thoroughly as is reasonably possible?*

ATTORNEY GENERAL: Sir, I have difficulty in saying yes to that because of the very few occasions on which the Government has been asked to render this kind of assistance. Indeed, no accurate records are available anyhow because some of the matters will be dealt with by the British Embassy in Peking immediately and this Government will not then be aware of them. Indeed, there have been no cases dealt with in Hong Kong in recent years in which the informal approaches I have referred to have in fact been made.

MR. POON CHI-FAI (in Cantonese): *Sir, will the Government inform this Council how many Hong Kong residents have their travel documents impounded by the Chinese authorities in the past three years and do we know about the reasons for impounding such documents?*

ATTORNEY GENERAL: I cannot say what number because there is no machinery by which these incidents are made known to the Hong Kong Government. One reads about them, one hears about them, from time to time. But one is not made officially aware of them and, as I have just indicated, there have not been occasions on which the families or associates have come to this Government for the kind of assistance that could be given informally in such cases. Sir, as to why it is, that of course depends upon the law in China and from my preliminary and perhaps superficial studies of the civil code, it appears that it does enable the court in China to order the detention of persons whose appearance is required in proceedings in China or who face monetary judgments and the withholding of travel documents appears to be a way of giving effect to the court's order in such cases. But more recently, in February of this year, 1986, a special law on the entry and exit of foreigners from China took effect which stipulates that those against whom proceedings or investigations are pending will not be permitted to leave China. It is not clear however whether the process of impounding travel documents will be used under that law against foreign nationals. And furthermore, that new law and indeed a parallel one which relates to Chinese nationals which took effect at the same time, does not appear to apply to Hong Kong residents since there are provisions that special

regulations will be made for them. So far as I know, such regulations have not yet been made. But undoubtedly one must refer to the laws of China for the authority for this action.

DR. CHIU: *Sir, will the Attorney General inform this Council when a Hong Kong resident encounters difficulties in the PRC which department of the Government should the relative of this Hong Kong resident approach?*

ATTORNEY GENERAL: If they wish to come for the assistance of the Hong Kong Government, they should I am sure approach the Immigration Department which is concerned with the entry or re-entry permits which as I have indicated already is usually the form of documentation which is used.

Child abuse

10. MR. HUI asked: *In the light of a recent case concerning a six-year old girl who has been locked up at home since birth, could the Government inform this Council:*

- (a) of the detailed history of this case;*
- (b) whether the Government has any means to assess the number of such cases which have not been reported; and*
- (c) what measures does the Government propose to adopt in order to bring to light, and thus prevent the recurrence of, similar incidents?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I welcome the opportunity to give an account of what is known about this case which has received a great deal of publicity and comment during the past week. I trust that Members will bear with a rather lengthy reply.

The case first came to the notice of the Social Welfare Department's Kwai Chung Family Services Centre last November, as a result of a telephone report to the department hot-line to the effect that it appeared that the girl was not being properly cared for by her mother.

A social worker from the centre visited the flat on five occasions between November and May but was unable to gain access. The mother opened the door on several occasions but would not let the social worker enter. So far as could be seen the flat appeared to be clean and tidy and there was nothing to indicate that the child was being abused. It was understood that the mother had a part-time job in a factory. According to the neighbours the mother was withdrawn and did not communicate with others, but the child was taken out by her mother a few times to play in the children's playground in the evenings. The mother was seen to speak gently to the girl and there was certainly no sign of violence. Nor is it true to say, as has been widely reported, that the child had never been outside the flat since her birth.

On 25 March the girl was said to have thrown some water-bags out of the flat and this was reported to the police. As a result of press reports of the incident a man approached the Family Services Centre saying that he was the woman's former husband. Although he knew nothing about the background of the girl, he agreed to accompany the case-worker to visit the woman and her daughter, but later changed his mind because of the presence of the press and the police. However he did take the girl out for a meal on the evening of 7 May.

By this time the case was receiving wide publicity and the flat was virtually under siege by the press. The department was afraid that this might upset the mother and result in undesirable consequences; they therefore enlisted the aid of the police to break into the flat on 8 May and to remove the child in accordance with section 35(1) of the Protection of Women and Juveniles Ordinance.

After medical checks at the Princess Margaret Hospital, the child was taken to the Chuk Yuen Children's Reception Centre while the mother was admitted to the Kwai Chung Hospital for observation. The girl was examined in the centre by a visiting Medical Officer, who found her to be in good general health but recommended that she should be seen by a child psychiatrist, a child psychologist and a paediatrician. He did not consider that she needed any special diet. The girl has adapted satisfactorily to her new environment; the mother is still under observation and assessment in the Kwai Chung Hospital.

The Director of Social Welfare intends to apply for a Care and Protection Order to regularise the position until decisions can be taken on the girl's future. Depending on the outcome of the various assessments, the aim is to reunite mother and daughter if this is possible, but I can assure Members that whatever is the decision it will be taken with the best interests of the child in mind.

Mr. HUI asks whether we have any means of assessing how many such cases have not been reported and how we can prevent similar incidents occurring. It is clearly impossible to give any precise figures and in any case until the circumstances have been thoroughly investigated and assessed it is difficult to say what is a 'similar incident'. Several years ago a set of standard procedures for dealing with child abuse cases was drawn up following discussions between Government and the voluntary agencies which are active in this field. The Social Welfare Department operates a hot-line service and the public are encouraged through the media to report suspected cases of child abuse. I am sure that the best means of preventing such cases is for anyone who genuinely suspects that abuse or neglect is taking place, be they relatives, neighbours, teachers, doctors or anyone else, to inform either the police or the Social Welfare Department so that the circumstances can be investigated and appropriate action taken.

MR. HUI (in Cantonese): *Sir, I would like to thank Mr. CHAMBERS for giving such a detailed reply but can he inform this Council of the following: (1) what is the rank of the officers who are sent by the Social Welfare Department to handle this*

sort of cases and how many cases were handled by the officer in question at that time; (2) was the officer in question professionally trained to handle such a case; and (3) will Government consider sending someone of greater experience and professional training to handle the more complex and difficult cases and also reducing the work load of such staff so that they have more time to handle such cases?

SECRETARY FOR HEALTH AND WELFARE: Sir, the social worker who paid the visits to the flat was a member of the staff of the Family Services Centre and she was, I understand, an Assistant Social Work Officer. As Mr. HUI will know, Assistant Social Work Officers are required to have formal social work qualifications before taking up this appointment. In cases of this type, the more difficult cases, the more junior assistant social work officers who deal with the actual visits are encouraged to consult with their superior officers; there is a case work supervisor in the centre and it is always open for the staff of the centre to consult even more senior officers in the Social Welfare Department if this is thought to be necessary.

MISS DUNN: *May I ask whether anyone from the Social Welfare Department ever saw the child before the 8 May and, if not, how could it possibly have satisfied itself that the child was not being abused and whether the Government agrees that abuse does not necessarily mean violence and that isolation and neglect of a child are also abuses?*

SECRETARY FOR HEALTH AND WELFARE: Sir, it is true that the social worker was not actually able to see the child before 8 May but the social worker was able to talk to the neighbours. Many people came forward apparently and volunteered information, both to the department and, of course, to the press and there was certainly no indication to the department that either serious physical abuse or for that matter neglect of a very serious nature was taking place such as would have if necessary made it appropriate to summon the police and break down the door as eventually had to be done in the case.

DR. HO: *Sir, is the Social Welfare Department satisfied with the achievements the social workers made on each of the home visits? If not, what other efforts did the Social Welfare Department or the social worker make in order to gather more information about the child, the mother and their relationship?*

SECRETARY FOR HEALTH AND WELFARE: Sir, in addition to visiting the flat and trying to gain entrance, the social worker did leave messages for the mother to contact the centre and also, as I have just said, she did talk to the neighbours to find out what they knew about the situation. In these cases, it is always a matter of delicate judgment at what point more drastic action should be taken to intervene in these cases. I have discussed this case at great length with the Director of Social Welfare and she is satisfied that in general everything that

could be done was done and she does intend to examine the circumstances and the action that was taken in detail to see whether any lessons can be learned and whether any modifications need to be made to the standing instructions which are given to the staff of family service centres when dealing with cases of this type.

MR. LEE YU-TAI: *Sir, on the basis of known circumstances, are there superficial reasons for investigations to be conducted into the case of this six-year old child in question to establish child abuse or some other offences and if so how are the investigations being carried out?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the child, as I said, is now in the Chuk Yuen Reception Centre of the Social Welfare Department and arrangements are being made for her to be seen by a child psychologist, a psychiatrist and a paediatrician and the child is also of course being observed, its behaviour and activities, and this will enable the Social Welfare Department to decide whether any action is appropriate.

MRS. CHOW: *Sir, with the mother and child in question, are they now being separated and how much longer is it expected that separation will continue; in other words, how much longer will Government need to come to the conclusion that the mother is an unfit mother to be reunited with the child since we have been told there is no case of child abuse that can be proved at this point?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the mother is in the Kwai Chung Mental Hospital and is being examined there and assessed by psychiatrists. I would not like to hazard a guess at present how long it will be necessary for her to stay there because this will depend entirely on the results of the assessment, following which it will be necessary for a multi-disciplinary case conference to be convened in order to take decisions on what recommendations to make about the future arrangements for the child.

MRS. CHOW: *Is there no way then for Government to arrange at least for the mother and child to be reunited at some point so as not to have the unnecessary separation as their relationship doesn't seem to have been tampered with by abuse?*

SECRETARY FOR HEALTH AND WELFARE: Sir, as I think some Member has already mentioned, there are more kinds of abuse than physical abuse and it certainly appears that this child was kept within the flat for a great deal of time. Therefore, it will be necessary to consider very carefully the future of the child but I can assure Mrs. CHOW that the family will not be kept apart any longer than necessary and I will impress upon the director the necessity to ensure this.

MRS. CHEONG-LEEN: *Sir, as this case has aroused so much interest and concern both within and outside the Council, could the Secretary for Health and Welfare be so kind as to make a statement to this chamber at a later date, after the assessment has been completed?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I shall be glad to do so, if that is considered appropriate.

MRS. TAM: *Sir, instead of placing the child in a children reception centre, why does the Secretary not consider placing the child in a foster home in which 24-hour personal care by one person is available?*

SECRETARY FOR HEALTH AND WELFARE: Sir, when the child was removed, it was all done very quickly and at that time there would certainly not have been time to arrange a foster home for the child but I agree with Mrs. TAM that this is a possibility which should be considered in the future, if it is not possible to reunite mother and daughter at an early stage.

Government Business

Motions

PENSIONS (INCREASE) ORDINANCE

THE FINANCIAL SECRETARY moved the following motion: That the Second Schedule to the Pensions (Increase) Ordinance be amended with effect from 1 April 1986—

- (a) in Part I by adding the following—
 - '19. The adjusted pension under paragraph 18 may be further increased by 3 *per cent.*';
- (b) in Part II by adding the following—
 - '18. The adjusted pension under paragraph 17 may be further increased by 3 *per cent.*';
- (c) in Part III by adding the following—
 - '18. The adjusted pension under paragraph 17 may be further increased by 3 *per cent.*';
- (d) in Part IV by adding the following—
 - '17. The adjusted pension under paragraph 16 may be further increased by 3 *per cent.*';
- (e) in Part V by adding the following—
 - '16. The adjusted pension under paragraph 15 may be further increased by 3 *per cent.*';

- (f) in Part VI by adding the following—
'15. The adjusted pension under paragraph 14 may be further increased by 3 *per cent.*';
- (g) in Part VII by adding the following—
'14. The adjusted pension under paragraph 13 may be further increased by 3 *per cent.*';
- (h) in Part VIII by adding the following—
'13. The adjusted pension under paragraph 12 may be further increased by 3 *per cent.*';
- (i) in Part IX by adding the following—
'11. The adjusted pension under paragraph 10 may be further increased by 3 *per cent.*';
- (j) in Part X by adding the following—
'10. The adjusted pension under paragraph 9 may be further increased by 3 *per cent.*';
- (k) in Part XI by adding the following—
'9. The adjusted pension under paragraph 8 may be further increased by 3 *per cent.*';
- (l) in Part XII by adding the following—
'8. The adjusted pension under paragraph 7 may be further increased by 3 *per cent.*';
- (m) in Part XIII by adding the following—
'7. The adjusted pension under paragraph 6 may be further increased by 3 *per cent.*';
- (n) in Part XIV by adding the following—
'6. The adjusted pension under paragraph 5 may be further increased by 3 *per cent.*';
- (o) in Part XV by adding the following—
'5. The adjusted pension under paragraph 4 may be further increased by 3 *per cent.*';
- (p) in Part XVI by adding the following—
'4. The adjusted pension under paragraph 3 may be further increased by 3 *per cent.*';
- (q) in Part XVII by adding the following—
'3. The adjusted pension under paragraph 2 may be further increased by 3 *per cent.*';
- (r) in Part XVIII by adding the following—
'2. The adjusted pension under paragraph 1 may be further increased by 3 *per cent.*';
- (s) by adding the following—

'PART XIX

*Applicable to a basic pension based on a salary in force
from 1 April 1985 to 31 March 1986 inclusive*

1. The basic pension may be increased by 3 *per cent.*'.

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

The Government's declared policy is to maintain the original purchasing power of Civil Service pensions, including pensions payable under the Widows and Orphans Pension Scheme and under the Widows' and Children's Pensions Scheme. This is achieved by periodic pension adjustments to reflect changes in the cost of living.

During the latest review period from 1 April 1985 to 31 March 1986, the moving annual average of the Consumer Price Index (A) rose by 4.6 points or 2.94 per cent. In line with established practice, pensions in payment on 1 April 1986, including previous increases already approved, should be increased by 3 per cent with effect from the same date.

The total cost of increasing all pensions by 3 per cent is estimated at \$21.7 million for a full year. This is a statutory charge which may be authorised by resolution of this Council under the appropriate Ordinances.

Sir, I beg to move.

Question put and agreed to.

WIDOWS AND ORPHANS PENSION (INCREASE) ORDINANCE

THE FINANCIAL SECRETARY moved the following motion: That the Schedule to the Widows and Orphans Pension (Increase) Ordinance be amended by adding the following—

- '40. The pension calculated on the total contributions up to 31 March 1985 inclusive plus the total increases in pension up to 31 March 1986 may be increased by 3 *per cent* with effect from 1 April 1985.
41. The pension calculated on contributions from 1 April 1985 to 31 March 1986 inclusive may be increased by 3 *per cent* with effect from 1 April 1986.'

He said: Sir, my explanation, however unsatisfactory in the first place, on the first motion standing in my name on the Order Paper equally applies to the subject of the second motion standing in my name. I therefore beg to move.

Question put and agreed to.

EMPLOYMENT ORDINANCE

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion: That the level of wages specified in sections 4(2)(a) and 31G(2) of the

Employment Ordinance be amended by deleting "\$9,500" wherever it occurs in those sections and substituting in each case the following—

'\$10,500'.

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

When the Employment Ordinance was enacted in September 1968, its provisions were applied to non-manual employees whose wages did not exceed \$1,500 per month. Since then, this wage ceiling has been revised periodically to maintain its original value. The most recent revision was in December 1984, when the ceiling was raised to \$9,500.

A recent review conducted by the Labour Department, in accordance with the usual methodology, indicated that the original monthly wage of \$1,500 would now be equivalent to an estimated monthly wage of \$10,214 in December 1985. As in previous reviews, it was considered that this figure should be slightly rounded up to take some account of the likely rise in the overall wage level before the ceiling is next revised.

It is therefore proposed that the wage ceiling should now be raised to \$10,500 per month.

This proposal has received the unanimous support of the Labour Advisory Board.

Sir, I beg to move.

Question put and agreed to.

Second Reading of Bills

Shipping and Port Control (Fees) Bill 1986

Resumption of debate on Second Reading (30 April 1986)

Mr. CHEONG: Sir, many ardent idealists here and abroad have criticised Hong Kong for not having the superficial sanctification of democracy—namely an administration formed through the process of universal suffrage elections. What has not been comprehended by these critics is that Hong Kong in practice has much more real freedom and democracy than a lot of other countries of this world whose government might have been elected with universal suffrage in name yet carries out policies which might be considered as oppressive and undemocratic. Our citizens can freely voice their thoughts on any subject through media that have not been controlled by the Government. They can, if they so wish, even take the Government to task through our independent legal system and we should be gratifying to note that, in the eyes of our judicial system, the Government is no more and no less than any ordinary litigant.

The case of the Shipping and Port Control (Amendment) Regulations 1985 and the Merchant Shipping (Fees) (Amendment) Regulations 1985 fully demonstrates how well our present system has been performing. These regulations were introduced in 1985 with a simple objective which is to constantly review and update all fees and charges levied for various services Government provides so that their yields can be maintained in real terms and that the cost to the public purse of providing such services must, wherever possible, be paid for by those who use them.

In considering the proposed new scale of charges, Government, and most probably the interested parties as well, was aware of two salient and relevant facts.

- (a) Fees charged for the keeping of private moorings have not been increased for 15 years since 1970 and we've just heard the Secretary for Education and Manpower saying that from 1968 to 1985, the charge of \$1,500 is roughly six times. In 1970, the charge for the moorings was only \$60 and taking five times is already equivalent to \$300.
- (b) Private pleasure vessel moorings have been known to have changed hands at a price level that could be as high as 15 to 20 times the proposed annual increase in fees.

Nevertheless, some members of the yachting community fumed and protested ferociously. Subsequently, the Hong Kong Yachting Association, with the help of eminent members of the legal profession, has applied for and been granted by the high court leave to apply for judicial review of the regulations. This precipitated the Government's decision to administratively refund to those affected by the 1985 Regulations thereby resulting in the yachting and pleasure boat community being better off by HK\$14 million.

Sir, I applaud the Government in the way this issue has been handled. The Administration, despite a possible high-degree of public support over this issue as manifested through the gauging of opinions by myself and Unofficial Members of this Council, has chosen the route to refund thus avoiding the tremendous cost to the public purse of a possible protracted battle over legal jargons and interpretations. At the very least, Government subscribes to the limitations imposed on her through an independent legal system and that those aggrieved have had a temporary relief.

I further applaud the Administration in her resolve to examine and to try to implement policies which would be beneficial to the macro interest of Hong Kong. Whilst the Government was right in not pursuing the matter of the 1985 Regulations further through court, its decision to refund does not necessarily sanctify the rationale of arguments put forward by people who might easily have been perceived to have acted and reacted with a degree of personal interests. In my view, the Shipping and Port Control (Fees) Bill 1986 comes in timely, and Government is fully justified in merely seeking to clarify any grey

areas that might have existed. The effect of this Bill does no more than to reaffirm the policy that it is in the interest of Hong Kong to continue to follow a policy of low rates of direct taxation. This in turn behoves the Government to take all necessary steps to maintain in real terms the yields from various Government fees and charges, having regard to the principle that cost to the public purse of providing services and facilities must, wherever possible, be paid for by those who use them.

Such policies, which are really fundamental to our future economic survival must be worthy of our support. Furthermore, the scale of charges to be levied at HK\$500 per month for an average size yacht is not much more than the average monthly subscriptions needed for becoming members of most recreational clubs in Hong Kong in order to take advantage of the recreational facilities provided. Hence, it can hardly constitute a hardship case worthy of serious relief consideration.

Sir, in the 1984 Budget debate, I did urge strongly that Government should constantly review and update the various scales of fees and charges. I am gratified that Government has taken steps along the right direction and I therefore have great pleasure in supporting the motion.

FINANCIAL SECRETARY: Sir, I am grateful for Mr. Stephen CHEONG'S support for the Shipping and Port Control (Fees) Bill 1986. The Bill will enable the Government to recover more of the costs of operating Hong Kong's port and shipping services. It will do no more than that. Moreover the Bill does not introduce a tax in the sense of a raising of general revenue.

Our aim wherever possible is that those who use services and facilities provided at public expense should pay in full for that use. This Bill represents no change of policy. It amends the principal Ordinances concerned with shipping to make the Government's powers absolutely clear.

As the mooring and other fees had not been increased since 1970 it was sadly obvious that there would be an outcry over restoration of proper levels. This once again illustrates the problems that we have experienced over failure to maintain yields in real terms. The lesson is learnt. These fee increases are about the last. But even so there has been much exaggeration. For example, I understand that for a boat between 9-11 m long kept at the Royal Hong Kong Yacht Club the total club mooring fees in Causeway Bay were \$175 a month and were then increased to \$615 i.e. an increase of \$440 per month. At the Aberdeen Boat Club the club fees were \$400 and then went up to \$575 with a parallel increase of \$50 in the monthly subscriptions, an increase of \$225 a month. An outsider could pay up to \$150,000 for a mooring depending on where it is. It seems to me hard to defend a privileged position for members of yacht clubs. These increases are obviously not attractive to those who must pay, but the fees do seem to represent for a boat owner roughly what a car owner

might pay for a monthly parking fee. For some, racing is a sport, but most of the smaller craft are actually stored on land. For ocean racing we are talking of people who can spend several million dollars on a yacht.

You have only to observe what goes on at Queen's Pier or Kowloon Public Pier on a Sunday to see that much boating consists of a pleasant afternoon on a gin palace. And why not! But this is not sport as I know it. And I imagine the views of most taxpayers are the same.

I am a boat owner myself and I do not consider the increase in any way outrageous. It is long overdue. While there is no intention at this stage of charging for the capital cost of typhoon shelters, it is at least an observation that the eastern breakwater of Aberdeen harbour at today's prices would cost \$47 million while its repairs after a typhoon in 1983 cost \$2.5 million. Within the shelter thus provided mainly for pleasure craft there is not only my own boat but the Aberdeen Marina in which owners of 9-11 m boats pay \$1,850 a month for alongside berths. At least two thirds of Causeway Bay is given up to private boats. If they do not pay a fair impost there must be a case for land reclamation or for expanded typhoon proof facilities for working craft and fishing junks.

Those who use pleasure vessels in Hong Kong waters must expect to bear their proper share of the public expenditure for services provided in support of pleasure boating. We shall do this through setting fees for vessels and for the keeping of private moorings. I assure hon. Members and boat owners that we shall do this in as fair and equitable manner as possible. May I also reiterate the comment I made in this Chamber when moving the Second Reading. Charitable or welfare organisations need have no worry on account of the passage of this Bill through the Legislative Council. Adequate arrangements already exist for fees to be rebated (or subventions increased) to ensure that any genuine adverse effects may be ameliorated.

Sir, I see no good reason why the generality of taxpayers should subsidise those who can afford to run private boats and yachts in Hong Kong. As regards the making of the regulations, when we met COMBAY on 17 April we gave the Hong Kong Yacht Association a generous six weeks to propose methods to be adopted for calculating mooring fees. I hope they feel that they have a positive contribution to make. There is still time left for them to do this.

I beg to move.

Question put and agreed to.

Bill read the Second time.

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

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) BILL 1986**Resumption of debate on Second Reading (30 April 1986)**

MR. CHEUNG: Sir, the fact that there is a market, and a thriving one, for bottled water sold as 'mineral water' underlines once more the tremendous influence of advertisements and the importance of packaging. However, I have no wish to dwell on these particular aspects. Today, I would simply make a few observations in support of the control measures before us from the public health point of view.

According to a recent survey, there are no less than 14 local and 26 imported brands of bottled 'mineral water' now available on the local market. The bottles which contain the water do not bear any declaration as to its source and in many cases the water is described on the label as simply 'natural'.

It has been put to me that most, if not all, so-called 'mineral water' produced locally is bottled mains water which may or may not have been filtered or sterilised and which may or may not have had minerals added to it. I am further given to understand that the manufacturing process generally includes one or a combination of the following steps before sale for human consumption:

- (a) simply bottling mains water;
- (b) adding minerals to mains water and bottling it; and
- (c) passing mains water through ultra-violet light and bottling it.

Without in any way wishing to suggest that these products are unfit for human consumption because regular samples are taken for bacteriological and chemical analysis and so far none has failed the test, the fact remains that should samples be found to be unhygienic or unsafe, there is no provision under the existing legislation to remedy the situation and to make it an offence to manufacture or to sell the product in question. This is a most undesirable state of affairs.

The amendment Bill before us which proposes that both the definitions of 'food' and 'drink' in the principal Ordinance be amended to include water placed in a sealed container for sale for human consumption would bring the manufacture and sale of 'mineral water' under the existing food laws regarding control over sale, content and labelling. Additionally, manufacturers will be required to obtain a food factory licence for the operation. These measures are both timely and necessary as public health could be safeguarded. The additional production cost to the manufacturers will vary depending on the extent to which their existing processes meet the proposed standards.

However, the effect on the prices of such bottled 'mineral water' is on the whole expected to be marginal. It is well worth paying a small premium in

return of a greater health protection thereby made available to the general public.

Sir, I support the motion.

MRS. CHOW: Sir, subsequent to the publication of a test report on mineral water by the Consumer Council in its monthly publication, *Choice*, last year, considerable public attention focussed on this category of consumer product which had hitherto escaped much notice.

Little was it known that the question was raised by the Consumer Council whether Government had any regulations for the production of mineral water or any control on the quality of imported mineral water and natural spring water. These queries were posed in last January 1985 as part of the research conducted by the Consumer Council, in preparation for the publication of the test report in May last year.

These questions, along with others, and the public reaction to the report, have obviously proved inspiring to Government. Hence the amendment before this Council. I welcome and support it, and look forward to more opportunities such as these where the Consumer Council, the Administration and this Council could work closely in the best interest of our consumers.

MR. CHEONG-LEEN: Sir, it is certainly desirable to pass this Bill in view of the fact that there is virtually no control over the quality and proper labelling of so-called 'mineral water' that is prepared locally for sale on the local market.

As already mentioned by the hon. CHEUNG Yan-lung that in the absence of appropriate legislation, it is at present possible to bottle and sell as 'mineral water' the following:

- (a) water coming direct from the mains supply;
- (b) mains water with the addition of some artificial minerals;
- (c) filtered mains water which is passed through ultra-violet light before bottling; and
- (d) even non-mains water of whatever dubious origin.

So, after this legislation is passed, in the urban area, the Urban Council will be able to prepare a licensing policy so that local producers can be properly licensed as food factories.

The public can thereafter be assured that water that is bottled or packaged in any form for sale for human consumption will be properly labelled and will meet the international standards as recommended by the Food and Agriculture Organisation of the United Nations and World Health Organisation. I'm referring of course to what is bought from a package locally.

I therefore support the motion.

SECRETARY FOR HEALTH AND WELFARE: Sir, I would like to thank Mr. CHEUNG Yan-lung, Mrs. Selina CHOW and Mr. Hilton CHEONG-LEEN for their support for this Bill, and to assure them that the Administration will continue to work closely with the Urban and Regional Councils and the Consumer Council for the protection of public health. This piece of legislation is a practical example of this co-operation.

Sir, I beg to move.

Question put and agreed to.

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee

SHIPPING AND PORT CONTROL (FEES) BILL 1986

Clauses 1 to 4 were agreed to.

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) BILL 1986

Clauses 1 and 2 were agreed to.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

SHIPPING AND PORT CONTROL (FEES) BILL 1986 and the

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) BILL 1986

had passed through Committee without amendment, and moved the Third Reading of the Bills.

Question put on the Bills and agreed to.

Bills read the Third time and passed.

Adjournment and next sitting

HIS HONOUR THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 21 May 1986.

Adjourned accordingly at ten minutes past Four o'clock.

Note: The short titles of motions/bills listed in the Hansard 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. TAM'S supplementary question to Question 1.

Between 1 April 1985 and 31 March 1986, the Labour Relations Service of the Labour Department referred to the Legal Aid Department 419 of cases of apparent insolvency involving 4 093 workers with claims for severance pay. Of these claims, 1 652 were in respect of amounts of \$8,000 or less while 2 441 were in respect of amounts in excess of \$8,000.

Because of the time required to complete winding up or bankruptcy proceedings, the outcome of these claims is not yet known.

Annex II

Written answer by the Secretary for Health and Welfare to Miss DUNN'S supplementary question to Question 6.

I now have statistics on the reported cases of lead poisoning during the last three years, which are set out as follows:

<i>Cause of Lead poisoning</i>		<i>No. of cases</i>
(a) Occupation related:		
Welding	4	
Painting/paint removing	4	
Engine repair	1	
Fisherman	1	
Car battery repair	<u>1</u>	11
(b) Herbal medicine		<u>4</u>
Total		<u>15</u>

WRITTEN ANSWERS—Contd.**Annex III****Written answer by the Secretary for Security on behalf of the Attorney General to Dr. LAM's supplementary question to Question 7.**

Statistics maintained by the police force indicate that there were 1 855, 1 319 and 1 455 local direct entry candidates who met the minimum requirements and attended the preliminary interviews in 1983-84, 1984-85 and 1985-86 respectively. Of these less than one third were not selected for appointment because their command of the English language did not reach the required standard. The percentages were 29.3 per cent in 1983-84, 28.6 per cent in 1984-85 and 29.7 per cent in 1985-86.

Similar statistics are not available in respect of rank and file policemen who have been nominated for consideration for appointment to the rank of Inspector of Police. I have asked the Police Force to consider whether or not it would be useful to maintain such statistics in the future.