

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 20 May 1987****The Council met at half-past Two o'clock****PRESENT**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR DAVID CLIVE WILSON, K.C.M.G.

THE HONOURABLE THE CHIEF SECRETARY

MR. DAVID ROBERT FORD, L.V.O., O.B.E., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)

MR. JOHN FRANCIS YAXLEY, 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, C.B.E., J.P.

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

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI, J.P.

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN, J.P.

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

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

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

THE HONOURABLE JOHN WALTER CHAMBERS, O.B.E., J.P.

SECRETARY FOR HEALTH AND WELFARE

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 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, J.P.
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 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, O.B.E., J.P.
THE HONOURABLE ANDREW WONG WANG-FAT
THE HONOURABLE LAU WONG-FAT, M.B.E., J.P.
THE HONOURABLE GRAHAM BARNES, J.P.
SECRETARY FOR LANDS AND WORKS
THE HONOURABLE DAVID GREGORY JEAFFRESON, C.B.E., J.P.
SECRETARY FOR SECURITY
THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.
SECRETARY FOR TRANSPORT
THE HONOURABLE MICHELANGELO PAGLIARI, J.P.
SECRETARY FOR EDUCATION AND MANPOWER (*Acting*)

ABSENT

THE HONOURABLE ALLEN LEE PENG-FEI, 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 CHAN YING-LUN, J.P.
THE HONOURABLE THOMAS CLYDESDALE
THE HONOURABLE HELMUT SOHMEN
THE HONOURABLE NATHANIEL WILLIAM HAMISH MACLEOD, J.P.
SECRETARY FOR TRADE AND INDUSTRY

IN ATTENDANCE

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

Paper

The following paper was laid pursuant to Standing Order 14(2):

Subject

L.N. No.

Subsidiary Legislation:

Pensions Ordinance

Pensionable Offices (Amendment) Order 1987..... 137/87

Oral answers to questions**Sexual offences against mentally handicapped**

1. DR. IP asked: *Will Government inform this Council whether there is a rising incidence of reported cases of sex abuse of the mentally handicapped in the last seven years and whether there were difficulties in instituting prosecutions in these cases particularly where the victims were required to give evidence in court?*

ATTORNEY GENERAL: Sir, the police have kept separate statistics on sexual offences against mentally handicapped females only since January 1983. Twelve cases were reported in 1983, six in 1984, 22 in 1985 and 20 in 1986 and in view of the relatively short period during which statistics have been kept, it is not possible to draw any meaningful conclusion as to trends. These are anyhow a small proportion of reported sexual abuse cases for the whole population. Those total were 1 179 in 1983, 1 218 in 1984, 1 356 in 1985 and 1 330 in 1986.

Sir, there are always difficulties of a legal nature in prosecuting cases of sexual abuse. There is rarely an eye witness present, some offences specifically require corroboration, and in others, the law recognises that it is dangerous to convict on the evidence of the victim alone and looks for corroborating evidence, that is to say, independent evidence which supports the testimony of the victim in relation to the elements of the charge. Such evidence is often not available.

In the case of victims who are mentally defective, there is the added difficulty of deciding whether they are capable of giving evidence to support the charge and if so, how much weight a court is likely to give to their evidence. This is one of the factors carefully considered by members of my chambers with the help of the police when considering whether or not to prosecute.

Despite these difficulties, 13 prosecutions for sexual offences against mentally handicapped females were instituted in 1983, five in 1984, 15 in 1985 and 11 in 1986 and I regret that no statistics are kept as to the result of these prosecutions.

Before leaving this question, Members may be interested to learn that the United Kingdom is now considering the use of video equipment to record evidence taken from those such as young children, who might be intimidated by the atmosphere of a courtroom and find themselves unable to give evidence with confidence. Such methods, if they eventually prove acceptable, could also be applied to persons who, because of a mental handicap, may be similarly inhibited.

DR. IP: *Sir, is there any assistance given to the mentally handicapped when giving evidence in court?*

ATTORNEY GENERAL: Any assistance given? No, they are treated as any other witness is treated, with consideration, and no doubt with special consideration in view of their disability.

MR. MARTIN LEE: *Sir, perhaps the learned Attorney General would like to amend his answer, because we are told that there were 12 cases reported in 1983 but there were 13 prosecutions.*

ATTORNEY GENERAL: I dare say that those cases which were prosecuted in 1983 resulted from reports in 1982.

MISS TAM: *Sir, in respect of giving assistance to the victim, I understand that in respect of rape cases the victims do have women constables to take evidence after an incident has been reported. Are there similar arrangements in respect of mentally handicapped female victims?*

ATTORNEY GENERAL: I would like, Sir, with your permission to look into that matter and perhaps write to Miss TAM with a more detailed answer than I can presently give. (See Annex I)

MR. PETER C. WONG: *Sir, may I ask the Attorney General whether Hong Kong will also be considering the use of video equipment mentioned in the last paragraph of his answer?*

ATTORNEY GENERAL: The use of video equipment is under consideration in a different context at the moment, in connection with the taking of confessions or making of statements by accused persons. I have been in touch with both the police and the ICAC in relation to that matter.

DR. IP: *Sir, have there been any successful prosecutions for sexual offences against mentally handicapped females up to the present moment? The second last paragraph of the answer says that the statistics are not kept at the moment. As only a small number of cases are involved, can statistics be given to us later on in writing?*

ATTORNEY GENERAL: Sir, I think that there have been successful prosecutions but again if I am invited to go back to the files to try to answer Dr. IP's question properly, perhaps I can give her then also the particular number of prosecutions that there have been successfully. (See Annex II)

Value of agricultural land

2. MR. TAI asked: *Will the Government inform this Council whether the present market value of New Territories agricultural land has reached the level prevailing in 1981 and how this would relate to the rate of compensation for the resumption of agricultural land in the New Territories?*

SECRETARY FOR LANDS AND WORKS: Sir, I can confirm that the present average market value of New Territories agricultural land has reached the level prevailing in 1981.

However the market value of agricultural land has little relationship with the calculation of the basic ex-gratia compensation rate for resumption of agricultural land in the New Territories. It is related, as the Sir Y. K. KAN Working Group Report of 1978 puts it, to 'expectations under the Letter B land exchange system'; these 'expectations' are quantified by reference to the value of three main categories of land, namely Commercial/Residential and Residential Zone I, Residential Zones 2,3 and 4, and Industrial, in the towns of Sha Tin, Tsuen Wan and Tuen Mun. Movements in the value of such land are measured every six months, and converted into the basic ex-gratia compensation rate payable upon resumption of agricultural land in accordance with the formula proposed in Sir Y. K. KAN's report.

Although the market value of agricultural land has now reached once again its 1981 level, values of developable land in the three new towns have not in general terms reached the level prevailing in 1981; hence the ex-gratia compensation rates payable now are lower than those payable in 1981.

MR. TAI: *What is the prevailing value of the developable land in the three new towns mentioned in the last paragraph of the Secretary's answer?*

SECRETARY FOR LANDS AND WORKS: Sir, I think I can give the answer to that in the form which Mr. TAI would want it, by making a comparison between three rates in 1981 and three rates in 1987. For Commercial/Residential and Residential Zone 1, the comparable rate in Sha Tin, for instance, was 3 000 as compared with 1 300 now; in Tsuen Wan 2 500 as compared with 1 600; and in Tuen Mun 1 850 as compared with 1 000.

MR. LAU (in Cantonese): *Sir, the Secretary for Lands and Works in his reply said that the ex-gratia compensation rate had to be calculated on the basis of the formula contained in the Sir Y. K. KAN Working Group Report. However, I must*

point out that in 1978 Letter B already existed and therefore there was an expectation as to possible benefits. However, since 1983 issuing of Letter B land exchanges has stopped and land owners can no longer expect to have benefits from the system. I wonder whether it is necessary for us to review this formula now.

SECRETARY FOR LANDS AND WORKS: Sir, I think I could perhaps dispute part of Mr. LAU's original contention but I would not dispute the need for review which I intend to carry out.

MR. PETER C. WONG: *May I ask the Secretary for Lands and Works when he expects to carry out the review?*

SECRETARY FOR LANDS AND WORKS: Sir, during the course of the current year, I will probably need to set up a similar kind of machinery to that which was used in Sir Y. K.'s Working Group in 1978 involving perhaps Members of this Council and perhaps members of the Heung Yee Kuk and others too.

MR. TAI: *Sir, may I ask why the Secretary disputes Mr. LAU Wong-fat's statement regarding Letter B entitlement of exchange system?*

SECRETARY FOR LANDS AND WORKS: Sir, it was because I understood Mr. LAU to say that the fact that there was no longer a Letter B system in existence would mean that the compensation rate no longer had reference to the development expectations. I believe that it still has relevance and that although there is no longer Letter B issued and there is no longer a strong Letter B market, the basic tenets of the system are still valid but, as Mr. LAU quite rightly suggested, they do need review.

Annual supervision fee charged against statutory trust fund

3. MR. YEUNG asked: *Will Government inform this Council under what circumstances it charges statutory trust funds an annual supervision fee out of their income and whether some funds, including the Police Children's Education Trust and the Police Education and Welfare Trust, by reason of their nature, could be exempted from payment of such a fee?*

FINANCIAL SECRETARY: Sir, an annual supervision fee may be charged by the Government against the income of a statutory fund when the relevant Ordinance setting up the trust fund empowers it so to do.

While in principle it is the Government's policy, where the law so permits, to recover the full costs it incurs in supervising these funds, a considerable degree of flexibility is in fact exercised. For example, in the case of the Police Children's Education Trust and the Police Education and Welfare Trust, the Ordinances concerned permit the recovery of costs up to a sum equivalent to 2.5 per cent of

total income, that is, about \$82,000 per annum against actual administration costs of \$161,000. In practice, however, we collect only \$30,000. In effect, therefore, these two funds are granted a partial exemption, the shortfall being met through a subsidy by the taxpayer.

MR. YEUNG: *Sir, having regard to the historical background of the establishment and the specific purposes of the two trusts, will Government consider granting further concession by providing adequate staff for the administration of the day-to-day operation of the two trusts without increasing the annual supervision fee in future?*

FINANCIAL SECRETARY: Sir, certainly we will consider anything; but I should reiterate that our policy is to charge, where we may do so, the necessary supervision fees because otherwise this does amount to a form of subsidy. I should add, however, that the Administration is looking at these trust funds, not only the trust funds which have been mentioned in the question. But there are 95 other trust funds, of which 34 are only able to collect a supervision fee so we are having a review of all these trust funds and of the nature of the supervision charges and, indeed, of the exemption policy.

DR. HO: *Sir, in exercising flexibility, what are the criteria being used in deciding on the amount of supervision fees charged? For example, for some funds a 2 per cent is charged whereas in others a much lower percentage.*

FINANCIAL SECRETARY: Sir, the situation has developed over many years. As I said, there are 95 of these trust funds. I think it is not surprising that different methods of charging supervision fees have developed. Basically, they are twofold; either we are permitted by the law to charge a supervision fee of up to 2.5 per cent, or, in the case of the 34 trust funds that I have mentioned, fees are levied at the discretion of the Financial Secretary. In determining what fees should be charged within those parameters, we consider the costs incurred by staff in managing the bank accounts of these funds, in considering applications from these funds, in processing payments from them, and in servicing of the meetings of the board of trustees. I should add, however, that no charge is made for the time spent by officials who are trustees or board members.

MR. CHAN KAM-CHUEN: *Sir, would the word 'inflexibility' mean inconsistency of this charging policy and after review would the Government either come up with a uniform rate of either not charging or charging 2.5 per cent or charge the full cost for all funds?*

FINANCIAL SECRETARY: Sir, I would not wish to inhibit or pre-empt the review currently under way. I certainly admit that there has been and is inconsistency. One of the purposes of the review is to consider what we should do about inconsistencies where they exist. As I say, there are 95 of these funds. It will take us some time to develop a system which is fair and which is also flexible.

MR. YEUNG: *Sir, how long will the government take to complete the said review?*

FINANCIAL SECRETARY: Sir, as I have indicated already, there are quite a large number of these funds. We will need to consider the provisions in the 34 of them, where there is provision for charging of fees. We will need to consider the situation regarding the balance. I think that it is going to take the Administration perhaps a year to complete this review.

Air pollution in tunnels

4. MR. CHEUNG asked (in Cantonese): *Will the Government inform this Council how serious is the air pollution problem in the three toll tunnels in the Territory and what are the health hazards to tunnel users, especially when there is a traffic jam in a tunnel?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the air quality in the three toll tunnels in the Territory is maintained within acceptable levels both during peak and normal traffic conditions.

The managements of the toll tunnels have well-established procedures for controlling the air quality inside the tunnels. All of them have installed continuous monitoring and alarm systems. Of prime concern is carbon monoxide, which is an important air pollutant from motor vehicle emissions. The gas is continuously monitored and standards are laid down in the Cross-Harbour Tunnel Regulation. In addition, air turbidity is measured in the Lion Rock Tunnel and Aberdeen Tunnel and petroleum vapour is measured in the Cross-Harbour Tunnel. When the monitoring results reach predetermined levels, an alarm system is triggered. At the first stage of alarm, the tunnel controller is alerted to switch on additional exhaust and air supply fans to improve tunnel ventilation. At the second stage of alarm, the fan capacity for ventilation is further increased. At the final stage of an alarm, measures will be implemented to control the number of vehicles entering the tunnel and if necessary to close the tunnel.

MR. CHEUNG (in Cantonese): *Sir, in the Lion Rock Tunnel there was an accident in which a container truck had toppled in the tunnel and traffic was held up for a long time. Would there be any means to, say, inform other vehicles in the tunnel in the interim so that drivers would turn off the engines of their vehicles and reduce the air pollution in the tunnel?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I am not sure exactly what arrangements there are for this but I will check with the Commissioner of Transport that we can do this if necessary. (See Annex III)

MR. LEE YU-TAI: *Sir, may I ask what is the frequency of the final stage alarm and if the occurrence of such alarm has ever led to a tunnel closure?*

SECRETARY FOR HEALTH AND WELFARE: As far as I am aware, Sir, the answer to that question is no.

Acquired Immune Deficiency Syndrome

5. DR. CHIU asked: *Will Government inform this Council:*

- (a) its policy for the control of Acquired Immune Deficiency Syndrome (AIDS); and*
- (b) what measures are being taken to ensure that the public, in particular the target groups, are made fully aware of how this disease is contracted?*

SECRETARY FOR HEALTH AND WELFARE: Sir, since there is as yet no effective cure for AIDS, the policy for the control of this disease is primarily concerned with education and prevention. This policy is implemented through the following strategies:

- (a) first, the establishment of an Expert Committee on AIDS in November 1984 to monitor the local situation as well as the latest developments and knowledge on AIDS abroad;*
- (b) secondly, the introduction of a medical surveillance network for the detection, reporting and investigation of AIDS cases. A special screening programme for the high risk groups was set up in April 1985;*
- (c) thirdly, mass screening of all donated blood and the use of a much safer blood product for the treatment of haemophiliacs;*
- (d) fourthly, the setting up of a special clinic to provide counselling for people who may be at risk of contracting AIDS; and*
- (e) fifthly, the provision of information and education regarding AIDS and its prevention and control.*

The Central Health Education Unit of the Medical and Health Department started to disseminate information about AIDS as early as 1983, and these efforts were intensified in 1985. In view of the increased threat posed by the disease both in Hong Kong and throughout the world, an inter-departmental Committee on Education and Publicity on AIDS was established in January of this year to formulate and execute plans for public education and publicity. These efforts are directed at three targets, the high risk groups, health care workers and the general public. Measures being taken include the following:

Media publicity: This includes announcements of public interest on television and radio, advertising in newspapers and on the MTR, press interviews, the distribution of pamphlets and posters, and feature articles in magazines and newspapers,

A 24-hour telephone information service was established in March 1985.

Education is conducted through groups such as doctors, nurses, social workers and teachers, whose services are enlisted to convey the message to their patients, clients and pupils.

Education and publicity efforts specifically directed at certain groups which are believed to be particularly at risk. These include bar girls, clients attending social hygiene clinics, prisoners and inmates of the Social Welfare Department's correctional homes.

DR. CHIU: *Sir, I am glad to know that the relevant government department is in full swing to launch the publicity campaign on AIDS. Will the Secretary for Health and Welfare inform us why students, including those in kindergartens, are the first and the foremost target. Why the high-risk groups, i.e., homosexuals and drug addicts are not? And, in view of the fact that the AIDS virus is spread mainly by male homosexuals and through the use of contaminated needles for injections, why are they not given sufficient emphasis in the AIDS publicity pamphlets, posters and education programmes?*

SECRETARY FOR HEALTH AND WELFARE: Sir, with due respect to Dr. CHIU, I doubt whether it is true to say that kindergarten students are amongst the top priority group as a target for publicity about AIDS. But if he has evidence that this is so, I shall be very glad to take note of it and do whatever is necessary.

Part of the trouble with getting across the message about AIDS is that the high-risk groups—the homosexuals and the drug addicts—are not the easiest people to make contact with and to provide with information. This is why we have to include these groups generally in what we put out for the general public, through pamphlets and television, and also of course, make available the hot-line which can be telephoned for information about this problem.

Sir, I am sure that the people who are engaged in planning the campaign are fully aware of the difficulties and will do their best to reach the right people.

DR. LAM (in Cantonese): *Sir, regarding the last paragraph of the reply by the Secretary, will the Government inform this Council why it says that the inmates of correctional homes and bar-girls, are particularly at risk as far as the AIDS disease is concerned? What kind of publicity and education work has been carried out by the Government for these two types of people?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the groups in question include people, I think it would be generally accepted, who are perhaps more inclined to sexual promiscuity than perhaps some other groups. They are obvious targets. And, of course, it is possible to arrange for lectures and talks and distribution of information within the various institutions; particularly the prisons and the correctional homes. This is the reason why these particular groups have been

singled out. In this particular campaign we cannot afford to neglect any method of getting the message across to any people to whom it may be very important.

MR. NGAI (in Cantonese): *Sir, regarding the education work on the prevention of AIDS, the Government is suggesting that we should avoid sexual promiscuity. Will the Secretary inform us whether there will be publicity specially directed at those who are not promiscuous?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I think the answer to that question is that the information which is necessary to get across is the same for everybody. Of course, it is not possible, when the information is being disseminated, to know exactly who is going to receive it; or who is going to listen or watch the television programmes. Therefore, the strategy that has been used is to produce information which will be relevant to anybody. And, as has been stressed many times, with AIDS we are all at risk.

MRS. NG (in Cantonese): *Sir, as AIDS carriers can become killers, so to speak, will the Government consider legislating that people must indicate to their sex partners whether they are carriers or not, and that they will be penalised if they do not convey this message?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I feel that this would be an almost impossible matter to legislate for.

MR. MARTIN LEE: *Sir, is there any evidence that homosexuals are reluctant to come forward and undergo AIDS tests by reason of our state of law against homosexuality?*

SECRETARY FOR HEALTH AND WELFARE: Sir, there is no firm evidence of this as I understand it.

MR. JACKIE CHAN (in Cantonese): *Sir, regarding education and publicity, has the Government considered stepping up publicity in brothels and vice-establishments, by means of posters for example, so that people will know promiscuity will be one of the main causes of contracting the AIDS disease?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I am not sure how easy it would be to obtain the co-operation of these institutions in putting up posters but the intention is to distribute the information as widely as possible.

MR. LEE YU-TAI: *Sir, what is the composition of the Expert Committee on AIDS because I do not think there are so many experts in Hong Kong?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the Expert Committee on AIDS consists of doctors—it is a professional body—doctors both within and outside the Medical and Health Department.

MR. CHAN KAM-CHUEN: *Sir, on the control of AIDS, I remember that even in the case of the curable disease of leprosy, the Government used to segregate the patients in Hei Ling Chau. Would the Government consider whether the people who suffer from this incurable disease should be segregated from society?*

SECRETARY FOR HEALTH AND WELFARE: Sir, AIDS—as I understand it—is an incurable disease but provided proper measures are taken in hospitals, it is not a particularly contagious disease, except through the specific method of sexual relations. Therefore, my understanding, from my professional advisers, is that it is quite satisfactory to treat AIDS patients in hospital, provided proper measures are taken.

DR. CHIU: *Sir, in view of the fact that a certain percentage of people with positive human immune deficiency virus antibodies will develop AIDS in two to seven years' time, what measures will the Government take to protect the general public from contamination by these carriers?*

SECRETARY FOR HEALTH AND WELFARE: Sir, this is a very difficult question which has been discussed in many countries where this problem has arisen. And obviously, the best method is publicity and to try to persuade people who know that they are AIDS carriers to avoid the sort of contact which would pass on the disease to other people. Once again, I doubt very much whether this is an area in which legislation would be of very great help.

Teaching of Putonghua

6. PROF. POON asked: *Will Government inform this Council of its policy with regard to the promotion of the teaching of Putonghua in schools and what progress has been made so far?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, in its Report No.1, the Education Commission recommended that more schools should be encouraged to teach Putonghua either during school hours or as an extra-curricular activity. This recommendation was accepted by the Government and the commission continues to monitor developments in this area.

At the primary level, Putonghua was introduced into the primary curriculum as an optional subject in September 1986, following the successful completion of a pilot scheme in a limited number of schools. Of the 874 public-sector primary schools, 310 are now offering Putonghua as an independent subject and a further 181 are promoting learning of the language through extra-curricular activities. These numbers are expected to increase over time.

At the secondary level, a pilot scheme covering Forms I-III in 51 schools was launched in September 1984 and will be completed in July of this year. The scheme is being monitored and evaluated by the Education Department.

Meanwhile, however, 62 secondary schools, in addition to the 51 participating in the pilot scheme, are already offering Putonghua within the formal curriculum and another 46 are promoting it on an extra-curricular basis. Thus, Sir, in aggregate, approximately 50 per cent of all schools, primary and secondary, are promoting the teaching of Putonghua in one form or another.

Courses have meanwhile been organised to meet the needs of teachers of Putonghua. The Education Department is running evening courses while the Institute of Language in Education is offering courses in the context of its retraining programme for teachers of Chinese. So far, a total of 843 serving teachers have received training in the teaching of Putonghua and plans are in hand to provide refresher courses to ensure that standards are maintained. The colleges of education began offering pre-service training in Putonghua teaching as an elective subject in September of last year and 144 students are currently enrolled. A total of around 2 600 teachers will have received training by 1992, which should enable all primary and secondary schools to introduce this subject if they wish.

PROF. POON: *Sir, is there any plan to introduce Putonghua as a compulsory subject into the primary curriculum in the near future?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as a matter of principle, we do not make the teaching of any specific subject compulsory.

MR. CHENG: *Sir, I am pleased to note from the Secretary that refresher courses are to be provided for serving teachers to ensure that standards are maintained. May I ask the Secretary what are these standards?*

SECRETARY FOR EDUCATION AND MANPOWER: On a matter of such detail, Sir, I should have to consult the Director of Education. I will give the hon. Member a written reply in due course. (See Annex IV)

MR. SZETO (in Cantonese): *Has the Secretary considered reviving the Putonghua subject as one of the subjects for the School Certificate of Education examination for Form V students?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Hong Kong Examinations Authority has set up a working party to consider this possibility. The Education Department is participating in this exercise. Preliminary consideration has been favourable, and the working party, I gather, is expected to report before the end of the year.

DR. HO: *Sir, what are the problems encountered in these schools in teaching Putonghua, and what are the remedial measures taken?*

SECRETARY FOR EDUCATION AND MANPOWER: There are many problems encountered in the teaching of Putonghua, Sir, one of which is the lack of a favourable environment for the learning of Putonghua, both in schools and in the community as a whole. Also students' motivation in the learning of Putonghua gradually diminishes, I gather, because they fail to see the need to use the language in their everyday life. Most schools, especially secondary schools, also find it difficult to allocate more than one period per week to the teaching of Putonghua. This makes it very difficult for the teachers to ensure a satisfactory teaching standard. I understand that all these problems are being examined by the Education Department, and I hope for improvement.

MR. PETER C. WONG: *Sir, may I ask the Secretary for Education and Manpower whether the advice of the Board of Education has been sought on the teaching of Putonghua? And if so, what advice has the board given?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as Chairman of the Board of Education, Mr. WONG, I am sure, knows the answer to that better than I do. The Board of Education has indeed been consulted and is in favour of further efforts in this field.

MRS. FAN: *Sir, we have all experienced and heard Putonghua pronounced in a way which we do not understand. I wonder whether the Education Department has any ways or means to ensure that the Putonghua our students learn is actually the standard Putonghua?*

SECRETARY FOR EDUCATION AND MANPOWER: I shall convey these concerns to the Director of Education and no doubt he will take them on board.

MR. JACKIE CHAN (in Cantonese): *Sir, as far as I know, many adults are also interested in learning Putonghua and they learn Putonghua in community centres and recreational centres, but the Putonghua courses are rather simple and are not offered as a package. So the learners do not really have the chance to learn to speak the language well. Will the Government inform this Council whether we can make improvements to such an arrangement so that the courses will be more comprehensive and offered as a package?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, it is Government's intention to review the entire teaching of adult education; the whole scope of it, in Hong Kong. And to this end we do have a working group within my branch which is looking into the recommendations of the Education Commission for the setting up of an open learning institute which will no doubt embrace the sort of courses that Mr. CHAN is referring to.

MR. YEUNG: *Sir, in the context of the Hong Kong situation, and from the language education point of view, will Government make a statement that the medium of instruction in Chinese refers mainly to Cantonese and not Putonghua?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, it is government policy to encourage schools to use the mother-tongue as the medium of instruction in schools at all levels. And indeed it is the policy of the Government to positively discriminate in favour of those which choose to do so. The medium of instruction in the mother tongue means, in the context of Hong Kong, I am afraid Cantonese, not Putonghua.

Employment of disabled persons in the Civil Service

7. MR. HUI asked: *Will Government inform this Council how many disabled persons have been employed in the Civil Service during each of the past three years (with specific figures for each type of disability) and what is the proportion of the disabled persons to the total Civil Service?*

CHIEF SECRETARY: Sir, in 1984, the Government employed 1 762 disabled persons; in 1985 the total stood at 1 960 and the corresponding figure for 1986 was 2 357. These figures represent respectively, 1.03 per cent, 1.13 per cent and 1.34 per cent of the total Civil Service. This year's figures show an encouraging increase in that there are now 2 832 disabled persons employed in the Civil Service, or 1.58 per cent of the total strength. Of these, about 44 per cent are physically handicapped, 42 per cent are blind or partially sighted, 9 per cent are deaf or partially deaf and the remaining 5 per cent are mentally handicapped or are ex-mental patients.

Sir, the Government is conscious of the need to set a good example to the private sector in the employment of disabled persons. Promotional visits are conducted jointly by the staff of the Civil Service Branch and the Selective Placement Division of the Labour Department to departments on a regular basis to remind departments of Government's policy on the employment of disabled persons; to publicise the working ability of the disabled; and to understand and to iron out, if possible, problems encountered by departments in the employment of disabled persons. Funds are also provided to departments which require alterations to office premises or the provision of special equipment to assist disabled employees in their performance of their duties.

Some departments make special efforts to provide employment to the handicapped, the Chinese Language Division, for example, initiated a 10-month training programme in 1985 for visually handicapped persons with a view to recruiting from among them suitably qualified trainees as Chinese language officers, court interpreters and police interpreters.

Sir, as we all know, the placement of disabled persons is not always easy. Members may be assured, however, that the Government will continue to take the lead in this respect by employing disabled persons whenever suitable vacancies arise.

MR. HUI: *Sir, will Government consider providing incentives like tax rebate and subsidy for modification of machineries as in other developed countries, for private employers who are willing to provide employment for disabled people?*

CHIEF SECRETARY: Sir, I am sure that my hon. Friend, the Financial Secretary, will consider that suggestion from Mr. HUI Yin-fat. But apart from the question of financial inducements, I would like to say that the Government is very obviously aware of its commitment to encourage the private and subvented sectors to assist disabled persons to obtain employment. I have recently visited the Selective Placement Division of the Labour Department and was very impressed to see what they are doing to promote and encourage the employment of disabled persons. They pay regular visits to existing and potential employers; hold exhibitions to publicise the working ability of disabled persons; and run incentive schemes. In 1986 they managed to place 1 000 disabled persons in different jobs which represents a 26.5 per cent increase over the previous year.

MR. MARTIN LEE: *Sir, has the Government set a target for itself—percentagewise—for the employment of disabled persons; and if so, what is it? And if not, why not?*

CHIEF SECRETARY: Sir, we have not set a percentage target. We believe that we are making a great effort to encourage departments in the way that I have described. There are problems in various areas. Obviously, it is not an easy problem. I think our present policy of doing all we can is better than trying to set a target one way or the other.

Supervision of Hong Kong Housing Society

8. MR. LAI asked: *Given that the Hong Kong Housing Society is supported by the Government through the provision of government loans and land at reduced premium, will Government inform this Council whether it exercises any supervision over the setting of rent and house prices by the Hong Kong Housing Society, and if not, whether Government contemplates the introduction of appropriate supervision in the near future?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the society is a statutory organisation which manages its own affairs under the direction of an Executive Committee. It is not Government's policy to interfere in the affairs of such independent bodies and Government therefore does not directly exercise supervision over the rents and house prices charged by the society. Government does, however, maintain close liaison with the society on day-to-day matters and has a number of senior officers sitting on the society's committees, including the Executive Committee, in their personal capacities.

MR. LAI: *Sir, given that the Housing Society is a privately run enterprise, will the Secretary explain to this Council on what grounds does the Government justify its financial support? And what advantages does Government see in keeping an independent body like the Housing Society, working alongside with the already well-run Housing Authority?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the Housing Society was, in fact, a pioneer in the field of public housing, dating as far back as 1949. It makes a significant contribution to the stock of low-cost housing in Hong Kong. To date, it has built over 30 000 flats, 1 000 of which were for sale. It undertakes projects which are unattractive to commercial developers, or too small for the Housing Authority. Its urban improvement schemes and rural public housing projects have improved the living conditions of thousands of people. So I think it is well worth Government's support.

MR. POON CHI-FAI (in Cantonese): *Sir, aside from the fact mentioned in the report that the Government maintains close liaison with the society on day-to-day matters, could I ask whether the Government sees it as its responsibility to do something about matters which have great impact on the community? Say for instance, the fact that residents are vehemently objecting to the sharp increase in rent. Does the Government take a close look at the matter and understand how far the matter is affecting the general public and the residents?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, any rent increase is an unpopular exercise but the Housing Society's rents are not all that far different from the Hong Kong Housing Authority. In fact, both the society's rent and the Housing Authority's rent are way below the rent in the private sector. So I believe the society is behaving in a very responsible way.

MR. TAM (in Cantonese): *Sir, if members of the public are complaining against the Housing Society and if their complaints are valid and yet, the society turns a deaf ear to the complaints, what can Government do under the circumstances?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, I am sure the Housing Society is well aware of the feeling of the public, particularly of its tenants, and any complaints will receive due consideration.

MR. ANDREW WONG: *Sir, will the Secretary kindly advise if Housing Society Estates are considered public housing or private housing and if domestic tenants of the Housing Society are regarded as tenants of public housing? If so, for what purposes are they so regarded and why are they so regarded for the said purposes?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, as I mentioned, the Housing Society is a public body and it provides public housing, and it has been providing public housing since 1949.

MR. PANG (in Cantonese): *Sir, is the Housing Society a non-profit making statutory organisation? If it is, then why is it that we should allow it to increase its rents? From recent advertisements, we can see that the flats provided by the society are even more expensive than those developed by private developers. Why can't the Government monitor those prices?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, there are a number of areas in which the Housing Society is providing its service. I believe Mr. PANG is referring to the urban improvement schemes which the society is operating on a commercial basis because the society pays full market value for the land. And its contribution is in improving the living environment in the dilapidated old urban areas.

MR. LAI: *Sir, the operation of the management and the affairs of the Housing Society are in the hands of its Executive Committee which is elected annually from the members of the society. May I ask the Secretary to inform this Council how is the membership of this society formulated and how is the election made? Secondly, without any system of supervision in what ways can the Government ascertain that the financial assistance extended to the Housing Society is being used to achieve the objectives for which they are intended?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, for each grant of land the society is required to submit the full proposal and Government must be satisfied that the land so granted is used for its purpose. On the question of membership, of the present 18 members, there are in fact eight government officials and the proportion is, in fact, higher than that of the Housing Authority.

MR. CHEONG-LEEN: *Sir, isn't there a strong element of co-operation, and even co-ordination, between Government, the Housing Authority and the Housing Society, in the formulation of a territory-wide policy on public housing?*

SECRETARY FOR DISTRICT ADMINISTRATION: There certainly is, Sir. The society's role at present is complementary to that of the Housing Authority.

Government Business

Motion

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 '\$10,500' wherever it occurs in those sections and substituting in each case the following—

'\$11,500'

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

When the Employment Ordinance was enacted in September 1968, its provisions were also 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 May last year, when the ceiling was raised to \$10,500.

A recent review conducted by the Labour Department indicated that the original monthly wage of \$1,500 would be equivalent to an estimated monthly wage of \$11,098 in March 1987. As in previous reviews, it was proposed that this figure should be 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 \$11,500 per month.

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

Sir, I beg to move.

Question put and agreed to.

First Reading of Bill

POWERS OF ATTORNEY (AMENDMENT) BILL 1987

Bill read the First time and ordered to be set down for Second Reading pursuant to Standing Order 41(3).

Second Reading of Bills

POWERS OF ATTORNEY (AMENDMENT) BILL 1987

THE ATTORNEY GENERAL moved the Second Reading of: 'A Bill to amend the Powers of Attorney Ordinance'.

He said: Sir, I move that the Powers of Attorney (Amendment) Bill 1987 be read a Second time. Its purpose is to resolve once and for all a problem that has from time to time worried Hong Kong's conveyancers of real estate and their clients. It is not uncommon in Hong Kong that owners of property, because they reside overseas or for any other reason, find it convenient to sell their property in Hong Kong through an agent whom they appoint under a power of attorney. This person, whom we can call the donee, acts in all respects as if he were the vendor of the property including putting his signature to the documents that

convey title to the property to the purchaser. In time this property may again be sold and resold in reliance upon the validity of that sale. If there were any question concerning the power of the donee to act on the vendor's behalf, this could affect the title of the immediate purchaser and all subsequent purchasers down the line.

The problem arises because unknown to the donee and the first purchaser, the power of attorney may have been revoked or terminated, for example, by the death of the owner. Section 5 of the Powers of Attorney Ordinance already provides that the interest of these purchasers will be protected notwithstanding the fact that the power of attorney may have been revoked if either the donee or the first purchaser had no knowledge of that revocation. Indeed the section goes further and provides that if the first purchaser has made a statutory declaration to the effect that he did not know that the power of attorney had been revoked, it shall be conclusively presumed that he did not know. Thus the title of the first purchaser and the chain of titles of subsequent purchasers are protected. The section enables this statutory declaration to be made within three months of the sale from the donee to the first purchaser or within a like time of any other subsequent sale.

Sir, this you and I might think would be a complete solution to the problem of the disappearing power of attorney. But the cautious conveyancers of Hong Kong are not so easily satisfied.

The statutory declaration that was thought to be the safeguard may itself be required to prove title in a court proceeding. And oaths and affirmations for court proceedings are required by Hong Kong law to be made before a solicitor not acting for any of the parties to those proceedings. Unfortunately, a practice has grown up in Hong Kong for the statutory declarations to be sworn before the very solicitor acting in the sale where the power of attorney has been relied on. The Law Society, having consulted the eminent counsel in Hong Kong and the United Kingdom, considers that in these circumstances there is doubt about the validity of this widespread practice in Hong Kong. The Law Society has therefore proposed, and the Administration accepts, that in future all statutory declarations made for the purposes of section 5 of the Powers of Attorney Ordinance shall not be sufficient if taken before a solicitor who has acted or is acting for a person affected by the transaction or the partner, clerk or person in the employ of such solicitor or his partner. This is the main object of the Bill.

In view of the potential consequences of disturbing the validity of past sales where the practice has been followed, it is also proposed in the Bill that all doubt over past transactions should be laid to rest and this validity confirmed retrospectively. So this is the second object of the Bill.

It goes without saying that the Bill has the support of the Law Society, and may indeed be gratefully welcomed by all those conveyancers who by some rare oversight have unwittingly adopted this questionable practice.

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

Motion made. That the debate on the Second Reading of the Bill be adjourned.

Question put and agreed to.

AIR POLLUTION CONTROL (AMENDMENT) BILL 1987

Resumption of debate on Second Reading (6 May 1987)

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).

DANGEROUS DRUGS (AMENDMENT) BILL 1987

Resumption of debate on Second Reading (6 May 1987)

Question put and agreed to.

Bill read the Second time.

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

Committee Stage of Bill

Council went into Committee.

AIR POLLUTION CONTROL (AMENDMENT) BILL 1987

Clauses 1 to 19 were agreed to.

DANGEROUS DRUGS (AMENDMENT) BILL 1987

Clauses 1 to 4 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

AIR POLLUTION CONTROL (AMENDMENT) BILL 1987 and the

DANGEROUS DRUGS (AMENDMENT) BILL 1987

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 EXCELLENCY THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 27 May 1987.

Adjourned accordingly at thirty-three minutes past Three 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 Attorney General to Miss TAM's supplementary question to Question 1**

I have now been advised by the Commissioner of Police that it is normal police practice for all victims of sexual offences to be interviewed and statements taken by officers of the same sex. or at the very least for an officer of the same sex to be present when such statements are taken. This practice applies to all victims, whether or not they are mentally handicapped.

Annex II**Written answer by the Attorney General to Dr. IP's supplementary question to Question 1**

I regret to say that these statistics were not kept prior to July 1986. Records were kept of the number of prosecutions instituted but the individual cases were not identified. To extract details of the conviction rate would therefore require a search of all prosecution files, not just those involving mentally handicapped female victims, to identify the relevant cases.

Since July 1986 statistics have been recorded in the Standardised Law and Order Statistical System (SLOSS). From that, it is possible to say that there have been two convictions in the second half of 1986 for sexual offences against mentally handicapped victims.

Annex III**Written answer by the Secretary for Health and Welfare to Mr. CHEUNG's supplementary question to Question 4**

I have now confirmed with the Commissioner for Transport that this can be done by means of the public address system installed in the tunnels.

I can also confirm that none of the tunnels has so far been closed for pollution reasons, and that Categories 1,2 and 5 Dangerous Goods are banned from the government operated tunnels as well as the Cross-Harbour Tunnel.

WRITTEN ANSWERS—Continued**Annex IV****Written answer by the Secretary for Education and Manpower to Mr. CHENG's supplementary question to Question 6**

The basic requirements for a teacher to be able to teach Putonghua in Hong Kong (unless he/she is already a native speaker) are the completion of

- (a) a proficiency course run by the Adult Education Section of Education Department and
- (b) a teaching methodology course run by the Institute of Language in Education

The proficiency course consists of 66 contact hours and those attending are examined on their ability to

- (i) communication orally, both in general conversation and in reading aloud
- (ii) transcribe from pinyin to characters and vice versa
- (iii) comprehend a spoken passage of Putonghua.

The examinations are conducted by a panel consisting of staff from the Institute of Language in Education, the Advisory Inspectorate, and the course lecturer. Standards are set internally, since there is no public examination against which to measure them.

The Teaching Methodology course at the Institute of Language in Education lasts for 12 1/2 hours, and attendees are required to conduct a demonstration lesson to the satisfaction of the course staff.

The refresher courses are short (2-3 sessions), and are intended to provide Putonghua teachers with the opportunity to update their teaching methods, exchange experiences, and maintain their interest in the subject.