

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 21 October 1987****The Council met at half-past Two o'clock****PRESENT**HIS HONOUR THE DEPUTY TO THE GOVERNOR (*PRESIDENT*)

(THE HONOURABLE THE CHIEF SECRETARY)

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

THE HONOURABLE THE FINANCIAL SECRETARY

MR. PIERS JACOBS, O.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, 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, C.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 MARIA TAM WAI-CHU, O.B.E., J.P.

DR. THE HONOURABLE HENRIETTA IP MAN-HING, O.B.E., J.P.

THE HONOURABLE CHAN YING-LUN, 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, J.P.

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

DR. THE HONOURABLE CHIU HIN-KWONG, J.P.

THE HONOURABLE CHUNG PUI-LAM

THE HONOURABLE THOMAS CLYDESDALE, J.P.

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 DESMOND LEE YU-TAI
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 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 RONALD GEORGE BLACKER BRIDGE, O.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER
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 EDWARD HO SING-TIN, J.P.
THE HONOURABLE ALISTAIR PETER ASPREY, A.E., J.P.
SECRETARY FOR LANDS AND WORKS (*Acting*)
THE HONOURABLE YEUNG KAI-YIN, J.P.
SECRETARY FOR TRADE AND INDUSTRY (*Acting*)

ABSENT

THE HONOURABLE ALLEN LEE PENG-FEI, O.B.E., J.P.
THE HONOURABLE JOHN JOSEPH SWAINE, C.B.E., Q.C., J.P.
THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, O.B.E., J.P.
THE HONOURABLE MRS. SELINA CHOW LIANG SHUK-YEE, O.B.E., J.P.
THE HONOURABLE DAVID LI KWOK-PO, J.P.
THE HONOURABLE HELMUT SOHMEN
THE HONOURABLE TAI CHIN-WAH

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:

Public Health and Municipal Services Ordinance Public Health and Municipal Services (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 5) Order 1987	352/87
Public Health and Municipal Services Ordinance Public Health and Municipal Services (Stadia) (Amendment of Twelfth Schedule) Order 1987	353/87
Merchant Shipping (Safety) Ordinance Merchant Shipping (Safety) Ordinance (Exemption) (Amend- ment) Notice 1987	354/87
Public Health and Municipal Services Ordinance Pleasure Grounds (Regional Council) (Amendment) (No. 3) By-Laws 1987	355/87

Sessional Papers 1987-88:

No. 11—Prisoners' Welfare Fund—Income and expenditure account with balance sheet and certificate of the Director of Audit for the period from 11 July 1986 to 31 March 1987

Oral answers to questions**Environmental pollution in residential areas rezoned from industrial use**

1. MR. LAI asked: *Is the Government aware of the problems of environmental pollution as they affect the residents in a residential development on a piece of land which has been rezoned from industrial use, particularly when the source of pollution comes from the in situ industrial developments nearby as in the case of Tsuen Tak Garden in Tsuen Wan?*

SECRETARY FOR LANDS AND WORKS: Sir, the Government is indeed aware of the environmental problems in some areas resulting from the juxtaposition of industrial and residential uses. In the new towns and other new development areas, segregation of industrial and residential areas has generally been achieved successfully in the planning process, by the application of approved planning standards and guidelines.

Most of the problems of incompatible land uses have resulted from changes in land use, specifically from the redevelopment of industrial lots for residential purposes. The Tsuen Tak Garden development, referred to by Mr. LAI, is a case in point. The area was originally zoned for industry, but was rezoned in 1981 as residential. Redevelopment has, however, been piecemeal, with the result that new residential development coexists with old industrial buildings. This has given rise to complaints by the Tsuen Tak Garden residents of both noise and air pollution.

In the longer term, redevelopment of the surrounding area in accordance with the present zoning should solve the problems. In the interim, all complaints of environmental pollution caused by the existing factories have been and will continue to be investigated by the Environmental Protection Department, and enforcement action taken where appropriate.

I would not, Sir, claim that the situation is satisfactory, either at Tsuen Tak Garden or in certain other areas. The Government is at present looking into possible ways to improve planning controls on redevelopment, precisely to avoid the problems of incompatible land uses which piecemeal redevelopment can cause. Already, in considering proposals for rezoning, much greater weight is given today than five or six years ago to potential pollution problems which might result.

MR. LAI: *Sir, will the Government inform this Council what criteria the Government uses in granting permission for the conversion of industrial land to residential use, and whether the Government would adopt different criteria to consider applications for conversion of industrial land adjacent to existing residential development to facilitate the development of a more homogeneous residential area?*

SECRETARY FOR LANDS AND WORKS: Sir, generally speaking the criteria adopted are laid down in the Hong Kong Planning Standards and Guidelines. In brief, while these do require the industries should be separated as far as practicable from sensitive developments such as schools, hospitals and residential dwellings, it is nevertheless accepted that development must be a dynamic process and planning must take into account the changing needs of development and that in some areas redevelopment from industrial to residential use must be permitted, even when the ideal criteria cannot be met. But in those cases we would also attempt to provide adequate buffer zones to screen the industry from sensitive developments. These buffer zones might be in the form of amenity areas or specially designed buildings such as godowns or electric sub-stations.

Sir, as regards the second part of the question, one of the proposals that the Government is looking at to relieve the problems that occur when there is piecemeal redevelopment of industrial land is possibly to provide buffer zones by permitting the conversion of industrial buildings to commercial uses which might provide an effective barrier.

MR. CHEONG-LEEN: *Sir, in regard to this particular development, that is, Tsuen Tak Garden development, was the rezoning in 1981 due to deficient, weak or inefficient planning controls as regards redevelopment?*

SECRETARY FOR LANDS AND WORKS: *Sir, I think it is true to say that in 1981 we did not take as much account as we do today of the environmental nuisances which might be caused by piecemeal redevelopment. To that extent, yes, it is true to say that our planning processes were not as thorough as they are today.*

MR. YEUNG: *Sir, will the Secretary state how long the interim period will last and so far how many complaints about environmental pollution caused by the existing factories have been received and investigated and what improvements have been made thereafter?*

SECRETARY FOR LANDS AND WORKS: *Sir, I am afraid I could not hazard a guess as to the length of time it will take to redevelop the surrounding lots. That must depend upon market conditions and the plans of developers. We have in the previous 18 months had, I think, 44 complaints which have been split almost equally between air pollution and noise pollution. These have all been investigated; in some cases remedial action has removed the nuisance and in others prosecution action has been taken. Sometimes the complaints have not been substantiated at all.*

MR. POON CHI-FAI (in Cantonese): *Sir, would the Government consider the environment implications on the residents if the development is carried out by stages? On the basis that Hong Kong industries would not be adversely affected, would the Government invite all factories to convert to residential blocks or would the Government resume all the lots and turn them into residential buildings?*

SECRETARY FOR LANDS AND WORKS: *Sir, I do not think that either wholesale resumption of existing buildings or wholesale redevelopment of existing industrial areas for other purposes is an answer to this problem or would be either possible or appropriate. But where possible we do try to rezone areas in such a way that the pollution problems will be removed.*

Foundation work for the Daya Bay nuclear power plant

2. MR. CHENG asked: *Will Government inform this Council whether it is aware of the cause of the non-compliance with the design of the foundation work for the Daya Bay nuclear power plant, and of the steps being taken to ensure that the remedial measures are satisfactory and not impairing the safety and integrity of the plant?*

FINANCIAL SECRETARY: Sir, when we first learnt that there was a non-compliance problem connected with the first layer of the foundation of the Daya Bay nuclear power station, the Government immediately requested the Hong Kong Nuclear Investment Company Ltd. to provide a full report on both the circumstances of the deviation and the remedial action to be taken.

The Government has not yet received this report and I am therefore unable to inform Members this afternoon of the outcome of the investigations into the cause of the problem, or, indeed, the steps that the joint venture company has taken, or plans to take, to strengthen the quality control procedures on site to avoid similar occurrences in the future.

I have, however, been informed that the report should be available within the next 10 days or so. The Government will then make a copy available to the Legislative Council ad hoc group on the Daya Bay power plant.

Concerning the steps that are being taken to ensure that the remedial measures are satisfactory and will not impair the safety and integrity of the plant, we understand that proposals have already been made by Electricité de France, who have overall design responsibility for the plant. These proposals are currently being considered by the joint venture company. The Board of the Hong Kong Nuclear Investment Company Ltd. will, of course, be kept fully informed and will be consulted. The Government has also been informed that the proposed solution has been considered by the Chinese National Nuclear Safety Administration, who have indicated that they have no objection to its adoption. Full details of the remedial measures are expected to be covered in the report now awaited.

MR. CHENG: *Sir, upon receipt of the investigation report, how will Government assess the adequacy of the remedial measures in order to satisfy itself as well as the general public that the solution will meet fully with the original design criteria?*

FINANCIAL SECRETARY: Sir, as I have said, Electricité de France is responsible for the design of this station, a company of the highest reputation that has a great deal of experience in constructing and operating pressurised water reactors. The report, which we will receive, will undoubtedly contain a great deal of detailed information. It is not, Sir, for the Government as such to satisfy itself that the proposals meet all the design requirements. This is for the joint venture company and for the Chinese Nuclear Authority. We will, Sir, nevertheless, have the opportunity to ask questions. As I have said, we will supply a copy of the report to the ad hoc group who will themselves have questions and we will see that these questions are pursued and answered.

MR. MARTIN LEE: *Sir, bearing in mind that Electricité de France (EDF) is seen to be an interested party, does the Administration consider it necessary and in the public interest to have an independent and internationally world-reputed team of*

experts to study the proposed EDF technical solution before directing its representatives on the Board of Hong Kong Nuclear Investment Company to accept the said proposal by EDF?

FINANCIAL SECRETARY: Sir, as Members may be aware, the Secretary for Economic Services has discussed this specific proposal at some length with Members of the Legislative Council ad hoc group. The discussions were held on 19 October, two days ago. We have promised, Sir, to consider various suggestions put forward, including this suggestion of independent consultants, and when we have considered it we will provide the ad hoc group with a reply.

MR. NGAI: *Sir, what measures would the Government take to plug any loopholes to prevent recurrence of a similar incident which appears to have been caused by mismanagement and negligence?*

FINANCIAL SECRETARY: Sir, as I had indicated and certainly explained at greater length when we had a debate on this subject in October last year, the Government's responsibilities are, to some extent, limited because this station is not being built in Hong Kong. Nevertheless, through our membership on the Board of the Hong Kong Nuclear Investment Company, we do have some input.

It is difficult for me to say much more this afternoon about 'plugging loopholes' because the supervision of works is, of course, one of the big questions arising out of this whole episode. When we get the report, we will be able to pursue this question in much greater depth, hopefully with the help of the ad hoc group.

MR. EDWARD HO: *Sir, I follow on Mr. Martin LEE's question and the Financial Secretary's reply. In the answers provided by Guangdong Nuclear Power Joint Venture Company to this Council on 25 June 1986, an independent foreign quality assurance consultant was promised to be appointed. Will the Government please advise this Council whether this has been done and what role have they performed, if any, in the recent non-compliance incident?*

FINANCIAL SECRETARY: Sir, I am afraid I do not have an answer to that. I cannot recollect that an independent consultant has been appointed. In fact, I am almost sure that one has not been appointed. I would like to see the exact terms of the promise that was made. I will pursue this, Sir.

MISS DUNN: *Sir, can I go back to the Financial Secretary's reply to Mr. CHENG Hon-kwan's supplementary question. Bearing in mind that with the approval of the Hong Kong Government, Hong Kong will be taking some of its electricity from the nuclear power plant when it comes on stream, and given the concerns expressed by the people about the adequacy of the remedial action now being recommended, can the Financial Secretary explain why he has said that it is not for the Hong Kong Government to satisfy itself that the remedial plans are adequate?*

FINANCIAL SECRETARY: Sir, as Miss DUNN knows we have been over this ground at some length before. Buying electricity is not the same as building a power station. We do have some input as I have explained already through the Government directorships on the board of Hong Kong Nuclear Investment Company, but that is really quite a different subject from the mere buying of electricity. The buying of electricity and the construction of a power station are two different things.

MR. HUI: *Sir, could this Council be informed if Government considers that dismantling the faulty foundation at the Daya Bay nuclear plant a better alternative than doing remedial work to the sub-stratum structure?*

FINANCIAL SECRETARY: Sir, the answer to that really must await the report that we have asked for.

MISS DUNN: *Sir, does the Financial Secretary agree that the whole economy would suffer if we were committed to take electricity from a plant which may or may not be built to acceptable standards? And can he tell us whether the two government directors on the board of Hong Kong Nuclear Investment Company are responsible to the board, that is to the company, or to the Hong Kong people?*

FINANCIAL SECRETARY: Sir, obviously if the station does not work, we will suffer. By this I mean that the reason why China Light has contracted to buy electricity from the nuclear power station is that the Hong Kong community will need this power, so obviously if the station does not work, we will suffer. We will have to find alternatives. But we have no evidence to suggest that the station will not work. As far as the responsibility of the two government directors is concerned, they are in no different position from any other directors of the company. However, I would say that obviously we do regard them as a link with the company and as a means of obtaining information.

MR. JACKIE CHAN (in Cantonese): *Sir, before we know what remedial measures are going to be taken, may I ask whether construction work at the Daya Bay nuclear plant has completely ceased, including the steel fixation works?*

FINANCIAL SECRETARY: Sir, we have received confirmation from the joint venture company that no irreversible works on the second layer of the reactor's foundation will be carried out until the technical solution has been formally approved. Some work is going on but, as I have said, it is not irreversible work. The Hong Kong Nuclear Investment Company will, I hope, brief and make a presentation to the Legislative Council ad hoc group before any concrete is poured.

MR. CHEONG-LEEN: *Sir, as I entered the building before the meeting I was handed a copy of a letter from the Hong Kong Nuclear Investment Company addressed to*

the convenor of the Daya Bay ad hoc group of OMELCO, the hon. WONG Po-yan. In this letter one of the points that was made was an assurance that the Guangdong Nuclear Power Joint Venture Company decided that no concrete would be poured into Unit 1 raft until an assessment had been made of the proposed EDF technical solution by GNPJVC project management team and the solution found to be acceptable to the general management and to the Executive Committee of GNPJVC. Could I ask the Financial Secretary whether he is assured, through representation on the Hong Kong Nuclear Investment Company board that concrete will not be poured until he has made up his mind as to whether we ought to get an independent consultant in regard to this particular matter?

FINANCIAL SECRETARY: I thought, Sir, that I had answered most of this question about the pouring of concrete. As I have said, no irreversible works for the second layer will be carried out until the technical solution has been formally approved. Formal approval will, of course, involve input from Hong Kong Nuclear Investment Company. So, I am satisfied that, as I said, no irreversible work will be carried out until we have had an opportunity to study the report and make up our minds.

Provision of sixth form places

3. MR. DESMOND LEE: *Will Government inform this Council what the current level of provision of sixth form places in the public sector is and how the Government monitors the actual enrolment so as to minimise under-utilisation as noted in paragraph VI 7.2 of Education Commission Report No. 2?*

SECRETARY FOR EDUCATION AND MANPOWER: The present policy for the provision of sixth form places derives from the 1978 White Paper 'The Development of Senior Secondary and Tertiary Education'. Our aim is to provide subsidised Form VI places for up to one third of students entering subsidised Form IV places two years previously. This policy has been reviewed by the Education Commission and was endorsed by them in paragraph VI 7.1 of their second report.

As Mr. LEE says, the next paragraph of the report goes on to comment on the underutilisation of Form VI and Form VII places and to recommend that the Education Department should reinforce its efforts to see that public sector Form VI places are filled where candidates of suitable academic standing are available.

The average sixth form provision rate in the public sector in 1984, 1985 and 1986 was 32.2 per cent of the equivalent Form IV places. The average take up rate was 87.8 per cent. For Form VII places, the average take up rate was 81.2 per cent. The reason for the slightly lower take up rate for Form VII is that some students accept places in the Chinese University or the Polytechnics, or go abroad for further studies or take up employment after completing Form VI.

When district education officers inspect and visit schools they constantly advise them to make full use of all their Form VI and VII places and discuss with them the reasons for their failure to do so. It seems that one problem that has come to light is over how schools decide which students are suitable for sixth form education. While most schools are willing to accept H-level students with the minimum entry qualifications, they tend to require A-level students to have rather better than the minimum entry qualifications. Apparently, this is because schools consider A-levels to be more competitive.

The question of under-enrolment in Form VI is therefore closely related to the more fundamental issue of what the aim of sixth form education should be: whether it should be solely a preparation for university entrance for the academically most able, or should also be an extension of general education for other students. The Education Commission's view in its second report is that sixth form education should not be limited to those aiming for university entrance. Public comments on the report also generally support this view. Thus whatever decision is finally taken on other aspects of sixth form education, it seems clear that schools must review their admission requirements to bring them more in line with the broader objectives of sixth form education. The Education Department will therefore hold discussions with the relevant schools councils to work out suitable arrangements to make sure that this aim is fulfilled.

MR. DESMOND LEE: *Sir, I would like to refer to the last paragraph of the answer which contains an observation that the sixth form should be an extension of general education. May I ask what has been done to broaden the curriculum of the sixth form?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, this is a subject which is still under consideration. Some of the recommendations on the sixth form in the second commission report were related to this subject and there is at the moment a working group looking into how it should be followed up.

Domestic violence in new towns

4. MR. LIU asked (in Cantonese): *In the light of a recent domestic tragedy in Shan King Estate, Tuen Mun in which a man slashed his wife to death and injured a social worker, which highlighted the increasing problem of domestic violence in new towns, will Government inform this Council whether it will study into the source of pressure confronting new town families in order to provide a solution to the problem, and whether there are adequate family services centres as well as family caseworkers in new towns to cope with the demand?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I understand from the Director of Social Welfare that there is no real evidence that the situation relating to domestic violence cases in the new towns is any worse than in other parts of the

Territory. Nevertheless a study of the type suggested by Mr. LIU could be useful to establish whether there are particular factors which operate in the new towns, but I think that this would be more appropriately a subject for academic research.

In my view a more effective way of dealing with this problem is to ensure that there are sufficient family service centres, in the correct locations to deal with the sort of cases which may lead to domestic violence. At present there are 50 such centres, of which 14 are in the new towns. Three additional centres will be opened in Tuen Mun, Sha Tin and the North District during 1988.

There is also a need to reduce the average caseload of caseworkers in these centres, which is at present about 96 per worker. The additional resources provided this financial year have enabled the Social Welfare Department to recruit a considerable number of additional staff which should have the effect of reducing the average caseload to a more acceptable level.

MR. LIU (in Cantonese): *Sir, one of the major features in new towns is the existence of core families, that is, there are young parents with one or two children. When the Government establishes family services centres in new towns, would it take this special feature into consideration?*

SECRETARY FOR HEALTH AND WELFARE: Sir, yes, I am sure the Social Welfare Department is fully aware of this particular demographic factor and will take it into account when deciding on provisions to be made.

MR. HUI: *Sir, could this Council be informed if Government will consider providing welfare services especially family services to new town residents when they first move in in order to help with their relocation and adjustment problems instead of waiting until the new towns are fully populated and social problems have become acute?*

SECRETARY FOR HEALTH AND WELFARE: Sir, it is the Social Welfare Department's objective to ensure that welfare services are available in new towns as soon as possible after a significant number of residents move in and premises are allocated to agencies well in advance to enable this to be done. It is not always possible to start operating these services as soon as the first residents move in but certainly it is our aim to ensure that undue delays do not occur.

DR. HO: *Sir, are there any plans under consideration in the Social Welfare Department whereby experienced social workers will be retained in the centre to provide direct services to the difficult cases, rather than promoting them to undertake administrative duties?*

SECRETARY FOR HEALTH AND WELFARE: Sir, it is the practice to staff family service centres with more experienced social workers as well as junior social workers. Every casework centre is headed by a social work officer who supervises a number of assistant social work officers and social work assistants.

MRS. TAM (in Cantonese): *Sir, the Secretary said that the Social Welfare Department would have more staff and it would be possible to reduce the workload of case workers. However, is it true that there is a shortage of staff and vacancies cannot be filled? If this is the case, how does the Administration propose to solve the problem?*

SECRETARY FOR HEALTH AND WELFARE: Sir, there have been a number of vacancies in the Social Welfare Department, largely because of a lack of resources in recent years. This year the Social Welfare Department has received a considerably increased allocation. As a result of this a very successful recruitment exercise has taken place and so far this year 94 new social workers have been recruited and there are hopes that another 15 may be recruited by the end of the year. This will very considerably improve the situation.

Construction of the Eastern Harbour Crossing

5. MR. CHEUNG asked (in Cantonese): *Will Government inform this Council what noise abatement measures will be taken to reduce the noise generated at night by the construction activities of the second cross-harbour tunnel?*

SECRETARY FOR LANDS AND WORKS: Sir, construction activities for the Eastern Harbour Crossing must comply with the provisions of the Summary Offences Ordinance, which restrict the use of powered mechanical equipment at night, and on Sundays and public holidays, without permission.

Because of the scale and complexity of the Eastern Harbour Crossing project, some night work has been unavoidable. For example, underground blasting for the excavation of the tunnels at Quarry Bay has been done at night in order to avoid disruption to the operations of the Mass Transit Railway; otherwise for safety reasons, the MTR Quarry Bay station would have to be cleared, and trains in the vicinity stopped, when blasting was in progress. In Kwun Tong, erection of heavy falsework for certain sections of the MTR viaduct will be carried out at night to avoid the severe disruption to road traffic on the Kwun Tong and Lei Yue Mun Roads which would occur if the work was carried out in day time. Other activities, such as the laying of prefabricated tunnel units in the harbour, are of necessity continuous operations which may extend into the night.

Permits under the Summary Offences (Permitted Work) Regulations have, therefore, been issued by the Government Engineer for the project to allow

certain essential construction activities at night. Permits are, however, issued only where noise levels affecting residents in the vicinity of the works can be kept down to acceptable levels, and conditions are imposed to ensure that this is achieved. For example, at Quarry Bay station spoil removed from tunnel excavation work carried out at night is handled at ground level in a totally enclosed structure; the compressor equipment which must be run continuously to maintain the air pressure in tunnels under the Quarry Bay reclamation is also housed in a structure purpose-built to minimise noise emission.

MR. CHEUNG (in Cantonese): *Sir, how many complaints has the Government received that are related to this project? Have these complaints been handled to the satisfaction of the complainants?*

SECRETARY FOR LANDS AND WORKS: Sir, a total of 15 complaints about work at night have been received. The large majority of these were received during the initial months of the project up to February this year, and related to noise from equipment and underground blasting. In all cases action has been taken to alleviate the problems and in most cases successfully.

There have been very few complaints in the last six months and I consider that, given the scale of the project, the low incidence of complaints reflects favourably on the care taken to ensure that construction noise at night is kept to a minimum.

MR. POON CHI-FAI (in Cantonese): *Sir, in the reply mention is made of the fact that permits will only be issued when the noise level is at an acceptable level. Has the Government made surprise checks at night to check whether the noise levels are acceptable? And also, before the permits are issued, does the Government consult local residents or organisations?*

SECRETARY FOR LANDS AND WORKS: Sir, the answer to the first part of the question is yes. I should perhaps explain the criteria which are adopted for deciding whether a permit for work at night should be issued. A work permit will be issued only if the anticipated noise level is less than the specified acceptable level for the location, taking into account the general background noise level, the nature of the development affected and the time of day or night. For example, after 11 pm at night 45 decibels is considered the maximum noise level desirable in quiet residential areas or near hospitals. However, higher noise levels might be tolerable, at the same time, in predominantly commercial or industrial areas, or on Sundays, public holidays and early evenings. The anticipated noise for each item of plant to be operated at night is considered, and its position on site and the relative position of affected buildings are taken into account. Conditions are also attached on the numbers and types of plant permitted and the times during which they can be used. The project management company for the Eastern Harbour Crossing initially carried out extensive noise measurements at night to check that maximum noise levels were complied with. Regular spot checks are also carried out.

Complicated family cases and the safety of social workers

6. MR. HUI asked: *In the light of recent incidents of domestic violence, will Government inform this Council whether a special team of experienced social workers will be formed to handle complicated family cases, and what other measures will be adopted to ensure the safety of social workers when they are carrying out their day-to-day duties?*

SECRETARY FOR HEALTH AND WELFARE: Sir, social workers work in teams in district family service centres. The more experienced social workers in each centre act as team leaders and handle the more complicated cases. If necessary, other experts such as psychologists can be brought in and cases can also be referred to officers at the regional or headquarters level. This is considered to be a much better arrangement, in terms of more effective use of staff time, than the setting up of a special team to handle complicated family cases.

As regards the second part of the question, social workers have recently been reminded to take greater care in handling cases with potential risks. The Social Welfare Department will shortly issue a more detailed guidance note on procedures and practices which should help to avoid stress and tension on the part of clients. In extreme cases, the police may be asked to escort social workers on their duty visits.

MR. HUI: *Sir, could this Council be informed if Government will consider providing refresher courses for experienced social workers so that they are kept up-to-date with new knowledge and skills in handling complicated family cases?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I believe that the Social Welfare Department does already organise such courses but I will ask the director to keep in mind the need for social workers to keep abreast of current developments.

MR. YEUNG: *Sir, as far as deployment is concerned, are there any basic qualifications and experiences required of social workers who are assigned to handle the more complicated cases where there is potential risk?*

SECRETARY FOR HEALTH AND WELFARE: Sir, all social workers, of course, are required to have basic qualifications, either degrees in social work or diplomas from the polytechnics. Normally, for promotion to the higher ranks no additional formal qualifications are required, the main requirement being, of course, experience in dealing with cases of this sort.

MRS. TAM: *Sir, concerning the point on calling in experts such as psychologists, could the Secretary inform us whether this arrangement also applies to the voluntary sector?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I assume this is done by the Social Welfare Department, but I will confirm with the director and let Mrs. TAM know. (See Annex I)

DR. HO: *If it is assessed that the client to be visited is under excessive emotional stress, would the Social Welfare Department consider allowing social workers to make home visits or home interviews in the company of another social worker?*

SECRETARY OF HEALTH AND WELFARE: Sir, this is one of the suggestions that is made to social workers; in cases of this sort they should not go alone.

Written answer to question

Report by the United Kingdom Atomic Energy Authority

7. MR. CHENG asked: *The Government has indicated to this Council that a report being prepared by the United Kingdom Atomic Energy Authority at Harwell providing guidance for the preparation of a detailed contingency plan was to be available at the end of 1986. Will Government inform this Council whether this report has yet been completed and when it will be made available to this Council?*

FINANCIAL SECRETARY: Sir, the United Kingdom Atomic Energy Authority is compiling for the Government a comprehensive Contingency Plan Report which will provide adequate guidance on the production of an appropriate contingency plan for Hong Kong capable of responding effectively to any radiological emergency situation that might arise from an accident at the Daya Bay nuclear power station. This report is now nearing completion and it is expected to be available by the end of this year.

Oral answer to question

Suspension of trading activities on the Stock Exchange of Hong Kong

HIS HONOUR THE PRESIDENT: You have a late question, Mr. Martin LEE.

8. MR. MARTIN LEE asked: *Sir, I am indebted to you for granting me permission to ask this question at short notice. Does the Government approve of the decision of the Committee of the Stock Exchange of Hong Kong Ltd. to suspend trading activities on the exchange for four days (Tuesday 20 October to Friday 23 October 1987 inclusive) and, if so, what are the main reasons for such approval and why did the Commissioner for Securities not order the suspension under section 27 of the Securities Ordinance, rather than leaving the decision to the Committee of the Stock Exchange of Hong Kong Ltd.?*

FINANCIAL SECRETARY: Sir, the General Committee of the Hong Kong Stock Exchange unanimously decided yesterday to suspend trading for four days to enable all outstanding transactions to be settled in accordance with the trading rules of the exchange. The question of government approval does not arise since the exchange has the power to take such action under its own rules. The Government was, however, informed in advance of the proposed action, which it regards as a sensible response to the situation.

The decision to suspend trading was largely determined by the considerable backlog of outstanding transactions which require to be settled. This backlog resulted from the recent very high level of turnover in the market. It is important that books are properly squared before trading is resumed particularly against a background of highly volatile world markets. The exchange considers that it will take four days to clear the backlog. I might add that a secondary benefit of the suspension, which I regard as helpful, is that it allows time for the initial over-reaction to events to subside.

The question of intervention by the Commissioner for Securities did not arise because the Hong Kong Stock Exchange took the initiative of suspending trading under its own rules. I think it is preferable for self regulatory bodies such as the exchange to make use of their own powers where these are available instead of resorting to government intervention. This is in line with our general philosophy towards the financial markets in Hong Kong.

MR. MARTIN LEE: *In relation to the four days suspension of trading, is the Administration satisfied as to the following: (1) that the interests of small shareholders have been duly taken into account in that they, though not big shareholders, will be deprived of an opportunity of selling their shares during the period of suspension and that the prices of their shares might be adversely affected by large blocked share transactions carried out during the said period, and (2) that the reputation of Hong Kong as an international financial centre will not be unduly prejudiced by such a long period of suspension?*

FINANCIAL SECRETARY: Sir, I cannot speculate on the effect of hypothetical individual transactions. Clearly, prices of shares when the market reopens will be determined by market sentiment at the time. Any transactions that may have taken place off the board could have a positive, as well as a negative, effect. Sir, Mr. LEE asked about the effect on Hong Kong's reputation as an international financial centre. I think it must be recognised that the events of the past few days in all major financial centres could well have an effect on investors' confidence for some time to come. But I do not believe that Hong Kong will suffer any more than any other major financial centre. Indeed if, as I hope, markets stabilise shortly we may well be seen as having avoided some of the major problems experienced elsewhere.

MR. DESMOND LEE: *Sir, I have no interest to declare, but being timid I sold all my shares weeks ago. My question is as follows: In view of the decision of the Stock Exchange of Hong Kong Ltd. to suspend dealings for four days to the disadvantage of shareholders, unit trust holders and the reputation of Hong Kong as a financial centre, would the Administration inform this council whether the Commissioner for Securities will investigate and publish the net open positions on the stock market and the index futures market of every member on the committee of the Stock Exchange of Hong Kong Ltd. and his firm as at the close of business on Monday, 19 October 1987? And if not, why not?*

FINANCIAL SECRETARY: *Sir, I am glad that Mr. LEE has not been affected and that he got out of the market in a timely manner. He has my congratulations. As to the question itself, the action that he has described is not contemplated. I think it carries with it certain implications which, in many ways, are unfortunate. I think action of that nature would be an unwarranted intervention and interference.*

DR. LAM (in Cantonese): *Sir, would the Government inform this Council whether government officials have informed the committee of the Stock Exchange of Hong Kong Ltd. that when they suspend trading they are interfering with the right of the citizens of Hong Kong to go on trading. There will be adverse effects, for example, citizens may be worried that in future if the situation is not stable there may be similar intervention measures such as control on foreign exchange and restriction on people leaving Hong Kong and so on?*

FINANCIAL SECRETARY: *Sir, circumstances arise from time to time when all those involved in financial markets, particularly the committee of the Stock Exchange of Hong Kong Ltd. and indeed the regulatory authorities have to take swift decisions in the interests of the investing public and in the interests of the community. The committee of the Stock Exchange of Hong Kong Ltd. formed the view, and I share that view, that had the markets opened for trading on Tuesday the market would undoubtedly have been disorderly. It would not have worked in the interests of investors. It would not have worked in the interests of the community. I have no doubt from the majority of responsible comments made that the community well understand the decision that was taken. As I have said, I believe the decision was sensible in the circumstances. I do not believe that members of the community will read into that decision some of the implications that Dr. LAM has described.*

MR. CHAM: *Sir, as the main reason for the suspension is to clear backlogs of deliveries by stockbrokers, and bearing in mind that, unlike other stock markets in the world which have a central clearing system, the Stock Exchange of Hong Kong has a physical delivery system, which, if over-stretched, will create problems of credit risks in a volatile and hectic market. Will Government assist the Stock Exchange to develop a clearing system to avoid such backlog problems in the future?*

FINANCIAL SECRETARY: Sir, the Stock Exchange is engaging a consultant to devise a far more satisfactory clearing system. Certainly, the Administration will be working with the consultant to be engaged with a view to developing a system that suits and meets the needs of Hong Kong as one of the most important financial centres in the world.

MISS DUNN: *Mr. Kim CHAM has partly asked my question but I think it is still relevant, Sir, to ask this. Given that the backlog of trading has been building up for some time, even though Mr. CHAM has explained that it is a manual system rather than a computerised system, and given the knowledge of that backlog what did the Stock Exchange do to cope with the problem before taking the unprecedented step of closing the market for four days for administrative reasons. And what did the Government do to persuade the Stock Exchange to get its house in order?*

FINANCIAL SECRETARY: Well, Sir, obviously not enough was done. The backlog has built up over a period of time and, with the benefit of hindsight, one can see that steps might have been taken earlier. They were not taken. The Stock Exchange has been considering and planning for some time to engage a consultant, as I have said to Mr. Kim CHAM, to improve its clearing system. As far as the Government's position is concerned, at all times through the Monetary Affairs Branch, through my own office, through the Securities Commission, we keep in close contact with the Chairman of the Stock Exchange, and we have been well aware that there was a problem to be tackled. We did not see it blowing up in quite the way it has blown up. Hindsight!

ACTING GOVERNOR: I already have five more supplementaries on my list. I think that must probably be enough.

MR. JACKIE CHAN (in Cantonese): *Forecasting in the stock market is more difficult than forecasting the weather. Will the Government inform this Council what are the reasons for allowing the Stock Exchange to suspend trading just because there has been a fall in prices? Why is there a suspension and what are the reasons? Now, if the stock market goes up by 400 points will there be a four-day suspension period?*

FINANCIAL SECRETARY: Sir, I think I have answered most of that in my principle answer. As I have said the suspension was primarily to enable the backlog to be cleared. It has some benefits as well in cooling the situation. I have been asked whether the suspension would take place if the market were booming. The short answer to that is yes, it might. In fact, in the past, when the stock market was doing extremely well I understand that it was suspended for half a day to allow things to settle down. So, actually, the suspension as an act is not unprecedented. A suspension for this length of time is, of course, unprecedented.

MR. MARTIN LEE: *Sir, does the Administration really believe that the Stock Exchange would take four days to clear the backlog of transactions and how will the Administration satisfy the public that the decision of the committee of the Stock Exchange of Hong Kong Ltd., in ordering such a long period of suspension, was an objective one and not one which has been motivated by self interest, bearing in mind that every member of the committee is, by definition, a dealer in securities?*

FINANCIAL SECRETARY: Sir, those in the market place are the best people to decide on the length of suspension needed to clear the backlog that had built up. I think Members must remember that the turnover on the Stock Exchange for quite some time now has been extremely high, so the backlog is very large. As far as the second part of Mr. LEE's question is concerned, I have already said that we consider the decision to suspend has been sensible, both in the interests of the investors and in the interests of the community. I believe that it is a decision which has given us stability. I am certainly not going to speculate in this Chamber on the motives of those who took the decision.

MR. CHUNG (in Cantonese): *Sir, the Financial Secretary said that the reasons for suspending trading were to clear the backlog. There has been a large amount of backlog because the turnover has been very high recently. If the turnover is high, does it involve selling short and buying short? And will the Government take the initiative to investigate whether there are short-selling and short-buying activities?*

FINANCIAL SECRETARY: I think the turnover has been generated by intense interest in the market. Short-selling is not permitted under the Securities Ordinance. If cases of short selling come to the knowledge of the Administration then action would be taken. As far as I am aware, no cases have come to our knowledge.

MR. PETER POON: *Sir, it has been reported that many holders of unit trusts and investors in funds marketed in Hong Kong were not able to redeem their investment after the recent great fall in the share markets in Hong Kong and various parts of the world, especially after the suspension of trading on the Stock Exchange in Hong Kong. Would the Financial Secretary inform this Council whether Government will look into the matter and take whatever steps that are necessary to ensure that the interests of such investors are properly protected?*

FINANCIAL SECRETARY: Yes, Sir. There has been much doubt about this whole episode that requires what could be described as a post-mortem examination. When we have sorted out the problems I can certainly assure Mr. POON that I shall be looking into all aspects, including that which he has mentioned, with the assistance of the Securities Commission.

MR. CHAN KAM-CHUEN: *Sir, have all the other major markets in the world stopped for such a long duration? The Financial Secretary said that for settling*

the backlog, the market had been opened for only half a day. Was this decision of opening the market for half a day the decision of the Stock Exchange at that time, or was it made with the approval and blessing of the Government?

FINANCIAL SECRETARY: Sir, when I first heard about the proposal to suspend dealings the idea of a half-day closing was not mentioned. It was felt that the backlog was of such a magnitude and the circumstances were such that a full suspension was required. As to the position in other markets I think it is true that only Hong Kong suspended trading yesterday, but nevertheless, there was restricted trading in some other centres, notably Tokyo. While, of course, we take account of developments elsewhere this does not necessarily mean that we should blindly follow what is done elsewhere. We have to consider the particular circumstances of Hong Kong. When I say 'we' I mean not only the Administration but also the Stock Exchange. And, as I have already said on a number of occasions, we believe that what has been done was sensible.

Government Business

First Reading of Bill

PNEUMOCONIOSIS (COMPENSATION) (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

PNEUMOCONIOSIS (COMPENSATION) (AMENDMENT) BILL 1987

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second Reading of: 'A Bill to amend the Pneumoconiosis (Compensation) Ordinance'.

He said: Sir, I move that the Pneumoconiosis (Compensation) (Amendment) Bill 1987 be read a Second time.

The Pneumoconiosis Compensation Fund Board was established in 1980 under the Pneumoconiosis (Compensation) Ordinance. It administers the Pneumoconiosis Compensation Fund, whose main purpose is to pay compensation to victims of pneumoconiosis or their dependents. The fund is financed by a levy of 0.05 per cent on construction works with a value of at least \$1 million, and on quarry products. The board may use the fund to pay compensation, damages, medical expenses, medical examination fees and other expenses incurred for the purposes of the Ordinance, but it is not at present authorised to use its funds on measures to prevent pneumoconiosis, such as research into the causes of the disease and measures to protect workers who are at risk. Such measures could usefully include education and publicity aimed at those engaged in the construction and quarrying industries.

In 1986 Mr. HO Sai-chu and Dr. CHIU Hin-kwong suggested that we should amend the Ordinance to enable the board to undertake the preventive measures, along the lines I have just mentioned. The board has consulted the industries concerned and I am delighted to be able to report that it has now advised that expenditure on prevention would be a useful and worthwhile extension of its activities. Section 2 of the Bill, if enacted, will give the board the necessary powers.

We envisage that expenditure on prevention will not exceed \$1 million in any one year and there are safeguards against imprudent expenditure. The construction and quarry industries are represented on the board which must submit its programme and estimates to the Governor annually. To enhance these safeguards, section 4 of the Bill provides for the Governor to require the board to modify and resubmit its programme and estimates if this seems necessary. At the same time, the Bill permits the board to vary its estimates subject to the Governor being informed of the variation. These measures are consistent with similar provisions in other Ordinances, for example in the Protection of Wages on Insolvency Ordinance and the Hong Kong Examination Authority Ordinance.

The Bill also permits the board to write off uncollectable debts. This follows normal accounting practice in cases where all procedures to collect debts through legal and other means have proved unsuccessful. When contractors are declared bankrupt, or are in the process of winding up, the board is ranked as an unsecured creditor. Total revenue accruing to the board during the six years since it was established amounts to about \$162 million of which only \$600,000 or 0.37 per cent is considered uncollectable. The board currently has no statutory power to write off these debts which have been accumulating in the fund accounts.

Sir, I warmly commend this Bill, which will, I believe, result in long-term improvements in the conditions of those who work in the construction and quarrying industries.

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.

SUPPLEMENTARY APPROPRIATION (1986-87) BILL 1987

Resumption of debate on Second Reading (14 October 1987)

Question put and agreed to.

Bill read the Second time.

DENTISTS REGISTRATION (AMENDMENT) BILL 1987**Resumption of debate on Second Reading (14 October 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 Bills

Council went into Committee.

DENTISTS REGISTRATION (AMENDMENT) BILL 1987

Clauses 1 to 10 were agreed to.

Schedule was agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

DENTISTS REGISTRATION (AMENDMENT) BILL 1987

had passed through Committee without amendment and the

SUPPLEMENTARY APPROPRIATION (1986-87) BILL 1987

having been read the Second time was not subject to Committee stage proceedings in accordance with Standing Order 59, 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, 28 October 1987.

Adjourned accordingly at twenty-one minutes to Four o'clock.

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

WRITTEN ANSWER**Annex I****Written answer by the Secretary for Health and Welfare to Mrs. TAM'S supplementary question to Question 6**

I can now confirm that voluntary agencies and the Social Welfare Department enjoy a similar level of access to experts. In the case of psychologists, the following agencies in the voluntary sector have designated posts—Caritas (three posts), the Family Welfare Society (two posts), the Hong Kong Christian Service (one post), the Yang Memorial Social Service Centre (one post), and the Christian Family Service Centre (one post). Agencies which do not have their own psychologist may approach one of the above agencies to obtain professional assistance.