

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 2 December 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 PETER C. WONG, C.B.E., J.P.

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

THE HONOURABLE DONALD LIAO POON-HUAI, C.B.E., J.P.

SECRETARY FOR DISTRICT ADMINISTRATION

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

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

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

THE HONOURABLE MARIA TAM WAI-CHU, 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.

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 GRAHAM BARNES, J.P.
SECRETARY FOR LANDS AND WORKS
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 YEUNG KAI-YIN, J.P.
SECRETARY FOR TRADE AND INDUSTRY (*Acting*)

ABSENT

THE HONOURABLE LYDIA DUNN, C.B.E., J.P.
THE HONOURABLE ALLEN LEE PENG-FEI, O.B.E., J.P.
THE HONOURABLE HU FA-KUANG, O.B.E., J.P.
THE HONOURABLE WONG PO-YAN, C.B.E., J.P.
THE HONOURABLE JOHN JOSEPH SWAINE, C.B.E., Q.C., J.P.
THE HONOURABLE MRS. SELINA CHOW LIANG SHUK-YEE, O.B.E., J.P.
DR. THE HONOURABLE HENRIETTA IP MAN-HING, O.B.E., J.P.
THE HONOURABLE HILTON CHEONG-LEEN, C.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):

<i>Subject</i>	<i>L.N.No.</i>
Subsidiary Legislation:	
Public Revenue Protection Ordinance Public Revenue Protection (Dutiable Commodities)(No. 2) Order 1987	382/87
Electoral Provisions Ordinance Electoral Provisions (Procedure)(Amendment) Regulations 1987	383/87
Import and Export Ordinance Import and Export (Registration)(Amendment) Regulations 1987	384/87
Road Traffic Ordinance Road Traffic (Public Service Vehicles)(Amendment)(No. 3) Regulations 1987	385/87
Industrial Training (Clothing Industry) Ordinance Industrial Training (Clothing Industry)(Amendment of Schedule) Order 1987	386/87
Revised Edition of the Laws Ordinance 1965 Revised Edition of the Laws (Correction of Error) Order 19873	87/87
Inland Revenue Ordinance Inland Revenue (Interest Tax)(Exemption)(Amendment)(No. 9) Notice 1987	388/87
Tax Reserve Certificates (Fourth Series) Rules Tax Reserve Certificates (Rate of Interest)(No. 9) Notice 198	389/87

Sessional Papers 1987-88:

- No. 24—Vocational Training Council Annual Report 1986-87
- No. 25—Samaritan Fund—Income and expenditure account with balance sheet and certificate of the Director of Audit for the year ended 31 March 1987
- No. 26—The Accounts of the Lotteries Fund for 1986-87

Address by Member presenting paper**Vocational Training Council—Annual Report 1986-87**

MR. CHAN KAM-CHUEN: Sir, among the papers laid on the table of this Council today is the Report of the Vocational Training Council, VTC for short, for the year ended 31 March 1987.

I am pleased to report that the VTC continues to make good progress in fulfilling its functions of providing technical education and industrial training to meet the developing needs of Hong Kong's industry and commerce. I would like to highlight a few of VTC's achievements in the year of reporting and since.

On the technical education front, the first two technical institutes planned and built by the VTC at Sha Tin and Tuen Mun opened for classes in September 1986. Since then, the latest institute at Chai Wan started to enrol students in September this year, thus bringing the total number of institutes to eight. By September 1988, the total number of full-time and part-time places in technical institutes will be about 11 500 and 50 500 which will represent an increase of some 158 per cent and 41 per cent respectively since the VTC was established and took over the responsibility for establishing and operating technical institutes. Besides the increase in the number of places, the institutes are now able to offer courses in new areas of technology which are vital to Hong Kong's further development.

The VTC also hopes to begin construction work for the annexes to the Kwai Chung Technical Institute and the Kwun Tong Technical Institute and the reprovisioning of the Morrison Hill Technical Institute facilities. When these projects are completed in late 1988 or early 1989, both the teaching facilities and student amenities of all the older pre-VTC institutes will be brought to a level comparable to those provided in the new ones, that is, to the level needed if they are to operate adequately the courses which they now offer.

On the industrial training front, three new training centres—the Electronic Data Processing, the Insurance, and the Precision Tooling—commenced operation in the year 1986-87. The Jewellery Industry Training Centre has recently begun offering courses. When the new Seamen's Training Centre and the Banking Training Centre start courses in the next few months, the total number of training centres established by the VTC will be 16 and the total number of training places offered annually in these centres will be about 12 000 full-time and 5 000 part-time.

Also at the request of Government, the VTC has started to administer for Government a training scheme under which electronic engineers are sent overseas for training in the vitally important field of application specific integrated circuits.

Sir, the VTC has made remarkable progress by any standard. It could not, however, have done so without the ready and generous support of Government. The VTC therefore looks forward to equally enthusiastic support from the Government in future so that it will continue to have the wherewithal it needs to meet the ever changing manpower requirements of Hong Kong's industry and commerce.

Oral answers to questions

Guidance to fishermen on off-shore operations

1. MRS. FAN asked (in Cantonese): *In view of two recent incidents off the Nansha Islands, one involving a Hong Kong fisherman being shot dead and another involving 22 Hong Kong fishermen being detained for alleged illegal fishing, will Government inform this Council what guidance is currently provided to Hong Kong fishermen to help them avoid straying into foreign waters during off-shore operations and what assistance will be given to fishermen who have done so and are detained by foreign authorities as a result?*

FINANCIAL SECRETARY: Sir, Hong Kong fishermen are advised by the Agriculture and Fisheries Department of the special economic exclusion zones declared by other countries. Notices are posted in conspicuous locations in wholesale fish markets and fisheries offices, and regular reminders are given through radio broadcasts, at meetings with fishermen's co-operative societies and at various vocational training courses. Also, the Agriculture and Fisheries Department offers to local fishermen training in navigation and the use of modern navigational aids.

In the event of a Hong Kong fishing vessel and her crew being detained by foreign authorities, we would normally take action through British diplomatic or consular channels, first to ascertain the full facts in relation to the incident and then to seek the release of the detainees. Both the Agriculture and Fisheries Department and the Immigration Department liaise with detainees' families in Hong Kong. In cases of hardship, the Social Welfare Department would also assist. Upon repatriation the Agriculture and Fisheries Department is able to offer financial assistance through loans to help the fishermen resume fishing.

MRS. FAN (in Cantonese): *Sir, after the occurrence of the two incidents, is the Government still satisfied with the existing channels of communication with the fishermen? Will the Government improve the existing channels of communication with the fishermen so that they may have a better understanding of the situation of the region and not run the risk of straying into other territorial waters?*

FINANCIAL SECRETARY: Yes, basically we are satisfied. The radio programmes are weekly. There's a fishermen's half-hour programme every Friday evening, which gives general advice to the fishing community. This year so far six broadcasts have been used to specifically remind fishermen to avoid fishing in other territorial waters. There are also meetings with the fishermen's societies that I mentioned in my principal answer and staff of the Agriculture and Fisheries Department attend the meetings. We are taking action to remind market managers to ensure that notices displayed in markets are correctly displayed and are informative.

MR. CHUNG: *Sir, may I know what the Hong Kong Government could do in a case where the foreign authorities have no diplomatic relations with the United Kingdom?*

HIS HONOUR THE PRESIDENT: Would the Secretary for Security like to answer that question?

SECRETARY FOR SECURITY: Could I answer that question, Sir, if I may? I am afraid that where the United Kingdom Government has no diplomatic relations with a country, it is exceptionally difficult for the United Kingdom Government to intervene and what normally happens is the United Kingdom Government tries to persuade the government of another country which has representation in the country we are talking about to assist.

MISS TAM: *Sir, my question is the other side of Mr. P. L. CHUNG's coin. What would be the situation if the fishermen on the Hong Kong boat is actually a CI holder, that is, not being a British national? What can the Hong Kong Administration do for them?*

SECRETARY FOR SECURITY: Yes, Sir, the obligations of the British Government apply to British nationals and that, of course, includes British Dependent Territory Citizens by virtue of living here in Hong Kong. That's an obligation. The fact of the matter is that the British consular officials also help to the maximum possible extent any other holders of Hong Kong certificates of identity and documents of identity.

MR. DESMOND LEE: *Sir, will Government consider the formation of a consultative committee with fishermen associations to discuss fishing operations so as to offer assistance and protection which may be required?*

FINANCIAL SECRETARY: Sir, I think the Agriculture and Fisheries Department has frequent contacts with fishermen, but I will certainly look into Mr. Desmond LEE's suggestion.

MR. CHAN KAM-CHUEN: *In order to help fishermen avoid straying into foreign waters, is it possible to use radars, similar to those used for aeroplanes which can be identified hundreds of miles away on the radar screen. If each fishing boat were equipped with such equipment, they could be warned that they are about to stray into foreign waters.*

FINANCIAL SECRETARY: I think, Sir, the answer to that is that it is technically possible but the cost would be very considerable, and the cost, of course, would have to be borne by the fishermen themselves.

MRS. FAN (in Cantonese): *Sir, can the Secretary for Security inform this Council whether in the past there have been cases of fishermen being detained by foreign authorities? And if yes, how long did they have to wait before they were released?*

SECRETARY FOR SECURITY: Yes, Sir, there have been examples in the past of fishermen being detained by other governments for fishing in their territorial waters. The length of time it takes to get them released, of course, depends on, frankly, how they are treated by that government. The fact is they have broken the law by fishing in the territorial waters of another sovereignty, and maybe under that country's law they will be liable to punishment.

Review of Protection of Women and Juveniles Ordinance

2. MR. HUI asked: *Will Government inform this Council of the progress made on the comprehensive review of the Protection of Women and Juveniles Ordinance currently being conducted within the Administration?*

SECRETARY FOR HEALTH AND WELFARE: Sir, we have been reviewing the Protection of Women and Juveniles Ordinance to determine whether amendments to the Ordinance are required in the light of changing circumstances and the provisions of other related legislation. An inter-departmental working group was established in November 1986 to undertake this review. Since it was expected that the overall review would take some time, the working group proposed some urgent amendments designed to improve the procedures for handling child abuse cases. These amendments were enacted in July this year. The present position on the overall review is that drafting instructions are being prepared, but I hope to be able to seek the advice of the Social Welfare Advisory Committee in the new year, with a view to introducing an amendment Bill into this Council before the end of the current session.

MR. HUI: *Sir, in the light of recent concern at the increasing prevalence of homosexuality, can this Council be informed if the review will cover the question of protection of young men who may be vulnerable to immoral influences?*

SECRETARY FOR HEALTH AND WELFARE: Sir, this is not a matter, I think, which falls within the scope of the Ordinance which we are talking about and is something which would have to be considered separately.

MRS. TAM: *Sir, can the Secretary be more specific as to when he intends to consult the Social Welfare Advisory Committee?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I hope by February or March next year.

MR. HUI: *Sir, can this Council be informed when the drafting instructions are likely to be issued to the Legal Department's Law Drafting Division?*

SECRETARY FOR HEALTH AND WELFARE: Sir, within the next month or so, I hope.

Safety precautions in outdoor activities

3. MR. YEUNG asked: *In view of the fact that secondary and primary schools organise a wide range of outdoor activities each year (sports events, outdoor excursions, samples collecting, camping and so on), will Government inform this Council whether there are any specific rules governing the teacher/student ratio for such activities, and what guidance is presently given to school authorities regarding the safety aspects which the organisers of such activities should observe?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Education Department advises schools what safety precautions to take when organising outdoor activities.

This advice is contained in publications issued to all schools. These include current syllabuses produced by the Curriculum Development Committee (for example, the Syllabus for Physical Education) and comprehensive pamphlets on safety, notably that related to physical education.

This material is supplemented by general schools circulars, updated annually, in which advice is given on the safety precautions to be taken for such outdoor activities as swimming galas, school athletic meets, and organised visits and excursions. The inspectorate also regularly runs in-service training courses on safety precautions for teachers. The aim is to provide them with a thorough knowledge and understanding of the safety measures to be taken in conducting all outdoor activities.

Through these channels, school authorities and teachers are made constantly aware of the importance of safety considerations when conducting activities. This helps them to avoid unnecessary risks and reduces the likelihood of accidents.

For outdoor activities which require close supervision, schools are advised to observe teacher/student ratios appropriate to the nature of each activity, the type of pupil and the degree of risk involved. For example, the ratio for canoeing is one instructor to eight canoes; for outdoor education camps the ratio is one teacher to 30 primary or secondary students; for severely handicapped pupils this is increased to one teacher to two pupils; and for maladjusted children the corresponding ratio is one teacher to 15 pupils. In the 'Learn-to-swim' Scheme for primary pupils aged 10 or above, the recommended ratio is one instructor to 30 pupils.

MR. YEUNG: *Sir, having regard to the normal size of 40-42 pupils per class, will the Secretary state what the appropriate student-teacher ratios are for class picnics, swimming classes and physical education classes conducted outside the school premises and whether these ratios should be strictly complied with, as it appears under the present circumstances that there are not enough teachers for supervision or instruction purposes?*

SECRETARY FOR EDUCATION AND MANPOWER: *Sir, whether there is a specific ratio for an activity depends, as I said, on the nature of the activity. For specific activities which require close supervision there are specific ratios suggested, but for picnics it is felt more appropriate to leave this to the discretion of the individual school. The Education Department did, in fact, recently have a discussion with representatives of schools in which this was discussed at great length. There was some disagreement as to what the appropriate ratio should be, but it seems clear it does depend a bit on the nature of the picnic, the nature of the children, where the picnic is, how dangerous the location is and so on. So the schools are given guidance but the discretion as to the exact numbers does rest with the headmaster or headmistress of the school. The Education Department does believe that staff ratios in school are adequate to provide teachers to supervise such activities.*

PROF. POON: *Sir, with reference to the last paragraph of the Secretary's answer, has the Government conducted any random checks to see if schools are in general following the advice on the teacher-student ratios for outdoor activities?*

SECRETARY FOR EDUCATION AND MANPOWER: *Sir, I do not know the answer to that question. I will send a written reply. (See Annex I)*

DR. HO: *Sir, are the schools required as a general policy to take out accident insurance policies in respect of students participating in outdoor or extracurricular activities? If not, why not? But if so, then what financial assistance is given to these schools?*

SECRETARY FOR EDUCATION AND MANPOWER: *Sir, non-government schools are advised to take out insurance policies. Government-assisted schools are assisted by the Government but the assistance is not specified as being for this purpose.*

Repatriation of prisoners

4. MR. DESMOND LEE asked: *With reference to the reply given by the Secretary for Security to this Council on 10 June 1987 on the question of British consular protection for Hong Kong residents travelling abroad, will the Government advise whether there has been any progress made in the attempt to repatriate Hong Kong residents serving prison sentences overseas, in particular those in Thailand?*

SECRETARY FOR SECURITY: Sir, we have made some progress on the issue of transfer of sentenced persons between Hong Kong and foreign countries.

An order by the Privy Council on 21 October 1987 has extended the United Kingdom Repatriation of Prisoners Act 1984 to Hong Kong with effect from 16 November of this year. This extension will make it possible for Hong Kong to participate in those international and bilateral arrangements on the transfer of sentenced persons to which the United Kingdom is a party. The first will be the Council of Europe Convention on the Transfer of Sentenced Persons. We expect the application of the convention to Hong Kong to come into force in February 1988. The other countries that are party to the convention are Austria, Canada, Cyprus, Denmark, Finland, France, Spain, Sweden and the United States. The application of the convention to Hong Kong will enable sentenced persons to be transferred between Hong Kong and those countries.

The United Kingdom is in the process of negotiating a bilateral agreement with Thailand. We have agreed with the British Government that it should apply to Hong Kong. I am afraid we cannot say yet when it will become effective.

MR. DESMOND LEE: *Sir, may I refer to the final paragraph of the answer and ask the Secretary for Security when was the negotiation with Thailand started and if any material progress has been achieved to date?*

SECRETARY FOR SECURITY: Sir, it was started early this year and I understand that there has been some progress. I believe that the difficulties that have been encountered in the negotiations have now been overcome and negotiations are proceeding.

MRS. FAN: *Sir, has Hong Kong any say in requesting the United Kingdom to start negotiating a bilateral agreement with the countries that Hong Kong wishes to have such a bilateral agreement?*

SECRETARY FOR SECURITY: Yes, Sir. Among the countries with which we will shortly have arrangements with the terms I have spoken about in my original reply, France does have actually 41 Hong Kong people in French prisons. The other main country is Thailand, with which, as I said, the British Government is now in the process of negotiating an agreement. Once that has been achieved, we will ask the United Kingdom if it is possible for it to enter into negotiations with the other main countries which have Hong Kong prisoners, namely, Japan, Korea, Malaysia, the Netherlands and the United Kingdom itself.

MR. DESMOND LEE: *Sir, can the Secretary be more specific with regard to difficulties encountered in negotiations with Thailand and also the difficulties that have been overcome to date?*

SECRETARY FOR SECURITY: No, Sir, I think it would be quite improper of me to state publicly the difficulties the two sides are encountering in negotiations.

Fee assistance scheme

5. MRS. NG asked (in Cantonese): *Will Government inform this Council how effective the fee assistance scheme for preprimary services has been since its introduction in 1982?*

SECRETARY FOR HEALTH AND WELFARE: Sir, this scheme provides for fee assistance to enable children from low-income families to attend day nurseries and kindergartens. Since its introduction in 1982, the scheme has helped an average of about 11 300 children each year to attend day nurseries and a further 8 300 to attend kindergartens, and I believe that it can be said to have been generally effective.

Eligibility for fee assistance and the amount of assistance granted in each case are calculated in accordance with quite a complicated formula and increases in family incomes and fees since 1982 have resulted in the number of children assisted falling both in absolute numbers and as a proportion of the capacity of the nurseries although the total expenditure has risen from nearly \$21 million in 1982-83 to over \$40 million in 1986-87. The Social Welfare Department is now reviewing the arrangements for fee assistance in day nurseries to see whether any adjustments are required. And we shall be consulting the Social Welfare Advisory Committee on the results of this review.

So far as kindergartens are concerned, I understand that the Secretary for Education and Manpower is reviewing the fee assistance arrangements in the light of the recommendations made by the Education Commission in its Report No. 2.

MRS. NG (in Cantonese): *Sir, I am glad to learn that there will be a review but the parents do not really like the existing fee assistance scheme. During the review, will the manner in which the assistance is given be reviewed, for example, directly subsidising the salary of the teachers and the staff?*

SECRETARY FOR HEALTH AND WELFARE: One of the main reasons for the introduction of the present system in 1982 was to avoid the segregation of the socially disadvantaged children which was developing under the old arrangements which provided subvention primarily for such children only. I doubt if we would wish at this stage to revert to such a system. However, as I already said we shall be reviewing the scheme and consulting the Social Welfare Advisory Committee and the points made by Mrs. NG can be considered at that time.

Establishment of science park/technology centre

6. PROF. POON asked: *Will the Government inform this Council whether it considers that the establishment of a science park/technology centre in Hong Kong will help to promote the development of high technology industries in Hong Kong and if so, what is the latest progress of the proposal and when is it expected to be implemented?*

SECRETARY FOR TRADE AND INDUSTRY: I am pleased to report that the Industry Development Board has only last month advised that this idea merits detailed consideration. Accordingly, the board's Science and Technology Support Committee will shortly investigate to what extent a science park/technology centre would benefit Hong Kong, what its objectives should be, what model would be appropriate in our circumstances, and what logistical, administrative and financial arrangements would be required. The committee is expected to submit its recommendations to the Industry Development Board by the middle of next year.

PROF. POON: *Sir, is the Government prepared to fund the establishment and maintenance of a science park/technology centre if the Industry Development Board makes a positive recommendation?*

SECRETARY FOR TRADE AND INDUSTRY: At this stage, Sir, I can only say that the Government will be prepared to consider providing financial assistance towards the creation of this facility if a clear case is made to the Industry Development Board and if that case could be put convincingly to the Finance Committee of this Council.

MR. CHEONG: *Sir, given the importance of this particular subject, could the Secretary for Trade and Industry speed up its recommendation—instead of middle of next year say in four months' time.*

SECRETARY FOR TRADE AND INDUSTRY: Sir, I have already given the Industry Development Board an assurance that the committee will be reporting in stages and I hope that by reporting in stages we could expedite our work.

Review of the Gambling Ordinance

7. MR. LAI asked: *Will Government inform this Council of the progress of the review of the Gambling Ordinance since 21 January 1987 when the Attorney General last mentioned it in this Council?*

SECRETARY FOR SECURITY: Sir, the Secretary for Administrative Services and Information is reviewing the Gambling Ordinance and its subsidiary legislation.

This review is paying particular attention to the question of mahjong playing in establishments registered or exempted under the Societies Ordinance and to the question of whether the ceiling of \$20 for the hire of a set of mahjong tiles, first set in 1977, is still appropriate. The aim of the review is to achieve a balance between controlling illegal gambling enterprises and ensuring that social clubs which operate within the law are not penalised.

The review is identifying a number of areas which may require changes to the law.

MR. LAI: *Sir, with reference to the Secretary's reply in his last paragraph, what are the areas that the review has identified which require changes to the law and when will the review be completed?*

SECRETARY FOR SECURITY: Sir, I do not think it would be appropriate for me at this stage, while the review is in progress, to start anticipating the findings of the review but I can assure hon. Members that the Secretary for Administrative Services and Information tells me that the review will be completed by the end of this year.

MR. CHEONG: *Sir, I presume this review exercise is undertaken internally with government branches and departments. Would there be any plans for inputs from non-government sources to be taken into consideration before the final recommendation is made?*

SECRETARY FOR SECURITY: Yes, Sir, my hon. Friend is correct. The review is being undertaken by officials within the Government within the Administrative Service and Information Branch. The Secretary would certainly be extremely interested to have the views on this subject that any Members would care to put to him.

MR. MARTIN LEE: *Sir, taking into account the change in the purchasing power of the Hong Kong dollar since 1977, what is the present equivalent of \$20 in 1977?*

SECRETARY FOR SECURITY: Sir, I am afraid I have not got those details with me but I am sure that my hon. Friend, the Financial Secretary, will be willing to give my hon. Friend an answer in writing. (See Annex II)

MR. LAI: *Sir, may I ask whether the Secretary will inform this Council how successful the police raids have been in checking alleged triad activities associated with fraternity associations and are there any indications that they have been successful? Secondly, what is the success rate of the prosecution of fraternity associations for infringement of the Gambling Ordinance for the past three years, with specific reference to cases where they are being contested in court?*

SECRETARY FOR SECURITY: Sir, with the greatest respect I think these questions are out of order. The initial question of my hon. Friend referred to the review.

MR. JACKIE CHAN (in Cantonese): *Sir, there is a Chinese saying which says that those who do not know should not be penalised, so in reviewing the Ordinance, would consideration be given to prescribing lighter sentences for people who commit offences for the first time, and not keeping any criminal record? You would only record the crimes upon repeated offences.*

SECRETARY FOR SECURITY: Sir, I will put that request to the Secretary for Administrative Services and Information for him to consider in the review.

DR. HO: *Sir, will the Secretary for Security pass to the review group for consideration that the staff who do not know that the club in which they are working have been deregistered will not be regarded as having committed a criminal offence?*

SECRETARY FOR SECURITY: Yes, Sir, I will.

MR. LAI: *Sir, does the Government see the need to step up the publicity activity to warn the general public of the peril they place themselves in by playing mahjong in a fraternity association. If so, what are they? If not, why not?*

SECRETARY FOR SECURITY: Again I would like to remind my hon. Friend that his initial question referred to the review. I think my most appropriate answer to the third question is to say that I will put this also to the Secretary for Administrative Services and Information.

Rehousing of squatters affected by the Tate's Cairn Tunnel project

8. DR LAM asked (in Cantonese): *In order to facilitate the completion of the Tate's Cairn Tunnel project, will Government give consideration to according to squatters affected in this development project the same rehousing priority as that proposed for those living in the Kowloon Walled City so that upon clearance, those squatters who have resided in Hong Kong for seven years may be given public housing?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the rehousing and compensation package for persons affected by the Kowloon Walled City clearance will be submitted to the Finance Committee of this Council for approval on 9 December. It would not be proper for me to prejudge the decision of the Finance Committee and I am therefore unable at this stage to compare the rehousing criteria for the two clearances.

However I can say that as the Tate's Cairn Tunnel clearance is a squatter clearance, it is intended to apply normal squatter clearance rules to those affected by the clearance. Only those who satisfy the normal rehousing criterion, that is 10 year's residence in Hong Kong for the majority of family members, will therefore be offered permanent rehousing upon clearance.

DR. LAM (in Cantonese): *Sir, could Government inform this Council whether, from the point of view of the overall importance of Hong Kong, the Tate's Cairn Tunnel is more important than the future Kowloon Walled City Park? Why does the Government use two sets of criteria? On the one hand, the Government gives preferential treatment to the residents of Kowloon Walled City but on the other hand, people who are affected by the Tate's Cairn Tunnel development are given less favourable compensation.*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, as Members are well aware, clearance of the Kowloon Walled City is a very special case. A pragmatic approach has to be adopted to resolve this problem left over from history. As I have said in my reply, I cannot go into the details of the clearance package but in general any relaxation in the eligibility criteria in squatter clearance will create an increased demand for public housing, particularly in the urban area which cannot be met for the time being.

MR. DESMOND LEE: *Sir, I suppose the Kowloon Walled City is not a squatter clearance in the meaning of the term used in paragraph 2 of the answer. If my supposition is correct does it mean that the Walled City is a unique kind of clearance and what are the features which make it so unique?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, as I have said, it is not proper for me to be discussing a Finance Committee paper which will be discussed on 9 December today.

MRS. NG (in Cantonese): *Sir, since the Government has met a lot of difficulties in finding sites for building TH As or temporary housing areas especially in the urban area, and since the temporary housing area policy is not policy which enables land resources to be exploited adequately as only two-storey structures are constructed, could the Government consider reviewing the temporary housing area policy and revise the 10-year residence period as a criteria for public housing.*

HIS HONOUR THE PRESIDENT: That question is somewhat away from the original. Would Secretary for District Administration be prepared to comment?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, I will certainly pass on Mrs. NG's comment to Secretary for Housing but certainly this is quite different from the original question.

- (e) in section 16A(10)—
 - (i) by deleting ‘\$100’ in paragraph (a) and substituting the following—
‘\$200’; and
 - (ii) by deleting ‘\$200’ in paragraph (b) and substituting the following—
‘\$400’;
- (f) in section 17A—
 - (i) by deleting ‘\$100’ in paragraph (a) and substituting the following—
‘\$200’; and
 - (ii) by deleting ‘\$200’ in paragraph (b) and substituting the following—
‘\$400’;
- (g) in section 36C by deleting ‘\$12,000’ and substituting the following—
‘\$14,000’;
- (h) in section 36J by deleting ‘\$37,000’ and substituting the following—
‘\$43,000’; and
- (i) in the Third Schedule—
 - (i) by deleting ‘\$30’ in item 1(b) and substituting the following—
‘\$40’;
 - (ii) by deleting ‘\$15’ in item 2(b) and substituting the following—
‘\$20’; and
 - (iii) by deleting ‘\$30’ in item 3 and substituting the following—
‘\$40’.

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

The purpose of this resolution is to revise and update the levels of compensation specified under various sections of the Employees’ Compensation Ordinance. This is customarily done every two years, in accordance with the recommendations of a 1978 working party which reviewed the then Workmen’s Compensation Ordinance. The present levels have been in force since 1 January 1986, so a further revision is now due. To give insurers sufficient time to adjust their rates of premium, it is proposed to bring the revised levels of compensation into force on 1 January 1988.

Increases in levels of compensation are based on increases in wages over a given period, the current period being 1 January 1986 to 31 December 1987. The latest estimates are that wages will have increased by about 15.5 per cent during this two-year period.

Accordingly it is proposed to raise the maximum amounts of compensation for death and for permanent total incapacity in the relevant sections of the Ordinance from \$299,000 to \$345,000 and from \$341,000 to \$394,000; and the minimum amounts from \$100,000 to \$116,000 and from \$114,000 to \$132,000. Compensation for the need for constant attention will be raised from \$137,000 to \$158,000.

A similar 15.5 per cent increase is proposed in sections 16C and 16J in respect of the maximum payments to be made by an employer towards the costs of supplying and fitting a prosthesis or a surgical appliance and for its repair or renewal. The present amounts, \$12,000 and \$37,000, will accordingly be raised to \$14,000 and \$43,000.

It is proposed to increase the surcharge payable by employers to employees where employers fail to pay compensation for minor claims under sections 16A(10) and 17A. These surcharges which were introduced in 1982 are \$100 and \$200 and it is proposed to raise them to \$200 and \$400. The intention of these sections is to discourage late payment of compensation and the increase of 100 per cent on the current surcharge brings them into line with the increases of 100 per cent in levels of compensation for permanent injury or death which have taken place since 1982.

The maximum daily rates payable by the employer for hospital stay and out-patient treatment for an employee receiving medical treatment also require adjustment to take into account recent increases in the daily charges in government and subvented hospitals. These rates are laid down in the Third Schedule of the Ordinance. Increases from \$30 to \$40 for each day of stay in a hospital and from \$15 to \$20 for each day of out-patient treatment are proposed. The revised rates should enable an employee to recover full medical expenses from his employer if he receives treatment in a government or subvented hospital or to receive a reasonable subsidy if he chooses to obtain treatment at private hospitals or from private doctors.

Finally, section 11(5) of the Ordinance deems an employee's minimum earnings for the purpose of calculating compensation to be \$800. This figure is based on the level of subsistence allowance for a single person under the Public Assistance Scheme. It is proposed to increase this figure to \$920 in line with its current PA equivalent.

The Labour Advisory Board was consulted in July and unanimously endorsed a proposal to increase these compensation rates in line with the increase in wages. However the actual figures now proposed have subsequently been adjusted in the light of the latest information on actual wage rates.

Sir, I beg to move.

Question proposed, put and agreed to.

PNEUMOCONIOSIS (COMPENSATION) ORDINANCE

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion: That the Ordinance be amended, with effect from 1 January 1988, as follows:

- (a) in the First Schedule—
 - (i) in Part I—
 - (A) by deleting ‘\$299,000’ in items 1, 2 and 3 and substituting in each case the following—
‘\$345,000’; and
 - (B) by deleting ‘\$100,000’ in item 4 and substituting the following—
‘\$116,000’;
 - (ii) in Part II—
 - (A) by deleting ‘\$341,000’ in items 1, 2 and 3 and substituting in each case the following—
‘\$394,000’; and
 - (B) by deleting ‘\$114,000’ in item 4 and substituting the following—
‘\$132,000’; and
 - (iii) in Part IV by deleting ‘\$137,000’ in item 4 and substituting the following—
‘\$158,000’; and
- (b) in the Second Schedule—
 - (i) by deleting ‘\$30’ in item 1(b) and substituting the following—
‘\$40’;
 - (ii) by deleting ‘\$15’ in item 2(b) and substituting the following—
‘\$20’; and
 - (iii) by deleting ‘\$30’ in item 3 and substituting the following—
‘\$40’.

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

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

Sir, I beg to move.

Question proposed, put and agreed to.

IMMIGRATION ORDINANCE

THE SECRETARY FOR SECURITY moved the following motion: That section 18(3) and parts VIIA and VIIB of the Immigration Ordinance shall expire on 31 December 1988.

He said: Sir, I move the motion standing in my name on the Order Paper. It seeks to extend section 18(3) and Parts VIIA and VIIB of the Immigration Ordinance for a further year.

Section 18(3) of the Immigration Ordinance was first enacted in January 1979 to help the Government deal with the problem of Vietnamese refugees. It removes the limit of two months during which an immigration officer may remove a person refused permission to land in Hong Kong, if it appears to the Director of Immigration that that person was previously resident in Vietnam. This subsection has been re-enacted annually and will expire on 31 December 1987 unless extended by resolution of this Council.

Parts VIIA and VIIB of the Ordinance were enacted in August 1979 to provide for more effective control of trafficking in unlawful immigration. Under these provisions, any person who aids illegal immigrants to enter Hong Kong commits an offence. Offenders are liable on conviction to a fine up to \$5 million and imprisonment for life, while the ships and other property involved are liable to forfeiture. These two parts have also been re-enacted annually and will expire on 31 December 1987 unless extended.

Sir, the reasons why we still need these provisions are unfortunately only too clear. Our Vietnamese refugee problems are still with us. There has been a 54 per cent increase in arrivals from Vietnam this year compared with last year. In the first 11 months of 1987, a total of 3 119 Vietnamese refugees arrived, compared with 2 026 in the corresponding period of 1986. Resettlement of Vietnamese refugees from Hong Kong has declined drastically this year, by some 44 per cent compared with last year. As a result our present refugee population is 14 per cent higher than it was when I moved the retention of section 18(3) last year. And the prospects for next year as far as resettlement is concerned are not good.

Sir, illegal immigration from China also remains a problem. For the first 10 months of 1987, 18 564 illegal immigrants were arrested when attempting to enter Hong Kong, and a further 3 432 who had evaded security forces at the border were arrested subsequently, compared with 14 028 and 2 969 respectively for the corresponding period last year. No particular reason has been identified

for the increased level of illegal immigration this year. It could well be a combination of the usual factors including absolutely unfounded rumours circulating in China that amnesties would be granted and that jobs are easily available in Hong Kong, even to illegal immigrants.

Sir, it is against this background that we need to retain these provisions in the Immigration Ordinance. But it is our belief that neither the Vietnamese refugee nor the illegal immigration problems will be with us permanently. Accordingly, the motion before this Council seeks to extend the provisions for one more year until 31 December 1988 when we shall again review the position.

Sir, I beg to move.

Question proposed.

Mrs. FAN: Sir, in supporting this motion I wish to comment on the reasons why section 18(3) of the Immigration Ordinance is still necessary and to express my deep concern at the increasing burden that is being imposed on Hong Kong by the Vietnamese refugee problem.

Between the end of 1979 and the beginning of this year the number of refugees in our open and closed camps had been steadily declining. This year, owing to a 54 per cent increase in arrivals and a 44 per cent decline in resettlement, the number has, for the first time, increased sharply. On 1 December 1987 there were 9 331 Vietnamese refugees in Hong Kong, and by the end of the year it is possible that the number will pass the 10 000 mark, which will represent an increase of nearly 25 per cent over the number of refugees remaining in Hong Kong at the end of last year. Even when the numbers of refugees in Hong Kong were still gradually declining Members of this Council were concerned that Vietnamese refugees and closed camps were becoming a permanent feature in Hong Kong, just as the temporary, emergency provisions under discussion today are becoming a permanent part of our immigration law. In the adjournment debate on 7 January this year we urged that Her Majesty's Government should pursue stronger, more lasting solutions in the form of repatriation of those who were not genuine refugees. We have since been told repeatedly by HMG that such solutions will require lengthy and complex diplomatic negotiation and that we should not expect to see fast results. It now seems from the remarks of visiting British officials that it will be well into the 1990s before we can even expect Vietnam to take the subject seriously. Meanwhile, we have to cope with an increasing rate of arrival, a declining rate of resettlement, and the existence in our closed camps of large numbers of people who, after three, four or even five years of incarceration, have forgotten what normal life is like.

Sir, we appreciate HMG's efforts to find a lasting international solution to the Vietnamese refugee problem, and we understand and accept that negotiations will take time. What we cannot accept, however, is the claim by HMG that 468 refugees over the current two-year period (that is 234 refugees a year) represents

the limit to the number of refugees that the United Kingdom is capable of absorbing from Hong Kong, or the claim that this initiative will encourage other resettlement countries to increase their commitments to taking refugees from Hong Kong. I have received some 60 letters from Lords and MPs expressing support for the recent request by the Legislative Council Ad Hoc Group on Refugees that HMG should increase its commitment to taking refugees from Hong Kong. Among those letters, I received from Lord ENNALS, the Chairman of the Asia Committee of the British Refugee Council, a copy of a note that the council has sent to HMG containing its views on the United Kingdom's present commitment to resettlement. The British Refugee Council describes the arrival of the 468 refugees from Hong Kong at the rate of only 20 per month as inexplicable, since the previous intake of 40 per month was easily absorbed by the refugee agencies. The council reports that initial reaction from other resettlement countries indicates that they find the offer of 234 places in a year to be derisory set against their own existing commitments; and that a figure of 1 000 places in a year, originally proposed by the UNHCR, would have stimulated a far more positive response. The council recommends that the United Kingdom's commitment should be increased to include family reunion cases not covered by existing criteria, vulnerable groups such as the handicapped and unaccompanied minors, and hard-to-settle cases. These recommendations, Sir, are very similar to the recommendations that the Legislative Council ad hoc group has been putting forward during the past year. The group has also stressed the importance that other resettlement countries place on the United Kingdom's special responsibility towards its dependent territories, Hong Kong. We have now been told emphatically by the Prime Minister that the United Kingdom's resettlement commitments have been extended as far as possible for the time being: if this is so, then is it surprising that other resettlement countries regard the United Kingdom's resettlement of 234 refugees a year from Hong Kong as derisory? Canada has already admitted 724 refugees so far this year; Australia 483; and the USA 321. And how can we in Hong Kong ourselves avoid seeing the United Kingdom's contribution as derisory when we now have an average of 300 refugees arriving in Hong Kong every month?

We hear much, Sir, about the duties and obligations of places of first asylum, but perhaps we should do well to reflect on the report on the United Nations Secretary General's remarks at the 1979 Geneva Conference. The Secretary General said then that it was essential that the rest of the world should act in a decisive way to ease the tremendous burden imposed on the South East Asian states; that such action 'would enable those states to adhere to the principle of first asylum'; and that 'since the countries of first asylum were developing countries confronted with serious economic and social constraints, it was essential that countries outside the area assumed the principal responsibility for resettlement.'. Most important of all, the Secretary General emphasised that, 'while the countries of initial arrival were expected to respect fully the principle of first asylum for refugees coming there by land and sea, they in turn expected an assurance that they would not be burdened with the residual problems and

that no refugees would stay in their countries for more than a specified period.' Sir, we no longer have that assurance and our burdens are increasing as is evidenced by this motion to retain section 18(3). If the international understandings reached at the Geneva Conference are still valid, and if we are still fulfilling to the letter our obligations as a place of first asylum, then why is the rest of the world not playing its part, and why is Britain, which committed Hong Kong to these obligations, not taking the lead?

The ad hoc group has requested the Secretary for Security to pursue vigorously through the British Government the possibility of repatriation over the coming few months and, by April next year, to arrive at some assessment of how long it would take the Vietnamese Government to accept the proposal and to act upon it. We have also requested the Secretary at the same time to examine the existing policy on granting first asylum to all boat people from Vietnam, should it become clear by April that little progress can be made with the repatriation proposal. The ad hoc group's exasperation with the policy of first asylum springs, Sir, from the failure of resettlement countries, and particularly the United Kingdom, to fulfil their role in the arrangements drawn up at the Geneva Conference: like the closed camp policy, and like section 18(3) of the Immigration Ordinance itself, it would not have arisen had Hong Kong been assured of the speedy resettlement overseas of all Vietnamese boat people who enter our waters.

Sir, I support the motion, although, for the reasons given above, I regret its necessity.

MR. HUI: Sir, Mrs. Rita FAN has spoken on the reasons why section 18(3) of the Immigration Ordinance is still necessary and on the failure in particular of the British Government to recognise her responsibility to Hong Kong to take the lead in relieving Hong Kong of its growing refugee problem. I share her exasperation. We are all aware that resettlement is not a lasting solution to the refugee problem, but, until a lasting solution that puts a stop to the outflow of refugees from Vietnam can be found, short of refusing to allow boat people to land in Hong Kong, greater resettlement overseas is the only method we have of controlling the number of refugees in our camps, reducing the burden on the Hong Kong taxpayer, and alleviating the misery and uncertainty of the refugees themselves.

In the financial year 1986-87 the total cost of caring for Vietnamese refugees in both open and closed centres was \$160.1 million: \$29.6 million of this was contributed by the UNHCR; and \$7.8 million of this was contributed by voluntary agencies in Hong Kong: the bulk of it, being \$122.7 million, was borne by the Hong Kong taxpayer. With a 54 per cent increase in the rate of arrival, a 44 per cent decline in resettlement, and a 16 per cent increase in the population remaining in our camps, we must expect the taxpayer's contribution for the year 1987-88 to exceed that considerably. And if we add to that the cost of the ex-China Vietnamese illegal immigrants we are probably talking about a

sum of more than \$200 million. Caring for Vietnamese boat people must now be one of the fastest growing items of Government recurrent expenditure, and the faster it grows the less we have to spend on our own much-needed medical, education and social welfare programmes.

The burden on the Hong Kong taxpayer is easily measured in terms of dollars. The anguish and hopelessness of refugees kept in camps year after year is not so easily measured. 4 335 of the refugees now in open and closed camps have been there for more than three years: 968 have been there for more than seven years. With the declining rate of resettlement these numbers will increase, and the frustration and the lack of motivation borne of hopelessness will also increase. Already social workers in the camps are reporting a markedly increased incidence of violence, particularly within the family, and have expressed concern over the erosion of the family unit and a decline in parental authority caused by the institutional nature of the camps. We are, I think, Sir, all convinced that without the closed centre policy Hong Kong would very quickly be flooded with Vietnamese boat people. But I do not believe that five years ago, when the policy was introduced, any of us would have imagined that probably more than half of the refugees who were to enter those centres could expect to remain there for three years or five years or even longer, or that there would be children born and brought up in the centres who have known no other existence.

Sir, the boat people now coming to Hong Kong, in respect of whom this resolution is relevant, are predominantly farmers and fishermen from northern Vietnam. They are not the sort of people who are going to find it easy to settle into the sophisticated, industrial societies of the countries that are now accepting refugees for resettlement. Nor are they likely to be very attractive candidates for resettlement in the first place, especially when they have lost confidence, self-esteem and motivation through years of confinement in closed camps. We are in danger of having on our hands refugees who are incapable of resettlement and who, with every wasted year spent in closed camps, will become increasingly frustrated and desperate. It is surprising that the Government, and the UNHCR have not responded more quickly and energetically to this frightening fact. Only recently have we learned that the Government and the UNHCR are considering ways of improving education for children in the closed camps; suggestions made some months ago by our Legislative Council ad hoc group that job opportunities should be brought into the closed camps have not even been replied to. There is nothing more calculated to aggravate listlessness, frustration and despair than enforced idleness: it is any wonder that there is violence and irritability in the camps when there is nothing to do; or that children do not have respect for parental authority when the parents have no work? Jobs paid for at something near the market rate, combined with vocational training, would produce candidates for resettlement with more self respect, greater skills, and a greater capacity for adapting to industrial life; and money earned from it could also be put partly towards the cost of running the camps.

Sir, I understand from the Administration that the responsibility for work and education for refugees lies principally with the UNHCR. The UNHCR has condemned the closed camp policy and has called for an end to be put to it. We should all like to see it put to an end, Sir, but this can only happen when we have a lasting solution that will guarantee that our refugee population will not increase. In the absence of such a solution the British Government is duty bound to fulfil its moral obligation to Hong Kong by setting an example in arranging overseas resettlement of our refugees. Meanwhile the only temporary solutions are closed camps and speedier resettlement. The UNHCR has a role to play in ensuring that the time refugees have to spend in closed camps is as short as possible and that when they leave the camps they are capable of adjusting to whatever new life there is for them beyond closed camps.

With these words, Sir, I support the motion.

SECRETARY FOR SECURITY: Sir, I would like to thank my two hon. Friends for their support for this motion. I too very much regret its necessity.

Sir, I have fully taken the points that both hon. Members have made and I can assure all hon. Members that the efforts of the Hong Kong Government to pursue solutions to the problems of refugees will not, in any way, diminish. Our solutions are, of course, resettlement in the short term and screening repatriation of new arrivals in the long term, provided we can be satisfied they will not be treated inhumanely on return.

Sir, I would like to take up my hon. Friend Mr. HUI'S two points about education and work in the closed camps. For many years now, we have in fact been considering with the UNHCR and the voluntary agencies concerned ways of improving the education of the Vietnamese refugees' children in the closed centres. Improvements have, in our view at any rate, been introduced steadily throughout the years as far as education within the camps is concerned. What we are now looking at is a formal proposal from the UNHCR that the Vietnamese refugee children in the closed centres should be educated in Hong Kong schools outside the centres. On the face of it, this is a very good idea and in particular it meets the major and valid criticism of the closed centres that children are being brought up in these centres completely divorced from normal life. If these children can go to Hong Kong schools then they will experience life in a highly sophisticated society. This will obviously be to their advantage not only as individuals but also in terms of their prospects of resettlement. But I am afraid it is not that easy in practical terms. We have been considering all the various angles to it and we hope to be able to put proposals to the Executive Council shortly.

Now, Sir, as regards work opportunities. As I informed the Legislative Council ad hoc group on 10 October, their suggestions are being considered by a working group established by the United Nations High Commission for

Refugees. On the whole our previous efforts to attract local manufacturers to provide work opportunities to Vietnamese refugees in the closed centres have not been particularly successful, largely because of the location of these centres. But refugees are undertaking piece work on a paid basis and they are doing this now. Examples of the sort of industries which they are working in are tailoring, knitting, assembling toys and assembling electronic equipment.

Question put and agreed to.

First Reading of Bills

CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1987

TOWN PLANNING (AMENDMENT) BILL 1987

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

Second Reading of Bills

CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1987

THE SECRETARY FOR DISTRICT ADMINISTRATION moved the Second Reading of: 'A Bill to amend the Corrupt and Illegal Practices Ordinance'.

He said: Sir, I move that the Corrupt and Illegal Practices (Amendment) Bill 1987 be read a Second time.

The main purpose of the Bill is to amend the Corrupt and Illegal Practices Ordinance to make 'name-dropping' an offence and to permit the Deputy Chief Secretary to specify the form of return and declaration of election expenses.

Both of these amendments, as well as others which do not involve amendments to the principal legislation, were proposed following a review of electoral arrangements by an ad hoc group within the Administration. The review started in May 1986, shortly after the last elections to the Urban and Regional Councils, and was completed in October of that year. The views of the public on the mechanics of elections and ways to enhance the effectiveness of the electoral arrangements were also invited through a press announcement before the review started. In order to help the public to be aware of intended changes to the electoral arrangements, the more important recommendations of the review group were referred to in the Green Paper 'The 1987 Review of Developments

in Representative Government'. This provided the public a further opportunity to comment on the proposed changes and it is proper that the submission of the Bill should follow the publication of the Survey Office report.

Since the cycle for the next district board elections will begin in early January 1988, and in view of the Christmas and the New Year recess, it is necessary to seek Members' indulgence in considering the Bill now and in two sittings.

'Name-dropping' refers to a situation in which a candidate in an election claims to have the support of another person or organisation, without the prior written consent of the person or organisation whose name is being used. It was noted that misrepresentation in the content of some campaign materials used in the last elections in March 1986 had attracted general criticism from the public. Although section 16(3) of the Corrupt and Illegal Practices Ordinance provides for interim or perpetual court injunctions to be taken out by the injured party, such action can take time. It is therefore proposed to make an additional provision in the Ordinance, specifically to cover name-dropping, by requiring candidates to seek and obtain prior written consent before using the name of any other person or organisation in their election activities, and by making a breach of this provision an offence.

The penalties prescribed in clause 2 of the Bill for name-dropping are a fine of \$500 on summary conviction, or a fine of \$2,000 on conviction on indictment, together with a disqualification from being registered as an elector for seven years from the date of conviction. Section 9(3) of the principal Ordinance further provides for disqualification from candidature for 10 years. These measures are considered an adequate deterrent.

On election expense returns, it is held that candidates should be required to describe their election expenses more fully to help assessment and investigation (if necessary), and that services in kind, namely contributions or donations in the form of goods and services provided free, should be clearly indicated in the return. The existing Schedule to the principal Ordinance is out of date and cannot achieve this purpose. It is therefore proposed that the Schedule be deleted and the Deputy Chief Secretary be permitted to specify the form of return and declaration of election expenses so as to make the arrangements more flexible in the future.

Sir, I beg to move.

Question proposed.

MR. PETER C. WONG: Sir, two of my colleagues, Mr. Martin LEE and Mr. Desmond LEE, will be speaking this afternoon as they will not be in Hong Kong next Wednesday. Mr. Martin LEE will be the last to speak and he has agreed to move at the end of his speech that the debate on this motion be adjourned.

MR. DESMOND LEE (in Cantonese): Sir, first of all, I would like to thank you for giving me permission to speak this afternoon on the Corrupt and Illegal Practices (Amendment) Bill 1987. I feel that the Bill has major implications on the candidates, the voters and the mechanics of the district boards and municipal councils and that the Bill requires further discussion and more careful scrutiny. If any inconvenience is caused by my speaking today, I would like to apologise to my fellow Councillors.

The Bill was published last Friday, that is, 27 November. Today it will receive its First Reading and its Second Reading will be debated. The legislative procedure is scheduled to be completed next Wednesday. So altogether there is a period of only 12 days but district boards and the two municipal councils which are directly affected have no chance to discuss the Bill. Neither is there adequate time for them to be consulted or for them to submit views to the Council. I understand that nominations for district board elections will be invited on 8 January 1988, but the Legislative Council will go into recess on 9 December and will only resume on 13 January. So we will have to complete the Bill's legislative process next Wednesday in order that it can be applied to the district board election in 1988. Why is it that the Bill has not been introduced earlier? The reason given is that the issues have been incorporated into the Green Paper for consultation so we will have to wait for the publication of the Survey Office report before the Bill can be drafted.

On many occasions, I made one and the same criticism about the Green Paper which is it includes too many trivial issues. I made this point in two debates in this Council (not including today's speech) regarding unauthorised name-dropping and amendments to the election expenses return; of the 140 000 submissions to the Survey Office, these two issues are touched on only in 30 submissions, so this shows that these items should not have been included in the Green Paper. The Government should have made administrative decisions on these issues some time ago and consulted the relevant boards and committees when the Bill was drafted. Unauthorised name-dropping would become an offence and the penalty has been stipulated in the Bill. Is the penalty reasonable? Are there loopholes? If district boards and municipal councils do not have adequate chances to express their views then my mind is not at ease over these two questions.

The Bill stipulates that prior written approval or consent must be obtained before candidates can use the name of any other person or organisation in support of their candidature, otherwise they will be regarded as having committed an offence. The penalty is a fine of \$500 on summary conviction or a fine of \$2,000 on conviction on indictment together with a disqualification from registration as an elector for seven years and as a candidate for 10 years. I feel that the penalty is severe. Disqualification from candidature for 10 years will bring the penalised candidates beyond 1997. Let us compare this with cheating

in examination. A student who cheats at a certain examination will have his score for that particular examination nullified. It is unheard of that he will be barred from that examination for the next 10 years.

In addition, such legislation might bring certain conspiracies, for example, there might be a certain dignitary who does not want a certain candidate to get elected. He may deliberately however, give written authorisation to the candidate to use his name in election activities. After the candidate has put up notices and printed publicity literature, the dignitary may write in again to the candidate withdrawing his support and instructing the candidate to produce some other rectification notices and publicity materials. Such a play not only does damage to the credibility of the candidate but also adds to his election expenses possibly to the extent that the election expenses is exceeded and the candidate is disqualified.

Another possibility is that a certain person may have a long standing grudge against a certain candidate. This person deliberately produces notices and publicity literature using the names of public figures. This person then anonymously informs the other competing candidate accusing the candidate in question of using the name of public figures without authorisation. It will be very difficult for the accused to prove that he has not himself distributed the publicity material even if he puts forth evidence to prove his innocence. The time and effort taken to tackle this will be considerable and an election campaign may be adversely affected.

The Bill also amends the section on election expenses return and candidates will be required to provide more detailed information. The items are so minutely broken down. Far too much emphasis is given to the trivia, for example, the separation of the remuneration of drivers from the quantity and price of petrol in the hire of vehicles. It is simply impractical, wasting the time and energy of the persons who have to fill in the form.

Sir, I agree to some of the principles of the Bill such as making it an offence to use other people's name without authorisation. The defects and doubts that I have just pointed out, however, are there. They must be carefully studied with a view to finding satisfactory solutions. A period of 12 days is too short. To pass the Bill with haste will not give me ease of mind. It may even lead to endless bad consequences. Therefore will slight deferment of the Bill be considered so that the district boards, Urban Council, Regional Council as well as members of public can express their views? If this proposal is accepted, a special meeting of this Council can be convened in January next year before nomination of candidates to complete the legislative procedure of the Bill.

Sir, there was a historical story back in ancient China known as 'making fun of the feudal lords'. 'King Yiu' of the Zhou Dynasty raised a false alarm and made fun of the feudal lords who had to come from different areas of the empire just to make his beloved concubine laugh. Hasty passage of this Bill

may give representatives of district boards and the two municipal councils the feeling of being made fun of. I am afraid that this might be regarded by the public as another joke after the recent survey of public opinion.

MR. MARTIN LEE: Sir, I am indebted to you for allowing me to address this Council today.

In the normal course of business in this Council, a Bill such as the Corrupt and Illegal Practices (Amendment) Bill 1987 would be introduced for the First Reading and the moving of the Second Reading 12 days after its publication in the Gazette, and thereafter there would be a further period of a minimum of a fortnight allowed for the scrutiny of the Bill and for public consultation before it would be read for the Third time and passed into law. These are the normal minimum periods necessary to enable Members of the Legislative Council to discharge their public duty as legislators. I stress that these are 'minimum' periods because very often after the introduction of a Bill into this Council, it becomes apparent that further time is necessary to ensure that it receives proper scrutiny before being passed into law and in these cases, further time would be given.

However, in the case of the Corrupt and Illegal Practices (Amendment) Bill 1987, I regret to say that the Government, for the wholly inexcusable reasons, is seeking to abrogate the normal minimum scrutiny period. The Bill was gazetted just five days ago and the Government intends to have it enacted next Wednesday. Whilst legislators certainly have a duty to respond constructively in cases where legislation is urgently required, the Government also owes it to Members and to the people of Hong Kong to avoid hasty (and therefore possibly ill-considered) enactment of Bills wherever possible. In the case of this Bill, the urgency is entirely the Government's own making, because the mischief which it seeks to remedy, namely, false claims of support by candidates in elections, has been known to the Government for at least the last 18 months. Yet it is only now, at the penultimate sitting before the next election cycle begins in January 1988, that the Government chooses to introduce the Bill, leaving Members of this Council and the public just 12 days between its publication and the deadline for enactment.

To make matters worse, the justification advanced by the Government for the delay shows either muddled thinking or conscious confusion of issues. The Government's argument is that because it had somehow thought fit to include the question of name-dropping in the Green Paper, it was not right to propose legislation on the subject until after the publication of the Survey Office report. The fallacy in this argument is two-fold:

- (1) In the first place, the Green Paper did not seek the public's views on the question of name-dropping by listing it as an option or otherwise;

- (2) In the second place, the Government knew the timetable for the Green Paper many months ago and therefore by deliberately inserting name-dropping in the Green Paper, it was consciously creating for itself and for Members of this Council an unjustifiable legislative straight jacket.

In the time available to me, Sir, I have endeavoured to scrutinise the Bill to the standard required, and I shall continue to do so even though the truncated timetable means that I shall be unable to be present when the Bill precipitates to its final stages next week.

I support the principle of the proposed new section 17, Sir, which is designed to ensure that before a candidate in any election may state that he has the support of a person or an organisation, he must first obtain the written consent of that person or organisation. The present provision in the Ordinance, section 16, is an inadequate preventive measure since by the time a court injunction has been obtained forbidding further false claims the damage has already been done—and unless there is a requirement of consent in writing, it places an unnecessarily heavy burden on the plaintiff sponsor in satisfying the court that he has not given prior consent to the defendant candidate to use his name.

Sir, I have, however, the following reservations over the proposed new section 17 in its present form: First, as drafted, it imposes a strict liability on the defendant, allowing no possibility of any excuse, however reasonable, as a defence. This, in my view, is unjust, since there may be cases where the defendant is genuinely not at fault. For example, the purported written consent of an organisation may prove to be invalid due to procedural irregularities entirely unknown to, and beyond the control of, the candidate. In view of the very serious consequences of a conviction, which include automatic disqualification as an election candidate for 10 years—under section 19(1)(g)(ii) of the Electoral Provisions Ordinance (Cap. 367), it is right in principle that clause 17 should provide the defence of reasonable excuse.

Second, further thought must be given to the question of the withdrawal of consent. A number of questions arise. Can a written consent be withdrawn orally? If not, should a written withdrawal of consent result in a legal obligation being placed on the candidate to delete immediately all references to the sponsor's support in the candidate's printed election material? Should the candidate be required to go further and publish the fact of withdrawal of support? Sir, whether these and other subsidiary matters should or should not be provided for in the legislation is a question which has troubled me in the short time we have had to study the Bill. In the result, I have come to the view that instead of attempting to devise a comprehensive set of legislative provisions to cover all eventualities, it may be better to remind potential sponsors that they can and should impose reasonable conditions to their written consent.

In other words, it should be left to the sponsor and candidate to work out the terms of the giving of written consent by way of an agreement between them. I would suggest that before a sponsor gives his written consent to a candidate, he should ensure that there is no other candidate who is more worthy of his support in that particular constituency. In normal circumstances, a sponsor would be well advised to wait until after the nomination period is closed before giving his written consent. As for the candidate, I would suggest that he should not approach any public figure for support unless he is sure that the sponsor would not withdraw his support in mid-stream and lend his support to an opponent because that might cause irreparable damage to the candidate in question.

Sir, I had thought of opposing this Bill as a matter of principle because of the unreasonable haste created by the Government. But ultimately I have reminded myself that we are now in the season of good will and have decided not to say 'no' to the Bill but to say 'Merry Christmas' to the Secretary for District Administration.

Finally, Sir, may I now turn to a procedural matter. I am sure that other Members would wish to speak on this Bill next Wednesday after our ad hoc group has had further opportunity to scrutinise it. I therefore move, under Standing Order 30(1), 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.

TOWN PLANNING (AMENDMENT) BILL 1987

THE SECRETARY FOR LANDS AND WORKS moved the Second Reading of: 'A Bill to amend the Town Planning Ordinance'.

He said: Sir, I move the Second Reading of the Town Planning (Amendment) Bill 1987.

In the policy debate on 11 November I said that it has become clear that the present Town Planning Ordinance is no longer an adequate instrument for existing conditions in Hong Kong, both in respect of its procedures and also its scope, and that the Administration will undertake a complete review of the Ordinance. It is likely that new legislation resulting from this review will take at least two years to materialise.

Meanwhile it is proposed to amend the Town Planning Ordinance to put beyond doubt the authority of the Town Planning Board to control development within areas zoned for comprehensive development and to regulate uses and building works in those areas; and to confirm the validity of all previous areas zoned for comprehensive development. This is necessary because doubts have recently been expressed as to the validity of the zoning of Other Uses

(Comprehensive Redevelopment Area), and of the power of the Town Planning Board to require the submission of a master layout plan and to approve such plans.

At present many areas on Outline Zoning Plans are zoned 'Other Specified Uses' annotated 'Comprehensive Redevelopment Area'. In areas so zoned all uses specified in the notes which form part of the plans are subject to the permission of the Town Planning Board. The notes require also that the planning application for any development must be made in the form of a master layout plan, and accompanied by a statement setting out the proposed land uses and such other details as are required by the notes, for example, the proposed total gross floor areas for various uses, the details and extent of government institution and community facilities and of open space to be provided within the area.

The OU(CRA) zoning is used to encourage co-ordinated development or redevelopment of a whole area, often a dilapidated, run down area. The resulting development is generally better environmentally, and better served with community facilities and open spaces, because it is planned comprehensively and often constructed as a whole.

Since this form of Other Uses (Comprehensive Redevelopment Area) zoning started to be used in 1976, 43 such areas have been so zoned. Six have been successfully developed, 10 are under development, and 27 are yet to be developed. The present OU(CRA) system has worked well.

The Town Planning Board and the OMELCO Standing Panel on Lands and Works have been informed of the need to introduce amending legislation. Con-sequential amendments are made to the Buildings Ordinance, the Crown Lands Resumption Ordinance and the Land Acquisition (Possessory Title) Ordinance.

I move that the debate on the Second Reading be now adjourned.

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

Question put and agreed to.

Adjournment and next sitting

HIS HONOUR THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 9 December 1987.

Adjourned accordingly at eight minutes past Four o'clock.

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

WRITTEN ANSWERS**Annex I****Written answer by the Secretary for Education and Manpower to Prof. POON'S supplementary question to Question 3**

For activities with specified ratios for schools to follow, such as outdoor education camps, canoeing and the learn-to-swim scheme, inspectors of the Education Department's Physical Education Section liaise with the schools concerned to ensure that the activities are properly conducted. As far as possible this liaison includes visits to the camp sites or other venues.

For other physical activities like swimming galas and sports meets, the Department's inspectors conduct random checks from time to time. However, for the more common and frequently organised activities such as school picnics, outings of activity clubs, educational visits and so on, the department does not conduct any form of spot-check. We feel that school authorities and teachers have been given sufficient guidance and advice on safety measures and the proper supervision of students and that it is not really practicable to conduct spot-checks on activities of this kind.

Annex II**Written answer by the Financial Secretary to Mr. Martin LEE'S supplementary question to Question 7**

Taking into account the change in the purchasing power of the Hong Kong dollar since 1977 as measured by Consumer Price Index (A), the 1987 equivalent of \$20 in 1977 is approximately \$46.