

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 20 January 1988****The Council met at half-past Two o'clock****PRESENT**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

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

THE HONOURABLE THE CHIEF SECRETARY

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

THE HONOURABLE THE FINANCIAL SECRETARY

MR. PIERS JACOBS, O.B.E., J.P.

THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)

MR. JEREMY FELL MATHEWS, 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 ALLEN LEE PENG-FEI, C.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 CHAN KAM-CHUEN, O.B.E., J.P.

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

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

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

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

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

THE HONOURABLE CHAN YING-LUN, J.P.

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI, O.B.E., 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, O.B.E., 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 HO SAI-CHU, M.B.E., J.P.

THE HONOURABLE HUI YIN-FAT

DR. THE HONOURABLE CONRAD LAM KUI-SHING
THE HONOURABLE DESMOND LEE YU-TAI
THE HONOURABLE DAVID LI KWOK-PO, J.P.
THE HONOURABLE LIU LIT-FOR, J.P.
THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.
THE HONOURABLE PANG CHUN-HOI, M.B.E.
THE HONOURABLE POON CHI-FAI
PROF. THE HONOURABLE POON CHUNG-KWONG
THE HONOURABLE HELMUT SOHMEN
THE HONOURABLE SZETO WAH
THE HONOURABLE TAI CHIN-WAH
THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING
THE HONOURABLE TAM YIU-CHUNG
DR. THE HONOURABLE DANIEL TSE, 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, C.B.E., 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 NATHANIEL WILLIAM HAMISH MACLEOD, J.P.
SECRETARY FOR TRADE AND INDUSTRY
THE HONOURABLE EDWARD HO SING-TIN, J.P.
THE HONOURABLE CHAU TAK-HAY, J.P.
SECRETARY FOR DISTRICT ADMINISTRATION (*Acting*)

ABSENT

THE HONOURABLE LYDIA DUNN, C.B.E., J.P.
THE HONOURABLE JOHN JOSEPH SWAINE, C.B.E., Q.C., J.P.
THE HONOURABLE THOMAS CLYDESDALE, J.P.
THE HONOURABLE RICHARD LAI SUNG-LUNG
THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.

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:	
Fisheries Protection Ordinance Fisheries Protection (Amendment) Regulations 1988.....	3/88
Shipping and Port Control Ordinance Shipping and Port Control Ordinance (Exemption) Notice 1988.....	5/88
Road Traffic (Construction and Maintenance of Vehicles) Regulations Specification of Safety Glass Notice 1988	6/88
University of Hong Kong Ordinance Statutes of the University of Hong Kong (Amendment) Statutes 1988	7/88
Land Development Corporation Ordinance 1987 Land Development Corporation Ordinance 1987 (Commence- ment) Notice 1988	8/88
Import and Export (Registration) (Amendment) Regulations 1987 Corrigendum.....	9/88
Industrial Training (Clothing Industry) (Amendment of Schedule) Order 1987 Corrigendum.....	10/88

Sessional Papers 1987-88:

No. 37—Supplementary Provisions approved by the Urban Council during the third quarter of the financial year 1987-88

Others:

White Paper on the Annual Report on Hong Kong 1987 to Parliament—14 January 1988.

Oral answers to questions**Blood screening tests**

1. DR. CHIU asked: *Given that many kinds of diseases can be transmitted through blood transfusion, will Government inform this Council what tests are*

being used by the Hong Kong Red Cross Blood Transfusion Service to screen blood and blood products in order to ensure that they are safe for the purpose of transfusion?

SECRETARY FOR HEALTH AND WELFARE: Sir, the blood screening tests currently in use identify the presence of hepatitis B, syphilis and antibodies to the AIDS virus. Every unit of blood received by the Hong Kong Red Cross Blood Transfusion Service is subject to such screening as a matter of standard practice. These screening tests are carried out as recommended by the International Society of Blood Transfusion, the League of Red Cross Societies and the World Health Organisation in order to ensure that blood and blood products are safe for the purposes of transfusion.

All locally produced blood products are made from blood which has been screened in this manner. Imported blood products are required to be registered under the Pharmacy and Poisons Regulations before they can be sold in Hong Kong. Such registration is conditional upon similar types of screening and assurances of quality control by the appropriate authorities in the country of origin of the product.

DR. CHIU: *Sir, will the Government inform this Council of the percentage of contaminated blood collected in the last 12 months and whether it will advise the Red Cross to make it a practice to issue referral notes to donors whose blood is rejected owing to certain diseases so that they can seek medical treatment right away?*

SECRETARY FOR HEALTH AND WELFARE: Yes, Sir, I am told that during 1987, 155 000 units of blood were tested by the Blood Transfusion Service and hepatitis B was found to be present in 3.5 per cent of these and the figures for syphilis and AIDS were 0.05 per cent and 0.0013 per cent respectively. When a donor's blood is found to be infected in this way, the blood is discarded. The donor is told confidentially about what has been discovered and he is also offered medical advice and counselling and referred if he is willing to do so.

Daylight saving time

2. MR. EDWARD HO asked: *In view of the adoption of daylight saving time in many countries including the United Kingdom, USA and China, and recent calls by some members of the community in Hong Kong for the reintroduction of daylight saving time, will Government inform this Council whether it will consider adopting summer time in 1988?*

CHIEF SECRETARY: Sir, the Government is at present making a preliminary assessment of public opinion on the introduction of daylight saving time by means of a telephone poll conducted by the CNTA. If it is decided to take the

matter further, wider consultation will also be necessary. District boards may be consulted together with groups of a particular interest. These would include industrial groups, those concerned with travel and transport, including the airlines, sport and leisure. I have no doubt, Sir, that there would be wide-spread public interest in the matter also. Because of the need to give adequate notice, it is unlikely that any change could be introduced before 1989. But I would like to stress, Sir, that the Government has no preconceived views on this subject.

MR. EDWARD HO: *Sir, will Government inform this Council whether it has calculated the amount, in dollar terms, of savings in fuel oil if daylight saving time is adopted for the summer months?*

CHIEF SECRETARY: Sir, it is extremely difficult to work out an exact figure for the saving produced in terms of fuel saving and so on. When summer time was introduced on the last occasion, we did make some assessment of the amount of saving of fuel oil. This was in 1973 and 1974. Our estimate was that there was a saving of around 1 per cent. During the 1979 oil crisis, daylight saving time was introduced as one of a package of measures to conserve oil supplies. The package as a whole is thought to have achieved a reduction in power consumption of about 5 per cent but it is not easy to single out the contribution made by daylight saving alone.

MR. NGAI (in Cantonese): *Sir, I would like to know whether the Government has foreseen problems that workers and students will have when going to work or to school in the very early morning hours and as a result there may be accidents?*

CHIEF SECRETARY: Sir, we have looked, in a preliminary way, at the effect that the introduction of daylight saving time would have on the early morning hours and for Members' interest I can give those details. For example, from May to September, first light would vary between 6.10 am and 6.45 am compared to the present situation when there would be first light at between 5.10 am and 5.45 am. The same sort of problems that we had on the last occasion when summer time was introduced on a permanent basis would not be so acute if it was brought in temporarily for just the summer months. But these are the factors which Government will take close account of when deciding to take matters further, Sir.

MR. CHEONG-LEEN: *Sir, when will the preliminary assessment of public opinion be completed by CNTA? And, apart from the factor which has just been mentioned by the Chief Secretary, what other important factors would make Government decide to take the matter further?*

CHIEF SECRETARY: Sir, I think that the preliminary assessment will take about another month and at the end of that period there will have to be another decision as to whether we are going to take matters further. There are a large

number of advantages and disadvantages of summer time. The advantages are of course that it does provide extra hours light for people who are anxious for recreation in the evening and there is said to be some fuel saving as I have described. I understand from my friends on the Urban Council that there would be considerable saving on the parks which they operate because of the need to cut down on lighting in the evenings at a time when parks are used quite frequently. On the disadvantages, of course it is troublesome to adjust clocks twice a year. Some people, as Members have suggested, do like to get up early, even before 6 o'clock, and take their exercise and that would have to be in the dark. And for people living in crowded conditions it is a fact that earlier sunset brings relief from the summer heat. And so these are just some of the factors that will be taken into account. There are many more, Sir.

MR. HU: *Sir, can this Council be advised when the Government will decide whether to take the matter further or not?*

CHIEF SECRETARY: Sir, as I have said to Mr. Hilton CHEONG-LEEN, I think the initial assessment will take about a month or so.

MR. DESMOND LEE: *Sir, what were the major reasons for the abolition of summer time in the 1970s and do these reasons still exist?*

CHIEF SECRETARY: Sir, on the previous occasion when summer time was introduced in Hong Kong it was introduced on a year round basis and was not therefore purely a summer time situation, and many of the problems of early morning darkness caused a great deal of frustration in the community. The present proposal is that summer time should be introduced in the summer only and not throughout the whole of the year round and therefore some of these factors would be obviated.

Argyle Street Ophthalmic Centre

3. DR. IP asked: *Given that a start on the Argyle Street Ophthalmic Centre project will be dependent upon the vacation of a Vietnamese refugee camp from the site in Argyle Street, will the Government inform this Council what the target date of vacation is and whether it foresees any possible problems in achieving this target?*

SECRETARY FOR SECURITY: Sir, the Argyle Street Reception Centre is to be reprovisioned in part of the Kai Tak Transit Centre. The date for vacating the reception centre is dependent on the progress of the work necessary to refurbish accommodation for it in the Kai Tak Transit Centre. I am advised that this work will be completed in August 1988. We will then be able to vacate the site in Argyle Street not later than 1 September. We do not foresee any problems in achieving this target date.

DR. IP: *Sir, assuming that the site can be vacated on 1 September 1988 as mentioned, when will the Argyle Street Ophthalmic Centre project be completed and ready for medical service?*

SECRETARY FOR SECURITY: Sir, I do not have any information on that side of the story but what I can say is that the project is at present in category A/B and that the timing for the removal of the Argyle Street Reception Centre is consistent with the timing for getting it into category A.

HIS EXCELLENCY THE PRESIDENT: Secretary for Health and Welfare, do you wish to add to that?

SECRETARY FOR HEALTH AND WELFARE: Sir, my understanding is that following the timing indicated by the Secretary for Security, the target completion date of the Ophthalmic Centre will be June 1991 which is about six months later than originally scheduled, though every effort will be made to try and speed this up, but that is the best date we can give at the moment.

Expatriate English teachers' pilot scheme

4. DR. HO asked: *Will Government inform this Council of the progress of the expatriate English language teachers' pilot scheme which was established in September 1987, in particular the problems being encountered and how these problems are being resolved?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the pilot scheme referred to by Dr. Ho is for the two-year period from August 1987 to August 1989 and is being run by the British Council.

A total of 81 posts were originally chosen to take part in this scheme and in the first recruitment exercise, which was completed in the middle of 1987, 59 appropriately qualified teachers were engaged. They had a briefing in London and a two-week induction course in Hong Kong before starting to teach in our schools in September 1987.

Since then another 23 teachers have been recruited and they are now going through an induction course and will start teaching in February.

One of the original 59 teachers has resigned, as I understand for personal reasons, so by February we expect 81 teachers to be working in 41 participating schools.

The pilot scheme is to be evaluated by procedures designed by the British Council in conjunction with the Education Department and the Hong Kong Examinations Authority. These testing procedures are among the most rigorous used in any language teaching scheme anywhere. They are being used, first to

measure the language achievements of the pupils taught by the expatriate teachers; secondly, to assess the effect of the scheme in increasing motivation and interest among the pupils; and thirdly, to assess the contribution made by the expatriate teachers to the general life of the school.

The scheme has been in operation for only five months, so clearly it is still too soon to make any formal assessment of its effectiveness. Despite some rather sensational reports in the press, there have in effect been fewer difficulties than might have been expected. In a few schools there have been problems of class control, but such problems are also encountered by local teachers and discussions are held with the schools concerned to find ways to improve the situation. Adaptation to the teaching environment in Hong Kong has been easier for some teachers than for others, but problems are discussed and the teachers are given professional support in a variety of ways.

A British Council team visits each school in the scheme once a month and talks with the principal, the panel chairmen and the teachers. The council has someone available every evening so that teachers can discuss any problems. The council also organises professional support groups in which five or six teachers get together to discuss problems and ideas for new teaching methods. There are workshops for the teachers and up to two weeks of conference during the school holidays. The Education Department and the British Council also organise joint seminars for school principals and panel chairmen. In general these teachers have been warmly welcomed by their local colleagues and are approaching their task enthusiastically. So far the scheme seems to me to be going very well.

DR. HO: *Sir, in the teaching of a second language it is essential to give sufficient attention to individual students. The present class size of 35 to 40 in secondary schools does not permit language teachers to give students sufficient individual attention. Will the Secretary inform this Council whether the Government has any plans to reduce the class size to, say, 20 for English teaching?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Education Commission's recommendations in their first report included recommendations for additional teachers for language teaching, not just for English, which the commission proposed should be used for splitting classes in the way suggested by Dr. Ho. Subsequent local research has, possibly surprisingly, not confirmed that there is any benefit to be gained from splitting classes. It is not quite known why this should be and the commission has recommended that research should continue. But because of this doubt over whether split classes are in fact effective, the commission in its second report recommended that the schools should be given discretion as to how they made use of their extra teachers, either to split classes or in any other way the school principal thought was most effective.

MRS. CHOW: *Sir, referring to the last few lines of the penultimate paragraph of the answer, can we be informed what the main problems envisaged by those teachers who are encountering difficulty adapting to our teaching environment are, and what measures have been taken to resolve them?*

SECRETARY FOR EDUCATION AND MANPOWER: I think the problems to be encountered by people coming into a new culture are fairly self-evident; I mean, some people find it easier to adapt than others. I felt I had given a fairly detailed reply in my original reply as to what is being done. The British Council is giving very full support to the teachers in the way outlined in the last paragraph of my first reply. It seems to me that it is difficult to envisage how more support could be given than is already being given in the ways suggested.

MR. DESMOND LEE: *Sir, may I refer to the mention of 'sensational reports in the press' and ask which of these reported difficulties proved to be untrue?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am not suggesting that anything was untrue. I am suggesting that one particular report was rather unbalanced in my view. One newspaper produced a very positive report and then a few weeks later produced an extremely negative one. The second report was very difficult to reconcile with the first report in the same newspaper.

MR. SZETO (in Cantonese): *Sir, could the Government inform this Council before or at the time or after the Government decided to adopt this particular scheme, had other schemes been suggested which might bring us the same results but which might be more economical and more effective and, if so, why is it that the Government has not adopted the other alternatives and has opted for this particular one?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Government attaches a lot of importance to improving language teaching in our schools. Certainly measures are not limited to this one scheme. The Education Commission in its first report recommended 12 different recommendations affecting language teaching. In its second report it recommended another three recommendations. Many of these ideas have already been adopted. Others will be adopted as soon as funds can be made available. The present scheme is only one of many schemes being tried and, as already mentioned, this scheme is itself a pilot project. Our idea is to try as many different methods as possible and assess which are the most effective and which are the best value for money before we come to final conclusions as to what are the best ways to improve language teaching in our schools.

DR. HO: *Sir, it is understood that expatriate teachers in Chinese middle schools and in some secondary schools in the New Territories feel rather frustrated because the standard of English of the students in these schools is so low that they cannot benefit from the scheme. Will the Secretary inform this Council whether the Government has any plans to rectify this situation?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, some teachers may have found the standard lower perhaps than they expected but I do not think this can be a real problem. These teachers have in fact been trained to teach English as a foreign language, in fact their training envisages that the pupils have no knowledge of English whatsoever. So the kind of standard found in our schools cannot be worse than envisaged in their training.

Measures to prevent accidents on escalators

5. PROF. POON asked: *In view of a recent accident at the Hung Hom Railway Station which caused injuries to seven people when an ascending escalator suddenly went into reverse, will Government inform this Council what measures will be taken to prevent the recurrence of similar accidents, bearing in mind the large number of commuters using escalators during rush hours?*

SECRETARY FOR LANDS AND WORKS: Sir, the Electrical and Mechanical Services Department is still investigating this unfortunate accident. The direct cause of the accident seems fairly clear. In simple terms the braking system failed after an emergency stop button was apparently pressed by someone unknown, and the escalator rolled backwards under the weight of the passengers. The injuries occurred because, although the escalator was descending slowly and stopped after reversing about 10 steps, the persons on the lower steps were carried back into the oncoming passengers. The investigation into why or how the braking system failed is continuing and may last several weeks more.

In the meantime all escalators of the same model have been checked by the registered escalator contractor responsible for maintaining them, who is the sole supplier of this model, and they have been found to be in safe working order. He will continue weekly inspections on brakes of all these installations pending the outcome of the investigation.

Also, a circular letter has been sent by the Director of Electrical and Mechanical Services to all registered escalator contractors and engineers reminding them of the importance of proper brake maintenance.

PROF. POON: *Sir, would the Secretary inform this Council whether the brake failure is due to the poor quality of the braking system or due to poor maintenance?*

SECRETARY FOR LANDS AND WORKS: Sir, I understand that the brake was found to be improperly adjusted.

MR. LIU (in Cantonese): *Sir, for escalators which have been in service for over 10 years, will the Government conduct more frequent maintenance schedules and will there be more stringent requirements?*

SECRETARY FOR LANDS AND WORKS: Sir, in fact in this particular case, the escalator had been inspected by a registered escalator mechanic very shortly before and also a few months earlier by a registered engineer. Under the amendments to the Lift and Escalators Ordinance introduced in November last year, there is a requirement for a monthly inspection by a registered escalator contractor and an examination by a registered escalator engineer every six months and with testing of safety equipment every 12 months including a full load test; I think that probably should be enough to cover all eventualities.

MR. HU: *Sir, can the Secretary for Lands and Works advise this Council when the braking system of the escalator concerned was checked before the accident happened?*

SECRETARY FOR LANDS AND WORKS: Sir, the last check was in November last year.

Review of Employment Ordinance

6. MR. TAM asked (in Cantonese): *The existing Employment Ordinance does not apply to non-manual labour with wages exceeding \$11,500 per month. In order to ensure that all employees in Hong Kong can actually benefit from the Ordinance, will Government review the Ordinance with a view to rescinding this requirement of a wage ceiling being applied to non-manual labour?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the main purpose of the Employment Ordinance is to protect lower paid employees. The present rule, which is reviewed and updated annually, extends the protection of the Ordinance to all manual workers and to all other employees except the highest paid 2 per cent.

The Labour Advisory Board has many times discussed proposals to extend the coverage of the Ordinance to the comparatively small group of higher paid employees now excluded. In recent years the board's consensus has been in favour of keeping the present rule, but it plans to discuss the subject again in March.

MR. TAM (in Cantonese): *Sir, I agree that lower-paid employees should be our priority target for protection. However, does the Government agree that wages are mainly a reflection of the contribution, responsibility and seniority of the employees and therefore it does not follow that those who are higher paid should not be protected?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, in my view the higher-paid are in less need of protection than the lower-paid. There is also the point that in this particular case the protection given in the Ordinance includes priority in

bankruptcy, if the employer goes bankrupt. Now, if the same benefit is given to higher-paid employees, this means there will be less, in certain circumstances, less funds available for lower-paid ones, so the higher-paid would be receiving their protection to some extent at the expense of the lower-paid. It is possible one could find ways round this particular problem but this is something that would have to be taken into consideration if one was amending the present provisions.

MR. SZETO (in Cantonese): *Sir, could the Government inform this Council whether the unreasonable demarcation between manual and non-manual workers in society will be removed if we are to do away with the ceiling and that all employees will be treated on the same footing?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, if the ceiling was abolished altogether, then the present distinction between manual and non-manual employees would indeed disappear.

MR. TAM (in Cantonese): *Sir, has the Government considered that there are the following problems inherent in the Ordinance? (1) The line between non-manual and manual workers is difficult to draw and (2) with the advance of technology and automation, more and more types of work will become non-manual in nature. If we have this particular ceiling and this particular ceiling becomes the dividing line, then we will be providing an opportunity to the employer to make use of the legal loophole.*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am not aware of this distinction having caused any problem so far nor am I aware of it having led to any loopholes being exploited. If any member has any information on this point, I would be very interested to hear it.

MR. SZETO (in Cantonese): *Sir, could the Government inform this Council of the recent deliberations of the Labour Advisory Board over this point. Has a consensus really been unanimously reached? Many years ago when I was a member of the Labour Advisory Board and whenever this matter was brought up for discussion, we did not see any unanimity in views between the employers' and the employees' representatives.*

SECRETARY FOR EDUCATION AND MANPOWER: No, Sir, there has not been unanimity of views. I was not intending to suggest there had been.

MR. DESMOND LEE (in Cantonese): *Sir, could I ask whether there had been any cases of employees in the past who because they were afraid of losing the particular protection under the Ordinance, had refused a raise in salary exceeding \$11,500?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I have heard this idea mentioned in conversation as a possibility. I am not aware of there being any actual cases.

MR. TAM (in Cantonese): *Sir, in 1974, 1979 and 1981 respectively, the Ordinance has been amended to raise the wage ceiling and on those occasions government officials had repeatedly mentioned that they were considering doing away with the wage ceiling altogether. That particular attitude when compared with the reply in front of this Council now would seem that this particular reply is not positive enough. Is there any explanation for this change in attitude?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I cannot speak for my predecessors. As far as I am concerned, I would tend to be guided by the views of the Labour Advisory Board.

Juvenile crimes in new towns

7. MRS. TAM asked (in Cantonese): *Will Government inform this Council of the number and types of juvenile crimes which occurred in new towns over the past three years and what effective measures the Government will take to tackle this problem?*

SECRETARY FOR SECURITY: Sir, as crime statistics are classified according to police districts or divisions, figures which relate specifically to crime in the new towns are not available. But I can provide statistics which relate to the police divisions in which the new towns are situated.

In the past three years a total of 9 038 juvenile offenders have been arrested by the police in the police divisions which include new towns. In 1985 the number was 2 853, in 1986 2 576, and in 1987 3 609. Of the total arrested over the three years, 4 056, or 45 per cent, were arrested for shoptheft; 1 509, or 17 per cent for other types of theft; 601 for robbery; 509 for burglary; 495 for wounding and serious assault; and 285 for criminal damage. The remaining offenders were arrested for blackmail, unlawful society offences, offences against public order and other crimes.

To answer the second part of my hon. Friend's question, the Government's anti-crime measures do not tend to focus on certain geographical areas, although measures to combat crime by young people, will have more effect in the new towns in the New Territories where there is a proportionately younger population. For example, from the statistics I have just given, shoptheft is clearly a particular problem involving juvenile offenders in new towns. Part of the Fight Crime Committee's campaign over the past year has concentrated on publicity against shoptheft and such publicity will again be part of the anti-crime drive in 1988. The Fight Crime Committee hopes that this publicity will help to reduce the number of cases of shoptheft, particularly among young people in new towns.

Other measures the Fight Crime Committee plans to introduce this year include a scheme of renunciation of triad membership which will be aimed again largely at young people, and the preparation of materials for use in schools, warning against the danger of being involved with triads.

In addition, the police will continue to pay particular attention to the problem of shoptheft in large department stores, shopping plazas and supermarkets. In this connection they will continue to liaise with owners and architects with a view to making these premises less vulnerable to shoptheft. The police will also continue to pay regular visits to schools with the aim of urging young people not to become involved in crime of any kind.

MRS. TAM (in Cantonese): *Sir, recently the Tuen Mun District has set up a co-ordination committee to fight crime. Members of the committee would like the juveniles to participate in the fight against crime. Has the Government considered extending such a scheme to other new towns and, if not, what are the reasons?*

SECRETARY FOR SECURITY: *Sir, all the districts in which these new towns are situated have their own district fight crime committees and if these district fight crime committees want to set up a co-ordinating body as Tuen Mun has done, certainly in principle we would give them very strong support.*

MR. ANDREW WONG: *Sir, could the Secretary be more specific as to which new towns he is referring to when he quotes the crime figures in his answer? Could a breakdown of the figures be given for each new town and whether or not Sha Tin features the highest shoptheft cases?*

SECRETARY FOR SECURITY: *Yes, I have a detailed breakdown by the divisions in which the crimes have been committed. The leader in the pack I am afraid is Sha Tin, followed by Tuen Mun, Yuen Long and Tsuen Wan. Perhaps as far as shoptheft and indeed all these crimes are concerned, it would be easier if I gave my hon. Friend an answer in writing rather than standing here for the next 20 minutes reading out the figures. (See Annex I)*

MR. YEUNG: *Sir, when is the Government prepared to issue to schools relevant materials relating to the danger of being involved with triads?*

SECRETARY FOR SECURITY: *Sir, of course, we already are issuing some material to schools but our object is to get more advanced and sophisticated material as soon as we possibly can.*

MRS. CHOW: *Sir, among the 9 000 odd young offenders arrested in the last three years, how many are not first offenders and how many have previously been re-leased under the Police Superintendent Discretion Scheme and is it time to review the Police Superintendent Discretion Scheme?*

SECRETARY FOR SECURITY: Sir, I am afraid I have not got with me the detailed statistics showing which of those arrested were first offenders and which were recidivists, but roughly about half of them are dealt with under the Police Superintendent Discretion Scheme. You must remember we are dealing with young kids aged from about seven to 16 and I personally feel very strongly that the Police Superintendent Discretion Scheme is a good and viable scheme for offenders of these young ages.

HIS EXCELLENCY THE PRESIDENT: I have the names of five more Members who wish to ask supplementaries. I will draw the line at that point.

DR. HO: *Thank you, Sir. Among the 9 000 juvenile offenders mentioned in paragraph 2, how many offenders are triad related and what has Government done to rehabilitate them?*

SECRETARY FOR SECURITY: Again, I am afraid I do not have such detailed statistics with me to be able to tell my hon. Friend here and how many are triad-related. I am sure the statistics are available in the police force and I will let my hon. Friend have an answer in writing. (See Annex II)

DR. TSE (in Cantonese): *Sir, does the Government have enough statistics to show that Junior Police Call has a positive effect in helping juvenile criminals and if it is effective, will the Government extend such a scheme to help young people?*

SECRETARY FOR SECURITY: Sir, of course we will never know how many kids would have turned to crime if this scheme did not exist, but the police are thoroughly convinced that it is successful and our own estimation and that of the Fight Crime Committee certainly back these conclusions.

MR. LIU (in Cantonese): *Sir, can the Government inform the Council of the following. We have youth centres and community centres in new towns. Is the utilisation rate satisfactory?*

HIS EXCELLENCY THE PRESIDENT: Mr. LIU, does that relate to the original question and the answers? I will ask the Secretary for Security to reply in the context of his original answer, otherwise the question would be out of order.

SECRETARY FOR SECURITY: Sir, I think that again takes me rather further away from the statistics I have got and that I can provide at the moment, but if I can get the information from the City and New Territories Administration, I will certainly let my hon. Friend have an answer in writing. (See Annex III)

MR. POON CHI-FAI (in Cantonese): *Sir, residents in new towns have often lodged complaints that in newly established public housing estates, there are always young people grouping together and loitering around and disturbing the residents within*

the estates and finally these young people become criminals. Can the Government inform the Council whether it is aware of such a situation and what measures have been considered to improve the situation?

SECRETARY FOR SECURITY: Yes, Sir, we are acutely conscious that this, in fact, is what is going on. The police are careful in their patrols of housing estates; social workers also are well aware of the importance of looking after these young children; the Housing Authority and the Housing Department also are well aware of the problem and they are doing everything they possibly can to keep this sort of activity down to a minimum.

MRS. TAM (in Cantonese): *Sir, the statistics show that there is an increase in juvenile crimes. Can the Government inform this Council when the authorities concerned will conduct another survey on the reasons for this so that proper remedial measures can be taken? If this has not been considered, why?*

SECRETARY FOR SECURITY: Sir, we are all constantly on the lookout to try and find what the causes of people turning to crime are. It is a notoriously tricky area and the Research Subcommittee of the Fight Crime Committee has done a considerable amount of work on this particular aspect. One of the most important factors seems to be whether or not at least one of the parents is available during the day to look after the children. Split families tend to divide and force children into crime. Another important factor is the education system, in particular, the extent to which children are for half a day left free to roam around because they are attending a morning session or an afternoon session, so in the other half of the day they are free to do what they like and they have no family at home because the family is working, and they end up on the streets and they end up going into department stores and pinching stuff off the shelves. It is a very, very complicated business, but I can assure my hon. Friend that we are constantly working at it and wherever we find areas where we can provide or suggest possible solutions, then we go ahead and try and implement those solutions and see if they work.

Measures to improve traffic flow before the completion of Tate's Cairn Tunnel

8. MISS TAM asked: *Will Government inform this Council what measures will be taken to improve traffic flow and the movement of commuters between New Territories east, along the Kowloon-Canton Railway, and Kowloon before the completion of the Tate's Cairn Tunnel, and how these measures reconcile with the projected demand as a result of population increase?*

SECRETARY FOR TRANSPORT: Sir, I take it that Miss TAM's question on New Territories east actually refers to the north-east New Territories where the major new towns are located. Their population is estimated to increase from the

present level of 689 000 to 856 000 when the Tate's Cairn Tunnel opens before the end of 1991. Plans are in hand to increase both the capacity of public transport facilities and the road network to meet the expected increase in commuter and vehicular traffic during this period and beyond.

At present, about 90 per cent of the passenger trips between north-east New Territories and Kowloon are by the major public transport modes, namely buses and the railway. Daily demand for rail and bus services is estimated to increase by 20 per cent and 14 per cent respectively between now and the end of 1991.

In anticipation of the rapid growth in passenger demand, the Kowloon-Canton Railway Corporation has ordered 25 additional sets of three-car units. Ten of these are already in service and the rest before the end of August. Together with modifications to the seating layout of existing trains, a 75 per cent increase in the seating capacity would be achieved. The corporation has just decided to expand further the capacity of the railway by ordering eight additional sets of six-car units for introduction in 1990 and 1991. On present forecast, this should cater for passenger demand up to 1992.

As regards buses, there are at present 31 routes operating between north-east New Territories and Kowloon. The Kowloon Motor Bus Company's Five Year Development Plan has provided for an additional 12 routes by 1991 to cope with projected demand. The plan is revised annually in the light of changing needs in consultation with district boards.

As regards vehicular traffic, the number of vehicular trips in the corridor in the peak periods is expected to increase by 37 per cent in 1991 over present levels. A large number of road projects are in hand to meet the expected growth. The link road connecting Ma On Shan and Nai Chung Road, to be completed in August this year, will enable traffic to bypass Lion Rock Tunnel and reroute through Sai Kung to Kowloon via Hiram's Highway and Clearwater Bay Road. The completion of Route 5 from Sha Tin to Tsuen Wan and the widening of Tai Po Road to three lanes by the end of 1989 will relieve substantially traffic congestion in the corridor. It is estimated that about 10 per cent of vehicles in the corridor will use Route 5 for trips to Tsuen Wan and Kwai Chung. The additional lane on Tai Po Road will provide an extra capacity for 1 500 vehicles per hour and should significantly improve southbound traffic. Finally, the completion of road T6 across the Shing Mun Rive linking Tolo Highway with Ma On Shan Road in 1990 will provide a shorter route before the opening of Tate's Cairn Tunnel from Tolo Highway to Kowloon via the Ma On Shan-Nai Chung link road which I mentioned earlier.

Apart from these highway projects costing over \$3 billion, a consultancy study is being carried out to consider short-term traffic management measures. The first part of the study has been completed and established the effectiveness of the tidal flow scheme and the use of traffic signals to improve traffic flow

through the Lion Rock Tunnel. These have been implemented on weekdays since mid-January and have resulted in an 11 per cent increase in tunnel capacity in the morning peak hours. The second and final part of the study including other improvement measures will be completed in April.

A key to the success of all these measures is to encourage the use of public transport. To this end, the 'Bus Only' lane on Lion Rock Tunnel Road will be extended via Hung Mui Kuk Road to Che Kung Miu Road in May this year. This will further reduce the journey times of Kowloon bound buses in the morning peak hours.

Sir, with these improvements and full co-operation from the travelling public, I am confident that traffic congestion in the corridor would be reduced to a tolerable level before the opening of Tate's Cairn Tunnel in 1991.

MISS TAM: *Sir, I thank the Secretary for a very comprehensive answer, but may I ask whether the forecast of a 37 per cent increase in vehicular traffic in 1991 over present levels has in fact taken into account the rapid rising trend of commercial vehicles using that corridor and catered for such needs?*

SECRETARY FOR TRANSPORT: Yes, Sir, the present projected 37 per cent increase in vehicular traffic takes into account the rising trend of commercial and goods vehicles over the same period. This, of course, is giving us concern because of the rising trend. It is one of the issues being looked at by the Second Comprehensive Transport Study and we hope by the middle of this year we shall have some further measures to consider how best to cope with these increased demands and ways and means of tackling them.

MR. ANDREW WONG: *Sir, I am most satisfied in general terms with the Secretary's answer. I think it is the most comprehensive answer I have heard in years. I simply wish to refer to the Secretary's opening remarks in his answer. Will the Secretary, or perhaps the Chief Secretary, confirm if the Government is proposing in the White Paper to rename the constituency I represent from 'New Territories East' to 'North-East New Territories?'*

HIS EXCELLENCY THE PRESIDENT: Mr. WONG, how do you relate that question to the original question or answer? *(laughter)*

MR. ANDREW WONG: *Sir, it is in the Secretary's answer: "I take it that Miss TAM's question on New Territories East actually refers to North-East New Territories".*

HIS EXCELLENCY THE PRESIDENT: I think, Mr. WONG, if you would put that down as a separate question in due time.

MR. JACKIE CHAN: *Sir, with regard to paragraph 6, the Secretary for Transport said that 'other improvement measures will be completed in April.' May I ask whether there will be any other improvement measures apart from the extension of bus-only lanes on the Lion Rock Tunnel Road in May this year?*

SECRETARY FOR TRANSPORT: Yes, Sir, the second part of the study will include a wide range of other measures. For instance, tidal flow on Tai Po Road; differential toll scheme; restricting the use of certain types of vehicles at certain hours; and further increasing the capacity of public transport. All these findings will be included in the report in April.

Government Business

First Reading of Bill

COMPANIES (AMENDMENT) BILL 1988

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

Second Reading of Bills

COMPANIES (AMENDMENT) BILL 1988

THE FINANCIAL SECRETARY moved the Second Reading of: 'A Bill to amend the Companies Ordinance'.

He said: Sir, I move that the Companies (Amendment) Bill 1988 be read a Second time.

The purpose of this Bill is to amend section 161B of the Companies Ordinance in order to exempt authorised financial institutions from the requirement to disclose in their annual accounts details of loans on normal commercial terms to individual directors and other officers. Instead, such details will be made available for public inspection for 14 days prior to an institution's annual general meeting and for seven days thereafter.

Section 161B of the Companies Ordinance requires every company incorporated in Hong Kong to set out in its annual accounts detailed information concerning loans made by the company to any of its directors and other officers of the company, or to any company controlled by any of its directors. Authorised financial institutions, which mean in this context banks or deposit-taking companies licensed or registered under the Banking Ordinance, are also subject to this requirement. By the very nature of banking business, loans to bank directors and other officers of banks are not uncommon, nor are loans to companies controlled by these directors.

The banking community has expressed serious concern that the present disclosure requirement involves the inclusion of cumbersome and excessive detail in their annual accounts. Furthermore, publication could constitute a

breach of the duty of confidentiality owed by a bank to its customer. Some members of the banking community are also concerned that foreign banks operating in Hong Kong, which are not subject to such strict disclosure requirements, have an unfair advantage over local institutions.

In the light of representations received, we have reviewed the matter and sought the advice of the Standing Committee on Company Law Reform. We accept the importance of banking confidentiality, but consider that in general the principle of disclosure of detailed information to the public should apply to banks as it applies to other companies. So the proposed amendments to section 161B are designed to achieve the primary objective of the banks in relation to the annual accounts whilst maintaining the general principle of disclosure of relevant information to the public.

Clause 3 of the Bill provides a limited exemption for authorised financial institutions and their holding companies from disclosing details of loans to directors and other officers in their annual accounts. Instead, the accounts will contain information on the aggregate figures of such loans. This exemption, however, does not apply to a loan or guarantee in excess of HK\$10 million where that loan or guarantee is made or given on concessionary terms. As I have already indicated the public interest in disclosure is served by clause 4 of the Bill, which requires that the information be made available for general inspection for a limited period both before and after the annual general meeting of the company.

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.

MEDICAL REGISTRATION (AMENDMENT) BILL 1987

Resumption of debate on Second Reading (9 December 1987)

Question proposed.

DR. IP: Sir, the Medical Registration (Amendment) Bill 1987 before us will allow the Director of Medical and Health Services to relinquish his position as Chairman of the Medical Council. This is, Sir, a right step to reduce government intervention in regulating the medical profession. However, while speaking in support of the Bill, I am dissatisfied that it has not gone far enough.

At present, the various governing bodies of different professions, such as the legal, engineering and surveying professions, are composed of members elected amongst their fellow member whereas their counterparts in the Medical Council are all appointed.

This shows the Government's double standards in allowing different professions to regulate themselves. I strongly urge that this anomaly be eliminated and that the medical profession be given the autonomy to look after their own affairs. I sincerely hope that the Government would take heed of their proposal and further review the constitution of the Medical Council accordingly. Indeed, a recent editorial of the newsletter published by the Hong Kong Medical Association has made the same comment and I look forward to the support of my colleague, Dr. CHIU Hin-kwong of the Medical Constituency, on this point.

In passing, Sir, may I register that I have the same views on the Dentists Registration (Amendment) (No. 2) Bill 1987, the Nurses Registration (Amendment) Bill 1987, and the Midwives Registration (Amendment) Bill 1987 as well.

Sir, I support the motion.

DR. CHIU: Sir, before I speak on the present Bill, I wish to declare interest as a practising medical doctor and to put on record that the following remarks also apply to the Dentists Registration (Amendment) (No. 2) Bill 1987, Nurses Registration (Amendment) Bill 1987 and the Midwives Registration (Amendment) Bill 1987.

The amendments which propose to relinquish the Director of Medical and Health Services of the chairmanship of the Medical Council, the Dental Council, the Nurses Board and the Midwives Board of Hong Kong are endorsed by my colleagues of the Medical Functional Constituency which includes doctors, dentists, nurses and midwives. They are pleased to learn that the Bills will make provisions for these professional statutory and self-regulating bodies to carry out their responsibilities of registration and discipline of their members with more independence under the leadership of an elected chairman. Another area which the Bills suggest and the medical personnel support is the proposal to enable the Governor to appoint one lay member to each board or council. Once these provisions are implemented, we expect the lay members to work closely with the medical members and to present their views from the perspective of a layman so as to enable the boards and councils to adopt a more objective attitude in the process of carrying out their duties.

In studying these Bills, Sir, I put them side by side with the Legal Practitioners Ordinance, the Hong Kong Institution of Engineers Ordinance and the Professional Accountants Ordinance and I found that the medical profession will after the enactment of the Bills be the only profession so far to have lay members serving on their boards and councils. I therefore propose that the Government should consider consulting the other professional bodies regarding the question of introducing lay members into their boards and councils. The introduction of lay members will serve to ensure that the views of the community at large are taken into account.

After the enactment of these Bills, I think that the next step is for the Government to further review the constitutions of these boards and councils. In this connection, I am glad to hear that my hon. Colleague, Dr. Henrietta Ip, also shares this view.

With these remarks, Sir, I support the motion.

MR. EDWARD HO: Sir, I am a firm believer that established professions in Hong Kong should be responsible for maintaining their own professional standards and conduct. Through constant contacts with the tertiary educational institutions, allied professional bodies both local and international, and their own members, the professional institutions are in the best position to understand how professional standards can be attained, how they should be set to fulfil the needs of the community, and how professional conduct should be regulated.

Thus, although the Medical Registration (Amendment) Bill 1987, in removing the Director of Medical and Health Services as Chairman ex-officio of the Medical Council, introduces a simple amendment, it is a most significant step in the right direction of letting the profession regulate itself.

My remarks also apply to the Dentists Registration (Amendment) (No. 2) Bill 1987, the Nurses Registration (Amendment) Bill 1987 and the Midwives Registration (Amendment) Bill 1987.

Much attention has been given to the evolution of a more representative government for Hong Kong, but not enough progress has been made in the recognition of the contributions, expertise and responsibilities of the professions in professional training, accreditation and self-regulation for the interest of our community.

I share the views of my colleagues Dr. Henrietta Ip and Dr. CHIU Hin-kwong that the present amendments can only be considered as a first step. It is time Government should now examine more carefully and fully various registration Ordinances to ensure that more autonomy will be given to the professions, and that these Ordinances will meet the needs of our community, not only for the present, but also in preparation for the changing circumstances of Hong Kong in the years to come.

I was encouraged to learn from the Secretary for Lands and Works in his annual policy debate speech on 11 November 1987 that Government is now actively pursuing the introduction of Professional Registration Ordinances for the architectural, engineering, surveying and planning professions. This should be treated with a degree of urgency, as, unlike the medical, the dentistry, the accounting and the legal professions, the registration of the four professions associated with the building industry is not governed by statute except when specifically required under the Buildings Ordinance.

To maintain and to further the high professional standards in Hong Kong, and to protect the interest of the public, we must have a good system of professional registration in place.

With these remarks, Sir, I support the motion.

SECRETARY FOR HEALTH AND WELFARE: Sir, I would like to thank the three Members who have spoken in support of this Bill, and the other three related Bills which are before the Council this afternoon.

As I mentioned when I introduced these Bills on 9 December last year, it is our intention to carry out a comprehensive review of the composition of the four councils and boards and the points which Members have made on these bodies will be taken into account. The arrangements for the registration and discipline of the other professions to which Members have referred differ in varying degrees, but I am sure that my official colleagues will have noted Members' comments on these matters, and that we all agree on the need to safeguard both professional standards and the interests of the community as a whole.

Sir, I beg to move.

Question put and agreed to.

Bill read the Second time.

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

DENTISTS REGISTRATION (AMENDMENT) (NO. 2) BILL 1987

Resumption of debate on Second Reading (9 December 1987)

Question proposed, put and agreed to.

Bill read the Second time.

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

NURSES REGISTRATION (AMENDMENT) BILL 1987

Resumption of debate on Second Reading (9 December 1987)

Question proposed, put and agreed to.

Bill read the Second time.

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

MIDWIVES REGISTRATION (AMENDMENT) BILL 1987

Resumption of debate on Second Reading (9 December 1987)

Question proposed, put and agreed to.

Bill read the Second time.

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

NEW TERRITORIES LEASES (EXTENSION) BILL 1987

Resumption of debate on Second Reading (6 May 1987)

Question proposed.

MR. HU: Sir, it has been almost nine months since the New Territories Leases (Extension) Bill 1987 was first introduced to this Council. The aim of this Bill is to implement paragraph 2 of Annex III of the Sino-British Joint Declaration, so that over 30 000 leases in the New Territories and the New Kowloon may be automatically extended for a period expiring not later than 30 June 2047 without payment of additional premium. Instead an annual rent equivalent to 3 per cent of the current rateable value of the property will be charged.

Due to the complexity of the task, the Legislative Council ad hoc group set up to study the Bill has held eight meetings, including six with the Administration. Representations from the New Territories Heung Yee Kuk were received and duly considered.

Although we were aware of the urgency of the matter, prolonged deliberation was inevitable given the significance of the proposed Bill. I am glad that the Bill is ready for its final reading today.

I would like to comment on four areas of concern which have been raised in the course of the ad hoc group's deliberations.

The first one is about the definition of 'established village'. The Bill provides that rents for certain land held by descendants from those pre-1898 villages will remain unchanged after the leases involved are extended. However, these pre-1898 villages, totalling around 600 today, are defined according to a 1905 survey.

Some ad hoc group members were concerned that some villages might have been missed out from the survey, and the Bill would then be unfair to the villagers. They wanted to adopt a more flexible definition so that residents of omitted villages, if there were any, could also claim the rent concession.

Despite assurances from the Administration of the thoroughness of the survey in question, we cannot deny that there is still a remote possibility that such cases may be established.

The ad hoc group was glad to hear that the Government will look into the question to ensure that all claims to pre-1898 status will be considered in the light of the Joint Declaration, and evidence outside the Block Crown Lease will be given its proper weight.

I believe this is sufficient assurance from the Government to cover any possibility in this regard, without causing further delay to the passage of the Bill.

The second concern raised was the application of rent concession to property held by 't'sos' and 't'ongs'. These are ancient Chinese institutions of ancestral land-holdings, whereby land derived from ancestors is enjoyed by male descendants from generation to generation.

However, the ad hoc group noted that only in the case of 't'sos' is the land concerned definitely held by indigenous villagers. The question regarding the 't'ongs' is more complicated: it is an association of people coming together for a particular purpose whether religious, commercial or philanthropic. Very often its members are so diverse as to include both indigenous and non-indigenous villagers. Their membership is also subject to changes from time to time.

And furthermore, some organisations using the name of 't'ongs' are in fact 't'sos' in nature with lands donated by indigenous villagers for beneficiaries who are also indigenous villagers.

It is very important to clarify the eligibility of these 't'sos' and 't'ongs' for rent concession purposes; otherwise it will create uneasiness among the indigenous villagers.

The matter was brought to the Land Commission for consideration. The Land Commission subsequently agreed that rent concession would be extended to all 't'sos' and 't'ongs', in which all the members are indigenous villagers. The Bill will be modified accordingly to make provision for this. I believe this will help to eliminate the worries of those 't'sos' and 't'ongs' which are made up of indigenous villagers.

The third area of concern, as expressed by the Association of Building Management and some property owners, is about the extension of the validity of deeds of mutual covenants (DMCs in short) along with the extension of New Territories leases. Under the terms of some DMCs, the management company

appointed by the first owner becomes the manager of the property for the life of the lease, and there are obvious reasons why owners do not want to be bound by these terms for another 50 years.

The Administration explains that under this Bill DMCs will survive for the full period of the extension, and this is necessary for good management of multi-ownership property. Should all DMCs cease to be enforceable after the expiry of the original lease terms, a very serious property management problem would develop. Owners who find the DMC unfair or oppressive may however take up the issue separately.

The ad hoc group understands that the Administration has set up a sub-committee, under the existing Standing Committee on Multi-Storey Building Management, to identify ways to rectify the unfair provisions of existing DMCs. We hope to hear from the Administration soon what avenues will be made available to property owners who want to protect their rights under the extended DMCs.

The fourth point I would like to make is about leases for recreational areas. There are around 40 recreational areas currently held by clubs and associations in the New Territories and outlying islands. Most of them are voluntary, sports or non-profit making organisations such as the Boy Scouts, YMCA, Outward Bound and so on. They only have to pay the Government a nominal fee as rent for the use of the land.

For a metropolitan city such as Hong Kong, these recreational areas provide the residents with a good break from the city life. The existence of these recreational areas therefore has contributed to a healthy community, from the point of view of badly-needed leisure outlets.

However, no rent concession provision was made in the Bill in regard to these recreational areas. I am concerned that if annual rent at 3 per cent of the rateable value was to be charged, many of the organisations involved may not be able to afford to pay. Or they may have to shift the burden to their users, that is the general public, by raising the level of fees. In both cases, it is the general public who will suffer one way or another.

Once the Bill is passed, I hope the Government will make necessary allowances to these organisations so that they can continue to operate the much-demanded recreational areas without the fear of having to contend with rising costs.

Having said all this, I agree with the Administration's view that the New Territories Leases (Extension) Bill 1987 should not be delayed any further, as it will have a significant impact on the future development of the New Territories. For example, the problems of the industrial estates in Tai Po and Yuen Long have been brought to the attention of the ad hoc group—there are indications that investors, including some large multi-national companies, are becoming

more concerned about their future lease conditions. With the passage of this Bill, I hope all such anxieties will be eliminated, making no small contribution to the future prosperity of Hong Kong.

With these remarks, Sir, I support the motion.

MR. CHEUNG: Sir, the Bill is generally acceptable to the New Territories community for it gives legislative effect to paragraph 2 of Annex III to the Sino-British Joint Declaration, which provides that all leases in the New Territories, with the exception of a few, will be extended automatically, after they expire in 1997, for 50 years without additional premium; instead, an annual rent equivalent to 3 per cent of the rateable value of the property will be charged after 1997.

Also, as provided in Annex III to the Joint Declaration, the Bill stipulates that there will be rent concession for certain categories of land held by indigenous villagers. These are old schedule lots, village lots, small houses and similar rural holdings held on 30 June 1984, or small houses granted after that date. Rent for such property shall remain unchanged after 1997.

In scrutinising the Bill, we came to be aware that a considerable number of property in the New Territories held by t'sos and t'ongs should, in the spirit of the Joint Declaration, be eligible for rent concession after 1997, but which did not seem to come under the letters of the Bill. T'sos and t'ongs are ancient Chinese institutions of ancestral land-holding, and the land or the income derived from it is enjoyed by all the members. Many t'sos and t'ongs are composed entirely of indigenous villagers, and many of their property fall under the various categories of land which are eligible for rent concession after 1997.

We have carefully examined the case for t'sos and t'ongs and we are glad that, after lengthy discussions, the Administration agreed that the Bill should be amended. I, therefore, shall move an amendment at the Committee stage stating that rent concession should be applicable to t'sos and t'ongs on condition that all of the members of which are indigenous villagers. However, the same privilege will not be applicable to those t'sos and t'ongs the membership of which does not consist, or has at any time ceased to consist, entirely of indigenous villagers.

The Bill defines an indigenous villager as a person who was in 1898 a resident of an established village in the New Territories or is descended through the male line from such a person. Hence the meaning of 'indigenous villager' rests heavily on the meaning of 'established village', which the Bill defines as a village established under the Block Crown Lease granted by, or on behalf of, the Governor. This creates much concern among the New Territories villagers because they were given to understand that the Joint Declaration only refers to an indigenous villager as a person who was in 1898 a resident of an established village in Hong Kong, or a person descended through the male line from such a

person. Neither has the Joint Declaration made reference to the Block Crown Lease, nor has the Government in the past publicly recognised indigenous villagers for its various purposes on the basis of the Block Crown Lease.

The Administration claims that it has checked the record of the Block Lease of 1905 and is satisfied that it has included all the pre-1898 villages, and that the survey based upon which the Block Lease was prepared and was so detailed that no village would be left out. However, some New Territories villagers have disputed the completeness and accuracy of the Block Lease and are prepared to take up with the Administration their claims that they were descended from residents of pre-1898 villages which were not recorded in the Block Crown Lease.

By making the Block Crown Lease the only evidence of the status of pre-1898 villages, the Bill leaves no opportunity for those villagers who wish to establish their indigenous status on the evidence other than the Block Lease, for example, evidence such as ancestral graves, clansman records, or any other documents verified by the Secretary for District Administration. We believe that the Block Lease may be a reliable evidence, but it is by no means the only evidence. Therefore we have suggested that this definition of 'established village' should be reviewed and amended. However our request has not been accepted.

In view of the fact that resumption of the Second Reading of the Bill has been delayed for a long time and further delay may hold up the Administration's action in processing New Territories leases for various purposes, we have agreed to support resumption of Second Reading on condition that the Administration will continue to pursue our request, and take all necessary action to review and amend the definition of 'established village'. I look forward to hearing from the Secretary for Lands and Works that this will be done.

Subject to the foregoing remarks, Sir, I support the Bill.

MR. LAU (in Cantonese): Sir, the main purpose of the New Territories Leases (Extension) Bill 1987 is to enable, through legislation, the extension of all New Territories leases after 30 June 1997 for a period of 50 years to 2047 without requiring each of the leases to be renewed individually. The Bill is a recommendable one in that it avoids the complicated procedures and also saves public expenses involved in the administrative and staffing costs for such renewals.

I would like to take this opportunity to explain briefly why land held by indigenous villagers of the New Territories is allowed to enjoy rent concession after 1997. The major reason is that the form of land ownership in the New Territories is very different from that in the land south of Boundary Street. Before the New Territories was leased to the British Government in 1898, all private land in the New Territories was held as freehold estate with no expiry date on its tenure. However, after the lease of the New Territories to the British Government in 1898 the tenure of these pieces of land would expire before 30

June 1997. Since the sovereignty of the New Territories will be returned to China after 1997, the tenure of private land in the New Territories should be reinstated to the pre-1898 conditions as well. In order to solve this problem, the Chinese and the British Governments, in the signing of the Joint Declaration, agreed that land held by a person who was a resident of an established village in Hong Kong in 1898 or a lawful successor of that person in the male line should be exempted from the payment of the new rent. I hope the above explanation will clarify some people's misunderstanding that 'the indigenous villagers of the New Territories are enjoying special privileges.'

Clause 9(2) of the Bill gives rise to the question of the application of rent concession to properties in the New Territories held by t'sos and t'ongs and whether the holders of such properties are required to pay the new rent (equivalent to 3 per cent of the rateable value of the properties). The Heung Yee Kuk brought the issue to the attention of the ad hoc group which subsequently took it up with the Administration. The Administration brought it up with the Land Commission. After discussion and deliberation by the Land Commission, it was decided that the rent for properties held by t'sos and t'ongs should remain unchanged. Appropriate amendments will be moved later at Committee stage so that problems in this respect will be satisfactorily resolved. I would like to take this opportunity to express, on behalf of the people in the New Territories, my sincere gratitude to hon. F. K. HU, convener of the ad hoc group, and other hon. Members of the ad hoc group.

There are some discrepancies between the definition of 'established village' under clause 9(3) of the Bill and the original meaning of the term in Annex III to the Joint Declaration, which may seriously affect the interest of the indigenous villagers who were unable to possess land at the time when the Block Lease was made. In view of this, the Heung Yee Kuk put forth its views to the ad hoc group and requested for an amendment to the definition. The matter was taken up for discussion with the Administration. However, no satisfactory resolution has been made so far because the Administration insists that the land survey on which the Block Lease was based was extensive and comprehensive enough to include all the established villages in the New Territories. However, it is necessary for me to point out that the Block Lease is only a unilateral leasehold agreement made by the Government by which all resumed private land in the New Territories was leased to its original owners. It is only one of the documents that may be used as evidence to prove an established village and should not be regarded as a comprehensive list of the villages. Nor can it be taken as the only evidence for validating the status of an established village. I am aware that the Bill will have implications on other related issues and that the passage of the Bill should not be further delayed. However, I have every reason to believe that the Administration will take appropriate action to amend the definition of 'established village' in the near future. On this understanding, I support the motion.

SECRETARY FOR LANDS AND WORKS: Sir, I would like to thank hon. Members for the close attention they have given this Bill in the ad hoc group. We had many wide-ranging discussions. I am very happy that we have managed to reach agreement on how to cope with all the points raised in these discussions.

On the question of t'sos and t'ongs, I support the proposal that the Bill be amended at Committee stage to include the extension of the rent concession provided for in paragraph 2 of Annex III to the Joint Declaration, to a t'so or t'ong recognised as such under Chinese custom, all of the members of which were on 30 June 1984 indigenous villagers.

The question of the extension of recreational leases has also been mentioned. These leases are special purpose leases which will not be extended by the Bill. Each lease granted for a special purpose will be examined before a decision is taken on extension, having regard to existing policy. The question of premia and rent will be addressed in the context of examining the extension of these leases.

I should also perhaps confirm that the subject of 'oppressive deeds of mutual covenant', which is a problem common to buildings in the urban area and the New Territories, and cannot appropriately be dealt with by this Bill, is currently being tackled separately within the Administration.

Finally, Sir, a number of Members pointed out that the definition of 'established village' in the Bill goes rather further than Annex III to the Joint Declaration. They have asked whether the effect of the reference to the Block Crown Lease might be to exclude residents of certain pre-1898 villages from the rent concession to which they are entitled under the Joint Declaration; and whether, therefore, the definition should be amended.

The Administration considered this question very carefully, and checked in detail the present list of recognised pre-1898 villages against the villages recorded in the Block Crown Lease. As a result, I am satisfied that the original survey of the New Territories on which the Block Crown Leases were based was very thorough and comprehensive, and included all pre-1898 villages. The present definition therefore defines the term precisely, and so establishes beyond doubt the entitlement of all indigenous villagers to the concession in paragraph 2 of Annex III to the Joint Declaration.

The possibility, after more than 80 years, of a pre-1898 village which is not the subject of a Block Crown Lease coming to light must be extremely remote. However, if such a case did come to light, the Government would be obliged to take the necessary steps to amend the legislation to give proper effect to the terms of Annex III to the Joint Declaration. Moreover in response to Members' request, the Government will keep in view the suggestion that the legislation should be amended to bring its wording closer to that actually used in the Joint Declaration.

Sir, this has been quite a long exercise, but I trust that the careful deliberation has been given to this Bill will now enable us to get on with the business of extending leases.

Sir, I beg to move.

Question put and agreed to.

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee.

MEDICAL REGISTRATION (AMENDMENT) BILL 1987

Clauses 1 to 6 were agreed.

DENTISTS REGISTRATION (AMENDMENT) (NO. 2) BILL 1987

Clauses 1 to 7 were agreed.

NURSES REGISTRATION (AMENDMENT) BILL 1987

Clauses 1 to 6 were agreed.

MIDWIVES REGISTRATION (AMENDMENT) BILL 1987

Clauses 1 to 4 were agreed.

Schedule was agreed.

NEW TERRITORIES LEASES (EXTENSION) BILL 1987

Clause 1

SECRETARY FOR LAND AND WORKS: Sir, I move that clause 1 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 1

That Clause 1(1) be amended, by deleting '1987' and substituting the following—
'1988'

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clauses 2 to 8, 10 and 11 were agreed to.

Clause 9

MR. CHEUNG: Sir, I move that clause 9 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 9

That clause 9 be amended—

(a) by deleting subclause (2)(a) and substituting the following—

'(2) (a) Subject to paragraphs (b), (c) and (d), this section applies to a lease of an old schedule lot, village lot, small house or similar rural holding, which—

(i) on 30 June 1984 was held by an indigenous villager, or by a *tso* or *t'ong* recognized as such under Chinese custom all of the members of which were on that date indigenous villagers; or

(ii) in the case of a small house granted after 30 June 1984, is granted to an indigenous villager.'; and

(b) by inserting after subclause (2)(c) the following—

'(d) This section shall not apply, or shall cease to apply, to a lease held by any *tso* or *t'ong* whose membership at any time does not consist entirely of indigenous villagers; and shall continue to be inapplicable notwithstanding any further changes in the membership of the *tso* or *t'ong* or any conveyance of the lease, or any interest in the lease, to any other person.'.

The amendment was agreed to.

Clause 9, as amended, was agreed to.

Schedule was agreed.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

MEDICAL REGISTRATION (AMENDMENT) BILL 1987

DENTISTS REGISTRATION (AMENDMENT) (NO. 2) BILL 1987

NURSES REGISTRATION (AMENDMENT) BILL 1987

MIDWIVES REGISTRATION (AMENDMENT) BILL 1987

had passed through Committee without amendment and the

NEW TERRITORIES LEASES (EXTENSION) BILL 1987

has passed through Committee with amendments. He moved the Third Reading of the Bills.

Question put on the Bills and agreed to.

Bills read the Third time and passed.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 27 January 1988.

Adjourned accordingly at eight minutes past 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 ANSWERS

Annex I

Written answer by the Secretary for Security to Mr. Andrew WONG's supplementary question to Question 7

The total number of juveniles arrested in the police division covering the new towns from 1985 to 1987 by the principal offence charged is shown in the appendix. You will note that Sha Tin has the highest number of juveniles arrested for shop theft during the period in question.

Appendix

Number of juvenile offenders arrested for committing crimes in the New Territories police divisions covering the new towns by principal offence charged by police division, 1985-1987

<i>Principal Offence Charged</i>	<i>Police Division</i>								<i>Total</i>
	<i>Sha Tin & Tin Sum</i>	<i>Tuen Mun & Castle Peak</i>	<i>Tsuen Wan</i>	<i>Yuen Long</i>	<i>Kwai Chung</i>	<i>Sheung Kwai Chung</i>	<i>Tai Po</i>	<i>Sheung Shui</i>	
Shoptheft	1 408 (34.7)	591 (14.6)	648 (16.0)	378 (9.3)	245 (6.0)	265 (6.5)	292 (7.2)	229 (5.6)	4 056 (100.0)
Other types of theft	363 (24.1)	238 (15.8)	156 (10.3)	196 (13.0)	177 (11.7)	63 (4.2)	154 (10.2)	162 (10.7)	1 509 (100.0)
Robbery	136 (22.6)	75 (12.5)	90 (15.0)	30 (5.0)	95 (15.8)	61 (10.1)	66 (11.0)	48 (8.0)	601 (100.0)
Burglary	70 (13.8)	94 (18.5)	69 (13.6)	80 (15.7)	62 (12.2)	62 (12.2)	27 (5.3)	45 (8.8)	509 (100.0)
Wounding and serious assault	72 (14.5)	84 (17.0)	51 (10.3)	49 (9.9)	118 (23.8)	80 (16.2)	20 (4.0)	21 (4.2)	495 (100.0)
Criminal damage	33 (11.6)	66 (23.2)	23 (8.1)	38 (13.3)	42 (14.7)	28 (9.8)	31 (10.9)	24 (8.4)	285 (100.0)
Blackmail	18 (16.8)	23 (21.5)	17 (15.9)	12 (11.2)	14 (13.1)	5 (4.7)	11 (10.3)	7 (6.5)	107 (100.0)
Unlawful society offences	19 (10.7)	29 (16.3)	27 (15.2)	52 (29.2)	20 (11.2)	12 (6.7)	6 (3.4)	13 (7.3)	178 (100.0)
Offences against public order	24 (13.9)	52 (30.1)	20 (11.6)	21 (12.1)	21 (12.1)	16 (9.2)	7 (4.0)	12 (6.9)	173 (100.0)
Other crimes	203 (18.0)	225 (20.0)	135 (12.0)	174 (15.5)	154 (13.7)	77 (6.8)	66 (5.9)	91 (8.1)	1 125 (100.0)
All crimes	2 346 (26.0)	1 477 (16.3)	1 236 (13.7)	1 030 (11.4)	948 (10.5)	669 (7.4)	680 (7.5)	652 (7.2)	9 038 (100.0)

Figures in brackets refer to percentage share of the crime.

WRITTEN ANSWERS—*Continued*

Annex II

Written answer by the Secretary for Security to Dr. Ho's supplementary question to Question 7

Of the 9 038 juvenile offenders arrested from 1985 to 1987 in the police divisions covering the new towns 281 (3.1 per cent) claimed to be triad members. The juveniles claiming to be triad members were arrested for the following offences:

<i>Offence</i>	<i>No. arrested</i>
Unlawful society	178
Wounding and serious assault	25
Robbery	24
Blackmail	15
Shoptheft and other theft	9
Other crimes	30
Total	281

A number of rehabilitative measures are taken to discourage young offenders from returning to crime. These include:

- (a) the Superintendent's Discretion Scheme, under which young offenders are cautioned and given guidance over a two-year period by senior police officers rather than being prosecuted;
- (b) social welfare programmes and counselling by social workers under the supervision of the Social Welfare Department; and
- (c) treatment programmes run by the Correctional Services Department in the department's training centres and correctional institutions.

The Correctional Services Department and the Social Welfare Department are now conducting a joint study of young offenders with the aim of drawing up or refining treatment programmes for young multiple offenders. The Research Sub-Committee of the Fight Crime Committee is currently working on two more projects aimed at helping young offenders, namely:

- (a) participation of young offenders in courses run by the Outward Bound School; and
- (b) the improvement of training for professionals dealing with young offenders.

At present there are no specific measures aimed at rehabilitating young triad members. But the triad renunciation scheme, due to be launched later this year, will hopefully wean a number of young triad members and followers away from triads and hence from potential involvement in crime.

WRITTEN ANSWERS—*Continued*

Annex III

Written answer by the Secretary for Security to Mr. Liu's supplementary question to Question 7*Youth Centres*

There are three types of centres for young people in the new towns, namely:

- (a) children's centres, for children aged 6 to 14 years;
- (b) youth centres, for those aged 15 to 24 years; and
- (c) children and youth centres for those aged 6 to 24 years.

The average attendance at children's, youth and children and youth centres from January 1985 to September 1987 is shown in the appendix. The appendix was compiled by the Social Welfare Department, which is responsible for running the centres. The Director of Social Welfare considers that the utilisation rate for these centres is satisfactory.

Community Centres

There are two types of centre in the new towns, namely:

- (a) community centres; and
- (b) community halls.

Based on the findings of a survey conducted by the City and New Territories Administration in August 1987, the average utilisation rate of the community facilities in the new towns was as follows:

<i>New Town</i>	<i>Number of Centres</i>	<i>Average utilisation rate</i>
Sha Tin	8	96%
Tai Po	4	76%
Tsuen Wan	3	69%
Kwai Tsing	7	85%
Tuen Mum	4	71%

The average utilisation rate is calculated by dividing the number of times the centres were used by the number of times they were available.

The survey did not cover the facilities in Yuen Long or North, but an ad hoc working group reviewing the planning of community centres recently agreed that the utilisation rates of all community centres in Hong Kong was satisfactory.

WRITTEN ANSWERS—Continued

Appendix

*Average attendance of children centre, youth centre and children and youth centre
in the years 1985-86 and the period January-September 1987*

Name of new town	No. of centres as at			Total registered member- ship as at end of period			Total attendance			Total sessions opened			Average attendance per session per centre		
	Dec 85	Dec 86	Sept 87	Dec 85	Dec 86	Sept 87	Jan-Dec 85	Jan-Dec 86	Jan-Sept 87	Jan-Dec 85	Jan-Dec 86	Jan-Sept 87	Jan-Dec 85	Jan-Dec 86	Jan-Sept 87
1 Tsuen Wan	8	8	8	8 640	8 489	8 256	334 329	403 993	343 123	4 245	4 798	3 603	78.8	84.2	95.2
2 Kwai Chung	17	17	17	17 387	19 933	20 178	727 723	691 617	572 976	8 915	9 190	6 801	81.6	75.3	84.2
3 Tsing Yi	4	4	4	4 784	4 698	5 025	202 215	199 812	170 952	2 191	2 727	2 205	92.3	73.3	84.4
4 Tuen Mun	9	11	12	15 037	19 518	19 741	416 232	545 160	478 891	5 832	7 137	5 911	71.4	76.4	81.0
5 Yuen Long	2	2	2	1 194	1 583	1 871	46 083	50 268	36 109	1 140	1 237	912	40.4	40.6	39.6
6 Sha Tin	10	14	15	14 009	18 941	20 210	425 283	534 183	512 306	6 000	7 583	6 331	70.9	70.4	80.9
7 Tai Po	2	3	3	2 885	5 296	3 173	96 339	136 804	112 186	1 193	1 738	1 347	80.8	78.7	83.3
8 North	1	1	2	1 885	2 021	3 319	42 979	42 631	68 130	613	598	834	70.1	71.3	81.7
Total	53	60	63	65 821	80 479	81 773	2 291 183	2 604 468	2 294 673	30 130	35 008	27 764	76.0	74.4	82.6