

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 27 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

MR. MICHAEL DAVID THOMAS, C.M.G., Q.C.

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

SECRETARY FOR DISTRICT ADMINISTRATION

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

THE HONOURABLE JOHN JOSEPH SWAINE, C.B.E., Q.C., J.P.

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

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

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

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 JACKIE CHAN CHAI-KEUNG

THE HONOURABLE CHENG HON-KWAN, J.P.

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

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

THE HONOURABLE CHUNG PUI-LAM

THE HONOURABLE THOMAS CLYDESDALE, J.P.

THE HONOURABLE HO SAI-CHU, M.B.E., J.P.

THE HONOURABLE HUI YIN-FAT

THE HONOURABLE RICHARD LAI SUNG-LUNG

DR. THE HONOURABLE CONRAD LAM KUI-SHING
THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.
THE HONOURABLE DESMOND LEE YU-TAI
THE HONOURABLE 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 POON CHI-FAI
PROF. THE HONOURABLE POON CHUNG-KWONG
THE HONOURABLE HELMUT SOHMEN
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.

ABSENT

THE HONOURABLE LYDIA DUNN, C.B.E., J.P.
DR. THE HONOURABLE HO KAM-FAI, O.B.E., J.P.
THE HONOURABLE WONG PO-YAN, C.B.E., J.P.
THE HONOURABLE MARIA TAM WAI-CHU, O.B.E., J.P.
THE HONOURABLE JOHN WALTER CHAMBERS, O.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE
THE HONOURABLE PANG CHUN-HOI, M.B.E.
THE HONOURABLE SZETO 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 Health and Municipal Services Ordinance Designation of Libraries (Urban Council Area) Order 1988	13/88
Merchant Shipping (Safety) Ordinance Merchant Shipping (Safety) Ordinance (Amendment of Schedule) Order 1988	14/88
Revised Edition of the Laws Ordinance 1965 Revised Edition of the Laws (Correction of Error) Order 1988	15/88
Road Traffic Ordinance Designation of Vehicle Examination Centres (Cancellation) Notice 1988	16/88
Public Health and Municipal Services Ordinance Pleasure Grounds (Urban Council) (Amendment) By-Laws 1988	17/88
Public Health and Municipal Services Ordinance Hawker (Permitted Place) (Urban Council) (Consolidation) (Amendment) Declaration 1988	18/88

Sessional Papers 1987-88:

- No. 38—Hong Kong Examinations Authority 1987 Financial Statements for the year ended 31 August 1987
- No. 39—Hong Kong Polytechnic Annual Report 1986-87 with balance sheet at 30 June 1987 and Income and Expenditure Account for the year ended on that date

Oral answers to questions**Architectural contract of the University of Science and Technology**

1. DR. LAM asked (in Cantonese): *Will Government inform this Council of the criteria adopted by the planning committee of the third university of Hong Kong in awarding the architectural contract of the university?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, in selecting a design for the Hong Kong University of Science and Technology the planning committee's main aim was to produce the best possible university for Hong Kong's needs with the site and other resources available.

The criteria were explained in more detail in the 50 odd pages of the planning brief. The brief also described the structure, size and development requirements of the university, to which the design must conform. It said that the aim was 'to create a total comprehensive environment by the integration of buildings and the landscape. It may be seen as a living organism that adapts to rapid changes in technology, provides a visual impression of experiment and enquiry, and is both functional and aesthetically pleasing without recourse to the use of extreme or unproven forms or materials.' Architects were also required to comply with the competition requirements and to satisfy the committee that they had sufficient resources and experience to undertake the project. There was no guarantee that the winner of the competition would be selected as the project architect.

In this context I must clear up a widespread misunderstanding that the planning committee 'over-ruled' the assessment panel. This is not so. The assessment panel decided the winner of the competition and their decision was final. The decision on the project design was a separate issue and was the responsibility of the planning committee.

The assessment panel drew attention to the high standard of all six short-listed designs and advised that all six met the technical requirements of the brief. Before deciding on the project design the planning committee studied all six designs very carefully and reached their decision unanimously in a secret ballot.

Their decision was taken properly and in good faith, in what they felt were the best interests of the university. They selected the design which they felt was most likely to achieve their aims and produce a university which would best meet Hong Kong's needs.

DR. LAM (in Cantonese): *Sir, could the Government inform this Council of the criteria used by the planning committee and the criteria used by the assessment panel? Are they different? How are they different? As far as professional standards are concerned, are standards of members of the planning committee lower than those of members of the assessment panel?*

SECRETARY FOR EDUCATION AND MANPOWER: *Sir, the answer to the first question is no. There is no difference between the criteria. The criteria I have already described in my main answer applied to the competition and to the design equally. I do not think the fact that two different bodies came to two different opinions on this matter indicates that one body was in any way lacking in qualifications. There must be in a decision of this sort a subjective element and it seems to me quite legitimate that people should come to different views.*

MR. MARTIN LEE: *Sir, will the Administration inform this Council whether: (a) the planning committee had recommended the winning architect in the competition to be appointed for the development in question but the Royal Hong Kong Jockey Club decided instead to appoint Simon Kwan and Associates in association with Percy Thomas Partnership to be the architect; or (b) the planning committee*

itself recommended the said Simon Kwan and Associates to be appointed the architect for the development in question and the Royal Hong Kong Jockey Club merely agreed with that recommendation?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the planning committee took the decision as to which design they wished to have used. The Jockey Club were in agreement with the planning committee.

MR. DESMOND LEE: *Sir, bearing in mind that paragraph 2.4 of the rules of the competition relating to the assessment panel requires the assessment panel to select a winner only and not a runner-up, will the Administration inform this Council whether the assessment panel did choose the submission by Simon Kwan and Associates in association with Percy Thomas Partnership Hong Kong as the runner-up in the competition, or whether the decision to choose such a runner-up was made by the planning committee for the university?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, my understanding is the assessment panel indicated which design they considered to be the runner-up.

MR. EDWARD HO: *Sir, may I refer to the last paragraph of the Secretary's reply which says 'they', that is the planning committee, 'selected the design'. I have two questions, Sir. First, does the statement mean that the assessment panel was incompetent in that it failed to decide on the most suitable design? Second, each of the shortlisted architects has to spend hundreds of thousands of dollars on the entry. Their aim was to obtain the commission, not just the prize money. They counted on the fair assessment of an independent assessment panel composed of professionals of high repute. Since the decision of the assessment panel was not followed, will Government inform this Council whether this will prejudice the success of future architectural competitions which, after all, are to promote better civic architecture for Hong Kong?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I think I have already answered the first leg of that question. As I said before, there is bound to be a subjective element in such decisions. I do not think the fact that two bodies differ implies any criticism of the quality of either body. On the second point, it is not unheard of for the project design of a project to be different from the winner of the competition. I cannot believe that this will prejudice future competitions in Hong Kong.

MR. MARTIN LEE: *Sir, rule 2.27 of the rules of competition reads: 'It is the intention of the promoter that the project shall be built and, if possible, that the winning architect shall be appointed for its development. The competition has been designed in such a way that the chances of the winning architect being considered suitable for appointing as the project architect are maximised. However, the promoter shall not be held liable in the event of the Royal Hong Kong Jockey Club choosing not to appoint the winner.' The question, Sir, is: what are the compelling reasons which urged the planning committee to recommend the runner-up instead of the winner?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the committee's responsibility is to provide the best possible design for the best possible university they can produce, and that was their criterion. They chose the design which they felt will produce the best university.

Burglaries at community centres

2. MR. HUI asked: *In light of the apparently frequent occurrence of burglaries at community centres and estate community centres, will Government inform this Council of the total number of such burglaries on record during the past three years and what security measures are being taken to prevent the recurrence of such criminal activities which cause disturbance to the local residents and centre workers?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, at present, there are 27 government community centres and estate community centres. In the past three years, there were 27 reported cases of burglaries at these centres. Among them, nine cases involved no loss of money or property, and the rest were mainly minor offences involving small sums of money or properties of little value.

The City and New Territories Administration is looking into measures to improve the security of these centres and police expert advice has been sought. These measures include the installation of metal roller shutters, anti-burglar bars and sliding metal gates. Works will proceed once funds are made available.

All community centres and estate community centres are provided with watchmen or caretakers to patrol the premises at night. The only exception is the Lok Wah Estate Community Centre which accounted for four out of the 10 reported burglary cases in 1987. The caretaker post was deleted by mistake when the centre was transferred to City and New Territories Administration from the Social Welfare Department, and this is being rectified.

MR. HUI: *Sir, since there were either little or no loss of money involved in these burglaries, could Government inform this Council what was the suspected motivation in such acts? Could triad involvement to bring about disturbance to normal centre activities be a major cause? If so, what remedial and preventive measures does the Government plan to take?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, most of these minor offences are due to vandalism and there is no indication of any triad involvement in these cases. Presence of caretakers or watchmen together with better security measures would no doubt reduce possible damages and recurrences.

MRS. TAM: *Sir, will the Secretary be more specific on the timing as to when funds are available to implement those improvement measures as suggested in paragraph 2 of his answer?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, action has been taken to seek the necessary funds through the normal channel, that is the Finance Committee, and, once the funds are voted, work will be put in hand.

Counselling centres for psychotropic substance abusers

3. MR. YEUNG asked: *Will Government inform this Council of the present position regarding the proposal to set up counselling centres for psychotropic substance abusers, the objective that these centres are expected to achieve, and the kind of services which they will provide?*

SECRETARY FOR SECURITY: Sir, in September 1987, the Action Committee Against Narcotics endorsed the proposal to set up as a pilot project a counselling centre for abusers of psychotropic substances to be operated by the Hong Kong Christian Service (HKCS), if it could obtain the necessary funds. Since then, the HKCS has been seeking a grant from the Lotteries Fund. Subject to the grant being obtained, the HKCS should be able to start operating the centre, which will be in its existing premises in Tsim Sha Tsui, in March this year.

The object of the centre is to provide a focal point where people who have abused or are at risk of abusing psychotropic drugs can obtain information, counselling, medical treatment, rehabilitation and referral services.

The main services to be provided by the centre will include:

- (a) providing information and advice on psychotropic substances;
- (b) providing information on existing community services;
- (c) counselling and early medical diagnosis and treatment;
- (d) referrals to other organisations including referrals for medical treatment where appropriate; and
- (e) providing young people with an alternative to peer pressure to take drugs.

Sir, the pilot project will last for three years and will be evaluated at 18-month intervals. The need for more such centres will be assessed at the conclusion of this three-year project.

MR. YEUNG: *Sir, will the Secretary for Security state the financial implications of this three-year pilot project and whether 'rehabilitation' as mentioned in para- graph 2 of his reply includes the setting up of temporary hostels for the purpose of rehabilitating young abusers of psychotropic substances?*

SECRETARY FOR SECURITY: Sir, I am afraid I do not have the financial details with me. On the second part of my hon. Friend's question, whether or not we set up temporary hostels will depend on the success of this pilot scheme.

Fringe benefits for certificate masters in the aided sector

4. MRS. FAN asked: *A special commission was formed in 1973 to look into the underlying causes of dispute between the Government and the certificated masters at that time. The special commission recommended, among other things, improvement of fringe benefits enjoyed by certificated masters in the aided sector to keep them on par with their government counterparts. Will Government inform this Council what progress has been made since 1973 in this area?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Special Commission on Certificated Masters, in its report published in 1976, noted that fringe benefits for the aided sector were different from those in the Civil Service, and in this context, made two specific recommendations:

- (1) that aided sector school teachers should be able to take out a home purchase loan from the Aided or Grant Schools Provident Funds; and
- (2) that aided sector school teachers should be covered by the School Medical Service.

The first recommendation was not accepted by the Government because of the effect that it would have had on the provident funds. The total resources of the funds at that time would not have permitted all contributors to receive worthwhile loans and the loans would have reduced the capital gains and recurrent earnings of the two funds. The second recommendation was also not implemented because there was no apparent demand for it from teachers.

Sir, the Government has never accepted that fringe benefits in the aided sector should be identical with those for civil servants. The great majority of teachers are in the aided sector and it does not seem sensible that their benefits should be governed by those of the small minority who are civil servants. To do so would be inflexible and expensive. At present there is no shortage of teachers and our existing system is flexible and gives the taxpayer good value for money. If there were a shortage, the Government would, of course, have to consider further improving benefits.

There has however been a major improvement in the benefits enjoyed by certificated masters and mistresses since 1976, when the special commission reported. The rules of the two statutory provident funds for aided sector teachers were changed in 1980. As a result, they will in future receive much better retirement benefits.

MRS. FAN: *Sir, is the Secretary aware that due to the significant discrepancy between the aided sector and the Civil Service, in particular in housing benefits, some experienced teachers in the aided sector are attracted to move into government schools and the Education Department resulting in the gain of the Government and the loss of the aided sector and also resulting in increasing frustration among aided sector teachers? If the answer is 'yes', does the Secretary*

feel that the situation should be allowed to continue and the problem be allowed to persist at the risk of becoming even more serious?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I can accept that some teachers might be attracted to switch from one sector to the other. I do not think it would necessarily all be a one-way move and, in view of the comparatively small size of the government sector, I do not think that this can really be a significant factor in the teaching service.

PROF. POON: *Sir, my question has been partially asked by Mrs. FAN, but I want to ask a bit further. Would the Secretary inform this Council whether the Government sees it fair to apply differential benefit treatment between teachers in the Government and those in the aided sector since all teachers are doing the same job?*

SECRETARY FOR EDUCATION AND MANPOWER: Yes, I think fairness does not necessarily imply uniformity and I do not think it makes sense for the aided sector to have identical terms with the government sector when the government sector is so comparatively small, and the government sector itself is controlled by other factors because there are uniform conditions of service throughout the whole government service. Many of these terms are not directly related to the teaching service.

DR. TSE: *Sir, in the Secretary's reply, he stated that the total resources of the funds at that time would not have permitted all contributors to receive worthwhile loans. Would the Secretary state whether the present resources of the provident fund permit the contributors to obtain worthwhile loans?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I do not think the position so far will have changed significantly from that time. It might do in the future because, as I have mentioned, the terms have been changed very substantially in 1980 and as a result I think the funds may build up very substantially in the future, and the position is likely to change in the future.

Vietnamese refugees

5. MR. CHEONG-LEEN asked: *With reference to the suggestion I put forth in this Council, at the adjournment debate held on 7 January 1987, that the United Kingdom Government should seek the good offices of the USSR Government to liaise with the Vietnamese Government regarding the early repatriation of Vietnamese refugees from Hong Kong, will Government inform this Council whether this suggestion has been put to the United Kingdom Government for consideration and what follow-up action has been taken?*

SECRETARY FOR SECURITY: Sir, the adjournment debate was reported in full to the British Government which has taken note of all suggestions for further initiatives on this subject made by Members. I have been asked to say that in the course of their diplomatic dealings with all the relevant governments, the British Government are taking every appropriate opportunity to emphasise the need to work for a solution to this problem.

MR. CHEONG-LEEN: *Sir, I consider myself a fairly hard-nosed Legislative Councillor when it comes to question and answer period but this kind of bureaucratic gobbledegook on the part of the Secretary for Security leaves me completely amazed. So before I lapse into any form of vocal coma, may I ask the Secretary for Security whether he has asked the British Government whether they have made any contact with the USSR Government along the lines I have suggested, what has taken place, and whether there has been any follow-up as a result? Has the Hong Kong Government obtained any information concerning this suggestion?*

SECRETARY FOR SECURITY: Yes, Sir, I have put the question to the British Government. I am afraid the bureaucratic gobbledegook requires me to say that negotiations with other governments must, for the time being, remain confidential.

MRS. FAN: *Sir, we have been told that the British Government are taking every appropriate opportunity to emphasise the need to work for a solution to this problem. We have been told this on numerous occasions over the last few years. Can the Secretary for Security state if any headway has been made by the British Government in definitive terms in recent months?*

SECRETARY FOR SECURITY: Yes, Sir, the two aims we are pursuing, of course, are the temporary, as it were, solution of more resettlement and the permanent one of repatriating economic migrants. Progress is, I am sure, being made, but I am afraid I cannot give details at this stage.

MR. SOHMEN: *Would the Secretary for Security be prepared to identify the relevant governments that he has mentioned in his reply?*

SECRETARY FOR SECURITY: Sir, I am afraid that for the time being they must remain confidential.

Assessment of rateable value

6. MRS. NG asked (in Cantonese): *Will Government inform the Council of the number of successful objection cases to the assessments of rateable value in the past three years and whether guidelines are issued to officers in the Rating and Valuation Department for applying the statutory criteria for the assessment of rateable value? If so, what actions have been taken to ensure consistency in the application of these guidelines?*

FINANCIAL SECRETARY: Sir, over the past three years (January 1985 to December 1987), the Rating and Valuation Department has received 30 195 objections to new and existing assessments, most of which have now been processed. As a result of these objections, the rateable values of 7 026 premises were reduced by the Commissioner of Rating and Valuation and a further four by the Lands Tribunal following appeals.

The Rating and Valuation Department has issued comprehensive instructions to staff which explain the principles of assessing rateable values, the procedural steps to be followed and the responsibility and authority of the staff involved in the assessment process. Valuations prepared by junior staff are approved by senior² while spot checks are carried out by senior professional and directorate staff to ensure that the instructions are followed and the assessments are correct.

MRS. NG (in Cantonese): *Sir, in paragraph 1 of the answer, it is mentioned that among 30 195 objections, only 7 026 objections were successful. In other words, over 23 000 were not successful. Does that reflect one thing and that is, the Rating and Valuation Department has not been able to explain clearly the criteria of assessment to the public or is it true that these criteria are already outdated or are there other reasons behind it?*

FINANCIAL SECRETARY: No, I think, Sir, it reflects that the work done by the professional staff in the Rating and Valuation Department in assessing rates was correct and well carried out.

Security in public housing estates

7. MRS. CHOW asked: *In view of recent public concern about security problems in public housing estates, will Government inform this Council whether it has conducted any study into the adequacy in the design and management of rental and home ownership housing estates and whether improvements to security will be made?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, according to the crime statistics provided by the police, the security situation in public housing estates has always been better than that in private sector housing. For instance, the crime rate for the year of 1976 was 79 cases per 10 000 persons in Housing Authority estates and 139 cases per 10 000 persons for that of Hong Kong as a whole. In 1985, the crime rate in Housing Authority estates dropped slightly to 68 cases per 10 000 persons while the overall Hong Kong crime rate rose to 160 cases per 10 000 persons. Over 45 per cent of Hong Kong's population are accommodated in public housing but only 15.7 per cent of the total number of reported crime cases in the Territory in 1986 took place in Housing Authority rental estates.

Public housing estates are designed in accordance with guidelines drawn up by the Housing Department from time to time in consultation with other government departments, including the police. Feedback on building design is also collected from tenants by estate management staff for incorporation into new designs which include the installation of stronger doors and metal gates to make breaking-in more difficult.

For the older estates, existing security facilities have been upgraded by improvements to lighting, anti-burglar bars and stronger padlocks to all service rooms. Blocks are regularly patrolled by uniformed estate caretakers. As to Home Ownership blocks, entrance doors are monitored by closed circuit television and are operated by security doorphone system. These blocks are also manned and patrolled by security guards.

Housing management staff maintain close contact with resident associations. Seminars on security measures are organised regularly and crime prevention information is carried in estate newsletters. Tenants are also encouraged to form mutual aid committees and neighbourhood watch schemes to patrol and keep night vigilance of lift lobbies and common areas.

Tenants' awareness is of course the key to crime prevention. Police statistics have indicated that a lot of crime cases involved occupants who did not take reasonable measures to secure their homes.

MRS. CHOW: *Sir, I thank the Secretary for a very detailed description of the on-going measures that have been adopted, but has any action been taken in response to recent complaints which were reported in the papers?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, I am not aware of any specific complaints about any particular design.

MR. CHUNG (in Cantonese): *Sir, could I ask the Secretary whether he has received any report regarding two blocks in Tai Hang Tung, Sham Shui Po, which have recently been occupied. It is said that there is a problem with the design which will lead to an increase in crimes. The problem is that there is space at the entrance to each unit which can harbour criminals and in addition the gate is not as strong as the previous type made of iron. Have you received such complaints and what sort of improvement measures are in the pipeline?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, I am not familiar with the detailed complaints about the case mentioned but I am sure if there are suggestions and complaints, the Housing Department will look into these matters. As for the question about doors, without knowing the particular details, this is probably a case of where space is at a premium, solving one problem will create another.

MR. ANDREW WONG: Sir, *I would like to concentrate on management aspects of housing estates. First, could this Council be enlightened as to the average age of estate caretakers employed by the security companies under Housing Authority contracts? And second, could this Council be further enlightened as to the criteria governing the award of contracts to the said companies; specifically, whether or not there is an approved list system or alternatively a black list system in operation, in relation to the criterion of awarding the contract to the lowest bidder?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, I shall certainly enquire and give Mr. WONG a written reply. (See Annex I)

Development of Tsing Yi Island

8. MR. LAI asked: *How does Government reconcile the plan to develop Tsing Yi Island into a community of about 200 000 people with the increase of potentially hazardous installations, for example, oil depots and chemical plants, on the island?*

SECRETARY FOR LANDS AND WORKS: Sir, to try and make my reply a little more intelligible, I have arranged to append a small copy of the outline development plan covering Tsing Yi Island (Appendix) to the written copy of my answer. I am sorry it is not better but it should help Members to identify the zone numbers which I will be mentioning. It is not, I should emphasise, intended to give Members the impression that there are now three bridges to Tsing Yi. The population currently planned for Tsing Yi is 191 000, and we now have nearly 100 000 people living on the island. The growth in population planned for the future, of just over 90 000 is made up of 54 000 in public rental housing, 22 000 in Home Ownership, PSPS and Housing Society schemes, and about 15 000 in commercial/residential developments in the town centre.

The public housing, currently under construction in Area 8 in the northeastern corner of the island, and due for full occupation by 1990, is expected to accommodate about 39 000 people, and the balance of 15 000 in public rental housing will be provided in the adjacent Area 10, due for occupation by 1994. The Home Ownership, PSPS and Housing Society schemes are either in Area 8 or in the town centre, which is in Area 1.

Thus, the future growth in population will all take place in north-eastern Tsing Yi and, for the avoidance of doubt, I can categorically say that there is no residential development of any sort proposed in the western or southern parts of the island. As I have said previously on a number of occasions, the development of Tsing Yi Island for both residential and industrial uses, is based upon a strategy which places the town centre and all the residential sites in the north-east of the island, nearest to Tsuen Wan, and the industrial sites in the south and the west, well separated by the intervening land features, the hills.

The siting of potentially hazardous installations on the western side of Tsing Yi is not incompatible with the residential uses on the east, and these competing demands are reconcilable as long as we are satisfied that the PHIs do not pose any significant danger to the inhabitants. As Mr. LAI is probably aware, the Government is undertaking an updating of the Review on PHIs on Tsing Yi, to look at where we now stand and to address specifically the question of the so-called 'cumulative effects' on traffic and so on. Until the results of this review are known, and Government has taken a view on these, future applications for these installations will not be processed.

MR. LAI: *Sir, in the last paragraph of the Secretary's reply, will Government inform this Council when will the review on PHIs on Tsing Yi Island be finished and is there any plan in the long run to remove any of the PHIs from the island to other more appropriate locations?*

SECRETARY FOR LANDS AND WORKS: Sir, the PHI review should be done by very late 1988. There are no plans at present to remove any PHIs from Tsing Yi Island but certainly plans are under consideration to move PHIs from east to west.

MR. POON CHI-FAI (in Cantonese): *Sir, from the reply we believe that the installation of PHIs in Tsing Yi need to be studied by the professionals of a department and at the same time you must consider whether there are intervening land features. However, can the Government inform this Council whether it has considered stepping up publicity regarding PHIs so that people living in the area will not be so afraid and if you are thinking about doing so, what sort of approaches would you take?*

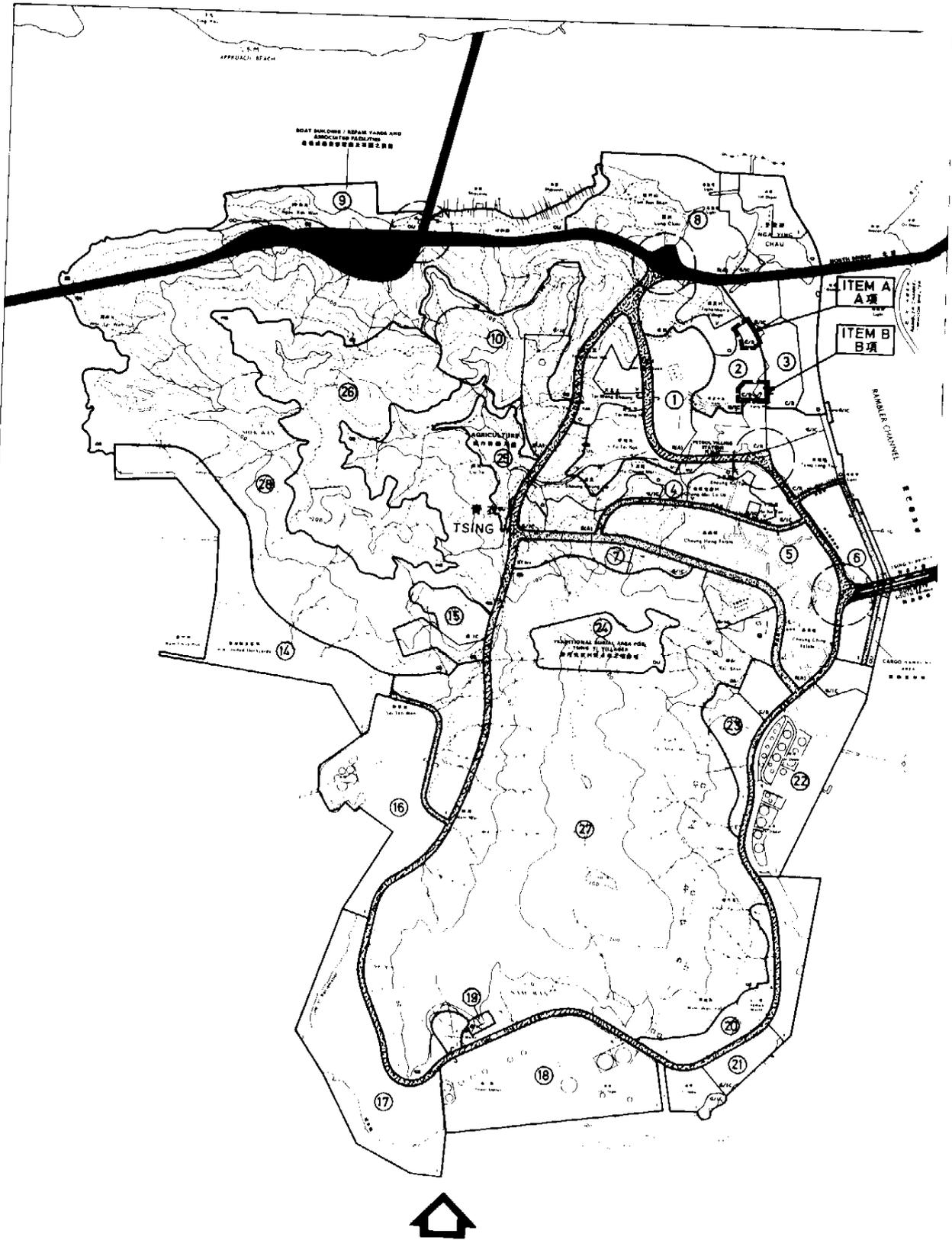
SECRETARY FOR LANDS AND WORKS: Sir, a considerable amount of time and effort has been spent to inform residents in Tsing Yi in particular about what PHIs are going to go where, and what the government view is on the safety of these PHIs. I do not think that the problem is one of a lack of information. On each occasion when such PHIs are planned in the future, we will certainly make sure that the residents in any affected locality, Tsing Yi or otherwise, are well informed about what are the risks and what are not the risks of the installation.

MR. LAI: *Sir, my question is in two parts. First, will Government inform this Council of the reason why in making the decision to allow Shell to move its depots to Tsing Yi, it relied solely on the assessment by consultants commissioned by Shell, while the risk assessment report on the whole island being prepared by the Electrical and Mechanical Services Department was still unfinished? Second, will Government release to the public the risk assessment report on Tsing Yi Island prepared by the EMSD in 1981 or the report to be finished later on this year. If not, why not?*

SECRETARY FOR LANDS AND WORKS: Sir, there were two points really in the first part of the question. The first point would appear to be why Government should rely entirely on a report on risk assessment by the Shell Company's consultants. The answer to that is it did not. It also relied upon its own monitoring of that report. The second part of the first part of the question: why should it rely on this report before it had completed its own report? The two were being prepared and decided on concurrently and the question of the Shell's removal from Ap Lei Chau and Kwun Tong was a matter already considered to be of considerable benefit in the PHI field elsewhere. And so, in fact, had the decision been made to do the PHI risk assessment earlier, no doubt Shell would have been taken into account.

As regards the second part of the question, the report at the end of the year will be released and at the same time the other one will be released, on which it was based.

APPENDIX



SCALE 1 : 10 000 H.M.R.

TOWN PLANNING ORDINANCE
 HONG KONG TOWN PLANNING BOARD
 TSING YI - OUTLINE ZONING PLAN
 香港城市設計委員會依據城市設計條例制定 青衣 - 分區計劃大綱圖

Government Business**First Reading of Bills****ELECTORAL PROVISIONS (AMENDMENT) BILL 1988****DISTRICT BOARDS (AMENDMENT) BILL 1988****CORRECTIONAL SERVICES DEPARTMENT (POWERS OF ARREST) BILL 1988**

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

Second Reading of Bills**ELECTORAL PROVISIONS (AMENDMENT) BILL 1988**

THE CHIEF SECRETARY moved the Second Reading of: 'A Bill to amend the Electoral Provisions Ordinance and to make a consequential amendment to the District Boards Ordinance'.

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

By removing a restriction contained in the existing law, the Bill seeks to enable a person to serve both as an elected member of the Urban Council and as an elected member of a district board in the Urban Council area. The restriction of dual membership to within the Urban Council area reflects, and is a logical extension of, the existing arrangements permitting dual membership between the Regional Council and district boards in the Regional Council area. The Bill also makes consequential amendments to the law to clarify the position of an Urban Councillor who is elected as a member of an urban district board: he will sit on the district board as an elected member, but his ex-officio seat on the same or another district board will be left vacant.

Sir, the Bill stems from the Government's proposal that the existing practice, whereby Urban Councillors are ex-officio members of the urban district boards, should cease in March 1989 when the tenure of the present Urban Council expires. That proposal was announced publicly about six weeks ago, before the opening of nominations for the district board elections to be held in March this year. It was necessary to make that announcement so that potential candidates who might be affected by the proposal could consider whether to stand for election to a district board, and to plan their electioneering activities if they do

so. If the Bill is passed, Sir, such a candidate will be able, if elected, to serve as an elected member of a district board, while retaining his membership of the Urban Council.

The proposal to discontinue Urban Councillors' ex-officio membership of the urban district boards raises the question of what alternative links will be provided between the Urban Council and urban district boards. I can assure Members that the Government is fully seized of the importance of ensuring that there will continue to be strong working links between the Urban Council and the urban district boards, and the subject will be dealt with in the White Paper. In the meantime, Sir, the Bill before Members is a self-contained measure which does not prejudge the contents of the White Paper in any material way.

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

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

Question put and agreed to.

DISTRICT BOARDS (AMENDMENT) BILL 1988

THE SECRETARY FOR DISTRICT ADMINISTRATION moved the Second Reading of: 'A Bill to amend the District Boards Ordinance'.

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

The main purpose of the Bill is to further improve the operation of the district boards and to provide a clear definition for a district board meeting.

The present District Boards Ordinance already stipulates that the office of a district board member shall become vacant if he fails throughout a period of six months to attend any meeting of the board unless such failure was due to some reasons approved by that board. The Ordinance does not, however, require the member to seek and obtain the approval of the board before the commencement of such absence. He can thus do so retrospectively after he has been absent from board meetings for six consecutive months. Absence of this nature could adversely affect the operation of the district board. In view of this, clause 5 of the Bill amends section 14(*ea*) of the Ordinance to require a district board member to obtain the approval of his board prior to the commencement of his absence except in the case of prolonged illness. Clause 4 of the Bill amends section 9A(1)(*f*) of the principal Ordinance to apply the same provisions to a district board member who is a member by virtue of his being a rural committee chairman.

In connection with the above amendments, it is necessary to define the meaning of a district board meeting. Clause 2 of the Bill stipulates that such a meeting should refer only to a meeting of the district board itself.

Clause 3 of the Bill introduces a minor technical amendment to section 9(4)(*ea*) of the principal Ordinance to bring it into line with the rest of the section which deals solely with the question of appointed members.

The present District Boards Ordinance already empowers the district officer to preside at the first meeting of the new term of a district board for the purpose of electing the board chairman. However this provision does not cater for situations when the office of the chairman is vacated and a temporary or new chairman has to be elected during the term of a district board. Clause 6 of the Bill therefore amends section 15 of the principal Ordinance to enable the district officer to preside at any meeting of the district board for the purpose of electing a new chairman.

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

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

Question put and agreed to.

CORRECTIONAL SERVICES DEPARTMENT (POWERS OF ARREST) BILL 1988

THE SECRETARY FOR SECURITY moved the Second Reading of: 'A Bill to confer on certain officers of the Correctional Services Department a power of arrest for the purposes of various Ordinance'.

He said: Sir, I move the Second Reading of the Correctional Services Department (Powers of Arrest) Bill 1988.

The purpose of the Bill is to empower Correctional Services Department officers on aftercare duties to arrest supervised persons who are the subject of recall orders and are unlawfully at large.

All inmates discharged from drug addiction treatment centres and detention centres and selected young prisoners released from prisons under 25 years of age are subject to supervision for a period of one year. Inmates discharged from training centres are subject to supervision for a period of three years. During the statutory supervision period, if a supervisee misbehaves or fails to comply with the supervision conditions, the Commissioner of Correctional Services is empowered by law to issue an order authorising the recall of the supervised person for further treatment or training. At present, as Correctional Services Department officers on aftercare duties have no power of arrest, they are unable to execute recall orders on their own. They have to call on the help of the police.

This arrangement is unsatisfactory. Police officers may not always be available to spend many hours waiting for a supervised person to turn up and they may not be familiar with the identities of the supervised persons and where they frequent. To facilitate the execution of recall orders, it is proposed that Correctional Services Department officers on aftercare duties should be empowered to arrest supervised persons who are the subject of recall orders and are unlawfully at large.

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

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

Question put and agreed to.

MARINE FISH (MARKETING) (AMENDMENT) BILL 1987

Resumption of debate on Second Reading (13 January 1988)

Question proposed.

MR. ANDREW WONG: Sir, I would like to present certain views on the subject of the motion on the Second Reading of the Marine Fish (Marketing) (Amendment) Bill 1987 which have been put to me by Dr. Ho Kam-fai who is absent today through illness and with which I fully agree.

Sir, for the orderly landing and efficient wholesale marketing of marine fish, the Marine Fish (Marketing) Ordinance provides for, inter alia, the establishment of a Fish Marketing Organisation which operates as a non-profit-making concern. The surplus earnings are to be spent for promoting the well-being of the fishing population in two main areas of activities. Firstly, educational, health and welfare services are provided for those persons engaged in the fisheries industry, and for their families and dependants. Secondly, loans are granted to fishermen for productivity purposes, such as modernising their vessels and installing navigational and electronic equipment to boost fishing capabilities.

Illegal wholesaling of marine fish, often masterminded by criminal or triad elements, has been in existence for many years and has worsened recently. Fish sold illegally outside the designated markets was estimated to be 40 000 tonnes last year, at medium to high prices, resulting in a loss of revenue in the order of about \$24 million to the Fish Marketing Organisation. The funds available to the organisation for providing educational, health and welfare services and for making loans are thus considerably reduced. The fishermen are, therefore, victims of this illicit trading. In addition, the general customers and general consumers of seafood have to pay for inflated and marked-up prices, due to profiteering on the part of the criminal syndicates.

One of the main purposes of the proposed amendments to the Ordinance is to counter illegal wholesaling of marine fish, thereby recouping the lost revenue to the organisation and deterring criminal and triad elements from getting involved in the fish marketing business.

However, in order for the legislative amendments to achieve the intended purpose, I suggest that the Administration should consider taking the following courses of action simultaneously:

First, publicity efforts must be stepped up to educate the fishermen about the undesirable effects of the wholesale marketing of their catches outside the designated fish markets and the dangers of their collusion and association with criminal or triad elements for apparent, short-term advantages.

Second, the procedure governing applications for loans to boost productive capabilities from fishermen should be further simplified and repayment terms should be made easier, so as to divert fishermen's reliance on financial assistance from the criminal syndicates.

Third, the operational procedures and the management of the wholesale fish markets ought to be streamlined and improved so that all possible opportunities and loopholes for syndicated practices and malpractices can be eliminated.

And last but not least, I hope members of the Judiciary will give due consideration to the legislative intent of the present Bill and dish out the maximum penalty for various offences under the Ordinance when imposing fines on convicted offenders.

With these remarks, Sir, I support the motion. And it goes without saying that my support is fully shared, as I was assured, by my hon. Friend Dr. Ho Kam-fai.

FINANCIAL SECRETARY: Sir, I thank Mr. Andrew WONG for his comments and for his support; also for the support of Dr. Ho Kam-fai, who unfortunately is absent.

I shall ask the Director of Agriculture and Fisheries, in his capacity as the Director of Marketing, to arrange appropriate publicity and to review the procedures under the Marine Fish (Marketing) Ordinance in the light of Mr. WONG's suggestions.

Question put and agreed to.

Bill read the Second time.

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

Committee stage of Bill

Council went into Committee.

MARINE FISH (MARKETING) (AMENDMENT) BILL 1987

Clauses 1 to 7 were agreed.

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

MARINE FISH (MARKETING) (AMENDMENT) BILL 1987

had passed through Committee without amendments. He moved the Third Reading of the Bill.

Question put on the Bill and agreed to.

Bill 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, 3 February 1988.

Adjourned accordingly at twenty-five minutes past Three o'clock.

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

WRITTEN ANSWER**Annex I****Written answer by the Secretary for District Administration to Mr. Andrew WONG's supplementary question to Question 7**

In general, Housing Authority security contracts specify an age limit on the guards to be employed with the great majority of contracts specifying the limit at 55. According to the information supplied by the contractors, the average actual age of guards employed is 46. Verification of records kept on the housing estates confirms this figure to be right.

Contractors wishing to tender for the authority's security contracts must be on the authority's approved list of security guard contractors, and in order to be included on that list, the contractors must hold a valid watchman supplier permit issued by the Commissioner of Police, have sufficient financial resources, and be actively engaged in providing security services of reasonable-sized projects. Performance of the contractors is closely monitored by the staff, and a temporary bar system is in operation as a penalty for poor services. Unsatisfactory performance by a contractor will invite a barring period of a minimum of six months during which the contractor will not be allowed to tender for new authority contract. The barring period will not be lifted until the contractor has improved his services to an acceptable level. The fact that a contractor is under bar on the authority's contract is conveyed to other government departments that employ contract security services.