

1 HONG KONG LEGISLATIVE COUNCIL -- 28 June 1989

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 28 June 1989

The Council met at half-past Two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (PRESIDENT)

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

THE CHIEF SECRETARY

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

THE FINANCIAL SECRETARY

THE HONOURABLE DAVID ALAN CHALLONER NENDICK, J.P.

THE ATTORNEY GENERAL

THE HONOURABLE JEREMY FELL MATHEWS, C.M.G., J.P.

THE HONOURABLE ALLEN LEE PENG-FEI, C.B.E., J.P.

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

SECRETARY FOR DISTRICT ADMINISTRATION

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

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

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

THE HONOURABLE CHENG HON-KWAN, J.P.

THE HONOURABLE CHUNG PUI-LAM, J.P.

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

THE HONOURABLE HUI YIN-FAT, O.B.E., J.P.

THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.

THE HONOURABLE DAVID LI KWOK-PO, 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, J.P.

PROF. THE HONOURABLE POON CHUNG-KWONG, J.P.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH, J.P.

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING, J.P.

DR. THE HONOURABLE DANIEL TSE, O.B.E., J.P.

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

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 MICHAEL LEUNG MAN-KIN, J.P.  
SECRETARY FOR TRANSPORT

THE HONOURABLE EDWARD HO SING-TIN, J.P.

THE HONOURABLE PETER TSAO KWANG-YUNG, C.B.E., C.P.M., J.P.  
SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

THE HONOURABLE MARTIN GILBERT BARROW, O.B.E.

THE HONOURABLE MICHAEL CHENG TAK-KIN, J.P.

THE HONOURABLE DAVID CHEUNG CHI-KONG, J.P.

THE HONOURABLE RONALD CHOW MEI-TAK

THE HONOURABLE MRS. NELLIE FONG WONG KUT-MAN, J.P.

THE HONOURABLE MRS. PEGGY LAM, M.B.E., J.P.

THE HONOURABLE DANIEL LAM WAI-KEUNG, J.P.

THE HONOURABLE MRS. MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, J.P.

DR. THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

THE HONOURABLE JAMES DAVID McGREGOR, O.B.E., I.S.O., J.P.

THE HONOURABLE KINGSLEY SIT HO-YIN

THE HONOURABLE MRS. SO CHAU YIM-PING, J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

THE HONOURABLE MRS. ELSIE TU, C.B.E.

THE HONOURABLE PETER WONG HONG-YUEN, J.P.

THE HONOURABLE NIGEL CHRISTOPHER LESLIE SHIPMAN, J.P.  
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE ALISTAIR PETER ASPREY, O.B.E., A.E., J.P.  
SECRETARY FOR SECURITY

ABSENT

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

THE HONOURABLE TAM YIU-CHUNG

THE HONOURABLE PAUL CHENG MING-FUN

IN ATTENDANCE

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

Papers

The following papers were laid on the table pursuant to Standing Order 14(2):

Subject

Subsidiary Legislation

L.N. No.

Antibiotics Ordinance

Antibiotics (Amendment) Regulations 1989..... 180/89

Dentists Registration Ordinance

Ancillary Dental Workers

(Dental Hygienists) (Amendment)

Regulations

1989..... 181/89

Dangerous Drugs Ordinance

Dangerous Drugs (Amendment)

Regulations

1989..... 182/89

Dentists Registration Ordinance

Dentists

(Registration and Disciplinary Procedure)

(Amendment) Regulations 1989.....

183/89

Nurses Registration Ordinance

Enrolled Nurses (Enrolment and Disciplinary Procedure)

(Amendment) Regulations 1989.....

184/89

Insurance Companies Ordinance	
Insurance Companies Ordinance (Amendment of Section 13) Regulations 1989.....	185/89
Legal Aid Ordinance (Assessment of Resources and Contributions) (Amendment) Regulations 1989.....	Legal Aid 186/89
Legal Aid Ordinance (Scale of Fees) Regulations 1989.....	Legal Aid 187/89
Medical Registration Ordinance Practitioners (Registration and Disciplinary Procedure) (Amendment) Regulations 1989.....	Medical 188/89
Midwives Registration Ordinance (Registration and Disciplinary Procedure) (Amendment) Regulations 1989.....	Midwives 189/89
Miscellaneous Licences Ordinance Miscellaneous Licences (Amendment) (No.2) Regulations 1989.....	190/89
Nurses Registration Ordinance (Registration and Disciplinary Procedure) (Amendment) Regulations 1989.....	Nurses 191/89
Road Traffic Ordinance (Driving Licences) (Amendment) Regulations 1989.....	Road Traffic 192/89

Telecommunication Ordinance  
Telecommunication (Amendment)  
(No. 2) Regulations 1989.....  
193/89

Telecommunication Ordinance  
Telecommunication (Low Power Devices)  
(Exemption from Licensing) Order 1989..... 194/89

Registration of Persons Ordinance  
Registration of Persons  
(Application for New Identity Cards)  
(No. 8) Order  
1989..... 199/89

Public Health and Municipal Services Ordinance  
Public Swimming Pools (Urban Council)  
(Amendment) (No. 2) By-Laws 1989..... 200/89

Oral answers to questions

Consultation between Land Development Corporation and district boards

1. MR. SIT asked: Sir, as the Land Development Corporation (LDC) can apply for resumption of land which it cannot otherwise acquire in order to implement its development proposals, will Government inform this Council whether consideration will be given to requiring the corporation to consult the residents and the districts affected on the type of accommodation and community facilities to be provided in its development schemes, so as to cater for their needs?

SECRETARY FOR LANDS AND WORKS: Sir, where a Land Development Corporation development scheme or proposal requires land to be resumed, Government requires the LDC to consult residents in the districts affected through the district offices and district boards. Furthermore, the larger LDC schemes invariably require amendments to the statutory outline zoning plans and these must have Town Planning Board's approval and be

gazetted. The district boards will be consulted on draft outline zoning plans which will incorporate details of LDC's development schemes, including the types of accommodation and community facilities to be provided in the scheme.

MR. SIT (in Cantonese): Will the Administration inform this Council of the manner of consultation the LDC had with affected district boards and residents in respect of development schemes last announced for various districts and also in respect of the recent development scheme for Yunnan Lane?

SECRETARY FOR LANDS AND WORKS: Sir, I think it would probably be best to look at the one scheme in which a district board has been consulted. Prior to seeking approval of the scheme, the Secretary has been requiring the LDC to have gone to the district board and giving the outline of the scheme. The consultation on the first of the schemes, which is the Yunnan Lane scheme, took place on 16 June. And all the other schemes that the LDC has in preparation will follow the same pattern.

MR. SIT (in Cantonese): I can tell the Secretary that representatives of the LDC presented themselves to the Yau Tsim District Board on 16 June to brief the board on the Yunnan Lane development scheme to let the residents know what was going to happen. They did not consult.

HIS EXCELLENCY THE PRESIDENT: Mr. SIT, I did not get the question out of that. It is a statement that you were making.

MR. SIT (in Cantonese): I think the LDC has failed to play its role in consultation. Rather than consulting, the corporation just informed the residents of its plan on 16 June. The Secretary's answer therefore is not all that true in this respect.

HIS EXCELLENCY THE PRESIDENT: It may be a translation problem but no question is coming through. It is important in a supplementary question that a question should be asked. Could you please rephrase it as a question?



MR. SIT (in Cantonese): My question is that I have reservations about the validity of the Secretary's reply concerning the consultation with the district board. In fact, the LDC representatives attended the Yau Tsim District Board meeting on 16 June with the purpose of informing the board of their plan but not consulting.

HIS EXCELLENCY THE PRESIDENT: Mr. SIT, I am afraid I have to rule you out of order because that is still not a question. Could I remind Members that if they have a point to make, could they put it in the form of a question?

Noise pollution from airport

2. MISS LEUNG asked: In answer to a question raised in this Council on 19 April 1989, the Government indicated its intention to implement a comprehensive improvement package to expand the facilities of Kai Tak Airport based on a consultancy study report. Will Government inform this Council what action will be taken to combat the problem of worsening noise pollution caused by increased aircraft movements and ground-based activities at the airport?

SECRETARY FOR LANDS AND WORKS: Sir, the Administration is committed not only to providing improvements to airport facilities but also to minimizing the noise impact associated with an increasingly busy Kai Tak Airport.

The consultancy referred to in the question also recommended measures which would reduce the noise impact. These included:

- (a) provision of acoustic insulation to affected schools;
- (b) maintaining the present curfew for aircraft landing and takeoff at night; and
- (c) installing fixed ground power sources in the existing and expanded apron areas to provide electricity to aircraft operations which would otherwise rely on the aircraft auxiliary power units, the operation of which has been one of the primary sources of noise nuisance to the neighbouring housing estates.

All of these recommendations have been accepted by the Administration and are being implemented.

In addition, the Director of Civil Aviation has been requiring airline operators to relocate noisy aircraft engine runs at night to the west of the nullah to minimize disturbance to adjacent dwellings. Subsidiary legislation under the Civil Aviation (Aircraft Noise) Ordinance is also being drafted with a view to incorporating these and other forms of control in a statutory framework.

MISS LEUNG: Sir, will the Secretary inform this Council of the planned programme of implementation of measures mentioned in the reply that would reduce the noise impact?

SECRETARY FOR LANDS AND WORKS: Sir, regarding probably the most important of the measures, that is, the installation of fixed ground power, tenders for the supply of equipment are being invited at present and associated civil engineering work will begin in October this year and equipment installations will be completed by next summer, and the other parking bays on the other apron east of Kai Tak nullah will be similarly equipped by 1991. Regarding the relocation of the engine ground runs, most of them are already taking place on the west of the nullah; only a third of the engine runs now take place on east of the nullah. It is hoped by the end of the year all of them will take place on the west of the nullah.

MR. MCGREGOR: Sir, in order to establish the actual situation on the ground, as it were, could the Secretary indicate the decibel level at the worst point of noise at the airport as measured against the acceptable highest international standard. In other words, Sir, can the Secretary say by what margin we are over the recommended international standard?

SECRETARY FOR LANDS AND WORKS: No, Sir, I am not in a position to say that this afternoon but I will certainly provide the information in writing. (Annex I)

MISS LEUNG (in Cantonese): Will the Secretary inform this Council whether, in the area of town planning, consideration will be given to implementing measures to reduce

the impact of aircraft noise on residents?

SECRETARY FOR LANDS AND WORKS: Sir, no formal measures are considered necessary, but the lessons learnt from the disturbance to Richland Gardens development, which had been mentioned in this Council before, are well learnt and the Administration and, I am sure, the Town Planning Board will ensure that another such development does not take place in the immediately affected areas.

MR. POON CHI-FAI (in Cantonese): Sir, the Secretary has mentioned in the last paragraph of his main reply that the Director of Civil Aviation has been requiring airline operators to relocate noisy aircraft engine runs at night to the west of the nullah. Will the Administration inform this Council when the relocation is to start? Will the district board concerned or the residents' association of Richland Gardens be contacted to assess the effectiveness of the scheme at an appropriate time after its implementation?

SECRETARY FOR LANDS AND WORKS: Sir, as I answered in a supplementary earlier, two-thirds of all engine ground runs do now take place west of the nullah. I will make enquiries as to whether any survey of the residents reaction has been made and let Mr. POON know. (Annex II)

Written answers to questions

Issue of identity cards to foreign nationals

3. MRS. FONG asked: Will the Administration inform this Council of the policy on the issue of identity cards to foreign nationals having stayed in Hong Kong for seven years and to their children born in Hong Kong, and whether these identity cards are different from those issued to Hong Kong permanent residents?

SECRETARY FOR SECURITY: Sir, there are two types of identity card -- a "permanent identity card" which states that the holder has the right of abode in Hong Kong, and an "identity card" which does not state that right. The Immigration Ordinance defines who has the right of abode in Hong Kong. In brief, any person who is a British

Dependent Territories Citizen by virtue of a connection with Hong Kong, and any person wholly or partly of Chinese race, regardless of nationality, who has been ordinarily resident in Hong Kong continuously for at least seven years, enjoys the right of abode in Hong Kong. A person who has the right of abode in Hong Kong is issued with a permanent identity card. A person who does not have that right is issued with an identity card.

A foreign national who is not wholly or partly of Chinese race does not enjoy the right of abode in Hong Kong.

Prior to 1 January 1983, when the British Nationality Act 1981 came into force, any child born in Hong Kong became a British Dependent Territories Citizen by birth, with the right of abode in Hong Kong. This was so regardless of the nationality of the parents, and whether or not they themselves had the right of abode in Hong Kong.

Since 1 January 1983, a child born in Hong Kong to parents, neither of whom has the right of abode in Hong Kong, would be a British Dependent Territories Citizen only if at least one of the parents has the right to land in Hong Kong or has been permitted to remain in Hong Kong unconditionally. In practice, this would apply to the children of:

(a) a British citizen in the employment of the Hong Kong Government who, as a matter of policy, would be granted unconditional stay in Hong Kong;

(b) a British citizen who has been ordinarily resident in Hong Kong continuously for at least seven years, who will then have the right to land in Hong Kong; or

(c) any other national who has been ordinarily resident in Hong Kong continuously for at least nine years, and who has applied for and been granted unconditional stay in Hong Kong.

Smell from nullahs

4. MR. POON CHI-FAI asked: Since the pungent smell from some nullahs has seriously affected environmental health and people's daily life, will Government inform this Council:

(1) the number of such nullahs in Hong Kong and their location;

(2) whether there is any plan to deck all these nullahs; if so, the commencement and the completion dates of such works;

(3) what interim measures are available in summer to minimize the nuisance caused to the public; and

(4) what specific solution is in hand to solve the problems, taking the two nullahs at Jordan Valley and Tsui Ping Road in Kwun Tong as an example?

SECRETARY FOR LANDS AND WORKS: Sir, there are 24 major nullahs in Hong Kong, 16 in the New Territories and eight in the urban area. Eight of these cause a smell nuisance, four in the New Territories and four in Kowloon. These eight nullahs are:

(a) New Territories: the Yuen Long Nullahs, the Tuen Mun Nullah, the Fo Tan Nullah and the Sham Tseng Western Nullah.

(b) Kowloon: the Mong Kok Road Nullah, the Tai Hang Tung Nullah, the Jordan Valley Nullah and the Kai Tak Nullah.

There is no plan to deck all these nullahs. To do so would be very expensive and would, moreover, make it more difficult and expensive to cleanse and maintain them for the purpose of flood control, which is why the nullahs were built. In addition, decking is not always the most appropriate solution to the smell problem. In Yuen Long for example, a \$70 million scheme to reduce the smell and visual impact of the Yuen Long Nullahs has recently been included into the Public Works Programme. This scheme includes desilting, inflatable dams to exclude polluted tidal water from the nullah, stream course lining, and pumping works. These measures are more effective than decking which would cost \$200 million to \$300 million. However, some nullahs in the urban area have been decked for road widening or to provide amenity space. That part of the Tsui Ping Road nullah north of Kwun Tong Road was decked in 1988 as part of the Tsui Ping Road Estate redevelopment project. A section of the Jordan Valley nullah will be decked as part of the Urban Council project, Jordan Valley Recreation Ground Phase II, tentatively scheduled to start in 1991 for completion in 1993.

Interim measures in the summer to minimize the smell nuisance caused to the public

are not carried out as such, although maintenance and cleansing is a year round programme and described in more detail in (a) of paragraph 5. In summer, heavy rain acts as a natural cleansing agent by flushing.

The smell nuisance in nullahs is mainly caused by organic pollutants which are discharged into them from various sources -- domestic, agricultural and industrial. It will not be fully abated until these discharges are properly controlled. The general silting of nullahs also contributes to the smell problem, albeit to a lesser extent.

The measures taken to abate the smell nuisance at the two nullahs at Jordan Valley and Tsui Ping Road are:

(a) most major nullahs, including these two in Kwun Tong, are desilted annually by Civil Engineering Services Department (CESD). This is a recurrent exercise because organic sediments will accumulate again once the dredging has stopped. This work is also carried out to mitigate flooding as nullahs are part of the land drainage system built to take away stormwater runoff. In this financial year, CESD has obtained \$4.5 million to carry out desilting especially for smell abatement -- of this sum, \$0.35 million will be spent in the Jordan Valley and Tsui Ping Road nullahs. The open section of the Jordan Valley nullah has just been cleaned as part of these works and desilting of the decked section down stream will commence shortly;

(b) substantial improvements are being planned to the public sewerage in east Kowloon to prevent uncontrolled discharges of foul waters, including discharges into the two nullahs in Kwun Tong. A sewage management plan for this purpose is now being devised by consultants whose final report on the works proposed will be submitted at the end of this month. These works are expected to cost nearly \$1.0 billion and work could begin on them in 1990 if funds can be made available; and

(c) controls on both domestic and industrial effluents to prevent their discharge through expedient connections into the nullahs will also be imposed when, in 1991, the Victoria Harbour Water Control Zone is declared under the Water Pollution Control Ordinance (Cap. 358).

Headlamps and stop lights on vehicles

5. MR. POON CHI-FAI asked: Since the installation of additional dazzling headlamps or stop lights to some vehicles by their owners may cause serious hazards to the safety of other road users, will Government inform this Council:

(i) whether such installation is in accordance with the safety standards and whether prior approval is required;

(ii) whether stipulation will be made by the authorities to the effect that approval will be required for the installation or addition of fittings to certain categories of vehicles; and

(iii) what measures will be taken to prevent the situation from deteriorating further?

SECRETARY FOR TRANSPORT: Sir, while the present legislation does not prohibit the installation of additional headlamps, rear lamps or stop lamps, safety standards are laid down in the following regulations.

Regulation 47(1)(a) of the Road Traffic (Traffic Control) Regulations requires that the lamps lighted at the front of a vehicle shall be dipped when it is being used on a road where a system of street lights is in operation or in the face of approaching traffic. Regulation 90 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations requires vehicles to carry front lamps so constructed that the beam of light emitted is at all times a dipped beam. As regards head lamps, consideration is being given to amend the principal regulations to specify the highest and lowest parts of the illuminated area of a head lamp. This would prevent the fitment of head lamps which are too high and may adversely affect other road users.

As for rear lamps, regulation 47(2)(b) of the Road Traffic (Traffic Control) Regulations makes it an offence to show to the rear any illuminated device which would tend to distract the attention of the driver of a following vehicle. The Tenth Schedule to the Road Traffic (Construction and Maintenance of Vehicles) Regulations further requires that the maximum wattage for stop lamps must not be more than 36 watts.

Any person who installs additional vehicle lights not in compliance with these regulations will be required to rectify the infringements or in serious cases be prosecuted.

The present enforcement measures coupled with regular vehicle examinations are considered adequate. Government will continue to monitor the situation and introduce further control measures if warranted.

Motions

#### PHARMACY AND POISONS ORDINANCE

THE SECRETARY FOR HEALTH AND WELFARE moved the following motion:

"That the Pharmacy and Poisons (Amendment) (No. 2) Regulations 1989, made by the Pharmacy and Poisons Board on 8 May 1989, be approved."

He said: Sir, I move the motion standing in my name on the Order Paper in respect of the Pharmacy and Poisons (Amendment) (No.2) Regulations 1989.

Section 29 of the Pharmacy and Poisons Ordinance empowers the Pharmacy and Poisons Board, subject to the approval of this Council, to make regulations prescribing the fees payable in respect of any registration made and any licence and certificate issued under the Ordinance.

The board has resolved to amend the various fees set out in the Ninth Schedule to the Pharmacy and Poisons Regulations. As it is the policy for such fees to be set at a level that ensures full cost-recovery, the costs involved in effecting the regulations and issuing the licences and certificates specified in this schedule have been examined. It is proposed to increase these fees by stages until full cost-recovery is obtained.

The estimated costs are \$5.7 million in 1988-89. If the proposed regulations are approved, the estimated annual revenue will be \$2.7 million, representing 47% of estimated costs. These fees will be reviewed again in 1991, with a view to achieving full cost-recovery in that year.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.



## RADIATION ORDINANCE

THE SECRETARY FOR HEALTH AND WELFARE moved the following motion:

"That the following regulations, made by the Radiation Board on 8 May 1989, be approved --

- (a) Radiation (Control of Radioactive Substances) (Amendment) Regulations 1989; and
- (b) Radiation (Control of Irradiating Apparatus) (Amendment) Regulations 1989."

He said: Sir, I move the motion standing in my name on the Order Paper in respect of the Radiation (Control of Irradiating Apparatus) (Amendment) Regulations 1989 and the Radiation (Control of Radioactive Substances) (Amendment) Regulations 1989.

Section 13 of the Radiation Ordinance empowers the Radiation Board, subject to the approval of this Council, to make regulations prescribing the fees payable in respect of any licence issued under the Ordinance.

The board has resolved to amend the various fees set out in regulation 11(2) and the Second Schedule to the Radiation (Control of Irradiating Apparatus) Regulations; and regulation 4(1) and regulation 16(2) of the Radiation (Control of Radioactive Substances) Regulations. As it is the policy for such fees to be set at a level that ensures full cost-recovery, the costs involved in issuing the licences have been examined. It is proposed again to increase these fees by stages until full cost-recovery is obtained.

The estimated costs are \$2.6 million in 1988-89. If the proposed regulations are approved, the estimated annual revenue will be \$1.8 million, representing 70% of estimated costs. These fees will be reviewed again in 1991, with a view to achieving full cost-recovery in that year.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

## First Reading of Bills

LEGAL AID (AMENDMENT) BILL 1989

ARBITRATION (AMENDMENT) BILL 1989

COUNTRY PARKS (AMENDMENT) BILL 1989

PRIVILEGES AND IMMUNITIES (THE INTERNATIONAL COMMITTEE OF THE RED CROSS) BILL 1989

BETTING DUTY (AMENDMENT) BILL 1989

TELECOMMUNICATION (AMENDMENT) BILL 1989

BROADCASTING AUTHORITY (AMENDMENT) BILL 1989

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

## Second Reading of Bills

LEGAL AID (AMENDMENT) BILL 1989

THE CHIEF SECRETARY moved the Second Reading of: "A Bill to amend the Legal Aid Ordinance."

He said: Sir, I move that the Legal Aid (Amendment) Bill 1989 be read a Second time.

This Bill makes a number of amendments to the Legal Aid Ordinance in order to improve the working of the legal aid scheme.

Two of the amendments update certain financial limits. The Ordinance empowers the Director of Legal Aid to impose a first charge, for the purpose of recovering contributions from an aided person, on any property recovered or preserved for him, excluding maintenance payments exceeding \$1,500 a month. One amendment increases this limit to \$2,500 per month. Another amendment increases the amount of the first charge

that the director may waive in cases of serious hardship from \$10,000 to \$30,000.

The Bill extends the supplementary legal aid scheme to the district courts. The Legal Aid Ordinance provides for the award of supplementary legal aid in case of civil proceedings in the High Court or Court of Appeal only, which are brought by the aided person in a claim arising from personal injuries to, or the death of, any person. Until recently claims in excess of \$60,000 were litigated in the High Court. The recent increase of the district court civil jurisdiction from \$60,000 to \$120,000 has meant that those persons with a claim between \$60,000 and \$120,000 are no longer eligible for supplementary legal aid since their claims must now be litigated in the District Court, and not in the High Court. The Bill restores their eligibility.

The Bill makes it clear that the director is liable to pay a non-aided party's costs incurred in successfully opposing a counterclaim, cross-petition or cross-appeal brought by a legally aided defendant or respondent.

Sir, the remaining amendments made by the Bill are of a minor nature.

I move that the debate on this Bill be adjourned.

Question on the adjournment proposed, put and agreed to.

#### ARBITRATION (AMENDMENT) BILL 1989

THE ATTORNEY GENERAL moved the Second Reading of: "A Bill to amend the Arbitration Ordinance."

He said: Sir, I move that the Arbitration (Amendment) Bill 1989 be read a Second time.

The Bill seeks to remove uncertainty in the law as to who may represent parties in arbitration proceedings and will make clear that parties to an arbitration agreement may be represented by any person of their choice.

An arbitration is essentially a private contractual arrangement for the resolution of a dispute otherwise than by legal proceedings in the courts.

At common law the exclusive rights of audience which barristers and solicitors enjoy in the courts do not extend to arbitrations. A party in an arbitration may be represented by any person of his choosing whatever his profession and from whatever legal jurisdiction that person may come. This enables a party to an arbitration arising from, for example, a building contract to be represented by any expert in that field irrespective of whether he is a civil engineer, architect, surveyor or lawyer.

However, doubt has been cast on the common law position in Hong Kong as a result of sections 44, 45 and 47 of the Legal Practitioners Ordinance. Section 44 provides that any unqualified person acting as a barrister shall be guilty of an offence. Section 45 provides that no unqualified person shall act as a solicitor, while section 47 provides that no unqualified person shall prepare certain legal documents.

The question of what effect these provisions may have in relation to arbitration proceedings has led to a number of widely different opinions from lawyers. Some argue that only solicitors and barristers admitted in Hong Kong have a right of audience. Others consider that the provisions do not prevent any person from appearing in arbitration proceedings. More recently an eminent lawyer has expressed the considered view that, by virtue of these three sections of the Legal Practitioners Ordinance, non-lawyers, United Kingdom qualified solicitors and some lawyers from other jurisdictions, for example America, may appear in arbitrations but English barristers and some lawyers from jurisdictions such as Australia and New Zealand, may not.

This illustrates the confusion which exists. The situation is clearly unsatisfactory. There are now strong indications that the uncertainty is constituting a substantial impediment to the development of Hong Kong as an international centre for arbitrations. This is because contracting parties are unwilling to nominate Hong Kong as a venue for arbitrations if they cannot be sure that they will be able to use the advocate of their choice.

The Bill, if enacted, will remove that uncertainty by making clear that sections 44, 45 and 47 of the Legal Practitioners Ordinance do not apply to arbitration proceedings and that parties to such proceedings are not restricted as to who may represent them and this position is in line with the practice in other major centres of arbitration. The Bar Association, the Law Society and the Hong Kong Arbitration Centre support the proposal in this Bill.

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

Question on the adjournment proposed, put and agreed to.

#### COUNTRY PARKS (AMENDMENT) BILL 1989

THE SECRETARY FOR DISTRICT ADMINISTRATION moved the Second Reading of: "A Bill to amend the Country Parks Ordinance."

He said: Sir, I move that the Country Parks (Amendment) Bill 1989 be read a Second time.

The objective of the Bill is to give the Governor the flexibility to appoint a non-official member to be Chairman of the Country Parks Board.

Section 5(2)(a) of the Country Parks Ordinance, as currently worded, states that the Country Parks Board comprises the Country Parks Authority, that is the Director of Agriculture and Fisheries "who shall be Chairman", and other members to be appointed by the Governor. As the Country Parks Board is set up to advise the Country Parks Authority, it is considered inappropriate for that same authority to be chairman of the board. The proposed amendment as contained in the Bill will rectify this situation.

It is hoped that the Bill, if enacted, will become effective before the forthcoming round of appointments to the Country Parks Board in August 1989, so that a non-official member may be appointed as chairman at that time.

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

Question on the adjournment proposed, put and agreed to.

#### PRIVILEGES AND IMMUNITIES (THE INTERNATIONAL COMMITTEE OF THE RED CROSS) BILL 1989

THE SECRETARY FOR SECURITY moved the Second Reading of: "A Bill to grant privileges and immunities in Hong Kong to the International Committee of the Red Cross and its

delegates, and for connected purposes."

He said: Sir, I move that the Privileges and Immunities (International Committee of the Red Cross) Bill 1989 be read the Second time.

The aim of the Bill is to grant certain privileges and immunities to the Regional Delegation of the International Committee of the Red Cross.

The International Committee of the Red Cross was established in Switzerland in 1863. Its functions include providing and co-ordinating medical services in time of war or internal strife, and other humanitarian services, such as monitoring the care of prisoners of war and facilitating contacts between families separated by war or political barriers. The International Committee of the Red Cross has established a regional delegation in Hong Kong to carry out the work of the committee in Southeast Asia and the Far East. Hong Kong has been selected as the regional base because of its central location, its good communications and because it is a society in which an organization with an international humanitarian role such as the International Committee of the Red Cross can function without fear of political interference.

If enacted, the Bill will grant the following privileges and immunities to the committee:

immunity for the regional delegation in Hong Kong from legal process. This is limited to cases arising from the Regional Delegation's official functions;

inviolability of archives and premises occupied as offices;

exemption from taxes and rates on office and residential premises;

exemption from duties and taxes on goods and publications directly imported or exported by the International Committee of the Red Cross for use in its official functions, subject to conditions which may be laid down by the Commissioner for Customs and Excise;

exemption from restrictions and prohibitions on the import and export of goods and publications for official purposes;

immunity from legal process for the delegates. This is limited to cases arising from

the International Committee of the Red Cross's official functions and applies only to full members of the delegation and not to locally employed staff;

exemption from salaries tax on emoluments received as a delegate of the committee. This exemption also applies only to full members of the delegation and not to locally employed staff;

exemption from stamp duty for International Committee of the Red Cross delegates or premises as the Chief Secretary may certify under section 43(3) of the Stamp Duty Ordinance.

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

Question on the adjournment proposed, put and agreed to.

#### BETTING DUTY (AMENDMENT) BILL 1989

THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION moved the Second Reading of: "A Bill to amend the Betting Duty Ordinance."

He said: Sir, the Bill before this Council is intended to permit the Royal Hong Kong Jockey Club to conduct betting on races organized outside Hong Kong. This will permit the Jockey Club to receive simultaneous transmissions featuring prestigious races held overseas and show them at the racecourses in Happy Valley and in Sha Tin. At the same time, punters will be able to place bets on the races in Hong Kong.

The gambling policy of this Government is to provide sufficient outlets within regulated channels, and the aim is to discourage illegal gambling.

If the Bill becomes law, we will ensure that the bets will be accepted only on races which take place at the time when normal racing meetings are being held at either Sha Tin or Happy Valley. The simultaneous showing of overseas races will slot into the normal programme for the day, and therefore, overall, opportunities for gambling in Hong Kong will not be increased.

The Bill seeks to remove the existing restriction in the Betting Duty Ordinance to the effect that betting can only take place in races organized by the Jockey Club

in Hong Kong. As is normal, we also take the opportunity to substitute the words "Hong Kong" for the words "the Colony" throughout the Ordinance.

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

Question on the adjournment proposed, put and agreed to.

#### TELECOMMUNICATION (AMENDMENT) BILL 1989

THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION moved the Second Reading of: "A Bill to amend the Telecommunication Ordinance."

He said: Sir, I rise to move the Second Reading of the Telecommunication (Amendment) Bill 1989.

The purpose of this Bill, together with the Broadcasting Authority (Amendment) Bill 1989, is to provide a statutory framework for the grant of a new licence to the present commercial radio broadcaster (the current licence expiring on 25 August 1989) and also for the award of a second commercial licence by tender in 1990.

The present commercial radio broadcaster, Hong Kong Commercial Broadcasting Co. Ltd., was first granted a licence under the Telecommunication Ordinance (Cap. 106) in 1959. Subsequently the licence was renewed several times without substantial changes. Recently, the Administration conducted a major review and having sought the views of the Broadcasting Authority, recommended updated terms and conditions which will be incorporated either in this Bill or the Broadcasting Authority (Amendment) Bill 1989, in subsidiary legislation, in the licence conditions or in the codes of practice to be issued by the Broadcasting Authority in future.

We have endeavoured to make the minimum change to the Telecommunication Ordinance compatible with our objectives and our rather tight timetable. We are also mindful that the Ordinance deals with a number of different telecommunications issues, commercial radio broadcasting being just one of these.

Most of the provisions in the Bill are self-explanatory but I would like to draw Members' attention just to the following issues.



## Cross-media ownership

Neither the Telecommunication Ordinance nor the present radio licence contains any provisions on cross-media ownership. There are, however, provisions in the Television Ordinance which introduce the concept of "disqualified persons". The effect of these provisions is that certain persons and companies which could bring influence to bear on a television licence may not hold office in a television licensee company or beneficially own more than 15% of the shares of a television licensee. Restrictions of a similar kind are fairly common overseas.

For radio, we recognize that there are differences. It is appropriate that the proposed regulatory framework for radio should take account of these differences. In the case of cross-media ownership, or "disqualified persons" provisions, we are proposing the adoption of a less stringent regulatory framework. The definitions relating to the disqualified persons provisions in this Bill have not been easy to draft, and in case of any doubt I should like to state clearly the intention of the Bill. That is, that persons or companies with specified interests related to broadcasting, including persons who supply material for broadcasting by a licensee, broadcasting organizations, advertising agents or persons who exercise control over companies or organizations engaged in such businesses, should be permitted to own up to 35% of the voting shares in a radio licensee, except that one radio licensee in Hong Kong will be limited to a 15% shareholding in another radio licensee. A television licensee in Hong Kong will of course need to ensure that it remains in compliance with the provisions of the Television Ordinance.

## "Foreign" ownership

Sir, under the present regulatory framework for radio, there are no specific restrictions on shareholdings by persons who do not satisfy certain Hong Kong residential requirements. This is in contrast to the restrictions under the Television Ordinance on shareholdings held by persons (including companies) who are regarded as being "unqualified" because they are not ordinarily resident in Hong Kong as defined in the Ordinance and in the case of individuals, have not been so resident for a continuous period of at least seven years.

Sir, I believe there is a strong case for the control of broadcasting licensees in Hong Kong to be in the hands of people who are most likely to have Hong Kong's best interests at heart. On the other hand, we should not discourage unduly foreign investment.

The Bill proposes a ceiling of 49% of the voting shares in a radio licensee company in which "unqualified" persons or companies may have an interest. The same residential requirements as those stipulated in the Television Ordinance are used to determine who is "unqualified". This 49% limit, in conjunction with proposed restrictions on the residential status of directors and principal officers of a licensee, which it is proposed to include in the radio licences, should make clear the intent of the Bill that licensees should first and foremost serve Hong Kong's interests.

#### Temporary restrictions on disposal of shares

The Bill also disallows, without the approval of the Broadcasting Authority, the disposal of more than 15% of the voting shares in a radio licensee for the first three years following the grant of the licence. This is to ensure that the persons who apply for a radio licence will actually undertake broadcasting, rather than disposing of the shares after a licence is issued, for a quick and possibly handsome profit.

#### Governor in Council's power to prohibit broadcasts

Sir, under the conditions of the present radio licence, the Commissioner for Television and Entertainment Licensing may require the licensee to refrain from broadcasting any specified material. The United Kingdom Government retains similar powers. We examined with great care whether such an unfettered power should continue, and if so whether it should be vested in the commissioner. We concluded first that such power should continue but in a qualified form; and secondly that it should be vested in the Governor in Council. Thus section 13M of the Bill gives power to the Governor in Council to prohibit programmes where he considers the peace or good order of Hong Kong is threatened.

Sir, in conclusion, I should point out that we have limited our efforts to making the legislative amendments necessary to provide for the grant of the two new licences. It is the Administration's intention, however, to begin work early next year on a consolidated Broadcasting Ordinance covering off-air and cable television as well as radio broadcasting. We intend in that context to review in detail the various pieces of broadcasting legislation with a view to improving upon and streamlining the regulation of broadcasting in Hong Kong.

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

Question on the adjournment proposed, put and agreed to.

#### BROADCASTING AUTHORITY (AMENDMENT) BILL 1989

THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION moved the Second Reading of: "A Bill to amend the Broadcasting Authority Ordinance."

He said: Sir, I rise to move the Second Reading of the Broadcasting Authority (Amendment) Bill 1989.

The purpose of the Bill is to extend the power of the Broadcasting Authority to cover radio broadcasting. To date the Broadcasting Authority has been concerned primarily with wireless television, although its advice has been sought on an ad hoc basis on a number of other broadcasting issues. With the imminent grant of a new licence to the Hong Kong Commercial Broadcasting Company Limited and the intended grant of a second commercial radio licence in 1990, this is clearly an appropriate time to extend formally the regulatory powers and functions of the Broadcasting Authority to radio broadcasting.

If the Bill becomes law, the Broadcasting Authority will be given similar regulatory powers and functions in relation to radio broadcasting as it already has in relation to television broadcasting. These include issuing codes of practice and directions to the licensee on programme, advertising and technical standards; imposing financial penalties for contraventions of the legislation, regulations, directions, codes of practice or licence conditions; conducting inquiries into the revocation of licences when directed to do so by the Governor in Council and dealing with complaints about radio broadcasting. The provisions of the Bill also include a right of appeal to the Governor in Council against decisions of the Broadcasting Authority.

Sir, I move that the debate be now adjourned.

Question on the adjournment proposed, put and agreed to.

ANIMALS AND PLANTS (PROTECTION OF ENDANGERED SPECIES) (AMENDMENT) Bill 1989

Resumption of debate on Second Reading which was moved on 31 May 1989

Question on the Second Reading of the Bill 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).

PEAK TRAMWAY (AMENDMENT) BILL 1989

Resumption of debate on Second Reading which was moved on 31 May 1989

Question on the Second Reading of the Bill 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).

ROAD TRAFFIC (AMENDMENT) BILL 1989

Resumption of debate on Second Reading which was moved on 31 May 1989

Question on the Second Reading of the Bill 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).

Committee stage of Bills

Council went into Committee.

ANIMALS AND PLANTS (PROTECTION OF ENDANGERED SPECIES) (AMENDMENT) BILL 1989

Clauses 1 to 18 were agreed to.

PEAK TRAMWAY (AMENDMENT) BILL 1989

Clauses 1 to 11 were agreed to.

ROAD TRAFFIC (AMENDMENT) BILL 1989

Clauses 1 to 3 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

ANIMALS AND PLANTS (PROTECTION OF ENDANGERED SPECIES) (AMENDMENT) BILL 1989

PEAK TRAMWAY (AMENDMENT) BILL 1989

ROAD TRAFFIC (AMENDMENT) BILL 1989

had passed through Committee without amendment and moved the Third Reading of the Bills.

Question on the Third Reading of Bills proposed, put and agreed to.

Bills read the Third time and passed.

Statement

Statement on nationality

MR. ALLEN LEE: Sir, may I have your consent to move without notice a motion under Standing Order 68 to suspend Standing Order 20(1)?

HIS EXCELLENCY THE PRESIDENT: Yes, indeed you have my consent.

MR. ALLEN LEE: Sir, I move that Standing Order 20(1) be suspended to enable me to make a statement.

Question proposed, put and agreed to.

MR. ALLEN LEE: Sir, Dame Lydia DUNN and I went to London last week. We had with us a mandate from OMELCO to present to the British Government Hong Kong's case for a right of abode for British subjects and a safe and secure future for the whole population. Our theme can be generally summarized as follows:

Hong Kong is our home. We do not want to leave. To stay, our anxieties must be allayed. Our anxieties can only be allayed if there is an insurance policy. Britain has the power, the responsibility to provide us with the right of abode in Britain.

We explained to the British Government and the British public that people born in Hong Kong are British subjects. Others have become naturalized British subjects. They have no other national status. Nearly all have renounced all claim to Chinese nationality in order to become subjects of the British Crown. Like British subjects elsewhere, they owe loyalty and allegiance to their sovereign. In return, they are entitled to governance and protection. They look to their sovereign for civil rights and personal safety, both at home and when they travel abroad. There are now some 3.25 million Hong Kong British subjects.

Hong Kong is an economic miracle. It ranks eleventh in the league of the trading nations. It has the largest container port in the world. It is the world's largest exporter of watches and radios and the second largest of garments and toys. It is one of the leading financial centres of the world. In the last decade, it has maintained economic growth averaging over 8% per year. The average per capita income of its population at US\$9,600 is second only to Japan in Asia. These achievements have won for Hong Kong the admiration and respect of countries around the world. They are the achievements of an industrious people for it has no natural resources except a deep water port. Is it any wonder that the people of Hong Kong do not wish to leave a place in which they have settled and prospered?

Since the signing of the Joint Declaration, many people in Hong Kong have sought an insurance policy in the form of a second passport so that if the promises in the Joint Declaration are not kept, they will at least have an alternate home, a home of last resort. The anxious search by increasing numbers for this form of insurance in the last few years has been disruptive to the community and threatens the territory's economic growth. Some have left for good. Many families have had to be separated with one spouse living thousands of miles away in the United States, Canada or Australia to qualify for residency. It is sad to see families torn apart because they are worried for their future.

Hong Kong is valuable to China. It accounts for one-third of China's foreign exchange; 70% of investments in China and provides several million jobs in Guangdong province across the border. But Hong Kong's continued success and its value to China depend on its people. Without them, and without their complete commitment, Hong Kong will not thrive. And if Hong Kong does not remain prosperous and useful to China, There will be little incentive for China to keep its promise of "one country, two systems".

We believe the Joint Declaration remains a good agreement. We want to build up democratic systems in Hong Kong. We remember always that independence is never an option for Hong Kong. But for the sake of Hong Kong's future role, the people of Hong Kong need an assurance now that there is a right of abode in Britain if things do not work out. They need that assurance without having to leave Hong Kong.

The response from the British media was most encouraging. We had a large number of interviews for radio, television and print media. There is now a better understanding on the part of the British public. On the other hand, the response from the British Government was frankly disappointing. Their lack of understanding and lack of urgency in dealing with the current confidence crisis in Hong Kong is, to say the least, beyond our belief. Our meeting with the Prime Minister, however, was more encouraging. She saw the urgent need to help to restore some confidence in the Hong Kong people. Although she said there are difficulties in giving the right of abode to all British subjects, she promised that a statement will soon be made by the British Government on how more generous flexibility would be exercised under the Nationality Act and immigration rules. We told the British Government in no uncertain terms that no matter what political difficulties there are in Britain, British subjects in Hong Kong are the responsibility of the British Government. It

is up to the British Government to discharge their responsibility. We have left them in no doubt that we are seeking the right of abode for all British subjects and we will continue to do so.

Sir, our trip is only the first step to put our message across. The impression that we get from the people we talked to is that no one has denied that there is a severe confidence problem in Hong Kong that needs to be addressed. The Prime Minister quickly accepted that words are no longer enough. People in Hong Kong want to see action. I want to again remind the British Government that the British subjects in Hong Kong are British. They are people who are born on British soil or who gave up their nationality to swear allegiance to the Queen. How can the British Government shirk its responsibility towards its own subjects? How can it honourably face its subjects and the rest of the world?

Sir, on 8 January 1986, the then Senior Member of this Council Dame Lydia DUNN said when she moved a motion on the White Paper on the draft Hong Kong (British Nationality) Order 1986 on the subject of making full British citizens those British nationals who are of non-Chinese descent and those who fought for the defence of British territory, and I quote:

"We can only ask in this way because we are not represented in Parliament. If our requests are rejected, it will add to the profound resentment felt by many of Britain's most loyal subjects who will believe their interests have been betrayed and it will be seen by people around the world as a mean and unworthy denial of the just claims of Britain's most vulnerable and deserving nationals."

Sir, this certainly applies to the British subjects in Hong Kong in today's circumstances.

The Hong Kong community have been shaken by events in China. I want to assure our people that OMELCO will continue to do our utmost to seek the restoration of their birthright. What we are seeking is no more than our right. We know it will take patience and persistence but we will not give up. In the meantime, we must work together as a community. Hong Kong has come a long way from being merely a fishing port to becoming a world famous international city. This is our home. A home that we all have contributed in building and it is where we want to stay.



Member's motion

## WELFARE OF CHILDREN IN HONG KONG

MR. HUI moved the following motion:

"That, to mark the 10th Anniversary of the International Year of the Child, this Council urges the Government and the community to take action on protecting the rights and improving the well-being of children in Hong Kong."

MR. HUI: Sir, I rise to move the motion standing in my name on the Order Paper.

The year 1989, which marks the tenth anniversary of the International Year of the Child, offers a timely occasion for this Council to discuss the motion before us. For the purpose of this debate, a child is defined as a person aged under 18.

This year will also witness the completion of the United Nations Convention on the Rights of the Child launched in 1979. The convention, containing statements on human rights geared to the needs of the child, is designed to lay down international standards for the protection of children all over the world.

Here in Hong Kong, public attention has seldom been focussed on the rights of the child who is often treated as a possession of his parents. Social and economic conditions have compelled many working parents to live with their "weekend children" who are deprived of parental care, influence, and love so essential to them during their formative years. In some cases, the lack of proper care has developed into child neglect, resulting in tragedies that destroy children's right to protection. Our educational system, placing undue emphasis on academic learning, coupled with parents' lack of proper understanding of early childhood education, has become a punitive force crushing hard the creative talents of our young children. Furthermore, the easy access to inappropriate information has also left the young, vulnerable minds open to insidious influences.

On the other hand, I have yet to be convinced that the basic rights of the child are being taken seriously in Hong Kong. The fragmented child care services provided by the government and voluntary agencies will attest to this. Lacking social service resources and taking the traditional non-intervention approach, the Government is paying a lip service by just providing residual child care services mainly for problem

families and people least able to help themselves. Without a clearly stated policy, service providers, parents and educators are in quandaries over the future direction of care and protection for children in Hong Kong.

Indeed, Hong Kong is at best offering child minding services to our younger generation; a big number of them are struggling to survive in tragic plight.

I am therefore grateful for this opportunity of a motion debate and the support shown by my honourable colleagues in voicing their concern over the rights and well-being of children in Hong Kong. Sir, to abide by the time limit of an hour and a half, each Member will speak for about five minutes on an agreed aspect chosen to avoid duplication. It is our intention not to expound on the well-known problems of child welfare, but to propose concrete suggestions for action.

On my part, Sir, I would urge that:

firstly, Hong Kong should become a signatory of the United Nations Convention and that the Government should make every effort to publicize this international legal document in order to maintain and promote the rights of the child;

secondly, legislation should be streamlined to give protection to children against parental neglect and abuse. In this respect, there is a need to review the definition of "child abuse" in law to include psychological abuse and to give clearer identification of child maltreatment;

thirdly, the Government accept the recommendation to be put forth by my colleagues concerning the needs for child care services based on a non-institutional approach through the provision of adequate support services of acceptable standards;

fourthly, the Government accept a commitment, which is pivotal, to map out a comprehensive child care policy and take a co-ordinated approach for the provision and monitoring of services; and

fifthly, community participation is indispensable for creating a healthy environment that meets the social, recreational and cultural needs of children and is conducive to their proper growth and development.

Sir, Hong Kong needs a caring society -- responsible parents who are not ignorant, child care workers and educators who can guide children to learn and bear

responsibility, and the mass media whose positive influence consummates the objective of true education. Only through an inter-disciplinary approach can the spirit of the United Nations Convention be fully enhanced.

Sir, children are the pedestal of our society. Their future lies in our hands, just as we owe our well-being to our older generations. It is therefore our inherent duty to take action to protect their rights and improve their well-being. Let's save our children, now.

Sir, I beg to move.

Question on the motion proposed.

MRS. TAM (in Cantonese): Sir, children and young people are the hope of society. One's childhood and youth constitute an important foundation for one's development. Statistics show that in the year past, people under the age of 18 accounted for nearly 30% (28.3%) of our total population. Today's debate offers a very precious opportunity for Members of this Council to discuss about the welfare of children and young people in Hong Kong.

In regard to the welfare of children and young people, there are several areas which are worthy of our concern. I would like to take this opportunity to offer my views on the rehabilitation and reformatory services for children and young offenders.

The year 1989 marks the 10th Anniversary of the International Year of the Child. The United Nations Convention on the Rights of the Child will be formally endorsed and promulgated this year. This document will include an article stipulating that appropriate measures should be taken to rehabilitate children offenders and help them to re-integrate into society.

In the past 10 years, the Government had really provided various educational counselling and aftercare services for young offenders. However, as the characteristics and trend of juvenile crime have changed, it is necessary for the Government to conduct a proper review of our existing rehabilitation and reformatory services.

Statistical data reveal that there are a number of special features in juvenile crime committed in recent years which are worthy of our attention.

Firstly, the age of offenders is falling. Figures indicate that young offenders aged between seven and 15 have increased in number from 2 358 in 1978 to 7 698 in 1987, exceeding for the first time the number of offenders in the 16 to 20 age group, and representing over 15% (16.2%) of the total number of criminals.

Secondly, there are signs that the number of minor offences is on the increase.

Shop theft is the most common juvenile crime. In 1978, it accounted for over 30% (33%) of juvenile crime, and the percentage rose to over 40% (43%) in 1987.

The third point is the obvious rise in the number of first offenders.

According to figures for the years 1985 to mid-1987, over 60% (63%) of offenders in the seven to 20 age bracket are first offenders; of them, most are involved in shop theft.

Sir, it is apparent from the above figures that children and young people are having difficulties in adapting themselves to society, and that they break the law mainly under the influence of undesirable elements and because of their failure to resist materialistic temptations. Nevertheless, experience tells us that having gone through arrest, trial, conviction and punishment, and been given proper counselling and chances to repent, very often these young criminals can renounce their past and turn over a new leaf. We must bear in mind that since these criminals are very young and the offences they committed are minor, they have every chance to re-integrate into society and make contributions to it again. The rehabilitation of young offenders cannot succeed without the concerted efforts of their families and the community. It is also important that the Government should play a major role by providing resources and opportunities for rehabilitation.

The existing Young Offender Assessment Panel, the Community Service Order and the Superintendent Discretion Scheme are reformatory services which can help young offenders to rehabilitate. However, the rehabilitation scheme introduced in 1986 under the Rehabilitation of Offenders Ordinance has long been criticized for failing to offer a chance for full rehabilitation. In this regard, I would like to put forward three suggestions for the Administration's consideration:

1. The rehabilitation scheme should be expanded by reducing the rehabilitation period to two years and its scope should be extended to cover, for instance, convictions resulting in a fine of not exceeding \$10,000 and an imprisonment term of three months or below. The scheme should also provide that once a record of conviction is spent, it should be spent for good.
2. The discretionary power of magistrates to order that no criminal conviction be recorded should be restored so as to take into account the circumstances of individual cases.
3. Certificates of No Criminal Conviction should be issued to persons whose convictions have been spent, and it should be stipulated that foreign authorities should not be informed of convictions which have become spent.

Sir, like many other social welfare services, aftercare and follow-up counselling are indispensable to the successful rehabilitation of young offenders. This is because changes in the mentality and behaviour of these young persons can indicate how effective the rehabilitation programme has been.

At present, residential training is the main form of rehabilitation service for children and young offenders in Hong Kong. However, to help young offenders to rebuild their confidence and rejoin society, we must not rely solely on the residential training approach which was conceived in the 1950s, especially when training courses offered under the programme still feature carpentry, tailoring, handicraft and so on, the value of which to the present society is greatly in doubt.

As a matter of fact, community-based treatment, towards which the general trend of rehabilitation service is developing, can help young offenders to cope with changing society in a more effective way. For instance, in Britain, from the early 1970s emphasis had already been placed in re-integrating offenders into the community by replacing residential training with open hostels and the assignment of specific jobs as a means to developing community-based treatment.

Sir, the British scheme is worthy of consideration by the Hong Kong Government. It is true that many areas of the scheme have yet to be refined, especially those parts concerning the setting up of half-way house which is sometimes objected to by local residents and is thus difficult to operate. However, if because of the above

hurdle children and young offenders are deprived of the chance to rejoin the community, our society will surely suffer great loss. If the authorities concerned recognize the value of community-based treatment, they should give further thought to introducing this type of rehabilitation service and allow open hostels to be set up in new communities which have yet to be formed. At the same time, appropriate professional counselling should be given to those children and young people who have renounced their past so as to help them to turn over a new leaf.

Sir, finally, I would like to add that it is both obsolete and ineffective to impose "corporal punishment" on children and young persons. People from all quarters, including the United States Human Rights Committee, have criticized caning as inhumane and degenerating. The authorities concerned should consider abolishing all kinds of corporal punishment.

Sir, with these remarks, I support the motion.

MRS. CHOW: Sir, for a community which spent \$8 billion in the year 1988-89 on education, the Government's position to apportion only 0.9% of that to kindergarten education is indefensible, especially when the total number of children aged three to five is as huge as 252 000. Worse still, of this very miniscule 0.8% is spent on the non-educational purposes of refund on rent and rates and fees assistance leaving only 0.15% on education uses. The failure or refusal to do more is to deny the young parents of these children an educational service which they regard as not only desirable but necessary.

Over the years, the Government has demonstrated neither determination nor commitment to improve the standard and quality of kindergarten education. In spite of continuous urging by the relevant operators and workers as well as Members of this Council, Government has done precious little except to allow a gradual deterioration of the state of affairs in this important though elementary sector of education. One working group has been set up after another but little action has been taken to bring about improvements. Problems have become more acute:

(a) For instance, many dedicated non-profit-making kindergartens are now facing serious financial difficulties because of strict government control on fee increases on the one hand, and the growing burden of teacher salary which Government would not share on the other;

(b) Government's stubborn refusal to set a unified salary scale at reasonable levels for kindergarten teachers has resulted in ridiculously low salaries with no career prospects for them. The sad result is the exodus of many teachers to other fields despite their experience and preference to stay in this one;

(c) In spite of promises made in this Council, there has been very little improvement in facilitating the take-up rate of fee assistance by eligible parents, which stood at a dismal 2% in 1988-89.

Since the Education Commission Report No. 2 published in 1986, a working group was set up to look at the implementation of the recommendations contained in the report. Apart from the fact that two and a half years is unjustifiably long for such a simple study especially when six years had already been taken to formulate the recommendations in the report since the 1981 White Paper on Pre-primary Services, very little has actually happened.

But what I find most puzzling is the totally closed-door nature of the working group. What is to be gained by shutting out completely the operators and the professionals from the process of deliberation and planning? Is the Government not aware that there are extremely competent bodies such as the Alliance on the Improvement of Pre-primary Policies consisting of 15 highly respected and recognized member organizations of the field and the Non-profit-making Kindergarten Council of Hong Kong, which could render excellent and invaluable advice? Why is there no place for them in today's open government?

I strongly request Government to take urgent action where it is long overdue and to demonstrate the sincerity and resolve required to rescue the pre-primary sector by:

(a) sharing its plans and inviting views from outside the mandarin's castle as soon as possible, with the clear objectives to tackle the problems efficiently and effectively; I believe such a task can be undertaken within weeks if it is given the push in the right direction by the bureaucratic will.

(b) upgrading the professional level of kindergarten teachers by setting an acceptable salary level, and here I strongly support the proposal put forward by the Alliance on the Improvement of Pre-primary Policies which I consider modest and quite

reasonable, and by subsidizing the salaries of teachers in non-profit-making well operated kindergartens which are suffering financially; and

(c) ensuring that fee assistance scheme benefits as many of those who are eligible as possible by introducing immediately necessary changes to the present system.

I hope we will get some definitive reply from the Secretary for Education and Manpower concerning these requests. It is high time to recognize that the problems that plague our pre-primary education sector will not go away by themselves. The working group must justify its name by coming up with a plan which must work and put it to work with great urgency. Sir, all the excuses not to act have been exhausted in the last eight years, any more delay will be quite intolerable.

Sir, with these remarks, I support the motion.

DR. IP: Sir, ten years ago in 1979, I, Miss Maria TAM and Mr. SZETO Wah, among others, were involved in setting up a Hong Kong International Year of the Child Commission to address whether services for children in Hong Kong is in keeping with the United Nations Declaration of the Rights of the Child. An evaluation report was published in both English and Chinese to cover topics on the child before birth, education, personal and social development, child abuse, the disabled child, environment and child, legal aspects and child health in Hong Kong, the latter two of which were written by Miss TAM and myself. This book gave an in-depth account of the then existing services for children in Hong Kong, as well as setting out proposals on how best we can improve them in meeting the rights of children. Now after 10 years, it is most appropriate to mark the 10th anniversary of the International Year of the Child with a motion by this Council to urge the Government and the community to take action on protecting the rights and improving the well-being of children in Hong Kong.

I took the liberty, Sir, to send all Members of this Council and you yourself, Sir, a copy of the 1979 Evaluation Report of the Hong Kong International Year of the Child Commission. Outdated as it may be, it serves as a baseline to which we can monitor what we have achieved so far and in particular as a reference to what we failed to meet even after 10 years.

Sir, it is true that we have gone a long way and I will cite some examples. On the education front, children no longer have to attend evening primary schools; we



now have nine years free education meaning that every child has an opportunity to attend secondary school; staff to student ratio at schools has been increased; Government is beginning to offer training to kindergarten teachers and a subsidy is given such that all children from poor families can attend kindergarten. Schooling for handicapped children is no longer a luxury of a few lucky ones but it has become the rule. On the legal front, the concept of family courts has been partly introduced with experienced judges sitting on the 14th floor of the Supreme Court to deal with matrimonial matters; the introduction of the Mental Health (Amendment) Bill last year which in part will protect children under the care of mentally ill persons; and paid maternity leave effectively protect the environment of the unborn child.

However, we have still a long way to go. The majority of kindergarten teachers are still unqualified and are failing to maximize the full intellectual development potential of children at this most important period of a child's life. Kindergarten premises lack space for children to play so as to maximize their physical growth potentials. Primary schools, though with reasonable space, fail to allow adequate time for physical education because of their bisessional status. Not only is the physical growth of our children not maximized for the reasons I quoted above but it is positively retarded by the need to carry loads of school books on their backs backwards and forwards. The proof of such poor physical development of our children compared to counterparts in other parts of the world is contained in the Physical Fitness of Children in Hong Kong published by the Chinese University of Hong Kong.

A few hundred handicapped school-age children are still not receiving special education in a school setting. And although sex education is now taught even in schools for the mentally handicapped, we are seeing sexual abuse of severely mentally handicapped children to the point of pregnancy and mildly mentally handicapped children are lured into selling sex for money.

Last but not least, the full implementation of the concept of family courts to include preceding conciliation meeting in divorce matters involving children for the children's benefit is still being keenly awaited.

Having given an introduction on these general topics which also affect the physical, psychological, mental and emotional health of children, I will now concentrate on health matters.

The recommendations for improvement in child health and services in Hong Kong

which I made 10 years ago basically have not changed and they are as follows:

To improve child health in Hong Kong, children must be offered a good environment to grow and develop; the public spirit of "motherhood" must be fostered; and parents must be educated to make use of the available facilities to help a child grow up healthily. Concurrently, child health services must be improved by working on their deficiencies.

The environment should be improved, particularly as regards reducing childhood accidents, atmospheric pollution and over-crowding, as all three of these can lead to childhood disease and morbidity. These are obviously long-term objectives, but it is doubtful if their importance to Hong Kong has been sufficiently recognized.

As regards motherhood, the public should be corrected in their lack of concern for the pregnant and nursing mother. This is shown by the absence of paid maternity leave at that time, the lack of consideration for mothers who breastfeed their babies, no medical benefits for wives and children and lack of protection against discontinuance of employment of pregnant and nursing mothers. This has of course improved.

Breast feeding and maternal bonding go far in preventing paediatric ill health from such causes as gastroenteritis and child abuse.

In education, the public should be educated to raise their standards of knowledge in child health and disease. Deficient areas are particularly in the importance of breast feeding, prevention of childhood accidents, the acceptance and needs of the handicapped child, childhood nutrition and many more.

With education, we can correct such misconceptions as the apparent convenience and safety of cows' milk feeding, blind permission to children to experience their environment being the best way to prevent accidents, shame and hopelessness in having a handicapped child, and protein-containing foods being too "rich" for their infants.

To improve child health services, the deficiencies must first be looked into and the following carried out:

1. We must be more considerate to the sick child. As far as possible, a sick child should be nursed in an atmosphere or environment which will least disturb his

emotional and physical development. What could be better than to have a paediatric general hospital for Hong Kong? This would serve as a "centre of excellence" which would set a standard for all other paediatric facilities to follow, and in which medical students would be able to see hospital paediatrics practised at their best.

2. Certain standards should be set for the care of the sick child by an independent panel of paediatricians (Hong Kong Paediatric Society -- Committee on the Standards of Child Health Services).

3. Such standards must be recognized and therefore enforced by the Medical and Health Department in all three sectors of paediatric services in Hong Kong, namely, government, government subvented and private sector.

4. And lastly, to upgrade the standards of the child health services, the same panel should constantly review their adequacy through monitoring the diseases of childhood and their causes and by receiving feed-back from medical and paramedical workers.

In this respect, Sir, though I have never stopped pointing out the deficiencies of our medical services, I must admit that we have gone a long way in improving child health services since 1979. We have achieved most of those which can be improved with actions involving just one or two departments. For example, with the introduction of universal hepatitis B immunization for all newborns, it does mean that we can virtually wipe out all chronic hepatitis carriers in children and will prevent them from developing liver cancer 50 years later. The introduction of the Comprehensive Observation Scheme, which is now firmly established, does mean that all handicapped children are diagnosed earlier and the introduction of intensive training starts from infancy. Furthermore the many comprehensive child assessment clinics can go further to categorize the nature and degree of handicap so as to direct them to the most appropriate educational services which should follow. The fluoridation of water and the introduction of many school dental clinics does mean that carious teeth is no longer the bread and butter of the general dental practice. And, of course, more babies are being breastfed.

Although a paediatric hospital is still a non-entity, a new paediatric annex has been built at the Queen Mary Hospital to cater only for children. Parents can visit their children in hospital at any reasonable time during the day and overcrowding in paediatric wards are by far more satisfactorily controlled in comparison to adult wards. None the less, there is no room for complacency because we have failed to prevent concussion and laceration of the head as the leading cause of hospital

admission in children. We have failed to prevent accident as the major cause of death in children between one and four years. Furthermore, there is every indication that fatal road accidents involving children under 15 are still on the rise. And the act of leaving children unattended at home has resulted in injuries and death. Bisessional schools often subject developing children to miss breakfast or to be eaten without rest in order to get to school on time and not to have lunch until after 2 pm, all these being detrimental to the normal healthy development of children. Standards for the hospital care of sick children have still not been established.

Sir, I can go on and on. But it is clear that our task to improve child services will never end. It is for this reason that I will finish at this point with a request which was in fact the unanimous conclusion of members of the Hong Kong International Year of the Child Commission, when it came to a close two years ago, that the co-ordination and evaluation work of the Hong Kong International Year of the Child Commission must be continued with the setting up of a Child Commission.

If the Government and the public consider that children are an important sector of our community, and I am sure they do, a Child Commission should be set up to ensure, co-ordinate, monitor and evaluate that the rights of the child in Hong Kong are met and continue to improve services for them and as an ongoing issue.

Sir, with these words, I support the motion before Council.

MRS. FAN: Sir, I shall be speaking briefly on two issues in today's debate, the pre-school services and services for gifted children.

During the Budget debate two months ago, I spoke about the problems faced by the kindergarten sector. I only wish to add that the child care centres are also facing a retention problem due to the lack of an attractive career ladder. The artificial division between child care centre and the kindergarten under the supervision of two government departments, is confusing and unnecessary, although it is a historical phenomenon. Children develop at a very rapid pace between the age of two to five. There are psychologists who believe that the foundation or formation of basic traits of character is completed when a child reaches the age of five. The care, guidance and education needed by this age group of children is basically the same. Surely in any planning of pre-school services, the emphasis must be on the child's development at various stages rather than on administrative convenience. Pre-school services in Hong Kong is insufficient to meet community need, and the standard of

such services is too varied. With more educated young couples and a tight employment market, most young couples are both working, so pre-school services has become a necessity rather than a luxury. While the financial implications of Government subsidizing pre-school services cannot be underestimated, I believe time has come for this Council to accept that for the well-being of our young children, Government has to be actively involved in supporting the improvement of quality of child care and kindergarten services. I do not think the taxpayers would object to expenditure in this area.

The Secretary for Education and Manpower told this Council in May that after much hard thought and detailed consideration of various options, he was nearly ready to put proposals on pre-primary services to the Executive Council. If I may, Sir, I wish to make three points for the Secretary's consideration. Firstly, I would urge the Education and Manpower Branch and the Education Department to give full and detailed consideration to the proposals and comments of the Alliance on the Improvement of Pre-primary Policies. This group is led by heads and teachers of kindergartens. They possess years of experience in the field and they do have first hand knowledge of the difficulties. Secondly, I wish to support the suggestion that Secondary V level should be the minimum requirement for child care worker and kindergarten teachers after 1991 so as to improve the quality and maturity of the front-line workers in pre-primary services. By 1991, 95% of our young people will be educated up to Secondary V or an equivalent level and recruitment should not be difficult provided a reasonable career ladder can be offered. Thirdly, I would like to see an acceptable proposal coming forward even though it may take more time in consultation with involved parties in the field, rather than having a set of proposals which are attractive on paper but failed to gain the confidence of those who have a vital role to play in its implementation. I believe Mrs. Selina CHOW was making a similar point in her speech earlier.

Sir, turning now to services for gifted children, many of us in this Chamber including myself would like to think of ourselves as gifted children who have survived the system and not a few of us believe that we are parents of gifted children. My honourable colleague, Mr. Martin LEE's first question when he joined this Council in 1985 was whether there was any policy or programme on the teaching of specially gifted children and the Honourable Stephen CHEONG asked in supplementary for the definition of gifted children. The answers they got as far as I could make out was both negative except that the Director of Education would be consulted on this. Since then, the Education Department had presented papers on education provision for gifted

children to the Board of Education for discussion and advice.

The United States Education Consolidation and Improvement Act in 1981 defined gifted children as those who "give evidence of high performance capability in areas such as intellectual, creative, artistic, leadership capacity or specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capability." Researchers and educationists have indicated that exceptionally gifted children run the risk of boredom, frustration and suppression of their giftedness if their abilities are not recognized in time to prevent serious educational or other problems, such as maladjustment and delinquency. It appears to be universally accepted that these children deserve more attention and support, no less than their counterparts who are slow learners.

It is reckoned that about 20 000 gifted children in the age of 6 to 18 are currently within our school system. The first step is to identify them. This can be done through the co-operation of the teachers who are supported and assisted by a professional team consisting of psychologists and educationists.

Within the Hong Kong context, it is necessary to decide whether these children should be placed in a special school or should they remain in an ordinary school which will devise suitable programmes for them. The Board of Education favoured the latter approach. Because segregation is not necessarily beneficial to the social development of a gifted child who may well one day become future leader of this community. However, the decision to offer school-based programmes in primary schools for gifted children does mean that heads, teachers and parents need to appreciate more fully the needs of these children and their psychological developments. There is also need for the development of resource materials and the establishment of a resource centre to assist teachers. Counselling services to support gifted children and their parents on improving communication skill and social adjustment are also necessary. The involvement of the community in the development of special programmes for gifted children is very important also. The Board of Education supported the proposal to implement a pilot project to be carried out in some 20 primary schools for three years, and have that approach extended to another 20 secondary schools in the third year. All the above measures carry resource implications. Therefore, the Education Commission will have to look at them within the framework of the review of nine-year free and compulsory education. Without wishing to pre-empt any discussion by the commission and the public on this issue, I would urge that, should these proposals receive public support, the Government

should take positive and immediate steps to implement them.

Sir, I support the motion.

MR. TAI: Sir, the future United Nations Convention on the Rights of the Child will give the world a clear message that every state has the obligation to protect the rights of their children.

It should be the natural responsibility for every parent to care and protect their children. The convention will stress responsibility. However, not every family will be able to fulfil such a requirement in the event of a parent's death, illness, unemployment, or other unfavourable social problem. The state must then intervene to provide the appropriate support for the family and children in need. The state's policy in this regard must be forward-looking and provide measures to support individuals and their families. This will be the basic philosophy of the Future United Nations Convention on the Rights of the Child.

Hong Kong is one of the most prosperous territories in the Asian and Pacific region. But one must note that despite its promising economic performance in general, some families are still at risk while many children, I fear, are subject to different kinds of exploitation. I shall refer to these nuclear families in the new towns which have had little support from parents or relatives, and to those youngsters who are the victims of parental abuse and sexual exploitation.

We usually say Chinese families are basically self-reliant and family members tend to help each other in case of crisis. This is true when they are living in an environment which they are familiar with. In such a community, one will enjoy the intimacy and support from friendly neighbours and relatives who are readily available and always willing to help. However, there is a change with new towns mushrooming in the New Territories and thousands of households have had to move into new communities where they find little support and where they are regarded as total strangers.

These households have to face all their problems alone. As a result, one observes an increase in marital problems, child abuse, youth crime rate and even domestic violence in the new towns.

Article V of the proposed convention states that the child has the right to enjoy parental guidance appropriate to his or her evolving capability. Yet, when the parents are not available or not capable of providing the support needed, the Government has to provide the access needed to relevant social services. By doing so, the child's normal development can be ensured, while maltreatment can be avoided.

I would suggest that the Government should look closely into such problems arising in new towns, and to work out all the necessary measures to help such families. This would include the provision of adequate day-care centre placements for children under six, children centres or after-school programmes for school-age students, family counselling services for those in need of in-depth counselling, and preferably, a task force composed of experienced social workers, police officers, and other personnel or professionals to deal with cases which will come up periodically. If a child has to be taken away from his or her natural family due to more severe problems, I would advise that careful assessment should be carried out by professionals before any action is taken. If it would be in the best interests of the child to stay in another environment, I would suggest that the professional or social worker should firstly consider placing the child in the closest relatives' family so that he or she can still enjoy a normal family life. If this is not possible, it would be desirable to place the child in a non-institutional facility such as a foster home or small group home run by voluntary agency rather than to place the child in a large institution where the child's adjustment will be a problem.

Article XVIII of the convention states that it is the child's right to have protection from sexual exploitation and abuse including prostitution and involvement in pornography.

I am afraid that the problem of missing teenage girls and prostitution involving young persons in Hong Kong is becoming more and more serious.

Just a few weeks ago, the superintendent of a girls' home told the participants of a seminar that the age on admission to the girls' home tends to be younger and younger. She quoted that the youngest girl they had last year was 12 years old. In addition, five of the new girls were only 13 years old. In the past, she said most of the girls admitted to the same home were about 14 to 15. Among the 40 girls that the home had accommodated in the past six to seven months, 32 of them had had sex under the age 16; 13 of them had been involved in prostitution, five had been raped; and four had contracted sex related diseases. One perhaps will never know exactly



how many of the adolescent girls, or even boys, are involved in sexual malpractice. Nor can one tell how many are exploited by adults but who have not come to the notice of this authority.

I must admit that there is no perfect solution to this problem. But I believe that through our concerted efforts, we can achieve more in our effort to control this problem. I would therefore urge that the Government should pay special attention to this issue and to arrange better co-ordination among the various government departments and organizations concerned with this problem.

I wish also to take this opportunity to ask the Government to pay particular attention to marriage problem and one-parent family as the rate of divorce is rising rapidly and this trend is particularly alarming in the new town. I would urge the Government to look into the possibility of setting up special family court in various towns of the districts so as to foster the relationship between the judiciary, social welfare agencies and the police in the region, in respect of family matters and affairs which are in dispute. This would enable the court not only to put the law into practice in respect of matrimonial matters but can also easily enlist the local support of the voluntary social services agency and police effectively.

The Future United Nations Convention on the Rights of the Child is more than a document. It stresses that the child's rights is a global concern and action needs to be taken to enforce what all nations are certain to endorse. I would urge that the Government support this convention when it is formally announced and that a working group should be formed to oversee the implementation of the convention's provisions.

Sir, I support the motion.

MR. EDWARD HO: Sir, the best picture that I can conjure up is that of a child smiling, unaffected, innocent and radiant. The worst image -- the child in misery and pain.

Lately, our community debated extensively on human rights, and we remembered the United Nations' International Covenants on Human Rights when we talked about the Basic Law. But, how many of us have ever paused to consider the rights of the child? Adults consider matters on their own level. They tend to forget that children are not just possessions, and they too have their rights. (Incidentally, the very same words that my honourable colleague, Mr. HUI Yin-fat, used.)

The subject of the motion today is about improving the well-being of children in Hong Kong, but more importantly, it is about the rights of the child: the rights of children to be afforded the necessary protection and their harmonious development. The subject under consideration is not what we wish to give to the child; but what, by rights, the child should get from us.

Sir, I understand my colleagues will speak on a variety of topics affecting the rights of the child. I shall concentrate on children with social and psychological problems and, in particular, in relation to broken and problem families.

We know that emotional or behavioural problems in adults are often associated with unhappy childhood experience: experience such as broken homes, the death of a parent, parental cruelty or an unloving or quarrelsome home.

Extensive studies showed that there is a strong linkage between broken homes and delinquency, and that children from broken homes have higher tendencies to develop anti-social problems.

We also know that because the child's most intense contact is, first, his parents, and later on his teachers and his peers, he is more than anything else influenced by his experience with these individuals.

In the case of broken homes or problem families, the ongoing discord and disharmony create an acute stress on the child which leads potentially to his social disorders.

I understand that the Social Welfare Department and voluntary welfare agencies provide counselling and assistance to parents and children suffering from family problems through 53 family service services. No doubt these are very valuable services. But I often wonder how many people with marital problems are motivated enough to seek help from these services, and how many unhappy children even know about these services. And indeed, is it practical to think that young children would, on their own, seek these services?

Teachers

If we forget about the problematic parents for a moment, the other adults who

are in constant contact with the child are his teachers. I believe that the teachers have a lot to do with whether the child can successfully overcome his emotional problems, and, on the other hand, teachers who are insensitive may even aggravate the child's problems.

Teachers need to understand the psychological needs of the child. They need to realize that their jobs are not just to impart knowledge, and that their attitudes to their students have strong and lasting impacts on their development.

Teachers serve as models of behaviour to their students. If teachers are harsh, intolerant, bad-tempered and abusive, they are likely to encourage similar behaviour in the children.

This gives rise to the question whether our teachers, especially those who have been in service for some time, are sufficiently trained in child psychology to take care of the children under their charge.

#### Training course for teachers

Government provides opportunities for management courses to civil servants on administrative posts; and recently the Finance Committee approved the expenditure for teachers to go on refresher courses on their skills in English.

I propose that all in-service teachers should be provided with the opportunities for refresher courses in child psychology in the same way that civil service training programmes are provided.

#### Pre-school education

Another area that needs attention is pre-school education. Members of this Council have argued for subsidized pre-school education. Today my honourable colleagues, Mrs. Selina CHOW and Mrs. Rita FAN, have again eloquently argued the case. Children first venture outside of their home environment during the pre-school age. Their experience in the nursery and kindergarten affects their process of emotional development. There is thus a need for proper pre-school curriculum, which stimulates their interest and imagination, but which would not go beyond their learning capabilities for their age. We should also ensure that only teachers properly qualified to take care of the young would be employed.

If I seemed to have strayed from the topic that I started with: children from problem families, it is because there are two major elements exerting influences on character development of the child: the family and the school. For children from problem families, it will be difficult to deal with the family, and the school plays an even more vital role in helping the troubled child.

The school also has the responsibility of instilling in the young a healthy attitude to interpersonal relationships, and to love, courtship and marriage. The way to ensure less broken homes and better family relationships is to start with the proper education and care of the child, before he becomes a parent.

MILTON said: "The childhood shows the man, as morning shows the day." Our hope for a better tomorrow must be to ensure the well-being of our young and respect the rights of the child.

With these remarks, Sir, I support the motion.

4.23 pm

HIS EXCELLENCY THE PRESIDENT: I assume a good many Members are due to speak in the debate. Members might appreciate a short break at this point.

4.46 pm

HIS EXCELLENCY THE PRESIDENT: Council now resumes.

MR. ARCULLI: Sir, this motion under debate is to mark the 10th Anniversary of the International Year of the Child. Despite the efforts and resources put in by both the Government and the community as a whole on protecting the rights and improving the well-being of children in Hong Kong in the past 10 years there is still room for improvement. This endeavor is a continuous one and should be reviewed so that we can see what has been achieved, assess our future tasks and challenges and thus ensure that our resources are deployed effectively in the light of new needs and challenges.

It is therefore not enough that we care for the physical, educational and moral needs of our children for as they are brought up with the freedom and values we enjoy

surely it behoves us to ensure that they too will enjoy such freedom and values. Although the purpose of this debate is not to deal with the challenges of 1997 and beyond yet one cannot ignore the fact that recent events in China have brought added concern over the issue of nationality. The parents of Hong Kong have a deep concern for the future of their children and the depth of their concern is reflected in some instances by their seeking a new nationality for themselves and their children. It is particularly relevant in the context of today's debate because a working group set up by the United Nations to commemorate the International Year of the Child has beautifully and simply described nationality to a child as a "right from birth" and serves as a powerful reminder to all of us as to the rights of a child and in this context particularly those who might otherwise be stateless. Sir, may I quote from the draft convention by the aforesaid working group to be submitted to the General Assembly at the end of this year, article 7 on "the right to name and nationality":

"1. The Child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless."

Sir, the issue of nationality for Hong Kong British subjects is rightly stated as a direct moral and constitutional responsibility of Britain. Hong Kong is not a borrowed place and even if part of the territory was leased there can be no doubt that people born under the British jurisdiction are British subjects proper; this includes an overwhelming majority of our youth below the age of 18 as defined by the United Nations draft. Children are not borrowed people nor for that matter do they expire with the lease and thus they have a right to British citizenship. Sovereign countries must accept this obligation and ensure that their legislation is in accordance with the letter as well as the spirit of the draft convention and must not enact laws to exclude this right let alone claim that there is no such obligation. I believe it is appropriate to point out that those Hong Kong born minority who are not ethnic Chinese face the serious prospect of becoming stateless. Lest it be misunderstood I am not advocating that Hong Kong British subjects be put into categories. On the contrary the example I have given is to highlight one plight of our children.

Sir, nationality is an inherent right so fundamental to all our children for

without nationality they have no identity, and without identity how can they be expected to grow and develop and live as dignified human beings.

With these words, Sir, I support the motion.

MR. DAVID CHEUNG: Sir, before I begin, I wish to ask my honourable colleagues to forgive me because it would take me more than five minutes to finish my speech because I have too strong a feeling towards the motion.

I wish to speak as a concerned citizen, legislator and educationalist.

The childhood experiences of a person have vital effects on his future well-being. For this reason, the home and social environment must be conducive to children's wholesome development.

With the disintegration of the social institutions of marriage and the family, many children today are brought up in problem homes. They suffer from parental neglect and abuse in one form or another. My honourable colleagues have already addressed and will continue to address these issues today.

I have often said and wish to reiterate that the social environment of Hong Kong is not conducive to the wholesome growth of children and young people. I am not talking about the material aspect because materially, most of our children and young people are more than adequately provided for. In fact, sometimes I feel that they have been too well provided for, which whets their appetite for further material pursuits.

The fact that Hong Kong is a free society, which is something we cherish and always emphasize, results in the emergence of all kinds of social phenomena many of which are unwholesome. I sometimes wonder whether freedom has been unnecessarily and excessively abused. For the sake of profit and money, many people do much to literally harm our children and young people.

For our children and young people, temptations which are sensuous are everywhere. The easy and ready availability of pornographic magazines, video tapes, soft drugs, stimulants, alcoholic drinks and cigarettes has become a tidal wave which is allowed almost unchecked. The mass media which portray violence and sex as rather "normal" ways of living have deep penetrating and damaging effects on the minds of the young. A recent survey by a well-known social service agency found that quite a sizeable

number of our youngsters watch pornographic video tapes and read pornographic comic books. The concept that gambling is an essential "fun" part of life is irremovable from the value system of our young people. Can we in the adult world say that such a social environment is good for our children? We must try our best to curb the evil influences to protect our young children and young people.

Turning to education, I have always said that children in Hong Kong must be bright to survive the system of education here. Our system is rigid, unduly heavy in emphasis on examination results in an academic curriculum taught in a foreign language. Nothing really wrong with that, I agree. English is important to a community like Hong Kong. I have personally put a lot of efforts in my own school and in helping other schools to improve the quality of the teaching of English. But, the hard fact of life is that only about 25% to 30% of our children can manage an education in English and not everyone is academically inclined. I wonder why it is so difficult for us to accept the fact. What kind of provisions have we made for those children and young people who are less academic, not quite able to master and be fluent in a foreign language, and who do not and cannot score well in such examinations? Not much, I am afraid. Even with the full implementation of a hundred per-cent nine-year compulsory education, we tend to expect all our children to perform equally well and we still try to measure them in similar terms as in the past. Are we being realistic? The cry for change of curriculum is loud and clear. Right, but who will go for such modified curriculum when they see not a streak of light at the end of the tunnel. With no provision for further advancement and recognition of success in non-academic and more practical subjects and other relevant talents, many children under parental pressure are hitting their heads against the wall by vowing to go for an academic education in a foreign language leading towards success in public examinations regardless of the prices they have to pay. In the course of such pursuit, they hurt themselves mentally, psychologically and even physically. Have we ever given sober and serious thoughts to the plight of these children? My heart cries out for them. I call to give them some sense of achievement, some recognition of success so that they do not have to pursue blindly a kind of education that do not suit them. We cannot expect other members of society to do this if we, as leaders of society, do not. We can no longer adopt the attitude that as long as my children and the children in my school can manage, I could not care less about the rest.

I subscribe that we must provide for the bright. No community can afford to neglect its bright children. But as a responsible government and as responsible adults, we must not simply provide and cater for the bright at the expense of the

rest. The majority of people in any given society is in the "average" category.

I wish to sound a word of warning here. If what has happened in the United States is any indication or reflection, we may soon find ourselves in the same boat.

In the 12 June 1989 issue of the Time magazine, a feature article entitled Violent Kids says, "A rise in brutal crimes by the young shakes the soul of American society". The crimes committed by very young children make the public stand aghast. The major causes listed are: lack of parental supervision, lenient treatment of juvenile offenders by the courts, children being mistreated by their parents, too much sex and violence in movies and television, too much emphasis on sex in advertising, rock music lyrics that glorify sex and violence, insufficient recreational facilities for teenagers, failure of schools to provide better education and, finally, a life of privilege.

Among the remedies suggested are: tougher criminal penalties, more government spending on educational and recreational facilities, greater restraints on the showing of sex and violence and in rock music lyrics, holding parents legally responsible for the crimes of children, intensive rehabilitation programmes, battle on drugs, and last but not the least demonstration that society cares about them.

Time does not allow me to go on. On the occasion of this the 10th anniversary of the International Year of Child, let us alert ourselves and do what we can to provide a cleaner, healthier, happier and warmer place for our children and our young people. Let us show our youngsters by genuine actions that we do care about them.

With these words, Sir, I support the motion.

MRS. LAM (in Cantonese): Sir, the United Nations designated 1979 as the International Year of the Child. In retrospect, during the past 10 years, many local social service institutions and government departments have been constantly providing cultural, recreational, educational, medical, social security and counselling services to promote the welfare and interests of children. The annual government subsidies for children's projects have also been increasing. As the scope of service continues to expand and the volume of service provided is on the rise, it seems on the surface that the children of Hong Kong are accorded the greatest attention and care. In reality, however, the situation is still far from satisfactory. This has already



been reflected by my honourable colleagues' speeches in one way or the other. Nevertheless, I would like to view the inadequacy from a different angle.

As our society is perpetually changing, children and teenagers alike are now confronted with the divergent concepts on sex held by people of the East and the West. Human beings have all along been trying to trace their own origins. Questions like "What are mankind?", "Where did I come from?" have always been raised by kids. Hence, if it is considered that children have the right to receive education, then sex education should also be included as part of the curriculum. Recently, members of the community are mostly of the view that full implementation of sex education is a very effective method to counteract the effect of social culture which perplexes teenagers, especially those pornographic publications, movies and television programmes which exaggerate, distort and play up sex. Those programmes always puzzle and mislead teenagers who are not yet mentally mature.

Sex education deals with matters concerning the two sexes, and sex is inborn. It is also an education for children to foster a perfect, morally cultivated personality. It involves human relationship and interaction, as well as the overall social climate. Furthermore, it helps to establish a healthy, mature and proper concept of sexual value. Thus, it is generally agreed that under the prevailing degenerative social atmosphere in which teenagers are obsessed with material pursuits and sexual desire, and publications depicting violence and sex are mushrooming in the market, the implementation of sex education brooks no delay.

Parents are the ones with whom kids constantly come into contact, and who have the most far-reaching effect on their children. They are also most trusted by small children. The sexual attitude and behaviour of parents, whether enlightened or conservative, do exert an imperceptible influence on their children. That is why many people consider that parents are the best tutors in sex education, as they can best observe the needs of their children in various stages of growth. Along this line, it is logical in theory for parents to do so, but we have to admit frankly as well that the parents of this generation have seldom come into contact with sex education during their own formative years, hence their preparations for imparting sex education will not be sufficient. In addition to the existence of taboo and faulty ideas, their lack of confidence and techniques when explaining and discussing "sex" with their children is also a drawback. In this connexion, parents are duty-bound to consolidate the knowledge of their children's process of growth and development. On the premise of promoting sex education, parents should fully

comprehend the different stages of the mental development of their children, and to co-ordinate with the contents of sex education as a whole. As to the next generation, with the general implementation of sex education in schools, the difficulties encountered by parents in providing sex education for their kids could of course be eased. Since the early 1980s, sex education has been included in the secondary school curriculum. But unfortunately, more than one-third of our secondary schools have not taught this subject. May I question if those schools have the authority to deprive their students of the right to receive sex education? Does the Education Department have the obligation to advise these schools to provide their students with sex education as soon as possible?

In the course of putting family sex education into practice, the parents may find it a bit embarrassing and uneasy at the very beginning. In fact, such contradictory feeling and mentality can be overcome by cultivating a correct concept of sexual value and mastering the technique of teaching their own children. The parents themselves must first of all discard all the hearsay and misunderstanding about sex, recognize in a sincere and natural manner their children's needs and curiosity about sex, and take the initiative in maintaining a close family relationship and candid communication with their children. Besides, they have to set a good example by practising what they preach in their daily life. The parents should therefore be able to guide, in an enlightened and positive manner, their children's overall growth, so that the family has a firm starting point to promote sex education. It is the proper approach to start sex education at home. At present, this kind of work is mostly taken up by voluntary agencies and I think the Government is obliged to give more support and promotion in this respect.

Last but not least, it is hoped that on the occasion of the tenth anniversary of the International Year of the Child, we would see the Government formulating a central policy on services for children, covering the field of child development as a whole, and setting up a standing committee to be responsible for advising the Government on all children-related matters, reviewing and putting forward proposals on revising the existing policies.

Sir, with these remarks, I support the motion.

MRS. LAU: Sir, the 10th Anniversary of the International Year of the Child marks a timely moment when we should reflect on what we have been doing for the children

of today, evaluate the sufficiency of our various child care services and consider what more we can do for our next generation.

In recent years, the number of mothers engaged in gainful employment has increased mainly due to economic necessity. By 1987, the female labour force in Hong Kong has exceeded the 1 million mark. The figure in 1988 represents a 10.6% increase over that of 1983 and the rising trend is expected to continue in the foreseeable future. With more and more women being drawn into the labour force, the impact of maternal employment upon children, particularly in relation to their care and control, becomes increasingly more important.

One of the objectives of the family welfare services provided by the Social Welfare Department is to ensure that sufficient day nursery places are provided for all children aged between two and six and subsidized day creche places are provided for all children aged under two who cannot be cared for by their parents during the day time. This objective aims particularly at assisting working parents.

Let us examine what the Social Welfare Department has achieved in this area. In relation to nurseries, the working ratio adopted has for some years been 100 places per 20 000 general population. Up to April 1989, there are 28 558 places in nurseries, 17 756 being aided places and 10 802 places being provided by the private sector. The places in day creches are a meagre 917. The current plan is to provide 1 600 additional nurseries every year. In recent years, there have been much complaint that day nurseries and creches are insufficient. However the Administration's stand has been a stubborn one of reluctance to improve beyond current arrangements. Accidents which have occurred to young children over the past few years have caused questions to be raised in this Council as to the adequacy of child care services. In relation to child care centre places, whilst refusing to admit any shortfall the Administration has pointed out as early as 1987 that in the light of full utilization of the existing centres, it would seem that a considerable demand for such places existed. Surprisingly, the position remains the same today. In early 1989 the Administration once again acknowledged that day nurseries are fully utilized and that indications are that there is a currently unmet demand. However nothing is being done and nothing is proposed to be done. If indications have existed for such a long time that there is an unmet social demand in the territory, what justification has the Administration got to delay investigating into and carrying out a review to assess the position, to ascertain whether a shortfall actually exists and if so, to come forth with proposals as to how to cater for the demand?

According to the Census and Statistics Department, the number of children born in Hong Kong between 1983 and 1988 totals over 450 000. They are the children who now fall within the zero to six years bracket. Together with other children not born within the jurisdiction, my guesstimate is that we should have near half a million children within this age bracket in Hong Kong. Accepting that around 220 000 children within this age bracket go to kindergartens and around 30 000 are accommodated in day nurseries and day creches, we still have more than 200 000 children within the zero to six age bracket who have to be taken care of by friends, relatives or child-minders. We frequently hear of children having to be returned to China to be taken care of by relations there. We know of accidents to children taking place from time to time where parents or child minders have been negligent, irresponsible or otherwise incapable of taking proper care of children. We know of cases of young children plummeting from height as a result of being left unattended at home. We know of incidents where children have been abused by child-minders. If our current child care services are adequate, why are all these happening? How many more children will have to return to China before the Administration would concede that child care centres are insufficient? How many more child-minders will have to be brought to court for abusing children before the Administration would consider it necessary to impose some form of control over those who mind children on a commercial basis? How many more children will have to fall out of buildings before the Administration would consider it timely to review the whole structure of our child care services?

In my opinion, it is undesirable and indeed unrealistic to adhere to fixed working ratios and plans particularly in relation to the provision of social services. The demands of our society constantly change; people's attitudes and aspirations constantly change. Our social services must be flexible enough to meet the society's ever changing needs and demands. We know as a fact that a substantial proportion of females who leave the labour force did so because they have to take care of their children. According to a recent survey carried out by the Hong Kong Federation of Trade Unions, over 40% of the women being interviewed had to give up full time employment after having children. Around one-third of those being interviewed expressed dissatisfaction with the child care services currently provided by the Government and the voluntary agencies. The same survey revealed that many women would consider working again if more child care services and after-school care services are available within affordable means. For some time, we have been suffering from labour shortage. Our female labour force has increased over the years but it is apparent that the potential has not been exhausted. If sufficient child

care services were available, I am sure that more women would and could join the workforce to alleviate the problem. Many people have suggested that factory employers should be encouraged to set up day care centres within or adjacent to their factories to encourage more women to work in factories. Many people have suggested to establish more child care centres in residential areas to facilitate working parents depositing their children before and after work. Many people have suggested that child care centres should operate more flexible and extended hours to meet the variable needs of working parents. However, other than a small experimental project relating to the last of these suggestions, the Administration has been slow to consider the other proposals. The Administration seems to content itself that the existing services coupled with local voluntary programmes on mutual aid basis already cater for the demand. Clearly this is not the case.

It is surprising to note that whilst existing family welfare services attempt to cover many aspects of care and protection of children and young people, one aspect appears to be particularly deficient, namely, after-school care for young children. For the time being, most kindergartens and primary schools operate on half day basis. Until such time when full day schooling can be implemented across the whole educational system, the many idle hours which students have after school present a problem particularly to working parents who are unable to supervise their children during the daytime. For these young children in kindergartens or at lower primary school level, they are usually left alone at home to play or study on their own with no one to render them proper guidance and supervision. The older ones would probably take to the streets, loiter and hang around public playgrounds and seek comfort in ganging up with their peers. As time goes on, these children will become more and more unmanageable. For this reason, many parents, usually the mothers, have to stop work to return home to render personal care and exercise supervision over their children. This need not happen if we have in place sufficient properly run after-school care centres staffed by experienced child-minders and tutors. Instead of idling at home or running around the streets, children can attend these centres after school to enjoy communal life with other children and receive proper guidance in their play and work activities under a recreational cum tutorial environment. I am aware that a number of voluntary agencies have started operating such after-school care services on a limited basis. However this is not enough. The service being such an invaluable one for working parents, I am of the opinion that the Administration ought to take the lead and consider providing the same extensively on a subsidized basis.

When we talk about services for working parents, we should not simply address our minds to matters which cater for the physical well-being of the child. It is also of paramount importance to provide services which will assist parents to deal with the psychological and emotional needs of children. Parents who both work usually have little time for their children. Some meet their children only a few hours in a day if at all, some meet their children only once a week or even less. How to maintain and enhance the parent-child relationship within such time constraints is most important. Parents who return home after a hard day's work feel justified to indulge in entertainment of their choice like horse-racing and mahjong playing. They have little time and no energy for their children. Some who have had a rough day at work may even find relief in venting their temper on their children. On the other hand, the children have waited many hours for their parents to return. They legitimately expect to receive loving care and attention from their parents and when the same is not forthcoming, their disappointment must be great. We all know that child care does not stop at physical care and materialistic provision such as food, clothing, housing and toys. Child care must include understanding, love, care and guidance for the child. Children's feelings are particularly sensitive and require constant and patient nurturing. Children require a lot of understanding from their parents during the various stages of their development. Even the busiest of parents must make time for that. In this regard, family life education programmes are most important. In the past, our programmes have covered themes such as "Honour Your Parents" and "Love and Care, Help Building Up a Happy Family". May I suggest that as a service to parents, particularly working parents, the next theme ought to be "Understand Your Children". I believe that it is of great importance that parents should accept that they have the responsibility to communicate with, understand, care for and guide their children. In particular, working parents should be educated as to the ways and skills of carrying out that responsibility within the limited time they have with their children. Other than programmes through the mass media, seminars, talks and group discussions on a local or district basis would be most helpful and I am sure would be most welcomed by parents.

To conclude, I wish to say that whatever we do for our children today will be reflected in the strength of our society tomorrow. We owe it to our society and to ourselves to do all that is within our power to do to improve the well-being of our children and to ensure that their needs, whether materialistically, emotionally or psychologically, are adequately provided for.

Sir, with these remarks, I support the motion.

DR. LEONG: Sir, the child of today will be the masters and the pillars of tomorrow. A healthy child will become a fit adult of the future. He is more cost productive and a much less burden to the health care budget of the community to the delight of the Financial Secretary. It is with this in mind that I would like to respond to the debate taking into consideration a few aspects of health care for the child, pointing out the current fallacies and hopefully, to make meaningful suggestions for tomorrow!

I would like to touch on school medical service, primary health care in Hong Kong and school dental care.

#### School medical service

The idea of an economical health care for school children appears sound. But it is here that the attraction ends and problems begin. The current school medical service is doomed even from the beginning. Perhaps, a few reasons contribute to its early fiasco.

The fundamental error is that there has never been a well-defined policy. It is unclear whether the system is intended for a health check up for developing school children or a comprehensive curative scheme. Nor is it clear whether the Administration considers this a charitable service from the participating doctors or a heavily subsidized scheme from the Government. In the case of the latter, there should be a proper appraisal of cost. In effect, Sir, while the Administration operates its own out-patient services at the cost of about \$81 per visit, Government expects that for a lesser amount a service should be provided by the participating practitioners to cover a curative annual medical scheme of unlimited visits by school children.

Nor has there ever been a clear consideration of who needs the scheme. Only 48% of eligible school children joins this scheme, some without the slightest idea of the implications. Furthermore there is no data of how many actually utilize it, not to say derive benefits, to make meaningful analysis.

At the end, the needy students suffer from the lack of attention of disinterested practitioners, and the doctors suffer the abuses of the system by repeated and

unnecessary visits.

Two other fallacies follow from this scheme. Firstly it extends to school children of up to Secondary III only leaving a gap for the adolescence group from Secondary IV onwards. This adolescence group is an essential group as they face many problems with the bridging over from the child to early adulthood. One fatal cause is sex education and counselling and in this respect proficiency must be brought about either through the Administration or adequate funding to voluntary agencies such as the Family Planning Association to ensure that this aspect is properly covered. Secondly, the participants, that is to say the school children of the School Medical Services Scheme, are in no way barred from attending the very busy and heavily subsidized general out-patient clinics. A situation of double subsidy therefore exists when a child under the School Medical Services Scheme attends a general out-patient clinic.

The recent recommendation by the School Medical Services Board to change the overall charging scales which was approved only yesterday by the Executive Council appears to be more workable. But, Sir, let me sound an immediate note of warning. This recommendation could only be an interim measure, and the Administration must come up with a more defined policy on the care of the school children through upgrading of primary health care services in Hong Kong.

I would like to move on to primary health care for children.

#### Primary health care

A lot have been said in the past concerning the need for revamping the primary health care services. Whilst the hospital services are being reviewed and hopefully improved through the establishment of the Hospital Authority, primary health care in Hong Kong today remains in hibernation. Hiding behind the laurels of low infant mortality rate and successful control of most epidemics, the primary health care system of today has remained in the doldrums of yesteryears. Recommendations have been made by the Medical Development Advisory Committee months ago for the formation of a working party to study primary health care. Yet, Sir, it remains to be seen when positive steps will be forthcoming. The Administration must realize the importance of primary health care and the concept of family medicine which has been shown worldwide to be more cost-effective in the long run.



The improvement of primary health care in Hong Kong should be the target for a better school medical services for the children of tomorrow.

I would like to say a few words on the school dental care.

#### School dental care

A nice set of teeth is as important as a healthy body. The current school dental care which provides regular check up, routine care, preventive services and a limited orthodontic treatment for all primary school children leaves much to be desired.

There needs to be a consideration of extending such care to pre-primary children for it is most essential that at the formative stage of dental development, proper guidance must be instilled to give everlasting results. At the same time, the need to provide similar services to secondary school children should also be seriously addressed. All these will not only help to provide the care but also in promoting a proper dental health education much needed in this community.

Coupling with a possible extension of school dental services must be a review of the quality of services. This is currently provided by dental therapists. In the light of an imminent oversupply of dentists, it would be in the interest of school children for the Administration to consider a better ratio between supervising dentists and dental therapists for the provision of an even better dental care.

#### Death due to accidents

Sir, I could not leave without mentioning that the leading cause of death for the age group between one and 15 is from accidents and poisoning. More must be done to remedy such unfortunate mishap.

#### Conclusion

Sir, article 24 of the draft Convention on the Rights of the Child stipulates that states parties should recognize the right of the child to the enjoyment of the highest attainable standard of health. Hong Kong, Sir, has the expertise and the resources. We now have the people with the right mind; it is for us to show our determination.

With these remarks, Sir, I support the motion.

MRS. TU: Sir, in a recent speech, President Aquino of the Philippines said that a possible 20 to 30 million Asian children are living on the streets. I believe that very few of them can now be found in Hong Kong. With nine years' compulsory education as well as many youth programmes, I think Hong Kong children are probably among the most privileged in Asia. But that does not mean that all the rights of all children are being protected, or that there is no room for improvement as my colleagues have rightly pointed out.

I shall briefly touch on only one category that needs attention, that is, children whose homes, for one reason or another, put them at risk.

A child whose parents do not live in harmony with each other is not likely to enjoy a sense of family security, because friction between parents can lead to one or both parents working out their frustrations on the child who happens to get in the way. The pressure of life in Hong Kong on parents who are incompatible, or on single parents who cannot cope, is probably the most common cause of child abuse, sometimes resulting in a child's death.

I believe a great deal could be done to save a child from physical and emotional abuse if every school had a full time social worker, trained to communicate with children at risk, and parents in need of guidance. This would be in line with article 19 of the Convention on the Rights of the Child. A social worker in every school could examine the home problems in depth. The solution could be a simple one, such as recommending that a single parent be transferred to a public housing near to a sympathetic relative or friend. In some cases, the parents of an abused child may need to be referred to a marriage guidance counsellor. In an extreme case, a child may need to be placed under the care of the Social Welfare Department for protection from abuse. In a modern society, we need to find new solutions to family problems that affect the well-being of children.

Child abuse or neglect does not always lead to fear and humiliation, but on the contrary often makes the child rebellious and leads to delinquency, especially under the additional pressure of our educational system. The comradeship of a triad gang may offer an alternative to failure in school or an unhappy home life. Triads soon spot the child who is uncared for. It is a credit to our young people that so few

of them yield to triad pressures; nevertheless, far too many do succumb to those pressures and begin a life of crime or vice in their early teens. A child who is enticed into crime needs more than others the patience and care of understanding parents, but he is the least likely to have parents that care. He will probably be blamed, bullied and beaten, and driven further in the wrong direction.

There are thousands of young people in Hong Kong who commit minor crimes as teenagers, but to find their way back to being good members of society they need the help of a caring community. I regret to say that the Rehabilitation of Offenders Ordinance enacted three years ago is not likely to rehabilitate many young people. A young person influenced by a gang seldom stops at only one minor offence. It may take a few years before he sees the error of his way, but the Ordinance allows him forgiveness only once. If he has to serve a short sentence in prison, that may help to bring him to his senses, but it is already too late to rehabilitate him, because the Bill does not expunge his criminal record no matter how short the prison sentence may be. The present Ordinance falls far short of its aim to rehabilitate, and I can only hope that the Ordinance will be suitably amended to remedy these shortcomings. I hope too that the amendments will restore the power of magistrates to order that no criminal conviction be recorded. I cannot understand why the present Ordinance is so inferior to the 1974 Act in the United Kingdom. It appears that our legal system determines that once a youngster has committed an offence, he must suffer the stigma for the rest of his life, no matter how much he tries to change.

To sum up, I propose that all children should be within reach of a well-trained social worker able to advise on home problems. And for those children who fall into bad ways, I should like to see the community reach out to rehabilitate them, and to this purpose I trust that the proposed amendments to the Ordinance will soon be implemented.

Until these children at risk have been given a fair chance, we cannot claim to have protected the rights or improved the well-being of all children in Hong Kong.

Sir, with these remarks I support the motion.

SECRETARY FOR SECURITY: Sir, I should like to reply to the comments made by Members on juvenile delinquency and the rehabilitation of young offenders. Overall, the number of crimes committed by young people and juveniles has remained more or less

constant over the past four or five years, but this is no reason for complacency. Efforts must continue to discourage young people from crime, and to ensure that young offenders are given the best possible chance of a fresh start.

To discourage and prevent juvenile crime, the Fight Crime Committee and its Standing Committee on Young Offenders regularly seek to introduce new measures to discourage the young from involvement in crime. Recent publicity in schools and in the media has concentrated on those offences, such as shop theft and triad activity, which constitute the majority of juvenile crime. One of the main targets of this year's fight crime publicity campaign is juvenile delinquency.

But, despite the best efforts of the Government and the community, we have to accept that there will always be young people who, through lack of guidance, temptation or simply boredom, will gravitate towards crime. When this happens we have to ensure that our penal system is equipped to allow young offenders the best possible chance of rehabilitation and re-integration into the community.

Young offenders are provided with a wide range of vocational training and educational classes in correctional institutions. The aim of these programmes is to ensure that young offenders can re-integrate successfully in the community as useful and law-abiding citizens.

To provide magistrates with advice on the most appropriate programme for a particular offender, the Young Offenders Assessment Panel was established in April 1987. The panel's work was reviewed by the Fight Crime Committee in 1988. The conclusion was that the panel made a valuable contribution to our programme of rehabilitation, and that it should be expanded once resources were available.

As regards the specific suggestions made by Mrs. TAM and Mrs. TU, I would like to say:

- a) first, that we have recently published a consultation document on the Rehabilitation of Offenders Scheme, including the legislation on spent convictions, and the arrangements for the issue of Certificates of No Criminal Conviction. Once we have obtained the views of the community on these matters, we expect to put to the Executive Council proposals for any necessary changes; and
- b) secondly, the Fight Crime Committee has recently conducted a review of judicial corporal punishment, including an assessment of public attitudes and the adequacy

of alternative methods of punishment. We expect shortly to ask the Executive Council to consider the matter.

With these remarks, Sir, I support the motion.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the theme of today's debate is child welfare in Hong Kong and most aspects will be covered by the Secretary for Health and Welfare in his speech. I will therefore limit my own remarks to two main issues: access to education and freedom from economic exploitation. These are two fundamental rights which any well intentioned society tries to ensure for its children. In Hong Kong I believe we have good reason to be proud of what we have achieved in these areas over the past few decades.

#### Education provision

As Members know every child is now guaranteed a free place in school for nine years of primary and junior secondary education. The great majority continue for a further two years on highly subsidized senior secondary courses, and for those with a technical aptitude we provide craft training in technical institutes. About one in three of those completing Secondary V can enrol on highly subsidized Sixth Form courses, while others can enrol for technician training. Our provision of places in higher education is expanding rapidly. In short, every child in Hong Kong now has the opportunity to reach the highest level of education of which he or she is capable. For those who have missed out because of the lack of similar opportunities in the past the Open Learning Institute will soon be providing the chance to make up what they have missed.

#### Economic exploitation

In step with the expansion of educational opportunity we have developed a comprehensive set of regulations to prevent the economic exploitation of children and young people. Below the age of 13 no child may be employed. Restrictions on the employment of children between 13 and 15 (the normal age for completing compulsory education) ensure that work will not interfere with their studies. Young people aged 15 to 18 are covered by regulations aimed at protecting their health and safety. These regulations are enforced by an effective and dedicated team of labour inspectors.

Our basic provision in the areas of education and protection against exploitation thus lays a firm foundation for the welfare of our children and young people. It is because we have built this firm foundation that we are now able to pay more attention to the quality of our education and to focus on the various issues which Members have raised in this debate.

#### Pre-school education

Sir, I like to try out my speeches on my wife in draft to see if they make sense. When she read my original draft for this section of my speech she told me it sounded exactly like an excerpt from "Yes, Minister" and was totally incomprehensible. I said to her "Good! That is exactly what I was hoping." However, since then I have had a slight twinge of conscience and felt I should make more effort to come clean. As Members know only too well, we have taken a long time considering the Education Commission's proposals for pre-primary education. The reasons for this I have already explained a number of times in this Council. I do not think it is necessary for me to do so yet again. Our priority remains to obtain policy approval as soon as possible for a package of improvements as close as possible to the spirit of the commission's recommendations. We have not, of course, closed the door to other proposals, and we are consulting with people working in this sector and have promised to consider some ideas they have recently put to us. Once the main outlines of a policy have been approved, our intention is to involve those working in the pre-primary sector in a joint working group, which will monitor progress on implementing the policy, advise us on how to deal with the practical problems involved in unifying all services for pre-school children and consider any new proposals which may be made.

#### Medium of instruction

One aspect of our education system which has aroused particular concern for a number of years, and has been raised again in this debate, is the question of the medium of instruction. For various reasons a majority of parents want their children to become fluent in English, and so choose English-medium secondary schools. We need to do more to ensure that children studying in the English stream are able to learn effectively through English, and to ensure also that Chinese-medium schools are seen by parents as offering just as good an education. Since 1988 we have provided additional teachers to Chinese-medium schools, and encouraged the production of good quality Chinese textbooks. Over the next few months we shall be consulting the schools

on measures aimed at improving the effectiveness of English-medium secondary education.

### Services for gifted children

Many of our students achieve outstanding academic results. However, our school curriculum is designed to provide a broad and balanced education for all children, and we do not at present make much special provision for those with outstanding gifts. As Mrs. FAN has pointed out many of them are subsequently to be found in this Chamber and might well feel that no special arrangements are needed. Nevertheless, the Education Commission is now studying what could be done, and will make recommendations in its next report, due towards the end of this year.

Meanwhile those with talent in music can join the activities of the Music Office, which provides tuition and performance opportunities in both Chinese and Western music, and in September this year the " " College in Sha Tin will start to admit students specially gifted in sport and the arts.

### Sex education

As I said in this Council a few weeks ago, virtually all schools are conducting some sex education. A further survey will be done in the coming school year so that we can assess progress.

### Social environment and education

As several Members have quite rightly pointed out, the schools alone cannot bear the whole burden of developing mature, responsible adults. Society as a whole and parents in particular exercise a strong influence on how children grow up. Our schools, however, are not simply knowledge factories. The curriculum has been transformed over the years from a narrowly academic one to one aimed at developing children not only intellectually but also morally and aesthetically. All children now take part in practical and technical subjects. All schools conduct extra-curricular activities, to develop in their students interests which will enrich their lives. All pre-service teacher training includes some child psychology. School guidance teachers and social workers provide advice and help to those with personal problems. Moral education and civic education are an integral part of the curriculum. Recent events must have ensured that all our children now know something about freedom

and democracy and their importance for the future of China and of Hong Kong.

## Conclusion

Sir, I began my remarks by referring to what we have already achieved by way of basic educational provision and protection for our children. I would like to conclude by repeating what I have already said many times in this Council. Already during the last few years and increasingly in the future our emphasis will be on improving the quality of our education to match our economic development. Economic success enables us to spend more on education. Improving education is a key factor in maintaining our economic success.

SECRETARY FOR HEALTH AND WELFARE: Sir, the rights and well-being of children are of paramount importance and honourable Members' speeches have reflected their concern that we should do all that we can to ensure that children in Hong Kong have a happy and secure upbringing.

To raise a child is perhaps the most important responsibility with which we are entrusted. Most parents in Hong Kong take this responsibility seriously and cope well with its demands. Hong Kong is fortunate in that it combines traditional Chinese attachment to well-brought-up children with fine modern facilities in the medical, educational and welfare fields. There are, however, shortfalls and deficiencies in several areas as Members have pointed out, and we must ensure that our services keep abreast with evolving needs.

## United Nations Convention

Several Members have referred to the recommendation by the United Nations Human Rights Commission on 8 March 1989 that the draft Convention on the Rights of the Child should be adopted by the United Nations General Assembly. It is expected that the General Assembly will consider this towards the end of the year, and if adopted, it will be open for signature and ratification by all members of the United Nations, including the United Kingdom. At present, we are studying the extent to which the draft convention's provisions may be observed in Hong Kong, as well as any changes in our legislation that may be necessary in order to comply with the convention.

## Medical and health services



I would like to begin by reviewing what we provide for children by way of medical services because the right to life and health is the most basic of all.

The Department of Health provides a network of 45 family health centres which offer a full range of medical care to pregnant mothers and babies up to the age of five. There are plans to open a further eight centres over the next five years. The services provided in these centres and in the obstetrics units of hospitals are designed to promote the health of pregnant mothers and the well-being of the foetus, to ensure safe delivery and to safeguard the health of future pregnancies. They include a genetic counselling service for couples at risk of having children with genetic or chromosomal disorders, which helps them to understand the risk and to assess the available options.

The success of these services can be illustrated by Hong Kong's very low infant and maternal mortality rates. Infant mortality dropped from 37.7 per thousand live births in 1961 to 7.6 in 1988. The maternal mortality rate, likewise, dropped from 0.45 per thousand total births to 0.04 over the same period. These figures are among the best in the world.

The general health of school children is also of great importance. Many of the learning and behavioural problems of children can be traced to poor physical health, and by promoting health care we can help children to obtain the maximum benefit from available educational and social facilities.

There is low incidence of disease among Hong Kong children, the most serious childhood infectious diseases having been brought under control or virtually eradicated. While the services in outpatient clinics and public hospitals are available to children as well as adults, children enjoy the additional benefits provided by the school medical service, which enables parents to send their children to consult a private doctor of their choice in the school district. The Government will shortly be seeking approval from the Finance Committee of this Council for the necessary funds to increase substantially its financial commitment to the scheme, thus enabling a higher rate of capitation grant to be paid to each participating doctor. At the same time, it is also considered to be reasonable that parents should bear a slightly greater share of the costs, and so, in addition to the present enrolment fee which will remain at \$10, they will be asked to pay a further \$10 upon each visit. In addition to medical treatment, the fee will include two days' supply of medicine.

As for the longer term, the school medical service will be included within a comprehensive review of primary health care which I hope will get under way next month. One of the aims of this review will be to raise further the standard of health care provided to children by improving and extending screening and detection procedures.

Unfortunately, children at certain times in their lives can develop health problems which require hospitalization. The Government's approach has been to develop paediatric units within general hospitals rather than to establish separate paediatric hospitals. Accordingly paediatric units are provided in most of the major hospitals, and the 1 420 paediatric beds in the public sector are assessed to be adequate at present, bearing in mind that the average utilization rate was only 67% last year. None the less, there are plans to provide a further 647 beds by 1993, so that new population areas can be served.

There will be corresponding improvements in the quality of care. New paediatric wards will include mother and child rooms or overnight accommodation for parents, play areas, isolation rooms, intensive care units and short-stay wards.

Regarding dental services for school children, our water fluoridation programme is one of the most successful internationally and this, together with the school dental service which is available to all primary school children, has led to a significant improvement in dental health. A review of dental policy is presently being undertaken by a sub-committee of the Medical Development Advisory Committee and proposals relating to the further development of dental services for school children may emanate from this wider review.

I hope I have been able to illustrate, if only in a very limited way, that Government places a very high priority on promoting the health of our children.

#### Social welfare service

I should now like to turn to issues in the social welfare field. By and large, Hong Kong parents have been able to provide a stable and loving environment in which their children can develop to their fullest potential. The family is the most natural and suitable unit for children to grow up and develop in. A happy home produces happy and well-adjusted children and parents are the children's best teachers and guardians. The primary emphasis of our welfare programme has therefore been to preserve the

integrity and harmony of the family and to help parents to fulfil their responsibilities.

To foster good family relations, the Social Welfare Department and the various voluntary agencies energetically promote family life education programmes. This service is provided by family life education workers who arrange talks, seminars and exhibitions on responsible parenthood, child care, sex education and harmonious family relationship.

The Government recognizes the importance of day creches and nurseries in helping parents to cope with the demands of a busy working life and the care of their young children. The Government recognizes that the current provision of aided nursery places is insufficient to meet growing demand. To reduce the risk of parents leaving young children unattended at home, or with inexperienced child-minders, it is planned that 1 600 additional places will be opened each year until the demand is met. Low income families with special needs can obtain financial assistance in paying nursery fees. In 1988-89 some 8 000 families benefited from this assistance, at a cost of about \$39 million to Government. The possibility of providing opportunities for parents to place their young children in nurseries or creches for short periods of time is under consideration.

In addition to the love and care children receive from the family, they need guidance and stimulation from outside sources. To help children derive the maximum benefit from their education and to help them overcome any social or emotional problems, student guidance officers and social workers work closely with teachers to identify children who may be experiencing problems and to provide them with the necessary help and guidance.

Outside the school, a wide range of recreational and other facilities are available for children. These include 347 children and youth centres which serve as a focal point for activities designed to develop personality and leadership and to cultivate interests and social skills.

Unfortunately, the pressures of modern life take their toll, and some families experience marital break-down, difficult relations with their children, or physical or mental illness which threaten the security of the family and the well-being of the children. The Social Welfare Department and the voluntary agencies operate 53 family service centres which provide counselling and a range of other services to

help such families. In addition, 50 home help teams are available to provide support with household chores and home management. The home help service is particularly valuable for single parents, parents with chronic illnesses or disabilities, and parents in hospital or in prison. A review of this service will be completed shortly and the advice of the Social Welfare Advisory Committee will be sought on how best to develop it further.

Children often suffer the most from family break-down or disharmony. Regrettably, not all family problems can be solved, even with the most competent professional help. Sometimes, the children involved will have to be cared for away from their families.

Because of the importance attached to maintaining the child within the family wherever possible, institutional care is always treated as the last resort. Whenever possible, children are placed in one of the 12 "small group homes" or with foster families. It is hoped that these facilities can provide the best alternative to their own families.

Following a recommendation by the Social Welfare Advisory Committee that the provision and quality of residential facilities should be kept under review, a steering group, comprising representatives from the Social Welfare Department and voluntary agencies, is reviewing the demand, provision and development of the various types of residential child care services and is submitting regular reports.

For children without families, such as orphans and abandoned children, attempts are made to find a suitable permanent home through the Social Welfare Department's adoption service. Every effort is made to keep the processing time to the absolute minimum.

In order to help children from becoming subject to undesirable influences, there are 20 outreaching social work teams whose staff try to establish direct contact with vulnerable children in places which they frequent, such as public playgrounds. Particular targets of this service include school drop-outs, run-away children, and members of street gangs.

Child abuse is something which we all view with repugnance, and it is important that we do all we can to guard against it. There are laws against the neglect or abuse of children, and also a comprehensive set of guidelines and procedures for dealing with suspected child abuse cases. If the Director of Social Welfare believes

a child to be in physical or moral danger, she may remove the child from the home and apply to the Juvenile Court for a Care and Protection Order. The director is very much aware of the traumatic effect such action may have and she does not exercise this legal power unless it is in the best interest of the child. A review of the Protection of Women and Juveniles Ordinance has just been completed and we shall shortly be putting proposals to the Social Welfare Advisory Committee on how cases of suspected psychological abuse should be handled. Independently, we are considering, in conjunction with the voluntary sector whether the definition of child abuse can be improved so that it reflects more closely the circumstances in Hong Kong.

6.00 pm

HIS EXCELLENCY THE PRESIDENT: Mr. SHIPMAN, I am afraid I must interrupt you at that point because it is now 6 o'clock and under Standing Order 8(2) the Council should now adjourn.

CHIEF SECRETARY: Sir, with your consent, I move that Standing Order 8(2) should be suspended so as to allow the Council's business this afternoon to be completed.

Question proposed, put and agreed to.

HIS EXCELLENCY THE PRESIDENT: Mr. SHIPMAN, please continue.

SECRETARY FOR HEALTH AND WELFARE: The Social Welfare Department and the voluntary sector try to educate parents on caring for their children and to encourage the community to report signs of possible abuse as early as possible. There are special centres to deal with reported cases. Persons who frequently come into contact with children, such as teachers and doctors, have an important responsibility to be alert to the signs of child abuse and to report suspected cases. To make people more aware of the dangers of child abuse and of the need to report suspicious circumstances, major publicity campaigns on this and related subjects have been held. Another such campaign, which will focus on responsible parenthood and child care will take place later this year to commemorate the 10th Anniversary of the International Year of the Child.

## Rehabilitation

Sir, as a responsible society we must give those children who have a physical or mental disability the very best help and care, and provide all possible support and encouragement to their parents, including professional assistance.

Over the past two decades, Hong Kong's rehabilitation services have grown from the most rudimentary to the wide-ranging and sophisticated range we have today. Although we should not be complacent, we should not ignore the many impressive achievements of which we can rightly be proud. I would like to pay special tribute to the many voluntary agencies whose dedicated organizers and personnel have contributed so much.

In the field of rehabilitation, early detection is paramount, for conditions must be treated early and skills have to be learnt at the optimum learning period for the child. Apart from the family health centres which help in the detection of disorders, there are three special child assessment centres which provide specialist help. Another three will be established by 1994. Moreover, the combined screening programme provides all Primary I pupils with screening for hearing, vision and speech defects and learning difficulties.

The general philosophy is to train and educate disabled children in a normal environment. But many children's disabilities need special teaching methods and facilities.

At the pre-school level, there are about 1 800 places available in special and integrated nursery programmes. There is a shortfall in this area and 882 more places are planned over the next five years. Training is also provided in the child's home to ensure that what is taught is compatible with his home environment.

Although there are now 71 special schools, as has been pointed out, there is a serious shortfall of schools for mentally handicapped children. Efforts are being made to provide additional places and it is anticipated that demand will be fully met within five years. To ameliorate the immediate problems due to the shortfall, home-based resource teaching is arranged for those without a school place.

For the older disabled children, social centres are available to provide opportunities for learning social skills and pursuing interests.

In schools, training centres and social centres, personal hygiene and sex education are included in the programme. This training is particularly important for the mentally retarded who need to be protected against sexual abuse.

Considerable progress has also been made in improving recreational facilities for school children and for handicapped children. All new public recreational facilities are designed for access by people with locomotive disabilities. Ramps, dropped kerbs, lifts and other special facilities are standard features. Moreover, all recreational programmes organized by the municipal councils are open to disabled children.

#### Concluding remarks

Ultimately, it is the community's attitude which determines the future of our children. In Hong Kong we have traditionally felt a great sense of responsibility for our children, and as parents we are willing to make great sacrifices to provide them with a promising future. We must ensure that this attitude will not be eroded by the pressures of a modern urban environment.

Question on the motion put and agreed to.

#### Private Bill

#### First Reading of Bill

SAILORS HOME AND MISSIONS TO SEAMEN INCORPORATION (AMENDMENT) BILL 1989

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

#### Second Reading of Bill

SAILORS HOME AND MISSIONS TO SEAMEN INCORPORATION (AMENDMENT) BILL 1989

MR. BARROW moved the Second Reading of: "A Bill to amend the Sailors Home and Missions

to Seamen Incorporation Ordinance."

He said: Sir, I move the Second Reading of the Sailors Home and Missions to Seamen Incorporation (Amendment) Bill 1989 which I commend to this Council.

The Sailors Home and Missions to Seamen is a corporation incorporated under Ordinance Cap. 1042 of the Laws of Hong Kong on 8 August 1930. The corporation however finds its origins in the Missions to Seamen in Hong Kong Incorporation Ordinance of 1919 and the Sailors Home Ordinance of 1925. The Missions to Seamen had at that time already existed for some time as an unincorporated body established to grapple with a great problem of the time -- the separation of seamen, by the nature of their calling, from the usual centres of Christian fellowship.

As Members may be aware, the corporation now carries on the work and objects of the former Sailors Home -- being the care of officers and men of the Mercantile Marine irrespective of their religion including the provision of the Mariners Club as a home for the seafaring classes -- and of the former Missions to Seamen -- being the provision of an institute for the spiritual welfare of the seafaring classes.

Sir, the main purpose of this Bill is firstly to clarify the objectives of the corporation and secondly to extend the powers of the corporation. The corporation wishes to have objectives as similar as possible to the objectives of the Mission to Seamen in London which is regarded as the parent body. Clause 2 confirms the existing objectives of the corporation and incorporates as additional objects the principal objects of the Mission to Seamen in London. The corporation also wishes to have powers to make gifts or donations in pursuance of the objectives of the corporation.

This is also an opportunity to amend two minor points in the principal Ordinance. Firstly, "the Colony" will be replaced by "Hong Kong". Secondly, "Colonial Secretary" is substituted by "Chief Secretary".

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

Question on the adjournment proposed, put and agreed to.

Valedictory to Mr. R.G.B. BRIDGE



HIS EXCELLENCY THE PRESIDENT: Honourable Members, as this is unfortunately the last sitting of the Council which will be attended by Mr. BRIDGE, I should like to pay tribute to his valuable contribution not just to the work of this Council but to Hong Kong as a whole.

Mr. BRIDGE was first appointed to this Council in August 1977. In total, he has been a Member for over five and a half years and in three different capacities. That latter point says a good deal for his versatility.

Mr. BRIDGE has been a member of the Civil Service for 32 years. As Commissioner for Labour and also in his present appointment, he has worked extremely hard to promote industrial safety and health at work. As Members will know, he has piloted important labour legislation through this Council in order to provide better protection for the workforce and his interest and determination have led to the establishment of the Occupational Safety and Health Council which came into being last year. Extension of the scope of both the Long Service Payment Scheme and the Protection of Wages on Insolvency Fund in the last few years have both been due in no small measure to his concern for the welfare of the workforce in Hong Kong.

Mr. BRIDGE's contribution in the education field is equally impressive. He has steered the development of the Hong Kong University of Science and Technology and the setting up of the Open Learning Institute; the establishment of both these institutions will provide the kind of high technology and managerial skills that Hong Kong so badly needs for its long-term stability and prosperity. He has also played an important role in assisting in the work of the Education Commission, which will have far-reaching effects on Hong Kong's educational system.

I am glad that he has had an opportunity to speak today in the debate. Even though he has not had the last word, he has had one of the last words.

Although Mr. BRIDGE is leaving Hong Kong, the fruits of all his hard work will remind us of his dedication, impartiality, wisdom and sound judgement. He has worked for many causes which will have a long-term impact for good in Hong Kong.

I am sure too that Members like me will treasure the memory of the Secretary for Education and Manpower during question time; when there is a supplementary question, there is a sort of quizzical, puzzled expression that goes over his face, slow rising

to the feet, which is always the prelude to a clear, straightforward and informative answer.

I am sure that Members will wish to join me in thanking Mr. BRIDGE most warmly for his efforts and to wish him a very happy retirement and also Mrs. BRIDGE who will, I am sure, continue to provide advice on speeches and general public relations for the BRIDGE family. (laughter)

MR. ALLEN LEE: Sir, Members indeed wish to join you in the warm tribute you have paid to Mr. Ronald BRIDGE. Mr. BRIDGE was first appointed to this Council in August 1977. He then became a Member of this Council as the Secretary for Education and Manpower in 1986. With his 32 years' service in the Civil Service, few civil servants can match his rich and varied experience in the Hong Kong Government, particularly in the field of labour.

Deep in the minds of all of us here today is Mr. BRIDGE's patience, graciousness and above all his sincerity and readiness with which he disposes himself to listening to others' views. He has always responded positively to recommendations and suggestions made by Members. It is no exaggeration for me to say that he has effectively performed the role of being a "bridge" between the Administration and my colleagues. I am sure that these qualities have played no small part in helping him deal with a number of important issues, such as the development of the Hong Kong University of Science and Technology, the establishment of the Open Learning Institute and the Occupational Safety and Health Council.

Mr. BRIDGE is soon retiring from this Council and from the Civil Service. We all wish him and his wife, Olive, a happy retirement in the many years to come.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 5 July 1989 .

Adjourned accordingly at fifteen minutes past Six o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the Privileges and Immunities (The International Committee of the Red Cross) Bill 1989, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.