

1 HONG KONG LEGISLATIVE COUNCIL -- 18 October 1989

HONG KONG LEGISLATIVE COUNCIL -- 18 October 1989 1

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 18 October 1989

The Council met at half-past Two o'clock

PRESENT

HIS HONOUR THE DEPUTY TO THE GOVERNOR (PRESIDENT)

THE CHIEF SECRETARY

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

THE FINANCIAL SECRETARY

THE HONOURABLE SIR PIERS JACOBS, K.B.E., 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 HOME AFFAIRS

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.

THE HONOURABLE MARIA TAM WAI-CHU, C.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 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 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 TAM YIU-CHUNG

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 PLANNING, ENVIRONMENT AND LANDS

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

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

THE HONOURABLE GEOFFREY THOMAS BARNES, C.B.E., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE CHAU TAK-HAY, J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE PAUL CHENG MING-FUN

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. PEGGY LAM, M.B.E., J.P.

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

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 YEUNG KAI-YIN, J.P.
SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE MRS. ANSON CHAN, J.P.
SECRETARY FOR ECONOMIC SERVICES

ABSENT

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 PANG CHUN-HOI, M.B.E.

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

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

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

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

THE HONOURABLE MRS. MIRIAM LAU KIN-YEE

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.

Animals and Plants (Protection of
Species) Ordinance

Endangered

Animals and Plants (Protection of
Endangered Species) (Exemption)
(Amendment) Order 1989.....

335/89

Registration of Persons Ordinance

Registration of Persons (Application for
New Identity Cards) (No. 13) Order 1989.....

336/89

Revised Edition of the Laws Ordinance 1965

Revised Edition of the Laws

(Correction of Errors) (No. 3)

Order 1989..... 337/89

Public Health and Municipal Services Ordinance

Milk (Regional Council) (Amendment)
(No. 2) By-Laws 1989.....

338/89

Sessional Papers 1989-90

No. 1 -- The Government Minute in response to the Report of the Public Accounts
Committee dated June 1989

- No. 2 -- Urban Council Annual Report 1989
- No. 3 -- Urban Council, Hong Kong -- Accounts for the year ended 31 March 1989 with Report and Certificate of the Director of Audit
- No. 4 -- Revisions of the 1989/90 Estimates approved by the Urban Council during the first quarter of the 1989/90 financial year
- No. 5 -- Hong Kong Export Credit Insurance Corporation Annual Report 1988/89
- No. 6 -- Land Development Corporation Annual Report 1988/89
- No. 7 -- Agricultural Products Scholarship Fund Report for the period 1st April 1988 to 31st March 1989
- No. 8 -- Fish Marketing Organization -- Statement of Accounts for the year ended 31st March 1989
- No. 9 -- Marine Fish Scholarship Fund Report for the period 1st April 1988 to 31st March 1989
- No. 10 -- Vegetable Marketing Organization -- Statement of Accounts for the year ended 31st March 1989
- No. 11 -- Hong Kong Housing Authority Annual Report 1988/89
- No. 12 -- Pneumoconiosis Compensation Fund Board Annual Report 1988
- No. 13 -- Protection of Wages on Insolvency Fund Board Annual Report for the year 1 April 1988 to 31 March 1989

Address by Member

Protection of Wages on Insolvency Fund Board Annual Report for the year 1 April 1988 to 31 March 1989

MR. CHUNG: Sir, in accordance with section 13(2) of the Protection of Wages on Insolvency Ordinance, I table before this Council the report of the Protection of

Wages on Insolvency Fund Board for the year from 1 April 1988 to 31 March 1989. The annual statement of accounts and auditors' report are attached to the report as Appendix II.

During the year 1988-89, the fund received 3 351 applications with claims amounting to \$17.5 million from employees of 239 insolvency cases. By 31 March 1989, a total of 3 091 applications were approved resulting in ex-gratia payments of \$8.4 million. In most cases, the applicants were able to receive arrears of wages and wages in lieu of notice in full and much shorter span of time than was possible under the existing liquidation and bankruptcy proceedings.

As at 31 March 1989, the fund had accumulated about \$159.7 million, comprising \$16.5 million as income prior to 19 April 1985, and excesses of income over expenditure of \$23 million in 1985-86, \$28.7 million in 1986-87, \$42.6 million in 1987-88 and \$48.9 million in 1988-89. The fund has been able to accumulate \$159.7 million due mainly to the increase in the income from levy on business registration certificates and a relatively low level of claims in a booming economy in the past few years.

During the year under review, the board met four times to examine, among others, the charging of a supervision fee by the Government, the investment of moneys not immediately required and as approved by the Financial Secretary, and a proposal to extend the scope of the fund to cover severance payments.

The question of the Government charging the fund a supervision fee for its administration has remained unresolved despite representations made to the Administration and the OMELCO since 1986. Members of the board are very disappointed that the fund should have been classified as an administrative or compensatory fund for which full administrative costs must be recovered through the charging of a supervision fee. The board has therefore urged the Administration to review this policy again, bearing in mind the uniqueness of the fund because of its tripartite nature and its objective of providing quick relief to workers in need to reduce social problem and avoid social unrest.

In the investment of moneys not immediately required, board members have taken a cautious approach in view of the stock market crash in October 1987 and the recent confidence crisis in Hong Kong.

On the basis of operating results of the fund and the past trend of insolvency cases, a review carried out by the Administration recommended that there was a case

for extending the scope of the fund to cover severance payments. In view of this conclusion and the fact that the fund had been in operation for only a few years, and hence any estimate of its future financial situation on the basis of operating results must be treated with caution, and that a possible downturn of the economy would lead to a greater number of insolvencies and hence more payments from the fund, the board endorsed the Government's proposal to extend coverage to severance payment up to a maximum of \$4,000 per applicant. The performance of this extension will be subject to a review in one year's time.

Sir, I would like to take this opportunity to acknowledge the valuable support received by the board from various sources throughout the year. We would like to thank, in particular, the Inland Revenue Department for collecting the levy, the Labour Department for verifying applications and making payments, as well as the Education and Manpower Branch of the Government Secretariat, the Legal Aid Department and the Official Receiver's Office of the Registrar General's Department for providing guidance and advice and last but not the least I must pay tribute to the valuable service of Mr. CHAN Kam-chuen, the former chairman of the board, who has laid a very sound foundation for the board.

Oral answers to questions

Allowances for public housing tenants affected by redevelopment

1. MR. MICHAEL CHENG asked (in Cantonese): Will Government inform this Council of the reasons why the rates of ex-gratia allowance for shop tenants and special allowance for domestic tenants affected by public housing redevelopment have not been revised since January 1986?

SECRETARY FOR HOME AFFAIRS: Sir, the ex-gratia allowance payable to shop tenants affected by the redevelopment of public housing estates was last revised in January 1986. A general attitude survey conducted in 1988 indicated that the majority of the respondents found the prevailing rates acceptable. However, the Housing Department has recently completed a detailed review of the rate of the allowance. It is intended that the proposed revision will be considered by the authority's Commercial Properties Committee next month.

The ex-gratia allowance payable to domestic tenants comprises two components:

a domestic removal allowance and a special allowance. The special allowance is intended to be a gesture of goodwill, covering in part such costs as the removal and re-installation of telephone and small home appliances. The Housing Department's internal reviews have concluded that since these costs have not changed significantly in the last three years, the current rates of the special allowance are considered adequate. On the other hand, the rates of the domestic removal allowance have been adjusted upwards in tandem with the Government's annual revision of the domestic removal allowance payable for development clearances. This has resulted in an increase in the total number of ex-gratia allowance payable to the tenants. For example, for a family of four, the present amount is \$4,360 representing an increase of 36% over that in 1986.

MR. MICHAEL CHENG (in Cantonese): Sir, will the Government revise different types of ex-gratia allowance accordingly in the light of the increase of costs and inflation rate every year? If so, why have the rates of ex-gratia allowance for shop tenants and special allowance for domestic tenants not been revised in the last three and a half years?

SECRETARY FOR HOME AFFAIRS: Sir, as I mentioned, a general attitude survey was conducted by independent consultants in 1988 and this indicated that the majority of respondents found the prevailing rates acceptable. This is in the case of the shop tenants. As to the special allowance, which is for removal and re-installation, the cost for such service has not increased during the last three years. But the domestic removal allowance has been adjusted upwards and, in some cases, depending on the size of the family, this has more than doubled in the last three years.

HIS HONOUR THE PRESIDENT: Secretary for Planning, Environment and Lands, would you like to add to that?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I think Mr. CHENG's question referred to allowances in general and I would like to assure this Council that all the allowances which are granted by the Government for clearances are reviewed every year in the light of inflation and increase of costs.

MR. POON CHI-FAI (in Cantonese): In paragraph 1 of his reply, the Secretary for Home Affairs mentioned that the proposed recommendations would be submitted to the appropriate committee of the Housing Authority for consideration next month. On reaching a decision, will the Government inform this Council whether any reasonable reimbursement of compensation would be granted to the tenants affected in the past six months?

SECRETARY FOR HOME AFFAIRS: Sir, this is really within the jurisdiction of the Housing Authority and we should await the deliberations of the committee.

MR. MICHAEL CHENG (in Cantonese): Sir, as the rate of increase of domestic removal allowance has averaged at 90% in the last three and a half years, can the Government apply this same rate when revising the ex-gratia allowance for shop tenants and special allowance for domestic tenants of the same type?

SECRETARY FOR HOME AFFAIRS: Sir, again, as I have mentioned, this review has already been completed and the details ought to be left to the Housing Authority to deal with.

Bone marrow transplant service

2. DR. IP asked: Will Government inform this Council whether a bone marrow transplant service is available to the public? If not, does Government have any plans to introduce this service and when will it be made available to the public?

SECRETARY FOR HEALTH AND WELFARE: Sir, a bone marrow transplant service is expected to be introduced, by the middle of 1990, in Queen Mary Hospital and, subject to the availability of resources, in the Prince of Wales Hospital.

DR. IP: Sir, at present, what happens to patients whose life hinges on the availability of bone marrow transplant but who cannot afford to go abroad for the operation?

SECRETARY FOR HEALTH AND WELFARE: Sir, I am afraid at present there is nothing that we can do for them.

DR. LEONG: Sir, will the Administration inform this Council of the projected demand for such services in the future and whether such services could be provided within one hospital?

SECRETARY FOR HEALTH AND WELFARE: Sir, it is very difficult to project the future demand for this service. On the basis that during the past five years or so the average of deaths known to have been caused by leukaemia stood at around 180 and not all of these cases would have been suitable for bone marrow transplants, we estimate that the potential full capacity of around 120 to be provided by the two hospitals -- that is, Queen Mary Hospital and Prince of Wales Hospital -- ought to be sufficient.

MR. PETER WONG: Sir, will the Secretary advise what the expected cost per unit of doing this operation will be and also what the expected total cost of the service will be?

SECRETARY FOR HEALTH AND WELFARE: The cost for the provision of the service in the Queen Mary Hospital is included in the Queen Mary Hospital Extension Project and there is no need to find additional resources to fund that service. The cost of providing a service at Prince of Wales Hospital is estimated to be around \$1.6 million for capital equipment and about \$1.5 million for recurrent costs.

DR. IP: Sir, for the reason that patients who need this service but not getting it will die, will Government rank this high in the order of priority in considering the availability of resources?

SECRETARY FOR HEALTH AND WELFARE: Sir, as I said already, the service at Queen Mary Hospital has already been funded and will definitely be introduced by the middle of 1990. At the moment I am trying very hard indeed to obtain additional resources for the funding of Prince of Wales Hospital. The exercise has proved to be extremely difficult so much so, Sir, that I sometimes have the distinct feeling that I myself

will need a transplant: a brain transplant.

MR. EDWARD HO: Sir, will the Secretary inform this Council whether the bone marrow transplant service will be introduced in Hong Kong before the commissioning of the Daya Bay nuclear power plant?

SECRETARY FOR HEALTH AND WELFARE: Sir, I am not aware of the exact commissioning date of the Daya Bay plant, but the service at Queen Mary Hospital will be introduced by mid-1990.

MR. HO SAI-CHU: Sir, could I ask how long it will take, when funds are available, to introduce this service in Prince of Wales Hospital?

SECRETARY FOR HEALTH AND WELFARE: Sir, as I said in my original reply, by the middle of 1990.

Fossil fuel

3. MR. MCGREGOR asked: Given the increasing concern worldwide over the inefficient use of fossil fuel to produce energy and the resultant threat to the world environment, will Government advise this Council whether it has an established energy policy for the future and, if so, what the policy seeks to achieve?

SECRETARY FOR ECONOMIC SERVICES: Sir, our current energy policy is to ensure that there is an adequate and reliable supply to meet consumers' demands and that such supply is provided efficiently and at reasonable prices. Within this broad framework Government encourages energy conservation both on the part of consumers and the supply companies but does not normally intervene unless absolutely necessary such as during the oil crises in 1973 and 1979.

With the increasing worldwide concern over the adverse impact of fossil fuel usage on the environment, the Government is reviewing current policy to determine what further measures need to be taken to protect our environment whilst at the same time

catering for essential economic growth.

MR. MCGREGOR: Sir, in reviewing current policy on energy utilization and conservation, will Government seek the views of the various organizations interested in this vital sector of the economy, such as the Association of Energy Engineers, and will Government consider publishing a consultative paper seeking more general advice?

SECRETARY FOR ECONOMIC SERVICES: Sir, the answer to the first part of Mr. MCGREGOR's question is yes. As regards the publication of a consultative document, I will consult my colleague, the Secretary for Planning, Environment and Lands, to consider what the best measure of consultation with the public and with interested parties will be.

MR. PAUL CHENG: Sir, could the Administration clarify if the review of their current policies will be on a formal basis involving consultants? And if so, when will the study be scheduled for completion?

SECRETARY FOR ECONOMIC SERVICES: The Administration does not rule out, at this stage, the necessity of employing consultants. But in deciding what the best way to go about this should be, the Administration will consider, in addition to commissioning consultants, other measures of consultation.

MR. NGAI (in Cantonese): Sir, will the Government inform this Council whether it is satisfied with the way of using ash lagoons to dispose fuel ash on the part of the two power companies when assessing the impact of energy consumption on environment? Besides, will the cost of building ash lagoons be borne by the two companies? If so, will that affect electricity charges?

SECRETARY FOR ECONOMIC SERVICES: Sir, on the question of ash disposal, could I defer to the Secretary for Planning, Environment and Lands?

HIS HONOUR THE PRESIDENT: Secretary for Planning, Environment and Lands, do you have anything to add?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Yes, Sir. The power company is and has been consulting with government departments for quite some time regarding the disposal of ash, which is its responsibility at present. And I understand that the Secretary for Works is likely to take up this issue because it is fairly clear that it could be a useful additional source of fill in the many reclamations that we have ahead of us.

PROF. POON: Sir, will the Secretary inform this Council what options Hong Kong has if we want to reduce the use of fossil fuel in order to protect our environment?

SECRETARY FOR ECONOMIC SERVICES: Sir, in theory, a number of options are available, such as the alternative use of solar energy or nuclear energy. But neither of these options is free from problems, as Members are well aware. And in considering what further measures should be taken to protect our environment we need to balance this against the economic costs and against the need to continue to encourage economic growth.

MR. PETER WONG: Sir, would the Secretary inform this Council of the comparative costings for fossil fuels, that is, coal, fuel oil, liquefied natural gas, for power generation? And how would the Secretary relate that cost as against their kindness to the environment?

SECRETARY FOR ECONOMIC SERVICES: Sir, I do not have precise estimates of costs but in the case of, for example, liquefied natural gas, my understanding is that it would be considerably more expensive than coal and that is one factor that obviously Government needs to take into consideration when considering alternative uses of energy.

MR. MARTIN LEE: Sir, will the Administration inform this Council what concrete steps have been taken by the Government in the last five years to encourage consumers to conserve energy?

SECRETARY FOR ECONOMIC SERVICES: Sir, there are two aspects to this question. In the first instance, the Government itself must obviously set a good example in energy conservation. In this respect, we have introduced energy-saving measures in major government buildings and installations. I would quote one or two examples of this: we are testing the use of solar heating at the Shek Pik Maximum Security Prison; energy-saving fluorescent lighting fittings are used in all government buildings; and air-conditioning condenser waste heat is used for heating and humidity control purposes in the Aberdeen Police Training School.

On the part of general consumers and the supply companies, there is an education programme through primary schools, secondary schools, all the way to the tertiary level. In addition to this education programme, obviously headmasters and headmistresses and teaching staff should set a good personal example and I believe they do this.

On the part of the power companies themselves, they are fully appreciative of the need to play a role in energy conservation and they have in fact not only introduced an industrial advisory service which seeks to advise consumers and users, both small and large, on how they can cut down on their electricity bill and to introduce more efficient uses of electricity, but they have also carried out education by way of seminars, presentations and lectures.

MR. POON CHI-FAI (in Cantonese): As the Secretary for Economic Services has mentioned the adverse impact on environment by use of fossil fuel in paragraph 2 of her reply, will the Government inform this Council what the extent of such adverse impact in the territory is at present? The reply has also mentioned that Government is reviewing the current policy. When will a decision on the measures be made as in the past the Government took quite a long time to formulate or revise environment protection measures?

SECRETARY FOR ECONOMIC SERVICES: Sir, could I again defer to my colleague, the

Secretary for Planning, Environment and Lands?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I do not think I am going to be able to fully answer Mr. POON's question but I can say that the damage to the environment now is very much less than it used to be. And that is because most of the electricity generated in Hong Kong is generated either at Castle Peak or on Lamma at which very high chimneys were built and considerable thought was given as to what would happen to the flue. And that is, in fact, the major source of pollution which affects people's health. In future, as in the case of those two power stations, we will be extremely careful about how we site chimneys and power stations.

MR. EDWARD HO: Sir, is Government satisfied that encouragement for energy conservation is adequate and that it is not necessary for more positive measures, such as legislation, to be taken in addition to energy conservation in the design of buildings?

SECRETARY FOR ECONOMIC SERVICES: Sir, obviously, there is always scope to encourage further conservation of energy. In the case of buildings, I believe that as a result of a consultancy or working party study, we have concluded that there is greater scope for introducing additional energy-saving measures in buildings and I believe that we are considering the commissioning of a consultancy to consider how this can be achieved through legislation.

MR. MCGREGOR: Sir, would the Secretary say whether the Government has any intention or plans at present, to use imported piped gas from the Chinese gas fields?

HIS HONOUR THE PRESIDENT: We seem to be straying rather off the point of the main question. But the Secretary for Economic Services may care to comment.

SECRETARY FOR ECONOMIC SERVICES: Sir, I do not believe that current discussions with the Chinese on the supply of piped gas have yet reached a stage where it is practicable and realistic for the Government to consider this in consultation with the industry.

MR. PETER WONG: Sir, since the Secretary cannot answer my question right now, could I ask if she can supply me with those figures in a written form?

SECRETARY FOR ECONOMIC SERVICES: I will certainly attempt to do so, Sir. (Annex I)

Job vacancies resulting from brain drain

4. MR. CHUNG asked (in Cantonese): According to government estimation, the number of emigrants in the next few years will range at a high level of 50 000 to 60 000 a year with the majority of them being professional, technical as well as middle and upper managerial staff. Will Government inform this Council whether it has any plans to fill the vacancies resulting from this brain drain and will consideration be given to relaxing the requirements for people from overseas (including overseas Chinese) to immigrate to Hong Kong?

FINANCIAL SECRETARY: Sir, the number of people we expect to leave Hong Kong next year is about 55 000 including dependants. We estimate that less than a quarter of that total will be professional, technical and managerial staff.

For the long term, the best way to make good any shortfalls is to train our own young people so that they have the education and skills required to enable Hong Kong to continue to prosper. Sir, in this Council last week, the Governor described the Administration's plans in this connection in some detail.

In the medium term we hope to generate an increase in the return flow of former Hong Kong residents starting in the early 1990s. Since the surge in emigration did not really get underway until 1988, the residence requirements of the destination countries require that those people will not for the most part be eligible to return until 1991 or possibly even later. In order to encourage the return of emigrants, we must ensure that they have ready access to information on the situation in Hong Kong, including job opportunities.

To fill any gaps, we must continue to be flexible in allowing immigration of skilled personnel. I can assure this Council that every application by employers to bring in professionals and managers will be sympathetically considered on its

merits. There is no restriction on numbers or sources, but prospective employees must be suitably qualified and their employers must pay the going wages in Hong Kong. In addition, Members are, of course, aware of the special scheme to import about 3 000 skilled workers at the technical and craftsman level.

MR. CHUNG: Sir, would the Financial Secretary inform this Council whether the Government would consider allowing people who have substantial means and investment plans to invest in Hong Kong to acquire residence here?

FINANCIAL SECRETARY: Sir, we are always pleased to see on our shores people with substantial means making investments here. If they come to Hong Kong showing that they are investors and if they meet various other immigration requirements, I see no reason why they should not settle here.

MR. TIEN: Sir, in order to fill the gaps referred to in the last paragraph of the Financial Secretary's reply, would the Administration inform this Council whether a qualifying points system based on professions would be considered in order to allow immigrants into Hong Kong without application by their prospective employers?

HIS HONOUR THE PRESIDENT: Secretary for Security, would you take that question?

SECRETARY FOR SECURITY: Sir, there are no plans at present for such a scheme. The Special Importation Scheme which the Financial Secretary referred to is of course still extant and the quota for this has not yet been taken up.

MR. PAUL CHENG: Sir, most skilled personnel from abroad currently enjoy free or subsidized housing and other expatriate benefits from their employers. Would the Administration clarify whether its reference to employers having to pay going wages in Hong Kong means just basic salary, and that providing housing and other benefits are not part of the required condition?

FINANCIAL SECRETARY: I think, Sir, the reference to "going wages in Hong Kong" is

to ensure that our own local labour force is not prejudiced in any way by imported workers being paid less than the market rate. As far as fringe benefits are concerned, I think one would probably not take those into account. What one is interested in is the actual wage packet in the man's pocket.

MR. MICHAEL CHENG (in Cantonese): Sir, it is estimated that among the professionals, technicians and middle and upper managers lost in the brain drain, civil servants have accounted for a certain number. Could I ask whether the Government has any measures to prevent further brain drain and to retain serving officers, so as to maintain an efficient Civil Service in Hong Kong?

FINANCIAL SECRETARY: Sir, as far as retaining civil servants is concerned, we try and put together a civil service package that is sufficiently attractive to ensure that members of the Administration do indeed stay in Hong Kong. And I think that the wastage rate in the Civil Service generally, while it has been creeping up, is still below that of the private sector.

MRS. CHOW: Sir, what specific measures are being contemplated or adopted to generate an increase in the return flow of former Hong Kong residents, and how does Government intend to co-ordinate and encourage similar efforts in the private sector?

FINANCIAL SECRETARY: Sir, we have been making various efforts, both through direct recruitment and also through our various overseas offices. As far as encouraging the private sector to carry out similar actions is concerned, I do not believe that we have been doing anything specific beyond making general statements as to the desirability of encouraging people to return to Hong Kong. I think, Sir, the answer to the question generally is to convey the message to people overseas, to people who have emigrated from Hong Kong, that Hong Kong is a good place to be in and a number are indeed coming back. That is the message we have to get across.

MR. CHEONG: Sir, is the Government aware that the education of the children of the returnees is a very important issue and that more international schools have to be established in Hong Kong? What is Government going to do about it?

HIS HONOUR THE PRESIDENT: Secretary for Education and Manpower, would you take this question?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, we are aware that over time the number of families wishing to return to Hong Kong for work and residence is likely to increase and that within this group of families there is likely to be an increasing number of expatriate but ethnically Chinese people. Their requirements for education would be based on the experience they had undergone while they were living abroad. In other words, on their return, they are likely to require an international-type education. There are two things that the Administration is now doing in preparation for an increasing number of these returnees. The first is an evaluation of the likely demand for and the supply of places. In this connection, I am glad to inform this Council that provision has been proposed for the construction of a third secondary school on Hong Kong Island under the auspices of the English Schools Foundation.

The second and perhaps not so obvious measure that we can usefully undertake is to persuade the international schools community to come together and operate more as a team. The experience over the past few years of returning families is that they often have difficulty finding school places for their children. This is made more difficult by the fact that the most desirable areas for residence may not necessarily be the same areas where school places could most readily be found.

Accordingly, I have asked the Director of Education to see whether or not the international schools community would be interested in coming together with a view to forming an information clearing house, a one-stop unit, to help parents find suitable places for their children.

MR. MICHAEL CHENG (in Cantonese): Sir, in order to replenish the shortage of manpower caused by brain drain, would the Government consider strengthening vocational training and providing more on-the-job training for working people to the effect that their professional standards will be raised and their sense of belonging enhanced?

SECRETARY FOR EDUCATION AND MANPOWER: The short answer to the first part of the question, Sir, is yes. In the proposals announced by the Governor last week on the

expansion of tertiary education, one component of the plans for expanding tertiary education will be the transfer of sub-degree work from the polytechnics to the Vocational Training Council. Subject to further and more detailed examination this could result in the level of vocational training being raised. What is contemplated at the moment is the creation of, perhaps, several junior polytechnics or technical colleges. In his address to this Council last week, Sir, the Governor also referred to proposals for the creation of a training loan fund which we, within the Administration, propose to call the "New Technologies Training Fund". This scheme will make it possible for those employers who wish to see their managers trained in the application of new technologies to receive appropriate training.

DR. TSE (in Cantonese): Sir, does the Government have any reliable ways to find out exactly which sectors will suffer most in the brain drain during the next few years, so that appropriate replenishment can be effected by means of education?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the plans announced by the Governor for the expansion of tertiary education, particularly for the expansion of first-year first-degree places, involve a doubling of such places between 1989-90 and 1994-95. This year we have some 6 800 first-year first-degree places in our tertiary institutions meeting about 8% of the relevant age-group. By 1994-95 our target is to achieve something of the order of 15 000 places, or over 18% of the age-group. The order of increase involved is nearly 120% representing an average annual growth rate of 17%.

MR. MCGREGOR: Sir, will the Government confirm that according to government figures less than 10% of the emigrants from Hong Kong return here?

FINANCIAL SECRETARY: I do not have an accurate figure to enable me to answer that question. I have heard the figure of 10% and I believe it to be reasonably accurate.

The case of E.C. HARRIS

5. MRS. TU asked: Will the Attorney General inform this Council how he came to the

decision not to prosecute a former Senior Crown Counsel for alleged incitement to procure young girls for sexual offences and whether during his deliberation, he took full account of the interests of the public, particularly those of possible victims?

ATTORNEY GENERAL: Sir, I am grateful to have, at last, the opportunity to answer in this Council the concerns that have been expressed over this case. As I have said elsewhere, in the performance of my functions I am accountable to the public through this Council sitting in open session.

On 26 April 1989, the police submitted to the Acting Director of Public Prosecutions, Mr. A.P. DUCKETT, papers containing allegations against Mr. E. C. HARRIS, a Senior Crown Counsel then serving in the Prosecutions Division of my Chambers. On that same day, Mr. DUCKETT brought those allegations to my attention. I immediately directed that advice be sought from an eminent Queen's Counsel in the private sector. This direction accords with the practice adopted when allegations of criminal conduct fall to be considered in relation to any professional officer within my Chambers.

At this point, let me make it quite clear that leading counsel was sent the complete police file delivered to Mr. DUCKETT on 26 April 1989. That file comprised statements of witnesses, transcripts of tape recordings of telephone conversations and of a conversation with an undercover police agent, and a detailed police covering report. This material was delivered to leading counsel with instructions to advise whether or not there was any criminal offence with which Mr. HARRIS could be charged.

The Queen's Counsel delivered his written opinion on Monday, 1 May 1989. He was unequivocal in his advice. That advice was that there was no crime with which Mr. HARRIS could be charged. In the light of that advice, I decided that there was no basis for a prosecution. Mrs. TU asks whether in arriving at my decision I took into account the interests of the public and of possible victims. Since I was advised that there was no crime with which Mr. HARRIS could be charged, these questions did not, in the event, arise.

Certain suggestions have been made that the police investigations into this case were improperly terminated by me or by Mr. DUCKETT. These suggestions are untrue. The papers presented to Mr. DUCKETT revealed that, prior to that date, the police had intended to take certain steps on 27 April. But by the time the papers were

delivered to him, the police had already decided to discontinue the operation planned for 27 April. I did not cause the police action to be stopped and, in any event, I should emphasize that in the final analysis operational decisions are for the police, and not for me.

Following my decision not to prosecute, I nevertheless formed the view that, in the light of the matters before me, it would not be appropriate for Mr. HARRIS to continue to perform his duties as a Senior Crown Counsel. I conveyed my views to the Secretary for the Civil Service as the Secretary responsible for civil service contracts of employment. He decided that Mr. HARRIS should leave the Government's service, and advised that this would best be achieved by terminating his contract of employment by mutual agreement. On 3 May 1989, I informed Mr. HARRIS of the decision made and he left my Chambers that evening. He has not performed any duties since then.

There remained then the question of his position as a member of the Hong Kong Bar. As a matter of law it is open to me as well as to the Bar to apply to the Chief Justice to appoint a committee of inquiry to inquire into a complaint against a barrister. It has been suggested that I should have taken this course. That was indeed one available avenue. Another was for me to refer the matter to the Bar Committee. I had decided upon that latter course. As it happened, the Chairman of the Bar spoke to me shortly after the events I have described. At his request I made available all papers necessary for his purpose; that is the transcripts and the statements but not communications privileged in law. These privileged documents were the Queen's Counsel's opinion and communications between the police and my Chambers. Members of this Council will be aware that disciplinary proceedings have now been instituted.

There has been criticism of the way in which Mr. HARRIS obtained a practising certificate shortly after leaving government service. It is suggested that I should have made representations to prevent him from entering practice. The short answer is that I have no such power in law. He was admitted to the Hong Kong Bar in April 1986, long before these events took place. Any objection to an admission is to be taken at the stage of admission and not later upon the issue of the annual practising certificate.

Sir, there have, since the events which I have just related, been further developments. Members of the legal profession expressed views as to the law contrary

to the advice I had received. In the light of those views, I thought it right to re-submit the same papers to the Queen's Counsel who had previously advised, inviting him to consider certain aspects of the law and seeking his further opinion. This I did on 14 September this year. That further opinion differed in its conclusion from the original. As a result, and with the benefit of the views of Mr. C. W. REID, when recently acting as Director of Public Prosecutions, I have decided that a prosecution should be brought against Mr. HARRIS for alleged offences of incitement to procure a girl under the age of 21 for unlawful sexual intercourse. It would, Sir, be quite improper for me to enter upon a debate now on the merits of the case or on the issues of law. As has often been stated in this Council, questions of guilt or innocence are questions to be determined in a court of law, where an accused has the right to put his side of the case in accordance with established procedure.

Sir, I have now explained at some length the steps taken by me and in particular, I have addressed those areas which have been the subject of specific concern. Outside counsel was consulted and all the papers were submitted to him. There was no interference in the police investigation. Any suggestion that Mr. HARRIS was not prosecuted because of the position he held within my Chambers is entirely without foundation.

The original decision not to prosecute has not only given rise to much public concern. It also had a bearing on subsequent actions and decisions. It is therefore regrettable that the decision not to prosecute was based on legal advice which, in the event, has proved to be inconsistent with that more recently received. I wish to make it quite clear to this Council that I bear full responsibility for the views of the law taken and for all consequent decisions.

MRS. TU: Sir, in paragraph 6 of his reply the Attorney General said that in the light of the matters before him, it would not be appropriate for Mr. HARRIS to perform his duties and Mr. HARRIS had to resign immediately. Since the Attorney General had these doubts and danger to young girls appeared to exist, did the Attorney General not consider immediately obtaining further opinion from other counsel? Did he consider immediate action by calling in the Bar Association, or did he question the police as to why they discontinued the operation?

ATTORNEY GENERAL: I have already made clear, Sir, that at that point, based upon the original advice, there was no question of criminality. I have been advised that there

was no crime with which Mr. HARRIS could be charged. As for calling in the Bar, I have already made clear in my main answer that I had already formed the view that certain matters should be communicated to the Bar and indeed that was done. I did not call for a second opinion. I saw no cause to do so. Nor did I contact the police to ask why they had discontinued the investigation. The papers were sent to me for advice upon the completion of the police operation.

MR. MARTIN LEE: Sir, may I first congratulate the Attorney General for having the courage to accept full responsibility for this incident. But may I ask him whether he and members of the Prosecution Unit of his Chambers agreed with the first opinion given by the Queen's Counsel concerned that there was no crime with which Mr. E. C. HARRIS could be charged, and whether leading counsel concerned was asked in the brief for the first opinion to consider specifically whether there was evidence to substantiate any alleged offence or offences of incitement to procure an under-age girl for unlawful sexual intercourse, and if not, why not?

ATTORNEY GENERAL: Sir, I had no reason to question or to disagree with the original opinion from leading counsel. That was also the view of the Director of Public Prosecutions. As to the second part of Mr. LEE's question I have made clear that when the papers were sent to leading counsel for his opinion, he was asked in the broadest possible terms whether on those papers there was any crime with which Mr. HARRIS could be charged. He was not asked to turn his mind to any specific area of the law. I thought it right that counsel should be given all the papers that we had and that he should take his view untrammelled by any views that we might have formed.

MR. MICHAEL CHENG (in Cantonese): Sir, to safeguard justice and protect interests of the public and possible victims, will Government consider setting up an independent committee with members from the legal sector who are not civil servants to inspect and monitor the Attorney General's performance in making decisions to prosecute or not in special cases like the one in question?

ATTORNEY GENERAL: I hardly think it is for me, Sir, to advise this Council whether a committee of inquiry should be set up to monitor my performance in the performance of my duties. But let me say this. The decisions that have been made in this case were made for the right reasons, based on the best possible advice and information

available to the decision-makers at the time. There is absolutely no question of decisions being made otherwise than in good faith. There is no question of impropriety.

DR. LEONG: Sir, I refer to paragraph 4 of the Attorney General's reply: "That advice was that there was no crime with which Mr. HARRIS could be charged". Could the Administration inform this Council whether the fact that there was no crime to charge was due to lack of actual evidence as collection of solid evidence was stopped, apparently at the eleventh hour? If so, could this Council be informed why the collection of such evidence was suddenly terminated?

ATTORNEY GENERAL: I have already made clear, Sir, that leading counsel based his opinion upon all the evidence that was sent to us by the police. It is not for me to answer questions as to why the police decided to terminate their investigation when they did.

SECRETARY FOR SECURITY: Sir, let me answer the latter part of that question. The police decided not to proceed with the scheduled second meeting because they believed that a case already existed against HARRIS and that a second meeting would not have materially affected the circumstances of that case. At the time they sent their papers to the Attorney General they believed that evidence existed to show that he had already incited the procurement of a girl under the age of 21 for unlawful sexual intercourse.

MR. PETER WONG: Sir, could the Attorney General tell this Council whether there is any precedent whereby popular opinion can force him to reconsider his opinion and obtain a second opinion?

ATTORNEY GENERAL: I called, Sir, for a review of the original advice in the light of suggestions made by members of the legal profession that called into question the legal position. Having received that further advice, and with the benefit of the views of senior colleagues within my Chambers, I then proceeded to exercise my discretion as to whether or not prosecution should, after all, be brought. In

reaching that decision, I took into account all the many factors that are necessary for the formulation of the decision to prosecute or not to prosecute, factors that Members of this Council will recall having been laid before them on previous occasions. I should add that the decision to prosecute is never brought simply to satisfy public opinion.

MRS. CHOW: Sir, according to press reports there seems to be a gap of some two or three months between the point when Mr. HARRIS was advised to leave the Government and the point at which the Bar was notified of the case. Can the Attorney General please explain why there is such a long gap from the point when the first incident happened, since he has already decided that he should refer the matter to the Bar Committee?

ATTORNEY GENERAL: Sir, I wrote to the chairman of the Bar on 15 May, advising him of certain matters and informing him of the circumstances under which Mr. HARRIS had left my Chambers. On 22 May the chairman of the Bar replied to me asking whether I would be prepared to supply certain evidence to him to enable the Bar Committee to form a view as to whether or not disciplinary proceedings should be brought against Mr. HARRIS. Evidence was supplied on 4 August, some two and a half months later, and I have described in my main answer what that evidence consisted of. It consisted of transcripts and statements. The gap of two and a half months was caused firstly by the necessity to obtain legal advice as to whether there were documents that would be privileged by law from production. It was also necessary to obtain consents both from the police and from a witness to the release of the material to the Bar. That said, I would accept that a delay of two and a half months was an overlong time with which to comply with the Bar's request.

MR. CHEONG: Sir, in paragraph 9 of his reply the Attorney General said that it was right to re-submit the same papers to leading counsel inviting him to consider certain aspects of the law. Could I ask whether that aspect of the law was the result of the Attorney General's Chambers' own research or that of an outside legal adviser's or comments that he has heard?

ATTORNEY GENERAL: Sir, it is the latter. As I have said in my main answer, members

of the legal profession expressed views on the law contrary to the advice that I had already received. It was in the light of those suggestions that I thought it prudent to put the matter back to leading counsel for his further advice.

MR. ANDREW WONG: Sir, I wish to ask two general questions in connection with the first question raised by Mrs. TU and the second question raised by Mr. Martin LEE and the replies given by the Attorney General and by the Secretary for Security. Does the Attorney General always act in accordance with counsel's advice and how is counsel chosen?

ATTORNEY GENERAL: In the very rare cases, Sir, where there are allegations of criminal conduct against members of my Chambers, the invariable practice is to take the advice of counsel at the private Bar for obvious reasons. It is to avoid any suggestion that any view taken could smack of favouritism. In this case, having regard to the nature of the allegations, and the position held, I considered it right to go to an eminent Queen's Counsel. He was chosen by reason of his long years of practice, his experience, his standing in the Bar, and his undoubted integrity.

MR. HUI: Sir, referring to paragraph 9 of his reply, does the Attorney General intend to take steps to have Mr. HARRIS brought back to Hong Kong for trial?

ATTORNEY GENERAL: Sir, if necessary Mr. HARRIS' extradition will be sought.

MR. SIT: Sir, could the Attorney General advise this Council under what circumstances a second legal opinion from leading counsel in private practice had to be sought before deciding to prosecute or not to prosecute in respect of cases which might have caused public concern, or in the interest of the public?

ATTORNEY GENERAL: Sir, I have already answered that question in relation to this specific case.

MR. MARTIN LEE: Sir, bearing in mind that the police had already believed that there was sufficient evidence to charge Mr. HARRIS of incitement for the procurement of an under-age girl for unlawful sexual intercourse, would it not be in accordance with the normal practice in drawing up instructions to counsel for advice to draw the Queen's Counsel's attention specifically to that suspected offence, and then ask him to advise generally on other possible offences disclosed by the alleged facts?

ATTORNEY GENERAL: Sir, I can only repeat what happened in this actual case. All the papers were put to the Queen's Counsel, including the covering police report, and counsel was invited to advise generally as to whether there was any crime with which Mr. HARRIS could be charged.

Qualification for unconditional stay for foreign nationals

6. MR. LI asked: Will the Government inform this Council of the rationale for requiring foreign nationals to have been ordinarily resident in Hong Kong for a continuous period of not less than nine years before they can apply for unconditional stay in Hong Kong?

SECRETARY FOR SECURITY: The nine-year requirement was introduced by the Administration in 1983 in order to implement a new provision of the British Nationality Act 1981 which came into effect that year. Prior to 1983, foreign nationals in Hong Kong, or aliens in our immigration terms, could not qualify under our immigration policy for unconditional stay, regardless of how long they had been living in Hong Kong. But in the British Nationality Act 1981, a new provision was introduced whereby aliens or stateless residents in Hong Kong were allowed to apply for naturalization as Hong Kong British Dependent Territories citizens provided that they had been free from conditions of stay in the 12 months prior to their application. A modification was therefore made to our immigration policy to enable such people to qualify for unconditional stay after a period of residence in Hong Kong.

The period of nine years was laid down having regard to the need, as is normally the case, to assess intentions and security risks. In this connection, it was decided in the early 1970s that Chinese persons and British citizens should have ordinarily resided in Hong Kong for seven years or more before they could claim the right to land or unconditional stay. Foreign nationals, who were considered in the past as

having less close connections with Hong Kong, were given in 1983 a longer observation period of nine years.

In keeping, however, with the definition of permanent resident of the Special Administrative Region under the Joint Declaration the nine-year time limit is now being considered for reduction to seven years. This review is expected to be completed before the end of this year.

MR. LI: Sir, the Government has indicated that it is currently reviewing the territory's immigration policy with the aim of devising a uniform extension of stay pattern. When and how will the conclusions and recommendations of this review be made known to this Council?

SECRETARY FOR SECURITY: Sir, as I have said the review is expected to be completed before the end of the year. It is intended after that to make a submission to the Executive Council. Following that, Members of this Council will receive the brief for the submission. After that legislation will take its normal course. But I should hope that it will be enacted in the current Session.

MR. MARTIN LEE: Sir, is it intended also to give three stars on the identity card of an alien who has been ordinarily resident in Hong Kong after seven years during that review?

SECRETARY FOR SECURITY: That is a detail, Sir, which I am not certain of. I will certainly look into that and let Mr. LEE have a reply in writing. (Annex II)

Shortage of school teachers

7. MR. DAVID CHEUNG asked: Will Government inform this Council of the reasons for the shortage of school teachers and of the long-term measures it will take to tackle the problem?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, before I answer the question, it is

important that we have a clear idea of the extent of the shortage.

The Education Department conducted a survey of all aided schools at the start of the current school year. This revealed 203 vacancies in a total establishment of 31 740 teaching posts, representing a vacancy rate of 0.64%. Since then a further 87 vacancies have been filled, giving a current vacancy rate of 0.4%.

In government schools the vacancy rate has remained fairly stable over the past three years. On 1 September this year there were 104 vacancies against an approved establishment of 3 240 teaching posts, giving a vacancy rate of 3.2%. This is an improvement on the corresponding figure for last year, which was just over 4%.

From these figures it seems clear that the shortage of teachers is by no means as critical a problem as the question implies, and as recent press reports of union claims have suggested. Nevertheless a shortage does exist, and no one can be complacent about the need both to retain experienced teachers and to attract able people into the profession. This is particularly so at a time of full employment, when other career opportunities are increasing and the number of young people reaching school-leaving age is declining.

As regards the likely future supply of qualified school teachers, although applications for places in the colleges of education have been declining over the past three years, they still greatly exceed the places available. This year there were more than four applicants for every full-time place. For part-time courses about 17% of applications from serving teachers had to be turned away. On the other hand, enrolment on post-graduate teacher training courses at the two universities has this year fallen slightly below the number of places available, for the first time.

Sir, the overall figures I have given conceal certain problem areas to which we are giving attention. For example, schools in the New Territories tend to employ a higher proportion of teachers with non-standard qualifications than schools in the urban areas. There may be a need to offer more conveniently-located training opportunities in the New Territories, to help such teachers become properly qualified. Also, certain subjects are short of qualified teachers, but we are considering the expansion of training activity where appropriate.

Sir, the Education Commission intends to investigate the role of the colleges

of education in relation to the teaching profession. I expect that comprehensive advice on the subject will emerge in the commission's fifth report, which should be published towards the end of next year.

MR. DAVID CHEUNG: Sir, in his reply the Secretary indicated that it is important to retain experienced teachers and to attract able persons into the profession. In view of the declining number of university graduates choosing to join the teaching profession, will the Secretary inform this Council whether Government considers the present package in terms of salary, benefits and working conditions attractive enough to draw young people into the profession and to retain experienced teachers?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the only answer I can give at this stage is that the package is as attractive as that reflected by the slight fall-off for the first time of university graduates joining the profession. That decline is a small one. It does not look serious. One can only assume at this stage that there is no cause for alarm.

MR. MICHAEL CHENG (in Cantonese): Could Government consider alleviating the relatively heavy teaching load of teachers by allowing schools to increase the number of teachers, that is, slackening the class to teacher ratios of 1:1.2 and 1:1.3 for primary and secondary schools respectively, in order to lower the wastage rate of teachers? Could Government also consider lowering the number of students in each class which is 40 at present?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I cannot comment specifically on the teacher to class ratio or the teacher to pupil ratio at this point in time. These figures have been entered into the Codes of Aid after years of experience. If they are to be reviewed at all, they should be reviewed comprehensively by the Board of Education and the Education Commission. The Administration has had regard to specific teaching loads in respect of specific subjects, taking care to prevent them from becoming too heavy. As an example of this, some 300 additional posts, were created only this September to relieve the increasing burden of teaching of the Chinese language.

MR. SZETO (in Cantonese): Sir, the Secretary has mentioned in his reply that there are few vacancies in aided and government schools. Could Government inform this Council how many teachers in these two types of schools are not professionally trained? How many have passed the retirement age? How many are teaching what they have not learnt (that is, the subjects they are teaching are not those they are specialized in)? Have the percentages of these categories of teachers increased considerably as compared with the past? Is it because of this that the number of vacancies is not too high?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I have not got with me figures for teachers who are not fully qualified or who have gone beyond retirement age. I do have a figure for the number of teachers who have been recruited without standard qualifications. That is to say, they are not graduates of the colleges of education or Commonwealth universities. These represent about 3.2% of the total complement of teachers in all schools, both primary and secondary. The absolute number is slightly over 1 000.

MISS. LEUNG (in Cantonese): Could the Secretary inform this Council of the number of vacancies of teachers in primary and secondary schools? Could this Council be further informed of which subjects and which regions have been more seriously affected?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, in answer to the first part of the question, the vacancies in aided schools at the beginning of September this year were as follows: 111 vacancies of non-graduate teachers, representing 0.7% of the primary school establishment. In aided secondary schools there were 45 vacancies among the graduate workforce of 11 000 representing a vacancy rate of 0.4%. In respect of non-graduate teachers in aided secondary schools, there were 17 vacancies, representing a vacancy rate of 0.6%. In the case of government schools, the same split yields 35 vacancies of non-graduate teachers in primary schools; 41 vacancies of graduate teachers and 28 vacancies of non-graduate teachers. In respect of the second part of the question, Sir, the shortages by subject area are mainly in English, Chinese, Physical Education, commercial subjects and technical subjects. The third part of the question covers vacancies by district. I am afraid I do not have details with me, Sir, but I believe that the region that has sustained the largest number of vacancies is the New

Territories.

MISS LEUNG: Sir, could I have a simple breakdown of vacancy rates of primary schools and secondary schools?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I do not have the figures in the form asked for. I have a split by sector, that is to say, government primary and aided primary, and government secondary and aided secondary. The figures are as follows: in the case of aided primary schools where there are no graduate teachers, the vacancy rate is 0.7%. The figures are 0.4% and 0.6% for graduate and non-graduate teachers respectively in aided secondary schools. Similarly, in government primary schools where again there are no graduate teachers, the vacancy rate is 2.7%. In government secondary schools, the figures in respect of graduate and non-graduate teachers respectively are 3.5% and 3.6%.

MR. DAVID CHEUNG: Sir, in view of the Government's intention to expand the tertiary sector in the next six years, will the Secretary kindly inform this Council whether such expansion will affect the quality of primary and secondary schools, thus further aggravating the teacher supply situation?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the short answer is no. The proposals that we formulated for Executive Council were twofold. That is to say, we have already provided enough places in the primary and secondary sectors, but not enough in the tertiary sectors. Any increase in the quantity of subsidized places should therefore be in the tertiary sector of education. This expansion does not and should not rule out a close examination of the quality of education in our schools. This is what we will continue to do in the context of the Education Commission's examination of the many policy subjects and issues involved.

MR. SZETO (in Cantonese): Recently, some government primary and secondary schools offer ex-gratia conditions of service to retain teachers of retirement age. Could the Secretary inform this Council why Government resorted to such measure? Will this measure be extended to aided schools?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I do not have the answer to the question. But I shall take it up and provide Mr. SZETO with a written reply. (Annex III)

MR. MICHAEL CHENG (in Cantonese): Sir, at present teachers of government and aided primary and secondary schools have to perform many tedious clerical duties on top of teaching. In order to encourage more people to join the teaching profession and to improve the quality of education, could Government consider allowing schools to employ more clerical staff so as to relieve the teachers of their additional duties?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the short answer is yes. Certain studies have been made of the non-teaching work that teachers are doing at the moment. Proposals for relieving them of this work have been received from the Director of Education and are being examined. The Education and Manpower Branch is in the process of formulating both policy and resource proposals. Of course, whether or not clerical staff and whether or not computerized equipment will be provided in schools as a result of these proposals will be subject to the availability of funds.

Maintenance of law and order

8. MRS. LAM asked (in Cantonese): In the light of the recent rise in crime rates, will Government inform this Council how it ensures that law and order in the territory is satisfactorily maintained notwithstanding the deployment of the police force to Vietnamese boat people detention centres?

SECRETARY FOR SECURITY: Sir, crime rates generally are not increasing. In the first nine months of this year reported crime amounted to 59 445 cases, compared with 60 464 cases for the same period in 1988. This is the lowest three-quarter year figure for five years. Within this overall total for 1989, violent crime has increased from 11 939 to 12 778 cases. This is regrettable and is not to be taken lightly, but is not a cause for alarm. Some of the increase can be attributed to Vietnamese cases in camps.

There is no indication that the maintenance of law and order in Hong Kong has been adversely affected by the deployment of police officers for Vietnamese boat people (VBP) detention duties. The size and versatility of the police force fortunately permit a flexible response to cope with various tasks as and when they arise. Whereas up to 700 police officers may be called upon to man VBP camps every day, they represent no more than 2.6% of total police strength, and the force's commitment to regular watch and ward duties remains very high.

However, the deployment of police officers for VBP duties has been made possible only through careful adjustments to general Uniform Branch strength at the district level. The situation is closely monitored by the Commissioner of Police. Every effort has been made, and is being made, to ensure that the force is kept up to strength.

MRS. LAM (in Cantonese): Sir, the Secretary has mentioned in his reply that 700 police officers are deployed each day from various districts to maintain law and order in VBP centres. Could Government inform this Council whether these 700 police officers are evenly deployed from the 19 districts? There were more than 12 000 violent crimes over the last nine months. What is the pattern of these crimes in districts? Is the increase in crime in the respective districts a result of deployment of police officers to the VBP centres?

SECRETARY FOR SECURITY: Sir, the number of police officers deployed adds up not to 700 but 590 because the actual number varies from week to week and the figure of 700 includes the number earmarked for the High Island Camp yet to be opened. 227 officers have been redeployed from Kowloon, 32 from Hong Kong Island, 229 from the New Territories and 102 from Marine. As to the second part of the question, Sir, although I have a mass of figures here, I think it would take me longer than a few seconds to decide whether this pattern of deployment also represents a pattern of crime in districts or any increase in crime in districts. I shall look into this and shall provide a written answer (Annex IV). I do not believe that the increase in violent crime is the result of the redeployment of these police officers. As I have indicated, the increase in violent crime has occurred during a portion of this year. There had in fact been a drop in violent crime from August. So it is too early to establish whether there is any trend in this increase in violent crime. It is therefore too early to say whether it is a result of deployment of police from police districts

to VBP duties.

MR. MICHAEL CHENG (in Cantonese): Sir, could Government inform this Council of the ratio of VBP to deployed police officers in the various VBP centres? How are the morale and security of these police officers affected by this ratio? And how is the situation to be improved?

SECRETARY FOR SECURITY: Sir, for the camps -- of which there are over 20 -- which the police are involved in, the four for which they have management responsibility have 10 931 Vietnamese. There are two other camps at Stonecutters and Argyle where they have perimeter manning responsibilities. The manning ratios are as follows: for the four camps where police have full management responsibilities the manning ratio is one police officer to approximately 28 Vietnamese -- men, women and children. For the two camps at Stonecutters and Argyle where they have perimeter responsibilities the ratio is one police officer to 38 Vietnamese. These figures necessarily vary slightly from time to time. As for the second part of the question, there have been indications during the course of the summer that police morale, and indeed the morale of the Correctional Services and Civil Aid Services and other government staff involved in VBP duties, has been adversely affected. This is not surprising. The duties which they are called upon to perform are unusual and in many cases the environment is unpleasant. However at no time has the matter of morale ever affected the manner in which duties have been performed. In recent weeks there has been a discernible improvement in morale across the board.

MR. SIT (in Cantonese): Could the Secretary inform this Council how many of the 59 445 cases reported in the first nine month of this year were committed by Vietnamese boat people or refugees? Meanwhile, the crime rate in districts where closed VBP centres or camps are situated tends to rise recently. How can this trend be explained?

SECRETARY FOR SECURITY: Sir, the Vietnamese crime statistics show that there has been an increase in crime committed by the Vietnamese. In the third quarter of this year a total of 451 such cases were reported. These represent a total of 2.1% of all crimes committed in Hong Kong. For the first half of this year, Vietnamese crimes accounted for only 1% of total crimes in Hong Kong. So there is, as you can see, an increase

there, partly attributable to the very large increase in the numbers of Vietnamese who have arrived in the territory. As I said in answer to an earlier question, I am afraid I do not have the correlation of crime and areas in which there are VBP camps and centres. But I shall look into this and try to provide figures which will explain that situation. (Annex V)

MISS LEUNG (in Cantonese): The Secretary's answer is based mainly on statistics of reported cases of crime. Could the Secretary inform this Council what the crime detection rate is in recent years? Has it been affected by the deployment of police officers to VBP centres?

SECRETARY FOR SECURITY: Sir, I can see that I have come unequipped with the mass of figures and tables which would be required to answer some of the questions I am getting this afternoon. I must apologize and say that I do not have the detection rate figures and I will provide these in writing (Annex VI).

MR. POON CHI-FAI (in Cantonese): Sir, the Secretary has mentioned in his reply that generally 700 police officers are deployed daily on VBP duties. Will there be problems of law and order in other districts as a result of the serious shortage of manpower in times of unexpected events during the New Year, Christmas or fireworks extravaganza when large numbers of police officers are required?

SECRETARY FOR SECURITY: No, Sir. I think I can give a firm assurance that at times of special festivities or occasions, there will be no reduction in the number of police who will be on the ground to control and police these occasions. And I have no reason to expect there will be any increase in crime.

MR. MCGREGOR: Sir, will the Secretary advise this Council on the proportion of crimes committed inside the camps as opposed to outside the camps and therefore whether there is any threat in his view to law and order outside the camps as a result of the presence of the Vietnamese camps?

SECRETARY FOR SECURITY: Sir, taking the first nine months of this year, a total of 407 violent crime cases were committed by Vietnamese. Of these, 314 cases, 80% of the total, were committed within camps and centres. The remaining 83 cases were committed outside the camps.

Written answers to questions

Export of high-technology products to Hong Kong after 1997

9. MR. MCGREGOR asked: Given the fact that China and Hong Kong are presently treated differently, will the Government inform this Council what is being done to ensure that Hong Kong will not be subject to any additional restrictions applied by the Co-ordinating Committee for Export Control (COCOM) in respect of the export of high-technology products from its member countries to the territory after 1997?

FINANCIAL SECRETARY: Sir, at present, Hong Kong is in compliance with the export restrictions applied by the Co-ordinating Committee for Export Control (COCOM) and therefore enjoys access to high-technology imports. It is our objective to ensure that the present degree of access will continue beyond 1997 and we are working towards that objective.

Control of commercial signboards

10. MR. CHUNG asked: Since overhanging neon lights and commercial signboards abound in the territory and some of them may be poorly maintained, thus endangering the safety of pedestrians, will Government inform this Council if consideration has been given to amending the existing legislation to step up control on commercial signboards in order to ensure public safety?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the Government is concerned to reduce the risk of death and injury caused by potentially dangerous signs. In order to strengthen the control of advertisement signs and to ensure public safety, the Public Health and Municipal Services (Amendment) (No. 2) Ordinance 1989 was enacted in April 1989. The Ordinance empowers the Building Authority immediately to render safe or remove dangerous advertisement signs in situations where there is, in the opinion of the authority, a real threat to public safety, and to dispose of any

materials so removed. The authority may recover any expenses incurred in the removal of such signs and in the disposal of the materials.

At the time of enactment it was considered that a full system of control by licensing would be staff intensive, and that it would be better to concentrate resources on risk rather than embark on a more ambitious and more comprehensive approach.

Port management

11. MR. DAVID CHEUNG asked: Will Government inform this Council what measures are being taken to enhance the efficiency in the management of our ports in view of the rapid increase in the volume of cargoes moving through Hong Kong?

SECRETARY FOR ECONOMIC SERVICES: Sir, over the last 10 years the demand for port services has increased threefold. We have met that demand by the provision of the necessary resources at the appropriate time without over-provision. This enviable achievement has been due to the combination of two factors: first, prudent planning; and secondly sound professional development and operation of port facilities.

Regarding the first of these, the introduction of a Port Development Board, announced by His Excellency the Governor in his 11 October address at the opening of the 1989-90 Session of the Legislative Council, will in future enhance the effectiveness of our port planning role. By providing more co-ordinated initiatives and responses which reflect the views of all users and suppliers of port services, the new Port Development Board will, I believe, allow us to take maximum advantage of the strategic new port development opportunities that lie ahead.

As regards the second factor, sound professional development and operation of port facilities, Government's policy has been to provide the environment which will encourage the private sector to participate and invest in the port. This policy has been successful and will continue. The Marine Department, in its overall port administration role, will continue to monitor and review operational efficiency and is kept well informed of the views of both users and suppliers of port services through its network of advisory committees. Government and the private sector, in partnership, will ensure that investments in technology, modern equipment and new

working methods will continue to achieve improvements in operational efficiency.

Port safety is of paramount importance in maintaining the efficiency and reputation of our port. The new vessel traffic system facility which is now entering service is providing Hong Kong with the most up-to-date means to improve our already enviable port safety record, in the face of ever-increasing port traffic.

First Reading of Bills

IMMIGRATION (AMENDMENT) (NO. 3) BILL 1989

REGISTRATION OF PERSONS (AMENDMENT) BILL 1989

MEDICAL REGISTRATION (AMENDMENT) BILL 1989

HONG KONG TOURIST ASSOCIATION (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

IMMIGRATION (AMENDMENT) (NO. 3) BILL 1989

THE SECRETARY FOR SECURITY moved the Second Reading of: "A Bill to amend the Immigration Ordinance."

He said: Sir, I move the Second Reading of the Immigration (Amendment) (No. 3) Bill 1989.

Prior to 16 June 1988, Vietnamese boat people arriving in Hong Kong were automatically granted refugee status. Under section 13C of the Immigration Ordinance, provision existed for the Secretary for Security to make rules for such refugees. Since 16 June 1988, however, all Vietnamese boat people arriving in Hong Kong have been, and are, treated as illegal immigrants unless, after screening, they are accorded refugees status. No provision currently exists for the Secretary for

Security to make rules specifically for these Vietnamese boat people.

Since 16 June 1988 over 42 000 Vietnamese have arrived in Hong Kong. A large number of detention centres have had to be established to cope with this influx. These centres are gazetted under the First Schedule of the Immigration (Places of Detention) Order which allows sections of the Prison Rules to apply to the treatment of the detainees. However these rules do not provide adequately for the control of conduct and the maintenance of order and discipline in the detention centres.

A set of rules specifically designed to cover the treatment of Vietnamese in detention centres has therefore been drawn up; but before such rules can come into existence, the necessary provision to allow the Secretary for Security to make the rules must be included in the Immigration Ordinance. The Bill achieves this by adding a new section, 13H, to the Ordinance empowering the Secretary for Security to designate places as detention centres for Vietnamese boat people, and to make rules for the treatment and control of detainees and for the management of such centres.

The proposed Detention Centre Rules are based on the existing Closed Centre Rules which have been effective for the control of conduct and maintenance of order and discipline amongst Vietnamese refugees in closed centres. Minor modifications clarify provisions taken from the Closed Centre Rules and reflect that the management of the detention centres is undertaken by the police and Civil Aid Services in addition to the Correctional Services Department.

The opportunity has also been taken today to rationalize the designation of detention centres by consolidating them in a single order specifically for detention centres.

Sir, I beg to move.

Question on Second Reading proposed.

MISS TAM: Sir, it is a highly unsatisfactory state of affairs that pamphlets could be brought into Whitehead, Chi Ma Wan and Sek Kong Detention Centres by visitors to invite the detainees to go on a "hunger strike" and thus creating even more pressure on our correctional services staff and police force in their already very difficult and strenuous task of maintaining law and order in the detention centres. Apparently

the purpose of this "hunger strike" is to exert pressure on the Hong Kong community by staging a protest against the possible introduction of mandatory repatriation of Vietnamese boat people. Let me first say that I see no change in the Hong Kong community or this Council's resolve to attain mandatory repatriation of the Vietnamese boat people. Our law enforcement agencies do have our support in tackling their difficult tasks, especially during these "hunger strikes".

Today, the non-government members of this Council will support the Immigration (Amendment) (No. 3) Bill to go through its First and Second Reading, Committee stage and Third Reading all in one sitting. This will enable 16 centres now occupied by Vietnamese boat people or Vietnamese illegal immigrants to be designated as detention centres controlled under proper disciplinary rules. Ever since 16 June 1988, as the Secretary for Security has told us, we had over 42 000 Vietnamese illegal immigrants arriving in Hong Kong. Many centres were set up within a very short time to accommodate them. These new centres do not fall within the existing first schedule of the Immigration (Places of Detention) Order which provides that "a person detained in any place set out in the first schedule shall receive the same treatment as that which is accorded to a person committed to prison for safe conduct in any of the rules". In these new Vietnamese illegal immigrant centres, there are no rules to allow for the control of conduct and the maintenance of order and discipline among Vietnamese illegal immigrants, and no rules to provide for the management and security of the centres. At times we can see on television that foodstuff and other matters were thrown by persons outside of the camp into the camp ground. We have also read newspaper reports about Vietnamese illegal immigrants leaving the camps without the approval of the authority to pursue their illegal or social activities.

An ad hoc group was set up to study the Bill and we met with the Administration to raise questions on some of its provisions.

Frankly we questioned whether the maximum penalty of \$5,000 fine and six months' imprisonment for the offence of breaking the rules is sufficient (if at all) deterrent to the detainees, some of whom apparently have no money. Also they are used to being detained. The Administration accepts that may be a loss of privilege and that would be a deterrent. Also, to be separated from one's own family would also act as a deterrent. The ad hoc group believes that although the deterrent effect on the detainees may be minimal, it does help to deter visitors and other persons from breaching these rules. Besides, we accept that there should be similar rules for these detention centres as to closed centres. As to the content of the Bill we

questioned the meaning of the two types of separate confinement under section 13H(6)(a), that is, confinement as punishment for breach of rules; and the other type of confinement under (b) section for separate confinement "whether as a punishment or not". We were worried that maybe the authorities' power is too wide. We were then assured that circumstances of separate confinement under the (b) section would be restricted to specified circumstances prescribed by the rules, for example, where a complaint has been lodged against a particular detainee. And therefore the power to be exercised under the (b) section would be carefully circumscribed. I understand that the Administration will propose an amendment to clarify the points we raised. In the final analysis, we accepted that enactment of this Bill is a matter of urgency and the new section 13H which will empower the Secretary for Security to designate detention centres for the detention of Vietnamese boat people and to make rules for the control of conduct and the maintenance of order in these centres as a necessity.

We also agreed to the introduction of section 13H(5) and (6) of the Bill which provide for similar powers to the existing section 13(C), with additional provisions on separate confinement, as I have described, search of detainees and visitors, control of conduct of visitors and the control of minors detained.

We understand that relevant rules will be introduced at a later stage to this Council. If necessary we shall comment on them where appropriate.

Sir, Hong Kong has long borne the burden of receiving Vietnamese refugees and Vietnamese illegal immigrants on our shores. And it is the wish of the Hong Kong community that from these shores they must depart. While the detainees are staying here on the expenses and the hospitality of the Hong Kong community, it is not much to ask for their respect for peace and good order in the camps in return. And it must be left in no doubt that visitors and workers in these camps are under obligation to observe the law with no exception.

Sir, I support the Bill.

SECRETARY FOR SECURITY: Sir, I have noted Miss TAM's useful and relevant remarks with which I fully agree. I am grateful to Miss TAM for her support and to the members of the ad hoc group for the consideration they have given this Bill.

Question on the Second Reading of the Bill put and agreed to.

Bill read the Second time.

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

REGISTRATION OF PERSONS (AMENDMENT) BILL 1989

THE SECRETARY FOR SECURITY moved the Second Reading of: "A Bill to amend the Registration of Persons Ordinance."

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

The purpose of the Bill is to deter the deliberate misuse of identity cards. The two main proposed amendments to the Registration of Persons Ordinance are: first, to make it an offence for a person to have in his custody or possession, without lawful authority or reasonable excuse, an identity card relating to another person; and second, to make clear the offence of unlawful transfer of an identity card to another person.

Under existing legislation the possession, without lawful authority or reasonable excuse, of an identity card relating to another person, is not an offence. Using it, however, is an offence under the Registration of Persons Regulations. A loophole therefore exists when persons cannot be prosecuted who are found with identity cards belonging to others in their possession, and there is no evidence of their having used those cards. This is clearly undesirable and it is therefore proposed in clause 4(b) of the Bill to make possession also an offence. The opportunity is also taken to impose heavy penalties as a deterrent against such activities.

Unlawful transfer of an identity card belonging to another person is at present punishable under the Registration of Persons Regulations. The opportunity is therefore taken in clause 2 to clarify the meaning of "transfer", and to make it an offence in the second section of 7AA under clause 5 of the Bill to transfer an identity card unlawfully to another person.

As a tidying-up exercise, the various existing offences of the use and transfer

of an identity card belonging to another person without lawful authority or reasonable excuse will be transferred from the regulations to the main Ordinance.

The amendments in this Bill are necessary because an identity card is no longer merely a proof of identity. It can also be used as a travel document into and out of Hong Kong. This is an incentive for racketeers to obtain identity cards, belonging to others, for deliberate misuse by impersonators or illegal immigrants. It is hoped that this new legislation and the heavy penalties proposed -- a fine of \$20,000 and imprisonment for two years on summary conviction, or a fine of \$50,000 and imprisonment for 10 years on conviction on indictment -- will act both as an effective deterrent and as a means of prosecuting those who abuse our identity card system.

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

Question on the adjournment proposed, put and agreed to.

MEDICAL REGISTRATION (AMENDMENT) BILL 1989

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: "A Bill to amend the Medical Registration Ordinance."

He said: Sir, I move the Second Reading of the Medical Registration (Amendment) Bill 1989.

This Bill seeks to extend the membership of the Licentiate Committee of the Medical Council of Hong Kong to include two registered medical practitioners appointed by the council after consultation with the Chinese University of Hong Kong.

The Licentiate Committee of the Medical Council was established under section 20C of the Medical Registration Ordinance to oversee matters relating to the examination, training and licensing of unregistrable medical practitioners. The committee at present comprises eight registered medical practitioners, two of whom are appointed by the council after consultation with the University of Hong Kong.

When the Licentiate Scheme first came into operation in 1977, the University of Hong Kong was the only university in Hong Kong with a Faculty of Medicine. Now that the Chinese University of Hong Kong has established a Faculty of Medicine and is

becoming involved in training of externs under the Licentiate Scheme, it is proposed to include representatives of the Chinese University of Hong Kong on the Licentiate Committee. This proposal has the support of the Medical Council of Hong Kong.

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

Question on the adjournment proposed, put and agreed to.

HONG KONG TOURIST ASSOCIATION (AMENDMENT) BILL 1989

THE SECRETARY FOR ECONOMIC SERVICES moved the Second Reading of: "A Bill to amend the Hong Kong Tourist Association Ordinance."

She said: Sir, I move that the Hong Kong Tourist Association (Amendment) Bill 1989 be read a Second time.

The Hong Kong Tourist Association is a statutory body tasked with promoting Hong Kong as a tourist destination. Between 1966 and 1987 the level of subvention provided by the Government to the association was linked to the yield from the Hotel Accommodation Tax, which is a levy of 5% on hotel room rates charged. This meant that the level of subvention was not necessarily related to the actual needs of the association.

When considering the 1986-7 Report of the Director of Audit, the Public Accounts Committee of this Council expressed concern about the hypothecation of Hotel Accommodation Tax in this way. It also recommended that the Hong Kong Tourist Association Ordinance be amended to require the association to submit for the Government's approval its annual budget and programme of activities. Such arrangements would be similar to those for other comparable subvented organizations such as the Trade Development Council.

In early 1988, agreement was reached with the Tourist Association for the link between the level of subvention and the Hotel Accommodation Tax to be severed. Starting in the 1988-89 financial year, administrative arrangements were introduced for the association to submit its budget and programme of activities for approval by Government and for a grant to be made on the basis of the approved budget. Earlier this year, the association also agreed that the new subvention arrangements should

be given legislative effect by amending the Ordinance.

This amendment Bill provides for the Legislative Council to vote funds for the subvention of the association, and for the association to submit its budget and programme of activities to the Governor for approval. It also provides for the board of the Tourist Association to observe certain prescribed accounting procedures. These new subvention and budgetary arrangements will not in any way detract from the Government's continued support for the valuable services provided by the association in promoting Hong Kong as a tourist attraction.

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

Question on the adjournment proposed, put and agreed to.

ROAD TRAFFIC (AMENDMENT) (NO. 3) BILL 1989

Resumption of debate on Second Reading which was moved on 19 July 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).
SUMMARY OFFENCES (AMENDMENT) (NO. 2) BILL

Resumption of debate on Second Reading which was moved on 12 July 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.

IMMIGRATION (AMENDMENT) (NO. 3) BILL 1989

Clauses 1 and 2 were agreed to.

Clause 3

SECRETARY FOR SECURITY: Sir, I move that Clause 3 of the Bill be amended as set out in the paper circulated to Members.

The purpose of the amendment is to ensure that the rules governing separate confinement specify the circumstances in which separate confinement may take place. Separate confinement may be provided for as a punishment under the new section 13H(6)(a), but security considerations, such as the protection of a detainee, may mean that separate confinement is required in other circumstances. Those circumstances will be provided for under the new section 13H(6)(b).

Whilst separate confinement for the purpose of punishment would generally refer to individual confinement, separate confinement for other reasons may also involve a family or a larger group.

Sir, I beg to move.

Proposed amendment

Clause 3

That clause 3 be amended, in the new section 13H(6)(b), by deleting "(whether as a punishment or not)" and substituting --

"and the circumstances under which a person may be so confined".

Question on the amendment proposed, put and agreed to.

Question on clause 3, as amended, proposed, put and agreed to.

ROAD TRAFFIC (AMENDMENT) (NO. 3) BILL 1989

Clauses 1 and 2 were agreed to.

SUMMARY OFFENCES (AMENDMENT) (NO. 2) BILL 1989

Clauses 1 and 2 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

IMMIGRATION (AMENDMENT) (NO. 3) BILL 1989

had passed through Committee with an amendment, and the

ROAD TRAFFIC (AMENDMENT) (NO. 3) BILL 1989 and

SUMMARY OFFENCES (AMENDMENT) (NO. 2) BILL 1989

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

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

Bills read the Third time and passed.

Adjournment and next sitting

HIS HONOUR THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 25 October 1989.

Adjourned accordingly at twenty-nine minutes past Four o'clock.

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