

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 17 January 1990

The Council met at half-past Two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (PRESIDENT)

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

THE CHIEF SECRETARY

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

THE FINANCIAL SECRETARY

THE HONOURABLE SIR PIERS JACOBS, K.B.E., J.P.

THE ATTORNEY GENERAL

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

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 CHAN YING-LUN, O.B.E., J.P.

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

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

THE HONOURABLE CHENG HON-KWAN, O.B.E., J.P.

THE HONOURABLE CHUNG PUI-LAM, J.P.

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

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

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

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

THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.

THE HONOURABLE PANG CHUN-HOI, M.B.E.

THE HONOURABLE POON CHI-FAI, J.P.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH, J.P.

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

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

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 MRS. MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, J.P.

DR. THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

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

THE HONOURABLE KINGSLEY SIT HO-YIN

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

THE HONOURABLE 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

THE HONOURABLE PETER TSAO KWANG-YUNG, C.B.E., C.P.M., J.P.  
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE MRS. ELIZABETH WONG CHIEN CHI-LIEN, I.S.O., J.P.  
SECRETARY FOR HEALTH AND WELFARE

ABSENT

THE HONOURABLE ALLEN LEE PENG-FEI, C.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.

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

THE HONOURABLE LAU WONG-FAT, O.B.E., J.P.

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

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

IN ATTENDANCE

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

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

Subject

Subsidiary Legislation

L.N. No.

Immigration Ordinance

Immigration (Vietnamese Boat People)  
(Detention Centres) (Designation) Order 1990..... 5/90

Immigration Ordinance

Immigration (Vietnamese Boat People)  
(Detention Centres) (Amendment) (No. 2)  
Rules 1990.....

6/90

Public Order Ordinance

Public Order Curfew (Variation) Order 1990..... 7/90

Telecommunication (Hong Kong Telephone

Company) (Exemption From Licensing) Order  
Telecommunication (Hong Kong Telephone  
Company) (Exemption from Licensing) (Fees)  
(Amendment) Order 1990..... 8/90

Public Health and Municipal Services Ordinance

Hawker (Permitted Place) Declaration 1990..... 9/90

Sessional Papers 1989-90

No. 41 -- Annual Report of the School Medical Service Board for the year  
ended 31st March 1989

No. 42 -- Director of Social Welfare Incorporated Income and Expenditure  
Account with Balance Sheet and Certificate of the Director of  
Audit for the year ended 31st March 1988

No. 43 -- Director of Medical and Health Services  
1988-1989 Departmental Report

No. 44 -- Samaritan Fund

Income and Expenditure Account with Balance Sheet and  
Certificate of the Director of Audit for the year ended 31 March  
1989

WHITE PAPER

The White Paper on Transport Policy in Hong Kong  
January 1990

Address by Member

The White Paper on Transport Policy in Hong Kong  
January 1990

SECRETARY FOR TRANSPORT: Sir, laid on the table today is the White Paper on Transport Policy in Hong Kong.

This White Paper sets out the Government's broad transport strategy for the coming decade. In preparing this paper, we have taken fully into account public comments on the Green Paper published in May last year, debates in this Council in the following July, and helpful suggestions from the Transport Advisory Committee. The transport forecast and infrastructure programme have been revised as a result of the decision on the new airport announced by you, Sir, last October.

A consensus arising from the debate on the Green Paper is that the three basic principles of improving the transport infrastructure, expanding and improving public transport services, and managing road use, should continue to form the basis of our transport policy.

The transport infrastructure development programme has been substantially augmented as a result of the Port and Airport Development Strategy decision. Planned projects now include the Airport Railway, the North Lantau Expressway, the Lantau Fixed Crossing and new roads to port facilities on Tsing Yi, Stonecutters Island and Tuen Mun. These are planned for completion in the mid-1990s to tie in with the port and airport development programme and in time for the opening of the new airport at Chek Lap Kok by 1997.

Public comments have also stressed the importance of better co-ordination between transport and land use planning. In response, this White Paper elaborates on the Government's policy intentions on three fronts.

First, commercial facilities will be spread out as far as practicable to reduce the need for long journeys. The expansion of port facilities in the western part of the territory will increase substantially job opportunities for residents in the rapidly expanding new towns in northwest New Territories. Second, strategic road and rail connections will be planned to link up major residential and employment areas. Third, long-term plans will be devised to ensure that future land use developments can be supported by existing and planned transport infrastructure. The Metroplan Study, the redevelopment programme of the Housing Authority, and the urban renewal schemes will all contribute to achieving this objective.

Most Hong Kong people travel by public transport. A key element of our transport strategy is to continue to improve public transport services, both in quantity and quality, to ensure that the public remain willing and able to do so.

Effective co-ordination of public transport services is essential if these objectives are to be achieved. The Government's inter-modal co-ordination policy will continue to aim at maintaining a balanced and efficient public transport system.

At the same time, the merits of healthy competition are also recognized. The policy will be applied flexibly to meet changing circumstances, to encourage healthy competition between different modes, and to stimulate further improvements. This means, for example, more franchised buses to help relieve congestion along the rail corridors, and wider introduction of good quality non-franchised buses to help meet peak hour demands in certain areas.

The continuous expansion and improvement of the transport infrastructure and public transport services will help to reduce, but cannot replace, the need for better road management. The number of private cars and goods vehicles has been growing at 10% per annum since 1987. It could triple in 10 years if this growth rate were allowed to continue. This would far outstrip the 37% increase in road capacity provided by the committed and planned building programme for the same period. The mobility of people and goods would be seriously impeded. This would impose considerable strains on the economy, and adversely affect our quality of life.

Sir, this White Paper sets out a balanced package of measures for managing road use. It has three major objectives. First, to make effective use of road space by introducing modern traffic management techniques to improve traffic flow and to minimize traffic disruptions caused by defective vehicles, accidents and road works. Second, to make more rational use of road space by giving priority to the more efficient and essential road users. And third, to manage the demand for road use by spreading out travel demand and managing its growth to a level with which the road system can cope. This includes the use of fiscal and regulatory measures wherever necessary and practicable to help contain the growth and usage of vehicles.

Transport planning is a continuous process. No forecast can ever claim to be fully accurate, whatever the efforts taken in data collection and projection assumptions. The computerized planning model developed in the Second Comprehensive Transport Study will therefore be used to update regularly our transport forecasts. The transport strategy outlined in this White Paper will be applied flexibly, and reviewed from time to time to take account of changing demands and circumstances.

Oral answers to questions

Waiting time for emergency treatment at Prince of Wales Hospital

1. MR. ANDREW WONG asked: Will Government inform this Council how long on average a patient admitted to the Accident and Emergency Department of the Prince of Wales Hospital has to wait before he is given diagnosis and treatment; and whether Government will take any measure to shorten this waiting time?

SECRETARY FOR HEALTH AND WELFARE: Sir, upon arrival at the Accident and Emergency Department of the Prince of Wales Hospital, patients in serious condition are given immediate attention and treatment by hospital staff. An experienced nursing officer is stationed at the registration area of the Department to ensure that there is absolutely no delay in rendering treatment to such patients. However for the less urgent cases, the average waiting time is about an hour.

To shorten the waiting time, two measures will be taken by the Hospital Services Department. First, two additional doctors will be deployed by mid-year to the Accident and Emergency Department of the hospital; secondly, an additional examination cubicle will be installed to enable more rapid turnover of patients. The



necessary conversion works being planned are expected to be completed in the latter part of the year.

MR. ANDREW WONG: Sir, I am glad that measures will be taken to deploy additional doctors to the Accident and Emergency (A & E) Department of the Prince of Wales Hospital. But how many doctors are deployed there now, and how many at any one time? Is the average waiting time of about an hour the norm throughout the whole of Hong Kong insofar as other regional hospitals are concerned, or is it longer than in the other hospitals?

SECRETARY FOR HEALTH AND WELFARE: Sir, the staffing position in the A & E Department of the Prince of Wales Hospital is: one consultant doctor, three senior medical officers, 13 medical officers -- altogether 17 doctors -- and 58 nurses of various ranks.

In respect of the second part of the question, the average waiting time in the accident and emergency departments of other major hospitals is around 30 minutes. The average waiting time at the Prince of Wales Hospital is longer, which is about an hour, because there is a double screening consultation system operated by specialty doctors aimed at reducing overcrowding in the wards.

DR. LEONG: Sir, could the Administration inform this Council whether the manpower position as described by the Secretary is in line with the recommendation of the Medical Development Advisory Committee, and if not, why not?

SECRETARY FOR HEALTH AND WELFARE: Sir, in terms of the accident and emergency provision in various hospitals, there is at the present moment a move in the direction of more double screening with additional staff provided for each hospital. So the answer is that staffing at the moment is inadequate to meet the stated objective. However, it is our intention to introduce deployment of additional senior medical and health officers to the A & E Department of various regional hospitals.

MR. POON CHI-FAI (in Cantonese): Sir, the Secretary mentioned in the first paragraph of her reply that less urgent cases have to wait on average for about an hour. But what is the average longest waiting time? Furthermore, by how much is the waiting

time expected to be shortened upon implementation of the two improvement measures mentioned in the second paragraph?

SECRETARY FOR HEALTH AND WELFARE: Sir, I find it very difficult to answer the first part of the question regarding the longest average time because for "average" to be average, obviously it has already taken into consideration the shortest and the longest time. But I do understand that to one who waits it would always appear that the waiting is interminable and perhaps the longest in the crowd.

The length of waiting time varies with the number of cases being dealt with in the A & E Department, and also the condition of the patient. As I explained in the main reply, the actual treatment of the patient depends entirely upon the clinical condition of the patient involved.

MR. PETER WONG: Sir, would the Secretary care to elaborate what she considers to be satisfactory waiting time in view of the fact that the patients are not at all well while waiting?

SECRETARY FOR HEALTH AND WELFARE: I would expect that the most satisfactory waiting time would be not to wait at all. But on the other hand I think we have to have regard to the realities of the situation. In the process of dealing with emergency or accident cases, we need to improve upon the procedural handling of the cases and this aspect will be looked into at the time when we improve the accident and emergency procedure by introducing the double screening system in the three other regional hospitals.

MR. CHEUNG YAN-LUNG (in Cantonese): Sir, could the Secretary inform this Council if Government has any long-term plans to upgrade the facilities of Prince of Wales Hospital to cope with the yearly population growth of Sha Tin, Tai Po and North District?

SECRETARY FOR HEALTH AND WELFARE: To address the particular problem in Sha Tin, we have in mind evening clinic sessions from 6 pm to 10 pm. These are being operated

in Lek Yuen Health Centre, Sha Tin, and Tai Po Jockey Club Clinic. It has also been suggested that the Department of Health might give consideration to operating holiday clinic sessions in Sha Tin. However, we have to bear this request in mind having regard to the availability of resources.

MRS. TU: Sir, in her reply the Secretary said that patients in serious condition are given immediate attention and treatment. Could the Secretary tell this Council, since it is not always easy to tell from external injuries whether a person's life is in danger, what kind of criteria is used to decide who should have priority treatment?

SECRETARY FOR HEALTH AND WELFARE: I feel very ill-equipped to answer this very technical question. I would rely entirely on the professional judgment of the doctors involved. Doctors, in assessing the patient, will know the criteria from the medical point of view regarding when to admit and how to treat.

MR. ANDREW WONG: Sir, my question relates to diagnosis and treatment only. As far as I understand it, the double screening process relates to admission to the relevant wards; so, that should not be the reason why the waiting time is longer. Would the Secretary elaborate as to what she means by double screening as practised in the Prince of Wales Hospital?

SECRETARY FOR HEALTH AND WELFARE: The double screening procedure is a system whereby patients are examined first of all by doctors on duty, and then examined by specialty doctors before they are accepted for admission into the hospital. As quite rightly pointed out, in the normal cases handled by the doctors-in-charge in the Prince of Wales Hospital all treatment procedures are carried out immediately. As regards admission, the double screening method does apply. But sometimes because the specialty doctors may be committed to other duties in wards, or in out-patient clinics, or in operating theatres, there are occasions when the patients have to wait for screening and for consultation before admission. They are conducted to examination cubicles for treatment and observation until the specialty doctors arrive. This generates a greater demand for examination cubicles and nursing care, and does result in a certain backlog and a longer waiting time.

DR. LEONG: Sir, may I start by thanking the Secretary for her very positive concern for the unfortunate sick in saying that they should not wait at all. However, in her reply the Secretary appears to imply that it is the double screening procedure that is causing, to a certain extent, the delay for the sick to be cared for in the A & E Department. But at the same time it is the reason for decreasing admission. Would the Secretary tell this Council whether the Administration has any plans to rectify this ironical and paradoxical situation?

SECRETARY FOR HEALTH AND WELFARE: Yes, Sir. The primary remit of the A & E Department is to give treatment to bona fide accident and emergency cases. On the average, about 15% of all cases do not belong to this category, particularly during public holidays when the percentage can be as high as 30% because government general and private out-patients services are not readily available. Since priority is given to those who are genuinely ill and require emergency treatment, some of the non-urgent cases such as influenza, fever and minor ailments will have to wait. I do not myself feel there is a paradoxical situation arising from the general intention of having accident and emergency cases treated as priority items in the A & E Department.

I did mention, however, in my previous reply, that for a number of areas where problems do arise, particularly during weekends, we do intend to address them, for example in Sha Tin, by having evening clinics and also by operating clinics during public holidays thereby relieving the tension from the A & E Department.

MR. ANDREW WONG: Sir, could I ask the Secretary whether or not she thinks that she has adequately answered Mr. POON Chi-fai's question on the average longest waiting time? I think, very obviously, he meant the longest waiting time, or the longest case. Could I also refer the Secretary to Mr. CHEUNG Yan-lung's question as to what measures are taken to handle the whole northeast and east New Territories, including Sai Kung although Mr. CHEUNG Yan-lung mentioned specifically only North District and Tai Po?

SECRETARY FOR HEALTH AND WELFARE: I think I would like to take two bites at the question since it is double-barrelled. I would like to reply to the expansion plan in the

north-eastern side of Kowloon in writing, if I may. (Annex I)

Regarding the longest waiting time, I think it could be very dramatically long. I myself have experienced what I consider to be the longest waiting time when I was admitted to hospital through the A & E Department, and that was five hours, Sir. And I would like other people to beat that record!

Vietnamese returnees

2. DR. TSE asked: Will the Administration inform this Council whether the Hong Kong Government has received any information on the general treatment given by the Vietnamese Government to the 874 Vietnamese boat people who were returned to their country in eight batches under the voluntary repatriation scheme in 1989?

SECRETARY FOR SECURITY: Sir, we have received a number of reports from the British Embassy in Hanoi about all but the most recent returnees. These reports cover the eight to which Dr. Daniel TSE has referred but there have, of course, been two additional flights since then. These reports have assured us that there is no evidence whatsoever that any Vietnamese who have returned under the voluntary repatriation scheme have received anything but helpful and sympathetic treatment.

We understand that the boat people return to their own villages where the extended family system, which is one of the strengths of Vietnamese society, provides assistance. The UNHCR payment of US\$30 per head per month for one year is paid in local currency, quarterly in advance, and this is a welcome source of income during the initial settling-in period after return. Unemployment is, of course, a severe problem throughout Vietnam and particularly so for those Vietnamese who have become inactive after long periods in camps in Hong Kong. Those without special skills have found it difficult to obtain employment, but it has been observed that many become small scale traders and shopkeepers.

We understand that the UNHCR only has one monitor at present in Vietnam. His method of working is to select certain areas and to become well-acquainted with the local officials and the returnee families in those areas by means of frequent visits. It is, of course, not possible to visit all returnees with the same frequency but visits to others are made at random for comparison with those selected for more

intensive monitoring. The British Embassy in Hanoi assesses the system as apparently working well.

So far such complaints as have been made by returnees have turned out to be based upon a lack of information on their part about their rights and entitlements, rather than any unhelpfulness on the part of local officials. There have also been cases of returnees being too embarrassed to seek the help to which they are entitled; and occasionally some returnees have attempted to secure more than their entitlement by claiming that no help has been extended to them whereas, upon investigation, it becomes evident that they have, in fact, received assistance.

The Government will keep in touch over the general treatment given to voluntary returnees by means of periodic reports from the British Embassy in Hanoi and from information received from visitors to Vietnam who visit returnees to assess their welfare.

DR. TSE: Sir, I want to thank the Secretary for Security for the comprehensive reply he has supplied. May I ask whether the Administration has similar information on the 51 Vietnamese boat people who were returned last month under the mandatory repatriation scheme? If yes, will this Council be informed whether there are any substantial differences in the treatment received by the voluntary and the mandatory groups?

SECRETARY FOR SECURITY: Sir, although strictly outside the scope of this question, I can say that we understand from the British Embassy in Hanoi that there is no evidence of any political persecution or official harassment of the 51 who were returned in December. I know that many of the 51 -- somewhere between, I think, 35 and 40 of those who were returned -- have been personally visited by British Embassy officials and they have been found to be in good health and in good spirits. There is no evidence that there is any difference in treatment between the two: voluntary or involuntary returnees. Indeed, the Vietnamese authorities have said that their intention is to treat involuntary returnees in precisely the same way as voluntary returnees.

DR. TSE: Sir, if there are no substantial differences in the treatment received by the respective groups, will Government consider eliminating the distinction between

voluntary and mandatory repatriation and adopt only one policy: that Vietnamese boat people will be repatriated, so as to remove the stigma that is associated with mandatory repatriation?

SECRETARY FOR SECURITY: Sir, that is a laudable aim but I am afraid it is premature for this to be put into practice. It is, unfortunately, a fact that there are those who volunteer to return and there are those who do not volunteer to return. So at this end, unfortunately, there is a distinction even though in Hanoi both modes of return are treated in the same way on reception.

Computer virus

3. MR. CHEUNG YAN-LUNG asked (in Cantonese): Will Government inform this Council whether its computers have ever been attacked by "computer virus", resulting in the destruction or leakage of internal information and, if so, what remedial actions it has taken and how it will prevent future attacks?

FINANCIAL SECRETARY: Sir, our mid-range and mainframe computers have not been attacked by computer viruses but some of our micro-computers have been so attacked. None of the incidents have caused any destruction or leakage of information because users have been able to restore information from backup copies.

As to remedial action, guidelines on the prevention of computer virus attacks were issued by the Information Technology Services Department in April 1989 to all government departments. These guidelines emphasize the need for computer users at all times to backup important programmes and files, to avoid using software from unknown sources, and most importantly, to prevent unauthorized access.

Anti-virus computer programmes were issued to all government departments in October last year. These programmes serve to check against possible infections by viruses when a computer begins operation. All machines installed since October 1989 already have the virus checking systems automatically incorporated.

Sir, we shall continue to monitor the situation and to improve our guidelines and security practices as necessary. This will be the best defence against any future

computer virus attacks.

MR. CHEUNG YAN-LUNG (in Cantonese): In view of the fact that computer virus is spread by pirated software, will the Government consider stepping up measures to ban such software in order to prevent the spread of computer virus?

FINANCIAL SECRETARY: Yes, Sir. The computer virus, or the spread of computer viruses, as I understand it, is a developing technology. As it develops, of course, we will be observing it and taking remedial action.

MR. PETER WONG: Sir, could the Financial Secretary confirm whether the actual routing of the virus has been ascertained? Could he please answer Mr. CHEUNG Yan-lung on whether it is pirated software that is the cause of the virus?

FINANCIAL SECRETARY: Sir, as I indicated, there were 50 incidents. I do not have details here with me this afternoon. I will try and give an answer in writing. (Annex II)

MR. MCGREGOR: Sir, my question is partly answered. But has the Government discovered the source of these viruses? And is the introduction of the attacking virus a criminal offence punishable by law?

FINANCIAL SECRETARY: Sir, I cannot give any information as regards the first part of that question. As to whether it is an offence, as my colleague, the then Secretary for Administrative Services and Information, said in this Council some time ago, we are drafting legislation to prevent unauthorized access to computers, or at least to make it a criminal offence.

MR. CHEUNG YAN-LUNG (in Cantonese): Sir, has the Government co-operated with the private sector, especially the computer professionals, in preventing the future attacks of computer virus? Has the Government sought help from the sources of the



virus?

FINANCIAL SECRETARY: Sir, as far as I am aware, the Information Technology Services Department does keep in contact with private sector sources in an effort to fight this problem.

MR. PETER WONG: Sir, will the Financial Secretary please tell this Council what action the Government has taken against the use of pirated software by civil servants, partly also to prevent these things from happening again?

HIS EXCELLENCY THE PRESIDENT: I think that has strayed rather far from the original question and it should be a separate question, please.

Occupational medicine

4. MR. TAM YIU-CHUNG asked (in Cantonese): Since most of the existing registered doctors have not undergone extensive training in occupational medicine, will Government inform this Council whether such a situation may cause delay in the proper diagnosis and treatment of patients suffering from occupational diseases? If so, will Government consider providing more extensive training in occupational medicine to medical students as well as registered doctors?

SECRETARY FOR HEALTH AND WELFARE: Sir, "occupational disease" refers to any disease which has resulted from work in a particular occupation. It may appear in the form of respiratory disease, blood disease or disease of the skin, eye or bone. Knowledge of occupational diseases is acquired by medical students during their basic medical education. They are trained in the clinical aspects of various types of occupational diseases under the relevant specialties during their five-year undergraduate course and their one-year internship. In addition, as part of their training in community medicine, medical students undergo a structured course on the theory and practice of occupational medicine. This course consists of a series of lectures and tutorials conducted by experts in the field. Projects and visits to major industries are also included. Training in occupational medicine received by medical students in Hong

Kong is similar to that provided to their counterparts in other advanced countries and is considered to be adequate and satisfactory.

As part of an on-going and continuous process of medical education, registered doctors are, in general, able to update themselves on advances in the practice of occupational medicine including the identification of occupational diseases by reference to medical publications and through participation in professional meetings, refresher courses, seminars and workshops. In addition, the Chinese University of Hong Kong runs a post-graduate diploma course in occupational medicine for registered doctors who wish to acquire a more in-depth knowledge in this field. Doctors are also encouraged to obtain advice and assistance in the diagnosis of occupational diseases from the Occupational Health Division in the Labour Department.

With this training and continuing education, registered doctors in Hong Kong should have no difficulty in the diagnosis and management of the majority of occupational diseases, especially with the co-operation of the patients. As regards the less common occupational diseases, prompt diagnosis and treatment is achieved through professional consultation and appropriate referral. Under these circumstances, there should be no delay in the diagnosis and treatment of patients suffering from occupational diseases.

MR. TAM (in Cantonese): Sir, will the Government consider requiring medical doctors engaged by enterprises or factories to acquire professional qualifications in occupational therapy, so that they will have a better knowledge of occupational diseases?

SECRETARY FOR HEALTH AND WELFARE: Sir, generally there is no specific requirement for factory doctors, but regulations under the Factory and Industrial Undertakings Ordinance require the proprietor to appoint a doctor to carry out medical examination of persons employed in handling carcinogenic substances and who work in compressed area. And in some other cases, proprietors are also required to provide medical compensation to persons employed in handling unsealed radioactive substances, in underground work, and in handling processors involving asbestos. Because of this, I feel it is up to the individual doctors to obtain their speciality before they are in a position to help the industrialists help the labour force.

On the undergraduate training side, in terms of updating the curriculum, the curriculum for the undergraduate medical course is a matter for the universities. Hong Kong's medical education is of a high standard and qualifications are internationally recognized. I am sure curricula are regularly reviewed and updated as appropriate.

MR. MICHAEL CHENG (in Cantonese): Sir, will the Government inform this Council of the occupational diseases that are most common in Hong Kong, the number of patients suffering from them, and whether the Government will urge the two universities to step up the medical training relating to these diseases?

SECRETARY FOR HEALTH AND WELFARE: Sir, the common occupational diseases in Hong Kong are:

contact dermatitis  
silicosis  
decompression sickness, and  
gas-poisoning.

Based on the reports of occupational diseases reported to the Occupational Health Division in the Labour Department, the most common occupational diseases are:

silicosis  
compressed air illness  
contact dermatitis  
tenosynovitis  
gas-poisoning.

As regards whether or not the Government has any plans for improving the training facilities at, perhaps, the post-graduate level, I am aware that there is a proposal that Community Medicine should be included as a faculty in the Academy of Medicine, and Occupational Health as a speciality under this faculty. The details and priorities will no doubt be worked out by the Preparatory Committee under the chairmanship of Professor TODD.

DR. LEONG: Sir, the Secretary seems to imply that there should not be any delay in the diagnosis and treatment of patients suffering from occupational diseases. Could the Administration inform this Council whether there are any known cases of ill-effects of occupational diseases as a result of delay in treatment due to the lack of expertise on the part of an ordinary practising doctor?

SECRETARY FOR HEALTH AND WELFARE: Sir, I am not aware of any case.

MR. CHOW: Sir, could the Secretary inform this Council how many lecture hours are given to a medical student who receives training in occupational medicine? Are the lecture hours considered adequate? If not, will the Administration consider that the general practitioner's exemption, delegation and the suggested referral requirement may be against the public interest?

SECRETARY FOR HEALTH AND WELFARE: Sir, I think the question is a very interesting one and requires research. I would like to answer that in writing. (Annex III)

MR. MCGREGOR: Sir, in view of a recent legal case, can medical doctors now extend their capability in dealing with occupational diseases by referring appropriate cases to specialists such as chiropractors and other supplementary medical professionals?

SECRETARY FOR HEALTH AND WELFARE: I am sure this is a matter for the professionals, Sir.

DR. LEONG: Sir, the current report of the now reorganized Medical and Health Department on the subject of occupational health services states that: "In 1988 there was a confirmed figure of 390 cases of occupational diseases." Could the Administration inform this Council of two things:

1. how this figure compares with those of other countries in Southeast Asia?
2. whether, given the fact that in Hong Kong there is a working population of almost 3 million, the Administration will have any plan to open Occupational Diseases

Referral Clinics in the public medical system to cater for these patients?

SECRETARY FOR HEALTH AND WELFARE: These, too, are very important questions which require in-depth study. I will reply to these questions in writing. (Annex IV)

MR. ANDREW WONG: Sir, does the Secretary have any information on a new occupational disease by the name of "omelconiosis"? (laughter)

SECRETARY FOR HEALTH AND WELFARE: I think I am about to suffer that, Sir.

HIS EXCELLENCY THE PRESIDENT: Dr. LEONG, you are due to ask a question. Are you following up on the previous question?

DR. LEONG: Sir, not exactly.

HIS EXCELLENCY THE PRESIDENT: If you would take your own substantive question, would you please? That comes next on your sheet.

DR. LEONG: Very well, if you are not going to let me ask another supplementary question.

HIS EXCELLENCY THE PRESIDENT: I think that last one was a very satisfactory ending to the supplementaries.

Right of abode in Hong Kong for foreign nationals

5. DR. LEONG asked: Will the Government inform this Council of the present position of the review into the feasibility of granting the right of abode in Hong Kong to foreign nationals who have satisfied the residence requirement and other conditions?

SECRETARY FOR SECURITY: Sir, I informed this Council in October last year that a review was underway to determine how foreign nationals in Hong Kong should be granted unconditional stay after having lived here for seven years, as opposed to the current requirement of nine years. At the time I said the review was expected to be completed before the end of 1989. I regret to say that because of the complexities involved the review has not yet been completed and further consultation within the Government has proved necessary.

The review will pave the way for the eventual implementation of the right of abode provisions in the Joint Declaration which state, amongst other things, that all Chinese nationals born or who have ordinarily resided in Hong Kong for seven years or more, and all other persons who have ordinarily resided in Hong Kong for seven years or more and who have taken Hong Kong as their place of permanent residence, shall have the right of abode in the Hong Kong Special Administrative Region.

DR. LEONG: Sir, will the Administration inform this Council whether there are significant differences between persons with "the right of abode in Hong Kong" and persons with "the right of unconditional stay in Hong Kong"? Will the latter, that is, those who have the right of unconditional stay in Hong Kong, be deprived of the right to vote or to be elected in any local election, and would they face possible deportation?

SECRETARY FOR SECURITY: Sir, I am afraid I do not have the information with me from which to give a reply. I would like to look into that matter and reply in writing to Dr. LEONG. (Annex V)

MR. BARROW: Sir, could the Secretary inform us as to why there are complexities in the very simple task of reducing the required period from nine to seven years?

SECRETARY FOR SECURITY: Yes, Sir, I shall endeavour to do that. The review at present being carried out is being conducted initially in the Immigration Department where the Director of Immigration, in consultation with policy branches and other government departments, is examining a number of issues in the overall context of

the reduction from nine to seven years. Some of these issues affect immigration control which has a human rights dimension to it, economic considerations, workload, resources, revenue implications, as well as legal implications, including nationality laws. Those in general, Sir, are some of the important matters which are now being addressed. It is hoped that the review in the Immigration Department will be finished in about two weeks' time. Thereupon it will be studied further in the Government Secretariat and I am afraid this is the reason why it has taken longer than anticipated.

MR. MCGREGOR: Sir, in view of the complications and the importance of this subject, will the Secretary advise whether there is a published guide which sets out the situation regarding right of abode, right to land, and right to work in Hong Kong for those people who may have a foreign passport or nationality? Such a guide clearly seems to be necessary.

SECRETARY FOR SECURITY: Sir, the answer is that there is no such guide as yet. But I entirely agree with Mr. MCGREGOR that in an area as complex as this where there are even at the moment some definitions which are not at all clear, it would be essential, in my view, for such a guide to be prepared. This will be done in due course.

#### The Hospital Authority

6. MR. CHOW asked (in Cantonese): In view of the public concern about the management structure and financial arrangements of the future Hospital Authority, and about the terms and conditions of employment for the staff, will the Government inform this Council whether full consultation with the public and the staff concerned will be undertaken expeditiously with a view to finalizing such arrangements before the Hospital Authority comes into operation?

SECRETARY FOR HEALTH AND WELFARE: Sir, the Government received from the Provisional Hospital Authority its main report on 30 December 1989. It contains recommendations on the future Authority structure, the integration of the government and subvented hospitals, the financial arrangements, the terms and conditions of employment,

hospital management reforms, and many other points. These recommendations and their implications are being carefully studied within the Administration.

The Government's proposals on various matters will be announced as soon as they are ready. There will be full consultations with the staff over issues which affect them directly, such as the terms and conditions of employment. I hope to introduce in this Council in the near future a Bill on the Hospital Authority. This will be debated in Council and, subject to enactment of the legislation, it is my aim to set up the Hospital Authority later this year. That is to say to allow the time needed for completion of all essential preparatory work as well as the necessary consultations with the staff concerned. The Authority, even when set up under law, will not take over the responsibility for the management of public hospitals until some time towards the latter part of the year.

MR. CHOW (in Cantonese): Sir, the Secretary's reply has not mentioned if there will be a public consultation exercise. Will the Administration inform this council whether the Provisional Hospital Authority has, in its report, proposed that public consultation be conducted? If so, why is it that the Secretary's reply seems to have spelt rejection of the proposal?

SECRETARY FOR HEALTH AND WELFARE: Sir, there are in fact two points to Mr. CHOW's question. The first point is on public consultation. The Provisional Hospital Authority (PHA) consists of expert members drawn from a wide variety of backgrounds. These members' observations and advice represent, to a great extent, considered public view. Additionally, proposals on various matters such as financial arrangements and management structure of the Hospital Authority will be announced for public information and comments from members of the public and the media will be most welcome. Indeed, these comments are already emerging on television and in the print media. As regards the point on consultation, the PHA has recommended that the report should be published, and this recommendation is being considered. In view of the concern of the staff, they will be fully consulted on areas which will directly affect their future, for example, terms and conditions of employment and bridging-over arrangements. Their comments will also be welcome on other related matters.



MR. MICHAEL CHENG (in Cantonese): Sir, what services a hospital provides is a matter of vital concern to the district in which the hospital is located. Moreover, different districts may have different needs. In view of this, could the Administration inform this Council whether district representatives, in particular the district boards, would be consulted on the matter before any final decision is made by the Hospital Authority?

SECRETARY FOR HEALTH AND WELFARE: Indeed, Sir, as I said in an earlier reply to Mr. CHOW, it is the intention to make known the proposals of the Government and the PHA report at the time when the full details are being studied. Consultation with the public, as suggested by Members of this Council, will be taken into account.

DR. LEONG: Sir, my question might have been partly answered by the Secretary but I just want to have a point clarified. In her reply the Secretary said that the Government's proposals on various matters will be announced. Could the Administration inform this Council whether the full report of the PHA will be published for public and staff consultation?

SECRETARY FOR HEALTH AND WELFARE: As I said earlier, in the PHA's report, it has been stated that the report should be published. It is one of the recommendations of the PHA. This recommendation is respected and is being considered within the Administration.

MR. TAM (in Cantonese): Sir, what will the Administration do if the staff, on consultation, object to the recommendations of the report?

SECRETARY FOR HEALTH AND WELFARE: I think this is a hypothetical question, Sir. Such an eventuality has not arisen and I hope it will never arise.

MR. PETER WONG: Sir, the Secretary in her reply said "It is my aim to set up the Hospital Authority later this year". It is my understanding that subject to the passing of the enabling legislation, the Authority should be established on 1 April this year. Having regard to the wording "later this year", could the Secretary confirm whether there has been any slippage?

SECRETARY FOR HEALTH AND WELFARE: There is something very magical about 1 April. Apart from being recognized in some parts of the world as April Fool's Day, it is also the beginning of a new fiscal year in Hong Kong, and certainly it is a target to work to. I feel that to enable Members of the Council to have all the necessary information for the debate of the Hospital Authority Bill, it would be best to introduce the Bill when all the implications of the PHA's report have been carefully examined. My colleagues and I are working very hard to expedite matters, and will do our best to adhere to the original target timetable for bringing to fruition the recommendations in the PHA's report so as to effect an early introduction of the much needed reforms to hospital services. As regards the sentence Mr. WONG took me up on, I did use the word "I". In fact I was trying to be modest, because I prefer the word "I" to the royal "we".

MR. CHOW (in Cantonese): Sir, I am still very much concerned about public consultation. None of us know whether the PHA report contains recommendations relating to areas which have never before been canvassed. This may affect our future medical policy and the public to a great extent. Why does the Administration not consult the public to make the policy more popular? If the Administration undertakes to carry out staff and public consultation, how long and what form will the consultation exercises take?

SECRETARY FOR HEALTH AND WELFARE: Sir, I am very grateful for the statement made by Mr. CHOW regarding the need for extensive consultation. I will certainly bear that in mind. As I mentioned in my main reply, it is the intention to conduct as extensive a consultation exercise as possible involving, particularly, the staff concerned.

MR. MCGREGOR: Sir, can the Secretary advise how many members of the PHA were nominated by appropriate organizations, how many have been selected by the Government, and who in fact represents the labour interests on the Authority?

SECRETARY FOR HEALTH AND WELFARE: The membership of the PHA is well-known. On the question as to who nominated them, I need to do some research on this.

## Organization and methods capability within the Civil Service

7. MR. BARROW asked: In the light of the policy of containing the size of the Civil Service and achieving maximum efficiency within Government, will Government consider setting up an internal organization and methods capability or introducing other measures to achieve a simplification of administrative procedures and a reduction in unnecessary paperwork?

FINANCIAL SECRETARY: Sir, we already have an organization and methods capability within the Government comprising some 150 management services staff. Generally, officers in the Management Services Grade are based in Finance Branch, but there are specialized units in selected departments. We also employ the resources of the Information Technology Services Department, if we are examining the use or possible use of computers. If need be, we engage outside consultants to assist us in our continuing efforts to improve administrative efficiency.

MR. BARROW: Sir, whilst we all recognize the high quality of our Civil Service, the bureaucratic tree probably needs a good shake from time to time. Could the Financial Secretary inform us as to how the 150 staff operate and whether they are meeting with any success, for example, in reducing the enormous amount of paperwork generated and in speeding up decision-making?

FINANCIAL SECRETARY: Sir, I am a dedicated shaker (laughter). The Management Services Unit has achieved considerable success over the last three years. They have managed to reduce the size of the bureaucracy by 2 144 posts, and saved nearly \$500 million.

MR. MICHAEL CHENG (in Cantonese): In answering my question on the efficiency of civil servants in June last year, the Chief Secretary mentioned that the Government would look into the feasibility of introducing business managers into various departments to review the situation. Would the Government inform us of the present position of the matter?

HIS EXCELLENCY THE PRESIDENT: Perhaps the Chief Secretary will take this question.

CHIEF SECRETARY: Sir, as regards the concept of introducing business managers into departments which is what Mr. CHENG refers to, we are pursuing it as fast as we can. There are already, I believe, some three deployed into major departments, and I hope to be able to announce an expansion of that in some months' time.

MR. PETER WONG: Sir, the question I am going to ask may sound strange as coming from an accountant from the finance sector. Is it really right that Organization and Methods and Computers should be entirely linked to the Finance Branch?

FINANCIAL SECRETARY: Yes, Sir.

MR. ANDREW WONG: Sir, would the Financial Secretary inform us who did the shaking and who did the study on whether or not 150 organization and methods officers were the appropriate establishment? Did they do the study themselves, or am I engaging in an exercise of "reductio ad absurdum"?

FINANCIAL SECRETARY: I suppose, Sir, the right answer to the last question is yes. But the establishment of the Management Services Division was of course looked at partly by the Finance Branch, but also by the Civil Service Branch. The officers were not responsible for setting up their own establishment.

Speculative activities in uncompleted flats

8. MISS LEUNG asked (in Cantonese): In view of the undesirable social effects produced by speculative activities on pre-completed domestic flats, for example the unwarranted payment of extra sums of money by genuine flat-buyers to the speculators; and that housing, unlike many other commodities, is one of the necessities of life, will Government consider taking any measures to control or even prohibit such

speculative activities?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I do not know if, in Hong Kong at least, anybody would totally accept the validity of the underlying premise of Miss LEUNG's question, that is, that if something is a basic necessity Government should control or prohibit speculation in it. But even if they did, its application to the sale of uncompleted flats would be doubtful, particularly now with such a very high supply of real estate in and moving into the market. To start with, many buyers nowadays already have a flat or they could rent one; they do not have to buy another. And if they do need to buy one, there are both completed flats and uncompleted flats for sale from a considerable number of sellers and in most parts of the territory. So few are in a homeless no-choice situation.

With that said it is undoubtedly true that speculation in uncompleted flats has long been a feature of the real estate industry as it is in most other countries. In times of short supplies and rising markets, it tends to take the conventional form of buying, holding and reselling at, hopefully, a higher price; the higher market price then stimulates additional supplies. In times of greater supplies, such as the present, there is some evidence that developers sometimes use pre-arranged sales to simulate a heated market for their properties, which actually is not speculation. In either case I suppose the only effective measure against such speculation in uncompleted flats one could take would be some kind of bar on early resale, although the effectiveness of this too would depend on whether the ingenuity of those interested would find ways to outwit the system. And assuming that you would not want to have such controls if the market for homes was not being significantly disrupted, you would have to have criteria for switching your controls on and off. Probably not impossible, but certainly difficult.

Sir, Government has seriously considered controls on speculation before, at periods which appeared to warrant such controls much more than the present time appears to warrant them. It has always concluded that controls would be clumsy, that they would be disruptive to development financing and would probably do more harm than good to the economy. I believe that it would reach the same conclusion now.

MISS LEUNG (in Cantonese): Sir, I would take issue with the Secretary on the reply he has given. The Secretary has underestimated Hong Kong people's need for housing

and disregarded the impact produced by speculative activities in uncompleted flats. Such activities will push up property prices including that of the completed flats. Besides, the prices and rentals of residential flats have reached a level the general public cannot afford. Having regard to the detrimental effects of speculative activities on genuine buyers which are well known and borne out by hard evidence, the demands for control of speculation from the public, and the reason for non-control given in the reply which is wholly based on a presumption, will the Government re-study the matter of residential property and speculative activities in uncompleted flats, and release the result of the study to the public?

SECRETARY FOR PLANNING, ENVIRONMENT, AND LANDS: Sir, there is a working committee within Government under the convenorship of the Economic Services Branch, which specifically keeps an eye on speculation in property. It is largely the view of this Committee that I quoted in the final paragraph of my main answer. No formal reports on speculation have been, as far as I know, released, certainly not of late years; and, with respect, I do not think that the state of the market particularly justifies the publication of a formal report now.

MR. EDWARD HO: Sir, even if controls on speculation are not enforced, of which incidentally I do not approve, will Government inform this Council whether anything can be done to encourage developers to adopt a system of sales whereby it would not be necessary for buyers to queue up for long periods and be subjected to the disorderly conduct of triad members?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, we had a question about that at the last Session or the one before it. As I said, we are discussing that matter with the Real Estate Developers Association.

MR. CHENG HON-KWAN: Sir, maybe my question has been covered by Miss LEUNG's, but I want to be a bit more specific. Having heard the Secretary's conclusion that controls would be clumsy, may I ask the Secretary whether the many small resale agencies in the territory, which have no direct contribution to development financing but to genuine users and purchasers' financial burden, would warrant Government control?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, it is quite true that there has been a great growth of small agencies dealing in property. I think it is going to be worthwhile at least taking a preliminary look at this particular industry, though I cannot myself envisage the form of control which Government might put on such agencies. But they are, of course dealing both in completed and uncompleted properties. So it is not entirely related to the uncompleted property question. Indeed most uncompleted properties are sold through the developer's agents.

MR. ARCULLI: Sir, could the Secretary inform this Council whether, in coming to the conclusion set out in the last paragraph of the main answer, Government has taken into consideration the position of the buyer who may wish to speculate or who might need to sell due to purely personal financial position?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, undoubtedly it is a very important factor.

MISS LEUNG (in Cantonese): Sir, the Secretary pointed out in the main reply that the Government had considered controlling speculation in uncompleted residential flats. Will the Secretary inform this Council whether the Government will consider imposing a stamp duty, in the nature of a deterrent, on conveyance of uncompleted flats on a scale close or equivalent to the profits from the sale?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, not as far as I am aware in recent years.

MR. MARTIN LEE: Sir, is the Administration aware that the Consumer Council is looking into various problems arising from the sale of uncompleted flats and will soon be submitting a report to the Government?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I have so heard, and I am delighted to hear it.

MISS LEUNG (in Cantonese): Sir, would the Administration agree that speculation in uncompleted flats is not a necessary procedure in conveyancing?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I do not know about speculation, but the buying of flats and the money which is provided by prospective buyers prior to completion plays a considerable part in development financing. It undoubtedly increases the amount of finance available for development and thereby the numbers of flats which are made available.

Written answer to question

Special child care centre and sheltered workshop places

9. MR. POON CHI-FAI asked: According to the "Review of the Rehabilitation Programme Plan for 1987", only 675 special child care centre places have been provided against the projected requirement of 1 900 such places for 1989-90, representing a shortfall of 1 255 places, and in the case of those of sheltered workshops, only 3 320 places have been provided against the projected requirement of 5 299 places, representing a shortfall of 1 979 places. Will Government inform this Council of the reasons for such shortfall in the provision of special child care centre and sheltered workshop places; when such places will be adequately provided; and whether there are any interim remedial measures and fundamental solution to the problem?

SECRETARY FOR HEALTH AND WELFARE: In the 1987 Rehabilitation Programme Plan (RPP) Review, estimates on the demand for Special Care Centres (SCCC), and for Early Education and Training Centres (EETC) and Integrated Programme in Child Care Centres (ICCC), were projected on the basis of prevalence rates borrowed from other countries. The projected figures bore little relationship with the known number of disabled children in need of pre-school services.

The methodology for forecasting demand was reviewed and it was accepted in principle by the 1987 RPP Review Committee that it would be more realistic to project requirement on the basis of known demand in Hong Kong, that is the number of enrolment



plus the number on the waiting list, with a percentage added on to estimate hidden demand. This formula for projection has been adopted for rehabilitation services for disabled adults. On the basis of the new formula, the projected demand for SCCC 1989-90 is 1 330. The existing provision is 675 places. By the end of 1989-90, there will be an addition of 360 places, and by the end of 1991-92, there will be a further 300 additional places, bringing the total provision to 1 335 places. Against a project demand of 1 305 in 1991-92, the provision is anticipated to be adequate by the end of 1991-92.

#### Sheltered workshop places

There are at present 3 175 sheltered workshop places. Efforts have been made to speed up the completion of planned projects with encouraging result. By the end of 1990-91, there will be an addition of 1 465 places and by the end of 1992-93, there will be a further 900 places. With a total of 5 540 places in 1992-93 against a projected demand of 5 492 the service need should be adequately met in the end of 1992-93.

#### Interim measures

In the meantime, interim measures such as home-based training and commercial hired vehicles are provided to those disabled persons awaiting placement into sheltered workshops. A supported employment scheme is also being tried out for two years which, if proved successful, will broaden the employment opportunities of disabled persons and thereby relieve to some extent the demand for sheltered workshop places.

Two computerized central referral systems for pre-school disabled children and disabled adults, respectively, have been set up by the Social Welfare Department to keep a close monitor on the position of demand and supply and to facilitate realistic planning and development of services. These two systems are the Co-ordinated Referral System for Disabled Pre-schoolers (CRSPS) and the Central Referral System for Disabled Adults (CRSDA).

#### Motion

#### HOUSING ORDINANCE

THE SECRETARY FOR HOME AFFAIRS moved the following motion:

"That the Housing (Traffic) (Amendment) By-laws 1989, made by the Housing Authority on 9 December 1989, be approved."

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

The Housing (Traffic) (Amendment) By-laws 1989 were made by the Housing Authority on 9 December 1989 under section 30 of the Housing Ordinance. These amendment by-laws provide for increased charges for the impounding, removal and storage of vehicles which have been illegally parked on restricted roads in public housing estates. The existing charges under by-law 30 of the principal by-laws are: for impounding a vehicle, \$140; for removing a vehicle, \$200; and for storing a vehicle, \$50 for each day after the first day during which the vehicle is detained. Experience has shown that the present charges are too low to be an effective deterrent to offending motorists and it is, therefore, proposed that these charges be increased to \$200, \$280 and \$70 respectively.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

Second Reading of Bill

BANKING (AMENDMENT) (NO. 2) BILL 1989

Resumption of debate on Second Reading which was moved on 19 July 1989

Question on Second Reading proposed.

MR. LI: Sir, at the outset, I must declare my interest as Director and Chief Executive of the Bank of East Asia Limited.

The Bill before us today is the result of a comprehensive review by the Administration of the three-tier system of deposit-taking institutions. It also represents the Administration's continuous effort to sustain and enhance Hong Kong's

position as a vital international centre for finance and investment.

The Legislative Council ad hoc group set up to study the Bill has considered in detail submissions from interested organizations, including the Hong Kong Association of Banks, the Hong Kong Deposit-taking Companies Association, the Chinese Deposit-taking Companies Association, the Hong Kong Bar Association and Linklaters and Paines.

Among the issues considered by the ad hoc group were the Commissioner of Banking's power to obtain information and the penalties for breach of official secrecy.

Clauses 26 and 29 propose to give the Commissioner of Banking additional powers to obtain information from an authorized institution, its subsidiaries and certain other persons. Failure to furnish information as required by the Commissioner is a criminal offence.

The ad hoc group has been concerned, particularly in view of the severe penalties involved, that the wide information-gathering powers of the Commissioner might be abused. In particular, section 63(2A) in relation to an overseas subsidiary of an authorized institution might pose difficulties for institutions with operations in an overseas jurisdiction where conflicting legislation governs the disclosure of information.

We believe these information-gathering powers should be limited to circumstances where "reasonable cause" exists for their exercise and that a defence should be provided specifically if an authorized institution is subject to conflicting laws overseas.

We have been assured, however, that there are sufficient safeguards against any possible abuse of powers.

We are glad that the Administration has, none the less, agreed to introduce an amendment under clause 29 to limit the Commissioner's information-gathering powers under the new section 72A(2) to those necessary for the exercise of his functions under Part XIII of the Ordinance, which concerns Ownership and Management of Authorized Institutions.

As regards the ad hoc group's concern about the Commissioner's power to require

an overseas subsidiary of an authorized institution to submit information under section 63(2A), the Administration has confirmed that such a requirement would not give rise to any conflict of laws: failure to comply with the requirement to submit information due to prohibition by foreign law would constitute a "reasonable excuse" within section 63(6).

The ad hoc group is generally satisfied with the Administration's assurances. We trust the Financial Secretary will in his speech reconfirm the Administration's position to alleviate the concern of authorized institutions.

Clause 46(b) extends the secrecy obligation to all who have at any time obtained relevant information in the course of exercising any function under the Ordinance. Under section 120, in respect of breach of official secrecy, we believe existing penalties should be suitably increased and brought into line with those for equivalent offences under the Securities and Futures Commission Ordinance.

In this connection, the Administration has agreed to increase the fine for breaches of official secrecy on conviction upon indictment, from \$100,000 to \$500,000. Clause 46 of the Bill will be amended in the Committee stage to give effect to this.

Two other issues raised by the ad hoc group have not been accepted by the Administration at this time. The first is whether restrictions on registered deposit-taking companies to take short-term deposits should be relaxed. The Administration considers this should be a subject for review at a later stage when the new system has been permitted to operate for a while. The ad hoc group accepts this.

The second issue concerns a submission on the Bill which suggests that the definition of "deposit" should be amended to exclude margin deposits taken by currency brokers, commodity brokers and stockbrokers.

The ad hoc group has been informed that an overall review of foreign exchange dealings is being conducted by the Administration and the question of margin deposits will be addressed in that context. Accordingly, the group agreed that it would be more appropriate for this matter to be pursued separately by the Administration.

Sir, I am optimistic that the Bill, if passed, will assist in the further development of the financial sector in Hong Kong, and is imperative at this time when

the Asia-Pacific region is playing an increasingly important role in the world economy.

With these remarks, Sir, I support the motion.

FINANCIAL SECRETARY: Sir, I am grateful to Mr. LI and Members of the ad hoc group for their careful scrutiny of the Bill and for their support.

The ad hoc group, in considering the Bill, expressed concern in relation to the extra-territorial application of the Commissioner of Banking's information gathering power under the Ordinance. The group suggested that an amendment to section 63 of the Ordinance may be required to provide that failure of an overseas subsidiary of an authorized institution to comply with the Commissioner's requirement to submit information due to prohibition by the law of its home jurisdiction shall constitute a "reasonable excuse" under section 63(6) as amended by clause 26(c) of the Bill. Given the concern expressed, the Director of Public Prosecutions has been consulted. He has advised that failure to comply with the requirement to submit information due to prohibition by foreign law would constitute a reasonable excuse under section 63(6). In his opinion, no amendment to section 63 is required, and I am glad that this view is now shared by the ad hoc group.

Representations on a number of technical points in the Bill have been received from the legal profession and the banking sector. I shall be moving during the Committee stage a few technical amendments to the Bill as set out in the paper circulated to Members. These amendments have been examined and supported by the ad hoc group.

Sir, I beg to move.

Question on 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).

Committee stage of Bill

Council went into Committee.

BANKING (AMENDMENT) (NO. 2) BILL 1989

Clauses 2 to 28, 30 to 38, 40 to 43, 45, 47, 48, 50, 51, 53 and 54 were agreed to.

Clauses 1, 29, 39, 44, 46, 49 and 52

FINANCIAL SECRETARY: Sir, I move that the clauses specified be amended as set out in the paper circulated to Members.

Both the ad hoc group and the Hong Kong Association of Banks consider that the present level of the penalty for breaches of official secrecy under the Ordinance is too low to constitute an effective deterrent. I agree with them and propose that an amendment be made to clause 46 to increase the penalty from the present level of \$100,000 to \$500,000 on conviction upon indictment. This will bring the penalty more in line with those for similar offences under other Ordinances.

Clause 52 of the Bill was intended to amend the Third Schedule to the Ordinance concerning capital adequacy ratio. That Schedule has now been replaced by virtue of the Banking Ordinance (Replacement of Third Schedule) Notice 1989 gazetted on 22 December 1989 to give effect to the new capital adequacy requirements for authorized institutions. Clause 52 is therefore no longer required. However, if clause 52 is deleted in its entirety, the present Third Schedule contained in the said notice would be defective because the definition of "bank" therein contains no specific reference to "restricted licence bank". To rectify this defect, it is proposed that the relevant part of clause 52 be retained.

The proposed amendments to other clauses seek to clarify certain drafting points and to take account of the slippage in the legislative timetable.

Sir, I beg to move.

Proposed amendments

Clause 1

That clause 1(1) be amended, by deleting "(No. 2) Ordinance 1989" and Substituting "Ordinance 1990".

Clause 29

That clause 29 be amended, in new section 72A(2), by deleting "Ordinance" and substituting "Part".

Clause 39

That clause 39(a) be amended, by adding "in subsection (1)" before "by".

Clause 44

That clause 44(c) be amended, in new section 117(8) --

(a) by deleting "(No. 2)";

(b) by deleting "1989" where it appears twice and substituting "1990".

Clause 46

That clause 46 be amended, by adding after paragraph (b) --

"(c) in subsection (6)(i) by repealing "\$100,000" and Substituting "\$500,000".".

Clause 49

That clause 49 be amended, in new section 149 --

(a) in the section heading by deleting "(No. 2) Ordinance 1989" and Substituting "Ordinance 1990";

(b) in subsection (1) in the definition of "relevant Ordinance" --

(i) by deleting "(No. 2)";

(ii) by deleting "1989" where it appears twice and substituting "1990".

Clause 52

That clause 52 be amended, by deleting clause 52 and substituting --

"Third Schedule amended

52. The Third Schedule is amended in paragraph 1 in the definition of "bank" by adding "restricted licence bank or" after "(other than any)".

Question on the amendments proposed, put and agreed to.

Question on clauses 1, 29, 39, 44, 46, 49 and 52, as amended, proposed, put and agreed to.

New clause 47A Defence where director or manager, etc. prosecuted

Clause read the First time and ordered to be set down for Second Reading pursuant to Standing Order 46(6).

FINANCIAL SECRETARY: Sir, I move that new clause 47A as set out in the paper circulated to Members be read the Second time.

The proposed section 72A(4) in clause 29 makes it an offence for any specified person in the circumstances stated to sign any document giving information under the proposed section 72A(2) which he knows or ought to know to be false in a material particular.

The proposed section 72A(4) is modelled after section 64(5) of the principal Ordinance and is intended to cover situations where offences were knowingly committed.



Accordingly, I propose that clause 47A be added to exclude section 72A(4) from the ambit of section 126(1), which provides for a general defence in cases where an offence was committed without the consent or connivance of the persons concerned.

Sir, I beg to move.

Question on the Second Reading of the clause proposed, put and agreed to.

Clause read the Second time.

FINANCIAL SECRETARY: Sir, I move that new clause 47A be added to the Bill.

Proposed addition

New clause 47A

That the Bill be amended, by adding after clause 47 --

"Defence where director or  
manager, etc. prosecuted

47A Section 126(2) is amended by adding "72A(4)," after "72(4),".

Question on the addition of the new clause proposed, put and agreed to.

Schedule

FINANCIAL SECRETARY: Sir, I move that the schedule be amended as set out in the paper circulated to Members.

The title of the Money Changers legislation has recently been changed from "Money Changers (Disclosure of Rates, Charges and Commissions) Ordinance" to "Money Changers Ordinance". It is therefore necessary to reflect this change accordingly.

Sir, I beg to move.

Proposed amendment

Schedule

That schedule be amended, in item 3, by deleting "(Disclosure of Rates, Charges and Commissions)".

Question on the amendment proposed, put and agreed to.

Question on schedule, as amended, proposed, put and agreed to.

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

BANKING (AMENDMENT) (NO. 2) BILL 1989

had passed through Committee with amendments. He moved the Third Reading of the Bill.

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

Bill read the Third time and passed.

Private Bill

Second Reading of Bill

THE HONG KONG INSTITUTE OF SURVEYORS BILL 1989

Resumption of debate on Second Reading which was moved on 6 December 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 Bill

Council went into Committee

THE HONG KONG INSTITUTE OF SURVEYORS BILL 1989

Clauses 4, 6 to 8 and 10 were agreed to.

Clauses 1 to 3, 5, 9, 11 and 12

MR. CHENG HON-KWAN: Sir, I move that the clauses specified be amended as set out in the paper circulated to Members. These minor amendments relate to the year of the Ordinance, the definition of member and the use of words in both the English and Chinese versions.

Proposed amendments

Clause 1

That clause 1 be amended, by deleting "1989" and substituting "1990".

Clause 2

That clause 2 be amended, in the definition of "member" (會員) --

(a) by adding "currently" before "included"; and

(b) by deleting "for the time being".

Clause 3

That clause 3(3) be amended, by deleting "hereof".

Clause 5

That clause 5 be amended --

(a) by deleting "." where it first appears and substituting ","; and

(b) by deleting "學會尤其可以 -" and substituting "尤其可以 -".

Clause 9

That clause 9 be amended, by deleting "or" and substituting "and".

Clause 11

That clause 11(5) be amended --

(a) by deleting "section 305" and substituting "section 304"; and

(b) by adding "under section 305" after "for the inspection of a document".

Clause 12

That clause 12 be amended --

(a) by deleting "政治團體" and substituting "政治體"; and

(b) by deleting "但本條例內所提及的或所指的人(1)以及依附⑩通過⑩由于或從屬這些人而提出聲請 的人除外" and substituting "但本條例述及的人士及透過彼等或向彼等提出要求的人士除外".

Question on the amendments proposed, put and agreed to.

Question on clauses 1 to 3, 5, 9, 11 and 12, as amended, proposed, put and agreed

to.

Council then resumed.

Third Reading of Bill

MR. CHENG HON-KWAN reported that

THE HONG KONG INSTITUTE OF SURVEYORS BILL 1989

had passed through Committee with amendments. He moved the Third Reading of the Bill. Question on the Third Reading of the Bill proposed, put and agreed to.

Bill read the Third time and passed.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: Before I adjourn the Council, I would like to wish all Members a very happy and prosperous Year of the Horse. The horse is a symbol of energy and vigour. I hope the Council and Members of it will find it a suitable symbol both personally and practically. Now in accordance with Standing Orders, I adjourn the Council until 2.30 pm on Wednesday, 7 February 1990.

Adjourned accordingly at one minute to Four o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the Hong Kong Institute of Surveyors Bill 1989, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.<sup>1</sup> HONG KONG LEGISLATIVE COUNCIL -- 17 January 1990