

1 HONG KONG LEGISLATIVE COUNCIL -- 21 March 1990

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 21 March 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 DAVID ALAN CHALLONER NENDICK, J.P.

THE ATTORNEY GENERAL

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

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

THE HONOURABLE 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 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.

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

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH, J.P.

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

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, O.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 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. NELLIE FONG WONG KUT-MAN, J.P.

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

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

THE HONOURABLE MRS. MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, J.P.

DR. THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

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

THE HONOURABLE KINGSLEY SIT HO-YIN

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

THE HONOURABLE 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

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

ABSENT:

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.

Banking Ordinance (Amendment of Fifth Schedule)  
(No. 2) Notice 1990 .....  
79/90

Sessional Papers 1989-90

No. 62 -- Consumer Council  
Annual Report 1988-1989

No. 63 -- Li Po Chun Charitable Trust Fund  
Annual Report for the period 1st September 1988 to  
31st August 1989

Address by Member

Consumer Council Annual Report 1988-1989

MR. MARTIN LEE: Sir, after a decade and a half of consumer protection work, the Consumer Council has reached a new level of maturity in meeting the challenges presented by a rapidly changing society. The Annual Report of the Consumer Council for 1988-1989 tabled before you gives a detailed account of the comprehensive range of the Council's activities in promoting the interests of consumers. Clearly, one of the most effective ways of protecting consumers is to enhance the self-help ability of the consumer against misleading and exploitative trade practices. Hence the Government has given the Council ever-increasing responsibilities in the field of consumer protection and education.

The report before you catalogues the extensive and innovative efforts of the

Council and its many district offices in administering to the diverse needs of individual districts and special groups of consumers throughout Hong Kong last year. We will continue to expand our education programmes, yet we will need additional funds if we are to reach as broad an audience as we would like to. The annual report will further acquaint Members of this Council with the Consumer Council's work in monitoring the prices of petroleum products and its investigation into the increase in motor vehicle insurance premiums. Despite the heavy demands on its resources, the Council felt that these projects were important, and it believes its efforts were very worthwhile.

In the light of its expanding duties, the Council has recently undertaken a thorough review of its functions with the objective of increasing its effectiveness and better serving consumers. I am pleased to report that this review has been successfully concluded and I hope we will have the support of the Administration and my honourable colleagues in this Council in giving an expanded role to the Consumer Council with regard to the franchised public utilities and public transport services. In addition, the Council urges the approval of amendments to the Consumer Council Ordinance, to provide the Council with clear jurisdiction over environmental issues and property transaction matters.

Property transaction matters in particular have occupied a considerable amount of the Council's resources as the Council has dealt with individual consumer complaints and sought solutions to recurring problems faced by buyers of residential premises. The decade ahead promises to be a trying and challenging time for consumer protection, as the market place is expected to undergo dynamic changes. In recognition of our duty to defend consumers' interests in the face of these changes, the Council has established a committee to study monopolistic practices and tendencies in Hong Kong. The decision of the Council to examine monopolistic practices was recently criticized by one of Hong Kong's leading newspapers, which said that the Council ought to concern itself with the everyday problems of the individual consumer and not look at larger issues. While the Council is determined to continue to protect the individual consumer, such protection necessarily entails examining issues such as monopolies. Whether the consumer is harmed by unscrupulous sales agents or by the high prices of monopolistic enterprises, the Council has the same duty to protect that consumer, especially in light of the potentially far greater numbers of consumers who may suffer from monopolies' artificially high prices. I look forward to giving a full report on the committee's deliberations next year.

Sir, I have the pleasure of presenting the Annual Report of the Council for 1988-89.

#### Oral answers to questions

##### Amusement games centres

1. MR. TAI asked: Will Government inform this Council how it will ensure that operators of amusement games centres observe the conditions under which such centres are licensed; of the number of cases in which operators were found contravening the licensing conditions in 1989 and the action taken in these cases; moreover what further measures will Government take to strengthen the monitoring of amusement games centres?

SECRETARY FOR HOME AFFAIRS: Sir, the licence conditions imposed on amusement game centres are enforced by the police which carries out regular checks on the establishments. The Commissioner for Television and Entertainment Licensing, as the licensing authority, is empowered to revoke, or refuse to renew, a licence. The two departments work closely in monitoring amusement game centres. Any breach of licence conditions will subject the licensee, upon conviction, to a maximum fine of \$10,000 and imprisonment for six months. Repeated breaches may lead to the issue of warning letters and finally revocation of or refusal to renew a licence.

In 1989, the police issued 2 406 summonses and secured 1 116 convictions against amusement game centre operators who had breached their licence conditions. In the same period, 150 warning letters were issued and five licences were not renewed by the Commissioner for Television and Entertainment Licensing.

The Commissioner has conducted a review recently to strengthen the monitoring of these centres. Views from the public and District Boards were sought. As a result, an applicant for a new licence is now required to comply with even more stringent criteria before a licence is granted. A set of more restrictive licence conditions aimed at better control of these centres has also been drawn up and it will be submitted to Executive Council for approval shortly. In addition, Sir, the Television and Entertainment Licensing Authority will streamline the procedures for revoking or not renewing the licences of repeated offenders so as to make the system more effective.

MISS TAM: Sir, can the Secretary for Home Affairs inform this Council whether Government has encountered difficulties in enforcing licensing conditions such as not permitting school children in school uniform to go into games centres, because such conditions are not part of the regulations to the Ordinance?

SECRETARY FOR HOME AFFAIRS: Sir, I wonder whether Miss TAM might be alluding to a challenge in Court on the vires of the conditions. The case was heard a few months ago, and it was held that the conditions were ultra vires the regulations. An appeal has been lodged and, of course, I cannot comment on the case while it is before the Court of Appeal. However, in the interim, the police have not stopped checking on licensed premises and are continuing to monitor the situation in these centres.

MR. TAI: Sir, may I ask the Secretary how many repeated breaches of licensing conditions will lead to the issuance of warning letters, and how many warning letters have to be issued before a licence is revoked?

SECRETARY FOR HOME AFFAIRS: Sir, generally speaking, the licensing system and the revocation system depend on a points system. The number of warnings would normally be three before consideration is given to the revocation of a licence.

MR. MICHAEL CHENG (in Cantonese): Sir, given that some amusement game centres are places of rendezvous for bad elements and hotbeds of crime, how will the Government strengthen its monitoring of these centres, such as deploying more policemen to crime black spots to step up the patrolling of these establishments?

SECRETARY FOR HOME AFFAIRS (in Cantonese): From the impression I gathered, it might be a bit wide of the mark to say that they are hotbeds of crime. According to figures, there were altogether 744 cases in 1988, that is, 0.88 case for each centre on average. Within the same period, the crime rate for billiard saloons was 6.18 cases and bowling alleys 2.33. The figure for 1989 is more or less the same and therefore these centres cannot be described as hotbeds of crime.



MR. MARTIN LEE: Sir, of the 2 406 summonses issued in 1989, there were only 1 116 convictions. That means there were 1 290 acquittals. Will the Administration inform this Council why the acquittal rate is so high for this particular type of offences?

SECRETARY FOR HOME AFFAIRS: Sir, I am sure Mr. Martin LEE is familiar with court procedures. Not all summonses lead either to a conviction or an acquittal. Some proceedings may have to be abandoned for one reason or another, and some are withdrawn. Some summonses could not be served. There are a variety of reasons, but I do not have detailed statistics at this stage.

MR. DAVID CHEUNG: Sir, under the present law governing amusement games centres, if a licensee's licence has been revoked, is he or she eligible to apply for another licence from a separate address or premises?

SECRETARY FOR HOME AFFAIRS: Sir, I think the answer is no. Within a period of five years, subject to correction by the Commissioner for Television and Entertainment Licensing, the licensee cannot reapply.

MRS. LAU: Sir, in the answer it is stated that the police carry out regular checks on these establishments. How frequent is this regularity -- is it once a day, once a month, once a year?

SECRETARY FOR HOME AFFAIRS: Sir, much depends upon the condition under which the centres are being operated, the reputation of individual centres and the number of complaints received. There are cases where the police would visit several times a week and, of course, there are cases where the police would only need to visit once or perhaps twice a month.

MR. PETER WONG: Sir, with the recent demands upon the police in connection with Vietnamese boat people camps, has there been any dropping off in the rate of

inspections as a result of manpower shortages?

SECRETARY FOR HOME AFFAIRS: No, Sir.

MR. MICHAEL CHENG (in Cantonese): The Secretary has not answered my question yet. I would like to repeat it. Given that some amusement game centres are hotbeds of shady activities by bad elements, how will the Government strengthen its monitoring of these crime black spots?

SECRETARY FOR HOME AFFAIRS: Sir, as I said earlier on, the police have information as to which centres are trouble spots, and therefore would visit these centres more frequently. I am satisfied with the frequency of these visits.

MR. MARTIN LEE: Sir, rather than to speculate for reasons, will the Administration give to this Council the actual breakdown of figures showing how many summonses were withdrawn and how many summonses could not be served, in particular the latter, because these amusement games centres presumably were fixed in certain locations?

SECRETARY FOR HOME AFFAIRS: I will be happy to supply the answer in writing, Sir. (Annex I)

MRS. CHOW: Do the police respond to complaints of any suspected breach of licensing conditions lodged by members of the public such as parents, and if not, why not?

SECRETARY FOR HOME AFFAIRS: Sir, the answer is yes.

Bilingualism in government correspondence

2. DR. TSE asked (in Cantonese): Will Government inform this Council whether, after the coming into operation of the Official Languages Ordinance, there are still some

departments within the Civil Service which require the public to send in their applications and letters in English for official business? If so, which are these departments? Are such practices in contravention of the spirit of bilingualism enshrined in the Ordinance?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, in a recent survey of 64 Government Departments, none of them is found to require members of the public to address them only in English. All incoming letters written in Chinese received by Departments are answered either in Chinese or in English with Chinese translation attached.

The Government's policy is that all documents should eventually be bilingual. However, a number of documents related to tender, land, contract and agreements have not yet been translated into Chinese because of the technical complexity and legal liabilities involved. The professions which deal with these documents are invariably versed in the English language. In practice, therefore, the public is not inconvenienced by these exceptions. I would therefore say that the spirit of the Ordinance has been followed.

Sir, when staff resources permit we will reach a point where all documents will be in both English and Chinese.

DR. TSE (in Cantonese): Sir, the OMELCO Complaints Division has recently received a complaint. A member of the public who sought to file with the Lands Tribunal a bilingual form duly filled out in Chinese was rejected by the Tribunal on the ground that proceedings before the Tribunal are conducted in English. Does the Administration consider that the filling out of a form constitutes part of the proceedings and that the applicant should thus be required to fill it out in English? If so, does the Administration have any remedial measures to introduce so that a member of the public with no knowledge of English may not feel helpless or being discriminated against if or when he finds himself in a similar situation?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Difficulties may arise if certain special documents are to be filled out or completed in Chinese. Nevertheless, we have been advised by all government departments that if a document can only be completed in English and the member of the public involved happens not to understand the language,

designated personnel of the department concerned will provide oral translation and then help him fill out or complete the document. This measure does exist.

MR. POON CHI-FAI (in Cantonese): Sir, it has been stated in paragraph 1 of the main reply that government departments, in transacting official business, do not require members of the public to address them only in English. In view of this, why do some departments continue to provide the public with forms printed in English only, such as the one recently issued for declaration of individual stock of ivory? When will this arrangement be improved for the convenience of the public?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, as I said a moment ago, this will be possible only when sufficient manpower and material resources become available within the Government. By resources I mean fully bilingual Crown Counsel and also translation officers. Recruitment of Crown Counsel is relatively difficult; we have, however, sufficient numbers of translation officers. That is why I cannot give a time limit. But once we have the relevant staff resources, the Government will certainly be able to meet this request.

DR. TSE (in Cantonese): Sir, the Secretary's answer to my question has revealed another problem. The form that particular member of the public filled out the other day is a bilingual English-Chinese form. Yet the fact is that it was rejected. Afterwards the department concerned explained that it was reasonable for the Tribunal to have acted the way it did. This indicates that confusion seems to exist in the interpretation of the relevant law. Will the Administration consider introducing amendments to the law so that the department concerned will not misunderstand the spirit of bilingual legislation?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, I believe this is not a question of amending the law but simply an instance of an individual case. If the aggrieved party of a particular case encounters difficulty, he should complain to the department concerned. If he lodges the complaint with the district office, it will forward the complaint on his behalf to the appropriate authority in order that a satisfactory solution can be worked out.

## Teachers' provident funds

3. MR. DAVID CHEUNG asked: As teachers in subvented schools are concerned that the current high wastage of teachers would have adverse effects on the operation of their provident funds, will Government inform this Council what safeguards are available to ensure that all contributors to the provident funds will receive payments under the existing terms upon their ceasing to be teachers in subvented schools?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the question requires some background before it can be properly answered. The provident funds referred to are the Grants Schools Provident Fund and the Subsidized Schools Provident Fund. Administration and control are vested in their respective statutory Boards of Control which are made up largely of teachers who are themselves contributors. Official representation consists of two members out of 11 and 13 respectively. Thus management of the Funds is controlled largely by teachers themselves.

The question asks what safeguards are available to ensure that the Funds will deliver when required. The short answer depends on whether or not the Funds are well managed, by reference to funding, investment and liquidity.

As regards funding, to match teachers' monthly contributions of 5% of salary, the Government donates 5%, 10% or 15%, according to the length of service of the teacher. The Funds stood at over \$7 billion as at 31 August 1989, and the underlying assets have not been deployed for any purpose other than those prescribed for the Funds by law.

As regards investment, this I understand is managed by the Treasurer, who is appointed by the Director of Accounting Services. The money is invested in certificates of deposit, fixed deposits, Triple A rated bonds and equities in companies with trustee status. The return over the last 10 years has produced healthy average annual dividends of about 14% -- clearly a very impressive track record.

As regards liquidity, I understand that the Boards of Control have taken steps over the past two years to increase the Reserve Account of each Fund from 5% to 7% of the sums due to contributors. This has helped to strengthen the liquidity of the Funds. The Boards of Control have also taken steps to raise the level of liquidity

so as to enable the two Funds to meet a possible increase in withdrawals without having recourse to the "forced" sale of investments. This should result in \$1.4 billion being available for payment at the end of the current financial year, that is 31 August 1990, compared with estimated withdrawals of about \$400 million in 1989-90. Thus the liquid resources of the Funds are strong enough to withstand a three-fold increase in withdrawals during 1990-91.

The three criteria for good management, therefore, are more than well met. I can say with confidence, Sir, that contributors need have no fear as to the health and integrity of the two provident funds or their ability to withstand future eventualities.

Having said all this I am afraid I cannot agree with Mr. CHEUNG that there has been a high wastage of teachers recently. The figures do not support this contention. As a percentage of the total number of contributors, the figures for withdrawals from the Funds have averaged 6% annually. Six years ago the figure was 6.16%. The present is 6.92%. As a percentage of contributors' benefits, the amounts withdrawn have also remained fairly constant -- 5.4% six years ago and 5.7% now. Clearly, there is no cause for alarm.

MR. DAVID CHEUNG: Sir, does the Government anticipate the possibility of panic large-scale withdrawals by the contributors in a few years' time, and what measures can be taken to avert such an unforeseen large-scale panic withdrawal in the few years ahead?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Government does not anticipate large-scale, panic withdrawals from the provident funds several years from now. Nevertheless, my understanding is that both Boards of Control envisage larger withdrawals over the next few years and I believe that they will be holding a meeting in the next few months to consider whether the liquidity of the funds could be increased. That said, I believe that the Boards of Control themselves do not expect a run on the funds in the years to come.

MR. SZETO (in Cantonese): Sir, the Secretary for Education and Manpower mentioned in the first paragraph of his reply that the two Boards of Control of the Funds are made up largely of teachers. I understand that their members are all appointed by

the Government. Will Government inform this Council whether for the purpose of boosting the contributors' confidence, members of the Boards may be returned by election, so as to really let teachers themselves manage their own Funds and to more readily lay the Funds open to scrutiny?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I cannot answer the question immediately but I will certainly consider it as a suggestion and provide Mr. SZETO with a reply in due course. (Annex II)

MR. MICHAEL CHENG: (in Cantonese): A lack of confidence and the fear that payments under the Funds may not be effected in future have prompted many aided school teachers to resign earlier, in order to recover their contributions towards the Funds. Will Government ask the Director of Education to issue a notice to all aided school teachers, explaining to them the situation in detail, and reassuring them that they will undoubtedly recover their contributions in full upon retirement?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I will pass on this helpful suggestion to the Director of Education.

MRS. FAN: Sir, the Secretary told us that the funds stood at over \$7 billion as at 31 August 1989, and that at the end of this financial year \$1.4 billion would be made available for payment. In other words, it seems that the liquidity of the funds is fairly high. Would the Secretary advise us whether such a high liquidity ratio will affect the return on the investment made from the funds and whether that would mean that the overall amount in the funds will become less as time goes on and more withdrawals are made?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, in the short term the fact that the reserve accounts are liquid does not necessarily mean that the funds themselves -- the \$1.4 billion -- are not invested. It merely means that the investments are capable of being realized at short notice. In the medium term, of course, there is a price to be paid for liquidity, but it is really up to the Boards of Control themselves to decide on the margin of liquidity that it would be prudent for the funds to hold.

In the medium term, the more liquid the funds, the more likely it is for them to earn a lower rate of return.

MR. PETER WONG: Are these provident funds audited by independent professional accountants, whose reports should give further assurance to the contributors?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I do not have the answer to the question. I shall provide it in writing. (Annex III)

MR. MICHAEL CHENG (in Cantonese): Sir, students have been adversely affected in schools where teachers are replaced frequently as a result of large numbers of them resigning in order to recover their provident fund contributions and shortly afterwards taking up teaching again in other schools. In view of this, what steps will the Government take to tackle these problems, so as not to affect the quality of education and the operation of school provident funds?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, this is a very involved question, which involves two conflicting sets of considerations. Contributors to the provident funds are free to withdraw their contributions whenever they wish. There have been isolated cases of contributors who have withdrawn from the fund, only to re-enter another school after a short spell of time. But the incidence of this has not been high or serious. Clearly it would be undesirable to take steps to restrict the rights of the contributors to these provident funds. At the same time it is simply not right to give contributors who have withdrawn the same high level of contribution that the Government makes in respect of long service; that is to say it would not be right for teachers who have withdrawn from the fund to collect a matching 15% from the Government when they rejoin the teaching service in another school. This, therefore, is one of the areas that the Director of Education is investigating and I am awaiting his recommendations.

Ancillary office use in industrial buildings

4. MR. MCGREGOR asked: Given the important and far reaching changes now taking place in Hong Kong's economic development and structure, will Government take steps to modify the lease conditions of industrial high rise buildings, which at present are



usually worded or modified to allow the use of not more than 30% of the total usable floor area for ancillary office use, so as to permit up to 50% of the usable floor space to be used for commercial purposes not necessarily connected with the industrial operations in the buildings?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, for the sake of accuracy I must reconstrue Mr. McGREGOR's question. The lease conditions of most industrial or godown lots do not normally contain any reference to office use, as such. However the land authorities follow the lead of the Town Planning Board in construing how much ancillary office space is consistent with industrial or godown use, in enforcing the lease conditions of industrial and godown lots.

The proportion of any industrial or godown unit which can be used for ancillary offices without application to the Town Planning Board has recently been raised by the Board from 20% to 30%, but it must be firmly tied to the industrial use it is supporting. Individual factories may also seek the Board's permission for greater areas of office space to support their industrial operations. But Mr. McGREGOR appears to be seeking in effect to raise the limit of the area which can be so used without application and to sever the link with manufacturing, but whether he means that 50% of each building could be used for unrelated offices or that each person could have 50% of his space in manufacturing and 50% in unrelated office use is none too clear.

Office use in industrial buildings has been under the constant review of the Town Planning Board over the last year or so, and I am confident that the Board would not presently support Mr. McGREGOR's proposal in either of its possible meanings. Most factory blocks are not suitable for major office use and there are besides other means in which the increased demand for office accommodation can be and is being met through rezonings and appropriate development applications under section 16 of the Town Planning Ordinance. Mr. McGREGOR may be aware of the Board's approval also of industrial-office buildings where the accommodation provided is suitable for either use. This is a development in the direction sought in the question, although the change is in a different form.

MR. McGREGOR: Sir, what does seem clear is that the Town Planning Board does not realize how seriously rent increases in commercial buildings are affecting commercial viability. Will the Government commission a study on the present demand, supply and

rental situation for commercial and industrial buildings and seek the assistance of the private sector in doing so, and in the meantime, will the Government be prepared to de-link commerce from industry in regard to the present 30% commercial allowance?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, when the proportion of ancillary office use was increased from 20% to 30%, there was a very full consultation with the private sector, that is, with the real estate, commercial, and industrial sectors. And it was generally supported, though not uniformly. Again, at the stage when the Town Planning Board was considering in principle the possibility of having buildings which could be designed both for industrial and office use, industry associations and so on were also consulted fully, and the Industrial Development Board was also consulted at that time. I entirely concur with Mr. McGREGOR that the situation is very dynamic and has been changing very rapidly, but it clearly is not possible for a Town Planning Board to change its rulings which it gives to the private sector every month, otherwise there would be a state of uncertainty in the property market that would be very dangerous. I think that covers the first part of the question. As regards the second part, I think the de-linking is most unlikely.

MRS. FONG: In the new category of industrial-office buildings as mentioned by the Secretary earlier, can the Administration clarify further if these new industrial-office buildings can have the commercial part segregated from the industrial part?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the proposal is that the accommodation provided within these buildings should be capable of being used for both purposes. Generally speaking, it should be possible for both office and industrial operations to be carried on on the same floor. I think it will be up to the architect or the developers to decide whether it is really appropriate to divide the two. But the idea is that there should not be that limit, and the technical advice we have had is that this is perfectly possible.

MR. McGREGOR: Sir, will the Secretary please indicate the average movement of rentals in commercial and industrial buildings per se across the entire territory during the last year to give a description of the percentage increases?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: I think, Sir, that is really much too complex a question to reply to orally at this time. I have figures of various kinds here but I think it would be better if I was to set these out in a letter which Members could study at their leisure. (Annex IV)

Visa arrangements for visitors from Taiwan

5. MR. BARROW asked: Will the Government inform this Council as to the progress in simplifying the visa arrangements for visitors from Taiwan?

SECRETARY FOR SECURITY: Sir, I expect that we shall shortly introduce new visa arrangements for visitors from Taiwan. We shall be proposing that multiple visit permits should be available to all Taiwanese visitors. Such multiple visit permits will be valid for 12 months and will be renewable in Hong Kong. The purpose of these new arrangements is to make it more convenient for both businessmen and tourists from Taiwan to visit Hong Kong; and at the same time to reduce the demand for single and double visit permits, and hence the workload on the visa section of the Immigration Department.

MR. BARROW : Sir, this simplification is a welcome step in the right direction in encouraging more visitors from Taiwan who are major contributors, having spent almost \$6 billion here in 1989. Could the Secretary inform this Council if he is aware that it can take three or more weeks to approve visas for Hong Kong, whereas Taiwanese can get visas for Southeast Asian countries in 24 hours? And would it not be possible to achieve further simplification so that visas could be issued within, say, a target of seven days from date of application?

SECRETARY FOR SECURITY : Sir, yes, I am aware of the time that it takes to issue a visa which, I think, is between three and five weeks. I hope that we shall be able to reduce that time slightly, though I do not believe that for the initial issue of a visa we shall be able to get it down to a week or a few days. However, for people who already have a multiple entry visa, in future we propose, as I said, that it should be renewable in Hong Kong and we expect that the renewal will be a matter of two or three days only.

MR. EDWARD HO : Sir, with regard to the decision to issue multiple visit permits to Taiwanese visitors, has Government also sought reciprocal arrangements from the Taiwanese authorities to facilitate Hong Kong tourists and businessmen travelling to Taiwan?

SECRETARY FOR SECURITY : No, Sir, we have had no discussions on this with the Taiwanese authorities.

MR. MCGREGOR : Sir, can the same consideration be given to improving the visa procedures and the time taken for processing applications from visitors from Eastern Europe, particularly business visitors?

SECRETARY FOR SECURITY : Sir, I think that is probably beyond the scope of the original question, but the answer is that we are looking at the question of visas for visitors from Eastern European countries as well.

MR. MARTIN LEE : Sir, in processing applications for visas to Hong Kong from Taiwanese visitors, does the Hong Kong Government ever seek information or approval from the People's Republic of China authorities, for example the New China News Agency in Hong Kong?

SECRETARY FOR SECURITY : No, Sir.

MR. PETER WONG : Sir, do the overstay statistics of the Taiwanese tourists justify such lengthy procedures?

SECRETARY FOR SECURITY : Sir, overstaying of visitors from Taiwan is not a major problem. However, we do need to issue visas to visitors from Taiwan, partly because Taiwan is an administration not recognized by the United Kingdom or the Hong Kong

Government and therefore Taiwan travel documents are not in themselves acceptable for travel to Hong Kong. We must, therefore, issue some kind of separate visa or entry permit.

MR. BARROW : Sir, with reference to the answer to Mr. McGREGOR's question, a Hungarian delegation who are in Hong Kong for the opening today of the first International Food Fair at the Convention Centre had three out of their seven visa applications refused by the British Embassy in Budapest. Could the Secretary inform this Council as to why a delegation of this sort should have had their proposed numbers arbitrarily cut?

HIS EXCELLENCY THE PRESIDENT : I think that does go in a different direction from the original question and should be put down as a separate question, please.

Bedspace apartments

6. MISS LEUNG asked (in Cantonese): Will Government inform this Council what actions are in hand to tackle the poor hygienic conditions and limited living space of the tenants of "cage" accommodation?

SECRETARY FOR HEALTH AND WELFARE: Sir, bedspace apartments are a form of low-rental accommodation generally found in older tenement blocks in densely populated urban areas where physical conditions and living standards have deteriorated with time, and where overcrowding has given rise to fire safety, hygiene and other building management problems.

Since 1987, special attention has been paid to the enforcement of safety requirements and fire regulations in such apartments. In particular, a pilot scheme has been targetting a limited number of bedspace apartments to eliminate overcrowding and fire hazards and to see what improvements can be made to existing control mechanisms to achieve a more effective regulation of conditions in such apartments.

We have concluded that further measures will be required in order to put in place a comprehensive system of control so as to ensure that major improvements can both be effected and maintained. The feasibility of such a system, possibly in the form

of a licensing scheme for such apartments, is currently under consideration by Government.

Meantime, however, various forms of assistance are being provided to residents of bedspace apartments including public assistance, compassionate rehousing and the offer of various forms of residential accommodation designed to meet the needs of the elderly and the disabled. However, many of these elderly people are reluctant to move from their present accommodation because of their strong local ties. Providing that the accommodation complies with fire and safety requirements, the question of eviction by Government would not arise. In view of the scarcity of low rental accommodation for single people in the urban area, the Government has in the last two years obtained special funding for the purchase of premises for urban hostels for those who are either without housing or are inadequately housed. One such hostel has already been set up to cater to these needs and we are endeavouring to establish a second.

Elderly residents of bedspace apartments are particularly vulnerable. In 1989, a working party on housing for the elderly recommended the provision in future within each housing estate of a spectrum of services for the elderly ranging from sheltered housing to residential care facilities, as well as measures to encourage the younger generation to continue to care for their elderly parents and relatives as part of the family. This working group also recommended, amongst other points, the establishment of hostels for elderly persons in densely populated urban areas. These proposals are, I believe, now under consideration by the Housing Authority and relevant government departments as appropriate.

Sir, I hope that this reply illustrates that action is in hand on several fronts. Much remains to be done, however, and the success of all these endeavours will depend not solely on government action but will also require active community support, not least by those directly concerned including the operators and owners of such apartments. As a caring community, Sir, we must not ignore the needs of the underprivileged in our midst.

MISS LEUNG (in Cantonese): Sir, the Secretary pointed out in her reply that the Government had been paying special attention to the environment of "cage" accommodation since 1987. Now after three years' time, the living conditions of such bedspace apartments are still very poor. Will the Government therefore consider

setting up as soon as possible a working group to study how the problem of bedspace apartments can be solved quickly?

SECRETARY FOR HEALTH AND WELFARE : Sir, yes, I must say since 1987 we have made progress although the progress is rather slow. From the Social Welfare Department's point of view we have, in the course of 1989, provided through our pilot scheme studies 1 160 public assistance to the needy; there have also been 196 special needs allowances provided; 227 cases were referred to hostels for the elderly, homes for the elderly, care and attention centres and infirmaries; there have been 83 cases recommended for compassionate rehousing; employment service was also referred for 146 people; cash grants from charitable funds were provided; and under the pilot scheme we have, on a limited basis, provided abatement of fire hazard notices and these have been complied with. So on a limited basis, we have made progress but I do agree that the progress is far too slow. And that is why, in the main reply, I did suggest that the Government was considering the enactment of certain provisions, including the licensing provision.

MRS. TU : Sir, would the Secretary for Health and Welfare agree that the housing policy of allocating temporary housing and compassionate housing in the New Territories to elderly city dwellers is aggravating the housing needs of the elderly and driving them into living in these appalling "cage" conditions in the urban areas, and negating promises made many years ago to look after the housing needs of the elderly?

SECRETARY FOR HEALTH AND WELFARE : Sir, I would like to agree that, in a modern society like Hong Kong where we are faced with a lot of problems and where we have met with tremendous success in our housing policy, the existence of bedspace apartments in itself is deplorable and is probably an indictment of Hong Kong society. However, it appears to me that the people who live there live there because of the scarcity of urban low-rental housing, particularly for single persons. So it does appear to me that these people are there less by choice than by necessity. However, notwithstanding Hong Kong's various efforts and notwithstanding our efforts to change the rules, including a reference to the Housing Authority for reallocation priority rules, I feel that in resolving the problem of the so-called "caged" accommodation we must have a joint effort and, in the exercise of joint community conscience, we must not be deterred by the idea of helping people to live in dignity, in accommodation

of acceptable standard, and perhaps, also, very importantly, in the locality where they have established long social ties.

From the experience we have had in the Social Welfare Department, we have tried to help the elderly people to move to the New Territories. But because of their social ties, which are quite understandable, they are very reluctant to leave. And why do we have to make them leave their locality? So, I think, to achieve the difficult objective of enabling people to be rehoused in suitable accommodation in the locality where they have friends, we need a combined approach, not only from the Government but also from the private sector.

MR. SIT (in Cantonese): Will the Secretary for Health and Welfare inform this Council of the number of such "cage" accommodation currently existing in Hong Kong, the number of people affected, and the age of the people living there?

SECRETARY FOR HEALTH AND WELFARE : As at December 1989, there were 157 bedspace apartments known to the Social Welfare Department with a total capacity of some 5 660 bedspaces. Around 4 000 people were living in these apartments because there was a vacancy rate of some 30%. We do not have the age profile, but from the visits we have made to various bedspace apartments, we believe some 30% of the occupants are fairly elderly; in other words, they are reaching the age of 65 or beyond.

MR. MICHAEL CHENG (in Cantonese): Sir, in view of the very high density in "cage" accommodation, will the Government inform this Council whether, prior to the licensing of these "cage" accommodation, the Fire Services Department can first require the apartments concerned to install adequate fire prevention facilities so as to ensure the safety of the tenants?

SECRETARY FOR HEALTH AND WELFARE : All bedspace apartments are subject to regular inspections by Fire Services officers. From the pilot study we have conducted, we feel that the fire hazard is not really the problem because under the pilot scheme we realize that a lot of the apartments do comply, after persuasion, with the fire notices. But the real problem is one of overcrowding, and therefore, ultimately, it is a problem of control and enforcement to ensure acceptable living standards.



Here, I would like to stress once more that inadequacies of living accommodation in these bedspace apartments do not compromise the ability to take fire prevention action. Difficulties normally experienced, as I said earlier, are related to overcrowding rather than fire hazards.

MR. CHEONG : Sir, has Government considered rehousing such elderly people through the urban renewal project now being ably planned and executed through the Land Development Corporation? If not, would Government consider it?

SECRETARY FOR HEALTH AND WELFARE : I welcome that question, Sir. In this connection, the Social Welfare Department has already started liaising with the Land Development Corporation with a view to securing, where possible, the provision of premises for hostels of this type, as well as for other residential and community support facilities through the corporation's urban renewal programmes.

MISS LEUNG (in Cantonese): Sir, what contingency arrangements does the Government have to adequately assist those "cage" accommodation tenants in Fuk Tsun Street of Tai Kok Tsui who will soon be forced to move out because of demolition?

SECRETARY FOR HEALTH AND WELFARE : Sir, I would like to offer a reply in writing because I believe some cases are under court action. (Annex V) It may not be appropriate for me to give the details today.

MR. MARTIN LEE : Sir, we, as a community, should be utterly ashamed of ourselves that so many elderly people have been living in such appalling conditions for so long. When is it anticipated that this problem will be resolved?

SECRETARY FOR HEALTH AND WELFARE : I agree with Mr. LEE, Sir, that this community ought to be ashamed of itself, because the existence, as I said earlier, of the so-called "caged men" in our midst in the prosperous situation of Hong Kong is an indictment of our society. So I hope, with my colleagues, the Secretary for Home Affairs and the Chief Secretary and under various people's guidance, we can effect

a change in the conditions of these residents there as soon as possible.  
Measures to deal with inflation

7. MR. PETER WONG asked: With Consumer Price Index (CPI) inflation figures running in double digits even in a slowing economy, will the Government please inform this Council what it is doing about the "pernicious inflation" specially now that we are about to embark on very substantial infrastructure projects?

FINANCIAL SECRETARY: Sir, it is true that despite a slowing down in our economic growth, inflation remains uncomfortably high. But this has to be viewed against the background of ample job opportunities, and a continuing increase in the real purchasing power of our workforce.

In Hong Kong, the so-called wage-price spiral does not have as great a significance as in other parts of the world. By far the largest part of the goods we produce are exported. Domestically generated inflation such as we have at the moment will, sooner or later, result in our products becoming less price competitive in our overseas markets. This will lead to a slow-down in demand for these products. As the effect of this works through the system, inflation should ease. If, as I would hope, employers and employees in Hong Kong exercise restraint in the current wage round, the process will be accelerated. It is our expectation that the rate of inflation will fall gradually over the course of this year. The recent CPI figures suggest that we are moving in the right direction.

Other than making every effort to control the growth in public expenditure, which we have repeatedly stressed is essential, there is in fact very little that the Government can do because of our small open economy and our desire to ensure exchange rate stability within our linked exchange rate system. Measures such as controlling private sector expenditure or imposing comprehensive price controls would be contrary to our free market principles and damaging to the workings of the economy.

Over the medium term, the implementation of the port and airport development programme and of other major infrastructure projects could, I accept, lead to capacity constraints in our building and construction industries and we must take care to see that this does not give rise to inflationary pressures.

The building and construction industry itself can do much to help avoid such

pressures, by introducing further mechanization to save manpower and by improving labour productivity. Massive civil engineering projects are less labour intensive than building projects. However, if the need were to arise, the Government would, as you, Sir, indicated in your opening address to this Council last October, be prepared to consider exceptional arrangements so that we have an adequate supply of labour to ensure that the projects are completed on schedule without unacceptable strains on the economy.

MR. PETER WONG : Sir, the recent demands for wage and salary increases are well in excess of the rate of inflation predicted by the Financial Secretary in his Budget speech. Does this not imply that either those demands are unreasonable and excessive, or that the projected inflation rate is wrong?

FINANCIAL SECRETARY : Sir, as I have already said in my main answer, it will help in bringing inflation down quickly if moderation is exercised in the current wage round. There are, of course, other factors -- I have mentioned two already -- which can help and that is that if we have an increase in productivity, then it does mean that the labour costs do not feed through into the costs of production. So it is not just a question of moderation but that is a very important element of it.

Written answers to questions

Light rail system between Central and southern districts

8. MRS. SO asked: As several transport companies are submitting feasibility proposals on a light rail system linking Southern District with the urban area, will Government inform this Council:

(a) of the likely alignment of the proposed rail system; and

(b) when a decision will be made on the issue?

SECRETARY FOR TRANSPORT: Sir, the Administration has received proposals from three private sector companies to build a light rail system between the Central and Southern

Districts, all involving substantial associated property developments and land requirements. The alignments suggested under the different schemes vary, but all connect Central District with the various population centres on the southern part of Hong Kong Island. It is premature to determine at this stage the likely alignment of the railway as the Administration is assessing the transport, economic, planning and land use implications of the proposals.

While no firm date can be given as to when a decision on the proposals can be made, it is hoped to submit recommendations to the Governor in Council in the near future.

#### Voter registration

9. MRS. TAM asked: In view of the consistently low registration rate among persons in the 21 to 25 age group in the previous elector registration exercises, will Government inform this Council what measures it will take to encourage persons in this age group to register as electors, having regard to the introduction of direct election next year?

CHIEF SECRETARY: Sir, an analysis of the 1989 Final Register of Electors reveals that, overall, 43.9% of people who are eligible to vote, have actually registered. The figure for those in the 21 to 25 age group is only 12%. This is disappointing.

Voter registration will be the subject of a government publicity campaign in the coming financial year. As part of the campaign we will be making a special effort to encourage young people to come forward and exercise their electoral rights. A government working party has been established very recently to plan the details of the voter registration campaign. It will draw on the experience gained in previous voter registration campaigns, which achieved most success in registering electors through personal contact. In registering young electors, we will therefore be contacting youth organizations, student bodies and institutes of tertiary education to seek their assistance.

There is an increasing awareness in the community of the need to make the 1991 Legislative Council elections a success. We will be building on this and doing all we can to encourage all of those who are eligible, including young people, to register as electors and then to vote in the elections.

## Escalator links system for congested areas

10. MR. POON Chi-fai asked: Will Government inform this Council whether relevant departments will consider implementing an escalator scheme similar to that proposed for linking Central and the Mid-Levels in order to provide better access and alleviate traffic congestion in other densely populated areas, such as:

(a) between Kwun Tong Mass Transit Railway Station and Yuet Wah Street;

(b) between Kung Lok Road and Luen On Street;

(c) between Lok Wah Estate, Lok Nga Court and Jordan Valley?

SECRETARY FOR TRANSPORT: Sir, in order to provide improved links between Mid-Levels and Central, traffic studies completed in 1984 recommended a series of hillside escalator links. This kind of facility was considered particularly suitable for the Mid-Levels area given the steep terrain and comparatively narrow streets which make the widening of roads or the building of new ones difficult.

The studies recommended one escalator link between Conduit Road and the Connaught Road elevated walkway system, as a pilot project. Work on this project will start in August this year with a view to completion in mid-1992. Thereafter its use and effectiveness will be monitored and evaluated before any conclusions can be reached on the success of such schemes.

The present pilot scheme is estimated to cost \$100 million. The provision of these escalator links is therefore very expensive. Government needs to be certain that such systems will prove effective in relieving traffic congestion, and that the traffic benefits are overriding before we consider other similar links, such as the ones mentioned in Mr. POON's question. Detailed studies will have to be undertaken to identify routes where there would be a high demand for such pedestrian links as well as alignments which are feasible in engineering terms. Finally, whether or not similar schemes will be provided must depend on the availability of resources and priorities in the road development programme.

Profit control schemes for CMB and KMB

11. MR. TAI asked: Will Government inform this Council whether it will review the profit control schemes relating to the two bus companies in the near future?

SECRETARY FOR TRANSPORT: Sir, under section 31 of the Public Bus Services Ordinance, the operation of the profit control scheme shall be reviewed by the Governor in Council every two years. The next such review is scheduled to start in mid-1990 for completion before the end of the year. The purpose of the review is to consider, in the light of experience, whether the operation of the Scheme of Control Agreements for China Motor Bus and Kowloon Motor Bus, covering mainly accounting matters, could be further improved.

Unless Government and the two franchised bus companies mutually agree, both parties are legally obliged to abide by the basic terms of the agreements until the existing franchises expire.

Statement

Development of representative government

CHIEF SECRETARY: Sir, today, after a prolonged period of discussion within the community, in which Members of OMELCO have played an active and vitally important part, I would like to inform Members of the details of our next steps towards a more directly representative system of government.

We have already announced that the number of directly elected seats in this Council in 1991 will be increased from the previously announced 10 in the 1988 White Paper to 18. In considering the composition of the rest of this Council, the challenge to us has been to set in train a process of reform which will take us smoothly through the transition years. I hope Members will find that what is proposed achieves this objective.

In brief, the further changes proposed are:

(a) to increase the number of functional constituency seats from 14 to 21;

- (b) to reduce the number of appointed members from 20 to 17;
- (c) to withdraw from this Council all officials except the three ex-official members; and
- (d) to appoint a non-official member as Deputy President of the Council.

As regards the functional constituencies, our objective in this latest stage of reform has been to broaden the base of representation by functional groups. In 1995, we will continue this process so that the broadest possible spectrum of interests can be separately identified in the membership of this Council.

The seven new functional constituencies will be:

the Urban Council;

the Regional Council;

Rural Interests -- represented by the Heung Yee Kuk;

Tourism;

Financial Services -- comprising stockbroking, commodities and futures trading, the Chinese Gold and Silver Exchange and the insurance sector;

the Construction and Real Estate industries; and

Engineering, which will be separated from an existing constituency.

In addition, the existing Finance constituency is to be expanded by the addition of both restricted licence banks and deposit-taking companies.

Inevitably, there will be some groups which feel that they should be given distinct representation and who have not been so identified this time. Further thought will be given to them in considering our next step, in 1995, when the number of functional constituencies is to be increased to 30, or fully half of this Council.

In this context, I think it worthwhile noting the general difficulty of identifying the electorates for the functional constituencies. Our aim in these transition years is to ensure that the community's interests are properly represented, both geographically and by occupation. Definition and registration of the electorate for the former is relatively easy, for the latter less so even where the function itself is readily identifiable.

Tourism provides a useful illustration. All are agreed on the importance of this sector to the economy and the desirability of its interests being represented on this Council. Identifying an electorate without duplication of interest proved rather more difficult, but we believe that we have now arrived at a satisfactory solution.

In 1995, the key factor in broadening and refining the system will be the satisfactory identification of an unambiguous electorate for other constituencies. We will be looking, for example, to define a constituency to represent the interests of the retail trade. We hope that members of this and other potential groups will organize themselves in such a way as to facilitate definition of that constituency.

From October 1991 the only official members of this Council will be the Chief Secretary, the Attorney General and the Financial Secretary. We will be proposing arrangements which will allow Branch Secretaries to attend before Council by invitation, but without the right to vote. This will allow greater flexibility, in that the Secretary directly responsible for a particular subject will be able to attend before Council to introduce legislation and to respond to questions. The latter, we feel certain, will be a distinct improvement over present practice. It will also help prepare us for the position after 1997 when all officials will have been withdrawn from this Council and will sit only in attendance.

These changes, taken together with the reduction in the number of appointed members to 17, will produce a Council of 60 members, comprising three roughly equal parts: directly elected, functional and appointed.

In 1995, the President of this Council will be elected by Members of this Council from among themselves. The individual so chosen, once he takes office, will be obliged to be completely neutral in his dealings with all Members. To pave the way for this change, we have decided to appoint a Deputy President to Council to preside over some of its meetings. You, Sir, intend to appoint to this office someone who



has broad experience of the workings of this Council. It is our intention that this change should be introduced gradually. The Governor will attend important meetings, such as those on the budget, and the tradition of the Governor's annual address to Council will of course be continued.

Sir, I turn now to the practical arrangements for the 1991 elections. There has been much debate about the type of constituencies to be used in the elections, with some favouring single seat, some double seat and others regional, multi-seat constituencies. We have decided to have nine double seats constituencies, keeping closely to the district board boundaries.

There are several reasons behind this. First we want to build on the sense of district identity, while providing the opportunity for participation across the whole community without favouring any particular group. Secondly, there is a practical need to avoid the disruption which a change in boundaries would produce. And thirdly, we recognize that we are dealing with a dynamic situation, in which our development plans continuously change the shape of Hong Kong.

The nine constituencies will be:

Hong Kong Island East, comprising Eastern District and Wan Chai;

Hong Kong Island West, comprising Central and Western and Southern;

Kowloon East -- comprising Kwun Tong;

Kowloon Central -- comprising Wong Tai Sin and Kowloon City;

Kowloon West comprising Sham Shui Po, Mong Kok and Yau Tsim;

NT North comprising North and Tai Po;

NT East comprising Sha Tin and Sai Kung;

NT West comprising Yuen Long and Tuen Mun; and

NT South comprising Tsuen Wan, Kwai Tsing and Islands.

Most people seem to favour a simple "first past the post" voting system for the direct elections, with each elector having two votes, that is, one for each of the seats in a constituency. This system will be adopted for the 1991 direct elections to this Council. However the preferential elimination voting system, which was used successfully in the 1988 indirect elections, will be retained for the functional constituencies.

Registered electors will be able to vote in a geographical constituency for the direct elections and, where qualified, in a functional constituency.

Sir, there is one other matter to which I would like to draw attention, and that is the voting age. When we last canvassed public opinion on this question in 1987, the response was a resoundingly conservative one: that we should keep it at 21. The arguments are finely balanced. Young people now mature earlier. Perhaps this has been recognized by the Law Reform Commission, and we are already moving to bring the age of majority for some other practical matters down to 18. Also we would like to develop a greater sense of involvement amongst young people in the government of their affairs. Against these we have weighed the very major changes already proposed for 1991 and the need to hasten cautiously. In addition, experience of voter registration so far suggests that young people have been less prepared to come forward as voters. We have therefore decided for the present to maintain the voting age at 21, but to consider lowering it to 18 in 1995.

There will be no change in the composition of the district boards and municipal councils on this occasion. This is not a passive decision. Arguments have been advanced in favour of altering the balance of membership in the municipal councils and also in the district boards. We accept that these arguments have been well made. Our reason for not proceeding is essentially that the changes proposed to this Council are enough to digest at one time and that changes to the municipal councils and the district boards at the same time might distract from the first direct elections to this Council. Thus, for the moment, they will preserve the present arrangement by which about one third of their membership is appointed. We will, however, review the situation again before the 1995 elections, with a view to further changes.

Members will, of course, have the opportunity in due course to scrutinize and debate the legislation which will give effect to the arrangements which I have just outlined. The legislation will include other practical arrangements, currently under review including election expenses, nomination procedures and election

deposits. I would like to assure Members that we are conscious of the need to set them in place as early as possible in order to allow those who wish to stand for election adequate time to prepare themselves.

Sir, as we embark on these developments, I would like to pay tribute to all the Members of OMELCO who have involved themselves in discussions of these issues. Their enthusiasm in encouraging public debate on the pace of constitutional change and their personal contributions to that debate have been of enormous assistance in preparing the way forward.

It remains only to say that we plan to make a success of 1991. We look forward to a warm public response in registering to vote, in putting forward candidates for election, and in turning out to vote on the day. And I am confident that the council which convenes in this Chamber in October 1991 will provide a firm foundation on which to base future development of our democratic system.

## MOTIONS

### INTERPRETATION AND GENERAL CLAUSES ORDINANCE

THE CHIEF SECRETARY moved the following motion:

"That with effect from 1 April 1990 -

- (a) the functions exercisable by the Secretary for Municipal Services by virtue of the enactments specified in the Schedule be transferred to the Director of Health;
- (b) the enactments specified in the Schedule be amended by repealing "Secretary for Municipal Services" wherever it occurs and substituting "Director of Health".

## SCHEDULE

ENACTMENTS IN RESPECT OF WHICH FUNCTIONS OF THE SECRETARY FOR MUNICIPAL SERVICES ARE TRANSFERRED TO THE DIRECTOR OF HEALTH

Item      Enactment

1. Public Health and Municipal Services Ordinance (Cap. 132), section 55(3).
2. Food Adulteration (Metallic Contamination) Regulations (Cap. 132 sub. leg.), regulation 4.
3. Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg.), regulation 2(1).
4. Harmful substances in Food Regulations (Cap. 132 sub. leg.), regulation 4.
5. Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg.), regulation 2.
6. Preservatives in Food Regulations (Cap. 132 sub. leg.), regulation 11."

He said: Sir, I move the motion standing in my name on the Order Paper. This motion arises from the proposal to transfer the Hygiene Division from the Municipal Services Branch to the Department of Health. This is the result of the decision that the Municipal Services Branch of the Government Secretariat should be dissolved on 1 April 1990.

The Hygiene Division is mainly responsible for exercising certain statutory functions in respect of food safety control on behalf of the Urban Council and the Regional Council. It also advises the two councils on matters concerning pest control and implements health education programmes for the councils.

The transfer of the Hygiene Division will complement the other public health activities undertaken by the Department of Health. In order to ensure that there will be no dislocation between the work of the municipal councils and the Department of Health in protecting public health in Hong Kong, a committee will be set up to advise the Director of Health on matters relating to food hygiene, on which the Urban and Regional Councils will be represented.

It is proposed that the Director of Health should assume responsibility for the Hygiene Division with effect from 1 April 1990. Certain statutory functions now resting with the Secretary for Municipal Services will need to be transferred to him. These statutory functions are set out in the motion and its schedule.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

#### CRIMINAL PROCEDURE ORDINANCE

THE CHIEF SECRETARY moved the following motion:

"That the Legal Aid in Criminal Cases (Amendment) Rules 1990, made by the Chief Justice on 12 March 1990, be approved."

He said: Sir, I move the motion standing in my name on the Order Paper concerning the Legal Aid in Criminal Cases (Amendment) Rules 1990 made by the Chief Justice under section 9A of the Criminal Procedure Ordinance.

The purpose of the amended rules is to effect an increase in the maximum fees payable to counsel and solicitors assigned by the Director of Legal Aid to conduct criminal cases. The fees were last increased in 1987 and the present proposal is to reflect inflation and the rise in operating costs since then. With effect from 1 April 1990, the maximum fees will be increased on average by 25%, but with greater increases in respect of appeal cases which require substantially more preparation.

The revision has been made with regard to the need to ensure that experienced and able lawyers are available to conduct criminal cases and in order to provide fair and reasonable remuneration for the work done.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

#### FIXED PENALTY (CRIMINAL PROCEEDINGS) ORDINANCE

THE SECRETARY FOR TRANSPORT moved the following motion:

"That -

(a) the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance be amended by adding after item 9 -

"9A. Regulation 10A Unlawfully entering  
yellow striped light  
signal crossing \$200";

(b) this resolution shall come into operation on 1 October 1990."

He said: Sir, I rise to move the motion standing in my name on the Order Paper. It seeks to introduce a new fixed penalty of \$200 for the offence of contravening the new yellow striped marking.

This marking was introduced on a trial basis at 32 light signal controlled pedestrian crossings over a period of two years. The purpose is to prevent any person from driving a vehicle into the marked area unless he can drive the vehicle immediately and wholly out of the area. The results showed that, at those 32 crossings, vehicular obstruction was reduced by 60% and accidents to pedestrians by 18.2%.

Following the success of this trial scheme, the Governor in Council approved on 27 February 1990 the proposal to turn the yellow striped marking from an advisory into a regulatory road marking. I now propose to introduce a new fixed penalty offence of \$200 for contravening the yellow striped marking. This level of penalty is the same as for similar obstruction offences, such as unlawfully entering box junctions.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

First Reading of Bills

PRIVATE BILLS BILL 1990

BANKING (AMENDMENT) (NO. 2) BILL 1990

COMPANIES (AMENDMENT) (NO. 2) BILL 1990

EDUCATION (AMENDMENT) BILL 1990

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

Second Reading of Bills

PRIVATE BILLS BILL 1990

THE CHIEF SECRETARY moved the Second Reading of: "A Bill to provide for fees in respect of private Bills."

He said: Sir, I move that the Private Bills Bill 1990 be read the Second time.

The object of the Bill is to set a fee for bilingual private Bills introduced into this Council.

The existing Private Bills Ordinance provides for the payment of a fee by the promoter of a private Bill for presenting such a Bill to this Council. The purpose of the fee is to cover the costs to Government for processing a private Bill, in particular the work undertaken by the Attorney General's Chambers in vetting and where necessary, in revising a Bill. The current fee, which was last revised in 1984, is \$25,000.

Following the amendment to section 4 of the Official Languages Ordinance, which came into effect on 7 April 1989, all Ordinances, except those which are urgent or amend existing Ordinances, have to be enacted and published in both official languages. It necessarily takes more time to vet a bilingual Bill than a Bill drafted in only one of the official languages. The Private Bills Bill 1990 now before the Council provides that the fee chargeable for a private Bill drafted in both official languages be twice that for a Bill drafted in one language, that is, \$50,000. The fee for private Bills submitted in only one of the official languages will continue to be

\$25,000.

The Private Bills Bill 1990 will continue, as at present, to provide for the waiver of fees for private Bills for charitable purposes.

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

Question on the adjournment proposed, put and agreed to.

#### BANKING (AMENDMENT) (NO. 2) BILL 1990

THE FINANCIAL SECRETARY moved the Second Reading of: "A Bill to amend the Banking Ordinance."

He said: Sir, I move that the Banking (Amendment) (No. 2) Bill 1990 be read the Second time.

The purpose of the Bill is to improve the operation of the provisions relating to auditors and to rectify some minor anomalies and uncertainties.

#### Meetings with auditors

Under section 61 of the Banking Ordinance, directors of an institution, auditors or the Commissioner of Banking may call tripartite meetings to discuss matters relating to the institution. Whilst this situation is generally satisfactory, circumstances can arise where the requirement to involve the authorized institution may negate the usefulness of a meeting.

The Hong Kong Society of Accountants, recognizing the present shortcoming, has recommended in a guidance note that, in certain circumstances, the auditor should approach the Commissioner directly without involving the authorized institution. Although the Society's legal advice is that, in so doing, an auditor should not be liable for damages to his client for breach of confidence, the matter is not free from doubt. The Society has therefore suggested to the Administration that, as in the United Kingdom, statutory protection should be given to auditors to cover information that they might disclose at such a meeting.



It is proposed in clause 5 of the Bill that the existing legislation concerning tripartite meetings be repealed, and replaced by a more general provision empowering auditors to disclose information to the Commissioner in good faith. The Society's guidelines will then govern the circumstances where meetings between the auditors and the Commissioner should be held.

#### Disciplinary proceedings against auditors

The present provisions concerning complaints and disciplinary proceedings against auditors are unduly restrictive. Under section 62 of the Ordinance, the Commissioner can make a complaint in respect of any auditors of authorized institutions. This implicitly excludes auditors of former authorized institutions and former auditors of authorized institutions. Furthermore, although the Commissioner is permitted to disclose information to the Disciplinary Committee of the Hong Kong Society of Accountants in respect of such complaints, he is not allowed to disclose such information to the auditor under complaint or to give evidence at the hearing. These restrictions make it difficult for effective disciplinary action to be taken against auditors or former auditors. Clause 9 introduces changes to rectify these deficiencies and clause 6 repeals section 62 which is considered unnecessary as a consequence.

#### Other amendments

The Bill also proposes a miscellany of minor amendments to remove some uncertainties and anomalies. Clause 4 relates to notifications concerning auditors. Clause 10 widens the scope of the defence provisions. Clause 11 extends the time limit for summary prosecutions. Other clauses repeal references to unincorporated banks as this category no longer exists.

The Society of Accountants was consulted on the proposals relating to meetings with auditors and has expressed full support. The Banking and Deposit-taking Companies Advisory Committees were consulted and have expressed support to the principal proposals of the Bill.

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

Question on the adjournment proposed, put and agreed to.

COMPANIES (AMENDMENT) (NO. 2) BILL 1990

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

He said: Sir, I move that the Companies (Amendment) (No. 2) Bill 1990 be read the Second time.

The purpose of this Bill is to introduce amendments to the Companies Ordinance to implement a new system of keeping company documents on microfilm.

Currently, company records filed with the Companies Registry of the Registrar General's Department are kept in paper form. To save storage space and to improve the service to the public, the Companies Registry proposes in future to keep company records on microfilm and to make them available for public search on microfiche. The amendments to the Companies Ordinance that are required to implement the new system relate to the destruction, inspection, storage, production and evidential use of microfilmed documents, and to the payment of inspection fees.

#### Disposal of documents

Section 348B of the Ordinance currently enables the Registrar of Companies to destroy various documents after specified periods of time which vary with each class of document. This provision has been difficult to apply in practice because it involves sifting through each company file to establish the relevant destruction date for the different classes of document. Clause 3 amends section 348B to grant the Registrar a discretion to destroy all documents after seven years or at any time after they have been microfilmed.

#### Inspection of documents

Under section 305(1) of the Ordinance, any person may at present, on payment of a prescribed fee, inspect company documents kept by the Registrar. Under the new system, the Registrar will provide a copy of the microfiche and only make available the document itself where it has not been microfilmed (for example in the case of shareholders' lists). Clause 2 amends section 305(1) accordingly.

#### Production and evidence of documents

Section 305(3) of the Ordinance relates to the admissibility as evidence of copies of documents certified by the Registrar. To permit the use of copies of microfilmed documents, clause 2 amends section 305(3) to provide expressly that a copy is to be regarded as a copy of a document notwithstanding that it is itself taken from a copy or other reproduction of the original.

Provision for the Registrar to keep registers or any other documents in a form otherwise than in a legible form

Section 347 of the Ordinance does not state the manner in which the Registrar must keep his records. To enable the Registrar to keep records on microfilm, clause 4 amends this section to provide expressly that the records kept by the Registrar need not be in documentary form.

Inspection fees

Under the new system, a search of company records kept on microfilm will be made by reference to a particular year or number of years. To recover the costs of the new service, the Companies Registry proposes to charge a fee of \$10 for each year searched, and a further fee of \$10 for inspection of any remaining documents that have not been microfilmed. Clause 5 amends the Eighth Schedule to the Ordinance accordingly.

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

Question on the adjournment proposed, put and agreed to.

EDUCATION (AMENDMENT) BILL 1990

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second Reading of: "A Bill to amend the Education Ordinance."

He said: Sir, I move that the Education (Amendment) Bill 1990 be read a Second time.

The present Education Ordinance was enacted almost 20 years ago. Many of its provisions were taken over from an earlier Ordinance dating from 1952. Our education system has developed rapidly over the past two decades, and it is timely to amend

a number of provisions in the law which now appear out of date, defective or inappropriate.

The Bill before us proposes a variety of amendments, which can be grouped into four categories, namely : the updating of terminology and penalty levels; the remedying of certain deficiencies which have emerged in the course of administering the Ordinance; the repeal of the power to regulate political activity in schools; and the provision of an appeals mechanism in relation to powers exercised under regulations.

Clauses 2, 4, 5, 7, 8 and 12 contain updating provisions which are self-explanatory. Clause 11 provides for consequential amendments arising from the changes proposed in the Bill. The substance of the Bill is therefore contained in four clauses : 3, 6, 9 and 10.

Clauses 3, 6 and 9 are intended to remedy deficiencies in three areas. The first deficiency is the lack, at present, of a provision for a member of the Board of Education to resign. Clause 3 proposes such a provision.

The second deficiency concerns attendance orders. Such orders are intended to ensure that children of compulsory school age do attend school, unless there is a reasonable excuse. However, the present wording of section 74(1) requires that a parent be withholding a child from school before an order can be served. This is unduly restrictive, and makes it easy for some parents to disclaim responsibility for their child's truancy. Clause 6(1) provides for the serving of an attendance order whenever a child is in fact not attending school and there is no reasonable excuse. The right of a parent to appeal against an order, however, is not affected by this amendment. Another problem in connection with attendance orders is the difficulty which sometimes arises in finding a school willing to accept a truant or problem child. Clause 6(2) proposes to give the Director of Education the power to require a school to admit a child named in an attendance order, and to prohibit the expulsion of that child without the Director's written permission. I can well understand the reluctance on the part of certain school principals to accepting truant or problem children, but an important principle is involved here. It is essential that the Director of Education has the means of ensuring that all children of compulsory school age have a school to go to. I should like to mention, in this connection, the Education Commission's current study of curricula and behavioural problems in schools. One proposal being considered by the Commission is the

possibility of providing a small number of schools catering specifically for those children who, for one reason or another, reject the type of education offered in the mainstream of our school system.

The third deficiency relates to the power of the Director of Education to enter premises. Section 81 of the Ordinance permits the inspection of any premises where an offence against the Ordinance is suspected. However, the wording of section 87(1)(d)(i) creates an offence of obstruction only in the case of a school. This makes it difficult for the Director to obtain evidence that premises are being used illegally as an unregistered school. Clause 9 provides for entry to premises suspected of being illegal schools, under a warrant issued by a magistrate.

Sir, I now come to an important item in the Bill. Claims have been made in recent years that provisions in the law relating to political activity in schools inhibit our efforts to promote civic education. Whilst there is little substance in these claims, if only because the relevant powers have never been invoked, the provisions were enacted at a time when the public sector of education provided only a small minority of places, and when our education system was in danger of disruption by contending political forces emanating from outside Hong Kong. Our education system is now mature, and it is now considered timely to remove the provisions relating to political activity from this statute. The Education Ordinance and regulations should properly confine their scope to safeguarding the welfare of pupils and the interests of education generally.

Accordingly, clause 10 provides for the repeal of the power to make regulations prohibiting political, subversive or tendentious propaganda in schools and among teachers and pupils. It follows that all regulations made under this power need to be reviewed. I am happy to inform honourable Members that such a review has in fact been completed, and that Executive Council has noted the changes which will be required. It is our firm intention to submit proposals for amending regulations to the Governor in Council when this Bill is passed into law.

The final amendment of substance concerns appeals. The Education Ordinance contains two appeal mechanisms: in Part V for appeals relating to registrations, and in Part VII for appeals against attendance orders. No provision is made for appeals against decisions of the Director of Education arising from powers conferred by regulations. Since some of these powers could be argued to affect the civil rights of schools or individuals, we consider it appropriate to provide a mechanism for

appeals under regulations. Clause 10 so provides. The intention is that the Appeals Board created under Part V of the Ordinance would assume responsibility for hearing appeals under regulations.

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

Question on the adjournment proposed, put and agreed to.

#### PROTECTION OF NON-GOVERNMENT CERTIFICATES OF ORIGIN (AMENDMENT) BILL 1990

Resumption of debate on Second Reading which was moved on 28 February 1990

Question on 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).

#### HONG KONG COUNCIL FOR ACADEMIC ACCREDITATION BILL 1990

Resumption of debate on Second Reading which was moved on 14 February 1990

Question on Second Reading proposed.

MRS. FAN: Sir, the establishment of the Hong Kong Council for Academic Accreditation (HKCAA) is an important milestone in the development of tertiary education in Hong Kong. With the increase in the number of degree courses offered by non-university educational institutions in Hong Kong, it is appropriate that we establish an independent local body with a system of academic accreditation to ensure international recognition of the standards of our academic awards.

The Bill provides that the HKCAA may, in addition to carrying out academic accreditation in relation to the institutions funded through the University and Polytechnic Grants Committee, also accredit the Academy for Performing Arts and the Open Learning Institute of Hong Kong (OLI) at the direction of the Governor. This has given cause for concern to the OLI which made representations to the Legislative

Council ad hoc group formed to study the Bill. The OLI has argued that it is not necessary to place a statutory obligation on them to seek accreditation by HKCAA, as the philosophy and methods of open and distance learning are so distinct from those of other tertiary institutions in Hong Kong so as to call into question the use of the same mechanism of accreditation. Secondly, with a very small full-time staff, OLI would not be able to cope with the immense amount of work generated by an accreditation exercise. Thirdly, quite different from the government subvented tertiary institutions in Hong Kong, OLI will have to bear the expensive cost of accreditation unless it passes this cost on to the students.

The ad hoc group has studied very carefully the concerns expressed by the OLI. Members unanimously agree that, for the benefit of students, graduates and the institutions of high learning concerned, academic accreditation by HKCAA is essential and OLI should not be treated differently. Members have been assured by the Administration that HKCAA will have as its members persons knowledgeable about open and distance learning, and that the programme of academic accreditation for OLI will be worked out through a process of close consultation and liaison between HKCAA and OLI.

As regards the OLI's concern about its manpower and financial resources for accreditation, Members understand that the estimated maximum cost of an accreditation exercise for OLI will be no more than \$1.4 million, and in the OLI's operating budget an adequate amount has already been earmarked for this purpose.

Furthermore, Members have been assured that where the Administration is satisfied that the OLI cannot meet its legitimate commitments from all available sources, the provision of additional funding can be considered as a last resort. There should, therefore, be no financial problem for the OLI in seeking academic accreditation.

Sir, the HKCAA has been given the important task of ensuring that the degrees awarded by our non-university institutions will be of a sufficiently high standard to enjoy recognition world-wide. This is vital to our objective of maintaining Hong Kong's status as a major international centre. It is therefore essential that all parties concerned should contribute to making the operation of the HKCAA as smoothly and effectively as possible. Likewise, HKCAA should also discharge its functions conscientiously with the best interest of the institutions concerned in mind.

In commending to the Council the passage of the Bill, the group has proposed a

number of technical amendments to the Bill which are aimed at clarifying and simplifying the issues, so that the spirit of the Bill can be amply reflected. Clause 21 is an example of this. This clause is intended to offer protection from personal liability for members and employees of HKCAA who acted in good faith. However, the original version extended such protection to HKCAA which we all agreed is not the intention of the clause. The amendment proposed by Members, agreed to by the Administration, will limit this protection to individual only acting in good faith.

Sir, with these remarks and subject to the amendments the ad hoc group has proposed, I support the Bill.

MRS. CHOW: Sir, I would like to lend my support to the Bill before Council, including the contentious part regarding whether OLI ought to be placed in a category which is subject to the direction of the Governor or whether it should be allowed to exercise its own choice and discretion in selecting courses for validation.

Having weighed all the arguments put forward by OLI and the Administration, I am satisfied that practical and financial problems visualized by OLI exist, but can be resolved if an open and objective attitude is adopted on all sides. During the course of discussion, members discovered that OLI's concern was triggered in part by a strained working relationship with the Provisional Council of Academic Accreditation, which led them to harbour grave worry that such difficulties could well perpetuate into the future when the Council comes into being. Such worry is understandable, and must be addressed. However it must not be done at the cost of the most important principle, and that is, that the standard of degree courses, particularly those of a young institution such as OLI, with no track record as its traditional yardstick, must be evaluated and ascertained by an external body at the request of an authority other than the institution itself. I am therefore satisfied that the Bill before Council provides for the appropriate arrangements that lead to the right objective. At the same time, the Council which will be entrusted with the task of evaluation must earn the respect and acceptance of the academic field locally and internationally, as well as the public at large, by setting for itself the highest professional standard of operation while fostering a spirit of co-operation with the academic institutions it is duty-bound to assess. This we rely on the Council to do. I wish it every success, and shall be watching its development with great interest.



MR. CHENG HON-KWAN: Sir, I support the Hong Kong Council for Academic Accreditation Bill 1990 as there is a need for academic assessment in our higher education to ensure that the academic standards are comparable with internationally recognized standards.

In the deliberation of the Bill by the ad hoc group, a representation was received from the Open Learning Institute of Hong Kong (OLI) of which I am the chairman of the council. The senior staff of the Institute have expressed their concern about the OLI's limited resources and commitments to self-financing which would make it difficult to meet the requirements for academic accreditation otherwise set for traditional tertiary institutions. Honourable Members were requested to take necessary steps to safeguard the position of Hong Kong's newest tertiary institution which offers courses and programmes by using the philosophy and methods of open and distance learning. It is envisaged that the cost of academic accreditation will eventually be recovered by the students' fees. Personally I share their concern and they have my sympathy.

Sir, the ad hoc group was briefed by the Administration and indeed by the Executive Director of the Provisional Hong Kong Council for Academic Accreditation (HKCAA) who expertly advised that in the case of OLI where non-traditional method of delivery of instruction is used, institutional accreditation or review would be required about once every three years and in-between reviews only provisional approval would be given to new course units with a view to granting formal approval together with institutional accreditation or review. I would welcome such flexibility in academic accreditation which the OLI has already experienced from the accreditation by the United Kingdom Council for National Academic Awards last year.

The last point I want to make is that the OLI is unique in another way. Many of its courses are purchased from overseas universities. Some will be developed in association with local tertiary institutions, such as the University of Hong Kong. The OLI depends very heavily on these suppliers, and my information is that exposing their courses to local scrutiny will raise difficult questions for them that could lead to problems in supply. I do hope that after the enactment of this Bill, the HKCAA when established would have this regard in formulating its accreditation policy.

Sir, it is important to maintain our academic standards at an internationally

accepted level; particularly in the expansion of our tertiary education, quality should not suffer to achieve quantity.

Sir, I support the motion.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am most grateful to Mrs. FAN and her colleagues in the Legislative Council ad hoc group for their very thorough and expeditious examination of the Bill, and for the support they have given to the creation of the Hong Kong Council for Academic Accreditation.

Members have referred to the concerns expressed by the Open Learning Institute (OLI) in having to undergo academic accreditation through its inclusion in the Bill. The impression of a strained working relationship may have arisen owing to this concern. I am glad there is no inherent disagreement on the need for the OLI to undergo academic accreditation. Indeed, the OLI had an initial accreditation visit by the United Kingdom Council for National Academic Awards last year, had budgeted for a further review this year and has invited the HKCAA to undertake it.

The OLI appears to be under the impression that, by its inclusion in the Bill, an institutional review will make extra demands on its financial and staff resources. This cannot be so. Given that the estimated cost of an institutional review is less than 1% of the OLI's operating budget for 1990-91, I am confident that funding should be no obstacle. Indeed, should the OLI genuinely run short, I am confident that the Standing Finance Committee of this Council would be sympathetic to a request for a supplementary subvention. Whilst I also appreciate the demands any institutional review makes on a new institution's administration in the preparation of a submission, this is a necessary facet of any accreditation exercise.

Institutional reviews have, as one objective, to evaluate whether the institution, as a whole, has an academic environment suitable for offering degree programmes of an appropriate standard. Assuming the outcome of the OLI review is positive, this will give provisional recognition to its degree programmes. A further review would be necessary some years hence, at a time when "cohorts" of students are either just completing or approaching the final stages of their courses.

While the procedures and scope of any exercise is ultimately within the competence of the HKCAA, I am sure that it will recognize the differences of organization,

procedure and philosophy of the institutions it accredits. The Provisional Council fully understands the nature of open and distance learning and is already familiar with the methods which must be employed to evaluate institutions offering such courses. In addition, it is sensitive to the need not to compromise the OLI's position with the suppliers of course materials. However, a distance learning course is not just its materials, but also the way in which they are handled and used with students.

Finally, Sir, I would like to thank Members of the Legislative Council ad hoc group for all the efforts they have made in improving this Bill. I accept all the amendments the group has proposed.

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).

#### ELECTRICITY BILL 1989

Resumption of debate on Second Reading which was moved on 21 June 1989

Question on Second Reading proposed.

PROF. POON: Sir, the Bill before us today is the result of the Administration's decision in 1983 to replace the existing Electricity Supply Ordinance, which was enacted in 1911 and has become out-dated and deficient in a number of important areas.

The Bill repeals and replaces the Electricity Supply Ordinance and extends its scope to provide a completely new framework for regulatory arrangements covering electricity related matters. The ad hoc group formed to examine the Bill is pleased to note the measures proposed to enhance public safety, particularly the registration requirements imposed on electrical workers, contractors and owners of generating facilities, and the prescription of safety requirements for electrical wiring and products. We commend the Administration on its efforts to consult the industry and interested organizations, which resulted in a number of appropriate amendments to the Bill. This has helped the ad hoc group considerably in its work.

The ad hoc group has held altogether eight meetings, including two with the Administration, to examine the Bill. In the course of our work, the ad hoc group has made reference to relevant legislation in the United Kingdom and has put forth to the Administration queries and concerns on various provisions of the Bill. As a result of our work, the Administration has agreed to some 40 amendments which will be moved by my colleagues Mr. TAM Yiu-chung, Mrs. Miriam LAU and myself at the Committee stage. Most of the amendments are made to clarify the intention of the Bill, but there are a few points which I would like to mention.

A major concern of the ad hoc group is about the membership of the disciplinary tribunal. Clause 39 of the Bill provides that the Director of Electrical and Mechanical Services shall be a member of the disciplinary tribunal. The ad hoc group was concerned about this provision since it would put the defendant at a disadvantage if the Director, being a party to the proceedings, that is, the prosecutor, should also sit on the disciplinary tribunal. We raised the point with the Administration whose initial response was that the provision was in line with the structure of other tribunals dealing with technical work. The Administration considered that the Director as a member of the tribunal would be able to provide invaluable contribution in terms of professional advice and relevant experience to the proceedings of the tribunal. Since the Director would only be one of the six members of the tribunal, it was unlikely that he would be able to dictate any decision of the tribunal.

Having considered the Administration's viewpoint, we maintained the view that the Director, who would be the prosecutor of all discipline cases, should not be a member of the disciplinary tribunal. We are glad that the Administration was finally persuaded to accept our concern. I shall move an amendment to clause 39 at the Committee stage to remove the Director from the membership of the tribunal.

The second point is about exemption of electrical workers. To ensure proper protection for consumers, the Bill provides that electrical work should be undertaken by registered workers who are properly qualified to perform such work. Clause 32, however, allows electrical work to be done by a person who is not registered if he is supervised by a registered electrical worker or if he is a trainee in an approved institution. We felt that such exemption should be extended to electrical workers engaged in research work undertaken by approved institutions, such as the universities. We are pleased that the Administration has accepted the ad hoc group's view and an amendment will be made to clause 32 to provide for the exemption.

Finally, the ad hoc group is concerned about the implications of the new

registration requirements on the electrical trade, particularly the electrical workers and contractors. We have been assured by the Administration that there will be a sustained publicity programme to publicize the new requirements after the enactment of the Bill. We also welcome the Administration's proposal to implement the new legislation in phases to minimize disruption to the public and the electrical trade.

Sir, with these remarks and subject to the amendments proposed, I support the Bill.

SECRETARY FOR ECONOMIC SERVICES: Sir, I am grateful to Prof. POON and his colleagues on the ad hoc group for their painstaking examination of the Electricity Bill and for their very helpful suggestions to improve both the English and Chinese versions of the Bill.

Prof. POON has highlighted the ad hoc group's main observations on certain key provisions of the Bill. I would like to offer a brief comment. First, the suggestion that the Director of Electrical and Mechanical Services should not be a member of the disciplinary tribunal should, I accept, enhance the impartiality of the tribunal. Secondly, the proposed exemption of research workers from the registration requirement in respect of work done in relation to their research would remove any unnecessary restrictions on research activities without at the same time increasing the level of risk involved. I am pleased to say that these amendments, together with other amendments which will be moved during the Committee stage by Prof. POON, Mr. TAM Yiu-chung and Mrs. Miriam LAU, have the full support of the Administration.

Subsequent to the gazetting of the Bill, the Administration received further proposed amendments from various parties concerned. It has also become apparent that a number of clauses should be refined to put beyond doubt their intended purposes. Accordingly I shall be moving various amendments at the Committee stage. I am grateful to the ad hoc group for their support of these amendments. Whilst most of them are technical in nature, one is worth mentioning. This relates to the proposal for the disciplinary tribunal and the appeal board to be empowered to award costs in respect of their proceedings. Consistent with similar provisions in other legislation, this amendment will provide these bodies with greater discretion in the hearing of cases but there will be safeguards to discourage frivolous actions on the part of those involved in the proceedings.

I fully agree with the ad hoc group that there should be a sustained programme of education and publicity regarding the provisions in the Bill and in the six sets of regulations which will embody the technical and detailed measures to give full effect to the Bill. This programme will be drawn up in consultation with relevant parties as the implementation proceeds.

Sir, with these remarks, I commend the Electricity Bill 1989 to this Council for a Second Reading.

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 Bills

Council went into Committee.

PROTECTION OF NON-GOVERNMENT CERTIFICATES OF ORIGIN (AMENDMENT) BILL 1990

Clauses 1 to 10 were agreed to.

Schedule was agreed to.

HONG KONG COUNCIL FOR ACADEMIC ACCREDITATION BILL 1990

Clauses 1, 5 to 7, 10 to 20 and 24 to 26 were agreed to.

Clauses 2, 4, 8 and 23

MRS. LAU (in Cantonese): Sir, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

In the context of the Hong Kong Council for Academic Accreditation Bill 1990,

the word "found" in clause 2(2)(b) has been rendered as "認為" in the Chinese text. As the word "found" implies a decision arrived at after deliberation, the Chinese Text Sub-Committee is of the view that "認為" is a subjective term and is unable to bring out the sense of "confirmed decision" as implied in the English text. The Sub-Committee therefore proposes that the term "認為" be replaced by "認定".

The real meaning of the last part of clause 4(d) is that the Hong Kong Council for Academic Accreditation will always make reference to and examine the academic accreditation systems of other accrediting bodies. The Sub-Committee is of the view that the term "檢討" in the Chinese text may lead to misunderstanding in which one may think that the Council in the territory will exercise its power to conduct review on such accrediting bodies outside Hong Kong. Hence the Sub-Committee proposes that it would be more appropriate to replace the term "檢討" by "探討".

The phrase "evidence to the contrary" in clause 8(3) has been rendered as "相反證明". Legally speaking, the term "evidence" means "證據" (proof) rather than "證明" (identification). Furthermore, the same phrase in clause 20 has also been correctly translated as "相反證據". In order to maintain accuracy and consistency throughout the Bill, the Sub-Committee proposes to substitute the term "證明" in clause 8(3) by "證據".

In clause 23(1)(a), the phrase "hold itself out" has been rendered as "顯示自己". However the term "自己" may cause confusion. As both the terms "人" (person) and "團體" (corporate body) have been mentioned in the context of this clause, the term "自己" (oneself or itself) may refer to "人" (person) while in actual fact, it should refer to "團體" (corporate body). For the sake of clarity, the Sub-Committee suggests that the term "自己" be substituted by "該團體". By doing so, there may be a slight repetition of words, however, the meaning will be more definite.

Sir, with these remarks, I beg to move.

Proposed amendments

Clause 2

That clause 2(1) be amended, in the definition of "副主席" (Vice-chairman), by adding "獲 " before "委任".

That clause 2(2)(b) be amended, by deleting "認為" and substituting "認定其".

Clause 4

That clause 4(d) be amended, by deleting "檢討" and substituting "探討".

Clause 8

That clause 8(3) be amended, by deleting "證明" and substituting "證據".

Clause 23

That clause 23(1)(a) be amended, by deleting "自己" and substituting "該團體".

Question on the amendments proposed, put and agreed to.

Question on clauses 2, 4, 8 and 23, as amended, proposed, put and agreed to.

Clauses 3, 9, 21 and 22

MRS. FAN: Sir, I move that the clauses specified be amended as set out in the paper circulated to Members in order to give clear and simplified meaning to the Bill.  
Proposed amendments

Clause 3

That clause 3(3)(b) be amended, by deleting "and are employed in".

That clause 3(3)(c) be amended, by deleting "and are employed in".

Clause 9

That clause 9(2) be amended, by deleting "generally" and "specially".



Clause 21

That clause 21 be amended, by deleting clause 21 and substituting --

"21. Protection of members, employees etc.

(1) A member or employee of the Council or of any committee of the Council or any person appointed by the Council under section 5(a) acting in good faith shall not be personally liable for any act done or default made -

(a) by the Council;

(b) by any committee of the Council; or

(c) by any such member, employee or person, in the exercise or purported exercise of the powers conferred or performance or purported performance of functions imposed under this Ordinance.

(2) The protection conferred under subsection (1) on members or employees of the Council or of any committee of the Council or any person appointed by the Council under section 5(a) shall not in any way affect any liability of the Council for that act or default."

Clause 22

That clause 22(1) be amended, by deleting "and publish them in such manner as it may determine".

Question on the amendments proposed, put and agreed to.

Question on clauses 3, 9, 21 and 22 as amended, proposed, put and agreed to.

Schedule 1 was agreed to.

Schedule 2

MRS. LAU (in Cantonese): Sir, I move that Paragraph 1(2) of Schedule 2 in the Bill be amended as set out under my name in the paper circulated to Members.

In Paragraph 1(2) of Schedule 2, the phrase "authorized by a resolution ... in that behalf" has been rendered as "為認證目的藉決議授權" which is complicated and difficult to understand. The Sub-Committee proposes that it would be more clear and simple by substituting it with "藉決議授權(1)擔任認證工作".

Furthermore, the phrase "scheme of arrangement" in Paragraph 2(3)(a) of Schedule 2 has been rendered as "償債安排". The Sub-Committee is of the view that "債務償還安排" is a more appropriate phrase to convey clearly the legal meaning of "scheme of arrangement" and its usage is in line with the term "債務重整協議" (composition) which is commonly used in bankruptcy law.

Sir, I beg to move.

Proposed amendment

Schedule 2

That Schedule 2 be amended --

(a) in paragraph 1(2), by deleting "為認證目的藉決議授權" and substituting "藉決議授權(1)擔任認證工作";

(b) in paragraph 2(3)(a), by deleting "償債安排" and substituting "債務償還安排".

Question on the amendment proposed, put and agreed to.

MRS. FAN: Sir, I move that Schedule 2 be further amended as set out under my name in the paper circulated to Members for the reasons stated earlier.

Proposed amendment

Schedule 2

That Schedule 2 be further amended --

(a) in paragraph 2(2), by inserting "appointed" before "member";

(b) in paragraph 5(1), by substituting "one half" for "a majority";

(c) in paragraph 5(3), by inserting "simple" before "majority".

Question on the amendment proposed, put and agreed to.

Question on Schedule 2, as amended, proposed, put and agreed to.

#### ELECTRICITY BILL 1989

Clauses 13, 16, 18, 20, 23, 24, 26 to 28, 33, 35, 36, 42, 43, 45, 48 to 50, 52 to 54, 57, 58 and 60 were agreed to.

Clauses 1, 5, 12, 14, 22, 29, 51, 55 and 61 to 63

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

#### Proposed amendments

##### Clause 1

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

##### Clause 5

That 5(3) be amended, by deleting "or the supplier, as the case may be,".

##### Clause 12

That clause 12(1) be amended, by deleting "complies with this Ordinance" and substituting "is safe to do so".

Clause 14

That 14(1) be amended, by deleting "contravenes this Ordinance or affects" and substituting "may contravene this Ordinance or may affect".

Clause 22

Clause 22 be amended, by deleting "21(1)(d)" and substituting "21(1)(e)".

Clause 29

That 29(1)(b) be amended, by deleting "under the Electrical Product Safety Regulations" and substituting "as required by regulations respecting electrical product safety".

Clause 51

That clause 51(2) be amended, by adding before the full stop "but a notice or other document between the Director and an electricity supplier may be in either language".

Clause 55

That clause 55(4) be amended, by deleting "section 42(5)(b)" and substituting "section 42(5)(c)".

Clause 61

That 61 be amended, by deleting "1989" where it appears twice and substituting "1990".

Clause 62

That 62 be amended, by deleting "1989" where it appears twice and substituting "1990".

Clause 63

That 63 be amended, by deleting "1989" where it appears twice and substituting "1990".

Question on the amendments proposed, put and agreed to.

Question on clauses 1, 5, 12, 14, 22, 29, 51, 55 and 61 to 63 as amended, proposed, put and agreed to.

Clause 2

MRS. LAU (in Cantonese): Sir, I move that clause 2 be amended as set out under my name in the paper circulated to Members.

Clause 2 is the interpretation clause which provides definition for the various terms used in the Bill. The term "energized part" has been rendered as "通電部分" in the Chinese text of the Bill and has been defined as "電力裝置中以低壓或高壓電力通電的部分" which means "that part of an electrical installation that is energized at low voltage and high voltage". In fact, "energized part" refers to any part charged with electric power. The past participle "charged" "帶電" may also mean "transmitting electricity" (通電) whereas the term "通電部分" confines to that part of an electrical installation which is transmitting electric current while excluding those parts which are charged with but not transmitting electric current. In reality, no matter whether the part of an electrical installation is transmitting an electric current or not, it can be described as an "energized part" when it is being "charged" with electricity. The Sub-Committee therefore has proposed that the term "通電" be amended to read "帶電" so as to convey its meaning more explicitly.

Sir, with these remarks, I beg to move.

Proposed amendment

Clause 2

That clause 2 be amended, in the definition of "energized part" (通電部分) by deleting "通電" and substituting "帶電".

Question on the amendment proposed, put and agreed to.

PROF. POON: Sir, I move that clause 2 be further amended as set out under my name in the paper circulated to Members.

Clause 2

That clause 2 be further amended --

(a) in the definition of "fixed electrical installation" (固定電力裝置) by deleting "of the installation" and by adding "of the installation" after "socket"; and

(b) in the definition of "owner" (擁有人) by deleting paragraph (a) and substituting -

"(a) a person who is in possession or control of an electrical installation; and".

Question on the amendment proposed, put and agreed to.

MR. TAM (in Cantonese): Sir, I move that clause 2 be further amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 2

That clause 2 be further amended --

(a) in the definition of "低壓" (low voltage) --

(i) by deleting "導線" wherever it appears and substituting "導體";

(ii) by deleting "地線" and substituting "地";

(b) in the definition of "供電商" (electrical supplier), by deleting "售賣電力裝置所用低壓 或高壓電力的人" and substituting "售賣低壓或高壓電力以供電力裝置使用的人";

(c) in the definition of "特低壓" (extra low voltage) --

(i) by deleting "導線" wherever it appears and substituting "導體";

(ii) by deleting "地線" and substituting "地";

(iii) by deleting "不超逾以下伏特的電壓" and substituting "不超逾以下的電壓".

Question on the amendment proposed, put and agreed to.

Question clause 2, as amended, proposed, put and agreed to.

Clauses 3, 6, 10, 17, 19 and 34

MRS. LAU (in Cantonese): Sir, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

It is stipulated in clause 3(1) that "where the Director has reason to believe that an electrical installation has been involved in an electrical accident, he may ... require its owner to give him a ... report of the accident ...". "An electrical installation has been involved in an electrical accident" in the English text denotes that the electrical installation has been directly involved in the electrical accident whereas its rendition in the Chinese text which reads "署長 有理由相 信 電力 裝置曾 在電力意外中受到牽涉 " seems to suggest the meaning of an electrical installation "that has possible indirect involvement or impact" in relation to an electrical accident, thus failing to reflect accurately the actual connotation of the English text. The Chinese Text Sub-Committee therefore has proposed that the phrase "電力 裝置曾在 電力意外中受到牽涉" be amended to read:"某電力裝置 曾牽涉於電力意外". For the same reason, the Sub-Committee has also proposed to amend

clauses 4(1), 10(1) and 19(1) of the Bill accordingly.

"... (There) is an imminent risk of an electrical accident" in clause 6(1) has been rendered as "事態危急會發生電力意外". According to the English text, the risk refers to the imminent danger that an electrical accident may take place, and not to any other situations. Thus the original Chinese rendition as it is may cause confusion. The Sub-Committee therefore proposes to amend the Chinese text to read "有即將發生電力意外的危險情況" which is a more accurate translation. Similar amendments should, likewise, be made in clause 17(1).

Clause 34(11) stipulates that "where ... an electrical worker makes a report, ... the registered electrical contractor for whom the electrical work is done, shall endorse the report ...". The corresponding Chinese translation reads "凡.....電業工程人員撰寫報告.....(1)則他在該電力工作中所 力的註冊電業承辦商須在該報告或證書上加簽.....". The Sub-Committee is of the view that "則他在該電力工作中所 力的註冊電業承辦商" has failed to express clearly the meaning that the work is done for the contractor, and therefore proposes to have it amended to read:"而該電力工作是為某註冊電業承辦商而進行的(1)則該電業承辦商.....". The meaning of the clause will become more explicit after amendment.

Sir, with these remarks, I beg to move.

Proposed amendments

Clause 3

That clause 3(1) be amended, by deleting "電力裝置曾在電力意外中受到牽涉" and substituting "某電力裝置曾牽涉於電力意外".

Clause 6

That clause 6(1) be amended, by deleting "事態危急(1)會發生電力意外" and substituting "有即將發生電力意外的危險情況".



Clause 10

That clause 10(1) be amended, by deleting "受到電力意外牽涉" and substituting "牽涉於電力意外".

Clause 17

That clause 17(1) be amended --

(a) by deleting "事態危急(1)會發生電力意外" and substituting "有即將發生電力意外的危急情況";

(b) by deleting "任何人未經許可而把電力供應接回" and substituting "電力供應未經許可而被接回".

Clause 19

That clause 19(1) be amended, by deleting "在電力意外中受到牽涉或影響" and substituting "牽涉於電力意外或受到影響".

Clause 34

That clause 34(11) be amended, by deleting "則他在該電力工作中所盡力的" and substituting "而該電力工作是為某註冊電業承辦商而進行的(1)則該".

Question on the amendments proposed, put and agreed to.

Question on clauses 3, 6, 10, 17, 19 and 34, as amended, proposed, put and agreed to.

Clauses 4 and 32

PROF. POON: Sir, I move that clauses 4 and 32 be amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 4

That clause 4(1) be amended, by deleting "an item" and substituting "any item".

Clause 32

That clause 32 be amended, by adding after subclause (2) --

"(3) A person who is not a registered electrical worker may do electrical work that is necessary in relation to any kind of research done under the auspices of an organization or programme mentioned in or approved under subsection (2).".

Question on the amendments proposed, put and agreed to.

MRS. LAU (in Cantonese): Sir, I move that clauses 4 and 32 be further amended as set out under my name in the paper circulated to Members. Reasons for the amendments are the same as those for which clauses 3(1) and 2 should be amended and will not be repeated here.

Proposed amendments

Clause 4

That clause 4 be further amended --

(a) in subclause (1) by deleting "曾在電力意外中受到牽涉" and substituting "曾牽涉於電力意外";

(b) in subclause (3) by deleting "以任何方式".

Clause 32

That clause 32(1)(b) be further amended, by deleting "通電" and substituting "帶電".

Question on the amendments proposed, put and agreed to.

Question on clauses 4 and 32, as amended, proposed, put and agreed to.

Clauses 7, 15, 30, 31, 38 and 44

MR. TAM (in Cantonese): Sir, I move that the clauses specified be amended as set out in the paper circulated to Members.

Proposed amendments

Clause 7

That clause 7 be amended, by deleting "任何人未經許可而把電力供應接回" and substituting "電力供應未經許可而被接回".

Clause 15

That 15(1) be amended, by deleting "指明的日期前" and substituting "指明的日期或之前".

Clause 30

That 30(4) be amended, by deleting "縱使註冊電業工程人員的註冊條款另有規定(1)署長仍可" and substituting "不論註冊電業工程人員的註冊期如何(1)署長可".

Clause 31

That clause 31(3)(a) be amended, by deleting "他在該電力工作中所vii力的"

and substituting "他為其進行該電力工作的".

#### Clause 38

That clause 38(1)(e) be amended, by deleting "工商或家庭用途電力裝置擁有人" and substituting "工商業用途或家庭用途的電力裝置擁有人的".

#### Clause 44

That clause 44(1)(g) be amended, by deleting "工商或家庭用途電力裝置擁有人" and substituting "工商業用途或家庭用途的電力裝置擁有人的".

Question on the amendments proposed, put and agreed to.

Question on clauses 7, 15, 30, 31, 38 and 44 as amended, proposed, put and agreed to.

Clauses 8, 21, 25, 37, 39, 40 and 46

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

Proposed amendments

#### Clause 8

That clause 8 be amended, by deleting subclause (2) and substituting --

"(2) An owner does not contravene subsection (1) where he causes or allows a registered electrical worker to reconnect the electricity supply to the electrical installation for the purpose of testing the installation."

#### Clause 21

That clause 21 be amended, by deleting subclause (2).

Clause 25

That clause 25(2) be amended, by adding "if, at the time of the seizure, the exhibition or keeping of the product is still prohibited" after "seize it".

Clause 37

That clause 37 be amended --

(a) by adding after subclause (1) --

"(1A) Where the Director, in his notice under subsection (1) in respect of a proposed action under section 36(1)(b), states that the alleged failure, if proved or admitted, will not attract a penalty greater than that set out in the notice, the Director shall not impose a greater penalty.";

(b) in subclause (4) by adding "exonerate the registrant or" after "the Director may"; and

(c) by deleting subclause (5).

Clause 39

That clause 39 be amended --

(a) in subclause (1) by deleting "the Director and"; and

(b) in subclause (3) by deleting "other than the Director".

Clause 40

That clause 40 be amended, by deleting subclause (2) and substituting --

"(2) The registrant and the Director may be represented by an agent or legal representative at a proceeding before the disciplinary tribunal."

Clause 46

That clause 46 be amended, by deleting subclause (2) and substituting --

"(2) The appellant and the Director may be represented by an agent or legal representative at a proceeding before the appeal board."

Question on the amendments proposed, put and agreed to.

Question on clauses 8, 21, 25, 37, 39, 40 and 46, as amended, proposed, put and agreed to.

Clause 9

SECRETARY FOR ECONOMIC SERVICES: Sir, I move that clause 9 be amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 9

That clause 9(1) be amended, by deleting "or his electrical workers, or all" and substituting ", his electrical workers or any combination".

Question on the amendment proposed, put and agreed to.

MRS. LAU (in Cantonese): Sir, I move that clause 9 of the Bill be further amended as set out under my name in the paper circulated to Members. Clause 9(2) makes provisions for exemption of electrical installations. But it is rather difficult to comprehend the meaning of the clause as expressed in the original text. On the

advice of the sub-committee, the clause has been redrafted. The meaning of the clause as expressed in the revised version is patently clearer and easier to understand. Sir, I beg to move.

Proposed amendment

Clause 9

That clause 9(2) be further amended, by deleting all the words after "規限條件," and substituting "他亦可在命令內對本條例各條文的適用範圍作出必要的修改(1)使該等條文與條件因應該項豁免而生效⑨".

Question on the amendment proposed, put and agreed to.

Question on clause 9, as amended, proposed, put and agreed to.

Clause 11

MR. TAM (in Cantonese): Sir, I move that clause 11 be amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 11

That clause 11(1) be amended, by deleting "指明日期之前" and substituting "指明的日期之前".

Question on the amendment proposed, put and agreed to.

SECRETARY FOR ECONOMIC SERVICES: Sir, I move that clause 11 be further amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 11

That clause 11(2) be further amended, by adding "directly" after "receives electricity".

Question on the amendment proposed, put and agreed to.

PROF. POON: Sir, I move that clause 11 be further amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 11

That 11(2) be further amended, by adding "all or a portion of the" after "impending loss of".

Question on the amendment proposed, put and agreed to.

Question on clause 11, as amended, proposed, put and agreed to.

Clauses 41 and 47

PROF. POON: Sir, I move that clauses 41 and 47 be amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 41

That clause 41 be amended, by deleting subclause (2) and substituting --

"(2) After concluding its hearing, the disciplinary tribunal may exonerate the registered electrical worker or contractor or may do one or more of the following --



- (a) reprimand the worker or contractor;
- (b) fine a worker up to \$10,000 and a contractor up to \$100,000;
- (c) suspend or cancel the registration of the worker or contractor;
- (d) suspend the worker's or contractor's right to apply for registration or renewal of registration for a specified period of time."

Clause 47

That 47(2) be amended --

- (a) in paragraph (a) by adding "or revoke" after "confirm"; and
- (b) in paragraph (b) by deleting "appealed from".

Question on the amendments proposed, put and agreed to.

SECRETARY FOR ECONOMIC SERVICES: Sir, I move that clauses 41 and 47 be further amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 41

That clause 41 be further amended --

- (a) by adding after subclause (2) --

"(2A) The disciplinary tribunal may make any order it thinks fit with regard to the payment of costs of the proceedings under this section and the costs of the Director or of the registered electrical worker or contractor.";

- (b) by deleting subclause (6) and substituting --



That clause 59(1)(j) be amended, by adding "or" after "in which".

Question on the amendments proposed, put and agreed to.

MR. TAM (in Cantonese): Sir, I move that clauses 56 and 59 be further amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 56

That clause 56(8) be further amended --

- (a) by deleting "他能證明" and substituting "他證明";
- (b) by adding "來看" after "一切情況".

Clause 59

That clause 59 be further amended --

- (a) in subclause (1) --
  - (i) in paragraph (c) by deleting "批准的每個級別或種類電力工作的電業工程人員" and substituting "有關從事每個級別或種類電力工作的電業工程人員的";
  - (ii) in paragraph (e) by deleting "通電" and substituting "帶電";
- (b) in subclause (2) by deleting "為特別地區的香港地區" and substituting "香港某些地區為特別地區".

Question on the amendments proposed, put and agreed to.

Question on clauses 56 and 59, as amended, proposed, put and agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

PROTECTION OF NON-GOVERNMENT CERTIFICATES OF ORIGIN (AMENDMENT) BILL 1990

had passed through Committee without amendment and the

HONG KONG COUNCIL FOR ACADEMIC ACCREDITATION BILL 1990 and

ELECTRICITY BILL 1989

had passed through Committee with amendments. 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 EXCELLENCY THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 4 April.

Adjourned accordingly at ten minutes to Five o'clock.

Note: The short titles of the Motions/Bills listed in the Hansard, with the exception of the Private Bills Bill 1990, Hong Kong Council for Academic Accreditation Bill 1990 and Electricity Bill 1989, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.