

1 HONG KONG LEGISLATIVE COUNCIL -- 2 May 1990

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 2 May 1990

The Council met at half-past Two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (PRESIDENT)
SIR DAVID CLIVE WILSON, K.C.M.G.

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

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

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

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

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

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

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

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

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

THE HONOURABLE SZETO WAH

IN ATTENDANCE

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

Papers

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

Subject

Subsidiary Legislation L.N. No.

Import and Export Ordinance Export (Certificates of Origin and Commonwealth Preference Certificates) (Amendment) Regulations 1990.....	
119/90	
Import and Export Ordinance (No. 2) Regulations	Import and Export (Fees) (Amendment)
1990.....	120/90
Import and Export (General) Regulations Regulations (Amendment of Second Schedule) (No. 2) Order	Import and Export (General)
1990.....	
121/90	
Holidays Ordinance	General Holidays Order
1990.....	122/90
Holidays Ordinance	General Holidays (No. 2) Order
1990.....	123/90
Port Control (Cargo Working Areas) Ordinance (Public Water-Front) Order 1990.....	Port Control
	124/90
Protection of Non-Government Certificates of Origin Ordinance 1990	(Amendment)
Protection of Non-Government Certificates of Origin (Amendment) Ordinance 1990 (Commencement) Notice 1990.....	
125/90	

Sessional Papers 1989-90

No. 68 -- Report of changes to the approved Estimates of Expenditure approved during the second quarter of 1989-90
Public Finance Ordinance : Section 8

No. 69 -- Committee on Science and Technology
Annual Report for 1989/90

Addresses by Members

Report of changes to the approved Estimates of Expenditure approved during the second quarter of 1989-90
Public Finance Ordinance : Section 8

FINANCIAL SECRETARY: Sir, in accordance with section 8(8)(b) of the Public Finance Ordinance, I now table for Members' information a summary of all changes made to the approved estimates of expenditure for the second quarter of the financial year 1989-90.

Supplementary provision of \$636.3 million was approved. It was fully offset either by savings under the same or other heads of expenditure or by the deletion of funds under the Additional Commitments subheads. This included \$284.3 million to enable the five University and Polytechnic Grants Committee-funded institutions to award salary increases to their academic and non-academic staff following an adjustment to the civil service pay scales with effect from 1 April 1989 and \$142.3 million in connection with the formation of a new Drainage Services Department on 1 July 1989.

Approved non-recurrent commitments were increased by \$18.5 million during the period, and new non-recurrent commitments of \$52.5 million were also approved.

In the same period, a net increase of 2 043 posts was approved.

Items in the summary have been approved either by Finance Committee or under delegated authority. The latter have been reported to the Finance Committee in

accordance with section 8(8)(a) of the Public Finance Ordinance.

Committee on Science and Technology Annual Report for 1989/90

PROF. POON: Sir, Members will have received copies of a brief covering the annual report of the Committee on Science and Technology for the year 1989-90. I would like to make a short statement, in my capacity as Chairman of this Committee, about the progress made in the past year and our plans for the year ahead.

The Hong Kong economy is becoming increasingly sophisticated. Science and technology have played a key role in that upgrading process. They will become increasingly important in future. Hong Kong needs to be ready to seize the opportunities which modern technology offers. The role of the Committee on Science and Technology is to advise the Administration on how to bring about an environment in which technology which is relevant to Hong Kong can be successfully applied and developed.

In the two years since it was first appointed, the Committee has focused on a number of issues with medium and long-term implications for Hong Kong. Our main emphasis has been on information technology and biotechnology, but we have also been concerned with the safe use of technology and with the promotion of Hong Kong's image in science and technology. The annual report sets out the details of our progress to date in these areas.

Looking to the future, over the next few months, we will be receiving results from consultancy studies on Hong Kong's potential need for supercomputing facilities; on information technology usage and manpower in Hong Kong; and on the potential for a biotechnology industry in the territory. We shall be launching a consultation exercise on a draft code of practice for the safe use and manufacture of lasers. The Committee is also considering staging an international technology fair to promote Hong Kong as a regional centre for technology exchange, and is conducting a feasibility study.

A central task for the Committee in the current financial year will be to consider the findings and recommendations of the various studies which are in hand and to formulate advice to the Administration in each of these areas. With the endorsement of the Chief Secretary, the Committee is also tackling a number of new issues in

1990-91.

Our top priority is a study of the science and technology infrastructure in Hong Kong compared with neighbouring countries. There is a common perception that Hong Kong may be lagging behind its neighbours in science and technology development and that action needs to be taken to reinforce the science and technology infrastructure. However, we lack hard evidence to support this view or to indicate precisely what action is needed. The aim of our study will be to provide a firm base for considering whether Hong Kong's current approach is appropriate or if not, what specific changes need to be made.

In the area of technology safety, having addressed laser safety, we are now turning our attention to the control of toxic chemicals. Our aim is to draw up proposals for tackling outstanding problems in this area.

The third new item is a study of what is being done by government departments and by voluntary bodies and societies to arouse young people's interest in science and technology. It is clearly essential to instil enthusiasm for science at an early stage if we are to maintain a steady supply of scientists, engineers, technologists and technicians for the future. The Committee will be reviewing existing activities and identifying any areas where there are gaps or where co-ordination is needed.

Finally, the Committee plans to monitor developments in the area of development of standards for the construction industry.

We therefore have a very full programme of work in hand for the coming year. The Governor has appointed a number of new members to the Committee from April 1990 to assist in carrying through this work. Among the new members are the Honourable James TIEN and the Secretary for Education and Manpower, the Honourable K.Y. YEUNG, of this Council. They will further add to the range of expertise available to the Committee and their contribution is warmly welcomed. The Committee will receive a total of \$3 million to \$5 million from a Jockey Club donation and \$2 million from the Government -- to support its activities. We shall also continue to depend on the staff time which a number of government departments have made available in support of our work.

The Committee therefore has a very challenging and exciting year ahead. I look forward to reporting further to this Council on the Committee's progress towards the important objectives we have set.

Oral answers to questions

Medical fees

1. MR. TIEN asked: In view of recent reports that medical charges in Hong Kong, especially surgical fees, are much higher than those in other major cities, such as London and New York, will Government inform this Council whether consideration would be given to drawing up a fees schedule as general guidelines to the general public in soliciting medical treatment or medical care?

SECRETARY FOR HEALTH AND WELFARE: Sir, I do not think it would be appropriate for the Government to regulate or to prescribe guidelines for private medical practitioners. The fees to be levied for surgery or other private medical treatment are a matter between the doctor and his patient, and patients would be well advised to seek an estimate of charges in advance. Any guidelines on fees are better considered by the medical profession through their representative associations as part of the process of self-regulation. I understand that the Hong Kong Medical Association is conducting a survey of surgical charges among its members and this may shed some light on whether the allegations referred to in the question can be substantiated.

On the other hand, all scales of fees charged by the Government in the public sector are published in the Government Gazette. These published rates provide a source of reference for the consumer. The Government's obligation is to ensure that those who cannot afford private medical fees have a satisfactory alternative means of treatment.

MR. TIEN: Sir, it has been reported that the Hong Kong Medical Council and the Hong Kong Medical Association both deny any responsibility for moderating doctor's fees. Would the Government consider extending the role of the Consumer Council so that medical services will become one of the services monitored by that council?

SECRETARY FOR HEALTH AND WELFARE: I understand that the Medical Council sets the professional standards and ethics that doctors should follow. It is empowered by

the Medical Registration Ordinance to take action against a registered medical practitioner who commits an act of unprofessional conduct. However, matters concerning fees and charges are not considered to amount to unprofessional conduct. I think behind this question, Sir, lies the idea that perhaps the imposition of guidelines and fees for the private sector is aimed at helping the consumer to arrive at a decision as to what the right level of charges is, and whom to go to. Apart from the regulatory nature of such a proposal, at present there are no lists of specialists, and if we were to include any guidance for the consumer for the private sector, it would present, I submit, gross anomalies because one would come to a situation where the time spent and the degree of complexity of each case and expert skills employed would have to be assessed. I think the best protection for a consumer lies in the hands of the consumer himself, because a consumer has the right to know, to seek the advice of another doctor, and to ask for a second opinion, or to know in advance the charges which might be imposed upon him. A consumer has the right to choose. Doctors, I think, do not condone unreasonable charges themselves, neither does the Government. I think it is unfair to "knock the doc", so to speak, based on a few reported "black sheep" cases. There are, I know, many doctors in Hong Kong of international repute who are noted for their loyalty to the patient. Sir, with that remark, I hope I have answered the question.

MR. PETER WONG: Can the Secretary please clarify what she means by the ability of the doctor to advertise his charges, especially to people who are not his patients?

SECRETARY FOR HEALTH AND WELFARE: At present, I understand that doctors do not advertise, either themselves or their skills. This is not a question which rests in the hands of the Government. If it was a point to be pursued, I would be happy to pursue it with the Hong Kong Medical Council on a probably very restricted basis.

MRS. FAN: Sir, the Secretary advised that the patient would be well advised to seek an estimate of charges in advance. But this may not always be possible due to the urgency of the operation. If an estimate was sought and a verbal estimate given and later on the charges escalated, can the Secretary inform this Council what avenues of complaint are open to the patient who feels that he or she is being overcharged?

SECRETARY FOR HEALTH AND WELFARE: I think in the Hong Kong situation the avenues are many. The Consumer Council, of course, has been mentioned, and I think the complaints to the media and to various other channels are very effective. So I think the channels are open to any individual in Hong Kong who feels aggrieved.

MR. CHOW: Sir, there will be revision of fees and charges with the inception of the future Hospital Authority. Some people are urging the Government to introduce medical insurance. Would the Administration consider that monitoring by the Government of the fees charged by the general practitioner will be necessary in order to safeguard the interests of the insured as well as the public?

SECRETARY FOR HEALTH AND WELFARE: Yes, Sir. There are two parts to this question. First of all, there is the question of the Government's responsibility as regards fees and charges. I think the fundamental responsibility of the Government is to ensure that no one is denied medical care simply because he cannot pay for it. Because of this, the charges in the public sector are fully subsidized, and in most cases very heavily subsidized. I think this is a time-honoured policy to which Government is committed, even with the proposed setting up of the Hospital Authority. If one would examine the Hospital Authority Bill, which I am about to introduce this afternoon, one would find that under clause 18 the Government still retains the power to give direction to the Hospital Authority on the level of fees. And the Government would use this power, I think, to ensure that there will be no sharp increase, that there will be improvements before increases, and that there should be a broad strategy between the Government and the Hospital Authority on plans for fees and waiver arrangements before any substantial increase will be contemplated. Sir, I would like to assure Mr. CHOW and therefore members of the public that the Government's fundamental responsibility is to ensure that no one is denied medical care simply because he cannot pay for it. As regards medical insurance, this is at the moment a matter between the individuals and the insurers. Whether it is going to develop further remains to be considered in the light of various other developments and improvements to the system. We are aware that there is a working party on primary health care, which is considering various aspects of funding, and the proposal which was also mentioned by Dr. IP in her Budget debate speech will not be forgotten.

MR. TIEN: Sir, in Hong Kong the spirit of free enterprise is to be treasured. But unfortunately a very small group of medical practitioners also consider themselves

to be entrepreneurs, like garment manufactures for example. Will the Government consider lifting the restrictions on non-Commonwealth doctors -- by that I mean doctors from the United States and Europe -- and allow them to practise in Hong Kong, thus offering the consumers more options, and truly letting the market forces regulate the medical and surgical fees charged?

SECRETARY FOR HEALTH AND WELFARE: Yes, Sir, I am happy to report that this is the very idea which is currently being explored with the Hong Kong Medical Council.

Gang activities in Vietnamese boat people camps

2. MR. MCGREGOR asked: Will the Government inform this Council whether gang activities have been detected in the closed camps for Vietnamese boat people (VBP) and if so what is being done to eliminate such activities?

SECRETARY FOR SECURITY: Sir, there is evidence of gang activity in some of the detention centres and refugee camps. The gangs tend to form around regional groupings. Their activities are aimed at controlling facilities within the centres. We have been aware of this problem for some time and have taken a number of measures to curb gang activities.

First, all reports of gang related crime are investigated by the police, and where sufficient evidence is available the offenders are prosecuted. In 1989 some 380 VBP/refugees were successfully prosecuted for various offences. Not all of these offences were gang related, but a significant proportion were.

Secondly, in conjunction with the United Nations High Commissioner for Refugees (UNHCR) we are endeavouring to curtail the influence of the gangs by developing a more effective representational structure in the camps. Only a very small proportion of the boat people and refugee population is associated with these gangs, and our aim is to improve trust and communication with the majority of the population in an effort to limit the influence of the gangs, and to gather evidence and intelligence on gang activities.

Thirdly, Chi Ma Wan upper centre is being converted into a segregation camp for people

who have been identified as gang members and troublemakers. The camp will become operational later this month; it should help us to break up some of the gangs and limit the influence of others.

Fourthly, both the Correctional Services Department and the police operate a policy of frequent and thorough searching of the centres for weapons and this will continue. The manufacture of weapons is a major cause for concern. In the last two years a total of about 8 000 weapons have been removed from the centres.

Although it is a small minority of the boat people and refugees who engage in criminal and gang activities, the Government is very concerned to curb such activities, and we will continue to pursue policies to that end.

MR. MCGREGOR: Sir, will the Secretary for Security consider using the military on a regular basis to relieve the pressures and strain on the Correctional Services Department and the Police Force, and if not, why not, having regard to the deep concern expressed by these departments about over-work and stress?

SECRETARY FOR SECURITY: Sir, the use of the military is not ruled out, but it would be a very major change, and it is not a decision to be taken lightly. The care of the refugees and the boat people is essentially a responsibility of the civil government, and while we are able to cope -- I believe that the Correctional Services Department and the Police Force, although they are under constraints of staff, are able to cope -- I do not believe that we would want to involve the military in this matter.

MRS. TU: Sir, is the Secretary for Security aware that in some camps the residents have put locks on the insides of the doors of their dormitories in order to keep out robbers and rapists at night, but the UNHCR has forbidden them to do so? Would the Secretary for Security, if he is not aware of that, consider this as one of the curbs on crime?

SECRETARY FOR SECURITY: Sir, I was not aware of that. I had not heard that report before. I will certainly look into that.

MR. MICHAEL CHENG (in Cantonese): Sir, will the Government consider immediately repatriating to Vietnam those boat people who have committed crimes and been convicted so as to achieve a deterrent effect?

SECRETARY FOR SECURITY: Sir, it is our policy and our wish that all non-refugees should be repatriated to Vietnam. I regret that arrangements to do this in agreement with the Vietnamese authorities are not in place. But we are continuing to try to put such arrangements in place, and when they are, it will certainly be our intention to send people back to Vietnam after they have been released from imprisonment.

MR. MCGREGOR: Sir, will convicted gangsters be barred from being considered as refugees with a chance of being accepted for immigration through UNHCR by UN-acceptor countries?

SECRETARY FOR SECURITY: Sir, I think the criteria are different. The criterion for a refugee is based upon the international convention. It is essentially based upon a well-founded fear of persecution. It is an unfortunate fact that a criminal may nevertheless have a well-founded fear of persecution on his return to Vietnam. Nevertheless, I would think that it would be a point that would be taken into account.

MISS LEUNG (in Cantonese): Sir, could I ask the Government whether the mass escapes from Vietnamese boat people (VBP) centres were a kind of gang activity in closed camps? I am referring to the case where more than 100 VBP escaped from the Whitehead Detention Centre in Sha Tin three days ago and incidentally a number of Vietnamese-related crimes were reported on that day.

SECRETARY FOR SECURITY: Sir, I believe that some escapes, though by no means all escapes, are related to gang activities.

MRS. FAN: Sir, to act on information from witnesses to certain crimes is usually one

of the best ways of apprehending gang members. Could the Secretary for Security tell us whether he is confident that the protection of witnesses within the detention centres and refugee camps is satisfactory enough to encourage people to come forward as witnesses against criminal activities within the camps?

SECRETARY FOR SECURITY: Sir, there is no doubt that a certain amount of intimidation does take place within the camps and that as a result witnesses are often reluctant to come forward. Nevertheless, we will do all we can to encourage and protect witnesses. If we believe that a witness has a genuine fear of retaliation, we would consider moving him or her to a safer camp.

MR. TAI: Sir, discounting prejudice against any particular race or group, could I ask the Secretary whether a prison sentence is appropriate for an offender living in a closed camp because it will neither have a reformatory nor a deterrent effect? And furthermore, with the growing number of weapons discovered in the closed camps, is there something seriously wrong with the security or the management of these camps?

SECRETARY FOR SECURITY: Sir, I believe that imprisonment or separate confinement does have a deterrent effect. It removes an offender from free association with their families and their peers. As such, it also removes gang members from the camp, and this assists in controlling gang activities within the camp. As regards the second part of the question on weapons, this is, as I said, a major cause for concern, and we will continue to do all that we can, through frequent and regular searches of the camps, to remove weapons and to prosecute those who are found using or threatening people with weapons.

MR. MICHAEL CHENG (in Cantonese): Will the Government inform this Council whether gang activities relating to drug-trafficking and prostitution are serious within VBP closed camps? Has the Government taken any action to stamp out such activities?

HIS EXCELLENCY THE PRESIDENT: That goes rather further than the original question and the answer, and should better be put down as a separate question.

MRS. LAM (in Cantonese): Sir, the Secretary has mentioned that a total of 8 000 weapons have been discovered in the centres over the past two years. Will the Government inform this Council what effective measures can be taken to prevent the making of weapons by boat people in the centres?

SECRETARY FOR SECURITY: Sir, I think that this is the whole crux of the problem. What we need to do is to try to engender a spirit of trust and co-operation between the management of the centres and the inmates. This is not an easy job and it is something which I have to confess we have not been entirely successful at. But as I said, we are doing all that we can to remove the weapons. With the opening of Chi Ma Wan Upper Camp, we hope to be able to remove some of the troublemakers. We want to improve the services and the occupation of the inmates in these camps because we believe that idleness is a major contributory factor to gang activities. And we want to improve the representational system and our means of communication with the inmates. We will do all that we can to pursue these things, which we think will help to engender that spirit of trust and co-operation which is essential if these camps are to be run properly.

Radio frequencies

3. MR. CHEUNG YAN-LUNG asked (in Cantonese): As a result of the recent change in the frequencies of Hong Kong radios, complaints have been received from the local fishermen that they cannot receive the South China Coastal Waters Weather information when outside the Hong Kong territorial waters, thus adversely affecting not only their fishing operation but more importantly their life and property. Will Government inform this Council of the reasons leading to such a situation and what steps have been or will be taken to improve the radio transmission?

SECRETARY FOR HOME AFFAIRS: Sir, prior to the radio frequency re-allocation exercise in December 1989, South China Sea Coastal Weather Information was broadcast by Radio Television Hong Kong (RTHK) on two AM channels and by Hong Kong Commercial Radio on one AM channel. Fishermen operating close to shore could also receive the information from RTHK's two other FM channels.

As far as AM frequencies are concerned, no change has been made to RTHK following the radio frequency re-allocation exercise, and fishermen can therefore still tune in to the same frequencies for Weather Information as they did in the past. The only change has been that one of the frequencies now carries a different programme content. Hong Kong Commercial Radio, on the other hand, now uses its AM channel to broadcast in English and therefore no longer provides Weather Information in Cantonese. Fishermen operating close to shore can still receive Weather Information on FM channels of both stations.

Sir, the radio frequency re-allocation exercise was given extensive media publicity prior to its implementation and special information on South China Coastal Weather Information broadcast was sent to all the fishermen associations. RTHK will send a further letter to all fishermen associations and will in addition broadcast radio trailers on all AM and FM channels to explain the arrangements. In addition, new transmitters have been installed in March this year to improve the quality of the two AM channels involved. Further improvements will take place when new masts are installed later this year.

MR. CHEUNG YAN-LUNG (in Cantonese): In addition to fishermen, residents in the New Territories have also encountered difficulties in receiving radio broadcasts. Could I ask, since the radio frequency re-allocation exercise, how many complaints of this kind have been received and where most of these complaints came from? Would the Administration consider reverting to the old arrangement so as to improve the radio transmission?

HIS EXCELLENCY THE PRESIDENT: That goes off at a slight tangent from the original question, but I will give the Secretary a chance to answer it.

SECRETARY FOR HOME AFFAIRS: Sir, we have had complaints via newspapers and callers to the radio about the difficulty of receiving the new frequencies. It is not that the new frequencies are in any way deficient; it is rather that people are not used to the new frequencies. And following the introduction of the new frequencies, RTHK has held five press conferences, distributed 13 000 posters, issued 100 000 stand cards, 15 000 pieces of stickers, 107 000 pamphlets and repeated the information on the new arrangement on the radio 8 500 times. I think people are getting used to

the new frequencies which are, of course, far superior to the old arrangement.

MR. ANDREW WONG (in Cantonese): Could I be informed of the reception ranges of AM and FM frequencies? As regards the co-broadcast of RTHK1 (FM) and RTHK5 (AM), is the magnitude of the signals the same as that of the old frequency for Radio 1?

SECRETARY FOR HOME AFFAIRS: Sir, it is getting rather technical but I will try to answer the question. We have done an investigation. The furthest that the AM signal from RTHK could reach is 160 nautical miles where the signal is said to be good, and within 100 nautical miles the signal is said to be perfect. As far as FM frequencies are concerned, it works a bit like television signals. They work on line of sight, although reflected signals can also be received. And they do not travel very far. However, for each radio station, we have allocated seven FM frequencies located in different parts of Hong Kong, Kowloon, and the New Territories. So it is the position that every part of the territory can now receive at least one, if not more, of these frequencies. I think, Sir, as I said earlier on, this is a much improved service.

MR. TAI: Sir, would the Secretary advise what the rationale behind the changes is? Is it for better efficiency or for a better mode of services?

SECRETARY FOR HOME AFFAIRS: Sir, prior to the change, many pockets in Hong Kong were in shadow areas; signals just could not reach them. And we have also, through this change, managed to improve the quality of broadcasts because AM signals, while they travel far and wide, are subject to interruptions, such as by neon lights, motor-cycle spark plugs, fluorescent tubes and so on. FM signals on the other hand are purer and not subject to interference, and by installing seven frequencies for each station we are now able to provide a very good FM service, Sir.

MR. ANDREW WONG (in Cantonese): The Secretary might not have answered the second part of my question. Could I ask whether the magnitude of the AM signals for the previous RTHK1 is the same as that of the present RTHK5? The Secretary has only mentioned that the change of programme content might have made fishermen lose interest in tuning into these programmes. But some fishermen have complained that in locations

moderately distant from the territory, they have not been able to receive RTHK5 and therefore cannot tune in for weather information. Could I ask whether the magnitude of the signals has weakened?

SECRETARY FOR HOME AFFAIRS: Sir, it is so technical that I had better answer in English. RTHK 1 is now broadcast on FM, and therefore there can be no comparison between RTHK 1 and RTHK 5. RTHK 5 is being broadcast on 783 KHz which is the same frequency as was used previously in broadcasting fishermen's weather information. I think the confusing thing is that RTHK 1 has become RTHK 5 but using the same frequency on the AM channel. I hope I have now answered Mr. WONG's question.

MR. ANDREW WONG (in Cantonese): Sir, let me explain that the previous RTHK1 was broadcast on AM but the present RTHK1 is broadcast on FM. In the past, fishermen received RTHK1's broadcast in an AM channel. The reception range of AM frequencies is very wide and the Secretary just said that AM signals could furthest reach 160 nautical miles. But only RTHK5 is now broadcast on AM. Nevertheless, some fishermen have complained that even in moderately far-off locations, they have been unable even to receive RTHK5. Could I ask whether the magnitude of the signals has weakened?

SECRETARY FOR HOME AFFAIRS (in Cantonese): In simple terms, the present RTHK5 is the then RTHK1. In terms of frequency and magnitude, there is no difference between the present RTHK5 and the previous RTHK1. Therefore, fishermen would not be put at a disadvantage when receiving weather information.

Air guns

4. LEUNG WAI-TUNG asked (in Cantonese): In view of public concern over the availability of air guns in the market which are capable of inflicting bodily injuries, will Government consider taking any measures to tighten existing control over air guns?

SECRETARY FOR SECURITY: Sir, I believe that existing legislative controls are adequate, and that it is not necessary to impose further controls on air guns at

present.

An air gun with a muzzle energy greater than two joules is subject to licensing control under the Firearms and Ammunition Ordinance in the same manner as other firearms. An air gun with a muzzle velocity of less than two joules is not subject to licensing control. The limit of two joules is the point where the force of an air gun pellet is sufficient to penetrate human skin.

The police regularly monitor the sale of air guns. The muzzle energy of most such guns is in the range of 0.4 to 0.6 joules which is substantially below the two-joule limit.

MISS LEUNG (in Cantonese): Sir, the same muzzle energy may inflict varying degrees of injury depending on the distance of the shot. Pistols with muzzle energy below the imposed limit of two joules may become lethal weapons if they are fired at close range. Moreover, control on muzzle energy of air guns is much more lax in Hong Kong than in other countries or the United Kingdom where a safety limit of 0.5 joules is imposed. In view of this, could the Government inform this Council why our safety standard is set at such a low level?

SECRETARY FOR SECURITY: Sir, clearly, yes. An air gun pellet fired from a shorter distance would inflict more injury than one fired from a further distance. However, as I said, it is unlikely that an air gun pellet fired would cause significant injury within the limits that we now impose. This is not to say that no injuries could be caused. Of course, an air gun could cause injuries, as indeed can many other toys and other everyday objects if they are improperly used. But the number of reported injuries is very small. I do not think it is true to say that our legislation in Hong Kong is significantly more lax than those in other countries. I do not believe that the United Kingdom has any control on air guns, whatever their muzzle velocity.

PROF. POON: Sir, since the penetrating power of air gun pellets may depend on a number of factors, would the Secretary feel comfortable in using muzzle energy as the only criterion for licensing control? If not, would the Government consider reviewing the licensing control criteria?

SECRETARY FOR SECURITY: Sir, it would of course be possible to introduce additional controls, but I do not believe that the amount of enforcement effort required would be justified by the size of the problem itself. Although we do not have exact statistics for past years, I am assured that the number of injuries reported from air guns are very few and that such incidents have been extremely rare. There have so far this year been two reported injury cases, both of them minor. I do not think that the incidence of injury requires major change in our controls.

MR. MICHAEL CHENG (in Cantonese): Sir, at present it is very easy to increase the muzzle energy of an air gun to a higher and indeed dangerous level. And licensing is not required for such converted items. Could I ask what action the Government is going to take to prevent or tackle this problem?

SECRETARY FOR SECURITY: Sir, I am told that it is possible to increase the muzzle energy by using compressed air. If anybody did that to increase the muzzle velocity over the limit of two joules, that gun would then become a firearm which would fall under the Firearms and Ammunition Ordinance, and it would require a licence. The police routinely check shops selling toy guns to ensure that their stocks do not include any item that has a muzzle energy of over two joules, and that falls within the controls of the Firearms and Ammunition Ordinance.

MR. MCGREGOR: Sir, would the Secretary advise whether, in view of the fact that air pistols are sometimes used, these have been used in holdup cases, and whether, if they have been so used, they are considered to be imitation firearms, or actual firearms within the meaning of the Ordinance? Can I also draw attention to the fact that these pistols are extremely dangerous, no matter what the energy and muzzle velocity, to the eyesight, and I wonder how many cases there are of blindness caused by such firearms?

SECRETARY FOR SECURITY: Sir, if an air pistol was a replica firearm, what the police refer to as "a pistol-like object", then it would be covered by the Firearms and Ammunition Ordinance, and there would be severe penalties for its use in robberies or similar crimes. I do not, I am afraid, immediately have statistics available of the number of times that particular sort of weapon has been used in crimes.

As I have said, the numbers of cases of reported injuries have been very very few. We do not have available accurate statistics and details of such cases in the past. There have been two such cases this year, and both of them involved minor injuries. Clearly it is something which we will keep under review and if there was a major problem then we would consider further control.

MISS LEUNG (in Cantonese): Sir, does the Government consider it necessary to introduce, through legislation, a mandatory requirement that instructions to users in both English and Chinese should go with air guns to ensure safety?

SECRETARY FOR SECURITY: Sir, I doubt if that is something on which it would be necessary to legislate, but I can see the validity of the argument that adequate instructions should be available in both languages. And I think that is something that we could consider to see if we could have it done by some sort of voluntary regulation.

MR. MICHAEL CHENG (in Cantonese): Sir, some air guns already bear labels giving clear indication that they are for users aged 18 or above only. However retailers, who are after profit, simply ignore the warning. The result is that young people under the age of 18 can easily acquire such items. Will the Government therefore consider strengthening control in this respect?

SECRETARY FOR SECURITY: Sir, I do not believe that we have or impose any controls on age limits. As I understand it, the limits that we impose of two joules are not related to anybody's age. I have not heard of this restriction as to suitability for anybody under the age of 18, but I will follow it up.

Rural Planning and Improvement Strategy

5. MR. TAI asked: With reference to the approval by Government in 1989 of the New Territories Rural Planning and Improvement Strategy with an estimated cost of more than \$4,400 million to be spent on a rural improvement works programme and small-scale community facilities for rural residents over a 10-year period, will Government

inform this Council:

(a) whether detailed works programmes have been drawn up and of the criteria on which the priorities for implementing these works are based; and

(b) of details of the works projects for the years 1989-90 to 1994-95, and the estimated commitments relating thereto?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, a list of works programmes for each district covering the years 1989-90 to 1993-94 has indeed been drawn up and is attached to the written version of this reply. It is too long to recite, but it includes the provision and improvement of village access roads and footpaths, the provision of sewers and sewage treatment plants and village improvements and development schemes. There are no fixed criteria for priorities, but the Rural Development Steering Committee, on which the Heung Yee Kuk will have three representatives, will determine the priorities for implementation. The first meeting of the steering committee is scheduled for mid-May.

A detailed list of works for 1994-95 has not yet been drawn up.

PROPOSED DISTRICT BASED RPIS PROGRAMME

(A) North West New Territories District

Item No.	Location	Proposed Works	Estimated Cost (\$ Million)
1	Mei Po Tsuen	Village development and improvement works	35.00
2	Ha Chuk Yuen	"	26.00
3	Pok Wai Tsuen	"	28.00
4	Sheung Chuk Yuen	"	14.00
5	Wong Uk Tsuen	"	31.00
6	San Lung Tsuen	"	22.00
7	Tong Yan San Tsuen	"	10.00
8	Tin Ha Road, Ha Tsuen	Drainage improvements	3.00
9	Nam Bin Wai to Wong Uk Tsuen,	"	4.00

Shop Pat Heung

10	Kam Tin River, Kam Tin	"	45.00
11	Pok Wai, San Tin	"	20.00
12	Mai Po, San Tin	"	15.00
13	Tung Chun Wai, San Tin	"	25.00
14	Yau Tam Mei, San Tin	"	20.00
15	Ha Che Tsuen, Pat Heung	Reconstruction of van track	1.30
16	Yuen Kong San Tsuen, Pat Heung	"	0.90
17	Mong Tseng Wai, Ping Shan	"	1.80
18	Kam Tin River area	Rural access improvement works for livestock waste control programme	9.90

PROPOSED DISTRICT BASED RPIS PROGRAMME

(B) Tuen Mun District

Item No.	Location	Proposed Works	Estimated Cost (\$ Million)
1	Chung Uk Tsuen	Development of open space and amenity area	1.00
2	Sun Fung Wai and		2.00
3	Tsing Chuen Wai	Drainage improvements	Nai Wai " Not available
4	Yick Yuen	" "	
5	Tseng Tau Chung Tsuen	" "	
6	Chung Shan	" "	
7	Siu Lam	" "	
8	Lam Tei Main Street	Reconstruction of a market and relocation of a RCP	"
9	Wo Ping San Tsuen	Construction of a sitting-out area and a playground	"
10	Lam Tei	" "	

11	Luen On San Tsuen	Construction of sitting-out area	"
12	Yick Yuen	" "	
13	To Yuen Wai	" "	
14	Fuk Hang Tsuen	Construction of a sitting-out area and a playground	"
15	So Kwun Wat	Construction of a sitting-out area	"
16	Siu Lam	Reconstruction of van track	0.50
17	Tai Lam Chung	Reconstruction of vehicular bridge	Not available

PROPOSED DISTRICT BASED RPIS PROGRAMME

(C) North East New Territories District

Item No.	Location	Proposed Works	Estimated Cost (\$ Million)
1	River Indus near Wa Shan, Sheung Shui	Drainage improvements	Not available
2	River Ganges near Ta Kwu Ling	" "	Chow Tin,

Item No.	Location	Proposed Works	Estimated Cost (\$ Million)
3	Sai O, Nai Chung, Cheung Muk Tau and Kwan Hang	Servicing and minor formation	16.50
4	Ying Kong	Improvement of sewage disposal	0.80
5	Tai Po Mei, Tai Po	Improvement of villages access	1.80
6	Ying Kong, Fanling	Improvement of van track	1.80
7	Ying Kong to Tin Kwong Po	Extension of van track	2.00
8	Lin Au	Reconstruction of access road	3.00
9	Woon Yiu	"	Not available
10	Yung Shu Au via Sham Chung to	Construction of a new access road	27.00

- Lai Chi Chong
- 11 San Tsuen, Lam Tsuen Construction of van track Not available
 San Tong, Lam Tsuen connecting these village with
 Lung Ah Pai, Lam Lam Kam Road
 Tsuen Chai Kek, Lam
 Tsuen She Shan,
 Lam Tsuen Tin Liu Ha,
 Lam Tsuen
- 12 Shui Wo, Lam Tsuen Upgrading of existing footpath "
- 13 Ho Sheung Heung Van track & drainage 0.60
 improvements
- 14 Kam Tsin Construction of van track 0.60
- 15 From Kai Keuk Shu Ha " 35.00
 to Sam Ah via
 Fung Hang,
 Kuk Po, Yung Sha Ah,
 So Lo Pun, Lai Chi Wo,
 Sha Tau Kok
- 16 River Indus Area Rural access improvement works 3.88
 for livestock waste control
 programme
- 17 Tolo Harbour and " 2.04
 channel
- 18 Upper Sham Chun River " 2.26
- 19 Ma On Shan Village Improvement to access road Not available

PROPOSED DISTRICT BASED RPIS PROGRAMME

(D) South West New Territories District

Item No.	Location	Proposed Works	Estimated Cost (\$ Million)
1	Lo Wai, Lantau	Drainage improvements	Not available
2	Tai Long Wan, Lantau	Construction of pier	1.5
3	Pui O, Lantau	Village improvements	3.0
4	Pui O, Ham Tin,	Construction of sewage Cheung Sha and Tong treatment plant and Fuk at South Lantau sewer mains	26.0

5	Yung Shue Wan, Lamma	Construction of sewage treatment plant	11.0
6	Sok Kwu Wan, Lamma	"	11.0
7	Sha Lo Wan to Chung, Lantau	Construction of van track	14.0
8	From Sok Kwu Wan to Yung Shue Wan, Lamma	"	12.0
9	Upper Keung Shan, Tai O	Upgrading the van track	2.0
10	Sham Shek Wan, Lantau	"	0.5

PROPOSED DISTRICT BASED RPIS PROGRAMME

(E) South East New Territories District

Item No.	Location	Proposed Works	Estimated Cost (\$ Million)
1	Villages in Sai Kung District	Formation of village expansion areas	Not available
2	Major settlements in Sai Kung (village cluster in Po Lo Che area)	Provision of sewage disposal facilities	"
3	Pak Shek Wo New Villages	Reconstruction of road	0.50
4	Tai Long Village	Construction of van track	Not available
5	From Hiram's Highways to Hing Keng Shek Village	Upgrading of van track	"
6	Tai Mong Tsai Road to Lam Ah and Wo Liu Villages	Construction of van tracks	2.00
7	Tai Mong Tsai Road to Muk Min Shan	Upgrading of access road	Not available

MR. BARROW: Sir, as some villages are contained within country parks, can the Secretary confirm that the various improvements take into account the need to maintain the attractiveness of these areas to both local visitors and foreign tourists alike?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, they will.

MR. LAU WONG-FAT (in Cantonese): Sir, there will only be \$400 million allocated for the New Territories RPIS programmes within the next five years. Will the Government inform this Council if this indicates that the original plan to spend an estimated \$4.4 billion over a 10-year period has been changed? If not, does the Government intend to spend the remaining \$4.4 billion under the original plan within five years after 1995?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the Rural Planning and Improvement Strategy was drawn up as a 10-year programme. At the time it was drawn up it was very badly needed, and already one would have wished a great deal more to have been spent. The first allocation of around \$400,000 in the first five years was the allocation as foreseen at the middle of last year. Whether in fact more will be able to be added to it in the course of the next five years will be seen. Certainly, we will be looking for more. The amount which will be allocated throughout the 10-year period will, however, have to take account of all the other things that are going on. And it will be a yearly exercise to see just what we will be able to provide for this programme, and how we are to spend it. I hope that in the course of the next year or so we will be able to develop programmes and systems which will allow rather more private investment in the scheme to be brought in in connection with development. It would be a logical development from the scheme. The answer to the final part of Mr. LAU's question is that it is not a sum of \$4 billion which is allocated to this and therefore if it is not spent in ten years the remainder would be allocated in subsequent years; it is more a figure which defines our ambitions in this direction and which we hope we will make all the effort to secure one way or another. We will, both through the public sector and the private sector, do all we can to improve on the scale envisaged.

MR. ANDREW WONG (in Cantonese): Sir, if any members of the public or villagers wish to express their views on government works programmes, can the Secretary inform this Council in what ways their views can be incorporated in the RPIS so that the amount allocated for urgent rural improvements can be used within 10 years?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the normal consultative machinery would be very suitable for this purpose. For instance, they could bring their proposals to the district board. There is, of course, another avenue through which they might in fact inform the Administration, and that is, of course, through the Steering Committee, and perhaps through Heung Yee Kuk representatives on the Steering Committee. Of course, they can also bring their suggestions direct to the Government. So there are plenty of avenues for suggestions and they will be considered.

MR. TAI: Sir, may I ask how deeply Government is committed to this Rural Improvement Strategy, because one year ago a consultative paper came up and said that Government was committed to spend \$4 billion, and then today the Secretary is telling this Council it is an ambitious figure? How committed is Government to this project financially?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, neither of the quotations made by Mr. TAI seem to be absolutely accurate. The Government's programme was indeed estimated at \$4.4 billion in all on the basis of the kind of rough estimate one can make at the beginning of a 10-year period. There is no possibility of getting into a commitment. I mean it takes a voting from this Council to get into a commitment of that kind. And I did not believe that it was ambitious a moment ago; I do not remember saying that it was an ambitious programme. I said that this was a very important programme, but I think that was about all that I said.

MR. ANDREW WONG (in Cantonese): Sir, the so-called "rough estimates" are usually under-estimates. In other words, this 10-year RPIS programme would actually cost us more than \$4.4 billion. If the Secretary is willing to consider including some works projects positively proposed by the rural committees and Heung Yee Kuk, to make the programme schedule more substantial, would it not be a more effective way for the remote areas in the New Territories to get fair treatment?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, Mr. WONG is absolutely right. It may well be that ideas will come which will make this a bigger programme. And if the ideas come in from the public they may be better than some of the ideas which

have been considered by Government, and there will be ample opportunities to consider and change.

Armed robberies

6. MR. LAU WONG-FAT asked (in Cantonese): In view of the increasing violence of armed robberies at jewellery shops, which very often lead to innocent passers-by being injured, will Government inform this Council what special measures are taken to combat this type of serious crime in order to ensure public safety?

SECRETARY FOR SECURITY: Sir, in addition to normal beat patrols, further police coverage of jewellery shops is provided by the Police Tactical Unit and other mobile patrols, all of which are highly visible, in order to deter armed robberies. Plain clothes policemen are also deployed in areas where there are large numbers of such premises.

The Police Crime Prevention Bureau regularly gives advice to all goldsmiths and jewellery shop proprietors. Quarterly meetings are held with the Goldsmiths and Jewellery Shop Operators Association, and all premises are visited and advised on precautions, particularly during festive periods such as Christmas and the Lunar New Year. In addition, shops are visited by crime prevention officers with a view to identifying weaknesses in security systems and advising on the installation of appropriate security devices.

MR. LAU WONG-FAT (in Cantonese): Sir, has the Administration sought co-operation from the public security authorities of China in combating the smuggling of firearms into Hong Kong as well as intercepting and tracking down mainland criminals who sneak into the territory to commit robberies? Moreover, has the Administration considered making it compulsory for jewellery shops to strengthen their security measures?

HIS EXCELLENCY THE PRESIDENT: That was two slightly different questions. Can I encourage Members to keep their supplementaries to a single point?

SECRETARY FOR SECURITY: Sir, the police and the Customs and Excise Department have close liaison with the law enforcement agencies of other countries, including China, to prevent gun smuggling. Quite a large number of illegally imported or converted weapons have been seized in recent years -- 58 weapons in 1988, 113 weapons in 1989, and 28 weapons in the first four months of this year. Sir, I think that there is effective co-operation between law enforcement agencies of Hong Kong and China in relation to the smuggling of guns, as indeed there is in the prevention of illegal immigration.

With regard to the second part of the question, I do not think this is something on which we would wish to legislate at present at any rate. As I said, we have good co-operation between the police and the owners of the shops and their associations. The police and, indeed, private security firms advise on security measures, and these are by and large taken seriously by the proprietors. It is something in which the insurance industry has a role to play, and I believe that they have a very positive influence in ensuring that security measures are kept up to standard. I do not think that this is something on which regulation is necessary at present.

MISS LEUNG (in Cantonese): Sir, has the Government given sufficient directive to police officers on how to avoid, as far as possible, hitting passers-by during exchanges of fire?

SECRETARY FOR SECURITY: Yes, Sir. The police training for all operational officers in the use of firearms at the moment consists of three firing-on-range courses each year. This at the moment is considered adequate. However, the police do wish to increase gradually firearm training both for new recruits and for officers already serving. They are being provided with newly designed shooting ranges at both Police Headquarters and New Territories Regional Headquarters, and the emphasis on these ranges will be on improving the individual officers' reactions and rapid, accurate firing, which I think is where improvements are necessary if the safety of the public is to be ensured.

MR. MCGREGOR: Sir, since these jewellery shops are natural targets for robbers -- and I come back to the question which has been partially answered by the Secretary -- can the Government and the insurance industry not establish specific security rules which must be followed if the shop is to be insured, for example, armed guards are

usually in a very vulnerable position at the door and are the first to be knocked off?

SECRETARY FOR SECURITY: Sir, I believe that in practice there are quite well laid down and understood guidelines for these shops for the insurance requirements. I think the second part of the question perhaps goes slightly beyond that; it is a question perhaps of the training of the security guards themselves. This is something which we are now considering. The Fight Crime Committee is considering the regulation of the security industry as a whole which would, in proposals coming out of that, include the licensing of all security guards and minimum standards of training and so forth. So this is something which we are looking at.

MR. EDWARD HO: Sir, I would like to follow on from the Secretary for Security's reply to the questions asked by Mr. LAU and Mr. MCGREGOR. Since the close co-operation between the police and the jewellers that he mentioned has apparently produced little results, would the Administration advise this Council whether it would re-assess its view on this matter, that is to say to impose a minimum security system on jewellery shops?

SECRETARY FOR SECURITY: Sir, I do not think it would be right to say that the existing co-operation has produced no results. It is, of course, impossible to prove what would have been the result if there had been no co-operation. But certainly, if the security precautions had been left entirely to the shops with no co-operation between the police and the shopkeepers, the security industry and the insurers, I would guess that we would have had a lot more armed robberies. So I do not think it would be true to say that this co-operation has had no results. At the same time I am sure that co-operation can always be improved, and that that is something which the police will take up with the industry. I do not believe that at present there is a requirement for the Government to regulate and impose minimum standards.

MR. PAUL CHENG: Sir, will the Administration advise this Council what the major causes of injury to innocent passers-by have been? For example, is it more from the stray bullets coming out of the guns of the police, or from the robbers?

SECRETARY FOR SECURITY: Sir, I am afraid I do not have available any figures on injuries to passers-by in robbery incidents. I will give a written reply. (Annex I) But I would say that I believe that the police are well trained and that the cases in which injuries to innocent passers-by result from their use of firearms are very few.

Judicial Service Commission

7. MRS. TU asked: In the light of recent public report concerning the recommendation of the Judicial Service Commission on a particular appointment to the High Court, will Government inform this Council what action has been taken to establish whether confidential information concerning the Commission's recommendation has been improperly disclosed contrary to section 11 of the Judicial Service Commission Ordinance (Cap. 92), and whether any persons have improperly attempted to influence the decision of the Judicial Service Commission as to its recommendation, contrary to section 12 of the same Ordinance?

CHIEF SECRETARY: Sir, the Judicial Service Commission is responsible for advising the Governor on judicial appointments. Communications between the Commission and the Governor on such matters are confidential by reason of section 11 of the Judicial Service Commission Ordinance as pointed out by Mrs. TU.

There has been recent press speculation about advice given by the Judicial Service Commission in a particular case. A question which seeks to ascertain whether statements in the press are accurate does not conform with the rules set out in Standing Order 18(1)(i) of this Council, and I am unable to comment therefore on these reports. Nor am I able to say whether any investigation is being made in relation to the disclosure of information, since an acknowledgement that enquiries were being undertaken could lend credence to the assertions in those reports. I am sorry, Sir, that I cannot be more helpful to Mrs. TU.

As to the second part of the question, it is an offence by reason of section 12 of the Ordinance for a person, otherwise than in the course of his duty, to attempt to influence the Judicial Service Commission. The Chief Justice, who is Chairman of the Commission, informs me that, to the best of his knowledge, no such attempt

has been made either in the case referred to, or in any other case. If such an attempt were to be made then, of course, appropriate action would be taken.

MRS. TU: Sir, would the Chief Secretary confirm that in respect of judicial appointments the public interest is of paramount importance, that the Judicial Service Commission alone, and no other person or body, has the constitutional duty to make recommendations to His Excellency the Governor, and that any breach of section 11 or 12 of the Ordinance will be liable to prosecution, no matter who the offender may be?

CHIEF SECRETARY: Yes, Sir, I can indeed confirm that the Judicial Service Commission is the only body charged under the Judicial Service Commission Ordinance with the duty to advise the Governor with regard to the filling of vacancies in the judicial offices, and a serious view is taken of any breach of the Ordinance.

Juvenile offenders

8. MR. MICHAEL CHENG asked (in Cantonese): In view of the increase in juvenile gangster activities in recent years which have caused nuisances to residents, and the fact that in the past three years the number of juvenile offenders aged between 7 and 20 made up more than one-third of the total number of criminal offenders in Hong Kong, will Government inform this Council of the causes leading to such a situation, and the measures which will be taken to prevent the situation from worsening?

SECRETARY FOR SECURITY: Sir, I believe that among the causes of the increase in crime by juveniles and young persons in recent years are the temptations of an increasingly affluent society, a decline in parental control and responsibility, and a decline of self-discipline among young persons.

Positive measures are taken to monitor and contain the level of juvenile crime. The measures taken to counter juvenile crime include:

(a) regular school visits and lectures by District Police School Liaison Officers;

- (b) seminars for school principals and teachers on crime and triad activities;
- (c) the involvement of young persons in Junior Police Call activities; and
- (d) warnings against involvement in crime through educational films, pamphlets, and Announcements of Public Interest on television.

These measures are regularly reviewed to ensure their effectiveness.

The Fight Crime Committee has also given a great deal of attention to the problem of juvenile crimes. Its Standing Committee on Young Offenders advises on ways of preventing young people from involvement in crime. The Committee has also placed the emphasis on young persons in its fight crime publicity campaign. The anti-triad campaign, which aims to encourage the public to report all aspects of triad activities, is primarily directed at young people to prevent them from being recruited into triad societies. In addition, the recent publicity campaigns have given special attention to shop theft and juvenile hooliganism. The aim is to dissuade youngsters from involvement in crime and to remind parents of the importance of parental care and control.

MR. MICHAEL CHENG (in Cantonese): Sir, in view of the fact that juvenile gangster activities which cause nuisances to nearby residents are on the increase in public housing estates, especially in the housing estates where redevelopment programmes have begun and in new towns like Tuen Mun where the situation is even worse, will the Government inform this Council how the Royal Hong Kong Police Force and the Housing Department are going to step up measures to eliminate such activities?

SECRETARY FOR SECURITY: Sir, I have referred to some of the measures that we are taking to try to prevent juveniles and young persons from engaging in crime. These measures are regularly reviewed. And if it is necessary to change their emphasis, we will certainly do so. In addition, I think that the responsibility for dealing with crimes in housing estates and new towns as anywhere else is a matter of normal policing; and if there are particular problem areas, then the police will give them appropriate attention.

MR. DAVID CHEUNG: Sir, since one of the causes of juvenile crime is a decline in parental control and responsibility and the measures taken to counter it do not aim directly at parents, will the Secretary inform this Council whether parental responsibility in this area can be enhanced by charging or penalizing parents for crimes committed by their under-age children?

SECRETARY FOR SECURITY: Sir, sanctions against parents, or indeed against guardians, are provided for in the law, in the Juvenile Offenders Ordinance, in the Protection of Women and Juveniles Ordinance, and in the Magistrates Ordinance. In general these provisions empower a Magistrate to order the parents or guardians of that child to pay a fine, damages, or costs. However, in practice these powers have been rarely exercised.

MR. EDWARD HO: Sir, along the same line of juvenile delinquency as a result of a decline in parental control, will the Secretary please advise this Council what the Government is doing in regard to better and more extensive parental education for both parents and young people?

SECRETARY FOR SECURITY: Sir, I think that particular part of the problem has been addressed in previous years in publicity campaigns organized by the Government and the Fight Crime Committee. It is certainly something that can be considered again. But, in addition, I would like to say that the police themselves have established a committee to look in detail at the problem of crime by juveniles and young persons. They have particularly tried to look into the problem by identifying and advising parents of their responsibilities in this matter.

HIS EXCELLENCY THE PRESIDENT: Does the Chief Secretary have anything to add to that?

CHIEF SECRETARY: If I might say a word, as the chairman of the Fight Crime Committee, that we are very concerned -- as Members are -- about the rise in juvenile crime in Hong Kong. It is a major subject which will be addressed in our next meeting. We have a paper from the Commissioner of Police which addresses many of the points which

have been raised by Members, and I will undertake to report to this Council in due course.

MR. POON CHI-FAI (in Cantonese): Sir, it seems that Government's measures have focused only on schools and teachers. Will the Government inform this Council whether it will, besides liaising and holding seminars with school authorities, consider strengthening liaison work and holding seminars, as mentioned in sub-paragraph 2(b) of the main reply, with Mutual Aid Committees and Owners' Corporations in respect of the above problem? It is because, in my past and recent contacts with them, they had lodged the same complaint, claiming that it was one of the serious problems in their districts?

SECRETARY FOR SECURITY: Sir, I do not think it would be true to say that our activities are directed solely at schools and teachers. Our publicity and our efforts are directed mainly at young people, though they are also directed at teachers and parents as well. But I take Mr. POON's point about involvement of other organizations and members of the community. I think that this is probably something which the District Police Liaison Officers will be very willing to follow up and I will certainly ask them to do so.

MR. TAI: Sir, in dealing with young offenders, the right approach should be re-education; failing that, deterrent measures can be used. May I ask if the Social Welfare Department can work closely with the police to form some sort of practical supervision in terms of areas or regions to supervise young offenders?

SECRETARY FOR SECURITY: Sir, I believe that there is very good liaison among the various departments involved in this problem. They include the police, the Education Department and the Social Welfare Department. In part that very good liaison is maintained by the Fight Crime Committee. I do not know whether the Secretary for Health and Welfare would like to say anything more about the involvement of the Social Welfare Department?

HIS EXCELLENCY THE PRESIDENT: Secretary for Health and Welfare, do you wish to add anything?

SECRETARY FOR HEALTH AND WELFARE: Yes, I would like to add that another effort is by reinforcing the very good relationship between the Social Welfare Department and the correctional services institutions. They have in fact installed the Young Offenders Assessment Panel in order to help the Courts to decide where the young people ought to go in order to receive training. The Social Welfare Department of course looks after the youngsters. Apart from the correctional side, I would also like to say that the social workers of the Social Welfare Department and the subvented agencies are doing brave work in trying to help the young people before they go into delinquency. In fact, a number of schemes run jointly by the Social Welfare Department and the voluntary sector are aimed at helping the young people to become worthwhile citizens of Hong Kong. We do not only help the young people; we also help the parents through family life education. In fact the social workers do a lot of publicity work through joint projects in the children and youth centres with not only the parents but also volunteers. We are now in the process of looking ahead to the future through the White Paper Working Group which is currently addressing the problem on how to even better our service.

MR. MICHAEL CHENG (in Cantonese): It has been several years since the Royal Hong Kong Police Force introduced the Superintendent's Discretion Scheme for curbing juvenile delinquency, but so far it has not been effective. So should the Government review the scheme in order to prevent it from being abused, and refer all the cases to the Court for adjudication, so as to increase the deterrent effect on young offenders?

SECRETARY FOR SECURITY: Sir, certainly that scheme will be kept under review. I do not believe it has been abused so far. I believe that it offers a useful element of flexibility in our treatment of first-time minor offenders.

MRS. TAM: Sir, the reply from the Secretary indicated that the publicity campaign gives special attention to shop theft. Can the Secretary inform this Council whether improvement can be found in the last two years on the problem of shop theft committed by youngsters?

SECRETARY FOR SECURITY: Yes, Sir, I hope so. The number of property crimes, as a

general point, has decreased quite significantly between 1987 and 1989. These property crimes are essentially burglary and theft by young persons. They totalled 1,504 in 1987; and that number had dropped significantly to 1,156 in 1989. There was a significant decrease in shop theft by young persons from 704 offences in 1987 to 380 in 1989. I think that a good part of that improvement must be attributed to the publicity campaign.

Written answers to questions

Overcrowding in public housing estates

9. MR. MARTIN LEE asked: In view of the overcrowding conditions which still exist in some public housing estates, will Government inform this Council :

(a) of the total number of households occupying a living area of less than 3.25 square metres per person in public housing estates throughout the territory as at the end of February this year;

(b) of the number of households living under such overcrowding condition in each public housing estate; and

(c) whether the Housing Department has any long-term policy and timetable to solve this overcrowding problem?

SECRETARY FOR HOME AFFAIRS: Sir, the information is as follows:

(a) As at the end of March this year, 34 229 households were occupying a living area of less than 3.25 square metres per person in public housing estates in the territory. This figure represented 6.4% of the 532 000 households living in public rental housing, and was a significant reduction from the position in March 1981 when there were over 123 000 such households, representing 34.8% of the 353 000 public rental households then.

(b) The degree of over-crowdedness varies from estate to estate; and the problem mainly exists in the older estates which were built to more stringent allocation standards. A breakdown of the 34 229 households by estate is attached.

(c) Under current policy, families in overcrowded conditions may apply for transfer

to larger accommodation provided that their household income does not exceed the Home Ownership Scheme income limit and that they do not own any domestic property. Priority is given to these households to apply for casual vacancies in the same estate as they arise, or for newly completed estates. They may also apply for an HOS/PSPS flat or take out an interest-free loan to buy a private sector flat, again with priority status. Some may choose to apply for public housing through the general waiting list. The most effective vehicle in the relief of over-crowdedness is the Comprehensive Redevelopment Programme which will progressively bring the living conditions of the older estates to modern standards. In the next three years alone, it is estimated that 10 000 (or 29.2%) households currently suffering from overcrowded conditions will be allocated a new flat with much better amenities and facilities. By 2001, 82% of these households will have been rehoused under this programme if they have not chosen before then to use the various other means available to them to improve their living conditions.

Households with a Living Area of Less Than 3.25 Square Metres Per Person in Public Housing Estates

Estate	No. of Households	Completed in
--------	-------------------	--------------

- | | | |
|---------------------------|-----|------|
| * Lei Cheng Uk | 205 | 1955 |
| * Lok Fu | 200 | 1957 |
| North Point 4 | 4 | 1957 |
| * Wong Tai Sin (Lower) II | 423 | 1958 |
| Wong Tai Sin (Upper) | 868 | 1958 |
| Sai Wan 3 | 3 | 1958 |
| * Jordan Valley | 303 | 1959 |
| * Kwun Tong (TPR) | 471 | 1959 |
| So Uk | 306 | 1960 |
| * Tung Tau I | 382 | 1961 |
| * Wong Tai Sin (Lower) I | 206 | 1961 |
| Ma Tau Wai | 59 | 1962 |
| Choi Hung | 624 | 1962 |
| Kwun Tong (LYMR) | 276 | 1962 |
| * Wang Tau Hom II | 146 | 1962 |
| Wo Lok | 135 | 1962 |
| Cheung Sha Wan | 310 | 1963 |

	Fuk Loi	284	1963
*	Kwai Chung	1467	1964
	Shek Kip Mei	494	1964
*	Sau Mau Ping IV	503	1964
*	Tin Wan	407	1964
	Valley Road	497	1964
*	Yau Tong	715	1964
*	Chai Wan	716	1964
*	Tsz Lok	942	1964
*	Tsz Oi	942	1964
*	Tsz On	732	1965
*	Lam Tin I	860	1966
	Tai Wo Hau	198	1966
*	Lam Tin III	757	1966
	Yuen Long	353	1966
*	Tsz Ching	714	1966
*	Shek Lei I	707	1966
	Shek Pai Wan	970	1966
*	Shek Lei II	1655	1966
	Ngau Tau Kok (Upper)	933	1967
	Ngau Tau Lok (Lower) I	737	1967
*	Sau Mau Ping III	1396	1967
	Estate No. of Households	Completed in	

	Ngau Tau Kok (Lower) II	734	1967
	Wah Fu	269	1967
	Shatin Pass	174	1967
	Wong Chuk Hang	446	1968
	Shek Yam	628	1968
*	Sau Mau Ping I	1039	1968
*	Pak Tin	406	1969
	Tsz Man	256	1969
*	Un Chau Street	667	1969
	Ping Shek	278	1970
*	Kwai Hing	87	1970
	Lei Muk Shue	682	1970
	Hing Wah I	363	1971
*	Sau Mau Ping II	1212	1971

*	Ko Chiu Road	250	1971
	San Fat	139	1971
*	Kwai Fong	217	1971
*	Kwai Shing (East)	295	1972
	Ho Man Tin	178	1972
*	Lam Tin II	688	1972
	Oi Man	43	1974
	Mei Tung	14	1974
	Kwai Shing (West)	90	1975
	Lek Yuen	72	1975
	Lai King	153	1975
	Hing Wah II	112	1976
	Lai Yiu	8	1976
	Cheung Ching	38	1977
	Yue Wan	49	1977
	Nam Shan/Tai Hang Tung	167	1977
	Wo Che	69	1977
	Tai Hing	152	1977
	Fu Shan	16	1978
	Choi Wan	225	1978
	Shun Lee	92	1978
	Cheung Shan	7	1978
	Shun On	55	1978
	Wan Tsui	80	1979
	Hung Hom	40	1979
	Model Housing	0	1979
	Cheung Hong	125	1979
	Ap Lei Chau	147	1980
	Sam Shing	49	1980
	Sha Kok	72	1980
	Yau Oi	74	1980
	Lung Tin	8	1980
	Estate No. of Households	Completed in	
	Tai Yuen	126	1980
	Shek Wai Kok	150	1980
	On Ting	44	1980
	Sun Tin Wai	13	1981

Kai Yip 35 1981
Lai Kok 50 1981
Shui Pin Wai 61 1981
Shun Tin 124 1981
Mei Lam 33 1981
Choi Yuen 51 1982
Tsui Ping 45 1982
* Wang Tau Hom I 14 1982
* Tung Tau II 56 1982
Wu King 109 1982
Pok Hong 36 1982
Hing Man 29 1982
Lok Wah (South) 52 1982
Sun Chui 45 1983
Butterfly 48 1983
Chak On 21 1983
Shan King 37 1983
Kwong Fuk 14 1983
Lung Hang 12 1983
Chun Shek 10 1984
Chun Yuen (South) 38 1984
Cheung Kwai 27 1984
Cheung Wah 14 1984
Lok Wah (North) 30 1985
Fu Shin 17 1985
Hin Keng 2 1986
Long Ping 7 1986
Tsing Yi 7 1986
Tin Ping 1 1986
Heng On 0 1987
Lei Tung 4 1987
Chuk Yuen (North) 1 1987
Hing Tin 0 1987
Cheung On 0 1988
Po Lam 1 1988
Leung King 0 1988
Tsui Lam 0 1988
Yiu On 0 1988

Ngan Wan	0	1988
Tsui Wan	0	1988
Nam Cheong	0	1989
Cheung Fat	0	1989
Estate	No. of Households	Completed in
Tai Wo	0	1989
Kwong Yuen	0	1989
Tai Ping	0	1989
Kin Sang	0	1989
Tin King	0	1989
Choi Ha	0	1989
Siu Sai Wan	0	1990

	Total:	34,229
	=====	

* Wholly or partly subject to redevelopment in the next three years.

Vacancies in public housing estates

10. MR. MARTIN LEE asked: Will Government inform this Council of the total number of casual vacancies in public housing estates throughout the territory as at the end of February this year? What is the average intervening time for these flats to be let out again?

SECRETARY FOR HOME AFFAIRS: Sir, as at the end of February 1990, there were 2 189 casual vacancies in public housing estates in the Territory, which represented 0.3% of the total stock of 635 000 rental flats. 1 629 of these flats were in the urban and extended urban areas, and the remaining 560 were in the New Territories.

Most of the casual vacancies in the urban or extended urban areas are reserved as local reception accommodation for families affected by the Housing Authority's comprehensive redevelopment programme or the Government's development clearances scheduled to take place in the near future.

Casual vacancies not reserved for these purposes are immediately offered for re-letting upon recovery. The average time to relet these flats is four weeks.

Psychotropic drugs

11. MR. CHOW asked: Will Government inform this Council of the value of the annual import of psychotropic drugs in the past seven years, and provide a breakdown showing the amount procured by government hospitals and clinics, private medical practitioners, and registered dispensaries or drugstores in the same period, together with figures on the numbers of private medical practitioners and registered dispensaries or drugstores in Hong Kong?

SECRETARY FOR HEALTH AND WELFARE: Sir, under the Pharmacy and Poisons Ordinance, importers and wholesalers of pharmaceutical products are required to keep complete records of all transactions involving psychotropic drugs. However, the law does not empower the authority to require importers and wholesalers to submit returns on their sales records either on a regular basis or as and when requested. There is, therefore, no readily available information on the value of the annual imports of psychotropic drugs into Hong Kong and their subsequent sales to the various outlets.

The Government is very concerned about the incidence of abuse of psychotropic substances. I am advised that at its meeting in April, ACAN endorsed in principle a proposal to include psychotropic substances liable to abuse in Part I of the First Schedule to the Dangerous Drugs Ordinance in order to subject these drugs to more stringent controls. The Director of Health is now seeking the advice of the Pharmacy and Poisons Board with a view to recommending to ACAN the psychotropic substances to be so scheduled.

Regarding the last part of the question, Tables I and II below show the number of registered medical practitioners in private practice in past seven years based on the number of annual practising certificates issued by the Medical Council and the number of registered dispensaries (authorized sellers) and drug stores (listed sellers) licensed by the Pharmacy and Poisons Board in the same period.

End of Year

1983	1992
1984	2097
1985	2291
1986	2479
1987	2695
1988	2880
1989	3072

Table I : Number of registered medical practitioners in private practice by year 1983-1989.

	Registered dispensaries	Drug Stores (listed sellers)
End of Year (authorized sellers)		
1983	147	2468
1984	152	2539
1985	163	2566
1986	177	2633
1987	181	2661
1988	175	2666
1989	176	2647

Table II : Number of registered dispensaries and drug stores by year 1983-1989.
Cost of public housing in New Territories

12. MR. TAI asked: Will Government inform this Council of the cost to Government in providing a family with a new public housing unit in the New Territories for a period of 10 years?

SECRETARY FOR HOME AFFAIRS: Sir, the total net cost to Government and the Housing Authority of providing a family of four with a new public housing rental flat in the New Territories for a period of 10 years is estimated at \$71,000, comprising:

\$

(a) Cost of providing land* 12,293

(b) Building cost (including overheads)* 85,147
(c) Management and maintenance expenses 29,761

Less

(d) Rental income 56,297

70,904

say : \$71,000

* Both the land and building cost has been decapitalized to relate to a 10-year period.

Television-watching by young people

13. MR. DAVID CHEUNG asked: In view of the finding of a recent survey that young persons spend half of their leisure time watching television, will Government inform this Council of the measures taken to safeguard these young people against the influences of bad television programmes?

SECRETARY FOR HOME AFFAIRS: Sir, the television licensees are required by law to comply with a Code of Practice on Programme Standards issued by the Broadcasting Authority. The Code sets out conditions to be observed with regard to, among other things, sex, violence, and the use of language, in television programmes. The licensees are required to take great care in the presentation of scenes likely to frighten, unnerve or unsettle young viewers and those which they might copy at risk of injury to themselves and others.

Under the Code, the licensees are also required to ensure that nothing which is unsuitable for children is broadcast between 4:00 pm and 8:30 pm. Material less suitable for young viewers may only be introduced progressively after 8:30 pm.

Violations of the Code, and public complaints, are investigated thoroughly by

the Broadcasting Authority which can also impose penalties on the licensees as the cases may justify.

To ensure that the licensees comply with the Code, their programmes are closely monitored by the Television and Entertainment Licensing Authority (TELA). In addition, TELA receives feedback from home viewing groups in each of the 19 districts, and conducts surveys from time to time, for gauging public opinion on the standards of television programmes.

Legislative Council election day 1991

14. MR. DAVID CHEUNG asked: As the 1991 Legislative Council election will be the first of its kind, will Government inform this Council whether it will consider designating the 1991 Legislative Council election day as a public holiday to attract more public awareness and to encourage more voters to go the polls?

CHIEF SECRETARY: Sir, whether declaring the 1991 Legislative Council election day a public holiday will achieve the desired objective of attracting more electors to vote in the elections, and hence be justified on that basis will need careful study and judgement. I am pleased to confirm that the Government is considering carefully the matter raised in Mr. CHEUNG's question.

Training of Vietnamese boat people in basic skills

15. MRS. TU asked: Would the Secretary for Security inform this Council what steps, if any, are being taken by the Government and the involved organizations in the Boat People's Detention Centres to train the boat people in basic skills which may encourage them to volunteer repatriation, which may help them to integrate and find work on their return to Vietnam, and which at the same time may dispel their frustrations caused by idleness?

SECRETARY FOR SECURITY: Sir, in partnership with United Nations High Commissioner for Refugees the Government has encouraged the development of an extensive programme of services to boat people in the detention centres. The main components of this

programme are social services, family welfare, adult and children's education, recreation, "cottage industry" and skills training. The main constraint in the provision of these services is accommodation. The high level of Vietnamese boat people arrivals during 1989 meant that the centres became overcrowded and accommodation normally used for services had to be used for accommodation. There was consequently serious disruption to the voluntary agency programmes.

Nonetheless, in 1989 more than 2 000 VBP took part in a training programme organized by Hong Kong Christian Aid to Refugees. The six to 12- week courses provided training in electrical repairs, clothing manufacture, basic carpentry and painting. In addition a total of 13 000 VBP participated in the adult education programmes which concentrate on basic literacy and numeracy.

With the development of new accommodation it has been possible to expand the voluntary agency programmes. In 1990 we are aiming to involve up to 20 000 adults in the skills training, work or adult education programmes.

Compensation for victims of crimes committed by illegal immigrants

16. MR. POON CHI-FAI asked: In relation to crimes frequently committed by Vietnamese refugees/boat people such as robberies of taxi-drivers, shoplifting and taking groceries without payment as well as theft and damage caused to vegetable and fish farmers, will Government inform this Council:

(a) whether the authorities concerned will compensate the victims of crimes committed by the Vietnamese refugees/ boat people? If so, what criteria will be adopted in deciding whether compensation should be made?

(b) how many victims of such crimes were awarded compensation during the past three years and what was the total amount of compensation involved? How many such cases were not awarded any compensation? Is it that consideration for compensation will only be given to those victims who have submitted their claims to the Administration while no consideration will be given to those who have no knowledge of their rights?

(c) whether any request has been made by the Administration, if not, why not, to the following countries or organizations asking them to undertake the responsibility of compensating and making payment in whole or in part of the expenses involved:-

- (i) the United Kingdom which has made Hong Kong a port of first asylum;
- (ii) the Vietnamese Government;
- (iii) the United States of America; and
- (iv) the Office of the United Nations High Commissioner for Refugees (UNHCR) which has the responsibility to resolve and deal with the refugee/boat people problem on an international level?
- (d) how the Administration deals with those victims who have suffered losses and damages in crimes (such as robberies and snatching of property) committed by Chinese illegal immigrants?
- (e) whether the Administration has considered it unfair to the general public, especially the taxpayers, if all the compensation payments are borne by this Government alone?

SECRETARY FOR SECURITY: Sir, the Government does not operate an automatic policy of paying compensation to victims of crimes such as theft, whether the crime is committed by a Vietnamese refugee or boat person, an illegal immigrant from China or any other person. However, there is nothing to prevent a victim of such crimes applying for compensation if they feel they have a legitimate claim. Each claim is examined on its merits. A number of claims are under consideration at present.

Any person who is injured as a result of a violent crime may receive financial assistance under the Criminal and Law Enforcement Injuries Compensation scheme. Application forms for such financial assistance and advice can be obtained from police stations, district offices and offices of the Social Welfare Department.

The Government has not asked other governments or international organizations to undertake the responsibility for a compensation scheme. This is a matter of internal administration and therefore the responsibility of the Hong Kong Government.

Criminal offences committed by students

17. MRS. LAM asked: Will Government inform this Council whether there has been an increase in the number of criminal offences committed by students and what actions have been and will be taken to combat this problem, especially in respect of the co-ordination among the police, schools and parents to prevent juvenile crimes?

SECRETARY FOR SECURITY: Sir, there has not been a noticeable increase in the number of students arrested for criminal offences over the last 15 months, as the following statistics show:

Period	Number of students arrested
1st Quarter 1989	1 452
2nd Quarter 1989	1 507
3rd Quarter 1989	1 265
4th Quarter 1989	1 388
1st Quarter 1990	1 404

I regret that comparable figures for previous years are not available.

Both the police and the Education Department monitor closely the incidence of crime in schools through an Inter-departmental Standing Committee on Unruly and Delinquent Behaviour in Schools.

The measures which are taken by the police and the Education Department to counter juvenile crime include:

- (a) regular school visits and lectures by the 19 District Police School Liaison Officers to explain to students the consequences of crime and triad activities in schools, and to advise them against involvement in crime;
- (b) seminars for school principals and teachers on various aspects of unruly and delinquent behaviour, crime and triad activities;
- (c) distribution to schools of material on crime and triad activities to enhance the awareness of both teachers and students;
- (d) involvement of students in Junior Police Call activities; and

(e) warnings against involvement in crime through educational films, Announcements of Public Interest and pamphlets.

These measures are regularly reviewed and modified to ensure their effectiveness.

Foreign law firms

18. MR. PAUL CHENG asked: Will Government advise this Council as follow-up to dissemination of the April 1989 "Consultative Document: Foreign Law Firms -- Scheme of Control" on the status of their proposal with regard to the following points :

(a) whether or not, in light of a Law Society survey indicating that over 60% of locally-qualified solicitors intend to leave Hong Kong before 1997, Government's proposal is a positive step toward stemming the brain drain in a most important area for Hong Kong's survival as an international financial centre;

(b) whether or not the consultative process will clarify why it is permitted under rules currently enforced by the Law Society of Hong Kong for certain law firms within Hong Kong to employ lawyers trained in foreign countries and not qualified in Hong Kong, while foreign law firms are prevented by the same rules from employing Hong Kong qualified solicitors;

(c) whether or not Government plans to uphold its proposal's support of partnerships between lawyers who are qualified in different jurisdictions so as to provide legal advice from a global standpoint in line with the proposals approved by the Law Society in the United Kingdom and the major international chambers of commerce in Hong Kong;

(d) whether or not the training of local lawyers (some of whom could be expected to join the future Civil Service) in firms with solicitors who are qualified in many different jurisdictions rather than just in Hong Kong is more likely to result in a Civil Service that is more responsive to the needs of the international business community; and

(e) whether or not as another measure in its strategic response to the brain drain and tertiary education planning, Government will consider as one alternative bona fide joint venture between local law firms and foreign law firms ?

ATTORNEY GENERAL: Sir, the question as asked is in five parts and I will endeavour to answer it accordingly.

(a) The Government's proposals are not aimed at stemming any possible "brain drain" of Hong Kong solicitors. As Hong Kong continues to develop and thrive as an international financial and business centre, the Government sees a need for the provision of legal advice on a multi-jurisdictional basis. The policy objectives which lie behind the Government's proposals are firstly, to provide a scheme of regulation of foreign lawyers practising foreign law in Hong Kong; and secondly, to provide an efficient and rational means by which people wishing to undertake international business transactions involving Hong Kong law can obtain the legal advice they need to facilitate those transactions.

(b) The consultative process has placed this issue into sharp focus and is a matter which the Government is addressing.

(c) There has been a wide response to the consultative document. The views submitted, many from non-lawyers, have been, and continue to be, subjected to close analysis.

During the course of the consultative process the Law Society of Hong Kong put forward a counter proposal for consideration. That counter proposal has three main elements --

(i) foreign firms with offices in Hong Kong would be able to share fees with local firms in respect of matters requiring the joint services of a foreign firm and a local firm;

(ii) the removal of the present requirement that only a person who is a Commonwealth citizen or who has been resident in Hong Kong for at least seven years may be admitted as a Hong Kong solicitor; and

(iii) consideration could be given to introducing an accreditation system allowing the qualifications of a foreign lawyer to be taken into account.

The Government is presently considering the way forward, both in the light of the response to the consultative document, and also in the light of the Law Society's

counter proposal. Careful consideration is also being given to the approach being adopted towards foreign lawyers in England. The position there is not yet wholly resolved in so far as it relates both to European Community lawyers and non European Community lawyers.

Although the Hong Kong Government's policy objectives remain as set out in paragraph (a) above, we are presently examining whether the Law Society's counter proposal could meet those objectives.

(d) Government legal service already employs Hong Kong lawyers as well as lawyers from many different jurisdictions and with a vast range of experience who contribute to Government's appreciation of the needs of the international business community.

(e) The answer to this question has been covered in the answer set out in paragraph (c) above.

Motion

PHARMACY AND POISONS ORDINANCE

THE SECRETARY FOR HEALTH AND WELFARE moved the following motion:

"That the following regulations, made by the Pharmacy and Poisons Board on 6 March 1990, be approved -

(a) the Pharmacy and Poisons (Amendment) Regulations 1990; and

(b) the Poisons List (Amendment) Regulations 1990."

She said: Sir, I move the motion standing in my name on the Order Paper in respect of the Pharmacy and Poisons (Amendment) Regulations 1990 and the Poisons List (Amendment) Regulations 1990.

Section 29 of the Pharmacy and Poisons Ordinance empowers the Pharmacy and Poisons Board, subject to the approval of this Council, to make regulations providing for the controls of pharmaceutical products and poisons.

The Schedules to the Pharmacy and Poisons Regulations and the Poisons List set out in the Schedule to the Poisons List Regulations are updated by the Pharmacy and Poisons Board from time to time when new pharmaceutical products requiring control appear on the market. The proposed amendments to the two sets of regulations reflect the latest up-dating of the Schedules and the List by the Board.

In addition, the Board has resolved to amend Regulation 40 of the Pharmacy and Poisons Regulation to make a contravention of Regulation 38A an offence subject to the penalties prescribed in Regulation 40. Regulation 38A which requires medicines sold over the counter to bear a label in English and Chinese regarding dosage and the route and frequency of administration was introduced in 1987 and came into operation on 1 October 1988. Owing to an oversight, the present Regulations contain no provision which will make contravention of Regulation 38A an offence. Although the absence of such a provision has not so far undermined compliance with the labelling requirement, the Board considers it necessary to provide a penalty for contravention of Regulation 38A in order to ensure effective enforcement. The present amendment seeks to bring Regulation 38A within the penalty provisions of Regulation 40. That is to say, manufacturers and dealers who fail to comply with the bilingual labelling requirement will be liable on conviction to a fine of \$2,500 for a first offence and higher penalties for subsequent offences. In the meantime, I have requested the Pharmacy and Poisons Board to review the level of fines contained in Regulation 40 to see whether they need to be increased in order to maintain the necessary deterrent effect.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

First Reading of Bills

MOTOR VEHICLES (FIRST REGISTRATION TAX) (AMENDMENT) BILL 1990

ROAD TRAFFIC (DRIVING LICENCES REGULATIONS AND REGISTRATION AND LICENSING OF VEHICLES REGULATIONS) (AMENDMENT) BILL 1990

BUSINESS REGISTRATION (AMENDMENT) BILL 1990

COMPANIES (AMENDMENT) (NO. 3) BILL 1990

BANKING (AMENDMENT) (NO. 3) BILL 1990

INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1990

ESTATE DUTY (AMENDMENT) BILL 1990

SECURITIES (DISCLOSURE OF INTERESTS) (AMENDMENT) BILL 1990

TELECOMMUNICATION (AMENDMENT) BILL 1990

HOSPITAL AUTHORITY 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

MOTOR VEHICLES (FIRST REGISTRATION TAX) (AMENDMENT) BILL 1990

THE FINANCIAL SECRETARY moved the Second Reading of: "A Bill to amend the Motor Vehicles (First Registration Tax) Ordinance."

He said: Sir, I move that the Motor Vehicles (First Registration Tax) (Amendment) Bill 1990 be read the Second time.

This Bill seeks to give legislative effect from 7 March 1990 to the proposals in this year's Budget to revise the scale which redefines basic, semi-luxury and luxury cars to reflect more realistically the current value of vehicles, and to increase the tax rates for private cars, motor-cycles, tricycles and goods vehicles by 10%. The present scale was introduced in 1978 and the last real increase of this tax was in 1982. This increase will yield an estimated additional \$200 million in the current financial year.

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

Question on the adjournment proposed, put and agreed to.

ROAD TRAFFIC (DRIVING LICENCES REGULATIONS AND REGISTRATION AND LICENSING OF VEHICLES REGULATIONS) (AMENDMENT) BILL 1990

THE FINANCIAL SECRETARY moved the Second Reading of: "A Bill to amend the Road Traffic (Driving Licences Regulations and Registration and Licensing of Vehicles Regulations) Ordinance."

He said: Sir, I move that the Road Traffic (Driving Licences Regulations and Registration and Licensing of Vehicles Regulations) (Amendment) Bill 1990 be read the Second time.

This Bill seeks to give legislative effect from 7 March 1990 to the proposals in this year's Budget to increase the fees for driving and vehicle licences, driving tests and various certificates and permits. These fees were last revised in 1989. The increases of about 10% are designed to maintain the revenue yield in real terms. The increases will yield an estimated additional \$150 million in the current financial year.

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

Question on the adjournment proposed, put and agreed to.

BUSINESS REGISTRATION (AMENDMENT) BILL 1990

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

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

This Bill seeks to give legislative effect to the proposals in this year's Budget to increase the business registration fee, which was last revised in 1989, from \$630 to \$900 with effect from 1 April 1990. This increase will yield an estimated additional \$140 million in the current financial year.

This Bill also seeks to increase the exemption limits for small businesses. Under the law at present, a business is exempt from the fee if its average sales do not exceed \$1,500 per month or, where the business consists of rendering services, if its average receipts do not exceed \$450 per month. If enacted, exemption will take effect if average sales or receipts of a business do not exceed \$5,000 per month or \$1,500 per month respectively.

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

Question on the adjournment proposed, put and agreed to.

COMPANIES (AMENDMENT) (NO. 3) 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. 3) Bill 1990 be read the Second time.

This Bill seeks to give legislative effect to the proposals in this year's Budget to increase with effect from 1 April 1990 the registration fee payable by limited companies upon incorporation from \$600 to \$1,000. This fee was last revised in 1983. This increase will yield an estimated additional \$13 million in the current financial year.

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

Question on the adjournment proposed, put and agreed to.

BANKING (AMENDMENT) (NO. 3) 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.3) Bill 1990 be read the Second time.

This Bill seeks to give legislative effect to the proposals in this year's Budget to increase with effect from 1 April 1990 the fees payable by banks, restricted licence banks and deposit-taking companies. These fees were last revised in 1989. In the case of restricted licence banks and deposit-taking companies, the increase will help to reduce the under-recovery of Government supervision costs incurred. The increases will yield an estimated additional \$30 million in the current financial year.

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

Question on the adjournment proposed, put and agreed to.

INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1990

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

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

This Bill seeks to give legislative effect to the taxation concessions proposed in this year's Budget. They include zero-rating the clawback on additional personal allowances, increased child and dependent parent allowances and a reduction in the first two marginal rate bands of salaries tax and personal assessment. This Bill also provides for an increase in the rate of annual commercial rebuilding allowance from 0.75% to 2%.

The cost to General Revenue of implementing these proposals is estimated to be approximately \$770 million in the current financial year, and \$1,065 million per annum thereafter at present levels of chargeable income.

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

Question on the adjournment proposed, put and agreed to.

ESTATE DUTY (AMENDMENT) BILL 1990

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

He said: I move that the Estate Duty (Amendment) Bill 1990 be read the Second time.

This Bill seeks to give legislative effect to the taxation concessions proposed in this year's Budget. They include exemption from estate duty for all death benefits arising from approved retirement schemes, an increased estate duty exemption limit from \$2 million to \$4 million and replacement of the present schedule of rates with a new schedule scaled from 6% on estates between \$4 million and \$4.5 million to 18% on estates over \$5 million.

The cost to General Revenue of implementing these proposals is estimated to be \$50 million in the current financial year.

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

Question on the adjournment proposed, put and agreed to.

SECURITIES (DISCLOSURE OF INTERESTS) (AMENDMENT) BILL 1990

THE FINANCIAL SECRETARY moved the Second Reading of: "A Bill to amend the Securities (Disclosure of Interests) Ordinance."

He said: Sir, I move that the Securities (Disclosure of Interests) (Amendment) Bill 1990 be read the Second time.

The main purpose of the Bill is to amend the Securities (Disclosure of Interests) Ordinance in order to improve the notification procedures and to grant immunity to the Stock Exchange of Hong Kong Limited in relation to the bona fide performance of its duties under the Ordinance. The opportunity has also been taken to make two minor amendments to the Ordinance.

Notification procedures

The Ordinance imposes certain disclosure requirements in relation to the interests in shares of substantial shareholders and the interests in shares and debentures of directors and chief executives of listed companies incorporated in Hong Kong.

Any such interests are required to be notified to the listed company concerned within five days of the obligation arising. The company, in turn, is given until the conclusion of the following day to report the information to the Stock Exchange and the Securities and Futures Commission. The Stock Exchange is then required to publish the information received in such manner and for such period as the Commission may specify.

We consider that these notification procedures are unsatisfactory. They do not ensure the prompt release of price-sensitive information to the public. Furthermore, they create an opportunity for insider dealing. For example, officers of the listed company concerned can be in possession of price-sensitive information for up to two days before it is passed on to the Stock Exchange for publication.

We propose, therefore, that where a duty of disclosure arises under the Ordinance, the person concerned should be required to notify both the listed company and the Stock Exchange, and to ensure that the notification is received by the Stock Exchange before it is received by the listed company. Failure to comply with these requirements will be an offence. To avoid possible injustice, it will be a defence for a person to show that he has taken all reasonably practicable steps to notify the Stock Exchange before the listed company concerned.

Immunity for the Stock Exchange

Once it has been notified the Stock Exchange will be under a statutory duty to publish the information notified. Having regard to the large volume of notifications expected and the need to process and publish the information quickly, we consider that the Stock Exchange should be protected from legal actions for damages arising from the publication in good faith of incorrect information. We propose therefore that no liability should be incurred by the Stock Exchange or its employees in the performance in good faith of any duty imposed on the Stock Exchange under the Ordinance.

Other amendments

We have also taken the opportunity to put forward two minor amendments. First, we propose that the term "Unified Exchange" be replaced by "Exchange Company" wherever the duties imposed under the Ordinance apply to the licensed company, the Stock Exchange of Hong Kong Limited, and not to the stock market itself. Secondly, we propose that in addition to the present methods of notification, namely by post or personal delivery, notifications should be capable of being made in such other manner as may be prescribed by subsidiary legislation. This is to provide the necessary flexibility to take account of market practices and developments in information technology.

Commencement date of the principal Ordinance

Sir, the Securities (Disclosure of Interests) Ordinance was enacted in July 1988 but has yet to be brought into force. It has always been our intention that the Ordinance would be brought into force once the Securities and Futures Commission and the Stock Exchange are in a position to carry out their respective duties under the Ordinance. This condition has now been met. Subject to the enactment of this Bill now before the Council, it is our intention to bring the principal Ordinance into force on 1 July 1990.

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

Question on the adjournment proposed, put and agreed to.

TELECOMMUNICATION (AMENDMENT) BILL 1990

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

She said: Sir, I move that the Telecommunication (Amendment) Bill 1990 be read the Second time.

The Bill seeks to amend the Telecommunication Ordinance in order to provide for the licensing of telecommunications facilities on board space objects registered in Hong Kong. The purpose of this licensing requirement is to ensure that such

telecommunications facilities are subject to proper regulatory control, for example with respect to the use of radio frequencies.

The amendment has been made necessary by the successful launch of the AsiaSat 1 satellite by Asia Satellite Telecommunication Company Limited. This satellite is registered in Hong Kong as a space object under the United Kingdom Outer Space Act as extended to Hong Kong by the Outer Space (Hong Kong) Order 1990. The company has plans to launch other satellites in future, which would also be registered in Hong Kong.

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

Question on the adjournment proposed, put and agreed to.

HOSPITAL AUTHORITY BILL 1990

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: "A Bill to establish a body corporate to manage and control public hospitals for the provision therein of hospital services, and to provide for matters incidental thereto or connected therewith."

She said: Sir, I move the Second Reading of the Hospital Authority Bill 1990.

On 4 April, I tabled in this Council the report by the Provisional Hospital Authority (PHA), which contained detailed recommendations on the structure and operation of the future Hospital Authority. I indicated that the Government endorsed the main principles set out in that report, subject to certain modifications, which I specified.

The Hospital Authority will be an independent statutory body with responsibility for the whole public hospital system. This Bill sets out the Authority's legal status, composition, structure, functions and powers and its relationship with the Government.

The present concept of a Hospital Authority has evolved over several years of careful deliberation. It is designed to bring several benefits to the community. First, it will bring the government and subvented hospitals together within an integrated public hospital system, and the Authority will offer common terms of

service to its staff. The second benefit is that by being established outside the Civil Service, the Authority will be better placed to demonstrate flexibility and to respond quickly to changing demands. Third, there will be more effective and accountable hospital management, with greater devolution of authority from the central to the operational levels. Finally, community participation in the provision and operation of public hospital services will be enhanced.

It is not envisaged that the Hospital Authority will assume responsibility for the management and control of public hospitals immediately upon the enactment of this Bill, since we are unlikely by then to have completed all of the essential preparatory work, such as the detailed negotiations with the subvented hospital boards on the integration process, consultations with staff on aspects of the Provisional Hospital Authority's report which directly affect them, the appointment and training of key management personnel, and the setting up of various computer systems for payroll, and so on. Therefore, clause 1(2) provides that the Governor may appoint different days for the coming into operation of different provisions of the Bill. During the interim period, the Hospital Services Department will continue to be responsible for public hospitals.

Clause 3 provides for the establishment of the Hospital Authority as a body corporate, with its members as the governing body. The Authority will consist of not more than 31 members, including the Chairman, appointed by the Governor.

Clause 4 sets out the functions of the Authority. The Authority's principal function is to manage and control public hospitals in accordance with specified objectives. Other functions include advising Government on the needs of the community for public hospital services and of the resources required to meet these needs, recommending to the Secretary for Health and Welfare appropriate policies on fees for public hospital services, and promoting the education and training of persons involved in hospital and related services.

Clause 5 sets out the powers of the Authority. One of the Authority's principal powers is to enter into agreements with Government and the governing bodies of the subvented hospitals for the management and control by the Authority of the government hospitals specified in Schedule 1 and the subvented hospitals specified in Schedule 2. The Hospital Services Department will be one of the resources available to the Authority in this regard, though the Authority will have powers to employ its own staff.

Part III (that is clauses 7 to 12) sets out the financial and related provisions applicable to the Authority. Clause 7 specifies the resources of the Authority and empowers the Secretary for the Treasury to give directions to the Authority to limit its total expenditure in any financial year. The Authority will be provided with a considerable degree of financial autonomy, including the power to borrow money and to invest surplus funds, though the exercise of these powers may be subject to direction in certain cases. In order to facilitate scrutiny by this Council of the Authority's affairs, the Secretary for Health and Welfare is required to table in the Legislative Council the Authority's annual report together with the statement of accounts and the auditor's report on the accounts. Clause 11 empowers the Director of Audit to conduct an examination into the economy and efficiency with which the Authority has expended its resources in performing its functions and exercising its powers, and to report to the President of the Legislative Council the results of such an examination.

Part IV (that is clauses 13 and 14) empowers the Authority to establish such committees as it thinks fit for the better performance of its functions and exercise of its powers. This Part provides, in particular, for the establishment of Regional Advisory Committees and Hospital Governing Committees, thus enabling public participation in the planning and operation of hospital services to be enhanced. A Regional Advisory Committee established for a region will principally provide advice to the Authority on the needs of that region for hospital services. A Hospital Governing Committee will, under the overall control of the Authority, be responsible for overseeing the running of the public hospital for which it is established. It is envisaged that Hospital Governing Committees will be established in all of the present subvented hospitals and will serve as the means through which the governing body of the hospital will continue to be involved in the running of the hospital. Hospital Governing Committees may eventually be established for the present government hospitals.

Clause 18 specifies how fees for hospital services will be determined. It is intended that the Secretary for Health and Welfare will give directions to the Authority on the general level of fees to be charged and on the principles governing the determination of fees; and that the Authority will, within the ambit of such directions, determine standard fees which the Hospital Governing Committees may then vary within limits set by the Authority. By this means, the Government will continue to ensure that any increase in fees is fully justified and acceptable to the community.

Separately the Government is reviewing the arrangements for waiving fees, and new waiver arrangements and improvements in services will be in place before any real increase in fees is contemplated.

To enable the Authority to exercise proper control within public hospital estates and other property under its management, clause 21 empowers the Authority to make by-laws, which shall be subject to the approval of the Legislative Council. Such by-laws may provide that the contravention of specified provisions shall be an offence and may prescribe penalties not exceeding a fine of \$2,000 and imprisonment for three months.

There are four Schedules to the Bill. Schedules 1 and 2 specify the hospitals the management and control of which may be vested in the Authority under agreements referred to in clause 5(a). Schedule 3 sets out provisions applicable to the Authority, its committees and their respective members. Clause 20 empowers the Governor to amend Schedules 1, 2 or 3.

Schedule 4 sets out the consequential amendments to other legislation arising from the setting up of the Authority. Certain statutory powers now exercised by the Director of Hospital Services under the Road Traffic Regulations, the Mental Health Ordinance, and others are to be vested in the Authority.

Sir, I believe that these provisions will give the Hospital Authority sufficient powers to manage the public hospital system effectively, while safeguarding the wider public interest.

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

Question on the adjournment proposed, put and agreed to.

PRIVILEGES AND IMMUNITIES (JOINT LIAISON GROUP AND LAND COMMISSION) (AMENDMENT) BILL
1990

Resumption of debate on Second Reading which was moved on 4 April 1990

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

Bill read the Second time.

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

ARCHITECTS REGISTRATION BILL 1989

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

Question on Second Reading proposed.

MISS TAM: Sir, no one can come to Hong Kong and not be impressed by the magnificent skyline on both sides of the Victoria Harbour. A tourist in the Central District can, within a radius of 15 minutes walk from this Legislative Council, visit some of the most famous buildings of the world. Even those of us who have witnessed the development of our city marvel at the miraculous growth of our new towns rising ceaselessly towards the sky. Much of this success is owed to the men and women who possess the professional skill to build the physical infrastructure of Hong Kong: they are the architects and engineers of Hong Kong.

I am very privileged to chair the ad hoc group to study the Architects Registration Bill and the Engineers Registration Bill and the comments I make in this speech apply also to the Engineers Registration Bill. I must thank Mr. H. K. CHENG and Mr. Edward HO for giving Members an insight to the working of their professions, and Miss LEUNG Wai-tung who painstakingly polished the Chinese draft of this Bill.

The Bills are introduced to provide a general statutory registration system for the professionally qualified architects and engineers in Hong Kong. They lay down the requirements for an applicant to have attained a high standard of professional training, and his competence to practise in Hong Kong with the relevant background for working in the territory. From the point of view of those who seek their services, a system of registration is also a safeguard to the quality of the services we can find in Hong Kong.

To the ad hoc group, the concept of registration is well received among ourselves. We are pleased to find that the architects and engineers and other professions also welcome it. But the major argument arose during our deliberation over the Architects Registration Bill which was on the question of whether the term "architect" ()

should be used exclusively by professionally qualified architects in the description of his trade and profession, and making it unlawful for others, including, say, building engineers to do so.

It has been a long existing phenomenon in Hong Kong that some surveyors describe themselves as architects; and indeed, they are trained to carry out some architectural work in their profession. Clause 30(2) of this Bill proposes that the Architects Registration Board may apply to a judge for an order restraining a person whose name is NOT on the register from describing himself as an "architect" or "registered architect" or using the initials "R.A."

The surveyors do not agree with this proposal. The ad hoc group therefore met with them and representatives of Institution of Planners, and Hong Kong Institute of Architects and Hong Kong Institution of Engineers to discuss this issue as well as the other provisions in this Bill, because very soon the surveyors and town planners will be having their own statutory registration system.

After long deliberation on clause 30(1) of this Bill, the ad hoc group by a majority decided to support the Administration's proposal. We note that in the United States, the United Kingdom and Australia and other countries, the description "architect" is restricted to the use of professionally qualified architects. We pay special attention to the claim of the surveyors that their professional services do entail elements of architectural work. A majority of the ad hoc group members find that clause 30(1) merely restricts the use of the word "architects" but does not restrict any surveyor to carry out architectural work as long as he does not describe himself to be an architect. In other words, the proposal does not affect the livelihood of the surveyors. We have also been persuaded by the argument that the general public should no longer be confused by an inaccurate description of a trade or profession. Our view is shared by a great majority of the non-government Members of this Council.

The second major issue which our group has deliberated at length concerns clause 13(1)(b) of this Bill (the equivalent clause is clause 12(1)(b) of the Engineers Registration Bill) which requires a candidate to have one year's local professional experience immediately before registration. The ad hoc group shares the concern of the surveying and the architectural professions that that requirement may dissuade those who have emigrated from Hong Kong to return if they have to work one more year in Hong Kong before they can be registered. It will also mean that the newly qualified

professionals will have to work one year before they can do so. As the Bills are not intended for practice licensing, the ad hoc group feels that the requirement is unnecessary. After three rounds of discussion, the Administration and the ad hoc group came to a compromise and agreed that the Registration Board should be vested with the discretion to gauge the applicant's professional experience for registration purpose and there is no need to specify in the Bills that the one-year relevant local professional experience has to be obtained immediately before the application for registration. Amendments will be moved at the Committee stage for this purpose.

The third issue concerns the requirement of a person having to be "ordinarily resident" in Hong Kong before he can be registered and the provision that a registered person who has failed to reside in Hong Kong could be de-registered. Although some Members of the group do not fully agree to the "ordinarily resident" requirement for registration, they have given in on the understanding that a person needs only to show his intent to be linked with this place to prove that he is ordinarily resident. The group however cannot agree to the provision that a registered person who has failed to reside in the place for two years or less should be regarded as not ordinarily resident and hence could not be de-registered. After some persuasion, the Administration has agreed to amend the provision to the effect that only those who have been away for two years or more will not be considered as "ordinarily resident". Accordingly amendments will be moved at the Committee stage to cover this point.

I also wish to raise one point on the drafting of clause 32 of this Bill (the equivalent is clause 31 of the Engineers Registration Bill) which deals with showing evidence that a person's name does appear on the register and the section says "a certificate, purporting to be signed by the Registrar, that the name of a person has or has not been entered in or has been removed or ordered to be removed from the register shall for all purpose without further proof, be evidence of the facts stated in the certificate".

Both members of the group and the Legal Adviser to OMELCO were concerned at the apparent policy intent of this clause of rendering as evidence, without further proof, and for all purposes, a possible forgery, merely because a certificate purports to be signed by the Registrar. This clause departs from the usual practice in other Ordinances where "certificate" or "publication" of evidence is provided for, of stipulating the quality of the evidence created. For example, other Ordinances provide that such evidence depends on its nature and probable accuracy whether it should be "conclusive" or not and some says it should only be prima facie evidence

or evidence "until the contrary is proved" and we cited five examples.

It is also noted that section 3(4) of the Architects (Registration) Act 1931 from the United Kingdom provides for certification of the register as "prima facie evidence" but even then, only where the register is actually certified by Order of the Council, or by a duly authorized officer and not merely where the certificate purports so to be.

We therefore suggested to the Law Draftsman that the words "prima facie" or "until the contrary is proved" should be put into that clause. The Law Draftsman however was not persuaded. He believed that there is no legal ambiguity in the drafting and/or because "to say that something is evidence is not to say it is proof, the certificate can stand or fall on the totality of evidence relating to the issue involved" and he felt the words chosen for the draft is a matter for the Law Draftsman as Counsel to the Legislature.

The ad hoc group has not changed its view that, for the layman, our suggestion is a simpler way to express the policy intention. We do not, however, wish to argue over the issue or whether it is desirable that drafting is purely "a matter for the Law Draftsman as Counsel to the Legislative Council" as it is obviously more important to get the two Bills through. However, it is only right to urge the Law Draftsman, in future, to choose terms that are easily understood by a layman where there is an option, as in this case, to do so.

In the Committee stage Mr. Edward HO and MR. H. K. CHENG will be moving the major amendments to the Bills. And Miss LEUNG Wai-tung will deal with the amendments on the Chinese version and other Members will help to move the other amendments.

I shall be moving an amendment to add a subclause to clause 15 of this Bill to the effect that "where the Board of Registration rejects an application for registration or renewal of registration, it shall give reason for the rejection." This is to ensure that the application is dealt with in a fair and reasonably open manner.

I shall also be moving amendments to clauses 18, 20(2), 20(3) and 20(8) of this Bill. The amendments are proposed simply to clarify the meaning of the relevant sections and are self-evident. In respect of the Engineers Registration Bill I shall be moving three amendments to clauses 2, 4 and 6 as a result of amendments in the

equivalent clauses in the Architects Registration Bill which will be moved by Miss LEUNG Wai-tung.

Sir, with these remarks, I am happy to support the Bills.

MR. EDWARD HO: Sir, on behalf of the architects in Hong Kong, I must place on record our heartfelt appreciation of Miss Maria TAM's remarks recognizing their contribution to Hong Kong. I am most grateful also for Miss TAM's able convenership of the ad hoc group and for the contribution of the other members of the ad hoc group.

The importance of the Architects Registration Bill goes beyond the primary purpose of the Bill which is to provide for the registration of architects and disciplinary control of the professional activities of Registered Architects, and for related matters.

As such, the primary purpose of the Bill is to ensure that only people who have received formal and proper education and professional practical experience in architecture can be registered under the Architects Registration Board which is to be established under the provision of the proposed Bill. Only those registered with the Board will have the proper title of a "Registered Architect" or an "Architect", thereby ensuring a high degree of professional standards.

This will ensure that greater protection is given to the consumer public as they will be able to identify properly qualified professionals.

The Bill goes beyond the above primary purpose in that it establishes certain basic principles on professional accreditation relating not only to the architectural profession but also to other professions. These basic principles are:

(1) that a system of registration should be created so that only professionals who have been properly educated and experienced in their particular disciplines be allowed to be recognized as qualified professionals in their particular field;

(2) that established and recognized professional bodies should be self-regulatory and be given the responsibility to establish academic and experience criteria and be largely responsible for the accreditation of professionals in their particular disciplines; and

(3) that Government's role would merely be to monitor the professional standards achieved by the members of the professional institutions and be involved only when public interests such as health and safety are affected.

Those basic principles are considered of great importance by the professions in Hong Kong not only for society today but, perhaps more importantly, for the years to come. It is generally recognized that professions in Hong Kong should continue to be open to professionals from other parts of the world and hence it is considered that a proper system of registration would be vital for maintaining a high standard of professionalism in Hong Kong.

Thus, I welcome the introduction of the Architects Registration Bill to this Council. It addresses a long standing deficiency in our system of professional practice, a deficiency which has been brought to the attention of the Administration by the Hong Kong Institute of Architects for many, many years.

Under the provisions of the Buildings Ordinance, architects, engineers and surveyors who satisfied certain statutory requirements were allowed to be registered by the Building Authority and be called "Authorized Architects" at a time when the University of Hong Kong has not established its School of Architecture. The title "Authorized Architect" persisted for some time even after the University has produced graduate architects who have made their contributions to the building industry. This anomaly was only removed in 1974 when the title "Authorized Persons" was used instead in the Buildings Ordinance. The Register of "Authorized Persons" contains three lists: namely, List I Architects; List II Civil, Municipal or Structural Engineers and List III Surveyors.

Thus despite the fact that under the Buildings Ordinance, not only architects are allowed to prepare, submit building plans and supervise building works, the Buildings Ordinance clearly recognizes the distinction between the disciplines of architects, engineers and surveyors.

The title "Architect" is protected by law in many other parts of the world. In the United Kingdom, the use of the word "Architect" by an unregistered person is generally prohibited by the Architects Registration Act 1938. Similar legislations have been in place for a number of years in the United States, Australia, New Zealand and many parts of the British Commonwealth.

This is rightly so. Architecture is a special discipline of education in universities and tertiary educational institutions around the world. The mere act of drawing up a set of plans to satisfy building regulations, which are designed to provide basic requirements of health and safety, is not architecture. Architecture not only fulfils those requirements, it is the visualization and the creation of physical spaces and environment that would enhance the conditions in which people live, work and play. It includes but goes beyond the application of technologies and management skills to design and implement the construction of buildings.

In every community which cares for its environment, good architecture, and not merely the construction of buildings, is an essential element for improving the quality of life.

It is hoped that with the passage of the Bill, when the role of architects in our community is more clearly defined, architects will dedicate even more than before to the creation of better architecture in Hong Kong.

Sir, the Bill does not seek to preclude the continuing future contribution of the engineering, the surveying and other related professions to the building industry in Hong Kong. These professions have contributed their valuable services and professionalism to the building industry. Indeed, this Bill, the Engineers Registration Bill and similar Bills for the other professions, will render the values of these other professions more clearly identified to the members of the public.

Sir, in the Committee stage, I shall be moving a number of amendments and I would like to explain briefly some of the more significant ones.

Clause 13 sub-clause (1)(b) is proposed to be amended so that a person needs to have one year's relevant professional experience in Hong Kong before the date of his application for registration. The reason for this amendment is that, whereas local professional experience is important for a person's professional qualification, it was not considered necessary that the experience was to be acquired after he has become a member of the Hong Kong Institute of Architects; as the Institute already requires at least one year of professional experience in Hong Kong before a person can become a member of the Institute.

The important point is that the Institute takes its membership very seriously indeed and a member of the Institute is, for all intents and purposes, a fully qualified professional ready to practise in Hong Kong, as he would have proved to

the Institute that he has received proper architectural education and practical professional experience. As I have explained in my speech during the Second Reading of the Hong Kong Institute of Architects Incorporation Bill, membership of the HKIA is recognized by prominent professional institutions, such as the Royal Institute of British Architects, in other countries.

Clause 20(2) is proposed to be amended so that it is made clear that the name of a registered architect can only be removed from the Register if he has failed to reside in Hong Kong for a period of two years or more, at which time the Board shall not consider him to be an ordinary resident in Hong Kong. The question of whether a person who has already possessed adequate professional qualification in the opinion of the Architects Registration Board need be an ordinary resident in Hong Kong before he can be registered; or conversely, if he ceased to be ordinarily resident in Hong Kong that his name can be removed from the Register, is a subject of some debate within the ad hoc group.

Provided that the qualified person has already a minimum of one year's experience in Hong Kong, I have held the view that the requirement for him to be an ordinary resident in Hong Kong is unnecessary. My concern is based upon the fact that this requirement may unnecessarily restrict suitable professionals to practise in Hong Kong, especially those who have been practising in Hong Kong and, for emigration or other purposes, have not lived in Hong Kong but seek to return to practise in Hong Kong. I also base my opinion on practices in other countries where the important criteria for registration are a person's educational and professional qualifications, rather than residency.

Nevertheless, I have conceded to the opinions of my colleagues in the ad hoc group on this issue but I request the Administration to review this requirement at an appropriate time to see whether it may be removed without affecting the purpose of the Bill.

Sir, as an architect myself, I wholeheartedly support the Bill and hope that the basic principles embodied in the Bill would in time be extended to other professions in Hong Kong.

With these remarks, Sir, I support the motion.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, in confirming the Administration's support of all the amendments which will be proposed during the

Committee stage both of this and the Engineers Registration Bill, I would wish to pay tribute to the patience and thoroughness of Miss TAM's ad hoc group on the Bill and especially of the arbitration skills of Miss TAM in dealing with this strange and contentious Bill. I confirm to Mr. HO that in due course the Administration will look at the residence requirement.

I beg to move.

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

Bill read the Second time.

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

ENGINEERS REGISTRATION BILL 1989

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

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

Bill read the Second time.

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

GRANTHAM SCHOLARSHIP FUND (AMENDMENT) BILL 1990

Resumption of debate on Second Reading which was moved on 4 April 1990

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

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee

PRIVILEGES AND IMMUNITIES (JOINT LIAISON GROUP AND LAND COMMISSION) (AMENDMENT) BILL
1990

Clauses 1 to 4 were agreed to.

ARCHITECTS REGISTRATION BILL 1989

Clauses 3, 6, 14, 16, 17, 19 and 23 were agreed to.

Clauses 1, 4, 9 and 11

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

The amendment to clause 1 brings the Bill up to date. The other amendments proposed are minor improvements and clarifications, all of which have been discussed and agreed with the ad hoc group convened to consider the Bill.

Proposed amendments

Clause 1

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

Clause 4

That clause 4 be amended --

(a) in subclause (2), by adding ", in addition," after "and".

(b) in subclause (3), by deleting "by him".

(c) in the English text by deleting subclause (4) and substituting --

Board "(4) The Council shall not appoint a person as a member of the
 unless he is a member of the Institute."

Clause 9

That clause 9 be amended, by adding after paragraph (b) --

 "(ba) employ persons to assist with the carrying out of its functions under
this Ordinance;"

Clause 11

That clause 11(1) be amended, by adding "and conditions" after "terms".

Question on the amendments proposed, put and agreed to.

Question on clauses 1, 4, 9 and 11, as amended, proposed, put and agreed to.

Clauses 2, 5, 8 and 12

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

As in the case of clause 1, the amendment to clause 2 updates the Bill. And the remaining amendments are similarly minor improvements and clarifications agreed with the ad hoc group.

Proposed amendments

Clause 2

That clause 2 be amended, in the definition of "Institute" (學會) by deleting "1989 (of 1989)" and substituting "1990 (2 of 1990)".

Clause 5

That clause 5 be amended --

(a) in subclause (2)(b), by deleting "a 10 year" and substituting "any 10 year".

(b) in subclause (5), by deleting "member during that period." and substituting

--

"member --

(a) in the case of a temporary absence or incapacity, during the period of temporary absence or incapacity; or

(b) in the case of a resignation, for the balance of the period for which the resigning member was due to serve.".

Clause 8

That clause 8(a) be amended, by deleting "architects for the purposes of this Ordinance" and substituting "registered architects".

Clause 12

That clause 12(2) be amended, by deleting "all" and substituting "such".

Question on the amendments proposed, put and agreed to.

MISS LEUNG: Sir I move that the clauses specified be further amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 2

That clause 2 be further amended, in the definition of "學會會員" (member of the Institute) by deleting "士" and substituting "員".

Clause 5

That clause 5 be further amended --

- (a) in subclause (1)(a), by deleting "(1)或為其" and substituting "或".
- (b) in subclause (1)(b), by deleting "藉向管理局發出書面通知" and substituting "發出書面通知向管理局".
- (c) in subclause (2)(b), by deleting "會" where it first occurs.
- (d) in the Chinese text by deleting subclause (3) and substituting --
"(3)(2)總督委任的成員的任期由總督決定⑨".
- (e) in subclause (4)(a), by deleting "償債" and substituting "債務償還".
- (f) in subclause (5), by deleting "暫時離開香港" and substituting "缺勤".

Clause 8

That clause 8(e) be amended, by deleting "接受" and substituting "接收".

Clause 12

That clause 12 be further amended --

- (a) in subclause (1), by deleting "其內" and substituting "冊內".
- (b) in subclause (1)(c), by adding "由" after "其他".
- (c) in subclause (4), --

(i) by adding "不得就" before "更改"; and

(ii) by deleting "(1)不得".

Question on the amendments proposed, put and agreed to.

Question on clauses 2, 5, 8 and 12, as amended, proposed, put and agreed to.

Clauses 7, 10, 27 and 28

MISS LEUNG: 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 --

(a) in subclause (1), by deleting "不在香港" and substituting "缺勤".

(b) in subclause (2), by adding "根據本款召開的" after "這樣做".

Clause 10

That clause 10 be amended, by adding "該局" after "出任".

Clause 27

That clause 27(1) be amended --

(a) in the Chinese text, in paragraph (a), by deleting all the characters in the brackets and substituting "除非有關的研訊委員會須重新考慮其決定".

(b) by adding "一份" after "立即將".

(c) by deleting "的副本一份(1)連同研訊委員會的裁定理由一份" and substituting "連同一份
研訊委員會的裁定理由".

That clause 27(3) be amended --

(a) by deleting "應當進行" and substituting "適當".

(b) by deleting "應當施加" and substituting "適當".

Clause 28

That clause 28 be amended --

(a) in subclause (1)(a), by deleting "於香港行銷" and substituting "行銷於香港".

(b) in subclause (2)(b), by deleting "報導" and substituting "發表".

(c) in the Chinese text by deleting subclause (3) and substituting --

"(3)(2)任何人均不得就本條規定發表或容許發表的命令或詳情(1)而以誹謗
為理由提出
訴訟索償⑨".

Question on the amendments proposed, put and agreed to.

Question on clauses 7, 10, 27 and 28, as amended, proposed, put and agreed to.

Clauses 13, 26, 30 and 31

MISS LEUNG: Sir, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 13

That clause 13(1) be amended, by deleting "其他" and substituting "任何".

Clause 26

That clause 26 be amended --

(a) in subclause (1), by deleting "建議由該研訊委員會" and substituting "該研訊
委員會建議".

(b) in the Chinese text by deleting subclause (4)(b) and substituting --

"(b)(2)推翻有關的研訊委員會決定被指控的人有作出違紀行為的裁定⑧".

Clause 30

That clause 30 be amended --

(a) in subclause (3)(a), --

(i) by adding "屬於" after "自稱是"; and

(ii) by deleting "及" and substituting "或".

(b) in subclause (3)(b), by deleting "自稱是屬於一個海外建築師團體的成員的" and substituting "在提述自己是海外建築師團體或專業學會的成員的情況下自稱為".

Clause 31

That clause 31 be amended --

(a) in subclause (1)(h), by adding "或專業" after "業務".

(b) in subclause (2), --

(i) by adding "或專業學會" after "團體" where it first occurs; and

(ii) by adding "或學會" after "團體" where it secondly occurs.

Question on the amendments proposed, put and agreed to.

MR. EDWARD HO: Sir, I move that the clauses specified be further amended as set out under my name in the paper circulated to Members. I have already spoken on the proposed amendment to clause 13 in my speech on the Second Reading of the Bill. Clause 26 is proposed to be amended to the effect that the Review Committee would not determine the outcome of the disciplinary enquiry. This is to ensure that the properly constituted enquiry committee should have the final decision. Clause 30(1) is proposed to be amended so that it would be reformulated in the format that would be clearer, that is, to prohibit people from using the titles rather than stating who can use them. Clause 30(4) is proposed to be amended as the original wordings did not cater to actual practices. This original formulation does not provide for actual practices where professional firms are multidisciplinary. The spirit of this particular subclause is to ensure that only firms which have the registered architect directly supervising the business of architecture is allowed to use the description of architects, or registered architects of the initials of "R.A.". In a multidisciplinary practice, as long as this safeguard is provided, there should not be the necessity to stipulate that registered architects should have controlling shares of the company.

Proposed amendments

Clause 13

That clause 13 be further amended --

(a) by deleting subclause (1)(b) and substituting --

"(b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his

application for registration; and";

(b) in subclause (1)(e), by deleting "declares" and substituting "satisfies the Board by declaration".

(c) by adding at the end --

"(3) Where the Board is satisfied by an applicant that he is competent to practise architecture and the Board is later satisfied that the person is not competent to practise architecture, the Board may refer the matter to an inquiry committee who shall deal with it as if it was a complaint under section 22(1)."

Clause 26

That clause 26 be further amended --

(a) by deleting subclause (4)(c) and substituting --

"(c) recommend that any proposed order made by the inquiry committee be varied; or".

(b) in subclause (5), by adding "and recommendation" after "direction".

Clause 30

That clause 30 be further amended --

(a) in subclause (1) --

(i) by deleting "appears on the register shall" and substituting "does not appear on the register shall not"; and

(ii) by deleting "and" and substituting "or";

(b) by deleting subclause (4) and substituting --

"(4) Subject to subsection (3), a person, including a firm or company shall not use the description of "architects" or "registered architects" or the initials "R.A." unless --

(a) at each place where the person carries on the business of architecture, the business is conducted under the supervision of a registered architect who does not act at the same time in a similar capacity for any other person other than a firm or company that has substantially the same beneficial ownership and management as the person (where the person is a firm or company);

(b) where the person carries on a multidisciplinary practice, the business, so far as it relates to architecture, is under the full time control and management of a registered architect who does not act at the same time in a similar capacity for any other person other than a firm or company that has substantially the same beneficial ownership and management as the person (where the person is a firm or company).".

Clause 31

That clause 31 be further amended --

(a) in subclause (1), by deleting "Subject to this section, and" and substituting "Any".

(b) in subclause (1)(a), by adding "without reasonable excuse" after "section 25".

Question on the amendments proposed, put and agreed to.

Question on clauses 13, 26, 30 and 31, as amended, proposed, put and agreed to.

Clauses 15 and 18

MISS TAM: Sir, I move that clauses 15 and 18 be amended as set out in the paper circulated to Members, the reasons of which have been stated in my speech.

Proposed amendments

Clause 15

That clause 15 be amended --

(a) in subclause (2), by adding "or renewal of registration" after "registration".

(b) by adding at the end --

"(3) Where the Board rejects an application for registration or renewal of registration, it shall give reasons for the rejection.".

Clause 18

That clause 18 be amended --

(a) by adding "by a registered architect" after "payment".

(b) by adding "to the registered architect" after "issue".

Question on the amendments proposed, put and agreed to.

Question on clauses 15 and 18, as amended, proposed, put and agreed to.

Clause 20

MISS TAM: Sir, I move that clause 20 be amended as set out under my name in the paper circulated to Members, the reason for which has been stated earlier in my speech.

Proposed amendment

Clause 20

That clause 20(2) be amended, by deleting "Subject to subsection (3)" and substituting "For the purposes of subsection (1)(c)".

That clause 20(3) be amended, by deleting subclause (3).

That clause 20(8) be amended, by adding "to a person" after "refund" and by deleting "personally paid by a person".

Question on the amendment proposed, put and agreed to.

MR. EDWARD HO: Sir, I move that clause 20 be further amended as set out under my name in the paper circulated to Members. I have already spoken on this amendment in my speech under the Second Reading of the Bill.

Proposed amendment

Clause 20

That clause 20(2) be amended, by adding "or more" after "years".

Question on the amendment proposed, put and agreed to.

MISS LEUNG: Sir, I move that clause 20 be further amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 20

That clause 20(2) be further amended, by deleting "(1)但本款受第き款規限".

Question on the amendment proposed, put and agreed to.

Question on clause 20, as amended, proposed, put and agreed to.

Clauses 21, 22, 24 and 29

DR. LEONG: Sir, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 21

That clause 21 be amended --

(a) in subclause (1)(e), by adding "without reasonable excuse," before "fails".

(b) in subclause (3) --

(i) by deleting "a member of the Board appointed" and substituting "2 members of the Board appointed by the Board";

(ii) by deleting "the member" and substituting "the members".

Clause 22

That clause 22(6)(b) be amended, by deleting "may be available and".

Clause 24

That clause 24 be amended --

(a) by deleting all words appearing before paragraph (a) and substituting --

order "24. Where an inquiry committee finds that a registered architect committed a disciplinary offence, on confirmation by a review committee of the finding, or on the variation of the finding or any proposed order based on the recommendation of the review committee, the inquiry committee may make any one or more of the following orders --".

(b) in paragraph (e), by deleting "architects" where it occurs twice and substituting "architect".

Clause 29

That clause 29(7) be amended --

(a) in the Chinese text by deleting "24(1)" and substituting "24".

(b) by deleting "28 days" and substituting "3 months".

Question on the amendments proposed, put and agreed to.

MISS LEUNG: Sir, I move that the clauses specified be further amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 21

That clause 21(2) be further amended, by adding "行爲" after "失當".

Clause 22

That 22(4) be further amended, by deleting "由管理局".

Clause 24

That clause 24(b) be further amended, by deleting "期間(1)註銷期由研訊委員會定出" and substituting "研訊委員會認為恰當的期間".

Clause 29

That clause 29(7) be further amended, by deleting "針對" and substituting "就".

Question on the amendments proposed, put and agreed to.

Question on clauses 21, 22, 24 and 29, as amended, proposed, put and agreed to.

Clause 25

DR. LEONG: Sir, I move that clause 25 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 25

That clause 25(1) be amended, in the Chinese text by deleting paragraph (e) and substituting --

"(e) 付給被傳召出席作證的人研訊委員會認為他就出席作證而作的合理開支(1)所付款項由管理局資'

金撥出⑨"⑨

Question on the amendment proposed, put and agreed to.

Question on clause 25, as amended, proposed, put and agreed to.

Clause 32

MR. EDWARD HO: Sir, I move that clause 32 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 32

That clause 32 be amended, by deleting "proposes" and substituting "purposes".

Question on the amendment proposed, put and agreed to.

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

ENGINEERS REGISTRATION BILL 1989

Clauses 5, 13, 15, 18, 22 and 31 were agreed to.

Clauses 1, 3, 8, 10 and 29

MR. CHENG HON-KWAN: Sir, I move that clauses specified be amended as set out in the paper circulated to Members. It is proposed that subclause 4 of clause 3 be amended to reflect the intention that only a member of the institution may be appointed to the Board. Besides, substantial amendments are proposed to clause 29 to ensure the title of Registered Professional Engineer to be used only by a person whose name appears on the Register and to ensure engineering consultancy services at the professional level be provided only by registered professional engineers.

Sir, by doing so, the required professional standard will be maintained and the interest of consumer public will be protected.

Proposed amendments

Clause 1

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

Clause 3

That clause 3 be amended --

(a) in subclause (2), by adding ", in addition," after "and".

(b) in subclause (3), by deleting "by him".

(c) in the English text by deleting subclause (4) and substituting --

Board "(4) The Council shall not appoint a person as a member of the
 unless he is a member of the Institution."

Clause 8

That clause 8 be amended, by adding after paragraph (b) --

 "(ba) employ persons to assist with the carrying out of its functions under
this Ordinance;"

Clause 10

That clause 10(1) be amended, by adding "and conditions" after "terms".

Clause 29

That clause 29 be amended --

(a) by deleting subclauses (1) and (2) and substituting --

not be "(1) A person whose name does not appear on the register shall
with or entitled to describe himself as a "registered professional engineer"
with or without a qualifying discipline or to use the initials "R.P.E."
 without a qualifying discipline.

professional (2) A person shall not use the description of "registered
includes in the engineer" or the initials "R.P.E." unless the person
by an abbreviation description the qualifying discipline either in full or
 approved by the Board."

(b) by adding after subclause (3) --

"(4) A person, including a firm or company, shall not use the description of "registered professional engineers" or the initials "R.P.E." unless --

(a) at each place where the person carries on the business of engineering, that business is conducted under the supervision of a registered professional engineer of the appropriate discipline who does not act at the same time for any other person other than for a firm or company that has substantially the same beneficial ownership and management as the person (where the person is a firm or company);

(b) where the person carries on a multidisciplinary practice, that business, so far as it relates to engineering, is under the full time control and management of a registered professional engineer of the appropriate discipline who does not act at the same time in a similar capacity for any other person other than for a firm or company that has substantially the same beneficial ownership and management as the person (where the person is a firm or company).

(5) The Board may apply to a judge for an order restraining any person who holds himself out to be providing engineering consultancy services at a professional level from so doing if the name of the person does not appear on the register or if the person has not complied with the requirements set out in subsection (4)(a) or (b).".

Question on the amendments proposed, put and agreed to.

Question on clauses 1, 3, 8, 10 and 29, as amended, proposed, put and agreed to.

Clauses 2 and 6

MISS TAM: Sir, I move that clauses 2 and 6 be amended as set out in the paper circulated to Members, the reasons for which have been stated in my speech.

Proposed amendments

Clause 2

That clause 2 be amended, in the definition of "學會會員" (member of the Institution)

by deleting "法定" and substituting "正式".

Clause 6

That clause 6 be amended --

(a) in subclause (1), by deleting "不在香港" and substituting "缺勤".

(b) in subclause (2), by adding "根據本款召開的" after "這樣做⑨".

Question on the amendments proposed, put and agreed to.

Question on clauses 2 and 6, as amended, proposed, put and agreed to.

Clause 4

MISS TAM: Sir, I move that clause 4 be amended as set out under my name in the paper circulated to Members for the reasons cited previously.

Proposed amendment

Clause 4

That clause 4 be amended --

(a) in subclause (1)(a), by deleting "(1)或為其" and substituting "或".

(b) in subclause (1)(b), by deleting "藉向管理局發出書面通知" and substituting "發出書面通知向管理局".

(c) in subclause (2)(b) by deleting "會" where it first occurs.

(d) in the Chinese text by deleting subclause (3) and substituting --

"(3)(2)總督委任的成員的任期由總督決定⑨".

(e) in subclause (5), by deleting "暫時離開香港" and substituting "缺勤".

Question on the amendments proposed, put and agreed to.

MR. CHENG HON-KWAN: Sir, I move that the clause be further amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 4

That clause 4 be further amended --

(a) in subclause (2)(b), by deleting "a 10 year" and substituting "any 10 year".

(b) in subclause (5), by deleting "member during that period." and substituting

--

"member --

(a) in the case of a temporary absence or incapacity, during the period of temporary absence or incapacity; or

(b) in the case of a resignation, for the balance of the period for which the resigning member was due to serve."

Question on the amendments proposed, put and agreed to.

MR. HO SAI-CHU: Sir, I move that the clause be further amended as set out under my name in the paper circulated to Members. The amendment is minor.

Proposed amendment

Clause 4

That clause 4(4)(a) be amended, by deleting "償債" and substituting "債務償還".

Question on the amendments proposed, put and agreed to.

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

Clauses 7 and 11

MR. CHENG HON-KWAN: Sir, I move that clauses 7 and 11 be amended as set out under my name in the paper circulated to Members. These are minor amendments to facilitate the carrying out of the functions of the Board.

Proposed amendments

Clause 7

That clause 7(a) be amended, by deleting "professional engineers for the purposes of this Ordinance" and substituting "registered professional engineers".

Clause 11

That clause 11(2) be amended, by deleting "all" and substituting "such".

Question on the amendments proposed, put and agreed to.

MR. HO SAI-CHU: Sir, I move that the clauses be further amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 7

That clause 7(f) be amended, by deleting "接受" and substituting "接收".

Clause 11

That clause 11 be further amended --

(a) in subclause (1), by deleting "其內" and substituting "冊內".

(b) in subclause (1)(d), by adding "由" after "其他".

(c) in subclause (4), --

(i) by adding "不得就" before "更改"; and

(ii) by deleting "(1)不得".

Question on the amendments proposed, put and agreed to.

Question on clauses 7 and 11, as amended, proposed, put and agreed to.

Clause 9

MR. HO SAI-CHU: Sir, I move that clause 9 be amended as set out in the paper circulated to Members. Again the amendment is minor.

Proposed amendment

Clause 9

That clause 9 be amended, by adding "該局" after "出任".

Question on the amendment proposed, put and agreed to.

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

Clauses 12 and 25

MISS LEUNG: Sir, I move that clauses 12 and 25 be amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 12

That clause 12(1) be amended, by deleting "其他" and substituting "任何".

Clause 25

That clause 25 be amended --

(a) in subclause (1), by deleting "建議由該研訊委員會" and substituting "該研訊委員會
建議".

(b) in the Chinese text by deleting subclause (4)(b) and substituting --

"(b)推翻有關的研訊委員會決定被指控的人有作出違紀行為的裁定⑧".

Question on the amendments proposed, put and agreed to.

MR. CHENG HON-KWAN: Sir, I move that the clauses be further amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 12

That clause 12 be further amended --

(a) by deleting subclause (1)(b) and substituting --

"(b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and".

(b) in subclause (1)(e), by deleting "declares" and substituting "satisfies the

Board by declaration".

(c) by adding at the end --

"(3) Where the Board is satisfied by an applicant that he is competent to practise engineering in a discipline and the Board is later satisfied that the person is not competent to practise engineering in that discipline, the Board may refer the matter to an inquiry committee who shall deal with it as if it was a complaint under section 21(1)."

Clause 25

That clause 25 be further amended --

(a) by deleting subclause (4)(c) and substituting --

"(c) recommend that any proposed order made by the inquiry committee be varied; or".

(b) in subclause (5), by adding "and recommendation" after "directions".

Question on the amendments proposed, put and agreed to.

Question on clauses 12 and 25, as amended, proposed, put and agreed to.

Clauses 14, 16, 17 and 30

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

Proposed amendments

Clause 14

That clause 14 be amended --

(a) in subclause (2), by adding "or renewal of registration" after "registration".

(b) by adding at the end --

"(3) Where the Board rejects an application for registration or renewal of registration, it shall give reasons for the rejection."

Clause 16

That clause 16 be amended, by deleting subclause (1) and substituting --

"(1) The Board may appoint a committee of not less than 10 members from the members of the Institution to examine the engineering qualifications of an applicant for registration in a discipline, at least 1 member of the committee having qualifications in the discipline for which the applicant has applied for registration and at least 1 other member having qualifications, in the opinion of the Board, in a similar discipline to that for which the applicant has applied for registration."

Clause 17

That clause 17 be amended --

(a) by adding "by a registered professional engineer" after "payment".

(b) by adding "to the registered professional engineer" after "issue".

Clause 30

That clause 30(a) be amended, by adding "without reasonable excuse" after "section 24".

Question on the amendments proposed, put and agreed to.

Question on clauses 14, 16, 17 and 30, as amended, proposed, put and agreed to.

Clause 19

MR. PETER WONG: Sir, I move that clause 19 be amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 19

That clause 19(2) be amended --

(a) by deleting "Subject to subsection (3)" and substituting "For the purposes of subsection (1)(c)".

(b) by adding "or more" after "years".

That clause 19(3) be amended, by deleting subclause (3).

That clause 19(8) be amended, by adding "to a person" after "refund" and by deleting "previously paid by a person".

Question on the amendment proposed, put and agreed to.

MR. HO SAI-CHU: Sir, I move that the clause be further amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 19

That clause 19(2) be further amended, by deleting "(1)但本款受第叁款規限".

Question on the amendment proposed, put and agreed to.

MR. CHENG HON-KWAN: Sir, I move that the clause be further amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 19

That clause 19(5) be amended, by adding "registered" before "professional" where it secondly occurs.

Question on the amendment proposed, put and agreed to.

Question on clause 19, as amended, proposed, put and agreed to.

Clauses 20, 21 and 23

MR. PETER WONG: Sir, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 20

That clause 20 be amended --

(a) in subclause (1)(f), by adding "without reasonable excuse," before "fails".

(b) in subclause (3), --

(i) by deleting "a member of the Board appointed" and substituting "2 members of the Board appointed by the Board"; and

(ii) by deleting "the member" and substituting "the members".

Clause 21

That clause 21(6)(b) be amended, by deleting "may be available and".

Clause 23

That clause 23 be amended, by deleting all words appearing before paragraph (a) and substituting --

"23. Where an inquiry committee finds that a registered professional engineer committed a disciplinary offence, on confirmation by a review committee of the finding, or on the variation of the finding or any proposed order based on the recommendation of the review committee, the inquiry committee may make any one or more of the following orders --".

Question on the amendments proposed, put and agreed to.

MR. HO SAI-CHU: Sir, I move that the clauses specified be further amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 20

That clause 20(2) be amended, by adding "行爲" after "失當".

Clause 21

That clause 21(4) be amended, by deleting "由管理局".

Clause 23

That clause 23(b) be amended, by deleting "期間(1)註銷期由研訊委員會定出" and substituting "研訊委員會認為恰當的期間".

Question on the amendments proposed, put and agreed to.

Question on clauses 20, 21 and 23, as amended, proposed, put and agreed to.

Clauses 24, 26 and 27

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

Proposed amendments

Clause 24

That clause 24(1) be amended, in the Chinese text by deleting paragraph (e) and substituting --

"(e) (2)付給被傳召出席作證的人研訊委員會認為他就出席作證而作的合理開支(1)所付款項由管理局資
(2)金撥出⑨".

Clause 26

That clause 26(1) be amended --

(a) in paragraph (a), by deleting all the characters in the brackets and substituting

"除非有關的研訊委員會須重新考慮其決定".

(b) by adding "一份" after "立即將".

(c) by deleting "的副本一份(1)連同研訊委員會的裁定理由一份" and substituting "(1)連同一份研訊委員會的裁定理由".

That 26(3) be amended --

(a) by deleting "應當進行" and substituting "適當".

(b) by deleting "應當施加" and substituting "適當".

Clause 27

That clause 27 be amended --

(a) in subclause (1)(a), by deleting "於香港行銷" and substituting "行銷於香港".

(b) in subclause (2)(b), by deleting "報導" and substituting "發表".

(c) in the Chinese text by deleting subclause (3) and substituting --

"(3)(2)任何人均不得就本條規定發表或容許發表的命令或詳情(1)而以誹謗
為理由提出
訴訟索償⑨".

Question on the amendments proposed, put and agreed to.

Question on clauses 24, 26 and 27, as amended, proposed, put and agreed to.

Clause 28

MISS LEUNG: Sir, I move that clause 28 be amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 28

That clause 28(7) be amended, by deleting "針對" and substituting "就".

Question on the amendment proposed, put and agreed to.

MR. PETER WONG: Sir, I move that the clause be further amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 28

That clause 28(7) be further amended, by deleting "28 days" and substituting "3 months".

Question on the amendment proposed, put and agreed to.

Question on clause 28, as amended, proposed, put and agreed to.

GRANTHAM SCHOLARSHIP FUND (AMENDMENT) BILL 1990

Clauses 1 to 3 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

PRIVILEGES AND IMMUNITIES (JOINT LIAISON GROUP AND LAND COMMISSION) (AMENDMENT) BILL 1990 and

GRANTHAM SCHOLARSHIPS FUND (AMENDMENT) BILL 1990

had passed through Committee without amendment and the

ARCHITECTS REGISTRATION BILL 1989 and

ENGINEERS REGISTRATION BILL 1989

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

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

Bills read the Third time and passed.

Private Bill

First Reading of Bill

DEN NORSKE BANK BILL 1990

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

Second Reading of Bill

DEN NORSKE BANK BILL 1990

MR. LAU WAH-SUM moved the Second Reading of: "A Bill to provide for facilitating the vesting in Den norske Bank AS of the undertaking of Den norske Creditbank and for other related purposes."

MR. LAU WAH-SUM said: Sir, the Bill which I introduce today is technical in nature and uncontroversial. I am pleased to report that the form of the Bill has been certified by Counsel to the Legislature under Standing Orders and the Bill has been advertised for the requisite number of times in the Chinese and English press. I therefore move that the Bill be read a Second time.

Prior to the merger with Bergen Bank A/S, Den norske Creditbank was a company organized under the laws of Norway. The Hong Kong branch of Den norske Creditbank was licensed as a bank under the Banking Ordinance. Hong Kong has an interest in affording certainty and security of business to international banks operating here and this enabling legislation is the best manner in which to afford certainty to the customers and employees of Den norske Creditbank in Hong Kong.

The Bill is not unprecedented. Members will recall that similar Bills, for example, the Deutsche Bank (Merger) Bill in 1988, have been introduced into the Council. Indeed, this Bill is itself modelled on the 1988 Bill.

Members may be reassured that no stamp duty will be saved by this Bill and that

the stamp duty position shall be precisely the same as if no legislation had been passed. There is no intention to avoid stamp duty by means of this Bill.

Sir, I believe this Bill to be uncontroversial and that it will be welcomed by all parties concerned. It shows Hong Kong affording certainty of operation to financial institutions and customers alike. I therefore move that the debate on this Bill be adjourned.

Question on the adjournment proposed, put and agreed to.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: I am grateful to Members for continuing without a break. There is now an opportunity for a break. In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 9 May.

Adjourned accordingly at four minutes past Five o'clock.

Note: The short titles of the Bills/motion listed in the Hansard, with the exception of the Hospital Authority Bill 1990, Architects Registration Bill 1989, Engineers Registration Bill 1989 and Den norske Bank Bill 1990, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.