

1 HONG KONG LEGISLATIVE COUNCIL -- 7 November 1990

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 7 November 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 CHENG HON-KWAN, O.B.E., J.P.

THE HONOURABLE CHUNG PUI-LAM, J.P.

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

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

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

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

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

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

THE HONOURABLE POON CHI-FAI, J.P.

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

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH, J.P.

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

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

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

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

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 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

THE HONOURABLE MARTIN JOHN LEWIS, J.P.  
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

ABSENT

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

THE HONOURABLE TAM YIU-CHUNG

THE HONOURABLE PAUL CHENG MING-FUN

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR LAW KAM-SANG

Oath

Mr Martin John LEWIS took the Oath of Allegiance.

Papers

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

Subject

Subsidiary Legislation L.N. No.

Census and Statistics Ordinance

Census and Statistics (1991 Population Census)

Order 1990.....

337/90

Road Traffic Ordinance

Road Traffic (Public Service Vehicles)

(Amendment) (No. 5) Regulations 1990..... 338/90

Road Tunnels (Government) Ordinance

Road Tunnels (Government) (Amendment)

(No. 2) Regulations 1990.....

339/90

Hong Kong Airport (Restricted Areas) Regulations

Hong Kong Airport (Restricted Areas and

Tenant Restricted Areas) Order 1990..... 340/90

Legal Practitioners Ordinance

Practising Certificate (Solicitors)

(Amendment) (No. 2) Rules 1990..... 341/90

Electricity Ordinance 1990  
Electricity Ordinance 1990 (Commencement)  
Notice 1990.....  
342/90

Electricity (Exemption) Regulations 1990  
Electricity (Exemption) Regulations 1990  
(Commencement) Notice 1990..... 343/90

Electricity (Registration) Regulations 1990  
Electricity (Registration) Regulations  
1990 (Commencement) Notice 1990..... 344/90

Electricity Supply (Amendment) Regulations 1990  
Electricity Supply (Amendment) Regulations  
1990 (Commencement) Notice 1990..... 345/90

Electricity Supply (Special Areas) (Amendment)  
Regulations 1990  
Electricity Supply (Special Areas) (Amendment) Regulations  
1990 (Commencement) Notice 1990.....  
346/90

Sessional Papers 1990-91

No. 19 -- The Hong Kong Industrial Estates Corporation  
Annual Report 1989-1990

Address by Member

Hong Kong Industrial Estates Corporation -- Annual Report 1989-90

MR CHEONG: Sir, as the Chairman of the Board of the Hong Kong Industrial Estates Corporation, I am pleased to table the Annual Report of the Corporation for the year

1989-90. During this period, 7.7 hectares of land was granted to eight companies. While this figure is less than the result for the two preceding years, it is considered to be quite satisfactory in the light of the political and economic events affecting Hong Kong during the year.

Apart from one small site which was granted in Tai Po, the remaining seven grants were made on the Yuen Long Estate. The three hectares of land still available on the Tai Po Estate, plus the possible additional two hectares scheduled to be granted to the Corporation by the Government during this financial year, are reserved for high technology applications. The Yuen Long Estate now has 19 factories in operation and 12 sites being developed with new factories being opened almost every month. About half of the land on the Estate has now been granted, leaving little more than 30 hectares of industrial land available for applicants over the next few years. We hope that the third industrial estate at Tseung Kwan O will be able to come on stream on time. The consultancy for the design and supervision of engineering works for the third industrial estate was awarded in August 1990. If all goes according to schedule, the first phase of the estate at Tseung Kwan O should be available by the end of 1993 at about the time when the land will be running out at both Tai Po and Yuen Long.

The Government extended the leases of the industrial estates from 1977 to 2007 on 4 May 1990. The Corporation accordingly is extending the same terms of the subleases to the existing companies on the estates. For new grantees, the subleases are already being granted up to 2047. Investors are now able to plan up to the middle of the next century.

The Board, Sir, regularly reviews the land premiums, and taking into account the overall market trend and the need to preserve the capital invested in the existing estates, the premiums for sites on both estates accordingly were raised by \$100 per square metre in May this year; that only represented a modest increase of about 8.5% to 9%.

Recognizing the changing nature of Hong Kong's industries, the Board decided that industrial activities, other than purely manufacturing processes, could be accepted as the main operations for the grant of a site provided they cannot be accommodated in ordinary multi-storey factory buildings, and that of course they have introduced new and improved technologies and products to Hong Kong. This revision of the selection criteria should enable companies offering supporting services for

manufacturing industry to be considered for sites on the estates. These services might include research and development, technical centres and prototype design.

During the financial year 1989-90, \$112 million were repaid to the Loan Fund, leaving a balance of \$108 million still outstanding. This amount, together with Letters B valued at \$72 million due to Government, is expected to be fully repaid by the year 1992-93. This is slightly longer than the previous forecast due to lower land sales in the year 1989-90 and a revised cautious target of seven hectares of land for 1990-91 as compared with the previous plans of 10 hectares.

To finance the development of the third industrial estate, I would like to report that the Government approved a loan of \$900 million from the Loan Fund, at an interest rate of 5% per annum, which is expected to cover about 90% of the estimated cost. The Corporation will cover the remainder from surpluses achieved from the marketing of the first two estates. Drawdowns from the new loan will soon be made when works commence.

I would like to place on record, Sir, my appreciation of the support given by all members of the Corporation's Board, and my thanks also go to the Industry Department for its co-operation and assistance, and naturally to the staff of the Corporation for all their untiring efforts.

Oral answers to questions

Wastes disposal

1. MRS TU asked: Will Government inform this Council whether consideration will be given to using incinerators with highly sophisticated pollution control equipment, in place of landfills, for the disposal of wastes?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, our present strategy for disposal of wastes is based on three very large landfills, sited in remote areas, and serviced by a network of urban refuse transfer stations. We have laid this strategy down in our White Paper on Pollution and our Waste Disposal Plan, and it is already in operation. This allows us to promptly phase out our offensive urban landfills and incinerators, which have caused much adverse comment in this Council.

Incinerators cannot entirely replace landfills because a significant proportion

of our waste cannot be burnt. Also, incinerators produce ash which amounts to about 20% of the weight of the original waste, and requires disposal at landfills.

Modern domestic waste incinerators, even with highly sophisticated pollution control equipment, are not pollution free. Although it is possible with the use of the state-of-the-art technology to remove most of the pollutants generated, there would still be some toxic constituents in the chimney emissions. The environmental impact of these incinerators would be further aggravated by our topography and proliferation of high rise buildings, which means that we would have to build incinerators in places far away from heavily-populated areas. These implications, and the capital intensive nature and complexity of these plants make incineration a very expensive option. A modern incineration plant would be almost three times as costly as a landfill of equivalent capacity.

Nevertheless, although incineration does not feature prominently in our current planning horizon up to the year 2001, Government will give consideration, in our longer-term strategy, to a potential role for such incinerators.

MRS TU: Sir, the latest incinerator technology, which Hong Kong has never tried out, provides precipitators and gas scrubbing equipment to deal with toxic waste while, on the contrary, transfer stations pollute the environment and probably damage the health of workers with dust, and landfills produce dangerous toxic gases and occupy more land space. On what grounds, therefore, can the Government use capital expenditure as an excuse for neglecting methods which are increasingly used in other countries, such as Canada, Sweden, Singapore and even little Macau? Has the Government ever investigated these systems?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Yes, we have, Sir. We have got a waste disposal plan and we did not just stumble on that. It took us about six years to come up with our waste disposal plan. I would query whether refuse transfer stations pollute more than incinerators do and, in fact, our refuse transfer station that we have already got in operation hardly pollutes at all. With regard to the point about what other countries do, there is really no fixed trend throughout the world. The general trend throughout the world is towards waste minimization and waste recovery and recycling and, as far as the choice between incineration and landfills are concerned, there is no unifying trend all over the

world. Countries like the United States -- parts of it --, United Kingdom and Australia now rely heavily on direct disposal to landfill as the disposal method. I agree that other countries do different things, but I think it is up to Hong Kong to find its own solution to this particular problem. If I can take Mrs TU's other point about using landfill space, it is marginal landfill space that we use in marginal land areas. So I would not agree with her assessment of incineration plants or of refuse transfer stations and we will continue to carry out our waste disposal plan and our strategy along the present lines, although we will keep an eye on incineration as a whole.

MR NGAI (in Cantonese): Sir, given that there are emissions of methane gas from landfills, will the Secretary inform this Council: (1) whether the Government has considered taking other methods, for example, incineration, to resolve the problem of methane gas emissions and (2) whether the Government has carried out the plan of encouraging industrialists to make use of methane gas as a source of energy? If so, what is the progress of the plan?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Yes, Sir, on the first part of the question, we will be taking action to minimize any environmental problems that occur at landfills. Our three new, large landfills will be efficient and environmentally safe and we will have proper planning and detailed environmental assessment and extensive engineering expertise. They would all be required before any waste would be accepted there. As to the other things that happen at landfills, leachates would be contained by lining materials and collected by sub-soil drains. Now, there will also be sophisticated gas extraction systems to eliminate any potential gas hazard and to make the best use of landfill gas, which brings me on to the second part of Mr NGAI's question concerning the use of methane gas. We are looking into that and we have already concluded one study on the use of methane gas and, after some finalizing work to be done on it, we will shortly be releasing details on how best that gas can be used.

MR TAI: Sir, may I ask, in terms of policy and action, what type of encouragement and indirect assistance would the Government be giving to industries and to municipal councils in the disposal of industrial and domestic waste?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the recycling of domestic and industrial waste is a very important point, because the more recycling we can do, the more we can spin out our use of landfill. When we are asked to give advice and assistance to industry on recycling, we can really only take the lead. Government itself is not going to be involved in recycling activities. So, it is really a matter of business for industry itself to take up any recycling opportunities and there are indeed many; last year, for example, over \$3 billion was made in this area.

MR MCGREGOR: Sir, will the Secretary confirm that the toxic waste disposal plant scheduled for south Tsing Yi Island is still to go ahead as planned and whether he is satisfied that the emissions from the pumping off of chemical waste in that plant will not affect the people of Tsing Yi?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Yes, Sir, this is a very pertinent point. It is still scheduled to go ahead. The other point with this is that it is not a domestic waste incinerator; it is a chemical waste incinerator. As such, it has much, much higher standards than the domestic waste incinerator and it is built to a standard that removes 99.9999% of pollution. That means that, in terms of people living nearby, the effect of pollutants coming out of that incinerator will be negligible.

MRS TU: Sir, the Secretary said that there was a network of transfer stations supplying the landfills. As far as I know, the only one in the urban area is Kowloon Bay and, in case of serious traffic jams, or damage or shutdown, the environmental situation could be very serious. May I ask why the Lai Chi Kok incinerator is being closed down in mid-December this year, two months prior to the heavy litter season which occurs at Chinese New Year?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, one of the reasons is that the Junk Bay Tunnel opens tomorrow and we could send 800 tonnes through that without any trouble at all from east Kowloon. It would take between 15 and 27 minutes for the waste to reach the landfill. So, actually that could very much relieve the situation. That is why we are going to close down the Lai Chi Kok incinerator on 16 December

and, of course, people who live around that incinerator will be very much relieved because we are closing it down for environmental reasons.

MR ANDREW WONG: Sir, when does Government expect the three existing landfills to be fully filled and are new ones being identified?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Yes, Sir, this is part of the process that goes on for many years and the three landfills will have a life of between 15 and 25 years, which means that we should, in about 2010 when they come to the end of their serviceable life -- or if we do our recycling better, longer -- be switching to other sites. As to whether there are alternative sites, yes, we started off looking at 50 sites before we boiled it down to three. Now, there are other ones available that we could use but, of course, we have got to get much closer to that time before we actually start doing our planning there. We shall not rule out in that sort of time frame looking at incinerators again and their state of technology at that time.

MRS TU: My question is almost the same as the previous one, but I would like to ask it. The Secretary in the last paragraph of his main answer said that consideration would be given to the potential role of incinerators and that we would have to wait until 2001. Is there any reason why we have to wait more than 10 years and can the pace be speeded up?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, as I have said, our waste disposal plan already sets out what we are going to do in the short term. We are not going to build any more incinerators in the near short term, but we are not going to preclude thinking about whether they do have a role. So, as to speeding it up, we are keeping them on the backburner, so to speak, but we are not going to build any very quickly.

MR McGREGOR: Sir, could the Secretary confirm that the roads into the areas to be used as rubbish dumps are going to be very carefully looked at as well? My thought is that if 800 tonnes of rubbish are going to pass through a brand new tunnel, there could be considerable difficulty with what is left behind, both the smell and the filth from the various vehicles going through. Could that be looked into, please?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Certainly, it could be looked into, Sir. The 800 tonnes going through the Junk Bay Tunnel was answered in the context of an emergency situation. Obviously, one cannot have a new landfill without a road of a high enough standard to get to it. So, it will and it has been looked into.

Compulsory voting for the 1991 elections

2. MR TIEN asked: Since the response to the Voter Registration Drive 1990 so far is not as favourable as expected, will the Government inform this Council whether consideration will be given to introducing compulsory voting for the Legislative Council, municipal councils and district boards elections in 1991?

CHIEF SECRETARY: Sir, the Government has not set a target for this year's voter registration exercise. We are simply trying to encourage as many people as possible to register. By 1 October about 430 000 application forms had been received, but many of these were notifications of change of address from those already registered or were duplicates. The provisional register of electors will be published in two days' time, that is, on 9 November 1990. We expect that it will have 241 530 new voters in addition to the existing 1 597 567. After we have taken into account deletions on account of death, emigration or loss of contact, the provisional register will contain about 1.8 million electors. We are however still getting late applications, which if received before 20 November will be included in the final register to be published in January next year. By projection, we expect to add another 50 000 new voters onto the final register. This would bring the total number on the register to about 1.85 million, that is a net increase of 252 000 over the number in the existing register. This increase compares favourably with the aggregate net increase from 1985 to 1989 of 156 000.

It is highly debatable whether democracy should be practised through compulsion. With a few exceptions, most democracies in the world do not compel people to turn out to vote by law. In Hong Kong, we recognize that it is the right of our people to vote at elections. In a free society such as ours, we firmly believe that it should be left to the free, conscious choice of the individual to exercise this right. The Government will not therefore introduce compulsory voting for the 1991 elections.

MR TIEN: Sir, will the Chief Secretary please inform this Council how the Government came to the assessment that Hong Kong people would object to compulsory voting as an infringement of their rights, rather than as their duty and obligation to achieve the objective of Hong Kong people governing Hong Kong towards 1997? And secondly, will he tell this Council whether a survey will be conducted to see if the majority of our people object to compulsory voting?

CHIEF SECRETARY: Sir, it was not a question of coming to a conclusion as to whether people would object. We simply took the example of what is done in most other countries around the world and came to the conclusion that compulsion is very much the exception rather than the rule. Indeed, we have only discovered three other countries that practise compulsion and we firmly believe, Sir, as I have said, that it is the people's right to vote but that they should not be compelled to do so. It is not our intention, Sir, to carry out a further survey at this stage.

MISS LEUNG (in Cantonese): Sir, for what reasons does the Government not compel eligible people to register as voters when some other democracies already have such a practice?

CHIEF SECRETARY: Sir, as I have said, I think there are very few countries that compel people to either vote or to register and it is for that reason that we believe that we are on the right track.

MR ARCULLI: Sir, will the Chief Secretary inform this Council of those exceptions that he has referred to, and whether voters in those countries are compelled to vote or simply compelled to attend at the ballot box with the option to spoil their ballot paper and thereby preserving their entitlement, or their right, to vote or not to vote?

CHIEF SECRETARY: Sir, my understanding is that people in those countries are required to attend and to fill in a ballot paper. We have done some research on the two

countries' statistics published; they are Australia and Belgium. Members may be interested to hear some of the results of that. In Australia, there is an electorate of 9.9 million; there were, at the last election, 8.7 million valid votes cast; there were 630 000, or 6.4%, invalid votes, that is, spoiled ballot papers, and 5.8% of the people, that is, 575 000, did not vote for one reason or another. The other example we have, Sir, is Belgium. There is an electorate there of 7 million; 6 million cast valid votes; 488 000, that is, 7%, cast invalid votes; 7.3%, that is, 512 000, did not vote at all.

MR ANDREW WONG: Sir, I do not really follow the logic of the original question. It started out with the preamble on voter registration and then went on to voting. I think Miss LEUNG asked the appropriate question of compulsory registration. May I ask whether or not the Government will consider introducing automatic registration?

CHIEF SECRETARY: Sir, it is very difficult to institute automatic registration making use of the existing records we have. The records retained by the Registration of Persons Office, I am afraid, are not up to date in terms of addresses. People in Hong Kong are not very diligent in keeping the Registration of Persons Office informed as to where they are currently living. That is the first point. And secondly, of course, as I made clear in my speech last week, Sir, the Register of Persons does not include reference as to whether people are eligible to vote or not; it is simply a name and address, and therefore one has to provide a new register if one is going to produce something which is relevant to our electoral laws. We do not believe, Sir, that we should make that a matter of compulsion, either to register or to vote.

MRS TAM: Sir, will the Chief Secretary inform this Council how many among the 241 530 new voters belong to young people between the age of 21 and 25? Are there any signs of improvement over the previous registration exercise, and if not, what effort will the Government plan to encourage young people to register?

CHIEF SECRETARY: Sir, I do not have that information available but I will try and find it and let Mrs TAM know. (Annex I)

MR PETER WONG: Sir, is the Administration satisfied with the result of this last registration process, and also what can be done to improve upon that rate for the

next exercise?

CHIEF SECRETARY: Sir, as I said in my main reply, we are satisfied that this exercise is a substantial improvement over the last exercise. The last exercise produced an additional number of registered electors of 156 000; this one produced an additional number of 252 000. So we are reasonably well satisfied with the result. I think Members would all agree that we have, in terms of publicity, made a major effort in order to get people to register; we have spent some \$5.5 million on a very comprehensive campaign. Clearly, it would be possible to do more but there is a limit to the resources available.

Sir, one other thing which we are doing, which Members are aware of, I believe, is that we are extending the period of registration under the law to a time much closer to the Legislative Council elections, that is, August of next year. So there will be an opportunity for people to register for the Legislative Council elections right up until August of next year.

MR MCGREGOR: Sir, recognizing that compulsion in political matters is abhorrent to many people, how will the Government promote a high turnout of registered voters in 1991?

CHIEF SECRETARY: Sir, we do have plans to mount a major campaign to encourage people to vote next year. Subject to financial approval, the total cost of our publicity campaign is going to be no less than \$18 million, of which \$9.8 million will be for direct elections to the Legislative Council. This clearly represents a major increase over what we have been doing before; for example in 1988-89 we spent a total of \$2.6 million on our publicity campaign. It will have all the normal attributes of a government publicity campaign using all the media and some other innovative ideas as well.

Sir, the other thing we are doing is that, as Members will know, a decision has been taken that the polling will be held on Sunday. We hope this will facilitate voter turnout. In the final analysis, of course, the turnout will depend upon many other factors, such as the appeal of candidates to the electorate, the competitiveness of the elections, and candidates' own efforts in canvassing support. Even the

weather has some impact upon the outcome.

MR MARTIN LEE: Sir, has the Government studied how voluntary or compulsory registration is effected in other countries, so as to follow them in Hong Kong?

CHIEF SECRETARY: Sir, we have not carried out a detailed study in the time available to us.

MR TIEN: Sir, will Government consider last-minute registration, say, within a few weeks before the polling date next year, to enhance voter turnout? And, secondly, as against the 1.85 million that are registered to vote, what is the total number of eligible voters in Hong Kong right now?

CHIEF SECRETARY: Sir, as I have mentioned previously, Members will note that in the Electoral Provisions (Amendment) Bill 1990, proposals have been made to bring the registration cycle much closer to the Legislative Council election, so that the final register can be published in August, starting from next year, instead of January. So that should take account of Mr TIEN's point.

Sir, from memory, the number of eligible voters is, I believe, 3.6 million.

HIS EXCELLENCY THE PRESIDENT: Can I, with reference to that last supplementary question, again remind Members, please, not to ask, or to avoid double-barrelled questions? It is a good way of getting two into one but supplementary questions are better as single questions, please.

MRS CHOW: Sir, with 252 000 additional registrations, the Government may not be disappointed. But given the size of the campaign, I think that it is a rather disappointing figure to most of us. Now that the Chief Secretary has said that the final register for the Legislative Council elections next year would close as late as August, could I ask what package of measures Government is going to take, apart from the large-scale publicity campaign, to facilitate the registration of as large

a number as possible of eligible voters?

CHIEF SECRETARY: Sir, in addition to the publicity campaign, much of our effort has been directed towards house-to-house calls by members of the City and New Territories Administration staff. I think that this personal contact has been at the heart of our contact with people directly, and certainly we will consider extending that programme provided that resources are made available for that purpose.

Immigration clearance at Lo Wu Terminal

3. MR EDWARD HO asked: Will Government inform this Council whether there are plans to shorten the delays presently experienced by train passengers in obtaining immigration clearance at the Lo Wu Terminal during peak hours and festive periods?

SECRETARY FOR SECURITY: Sir, we aim to complete immigration clearance of all passengers within a maximum of 30 minutes. This standard is generally achieved, including at the Lo Wu Terminal. However, during peak hours and festive periods, particularly at the Lunar New Year, some passengers may have to wait for more than 30 minutes.

To cope with the volume of passenger traffic at times of peak demand, the Immigration Department deploys additional staff to man as many immigration counters as possible in the direction where demand is highest.

The daily average passenger flow through 1990 to date is 73 000 which is 2 000 less per day than in 1988. However, future growth in traffic must be expected. We have under planning a project which will provide additional waiting space of about 1800 sq m and an increase in the number of counters for passenger clearance from 88 to 160.

MR EDWARD HO: Sir, with respect to the first paragraph of his reply, is the Secretary for Security aware that the average waiting time at Lo Wu Terminal during festive periods is considerably more than 30 minutes, and is more like two to two-and-a-half hours with possibly up to 8 000 passengers waiting inside the station and on

the platform? Will he inform this Council whether all immigration counters will be manned to enable waiting time to be kept to the target of 30 minutes?

SECRETARY FOR SECURITY: Sir, I am advised that on a normal weekday the average waiting time for most passengers would be around 15 minutes, on Saturdays and Sundays it would be about 20 minutes, and on festive days it would be about 30 minutes. There are certainly occasions of peak demand, particularly at the Lunar New Year, when that period of 30 minutes would be exceeded. The Immigration Department takes a number of steps to cope with peak demand. It deploys additional staff and adopts a shift pattern to achieve maximum coverage where necessary. It imposes a contra-flow system whereby arrival counters are used to process departing passengers or vice versa depending where the demand is greatest. It maintains a close liaison with the Chinese side in an attempt to avoid bunching of passengers, and of course it does reinforce its staff at Lo Wu to the extent possible during such periods.

MR ARCULLI: Sir, will the Secretary for Security please inform this Council whether the project to increase the number of counters from 88 to 160 will be carried out in phases and when it will be completed?

SECRETARY FOR SECURITY: Sir, I cannot give a date for the completion of that project. There is an item in the Public Works Programme. It is under planning at the moment; it has not yet been funded.

MR CHENG HON-KWAN: Sir, will the Secretary inform this Council whether there is a need to modify the layout, in addition to the enlargement of the waiting space, to ease queuing which is most difficult at present during peak hours?

SECRETARY FOR SECURITY: Sir, I believe that the extension which we have under planning to the terminal at Lo Wu would include, in addition to more counters, also additional waiting space.

MRS CHOW: Sir, the Secretary's information regarding the enlargement of waiting

space is indeed worrying because that seems to signify a possible increase in the size of the crowd waiting. But may I ask the Secretary whether the necessary staff will be provided to man these additional counters?

SECRETARY FOR SECURITY: Sir, I would certainly hope so.

MR EDWARD HO: Sir, my information differs from the Secretary for Security's as to the congestion time, and furthermore the counters are not all manned at present. And if it is not possible to increase manpower due to zero-growth policy, would the Administration consider a departure tax to finance employment of adequate personnel?

SECRETARY FOR SECURITY: Sir, at present the Immigration Department, on a normal basis, deploys some 330 officers at the Lo Wu Terminal. This is sufficient for clearance of passengers during normal periods. I agree that it is not sufficient to meet heavy demand during certain peak periods and also during certain festive periods. On those occasions, staff are redeployed from other sections of the department and all the counters are fully manned during major festive periods such as the Chinese New Year holidays.

Written answer to question

Overcharging of taxi fares

4. MR TIEN asked: Will the Government inform this Council of the number of complaints received by the authorities concerned about over-charged taxi fares as a result of taxi meters being tampered with and the number of prosecutions instituted against taxi operators on account of this in the past two years?

SECRETARY FOR TRANSPORT: Sir, in the two years since October 1988, the Transport Complaints Unit (TCU) received a total of 476 complaints concerning overcharging as a result of suspected tampering of taxi meters. Of these, 243 cases were referred to the police for investigation after the complainants had indicated their willingness to further pursue their complaints.

The number of complaints concerning taxi meter offences received by the police during the same period was 615. This figure included the 243 complaints referred to the police by the TCU.

The number of prosecutions made since October 1988 was 14. The relatively low rate of prosecution was attributable to either insufficient evidence or the complainants' unwillingness to testify in court. However, many of the complaints originally reported under this category have resulted in prosecutions being instituted under other sections of the Road Traffic Ordinance (Chapter 374), such as the Road Traffic (Construction and Maintenance of Vehicles) Regulations, upon further investigation by the police.

Apart from acting on complaints, the police also take active steps to prevent taxi meter offences by conducting random roadside checks. The total number of prosecution cases, including action on complaints and arising from random checks, was 331 during the same period.

Statement

Importation of labour

SECRETARY FOR EDUCATION AND MANPOWER: Sir, on 4 July this year, during the debate in this Council on the Government's intention to relax its policy on importation of labour, I gave an undertaking to inform Honourable Members of the progress made on implementing various schemes for importing labour into Hong Kong. As I mentioned to this Council last week, the Government is now ready to allocate quota. It seems timely, therefore, that I should give Honourable Members an account of the action the Government has taken to date.

Invitation to apply

On 13 July, the procedures and criteria for two of the three schemes of importation -- namely, the scheme for importing up to 2 700 technicians, craftsmen and supervisors, and the scheme for importing up to 10 000 experienced operatives -- were announced to the general public. Three days later, on 16 July, applications were invited, with a closing date of 31 August.

## Applications

At the end of the six-week period, 4 524 companies applied for permission to import 57 558 workers, made up of 15 823 skilled workers and 41 735 experienced operatives. These figures show that the schemes have been over-subscribed by nearly six times in the case of skilled workers and over four times in the case of experienced operatives. The majority of applications came, not unexpectedly, from the garments industry, followed closely by construction, and by the hotels, catering and tourism group of industries.

## Rejections

Many applicants have been contacted and interviewed by the Immigration Department. Altogether, 20 091 applications, representing some 35% of the total, were rejected for a variety of reasons: they offered wages below the published median levels, involved workers whose attributes fell outside the scope of the two schemes, involved labour not required for the business concerned, or involved companies showing a loss.

The first three grounds for rejection are clear and incontrovertible. As regards the fourth reason, the Steering Group on Importation of Labour took the view that loss making companies, unless they are newly established, are in greater danger of going out of business. If they did they would leave behind a substantial number of unemployed workers. There is the further problem that their inclusion would have had the effect of quota being spread very thinly among eligible applicants. This could result in substantial quota under-utilization.

## Quota allocation

These rejections and the withdrawal of 842 applications left us with a balance of 10 174 job applications for skilled workers and 26 451 job applications for experienced operatives. This still represented an excess of demand over available quota of 3.8 times and 2.6 times respectively. In the circumstances, the steering group has had to scale down eligible applications involving excessive numbers, and to rank all applications in some order of merit. With the exception of a very small reserve, virtually all quota has been allocated, and no industry has an allocation lower than 12% of the number of skilled workers applied for, or below 15% of the number

of experienced operatives applied for.

### Notifications

Letters informing successful applicants of their quota allocation will be issued by the Immigration Department tomorrow, 8 November. Employers will be given four months within which to recruit workers, conclude contracts of employment and arrange for the workers to obtain visas. All quota should be filled within this four-month period. Unless an extension is granted, failure to comply will result in quota being withdrawn.

### Monitoring

Both the Immigration Department and the Labour Department are now geared up to implement these two schemes. I can assure Honourable Members that the Immigration Department will move quickly to deal with visa applications. No application that is in order will take more than four weeks to be approved. Similarly, the Labour Department will interview employers who need guidance and guest workers after they arrive, so that they may fully understand their rights and obligations under the Employment Ordinance. Needless to say both departments will exercise due vigilance: they will act swiftly on any complaints they receive about breaches of visa conditions and employment legislation.

### Review

The Steering Group on Importation of Labour has carefully considered whether or not it should recommend to the Government that the quota limits of these two schemes should be raised. Given that real demand exceeds available quota by nearly three times, there is on the face of it a case for recommending that the quotas should be increased. Before we consider taking this step, however, we will need to gain some experience with the operation of these schemes, particularly as regards quota utilization and the extent to which the scheme could be policed. We will also need to assess conditions in the labour market, and the effect of imported labour on both local workers and the businesses involved.

### Motion

TEMPORARY CONTROL OF DENSITY OF BUILDING DEVELOPMENT (KOWLOON AND NEW KOWLOON)  
ORDINANCE

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the following motion:

"That the Temporary Control of Density of Building Development (Kowloon and New Kowloon) Ordinance shall expire on 31 December 1993."

He said: Sir, I rise to move a motion to make and pass a resolution to extend the Temporary Control of Density of Building Development (Kowloon and New Kowloon) Ordinance 1989, which is due to expire on 31 December 1990, for a further period of three years.

The Hong Kong Airport (Control of Obstructions) Consolidation (Amendment) (No. 2) Order of 1989 permits the relaxation of airport height restrictions. The Temporary Control Ordinance, enacted on 14 July 1989, restricted buildings to the densities achievable under the former airport height restrictions, but allowed greater flexibility in building design by permitting the erection of taller buildings up to the revised Airport Height Restrictions. When this Ordinance was first enacted it was expected that the areas where permanent density limitations would be necessary would be few and that the limitations would be capable of imposition through the amendment of a limited number of Outline Zoning Plans. Since enactment, however, it has become apparent that the redevelopment potential in most areas is far greater than can be provided for satisfactorily with the existing infrastructure. Moreover when Kai Tak Airport is removed and there is no further justification for height limitations under the Hong Kong Airport (Control of Obstruction) Ordinance, the redevelopment potential would be limited only by the Building (Planning) Regulations or the Statutory Outline Zoning Plans and Lease Conditions, if applicable. It is envisaged that there is an overall potential for developing accommodation in the urban area for a population at a level which far exceeds any reasonable planning intention. For example, the Metroplan aims at a population of not more than 4.2 million, a level at which with proper control at district level a reasonable environment and an adequate infrastructure can be achieved. But to set the levels of control sensibly and equitably needs extensive study -- far more extensive than we foresaw when the Ordinance was first enacted. These studies and the preparation and approval of the Outline Zoning Plans to implement their results will take a further three years. This period will be taken as the target towards which the Government will complete all the necessary tasks and

we have no intention of proposing any further extension beyond the period.

Sir, the land market in Kowloon has all along been based on the level of densities permitted under the original orders for over 30 years; this order merely continues to retain the densities at that level, it does not reduce them. On the other hand I should also make it clear that it is not Government's intention that all forms of density or development control will be lifted at the expiry of the proposed extension period of three years. Some degree of control will be necessary and inevitable so as to provide guidance for development to be compatible with our long-term planning strategy for the region as a whole and for individual areas. Furthermore, we also have to ensure that development will be made without exceeding the capacity of infrastructural support.

Sir, I so move.

Question on the motion proposed.

MR CHENG HON-KWAN: Sir, an ad hoc group was formed on 19 October 1990 to study the motion under the Temporary Control of Density of Building Development (Kowloon and New Kowloon) Ordinance 1989. At its meeting with the Administration on 29 October 1990, the group was briefed on the background to the proposed extension of the Ordinance, due to expire on 31 December this year, for three more years. It was understood that the purpose of the legislation was to retain control on building density previously imposed on airport safety ground, now essential for planning reasons.

The ad hoc group sought clarification on this proposed extension and the Administration explained that as a result of a formal decision being made on the relocation of the airport to Chek Lap Kok and the completion of the Metroplan, a comprehensive consultancy study on Kowloon and New Kowloon was required. The proposed study would take some 18 months to complete, to be followed by the preparation and gazetting of Outline Zoning Plans, which would take another 18 months.

In reply to the ad hoc group's enquiry about any possibility of including an exemption clause in the Ordinance for GIC sites, the Administration explained that there would be difficulties because if all GIC users were to be exempted, the cumulative effect on the infrastructure would be difficult to fully assess. Since

developments under such exemptions might have far-reaching implications for existing and planned infrastructure, members of the ad hoc group agreed that this would not be desirable.

In order not to mislead the public further, members suggested and the Administration agreed that the Secretary for Planning, Environment and Lands should spell out in moving the motion in this Chamber that in view of the Metroplan being aimed at thinning out density and subject to the outcome of the consultancy study, the building density in the controlled areas might not experience significant relaxation in three years' time after the expiry of the Ordinance when, as the Administration confirmed, no further extension would be necessary. The ad hoc group's recommendation for support to the motion has been endorsed at the In-House meeting.

Whilst it is a pity that many developers may be disappointed by the proposed extension of the Ordinance, it is desirable that the future planning of Kowloon and New Kowloon should conform closely to the objectives of the Metroplan. We should appreciate the overall aim to restructure our city to create a better and a more desirable place to live and work.

Sir, with these remarks, I support the motion.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I would like to acknowledge the comments of the convenor and his ad hoc group and I thank them for their interest and diligence.

Question on the motion put and agreed to.

First Reading of Bills

BUILDINGS (AMENDMENT) (NO. 2) BILL 1990

TOWN PLANNING (AMENDMENT) BILL 1990

ROAD TRAFFIC (DRIVING-OFFENCE POINTS) (AMENDMENT) BILL 1990

PUBLIC HEALTH (ANIMALS AND BIRDS) (AMENDMENT) BILL 1990

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

Second Reading of Bills

BUILDINGS (AMENDMENT) (NO. 2) BILL 1990

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the Second Reading of: "A Bill to amend the Buildings Ordinance."

He said: Sir, I move the Second Reading of the Buildings (Amendment) (No. 2) Bill 1990.

It is necessary to amend the Buildings Ordinance to empower the Building Authority in certain prescribed circumstances to demolish unauthorized buildings and building works expeditiously, after successful application to the District Court.

At present, except in cases of extreme emergency, it normally takes about four months to demolish unauthorized buildings or building works. This is because we have to follow time-consuming legal procedures to identify the persons responsible, issue orders and allow time for them to rectify the situation. During this period, an unauthorized building may have been sold and occupied by an unsuspecting purchaser, causing the Building Authority greater difficulty in carrying out the demolition or alteration works in default of the owner's action. In certain circumstances, it is important that unauthorized buildings and building works are demolished in a matter of days for reasons of public safety.

The Bill therefore proposes that the existence of one or more of the following prescribed circumstances would warrant an application by the Authority to the District Court for a priority demolition order --

(a) where there is an imminent danger to life or property;

(b) when the unauthorized building is erected or the building works are being carried out with a view to sale, letting or disposal;

(c) where the building is situated, or the unauthorized building works are being carried out, in a common area of a building or on land in multiple ownership and such building works are seriously detrimental to the amenities of the neighbourhood; and

(d) where the unauthorized building or building works constitute a public nuisance.

An aggrieved person will have the opportunity to be heard in court and the making of an order for priority demolition will be subject to the discretion of the court.

Another major objective of the Bill is to expedite the carrying out of remedial works on dangerous hillsides. Due to the present cumbersome procedures prescribed in the existing legislation, the Building Authority is experiencing considerable delays in enforcing the order which requires the owner to carry out investigation and remedial works to render safe potentially dangerous hillsides. Clause 4 of the Bill seeks to avoid this unnecessary delay by enabling the Building Authority to serve two orders, the first requiring investigation and the submission of remedial works proposals, and the second requiring the carrying out of the works specified in the proposals. If the owner does not carry out the investigation by a date specified in the first order, the Building Authority may step in and carry out the investigation and necessary works to make the land or structure safe without sending the second order. These new procedures would speed up the necessary remedial works on dangerous hillsides, thus ensuring public safety.

Since 1985, more than 460 appeals have been lodged against the Building Authority's order under section 24 of the Buildings Ordinance requiring demolition of unauthorized buildings or building works. Clause 9 of the Bill now seeks to deter frivolous appeals by empowering the Appeal Tribunal to award costs for these appeals. It also enables the Appeal Tribunal to hold its hearings in public and publish its decisions if the Tribunal considers the subject of the inquiry to be of importance or interest to the public.

Also included in the Bill are some miscellaneous amendments to update and improve the effectiveness of the Buildings Ordinance. Clause 2 of the Bill seeks to correct a textual error by replacing an old term "authorized architect" with a new term "authorized person". Clause 5 seeks to make the Commissioner of Rating and Valuation the sole authority for allocating building numbers throughout the territory. Clause 7 enables members of an Appeal Tribunal to be remunerated at a rate approved by the Governor, instead of having remuneration determined in each case.

The amendment Bill, if enacted, will enable the Building Authority to control the problems of unauthorized building activities and dangerous hillsides more effectively, as well as strengthening the application of the Ordinance in other miscellaneous areas.

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

Question on the adjournment proposed, put and agreed to.

#### TOWN PLANNING (AMENDMENT) BILL 1990

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the Second Reading of: "A Bill to amend the Town Planning Ordinance."

He said: Sir, I move the Second Reading of the Town Planning (Amendment) Bill 1990.

Last week in this Council the Secretary for Planning, Environment and Lands spoke at length on points of principle relating to this Bill. I do not propose to repeat those points today, but will concentrate on the technical aspects of the Bill.

The present Town Planning Ordinance was enacted in 1939 to provide for the systematic preparation and approval of zoning plans for future layout of existing and potential urban areas. It provides for the appointment of a Town Planning Board; specifies the contents of the plans that the Board may make; establishes an exhibition and objection procedure for draft plans; and sets up a procedure for amendment and approval of plans, the granting of planning permission and the right of review of the Board's refusal.

Control in all the rural and village areas is carried out through lease conditions and administrative means. Such control is, however, limited to the construction of buildings on agricultural land and noxious activities, and does not apply to situations when a landowner changes the use of his land. During recent years, we have seen changes in the character of a considerable portion of the New Territories land area, mainly due to conversion of land for open storage purpose, which in turn has given rise to other environmental and infrastructural support problems. The indications are that such activities are likely to continue to

increase. The Government recognizes that there is a strong demand for open storage, and accepts that such activities serve an economic need in Hong Kong. However, it is equally necessary for such activities to be planned and provided through proper management of land use and to meet certain environmental, infrastructural and planning requirements. The Administration has examined all relevant existing Ordinances with a view to the introduction of suitable amendments to achieve the control. It has been concluded that only the Town Planning Ordinance is a suitable vehicle for such a purpose but in its present form contains no such powers.

The amendments contained in the Bill would make the following main changes to the Town Planning Ordinance --

First, clauses 2 and 5 remove the constraints in the Ordinance restricting its provisions to urban and potential urban areas; and adds to the Town Planning Board's duties the designation of development permission areas;

Secondly, clause 4 allows the Board to delegate some of its duties to committees appointed by the Governor, or to public officers;

Thirdly, clause 6(a) expands the types of zoning which the Town Planning Board may include in a draft plan; and

Fourthly, clause 8 creates provision for preparing draft plans designating areas within which a permissive system of development control would then apply, and powers to enforce compliance with this system.

The Bill also proposes a number of amendments to improve the operation of the Ordinance. Clause 3 introduces a series of definitions needed for the efficient implementation of the Ordinance. Clause 7 prescribes the period within which a person may appeal to the Governor in Council when he is aggrieved by the decision of the Board on a review. Taking into account the comments received during the consultation period, the Administration would consider extending this period to 60 days.

Sir, the principal intention of extending proper town planning to the rural area is to assist orderly development in the same way as the legislation has effectively been applied to guide development of the urban areas. In having a statutory planning system, we shall be able to provide an open process which would give a clear indication

of what development is desirable and where it should go, thus helping landowners and developers in planning the use of their property and in making investment decisions. As it will take some time for outline zoning plans to be prepared to cover all the rural areas where they are needed, the Town Planning Board will be empowered to designate, as directed by the Governor, development permission areas within which all proposed development, unless otherwise specified in the plan, will require planning permission. The development permission area plans will be gazetted and exhibited in the same manner and subject to the same objection procedure as the current statutory outline zoning plans.

As control through development permission areas is intended to be an interim measure only, pending completion of an outline zoning plan, the development permission area plan will be replaced by an outline zoning plan within three years (subject to one year's extension), but enforcement powers would continue to apply even when the development permission area plan is replaced by an outline zoning plan. There is, however, no intention whatsoever to introduce development permission area plans to areas covered by outline zoning plans.

Under the proposed system, the Director of Planning will be given powers of inspection and enforcement. Non-compliance with the requirement to discontinue an unauthorized development or reinstate the land will, on conviction, be liable to punishment by fine or imprisonment. However, in view of the comments the Administration has received during the consultation exercise on the Bill, I shall be putting forward proposals for a reduction in fines and the removal of the imprisonment sentence.

As existing uses prior to the gazetting of development permission area plans will be permitted to continue, this could have the effect of encouraging development in anticipation of the operation of the Bill. Section 25 of clause 8 of the Bill therefore provides for an interim development permission system, whereby as from the date of gazetting (that is 27 July 1990), the Director of Planning is empowered to publish plans of interim development permission areas as directed by the Governor. The Director of Planning may approve or refuse applications for change of use within interim development permission areas. Pending the passage of the Bill, contravention of the interim plan cannot be enforced. But if the Bill is passed by this Council, and if the areas covered by the interim development permission plans become part of a development permission area within six months of the enactment of the legislation, the Director of Planning's approval will be honoured and

developments in contravention of the plan will be enforceable.

Sir, let me stress again that the main intention of this amendment Bill is to ensure that development in the rural areas will proceed under the right conditions in the right place. The Bill is a positive measure whereby developments beneficial to the New Territories will be able to take place, both in the short term and in the years to come.

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

Question on the adjournment proposed, put and agreed to.

#### ROAD TRAFFIC (DRIVING-OFFENCE POINTS) (AMENDMENT) BILL 1990

THE SECRETARY FOR TRANSPORT moved the Second Reading of: "A Bill to amend the Road Traffic (Driving-offence Points) Ordinance."

He said: Sir, I move that the Road Traffic (Driving-offence Points) (Amendment) Bill 1990 be read a Second time.

The Bill makes certain technical amendments, the main purpose of which is to clarify the circumstances when liability to a fixed penalty arises, ceases or revives, and to improve the operation of the Driving-offence Points System. No policy changes are involved.

At present, when a person becomes liable to a fixed penalty for a scheduled offence, he incurs Driving-offence Points. However, the circumstances when liability to a fixed penalty arises, ceases or revives are not clearly defined. This has led to difficulties in interpretation of the law. The Bill clarifies all the circumstances to avoid future difficulties.

The Bill also seeks to improve the operation of the Driving-offence Point Scheme in two aspects.

First, at present, when a person is disqualified from driving for having incurred 15 or more Driving-offence Points within two years, he is required to surrender only his Hong Kong driving licence. But he may still drive using his international and

foreign driving licences or permits during this period. This breaches the spirit of the Driving-offence Points Scheme. To rectify this, the Bill provides that all driving licences and permits held by a disqualified person must be surrendered to the court upon disqualification, but these will be returned to him upon either his departure from Hong Kong or the expiry of the disqualification period, whichever occurs earlier.

Secondly, when a person has incurred 15 or more Driving-offence Points, the Commissioner for Transport must apply to a magistrate for a summons. In deciding whether a person has incurred 15 or more points, the magistrate must calculate such points according to section 8(5) of the Driving-offence Points Ordinance. This provides that where two or more offences have arisen out of the same act, only the offence attracting the highest number of points should be counted; and where they attract the same number of points, only one of the offences should be counted. However, the Commissioner is not at present empowered to use this method of calculation and must record all multiple offences and refer cases to the magistrate, thereby creating unnecessary work. The Bill remedies this situation by empowering the Commissioner to calculate Driving-offence Points according to the method used by magistrates.

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

Question on the adjournment proposed, put and agreed to.

#### PUBLIC HEALTH (ANIMALS AND BIRDS) (AMENDMENT) BILL 1990

THE SECRETARY FOR ECONOMIC SERVICES moved the Second Reading of: "A Bill to amend the Public Health (Animals and Birds) Ordinance."

She said: Sir, I move that the Public Health (Animals and Birds) (Amendment) Bill 1990 be read a Second time.

The Bill seeks to provide powers to enable the setting of hygiene standards for untreated milk and to extend the existing enabling powers relating to the licensing of animal traders and their business premises. It also proposes an increase in the ceiling for penalties under the Public Health (Animals and Birds) Ordinance.

Milk must be heat-treated to destroy bacteria and other micro-organisms before

it can be marketed. Standard forms of heat treatment, such as pasteurization, require the input of reasonably hygienic milk and cannot be relied upon to make heavily contaminated milk completely safe. It is therefore important to ensure that untreated milk is kept free from contamination so that the milk and milk products sold to the public will be safe and hygienic.

The Dairies Regulations provide for the licensing and control of dairies but they do not set hygiene standards for untreated milk or provide for its bacteriological examination. The Bill therefore provides for powers to enable additional regulations to be made allowing the taking of milk samples for bacteriological examination, setting statutory standards for bacterial contamination and prohibiting the sale of contaminated milk. The standards to be set will be the same as those specified in the Milk By-laws of the Public Health and Municipal Services Ordinance, which apply to the sale of treated milk or milk beverages.

The Bill also provides for more comprehensive enabling authority to provide an adequate degree of control over the standards maintained by persons or businesses engaged in the trading, boarding or exhibition of animals and birds. For example, whereas at present only a person engaged in the trading of animals and birds has to be licensed, the Bill will enable regulations to be made extending the licensing requirements to premises where animals and birds are kept for the purpose of the business.

In addition, the Bill seeks to raise the ceiling for penalties for offences against the regulations from \$2,000 to \$5,000 to maintain their deterrent effect. The penalties were last revised in 1970.

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

Question on the adjournment proposed, put and agreed to.

MERCHANT SHIPPING (REGISTRATION) BILL 1990

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

Question on Second Reading proposed.

MR BARROW: Sir, the Bill seeks to replace its extended United Kingdom's legislation with Hong Kong's own legislation.

It is provided in the Joint Declaration that "the Hong Kong Special Administrative Region shall be authorized by the Central People's Government to continue to maintain a shipping register and issue related certificates under its own legislation in the name of 'Hong Kong, China' ". The Bill is aimed to implement this provision.

In view of the importance of the Bill for the development of the shipping industry in Hong Kong, a Legislative Council ad hoc group was formed to study the Bill.

We have held five meetings and have met both the Administration and the Shipowners Association to exchange views on the legal as well as the drafting aspects of the Bill. As a result of this work, various amendments will be moved by the Administration, my colleague Mrs Miriam LAU and myself at the Committee stage.

In the course of our work, we have noticed some concerns of the shipping industry arising from the Bill.

#### Taxation of shipping profits

Sir, it is understandable for the shipping industry to be concerned about taxation of shipping profits under the new legislation. The lack of a clear policy in this regard would generate uncertainty in the trade and would, in turn, affect the success of the new register. The ad hoc group has made this point and we are pleased to note the Administration's readiness to make known its policy intentions regarding exemption of Hong Kong registered ocean-going vessels from profits tax.

The Administration has also given the assurance that the preparation of the draft legislation to amend the Inland Revenue Ordinance has been accorded top priority and that the proposed exemption will be granted with effect from the date of establishment of the new register. We are satisfied with the undertaking given by the Administration and have urged the Administration to explain its policy intentions to the shipping industry.

#### Fees and charges

Secondly, the ad hoc group is concerned about the level of fees and charges to

be imposed on ships registered in Hong Kong, since it is an important consideration for shipowners in choosing the most appropriate register for their operations. We are pleased to note that the Administration is fully aware of the need for competitiveness in this regard. The proposed level of fees and charges has been set to recover as much as possible the operating costs of the new register without undermining its competitiveness against other shipping registers. I fully agree with the Administration's objective, but would like to stress the importance of maintaining the competitiveness by keeping the system under constant review.

#### Publicity plans

Finally, Sir, the promotion of the new register both locally and overseas will be an important factor contributing to its success. I am pleased to note the publicity plans lined up by the Administration to present the new register to the shipping industry. I am sure that efforts in this area will bring worthwhile results.

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

SECRETARY FOR ECONOMIC SERVICES: Sir, I am grateful to my honourable colleagues for their support of the Merchant Shipping (Registration) Bill 1990 and particularly so to the members of the Legislative Council ad hoc group for completing their study of the Bill in time to allow Hong Kong's new shipping register to be launched on schedule.

Sir, our aim has been to ensure that Hong Kong's shipping register maintains a high reputation while being competitive enough to attract new tonnage. It bears repeating that Hong Kong registered ships will be operated in accordance with all relevant international conventions and that we have no interest in seeing Hong Kong become a "flag of convenience". This would be detrimental to our existing hard-earned position as a leading centre of shipping and maritime commerce. At the same time, we have constructed a package of fees and charges to be payable by shipowners which we believe will enable us to compete with other registers of similar standing. We intend to submit the draft regulations containing our proposed fees and charges to the Executive Council immediately after the Bill is passed by this Council. We also intend to keep the fees and charges structure under review to ensure that the register remains competitive.

The proposed charges include, for the first time, an annual tonnage charge. In response to representations from shipowners that the combination of this charge and the existing provisions for the taxation of shipping profits would seriously affect the attractiveness of the Hong Kong register, the Administration has decided that, subject to enactment by this Council of the necessary amendments to the Inland Revenue Ordinance, exemption from profits tax will be granted in respect of profits derived from the carriage of passengers, mail, livestock and goods uplifted in Hong Kong by ocean-going ships registered on the new register. This exemption, which we intend will take effect from the establishment of the new register, will also apply to the charter hire of ocean-going ships, irrespective of whether the ships are registered in Hong Kong. It will not apply to income arising from journeys within the waters of Hong Kong, and between Hong Kong and Macau and other places in the Pearl River delta.

Sir, as Mr BARROW has pointed out, we need to make sure that the register is well publicized and actively promoted. The official launch will take place on 23 November, when the Director of Marine and his professional staff will host two seminars for shipowners, shipping management companies, bankers, marine lawyers, insurers, shipbuilders and ship classification societies to introduce the new register to them in detail. The register will open for business on 3 December. Thereafter, we will embark on an extended programme of visits to individual shipowners and ship management companies to encourage and assist them to make use of our register. There will also be much general publicity, both locally and overseas.

Sir, there is every reason to believe that our own shipping register will succeed in enhancing Hong Kong's position as a major centre of trade and shipping and that it will play an important role in promoting Hong Kong's economic identity overseas.

Sir, with these remarks, I commend the Merchant Shipping (Registration) Bill 1990 to this Council.

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).

## IMMIGRATION (AMENDMENT) BILL 1990

Resumption of debate on Second Reading which was moved on 17 October 1990

Question on Second Reading proposed.

MRS FAN: Sir, Hong Kong is currently suffering from its highest influx of illegal immigrants across the border since 1980. The majority of these illegal immigrants come to seek employment. The prosecution policy of illegal immigrants has been progressively tightened to provide a deterrent. But the deterrent is losing its effect due to the attraction of employment opportunities. Nearly 38% of our prison population are illegal immigrants. The cost of keeping them in prisons is about \$312 million per annum. The sentencing guideline on illegal immigrant workers, as laid down by the Court of Appeal, is 15 months. Employers of illegal immigrants, on the other hand, are liable to a fine of \$50,000 and to imprisonment of one year under section 17I of the Immigration Ordinance. While the majority of illegal immigrant workers were found on construction sites, section 17I is ineffective against construction site employers because the employer-employee relationship is difficult to establish for construction sites. Clearly, a problem exists.

The Legislative Council ad hoc group to study the legislation on Chinese illegal immigrant workers was formed on 6 July to study this problem, with particular attention to construction sites. The ad hoc group was of the view that the problem has to be tackled at source. If the employment opportunities for illegal immigrant workers dry up, the incentive for illegal immigrant workers to come will diminish; then the influx can be expected to reduce.

Even before the introduction of the Immigration (Amendment) Bill 1990 into this Council, the ad hoc group held three meetings with the Administration to exchange views and to look into the feasibility and equity of the suggestions arising out of representations to the ad hoc group or from members of the group. The group also had meetings with the Hong Kong Construction Association Limited and the Hong Kong Construction Industry Employees General Union to receive their representations. As expected, and also understandably, the Hong Kong Construction Association had strong reservation on holding the principal contractors liable for any illegal immigrant present on the construction site, while the Construction Industry Employee General Union considered that principal contractors should be held legally

responsible. Representations were also received by OMELCO Members through our Complaints Division. Of particular significance is the representation by a deputation of six industrial associations objecting against the strict liability placed on employers of illegal immigrant workers, regardless of whether the employer had exercised due diligence in checking the immigration status of the job applicant.

After the Bill was gazetted on 5 October 1990, the ad hoc group held meetings a gain with the Hong Kong Construction Association and the Construction Industry Employees General Union to hear their views and suggestions on the Bill. The group also received representations from the Hong Kong Institute of Personnel Management and the Chinese Manufacturers' Association. The group is grateful to all these organizations for coming forward with their opinions, all of which received our careful consideration. A total of 11 meetings were held. Up to this morning, we are still receiving communication from the Hong Kong Construction Association. They remained unconvinced that this Bill will be effective in achieving its purpose and they felt that they have not been adequately consulted. While I respect their views and only time can prove the effectiveness of this piece of legislation, I do not agree that they have not been given sufficient opportunity to express their views. I am however pleased to note that they have adopted a code of practice for their members to prevent illegal immigrant workers on construction sites.

Sir, I now turn to some specific issues.

#### Definition of "construction site controller"

There is considerable public concern that those who employ illegal immigrants or allow illegal immigrants to work on their site are at present escaping punishment. Practical difficulties have been experienced in bringing successful charges against contractors and subcontractors in construction sites under section 17I due to the complicated system of subcontracting prevalent in the industry.

In order to effectively solve the problem of illegal immigration which places heavy burden on our penal institutions and the public purse, the new section 38A puts liability on the construction site controller for any illegal immigrants found on his construction site to ensure that he will exercise better management control over his subcontractors. However, there is a defence against this offence if he has taken all practicable steps to prevent illegal immigrants from being on the site.

The Administration assured members that the definition of construction site controller was so drafted that the liability was placed on the principal or main contractor irrespective of whether he was physically in control or in charge of a construction site. To cater for cases where a main contractor has sublet the whole site to a subcontractor, a Committee stage amendment would be moved by the Secretary for Security to include subcontractors under the definition. The word "head" contractor would be amended to "main" contractor in order to be consistent with the common use in the industry. The ad hoc group agrees with these amendments.

#### Effectiveness of the \$250,000 fine under section 38A(2)

Some members have reservation on the maximum fine of \$250,000 as a deterrent on main contractors as the maximum penalty will only be imposed on the worst imaginable cases and usually the fine could be very small in comparison to the value of contracts. Even if a fine of \$250,000 is imposed, it might not be able to cover the cost paid by taxpayers for imprisoning the illegal immigrants arrested for 15 months. Stepped penalty was suggested in order to subject repeated offenders to heavier fines. The Administration however considered that the proposed level of penalty should be an effective sanction and assured the group that the effectiveness of the entire piece of legislation would be monitored and reviewed.

I would like to add here that the inclusion of prison sentence under this provision was also examined but the group concluded that it would not be appropriate to impose imprisonment on an offence of a vicarious nature.

#### Guideline on "all practicable steps" in section 17I(b)(1A)

The existing section 17I of the Immigration Ordinance places strict liability on employers who employ illegal immigrants, regardless of whether the employer has exercised due diligence in checking the immigration status of the job applicant. This has been the subject of a representation of six industrial associations and there is strong concern among employers.

This new provision is added at the suggestion of the ad hoc group to offer a defence of reasonable care to employers who have acted in good faith. Understandably, employers wish to have some guideline on what constitutes "all practicable steps" under the defence clause to assist them to discharge their duties under this provision.

The Administration indicated that it would carry out discussion with interested organizations such as the Hong Kong Institute of Personnel Management over the next few months if requested to provide advice and guidance on what measures constitute "all practicable steps". It is to be noted, however, that an exhaustive guideline covering all possible circumstances in different places of work is impossible and it is ultimately for the Court to decide each case basing on the particular circumstances.

#### Requirement on workers to wear identity cards on construction sites

The Hong Kong Construction Association has suggested that construction site controllers be given statutory power to demand the show of identity cards or any other recognized documents upon entry to construction sites, the display of identity cards or any other recognized document at all times by workers on site, and workers who fail to comply with this proposed legal requirement will commit an offence and will be liable to a fine of \$5,000. The Hong Kong Construction Industry Employees General Union opposes the proposed statutory requirement for workers to display their identity cards, but they are not opposed to displaying work permits or show of identification documents. They assured the group that they would continue to encourage their members to co-operate and comply with the regulations laid down by the main contractor. Having carefully examined the proposal and the views of both the association and the union, the ad hoc group and the Administration concluded separately and independently of each other that the site controller already has enough management power to demand the show of identity card and/or any other documents recognized by the site controller at construction site entrances and within the site. The law also allows the use of reasonable force by any person in control of a premises to refuse the entry of anyone who fail to produce identification document upon request.

#### Review of illegal immigrant prosecution policy

Some members have expressed concern over the 15-month imprisonment passed on illegal immigrants found in places of work and considered that first offenders should be repatriated right away, just like any illegal immigrants found on the street.

In order to avoid sending the wrong message to potential illegal immigrants at this stage, the Administration undertook to review its prosecution policy after six months when, if the legislation was effective, the supply of job opportunities would

have reduced and an opportunity exists to reconsider the policy.

## Conclusion

Sir, it is hoped that through the new provisions to be enacted in this Council this afternoon, the pull force on illegal labour can be reduced and the problem of illegal immigration put under control. On the other hand, police efforts in enhancing border security and co-operation with the Chinese authorities are equally essential in combating the problem.

Sir, with these remarks, I support the Bill.

MR MARTIN LEE: Sir, I rise to support this Bill.

In recent months, there has been widespread public outcry against the hefty sentences of imprisonment meted out by the courts to illegal immigrants from China who had been arrested in groups of three or more on construction sites. Just as illegal immigrants face a maximum prison sentence of three years, so this Bill would establish a similar punishment for employers of these illegal immigrants in terms of imprisonment though the maximum fine is naturally much higher for employers than employees.

I think I should inform this Council first that I have recently been acting for a group of such illegal immigrants from China in the Court of Appeal when I was instructed by the Director of Legal Aid to oppose the application made by the Attorney General that the sentences imposed by various magistrates should be increased by following the tariff or standard sentence of 15 months of imprisonment.

Sir, if we really want to deter illegal immigrants from China from seeking employment in Hong Kong, we must make sure that they will not be able to find employment even if they get here. For once we can achieve that, there will no longer be any reason for them to seek to enter into Hong Kong.

The most effective way therefore is to give power to our courts to imprison employers of such illegal immigrants. For then no employer would employ such illegal immigrants and every employer will take all practicable steps to ensure that none of their employees is an illegal immigrant.

This Bill seeks among other things to do that, and I therefore support it.

But in the course of deliberations between the ad hoc group and the Administration, a number of my colleagues including myself expressed the view that illegal immigrants found in places of work should be repatriated to China right away just like illegal immigrants found in our streets unless they have been arrested and repatriated before.

To enable my colleagues who are not members of the ad hoc group to understand this point better, I think I should give a little background.

The Attorney General's Chambers have adopted a prosecution policy whereby only selective groups of illegal immigrants from China will be prosecuted including second-timers, those prosecuted with other offences, and those found in groups of three or more in work places including construction sites. These total about 25%. As to the other 75% of illegal immigrants from China found in Hong Kong, they are simply repatriated without any prosecution. But for those who are prosecuted and convicted, the tariff sentence is 15 months' imprisonment. From time to time, some compassionate magistrates have given more lenient sentences. But whenever that happens, the Attorney General will seek to have such sentences reviewed by the Court of Appeal so that the sentences would be increased. Bearing in mind that the only justification for such hefty sentences is to deter would-be immigrants from coming into Hong Kong illegally to seek employment, the repatriation of 75% of all illegal immigrants would clearly have the opposite effect, particularly when the Government has not taken any effective steps to warn these would-be illegal immigrants from China of the consequences of their being found in groups of three or more on a construction site either by publicizing such prosecution policy in China or at least by putting up notices to that effect on construction sites.

In face of the recent widespread public outcry against these hefty sentences of imprisonment which are only imposed upon the illegal immigrant employees and not their employers, and in view of the increasingly large numbers of such illegal immigrants seeking and getting employment in Hong Kong, particularly on construction sites, the Administration had no option but to acknowledge that its present policy to deter illegal immigrants from China has failed. And hence this Bill before this Council today.

Nevertheless, the Attorney General still insists on prosecuting selective

illegal immigrants and insists that the courts should impose the tariff sentence of 15 months of imprisonment.

The Attorney General has sought to justify his stance during his speech made to this Council last Wednesday by putting the blame on the courts, saying "It is the courts which apply the law. It was the courts which set down sentencing guidelines for these offences, and it is the Crown whose duty, and I emphasize the word duty, it is to seek review when guidelines set by the courts are not implemented, in other words, where sentences are manifestly inadequate or wrong in principle. Whether a sentence is in fact inadequate or wrong in principle is a matter for the courts and the courts alone." What the Attorney General did not tell this Council, and what he has apparently forgotten, is that it was the Attorney General who had asked the Court of Appeal to impose the tariff of 15 months of imprisonment on these illegal immigrant employees. This was first done in the case of *The Queen v. SO Man-king and others* (1989) 1 HKLR 142.

And as recently as 31 July this year, in Review No. 5 of 1990: *The Queen v. NG Kin-hung and others*, the Attorney General still argued, through his Acting Director of Public Prosecutions, that the tariff sentence of 15 months' imprisonment should be upheld by the Court of Appeal so as to deter illegal immigrants from entering Hong Kong. The Attorney General could have relented in light of the open acknowledgement that this prosecution policy had failed, but he did not.

And in spite of the concern expressed in the ad hoc group, the Administration has merely undertaken to review its prosecution policy after six months, but has decided against doing anything immediately about it because it says it does not wish to send the wrong signal to potential illegal immigrants at this stage. I find this totally bewildering. For all we are asking is not to prosecute illegal immigrants found on construction sites in numbers of three or more unless they are second-timers. And we know our prisons are overcrowded by 37% according to the South China Morning Post report on 10 July this year and 36% of the penal population are illegal immigrants from China, the bulk of whom are serving 15-month sentences for working here.

What possible wrong signals will we be sending when 75% of all the arrested illegal immigrants from China are repatriated without trial anyway? If this persistence is not due to consideration of face as claimed by the Attorney General, then I see no other possible explanation for it. Surely the right thing to do is to send these illegal immigrant employees back to China together with the other 75% of illegal

immigrants, but giving all of them a notice in Chinese that if they should ever come again to Hong Kong illegally, they will be prosecuted and they can expect a hefty sentence of imprisonment.

But if the Attorney General chooses not to right the wrong now, but continue to prosecute these illegal immigrants, the courts would be bound by the tariff sentence of 15 months of imprisonment first laid down by the Court of Appeal in 1988 and confirmed by the Court of Appeal of five judges in August this year. During the hearing of the review on 31 July this year, it was said by the President of that Court that they would only lower the tariff if the Legislative Council were to lower the maximum sentence in section 38(1)(b) of the Immigration Ordinance for first offenders.

I therefore give notice that unless the Administration gives a clear undertaking that these illegal immigrant employees who are first-timers will not be prosecuted during the six months that the Administration has asked for before conducting a review on its prosecution policy, I will feel compelled to move for an amendment to reduce the maximum sentence in section 38(1)(b) in respect of illegal immigrant employees who are first offenders.

With these observations, Sir, I support this Bill.

MR MCGREGOR: Sir, I oppose this legislation because I believe that the policy that makes it necessary is seriously flawed. For a great many years our economic strength and growth was predicated upon the very substantial movement of Chinese immigrants into Hong Kong. They formed the backbone of our hard working workforce and as time went along they also provided much of the personal vigour and corporate innovation that took our economy from rags to riches.

We were perhaps too successful and became a Mecca for all these in China who wanted a better material life and were prepared to make the sometimes perilous journey to get it. The numbers became impossible for Hong Kong to absorb and the present restrictive immigration policy was applied progressively. This has now become, in my view, far too restrictive and, in the face of trade union pressure, the Government appears to have closed down its recent policy modification which has permitted a limited number of skilled workers to come from China. This on again off again, hot then cold immigration policy towards contract labour from China has created, and now

maintains, very large economic and social problems, which will not go away.

The construction industry needs thousands of additional workers, many of them relatively unskilled. Hong Kong cannot provide the numbers required. Improved productivity cannot reduce significantly the demand for these workers. Only China can supply them. Immigration policy will not permit these unskilled workers to come here in the numbers required.

The result is inevitable. Supply seeks to meet demand and workers pour in from China illegally, seeking honest employment and willing to risk a great deal to obtain it. Contractors and subcontractors, knowing or otherwise, gratefully accept these workers whose labour contributes to the development of Hong Kong's infrastructure.

The law, expressing the policy, seeks out the workers and puts them in jail for 15 months, a degrading and, in my view, quite unnecessary humiliation for people whose only crime has been to fill a real need in the Hong Kong workforce. I am told that over 30% of our prison population is composed of these unfortunate young men.

Sir, we have created a situation which denies our construction industry the workers it must have to maintain our infrastructural growth within reasonable time and cost parameters. We have also created a situation which has made criminals of thousands of honest young men seeking to work. We dismiss magistrates who do not agree with either the policy or its resultant procedures, who apply commonsense rather than bad law. This savage deterrent of imprisonment having failed, we now seek to cure the problem by making the law even more draconian and casting the net even wider.

Does it not occur to the Government that it is the policy that is wrong, that the construction industry must have immigrant workers and cannot possibly find them here? Of course, Sir, it has occurred to the Government. They have admitted that immigrant workers, obviously from China, will be allowed to work for the successful contractors making our new airport. These workers will not have to go to jail nor will the contractors be heavily fined or imprisoned.

Why the special arrangements for the airport? The Government may claim that these are necessary for the very reasons I have set out in describing the problems now faced by the construction industry. The airport project is huge and needs more workers than Hong Kong can supply if cost and time parameters are to be met.

There is no difference, Sir, in the two situations. The aggregate unrequited demand for semi-skilled and unskilled workers in the construction industry right now and in the near-term future is at least as great as the likely demand for such labour in airport construction.

The policy is wrong and should be changed as soon as possible to permit Chinese workers to help meet the demand which Hong Kong labour cannot satisfy.

In the meantime, illegal immigrants should be returned to China as soon as they are apprehended. They should not be treated as common criminals.

As a matter of principle and because I believe that our economic interests demand a change in immigration policy, and also that our penal institutions are for criminals not honest workmen, I do not support this Bill. I ask those of my colleagues in this Council who believe as I do to reject the Bill. Thank you, Sir.

MRS TU: It is hoped that this Bill will cause employers to think twice before employing illegal immigrant workers, especially on construction sites where the law has been flouted by some.

Having said that, I must add that I think the main value of the Bill is a cosmetic one because it conceals some deep-rooted problems. Two questions need to be answered if we really want to get at the root of wide-scale illegal immigration of workers from China.

The first question is whether or not there is really a shortage of construction workers. If so, then that is the question to which we should address ourselves, because punitive laws will not solve labour shortages. If there is no shortage of labour, we need to know why employers claim that there is.

The second question is whether the root cause of illegal immigration is purely a triad one, whether triads are recruiting workers for personal gain, and at the same time forcing contractors to pay for supplying cheap labour. Throughout my 40 years in Hong Kong, I have been informed about triad pressures on building contractors, and this is a serious matter that must be resolved by criminal law enforcement and not by immigration laws. Fining employers and sending workers to prison will solve no problems unless efforts are made to catch the organizers of this trade in human

beings. I am concerned that sometimes laws seem to be made to control or punish victims but allow the criminals to escape.

And that brings me to the point in this Bill that deeply disappoints me, and I am sure disappoints many members of the public. Our colleague, Mrs Selina CHOW, wishes to be associated with this remark because she too is greatly disappointed and shares my views. I am referring to the fact that the law is to remain unchanged in respect of illegal immigrant workers, and they will still be imprisoned according to the guidelines set down by five Appeals Court Judges and originating, as Mr Martin LEE asserts, by the Attorney General. The Legislative Council briefing admits that the existing Bill is unfair to workers, yet it retains the very thing that has caused public outrage. The strange reason given for retaining this draconian treatment of groups of three or more workers is that to change it would send the wrong signals to others in China seeking employment in Hong Kong. At the same time, the Legislative Council briefing admits "that large-scale prosecution of illegal immigrant workers is no longer having the deterrent effect as intended."

The argument for retaining a measure that has proved ineffective as being admittedly unjust is totally illogical. Is it not equally likely that the present system of imprisoning workers for long periods is taking back the wrong message to intending immigrant workers? It is most unlikely that the syndicate organizers will explain to new recruits that other workers are in prison, and the absence of imprisoned workers from their homes in China may be misrepresented by the syndicates as proof that they did indeed get a job that kept them here in Hong Kong. I have been told that some prisoners are ashamed to write home to say that they are in prison. A quicker deterrent, in my estimation, would be to repatriate illegal immigrant workers in the same way as we repatriate illegal immigrants. We in this Council have always argued that repatriation of illegal immigrant Vietnamese takes back a message to others in Vietnam. Why should we change the argument to suit the law in the case of Chinese illegal immigrant workers? We could warn Chinese illegal immigrant workers that repetition of the offence would result in a stiff penalty.

No matter what the arguments may be, the fact remains that there is no justice in repatriating some illegal immigrants and imprisoning others who come here to work.

In fact, imprisoning illegal immigrant workers is fair to no one. First, it discriminates against honest people who come here seeking work. Then it is unfair to the Correctional Services Department staff who are already overburdened by extra

duties placed upon them by Vietnamese boat people, as well as an increasing number of local criminals. It is also unfair to the police who are already understaffed and need to face a growing triad problem. And it is unfair to the public that the prisons are packed to overflowing, threatening disorder, while at the same time the public has to pay for the livelihood of able-bodied people who can and want to work to support themselves.

Sir, I support the Bill, but only half-heartedly, because I believe that it will not be very effective, and because it leaves whole areas of injustice that have not yet been addressed.

And I hope that Mr. McGREGOR's recommendations that the policy should be changed immediately be taken notice of.

ATTORNEY GENERAL: Thank you, Sir, for giving me permission under Standing Orders to speak again in this debate. I take this opportunity to explain the prosecutions policy which I announced to this Council on 17 October when this Bill was introduced. Sir, I do not need to restate what has already been said very forcefully, both on that occasion and this afternoon, that the policy of prosecuting illegal immigrants has had a reduced deterrent effect. It is perfectly clear that the initial effect of the first 12 to 15 months of that policy was effective, but, as the Secretary for Security made clear, that effect reduced and has been reducing and it is those considerations that have brought the Bill before this Council. I think it is right to say to the Council that had there not been a policy of prosecuting illegal immigrants it is clear that the numbers coming here seeking employment would have been very much greater indeed.

The policy that I undertook two years ago was, I believe, a wise one and I have no cause whatsoever to regret it. Sir, I have explained in this Council last week in another debate that the principles on which the courts determine sentence are within the parameters laid down by this Council. I will not repeat now what I said then. I would only like to say, by way of amplification, that in seeking a review of sentence I do so in the public interest on tightly circumscribed grounds and that is that I believe the sentence is manifestly inadequate or wrong in principle.

It is for the court, or the Court of Appeal, to decide whether or not it accepts my submissions on sentence. That is a matter entirely for the court. It hears my

submissions and it hears submissions from those on the other side and it takes a view. It is worth restating that principle cardinal to our legal system that it is for the courts ultimately to decide sentence.

I have listened with great care to the suggestions that have been made in this Council this afternoon that the policy which I announced on 17 October should be modified and that in future illegal immigrants found on construction sites in groups of three or more should be repatriated to China without prosecution, but that if they come back, having been warned, then all should be prosecuted.

When the Secretary for Security introduced this Bill into this Council on 17 October, he said that the object is to reduce the employment opportunities available to illegal immigrants and thus to reduce the flow at source. The prosecutions policy, of course, meshes in with that legislative aim. A prosecutions policy, which would seek to repatriate all illegal immigrants, would, I believe, very seriously undermine that objective, an objective which we all support. Such a policy would be, in my view, a virtual invitation to all illegal immigrants to come flooding into Hong Kong -- the very situation that we are seeking to avoid. The policy which I announced in this Council on 17 October is designed to deter those who come here for employment.

I am prepared to review that policy carefully after six months, but I believe that it is right that the provisions in the Bill and the policy deserve a fair chance to work. As I said when I spoke to this Council on 17 October, I will not hesitate to change the policy if it does not work. Under those circumstances it would, I suggest, be premature and unwise to give the undertakings that have been sought this afternoon that we should abandon that prosecutions policy. And I repeat, Sir, that I will carefully review my policy after six months to see how well it has worked.

SECRETARY FOR SECURITY: Sir, I am grateful for the support given to this Bill by most Members and, in particular, the Legislative Council ad hoc group. The Attorney General has dealt with points raised by Members on the prosecution of illegal immigrants. I will limit myself to replying to other points raised.

We propose to monitor the effectiveness of the Bill by reference to the number of illegal immigrants arrested, prosecuted and imprisoned and to review where we stand in six months' time. It has been suggested that it would be desirable to reduce the maximum sentence for the offence of entering and remaining unlawfully in Hong Kong,

particularly for first offenders, and that it would also be desirable not to prosecute illegal immigrants or certain categories of illegal immigrants found at places of work. These and other matters can be reviewed then, but we must be careful not to send the wrong message. It is important that we have in place laws which effectively deter illegal immigration. Our experience has been that our policies on illegal immigration

are very well and very quickly known to prospective illegal immigrants on the other side of the border.

I now turn to the measures which employers and those in charge of construction sites should take to ensure that illegal immigrants are not employed on their premises. The amendment to section 17I now provides a defence for employers where all practicable steps were taken to determine that the employee was lawfully employable. A similar defence is available to a construction site controller charged with an offence under the new section 38A. Several Members have requested that detailed guidelines be laid down as to what constitutes "all practicable steps". The steps that can be taken will vary from industry to industry, factory to factory and construction site to construction site. It is not possible to satisfy all practicable steps that would be applicable in all circumstances. Such measures could include checking the details of the identity card of a potential employee or other form of identification, to institute checks on site at random times and to make it a condition of entry to the site, factory or other workplace that a person must identify himself. Practical advice to employers and to those in charge of construction site will be available on request from crime prevention officers in each police district. In addition, the Administration will, on request, be glad to give assistance and guidance to representatives of the construction industry and employers generally. But whether the measures taken constitute an arguable defence will be for the court to determine in each case.

I agree with Mr McGREGOR and Mrs TU that there is a need for the present, at least, to import labour into Hong Kong, but I believe strongly that this immigration must be controlled in the interests of all, including in the interests of the workers themselves, so as to reduce the opportunity for exploitation. We have to this end in the past two years introduced schemes to permit the importation of labour and, as the Secretary for Education and Manpower says in his statement earlier this afternoon, these schemes will be reviewed in the light of demand and conditions in the labour market. Sir, I beg to move.

Question on the Second Reading of the Bill put.

Voice votes taken.

The President said he thought the "Ayes" had it.

MR MCGREGOR: Sir, I seek a division.

HIS EXCELLENCY THE PRESIDENT: I am sorry I did not catch you saying that before I made the ruling. However, I will take it that you did seek a division. But the voices to me were quite clear. I will remind the Council of the procedures. I have two alternatives: either if I believe that the voices are clear I seek a view from Members of this Council about whether or not they support that ruling, or I order a division. In this case I am going to seek the advice of the Members of this Council on whether or not the voices and therefore my interpretation of them was clear. What I will do is to ask Members of this Council first of all to stand in their places if they agree with my preliminary ruling and I will put it now on a preliminary ruling that the "Ayes" have it. I will then ask Members of the Council to stand if they disagree with that ruling. I hope that procedure is clear. I will now ask Members of this Council who support the preliminary ruling from the Chair that the "Ayes" have it to stand in their places.

Thank you. Please sit down.

I will ask those who disagree with that ruling to stand in their places.

Thank you.

I declare that the view of this Council is clear, that the preliminary judgment that the "Ayes" have it is correct and I therefore confirm that the "Ayes" have it.

Question on the Second Reading of the Bill agreed to.

Bill read the Second time.

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

4.35 pm

HIS EXCELLENCY THE PRESIDENT: Members of the Council might wish to have a short break.

5.00 pm

HIS EXCELLENCY THE PRESIDENT: Council will now resume.

Committee stage of Bills

Council went into Committee.

MERCHANT SHIPPING (REGISTRATION) BILL 1990

Clauses 1, 3, 7 to 10, 12, 15, 19, 20, 24, 26 to 28, 32, 36, 38 to 41, 43, 46, 51 to 53, 60, 65, 73, 77 to 80, 84, 85, 87, 91 to 93, 95, 97, 98 and 102 to 104 were agreed to.

Clauses 2 and 50

MR BARROW: Sir, I move that clauses 2 and 50 be amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 2

That clause 2 be amended --

(a) by renumbering the clause as subclause (1);

(b) in subclause (1) --

(i) in the definition of "certificate or declaration of marking" by adding "or by the demise charterer" after "owners";

(ii) in the definition of "demise charterer" by adding ", and in relation to a registered or provisionally registered ship means a person registered as demise charterer under this Ordinance" after "charter";

(iii) by adding after the definition of "Director" --

"foreign certificate of deletion" (外地終止註冊證明書), in relation to a ship, means a certificate or other document issued by the relevant authority of a place outside Hong Kong and certifying or stating, as the case may be, to the effect that the ship has been deleted from the register or ships in that place;"

(iv) in the definition of "owner" by adding "or provisionally registered" before "ship";

(v) by deleting the definition of "the Registrar" and substituting --

"the Registrar" (註冊官) means any person appointed as a Registrar of Ships under section 4(1) and, where the term is used in connection with a power or function for the time being exercised by the Director pursuant to section 4(3), includes the Director;" and

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

"(2) Where in relation to a ship or to any matter connected with a ship any provision of this Ordinance --

(a) imposes a duty or liability on either of the owner or demise charterer of the ship; or

(b) provides for the service of notice on either of the owner or demise charterer of the ship, the provision shall be construed as imposing the duty or liability or providing for the service of notice --

(i) in the case of a ship registered or to be registered by virtue of section 11(1)(a), on the owner; or

(ii) in the case of a ship registered or to be registered by virtue of section 11(1)(b), on the demise charterer,

but nothing in this subsection shall prejudice or affect the operation of that provision in so far as it imposes the duty or liability, or provides for the service of notice, as the case may be, on any person other than the owner or demise charterer."

Clause 50(1)

That clause 50 be amended by deleting ", in the specified form or as near thereto as circumstances permit," and substituting "in the specified form".

Question on the amendments proposed, put and agreed to.

SECRETARY FOR ECONOMIC SERVICES: Sir, I move that clauses 2 and 50 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 "builder's certificate" --

(a) in paragraph (c) by deleting "(if any)"; and

(b) by deleting paragraph (d).

Clause 50

That clause 50 be further amended --

(a) in subclause (1) by adding "or mortgagee" after "mortgagor"; and

(b) by adding "or mortgagee" after "mortgagor" where it first occurs in subclauses (2) and (3).

Question on the amendments proposed, put and agreed to.

Question on clauses 2 and 50, as amended, proposed, put and agreed to.

Clauses 4 to 6, 11, 14, 21, 25, 31, 35, 48, 58, 59, 61 to 63, 70, 74, 75 and 82

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

Proposed amendments

Clause 4

That clause 4 be amended --

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

"(1) The Director shall in writing appoint one or more public officers to be Registrars of Ships."; and

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

"(3) Without prejudice to subsection (2), the Director shall have and may exercise the powers and functions of the Registrar referred to in that subsection.".

Clause 5

That clause 5 be amended by deleting subclause (3) and substituting --

"(3) Where in this Ordinance there is reference to a specified form or manner --

(a) that form or manner may be specified by the Director in instructions; and

(b) if the instructions so provide, deviations from the specified form or manner not affecting the substance thereof shall not invalidate that form or manner."

Clause 6

That clause 6 be amended by deleting the clause and substituting --

"6. Protection of public officers

(1) No public officer shall be personally liable for any damage, injury or loss suffered or incurred by any person as a result of any act done or omission made by the public officer in good faith in the exercise or performance or purported exercise or performance of any power, function or duty under this Ordinance.

(2) The protection conferred on public officers by subsection (1) in respect of any act or omission shall not in any way affect any liability of the Crown in tort for that act or omission."

Clause 11(2)

That clause 11 be amended by deleting paragraph (c) and substituting --

"(c) the ship is taken in war or hostilities, as a result of which the owner or demise charterer has lost control over the operation of the ship;

(ca) the ship is broken up, or is an actual or constructive total loss such that it is no longer capable of being used in navigation;"

Clause 14(1)(b)

That clause 14 be amended by adding "or demise charterer" after "owner".

Clause 21

That clause 21 be amended by--

(a) in subclause (1)(a) by deleting subparagraphs (i) and (ii) and substituting --

"(i) a builder's certificate, bill of sale in favour of the owner or court order vesting title to the ship in the owner;

(ii) evidence, to the satisfaction of the Registrar, of deletion of the ship from the registry of the place outside Hong Kong where the ship was last registered (if any) or, if the ship was last registered concurrently in more than one such place, from the registry of each such place;"; and

(b) in subclause (3)(a) by deleting subparagraphs (i) and (ii) and substituting --

"(i) a builder's certificate, bill of sale in favour of the owner or court order vesting title to the ship in the owner;

(ii) evidence, to the satisfaction of the Registrar, of deletion of the ship from the registry of the place outside Hong Kong where the ship was last registered (if any) or, if the ship was last registered concurrently in more than one such place, from the registry of each such place;".

Clause 25

That clause 25 be amended--

(a) In paragraph (e) by adding ", bill of sale in favour of the owner or court order vesting title to the ship in the owner, as the case may be" after "certificate";

(b) by deleting paragraph (f); and

(c) by deleting paragraph (g) and substituting --

"(g) any foreign certificate of deletion delivered to the Registrar whether pursuant to section 58 or otherwise;".

Clause 31

That clause 31 be amended --

(a) in paragraph (e) by adding, ", bill of sale in favour of the owner or court order vesting title to the ship in the owner, as the case may be" after "certificate";

(b) by deleting paragraph (f); and

(c) by deleting paragraph (g) and substituting --

"(g) any foreign certificate of deletion delivered to the Registrar whether pursuant to section 58 or otherwise;".

Clause 35

That clause 35 be amended --

(a) by adding ", demise charterer" after "owner" where it first occurs; and

(b) by adding "or demise charterer" after "owner" where it occurs for the second time.

Clause 48(1)(a)

That clause 48 be amended by deleting "or as near thereto as circumstances permit".

Clause 58

That clause 58 be amended by deleting the clause and substituting --

"58. Delivery of foreign certificate of deletion

(1) Subject to subsection (2), the owner or demise charterer of a ship that becomes registered in Hong Kong shall, within 30 days after the date of the ship's registration, deliver to the Registrar a foreign certificate of deletion in respect of the place outside Hong Kong where the ship was last registered (if any) or, if the ship was last registered concurrently in more than one such place, in respect of each such place.

(2) Subsection (1) shall not apply where the certificate or certificates referred to in that subsection are delivered to the Registrar prior to the time of registration of the ship."

Clause 59(1)(b)

That clause 59 be amended by adding "and to the demise charterer (if any)" after "Registrar".

Clause 61(1)

That clause 61 be amended by --

(a) by deleting paragraph (c) and substituting --

"(c) the demise charterer of the ship has failed to comply with section 56(1), 57(1) or 58(1); or";

(b) by adding ", demise charterer" after "owner" where it occurs for the second time; and

(c) in paragraph (ii) by adding "or demise charterer" after "owner".

Clause 62(1)

That clause 62 be amended --

(a) by adding ", demise charterer" after "owner" where it first occurs; and

(b) in paragraph (b) by adding "or demise charterer" after "owner".

Clause 63(1)

That clause 63 be amended --

(a) in paragraph (b) by adding "or demise charterer" after "owner" in both places where it occurs; and

(b) in paragraph (i) by adding ", demise charterer" after "owner".

Clause 70(1)(a)

That clause 70 be amended by adding "or demise charterer" after "owner".

Clause 74(2)

That clause 74 be amended by deleting paragraph (b) and substituting --

"(b) the ship is taken in war or hostilities, as a result of which the Government has lost control over the operation of the ship;

(ba) the ship is broken up, or is an actual or constructive total loss such that it is no longer capable of being used in navigation;".

Clause 75

That clause 75 be amended by deleting paragraph (c) and substituting --

"(c) evidence, to the satisfaction of the Registrar, of deletion of the ship from the registry of the place outside Hong Kong where the ship was last registered (if any) or, if the ship was last registered concurrently in more than one such place, from the registry of each such place;".

Clause 82(2)(b)

That clause 82 be amended by adding ", demise charterers" after "owners".

Question on the amendments proposed, put and agreed to.

Question on clauses 4 to 6, 11, 14, 21, 25, 31, 35, 48, 58, 59, 61 to 63, 70, 74, 75 and 82, as amended, proposed, put and agreed to.

Clauses 13, 17, 18, 29, 30, 33, 34, 42, 44, 57, 64, 68, 69, 71, 72, 81, 83, 88, 89, 99 and 101

MR BARROW: 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(1)

That clause 13 be amended by adding "tonnage" after "register" where it occurs in paragraphs (c), (e) and (f).

Clause 17

That clause 17 be amended by adding "or demise charterer" after "owner" where it occurs in subclauses (2), (4)(b), (5) and (7).

Clause 18

That clause 18 be amended --

(a) in subclause (3) by adding "or demise charterer" after "owner"; and

(b) in subclause (5) by adding ", demise charterer" after "owner".

Clause 29(2)

That clause 29 be amended by adding "or demise charterer" after "owner".

Clause 30

That clause 30 be amended by adding ", demise charterer" after "owner" where it occurs in subclauses (4) and (5).

Clause 33

That clause 33 be amended by

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

"(1) No person having possession or control of a certificate of registry of a ship shall --

(a) detain such a certificate by reason of a claim by an owner, mortgagee, charterer or other person to any title to, lien or charge on, or interest in, the ship; or

(b) fail, without reasonable excuse, to deliver the certificate on request to the person entitled to custody of it for the purpose of the lawful navigation of the ship, or to the Registrar or any other person entitled by law to require its delivery."; and

(b) in subclause (3) by deleting "or (2)".

Clause 34

That clause 34 be amended --

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

"(1) The master, owner or demise charterer of a ship shall not use, or permit the use of, for the purpose of the navigation of the ship, a certificate of registry not legally granted and in force in respect of the ship."; and

(b) in subclause (2) by adding "or demise charterer" after "owner"

Clause 42(1)(b)

That clause 42 be amended by deleting ", or as near thereto as circumstances admit".

Clause 44(2)(a)

That clause 44 be amended by deleting "or as near thereto as circumstances permit".

Clause 57

That clause 57 be amended by --

(a) In subclause (1) --

(i) by deleting paragraph (a) and substituting --

"(a) is taken in war or hostilities, as a result of which the owner or demise charterer has lost control over the operation of the ship;

(ab) is broken up, or is an actual or constructive total loss such that it is no longer capable of being used in navigation; or";

(ii) by deleting "every owner of the ship or of a share in or part" and substituting "the owner or demise charterer"; and

(b) in subclause (2) by adding "or demise charterer" after "owner".

Clause 64

That clause 64 be amended --

(a) in subclause (1) by deleting "owner or the" and substituting "owner, demise charterer or";

(b) in subclause (2)(a) by deleting "owner or the" and substituting "owner, demise charterer or";

(c) in subclause (3) --

(i) in paragraph (c) by adding "or demise charterer" after "owner" where it occurs for the second time;

(ii) in paragraph (i) by deleting "owner or the" and substituting "owner, demise charterer or"; and

(d) in subclause (4)(b) by adding "or demise charterer" after "owner".

Clause 68

That clause 68 be amended --

(a) by adding "or demise charterer" after "owner" where it occurs in subclauses (1), (4) and (6);

(b) in subclause (2)(a) by deleting "(but an individual may not, except in relation to a pleasure vessel, be the representative person)"; and

(c) by deleting subclause (3).

Clause 69(1)

That clause 69 be amended by adding "or demise charterer" after "owner" where it occurs for the second time.

Clause 71

That clause 71 be amended --

(a) in subclause (1) --

(i) by adding "and demise charterer" after "owner" where it occurs for the first and second times;

(ii) by deleting paragraph (a) and substituting --

"(a) accept service of all documents in respect of legal proceedings against the owner or demise charterer of the ship, which may be served on the representative person pursuant to section 88(2);";

(iii) in paragraph (b) --

(A) by adding ", demise charterer" after "owner" where it occurs for the first time;

(B) by adding "or demise charterer" after "owner" where it occurs for the second time;

(b) in subclause (3)(a) by adding "or demise charterer" after "owner"; and

(c) in subclause (4) by adding "or demise charterer" after "owner".

Clause 72

That clause 72 be amended --

(a) in subclause (1) by adding "or demise charterer" after "owner" where it occurs for the second and third times; and

(b) in subclause (2) by adding "or demise charterer" after "owner".

Clause 81

That clause 81 be amended --

(a) in subclause (1) by adding ", demise charterer" after "owner"; and

(b) in subclause (4) by adding "or demise charterer" after "owner".

Clause 83

That clause 83 be amended --

- (a) in subclause (1) by adding ", demise charterer" after "owners" in both places where it occurs;
- (b) in subclause (2) by adding ", demise charterer" after "owner"; and
- (c) in subclause (3) by adding ", demise charterer" after "owner".

Clause 88

That clause 88 be amended --

- (a) In subclause (2) by adding "or demise charterer" after "owner" in both places where it occurs; and
- (b) in subclause (5) by adding ", demise charterer" after "owner".

Clause 89

That clause 89 be amended by adding "or demise charterer" after "owner" where it occurs in subclauses (1) and (2).

Clause 99

That clause 99 be amended --

- (a) in paragraph (b) by adding ", bill of sale in favour of the owner or court order vesting title to the ship in the owner, as the case may be" after "certificate"; and
- (b) by deleting paragraph (c).

Clause 101

That clause 101 be amended by deleting paragraph (b) and substituting --

"(b) the ship is taken in war or hostilities, as a result of which the owner has lost control over the operation of the ship;

(ba) the ship is broken up, or is an actual or constructive total loss such that it is no longer capable of being used in navigation; or".

Question on the amendments proposed, put and agreed to.

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

The ad hoc group proposes that clauses 13(1)(j), 17, 18, 30(5), 33(3), 34(2), 5, 7(2), 68(6), 69(2), 72(2), 81(4), 83(3), 88 and 89 be amended by replacing "犯罪" with "犯法". The group has carefully considered what Chinese expression would best represent the English term "offence" which is used in the English text of the Bill to denote various breaches. According to the Interpretation and General Clauses Ordinance (Cap 1), "offence" covers both serious criminal offences and minor breaches of the law. The group takes the view that the expression "罪" in the Chinese text of the Bill would mean, to most people, relatively serious criminal offences. Hence it has reservations as to the propriety of "罪" being used generally to denote "offence" in the Chinese text of the Bill. It has reached agreement with the Law Drafting Division that if "offence" in a Bill or Ordinance refers to a serious offence, the term "犯罪" may be used; otherwise "犯法" is to be preferred. The breaches relating to shipping registration provided under the present Bill would, in the view of the group, be best expressed in Chinese as "犯法". It is therefore proposed that the term "犯罪", wherever it occurs in the Bill, be replaced by "犯法".

Another point of concern to the ad hoc group relates to the expressions employed in clauses 42, 83 and 101 of the Chinese text of the Bill to denote "transfer of ship" and "transmission of ship". "Transfer" is given as "移轉" and transmission as "轉傳". In law, both "transfer" and "transmission" connote the passing of legal rights or interests from one party to another. But "transmission" principally refers to a passing effected otherwise than upon the volition or initiative of one or either of the parties. Examples would be dispositions upon bankruptcy or upon grant of representation in respect of a deceased's estate. The group accepts "移轉" as being an appropriate term to denote "transfer". However, as "transmission" involves a direct passing of rights or interests between two parties only and "轉傳" might give the impression of a third party being necessarily involved, the group

suggested that "傳交" should be a more appropriate term for "transmission". But the Law Drafting Division pointed out that as "transmission", more often than not, is effected otherwise than upon the volition of one or either of the parties involved, and bearing in mind that in the majority of cases the passing might not be effected by hand from one party to another, the word "交" might not therefore be appropriate. In the event, the ad hoc group decided to use "傳轉" with "傳" being the key word to convey the meaning implicit in "transmission".

For "註冊官" in clause 64(4)(b) of the Chinese text of the Bill, the English counterpart term as a matter of fact means the Director of Marine. To accord with the meaning of the English text, it would be in order to replace "註冊官" with "處長".

In clause 81 of the Bill, the law drafting staff have used "改建" to denote "alterations to ship". The group is of the view that the counterpart expression for "改建" should be "rebuild". It therefore proposes that "改裝" be used to denote "alter".

Sir, with these remarks, I beg to move.

Proposed amendments

Clause 13(1)(j)

That clause 13 further be amended by deleting "犯罪" and substituting "犯法".

Clause 17

That clause 17 further be amended, in subclauses (6) and (7), by deleting "犯罪" and substituting "犯法".

Clause 18

That clause 18 be further amended, in subclauses (3), (5) and (6), by deleting "犯罪" and substituting "犯法".

Clause 29(1)

That clause 29 be further amended by adding "先" after "情況".

Clause 30(5)

That clause 30 be further amended by deleting "犯罪" and substituting "犯法".

Clause 33(3)

That clause 33 be further amended by deleting "犯罪" and substituting "犯法".

Clause 34(2)

That clause 34 be further amended by deleting "犯罪" and substituting "犯法".

Clause 42

That clause 42 be further amended by deleting "轉傳" wherever it occurs and substituting "傳轉".

Clause 44(1)

That clause 44 be further amended by adding "任何" after "履行".

Clause 57(2)

That clause 57 be further amended by deleting "犯罪" and substituting "犯法".

Clause 64(4)(b)

That clause 64 be further amended by deleting "註冊官" wherever it occurs and substituting "處長".

Clause 68(6)

That clause 68 be further amended by deleting "犯罪" and substituting "犯法".

Clause 69(2)

That clause 69 be further amended by deleting "犯罪" and substituting "犯法".

Clause 71

That clause 71 be further amended --

(a) in subclause (1) --

(i) by deleting "尤其" and substituting "但";

(ii) by adding "尤其須" after "原則下,";

(b) in subclause (4), by deleting "詮釋作" and substituting "詮釋為".

Clause 72(2)

That clause 72 be further amended by deleting "犯罪" and substituting "犯法".

Clause 81

That clause 81 be further amended --

(a) in subclause (1), by deleting "改建" wherever it occurs and substituting "改裝";

(b) in subclause (4), by deleting "犯罪" and substituting "犯法".

Clause 83

That clause 83 be further amended --

(a) in subclause (1)(c), by deleting "轉傳" wherever it occurs and substituting "傳轉";

(b) in subclause (3), by deleting "犯罪" and substituting "犯法".

Clause 88

That clause 88 be further amended, in subclauses (4) and (5), by deleting "犯罪" and substituting "犯法".

Clause 89

That clause 89 be further amended, in subclauses (1) and (2), by deleting "犯罪" and substituting "犯法".

Clause 99

That clause 99 be further amended by deleting paragraph (e) and substituting --

"(e) 所有根據法令作出的擁有權聲明書⑨".

Clause 101(a)

That clause 101 be further amended by deleting "轉傳" and substituting "傳轉".

Question on the amendments proposed, put and agreed to.

Question on clauses 13, 17, 18, 29, 30, 33, 34, 42, 44, 57, 64, 68, 69, 71, 72, 81, 83, 88, 89, 99 and 101, as amended, proposed, put and agreed to.

Clauses 16, 94 and 96

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

Proposed amendments

Clause 16(1)

That clause 16 be amended --

(a) by adding after paragraph (a) --

"(aa) empowering the Registrar to reserve a name for a ship;"  
and

(b) in paragraph (b)(i) by adding "or is reserved," after "ship".

Clause 94

That clause 94 be amended by adding "immediately before the commencement date" after "Hong Kong".

Clause 96

That clause 96 be amended --

(a) by renumbering the clause as subclause (1); and

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

"(2) Nothing in subsection (1) shall affect any liability to pay any fee or charge pursuant to regulations made under section 90."

Question on the amendments proposed, put and agreed to.

Question on clauses 16, 94 and 96, as amended, proposed, put and agreed to.

Clauses 22, 37, 45, 47, 49, 54 to 56, 66, 67, 76, 86 and 100

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

Clause 45(3) permits the holders of registered mortgages to agree in writing to the priority of obligations under other mortgages. These holders of mortgages are described in the text of the Bill as "其優先權在該宗抵押之後". The ad hoc group suggests that it would be better to rephrase it thus "其優先權低於該宗抵押".

With regard to the proposed replacement of "犯罪" with "犯法" in clauses 37, 54, 55, 56, 66, 86 and 100, and of "轉傳" with "傳轉" in clause 49, the reasons for amendment are the same as those applicable to clause 13 and 42, which I shall not repeat here.

Sir, with these remarks, I beg to move.

Proposed amendments

Clause 22(3)(b)

That clause 22 be amended by adding "被" before "任用".

Clause 37

That clause 37 be amended, in subclauses (5) and (7), by deleting "犯罪" and substituting "犯法".

Clause 45(3)

That clause 45 be amended --

(a) by deleting "在該宗抵押之後" and substituting "低於該宗抵押";

(b) by deleting "," after "持有人".

Clause 47(3)

That clause 47 be amended by deleting "該" where it first occurs and substituting "表示該抵押權".

Clause 49

That clause 49 be amended by deleting "轉傳" wherever it occurs and substituting "傳轉".

Clause 54(2)

That clause 54 be amended by deleting "犯罪" and substituting "犯法".

Clause 55(2)

That clause 55 be amended by deleting "犯罪" and substituting "犯法".

Clause 56(3)

That clause 56 be amended by deleting "犯罪" and substituting "犯法".

Clause 66(2)

That clause 66 be amended by deleting "犯罪" and substituting "犯法".

Clause 67(1)

That clause 67 be amended by deleting "註冊抵押的" and substituting "的註冊抵押".

Clause 76

That clause 76 be amended by deleting "獲".

Clause 86

That clause 86 be amended --

(a) by deleting "犯罪" and substituting "犯法";

(b) by deleting "定罪" wherever it occurs and substituting "裁定犯法".

Clause 100(2)

That clause 100 be amended by deleting "犯罪" and substituting "犯法".

Question on the amendments proposed, put and agreed to.

Question on clauses 22, 37, 45, 47, 49, 54 to 56, 66, 67, 76, 86 and 100, as amended, proposed, put and agreed to.

Clauses 23 and 90

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

The proposed amendments are meant to improve the way the clauses are worded in order to bring out their meaning clearly.

Proposed amendments

Clause 23

That clause 23 be amended by deleting "獲".

Clause 90(1)(c)

That clause 90 be amended by deleting "轉傳" wherever it occurs and substituting "傳轉".

Question on the amendments proposed, put and agreed to.

SECRETARY FOR ECONOMIC SERVICES: Sir, I move that clauses 23 and 90 be further amended as set out under my name in the paper circulated to Members.

Proposed amendments

Clause 23

That clause 23 be further amended, in paragraph (e)(i), by adding ", address" after "name".

Clause 90

That clause 90 be further amended --

(a) in subclause (1)(g) by adding "fees for" before "any matter"; and

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

"(4) Fees or charges payable pursuant to regulations made under subsection (1) may be recovered from the owner or demise charterer in the District Court as a civil debt, notwithstanding that the amount is in excess of the sum mentioned in section 33 of the District Court Ordinance (Cap. 336).".

Question on the amendments proposed, put and agreed to.

Question on clauses 23 and 90, as amended, proposed, put and agreed to.

Schedules 1 to 4 were agreed to.

Schedule 5

SECRETARY FOR ECONOMIC SERVICES: Sir, I move that schedule 5 be amended as set out under my name in the paper circulated to Members.

Proposed amendment

Schedule 5

That schedule 5 be amended --

(a) in Part 2, by deleting item 7; and

(b) in Part 3, item 1 by adding "except for sections 73 and 74 in so far as they relate to ships or boats other than registered or provisionally registered ships" after "Hong Kong".

Question on the amendment proposed, put and agreed to.

Question on schedule 5, as amended, proposed, put and agreed to.

IMMIGRATION (AMENDMENT) BILL 1990

Clauses 1 to 3 were agreed to.

Clause 4

SECRETARY FOR SECURITY: Sir, I move that clause 4 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 4

That clause 4 be amended --

In the proposed section 38A(1) --

(a) in the definition of "construction site controller" by deleting "head contractor and includes an" and substituting "main contractor and includes a subcontractor,";

(b) by deleting the definition of "construction work" and substituting --

"construction work" has the same meaning as in the Factories and Industrial Undertakings Ordinance (Cap. 59) but does not include redecoration, renovation, alteration, maintenance or repair of domestic premises by --

(a) an occupier of the premises; or

(b) an owner of the premises if that is the only premises owned by him in the building which contains the premises;" and

(c) by adding after the definition of "construction work" --

"domestic premises" means premises used or intended to be used solely or principally for residential purposes and constituting a separate household unit."

Question on the amendment proposed, put and agreed to.

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

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

MERCHANT SHIPPING (REGISTRATION) BILL 1990 and

IMMIGRATION (AMENDMENT) BILL 1990

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

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

Bills read the Third time and passed.

Member's motion

DRAFT WHITE PAPER ON SOCIAL WELFARE INTO THE 1990s AND BEYOND

Mr HUI moved the following motion:

"That this Council takes note of the Draft White Paper on Social Welfare into the 1990s and Beyond, and calls on the people of Hong Kong to express their views on the draft."

MR HUI (in Cantonese): Sir, I rise to move the motion standing in my name: "That

this Council takes note of the Draft White Paper on Social Welfare into the 1990s and Beyond, and calls on the people of Hong Kong to express their views on the draft".

In studying a policy paper, the first and foremost consideration is whether it is farsighted and comprehensive enough. The Draft White Paper on Social Welfare into the 1990s and Beyond (the draft White Paper) has been prepared by a working party comprising experienced social workers, academics and experts from various fields. Nevertheless, with its "untimely" release, the White Paper has regrettably been subjected to much criticism from social workers and the public. The reasons are as follows:

(1) Broadly speaking, social welfare encompasses the various existing welfare services, including social security. All these services which come under the definition of social welfare fall within the purview of the Health and Welfare Branch insofar as the allocation of funds is concerned. However, policies relating to community development, rehabilitation services and retirement benefit schemes are not examined in the review because they fall outside the ambit of the Secretary for Health and Welfare. Under such an extremely unreasonable constraint, the working party simply cannot map out an all-embracing blueprint for social welfare in the 1990s. It follows that members of our community are unable to get a full picture of the overall needs of our community for social welfare.

(2) The working party's review was undertaken at a time when local economic growth began to slow down and when Government has to curtail public expenditure in a bid to combat inflation. As a result, social welfare is the first to bear the brunt though it is badly in need of further development. In a discussion paper submitted to the Social Welfare Advisory Committee, the Health and Welfare Branch states clearly that there will probably not be any provision for introducing new services or improving existing ones for the coming year. The draft White Paper has echoed this approach by twice emphasizing that the "availability of resources" must be taken into account.

(3) Another reason why the publication of the draft White Paper is untimely is that it coincides with the new port and airport development which will incur the expenditure of over \$140 billion in the next 10 years. Although the Administration has stressed time and again that the Government has adequate financial resources to support the "rose garden" project, it is becoming more and more apparent that there will be tax increases and reduced commitments to social welfare. The claim that the Government has "adequate financial resources" is thus seen to be made on the basis

that non-revenue generating departments will have to "tighten their belts".

(4) The draft White Paper points out that the improvement, development and expansion of welfare services is "dependent upon the availability of adequate numbers of professional staff". I am worried that this entirely correct concept will be used in future by the Government as a pretext for failure to provide adequate services and speed up developments. It is very likely that there will be a shortage of welfare staff. To say the least, as the review does not cover community development and rehabilitation services, it is not possible to make an accurate assessment of future manpower needs.

I have no doubt at all of the ability and sincerity of the working party. However, in view of the four major constraints mentioned above, the working party has inevitably become too conservative and pragmatic in its recommendations on the direction of social welfare development and ways of implementation, as well as in its forecast on financial commitment. It can therefore be said that the working party's recommendations are flexible but not at all farsighted and comprehensive, besides lacking in initiatives. This is indeed a good example of the saying "one cannot make bricks without straw".

I request that the working party, in finalizing the White Paper, should go beyond the constraints of its terms of reference and financial stringency, thereby enabling the public to thoroughly understand the blueprint for social welfare development into the 1990s and beyond. To achieve our farsighted and ambitious aims, the working party should also ensure that the Government will make the necessary commitment of resources. Furthermore, the working party should make vigorous claims and recommendations along the following lines: (1) The Administration should review as quickly as possible the feasibility of setting up a contributory Central Provident Fund Scheme because it will greatly help towards utilizing the productivity of young people and coping with the problem of our increasingly ageing population. (2) Community development projects currently falling within the jurisdiction of the City and New Territories Administration but funded by the Social Welfare Department, such as neighbourhood counselling schemes and uniformed organizations' work, should again be brought under the jurisdiction of the Social Welfare Department and a review should be conducted in conjunction with the release of the White Paper. (3) The Rehabilitation Development Advisory Committee should as soon as possible look into the provision of future rehabilitation services and conduct a review in line with recommendations in the White Paper. (4) The

Administration should promptly conduct an overall review on the pay and ranking structure of social workers so that our community's demand for social services can be thoroughly met by an adequate supply of manpower.

I should now like to cover three conceptual principles relating likewise to the Government's financial commitment to social welfare and the balanced use of our society's resources. First, the draft White Paper has twice emphasized that the Government's provision of social welfare services is not intended as a move towards providing a western-style "welfare state". I think such a worry is uncalled for as it will only cast more doubt upon the Government's sincerity in providing better social welfare services. This is because Hong Kong's current spending on social welfare accounts for only 1.9% of the gross domestic product, which is much lower than the usual percentage of 20% to 30% or more in the so-called western "welfare states". Above all, no one in Hong Kong has ever asked to develop the territory into a "western-style welfare state". Hong Kong people are noted for their industriousness and self-reliance and are unwilling to depend on the Government for a pittance of assistance unless they are unable to make a living or have no savings to live by. At present, two-thirds of public assistance recipients are elderly people aged over 60 who cannot make a living themselves and lack their children's support. Other public assistance cases mainly involve mentally and physically handicapped persons. In the context of human rights, it is imperative for the Government to provide for their subsistence and to enable them to live with human dignity. Therefore, our existing policies on social welfare simply cannot be said to encourage productive people to be non-productive and rely on the Government for providing meagre relief instead.

Secondly, the draft White Paper introduces an integrated approach to service delivery. Under the present climate of stringent public finances, that might not be a bad idea if Hong Kong needs to utilize its resources more effectively on the one hand and raise its standard of service on the other. However, I must emphasize that if an integrated approach is adopted, the wishes of non-governmental organizations must be fully respected and their co-operation must be sought not only because they now provide four-fifths of our social welfare services, but more importantly, because of the different aims, backgrounds and aspirations they have as service providers. Besides, account has also to be taken of the availability of sufficient and suitable sites at district level to provide clients with a centralized and convenient access to services.

Regarding the concept of "payment by users" for welfare services, I think the following three principles must be firmly adhered to when applying this concept: (1) Only when the Government can satisfy the lower-middle classes' basic requirements for social services, both in terms of quality and quantity, should it consider the provision of higher quality services that require the recovery of part of the costs incurred. The purpose is to ensure that the needs of those who are "least capable of self-support" will not be neglected. (2) Any service that requires the payment of a fee will inevitably add to the burden of the needy; yet the Government should not be allowed to deprive them of the chance to have access to these services simply because they cannot afford to pay. (3) Should the Government wish to draw support from non-profit-making organizations in the private sector, stringent supervisory measures must be devised to safeguard the quality of service. If the "payment by users" approach should prove to be unsuccessful, it would be a major retrograde step as far as the provision of welfare services in Hong Kong is concerned.

Finally, may I appeal to fellow social workers and members of our community to express their views in a positive way, particularly in respect of the demand for various services and the approach to service delivery. As social workers have already established close ties with the public in the course of providing welfare services, their views will certainly help the working party to accurately reassess the needs of Hong Kong in the 1990s and the way forward. In fact, social policies of the 1990s have attached great importance to public participation, and the strong demands put forward by social workers and the public during the initial consultative phase of the review have resulted in a change of the working party's original consultation methods. This shows that their views are respected.

To sum up, whether the White Paper due to be finalized early next year can serve as a useful policy paper for giving guidance depends entirely on the Government's sincerity in giving the working party the support it needs in respect of financial commitment. Such support will enable the working party to free itself from the various constraints and come up with more comprehensive and farsighted recommendations on social welfare development in the 1990s. In fact, both the new port and airport development and investment on social welfare will have an equally crucial role to play in uniting community strength, preserving local people's confidence in the territory's future and maintaining Hong Kong's prosperity and stability. If the "rose garden" is expected to play its role, the Government must first of all meet the needs of social welfare in the 1990s.

With these remarks, Sir, I beg to move.

Question on the motion proposed.

MRS CHOW: Sir, for a city as advanced in so many ways as Hong Kong, we are backwardly wanting when it comes to child care facilities for our working population. That the lack of this very important social service can be ignored for so long is surprising, particularly when such a high proportion of our workforce in manufacturing is female, many of them mothers.

Going back two or three decades, the social structure in Hong Kong was such that three generations used to reside together, and the extended families of siblings, aunts and cousins mean that working mothers could be given temporary relief by sharing the responsibility of minding children. Now, as family units become smaller and more self-contained, each couple is left to care for their own children. This means that mothers are less able to leave their children under the care of people they can trust even if they wish to take up work. The deprivation of this choice to women is not only retrogressive, but also contrary to practices in developed countries.

Furthermore it may very well be the cause of many a case of child abuse where frustrated mothers felt trapped by the chores and responsibilities of motherhood.

With equal educational opportunities offered to both sexes, and the attraction and trend of the two-income family, women's aspiration to work has never been greater. Young mothers need help. And with the increase of single mothers, they need help even more.

Apart from the social consideration, the provision of child care facilities will no doubt help to relieve labour shortage, which has been the on-going complaint of our industrialists. Increasing the numbers from within Hong Kong must be more welcome and less controversial than bringing in outside workers.

Against this background, I believe Government must be much more positive in taking the lead in adopting a policy for the provision of child care services. Government's role should be to set the standards and to map out this strategy for financing such services, offering assistance where needed, and apportioning the costs where they

can be afforded. This is where co-operative effort between Government and the voluntary sector must focus to fill a long neglected need.

MRS FAN: Sir, looking into the 1990s and beyond, the hopes and aspirations of Hong Kong will have to rest upon the shoulder of our young people. This responsibility is no doubt heavy. The challenge is unprecedented. Our young people must be equipped with positive attitudes which will guide them through the valleys of uncertainties. Our education system will have to respond to that need in an appropriate manner. However, apart from principals and teachers, the school social workers in the secondary schools play a necessary and important role. Working closely together with the teachers in a whole school approach, they can assist a student to face family, personal, or social difficulties to find solutions and take decisions, as well as developing confidence and a sense of responsibility. They can also bring the services offered by the community to the student and to his family. The pressures brought about by social problems can thus be effectively reduced. I therefore agree with the two short paragraphs in the draft White Paper on the development of school social work. My only complaint is that the recommendations are not sufficiently definite.

On the manning ratio of one worker to 3 000 students, the Paper said that this "will continue to be improved as and when additional resources are available". How one interprets this depends on whether one is an optimist or a pessimist. I am neither. I am a pragmatic person somewhat lacking in imagination; therefore I cannot quite work out what priority is given to this recommendation and the additional amount of resources required for this improvement. Perhaps this is why consultation is being conducted. If so, may I suggest a target of one worker to 2 000 students to be achieved by phased implementation, and a further review be conducted in the mid-1990s to decide whether further improvement is necessary.

The case load for school social workers varies from school to school. Although the manning ratio is necessary for resource allocation purposes, social welfare agencies do exercise discretion in assigning workers to schools depending on actual need. This practice should continue to ensure better usage of manpower. However, to offer the most effective assistance to students, school social workers, guidance teachers and other personnel in the school must work together as a team. Therefore, it makes sense for the school social workers to station in schools. The draft White Paper said, "It is preferable that the school social workers are based in schools

where possible, and serve nearby schools rather than be required to commute considerable distances." Again, I support the general direction. But if more certainty can be injected by clearly affirming the principle that school social workers should be school-based, then the sense of belonging of the school social workers to the schools and their working relationships with teachers, principals and other school personnel will no doubt be further strengthened.

Sir, in June this year, OMELCO received a representation from a group of school social workers, who represented 233 school social workers in the field. They made the points that I was suggesting earlier. They presented us with 2 640 signatures collected from teachers and staff of 253 secondary schools who were in support of their request. They also referred us to two surveys conducted by tertiary institutions which revealed that an increasing number of emotional, family and triad problems was found among students which required attention from school social workers. OMELCO forwarded their views and the relevant surveys to the Administration for consideration. Around the same time, the Education Commission received a submission from the Hong Kong Council of Social Service, entitled "Further Development of School Social Work Service -- Meeting the Needs of Secondary School Students". It recommended that the manning scale of one worker to 2 000 students be implemented over a period of two years commencing in 1991-92, a teamwork approach be adopted for school social work and guidance work, and better co-ordination between the Health and Welfare Branch and the Education and Manpower Branch of these services. Many members of the Education Commission, including myself, tend to agree with the views of the Hong Kong Council of Social Service. However, as the matter was then under the consideration of the Comprehensive Review Committee on School Social Work Service, and the Social Welfare Advisory Committee was expected to take a final decision on this matter, the Education Commission decided to concentrate its attention on Student Guidance Officers, guidance teachers and other support services. The Commission's recommendations will be made public on 22nd of this month, and it would not be appropriate, Sir, for me to disclose some of them at this stage. I could only urge that similar improvements and approaches should be adopted for school social work services in secondary schools.

Sir, with these remarks, I support the motion.

MR MARTIN LEE: Sir, in reviewing the draft White Paper on Social Welfare into the 1990s and Beyond, I was struck by the lack of substantive policy proposals in it.

For like your policy address before this Council one month ago, the White Paper sets out lofty goals, but puts forward few proposals on how to achieve them.

The general theme is that new initiatives and new solutions are not needed. Rather than try to set forth a direction as to how our society is to move forward, the White Paper is content with present programmes, subject to a few minor alterations. In the few cases where worthwhile ideas are put forward, such as community care for the elderly, the White Paper makes no effort to develop these principles into actual policies.

The most basic question of whether current expenditures on social welfare are adequate is not addressed. There is no attempt to explore what the overall need for welfare services is; what percentage of government spending would satisfy that need; and how that would relate to Hong Kong's GDP. The White Paper makes the assumption that welfare spending should simply increase at 1% less than the increase in GDP without giving any reason to justify that.

A theme that recurs throughout the White Paper and your policy address is that of choice. We have been told little, however, of how such a policy is to work in practice. Or such a policy may be appropriate in a state with a wide range of publicly funded social services; it is far less applicable as a matter of practice to Hong Kong, which at this point has so few public services. The theme of choice as presented by the Government, moreover, seems to be based on a view of society where the vast majority of people are middle class and able to pay for superior private services, while the Government provides a safety net of basic services for the very poor.

This view is at odds with the reality in Hong Kong, where many working class people do not have the resources to pay for expensive private services, for example in health care, child care, or housing for the elderly. The "choice" for these persons will be either to forego the service entirely or to sink to the requisite poverty level and receive the service without charge. Sir, unless there is a clear programme to change the lot of all our working class people, so that they are in a position to choose the more expensive private services, the so-called choice is no more than a mirage.

Therefore, I call on the Government to keep the needs of our lower-middle and middle class citizens in the forefront if it is serious in its attempt to offer more "choice." It should, for example, seriously consider the adoption of social and

medical insurance programmes, sliding scale fees, and tax incentives to employers to provide benefits to employees so as to ensure that its citizens will indeed have a choice in receiving services which our modern community considers to be essential to everyone. The Government must not hide behind the theme of choice in order to evade its responsibilities to its citizens.

Sir, probably the most difficult social welfare problem we face today is how to care for our elderly. The White Paper points out that Hong Kong will experience a large increase in the number of elderly residents over the next decade. By 1999 the number of persons over 60 years old will be 25% greater than today, and the number of persons over 75, who are the most neglected members of our community, will have doubled. Yet, the White Paper -- and the Government as a whole -- refuse to address the problem of how we are going to provide financial support for retired persons who have no source of income. Dismissing the issue of provident funds or retirement benefit schemes as not within the "terms of reference" of the White Paper unfortunately does not make the problem go away.

Currently, the vast majority of the elderly have no form of retirement plan. No one would contend that the Old Age Allowance of \$393 a month for persons over 70 and \$343 for persons between 65 and 69 can meet the needs of the elderly. But, unless a person falls into absolute poverty, he or she is not eligible to receive more than this meagre sum. And, even if a person does fall below the poverty level, he or she receives only the paltry Public Assistance Allowance of \$680 a month for all necessities except rent. Do we honestly consider \$20 a day to be adequate to cover all expenses?

I urgently call on the Government to consider a form of compulsory provident fund, either centrally or privately administered, in order to meet the needs of our growing elderly population. We must take action now while the ratio of young persons to retired persons is still quite high; we cannot passively await the greying of our population and only then attempt to deal with the problem.

A central part of planning for our elderly is the question of housing. The White Paper admits to the urgency of this problem, but suggests only token steps to solve it. The White Paper envisions an increase of only three residential places (in both homes for the aged and care and attention facilities) for every 2 000 elderly persons! Such a tiny increase is clearly inadequate.

I welcome the decision however of the Government to introduce legislation regulating the management of private homes for the elderly. I also support the expansion of the government policy of buying places in privately managed homes. Yet, the Government must take more forward-looking steps and be willing to commit more resources if it is to begin to deal with this growing problem. Similarly, I welcome the emphasis of the White Paper on community care for the elderly, but the Government has demonstrated little willingness to commit the resources necessary to enable local communities to assume these care responsibilities.

The question of how to care for our elderly highlights three critical issues that the White Paper fails to deal with. The first is that of emigration. The White Paper is remarkable for the fact that, in studying the decade of the 1990s, it does not even mention 1997 nor discuss the ways in which the transfer of sovereignty will affect social welfare in Hong Kong. Given the Government's attitude of pretending that 1997 is not an issue of concern to the people of Hong Kong, this approach is not surprising.

But 1997 does pose a problem here. For we are facing a massive emigration crisis because of it. The overwhelming majority of the emigrants are of working age, and many of them leave elderly parents behind, thereby increasing the proportion of the elderly in our population. What is the way the White Paper proposes to deal with the problems brought about by emigration? It says "The magnitude of these problems has yet to be ascertained and the welfare implications for the present and the future will need to be assessed."

The second issue is how to provide social services to a population in which increasing numbers of married couples are moving away from their parents, often to the New Territories. The Government needs to make sure that social services, such as health care and child care, follow the residents living in the new towns. For example, the Government should build housing for the elderly and establish related services in the new towns so that elderly family members can live in the same community as their children. Likewise, public housing units should be made large enough so that the elderly can live with their children's family if they so desire. These are the kind of concrete steps that are necessary if we are to achieve the Government's stated aim of preserving and strengthening the family.

The third issue concerns the co-ordination and integration of services. The White Paper is long on talk of integration of services but very short on means to accomplish this aim. For example, when one thinks of providing services to families in the new

towns, one realizes how closely linked the provision of services in housing, social welfare, education, and medical care must be. Yet, the White Paper offers no suggestions as to how these multi-fold services might be better co-ordinated and more efficiently delivered in order to help the families of Hong Kong. All the paper can suggest in respect of co-ordinating social services is that "Encouragement will be given to other relevant policy branches in Government to consider the family perspective when developing policies that have implications on the family as a unit and a resource."

Rather than mere encouragement, concrete steps and careful planning are needed to ensure that services provided by different government branches complement each other. I suggest that the relevant government departments meet regularly -- on both a central and district level -- with the specific aim of integrating their services. I would hope that meetings of the service providers on the district level would include district board representatives in order to co-ordinate services and facilitate an effective two-way dialogue within the community.

There are certainly many other issues I could address if time allowed today. I am sure that I will have the chance to do so in the future, for these issues will not go away. I only hope that, in confronting our social problems and in formulating an efficient and effective welfare system, Members of this Council will not hide behind the rhetorical catch words often heard in Hong Kong. For example, proposals for social programmes or retirement plans often receive a knee-jerk dismissal on the basis that Hong Kong should not offer "free lunches."

I ask my colleagues to go beyond these convenient catch words and examine seriously the problems our community is facing. I invite my colleagues to look at a typical family in Hong Kong, and see whether this family is asking for a "free lunch".

In the WONG family, both Mr and Mrs WONG work, Mr WONG in a restaurant and Mrs WONG in a garment factory, and they live in a public housing estate in the New Territories. Between the two, they have an income of about \$8,000 month, which is barely enough to provide for their two young children, Mr WONG's elderly parents, and Mrs WONG's mother. Mrs WONG needs to work full time in order to keep up the family income, yet she has no way to care for her two-year-old daughter and four-year-old son. Her factory offers no day care facilities for her two-year-old, she does not have the money for a private centre, and no government help is available. Similarly, she is not able to get assistance to allow her four-year-old to study at a kindergarten,

for the WONGs' family income is well in excess of the maximum income for kindergarten assistance, which is set at \$4,300 for a family of four.

The most difficult problem the WONGs face is how to deal with Mrs WONG's mother, who has had a stroke and is no longer able to care for herself. The supplement she receives as a Disability Allowance is nowhere near enough to provide for medical attention at home, and neither Mr or Mrs WONG is at home to look after her. The best solution would be for her to live in a home nearby so that she could receive daily care and at the same time remain close to her children and grandchildren. She has little chance in finding a place in a public home and the WONGs certainly do not have money to pay for a private home. Even the local day care centre for the elderly, where she might at least be able to spend the days, is fully booked and the waiting list is long.

Finally, the situation of Mr WONG's elderly parents is little better. Because of the small size of the WONGs' flat in the New Territories, Mr WONG's parents have remained living in their old flat in Kowloon. They have no retirement plan, and they thus have to rely entirely on Mr WONG for support. With his meagre salary, there is little he can offer them, and the Government is only able to offer them the Old Age Allowance of \$393 a month for persons over 70. Such a meagre income enables them to scrape by with the barest of necessities. They hope that they will maintain their good health, for they do not know who will be able to provide for them should they fall ill. Sir, the young of today will be the elderly tomorrow; and if we do not plan for the elderly today, then tomorrow, no one will take care of us.

In debating this draft White Paper and in looking towards the future, I hope Members of this Council will keep in mind the WONGs and the CHANs and the LEEs, that is, the countless thousands of families in Hong Kong who face similar or more severe problems. Programmes providing day care, kindergarten assistance, and health care for the elderly are not free lunches; they are essential to the health and welfare of our community. Of course we pride ourselves that the rich in Hong Kong shall be richer. But we must not allow this to happen when the poor will be poorer as a consequence.

Sir, it is families like the WONGs whom the empty rhetoric in this document does little to help. These families need a compassionate and forward-thinking community willing to help them meet their challenges, a community which places the greatest importance on the future of its people, the haves as well as the have-nots. I hope

the final White Paper will show the willingness to address problems and the resolution to solve them. For it is only then that we can take pride that this financial centre of the world has also a caring community living in it.

MRS TAM (in Cantonese): Sir, the 1990s is a period of important transition in the history of Hong Kong. The publication of the Draft White Paper on Social Welfare into the 1990s and Beyond at the beginning of this new decade has demonstrated the Government's willingness to recognize the future welfare needs of our community and to embark on planning accordingly. This is an appropriate and positive move. What is particularly praiseworthy is that some members of the working party set up to prepare the draft White Paper were drawn from non-governmental organizations involved in social welfare. This open-minded approach can be said to represent an advancement insofar as social welfare planning in Hong Kong is concerned.

Hong Kong's social welfare development in the 1990s will have many new changes to tackle. These include an increasingly ageing population and the problem of elderly and disabled family members being left behind in Hong Kong as a result of emigration. This has not only brought about new demands for elderly services, but is also a reality that should not be neglected when considering the provision of social security to the community as a whole. Moreover, the increase of nuclear families in the new towns, the growing population of new immigrants, and the growth in the number of working women will lead to a greater demand for child care and family services as well as services for the new towns. As Hong Kong moves towards urbanization, signs of "social disintegration" have begun to emerge. For instance, divorce cases in terms of the number of divorce decrees issued have increased by over 150% between 1981 and 1989; the number of single-parent families is about to reach 4 000; and juvenile crime figures have been on the rise in the last decade with more offenders in the younger age groups.

Social problems which are about to emerge will not be the same as those in the 1980s. In formulating a White Paper on Hong Kong's social welfare development in the 1990s, we must prescribe the right remedy for these problems, give guidance on how to solve them, and set the objectives for our welfare development in the next 10 years.

Sir, I think the social welfare White Paper for the 1990s needs to be capable of responding clearly to the following four problems areas:

First, there is the question of how responsibility for social welfare should be shared between the Government and non-governmental organizations.

The responsibility of providing social services in Hong Kong has, all along, been shared between the Government and non-governmental organizations. And Government has pledged to accord priority to the provision of essential services. However, faced with a demand for higher quality and more choice in the provision of services in the 1990s, the Government must broaden sources of income to meet the growing demand for welfare services and rising costs unless it is prepared to increase its overall spending on social welfare.

In Hong Kong, over 70% of our social welfare spending is on social security. Our existing social security system not only lacks comprehensiveness, but also imposes a heavy burden on the community as a whole. According to Government's projection, half of the \$3.26 billion of social security expenditure for the year 1990-91 will be old age allowance payments. With an increasing proportion of the elderly population in Hong Kong, and with the Government having no intention to change its social security arrangement, old age allowance payments will account for a growing proportion of our social welfare spending and will thus become an uncontrollable financial burden.

Although issues such as provident funds or retirement benefit schemes are not examined in this review, the question of whether a comprehensive contributory social security system should be set up still needs to be addressed by the Administration. I hope that the Government will make a quick response to this social need in the near future.

It is mentioned in the draft White Paper that apart from developing services provided by the Government and the subverted agencies, the Administration will also encourage non-profit-making organizations and employers to further participate in the provision of welfare services. From the viewpoint of promoting the diversification of funds for social welfare, I support this initiative. Recently, a child care centre was set up in Hong Kong by a private firm for its employees. This shows that encouraging participation from the private sector in the provision of welfare services is one feasible way of tapping new resources. It is also my hope that the Government will devise the proper mechanism for offering substantial encouragement to the private sector. On the other hand, a higher degree of autonomy

should be given to subvented organizations so as to enable them to develop their services with greater flexibility. This will help improve the quality of services and offer more choice to the public.

Regarding the policy on fee charging, the draft White Paper suggests that "those clients who can afford to contribute towards costs should be required to do so when appropriate". I gave my personal views on this topic during this year's policy debate. Here, I should like to simply reiterate that Government must draw the lines between those who can rest assured that their welfare needs will be met free of charge, and those who can genuinely afford to pay for chosen services. Quite a number of our existing services are fee-charging. When considering increased charges for certain services, the Administration must take care to achieve a balance between the provision of good quality services and the affordability of the users.

Secondly, the question of developing an integrated approach to service delivery must be addressed.

The draft White Paper recommends that the concept of an integrated approach to service delivery should be actively pursued with a view to improving the scattered services now being provided by organizations and bringing about a greater centralization of resources. My view is that this mode of service delivery should aim at better co-ordination, higher quality and greater cost-effectiveness, and that in adopting the new mode, the Government may consider broadly classifying services into two categories, namely, community-based services and special services.

Community-based services, ranging from youth and elderly services, family counselling to a number of new initiatives, can be provided at a single convenient location on a district basis while new special units may be set up to provide special services such as foster care and residential care for the elderly, which should not be confined to targets in a particular district.

It is to be regretted that in proposing this mode of service delivery, the draft White Paper has not elaborated on the mode of operation and specific policies. Should the new mode be indeed conducive to the better utilization of our welfare resources, the Government must take a resolute and courageous step in its development, instead of adopting an over-cautious and equivocal attitude.

Thirdly, another area that warrants attention is the question of assessing the

value of resource utilization.

It is clearly stated in the draft White Paper that emphasis must be laid on both the developmental and remedial functions of welfare services. But we must on no account overlook the importance of preventive services as a permanent cure. In this context, I cannot but point out that in the assessment of resource deployment for welfare services, the Finance Branch has accorded only secondary importance to the development of preventive services while putting too much emphasis on other areas of services, the effectiveness of which can be measured in terms of "quality". I think this aspect of work should be handled with great care, or else harm will be done to the development potential of preventive services.

Talking about preventive services, I should like to add more to my own views on services for children and youth. I cannot agree more with a statement in the draft White Paper that "investment in the young is an investment in our society's future", and it is also gratifying to hear the Administration explicitly declare that any decrease in the number of the young will not warrant a reduction in our commitment of resources for their development.

In fact, with our society becoming more complicated in the 1990s, young people need more care and guidance as they grow up. Recently I read from the newspapers a survey report on young people at risk and learnt that some of them were prepared to commit such crimes as shop-lifting, arson, prostitution and even murder in return for \$100. As young people do not derive their sense of values overnight, prompt provision of preventive services will help reduce the number of our promising young people going astray.

Sir, youth services must have wide-ranging and profound aims, and must be so designed as to reflect the development of our age. I hope that when reviewing the mode of operation of children and youth centres, the Government will try to earnestly understand their true features and functions and give them adequate support. Before setting about an overall review, the Government should first acknowledge the value and purpose of its task and then determine the areas for the review in consultation with the social work sector.

Finally, the question of social welfare manpower requirements also calls for examination.

Without proper co-ordination and support from the tertiary institutions in training social workers, social welfare manpower planning will continue to be a major resistant force in the development of social welfare services. As there will continue to be a serious shortage of non-degree social work manpower in the short term, may I appeal to the relevant tertiary institutions involved in producing social work diplomates to fully take into account market demands and to make the necessary adjustments when planning diploma places.

Turning to the suggestion that persons with qualifications other than in social work be employed and be provided with formal social work training after employment, I reckon this as no long-term solution but a retrograde step while moving towards greater specialization in professional skills and high-quality services. In 1978, the Government conducted in conjunction with the voluntary agencies a thorough review into the ranking structures of welfare grades in a bid to define the duties and staffing needs of trained social workers required for various services. After a lapse of more than a decade, the time is now opportune for reconsidering the need for a similar review. I am disappointed that the draft White Paper has not come up with such a proposal.

Sir, when formulating overall planning for Hong Kong's welfare development, we must pay proper attention to the problem and earnestly meet the true needs of the community in the future. To be sure, we have a host of problems to deal with, but it cannot be said that there is no room for development. We need to have overall planning, clearcut directions and the awareness that the Government and other sectors of our community need to share responsibility for the provision of welfare services. Failing that, the further development of social welfare services will get bogged down and the White Paper will become nothing but a superficial document which merely "takes stock" of the situation.

The provision of social welfare services is an important part of our social infrastructure. It has a crucial role to play in consolidating public confidence and maintaining social stability during the transitional period. If the Administration can act promptly by making known its commitment to social welfare development, this I believe will help demonstrate Government's sincerity and increase non-governmental organizations' trust in the partnership relationship with the Government.

Sir, with these remarks, I support the motion.

6.00 pm

HIS EXCELLENCY THE PRESIDENT: With great skill, Mrs TAM has finished at exactly six o'clock, and being six o'clock, under Standing Order 8(2) the Council should adjourn.

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

Question proposed, put and agreed to.

MR ARCULLI: Sir, in your opening address to this Council last year you confirmed the importance which the Government attaches to providing social welfare services to meet the needs of our society. The setting up of the working party chaired by the Honourable Secretary for Health and Welfare is the first step to match those words with deed and I sincerely welcome this draft White Paper, entitled "Social Welfare into the 1990s and Beyond".

The working party is to be complimented for producing the document within eight months of its appointment. I believe we, as a community, owe it to ourselves to respond to the draft White Paper and I therefore make a special plea to potential recipients of such services to voice their opinions because what we are discussing here today is not a matter that is restricted to experts in the related fields: it is an issue where everyone may be able to make a contribution. Unpolished ideas may turn out to be rough diamonds; capable of being polished by experts. Sir, in case there is any misunderstanding, I speak today as a concerned layman.

The draft White Paper identifies some rough priority areas and clients but proposes few and perhaps even sketchy programmes, which are almost all subject to funds uncommitted. It raises our aspirations by stating and I quote: "Welfare services should not be regarded as some form of charity, confined to the socially and financially disadvantaged. The services are, and should be, available to all who need them". Sir, what we need is commitment to that principle by the Government and the community. But there appears to be a basic flaw in the draft White Paper which seems to equate government commitment to the commitment of funds, that is, real

money in dollars and cents that Government will have to pump into welfare services. The Government can do much more than just provide direct funding. The need for social services to a large extent exists regardless of the financial situation of the Government, which regrettably is always limited.

Sir, we must first identify and assess social needs in our community with the most reliable methods known to us. Having identified and assessed specific needs backed by data we can devise a package which may comprise a comprehensive policy, concrete service programmes and appropriate legislation. If we do not have all the necessary data the census to be taken next year will be a golden opportunity for us to gather valuable data which is essential for our planning and actions. Social workers, especially those responsible for planning must act promptly and work together with the Census and Statistics Department if they have not begun this process.

The draft White Paper identifies elderly service as one of the three priority areas with which I wholly agree. However, without any explanation by the working party it is not clear why the current planning ratio for care and attention places at eight places per 1 000 elderly is increased to 11 per 1 000. Is this based on objective survey of social needs or is it based on what the Government is willing to pay? If it is the latter there may well be some criticism for such an approach. First it confuses social need with what the Government is able to provide. Secondly without an objective assessment of the real demand, it is difficult for the Government and the public to realize the severity of the problem and thus more difficult to mobilize other government departments and non-government resources. Let me say at once that I am not in favour of a western-style welfare state. What I am saying is that we should not bury our heads in the sand: we must have the courage to face reality. When the social need is clear, we must then formulate action plans to meet the demand as best we can. These should, where appropriate, include amendment of legislation, revision of policies and provision of concrete services and programmes. These should not only include traditional services provided by the government and non-government social welfare sectors, but should also be innovative to include other resources especially from other departments and public bodies. For instance, as to elderly services, the Housing Authority is providing a very important service, namely, accommodation for the elderly, and the two municipal councils have both been providing concessionary rates for various cultural and recreational activities for our senior citizens. This

kind of resources must be tapped. Let me give another example. There is no reason why the major franchised public transports should not provide free or concessionary fare for our senior citizens, say, those over 65 years old, during off-peak hours. And there is no reason why the Government should not make it a condition of any such franchise.

Sir, government commitment can also be in the form of legislation. A good example is the proposed legislation to regulate privately-run homes for the elderly. It can also be in the form of government policies, say, granting additional plot ratio for buildings if child care centres are provided in the area, provided that we have ascertained that having such centres is a priority.

Sir, I hope I have demonstrated that government commitment does not mean only putting available public funds into welfare programmes. It means much more than that. In conclusion I would be grateful if the Honourable Secretary for Health and Welfare would explain how the estimated social welfare recurrent expenditure of \$7 billion for the 1999-2000 is arrived at and how it is concluded, if that be the conclusion, that this is adequate to implement whatever the programmes might be. Perhaps she would also be good enough to explain how the annual growth rate of 4.35% in such expenditure between 1990-91 and 1999-2000 is projected, when the estimated Gross Domestic Product growth, according to the Government's Medium Range Forecast, is materially more than that.

Sir, with these observations, I support the motion.

6.08 pm

HIS EXCELLENCY THE PRESIDENT: There are still a considerable number of Members who wish to speak to this motion. I propose that the Council should break briefly. Immediately after the break I will have to attend an official function and I will ask the Chief Secretary to preside in my place.

6.18 pm

The Chief Secretary presided over the meeting of the Council during the absence of the President.

MEMBER PRESIDING: Council will resume.

MR MICHAEL CHENG (in Cantonese): Sir, as this territory is now beginning to feel the impact of a global economic recession, the people of Hong Kong must brace themselves for the hard times ahead. The poor and the needy are expected to bear the brunt of the impact and their need for various forms of social welfare services is bound to grow with time. Should their basic need for social security not be met, they will naturally become dissatisfied and have resentment against society. In order to eliminate this destabilizing factor, the Government should shore up the confidence of the people at the grassroots level by strengthening its social welfare services. At a time when Hong Kong is expected to bear extra financial pressure as a result of its commitment to the massive rose garden project, I would like to request in earnest that the Government should take every caution against overlooking the needs of the public, cutting welfare services or delaying their implementation or development.

As recommended by the draft White Paper on social welfare, the current public expenditure on social welfare will have increased by about 50% by the year 2000. In order to ensure the best use of the limited resources available for welfare purposes, it is particularly important that priorities and allocation of resources are properly and effectively arranged for various kinds of welfare services. I support the recommendation of the draft White Paper to set a relatively wider margin for the growth of expenditure on welfare services for the elderly and the family. To start with, I would like to analyse the present situation in these two areas of social services and submit my recommendations before I venture to express my views on other aspects of public concern.

#### 1. Services for the elderly

Gradual changes in the age structure of the local population are now under way with a trend of ageing. Population of the elderly people within the age group of 60 or above is estimated to grow from 720 000 in 1989 to 960 000 in 1999. The projected 30% increase of the elderly population within a period of 10 years points towards an increasing demand for services for the elderly. Under the growing influence of western concepts, the younger generation of today is becoming less and less respectful to the elderly and their seniors. Many young people do not wish to live together with their aged parents after they have got married, thus leading to a dramatic rise in the number of elderly living alone. To meet the special needs consequent on such social changes, the Government should make sure that the expansion of services for

the elderly will take the above-mentioned factor into full account.

Up to the present, there is a shortfall of 2 400 care and attention places, 21 social centres for the elderly and 11 day care centres for the aged in Hong Kong. Hence, the increased budget proposed for the services for the elderly in the draft White Paper can only make up the existing deficiency. It still falls short of meeting the actual needs in future as Hong Kong moves into the 1990s.

In recent years, there has been an increasingly great demand for places in care and attention homes. At present, it takes an elderly person to wait for an average of four years before he or she can gain admission to a care and attention home. It fully reflects the serious shortage of such places. With regard to the shortfall in this area, the Government has, in fact, drawn up an expansion programme to rectify this undesirable situation, aiming at raising the number of subsidized care and attention places from its present level of 2 500 to 6 500 by 1995. The planning ratio set for 1988 at eight places per 1 000 elderly persons was then referred to as the planning basis for the expansion programme. If readjustment is to be made in accordance with the revised planning ratio of 11 places per 1 000 elderly persons as proposed in the draft White Paper, the target figure of 6 500 places originally set for 1995 will have to be further increased to meet actual need. Hence, the Government should make every effort to attain the target of increasing the number of these places and make necessary adjustment as soon as possible to maintain a balanced supply and demand of the care and attention places.

In Hong Kong, there are currently 305 private homes for the aged. They are of varied quality. In general, their service and environment are less than satisfactory and their facilities inadequate. Notwithstanding these shortcomings, their average charge is beyond the means of the middle and lower strata of our society. As a matter of fact, only 25 of these private homes for the aged have so far registered themselves with the Government while another 114 of them are still under application. The remaining 166 of these homes may need to upgrade their condition and facilities before they can be qualified for registration. The introduction of legislative control by the Government to ensure a satisfactory standard of service in all private homes for the aged is indeed a right step taken in the interest of the public. However, it will lead to a rise in the operation cost if the legislation made for this purpose is more stringent than necessary. Over half of these homes may eventually be driven out of business for falling short of the required standard, thus resulting in an even worse situation in which many

elderly persons may not be able to find a place in one of the substandard homes for the aged at all. I suggest that the Government should, in formulating such legislation, make allowance for flexibility in the application of the provisions in consideration of the viability of each private home for the aged so as to make it feasible for these homes to keep their charges at a level affordable to the average man in the street. If these homes have to close down as a result of strict control, many elderly persons will be left homeless and the responsibility to see that these affected elderly are properly resettled and well taken care of will inevitably fall on the Government. As a long-term solution, the Government should lose no time in providing adequate places in the public homes for the aged to satisfy the great demand for this kind of service, taking into account the overall situation and needs in Hong Kong.

I feel that before the Government can fully meet the demand for residential places for the elderly, there is a need for positive actions to expand the home helper service for the purpose of providing greater domiciliary support and care to people who cannot look after themselves. At the same time, steps should also be taken to increase the payment of the higher disability allowance, strengthen the individual care and attention service available in existing homes for the aged and accord higher priority to the provision of care and attention service for the elderly in old districts with a particularly large population of aged persons.

At present, some temporary housing areas of over 10 years old are badly worn out and in a shabby condition. As far as environment, hygiene and law and order are concerned, they are in an appalling state. Residents of the younger generation are moving out of these temporary housing areas as soon as they can financially afford to do so, leaving behind the old and the weak who have no other alternatives but to continue bearing with such a detestable living condition. Besides, many elderly in the old housing estates are living alone and they depend solely on public assistance for their subsistence. Some of them even cannot take proper day-to-day care of themselves. They really deserve our sympathy. They are the forgotten people in our society. They are desperately in need of assistance. I hope the Government will appreciate the needs of these miserable old people and take prompt actions to provide them with proper accommodation and necessary community support services.

## 2. Retirement security schemes

As a result of social changes and the influence of western culture, the task of

looking after the retired elderly has become largely a responsibility of the community. Although the issue of retirement schemes does not fall within the scope of social services reviewed by the draft White Paper, it is closely associated with the social welfare policies.

The provision of social security is one of the Government's responsibilities. In 1987, the Government rejected the idea of requiring employers to set up retirement schemes. Instead, it merely encouraged the provision of retirement schemes which were left at the discretion of the employers. After a lapse of three years, this approach has proved to be unsatisfactory. Only some 25% of the employees in the private sector have been provided with a certain form of retirement schemes, while the remaining 75% of employees, numbering 1.6 million, are not covered by any form of security after retirement. Many of them are now solely dependent on public assistance and Old Age Allowance. Furthermore, the rates of public assistance and Old Age Allowance are far too low to keep up with the minimum cost of living. It is natural that the quality of life of the retirees is on the decline. Moreover, with the demographic trend of ageing in our local population, there will be enormous pressure on our future social security programme as a result of increasing demand for assistance.

I think that it is essential for the Government to reconsider the introduction of compulsory provident fund schemes which can be adjusted in a flexible way by the private sector in accordance with their own circumstances. The aim is to ensure that the retirement schemes will operate smoothly and benefit all employees by providing them with the security they need after retirement. It would also help reduce the Government's enormous commitment in social security so that its resources can be allocated more effectively. As for the employees, the provision of retirement schemes can set their mind at ease so that they can be retained on their present job, thereby reducing the wastage of staff. This would certainly help maintain Hong Kong's stability and prosperity.

### 3. Services for drug abusers

At present, counselling services are provided to drug addicts by the Government through medical social workers stationed at methadone clinics, while voluntary agencies assist with their rehabilitation through half-way houses and other forms of support. However, the number of regular users of drugs remain large, which amounts to about 41 000. For every 10 criminal cases handled by the court, quite a few are drug-related. We can easily imagine how seriously drug activities are threatening

the law and order in Hong Kong. According to the records kept in the Government's central registry, 80% of the addicts return to drugs after treatment. Such a cycle could repeat time and again in the life of a drug addict. This is one of the sources of crime.

To help drug addicts to get rid of their bad habit once and for all, we must strengthen our counselling service and after-care work. We should help them find a suitable job after treatment so that they can stay away from the bad influence and break off relations with undesirable elements. It is only through these means that we can hope to see any positive effect of our efforts in this area. However, according to the information illustrated in a chart on the analysis of recurrent expenditure by service programmes reviewed in the draft White Paper, spending on rehabilitation services for drug abusers and offenders will account for only 2% of the total expenditure on social welfare services in the next decade. With this meagre budget, it will be impossible to expand after-care service for ex-addicts. The Government should pay more attention to this area and provide more concrete assistance to help the drug addicts give up their bad habit and begin their lives anew. In this way, the Government may also be able to eliminate one of the major threats to the law and order in Hong Kong.

#### 4. Single parent families

In recent years, there is an increase in separation and divorce cases. This, coupled with the unfortunate cases of bereavement, has led to a drastic rise in the number of single parent families. It is necessary for the Government to render more assistance for such families. We should not consider them problem families but rather treat them as a group of families which have special and urgent need for psychological and financial support as well as assistance in the upbringing of children. Owing to their special circumstances, children from these families are particularly susceptible to unhealthy influence. As single parent families are attributable to many intricate factors and the Government is doing very little in providing assistance to such families, I think that the Government should respond to the social changes and needs by increasing its allocation of resources for further expansion of child care and family welfare services, such as child care centres, occasional child care, after-school care programmes, institutional care, home help services and so on. Besides, the Government should also formulate a long-term development programme to provide care and counselling services for single parent

families. Since most of these families are in a relatively poor financial situation, I hope the Government will start providing subsidies for their children at an earlier date. Moreover, additional counselling bodies should be set up to provide counselling and other services to these families.

## 5. Manpower resources

Manpower is a major factor essential to the implementation of the above-mentioned proposals in the draft White Paper. During the past 10 year, there has been a severe shortage of properly trained social workers, resulting in extremely heavy workload for serving social workers. The Government should consider allowing non-professionals to take up the non-professional duties in providing services, such as in organizing cultural and recreational activities, in order to relieve the social workers from some of their workload. Furthermore, voluntary workers should be trained and assigned to supplement the force of social workers with a view to easing the problem of staff shortage. At the same time, in order to recruit and retain social workers, the Government should offer them better career prospects and improve their conditions of service.

Sir, with these remarks, I support the motion.

MR DAVID CHEUNG: Sir, I participate in the debate not in the capacity of a social worker. I do so because I am particularly concerned about the well-being of our young people who are the future pillars and hope of society. I will therefore not go into the details of the White Paper.

As far as services are concerned, I have no objection to any kind of service as long as it serves a good purpose, but resources provided for services for our young people should in no way be reduced. Given that the youth population decreases in percentage in the 1990s, young people facing the future face a much more competitive and complicated world. They need to be guided and helped so that they in turn can help themselves.

Our young people are very talented. I have never for a moment doubted that they can do marvellous things for society. However, they often demonstrate a wrongly-oriented philosophy of life. The eat-drink-and-be-merry philosophy dominates the value system of our young. Drowned by material affluence and an

enjoy-life-while-you-can outlook, many of our young pursue a lifestyle of playfulness and the pursuit of comforts. Virtues such as perseverance, spirit of services, long suffering, purposefulness, sense of proportion, considerateness, sense of responsibilities, honesty, dedication, commitment are so often found wanting. Why? There is no easy answer.

Sir, I have no intention of being critical; I simply want to share my experiences and observations based on my long years working among and with young people. So often, in newspaper articles and reports about life in tertiary institutions, the question of theft has repeatedly come up. One wonders why such lowly acts happen in such intellectual circle? So often, one hears about shoplifting. In school disciplinary records, one hears about physical assault, use of vulgar languages, damaging school properties, insulting teachers, being unpunctual, failure to hand in homework and assignments, reading pornographic magazines, watching pornographic video tapes and so on, let alone involving in triad-related activities.

Recent government figures reveal increasing number of juveniles having committed crimes and thus put on probation. The younger the age group, the more alarming the increase. Two days ago, a weeping mother brought her 13-year-old son to me and begged me to give her son a second opportunity to enrol. The son was put on probation for having tried to rob a taxi driver at knife point, having lost \$2,000 in gambling. Young girls at 13 and 14 are willing to work as prostitutes. All these are frightening. Our society, Sir, though prosperous and affluent, is sick in many ways and in many quarters.

To cure a problem after it has emerged is often too late. I certainly do not want to see many of our young people being targets or objects of welfare. We must help young people by tackling the problem at the source. It requires concerted effort by Government and members of the public together. I am going to suggest a few things:

First, re-emphasize the importance of family.

Family education has always been cherished among the Chinese people. The family must be the place where children can grow up feeling warm, secure, and happy. The family must be where proper manners, self-respect, respect for others, sense of decency, considerateness are taught. The family must be the place where proper values are inculcated. Good parental examples must be emphasized. So many children are now deprived of proper family care, concern and education. Let family life education

be launched full speed ahead to arouse parents' attention towards their own responsibilities. Chapter V of the White Paper says, which I quote, "the overall objectives of family welfare services are to preserve and strengthen the family as a unit and to develop caring interpersonal relationships ....". Nothing is more important.

Second, recast the image of success

I have said repeatedly that too many of our young have carried for too long the image of failure. They have repeatedly been told that they have failed not only by their teachers but also their own parents. In a highly competitive education system based on examination success done in a foreign language, casualty rate is high. For too long, the picture of success has been narrowly painted as follows. To enrol in a well-known kindergarten, then move on to a well-known primary school and to a well-known English medium secondary school, to a university and then to a prestigious and well-paid job. There is nothing wrong with this and I cannot refute that such a person is highly successful; but the question is how many of our young people can achieve that? Failing that, one is often considered a failure. Nothing much has changed even after the introduction of nine-year compulsory and free education for more than a decade. Sir, society is a human organization which requires every person and every job. Imagine the import-export merchants without the workers handling the cargo containers, the housewives without market vendors and the public without the services of the MTR drivers. Time has come when the slogan "all classes of people are of low prestige except the scholars" must be "de-emphasized". Time has come when we must recast the extremely narrow image of success. Time has come when we must reconstruct our education system to make school life happy for our children who can, in one way or another, feel a sense of achievement. Time has come when the public at large must accept our young people though they may not be too successful academically. A painter, a driver or a clerk must feel that they are wanted and cherished, not slighted and despised.

Thirdly, rebuild a value system which cultivates self-development and advancement

Too often, young people have the tendency to depend on others. So many of our young school children depend on their private tutors from a very early age. It is neither very healthy nor very constructive. It is important to cultivate a sense of self-pride. Self-pride, properly perceived, serves as a powerful impetus driving young people forward. They will be proud to stand on their own feet, to face problem

undauntedly, to remain calm and unshakable in the midst of changes and adversity and in a word, Sir, to take good care of themselves.

For too long, the highly competitive examination system discourages independent thinking and analysis. The habit of cramming as much information as possible into the heads to prepare for examination is educationally unproductive. Time has also come for educators to see to it that more independent learning habits be encouraged and promoted to the extent that students will be able to pursue the objective of self-development and advancement for their own sake.

Lastly, reset our limit of negative influence

Hong Kong is such that bad influences for the young are everywhere. In the name of freedom, so much has taken place to the detriment of our young that, strangely enough, it does not bother the social conscience of our community. Sir, we must help our young people. We must save our young by resetting our limit in such a way that the young will be better protected from bad influences on the one hand and subject to more wholesome influences on the other.

Young people are assets of every community. To Hong Kong, they are especially important as we are deprived of natural resources and we are also facing imminent political and social changes. Our young people must be better groomed for the future. Our young people themselves must be fully alerted of their obligations for society and act responsibly.

With these words, Sir, I support the motion.

MR CHOW (in Cantonese): Sir, it is stipulated in Article 145 of the Basic Law that "on the basis of the previous social welfare system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of this system in the light of the economic conditions and social needs." I am afraid I cannot agree with this provision. Firstly, the provision indirectly affirms the existing "remedial approach" of our social welfare service. It is pointed out in paragraph 5 of Chapter IV of the draft White Paper that "it will be necessary to concentrate on closing these gaps as quickly as possible to provide a firm basis for the development of the more advanced services which our community now expects." Secondly, the provision in the Basic Law has turned the

narrow concept of social welfare, which is based on economic factors, to something presentable and acceptable. This is indeed regrettable.

The concept of "one country, two systems" seems to rationalize the existing unfair and imperfect social welfare system. This is probably beyond the expectation of the Basic Law drafters. In my opinion, the rose garden scheme is definitely not the only means to maintain Hong Kong people's confidence. It is more important for the Government to take all concrete and practicable measures to save local people from the confidence crisis. In this connection, there is no better way than to have a sound system of social security and welfare service.

It is a pity that no measures are proposed in the Draft White Paper on Social Welfare into the 1990s and Beyond to tackle the above problems. On the contrary, after reading through the whole draft, I find the Government apparently adhering to the present practice without making any progress in its handling of the social welfare issue. Apart from its lack of a clear-cut guideline on the future direction of social welfare services, the draft White Paper has also given rise to hidden problems in that respect. Furthermore, the lack of studies on the establishment of a central provident fund and retirement benefit schemes for employees renders the White Paper incomprehensive.

As we all know, by the year 2000, the number of Hong Kong residents over the age of 60 will drastically jump from the present 744 000 to more than 970 000, representing 15.5% of the whole population. This will place a heavy burden on our society. At present, 66.5% of the public assistance recipients are senior citizens, while in 1988-89, the total number of old age allowance recipients was 366 447. In the foreseeable future, this figure is bound to rise gradually, and government expenditure on these two types of services will be multiplied. According to the expenditure forecast for 1991-92, about \$1.1 billion will be spent on funding the Old Age Allowance.

Since it is proposed in the draft White Paper that our social welfare services should be diversified to meet social needs, the above two items of expenditure will definitely hamper the development objective of social welfare. To enable more effective use of resources, the Government should reconsider the feasibility of establishing a central provident fund or retirement benefit schemes. This will, on the one hand, reduce the financial commitment of the Government so that resources can be put into proper use, while on the other hand, protection can be offered to

retired workers in their old age.

To study the feasibility of establishing a retirement benefit scheme should be the major direction of government policies. Retirement benefits and services for the elderly are inseparable issues. The average retirement age in Hong Kong is 60 at present. As the average life expectancy of Hong Kong people will rise and it is envisaged that by 1999, the average life expectancy of a male will be 76.5 years of age, each male member of our community will be without salaries for 16.5 years on average. However, during this period, as the old people's health begins to fail, they are in desperate need of care and protection. It is true that the qualifying age for the Old Age Allowance has been lowered from 70 to 66 in 1990 and will be further lowered to 65 in 1991. However, merely expanding the scope of the scheme will leave the root of the problem untackled. The burden of this service will become greater and greater on the Government. As we are aware, in 1987-88, the total expenditure of the Social Welfare Department is \$2.87 billion, out of which \$625 million is used on subsidizing non-government organizations, \$1.78 billion on social security, \$800 million on Old Age Allowance and over \$600 million on public assistance. It can be seen that Old Age Allowance takes up a very large portion of the total expenditure. To free itself from this heavy burden, the Government should start looking at retirement benefit schemes without delay.

Although Hong Kong is renowned as a cosmopolitan city, yet when placed under close scrutiny, it is found to be lagging far behind others in many aspects. This is particularly so in the fields of social security and welfare services, as evidenced by the extent of its fulfilment of Article 22 of the Universal Declaration of Human Rights. The article states that "a person, being a member of society, has the right to enjoy social security and uphold his dignity. He also has economic, social, cultural and other rights which are essential to the free development of his own personality." Looking at the social welfare system in Hong Kong, we can see that a reasonable level of social security is provided for every member of our community. Furthermore, our social services are still based on the concept of provision as a kind of charity and remedy. The scope of review of the draft White Paper is still bound by the existing framework. Factors such as changes in society and family structure, demographic movement and ageing population which contribute to the demand for various new services are hardly addressed in the draft White Paper, not to mention areas relating to the dignity of the individual and the freedom to develop one's personality as provided for in the Declaration of Human Rights.

All along the Government has been haunted by the so-called "welfare state phobia". Although I would not negate the merits of capitalism, I am extremely concerned about the uneven distribution of wealth brought about by capitalism. Sir, I ardently hope that the capitalist system being implemented in Hong Kong is not "inhuman", but developed in the direction of "humanity" and "rationality".

As the saying goes: "where else will the wool come but from the sheep". Although the Government has made a commitment to increase spending on social welfare from \$4.75 billion in 1990-91 to \$7.05 billion by the year 2000, what form will the increase in funding take during that period? Will the Government adopt the "payment by users" concept and shift the cost of services to the public? Furthermore, the draft White Paper assures us that the revenue from increased charges will be ploughed back into the expansion and improvement of services, and that it will not be used as an excuse for the Government to cut back its financial commitment. Nevertheless, how can the public monitor the Government to ensure that the additional revenue is properly used?

Although the draft White Paper puts forward a brand new concept of social service -- "the integrated approach" -- to bring about improvements, it fails to explain in detail how this concept can be put into practice. At present, certain problems still exist in the co-ordination between the Social Welfare Department and other government departments. For instance, community care and development are the responsibilities of the City and New Territories Administration and not the Social Welfare Department. This arrangement is indeed ridiculous. In fact, promoting community awareness, uniting community forces and fostering community leaders are essential elements of social welfare services. If such responsibilities are assigned to the City and New Territories Administration, little result will be achieved although Herculean efforts are made.

Meanwhile, the limited scope of social service provided in the urban areas is a  
nother cause for concern. As we proceed through the 1990s, the tight demand and supply situation will be further aggravated in the urban district, particularly in developed and densely populated areas. According to government projection, the situation in some old districts, such as the Eastern District, Sham Shui Po and Wong Tai Sin is that: when compared with the established standard, there will be a shortfall of 1 980 places in the provision of housing for the elderly by 1994, while the shortfall for the whole of Hong Kong will only be 3 823 places by then. With regard to children and youth centres, even with the completion of about 58 such centres in 1989-90, there

is still an overall shortfall of 84 centres. This situation warrants concern. The shortfall is especially serious in Sha Tin and Kwun Tong. Hence, while the Government is developing the new towns, it should also take care of the needs of the old districts and find way to deal with the situation as soon as possible, so that demand would not exceed supply. By so doing, a lot of social problems can be prevented from turning into real trouble.

In fact, if our society is to have sound development, both the physical and mental health of its people must be taken care of. Rehabilitation service, services for children, the elderly, youth and the family are all closely linked to medical service, which is one aspect of social service with an active social function. However, the Government and the draft White Paper seem to have neglected the need to co-ordinate social service and medical service. On issues such as prevention and treatment of diseases, and also rehabilitation, the draft White Paper does not explain in detail how the Social Welfare Department should work and co-ordinate its policies with the Department of Health and the Hospital Services Department in order to avoid the waste of resources. In particular, if there is a clear delineation of roles between medical and social services, the shortage of social service personnels can be relieved and resources can be effectively allocated. Sir, the draft White Paper lacks concrete explanations and recommendations on the co-ordination between the Social Welfare Department and other departments in providing social welfare services. This is indeed regrettable.

I feel that the draft White Paper fails to bring us any good news on social welfare and services. Furthermore, the message being conveyed is very weak. We cannot see what role the proposed policies would play in the future development of social services, and can only question the Government's financial commitment in social welfare since the draft White Paper does not account for any specific financial arrangement. Hence, we are concerned whether the Government's undertakings in social welfare can be fulfilled.

As it is pointed out in your policy address, Sir, the Gulf crisis and inflation have brought about some uncertainties to our economy. However, during this difficult time, the Government must not shirk its responsibilities in the provision of social welfare and services. Only if the Government continues to undertake its responsibilities can our people be competent and confident enough to pull through.

Sir, with these remarks, I support the motion.

MRS LAM (in Cantonese): Sir, a government willing to make commitments for the future is absolutely not a declining government.

The title "Draft White Paper on Social Welfare into the 1990s and Beyond" has reflected by itself the Government's intention of devising before 1997 a blueprint of people's livelihood, so that appropriate welfare services can be provided for local people and that Hong Kong can proceed smoothly towards the 21st century. It is worth mentioning that, apart from the chairperson, all members of the working party are non-government experts on social work and other concerned people. This is hailed as a major improvement. Besides, the Government has fully demonstrated its sincerity in public consultation and the policies were never formulated arbitrarily or behind closed doors. Furthermore, it has promised that views expressed by the public would be evaluated and that appropriate amendments would be made accordingly. All these show precisely that the Government has attached great importance to social welfare policy and has adopted an open-minded attitude in policy formulation.

It is true that Chinese people prefer to live by their own means and will not rely on others unless there is no other way out. The western-style welfare state system is definitely not suitable for Hong Kong. Nevertheless, the Government is still duty bound to provide basic social security for the needy, especially those who are totally helpless. I believe that this explains why the draft White Paper projects that 10 years from now, social security will still account for the largest share of social welfare expenditure as is the case at present.

Regrettably, the scope of this review only covers the various social services under the jurisdiction of the Secretary for Health and Welfare. Its exclusion of provident fund or retirement benefit schemes, rehabilitation services and community building programmes inevitably gives the public a cause for concern. It should be noted that social welfare is an entity and should not be carved up due to the division of labour in administration.

### Services for the elderly

The problem of the elderly is getting more serious in Hong Kong mainly due to the lack of a sound retirement protection system. Small families formed in line with social changes have gradually replaced traditional large families living under the

same roof. To some, the concept of providing for the subsistence of aged parents has gradually become blurred. If prompt action is not taken now, the problem of the elderly will turn into a heavy burden to the Government.

The draft White Paper proposes that the expenditure on services for the elderly should be increased from the present \$280 million to \$650 million by the end of the decade. This increase of 130% appears to be great, but actually, it is due to the fact that the existing services for the elderly are far from adequate. For example, the number of residential care places for the elderly falls short of over 2 000 at present. Thus, the increased provision can only make up for the existing shortfall and enhance the provision of services in order to cope with the population growth of the aged in 10 years. Whether the increased provision can meet the demand for services by the elderly is still doubtful! To make substantial improvement to the services for the elderly, it is hoped that the Government will jack up further the expenditure on this area. Otherwise, there will be a long-term shortfall in the provision of service and the problem will remain unsolved.

I am very glad to find in the draft White Paper the mentioning of an integration and co-ordination approach in regard to services for the elderly. It will be another major improvement if more integrated services centres for the elderly are to be set up, so that various kinds of services covering the medical, social work and recreational fields are provided within the same building. Thus, the old people can be spared the trouble of travelling around.

On the other hand, with regard to the mode of service delivery, the concept of a multi-discipline service group is worth promoting. The members of such a group may include doctors, community nurses, home helpers, clinical psychologists and social workers. They may work together to provide co-ordinated, multi-disciplinary professional services for the elderly.

#### Retirement security

At present, in view of the general trend that the old people cannot live with their children, many of them have to lead a lonely life. If the drawing up of measures to encourage children to live with their aged parents is out of the question, the Government should consider enacting laws to require all organizations which do not have provident fund schemes for their employees to make such provision within a time limit. It is hoped that by so doing the employees will not be deprived of the

safeguard of basic living conditions and suffer financial hardship at old age.

Furthermore, I think the problem of the elderly should be resolved through adult education and publicity so that all those approaching the age of 40 will consider and draw up their own retirement plans. Without making these preparations, it will be too late to regret at old age. On the other hand, it is hoped that family members and the community at large can show more concern for the elderly and their needs so that they can fully enjoy their retirement years.

### Policies for women

Under the system of small families in a modern society, apart from the phenomenon that the elderly persons have to live alone, there is a common feature that women have to shoulder heavier family burdens. Besides working in order to support the family, women often need to look after their children and do housework, without any elderly family members to give them a hand.

The draft White Paper has reflected that the Government is aware of changes in the family system and has proposed some measures to improve services in this area, such as: services for single parent families will be strengthened and the number of child care centres will be increased to help working mothers. However, according to proposals of the draft White Paper, women will, as in the past, rely only on supporting services for the family and for children as a stop-gap measure to solve certain parts of the pressing problem, and their actual needs are still neglected. At the same time, the draft White Paper has obviously not paid adequate attention to the abuse of woman.

In fact, in regard to the formulation of welfare policy, the Government has all along overlooked the importance of implementing a comprehensive policy for women. It equates services for women with family support services. Actually, quite a number of problem families have emerged because the specific needs of women have not been taken care of.

In view of the above, I propose that the Government should set up a working party to study the needs of women which have not been covered in formulating the existing welfare policy, in order to implement a comprehensive policy for women. Special care should be given to women who are single parents, divorcees or separated spouses.

On the other hand, I fully support the draft White Paper's proposal that non-profit-making child care services should be provided for the employees near to their place of work as an attractive form of staff welfare. Recently, a major local bank has taken the lead to provide to its employees child care services which are well received. Such arrangements are very common both in China and in other countries. The Government should make an effort to encourage and assist local employers to do the same.

The Government to honour its commitments

In general, the Draft White Paper on Social Welfare into the 1990s and Beyond has made in-depth studies into many issues. It shows that the Government has a deep understanding of these problems. It is a pity, however, that no concrete implementation schedule has been put forward. With regard to many services mentioned in the draft White Paper, the Government pointed out that manpower would be increased only when additional resources were available. These services include out-reaching social work, family casework, counselling as well as school social work. In fact, it is imperative that the manpower ratio of these services, in particular school social work, should be increased.

We know that under the existing establishment of social workers, one social worker has to look after 3 000 students. In fact, this ratio must be changed as soon as possible, because taking the average of each school having 1 000 students, a social worker will have to serve three schools. Thus, it is difficult for him to establish a good relationship with the students and gain their trust. The draft White Paper does not indicate when the manpower scale will be enhanced and to what extent. This is indeed disappointing.

Sir, I believe that the Government should set a firm timetable for improving social welfare services and the related manpower scale in order to boost public confidence in the Government's sincerity to enhance social welfare and retirement protection.

Sir, with these remarks, I support the motion.

MRS LAU (in Cantonese): Sir, ever since the Government published the White Paper on "Social Welfare into the 1980s" in 1979 to set out the objectives of and policies

on social welfare services, Hong Kong has experienced significant social, economic and political changes in the past decade. It is indeed necessary for the Government to review the existing social welfare services to tie in with the changes of time and to meet the needs of our society. I think it is opportune for the Administration to prepare the Draft White Paper on Social Welfare into the 1990s and Beyond at this juncture. Such move is indicative of the continuous commitments by the Government to our social welfare and social security programmes to maintain the confidence of Hong Kong people and the stability and prosperity of the territory.

The draft White Paper on social welfare points out that the philosophy of social welfare policy has changed from the provision of basic relief to the needy to providing a comprehensive range of services to those in need of care and even playing a preventive, developmental and supportive role in our society. I welcome this approach because the provision of a full range of social welfare services -- in quality and quantity -- is apparently inevitable in view of the changing circumstances of our society and the growing expectations of the general public for social welfare services.

Sir, I am delighted to note that the Draft White Paper on Social Welfare into the 1990s and Beyond has highlighted the important role played by the family in our society. The family unit is a vital component of society and the Government has an obligation to render assistance in preserving and strengthening the family as a sound and healthy unit. In Hong Kong today, the number of small to medium size nuclear families and single parent families is on the increase and their needs for family services have been greater than ever. In view of this, the planning ratio of one family services centre for every 150 000 of the general population presently adopted for setting up new centres in new towns or redeveloped urban areas should be revised as soon as possible in light of needs of the community.

Sir, I personally think that not only should the number of family services centres be increased, but also the scope of their services should be expanded. At present, most of the social workers of family services centres render assistance only when a family is confronted with problems. In fact, when a family problem has worsened to a point which requires counselling of a social worker, it is always very close to a crisis situation and in most cases beyond remedy. What a social worker can do is to clear up a messy situation and to avoid tragedy. In view of this, the family services provided by the Government in future should not be restricted to remedial measures. Instead, it should be of a preventive nature

e. Seminars and group activities on matrimonial relationship and child care, for example, may be held to foster a positive attitude towards the family and interpersonal relationships and to prevent family problems. In fact, family service centres can play a more active role in this respect. However, under the present constraint of manpower and resources, it is already very difficult to cope with family casework and attention can hardly be paid to preventive work. The Government should therefore improve the manpower ratio, redeploy manpower and resources properly and introduce various preventive counselling services as soon as possible. Where resources permit, the Administration should also consider providing pre-marriage counselling service and strengthening mediation service for married couples. The former educates adults on the correct concept of marriage so that they can be aware of the responsibilities on both sides before tying the marriage knot and be prepared to make sacrifices so as to reduce possible problems after marriage. The latter provides mediation service to married couples to solve their family disputes at a preliminary stage and renders counselling service to look after the psychological and emotional well-being of the couples so that they can maintain a harmonious relationship. In order to make use of resources more effectively, family services centres may consider provision of preventive counselling service in co-ordination with local organizations such as district boards, schools, social organizations and voluntary agencies.

Sir, I welcome the plan by the Government to accord high priority to the study on the expansion of home help service. Presently there are only 50 home help service teams serving in 19 areas. This limited number absolutely falls short of the demand. Basically, the scope of home help service is confined to a small portion of individuals and families who are not capable of looking after themselves or maintaining the normal functioning of their households, thus alleviating the burden of household chore of these people. In fact, the scope of service of home helpers may be largely expanded. As home helpers visit the homes of those families which are in need of help regularly and have close contacts with them, they can detect any difficulty or problem faced by the family at an early stage, attend to the problem before it gets worse and, when necessary, alert the appropriate agency for help. This may perhaps be a way to reduce possible family tragedies. However, owing to the present serious shortage of manpower, home helpers are already overloaded with household chore of the case families and can hardly spare efforts on other problems. While according high priority to the study on the expansion of home help service, the Government should, taking into consideration the special features of such service, try to encourage and attract more people to join the home help service,

extend its scope, improve the quality of service and provide appropriate training to home helpers, so that they can assist social workers in dealing with family problems when necessary.

In view of the increasing number of working mothers and single parent families, I am delighted to note that the Draft White Paper on Social Welfare into the 1990s and Beyond has attached importance to the nursery and occasional child care services badly needed by such families. The existing planning ratio for day nurseries is 100 aided places for every 20 000 of the general population. The fact that places in day nurseries are always fully occupied indicates there is great demand for such service. I think that the planning ratio for day nurseries should be reviewed as soon as possible. The draft White Paper mentions that families which are able to afford should bear part of the costs of services in accordance with their financial conditions. I think this is acceptable. However, in setting the charges, the Administration should take into account that the majority of families in need of child care services are in the middle and lower income groups whose financial capacity is limited. Hence, charges for child care services must be maintained at low levels to encourage these families to use such services and eliminate the possibility that only the well-off families can afford child care services. The draft White Paper also points out that the Government will adopt a more flexible approach to the provision of child care services such as introducing occasional child care service. I believe this can, to a greater extent, meet the needs of the community. However, in providing occasional child care or similar service, the Government must, as far as possible, simplify the application procedures, give more publicity to the service and maintain the charge at comparatively low levels to encourage families which have such need to make more use of the service.

We place high hopes on our young people for they will be the pillar of the community in future. They are important and invaluable assets of our society and the future development of Hong Kong will depend heavily on them. Therefore, to help them establish positive personal values, foster a sense of commitment to society and develop a good character is vital to the development of young people. The Government, the community as well as the family are all responsible for this important task and the Government should take the lead in the work of enhancing all-round development of our young people. Although the Government cannot map out a comprehensive youth policy for the time being, I think the Government must take into consideration the needs and interests of our younger generation in formulating any policy concerning young people, so as to fulfil the responsibility of fostering youth development.

Youth centres have been playing an important role in the development of young people. At their very inception, the main function of the youth centres was to provide cultural and recreational activities. As the number of organizations providing these activities are on the increase, young people no longer rely on youth centres for such activities. In order to make youth centres more effective in fulfilling their functions, the scope of their services should be expanded to take up even more important tasks. I am of the hope that youth centres can, through the provision of counselling service and leadership training, educate young people on positive social values, enhance their personal and family relationship and promote their sense of commitment and belonging to society and to their families, so that they can take up the responsibility for the future development of Hong Kong and develop their capacities to the full during the transitional period and other difficult moments in future.

The development of social welfare services affects various sectors of our society. Therefore, people from all walks of life should express their views on the direction of social welfare services in the formulation of welfare policy by the Government, so that the latter can set out its social welfare policy for the 1990s and beyond in order to improve the quality of life and to build up a better future for the territory according to the wish of the general public.

Sir, with these remarks, I support the motion.

DR LEONG: Sir, to start off with, I would appreciate the effort of Government to close ranks with the concerned professions to work, for the first time, for a draft policy paper. This is really, and indeed, an innovative move.

Sir, time would not allow me to dwell on all the aspects of this draft White Paper. I would therefore only take up two points which unfortunately highlight certain deficiencies: the first point I would like to pick up is the unnecessary constraint imposed on this review; and the second point, in my mind, is that there is a vital missing link.

Sir, whilst it is commendable that the concerned professions were involved in drafting this draft policy paper, sadly they were doing their job with one hand tied at the back. And the result is a glamorous and high-toned academic paper which leads

one to nowhere for practicable solutions to realistic problems.

This, I do not blame the experts, for they have done their part in a very professional way. Yet, just like a surgeon who is asked to do an operation without being provided with proper instrument, so too a professional social worker would not be able to paint a proper picture when given too much constraints. The Government had invited the expert team. But it had set out stringent conditions and made it clear at the outset that there were taboo areas and that they should not dip their toes in.

Well before embarking on the review, Government has already drawn a circle of activity for the experts. They were only allowed to go as far as the purview of the Social Welfare Department. Certain related and crucial areas of study were under taboo. These included the possible alternative funding by Central Provident Fund, rehabilitation and community building which are outside the jurisdiction of the department or the Health and Welfare Branch.

So it is but ironic to say in the draft White Paper and I quote: "In a wider context, social services include social welfare, medical and health services, education, housing and other services which contribute to the well-being of individuals, families and the societies in which they live."

Government has obviously failed to review the whole lot according to what the experts had visioned as to what social services should be in the draft White Paper.

Sir, such, in my mind, falls short of a proper draft policy paper. Instead, it is really a paper of administrative review making piecemeal and dismantled readjustments to the various branches of existing services.

Perhaps, this is Government's attitude towards approaching different problems. To wit, the hospitals were singled out for review when the whole medical and health system was riddled with problems.

In the draft, Sir, encouraging and catchy words are sanded throughout the pages. These are: "Flexibility", "Innovation", "Integration" and so on. These reassuring words are good on paper. They did not and will not by themselves bring any improvements and solutions to emerging problems. While we are looking for guidelines and directional measures, it has fallen short to offer anything concrete.

All grandiose projections and expectations have just turned into hogwash as there were no direct and proper integration of services of different disciplines which were crucial to a satisfactory system of social service.

Sir, I will now turn to what I consider to be a vital missing link. There is a vital missing link in the draft, making it unable to serve as a policy guideline for the Health and Welfare Branch.

For a successful review on social infrastructure, I would suggest that health and medical services should be included. Without proper integration and co-ordination of these services, the review could not be a meaningful one.

In this context, Sir, may I highlight the problem of the elderly which has emerged as a major social problem in the face of the rapid aging of our population and a soaring demand for long-term health and residential care for the elderly.

Ten years ago, only 6.4% of our population were aged 65 or above and 1.9% aged 75 or above. To date, the figures have jumped to 8.9% and 3.1% respectively. It is estimated that the upward trend will continue and by 1998, there would be approximately 11.1% of our population over the age of 65 and 4.4% over the age of 75.

Life expectancy of the elderly in Hong Kong shows that on average, if a person lives up to the age of 65, he or she is likely to live up to 80 as well. But the fact remains that people who live longer does not necessarily mean that they are healthier. Indeed, the development of medical technology does not "cure" elderly patients but help them sustain life for a relatively longer period despite all of their chronic and complex medical problems. We shall see the impact of elderly demand in health care, especially long hospitalization periods.

Official statistics revealed to the Medical Development Advisory Committee (MDAC) showed that in 1988, about one-fifth of the patients treated in the four major regional hospitals are aged 65 or above. In terms of in-patient discharge rate (per 1 000 population), the figure for the elderly was 2.5 times that of the overall population.

The number of elderly patients being treated in these four regional hospitals had increased by 39% from 1984 to 1988, or an annual increase of 9.8%. They also

tend to stay longer in hospitals, averaging some 6.4 days as compared to 4.6 days for the overall population. More so, these patients tend to die in hospitals after a long stay, indicating that hospitalization is not the ultimate solution to their health problems.

There is one question here: how much is society prepared to pay for providing hospital care and other services for the elderly?

The draft White Paper highlighted the principle of encouraging and strengthening elderly care by other members within a family. This is a good move as we should find means to facilitate the integration of patients into society through intensive rehabilitation and to improve the well-being of those patients who have no rehabilitation potential.

But in reality, Sir, the hard fact of life is that many elderly people are being dumped in hospitals by their family members whilst many others are being discarded by their families for financial hardship.

How many elderly people are being discarded or maltreated for this reason? Should Government consider giving more support to the concerned families by raising the ceiling of old age allowance from the mere \$400 per month to a reasonable level?

There is also an alarming problem surfacing and that is: old and disabled senior members of the families are being left uncared for and to live on their own after their families succeeded to emigrate overseas.

The draft White Paper has shallowly touched on the problem arising from overseas resettlement but has not told us in detail the size of the problem and what should be done next.

Regrettable too, Sir, the draft White Paper has deliberately down-played the fact that there is a serious inadequacy in the provision of geriatric facilities in the long waiting list for care and attention homes and infirmaries. We are now 100% short of residential places as scheduled for the elderly. Some 8 000 elderly people are queuing up for residential places. The MDAC figures showed that there is a more serious shortfall of infirmary beds, which are now some 2 000 short. This means 200% more than the current number of infirmary beds available. And among the 1 300 elderly people waiting for infirmaries, some 70% are above 75 years of age, most of them

bed-ridden and suffering from dementia.

Finally, Sir, the least the Government could do is to open up the taboo areas and let the public debate and explore far-reaching means such as contributory security funds and Central Provident Fund to tackle the major problem in social welfare and related services. It is a pity to see Government repeatedly reject consideration of proposals to set up alternative security funding systems as means to help build a social system which would provide the people of Hong Kong with secured working and healthy life and ultimately with a secured life of retirement.

Of course, we should be realistic in our financial commitment. However, we should explore other financial means, apart from the meagre fund pegging with the annual economic growth, to sustain a decent social infrastructural development.

Sir, the Honourable Secretary for Health and Welfare told us in a recent briefing that the draft White Paper tended to preserve, strengthen, and develop the existing social welfare system with a future focus on identified service gaps and greater integration, flexibility, innovation and resourcefulness in the provision of services. But can all this be done with so much limitation?

With these remarks, Sir, I support the motion.

MISS LEUNG (in Cantonese): Sir, I do not intend today to discuss in detail social welfare services mentioned in the draft White Paper on Social Welfare into the 1990s and Beyond. All I propose to do is make some comprehensive and simple discussions on the provision of services grouped as social services.

Sir, in Chapter IV of the draft White Paper, the difference between social services and social welfare has been expressly defined. For operational convenience in exercising the terms of reference, the review covers only those social welfare services under the purview of the Secretary for Health and Welfare. Such limitation obviously precludes us from having a full grasp of how our society used to and is going to help those in need of social welfare services to overcome difficulties, and it makes impossible effective co-ordination of social welfare services listed in the draft White Paper with others not included.

Sir, the draft White Paper classifies social services into four major categories of social welfare, medical and health services, education and housing provision. I

think these four categories are very closely inter-related and should not be unreasonably developed independently. It is the responsibility of society to provide comprehensive, basic, balanced services to individuals and families in need of social services.

Of these four categories, the provision of housing is hardest to achieve. It is also the only social service on which we lag far behind in reaching the target of provision of basic housing assistance to families with this need.

Sir, we still have a lot of low income families with an income much lower than the WONG family as assumed by my honourable colleague Mr Martin LEE. They are in urgent need for basic housing assistance. They cannot even compare with the WONG family in that the WONGs have already moved into a heavily subsidized public housing unit. To my mind, these people who are not assisted in housing should, as compared with families who are -- for example, families of the same income but living in rented public housing units or Home Ownership Scheme flats -- have a fuller share or priority in receiving other social services, particularly social welfare services!

The Honourable Martin LEE has been very concerned about the WONG family with a monthly income of \$8,000 and living in a rented public housing unit in the New Territories. According to my own analysis, this family is paying at most \$700 to \$800 per month for housing. Take a family with an equivalent amount of income but not housed in a heavily-subsidized rental public housing estate. If they want to live in a private housing unit that compares with the WONG family's public housing unit, they have to pay three times more than the WONGs. Therefore, I do hope that families not enjoying assisted housing benefits will be given priority to social services, particularly welfare services. Furthermore, I would like to point out to my honourable colleague, Mr LEE, that there are quite a number of larger units in public housing estates in the New Territories good to house six-member families Mr LEE referred to.

Beneficiaries of subsidized housing in Hong Kong, including rental public housing, Home Ownership Scheme, Home Purchase Loan Scheme and so on, should be strictly limited to families who cannot take care of their own housing needs. Housing assistance should absolutely be pegged to family financial means. Limited social resources should only be utilized under reasonable circumstances.

Sir, the draft White Paper emphasizes that "the family will continue to be the

primary providers of care and welfare in our society ....." and it is something to be supported. However, some unfair concepts that have existed for a long time still prevail in average families and it is a fact not to be ignored.

Up to the present day, the majority of us still think women should be the ones to provide care and welfare for members of the family. Whether or not they work outside, it is their natural responsibility. Such outdated, unfair concepts will not be changed easily and women find it hard to get fair and reasonable treatment. This is a problem that seriously affects social services we are discussing today, especially the direction and substance of social welfare services.

Traditionally, the man in the family is the one who shoulders the financial burden. The woman addresses all kinds of domestic chores including management of resources, care for the young and elderly and attending to the well-being of other family members. If necessary, the woman takes up outside work to help out with family finances. As a result, women in the family work hard and their free or rest time is much less than what men enjoy.

If we hope to make the family continue to be the primary providers of care and welfare in our society, Government must take all kinds of appropriate measures. To name one, the concept of equality between men and women should be hammered home to let men -- in particular -- know that they too share equal responsibilities in handling domestic matters large and small. If this is not done, women will eventually be among the neglected lot in need of social care due to overwork.

In any case, Sir, we cannot rely too heavily on the family as the primary providers of so-called care and welfare in our society. Government has the duty to provide citizens with services they need.

In principle, Sir, I support the view given in paragraph 8 of Chapter IV of the draft White Paper that "welfare services should not be regarded as some form of charity, confined to the socially and financially disadvantaged. The services are, and should be, available to all who need them. It follows therefore that those clients who are able to afford to contribute towards costs should be required to do so, when appropriate." However, I must point out that when the provision of related services falls far behind demand, I feel those in poorer financial circumstances should have priority in obtaining services.

Besides, Government needs to consider, in the context of our economic system and conditions, whether it is worthwhile to continue and make public organizations, including subsidized ones, provide all social welfare services listed in the draft to all those in need irrespective of their individual means.

Sir, I take unkindly to the term "charity" used in the paragraph I quoted just now. As we all know, to provide welfare services to socially and economically more disadvantaged members of society is the mass responsibility of any society. To accept social services because of poverty and other reasons is the basic right of each and every citizen of Hong Kong. This is beyond any doubt in a responsible society.

Sir, I firmly believe that if there is less disparity in the distribution of wealth in our society, if we have relatively more reasonable labour security and welfare including a higher minimum wage, if ..... a lot of ifs ....., the number of citizens who can only meet their basic needs with the help of society will decrease drastically and the pressure of demands for social services will alleviate.

With these observations, Sir, I support the motion.

MR MCGREGOR: Sir, I support the views of my colleagues and the Hong Kong Democratic Foundation all except the bit about the husbands washing the dishes (Laughter).

It is very odd, Sir, that very few businessmen seem to wish to speak on social welfare. But I am glad that Mrs SO will follow me.

I recognize fully the efforts of the Government over many years in establishing, extending, and improving what might be called a social security system. This has been done quite systematically and with the interests of the community as the motivation. The Government has had to balance the need for social services against the ability of the economy to find the resources to pay for them. The Government has often had to take decisions in an atmosphere of dispute between those who have and those who have not. I believe the Government has acted sincerely, sometimes against substantial opposition from one sector or another.

The result is that we have a reasonably good quality social safety net. The White Paper assesses this and sets out various ways by which existing services will be

further improved. I endorse these views and proposals and wish to speak today on only one important element of the present social welfare services. This is the old age allowance paid to almost 400 000 old people by next April. The amount is less than \$400 per month. As I remarked two weeks ago in this Council, what can an old person, possibly living alone and unable to work, do with \$400 a month, \$15 a day. He or she can apply for additional allowances which, if granted, would lift the allowance to a more helpful amount. But the additional allowances are granted on a basis of need and that means some form of means testing and therefore charity.

In this day and age and with our economy being lauded throughout the world as one of the strongest and most efficient, it is simply not good enough for Hong Kong to say that it cannot look after its elderly citizens by providing an old age pension as of right. Why should hundreds of thousands of senior citizens who have contributed their toil to the Hong Kong economy reach the end of their working lives having to depend on charity.

My predecessor on this Council, Tom CLYDESDALE, asked repeatedly for Government to consider the introduction of an old age pension constructed along the same lines as those which operate in many other enlightened countries. Today I repeat the request and seek government commitment to carrying out a detailed study on this one issue which is in my view fundamental to the continued development of the Hong Kong social security system. I ask the Government to commission such a study as early as possible and with a detailed report being made available to this Council before the end of the present Session.

The study should take into account the fact that most of Hong Kong's population will not be emigrating and are entitled to expect that the community which they have served all their lives shall allow them to grow old with dignity and self respect. The extension of provident funds, whilst welcome, will not provide long-term protection for the majority of the workforce. Over 50% -- and it means it will be a great deal higher -- of our workers are employed in enterprises that cannot or will not provide provident fund protection; so the question of an old age pension is of great relevance. I believe that it should not be beyond Hong Kong's resources to have an old age pension scheme, possibly a contributory scheme, up and running within the next three years. At least we should be given the data on which a decision might be made.

I have proposed before, and I repeat the proposal, that senior citizens be given

substantially subsidized rates and charges for all public transport, including bus companies, KCRC, MTRC and ferry companies. This can be provided for off peak hours. But it will need a government initiative to have the franchisee to accept the proposal. I have already, Sir, attempted to do so on a personal basis without any success whatsoever.

Whilst on the subject of pensions and welfare, let me also repeat my recent request that the allowances now granted to ex-prisoners of war and/or their families be converted into pensions subject to the same annual increases as all other government pensions. The Government and the community owe much to these veterans and it is, in my view, a debt of honour. So how about it, Elizabeth?

With these remarks, I support the motion.

MRS SO (in Cantonese): Sir, the White Paper on Social Welfare into the 1990s and Beyond will be the fourth White Paper on social welfare services in Hong Kong. In the light of the economic development of the territory, the draft White Paper has rightly pointed out that "welfare services should not be regarded as some form of charity, confined to the socially and financially disadvantaged. The services are, and should be, available to all who need them." It echoes what you said in your policy address that, increasingly, members of the public tend to require "professional guidance rather than financial help -- a significant break with the past in the welfare field". I fully agree to this conclusion. Today, I would like to comment on services for the elderly, charges for welfare services and the wastage of social workers.

In the 1990s, the problem of an ageing population will become more and more acute in Hong Kong. It is appropriate to lay emphasis on the services for the elderly without causing disruption to other welfare services. In the face of a rising population of elderly persons, Hong Kong has to adopt a more positive approach in formulating its policy on services for the elderly.

As pointed out in the draft White Paper, the policy of the Administration is to encourage the care of the elderly by their own family members within a family context through the provision of community support services. As most of the members of an ordinary family have to go out for work during the day, they can hardly look after their elderly at home. They will be under greater physical and mental strain and family disputes will easily arise if community support services are inadequate. In view of this, the planning standards for community support services proposed in the

draft White Paper should be achieved by phases, so as to avoid inadequacy of services.

It is anticipated that emigration will remain at high levels in the 1990s. There will be more and more aged people who do not have their children around to take care of them. Some of the elderly, though not affluent, are self-sufficient and can be classified as the "sandwiched group". They are not eligible to be admitted to government subvented homes for the aged. Nor can they afford those costly private homes. It is necessary for the Government to help meet the need of the elderly within the "sandwiched group" for residential services.

Of all the social welfare expenses, the Government spends up to \$1.63 billion on Old Age Allowance, while the total expenditure on social welfare is only close to \$5 billion. As the population of the elderly grows, there will be a marked increase in the number of persons eligible for Old Age Allowance. The expenditure in this field is enormous because the scheme is non-means-tested and all applicants are entitled to enjoy the benefit regardless of their financial situation. The effectiveness of the Old Age Allowance may well be reflected from the fact that it is commonly known as "money for fruit" among the elderly. In order to make better use of our limited resources on other badly needed services for the elderly, the payment of the Old Age Allowance should be reviewed.

Sir, in Hong Kong, the demand for providing "a western-style welfare state" has never been the general trend. The draft White Paper advocates that "those clients who are able to afford to contribute towards costs should be required to do so when appropriate" I believe there will not be much opposition against this principle. However, if this principle is vigorously upheld in the provision of social welfare, medical and health, housing and education services, it may add to the burden on the middle class who pay the heaviest taxes, but enjoy relatively less welfare benefit. Therefore, when setting the criteria for the charges, the Administration should ensure that there will not be too wide a gap in charges between different groups of clients. Moreover, a monitoring system should be established so that those who pay for welfare services can air their grievances or request for better services when they are not satisfied.

Lastly, I would like to speak on the problem of the wastage of social workers. In recent years, a large number of experienced social workers have left Hong Kong or changed jobs. Unfortunately, the draft White Paper fails to give an overall review on the causes of such situation. In fact, the main cause of the wastage of social

workers lies in the basic flaws of the staffing structure and promotion system. My colleagues in this Council will elaborate on this point and I hope the Administration can address this problem.

Sir, in the next decade the Government will have to carry out major infrastructural development programmes and devote greater efforts to developing various social services. The reality is that it may not have sufficient resources to achieve these goals despite its willingness to do so. Since the allocation of funds on social welfare cannot be substantially increased, it is a great challenge to the departments and organizations concerned as to how to make the best use of the resources available to implement the recommendations of the draft White Paper. I hope that with firm determination we can bring the social welfare services of Hong Kong into a new era.

Sir, with these remarks, I support the motion.

MRS TU: Sir, I should like to concentrate on the subject of housing for the elderly. I suppose that as one of the elderly I ought to declare an interest, but the fact is that I am one of the lucky ones who can still work, enjoy good health, and have no housing problems. My concern is for those who are not so lucky.

In the course of my ward sessions I deal with many elderly people. Some are in good health, some suffer from various ailments related to the elderly, and some have become psychiatric cases but are unaware of their mental deterioration. Most of them have a housing problem.

It makes me sad to think how these elderly people worked hard in the early days after the war when working hours were long, wages were low, and holidays and rest days were non-existent. Many of them had no chance to save money to buy a flat, and now they are left alone, living wherever they can find a place to sleep, in corridors, on stairways, in tiny bed-spaces, in cages, and even on the streets.

The draft White Paper promises, and I quote: "Special efforts will be made to provide suitable housing assistance for those elderly persons who live in sub-standard accommodation.... This assistance will include compassionate rehousing or space in urban hostels for those who prefer it."

The promise sounds good, but similar promises were made 10 years ago and yet the

system of allocation of flats only under certain stringent conditions has not changed. For example, an elderly person has the right to priority housing after the age of 60, or may be recommended for compassionate housing for social or medical reasons. But the promise is an empty one because such housing is not granted to single persons. Only by sharing with one or two others can the over-sixties get housing on the waiting list or for compassionate reasons. It is hardly necessary for me to say that some of the elderly people find themselves incompatible with their sharers and soon move back on to the street, into street-sleepers' shelters or to other sub-standard housing. Only in extreme psychiatric cases is there hope for an elderly person to get a tiny flat in which to spend his old age alone if he so wishes.

There is also recognition in this draft White Paper that the elderly "should be assisted to live in their own community . . . . within a familiar environment to avoid the potential trauma of moving to unfamiliar surroundings." I look forward to the early implementation of this promise. Past promises of this kind have made slow progress in fulfilment. Elderly people, some of them blind, are still offered no alternative to share flats far away in Tuen Mun, Sheung Shui or Fanling, which, to an urban dweller, especially one who is old, ailing or blind, is like banishing him to a foreign land. Religious connections, friend or family connections and familiar places, are all sacrificed to the policy which dictates that urban housing must first be reserved for Housing Department tenants, while all others, including the elderly, must move to the New Territories.

In passing, I should like to pay tribute to the sterling work done by various non-governmental organizations in making up for the shortcomings of the Government by providing services which we taxpayers would like to think we are paying for but obviously are not getting. The provision of hostels and care-and-attention homes for the elderly provided by Helping Hand, for example, indicates how our community could provide a caring service for the elderly, if only the Government had the will to spend a little more of taxpayers' money on people and a little less on ambitious schemes which may not be totally necessary.

The population of elderly people is expected to rise this decade from less than three quarters of a million to almost a million. We cannot afford to wait for this decade to pass without facing up to this problem, because the younger, better educated and more affluent young people are being enticed away from Hong Kong, and the burden of a growing elderly population will fall on fewer workers in the future. I have left it to other colleagues to enlarge on the need to make prudent plans for this

certain eventuality.

But as far as I am concerned, my plea today is that the Government will not delay further in carrying out its promises to provide housing and residential care for those who are no longer able to provide for themselves, and that the provision made should be made to permit the elderly, in the opening words of this draft White Paper, "to live in (their) own community with dignity".

Speaking of dignity, may I once again remind the Government, as Remembrance Day approaches, that we have not yet settled our debt to those elderly among us who fought and suffered during the Japanese occupation. They have once again been ignored in this draft White Paper.

With these words, I support the motion.

SECRETARY FOR HEALTH AND WELFARE: Sir, never have I had the pleasure of being grateful to so many for so much. I would like to thank Members all for their participation in this debate. Their views on the draft White Paper will be referred to the Working Party on Social Welfare Policies and Services, which will wish to re-examine the contents of the draft before submitting it to the Government for consideration.

Sir, there have been important references to the need for protection against the lean years of old age particularly as this element of the population is expected to increase in the future, and some old people, as some honourable friends have suggested, are increasingly dumped by the young.

Government supports the idea of providing for security in old age. Briefly, we do it in three ways: first by enhancing social welfare provisions for the elderly; secondly, by extending the Long Service Payment Scheme; and thirdly by encouraging the creation, and the proper supervision, of private retirement schemes.

As regards social security, the applicability of Old Age Allowance has been improved and progressively extended since 1988 from the age of 70 to the age of 65 by next year. The overall objective of our social security system is to provide for protection against those contingencies of life from which the individual is unlikely to be able to protect himself and his family by his own efforts and foresight. Our system is, therefore, based on the concept of need. Since the 1960

s there have been periodic calls for the establishment of some form of compulsory retirement schemes in Hong Kong. The implications of these were assessed by several working parties on several previous occasions and the conclusions reached were that compulsory measures, particularly in the form of a Central Provident Fund, would have, amongst other things, a seriously adverse effect on the economy. Furthermore, whether or not there exist other schemes, there will always be those who are unable to provide for themselves and need the protection of the social security safety net. Our social security system suits local circumstances and has stood the test of time. As far as social security within my policy purview is concerned, we consider that we should retain our strengths and continue with the system and develop it further. Whilst we should not be afraid to change, equally, if it is not necessary to change, it is necessary not to change. However, Members' renewed calls for compulsory retirement schemes and provident funds will be referred to my colleagues, the Secretary for Education and Manpower and the Secretary for Monetary Affairs, for careful consideration.

As regards the points on ex-prisoners of war as made by my honourable friends, Mr McGREGOR and Mrs TU, I shall give it expedited consideration.

Some Members are concerned about the exclusion of rehabilitation services and community building from the draft White Paper. In this respect, I am happy to embark on the task which has just been assigned to me, Sir, to prepare a comprehensive Green Paper on Rehabilitation by 1992. This timely new initiative will include reviewing the scope and objectives of the various rehabilitation services for the disabled, explore the possible need for a legislative framework to protect the interests of disabled persons and consider ways and means through which participation of disabled persons in the policy making process can be enhanced.

As regards community building, the provision of community development services falls within the purview of the Government's Community Building Programme and the policy purview of the Secretary for Home Affairs. Community work has since the last decade progressed beyond "welfare" and it is believed that inclusion of this in the draft White Paper could fragment the Community Building Programme.

Some Members have criticized Government's funding commitment and expressed concern about the availability of funds for implementing the policy intentions as set out in the draft White Paper. They also urge the Administration to affirm its commitment to the provision of welfare services. I welcome such criticism.

Criticism of this kind, albeit based in part on mistaken assumptions, will be helpful to me in securing better financial provisions in future no doubt.

Here I would like to mention that unlike capital expenditure, social welfare expenditure is primarily recurrent and represents a permanent commitment. I should like to add, too, that the percentage of the entire social welfare programme expenditure to the consolidated public sector expenditure has been rising steadily from 4% 10 years ago to 6.1% in the current financial year. It is forecast that this trend will continue in the coming years. The working party believes that the commitments contained in its draft are affordable by the Government. I share that belief.

At the end of the day, government funds come from taxpayers and our hope therefore lies in the continued expansion of our economy so as to enable us not only to live within our means but better means, and not only to cut our coat according to our cloth but finer cloth -- perhaps with the husbands doing the sewing.

I am grateful to learn from the debate that many Members share the working party's vision for the future with particular emphasis on the development of family, child care and youth services. In the eloquent words of my honourable friends, we must look after the WONGs and the CHANs and the LEEs; and dare I say also that it not only takes a WONG to look after a WONG, or a LEE to look after a LEE, but everyone in the community to care for each other. Thus, with the active support of non-governmental organizations and the community at large, I too am confident that the sound foundation of our welfare services can be further developed to cater for the changing patterns of society and to fulfil the needs and aspirations of our community into the 1990s and beyond.

Public consultation on the draft White Paper will end on 17 December. I would like to join Members whole-heartedly in their call for public views on the draft White Paper.

Sir, with these remarks, I support the motion.

Question on the motion put and agreed to.

MEMBER PRESIDING: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 14 November 1990.

Adjourned accordingly at five minutes past Eight o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the Temporary Control of Density of Building Development (Kowloon and New Kowloon) Ordinance and Merchant Shipping (Registration) Bill 1990, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.