

1 HONG KONG LEGISLATIVE COUNCIL -- 23 October 1991

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OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 23 October 1991

The Council met at half-past Two o'clock

PRESENT

THE DEPUTY PRESIDENT

THE HONOURABLE JOHN JOSEPH SWAINE, C.B.E., Q.C., J.P.

THE CHIEF SECRETARY

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

THE FINANCIAL SECRETARY

THE HONOURABLE NATHANIEL WILLIAM HAMISH MACLEOD, J.P.

THE ATTORNEY GENERAL

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

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, C.B.E., J.P.

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, O.B.E., J.P.

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

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

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

THE HONOURABLE SZETO WAH

THE HONOURABLE TAM YIU-CHUNG

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

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

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

THE HONOURABLE MRS MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, O.B.E., J.P.

DR THE HONOURABLE LEONG CHE-HUNG

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE TIMOTHY HA WING-HO, M.B.E., J.P.

THE HONOURABLE MICHAEL HO MUN-KA

DR THE HONOURABLE HUANG CHEN-YA

THE HONOURABLE SIMON IP SIK-ON

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE MISS EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

THE HONOURABLE GILBERT LEUNG KAM-HO

THE HONOURABLE ERIC LI KA-CHEUNG

THE HONOURABLE FRED LI WAH-MING

PROF THE HONOURABLE FELICE LIEH MAK, O.B.E., J.P.

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE NG MING-YUM

THE HONOURABLE STEVEN POON KWOK-LIM

THE HONOURABLE HENRY TANG YING-YEN

THE HONOURABLE TIK CHI-YUEN

THE HONOURABLE JAMES TO KUN-SUN

DR THE HONOURABLE SAMUEL WONG PING-WAI, M.B.E., J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG

ABSENT

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

PROF THE HONOURABLE EDWARD CHEN KWAN-YIU

THE HONOURABLE MARVIN CHEUNG KIN-TUNG

IN ATTENDANCE

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

MR YEUNG KAI-YIN, J.P.
SECRETARY FOR THE TREASURY

MR JOHN CHAN CHO-CHAK, L.V.O., O.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

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

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

MR CHAU TAK-HAY, J.P.
SECRETARY FOR TRADE AND INDUSTRY

MR BOWEN LEUNG PO-WING, J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

THE CLERK TO THE LEGISLATIVE COUNCIL
MR LAW KAM-SANG

Papers

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

Subject

Subsidiary Legislation L.N. No.

Town Planning (Appeals) Regulations.....	379/91
Dangerous Drugs (Amendment of First Schedule) Order 1991.....	380/91
Designation of Libraries (Urban Council Area) (No. 3) Order 1991.....	381/91
Public Health and Municipal Services (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 8) Order 1991.....	382/91
Practising Certificate (Solicitors) (Amendment) Rules 1991.....	383/91

Hospital Authority Bylaws.....
384/91

Oral answers to questions

Sale of public housing flats

1. MRS SELINA CHOW asked: Will Government inform this Council of the progress of the sale of public housing flats to tenants; whether it is on target, and if not, why not?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the Housing Authority's scheme to sell public rental flats to sitting tenants was launched in August this year after a full scale public consultation exercise. The first phase involves some 6 900 flats in 11 selected blocks in seven estates.

A feature of the scheme is that the sale of flats in a selected block will only proceed if the tenants of more than 50% of the total number of flats in that block have opted to buy. At the close of the two-month application period two days ago, only 510 applications were received. In none of the blocks is the number of applications sufficient to reach the required 50% take-up rate for the sale to proceed.

The Housing Authority will shortly be reviewing the results of the sale exercise, including the reasons for the disappointing response, and will decide on the way forward.

MRS SELINA CHOW: Mr Deputy President, will Government inform this Council whether the Housing Authority has taken on board residents' complaints on the inferior and sub-standard quality of some housing blocks and what action it has taken to meet such complaints in order to reduce the negative reaction of these and other tenants?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Yes, Mr Deputy President, the Housing

Authority will take all responses from tenants and all other factors into account. On the question of problems with the structure of the buildings, in fact the Housing Authority has decided to repair all the defects, regardless of whether the blocks are for sale or not.

MR TAM YIU-CHUNG (in Cantonese): Is the poor response to the scheme of selling public rental flats an indication of the Housing Authority's lack of understanding of the tenants' way of thinking? What can the Administration learn from this sale exercise to avoid similar situation in the future?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): First, I have to point out that public consultation had been conducted on the scheme of selling public rental flats. The tenants had expressed their support and presented their views which the Housing Authority accepted before going ahead with the scheme. After this exercise, I think the Housing Authority will definitely assess the tenants' response to this scheme very carefully before arriving at a conclusion on the review and deciding what course to take in the future.

MR LEE WING-TAT (in Cantonese): Mr Deputy President, at the close of the Housing Authority's sale exercise, some officials responsible for the scheme openly claimed that the failure was due to the political activities organized during the direct elections of the Legislative Council and that it was a result of some pressure groups influencing the decisions of the tenants. Can the Administration inform this Council whether these accusations are well-founded?

DEPUTY PRESIDENT: Sorry, Mr LEE, are you asking the Government to comment on something said by someone else? That is outside Standing Orders. Would you like to put another question?

MR LEE WING-TAT (in Cantonese): The failure of the scheme of selling public rental flats has reflected that the prices of public housing, being pegged to that of private properties, are more than what the tenants can afford. Can the Administration inform this Council whether it will consider pricing public rental flats on the basis of

construction costs so that more people from the lower income group can afford to buy their own flats?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, in deciding the prices of the flats in this sale exercise, the Housing Authority had considered adopting the formula used in the Home Ownership Scheme. After the public consultation, the Authority had also taken into account the tenants' response, the possibly less attractive design and the poor facilities of the blocks, and the fact that the blocks are four to six years old. The Authority therefore further cut the prices to 45% of the market value. After this exercise and having listened again to the opinions of the tenants, the Authority will, I think, definitely take their views into consideration in the review.

MR GILBERT LEUNG (in Cantonese): Mr Deputy President, can the Administration inform this Council whether the Housing Authority will continue with the scheme and select the more recently completed blocks for sale?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Matters concerning the sale of public rental flats are determined by the Housing Authority. A review will be conducted by the Authority next month, and members of the Authority will then decide how the scheme is to be reviewed and the way they would handle it.

MR RONALD ARCULLI: Mr Deputy President, will the Secretary inform this Council what bearing, if any, the level of rental currently charged plus restrictions on re-sale might have had on the poor response?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, it is too early for me to pre-judge to what extent the tenants have taken the factors mentioned in the Member's question into account. But certainly, these are the factors which will need to be reviewed.

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, throughout the consultation

period, the public had shown their support for the scheme of selling public rental flats. The response, however, was very poor when the scheme was implemented. Does this reflect that although the sitting tenants are in principle willing to buy their flats, they are not prepared to buy them as if they were off-the-shelf commodities?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, I think Mr FUNG's question relates merely to his personal opinion. Of course, the tenants might also have expressed similar opinions. The Housing Authority will definitely take them into account when collecting public views.

MR HOWARD YOUNG: Mr Deputy President, in view of the dismal failure of this initial exercise, will the Government in groping for the way forward undertake to do a true marketing audit on this exercise -- in other words, not just running around in circles looking at the price only, but also taking into account the quality of the product and the promotional aspects, in particular, the likely benefits, apart from a lower than market price, that this will bring to the tenants before embarking on another exercise?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I should again wish to clarify that the design of the sales scheme is the responsibility of the Housing Authority rather than that of the Administration. But as to the benefits the scheme will bring, those were actually revealed, or rather reflected, during the consultation exercise. For example, the tenants buying their own flats will have security of tenure in owning their flats, they will not be subject to the biennial rental increase, and they will avoid the removal and fitting-up expenses on their own flats. The scheme does have its own merits which were, as I said, reflected in the proposal and the consultation exercise. But tenants might have thought otherwise. I have been assured by the Housing Authority that they will take all these factors into account.

DR YEUNG SUM (in Cantonese): Mr Deputy President, it was initially estimated that the Housing Authority would have an additional income of about \$1 billion if half of the flats under the scheme were sold. Now that the scheme seems to have failed, I would like to ask the Administration whether the Authority will become hard pressed

financially resulting in a substantial increase in the public housing rental next year?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, the Housing Authority has not included the estimated income from the sale of public rental flats into its budget for the current year. However, in its budgetary forecast for the next five years, the Authority estimated that about 8% of its revenue would come from the scheme should it prove to be feasible. Now the Authority will certainly have to review its financial position and budgetary forecast in the light of the implications of a possible reduction in revenue.

MRS PEGGY LAM (in Cantonese): Mr Deputy President, the principle underlying the scheme of selling public rental flats is accepted by the majority of the tenants, but the prices are however more than what they can afford. Can the Administration inform this Council whether the Housing Authority will adjust the prices?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): As I have said earlier, prices will certainly be taken into account in the review.

MR ANDREW WONG: Mr Deputy President, will the Secretary explain the formula of calculating the sale price of such flats; and judging from the very poor response and the criticisms from all quarters of the community, including myself in this Council, will the Secretary say whether or not the formula is a fair one and explain why it is fair or unfair?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I believe I have actually explained how the sale price was arrived at but I may as well repeat in more detail here. The prices were actually decided by the Housing Authority, not decided by the Government, and the Authority decided on the sale price after very careful consideration and considerable public debate. If Members will recall, actually part of the response from the consultation exercise was supportive of the price level or the percentage of discount eventually proposed. The price for the sale of the flats was more or less modelled on the pricing of the Home Ownership Scheme flats which

actually represents a 30% discount on the market value of the flats. But nevertheless, after taking into account tenants' concern during the consultation period, the Housing Authority eventually adopted a 45% discount on the assessed market value of the flats. And the price also took into account the rather less attractive design of a rental block as compared with a purpose-built HOS block, the lack of upgrading of facilities and the fact that the blocks are four to six years old. And consequently, the selling price was pitched within the range of \$240,000 to \$580,000, and that is about one-third of the price of private sector flats newly completed in the vicinity. The Housing Authority at that time decided that the price was fair and reasonable and thus introduced the sale price in that manner.

MR ANDREW WONG: Mr Deputy President, may I have a follow-up, please?

DEPUTY PRESIDENT: Yes, Mr WONG.

MR ANDREW WONG: Mr Deputy President, is the Secretary aware of the formula I proposed in this Council of pegging the price to the market price when the public housing units were completed in the first place, and then to be increased by a certain percentage to be calculated on the basis of a GDP deflator?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, personally, I am not aware of the formula proposed by Mr WONG. But the principle of setting the price relative to the HOS flat prices was to enable recovery by the Housing Authority of the cost of land formation and construction and administrative overheads as well as some additional yield to enable the scheme to roll forward, because the Housing Authority decided that they would need sufficient income generated by the sale of flats to finance further schemes. And this policy was actually revealed in some detail by the Housing Authority in July this year and members of the Authority decided that the formula should remain, but nonetheless they would revise the income eligibility criteria progressively upwards.

MRS SELINA CHOW: Mr Deputy President, would the loss of 8% in revenue as a result of this fiasco mean that Government would have to foot the bill for future housing

programmes of the Authority and thereby passing the burden onto the taxpayer?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I would not venture so far as to suggest an affirmative answer to the question. But certainly the Housing Authority will need to review its financial forecast in the light of the failure to sell the existing rental flats.

REV FUNG CHI-WOOD (in Cantonese): The disappointing response to the scheme of selling public rental flats is mainly due to the poor quality of the flats. What remedial measures will the Administration take to improve the quality of the flats, and what improvements will be made to the completed public rental flats and those under construction?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, earlier on I have answered a similar question and said that the Housing Authority knows that problems like leakage or failure of the sewage system do exist in some blocks, and the Authority has decided to make good those defects. Such repairs in any event will be conducted regardless of whether the flats are for sale or not and therefore have nothing to do with the scheme to sell public rental flats. Regarding how improvements in quality can be ensured in public rental flats that are to be built in the future, the Authority has recently adopted a new set of quality criteria for the construction of public housing blocks, and it has also stepped up inspections on the contractors' work.

MR FRED LI (in Cantonese): Mr Deputy President, the Housing Department and the Housing Authority were in fact well aware of the complete failure of the scheme before the deadline on 21 October for submitting applications. After the expiry of the deadline, less than 7.4% of the tenants have submitted the form indicating their intention to buy the flats. As the Secretary has mentioned just now that the Authority will conduct a review, can the Administration inform this Council whether there will be a second public consultation exercise, similar to the previous one, on how to revise the scheme of selling public rental flats or whether the scheme should be scrapped altogether?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, it has been only two days since the expiration of the deadline; so no meeting has yet been held by the Housing Authority to discuss how the review is going to be conducted. It is very difficult for me to predict how members of the Authority will conduct the review and whether they will consult the public.

MR JAMES TO (in Cantonese): Mr Deputy President, it is mentioned in the third paragraph of the Secretary's reply that the Housing Authority will be reviewing the results of the sale exercise and will decide on the way forward; will the Administration advise the Authority to extend the scheme across the board as a means to regulate the prices of private properties?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, this question in fact involves two kinds of properties on sale, one being HOS flats and the other public rental flats. In the Authority's long-term plan, the percentage of HOS flats being put on sale will gradually increase. As regards the sale of public rental flats, a review will have to be conducted before any further action can be known.

Government authorization of property development projects

2. MR PETER WONG asked: Will Government inform this Council what authorizations from government departments are required before a property development project can take place and how long will it take on average to obtain these authorizations?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, property development is basically subject to building, planning and lease controls. These controls require that the approval and consent of the Building Authority be obtained for building works, that the uses are in compliance with statutory town plans or any permission thereunder, and that the development is in accordance with the conditions of land disposal.

Under the Buildings Ordinance, persons wishing to undertake building works must

first obtain from the Building Authority his approval of plans and consent to commence works through submission of applications to the Buildings Ordinance Office (BOO). The BOO then plays a central co-ordinating role under a centralized processing system in obtaining the comments or approvals of other interested government departments or offices in addition to processing plans under the Buildings Ordinance. The periods after which the Building Authority shall be deemed to have given his approval or consent are laid down in the Building (Administration) Regulations, being 60 days in relation to plans submitted for the first time, and 30 days in respect of any other plans previously submitted; and 28 days for consent to commence works.

With regard to planning control, planning permission is not required if the proposed development is in compliance with the statutory town plans. However, planning permission is required from the Town Planning Board if the proposed development or part therein is not a use permitted as of right under the relevant statutory town plan, but is one of the uses which may be permitted upon application to the Board. Under the Ordinance, the Board must consider planning applications within two months of the date of application.

With regard to lease control, all property development must be in compliance with the lease conditions. Otherwise modification of the lease must be sought from the Lands Administration Office. In straight forward cases, the application would usually take about six months to process. In some cases, approval of development proposals is specifically required under the lease conditions. This would take about 10 weeks to process.

The processing of all the above authorizations can be carried out concurrently.

MR PETER WONG: Mr Deputy President, I understand from developers and Authorized Persons that initial plans are invariably rejected and it takes many tries before plans are finally approved. Will the Secretary please answer the last part of my question as to how long it takes, on average, from initial submission of plans to final approval, leaving aside those which have been abandoned, and also on average, how many tries are needed before a project is finally approved?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, it is true that in the construction industry plans are first submitted and then amended, either

because of failure to meet the standards or requirements of the Building Authority, or amendment by the Authorized Persons or the developers themselves. The law provides that the Building Authority must give approval, or his approval is deemed to have been given, within 60 days of the submission of plans and within 30 days of an amendment. Sometimes amendments can be quite major leading to complete revision of the original plans and hence will have to be regarded as new plans again. On average, our experience is that about four to five re-submissions are required before a plan is approved, but it would be difficult for me to give a general indication of how long the process would take because if a plan is to be amended by the Authorized Person there is no telling how long he will take to prepare his amendments.

MR GILBERT LEUNG (in Cantonese): Mr Deputy President, according to the information that the Secretary has provided this Council, the Buildings and Lands Department advised that approval for property development plans is given by the Buildings Ordinance Office within 60 days of submission whereas for lands that are held under lease conditions, there is no time limit for approval of plans by the Lands Administration Office; and this explains the many delays. Could the Administration inform this Council if it would remove the difference in the processing of plans between the Buildings Ordinance Office and the Lands Administration Office of the Buildings and Lands Department so as to minimize delay in property development?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, first of all, I have to point out that the processing of a building plan and that of a land lease are two different things. As far as the processing of a lease is concerned, there is practically no need to submit an application for lease modification provided that the development complies with the conditions in the lease. But an application for lease modification is needed if the development does not comply with the conditions. The Buildings and Lands Department has recently been working on this with a view to improving the situation. It was found that one of the reasons for the delay was the applicant's failure to submit the original lease together with the application when applying for lease modification or exchange of land. As a result, it took a number of weeks to conduct a land search in the Land Office. Recently, the Buildings and Lands Department has had discussions with the groups concerned, advising those who apply for lease modification to submit the original lease and a site location plan together with their application. Should this be followed, it would save the Administration's efforts in searching lease records.

Recent observations reveal that the time taken to process applications for new land lease and lease modification has been shortened considerably.

MR HENRY TANG: Mr Deputy President, the Secretary said that the period after which the Building Authority shall be deemed to have given its consent is laid down in the Building Regulations. Does it mean that if an applicant does not receive a response from the Building Authority in the prescribed period the applicant may proceed with the plans submitted without regard to any comments that the Building Authority may give after the prescribed period?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the short answer is yes. The Building Authority will make sure, if there are any comments to make on the plans, to do so within the prescribed legal period.

MR EDWARD HO: Mr Deputy President, since Authorized Persons cannot know whether their plans will be rejected until they have made their formal submissions and until those plans are approved or rejected, could the Secretary advise whether Government has any intention to set up an enquiry service at the Buildings Ordinance Office so that APs can find out interpretational problems before submissions are made?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, such a service is already in existence and I believe Authorized Persons are encouraged to approach the relevant Building Authority offices to have discussion on their plans, particularly if the amendment is minor in nature which they can do in the office without submitting a formal amendment plan. This is actually part of the feature of the centralized processing system and I believe most Authorized Persons are aware of this.

MR STEVEN POON: Mr Deputy President, it is obvious that the process is very complicated. Is it to the Government's interest to shorten the process of approval; and if so, what measures are being planned inside the Government to achieve this objective?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the question is actually very wide because it can cover either the building, the land or the planning permission system. At the present moment we believe the statutory time limit given for processing building plans is the minimum required before the Building Authority is deemed to have given his approval. As I also said earlier, the processing of lease modification or exchange procedure has been under continuous review and the process is now quickened. With regard to planning, the current two-month period for processing a Section 16 Application is also the minimum the Town Planning Board will need to process such an application, and I do not see that there is any room for manoeuvre in attempting to shorten the process.

MR JAMES TO (in Cantonese): Mr Deputy President, in view of the growing concern of the public about environment, would the Administration consider requiring developers to submit an environmental impact assessment before developing a site, to make sure that works will not commence before the Administration has confirmed that the development would not be a cause of nuisance to the residents?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, if a development will have adverse environmental impact, the developer concerned will be required to submit an environmental impact assessment. This will be submitted by the developer when making an application, and it will be passed on to the Town Planning Board as part of the conditions for approval of a development. The Administration in fact has clearly spelt out its policy on environmental improvement and protection in the White Paper on pollution, and it has also set out the circumstances under which a developer is required to submit an environmental impact assessment in the Hong Kong Planning Standards and Guidelines.

MR ALBERT CHAN (in Cantonese): Mr Deputy President, will the Administration consult the local residents as well as those affected before approval is given to a large-scale development project, particularly when it would involve a change of land use?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, if a development falls within a comprehensive development zone, and a detailed development report is required, the Town Planning Board will request the developer to submit a report on the development plan, the future amenities to be provided and the impact the project will have on the environment in the vicinity. Views of members

of the District Board and interested parties will be sought before the Town Planning Board starts discussions on it. I believe in the final analysis much would depend on the size of the development. But very often even for development projects that are smaller in scale, we would require the developer to submit a proposal before approval is given.

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, could the Secretary inform this Council in the case of an urban redevelopment project by a private developer, would the Administration specify the time of completion for a project in a lease and when approval is given to the plan?

DEPUTY PRESIDENT: That bears a very indirect relation to the question, but are you able to answer, Secretary for Planning, Environment and Lands?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, I cannot quite get the main point of the question. In the case of an urban redevelopment project by a private developer, it is in fact the developer who acquires a land from the property market and develops it himself. Under such circumstances, it is most unlikely that the Administration would specify the time of completion.

Rural planning

3. MR GILBERT LEUNG asked (in Cantonese): Will Government inform this Council of the progress in implementing the "Rural Planning and Improvement Strategy", including (a) the major projects completed and the amount of expenditure incurred, and (b) the 5-year forecast of the funds required; whether the Government departments concerned are satisfied with the present progress; and whether the objectives set out in the Report can be achieved?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, nine major projects including river training, drainage channel improvement, flood protection measures, site formation and servicing for the expansion of villages and provision of sites for community facilities have been completed under the "Rural Planning and Improvement Strategy" (RPIS). A list of these projects is attached as Annex A to

my written reply before Members. In addition, around 240 projects under the Urban Fringe Improvement Programme and the Local Public Works Programme which form part of the RPIS have been completed.

The total expenditure to date amounts to about \$300 million. A sum of \$1.8 billion has been earmarked for the RPIS for the next five years. I have also attached a detailed breakdown of the estimates by year and categories of projects as Annex B to my reply before Members.

Mr Deputy President, given that the RPIS is aimed at tackling many problems in the rural areas which are long-term issues, such as flooding, pollution and unplanned development, it will take time to achieve its overall objectives. The Administration is generally satisfied with the progress so far. With the mechanism for implementation and monitoring gaining operational experience, we are looking forward to a faster pace of progress in the coming years.

Annex A

Number of projects completed	Expenditure
in \$ m	

(A) RPIS projects under TDD Development Programme
(5 Nos.):

1. Servicing and minor formation works in Kak Tin Village, San Tin Wai and Lei Uk Tsuen, Sha Tin 16.50
2. Engineering works at Hung Shui Kiu, stage I, phase 1, site formation for schools 1.31
3. Formation and servicing works in Area 23, North District 4.10
4. Tin Shui Wai development, package 3, part IIA -- village flood protection 87.46

5. Engineering works for commercial/residential areas at Hung Shui Kiu, stage I, phase 2 13.50

(B) Projects under RPIS parent items (4 Nos.):

1. Improvement works at Ganges River -- construction of trash trap 0.27
2. Water course improvement works at San Uk Tsai, Lam Tsuen River 0.32
3. Laying of submarine pipeline to Ap Chau -- site investigation 0.09
4. Desilting of Mang Tong River at Mui Wo, Lantau 0.30

Total 123.85

Annex B

Breakdown of the \$1.8 billion earmarked in the Current RAS (1991-92 to 1995-96) for RPIS (as in September 1991)

	1991-92	1992-93	1993-94	1994-95	1995-96	Total
(a) PM Offices' PWP items	117.20	206.31	148.35	206.47	368.00	1046.33
(b) RPIS parent items:						
(i) upgrading works for village resite and expansion areas	0.30	7.00	6.90	0.80	-	15.00

(ii)	village improvements and development schemes	7.00	23.50	45.00	80.00	95.00	250.50
(iii)	sewers and sewage treatment plants in the rural NT	0.50	10.00	40.50	67.00	80.00	198.00
(iv)	improvement reconstruction and extension of village access roads	14.00	28.00	30.00	36.12	55.00	163.12
(c)	UPI + LPW (New Works)	42.86	47.81	16.40	4.0	19.00	130.07
	Total	181.86	322.62	287.15	394.39	617.00	1803.02

MR GILBERT LEUNG (in Cantonese): Mr Deputy President, the main aim of the RPIS is to improve the environmental hygiene of the rural areas, which is quite similar to the objective of the Regional Council. So the Regional Council would also like to see the actual implementation of the improvement strategy. According to the information given by the Secretary in the first paragraph of his reply, the Administration so far has not provided any sewage treatment system in the rural areas. Could the Administration inform this Council if it has confidence in providing, in the next decade, a sound sewage treatment system which can adequately serve the rural areas, so as to improve the environmental hygiene of the rural areas?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, improvement of the rural sewage treatment system is part of the RPIS. As I have

mentioned just now, the Administration intends to spend \$1.8 billion in the next five years on various projects, some of which will include this item. At the present moment, works of these projects have not commenced yet because we have only about a year's experience in this area and many of our programmes are still in the planning stage. I believe works on these projects will commence in phases in the next few years.

MR LAU WONG-FAT (in Cantonese): Mr Deputy President, could the Administration inform this Council if the flood prevention works in the New Territories, as mentioned in the RPIS consultation paper, could proceed smoothly in order to avoid serious flooding that we saw in the past two years?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, at the present moment, some of the works completed are connected with flood prevention. Moreover, several flood prevention works including those in Tin Shui Wai and northwest New Territories are in progress. In fact, the various rural improvement programmes were mapped out after consultation with local residents and members of the Heung Yee Kuk, and three committees were subsequently set up to monitor and implement the works. Flood prevention has always been a very important part of our works programme.

MR PETER WONG: Mr Deputy President, will the Secretary please categorically confirm that the plans for sewers and sewage treatment plants in the rural areas will not suffer the same deplorable cuts as the Master Sewage Strategy for Victoria Harbour?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I would rather like to address the latter part of the question first because we are still very much in the process of mapping out the works programme for the Master Sewage Programme and I think it would be a bit premature to conclude or to assume that there has been a disastrous cut. As to the first part of the question, sewage improvement has always been part of the projects under the RPIS programme. Actions have been taken to ensure that it will not fall behind schedule. As I have said, we have already earmarked \$1.8 billion in the next five years for the works and quite a substantial portion of the amount will be on the sewage, drainage and flood prevention programmes.

MR LEE WING-TAT (in Cantonese): Mr Deputy President, it was mentioned in the reply

that the Administration had only spent some \$150 million in the past year on rural development programmes and that \$1.8 billion had been earmarked for various programmes for the next five years. Could the Administration inform this Council if it is sure that commitment of the large scale infrastructural projects in the future would not in any way result in substantial cuts in the \$1.8 billion that has been allocated for the works.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr Deputy President, first of all, I did not mention in the reply that we had spent \$150 million. I only said that so far we had spent \$300 million, and that in the estimates for the next five years, we had earmarked \$1.8 billion for various related works projects. Evidently, these were the figures when the Administration prepared the five-year forecast on expenditure and revenue. In fact, all the Heads of Expenditure will invariably include works items. The Government, in preparing the forecast, will definitely base its projections on its commitments over the next five years. At the present stage, we have no reasons to believe that there would be any cuts in expenditure.

MR MARTIN BARROW: Mr Deputy President, could the Secretary advise what steps have been taken as part of this overall strategy to deal with the appalling mess from junk yards in many parts of the New Territories which are very damaging to the promotion of Hong Kong, and to encourage our visitors to stay longer and to see more of the New Territories?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, RPIS stands for Rural Planning and Improvement Strategy, and I believe the question basically relates to the planning bit of the strategy. Members may recall that one of the major problems with regard to planning and land use in the New Territories has been the proliferation of open storage areas. And Members will also recall that last year we did introduce the Town Planning (Amendment) Bill which was specifically targeted at the sprawling conversion of land into open storage. We have so far gazetted 30 development permission area plans as provided under the Town Planning (Amendment) Ordinance. I believe the situation is under control; there has not been any further proliferation of open storage areas under the overall statutory provisions. At the present moment, new and better open storage areas have been zoned under the respective development

permission area plans, and persons whose land falls outside these permitted storage zones must apply for permission to convert their land into open storage uses.

Traffic management on Tsing Yi

4. MR ALBERT CHAN asked (in Cantonese): The lack of accurate planning for road construction programmes to tie in with population growth of districts often results in serious traffic congestion, as in the case of the Tsing Yi North and South Bridges in the New Territories South. Will Government inform this Council what long-term measures will be taken to prevent such problems and what measures will be taken to ensure that the existing planning targets can really meet the needs of Tsing Yi and that the roadwork projects can be completed on schedule; and whether the Administration has any short-term plans to relieve the present serious traffic congestion?

SECRETARY FOR TRANSPORT: Mr Deputy President, the planning of land use and transport infrastructure is an on-going interactive process. Where land use proposals are likely to generate more traffic, an assessment is made of the implications for the road system. This reveals whether improvements to the road network are required or whether the scale of development needs to be reconsidered. Where road improvements are needed, our aim is to complete these to tie in with construction of the new development. However, this may not always be possible for a number of reasons, including land resumption problems and of course the need to compete for resources.

In the case of Tsing Yi, the capacity of the internal road network and the two bridges are key elements in all transport planning and development studies for this area.

Traffic congestion at the Tsing Yi North and South Bridges is caused mainly by the restricted capacity of interchanges located at the Tsuen Wan and Kwai Chung exits to the bridges. For Tsing Yi North Bridge, plans are in hand to institute major improvements to the Texaco Road/Tsuen Wan Bypass Interchange. These will effectively relieve the congestion. Work will start early next year for completion in 1994. In the interim, various traffic management measures have already been introduced to increase the capacity of the junction. As a result, average travel

time for crossing the bridge in peak hours has recently been reduced from 20 minutes to five minutes. Further interim improvements are now being considered.

To ease traffic congestion at Tsing Yi South Bridge, work on major improvements to the Hing Fong Road/Kwai Tsing Road junction will start at the end of this year, for completion in early 1994. This project will double the capacity of the Kwai Tsing Interchange and will alleviate the congestion. In the meantime, the traffic management measures already introduced at the Tsing Yi North Bridge have also benefited the southern bridge. Additional traffic management measures will be introduced by the end of this year to further improve conditions at the South Bridge.

In the longer term, with the completion of the airport related projects, Tsing Yi residents will have the benefit of a rail link and direct road access to west Kowloon and Hong Kong Island.

MR ALBERT CHAN (in Cantonese): Mr Deputy President, could the Secretary inform this Council how the Administration sets the priorities and what criteria it adopts when planning major road programmes such as Route 3 and the Tsing Ma Bridge, and what framework or system the Administration has to co-ordinate the various projects of different departments?

SECRETARY FOR TRANSPORT: Mr Deputy President, the Government has a well established system for project control, coverages for priorities in resource allocation and project management. In the case of the projects mentioned by Mr CHAN, there is an established system of project management involving all the government departments and branches concerned, which monitors the progress of these projects closely. There is also a system to enable resources to be allocated to top priority areas and this is handled at the highest level by the Chief Secretary under the Resource Allocation System. As regards particular project management, there is very close co-ordination at the district level by the project managers concerned together with consultants -- normally the resident engineers of the particular project who are actually on the site and monitoring the project on a day-by-day basis. So overall there is more than sufficient co-ordination both at the district level and at the central level to ensure that our projects are finished on time and within budget.

MRS MIRIAM LAU: Mr Deputy President, if the availability of resource is a major hurdle to necessary road improvements being made to tie in with new developments, can the Administration inform this Council whether consideration will be given to getting the developers of new developments to shoulder the cost of required road improvements by incorporating such a requirement under the relevant lease conditions?

SECRETARY FOR TRANSPORT: Mr Deputy President, I think it is always our aim to reduce the cost to the taxpayer in undertaking any project. As Members are aware, we have had several successful "Build, Operate and Transfer" projects done by the private sector, for instance, the Eastern Harbour Crossing and the Tate's Cairn Tunnel which opened recently. It is always Government's aim that if projects can be done by the private sector, we will always try to let it do so. In various cases it will, of course, depend on how much income will be gained from such projects. In other words, we need to ensure that the projects themselves are financially viable before they can be deemed suitable for privatization. As regards the particular point on lease conditions made by Mrs LAU, I believe this is a matter which we need to take into account in the land allocation policy which is a matter for the Secretary for Planning, Environment and Lands perhaps to elaborate on, if he cares to.

MR LEE WING-TAT (in Cantonese): Mr Deputy President, one of the major contributory factors of the present serious traffic congestion on the Tsing Yi North and South Bridges is the granting of a large number of short-term tenancies to container-trucks in Tsing Yi by the Buildings and Lands Department and as such, the traffic flow in Tsing Yi has doubled. Will the Administration inform this Council whether consideration would be given to suspending the granting of such short-term tenancies before improvement works on the Tsing Yi North and South Bridges are completed?

SECRETARY FOR TRANSPORT: Mr Deputy President, we are very concerned about the problem as Mr LEE is. The problem, of course, is one of co-ordination between different departments and branches -- those who have authorized the use of land for various purposes, and those, like myself, who have to provide for the transport links. It is not an easy task. We in the Government are working very closely to ensure that when projects are approved, but before they are implemented, the facilities available will be adequate to cope with rising demand. In the present case, we are now liaising with the container operators and the relevant branches to ensure that the container

traffic will be contained and reduced to a minimum so that the transport links will be able to cope with the demand, and this is what we are now pursuing with the various branches and departments.

MR MAN SAI-CHEONG (in Cantonese): Mr Deputy President, as there is a high concentration of schools in the uphill area of the Eastern District, and recently a lot of upmarket flats there are ready for occupation, residents using the east-bound traffic when going to work in the morning encounter serious traffic congestion. Will the Administration consider implementing effective traffic management programmes in the immediate future, such as allowing vehicles to turn left at Fortress Hill and reviewing the traffic condition at Lau Sin Street Flyover? And in the longer term, are there ways to ensure better co-ordination between the Secretary for Transport and the Secretary for Manpower and Education, so that when the Secretary for Manpower and Education endorses applications for construction of schools, it will not bring forth a problem for the Secretary for Transport to look after at the end of the day?

SECRETARY FOR TRANSPORT: Mr Deputy President, this really goes beyond the present question on Tsing Yi, but I will try to give an answer. There is a well established system within Government to look at land development and transport links. As I said at the beginning of my main reply, land use and transport planning together form an ongoing interactive process and this must always be maintained. Taking Mr MAN's question in particular, yes, clearly we must take into account developments in a particular area and in order to ensure that such developments are served by adequate transport links we do liaise with departments, such as Education, Housing and so on. This is to ensure that when new projects are implemented there will be sufficient transport services in the locality so that inhabitants there will be well served. This is something we really need to monitor very closely to ensure that we do co-ordinate and we do provide the services in time.

DEPUTY PRESIDENT: I have got six more supplementaries and then I will draw the line. The first part of the question is a general policy question, and the rest of the question goes to the specific problem at Tsing Yi. But I take the Secretary for Transport's point. It would be more productive, I think, if Members were to try to limit their questions to that particular problem area, although the question itself does permit a wider range of supplementaries.

DR SAMUEL WONG: Mr Deputy President, would the Secretary for Transport inform this Council of the additional traffic management measures to be introduced by the end of this year to further improve the conditions at Tsing Yi South Bridge?

SECRETARY FOR TRANSPORT: Mr Deputy President, on the Tsing Yi North and the Tsing Yi South Bridges, there is already a number of improvements in hand, for instance, adding an extra lane to the interchange and providing for some improved traffic management by road markings. In the longer term there will be a need to provide for extra widening of the carriageway for the roundabout, and probably to provide for relocating the electric sub-station to improve vehicular traffic. As regards the North Bridge, we will be providing a signalized junction for a local widening network and providing for pedestrian footbridges. All these improvements we hope to provide in the short term.

MRS PEGGY LAM (in Cantonese): Mr Deputy President, will the Administration inform this Council whether it sees a need, or if plans are already in hand, to build a third bridge for vehicles in addition to the Tsing Yi North and South Bridges in the foreseeable future, so as to cope with the increasing traffic flow there?

SECRETARY FOR TRANSPORT: Mr Deputy President, as I have said, in the longer term there will be the Route 3 connections between Tsing Yi, Kwai Chung and Tsuen Wan connecting further down south to Kowloon. This part of Route 3 is under active planning; we hope to start work in 1992 for completion in four to five years. This will be in addition, of course, to the airport railway, which will also pass through Tsing Yi. So these two major projects will considerably help improve traffic through the particular area in Tsing Yi.

MR HOWARD YOUNG: Mr Deputy President, thank you for bringing us back to Tsing Yi again. (in Cantonese) Mr Deputy President, the Administration mentioned in its main reply that with the completion of the airport-related projects, there would be railway service for residents of Tsing Yi. Does this contradict with the information given to Members in a briefing session organized by officials of the Provisional Airport

Authority last week that there would only be stations at Tsing Yi, Kowloon and Hong Kong for the airport railway? If there is no inconsistency, will there be an order of priorities in respect of services for Tsing Yi and the airport?

SECRETARY FOR TRANSPORT: Mr Deputy President, there is no inconsistency at all. What the Provisional Airport Authority was referring to was the airport railway, but there will be in fact two railway services -- one to the airport and one for the urban areas, and both will be using the same track. The airport railway will have three stations initially, Hong Kong, Kowloon and Tsing Yi, and then Chek Lap Kok. But the normal MTR service has more stations than that; so it will also stop at Tai Kok Tsui, Lai King, Tsing Yi, and later on Tai Ho and Tung Chung. So these services will be provided, and Tsing Yi will not be left out of the airport transport services because of this particular rail link which will have a station at Tsing Yi at the early stage of implementation.

REV FUNG CHI-WOOD (in Cantonese): Mr Deputy President, it seems that the Administration does not have any well-considered plans for some bottleneck areas, such as Tsing Yi in this instance and the Lion Rock Tunnel a year ago, showing a lack of precision in its estimate on the growth in traffic and the rate of utilization. Does the Administration have any measure to avoid recurrence of similar situations?

SECRETARY FOR TRANSPORT: Mr Deputy President, nobody can give any guaranteed forecast. In fact, all forecasts must be wrong -- including the Budget, if I may say so. So no Government can ever guarantee anything. But we will try as far as possible to ensure that we monitor the situation closely and try to overcome shortcomings should they ever arise. This is what we are here for -- to do the work and ensure that the work is done properly, efficiently and effectively.

MR JAMES TO (in Cantonese): A moment ago the Secretary mentioned some short-term traffic management measures to alleviate the congestion on the Tsing Yi North and South Bridges. Will the Administration inform this Council whether it would consider deploying a team of traffic policemen during peak hours, say from 8 am to 9 am, to direct traffic on the spot so as to improve the traffic situation?

SECRETARY FOR TRANSPORT: Mr Deputy President, the interim improvements I mentioned about the Tsing Yi North and South Bridges which involve road markings, extra lanes and traffic light signals are, I think, a more effective way of using our resources, rather than falling back on police manpower who are needed for more important things than just traffic management.

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, the Secretary mentioned just now that all forecasts must be wrong, but we feel that the road programme in Hong Kong is always "belated". Apart from the problem of Lion Rock Tunnel and that of Tsing Yi, we understand that while the Housing Department will be moving tens of thousands of people to Tin Shui Wai which will be ready for occupation shortly, no road programme has started yet. Furthermore, the Administration has decided to defer the construction of Route 3 for two years. Will the Secretary inform this Council why our road programme is always "belated"?

DEPUTY PRESIDENT: Secretary for Transport, I think just the specifics, if you can keep them to specifics.

SECRETARY FOR TRANSPORT: Mr Deputy President, we are now moving from Tsing Yi to Tin Shui Wai. I will generalize for Members' benefit. The reasons why roadworks are not always completed to schedule are many. For example, roadworks require land resumptions; resumptions require gazetting of notices; objections are then received and heard; negotiations get under way and the Governor in Council then gives decision on the objections. In between, it involves a lot of parleying between the objectors and the Government which ensures that the public interest is protected, the money is not wasted and that those affected are sympathetically considered. This is not an easy task. Therefore, it is not always possible to ensure that the resumption is in time; indeed, in most cases what usually delays a project is the resumption process. One further point is that once resumption is proceeding, we do need to look at the plans again to ensure that the design is modified to suit the needs of the residents affected. Sometimes we find we have to go back to the drawing board to redesign the particular road layout to ensure that the houses, for example, are not affected and the environment is disturbed only to the minimum. And all these again will take time. So we are a very responsive government and we listen to the people

affected. But it will take time to listen to them and to act upon their complaints. So I do not see why we should rush into a decision without listening to the people first. This is what a good government should be doing. So in most cases we do and we must take into account people's views and carry out those projects within the limits we are given and within the budget we are given.

DEPUTY PRESIDENT: Secretary for Transport, I had asked if you could get down to specifics, which I fear you have not done. There were two specific areas raised by Mr FUNG. Are you able to deal with these; in writing if you are not able to do so this afternoon?

SECRETARY FOR TRANSPORT: I will try to do so now, Mr Deputy President. It is not true that Tin Shui Wai is not provided with road links; indeed road links are already in hand for Tin Shui Wai New Town in time for the major intake of residents. And in addition we do have the Light Rail System extension now under construction which will be commissioned by early 1993 for the full intake of population at Tin Shui Wai. In the meantime, bus services are running between urban areas and Tin Shui Wai, and these will increase with more roads coming on stream. The aim must be to time the road and rail networks with the population buildup and this is what we are now doing, so that there will be sufficient transport provision for the residents in Tin Shui Wai when the population intake will bring about a heavier demand on road and rail links.

Tuen Mun Hospital

5. MR NG MING-YUM asked (in Cantonese): In view of the fact that the Tuen Mun Hospital is still not fully operational since its Phase One opening in March/April 1990, will the Administration inform this Council:

- (1) why the hospital has not been able to provide its full range of services;
- (2) what programme the Government has to put the hospital into full operation; and
- (3) what steps the Government would consider taking to expedite the full

operation of the hospital?

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, the Tuen Mun Hospital is a major acute hospital comprising 1 606 beds for a wide range of patient services in many clinical specialties. To name just a few, these services and specialties include surgery, medicine, paediatrics, geriatrics, obstetrics and gynaecology, psychiatry, orthopaedics and traumatology, accident and emergency, radiotherapy and oncology. Upon full operation, the Hospital will require over 3 000 staff, consisting of doctors in different specialties, nurses, various supplementary medical professionals, and other supporting staff.

It has always been the plan that a hospital of this magnitude and complexity should be commissioned in phases, having regard to the exigencies of service and anticipated patient needs.

The Tuen Mun Hospital was opened in March 1990 bringing 366 beds into immediate use. An eight-hour accident and emergency service was introduced in July of the same year and this was extended to a 12-hour accident and emergency service this January. As of today, the number of beds in use in the Hospital stands at 753, with a staffing complement of 1 807.

Looking ahead, the Tuen Mun Hospital will operate its accident and emergency services round-the-clock in two months' time, that is, from January 1992. At the same time, 100 additional beds will be brought into service.

According to present schedule, the Hospital will be in full operation by mid-1993. This represents a deferment of about six months from the earlier target date of end-1992, which I reported to this Council in July last year.

Manpower shortage, particularly of nurses, has been the main constraint in bringing the hospital into full operation. On this score, we have made intensive efforts in introducing incentives for recruitment and retention of staff and in redeploying existing resources.

MR NG MING-YUM (in Cantonese): Mr Deputy President, the best way to test a case is through practice. Will the Administration inform this Council how long it took for

large hospitals like Princess Margaret Hospital, Prince of Wales Hospital, Queen Mary Hospital and Queen Elizabeth Hospital to be fully operational, from Phase One opening to provision of 24-hour accident and emergency service and then to full operation, and how long it will take for Tuen Mun Hospital to be fully operational?

DEPUTY PRESIDENT: It is a very wide question which brings in other hospitals. Secretary for Health and Welfare, to the extent that you can answer, would you try to do so?

SECRETARY FOR HEALTH AND WELFARE: Yes, Mr Deputy President, I will do my best. As I said in the main reply, Tuen Mun Hospital will have its accident and emergency service operating 24 hours a day from January 1992, which is a couple of months away, or 21 months from its inauguration in March last year. This compares with 18 months in the case of Princess Margaret Hospital which opened in 1976 and 16 months for Prince of Wales Hospital which opened in 1984. Unlike what my colleague, the Secretary for Transport, has said, although we may not get it right, we are not too bad over this because all in all we are not doing too badly despite the desperate shortage of manpower.

DR LEONG CHE-HUNG: Mr Deputy President, in the last paragraph of her main reply, the Secretary hinted at redeploying existing manpower to ensure that the hospital in Tuen Mun will be in full operation. Could the Administration reassure this Council and the Hong Kong people that it is not Government's policy to weaken the standard of other health care areas just to satisfy the Tuen Mun Hospital so that the Tuen Mun Hospital can be seen, and I stress the word "seen", to function in full?

SECRETARY FOR HEALTH AND WELFARE: Yes, Mr Deputy President, I will confirm that in the deployment or redeployment of staff, much as we love Tuen Mun, we also care for the rest of Hong Kong.

DR CONRAD LAM (in Cantonese): Mr Deputy President, the Secretary mentioned in the second paragraph of her main reply that a hospital would have regard to the exigencies of service and she also mentioned in the sixth paragraph that the main constraint

had been manpower shortage. For a hospital of such magnitude, accident and emergency service, as its name suggests, is a service that demands the most urgent attention. Is the manpower shortage in the public sector really so acute that it has to take 21 months before the Accident and Emergency Department can operate round-the-clock? Will the Secretary give a written reply on the manpower shortage in medical and health services in the public sector at present?

SECRETARY FOR HEALTH AND WELFARE: Yes, I can provide it in detail in writing, but off the cuff today I can say that the shortage is very pronounced in the nursing profession, less so in other areas.

MR MICHAEL HO (in Cantonese): Mr Deputy President, the Secretary has mentioned the shortage of nurses in the sixth paragraph of her reply. According to the latest population data, the number of young people of the right age to join the nursing profession, that is those between 20 and 25 years of age, has dropped by more than 100 000 over the past five years and the trend will continue in the next five years. On the other hand, the number of university places in the territory will double in the coming year. Will the Administration inform this Council what specific plans it has in hand to attract young people to join the nursing profession so that hospitals can have enough manpower to be in full operation?

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, the projected theoretical shortage of nurses in the entire medical field including the private sector is quite pronounced. As at today, the shortfall is about 4 000 rising to about 6 000 in 1995. We have in fact over time dealt with this problem in a very aggressive way because the shortage, which also coincides with global shortage of nursing staff, demands extraordinary measures. May I just recount, Mr Deputy President, without digressing, the sort of measures we have taken in order to attract more young people into this field. In terms of training capacity, we are going to increase the present 2 400 by some 300 places in order to attract more nurses into the training field and also there will be university degrees to attract people with an inclination to speciality. We have revised the pay scale last year. We have simplified some of the nursing jobs so that the job itself would be much more attractive to the young people going into this profession. There will be greater promotion prospects; already we have increased the senior nursing posts from 79 to 229 in the public sector. We have

intensified recruitment drives and also we are improving various other allowances including residential allowances for nursing trainees. But I think, in the final analysis, the best attraction to this very important profession, which is also a calling, should come from the professionals themselves. For example, what could be done has been done; we now want the nurses themselves to call to the young people to join this very noble profession. So indeed I am looking to Mr Michael HO for a solution.

DEPUTY PRESIDENT: We have eight supplementaries, so I am drawing the line at that. But in view of the large number of supplementaries outstanding would Members try to keep their questions to the specifics.

DR HUANG CHEN-YA (in Cantonese): Mr Deputy President, will the Administration inform this Council how the casualty cases in Tuen Mun were dealt with outside the operating hours of the Accident and Emergency Department of the Tuen Mun Hospital? How many patients had to be sent to Princess Margaret Hospital or other hospitals as a result and how many of them were in serious or critical condition?

SECRETARY FOR HEALTH AND WELFARE: The Tuen Mun Hospital Accident and Emergency Department now operates from 8.00 am to 8.00 pm. Outside of these hours, the ambulance service would automatically transfer the emergency patients direct to Tuen Mun Yan Oi Polyclinic Accident and Emergency Department or, as appropriate, Princess Margaret Hospital. Furthermore, the operating hours of Tuen Mun Hospital are publicized through both the television and other media and there are also prominent signs in the hospital to remind patients of the alternatives available. So the situation where people are not attended to should not arise.

MR LAU WONG-FAT (in Cantonese): Mr Deputy President, in view of the large number of people moving into the Tin Shui Wai New Town shortly, will the Administration inform this Council whether it can give an assurance that Tuen Mun Hospital can provide adequate services to meet their needs?

SECRETARY FOR HEALTH AND WELFARE: As I said in my main reply, the scheduled full

operation of Tuen Mun Hospital is 1993. I am very confident we will attain that scheduled full operational date.

MR GILBERT LEUNG (in Cantonese): Mr Deputy President, Tuen Mun Hospital was officially opened in March 1990 and has been in operation for more than 20 months. Will the Administration inform this Council if utilization and staff management of the hospital are satisfactory at present?

SECRETARY FOR HEALTH AND WELFARE: Based on the partial operation of Tuen Mun Hospital, I think we have got sufficient manpower to cater to the situation and we will keep to the schedule for the redeployment and recruitment of staff in order to attain the objective of full operation. The simple answer to that question, Mr Deputy President, is: yes, we are satisfied.

MR ALBERT CHAN (in Cantonese): Mr Deputy President, the Secretary mentioned just now in her reply that manpower shortage had been the main constraint in bringing Tuen Mun hospital into full operation. Will the Administration inform this Council if it would consider giving Tuen Mun Hospital more discretion over its management, that is, allowing the hospital to recruit its staff locally from the district?

SECRETARY FOR HEALTH AND WELFARE: According to the plan that we have, the Hospital Authority will be able to take over the management of all public hospitals by the end of the year. This is a very important question that Mr CHAN is asking; so I will definitely defer to the advice of the Hospital Authority. But I think individual hospitals, according to the original plan of the Hospital Authority, will have some degree of autonomy and flexibility in recruiting their own staff.

DR SAMUEL WONG: Mr Deputy President, will the Secretary for Health and Welfare contemplate recruiting nursing staff from overseas if attempts to recruit sufficient staff locally fail?

SECRETARY FOR HEALTH AND WELFARE: Yes, we are indeed recruiting from overseas. But

one of the conditions is that nurses who wish to apply for the job in Hong Kong must have knowledge of the local tongue which is Cantonese. We would not like to recruit from overseas at random. We certainly would not wish to lower any standards of the profession.

MR MAN SAI-CHEONG (in Cantonese): Mr Deputy President, with the establishment of the Hospital Authority recently, some medical and nursing staff have expressed their discontent with pay and conditions. Would this defer the scheduled opening of other hospitals, in the same way as the opening of Tuen Mun Hospital had been deferred?

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, with respect, I think this question goes outside the original question. However, the indications are that many people who are in this profession in the subvented sector and also in the Government have in fact opted to join the Hospital Authority. So whether or not they are satisfied with the terms is, I think, a matter of individual perception.

DEPUTY PRESIDENT: Secretary for Health and Welfare, the question as originally put asks why the hospital has not been able to provide its full range of services, and would have allowed that supplementary; that is why I did not stop it.

DR YEUNG SUM (in Cantonese): Mr Deputy President, according to the Government's White Paper on the delivery of medical services, it is estimated that the standard ratio of hospital beds should be 5.5 beds per 1 000 population. Will the Administration inform this Council of the total number of hospital beds and the total population in New Territories West? How does this compare with the standard bed ratio set out in the White Paper?

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, having regard to the total population in New Territories West of 1.324 million, the population in Tuen Mun and Yuen Long of 613 000 and the number of beds in use in Pok Oi Hospital and Tuen Mun Hospital which is 1 084, the bed ratio in Tuen Mun and Yuen Long, excluding various other factors such as the psychiatric hospital at Castle Peak, comes to 1.77 beds per 1 000 population. But if we were to include all the beds and set the number against

population in New Territories West, it would have the highest bed to population ratio in the whole of the territory. Mr Deputy President, I am very grateful for the question because it reinforces my argument that to talk about numbers is easy and it has no real relevance to the actual situation on the ground.

MR MICHAEL HO (in Cantonese): Mr Deputy President, earlier on the Secretary mentioned that training capacity for nursing trainees would increase and that there would also be university places offered. I understand that there are indeed training places for nurses but they are under-enrolled. In fact, under enrollment is not uncommon in institutions like the Hong Kong Polytechnic and the universities and hospitals in the territory. Will the Administration inform this Council if the Health and Welfare Branch will liaise with the Education and Manpower Branch on this matter and that it will conduct some reviews on it?

DEPUTY PRESIDENT: Are you able to answer, Secretary for Health and Welfare?

SECRETARY FOR HEALTH AND WELFARE: In terms of Tuen Mun Hospital, we are short of some 600 nurses as at today but we hope by 1993 we will have overcome the problem. Basically, we always liaise with the relevant Secretaries when it relates to policy portfolio but here it boils down to free choice. There is no telling how young people will choose when they join a profession. We can plan so far but we cannot compel people to study in the area simply because we have a vacancy. So, I think it is a question of the nature of Hong Kong society. I wish we could do it better but I think it very much depends also on the calling of the profession, the attraction given to the young people by the profession and therefore, returning to my earlier answer, I look to the professionals themselves to attract people to the various important areas.

Illegal immigrant workers

6. MRS ELSIE TU asked: Will the Administration inform this Council:

(a) how many illegal immigrant workers from China are serving prison terms in Hong Kong jails;

(b) how many of them are first offenders and are aged between 13 and 21; and

(c) what is the breakdown of their ages?

SECRETARY FOR SECURITY: Mr Deputy President, about 3 100 illegal immigrants from China are serving prison terms in Hong Kong. Some 2 600 of these have been convicted of immigration-related offences and the rest convicted of other criminal offences. About 2 500 are first offenders; 489 claim to be between 14 and 21 years old. Of these 489, 25 are aged between 14 and 15, 271 between 16 and 18, and 193 between 19 and 21.

We do not send anyone under 14 to prison. If illegal immigrants under 14 are convicted they will be kept in boys' or girls' homes. At present there is one such offender aged 13 in the Begonia Road Boys' Home.

MRS ELSIE TU: Mr Deputy President, since it is known that when illegal immigrant workers are arrested and charged they will invariably be given a 15-month prison sentence, how much heed has the Government paid to Article 11 Paragraph 3 of the Bill of Rights which states and I quote "in the case of juvenile persons the procedure -- that means the procedure for arrest -- shall be such as will take account of their age and the desirability of promoting their rehabilitation"?

DEPUTY PRESIDENT: Secretary for Security, this is a bit marginal to the main question.

SECRETARY FOR SECURITY: Mr Deputy President, I think what I can say is that young offenders under 21 are kept completely separate from adult inmates. They are kept in institutions specially designed for them and first offenders are also kept separately from recidivists. The programme in the institutions for young offenders is designed to meet their specific needs.

MR SIMON IP: Mr Deputy President, given the large number of illegal immigrants in prison and the added strain they are putting on our already crowded prisons, has the

Government considered other means of deterrence or punishment apart from imprisonment in Hong Kong; if so, what are those means, if not, why not ?

SECRETARY FOR SECURITY: Mr Deputy President, I think that this really is a question of prosecution policy which is a matter for the Attorney General. But what I would like to say is that since the change in the Immigration Ordinance in November last year, the illegal immigrant population in Hong Kong prisons has dropped from about 4 600 at that time to about 3 100 today. So, we are achieving the objective of reducing the illegal immigrant population in prisons.

MR MARTIN LEE: Mr Deputy President, quite apart from the Bill of Rights considerations, how can we as a community tolerate a sentencing policy whereby young offenders of between 14 and 16 are sent regularly to prison for a first offence which does not cause any personal injury to others?

DEPUTY PRESIDENT: Secretary for Security, can you answer?

SECRETARY FOR SECURITY: Mr Deputy President, sentencing is a matter for the courts. I do not think I have anything to add to that.

PROF FELICE LIEH MAK: Mr Deputy President, will the Secretary for Security inform this Council what percentage of the total prison population the 3 100 illegal immigrants from China who are serving prison terms in Hong Kong are constituting?

SECRETARY FOR SECURITY: Mr Deputy President, they constitute about 30% of the prison population. At this time last year, they constituted about 40% of the prison population.

MR JIMMY MCGREGOR: Mr Deputy President, are illegal immigrant workers who have served the prison sentence in Hong Kong prevented from returning as legal immigrant workers under contract to Hong Kong employers, and if not, why not?

SECRETARY FOR SECURITY: Mr Deputy President, I believe the answer to that question is no, but I am afraid I am not sure.

DEPUTY PRESIDENT: Are you able to clarify this and reply in writing to Mr McGREGOR?

SECRETARY FOR SECURITY: Yes, Mr Deputy President. (Annex I)

DEPUTY PRESIDENT: Mr McGREGOR, are you rising to ask the same type of question?

MR JIMMY McGREGOR: Mr Deputy President, the question was not answered. I asked "if not, why not"? Will this be considered?

DEPUTY PRESIDENT: Will you put that in your written answer please, Secretary for Security.

MR LAU CHIN-CHEK (in Cantonese): Mr Deputy President, many of the illegal immigrant workers who are serving prison terms were arrested following a tip-off just before pay days. Will the Administration inform this Council whether they have got all their wages from their employers; if not, has the Administration helped them in recovering the wages from their employers? Furthermore, how many employers who hired illegal immigrant workers had been prosecuted and what were the penalties meted out to them?

DEPUTY PRESIDENT: I think the question, Mr LAU, really goes well beyond the scope of the original question. But on your second question which I have not quite caught, what are you trying to elicit please?

MR LAU CHIN-SHEK (in Cantonese): The second part of my question is: can the Administration inform this Council of the number of employers who were prosecuted for hiring illegal workers and the penalties they received?

DEPUTY PRESIDENT: Could you answer that please, Secretary for Security?

SECRETARY FOR SECURITY: Yes, Mr Deputy President, I can give some kind of answer to that question. I think since the Immigration Ordinance was amended late last year, we have taken about 300 prosecutions out against either employers or construction site controllers. Not all those prosecutions have yet been concluded but I believe that the great majority of those prosecutions have been successful.

DEPUTY PRESIDENT: There are a number of supplementaries outstanding. The original question provides a very narrow platform for some of the supplementaries already asked. I would ask Members please to try to keep the supplementaries to the main thrust of the original question.

MRS RITA FAN: Mr Deputy President, illegal immigrants cannot work in Hong Kong unless they are employed by someone. The Secretary's reply stated that 25 of those illegal immigrants are aged between 14 and 15. Can the Government inform this Council whether when the employers of the 14 to 15-year-old illegal immigrants are taken to court, they will also be charged with employing underaged people?

DEPUTY PRESIDENT: Secretary for Security, do you have the answer?

SECRETARY FOR SECURITY: Yes, Mr Deputy President, I am sure that would be considered in those cases. I would like to just clarify one point. I did say in my main answer that the figures I have given relate to those who claim to be of a certain age. Most of these people have no documentary proof or evidence of their age; we simply have to go on the ages they tell us.

MR MARTIN BARROW: Mr Deputy President, following up on Mr MCGREGOR's question, would the Secretary not agree that the root cause of this problem is the acute shortage of labour and rather than fill our prisons with illegals at great cost to the Hong Kong taxpayer, would it not be better to allow the legal importation of workers from China? If he agrees, could he advise what steps the Administration will take?

DEPUTY PRESIDENT: Are you in a position to answer that, Secretary for Security?

SECRETARY FOR SECURITY: I certainly agree and have asked that the needs of the construction industry should be taken into account in any scheme for the importation of labour to try to reduce the incentive to employ labour illegally. However, I am not convinced that that will be the certain answer to the whole problem. Such information as we have shows that many illegal immigrants employed on construction sites are paid only a fraction of the going wage in Hong Kong. I think therefore there is always likely to remain an incentive to some employers to employ illegal immigrants at very low wages and also of course for people in China to come to Hong Kong for employment where the wages are many times higher than in China.

DEPUTY PRESIDENT: I would repeat that Members ought to keep their supplementaries relevant to the original question and answer and, with that in mind, I will call upon the other supplementary questions but I am going to have to rule on this if my indications are not observed.

MR TAM YIU-CHUNG (in Cantonese): Mr Deputy President, I hope you would rule my question as relevant. Will the Administration inform this Council whether illegal immigrants who are arrested for working in the territory are sentenced to prison in most cases?

DEPUTY PRESIDENT: I am afraid I am going to rule that one out of order.

MR PETER WONG: Mr Deputy President, the Secretary has informed us that there have been successful prosecutions of employers. Will he please detail for us what were the sentences meted out to these people who have been successfully prosecuted?

DEPUTY PRESIDENT: It is out of order, I fear.

MR JIMMY MCGREGOR: Mr Deputy President, would the Secretary not agree, although in

his answer to Mr BARROW he suggested that it was the cost of labour that was a material element, that permitted control of the immigration of labour into construction sites would be a far better alternative than putting people in jail for 15 months who have come here simply to work?

DEPUTY PRESIDENT: That is out of order.

MR FRED LI (in Cantonese): Mr Deputy President, the Secretary has stated in his answer that there are 3 100 illegal immigrants who are serving prison terms in the territory. Could I be further informed how many of these 3 100 illegal immigrants were first-time comers who were arrested and sentenced for illegally working in the territory?

DEPUTY PRESIDENT: Do you have the figures, Secretary for Security, or would you need time and supply an answer in writing?

SECRETARY FOR SECURITY: Mr Deputy President, I did actually ask for these figures. I do not think that they are available and I do not think that they can be produced without a great deal of research. I am not sure whether it is really worth producing these figures. What I can say is that this year those who have come to Hong Kong for the second or subsequent time constitute approximately 23% of illegal immigrants arrested.

MR MARTIN LEE: Mr Deputy President, in reply to my earlier question which was ruled to be in order, the Secretary said that sentencing is a matter for the court. But of course seeking a review is a matter for the Attorney General. So will the Attorney General undertake to this Council that he will not seek a review of lenient sentences imposed on 14 or 15-year-olds by the court in relation to illegal immigrant workers from China?

DEPUTY PRESIDENT: I am afraid I am going to rule that one out of order. The original question was a very narrow one, asking simply for figures. I do not think it is really fair to use that as a platform for a variety of general questions although the topic

is important and I am sure it will be relevant material for a debate, or for a motion. But I do not think we can let questions stray beyond their correct ambit.

MRS ELSIE TU: Mr Deputy President, I am going to take a risk on this one. Would the Secretary explain how the Administration justifies the difference between its treatment of illegal immigrants and illegal immigrant workers from China in that it only repatriates the illegal immigrants but takes the workers before the court as criminals?

DEPUTY PRESIDENT: That I think is within the spirit of the original question.

SECRETARY FOR SECURITY: Mr Deputy President, I do think that this relates to a matter of prosecution policy which is not a matter for me. Perhaps I could ask if the Attorney General would like to comment on that.

ATTORNEY GENERAL: Mr Deputy President, that matter was of course extensively debated in this Council a year ago. I would refer Members to Hansard for a full account of what was said.

Triad activities in schools

7. MR CHEUNG MAN-KWONG asked (in Cantonese): In the light of some recent cases involving alleged money extortion from students and their being forced to become members of triad societies, will Government inform this Council what practical and effective measures will be taken by the departments concerned to prevent triad infiltration in schools, so as to ensure the safety of teachers and students and to protect them from harassment?

SECRETARY FOR SECURITY: Mr Deputy President, the police monitor closely triad activities in schools as part of anti-triad operations throughout the territory. They do this through the school liaison system.

Police liaison officers visit schools regularly to give talks to students to explain the dangers of involvement with triads and the proper action to be taken if they are approached by triad members. A teaching package on the dangers of triad involvement has been introduced in all primary and secondary schools.

Police officers also visit amusement games centres and other locations which may be frequented by students outside school hours, and infiltrated by triads in one form or another. This has resulted in the arrest of a number of triad members.

The fight against triads is taken to the community at large through educational films, pamphlets and Announcements of Public Interest. A primary target of this publicity is school children and their parents.

Within schools, the approach is to ensure that the education provided is as positive and rewarding as possible so that school students are less vulnerable to triad influence. A priority area is to give guidance to students at risk. Guidance and counselling work in schools have been strengthened by the establishment of Student Guidance Officers and School Social Workers.

The Fight Crime Committee has set up a working group, which includes representatives of the police and Education Department, to improve the training of teachers in the identification and prevention of delinquency. Among other things, a 60-hour course on this subject has been devised and provided to staff in the colleges of education.

We need the co-operation of the community in the fight against the triads. I should once again like to take the opportunity to urge the public, teachers, parents and students themselves to report crime, to provide evidence and be willing to testify against culprits. With such assistance we can and will make progress to protect teachers and students from harassment.

MR CHEUNG MAN KWONG (in Cantonese): Mr Deputy President, in view of the greater vulnerability of private schools and under-enrolment schools to triad influence, will the Administration inform this Council whether the Education Department intends to provide these schools with a better learning environment in terms of, for example, a smaller class and a greater number of counselling teachers, so as to assist students in their school work and to provide them with greater individual care and attention?

SECRETARY FOR SECURITY: Mr Deputy President, I think that following from the Education Commission Report No. 4, a number of measures have been taken to assist students with behavioural problems which may be related to learning difficulty. These include the introduction of a school-based remedial support programme which includes intensive remedial teaching, self study and learning support sessions and an alternative curriculum better suited to the interests and abilities of academically less able children, the setting up of practical schools offering a diversified curriculum comprising both academical subjects and practical subjects, and the establishment of special skills opportunities schools for junior secondary students. As regards the second part of the question, I believe that the number of Student Guidance Officers and School Social Workers has been also increased in recent years. The present establishment is 222 School Guidance Officers and 150 School Social Workers.

MR SZETO WAH (in Cantonese): Mr Deputy President, will the Administration inform this Council whether there was in the past constant exchange of information between the Education Department and the police with a view to establishing a list of schools where the problem of triad infiltration was comparatively more serious? If not, would the Administration agree that this would be helpful in tackling the problem in the future?

SECRETARY FOR SECURITY: Mr Deputy President, the police and the Education Department do keep and have for many years, I believe, kept in very close contact to monitor the situation in schools and certainly to exchange information about the situation in individual districts and individual schools. The measures that are taken by the police to prevent triad infiltration in schools include regular school visits and lectures by District Police School Liaison Officers, seminars for school principals and teachers, involvement of young persons in Junior Police Call activities and, of course, more generally, warning against involvement in crime through films, pamphlets and Announcements of Public Interest on television and, in the case of the latter, school children and parents are one of the main targets.

MR ERIC LI: Mr Deputy President, given that triad activities have probably been existing for some time, and cannot be totally stamped out in the foreseeable future, it is perhaps more relevant for this Council to know whether the level of these

activities has been increasing or decreasing. Can the Government therefore inform this Council what statistics and other objective means of measurement they can provide to indicate the trend and the level of triad activities amongst students so that this Council may properly judge the effectiveness of the action taken?

SECRETARY FOR SECURITY: Yes, Mr Deputy President, I have a number of statistical measurements here. I think that generally the trend is that student involvement in crime, and particularly in triad-related crime, has not been on the increase in recent years. Indeed, in some respects, we have seen a significant decrease. Perhaps I could give some examples of this. For children and young persons, which would include all school children but would certainly include some others besides, the incidence of offences relating to triad activities, to wounding or serious assaults has stayed more or less constant in the last five years. When we come to crime generally by juveniles and young persons, both violent crime, property crime, and total crime by juveniles and young persons have decreased quite significantly in the last five years. To give one example of this, total crime by juveniles and young persons in 1987 amounted to 3 720 cases. In the first nine months of this year, the figure is 2 150.

MRS RITA FAN: Mr Deputy President, is the Secretary aware that some schools have reservation in reporting cases of gang activities to the police for fear of the adverse publicity generated which would affect the intake of students into those schools, and if the Secretary is aware of this, has any measure been taken to counteract it?

SECRETARY FOR SECURITY: Mr Deputy President, yes, we have taken measures to try to get around that problem. There is a survey on behavioural problems in schools conducted every four months and one of the main aims of this survey is to gauge the extent of suspected involvement in triad activity, particularly among secondary students. There is certainly no reason why schools should deliberately under-report such incidents because the information is supplied on confidential basis and is not used against any pupil, any teacher or any school.

MRS ELSIE TU: Mr Deputy President, as the danger to other students in a school is serious and the teachers are unable to cope with real triad elements, does the Government have any plans to provide special education to students at risk who cannot

be taught within the normal school environment and whose parents are unable to cope?

SECRETARY FOR SECURITY: Mr Deputy President, I think I did answer that question as best I could in answer to an earlier supplementary. I referred to the changes that have been brought in as a result of the Education Commission Report No. 4. I am afraid I am not able to add to that, but perhaps I could ask whether the Secretary for Education and Manpower can say anything additional.

DEPUTY PRESIDENT: Secretary for Education and Manpower, can you add to what has already been said?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, as my colleague, the Secretary for Security, has pointed out, there are various proposals in the Education Commission Report No. 4 which the Government has accepted and we are now planning their implementation including, for instance, the establishment of practical schools and special skills opportunities schools.

MRS SELINA CHOW: Mr Deputy President, referring to the last paragraph of his answer, will the Secretary please inform this Council what specific measures are being taken to encourage and promote the co-operation of the community, in particular that of parents, to fight triads in schools, such as special procedure to handle the point sensitively?

SECRETARY FOR SECURITY: Yes, Mr Deputy President, I think that a number of measures have been taken by the police to try to get greater co-operation from the public at large, from potential witnesses to report and co-operate in the prosecution of crime. Amongst those are the simplification of the reporting procedures which have been reviewed and a number of changes made in the last few months. There has also been the introduction of more one-way mirror facilities. A number of such facilities are now in operation and a great many more will be coming into operation in the next 12 months because they are now being included in many new projects for new police stations.

PROF FELICE MAK: Mr Deputy President, will the Secretary for Security advise this

Council as to what he considers to be students at risk in the fifth paragraph of his reply?

SECRETARY FOR SECURITY: Mr Deputy President, I think I meant by that those who are identified by schools as having behavioural problems and who may be prone or susceptible to involvement in criminal activities, gang activities and triad activities.

MR FRED LI (in Cantonese): Mr Deputy President, in paragraph 5 of his main answer, the Secretary mentioned the school social work service which he hoped might assist students and teachers in solving the triad problem in schools. Despite the agreed school social worker/student ratio being set years ago at 1:2000, the ratio, most unfortunately, remains unrealistic because of resource constraints. In view of the increasing triad infiltration in schools, will the Administration advise this Council whether it will improve as soon as possible on the manning ratio for School Social Workers so as to solve this problem?

SECRETARY FOR SECURITY: Mr Deputy President, I feel I have to ask my colleague, the Secretary for Education and Manpower, whether he can help me with that one.

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the manning ratio for Student Guidance Officers in schools as recommended in the Education Commission Report will remain at 1 to 2 500 in overall terms for the time being. But there will be arrangements made to try and achieve a better deployment of these trained personnel. There are proposals to transfer Student Guidance Officer posts in the Education Department to schools and there are proposals to adopt a school-based guidance and counselling service which we believe will provide more effective results.

MR NG MING-YUM (in Cantonese): Mr Deputy President, in view of the fact that billiard halls, video game centres, playgrounds and even open areas in close vicinity to the schools are sometimes places where school children are recruited by triad elements -- this is obviously the case at least in Tuen Mun district to which the Honourable

LAU Wong-fat and I belong, will the Administration inform this Council whether any further and effective action will be taken; if so, how will the recruitment of the so-called triad members at the above-mentioned places be prevented?

SECRETARY FOR SECURITY: Mr Deputy President, as I said in my main answer, the police will, within the limitation of resources and other priorities, do their best to put a presence in and to monitor such activities in billiard halls, playgrounds and so forth which are often frequented by triads and where children and young persons may also be present.

DR YEUNG SUM (in Cantonese): Mr Deputy President, though the police claimed some time ago that the triad problem was basically not very serious in Hong Kong, the education sector still has grave concern about triad infiltration in schools. Could the Administration therefore inform this Council whether a comprehensive review will be conducted with a view to revealing the real situation of triad infiltration in schools so that this Council will be in a better position to discuss the matter?

SECRETARY FOR SECURITY: Mr Deputy President, as I said in answer to an earlier supplementary, there is a very regular survey conducted every four months which does include information on triad activities in schools. We do also from time to time conduct a more general crime victimization survey. It has been agreed that the next survey and future surveys will include questions on triad activities as well as other crimes.

Export or re-export of goods made by prison labour

8. MR JIMMY MCGREGOR asked: Does the Government have any policy towards permitting the export or re-export of goods processed or manufactured in Hong Kong or elsewhere by prison labour?

SECRETARY FOR TRADE AND INDUSTRY: Mr Deputy President, our general policy on the export or re-export of goods is that, provided that this does not infringe any Hong Kong law or any of our international obligations, goods can be traded freely. There

is currently no Hong Kong law or international obligation which would prohibit the export or re-export of goods processed or manufactured in Hong Kong or elsewhere by prison labour.

We also have a general policy of keeping our importers and exporters informed of the trade policies and regulations of our trading partners. In this connection, the Trade Department has recently issued an advisory circular informing our trading community that it understands that United States laws prohibit the import of prison-made goods and that it is China's policy to prohibit the export of such goods. The Director-General of Trade has also briefed representatives of local trade and industrial associations on the issue.

MR JIMMY MCGREGOR: Mr Deputy President, has the Government investigated the trade in prison goods about which the United States Congress has been informed, and if so, can the Government indicate whether such trade was conducted, the scale on which it was conducted, what the products were, to which countries they were exported and in which countries they were made?

SECRETARY FOR TRADE AND INDUSTRY: Mr Deputy President, I can confirm that the Customs and Excise Department has conducted investigations into four companies which were in recent months named in the allegations in the news media. The investigations, I should point out, were conducted under the Import and Export Ordinance for the purpose of verifying the particulars furnished in Import and Export Declarations filed by the companies involved. The results of the investigations indicated that all four companies did import goods from China but only two of them re-exported those goods to the United States. The other two re-exported them to other places including South Korea. As to the scale of the exports, I can inform the Council that about HK\$25 million worth of goods were re-exported by the companies concerned to the United States, and about HK\$13 million's worth were re-exported to other countries. This, measured against the total of HK\$81 billion in re-exports of Chinese goods to the United States, represents less than 0.05%. There was no indication from the records of these companies, which were seen by the Customs Officers during the investigation, that the goods imported from China were manufactured by prison labour in China. There was also no evidence that any of these companies breached any law on import and export under the relevant Hong Kong Ordinance.

MR HOWARD YOUNG: Mr Deputy President, in view of the concern or even laws of certain influential importing countries on goods manufactured by prison labour, would it be feasible for Hong Kong to also have laws, as opposed to just policies, prohibiting export of such goods to specific countries in order to avoid our exporters in general being adversely affected should some nation choose to sanction Hong Kong in general for such practices?

DEPUTY PRESIDENT: There is an element of seeking an opinion and there is also an element of a hypothesis here. So, Secretary for Trade and Industry, please answer within the scope of what is permissible under Standing Orders: if there is a policy, if there is information which you can impart, as distinct from an opinion and as distinct from a purely hypothetical situation.

SECRETARY FOR TRADE AND INDUSTRY: Mr Deputy President, as far as we know, there are very few countries which have laws prohibiting the importation of goods made from prison labour. The United States is one of them. The only other one, I think, is New Zealand. As regards the second part of the question, I do not think it would be wise for us to introduce legislation in Hong Kong prohibiting the importation or exportation of prison labour made goods for a very good reason and that is that such laws in Hong Kong would not be capable of being enforced. They would not be enforceable because I do not think it is likely that evidence could be found in Hong Kong that such goods have been manufactured elsewhere from prison labour; and since our Customs Officers have no right of investigation outside Hong Kong, it would also not be possible for the Hong Kong Government to establish elsewhere whether the goods in question are made from prison labour. Therefore I do not think it is advisable to introduce laws which are not enforceable.

MR PETER WONG: Can the Secretary confirm or otherwise whether there are any Hong Kong prison made goods which have been exported?

SECRETARY FOR TRADE AND INDUSTRY: Mr Deputy President, I can confirm that no Hong Kong prison goods have been exported.

MR MARTIN BARROW: Mr Deputy President, would the Secretary confirm that, despite Mr McGREGOR's quite realistic concerns, the development of industry in the prisons here will continue in the production of signs and name cards and everything else they do, which will help reduce the cost of the prison service?

SECRETARY FOR TRADE AND INDUSTRY: Mr Deputy President, that is really a question for the Secretary for Security but I will answer that. I will say on his behalf that there is no reason why such an industry should be discouraged in Hong Kong.

MR JIMMY McGREGOR: Mr Deputy President, with respect to the Secretary, does the Hong Kong Government permit the sale of Hong Kong made prison goods commercially outside the prisons and outside the Government Service? I think this is rather a different issue.

SECRETARY FOR TRADE AND INDUSTRY: Mr Deputy President, I can confirm that the Government does permit the sale of these goods outside the prison service and outside the Government but within Hong Kong. I can also inform this Council that over 90% of the goods produced by prisoners in Hong Kong are consumed by the Hong Kong Government.

Written answers to questions

Chit-fund associations

9. MR NG MING-YUM asked (in Cantonese): Will the Administration inform this Council:
(1) how it monitors the effectiveness of the legislation regulating chit-fund associations;

(2) how many fraudulent chit-fund associations have come to light in the past five years and what penalties have been imposed on offenders; and

(3) whether it will review the regulatory legislation and policy on chit-fund associations so that the interests of the public can be better protected?

SECRETARY FOR MONETARY AFFAIRS: Mr Deputy President, control of chit-fund businesses in Hong Kong is carried out under the Chit-fund Businesses (Prohibition) Ordinance (Cap. 262). As the title implies the primary purpose of the Ordinance is to prohibit rather than regulate the operation of chit-funds. Under section 3 of the Ordinance, subject to the exemption under section 5, it is an offence to operate a chit-fund. The term "operate" is defined to include "manage, form, conduct, organize, advertise and aid, assist or take part in operating". An offender is liable to a fine and imprisonment.

Enforcement of the legislation is the responsibility of the police. The number of cases of fraudulent chit-funds reported during the past five years is shown in Table 1 of the Annex. Statistics of penalties imposed on offenders for the past three years are shown in Table 2.

The Commissioner of Police considers that there has been no significant problem in the prosecution of offenders under the Ordinance and believes the legislation to be adequate for enforcement purposes.

Although the figures do not indicate that there is a significant problem with chit-fund associations, we will continue to monitor the situation closely and review the legislation and policy on chit-funds if the situation so requires.

Annex

Table 1

Cases of Fraudulent Chit-funds Reported for 1987-91

Year	No. of cases
1987	10
1988	15
1989	5
1990	6
1991 (up to Sept.)	9

Table 2

Sentencing of Persons Charged with Operating a
Chit-fund Business 1989 - 1991

	1989	1990	1991 (up to March)	
No. of cases		9	2	2
Acquitted	1	-	1	
Convicted	8	2	1	
Sentence				
- Bound over/ conditional discharge			2	1
- Immediate imprisonment	1			(2 mths)
- Fine (HK\$)				
- 500	2			
- 501-1,000	2			
- 1,001-2,000		2		
- above 2,000			1	

Note: Persons charged in a particular year might be arrested in previous years.

Taxi service

10. MR PETER WONG asked: Will the Government inform this Council whether public demand for taxi services throughout Hong Kong is satisfied and what steps have been taken to ensure this?

SECRETARY FOR TRANSPORT: Mr Deputy President, the adequacy of taxi services in Hong Kong is assessed annually by the Transport Department's roadside and taxi stand surveys.

These surveys are carried out in January/February each year. The availability of urban taxi services has been shown to be generally adequate. This is demonstrated by their improved availability since 1990 : the average percentage of occupied taxis dropped from 83% to 80%, the average vacant taxi headway reduced from 1.8 to 1.4 minutes, and the average passenger waiting time at taxi stands lowered from 1.2 to 0.6 minute (See table 1 below).

Table 1 : Urban Taxi Services

	1988	1989	1990	1991
Average percentage of occupied taxis	81%	81%	83%	80%
Average vacant taxi headway (min.)	1.7	1.8	1.8	1.4
Average passenger waiting time at taxi stands (min.)	1.4	1.2	1.2	0.6

Similarly, surveys on New Territories taxi services indicate that the passenger waiting time at taxi stands averaged 0.2 minute for the three years ending 1990 and has since improved to 0.1 minute (Table 2).

Table 2 : NT Taxi Services

	1988	1989	1990	1991
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Average percentage of occupied taxis 82% 83% 82% 79%

Average vacant taxi headway (min.) 3.3 3.8 4.4 3.7

Average passenger waiting time at taxi stands (min.) 0.2 0.2 0.2 0.1

Likewise, the level of Lantau taxi services has been shown to be adequate on the whole.

To meet public demand for taxi services, the Transport Department assesses the number of additional taxi licences to be issued each year with reference to the findings of these surveys. However, such demand needs to be balanced against the limited capacity of our roads. Account has also to be taken of the impact of additional licences on the viability of taxi operation.

The current policy is to issue no more than 400 urban taxi licences every two years and up to 100 New Territories taxi licences in 1991 and 1992. The Administration has also kept under regular review measures to improve the quality of taxi services and proposals will be put to the Transport Advisory Committee for advice as necessary.

Free provision of dialysis fluid

11. MR MICHAEL HO said (in Cantonese): According to the guidelines of the Hospital Services Department, kidney patients are not provided with peritoneal dialysis fluid free of charge if they are below 15 or above 55 years of age. Will the Administration inform this Council:

(a) of the medical factors on which these guidelines are based;

(b) of the additional annual expenditure required, in terms of actual amount and percentage over current level of expenditure, if the service were to be extended to all kidney patients who are in need, irrespective of their age; and

(c) whether it will change the guidelines to remove the current discrimination against patients below 15 and above 55?

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, according to the guidelines established on the advice of the Central Renal Committee, a patient for maintenance therapy (haemodialysis or CAPD, that is, continuous ambulatory peritoneal dialysis) should preferably be between the ages of 12 and 55 and not suffering from unrelated diseases with poor prognosis or from severe psychiatric illnesses.

Currently, 1 212 patients are receiving various forms of maintenance therapy in the public sector. Of this total, 889 are on CAPD programme and 384 of which do not fall within the above guidelines. These 384 patients are, however, also under treatment. They either buy their own fluid for dialysis or get the fluid from various charitable agencies, with Government and Government-subsidised institutions providing other necessary drugs, medical attention and training.

We welcome and appreciate the contribution of agencies in the community. If we were to take over their role, the additional annual cost to the public purse could be in the region of \$14 million.

Revision of the guidelines in respect of the age factor will be discussed by the Central Renal Committee. I stand to be advised of its deliberation.

Planning criteria for Cheung Chau

12. MR ALBERT CHAN said (in Cantonese): Will the Government inform this Council of the policy, guidelines and principles regarding the use of land and the planning standards in Cheung Chau; and in respect of planning and development, what measures will be taken by the Administration to ensure that the traditional characteristics and peaceful living environment of Cheung Chau can be maintained?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the overall policy for the development of Cheung Chau is to maintain the rural character of the island in relation to density of development, building bulk and building height while

providing a framework for various land uses in appropriate locations. This policy is translated onto the Cheung Chau Outline Development Plan, which is on sale to the public, and in the Explanatory Statement, which is also available for public information. In addition, layout plans for Cheung Chau Central, North, South and West are available, which provide guidance to the development of the island in more detailed terms. While the planning intention is to maintain an overall rural character for the island through low-rise, low density developments, spatial variation in density is allowed for a more densely populated central Cheung Chau, keeping the north, south and eastern parts more "open" and less densely populated.

As for the provision of open space and government/institution/community facilities in Cheung Chau, this is generally in accordance with the Hong Kong Planning Standard and Guidelines.

Other measures taken to maintain the traditional characteristics and peaceful living environment of Cheung Chau include the preservation of monuments, the zoning of Fung Shui Lanes, and the present policy of only allowing the use of village motorized vehicles.

Container Terminal 9

13. MR LEE WING-TAT asked (in Cantonese): Will the Government inform this Council whether it will review the siting of Container Terminal 9 (CT9) on Tsing Yi Island and the intended timing for works to commence; and if so:

(a) when will a final decision on the project be taken; and

(b) will it consider locating CT9 at Lantau North having regard to the possible benefit of increased utilization and enhanced viability for the road facilities, particularly Tsing Ma Bridge, being built for the new airport?

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, the need for additional container terminals is kept under regular review.

Based on forecasts of growth in container throughput, the Government expects that all existing terminals plus Terminal 8 on Stonecutters Island will be fully utilized

during 1995. This will mean that additional facilities should come on stream at that time or we will suffer from increasing congestion in the port and consequential economic disbenefits.

It is presently intended that these additional facilities, which will form Container Terminal 9 (CT9), should be sited at southeast Tsing Yi. Should that be confirmed, I envisage that works would commence in early 1993. Before an irreversible decision is taken, however, it is prudent that we should review all options for the production of additional handling capacity in the port.

An exercise specifically addressing this issue and including the need for the Tsing Yi site and the other considerations referred to in Mr Lee's question is now in hand. I expect a conclusion before the end of the year.

I should caution, however, that against the background of a sustained strong growth in container throughput this year, and the requirement to have substantial additional container facilities on stream some two years ahead of the opening of the Lantau Fixed Crossing, our scope for manoeuvre is limited if we are to continue to meet demand.

First Reading of Bills

PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1991

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 1991

EMPLOYMENT (AMENDMENT) (LONG SERVICE PAYMENT) BILL 1991

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

Second Reading of Bills

PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1991

THE SECRETARY FOR THE TREASURY moved the Second Reading of: "A Bill to amend the

Professional Accountants Ordinance."

He said: Mr Deputy President, I move that the Professional Accountants (Amendment) Bill 1991 be read the second time.

This Bill seeks to make a number of amendments to the Professional Accountants Ordinance (Cap. 50). The amendments, which were proposed by the Hong Kong Society of Accountants, are designed to strengthen the Society's ability to monitor the professional standards of its practising members.

At present, the Society regulates the activities of its members through a reactive system. Under this system the work and conduct of a professional accountant can only be examined after a formal complaint. However, given rising public expectations concerning professional standards, the Society now believes that it is desirable to enhance its regulatory activities.

To this end the Bill provides the Society with additional powers that will enable it to review, or examine, the methods and procedures of practising members relating to their audit work to determine whether they comply with the professional standards that have been laid down by the Society. The Bill also empowers the Society to instigate disciplinary proceedings against any member who refuses to comply with requirements of a review, or who is found to be in breach of the professional standards of the Society.

The Government strongly supports the proposed amendments contained in the Bill, as they represent a further positive step towards ensuring that high professional standards in accountancy are maintained in the public interest. To ensure that the interests of members of the Society and their clients are protected, the Bill also makes specific provisions concerning immunity and secrecy.

Mr Deputy President, I move that the debate on the motion be now adjourned.

Question on the adjournment proposed, put and agreed to.

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 1991

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: "A Bill to amend the Smoking (Public Health) Ordinance."

She said: Mr Deputy President, I move that the Smoking (Public Health) (Amendment) Bill 1991 be read the Second time.

This Bill seeks to introduce more measures to discourage smoking and to minimize the health hazards of smoking. There are four major areas of change in this present legislative proposal and I shall elaborate on each of them.

First is on the designation of "No Smoking" areas. Under the existing law, smoking is prohibited in public lifts, half of the seating accommodation in cinemas and concert halls, all single deck public transport vehicles and the lower deck of multi-deck public transport vehicles. The Bill seeks to impose a total ban of smoking in cinemas, theatres, concert halls, amusement game centres and public transport carriers including taxis when carrying passengers. The Bill also seeks to revise the contents of the "No Smoking" signs such that they would include a statement of the maximum penalty for committing the offence of smoking in a "no smoking" area.

The second proposed change is related to tar content. The Bill seeks to impose a maximum tar content of 20 milligrams per cigarette. I also intend to revise the tar group designation in the Smoking (Public Health) Regulations. Cigarettes with a tar content of 0 to 9 milligrams are to fall within the Low tar group, those of 10 to 14 milligrams to be within the Low to Middle tar group, 15 to 17 milligrams the Middle tar group, and 18 to 20 the High tar group.

The third area is on cigarette advertising. The Bill seeks to impose a total ban on cigarette advertising in cinemas. Furthermore, opportunity is taken to provide for a similar ban on such advertising on radio and television, which ban has already been in operation since 1 December 1990 by conditions of licence issued by the Broadcasting Authority.

As regards cigarette advertisement, the Bill seeks to distinguish clearly between advertisement of tobacco sponsorship per se from that of corporate sponsorship by companies whose line of business happens to include cigarettes. Whilst health warning would be required of tobacco sponsorship, corporate sponsorship however would be exempted from carrying a health warning provided that the words "smoking" or "cigarette" or "tobacco" do not appear.

The fourth area is related to health warnings. At present, all cigarette packets, containers and advertisements must bear a health warning message "Cigarette Smoking is Hazardous to Health". In fulfilment of my responsibility to educate the public on the risk of smoking and to disseminate information about the harmful effects of tobacco products, I intend to make an Order under sections 8 and 9 of the Ordinance such that the existing health warning be replaced by four stronger messages to be used in rotation. These include "Smoking can Kill", "Smoking can Cause Cancer", "Smoking can Cause Heart Disease" and "Smoking Harms Yourself and Others". The Order will also require the health warning message to appear on the two largest faces of cigarette packets and the warning panel should occupy not less than 20% of the surface. The health warning panel on cigarette advertisements should be enlarged to twice the present size. For outdoor cigarette advertisements, the health warning message must be properly lit and unobstructed.

The Bill also seeks to revise the levels of fine for various offences. The existing levels have been set in the early 1980s and have not been revised since then. To provide effective deterrent, the Bill seeks to increase the maximum fine for individual offenders by 100% and those for corporate offenders by 200%.

Mr Deputy President, if the Bill is enacted, I propose to allow a reasonable lead time in order that affected parties may carry out preparatory work to implement the new measures. As different grace periods will be needed for different requirements, I propose that different provisions should come into operation on different dates. Where preparatory work is required, we will allow a lead time of six months or a year.

Mr Deputy President, it has been Government's policy to discourage smoking. This Bill is a major step forward in our progressive measures to tighten up control on smoking in public places and to dissuade people from picking up or continuing with the habit of smoking. It complements our other measures in respect of health education.

Mr Deputy President, I move that the debate on this motion be now adjourned.

Question on the adjournment proposed, put and agreed to.

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second Reading of: "A Bill to amend the Employment (Long Service Payment) Ordinance."

He said: Mr Deputy President, I move that the Employment (Amendment) (Long Service Payment) Bill 1991 be read a Second time.

The Bill seeks to improve further the long service payment scheme, which was first introduced in 1985 and to which some improvements were made in 1988. The scheme provides for a lump sum payment to an employee whose contract of employment has been terminated after working with an employer for a number of years. Termination of employment in this regard can take any one of the following forms:

- (a) retirement, or resignation on age grounds, of an employee aged 65 or above, or
- (b) retirement on health grounds, or
- (c) dismissal for reasons other than redundancy or serious misconduct; or
- (d) death in service.

The number of years of service qualifying for the long service payment varies depending on the age of the employee. The younger the employee, the longer the qualifying service. At present, for retirement on grounds of old age, the qualifying service is 10 years. For other grounds of termination of employment, the qualifying service is five years for an employee aged 45 or above, six years for one aged 44, seven years for one aged 43, and so on up to a qualifying service of 10 years for an employee aged 40 or below.

The amount of long service payment depends mainly on an employee's wages and length of service. For each year of service an employee is eligible for two-thirds of a month's wages as at the time of termination of employment, or two-thirds of \$15,000, whichever is less. Reduced payments are specified for younger workers in such a way that those aged below 36 are entitled to 50%, while those aged 36 or more but less than 40 are entitled to 75% of the payment.

These differential rates of payment and differential qualifying periods of service based on age were originally intended to give greater protection to the older

workers. However, they have become a source of discontent because they are considered by many to be discriminatory against younger workers. This amendment Bill seeks to improve the scheme by reducing the differential treatment based on age. As expected, the views of employers and employees differ on the ways to improve the scheme. The proposals embodied in the Bill have been reached after extensive consultation with the Labour Advisory Board.

First, we propose that the existing differential rates of payment based on age should be removed over a two-year period. In other words, during the first year after the commencement of this Bill, an employee aged below 36 will become entitled to 75% of the payment. From the second year onwards, all eligible employees will be entitled to full payment irrespective of their age. Clause 5 of the Bill provides for this proposed amendment.

Secondly, we propose that the qualifying service for those employees aged below 45 should be reduced to five years so that, in effect, the qualifying service will become standardized to five years irrespective of an employee's age. However, an employee who does not have the qualifying service under the existing scheme but becomes qualified under this Bill will only be entitled to a percentage of long service payment, depending on his length of service. For example, an employee aged 40 or below will be entitled to 50% of the payment if he has five years' service. His entitlement will be increased to 60% if he has six years' service. His percentage of entitlement will keep on increasing as his length of service increases until he is entitled to full payment when he has clocked up 10 years' service. This proposal will enable younger employees to become entitled to long service payment earlier. Employees aged 45 or above will not be affected by this proposal. Clauses 2, 3 and 4 of the Bill provide for this improvement.

These proposals may sound a little complicated, but would not be difficult to administer. Although there may still be a difference in the amount of long service payment receivable by two employees of the same length of service but of different ages, the difference will be very much reduced as compared with that under the existing provisions. The scheme will be reviewed after the proposed improvements have been implemented for some time. Further improvements can be made if there is such a need.

Mr Deputy President, I move that the debate on this motion be now adjourned.

Question on the adjournment proposed, put and agreed to.

Adjournment and next sitting

DEPUTY PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 30 October 1991.

Adjourned accordingly at four minutes to Five o'clock.

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