

1 HONG KONG LEGISLATIVE COUNCIL -- 26 February 1992

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OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 26 February 1992

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, C.B.E., J.P.

THE ATTORNEY GENERAL

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

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

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

THE HONOURABLE 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, O.B.E., J.P.

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

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

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

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, 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

PROF THE HONOURABLE EDWARD CHEN KWAN-YIU

THE HONOURABLE VINCENT CHENG HOI-CHUEN

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, J.P.

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, J.P.

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, J.P.

THE HONOURABLE FRED LI WAH-MING

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

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE STEVEN POON KWOK-LIM

THE HONOURABLE HENRY TANG YING-YEN, J.P.

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

THE HONOURABLE ZACHARY WONG WAI-YIN

ABSENT

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

THE HONOURABLE NG MING-YUM

IN ATTENDANCE

MR GRAHAM BARNES, C.B.E., J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

MR MICHAEL LEUNG MAN-KIN, C.B.E., 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 MICHAEL SUEN MING-YEUNG, J.P.
SECRETARY FOR HOME AFFAIRS

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

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.

Rectification of Errors Order 1992.....
25/92

Dutiable Commodities (Liquor Licences)
(Specification of Fees) (Regional Council
Area) (Amendment) Notice 1992..... 26/92

Admission and Registration (Amendment)
Rules 1992.....
27/92

Admission and Registration (Amendment)
(No. 2) Rules 1992.....
28/92

Articled Clerks (Amendment) Rules 1992.....	29/92
Continuing Legal Education (Amendment) Rules 1992.....	30/92
Disciplinary Committee Proceedings (Amendment) Rules 1992.....	31/92
Legal Practitioners (Fees) (Amendment) Rules 1992.....	32/92
Non-contentious Probate (Amendment) Rules 1992.....	33/92
Solicitors' Practice (Amendment) Rules 1992.....	34/92
Solicitors (Professional Indemnity) (Amendment) Rules 1992.....	35/92
Legal Practitioners (Amendment) Ordinance 1991 (Commencement) Notice 1992.....	36/92

Sessional Papers 1991-92

- No. 53 -- Hong Kong Baptist College
Annual Report 1990-91 with Accounts for the
year ended 30 June 1991
- No. 54 -- City Polytechnic of Hong Kong
Annual Report 1990-1991 with Financial Report
- No. 55 -- Li Po Chun Charitable Trust Fund
Annual Report for the Period 1 September 1990 to
31 August 1991

Address by Member

Hong Kong Baptist College Annual Report 1990-91 with Accounts for year ended 30 June 1991

DR SAMUEL WONG: Mr Deputy President, the Annual Report of the Hong Kong Baptist College for the year ended 30 June 1991 and the Auditors' Report for the same period are tabled before this Council today. As a member of the College Council, I take pleasure in presenting the reports to you and in highlighting a number of the significant achievements of this institution in the year under report.

The major challenge for the College in the year 1990-91 was the institutional review visit by the Hong Kong Council for Academic Accreditation (HKCAA) which took place in January 1991. It was a periodic review required by the University and Polytechnic Grants Committee (UPGC) and the review panel's main term of reference was to assess the suitability of the College's academic environment and processes for the conduct and development of first, higher and research degrees.

At the end of the visit, the review panel confirmed that the Hong Kong Baptist College had a satisfactory environment for degree level work and for a gradual development of postgraduate programmes. The panel was impressed with the commitment of both staff and students and the substantial improvement in College resources and facilities. The College was congratulated on the successful management of its recent programme of change and expansion.

The visiting panel's very positive conclusion was a most timely and encouraging gift of recognition to the College community as it celebrated its 35th anniversary. It summarized the achievements of the College made in the past 35 years of its history and spurred both staff and students towards even greater heights.

In the 1990-91 year, there were altogether 10 undergraduate courses on offer, with a total of 30 academic majors/options. The number of full-time students enrolled in first degree courses grew by 9% to reach 3 269. There were 31 postgraduate students enrolled in the Master of Philosophy by research programme. Building on the experience of supervising these students, the College decided to submit a proposal to the UPGC to launch a Doctor of Philosophy by research programme in 1992-93. I

am pleased to report that this proposal has now been accepted for PhD students to be enrolled from the spring of 1992. In addition to the full-time students, there were also 1 616 students taking the part-time degree conversion courses and some 50 000 separate registrations for courses offered by the College's School of Continuing Education. All of these part-time courses are offered on a self-financing basis.

The year 1990-91 was also one of hard work and good results in the area of research. During the year, the College continued to enhance its infrastructure for research, which included the acquisition of research equipment, specialized library holdings, and more sophisticated computing facilities. The College allocated a sum of \$3.853 million to support 50 research projects and provide partial assistance to the operation of the four research centres. The College was also successful in the competitive bidding for funding from the UPGC's Research Grants Council, with a total of \$3.311 million approved for five research projects out of eight project proposals submitted. Additionally, there were 273 smaller projects which made use of recurrent funds directly allocated to faculties and schools.

On the consultancy front, a major collaborative project entitled "Technology Road Maps for Hong Kong" was undertaken by the UPGC institutions. This project studied in depth four technology areas with particular potential for Hong Kong, and the College played an active part both in the steering group overseeing the project as well as in the technical investigations into environmental technology.

During the year the College was engaged in active negotiations with the UPGC and the Government on the equalization of the College's salary scale with that of the universities, a principle which has been accepted by the UPGC. Since academic staff of the College are fully qualified for university appointment and are totally engaged in degree and postgraduate level teaching and research, they should be given the same remuneration as their counterparts in the universities. I am delighted to learn that, subject to some financial technical arrangements, the common salary scale could be implemented with effect from the 1992-93 year.

For physical development, the College was granted a large site at Renfrew Road just south of its present Waterloo Road campus for further expansion. Two new projects on this site progressed well on track during the 1990-91 year. The first was the joint outdoor sports ground to be shared with the two Polytechnics. The second was a group of academic buildings to accommodate an additional 1 000 students by 1994. This expansion is in line with the government-approved expansion plans to

bring the territory-wide first-year-first-degree student number to 15 000 by 1994.

During the 1990-91 year, many facets of the work of the College won favourable endorsement from its peers. To quote from the report of the institutional review panel cited at the outset, the College has "..... a positive corporate atmosphere among staff and students, with a strong sense of pride in, and allegiance to, the institution. The staff are keen and committed; the students (are) impressive and enthusiastic" . It is my firm belief that this positive corporate spirit will be an invaluable asset to the College as it continues in its development as an academic community which is committed to the international standards of academic excellence.

Mr Deputy President, with these remarks I submit to you and Members of this Council the 1990-91 Hong Kong Baptist College Annual Report. I am sure you will find that there is much more contained in the Report which attests to the commitment of this institution to the provision of quality tertiary education for the youth of Hong Kong.

Oral answers to questions

Environmental protection

1. MRS PEGGY LAM asked (in Cantonese): In order to step up the implementation of the environmental protection policy in Hong Kong, will the Government inform this Council:

(a) what measures are and will be adopted to reduce the use of household articles such as plastic bags which pollute the environment; and

(b) whether it will advocate and encourage the simplified packaging of commodities as far as possible, so as to minimize the production of unnecessary wastes?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I am going to restrict my answer to the first part of Mrs LAM's question to plastic bags and paper, the most common household wastes. First plastic bags. There is some recycling of plastics, but it has progressed very little, because it involves waste separation and cleaning before the material can be used. So our efforts to reduce the use of

plastic have been mainly concentrated on propaganda through the inclusion of messages to use less plastic bags in all environmental campaign and literature. As it happens, one of the main messages which we will be trying to put across on World Environment Day on 5 June is "Use Less Plastic Bags", which will be backed by APIs, posters, leaflets and press advertisements. Prior to this, a survey of the public's attitude to various ways of reducing the use of plastic bags is being undertaken. So to this limited extent this is plastic bag year. We have also discussed with some of the bigger supermarket chains the proposition that they cease to issue free plastic bags to their shoppers. The discussions have not, I am afraid, resulted in any charging for use of plastic shopping bags or reduction in plastic bags issued, but it has encouraged one company to start a scheme for taking back its old plastic shopping bags, and these are subsequently recycled.

As for paper, we do better. A waste paper recovery scheme started in December last year has involved 16 public housing estates in recovering waste paper in privately-provided containers. We aim to expand the scheme to other estates, and the branch is negotiating with the public transport operators to spread it into stations and terminals and on board ferries. Already most of our office paper wastes in the main office areas are recovered and exported for recycling.

With regard to the second part of the question about packaging we will certainly consider encouraging simpler packaging for our products but see the persuasion of industry and the retail business to this point of view as a very uphill job.

MRS PEGGY LAM (in Cantonese): Mr Deputy President, will the Administration consider banning the use of non-recyclable plastic bags or the import of materials for the manufacture of such bags?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, we have seriously considered this possibility, particularly the possibility of banning non-biodegradable plastic bags. But up till now the advice has been that non-biodegradable plastics are more recyclable and the biodegradable ones less recyclable but yet they still take a long time to degrade. And the advantage gained in the environment would not justify the cost and the inconvenience to the consumer in introducing restrictions. That is the advice that we have had up to the present. But a community's values change and Hong Kong's values have been changing in respect of the environment, and the balance may well be different. So I agree entirely that

the possibility of prohibitions should be given another look.

MR STEVEN POON: Mr Deputy President, many countries, including the United States, use paper bags. Will the Administration inform this Council whether it will encourage supermarkets to use paper bags or to charge customers for every plastic bag they use?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, as I said in my main answer, we have discussed the possibility of charging for the use of plastic shopping bags in supermarkets. And of course one has to emphasize that supermarkets are not the whole problem in that the wet-market has a massive use of plastics also, and that is much more difficult to deal with. As I say, previously we have taken the view that the advantage gained to the environment would not be balanced by the inconvenience to the public. Moreover, Hong Kong has been traditionally slow to introduce measures which sort of interfere with the normal course of business. In reconsidering this matter, as I feel we have to from time to time, we will have to also consider the materials from which paper bags, if introduced into this area, would be made because there are also fairly strong views in the world -- and strong reasons too -- for avoiding the use of products which use non-renewable resources. Certainly, in this area, a fair amount of paper is made from forests which are not easily renewable.

DR LAM KUI-CHUN: Mr Deputy President, my personal enquiry has revealed that biodegradable, and therefore environmentally friendly, plastic bags actually cost less than standard plastic bags. Would the Secretary for Planning, Environment and Lands inform this Council whether there is any difficulty, and if so what, in persuading operators of wet-markets and supermarkets to switch from standard plastic bags to biodegradable plastic bags?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the information which the Honourable Member has produced on the relative costs of biodegradable and non-biodegradable plastic bags is new to me and it absolutely amazes me that our Hong Kong businessmen have not discovered this for themselves and put this to immediate use because they are normally so quick on discovering cheaper sources of material.

But with that said, I am most grateful for the information and I feel sure that if it can be substantiated to the satisfaction of the businesses, the Administration would have a very much easier time in persuading the businesses to adopt the more environmentally friendly material and the Administration will certainly look into it.

MR HENRY TANG: Mr Deputy President, in his answer the Secretary states that in the main office areas paper is largely recovered and exported for recycling. Will the Secretary inform this Council whether the Government intends to set up its own recycling plant, and if not, why?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the Government has always considered that the recycling business is a business and as such is better done by the trade. As it happens, the economies of recycling seem to be better in our neighbouring countries than they are in Hong Kong, particularly where we always have some danger of limitations on water supply. There is not much of paper recycling in Hong Kong, and there are relatively few places in Hong Kong where a substantial paper recycling operation could be set up because of the question of water supplies. In so far as there is a market demand for exporting waste paper to other countries for recycling, there seems to be nothing really wrong with the present situation, which would justify the Government's special intervention in trying to introduce its own plant which might be a considerable business risk.

MR ALBERT CHAN (in Cantonese): Mr Deputy President, will the Administration inform this Council whether consideration would be given to devise, in consultation with the two municipal councils, a comprehensive waste collection and disposal system, so that waste will be disposed of in a more systematic and efficient manner?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, waste disposal is covered by an Ordinance -- I hope I will get it right -- the Waste Disposal Ordinance; I may have got it wrong. But I can assure the Honourable Member that this requires the Administration to consult with the two waste collection authorities, that is, the two municipal councils.

MR PETER WONG: Mr Deputy President, at this time when the Financial Secretary appears to want additional revenue to balance his Budget, has the Secretary considered helping by levying a tax on all plastic bags, so that the cost of their disposal can be taken care of?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, this is one of the ideas which have been, in a quiet sort of way, in the melting pot for several years. But I would say that in the White Paper on Pollution we did set our priorities, with what we felt to be the measures which would abate pollution most effectively being given the top priority. We have never really felt that the work on such legislation -- which I have absolutely no doubt would turn out to be more complex than it sounds as we talk about it in this Chamber -- would, in terms of preventing pollution, be as productive as some of the efforts we are putting elsewhere.

MR MAN SAI-CHEONG (in Cantonese): Apart from our concern over plastic bags, will the Administration inform this Council whether it will follow the other administrations in introducing specific measures on this or enact legislation to make it mandatory for plastic manufacturers to attach different labels on plastic containers, so that users will know which ones are recyclable, thereby reducing the volume of waste and the need to take them to a landfill, and if not, why not?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I have very little doubt that measures of the kind which Mr MAN is talking about will eventually be brought into operation in Hong Kong. But, as I have said before and I will say again, we do have to use both our technical and our administrative resources to the greatest effect and on our highest priorities in seeking to control pollution. We do not feel -- and for that reason we did not put it in our White Paper -- that the type of action proposed by Mr MAN should be tackled on a high priority basis, though we recognize that it should come.

So I can see that coming in the future but probably I cannot see anything effective being done in the next two years.

REV FUNG CHI-WOOD (in Cantonese): The Administration will involve 16 public housing estates in the waste paper recovery scheme. May I be advised when this scheme will be extended to other public housing estates; if not, why not?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, in my answer I said there are 16 estates so far. When the scheme is satisfactorily set up in all the estates in which it is being established at present, we will certainly move on to other estates. Because the scheme seems to have proved itself as a kind of pilot scheme, it seems to be worthwhile. It has very great dividends in terms of creating public awareness of the problems of environmental pollution in the estates, and for that reason we do feel it is worth taking a lot of trouble.

Redevelopment of Rennie's Mill

2. MR GILBERT LEUNG asked (in Cantonese): As regards the clearance of the existing cottage area in Rennie's Mill to make way for the development programme of that area, will the Government inform this Council:

(a) when the affected residents will be consulted about the details of compensation; how the details of the compensation package will be worked out and in order to avoid confrontation, whether the case of the Kowloon Walled City Clearance will be taken into account in carrying out the clearance;

(b) whether all of the affected households and commercial undertakings will be resettled in the same district;

(c) what offer will be made in the reprovisioning of community facilities and schools; and

(d) what channels of appeal are available to those residents who feel aggrieved?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the Administration will advise the residents affected by the clearance of the Rennie's Mill cottage area of the rehousing and other arrangements in September this year. It is not possible at this stage to reveal the details of the ex gratia compensation

package which are still being worked out but in general they will follow the normal terms for clearance of cottage areas, that is, housing needs for the eligible will be met by resettlement and ex gratia payments will be made to households and businesses eligible under standard rules. As Members will appreciate, the Kowloon Walled City clearance was not a cottage area clearance but a unique case by any standards. Its ex gratia compensation arrangements were never intended to be taken, and have not been taken, as a precedent for other government development clearances.

Rennie's Mill households affected will be offered rehousing in a new public housing estate in Tseung Kwan O which is due to be completed in February 1993. There should thus be adequate time for housing before the physical clearances which will take place between May and October 1993. Requests for rehousing elsewhere will also be accommodated subject to availability and other commitments. As implied earlier commercial undertakings affected by the clearance will not be reprovisioned, but the operators, if eligible, will be paid ex gratia allowances.

The problems of relocating community facilities have been under discussion with their sponsors since 1990 and help with removal or reprovisioning will vary according to the needs of each case and an evaluation by the appropriate department of the service provided by each to the community. These discussions and arrangements are well in hand. Agreement has also been reached with the operators on the future of the schools affected. Two publicly funded schools are under construction in Tseung Kwan O and a site has been provisionally reserved for a privately funded one subject to satisfying certain land grant conditions.

The allowances payable for affected households and businesses are ex gratia and standardized, so that there is little scope for appeal over the rates, although these are revised regularly. If people are not satisfied with their housing allocation, there is an avenue of appeal to the Housing Authority's Management and Operations Committee.

MR GILBERT LEUNG (in Cantonese): Mr Deputy President, Rennie's Mill presently has a population of 6 500. Among them, over 1 300 are elderly aged above 60 and more than 300 of them are single and have to rely on public assistance. Will the Administration inform this Council how this group of old people will be resettled and what community facilities will be provided for them, so that they can be properly looked after?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, in every clearance of cottage areas or squatter huts there are of course elderly people, young people and able-bodied people. Therefore that is the reason why the reception estates also have to have community facilities for all types of people. As I said in my main answer, the operators of the community facilities in Rennie's Mill are all discussing with the authorities the question of removal, either to the new area or into Tseung Kwan O or elsewhere. But I think Mr LEUNG can be reassured that the Housing Authority plans to have the full range of facilities within the estate.

Regarding the needs of the old people themselves, again as far as clearance is concerned, the terms will be standard; if the old people do have special needs then it may be a question of special help on another network. As I said, the proportion of old people in this estate may be high, but nevertheless the clearance terms are designed for a cross section of population.

MR PANG CHUN-HOI (in Cantonese): I am glad to learn that the Administration has reached an agreement with the schools in Rennie's Mill. Will the Administration inform this Council whether it covers all the schools, including the subsidized and the private ones?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I do not have all the details of the arrangements about these schools. I understand that in respect of the subsidized schools, agreement has been reached about their resettlement arrangements, and as far as the private school is concerned, the land terms are still under discussion.

MRS ELSIE TU: Mr Deputy President, the third paragraph of the reply says that there will be two public schools and one privately funded school. Would the Secretary inform us whether the schools provided will be both primary and secondary, and whether there will be any provision for pre-primary education and child care centres?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I understand that

both secondary and primary schools are provided and the community facilities of which I spoke include pre-primary and kindergarten facilities.

MISS EMILY LAU (in Cantonese): Mr Deputy President, the residents of Rennie's Mill have mentioned to me time and again that there are special political and historical reasons for them to live in Rennie's Mill. They also presented papers to me to prove that the Administration had promised them that they could live there permanently. But now they have to move out of Rennie's Mill. They hope that they will be given an ex-gratia allowance though it may not be the same as that of Kowloon Walled City. Could I ask the Administration whether their demands are reasonable and whether they will be considered?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, in my answer I made it clear that the domestic allowances would be standardized and they would also be ex gratia. The Government is treating this clearance as a clearance of a cottage area, which it in fact is. Obviously, the ancient history of Rennie's Mill is part of the history of Hong Kong and the politics are well known. But as far as the clearance is concerned, for many years now it has been a cottage area and for many years the Government has been clearing the cottage areas one by one. And as cottage area tenants, the security of tenure has been limited to that provided under the Cottage Area Tenancy Agreement. In the circumstances, as they are moving into modern public housing in Tseung Kwan O with good facilities and are receiving the kind of allowances that anybody else in Hong Kong in the same position would receive, I think that the treatment must be considered to be totally reasonable.

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, expenditure on the site formation work of public housing estates has always been borne by the central Government. In the clearance and redevelopment of Rennie's Mill, the Government however is not going to have any commitments on the site formation and road network projects but instead would shift the responsibility to the Housing Authority. I understand that the site formation work of Rennie's Mill will cost about \$1 billion. Could I ask the Administration whether consideration has been given to compensating the Housing Authority so that it can make better use of its financial resources in developing its public housing programme?

DEPUTY PRESIDENT: How is that a supplementary question to the main question or answer, Mr FUNG?

MR FREDERICK FUNG (in Cantonese): Because the Housing Authority stood the loss due to the clearance of the Rennie's Mill and we take that as important as any loss that may be incurred on the public.

DEPUTY PRESIDENT: Sorry, that is out of order, Mr FUNG.

MR LEE WING-TAT (in Cantonese): Mr Deputy President, the Secretary has mentioned in his reply that the Administration would try its best to rehouse the residents to nearby places. I understand that for historical and political reasons, there are many single elderly people living in Rennie's Mill. As there is a very limited supply of public housing units for single persons in Eastern and Central Kowloon, will the Administration assure this Council that the elderly will not be forced to share a unit or to live in some old units as a result of the clearance?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I can only give some undertaking that the clearers of Rennie's Mill will be treated as clearers are by the Housing Authority in the normal way for a cottage area clearance.

Financial assistance to the Open Learning Institute

3. DR SAMUEL WONG asked: In view of the financial stringency experienced by the Open Learning Institute of Hong Kong, will the Government inform this Council whether, and if so, what financial assistance will be available to the Institute?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, our policy on funding for the Open Learning Institute (OLI) is based on the Finance Committee's decision of 14 December 1988, namely that the OLI should become self-financing at least on its recurrent account by 1993-94. As part of that decision, a setting up grant of \$55.8 million was provided to the Institute to cover expenditure on capital items. In

addition, an annually recurrent but decreasing grant was made for the financial years 1989-90 to 1991-92, and provision for a further grant has been included in the 1992-93 Draft Estimates. It is our intention that no further government subvention would be given as from the 1993-94 financial year.

So far, in each of the three preceding financial years, the OLI has not found it necessary to seek supplementary funding from the Government; it has, in fact, had a small surplus on its recurrent account. This is clear testimony to the OLI management's skill and determination to develop within its budget ceiling.

However, the OLI's Development Plan for 1991-1996 indicates that it may not be able to be entirely self-financing by 1993-94 if it is to achieve all the goals set by the Planning Committee. The Institute is currently considering a number of cost saving and income generating strategies to overcome this problem. Nevertheless, it is already clear that the Institute will only be able to achieve its self-financing goal if, in addition to these strategies, it can be relieved of the burden of a commercial rental for its premises. Payment of rent by the OLI represents roughly 10% of its recurrent expenditure.

The OLI has put forward a proposal to relieve itself of the burden of commercial rent by establishing a purpose-built headquarters. This proposal, which includes an application for a land grant, is being considered by the Government. We are also considering an application from the OLI for a loan to meet half of the cost of constructing its own headquarters, which is very roughly estimated to cost \$200 million. In addition, we have made available to the Institute an empty school building which, with certain alterations and renovations, could be used as extra classrooms and storage space.

DR SAMUEL WONG: Mr Deputy President, one of the reasons for placing the OLI on a financially short lease was the expectation that the OLI would derive material benefits, such as the use of space and library facilities from its consortium. The consortium is made up of the UPGC-funded institutions. Will the Government inform this Council how effective this consortium has been in minimizing the OLI's operating costs?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the original intention was that the OLI, operating in a consortium with the UPGC-funded institutions, would be able to achieve several things: first, to draw on the courses, research and teaching

expertise of the publicly funded institutions; secondly, to share access to library and other facilities where possible; and thirdly, to share development plans in order to avoid overlap in the provision of continuing education.

A recent report undertaken by the OLI's management consultants reveals that the consortium is not yet operating very effectively on a day-to-day basis. But it is early days and once the market for privately funded tertiary courses stabilizes, it could be expected that more collaboration will take place to ensure maximum mobility of students through credit transfer arrangements. The OLI does have access to the listings of library holdings in the UPGC-funded institutions. Meanwhile, the OLI has also had some success in establishing resource sharing arrangements with schools with spare space in non-school hours, which welcome access to OLI teaching equipment. This kind of co-operation may also be developed within the consortium. As the OLI seeks to meet the demands for higher level courses, it may explore the possibility of contracting out to the institutions of the consortium such higher level courses that it would not be so cost effective for the OLI itself to develop and run.

MR MOSES CHENG: Mr Deputy President, would the Secretary inform this Council whether the Government would be prepared to consider any form of financial assistance to needy students of the OLI?

DEPUTY PRESIDENT: That is slightly at a tangent to the main question. Secretary for Education and Manpower, do you have the answer?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the question was actually set down as one of the guidelines for the Planning Committee itself to consider. But basically the primary objectives for the provision of open education at post-secondary level were largely to provide a second chance for those who had to forgo or were denied the opportunity of further education when they left school, to provide continuing education to update and enhance the training of those who completed their further education at the beginning of their careers and to provide retraining for those who need to change or extend their career or vocational skills later in life. Basically, the profile of students at the OLI is such that they are generally more mature: their average age is 29 years; 96% of them are in full-time jobs; and most of them have an average working experience of seven or eight years. Basically these

students, we reckon, should in most cases be well able to meet the cost of their own continuing education. At this moment in time, Mr Deputy President, there is no intention to provide financial assistance to students, but of course if a situation should arise where a need to consider such assistance is proven, then the Administration will as usual be prepared to look at it.

DEPUTY PRESIDENT: Will Members try to keep their supplementaries to financial assistance to the Institute?

MR ERIC LI: Mr Deputy President, I wish to declare my interest as the Treasurer of the OLI. In view of the fact that moving to a new purpose-built building will take a bit of time to materialize and that the rental agreement in respect of the premises owned by the Government is likely to expire before that happens, will the Government inform this Council whether it would consider freezing the rent or charging a more favourable rent than the commercial market rent to avoid the temporary moving costs?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I would not rule out this possibility although I would have to say that any such arrangement would amount to a hidden subsidy which would be contrary to the decision of the Finance Committee.

MR CHEUNG MAN-KWONG (in Cantonese): Since it is the Administration's intention to stop subventing OLI as from 1993-94, will the Administration inform this Council whether assistance will be provided by the Administration to enable OLI to proceed with its Development Plan in accordance with the established policy if, after adopting the cost saving and income generating strategies and being relieved of the burden of a commercial rental as have been mentioned in the main reply, the Institute is still unable to be entirely self-financing? If yes, what will be the form of assistance; and if no, does that suggest that the Institute will have to abandon part of its development targets?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, based on the past performance of the OLI and the financial estimates laid down in its Development Plan, the OLI will be able to generate income not only to cover its direct

costs but also the indirect ones. If only the Institute can continue identifying cost saving and income generating strategies and, most important of all, relieve itself of the burden of a commercial rental for its premises, there should not be any problem for the OLI to achieve a sound and healthy budget. As to whether there will be circumstances which require the Administration to re-examine the financial position of the OLI, I would prefer not to rule this out though, according to the information that we have, this should be very unlikely.

MR WONG WAI-YIN (in Cantonese): Mr Deputy President, I understand from the Secretary's reply that he would like the OLI to become self-financing very soon and to adopt some cost saving and income generating strategies. Could I ask whether this implies that income is to be generated by way of increase in course fees so as to enable the OLI to attain the target of self-financing? Moreover, given the high drop-out rate of OLI students recently, does the Administration have any measures to effect an improvement and will a corresponding increase in financial assistance be given if no improvement can be made?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, the OLI will be responsible for setting the level of course fees though the Administration will be consulted in this regard. Increasing course fees is only one way of generating income; others include co-operation with other tertiary institutions to maximize the utilization of available resources.

Regarding the drop-out of students, our information shows that basically the present completion rate of the courses in the OLI compares very favourably with that of similar institutions in other places or countries.

Moreover, in the case of the OLI, it is not uncommon that a student, upon completion of a course, will not enrol at once in another course. This cannot be taken as dropping out as students of the OLI are in full time jobs and the whole idea of open learning is to allow students to acquire knowledge at their own pace and by using their own time. After completing a course, a student may, for some personal or other reasons, say, getting married or because of job needs, choose to stop for a while before embarking on a new course. Moreover, the credits he has earned can be accumulated. So it is very likely that a student may choose to stop for a while, upon completion of a course, before continuing with his studies. This lapse period

in the course of a student's studies should in no way be regarded as dropping out.

MR TIK CHI-YUEN (in Cantonese): Mr Deputy President, several Members and I met with the representatives of the student union of the OLI this morning and were told that the teaching facilities and the learning environment of OLI were far from favourable. They also said that students of the OLI had to pay high course fees because of the limited government financial assistance to the Institute. Could I ask whether the Administration will consider it necessary to review the policy it made in 1988 regarding the self-financing of the OLI?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, at present we have no plan to carry out any comprehensive review. But certainly we have always been in close contact with the OLI and there are also representatives from the Education and Manpower Branch on the Council of the OLI. As I said a while ago, given the past and the projected financial position of the OLI, the Institute will not encounter any financial problem if ways can be identified to relieve OLI of the burden of a commercial rental.

As to the standard of some of the facilities, I believe that there will certainly be improvement if the OLI develops to the stage of having its own campus or school premises.

MRS RITA FAN: Mr Deputy President, it appears that the OLI will not be able to become totally self-financing until it can be relieved of the burden of this commercial rental. Can the Secretary advise us when a decision will be taken on the land grant and the loan? And during the lead-time which is required for the headquarters to be built if the decision is a positive one, is the OLI expected to be running on a deficit budget?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I am unable to indicate a precise timing at the moment although I can assure Honourable Members that the matter is being looked at within the Government and is being looked at actively. As far as the expenditure on commercial rental is concerned, at the moment for 1991-92 the expenditure on rental is \$17.5 million per year. It will remain at that level in 1992-93 and, as far as the budget is concerned, we expect that there would still be

a small surplus in 1992-93.

MR HOWARD YOUNG: Mr Deputy President, regarding the small surplus on the recurrent account of OLI, can the Secretary please advise this Council whether the intention is to claw back this surplus in one form or another, or whether the OLI will be allowed to spend this money as it sees fit in accordance with its objectives?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I do not think the question of a claw-back was considered. It was certainly not part of the Finance Committee decision.

MR JIMMY MCGREGOR: Mr Deputy President, will the Secretary agree that the increases in fees for OLI students should be kept at the rate of inflation during the next few years?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the level of fees is a matter for the OLI Council to determine in consultation with the Government. I do not think that it would necessarily be right to lay down any hard and fast rule as regards tying the level of fees to inflation. There may be considerations which suggest at a particular time that the rate of increase should be higher or lower than the rate of inflation.

MR HENRY TANG: Mr Deputy President, I first would like to declare my interest, as a member of the UPGC. Will the Government inform this Council why the OLI should not be brought under the ambit of the UPGC so that a more co-ordinated effort can be made on its development? Under existing conditions there is every likelihood that the OLI and its interests could be taken as marginal in the course of expansion of tertiary education. This is detrimental to the long-term outlook of the OLI.

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the question of whether funding for the OLI should be channelled through the UPGC was actually considered in detail by the Planning Committee for the OLI. The Committee felt that while there were advantages in being funded through the UPGC, there were also conceptual and

practical difficulties. The Committee eventually concluded in its Final Report, and I quote:

"The advantages of UPGC association notwithstanding, the OLI should more appropriately be funded directly by the Government for the following reasons:

(a) The UPGC plans on the basis of a triennium. The OLI which relies on being able to respond quickly to market demands by adding or dropping programmes may not fit in comfortably with the normal UPGC planning cycle.

(b) The OLI is expected to become self-financing within a matter of only a few years. The provision of government funds on a regular and continuing basis is not required under these circumstances."

In any case, the OLI and UPGC-funded institutions have completely different goals and target groups. The OLI aims to provide a second chance of tertiary education, a channel for continuing education, and an opportunity of retraining for adults who generally have the ability to pay for their own education.

MR ALBERT CHAN (in Cantonese): Mr Deputy President, the lack of facilities of the OLI, such as that of a library, will adversely affect the students in their studies. Will the Administration consider giving the OLI additional funds so as to improve the situation?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, as I indicated in my main reply, the Government is looking at ways which will assist the OLI through, for example, finding ways of relieving it of the burden of paying a commercial rent: we are considering the application from the OLI for a loan to help construct its own headquarters; we have provided an empty school building to provide more space for study and storage purposes and so on. Although these do not necessarily take the form of financial provision or financial assistance, I believe that they are also very important and practical ways in which we can assist the OLI in achieving its objectives.

MR PETER WONG: Mr Deputy President, as Deputy Chairman of the OLI, I wish to thank the Government's generosity in considering a loan to meet half the cost of

constructing the OLI's own headquarters. Does the need for the OLI to become self-financing mean that it will have to make money out of its existing students so that the capital costs, such as the building, as well as development of new courses can be paid for?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I can only reiterate that the policy on funding for the OLI is that the OLI should become self-financing, at least on its recurrent accounts, by 1993-94. This is the current policy on the OLI and basically, I think, the guideline will continue to be that the OLI should be a self-financing institution. If, of course, there are particular capital items for which assistance is sought by the OLI, then the Administration will be prepared to look at it and consider it on a case-by-case basis.

Written answers to questions

Chek Lap Kok airport

4. DR SAMUEL WONG asked: As the second generation supersonic aircraft may be in service by 2005, will the Government inform this Council whether steps will be taken to ensure that such aircraft will be environmentally and operationally compatible with the Chek Lap Kok airport?

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, Chek Lap Kok airport is being planned as an airport for the future which will be capable of handling the future generations of aircraft while at the same time being an operationally safe, efficient and environmentally acceptable international airport.

On the basis of what we know at present about design considerations of the second generation supersonic aircraft, it is likely that these aircraft will be powered by engines whose noise emissions would be in full compliance with the noise standards currently set by the International Civil Aviation Organization. For such aircraft to be a commercially viable proposition, the manufacturers will, no doubt, have considerable incentive to make them environmentally and operationally compatible with the world's major airports, of which Chek Lap Kok will be one.

For these reasons, the noise generated on landing and take-off by such aircraft is expected to be similar to that generated by the most modern subsonic aircraft such as the Boeing 747-400, MD-11 and Airbus 320 currently flying into Hong Kong. No special steps are envisaged to be needed to make them compatible with Chek Lap Kok.

Post-retirement employment of senior civil servants

5. MISS EMILY LAU asked: In view of the public's growing disquiet over senior civil servants joining the private sector shortly after retirement, will the Administration inform this Council what policy guidelines are used to determine whether a retired senior civil servant may or may not work for a particular private company and whether the Government will consider tightening these guidelines in response to public concern?

SECRETARY FOR THE CIVIL SERVICE: Mr Deputy President, under the provisions of the two Pensions Ordinances, a retired officer requires the Governor's prior approval before taking up any post-retirement employment or engaging in any business activity, the principal part of which is carried on in Hong Kong, within two years of his retirement. In the case of an officer at Secretary level or above the period is five years. Non-compliance with this requirement may result in the suspension of pension.

An Advisory Committee on Post-Retirement Employment, which was appointed by the Governor in October 1987, also considers and advises the Governor on all individual applications from directorate officers and on any other applications which may be referred to it by the Secretary for the Civil Service.

The basic principle is that there should be no impropriety in the proposed appointment, that is, there should be no conflict with the public interest. In this respect, account will be taken of:

- (a) whether the officer had been involved in policy formulation or decision, the effects of which could have benefitted his prospective employer;
- (b) whether the prospective employer might gain an unfair advantage over competitors because of the officer's previous knowledge and experience;
- (c) the public perception of the officer taking up the proposed appointment; and

(d) especially for senior officers, whether the proposed appointment would result in an undesirably high public profile.

A sanitization period from the cessation of active service may be applied to directorate officers, where this is considered appropriate.

The Advisory Committee takes all possible care to see that no unfair advantage is gained, or impropriety arises, as a result of post-retirement employment. But it should be borne in mind that former civil servants with substantial working experience can be of considerable value to the community and the workforce as a whole and their continued employment in the private sector should not be discouraged.

The Administration has no plans to further tighten the policy guidelines for post-retirement employment.

Appointment of chairman of the Airport Authority

6. MISS EMILY LAU asked: In order to prevent conflicts of interest, will the Government inform this Council whether people who have business or contractual involvements in the new airport and related infrastructural projects would be considered for the job of Airport Authority Chairman?

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, it is not proposed to consider for appointment as Chairman of the Airport Authority any person who has a major and direct business interest in the new airport. However, it would be unwise to establish any hard and fast rules such as eliminating from consideration any person who had an interest, however remote and minor, in the new airport. It would be necessary to consider the extent and significance of any involvement and whether such involvement creates any real and unresolvable conflict of interest.

Services provided for single-parent families

7. MR NG MING-YUM asked: Will the Government inform this Council:

(a) how many single-parent families there were in the territory and their distribution among individual administrative districts in each of the past three years; what the projected change in these figures in the foreseeable future is;

(b) what kinds of direct and indirect support services the Government is now offering to these families, and what disparity, if any, there is between the actual provision of such services and that as planned by the Government;

(c) whether the Government has assessed the level of direct and indirect services currently being provided for single-parent families; if so, what the detailed findings are; and

(d) what measures will be taken and what resources will be deployed by the Government in the foreseeable future to improve the provision of direct and indirect services for single-parent families?

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, the answer to the four-part question is as follows, seriatim:

(a) Statistics

Statistics on single-parent families by administrative districts in 1991 are as follows:

Single-parent households by district board district in 1991

Central and Western	1 243
Wan Chai	1 096
Eastern	2 868
Southern	1 518
Yau Tsim	594
Mong Kok	1 069
Sham Shui Po	2 302
Kowloon City	2 365
Wong Tai Sin	2 199
Kwun Tong	3 910
Kwai Tsing	3 262

Tsuen Wan	1 465
Tuen Mun	2 578
Yuen Long	1 362
North	1 086
Tai Po	1 160
Sha Tin	3 388
Sai Kung	641
Islands	150
Total:	34 256

Note: Excluding 20 single-parent households in the marine population.

There are no available figures for 1989 and 1990. It is difficult to project changes in these figures in the foreseeable future.

(b) Support services

The support services offered to single-parent families include :

(i) Financial assistance

Single-parent families facing financial hardship can apply for assistance under the Public Assistance Scheme. In addition to the basic rate, special grants are provided to meet the needs of single-parent families, including fees for children to attend a day creche, day nursery or after school care programme or to participate in other social activities which help to alleviate the social deprivation caused by the absence of one parent. Since November 1991, a Child Supplement of \$185 per child per month has been introduced to provide an allowance for dependent children of families on Public Assistance. Whenever necessary, grants can be made from charitable trust funds administered by the Department to meet other financial needs of single-parent families.

(ii) Housing assistance

Public housing can be arranged for eligible single-parent families on compassionate grounds. Since July 1991, persons with dependent children can be granted a conditional tenancy in a public housing estate, if they are undergoing divorce proceedings and have a genuine need for housing. The tenancy will be confirmed when

they have obtained legal custody of their children through court proceedings.

(iii) Child care services

A variety of child care services, including day creches, day nurseries, the occasional child care service, after school care programmes, are available to lessen the burden of single parents in taking care of their children. If family circumstances warrant, residential care services for children from single-parent families can also be arranged.

(iv) Family support services

Home help service, including home delivery of meals and assistance with household chores, is provided to those who need it. Family aide service can also be provided to single parents who require training in home management and child care.

(v) Counselling

Along with other services, counselling is offered to single parents to help them cope with stress and emotional problems arising from single parenthood. Professional guidance on proper child care and discipline is also provided. Support and therapeutic groups are organized for single parents to provide them with a forum to share experiences and to discuss problems with others. Mutual help groups are also formed to provide single parents with a social network for mutual help and support.

Demand is fully met in most support services. Shortfalls are identified in the provision of day nurseries, day creches and family aide and home help services.

(c) Assessment

Services for the family and child care, including support services for single-parent families, were reviewed in the White Paper on Social Welfare into the 1990s and Beyond. The plans for future development of services are set out in the White Paper.

(d) Expansion of services

The Government is committed to expanding child care and family support services.

In order to help parents care for their children, a target of 1 400 day nursery places for children between the ages of two and six has been set annually until demand is fully met. At the same time, day creches for children under two years of age will be expanded by phases, particularly in new towns, to cater for needy and single-parent families. Expansion of family aide and home help services has also been accorded priority. It is planned that 31 additional family aide workers and 44 additional home help teams will be provided by 1995-96.

Risk of windshear at Chek Lap Kok airport

8. MR ALBERT CHAN asked: Will the Government inform this Council of the conditions and the impacts of the windshear at the Chek Lap Kok airport site; whether arriving and departing aircrafts will be affected by the windshear conditions there and if so, what measures will be taken by the Government to reduce such impacts and what cost will be incurred?

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, windshear, a change in wind direction and/or wind speed over a given distance, is an occasional occurrence usually associated with weather phenomena like thunderstorms. While windshear will occur at Chek Lap Kok in certain circumstances, its expected incidence is well within all accepted normal standards for the operation of an international airport.

When thunderstorms occur at Chek Lap Kok windshear will occur but its duration is likely to be short (a matter of minutes) and disruption to air traffic would be only minor.

The new airport may also be affected on rare occasions by "lee wave" windshear which is caused by the topography of Chek Lap Kok Island and the high land immediately to the south of the airport. In the case of this type of windshear, disruption to airport movements is likely to last slightly longer. Extensive testing has shown that such interruptions will not exceed 0.5% of the airport operation time in total, a figure well within internationally-accepted guidelines

Most windshear conditions cause no threat to the operation of the type of large passenger aircraft which will be using the new airport. In severe conditions, however, aircraft movements would be subject to delay until conditions had improved.

To enhance the safety of aircraft operations, the Provisional Airport Authority's Master Plan Consultants have recommended that a system should be installed to detect windshear conditions and alert pilots to the presence of windshear and its severity. Pilots can then make informed decisions whether to proceed with the intended operation, or to take action to avoid the windshear. The cost of the system recommended by the Master Plan Consultants is approximately HK\$63 million. This includes the cost of further investigation and system design work as well as equipment cost.

Police courtesy

9. REV FUNG CHI-WOOD asked: With regard to the manners of police officers, will the Government inform this Council:

(a) whether any basic training on courtesy to members of the public and those under investigation is included in the training programmes for junior police officers; what the contents and standards of such training programmes are; and

(b) how complaints against police officers for bad manners such as the use of abusive language are handled by the Police Office?

SECRETARY FOR SECURITY: Mr Deputy President, courtesy is emphasized during the basic training of junior police officers at the Police Training School (PTS) and in subsequent training. The training is conducted with the assistance of officers experienced in handling public relations.

During the training at PTS, lectures, discussions and video presentations are organized for junior police officers on a wide range of topics relating to courtesy. These topics include the correct manner of dealing with members of the public in order to elicit their co-operation, and ways of avoiding friction and handling people who are unco-operative.

During subsequent in-service training sessions, junior police officers participate in case studies of substantiated complaints investigated by the Complaints Against Police Office (CAPO) involving rudeness, impoliteness and misconduct. Lectures on the proper conduct and manner of an officer in stop and search operations, raids and in taking statements are also organized for in-service

and promotion courses.

Complaints against police officers for bad manners such as the use of abusive language are handled in the same way as other complaints investigated by CAPO. There are standard procedures for CAPO to follow in investigating complaints against police officers. Results of investigations by CAPO are examined by the Police Complaints Committee to ensure that the investigation has been conducted in a thorough and impartial manner.

Funeral pavilion on Cheung Chau

10. MR LEE WING-TAT asked: Will the Government inform this Council of the progress in the Government's consideration of granting a site for constructing a funeral parlour in Tai Shek Hau, Cheung Chau; and whether it will consider an alternative site on the peak of Cheung Chau near the cemetery for such facilities so as to minimize the nuisance to the residents?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, no decision has yet been taken by the Administration in response to a request made by the Cheung Chau local community for the construction of a funeral pavilion or hall (but not funeral parlour) with private funds. Several possible sites, including Tai Shek Hau and the peak of Cheung Chau, have been identified. The Administration is consulting the local community on the matter. But the issue is complex, as the views of the local community, the demand for a funeral pavilion, and the desirability to locate the site reasonably away from residential units while at the same time ensuring that it is relatively easily accessible, all must be taken into account as far as possible before a decision is made.

Government appointed directors on boards of statutory corporations and private/public companies

11. MR STEVEN POON asked: Will the Administration inform this Council:

(a) of the statutory corporations and private/public companies which have government appointed officials serving as members of their boards;

(b) how these officials deal with the likely conflicting role of looking after the interests of the statutory corporations and private/public companies and at the same time, protecting the interests of the Government and the public; and

(c) in view of the possible conflict of interests in their role, whether consideration will be given to undertaking a review of the system in the near future?

CHIEF SECRETARY: Mr Deputy President,

(a) A list of public/private companies and statutory corporations with Government appointed directors on their boards is at Annex.

(b) The role of government appointed directors is to represent the Government and public interests and to provide a ready means whereby Government policies can be communicated effectively to the company or the corporation. Some of the Ordinances providing for the appointment of government directors, such as the Public Bus Services Ordinance (Cap 230) and the Ferry Services Ordinance (Cap 104), have express provisions requiring the government appointed directors to represent the interests of the Government and the public in priority to those of the company as a whole. Such provisions, where available, provide the necessary protection to the government directors against conflict of interest. When such express provisions are absent, the government appointed directors are given guidelines and instructions on their role and responsibilities on the boards and the procedure to follow should there be a potential conflict of interest -- depending on the circumstances, they should declare an interest and/or refrain from voting and, if in any doubt, seek advice from the Attorney General's Chambers.

(c) Government directors are appointed to public/private companies and statutory corporations only where there are strong justifications for their presence on the boards to represent the government and public interests. It is intended that such appointments should, as far as possible, be provided for by statute with express provisions defining the role and responsibility of the government directors to ensure that their position on the board is properly safeguarded. Where such provisions are not available at present, consideration will be given to amending the law to include them when the opportunity arises, such as when the relevant Ordinance is next amended.

Annex

List of Companies and Statutory Corporations having Government Appointed Directors

Public/private companies

1. China Motor Bus Company Limited
2. Clothing Technology Demonstration Centre Company Limited
3. Hong Kong Air Cargo Terminal Limited
4. Hong Kong Building and Loan Agency Limited
5. Hong Kong Design Innovation Company Limited
6. Hong Kong IPM Manpower International Limited
7. Hong Kong Nuclear Investment Company Limited
8. Hong Kong Plastics Technology Centre Company Limited
9. Hong Kong Quality Assurance Agency
10. Hong Kong Telecom International Limited
11. Hong Kong Telephone Company Limited
12. Hong Kong and Yau Ma Ti Ferry Company Limited
13. Kowloon Motor Bus Company (1933) Limited
14. Tate's Cairn Tunnel Company Limited
15. New Hong Kong Tunnel Company Limited
16. New Lantao Bus Company (1973) Limited

17. Productive Heat Treatment Company Limited

18. Provisional Hong Kong Industrial Technology Centre Company Limited

19. Star Ferry Company Limited

Statutory corporations

1. Hong Kong Export Credit Insurance Corporation

2. Hong Kong Industrial Estates Corporation

3. Land Development Corporation

4. Mass Transit Railway Corporation

5. Ocean Park Corporation

Street sleepers

12. MR HUI YIN-FAT asked: Will the Government inform this Council whether the following measures will be considered so as to facilitate a prompt solution to the problem of street sleepers:

(a) Speeding up the review being conducted by the Working Group on Street Sleepers so that the review report can be finalized and its recommendations implemented as soon as possible;

(b) Providing street sleepers with the appropriate vocational training as far as possible so that manpower can be fully utilized; and

(c) Setting up multi-disciplinary teams comprising psychologists, nurses, social workers, and so on to reach out to street sleepers and help solve their problems?

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, the answer to the three-part

question is as follows, seriatim:

(a) Working Group on Street Sleepers

Since its establishment in September 1991, the Working Group on Street Sleepers has met regularly to discuss issues concerning street sleepers. Some of its recommendations, such as the urban hostel scheme for street sleepers and more flexible application of compassionate rehousing criteria for street sleepers, have already been implemented. The Working Group intends to complete its deliberations soon and produce a report later this year.

(b) Vocational training

At present, there is no vocational training catering especially for street sleepers. However, the Vocational Training Council, the Clothing Industry Training Authority, the Construction Industry Training Authority and other training centres operated by non-governmental organizations do provide a wide range of vocational training open to all.

According to the Annual Survey on Street Sleepers 1991 conducted by the Social Welfare Department in March last year, unemployment was not one of the main reasons cited by street sleepers for being homeless. The provision of vocational training for street sleepers will probably not have any major impact on the problem of street sleepers.

As regards employment, a street sleeper with normal working ability can be referred to the Local Employment Service of the Labour Department for job placement. Street sleepers who are mentally handicapped or ex-mental patients can be referred to the Selective Placement Division of the Labour Department. Street sleepers with social problems, such as drug addiction in the past or personality problems, can be referred to the Employment Service of the Hong Kong Council of Social Service for job placement.

(c) Outreaching service

Outreaching service for street sleepers is provided by the Family Services Centres and Outreach Teams of the Social Welfare Department. The services provided include counselling, financial assistance, referrals for residential care,

compassionate housing, medical treatment, drug treatment and rehabilitation and job placement, and assistance in the replacement of lost Hong Kong Identity Cards.

Although no formal multi-disciplinary teams have been set up to reach out to street sleepers, there has always been close co-operation amongst government departments to ensure that concerted efforts are taken to help street sleepers.

Gini Coefficient

13. DR CONRAD LAM asked: In view of a record high Gini coefficient of 0.48 in Hong Kong for the year 1991, which was initially worked out from the statistics provided by the 1991 census, indicating an increasingly great disparity between the rich and the poor, will the Government inform this Council:

(a) whether it is one of its policy objectives to narrow the gap between the rich and the poor; and

(b) if so, what corresponding measures the Government has in hand to reduce the disparity between the haves and have-nots?

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, the Gini Coefficient, as a summary measure of the distribution of income, could in theory range from zero to one, with a higher value reflecting greater income diversity. According to the results of the latest population census, the Gini Coefficient based on household income is estimated at around 0.476 in 1991. This is not particularly high by international standards. Information available suggests that it is broadly comparable to those of the United Kingdom and Singapore, and not too much above those of the United States and Australia. A degree of income diversity is common even in the most economically advanced countries.

While there has been an increase in the Gini Coefficient for Hong Kong over the years, of greater significance is the fact that median household income has risen by 56% in real terms over the past decade. Moreover, substantial income growth is recorded for all income groups, including the lower income group. In general, the community is sharing in the fruits of Hong Kong's economic growth and prosperity.

Our policies and programmes are directed towards fostering an economic environment in which people can develop their talents and potential to the maximum extent possible. There are many opportunities for personal advancement and higher income irrespective of the social background of individuals. Indeed this is a key driving force behind Hong Kong's economic success.

At the same time, we provide specific support for lower income groups. For example, around half of all employees, who have relatively lower income, do not pay tax. 37% of all households live in heavily subsidized public rental housing whilst public assistance provides a safety net for those unable to work or to earn enough to support themselves and their families. No one need be deprived of education or medical care through lack of means.

The Government believes that it is in the best interest of the community if we continue to adopt policies that facilitate economic growth, encourage initiative and enterprise, ensure equal opportunities for all coupled with specific programmes to support the lower income groups.

Sky rail

14. MR MAN SAI-CHEONG asked: Will the Government inform this Council:

(a) what the present position regarding the proposal for a "sky rail" from Hung Hom Bay Reclamation to Tsim Sha Tsui is;

(b) what criteria it will consider in accepting and approving the application for the proposed "sky rail"; and

(c) whether it will require an Environmental Impact Assessment to be submitted together with the application, in order to forestall noise pollution problems if the proposed "sky rail" is to be routed adjacent to the municipal parks, museums, and the Hong Kong Cultural Centre?

SECRETARY FOR TRANSPORT: Mr Deputy President,

(a) A private sector consortium has proposed building and operating a

4.7- km elevated light rail system from Hunghom Bay to Tsim Sha Tsui. Following preliminary discussions with the company, it was decided that the concept of building such a system should be supported in principle but that further discussions should be held with the company to obtain more information about the project, particularly on its environmental impact and financial viability. The company has since provided some of this information but more is needed. Once all the relevant details have been received and evaluated, a decision will be taken on whether or not the Administration should negotiate with the company to build and operate the system.

(b) The main considerations to be taken into account in evaluating the company's detailed proposals include whether the system will:

(i) provide a real transport benefit and can be successfully integrated into general planning for the Kowloon peninsula;

(ii) satisfy Government's environmental protection standards;

(iii) meet appropriate safety and operating standards; and

(iv) be viable to build and operate on a self-financing basis, without any government subsidy.

(c) The construction and operation of the system will not be authorized without, among other requirements, the production of a full Environmental Impact Assessment showing that it will satisfy the Government's environmental protection standards.

Crime situation of public housing estates

15. MR FREDERICK FUNG asked: Will the Government inform this Council of:

(a) the statistics on the different types of crimes committed in public housing estates in the past five years;

(b) the crime rate in public housing estates as compared to the overall crime rate of the territory; and

(c) the measures taken by the police and the Housing Department to improve the

security in public housing estates?

SECRETARY FOR SECURITY: Mr Deputy President, crime statistics for the years 1987 to 1991 in public housing estates and territory-wide are shown in the Annex. The statistics show that the crime rate in public housing estates is generally much lower than in the territory as a whole.

The police and the Housing Department take measures to prevent crime in the design of new public housing estates in order to minimize opportunities for committing crimes. As residents move in, they are reminded of the importance of neighbourhood security through briefings and a tenant's handbook. Estate assistants and security guards are employed to patrol public housing estates. Local crime rates and topical issues are reviewed at District Fight Crime Committee, Area Committee and Mutual Aid Committee meetings at which both the police and the Housing Department are represented. As a result, additional measures have been introduced to improve the security of public housing estates by the provision of metal grilles and by modifications inside lifts.

The police carefully monitor the crime trends in housing estates, so as to ensure that new problems are identified at an early stage. Their Crime Prevention Bureau also offers advice to residents on measures to prevent crime.

Annex

Reported Crime Cases and Crime Rates by Type of Crime in Housing Authority Rental Estates and Overall Hong Kong

Reported Crime Cases

Type of Crime (1)	1987		1988		1989		1990		1991	
	HA Rental	Overall	HA Rental	Overall	HA Rental	Overall	HA Rental	Overall	HA Rental	Overall
	Estates	HK	Estates	HK	Estates	HK	Estates	HK	Estates	HK
Violent crime	1 739	8 903	1 641	8 893	1 540	10 000	1 510	9 405	1 398	9 144

against persons									
Violent crime	1 524	6 566	1 545	6 831	1 450	7 721	2 169	9 415	
2 158	10 414								
against property									
Burglary, theft and	6 356	44 704	5 814	41 421	4 625	40 889	6 185	45	
045	6 129	45 712							
handling stolen									
goods									
Serious narcotics	1 229	4 143	1 907	5 527	1 618	5 040	1 159	3	
604	900	2 998							
offences									
Preventive crime		804	4 481	605	3 079	622	3 763		
894	4 311	676	3 743						
Other crimes	1 988	14 117	1 956	14 108	1 684	14 395	2 243	16 520	
2 066	16 648								
Total	13 640	82 914	13 468	79 859	11 539	81 808	14 160	38 300	13 327
	88 639								

Crime Rate (2)

Type of Crime (2)	1987	1988	1989	1990	1991	Rental		Overall	
	HA	HA	HA	HA	HA	Estates	HK	Estates	HK
Violent crime	7.7	16.0	7.2	15.8	6.6	17.6	6.4	16.5	
5.9	15.9								
against persons									
Violent crime	6.7	11.8	6.7	12.1	6.2	13.6	9.3	16.5	
9.1	18.1								
against property									
Burglary, theft and	28.0		80.1	25.4	73.6	19.8	71.9	26.4	
79.0	25.8	79.4							
handling stolen									
goods									

Serious narcotics offences	5.4	7.4	8.3	9.8	6.9	8.9	4.9
Preventive crime	3.5	8.0	2.6	5.5	2.7	6.6	3.8
Other crimes	8.8	25.3	8.5	25.1	7.2	25.3	29.0
Total	60.1	148.6	58.8	141.9	49.5	143.9	60.4
	154.1					154.8	56.2

Notes: (1) Type of crime -

(a) Violent crime against persons includes rape, indecent assault, murder and manslaughter, attempted murder, wounding, serious assault, assault on police, kidnapping and child stealing, cruelty to child and criminal intimidation.

(b) Violent crime against property includes robbery with firearms, robbery with pistol like object, other robberies, aggravated burglary, blackmail and arson.

(c) Burglary, theft and handling stolen goods include burglary with breaking, burglary without breaking, theft (snatching, pickpocketing and shop theft), theft from vehicle, taking conveyance without authority, abstracting of electricity, theft from construction site, other miscellaneous thefts and handling stolen goods.

(d) Serious narcotics offences include manufacturing of dangerous drugs, trafficking in dangerous drugs, possession of dangerous drugs for trafficking and other serious narcotics offences.

(e) Preventive crime includes possession of arms and ammunition, possession of offensive weapon, going equipped for stealing, possession of unlawful instrument, tampering with vehicle, unlawful pawning offences, unlawful possession and loitering.

(f) Other crimes include fraud and forgery, sexual offences, offences against lawful authority, serious immigration offences, and so on.

(2) The crime rates refer to number of cases per 10 000 persons.

Re-surfacing of West Kowloon Corridor

16. MR FREDERICK FUNG asked: In relation to the project to re-surface the West Kowloon Corridor with noise absorbent bitumen to reduce the noise level created by road traffic, will the Government inform this Council:

(a) of the progress and the completion date of the whole project;

(b) what difficulties have been encountered so far and what measures will be taken to solve the problems; and

(c) whether any action will be taken to accelerate the completion of the project.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the Environmental Protection Department found that three sections of the West Kowloon Corridor needed noise absorbent surfaces. The other portions which are near industrial buildings do not justify them.

Works on two portions (from Tai Kok Tsui Road to Tong Mi Road and where the Corridor runs above Tai Kok Tsui Road) started in June 1991 and were completed in September 1991, more than a month ahead of the original schedule. Resurfacing work for the third portion (from Kiu Kiang Street to Tai Kok Tsui Road) is scheduled to commence in late 1992 and will take approximately 14 weeks to complete. No difficulties have been encountered in implementing the works so far.

Preparatory work for resurfacing of the third portion of the West Kowloon Corridor is already at an advanced stage, and cannot be accelerated further.

Nuisances caused by water cooling towers

17. MR GILBERT LEUNG asked: Will the Government inform this Council:

(a) of the number of complaint cases concerning water cooling towers of air-

conditioning systems received in the past three years; what was the nature of these complaints;

(b) which department is responsible for handling complaints involving nuisances caused by these water cooling towers; what actions have been taken in dealing with these complaints; and

(c) whether the Administration is going to lay down the basic criteria and safety guidelines for installing such water cooling towers; if not, what are the reasons for not doing so?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, no accurate statistics are kept of complaints relating to water cooling towers, since such complaints can fall into any one of a number of areas of complaint. The great majority of complaints received are believed to relate to the noise created by the towers: in each of the last two years approximately 500 complaints relating to noise were received, although the number of complaints received in 1989 was much lower. Complaints as to the structural safety of the towers, or as to nuisance caused by water dripping from them are believed to be few.

Complaints as to noise caused by water cooling towers are the responsibility of the Environmental Protection Department (EPD), as to the structural stability of the towers and their supporting framework the Buildings Ordinance Office (BOO), and as to nuisance caused by dripping of water either the Urban Services Department (USD) or the Regional Services Department (RSD) depending on the area in which the nuisance was found. When these departments receive a complaint, they investigate it to check that the complaint is justified: if it is, either a warning is issued or prosecution is initiated, depending on the severity of the problem. If warnings are ignored, enforcement action is normally then started. During the last year, about 50 prosecutions for excessive noise from water cooling towers were initiated.

The basic criteria for installing and operating water cooling towers are contained in the Circular Letter to All Registered Contractors and the Air-Conditioning and Refrigeration Association of Hong Kong on "The Installation of Air-Conditioning Equipment in Existing Private Premises", and the Practice Note for Authorized Persons and Registered Structural Engineers No 116 issued by BOO, and in the "A Practical Guide for the Reduction of Industrial Noise" and "A Guide for the Reduction of Ventilating System Noise (including Cooling Towers)" issued by EPD.

Privatization plans

18. MR DAVID LI asked: Will the Administration inform this Council of the details of its current privatization plans?

SECRETARY FOR THE TREASURY: Mr Deputy President, in this reply, the term "privatization" does not mean the contracting out, by the Government to the private sector, of the operation of such undertakings as car parks, abattoirs and road tunnels. The contracting out of these undertakings involves no change in ownership of the assets, which is what privatization involves. Nor does the term include corporatization.

Normally, a government owned undertaking would be considered for privatization only in those cases where the undertaking has already taken the form of a company or corporation, and is essentially a business.

At the present time the Government is considering the possibility of privatizing only the Kowloon-Canton Railway. However, a great deal of work will need to be done before any decision can be taken. It will be necessary, for example, to consider how and to what extent the business of the KCRC might be regulated by the Government, so that the public interest may be safeguarded. It will also be necessary to consider carefully the Government's financial objectives. Only when all these complex policy issues have been fully considered would the Government be in a position to decide whether or not to take the actual steps leading to privatization (for example, re-writing the KCRC Ordinance, valuation of the KCRC's assets and future business, private placement versus public placement, and so on).

Profits tax from sale of property

19. MR TIK CHI-YUEN asked: Will the Government inform this Council:

(a) what criteria are employed at present in deciding whether proceeds from sale of house property and flats should be subject to profits tax;

(b) whether the Department concerned would assess each and every case of sale of house property and flats to decide whether profits tax should be levied, so that

there will be no omission;

(c) if not, what are the difficulties involved are, and how the Department will overcome such difficulties; and

(d) in each of the past three years, how much tax can be attributed to profits from the sale of house property and flats, and how much of that amount is still outstanding?

SECRETARY FOR THE TREASURY: Mr Deputy President, profits from the sale of property are chargeable to Profits Tax if they arise from the carrying on of a business of property dealing or property trading. Profits arising from the sale of capital assets are expressly excluded from assessment to tax. Arguments can arise over whether the vendor of a particular property was carrying on a business of property dealing, or whether he was merely selling a capital asset. While a body of law has been developed by the courts to help in resolving such questions, most individual cases can only be determined by looking at the length of time between purchase and sale, whether the vendor has carried out other property transactions, the financing arrangements, the reasons given for purchase and for sale and other relevant circumstances.

The Inland Revenue Department examines all property transactions which come to its knowledge and decides whether, in its opinion, profits assessable to tax have arisen.

Although the Inland Revenue Department is fully capable of making appropriate assessments of profits tax liability on property transactions once these have been identified, there may be difficulty in some cases in finding out whether a transaction has actually taken place. However, following the recent enactment of the Stamp Duty (Amendment) Ordinance 1992, details of all transactions in residential properties must now be submitted to the Department's Stamp Duty Office. This new requirement will provide a source of information which will ensure the early identification of transactions likely to give rise to profits chargeable to tax.

The Inland Revenue Department does not keep separate statistics on property dealing. For statistical purposes, the profits tax revenue from property transactions, including property development, is grouped with that from general investment and financial (other than banking) business. The tax assessed to this

sector for the past three years is as follows:

Year ended:	31.3.89	31.3.90	31.3.91
Tax assessed:	3 800	4 760	5 557

(\$ million)

The Department does not keep statistics showing the amount of tax owed by individual trades or businesses.

Student guidance teachers

20. MR NG MING-YUM asked: In view of the recommendation made by the Education Commission in its No. 4 Report that in keeping with the implementation of the 'whole school approach', the majority of the Education Department's student guidance officers (SGO) currently based in primary schools should be transferred to serve as student guidance teachers (SGT) under the management of the respective schools, will the Government inform this Council:

(a) given the current wastage rate and recruitment situation of SGOs, whether it is possible to achieve the targetted manning ratio of 1 SGT: 2 500 students by 1992; what the respective figures were in respect of the wastage rate and the number of new recruits in the year 90/91;

(b) how the Education Department can ensure recruiting sufficient SGTs without lowering the quality of the student guidance service;

(c) whether the Education Department has any fixed timetable for introducing its policy of providing each school with one school-based SGT after the implementation of whole-day schooling in primary schools;

(d) how the Education Department is going to monitor the performance of the SGTs in their respective primary schools and to ensure their quality of services;

(e) what in-service training opportunities are currently provided by the Education Department for SGTs; and

(f) what investigation, if any, has been made by the Education Department to find

out whether SGTs are required to take up teaching work in addition to their own duties?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the answers to Mr NG's questions are as follows:

(a) Implementation of the recommendations of Education Commission Report No. 4 will require most of the SGO posts in the Education Department to be transferred gradually to schools as additional posts to enable school heads to choose one of their teachers to serve as a SGT. Subject to funds being available, the target for the 1992-93 school year is to create 29 SGT posts in aided primary schools which, in addition to 173 SGO posts in the Education Department, will be enough to achieve the manning ratio of 1 SGT/SGO : 2 500 students. The rate at which the transfer of posts from ED to aided primary schools takes place will depend largely on the wastage rate of SGOs in the Education Department: the higher the wastage, the faster the rate of transfer of posts.

In 1990-91 a total of 38 SGOs reported for duty, having been recruited in 1989-90. No recruitment exercise was conducted in 1990-91 since SGO posts were to be gradually transferred to schools in 1992 as recommended in ECR 4. The wastage rate of SGOs for 1990-91 was 11.9%.

(b) SGTs will not be recruited by the Education Department but by the schools themselves. School heads will select one of their experienced teachers as a SGT. Since SGT posts are ranked at Assistant Master (AM) level, a promotion rank, no difficulties in filling them are expected.

The very concept of the whole school approach, involving the provision of guidance in schools by school-based guidance teachers working together with other teachers, is to improve the quality of the student guidance service. In addition, professional support and training for SGTs will be provided by the Professional Support and Training Team of the Student Guidance Section of the Education Department to ensure that the quality of the service is maintained.

(c) The provision of one SGT to every school with 24 classrooms or more is an ultimate target which would be considered when whole-day schooling for primary schools has been implemented. There is as yet no fixed time-table for the implementation of this improved provision standard.

(d) It is up to individual schools to monitor the performance of their teaching staff, including the SGTs. The Professional Support and Training Team of the Student Guidance Section of the Education Department will, however, provide support to SGTs. Members of the Team will pay regular visits to SGTs in schools to help them handle difficult cases, and will organize regular meetings and seminars to provide them with professional support and advice.

(e) Training opportunities are currently provided by the Education Department for SGOs rather than SGTs, since the latter posts have not yet been created. Upon implementation of the whole school approach to guidance, all SGTs will have the opportunity to receive pre-service training comprising a four month full-time course which includes fieldwork in schools over a 10-week period. This course will be followed by part-time training of five months in the organization of preventive programmes and student support groups. In addition, a 10-month part-time refresher training programme will be available for experienced SGTs.

(f) No investigation has yet been made. However, in implementing the SGT scheme, a number of measures will be taken to help the Education Department monitor whether the additional SGT posts are used as intended for the Whole School Approach. These include ensuring, through circulars to head-teachers, that the duties of SGTs are explicitly spelled out, and the regional officer-in-charge of the Student Guidance Section maintaining frequent contacts with head-teachers through school visits and meetings, as well as regular meetings with SGTs. If the posts were found not to be used appropriately, they would be withdrawn.

First Reading of Bills

PREVENTION OF BRIBERY (AMENDMENT) BILL 1992

INDEPENDENT COMMISSION AGAINST CORRUPTION (AMENDMENT) BILL 1992

DANGEROUS DRUGS (AMENDMENT) (NO. 2) BILL 1992

ACETYLATED SUBSTANCES (CONTROL) (AMENDMENT) BILL 1992

NURSES REGISTRATION (AMENDMENT) BILL 1992

MIDWIVES REGISTRATION (AMENDMENT) BILL 1992

PHARMACY AND POISONS (AMENDMENT) BILL 1992

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

Second Reading of Bills

PREVENTION OF BRIBERY (AMENDMENT) BILL 1992

THE ATTORNEY GENERAL moved the Second Reading of: "A Bill to amend the Prevention of Bribery Ordinance."

He said: Mr Deputy President, I move that the Prevention of Bribery (Amendment) Bill 1992 be read a Second time.

As Members are aware the Prevention of Bribery Ordinance and the Independent Commission Against Corruption Ordinance are two of the six Ordinances that were excluded from the operation of the Bill of Rights Ordinance 1991 for a period of one year from 8 June 1991. A comprehensive review of these two Ordinances has now been carried out. Our approach has been to identify those provisions which are almost certainly inconsistent with the Bill of Rights Ordinance. The amendments recommended as a result are contained in this Bill and the next Bill on the Order Paper namely the Independent Commission Against Corruption (Amendment) Bill 1992.

I now turn to the contents of the first of these two Bills. Clause 2 of the Prevention of Bribery (Amendment) Bill 1992 repeals those parts of section 16 of the principal Ordinance which enable an investigating officer to detain any person found in an office, registry or other room used by a public body, which the officer is empowered to search.

Clause 3 repeals those parts of section 17 of the principal Ordinance which empower an investigating officer to detain any person found in the premises or place which he enters and searches with a warrant.

Clause 5 repeals section 18 which presently enables a magistrate to issue a

warrant for the apprehension and admission to bail of a person who is the subject of an investigation and who is about to leave Hong Kong. A consequential amendment to 17C(3) is effected by clause 4.

Clause 6 amends section 30 of the principal Ordinance so that it will no longer be an offence to disclose the identity of a person who is the subject of an investigation or the details of that investigation after that person has been arrested. Careful consideration has been given to the suggestion that the prohibition on pre-arrest disclosure should also be removed. We believe, however, that there are good reasons for this prohibition to remain. Firstly, given the sensitive nature of investigations of corruption allegations, premature disclosure can compromise the entire investigation process. Secondly, the reputation of the person under investigation should be protected, particularly in cases where no criminal charges are subsequently brought.

As the Secretary for Constitutional Affairs explained at this Council last week, in recommending legislative amendments in response to the Bill of Rights Ordinance, we should bear in mind that the Bill of Rights legislation is an entirely new area of law for Hong Kong and a local jurisprudence is only just beginning to develop. A cautious approach is justified at this stage. In line with this approach the amending Bill will either repeal or amend all provisions in the Ordinance which are almost certainly inconsistent with the Bill of Rights Ordinance. The possibility cannot be ruled out, nevertheless, that other provisions may still be at risk of being challenged as being incompatible with the Bill of Rights, but such challenges should be left for the courts to decide upon if they are made.

The Commissioner of the Independent Commission Against Corruption is satisfied that the amendments proposed by this and the next Bill will not have any adverse effect upon the operations of the Commission.

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

Question on the adjournment proposed, put and agreed to.

INDEPENDENT COMMISSION AGAINST CORRUPTION (AMENDMENT) BILL 1992

THE ATTORNEY GENERAL moved the Second Reading of: "A Bill to amend the Independent

Commission Against Corruption Ordinance."

He said: Mr Deputy President, I move that the Independent Commission Against Corruption (Amendment) Bill 1992 be read a Second time.

I have already explained the approach we adopted in recommending the amendments contained in the Bill. Clause 2 repeals those provisions of section 10C of the principal Ordinance which presently enable an officer authorized by the Commissioner of the Independent Commission Against Corruption to detain any person found in the premises or place which he is empowered to search.

Clause 3 repeals that part of section 13 of the principal Ordinance which empowers the Commissioner to require any person to provide him with any information which he considers necessary.

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

Question on the adjournment proposed, put and agreed to.

DANGEROUS DRUGS (AMENDMENT) (NO. 2) BILL 1992

THE SECRETARY FOR SECURITY moved the Second Reading of: "A Bill to amend the Dangerous Drugs Ordinance."

He said: Mr Deputy President, I move that the Dangerous Drugs (Amendment) (No. 2) Bill 1992 be read a Second time.

The purpose of the Bill is to amend the Dangerous Drugs Ordinance to meet the requirements of the International Covenant on Civil and Political Rights which are reflected in the Bill of Rights Ordinance.

Section 46 of the Dangerous Drugs Ordinance provides that any person found in possession of more than a specified amount of a dangerous drug is presumed to have been in possession of the drug for the purpose of trafficking.

Section 47 of the Ordinance provides presumptions of possession and knowledge of dangerous drugs under certain specified conditions.

The Court of Appeal ruled in September last year that some presumptions in sections 46 and 47 were inconsistent with the Bill of Rights Ordinance and, in consequence, had been repealed.

In response to the Appeal Court ruling, the Dangerous Drugs Ordinance has been reviewed. Our objective has been to ensure that the Ordinance complies with the Bill of Rights Ordinance, and that we maintain our ability to bring successful prosecutions for drug offences. The Bill proposes to delete or amend provisions which were ruled to be inconsistent with the Bill of Rights Ordinance, and to delete or amend other provisions which may be vulnerable to similar challenges.

Specifically, the Bill seeks:

(a) to remove the separate offence of possession of dangerous drugs for the purposes of unlawful trafficking and to include it as a trafficking offence;

(b) to increase the maximum penalties for possession offences on indictment to seven years' imprisonment and a fine of one million dollars;

(c) to amend and repeal incompatible presumptions concerning manufacturing, prescribed minimum amounts and divans; and

(d) to limit the scope of the presumption concerning possession of dangerous drugs.

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

Question on the adjournment proposed, put and agreed to.

ACETYLATED SUBSTANCES (CONTROL) (AMENDMENT) BILL 1992

THE SECRETARY FOR SECURITY moved the Second Reading of: "A Bill to amend the Acetylated Substances (Control) Ordinance."

He said: Mr Deputy President, I move that the Acetylated Substances (Control) (Amendment) Bill 1992 be read a Second time.

The purpose of the Bill is to amend the Acetylating Substances (Control) Ordinance to meet the requirements of the International Covenant on Civil and Political Rights. The amendments follow, and are similar to, those in the Dangerous Drugs (Amendment)(No.2) Bill 1992.

Specifically, the Bill proposes to substitute a new section 10, so as to limit the scope of presumptions concerning possession of acetylating substances, and to delete section 11, so as to repeal the presumption concerning manufacturing.

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

Question on the adjournment proposed, put and agreed to.

NURSES REGISTRATION (AMENDMENT) BILL 1992

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: "A Bill to amend the Nurses Registration Ordinance."

She said: Mr Deputy President, I move that the Nurses Registration (Amendment) Bill 1992 be read the Second time.

This Bill seeks to empower the Governor in Council to make regulations prescribing the fees for furnishing, to any party to a disciplinary inquiry held by the Nursing Board, a copy of any record of the inquiry.

Subsidiary legislation made by the Governor in Council under the Nurses Registration Ordinance stipulates that a fee is to be charged for furnishing verbatim records. However, the Ordinance contains no provision for such regulations to be made. The amendment Bill is therefore necessary to rectify the position.

The two Bills which stand in my name following this one seek to rectify similar positions.

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

Question on the adjournment proposed, put and agreed to.

MIDWIVES REGISTRATION (AMENDMENT) BILL 1992

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: "A Bill to amend the Midwives Registration Ordinance."

She said: Mr Deputy President, I move that the Midwives Registration (Amendment) Bill 1992 be read the Second time.

The reason I have just given with regard to the Nurses Registration (Amendment) Bill also applies in this case.

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

Question on the adjournment proposed, put and agreed to.

PHARMACY AND POISONS (AMENDMENT) BILL 1992

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: "A Bill to amend the Pharmacy and Poisons Ordinance."

She said: Mr Deputy President, I move that the Pharmacy and Poisons (Amendment) Bill 1992 be read the Second time.

The reason I have just given with regard to the Nurses Registration (Amendment) Bill 1992 also applies herewith, save that it seeks to empower the Pharmacy and Poisons Board to make the regulation in question.

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

Question on the adjournment proposed, put and agreed to.

PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1991

Resumption of debate on Second Reading which was moved on 23 October 1991.

Question on Second Reading proposed.

MR RONALD ARCULLI: Mr Deputy President, the Bill before us today seeks to provide the Hong Kong Society of Accountants with the necessary powers to operate a Practice Review system to examine the internal quality control policies and procedures adopted by its practising members for their audit procedures. The Bill also empowers the Society to commence disciplinary proceedings against any of its members who fails to comply with the requirements of a review, or who is found to be in breach of the professional standards of the Society. At present, the Society operates a reactive system of regulation and an inquiry into the work and conduct of a professional accountant may only be carried out when a complaint is received by the Council of the Society.

A Legislative Council ad hoc group comprising 12 members was set up to examine the Bill. The group met eight times, including meeting the Administration and the Hong Kong Society of Accountants on four occasions, and meeting with the Society of Chinese Accountants and Auditors as well as a group of practising accountants.

The Bill has attracted much attention and reaction from the accountancy profession since its publication in the Gazette on 11 October 1991. During the past four and a half months, the ad hoc group received a total of 30 submissions from various organizations and individuals, many of these being accountancy bodies or members of the profession. Of these 30 submissions, the Securities and Futures Commission and the Deposit Taking Companies Association and five individuals consider that there is a strong case for the Society, as the profession's regulator, to standardize the quality of audit work at a higher level and are supportive of the proposals to use the Practice Review system to achieve this objective. The remaining 23 submissions are either opposed to the Bill or wish to see it amended. However, the group noted that those opposing were in favour of the introduction of the Practice Review system if it were for the purpose of educating members of the profession without the possibility of disciplinary proceedings arising. Concerns were also expressed on the operational aspects of the Practice Review system. The points raised were carefully considered and discussed in detail with the Administration and the Society.

I would, however, only draw to the attention of this Council the essential points considered by the ad hoc group. I shall leave it to my honourable colleagues who come from the accountancy profession to elaborate on points of special interest to

the profession.

The first point that I shall deal with is the justification for legislating for a proactive system of regulation. The ad hoc group noted that the proposal for Practice Review was passed by a simple majority of 930 votes in favour and 759 against, with a large number of members (some 70%) not voting, at an Extraordinary General Meeting of the Hong Kong Society of Accountants in February 1991. Together with the views contained in the submissions received by the group, they pointed to a rather sizeable opposition from within the profession. In the wider context, the group felt that the proposed system might give rise to concerns on the individual's rights of privacy.

Against this background the ad hoc group invited the Administration and the Society to justify the case for Practice Review. In reply, the Administration furnished the group with comments from various government departments reporting on incidents of suspected substandard reporting which they had come across in the discharge of their statutory duties. The group was advised that although the extent of the problem could not be precisely quantified, there was a substantial body of evidence pointing to a significant number of substandard reports in all fields of governmental activity involving tax assessment, the management of insolvent businesses and prudential supervision of certain industries. The group was also told that the Government strongly supports the Society's proposals as reflected in the Bill as being in the public interest. Externally, the development and attractiveness of Hong Kong as a regional financial centre would also be enhanced by the proposed system. The Society also furnished the ad hoc group with statistics on the level of complaints and referrals received. Because the complainants in many of these cases were restricted from providing details to avoid breach of professional or confidentiality rules, it had prevented the Society from investigating the individual cases. The Society seeks therefore the support of this Council for the proposed Practice Review system so that it would be able to enhance its self-regulating programme to ensure that professional standards are observed and maintained.

In a number of the submissions it was suggested that:

- (1) the proposal for the Practice Review system could be introduced by the Society making by-laws under section 8 of the Professional Accountants Ordinance;
- (2) certain provisions of the Bill would infringe the Hong Kong Bill of Rights

Ordinance;

(3) the rule as to confidentiality of clients' affairs might be broken if reviewers were given access to such information; and

(4) the Practice Review system proposed was generally new and untried elsewhere.

Mr Deputy President, my honourable colleagues in the accountancy profession will explain the details of the ad hoc group's deliberations on these aspects and the reasons why the group supports the Bill subject to amendments to be moved at the Committee stage.

One particular aspect was of concern to those who opposed the introduction of the Practice Review system and that is the possibility that disciplinary proceedings could be initiated upon irregularities discovered as a result of a practice review. The Administration, the Society and the ad hoc group understood the concern. However, the ad hoc group felt it was unable in the public interest to support the suggestion that in no circumstances could disciplinary action be taken upon irregularities, however serious, being discovered as a result of a practice review. The ad hoc group therefore felt that some reasonable safeguard could be supported and during the Committee stage amendments Members will note that the Council of the Society could refer matters to the Disciplinary Committee in limited circumstances, namely, when a resolution to do so has been passed by a three-quarter majority and then only in the case of serious professional misconduct (always assuming, Mr Deputy President, that such a case is ultimately proven). We believe that this will give some assurance to the profession that the long-term purpose of the Practice Review system is to constantly improve professional standards and not for what has been perceived by some within the profession as a witch hunt.

Mr Deputy President, many of the representations received by the group expressed concerns on the operational aspects of the Practice Review system. These concerns, which include powers of the reviewers, the composition of the Practice Review Committee and the Disciplinary Committee, the small practitioners' representation in the system, the checks and balances in the Practice Review system, channels of appeal and penalty for breach of secrecy, and so on, have been relayed to the Administration and the Society for consideration. The group noted that the Society had subsequently discussed with representatives of various accountancy bodies who opposed the Bill as presently drafted and came up with various recommendations to

address these concerns. The amendments to be moved during the Committee stage by my honourable colleagues reflect the results of these discussions and of the full consideration given by the Administration, the Society and the ad hoc group to representations received since the Bill was introduced.

Lastly, Mr Deputy President, there is however one representation from the Society of Chinese Accountants and Auditors, that was only made to the Honourable Peter WONG yesterday. The Society of Chinese Accountants and Auditors now asked that at least 75% of the members of the Practice Review Committee should hold practising certificates and that they be elected by election among practising members and not by the Council. As to the first point an amendment will be moved at the Committee stage that two-thirds of the members of the Practicing Review Committee must be practicing accountants. As to the second point, it raises at the late stage an election mechanism that would appear to immediately divide the membership of the Hong Kong Society of Accountants into practicing and non-practicing members. For myself, I doubt the desirability and the practicality of such a proposal. My suggestion would be to allow the Practice Review system to run and should a good case be made that it is not working no doubt this Council would hear about it. Mr Deputy President, the ad hoc group is satisfied that the Bill can be supported. The consideration of the Bill has not been entirely easy or simple, and I am most grateful for the guidance given by the Administration, the Society and those who made representations including those who opposed the Bill. I am also grateful to members of the ad hoc group for their guidance but would like to make special mention of the wisdom and commonsense they showed when it came to considering issues that involve public interest. Both as the convener of the ad hoc group and in my personal capacity, I support the Bill.

MR PETER WONG: Mr Deputy President, I pledge my full support to the resumption of the Second Reading of the Professional Accountants (Amendment) Bill 1991 which seeks to introduce the Practice Review.

I have been involved with the workings of the Hong Kong Society of Accountants ever since its formation in 1974. Society members were charged with self-regulation of our profession and were privileged to enjoy an autonomy known by no other profession in Hong Kong. It is a privilege we guard jealously, and we trust, responsibly.

The first decade of our existence was spent in getting our standards and guidelines in place. By 1984, we realized that the standard setting was almost done

and we had to ensure that everyone followed and applied those standards. This was no easy task because we did not have a system of filing accounts for the inspection of the public at the Companies Registry and the Inland Revenue Department was bound by very stringent secrecy rules. We received a few but enough feedback from bankers, financial institutions and government departments about incidents of sub-standard work of our members but these never materialized into a complaint upon which a disciplinary action can proceed. You will appreciate that any disciplinary action can be very damaging to a professional if it is undertaken in an unwarranted fashion and we must have a prima facie case with some concrete evidence before proceeding. Our dilemma was that we were guilty by inference and we could never demonstrate that the problem was really insignificant.

Highest standards

I welcomed the idea of Practice Review when it got more than a theoretical approval by the Council of the Hong Kong Society of Accountants because it is the only sure way of ensuring that every professional accountant was practising what he preached, and that is to uphold the highest professional standards in his work. This Practice Review, if properly done, will give the Hong Kong public the assurance that every professional accountant, in arriving at his opinion, will adhere to those standards and guidelines worked out by his peers after many years of hard work and experience. They are there to assist and protect both the auditors as well as the clients.

It was natural that we should query the intrusion on the sacred confidential relationship between the professional accountant and his client. But I see the Practice Review, if carried out properly, will in no way jeopardize this relationship.

Bill of Rights

Practice Review necessarily means that at some stage, the reviewer will have to look at real audit files to satisfy himself that whatever the Practice Unit says that it is doing has actually been done. This has Bill of Rights implications in that it would give reviewers access to the private financial affairs of clients. Legal opinion of Mr Anthony NEOH, QC and Mr Johannes CHAN which accompanied one of the submissions to the ad hoc group suggests that there is a prima facie violation of the right to privacy.

The Administration and the Attorney General have re-examined the Bill having

regard to the legal opinion mentioned above and maintained the view that it does not contravene the Bill of Rights. The Society of Accountants, in their submission to the group, also enclosed the separate legal opinions of Mr Henry LITTON, QC and Mr Denis CHANG, QC showing that in the Bill of Rights context, a moderate invasion of privacy which is not likely to cause prejudice to anyone is reasonable in the public interest. The Court of Appeal for British Columbia in the case of McPherson v. The Institute of Chartered Accountants of British Columbia on 26 April 1991 held that if the practice review system is reasonable then it is not against the Charter of Rights. It also highlighted that the paramount consideration is public interest and protection of that interest. The ad hoc group is satisfied with the information and explanations provided by the Administration and the Society on this aspect.

Enough safeguards

This leads onto the point about confidentiality. Concern was expressed over the security of the information contained in the audit files which may be of a sensitive nature and could be of commercial value to the reviewers. Many of the representations also raised the question of internal security. The ad hoc group noted from the information provided by the Society that in the wider public interest, it is appropriate for a professional self-regulating body to have access to information normally bound by the accountant-client confidentiality code. On the question of internal security, the Society assured that a detailed operational manual for the proposed Practice Review system has been drawn up with particular emphasis on the preservation of confidentiality. Various safeguards built into the system and amended provisions of the Bill including criminal sanctions and heavy fines will ensure the protection of client confidentiality. For example, the reviewer picks the files to be reviewed randomly from a coded client list, and the identity of the practice unit remains anonymous to the Practice Review Committee unless and until a complaint has been lodged. The proposed section 32G of the Bill provides for the protection of client confidentiality by imposing criminal sanctions on breaches. The Administration has also agreed to increasing the fine in case of such breaches from \$50,000 to \$100,000. The presence of a criminal sanction should be grave enough to deter any reviewer who contemplates using the information thus gained to start a new practice unit since such an offence would surely debar him from such professional practice ever again.

The other major concern of accounting practitioners is that the Practice Review will be turned into a witch hunt by the large firms to drive the smaller firms out

of business. My colleague the Honourable Eric LI will address this in his speech, but I would like to emphasize that there are now sufficient safeguards to ensure that the review exercise is educational in the first instance for all but the most heinous breaches.

I appreciate that no system will ever be perfect at its initial stages and a number of problems must always exist and need to be ironed out. My accountant colleagues in this Council and I will be ever ready to consider and put right whatever problem is identified in the practice review system.

MR MARVIN CHEUNG: Mr Deputy President, first of all, I must declare my interest as a member of the Hong Kong Society of Accountants and a Certified Public Accountant, and I am therefore directly affected by the Professional Accountants (Amendment) Bill. I would also like to state that I am a member of the Council of the Hong Kong Society of Accountants, and have been so, throughout the time when the idea of a practice review, which is the main thrust of the Bill, was formulated.

I fully support the Second Reading of this Bill. My colleagues, the Honourable Ronald ARCULLI, Peter WONG, Eric LI and James TO, have spoken or will speak on various aspects of this Bill. I will confine my remarks to two areas.

Firstly, in a number of submissions it was suggested that it would be more appropriate for the legislative proposals in the Bill to be taken through the by-law route as provided under section 8 of the Professional Accountants Ordinance. Under this section of the Ordinance the Society may make by-laws regulating, among other things, the practice of accountancy by professional accountants in Hong Kong, subject to the approval of the Governor in Council and the support by a majority of two-thirds of the professional accountants present and voting at a general meeting convened for the purpose. The Society, however, considered it necessary to put various proposals for public scrutiny because of the public interest involved. The Administration also confirmed that it would not be appropriate for the proposals to be taken through the by-law route, having regard to the criminal sanctions proposed for the breach of secrecy provisions. Indeed, doubt had been expressed as to whether section 8 would permit a Practice Review system to be introduced. Their clarifications were accepted by the ad hoc group.

The second area I wish to touch on concerns comparability of Practice Review with

other jurisdictions. A number of the submissions questioned why the Society has sought to introduce Practice Review which is generally new and untried elsewhere. They considered it premature to introduce such a scheme to Hong Kong and raised the concern that it would be interpreted by the public that Practice Review is required in Hong Kong because its professional standards are lower than those in other countries. According to information provided by the Society, countries having a system similar to the Practice Review are:

Canada since 1980

Ireland since 1988

New Zealand since 1990, and

The United Kingdom since October 1991.

Australia is planning to have Quality Assurance Reviews to begin in January 1993. The aims and modus operandi of the system proposed in the Bill are similar to the United Kingdom scheme. The ad hoc group also noted that the International Federation of Accountants, of which the Society is a member, has issued a Proposed Statement of Policy of Council advising member bodies to adopt Quality Assurance Audits. The group accepted the view of the Society that the adoption of a monitoring programme for quality review to Hong Kong is in line with the international trend and is satisfied that we have not embarked on some unique adventure.

With these remarks, I support the motion.

MR ERIC LI: Mr Deputy President, at the outset I would wish to declare interest as a Council member of the Hong Kong Society of Accountants. Much of the representation received by the ad hoc group, referred to by our convenor, had been technical amendments on the operational aspects of the Practice Review System. These representations stemmed from an argument that the thrust of the Practice Review System should be educational rather than punitive in nature. In this respect there was actually very little difference in view between the opponents to the Practice Review System and the Hong Kong Society of Accountants. It is the declared intention of the Hong Kong Society of Accountants to place the main emphasis of the Practice Review System on this educational thrust. This common ground has actually enabled a number

of amendments to be made and will be proposed to honourable colleagues at the Committee stage. They are mainly to ensure that the operational aspects do reflect that educational spirit.

Since our honourable colleagues will be explaining the implications of each of these amendments during the Committee stage, I shall limit myself to dealing only with the broad principles behind these proposed amendments. The proposed amendments seek to address the following.

First, it is to restrict the scope of examination by the reviewer so that he cannot easily abuse his power and indulge in a witch hunt for mistakes.

Secondly, it stipulates the composition of the Practice Review Committee to ensure that it is well represented by practising accountants most affected by this Review Scheme and that it will be broadly independent of the Council of the Hong Kong Society of Accountants.

Thirdly, it is a safeguard against minor complaints arising from the first round of the Review, and the proposed amendment as described earlier by the Honourable Ronald ARCULLI will stipulate that such complaints will need to be ruled, by a three-quarter majority of the Hong Kong Society of Accountants Council members, as serious professional misconduct. We recognize that the term "serious professional misconduct" could lead to interpretational problems. The ad hoc group has deliberated at length on whether or not there can be better options; however they finally decided that on balance it would be better to leave the interpretation to the Council of the Hong Kong Society of Accountants, provided it is properly safeguarded by the three-quarter majority vote before it can be referred to the Disciplinary Committee.

Fourthly, it is to ensure that the practice unit under review gets a fair chance of representation and a copy of the reviewer's final report.

I will echo the remarks of the convenor, the Honourable Ronald ARCULLI, in thanking the accountants who have so readily come forward and provided us with well argued and constructive recommendations. I am hopeful that these amendments will allay the fears of the great majority of those who are opposed to the original Practice Review System. I am sure that even though these amendments may not meet 100% with their expectations, they will nevertheless be welcomed by all the parties concerned.

With these remarks, Mr Deputy President, I support the motion.

MR JAMES TO (in Cantonese): Mr Deputy President, not many members of the public are interested in the discussion of the Professional Accountants (Amendment) Bill on practice review, but the Bill has stirred up quite a controversy in the accounting profession. In fact, the information paper that the Government has provided to members of the ad hoc group contains comments of many departments including the Inland Revenue Department, the Official Receiver's Office, the Companies Registry, the Office of the Commissioner of Banking and the Office of the Commissioner of Insurance. And the comments point out that these departments, in the discharge of their statutory regulatory duties, have come across many dubious or substandard audited tax files. According to further information released by the Government, an abundance of evidence from the course of assessment of tax, handling of insolvent companies and exercise of further regulatory control of banks and insurance companies shows that many reports in question are below par. As such, from the viewpoint of the ordinary citizen, we depend very much on the government departments to oversee the operations of certain lines of business. We are concerned, for instance, over companies formed by small investors, securities companies, banks and insurance companies. From the recent BCC incident, the general public has realized that, very often, we look to the Government to safeguard our interests through auditors or certain audit systems. We have reasons to believe that a highly professional and reliable accounting or auditing service will definitely be good for the public.

Many bodies in opposition to the Bill are of the view that the Bill will undermine the confidentiality between accountants and their clients. Let me begin by saying that, in my opinion, despite the fact that the Bill before us appears to be an invasion of privacy and of confidentiality, we should not forget that confidentiality is not a paramount principle. Look at the laws that we now have. In common law, safeguards for confidentiality exist on a higher plane, in the form of a so-called prerogative of the legal profession. Still, some exceptions can be made because of an overriding consideration, namely, in the public interest. Under some of the existing statutes, for instance, the Inland Revenue Ordinance and the Prevention of Bribery Ordinance, accountants and other professional people may be required to disclose the confidential information that they have received from certain clients, provided that this is done in the public interest and that there are strict precautions against any abuse. Very clearly, our entire argument rests on whether or not the Bill will

serve the overall public interest. As I have pointed out, a highly professional service will definitely be good for the public.

Information provided by the Society of Accountants shows that many countries implement similar review systems to ensure the service of professional accountants. They include Canada, which adopted the system in 1980, Ireland in 1988, New Zealand in 1990, the United Kingdom in October 1991 and Australia, which will adopt the system in January 1993.

As to specific points of law, my colleague Mr Peter WONG just now has put forward the pros and cons of this matter. After study, we the United Democrats of Hong Kong think that the Bill is not in contravention of the Bill of Rights, particularly having regard to a precedent case, namely, the appeal case of April 1991 in Canada, which has been mentioned earlier. The main point of interest of that case is that the practice review system there is extremely similar to that in the Bill before us. In Canada, the court held that the precedent case is not against the Charter of Rights. There was also a 1985 precedent case involving peer review of practice in the medical profession. The Court was also of the opinion that the principles of confidentiality of the Charter of Rights were not violated. In fact, in these two precedent cases, the Court has laid down a very important principle: an appropriate and reasonable review system can ensure highly professional practice and is good for the public. Such a system is good not only for the public but also for clients who use the professional service.

In addition, when the Bill is later reviewed at Committee stage, detailed provisions will be made to ensure that examiners will treat as confidential the information to which they have access during the review process. One particular thing I have to point out is that the penalty for violating such a provision will be increased to bring it in line with penalty applicable to other staff of public service who break the law. On the whole, the United Democrats of Hong Kong support the Bill.

SECRETARY FOR THE TREASURY: Mr Deputy President, I should like to place on record my appreciation for the time and effort that members of the ad hoc group devoted to this Bill. While recognizing the merits of the proposed system of practice review, the ad hoc group were also concerned that the additional powers to be conferred by the Bill should not exceed those required to secure the intended objective.

As a result of the various amendments that Members have proposed, which generally focus on defining more precisely how the proposed system of practice review should operate, I believe that the Bill has not only been improved, but that it now meets the concerns that have been raised.

Several Honourable Members have already alluded to the Bill of Rights aspects of this piece of legislation. I should perhaps mention one other area and that is that during the past 12 months there has been the false spectre of the proposed practice review system being used as a mechanism by which the big fish in the profession could eat up the small fish. As a result of the ad hoc group's examination of this Bill and of the Committee stage amendments to be proposed I believe this spectre has been firmly laid to rest.

It will be noted that the amendments do not undermine the essential purposes of the Bill. That has been, and remains, to provide for a means to examine, or review, the methods and procedures of professional accountants, to determine whether they comply with the standards that have been laid down by the Hong Kong Society of Accountants.

The amendments that Mr Peter WONG will be proposing are all acceptable to the Government. In particular, the proposed new section that provides for either a reviewer, or a practice unit, to refer disputes to the Practice Review Committee for determination is a useful and constructive improvement to the Bill.

As regards the amendments that Mr Marvin CHEUNG will be proposing, the most important concerns the course of action that the Practice Review Committee may take after it receives a report from a reviewer. Although it was always the Society's intention that no disciplinary action would be taken as a result of a first review, except in the case of serious misconduct, this will now become a statutory requirement. On the other suggested amendments -- including those which will ensure that a member of the Practice Review Committee who instigates a complaint cannot subsequently deal with that complaint as a member of a disciplinary committee -- these are all equally acceptable to the Government.

Likewise the amendments Mr Eric LI will be proposing. The most important of these is the requirement for a reviewer to attach to his report any representation made by the practice unit involved. This is a useful addition and, in the interests of

fair play, will ensure that such representation is seen by the Practice Review Committee.

Turning to Mr James TO's proposed amendments, the stipulation that any document containing privileged communication by or to a legal practitioner need not be disclosed to a reviewer is an improvement on the original provision. Additionally, the proposed increase in the fine for any breach of the secrecy provisions is also welcomed.

Finally, Mr Deputy President, I would like to add that, on each occasion the Government has met with the ad hoc group, the Hong Kong Society of Accountants has also been represented. They are fully conversant with the proposed amendments and, like the Government, fully support them.

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

Bill read the Second time.

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

Committee stage of Bill

Council went into Committee.

PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1991

Clauses 1 and 5 were agreed to.

Clause 2

MR PETER WONG: Mr Chairman, I move that clause 2 be amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 2

That clause 2(b) be amended, in the proposed definition of "professional standards" by deleting paragraph (a).

Question on the amendment proposed, put and agreed to.

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

Clause 3

MR ERIC LI: Mr Chairman, I move that clause 3 be amended as set out under my name in the paper circulated to Members.

Proposed amendment

Clause 3

That clause 3 be amended, in the proposed section 18A -

(a) by deleting subsection (1)(a); and

(b) by deleting subsection (2)(a).

Question on the amendment proposed, put and agreed to.

Question on clause 3, as amended, proposed, put and agreed to.

Clause 4

MR PETER WONG: Mr Chairman, I move that Clause 4 be amended as set out under my name in the paper circulated to Members.

Section 32A(3) is amended to require two-thirds of the members of the Practice Review Committee to be holders of practising certificates and to limit the number of Council members to two. It is believed that this amendment will ensure that the standards of the Practice Review Committee will be set and judged by one's accountant

peers who are in practice and will act in the best interests of the profession and Hong Kong. The convener of the ad hoc group, the Honourable Ronald ARCULLI, has also referred to certain late representations made on this amendment and I shall not repeat them here.

Section 32A(8) is amended so that a sub-committee appointed by the Practice Review Committee is not empowered to make a complaint to the Registrar regarding the professional standards of a practice unit. It is felt that the power to make such a complaint should be entrusted solely to the Practice Review Committee.

A new section 32EA is added. The Bill, as drafted, is silent on the manner according to which a dispute regarding the exercise of powers by a reviewer could be handled. The proposed section 32EA provides that where a dispute arises in relation to whether or how powers of a reviewer may be exercised, either the practice unit or the reviewer concerned may refer the dispute to the Practice Review Committee for a ruling.

Proposed amendments

Clause 4

That clause 4 be amended --

(a) in the proposed section 32A-

(i) by deleting subsection (3) and substituting -

"3 (a) The Practice Review Committee shall consist of such number of members, being not less than 5, as the Council shall fix and of whom not more than 2 may also be members of the Council.

(b) Of the members of the Practice Review Committee not less than 2/3rds shall each hold a practising certificate."; and

(ii) in subsection (8) by adding "except the powers conferred on it by section 32D(5)" after "powers";

(b) by adding after the proposed section 32E -

"32EA. Referral of disputes

(1) Subject to subsection (4), where a dispute arises in relation to whether or how a power or powers of a reviewer under section 32E may be exercised in a particular case, either the practice unit or the reviewer concerned, or both, may refer the dispute to the Practice Review Committee.

(2) Where a dispute is referred under subsection (1), after considering any submissions or representations (which shall be in writing) made by the relevant practice unit or the relevant reviewer, the Practice Review Committee -

(a) shall determine the dispute and communicate such determination to each of the parties to the dispute; and

(b) may issue directions relating to the matter in dispute to such practice unit or the reviewer concerned and require such unit or reviewer to comply with them.

(3) Where a practice unit or a reviewer is required to comply with a direction under subsection (2)(b) and fails to comply with the requirement, the Practice Review Committee may make a complaint to the Registrar regarding any professional accountant concerned, and in case such a complaint is made it shall, for the purposes of Part V, be deemed to have been made under section 34(1).

(4) Nothing in this Part shall be construed as enabling the Practice Review Committee or a reviewer finally to determine whether or not the provisions of section 32E(3) apply in relation to any record or document."

Question on the amendments proposed, put and agreed to.

MR MARVIN CHEUNG: Mr Chairman, I move that clause 4 be further amended as set out under my name in the paper circulated to Members.

Sections 32B(1)(b) and (c) are technical amendments. Subsection (1)(d) is amended to make it clear that a reviewer must be a professional accountant. Section 32D(2) and (3) are deleted and are substituted by new subsections (2) to (7). The proposed amendments will provide that a second review may not be undertaken until

a period of at least six months has elapsed. Additionally, the section provides that no disciplinary action, except in the case of serious professional misconduct, may be taken as a result of the findings of the first review, and even then, with the safeguard that the Council of the Hong Kong Society of Accountants may only lodge a complaint with the Disciplinary Committee if it resolves so to do by a three-fourth majority rather than a simple majority as is the norm.

Proposed amendments

Clause 4

That clause 4 be further amended --

(a) in the proposed section 32B(1) -

(i) in paragraph (b) -

(A) by deleting "a review or an examination" and substituting "an examination or a review,"; and

(B) by adding a comma after "applied";

(ii) in paragraph (c) by deleting "or (2)" and substituting ", (2), (3) or (5)"; and

(iii) in paragraph (d) by deleting "person" and substituting "professional accountant";

(b) by deleting the proposed section 32D(2) and (3) and substituting -

"(2) After receipt of a report under section 32C(3), the Practice Review Committee, having had regard to the report and submissions or representations (if any) attached to it, if thought fit, may make recommendations to the practice unit concerned regarding the application by it of professional standards.

(3) The Practice Review Committee, having had regard to a report issued by a reviewer and submissions or representations (if any) attached to it, may -

(a) issue an instruction to a reviewer to carry out, within such period as may

be specified in the instruction (which period shall not commence earlier than 6 months after the date on which the instruction is issued), a further practice review as regards the practice unit to which the report relates; and

(b) specify in the instruction, the matters as regards which the review is to be carried out.

(4) Nothing in section 32B(1) or 32C(2) shall be construed as preventing the Practice Review Committee from issuing an instruction under subsection (3) and for the avoidance of doubt it is hereby declared that the powers conferred by subsection (1) shall operate as regards any practice review carried out pursuant to such instruction.

(5) Where after the conclusion of a practice review the Practice Review Committee is, having had regard to any report issued by a reviewer and submissions or representations (if any) attached to it, of the opinion that -

(a) in case the review related to a firm, any one or more or all of the partners in the firm;

(b) in case the review related to a professional accountant practising on his own account, that accountant,

may have failed to observe, maintain or apply, as the case may be, professional standards, then subject to subsection (7) the Practice Review Committee may make a complaint regarding such partner or other professional accountant concerned or, in case there is more than one such person concerned, a separate complaint in respect of each of them, to the Registrar.

(6) A complaint under subsection (5) shall, for the purposes of Part V, be deemed to have been made under section 34(1).

(7) Where -

(a) a complaint is made under subsection (5); and

(b) immediately prior to the commencement of the relevant practice review -

(i) the partner or other professional accountant to whom the complaint relates

had not previously been a partner in any firm at any time when a practice review was carried out as regards that firm; and

(ii) a practice review had not previously been carried out as regards his practising on his own account,

the Council shall not refer the complaint to the Disciplinary Committee under section 34(1) unless it decides by a majority of 3/4ths of its members for the time being that, were the grounds of complaint or any such ground or any matter or matters complained of established, the relevant act or omission by such partner or other professional accountant would have amounted to serious professional misconduct."

Question on the amendments proposed, put and agreed to.

MR ERIC LI: Mr Chairman, I move that clause 4 be further amended as set out under my name in the paper circulated to Members.

Regarding section 32C(3), this section is amended to require the reviewer to include in his report to the Practice Review Committee any written submissions or representations made on it by the Practice Unit and that a copy of the final report must be given to the Practice Unit reviewed, and so on.

Regarding section 32E(1)(a)(i), (c) and (d)(i), it is considered that for a practice review things other than records and documents are not necessary. Accordingly, it is recommended that the words "other things" which may also be subject to abuse should be deleted from these sections.

Proposed amendments

Clause 4

That clause 4 be further amended --

(a) by deleting the proposed section 32C(3) and substituting -

"(3) A reviewer who carries out a practice review pursuant to this section shall make a report to the Practice Review Committee at the conclusion of the practice review

and at any other stage thereof as may be required by the Practice Review Committee.

(3A) A review shall, before making a report required by subsection (3), send a dated draft of the proposed report to the practice unit concerned and to each individual (if any) who is named in the report by registered post or recorded delivery addressed to the registered office or registered address of the practice unit or the individual, as the case may be.

(3B) Where -

(a) a firm, a professional accountant practising on his own account or any other individual is sent a draft of a proposed report pursuant to the requirements of subsection (3A), such firm, accountant or other individual may, within the period of 21 days beginning on the day after the draft report is so sent, make submissions or representations in writing to the reviewer concerned as regards the proposed report; and

(b) any submissions or representations are made under paragraph (a), they shall be considered by the reviewer concerned.

(3C) A reviewer shall attach to a report referred to in subsection (3) submissions or representations (if any) made under subsection (3B) as regards the report in its draft form.

(3D) Where a reviewer makes a report under subsection (3) he shall send to the practice unit or the individual concerned a copy of such report by registered post or recorded delivery addressed to the registered office or registered address of the practice unit or the individual, as the case may be.";

(b) in the proposed section 32E(1)(a)(i), (c) and (d)(i) by deleting ", document or other thing" and substituting "or document".

Question on the amendments proposed, put and agreed to.

MR JAMES TO: Mr Chairman, I move that clause 4 be further amended as set out under my name in the paper circulated to Members.

The amendment to the proposed section 32E(3) aims at clarifying the wording which might have been interpreted so as to extend beyond the normal meaning of legal professional privilege. It is also proposed that the maximum fine for breach of the provisions of the new section 32G(3), that is, the preservation of confidentiality in relation to the performance or functions of practice review be increased from \$50,000 to \$100,000. The revised penalty will enhance the deterrent effect and will be in line with the penalty provided for conviction upon indictment under the Securities and Futures Commission Ordinance.

Proposed amendments

Clause 4

That clause 4 be further amended --

(a) by deleting the proposed section 32E(3) and substituting:

"(3) Nothing in this section shall be taken to compel the production by a person of a record or document containing a privileged communication by or to a legal practitioner in that capacity.";

(b) in the proposed section 32G(3) by deleting "\$50,000" and substituting "\$100,000".

Question on the amendments proposed, put and agreed to.

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

Clause 6

MR MARVIN CHEUNG: Mr Chairman, I move that clause 6 be amended as set out under my name in the paper circulated to Members.

In support of new section 32A(4) which provides that a member of the Practice Review Committee cannot concurrently be a member of the Disciplinary Committee, new

section 34(3) provides an additional safeguard to ensure that the Disciplinary Committee operates more fairly by stipulating that after a person ceases to be a member of the Practice Review Committee he cannot take part in proceedings relating to a complaint referred during the currency of his membership of the Practice Review Committee.

Proposed amendment

Clause 6

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

"6. Disciplinary provisions

Section 34 is amended -

(a) in subsection (1) -

(i) by adding "but subject to section 32D(7)" after "discretion"; and

(ii) by adding after paragraph (d) -

"(da) has failed or neglected to comply, without reasonable excuse, with any direction issued under section 32EA(2) and with which he was required by the Practice Review Committee to comply;

(db) has failed or neglected to observe, maintain or otherwise apply any professional standards;" and

(b) by adding after subsection (2) -

"(3) A person who was a member of the Practice Review Committee at any time when a complaint was made by it under section 32D(5) shall not take part as a member of the Disciplinary Committee in any proceedings relating to such complaint."."

Question on the amendment proposed, put and agreed to.

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

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1991

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

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

Bill read the Third time and passed.

Member's motions

DEPUTY PRESIDENT: We have two motions for debate this afternoon and, in accordance with the practice set at the sitting on 22 January 1992, I understand Members have agreed to place a voluntary restraint upon the length of speeches in support of both motions, with a view to Members speaking for a total of two hours and not more on each of the two motions.

PRESS FREEDOM

MISS EMILY LAU moved the following motion:

"That this Council recognizes the vital importance of protecting freedom of the press in Hong Kong and urges the Administration to demonstrate its positive commitment to this principle by undertaking to initiate without delay the repeal of all legislation which is in breach of press freedom as protected by Article 16 of the Hong Kong Bill of Rights Ordinance 1991."

MISS EMILY LAU: Mr Deputy President, I rise to move the motion standing in my name in the Order Paper.

Of all the freedoms that the Hong Kong people enjoy, press freedom is one of the most cherished and yet probably most fragile. With only five years to go before the Chinese take-over in 1997, there is growing concern that the freedoms the Hong Kong people enjoy may be at risk. The first casualty, many of us fear, could be the freedom of the press.

Before I go any further, Mr Deputy President, I want to declare my interest. I am a member of the International Board of Article 19 which is a London-based international centre against censorship. Article 19 believes that freedom of opinion and expression is a fundamental right without which all other rights, including the right to life, cannot be protected. I am also a member of the Hong Kong Journalists Association.

Under British colonial rule, the Hong Kong people have enjoyed the luxury of a free press for much of the time. However many draconian laws exist and if used to the full they could kill the free press overnight. Many of us are only too aware of the importance of press freedom to an open and free society like Hong Kong; so there is no need for me to labour the point, except to say that an independent, free and vibrant press is most essential to the colony's emerging democratization process. It is also a vital and indispensable ingredient of an open society, where dissenting views are allowed to compete in the free market place of ideas.

For people who respond more readily to the sound of the cash register, the importance of a free press also has an unmistakable commercial angle. Members are no doubt aware that some international news media conglomerates are thinking of relocating elsewhere in the region, a move prompted mainly by anxiety over the possible loss of press freedom in 1997. There is of course no need to remind business people that the free flow of information facilitated by an independent and free news media is highly desirable.

With the absence of democratic political institutions, the task of monitoring the performance of the colonial Administration has willy nilly been left largely to a vibrant but not too critical or analytical news media. As Hong Kong struggles towards democracy, the need to continue to have an independent and free news media cannot be over-emphasized.

Mr Deputy President, the purpose of this afternoon's debate is to draw this

Council's attention to problem areas in our statute book and laws which may be inconsistent with Article 16 of the Bill of Rights Ordinance enacted in June last year. Article 16 does not mention press freedom, but stipulates that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Although Article 16 does not refer to freedom of the press per se, few people would dispute that press freedom is an important part of freedom of expression. Seek, receive and impart information is exactly what journalists do every day. Press freedom, I am sure we all appreciate, is not something which merely affects a couple of thousand journalists. It is an extension and manifestation of the public's right to know. I also want to point out that Article 16, which is Article 19 of the International Covenant on Civil and Political Rights, only represents the minimum standard of protection. Journalists and human rights groups have asked for more, including a clause in the Basic Law, along the line of the First Amendment to the American Constitution, that the Hong Kong legislature should make no laws to abridge the freedom of the press. That request was ignored by the Chinese Government.

Mr Deputy President, the right to freedom of expression under Article 16 carries with it certain limitations, although it is important to stress that the right to hold opinions without interference is absolute. These limitations include respect for rights or reputations of others, protection of national security, public order or public health and morals. Thus the Bill acknowledges that the right may have to be balanced against other social needs.

On this complicated question of limitations, I have sought the advice of Professor Yash GHAI, Professor of Public Law at the University of Hong Kong. According to Prof GHAI, the presumption of Article 16 is that any restriction is unlawful, and the burden is on the Government to justify.

The general approach of the courts, which is also endorsed by our own Court of Appeal, Prof GHAI said, is that the rights should be given a broad and generous interpretation while the limitations should be narrowly applied. Thus the Government may restrict or punish freedom of expression only if it is justified as necessary to achieve one of the purposes specified.

Professor GHAI also argues that the Government must show that the interference is provided by "law" and is "necessary" to achieve that purpose. "Necessary" he said means there must be a pressing social need, not merely desirable. "Law" carries with it the notion of fairness and proportionality.

If one accepts Prof GHAI's interpretation, one may conclude that some of the laws that I am going to highlight are broadly and vaguely formulated, and could be used in an excessive manner which goes well beyond their rationale. As such, they are invalid and need to be amended to provide criteria for their use. If I may give you one example. The Telecommunication Ordinance empowers the Governor to prohibit the transmission of messages if he considers that the public interest so requires. To give the Governor such a sweeping power without specifying the objective criteria on how it should be exercised is clearly unacceptable and a breach of Article 16.

The enactment of the Bill of Rights Ordinance is to give local effect to the International Covenant on Civil and Political Rights, which was partially extended to Hong Kong 16 years ago. Speaking in this Council on 5 June last year, the Chief Secretary admitted that ever since 1976 Hong Kong has had an obligation in international law to give effect to the Covenant. Unfortunately it has taken the Government a very very long time. With the enactment of the Bill of Rights last year, the Government has taken on an unshirkable responsibility to repeal all laws which are deemed to be inconsistent with the Bill.

The motion this afternoon before the Council, Mr Deputy President, is deliberately narrowly worded so as to ensure that it is sharply focused on the question of repealing laws which are in breach of press freedom. I call on the Government to demonstrate its positive commitment to the protection of press freedom by undertaking to introduce into this Council without delay legislation aimed at repealing all offending provisions in the law.

In his reply to Mr Simon IP's question on the implementation of the Bill of Rights last Wednesday, the Secretary for Constitutional Affairs said the Administration had conducted a review of existing legislation where problem areas were thought to exist prior to the enactment of the Bill of Rights Ordinance. Apart from the six laws which are covered by the one-year freeze period, the bulk of the rest would be left to the courts.

Here I want to ask the Government whether it accepts that since the enactment

of the Bill of Rights Ordinance, it has assumed the responsibility to review all laws and introduce legislation to ensure full compliance with the Bill of Rights and the ICCPR. It is unacceptable and even irresponsible to leave this task to the courts. By adopting such an attitude, the Government appears to be telling us "I may be breaking the law, but I will not do anything about it. If you have the money, you can take me to court. If I lose, then I will be forced to amend the law." I want to know whether such a cavalier attitude is what we can expect from the Government?

Furthermore, Mr Deputy President, since the Government has refused to set up a Human Rights Commission to review and identify laws which may be in breach of the Bill of Rights and the ICCPR, it must take on the task itself and not push off the responsibility to the judiciary. Given that court cases are usually hugely expensive and often very time consuming, a likely consequence of the Government's decision is that only people with very deep pockets and commercial interests at stake can afford to take the Government to court.

The list I am going to put forward this afternoon, Mr Deputy President, is by no means exhaustive. Some people may say it is only the tip of the iceberg. These laws can be divided into two categories: those which directly apply to the news media, and those which apply to all persons but which are of particular concern to people in the news profession because of the nature of their work.

Top of my list, Mr Deputy President, and the most devastating is the Emergency Regulations Ordinance which provides for very wide powers to the Governor in Council. Under this Ordinance, "on any occasion which the Governor in Council considers to be an occasion of emergency or public danger he may make any regulation whatsoever which he may consider in the public interest." Under these powers, Mr Deputy President, the Governor may make regulations which amend or suspend existing laws, create new offences and prescribe penalties. Neither the word "emergency" nor the expression "public danger" is defined. No restrictions are imposed on the Governor's powers and there is no review mechanism.

Under this devastating Ordinance, Mr Deputy President, regulations have been made and remain on our statute books ready to be brought into operation by the Governor's order notified in the Gazette without any requirements that there be a state of emergency. Here I must ask the Administration: Does it consider that there is currently a state of emergency in Hong Kong? And if not, why are these regulations still unrepealed?

If I may give you a flavour of the severity of this law. Part II of the Emergency (Principal) Regulations deals with censorship, control and suppression of publications. If invoked, they can completely negate the freedom of expression and freedom of the press. Amongst other things, these regulations prohibit the publication of matter which the authorities consider prejudicial to the public interest. The authorities have the power to pre-censor any matter before publication, search premises to seize and impound illegal publications, printing presses and other instruments.

The question of emergency and emergency powers is regulated by section 5 of the Bill of Rights Ordinance. It is true that some of the rights and freedoms guaranteed in the Bill of Rights may be derogated from during an emergency; however the circumstances and the extent of the derogations should be closely circumscribed. Thus it follows that the wide powers without any guidance for their exercise given under this Ordinance and the regulations are in breach of the Bill of Rights and should be repealed, Mr Deputy President, immediately.

Similar sweeping powers regarding broadcasting are scattered in three Ordinances. If invoked, they can wipe out broadcast journalism overnight. One of the Ordinances, the Broadcasting Authority Ordinance, empowers the Authority to prohibit the broadcasting of any programme including news and current affairs.

The second, Mr Deputy President, is the Television Ordinance. Under this Ordinance, the Governor in Council can close down a television station and revoke its licence. Besides empowering the Governor in Council to make regulations establishing standards for programmes containing political or religious material, this law also gives the Broadcasting Authority the power to require the television licensee to pre-record all programmes, that is, including news and current affairs, Mr Deputy President, and submit them to the Authority for approval before broadcast if the Authority thinks the programmes may affect the peace and good order of Hong Kong.

As if this is not enough, the Television (Standards of Programmes) Regulations require a licensee to broadcast international and local news "which shall be presented from sources or services approved by the Broadcasting Authority." If such power is invoked, it could mean that journalists can only use material supplied and vetted by the Government Information Service and/or New China News Agency.

Similar controls also apply to radio broadcasting, which is governed by the Telecommunication Ordinance. Under this law, Mr Deputy President, the Broadcasting Authority may require a radio licensee "to refrain from broadcasting any programme" which the Authority thinks would contravene directions issued by the Governor in Council.

In the past, senior government officials have argued that the sweeping powers were necessary as ultimate safeguards, but stressed they were seldom invoked. The fact remains they are there without limitations or restrictions and can be used at any time in an arbitrary fashion, particularly against the news media.

The fact that the Government's huge powers on the broadcasting media are scattered in a number of Ordinances is untidy and messy. I urge the Administration to initiate into this Council an omnibus Broadcasting Ordinance which seeks to put clear limits on the present unfettered powers and to create a liberal environment for the free and independent operations of media professionals.

Mr Deputy President, another law which has caused deep concern is the Official Secrets Act 1911-1939 of the United Kingdom which still regulate the disclosure of official information in Hong Kong although it has been amended in the United Kingdom in 1989. Under section 2 of this much criticized and discredited piece of legislation, the unauthorized disclosure of government information, however trivial and inconsequential, by a public servant or a recipient of such information is a criminal offence. The 1989 United Kingdom amendment distinguishes between different kinds of information and narrows the circumstances in which giving or receiving unauthorized information is criminal.

Hong Kong is in limbo as far as this law is concerned. While the discredited 1911 Act still applies, the British Government has told the United Nations Human Rights Committee that it intended to extend the 1989 amendment to Hong Kong and other colonies, but this has not happened and I think it should be done with caution. Apart from the fact that the Act would lose its effect in 1997 when the colony reverts to Chinese rule, local journalists have voiced their objections to the amended 1989 Act, which they claim can be more easily invoked and thus still poses a great threat to press freedom.

Alternatively, Mr Deputy President, the Government may want to enact a law to

prevent the "theft of state secrets" as required by Article 23 of the Basic Law. While I accept the need for a law to protect highly sensitive official information regarding national security and defence, I think there is a clear distinction between government information and state secrets. In the vast majority of cases, Mr Deputy President, government information is not state secrets.

Furthermore, I think Article 16 of the Bill of Rights has placed an obligation on the Administration to introduce a Freedom of Access to Information Act. I do not wish to digress from my motion, which is about the repeal of laws deemed to be a threat to press freedom. But I wish to serve notice that I intend to move another motion debate later in the year on the wider topic of freedom of expression, which will include the question of freedom of access to information.

Another law, Mr Deputy President, which also has a direct bearing on the journalistic profession is section 30 of the Prevention of Bribery Ordinance, which is one of the six laws covered by the one-year freeze period under the Bill of Rights. Earlier this afternoon the Government has introduced into this Council the relevant Bill to amend the Ordinance including section 30. It is not proper to start to debate on the proposed amendments and I have no wish to do so. I only want to say the proposed amendment on section 30 does not go far enough. Another area of concern, Mr Deputy President, is the seizure of news videotapes from the two commercial television stations in October 1989 by the police using powers under section 50 of the Police Force Ordinance, another law covered by the freeze period. This has caused considerable unease within the journalistic community and was seen by some people as being politically motivated, because the police were seeking information about an anti-Peking demonstration held a few days earlier.

Another law which applies to all Hong Kong people but is of particular concern to the news profession is the Crimes Ordinance which provides for offences of treason and sedition, as it has a direct bearing on what can and cannot be published legally. These offences have been used in other countries to punish journalists and there is growing concern that these powers could be invoked to punish seditious and treasonous publications in the future.

Yet another area of concern, Mr Deputy President, is contempt of court. Here I am grateful to Miss Gladys LI, QC, for her assistance in this highly technical and complex area. Miss LI argues that a free press is an essential feature of "open justice" in an open society. One need not look very far for legal systems where trials

can be held in secret where the charges faced by the accused are unknown and verdicts go unreported.

We are fortunate in Hong Kong, Mr Deputy President, that this cannot happen. Yet there is little, if any, recognition of the role which the news media has to play in ensuring that justice is properly dispensed and administered in our courts. Instead, Miss LI said, the press is faced with a number of restraints in the reporting of cases and in engaging in public debate on issues of topical interest when a case, civil or criminal, is pending before the courts.

One such restraint is contained in the Judicial Proceedings (Regulation of Reports) Ordinance. Section 3(1)(a) of this law renders unlawful the publication, in relation to any judicial proceedings, of any indecent matter of any medical, surgical or physiological detail which are of a revolting or offensive nature. Arguably, Mr Deputy President, the reporting of the case involving Misses A, B and C, and others, which had so many members of the public scrambling for seats in the Wan Chai Court last summer was in breach of this provision; yet no prosecution was initiated. Does this law therefore serve any useful purpose? More importantly, is it a reasonable restraint on the reporting of court proceedings when measured against Article 16?

Miss Gladys LI also cautions that the law on contempt of court has a potential to be a substantial restraint on freedom of the press. This potential was recognized by the Sub-committee of the Law Reform Commission on Contempt of Court which reported in December 1986. A feature of the law on contempt which creates particular difficulties for journalists as well as members of the public is the fact that the law is to be found only in legal precedents and not in any Ordinance. It was this feature which led the committee to observe that "the press and the public must know where they stand so the circumstances in which judicial intervention to prevent or punish contempt of court must be clearly defined. It is not enough to say that the law can be found in the cases."

Mr Deputy President, the time has come for the enactment of a comprehensive Contempt of Court Ordinance including a clear statement on the principles by which "contempt of court " is defined and clear guidelines to allow the news media to understand at what time publication can constitute contempt.

Lest anyone should think that contempt of court is an area of law which exists

but is never invoked, I would remind you that only last year proceedings were initiated against the Asian Wall Street Journal and the South China Morning Post by the Attorney General, although ultimately the proceedings were not pursued. It is doubtful whether the law on contempt as it stands is compatible with Article 16 and a review of the law is long overdue.

Mr Deputy President, in attempting to cover such a wide and complex topic, no doubt I have only managed to scratch the surface. The task of reviewing all laws using the Bill of Rights as the standard is a daunting one and should have been embarked upon in 1976. I hope the Administration will undertake this afternoon to review all laws relating to press freedom and to give this Council its assessment in the not too distant future.

With these remarks, I beg to move.

Question on the motion proposed.

MRS SELINA CHOW: Mr Deputy President, I have been impressed over the years how Hong Kong has developed into one of the few places in Asia, or even in the world, that is enjoying the highest degree of freedom of expression and part and parcel of this freedom is the related freedom to report, publish, broadcast and disseminate information by the media. Like many, I am convinced that this is one of the most treasured freedoms of our people and is one of the key factors that account for the rapid development and the economic success of Hong Kong as an international city.

As someone who has been deeply involved professionally with the media industry, and as a Member of this Council, I have always been firmly committed to the protection and preservation of this very important freedom at all times. Whereas the freedom of expression relates to individual citizens, the freedom of the press relates mainly to persons or corporations who work in the media, specifically those who directly collect, treat and present, or influence, control and veto such collection and treatment and presentation. The power wielded by these people is tremendous indeed. In order that they are to wield that power responsibly they must, on the one hand, be given the freedom to do their job properly without being under threat but, on the other hand, they must possess the skill and knowledge, as well as the integrity, to tell the truth.

Telling the truth is the most demanding test on journalists for truth is not easily found. It requires the piecing together of information, facts, perspectives, words and deeds to compose pictures based on not only knowledge but understanding. No one can fail to be impressed by the enthusiasm and diligence of the Hong Kong press corps. The frontline reporters in particular are persistent and highly driven and seem generally undaunted by the pressure of competition that is unique to the Hong Kong media.

According to the one and only survey conducted on Hong Kong journalists in 1990, 85% of our journalists were under the age of 41, 78% of them had received tertiary education, and 61% of them received a monthly salary of \$10,000 or below. In other words, we have a young, well educated but poorly paid press. My own experience in coming into contact with reporters on the Legislative Council beat certainly confirms the findings of the survey. There seems to be great mobility in the profession and unlike situation elsewhere, reporters, particularly good reporters, are promoted far too quickly, leaving the frontline to be filled by newcomers who have little training or support from their superiors.

Little importance is placed on background and research and as a result reports often lack the depth and understanding of the real issues. Low pay, lack of career path, the absence of a professional hierarchy, all need to be addressed urgently.

Some years ago I had the misfortune of being recruited to participate in an abortive attempt to study the feasibility of a media council. It was meant to address the very problems that were and still are plaguing the journalistic profession, but it was rejected by journalists as a conspiracy to curb the freedom of the press. However, in the survey on journalists, 58% of the respondents considered that there was an urgent need to set up a Press Council. I suppose the clear message is that the concept of such a council is acceptable, so long as it remains within the profession and I can well understand this line of thinking. Senior members of the profession will do well to respond to this view if the objective is to upgrade the standard and to instil the sense of social responsibility of the profession.

Regarding the review and repeal of existing legislation which may contravene the Bill of Rights, I recall that when the committee was studying the Bill of Rights last year, we were given to understand that the Administration did conduct a review and came to a view that apart from the six Ordinances currently being frozen, no other legislation is in obvious contravention of the Bill. But the Bill provides for anyone

to challenge this Administration's view in the courts at all times. Members, particularly laymen of the committee, accepted that there may be different legal opinion as to whether existing legislation does contravene the Bill, but that since the Bill guarantees the repeal of any law ruled by the courts to be in breach, the way is indeed open to public questioning of the Administration's view. I would of course welcome an open and ongoing attitude of the Administration towards any request for review.

It is fair to say that in the last few years the Administration has progressively become more open and accessible and has risen up to the challenges posed to it in this respect by the constitutional developments of our system, which have stimulated a positive willingness on the part of the executive to impart information to the public. I believe persistent requests and criticism by Members of this Council and the public over the years have brought about the gradual declassification of government material in general. Sometimes, I even wonder whether it is not a deliberate effort to overwhelm Members with too much information. I am therefore sceptical of going the legalistic route at this juncture. In fact I am concerned that there is a tendency for campaigners to advocate legislation to mandate government practice which is a route, once taken, which can give rise to costly bureaucracy and litigation. At worst, civil servants in some western governments have been known to avoid documenting things in writing, to circumvent the Official Secrets Act.

Hong Kong has always preferred to rely on persuasion or pressure to achieve co-operation and we can claim a satisfactory degree of success. I do not believe there is a need or wisdom in a change in approach.

Mr Deputy President, I support the motion.

MR SZETO WAH (in Cantonese): Mr Deputy President, freedom of the press is not only the most important human right but also the defender of other human rights. Any impingement upon freedom of the press is bound to lead to violations of other human rights. Without freedom of the press, how can we expect freedom of speech, freedom of publication or freedom of opinion and religion? A free press is, in fact, the people's eyes, ears and voice. When the people's eyes are blindfolded, their ears plugged and their mouths gagged, their other rights surely will be trampled upon at will. Without freedom of the press, the people will be at the mercy of the butcher's chopper.

Absolute power corrupts absolutely. To stop absolute power and absolute corruption from emerging, not only must there be a tripartite division of, and checks and balances among, the three powers, namely the administration, the legislature and the judiciary, but there must also be another even more powerful balancing force from the people which is freedom of the press. A free press is a balancing force outside of the establishment and it is a more important balancing force.

I fully support the statement published yesterday by the Hong Kong Journalists Association. Most provisions of the Official Secrets Act 1911, the Television Ordinance, the Telecommunication Ordinance, the Broadcasting Authority Ordinance, the Emergency Regulations Ordinance, the Prevention of Bribery Ordinance, the Police Force Ordinance, the ordinance covering the offence of contempt of court and so forth, are in contravention of articles in the Bill of Rights concerning the protection of freedom of the press. These provisions, particularly the provisions in the Official Secrets Act 1911, must be repealed immediately. We must enact a law to ensure freedom of information in their place.

Article 16 of the Hong Kong Bill of Rights Ordinance states, "Everyone shall have the right of expression freedom to seek, receive and impart information and ideas of all kinds." Nevertheless, the authorities are still operating an obsolete system with unlimited scope, which afford unnecessary protection to secrets that should be made known to the public, and restricts the dissemination of information. They are using such a system to deprive the citizens of a human right that they should enjoy under the article cited above.

In addition, the absence of such a law of freedom of information will also pose a dire threat to us.

Article 23 of the Basic Law states, "The Hong Kong Special Administrative Region shall enact laws on its own to prohibit theft of state secrets." It is plain to everybody why Wei Jingsheng was sentenced to 15 years in jail and is still serving that prison term. The charge of which he was convicted was a trumped-up charge of theft of state secrets. This case brings home the fact that, if we fail to introduce a law of freedom of information but have to resign ourselves to the catch-all Official Secrets Act, a day will come when one who makes a casual remark about public affairs will run the risk of being accused of the crime of "theft of state secrets", convicted, and sentenced to prison. With this kind of human rights in place, what else can one

expect?

Mr Deputy President, with these remarks, I support the motion.

DR LEONG CHI -HUNG: Mr Deputy President, press freedom is the guardian of a free society and the pillar for other civil rights. As Hong Kong becomes more sensitive to the need to protect individual liberties and privacies, genuine efforts must be made to develop a trustworthy and effective system to uphold press freedom.

Having said that, I am most indignant to see the Government slamming the door in the faces of Legislative Council Members and pre-empting this debate by declaring, seven days back, that it would not make across-the-board scrutiny of all other legislation which might be inconsistent with the Bill of Rights Ordinance, apart from the six frozen ones under it. While Councillors are working day in and day out for members of the public to ensure that their rights are taken good care of, the Government does not even have the courtesy to wait and listen to this debate, not to mention that it would demonstrate a positive commitment to the free press principle. What, I wonder, is the haste?

Mr Deputy President, I support the motion tabled before this Council today on press freedom protection and I sincerely hope that the Government can be bold enough to undertake to initiate, without delay, the repeal of all legislation which is in breach of press freedom as protected by the Bill of Rights Ordinance.

To begin with, Mr Deputy President, let me say something on the Official Secrets Act which has long prohibited the free flow of information. Section 2 of the 1911 Official Secrets Act made it an offence for any civil servant and former civil servant to disclose, without authority, any information acquired through official duties. This means that if a civil servant had, three years ago, told me which brand of biscuits his superior officer had with his tea, he would have committed a crime. This Georgian legacy was thankfully recognized by the United Kingdom Parliament which in 1989 revised the Act as it applied to the United Kingdom. Yet, as far as Hong Kong is concerned we are still stuck with the absurdity of this archaic 1911 Act, without the benefit of this improvement. In this day and age, this type of blanket stop is no longer acceptable.

I understand that as if by coincidence -- a freedom of information law is said

to be tabled before the United Kingdom Parliament tomorrow, that is to say, 27 February, and if endorsed will replace the 1989 Official Secrets Act. It will make Hong Kong even further behind the United Kingdom in free press protection laws. As Hong Kong cannot repeal the Official Secrets Act which is the jurisdiction of Her Majesty's Government, I therefore urge the Administration to make representations to Her Majesty's Government to bring Hong Kong at least in line with the United Kingdom.

Mr Deputy President, we have now, in the Bill of Rights Ordinance and the Basic Law, a guarantee on the enshrined principle of freedom of speech and of the press. But paying lip service is just not good enough. Changing times call for changing practices and there are two things which I feel the Government should do.

Firstly, it should review all the laws that are inconsistent with this principle. And secondly, it should take positive steps to make itself more transparent, more accountable by introducing laws which would allow access to government information and, if possible, information of public bodies, which should also be within the reach of members of the public.

Mr Deputy President, there are still a significant number of existing legislations that are inconsistent with the Bill of Rights Ordinance and should be removed from the statute books. Take for example the archaic law of sedition enacted half a century ago. Under this law if anyone says or publishes anything that would excite dissatisfaction against the Government, or anything that would raise discontent or dissatisfaction amongst the inhabitants of Hong Kong, he would have committed a crime. That, Mr Deputy President, were it not for parliamentary privileges, would include almost everything that I and some of my colleagues here will be saying today. Objectionably wide powers have also been given to the police for this offence. It includes the power to enter private premises without a warrant and without due legal process and the power to obliterate what is considered to be seditious publications. Such a draconian law is one commonly found in countries where governments permit no opposition. It hampers constructive discussion, stifles almost any form of dissent, and lends itself to abuse. I therefore call for its removal from the statute books.

Keeping the people ignorant is a tactic of totalitarian rulers. Such a government lives in isolation from the people, unconcerned with the views of the masses. Freedom of the press is tied to the freedom of the people; it is suffocating to live in a society which allows only flattery and which strangles all dissenting voices.

Article 16 of the Bill of Rights Ordinance states that everyone shall have the right to freedom of expression. This right, and I quote:

"shall include the freedom to seek and receive information of all kinds".

Many countries, Mr Deputy President, have had their freedom of information laws for over a decade. It is time for the Administration to fulfil the true spirit of Article 16 by making it a right for the Hong Kong people to have access to government and public information. Learning from mistakes is no doubt useful; however it would be even more valuable if by being open, the Government would take prompt steps to avert any potential errors, to correct rather than conduct a witch hunt after the event.

Freedom of information law, such as that of the United States, would facilitate access to reports and government policy papers thereby enabling the public to see for themselves that decisions made are rational. It would also allow individuals to examine their own personal records kept by the Government, and an opportunity to correct inaccuracies. And I would like to stress here that this law should also cover public bodies such as the two railway corporations, the Housing Authority and the Hospital Authority, and so on, for these organizations are all taxing on public money and they should be made more transparent and accountable to the public, too.

Having said this, I do recognize the need to exempt certain documents, notably those on defence and foreign policies, personal and medical files, from disclosure.

At the other end of the scale, the right balance has to be struck between freedom of information on the one hand and protection of individual privacy on the other. There is in Hong Kong an absence of privacy laws to protect the individual from unwanted publicity, undue harassment by the press, and abusive use of sensitive details provided for a particular purpose. Recent prosecutions in the United States have highlighted the danger of exploitation of personal files. Sensitive details of employment, medical history and financial transactions were sold by departmental staff or illegally obtained, then traded off to private investigators, loan sharks and politicians. A privacy law, though unlikely to eradicate these problems, may act as a deterrent.

To close, Mr Deputy President, there is a need for an overhaul of local laws and we need the Government to show its sincerity to listen and act reasonably. The

pivotal role of the press is that of an impartial broker, to inform the public of the goings on, to facilitate the expression of a wider range of opinions, and to analyse and help the public to understand the issues of the day. For a place to have a genuine freedom for its people it is important that the media is not swamped by political or advertising pressure, nor subject itself to self-censorship.

I am looking forward, Mr Deputy President, to seeing Hong Kong becoming an oasis of free press in this region with efforts made on all fronts.

With these remarks, Mr Deputy President, I support Miss LAU's motion.

MR JIMMY MCGREGOR: Mr Deputy President, press freedom and freedom of speech are essential elements in a free and democratic society. Hong Kong has been lucky to have had a free press throughout a long period of political adjustment and upheaval in Asia, during which, in many countries, the press has not been free and in some countries has been the tool of the government in power. Hong Kong people have enjoyed the enormous benefits which have resulted from the free provision of information on every conceivable matter of interest. Disclosures by the press have often led to investigations and prosecutions of illegal actions and criminal activity. The press in Hong Kong has just as often provided the link between the people and the Government.

Those who enjoy press freedom do not always realize it and take it for granted. They do not always realize either when there is a danger that it will be reduced or constricted. They do not always recognize that the freedom of the press and the freedom of the individual go hand in hand. Lose one and you will likely lose the other.

It is in the nature of government that, for one reason or another, they will wish to regard certain information and certain actions as highly secret and not to be disclosed. If not pressed and protested, the scale of such secrecy can be gradually enlarged until it impinges on the freedom of speech, assembly, dissent, and information which are the foundation of a democratic society, such as our own.

We are not greatly worried about the press freedom that is already established in Hong Kong. Many of us are more worried about the press and other media freedom that will be permitted in Hong Kong after 1997. The Joint Declaration and the Basic Law provide clear evidence of the intention of the Chinese Government to allow press freedom to continue but the Chinese understanding of such freedom may be somewhat

different from our own. China is not a country which enjoys this kind of freedom and the press is to a large extent a function of the State.

It is therefore important that, in Hong Kong, we ensure that press freedom to the greatest extent possible is enshrined in our statutes, that any restriction on press freedom that may be incorporated in our legislation at present is either removed or, if it is for one reason or another absolutely necessary, very clearly defined. We have a Bill of Rights which protects press freedom. It would be helpful if we had specific legislation designed to secure such freedom. This matter is tied up very closely with the right to obtain information from the Government. Here again specific legislation might be necessary. I was pleased to have had the opportunity of listening yesterday to Mr John GRACE, Canada's Information Commissioner, on the rights of Canadians to seek and obtain information from the Canadian Government. Canada has the kind of experience from which Hong Kong could profit.

Mr Deputy President, one thing is sure. As long as the press is free to report and to obtain and publish information and views, our wider freedoms are better protected.

I support the motion.

5.17 pm

DEPUTY PRESIDENT: We shall take a short break and resume in 20 minutes.

5.42 pm

DEPUTY PRESIDENT: Council will resume.

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, there is no doubt that freedom of the press is important to society. I would like to have my discussion focused on the effects of press freedom on the livelihood of Hong Kong people.

I believe that the press plays at least three major roles:

(1) providing information;

(2) providing a forum for debate on social events for people of varied interests; and

(3) monitoring the performance of the Government and the public sector.

Provided with accurate latest information, the public will quickly learn about social events that affect their livelihood, for example, increase in bus fare and how public housing flats are to be sold. Such information can be disseminated through the media and the people will have sufficient information to act on in making choices and planning their lives. What is even more precious, the press from time to time uncovers and reports social injustice. One example is employers withholding salary from imported workers. This was little known until it was revealed by the press. The revelation alerted the public to problems in government and society. In addition, the press often reveals the direction of the authorities while a policy is being formulated by the Government. In this way, the public finds out the outline of the policy during its formative stage and can make their views known to the Government in good time, before it is finalized. This point is all the more important because Hong Kong does not have a democratically elected administration and official information is always being kept secret.

In addition to providing information, the press also reports the views that are held on a specific matter by people of varied interests. This enables Government policies to be more amply debated, resulting in amelioration. For instance, private groups and sitting tenants were very critical of the scheme for the sale of public housing flats. Their criticism received extensive press coverage. The shortcomings of the scheme were laid bare. The scheme later proved to be a failure. It has now been amended in response to public opinion. On this issue, the press was able to report freely the different stand-points of the Housing Authority and the private groups. The public had the opportunities to assess the pros and cons of the policy. On the other hand, it prompted the Government to revise this policy until gradually the objective of improving people's living conditions would be met. In addition, the press provides a forum where members of the public can speak their minds. This increases the public's influence over policies that affect their livelihood. Members of the public feel less like "ants" and less alienated and helpless. Members of the public can also learn about the positions of different interest groups from the press. In the same process, they learn to respect each other's different views. Also, they are helped to foster their own critical views and personal positions and

to show courage in expressing their views in front of others. This is a learning process that plays a very important role in the moulding of a society that is democratic in spirit.

What I have said so far seems to be partial to the interests of the public and to emphasize supervision over the Government. It may jar on the ears of the Government officials a little. However, as an administration that really serves the people, the Government should be well aware that its policies will be supported by the public only if they meet the major prerequisite of having taken the needs of the public into consideration. Such policies can then be implemented smoothly, and the Government in the same process will win a higher approval rating. This can be illustrated by the example that the Government has had to heed opposition and revise its scheme for the sale of public housing flats and roll back its massive reduction of social welfare spending.

With the uncertainties of 1997, the confidence of the public is on the decline. The Government is often regarded as a "lame duck" in terms of its ability to act independently. Unless the Government makes an effort to uphold freedom of the press, how else can it reassure the public who are concerned about the future of Hong Kong, strengthen social stability and promote socio-economic development?

To enable the press to play the above roles better, the Government should safeguard freedom of the press in the uncovering and reporting of information. It should reduce the amount of external interference with the press institutions. It should enable the press institutions to develop and compete under fair conditions. It should give the public room for choice and let the public be their own judge of the quality of news reporting. For these objectives to be achieved, legislative safeguards are important.

The Hong Kong Bill of Rights Ordinance 1991 contains provisions that safeguard freedom of the press. The Government should act expeditiously to repeal those laws that are in breach of these provisions. In this way, it can be made clearer that freedom of the press is protected. Members of the press will then feel less inhibited when going about their work. They will not have to impose self-restraint out of fear that they may get into trouble and then must let the Court decide what will happen.

I am not a legal expert. I do not intend to list here one by one all the places where existing legislation is in breach of freedom of the press. Still, I think that,

legislatively, there are two areas in which amendment is necessary:

(1) The existing Official Secrets Act. Many of the Government's documents in fact do not have to be classified as "Secret" or "Confidential." Such classification deprives the public of their right of access to official information. As a result, there is no public information on many of the things that are closely related to people's livelihood. Examples are the Catalogue of Slopes, the Structural Report on Private Buildings and the Report on Environmental Pollution. The information on the new airport project and on the cost overrun of the University of Science and Technology is not detailed enough. The public finds it hard to participate in the discussions. Freedom of information is a right recognized by the Bill of Rights and the Basic Law. The Official Secrets Act that the Government now has on the books is a law of the United Kingdom. Even if it is not amended, it will in fact lose its validity in 1997, as sovereignty reverts to China. Such being the case, why does the Government not find the present occasion suitable for doing something to ameliorate this particular Act? I feel that the Government has to make a law on freedom of information now. The public should have the right of access to any Government document except where a document is exempted in the public interest. The information to which public access is to be guaranteed should include information on the public sector such as the Housing Authority, the Hospital Authority, the universities and tertiary institutions and information on public utility companies such as the power companies, the bus companies, MTRC and KCRC. The policies of these companies affect the interests of the public. In addition to legislation, the Government should set up an Office of the Commissioner on Information to assist in setting criteria for official information that may be made public and to adjudicate simple cases, so that not all cases need to be taken to the Court for decision. Although the implementation of a law on freedom of information will undoubtedly incur additional administrative expenses, yet according to estimates made by some private groups, the additional expenses will definitely be much less than the Government's existing appropriations for public relations. Take 1991 as an example, the expenditure in this respect amounts to \$138 million.

(2) The Government invokes law, for example, the statute on police power, to strike a blow against the independence of the press. This cannot be tolerated. The clash between police and demonstrators outside the Chinese National Day reception in 1989, and last year's incident over the liquidation of BCC, which led to a clash between a news photographer and the police, twice occasioned police visits to television stations to demand video tapes for use as evidence in the Court, all these

not only made it difficult for the press to withhold the identify of news sources but affected the public's confidence in the press. In turn, the motivation of the media in publishing information suffered.

The Government may borrow from the British Government's law of criminal evidence and divide newsworthy information into three categories:

(1) Confidential information, which absolutely cannot be made public.

(2) Information sought by the Government from the media. The two parties should state their respective positions before a judge. The Court will then decide whether the media should disclose the information.

(3) Information not in the possession of press workers. It is up to the concerned party to decide whether or not to disclose the information.

Finally, I believe that some existing laws are still in breach of freedom of the press and should be amended.

In view of the above, I support Miss Emily LAU's motion. Thank you, Mr Deputy President.

MR SIMON IP: Mr Deputy President, as a lawyer and a civil libertarian, I rise to speak in favour of this motion.

But before I speak, I should declare my interest as an honorary legal advisor to the Hong Kong Journalists Association.

Mr Deputy President, we in Hong Kong enjoy a relatively free press representing a wide spectrum of political views, content and style. Until recently, our enjoyment of press freedom was the result of tolerance from a benevolent government. That freedom has now been underpinned by Article 16 of the Bill of Rights and Article 27 of the Basic Law.

On the face of it, therefore, freedom of expression is assured by law, but the crucial question is: Will these provisions be adequate to ensure that freedom of expression is enshrined as a libertarian norm? I believe not for two main reasons.

The first is this: The Government still has at its disposal an array of legal weapons that could, if used, suppress or at least inhibit that freedom. We have laws on our statute books and in the common law that severely restrict that freedom. These include the Official Secrets Act of 1911, the Public Order Ordinance, the Television Ordinance, the Telecommunications Ordinance, the Emergency Regulations Ordinance, the Defamation Ordinance, the Judicial Proceedings (Regulation of Reports) Ordinance and the common law offence of contempt of court. These examples are by way of illustration only and are not intended to be exhaustive.

I shall not analyse any of these laws now because Miss Emily LAU has already dealt with most of them.

Of course, these laws which I have mentioned can be challenged in the courts for being inconsistent with the Bill of Rights. But this piecemeal approach is inefficient and costly, both to the litigants and the taxpayers who fund legal aid. It also has the result of leaving the sword of Damocles hanging over the heads of the media and subjecting them to the constant threat of prosecution, fines and imprisonment. It is quite wrong in my view for this state of uncertainty to continue because it will undermine, at least inhibit, the right to freedom of information. I believe the Government should show its commitment to upholding the right to freedom of expression by initiating a review to determine what laws are of doubtful validity when tested against Article 16 of the Bill of Rights and take steps to amend or repeal them in order to foster an environment in which that right can be fully and effectively exercised.

The second reason for my belief that the Bill of Rights and the Basic Law would not enshrine freedom of expression as a libertarian norm is this. Those instruments do not provide or regulate the means or procedures whereby information can be sought, nor the mechanism of finding out what information is available and how it can be obtained, nor the precise limitations on that right. It is for this reason that I believe firmly in the need to enact freedom of information legislation regulating the access to information in the Government's possession. The Hong Kong Government, like other governments, collects a great deal of information on individuals and businesses. It also collects a mass of information for the purposes of analysis and policy formulation. To enable the Government and the general public to know precisely where they stand in relation to access to such information under the general umbrella of Article 16 of the Bill of Rights, detailed legislation must be enacted so that everyone will know their rights, responsibilities and obligations as well

as what sensitive information need to be exempted from disclosure by the Government such as for example information on national security and trade secrets. At the same time, I believe that privacy legislation will also need to be enacted to protect citizens against unauthorized disclosure of information about them by the Government. In essence, freedom of information and privacy are two sides of the same coin. On the one hand, freedom of information lifts the veil hiding the machinery of the Government; on the other, privacy legislation gives an individual (but no one else) the right of access to the information held by the Government institutions concerning himself.

Mr Deputy President, so far I have spoken about the freedom of expression. I should like to take this opportunity, in concluding my speech, to suggest that the journalist profession may wish to consider the setting up of a Press Commission similar to the Press Complaints Commission in the United Kingdom with a code of conduct drawn up for observance by its members. Self-monitoring and self-discipline by the profession would be a means to ensure minimum regulatory control by the Government, thus preserving the integrity of the right to freedom of expression.

In summary, therefore, the promotion and protection of the right to freedom of expression require at least the following measures to be taken:

(1) the review, amendment or repeal of laws of doubtful validity as measured against Article 16 of the Bill of Rights;

(2) secondly, the enactment of freedom of information and privacy legislation; and

(3) thirdly, the establishment of a self-regulating body in the form of a Press Complaints Commission.

With these words, Mr Deputy President, I support the motion.

MR LAU CHIN-SHEK (in Cantonese): Mr Deputy President, I fully support Miss Emily LAU's motion, which in essence asks the Government to repeal all the legislation that is incompatible with Article 16 of the Bill of Rights concerning freedom of the press and the public's right to know, so as to ensure that the spirit of press freedom be safeguarded.

In fact, both the Basic Law and the Bill of Rights clearly provide that freedom of the press is our basic human right. This specifically means freedom of expression, and freedom to seek, receive and impart information and ideas. Apart from legislative protection, we also need a law-enforcing administration to protect and promote the public's exercise of such freedom. However, based on my more than 20 years' experience of working for the labour sector and the grassroots level, I do not think that the Government of Hong Kong is willing to grant us fully our right to know. I say so because, when we seek information to enable us to comment on the government policies, we are able to receive only a very limited amount of it. The Government always finds one reason or another for classifying a great deal of important information. Only a few people have access to, or may read, such information. We who work in private organizations can only criticize the Government on the basis of limited published information and, as a result of this, are easily out-argued or sneered at by the Government or informed experts. This has happened quite often in my experience.

If we want freedom of the press to be effectively turned into a reality, the Government must provide actual safeguards as needed through legislation on freedom of information. At present, many government departments and public utility companies, which closely affect our livelihood, do not release information to a sufficient extent. This matter should be reviewed. For instance, this Council will debate the LRT services later today. According to KCRC, the LRT had a deficit of about \$210 million last year and that, consequently, it would be necessary to increase the LRT fare substantially each year. However, KCRC never wanted to release detailed information about the operation of the LRT. How, then, can the public monitor its performance?

In fact, Hong Kong is a relatively free society. However, problems arise because the public's right to know is easy to violate. The exercise of freedom of the press is sabotaged. The public, whose ability to receive information and acquire knowledge is greatly reduced, cannot play its role in the supervision of the Government. According to a study made by the Society of Community Organization in 1990, 25 government departments distributed or sold their departmental annual reports; four departments (including the Registry of Trade Unions and the Rating and Valuation Department) restricted their annual reports to internal use; and 17 departments (including the Inland Revenue Department and the Immigration Department) never produced any annual reports. This means that nearly 40% of the departments did not produce annual reports or did not make their annual reports public to enable the public

to know and monitor their performance. Even such basic right as the public's right to know does not exist; what freedom of information is there to talk about? Take the Immigration Department as an example, I do not know why it stopped publishing annual reports since 1974. It is difficult for the public to understand the concepts behind certain immigration policies or how policies are being enforced. Examples are the policy concerning two-way permits, the policy for employees who come to Hong Kong as contract workers and problems of its implementation, and the reasoning behind the policy on refusing entry to certain travellers. Also, according to the same study by the Society for Community Organization, 35% of the government departments do not have a Public Relations Section or an Information Section. The general public and non-government organizations are unable to obtain information about these departments.

Such a practice of closing the door on information-seekers is similar in effect to dictatorial governments which use news censorship to carry out obscurantist policies. Of course, we do not hope to see the Government of Hong Kong operating like a dictatorial government, strangling freedom of the press and regarding the press as a tool of propaganda. For it to do so would obstruct the normal and healthy development of society.

The purpose of upholding freedom of the press is to enable the public to have sufficient information so that it may be able to monitor the Government's operation. A free press plays the role of championing the cause of the people. I must reiterate that freedom of the press is a basic human right and not a favour; that freedom of information is the first and foremost condition for the public's exercise of its right to know; and that there must be a mechanism for ensuring that this right will not be violated. Consequently, the Government should, to the fullest extent possible, enable private organizations and bodies to exercise their right to obtain information which includes reports of government departments, committees and advisory bodies. Everybody has the right to ask the Government for the information that exists in the file kept by the Government on him/her. This is because some people's participation in political activities may affect their careers should they become civil servants. All such information, which is likely to be classified, should be within the public's right to know except where the Government has an adequate explanation to justify secrecy.

Finally, I think that the blockade of information is the arch culprit where freedom of the press is sabotaged. Unnecessary self-discipline or self-restraint

is also the mortal enemy of freedom of the press. The most pathetic are those who offer their own bodies even before force is used to oppress them, those who gag their own mouths and then, for fear that others may talk too much, force them to shut up also. If we are not forgetful, we should be able to recall how the Public Order (Amendment) Bill was passed by the Legislative Council in 1987.

Finally, I also wish to stress that, as a matter of fact, many statutes are very harsh. They may be little known but they are in breach of the Bill of Rights. This is the reason for the various restrictions on and hindrances to freedom of the press.

Everything said by Miss Emily LAU in her speech on the motion today is crucial and central to the problem. It is to the point. With these remarks, I support Miss LAU's motion.

PROF FELICE LIEH MAK: Mr Deputy President, the Honourable Simon IP, in his speech, has called on the need for a more balanced approach, and the Honourable Selina CHOW has called for a more responsible media. My speech will follow along that vein.

There is a place where powerful people are spied upon, taped without their consent and photographed unawares, a place where personal privacy is abused in the name of the public and national good, and where people are paid to monitor another person's thoughts and behaviour. The most disturbing thing about this place is its commitment to the ideals of democracy, including the freedom of speech, expression and information. Candidates for public office in the United States of America can attest to the frightening invasion of their personal lives by reporters and individuals staking out their homes, harassing their families and secretly recording telephone conversations. Tactics more commonly associated with secret police and totalitarian governments are used and even sanctioned in the United States.

The free press is a powerful institution, one that at times elevates trivialities into major topics and at other times provides valuable insight into important issues. I support freedom of the press because it plays a critical role in the democratic process and showing the Government's accountability and educating the community. But freedom entails responsibility and we must recognize the potential for good and harm that accompanies such freedom. Unfortunately, the media is subjected to manipulative forces that can prevent objectivity and damage journalistic integrity:

(1) Financial considerations conflict with quality reporting.

(2) The prism of public appetite narrows journalistic vision resulting in over publicized gossip and exaggerated trivialities.

(3) Personal dogma of an editor can squash alternative points of view,

And finally, an owner can promote himself and his business endeavours through biased reporting.

In order to encourage quality and prevent abuse, we must define the parameters of press freedom and press power. Not only should freedom of speech be guaranteed, but freedom of information as well. A freedom of information law will help the press, Members of this Council and the community to evaluate past policy decisions and implement future ones. If used appropriately, this law will establish the precedent of government accountability that will foster trust and security throughout the territory.

But safeguards are needed against abuse. Responsibility must be promoted within the journalistic profession itself. Hong Kong's media faces new challenges today as young journalists receiving less on-the-job training face poor career prospects and are not really well paid. Nevertheless, these young enthusiastic journalists must report and analyse increasingly complex issues. Members of the press need a professional council with a code of practice outlining the social obligations of journalists to inform and educate the community and responsibly participate in the process of good government.

Editors and journalists are the most qualified to judge their peers. Government or public monitoring jeopardizes free speech. The press itself must censor those who would use the tragedy of others for self promotion, must respect and report the opinions of those who are not in the mainstream regardless of the popular acceptance of their ideas, must demand higher standards of professionalism from colleagues, and must hold individuals personally accountable for the responsibility of press privilege. In return, members of the press need to be better trained and remunerated.

What I have said here today is for the members of the press, not as a subject for news reporting but as food for debate and discussion amongst yourselves. I challenge you to challenge each other's thinking about your professional standards

and commitments. Dick HOPEWELL called the press the chief democratic instrument of freedom. As we approach an uncertain political reality, I hope you will play that important role by pursuing accountability and responsibility in the Government and match it with your own.

With these comments, I support the motion.

MR MAN SAI-CHEONG (in Cantonese): Mr Deputy President, freedom of speech and freedom of press are the foundation of a free and democratic society. Somebody says that Montesquieu's theory of separation of powers, that is, a political structure with executive, legislature and judiciary independent and not subordinate to one another, is still inadequate in a truly democratic society ruled by law and there should be a fourth power -- monitoring and checking by public opinion and mass media. Only by safeguarding the public freedom to receive and have access to information and when press freedom is not subject to suppression can the rule by democracy and law be implemented and public rights be protected. In this way, government bureaucracy can be monitored and the officials cannot do whatever they like nor abuse their power at the expense of public interests. Therefore, the motion moved by the Honourable Emily LAU today is very meaningful.

However, in the past few years, the Government has been ignoring the importance of protection for press freedom. What was more, the Government introduced the Public Order (Amendment) Bill into this Council in 1987 to obstruct press freedom, incurring public outcry and opposition from the press and eventually the Bill was repealed two years later. This shows that press freedom is not bestowed but the public has to fight for it. In order to ensure press freedom, it is imperative to enact freedom of information legislation.

In order to implement and protect press freedom, apart from amending the existing legislation which contravenes Article 16 of the Bill of Rights Ordinance, we have to protect the people's "right to know". Of course, the Secretary for Constitutional Affairs is going to reply, in his concluding speech, on how to protect the people's "right to know". But first, I have to refute what the Chief Secretary, Sir David FORD, said in this Council on 6 May 1987. He said that to legislate to provide a right to information is not necessarily the right way to proceed because freedom of

information legislation would affect the efficiency of policy implementation. He also said that in defining the kinds of documents to be released, information on security and commercial interests might be leaked, jeopardizing the community interests. The Government also doubted the technical difficulty of setting up a department to release information. In response to these, I have the following remarks.

First, according to sociologists' analysis, in a modern society, bureaucratic institutions of every government has a tendency to expand and owing to the complexity in policy formulation, bureaucratic officials may easily possess more and more power which can be exercised at their own will including the power to control information. In order to monitor effectively whether the bureaucratic systems have abused power and neglected their duty, legislation is necessary to ensure that the Government is duty-bound to release information, as in line with Article 16 of the Bill of Rights Ordinance: "Everyone shall have the right to seek, receive and impart information and ideas of all kinds". As policy formulation becomes more and more complicated, if the officials do not release information, the public would not be able to perform a monitoring function. The new airport project is one of the examples.

Mr Deputy President, the most authoritarian and undemocratic government is the most efficient government. But does Hong Kong Government want to be such a government? Efficiency is just a means to an end. We cannot put the cart before the horse. We cannot, for the sake of efficiency, ignore the fact that our society needs the Government's accountability to the public. Given the Government's accountability, the public would not be fooled, kept in the dark and suffer as a result of the Government's pre-emptive action. Of course, bureaucracy has a tendency to protect themselves and think that public access to information will cause great inconvenience to their work. But using efficiency as a pretext to deny access to information is contrary to the spirit of an open government. We have to set the priority right: should we increase efficiency or should we be accountable to the public? Which is more important? The Government should strike a balance between the two. We cannot put up the stick of "efficiency" to deal a deadly blow to "freedom of information legislation".

As regards how to define the confidentiality of information, we can make reference to other countries, for example, the United States, Canada and New Zealand which have already had freedom of information legislation. Of course, we cannot after studying it transfer other countries' law wholesale, but we can come up with several major items: national and territorial security, foreign affairs, personal privacy, central

financial and trade secrets and crimes under investigation can be put on the list of exemption. The officials have great discretionary power as to who decides the confidentiality of the information. If the Government appoints an information commissioner who has the expertise and an independent system to deal with, monitor and examine the technical problems clearly spelt out by law, it would be much easier. But the Government cannot deny the people's right to know simply due to the technical problems concerning classification of the information, otherwise, this is just like throwing away the apple because of the core and putting the cart before the horse.

Now when there is no freedom of information legislation, are other channels adequate to ensure freedom of information? The answer is negative. In the case of the new airport, for example, though the government officials attended discussions on several occasions, there were different versions of the information about this major social investment and capital construction project which affects the people's living, for example, estimated cost and expenditure. This made the public lost in a thick fog. As to whether the Government has withheld some information is even more puzzling. This will certainly be avoided if there is information legislation. This incident shows that even Members of this Council could not get much information, not to mention the general public. In the publicity campaign on the Legislative Council Election in last September, the Government used the slogan "Voting is Power". But now the elected Members of this Council do not even have the power to ask the Government for information whereas the government officials have the power to withhold information and get a firm control of information.

I would like to point out that, without freedom of information legislation, there is no way to safeguard press freedom. To ensure the maintaining of press freedom, the press should be protected by law in their rights to get from the Government information relating to the public. Such legislation is necessary not because of the approaching of 1997, but because it is inherent to every government which is mature, progressive and accountable to the public. Naturally, from a legal point of view, if the Government maintains the status quo and fails to introduce freedom of information legislation, problems will abound after 1997. The prevailing Hong Kong Official Secrets Acts, based on the British Official Secrets Act of 1911, has been introduced into Hong Kong through the Colonial Laws Validity Act. However, we must be aware that the Colonial Laws Validity Act will no longer be applicable to Hong Kong after 1997. So, if the Government does not introduce freedom of information legislation but continues its practice of classifying much information as confidential after 1997, civic groups and commercial organizations, upon denial of

information, might well prosecute the then Government for breaching Article 16 of the Bill of Rights Ordinance. In other words, the Hong Kong Special Administrative Region (SAR) Government would be made to breach the Bill of Rights Ordinance incessantly. In respect of legal problems on this issue, the Honourable James TO of the United Democrats of Hong Kong will elaborate later.

From economists' point of view, a perfect market is one where information can be obtained and brought into full play. Hong Kong, which has gradually become an information centre for the Asian-Pacific region, plays an important role in the modernization of China by serving as an information centre for the South China region. This enhanced flow of information which is conducive to Hong Kong's development in finance, technology and other fields, will also strengthen its position as a regional information centre. All in all, the free flow of information will facilitate Hong Kong's economic prosperity and enhance social confidence. As such, freedom of information will also promote actively the stability and prosperity of Hong Kong. Then, how can the Government deny its responsibility to enact freedom of information legislation?

The recent issue on the corporatization of Radio Television Hong Kong, incidentally, makes us wonder how much press freedom our society could enjoy after 1997. In my speech delivered in response to the Governor's policy address in last October, I have already expressed my worries that "the corporatization of Radio Television Hong Kong might fall through".

While the prime concern of an authoritarian government is to control the army, its secondary concern is to control the media, because controlling the flow of information is tantamount to controlling people's thoughts. What will be the picture as far as information flow is concerned in Hong Kong after 1997? Will there be one person alone who has the say? Will the SAR Government broadcasting station serve as the official mouthpiece by unilaterally dispatching information? Fortunately, the media in present-day Hong Kong is generally enjoying a state where "a hundred flowers blossom and a hundred schools contend". It is our hope that the Government would repeal or amend any legislation in contravention of the provisions concerning protection of press freedom in the Bill of Rights Ordinance 1991. In addition, freedom of information legislation should be introduced without delay to ensure the public's access to information, so that our society would not be reduced to having only an eye, an ear and a gagged mouth.

With these remarks, I support the Honourable Emily LAU's motion.

MR JAMES TO (in Cantonese): Mr Deputy President, my special concern is about two aspects of today's subject matter:

- (1) Self-censorship of the media;
- (2) Some specific legal questions.

Hong Kong is a capitalist society with a free market place. Wherever there is a profit to be made, there will come companies or those with development potential to carry on trade according to the market mechanism. This of course also applies to news institutions like newspaper companies, radio stations and television stations. I learnt from some friends in the journalist profession that internal self-censorship is a great hindrance to the objectivity and accuracy of news reporting. In press circles, one often hears about cases of self-censorship. Sometimes, the self-censorship has to do with the political inclination of the proprietors of the news institutions while in other cases it is out of financial considerations. This greatly concerns and worries me because turning news business into a political or financial tool will impede Hong Kong's progress. To rectify the situation, I think that it will be unwise to interfere with the institutions' free market operations as it will do no good to our economy as a whole. At the same time, however, I am glad that, in tandem with Hong Kong's economic development, the public's awareness of democracy and human rights issues has gradually heightened. This has happened along with the global democratic development and as a result of the various incidents that took place in Hong Kong during the last few years. The public has learnt how to protect their rights and interests actively by voicing their opinions. I am sure that journalists are no exception. In view of their special social role and responsibility, it is very important for them to maintain neutrality in their reporting. I think that the journalist association can play a certain part as a balancing force. I will therefore encourage the journalist association and the news photographer association to participate actively in the discussion of the matter.

As to specific legal questions, Miss Emily LAU and other Members have just now touched upon some concepts and ideas with regard to many statutes which are in violation of freedom of the press. I will here select only a few cases which are of greater significance for discussion. First, let us look at the Emergency

Regulations Ordinance. It is, in fact, essential for a society to stipulate emergency regulations to make sure that law and order in the community will be under control in time of emergency. Academics, particularly those who are an authority in this field, have clearly laid down several principles that deserve our consideration:

First, in drafting the emergency regulations, "an emergency" and "a state of emergency" must be clearly defined.

Second, will the powers that may be invoked or the measures that may be taken to curtail civil rights in case of emergency be necessary?

Third, will it be necessary to extend the powers needed in the original declaration of a state of emergency?

Fourth, are the normal statutes so inadequate that the emergency regulations must be invoked?

Fifth, the legislature must have the final power to carry out regular review.

In the light of these five principles, our attention should be directed to the following points in our existing Emergency Regulations Ordinance:

(1) The Ordinance does not clearly state what constitutes an emergency or a public danger.

(2) Under the Ordinance, the Governor in Council may, "in the public interest," declare a state of emergency or public danger. But it does not make it clear whether such an action is taken when there is no other recourse. Under section 2, the conjunction between the word "necessary" and the word "beneficial" is "or." In other words, the Governor in Council may also invoke emergency regulations either because such an action is necessary or because it is deemed to be beneficial or expedient.

(3) The Ordinance does not set any time limit.

(4) The Ordinance does not state under what circumstances the legislature may extend the time limit. In other words, the legislature has no say in the matter at all.

Other provisions I would like to talk about are under the Crimes Ordinance, which deals with the offence of sedition. Under the provisions, the six situations below are regarded as an act of sedition:

First, instigating discontent or hatred or inciting disloyalty against the British sovereign or an offspring thereof or against the Government of Hong Kong;

Second, inciting persons in Hong Kong to change by unlawful means anything that is established by law;

Third, instigating discontent, hatred or contempt against the judicial system;

Fourth, arousing discontent against other persons or residents in Hong Kong;

Fifth, causing mutual hatred or hostility between the classes;

Sixth, promoting disobedience of law or of due process.

Now I wish to give you some examples and you will see clearly how the existing Ordinances can be easily abused.

First, instigating discontent against the Government of Hong Kong. Many of our elected Members who took part in the demonstrations outside the Legislative Council Building may be regarded as committing the offence.

Second, inciting persons in Hong Kong to change by unlawful means anything that is established by law. For instance, when scholars express views in favour of the right of civil disobedience, they may contravene the law.

Third, instigating discontent against the judicial system. I believe that, very often, people will find the judgements handed down by the courts so unsatisfactory that they would feel that there must be something wrong with the judicial system.

Fourth, arousing discontent against other persons or residents in Hong Kong. Many of my own actions may be called into question because of the wide scope of the law.

Fifth, causing mutual hatred between the classes. As I have said in some debates,

I feel that the speeches by some Members, including myself, may be causing mutual hatred or discontent between the classes. This is something we cannot deny.

Sixth, promoting violation of law or due process. Likewise, this has to do with civil disobedience.

With their wording so broad in scope and so vague in meaning, it is necessary for us to review and amend the provisions that can be invoked against the actions cited above. In addition, the Crimes Ordinance makes references to the crime of treason and the principal provision is that any person who tries to force the British sovereign or the British royalty to abdicate shall be guilty of treason. But we must bear in mind that, while treason at present is a crime principally against the British Crown or British royalty, this will not be the case after 1997. Article 23 of the Basic Law states, "The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies." To this, my comments are as follows:

(1) If we can make some laws as soon as possible that are compatible with the existing Bill of Rights and the Basic Law and achieve a broadly based social consensus, they will become the cornerstone upon which freedom of the press and the public's rights and interests now and beyond 1997 will be protected.

(2) With regard to political bodies, certain terms used in the Basic Law make me greatly worry about laws to be introduced in the future. For instance, foreign news agencies or magazines may be labelled as political bodies or backstage instigators, just as the Chinese Government often regards the BBC and the Voice of America as backstage instigators. In this connection, then, will the fact that some political bodies have ties with foreign organizations affect the news reporting from Hong Kong by the foreign news agencies or magazines?

Lastly, I wish to turn to the Official Secrets Act, which many Members have already dealt with. Here I would only quote a former British Attorney General's remark made in 1911 about this Act. He said that the wide scope of the Act might be illustrated by one example, that is, it would be a crime even to disclose how many cups of tea were consumed by each government office each week. I believe that everybody can tell from this example how broad the scope of the Act is. Finally, from the speeches of

many Members delivered during the debate today, I discern an emphasis on two aspects.

On the one hand, some Members are of the view that every possible protection should be given to the rights of the press so that the press may serve as a watch dog on the Government, report social realities and make comments on various matters from different angles. On the other hand, some Members have highlighted the importance of supervision. However, who should be entrusted the task to supervise the media? How can we ensure quality reporting? How are the media to be supervised in a manner so that individuals cannot use the media for their personal ends? How are we to prevent reporters from abusing their freedom? I believe that this difference in viewpoint is a more pronounced version of Members' difference in socio-philosophical understanding and conception. It must be realized that, while freedom may be taken away by legislation, the quality of reporting cannot be raised through legislation. I think that, if Members are concerned about the supervision of the media, the answer in fact is very simple. The media may exercise mutual supervision. One piece of report, if found untruthful, may be corrected by other reports. The public, too, can supervise the media. What is more, through market mechanism those publish irresponsible or biased reports will be eliminated in the natural process of selection. I believe that this is the socio-philosophical approach we should employ in dealing with all matters.

With these remarks, I support Miss Emily LAU's motion.

DR SAMUEL WONG: Mr Deputy President, freedom of speech is a matter of confidence. If an individual is confident he will speak out. If a newspaper is confident it will print the truth. If a government is confident it will allow itself to be criticized.

But lose that confidence and individuals will remain silent, newspapers will print what they believe to be acceptable and the government will blanket their operation with security and or, worse still, lock up their critics.

LENIN said "Why should freedom of speech and freedom of the press be allowed? Why should a government which is doing what it believes is right allow itself to be criticized? It would not allow opposition by lethal weapons. Ideas are much more fatal than guns."

LENIN spoke, you will notice, of a government which believed it was right, not

one knew it was right. His fear was therefore that criticism would reveal defects in the government. He did not have the confidence to listen to that criticism.

And so we hear reports of thousands of people in labour camps in China whose only crime was they criticized authority. And so Chinese officials visiting Hong Kong will not listen to legislators they know will be critical. In Beijing, hotels have been prevented from receiving satellite TV because it comes from diminutive Hong Kong. That must be the extreme case of lack of confidence.

In Hong Kong our lack of confidence is less extreme, but is there none the less. The widespread use by the Government of the Official Secrets Act to suppress unclassified information is damaging to freedom of speech. The traditional low pay and poor conditions of some members of the media has in the past led to the iniquitous "envelope journalism".

Nevertheless, in the early 1980s people did speak their minds. There was no lobby to protect the freedom of the press. It was not necessary. Both radio stations had daily talk back programmes in which callers could speak their minds unedited on any matter and broadcast it to everyone, and the Government had the confidence to instantly respond. Then doubt crept in. And with doubt came self-censorship. Newspapers were involved. Journals critical of China nearly disappeared. Talk shows were curtailed. Individuals started to keep silent. Members of this Council have been criticized for speaking their minds and the Government has excluded them from receptions to meet Chinese officials.

Yes, we did lose our confidence. Self-censorship has become a fact of life. But, let me stress, none of it has been forced on us. We has brought it upon ourselves.

If we want freedom of the press we must do everything we can to restore confidence. If legislating for the freedom of information and liberalizing the Official Secrets Act will restore confidence then let us have both. Improving the working conditions of journalists will certainly give them more confidence to report objectively. But there are many, many more ways to create an atmosphere of confidence in which freedom of speech can flourish.

I have to agree with LENIN that destructive ideas can be more fatal than guns. But there the simile ends, for guns are always destructive. Most ideas, however, are constructive. Ideas created our society, set our standard of living, gave us world class media, built our great city and offer us the most wonderful future.

Mr Deputy President, LENIN was wrong. Let our press and all of us fearlessly say so, and in so doing support the principle of this motion.

DR YEUNG SUM (in Cantonese): Mr Deputy President, in today's debate, I do not intend to talk about how far the existing legislation is in breach of freedom of press because Mr James TO has already spoken it. As regards which piece of the existing legislation is in breach of freedom of press, Mr SZETO Wah has also said that the United Democrats of Hong Kong agree to the list put forward by the Journalists Association.

Today, I will focus on two areas, namely the impact of the Official Secrets Act on Hong Kong and the implementation of the Bill of Rights. The establishment of the United Democrats of Hong Kong is meant to maintain a high degree of autonomy in the territory. To achieve this, we should strive to establish a democratic political structure, a constitutional system and freedom of press. Recently, the Chinese officials concerned specifically pointed out that the future SAR Government itself needed a mouthpiece for publicity. This has made Hong Kong people worry more about the freedom of press Hong Kong will enjoy after 1997. The Chinese Government will probably regard freedom of press as a tool for political campaigning. It does not understand that freedom of press itself has value and a role to play. Freedom of press does not only reflect the current situations but also monitors the operation of the Government. To protect freedom of press, we believe efforts must be put into two areas: to review the existing legislation to find out which laws are in breach of the Bill of Rights and to enact Ordinances for freedom of information. But unfortunately, the Hong Kong Government has failed to do these two tasks adequately.

The Official Secrets Act implemented in Hong Kong was adopted from the United Kingdom's 1911 Official Secrets Act. After years of outcry from the political circles and the mass media, the British Government was finally forced to amend the Act in 1989 to make it the government responsibility to disclose more information to the public. With the political developments in recent years and the enactment of the Bill of Rights, the Hong Kong Government should conform to the trend and enact the "Freedom of Information Ordinance" so as to meet the needs of social development and to show its determination to put the Bill of Rights into practice. What problems have arisen in Hong Kong with no legislation on freedom of information?

Firstly, let us look at the problem in the context of the commercial and economic

development. The opening up of government information will definitely have positive effects on the free operation of the market. If government information is controlled by a handful of powerful elite, these people will be endowed with too much political and economic powers. The operation of the market will also be controlled and distorted due to unequal access to government information. As a matter of fact, freedom of operation in the market is related to freedom of information. At present, government information is kept secret and is only accessible to members of the Governor in Council. However, under the system of collective responsibility, these people, who have political and economic interests, will obviously enjoy more powers and privileges vis-a-vis other people. This is unfair to the common mass. More importantly, the privileged group do not have to be accountable to the public, nor do they have to shoulder political responsibility. Therefore, under the enforcement of the "Official Secrets Act", the situation of inequality prevails in the economic and political fields.

Secondly, the release of government information is wholly in the control of government officials. Therefore, the officials can arbitrarily decide on the release of information and the public has no means to fully grasp the information and the operation of the Government. Basically, this situation can no longer be acceptable with the enactment of the Bill of Rights. According to the Bill of Rights, the public has the right to release and receive information. Hence, the Government's present arrangement with regard to the release of information is evidently in breach of the Bill of Rights.

Thirdly, the media plays an important role in monitoring the Government. Yet, under the "Official Secrets Act", the media can hardly monitor the Government in an effective manner. Furthermore, the Government, deliberately or otherwise, employs the method of selective release of information to affect the operation of the mass media.

Fourthly, the "Official Secrets Act" makes it a criminal offence for anyone to be in possession of or to disclose any confidential government papers or information. Mr Deputy President, the Legislative Council In-House meeting is, at present, conducted in an open and informal manner and is not covered by the Legislative Council (Powers and Privileges) Ordinance. I thus suspect that from the legal stand, Legislative Councillors may be involved as a whole in activities little short of being illegal because we, very often, have to release some government confidential information during the Legislative Council In-House meetings. It can thus be seen

that under the "Official Secrets Act", many people may have breached the law without realizing it. This undoubtedly poses a threat to the public.

In view of the above four problems, I suggest that the Hong Kong Government introduce the Freedom of Information Ordinance so as to improve the situation. The main change is to state in the law that the Government has the responsibility to release information to the public unless evidence can be produced that due to certain reasons, such as social and national security and so on, certain information should be kept confidential. If the reasons given or the evidence produced by the Government are unconvincing and are not accepted by democratic societies, the Government shall have the responsibility to release the information to the public.

Lastly, in countries such as America, Australia, New Zealand and Canada, a Commission on Information has been set up to release government information and to handle the complains concerned. The Hong Kong Government, in enacting the "Freedom of Information Ordinance" should also set up similar organizations to implement the legislation. Lastly, I would like to comment on the implementation of the Bill of Rights. In this aspect, problems appear in the Government's determination and sincerity. Apart from those frozen, it is not known what others are in breach of the Bill of Rights. This job will be left for the Court to decide. The United Democrats of Hong Kong are asking the Government to comprehensively review the existing laws in Hong Kong to find out which is in breach of the Bill of Rights, so that amendments can be made to them. I personally think that it is necessary to amend the Public Order Ordinance without the police's permission that the use of loud hailers in public areas is illegal. In addition, a Human Rights Commission must be set up to comprehensively co-ordinate appeals, education and arbitration in relation to human rights.

Mr Deputy President, the United Democrats request the Government to introduce the "Freedom of Information Ordinance". With these remarks, I support the motion of the Honourable Emily LAU.

MR HOWARD YOUNG (in Cantonese): Mr Deputy President, I remember that, when I was a student, my wish was to be a journalist. To my dismay, I found that there was no Department of Journalism in the educational institution at which I enrolled after completion of my secondary education. This was one of the reasons why my wish did not come true.

I feel that a journalist should not work towards a high salary but to report objectively in an impartial, neutral, dispassionate and unbiased manner. This requires a very high degree of character. I think that press freedom is a very valuable pillar that supports Hong Kong's society today. As many Members have just said, it is closely related to people's lives. I am sure that not only must the ordinary people treasure press freedom, but the commercial and industrial sectors, including those organizations and individuals involved in commercial and economic activities would also find it valuable. I say so because our free market economy can operate smoothly only when press freedom is guaranteed. Apart from the six million people of Hong Kong who treasure press freedom, foreign tourists also hope that Hong Kong will be able to enjoy press freedom as it used to be in the years to come. It is because they also wish to receive freely news about their home countries and follow the latest developments.

The press is a tool for monitoring . Hong Kong will be ruled by Hong Kong people after 1997. Do the "Hong Kong people" mean a few officials, a handful of Legislative Councillors, or the people of Hong Kong as a whole in a broad sense? The people of Hong Kong are becoming better educated and increasingly mature in terms of political awareness and wisdom. But if there is no press freedom then people cannot have access to a great deal of information. Then, "Hong Kong people ruling Hong Kong" will become Hong Kong being ruled by a few people. That will be ludicrous.

As for the roles of the news media, some may wonder: Should the news media be the official mouthpiece? Should they be the mouthpiece of only some interest groups? Should there be a tough information office to ensure effective government? I feel that views behind these questions are all obsolete. If the news media are the official mouthpiece, then they will tend to report only the good news while suppressing bad news. Conversely, if the news media are controlled or manipulated by certain political bodies, then in reverse the press will only cover the bad news while suppressing the good news. Neither case is objective reporting. I think that to prevent such things from happening, restrictions on press freedom must be removed. In these days, I feel that a government's credibility can be increased only when it is fully demonstrated that the news media can enjoy true freedom. In the same process, the credibility of the news media themselves will also be enhanced.

As many Members have asked just now, while we attach importance to freedom of reporting, then what about the freedom of those who are reported upon? We hope that

journalists, while performing their duties, will not have to be bent to the will of their bosses, the Government or even the a few political stars. Similarly, however, we hope that those being reported upon will also be protected in the sense that their privacy and, more importantly, their right to respond will be safeguarded. This is why I find Mr Simon IP's proposal made just now in his speech that, while anything in violation of freedom of the press and the Bill of Rights must be repealed, consideration should be given to the establishment of a Press Commission to promote self-discipline and to improve professional quality of the journalist profession, will be an unadulterated blessing for freedom of the press.

Just now, we have passed a Bill concerning the self-discipline of the accounting profession. What about the journalist profession? I think the Bill may be used as reference for the journalists. Earlier, we discussed two Bills about the Prevention of Bribery Ordinance which are clearly in violation of the Bill of Rights. I think that the Government should look into other existing Ordinances to see if there are any breach of the Bill of Rights and, if so, do something about them to uphold freedom of the press in Hong Kong.

I support the essence of Miss Emily LAU's motion. I hope that active measures will be taken to safeguard freedom of the press beyond 1997.

MR FRED LI (in Cantonese): Mr Deputy President, I guess that, when they first looked at the motion, many colleagues might take it to be one about the value of press freedom and about a law of freedom of information. However, upon closer examination (I swapped my turn to speak with some colleagues in order to hear more views), it seems to me that the crux of the motion is to ask the Government to look beyond the six Ordinances that are now under a one-year freeze as they are conspicuously in contravention of the Bill of Rights in many places. Miss Emily LAU's main point is that the problem is not confined to these six Ordinances. In her speech, she mentioned many other Ordinances. She had studied them carefully and produced a lot of evidence. Apart from the Television Ordinance, the Broadcasting Authority Ordinance, the Official Secrets Act and the Emergency Regulations Ordinance, there are in fact others but we have not been able to uncover them in the present debate. I think that many of these other Ordinances are in breach of freedom of the press. But the Government's position now is that only the six Ordinances will be frozen for one year and the rest will be left to the Court to decide. In other words, any dispute will be left to the Court to settle. I find that such a position is not positive

enough. Dr YEUNG Sum has just now also mentioned the situations in many developed countries -- I always regard Hong Kong as very advanced economically, and that we are prosperous and well developed in certain areas of science and technology. However, in many respects, we are still very backward. For instance, our regulations governing the protection of information are still rather undeveloped. While the Official Secrets Act 1911 was already amended in the United Kingdom in 1989, we have yet to amend it. Presumably, the Act is going to lose its validity in 1997. If so, what is this Government trying to do in the meantime?

Under the Official Secrets Act, everything, technically speaking, is subject to control. This is very clear from the memorandum prepared by the Security Branch to the Legislative Council's legal adviser. Both strictly and technically speaking, we will be, in principle, violating the Official Secrets Act if we so much as leak any government document to a reporter or tell him about it. The point, however, is that the Act is not being enforced, nor are Members like us being prosecuted even if we contravene it. It is also true for Members of the Urban Council. Like the Legislative Council, all documents of the Urban Council are restricted with a "Restricted" stamp on them. Not many documents of the district boards are restricted, but I think that there is no big problem because not many reporters are interested in reading district board documents. However, some of the Legislative Council's papers are stamped "Confidential." This puts us Members in a very embarrassing position. To uphold the public's right to know, we naturally hope to be able to release to reporters as much as possible the information that, in our opinion, should be made available to the public. This is why the Government has never bothered to prosecute any Councillor. In the last Legislative Session, though the Government was infuriated to learn that information about the new airport was leaked to reporters by some Councillors and thus threatened to take action, in the end it let the matter rest. I believe that this gives a precedent of "letting the matter rest". If we continue to do what we are doing now, the Government will let it rest.

I do not wish to go into details here about how precious freedom of the press is. But I want to stress one point. If there is fair play in society, then it should not be possible for a handful of people to have access to insider information. (This is also true for the business sector. Just now, Mr Howard YOUNG has been quite right to say that fair competition in business can be guaranteed only if there is equal access to information.) Do we have the undesirable situation in Hong Kong? I believe absolutely that we have. There is not enough free flow of information in Hong Kong today. It is not easy for the public to have access to government documents.

Many government departments do not want to release information to the general public, though the Legislative Councillors may have a better deal. In many cases, when human rights groups and private organizations ask for information, the Government will say that the information is restricted or it is special official information and cannot be released to the public. Access to information is a right. The purpose of a free press is to provide the people with information that is of public interest, particularly in-depth information about the government operation and of public concerns, thus helping the public to understand how the Government works and heighten the transparency of the government operations. If there is no transparency of government operations, or release of information to the people, the public will be the party that ultimately stands to lose. Members have just now cited an abundance of examples. For instance, during the mid-1980s, the Government, though long in the know about the 26 condemned blocks in public housing estates which totally sustained a loss of \$1 billion in the end, went on withholding it from the public. It was not until the matter was reported in the media that the Government began hastily taking some urgent remedial actions. Examples of the kind are numerous. It seems to me that, where the release of information is concerned, the Government's primary consideration has always been the protection of officials. As I see it, with less information made available to the public, officials will be better protected as there will be fewer opportunities for charges of maladministration to be levelled against them. Many private groups have begun raising the question of freedom of information. I believe that, if a comprehensive law on freedom of information can be made, then the Official Secrets Act can be repealed in its entirety. And I think that every Member would agree that freedom of the press is not totally without limit or restraint. There are generally accepted standards for control applicable to state secrets, privacy and morality. I think that the setting of such limits to freedom of the press will also be acceptable to the journalists. The question now is: with only five more years to go before 1997, will the Government be ambitious enough to review Hong Kong's existing statutes to determine which one, and in which respect, is in violation of freedom of the press? Although the motion debate today is about freedom of the press, it in fact should also cover freedom of expression and various aspects of personal freedom. The Government should find out which Ordinances are in contravention of the recently passed Bill of Rights. I do not want to see that we just wait until we run into problems and then leave them to the Court to decide. That will be wasteful of the public resources. If possible, we should take remedial measures as soon as possible to review the Ordinances in question rather than waiting until the problems arise before trying to find a solution. This is always true that "prevention is better than cure." So I absolutely support Miss Emily LAU's motion. I hope that

official Members participating in this motion debate will clearly explain their case for leaving everything to the Court to decide instead of having the Legal Department review in advance whether the Ordinances may be in violation of freedom of the press.

Mr Deputy President, with these remarks, I support Miss Emily LAU's motion.

CHIEF SECRETARY: Mr Deputy President, I have listened very carefully indeed to Members' views on this important subject of press freedom which I regard as being of vital importance to Hong Kong. My personal interest in this subject goes back a quarter of a century since I joined the Government Information Services and I have been a strong campaigner of the freedom of the press and indeed open government since that time. The most cynical among you may say that it is incompatible for someone who is a member of the Government Information Services and be a campaigner of the freedom of the press. But of course the opposite is true. Government Information Services works much better in a free atmosphere in which there is an open government and the free press. It is an issue which we in the Administration take very seriously because we believe that a varied and free press is one of the principal characteristics of an open society. On these criteria, I think it is clear that our freedoms are secure.

There are 70 newspapers published every day in Hong Kong. We have 600 magazines. We have three radio and three television stations. Not one of them is subject to political censorship. Every one of them feels able to criticize the Government whenever they wish. Indeed, if the freedom to criticize the Government is the mark of a free media, then I think there can be no doubt that all is well on this score in Hong Kong: for every day, the media criticizes and counsels the Administration and performs the important function of warning us when things are not operating properly or the community has grounds for complaint.

Bill of Rights

Legislation dealing with press freedom has to be a balance between the right to publish freely on the one hand, which we all recognize, and the need to protect privacy, public order and public morals on the other. Our traditional freedom of expression

has been enshrined in the Bill of Rights. But Article 16 of the Bill of Rights makes it clear that this freedom may be balanced by laws designed to protect other people's rights, or to protect public order and security or public morals.

I believe that we have achieved the right balance in both the letter and the spirit of the law and that the proof of this statement is the robust, varied, informed and, of course, critical media which is so much a part of our life in Hong Kong.

Miss Emily LAU and others have argued that certain existing legislation restricts press freedom and that these provisions are in breach of Article 16 of the Bill of Rights. I hope Miss LAU will forgive me if I do not debate with her in detail the long list of legislation which she has made or other people have made reference to. But she has made much of the existence of the Emergency (Regulations) Ordinance, and I would like to deal very briefly with that. She also acknowledged the fact that the Bill of Rights enables measures to be taken derogating from the Bill of Rights. In the words of the Bill these measures are limited to the extent strictly required by the exigencies of the situation and should be taken in accordance with the law. The Bill goes on to say that no measure shall be taken under these emergency regulations that, firstly, is inconsistent with any obligation under international law which applies to Hong Kong or, secondly, involves discrimination solely on grounds of race, colour, sex, language, religion or social origin or, thirdly, derogates from Articles 2, 3, 4(1) and (2), 7, 12, 13 and 15. Clearly the Bill therefore thus allows for derogations to be made from Article 16 in an emergency situation. I would like to make two points. First, we believe that the community would wish the Government to have the necessary power to deal with an emergency situation formally declared by the Government provided that the powers used do not in any way contravene those limitations laid down in the Bill -- those are the ones which I have described. The second point is that despite Miss LAU's impassioned assertion that parts of the emergency regulations are in breach of the Bill of Rights, we are satisfied that they are both within the spirit and the letter of the Bill. Various other legislation has been quoted and I have listened very carefully to the arguments made in support of those but I am advised by the Attorney General and his team that the laws identified by Miss LAU and others are not inconsistent with Article 16 of the Bill of Rights. We shall study further the arguments presented by Honourable Members in the debate today. But I would not wish to leave Members in any doubt as to our view which is that these laws are not inconsistent with the Bill of Rights, nor do they infringe press freedoms.

The point has been made, and we agree with it, that ultimately it is only the view of the courts which counts. Some existing laws have been challenged in the courts on the grounds that they are at odds with the Bill of Rights -- for example, certain presumptions in the law dealing with drugs. But in a society governed by the rule of law, this is an entirely natural process.

I want to make it very clear that we have no difficulty with this motion. The Administration is committed to defending the freedom of the press and freedom of speech in Hong Kong. As I have explained, our judgement is that none of the laws mentioned breach Article 16 of the Bill of Rights. And for this reason the three officials will be voting in favour of this motion.

Freedom of Information Ordinance

The question of enacting a Freedom of Information Ordinance has featured prominently in this debate. The Bill prepared by "Justice", the Journalists Association and others has been presented to the Administration and we are studying it carefully. But I would like to make it very clear that we are far from convinced that a Freedom of Information Ordinance is the best way for Hong Kong to proceed. The benefits for the general public from such a law would not, in our view, be commensurate with the costs which all agree are likely to be substantial. We are also concerned to avoid the creation of a new layer of bureaucracy which in the final analysis might do little to enhance the community's access to information.

The Government accepts that it has a duty to explain its decision and policies to the people of Hong Kong. We accept too that we must be held accountable at all levels of Hong Kong's system of representative government. I believe that we are an accountable and that we are an open administration. But I accept that there is scope for further development of our systems of public accountability. I am not, however, convinced that a Freedom of Information Ordinance is the most effective step for Hong Kong.

One of the problems I see with such legislation is that, paradoxically, rather than making more information available to the general public, it might result in less being made available. In some countries which have already such an Act, there is evidence to suggest that the freedom of information apparatus has created a great reluctance on the part of public servants to put their views and advice on paper. This would clearly be an unhealthy development, and one which would not be conducive

to good, or indeed, open government here. There is a balance to be struck here and I think we need to be cautious about accepting proposals which superficially look like a step forward but which might in practice be retrograde. So I would reiterate that we remain unconvinced that the enactment of a Freedom of Information Ordinance is the right next step for Hong Kong. I think the best way to summarize our position is that the case for such a law has not yet been proven.

Official Secrets Act

Some Members have expressed their concern about the continued application to Hong Kong of the United Kingdom's 1911 Official Secrets Act. They have pointed out that section 2 of this Act covers all official information and makes it an offence to disclose such information without lawful authority. Some Members have given vivid examples of that today. The broad scope of section 2 has been a concern both here and in the United Kingdom. These concerns were addressed when section 2 was replaced in the United Kingdom by a new provision which much narrows the scope of the offence. The 1989 Official Secrets Act makes it an offence to disclose official information only in six specific categories. These are:

- (i) Security and intelligence;
- (ii) Defence;
- (iii) International relations;
- (iv) Foreign confidences;
- (v) Information which might lead to the commission of a crime; and
- (vi) Special investigations under a statutory warrant.

An additional safeguard was introduced which specifies that revealing such information in most of these specific areas is only an offence if the disclosure can be demonstrated to have been damaging to the national interest.

Following the enactment of this legislation in the United Kingdom, we have considered whether it should be applied to Hong Kong. Our conclusion is that it

should so be applied and we will now arrange for this to be done later in the year. Her Majesty's Government will be asked to apply the 1989 Act to Hong Kong by an Order in Council and I expect this process to be completed within the next few months.

The 1989 Official Secrets Act is a considerable advance on its outdated predecessor. It narrows the scope of the law to the minimum necessary for protecting official information and it adds the important new national interest safeguard. I hope Members will agree that this is a progressive, important and welcome development.

Some Members have said that rather than applying the United Kingdom legislation directly to Hong Kong, they would prefer to see the 1911 Act replaced by locally enacted laws. I understand this argument, but we in the Administration have taken the view that this important advance should not be delayed. It would take far longer clearly to enact local legislation and I can see no good reason to delay action when we have a ready made provision which is far superior to the present law.

Mr Deputy President, with these remarks, I support the motion.

MISS EMILY LAU (in Cantonese): Mr Deputy President, I am very grateful to colleagues for speaking in support of the motion today. Personally, however, I feel a bit upset and disappointed. This is because many of my colleagues failed to address those matters I had hoped they would address. The Honourable Fred LI was a great help to have spoken what I was thinking of saying. Actually, I had long known that something like this would happen. That was why I told the In-House meeting on 14 February that if any of my colleagues did not understand the subject matter I wanted to discuss in this motion debate -- and I did not intend it to be so wide-ranging a topic as freedom of the press -- I would talk with them at length at another meeting on the 17th and that even if there be no meeting I would be happy to answer their questions and to explain, without necessarily asking for their support; neither was it my intention to do what the Honourable CHIM Pui-chung has referred to as "rehearsing the evidence to ensure uniformity". What I wanted was that colleagues should clearly know what the subject matter was. This would be helpful to both the listeners and the Government. However, on the 17th, nobody showed up for the meeting. Afterwards, only one Member came to ask me about the subject matter to be discussed in this debate, which I explained to him. It is not important whether one would agree with me or not after listening to my explanations; what is important is that arguments advanced during the debate should be to the point, which precisely was what that Member did.

Some colleagues mistook it that, because the subject matter was a wide-ranging one about freedom of the press, they might talk about anything. Accordingly, they talked about the importance and function of a free press, about the self-discipline of the press, about wages being high or low, about the need for the press to have a watchdog body and so forth. The press is grateful for their solicitude. However, very regrettably, those are beside the subject matter for discussion today.

Mr Deputy President, in my earlier speech moving the motion, I stated very clearly that the subject matter of today's motion would be very narrow in scope; that is to say, the motion is about finding out whether existing statutes are in violation of Article 16 of the Bill of Rights and, if so, asking the Government to amend them right away. Because some colleagues did not understand the motion, they talked about a law on freedom of information, which has been a hot topic in recent days. I hope that towards the end of the Session there will be another motion debate on freedom of expression, which will cover not only freedom of information but also the Film Censorship Ordinance and the use of loudhailers. The main reason why I do not talk about a law on freedom of information today is that many organizations have just asked the Government to pay attention to such a matter. Work is being done. Very regrettably, Chief Secretary Sir David FORD today began by pointing out that, though he would listen to Members' speeches, that would be all that Members could expect. To the organizations concerned, this is very unfortunate. The Government is using the opportunity to kill two birds with one stone. On the one hand, it rejects my motion for amending legislation and on the other, it makes clear that it will not consider a law on freedom of information. I hope that the organizations will not feel disheartened but will do what is within their duty to do. However, I wonder if I have not become an "accomplice" by moving a motion that helps the Government to reject the matter. I very much regret it.

I feel that some Members, for instance, the Honourable Selina CHOW in her speech, seem to think that freedom of the press is a matter of concern only to the press and to members of the press. I have already said in my speech moving the motion that freedom of the press has to do with freedom of knowledge and is a community-wide matter. Mrs Selina CHOW also agrees with the Government's position that the review of legislation has been completed and that the matter should be left to the court. I do not accept such a position. The Honourable Frederick FUNG has said that he is not a legal expert and therefore does not want to look at the statutes one by one. It is of course true that not all Legislative Council Members are legal experts. Still, if we find a problem with a statute, it will be our duty to let the Government

know. Prof Felice LIEH MAK has used the occasion to lecture the press. She has also talked about how to set the scope for freedom of the press, about not permitting the press to abuse its freedom and about how to raise the standard of news reporting. I am sure that members of the press have listened attentively. Actually, I wish the professor had taught me how to amend the statutes. I hope that she will yet have an opportunity to do so.

Sir David FORD's response has been a bit disappointing to me. He says that he has worked for freedom of the press for many years. I am greatly surprised; so little seems to have been achieved by him in this respect. I hope that he will work even harder, beginning with the more than 10 statutes that have just been mentioned, if he intends to be of help to the press. He says that freedom of the press is being protected and that there is no political censorship of either the newspapers or the radio stations. However, he does not say that the Television Ordinance empowers the Government to pre-censor programmes or that the Governor has the power to set political and religious standards for television programmes. Sir David will perhaps say that these powers have not been invoked. Still, these powers, as well as the more than 10 statutes that I have mentioned, do exist. Once they are invoked, freedom of the press will very soon be devastated. When talking about the Emergency Regulations Ordinance, Sir David Ford says that there should be restrictions. I do not disagree. The question is: Are the restrictions clearly spelt out? Members of the legal profession with whom I have discussed the matter are of the opinion that the circumstances for exercise by the Government of these powers are not clearly defined. An even more important question, to which the Chief Secretary has not given me an answer, is: Since the Ordinance is currently in force, does this mean that there is now an emergency in Hong Kong? If the answer is no, then why do we need this Ordinance, since all that will be needed to give effect to it is to have the Governor issue an order notified in the Gazette? Is it really necessary? Very regrettably, the Chief Secretary has failed to respond. Finally, he says that he has consulted the Attorney General, who has indicated that a study had been made of the matter I raised and that nowhere is the Bill of Rights violated. Perhaps he has handed over the responsibility to the Attorney General, who has very broad shoulders, broad enough to carry the responsibility. In other words, the Government has made it clear to the press and to those who are concerned over human rights: The Government will take no action; if you have the money, the ability and the determination, then please take the case to court. The courts are now busy enough. Some cases have to wait for more than a year before they are tried. The Government's position is that it does not matter even if the waiting period is longer. Some lawyers have told me that

magistrates in the magistracies, upon hearing that a case has a Bill of Rights dimension, will adjourn it for four months so that they may have time to take instructions. The question is: Are we to be so irresponsible as to leave everything to the court?

Finally, I thank the Honourable Samuel WONG for raising the question of confidence. I support his view. I hope that the Government will give us confidence, show with sincerity that in its opinion freedom of the press, among other human rights and liberties, is indeed very important and immediately take some action for all to see. I remember that, in 1986, when I was a working member of the press, the Government proposed to amend a control of publications (consolidation) ordinance and everybody was heartened. Again, the public was heartened when the provisions against the publication of false news were repealed in 1989. The Government is being intransigent now; yet I hope it will reconsider and make as much amendment to the statutes concerned as possible. This is because the powers do exist; we have no idea how the future administration will come into being; nor have we any idea when it will use these powers to devastate the press overnight. I hope that the present administration will, during the few years that it still has before departing, discharge its obligations in respect of the Bill of Rights and expeditiously correct the situation in question. Thank you, Mr Deputy President.

Question on the motion put and agreed to.

CHARTER FOR YOUTH

MR ERIC LI moved the following motion:

"That this Council urges the Government to adopt the principles enunciated by the draft Charter for Youth and to systematically review its existing legislation, policies and educational programmes affecting youth development so as to ensure that they are comprehensive in meeting those aims."

MR ERIC LI: Mr Deputy President,

Foreword: Youth in kaleidoscope

Young people are often examined under "microscopes". We seem more interested in their problems than their potentials. I believe that young people ought to be marvelled at in a "kaleidoscope". Their worlds can well be filled with lively forms and blooming hues.

Youth development ought to be well balanced in addressing problems as well as enhancement of potentials. I can spend some time explaining how important it is for youth services to assist young people to develop independent thinking and a critical attitude in accepting new values. I can also spend time to elaborate on the problems and difficulties that they have to face in this critical transitional stage of their lives. I can also point to the manifestation of these problems reflected in the rising trend of youth crimes, triad infiltration, unruly and delinquent behaviour, abuse of psychotropic substances and missing youth cases and so on. But looking around us in this Council, I know that I will be wasting my valuable time preaching to the already converted. So instead, I would rather wait to hear Members' expert views.

Origin of the charter: A lift off to space

We are all truly experts in our very own ways. Have we not all come down the path from youth to prime? If I have the power, I would take us all back on a trip in time. Even the colorful times that we had spent in this exciting Council may seem pale compared with the fond memories of our youthful yesteryears.

I can remember though a day back in April 1985. As a young inconspicuous district board member, I attended a Conference on Youth Policies in Perspective organized by the Central Co-ordinating Committee of the International Youth Year. My heart was charged with hopes by the impetuses of the speeches made by, among others, the Honourable Allen LEE, the Honourable Selina CHOW and the Honourable HUI Yin-fat. The conference overwhelmingly supported the establishment of a central body as a first step towards a more systematic approach to the planning and provision of youth services.

The Central Committee on Youth was formed in May 1986. No doubt, the Honourable Albert CHAN will soon tell us more about the hard work that he and I have put together with other keen members of the committee to compile the report on the need for a youth policy in Hong Kong. The committee finally reported in January 1989 in favour of a youth policy. We even celebrated a large-scale youth festival in eager

anticipation of the birth of the youth policy. Expectation ran high.

In February 1990, the Governor announced a proposal to establish the Commission on Youth. The Commission is to draft a Charter for Youth. The youth policy was still-born. The news had surprised most of the concerned parties in the field of youth services; some even felt betrayed. It was under this somewhat clouded background that the Commission began its work. Meanwhile, the public waited patiently for a Charter for Youth, the second time round.

Birth of the draft charter: Descend on earth

The Commission comprising the Honourable Miriam LAU, the Honourable Howard YOUNG, myself and others is now presenting the draft Charter for Youth for public consultation. I would like to publicly thank them for their hard work and thoughtful ideas which are always very original. The draft Charter enunciates a set of important statements encompassing the rights of young people, their needs and aspirations and the desirable social goals for a balanced and healthy development. It is a unique document and the concept of its design is new to Hong Kong. Despite the fact that it is a document of high sounding principles, I am under no illusion that we must plant our feet on firm grounds. Some instinctive reactions initially received from the public bear evidence that much effort is needed to explain its nature and to eventually turn it into practical work plans. The next phase of our long journey has just begun.

Popular misconceptions: To fit conspiracy theories

1. Water-down version of a Youth Policy:

Those still in remembrance of the youth policy described the Charter as a water-down version of a youth policy. On close examination, they are clearly not the same.

A Charter provides a set of statements of desired end results but not the means to achieve them. A policy will evolve, say every few years, depending on changing circumstances, the priorities and resources of the community. It binds only the Government. The draft Charter enables the voluntary participation of all policy makers, service providers, family and young people themselves. The statements contained are drafted to survive the test of time and resource limitations. In these

respects, the Charter is beyond a policy and not a lesser document. It is also pertinent to note that a charter and a policy are not mutually exclusive options. A youth policy can be formulated at an appropriate time to help fulfil the goals of the Charter for Youth.

2. Not a legally binding document:

Some question the effectiveness of the draft Charter as it is not a legally binding document. I shall refer this important subject to the Honourable Miriam LAU who is the greater expert as a lawyer and the able convenor of our drafting party. I merely wish to state that if we are to reach for the highest goals, we must encourage a spirit of voluntary participation from a wide spectrum of the community. Legislation sets only minimum standards, definitely not the highest. To legally enforce the principle of the Charter may arouse mistrust, resentment and discourage wide participation. However, the existence of the Charter will not preclude the introduction of new legislation in the furtherance of our stated aims.

3. Instrument to procure additional financial resources:

The draft Charter does not set out a work programme. There cannot be a specific time frame for its implementation. We can therefore say that the Charter itself has no direct financial implications.

The draft Charter places great emphasis on young people as our future providers and leaders. There is no hidden intention to wield it like a secret weapon in contest with the needy, for example, the elderly and disabled, for the limited resources of society. In any case, the community has already recognized the value in investing in our young people under current programmes, for example, tertiary education and sports development and so on. The importance of these investments would require constant assertion and does not depend on a single document entailing only moral obligations.

4. Participation of Young People:

The Commission recognizes the importance of participation by young people. It is stated in our own terms of reference "to enhance the civic awareness of young people and their participation in community affairs". We consider it our responsibility to propose relevant policies and devise detailed work plans to achieve this stated aim.

Our recent submission to the Government on the proposal to reduce the minimum voting age to 18 is a visible case in point. In the light of criticisms that our subscription system does not allow much room for youth participation, we are actively exploring other possibilities and suggestions will be welcome.

Nature of the Charter: A community asset

1. A Focal Point:

The Commission hopes that the Charter will provide a focal point for all who are involved in youth development: policy makers, service providers, family and young people themselves. Its comprehensive range of common principles will be useful reference for the long-term planning and development of youth related policies.

2. Community Asset:

The draft Charter is neither the Charter of the Government nor a Charter of the Commission. It is a Charter of the entire community. Under the proposed subscription system, the Charter will provide the catalyst to weld the different parties together. Subscribers can each contribute towards the common aims and ideals according to their own objectives and availability of resources.

3. Interminable Time Piece:

Some want the Charter to be a legally binding document. Some service providers want a youth policy together with a bag of gold. If this Charter is anything short of high sounding, I am also sure the young people will criticize me for my lack of vision and idealistic principles.

A Charter cannot be everything to everyone at the same time. What I do hope is that it will survive the test of time. It should be a document that the whole community can take pride in subscribing as a long-term commitment to our young people. Its aims ought to provide motivation for all to strive for continuous improvement.

The role of the Government: A willing godfather

The Governor has personally ordered the Charter. In fact, senior government officials have been represented on the Commission and that they have been actively

involved in developing the Charter. We expect that the Government will take the formal step to adopt the principles enunciated by the Charter by signing up as a key subscriber.

My motion is also aimed at urging the Government to perform a fair share of the duties. As a matter of fact, the Government has already formulated some clearly spelt out policies pertaining to youth development. For example, Service for Children and Youth in the White Paper on Social Welfare into the 1990s and Beyond, educational policies for various age groups and so on. Collectively, these policies might have already met quite comprehensively the aims as enunciated by the draft Charter. To conduct a systematic review is a relatively simple step to rationalize its approach in preparation for the upcoming biennial review.

The non-government organizations and our young people would probably need to be convinced that the Charter is a worthy document to subscribe. They expect nothing short of a firm and tangible commitment from its Government. If there is the will, there is a way. I hope that the Government will also take a useful lead to demonstrate that accepted policy aims can be broken down into shorter-term policy objectives and that practical work plans comprising legislative, administrative and educational measures can then be drawn up to attain these formulated policies.

With these hopeful remarks, Mr Deputy President, I beg to move.

Question on the motion proposed.

MRS MIRIAM LAU (in Cantonese): Mr Deputy President, first of all, I would like to declare interest. I am a member of the Commission on Youth as well as the convenor of the working group responsible for drafting the Charter for Youth.

Mr Deputy President, it was not an easy task to draw up the Charter for Youth. The Commission had spent more than one year in carrying out in-depth studies, detailed discussions and made numerous amendments before it came up with the draft Charter. As a member who has been directly involved in the drafting work from beginning to end, I think I have the responsibility to recommend the Charter to my colleagues and elaborate on its functions, contents and spirit today.

The Charter for Youth, a document specially designed for handling youth matters in the form of a social contract, has functions in many aspects. Firstly, through

the drafting and consultation exercises and the implementation of the Charter, the various sectors of the community will certainly have a better understanding of the needs and problems of our young people. Secondly, the Charter is the first document in writing which recognizes the basic principles that our society should follow in dealing with youth matters. It not only provides a guideline to which the Government can refer when planning or reviewing policies affecting our young people, but also helps identify at an early stage any problems that will possibly arise in the youth work. Thirdly, the Charter is of significant educational value. It helps the promotion of the awareness of the importance of the youth to our society. Fourthly, the Government and the various sectors of the community, by accepting and implementing the principles set out in the Charter, can demonstrate their sincerity in promoting youth welfare. I believe the Charter reflects the care of the community for our young people and provides a guideline for the different parties involved in youth work. Moreover, it will also make the young people realize that the community cares for them, help them be aware of their rights and duties and thus find out a correct direction for development.

When drawing up the Charter for Youth, the working group has studied 16 international documents on youth affairs, including those from Britain, the United States, the United Nations, European Economic Community, China, Japan and Thailand. Some of these documents are in the form of rules and regulations, some in the form of conventions. Some are legislation while others are policy papers. Special reference was made to the Convention on the Rights of the Child published by the United Nations in 1989. The principles and spirit of the Convention applicable to the case of young people are adopted as the major basis for the drafting of the Charter for Youth.

The contents of these international documents differ because of the different social environment they are catered for. For instance, the documents from Mainland China and Thailand embodies parental guidance, reflecting the traditional values of an oriental society whereas papers from western countries uphold the concept of individualism which attaches great importance to personal freedom. It is hoped that the draft Charter for Youth can incorporate the merits of all, taking into account the fact that Hong Kong is a Chinese community which has been exposed to the influence of western culture for a long time. For example, the Charter fully supports that young people should have the right to the freedom of personal development, as reflected in sections 1 (a)(b), 2 (a)(b)(c) and 3 (h). But at the same time, the Charter also applauds the valuable traditions and the system of values upheld by the

Chinese community as seen from Sections 1 (h), 3 (a)(b)(c) and 3 (h)(iv).

As regards the question whether the Charter should be prepared in the form of legislative provisions or social convention without legal effect, the Commission, after careful deliberation, decided that the latter would be more appropriate. The system of values promulgated by the Charter are abstract in nature. The "pledge" section states the lofty ideals and principles on the well-being of youth. Many of these ideals cannot be fully realized through legal or legislative measures. For instance, it is not possible to stipulate by law that young people should be respected, loved and cared for by their families. However, we all agree that love, due respect, in particular care and understanding by the family, are essential to the development of young people during their growth. As far as youth work is concerned, emphasis should be placed on the overall development of our young people instead of their specific needs. We therefore consider that ideals in relation to youth development, however abstract, should be incorporated into the Charter and the ideals promulgated by the Charter should apply to all young people and not be restricted to young people of a particular age group. Similarly, the "recognition" section of the Charter which sets out the various rights of youth and their needs gives expression to the abstract concept of the spirit of rule by law. Moreover, it puts forward some ideals on the basis of fully recognizing the rights of youth and their needs. As a matter of fact, most of the principles and ideals mentioned have already been incorporated into the laws of Hong Kong. But we think further amendments can be made when appropriate. The "consideration" section states the social goals for the general development of young people. Some of these goals can be achieved through legislative measures while others have to be realized through education and administrative measures. The Commission on Youth believes that by stating the objectives in principle, it will be easier for the Government and the different sectors of the community (including parents and young people themselves) to accept the spirit behind the Charter. The promotion of youth work requires the participation of the community as a whole and the role played by the family is particularly important. When a consensus is reached on a major principle, government and non-government organizations can, on the basis of the goals set out in the Charter, formulate their policies and working plans subject to the availability of social resources and take concrete measures to realize the spirit of the Charter.

As the Charter for Youth embodies principles rather than specific policies, the problem of inadequate provision of resources within a particular period of time will not arise. Moreover, the Charter merely sets out social goals, the principles and

spirit of it will not vary according to changes in circumstances. As such, the Charter for Youth should be able to stand the test of time. It is no exaggeration to say that it is a document beyond the limit of policy and time.

Since the Charter is neither a policy statement nor a document with legal effect, some may question to what extent it can be effective. I think the Charter has comprehensively set out the principles, goals and ideals for youth development and can be used by policy makers, service providers, the family and young people themselves as an important guideline in drawing up their working targets. The Commission envisages that subscribers of the Charter will fulfil their obligation by following the principles contained therein and endeavour to achieve the goals and ideals set out in the Charter. The consultative paper proposes to conduct biennial reviews during which subscribers can share their experience and monitor the implementation of the provisions of the Charter. Co-operation is vital to the development of youth work which involves many aspects and requires concerted efforts by the Government and the various sectors of the community. The organizations and parties engaged in youth work will be united through their acceptance, by subscription or other means, of the principles and goals enshrined in the Charter.

The Commission envisages the Charter operating on a system of subscription and expects the Government to be the key subscriber. But actually, acceptance of the Charter may be indicated by means other than subscription. If there are suggestions on some more appropriate means, I think the Commission should take them into serious consideration. It is most important that the ideals and principles promulgated by the Charter will be widely accepted, supported and endorsed by the Government and the various sectors of the community and positive measures will be taken to put them into effect.

Mr Deputy President, Mr ROOSEVELT, former President of the United States, had once said, "we cannot always build the future for our youth, but we can build our youth for the future". The Commission had the same wish in drafting the Charter for Youth. I sincerely hope that the work by the Commission in respect of the Charter for Youth will have an enlightening effect and that the Charter will eventually be accepted by the Government and the various sectors of the community and fulfil its function in the promotion of youth work in the long run.

Mr Deputy President, with these remarks, I support the motion.

MRS PEGGY LAM (in Cantonese): Mr Deputy President, as an ancient Chinese saying goes, "It takes 10 years to grow a tree, but a hundred years to bring up a man." Clearly, it takes a long time and great devotion and care to train and educate people. This is not merely the responsibility of the schools; social and family education is of equal importance as well. Unfortunately, the Government has failed to formulate a set of principles as guidance for people who participate in youth development programmes and those who design the plans.

I am very glad to see that now we have the Draft Charter for Youth prepared by the Commission for Youth. I think that the Draft Charter for Youth is very significant in that, among other things, it specifically underlines family's important functions and central roles in youths' development process. In my speech today, I wish to focus on the roles that family should play as suggested in the Charter for Youth. As the Charter recognizes, family is the first and foremost place where youths receive attention and care. So family should be given the needed protection and assistance so that it could play its roles to the fullest extent. The Government, society, schools and families should join hands and work together to put into effect the spirit of the Charter for Youth.

China's "Thousand-character Book" says, "A father is at fault if his child is reared but not taught. A teacher is lazy if his pupil is not guided in a strict manner." Clearly, the education of youths should begin at home. However, following the changes in our community, it is not uncommon to see that both parents in a family must go out to work. As a result, with the education of the children often left to the schools or the media, parental instruction carries much less weight than the negative influences of some TV programmes and magazines. Many parents heave sighs of regret when they find their influence on their children in steady decline. For their part, some youths and children complain that they receive no love and support at home. Very often, the word "home" is deprecated to mean a mere sleeping place. On the other hand, some parents, who are negligent in the upbringing of their children, tend to make up by showering them with expensive toys and clothes. This will in fact only sow the seeds of the children's pursuit of material comfort in days to come.

Consequently, I think that the Government should, on the one hand, remind parents to discharge their obligations in respect of the rearing and education of their children and, on the other, encourage employers or companies to abide by the tenet of "caring for employees' families" and offer more options to their staff, such as

making available to them staggered working hours, allowing several employees to fill one position, providing child care facilities close to the place of work and granting child care holidays to parents. Some companies in the United States, such as Du Pont, do sponsor summer camps for employees and their children, and Wegmans Food Markets goes a step further by operating for its employees and their families a youth development centre complete with a garden, a theatre and computer facilities.

It is one thing for parents to spend time with their children, but it is quite another how such time is spent. The Charter for Youth strongly urges that youths should be brought up in their own homes, with care, love and skills. In this connection, the techniques of instruction are extremely important. Therefore, the Government or social organizations concerned should hold some study courses on home education for youths and parents, helping family members to live in harmony and show mutual respect, equipping parents with techniques to guide their children, and promoting respect for parents.

Our society as a whole and the media also have their part to play by guarding against any established family values to be twisted. Sometimes, deliberately or inadvertently, the media propagate among youths such fallacious views as "Let's get drunk now that wine is flowing" and "It's important to have had; who cares about the future?" Such negative ideas instilled by the mass media would have far-reaching effects on youths and children and may run counter to what the youths are taught at home. Therefore, I hope that the mass media, while enjoying freedom of speech, should recognize the importance of social moral standards and exercise self-discipline, lest unhealthy ideas might be disseminated and "heroes" be projected in a contentious manner.

Finally, as a precautionary measure and for the sake of today's youths and tomorrow's parents, I hope that the Government will strengthen family education in our school, especially moral studies.

I will leave it to other colleagues to talk about the roles of our schools in respect of the Charter for Youth.

Mr Deputy President, with these remarks, I support the motion.

MRS SELINA CHOW: Mr Deputy President, I rise to support wholeheartedly the motion

proposed by Mr Eric LI. Today's debate brings back memories of the celebration of the International Youth Year in 1985 with which I was closely associated as Chairman of the Central Co-ordinating Committee. The objective of the exercise was then to focus our community's attention on our youth who constituted the key population whom we believed our community must prepare to adapt to and who eventually will take charge of the changes in our society brought about by the unique arrangements for our future.

Since then we have witnessed a distinct evolution of the role of the young person from inertia and apathy to active involvement in the many facets of developments in our community. This is the result of close co-operation between the Administration and concerned citizens from all sectors, and the establishment of the Youth Commission has ensured the sustenance of ongoing efforts.

The Youth Charter presently drafted enshrines the key concepts and principles that should guide this community in our future endeavours and culminates and crystallizes the collective thinking of dedicated members of the Youth Commission. These principles should serve as good guidance to all of us, whether in the Government or the private sector, for our continuous efforts to fulfil the many commitments which we make from time to time to our young people.

With about 2 million of under-25-year-olds and 3.8 million of under-40-year-olds, our young people are not a minority. They are not the under-privileged or deprived; they should in fact be the mainstream of our strength and potential and hold the key to the shape of our future. This should be recognized, respected and supported by each and every one of us.

I am confident the consultation exercise being conducted on the Youth Charter will open the door for many valuable views stimulated by its publication so that the ultimate incorporation of these views will ensure an even more imaginative mode of co-operation between all participants, individual or corporate, public or private, in furthering the status of young people in our society.

Mr Deputy President, I support the motion.

MRS RITA FAN: Mr Deputy President, I would like to commend the Commission on Youth for their work on the Charter for Youth. They have been able to crystallize the variety of needs and aspirations of our young people, the various demands made on

our youth, and many other considerations relating to development of young people into a set of principles and directions contained in four pages. I have no doubt that these four pages will be frequently and regularly referred to by policy makers, programme planners, and pressure groups from now on. I hope that parents and the mass media, particularly the film and television industries, will also take note of the principles and ideals promoted by the Charter for Youth. I say this because if only the Government and the subvented sectors in social service and education work towards these goals, their efforts can never be sufficient. It cannot be denied that youth are most affected by prevailing trends and values in the community, and the latter tend to be substantially influenced by popular TV series and films. As for parents, while their children may not consciously want to be like them, it must be recognized that parents are often role models for their children. So I would say that the principles in the Youth Charter should be food for thought for the whole community, individuals as well as organizations.

As a community, we want to protect our youth from abuse and unfair treatment, and we also want to facilitate their development. The latter includes development of mind and skill (that is, knowledge and training) and the development of positive values and attitude which are beneficial to inter-personal relationships and society.

To offer educational and vocational training opportunities to our youth, to provide information and guidance for those wishing to receive them and to impart knowledge are tangible tasks which lend themselves more readily to objective evaluation. We have achieved some fairly impressive results, such as the number of primary, secondary, technical training and tertiary places. There are, however, much more to be done and to think about. For example, the increase in tertiary places is already committed and being implemented, but how can we ensure that the young people in tertiary education gain the kind of knowledge and skill that equip them better for tomorrow's challenge? Guidance is offered in the primary and secondary level, but are we offering the kind of guidance the students need most, and if we are, is the extent of guidance service sufficient? It seems clear that in the tangible areas, regular reviews on the appropriateness of the type of services and the sufficiency of services are necessary.

Now let us look at the more intangible areas -- values and attitudes. There are plenty of these in the Charter. For example, a proper sense of social and cultural values, respect for cultures different from their own, respect for their parents, respect for human rights and rule of law, just to quote a few. The instillation of

such values and attitudes is not easy, and the extent of success cannot be readily measured. But it is important for our young people to have such values, as important as mastering knowledge and skills, if not more important. The development of such positive values and attitude in our young people will make the difference between a civilized and caring society and totally materialistic society. In the schools, these values are being instilled through participation in extra-curricular activities and strengthening of the ethos of the school. The question is, and shall always be -- is that enough and how much is enough? The answer is anybody's guess. My answer is -- do what we can but match this against the formal curriculum so that students have a balance between formal curriculum and other activities.

When we consider the development of the youth, we often look to the education community, that is, schools and universities, for solution, and rightly so. The education community is in the business of nurturing young people who can become contributing citizens of this society. However, it is worthwhile to put down a few markers in order to ensure that expectations are realistic and therefore achievable. Firstly, people who are pushing for awareness among youth of a certain subject should refrain from the obvious suggestion that the subject be included in the formal curriculum as a separate and examinable subject until they have given full consideration to the workload of the average student. In my experience, students are more likely to be interested in a subject when it is presented in a stimulating and pressure-free manner, that is, not forced on them. Secondly, education seems to be permanently short of funds, and the tough decision is always how best to use the limited resources. It is therefore not possible for all the ideals to be embarked on simultaneously, and waiting for its turn to come is a norm rather than an exception. Thirdly, schools do not work in a vacuum; instead, they are often a reflection of the community. So it is unrealistic to think that educational institutions can assist their students to adopt certain values when the community favours other values. Having placed these markers, I am certain that the education community has a very important and substantial role to play in the individual development of youth, and they will be able to perform their part more successfully with community support and appropriate resources from the central government.

Mr Deputy President, resources are crucial to the implementation of some of the principles and ideals promoted by the Charter for Youth. However, resources are not unlimited. On the contrary, they are always limited. While urging the Government to identify with the principles in the Charter, we have to be pragmatic and accept that the actual realization of some of the ideals may well be quite distant in the

future. However, the direction is clear and we should endeavour to progress in that direction.

Mr Deputy President, I support Mr Eric LI's motion.

MR HUI YIN-FAT: Mr Deputy President, the 1970s and early 1980s was a period of rapid expansion of youth services but the outcome was far from satisfactory. The approach towards youth service provision was found by many to be sporadic and departmentalized. We witnessed many calls from various quarters for the formulation of a youth policy.

The International Youth Year Conference on Youth Policies in Perspective held in 1985 in Hong Kong also supported this call for a more systematic approach towards planning and provision of youth services. The Central Committee on Youth was then set up in 1986 on the recommendation of the Government's Community Building Policy Committee. The mission of the Central Committee on Youth was to examine the need for a comprehensive youth policy for Hong Kong. Its Working Party on Youth Policy produced a report in 18 months. Through a public consultation exercise conducted by the working party it was found that there was wide public support for the report's recommendations. The majority view espoused the need for a youth policy so that a direction would be provided for government departments and other youth-serving organizations in formulating the programmes for youth development and in according priorities for the allocation of resources.

The report also recommended the setting up of a Youth Commission to review and update the proposed youth policy. The Youth Commission was subsequently set up in 1990 but was only directed to produce a Charter for Youth, and today we are looking at this draft Charter. The Government's delaying tactic is apparent. Why was the Commission directed to draw up a Youth Charter and not a youth policy? We know that the aspirations of our youth-serving agencies remain unchanged. The need for a youth policy remains as strong as ever and is becoming more urgent. I must ask whether our Government is willing to recognize the need to prepare our young people to take up greater responsibility and to play a more active role in political and social affairs in the run-up to 1997?

The goals and principles for youth development contained in the Charter are all well and good. The chairman and members of the Commission should be congratulated for having undertaken this arduous task. But the youth-serving agencies and the

young people themselves, I am sure, have been rather disappointed and are looking for a great deal more. We want to see goals and objectives that could be implemented to produce suitable programmes and services for youth but one wonders how many of the principles and social goals contained in the Charter could be realized without firm commitment from our Government.

If the Government is either unwilling or unable to formulate at this point in time a youth policy to cater for all the goals and objectives enshrined in the proposed Charter for Youth, it should at least have the courage and responsibility to incorporate the recommendations of the Charter into existing policies of government branches, like Education and Manpower, Labour, Health and Welfare, so that the needs of our youth today can have some form of coverage for implementation.

I strongly believe that the principles and goals enunciated in the Charter must be put into positive and concrete policies in accordance with appropriate resource allocation, so that the people of Hong Kong will find the whole exercise not a mere chanting of slogans but one with genuine commitment and direction.

Mr Deputy President, I must also add that I am quite disappointed that the lowering of the voting age from 21 to 18 has not been mentioned in the Charter. This still reflects the distrust of our youth. Our young people have been denied a social upbringing, the practice and experience of taking up their civic responsibilities because they have been deprived of their political rights. I believe that if we are genuine in our recognition of our young people's right to be heard and the right for full community participation, there should be no hesitation or delay in ensuring that young people, having attained the age of maturity at 18, be entitled to vote.

Mr Deputy President, with these remarks, I support the motion.

8.00 pm

DEPUTY PRESIDENT: It is now 8 o'clock and under Standing Order 8(2) the Council should adjourn.

FINANCIAL SECRETARY: Mr Deputy President, with your consent, I move that Standing Order 8(2) should be suspended so as to allow the Council's business this afternoon

to be concluded.

Question proposed, put and agreed to.

MR MARTIN LEE (in Cantonese): Mr Deputy President, "Consultation Paper on the Charter for Youth" on which we are here to debate today is out at long last. The idea of drafting a central policy paper on youth work was actually mooted five or six years ago. Six years afterwards, we still do not have a youth policy. In its place, we have before us a "Charter for Youth" in the form of a declaration, to the disappointment of our citizens who feel great concern for youth matters. Other members of the United Democrats of Hong Kong in this Council who are much younger than I am will comment on points pertaining to the status and the implementation of the Charter for Youth. As for me, I intend to talk on the political rights for youths.

Mr Deputy President, the United Democrats of Hong Kong have always sought to strive for the lowering of the voting age from 21 to 18. It is one of the important ideas in our platform which won widespread support among the general public during the 1991 elections. Unfortunately, the Government has failed to make its stance clear over the issue. Those who opposed lowering of the voting age indicated that we should wait until after the 1991 elections before carrying out a review. The 1991 elections are now long over. And I have yet to hear any sound reason against lowering of the voting age. I therefore hope that no more discussion on the issue will be required and that the Government will take immediate action to lower the voting age to 18.

In fact, this Council did lower the legal age from 21 to 18 in May 1990. In other words, youths of the age of 18 can take up the roles of company directors and trustees. We also accept youths of that age to serve as policemen to protect our citizens. Nevertheless, we still stipulate that the voting age is to be maintained at 21. By so doing, we are actually depriving youths of their basic political rights. More ridiculous is the fact that youths between the ages of 18 and 21 can participate in functional constituency elections in their capacity as company directors but not in the general election as citizens. It is indeed a big mockery.

The right to vote is the most important civil and political right. That there is no mention directly or indirectly of this right in the draft "Charter for Youth" is a great disappointment. The United Democrats propose that a clause be included

in the Charter to specify that youths on reaching the age of 18 can enjoy equal civil rights as other adults. In such case, citizens at the age of 18 will have freedom to marry and the right to vote.

The truth is that youths have become increasingly enthusiastic in political participation. In the 1991 Legislative Council Elections, the polling rate of the young electorate of the age of 21 to 25 topped other age groups at 49.5%, representing 10% above the overall polling rate. It proves that registered electors of the youngest age group display the greatest intention to vote. It also reflects that they are more willing to carry out their civic responsibilities.

Citizens, as taxpayers, have the right to monitor and influence government policies through their votes. In view of the fact that many of our youths of the age of 18 to 25 have already been included in the tax net, why does the Government deprive them of this political right?

Mr Deputy President, although the Draft Charter for Youth lays down the policy and direction for bringing up our youths, it leaves much to be desired in other aspects. Voting right for youths which I mentioned just now is only one obvious area left out in the paper. I hope that during the consultation period, members of the public will come forward with their opinions in respect of the deficiency in the draft. I also hope that the Government will keep an open mind to face their opinions squarely.

With these remarks, I support the motion.

MR TAM YIU-CHUNG (in Cantonese): Mr Deputy President, young people are the pillars of our future society. It is the responsibility of every society to create a suitable environment in which young people can grow up healthily and give full play to their potentials to build up a better future. It is for these objectives that the Commission on Youth has recently drafted the Charter for Youth.

Yet, the lately released Charter for Youth is inadequate in that its provisions are all abstract principled objectives without reflecting the characteristics of the present time and society. Furthermore, the Charter fails to respond to the specific needs of the youth of today.

At present, Hong Kong is in the run-up to the handling over of the sovereignty.

Young people will have to, in the near future, shoulder the heavy task of Hong Kong people ruling Hong Kong. At this moment of historical importance, we really have the responsibility to nurture a sense of social commitment among our youth. We have to re-establish their sense of identity, that is, to change them from being colonials without nationalistic feelings to become "citizens" of the Hong Kong Special Administration Region. In order to establish this new identity, there is a need to strengthen civil and national education. The sense of commitment can only be nurtured by getting to know the history and development of Hong Kong and China.

Despite the inadequacies of the Charter for Youth, it should be supported as it lays down the objective and spirit for the growth and development of youth. The Charter can also be a guideline for those parties which provide services to our young people. The Government, being the most powerful and influential institution, should undertake the bounden responsibility to realize the objectives set out in the Charter for Youth. It should also give effect to these objectives in the present legislation, the Government policy as well as the education system, so as to set up an example for other social institutions.

Education policy has the most far-reaching implications as all young people have at one time been under our present education system. School life takes up half of the time of those who are still pursuing their studies.

Thus, the entire education system and school life play an extremely important part in the livelihood of our youth. However, our education and school systems contravene in many aspects, the objectives set out in the Charter. Our education system has long been criticized as oppressive and damaging to the physical and mental well-beings of the youths, suppressing their creativity and dampening their confidence. The strict disciplinary approach of school management and the utmost authority enjoyed by teachers and principals have run counter to the spirit set out in the Charter, that is, "that youth should be encouraged to grow and develop in the spirit of freedom, democracy, dignity, tolerance, solidarity and peace; and that youth should be afforded the opportunity to participate in decisions which affect their lives".

Mr Deputy President, it is unavoidable that the Government will have to implement the objectives set out in the Charter for Youth, and reform our present education system and school management system so as to allow young students to participate in deciding their mode of school life. Reforms in this aspect will be most difficult.

Mr Deputy President, with these remarks, I support the motion.

MR JIMMY MCGREGOR: Mr Deputy President, I will only remark on one aspect of the development of our youth. That is the question of their early integration as voters in our developing political system. I believe that young men and women in Hong Kong who have reached the age of 18 are fully equipped by education and by their experience of life in our fast moving city to express their views on our future development through the ballot box.

They have up to now been denied this opportunity because, I think, those who decided such matters were of a conservative mind and perhaps felt that our young people were too inexperienced to exercise voting rights effectively and with a degree of maturity. That has not been the record in other countries and there is no reason to suppose that Hong Kong is any different. I note that there is no specific mention of political education and encouragement in the Charter for Youth. I wonder why. It is a shame also that while this Council extols the virtues and wisdom and maturity of our youth, it did not trust them enough to give them the vote from the age of 18.

I think therefore that the Hong Kong Government should take early steps to modify the present legislation on the age of voting in Hong Kong to change the minimum age from 21 to 18. I will press this matter in my further duties within the Legislative Council. Mr Deputy President, I support the motion.

MRS ELSIE TU: Mr Deputy President, I have chosen only one of the aims of this document as my subject today but its implementation would depend upon several other aims in the Charter. The aim I have chosen is, and I quote: "That youth offenders should be accorded treatment aimed at promoting their reformation and social rehabilitation." I believe that there are very few people with minds so twisted that they may be called born-criminals. I believe that most young people who enter crime do so because they have parents who neglect them, parents who are too harsh with them or expect too much of them, parents who never try to find out what their children are thinking or what they need. I believe there are some young people who lack the ability to cope with the kind of education that is forced upon them and are easily led away by bad elements. Others, because of poverty at home, are attracted to criminal ways of keeping up with their better-off peers.

We all worry about crime; that it will effect our economy and disturb our society; so we are forever seeking ways of detecting and punishing those who commit crime. Rehabilitation scarcely enters into our reckoning. Yet, once a young person commits an offence, no matter how small, he is likely to be smeared for life. With very few exceptions, he will have a police record that will leave him few choices for his future life except in crime.

Reforming a young offender is not an easy task. The offender may suffer feelings of insecurity, yet he has to continue to live in the same insecure environment. What he needs more than anything else is someone to care for him and to understand his problems, but what he usually finds is blame, which only aggravates the causes of his anti-social attitude.

I worked very hard for the introduction some years ago of the Rehabilitation of Minor Offenders Ordinance. Unfortunately, that Ordinance is totally inadequate to achieve its purpose. It provides for only one minor offence to be spent; yet we know that most minor offenders pass through a short period in which they commit several offences. The young person may then realize the error of his way. But no matter how hard he tries to study to rehabilitate himself, he is barred from almost all professions -- from a career in the disciplined services, from senior public office, and other careers. If he wants to make a new start elsewhere, he cannot emigrate because of his police record. Can that be called rehabilitation for a young person who has paid for his offence in mental suffering as well as by law?

In fact, in the matter of reformation and rehabilitation we are still in the Middle Ages.

I therefore urge the Government to ensure that this particular aim in the Charter be thoroughly explored in order to avoid closing doors to a young offender and leaving him little choice except to continue a life of crime.

Mr Deputy President, I support the motion.

MR ALBERT CHAN (in Cantonese): Mr Deputy President, as a member of the former Central Committee on Youth discussing the draft Charter for Youth today -- three years after the dissolution of that Committee -- not only am I finding it ludicrous but also I

am feeling somewhat fooled and hoodwinked.

Here I would like to register my strong dissatisfaction over the Government's handling of youth matters. In May 1986, on the recommendation of the Community Building Policy Committee, the Central Committee on Youth was formed, its terms of reference being to study the need for a comprehensive youth policy and how to promote youth affairs. The Youth Policy Working Group of the Central Committee on Youth spent 18 months on the study and met 17 times before finally compiling the Youth Policy Report. The report recommended that the Government should formulate a youth policy consisting of a set of youth development principles and set up a Standing Committee charged with the responsibility of advising the Government on youth matters, of reviewing the youth policy at appropriate times and of submitting proposals for amendment.

The report of the working group was released in April 1988 and five months of public consultation followed. A final report was submitted to the Government in January 1989 in which the contents of the original report were revised and a proposal made for the appointment of a Commission on Youth. The report reiterated the need for Hong Kong to formulate a youth policy and that the policy should embody youth development principles, affirm the rights of young people as well as emphasize the commitment of the Government. However, after it was submitted to the Government, nothing came of it. In his policy address in October 1989, the Governor announced plans for large infrastructure projects as well as plans to set up a Commission on Youth. It was also said that a charter document on the rights and interests of young people would be drafted. It in effect made clear that the Government had only accepted the part of the recommendation on the setting up of a Commission on Youth but that a Charter for Youth was to replace the youth policy originally proposed to be devised.

As we all know, there is a great difference in the meaning of a policy and a charter. A policy affirms the Government's commitment, funding and the provision of resources. A policy is binding and the Government is bound to follow the spirit and principle of it. As for the present form of a charter, it is not legally binding. It only expresses certain intentions and consensus and the Government need not make any commitment. Government commitment in youth affairs is now clearly different from before. When the Central Committee on Youth was set up in 1986, the impression was that the Government was ambitious in youth matters and aggressive in the formulation of a youth policy. Unfortunately, when the final report of the Central Committee

on Youth was submitted, the Government shelved it without making any commitments and switched to low-key handling of the matter.

In fact, the Government has not explained the reasons for dropping a youth policy. Faced with aggravating youth problems, what is the Government doing? One is left with the impression of a muddled approach. 1997 has its effects on the psychological development of young people. This cannot be disputed. Our generation, having grown up in the 1950s and 1960s, is often called the "rootless generation". Emotionally, we feel abandoned by our country and our society. The younger generation facing 1997, I am afraid, will feel the same way. This is something we are unwilling to see.

The Charter for Youth now open to public consultation is not a legal document. It is not legally binding, maybe, only binding to such extent as warranted by moral considerations or by public opinion. It is ineffective as a means to protect youth rights and interests, develop youth affairs and monitor the Government's commitment. At the same time, although the Charter covers various aspects of youth development, it has nothing new to offer on the aspect of youth participation in social services. For example, whether the voting age is to be lowered or whether any institutional framework for youth to participate in regional affairs is to be created is not mentioned.

I must point out that the present draft Charter focuses on principles without offering any solutions to address problems faced by our young people. For example, recent youth suicides and youth crimes seem to be getting more and more serious and yet the Charter has not made express recommendations as to the direction in which to solve the problems. Social workers engaged in youth work have pointed out that the lack of both direction and focus in youth work has resulted in outside queries as to the role of youth centres and their provision. It has led to the general poor morale of youth centre staff. Indeed, that the Government has not given much attention to this is regrettable!

Finally, I would like to reiterate that the present draft Charter, though failing to embody a youth policy and lacking the legally binding effect of an Ordinance, is better than none. Its principles are worth supporting in spirit. However, the Government must show the courage to commit itself so that the principles and spirit of the Charter may be given legal effect as soon as possible either through legislative means or through formal adoption as a government policy. Only then will people concerned with youth work have a clear direction to follow and only then will young

people have a clear guide to go by.

Mr Deputy President, despite my disappointment and sense of loss, I still support the motion.

MR MOSES CHENG: Mr Deputy President, I am happy to have the opportunity to speak today on a topic that touches my heart as much or more than any of us who will take up the subject in this Chamber. I am not speaking solely about the Charter for Youth - - so much as I am speaking about youth itself. As I indicated in my maiden address, the young people of Hong Kong must take priority in our consideration and in our deliberations because it is they who will either benefit or be burdened by our actions. I applaud the Administration for addressing this basic truism that underscores the importance of policy making and I view the Charter for Youth as a favourable sign of giving young people the attention they merit. The Charter itself says a great deal of admirable things, and rather than laud each item that it does say, I would like to use this brief time to address what it does not.

Today, I am supporting the Charter for what it is -- an explicit guide of our principles and beliefs about the value and welfare of our youth. This is not, in my judgment, an implicit approval to pile on new layers of bureaucratic legislation concerning young people, nor is it intended as a tacit nod to writing blank checks or throwing cash at their problems. The Charter should not be seen as an excuse to engage in excess politicking; instead let us use it as a positive reaffirmation of our common desire to nurture young people into decent and productive citizens who are destined to inherit our future. No amount of money can achieve this goal alone and this legislative body should be concerned that we never put a price tag on our children's happiness, outlook, or peace of mind. These are objectives that cannot be purchased, but instead must grow internally, nurtured by a loving, caring and supporting environment.

In order of priorities, those duties are undertaken by family, friends, the church and the community. The role of the Government should be to preserve a stable and encouraging environment for these components to work nature's magic, without unduly interfering in or disturbing the process. Acting on this principle, we must accept that new legislation is no substitute for the timeless hope that love brings to young people. When we express our concern for these special members of our community, we should treat youngsters as just that -- special members. They are neither

second-class citizens, nor a protected species, but instead growing members of the community, to be accorded the respect they deserve today as the leaders of tomorrow.

As the younger generations are especially vital to the territory, with the burden of dynamic and historical change greeting them on the immediate horizon, we have a special duty to ensure that they enter the future with a positive approach. Many of my colleagues, like myself, have children who shoulder excess pressure or an anxiety from enormous burdens of expectations. While academic and educational goals are good, we must do more to let our children be children, while they are young. I believe it is probably healthy to let young people experience the taste of freedom during the free period of their lives. It is during this period that their outlook is formed and their personalities are rounded out. It is only right that their outlook be not clouded by unnecessary pressures of performance or excessive expectations. Creative and original characters are often grown outside the conforming rigours of the classroom, but this is no less important to what is taught within. So let us strive to make our competitive society less stressful, but more productive when we consider the plight of our young.

I am delighted to support this consultative document, especially when it accurately notes the family as "the principal care-provider". I am even more pleased to go beyond the words of affirmation and speak to the heart of the issue. If we are concerned with our work for young people, with what they really need: more love, concern, care, respect and appreciation, rather than rules, regulations, and appropriations. I believe we will succeed. And, success with our future is not optional -- it is vital.

Mr Deputy President, to the extent the Charter guides our goals towards improving and preserving the nurturing process, I offer my fullest support. Thank you.

REV FUNG CHI-WOOD (in Cantonese): Mr Deputy President, the Commission on Youth published in January the "Consultation Document on the Draft Charter for Youth" for public consultation. It shows that the Commission is very much concerned about the development and needs of our youths. It is a point that deserves respect. Unfortunately, the paper is empty without any specific plans nor giving any ideas and concrete proposals on, among others, present day youth morals, school education and social service. In fact, back in January 1989, the Central Committee on Youth proposed for the formulation of a "youth policy" and its objectives were "to provide

a framework to which all government departments and other organizations concerned may refer when considering youth matters; to provide a focal point and direction for all concerned in formulating their own programmes for youth development and in according priorities for the allocation of resources; to illustrate the significant investment placed upon the young people of Hong Kong...." (page 37 of "Report on the need for a youth policy in Hong Kong"). However these concrete proposals have not been dealt with in the Charter for Youth. It makes one wonder about the commitment of the Government and the Commission on Youth towards young people.

The Draft Charter for Youth sets out broad directions and principles to which all of us agree. However, what we need is more than these. We need a comprehensive review of various youth problems and measures of improvements. We need a timetable and concrete plan to carry out the improvements. I am very concerned about the moral character of today's youths. Under our education system, students and teachers alike attach utmost importance to examination results. We are training "examination candidates", not students. We need to reform our education system. We must allocate more resources to school education, improve the teacher/student ratio, and reduce teachers' workload particularly the administrative duties so that they can have the chance to look after their students' other needs. By increasing the number of school social workers and organizing more extracurricular activities, students are able to attain a balanced development in ethics, intellect, physical training, social abilities and aesthetic appreciation. Our students need more love. Many problem youths are in fact our own making. The urgent task before us is to improve our present education system.

Besides, social facilities and services for youths are still far from enough. As a result, there is a shortage of suitable places and social groups which could have positive effects on their character building. Information shows that for the year 1991 to 1992, we are still behind in the establishment of 24 child care centres, 20 youth centres and 4 outreach teams. These facilities are in great demand and should have been made available as scheduled. Why has this come about? Why are we not allocating funds to establish adequate social facilities? We also need to review the policy and strategy of our outreaching social services. In some districts such as Tai Po, Fanling and Sheung Shui, there is not even one outreach team. Are we really concerned about the well-being of our youths? Youth problems are getting more serious and outreach teams can definitely answer some of the problems. We should give greater priority to the training of outreaching social workers.

The workload of our probation officers is at present so heavy that the quality of their work is affected. In fact, should proper guidance be given I think many youths with criminal records could have a good chance to lead a new life.

Mr Deputy President, we have never seen the Government showing greater commitment in respect of our youths. But we need a youth policy with concrete commitments so that our youths can have better development. I do hope that a concrete youth policy will emerge soon after the release of the Charter for Youth.

With these remarks, I support the motion.

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, back in 1985, an international youth co-ordinating committee appointed by the Hong Kong Government proposed that the Government should formulate a central youth policy with long-term objectives. In 1986, the Central Committee on Youth also appointed by the Government confirmed the need for formulation of such a policy. Here and now in 1992, the Legislative Council is still only debating the Charter for Youth and the Commission on Youth responsible for drafting this document has made no mention of formulation of any policy other than principles and ideals. From 1985 to 1992, the question that has been dominating the deliberations on youth affairs is whether Hong Kong has been moving forward or lagging behind in this respect. However, as I see it, there has never been any start. Judging from the list of members of the Commission on Youth, it is doubtful whether the draft Charter for Youth fully caters to the requirements and needs of youth. It seems that none of the members falls within the age group of 15 to 24, which is the age range of youth as defined in the consultation paper.

An article in the draft Charter for Youth reads, "..... that youth should be afforded the opportunity to participate in decisions which affect their lives." The Commission spelt it out clearly in the consultation paper, but whether the opinions of youth had been consulted during the drafting process was not mentioned. Did youth enjoy any direct participation in this Charter for Youth? I think this Charter for Youth was written by adults and it probably only reflects the sense of values and the subjective wish of adults on the future development of youth affairs. Comments on the Charter for Youth collected in recent years were mostly about its having no legally binding effect and its contents being too vague. As to whether its contents are indeed too vague, I think young people should be given the opportunity and channel to search for their own answers. In fact, I feel that this Charter before us has

left too many areas untouched. For example, the Charter recognizes that youth should grow and develop in the spirit of democracy. Then why has the Charter failed to go on to discuss whether we should lower the voting age? I cannot help but ask: why is it that in various levels of councils, which are the best reflections of democracy, young people from the age of 18 in advanced countries are eligible to vote and yet that right is denied to young people of Hong Kong? How can a dedication to realize the concept of democracy be fully reflected? On the other hand, the younger generation of Hong Kong needs to know China, her present condition and culture as we face the prospect of Hong Kong's reversion to China. Regrettably, the Charter has not mentioned this. The Commission on Youth has expressed the hope that voluntary agencies will subscribe to the Charter voluntarily. However, the Government has not indicated whether it will sign up first. Does this mean that the Government is not going to make any real commitment in respect of the development of youth affairs? Even if voluntary signatories intend in the future to make concerted efforts for the development of youth affairs, the Government may not provide any resources or help. From this, I feel that whether or not the contents of the Charter are too vague is a matter of secondary importance. The main concern is that the Government is unwilling and not taking up any commitment for the development of youth affairs. The responsibility is shunted onto voluntary agencies or bodies. No doubt, general basic principles and ideals give guidance to the formulation of a detailed policy, but since it was not stated in the consultation paper whether a central youth policy was to be formulated, I am afraid this debate or discussion on the so-called Charter for Youth will stay within the domains of discussion, with little substantive result.

Although I am aware that the Government is playing low key or ignoring the question of a youth policy and I see a lot of deficiencies in the Charter for Youth, I am still in support of this motion. I still pin my hopes on the Commission on Youth led by the Honourable Eric LI. I hope the Commission will keep up its efforts in further promoting and giving effect to a youth policy so that a big stride will eventually be made.

Based on the above, Mr Deputy President, I support the motion.

MR TIMOTHY HA (in Cantonese): In my opinion, the value of the Charter for Youth should be given recognition for three reasons: 1) it acknowledges the important role of youth; 2) it identifies a family as the principal provider of care and concern for the youth and confirms its responsibilities towards youth in the course of their growth and

development; and 3) it indicates that the Government is aware of the need to provide a system for the work of youth development instead of tackling the issue with inco-ordinate measures taken on a piecemeal basis. On the score of these points, the basic spirit of the Charter for Youth is commendable.

However, it is regrettable that the Charter for Youth only ends at giving an outline description of a theory without further suggesting in detail how it is to be put into practice. As a result, it is not only susceptible to misinterpretation but also liable to fail the test of its practicability. The Charter for Youth will therefore need to be improved if its smooth and successful implementation is to be expected.

Firstly, the Charter should provide directions and have clear objectives. In the consultative document on the draft Charter for Youth, its "purpose" is vaguely described. It can also be seen that attempts have been made by the Charter to establish some defined principles. As to the main body of the charter, focuses are placed on the rights of young people and how our community should try to meet their aspirations. The Charter has made little or no mention of their obligations, how they should fulfil the needs of the community and what they must do for the community in return. This may easily give people the false impression that young people are not obliged to do anything in exchange for all the rights they enjoy, thus undermining the spirit of the Charter and making its objectives indistinct. What youth need is not unlimited givings. Therefore, in formulating the Charter, its objectives should be clearly spelt out so that the young people, while enjoying their various rights, will be aware of what society expects of them and have a better understanding of their responsibilities towards their families and the community of Hong Kong. The present generation of youth has been described as a group of young people who are used to claiming "what they want" or "what they think the community should give them" as if the community is in their debt. I hope that the young people in Hong Kong will be the exceptions. Besides, if the Charter, in emphasizing the rights of the young people, also stresses their obligations, then its conclusion will be more balanced and its effects more prominent.

Secondly, a point with particular regard to education is raised in the Charter for Youth. It advocates "that the opportunity for education should be equally accessible to all." As an educationalist, I fully agree with it. As early as 1978, the Hong Kong Government announced the introduction of nine years of compulsory education. Not only has this policy enabled all children of the relevant age group

to enjoy free education from Primary I to Form III, but it has helped raise the education level in Hong Kong as a whole.

With the announcement of a plan to increase tertiary places substantially to provide youth with better educational opportunities in the Governor's policy address in 1989, it is expected that by 1995, there will be first-year, first-degree places for 25% of the relevant age group. This is in line with the spirit of the Charter.

Although the planned expansion of tertiary education is not a policy purposely geared to the spirit of the Charter, I hope that the Hong Kong Government will take the principles and spirit of the Charter into full account when formulating its educational policies in future. For example, it is stated in the Charter that "educational and vocational information and guidance should be available and accessible to youth." Nowadays, schools are confronted with multifarious problems which include triad activities and the frequent suicides among students in recent times. They all await to be solved by the concerted efforts of educationalists, counsellors and even the police force. Some of the recommendations in the Education Commission Report No 4 are directed at school counselling work, such as the proposals on the "Whole School Approach", the whole day schooling in primary schools and the improvement of the manning ratio between teachers and students. These recommendations will help to improve the quality of education, but the required funds for their implementation are yet to be approved by the Government. As good educational policies can help to develop our successors into capable leaders, I hope the Hong Kong Government will in future give fuller and more practical support to such policies.

All in all, the fundamental spirit of the Charter is commendable and worthy of our support. A free, peaceful and united community is what the public aspire after. The formulation of the Charter is based on our belief that the future well-being of Hong Kong is in the hands of the young people. Thus, we should provide the youngsters with adequate care, concern, opportunities and training.

Mr Deputy President, with these remarks, I support the motion.

DR LAM KUI-CHUN (in Cantonese): Mr Deputy President, a teacher told me once that it was not easy to find a reason for young people to study diligently. In the old days, people were asked to study because "there is a fair lady in the books as well as a

house of gold". Nowadays, "fair ladies" can be found all over the place. If one persists in studying for ten hard years, girlfriends will dump him for his oldish behaviour. If one aspires to live in "a house of gold", the fastest route is to borrow to speculate in properties still under construction. If one speculates in a few units one can very soon buy a unit of his own. If one studies steadfastly and becomes a white collar worker on completion of studies, one joins the ranks of the sandwich class. Not only is one not eligible for public housing, but also short of money to buy a flat. A house of gold is merely a distant dream. The teacher's emotive observations reflect that times have changed and the old school is no longer applicable. The outlook on life most readily accepted by young people nowadays is: "fun above all other things". Though times have changed, the reality that today's young people are to become tomorrow's pillars of society will never change. Hong Kong relies on the young people of today to lead our society in competing with our neighbouring countries tomorrow. The outlook of "fun above all others" will not lead us anywhere. I fully agree that we need a set of relatively complete ideals, targets and policies to train up our young people to become the pillars of our society in the future.

The draft Charter for Youth under discussion today deals only with ideals and principles. However, I feel there is enough in it to develop into a policy, in particular 1(c) which states "youth need care and assistance in accordance with their physical and mental maturity and capacity" and 3h(viii) which advocates encouragement of "their participation in community affairs". These are points of patent importance in today's world.

Mr Deputy President, owing to the time constraint, let me say that lauding the Charter will not be constructive. It would be better to ask ourselves whether the ideals embodied in the Charter are perfect. I feel they are not. 1(a) of the Charter states that youth deserve respect; (b) states that youth should be encouraged to grow and develop in the spirit of freedom, democracy, dignity and so on. Further down the document, it is stated that youth should be afforded the opportunity to participate in decisions which affect their lives and it is fervently urged that youth's respect for civil rights should be developed. All these raise the status of youth and I agree they are fine. However, I feel the draft Charter strongly smacks of the European and American style of emphasis on individualism and freedom. Although the Honourable Miriam LAU has stated expressly that the values and characteristics of the East had been taken in consideration, I am of the opinion that the Charter lacks a touch of the traditional Chinese values. The eldest son of a

friend of mine went to North America to pursue his studies. One year later upon his return to Hong Kong to spend his vacation, his parents found that he "had participated in the spirit of freedom in a decision which affects his life" by taking up smoking. When his parents tried to advise him against it, he insisted on their respecting his freedom and civil rights and argued with them. Such things are very common in Europe and America, but in the conservative society of Hong Kong, the son is "a beam in the eye" as far as my friend and his wife are concerned. I feel that a Charter that smacks strongly of western values may be all very well, but it may not be entirely accepted by the Hong Kong society. The influence of 3000-odd years of traditional Chinese values here in Hong Kong has not, I think, been fully reflected in the Charter. For example, in our society, we still respect humility and hold in high esteem the Confucian thoughts of filial piety, brotherhood, loyalty, integrity, propriety, justice, honesty and sense of shame. Of these traditional Chinese virtues, except for the mention of filial piety and propriety, others, even if they are mentioned, have been overshadowed by other ideals. I am worried that if the Charter is accepted intact, for all its advantages, there is the danger of causing a wider generation gap. At the same time, it neglects the traditional Chinese philosophy of personal moral cultivation, which, I feel, is a fly in the ointment.

Mr Deputy President, although I find the Charter to be short of being perfect, I think the motion before us is worth supporting.

8.45 pm

DEPUTY PRESIDENT: We shall take a 10-minute break.

9.00 pm

DEPUTY PRESIDENT: Council will resume.

MR GILBERT LEUNG (in Cantonese): Mr Deputy President, I fully agree to Mr Eric LI's motion. The Charter for Youth provides a common objective and direction for the youth development of Hong Kong. The Government should accept the recommendation of the Commission on Youth and become a key subscriber of the Charter and gradually implement the principles relating to its youth policy laid down in the Charter.

As a representative of the Regional Council, I am pleased to inform Members that in planning various kinds of cultural and recreational activities and facilities, much importance has been attached by the Regional Council to the needs and aspiration of our young people so that they can enjoy equal opportunity in the participation of these activities. Recently we are planning to popularize the golf game by constructing some golf courses for that purpose. We hope our young people can take part in this game which has all along been regarded as a game for the nobles. In fixing the fees for the recreational facilities, the Regional Council has to abide by some rules one of which being handling adults, young people, children and elderly separately aiming that all people will be properly taken care of.

After the release of the Draft Charter for Youth, there have been various arguments. Some people felt the provisions of the Charter are too vague. They worried that there would not be any difference with or without this Charter because it cannot achieve much when its provisions are not binding. Therefore these people suggested that the Charter should enjoy a certain binding status so that when those organizations which have become subscribers fail to fulfill the provisions in the Charter, they would be subject to certain sanctions. There is another type of opinion in which the provisions of the Charter are also considered to be too vague. However, they have come to an opposite conclusion. These people worried that in realizing such widening provisions in the Charter, it would exert too much pressure on the organizations concerned so that they cannot improve their work on youth development gradually. In my view, both of them are overworried.

First of all, the realization of the principles in Charter does not depend on whether the Charter is mandatory, or whether the subscribers failing to implement the provisions in the Charter will be punished, but it will depend on whether the Charter can encourage the youth workers and the young people to take an active part so that the objectives of the Charter can be achieved. In this respect, I must address on the objectives of the Charter for Youth.

The purpose of drawing up a Charter for Youth is to provide a working principle and common objective for youth workers and people formulating youth policy so that our youth development and youth policy can cater more to the rights and needs of the young people. The introduction of legislative measures requiring organizations engaged in youth work to implement the provisions of the Charter will bring all the relevant organizations under coverage. However this will be in serious

contradiction to the spirit of our youth policy -- free participation. Furthermore, if the Charter is going to be binding, the provisions have to be spelt out in concrete terms in the form of legal language, otherwise it would be quite difficult to decide whether an organization has violated the provisions therein. As such, the Charter would turn out into a legal tool of the government regulating youth development and the rights of the young people. Such measures are completely not in line with the original objectives of producing the Charter including setting a broad direction and policy, encouraging youth work organizations and young people to take the initiative to develop and compare their performance with each other.

Therefore, I support the recommendations put forward by the Commission on Youth, that is, the Charter should be operated on a system of voluntary subscription. Organizations which have become subscribers should attend regular meetings to review their progress of implementation by exchanging their opinions and criticisms. The Charter is just a set of guidelines to help the organizations concerned to implement and improve their work. There is no reason why they should not become a subscriber. If all other organizations have become subscribers, the remaining organizations not yet joining the system will be considered by others as not enterprising. Although the Charter is to be operated under a system of voluntary subscription, it can still have the effect of a mandate covering most of the youth organizations. And since the whole system is entirely voluntary and there is competition among the organizations, there will be less perfunctory incidents. And regular reviews will also promote mutual monitoring. I do not think there is any necessity to stipulate penalties which will introduce negative control at the expense of positive initiative.

In other words, the Charter seeks to help workers in youth development. The objectives in the Charter are some guidance and not something that will make the youth workers frightened. As a formulator of youth policy, the Government is also a youth service provider. It should take the lead to become a subscriber of the Charter and where resources permitted, it should review the relevant laws and policies affecting youth development. Meanwhile I would also urge the Regional Council to join the system of subscription. In my perspective, the road ahead is far and long and we could not reach the destination right away, we however should not be afraid. We should not blow out the light and resort to trial and error. The Charter for Youth is the light for youth development and it will illuminate our way forward. With these remarks, I support the motion.

MR TIK CHI-YUEN (in Cantonese): Mr Deputy President, in the last 10-odd years, I was engaged in youth work in many new towns including Sha Tin, Tai Po, Yuen Long and Tuen Mun. Summing up past experience, I find that new towns share some identical features, one of them being the large number of public housing blocks built therein. Residents of new towns are mostly young couples and their small children. In terms of ratio, therefore, there are more young people in new towns than in older districts and the need for youth services and facilities is relatively stronger. In handling the development of new towns, the Government made the serious mistake of moving the population first and adding facilities afterwards. Many family problems have therefore resulted. The growth and development of young people are also seriously affected. Very often we read from newspapers that there are many youth problems in new towns, such as shop-lifting, drug addiction, leaving home and ganging up. These problems have resulted from the insufficiency of facilities and hence insufficient care of young people. Take education facilities as an example; most new towns suffer from the insufficiency of primary and secondary school places. To solve the problem, the Government built additional classrooms on the playgrounds of existing schools so as to take in more students. The high density of students in schools has adverse effects on teachers and students alike. What is worse is that some students have to travel long distances in order to attend school outside their own district. In North District, over 1 500 junior secondary students will have to attend school outside their district in the next three years. This disadvantageous situation will make students of new towns more susceptible to learning problems.

Let us also take a look at family services. We are all aware of the importance of the family during the growth process of young people. People of new towns live far away from their friends and relatives. Whenever problems arise, they feel alone and helpless. However, the Government is doing little to help families exercise their functions. I refer in particular to preventive and developmental work. Remedial services have taken a long time coming.

As problem families are plenty in new towns, organizations offering counselling services often feel helpless too. I have been told by a family services social worker that he is at present handling more than 100 cases and the workload for his colleagues is more or less the same. One wonders how effective such a level of service will be. As we all know, a problem family leads to problem youths more easily.

The inadequacy of social facilities also extends to areas of medical care,

outreach services and recreational activities. Young people of new town families grow up under circumstances of insufficient facilities. When we recognize the problems facing young people of new towns, we can see that there is need for the Government to review the situation of insufficient youth services. The formulation of a comprehensive youth policy as well as the provision of reasonable resources should satisfy the needs of young people in new towns and other areas.

I am pleased to see this draft Charter for Youth, but at the same time I am somewhat at a loss as to how to react. I met and talked with youth workers of North and Tai Po districts in the course of consultation over this Charter. Their response is that the Charter is devoid of substance, with no trailblazing effect and no binding power. In 1986 the Government set up the Central Committee on Youth to study the need for a comprehensive youth policy. The committee announced its research findings in 1989 and suggested that the Government should formulate a youth policy comprising an entire set of youth development principles. One of the aims of so doing is to emphasize the Government's direction and commitment in youth development so that the authorities concerned will have something to follow when setting priorities in respect of youth development plans and the allocation of resources.

Today's draft Charter for Youth seems to be a far cry from the above requirement. The Government should inform the public and respond to the suggestions of the Central Committee on Youth. Also, the Government, as the executor of the Charter, has no intention to become a subscriber to the Charter. If this indeed is the decision of the Government it will really be disappointing. I think the Government should take the lead and, together with the community, be committed to youth development. The Charter for Youth can be looked upon as a start. On this foundation, the Government should assign the Commission on Youth with the task of formulating a comprehensive and binding youth policy in order to demonstrate the Government's commitment in this respect.

Finally, I call on the Government and youth work organizations concerned to positively promote education to enhance civic and national awareness. It was revealed from a survey conducted by the Commission on Youth last year that 50% of young people interviewed lacked confidence in the future of Hong Kong. Out of these, 50% indicated an intention to emigrate. We hope each and every one of our young people will remain in Hong Kong to build a better Hong Kong. We therefore need further education to promote civic and national awareness to help young people face their future.

On social participation, young people should be given more chances to join, among others, the Commission on Youth and other regional consultative bodies. On voting, we have no reason whatsoever to deprive young people of their rights. It is essential that the voting age should be lowered to 18.

Mr Deputy President, I support the motion.

MR JAMES TO (in Cantonese): Mr Deputy President, I will focus my discussion on youth participation in politics. Broadly speaking, political participation refers to the public taking part in certain affairs which may involve public interest. It is unfortunate that the Charter for Youth only briefly touches on this point by stating that "youth should be fully prepared to meet the challenges of future changes in society" and "youth should be encouraged to contribute towards, participate in and accept responsibility for the development of society". There is no positive affirmation of youth participation in political and social affairs.

The level of political participation has always been low in Hong Kong. The situation has only been slightly improved with the emergence of the issue of 1997 in recent years. Adult political participation in terms of election, voting and political discussion has been far from satisfactory. I believe one reason for this is that the adults today did not have much experience of political participation, nor did they have any suitable guidance, when they were young. But youth participation in politics today has not been any better.

According to "Report on Expectation on Youth" released in September 1987 and another document entitled "A Study on the Attitude and Expectation of Youth toward the Future" in February 1992 both compiled by the Central Committee on Youth, while 90% of the youths interviewed were aware of bodies such as the OMELCO, the Regional Council and the District Boards, only 40% of them knew what their functions were. In addition, 99% of the respondents had never expressed their views on public affairs to the authorities concerned and 85% had never been voluntary workers, notwithstanding the 1989 pro-democracy movement in China which has been an inspiring lesson to Hong Kong people in terms of civic education. Indeed, nearly half, or 49.5%, of the registered voters for the elections last year who belonged in the 21 to 25 age group had cast their votes. In this regard, the level of youth participation has in fact been higher than the level of participation by any other age groups. I

really hope that this is only the beginning of youth political participation which will gain momentum so that the objective of the Charter for Youth will be achieved, that is, "youth should be fully prepared to meet the challenges of future changes in society and be encouraged to contribute towards, participate in and accept responsibility for the development of society."

Our society today is very different from what it used to be. We are going to need more energetic youths to help in materializing the idea of "Hong Kong people ruling Hong Kong" so that we will become a "highly autonomous" territory under the concept of "one country, two systems". As I have said just now, inadequate political participation of youths and adults alike has much to do with whether society or the Government is keen on encouraging political and social participation and whether adequate avenues made available for our young people to participate. According to the findings of "A Study on the Attitude and Expectation of Youth toward the Future", the 14% of youngsters who had been involved in voluntary services owed their experience to previous participation either at their schools or social services organizations. It can be seen that youth participation in political and social affairs has been limited to students' union and social services only.

A run-down on the services provided by the Government and the voluntary agencies has been given in a comprehensive analysis of youth services in Hong Kong at the end of the Report. It is clear that the emphasis has been on personal development needs and remedial work, such as the provision of cultural, recreational and family counselling service, and so on. And the only service listed which is geared towards the encouragement of young people to participate in political affairs is one that co-sponsored by the Hong Kong Junior Chamber of Commerce and it was embodied in activities such as a seminar on the draft Basic Law and an exhibition on the Sino-British Joint Declaration.

Meanwhile, the Hong Kong Secondary Students Alliance which was set up towards the end of last year is primarily aimed at urging secondary students to discuss problems at secondary school level. However, since most schools are reluctant to encourage their students to join it, the Alliance has only a membership of just more than 80 students. It is a reflection on the lack of enthusiasm on the part of society and schools for youth participation in political affairs. Although the Education Department has adopted a rather more liberal attitude towards the design of teaching materials and the dissemination of political ideas, we still have a long way to go in this regard if we are serious at all about implementing the Charter for Youth and

convincing the Government to formulate a youth policy. It is up to the Government and the voluntary agencies to explore further avenues to enable young people to participate in various social and political affairs.

The setting up of a proposed Youth Council is a feasible means which warrants our consideration. According to the proposal, youth corps may be organized first in districts, housing estates or mutual aid committees so as to enable young people to help organize activities with the kaifong associations, or collect residents' views to strive for environmental improvement. Subsequently, a Youth Council may be set up across several districts to encourage the delegates of the various youth corps to discuss district affairs, or central policies which have a significant bearing on the districts. Arrangement can also be made for these youth leaders to attend training courses so that they will be introduced in a systematic way to legal knowledge as well as the operation of our political system. In this manner a corps of youths with district experience will be formed. In addition, further encouragement should be given to the youth representatives to work with the sub-committees and working groups under the district boards to study and discuss problems relating to the districts and get them involved in politics.

The mass media is becoming more and more influential in our society today. According to the above quoted report, 82% of our youths indicate that watching television is their main entertainment. In this regard, it is most important that our young people should have a heightened critical awareness of the media and that their independent thinking and judgement should be strengthened. In this way too, our young people will be in a better position to monitor the media and the performance of our public officers. I believe that the monitoring of the performance of our public officers, including the performance of legislators in this Council, is a form of social and political participation which is highly significant.

The establishment of a Youth Media Forum is a proposal worth considering. It is an advisory body on the media and is made up of young people. The Forum would provide an excellent venue for young people to comment on the performance of the media, to conduct researches and make proposals for improvement. Official bodies such as the Recreation and Culture Branch, social organizations and schools may also send their delegates to attend regular meetings of the Forum and take part in the discussions. It goes without saying that it would be best if the media heads or their top managers may also attend as guests to offer their ideas of the problems from their professional perspective in an effort to exchange views and listen to our young

people's opinions.

With these remarks, I support the motion.

DEPUTY PRESIDENT: I would just like to remind Members that the two-hour limit on which they have agreed will expire at 9.33 pm allowing for my short break. We have Mr Howard YOUNG and Mr WONG Wai-yin down to speak. And I understand that Dr LEONG Che-hung and Dr Samuel WONG also wish to speak.

MR HOWARD YOUNG: Mr Deputy President, the motion calls for the Government to adopt the principles of the Charter for Youth. The Charter is a brand new concept for Hong Kong; it is neither law nor a statement of policy. What is it? I liken this to be very much like the process of building a building. First, you have the artist's impression, or perhaps the designer's plan. Following that you have the architects at work, coming up with the blueprints. Thereafter, engineers come on to the scene and start the actual building of the plans. And finally, you have the furnishing for the building itself, of putting the contents into it. I believe the Charter can be most likened to the conceptual design -- the artist's impression.

Although there has been criticism levelled at it for being too vague, I think we must not think that this is the end of the matter. It is something for the Government to build on, and I look towards the architects, the engineers in the Government to implement this design by coming up with the blueprint in due course, and the engineering work. And finally, the youth themselves to provide the furnishings of the building.

Debating the elderly may be a more emotional subject in this Chamber. Debating things like a Commission on Women might be a more sexy subject. Comparatively speaking, debating youth may or may not prove equally interesting. However, we must recognize that in debating services for youth, we are not exactly competing for resources that will deprive the elderly or other sectors of the community of services. What youth wants, in my view, is not so much that which is material, which in many cases is already provided for them adequately by their parents, but they want recognition, they want trust, they want to be able to have a say in their own destiny and in their own future. How much do these cost? They may cost nothing at all, or very little.

So some of these cannot be prescribed by law. My understanding of law is that it is often prohibitive. Most laws tell you what you must not do, and lay down fines for not doing things. But we are talking about encouraging youth to adopt high moral standards, to aim for something better in life. How can this be legislated for? They must be given a goal and be allowed to strive to achieve this goal. Therefore I think the concept of a Charter, the way we set the concepts and designs for the engineers and the architects to work on, is a sound principle.

There are things that can be laid down in law, for instance the aspirations of youth. And also, most members of the Commission on Youth, among whom I am one, wish to have the voting age lowered to 18. Many Members have spoken already on how mature our youth are and I believe they will become more mature as time goes on.

There are also other things that cannot be prescribed by law and these must be implemented in policy. For instance, in recognition of the international aspects of Hong Kong as a metropolitan city and our closer and closer relations with counterparts on the Mainland, we must encourage exchange between youth in Hong Kong and youth on the Mainland of China to get a better understanding of each other and to try and clear away the many suspicions on both sides of the ways and means of thinking and ways of life.

So, Mr Deputy President, speaking as a member of the Commission on Youth, and also as a young old-youth who previously was on the Central Commission on Youth, I would like to support Mr Eric LI's motion.

MR WONG WAI-YIN (in Cantonese): Mr Deputy President, the first point I wish to make is that although there is a downward trend in our young population it should not be used as a pretext by the Government to slash our youth services. In recent years young people have often been prominently reported in the news in connection with suicide, gang fighting and burglary cases and all of those involved are invariably teenage children. Those of us in the social work profession are of the view that the youth problem is becoming increasingly serious and it has indeed reached worrying proportions. It is really upon us to reflect on why we are faced with a problem of this magnitude, whether it is the result of negligence on the part of the Government, society, school or family, what else we can do to help our younger generation to face up to their future responsibilities and challenges, whether our young people today

have lost their purpose in life or whether it is, in fact, our youth service or the Government's youth policy which has lost its sense of direction. I have no answers to these questions.

Anyhow, when we look back, it is not difficult to see that the Government attitude towards youth services was more positive than it is today. The Central Committee on Youth was set up in 1986 to look into the need for a comprehensive youth policy, and then in 1988 a report was published to seek public views. In January 1989, the Committee submitted its report to the Government calling for the formulation of a comprehensive youth policy. It is most unfortunate that no response was made by the Government and the youth policy was subsequently still-born. Today, in this debate on the Charter for Youth, it is really up to the Government to give a public account of its earlier lack of response. We understand, of course, that no response already signifies a kind of response. Meanwhile, in light of certain facts, we can have some idea about the degree of importance attached to our youth by the Government and society as a whole. For example, the Government still deprives the 18 to 20 age group of their right to vote; the Government has yet to appoint any young person between 15 and 24 to the Commission on Youth; no sufficient financial resources are provided for the out-reach social work for schools; and recently, the Government has even cut its subsidy for youth services. In addition, young people are excluded from the management committees of non-Government youth services organizations, and the policy making bodies of tertiary institutions and secondary schools. All these clearly reflect the attitude and the "commitment" of the Government and the community towards our young people.

Although we are unable today to formulate a youth policy, the Charter for Youth will nevertheless be operated on a system of subscription for the first time in Hong Kong. It is hoped that the Government and the voluntary agencies will become the subscribers to the Charter and share the same commitment. We should support this kind of partnership on an equal basis. However, the most important thing now is to ensure that the implementation of the Charter for Youth and the professed commitments to it are properly monitored. The Charter for Youth as it stands is not legally binding but morally binding, nor does it promise any allocation of resources. It is important that the Commission on Youth has made it a rule to have a review every two years. However, if these reviews are to be carried out by the Commission alone, it will lack representativeness. I suggest that these reviews should be conducted by representatives of all subscribing parties and organizations so that views from all quarters will be taken into full consideration. In addition, as the leading

subscriber, the Government, if it agrees to subscribe to the Charter, should set up a department with a commissioner of youth services responsible for the co-ordination and development of youth services to ensure that the principles of the Charter for Youth would be adhered to when policies are formulated and pursued. Thank you.

DR LEONG CHE-HUNG: Mr Deputy President, youth, or adolescents, as the medical profession would like to call them, pose special problems, special needs and special concern that are different from those facing young children and adults.

Unfortunately, our society has yet to learn to provide them with a structure of normal care. Basically there is a lack of data, training and service for adolescents, yet they form the immediate "pillars" of every society. I welcome therefore the motion that is before this Council today.

Whilst welcoming the motion and urging the Government to adopt the principles enshrined in the Charter for Youth, I am disappointed in the inadequacy of the Charter in two directions, in relation to health and medical needs:

(1) Although the Charter pledges to promote the well-being of youth in accordance with their physical and mental maturity and capacity and the Charter considered and urged that appropriate measures be taken to ensure that adolescents enjoy the highest attainable standard of physical and mental health, yet the Charter failed to recognize that adolescents need special medical and health consideration and care.

(2) The Charter failed also to recognize that special medical care which is so important to provide total care for the adolescents is completely lacking in Hong Kong.

Statistics around the world have shown that violence, including adolescent homicide and suicide, accounts for 70% of all adolescent death. Young adolescents also lead major nations in reported cases of sexually transmitted diseases. Health destructive behaviours such as cigarette smoking and drugs and alcohol abuses continue to be serious problems for adolescents. These figures are of course lacking in Hong Kong to give a meaningful direction to tackle the problem.

Adolescence is a time of heightened emotionality, hypothetical thinking and further development of empathetic feelings especially towards peers. As a result,

mood swings from the depth of depression to the heights of elation. It is often difficult to decide which sad looking youth is at risk of a true depression or even suicide. In short, special adolescent medical care is wanting.

Official figures have shown that by mid-1990s, the total number of youth between 10 and 19 years will account for some 15% of Hong Kong's population.

Whilst in most parts of the world, adolescent child care is a recognized medical subspecialty, in Hong Kong only a total of one half-day session of adolescent clinic per week is available at the Pamela Youde Clinic and that is all.

Unacceptable situation also occurs in our existing hospitals. There are no separate wards that care for adolescent patients, and teenage patients are all mixed together regardless of sex. They may be small kids in our eyes, but to the adolescents, they regard themselves old enough to be entitled to some privacy.

Mr Deputy President, in a debate before this Council on 17 July 1991 on child care, I made a special plea on behalf of the medical profession to see special emphasis on developing adolescent health as a special medical field. I have yet to see any response from the Administration.

While supporting the motion in front of us today, I would like to put it down again in the agenda that special consideration be given to the development of adolescent medical care to ensure a total meaningful package for the youth of today and tomorrow.

DEPUTY PRESIDENT: It is precisely 9.33 pm. Dr Samuel WONG, do you wish to speak?

DR SAMUEL WONG: Mr Deputy President, it will only take a couple of minutes.

DEPUTY PRESIDENT: I cannot stop you, Dr WONG.

DR SAMUEL WONG (in Cantonese): Mr Deputy President, I speak on the Charter for Youth today not only to support the efforts made by Mr Eric LI and other members of the

Commission on Youth over the past 18 months in exploring the basic objectives and ideal goals of youth services, but also to express my feeling about the Government's lack of a sense of commitment to and the seemingly dodging of its responsibility for our youths.

The need for a comprehensive youth policy was recognized by various groups as early as the seventies and eighties. The Central Committee on Youth set up in 1985 called on the Government to formulate a youth policy. Unfortunately, the proposal was rejected when it was submitted to the Government in 1989. Despite the fact that members of both the then Central Committee on Youth and the existing Commission on Youth are appointed by the Government, it seems that the Government is not enthusiastic about the Charter for Youth. There is a view that the values advocated by the Charter for Youth are too abstract in nature to be implemented through legislation in all cases. I cannot concur with that view. Given that the Bill of Rights can be drafted and enshrined in the major laws of Hong Kong, one fails to see why the Charter for Youth cannot become part of our constitution and become legally binding accordingly. If the Charter is not legally binding, any effective supervision is out of the question even with the subscription of the Government and the relevant public organizations. In the absence of supervision, specific work programmes and financial support, the Charter for Youth is nothing more than a piece of paper.

A recurring theme in public discussions is that young people have to make commitment to the community. But some people indicate that we just cannot pin too much hope on the youths. To this, however, we should ask ourselves first: what sort of environment has our community created for our youths? What commitment have the Government and society made to our youths? I hope that my questions may not be misinterpreted by our youngsters. They must bear in mind as the old saying goes that "Not to be served but to serve". However, all in all, without Government's commitment, all efforts will be in vain, irrespective of how many Commissions on Youth or how many proposals and charters, and it will only make people who are truly concerned about youth work feel disillusioned. I entirely agree with Mr LI's motion that the Government should first of all accept the Draft Charter for Youth. If the Government does not take the lead, I am afraid that we cannot blame the public for their apathy towards the Charter for Youth. Youth policy is very wide in scope and it calls for an awful lot of investment in the areas of social welfare, medical and health and education. It is for this reason that I share the view that the Government should conduct a systematic review.

Lastly, my own view is that a situation may arise where the Charter will be subscribed by the organizations which promote youth development but the youths who should play a central role in this exercise will be denied an opportunity to have a say. I hope that the Commission on Youth will consider affording more opportunities to our youths for direct participation.

Mr Deputy President, with these remarks, I support Mr Eric LI's motion.

SECRETARY FOR HOME AFFAIRS: Mr Deputy President, I should like to put on record the Administration's deep appreciation of the hard work done by the Commission on Youth in producing the draft Charter for Youth which is now the subject of public consultation.

Over 1.8 million of our population are between the ages of 10 to 29. They account for over one third of our total population. It has long been recognized that they are our most valuable asset: an asset to be treasured and respected; for today's youth will be tomorrow's leaders, opinion makers and workforce.

A survey carried out by the Commission on Youth last year revealed that young people aspire for better education and believe that they should study hard, work hard, learn more languages and receive professional training. The majority perceive themselves as enjoying good relations with their parents. These are all positive attributes which will serve our youth well. Nevertheless, there is increasing concern about the well-being of youth growing up in a more complex society where traditional values and western influence interplay. We also expect our young people to be forthcoming individuals playing a more active role in community affairs. In this context, questions are being asked on how best to equip them to develop into mature and responsible individuals. A Charter which provides guidance for our youth and all other sectors of the community is indeed timely.

There is no question about the Government's sincerity in promoting youth development. Let me say here that the Government has always been committed to youth development. This commitment is real as demonstrated by the range of policies and programmes which collectively promote the interest and well-being of our youth. Through our policies on education, social welfare, security, recreation and culture and community development, we provide an environment conducive to youth's healthy

development. Such policies have also evolved in breadth and depth to keep in pace with the changing needs of our youth. The Government should have little problem in adopting principles enunciated by the draft Charter for Youth and in conducting review of its policies affecting youth development so as to ensure that they are comprehensive in meeting those aims.

Youth policy

Some Members have called for the institution of a youth policy. This has been considered before. Although we do not have an explicit statement under the label of youth policy, the reality is that policies relating to youth and the provision of services for their well-being are being vigorously implemented by the Government and subvented agencies. A specific policy on top of the existing system creates duplication of work and this may not result in the best deployment of our resources at a time when the growth in public expenditure must be contained. Furthermore, we do not think that it would be desirable to devise a policy specifically for a particular age group because certain rights and protection apply equally to the young as well as all other members in the community. For example, it would not be appropriate for civil and political rights to be the subject of a policy statement which applies only to youth. We are of the view that a specific youth policy on top of the present arrangements would largely be a reiteration of our commitment to youth development.

The Commission and the Charter

Members will recall that this commitment was reaffirmed by the Governor when he announced in this Council in October 1989 the setting up of the Commission on Youth to advise on all matters pertaining to youth. The Commission was tasked to develop a charter-like document for youth. After almost two years of hard work, the Commission has now developed a draft Charter which sets out the principles and ideals on youth development. In its consultative document the Commission has indicated that it expects the Charter to serve as a focal point and facilitate both policy-makers and delivery agents to plan and organize youth activities. I must congratulate the Commission for its vision and hard work. This document is unique in that it is the first ever locally developed Charter designed specifically for Hong Kong circumstances. The principles in the Charter are indeed laudable and worthy of our support.

Youth development is a multi-facet subject which cannot be the responsibility of one single party. The family, young people, voluntary agencies as well as the Government are all involved in the building of youth for the future. A Charter which sets out the relevant principles will provide the agent welding the diversified efforts together and enable all parties involved to work towards a common set of principles to achieve the agreed social goals. The Commission on Youth has suggested in its consultative document that the Charter would operate on a system of voluntary subscription and that biennial reviews would be organized by the Commission to assess the implementation of the provisions. The Commission's suggestion on reviews with wide public participation reinforces the spirit of collaboration in promoting the well-being of youth. Public comments on the draft Charter and the means of implementing the provisions are being sought at the moment. Much discussion among those involved in youth development has already been generated. I hope more written submissions will be received during the remaining two months of the consultation period. During the earlier part of this debate, many interesting points have been made and I would like to respond to some of these by briefly describing the Government's existing position in the following three areas:

- (1) the family;
- (2) participation in community activities;
- (3) voting age;

Family

The starting point for youth development must be the family. We accept as universal truth that youth deserves love, care and attention. The cardinal role of the family in nurturing young people is recognized in the draft Charter and indeed by the Government in our social welfare policy. The White Paper on Social Welfare into the 1990s and Beyond recognized that new needs and problems are emerging which will require greater efforts in the context of the future provision of family and child welfare services. Family casework and counselling will remain the principal means whereby individuals and families are assisted to understand and deal with problems of family. It is the Government's policy to meet the demand for these services in full and to allocate available resources flexibly in accordance with the needs of different areas. Services provided at present include counselling, residential, housing, financial and family supporting services. Family life

education will continue to be provided to educate the public on the importance of family life and how it can be sustained. The main target groups are adolescents and young adults. The family and child welfare services rendered by the Social Welfare Department and the voluntary sector are intended to help parents to bring up children in their homes with care and love.

Youth participation in community activities

The draft Charter highlights the need to promote youth's civic knowledge and participation in community affairs to afford young people the opportunity to participate in decisions which affect their lives. We agree that young people should not merely be passive recipients of services; they should be forward looking, develop a positive interest in the world around them and be ready to contribute towards the progress of the community. A considerable proportion of our civic education programmes are targetted at young people. The promotion of the concept of human rights education and the rule of law are being dealt with through formal and informal curriculum in schools. For example, topics on human rights and rule of law have been included in the Liberal Studies and Government and Public Affairs syllabuses to be implemented in the 1992-93 academic year. Resource materials on the Basic Law and rule of law will also be provided to teachers. Our community building strategy aims to promote among young people a sense of belonging and mutual care; opportunities for participation are plentiful: joining uniform groups, taking up voluntary work in youth centres, and participating in district-based activities. Young people also play an active role in shaping decisions which affect their well-being, and the channels for participation are opened to all: young people serve on local committees, assist, vote and even run in elections.

Voting age

Many Members have spoken in some length expressing the view that the minimum voting age should be lowered to allow a higher degree of political participation. However I shall be brief in my response. Members are well aware that the matter is currently being examined by the Government. I would like to take this opportunity to reassure Members that the views they have expressed in that regard will be given full weight by the Government.

Review of government policies

The principles enunciated in the draft Charter are, to a very large extent,

consistent with the aims of our policies pertaining to youth. Such policies are by and large comprehensive in meeting the needs of youth. However, we are very conscious of the need to keep all our policies in pace with the changing social and economic circumstances. Policies relating to young people are no exception and they will be regularly scrutinized by policy branches and their advisory bodies. Where necessary, legislative amendments will be introduced into this Council to ensure that our policies are adequate in meeting the needs of young people.

Government as a subscriber

Mr Deputy President, as I have indicated earlier in my speech, the healthy development of youth cannot be the responsibility of one party alone. The community at large has a significant role to play. To reinforce the co-operative spirit among all parties involved in youth development, the Commission on Youth has proposed a system of voluntary subscription. We have heard calls tonight upon the Government to become a subscriber. This is still an early stage in the public consultation process. We will indeed be looking closely at the Charter after it has been finalized by the Commission, and we will consider very carefully the best means by which the Government can further reaffirm its support and commitment to youth development.

Thank you.

MR ERIC LI (in Cantonese): Mr Deputy President, if Miss Emily LAU is with us in the Chamber now, I will certainly ask her to forgive me for stealing her thunder. Indeed I have the kind of confidence described by Dr Samuel WONG. I am full of confidence when I talk about the Charter for Youth, and I welcome criticism. But I am worried no one would care or has any confidence in the Charter, and for that matter, in our young people. That is why I am delighted to see such enthusiastic response from the Members with so many sound views. My confidence is substantially boosted as a result.

Today, as I said earlier, like a kaleidoscope, there has been a great diversity of views expressed by our colleagues on the strength of their own expertise. Their speeches were pertinent and touched on different aspects of concerns, highlighting the fact that we will have to meet the various needs of our young people to ensure them a well-balanced development.

Indeed, I find this debate a rare display of valuable co-operation among the

Members because we have a clear and common goal. Although it would seem that the goal and the wording of the motion are rather simple, the two-hour debate today has elucidated the motion and fleshed out the Charter for Youth. I earnestly hope that we will continue to give more substance to the Charter during the consultation period, so that it will be more concrete to be implemented.

Both the Secretary for Home Affairs and Mrs Rita FAN have indicated that both our needs and the needs of our young people are ever-changing and that we have to continue with our on-going review since we may not be able to meet all of our present needs. The fact that our colleagues have offered so many worthy views today already signals a very good beginning for in so doing we have effectively conducted a very meaningful review exercise for the Government. It is clear from this review exercise that we not only need laws but also administrative means and policies. Some Members have also highlighted the need for formal education, civic education and even moral education. Our motion today specifically urges the Government to do all these things so that our needs may be met.

I am grateful to Mr Howard YOUNG and Mrs Miriam LAU for their assistance. We have been closely collaborating on this issue. The notes which Mrs LAU passed to me have enabled me to give a more substantial reply and Mr YOUNG, meanwhile, has helped me in responding to some of the questions raised. So I will not reiterate the points already dealt with.

Although the motion today is mainly to get the Government to do something but I have a strong feeling that many colleagues have requested that the Commission on Youth should also make some responses with regard to its work. I think there are a few questions which have to be answered.

First of all, it is not my intention at all to evade the issue of lowering the voting age to 18, which has been raised by many colleagues. The Commission on Youth already clearly indicated its full support last month for the voting age to be lowered to 18. We have also submitted to the Secretary for Constitutional Affairs our unanimously reached resolution. We will continue to follow up on this. I will, however, explain why at this stage we have not incorporated our resolution into the Charter for Youth. There are two reasons. First, the Charter for Youth is mainly targeted at the 15 to 24 age group and the issue of voting age specifically concerns the 18 to 21 age group. If the targetted group is subdivided to offer certain sub-groups voting right, will this prompt other sub-groups to make a similar request?

Second, if the voting age is indeed lowered to 18 and incorporated into the Charter, does it mean that in the light of social progress we should amend the Charter in the future when there is a call again for the voting age to be further lowered to 16? These questions do deserve our careful consideration. But it does not mean that this request is totally unjustified. I hope that it will be resolved as soon as possible following the review conducted by the Legislative Council and the issue of a consultation paper.

Many colleagues have raised the issue of youth participation. Colleagues who have spoken today were once young people themselves, like Mrs Selina CHOW, who was the Chairperson in 1985. Many Members of this Council were involved in youth work at one time or another. I believe Mrs Elsie TU was also one of these Members when she was young quite some years ago. Of course, it does not mean that she no longer takes a keen interest in our youth. Youth matters and policies are the business of our community as a whole. One objective of the Charter is to blend the community's expectations of our youths with the needs of the youths themselves. But it does not follow that I do not accept or recognize the importance of youth participation. In this regard, Mr James TO has offered many innovative views which we will do well to follow them up.

I wish to respond to the question raised by Mr WONG Wai-yin regarding membership. It is true that no one at the age of 24 has been appointed to the Commission on Youth. But I am pleased to inform this Council that Mr LEUNG Yuk-cheung, who is 24 years old, has recently been appointed as a member of the Commission. There was similar appointment before Mr LEUNG, only that the person in question has now gained in years and nobody has taken notice of it.

Many colleagues, namely, Mr TAM Yiu-chung, Dr LAM Kui-chun and a number of others, have expressed the view that civic education should be written into the Youth Charter for Youth. I hope members will take a look at the youth responsibilities as described under Sections 1(e), 1(f) and 3(h) (iv), (vii) and (viii). And indeed the term "responsibilities" is very clearly stated under 3(h)(vi). At this point I would like to ask all Members one question, that is, now that we are trying to provide opportunity and education for our young people in the hope that they will live up to their responsibilities, can we make it mandatory for them to do so, as some Members have suggested just now? Can we achieve this through legislation or administrative measure? Or is it better to provide more opportunities to educate them? The Charter for Youth is in favour of the last option.

Many colleagues are concerned about the issue of policy formulation, which I am sure we are all aware that it is beyond the ambit of the Commission on Youth. Speaking for myself, I was involved in the Central Committee on Youth and the reports which it put together, and it should be clear where I stand on this issue. We start new projects every few years. For example, the publication of the Charter for Youth and the establishment of a subcommittee under the Commission on Youth has been our ongoing projects. Though the Charter for Youth has been late in coming, the important thing is that it has not been forgotten. Though the issue of a youth policy has not been raised for a long time, the Charter will go a long way towards clarifying some of the outstanding questions. I trust we will all see the significance of regular review which will raise the level of public awareness of the importance of our young people.

Mr Howard YOUNG has made this analogy to me that what we are doing is actually like furnishing a building and we are going to need a lot of assistance. Mr WONG Wai-yin has also suggested that we might as well pool all the youth workers together to conduct a biennial review. That is precisely the kind of review we have in mind at this stage. I think Mr WONG can rest assured that we welcome participation by all parties, including the Government. I said before that the Charter will take us on a long road. So I am particularly pleased, and heartened, that Mr Gilbert LEUNG used the same long road metaphor to characterize the Charter for Youth. He has given the Committee a lot of encouragement. I hope that we will not be discouraged by the long road ahead for the important thing is that now we have been shown the way.

I believe what I am saying today is exactly in line with the thinking of my colleagues. I look forward to hearing more views in the consultation period, a sentiment which the Secretary for Home Affairs said he also shared. I trust that both he and the Government as a whole will take heed of the views expressed today. We very much wish that the Government would make up its mind as soon as possible, as our youth workers have been waiting for too long, to show that it is indeed a caring, sincere, responsible government that means business.

Question on the motion put and agreed to.

Private Member's Bill

First Reading of Bill

UNIVERSITY OF HONG KONG (AMENDMENT) BILL 1992

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

Second Reading of Bill

UNIVERSITY OF HONG KONG (AMENDMENT) BILL 1992

MR DAVID LI: Mr Deputy President, the purposes of this private Bill are to provide for the creation of and appointment to the office of Deputy Vice-Chancellor and for the discontinuance of the office of Secretary at the Hong Kong University.

The post of Deputy Vice-Chancellor is being established for two primary reasons:

First, to support the Vice-Chancellor whose workload has significantly increased as a result of the large and rapid expansion of the University in recent year.

Secondly, to act on behalf of the Vice-Chancellor in fostering and developing the scale and quality of the University's activities in the field of research. He will be particularly expected to take the lead in developing policies designed to promote and stimulate research.

As to the discontinuance of the office of Secretary, this is to formally recognize the present administrative practice, since from 1985 the post has been unfilled with the duties being carried out by the Registrar.

Mr Deputy President, I believe this Bill to be uncontroversial and I therefore move that the Bill be read a Second time.

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

Question on the adjournment proposed, put and agreed to.

Adjournment

CHIEF SECRETARY: Mr Deputy President, I move with enthusiasm that the Council do now adjourn. (Laughter)

DEPUTY PRESIDENT: Tonight's adjournment debate on Light Rail Transit Services was to have been raised by Mr NG Ming-yum but will instead be raised by Mr WONG Wai-yin in Mr NG's absence. I have dispensed with the requisite notice to enable this to be done. I would remind Members that in an adjournment debate they have 45 minutes to speak. At that point or after all the Members wishing to speak have spoken, whichever is the earlier, I will call upon the Secretary for Transport to reply.

LIGHT RAIL TRANSIT SERVICES

10.01 pm

MR WONG WAI-YIN (in Cantonese): Mr Deputy President, as you have said just now, the adjournment debate on Light Rail Transit services should have been raised by my partner, Mr NG Ming-yum. It is unfortunate that he is in hospital but I am grateful to you, Mr Deputy President, for the discretion which you have exercised to allow me to stand in for him. However, I would have very much wished that Mr NG was able to be with us to personally present his position in this adjournment debate.

Mr Deputy President, since its trial runs in early 1988 and its operation in September of the same year, the LRT has provided a brand new mode of public transport for the residents of Tuen Mun and Yuen Long. But, at the same time, it has literally proven to be a nightmare to them. Frequent accidents occurred in its trial runs in early 1988 resulting in deaths and injuries of many residents. People panicked at the mere mention of the LRT and the Chief Secretary, Sir David FORD, ordered a ban on further trial runs. When the LRT went into operation in September of the same year, in the midst of public outcry, residents were forced, for lack of any alternative, to use its service, everyday stepping scarily into the train compartments. Its service initially was exactly the opposite of a promised speedy, comfortable ride. Infrequent trains, overcrowded compartments, long journey time, poor ventilation, high fares, poor service of the Passenger Service Assistants, inadequate feeder bus service, and increasing accidents have all combined to cause public indignation which was getting up to such a point that the rail tracks were in real danger of being torn up by angry residents. The LRT was even ridiculed as only slightly faster than the leisurely ding-ding trams plying on Hong Kong island.

It does not seem that the LRT has made any significant improvement in terms of service over the three odd years of its operation. Public discontent is strong in

Tuen Mun and Yuen Long, but why? Let us look at a few problems here.

First and foremost is the problem of finance. Passengers are generally dissatisfied with the fare prices. Although it has been stressed by the KCRC that the LRT fare is only \$2.1 on average, the residents have to pay between \$2.4 and \$3.5 in practical terms. It is much more expensive than travelling by bus. Little wonder that the residents are getting so angry, particularly when the service has so far not been up to their acceptable standard. The KCRC has made a point of raising fares by large percentages on the ground of heavy losses, but no data have ever been given in the way of debt repayment period, passenger figures, corporate management, property investment, and so on. There is no way the public may be able to fairly assess their case for fare increase, let alone monitor their operation. The fact is that the wrong projection of patronage has been the main cause of its losses. According to a study conducted by KMB in 1984, the passenger demand for public transport in the Transport Service Area (TSA) is 240 000 in 1988, and 570 000 in 1996. These figures are far less than the figures of 400 000 and 750 000 projected by KCRC. The KMB study suggests also that if the LRT goes into operation before 1992 it may incur heavy losses and be under great pressure to raise fares to boost revenue. But the KCRC's rebuttal was that it would have enough revenue to pay for its operation and that even if patronage was dismal it would not have a great impact. It is unfortunate that the tragedy predicted by KMB has come true. Although KCRC adjusted back in 1988 its daily patronage to between 250 000 and 300 000, the first phase of the LRT was already near completion at the time. What I have been trying to do is to identify the problem here, that the consumers have been made to pay for a policy mistake, and that the LRT passengers are made to pay more for lack of any alternative. Meanwhile, according to a documentary source, the LRT incurred heavy loss last year, to the tune of \$216 million. We understand from the Chairman of KCRC, Mr Kevin HYDE, last year when hefty fare rises were proposed that the LRT had in fact reached a point where it was paying \$1.1 for each \$1 it was getting in revenue. That is to say the LRT was getting near the break even point. How did the alarming losses come about then? This is something which the KCRC has to explain to the general public if the latter are not treated as lamb to the slaughter.

The second problem is one of safety. The small platform design leads to crowding, particularly during peak hours, and it is very easy for accidents to occur when passengers are not on guard. Moreover, the many interchanges along the LRT route not only affect the journey time but also make it much easier for accidents to occur involving residents and other vehicles. More importantly, the franchise of the LRT

means that it has become the major mode of transport for residents of Tuen Mun and Yuen Long. It is a matter of concern that, given the LRT's inability to cope with passenger demand during peak hours even now, it will be hard put to provide adequate service to meet rising demands with the completion of new housing estates in Yuen Long, Tin Shui Wai and Tuen Mun which will bring about a rapid increase in regional population. What is more, as indicated in the report by the United Kingdom Railway Inspector, the combined frequency of the LRT trains should not be less than 2 minutes to forestall accidents which will happen if this limit is exceeded. But the fact is that the LRT trains are already running at a frequency of less than two minutes during peak hours on average along the section of the route between the Yuen Long Main Road and Castle Peak Road. We worry that the LRT may not be able to further increase frequency to meet passenger demands which will continue to grow. The potential danger is a matter of grave concern. Given that the small platforms are not expandable, and that the number of interchanges cannot be reduced, the opening up of the Transit Service Area is a measure which is urgently needed to enable the other modes of public transport to help solving the transport problem in Tuen Mun and Yuen Long.

The third problem rests with the Transit Service Area. The present Transit Service Area of the LRT has been designated by law to the effect that no other means of public transport (with the exception of taxis and minibuses) are permitted to enter them. Residents are forced to use the more expensive and less efficient service of the LRT for lack of any alternative. According to a survey conducted by the western New Territories branch of the United Democrats and Meeting Point on the quality of service of the LRT, over 80% of the interviewees were not in favour of the TSA, mostly on the ground that they deprived the commuters of their right to take other modes of transport, that it was even more inconvenient than before to get around, and that the lack of competition meant that there was no guarantee for the quality of service. To protect the residents' right to choose and to ensure safety vis-a-vis increased frequency of service, we suggest that the TSA should be opened up so that residents of Tuen Mun and Yuen Long may be able to enjoy better transport service. We are pleased to hear that KCRC is actively considering the feasibility of opening up the TSA. We are hoping that it will really accept public opinion and implement the plan as early as possible which will benefit our residents.

The last problem is one of monitoring. Members of the public are not duly represented as patrons of the system and their views have been consistently ignored. Presently, the jurisdiction of the Consumer Council fails to include public utility

companies. We suggest that a statutory consumer organization on public transport services should be set up to ensure that residents' views on this aspect will receive proper attention. Indeed, the Traffic and Transport Committees of Tuen Mun and Yuen Long, and the Monitoring Committees on LRT services of the Tuen Mun and Yuen Long District Boards which are themselves district monitoring organizations have consistently made criticisms and suggestions on the LRT services. And the LRT management has set up since last year a Passenger Liaison Group to enable passengers to have the opportunity to directly express their views. It is unfortunate, however, that the LRT management has consistently ignored the views of the district boards and local organizations. It has refused to provide the relevant data stressing at the same time that its Board of Directors is already a very effective monitoring body. The public should not as patrons have their right to know and monitor the situation denied, particularly in the present day context of our society becoming more and more open and democratic. We strongly demand that the Board of Directors of KCRC should increase its representativeness through opening its membership to elected district board members, environmental protection groups, community leaders, and members of the public. More information and data should be released by the KCRC to enhance the openness and transparency of its Board of Directors, and to enable the public to reach a fair assessment of the situation. It goes without saying that there are still many other problems with the operation of LRT and the KCRC management, but it is not my intention to go into them at this point. Insofar as the above-mentioned problems are concerned, if the LRT management is to improve its service, then problems must be tackled at their roots. With the management becoming more representative, with more operational data being made available to the public, and with the opening up of the TSA, it is expected that the LRT as a brand new mode of transport will eventually provide a fast and convenient service to the residents of Tuen Mun and Yuen Long. Thank you, Mr Deputy President.

MR DAVID LI: Mr Deputy President, at the outset, I must declare my interest as a former member of the Managing Board of the Kowloon-Canton Railway Corporation.

Within the context of this debate, I would like to draw the attention of Members of this Council to the Corporation's significant and on-going financial commitment to developing an efficient, affordable and effective public transportation system for the northwest New Territories.

The Corporation's initial investment in the Light Rail Transit system totalled

\$1.1 billion. Despite low patronage and weak financial performance in the early stages of the system's operation, the Corporation pressed ahead with further investments, building regional extensions and purchasing additional light rail vehicles.

When all currently planned investments are implemented, the Corporation's cumulative investment in the Light Rail Transit system will exceed \$2.5 billion.

From the beginning, the Kowloon-Canton Railway Corporation recognized that developing the Light Rail Transit system for the northwest New Territories would be a long-term investment. The Corporation has received no return on this investment to date, and does not anticipate receiving one until well into the 21st century.

As at the end of last year, the Light Rail Transit system had incurred a cumulative operating loss of more than \$300 million. This loss was subsidized from the Corporation's profitable businesses, which include property development, Lo Wu and through-train traffic, and breakbulk freight activity.

Over the next five years, the Corporation anticipates that the Light Rail Transit system will require a further operating subsidy of more than \$400 million. Despite the substantial drain this represents to overall earning, the Corporation is prepared to continue to subsidize this loss internally -- to the fullest extent possible.

But there are limits as to how long this subsidy can persist.

The Kowloon-Canton Railway Corporation's governing Ordinance mandates that it be managed according to commercial principles, with the ultimate goal that the Corporation should, in time, be able to stand alone financially -- free from the government support.

Pursuant to this goal, the Government and the Corporation agreed in late 1990 that the Corporation should pursue an overall annual rate of return on net assets of 12% to 15%.

To date, the Corporation has only achieved this target twice -- in 1988 and 1990,

thanks largely to non-recurrent earnings from property development.

With operations such as the Light Rail Transit system, the Kowloon-Canton Railway Corporation strives to strike a healthy and comfortable balance between its financial objectives as agreed with the Government, and the needs and wants of its customers.

Achieving this balance is strictly monitored. The Kowloon-Canton Railway Corporation is wholly owned by the Government, which in turn appoints the Managing Board. The Board closely reviews corporate performance, policy and strategy, and makes key decisions regarding future development.

To foster an active exchange of views with the public, senior representatives of the Corporation regularly attend meetings of the traffic and transport committees of local district boards, such as the Committee for Monitoring the Light Rail Transit Service formed under the Tuen Mun District Board.

The Corporation's operations are further scrutinized by the OMELCO Transport Panel, by this Council through debates such as this as well as Members' oral and written questions, and by the media and other interested groups.

The Kowloon-Canton Railway Corporation is not trying to make a "fast buck". Through the Light Rail Transit system, the Corporation has invested billions of dollars towards making the northwest New Territories an attractive area in which to live and work. The Corporation is committed to the continued growth and development of this young and vibrant community.

With the support and feedback of local residents, workers and businesses, the Kowloon-Canton Railway Corporation hopes to create a financially viable and self-sufficient -- and therefore, stable and reliable -- public transportation system for the area.

This would be in everyone's best interests -- the commuters of the northwest New Territories; the Kowloon-Canton Railway Corporation itself; the Government; and ultimately, Hong Kong taxpayers.

Thank you.

MR LAU WONG-FAT (in Cantonese): Mr Deputy President, during the period from 1986 to 1991, I was a member of the Kowloon-Canton Railway Corporation Board. Although I am now no longer in the office, as a resident of northwestern New Territories and the Chairman of the Tuen Mun District Board, I am very much concerned about the light rail transit services.

Undeniably, a lot of problems have emerged since the commencement of LRT operation in 1988, especially at the early stage. After over three years' operation, I personally think that LRT services are as a whole on the right track though there are still inadequacies in many areas.

Mr Deputy President, the finance and daily operation of the Kowloon-Canton Railway Corporation (KCRC) are not related to my interests and I am not obliged to come to the defence of the KCRC. Objectively speaking, the LRT has put in a lot of efforts to improve its services and preliminary effects have been achieved. However, at any time there are criticisms on every aspect of LRT services. I think these comments are unjust and not in-keeping with facts.

According to data, the LRT has placed on orders for the purchase of 30 new carriages. In October this year, the carriages will be shipped to Hong Kong and by that time the passenger capacity will be enhanced. Meanwhile, the LRT has awarded some \$20 million worth of contracts to thoroughly improve the air-conditioning system of compartments. I also note that the LRT has set up a "Passenger Liaison Group" to strengthen its consultation work. Moreover, a study is undertaken to further improve the ticketing system to cater the needs of passengers. Of course, these measures cannot solve all problems and the LRT has to make more efforts.

Of all these issues, I am most concerned about the crowded situation on LRT platforms during rush hours. Since this involves passenger safety, the LRT has to deal with it with urgency. As short-term solutions, the frequency should be increased as far as possible, more compartments should be provided, and, where possible, ticket vending machines should be installed outside platforms to provide more space to passengers getting off or into compartments. Recently, the LRT has deployed platform assistants to help maintain order on platforms during rush hours. This measure should be welcome. In regard to long-term solutions, I think the LRT should consider introducing parallel lines in areas where traffic and transport demands are great and constructing more spacious platforms.

As far as consultation is concerned, the LRT should step up liaison with the Yuen Long and Tuen Mun District Boards, rural committees and other local bodies to listen to their views on LRT services. The company should make public relevant information as far as possible to facilitate mutual understanding.

Lastly, I would like to comment on the light rail Transit Service Area. There are views that it is necessary to review whether the light rail transit service area should be continued. In studying the issue, I think it is necessary to consider two possible consequences. In the first place, whether the LRT will be placed in a desperate situation if the light rail transit service area is opened when the LRT is suffering from deficit? Since the LRT is a public company, the loss of the massive investment in the LRT will mean that in the end the public at large may be the greatest loser. Secondly, once the light rail service area is opened, it will inevitably lead to greater traffic flow within the area. Can the existing road network in the area cope with the situation? If not, the opening of the service area will only result in traffic confusion and congestion, and fail to attain the original aim of improving the traffic in the area.

Since the above issues will have far-reaching implications, the Government and various sectors must carry out prudent and comprehensive studies and avoid hasty decisions. In this respect, I believe the relevant groups of the Tuen Mun and Yuen Long District Boards responsible for monitoring LRT services will make great contribution.

Mr Deputy President, the foregoing are my remarks.

MR EDWARD HO: Mr Deputy President, in recent months, there were fresh demands from certain sectors of the public that the "Transit Service Area" be scrapped and the light rail transit services be supplemented by other modes of public transport. As a former member of the Managing Board of the Kowloon-Canton Railway Corporation, I feel that it would be useful to relate to Members some facts regarding the LRT system.

Between 1977 and 1978, the Government sponsored a study to look into the possibility of introducing alternative modes of transport to Tuen Mun. After a detailed examination of the prevailing conditions, the consultants recommended a light rail transit system against the conventional buses. The rationale was that the LRT would prove to be more cost effective to the community in the long run, apart

from other advantages such as environmental benefits.

In July 1984, the KCRC accepted the Government's invitation to build and operate the LRT with the understanding that there would be no government guarantee or equity participation. In considering the Government's proposal, KCRC was naturally concerned that the project must be economically viable. Hence the idea of a "Transit Service Area" (TSA) was created by the Government to formalize the franchise arrangement.

Within the TSA, the LRT system was to become the backbone of the integrated public transport network. KCRC was to be awarded, for the 20-year period of the franchise, control of the local bus service in the area. Internal franchised buses would be withdrawn upon the commissioning of the LRT, as the authorities fully realized that patronage in the TSA would not be sufficient to support two public transport operators.

In this regard, it is important to realize the fact that the LRT enjoys no more protection than the previous internal franchised bus services operated by the Kowloon Motor Bus Company. KCRC's "monopoly", as so called by the public, in the TSA had merely been transferred from the bus operator. The LRT system was introduced to the northwestern New Territories as a new form of public transport to replace bus service and residents in the area have not been deprived of their choice of other modes of transport such as taxis, public light bus and contract hire bus.

Additionally, it should be pointed out that the Corporation has to shoulder the responsibility for providing a comprehensive network of service for the TSA, including, for example, the operation of a number of loss-making bus routes and at very low fare levels as well. Current LRT fares are more or less what would have been charged by non-air-conditioning bus service. The TSA concept also enables the LRT to offer an integrated fare structure, with free transfers between light rail vehicle and feeder bus services. This is the first truly integrated public transport system in Hong Kong.

It must be remembered that the decision to build an LRT system was a bold and visionary one. It is a major financial commitment by the KCRC to the long-term development of the northwestern New Territories. The LRT is a major infrastructural development which is by its very nature, capital-intensive, and returns on investment cannot be realized in the short and medium term.

Although I am open-minded as to a review of the Transit Service Area, I would sound a note of caution against the premature abandonment of the Transit Service Area if it is purely on political reasons. The LRT must be given its due time and opportunities to prove, with conditions no more different than that given to a franchised bus service, that it is what it was created to be: an efficient and cost-effective mode of public transportation.

I have, in my speech during the Adjournment Debate in this Council on 12 June 1991, also commented on the level of investment, of cross subsidization and of fare levels generally, and I shall not repeat those points in this debate. In conclusion, I urge that a more thorough study of the TSA issue be carried out before any change is made.

MRS MIRIAM LAU (in Cantonese): Mr Deputy President, in February and March every year, the public start to worry about fare increases by public transport operators. Last year, the fare increase by the Light Rail Transit (LRT), which was as high as 14.1%, had aroused strong dissatisfaction among members of the public.

Last week, a representative of the Kowloon-Canton Railway Corporation (KCRC) told the OMELCO Transport Panel that KCRC's total investment on the LRT was \$2.5 billion and the operating deficit accumulated by the LRT was as high as \$371 million. Thus, if the KCRC increases LRT fare at a low rate, it will fail to obtain return from the \$2.5 billion investment and the KCRC is not operating in accordance with the legislation. For the same reason, the KCRC is of the view that the level of subsidy to the LRT should not be increased continuously. The KCRC also discloses that in 1990 the Government agreed that the policy objective of the corporation would be having 12% to 15% of the fixed asset as its rate of return.

In view of the actual situation, the current operation of the LRT is much better than that of the early day. With residents living along the route getting used to using the LRT services, the average ridership per day has increased from 180 000 in 1988 to the current rate of about 270 000 per day. It is estimated that the population in such regions as Yuen Long, Tuen Mun and Tin Shui Wai will double in the next decade. By that time the number of the LRT of passengers will increase tremendously. It is certain that the LRT will have a more promising future. Meanwhile, the operating deficit of the LRT has in fact dropped from \$111 million in 1989 to about \$80 million

last year. If the depreciation and inter-departmental revenue items are not taken into account, the recurrent income of the LRT has generally offset the operating cost. It is projected that subsidy for the LRT will decrease in the next few years. The overall surplus of the KCRC in the year before last has reached \$602.4 million. Under such circumstances, I do not think that the KCRC should be so anxious about investment return from the LRT. Beside, having a certain extent of subsidy for the LRT from other operations of the corporation is both normal and reasonable.

I can understand if the KCRC is to adjust the fare for reason of increasing cost. However, while the operating condition is gradually improving and the ridership is on the increase, it will be more reasonable to have an increase lower than the inflation rate if only increase in cost is taken into consideration. Moreover, I think that all public transport companies must fully consider public interests and the degree of public acceptability in any fare adjustment. The KCRC is no exception.

Mr Deputy President, the pegging between permitted profits and fixed assets in the profit control scheme of franchised buses has been much criticized. This being the case, why did the Government still come to an agreement on the so-called "policy objective of the corporation" mentioned above? In fact, there being the policy objective, the public have every reason to worry that the KCRC will use the policy objective as a standard to increase fares. I hope the Secretary for Transport will give us an explanation in today's debate, so that the public's worry will be banished.

Mr Deputy President, the policy in respect of light rail transit service area has created a de facto LRT monopoly of the public transport service in western New Territories. Such policy has been much criticized by the public and the community, who think that the Government has overprotected the interests of the LRT and deprived passengers of the right to choose other public transport service modes. According to local appeals, the limited passenger capacity of the LRT has failed to meet the actual transport needs of the area satisfactory, especially during peak hours. There are also many other inadequacies as to the service of the LRT. But passengers are denied of access to other means of public transport.

The Government encourages healthy competition in its current traffic and transport policy. I think the LRT is developing steadily towards a better stage. The Government may give consideration to the abolition of light rail transit service area and the introduction of healthy competition. This can supplement the inadequacies of transport service in the area and help enhance the quality of public

transport service there while ensuring that the relevant company will maintain a reasonable fare level.

MR ALBERT CHAN (in Cantonese): Mr Deputy President, the White Paper on Transport Policy in Hong Kong published by the Transport Branch in January 1990 has this to say about the Light Rail Transit System: "The Light Rail Transit system built and operated by the Kowloon-Canton Railway Corporation in the northwest New Territories forms the backbone of the public transport system for Tuen Mun and Yuen Long, complemented by other modes." It is unfortunate that the LRT has come under criticisms of so many local organizations in the district, ever since it went into operation in September 1988, for its unsatisfactory service, high fares and monopoly in the Transit Service Area (TSA).

The fact is that the LRT has not played its designated role in the White paper. I believe the following reasons account for the criticisms which it has drawn so far:

(i) The platforms are poorly designed. The open platform design is hampered by the smallness of the platform area and, during peak hours, at certain busy stops, boarding and alighting passengers do not give way to each other. Meanwhile, the space limitation means that the platforms so designed will not cope with any increased passenger volume.

(ii) Passenger volumes have been wrongly projected. The KCRC made the projection in 1984 that, at its inception, the LRT would handle an initial daily passenger volume of 240 000 and that passenger volume would reach 750 000 by 1996. But real statistics show that the daily passenger volume was only 181 000 in 1988, rising to 208 000 in 1989, and 235 000 in 1990, and then to 260 000 in 1991. The wrong projections and its failure to initially set its fare structure 30% higher than the comparable bus fare structure, have resulted in heavy losses. The KCRC estimates that the LRT will not be able to pay off its debts until the year 2000. I believe that a considerable part of the debt will have to be shouldered by the KCRC.

(iii) The principle of fair competition has not been abided by. In order to protect patronage for LRT, the entire route area of the LRT has been designated as a Transit Service Area. This practice is not in keeping with the spirit of fair competition. The designation of TSA deprives residents of Tuen Mun and Yuen Long of their right to choose their preferred mode of public transport. It also hampers

the flexible co-ordination of the various modes of transport. Tuen Mun and Yuen Long will be faced with very serious traffic problems if the LRT is involved in a traffic accident. Meanwhile, the Government has prohibited the operation of KMB and green minibus service in the Transit Service Area while permitting the LRT to purchase buses to run a feeder service. It is known that such feeder service is still run at a loss and, in practical terms, this will add to the financial burden of the LRT.

Indeed, the building of the LRT has been a mistake attributable to a beautiful concept implemented in the wrong place and at the wrong time. In the three-odd years of its operation, the LRT has failed to fulfil its function as a mass transit system. At some busy stops, the small platform hinders the growth of passenger volume. And the technical problems make it difficult also to increase train frequency. (According to a report of the United Kingdom Railway Inspector, it will be dangerous for trains to run at a combined frequency of less than two minutes on LRT routes. But presently, train frequency has been less than two minutes on average along the section of the LRT route between Yuen Long Main Road and Castle Peak Road.) In this connection, whether the LRT can meet the increased passenger demand by increasing its frequency, with the increase in population in Yuen Long, Tuen Mun and Tin Shui Wai, is still an open question. Hence, the Government, in planning the development of northwest New Territories, should re-assess the status of the LRT and the role it is playing. The Government will soon be hiring a consultancy company to study the potential of the railway development. The study should also specify the area of railway development and northwest New Territories should be included as well. It is a proven fact that a mass transit system is an indispensable part of an integrated new town development, but as I have just pointed out, the LRT has not been able to fulfil its function as a mass transit system. The Annual Report of the KCRC in 1990 has re-asserted the emphasis of the White Paper on Transport Policy that a transport system which runs off-street should be developed in order to ensure that land and resources are put to the best use in the provision of a highly efficient mass transit service. It is clear, however, that the LRT's mode of operation is not in keeping with the position of the White Paper because it takes up an enormous amount of road space but is not at all efficiently run. Since the present LRT is not able to fulfil its function, it is indeed necessary for the Government to devise a new policy so that transport service will be improved for the benefit of the residents of northwest New Territories.

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, the Light Rail Transit system

(LRT) has during its three-odd years of operation starting in 1988 been marred by a number of accidents and problems relating to service and fare prices. It has become a talking point of residents in Tuen Mun and Yuen Long in their casual conversation. Neither the local organizations nor the residents are impressed by the LRT which has become a subject of complaint, with some even deriding it as the "Garbage Rail."

As a matter of fact, the LRT was ill-conceived from the start and it has grown into a little monster. The original thinking was that the LRT would help to realize the dream of making Tuen Mun an entirely self-contained new town, that it would have adequate passenger support, and that it would be an elevated railway system. Notwithstanding the withdrawal for lack of confidence of Kowloon Wharf, the Government decided to launch it nevertheless, entrusting it to the management of KCRC. The resulting messy state of affairs has made victims of not only the residents of the district affected, but practically all taxpayers, including not least the KCRC.

Discontent of residents with the LRT and its operating loss may be summarized into the following five points:

(1) The first problem is inadequate patronage. In the early 1980's, the Government stressed that the self-contained townships of Tuen Mun and Yuen Long would provide enough passenger support for the LRT. But the reality is that the ideal of self-contained township has not materialized because over half of the working population of Tuen Mun work outside the district and do not use the LRT. What is more, industry in Tuen Mun has been on the decline with the factories being relocated to Mainland China. It is for this reason that, despite the rapid increase in population in both Yuen Long and Tuen Mun in recent years, the passenger volume of the LRT has only risen modestly. Daily passenger volume in 1991 was 260 000, 64% of whom were short trip commuters. So revenue has been far less than expected. The LRT is known to incur a loss of over \$1 million every month. No wonder the Chairman of the KCRC, Mr Kevin HYDE, said at the OMELCO Transport Panel on 20 February that the LRT has been incurring heavy losses and will not turn a profit until the 21st century, and subsidy from KCRC is called for in the meantime.

(2) The large number of interchanges adds to the cost considerably. The adoption of the light rail model instead of the elevated model means that the trains are running on the road surface and indeed the 30 interchanges result in longer journey time. The additional carriages and manpower which become necessary have a direct bearing on the overrun on the estimated operational cost and the increased financial burden. Meanwhile, given the right of way enjoyed by the LRT at most of the interchanges,

the district has been plagued by frequent traffic congestion much to the discontent of both residents and motorists.

(3) The platform design is defective. Basically, it has three problems:

(i) The open design of the platform is such that it is very easy for passengers to get away without paying the fare and this means loss of revenue. It cannot be helped by the hiring of more inspectors which will add to the corporate expenditure.

(ii) The length of the platform is only enough to accommodate a two-carriage train. In case of several trains arriving at the same time, then passengers have to wait for their turn to board and alight. This translates into longer journey time and higher costs. It is expected that with the operation of the Tin Shui Wai Extension the situation will further deteriorate.

(iii) The small platform does not provide adequate room. The existing platforms are rather narrow at certain points and the lack of room results in congestion and chaos during peak hours. This is most clearly observed at a number of platforms in Yuen Long; it will not only cause a passenger drain but also constitutes a safety hazard. It is expected that with the occupation of Tin Shui Wai and the rise in population the situation will further deteriorate.

(4) The high fares add to the burden of residents. The present fare structure of the LRT is 30% higher than that of KMB with each fare increase averaging between 20% and 60%. According to the explanation provided by the LRT management, the large increases are attributed to the high cost of the carriages, inflation and insufficient patronage. Meanwhile, the LRT will at the end of this year have to spend large sums of money to pay for the cost of 30 carriages. It can be seen hence that the future fare increases will be very substantial indeed.

(5) Monopoly of the Transit Service Area (TSA) has deprived the commuters of the right to choose other modes of transport, resulting in the wastage of resources. Since the entire route area of the LRT in Tuen Mun and Yuen Long has been designated as Transit Service Area, KMB buses are prohibited from picking up and setting down passengers and some of the maxicab services have also been abolished in this area. To most of the residents, the LRT has become the only available mode of transport, other than taxis. Given the inflexibility of the LRT, the great many interchanges and the small platforms, and with the 30 carriages going into operation, the LRT

service is quite incapable of improvement as things stand.

To sum up, I have raised the five problems in order to voice the discontent of residents and highlight the financial difficulties of the LRT; none of these problems can be easily solved. I hope the Government will take into consideration the following two points in order to alleviate the financial difficulties of the LRT and the burden to the residents on the one hand, and to improve the traffic condition of western New Territories on the other.

(1) Given the lack of flexibility of the LRT, the constraints caused by the interchanges and the platform design, the high cost of the carriages with a price tag of over \$10 million each, and the serious deficit situation, phase III of the LRT project should be shelved. Instead, buses should be allowed so as to provide a more flexible service;

(2) The Transit Service Area should be further opened up for reasons I shall not repeat as other Members have already spoken at length.

To conclude, the various problems with the LRT can be attributed to the wrong decision taken to build it in the first place. For one thing, the Government failed to include in the planning of the new townships of Tuen Mun and Yuen Long the operation of a LRT system running on road surface. Also, when the decision was taken by the Government in 1983 to build the LRT, no careful assessment had been made of its cost effectiveness and this has resulted in the inequitable financial burden which has to be shared by residents of western New Territories now. I am also sceptical of the ability of the LRT to pay off its loan interest, let alone the loan itself, in the future with its revenue from fares. In this connection, I think the Government should be held responsible for the consequences of its wrong decision. The precedent involving the Industrial Estate Development Corporation is instructive to the extent that the Government can extend funding to the LRT to alleviate the need for it to further squeeze the passengers, in much the same way as it has done to the Corporation to help it tide over its economic difficulties. It is reasonable enough, judging from the policy mistake on the entire LRT project, to ask the Government to conduct a most cautious assessment of the cost effectiveness of its investments in the "Rose Garden" for example, the proposed Tsing Ma Bridge and the airport rail system, and so on, to see whether they are in line with our overall economic interest and to forestall any unreasonable cost to their future patrons. Thank you, Mr Deputy President.

MR LEE WING-TAT (in Cantonese): Mr Deputy President, I will devote my speech today to commenting on the operation of the Light Rail Transit system (LRT), its finance and fare structure. The statistics quoted are provided in the annual report of the Kowloon Canton Railway Corporation (KCRC). The daily passenger volume of the LRT increased from 180 000 in 1988 to 240 000 in 1990. This increase boosted revenue from \$110 million in 1989 to \$160 million in 1990, an increase of 45% in one year. The deficits for 1989 and 1990 were \$110 million and \$145 million respectively, but the amount has been gradually reducing. However, there are points requiring clarification about the deficit situation which is not given in the annual report. They are as follows:

(1) The operating cost of the LRT in the year 1989-90 jumped by 29%, which exceeded the rate of inflation;

(2) A sum of \$26 million went under the name of "spending by various departments";

(3) The depreciation rate was exceptionally high, or \$73 million in money terms in 1990. For lack of information in the annual report pertaining to operation and finance, it is very difficult for members of the public to make any analysis. I suggest that the KCRC should follow the example of the Mass Transit Railway Corporation (MTRC) and release more information in its annual report.

Meanwhile, it seems that the LRT's deficit of \$100 million in 1990 may be attributable to its separate handling of the earnings from property development. Indeed, the development of the LRT has been very steady with passenger volume rising from 180 000 daily in 1988 to 235 000 daily in 1990. The average annual increase of 14% actually compares very favourably with the increase of only 7% recorded by the KCR in 1989 and 1990. Passenger growth is expected to be considerable with the development of Tin Shui Wai. The KCRC has invested \$1.1 billion in the LRT so far, with another \$1.4 billion being committed for the future. Given the long-term nature of investment in railway transportation, it is improper to assess the potential revenue on the basis of the operation of the LRT over just any one or two years. It does not stand to reason that a massive fare increase should be justified by the deficit which has been caused by a one-off massive investment. The international experience of railway investment is that most of the lines are running at a loss, require government subsidy, or in any case take quite a long time, say 30 to 40 years,

to make enough money to pay off the debts. The MTRC presently carries a debt of 17.6 billion, but this does not constitute pressure for an annual fare increase. As a matter of fact, the percentage of the annual fare increase by the MTRC has always been lower than the rate of inflation.

The Government has mentioned on various occasions its intention of privatizing the KCR and the LRT. In 1990, a secret agreement was reached by the Government and the KCRC which provides for the KCRC to make it its corporate target to strive for a profit return of 12% to 15% annually. I believe this agreement will pave the way for privatization because it resembles similar agreements signed by the franchised bus companies. The sound operation of the KCR and its low level of debt are big attractions for the private investors. That agreement, however, generates pressure for fare increase. It is for this reason that I personally wish that the Government would give thought to the cancellation of the agreement. From the overall perspective, particularly when we take a long-term view, both the KCR and the LRT are money making public services. The Government was able to draw a dividend of \$120 million last year from the KCR and the LRT. The United Democrats have always taken a cautious stance on the issue of privatization. We are opposed to the Government reducing its commitment to public service through privatization. Any change should be based on public interest and this includes fare adjustment, which should be regulated by an appropriate mechanism of criteria rules, and be pitched at a level lower than inflation. Meanwhile, public opinions should be represented at the policy making level of the organization concerned in order that the public interest is safeguarded. Thank you, Mr Deputy President.

10.45 pm

SECRETARY FOR TRANSPORT: Mr Deputy President, I welcome Members' comprehensive and helpful comments and suggestions on the LRT. The Government and the Corporation will take them fully into account in planning further improvements to the system. In response, and within the time constraint, I will focus on several major issues of concern and clarify some areas of misunderstanding.

The LRT has provided a modern mode of transport in Hong Kong. It blends the technology and comfort of electric railway with the convenience and easy accessibility of the tram. Its pollution-free service is ideally suited to the environment of the northwest New Territories. Its average reliability, measured in

terms of departures from termini, stands at 99%. Its average punctuality, measured in terms of arrivals at platforms is 98%.

Since the commissioning of the system in 1988, the daily patronage has grown from 180 000 to 262 000. This is expected to increase further to 300 000 in 1993. Its increasing popularity and existing platform constraints have brought some congestion, particularly along Yuen Long Main Road.

Measures are being taken to relieve congestion during the peak hours. A supplementary bus service has been extended to the Leung King area. Another route between Kin Sang and Ferry Pier was introduced in January. These provide an extra capacity for 1 000 passengers per hour. Five coupled light rail vehicles, each carrying 410 passengers, are deployed flexibly to meet demand. Platform assistants are available at busy platforms during the morning peak to speed up both boarding and alighting and to help improve passenger safety. Pedestrian crossings and staircases will be added to the Yuen Long-bound platforms of Tai Tong Road Stop and the Yuen Long and Tuen Mun-bound platforms of Hong Lok Road Stop before the end of this year. A study will be undertaken to see if the Tai Tong Road Stop southbound platform can be lengthened by 20 metres.

In addition, the Corporation has ordered 30 new vehicles at a cost of \$388 million for delivery from late this year. These will add 40% to the present capacity. Thirty-five additional ticket vending machines will soon be installed at busy platforms. The machines will have an improved design to shorten the ticket issuing time. Shelters will be extended at busy LRT stops and platforms and busy LRT bus stops by the end of this year.

The Corporation fully recognizes the importance of passenger comfort. \$21 million will be spent to upgrade air-conditioning in the 70 existing vehicles by next year. The 30 new vehicles, upon delivery, will all have greater cooling capacity. The Corporation is also considering deploying air-conditioned buses on all LRT feeder bus routes.

As regards Members' comments on LRT fares, the initial levels (an average fare of \$1.46) were set exceptionally low in 1988 to attract patronage. The current average fare is \$2.10 per trip. This can be translated into an average fare per passenger kilometre of \$0.39. This compares favourably with an average fare per passenger kilometre of \$0.48 to \$0.72 for air-conditioned buses provided by KMB, and

\$0.56 to \$0.69 for public light buses running between Tuen Mun and Yuen Long.

KCRC's autonomy to set fares is an essential factor conducive to its ability to borrow money for long-term service extensions and improvements. The Corporation has invested \$1.1 billion in the LRT. With the currently committed extensions and new vehicles the total investment amounts to \$2.5 billion. Any undue interference with the Corporation's financial autonomy to set fares is likely to affect adversely its credit ratings, increase borrowing costs and undermine its ability to operate and develop without government subsidy. In the end, the public will suffer.

Owing to its increasing popularity, the operating deficit of the LRT has improved from \$111 million in 1989 to about \$70 million in 1991. However, because of high upfront investments and to avoid unacceptably high fares, the KCRC does not expect to achieve a return on investments until the next decade. There has been a misconception that the LRT is being subsidized by domestic traffic along the KCR line. This is not correct. The LRT is being subsidized by other KCRC businesses, mainly by property development and freight traffic. Up to 1991 the LRT had received about \$370 million of operating subsidy. Profits from LRT property development along the LRT route amounting to \$700 million have also been ploughed back to finance capital investment projects.

As part of its corporate target the KCRC aims at achieving a rate of return of between 12% to 15% on net fixed assets in the long term. This rate is indicative not definitive. It is not legally binding on the Government or the Corporation and is subject to annual review. In 1991 the KCRC's rate of return on its net fixed assets was 8% for property income, and 9% after property income. The Corporation expects that excluding property income, the return on its net fixed assets will only be around 6% to 7% per annum in the next five years.

The various measures to relieve congestion which I have mentioned earlier also help to improve safety. In addition, various improvements have been introduced. Three sets of additional traffic signals have been installed at LRT junctions; five platforms have been widened; special signage, ridged blocks, railings and pedestrian crossings have been provided at the LRT's Tuen Mun Ferry Pier Terminal to direct pedestrians away from the tracks. A door buzzer to warn passengers of door movements has been introduced. Vehicle drivers are required to attend refresher courses on driving skills every six months.

There has been some concern, Mr Deputy President, about the safety of a two-minute headway of LRT routes along Yuen Long Main Road. I wish to point out that the LRT system has been designed to operate at a one-minute frequency. The United Kingdom Railway Inspector, having studied the congestion problems at the LRT platforms along Yuen Long Main Road, has not stipulated a two-minute headway as the safety limit. As I mentioned earlier, various measures are being implemented to relieve the congestion problem at these platforms. With additional pedestrian crossings and staircases provided at the stops along Yuen Long Main Road, the situation will improve.

Over the past three years the LRT's safety record has continued to improve. The number of accidents dropped from 33 in 1989 to 21 in 1991. In 1991, LRT ridership accounted for 3.7% of the total of all road-based public transport. However, of all the accidents involving road-based public transport only 0.6% was related to the LRT. This rate is the lowest among all road-based public transport operators.

The LRT has been designed with an open fare system where there are no gates or barriers at the stops. This is to facilitate speedier boarding and alighting. To deter fare evasions, six teams with a total of 32 passenger service assistants are deployed to carry out ticket inspections. A fine equivalent to 50 times the maximum single-ride ticket is imposed on anyone found travelling on the LRT without a valid ticket. With some 350 000 passengers inspected during January this year, the fare evasion rate was only 0.27%.

The KCRC is monitored at various levels; the chairman and all board directors are appointed by the Governor -- they are drawn from a cross section of the community. The KCRC Ordinance gives the Government statutory powers to regulate the Corporation's management and finance and to ensure railway safety. The KCRC's annual budget and forward plans are scrutinized by the Administration. Furthermore, the chairman and myself meet regularly to review performance and progress against policy objectives set for the Corporation. The Transport Advisory Committee is also kept informed and consulted on the broader aspects of railway services. And of course the performance of the Corporation is subject to monitoring by the OMELCO panel, district boards, interest groups and the media. For example, since commissioning, the LRT management have attended more than 40 meetings of the traffic and transport committees of the Tuen Mun and Yuen Long District Boards and 21 meetings of the Tuen Mun and Yuen Long monitoring committees on LRT services. Last November, the KCRC provided a timetable of LRT service improvement to the Tuen Mun District Board to

help monitor progress.

Effective communication with passengers and the community is essential. The Corporation has taken the initiative to form an LRT Passenger Liaison Group since the middle of last year. The group meets regularly. To enhance passenger information, the Corporation plans to add four passenger service centres to the current five by 1993, for selling tickets and receiving passenger enquiries. The circulation of their monthly newsletters has been increased from 10 000 to 20 000 since January last year. In addition to distribution through district offices and government departments the newsletters are also now widely distributed through schools, mutual aid committees and local organizations.

As a result of increased customer interactions, concrete improvements have been introduced. For example, increased supplementary bus services for the Leung King area, more platform assistants during the morning peak hours, new ticket vending machines with improved designs, more passenger service centres and better customer-oriented training.

There have been some calls to open up the Transit Service Area to other transport modes to offer some choices to commuters. Others have advised that we should proceed with great caution so as not to jeopardize the viability of the LRT system. I wish to point out that within the TSA the LRT already faces competition from public light buses, residential coaches and taxis. There are also external bus services connecting the TSA and the urban area. The LRT enjoys no more protection than a franchised bus service which would otherwise have been put in its place. Nevertheless, in response to various suggestions, the Corporation is now reviewing the arrangements in the TSA and their impact on the LRT system, and hopes to have some preliminary findings within the next few months.

Looking to the future, the LRT will remain the backbone of public transport in the northwest New Territories. Three regional extensions in Tuen Mun were put into service in November last year and early February. Completion of the new extensions increased the length of the system from 23 to 28 kilometres. Not only have they expanded the LRT network, they have also reduced travelling time and the need to transfer between different transport modes. The Tin Shui Wai link is under construction at a cost of \$150 million. Its commissioning early next year will add another 2.7 kilometres to the LRT System.

In the longer term, the possibility of building a railway linking the northwest New Territories to the urban areas is being considered as part of the Government's Railway Development Study now in progress. Its findings should be available early next year.

To conclude, since commissioning the LRT has carried a total of some 277 million passengers over 18 million kilometres up to the end of 1991. The Corporation has already established a good track record in delivering a safe, reliable and cost-effective service. It has recently advertised its core values of a customer-oriented service based on quality, productivity and effective communications with passengers and the community.

I am sure, Mr Deputy President, that the Corporation will continue to rise to the challenge of meeting the ever increasing customer demands and expectations in the future. Thank you.

Question on the adjournment proposed, put and agreed to.

Next Sitting

DEPUTY PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 4 March 1992.

Adjourned accordingly at Eleven o'clock.

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