

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 2 December 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 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, O.B.E., J.P.

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

DR THE HONOURABLE LEONG CHE-HUNG, O.B.E.

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE 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 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

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, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

DR THE HONOURABLE TANG SIU-TONG, J.P.

THE HONOURABLE CHRISTINE LOH KUNG-WAI

**ABSENT**

THE HONOURABLE ROGER LUK KOON-HOO

**IN ATTENDANCE**

MR DAVID ALAN CHALLONER NENDICK, C.B.E., J.P.  
SECRETARY FOR MONETARY AFFAIRS

MR EDWARD BARRIE WIGGHAM, C.B.E., J.P.  
SECRETARY FOR THE CIVIL SERVICE

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

THE HONOURABLE 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

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

MR JAMES SO YIU-CHO, O.B.E., J.P.  
SECRETARY FOR RECREATION AND CULTURE

MR ANTHONY GORDON EASON, J.P.  
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR CLETUS LAU KWOK-HONG

**Papers**

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

*Subject*

Subsidiary Legislation	<i>L.N. No.</i>
Boilers and Pressure Vessels (Amendment) Regulation 1992 .....	377/92
Business Registration (Amendment) (No. 2) Regulation 1992 .....	378/92
Employment Agency (Amendment) (No. 2) Regulation 1992 .....	379/92
Shipping and Port Control (Hong Kong – China and Macau Ferry Terminals) (Amendment) (No. 2) Regulation 1992.....	380/92
Housing Ordinance (Amendment of Schedule) Order 1992.....	381/92
Prevention of Bribery Ordinance (Amendment of Schedule) (No. 2) Order 1992 .....	382/92
Merchant Shipping (Prevention and Control of Pollution) (Specification of Substances) (Amendment) Order 1992 .....	388/92
Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 1992 .....	389/92
Practising Certificate (Barristers) (Amendment) Rules 1992.....	390/92
Business Registration (Amendment) Ordinance 1992 (79 of 1992) (Commencement) Notice 1992 .....	391/92
Electricity Ordinance (Cap. 406) (Commencement) (No. 2) Notice 1992.....	392/92
Electricity (Registration) Regulations (Cap. 406 Sub. Leg.) (Commencement) (No. 2) Notice 1992.....	393/92

Electricity Supply (Amendment) Regulations 1990 (L.N. 215 of 1990) (Commencement) Notice 1992 .....	394/92
Electricity Supply (Special Areas) (Amendment) Regulations 1990 (L.N. 216 of 1990) (Commencement) Notice 1992.....	395/92

### Sessional Papers 1992-93

- No. 29 — Grantham Scholarships Fund  
Income and Expenditure Account with Balance Sheet and  
Certificate of the Director of Audit  
for the year ended 31 August 1992
- No. 30 — Sir Edward Youde Memorial Fund  
Report of the Board of Trustees  
for the period 1 April 1991 to 31 March 1992
- No. 31 — Hong Kong Sports Institute  
Annual Report 1991-92
- No. 32 — Ocean Park Corporation  
Annual Report 1991-92

### Address by Member

#### **Ocean Park Corporation Annual Report 1991-92**

MR RONALD ARCULLI: Mr Deputy President, tabled before the Council is Ocean Park Corporation's Annual Report for 1991-92.

In the past financial year to 30 June 1992, Ocean Park (including Water World) hosted 2.5 million visitors. This represents a 6% increase over the previous year and is a record for the Park since it opened 15 years ago.

Total surplus for Ocean Park showed a 49% increase which amounted to \$68.5 million. The record increase was primarily a result of our investment portfolio which generated an increase in value of \$29.3 million, a higher figure than ever before, combined with a net operating surplus of \$39.2 million, which compares very favourably with last year's net operating surplus of \$40.6 million.

The excellent results were achieved as we successfully implemented the Corporation's policy of halting price increases and stabilizing admission fees since May of last year at HK\$140 for adults and \$70 for children. Additionally,

our policy of free admission for children (with a paying adult) and local residents aged 60 years or over, has proved very popular and has encouraged family visits. This year nearly 500 000 residents or 20% of our total visitors were admitted to the Park for free.

This pricing strategy is in accordance with the Park's Mission Statement, and reinforces the objective of providing a diverse range of activities at the most affordable prices.

Earlier this year, the Board of Directors approved an estimated investment of \$600 million for an extensive renovation and expansion programme over the next five years. This investment is necessary to meet the future leisure demands of both the local residents and Hong Kong tourists. It is also consistent with our attendance patterns which project an increase from the current base of 2.5 million to over 4 million by 1997.

This year we have opened a new Flamingo Pond and Japanese Garden, and have completely renovated our popular sealion exhibit, the Wave Cove, which features specially designed educational materials for our guests.

The most dynamic new addition was the Ocean Park Tower, which opened to the public in July this year. With a height of 72m, some 200m above sea level, the Tower is the tallest observation tower in Southeast Asia. Ocean Park Tower is not just a major new physical landmark, it is also the first milestone in the Park's five-year expansion programme.

In summary, this has been another successful year for Ocean Park. Our expansion programme is an ambitious programme that will add a host of new attractions and educational facilities during the next five years, to help maintain the Park's premier position among the region's theme parks.

## **Oral answers to questions**

### **Effects of electromagnetic fields on health**

1. MR LAU WONG-FAT asked (in Cantonese): *In view of the fact that in the New Territories overhead power lines with a transmission capacity as high as 400 Kilovolts extend over many residential areas, will the Government inform this Council:*

- (a) *whether the Administration is aware of the fact that two studies have been carried out in Sweden suggesting that the risk of cancer, particularly leukemia, is related to exposure to electromagnetic fields, and that these findings have prompted the Swedish government to consider whether new regulations are needed;*

- (b) *whether the Administration will approach the relevant authorities in Sweden to obtain information pertaining to these two studies for reference and as the basis for further action; and*
- (c) *whether similar studies will be conducted by the authorities in Hong Kong, to ascertain the effects of electromagnetic fields on health?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, the two studies carried out in Sweden suggested that exposure to electromagnetic fields generated by high voltage power lines might increase cancer incidence. However, there have been a number of other studies on the subject which have come to different conclusions. Furthermore, the International Radiation Protection Association also states that the relationship between cancer and electromagnetic field remains inconclusive. It has yet to be confirmed whether the Swedish government themselves are considering new regulations.

As regards part (b) of the question, I am advised that the Director of Electrical and Mechanical Services has obtained the reports of these two studies in response to a request from the Environmental Pollution Advisory Committee.

As regards part (c) of the question, apart from the two Swedish reports, we are aware that many leading authorities, such as the International Radiation Protection Association, the World Health Organization, the United Kingdom Radiological Protection Board and the United States Environmental Protection Agency have conducted studies. We intend to take reference from these authorities. We are also aware that the Environmental Pollution Advisory Committee will be examining this matter. No doubt, it will be giving its advice to the Secretary for Planning, Environment and Lands in due course.

MR LAU WONG-FAT (in Cantonese): *Mr Deputy President, the two studies conducted in Sweden have clearly shown that the higher leukemia incidence of children living near high voltage power lines and of people with occupational exposure is very much related to the degree of exposure to electromagnetic fields. Will the Administration inform this Council under what circumstances it will accept that the findings of these two studies are equally applicable to Hong Kong?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, for the benefit of those who have not read the reports — these are the two reports — One is on magnetic fields and the other is on occupational exposure. I should explain that the two controlled studies were to test the hypothesis that exposure to magnetic fields generated by high voltage power lines might increase cancer incidence. Whilst the results of the studies support such an association, they are by no means conclusive. I would like to quote from the report at page 20:



"The complex relationships between age at first exposure, cumulative exposure and age at diagnosis have to be further explored, as well as the possible interaction of electromagnetic fields with other factors."

As I said in my main reply, according to the International Radiation Protection Association, the relationship between cancer and electromagnetic fields remains a hypothesis to be further explored. We accept that these studies are not conclusive.

DEPUTY PRESIDENT: As I have 10 Members waiting to ask supplementaries I fear I may have to disappoint some Members, depending on the number of questions asked so far. But I would also ask Members to confine their supplementaries to single questions.

MR ALBERT CHAN (in Cantonese): *Mr Deputy President, as members of the Environmental Pollution Advisory Committee, we find that the information available is very inadequate for dealing with the problem. Given the special circumstance of Hong Kong in terms of size of the territory, will the Administration consider carrying out a study on the effects on human body, like the risk of cancer, in respect of exposure to electromagnetic fields generated by high voltage power lines?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, as I said in my main reply, we will take reference from some 60 authorities which are separately doing similar studies. So I think it would be much easier for us to start borrowing from the experience and expertise of other countries.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, it was mentioned in the report of the China Light and Power Company Limited that the cost for erecting overhead power lines was much lower than that of laying underground cables; how much saving could be achieved? According to the observation of the Administration, to what extent would these cheaper overhead power lines have an adverse effect on the general public and the environment as a whole?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, the knowledge that we have is that at different levels of induced current density the effects on health are as follows:

Between 1 and 10 milliamperes  
per sq m

minor biological effects have  
been reported

Between 10 and 100  
milliamperes per sq m

there are well established  
effects, including visual and  
nervous system effects

Between 100 and 1 000  
milliamperes per sq m

stimulation of excitable tissues  
is observed and there are  
possible health hazards

As far as electromagnetic fields are concerned, I think it is very important to recognize the scientific basis that all organisms carry to some degree endogenous electrical currents. I believe even within this Chamber, according to the study, the microphones that we use generate some 50/60 hertz, and they do induce certain electric currents inside our body. And I can sometimes feel the palpitation of the heart. Of course, for some of us, we are less electrified by microphones than perhaps by megaphones. (*Laughter*)

MRS MIRIAM LAU (in Cantonese): *Mr Deputy President, will the Administration inform this Council of the regional distribution of such overhead power lines and the approximate number of people living in areas near these power lines?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, I am sure my colleague, the Secretary for Planning, Environment and Lands, has taken note of the question and, since it is on land matters, I shall land the question on his lap.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I am grateful to my colleague for the question. But I am afraid that I do not have the sort of detail required to respond to that question at my fingertips, palpitated or otherwise. But I would be glad to try and provide it in writing. (Annex I)

DR TANG SIU-TONG (in Cantonese): *Mr Deputy President, apart from this report, is the Administration aware of other reports which can confirm that high voltage power lines are harmful to health? It is also mentioned in the third paragraph of the main reply that the Administration will request the World Health Organization for a copy of its report, when can that be obtained?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, we have already got the report. The criteria and guidelines as to the safety limits are as follows:

The electric field strength should not exceed 5 kv per metre, and

The magnetic flux density should not exceed 0.1 millitesla.

The Director of Health is reconfirming these statistics and these are the safety limits accepted by the World Health Organization. They are still enforced here.

DR LEONG CHE-HUNG: *Mr Deputy President, will the Secretary reconsider conducting studies in Hong Kong concerning electromagnetic effects and cancer? After all, we have a self-selected comparison population for a controlled study, with, as a potential hazard, a lot of overhead power lines in the New Territories but not so many on Hong Kong Island, and we might well give figures for other countries to take reference from.*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, I shall be very happy to take advice from our medical and scientific community.

MRS PEGGY LAM (in Cantonese): *Mr Deputy President, will the Administration inform this Council what sort of guidelines and control are provided for the erection of overhead high voltage power lines in terms of, for example, height, voltage and distance from residential areas? Will the Administration review the current guidelines and control so that the health of the public can be better protected?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, I think I have just answered that question along the lines that the criteria and guidelines as to the safety limits which have been accepted in Hong Kong are basically in two areas: one is that the electric field strength should not exceed 5 kv per metre, and secondly, that the magnetic flux density should not exceed 0.1 millitesla. As far as we are concerned, the Director of Health is monitoring the situation and is reconfirming that these are still the relevant criteria today.

DR SAMUEL WONG: *Mr Deputy President, although the relationship between cancer and electromagnetic fields remains inconclusive, will the Administration consider, as a precautionary measure, discouraging people from living under or near these high-tension cable lines?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, I do not see there is a cause for such discouragement. We do not intend to advise the public on this.

**Surrender of tenancies**

2. MR JAMES TO asked (in Cantonese): *According to section 18 of the Landlord and Tenant (Consolidation) Ordinance, a tenant may agree to surrender his tenancy. Such agreement should be made in a specified form and lodged with the Commissioner of Rating and Valuation for approval. The Commissioner may endorse the agreement if he is satisfied that the tenant has not been subject to any undue pressure or influence. Will the Government inform this Council:*

- (a) *how many agreements for surrender of tenancy have been received over the past three years;*
- (b) *how inquiries were made to ascertain whether the tenants had been subject to undue pressure or influence; and*
- (c) *in the corresponding period, how many complaint cases have been received in which tenants were subject to undue pressure or influence to surrender their tenancies and how these complaint cases were handled?*

SECRETARY FOR HOME AFFAIRS: Mr Deputy President,

- (a) Over the past three years 192 agreements to surrender tenancies under section 18 in Part I of the Landlord and Tenant (Consolidation) Ordinance have been received.
- (b) When the Commissioner receives an application for his endorsement of an agreement to surrender or terminate a tenancy in accordance with the aforementioned section, he sends a letter to the concerned tenant or sub-tenant inviting him to attend an interview. At the interview a Rent Officer explains the meaning and effect of the surrender provisions. He asks the tenant or sub-tenant whether he understands the effect of the agreement and whether he has been subject to any undue pressure or influence. The tenant or sub-tenant is also reminded that he need not move out of the premises if he does not wish to. If the Rent Officer has any doubts as to the particulars of the proposed agreement he will clarify them with the landlord. The tenant or sub-tenant is then invited to sign that he understands the effect of the agreement and that he has not been subject to any undue pressure or influence. The Commissioner will then endorse the agreement.
- (c) In the past three years the Commissioner has received only one complaint involving four sub-tenants who claimed that they were being forced to vacate their homes. The case has been investigated

by officers from the Rating and Valuation Department and is currently the subject of court action.

MR JAMES TO (in Cantonese): *Mr Deputy President, members of the public are very concerned about cases in which tenants are forced to give up their tenancies and vacate their premises after being harassed or intimidated. There is also wide media coverage of such incidents. Can the Administration inform this Council whether merely relying on the complaints received by the Rating and Valuation Department can adequately reflect the real situation? Also will the Administration conduct a comprehensive review on the re-possession procedures in order that the interests of tenants can be protected?*

SECRETARY FOR HOME AFFAIRS: Mr Deputy President, the Landlord and Tenant (Consolidation) Ordinance makes provision for the application of agreements to surrender tenancies. There are certain premises which are not subject to the provisions of this Ordinance. These are the post-war premises which were completed after 1981, and only tenants who fall within the provisions of this Ordinance are required to go through the procedure that I have described. Tenants of premises which fall outside the provisions of the Landlord and Tenant (Consolidation) Ordinance should seek protection from the police if they consider that they have been harassed by their landlords. An act which involves intimidation, damage or assault constitutes a criminal offence and if sufficient evidence is available the wrongdoer will be prosecuted.

MR MAN SAI-CHEONG (in Cantonese): *Mr Deputy President, when tenants report to the police that they are subject to undue pressure to vacate their premises, very often what are reported are only treated as general cases of tenancy disputes. So reporting to the police certainly cannot do much to help tenants who are being harassed. Can the Administration inform this Council whether consideration has been given to stepping up efforts to familiarize police officers with the relevant provisions or even to educate the public through the media so that they have a better understanding of this aspect of the law and are thus in a better position to protect their own interests?*

SECRETARY FOR HOME AFFAIRS: Mr Deputy President, as I have said in my reply to the last supplementary, if any tenants consider that they have been harassed by their landlords they should report the cases to the police. An act which constitutes a criminal offence will be prosecuted if substantiated.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, can tenants of domestic premises re-possessioned by the Lands Department pursuant to the Crown Lands Resumption Ordinance lodge complaints with the Rating and Valuation*

*Department when they are forced to vacate their premises? If not, which government department or independent organization can they complain to?*

DEPUTY PRESIDENT: That question has nothing to do with the main question or answer, Mr CHIM. It is out of order.

MRS PEGGY LAM (in Cantonese): *Mr Deputy President, many occupants and tenants of the old buildings in Wan Chai district are subject to intimidation with intent to force them out. Can the Administration inform this Council what effective measures it has at present to protect the personal safety of these tenants?*

SECRETARY FOR HOME AFFAIRS: Mr Deputy President, could I suggest that this question be referred to my colleague, the Secretary for Security, for an answer?

DEPUTY PRESIDENT: Secretary for Security, are you able to answer?

SECRETARY FOR SECURITY: Mr Deputy President, I think in such cases there may possibly be a number of criminal offences which might apply. They might include: blackmail, criminal intimidation, assault or criminal damage. Any report which is made to the police will of course be fully investigated.

MR WONG WAI-YIN (in Cantonese): *Mr Deputy President, in the case of landlords or tenants being intimidated, will the Rating and Valuation Department take the initiative of seeking the assistance of the police or alternatively referring the cases to the relevant authorities?*

DEPUTY PRESIDENT: Secretary — whichever is appropriate.

SECRETARY FOR HOME AFFAIRS: Mr Deputy President, if it arises from an application then of course the Rent Officer will investigate the case and he will try his utmost to establish the facts of the case. If he is of the opinion that intimidation or other criminal offences are indeed involved, then he will take the initiative of contacting the police.

MR FREDERICK FUNG (in Cantonese): *Mr Deputy President, first of all, may I cite two cases for the information of the Administration before I ask a supplementary arising from Mr James TO's question. Among the complaints*

*we are aware of, there were cases in which the landlords padlocked the iron gates so as to prevent the tenants and sub-tenants from returning home. Reports were subsequently made to the police but they were told that since the premises belonged to the landlords, it was proper for them to lock their own premises. Unable to return home, these tenants then sought assistance from the District Office and they were told that District Offices were not responsible for handling such cases. The question I would raise relates to part (b) of Mr TO's question, and that is, when tenants are subject to undue pressure or influence such as what is described above, whether the Administration should have certain powers to investigate such cases or whether a complaints department should be set up so that people will not have no redress?*

SECRETARY FOR HOME AFFAIRS: Mr Deputy President, there is no question that such cases will not be dealt with by a government department. I think in such cases the District Office staff will obviously involve themselves to try to establish the facts of the case. And as I have said, if it is suspected that there are improper actions involved, or if there is intimidation involved, we will either ourselves report the case to the police or advise those concerned to report it to the police.

DEPUTY PRESIDENT: Sorry, Mr FUNG, could you make it a short one?

MR FREDERICK FUNG (in Cantonese): *Mr Deputy President, I have just said that the two departments have been approached but to no avail. Now the Secretary advises us to consult them again. So I do not quite understand his answer.*

SECRETARY FOR HOME AFFAIRS: Mr Deputy President, I am sorry that I do not have the details of the cases that Mr FUNG referred to. But I would be most happy to investigate into the allegations that he has before him.

### **Performance pledges**

3. MR HUI YIN-FAT asked: *In the Governor's annual address to this Council on 7 October 1992, it was stated that, towards the objective of providing the community with better public services, all government departments providing services directly to the public would adopt performance pledges which would set out amongst other things their performance standards and provide for the right of appeal for dissatisfied clients. With regard to this, will the Government inform this Council of the following:*

- (a) *whether there is any plan to extend the programme to non-government public organizations such as MTRC and Hong Kong Housing Authority;*
- (b) *if so, when and how the plan will be carried out; and*
- (c) *if not, the reasons for it?*

CHIEF SECRETARY: We intend to extend the Performance Pledge Programme to statutory authorities which provide services directly to the public. The Mass Transit Railway Corporation is committed to its Customer Service Programme and already publishes performance on punctuality of trains, and reliability of tickets and escalators. We intend to discuss the programme with the Housing Authority early next year. Their pledges could include, for example, standards for housing allocation matters such as interviews within specific times on applications for housing; for processing tenancy matters such as requests for transfer; and for dealing with estate management matters such as cleansing, repair and maintenance. As Members will be aware, the Hospital Authority's business plan already sets target waiting times, which the Authority is meeting during this year, for treatment at all Accident and Emergency Departments and selected specialist clinics. As for the Urban and Regional Councils we are considering what pledges they might make in early 1993 and are discussing those with them. At that time we plan to discuss the programme also with the Kowloon Canton Railway Corporation, which is the other authority with a substantial interface with the public. We will then consider how the programme may be applied to other authorities.

MR HUI YIN-FAT: *Mr Deputy President, can the Administration inform this Council which government departments are to first adopt performance pledges, say, in the year 1993, and what the reasons are for their being chosen for the first round of this exercise?*

CHIEF SECRETARY: Mr Deputy President, we aim to have introduced performance pledges for all government departments which provide services directly to the public within about two years. Seven departments will publish their pledges before the end of 1992. They are:

Trade Department;  
Fire Services Department;  
Department of Health;  
Transport Department;  
Inland Revenue Department;  
Immigration Department; and  
The Royal Hong Kong Police Force.



The Trade Department and Fire Services Department have already published their pledges. Eight departments will publish their pledges around the first quarter of 1993. They are:

City and New Territories Administration;  
Post Office;  
Urban Services Department;  
Regional Services Department;  
Water Supplies Department;  
Rating & Valuation Department;  
The Treasury; and  
Marine Department.

Mr Deputy President, regarding the basis on which we make the choice as to which departments should be first to make their pledges, the broad principle is that those who have most contact with members of the public should be given a higher priority.

MR MARTIN BARROW: *Mr Deputy President, could the Chief Secretary confirm that the Urban and Regional Councils' pledges which he has referred to will include pledges to the business community in addition to the public? And, in particular, will they be looking at speeding up the cumbersome licensing procedures for the retail and restaurant trades?*

CHIEF SECRETARY: I will certainly take note of Mr BARROW's comments.

MR FRED LI (in Cantonese): *Mr Deputy President, will the Secretary advise this Council what role Members of this Council can play in relation to performance pledges made by statutory authorities or government departments, and whether Members can give comments on their performances?*

CHIEF SECRETARY: Mr Deputy President, we will certainly take account of any comments which the Legislative Council may make on the performance of the departments which have performance pledges. The performance pledges will be a matter, of course, of public record. We also intend, as Members may know, to set up user committees which will monitor those pledges. So there will be every opportunity for public scrutiny of the performance of the departments.

MR TIK CHI-YUEN (in Cantonese): *Mr Deputy President, the Mass Transit Railway and the Kowloon Canton Railway are mass carriers which are under the eye of the public. From the reply of the Administration, it seems that MTR*

*has already made their pledges. Why cannot KCR do so as yet, and what are the difficulties they could have?*

CHIEF SECRETARY: Mr Deputy President, I do not think they are experiencing any particular difficulties. They already have a programme of their own based around what they call a "Core Values Project" which was launched in 1991 to cultivate what they describe as a "Customer First Corporate Culture". Their core values are:

- To keep the customer first;
- To continue to improve;
- Respect and trust; and
- To communicate effectively.

Customer-first training was provided in KCRC to all the Corporation's 3 400 staff in the second half of 1992. KCRC also attaches great importance to passenger liaison groups to gauge customers' views on service. We understand that KCRC will be in a position to advise what might be included in their performance pledges in the first quarter of 1993 and to this end they will be conducting worldwide benchmarking exercises to measure itself against the best practice in operating functions elsewhere.

MR FREDERICK FUNG (in Cantonese): *Mr Deputy President, to Hong Kong people, publishing performance pledges of government departments as mentioned by the Secretary just now is a good thing and an improvement indeed. I presume it also represents the government's policy. Has the Administration considered writing these pledges out as express provisions such as standing instructions or by-laws for government departments to observe?*

CHIEF SECRETARY: Mr Deputy President, of course they will be made public and, as I have explained, they will be monitored by the user committees. Whether we should give them any form of formal endorsement, I will certainly look into.

MRS SELINA CHOW: *Mr Deputy President, will the Government tell this Council what will be done to inform the public as to the exact details of what standards they can expect and demand by way of performance pledges in each area of services the Government is providing?*

CHIEF SECRETARY: Mr Deputy President, the whole point of these pledges is that they will be made public and will be given publicity, so that the public themselves will be in a position, as I have explained, to see what standards the departments are setting and to see whether those standards are being met or not.

I also mentioned the user committees which will be another way in which the public, who will of course be participating in those user committees, can continue to monitor the performance of the government departments concerned.

MR LEE WING-TAT (in Cantonese): *Mr Deputy President, in the Administration's plan to introduce performance pledges as referred to in the Secretary's reply, has it included at the same time the establishment of user committees? Will the Administration inform this Council whether the public organizations mentioned in his reply will likewise set up user committees themselves? And are user committees empowered to hear public views and comments so that over time the performance of the relevant departments and organizations will further improve and standards be raised in the light of the comments made by the public?*

CHIEF SECRETARY: Yes, Mr Deputy President, it is our intention that user committees will be considered for each of the departments or authorities as and when the department or authority develops its performance pledges. The two are intended to go hand in hand to provide the service which Mr LEE requires.

MR LAU CHIN-SHEK (in Cantonese): *Mr Deputy President, before performance pledges are introduced, some departments have had no growth in the size of staff for years whereas their volume of work increases every year. For example, the staff of the Immigration Department deployed at the airport have seen no increase in the past four years whereas the number of tourists has risen at an annual rate of 10%. Now that performance pledges are adopted, the government departments concerned have to deploy some of their staff to investigate and respond to complaints from members of the public, thereby creating a greater pressure on manpower demand. Before introducing performance pledges, has the Administration considered consulting the staff and staff associations concerned on how these pledges should be introduced and has the staff side expressed any dissatisfaction so far?*

CHIEF SECRETARY: Mr Deputy President, I am grateful for the opportunity to clarify what is involved in terms of performance pledges. We are not, by introducing performance pledges, necessarily increasing at the same time the speed of service within the Government. What we are doing is setting standards against which we can be judged in the various departments. It does not mean therefore that we necessarily need to have, at the time we introduce performance pledges, an increase in staff. As to the reaction of the staff, we have found a great deal of enthusiasm in the departments and I think they have realized and understood that the performance pledge programme will improve relationships with the public and as relationships improve so their work will become easier, and to that extent the staff are certainly welcoming the idea of performance pledges. Certainly there are some who are saying that they are

concerned about the pressure that it might put upon them, but I think we can only see how this works out over the coming year and monitor it very carefully.

MISS EMILY LAU (in Cantonese): *Mr Deputy President, in his reply the Secretary spelt out the performance pledges of the Hospital Authority which included, among other things, setting target waiting times for treatment. Could the Administration inform us whether this is the only way to measure the standards of service provided to patients at hospitals? I believe the Secretary is aware of the large number of complaints from the public against public hospitals and clinics. If the waiting times is not the only means to judge standards, are there any other methods which might be used for measuring the standards?*

CHIEF SECRETARY: Mr Deputy President, I certainly agree with Miss LAU that of course that is not the only way by which standards are judged. I mentioned those two because those are the early pledges which are being given by the Hospital Authority this year. I know that they are in the process of working up their business plan and to introduce other performance pledges in the coming year, and I will certainly convey Miss LAU's view, which I share, to the Chief Executive of the Hospital Authority.

#### **Absence of senior staff of the Legal Aid Department on 30 October 1992**

4. DR LAM KUI-CHUN asked: *Will the Government inform this Council of:*

- (a) the total number of directorate staff, that is, of or above the rank of Assistant Principal Legal Aid Counsel, in the Legal Aid Department;*
- (b) of the above staff, the number of those who were not on duty on the afternoon of 30 October 1992;*
- (c) the reasons for these officers not being on duty on that afternoon and their whereabouts; and*
- (d) the Department's policy and regulations in approving applications for leave made by its staff?*

SECRETARY FOR THE CIVIL SERVICE: Mr Deputy President, on 30 October 1992 there were 13 directorate staff, including the Director, in the Legal Aid Department. All 13 were on leave on the afternoon of 30 October. Two of the officers were taking part in "Trailwalker 92" organized by Oxfam

Hong Kong; the remaining 11 visited Macau to attend a farewell gathering for the outgoing Director of Legal Aid.

The Legal Aid Department, like all other departments, is required to comply with Civil Service Regulations in relation to the grant of leave. The relevant regulation states that leave, other than sick leave and maternity leave, is granted subject to the exigencies of the service. While officers should be encouraged to take their earned leave, the necessity to maintain an even supply of officers for duty must be the first consideration. It is clear that this regulation was not complied with on this occasion.

The attention of the Director was drawn to this breach of Civil Service Regulations, and he was asked to ensure that proper regard is paid to them in future. I have been assured that this will be done.

DR LAM KUI-CHUN: *Mr Deputy President, how seriously was the work of the Legal Aid Department affected by the simultaneous absence of 100% of the senior staff? And if work was not affected, does it indicate that the said department has an enormous surplus of senior staff?*

SECRETARY FOR THE CIVIL SERVICE: Mr Deputy President, the first point raised by the questioner was something which I looked into on first receipt of the report of the absence of the directorate. I was assured that the normal operations of the department were not affected that afternoon. The department, as it happens, operates by a series of prearranged appointments. In any case, even on that afternoon, I understand that 24 cases were dealt with by prearranged appointments and in addition there were 13 what are referred to as "walk in" cases which were, as normal, dealt with by Registry staff or the Applications and Processing Divisions. I do not believe that I can draw the same conclusion as the questioner as far as the second point is concerned.

MR GILBERT LEUNG (in Cantonese): *Mr Deputy President, has the Administration issued similar directive or warning to other departments so as to prevent any repeat of the incident of staff taking leave en masse?*

SECRETARY FOR THE CIVIL SERVICE: As I said in my main reply, Mr Deputy President, there is an existing Civil Service Regulation which makes the position very clear and it was that regulation that I drew the outgoing Director's attention to. In my three years as Secretary for the Civil Service, I have not, with regard to the 70 or so departments and agencies, come across any other case comparable to this one.

MR WONG WAI-YIN (in Cantonese): *Mr Deputy President, in the Secretary's reply, he said he had drawn the attention of the Director of Legal Aid to the said regulations. I am sure that they, being the directorate staff, should be well aware of these regulations but still there were 13 staff on leave en masse. Will the Secretary inform this Council what measures there are to prevent similar cases from happening again?*

SECRETARY FOR THE CIVIL SERVICE: I think, Mr Deputy President, that I have just replied to the main thrust of the particular question. The regulations already exist and all staff are completely aware of those regulations. I think it is important not to get this out of perspective. I have already referred to the absence of similar cases amongst all the other departments in my own experience. I think, without being able to put myself completely in the mind of the outgoing Director, he must have considered there were special circumstances at the time to lead to his own particular decision. I am not by any means condoning that; I do agree that this reflects badly on the Director at that time. He left the department, however, the following week.

MRS SELINA CHOW: *Mr Deputy President, in the reply the Secretary said that the Director's attention was drawn to this breach. Was there nothing else a little more severe that the Secretary could have done apart from just drawing the Director's attention to this regulation, given the seriousness of his actions?*

SECRETARY FOR THE CIVIL SERVICE: I did indeed regard the lapse of judgment on the part of the outgoing Director as a serious matter and, as I said, immediately drew his attention to it. I also took the unusual step of ensuring that my displeasure was fully reported in the media. But, as I mentioned at the end of my last answer, the Director was at the end of his 16 years with the department, he was saying farewell to his staff, and he left the department the following week.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr Deputy President, with regard to the absence of all the directorate staff of the Legal Aid Department which is in breach of the Civil Service Regulations, will the Administration inform this Council whether these directorate staff have been subject to any administrative disciplinary actions and whether they have been asked to make an open apology to show that they are accountable to the public?*

SECRETARY FOR THE CIVIL SERVICE: I must say, Mr Deputy President, that each of the individuals concerned took leave in the normal way and applied properly and was given proper permission. The responsibility for ensuring that the department was properly manned lay quite correctly with the individual at the top of the management, that is, the outgoing Director.

MR ERIC LI (in Cantonese): *Mr Deputy President, the Legal Aid official in question, apart from being an administrative officer, is also a person familiar with the law. Will the Administration not agree that the breach is a more serious one since he has good knowledge of the law?*

SECRETARY FOR THE CIVIL SERVICE: Mr Deputy President, I feel that as a result of their lapse of judgment collectively, they felt the full effect of public opinion. I did not see it necessary to take the matter any further.

MR HOWARD YOUNG: *Mr Deputy President, 30 October was a Friday. Can I be informed whether the following Saturday morning was a working session for all or some of the directorate staff, and whether this saga resulted in everyone having a swan over in Macau for the whole weekend and therefore paralysing the department on the following Saturday morning as well?*

SECRETARY FOR THE CIVIL SERVICE: No, Mr Deputy President, the absence was for the Friday afternoon only. The department operated, as all other departments do, with sufficient staff to keep their public services going that Saturday morning.

Perhaps, since this is the last supplementary, I would like to make an additional comment because, as I said earlier, I would not wish this to be taken too much out of proportion. Perhaps I could let Members into a secret. When I was in a previous incarnation in the special job of Secretary (General Duties), I had a small team of about 20 or so. This was the time when there had not yet been established in Hong Kong the Joint Liaison Group Office. Therefore all the work for preparing for Joint Liaison Group meetings fell on my small team. This meant that all my staff were working till midnight regularly over an extended period. After a particularly heavy Joint Liaison Group meeting, therefore, I took it on myself, in a lull period after the meeting, to leave behind a skeleton staff in the office and to take my staff off for a picnic in Sai Kung on a Friday afternoon to show appreciation for all the extra work they had done. I realize, Mr Deputy President, that I had perhaps exceeded my authority at that time but I felt the special circumstances justified my action.

### **Old age pension scheme**

5. MR JIMMY MCGREGOR asked: *With a view to improving the welfare of the elderly people, will the Government conduct a detailed study on the introduction of an old age pension scheme which is non means tested and applicable to all Hong Kong permanent residents aged 65 and above, with funds provided from statutory contributions of all workers and employers? If so, what is the target date for the study to be completed and the findings to be presented to this Council?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, in his policy address, the Governor said that, "Hong Kong is not a welfare state, but we are a society that cares deeply about the state of welfare". Because we are so, our social security system provides different types of payments and allowances for the elderly. Let me spell out what these are.

First, the Higher Old Age Allowance of \$470 a month is payable to persons aged 70 and above. This is non-contributory and non-means-tested. Currently, 92% of those eligible are receiving this Allowance.

Secondly, the Normal Old Age Allowance is payable to those aged between 65 to 69. This Allowance was extended to this age group by phases starting from 1988, and this process was completed last year. A single elderly person in this age group is now eligible for this non-contributory allowance subject to a simple declaration that his monthly income and assets do not exceed \$2,600 and \$111,000 respectively. For an elderly couple, their monthly income and assets should not exceed \$3,900 and \$166,000 respectively. The take up rate of this allowance is now 60%.

As for those who require public assistance, there is the Public Assistance Scheme which will be revamped next year. On 1 July 1993, we will introduce a new Comprehensive Social Security Assistance Scheme to replace the existing Public Assistance Scheme. The new Scheme embraces different "standard" rates which meet the general needs of broad categories of clients and a range of "special subsidies" which meet the personal needs of individual clients. Under the new Scheme, everyone will be better off. For instance, an elderly person aged 60 now receives a basic rate plus supplements making a total of \$1,620 a month, but he will receive \$1,800 a month under the new Scheme. An elderly couple both aged 60 now receive \$2,790 a month, but they will receive \$3,090 under the new Scheme.

Of course, time does not stand still and we will not stop here. As stated in the Governor's address, we will be updating the various targets in social welfare regularly to ensure that they match the changing needs and circumstances of the various groups of clients. The types of allowances mentioned earlier are no exception, and indeed they will be adjusted annually to cover inflation.

In the meantime, and more importantly, additional to our social security system, the Government is now consulting the public on proposals for a retirement protection system based on statutory contributions from employers and workers, but with room for voluntary contributions from self-employed persons. This exercise is under the purview of my colleague, the Secretary for Education and Manpower, who informed this Council this year that he was now consulting the public on the retirement protection system and looking forward to receiving public views and comments on this most important aspect. The target date of introducing such a contributory pension scheme would, of course, be subject to public comments in this direction.



MR JIMMY MCGREGOR: *Mr Deputy President, since Hong Kong is very far from being a welfare state and public assistance by any name is a charity and the proposed statutory retirement protection scheme will take many years before benefits are distributed and in any case will not help several hundred thousand old people, can the Government consolidate several of the basic old age allowances now granted widely to Hong Kong's aged people, since this would provide a payment of at least \$1,500 per month as of right and not on the basis of a means test?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, for any society, there are always different options. For Hong Kong, our option is this: that the existing social security system provides a safety net for those who are needy, for those who are in financial need, and separately — as a subject of consultation now — the Government is proposing an employment related system which will benefit those persons in the community who are in the workforce or who have been in the workforce. So in Hong Kong we will have, if the proposed employment related scheme is accepted, two parallel schemes. One is needs-based, which is social security, and the other is employment-based. So we have parallel schemes. These are the options for Hong Kong. It may not be the only option and, I am sure Members' comments in response to the consultation paper submitted by the Secretary for Education and Manpower will be useful.

DR LEONG CHE-HUNG: *Mr Deputy President, is the Government aware of a detailed study carried out in 1991 on this particular subject by the Social Security Society and that the study suggested that a contributory scheme is feasible? Can the Secretary comment on this particular study?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, all schemes are feasible but may not be preferable. I think it was analysed in depth by the experts on a Subcommittee and it was certainly an option which could have been considered in the light of other options. But, for the purpose of the White Paper, which again was widely debated and warmly welcomed at the time of publication, the Government did decide that the current course of action was the preferred course of action.

MR FRED LI (in Cantonese): *Mr Deputy President, though Hong Kong is far from being a welfare state, there is still a need to provide old age allowances and public assistance to the elderly. Can the Secretary advise this Council whether old age pensions are provided in Hong Kong as in many other welfare states? Are the public assistance and old age allowances we have in Hong Kong comparable, in terms of benefits, to old age pensions provided in other countries?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, I hesitate to compare Hong Kong with any other place. Even in Southeast Asia we all have our different tax systems, we all have our different social structure. For example, I am informed that out of 14 countries in Europe, which includes Scandinavia, only two have a universal pension; another four, all in Scandinavia, have joint schemes, that is to say, both a universal pension and an employment related retirement protection system. So whilst it is true to say that a number of governments do contribute to retirement protection schemes, it must be pointed out at the same time that in many cases the government's own contribution is restricted to meeting the scheme's deficit or paying for the cost of administration, whereas in Hong Kong's social security system, the estimated expenditure for 1992-93 on normal old age allowance is \$560 million and that on higher old age allowance is \$1,580 million. In the context of our very low tax rates, I think we have something to be very proud of. Apart from this expenditure, let us also consider the other types of expenditure, like housing — half of our population are in public housing, and medical — where on earth can one get medical facilities that we offer to Hong Kong people at \$43 a day, which include all sorts of examinations? Mr Deputy President, I take the opportunity of saying that I am very proud of the social security system in Hong Kong.

MR FREDERICK FUNG (in Cantonese): *Mr Deputy President, I thank the Secretary for giving so much details on how best a system we have. But normally we strive for the better if we are able to do so and have the opportunity. We understand that the Administration is considering a compulsory retirement protection scheme, and in her reply to Dr LEONG Che-hung's question, the Secretary mentioned that she could not accept the tripartite contributory scheme proposed by the Social Security Society on the ground that the option had been analysed and studied in depth by experts and considered not feasible. Since I think that the option in question is a better protection system, and as the Secretary has said that the system was feasible, is it possible to provide us with the details of the analysis and study so that we may know why the proposal cannot be accepted?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, the arguments for and against a social security scheme of a different type have been very clearly laid out in the White Paper. If the Honourable Frederick FUNG has read the Social Welfare White Paper, he will have been aware of the rationale behind the maintenance of our current social security scheme. That does not mean that there are no other alternative options to the tripartite contributory scheme which is promulgated by the Secretary for Education and Manpower and which is the subject of consultation at the moment.

DR YEUNG SUM (in Cantonese): *Mr Deputy President, I am surprised by the complacency of the Secretary with the present social security system. According to the figures provided by the Secretary just now, the basic*

*subsistence allowance for an elderly is only \$1,620 a month. In the light of the present living standard, such an amount is certainly not something to be proud of. I regret to see that the Secretary who is the responsible official in this area should feel so pleased. As compared to the GDP of Hong Kong, an elderly person is only given \$1,620 a month to cover meals and daily expenses. Other expenses like that of accommodation, clothing and transportation are not included. Yet the Secretary is already very satisfied with that and I am so shocked. I would like to point out just one thing, and that is, our social security system merely focuses on eliminating "absolute poverty" whereas in western and developed nations, their social security systems have evolved to the stage of "relative deprivation", and that is, "relative poverty". Up to now, what Hong Kong is doing is just eliminating absolute poverty, which obviously is conservative. As countries like Japan, Singapore, Taiwan and Korea already have very well-established social security systems, can the Secretary inform us whether such systems did have any adverse effects on the productivity of these countries?*

DEPUTY PRESIDENT: I am sorry, Dr YEUNG Sum. What was the question at the end of the statement?

DR YEUNG SUM: *Mr Deputy President, the question is: usually the Government has the assumption that, if it spends more on welfare, then it will lower the rate of productivity and that will affect the performance of the economy; I take the example of Korea, Taiwan, Singapore and Japan all of which spend a lot of money on improving the quality of life and on welfare; does this affect their economic performance?*

DEPUTY PRESIDENT: I do not think that is a question that this Secretary can answer; it is not a matter within government responsibility, Dr YEUNG Sum.

DR YEUNG SUM: *Mr Deputy President, can I phrase it another way?*

DEPUTY PRESIDENT: Yes.

DR YEUNG SUM: *By improving the quality of life of the welfare recipient, will the Administration think that it will affect our economy, in terms of productivity?*

SECRETARY FOR HEALTH AND WELFARE: First of all, Mr Deputy President, I am very grateful to Dr YEUNG Sum for his erudite exposition of the philosophy of social security. I stand rebuked for my statement that I am

proud of what we have achieved so far. But I never said that I was complacent, neither did I ever imply that I was satisfied. I do not think I ever used the word "satisfied". I said: generally speaking, we are proud of something which we have achieved so far. I stand by that statement, Mr Deputy President, but I do appreciate the comment by Dr YEUNG Sum.

There are no absolutes. I think in all societies there are different needs, different perspectives, different priorities. In Hong Kong, I do not myself for one moment think that the more you give people the less productive you become. Far from so. I am a supporter of the principle that it is the general public's responsibility to meet the needs of those who are in need. But we are now having differences of judgment relating to the level of payment. What is the level? I will use a Chinese saying:

"It may have different levels according to different needs."

It is that philosophy which we are following. We are paying social security in accordance with the needs philosophy, that is to say, the more you want, the more you are in need, the more we give you. This is the Hong Kong system and I stand by that system.

### **Dangerous goods anchorages**

6. MR ALBERT CHAN asked (in Cantonese): *In view of the explosion of a vehicle laden with cylinders containing liquefied petroleum gas in Tuen Mun on 30 September 1992 which has alerted the public to the hazards posed by having dangerous goods located in their vicinity, will the Government inform this Council:*

- (a) *whether the Government will review the existing locations of dangerous goods anchorages in the territory and relocate those that are close to residential areas; and*
- (b) *what is the contingency plan for evacuating affected residents in case of accidents at dangerous goods anchorages located near residential areas?*

SECRETARY FOR SECURITY: Mr Deputy President, there are currently seven Dangerous Goods Anchorages (DGAs) designated in Hong Kong waters. None of them are close to residential areas except the Tsuen Wan DGA. A consultancy study on hazard assessment for the Tsuen Wan DGA is being undertaken by the Director of Marine, and is expected to be completed by July 1993. Possible relocation of this DGA would be considered only when that consultancy study is completed.

We do not have a contingency plan for evacuating areas close to DGAs, as we do not consider this is necessary. There have not been any accidents involving dangerous goods in the Tsuen Wan DGA. The risks associated with the anchorage are considered to be insignificant. The only dangerous products allowed to be contained in vessels berthed there are certain types of fuel oil. This type of dangerous goods is of low inherent danger and there is negligible explosion risk. Potentially explosive or highly inflammable substances are required to be handled at more remote and isolated anchorages. Furthermore, dangerous goods are only permitted to be held in vessels berthed there; no handling or transfer of the goods from one vessel to another is permitted at the anchorage. We believe that the separation distance between vessels containing dangerous goods and residential blocks is entirely adequate in terms of safety.

MR ALBERT CHAN (in Cantonese): *Mr Deputy President, these anchorages, including the Tsuen Wan DGA, have been in existence for 10 to 20 years. But the Administration has not commissioned any consultancy study on hazard assessment until now. Does this indicate negligence on the part of the Government over the last decade or two? Moreover, in the reply the Administration asserts that the separation distance between vessels containing dangerous goods and residential blocks is entirely adequate in terms of safety. Is the Administration aware that more than 100 such vessels may be moored in the Tsuen Wan harbour during typhoons and that the nearest distance from residential blocks could be tens of metres only? Does the Administration consider this really far enough?*

SECRETARY FOR SECURITY: Mr Deputy President, the answer to the first question is no. I believe that we have always considered that the separation distance is, as I said, entirely adequate in terms of safety. But I understand that following a particular request from Members of this Council, the Director of Marine agreed to have the hazard reassessed and that is the reason for the present study. It does not mean that we, in any way, lack confidence in our previous judgment that there is no significant hazard at this anchorage.

As regards the second question, I can only repeat that we do not believe that, given the type of goods and the controls that exist in this anchorage, there is any significant risk to the residential areas close by.

MR MAN SAI-CHEONG (in Cantonese): *Mr Deputy President, according to the Secretary's reply, there is no need for a review because these DGAs are very far away from residential blocks. There are in fact some onshore LPG depots, such as the one adjacent to the Eastern District Temporary Housing Area off Heng Fa Chuen, which are less than 100 feet from residential areas. Does the Administration have any plan to conduct a comprehensive review on the storage of inflammable and highly explosive goods in the immediate vicinity of*

*residential areas and to introduce legislative amendments to this Council in order to protect the safety of the public?*

DEPUTY PRESIDENT: We are talking about a different category of dangerous goods, Mr MAN Sai-cheong.

MR MAN SAI-CHEONG: *Mr Deputy President, I am trying to draw an analogy because this is very relevant to the question about the explosion which happened in Tuen Mun.*

DEPUTY PRESIDENT: Do you have the information for that question, Secretary?

SECRETARY FOR SECURITY: Mr Deputy President, perhaps I could just make one point which is that it is precisely because the Tsuen Wan Dangerous Goods Anchorage does not contain the rather more volatile dangerous goods such as LPG or kerosene that we do consider that it is safe and that the separation distance from the residential areas is adequate. I am afraid that I do not have any details available about the Heng Fa Chuen LPG Depot, but I will try to answer that question in writing. (Annex II)

REV FUNG CHI-WOOD (in Cantonese): *Mr Deputy President, does the Administration intend to draft any legislation providing for the standards of dangerous goods anchorages similar to those prescribed for dangerous goods depots? If not, why not?*

SECRETARY FOR SECURITY: Mr Deputy President, there exists legislation already; the locations of dangerous goods anchorages are controlled under the Shipping and Port Control Ordinance, and vessels moored at dangerous goods anchorages are controlled under the Dangerous Goods Shipping Regulations. I believe that the Director of Marine keeps these under regular review and we do have a Dangerous Goods Committee which advises the Director of Marine and the Government generally on all aspects of safety relating to dangerous goods.

MR JAMES TO (in Cantonese): *Mr Deputy President, the Secretary has mentioned in his reply that potentially explosive or highly inflammable substances are required to be handled at more remote and isolated anchorages. Would the Secretary inform this Council how the Administration is going to monitor that this is fully complied with; and whether there were cases in breach of this in the past?*

SECRETARY FOR SECURITY: Mr Deputy President, on the question of monitoring, the activities of all vessels in dangerous goods areas are monitored by the Marine Department. They do this by regular inspections and spot checks to ensure that all the provisions of the Dangerous Goods Shipping Regulations and the Shipping and Port Control Regulations which concern safety of dangerous goods anchorages are fully complied with.

I do not have any information relating to any previous incidents in dangerous goods anchorages, apart from the Tuen Mun Dangerous Goods Anchorage. But I am certainly not aware that in recent years there has been any significant incidents in any of these anchorages.

MR JAMES TO (in Cantonese): *Mr Deputy President, would the Secretary provide a reply in writing to confirm whether there were cases in breach of this in the past?*

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

MR LEE WING-TAT (in Cantonese): *Mr Deputy President, in the second paragraph of his reply, the Secretary mentions that this type of dangerous goods is of low inherent danger and there is negligible explosion risk. There have been however a number of similar incidents in recent years, such as the spills at oil depots on Tsing Yi in 1986 and 1989, explosions in Tuen Mun and the Sha Tin Water Treatment Works this year, and the problems that appeared now and then with the oil depots on Tsing Yi. Will the Secretary inform this Council, in the light of these incidents, why he still holds to his view that the risks in dangerous goods anchorages are very low? Will he reconsider the views given in these few years by members of the community, that is, would the Administration consider formulating an evacuation plan which is in operation in many advanced countries?*

SECRETARY FOR SECURITY: Mr Deputy President, I think the incidents referred to concern dangerous goods which are different in type from the dangerous goods stored in the Tsuen Wan DGA, and the point that I was trying to make in my main answer was that fuel oil, which is stored in the Tsuen Wan DGA, is far less volatile a substance than other dangerous goods such as LPG or kerosene, which have given rise to problems elsewhere. As I have also said in my main answer, we do not consider that any evacuation plan for the Tsuen Wan DGA is necessary, which is not to say that in relation to other dangerous goods areas we do not have any evacuation plans. We do, for example, have an evacuation plan relating to parts of Tsing Yi Island where there is residential development relatively close to certain fuel depots.

**Written answers to questions****Communication facilities in country parks**

7. MRS PEGGY LAM asked (in Chinese): *As country parks are situated in remote places lacking communication facilities, members of the public visiting the parks are often unable to secure help quickly from departments concerned when accidents such as injuries and robberies occur. In this connection, will the Government inform this Council whether communication facilities for emergency purpose are at present available for use by visitors to country parks throughout the territory; if so, please specify the types and number of facilities available; and if not, what measures are in hand to help members of the public to overcome communication problem in case of emergencies?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the Agriculture and Fisheries Department has 25 management centres and 20 Park Warden posts located at strategic locations in the country parks where the public can seek assistance in case of emergency. Park Wardens and the police routinely patrolling country parks will also assist. During Sundays and public holidays, 40 members of the Civil Aid Services are regularly on patrol along the popular hiking trails in six country parks, and seven teams of Auxiliary Medical Services personnel with three ambulances and four motorcycle ambulances are stationed in country parks to help provide more emergency services.

In addition to the services referred to above, 31 emergency helplines, linked to the 999 Police Command Control Centre and the nearest police stations, as well as 10 public pay phones, are installed at popular recreation sites in or near country parks. These can be used to seek assistance or report crime. More such facilities will be installed at suitable locations as part of the Agriculture and Fisheries Department on-going work to improve the situation further.

**Traffic black spots**

8. MRS MIRIAM LAU asked: *Will the Administration inform this Council of:*

- (a) *the number and the locations of traffic black spots in Hong Kong; and*
- (b) *the measures adopted by the Administration to minimize the occurrence of traffic accidents at these traffic black spots?*



SECRETARY FOR TRANSPORT: Mr Deputy President,

- (a) There are currently 146 locations in the territory which are regarded as problem areas as far as traffic accidents are concerned. They are identified in the attached annex.
- (b) These locations are subject to detailed examination by traffic engineers, including an analysis of the reasons why the accidents occur. Remedial measures are then implemented as far as possible, including, for example, the installation of pedestrian railings, traffic lights, crash barriers and traffic signs. Where necessary, changes to the road configuration and lane markings are also considered.

The police are informed of the specific locations and the reasons why accidents are occurring. They then target their road safety and law enforcement efforts accordingly.

Annex

Traffic Accident Locations: Hong Kong Island

<i>Street</i>	<i>Junction/Location</i>
Hennessy Road	Percival Street
Connaught Road West	Water Street
King's Road	Power Street
Des Voeux Road Central	Pedder Street
Canal Road East	Hennessy Road
Des Voeux Road West	Sutherland Street
Hill Road	Queen's Road West
Tai Tam Road	Shek O Road
Catchick Street	Smithfield
Des Voeux Road Central	Pottinger Street
Lockhart Road	O'Brien Road
Tin Lok Lane	Wan Chai Road

Number on Hong Kong Island: 12

Traffic Accident Locations: East Kowloon

<i>Street</i>	<i>Junction/Location</i>
Kwun Tong Road	Hong Ning Road
Hip Wo Street	Yuet Wah Street
Clear Water Bay Road	New Clear Water Bay Road
Clear Water Bay Road	Hiram's Highway
Kai Cheung Road	Kai Fuk Road

<i>Street</i>	<i>Junction/Location</i>
Choi Hung Road	Shatin Pass Road
Lung Cheung Road	Choi Hung Estate
Hoi Yuen Road	Kwun Tong Road
Prince Edward Road East	Choi Hung Road
Wang Chiu Road	Kai Cheung Road
Hip Wo Street	Wan Hon Street
Lung Cheung Road	Po Kong Village Road
Kwun Tong Road	Choi Wan Road
Lung Cheung Road	Tin Ma Court
Lung Cheung Road	Ping Shek Estate
Ngau Tau Kok Road	Horse Shoe Lane
Sau Mau Ping Road	Hiu Kwong Street
Wai Yip Street	Shun Yip Street
Ngau Tau Kok Road	On Shin Road
Fei Fung Street	Sheung Fung Street
Lin Tak Road	Hing Tin Estate

Number in East Kowloon: 21

Traffic Accident Locations: West Kowloon

<i>Street</i>	<i>Junction/Location</i>
Nathan Road	Waterloo Road
Jordan Road	Nathan Road
Argyle Street	Nathan Road
Mong Kok Road	Nathan Road
Cheung Sha Wan Road	Tonkin Street
Austin Road	Nathan Road
Cheung Sha Wan Road	Yen Chow Street
Chatham Road North	Wuhu Street
Cheung Sha Wan Road	Nam Cheong Street
Argyle Street	Sai Yeung Choi Street South
Argyle Street	Tin Kwong Road
Austin Road	Chatham Road South
Gascoigne Road	Nathan Road
Lung Cheung Road	Tai Po Road
Nathan Road	Dundas Street
Shanghai Street	Nelson Street
Argyle Street	Reclamation Street
Argyle Street	Shanghai Street
Cheung Sha Wan Road	Hing Wah Street
Ferry Street	Waterloo Road

<i>Street</i>	<i>Junction/Location</i>
Austin Avenue	Austin Road
Jordan Road	Shanghai Street
Lai Chi Kok Road	Tonkin Street
Argyle Street	Sai Yee Street
Hong Chong Road	Hong Kong Polytechnic
Mong Kok Road	Shanghai Street
Tong Mi Road	Argyle Street
Chatham Road South	Cheong Wan Road
Cheung Sha Wan Road	Tai Nan West Street
Hong Tai Path	Hong Chong Road
Kowloon City Road	Ma Tau Kok Road
Nathan Road	Shantung Street
Nga Tsin Wai Road	Lion Rock Road
Prince Edward Road West	Waterloo Road
Shantung Street	Sai Yee Street
Tai Po Road	Nam Cheong Street
Waterloo Road	Shanghai Street
Airport Tunnel	East Kowloon Way
Argyle Street	Tung Choi Street
Argyle Street	Waterloo Road
Chi Kiang Street	To Kwa Wan Road
Ferry Street	Jordan Road
Jordan Road	Cox's Road
Ma Tau Wai Road	Lok Shan Road
Mong Kok Road	Tong Mi Road
Nam Cheong Street	Lai Chi Kok Road
Nam Cheong Street	Un Chau Street
Nathan Road	Public Square Street
Princess Margaret Road	Chi Man Street
Un Chau Street	Pratas Street
Waterloo Road	Wylie Road
Argyle Street	Lomond Road
Argyle Street	Princess Margaret Road
Austin Road	Canton Road
Castle Peak Road	Chung Shan Terrace
Chatham Road South	Observatory Road
Chatham Road South	Salisbury Road
Ching Cheung Road	Castle Peak Road
Dundas Street	Sai Yeung Choi Street South
Junction Road	Waterloo Road
Kansu Street	Shanghai Street
Lai Chi Kok Road	Prince Edward Road West
Man Ming Lane	Shanghai Street
Nathan Road	Haiphong Road

<i>Street</i>	<i>Junction/Location</i>
Pui Ching Road	Waterloo Road
Rutland Quadrant	Waterloo Road
Boundary Street	La Salle Road
Chatham Road South	Granville Road
Cheung Sha Wan Road	Wong Chuk Street
Dundas Street	Fa Yuen Street
Ferry Street	Shantung Street
Fuk Wing Street	Yen Chow Street
Gascoigne Road	Jordan Road
Hong Chong Road	Salisbury Road
Ivy Street	Tai Kok Tsui Road
Jordan Road	Parkes Street
Junction Road	Prince Edward Road West
Lai Chi Kok Road	Fat Tseung Street
Lai Chi Kok Road	Kweilin Street
Lai Chi Kok Road	Maple Street
Nam Cheong Street	Yu Chau Street
Princess Margaret Road	Pui Ching Road
Princess Margaret Road	Wylie Road
Salisbury Road	Nathan Road
To Kwa Wan Road	Lok Shan Road
Canton Road	Peking Road
Fa Yuen Street	Argyle Street
Fuk Lo Tsun Road	Nga Tsin Wai Road
Hok Yuen Street	Ma Tau Wai Road
Junction Road	Nga Tsin Wai Road
Ma Tau Wai Road	Wing Kwong Street
Mong Kok Road	Tung Choi Street
Nam Cheong Street	Fuk Wing Street
Nathan Road	Humphreys Avenue
Portland Street	Prince Edward Road West
Reclamation Street	Shantung Street
Wuhu Street	Marsh Street
Chung Wui Street	Tai Kok Tsui Road
Kimberley Road	Nathan Road
Nam Cheong Street	Woh Chai Street
Nga Tsin Wai Road	Nam Kok Road
Pak Tai Street	Ma Tau Kok Road
Pau Chung Street	Sheung Heung Road
Shanghai Street	Ning Po Street
Tak Man Street	Man Tai Street
Market Street	Shanghai Street
Sai Yeung Choi Street South	Soy Street

Number in West Kowloon: 107

## Traffic Accident Locations: New Territories

<i>Street</i>	<i>Junction/Location</i>
Nam Wan Road	Tai Po Tai Wo Road
Castle Peak Road Sun Hui	Tuen Mun Road
Sha Tsui Road	Tai Ho Road
Lung Mun Road	Wu Shan Road
Yuen Long On Ning Road	On Shun Street
Chuen Lung Street	Sha Tsui Road

Number in the New Territories: 6

**Air quality at transport interchanges**

9. MR STEVEN POON asked: *In view of the fact that millions of passengers utilize the China Ferry Terminal each year and that its ground level is a transport interchange, will the Government inform this Council:*

- (a) *whether there is a set of standards to measure the quality of air in such transport interchanges; if so, what these standards are; if not, whether there is any plan to introduce a set of standards applicable to such cases;*
- (b) *whether the air quality of that transport interchange is of an acceptable standard and, if not, whether there is any plan to improve the situation; and*
- (c) *what measures will be taken to ensure that the ventilation of future transport interchanges is of an acceptable quality?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President,

- (a) There are no specific standards for measuring the air quality in transport interchanges, but there are Air Quality Objectives for the assessment of air quality generally in Hong Kong (a copy of the Objectives is attached). These Objectives are established by the Secretary for Planning, Environment and Lands under Section 7 of the Air Pollution Control Ordinance (APCO). The standards in the Objectives vary to reflect the fact that tolerance will clearly depend on the extent of exposure to the air pollutants listed. Tolerable exposure times vary from one hour to one year. Since exposure times inside a transport interchange are generally likely to be less than one hour, the Objectives are probably not relevant.

- (b) As air quality at the China Ferry Terminal has not been measured, an accurate assessment is not possible and only subjective conclusions can be drawn. Given the confined nature of the interchange, air quality is likely to be regarded as unsatisfactory during periods of heavy use by vehicles. The Environmental Protection Department (EPD) is aware that air quality may become poor in such transport interchanges and plans to conduct measurements to formulate air quality standards for them, commencing in the middle of next year. The need for improvements can be considered after this has been done.
- (c) As indicated in (b), any steps necessary to ensure that ventilation in future transport interchanges is acceptable will depend partly on the outcome of the measurement work referred to. After the assessment EPD may need to prepare Practice Notes to assist designers and operators of such facilities to meet any new standards established. Professional institutions and other government departments will be consulted in the preparation of any Practice Notes required.

#### Hong Kong Air Quality Objectives

##### *Concentration in micrograms per cubic metre (i)*

<i>Pollutant</i>	<i>Averaging time</i>					<i>Health effects of pollutant at elevated ambient levels</i>
	<i>1 hour (ii)</i>	<i>8 hours (iii)</i>	<i>24 hours (iii)</i>	<i>3 months (iv)</i>	<i>1 year (iv)</i>	
Sulphur dioxide	800		350		80	Respiratory illness; reduced lung function; morbidity and mortality rates increase at higher levels.
Total suspended particulates			260		80	Respirable fraction has effects on health.
Respirable (v) suspended particulates			180		55	Respiratory illness; reduced lung function; cancer risk for certain particles; morbidity and mortality rates increase at higher levels.
Nitrogen dioxide	300		150		80	Respiratory irritation; increased susceptibility to respiratory infection; lung development impairment.
Carbon monoxide	30 000	10 000				Impairment of co-ordination; deleterious to pregnant women and those with heart and circulatory conditions.

*Concentration in micrograms per cubic metre (i)*

<i>Pollutant</i>	<i>Averaging time</i>					<i>Health effects of pollutant at elevated ambient levels</i>
	<i>1 hour (ii)</i>	<i>8 hours (iii)</i>	<i>24 hours (iii)</i>	<i>3 months (iv)</i>	<i>1 year (iv)</i>	
Photochemical oxidants (as ozone) (vi)	240					Eye irritation; cough; reduced athletic performance; possible chromosome damage.
Lead				1.5		Affects cell and body processes; likely neuropsychological effects, particularly in children; likely effects on rates of incidence of heart attacks, strokes and hypertension.

- (i) Measured at 298°K (25°C) and 101.325 kPa (one atmosphere).
- (ii) Not to be exceeded more than three times per year.
- (iii) Not to be exceeded more than once per year.
- (iv) Arithmetic means.
- (v) Respirable suspended particulates means suspended particles in air with a nominal aerodynamic diameter of 10 micrometres and smaller.
- (vi) Photochemical oxidants are determined by measurement of ozone only.

### **United Kingdom-Hong Kong Joint Funding Scheme**

10. MR CHEUNG MAN-KWONG (in Chinese): *Since the approach of 1997 warrants a review of the United Kingdom-Hong Kong Joint Funding Scheme, under which grants are made available to Hong Kong students attending full-time first degree or higher diploma courses in the United Kingdom, will the Government inform this Council of the following:*

- (a) *the numbers of Hong Kong students attending the above courses in the United Kingdom and those provided with grants each year since the inception of the Scheme; the amount of grants and loans provided each year; and whether the processing methods and procedures of the above Scheme are different from those of the Local Student Finance Scheme;*
- (b) *the proportion of students attending the above courses in the United Kingdom in relation to those attending similar courses abroad (including the United Kingdom) as well as their actual numbers in the past three years; and*
- (c) *whether local students attending similar courses in other countries are receiving the same financial assistance or similar grants as those studying in the United Kingdom; if not, whether the Government*

*will consider extending the scope of assistance to cover all eligible students pursuing their studies abroad, so as to encourage local students to study in different countries and to enable their academic development to attain international standard?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the numbers of Hong Kong students attending first degree and sub-degree courses in the United Kingdom since 1983-84, together with the numbers provided with grants and loans from the United Kingdom-Hong Kong Joint Funding Scheme (JFS) and the amounts of such assistance, are shown at Annex A.

Both the JFS and the Local Student Finance Scheme (LSFS) are meanstested schemes. The maximum levels of financial assistance under the two schemes are, however, determined on a different basis. The methods of calculating the amounts of grants and loans payable also differ, and are summarized at Annex B. Applications under the two schemes are otherwise processed in a broadly similar manner. All students are required to provide in their annual applications detailed information and documentary evidence on their family circumstances.

The numbers and proportion of students attending first degree and sub-degree courses in the United Kingdom and the three other most popular countries for Hong Kong students in the last three years are shown at Annex C.

The JFS is the only scheme which is financed by the Hong Kong Government jointly with another government to provide financial assistance to needy Hong Kong students studying overseas. The Hong Kong Government has no plans to introduce new schemes or extend the scope of the existing one.

Annex A

Numbers of Hong Kong students on first degree  
and sub-degree courses in the United Kingdom  
and of those receiving assistance from the  
UK/HK Government Joint Funding Scheme

	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92
No. of HK students on first-degree and sub-degree courses in the UK	5 130	5 030	5 050	5 100	5 200	5 400	5 300	5 300*	5 300*
No. of HK students provided with financial assistance from the JFS	1 221	1 349	1 246	1 350	1 479	1 597	1 634	1 717	1 797



	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92
Amount of grant paid	HK\$25.30M	38.00M	29.46M	44.25M	50.41M	58.49M	52.92M	51.51M	59.49M
Amount of loan paid	HK\$ 0.39M	0.52M	0.65M	0	1.30M	11.39M	16.69M	20.67M	29.02M

\* Estimates only

Annex B

Comparison of the UK/HK Joint Funding Scheme (JFS)  
and the Local Student Finance Scheme (LSFS)

	JFS	LSFS
A. Maximum financial assistance	The difference between overseas fees paid by Hong Kong students and the notional home fees charged by United Kingdom institutions.	Max grant — actual tuition fees and academic expenses  Max loan — students' living expenses
B. Calculation of annual disposable income (ADI)	Income of all family members (100% of parents' and 30% of other members') and part of their assets  <u>less</u>  housing expenses  school fees  medical expenses  applicant's expenses in the United Kingdom  <u>divided by</u>  the number of family members	Only income of core family members i.e. parents and unmarried siblings living with the household (100% of parents' and 30% of other members')  <u>less</u>  housing expenses  school fees  medical expenses  <u>divided by</u>  the number of core family members
C. Calculation of grant	The total financial assistance payable is first determined by deducting the annual disposable income from the maximum financial assistance ((A)-(B)). Where the total demand of all eligible applicants exceeds the £4.4M of annual contribution from the United Kingdom and Hong Kong Governments, the sum of grants will be apportioned among all students, pro-rata of their entitlements.	Grant payable = Max grant - 60% of ADI*
D. Calculation of loan	Any shortfall will be met in the form of loans funded by the Hong Kong Government.	Loan payable = Max loan - 40% of ADI*

\* A six-band income disregard system is applied in the calculations to protect the low income group.

Number of Hong Kong students attending  
full-time first degree and sub-degree courses,  
in UK, USA, Canada and Australia

<i>Year</i>	<i>United Kingdom</i>	<i>United States</i>	<i>Canada</i>	<i>Australia</i>	<i>Total</i>
1989-90	5 300 (25%)	8 140 (39%)	5 200 (25%)	2 200 (11%)	20 840 (100%)
1990-91	5 300 (23%)	9 160 (39%)	5 900 (25%)	3 100 (13%)	23 460 (100%)
1991-92	5 300 (21%)	8 710 (35%)	6 450 (26%)	4 350 (18%)	24 810 (100%)

Sources: United Kingdom — Department for Education (Figures for 1990-91 and 1991-92 are estimates only as the Department's international student statistics are updated only every two years.)

United States — Institute of International Education

Canada — Canadian Bureau for International Education

Australia — Department for Employment, Education and Training

### **Governor's Business Council**

11. MISS EMILY LAU asked (in Chinese): *In his address to this Council on 7 October 1992, the Governor stressed that the Governor's Business Council would put at the top of its agenda the development of a comprehensive competition policy for Hong Kong as it is our "best defence against inflation". However, members of the Governor's Business Council are themselves directors or senior executives of consortia which are extremely influential in our market system. Will the Government inform this Council by what means the Government is to ensure that the said Council will develop an effective, fair and comprehensive competition policy and that in the formulation of policy there will not be any conflict of interests?*

SECRETARY FOR TRADE AND INDUSTRY: Mr Deputy President, members of the Governor's Business Council are prominent businessmen whose business interests are well-known to the Government. Thus the views offered by individual members on competition can be seen in perspective, and any conflict of interest can be taken into account in the policy formulation process. In addition, I wish to assure Members, once again, that the views of other relevant organizations such as the Consumer Council will also be sought and taken into account.

**Customer deposits with authorized institutions**

12. MR ROGER LUK asked: *At present, over half of customer deposits with authorized institutions are denominated in foreign currencies, and thus monthly deposit statistics in terms of the Hong Kong dollar are affected by valuation arising from the fluctuation of exchange rates of foreign currencies against the Hong Kong dollar. Will the Administration advise this Council whether there is any plan to collect information on such valuation effects from authorized institutions on a monthly basis and, if so, when such information will become available?*

SECRETARY FOR MONETARY AFFAIRS: There is presently no plan to collect information to determine valuation effects on statistics on deposits.

Of total customer deposits, about 46% are in Hong Kong dollars and 24% in United States dollars. Given the stable United States dollar exchange rate under the linked exchange rate system, there is thus little valuation effect in respect of 70% of deposits with authorized institutions. While the balance of some 30% is susceptible to valuation effects, depending on the volatility of exchange rates, it is not clear that the benefit of having such additional information would currently justify the additional cost of reporting and collating the data. We will however keep the matter under review in the light of future developments.

**Unlicensed food establishments**

13. MR CHIM PUI-CHUNG asked (in Chinese): *Will the Government inform this Council:*

- (a) *whether it has in hand any information concerning the operation of unlicensed food establishments; if so:*
  - (i) *what the total number of such unlicensed establishments is and, of these, how many have never applied for licences and how many applications are still being examined;*
  - (ii) *of those applications still under examination, how many have taken a longer processing time than normally required and what excess in processing time there has been on the average; and*
  - (iii) *the number of prosecutions brought against unlicensed food establishments since the beginning of this year;*

- (b) *whether it is aware if the authorities have plans to review their existing licensing policy for food establishments and to co-ordinate efforts of the Departments concerned, so as to reduce the time required for issuing such licenses?*

SECRETARY FOR HEALTH AND WELFARE: The authority for licensing of food establishments rests with Urban Council and Regional Council.

On the specific questions asked, I am advised that:

- (a)(i) Within the Urban Council area, there are 1 388 unlicensed food establishments. Of these, applications from 987 are being processed. The remaining 401 have never applied for a licence.

Within the Regional Council area, there are 523 unlicensed food establishments. Of these, applications from 439 are being processed. The remaining 84 have never applied for a licence.

- (a)(ii) The time required for processing licence applications varies, depending on the extent and readiness of the applicants' compliance with statutory requirements. Each application is examined on its own merits. It would, therefore, not be appropriate to compare the time required for processing one application with that for another.
- (a)(iii) Since the beginning of this year, a total of 6 416 prosecutions have been brought against unlicensed food establishments: 3 534 in the Urban Council area and 2 882 in the Regional Council area.
- (b) Both Urban Council and Regional Council regularly review their procedures. Licensing conferences at the working level are held with relevant departments to examine outstanding cases to expedite processing. In addition, both Urban Services Department and Regional Services Department have recently set up a senior inter-departmental working group to review and, where possible, streamline the licensing procedures.

### **Consumer Council's monitoring role in the property market**

14. MR FREDERICK FUNG asked (in Chinese): *Will the Government inform this Council what role the Consumer Council plays in regulating the sale and purchase of private properties on the market?*

SECRETARY FOR TRADE AND INDUSTRY: Mr Deputy President, under the Consumer Council Ordinance (Cap. 216), the Consumer Council has no statutory powers to regulate the sale and purchase of private properties on the market.

However, in the course of carrying out its statutory function of protecting and promoting the interests of consumers, the Council monitors the sale and purchase of private properties in the following ways:

- (a) collecting and disseminating information: the Council's 16 Consumer Advice Centres throughout the territory answer queries and organize talks on purchase of properties. Last March, the Council issued a revised edition of "置業安居" (the Consumer Council's publication on home purchase which does not have an English title) which is available for sale in bookstores. The Council is currently examining the question of liability of defects in new buildings;
- (b) handling complaints: the Council handles complaints from consumers relating to estate agents and properties. Its work in this area led to the public censure of three developers and their sales agents by the Council in March 1992;
- (c) advising the Government: the Council from time to time tenders advice to relevant government offices on how to better regulate the property market. Examples include proper disclosure of pre-sale information on uncompleted buildings, arrangements for public sale of large developments and regulation of estate agents. It has also commented on the Sale and Purchase Agreement currently being reviewed jointly by the Law Society and the Government and made proposals to the Government and relevant trade bodies on the need for full disclosure of layout plans before sale; and
- (d) encouraging trade bodies to establish codes of practice: the Council has actively promoted the establishment of a code of practice by estate agent representative organizations. It has also played a key role in urging the Law Society to require mandatory separate legal representation in the conveyancing of completed units.

### **Occupational therapists**

15. DR HUANG CHEN-YA asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the number of posts and the vacancy position of occupational therapists in public medical institutions as at 1 November 1992;*

- (b) *of the forecast on the demand for occupational therapists in these institutions in the next five years; and*
- (c) *of the plans that these institutions have in mind for creating relevant posts to meet the staffing needs in the coming five years?*

SECRETARY FOR HEALTH AND WELFARE: As at 1 November 1992, a total of 217 occupational therapists are working in public medical institutions:

<i>Department/Agency</i>	<i>No. of Posts</i>	<i>Strength</i>	<i>Vacancy</i>
Hospital Authority	213*	213	0
Department of Health	4	4	0

- \* Under the new funding arrangements, Hospital Authority is not restricted to a fixed establishment ceiling and may exercise flexibility to deploy resources in the light of prevailing service requirement.

Hospital Authority will require about 40 additional occupational therapists each year in the next five years to cope with manpower requirements arising from the introduction of new services and wastage. Department of Health has also requirement for additional occupational therapists to fill vacancies arising from wastage. Furthermore, employment opportunities for occupational therapists exist both in aided special schools and in welfare institutions. Posts will be created as necessary in the light of service requirements.

### **Consultancy fees for new airport projects**

16. MR TAM YIU-CHUNG asked (in Chinese): *Will the Government inform this Council how the level of consultancy fees for the new airport projects is determined; whether any objective criteria are used for determining the scale of such fees; if so, what these criteria are; and what measure have been taken to prevent such criteria from being abused?*

SECRETARY FOR WORKS: Mr Deputy President,

#### *A. Consultancies for New Airport Projects let by Government*

1. Prior to June 1991, engineering and associated consultants were selected largely on the basis of their technical capability. Fees were negotiated with the most technically competent consultant, based on a percentage scale applied to the cost of the construction works.

2. The Government introduced a new system in June 1991 to provide an element of fee competition in the selection process, aimed as far as possible at basing the remuneration of consultants on a fixed lump sum fee, independent of the cost of the works. The way in which consultants are currently selected and appointed is set out in the paper on "Selection of Engineering Consultants for Hong Kong Government Projects" presented to the Legislative Council ad hoc group on the financing of the Airport Core Programme (Legislative Council ad hoc group) in April 1992.
3. Since June 1991, shortlisted engineering and associated consultants have been required to submit separate Technical Proposals and Fee Proposals in bidding for any particular consultancy project. The Technical Proposals are opened by the project department, and an assessment of the technical competence of the consultants is made according to a marking system previously approved by the Engineering and Associated Consultants Selection Board (EACSB). The marking system is made known to the consultants shortlisted for the consultancy submissions or proposals. Once this has been done, the Fee Proposals contained in sealed envelopes are opened by the Chairman and Secretary of the EACSB. An overall assessment of the consultants' combined Technical and Fee Proposals is then made, based on pre-determined weighting (also known to the consultants) of technical competence against fee proposals as follows:
  - (a) for complex multi-disciplinary consultancies that require special emphasis on technical input — 80% technical and 20% fee;
  - (b) for less complex feasibility studies and investigation stage consultancies, and for design and construction consultancies of above average complexity — 70% technical and 30% fee; and
  - (c) for technically straightforward design and construction consultancies — 60% technical and 40% fee.

The level of fees is thus in effect decided by competitive bidding once the technical acceptance has been obtained.

In special cases, for example due to extreme urgency, the need for unique technical know-how or the small scale of the assignment, a single consultant is approached. In such cases the fees and conditions of appointment are determined by negotiation, subject to approval by the EACSB.

4. The above procedures apply to the selection of engineering and associated consultants for all government projects after June 1991 including its Airport Core Programme (ACP) projects.
5. A list of the government ACP consultancies and their award prices will be circulated to the Legislative Council ad hoc group very shortly in response to an earlier request from the group.

*B. Consultancies let by Provisional Airport Authority (PAA) and Mass Transit Railway Corporation (MTRC)*

There is no substantial difference between the Government, PAA and MTRC in the procedural framework and criteria for the selection of consultants, although there are differences in working details, to suit the different administrative structure. Details on the PAA and MTRC systems were circulated to the Legislative Council ad hoc group in April 1992. Furthermore, a note showing a comparison of the systems of Government, PAA and MTRC was circulated to the group in July 1992.

Basically the system adopted by PAA and MTRC is consistent with the new system adopted by the Government after June 1991, with separate assessments on technical and fee proposals.

*C. Measures to prevent the criteria for determining the fees from being abused*

The consultancies for all new airport projects let by the Government, PAA and MTRC are approved by the EACSB, the PAA Board or the MTRC Board respectively.

The EACSB is chaired by Director of Civil Engineering and comprises representatives from Finance Branch, Works Branch and the project departments. The PAA Board and MTRC Boards consist of ex-officio members as well as members appointed from the community. The composition of these Boards helps to ensure that fair and reasonable assessments are always carried out. Furthermore, all appointments are made by the relevant Board based on pre-determined selection criteria, which are well documented. To date, there has been no evidence to indicate that the criteria for determining the fees were abused.

**Legal status of political organizations in Hong Kong**

17. DR LEONG CHE-HUNG asked: *Will the Administration inform this Council when legislation will be introduced to provide proper legal status for political organizations in Hong Kong, and for related ancillary matters such as donations to these organizations?*



SECRETARY FOR CONSTITUTIONAL AFFAIRS: Under current arrangements, political organizations in Hong Kong are either registered under the Companies Ordinance (Cap. 32) or notified under the Societies Ordinance (Cap. 151). In addition, the Summary Offences Ordinance (Cap. 228) regulates any applications, from political organizations or any other bodies, to raise fund for a non-charitable purpose in confined public places.

The Administration do not see the need, and therefore have no plans to introduce specific legislation to deal with the legal status of political organizations and ancillary matters. The need for such legislation elsewhere stems from considerations which are not applicable to Hong Kong's present stage of political development. For example, registration of political parties would be needed for a system of proportional representation under which voting is by reference to party lists, or for public subsidies for political parties. These factors do not at present apply in Hong Kong.

### **Procedures for holding public processions**

18. MR LEE WING-TAT asked (in Chinese): *In view of the public's complaints on the excessive details required when applying for a licence to hold a public procession and when notifying the intention to hold a public meeting which has on occasions required the applicants to attend police stations to further elaborate on the information given, will the Government inform this Council:*

- (a) *how the existing procedures have been publicized to ensure that the general public have a clear understanding of them; and*
- (b) *whether the Administration will consider simplifying the existing procedures and forms to facilitate the general public?*

SECRETARY FOR SECURITY: Mr Deputy President, information leaflets on "How to apply for a licence to hold a public procession or to notify the police of a public meeting" are available to the public at District Offices, police stations and the Police Licensing Office. Copies are attached for Members' information. Members of the public may also approach officers at police stations, or the Police Licensing Office to make enquiries.

As with other forms and procedures, we have kept those for public assemblies under review to ensure that they are as user-friendly as possible. At present, we are reviewing Part III of the Public Order Ordinance (Cap 245) which concerns the regulation of public meetings, processions and gatherings. I expect that procedures for such events will be simplified as a result of this review.

## HOW TO APPLY FOR A LICENCE TO HOLD A PUBLIC PROCESSION OR TO NOTIFY THE POLICE OF A PUBLIC MEETING

Anyone can hold a public meeting or public procession in Hong Kong so long as it is held in a safe and orderly manner and without excessively inconveniencing other members of the public. To ensure safe and orderly conditions, a system of licensing has been set up by law. Under the system, anyone planning to hold a public procession must apply in advance, while the Commissioner of Police must be notified of the intention to hold a public meeting. This leaflet is designed to help you understand the procedures. (Please also see "Permission for use of Venues").

### *Notification of a public meeting*

A written notice of the intention to hold a public meeting must be delivered in person by the organizer or by someone on his behalf to the Duty Officer in any police station, but preferably at the one covering the location of the meeting.

The notice should be delivered at least seven working days in advance (excluding Sundays and public holidays, the day the delivery is made, and the day of the meeting).

The notice must contain the information specified in section 8(2) of the Public Order Ordinance, which includes time, place and plans for the meeting and particulars of the organizer's identity and address.

The meeting may go ahead once it has been properly notified, unless the Commissioner prohibits it.

The conditions contained in the Public Order (Public Meetings) (General Conditions) Order apply to every public meeting. The Commissioner may apply further conditions, and if so, the organizer will be notified.

### *Application for a licence to hold a public procession*

An application form (Pol 84(s)) is available at the Licensing Office and can also be obtained from any police station. Application may be by letter provided it contains all the information requested in the form.

It would be helpful if a map could be attached with the route marked on it.

The application should be submitted at least seven days in advance (excluding the day the application is received and the day of the procession, but including Sundays and general holidays).

The application may be sent by post or submitted in person either to the Licensing Office or a police station, preferably the one covering the area where the procession will begin.

The licensee must be present throughout and should have the licence with him. It is the licensee's responsibility to ensure that any licence conditions are fully complied with.

### *The law*

The Hong Kong law under which licensing is carried out is the Public Order Ordinance, Chapter 245. If you wish to read it, you can find a copy in the reference section of any of the main public libraries. Copies of the Ordinance are also on sale at the Government Publications Centre, GPO Building, Ground Floor, Central District.

### *Petitions*

No licence, permit or other authorization is needed for someone to present a petition as such, but if a petition is to be presented in the course of a public meeting or procession, then the procedures above will apply.

### *Processing the application*

The Licensing Office deals with applications as quickly as possible. Among the items covered in the application form are:

- What is the meeting or procession about?
- How many people are expected to turn up?
- In the case of a procession, what route is planned?
- Will loudspeakers be used?

If you have any questions to ask about these or any other matters when filling in the form, the Licensing Office will explain the requirements as fully as possible. The Office may also suggest variations to the proposals — like, for example, changing the route of a procession so as to avoid heavy traffic, or changing the date of a meeting so as to avoid coinciding with a major sporting event.

At this stage the Office may also need to see specimens of any posters, banners or advertising material, so it is as well to have these specimens available in good time.

A meeting may be prohibited or a licence for a procession refused if it has been advertised before it has been notified or licensed.

### *Conditions*

If the application is approved, the Licensing Office will point out to you the conditions imposed on the licence for a public procession, and regulations governing the holding of a public meeting, and will give you a copy of these conditions. They will include:

- A stipulation that you, as licensee, are present yourself when the procession takes place and that you accept responsibility for maintaining good order.
- A limitation, if necessary, on the power of sound amplification devices so as to avoid the volume of sound from the meeting place affecting other public areas surrounding it.
- A ban on the burning of flags and similar emblems.
- A provision that you, as licensee, see that any litter is cleared up afterwards.

### *Designated public areas*

When planning to hold a public meeting you should consider that 18 places have been approved as designated public areas for the purposes of holding meetings or public processions, meaning that they are especially suitable for this purpose from the point of view of both the application and the authorities. The places are:

#### *Hong Kong*

- Band Stand Area in Victoria Park
- Three hard-surface mini-soccer pitches (Nos. 3, 4 & 7) in Victoria Park
- The Hong Kong Stadium

#### *Kowloon*

- Hard-surface mini-soccer pitch in Kowloon Park
- Hard-surface mini-soccer pitches (Nos. 1 & 2) in Kowloon Tsai Park
- Open Air Theatre in Morse Park

*New Territories*

- The open space in front of Pak Tai Temple, Cheung Chau
- Shek Wu Hui Playground
- Luen Wo Hui Playground
- Fanling Recreation Ground
- Ta Kwu Ling Playground
- Tai Po Playground
- Tsuen Wan Town Hall Garden
- Wo Yi Hop Road Sports Ground, Tsuen Wan
- Kwai Chung Sports Ground
- Yuen Long Stadium
- Sheung Tsuen Park, Yuen Long
- Cheung Ching Estate Playground, Tsing Yi (under the control of the Housing Department)

*Refusal of a licence*

The police do have the power to refuse an application (though in practice this happens very rarely); if they do so, they will usually tell the applicant the reasons. There is a right of appeal to the Governor against a refusal, and also against conditions imposed by the licence granted.

*Issuing the licence*

If time permits the licence will be sent by registered post; otherwise you will be contacted and asked to collect it at the Licensing Office. The onus is on you to have the licence in your possession before the procession commences. There is no fee for the licence.

Licensing Office,  
Royal Hong Kong Police Force,  
Police Headquarters,  
Arsenal Street,  
Wan Chai,  
Hong Kong  
Tel: 860 2525

*Permission for use of venues*

The notification to police of a public meeting does not excuse the organizer from any requirement to obtain permission from the appropriate authority for the use of a venue. Many parks, pleasure grounds and playgrounds, including all the designated public areas, are under the control of the Urban or Regional Council; many others are controlled by the Housing Department on behalf of the Housing Authority. Applicants for permission to use such venues should be submitted, preferably two weeks in advance, to:

- (a) the appropriate District Office (Recreation, Amenities and Sports) Urban Services Department;
- (b) Director of Regional Services (Attention: Chief Amenities Officer (Operations)), Swire and Maclaine House, Fourth Floor, 19-23 Austin Avenue, Kowloon; or
- (c) the Housing Manager in charge of the estate in which the proposed venue is located.

### **Legislative protection for the media**

19. MR ERIC LI asked: *Is the Government satisfied that the existing laws sufficiently protect the media in faithfully reporting or quoting Legislative Council Members' comments in Legislative Council sittings and Legislative Council committee meetings where such comments may involve slanders or personal attack? If not, are there any plans to introduce legislation to protect the media in making such reports?*

CHIEF SECRETARY: The Government is completely satisfied that the existing law sufficiently protects the media in faithfully reporting or quoting Legislative Council Members' comments in Legislative Council sittings and committee meetings of the Legislative Council even where the remarks themselves have been defamatory, or abusive, or amount to personal attacks. In the absence of malice on the part of the media, media reports of the proceedings in the legislature are privileged if they are fair and accurate. In addition, honest and fair comment in any article or editorial founded upon what has been said, either in the Legislative Council or in a committee meeting of the Legislative Council, is similarly privileged. The Government sees no need for any change or redeclaration of the existing law.

### **Babies born to two-way permit holders**

20. MR WONG WAI-YIN asked (in Chinese): *Will the Administration inform this Council:*

- (a) *of the Chinese nationals who travelled to Hong Kong either individually or in tourist groups on two-way permits in the past three years, how many gave birth to babies during their stay in the territory and, where their fathers are permanent residents of Hong Kong, whether these babies have the right of abode in the territory;*

- (b) *for how long the above Chinese nationals are normally allowed to extend their stay in Hong Kong in order to give birth to babies;*
- (c) *whether the incidence of the above situations has been on the increase; if so, what measures are being taken by the Government to tackle this?*

SECRETARY FOR SECURITY: Mr Deputy President, the number of babies registered as born to two-way permit holders in Hong Kong in the past three years is as follows:

	1990	1 746
	1991	2 750
Jan - Oct	1992	3 527

The number of two-way permit holders visiting Hong Kong over the same period was 133 021 in 1990, 140 378 in 1991, and 131 067 in the first 10 months of 1992.

If the father of a baby born in Hong Kong has permanent resident status in Hong Kong, the baby will also have that status, and therefore the right of abode in Hong Kong. The number of babies born to two-way permit holders who acquired this status was 1 606 in 1990, 2 553 in 1991, and 3 256 in the first 10 months of 1992.

We allow two-way permit visitors to overstay their permits only where there are very special or extenuating circumstances; this does not include pregnancy. But if a person is physically unfit to travel back to China, including because of a very advanced stage of pregnancy, an application for extension of stay would be granted.

The number of pregnant women arriving in Hong Kong on two-way permits has been increasing recently, and this is causing us some concern. We have already asked the Chinese authorities not to issue permits to women at an advanced stage of pregnancy, as it appears that this may be an abuse of the system. We are monitoring the situation; if there is increasing abuse of this apparent loophole, we may need to introduce further controls.

### **First Reading of Bills**

#### **SUPREME COURT (AMENDMENT) BILL 1992**

#### **TRUSTEE (AMENDMENT) BILL 1992**

#### **PENSIONS MODIFICATION BILL 1992**

**PENSIONS ORDINANCES AND REGULATIONS (MISCELLANEOUS AMENDMENTS) BILL 1992**

**HONG KONG INDUSTRIAL TECHNOLOGY CENTRE CORPORATION BILL**

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

**Second Reading of Bills**

**SUPREME COURT (AMENDMENT) BILL 1992**

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

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

A party to proceedings in the magistracy, or any other inferior court, may apply to the High Court for judicial review of the court's decision. If the proceedings relate to a civil cause or matter, an appeal from that judicial review will lie to the Court of Appeal as of right. However, if the proceedings relate to a criminal cause or matter, the Court of Appeal has no jurisdiction to hear an appeal from the judicial review. A party who wishes to appeal may only do so by applying, with leave, to the Privy Council in London.

This distinction between civil and criminal matters for the purpose of appeals is artificial and serves no useful purpose. It is not in the public interest that the Court of Appeal should be unable to make rulings on issues of potential significance.

The Bill remedies the problem by amending the Supreme Court Ordinance. It extends the jurisdiction of the Court of Appeal and provides that a party may appeal as of right from a decision upon judicial review in a criminal cause or matter. The Bill makes clear that the new jurisdiction will only apply in respect of judgments given or orders made after the date of enactment.

The Bill has the support of the legal profession.

*Bill referred to the House Committee pursuant to Standing Order 42(3A).*



**TRUSTEE (AMENDMENT) BILL 1992**

THE SECRETARY FOR MONETARY AFFAIRS moved the Second Reading of: "A Bill to amend the Trustee Ordinance."

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

The main purposes of the Bill are — first, to update the requirements in respect of trust companies registered under Part VIII of the Ordinance; and, secondly, to streamline, and to some extent enhance, the effectiveness of existing procedures in that Part of the Ordinance.

Part VIII provides for the registration and regulation of trust companies. A company is eligible to be registered as a trust company if it meets the statutory requirements under section 77(2). One of these requirements is that the company must have a minimum issued and fully paid up share capital of \$1 million and deposit certain investments with the Director of Accounting Services to a value of not less than \$500,000. These figures were set in 1975. We propose to adjust them to \$3 million and \$1.5 million respectively.

At present it is not clear whether the Registrar of Companies is able to take action against a company which complied with the requirements of section 77(2) upon registration but subsequently fails to do so. We propose to make it unambiguous that the requirements must continue to be fulfilled after registration.

It has, in any event, been difficult for the Registrar of Companies to take effective enforcement action under this Part of the Ordinance because of the lack of suitable sanctions against breaches of a number of provisions. Examples include section 81, which restricts the objects of a trust company, section 92, which prohibits loans to a director or officers of a trust company, and section 93, which restricts the borrowing of money by a trust company. The only sanctions which are currently available, under sections 95 and 96, involving the appointment of an inspector to carry out an investigation or seeking Court consent for a trust company wound up, are considered too draconian in most circumstances.

The Bill introduces more pragmatic and flexible forms of sanction, namely default fines comparable to those provided for in the Companies Ordinance.

We propose, in addition, to transfer certain functions from the Governor in Council to the Financial Secretary where basically technical and financial, rather than policy, considerations are involved. These functions include the specification under section 4(3) of investments in which a company may invest trust funds, approval under section 91(1)(b) of securities in or upon which a

trust company may invest, and extension under section 91(3) of the three-year limit within which any land acquired by a trust company must be sold.

It is also proposed that the power under section 95 to appoint an inspector to investigate the affairs of a trust company should be transferred to the Financial Secretary. This is in line with similar powers which the Financial Secretary may exercise under section 142 and 143 of the Companies Ordinance in respect of the investigation of companies generally. In this connection, the Bill defines more clearly certain particular grounds upon which an inspector may be appointed to investigate the affairs of a trust company, such as if there were circumstances suggesting that the company had committed a breach of trust, was conducting business for a fraudulent or unlawful purpose or that it had failed to comply with requirement under Part VIII of the Ordinance.

The Hong Kong Trustees' Association has been consulted and supports the proposed amendments.

*Bill referred to the House Committee pursuant to Standing Order 42(3A).*

## **PENSIONS MODIFICATION BILL 1992**

THE SECRETARY FOR THE CIVIL SERVICE moved the Second Reading of: "A Bill to amend certain Ordinances relating to benefits payable in respect of public officers."

He said: Mr Deputy President, I move that the Pensions Modification Bill 1992 be read a Second time.

The purpose of the Bill is to modernize our pensions legislation to meet present day needs, and to remove anomalies and discriminatory provisions. The most significant changes are to make membership of the Widows and Orphans Pension Scheme and the Widows' and Children's Pensions Scheme voluntary; to remove discriminatory provisions, and to make annual pension increases in line with price inflation a statutory right. I shall elaborate on these changes.

### *Voluntary dependant pension schemes*

Membership of the dependant pension scheme will be made voluntary with effect from an appointed day. Existing members may elect to cease to make contributions within six months from the appointed day. Unmarried officers will receive a refund of their past contributions with interest when they cease to contribute to the scheme. Married officers will have their accrued benefits preserved, and their dependants will continue to enjoy a contingent dependant pension frozen at the level when they leave the scheme. New appointees will have an option to join the voluntary Widows' and Children's Pension Scheme within six months of their date of appointment or marriage.

*Removal of discriminatory provisions*

Membership of the voluntary Widows' and Children's Pensions Scheme will be extended to female officers, Model Scale I staff and certain junior disciplined services officers. The pensionable age of dependant children will be standardized at age 18 irrespective of sex. The provision that a husband's entitlement to a dependant pension is subject to financial dependency on his wife will be repealed. Also, to be consistent with the Bill of Rights and as recommended by the Law Reform Commission, pension rights will be provided for illegitimate children under the dependant pension and service pension schemes.

*Pension increases*

In line with the Government's policy to maintain the original purchasing power of pensions, pension increases will be paid as of right, and adjustments will be made annually on the basis of the movement of the Consumer Price Index (A). In effect, this formalizes the current practice for pension adjustments by embodying it in legislation. This will not result in any additional expenditure, as pension increases have been awarded annually on the basis of the movement of CPI(A) since 1976. An index-linked pension may also help to address civil servants' concern about the security of pensions.

*Bill referred to the House Committee pursuant to Standing Order 42(3A).*

**PENSIONS ORDINANCES AND REGULATIONS (MISCELLANEOUS AMENDMENTS) BILL 1992**

THE SECRETARY FOR THE CIVIL SERVICE moved the Second Reading of: "A Bill to amend various Ordinances and regulations relating to the provision of pension benefits, gratuities and other allowances in respect of public service."

He said: Mr Deputy President, I move that the Pensions Ordinances and Regulations (Miscellaneous Amendments) Bill 1992 be read a Second time.

The purpose of the Bill is to improve and clarify pensions legislation by removing anomalies and inconsistencies. The amendments proposed are largely technical. The major changes are: to standardize arrangements for the counting of service below the age of 18 as pensionable service; and to introduce a more flexible definition for pensionable emoluments to cater for exceptional circumstances. I shall elaborate on these changes.

*Pensionable service*

Under the present Pensions Ordinance, service under age 18 is not counted as pensionable service for officers confirmed to the permanent establishment, but it is counted for officers holding non-established offices such

as Model Scale I staff. Under the Pension Benefits Ordinance, pensionable service commences from the age of 18 years in respect of all officers. There are no valid reasons for maintaining such a distinction, and so we intend that in future all service regardless of age should count for pension purposes. However, there will be no retrospective application to officers who have already left the service.

*Pensionable emoluments*

The Governor will be given the discretion to direct that an acting allowance may be taken into account for computing pension benefits. The purpose of the amendment is to redress the situation whereby officers may have had to assume the responsibility of a higher officer for a prolonged period, but are unable to secure promotion because there is no equivalent higher rank in their own grade. Such officers will be at a disadvantage if they are near retirement, because computation of retirement benefits does not take into account acting allowances. The proposed amendments aim to cover such exceptional circumstances.

*Bill referred to the House Committee pursuant to Standing Order 42(3A).*

## **HONG KONG INDUSTRIAL TECHNOLOGY CENTRE CORPORATION BILL**

THE SECRETARY FOR TRADE AND INDUSTRY moved the Second Reading of: "A Bill to establish a body corporate to be known in the English Language as the Hong Kong Industrial Technology Centre Corporation and in the Chinese language as 香港工業科技中心公司, to define its functions and to provide for related matters."

He said: Mr Deputy President, I move that the Hong Kong Industrial Technology Centre Corporation Bill be read a Second time.

The object of the Corporation is to promote technological innovation and development and the application of new technologies in industry in Hong Kong. To further this object, the Industrial Technology Centre, now under construction, will provide accommodation, "incubation", technology transfer and other support services for technology-based companies.

This Bill seeks to establish the Centre as a statutory corporation. The purpose is to give the Centre an appropriate status, in line with that of other major industry support organizations, and to allow it flexibility in its operations while providing a proper means of government control.

*Bill referred to the House Committee pursuant to Standing Order 42(3A).*

**Member's motion****ENVIRONMENTAL PROTECTION**

DEPUTY PRESIDENT: I would just remind Members of the House Committee rules as to limit of time. The mover of the motion, 15 minutes including reply; mover of amendments, seven minutes; other speakers seven minutes.

MR PETER WONG moved the following motion:

"That this Council urges the Administration to review the priorities of its environmental protection programmes and to draw up a comprehensive conservation policy with a target towards achieving sustainable development."

MR PETER WONG: Mr Deputy President, I move the motion on "Conservation" standing in my name.

I owe an explanation to Members over the various changes to the wording of my original motion which included the Agenda 21 of the Rio Summit held in June this year. At the request of certain Members, I agreed to delete this specific component because the findings and resolutions of the Earth Summit are not yet well known in Hong Kong, and it was believed that the motion would be left broadly phrased to embrace any specifics that may have been taken up at Rio.

I was approached by Dr LEONG late last week about a possibility of adopting the two Rio conventions and I explained to him Members' reservation. The final version of Dr LEONG's amendment was shown to me only yesterday morning. We are all agreed that we do not wish to make any capital out of the wording of the motion unnecessarily and we should endeavour to work together on a commonly acceptable version. The only remaining matter of variance was the insertion of the two words "and energy". This matter was thoroughly debated last July and it would be inappropriate to give undue prominence to energy policy even though we all agree that it is very important in the whole context of conservation.

Having agreed on the substance of the final motion, the Legal Adviser opined that the calling for the adoption of the two Rio conventions would be held to be a change in the substance of the motion and our House Rules would ask that Members be given a chance to vote on that. I wish to respect those rules and agree to have my motion stand and be amended by Dr LEONG. In the final analysis, the Rio conventions, which have been signed by our sovereign power and which we are legally bound to adopt in due course, were part and parcel of my original motion. I have therefore no problems in accommodating Dr LEONG's amendment.

Environmental conservation has been defined broadly as "the management of human use of the biosphere (the thin covering of the planet that contains and sustains life) so that it may yield the greatest sustainable benefit to the present generation while maintaining its potential to meet the needs and aspirations of future generations."

These are all highly charged words for environmentalists, but what do they mean for Hong Kong?

Not that long ago, we were introduced to the "Keep Hong Kong Clean" campaign and were encouraged to ridicule the "Lap Sap Chung". A clean Hong Kong made us feel and look better. More recently, we started the environmental protection campaigns. We were told that apart from solid waste, we had to deal with water, air and noise pollution as well. We came to realize that although we had one of the highest *per capita* income in the region, we were paying for it by living in one of the worst cesspools in the world, our fragrant harbour.

#### *Conservation a necessity*

All the action we have taken so far has been to fix up the excesses perpetrated in the years past — the lack of sewers, air pollution and noise pollution. Even the one saving grace, our country park system, was set up only to prevent hill fires and to upkeep the slopes for our reservoirs. I do not blame the present Administration for our environmental heritage — it all seems to be part of the growing up process of a developed territory. Fortunately we have achieved a state of financial well-being; so we can take care of environmental problems which were considered a luxury before, and is now a necessity.

The purpose of this debate is to draw everyone's attention to the real reason of protection of the environment. There is an urgent need to make sure that we can keep our fragile living space from destruction. Conservation cannot be achieved just by the existing precautionary measures of building an environmental legal framework and drafting outline zoning plans. It has to be accomplished by greening of the environment, waste minimization, recycling, conservation of energy and resources, bio-diversity, slowing down of global warming, depletion of the ozone layer plus many more. We have to remember that we are in a global village — the CFC that we let loose will remain to haunt us just as the sulphur dioxide that our power stations emit will produce acid rain worldwide.

#### *Comprehensive conservation policy*

We need a whole new policy to guide our way of life so that our quality of life is sustainable for the generations to come. Hong Kong needs a comprehensive environment conservation policy to ensure the sustainable use of resources under acceptable environmental constraints. The Government must clearly delineate departmental responsibilities to effect better co-ordination,

closer communication and more comprehensive treatment of environmental conservation issues, making sure these issues do not fall between the cracks of departments and get forgotten in the process. The Government must make use of its high concentration of trained environmental manpower and other resources.

My colleagues will go into details into specific areas of a conservation policy which must integrate social, economic, cultural and political factors. It will have to balance the conflicting demands of land usage, something that has a finite supply. It must have regard to preservation in the long term of our biological and botanical species, not only in Hong Kong alone, but in our surrounding regions.

The Government must accord environmental issues the right priority when getting things done. At the moment, when environmental issues confront other priorities such as public works projects, they automatically take a back seat. The dual role of the Secretary for Planning, Environment and Lands must be reconsidered by the Government. Although the Governor has allocated some funds to the sewerage strategy programme in his October policy speech, he has repeatedly failed to respond to the challenge of showing his green credentials.

#### *Specific conservation programmes*

It is in the use of land that we need a long-term policy up to the year 2047. We have the Town Planning Ordinance and Metroplan, but they do not spell out how we will use the whole of the land and the seas within our territorial boundaries. We have yet to see firm plans for our marine parks, and our country parks need to have their usages and sanctity defined and protected. Legal requirements for environmental impact assessment and for implementing EIA recommendations should be laid down. As our population increase in size and wealth, there will be more pressure for housing and recreation as well as infrastructure, and the justification of encroaching on those reserves will become increasingly cogent. But our supply is limited and precious. The Government must be as sparing as possible in its use to ensure that our grandchildren can still enjoy those simple pleasures that we now find progressively hard to indulge.

We are increasingly a consumer society as reflected in the amount of waste that we have to dump at landfills every day. I need not quote statistics of the disposed amount of wood, plastics and construction materials every day. The community needs to practise more recycling of waste although I appreciate our physical constraints make it very hard to sort and store the waste pending its disposal. Here, government leadership is specially needed in waste separation and recycling programmes.

Also much of our energy gets wasted. All too often, the developer and his professional designers only have a quick profit in mind, leaving the ultimate user with an energy inefficient and hence expensive building to run. In

practically all our buildings, the air-conditioning is badly adjusted and in summer we have the reputation of having the coldest buildings in Asia. We need more than a voluntary code to ensure that our buildings are designed to be energy efficient and practical for human habitation. This type of environmental legislation must be properly enforced.

We need to look at the pricing structures of our utilities to see how we can reward the generators of energy for helping consumers to save energy. It is regrettable that the Executive Council permitted the Administration to renew the scheme of control with China Light and Power without heeding the calls to follow the green practice of rewarding the producer for energy savings. I sincerely hope that the utility companies will voluntarily adopt such practices.

I suggest that we should make a thorough study of how Hong Kong uses its water. I am led to believe that we have priced our water too cheaply and as a result far too much is used and wasted. All our water has to be treated and every year some 30 000 dry tonnes of sludge have to be disposed of. The Government should take a lead in purchasing half-flush toilets and we can save water without any appreciable loss of flushing power by the simple expedience of putting a brick in our cistern. Based on everyone in Hong Kong flushing his toilets twice a day, that would save nearly 7 million gallons a day or 2 534 million gallons a year.

Motor vehicles, specially our diesel taxis, lorries and buses are a major source of air pollution. Since our vehicle numbers are set to double by the year 2001, and with little new technology in view, we must come up with a fresh transport policy. It is a scandal that our present transport policies had paid no regard to environmental concerns. That is something that the overall policy has to address.

I foresee that noise pollution will be an increasing concern in the years to come. Policy on noise pollution is very difficult to monitor and enforce. We have to find a solution based on public education and awareness and respect for other people's right to enjoy a quiet and peaceful life.

#### *Green groups' co-operation*

In order to achieve a comprehensive and vigorous environmental conservation policy, we need the input by the people of Hong Kong concentrating their wisdom through the green groups. Indeed greater impetus should be given to the green groups to rally their support for the Government's conservation policy.

In arriving at my own views for this motion debate, I am deeply grateful to the information and assistance given by the green groups. I must pay tribute to those environmentally conscious pioneers of Hong Kong, the founders of Friends of the Earth, Greenpower, Conservancy Association and World Wide Fund For Nature, who persevered using non-confrontational tactics, persuading



both industry and the Government that greenness is the way forward. This has been achieved without help nor money from the public coffers.

It is through the Conservancy Association which sent a team at their own expense that I have learnt all I know about the Agenda 21 passed at the Earth Summit in Rio in June this year. By not sending our official delegate to that conference, our Administration has to rely only on written materials supplied by the British Government. The Administration is not yet in a position to brief the Environmental Affairs Panel on the effect on Hong Kong and its economy. There is a decided lack of knowledge in Hong Kong about the Rio Summit findings. I now urge the Administration to speedily complete its study of Agenda 21 and the decisions of the Summit and inform us what our obligations are under that agreement. More information and closer contact between the Government and the green groups will facilitate co-operation between the two which is essential for an integrated approach to conservation.

#### *Green consumption pattern*

Lastly, we need to build up the correct mental attitudes about environmental conservation. Through the programmes pioneered by the green groups in our schools, we have seen good progress. This can be strengthened by teaching conservation as a compulsory subject at school. More must be done by way of disseminating conservation information at the local or district board levels to bring the conservation message home and to build up a green consumption pattern among members of the public. The media also has a duty and a significant role to play in this respect.

There is a Red Indian maxim: "We did not inherit this Earth from our fathers, we merely borrowed it from the generations to come." We have merely borrowed our habitat and we are expected to return it much as we found it, wholesome and in working order.

Mr Deputy President, I hope that this debate will stimulate discussion on what should be our conservation policy. It is not a job that the Government alone can do — the whole of the population of Hong Kong has an interest in ensuring that such a policy meets the needs of Hong Kong in a global context. I urge the Government to work immediately on such a policy in partnership with the green groups with the aim of producing a White Paper by the time of the Governor's policy address in October 1993. Our conservation policy should also set out the administrative structure of how to tackle conservation and environmental matters and how to avoid conflicts with infrastructure and other demands. That paper on conservation should also cost out the proposals since many of the necessary preventive and remedial actions are likely to be costly. We also need the positive and unanimous support of this Council to urge the Government to adopt this new line and to keep up the pressure. We must face our problems realistically. We cannot afford to delay any longer the effort to restore our rapidly degrading living space back to health and arrive at that

balance with nature, so that we can pass on to the generations to come the right to live with dignity as human beings.

*Question on the motion proposed.*

DEPUTY PRESIDENT: Dr C H LEONG, you may move your amendment now. Mr Peter WONG has referred to the House Committee provision on his wish to incorporate your amendment in his motion. I have separately also ruled that under Standing Orders without due notice Mr Peter WONG could not do it.

DR LEONG CHE-HUNG moved the following amendment to Mr Peter WONG's motion:

"To insert the words", to adopt the two conventions endorsed in the Earth Summit 1992," after the word "programmes"."

DR LEONG CHE-HUNG: Mr Deputy President, I rise to amend the Honourable Peter WONG's motion as stated in the Order Paper. Honourable colleagues have heard from Mr Peter WONG that if it had not been for the legality of the Standing Orders, he would have amended his original motion likewise himself. In amending the motion, I have to stress categorically at the outset that this is in no way a disrespect to my honourable colleague. Indeed, I completely endorse the need for a conservation policy and the spirit of acquiring a "sustainable development" highlighted in the original motion. Furthermore, I do acknowledge the amount of work my honourable colleague Mr Peter WONG has done in the area of environmental protection. With respect, however, Mr Deputy President, the wording of the original motion is too generalized. The scope of environmental protection is too widely encompassing and in requesting the Government to promote further the concept of environmental protection, it would be more fruitful if we could suggest to the Government a more definite direction.

Mr Deputy President, in June this year some 130 nations gathered in Brazil at the Conference on Environment and Development (環境及發展會議) or the "Earth Summit" (地球高峰會) as is commonly called, in an attempt to make contributions to protect the environment in the course of future development; in specific terms, to acquire "sustainable development". In essence, it aims at a form of development which can meet the requirements of this generation and yet does not jeopardize the ability of our future generations to cope with their demands. The result is the adoption of two conventions — the Convention on Climate Changes (氣候轉變的框架公約) and the Convention on Biological Diversity (生產品種多樣化公約). These two conventions set out the guidelines leading to the achievement of environmental protection to minimize the threat to annihilate this planet.

It is with this purpose in mind that I call upon the Government to adopt these two conventions as a baseline, as a predetermined framework on which the needs of environmental protection for Hong Kong could be built on. Perhaps it may be meaningful at this juncture to point out that both Britain and China have consented to be signatory countries of these two conventions and I presume, in spite of the recent war of words, the adoption by Hong Kong would not contravene the Joint Declaration.

What then, Mr Deputy President, are the gists of these two conventions? Would Hong Kong have any difficulties in following these guidelines?

The Convention on Climate Changes has an overall objective of stabilizing atmospheric concentration of "greenhouse gases" at a level that would dangerously interfere with our climate system by human activities. This means we have to take steps to limit the emission of "greenhouse gases" and to enhance their retention by sinks and reservoirs with the aim to contain the emission levels in the future to within that of 1990 levels. All parties of this convention are required to provide periodic updates on their national inventories of "greenhouse gases".

The Convention on Biological Diversity aims to promote the sustainable use of biological components and the fair and equitable sharing of the benefits of utilization of genetic resources. It also entails the transfer of technological knowhow from developed to developing countries under fair and favourable terms so as to achieve an objective — to protect this earth.

Mr Deputy President, the 1989 White Paper on environmental protection — White Paper on *"Pollution in Hong Kong — A Time to Act"* 「對抗污染莫遲疑」 calls for the development of machinery to prevent pollution such as "the designation of dumping grounds", "refuse disposable stations", and "chemical waste treatment plants" and so on. All these, though essential, only call for control of pollution and this is by no means meeting the demand of "environmental protection" itself.

Mr Deputy President, whilst minimization of pollution is a must, there is also a dire need to prevent the destruction of our environment and ecology. Too much and too many of our valuable genetic resources have been destroyed in the rapid development process of the New Territories and other rural areas. There is, thus, an urgent need to set up priorities for the preservation of different habitats based on:

- (a) The extent of genetic diversity of these habitats;
- (b) The value of these habitats;
- (c) The significance of the existing species; and

- (d) The possible potential of these habitats as valuable niches, for after all no one will ever know that perhaps in the days to come some of these may prove useful in the treatment of currently untreatable diseases.

Mr Deputy President, to achieve "sustainable development", it would be irresponsible for this generation to utilize all the natural resources that this planet can provide. Data show that at the current rate of energy consumption there will only be enough coal for the next two centuries and oil for the next 50 years. Furthermore over-utilization of our standard fuels is the major culprit of environmental pollution.

The common source of air pollution in Hong Kong stems from factories, motor vehicles and our electricity plants — all from the burning of standard fuels — fuels from fossils. The drive to use more natural energy such as solar energy, wind energy and so on is hampered to a certain extent by the fact that, for example, "electricity" which is the major source of energy is franchised to two companies for production, and these two companies utilize fossil fuels. It is imperative therefore that whilst reviewing their franchises in the future, the issue of utilization of other fuels ought to be considered as a criteria. Alternatively, franchises should be open up and competitions should be allowed for other organizations to come up with ways to use these natural energy sources.

All these call for a comprehensive energy policy without delay and this should encompass:

- (I) Decrease pollution;
- (II) Stimulate the production and the utilization of alternative fuels such as from renewable sources; and
- (III) Encourage decreases in energy wastage and energy consumption.

And all these could be achieved through:

- (1) Encouraging productivity research and energy conservation programmes through suitable pricing, tax incentives and subsidies;
- (2) Introduction of energy saving guidelines in town planning;
- (3) Possible legislation enacted towards energy conservation in building works and the introduction of energy audits in building designs; and
- (4) Penalties for "energy wastes".

Mr Deputy President, the Environmental Protection Department was established in 1986. Since then it has been entrusted mainly with sewage disposal projects and to a certain extent other anti-pollution programmes. Frightfully little on "sustainable development" has been touched upon. In essence, it is thus a misnomer. In the absence, Mr Deputy President, of a comprehensive environmental protection policy and programme, simply calling the Government to review its priorities in this area without at the same time giving it the necessary guidelines will not go too far. I therefore appeal to honourable colleagues to support my amended motion, so as to call upon the Government to adopt the two international conventions of the Earth Summit as Hong Kong's guidelines.

*Question on the amendment proposed.*

MR HUI YIN-FAT (in Cantonese): Mr Deputy President, high indeed is the price exacted by prosperity. Over the past 20 to 30 years, the people of Hong Kong, with their dauntless spirit and high morale, have built a materially affluent community despite the territory's lack of natural resources. Regrettably, thanks to the relevant short-sighted policy of the colonial government, we are now facing nasty pollution problems and are paying a heavy environmental price.

True, since publishing the white paper *"Pollution in Hong Kong — A Time to Act"* several years ago, the Government has enacted legislation and adopted policies for the more effective control of noise and the more effective treatment of sewage and solid waste. However, at best, this has only arrested environmental deterioration. It is still a far cry from environmental protection in the positive sense of the term. For instance, to this day, the Government still has not put forth comprehensive measures for encouraging industrial operators and members of the public to reduce the consumption of natural resources and recycle resources or use substitute materials that are environmentally friendly.

In the fight against pollution and waste, as in a social campaign, success does not depend on legislation alone. The most critical question is whether the Government can mobilize the entire community to support the campaign and to actively take part in it. Unfortunately, the least satisfactory aspect of the Government's efforts so far has been the heightening of the public's environmental awareness through environmental education at all levels. And there is much room for improvement.

To spread environmental protection knowledge, one must not rely solely on the Announcements of Public Interest (APIs) and the variety shows, organized several times a year, that have more entertaining value than environmentally instructive meaning. In my opinion, the more effective approaches are mainly the three ways as follows:

- (1) Promoting environmental education in school. Environmental protection, while now being taught in some secondary schools, is merely an optional subject for those students who wish to take the Advanced Supplementary Examination. This is clearly not enough. I think that environmental protection should be made a compulsory subject in all schools up to Form V level. Then, all students will have been exposed to 11 years of environmental education by the time they leave secondary school or attend the matriculation class. To meet an expected sharp increase in demand for qualified teachers, the Government should, on top of encouraging all tertiary institutions to offer degree courses in environmental protection, provide training courses for serving teachers.

Over the long term, teaching the younger generation will provide the basic solution for the problem. Over the short term, as primary and secondary school students' environmental awareness become generally enhanced, they may be able in turn to influence their parents to a certain extent, causing them to change their lifestyle and higher their environmental awareness. A healthy social trend will thus be formed. This will greatly help to promote the environmental movement.

- (2) Enable voluntary professional groups to play more effective roles in promoting environmental causes and in supervising the Government's efforts in the environmental area. Voluntary groups equipped with professional anti-pollution know-how in Hong Kong are not great in number. Still, they have been ahead of the Government in promoting environmental causes. The more accomplished among them are the Conservancy Association and the Friends of the Earth. They have volunteers with expertise and a wealth of experience. The groups regularly send representatives to foreign countries to exchange experience. Unfortunately, their financial resources are limited and this has been a hindrance to their development.

I therefore suggest that the Government, by giving direct or indirect funding support to such groups, make full use of them as a force for promoting environmental causes among members of the public. I am sure that, in due course, the general public will become much more environmentally aware as a result of the groups' participation in the promotional drive.

- (3) In order to conduct environmental education at the grassroots and win more broadly based support, the Government should strengthen the roles of voluntary social welfare agencies in the promotion drive. As everybody knows, the social services agencies have maintained the most widely and closely contact with the grassroots. Experience shows that these agencies have made a lot of

contributions to the furtherance of various public education goals, such as family planning, family life, respect for the old, care for the young, mutual assistance among neighbours, establishment of community groups, civic education and voter's rights. I believe that, if the Government sets up an environmental protection fund to provide resources, the social services agencies will be glad to meet the new challenge.

Mr Deputy President, I am in favour of the Government's investing the necessary resources in the various environmental projects. Still, as the saying goes, "The environment is everybody's business", so I think that the best fundamental solution, after all, is to begin with the promotion of environmental education and the fostering of good social habits. Only thus will it be possible for the carefully planned environmental projects to achieve long-lasting effects. Only thus will Hong Kong cease to be an accomplice in the destruction of the earth's resources.

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

DEPUTY PRESIDENT: Mr Howard YOUNG, I believe you want to speak out of turn because of other commitments.

MR HOWARD YOUNG: Yes, Mr Deputy President, I am most grateful for your and other Members' indulgence, as I need to officiate at a ceremony in Kowloon at five and I cannot get back before six when this debate will have ended.

Recently, Honourable Members have frequently referred to myth, fairy tales and fables. I would also like to tell a story. This story happens in the future. In a certain primary classroom in the future the teacher was describing a very beautiful place to the students. He said that in that place the sky was blue, the clouds were white, the grass was green but would turn into yellow in autumn and winter. He said there were colourful flowers and trees with greeny leaves. The children were mystified but extremely curious of the whereabouts of this beautiful place. Then the teacher showed them a slide show called "The Changed Face of the Earth" and circulated some specimens of flowers, grass and leaves for them to see. It was because man had not protected their environment and saved resources and reduced pollution. The sky had turned grey and smoggy and all the vegetation and wildlife had vanished. People could only learn about the past beauty of the earth from history books.

Mr Deputy President, I do not intend to air threatening messages. I only want to point out one hard fact. If we do not take action to protect the battered earth from now on, our next generation might not be able to enjoy the beauty they deserve to enjoy. Our memory of the devastating and life consuming May torrent is still fresh. And the first five months of 1992 were the wettest in a

century in Hong Kong. This sort of phenomenon has aroused the concern of international environmental scientists. They suspect that bizarre global weather change is the accumulated result of the notorious greenhouse effect. Hong Kong is not ranked on the international environmental performance list but according to the three fundamental indicators — population control, forest protection and pollution monitoring — Hong Kong does not have a good report on the last two.

I fear the coming generations would have to face unimaginable results. Because of this, I am more convinced of the importance of prompt environmental action from this day. Environmental protection is also important to tourism. Tourists find a place attractive only if it is pleasant, clean and lively. Our city is prestigiously named Fragrant Harbour. We also have a beautiful countryside with species that are nearing extinction. We should treasure these priceless assets. Some people might query that tourism is not environmentally friendly because tourists may create pollution and give rise to land use plans that affect the natural habitats. But on the contrary, tourism people are very environmentally conscious. A world travel and tourism environment research centre has been established to study schemes where tourism can contribute to the environment. In recent years, green travel has become a very popular trend. Many people cease to choose well developed cities as their destination. Rather they prefer sites of wild nature. Those tourists who have learned the significance of a balanced nature to all species will surely enhance environmental awareness.

Some people might also view that environmental protection is in conflict with economic growth because economics stresses expansion whereas environmental protection believes in saving. In my view there is not the least incompatibility between the two. In the June Rio Earth Summit representatives from all around the world have reached a common consensus that economic growth should be based on sustainable development. This concept of sustainable development does not mean zero growth. It only means that expansion should match the true needs of our lives. Extravagance should be avoided and growth should not exceed the total reserves of the earth. In the summit was also signed a biodiversity treaty in the conviction that all species — plants, animals and humans — should enjoy the right to survive and to propagate and the eco-system should be respected and protected.

Hong Kong should also show its commitment to strive for a greener globe and observe the four Rs concept: recycle, reuse, reduce and replace. The Government ought to take the lead in its policies such as paying attention to the country park areas when writing its land use plans, providing environmental technology support and information to Hong Kong commerce and industry, tightening legislation on air and water pollution and separation of waste and all other feasible projects. Hong Kong business and industry can play a part in this move by making their offices more environmentally friendly by setting up environmental action groups in every corporation. They can explore the opportunities for resource saving and pollution elimination and write up a set of environmental guidelines inside the companies. Housewives and home helpers



can contribute in homes by giving up using earth harming detergents. In fact the Government should send a clear and strong message that environmental protection causes no trouble and is not costly at all. On the contrary, by saving and utilizing resources it can help cut out expenditures.

It is very important to educate the public about environmental protection, especially the children. Children have an open and receptive mind to new concepts and they still retain a natural and harmonious relationship with animals and plants. If we begin to introduce their minds to environmental protection this day on, they will pass these beliefs on to their own children in the future and the idea will live, generation and generation after, and will become part of our people's lives. Another R principle, rebirth, should be added to make up to 5 Rs which will revitalize our long wearied earth to its former beauty.

Mr Deputy President, I am aware of the new television promotion on environmental protection. In the extract at the end a lovely child's voice asks us whether we can give a better ending to the story of the sickly earth. I think our vote and voices today and the Government's action is the best answer we can give this child and our very own Chairman. Mr Deputy President, I support Mr Peter WONG's motion as amended.

MR DAVID LI: Mr Deputy President, traditionally, Hong Kong has allowed market forces free reign to provide the best and most cost effective solutions — solutions that were created in a free market that maximizes the advantages of competition.

I believe that this same principle should be applied to environmental conservation. As Hong Kong has demonstrated, particularly in the financial sector, the carrot and the stick can be offered and applied in a way that benefits not only the general public, but industry as well.

But many of Hong Kong's present policies do not reward those who are careful with resources. In fact, they do exactly the opposite.

Consider the means by which the power companies are rewarded. They earn a return on fixed assets, or on capital employed. This does not encourage our power companies to promote conservation because they are rewarded when they invest to meet increased demand. This supply driven investment simply equals more profits.

Hong Kong needs to turn from this supply-led approach to a demand side management approach. Demand side management would provide Hong Kong with the energy it needs at the lowest economic and environmental cost. It would "produce" power by saving electricity.

Obviously it is cheaper to save electricity than to build more power plants. No matter how well designed, power plants damage our environment. But it is not so obvious that, for the power companies, there is no reward for saving energy.

The Government needs to examine all its policies, all its existing legislation and agreements, to see which, no matter how well intentioned, are as mistakenly applied as the one governing the power companies' income.

If the Government made the power companies' compensation dependent on conservation, we would soon see a comprehensive programme that would include the introduction of energy saving equipment, the promotion of efficient residential and commercial lighting, and the efficient testing for appliances.

Such programmes can be very effective. For example, a typical office building would save 30% of the energy now used for lighting if modern energy saving ballasts were installed.

Initially there would be some costs, as consumers modified existing equipment. But in the long term, those costs would represent not only an investment in our environment and quality of life, but a demand side management investment that reduces costs, producing savings.

Under demand side management, those savings can be made more attractive to consumers. In the United States of America, energy efficient consumers are given rebates, fuelling further conservation. Under such a system, both consumers and suppliers are rewarded.

Rewarding both consumers and suppliers has a positive chain reaction — it creates double the demand for environmentally friendly products. If both the user who pays to light an office, and the supplier who powers the lights, were rewarded for saving electricity, the demand for electricity efficient buildings would rise dramatically.

It is interesting to note that while Hong Kong's building code does make some provisions for pollution, its attempts to deal with efficiency are totally inadequate. Where there is no demand, there will be no supply.

There are many advantages to demand side management. In the example I have used, money has been saved on building power plants. Energy has been saved through increased efficiencies, and on the fuel used to create electricity. Consumer education has not only resulted in reduced consumption, but has reduced pollution emissions from existing power plants, not to mention those which we suddenly find are no longer necessary.

Demand side management also offers another considerable advantage. It offers us the opportunity to search for new solutions, and as we innovate, to create products and services which can then be marketed not only to China, but to regional and international consumers.

Pollution control and conservation offer tremendous opportunities for business. Hong Kong, now an example of environmental degradation, could become a centre for eco-friendly expertise.

But without pollution control and conservation, Hong Kong's enviable position as an international business centre will be eroded by our declining quality of life. Water, air and noise pollution must be attacked vigorously. But they are best attacked by market forces.

The Governor should be commended for the commitment to the environment made in his policy address. It is particularly admirable to see this commitment made real by the prompt government action demonstrated by the Water Pollution Control (Amendment) Bill.

Through demand side management, the Government could not only continue this essential approach, but would encourage conservation as an important service industry.

I beg to move in support of the revised amendment proposed by Dr the Honourable LEONG Che-hung.

MRS PEGGY LAM (in Cantonese): Mr Deputy President, Hong Kong's fast economic development and sustained population growth in recent years have left serious pollution problems in their wake. This is an indisputable fact. Since publishing its anti-pollution white paper in 1989, the Government has set up the Planning, Environment and Lands Branch as well as the Drainage Services Department and the Planning Department. In addition, it has enacted many ordinances for controlling air and water quality, for controlling noise and for treating solid wastes and has developed several new landfills. Still, environmental pollution has remained very serious to this day. A moment ago, many colleagues in this Council have made comments on, among others, an environmental policy, the United Nations-sponsored Earth Summit in Brazil and how conservation might be effected. Their comments are very important for our environmental protection drive. I will not repeat them.

I would like today to focus on one environmental matter that has never received much attention, namely, the separation of waste. Waste separation is something that can be done by the Government and the public together at not much cost in terms of taxpayers' money. As the world progresses, modern societies are materially enriched but a lot of waste is also created. Much of the waste is recyclable or can be reused. Regrettably, the Government has never given any thought to this matter or made available any facilities in this respect.

In fact, the governments of many countries in Europe, America and Southeast Asia have all along been providing facilities for waste separation. In many countries, citizens are urged, for environmental reasons, to separate their garbage before disposing of it. Hong Kong's population of close to six million produces nearly 30 000 tonnes of solid or semi-solid waste each day. Much of the enormous waste can be recycled and reused. Regrettably, the Government's focus has been on industrial, construction and chemical wastes. It has not been paying much attention to paper, plastic bottles and aluminium cans in ordinary household waste. The Government has provided no proper facilities for the separation of garbage; nor is it teaching citizens how to separate their garbage before disposing of it. Still less is it encouraging local industrialists to invest in the recycling business. I remember that I asked this question several years ago: Will the Government encourage the industrial sector to develop recycled paper factories by granting land particularly for this purpose? The Government responded that it would not encourage the establishment of recycled paper factories because such factories would consume a great deal of water. A negative response like this of course did not suffice to induce the industrial sector to invest in such a line of business. As a result, recycled paper is relatively expensive and, though long promoted in Hong Kong, is not well received by the people and thus enjoys no competitive edge. I believe that only a few institutions can afford to use recycled paper, which is more expensive. Many companies do not voluntarily use recycled paper and are not enthusiastic about using it. It must not be forgotten that, by using recycled paper, we can save many trees and preserve our lovely natural environment.

Ever since its founding, the Environmental Campaign Committee has been promoting the slogan: "recycle, reuse, reduce". Last year's Environmental Protection Festival had the special support of sponsors from the business community. They donated more than 300 big rubbish bins. And these rubbish bins were placed in public housing estates to collect waste paper. The people there could put old newspapers and other kinds of waste paper into them. Waste collection merchants could come to collect and deliver them to the recycled paper factories. The basic idea behind this was to encourage the Government to follow suit so that the Government would install waste paper collection facilities at various housing estates, public places and refuse collection points to achieve the purpose of waste separation. Unfortunately, the Government has not shown any noticeable response. This is indeed disappointing.

This year, the Environmental Campaign Committee made a prototype plastic bottle crusher. Consumers can take empty plastic bottles of everyday soft drinks to the crusher. The crushed bottles will then be delivered to a recycled plastics factory. I hope that Hong Kong's soft drink manufacturers will produce more plastic bottle crushers and recycle the collected plastic bottles. This may add to their operating cost. But I hope that, by doing so, they will not be accused of being polluting the environment.

With regard to "reduce", there are Sunday fairs in many parts in the world. People can bring their unwanted things there and exchange them for the things that they need. Many people have things that they do not want but that are useful to others. Anything that can find a user should not be discarded. The Environmental Campaign Committee recently sponsored such a fair. It proved very popular. Many people urge us to hold the activity on a regular basis. Regrettably, this cannot be easily done. Today, I call on the Government to expedite the study and implementation of a policy waste separation.

Finally, I agree with the slogan of the Conservancy Association: "Environmental protection cannot brook one moment's delay; environmental protection will benefit future generations." But I personally think that the most important thing is: "Environmental protection begins with me."

Mr Deputy President, with these remarks, I support the motion of Mr Peter WONG's motion and Dr LEONG Che-hung's amendment motion.

MR JIMMY MCGREGOR: Mr Deputy President, environmental conservation is a very large and inclusive subject. It is difficult to do more in seven minutes than simply touch upon some of the more important aspects and particularly on the course of action that the Government and the community should take in future. I have to say that although I have been a member of the Environmental Panel of the Legislative Council for more than four years, I do not consider myself more than an interested amateur, very much dependent upon the professional knowledge of others. In this respect I should advise the Council that what I have to say today has been culled from policy and procedural papers issued by the Hong Kong General Chamber of Commerce Environment Committee led very ably by Mr Guy CLAYTON and the Hong Kong Democratic Foundation. Both these organizations have taken a deep interest in environmental protection and conservation policy.

In making a series of points I do not wish to bash the Government for any lack of interest, organization or funding. I know very well that priorities have had to be established over a long period of time and that those in the earlier days had to include economic objectives often at the expense of environmental consideration. Only in the last decade or so has the Government had the wherewithal to begin the long climb out of environmental damage and degradation towards a brighter ecological and environmental future. So I may be one of the few who recognizes the substantive, substantial and constructive work done during the last 10 years to improve the situation, despite occasional considerable opposition from elements of our society who should really know better. Mr Peter WONG knows, no doubt, more than most that when protection of the environment means less profit or higher expenditure many in Hong Kong will say, "Not me, let someone else pay".

Let me now be specific. The Government should set up an organization, probably as a department or branch of the Government, dedicated to the protection of the environment within a clearly defined conservation policy. The EPD should be a central element of the new organization and should have legislative authority and executive responsibility to ensure compliance with conservation policy and stated environmental objectives. Environmental policy should therefore be removed from the responsibilities given to the Secretary for Planning, Environment and Lands. There is much that can be incompatible between infrastructural development and environmental protection. Again this could involve hard choices on priorities. Better to let a branch of equal status argue for conservation against the demands of the developer.

It is time there was a further study of this important issue. The 1989 White Paper on the environment dealt mainly with pollution abatement and crisis issues. We have come a long way since then and much has changed. There is a need to think again about long-term policy on issues such as waste management, waste reduction, broad conservation policy, protective legislation and better control over the use of our natural environment. The Government should prepare a Green Paper on this most important subject during the next 12 months or so for public consideration and comment. This paper should also look at Hong Kong's commitment to sustainable development both in Hong Kong and in regard to our much wider global responsibilities.

The use of CFCs and other destructive chemical compounds and also our hard wood consumption which is helping to deplete the region's rain forest are two examples of Hong Kong's contribution to damage to the regional and global environment. We are not isolated from other countries and we cannot look at conservation and environment protection in our own selfish interests. We have a much wider duty. We must continue to introduce legislation to provide the authority to protect our environment to the standards we must increasingly establish. It is disgraceful, for example, that huge areas of the New Territories, formerly beautiful and productive agricultural land, now look like and are dumps for every kind of scrap. It is unforgivable that we have not had the guts to progressively eliminate container storage from agricultural land in the New Territories. Instead we are just spoiling our environment massively and for short-term economic gain. So much for conservation.

What do our tourists think of the 50 million or so square feet of rural land covered with stacked containers? What do they think of the smell they encounter when they first land at Kai Tak? And what do they think of our fabled harbour when they take the Star Ferry across it? We are really a filthy community by most civilized standards. It has long been clear that only with direct government involvement can our future environment be restored and then protected. People will not do the job for the Government, indeed they cannot do so and the Government must therefore be responsible for policy, procedures, legislation, enforcement and promotion. This can only be achieved with centralized responsibility and control. Hence a conservation branch of the Government.

Waste collection should be privatized. This is more efficient and cost effective. There should be on the spot fines for vehicles which pollute our atmosphere. Higher standards of emission should be established. There should be adequate charges for dumping at landfills and severe penalties for those who dump illegally on land and in the sea. Conservation and environmental protection should be a required subject in all schools. The Government must promote environmental awareness. The private sector will certainly support.

Hong Kong must co-operate fully with the Chinese environmental authorities. The reason is obvious. The incinerators in Kennedy Town and Cheung Sha Wan should be decommissioned as soon as possible. Power stations should be subject to high standards of pollution control and, where possible, encouraged to use natural gas. High standards of building thermal efficiency should be introduced following similar standards in other countries. Industrial emissions and effluents should be strictly controlled and in planning there should be full segregation of industrial from residential areas. The Government should implement the full sewerage strategy as soon as possible, including the 30-kilometre outfall into the South China Sea. Marine dumping must be more firmly controlled and additional water control hazards speedily introduced.

Conservation means more than the reduction of pollution. It is aimed at preserving and in some cases restoring Hong Kong's natural quality of life. We have reached economic maturity and we have a good sense of social responsibility. It is now up to us to develop our feeling of identity with our environment and conserve this for the benefit of future generations.

Mr Deputy President, I support the amended motion.

REV FUNG CHI-WOOD (in Cantonese): Mr Deputy President, the Environmental Protection Department and other departments are already working very hard to deal with Hong Kong's many environmental problems. They are also promoting many environmental protection measures. Still, I feel that there are many deficiencies in the Government's environmental efforts. From some recent incidents, we can see that the Government is still not paying enough attention to the protection of our environment.

The first incident happened in August this year in the West Kowloon Reclamation Project. On 11 August this year, the project progressed to the point where Stonecutters Island and West Kowloon were joined together. Polluted water in the area, which could not go out with the tides, began to build up. The result was the death of a large number of fish near Stonecutters Island on 21 August. A short 10-day delay in the works could have averted such an environmental disaster. It came to our knowledge that officials of the Territory Development Department stubbornly would not change their minds despite the strong objections raised by the Environmental Protection Department. They went ahead with the works. This incident shows how little consideration the Government has shown to the environmental factors.

The second incident has to do with the development of the strategic land fill site in the southeast New Territories. The country park authority had not invited public comments before it approved a plan to "advance" 18 hectares of Clear Water Bay Country Park land to the landfill project. We were told that it was the intention of the country park authority and the Environmental Protection Department to restore this 18 hectares of land to country park use after the landfill site was closed at some later date. But this is impossible. The two government departments in question simply know nothing at all about the definition of country park land. How can a landfill be regarded as a country park? Even if trees are planted on the landfill at some later date, it will never be a "natural" country park. It will only be a man-made, artificial park. What is more, there will be garbage buried underground in the area, and, as the garbage decomposes, it is bound to generate highly polluting seepage and marsh gas. How can it be called a "country park"? This is indeed disappointing!

The third incident is the Government's recent introduction of sludge disposal points. At the Finance Committee meetings, government officials gave Legislative Councillors nothing more than their word that the project would not cause environmental problems. Yet the Government had not made any study or environmental impact assessment in advance! I feel greatly disappointed. This is a large project. We are talking about massively dumping sludge into the sea, not ordinary sand and mud. Why was there not even a simple environmental impact assessment? The way the Environmental Protection Department handled this matter is disappointing. The Finance Committee now will not appropriate the fund. It is hoped that the Environmental Protection Department will take timely remedial actions. Not so long ago, in his policy address delivered in October, the Governor declared that environmental impact assessments would be made in respect of all major projects. These words are still fresh in one's memory. Why is the Environmental Protection Department refusing to make an environmental impact assessment in respect of the project in question?

The fourth incident was Environmental Protection Department's announcement on 1 October 1992 of the rule that no landfill would accept dumpings with inertial materials exceeding 20% of the content. This rule is responsive to the fact that Hong Kong's construction waste is taking up a lot of space at the landfill. Legislative Councillors are very concerned that valuable space at the landfill points would be taken up by such waste. Regrettably, the Environmental Protection Department has not been able to take strong action to enforce this rule. On 1 October, as drivers of trucks which carry construction waste blocked the Tseung Kwan O landfill with their vehicles, the Environmental Protection Department backed down and abrogated the rule in question. On one side, building contractors would not like to separate construction waste at the construction sites. The Environmental Protection Department, on the other side, thought that this would be easy to do. At their 26 November meeting, the Environmental Protection Department and the building contractors still did not reach any agreement. I feel greatly disappointed. The Environmental Protection Department gave the building contractors one month's notice of the rule. At the time, the latter did not object.



So the Environmental Protection Department really should strictly enforce the rule. The building contractors, in violation of the Government's rule, are not acting in the public's interest when they continue to dump construction waste massively at the landfill, taking up costly space. In fact, most of the waste can be disposed elsewhere, such as at public dumps and reclamation sites.

The fifth incident concerns charges for treating chemical wastes. About a year ago, the Government told the OMELCO environmental group that a chemical waste treatment centre at Tsing Yi would be completed and operational at the end of this year. But now we learn that the centre will not become operational until next April. During the past year, the Government failed to reach agreement with the affected companies concerning a scheme of charges. Therefore, when the centre does become operational, it will not be able to begin charging the user factories and other users immediately. And the Environmental Protection Department recently told me that it was still not clear when a scheme of charges could be finalized. The centre costs as much as \$1.3 billion to build and about \$350 million annually to operate. The Government's plan is that the charges will enable the Centre, after defraying annual operating expenses, to recover its construction cost in 15 years. On the basis of such a plan, the Government must annually collect at least \$450 million in charges. One year's delay in charging the users would necessitate taxpayers to give a \$450 million subsidy to the factories that generate chemical waste.

Mr Deputy President, the above examples show that government departments are not at all enthusiastic about tackling our environmental problems. There is no co-operation among them. Apart from the Environmental Protection Department which pays a lot of attention to the environment, I can see no other department attaching much importance to environmental protection. We lack a department which is specifically established to take charge of environmental protection and the promotion of environmental conservation, given that the Environmental Protection Department is only responsible for air pollution and noise pollution, the Agriculture and Fisheries Department responsible for the development and management of such natural resources as the country parks, and the Secretary for Economic Services responsible only for energy policy. In July this year, this Council unanimously passed a motion urging the Government to lay down an energy policy. Yet the Secretary for Economic Services, in response, said that Hong Kong already had an energy policy. This made one wonder what was going on. Dr REED, Director of Environmental Protection, remarked at a seminar on energy efficiency in March 1991 that Hong Kong needed an energy policy responsive to both environmental and economic needs. He seemed to imply that Hong Kong did not have an energy policy. With this in mind, I think asking the Secretary for Economic Services, who is responsible for economic services, to lay down an energy policy is obviously asking for the impossible.

Mr Deputy President, everybody praises Hong Kong as a fast-paced metropolis. Why, then, is it so alarmingly slow in its environmental protection work?

The United Democrats of Hong Kong (UDHK) urge the Government to take a more positive approach to its environmental conservation efforts, to allocate more resources and to lay down the relevant policies and operational objectives immediately. The UDHK support the original motion and the amended motion. Mr MAN Sai-cheong of the UDHK will be speaking about environmental conservation and Dr HUANG Chen-ya will be talking about it from the economic angle.

These are my remarks.

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, in promoting environmental causes, Hong Kong always puts lopsided emphasis on the prevention of pollution and littering. If we think that we will have done our environmental duty by using fewer plastic bags and by not littering, we the people of Hong Kong will probably become the laughing stock of other countries. In tandem with its economic development, Hong Kong has become one of the world's economically advanced areas. If Hong Kong is to become a respected member of the international community, the Government must comprehensively review the environmental laws and policies and bring them in line with comparable international standards wherever possible. This will not only be good for Hong Kong's international image but also give the people of Hong Kong an opportunity to find out how they may discharge their duty towards Mother Earth.

I would like to argue the case of conservation on four fronts. The first front of environmental protection is the protection of wild animals. The relevant convention is the Convention on International Trade in Endangered Species of Wild Flora and Fauna 1973. This convention is an environmental protection measure and it is intended for the protection of endangered species of wild life. Those who buy or sell or import such species are to be punished. Even the possession of such species is not to be permitted. If found in anybody's possession, they are to be confiscated. In the same category are the conventions on migratory animals and on Arctic and Antarctic flora and fauna.

The second front concerns the protection of cultural heritage. There is a convention known as the Convention for the Protection of World Culture and Natural Heritage 1972. The signatory powers have an obligation to protect nature and all cultural heritage.

The third front relates to conventions against pollution. Here, I can cite two conventions as examples. The first is the Convention on Long-range Transboundary Air Pollution 1979. This convention is intended to prevent and reduce air pollution to the fullest extent possible. Different parts of the world are to exchange information and hold consultation with one another. Different methods of control are to be studied and implemented. All countries are committed to developing the best anti-pollution policies. The second is the Law

on Sea Convention. Under the terms of this convention, all countries have the obligation to protect and improve the environment of the seas.

The fourth front relates to the Ozone Agreement. I would like to cite two examples. The first is the Vienna Convention for the Protection of the Ozone Layer 1985. In 1985, it was found that the ozone layer was depleted by 50% and in some places by as much as 90%. So countries signed this convention, thereby undertaking to minimize damage to the ozone layer. There is an annex to this convention. It is called the Montreal Protocol on Substances that Deplete the Ozone Layer 1987. It urges all countries to reduce the production of CFC (a substance referred to by some Councillors a moment ago). The import and export of five kinds of CFC are to be banned, beginning in 1992. In 1990, the signatory powers further decided that the use of all kinds of CFC was to be banned, beginning in the year 2000.

Mr Deputy President, it will take me a day, a year, several years to list all the conventions. I will not cite more examples. I know that Hong Kong signed some of the conventions and did not sign the others. Can Hong Kong carry out the terms of the conventions practically? To what extent? How does Hong Kong compare with the other countries? We need to research these questions.

However, over the short term, I hope that the Government will take action on two fronts. One is the establishment of a group to find out how to implement the recommendations of the Brazil Earth Summit regarding the greenhouse effect. The second is to follow the decision of the European Community and impose a total ban on imports with CFC contents before June 1997.

Because both the original motion and the amended motion are good for the environment, and because there is no conflict between the two, I support the motions of both the Honourable Peter WONG and Dr the Honourable LEONG Che-hung. Thank you, Mr Deputy President.

DR HUANG CHEN-YA (in Cantonese): Mr Deputy President, environmental protection has become a global trend and value preference. Many colleagues have noted how important the environment is to mankind's health and quality of life. I would like to point out here, from the economic angle, why the Government should attach importance to the environment and expeditiously lay down the necessary policy. What the Government has been doing up to now in the area of environmental protection is far from adequate. One probable explanation for this is that the Government always regards environmental protection as an item of consumption that has no positive value for the economy of Hong Kong. Actually, the market for green products is expanding; more and more countries want domestically produced and imported goods to meet environmental standards. This surely will affect international trading activities. Let me give an example. Germany recently announced regulations on product

packing, which would gradually phase in a ban on the importation of packing or crating materials that contain PVC. Because Hong Kong does not have similar regulations, the packing materials and technologies we use are not up to environmental requirements. Our exporters now face a difficulty of adjusting. This affects the competitiveness of Hong Kong's exports to Germany. I believe that other European countries will introduce similar regulations. Therefore, we must keep an eye on other countries' environmental trends. The Environmental Protection Department, the Industry Department, the Trade Department and the Productivity Council must work together to bring Hong Kong's commerce and industry in line with the environmental requirements of other parts of the world. At the same time, Hong Kong should guard against imports that are not up to standards.

Meanwhile, the need for anti-pollution products and services is increasing by the day. In fact, the Government's heightened environmental awareness and its adoption of pollution controls are creating an internal market for local anti-pollution technologies and products. An environmental industry is growing to add to Hong Kong's economic growth. South Korea recently announced a plan to spend US\$12 billion on environmental projects. Taiwan plans to spend US\$10 billion. The Singapore Government, aware of the importance of this market, not only is encouraging enterprises to develop anti-pollution technologies but also plans to set up an environmental research institute in 1994. The Environmental Protection Department of Singapore is beginning to export anti-pollution services. Recently, it won sewage and solid waste treatment contracts from Malaysia and Indonesia. This industrial policy of encouraging anti-pollution services is something for us to learn from.

In addition, the Government should actively participate in international environmental conferences and note that sometimes environmental rules may intentionally or unintentionally become non-tariff trade barriers. The United States of America at one time, citing environmental reasons, tried to impose an import surcharge on certain chemicals. The GATT ruled that this was an act of protecting trade through raising the costs of imports. Now, too, there are complaints that Germany's new packing regulations, which require the original plants to recycle 70% of their beer and soft drink cans, are directed against the imports of beer and soft drinks. In fact, many countries recently began acting against imports by requiring the original plants to recycle. Some countries are beginning to ban imports from countries which do not have environmental laws like their own. At the moment, the GATT considers such practices to be unfair acts of protectionism. Still, Hong Kong must remain alert lest some countries should set up trade barriers in the name of environmental protection.

I will now talk about the implementation of an environmental policy. With regard to making an environmental policy, Hong Kong must have clear goals and priorities based on cost-effectiveness. Hong Kong must think of the world. It must follow the good examples of other countries and in turn set good examples for other countries. It must have a multi-facet environmental strategy. Resources will always be finite. Therefore, any environmental plan

must specify the priorities, determining them primarily along the principle of cost-effectiveness. A good environmental policy should acknowledge that some problems are more important than others and should be dealt with first. Contaminated water, air and soil are clearly harmful to health and to the quality of life. They must definitely be dealt with on a priority basis. However, there are examples to show that different measures will be different in relative cost-effectiveness and that not all environmental measures will have the effect of putting resources to good use. For example, in 1987, Australia tried to collect deposits on glass bottles for soft drinks. The purpose was to encourage recycling. However, it was found that manufacturers and consumers together would spend between A\$200 million and A\$300 million more but only A\$30 million would be saved in the cost of collecting and treating garbage. The United States now plans to spend more than US\$100 billion to clear up so-called toxic waste dumps all over the country. However, the American Academy of Sciences has submitted that there is no documentary evidence to show that most such dumps are injurious to human health. Furthermore, in 1989, 80% of the money for treating such dumps was spent on legal fees. Therefore, cost-effectiveness should be the first and foremost consideration in setting priorities even though it is usually difficult to come up with clear figures for determining cost-effectiveness.

Secondly, there must be clear goals. Let me give an example. In Hong Kong, 16 000 tons of construction material a day must be disposed of as rubbish. They are not retrieved for second-hand use. This not only is a waste of resources but creates mountains of rubbish. There should be a policy to deal with the problem. However, in the case of timber, retrieval and import reduction will probably have a limited effect on saving the rain forests. The GATT has found that in fact 90% of the world's hardwood forests are felled for firewood. Therefore, if we want to save those forests, we should consider using other methods. The third principle is recognizing our future responsibility. The Government should set higher and higher goals. However, we must realize that this in fact involves balancing two conflicting sets of goals: the needs of this generation and the interests of the next. The greenhouse effect provides a very good illustration. Over the short term, the greenhouse effect will have a limited global impact. However, in the next 50 years, global warming will cause a water shortage and a sharp decline in food production. To solve this problem, we must begin now to reduce the production of carbon dioxide and other gases that have a greenhouse effect. In the long-term interests of the world, it is a worthwhile goal to combat the greenhouse effect. But the cost of this fight is to be shared among several generations. Therefore, members of the public must understand that their accepting this short-term inconvenience at present will be for the long-term good.

Mr Deputy President, because I am running out of time, I must discontinue my speech. However, I hope everybody will understand that environmental protection is not consumption but has an economic value. Nor is the environment to be enjoyed free of charge. There is a charge to be borne; there is a difficult decision to be made.

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

MR GILBERT LEUNG (in Cantonese): Mr Deputy President, last Wednesday, in this Council, we debated the transport problems of northwest New Territories. Today, the subject of our debate is environmental protection policy. The subjects of both debates bear on an inveterate shortcoming of the Government, which is its lack of vision and lack of comprehensive planning.

It cannot be denied that the Government has done some work in the environmental protection area over the past few years. Yet it would indeed be progress-shy of the Government if it should feel complacent over the few successes that it has achieved. Indeed, Hong Kong is very much a johnny-come-lately as far as attention to the environment is concerned; nor is the attention sufficient. It can be said that Hong Kong has never done anything about promoting ecological balance and sustainable development.

Mr Deputy President, I am no environmental expert. I do not know as much about the many international conventions on the environment as the Honourable Frederick FUNG does. Yet I believe that caring about the environment does not require profound knowledge, since we all can feel the impact of the environment on our lives. How delightful it will be if we can all enjoy fresh and clean air, clean water and beautiful natural surroundings! We cherish respect towards the cultural heritage that we have inherited from the past and towards the historical and cultural relics. Personally, I am a member of the Antiquities Advisory Board. I find it very pleasant and meaningful to be able to protect antiquities.

The Regional Council always pays a great deal of attention to the environment. We have done a lot of tree-planting and environmental protection work. However, I think that the Central Government at the moment does not have a comprehensive environmental policy. There is only some fragmentary environmental work being done by different institutions. Because of the lack of an overall policy, there is no co-ordination among institutions or among departments. I believe that the Government should set up an independent Environment Branch. This will change the situation where planning, land and environmental policies are handled as one single portfolio. We see seated among us Mr Anthony EASON, Secretary for Planning, Environment and Lands. He holds the portfolio for town planning, the environment and lands. He has to be here today when we are discussing environmental protection. He will have to be here next week, when we will discuss housing. Mr Deputy President, town planning, environmental protection and land administration are each very important to members of the public. I feel that the present arrangements are unfair to Mr EASON as well as to members of the public. Environmental problems have a bearing on every single policy area. They of course bear on land use and planning. But they also bear on traffic policy, public works, housing supply and even education policy, do they not? The

Government should give environmental policy the importance that it deserves. It should set up an independent Environment Branch to lay down an overall environmental protection policy.

Mr Deputy President, I so make my submission.

MR FRED LI (in Cantonese): Mr Deputy President, Hong Kong's economy has developed rapidly over the past 30 years with enviable results. However, the negligence about environmental protection in the course of development has led to the pollution problems of today. This is worrisome indeed. The people cannot enjoy the beaches as much as they would like to. Contaminated *choi sum* and polluted sea food put their health at risk. They have to live with the serious noise pollution. Lantau Island, which is used to be a resort for the more than six million local people, is being developed according to the port and airport project. Such being the mode and trend of development, there will be no breathing room left for us and our children. We need a new direction of development. This is why I am in favour of the direction of sustainable development moved by Mr Peter WONG.

First of all, I wish to point out that the Government's current urban development planning must be designed in such a way that a sustainable development can be achieved. The study of an overall development strategy by the Planning Department should be a corrective study, which is conducted to yield an overall strategy for sustainable development. Development must meet the dual standards of low consumption and low pollution. Thus, our children will be able to enjoy an environment at least not worse than what we have today.

Admittedly, the Government in recent years has been taking more positive actions in environmental protection. But Hong Kong's daily output of solid waste, sewage, exhaust fumes and noise has not declined in real terms. According to the latest statistics, Hong Kong every day produces over 20 000 tons of solid waste and 2 million tons of industrial, commercial and household sewage. One example is Kwun Tong, my constituency. It is public knowledge that air quality there has been poor over the past 10 years. According to the 1991 air quality report on Kwun Tong, which is the latest report available, the area leads the rest of the territory in air's content of nitrogen dioxide and suspended particles — dust and so forth, meaning that air quality there is the worst. The air in the area also has the third highest, though not the highest, content of sulphur dioxide. No wonder many of the residents of Kwun Tong suffer from respiratory diseases, such as asthma, bronchitis and allergic rhinitis. I have met the superintendent and the doctors of the United Christian Hospital of Kwun Tong. They confirmed that the number of patients from Kwun Tong is considerable. One clear cause is air quality. I think that the Government, when reviewing the white paper on *Pollution in Hong Kong — A Time to Act* next year, must consider introducing tighter controls as well as new environmental protection measures to further contain and prevent pollution. Members may be aware that the Legislative Council's environmental group has held discussions

on air pollution problems, of which I have just cited Kwun Tong as an example. Air pollution comes mainly from lorries on the road, diesel-burning vehicles and industrial areas. We know that the Environmental Protection Department has so far been able to do practically nothing. As to the outlook for the next five or seven years, I am afraid not much can be accomplished even if all the measures are implemented.

Last year, or I should say, in July 1990, the Government approved the use of fuels with the lowest possible sulphur content. After that, the amount of sulphur dioxide emitted from vehicles fell sharply. This success has been visible to all. If the Government goes a step further and controls other impurities in the fuels as well or requires cleaner fuels to be used, air quality is sure to improve significantly. In fact, many countries, such as Italy, New Zealand, Canada and Japan, are already using alternative fuels that are less harmful to the environment. Compressed natural gas is widely used in these countries. Brazil and the United States of America use alcohol. In Australia, the application of solar energy has become increasingly popular. Such fuels not only are more environmentally friendly but are quite cheap. The Government will find them worthwhile. Therefore, I am in favour of the calls that the Government should lay down a green energy policy.

As Hong Kong's economy keeps developing, and the emergence of a better educated population, people will have a greater demand for a better environment. I have noticed that the 1989 white paper on the environment was confined mainly to recommending what should be done before 1992. No clear measures or specific goals were mentioned for the years beyond 1992. It is imperative that the Government meet people's demands by expediting the revision of its environmental protection policy. In face of Hong Kong's fast development, the authorities must, in addition to taking environmental factors into consideration, also adopt the two conventions of the Earth Summit held in Brazil. We hope that Hong Kong will, like the United Kingdom and China, sign these two conventions and do its share for the protection of the earth. For these reasons, I support Mr WONG's motion and Dr LEONG's amendment motion.

MR MAN SAI-CHEONG (in Cantonese): Mr Deputy President, nature preservation goes further than fighting pollution. It also covers land planning and use, the preservation and protection of natural resources and the proper utilization of our natural resources. Hong Kong's efforts at nature preservation up to now can be described in these words: "myopia and lack of vision". Hong Kong's water quality is deteriorating, but the Government has kept on dragging its feet with regard to the strategy for sewage treatment. Nor has anything effective ever been done for controlling the serious air pollution, where 98% of the dust particles and 80% of the nitrides are produced by diesel-burning vehicles. Hong Kong does not have a long-term energy policy and is still dependent on fossil fuels which are contributory to the greenhouse effect. The Government is not giving sufficient protection to the suburbs or the natural scenic spots. As a result, suburban farmland has been turned into depots for



container trucks, junked vehicles or chemical waste. Seabed dredging to obtain sand for infrastructure projects has led to the massive death of fish, but the Government seems to be turning a blind eye to this problem. It is disheartening that the Government wantonly allowed a country park to be converted into a private country club. I therefore hope that the Government will review its current environmental protection strategy and come up with a set of sound and comprehensive policies on nature preservation.

Global warming, depletion of the ozone layer and the near extinction of wild animals are problems that no single country can successfully deal with on its own but the joint efforts of all countries on earth. Therefore, I think that our Government should adopt the "Convention of Climate Change" and the "Convention on Biological Diversity" of the Earth Summit. In this way, Hong Kong will be able to work with other countries to control the emission of gases that would be contributory to the greenhouse effect and the depletion of the ozone layer. Then, we will be able to protect the endangered species of flora and fauna and our future generations will be able to live in a perpetually rejuvenating natural environment.

I hope that the Government, in formulating a nature preservation policy, will aim at the attainment of "sustainable development". "Sustainable development" means that socio-economic development must be environmentally friendly and enable the human species to propagate so that mankind, generation after generation, not only can enjoy the fruit of economic development but also live in a natural environment that is healthy, unpolluted and abundant in resources. In fact, a nature preservation policy will give rise to industries that use improved or new environmental protection technologies or renewable resources. This will also create jobs. Therefore, nature preservation and economic development can proceed hand in hand, flourishing together and supporting one another. Whilst economic development improves living standards and promotes social prosperity, nature preservation makes sure that economic development is sustainable. Economic development, in turn, makes more financial resources available for investing in cleaner production methods and in more effective ways of utilizing our natural resources.

To achieve the goal of the "sustainable development", I think that the Government should adopt an integrated approach to the development of a set of comprehensive nature preservation policies. Personally, I think this should basically include the following:

- (1) Energy policy: The principle of nature preservation is renewability. Renewable energy, such as solar power and wind power, should be actively developed. This will help to reduce the emission of carbon dioxide and other gases with the greenhouse effect. In addition, people should be encouraged to save energy by using energy-efficient electrical appliances.

- (2) Waste treatment: The principal objective is to materialize the basic idea about environmental protection, this is, to achieve waste reduction. A "polluter pays" scheme should be drawn up expeditiously. This will help to reduce sewage and waste production by industries and households. Talks should be held with China as soon as possible to sort out the details concerning the discharge of sewage into deep waters of the South China Sea.
- (3) Waste reduction aside, the Government should encourage the public to respond positively to calls for waste reuse and recycling which are also some basic ideas about environmental protection. This will help to make sure that resources are not consumed faster than they are naturally renewed and we will be able to use our limited resources lastingly.
- (4) Land planning and use: An urban tree-planting project should be carried out extensively so that urban areas would be turned into "reforested areas". In the suburbs, the Government should preserve and protect the natural scenic spots, such as country parks, marshes and woods, so that wild animals may continue to live and propagate there. The Government should enact laws to preserve and protect "champion trees", or trees that are at least 100 years old, from felling by property developers. The Government also should try to look for more champion trees that need preservation in Hong Kong.
- (5) The Government should make structural or institutional improvement, for instance, by setting up a complete environmental database and keeping complete pollution records. The Government additionally should set up a powerful co-ordinating mechanism among the various policy branches, so that factors pertaining to environment and nature preservation will be fully taken into consideration in the formulation of policies or the making of every major decision. In terms of enforcement, the Government should set up an interdepartmental body in overall charge of the implementation of environmental protection measures to ensure the nature preservation policy to be carried out smoothly.
- (6) The Government should devise a tax incentive system to encourage leading entrepreneurs to take environmental protection measures. This will reward those who churn out products with the right technologies.
- (7) Finally, the Government should introduce education courses on nature preservation to let students realize the importance of the environment protection. I wish to make use of this opportunity to urge the Government to adopt the two conventions expeditiously, namely, "the Convention on Climate Changes" and "Convention on

Biological Diversity". This will enable Hong Kong, in a concerted effort, to protect its own natural ecology and environment.

MR HENRY TANG: Mr Deputy President, pollution has no boundaries. It transcends borders, invades into the depths of our atmosphere, poisons the quality of our water, depletes our ozone layer and creates havoc in our climate. Much needs to be done to save the earth and it requires the effort of not just the individuals but also a concerted effort by the various governments to work hand in hand to conserve our resources at a sustainable level. Singular effort of any one country can be easily erased by the non-co-operation of another while a joint effort by several countries will make that exercise less painful, less costly and much more effective.

Nevertheless the size and geography of Hong Kong is such that not only is our economy dependent upon our neighbouring countries, even our environment is greatly affected by what our neighbours do or do not do. The growth in industrial development in Mainland China, despite more stringent pollution regulations by mainland authorities than Hong Kong, have caused much noxious and toxic industrial waste being discharged into our waters. The most severe of which are from industrial developments along the Pearl River Delta, through rivers and channels such as the Pearl River, as well as the Shenzhen and the Yuen Long Rivers. Together with Hong Kong's daily estimated 2 million tonnes of sewage and industrial effluent, it will require co-ordinated efforts by both governments to improve our environment. I urge our Government to establish liaison with China, despite the recent political dogfight, to hammer out enforcement actions on industrial pollution, particularly in the vicinity of Shenzhen, to curb toxic waste being pumped into our waters. It will be a wasted effort on the part of the Hong Kong Government to implement regulatory control on Hong Kong's industry while the bad habits of Southern China remain unchecked.

Similarly, the severity of pollution caused by domestic sewage due to our rapid population growth also needs particular attention. Immediate measures will have to be taken to address the problem. The amount of domestic sewage, causing more pollution than industrial waste, has been revealed by the high bacterial counts in some of our most severely contaminated coastal waters off northeastern Kowloon where drainage pipes carry uncontrolled sewage from densely populated areas of Lai Chi Kok and Sham Shui Po. Growing high bacterial counts have also been detected in recent years in Tai Po Hoi, the inner harbour and the port shelter. It indicates that pollution from Tai Po and Sha Tin is spreading due to the rapid developments in these areas. And as far as organic pollution of Hong Kong waters is concerned, it has been estimated that around 58% of organic pollution comes from domestic sewage while only 19% is from industry.

The Government has embarked on a massive sewage programme. It is called The Sewage Master Plan. How original! It comprises of a series of

drainage network, one of which is a network of tunnels draining sewage from Kowloon, Hong Kong through Stonecutters Island into Lema Channel to cope with our daily discharge of 1.5 million cubic meters of untreated sewage, industrial and livestock waste. By channelling the sewage into the South China Sea our Government is actually evading its responsibility. I would like to remind our Government that it has a moral duty not to pass the "muck" elsewhere. Here I would like to ask if the Chinese authorities have already agreed to such "obnoxious intrusion"? Has any discussion been made at the Joint Liaison Group regarding this pipe? As stated in the Governor's policy address, the entire sewage strategy programme will require some \$17.8 billion over the next 10 years, and of this \$7.3 billion is required between now and 1997. Yet the Government is prepared to only fund \$3 billion from its capital investment fund while the \$4 billion is to be shouldered by individued households and industries. The remaining \$10 billion is to be shouldered by the future SAR Government after 1997. It seems to me that this is less than a half-hearted measure.

Our industries recognize our responsibilities to preserve our environment on a sustainable level. We believe that proposed measures should be implemented gradually and not so drastically as to erode our competitiveness even further. As it is, legislation expounded by the Hong Kong Government has caused approximately 30% of our more obnoxious industries such as dye houses, tanneries and electronic industries to move north. And in certain rural areas almost 90% of our livestock farmers have opted to cease operation due to the uncompetitiveness of maintaining high cost solid waste treatment programmes.

I therefore urge the Government that any regulations imposed on the industries towards environmental control should be open, fair and acceptable. At the moment, measures taken by the Government are far from open, far from fair and far from acceptable. Most industrialists find it hard to comprehend a whole mirage of technicalities involved in environmental conservation. There should be more assistance given to industries in terms of consultants being sent out to help industries appreciate and implement conservation measures. There should also be more consultation with industries on proposed environmental policies and more transparency in proposed conservation policies to enhance co-operation between the private sector and the Government.

I cannot help myself but doubt the Government's sincerity towards conservation. The empty chair at the Earth Summit in Rio de Janeiro, the indecisiveness as to whether or not Hong Kong should ratify the various treaties, the \$10.3 billion to handle waste, all points towards the Government's lack of commitment. The Government should stop "passing the muck" to the community and blaming industry but take a more proactive role by making a comprehensive environmental protection strategy that is well co-ordinated and sustainable.

With these remarks, I support the motion and the amendment.

DR SAMUEL WONG: Mr Deputy President, the critical word in this motion is "sustainable". Nothing can be sustainable in isolation. To achieve sustainability the whole chain of production, use and disposal has to be considered. It is a global matter. By use of the word "sustainable", the motion is encouraging the Government to formulate, in the right priority, a global environmental policy.

Such encouragement, of course, is not new. Indeed attention to global issues by Hong Kong people is not new. If the Government listens, it will be new.

I represent the engineering constituency. So I have perhaps been more conscious than many of the efforts by Hong Kong people to seek sustainable development. After all, most environmental issues involve engineers and most solutions to environmental problems involve engineers too. It is no coincidence therefore that much of the environmental initiative in the past has come from engineers.

The Ordinance which this Council passed in 1975 to create the Hong Kong Institution of Engineers coupled with the subsequent constitution requires all engineers to safeguard the public interest in matters of safety and health. In 1987 an environmental division was formed within the Institution which drew up environmental guidelines the following year. These were later incorporated into the rules of conduct so that compliance with them is mandatory for all members of the Institution and registered engineers. They cover conservation of energy, minimization of wastes, impact assessment, interdependence of eco systems, maintenance of the diversity of species, resource replacement and sustainable development appears twice. In short, they were drawn up in a global context.

In pursuance of this policy, the Institution organized international conferences on pollution in the metropolitan environment in 1985, 1988 and 1991, together with many other lesser seminars, and have contributed actively to the environmental working group of the Federation of Engineering Institutions of Southeast Asia and the Pacific. Such endeavours are not confined to the Institution. Engineers at all levels do in fact take the environment into account in their work. One of the outstanding examples is Sir William STONES, a senior member of my constituency, who has gone to great lengths to supply the Black Point power station with natural gas from Hainan and encourage energy conservation, though this is a rare case of an engineer being in a position of ultimate authority. I can say unreservedly that the Government has supported us strongly in these endeavours. But support is not leadership. It does not create policy. It is not even consistent as can be witnessed by the recent churlish and uncalled for remarks about engineers' lack of concern for their environment by the Environmental Protection Department.

So what has the Government done to follow the engineers' repeated encouragement to address the global issues of energy policy, including generation and sustainable development? On the face of it, precious little. The

White Paper issued on, mark this, World Environment Day 1989 was entitled "Pollution in Hong Kong". And that is what it was, consideration of pollution within our national boundaries only. There was no reference whatsoever to the impact of our actions on the rest of the planet. Then successively in 1990 and 1991 they produced magnificent documents entitled "Environment — Hong Kong". At the bottom of the title page of the 1991 issue it had in small print, "towards a better world". That was the last reference to anything outside the national boundaries of Hong Kong in the whole book. Yet it was a magnificent book. Printed on heavy paper, nearly 200 pages long, it weighed over half a kilogram. But the tree that total print run consumed must have taken a hundred years to grow. What has the Secretary for Planning, Environment and Lands done about replacing that tree?

Successive Governors have also failed in their policy statements to mention Hong Kong's global environmental responsibility. This year was no exception. In my speech in the debate, I felt I had once more to point it out.

The lack of policy reflects down the line. A catering chain recently wrote to the Governor explaining they dumped 5 000 imported glass bottles every week, indicating the huge quantity territory-wide and could not the Government take the lead in encouraging recycling? The reply from the Planning, Environment and Lands Branch said, in effect, "I am sorry, but I am afraid not".

Perhaps the final blow to sustainable policy was the Government's rejection of the invitation to attend the Earth Summit in Rio and with it the opportunity to tap the priceless treasure of learning and experience assembled there. Such exchange of knowledge, as Members will know, is what international conferences are all about.

It has been claimed Hong Kong is the fifth largest importer of tropical hardwood. Furthermore with its huge computer industry and beautiful environmental protection publications and other bureaucratic excesses, it is a colossal consumer of paper. It is therefore a significant contributor to tropical deforestation. It consumes a disproportionate share of world energy and, with its heavy reliance on fossil fuels, it emits vast quantities of carbon dioxide, the greenhouse gas. Yet so far it has declined to accept its global environmental responsibilities by formulating an appropriate policy.

Mr Deputy President, I wholeheartedly support the motion.

MISS EMILY LAU (in Cantonese): Mr Deputy President, I rise to speak in support of the Honourable Peter WONG's motion and Dr the Honourable LEONG Che-hung's amendment.

The Government's environmental policy puts the emphasis on the protection of the environment rather than on conservation. The existing policy

is a "pollute and clean" policy. As an environmental strategy, it is shallow. As a code of practice, it is unwise and irresponsible. Some European and American countries deal with problems of environmental pollution by the more sophisticated method of targeting sources of pollution exclusively. This is known as the "treat and solve" method.

Mr Deputy President, the Government now places the Environmental Protection Department (EPD) under the Planning, Environment and Lands Branch. This arrangement reflects the Government's tunnel vision approach to the environment. If we look at the internal operations of government departments, we see conflicting interests and roles. On one hand, there is the environment to protect; on the other, there are the planning and land policy needs. One example is agricultural land in the New Territories. There, the Planning Department first determines how an agricultural lot will be developed and used. A land use conversion premium is then collected. It is only at this late point that the EPD gets its chance to assess the environmental impact of the land development project. Suppose that the environmental impact as assessed is found to be indeed unacceptable. Even then, the EPD can do practically nothing. This is because by then the Government will have already received the premium, which it will be loath to refund. Accordingly, the EPD has to accept the *fait accompli*.

Mr Deputy President, another problem is the insufficient powers of the EPD. An example is the West Kowloon reclamation project. This project has led to the massive death of fish. The spreading foul water of West Kowloon has affected many parts of the waters around Hong Kong. As far as I know, the EPD did recommend some measures to avert such unpleasant happenings. But when the Planning Department thought otherwise, the EPD was powerless to interfere. The EPD is not on a par with the other government departments. The professional opinions of the officials of the EPD are often belittled; nor can they speak their minds freely. As far as I know, in the West Kowloon reclamation case, officials of the EPD were forced to deny publicly that they had criticized the Planning Department. I believe that this was for covering up an inter-departmental squabble.

In addition, Mr Deputy President, there are potential conflicts of interests among many government departments over the environmental policy. For instance, in the case of the construction of a golf course at Sha Lo Tung Country Park, while the Agricultural and Fisheries Department and the Country Parks Authority were vigorously promoting the scheme to exchange 19 hectares of country park land for recreational facilities, I saw no role of any kind played by the EPD.

Mr Deputy President, the officials of the EPD at present are mostly scientists or engineers. When drafting policy, they may fail to take full account of social and other factors. For instance, the Government promulgated a law setting a percentage for construction waste to be dumped on a landfill site. Promulgating the law was one thing. But would the law be enforced? When

officials of the EPD tried to enforce them, they met with strong resistance from drivers of dump lorries. I would like to ask this. While environmental protection is important, did officials of the EPD consider the situation of the drivers of dump lorries? Did they provide an alternative?

Mr Deputy President, the EPD should study the experience of foreign countries like Germany, recruit more economists and sociologists and upgrade the environmental policy into a policy of community-wide environmental education. Germany, for instance, is making preparations now for the 1995 legislation that will require manufacturers to take back all product packings. This requirement will put the burden of waste disposal on the manufacturers and at the same time encourage them to use less packing and to develop packing technologies friendly to the environment.

Mr Deputy President, the Government perhaps cannot conceive a comprehensive policy that combines pollution controls and recycling. Since publishing its 1989 White Paper on pollution, the Government has been focussing its attention mainly on waste treatment, water quality monitoring, sewage disposal and air quality improvement. However, the Government has not come up with a matching recycling policy. Nor has it given community education a chance as a means to this end. One example is water quality monitoring. Some industrial waste water can be recycled cost-effectively. As for solid waste, the Government's policy is to dispose of it more and more by means of landfill sites. Eventually, all solid waste is to be disposed of in this manner. The Government has done little about the reusing of waste, for instance, constructions waste. As for household garbage, if it is separated, most of it can be recycled. Glass bottles, for instance, provide a very good insulating material for use in construction. Mr Deputy President, it takes 90% less energy to make recycled paper than to make new paper, starting with the felling of trees. This is a big saving. It takes 95% less energy to make cans from recycled aluminium than to make them from newly mined aluminium, starting with the opening of mines. I agree with the Honourable Peggy LAM, who says that the Government has done nothing positive in this area. I personally feel greatly disappointed.

Finally, I support Dr the Honourable LEONG Che-hung's motion for amendment. He urges that the Government bind itself in writing by subscribing to the two conventions passed by the Earth Summit. The motion, if amended, will be more specific and provide more of a guideline than the original motion. This is particularly so where international obligations conflict with local short-term interests. If the motion as amended by Dr the Honourable LEONG Che-hung is adopted and adhered to, the Government may not sacrifice international obligations for short-term interests.

With these remarks, I support both motions.



MISS CHRISTINE LOH: Mr Deputy President, Hong Kong's Policy Secretaries do not appear to put very much emphasis on this very important debate. The Secretary for Planning, Environment and Lands is here but then of course he is duty-bound to be because he has to give us a reply. No EPD representatives has bothered to come at any stage of this debate. Mr Deputy President, this is most disheartening.

Mr EASON, the Financial Secretary and the Attorney General who are here must therefore carry this Council's message back to the Administration and I hope that they will represent our views vigorously.

We are primarily an urban society and we are a city of enterprise. We have been driven in our development by the forces of demographic and economic need. We have, in consequence, often been insensitive to our natural environment, accepting the damage done to it as a price to be paid for our progress. We have been inclined to measure the quality of our life in material terms, and we have by that measure been outstandingly successful in our efforts.

Through that success, we have grown to be a prosperous and mature society. We are, today, more confident of our place in the world. We are more conscious of our rights and our duties, and our responsibilities for the future.

I am so happy to see immediately two addition to the official representation.

I believe, therefore, we also understand more clearly now that we cannot simply consume and vandalize the world about us; but what we take from our environment must ultimately be paid for. And we are paying for it now, in the declining quality of our earth, our air, our water and our health.

There is nothing sentimental or naive about wanting to conserve and rehabilitate our environment. It is a matter of science, of economics and of social justice.

The challenge is to start looking at the total benefits we get and the total costs we must pay as a result of the way we live today. Community health should be a top priority in policy formulation. This will require the Administration, this Council and industry to change our codes of behaviour. In some instances, we must change our laws and our plans. And at all levels, we must change our attitudes.

#### *Air quality*

With respect to air quality, the stated policy of the Administration is "to achieve and maintain an acceptable level of air quality to safeguard health and well-being of the community." But at the same time, official projections tell us that the quality of our air is likely to deteriorate by 50% at the end of this decade.

How can that stated aim, to "achieve and maintain an acceptable level of air quality" be reconciled with the prospect of a 50% deterioration?

Mr Deputy President, it cannot. A more rigorous and comprehensive approach is needed. Policy formulation must be more broadly-based, and it must recognize environmental costs as real cash costs. For a start, the Administration must commit itself to its stated air quality objectives and to the programmes necessary for attaining those objectives.

If we really want cleaner air, we need a policy which ensures fewer motor vehicles, or at least cleaner vehicles, on our roads. How would we balance the need for mobility with the need for community health? Right now, we let the Transport Branch get on with planning more roads; we let the Finance Branch set vehicle tax and licence fees; we let the Health and Welfare Branch plan for those who fall sick; and somewhere in the middle we have the Environmental Protection Department trying to deal with pollution.

Unless the Administration pools this varied expertise to reformulate public policy, the Administration will fail to safeguard our health and well-being in the long run. The time to act is now.

#### *Waste disposal*

With respect to waste disposal, the Government's attempt to transform part of the Clearwater Bay Country Park into a landfill is a symptom and a symbol of our own excesses.

We throw away 23 400 tonnes of rubbish every day. We will be throwing away 41 900 tonnes per day by the year 2001, unless we start changing our habits for the better.

Almost 70% of our solid waste is construction waste. The construction industry maintains that it is cheaper to throw material away than to implement systems of waste separation, reuse and recycling.

It may be cheaper for the construction industry but what about for the rest of us? Free waste disposal will seem to be a cheap option only for so long as we go on giving it a priority over other things.

#### *Natural heritage*

We now know that trees and forests are the lungs of the world. We have few enough trees and green spaces in the urban areas. Their preservation should, therefore, be a very high priority.

We must also guard against the temptation to grant or convert public land in our countryside for private development of golf courses. The Shalotung fiasco shows us we should not have the same government department, namely

the Agriculture and Fisheries Department, be responsible for conservation and exploitation. It is imperative that the Government restructure AFD's responsibilities immediately. The Environmental Protection Department might be more suited to the task of conservation.

Having urbanized so much of Hong Kong, let us not suburbanize the rest in the name of "development." The wilderness and solitude of our precious country parks and countryside have social and spiritual value which no golf course can ever substitute.

#### *Energy conservation*

We are by nature a thrifty and efficient society. We would do well to seriously consider extending those principles to the field of energy conservation.

It is encouraging to read in the news that our two power companies and the Administration have formed a committee to launch a conservation programme next year. This is a good start. The process will be enhanced if the Administration could take the lead to ensure new public buildings are designed to be energy efficient.

I would also like to urge architects, designers, engineers, contractors and developers to give energy conservation a high priority in the design and construction of buildings.

By restraining our consumption of energy, we will limit the future need of new energy capacity. The environmental impact of power generation should be a matter of close public scrutiny. This is particularly true in the case of Daya Bay, now approaching completion, where the use of nuclear technology brings the worries of operational safety and nuclear waste disposal.

#### *Environmental audit*

Mr Deputy president, it would be unreasonable for this Council to urge others in the public and private sectors to take a more positive approach towards the environment, and yet for this Council to take no visible action itself.

I suggest, therefore, that this Council commission an environmental audit of our own building and of our own operations. To do so will require some expenditure. But even on our own small scale, we must set an example.

#### *Summary*

The motion calls for prioritizing Hong Kong's environmental programmes and adopting two international conventions. It calls for a local comprehensive conservation policy — and it calls for a policy of sustainable development.

This means we must learn to have a sense of loyalty to the planet because it is a precondition to our survival.

Mr Deputy President, I support the motion as amended.

MR MARTIN BARROW: Mr Deputy President, from the point of view of the tourism industry, the effective conservation of the environment is a matter of future economic necessity as well as aesthetic desirability. Already the territory's third largest earner of foreign exchange, tourism has strong growth prospects. By the year 2000 it is quite possible that we could be looking at 10 million visitors coming to Hong Kong each year, bringing in revenue of perhaps \$130 billion to \$140 billion. But for that to happen, we must ensure that our urban environment, our harbour, our beaches and seas and our scenic areas are both clean and protected. It is partly a matter of image. Today's tourists are becoming increasingly aware of environmental matters and international surveys show that the quality of a destination's environment is a significant factor in the decision-making process of a traveller. The poor state of our harbour, the piles of debris and junk yards in the New Territories and our escalating traffic noise and congestion are immediately apparent to all our visitors. These negative impressions will become serious impediments to our continuing to compete effectively in a very competitive business when many of our neighbours in the region do not suffer from such problems and have more space to develop.

It is also a matter of planning ahead to meet the changing demands of what will soon be the world's number one industry. For example, the unacceptable condition of some of our beaches and seas is a deterrent to investors interested in developing new tourist resorts, leisure centres or other attractions.

The Hong Kong Tourist Association has worked with many sectors of the industry over the years to diversify the products which Hong Kong can offer the visitor. This has opened up different facets of the territory to visitors in addition to the traditional attractions of shopping and food. I am thinking of the tours to the New Territories and Lantau, events like the Hong Kong Dragon Boat Festival international races and the Hong Kong Food Festival and such museums as Flagstaff House Museum of Teaware and the Museum of History. But to maintain growth, we need more diversification. We could be considering rural leisure centres, marine or aquatic stadia and resort style complexes. These may be unlikely in the present conditions. Similarly there must be a concerted and co-ordinated programme to protect our historical and cultural heritage. We should be preserving and protecting our old buildings, temples, markets and city areas because these also are what makes Hong Kong appealing to visitors.

Next Sunday is Hong Kong Tourism Day 1992, the first time for all sectors of the industry to join together to mark its growth over the years. If Hong Kong wishes to sustain its success as a tourist destination, which contributes so much to the economy, it is vital that the Government takes a more forceful lead in preserving our tourism assets and this means a comprehensive environmental programme. Thank you.

DEPUTY PRESIDENT: Mr Peter WONG, you have got barely time for reply if you observe the House rule.

MR PETER WONG: Thank you, Mr Deputy President, After the heated debates of the last few weeks, I am very pleased that this Council has been absolutely unanimous today and I think that is to be congratulated because we have common enemy number one, pollution. I do not blame the Government entirely for bringing this on us; I think we brought this upon ourselves. But I think the Government certainly has a responsibility to take the lead on how to handle this matter.

Mr Deputy President, I am not absolutely certain what the vote is going to be but I hope that when Members vote the result of that vote will make sure that the Honourable Howard YOUNG's story of the future will not be told.

I welcome the private sector's resounding promises of co-operation to bring about environmental protection and also the need to enhance our environment both for profit as well as for the benefit of our health and ourselves. We also need to look at the wider interests and that is why the findings of the Rio Summit are very important and they will also serve as important guidelines as to what we must adopt for Hong Kong.

Members pointed out the need for the Government to co-ordinate overall policies so that we can achieve a proper conservation policy which must include environmental protection and sustainable development. And also the Government must examine its own internal workings of how to go about it, including the problems of a possible conflict of interest by the Secretary for Planning, Environment and Lands.

Now we have to realize that a decent environment has its costs and I think we are all ready to pay a fair amount for that. Many suggestions were made and I shall only recount a few: demand side management for energy, energy efficient buildings and Mr Deputy President, I would like to add that as Chairman of the Environmental Affairs Panel, I have discussed with the Secretariat that we should be looking at the audit of the environment for this building.

We also have to look at how policies relate between transport and the environment. I think we are all justly concerned that we cannot have transportation policy without due regard to the environment. I think we are also concerned that the sewage master plan will be pursued with vigour. We are concerned that public education by the green groups should be encouraged both to the general public, and I think, we also need to have public education to industry, so that we need to overcome ignorance in order to achieve co-operation. I think the engineers can certainly take a much greater lead in dealing with pollution and the environment.

Mr Deputy President, I look forward to hearing from the Secretary and his response to the debate this afternoon.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the aim of the motion — whether it is amended or not, — and the outcome are clear. The motion encapsulates views held strongly by those who think of the environment — and will strike a sympathetic note with much of the community at large — that the Government should review the priorities set in the 1989 White Paper on the Environment, that environmental policies should now embrace more progressively the concept of conservation, and that we should set the achievement of sustainable development as our goal for the future. I am glad to say that the Administration broadly supports these sentiments. As several Members have pointed out, they reflect the themes at the United Nations Conference on the Environment and Development (the Earth Summit) held in Rio de Janeiro in June this year.

Let me start with the White Paper on the Environment. When this our first major policy paper on the environment was published in 1989, we undertook to review it every two years. We will therefore publish, in the middle of next year, the second review. We have already decided that this review should be more comprehensive than the first in 1991. The 1991 review was essentially a check list on the status of the many targets to abate pollution included in the White Paper. It is well known, Mr Deputy President, that the 1989 White Paper was an action plan to aim at attacking the worst environmental abuses in Hong Kong. The programmes it presented were therefore based on the need to ensure that we have environmentally acceptable but cost effective facilities for the disposal of our solid wastes; to begin a determined attack on air pollution; to plan for, and begin construction of, a substantial programme of sewage treatment and disposal facilities; to continue with the broad programme of legislation to protect the environment and ensure that the substantial capital sums that we are spending, and will continue to spend, on environmental protection are used effectively; and to raise Hong Kong's environmental awareness. In addition, we had to ensure that some of the planning mistakes of the past, which had contributed to our environmental problems, were not repeated in the future. These programmes were given priority simply because it was clear to us all in 1989 that for far too long we

had ignored the environment. Urgent and positive steps were required to recover lost ground and make up for years of neglect.

Mr Deputy President, many of these steps have been taken. I do not propose to review the status of these environmental programmes today, or to try and deal with each of the points raised by individual Members many of which are answerable and which we will have opportunities to answer in other places. But I would just remind Members that, in his address to this Council on 7 October, the Governor pointed out that of the 118 targets in the White Paper 73 have already been met. I would also point out that the programmes which sprang from the 1989 White Paper remain a sound foundation for environmental protection in Hong Kong. But the time has come to consider how we should now build on that foundation.

In this regard I believe we should consider the extent to which we can go beyond our current action plans and formulate a more comprehensive programme of environmental protection. Such a programme could embrace many of the issues discussed at the Earth Summit, in particular, the central themes of "sustainable development" and "conservation". These themes are wide ranging and touch upon many environmental issues. It is already clear that they, not surprisingly perhaps, are capable of meaning different things to different people.

In the field of conservation, Members have mentioned the need to conserve flora and fauna, to protect the countryside and marine sites of special scientific interest. The need for a comprehensive approach to conservation has also been stressed, and some have suggested the setting up of a new department to be responsible for country parks and conservation, others the transfer of conservation-related matters from one department to another.

A rich, diverse and healthy environment should provide opportunities for leisure, recreation and education. Our approach to conservation therefore aims to preserve and protect the countryside, and areas or sites of special value, by identifying target areas for conservation, designation, control, proper use and management. Given the size and range of these target areas it is inevitable that these tasks should be covered under a wide range of different programme and fall to different authorities and departments to perform. An information paper presented to this Council's Environmental Affairs Panel in April this year described these arrangements. I will not repeat here what was covered in detail in that paper; but I will certainly reissue it for Members' information.

Our approach to conservation has developed and evolved gradually over a considerable period to take into account the need to establish arrangements for conservation to cover the 21 country parks and 14 special areas. Our weapons are many: the Country Parks Ordinance; the Forests and Countryside Ordinance; the Wild Animal Protection Ordinance; the Animal and Plants (Protection of Endangered Species) Ordinance. We use these to protect flora and fauna and sites of special scientific interest, for the benefit of the whole

community and to ensure the proper management of country parks, and to assist nature conservation.

But it is also important to remember that conservation cannot be achieved without proper land use planning and control. Planning at strategic, sub-regional and district levels provides the means to conserve significant and valuable landscapes and ecological and heritage features. But we cannot be complacent, as many Members have said. Recent events highlighted the need for careful monitoring, especially as regards development proposals within country parks. The passions (or perhaps I should say palpitations) aroused by these incidents, inside and outside this Council, are a reminder of the need to monitor our countryside conservation measures regularly.

By and large, within the severe constraints imposed by our size and topography, our conservation policy strikes a reasonable balance between the need to provide land for development, and the need to conserve land for recreation, leisure and education. We are, moreover, considering how to expand target areas to include marine parks and reserves, how to extend some existing country parks, and how to plan further for the rehabilitation of degraded areas. These arrangements will continue to be co-ordinated by the Planning, Environment and Lands Branch, thereby providing the co-ordination of conservation issues that Members, rightly, consider important.

I would like to say that environmental issues do not take a back seat in development cases — on the contrary, this year we have introduced environmental impact assessment requirements binding on government departments. Private developers are also bound and we are also considering introducing environmental impact assessment legislation. The conflicts to which Members have referred have to be resolved at some point and most can be resolved at working levels provided the guidelines and regulations where necessary are clearly laid down. Where this is not so, resolution at branch level is generally possible and I should say that clear signals have been given in recent months that the balance has been tipped towards green. I would also like to suggest that Members should not overrate the extent to which reorganization could produce a better response to the complex web of inter-related environmental and conservation problems we face. To give an example, the following departments have responsibilities in the environmental field — Environmental Protection Department, Agricultural and Fisheries Department, Planning Department, Buildings and Lands Department, Electrical and Mechanical Services Department, Water Supplies Department, Territory Development Department, Urban Services Department, Regional Services Department, Drainage Services Department, Housing Department and Education Department. The following branches have responsibilities which reach into the environmental field — my own branch, Works Branch, Transport Branch, Economic Services Branch, Recreation and Culture Branch, Health and Welfare Branch and Education and Manpower Branch. The following bodies have responsibilities in the environmental field — Environmental Pollution Advisory Committee, Town Planning Board, Energy Efficiency Advisory Committee,



Legislative Council Environmental Affairs Panel. These cannot be all encapsulated in one organization with one single responsibility. We must remember that the environmental issues are widespread throughout the Administration and the activities of the community.

Mr Deputy President, I would now like to turn to the concept of "sustainable development". This is another issue that it is not easy to define — and that, as I have already said, may mean different things to different people — although it is generally accepted that the concept embraces the need to ensure that our use of resources and our inter-action with the environment does not prejudice the rights of future generations to meet their needs and resources from the same environment. The Earth Summit concluded that, to fulfil the spirit of "sustainable development", there would need to be changes to our lifestyles and in our attitudes towards the environment. This is as true for Hong Kong as it is for any society; for we know more than most that the price of affluence is effluents. Controlling these requires not only a change in our laws, it requires changes in technology and how we apply it; changes in our collective will and how we use it; and changes in our political, economic and social will so that the sentiments of a few can be turned into the actions of many. Such changes should aim to achieve a point of balance between protecting our environment and sustaining our economy and through it our livelihood so that we will have the capacity to enjoy the environment.

The implications of embracing the concept of "sustainable development" and of setting targets and goals under the general heading of "sustainable development" are therefore very wide ranging. It would be premature today for me to go into the detail of what we might do in this regard. As I have said, this is an issue which we will deal with in the next review of the White Paper on the Environment, and I am therefore grateful for the suggestions that have been put forward in this debate which will help us with that review. I should also say that, like many governments around the world, we are now carefully studying the detailed texts of the Summit documents. It is already clear however that by agreeing to address the issues considered at the Earth Summit by mid 1993, we are setting ourselves a challenging target. Just how challenging can be seen if I mention briefly just what we will need to take account of.

The Earth Summit produced five principal summit documents: two conventions — the Convention on Biodiversity and the Convention on Climate Change — and three non-binding agreements. The Biodiversity and Climate Change Conventions are extensive documents which acknowledge that the adverse effects of climate change and the need to conserve and sustain biological diversity, are common concerns of humankind. The Administration shares these concerns. Basically, the Biodiversity Convention requires an inventory of plants and wildlife together with plans to protect them, and the Convention on Climate Change requires the stabilization of greenhouse gas emissions by developed countries at their pre-1990 levels by the year 2000. Because it shares the concerns acknowledged in the Conventions, the Administration has

already taken positive steps to meet the environmental objectives under them, and I will say more about these steps in a moment.

However, to fully adopt the two Conventions (as called for in the amendment which has been proposed to the motion) may be difficult for us. This is because the ethos of both Conventions appears to be that sovereign states with advanced economies will assist developing countries to achieve the objectives of the Conventions by providing them with financial and technological aid. In this regard, the Articles of the Conventions provide that parties to them will have many obligations and duties. The implications of these obligations and duties need to be carefully considered and this is what we are now doing.

While it may appear on the face of it that meeting the purely environmental objectives of the Conventions endorsed at the Earth Summit will be within our grasp, there may well be both practical and legal problems which will prevent Hong Kong from adopting the two Conventions formally. This is because, as Hong Kong is not a sovereign state, there is no question of Hong Kong signing or becoming a party to either of the Conventions in her own right. It may, however, be possible for Her Majesty's Government to ratify the Conventions on behalf of Hong Kong, as in the case of the Montreal Convention dealing with substances that deplete the ozone layer. But such an arrangement for Hong Kong in relation to the Conventions on Climate Change and Biodiversity would need to take into account the status under which Hong Kong might be designated, that is, as a developed country or a developing country. As the international rights and obligations of parties to the Conventions vary according to such designation, the Administration must, clearly, consider its position in relation to its future status as a Special Administrative Region of the People's Republic of China. As the Administration has yet to come to a conclusion on these matters, it is not possible to say at this stage that Hong Kong can and therefore will adopt the two Conventions.

But what I will say, Mr Deputy President, is that we generally endorse the environmental objectives of the two Conventions and we will do all that we can to meet them. We have already taken several positive steps. For example, and regarding the Convention on Biological Diversity, the Government's activities on environmental conservation are integrated into the provision of country parks and other measures relating to conservation which I have already mentioned. Regarding the Convention on Climate Change, our efforts to stabilize the production of greenhouse gases include the preparation of a greenhouse gas inventory by the Environmental Protection Department, the establishment of a Co-ordinating Group on Global Climate Change under the Director of the Royal Observatory — a department which I omitted from my previous list — and the formation of an Energy Efficiency Advisory Committee under my chairmanship.

Regarding the non-binding agreements, the three non-binding agreements were, firstly, Agenda 21, a 900 page blueprint for action to protect the environment while encouraging development — quite a few trees there; secondly, a non-binding statement on the protection of forests (that is, the Forest Principles); and thirdly, a non-binding statement of 27 broad principles to guide environmental policy. This latter agreement is usually known as the Rio Declaration. Agenda 21 is now being studied, as is the statement on Forest Principles. The aims of both have our general support. Take for example the Forest Principles, for which we have already undertaken to reduce the consumption of hardwoods and, as a result of which, the Architectural Services Department, the Housing Authority and the Hong Kong Construction Association have begun testing alternative materials. Buildings Ordinance Office has begun to consider the amendments necessary to the Buildings Ordinance to reduce the use of timber in building hoarding.

The third non-binding statement is the Rio Declaration, which includes, as I said, 27 environmental principles for adoption by the signatory countries. One of these is the Polluter Pays Principle. An example of how we are already seeking to apply this principle is the measures that we propose — and upon which the public will be consulted shortly — to pay for a programme of urgently needed sewerage. The Government can, therefore, endorse these major principles and we will be saying more about them in the next White Paper review. In the interim, I shall be convening a senior group to properly co-ordinate our response to the Earth Summit.

To conclude, I welcome this debate as a first step in forging the consensus necessary to comply with the spirit of the principles of the Earth Summit. I share the views of those Members who have called upon us to review our environment programmes in the light of the Earth Summit, and who have called upon us to devise programmes that better conserve our natural resources in the interests of, not only ourselves, but also our children and future generations. But I must also caution that fulfilling these aims will not be easy. There are frequently as many views on the environment as there are spokesmen for them. The challenge will be to balance those often diverse opinions to devise an acceptable programme of environmental protection, conservation and "sustainable development", and to convince people to change their lifestyles so that we can fulfil these aims.

Thank you, Mr Deputy President.

*Question on Dr LEONG Che-hung's amendment put and agreed to.*

*Question on Mr Peter WONG's motion as amended by Dr LEONG Che-hung's amendment proposed, put and agreed to.*

6.31 pm

DEPUTY PRESIDENT: I propose suspending the sitting for half an hour for a supper break.

7.24 pm

DEPUTY PRESIDENT: Council will resume.

### **Adjournment**

CHIEF SECRETARY: Mr Deputy President, I move that this Council do now adjourn.

DEPUTY PRESIDENT: Mr TIK Chi-yuen has given notice to raise a matter for reply by the Government. Could I remind Members that in an adjournment debate there are 45 minutes for Members 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 Education and Manpower to reply.

Nine Members have given notice to speak and the House Committee has ruled that as a matter of arithmetic each Member should take not more than five minutes.

### **The objective of school education**

MR TIK CHI-YUEN (in Cantonese): Mr Deputy President, my intention of having this adjournment debate today is to call on Members and the public to care more about problems concerning people's livelihood, instead of concentrating on the political development and the new airport. But today I am not aware of any report on television about today's motion debate on environmental protection, and at this moment there are only a few Members still in this Chamber to participate in the adjournment debate on the objective of school education. Although I intended this debate to exert a positive influence, Members' participation seems to be a great disappointment to me.

I think it will be meaningless and self deceiving if we proceed with this adjournment debate. Mr Deputy President, I would like to draw your attention to the fact that we do not seem to have a quorum to continue the meeting. So I seek your ruling on this matter.

DEPUTY PRESIDENT: Under Standing Orders I have to summon Members to attend and, if after 15 minutes have expired, a quorum is not present I am to adjourn the Council without the question being put. I so direct. In the meantime I suspend the Council.

Council suspended from 7.25 pm to 7.40 pm

### **Next sitting**

DEPUTY PRESIDENT: As we do not have a quorum after the 15 minutes enjoined by Standing Orders, in accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 9 December 1992.

*Adjourned accordingly at nineteen minutes to Eight o'clock.*

*Note:* The short titles of the Bills/motions listed in the Hansard, with the exception of the Hong Kong Industrial Technology Centre Corporation Bill, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.



**WRITTEN ANSWERS****Annex I****Written answer by the Secretary for Planning, Environment and Lands to Mrs Miriam LAU's supplementary question to Question 1**

Two plans have been forwarded to Mrs LAU which show where the major overhead power lines are. Mrs LAU will see that most of them pass through unpopulated areas. As regards the "people living near" question, this depends on what is meant by "near". Using 50 metres as the definition, a very rough estimate puts the figure at somewhere between 1 000 and 1 600.

This information does not imply directly or indirectly that the people referred to are at risk in any way.

**Annex II****Written answer by the Secretary for Security to Mr MAN Sai-cheong's supplementary question to Question 6**

I was informed by the Gas Safety Officer that Mr MAN's concern, in fact, related to the oil and LPG depot in Chai Wan operated by the China Resources Petroleum and Chemical Co Limited, rather than the Heng Fa Chuen LPG installation operated by the Shell Oil Co.

LPG storage in Hong Kong comes under the purview of the Director of Electrical and Mechanical Services, who is the Gas Authority under the Gas Safety Ordinance (Cap 51). All new gas installations are subject to a rigorous risk assessment, based on the Government's Risk Guidelines, before they are approved for construction. Existing installations are also subject to an on-going safety review by the Gas Standards Office. Those that pose unacceptably high levels of risk have either been upgraded to current standards or asked to relocate. We are satisfied that these procedures adequately protect the public from potential risk. There is, therefore, no need to conduct a further review of LPG storage areas nor to amend existing legislation.

The LPG depot at Lo Shue Pai in Chai Wan is the China Resources Petroleum and Chemical Company's distribution centre and serves Hong Kong Island with cylinders brought in from Tsing Yi Island. The depot comprises an LPG cylinder storage shed, a storage tank yard and a jetty with a tanker shed. All these installations have been constructed in accordance with our safety guidelines. The small size of the LPG cylinders makes a large emission of gas at any one time impossible. The site is also safely separated from the residential

**WRITTEN ANSWERS** — *Continued*

developments in the area. As in the case of other LPG depots, the Fire Services Department and the Gas Safety Office carry out regular visits to ensure that all of the fire service and gas safety installations are in good working order and to advise the management on any necessary improvements.

**Annex III****Written answer by the Secretary for Security to Mr James TO's supplementary question to Question 6**

Since 1988, there have been 14 prosecutions by the Marine Department for carrying dangerous goods without a permit: 11 under section 34 of the Merchant Shipping (Miscellaneous Craft) Regulations of the Merchant Shipping Ordinance (Cap 281); and three under section 12 of the Dangerous Goods (Shipping) Regulations of the Dangerous Goods Ordinance (Cap 295). There have been no recorded accidents at any of our dangerous goods anchorages since 1988, apart from the five barges which broke adrift from the Western Dangerous Goods Anchorage during the passage of a typhoon in 1992.