

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 10 February 1993

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 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, O.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, O.B.E., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

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

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

THE HONOURABLE ROGER LUK KOON-HOO

THE HONOURABLE ANNA WU HUNG-YUK

ABSENT

THE CHIEF SECRETARY

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

THE HONOURABLE VINCENT CHENG HOI-CHUEN

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE JAMES TO KUN-SUN

IN ATTENDANCE

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

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

THE HONOURABLE MICHAEL SZE CHO-CHEUNG, I.S.O., J.P.
SECRETARY FOR CONSTITUTIONAL AFFAIRS

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

MRS ELIZABETH MARGARET BOSHER, J.P.
SECRETARY FOR ECONOMIC SERVICES

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>
Import and Export (Strategic Commodities) Regulations (Amendment of Schedule) Order 1993	23/93
Continuing Legal Education (Amendment) Rule 1993	27/93
Import and Export (Amendment of Schedule) Notice 1993	28/93

Sessional Papers 1992-93

- No. 54 — Regional Council Estimates of Revenue and Expenditure for the year ending 31 March 1994
- No. 55 — Regional Council Revised Estimates of Expenditure 1992-93
- No. 56 — Revisions to the 1992-93 Estimates approved by the Urban Council during the third quarter of the 1992-93 financial year
- No. 57 — Report of the Public Accounts Committee on the Report of the Director of Audit on the Accounts of the Hong Kong Government for the year ended 31 March 1992 and the Results of Value for Money Audits January 1993
PAC Report No. 19

Address**Report of the Public Accounts Committee on the Report of the Director of Audit on the Accounts of the Hong Kong Government for the year ended 31 March 1992 and the Results of Value for Money Audits January 1993 PAC Report No. 19**

MR STEPHEN CHEONG: Mr Deputy President, on behalf of the Public Accounts Committee, I have the honour to table the Committee's Report No. 19 today.

The PAC Report No. 19 covers the conclusions reached by the Committee in considering the Director of Audit's Report No. 19 on the accounts of the Hong Kong Government for the year ended 31 March 1992, and the results of value for money audits completed between March and September 1992. In tabling this report, I wish to re-emphasize that the function of our Committee is not vindictive or punitive, but to examine with the Administration issues raised in the Director of Audit's Report with a view to drawing lessons from mistakes made in the past and arriving at recommendations for the more efficient use of public funds in future.

In considering the Director of Audit's Report No. 19, the Committee note with concern the apparent lack of co-ordination amongst government departments where more than one department are involved in pursuing certain common objectives. This lack of co-ordination is evident in a number of issues raised in the Director of Audit's Report. The Committee consider that it is essential for the Government to consider ways to improve co-ordination amongst departments involved in common issues by designating a particular controlling officer as the overall co-ordinator whenever more than one government department are involved in any project.

The Committee have been pleased by the positive approach adopted by Controlling Officers towards the Director of Audit's observations and their co-operative attitude in facilitating the Committee's deliberations. The Committee trust that the Administration, the Audit Department and the Committee will continue to work closely with a view to achieving better efficiency and cost-effectiveness within the Government.

Mr Deputy President, I trust that the recommendations contained in our Report No. 19 will be accepted by the Administration.

Oral answers to questions**Waste recycling**

1. REV FUNG CHI-WOOD asked (in Cantonese): *In view of the rapidly increasing amount of solid waste generated in Hong Kong and the expensive cost of construction and operation of landfills, will the Government inform this Council:*

- (a) *whether a thorough feasibility study has been conducted to identify the advantages and disadvantages of recycling waste materials in the territory; and*
- (b) *if not, when such a study will be undertaken?*

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

- (a) The Environmental Protection Department commissioned a consultancy study to look into the feasibility of recycling construction waste in April 1991. This form of waste was selected for study because it accounts for about 60% of the solid waste going to landfills. The study concluded that recycling was technically feasible and in April and May 1992 a six-week trial was conducted at the Tseung Kwan O landfill. The aim of the trial was to assess what equipment and practical procedures would be necessary to select construction waste suitable for disposal as reclamation fill material. The trial also demonstrated that it is feasible to separate various types of construction waste — such as concrete and reinforcing bars and putrescible wastes — such as wood and plastic. In the light of the study findings, the Director of Environmental Protection is now discussing with the Hong Kong Construction Association implementation arrangements to help conserve valuable space at landfills.
- (b) As regards solid waste other than construction waste, it is proposed that another study should start later this year to examine practical options to reduce the amount of municipal waste going to landfills.

REV FUNG CHI-WOOD (in Cantonese): *Mr Deputy President, it is mentioned in paragraph (b) of the reply that another study will start later this year. How long will that study take, and how much will be spent?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I think the sort of detail as regards the exact brief for the study, what areas it will cover, how it will be done and by whom, and therefore how much time it will take and its cost have yet to be worked out. So I am not at the moment in a position to answer those specific questions.

MRS PEGGY LAM (in Cantonese): *Mr Deputy President, will the Administration inform this Council whether it has any policy to encourage the public to separate various types of waste, or whether it will use different litterbins for different types of waste such as waste paper, glass bottles or other substances in order to facilitate separate treatment?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, it is the Government's policy to examine measures to limit the amount of waste and to encourage the recovery and recycling of waste and that means its separation. And proposals in this respect were set out in the 1989 White Paper on the environment. At present over 60 government branches and departments and 30 housing estates and some 450 private establishments have schemes to collect waste paper separately from other waste and a recent review of these schemes has indicated that the overall response to waste paper separation for recycling is encouraging. As I have said, the separation of construction waste is already under detailed review, and beyond that I think I can say that in our review of the 1989 White Paper on the environment we will be taking another comprehensive look at the question of waste separation and recycling with a view to becoming somewhat more proactive about these matters.

MR HOWARD YOUNG: *Mr Deputy President, with reference to the reply which says that it has been demonstrated that it is feasible to separate various types of construction waste, will the Government confirm that when it comes to the implementation of such separation it will be at source at construction sites rather than at some intermediate sites which, I think, will cause more manpower and resources to be used?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I cannot this afternoon confirm that it will be at source. I think the studies, with the help of the Hong Kong Construction Association, have indicated that for sizeable sites — where we are talking about redevelopment and the disposal of post-construction waste — separation on site is likely to be feasible. But in the many smaller sites which are redeveloped in Hong Kong, space limitations may make this more difficult and in those circumstances there may be a case for providing a site or sites where the process can be carried out centrally. I emphasize the words "may be" because I think these are matters which require further detailed examination. I can confirm that, as far as the

question of double-handling and possible extension of environmental disadvantages goes, intermediate sites are not the best solution but for other reasons they may be unavoidable.

MISS EMILY LAU (in Cantonese): *Mr Deputy President, I would like to follow up the matter concerning how to recover construction waste which, according to the main reply, is being discussed between the Administration and the Hong Kong Construction Association. Information that we obtained earlier on indicated that some construction companies and lorry drivers were far from being co-operative and this posed great difficulties to the Administration in carrying out the scheme and caused long delays. May I ask the Administration whether such co-operation has improved and whether it has other methods to make people in the trade co-operate with the Administration?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: *Mr Deputy President, I am not sure whether Miss LAU has anything particular in mind when she refers to other measures. If the idea relates to the possibility of coercion, then I think that would be a last resort. I think I can say that the Hong Kong Construction Association on its part has co-operated very positively in the examination of these problems and the identification of solutions to them. It is true that the practical implementation has been impeded by, basically, the problems which the drivers of trucks experience in complying with the sometimes quite detailed requirements to enable the new arrangements to work. But I believe that there are practical solutions and I believe that if we can explore these in the same co-operative way as we have done so far with the Hong Kong Construction Association, and with the further co-operation of the transport element of this situation, then we will be able to find solutions.*

MR PETER WONG: *Mr Deputy President, in relation to the second part of the Secretary's answer relating to municipal waste, will the study include the pros and cons of incineration under modern technology and the relative costings involved, taking into account the comparative value of land use for incinerators and the landfills?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: *Mr Deputy President, I think the main emphasis as regards the study which I have mentioned will be on the reduction of municipal waste going to landfills, and I think we shall be looking for shorter-term answers to these problems than would be provided by the incineration route, given that the design, planning and construction of the sort of modern incinerator that we would be considering at this stage would not be something that could be achieved in the very short term. But having said that, we certainly have not ruled out a complementary role, over the long term, for landfills and incinerators.*

MISS CHRISTINE LOH: *Mr Deputy President, could the Administration please inform this Council whether it intends to apply a "polluter pays" principle for the disposal of solid waste?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, as part of the brief which seeks to reduce the amount of waste being produced by the community, I think the deployment of the sort of incentive or disincentive of charging is a factor that we should certainly take into account, and we certainly have established already as a policy of this Government that the "polluter pays" principle should be deployed.

DR TANG SIU-TONG (in Cantonese): *Mr Deputy President, will the Administration inform this Council what the remaining 40% of solid waste going to landfills are? Can they be separated or recovered for recycling as well?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I think I have in fact covered this point in the second part of my answer to the main question in informing the Council that we will be conducting a second study later this year to consider precisely the issues referred to in the last question.

Fishing industry's predicaments

2. MR ALBERT CHAN asked (in Cantonese): *In view of the threat posed to the fishing industry by the new airport project and the major port development programme by the Government, will the Government inform this Council whether a comprehensive assessment will be conducted on the impacts of these projects upon the fishing industry, and whether, and if so what, assistance will be provided by the Government to help the fishermen to maintain their livelihood?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, the Government has conducted an assessment of the impact on the fishing industry of the airport core programme projects and other major development works entailing reclamation. The Director of Agriculture and Fisheries estimates that some 27 500 hectares of inshore fishing grounds will be affected by dredging, reclamation and mud dumping works. As a result, the livelihood of some 4 000 fishermen habitually operating 1 500 small fishing boats in the waters between Lung Kwu Chau and the Ninepins will be affected to a varying degree.

The Agriculture and Fisheries Department, with the assistance of the other departments involved, has held meetings with the affected fishermen to inform them of the programme of works, of their eligibility for *ex gratia* allowance and of the availability of other assistance such as retraining, public housing and social security.

The annual production from the affected areas represents some 1.7%, by weight, of the total production of the Hong Kong fishing fleet. Thus the works will not affect significantly the overall supply of fresh marine fish to Hong Kong.

MR ALBERT CHAN (in Cantonese): *Mr Deputy President, referring to the ex gratia allowances given to the affected fishermen as mentioned in the second paragraph of the Administration's reply, the fishermen concerned have expressed dissatisfaction with the amount offered during meetings and interviews with officers of the Agriculture and Fisheries Department as it was calculated on the basis of the compensation package formulated in 1978, which was inadequate to maintain their living. Would the Administration inform this Council when it will complete its review on the ex gratia allowances; and apart from arrangements for the fishermen affected, what kind of compensation and assistance will be given to those engaged in fish farming?*

DEPUTY PRESIDENT: That second question goes beyond your main question and it is really two question, Mr Albert CHAN. Secretary, the first part only.

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, my colleague, the Secretary for Planning, Environment and Land, has stated in a written answer today to Dr Philip WONG on a similar question that the review of the *ex gratia* allowances is now in progress. Obviously it is the intention to complete this review as quickly as possible but I cannot say at this stage when conclusions will be reached. I understand that some applications from fishermen affected to date have been assessed and *ex gratia* allowances paid. Other applications are under consideration.

MR ANDREW WONG (in Cantonese): *Mr Deputy President, the issue of compensation is also one that I have great interest in because it concerns fairness. The more important point here is that getting compensation may mean losing one's livelihood. Does the Administration have plans like opening up fishing ports so that inshore fishermen may make use of their steel vessels and develop deep-sea fishing; and opening up more mariculture zones so that those previously engaged in inshore fishing may turn to fish farming?*

DEPUTY PRESIDENT: All that relates to remedies, Secretary.

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, I think the Director of Agriculture and Fisheries considers that the best way to help the fishermen concerned is to assist those who would wish to pursue alternative forms of livelihood; for example, those who wish to pursue fishing in more distant waters may take advantage of vocational training courses offered by the Agriculture and Fisheries Department which lead to certificates of competency for coxswains and engineers and in radio telephony. Those who wish to pursue their livelihood outside the fishing industry may seek assistance from the Labour Department under the employees retraining scheme. Indeed if a sufficient number of fishermen ask to be retrained in specific skills the Employees Retraining Board will consider organizing special retraining programmes for them. The Agriculture and Fisheries Department is also prepared to assist individual fishermen who for one reason or another would find it difficult to acquire new skills to look for employment on large fishing vessels. On the question of relocation, I understand that in this instance there is some problem in asking fishermen to relocate because of the very wide extent of the areas currently affected by the dredging and reclamation operations.

MR ERIC LI: *Mr Deputy President, I understand that the Government's position is not to prohibit fishing altogether while dredging is ongoing. Therefore fishermen are still actually fishing side by side with heavy dredging vessels. Without adequate working rules these dredging vessels actually pose quite a serious safety hazard to the fishermen concerned. Can the Administration inform this Council what safety rules it would impose on the dredging contractors to ensure the safety of the fishermen fishing in the area?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, I was not aware of this particular problem of potential safety hazards but I will be happy to discuss it further with the Secretary for Works and see whether special measures are required under the circumstances.

DEPUTY PRESIDENT: Will you provide a written answer, Secretary?

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

MR TIK CHI-YUEN (in Cantonese): *Mr Deputy President, the Secretary has mentioned that it is the Administration's intention to help fishermen to find new jobs by way of retraining schemes. I have however received a petition from the fishermen concerned. In it, they say, "We are a group of old fishermen who do*

not have any other skills. Our education level is low and finding our own accommodation is beyond our means. Now our livelihood is seriously affected". May I ask the Secretary how many fishermen can actually benefit from the retraining schemes? Could she give some figures?

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, I have no specific figures on how many individual fishermen can be assisted. As I tried to outline earlier on, the aim of the Director of Agriculture and Fisheries is to try and cater for as many different categories of fishermen as possible either through specific retraining schemes or through trying to assist them to find employment on other fishing vessels which go to distant waters.

DR CONRAD LAM (in Cantonese): *Mr Deputy President, could the Secretary inform this Council of the annual loss in terms of economic value of the 4 000 fishermen being affected and of the rate of compensation offered?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, I understand that the annual average value of the fishing harvest in these waters is approximately \$65 million which is about 3% of the total value of the fishing catch coming into Hong Kong. I am afraid the question of how compensation relates to the value of those catches does not fall within my policy remit. With your permission, perhaps the Secretary for Planning, Environment and Land could elaborate.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Yes, Mr Deputy President, I will try and answer that question although I do not have full details here. The arrangements for compensating fishermen affected by public works which were last put to and agreed by the Finance Committee of the Legislative Council in 1978 tried to deal with the fishermen who are affected on the basis of dislocation and I think the rule of thumb is to compensate for the value of about one year's fishing for the individual fisherman. Now, that does not necessarily compound up into some relationship with the economic value of fishing but I would have thought there should be some relationship. As has been said already both in a written answer to another question this afternoon and in one of my colleague's answers a moment ago, it is this basis of compensation which is currently under review and as soon as we are able to complete that review we will make known the results.

MR LAU WONG-FAT (in Cantonese): *Mr Deputy President, would the Administration inform this Council of the ratio of inshore fishermen to deep-sea fishermen? Is it just the inshore fishing industry that is affected by the new airport project and the major port development programme?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, it is my understanding that it is only the inshore fishermen who are affected by the reclamation and dredging works in connection with PADS. As I said in my main answer, their catch represents about 1.7% of the total annual fish catch coming into Hong Kong.

HIV tests conducted by China

3. MR TAM YIU-CHUNG asked (in Cantonese): *In view of the requirement imposed by some countries for visitors to be HIV tested before entry, will the Government inform this Council whether consideration will be given by public hospitals to provide the service of HIV tests and to issue medical certificates for the general public on request to facilitate their travelling to these countries?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, health requirements for international travellers are governed by the International Health Regulations (IHR) of the World Health Organization (WHO). The key underlying principle of these regulations is, I quote, "to ensure the maximum security against the international spread of diseases with a minimum interference with world traffic".

The IHR set out the obligations and responsibilities of health authorities for the appropriate health measures in respect of, *inter alia*, notification and exchange of epidemiological information with WHO, medical examination and surveillance of persons from infected areas, disinfection and disinsectization services, port and airport vector and rodent control services, food and water hygiene in port and airport, free pratique and vaccination services.

There are at present three diseases subject to the provisions of these regulations. These are cholera, plague and yellow fever. AIDS is not a disease subject to the provisions of the IHR.

The screening of international travellers for Human Immunodeficiency Virus (HIV) is in fact contrary to WHO's advice. It is costly and ineffective. To quote from the guidelines promulgated by WHO.

"No screening programme of international travellers can prevent the introduction and spread of HIV infection"; and again,

"HIV screening programme for international travellers would, at best and at great cost, retard only briefly the dissemination of HIV both globally and with respect to any particular country".

Moreover, it is generally believed that there could be a so-called "window period" of about three months between the time of infection and the time when the infection can be detected. Because of this "window period" AIDS-free

certificates may further create a false sense of security, both for the travellers and for the countries concerned.

In accordance with WHO's Global Strategy for the Prevention and Control of AIDS, our focus is on education and prevention of the disease. Our screening programme is targeted at those people who are at risk of being infected. It is offered as a comprehensive package including pre- and post- screening counselling and education on modification of risk-taking behaviour. These tests are conducted on the basis of clinical judgement to assist in diagnosis of the patient's condition. As a matter of principle, therefore, we do not provide the practice of screening for HIV infection simply for travel purposes.

MR TAM YIU-CHUNG (in Cantonese): *Mr Deputy President, the Secretary has mentioned in the last paragraph of her reply that "we do not provide the practice of screening for HIV infection simply for travel purposes". But in view of the requirement of the Chinese health authorities for Hong Kong people who frequently visit China to undergo HIV tests, will the Administration discuss with the Chinese side to persuade it to follow the advice of the World Health Organization in this respect? If not, will the Administration reconsider providing HIV tests for and issuing medical certificates to the public, rather than just sitting back and doing nothing?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, as with other overseas countries, the requirement for visitors and immigrants to undergo medical examination including that for HIV tests is entirely a matter of the host country's internal policy. However, in this particular matter, we are concerned with the possible inconvenience caused by such requirement to those Hong Kong people who frequently visit China. We have been in contact and will continue to seek ways of minimizing such inconvenience through our discussions with the Chinese health authorities via established channels of communication.

MR STEVEN POON (in Cantonese): *Mr Deputy President, in her reply the Secretary said that the Administration would discuss with the Chinese authorities concerned on this issue. Since many Hong Kong people often go to China and frequent visitors are required to undergo HIV tests on leaving China, will the Administration urge the Chinese authorities to exempt Hong Kong people from such tests?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, all ideas will be offered for discussion.

MR MICHAEL HO (in Cantonese): *Mr Deputy President, just now the Secretary said in her reply that contacts had been made with the Chinese authorities. Will the Administration inform this Council of the progress made so far?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, as I said in my earlier reply, we have been in contact and will continue to seek ways of minimizing the inconvenience resulting from the tests on travellers, which have been recently announced by China through our media in Hong Kong.

MRS PEGGY LAM (in Cantonese): *Mr Deputy President, will the Administration inform this Council of the types of HIV tests adopted in Hong Kong, their effectiveness and the costs involved?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, I have information ready here on the type of tests which are available in Hong Kong and the tests which we do are through our surveillance programme. For example, the ELISA Test adopted by the Department of Health costs, including staff costs, currently \$410 per test. There is a further confirmatory test called the Western Blot test which is very much the test adopted in this part of the world. The cost of the re-agent used is about \$200 per test. On an average, we do about 50 000 tests in recent months but between 1985 and this year we have carried out 1.45 million tests or thereabouts.

REV FUNG CHI-WOOD (in Cantonese): *Mr Deputy President, since no screening programme of international travellers can prevent the introduction and spread of HIV infection, will the Secretary suggest to China to abolish this compulsory test during her contacts with the Chinese officials?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, our views on HIV testing of travellers have been explained in my main reply. What individual countries regard as necessary for the protection of public health is a matter for the relevant health authorities in the light of the individual country's own circumstances.

MR FRED LI (in Cantonese): *Mr Deputy President, we learnt from the media that tests were carried out on visitors at the Guangzhou checkpoint only. In fact Hong Kong people enter different parts of China through different checkpoints. Is this test carried out at the Guangzhou checkpoint only and not other checkpoints? If so, why just in Guangzhou? Furthermore, will the Administration try to seek such an exemption for Hong Kong people during discussions with the Chinese authorities?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, it would not be appropriate for the Secretary for Health and Welfare in Hong Kong to answer as regards the whys and wherefores. I will certainly seek appropriate replies to the questions asked.

MR JIMMY MCGREGOR: *Mr Deputy President, in relation to the Chinese need for HIV testing at the immigration checkpoints in Guangzhou, if an individual is found to be negative how long does the Guangzhou authority accept the effectiveness of that certificate?*

DEPUTY PRESIDENT: I think it is not really a question for this Administration, Mr MCGREGOR.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr Deputy President, as the compulsory HIV tests and the demand for medical reports are a total disregard of one's will and encroach on one's privacy, will the Administration inform this Council if it would ask the Chinese authorities to stop such tests before they start discussing the issue?*

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, I am aware of the statement made by the AIDS Foundation last week that the practice in China might be in breach of human rights. The basis of this statement issued by the AIDS Foundation is a matter for the AIDS Foundation whose chairman, I might add, is none other than our Honourable Member Peggy LAM. It would not be appropriate for me to comment on the statement issued by an organization, but, insofar as Hong Kong public health is concerned, Article 16 of the Bill of Rights Ordinance provides *inter alia* for restrictions of individual freedom where such are necessary for the protection of public health. Our view on HIV testing of travellers has been explained in my main reply. What individual countries regard as necessary for the protection of public health is a matter for the relevant health authorities in the light of the individual country's own circumstances.

DR LEONG CHE-HUNG: *Mr Deputy President, I am well aware of the fact that the Secretary for Health and Welfare has no jurisdiction in China. But for the sake of the Hong Kong public, would it be possible for the Administration to find out whether the checkpoints are only in Guangzhou or all over China, and also whether this is a policy of the Central Health Administration of China or whether it is a local issue in Guangzhou alone?*

SECRETARY FOR HEALTH AND WELFARE: Yes, Mr Deputy President.

Employment protection for employees in industrial dispute

4. MR CHEUNG MAN-KWONG asked (in Cantonese): *Since the recent industrial dispute of the Cathay Pacific Airways suggests that the existing laws in Hong Kong do not provide sufficient protection to employees against possible punitive action by employers as a result of the employees having organized or taken part in strikes and other industrial actions, will the Government inform this Council whether the relevant legislation will be promptly reviewed and improved so that such employees can be provided with adequate employment protection as quickly as possible?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, as Honourable Members are aware, the Governor has asked me to consider what lessons might be learned from the recent industrial dispute involving Cathay Pacific Airways. The process is now in hand. As part of this exercise, I am considering, with the advice and assistance of the Attorney General's Chambers, whether our existing laws concerning industrial disputes are adequate and whether they strike the right balance between the interests of employers, employees, employees and the community at large.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr Deputy President, will the Administration inform this Council whether it would consider introducing legislation to provide for a freeze of employment contracts upon the serving of a notice to strike until the formal resumption of work so as to protect the strikers from dismissal on returning to work on the pretext of a breach of contract?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I cannot at this stage prejudge the outcome of the review, but all relevant issues including the ones mentioned by Mr CHEUNG will be looked into.

MR MICHAEL HO (in Cantonese): *Mr Deputy President, the Labour Department is empowered under the law to appoint an arbiter or to set up an enquiry board in circumstances like this. The Administration however has not done so on this occasion. On the review of our legislation with a view to making further improvement, will the Administration look into the enforcement and implementation of our legislation?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the purpose of the review is to consider what lessons might be learnt from the recent industrial dispute. The lessons to be learnt are not confined to strictly legal issues but would also include implementation of the law, administrative action and so forth.

MR TAM YIU-CHUNG (in Cantonese): *Mr Deputy President, will the Secretary inform this Council when the review will be completed, whether a report will be submitted to the Manpower Panel of this Council and whether Members of this Council and the public will be consulted?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I am sorry that it is not possible to give a definite timing at this stage because the subject is a complex one which has an important bearing on the long-term interests of Hong Kong. I can assure Members that the matter is being pursued as quickly as possible and I will be glad to keep Members informed of progress from time to time.

MR RONALD ARCULLI: *Mr Deputy President, the Secretary in his reply referred to striking the right balance. I am sure that no pun was intended. But in attempting to strike the right balance, would he ensure that proper safeguards are given to both the employee and the employer; and would he take into account, on the one hand, that proper industrial action, including strikes, could be taken without any concern of victimization, and on the other hand, would he ensure that industrial action, including strikes, would not be initiated by a small minority of members of a registered trade union as was the case in the Cathay Pacific incident?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I confirm to the Honourable Member that no pun was intended. Certainly this is a matter which involves finding the right balance between the interests of employers, employees and the community at large, and certainly the points which were raised by Mr ARCULLI will be fully looked into in the process of the current review.

MR ALBERT CHAN (in Cantonese): *Mr Deputy President, in handling the Cathay Pacific strike, the Administration did not appoint an arbiter on the ground that both sides were still willing to negotiate. Now that the company has no intention to negotiate any further with the employees, will the Administration consider appointing an arbiter under this circumstance?*

DEPUTY PRESIDENT: I am sorry, Mr CHAN. That does not really relate to the question.

DR YEUNG SUM (in Cantonese): *Mr Deputy President, will the Administration inform this Council whether it would consider amending the law governing trade unions to give them better protection against discrimination by extending*

the meaning of "appropriate time" to include the working hours within which strikes take place?

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I have taken careful note of Dr YEUNG's suggestion.

MR LAU CHIN-SHEK (in Cantonese): *Mr Deputy President, will the Administration inform this Council in categorical terms what lessons have been learnt from the recent industrial dispute involving Cathay Pacific Airways? Meanwhile, what measures are in place to protect employees on notification of their intention to strike from dismissal by the virtue of certain provisions of the employment contract (such as a breach of contract), in order to ensure the right to strike?*

DEPUTY PRESIDENT: Can you please put that as a single question, Mr LAU, in relation to the review — a single question?

MR LAU CHIN-SHEK (in Cantonese): *Mr Deputy President, will the Administration inform this Council in categorical terms what lessons have been learnt from the recent industrial dispute involving Cathay Pacific Airways?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, as I said in my main reply, I have been asked by the Governor to consider what lessons can be drawn from the recent dispute. This is a process which is in hand and which has just started and I do not think it would be appropriate for me to say today what lessons have been learnt until the review has been completed.

MR LEE WING-TAT (in Cantonese): *Mr Deputy President, at the last meeting of the Manpower Panel of this Council, many colleagues asked whether it was true that the people of Hong Kong have the freedom but not the right to strike? At that time Mr CHAN, the Secretary for Education and Manpower, said some research had to be made before he could give a definitive reply. May I know if the result is ready after a lapse of two weeks? Are there any statutory provisions conferring the right to strike? If the Secretary is unable to answer, will the Attorney General be able to assist?*

DEPUTY PRESIDENT: It does not really relate to the main question or answer which goes to the Government's review, Mr LEE.

MR LEE WING-TAT (in Cantonese): *Mr Deputy President, my question relates to the review of the legislation in respect of the definition of strike and the right to strike. So I believe it is within the ambit of the main question.*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, as this question involves a legal matter, may I take up the Honourable Member's suggestion and defer to the Attorney General?

ATTORNEY GENERAL: Mr Deputy President, may I start by saying that one should strike a note of caution about attempting to define the right to strike, because I do not believe that it is an expression that is known to the English Law. It is an expression, of course, used in international treaties and perhaps that is where the Honourable Member got the reference from. If by the right to strike the Honourable Member means the freedom of an employee to withdraw his labour in the furtherance of a trade dispute, then I know of no law in Hong Kong that would prohibit an employee from so doing. So, to that extent there is the right to strike.

MR TIK CHI-YUEN (in Cantonese): *Mr Deputy President, just now the Secretary was asked to give the timing of the review, but he said he could not do so as the subject was a complex one. Will the Secretary explain what is so complex that has made giving a timetable impossible?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, in considering what lessons can be drawn from the dispute there are various issues which need to be looked at. First of all, there are administrative issues — whether there are sufficient guidelines within the Administration concerning the implementation of the existing laws. There are complex legal issues involved — whether our existing laws are adequate and whether they achieve the right balance between various interests and this involves not just domestic law but also questions relating to Hong Kong's international obligations. So these are very complex issues and I have only quoted a few examples.

MR JIMMY MCGREGOR: *Mr Deputy President, will the Secretary provide comparative information on the recent record of Hong Kong in regard to other industrial developing countries in terms of man days lost through industrial action and will he say whether Hong Kong's record in this regard is one of the best in the world?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I can certainly confirm that Hong Kong's industrial relations record is one of the best in the world. I do have some figures here on the number of man hours lost

through industrial action, if I could find it. In Hong Kong, for example, in 1991, the number of working days lost through industrial action was 202 days, as opposed to 15.7 million days in India, 0.5 million days in Indonesia, 3.2 million days in Korea and 236 000 days in Thailand.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr Deputy President, will the Administration consider adopting the relevant provisions of the Employment Protection Act of the United Kingdom on unfair dismissal so that we have similar provisions against unfair dismissal such as dismissal of strike leaders following a strike?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, I have taken note of Mr CHEUNG's suggestion.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, everybody is very concerned about the law on strike. If some employees in a company take part in a strike while others are unwilling to do so, does the Administration think that the current legislation is sufficient to protect those who do not take part from, for example, intimidation from strikers and to prevent any inconvenience caused?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, this is one part of the balance which will need to be achieved.

MR MARTIN LEE: *Mr Deputy President, does the Administration appreciate the difference between freedom to strike which was referred to by the Attorney General in his answer and the right to strike which clearly means something more, namely, that in exercising the freedom to strike the striker will not be punished?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, may I again defer to the Attorney General?

ATTORNEY GENERAL: As I said, Mr Deputy President, when I spoke earlier, it all depends on what one means by the right to strike. The obligation under international treaty which refers to states parties' obligations in respect of the right to strike is not interpreted by the British Government, and it is not interpreted by other governments, to mean that contracting parties are obliged to formulate legislation conferring the right to strike. One will not find any such legislation in the United Kingdom. What the obligation requires is that the

contracting parties take no legislative or administrative steps to impede a worker's freedom to withdraw his labour in furtherance of a trade dispute.

Election arrangements

5. MR GILBERT LEUNG asked (in Cantonese): *Given the recent remarks by the British Foreign Secretary to the effect that the Governor and the British Government would hold discussions to find a way out of the current impasse over the 1994-95 election arrangements, and that "the days when these matters can be settled between London and Peking without taking any account of opinion in Hong Kong have obviously gone", now will the Administration assure this Council that no agreement will be concluded with China on such arrangements without prior consultation with this Council and the people of Hong Kong, and that this Council will not be presented with a fait accompli?"*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Deputy President, the Governor and Ministers have made clear that there will be no secret deals. The constitutional position is in any case clear. The elections in 1994-95 will have to be held on the basis of laws enacted by this Council. If there were to be discussions between Britain and China resulting in an understanding, the British and Hong Kong Governments would of course recommend it to this Council. The Governor has consistently made clear that the electoral arrangements for 1994-95 should be open, fair and acceptable to the people of Hong Kong. The British Government endorses this view.

MR GILBERT LEUNG (in Cantonese): *Mr Deputy President, my question is: will this Council and the people of Hong Kong be consulted before any agreement is reached between the Chinese and British Governments? Mr Deputy President, would the Administration just answer "yes" or "no"?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Deputy President, any discussions with the Chinese Government will be made public. The fact that there are discussions will be made known but discussions at diplomatic level will have to remain confidential if they are to achieve the results. But it is also clear that any agreement which could then be translated into laws, which are necessary in order that the elections in 1994 and 1995 could be carried out, would have to be acceptable to this Council and the community as a whole.

MR NGAI SHIU-KIT (in Cantonese): *Mr Deputy President, the Secretary mentioned in his reply that there would be no secret deals between the Chinese and British Governments. But he also said and I quote: "if there were to be discussions between Britain and China resulting in an understanding", that is, there may have been discussions between both countries before an understanding*

is reached. My question is: (1) Could the Administration inform this Council of the channels through which discussions will be conducted to arrive at an understanding? (2) Given that the Chinese officials have reiterated China's sincerity in having discussions with the British side and the latter has emphasized time and again that things are not non-negotiable, could the Administration advise this Council when the British Government will return to the negotiating table to resolve the issue of constitutional package?

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Deputy President, with regard to the first question as to what channels, we will pursue all channels which are open to us and which will be conducive to the resolution of the current impasse. As to when the United Kingdom Government will return to the negotiating table, for the purpose of record, we have since 7 October made an offer to negotiate and to discuss with the Chinese Government, without preconditions, the electoral arrangement for 1994-95. So the question of when we will return to the negotiating table does not arise.

MR EDWARD HO: *Mr Deputy President, I refer to the statement made by the Secretary in his reply that the British and the Hong Kong Governments would of course recommend to this Council if there were to be discussions between Britain and China resulting in an understanding. My question is: if no understanding is reached would the Government also recommend it to this Council?*

DEPUTY PRESIDENT: Recommend what to the Council, Mr Edward HO, if there is no agreement?

MR EDWARD HO: *Mr Deputy President, I actually quoted from the Secretary's reply and I think when he referred to understanding, he was referring to constitutional development.*

DEPUTY PRESIDENT: I am sorry, Mr HO. I do not think there is a question there because if there is no understanding, there is nothing to recommend. Would you like to rephrase your question?

MR EDWARD HO: *If there is no understanding over the political development, will the Government recommend those proposals to this Council?*

DEPUTY PRESIDENT: I see.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Deputy President, the Governor has unveiled a comprehensive package of proposals to this Council on 7 October. It is our intention to recommend those proposals in legislative form to this Council and I shall have the privilege of moving one of those Bills later on. As to what would happen should we reach the stage of having discussions with the Chinese side and what action we should take at that stage, I do not think it would be wise of me or right of me to speculate.

MR MARTIN BARROW: *Mr Deputy President, could the Secretary confirm he is aware that many Members of this Council, as well as the public, would welcome a dialogue which must necessarily be in secret between Britain and China and that he will not be discouraged by the thrust of the original question?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Deputy President, yes.

MR TAM YIU-CHUNG (in Cantonese): *Mr Deputy President, would the Secretary inform this Council whether negotiations would be made more difficult if a Bill in respect of the electoral arrangements was introduced to this Council before the Chinese and British sides resume their talks over the constitutional package? What is the Secretary's view on this?*

DEPUTY PRESIDENT: Sorry, view as to what, Mr TAM? I think your question has got to be one that the Secretary is able to understand and answer.

MR TAM YIU-CHUNG (in Cantonese): *Mr Deputy President, the Secretary should have understood my question. But I can put it to him again. We have been discussing the talks between Britain and China over the constitutional package. May I ask the Secretary, that if he should present to this Council proposals for the 1994-95 electoral arrangements before both sides resume their talks, would that make resumption of talks more difficult and complicate the matter further?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Deputy President, those proposals are public and have been debated in various forums. What we seek to do is to present those proposals in legislative form to this Council and, as I have explained, there is a need to do so. As to whether the introduction of those proposals in legislative form to this Council would or would not affect hypothetical discussions, I do not wish to comment.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, could the Secretary give an assurance that this Council would not be dissolved if Britain and China fail to reach an agreement over the question of 1995 elections and an earlier election will be held?*

DEPUTY PRESIDENT: I do not think the Secretary understands the question put to him. Could you put it to him again?

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, I seek an assurance from the Secretary that the existing 60-seat assembly of ours would not be dissolved if the Chinese and British Governments fail to reach an agreement over the 1995 elections and an early election will be held this year for a term of four years so that the first legislature would be in place by 1997.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Deputy President, may I seek your ruling as to whether the question is a hypothetical one?

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, I was only asking the Secretary to give an assurance of "yes" or "no". If it is impossible, he can say "no"; if it is possible, he can say "I do not know". (Laughter)*

DEPUTY PRESIDENT: That was a hypothetical question that in fairness I think I should not call the Secretary to reply to.

MR FRED LI (in Cantonese): *Mr Deputy President, from the time China and Britain began their talks over the future of Hong Kong ten years ago to the talks over the court of final appeal over a year ago, the views of Hong Kong people, including that of the Legislative Council, have never been taken into account. Why does the British Government now state that "the days have obviously gone" which sounds as if the opinions of Hong Kong people are taken very seriously all of a sudden?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Deputy President, I speak only on behalf of the Hong Kong Government of which I am an employee. I think it is a clear fact that the opinions of the people of Hong Kong are always taken into account, are always valued. It is in our culture to consult — we have committees, we have Green Papers, we have White Papers. I think it would be a fallacy to say that we have not in the past taken Hong Kong peoples' views into account. I think it is the way in which the views have been expressed that is perhaps new.

DR CONRAD LAM (in Cantonese): *Mr Deputy President, since "starting a new kitchen" is a popular saying these days, would the Secretary clarify what he said in his reply that "the electoral arrangements for 1994-95 should be open, fair and acceptable to the people of Hong Kong" can also be taken to mean "starting a new kitchen"? If not, how does he explain that?*

DEPUTY PRESIDENT: That is also a hypothetical question, Dr Conrad LAM, and you are asking for an opinion. I think we have to draw the line somewhere.

Projections from buildings

6. MR EDWARD HO asked: *In view of the potential safety hazards posed by objects hanging from buildings, will the Government inform this Council whether consideration will be given to introducing specific legislative control over the erection of objects, such as pipes, air-conditioners, water-cooling plants, chimneys and so on, on the external walls of buildings?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I am relieved that Mr HO's question contains no reference to stoves. (*Laughter*) Projections from buildings, including those of the sort referred to in the question, are generally regarded as being covered by the definitions of "building" or "building works" in the Buildings Ordinance. They are therefore subject to control under the Buildings Ordinance to the same extent as other structures. If they are likely to affect the structural safety of the building, they cannot be erected without the approval of the Building Authority. If they are erected without approval they are liable to be treated as unauthorized building works. The provisions of the Buildings Ordinance enable orders to be served requiring the removal of unauthorized works. The provisions of the Ordinance also enable dangerous or potentially dangerous buildings to be dealt with. As there is already sufficient means available under the Buildings Ordinance to deal with the potential safety hazards identified, I do not consider further specific legislative controls need be introduced.

MR EDWARD HO: *Mr Deputy President, although projections from buildings are defined as building or building works in the Buildings Ordinance, can the Secretary inform this Council whether it is a common practice for owners to comply with that Ordinance and submit plans and calculations to the Building Authority for air-conditioning plants or other works erected outside the buildings after the occupation permit is issued? If not, why not?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I think it would be fair to say that for the bulk of items of a minor nature, such as air-conditioning brackets, small canopies which are usually used

to shelter windows from sun and rain and other minor works of that kind, there is a tendency for owners not to apply and not to seek professional advice. But for more substantial structures of this kind, I believe there is an increasing trend for owners to seek professional advice.

MR LAU WAH-SUM: *Mr Deputy President, would the Secretary inform this Council whether he would consider amending the Buildings Regulations to require large air-conditioning plants to be located within the building without accounting for the plot ratio and site coverage?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I will consider the ideas which Mr LAU has raised.

DR SAMUEL WONG: *Mr Deputy President, would the Secretary inform this Council what can be done to prevent a reoccurrence of the incident in November last year when a 14-metre long vertical pipe on the outside of a building in King's Road, North Point, fell down to the public roadway which could have easily led to a major disaster?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, a number of steps have been taken in recent years, some before the incident referred to and some since, to step up a concerted effort to deal with what are generally referred to as appendages on the outside of buildings, chimneys, canopies, air-conditioning works and advertising signs. And in the last two to three years — I think the figures which I would quote, which include all these kinds of works and others — about 28 700 works, projections and appendages of this kind have been removed as a result of Building Authority action.

MRS SELINA CHOW: *Mr Deputy President, would the Secretary inform this Council whether he would consider legislation to require regular maintenance and repair of the appendages which he just referred to so as to eliminate the potential danger posed to public safety?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I would certainly consider any reasonable suggestions. I think it needs to be borne in mind that there are approximately an estimated number of 50 000 advertising signs alone and that the other sorts of appendages and projections that we have been referring to probably number in the millions. So, as regards introducing legislation to require things to be done or standards to be met, I think we will always need to take into account the practicality and the enforcement problems which would need to be dealt with.

MRS PEGGY LAM (in Cantonese): *Mr Deputy President, will the Administration inform this Council whether advertising signs hung outside buildings, including those that are tens of feet high and stretch across half the street, are subject to control under the Buildings Ordinance? If so, is it necessary for plans to be submitted before their erection?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, as I have said in the answer to the main question, if a structure of this kind will affect the structural integrity of the building, then it should be the subject of a submission under the Buildings Ordinance. If it will not affect the structural integrity of the building, then normally it need not.

MR MARTIN LEE: *Mr Deputy President, since the Secretary prefaced his answer to the main question with a reference to an erection of stoves, will he confirm to this Council whether anybody seeking to erect a new stove before 1997 in this territory will require his prior consent? (Laughter)*

DEPUTY PRESIDENT: I am sure, Mr LEE, you know that question is out of order. (Laughter)

MR MAN SAI-CHEONG (in Cantonese): *Mr Deputy President, the most serious problem and the problem that the public are most concerned about is the hanging of advertising signs from buildings, especially the oversized, rusted and potentially dangerous ones that have long been abandoned by owners. Will the Administration inform this Council whether there are adequate legislation and measures to deal with these signs immediately in order to protect the life and safety of the public, the commuters (for example those on board open-deck buses) and the pedestrians? Moreover, will the Administration inform this Council whether active steps will be taken to look into the long-term measures to deal with the problem such as determining who should be responsible for the maintenance and repair of the signs in question?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I will try to deal with those three questions, if I can. First of all, I think there is adequate legislation in place to deal with dangerous or potentially dangerous structures including advertising signs. In fact in the last three or four years the Buildings Ordinance Office, treating advertising signs as structures, has dealt with approximately 6 000 and it goes on dealing with them as and when they are brought to attention, either through inspection of buildings or by reports from the public. So that deals with the emergency situation and I think, as far as the regulation of the construction of advertising signs is concerned, these signs are of the same kind as the items referred to in the main question and

they are dealt with in the same way. I think I have dealt with two parts; I am afraid I have forgotten the third.

DEPUTY PRESIDENT: Well, I think we have to move on anyway.

Written answers to questions

Land Development Corporation's joint venture partner

7. DR LEONG CHE-HUNG asked: *Will the Government inform this Council:*

- (a) *of the criteria used by the Land Development Corporation in selecting private developers in joint venture projects; and*
- (b) *whether any member or former member of the Corporation (including the Chairman) had or has an interest in any of the companies selected for the Corporation's joint venture projects so far?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the criteria used by the Land Development Corporation (LDC) in selecting joint venture partners for its projects include:

- (a) overall financial strength (the ability of the developer to guarantee its financial commitment);
- (b) track record in sales and marketing;
- (c) project management experience;
- (d) property management experience; and
- (e) quality of previously completed developments.

To ensure propriety in the selection of joint venture partners and to secure the best possible offers, the LDC invites a wide range of developers to submit offers through a competitive tendering process. The selection of joint venture partners is not undertaken by private negotiation between the LDC and individual developers. The LDC appoints external financial consultants to evaluate the tenders and make recommendations to the LDC's Managing Board as to which is the best offer.

Section 6(1) of the First Schedule to LDC Ordinance provides that "A member of the Corporation who is in any way directly or indirectly interested

in a contract made or proposed to be made by the Corporation, or in a contract made or proposed to be made by a servant or agent or a partner of the Corporation or, by a body corporate established by the Corporation which is brought up for consideration by the Corporation, shall disclose the nature of his interest at a meeting of the Corporation; and the disclosure shall be recorded in the minutes of the meeting of the Corporation; and the member shall not without the permission of the Chairman take part in any deliberation of the Corporation with respect to that contract and shall not in any event vote on any question concerning it." This section has been adhered to.

The Administration is not aware that any member or former member of the Managing Board has any interest in any of the companies selected as joint venture partners, with the exception of Mr Vincent LO Hong-sui, a former member who retired from the Board on 14 January 1990. Mr LO was a director of Great Eagle Limited, a joint venture partner in one of the LDC's projects. Mr LO declared his interest and left meetings on all occasions when the selection of companies as joint venture partners was discussed.

Voltage upgrading

8. MR HOWARD YOUNG asked: *In relation to recent measures to upgrade household electricity supply in Hong Kong to 220 volts, will the Government inform this Council whether there is any plan for further voltage upgrading to 240 volts?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, the Government decided in May 1990 that the household electricity supply in Hong Kong should be upgraded from 200 to 220 volts. This is being implemented. There are no plans for a further upgrading to 240 volts. A supply voltage of 220 volts was chosen because that voltage is widely used internationally, most of the household equipment and appliances used in Hong Kong are already rated at 220 volts and existing equipment and appliances rated at 200 volts will continue to operate safely at 220 volts (but not necessarily at higher voltages).

Conservation policy within the Government

9. MR DAVID LI asked: *In the light of the motion carried by this Council on 2 December 1992 urging the Administration, among other things, to draw up a comprehensive conservation policy, will the Administration inform this Council:*

- (a) *how much paper the Administration uses each year and what steps it has taken towards using recycled paper and to recycle the paper it now uses; and*

- (b) *what measures have been taken to test the energy efficiency of government buildings and offices and what actions will be taken to improve the current levels of energy efficiency?*

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

- (a) The Government uses about 10 000 tonnes of paper each year, about 7% of which (principally brown paper envelopes and file jackets) contain recycled paper. The Planning, Environment and Lands Branch and the Environmental Protection Department have started using recycled writing paper on a trial basis to assess the cost implications and printing quality. However, the fact that recycled paper of an acceptable standard is about 20% to 25% more expensive than the paper in general use is an obstacle to wider use of recycled paper, certainly in the short term, because of the need to balance environmental aims and cost increases. We will continue to monitor the price of recycled paper and explore opportunities for extending its use; but we will also bear in mind the possibility of using other renewable sources of paper which are competitive in price.

We have encouraged measures which facilitate paper recycling. For example, a practical guide was issued by the Planning, Environmental and Lands Branch in August 1990 describing office recycling schemes. Since then over 60 government branches and departments have introduced schemes for the separate collection of paper waste.

The Government has also adopted measures to reduce the use of paper. For example, the Planning, Environment and Lands Branch and the Environmental Protection Department now re-use paper instead of requiring new supply for drafting purposes, and other departments are being encouraged to do the same. A booklet entitled "Waste Paper Recycling From the Office" has been produced by the Environmental Campaign Committee and distributed widely for this purpose. In addition, the increasing use of computers to send messages by "electronic mail" is also helping reduce the use of paper.

- (b) To test the energy efficiency of government buildings and offices, the Government commissions special studies, monitors the level of energy consumption and undertakes energy audits on equipment and lighting. For example, in 1991, the Government Property Agency commissioned an in-depth Energy Management Study of Wanchai Tower, and the recommendations arising from the study are now being implemented. Those involving no capital cost are already 90%

complete, and those involving costs are expected to be completed by November this year. Once the results of this single building study have been fully assessed, users of other government buildings will be required to adopt similar measures where appropriate.

The Electrical and Mechanical Services Department has maintained a continuous programme of investigation and improvement to promote energy efficiency in the Kai Tak Airport buildings since the early 1980s. The programme involves auditing the energy consumption of all equipment and lighting, as well as reviewing the maintenance procedures for energy consuming equipment. As a result, efficiency measures have been identified that have saved more than \$6 million per annum. An example of the measures implemented is the matching of air-conditioning with flight schedules and passenger loads so that energy is not used unnecessarily.

The Government has also mounted campaigns to stress the need for energy conservation. In 1990, the "ten tips for good housekeeping" pamphlet, sticker prompters for control switches and book-markers with an energy efficiency message were widely distributed. Seminars were also held to encourage government departments to save energy. The aim was to see if energy consumption for 1991-92 could be kept below the 1990-91 figure. This target was achieved.

In addition, the Government is considering the appointment of energy managers in each government office to carry out energy auditing and promote good energy housekeeping practices. In this connection, the Electrical and Mechanical Services Department has established an energy efficiency sub-division to provide technical support to branches and departments, and to co-ordinate in-house efforts in energy efficiency.

In conclusion, I would like to reaffirm the Government's awareness of the importance of promoting energy efficiency, not just within its own organizations but also in the private sector. To this end, the Energy Efficiency Advisory Committee was set up in April 1991 to advise on proposals to improve energy efficiency in Hong Kong as well as to formulate a comprehensive energy efficiency policy. To date, the Committee has prepared a report on energy consumption patterns in commercial buildings, compiled advisory notes on good energy housekeeping in commercial buildings and introduced an education campaign on energy efficiency. It plans to extend these initiatives further into other major energy consuming sectors such as the residential and the transport sector.

Illegal parking

10. MRS PEGGY LAM asked (in Chinese): *As the long-standing problem of illegal parking in Hong Kong has still not been completely resolved while the stepping up of enforcement action by the police against illegal parking through the issue of penalty tickets will inevitably adversely affect their relations with the public and the discharge of other police duties, will the Government inform this Council:*

- (a) whether it is through the intention of improving their relationship with the public that police officers on beat duty are not taking positive action to issue penalty tickets against illegally parked vehicles on the streets;*
- (b) of the establishment and strength of traffic wardens for each of the preceding five years; and whether there are plans to increase the number of traffic wardens in order to enable the taking of thorough enforcement action against illegal parking through the issue of penalty tickets, and to enable police officers on beat duty to concentrate more on crime fighting duties; and*
- (c) what plans there are to step up publicity work among drivers and car-owners with a view to soliciting their co-operation, in order to solve the problem of illegal parking in a positive way?*

SECRETARY FOR SECURITY: Mr Deputy President, the police attach importance to maintaining a good relationship with the public, but there is no question of their limiting enforcement against drivers of illegally parked vehicles to achieve this purpose. Indeed, the total number of fixed penalty tickets for illegal parking has increased by 34% from 1 008 499 in 1991 to 1 352 184 in 1992.

The establishment and strength of traffic wardens in each of the past five years are at Annex. We have no immediate plans to increase the number of traffic wardens, but we shall keep this under review.

Both police officers and traffic wardens are empowered to take action against illegal parking. The proportion of fixed penalty tickets for illegal parking issued by traffic wardens has steadily increased, from 34.9% in 1990 to 37.2% in 1991 and to 39.2% in 1992.

Motorists are advised through the "Road Users Code" where, and where not, to park. Copies of the "Road Users Code" are available at Government Publication Centres and Transport Department Licensing Offices. Future road safety publicity campaigns will include publicity about illegal car parking.

Establishment/Strength of the Traffic Warden 1988-1992

	<i>Establishment</i>			<i>Strength</i>		
	<i>STW</i>	<i>TWD</i>	<i>Total</i>	<i>STW</i>	<i>TWD</i>	<i>Total</i>
1988	48	336	384	46	312	358
1989	48	336	384	42	265	307
1990	48	266	314	37	223	260
1991	48	266	314	46	242	288
1992	48	266	314	46	259	305

Notes: (a) TWD stands for Traffic Wardens and STW for Senior Traffic Wardens.

(b) In April 1990, 70 vacant TWD posts were deleted in line with the Government's policy to restrict growth of the Civil Service.

Eligibility criteria for public housing

11. MR LAU CHIN-SHEK asked (in Chinese): *The current policies of the Hong Kong Housing Authority are such that there are restrictions on people with less than seven-years' residence in Hong Kong applying for public housing and for Home Ownership Scheme (HOS) flats. Will the Government inform this Council of the following:*

- (a) *how the demand for public housing and HOS flats will be affected in the next 10 years if the restrictions imposed on these people in applying for public housing and HOS flats are completely removed; and*
- (b) *whether the Government has any plan to remove all such restrictions in the next five years; if not, what the reasons are?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the current requirement is that the majority of household members should have resided in Hong Kong for seven years or more. It is not possible to assess with any accuracy how the demand for rental and home ownership flats would be affected in the next 10 years if the seven-year residence restriction were lifted. This is because we do not have statistics correlating the number of immigrants who have or will have resided in Hong Kong for less than seven

years and their likely eligibility for public housing. Such major assumptions would have to be made about incomes, property ownership and length of residence that any conclusions drawn would be largely meaningless.

The Government has no plans to lift the current restriction since the supply of public housing flats becoming available in the next five years will continue to be very tight against competing demands from those affected by redevelopment or clearances or on the waiting list, nearly all of whom already meet the local residence requirement. These people will continue to have priority for housing assistance.

Metered parking spaces

12. MR WONG WAI-YIN asked (in Chinese): *The continuing occupation of metered parking spaces by some second-hand car dealers has often deprived other drivers of the use of such spaces. Will the Government inform this Council:*

- (a) *what measures have been taken to stop the above continuing occupation of metered parking spaces; and*
- (b) *whether such measures are effective; if not, what alternative measures have been considered for implementation?*

SECRETARY FOR TRANSPORT: Mr Deputy President,

- (a) Under regulation 8 of the Road Traffic (Parking) Regulations, it is an offence for a vehicle to occupy the same parking space for a continuous period of more than 24 hours. To instigate a successful prosecution would require a watch to be kept on a particular parking space for a 24-hour period. Understandably, the police do not regard this as a high priority in the deployment of their manpower, but they will respond to complaints from members of the public on such matters.
- (b) Alternative measures have been considered, but there is no easy solution. Second-hand car dealers need places to park their vehicles. It is better that they use metered spaces rather than park vehicles illegally. If, for example, legislation were enacted to make it an offence to feed meters after the expiry of the prescribed period, this would simply result in dealers moving their vehicles between meters or else parking illegally. The demand for parking facilities in the vicinity of car dealers premises would remain.

Divorce legislation

13. MR MARTIN LEE asked: *Will the Administration inform this Council what it proposes to do with the recommendations of the Law Reform Commission in its report entitled "Grounds for Divorce and the Time Restriction on Petitions for Divorce within Three Years of Marriage" released in November 1992?*

ATTORNEY GENERAL: The Law Reform Commission's report relating to divorce was published on 12 November 1992. The principal recommendations in the report are:

- (1) a court should be able to hold that a marriage has irretrievably broken down and to grant a divorce if:
 - (a) the parties have been separated for one year (instead of the current requirement of two years) and the respondent consents to the divorce; or
 - (b) the parties have been separated for two years (instead of the current requirement of five years); or
 - (c) the parties have given a joint notice to the court of their intention to divorce and then, after a minimum period of one year, have filed a joint application for divorce (a new provision);
- (2) the general rule that no petition for divorce may be presented within three years from the date of marriage should be amended by changing the period to one year.

The Administration is carefully considering the report and hopes to reach a decision in the near future on whether or not it will seek to implement it.

Compensation arising from dredging works

14. DR PHILIP WONG asked: *In connection with the approval given by the Government some time ago for silt dumping and dredging activities at the eastern part of the territorial waters in Hong Kong, the departments concerned have agreed to consider making appropriate compensation to the affected fishermen and review whether compensation should also be extended to fishermen who operate fishing vessels exceeding 15 m in length. Will the Government inform this Council of:*

- (a) *the present progress regarding the compensation; and*
- (b) *the latest development of the review on the extension of the compensation package to fishermen who operate fishing vessels exceeding 15 m in length?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the *ex gratia* allowances payable to inshore fishermen affected by dredging, dumping and reclamation works are being reviewed to see whether changes should be recommended. The review will take into account works currently being carried as well as those under planning.

The rule that operators of fishing vessels longer than 15 metres should not be eligible for *ex gratia* allowances was agreed by the Finance Committee of the Legislative Council in 1978 on the grounds that such vessels are capable of fishing elsewhere and are not limited to inshore fishing. Nevertheless, in the light of representations by fishermen, this rule is being examined in the review. This is expected to be completed in the next few months.

Fees for legal services

15. MR LEE WING-TAT asked (in Chinese): *Will the Government inform this Council:*

- (a) *whether it is aware of the public concern over the high fees charged by the legal profession;*
- (b) *if so, whether it plans to take any action such as urging the legal profession to publish a list of legal fees as guidelines to the general public seeking legal services; and*
- (c) *whether the legal aid service provided for the public is under regular review to ensure that no one is denied adequate legal service for want of means?*

ATTORNEY GENERAL: Mr Deputy President,

- (a) The Administration is aware that public concern has been expressed over the level of fees charged by lawyers in relation to some legal services. In my speech at the Opening of the Legal Year last month, I expressed the view that there is a danger that lawyers may soon price themselves out of the reach of a growing number of our citizens. I believe that, at present, many people may be deterred from obtaining legal services by the high cost involved.

- (b) I have regular meetings with the President of the Law Society, the Chairman of the Hong Kong Bar Association, and representatives of the Judiciary and of law teachers. I have raised the issue of fees at those meetings and I am exploring ways in which legal services can be made more accessible and affordable. For example, I have suggested that lay members should be included on the Costs Committee established under the Legal Practitioners Ordinance. Other options that are being considered include the removal of certain disputes from the courts to specialized tribunals and the transfer of some matters from the High Court to the District Court. The suggestion that lawyers should be urged to publish a list of their fees as guidelines to the public is a useful proposal and I will be glad to explore this with members of the legal profession.
- (c) I have been informed by the Director of Legal Aid that legal aid services provided to the public are kept under regular review and adjusted to meet changed needs. For instance, since 1 July 1992, the financial eligibility of an applicant for legal aid is assessed on the new "financial capacity" basis (that is, aggregate of disposable annual income and disposable capital) and the current ceiling is \$120,000. The Administration is also currently conducting a comprehensive review of the law, policy and practice governing the provision of legal aid services, including the adequacy of existing services and the appropriateness of the financial eligibility criteria in ensuring access to these services.

Land use change

16. MR PETER WONG asked: *Will the Administration inform this Council of the number of cases in which change of land use has been approved under section 10 of the Country Parks Ordinance during the last five years and supply a brief account of the nature of such approvals?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, section 10 of the Country Parks Ordinance should be used to control new development on leased land and of private property in areas covered by a draft plan of a proposed country park. Its application is thus limited as regards both time and land affected. The last time a proposed country park was gazetted and consequently designated was 1979, well before the five-year period specified in the question.

First Registration Tax on private cars

17. DR LAM KUI-CHUN asked: *Will the Administration inform this Council of:*

- (a) *the rates of the First Registration Tax on private cars and the number of new private cars registered in each of the years 1988 to 1992;*
- (b) *the proportion of new private cars to the total number of motor vehicles registered for the first time in each of these years;*
- (c) *the policy objectives in setting the rate of the First Registration Tax on new private cars at the present level; and*
- (d) *whether the objectives referred to in (c) above are being achieved; if not, what is the rationale for continuing with the policy?*

SECRETARY FOR TRANSPORT: Mr Deputy President,

(a)

<i>Year</i>	<i>First registration tax</i>		<i>No. of new private cars registered</i>
1988	Car value*under \$20,000	: 70%	24 281
	Car value*under \$30,000	: 80%	
	Car value*over \$30,000	: 90%	
1989	- ditto -		28 097
1990	Car value*under \$30,000	: 80%	28 926
	Car value*\$30,000-\$60,000	: 90%	
	Car value*over \$60,000	: 100%	
1991	Car value*under \$30,000	: 90%	31 131
	Car value*\$30,000-\$60,000	: 105%	
	Car value*over \$60,000	: 120%	
1992	- ditto -		41 878

* Car value is based on cost, insurance and freight only.

(b)

<i>Year</i>	<i>New private cars</i>	<i>Total motor vehicles registered for the first time</i>	<i>Proportion (%)</i>
	(a)	(b)	(a)/(b)
1988	24 281	48 741	49.8
1989	28 097	51 805	54.2
1990	28 926	51 945	55.7
1991	31 131	53 457	58.2
1992	41 878	67 539	62.0

- (c) The objective is to contain the growth in numbers of private cars to an acceptable level, having regard to road conditions and the additional traffic that can be absorbed by planned road projects. First Registration Tax is also a significant source of government revenue, accounting for \$3.4 billion or about 3% of total revenue in 1991-92.
- (d) Raising the First Registration Tax and annual licence fee levels has proved quite effective in the past in regulating the growth in numbers of private cars. However, vehicle ownership is rising again as a result of increasing affluence, and the effectiveness of the current rates of FRT and annual licence fee in containing car ownership is being gradually eroded. We are monitoring the situation carefully before deciding what further measures might be needed to maintain a free flow of traffic on our roads. In addition, as the Financial Secretary announced in his Budget speech on 4 March 1992, the Administration is considering amendments to the FRT Ordinance to reduce the scope for avoidance of the tax payable, and hence ensure that FRT remains effective both in transport management and fiscal terms.

Traffic congestion

18. DR SAMUEL WONG asked: *With the recent sharp increase in the number of cars using the already congested roads in Hong Kong, will the Government inform this Council:*

- (a) *what measures, other than the punitive ones of raising First Registration Tax and annual licence fee, the Government would contemplate to ease the traffic congestion; and*
- (b) *how much the Government have spent in road construction and improvement work in the past three years in order to ease congestion on the roads and what the current budget is for such work?*

SECRETARY FOR TRANSPORT: Mr Deputy President,

- (a) We aim to ease traffic congestion by:
 - (i) expanding and upgrading public transport services so as to provide an attractive alternative to private car usage;
 - (ii) building new roads and improving existing roads; and
 - (iii) better management of road space, so as to maximize usage and give priority to the mass carriers.
- (b) The Government spent \$8.6 billion on road construction and improvements in the last three years. The budget for such work in the current financial year is \$4.2 billion.

Employees Retraining Scheme

19. MR TIK CHI-YUEN asked (in Chinese): *Regarding the Employees Retraining Scheme, will the Government inform this Council of:*

- (a) *the enrolment and attendance rates of the respective retraining courses;*
- (b) *the number of trainees who have completed the courses; the number that have secured employment in the field directly related to the courses they have completed, and of these, how many have subsequently switched to other unrelated jobs; and*
- (c) *any change in the trainees' salary upon completion of the retraining courses, with a breakdown by salary range and the number of trainees?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President,

- (a) Up to 29 January 1993, the overall enrolment rate for the courses organized under the Employees Retraining Scheme was about 78%. 92% of the retrainees attained an attendance rate of over 90%. Detailed figures are at the Annex.
- (b) As at 29 January 1993, 358 retrainees had completed retraining courses. Of these:
 - (i) 138 did not require the job placement services of the Labour Department and no information is available on the nature of the jobs they have presumably secured;
 - (ii) the remaining 220 were provided with job placement services by the Labour Department and other training bodies. Of these:
 - (1) 88 were successfully placed, mostly in jobs directly relevant to their retraining;
 - (2) 75 eventually secured, by themselves, jobs which might or might not be directly relevant to their retraining; and
 - (3) 57 were still awaiting placement.

No information is available on subsequent changes of employment, if any, on the part of the retrainees.

- (c) The majority of the retrainees claimed to be unemployed or under-employed immediately prior to retraining. The salaries or wages earned by the 88 retrainees who have been successfully placed by the Labour Department and other bodies range from \$3,500 to \$7,200 per month. Similar information is not available in respect of the other retrainees as they are not obliged to provide such information to the Labour Department and most of them have chosen not to do so.

EMPLOYEES RETRAINING SCHEME

ENROLMENT AND COMPLETION RATES OF TRAINING COURSES
(Up to 29 JANUARY 93)

<i>Course</i>	<i>Capacity per class x no. of classes</i>	<i>No. of retrainees admitted</i>	<i>No. of retrainees completing training</i>	<i>Enrolment rate (%)</i>	<i>Percentage of trainees with attendance rates of over 90%</i>
Hotel housekeeping- cleaning services	15 x 3	39	38	86.7	97.4
Basic retail sales techniques	20 x 2	22	22	55.0	100.0
Computerised Chinese typesetting	12 x 1	12	10	100.0	83.3
Print finishing	12 x 1	7	7	58.3	100.0
Chinese data entry	20 x 4	80	77	100.0	96.2
Shipping and documentation for clothing industry	15 x 3	45	45	100.0	100.0
Preparation of production order	15 x 1	4	3	26.7	75.0
Sample-making	20 x 3	36	33	60.0	91.7
In-line Q.C. inspection	15 x 1	7	7	46.7	100.0
Garment fitting alteration	15 x 3	37	34	82.2	91.9
Junior cook (roasted food)	20 x 2	37	34	92.5	91.9
Basic techniques for waiters/waitresses in Chinese restaurants	20 x 2	23	21	57.5	91.3
	449	349	331	77.7	94.8
Regular courses offered by statutory training authorities	N.A*	40	27	N.A*	67.5
Total		389	358		92.0#

* Classes comprise retrainees as well as other students

Overall average

Hospital Authority's staffing

20. DR CONRAD LAM asked (in Chinese): *In view of the findings of a survey conducted by the Public Doctors Association, revealing that over 80% of the Hospital Authority doctors who responded to the survey were not satisfied with the performance of the Hospital Authority and were planning to leave their posts in the next three to five years, will the Government inform this Council:*

- (a) *what measures, such as conducting a survey, it would take to ascertain the career commitment of the doctors and nursing staff to the Hospital Authority and their views on how hospital services should be improved;*
- (b) *whether there are any specific plans in hand to retain serving medical staff; and*
- (c) *what specific measures would be taken to recruit replacements and train up serving staff to fill vacancies arising from the departure of experienced doctors?*

SECRETARY FOR HEALTH AND WELFARE: The wastage rates of medical and nursing staff working in the public sector have improved since the Hospital Authority took over the management and control of all public hospitals in December 1991. The average wastage rates for doctors and nurses in 1992 were 8% and 10% respectively, compared with 10% and 11% for ex-government hospitals and 24% and 14% for ex-subsidized hospitals in 1990.

As part of an on-going effort to strengthen its communication with staff, the Hospital Authority will shortly be conducting an opinion survey among all professional staff, including doctors and nurses, on various aspects of their work including career commitment and suggestions on future reforms.

Opportunities for professional and managerial training have been enhanced, both in terms of quality and scope, to attract and retain staff. During the period from April 1992 to January 1993, over 900 doctors have received professional training through overseas programmes, conferences and local courses. In addition, 245 doctors have attended in-house management development modules organized by the Hospital Authority.

The remuneration package designed for Hospital Authority staff and the adoption of a promotion policy with greater emphasis on merit rather than seniority will also contribute towards better staff retention.

The Hospital Authority anticipates that there will be sufficient manpower to cope with the wastage of medical staff. Local graduates will continue to be recruited at the junior level while serving officers are being provided with further training to acquire the necessary skills and knowledge for vacancies at a

more senior level arising from the departure of experienced staff. Furthermore, overseas recruitment will be conducted as and when necessary if suitable candidates are not available locally to fill any specialist posts.

Motion

SUSPENSION OF STANDING ORDERS

THE FINANCIAL SECRETARY moved the following motion:

"That Standing Orders 11 (Order of Business at a Sitting) and 12 (The Order Paper) be suspended at a sitting of this Council on 19 February 1993 to enable the election of the President and the President's deputy of the Council."

FINANCIAL SECRETARY: Mr Deputy President, I move the motion standing in my name on the Order Paper.

The Governor announced in his policy address that he wished to hand over as soon as possible the responsibilities of presiding over this Council to a President elected from amongst Members. Arrangements have been made, as Members wished, for the election of the President to take place at a formal sitting on 19 February 1993.

The Governor, as President of this Council, has appointed 19 February 1993 for a sitting for electing the President and other related business. Standing Orders 11 and 12 will not apply to that sitting and will have to be suspended.

My Deputy President, I beg to move.

Question on the motion proposed, put and agreed to.

First Reading of Bills

AUDIT (AMENDMENT) BILL 1993

BOUNDARY AND ELECTION COMMISSION 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

AUDIT (AMENDMENT) BILL 1993

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

He said: Mr Deputy President, I move that the Audit (Amendment) Bill 1993 be read a Second time.

The purpose of this Bill is simply to make technical amendments to references in the Audit Ordinance and the Employees Retraining Ordinance to "the Governor as President of the Legislative Council". These references need to be amended because the Governor will no longer be the President of this Council. Amendments to the Letters Patent and Royal Instructions to effect that change have been approved by the Privy Council and will come into operation next week (18 and 19 February 1993) respectively.

References to the "Governor as President of the Legislative Council" at present appear in the Audit Ordinance and the Employees Retraining Ordinance, in both instances in relation to the Director of Audit's examination of accounts and submission of reports. They are, therefore, dealt with in one Bill, the Audit (Amendment) Bill 1993.

The Bill does not seek to change any of the principles and philosophies currently reflected in the Audit Ordinance (and the Employees Retraining Ordinance). As far as the terms are concerned, unless the context or logical procedure otherwise require, all references to "the Governor" are taken to mean "the Governor qua Governor", and all references to "the Governor as President" are taken to mean "the President of the Legislative Council".

Nevertheless, some changes are necessary for the rationalization of the procedures leading to the laying of audit reports and related documents in this Council as set out in the relevant sections of the Ordinances. Let me describe these briefly.

Clause 3 amends section 12 of the Audit Ordinance to provide that reports prepared by the Director of Audit in respect of his examination and audit of public accounts should be submitted to the President within the period specified in the Ordinance or such longer period as the Governor may determine. Thereafter, it will be the President who will be empowered to vary the period within which the report and related statements shall be laid before Legislative Council and submitted to the Secretary of State. It is also the President who will be empowered to vary the period within which the report of the Public Accounts Committee shall be laid before Legislative Council and submitted to the Secretary of State. To achieve this, the reference to "the Governor as President of the Legislative Council" in section 12(1)(b) and section 12(3)(a) are

amended to "the President" and the references to "the Governor" in section 12(2) and (2A) are also amended to "the President".

Clause 5 amends section 16(2) of the Audit Ordinance to provide that the Governor, upon receipt of a report submitted to him under subsection (1) if so requested by the Director, should authorize the Director to transmit a copy of same to the President to enable the latter to proceed in accordance with section 12(2) and (2A). The amendment is necessary to rationalize the procedure in the circumstances where the Governor is the person receiving the report but not the one to lay it before this Council under section 12(2) and (2A) as amended.

As mentioned earlier, a consequential amendment to the Employees Retraining Ordinance is required, and this is made in clause 6.

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

BOUNDARY AND ELECTION COMMISSION BILL

THE SECRETARY FOR CONSTITUTIONAL AFFAIRS moved the Second Reading of: "A Bill to provide for the establishment of the Boundary and Election Commission as a body corporate, for the purpose of making recommendations regarding the delineation of geographical constituencies and demarcation of their boundaries and to be responsible for the conduct and supervision of elections, and matters incidental thereto; and to make consequential and other amendments."

He said: Mr Deputy President, I move that the Boundary and Election Commission Bill be read the Second time. This Bill seeks to establish a statutory body with the responsibilities of making recommendations to the Governor on geographical constituency boundaries, organizing and overseeing the conduct of elections to the three tiers of our representative institutions.

Both during the run-up to and after the 1991 elections, there were extensive calls within the community for an independent body to oversee the electoral process. This was echoed by the Select Committee on Legislative Council Elections, whose recommendations were endorsed by this Council last July. The Administration is most grateful to the Select Committee for its recommendations which, indeed, form the basis of the present Bill.

The demarcation of constituency boundaries and the arrangements for elections are often contentious tasks. To ensure that elections are not only fairly and properly conducted, but are also perceived to be so, the Administration agrees with the views of the community and this Council that these tasks should be entrusted to an independent and impartial body. The proposed Boundary and Election Commission will be precisely that. It will be politically neutral, and its

impartiality will be ensured through the appointment process and its *modus operandi*.

The Commission will comprise three members, all of whom are to be appointed by the Governor. They will be people of high social standing who are known to be impartial and have no political affiliation. This Council, too, will have a role to play in the appointment process: one member of the Commission shall be nominated by the future President of this Council.

The making of recommendations on constituency boundaries is an important and sensitive task. For this reason, the Bill provides for an elaborate system of checks and balances to ensure the transparency and integrity of the process. The Commission will have to follow statutory criteria in making its recommendations. The Commission's provisional recommendations will be published for public consultation before putting its final recommendations to the Governor. Within 30 days of the receipt of the Commission's report, the Governor will cause it to be laid before the Legislative Council. The procedure will ensure that the Commission's recommendations are open to the wider community. Whilst decisions on the delineation of geographical constituency boundaries will be made by the Governor in Council, Members will still have the opportunity to scrutinize the subsidiary legislation concerned when it is subsequently put before this Council for enactment.

The next round of elections will start with the District Board elections in September 1994. This is barely 19 months away. If the Commission is to have adequate time to make proper preparations for the elections, the enabling legislation will need to be enacted as quickly as possible, and certainly not later than the end of the current legislative Session in July this year.

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

CHIROPRACTORS REGISTRATION BILL

Resumption of debate on Second Reading which was moved on 27 May 1992

Question on Second Reading proposed.

MR ERIC LI: Mr Deputy President, in moving the Second Reading of the Chiropractors Registration Bill on 27 May 1992, the Secretary for Health and Welfare highlighted the concern about the Chinese title for chiropractors. The Administration proposed in the Bill the use of the term "脊骨治療學家". The Chiropractors' Association considered however that as primary health care professionals, they should be addressed as either "脊骨神經科醫生" or "脊醫".

The ad hoc group set up to study the Bill had carefully considered the arguments advanced on this issue. Clarifications were sought from the Administration on whether the use of the term "醫生" or its short form "醫" by the chiropractors would constitute a breach of the existing law. Members were advised that any person other than those registered under the Medical Registration Ordinance who assumed the title(s) "西醫" or "醫生" would contravene the law if the assumption of the said title(s) would mislead the public into believing that he was a medical practitioner registered under the Ordinance. Nevertheless, the facts of individual case have to be examined. On the other hand, the act of merely adopting the title "醫" did not contravene the existing provisions in the Medical Registration Ordinance, in particular section 28 thereof.

Against this background, members of the ad hoc group unanimously agreed that the title of "脊骨神經科醫生" would not be appropriate for chiropractors.

Views were however divided on whether they should be called "脊醫". Some were justifiably concerned that the title "脊醫" could mislead the public into thinking that chiropractors are registered medical practitioners specialized in treating spinal problems. However, the great majority of the ad hoc group members decided to support the use of the term "脊醫". There are other health care professions which uses the term "醫", such as dentists "牙醫" and Chinese herbalists "中醫". Members reckoned the need for alleviating any public misconception about the term, and the Administration had assured us that publicity in this respect would be arranged upon the passage of the Bill. Members also believed that both the medical profession and the Chiropractors' Association could play an active role in assisting such publicity efforts.

Members discussed with the Administration about the need for including a definition of the practice of chiropractic in the legislation. The Administration had explained that ambiguities arising from the practice of chiropractic would be dealt with by the Chiropractors Council in the discharge of its duties. Furthermore, a definition which is too narrow would result in more ambiguities and be subject to abuse. As an alternative, members agreed that the Long Title of the Bill be amended to give a brief description of the sort of practitioners covered by the Bill. The Long Title would serve as an indication of the legislative intention and help to distinguish the practice of traditional medical practitioners and that of chiropractors.

Another issue considered by the ad hoc group concerns the composition of the Chiropractors Council. The Bill provides for a balanced composition of five chiropractors and five non-chiropractors. Members discussed with the Administration the possibility of giving chiropractors a majority on the council. The Administration advised that chiropractic is a small profession in Hong Kong at the present time, with only 24 practitioners on the last count. To guard against the risk of protectionism, it would be necessary to maintain a balance between professional input and the public as well as patient interest.

Furthermore, a membership of five chiropractors would be a substantial percentage of the entire profession. The ad hoc group accepted the Administration's explanation. However, members reckoned that the intention of the Bill is to encourage the profession to thrive. In the long run when the membership of the profession has grown to strength, the situation ought to be reviewed in order to enhance greater self-regulation. The ad hoc group had also suggested to the Administration that there are merits in having a medical practitioner on the council to provide advice, where necessary, on areas which might affect public health. The Administration had agreed to the suggestion, which would be dealt with administratively through the appointment of "non-chiropractor" members to the council.

The ad hoc group had also suggested some amendments to the Bill concerning disciplinary proceedings to safeguard patient interest. Some textual amendments will also be moved by the Administration to the Chinese version of the Bill.

The Chiropractors' Association has written to members of the ad hoc group giving their full backing to the Bill and the proposed amendments.

With these remarks and a sincere vote of thanks to members of the ad hoc group and the Administration for their hard work, patience and problem solving approach, and to the representatives of associations concerned for their valuable views, I support the Bill subject to the amendments to be moved at the Committee stage.

DR LEONG CHE-HUNG: Mr Deputy President, the medical profession as the leader of the health care team has taken upon us a responsibility to ensure that our public who seeks health and health care is not only given the best of care but also given a maximum safety protection. It is with this in mind that the medical profession strongly support and recommend the registration of chiropractors. As a result of registration, the public who seeks the service of the chiropractors is properly protected by law. Being a registered profession, only *bona fide* chiropractors are allowed to practise that profession. The quacks will therefore be weeded out, again for the protection of the public.

But it is on the need for the maximum protection of the public that I stand here today, Mr Deputy President, to represent the medical profession to express our strongest reservation on two areas of the Bill before us.

Mr Deputy President, chiropractors are not registered medical practitioners. They do not even use the same principle of western medical practice that our public has been so used to for so long in their care to their patients. For years, they have been unlawfully using the title "醫生" or worse still "脊骨神經科醫生" implying they are a specialized group of medical practitioners. This has produced extensive confusion on the public and in some incidences complication that needs proper subsequent treatment.

The proposal of their Chinese title of "脊骨治療學家" in the Bill was considered by the medical profession as an appropriate one. The suggestion to change the Chinese title to "脊醫" and the subsequent approval by the majority in the ad hoc group come as a dismay if not a disappointment to the medical profession. For it is our sincere belief that such a terminology makes a mockery out of the principle and, worse of all in these days of the very common usage of abbreviation in Chinese, the word "脊醫" will in no time be construed by the chiropractic profession and the public to be a short form of "脊骨神經科醫生" — a grave disservice to the public.

The second area of concern is the composition of the Chiropractors Council. This council (the Chiropractors Council) will determine on its own the code of practice, the scope of work of the chiropractors and their professional discipline. It should be mentioned that the current chiropractic profession stands at 24 in number. Whilst the medical profession fully subscribe to the concept of professional autonomy, we do believe that for the sake of protection of the public, the council of such a small group of profession yet entrusted with such a power should at least in its formative years include the minimum of one registered medical practitioner in that council. Mr Deputy President, in no way should this be seen as the medical profession controlling the chiropractors. Instead, the presence of a leader of the health care team can act to co-ordinate and advise the different aspects in the care of the sick.

Should this Bill regrettably be passed in the amended form, may I appeal to the Administration for the sake of achieving the best protection to the public to confirm the following points:

- (1) That the Chinese term "脊醫" be in no way implied as an abbreviation of "脊骨神經科醫生".
- (2) That through administrative means at least one representative from the medical profession be appointed into the Chiropractors Council.
- (3) That the Administration would make positive move to ensure that the title "醫生" or the likes be made explicit for registered medical and dental practitioners through amendments to the Medical Registration Ordinance.

Mr Deputy President, I support the registration of chiropractors but would oppose the amendments in this Bill.

DR LAM KUI-CHUN: Mr Deputy President, chiropractics is effective in treating ailments of the spine. Hitherto, it has been relegated to the fringe of medicine. With passage of this Bill into law, and with legal authorization to use the Chinese word for medical doctor "醫" in the chiropractor's title, the discipline moves a step towards centre stage. From now on, the public would

likely accept a chiropractor with greater trust. It is on this heightened trust that I now speak.

A recent survey in Hong Kong commissioned by the Hong Kong Medical Association has revealed that, in the understanding of the local public, the Chinese title "脊醫", literally translated as "spine doctor", is a fully qualified doctor who specializes in diseases of the spine. Experience shows that patients in Hong Kong attending any "doctor" would seek treatment from the same "doctor" for concurrent illnesses as well, especially when the complaints seem minor. The benefit and harm which such a practice may incur from chiropractic treatment depends on what the "spine doctors" would acknowledge as beyond their sphere of competence.

Mr Deputy President, some time ago a chiropractor publicly claimed in a radio interview that appendicitis and ectopic pregnancies can be healed by chiropractics. In the course of scrutiny of this Bill, I personally asked the chairman of the Chiropractics Association what he would do if requested to manage a patient with abdominal pain. Mr Deputy President, abdominal pain is the presenting complaint of acute appendicitis and of ectopic pregnancy. Both conditions are surgical emergencies. To my question the chiropractors' representative did not even inquire where the pain was most intense, whether it was severe, nor whether the patient has fever. He simply replied that he would examine and manipulate the patient's spine. In a real-life situation for a patient with ectopic pregnancy this would delay effective treatment and cause her to go into shock. Her life would be put in danger. Mr Deputy President, as long as chiropractics remains at the fringe of medicine, the risks of this sequence happening would be small. Now that this discipline is moved towards centre stage by the passage of this Bill, and that the title of "doctor" is conferred on its practitioners, the risks would be increased.

The question now is what should be done to protect the public from increased risks to its health as a result of this law. Ideally, a patient with any complaint should be first seen by a practitioner with comprehensive medical training. If a spinal condition is found, chiropractic treatment may be authorized. Unfortunately, existing practice in Hong Kong is not like this.

As a solution, I believe the Administration must fall back on the principle that increased privileges entail increased responsibilities. If the chiropractors from now on may have the heightened privilege of being entrusted with initial management of spinal and non-spinal conditions, then they must assume the responsibility of recognizing diseases that are beyond their sphere of competence (especially surgical emergencies), and promptly refer them to appropriate health care practitioners.

In practical terms, the following steps must be taken:

- (1) The Chiropractors' Council must be charged with the responsibility of confining the professional activities of its members strictly to its sphere of competence.
- (2) If any chiropractor oversteps this confine, the Chiropractors' Council must have the power to take disciplinary action in the interest of public safety.
- (3) The Chiropractors' Council must contain sufficient people of the appropriate background and calibre including a fully qualified medical doctor to be able to oversee the overall practice of chiropractics from the public's angle.
- (4) After appropriate time lapse, say five years from enactment of this law, a review should be made to either reconfirm chiropractics as a form of primary health care or confine the principal to a referral service from general medical practitioners.

Mr Deputy President, with some caution, I support the Bill.

MR MICHAEL HO (in Cantonese): Mr Deputy President, I do not altogether agree with Dr LEONG Che-hung that the medical profession is the leader of the health care team. I believe that we are different professions complementing one another in areas where one or another profession happens to be deficient. I also believe that within the health care sector, the dentists, Chinese herbalists, nurses and other health care professionals are important members of the contemporary health care team. Perhaps in certain circumstances, we have to acknowledge the clinical leadership of the medical profession.

Personally, I am not worried that the public will mistake registered chiropractors for general practitioners with a bachelor's degree in medicine and surgery. I believe that now is the time to really educate the public, so that they will understand what "registered chiropractors" are and what services they will provide. I sincerely hope that today is the day that sees the beginning of a positive education for the public.

Thank you, Mr Deputy President.

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, I am grateful to Members who have spoken and to the ad hoc group for their very detailed consideration of this Bill.

The purpose of this Bill is to provide for the establishment of a Chiropractors Council to be responsible for registration, setting of standard, regulation of conduct and administration of discipline for chiropractors. This is part of our continuing efforts to register progressively key health care

professions to ensure high standards of service, to enhance the status of the health care professionals and, above all, to safeguard the interests of our patients.

Concern has been expressed in some quarters over the Chinese title for chiropractors. Let me say that, as far as the Administration is concerned, we maintain an open mind on the Chinese title, for as long as it is legally acceptable and does not cause confusion to the public. I have been advised by the Attorney General's Chambers that there is no legal objection to the use of the term "脊醫" by chiropractors. Moreover, I have been assured by Members during discussions in the ad hoc group that the term "脊醫" would not, and should not, confuse the public, nor be misinterpreted as abbreviation for "脊骨神經科醫生". I respectfully defer to Members' views.

As regards the concern over the membership of the Chiropractors Council, the matter has been thoroughly discussed at the ad hoc group meetings. The Bill, as it now stands, provides for appointment by the Governor of five chiropractors, four non-chiropractors and one public officer to the Chiropractors Council. There is therefore room for appointing a medical practitioner to facilitate interface and mutual understanding between the two health care professions.

Mr Deputy President, subject to its passage, this Bill should provide a satisfactory framework for regulation of chiropractors and for the proper safeguard of patients' interests.

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

Bill read the Second time.

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

AIR POLLUTION CONTROL (AMENDMENT) BILL 1992

Resumption of debate on Second Reading which was moved on 24 June 1992

Question on Second Reading proposed.

DR SAMUEL WONG: Mr Deputy President, I rise to support the resumption of the Second Reading of the Air Pollution Control (Amendment) Bill 1992. Before I outline the conclusions of the deliberations of the ad hoc group to scrutinize the Bill, I would first like to give some brief background to the Bill.

In essence, the Bill seeks to introduce stricter controls on asbestos, to tighten up the control on undertakings which have been granted exemption, to

licence the new specified processes and to allow the issuance of technical memoranda (TM) to control air pollution. Changes are also to be introduced to the existing provisions relating to the Appeal Board, and the Secretary for Planning, Environment and Lands would be empowered to make regulations and to improve methods and standards for the determination of air pollution.

The ad hoc group set up by the then Legislative Council In-House to examine the Bill has held 11 meetings including three meetings with the Administration and a meeting with the industrial and trade associations. The ad hoc group has received six submissions including five from the industrial and trade associations and one from an environmental concern group. The group also met the representative of the Centre of Environmental Technology and received his views on the Bill.

The representations received were generally in support of the intention of the Bill. The main concern of the industrialists relates to the economic implications in the present definition of Best Practicable Means (BPM), the proposed changes to the appeal procedures, the power given to the Authority and the grace period to remove the exemption.

On BPM, the industry claimed that there was no statutory recognition of the economic implications in its present definition. They suggested that consideration should be given to change BPM to "best available technology not entailing excessive cost" (BATNEEC). The Administration explained that a broad interpretation of BPM had all along been taken. The present definition of BPM would give the maximum flexibility to the Administration to implement the provisions of the Bill. To ease the concern of the industry, the Administration has undertaken to adopt a more transparent process in working out the control requirements. The term BATNEEC was adopted in the United Kingdom in early 1992. It may, in reality, represent a different level and means of control and may not be the best solution for Hong Kong. At the group's request, the Administration agreed to review the experience of the United Kingdom after one year to see if there was a need to change BPM to BATNEEC.

As regards the promulgation of a TM under the Bill, members noted that the legal effect of making a specific statement in the law that the TM was not subsidiary legislation would put beyond doubt that the TM was not to be subject to challenge in courts. Whilst members shared the Administration's view that time and resources should not be wasted in arguing purely technical matters, there should be adequate checks and balances. The Administration assured members that the TM would undergo a comprehensive consultation process with the concerned parties before it was to be submitted to the Legislative Council for approval. In actual effect, there would not be any reduction of the Legislative Council supervision in the working and issuing of a TM since the procedures set out for the promulgation and amendments to a TM are equivalent to that for subsidiary legislation. Members also had some reservations about the power given to the Secretary to delay the implementation of the amendments to

the TM by the Legislative Council. Noting that the proposed provision merely aims to give more time to the Secretary to make the preparations, if necessary, members accepted the Administration's undertaking to specify the timing of implementation whenever an amendment was made to the TM.

On the question of the grace period, the Administration has made it very clear that the intention was to remove the exemption in phases, over a maximum period of four years. Further consultation with the affected industry would be conducted before exemption is to be removed and a grace period of at least 12 months from the date of gazette would be provided under the law. Members are satisfied with the explanation.

Members shared the industry's concern over the proposed changes to the existing provision on appeal procedures. Members generally felt that there was some ambiguity in the expression in clause 23 "shall refuse to determine an appeal unless". According to the Administration's explanation, the existing appeal provisions were possible to be subject to exploitation by unscrupulous persons as delaying tactics. The new approach would facilitate the Appeal Board to make a decision on whether or not to hear a case without going through the full hearing process. The legal effects of the new formula and the existing formula adopted in the Noise Control Ordinance are basically the same. Nevertheless, the Administration is prepared to review the appeal provisions together with the BPM after the first year of implementation. Recognizing that the legislative intention was not to introduce appeal procedures which are radically different from those in the existing Noise Control Ordinance, members requested the Administration to give a suitable explanation of the proposed new section 31(5) in the speech so that the legislative intention would be "on record" for public information and could also be referred to, if necessary, in any relevant court proceedings. As a related issue, the Administration also accepted members' suggestion to provide in the Bill a channel for appeals against the Authority's order as to the payment of costs in disciplinary inquiries under the new provisions relating to asbestos control. I shall move an amendment during the Committee stage.

Apart from the above, members have also discussed some other issues on asbestos such as the impact of the Bill on public hospitals, method of calculating asbestos, the requirement and liability imposed on owners to investigate for asbestos and implement asbestos management plans.

There were worries among members that some subsidized schools and ex-subsvented hospitals run by charitable organizations might have financial difficulties in meeting the additional costs arising from the new requirements on asbestos control. After further clarification with the Administration, members were pleased to note that capital expenditure for removal of asbestos from all public hospitals under the management and control of the Hospital Authority, including those previously operated by the Tung Wah Group of Hospitals, would be borne by the Government. Another concern is about public hospital incinerators, that is, whether they can comply with the new requirements if the

Bill is enacted. The Administration, in response, confirmed that a plan was in hand for a Centralized Incineration Facility (CIF) to deal with special waste including medical waste. It is not envisaged that the existing pathological incinerators in hospitals would come under licensing control as specified processes under the revised First Schedule of the Bill before the new CIF comes into operation. Members accepted the proposed arrangements.

For the purpose of defining "asbestos containing material", the method of calculating whether any material is made with (or contains) more than 1% asbestos is to be "approved by the Secretary". Members were concerned whether any safeguards and form of supervision would be available so that those affected would have confidence in the method of calculation. The Administration clarified that only methods commonly accepted as proven asbestos counting methods by international authorities would be adopted and analytical results from asbestos laboratories accredited by Hong Kong Laboratory Accreditation Scheme would be accepted.

Members also noted the concern of the Real Estate Developers Association of Hong Kong (REDA) about two issues, that is, the requirement and liability imposed on an owner to carry out asbestos investigation surveys and to implement asbestos management plans. The Administration explained that the proposed section aims to provide for controls over the release of environmental asbestos. The control scheme for sensitive use premises (for example, school) requires that the existence of asbestos containing material in such premises be checked, and the preparation and implementation of an asbestos management plan/abatement plan be enforced, if asbestos is found. For asbestos works in premises in general the control scheme is that if the owner of any premises knows or should reasonably suspect that any intended work to be carried out in his premises will involve the handling or use of asbestos containing material his statutory obligations are triggered off unless the asbestos work is exempted under new section 69(2) as very low-risk. The Bill would only impose liability on an owner/agent for failure to engage registered personnel in the implementation of asbestos management plans, failure to follow steps or measures specified in an asbestos management plan or failure to comply with the Authority's stipulated control measures.

Lastly, since there is a right of appeal under the Bill, members considered that the Administration Committee, which was set up to supervise a registration system of qualified workers in the asbestos control industry, should be required to provide reasons for deferring or refusing an application for registration. I shall be moving a Committee stage amendment to this effect.

To conclude, the protection of our environment requires the concerted efforts of all parties and I am encouraged by the willingness that has been shown by industry to help to control pollution. I hope that the Administration would continue to make its unflinching efforts to combat pollution and improve our environment. It is my pleasure to support the Bill.

MR PETER WONG: Mr Deputy President, in rising to support the Second Reading of the Air Pollution Control (Amendment) Bill 1992, I wish to air the various concerns I have as Chairman of the Hospital Authority's Supporting Services Development Committee. Concern centres around the problems of control over the use of asbestos as well as the proposed Central Incinerator Facility to dispose of medical waste. As far as the asbestos problem is concerned, we all know that our hospitals may have asbestos in the form of insulation installed in the past. This problem may be well under control so far as the ex-government hospitals are concerned. However, one cannot say the same for the ex-subsided hospitals. These were under severe financial constraints, and under the then available technology, asbestos had been put into their buildings. Unlike their government counterparts, they do not have the luxury of the Architectural Services Department consistently looking after design and construction. I would welcome the confirmation of the Secretary that the Government will support in full the cost of any remedial work required in respect of asbestos for hospitals under the Hospital Authority.

I myself have reservations about whether there are sufficient number of contractors in Hong Kong who have the technical expertise in order to first of all check on the asbestos problem, and secondly to carry out the remedial work. I say this based on personal contacts in Australia. When I made enquiries relating to the existence of such expertise in Australia, I found very much to my dismay that all my contacts that used to do such work in Australia are now without exception out of business because they were all being sued for faulty work. We also heard from Dr Stephen LAM of the Centre of Environmental Technology that his experience in the United States was that about half the work done for domestic households there was not carried out competently. Mr Deputy President, I would welcome the Administration's assurance that we do indeed have competent contractors and consultants in order to do the work that is set out in the Bill. Asbestos is better left alone if at the moment it does not cause a problem rather than to have incompetent personnel to deal with it. Since this expertise problem is the most controversial section of the Bill, I would caution the Administration to proceed cautiously.

My other main concern is over the proposed sections on incinerators which would at one go make all the existing incinerators in all our hospitals obsolete and have to be closed down. It was proposed by the consultants that all medical waste arising would have to be packaged and transported to the central facility in Tuen Mun for incineration at the cost of some \$34 million at current prices being chargeable to the Hospital Authority and the Department of Health. These proposals are being keenly challenged by the experts at the Authority and I would be pleased to hear from the Secretary that there is no intention to activate the sections over incinerators for hospitals until the whole matter has been thrashed out. I also think the Hong Kong public deserves a confirmation from the Administration that the present mode of disposal of medical waste will not pose health hazards to the Hong Kong public. Any alarm caused unnecessarily by the Bill will not be in the overall public interest.

MR LAU CHIN-SHEK (in Cantonese): Mr Deputy President, this Bill is proposing a number of constructive arrangements for control of air pollution. Here I should like to mention briefly some imperfections of the current amendment, to which I hope the authorities concerned will give due attention.

I think that the Administration is still taking a relatively passive approach in tackling pollution caused by asbestos released in the course of demolishing private buildings. It has also overlooked the seriousness of the problem and neglected the health of workers involved. The amendment Bill as it stands still falls short of bringing about a comprehensive improvement to the problem.

I should now like to make two suggestions in respect of regulation of the removal of asbestos:

- (1) To enact legislation to require all owners or landlords of properties to submit an inspection report by an engineering consultant confirming whether or not there is asbestos in buildings to be demolished before the demolition works can proceed. Any works to demolish a building will be illegal in the absence of a submitted inspection report.
- (2) To require all workers involved in asbestos removal works to have an annual medical check-up and receive safety training.

A number of old districts in Hong Kong such as Sheung Wan, Yau Ma Tei and Mongkok are due for renewal in the near future. Since many old buildings will be demolished as a result of these renewal plans, the question of pollution caused by asbestos should be given due attention in order to protect the safety and health of workers and neighbouring residents.

With these remarks, Mr Deputy President, I hope the authorities concerned will review this problem as soon as possible. Thank you.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I am grateful to the Honourable Dr Samuel WONG, the convenor of the ad hoc group on the Air Pollution Control (Amendment) Bill, for supporting the Bill, and to the other members of the ad hoc group for their careful and detailed consideration of this proposed legislation over the past eight months.

In the course of the ad hoc group's deliberations a number of issues and concerns raised by them, by industry and by other interested parties were discussed which I would like to refer to today. They relate to the definition of Best Practicable Means; the Technical Memorandum to be issued under the Air Pollution Control Ordinance; the removal of some exemptions currently allowed under the Ordinance; the question of how to deal with asbestos in public

buildings; and the appeal procedure provided for under the Ordinance. I shall also move an amendment during the Committee stage.

Best Practicable Means (BPM)

First, the definition of "Best Practicable Means" (BPM). It is not a purpose of this Bill to propose an amendment to the definition of this term which is already included in section 2 of the Air Pollution Control Ordinance. However, during discussions on the Bill, some concern was expressed that the existing definition does not contain words which address the cost implications of installing any air protection measures required. The Administration's view is that the present definition should be retained because BPM has been interpreted broadly to take account of financial viability, the availability of technology, the practice in other countries and any other factors which may be relevant to specific cases. We will continue to interpret BPM in this way, Mr Deputy President. The Administration has been applying licensing controls to specified processes based on these principles for over five years without any apparent problems. The need to change the definition has not therefore been established. However, the Administration will keep an open mind as to whether more appropriate terminology can be found and whether it should apply in Hong Kong.

Technical Memorandum

The purpose of the Technical Memorandum (TM) is to publish, for general information, the technical specifications that are required of a particular type of polluting operation if it is to meet the Air Quality Objectives. A TM also serves to avoid burdening the relevant Ordinance and subsidiary legislation with technical detail. A TM for issuing Air Pollution Abatement Notices to control air pollution from stationary polluting processes is now being prepared. As with TMs already issued under the Noise Control and Water Pollution Control Ordinances, full consultation with industry is being carried out. So far, comments have been received from the Federation of Hong Kong Industries, the Hong Kong General Chamber of Commerce, the Hong Kong Association of Textile Bleachers, Dyers, Printers and Finishers, the Hong Kong Productivity Council, the power companies and several cement companies. Their views are being considered by the Director of Environmental Protection. Under clause 27 of the Bill, the TM is required to be laid on the table of this Council and Members will have 28 days to consider it.

Removal of exemption

In turning to the question of exemptions, I would ask Members to note that the removal of any exemption of a specified process provided for in the proposed legislation will be phased over a four-year period. This is to allow ample time for consultation with the industries affected before the removal of their exempt status. A period of at least 12 months will be provided, from the date of formal notice in the Gazette under section 20AA(1), before the

exempted status of a specified process is removed. This should enable detailed discussions between the Authority and the industries affected to take place, and for the industries to prepare themselves to overcome any difficulties that may arise.

Impacts of asbestos control on public hospitals

Mr Deputy President, one of the aims of the Amendment Bill is to provide for controls over the release of environmental asbestos from sensitive premises, for example hospitals. Under the proposed legislation, and by engaging the services of a registered asbestos consultant, the owners of "sensitive use" premises are required to check for the existence of material containing asbestos in their premises, to prepare a management plan or an abatement plan, and to implement the plan if asbestos is found. I am informed by my colleague, the Secretary for Health and Welfare, that any capital expenditure arising from the removal of asbestos from public hospitals under the management and control of the Hospital Authority, including those previously operated by the Tung Wah Group of Hospitals, will be borne by the Government.

I would like to refer to a number of other points raised by the Honourable Peter WONG and the Honourable LAU Chin-shek. First, as regards asbestos consultants. There are currently five accredited asbestos laboratories for testing materials for asbestos content, accredited by the Hong Kong Laboratory Accreditation Scheme run by the Industry Department. There are 39 asbestos consultants in Hong Kong. The Housing Department and the Architectural Services Department have hired asbestos consultants to do their work before and have had no problem in obtaining qualified candidates. The Occupational Safety and Health Council have organized training courses for supervisors and workers in asbestos work. So far over 100 workers have already taken this one-week intensive course. The Administration Committee to be set up under this Bill will oversee the registration of consultants, contractors and laboratories to ensure that they meet the required standards.

Second, as regards the disposal of clinical waste and pathological incinerators. Incinerating medical waste at a central facility is now standard practice in many countries, for example, the United Kingdom and the United States of America. The Administration is therefore planning to build a centralized incineration facility (CIF) in Hong Kong to deal with special waste including medical waste. The concern that existing pathological incinerators in hospitals will be closed down unnecessarily, when the CIF is commissioned and hospitals are advised to use the CIF, is, I believe, unfounded. We have assured the ad hoc group that, with the exception of the Pamela Youde Hospital incinerator, existing pathological incinerators will not come under licensing control as specified processes when the CIF comes on stream. And on that there is as yet no definite timing. And discussions, as the Honourable Peter WONG has mentioned, on this facility are continuing. But assuming it comes into

being, the pathological incinerators will be closed down in phases according to a programme to be discussed with the Hospital Authority.

Third, as regards the protection of asbestos workers, or, should I say, workers in asbestos. The matter of training and refresher courses will be looked at by the Administration Committee. As for physical check-up for employees, the Factories and Industrial Undertakings Asbestos Special Regulation 1986 has provision in regulation 21 to require that all employers provide medical check-ups for workers handling asbestos within four months immediately preceding the commencement of employment and thereafter at intervals of not more than 12 months. The results of the check-ups have to be certified by medical practitioners. As for demolition contracts, the Bill will require all contractors to submit asbestos management plans. The Environmental Protection Department will receive a copy of the contractors' application for building works from the Buildings Ordinance Office and will carry out random checks and inspections to ensure compliance.

Appeal procedures

On the question of appeal procedures Mr Deputy President, the aim of clause 23 is to require an appellant to give a plausible reason to support an appeal so that the Appeal Board may decide quickly whether to hear the case before going through the full hearing process. This is to prevent the unscrupulous from exploiting the appeal mechanism merely as a tactic to delay the implementation of pollution abatement measures. The manner in which this clause is drafted, that is, in the active voice, is to make the provision clearer. There is no intention whatsoever to introduce appeal procedures which are radically different from those already in existence in other environmental legislation, such as the Noise Control Ordinance. The procedure will be reviewed after the first year of implementation.

Mr Deputy President, air pollution in Hong Kong is the subject of growing concern in our community and rightly so. The proposed legislation, which aims to tighten control on air pollution, is therefore an important move towards greater protection of the community's health. The legislation will be implemented in phases and in full consultation with parties affected. It is nevertheless another major step forward in our environmental programme.

Thank you, Mr Deputy President.

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

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee.

CHIROPRACTORS REGISTRATION BILL

Clauses 8, 11, 13, 19, 21, 22, 25 and 27 were agreed to.

Clauses 1 and 2, heading of Part II, clauses 3, 5, 6, 9, 10, 14, 16, 20, 23 and 24

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

Amendment to clause 16(3) is proposed to safeguard patient interest. The clause provides that two members of the Chiropractors Council be appointed for the purpose of determining whether a complaint alleging a disciplinary offence should be referred to the council. The ad hoc group has proposed that one of these two members must be a non-chiropractor.

The other amendments concern the Chinese title for chiropractors. I have already explained during the Second Reading debate of the Bill the background to these amendments.

Mr Chairman, I propose to move.

*Proposed amendments***Clause 1**

That clause 1 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 2

That clause 2 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Heading of Part II

That heading of part II be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 3

That clause 3 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 5

That clause 5 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 6

That clause 6 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 9

That clause 9 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 10

That clause 10 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 14

That clause 14 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 16

That clause 16 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

That clause 16(3) be amended, by adding "one of whom shall be a person appointed under section 3(2)(b)," after "purpose,".

Clause 20

That clause 20 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 23

That clause 23 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 24

That clause 24 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Question on the amendments proposed, put and agreed to.

Question on clauses 1 and 2, heading of Part II, clauses 3, 5, 6, 9, 10, 14, 16, 20, 23 and 24, as amended, proposed, put and agreed to.

Clauses 4, 7, heading of clause 26 and clause 26

SECRETARY FOR HEALTH AND WELFARE: Mr Chairman, I move that the clauses specified be amended as set out in the paper circulated to Members.

These are all minor editorial amendments to the Chinese text of the Bill. The purpose is to clarify the meaning of the terms used and to maintain consistency in Chinese translation with other pieces of legislation.

Mr Chairman, I beg to move.

Proposed amendments

Clause 4

That clause 4(3) be amended, by deleting "抵" and substituting "抵".

Clause 7

That clause 7(3) be amended, by deleting "管理局".

Heading of clause 26

That heading of clause 26 be amended, by deleting "委員會成員" and substituting "委員會委員".

Clause 26

That clause 26(1) be amended, by deleting "誠意地" and substituting "真誠地".

Question on the amendments proposed, put and agreed to.

Question on clauses 4, 7, heading of clause 26 and clause 26, as amended, proposed, put and agreed to.

Clauses 12, 15, 17 and 18

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

Amendment to clause 17(1) concerns the membership of the inquiry committee for determining whether or not the registered chiropractor against whom a complaint is made has committed a disciplinary offence. The inquiry committee will comprise not less than three members of the Chiropractors Council, and, to safeguard patient interest, the ad hoc group has proposed that one of them must be a non-chiropractor.

Other amendments concern the Chinese title of chiropractors, the reason for such amendment has already been explained.

Mr Chairman, I propose to move.

Proposed amendments

Clause 12

That clause 12 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 15

That clause 15 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Clause 17

That clause 17 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

That clause 17(1) be amended, by adding", one of whom shall be a person appointed under section 3(2)(b)," after "members".

Clause 18

That clause 18 be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Question on the amendments proposed, put and agreed to.

SECRETARY FOR HEALTH AND WELFARE: Mr Chairman, I move that the clauses specified be further amended as set out under my name in the paper circulated to Members.

The purpose of these minor amendments is to clarify the meaning of the terms used in the Chinese text of the Bill and to maintain consistency in Chinese translation with other pieces of legislation.

Mr Chairman, I beg to move.

Proposed amendments

Clause 12

That clause 12(8) be further amended, by deleting "無" and substituting "沒有".

Clause 15

That clause 15(5) be further amended, by deleting "視為" and substituting "當作爲".

Clause 17

That clause 17(2) be further amended, by deleting "如委員會" and substituting "如管理局".

That clause 17(8)(a) be further amended, by deleting "正確" and substituting "適當".

Clause 18

That clause 18(f) be further amended, by deleting "嚴峻" and substituting "嚴厲".

Question on the amendments proposed, put and agreed to.

Question on clauses 12, 15, 17 and 18, as amended, proposed, put and agreed to.

Schedule was agreed to.

Long title

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

Proposed amendment

Long title

That the long title be amended, by deleting the long title and substituting -

"Provide for the registration of chiropractors namely, persons trained and qualified in the practice of chiropractic including the practice of the prevention, diagnosis and treatment of functional disorders of the human body through manipulation of the joints, particularly of the vertebral column and peripheral joints, including the pelvis; the disciplinary control of the professional activities of registered chiropractors; and for matters related to such registration and disciplinary control."

That the long title be amended, by deleting "脊骨治療學家" wherever it occurs and substituting "脊醫".

Question on the amendment proposed, put and agreed to.

Question on the long title, as amended, proposed, put and agreed to.

AIR POLLUTION CONTROL (AMENDMENT) BILL 1992

Clauses 1 to 22, 24 to 31 were agreed to.

Clause 23

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Chairman, I move that clause 23(1) be amended as set out in the paper circulated to Members.

Clause 21 of the Bill gives the authority further powers to require modification, maintenance and repair of an installation of controlled equipment for chimneys or other plant, machinery or equipment. Clause 23(1) has therefore to be amended now so as to include reference to these additional powers in the appeal provisions. The amendments have been discussed and agreed by the ad hoc group formed to study the Bill and members' comments have been reflected in the amendments.

Thank you, Mr Chairman.

*Proposed amendment***Clause 23**

That clause 23(1) be amended —

(a) in paragraph (a) by deleting "and" at the end.

(b) by adding -

"(aa) in paragraph (p) by repealing "or relevant plant" and substituting ", relevant plant or other machinery or equipment";

(ab) by adding -

"(pa) section 30(1)(ii) (requiring the installation of control equipment or systems);

(pb) section 30(1)(iii) (requiring the operation of a chimney, relevant plant or other machinery or equipment in a specified manner),."

(ac) in paragraph (q) by repealing "(ii)" and substituting "(iv)"; and".

Question on the amendment proposed, put and agreed to.

DR SAMUEL WONG: Mr Chairman, I move that clause 23 be further amended as set out under my name in the paper circulated to Members.

Clauses 23(3) is amended to add "or order for costs" after "order". This seeks to provide a channel or review mechanism for appeals against payment of costs in disciplinary inquiries under the new provisions relating to asbestos control.

Mr Chairman, I beg to move.

Proposed amendment

Clause 23

That clause 23(3) be further amended, in the proposed section 31(5)(d) by adding "or order for costs" after "order".

Question on the amendment proposed, put and agreed to.

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

Clause 32

DR SAMUEL WONG: Mr Chairman, I move that the clause specified be amended as set out in the paper circulated to Members.

The purpose of the amendment to clause 32 is to require the Administration Committee, which is to be set up to supervise a registration system of qualified workers in the asbestos control industry, to provide reasons for deferring or refusing an application for registration.

Mr Chairman, I beg to move.

Proposed amendment

Clause 32

That clause 32 be amended, in the proposed section 58(2) by adding "and reasons for his decision in the case of a deferral or rejection" after "his decision".

Question on the amendment proposed, put and agreed to.

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

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

CHIROPRACTORS REGISTRATION BILL and

AIR POLLUTION CONTROL (AMENDMENT) BILL 1992

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

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

Bills read the Third time and passed.

Member's motion

DEPUTY PRESIDENT: This is the first occasion that Standing Order 27A comes into play. I have accepted the recommendations of the House Committee as to time limits on speeches and Members were informed by circular yesterday. The mover of the motion will have 15 minutes for his speech including his reply and other Members will have seven minutes. Under Standing Order 27A, I am required to direct any Member speaking in excess of the specified time to discontinue his speech.

TRAUMA TO CHILDREN

DR LEONG CHE-HUNG moved the following motion:

"In the light of the rising incidence of injury to children, both physical and mental, occurring both at home and elsewhere, and the complex nature of the treatment, counselling and rehabilitation of the victims, this Council urges the Administration to look into the problem without delay and to come up with appropriate measures."

DR LEONG CHE-HUNG: Mr Deputy President, some two weeks ago when Hong Kong celebrated the Lunar New Year, tragedy befell a family where two young members aged three and four years old were burnt to death. This is by no means an isolated case. Statistics gathered from coroner's inquests between 1989 to 1991 revealed that a total of 80 unattended children died in Hong Kong, some in the most horrific circumstances.

Just four days into 1993, Hong Kong's collective conscience was burdened by our first child suicide. Another school girl attempted to end her life. Again, these are by no means coincidental. The fact remains that from 1991 to 1992,

some 21 student committed suicide; in 1992 alone some 17 such cases were reported whilst fortunately another 50 attempts were aborted.

It was not until the late 1970s, after some tragic children abuse cases took place, that Hong Kong formally recognized the existence of such a problem. In 1978, the story of the abuse of LAU Suk-mei, a 10-year-old girl, hit the newspaper headlines and aroused great public concern. Ironically, until then, the entity of child abuse was not recognized. A non-governmental child protection organization, Against Child Abuse, was established next year as a pilot project. It undertook a significant role in child protection ever since.

In 1983, the death of a young girl as a result of child abuse caused public outcries over the flimsy care and protection for children in Hong Kong. A multi-disciplinary working group was formed under the auspices of the Health and Welfare Branch to look into the policies and child protection in Hong Kong. This working group was supposed to be reconvened in early 1992. Apparently it never did.

In 1986, a Child Protection Registry was established to record child abuse. A total of over 1 500 children were since registered. The number that remained regularly on the list at last year was 383.

Police records showed a total of 73 prosecution cases of child abuse in 1991 and 55 between January and September in 1992.

As for the need for children's rights and their legislative control, it was not until the KWOK Ah-nui case was unravelled by the media in 1986 that our community was alerted to the following concerns:

- (1) whether legislation is comprehensive and adequate to protect our children;
- (2) whether the related parties are handling such situations competently;
- (3) whether the Director of Social Welfare is provided with adequate authority to enter any premises to remove a child for examination; and
- (4) how to strike a balance between the protection of parents' rights and well-being versus children's safety and their rights.

In response to this case, the then OMELCO Welfare Panel recommended a comprehensive review of the Protection of Women and Juveniles Ordinance. Some amendments were urgently enacted a year later. But a set of proposals are still being discussed after five long years in waiting!

Mr Deputy President, I could go on and on and on. The fact remains that accidental injuries and poisoning together is now the number one killer of children over the age of one in Hong Kong. It has surpassed cancer and infectious diseases combined. Every year one in 10 children is involved in an accident for which emergency medical service of different levels is needed. Every year some 100 children were killed; 60 000 attended the Accident and Emergency Department and 17 000 admitted to hospital for injuries. Among those that survived, some 30% suffer permanent sequelae.

In a recent one-year surveillance on childhood injuries conducted at the Princess Margaret Hospital, Dr CHOW, the consultant pediatrician, had the following analysis: There were a total of over 5 000 cases of injury, of which (52%) occurred at home. Among those home injuries, 46% were associated with children left unattended. More importantly, it was acknowledged by some 73% of the parents and relatives that accidents could have been prevented given more care and attention.

Mr Deputy President, all these beg the following questions. What have we done for our next generation? Have we done enough? It also begs the questions of what we should do to make our home a safer place for our children to live, grow and mature.

Mr Deputy President, I stand here today to move this motion in my name. In moving this motion on childhood injury, I am concerned with the lack of care we have offered to our children below the age of 12. I am concerned with the scarcity of statistics for meaningful analysis to try to establish a pattern to improve the situation. I am concerned with the appalling attitude that this Government has taken throughout these years to attempt to curb the problem. And I am concerned with the lack of co-ordination within the government machinery to ensure the suggestions will work.

The scope of childhood injury is a very wide-encompassing one. It borders on the many facets of causes, the possible methods of prevention, the treatment and the rehabilitation of the injured. On top of this it concerns with the need for counselling of the patient and more importantly the parents in the aftermath. It is the responsibility of the parents, teachers, health care workers, social workers, engineers, architects, manufacturers, and so on. In short, it concerns all in society.

In the course of this debate today, I have no doubt honourable colleagues will concentrate on areas they are most concerned with so that hopefully, we can bring to light a complete picture for the Government to respond. The rest of my address, Mr Deputy President, will deal with different modalities of prevention of injury or the lack of it at this point in time and my personal suggestion for the way ahead.

Mr Deputy President, few would dispute that "prevention is better than cure". The fact remains — what is the most effective form of prevention?

Many would call on the Government to enact laws to prohibit children from being left unattended at home. But is legislation in this form a panacea? Is legislation in this form a feasible reality?

At a debate in this Council in July 1991 on child care, the Government is urged to extend the educational programme and to provide more welfare facilities for working parents to temporarily entrust their children when they are forced to be away from home. But what has been done so far? How many welfare facilities are created? I would be the first to call on the Government to enact laws to prohibit children to be left alone and to request for heavy penalties, if and when adequate welfare facilities are available. Many countries, notably certain states of Australia, Canada and the United States, do have such legislation. Despite this extent, it is understood that these laws are seldom enforced, especially when they are legally educational and deterring at the most.

Rather than just legislation to prohibit leaving children unattended, laws should be enacted to provide a "safer home" through safety engineering of homes, buildings, child products, traffic designs playgrounds and other recreational facilities. After all, as quoted before, 52% of the injury cases occurred in the injured persons' own homes.

Furthermore, any law enacted to protect the safety of our children must aim to protect the child and the child alone. There should in no way be any element of compromise to take into the interest of the manufacturers of products, nor to be pressurized by the business interest. The recently passed Toys and Child Products Safety Ordinance is a typical example of such compromise, where the effect of child protection is watered down by not adopting a single stringent safety criteria in the interest of importers and retailers.

Mr Deputy President, there are currently a number of laws relating to children in Hong Kong, but there is as yet no single comprehensive Children's Ordinance that ties them all together and states the responsibilities of parents, child minders and society on our children. Obviously, our Government has not been bold or thorough on legislative measures for protection of children from abuses and accidental injuries. A single set of law should thus be called for to give clear definition of the responsibilities which this society has on its children. It should state the basic principle of care and protection to be given by parents, child minders and society as well as the consequences of violation of the principles.

While legislation alone is not enough nor is the only panacea, extensive education activities pointing out the possible danger of different home appliances, traumatizing agents and the sequelae of injury must be promoted. To depend only on some educational pamphlets, such as the multi-coloured comic book "Don't Leave Me Alone", is of course blatantly inadequate. The Neglect Campaign working group under the Government Information Service must be reconvened.

To cope with the social and economic situation in Hong Kong, more "occasional child care service centres" and "after school programmes" must be established in adequate supply in the different housing estates where they are needed most. "Work-based child care" should be properly encouraged perhaps by introducing incentives such as tax reduction. "Mutual help groups" should also be organized with the Government allocating premises, funding for staff, and setting up proper safety standards.

Like many social issues in Hong Kong, we cannot say squarely that the Government or various parties concerned have done nothing to enhance children safety. But alas such are only piecemeal efforts that lack overall co-ordination and have led to some areas being neglected, whilst others being overlapped. The lack of a concerted direction, or communication, also see service gaps or time lapse along the lines of prevention, treatment and rehabilitation.

Mr Deputy President, we have brilliant academics keen in studying the physical and mental development of our children. We have enthusiastic voluntary agencies working on the welfare of our next generation. Yet, we still lack basic information for compilation of a comprehensive picture of our children's problems, or our children's development.

We have many government policy branches and departments supposed to be related to children welfare — education, health and welfare, labour, recreation and culture, environment, housing just name a few. But why do we still lack a concerted direction towards children and family welfare? How can we be convinced that the decision makers do give priority considerations for child safety when working on policy for our society concerned?

What then, Mr Deputy President, is the way ahead?

Mr Deputy President, I would like to conclude by making two bold suggestions:

Firstly, the two international conventions, that is, Declaration on the Rights of the Child (1989) (of which China is also a signatory) and the Hague Convention on the Civil Aspects of Intervention Child Abduction (1980) must be ratified by the United Kingdom on behalf of Hong Kong in order that children are provided with the rights and protection they rightly deserve.

Secondly, since the prevention and intervention of accidents in children needs the interaction of so many disciplines, there is a clear need to establish a co-ordinating body — a Child Safety Council. This body must be one with statutory power, funded by public money, supported by multi-disciplinary technical bodies with the following terms of reference:

- (1) To collect and collate statistics and information concerning childhood injury and death.
- (2) To establish channels and procedures for publicity and education concerning children safety.
- (3) To promulgate a clear policy of childhood protection.
- (4) To oversee the implementation of these policies.

Mr Deputy President, we must tackle the problem of the childhood injury with the same mega force our predecessors used to fight infectious disease decades ago. I look forward to my honourable colleagues in making their suggestions and recommendations on this problem this afternoon. I look forward all the more to a positive response from the Administration. Mr Deputy President, the proper upbringing of our future generation is not only a socio-economic but also a political issue. Let society see our Government demonstrate this political will!

Mr Deputy President, I do so move.

Question on the motion proposed.

MRS SELINA CHOW: Mr Deputy President, why do we always need tragedies to spur us into action? Why must there be a KWOK Ah-nui incident, headlines on child suicides, and shocking deaths of unattended children before this community and this Government feel outraged enough to react and act? The problem looms large and deep, and cannot be skimmed over with sporadic crisis management. We need to take a broader and more far-sighted view, and a way to ensure that the neglect and inertia which characterize the quality of care for our children must be replaced by a determination to make up for present inadequacies, right present wrongs, and rectify present shortcomings.

Members of the Co-operative Resources Centre speaking today will concentrate on the prevention aspects of child trauma. I will speak on what we perceive to be the Government's role as initiator and facilitator of co-operation and co-ordination between itself, voluntary agencies as well as concerned groups and individuals to raise awareness and change attitudes towards the needs of our children so as to prevent occurrence of tragic events. Mrs Peggy LAM will speak on the problem from the family planning perspective, and urge the Government to provide more and better support service for parents in the way of nursery and day creche places and half-day care places for 6-12 years old. Mrs Miriam LAU will speak on the merits of child safety campaign including the need for legislation. And Mr Henry TANG will speak on how industrialists can help and be helped to provide nurseries for their workers.

It is always difficult to quantify how much needs to be done in order to prevent tragedies. Before they happen, there are no victims to save, and no persons to hold responsible. Up to now the voluntary sectors have not been able to afford too much effort towards emphasizing the importance of the family unit as a safety net towards the physical and emotional development of our children by way of mass public education or publicity. Nor are they encouraged to do so by the Government. This way of thinking has got to change, and much more attention and resources would have to be allocated to create a healthy environment, especially at home, for the growth of our children.

In May 1983, in response to public concern over the problem of child abuse, a working group was appointed by the Secretary for Health and Welfare to conduct a general review of the handling of child abuse cases. In August that year the working group submitted a report proposing 32 improvements. In 1984 and 1985 the group reconvened to review progress and came up with a number of new recommendations, one of which gave rise to a multi-disciplinary conference organized by the Hong Kong Council of Social Service and the Social Welfare Department in co-operation with Against Child Abuse. The conference successfully attracted a wide cross section of professionals who were involved in the handling of child abuse cases. By sharing their experience, they came up with 28 recommendations. The working group was reconvened in April 1988 to consider these recommendations and came up with further comments and recommendations. The working group was supposed to be reconvened in the beginning of 1992, but as Dr LEONG said earlier up to now this has not happened.

What has happened with this working group, which I am sure many would agree is much needed to deal with the growing problem of child abuse and neglect, sadly reflects the stop-go attitude of the Government towards this very serious wrong done to our children. In view of the increasing need for attention on this front, a more persistent and committed effort has to be devoted to it. I call for the immediate reconstitution of the working group as a standing committee with widened terms of reference to include the responsibility for designing and implementing programmes for public education for the prevention of child abuse.

I realize of course that proper love and care of our children covers many aspects, and child abuse is only one of them, as today's debate indicates. However, I have noticed, and it has also been put to me, that the Government places children issues extremely low in its priority list when it comes to the ranking of publicity programmes undertaken. Keeping Hong Kong Clean appears to be more deserving than parents' responsibility to look after their children, when it comes to API slots on television. Surely such priority calls for readjustment. I would therefore appeal to the Government to set aside airtime for public education on all issues relating to the care and welfare of the child. We also need concerted effort of creative and dedicated people inside and outside the Government in the form of a body designated with this specific task of public education along similar lines as the Clean Hong Kong Campaign to

draw public attention to the problematic areas and what each and every member of our community can do to help.

Like so many metropolis, Hong Kong has seen many changes in social needs, with which the Government must keep pace. The emergence of the single parent is one phenomenon which the Government has refused to recognize up to now. There are now 35 000 single parents, with one-third of them male and two-thirds female. They, and their children, need assistance and attention. The Government, with the help of voluntary agencies, must establish the very special need required by this group of parents so that their children are not deprived of care.

Mr Deputy President, I support the motion.

MR HUI YIN-FAT (in Cantonese): Mr Deputy President, many people presume, because of scientific progress and economic development, that Hong Kong's children today must be happier than those of yesterday. Yet material affluence has in fact not brought about a safer environment for children to grow up in. Modern-day children suffer from many different forms of trauma, ranging from accident-inflicted physical injury, mental anguish to suicide in a wish to end it all. Such heart-breaking tragedies are happening around us every day and everywhere. In short, I believe that, if we want to find words to describe children's situation today, it will not be an exaggeration to say that "danger lurks everywhere".

According to the Education Department, during the past school year, 21 students aged between 10 and 18 committed suicide and as many as 50 attempted suicide. Now, less than half way into the present school year, students who committed suicide have already numbered more than half of the cases in last year. Suicides are threatening to become a trend. Meanwhile, a recent survey by the Census and Statistics Department found that, among Hong Kong's nearly 554 000 families in which there was at least one child under 13, an estimated 42 000, or 7.1% of the total, had one or more occasions during the week preceding the survey when the children were left at home unattended for not less than two hours. One should not make light of the brief time when these children were left at home by themselves. During the period from 1989 to 1991, it resulted in the loss of 80 precious little lives in Hong Kong.

I think that the Government and the parents, by being indifferent and insensitive to the danger, cannot escape blame for the fact that children today are forced to contend with a situation in which "danger lurks everywhere". Let me start with the Government's roles.

Student suicides, as a trend, have become a cause of anxiety to parents and to the community in general. Yet the Government's reaction has been disappointing. The causes of student suicides are quite complex. They are partly attributable to the fact that young people, living in affluence, generally do

not have a proper self-image or the ability to cope with setbacks or failures. Alienation in inter-personal relationships gives them incessant emotional problems. The fact that the school system lays inordinate emphasis on academic achievements while the quality of teachers has been generally declining tends to put students under heavy mental stresses. Nor, when they come across problems, can they obtain timely support or counselling from persons whom they can turn to. Therefore, we need the Government, teachers, social workers and parents to work closely together and join forces to find a long-term solution. Meanwhile, we must take short-term measures on an emergency basis. One such measure is to add more school social workers. Regrettably, the authorities make no response to this suggestion, which has the approval of the whole community including coroners, teachers and parents.

Of course, adding more social workers is not a cure-all. Still, it might help to save at least those precious lives that were ended suicidally because timely counselling by social workers was not available. In fact, given the present strength of their establishment, school social workers are indeed fighting a losing battle. Therefore, the Government should keep its 1982 promise and improve the social worker to student ratio. It should have done so long before student suicides became a trend. Yet, even today, the Government has made no concrete and comprehensive plan for solving the problem. The authorities should give high-priority consideration to creating more school social worker posts in the coming financial year to show the Government's sincerity, and to take the lead, in solving the problem.

The Hong Kong Council of Social Service, to which I belong, has only limited resources. Even so, it has recently begun a series of preventive and remedial actions for the purpose of combatting the problem. I do not intend to elaborate these actions here. I should only like to express the hope that the authorities will apply the crisis management approach and be more flexible in the allocation of resources, so that great financial help may be given to the service projects, including the preventive service projects, of the voluntary agencies involved.

Accidents that happen because parents think fit to leave their children at home unattended should be prevented. Given that the authorities, during this Council's adjournment debate on 18 December 1991, once again vetoed the idea of enacting legislation to stop parents from leaving children home by themselves, I think it is only reasonable that the authorities should now adopt a positive approach and expeditiously lay down and implement both long-term and short-term counter-measures. Regrettably, the Government is still proceeding according to its old plans, such as the plans to add more day-care nursery places, to strengthen child care services whereby children can be taken care of for a short time and to educate parents. The authorities are, without exception, turning a deaf ear to all the reasonable alternative suggestions of the voluntary agencies, such as improving community support services, helping women to form mutual-assistance groups and giving financial assistance to voluntary agencies to operate nurseries in areas where working mothers'

working places are located and child care services are in greater demand. One therefore wonders if the Government is sincere in helping parents to solve the child care problem, particularly in the case of families with single parents and families where both parents go out to work.

However, over the issue of child care, parents must not be too readily to put the blame on the Government for failing to introduce proper policy or on inadequate government support services. After all, the best child care is that provided by the parents themselves. Yet I find that nowadays many parents really do not know how to bring up their children. They seem to think that, if both parents go out to work and make a lot of money, the children will have everything that they want and be well-protected like plants growing in a greenhouse. But the truth is that the lack of parental care and love may give rise to family problems. And even in the face of such problems, some parents may not get the idea of what went wrong. Therefore, I think that the Government and the voluntary agencies should work harder to teach parents the right way of raising the children. This will help to reduce family tragedies due to parental negligence.

Mr Deputy President, in sum, trauma to children takes different forms and may be due to a multitude of causes. There is no single cure for the problem. Therefore, the Government and the community must make concerted efforts to deal with it. This is my reason for taking part in the present debate. I should like to urge the Government to set up an inter-departmental working group to embark on an in-depth study of the problem expeditiously.

With these remark, I support the motion.

MRS PEGGY LAM (in Cantonese): Mr Deputy President, accidents are a major cause of injuries and deaths among the children of Hong Kong. This fact is undisputed. It is a fact that causes us special concern and sorrow. Though the Government and the voluntary agencies constantly draw the community's attention to children's safety, accidents resulting in injuries or deaths still occur all the time. Most ironically, while a motion debate on "Trauma to Children" is being moved by Dr LEONG Che-hung, there have been in quick succession two tragedies in which children played with fire at home with the result of that three of them were burnt to death and another is now in critical condition. This precisely shows the problem. When something is happening, the community will show interest and concern initially. But they will soon "forget" what has happened. Evidently, the community in general is still not paying close attention to children's safety as an issue. I think that this is mainly because members of the community generally look at accidents to children as isolated incidents which have nothing to do with them. Many accidents are due to negligence and the fact is that children's safety is an issue concerning every family in which there is a child. If we are negligent, unfortunate things can happen in the home of any of us.

According to the latest figures from the Fire Services Department, 125 fire alarms in 1992 were due to children playing with fire. That meant an average of one such fire alarm every three days. Of course, the figure does not include the countless accidents due to children playing with fire in which only minor injuries resulted.

Student suicides are another issue about which the community is greatly concerned. There were more than 20 such suicides last year. Even children going to primary school destroyed their own lives. This is sad indeed.

According to the Hong Kong Paediatric Society, 60 000 children in Hong Kong are injured in accidents each year, resulting in 17 000 of them having to be hospitalized, including 100 who die eventually. Over the past 20 years, accident has been the number one killer of children under one year of age.

The above figures show that, in an affluent and prosperous metropolis like Hong Kong, many children still are not properly cared for. Parents leave children alone at home or even lock them in. Nobody will hear their cries. How helpless they are!

Therefore, I think that the problem should be viewed in its totality and from a wide range of areas. Children themselves, as well as parents, neighbours, teachers, communities, social workers and health care workers and so on must all get the message that "child protection is everybody's business." I remember that the Governor's wife, speaking as the guest of honour at last year's seminar on "prevention of injury to children" sponsored by the Hong Kong Childhealth Foundation, said that, in many cases, injury to children could have been prevented if every family had taken proper care of its own children.

Therefore, I would like to offer some personal comments:

- (1) Safety education should begin in the kindergarten — The Education Department may wish to consider laying down some guidelines concerning how kindergartens are to teach safety at home. Children should be taught to value and protect themselves as well as the other members of their families. Small children are more receptive to teachers' instructions. They will learn from their teachers that it is dangerous to play with fire. They will learn that they should not touch things that may hurt them, such as electrical appliances, knives, scissors and matches. Such safety education should be conducted regularly and repeatedly. Attention to safety should be made a part of everyday life for children and parents.
- (2) Family planning — I am not going to tell you today about birth control or the optimum number of children to have. What I want to say is this: When planning how many children to give birth to,

people should give thought to how much resources and time they will have for children. For instance, where both parents have to go out to work, will there be people to look after the children? Will there be grandparents at home who can look after the children? Will there be nurseries nearby? Will there be enough money to hire nannies? these questions must be considered carefully if one wants one's children to be properly cared for. Plans for the family should include a plan for child care, which should be made before children are born.

- (3) First aid knowledge — The health authorities should be able to teach parents a good amount of first aid knowledge, including knowledge of what to do in an emergency. Parents will learn how injuries to growing children can be prevented. When children unfortunately get hurt, parents will know how to help them to recover physically and psychologically.
- (4) Mutual assistance among neighbours — Mutual assistance among neighbours should be actively encouraged and widely promoted. Neighbours should help each other in looking after children. Neighbours can be organized into mutual assistance groups which take turns to look after children. Though such groups are not a substitute for child care services, they serve some useful purposes in view of the inadequacy of child care services. Of course, the Social Welfare Department should take up the responsibility for supporting, supervising and guiding the mutual assistance groups. It should help them sometimes as an organizer, sometimes as a promoter and sometimes with money. Voluntary agencies, neighbourhood organizations and owners incorporations should be encouraged to take part in the organization of such mutual assistance. Thus, neighbours will be looking out for each other's interests and helping each other.
- (5) Business institutions should be encouraged to set up day care nurseries — At present, only a few large institutions in Hong Kong are providing day care nursery services. In fact, a large business institution that provides the space for setting up a day care nursery for the children of employees is doing something not only for the good of the children but indirectly also for the efficiency and loyalty of employees. It will also help to reduce wastage.
- (6) Expanding child care services expeditiously — The Government has the inescapable responsibility for expanding nursery services. It is duty bound to encourage and support voluntary agencies in taking an active part in this area. Whole-day nursery places are quite inadequate. The Social Welfare Department plans to add 1 400 such places a year from now on. In other words, 5 000 places will be added to catch up with the present demand. This indeed, is too little

and too slow. By the time it is done, perhaps a few dozen more little lives will have been lost. Therefore, until whole-day nurseries fully meet demand, the Social Welfare Department should take urgent steps to expand the occasional child care service as well as the "after-school programmes". Also, needy families should be given suitable financial help. Then, every family in need of child care service will be able to get it. This will help to reduce casualties among children.

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

MRS MIRIAM LAU (in Cantonese): Mr Deputy President, I am very glad that Dr LEONG Che-hung has moved today's debate, thus enabling us to take a full look at the issue of trauma to children, which is a major social issue. During the past few years, I have been deeply concerned about accidents that happen because children are left alone at home. Such accidents are but the tip of the iceberg insofar as the issue of trauma to children is concerned. They have aroused the community's concern and been widely commented upon simply because they were reported by the media. However, after all these years of discussions, the problem of children being left alone at home still remains unsolved. In fact, apart from the tragedies happening to children who were left unattended, an alarming number of children — as many as 60 000 — were injured each year. Now, as we further broaden our vision and extend it to the entire issue of trauma to children, we feel the seriousness and urgency of the issue even more.

Facts speak louder than words. The existing legislation and services are inadequate in protecting the children from being injured and they fail to address the problem. Yet the Government has never faced it squarely. Most indicative of the Government's passivity is its failure to extend locally the United Nations Declaration on the Rights of the Child, of which the United Kingdom is a signatory. Thus it can be seen that the Government has been reluctant to take up its responsibility for positively protecting children's rights. The existing legislation on parental responsibility affords children only passive protection. However, as I have repeatedly emphasized, such legislation is not functioning well even in protecting children passively. The following are found to be the causes:

Firstly, the legislation is inadequate. At present, there are only three provisions dealing with problems in this area, namely Sections 26 and 27 of the Offences Against the Person Ordinance (Cap. 212) and Section 34 of the Protection of Women and Juveniles Ordinance (Cap. 213).

Secondly, these legal provisions do not specifically deal with the particular problems. In other words, we do not have specific legislation that deals with them.

Thirdly, the legal provisions mentioned above are directed against only those parents who deliberately neglect or abandon their children. Inadvertent negligence and brutality are not within their purview. Yet in the vast majority of cases, trauma to children, causing particularly bad physical harm, is caused by parental negligence.

Fourthly, as I said just now, existing legislation is passive and does not provide preventive guidance. Therefore, I call on the Government once again to consider enacting some positive and specific legislation. The purpose of such legislation is not to punish offending parents. Instead, it will send parents a clear message concerning what their responsibilities are and what society does not permit. In this way, parents will see correctly that child care is not only a family matter but an important matter with social consequences.

In addition to the legal provisions mentioned above, the Toys and Children's Products Safety Ordinance will soon come into effect. While it is a good and well-intentioned law, it is not comprehensive enough. The Government should take more effective legislative steps. It should enact a Products Safety Ordinance to make sure that all articles that children are likely to come into contact with in everyday life, such as home appliances, meet certain safety standards, particularly standards that are set with children's safety in mind.

However, even the best legislation is of no avail but may be unfair to the parents who are subject to it, if their practical difficulties are not taken into consideration and that they are not given substantive support. Therefore, I suggest that the Government should increase as expeditiously as possible the number of nursery places. This is the only way to cope with the present demand of the majority of families with parents both working particularly families at the grass roots. In addition, the authorities should take urgent steps to expand and promote the occasional child care service so that such service is readily accessible to families which are in need of such assistance.

Finally, there is promotion and education work to be done. I think that the Government should work with voluntary agencies to launch a community-wide children's safety campaign. The campaign should reach deeply into all sectors of the community. For instance, large scale campaigns on family life education and home safety may be held which will be targeted at parents. Meanwhile, such themes should be widely publicized in schools, so as to enable children to understand the importance of safety at home and learn how to ensure their own safety. Such campaigns should be like the "Keep Hong Kong Clean" campaign and the environmental protection campaigns. We should first enhance people's awareness of the problem and make everyone understand that they must pay attention to the safety of children at all times. Only then can we comprehensively reduce the problem of trauma to children.

Mr Deputy President, prevention is always better than cure. I think that, to achieve the objective of prevention, we must work on three fronts, namely legislation, support services and publicity. Only then can we, under the leadership of the Government, ease the highly complex problem of trauma to children, which is both a domestic and a social problem. I think that legislation is particularly important. The overall effort can start easily only if legislation provides the foundation. Some argue that, in the vast majority of cases, legislation provides only a standby capability which is hard to enforce and serves little purpose. Still, I think that, in evaluating such legislation, we should look at it not solely from the punishment angle. We should also consider its deterrent and educative effect. It serves two purposes of education: It lets parents know what their responsibilities are and lets the community see what actions are unlawful. The other day, a couple in the United States, thinking only of having a good time for themselves, left their children behind at home where nobody took care of them. Though these children luckily had no mishap, the couple nevertheless were prosecuted by the police. Had the parents been in Hong Kong, we probably would have been unable to do anything about them. Of course, parents must be punished if they break the law. However, such cases have both a public and a private aspect. Also, in consideration of the need of maintaining a harmonious relationship between parents and children in future, the legislation in this particular area should not be too harsh. It should be enforced flexibly, with the use of discretion. Some worry that punishment, if too harsh, will be unfair to parents. Concerning this, I think that consideration may be given to sentencing offending parents to terms of compulsory counselling. Thus, the purposes of both punishment and education will be served and there will be implicit punishment in the education.

In short, I am convinced that trauma to children is a social issue that must be resolved through the co-operation of the Government, the community and the parents. For the moment, the most direct and most effective thing to do is for the Government to take the first step, that is, legislation, and then to launch a community-wide campaign to deal with the most elementary aspects of the issue. I hope that the objective of prevention can be achieved in this manner.

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

MRS ELSIE TU: Mr Deputy President, I shall concentrate my remarks on one aspect of this subject, that is, the trauma of children of broken homes and unhappy families.

For at least the first 10 years of their lives, children need caring parents to whom they can turn for comfort. Providing the daily necessities of life is not enough. Children need emotional security more than anything else.

Bonding with the mother begins at birth, and children who do not experience this bond are likely to grow up feeling deprived, emotionally immature and possibly even anti-social. I believe that if children have the

absolute devotion of parents or even caring foster parents, they can cope with all the other traumatic experiences of childhood.

At times we all need someone to talk to about our problems, but the needs of the child are constant. They need to have someone waiting for them when they go home from school. They need someone to listen to what they have been doing, to hear about their little quarrels or their teachers' scolding. They need someone to explain a lesson difficulty, someone who will understand their feelings and give sympathy or advice. Children who do not have caring parents or guardians but go back to an empty home are at risk. They are potential suicides or potential delinquents. They may seek companionship anywhere they can, whether good or bad.

I deal with a lot of families broken by divorce, or death. From their case histories I believe that one of the main causes of child delinquency is divorce or separation, which has increased dramatically in recent years. When I see a woman suffering the trauma of a broken marriage, I know that her misery will affect her children and put them at risk. If the mother deserts the family, the danger is even worse, because the father will usually go to work and may have to leave the children to fend for themselves. If the children are small, I think it is better for the single parent to stay at home to take care of them, but the children are still deprived because they can merely subsist on public assistance.

The best way to tackle this problem of course is to educate parents to put their children's interests first before contemplating divorce. But where single parenthood cannot be avoided, I think the Housing Authority could help more by rehousing single-parent families to estates near relatives, who can give mutual support to the bereft families. Sometimes this is done, but all too often it is too little, too late, or even blank refusal to help. When we deplore tragedies in which children are left at home and burned to death, we should also consider what we can do to assist single parents to overcome their problems and to protect the children. To save children from childhood trauma is also to save society from serious social problems resulting from broken homes.

Besides the trauma of families broken by divorce, we are also facing a growing problem resulting from our inhuman immigration laws. I am not saying that the Government is entirely to blame for this problem, because some fault lies with parents who bring children into the world without thinking of the consequences. I am referring to those unfortunate children whose lives have been blighted because one parent is resident in Hong Kong and the other in China. In some cases, both parents are in Hong Kong and their children are left in China.

If men who have immigrated to Hong Kong decide to marry women in China and have children, knowing that they will have to wait at least 10 years to bring their wives to Hong Kong, I am afraid there is little we can do to help. The number involved runs into hundreds of thousands, and I cannot see how

Hong Kong can cope with that problem when we cannot even rehouse our own elderly Hong Kong citizens.

However, there is one kind of problem that I believe can be solved quickly, to the benefit of the children. I am referring to the Hong Kong-born man who at present has the right to bring his children here but not his wife. Even tiny infants are separated from their mothers when they are repatriated while the infant is allowed to stay here because the father was born here. If the child is born in Hong Kong it has no status in China, so the infant remains here as a Hong Kong resident. If the father continues to work, the child is neglected; if he accepts public assistance, the case becomes a social burden as well as a family burden. The future for such children is dim, and there is little hope that they will grow up without emotional problems or anti-social attitudes. Rather than create social problems which sooner or later will have to be faced, I would suggest:

First, if the father is a Hong Kong citizen, born in Hong Kong, he should have the right to bring his wife as well as his children here, but to avoid marriages of convenience the wife's stay should be temporary for, say, five years, until the marriage is shown to be genuine;

Second, that if neither of the parents was born in Hong Kong, the children should be repatriated with the mother, but that some agreement should be worked out with China on their place in the quota of immigrants to Hong Kong from China, and this quota should be increased.

Children born in an agrarian setting can usually establish emotional stability in the extended family circle. But in cities they often have only their parents to look to for emotional support. Deprived of that support they are in danger and it is the responsibility of our society to do everything possible to save children from deprivation that may traumatise them.

Mr Deputy President, I support the motion.

MR CHEUNG MAN-KWONG (in Cantonese): Mr Deputy President, to many children, home is where warmth is. However, to some abused children, home is where suffering is. These children have only one hope, which is that they will quickly grow up and put the unfortunate days behind them.

But the truth is that there are exceptional cases where children cannot even grow up. They die of abuse. Last year, a 23-month-old baby was starved to death by a relative. A baby, who was just beginning to understand this world, perished in the hands of a relative. This is indeed lamentable and shocking.

Not every abused child dies. A four-year-old girl, who did not want to do her homework, was singed with a joss stick at more than 30 places on her body. A five-year-old boy, who did not do well in his kindergarten, was often made to go hungry, with the result that he gained no body weight in two years. A girl was 11 years old when she was first raped by her incestuous father of over 60; the incest went on for five whole years before it was reported. In these cases, though the children were able to survive, they had gone through all kinds of hardships and learnt everything about human cruelty. They have been living in pain and suffering.

Last year, more than 300 child abuse cases were reported. In the vast majority of the cases, the abuse was physical. Meanwhile, another trend emerged. The number of sexual abuse cases increased from 11 to 22, by exactly 100%. Still, these cases are just the tip of the iceberg. Surely, there are more than 300 cases that have not been reported, in which the children are still living in pain. How many of us can hear their feeble cries of despair!

Mr Deputy President, Hong Kong is a highly competitive society. Every person feels the stresses of life. Home is often where one vents his frustration. A grown-up, having sustained a setback in the workplace or experiencing a financial difficulty or an emotional problem, often vents his frustration by abusing his children. Another thing is that parents expect too much from their children as good students. When the children's academic performance is not up to expectation, parental love turns to anger. This is also a major cause of child abuse. If we change places with the children and look at things from their perspective, we will surely find that it is extremely unfair to make children feel the stresses and problems of the grown-ups' world and to let them live under the pressure of high expectations. It is extremely immoral to subject children to unnecessary abuse for such reasons. Nor can this be tolerated in a civilized society. The more tolerant we are, the longer the unfortunate children will suffer. Our community cannot afford to pay this price.

Mr Deputy President, the pressing task is to take every possible step to rescue the abused children. The first step is to report child abuse. The community must widely subscribe to the notion that reporting child abuse is not interfering in other people's domestic affairs. Its purpose is to stop the unfortunate child from being hurt further. Mr Deputy President, please allow me to make an appeal here to school teachers, who are in touch with large numbers of children and who are the closest to the children after their parents. After a teacher finds signs of abuse on a child, he should, supposing that the parents are not open to dissuasion, report the case to the authorities without the slightest hesitation. In the United Kingdom, about one-third of all child abuse cases were reported by teachers. In Hong Kong, the ratio is only about 5%. Evidently, schools in Hong Kong still do not have a policy or a procedure for handling child abuse cases. Teachers in Hong Kong still limit the scope of their work to what happens in the school. They lack awareness to the seriousness of the problem.

Mr Deputy President, we must enact comprehensive and separate legislation to protect children's rights by outlawing child abuse of a prolonged and serious kind, including particularly the sexual abuse of children by their own parents. However, we should provide counselling and advice to parents who abuse their children on the spur of the moment, having lost control of themselves because of anger. Even more importantly, such parents should be given opportunities to reflect on, and rebuild their relations with their children. The community should realize that, in most cases, parents who abuse children probably have their own problems caused by stress, pain or injury. When they sober up, they will have tears in their eyes and be full of feelings of guilt and self-blame. They will want to make up for the injury done to their children. When they are thinking and acting like this, home will again become a place of hope and warmth, which is precisely what every abused child wants.

Child abuse cases very often happen in the new towns. More than half of the abusing parents are mothers. These facts make us want to take a proper look at the predicament of young mothers in the new towns. For lack of transport, they do not easily get around. They are estranged from their relatives and friends and have nobody to tell their problems to. Community support and child care services are inadequate. They are under great stress in looking after the children and taking care of the domestic affairs. And this is often the cause of child abuse. Prevention is better than cure. While condemning child abuse, we should urge the Government to start providing a full range of support services in the new towns. This will ease the stress on mothers or both parents and provide a basic means to reduce the incidence of child abuse.

Mr Deputy President, children, too, are human. They can be happy or sad. The entire community should gain edification from child abuse cases and try to create an environment, a climate, in which children are cared for, cherished and protected, so that they will never have to suffer unnecessarily and that they may grow up happily and become the pride of our society.

With these remarks, I support Dr LEONG Che-hung's motion.

MR MICHAEL HO (in Cantonese): Mr Deputy President, injury to children is a safety issue. It is also an issue of health education. I would like to share with you some personal experience that I gained in my work in the hospital. Every day, I see children who are hospitalized for injuries sustained because of falls, burning or scalding. These children are full of curiosity but they have not the ability to discern or run away from danger. Accidents will happen easily when they are left unattended. As a result, they sustain severe injuries and have to be hospitalized. Some of the children will probably stay in hospital for six months to one year, during which they will be operated upon again and again. Even so, by the time they are discharged, some of them will be permanently disabled. This will affect their minds seriously in the days to come. I hope that we will

be able, through this debate today, to make parents realize the seriousness of the consequences.

Every winter, we see many patients in the children's ward who have sustained injuries due to scalding. The cause of these accidents is very simple: The parents fail to take any precaution when they bathe the child. They put hot water into the tub without noticing that the child may be scalded if it gets into the tub by itself. If it is lucky, only its feet will be scalded and it will have a chance of being discharged after several months of hospitalization, though its feet may be permanently damaged. If it is unlucky, its whole body, because of the pain, will fall into the tub. Then, it will become a "boiled baby" and suffer severe injuries. We have seen many such cases. Even if its life can be saved, it will probably become permanently disabled, disfigured, deformed or rigid at the joints. Let us not talk about the more serious cases. I want parents to think: If your child has a scar on his or her face because of an injury, will this not affect his or her self-confidence when he or she grows up?

At present, the electronic media carry announcements that purport to draw attention to safety at home. The question is: Are such announcements sufficient and effective? Let us look first at when they come on the air. They do not come on the air frequently, especially not during the prime time in the evening when the whole family is watching television. Judging from how infrequently these announcements come on the air, can we say that they effectively send a message to every home?

Now, let us see if the message is clear. I would like to give as an example an announcement prepared by the Radio Television Hong Kong. It teaches people that they should, when preparing to take a hot bath, run cold water into the tub first and then add hot water gradually until the temperature feels right. This is a very simple message. The question is: Will people watching this announcement think about its message? Will it help to solve the problem that I mentioned earlier, the problem of a child climbing into a tub into which hot water has been run? I very much hope that the Government, the people concerned and the media will make a better effort in this particular area.

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

DR HUANG CHEN-YA (in Cantonese): Mr Deputy President, injury is a major cause of death among the children of Hong Kong. Each year, about 100 children die from injury. In addition, 17 000 children are hospitalized and 60 000 are treated in the Casualty Department for injury. The worse injuries are injury to the brain, bone fracture and injury due to scalding. Unlike elsewhere, few children in Hong Kong suffer from internal ailments. Although their lives are saved, roughly 5 000 of the injured children each year are left with mental scars, defective limbs or disfigurements that must be corrected with plastic surgery.

Accidents at home and traffic accidents are the major causes of injuries to children. In Hong Kong's experience, as in other countries', about 40% to 60% of the accidents could have been prevented. Therefore, the solution for the problem of trauma to children should equally emphasize prevention and cure. Preventive measures include public education, counselling for children, social services that have children in mind and the revision and enactment of safety legislation. As Members will be speaking on these measures, I will focus on the issue of medical treatment.

Four things need to be considered in connection with medical treatment for injuries:

- (1) on-the-spot first aid capability;
- (2) real-time emergency procedure;
- (3) efficiency of the ambulance service in responding to calls and life-support capability; and
- (4) special medical facilities.

If medical services had been better, 40% of the children who died from injuries could have been saved. Their deaths could have been averted. Many injured children were not given adequate first aid at once. Their condition worsened until it became critical. They were then beyond help. At present, the majority of the people of Hong Kong have very little knowledge about first aid for injuries or other ailments, let alone first aid for injured children. The Government should disseminate such knowledge and allocate additional resources to the Auxiliary Medical Services, St John's Ambulance Brigade and schools. These additional resources are to be used to teach courses to people to improve their first aid capability.

The ambulance service in Hong Kong is commendable for its high standard and good attitude. The time it requires to respond to calls meets the highest international standard. Regrettably, the ambulance service is operated by the Fire Services Department, which stresses the transport aspect of the ambulances. The medical profession has long been denied a participatory role in the planning of this service. Therefore, ambulance crews, as well as the police and firemen, have only the most rudimentary knowledge about first aid. Ambulance crews do not have the additional technical know-how that may be used to support the victim's life en route to hospitals.

We think that the Government should have an inter-departmental working group in charge of the training of ambulance crews. This will improve their life-saving capability. Then, the effort to save life can begin from the minute the ambulance arrives at the scene and will not have to wait until the ambulance reaches the hospital.

It is the experience of Hong Kong's hospitals that most injured children sustained only minor injuries. Only 0.5% of them sustained multiple laceration. Dr WONG Tai-wai of Kwong Wah Hospital estimates that each Casualty Department sees only one or two seriously injured children a month. Therefore, it is difficult for the average doctor to gain sufficient experience from everyday work about the treatment of such cases. Meanwhile, doctors working in the Casualty Department are required to have training in internal medicine and surgery but not, generally speaking, in paediatrics. It should be noted that, though only 20% of the emergency cases are related to children, injured children differ from injured adults in symptoms and in patterns of case developments. Therefore, the Government should have a training programme to enable the medical staff of all Casualty Department to become conversant with the diagnosis and treatment of sick and injured children.

Many injured children do not require hospitalization. Still, there should be a senior doctor in each Casualty Department, in charge of rescue operations to make sure that patients in grave danger will quickly receive scanning and other examinations. Expeditious surgery and intensive care are the basic stuff that makes the difference between life and death. Many areas in Europe and the United States now favour the establishment of specialized trauma centres, where specialists for treating trauma are concentrated. Experience has shown that trauma centres help to reduce unnecessary deaths and post-operative complications.

Hong Kong may not have the resources now for developing a specialized trauma centre. Still, we should at least have Casualty Departments that are manned around the clock by experienced doctors who are needed to deal with the more serious cases. Secondly, Hong Kong should have inter-hospital district trauma teams for children. Doctors should be assigned to these teams on an as-needed basis to deal with complicated cases. Then, we will no longer have the situation in which hospitals are unable to provide adequate service for the lack of senior specialists. Thirdly, because head injury is the main cause of death and because some hospitals do not have an adequate brain surgery capability, the Government should designate some brain surgery centres. Ambulances should carry patients with head injuries directly to these centres and not to the nearest hospital as they are now instructed to do. This will save time.

Children recovering from serious head injuries, serious burns and other injuries that are likely to have post-operative complications need mental and psychological counselling. But at present Hong Kong does not have plans, facilities or organizations for helping injured children during recovery. Many doctors have complained about the inadequacy of special care services. Ways must be found to solve the problem expeditiously. This should be a top-priority project among all patient rehabilitation projects.

Mr Deputy President, treatment of trauma is a complex problem which involves many areas. At present, the Government does not have a comprehensive policy for dealing with trauma to children or to adults. The Government should set up an inter-departmental trauma policy committee to improve the prevention and treatment of trauma.

With these remarks, I support the motion.

DR CONRAD LAM (in Cantonese): Mr Deputy President, recovery from physical injury takes but a few days, but mental injury may go on hurting a person for the rest of his life.

The Government of Hong Kong takes pride in its ability to provide nine-year free education. But the price for this, paid by the children of Hong Kong, is high, which includes mental stress, neurasthenia, nervous breakdown and even the loss of life.

Broadly speaking, three major kinds of unnecessary pains are often inflicted upon school children in Hong Kong: (1) excessive amount of homework; (2) curriculums that are too difficult; and (3) non-use of the mother tongue as the medium of learning.

The first problem, that of too much homework, is particularly bad in primary school. Students have to complete homework assignments almost every day in all the subjects that are taught that day. Teachers, too, are kept busy every day correcting piles of papers turned in by their students. In this way, learning tends to become more and more mechanical, more and more like spoon-feeding.

Concerning the courses that are taught, it seems that some people believe unquestioningly that "the more difficult the curriculum is, the better". Some schools, aiming at a higher academic standard, teach students with textbooks that are meant for the next higher class. This has brought serious and undesirable consequences. Many students, whose mental development is slower or is of average degree, encounter early setbacks in the learning process. This will do irreparable damage to their thirst for knowledge and their self-confidence. As noted by PIAGET, the leading scholar on cognitive psychology of this century, the development of man's intellect is divided into stages. For instance, it is difficult for the average primary school student to understand abstract things. Thus, it is normal that a primary school student should find it difficult to learn grammar and mathematical operations using hypotheses. Yet such abstract analysis is precisely the problem that often confronts the primary school students in Hong Kong. Unlike governments elsewhere, the Government of Hong Kong does not require secondary schools to teach a course in philosophy, which unlocks students' minds by making them explore for knowledge. With regard to those lessons which are difficult to understand, students can only learn them by heart and commit them to memory or simply ignore them. In these

circumstances, what appear to be the critical factors are those that are beyond each student's own control, such as the degree of development of his mental faculties and the kind of family from which he comes. This of course is unhealthy.

Upon entering secondary school, a child in Hong Kong has to use English as his medium of learning in all subjects even though his proficiency in English may be quite inadequate. The British gave Hong Kong a colonial language policy but they have never designed for us a good method of learning English with few side effects. The consequences have been disastrous. Even the Government admits, as it did finally in the Education Commission's Report No. 4, that 70% of Hong Kong's secondary schools must switch to using the mother tongue! Over the years, countless students have encountered setback and suffered blows to self-esteem because of the language problem. Worse still, they have perhaps been gradually brain-washed by all kinds of incorrect ideas, so that they think, "English means knowledge" or "One's English skill is one's achievement." The unfairness of a system is thus wrongly taken to mean the inadequacy of an individual. This is a higher kind of injury. An invisible institutional force is used to dissolve man's instinctive resistance.

We, the people of Hong Kong, easily have an inflated ego. This is often because, when we look at something, we see its overall economic benefit but not its social cost. For instance, we see only Hong Kong's overall economic performance or total wealth. We do not notice that Hong Kong's problem of disparity of wealth is worse than that of any of the other three "little dragons" of Asia. Students in Hong Kong, having to cope with school work that is heavy, difficult and taught in English, tend to neglect the development of their other abilities. A judgment is made too early in life concerning an individual's learning ability. This discourages his thirst for knowledge, hurts his self-confidence, narrows his world outlook and kills his imaginativeness. He becomes the victim of overlooked social cost. Whatever economic gain there may come will hardly be enough compensation.

Mr Deputy President, man does not have a physical existence alone. Since we agree that student suicides must be stopped as a trend, why then are we tolerating this education system which is causing the spiritual death of even more students? The late anthropologist Margaret MEAD said, "My grandmother wanted me to receive real education, so she did not let me go to school." Indeed, education and schooling can be unrelated and sometimes even antagonistic.

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

MR GILBERT LEUNG (in Cantonese): Mr Deputy President, children are the pillars of society and the inheritors of the future. Though these words are worn-out cliches, they are universally true. Let us reflect a bit. Is the community providing enough care for children? Recently, tragedies occurred

in Tai Po and Tseung Kwan O because parents left their children unattended at home. In fact, such sad things were not happening this year for the first time ever. This has been a problem in long existence in Hong Kong and the community has been very concerned about it. Various concerned groups have repeatedly made suggestions to the Government. Debates on this issue had also been held in this Council in 1989 and 1991 respectively. But we are still talking about it today. When will the Government abandon its passive attitude and make a bold commitment to the improvement of the child care services, thus letting children grow up in a safe environment?

The 1991 white paper on social welfare noted that the public's demand for child care services had increased drastically, because the community's values had changed and more married women had gone back to work after giving birth to children and there were more single-parent families. Yet the Government looked but did not see; listened but did not hear; knew but did not act. The Government has failed to make an accurate assessment of the changing social trend and give a suitable response to it.

Take for instance, we do not have any creche service for babies of up to two years in age at present. Nor has the Government ever set a planning target in this regard. No number of creche places as a percentage of the population has ever been set. Does this mean that parents with babies of up to two years in age need not or will not go out to work? Evidently, the Government has never even made an assessment of the demand for creche service based on the present population. How can it be sincere about wanting to improve nursery service?

At present, the Government has a planning standard for child care services for children aged between two and six only. The planning ratio for nurseries, which has been used for many years, stands at 100 places for every 20 000 of the general population. The existing provisions indeed are not sufficient to meet the current demand. Besides, according to the planning standard, the Government should now be providing about 30 000 nursery places, but the actual figure is only 20 000. If 1 400 nursery places are added each year as planned, it will take another six years before the present demand for child care services can be met. I wonder how many more years it will take to meet the growing future demand! Evidently, the Government has failed not only to review its policy target but also to carry out practically the plan that has been made.

Also, the Government lacks vision in the area of providing basic facilities in the new towns. It does not have an accurate understanding of how demography and geography may affect the demand for child care services in the new towns. In Tseung Kwan O, for instance, where all housing is either public rental housing or Home Ownership Scheme flats, most residents are young married couples who go out to work in the morning and come home in the evening. The shortage of child care services forces parents to leave their children alone at home. This indirectly raises the risk of domestic accidents. The latest accident at King Lam Estate in Tseung Kwan O is a typical tragedy in

a new town. When planning new towns, the Government should accurately assess their demand for child care services and plan to set up nurseries and so forth at suitable locations. This will enable the residents of the new towns to have "happy homes and secure jobs."

Some suggest that legislation should be enacted to stop parents from leaving young children unattended by themselves. I feel that the time is not yet ripe for this. We must wait. Meanwhile, the Government must provide adequate child care services and properly educate and guide members of the public. Citizens' awareness of the danger of leaving children alone at home is to be enhanced first. After this has been done successfully, then the question of legislation can be raised. To do otherwise would be unfair to parents in low-income families.

On the contrary, what the Government should do now is to conduct expeditiously a comprehensive review of child care services, covering planning standards, targets, locations and implementation schedules. This is what the community really needs. Also, the Government should work more closely with voluntary agencies. To be effective, the allocation of social resources available for child care services should be centrally co-ordinated. This will help the future masters of our society to grow up in safety and in health.

With these remarks, I support the motion.

MR MAN SAI-CHEONG (in Cantonese): Mr Deputy President, although Hong Kong today is enjoying a booming economy, it is unfortunate that we still see many of our children suffer from physical and mental trauma or not properly taken care of. If we say that children are "the future masters" of the community, then there are really too many "future masters" suffering from unfair treatment. In view of this, the Administration should address the issue as soon as possible and introduce appropriate measures to save our children.

Nowadays, the trauma of children does not confine to physical abuse alone. Many of them are also subject to mental cruelty and negligence or deprived of parental love due to their parents' divorce or separation. Both the Government and the Legislative Council must face the issue squarely and accord higher priority to the formulation of a child policy.

The Protection of Women and Juveniles Ordinance (Chapter 213) was discussed in the last session by this Council. It was a pity that the amendments proposed by the Administration at that time were of limited scope. The Administration failed to take into account the actual need of modern-day children nor did it carry out a comprehensive review. Neither did it put together all existing ordinances on children in a systematic way under an all-embracing piece of ordinance for our children. Proposals on child protection put forward over the years are yet to be incorporated into the Protection of Women and Juveniles Ordinance. One wonders whether our

existing legislation is comprehensive enough and whether our children are adequately protected.

Furthermore, children's rights are not duly respected. Whereas the local community is craving for democracy and human rights in the 1990s, call for children's right is seldom heard of. Worse still, the Administration seems to have turned a blind eye to the Declaration on the Rights of the Child which was adopted and signed by the United Kingdom and China. Has the Government made adequate commitment, and provided effective protection, to children? In view of this, I urge the Hong Kong Government to adopt as soon as possible the Declaration on the Rights of the Child to which the British Government is already a signatory.

A review of the existing legislation and policy on children has become so urgent that it brooks no delay. I totally agree with the methods put forward by Dr LEONG Che-hung to save our children which include prevention, treatment, rehabilitation and counselling. I would like to point out here that up to the present, Hong Kong does not have a single comprehensive ordinance which stipulates the responsibilities of parents, family and society for our children. It should be laid down in law the basic level of care to be given to children and if the parents or guardians do not meet the basic requirements, they are liable to be penalized under the law. As a related issue, there is a gradual increase in the number of mental cruelty and negligence cases. However, the ambiguity of the definition of child injury, including the definition of "avoidable" injury and "serious" negligence, presents difficulties for social workers who often become hesitant about applying for Care and Protection Order when it comes to determining whether or not a particular case is a "serious" negligence. And the hesitation may lead to "avoidable" tragedy in some cases. For this reason, consideration must be given to the amendment of the definition of some terms in the Protection of Women and Juveniles Ordinance and to work out a comprehensive set of guidelines and procedures for the social workers and other professionals in their handling of suspected mental cruelty cases. Meanwhile, the authorities concerned should provide educational and developmental services for parents so as to help them understand the genuine mental and emotional needs of children.

It is indeed a tragedy to the community when any negligence of child safety leads to death or permanent physical injury. To avoid the recurrence of similar incidents, parents and the Government should attach importance to child safety and take preventive measures against any possible accidents. There should be definite legislation on commodities such as furniture and toys so that they must comply with acceptable safety standards. The Government may educate the public through the mass media on situations where children may be exposed to danger and suggest preventive measures. Mr Deputy President, a Child Safety Council is necessary in the long run to co-ordinate all efforts relating to the prevention of injuries to children, including publicity, education and researches so as to reduce the incidence of child accidents to the minimum.

As parents, we all want all children including ours to undergo healthy development both physically and mentally. It is hoped that the Government will, in the spirit of "love and care for the young", support "the endeavour to save our children" in the form of legislation and policy as well.

MR HENRY TANG (in Cantonese): Mr Deputy President, the number of cases of children subject to abuse and trauma from various causes has reached alarming proportions. But the responsibility for child safety does not overwhelmingly rest with any one party. To blame any one party will be of no avail. Child safety can be assured only through the concerted effort of and co-ordination among parents, the Government, schools and various sectors of the community. Parents in particular cannot avoid blame should anything untoward happen to their own children as a result of failure to look after them carefully. Parents cannot pass responsibility which is rightly theirs onto the school or the Government.

I reckon that in the economic situation of Hong Kong today, parents of an ordinary family have to go out to work at the same time in order to make ends meet. In the absence of any outside help to take care of their children, many parents over-estimated the ability of their young children in looking after themselves and leave them home alone. This has led to many accidents. Therefore, in order to prevent tragedies from happening, there is a pressing need to expand and develop child care service or occasional child care service. The responsibility obviously falls squarely on the Government in this respect. The Social Welfare Department frequently uses figures to boast the scale of resources it has committed to the service, while it keeps rejecting requests for increase in resources on excuses of low usage rate and under-utilization of these child care centres. On the face of it, supply far exceeds demand if the Government's information is correct. However, this would appear to belie persistent public complaints against inadequate facilities provided by the Government and the risk taken by parents to leave their children unattended at home. Why are we in such a situation? Is it because of insufficient publicity by the Government so that many people are unaware of these facilities? Or is it because of the remote location of these centres, inconvenient access, complicated procedures and high charges beyond the affordability of the lower classes? All of these warrant a serious review by the Government.

Our next generation is an important resource of the community. The Government, as well as every citizen, every institution and even private organization should be responsible for giving them unlimited support. As a member of the business sector, I strongly support and encourage private organizations to develop child care service for their employees as a form of benefit. In addition to helping resolve the problem of increasing demand by various communities, the provision of such a service by the private organizations can also lift the morale of their employees, reduce manpower drain and improve the image of individual companies. A number of major organizations in foreign countries such as Japan and the United States have

already had this kind of benefit available. In Hong Kong, we have so far only one particular company setting such a good example.

Given the scarcity of land in Hong Kong, it would be unrealistic for a business organization to set aside within the crowded working environment a space of standard proportions for use as a child care centre. In fact, I believe the demand for this kind of service among the workforce of the industrial areas is relatively more pressing than that of the business districts. Therefore, it would be a more pragmatic and practical approach if employers were allowed to set up child care centres within factory buildings. Without relying on government land grant, this approach would also be more economical than renting sites in the vicinity of industrial areas. At the same time, it would be more convenient for workers to drop in or pick up their children as most factories provide a transport service for their workers. Knowing that their children are put in dedicated hands nearby, workers can then concentrate more on their job.

Unfortunately, industrial buildings are considered by the Government inappropriate sites for child care centres having regard to the safety of the children concerned and the provisions of the Fire Services Ordinance and Child Care Centres Ordinance. I am much disappointed with this. I of course understand that as far as the children's safety is concerned, we must be cautious with the surroundings of these centres. For example, according to the Fire Services Ordinance, the siting of a child care centre shall not be more than 24 metres above ground level, and 12 metres for a nursery, in order to facilitate escape in case of fire. I am much puzzled at what difference there is between 24 metres and 30 metres. Would one not get killed jumping from 24 metres which is equivalent to the height of seven to eight floors? Nowadays, ladders of the Fire Services Department can reach as high as 50 metres. Why do we need to worry that child care centres cannot be sited above 24 metres? The serious air pollution in industrial areas — and some locations in these areas do have this problem — is well known to us. But is the air above 24 metres really fresher than that below? I believe all of these details are only technicalities that can be overcome given the determination.

Mr Deputy President, I have to emphasize that reduction to the minimum of the costs for setting up child care centres will become a driving force for the positive promotion among private organizations to introduce this benefit. According to the relevant legislative provisions, a 30-place child care centre requires a staff establishment of one child care officer, two child care workers and at least one workman. Together with its rental, rates and management fees, I reckon that it would require at least \$500,000 to put one such centre into operation. This would be a heavy burden on a single factory. Therefore I hope that the Government can give serious consideration to allowing several companies to jointly operate a centre, in order to reduce the burden on the factory operators and hence to encourage them to provide this benefit for their workers.

I hope that the Government can give serious consideration to these recommendations so as to facilitate and provide concessionary arrangements for enterprises intent on providing a child care service for their employees. By so doing, more well meaning employers will be able to help their employees in need so that the safety of the employees' children can be further protected.

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

6.33 pm

DEPUTY PRESIDENT: I will now suspend the sitting for a supper break. With Members' co-operation, I will resume at 7.05 pm.

7.14 pm

DEPUTY PRESIDENT: Council will now resume.

MR TIK CHI-YUEN (in Cantonese): Mr Deputy President, today when I was in the Sheung Shui KCR Station waiting for a train to travel to the Legislative Council, I overheard a dialogue between two mothers. One of them said, "How did your son rank in the examination this year?" The other replied, "He ranked third." Then the first mother said again, "Your son's great. Mine is lousy. He trailed behind 20 others."

From this dialogue, we find that many parents use the academic performance of their children as a measure of their achievement. Hence good performance in school has become the most important, or even the only objective during their children's growth. In order to achieve this objective, parents try whatever means in their power to put their children into elite schools, and then request the schools to assign more homework and use some difficult textbooks. Some of them even arrange to have their children attend various types of tutorial classes after school.

Schools on the other hand rack their brains to ensure that their students attain better performance in public examinations, such as by introducing some elite classes and requiring students to do loads of exercises, hoping that students can be honed to a high level of capability and skill to cope with different types of examination. This kind of deviated expectation and learning environment will very easily cause the child to lose interest in learning, thus making schooling a kind of pressure on small children.

Other than children, parents are also subject to heavy pressure. In a recent television programme featuring the difficulties and pressures confronting parents in the studying process of their children, several parents interviewed said they had a hard time coping with their children's studies. Obviously, the

present learning environment is having an adverse effect on the children, parents and even schools. The community should therefore take due notice of and address this unhealthy studying trend. This is not only a problem for school children, but also one for parents. It is a problem for parent-child relationship, too.

Mr Deputy President, in addition to having a correct concept of education for the child, I believe co-operation between the parent and the school is also conducive to the child's growth. At present, there is a lack of co-operation between the parent and the school in helping the child during its formative process. Far from having co-operation, when problems arise, the parent will usually blame the school for not fulfilling its responsibility of educating the child, or the school will accuse the parent of shirking his or her responsibility. Quite often, both sides are in a state of confrontation, passing responsibility from one to the other. This relationship of non-co-operation is not only unfavorable to the formative process of the child but may well have aggravated the problem. As we all know, problems facing the child nowadays are increasingly complicated. We cannot rely on the family alone or the school or a particular social service to resolve the problems encountered by the child. We need overall co-operation among all parties concerned to achieve twice the result with half the effort in helping a child throughout its formative process. I would like to raise three points in respect of co-operation between the parent and the school:

- (1) Schools should adopt an open attitude and encourage participation by parents. The school management should understand that parents have an indispensable role to play in the formative process of school children. Schools should take the initiative in making contact with parents, providing opportunities for them to take part in school events and decision-making, and positively promoting the forming of parents' association.
- (2) Parents should understand their rights and obligations and that the onus of helping their children grow falls squarely on their shoulders. Also parents should recognize that they have the right to participate in the development of the school and the right to know how their children are doing at school.
- (3) The Government should introduce a Parents Charter which will enhance the co-operative relationship between parents and schools. Meeting Point has been advocating this spirit. We believe the charter may on the one hand help parents understand their role, responsibilities and obligations, while on the other help schools accept the opinions of parents.

Mr Deputy President, to help children grow up healthily is not only the responsibility of parents and schools. The Government is also obliged to give them reasonable support, so that the efforts of parents and schools may achieve the greatest effect.

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

DR SAMUEL WONG: Mr Deputy President, it was Isadora DUNCAN who said, "So long as little children are allowed to suffer, there is not true love in the world". The motion today urges the Administration to look into the suffering of children. Let us be clear what this means. To look into the suffering of children, and even more, to do something about mitigating that suffering, is hardly a natural Hong Kong occupation. There is no money in it. So what we, the legislators, are doing is urging the Administration to care. Now this in itself is strange. Law-making bodies are not noted for their love, nor bureaucracies for their compassion. I fear that if we as a body aim our motion at an amorphous administration there will be little chance for humanity. The fact is that it is individuals who care and we should therefore be directing our efforts towards the individuals concerned, and there are quite a lot. Obviously the Health and Welfare, Recreation and Culture, Security and Transport Branches and the Chief Secretary's Office are all involved in physical and mental injuries to children, sporting accidents, criminal offences, road accidents and the dissemination of information on all these subjects. But I am going to focus on two others, the Secretary for Education and Manpower and the Secretary for Works, and see if I can persuade them to look into the problem of the suffering of children that come within their purview.

First, education. The formation of a professional, such as an engineer or doctor is a long job. It takes at least seven years after leaving secondary school before they are given full responsibility for public safety in their practice. Teachers, too, have to undergo years of training on how to look after children. Not so parents. In this age of hazardous technology and living at dangerous heights they are given full responsibility for the safety of their children from Day One, without so much as a day of education or training, probably not so much as an hour on how to be good and responsible parents. Small wonder that some fail to meet the harsh demands placed upon them by our modern and complex society. Our secondary education system devotes plenty of syllabus time to mathematics to create our relatively few engineers, to biology to create our relatively few doctors. But where is that most essential syllabus time needed by more than 90% of our secondary students on how to become good and responsible parents. I urge the Secretary for Education and Manpower to look into this problem without delay. I urge the Secretary for Education and Manpower to care.

Next, I want to mention engineering safety. I have in my hand a two-way 13 amp electrical adaptor. The holes giving access to the live conductor measures 8 mm in diameter, easily accessible by the finger of a small child or

by the thin metal object the child may find around the house or among his toys. I also have another two-way 13 amp adaptor whose sockets are covered from inside with shutters. When not in use, access by children is virtually impossible. Both plug into the same 13 amp socket. They are interchangeable. One is dangerous, the other is not. The first would be illegal in most advanced countries. Not so in Hong Kong. Parents are free to use them and by plugging them into a safe 13 amp socket they make it unsafe. This is simply an example of the wide problem of standards.

Another example is that toy manufacturers in Hong Kong do not have to pretest their products. The Bill we passed last November only encouraged them to pretest; it did not require them to do so. Furthermore, it gave them a choice of three different standards to follow, none of which was a Hong Kong standard. Up till now Hong Kong has depended on British standards. But under the government policy of non-interference, Hong Kong has introduced a minimum and has accepted the standards of many countries. In four years we will no longer be British and Britain will have become more Europeanized along with their standards. The Hong Kong Institution of Engineers have been urging the Government for over eight years to review the standards in use and to rationalize the mixture and messiness we are exposed to. I now urge the Secretary for Works, more than ever, to look into this problem without delay. I am urging the Secretary for Works to care.

Clearly the involvement of so many policy makers of inevitably variable personal compassion for, or even interest in, children is unsatisfactory. Indeed, the individuals change so often that a caring Secretary can be suddenly replaced by one with different priorities. I therefore strongly support the proposal that a council should be established wholly devoted to the rights and well-being of children. That way we will focus true compassion and devotion and create a lobby that can actively monitor the policy branches within whose purview children suffer.

Mr Deputy President, these children are Hong Kong's future. How can we let any of them suffer? I support the motion.

DR YEUNG SUM (in Cantonese): Mr Deputy President, children are the future masters of our society. Whether one is a parent or not, one would like children to grow in an environment that is safe and free from any external harm. But nowhere is absolutely safe. Even our homes, our schools and our society are full of potential dangers which are menacing the physical and psychological safety of our children. As a result, there were children being burned to death because of playing with fire when they were left at home alone. The number of child abuse cases handled by the Social Welfare Department has increased from 298 in 1991 to 320 in 1992. Cases of suicide attempts by students have risen from 35 in 1991 to 67 in 1992. Every year, there are 60 000 children who sustain injuries and have to be sent to casualty departments for treatment. These figures, when viewed as a consolidated whole, will make us wonder whether our

society has sufficient care for our children. Many of the effects of traumas suffered during childhood are indelible in terms of their physical and psychological impact and will be carried beyond childhood. But is there enough assistance for the recovery of traumatized children? All these figures and queries have brought home the importance of this motion debate.

My speech will concentrate on the prevention of neglect of care, child abuse and leaving children unattended at home.

On the prevention side, I would advise that emphasis be laid on the role of the Administration, including its role in legislation, provision of services and so on. Concerning the law for the protection of children, we have the Protection of Women and Juveniles Ordinance to which amendments are currently being made. The spirit of this Ordinance is to enable the Administration and the professionals concerned to offer appropriate assistance and protection to the children and women who have been abused in order to prevent the situation from getting worse.

I hope that the amended Ordinance can enable the authorities concerned to make quick and appropriate response at the early stage of an abuse case in order to prevent it from getting worse and lessen the suffering of the victim. The Administration should also step up publicity for teachers, doctors practising in public housing estates and the general public, because cases of child abuse are very often uncovered by neighbours, private medical practitioners and teachers. So enhanced publicity can heighten their alertness such that they can refer such cases to the Social Welfare Department as early as possible.

The existing legislation for protecting children is dispersed and not contained in an omnibus Ordinance. For the prevention of child abuse, we have the Protection of Women and Juveniles Ordinance and other Ordinances concerning child safety; we also have the Parent and Child Ordinance covering parentage and custody of children, and the Toys and Children's Products Safety Ordinance for child safety. I suggest that in order to make the legislation easily identifiable for the purpose of publicity, we can make reference to the Children Act of the United Kingdom and follow suit in combining the various Ordinances into a Children Ordinance.

The injuries suffered by children were caused not only by intentional neglect and abuse, many were due to accidents that happened when the children were being left unattended at home, and in such cases their parents were also the victims of the accidents. In these circumstances, the Administration should consider the provision of sufficient family services instead of enacting laws to punish the parents as a means to prevent such accidents from happening.

Since the tragedy that happened in 1990 at Ho Man Tin in which four children being left unattended at home were burned to death, members of the public have been stressing continuously to the Administration the importance of expanding the occasional child care services. We hope that the Administration

can provide more resources for subsidizing the relevant organizations to provide more occasional child care services, especially to families in new towns who require additional services because there are more nuclear families in new towns and it is more common for both parents of these families to go out for work.

To diversify the services available, the Administration may consider some communal support organizations like the mutual help groups organized by the neighbourhood or some women's organizations. It may also actively encourage the employers through publicity or tax exemptions to co-operate by providing child care services for their employees. Such practice is already very common in advanced industrial countries in Europe and in the United States and Japan.

It is the bounden duty of parents to protect and take care of their children, but we cannot take this as a reason for shifting all the responsibilities onto the parents. Many cases of child abuse, lack of care and children being left unattended at home happened in the lower class families. When the government officials were talking with fervour about parental responsibilities, had they ever tried to put themselves in the positions of the lower class families and consider the pressures that they were facing? I hope that the Administration can understand the social and class factors behind the problem of childhood trauma, and help parents through legislation and provision of services to provide a safe and protected environment for their children.

I think that the Administration should formulate a more comprehensive policy to assist and safeguard the growth of children. Therefore the United Democrats of Hong Kong urge the Administration to set up a Child Safety Bureau to oversee and promote activities relating to safety of children.

Mr Deputy President, with these remarks, I support Dr LEONG Che-hung's motion.

DR TANG SIU-TONG (in Cantonese): Mr Deputy President, according to statistics, the number of cases of injury to children both in physical and mental terms are steadily on the increase in Hong Kong. Such a phenomenon is indeed worrying. Records reveal that trauma to children varies in nature, ranging from student suicides, child abuse to dangerous acts such as injuries sustained from playing with fire. Many children are being neglected because of poor family discipline or both parents going out to work. The above-mentioned examples illustrate that child problems are getting more and more serious. If the Government does not make timely remedies, the future situation may be even more alarming and more difficult to handle.

I am particularly concerned about mental trauma to children. I notice, after some carefully analysis of child problems, that many of the problems are related to the development of family in modern society. And such problems are not commonplace in traditional societies. There are many types of family

problem commonly found in Hong Kong today, among which the major one is those arising from both parents going out to work. Hong Kong is a society which attaches vital importance to money-making. In the face of spiraling inflation and runaway prices, there is a growing trend that both parents are working. Furthermore, in many a family, the living space is too crowded for other next of kin who could look after the children to live with the families. Children in these families will not be able to join their parents or other next of kin at home after school. Some of them, being denied of proper care and guidance of their parents or elders, may feel lonely. And this would also impede their healthy growth. Apart from the above-mentioned working parents problem, single-parent family poses problems as well. Some parents whose educational level is not high may not be able to bring up their children properly. They may overlook the problems encountered by their children and neglect their children's normal psychological development. Present-day social problems are very complicated. Some people do not have a clear idea about moral values and as a result, their children will easily be troubled by difficult situations they encounter. Without proper family guidance and counselling, children may tend to be emotionally unstable under stress or in distress. They may even commit foolish acts. For example, some of them may have suicidal tenancy.

Generally speaking, school and family are the two major sources of support for childhood development. As a result of a change in family structure and the growing complexity of child problems, it is impossible for schools to tackle all the problems alone. At the moment, apart from the Education Department, the Social Welfare Department and other organizations also assist in tackling child problems. However, it is a pity that the efforts exerted by all parties are merely piecemeal and small in scope. And there is a paucity of co-ordination among all parties concerned. What has been achieved is naturally far from satisfactory.

In conclusion, I think the Administration has not paid much attention to child problems and its policy lacks long-term lofty objectives. Child problems in Hong Kong are getting more and more complicated and the existing measures are just incapable of coping with them. For this reason, I support the spirit of Dr LEONG Che-hung's motion to arouse the public's awareness of the gravity of today's child problems and to urge the Government to put forth solutions as soon as possible. I would like to call on the Administration to set up a special committee to look into the issue. Its membership should include representatives of relevant departments and organizations dealing with child problems. The committee should invite experts and academics to carry out the studies so as to come up with effective proposals with far-reaching implications. The Government, in turn, should implement the proposals earnestly so that the affected children may receive adequate care and counselling.

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

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, the social issues raised by Honourable Members during this debate have been wide-ranging, insightful and educational. A number of suggestions are both interesting and important. I would not do justice to these suggestions by providing a quick off-the-cuff response because I think each suggestion needs careful analysis and consideration. So, in my reply, I shall concentrate on broad issues and attempt to cover areas inadequately covered in this, albeit very comprehensive, debate, and/or to correct some erroneous statements as to fact.

Far be it from me to be so bold or so arrogant as to suggest that we in the Government alone know the answers to problems or have the cure. Parents who are the closest and dearest to their children in the vast majority of cases do care. But I do agree that we should do our utmost to help them to care, to provide the parents with the support that they need.

Home safety

Family life education is the focal priority of the Social Welfare Department's education initiative. A number of information booklets have been published to educate parents of the importance of home safety. They carry themes such as "A safe home is a happy home", "Safety begins at home" and "Safety starts at home: how to have a safe home life". These seemingly simplistic messages are important and should be repeated and noted. Whilst parents should no doubt learn how to prevent accidents at home, the Government will continue to mount publicity campaigns on home safety. Some non-governmental organizations are also working on injury prevention in children.

For cases of home accidents that could have mental and emotional repercussions such as extensive burns, psychological assistance will be provided to the child by qualified medical staff. The Medical Social Workers will also be notified and, depending on the severity of individual cases, professional assistance from a clinical psychologist or a child psychiatrist will be sought. Counselling will be provided separately to parents as to the proper ways of providing emotional support to the child, complemented by follow-up sessions to monitor the progress of recovery.

Unattended children

A number of fatal accidents involving children left unsupervised at home awakened our community conscience. One death is always one death too many!

The Social Welfare Department and non-governmental organizations are promoting energetically the concept of mutual help among families with young children. Friends and neighbours are encouraged to group together to help one another.

With the increasing number of mothers in full-time employment, there is a need for day care facilities for young children who cannot be cared for by parents during the day. Contrary to the comments made by some Members, we do have creches and nurseries apart from child care centres. Indeed the provision of day creches has been increasing and day nurseries will be expanded. As announced by the Governor in his October address, secure funding will be provided to implement the targets for child care facilities. And I know for a fact that the idea of work-based child care centres is promoted among industrial and commercial employers. I myself, for one, am promoting one for civil servants. The after school care programme and the occasional child care service will also be expanded.

Some Members have suggested the introduction of legislation to prevent parents from leaving their children unattended at home. This has been debated on many occasions, and on many occasions I have been sorely tempted to support this idea. A consultation paper on *Measures to Prevent Children from Being Left Unattended at Home* was indeed discussed in October 1991. The public response during the time was that legislation should not be introduced to prohibit parents from leaving their children at home alone. The general consensus was that public education should be promoted to deal with the problem. Certainly, at this stage of our development, more child care centres and services should be provided. I support this conclusion.

Toy safety

Apart from home safety, parents should also pay special attention in choosing toys for children as suggested by Dr Samuel WONG. The Toys and Children's Products Safety Ordinance was passed by this Council in November last year. The purpose of that Ordinance is to provide safety requirements for toys and children's products in order to protect children from unsafe toys and products. However, although this is a very important step forward, parents must remain vigilant in choosing toys and products for their children.

Safety outside the home

Outside the home, children are also exposed to potential dangers. Escalators and electric gates can be hazardous to young children. Parents should always keep an eye on their small children when going out with them and should never leave them to play around unsupervised. Parents should also pay special attention to road safety. A lot of traffic accidents involved children playing on the street or travelling in a car. In 1990, 1991 and 1992, there were 2 493, 2 631 and 2 533 children aged 14 and below injured, and some very seriously, in road traffic accidents. I regret that this otherwise very important aspect was not covered in this very comprehensive debate.

Child abuse and neglect

Turning now to child abuse and neglect, some children are hurt not because of accidents, but as a result of deliberate abuse and neglect. The Protection of Women and Juveniles (Amendment) Bill was introduced into this Council in April last year and I am still waiting for the passage of the Bill. The Bill seeks to give better protection to children by widening the circumstances in which a child may be considered to be in need of care or protection. The effects of psychological abuse and neglect will be included as grounds for considering a child to be in need of care or protection under the Ordinance. The Director of Social Welfare will have more flexible powers of intervention and investigation without always having first to remove a child from home. I sincerely hope that this Bill can be passed in the near future.

The Child Protective Services Unit of the Social Welfare Department will continue to provide intensive casework services for the protection of children whose safety or welfare is endangered by abuse or neglect of their parents or carers.

Apart from social welfare services, special procedures have also been established in public hospitals to cater for traumatized children. All suspected cases of child abuse are brought immediately to the attention of the police, the Social Welfare Department, and the consultant doctor in charge for appropriate actions. Co-operation will be sought from the parents for the child to be admitted for treatment or observation. For such cases, the hospital staff concerned will exercise their discretion according to the prevailing social rather than medical indications. Should the parents refuse to grant consent for the admission, assistance will be sought from the Social Welfare Department to invoke relevant provisions under the Protection of Women and Juveniles Ordinance (Cap 213). Apart from medical treatment, counselling and guidance by medical staff will be provided to minimize the potential danger or damage to the child's physical and emotional development.

Youth suicide and attempted suicide

The Social Welfare Department provides various support services to young people and to families. There are hotline services manned by professional social workers who render immediate counselling service over the telephone and answer enquiries on welfare services from the general public. Immediate outreaching service and crisis intervention are provided by social workers from family services centres or mental health service units. Other hotline services are provided by non-governmental organizations.

Caseworkers of the 30 family services centres help young people to cope with problems and provide counselling to persons under stress or with suicidal tendencies. Counselling by the department's clinical psychologists is also available to those who need it.

School social workers provide counselling and guidance to students with personal difficulties and family problems. Group discussions, seminars, workshops and talks are organized for students to promote self-awareness and to help them cope with stress and problems. We are expanding in all these areas in accordance with our plan.

Furthermore, family life education programmes have been organized to help youth to handle frustrations and to cope with crisis. Programmes are also designed to encourage family life education and help parents to communicate with their children and to help them deal with the emotional problems.

I know also that the Education Department has taken a series of measures to strengthen teachers' professional skills to deal with students with problems. Parents are also taught to help their children to deal with problems. Students themselves are taught skills on coping with stress and problems. Seminars and workshops have been organized and resource materials prepared. This is not enough. We need to do more and I am grateful for the opportunity of listening to Members' suggestions at the debate.

Conclusion

In the final analysis, I am sure parents must face up to the responsibility of parenthood. I am sure the majority of parents do. When parents need help, the community must help them to do so. However, in sad cases of child abuse and neglect by irresponsible parents, the Government has to intervene. We do not want that, or do we? Maybe we do.

I am grateful for this debate. Honourable Members have reasoned well. But, as a modern philosopher has put it: between love and reason, love is the greater. I would like to draw upon the Honourable Elsie TU's statement because the importance of the need for emotional support should not be underestimated. I would also like to echo the Honourable Samuel WONG's call for love — a very simple word, but how important. I would like to end with a quote from EURIPIDES in 400 BC which says "Love is all we have and the only way we can help each other." Let us love our children in our many different ways.

Thank you, Mr Deputy President.

DEPUTY PRESIDENT: Dr LEONG, do you wish to reply?

DR LEONG CHE-HUNG: Yes, Mr Deputy President.

DEPUTY PRESIDENT: You have strictly 2.33 minutes left.

DR LEONG CHE-HUNG: Thank you, Mr Deputy President. I am heartened not only by the support of Members for the motion, but also by the number of colleagues who have come forward to speak their mind on this particular, very important subject. It reflects that this Council has representatives of the people of Hong Kong, who are just as concerned, if not more, with social issues as with constitutional development. It is very obvious that improvement in social issues really knows no barrier, be it sex, race or political background. Although the problems and many suggestions have been put forward by Members very vividly in the address, Members also agree very, very much that every sector of society is involved in the nurturing of our children's safety. It is obvious that the Administration cannot answer or tackle the problem completely or directly today as the Secretary mentioned. For if they did, it would be insincere of the Government.

It is precisely because of the wide-encompassing problem of child safety that an overseeing body has to be created to cordon all the areas, and a single set of comprehensive child Ordinance must be compiled and the conventional rights of a child must be rectified to give at least the basic for Hong Kong to build on.

And I am heartened to hear from the Secretary that what has been done so far in Hong Kong is not enough. Yet, Mr Deputy President, I am also disappointed that the Government has not been positive enough in providing their thoughts in the way ahead or in the way forward in this very important social subject. I do hope, Mr Deputy President, that the performance pledges that the Governor has initiated will extend into the work towards protecting the children from injury and abuses. So let us hope that the tragedy of KWOK Ah-nui, of LAU Suk-mei, of the brothers and sisters burnt to death will forever be wiped out from the history of Hong Kong. I urge Members to support this motion.

Question on the motion put and agreed to.

Adjournment

DEPUTY PRESIDENT: Financial Secretary.

FINANCIAL SECRETARY: The Financial Secretary is taken by surprise. (*Laughter*) My apologies. Mr Deputy President, I move that this Council do now adjourn.

DEPUTY PRESIDENT: Thank you, Financial Secretary. Dr Conrad LAM has given notice to raise a matter for reply by the Government. Adjournment debates are not covered by the new Standing Order 27A. However, Members have been advised by the House Committee that the proposer should speak for not more than five minutes and other Members should speak for not more than

4.4 minutes. This is for Members themselves to observe. The total time available for Members to speak remains at 45 minutes.

AIDS in Hong Kong

7.49 pm

DR CONRAD LAM (in Cantonese): Mr Deputy President, experts estimate that there were over 10 million AIDS sufferers in the world in 1992 and that Asia will become the centre of AIDS by the end of this century. Since AIDS was first found in Hong Kong in 1985, the disease has been spreading at an average annual rate of between 20% and 29%. It is estimated that there will be 2 000 reported AIDS cases in Hong Kong by the end of the century. The real number may exceed 20 000. Though it is not as prevalent in Hong Kong as in the United States or Africa, still, as a disease, AIDS has a great social and metaphorical significance. AIDS phobia is now spreading faster in the community than AIDS itself. Also, compared with AIDS itself, the ignorance and discrimination are even more terrible. In Hong Kong, we have seen the following things happen: (1) Some school heads (including educators and men of religion) have refused to let AIDS carriers return to class; (2) Funeral parlours have refused to provide service to those who died of AIDS; (3) A health club has expelled an HIV-positive member; (4) Some private hospitals have reportedly refused to accept AIDS patients as in-patients; (5) In a survey by the Hong Kong Institute of Personnel Management, nearly 30% of the respondents said that, if co-workers had AIDS, they would ask for a transfer or even tender resignation.

It seems that some members of the community are totally callous to AIDS patients and AIDS carriers, not to mention love for them. The love that they have, if there is any, stops at the line of AIDS. To them, AIDS is where they want to draw the line.

Some large institutions in Hong Kong (the Hong Kong and Shanghai Banking Corporation, for instance) require job applicants to undergo blood tests which will determine if they are AIDS carriers. This is very disappointing and disgusting. It also shows the ignorance of the policy-makers of these institutions where AIDS is concerned. The tests in question do not expedite the community's prevention of AIDS or discovery of AIDS cases. More importantly, they violate the first rule of the employment guideline of the World Health Organization and the International Labour Organization concerning AIDS. This rule says, "Physical examinations prior to appointment should not include the test for the Human Immunodeficiency Virus (HIV)."

China has decided recently that, if a Hong Kong Chinese visits China more than 12 times a year, he must undergo a blood test that would determine if he had AIDS. If we consider the issue from the economic perspective, it appears that some people are trying to make money out of AIDS. I hope that the

Hong Kong affairs advisers and the deputies to China's National People's Congress here will set a personal example every time they visit China. They should undergo such a test and see how it will affect their feelings and their bodies.

If we do not want to see a repetition of medieval Europe's prejudice, ignorance and discrimination that were directed against lepers re-emerge in Hong Kong under the name of "AIDS phobia", then we should adopt a more positive attitude and take some initiatives. The Government of Hong Kong now has a policy for dealing with AIDS. Its emphasis is on education, publicity and so forth to help the public to know, to prevent and to control AIDS. However, the relevant departments are adopting an approach that is both passive and negative. For instance, has the Government taken the initiative of approaching the various service providers mentioned above, teaching them the right knowledge about AIDS and helping them to correct their misunderstanding of AIDS? Has the Government made the move of persuading the Hong Kong and Shanghai Banking Corporation to do away with its unreasonable practice of requiring applicants to undergo an HIV test prior to their appointment? Has the Government clearly and publicly censured the school heads who unlawfully refused to allow AIDS carriers to return to class? Hong Kong has not yet reached the stage when legislation must be enacted to protect AIDS patients against discrimination. Still, I must point out that the Government's reaction to the service providers' discrimination against AIDS patients and AIDS carriers shows that there is nothing that it can do about the matter and that it cannot do anything even if it wants to. When discrimination against AIDS victims continues and becomes more serious, and when Government still cannot do anything about it, that will be the time when we must consider legislation.

I suggest that the Government should: (1) set an example by making an *ex gratia* payment as early as possible to those hemophiliacs who became infected with AIDS through blood transfusion; (2) allocate additional resources for the prevention, control and treatment of AIDS; (3) implement the resolution of the World Health Organization adopted in May 1988 and deal sternly with discrimination against AIDS patients and AIDS carriers and protect their rights and dignity; (4) hold discussions with China and request expeditious discontinuation of the harassing rule that requires Chinese visiting China from Hong Kong to submit to an HIV test; (5) extend locally the employment guidelines of the World Health Organization and the International Labour Organization regarding AIDS so as to protect AIDS patients from discrimination or dismissal.

These are my remarks.

MR HUI YIN-FAT (in Cantonese): Mr Deputy President, Hong Kong has had a not-too-short history of AIDS sufferers and HIV carriers; yet this is the first time this Council has made use of a debate to arouse public concern over this issue. The timing may be a little late though; yet I believe it is still good timing

if we can persuade the Government by way of this debate to alter its established publicity strategy and correct the misconception of the community.

After years of government effort in instilling into the public through various media the knowledge of the AIDS virus and methods of prevention, the effort has undoubtedly achieved the objective of administering a shock to the community and putting them on guard. But the wisdom of continuing to use this publicity strategy is open to question. Since the public lacks comprehensive knowledge about the AIDS virus and HIV carriers, the publicity strategy will only arouse among them fear of and resistance towards AIDS patients.

In the first of two recent cases which have aroused extensive public concern, a pupil, who is a haemophiliac, of a church-run primary school was advised by the principal to suspend attendance at school. It aroused concern among the Education Department, teachers and parents as to what the correct approach to adopt should be. The second case happened in the social service sector to which I belong. In this case, a home helper refused to provide service for an AIDS patient. It is out of concern and love for people that the church is providing education and the home helper his service. If there be fear of AIDS even among them, no wonder the general public should go pale with fear at the mere mention of AIDS.

I of course understand very well the reasons for their fear. But it does not mean that the Government should let this trend spread nor does it mean that there is no solution to this. Given that the public's fears and sense of resistance is due to the lack of a full understanding of AIDS and the correct ways of handling it, I think the Government should review as soon as possible its publicity methods. It should formulate anew its publicity strategy to address the current needs and to set the objective of educating the public to make them understand clearly the ways by which AIDS is contracted, so that the AIDS sufferers will not be discriminated against and segregated.

Towards this end, the authorities concerned should make it clear to the public through a diverse range of publicity means that AIDS can only be contracted through sexual act (both homosexual and heterosexual), transfusion of contaminated blood and sharing of needles and syringes; and the virus can also be transmitted from an infected mother to her foetus. Moreover, the authorities should formulate, for the relevant service professions, such as medical workers, teachers, social workers and so on, a set of guidelines or codes of practice regarding contact with AIDS patients and the correct ways of handling these patients.

Mr Deputy President, while the Government's publicity effort as regards AIDS in the past has been commendable, a hidebound strategy will only achieve half the effect with double the effort. It is now time we introduced changes to meet the needs of the community.

I so submit.

MRS PEGGY LAM (in Cantonese): Mr Deputy President, first of all, I would like to express my gratitude that so many colleagues in this Council wear the red ribbon symbolizing our care for AIDS sufferers. Statistics released by the World Health Organization in 1992 revealed that there are over 610 000 AIDS sufferers in the world at the moment. The number of HIV infected is estimated to be as high as 13 million. It is most saddening that one million are children.

There are 61 haemophiliacs who contracted HIV virus or have full-blown AIDS syndromes and 26 of them are children of school age. Last November, a group of HIV infected haemophiliacs and their families asked to meet me. During the three hour meeting, I deeply shared their agony and distress: some of their children had gone; some children were at the brink of death; the worry about when their children would fall victim to AIDS were gnawing at some of them.

Yung Chai's father showed me a photograph of bubbly Yung Chai in his childhood. But now Yung Chai is 12 years old. He is as lean as a lath and weighs only 40-odd pounds. He sits all day long in a specially designed chair and looks no older than an infant. Yung Chai's father said that he hoped Yung Chai could fulfil his last wish of taking a flying trip before he left this world.

A mother who has a son called Tak Chai said that although Tak Chai was 16 years old, she had to lock him up at home everyday when she went to work. She was afraid that Tak Chai might get hurt if he was allowed to go out. She did not dare to tell her husband that Tak Chai was HIV infected. Tak Chai's mother told me that if people knew that she had a son who was a HIV infected haemophiliac, it was tantamount to sentencing him to death. It was because unfortunate ones like his son just could not lead a normal life at all in the face of the possible discrimination and misunderstanding.

How could one not shed tears of sympathy when one learned of the 10-odd parents' sad stories? They are desperately in need of the public's sympathy and understanding on the one hand and the Government's financial support on the other. Therefore, I pledged to fight for the deserved rights of this group of deserted and discriminated minority. First of all, I raised a question in this Council. Then I arranged a meeting between these people and the Secretary for Health and Welfare. I am pleased to note that our Secretary is a very sympathetic and extremely kind government administrator. The traumas of these parents and young haemophiliacs did deeply move our Secretary's heart. The Secretary undertook to urge as far as possible the Government to issue *ex gratia* payments to them as assistance.

I have written to the Governor in the hope that as the Patron of the AIDS Foundation he could do something. For these miserable children, I also hope that the Secretary for Health and Welfare will expeditiously bring this issue to the attention of the Financial Secretary so that he can make a quick estimate and provide *ex gratia* payments for these 60-odd unfortunate haemophiliacs, through

no fault of their own, who are HIV infected or AIDS sufferers. They have been inadvertently infected and are entirely without any choice. I do hope that when the relevant papers are presented to the Legislative Council, they will receive the full support of Members and get the fund expeditiously.

Thank you, Mr Deputy President.

DR LEONG CHE-HUNG: Mr Deputy President, the effect of AIDS has taken its toll on a global base. Many have called it the "plague" of the 20th century. No doubt Hong Kong has suffered its brunt. Too much and too many have already been said on this subject. What I would like to concentrate on today is two aspects:

- (1) The public's attitude towards HIV carriers and AIDS sufferers.
- (2) What happens when a health care worker is found to be HIV positive?

In spite of the fact that we consider ourselves as a caring society, the attitude towards AIDS and HIV carriers is "fear and exclusion". What then is wrong with our AIDS education programmes and publicity campaign which have been in place for many years?

Mr Deputy President, I will be the first to admit that AIDS has generated a lot of publicity, a lot of warnings on how to prevent contracting the disease and the danger of it. It has no doubt ingrained in the minds of Hong Kong residents that promiscuity, drug use and homosexuality increase the threat of being infected. Yet why do people still believe that it is dangerous to eat at the same table with an HIV carrier? Why are they still grossly concerned when their dentist is found to be infected? Why do they protest when their children attend the same school with someone carrying HIV virus?

The crux of the problem is: we have publicity and no education; and we fail to direct our publicity in the right direction. The message at the end is thus simply: "AIDS is a deadly disease. Stay Away".

It is imperative that education rather than simple publicity must be instilled into the minds of the Hong Kong public.

Whilst bearing the brunt, the public medical front has been working hard to deal with treatment and counselling for HIV carriers and AIDS sufferers. Yet, despite under the flagship of the Government Advisory Council on AIDS for three years, other fronts like the Labour, Social Welfare and Education Departments still appear to fall short in performing their parts on AIDS education.

The setting up of the independent AIDS Foundation in June 1991 was aimed at improving the co-ordination of efforts among the Government, non-governmental organizations and society at large in promoting AIDS education. But the Foundation is only allowed to use the meager interest generated from its \$30 million seed money. With respect, we have yet to see how far and how fast this goal can be achieved.

The medical and dental professions take strong issue against discrimination of AIDS and HIV carriers. In accordance with the statement adopted by the 40th World Medical Assembly in 1988, we have this following to say:

"Patients with AIDS and those who are tested positive for the antibody to the AIDS virus must be provided with appropriate medical care and should not be treated unfairly or suffer from arbitrary or irrational discrimination in their daily lives. Physicians have a long and honoured tradition of tending to patients afflicted with infectious diseases with compassion and courage. That tradition must be continued throughout the AIDS epidemic."

Talking about health care worker carrying the virus, it might be opportune to express the views of the Hong Kong Medical Association and the Hong Kong Dental Association on doctors and dentists who are found to be HIV carriers. Surprisingly, their stands coincide with those expressed by the medical and dental bodies round the world.

- (1) There is no requirement for doctors and dentists to be tested for AIDS on a routine basis nor to reveal the result of the tests even if they have had it done.
- (2) Doctors and dentists who have been tested and found to be positive must consult expert colleagues and receive counselling on whether they should limit or modify or even stop their practice.
- (3) It is the duty of every doctor and dentist to adhere to the strict guideline on infection control as issued by their respective associations and the Department of Health so as to ensure safe delivery of health care services to the public.

The attitude towards HIV carriers and AIDS sufferers must be given another perspective if we are to consider ourselves as a caring society. Let us hope that we will not see Hong Kong returning to the dark ages when people with leprosy were banished to an isolated island.

MR JIMMY MCGREGOR: Mr Deputy President, as a parent with young adult children, I confess that I have an ever present fear of AIDS and all its dreadful consequences. I think many other parents feel as I do. As a responsible

Hong Kong citizen and as a legislator, I know that the AIDS problem is not simply a medical nor even a moral one but a social problem of such magnitude and potential damage to the human society that it must be dealt with openly and without reservation.

The Hong Kong community, like many others in the world, is very conservative when a social issue with distasteful connotations has to be considered. There has been natural tendency therefore for the people of Hong Kong to take an early view that AIDS is not a serious problem and that its sexual orientation tends not to seriously threaten Hong Kong. There has been an understandable reluctance to come to grips with what now seems to be a deadly threat to the fabric of society worldwide and to recognize that AIDS is not only an international disaster but that the virus is already travelling its secret paths in Hong Kong with impunity and alarming efficiency. The speed of its movement is expanding seemingly inexorably and already poses a threat to our well ordered social system and to our caring but reticent society.

It is clearly impossible to suggest at this stage that an answer will be found to the HIV virus. It may be a long war with many casualties. It is however equally clear that AIDS menaces everyone in our society and not only homosexuals and haemophiliacs. It is the biggest single threat to the human race since the bubonic plague decimated the population of the world several centuries ago.

Among our speakers today are several highly qualified medical experts and several experts on various aspects of social development and welfare. We must listen carefully to their views and do all we can to support the fight against AIDS.

I speak as a parent and an anxious human being; someone who is appalled at the scale of the threat to mankind. I appeal for public recognition that AIDS must be discussed openly and widely in every aspect of its dreadful progress. There must be widespread education at all levels and into every corner of society. Every Hong Kong citizen must be made fully aware of the dangers, of the ways to prevent the spread of the disease and of the need to help those who have contracted it. There must be no false modesty nor political or social posturing. This is a time when our community must stand and work together in the common good.

MR CHEUNG MAN-KWONG (in Cantonese): Mr Deputy President, Hong Kong people had once regarded AIDS as a remote matter that concerned only certain groups of people. We only knew AIDS as an incurable disease of the century. Yet, in the wake of the disclosure of the identity of a student and a dentist who are HIV infected, the public has started to take a real hard look at the multitude of problems caused by AIDS.

Ignorance breeds fear and fear leads to flight. In ancient times, thunder and lightning was regarded as the gods' wrath to put the cursed sinners to death. Eventually when human beings came to know that thunder and lightning was simply a natural phenomenon and that they could protect themselves with the installation of a lightning rod, they were no longer afraid of thunder and lightning and would not take to flight. As regards AIDS, it seems that we have also been going through a similar process from ignorance to knowledge. It is the teachers' responsibility to render such a cognitive process a universal and sensible one so that the HIV carriers, however transient their lives may be, will neither be discriminated against nor rejected in the rest of their life.

Mr Deputy President, I am sure teachers in Hong Kong, after going through such a learning process, will be well-equipped to cope with the shock stemmed from AIDS. They will look at AIDS sensibly and scientifically and treat the HIV carriers with passion to enable them to live in dignity. Recently the Hong Kong Professional Teachers' Union carried out a survey among teachers. According to the preliminary findings, over 50% of the respondents think that we should safeguard the HIV infected students' privacy, keep their identity confidential and allow them to remain in their schools. Furthermore, they also express their willingness to continue teaching them.

Such findings are heartening. Nevertheless, we will understand that teachers are human beings and it is only human for them to be afraid of AIDS. In fact, there are still a considerable number of teachers who feel apprehension about AIDS. I think such apprehension will be progressively relieved through proper publicity and education, especially by way of clarification of facts and unfailing persuasion.

Mr Deputy President, the most urgent task before us now is to educate the public about AIDS, its transmission and prevention. To the students in general, our publicity programmes should especially highlight the prevention of the transmission of AIDS through blood. The Government should, during the prime time slots on television, heighten the public's awareness of wearing gloves while handling the blood of another person. In school, clean gloves should be stored in first aid boxes at all locations where children may gather, say, playground and hall, for emergency use.

The Education Department should also incorporate the knowledge about AIDS and other diseases transmissible through blood into the syllabus of Health Education in primary schools. Furthermore, education television programmes on AIDS should be produced so that our children can, right from childhood, have a proper perception of the disease. And the mysterious and dirty notions about AIDS can be dispelled by such education means.

Mr Deputy President, there are still many unfortunate people and misfortunes in the world. Sometimes we cannot stop the misfortunes from happening. Yet, with education, care and respect, we can always minimize the

effects. To patients suffering from AIDS and other related diseases, we should also do likewise.

Mr Deputy President, these are my remarks. I should also like to take this opportunity to pay my tribute to Mrs Peggy LAM because I have benefited a lot from her efforts in promoting AIDS education.

MR MICHAEL HO (in Cantonese): Mr Deputy President, as the United Democrats of Hong Kong's spokesman on labour policy, I would like to talk about the guidelines issued by the World Health Organization and the International Labour Organization on AIDS and employment. It is stipulated in the guidelines that pre-appointment medical examination should not include the test for the Human Immunodeficiency Virus (HIV), nor should employers require their staff to undergo such a test. We hope that no employee will be discriminated against because he/she is an HIV carrier. The physical condition of employees, including whether they are HIV carriers, should be kept strictly confidential. There is no need for the infected employees to inform their employers of their situation. Employers have the responsibility to provide AIDS education to their staff so as to enhance their knowledge and understanding of the disease and to protect infected staff from being discriminated against. Infected staff should enjoy the same benefits and rights as other staff. Employees should not be dismissed solely on the grounds that they have contracted AIDS. HIV carriers who are physically sound should be allowed to carry on with their present work. When they fall ill, they should be assigned different duties as far as possible, in the light of their physical condition. Every effort should be made to allow them to continue with their employment.

I fully support the remarks made by the Secretary for Health and Welfare today in reply to the question raised by Mr TAM Yiu-chung. Obviously, it would be meaningless to ask people of Hong Kong to undergo such a test and issue them with a certificate. Such arrangement will not help to prevent the spread of the disease. On the contrary, it may give the people a wrong idea that those holding a certificate are free from AIDS. Hence it may indirectly encourage sexual promiscuity and speed up the spread of the disease. As the new policy introduced in Mainland China has become the focus of public interest, we should seize this opportunity to promote education on AIDS so that people of Hong Kong will have a correct understanding of how the disease is transmitted. They should also be made to understand that people will not get the disease easily from normal day-to-day contact with other people. I hope more positive AIDS education programmes will be put in place during this period. Thank you, Mr Deputy President.

DR HUANG CHEN-YA (in Cantonese): Mr Deputy President, according to the Department of Health's latest estimate, there are presently 7 000 HIV carriers in Hong Kong. This figure is only a conservative estimate. With the spread of

AIDS, the number of infected people will naturally increase. The information available indicates that about half of the infected citizens will show AIDS symptoms within the next 10 years. That is to say, the accumulated total of AIDS patients in Hong Kong may be over 3 500 at the turn of the century. These cases will not spread evenly throughout the years but, instead, most of them will emerge towards the end of the 1990s. In other words, the morbidity of AIDS will shoot up rapidly at a speed that surpasses any other diseases.

Although there is at present not any medicine that can cure AIDS, we do have an increasing number of new drugs for the prevention and treatment of subsequent infections and strengthening patient's immunity system. These drugs are mostly very expensive. For instance, the use of AZT or DDI will cost a patient \$20,000 a year and some medicines for the prevention of blindness resulted from conjunctivitis caused by cytomegalovirus will cost \$6,000 a month. As these drugs can improve patients' life quality and prolong their lives, they have already been administered as a common practice. However, this will bring about a problem. The more successful the treatments are, the longer the patients will live and the higher the medical cost will be.

Up to now, the medical costs for treating AIDS patients are still borne by the general medical expenses. And the patients are looked after by the medical staff of the existing establishment. Any drastic increase in AIDS cases will certainly put our medical and health system under heavy pressure, leading to the reduction in the funds and manpower resources that may have been allocated to patients suffering from other diseases. Furthermore, with only one hospital equipped with an AIDS task force, the number of medical staff available in Hong Kong for the attendance on AIDS patients is simply inadequate. Although other hospitals also provide out-patient services, patients showing complicated AIDS symptoms have always had to be transferred elsewhere. The Government should strengthen its training programme so that all the hospitals will be capable of providing AIDS patients with proper treatments.

In some countries where AIDS is running rampant, many hospital beds are occupied by AIDS patients. In these countries, it is noted that community and home care services can enable many patients to receive treatment at home, thus relieving hospitals of some workload and financial pressure. At present, Hong Kong is really in acute shortage of such kinds of services.

Given the aforesaid problems, I think the Government should consider the following measures:

- (1) The expenses budgeted for the prevention and treatment of AIDS and HIV infections should be handled separately from the general medical expenses so that the funds for the treatment of other diseases will not be reduced.

- (2) A manpower programme should be formulated to ensure that adequate doctors, nurses and other supporting staff will be available at different levels to provide services relating to the prevention and treatment of AIDS.
- (3) The Government should co-ordinate its efforts with those of other voluntary organizations to develop community and family services, including community care, family help service, enquiries and hospice service.

As a related issue, the publicity drive on AIDS in its present form has depended too much on the scaring tactic to frighten the public into taking preventive measures against AIDS. This can, of course, check the spread of AIDS. However, the public, on the other hand, is also scared of the AIDS patients, which will be detrimental to the development of the community care service. The Government should take this problem into account and reformulate its publicity strategy so that the public can have a true picture of AIDS and make concerted efforts to get rid of AIDS.

DR LAM KUI-CHUN (in Cantonese): Mr Deputy President, why is AIDS incurable? The answer is that, by the time the disease is diagnosed, the cells affected by the AIDS virus are actually dead. It takes life-restoring magic to cure cells that are dead. There is no such magic in medicine.

Well then, will there soon be a vaccine for preventing AIDS? The effectiveness of all vaccines in the world depends on one physiological mechanism or another. An AIDS vaccine based on any of the known physiological mechanisms will not only fail to prevent AIDS but make the disease worse if contracted later. Medical science has not yet even found the effective physiological mechanism on which the development of an AIDS vaccine may be based. It does not know where to begin in proceeding to develop an effective vaccine.

Very clearly, then, any government policy against AIDS must emphasize things outside the scope of medical science.

I hope that the Government, when responding to this debate later, will comment on the three contradictions that are found locally:

1. AIDS can be passed genetically and contracted through blood transfusion. Otherwise, AIDS patients are generally confined to the sexually promiscuous and to drug abusers who take injections. AIDS sounds like a kind of penalty for tasting the forbidden fruit. At the individual level, AIDS is absolutely preventable. However, at the community level, no country in the world has succeeded in arresting the spread of AIDS.

What Hong Kong is trying now has been tried by many countries before. Yet these countries have failed to stop the number of AIDS patients from growing steadily. Is the Government in Hong Kong content to build its policy on the basis of old methods and let the community share the fate of the communities in Europe and the United States, where AIDS is becoming increasingly widespread?

2. The Department of Health often emphasizes that the AIDS virus dies quickly after leaving the human body and that even the corpses of AIDS victims are not infectious enough to become a threat. Yet the public knows that sterile syringes and even sterile blood serum that has been in cold storage for a long time can spread AIDS. How does the Government propose to explain the truth to the satisfaction of the public?
3. Everywhere else in the world, AIDS patients are shown sympathy and solicitude. For instance, Princess Diana has posed for publicity photos showing her shaking hands with AIDS patients. In Hong Kong, in contrast, schools, private hospitals, funeral parlours and medical insurance companies are known to have refused service to AIDS sufferers.

What does the Government think about such mentality in Hong Kong, a mentality which is the opposite of the mainstream in Europe and the United States?

Apart from the above contradictions, what most concerns the non-addicted and non-promiscuous majority in Hong Kong at this moment is probably China's new policy of compulsory AIDS tests for border-crossers. Earlier this afternoon, the Secretary for Health and Welfare said that she would not interfere with China's internal affairs. Still, Hong Kong people pay tens of millions of visits to China each year to do business. This has been a major cause of Hong Kong's thriving economic growth in recent years. I know that many of these people have lots of reservations about letting Chinese officials take their blood samples with China's medical instruments. They feel uneasy, even afraid. Many of them, in fact, hope that the Government here will

DR LAM KUI-CHUN: Can I finish within the forty five minutes period? I need one more minute, Mr Deputy President.

DEPUTY PRESIDENT: Yes, I cannot enforce the House rule, Dr LAM.

DR LAM KUI-CHUN (in Cantonese): hold discussions with the relevant departments in China along the following line: A Hong Kong resident should be able to take his AIDS test in Hong Kong at an institution which is recognized by

China and he should be issued with a valid certificate if he is found to be negative. Chinese border officials should recognize the validity of this certificate and allow its bearer to cross the border without undue hassle.

Mr Deputy President, these are my remarks. I hope that the Government will respond to the above points.

8.27 pm

SECRETARY FOR HEALTH AND WELFARE: Mr Deputy President, I share many of the concerns expressed by Honourable Members in this adjournment debate. I shall not repeat what I said earlier this afternoon on AIDS Tests in response to a question from the Honourable TAM Yiu-chung so I shall concentrate on broad issues and shall be as open as I can in response to Members' call for openness.

In the space of just over 10 years, AIDS has developed into a world-wide epidemic, claiming the lives of hundreds of thousands of men, women and children in all continents. In some parts of the world, whole families and villages have been devastated. Countries are losing their most productive people, that is to say men and women in the prime of life, the mainstays of the economy and the social infrastructure, not to mention the sole supporters of the very young and the elderly people. The term "AIDS orphan" has become part of our vocabulary.

The ramifications of the disease are extensive and go beyond the health of the individual. It threatens the very fabric of society. As one television advertisement has put it,

"AIDS is a political crisis."

I am grateful that Members of this Council have focused on this issue. In respect of the question asked earlier in this Council by the Honourable TAM Yiu-chung, I have nothing to add to the answers already given. So I shall focus tonight in my concluding remarks on the many broad areas of focus. I shall respond to the call for openness.

AIDS remains very much a mysterious disease in Hong Kong. It is shrouded by fear, misunderstanding, prejudice and discrimination. Whilst scientists have still to develop a vaccine or a cure for the disease, the significant progress made in medical research over the past decade has at least enabled us to have a better understanding of the AIDS syndrome.

We know that AIDS is caused by infection of the body by a retrovirus known as Human Immunodeficiency Virus (HIV). It has a long incubation period during which the virus remains dormant inside the carrier's body. After a variable period of time, the virus may start gradually to damage the body's

defence system, making the person susceptible to repeated serious infections and cancers, from which the person ultimately dies. Approximately half of the infected individuals would develop symptoms due to AIDS over a period of some 10 years while the remainder may still be symptom-free and remain normal in their physical and mental capacity.

Scientists have successfully isolated the virus and established the pathogenesis of the disease. Essentially, HIV is transmitted mainly through blood, semen and vaginal secretion. Thus, the main routes of infection are through sexual intercourse, through transfusion of contaminated blood or blood products, through sharing of needles for drug injection and perinatally from an infected mother to her offspring.

Other body fluids such as saliva, sweat or tears have not been found to transmit HIV. HIV is very fragile and cannot survive outside the human body. Hence, a person cannot get AIDS from normal day-to-day contacts with HIV-infected persons, such as from shaking hands or hugging, having meals together, working in the same office or factory, or attending the same school.

In other words, and I emphasize, you cannot get AIDS just by being close to people.

I mentioned all these because these are scientific facts. Yet, how often, how often indeed, have we heard suggestions that innocent children who have unfortunately been infected by HIV should be kept away from their schools? Such prejudice is regrettable. On the other hand, they underline the need for stepping up public education on AIDS, to remove misconceptions and to change community attitudes. We all have a part to play.

In the absence of a vaccine or a cure for AIDS, prevention and education remain the most effective measures against the spread of this epidemic. In line with WHO's Global Strategy for the Prevention and Control of AIDS, the Hong Kong Government's key objectives are:

- (a) to prevent infection with HIV;
- (b) to reduce the personal and social impact of HIV infection; and
- (c) to mobilize and unify public and community efforts against AIDS.

From the very beginning, I think, we in the Government have adopted a proactive approach. Even before the first AIDS case was diagnosed in Hong Kong, an expert committee on AIDS was formed in 1984 to look into the potential problems and to develop a strategy to control AIDS. In May the following year, a dedicated Scientific Working Group was formed to supervise the surveillance system on AIDS and to establish guidelines for health care professionals in prevention and management of HIV infection. In 1985, a counselling service for HIV infected persons was put into operation. The

Hong Kong Red Cross also started screening all donated blood to guard against HIV contamination. Moreover, the HIV antibody test became generally available through the virus laboratory in Queen Mary Hospital. Through the AIDS counselling and health education services, the Department of Health now conducts an average of 3 000 HIV tests on sampled blood alone each month. It also provides medical and psychological counselling for clients, organizes support group for patients, runs a specialist clinic for HIV positive patients and operates an AIDS hot-line for health care professionals and members of the public. Furthermore, it organizes education and publicity programmes aimed at enhancing public knowledge on the different aspects of the disease, particularly on the ways of preventing infection. In addition to APIs and exhibitions, Department of Health staff conduct health talks in clinics and schools and also, in collaboration with the Education Department, produce guidelines and teaching kits for schools.

For the better co-ordination of the many activities organized by government and community organizations, two years ago the Advisory Council on AIDS was set up. Later the Hong Kong AIDS Foundation Limited was established with seeding money from the Government and the Jockey Club to further encourage community participation as part of our overall strategy to combat AIDS.

It can be seen, therefore, that much has been done over the past few years. However, much more — much, much more — needs to be done. We in the Health and Welfare Branch and the Department of Health have therefore dedicated 1993 to be the year of a concentrated campaign against AIDS. We are putting in place plans for a major publicity and education campaign and for sustaining this effort in coming years.

Our strategy calls for a broad-based multisectoral response by government and health care professionals, charitable and voluntary organizations, the media and the private sector as a whole, in other words, everybody in Hong Kong. We need to cultivate a sympathetic social environment which is vital to the effective implementation of AIDS prevention programmes and humane care of affected individuals. We appreciate the critical role of non-governmental organizations in promoting prevention of AIDS through safer sexual practice, as we see almost every night on television, in providing support for people with HIV/AIDS and in combating stigmatization and discrimination. We believe that Hong Kong could play a leadership role in the combat against AIDS in this part of the world if we get our act together and act quickly. In this context, I have taken very careful note of Members' views and their views are very helpful and I will take each and every single view into account in finalizing plans for further action.

I echo Members' concern for the plight of the haemophiliacs who have unfortunately been infected by HIV through blood and blood product transfusion prior to 1985.

I think we all know that it was due to the state of medical knowledge at that time that blood products used prior to 1985 were not treated against contamination by HIV although they were sterilized in accordance with internationally accepted standard at that time.

Although I am advised that the Government is not legally liable to pay compensation, we in the Government, the Financial Secretary included, have great sympathy for these haemophiliacs who have tragically become infected by HIV through blood and blood product transfusion prior to 1985. I have, last month, appointed a special study group to examine the circumstances of their infection and to recommend any special course of action appropriate to Hong Kong for the assistance of these HIV infected haemophiliacs. I would report that according to the initial findings of the study group, the blood products used since 1986 have been free from HIV contamination.

This red ribbon that some of us in this Chamber proudly wear must also, I am sure, teach us a certain degree of humility in that mere words are but a bore; and we need to do much, much more.

As a caring and compassionate government, we will do our level best to assist those in need. A package of special measures is being developed. I look to Members for their support when the proposals are put to this Council. I am sure that Honourable Members will be forthcoming with their support in Finance Committee in due course as they are generous with their sympathy and suggestions today.

Thank you.

Question on the adjournment proposed, put and agreed to.

Next sitting

DEPUTY PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 17 February 1993.

Adjourned accordingly at twenty minutes to Nine o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the Boundary and Election Commission Bill and Chiropractors Registration Bill, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

WRITTEN ANSWER**Annex I****Written answer by the Secretary for Economic Services to Mr Eric LI's supplementary question to Question 2**

Dredging contractors and local fishermen alike must observe maritime safety legislation, including the International Regulations for Preventing Collisions at Sea.

These regulations, which all seafarers need to learn and show competence in applying, make it clear that a vessel engaged in fishing should keep out of the way of a vessel restricted in its ability to manoeuvre. A dredger engaged in dredging is required to fly international signals warning other vessels that it is so restricted and that they should keep away.

Dredging contracts contain certain clauses aimed at ensuring that the operation of dredging vessels will not pose a safety hazard to other vessels in the vicinity.

Information on dredging activities is relayed to fishermen by the Marine Department through notices to shipping and by the Agriculture and Fisheries Department through its contacts with fishermen's associations.