

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 1 June 1994

The Council met at half-past Two o'clock

PRESENT

THE PRESIDENT

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

THE CHIEF SECRETARY

THE HONOURABLE MRS ANSON CHAN, C.B.E., J.P.

THE FINANCIAL SECRETARY

THE HONOURABLE SIR NATHANIEL WILLIAM HAMISH MACLEOD, K.B.E., J.P.

THE ATTORNEY GENERAL

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

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

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

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

DR THE HONOURABLE DAVID LI KWOK-PO, O.B.E., LL.D., 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 EDWARD HO SING-TIN, O.B.E., J.P.

THE HONOURABLE RONALD JOSEPH ARCULLI, O.B.E., 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.

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

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 MOSES CHENG MO-CHI

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE FREDERICK FUNG KIN-KEE

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

THE HONOURABLE MICHAEL HO MUN-KA

DR THE HONOURABLE HUANG CHEN-YA

THE HONOURABLE SIMON IP SIK-ON, O.B.E., J.P.

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING, J.P.

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

THE HONOURABLE ERIC LI KA-CHEUNG, J.P.

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE STEVEN POON KWOK-LIM

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

THE HONOURABLE TIK CHI-YUEN

THE HONOURABLE JAMES TO KUN-SUN

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

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE 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

THE HONOURABLE JAMES TIEN PEI-CHUN, O.B.E., J.P.

THE HONOURABLE ALFRED TSO SHIU-WAI

ABSENT

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

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

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

THE HONOURABLE VINCENT CHENG HOI-CHUEN, O.B.E., J.P.

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, O.B.E., J.P.

THE HONOURABLE HOWARD YOUNG, J.P.

IN ATTENDANCE

MR MICHAEL LEUNG MAN-KIN, C.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

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

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

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

MR HAIDER HATIM TYEBJEE BARMA, I.S.O., J.P.
SECRETARY FOR TRANSPORT

MR GORDON SIU KWING-CHUE, J.P.
SECRETARY FOR ECONOMIC SERVICES

MR KENNETH JOSEPH WOODHOUSE, J.P.
SECRETARY FOR SECURITY

THE DEPUTY SECRETARY GENERAL
MR LAW KAM-SANG

Papers

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

Subject

| Subsidiary Legislation | <i>L.N. No.</i> |
|--|-----------------|
| Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation | 309/94 |
| Waste Disposal (Livestock Waste) (Amendment) Regulation 1994..... | 310/94 |
| Waste Disposal Ordinance (Amendment of Schedules) Notice 1994 | 311/94 |
| Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1994..... | 312/94 |
| Building (Administration) (Amendment) Regulation 1994..... | 313/94 |
| Building (Oil Storage Installations) (Amendment) Regulation 1994..... | 314/94 |
| Mass Transit Railway Corporation (Permitted Activities) (Consolidation) (Amendment) Order 1994 | 315/94 |
| Public Order Curfew (Variation) (No. 2) Order 1994 | 316/94 |
| Landlord and Tenant (Consolidation) Ordinance (Amendment of Fourth Schedule) Notice 1994 | 317/94 |
| Multi-Storey Buildings (Owners Incorporation) (Amendment) Ordinance 1993 (27 of 1993) (Commencement) Notice 1994 | 318/94 |

Sessional Papers 1993-94

No. 85 — Hong Kong Monetary Authority Annual Report 1993

- No. 86 — Report of the Public Accounts Committee on the Report of the Director of Audit on Provident Fund and Superannuation Schemes Operated by Subvented Organizations and Sale of a Commercial Site in Garden Road
May 1994
PAC Report No. 21A

Address

Report of the Public Accounts Committee on the Report of the Director of Audit on Provident Fund and Superannuation Schemes Operated by Subvented Organizations and Sale of a Commercial Site in Garden Road
May 1994
PAC Report No. 21A

MR PETER WONG: Mr President, on behalf of the Public Accounts Committee, I have the honour to table the Committee's Report No. 21A today.

This report by the Public Accounts Committee responds to paragraphs 2.1 to 2.27 and 10.1 to 10.13 of the Director of Audit's Report No. 21 concerning "Provident fund and superannuation schemes operated by subvented organizations" and "Sale of a commercial site in Garden Road" respectively.

The Director of Audit's Report No. 21 was tabled in this Council in November 1993, and the corresponding PAC Report No. 21 was tabled on 2 February 1994. Little was said in that report on the above two issues because our committee had yet to conclude our investigations on them. I am pleased to report that our committee has now finalized our deliberations and our conclusions and recommendations are contained in the Report No. 21A tabled today.

Mr President, it is not my intention this afternoon to go over all the conclusions and recommendations of our committee. However, I would like to highlight certain points contained in our report. On the subject "Provident fund and superannuation schemes operated by subvented organizations", our committee wish to express our concern that the long-term financial position of the superannuation schemes of the University of Hong Kong and the Chinese University of Hong Kong have recently been regarded by their actuarial advisers as not totally satisfactory. We support the Government's policy that the University and Polytechnic Grants Committee-funded institutions could not make use of any resources other than the 15% notional provision within the recurrent grant to top up their retirement schemes, and that the Government considers that there is no question of bailing them out. Hence, the institutions concerned should always critically examine the long-term financial viability of the schemes, and ensure that the levels of benefits under the schemes are

realistic. As regards the subject “Sale of a commercial site in Garden Road”, our committee question the propriety of the way in which the sale of the commercial site was handled by the then Director of Buildings and Lands and his staff, and consider that the failure to alert the Central Tender Board (CTB) to the “loophole” in the special conditions of sale was inexcusable. The committee therefore urge the Administration to conduct a thorough investigation and to consider the need for disciplinary proceedings against the officers concerned. We also regret that the CTB failed to raised queries into the background of the case at issue in view of the substantial difference between the top few tender prices and note and agree with the Secretary for the Treasury that any substantial differences in tender prices should be fully discussed and recorded both within departments and the CTB.

Mr President, I trust that the recommendations in our Report No. 21A will be accepted.

Oral Answers to Questions

Senior Citizen Card Scheme

1. MR HUI YIN-FAT asked (in Cantonese): *With regard to the “Senior Citizen Card” Scheme introduced by the Health and Welfare Branch, will the Government inform this Council:*

- (a) *what arrangements are in place to ensure the smooth issuance of the card, so that there will not be delays caused by problems in manpower or other resources;*
- (b) *what progress has been made with regard to the Government’s pledge to recommend the Scheme to all public and private organizations and to encourage their participation in the Scheme to offer preferential treatment to the elderly; and*
- (c) *whether there are plans to review the proposal to lower the qualifying age from the present 65 years to 60?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I shall reply to the Honourable Member’s three-part question seriatim.

First, the response to the Senior Citizen Card Scheme has been overwhelming. The Senior Citizen Card Office of the Social Welfare Department has received more than a quarter of a million applications since the scheme was implemented on 1 April this year. In order to cope with this large number of applications, the Social Welfare Department has taken the following measures:

- (a) an additional 14 staff has been redeployed to augment the Senior Citizen Card Office of 11 to help with the unexpected initial workload;
- (b) temporary staff have also been employed;
- (c) volunteers have been recruited;
- (d) some work has been contracted out to sheltered workshops; and
- (e) the operating hours of the Card Office have been extended to 12 hours a day from 9 am to 9 pm from Monday to Friday and to nine hours a day from 9 am to 6 pm on Saturdays and Sundays.

We hope to clear the backlog created by the initial tidal wave of applications by July this year.

Secondly, since January this year, I have written personally to over 600 companies and establishments in Hong Kong to invite them to participate in the scheme. I have also invited government departments to support the scheme. The response has been very encouraging. At present, 110 companies, establishments and departments with over 1 400 outlets have joined the scheme. We will continue to encourage more companies and establishments to take part in this worthwhile project. A publicity programme was launched to promote the scheme. Let me highlight some details:

- (a) there was extensive coverage of the scheme in the media;
- (b) secondly, staff of the Social Welfare Department briefed district boards on the scheme;
- (c) a booklet on the scheme has been produced for distribution through the subvented sector; and
- (d) a pamphlet sheet summarizing the concessions and discount given also is now distributed to all senior citizens who receive the card.

As regards the question of lowering the qualifying age from 65 to 60, I would like to say that most companies and establishments participating in the scheme offer concessions, discounts and priority service to persons aged 65 and above. To issue a card for persons aged 60 and above might reduce the usefulness of the existing card. As the scheme has only just started and has been in operation for only two months, we should first see how the present scheme work before changing it.

MR HUI YIN-FAT (in Cantonese): *Mr President, can the Administration inform this Council of the average administrative cost involved in the issue of a Senior Citizen Card? How long does an applicant have to wait before a card is issued to him or her?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, as regards the first part of the question which is the average cost per card issued, as applications are still coming in, we are not in the position to work out with accuracy the average cost per card yet. I shall offer, certainly, to give a written answer in due course. (Annex I) I think the appropriate time would be about September when the first batch of initial applications has been processed.

As of yesterday, 31 May, a total of 268 904 applications have been received. The number of Senior Citizen Cards issued was 136 749 which is 51% of the total applications received.

As I said, also, in the main reply, we are confident that by end July all the current applications will have been processed. Now, based on the current figure of an average of about 1 000 new applications received every day and we issue an average of 3 000 cards every day, I think the waiting time would be much reduced. But it would be round about two to three months, I think.

MR MARTIN LEE (in Cantonese): *Mr President, can the Administration inform this Council whether the preferential treatment made available to the elderly by way of the card will be extended to cover every aspects of their daily lives such as housing, medical care, transport, water and electricity supply, telephone, fuel and so on in order to offer real improvement to the livelihood of senior citizens in the lower social stratum?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I think from pages one to four of this booklet which is available for reference, the public bodies' concessions and discounts and priority waiting-lists through various organizations including Water Supplies Department, Transport Department, Health Department, Social Welfare Department, are detailed here. And as regards specifically the fees for hospitals and clinics, I think Members will realize that this booklet also includes a priority time given to the elderly.

I cannot speak on behalf of the private organizations, neither can I speak on behalf of other government departments, but certainly from the health sector, you will find that the services are very heavily subsidized and the existing fee structure already embodies a significant element of government subsidy to the public. Additionally, we have a waiver system for those who are in need. Medical social workers will work closely with the people in the clinics and hospitals to assess the social needs of individual elderly patients to give a package of services that meets their individual social needs.

And I think Members will also recall that in the so-called “Rainbow” document there were two proposals which are a pre-determined concession to elderly people accompanied by a percentage subsidy approach. These are being studied by the Assessment Committee and we will have to await the outcome of that.

DR LAM KUI-CHUN (in Cantonese): *Mr President, the Secretary for Health and Welfare mentioned in her reply some concessions and discounts for the elderly people. However, it is envisaged that the Senior Citizen Card scheme, when set into motion, may be abused since some card holders' family members, for the purpose of improving their household's financial situation, may ask the card holders to buy things at discounted prices, thus turning them into “coolies” of their families. Has the Administration considered taking any measures to make it less likely that Senior Citizen Card holders become “coolies”?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, this is a question of community conscience. I hope, in Hong Kong, we do care for the elderly people and do not take advantage of the elderly people and abuse them through the card system. I hope public censure will be working against those people who use elderly people as “coolies”.

MR TAM YIU-CHUNG (in Cantonese): *Mr President, just then when I entered the Council building, there was a group of elderly people gathering outside. They said that many proposals contained in this booklet were not of real benefit to them, particularly the concessionary deposit arrangements offered by banks, such as concessionary interest rates and so on. They claimed that as they were penniless, how could they enjoy such concessions? As regards their complaints, I wonder whether the Administration can provide more real assistance to the Senior Citizen Card holders.*

SECRETARY FOR HEALTH AND WELFARE: Mr President, when we introduced the card — when this was debated many years ago in this Council — we did recognize that this card is but a card. It needs community support in terms of the advantages and concessions and discounts to be given. Without that, this card is meaningless. So, I will certainly reflect public sentiment to the people to whom I have written, to see in what way we can work with each other to give what we call “better benefits for the elderly people”, and to see what is more acceptable to them.

DR YEUNG SUM (in Cantonese): *Mr President, the Administration has been promoting the Senior Citizen Card scheme for some time. We strongly support this scheme. However, I would like to point out that the most important thing about the introduction of the Senior Citizen Card is to give more concessions to*

the elderly people. Can the Administration set a good example, particularly in the direction of medical care service, by discussing with the Hospital Authority with a view to exempting Senior Citizen Card holders from paying the medical charge of \$54 when they seek treatment in public hospitals? Moreover, since the Housing Authority has been awash with reserves, can consideration be given to the idea that public housing tenants may be allowed to pay only half of the rent if they are Senior Citizen Card holders? I understand that it is difficult for the Administration to give a definite answer now, but can the Administration sort this out with the departments concerned, bearing in mind that this would give real benefit to the card holders?

SECRETARY FOR HEALTH AND WELFARE: Mr President, I will certainly consider reflecting this point of view to my colleagues both in the department and outside the department.

MR STEVEN POON (in Cantonese): *Mr President, I am in full support of the Senior Citizen Card scheme. The majority of the companies listed in this booklet are under the schemes of control, meaning that they have to submit their financing plans for the Administration's approval. Can the Administration inform this Council in the event that companies under the schemes of control have to subsidize the Senior Citizen Card scheme, then who should foot the bill, the shareholders or other people such as users of their services?*

PRESIDENT: Secretary, do you have the answer?

SECRETARY FOR HEALTH AND WELFARE: No, Mr President, but I certainly will reflect the question to the relevant government departments.

MRS ELSIE TU: *Mr President, I notice that the handbook is in Chinese. I would like to ask if there is any information written in English and is there any scheme available to expatriates who, unlike myself, may need this?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I think the booklet tabled today is in Chinese but the original draft which I approved was in two languages, so we will see whether we can print them or just distribute them to those in need. Please feel free to approach the Social Welfare Department — for those who do not read Chinese — and they will have the English sheets if not a booklet, already there available for distribution.

Electricity demand forecasts

2. MISS CHRISTINE LOH asked: *Since the Government agrees to the power companies building new power generating facilities on the basis of electricity demand forecasts, and the cost of these facilities is recouped through customers' electricity charges, will the Government inform this Council when it will publicly release information on the electricity demand forecasts, the accuracy of past demand forecasts, and the demand profiles for the last available year?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, under their respective Scheme of Control Agreements, the two power companies are required to submit financing plans to the Administration. These plans contain forecasts of demand for electricity which form the basis for decisions on the building of generating facilities.

The forecasts of demand are submitted to the Government by the companies in confidence and we are now discussing with the power companies the extent to which their forecasts can be made public. The companies consider demand forecasts to be market sensitive. They are concerned that publication could lead to speculation about future levels of capital expenditure and permitted return, which may affect the companies' ability to negotiate competitive finance and purchase new plant and equipment at the lowest prices.

That said, I accept the suggestion implicit in Miss LOH's question that it is reasonable for the public to expect to be informed of the extent to which past forecasts of demand for electricity have proved to be correct. As she points out, the cost of building new generating facilities is borne largely by consumers. I have therefore requested — and the power companies have agreed to — the release of data comparing actual demand with the corresponding forecast in previous financing plans approved by the Government.

The power companies have also agreed to assist in briefing Members, at a future meeting of the Economic Services and Public Utilities Panel of this Council, on the methodology and assumptions used in producing forecasts of demand. At the meeting the companies would provide Members with comparative data on past forecasts and actual demand and their respective demand profiles.

MISS CHRISTINE LOH: *Mr President, I would like the Secretary to clarify something in paragraph two of his reply. Is the Secretary saying that in return for granting the utilities a monopoly, that the only people who are privy to future demand forecasts are the Government and the banks who lend to the utilities? If that is the case, how can the public be assured that new power stations are really needed, especially in view of the fact that under the present Schemes of Control granted by the Government, building more capacity is the only way in which utilities make money?*

SECRETARY FOR ECONOMIC SERVICES: In paragraph two, Mr President, I have quoted certain points of view as expressed by our power companies and as I have said there, we are now actually in discussion with them on the extent to which data they have, on both past demand patterns and future demand needs, could be disclosed. My own view is that probably we can find a right balance between keeping certain data confidential to enable the companies to conduct their business to the best of their ability, to the benefit of both the company and in fact the consumers, and satisfying the public need for disclosure of information vital for their own consumption.

MR STEVEN POON (in Cantonese): *Mr President, in paragraph four of his reply, the Secretary said that the two power companies had agreed to assist in briefing Members on the methodology and assumptions used in producing their forecasts of demand. As a matter of fact, the China Light and Power Company Limited (CLP) had, in 1991, set out in detail the demand forecasts in a book entitled Power to Growth, in which it was also reported that in the last year of the eighties, that is in 1989, the actual maximum demand deviated by just 1.4% from the forecast made 10 years ago. May the Secretary tell us whether assessment has ever been made about the accuracy of such a forecast by consultancies and the Government? If so, can the Secretary inform this Council whether the forecast has reached an internationally accepted level?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, according to our estimation, the assessment of power demand made by the two power companies in Hong Kong in the past is of a very high standard, with deviation in a range of 1% to 5%. It is very encouraging to note that such a high level of accuracy has been maintained over a long period.

MR LAU CHIN-SHEK (in Cantonese): *Mr President, according to the Government's original forecast, CLP's local power facilities would record an annual maximum increase of 7% in the growth of local power demand in the nineties. However, in the past four years, the average growth of power consumption during the peak seasons reached 3.3%. Can the Secretary inform this Council whether this forecast can be deemed as being higher than the actual demand? If so, will the Government request CLP to have its plan of constructing more power plants scaled down? If the development plans of the power companies outpace the real demand growth, it means that members of the public are still required to pay higher electricity charges on the basis of the value of the companies' fixed assets, then how can the interests of the public be properly upheld?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, in the past few years, there has been a discrepancy between the power companies' projections and the actual demand for electricity. I would like to make an

assessment on that discrepancy in the context of the possible power demand in the coming decade or so. The power companies are currently planning to build four natural gas (not coal) powered generators in Castle Peak. We understand that the first two generators are geared to the consumption demand for the two years from 1996-97 to 1997-98. For the third and the fourth generators, studies are still being conducted to determine when they should be put into operation. I must reiterate that the installation of the additional generators does not aim at coping with additional demand, but at enhancing the potential capacity of power generation in Hong Kong, so as to ensure that sufficient number of back-up generators will be available when the operating generators cease running in case of service and maintenance or operational problems. Therefore, the item on our agenda for the coming years is the study on whether the third and the fourth generators are necessary and if so, when they should go into operation.

MR PETER WONG: *Mr President, undertakings were given by sovereign nations in Rio on the level of release of greenhouse gases of which fuel combusted to generate electricity is a major contributor. Although Hong Kong was not a signatory, will the Administration confirm that Hong Kong's electricity demand will be such that we can honour this international undertaking?*

PRESIDENT: Are you able to answer that, Secretary?

SECRETARY FOR ECONOMIC SERVICES: I shall attempt to answer part of it, and maybe my colleague, the Secretary for Planning, Environment and Lands, can help me on the actual data itself.

One of the objectives of changing from generation by burning coal to generation by burning gas is basically to achieve that very objective of reducing the amount of pollutants going into the air as a result of power generation. And as I said, in fact, the four new ones that we are planning to build at Castle Peak are all going to use gas for combustion.

PRESIDENT: I think you are really outside the scope of the question and answer, Mr Peter WONG.

MISS CHRISTINE LOH: *I would just like to ask the Secretary, in his reply to Mr LAU Chin-shek's question, whether he is saying that the reason that the Government will continue to allow, really, the power companies to build new generators is not really because there is demand but that there is just extra capacity that may be needed in case there may be some sort of breakdown? But surely, as I said earlier on, Mr President, the power companies' Schemes of*

Control right now only allow them to really make money as they continue to build more plants, so I do not really see the logic in that, but perhaps the Secretary can explain himself again.

SECRETARY FOR ECONOMIC SERVICES: Yes. As I have said, there is an accepted wisdom in fact in all countries that you do not just build more plants to match demand, but you build yourself a sufficient capacity in excess of demand so that in cases of maintenance or failure, you would have stand-by generating capacity which would meet those gaps when they arise. The Scheme of Control, of course, is operated to the extent that we permit a maximum return on the basis of return to, I think, annualised assets, but the degree to which we allow the companies to build new plants of course is based on an assessment of the amount of demand of electricity at that particular time and the buffer needed for safeguarding supply.

MR PETER WONG: *Mr President, as regards the Secretary's response, I do not know whether he is aware that greenhouse gases comprise both carbon dioxide as well as sulphur oxides. I appreciate that the new gas-plants will not produce sulphur dioxide but it is the amazing amount of carbon dioxide that will be generated which is in direct correlation to the electricity demand which is causing me concern.*

PRESIDENT: Yes. I will leave it there because, really, your question goes to something quite different from the original question, Mr Peter WONG.

Overseas agreement officers

3. MR ALLEN LEE asked: *Will the Government inform this Council:*

- (a) how many overseas agreement officers have been granted Hong Kong British Dependent Territories Citizen passports and how many of them have given up their original nationality; and*
- (b) whether the Government is planning to allow these officers to continue their employment in their present rank on local terms?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, on the first part of the question, the Administration does not require civil servants to report changes in their nationality or passport. Hence we do not know how many overseas agreement officers have a British Dependent Territories Citizen (BDTC) passport or whether they have given up their original nationality.

As regards the second part of the question, I can only say that overseas agreement officers who acquire BDTC passports or permanent resident status as defined in the Immigration Ordinance are not automatically entitled to renewal of their agreements on local conditions of service. Apart from meeting the permanent residency requirement, applicants are assessed against other criteria such as service need, conduct and performance and physical fitness.

MR ALLEN LEE: *Mr President, I am surprised at the Secretary's answer that the Administration does not know how many overseas agreement officers have BDTC passports. Will the Secretary check with the Immigration Department — surely they have to fill in an application form and be granted — how many officers have been granted BDTC passports and whether they have given up their original nationality? And secondly, Mr President, will the Secretary answer, how many of these overseas contract officers have applied for and been granted local terms of employment?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, the answer to the first question is that we do not ask any civil servant, whether he is local or overseas, to report to us personal information that we do not need; and I certainly do not need the information unless this particular officer wishes to change his terms of employment. I do have their nationality as reported to us when they joined the Civil Service and, as you know, people in Hong Kong have many avenues of acquiring other nationality, so unless there is a reason for us to ask, I do not need to know.

As to the second part of the question as to how many people have applied for transfer to local terms, there are as at 30 May 1994, 131 overseas agreement officers applying for transfer to local terms of service of which we have given two approvals before the Private Member's Ordinance came into effect, and we have since then approved another 19 in principle.

MR EDWARD HO: *Mr President, in view of the need to ascertain the nationalities of senior civil servants for top posts after 1997 because of the Basic Law, would the Secretary then agree that the Administration does have the need to know the nationalities of its civil servants?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, first of all, under the British Nationality Act and the British Nationality Selection Scheme, we are prohibited by law to find out or to demand to know whether people have applied for British nationality under that scheme. I have to operate within the law.

Secondly, authoritative Chinese officials have repeated many times in public that Chinese citizens who are permanent residents of Hong Kong may give up their right of abode elsewhere, or their foreign passports, to qualify for consideration as principal officials. I do not, therefore, feel that we should reduce the pool of candidates from which the future Chief Executive may choose to make his appointments.

MR ALLEN LEE: *Mr President, is the Secretary saying that he does not know the nationality of all these overseas contract officers and he does not have any records whether they have transferred to local terms? Do they have to put down their nationality as British if they apply for BDTC passports? I am very surprised he does not know.*

SECRETARY FOR THE CIVIL SERVICE: Mr President, as I said, I do know the nationality of civil servants when they joined the Civil Service. What I am saying is, I do not ask for and I therefore do not know whether they have subsequently changed their nationality, irrespective of whether he is on local or overseas terms of service. Of course, naturally, if he applies to transfer to local terms of service I then have to determine whether or not he has acquired Permanent Hong Kong Resident status, in which case he will have to prove to me that he has done so.

DR PHILIP WONG: *Mr President, are members of the Civil Service required to inform the Administration of any change in personal particulars, including the change of nationality or address and so forth? I find it very odd that members of the Civil Service do not voluntarily inform the Administration of any change of nationality.*

SECRETARY FOR THE CIVIL SERVICE: Mr President, civil servants are like any other individual in this community. They are entitled to privacy. The Civil Service Branch, therefore, as a branch or as a manager of the Civil Service, does not ask for information that it does not need. Obviously, if an officer gets married and acquires a family and he is a contributor to the Surviving Spouse Scheme, I do need to know because I do need to know that he has got a beneficiary under that scheme. But there is no need for me, and indeed it would be unacceptable in this day and age, for me to ask the civil servant to inform me of every little change to his life.

MR RONALD ARCULLI: *Thank you, Mr President. From what the Secretary for the Civil Service has said, am I to assume that a change of nationality by a civil servant does not entitle the Administration to change the terms of service?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, as I said in my main reply, a change in nationality is not the only criteria for any consideration of any application for change in the terms and conditions of service.

Container vehicle parking sites

4. MRS MIRIAM LAU asked (in Cantonese): *As the cleaning-up of blackspots in the New Territories to be carried out by the Government will lead to the closure of some illegal parking sites for container trucks, will the Government inform this Council:*

- (a) of the number of legal and illegal parking sites for container vehicles in the territory and their respective capacities;*
- (b) of the estimated number of container vehicles using these illegal parking sites;*
- (c) of the average number of container vehicles entering and leaving Hong Kong each day;*
- (d) whether the Administration has any measures to accommodate those container vehicles which will be affected by the closure;*
- (e) how the recently formed Black Spots Task Force will co-ordinate with the Transport Department to solve the problem of illegal parking of container vehicles; and*
- (f) if the Administration is looking for suitable sites to provide legal parking spaces for container vehicles, where will these sites be located and what progress has been made so far?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the answers to the question are as follows:

- (a) There are about 130 container vehicle parking sites in the territory, with a total land area of about 80 hectares and parking space for about 7 300 vehicles. Of these, 30 sites covering 21 hectares and parking spaces for about 1 900 vehicles are unauthorized. These figures do not include the container vehicle parking spaces provided within container freight stations, container storage depots and container handling yards, and so on.
- (b) Apart from the figure given for spaces in part (a), we do not have the number of container vehicles using unauthorized parking sites.

- (c) The average number of container vehicles crossing the border each day during the first quarter of 1994 was about 3 200 in each direction.
- (d) A number of measures to improve the container vehicle parking situation in the New Territories are in hand. About 13 new short-term tenancy sites, providing some 1 400 parking spaces, will be tendered in the next six months. The recently completed Freight Transport Study has made some strategic recommendations on container vehicle parking. A presentation on the study will be made to the Legislative Council Panel on Transport on 10 June 1994. The Parking Demand Study, scheduled for completion in early 1995, will also address the parking problem.
- (e) A dedicated team will be set up under the Black Spots Task Force to look into container-related matters. We aim to deal with this problem in a comprehensive and positive way, involving co-ordination and co-operation with Transport Department and other departments concerned, as well as close liaison with the industry and the local communities.
- (f) Areas suitable for open storage uses will be included in the 30 new rural Outline Zoning Plans which will be published by mid-July. The total area for open storage purposes will increase from the 250 hectares presently shown on the Development Permission Area Plans to about 300 hectares. Subject to the permission of the Town Planning Board, many of these areas could be used for container vehicle parking. Furthermore, the consultants for the Port Back-up and Open Storage Requirements Study are currently examining other sites in the Sha Tin, Ha Tsuen, Ngau Tam Mei and Tuen Mun West areas which may also be suitable for such uses.

MRS MIRIAM LAU (in Cantonese): *Mr President, the Government has recently mounted a series of prosecutions against some illegal parking sites. Will the Secretary for Planning, Environment and Lands inform this Council whether it is the Government's intention, when it decided to take the prosecution actions, that the parking sites will be allowed to continue their business after paying fines or they will face immediate closure? If the latter is the case, will the Secretary for Transport inform this Council whether the Government has devised any corresponding strategies and measures to cope with the traffic problems arising from the closure of these parking sites?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I think there are two quite separate issues here. We have been and are under considerable pressure to deal with unacceptable environmental conditions in the rural New Territories. In many cases, these conditions are

caused by the unauthorized and inappropriate use of land for the parking of container vehicles. And where an offence under the Town Planning Ordinance has been detected and enforcement action is to be carried out, then enforcement action will be carried through and this may include a requirement for the re-instatement of sites the use of which is unauthorized and inappropriate.

The question of the impact of enforcement, whether it be enforcement against unauthorized container vehicle parks or other environmentally unacceptable uses, is a separate matter from the question of enforcement. I think in my main answer I have indicated that on a fairly wide front we are moving to deal with the question of providing adequate spaces for container vehicles.

PRESIDENT: Not answered, Mrs LAU?

MRS MIRIAM LAU (in Cantonese): *Mr President, my question is in fact comprised of two parts. The Secretary for Planning, Environment and Lands has informed this Council of the possible closure of some parking sites consequent to the enforcement actions. If this is the case, I hope that the Secretary for Transport can answer the second part of my question, that is, whether the Government has devised any corresponding measures to cope with traffic problems following the closure of these parking sites.*

SECRETARY FOR TRANSPORT: Mr President, as regards controlling congestion on roads arising from illegal parking, the police will of course take the necessary measures to ensure that our thoroughfares remain open. We do recognize that there is an acute shortage of parking spaces for container trucks and for heavy goods vehicles which are engaged in the freight business. There is a Freight Transport Study which has just been completed and I shall be briefing the Transport Panel of this Council next week. One of the main recommendations of the study is that we need to identify more sites. In discussions with my colleague, the Secretary for Planning, Environment and Lands, we are trying to identify as a short-term measure more short-term tenancy sites and in the long term we will probably have to identify sites to build special carparks for heavy goods vehicles and container trucks.

DR TANG SIU-TONG (in Cantonese): *Mr President, I would like to follow up on Mrs Miriam LAU's question. At present, there are many illegal makeshift carparks operating in the New Territories. If the Government outlaws their operations and takes out prosecution actions on them, these carparks will have to close down. In view of the fact, however, that Hong Kong has approximately over 12 000 container trucks with only 7 900 parking spaces available, how is the Government going to cope with the parking problems faced by the container trucks in the wake of the closure of these carparks?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, with respect, I cannot help but feel that that question is actually a repetition of the first main question and the first supplementary. I think my colleague and I have, in fact, tried to indicate what we are doing to provide additional sites for container terminals and what I have outlined is a fairly comprehensive approach to the problem, and of course what will be done should there be traffic problems. I do believe we have covered this.

PRESIDENT: Dr TANG?

DR TANG SIU-TONG (in Cantonese): *Mr President, the thrust of my question is that, at present, there are already 4 000 container trucks having to park by the roadsides. The carparks now available for container trucks are being prosecuted and it is obvious that they will be forced to close down within a short period. In view of this, is the Government able to identify sites for the parking of container trucks in just one or two months' time, despite its commitment of identifying short-term tenancy sites?*

PRESIDENT: Secretaries? Is it the Government's position there is no better answer?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Well I do not think there is a better answer, Mr President. We do have problems but we do have to balance the pressure upon us to improve the environmental conditions which are caused by some very inappropriate use of areas for parking container vehicles and the complaints, of course, about these matters which come primarily from occupants of New Territories villages and housing. So we do need to respond positively to this sort of complaint. I do not believe that it is the intention, or is it physically possible for us to close down all the unauthorized areas within two months. But we certainly, through the Black Spot Task Force activity, will be seeking to balance closures with the provision of alternative areas.

MR EDWARD HO (in Cantonese): *Mr President, in reply to the previous supplementary question, the Secretary said that there was no better answer. However, it is noted that items (d), (e) and (f) in his main reply mention actions which are being pursued by the Government and they have yet to produce any fruitful results. Actions contained in item(d), which are expected to accomplish in the shortest time, have to take as long as six months to take effect. Will the Secretary for Planning, Environment and Lands inform us whether it is possible for the Government, before the improvement measures are put in place, to allow, as an interim measure, these illegal parking sites a grace period to continue their operation, or grant them short-term licences for their continued*

operation, meaning that operation will not be outlawed until after the Government has come up with some answer to the problem?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, it is possible and it has actually occurred in a number of cases for those who are the subject of enforcement action under the Town Planning Ordinance to apply for permission under the Development Permission Area Plan to use sites for various uses, including the parking of container vehicles and applications received will be processed in the normal way and submitted to the Town Planning Board. So, it is not entirely out of the question that if approval is sought, approval may be given.

MR MICHAEL HO (in Cantonese): *Mr President, I want to follow up on some figures cited. Item (a) in the main reply states that there are currently 1 900 unauthorized parking spaces while item (d) says that the Government is planning to provide some 1 400 legal parking spaces. In other words, there will be at least a shortfall of 500 parking spaces after new parking spaces are made available and illegal carparks eliminated. I wish to draw the Government's attention to the fact that thoroughfares and alleys alike in western New Territories are now all doubled as parking sites by container trucks at night. Will the Government inform this Council, in anticipation of a reduction in parking spaces, whether the problem of illegal parking will worsen? If so, how will the Government address the problem?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I think what I have done is to indicate as well as there being a reduction of parking spaces, there will also be an increase.

MR MICHAEL HO (in Cantonese): *Mr President, I do not understand what the Secretary meant by saying that there would be an increase of parking spaces. The main answer has made clear that there would be a provision of 1 400 new parking spaces while the existing number of parking spaces in illegal parking sites stands at 1 900.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, without giving specific numbers I have gone on in further parts of my answer to say what else we are doing to identify additional spaces.

MR HENRY TANG (in Cantonese): *Mr President, has the Government ever considered the possibility of converting some Crown land sites into temporary container carparks by way of short-term tenancy agreement?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: We are indeed doing this and as I said in part (d) of my answer, about 13 new short-term tenancy sites, providing some 1 400 parking spaces, will be tendered in the next six months and we will be looking for further areas.

MR WONG WAI-YIN (in Cantonese): *Mr President, paragraph (f) of the Government's reply mentions the inclusion of sites designated for the parking of container trucks in the rural Outline Zoning Plans. It is noted that almost all these areas are privately owned. From the San Tin Container Parking Area Incident which took place not long ago, it has come to our knowledge that some of the sites that are opposite to these illegal carparks (in fact they are just one street apart) have been designated for legal container parking. Yet the land owners concerned do not wish the sites be used for this purpose. That is to say, on the one hand, the land owners refuse to lease sites that are designated for legal container parking; on the other hand, those who need to park their trucks can find no proper place to park and have resorted to illegal parking. How is the Government going to resolve such a dilemma?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I think single examples are not particularly useful. There are indeed some land owners, who have sites which are available and designated for open storage, who do not wish their sites to be used for container parking. But they may find other sorts of open storage acceptable. There are in other cases, as I have mentioned, situations where land owners are prepared to allow their sites to be used for open storage. But I think we should bear in mind that it is not simply a question of whether the site is acceptable in terms of land ownership, or indeed of government land and just drawing a line around it and saying it is suitable for container parking. There are important questions to do with the formation of the land, the maintenance of proper drainage, the provision of adequate access, and the relationship between the parking area in terms of noise generated and neighbouring residences.

So, there are a lot of factors to be considered when it comes to deciding whether a site is suitable for a particular use, and the owner's willingness or unwillingness is merely one factor among many others.

Armed robberies

5. MR EDWARD HO asked: *In view of public concern over the injuries inflicted upon innocent bystanders in the armed robbery in Central on 18 May 1994, will the Government inform this Council:*

(a) *what measures would be taken to prevent such recurrences; and*

(b) whether watch and jewellery companies would be required to install additional security measures to prevent robberies during day time?

SECRETARY FOR SECURITY: Mr President, as regards part (a) of the question, we have taken a number of measures to minimize robberies such as that which took place in Central on 18 May.

In recent years, the police have given priority to patrols of high risk premises, such as goldsmith and jewellery shops, which are prone to armed robberies, as a preventive measure and also to ensure a prompt response to any robbery. The police have also deployed increased intelligence gathering resources to obtain information on the whereabouts of illegal firearms and gun gangs. In the case of crimes involving criminals from China, we have stepped up our liaison with China to enlist the assistance of the Chinese authorities in preventing the importation of illegal firearms and hired criminals into Hong Kong.

While I would not venture to promise that similar incidents will not recur, I must point out that the measures adopted by the police have led to a sharp decrease in the number of robberies of watch and jewellery shops over the past few years. There were 153 such robberies in 1991; this figure reduced to 42 in 1992 and again to 17 in 1993.

I think that it is also important to place this particular robbery in context. Without being complacent, we have been very successful in reducing crime in Hong Kong. The overall crime rate for February to April this year has reduced by about 7% as compared with the same period last year. Similarly, robbery, including armed robbery, has also decreased by some 18%. Clearly the measures we have been taking are bringing results and we must maintain them.

As regards part (b) of the question, we agree that all possible steps should be taken by goldsmith and jewellery shops to minimize the chances of a successful robbery.

There has been a great deal of liaison between the police and the owners and operators of these shops, which has resulted in a number of improvements to security. Senior police officers meet regularly with representatives of the industry to review progress in implementing security measures. These relate mainly to access control; access to the goods; surveillance devices; safe storage of stock; the maintenance of records and prompt reporting to police in case of a robbery.

This liaison has proved to be effective, judging from the willingness of the trade to enhance security in shops. We do not, therefore, consider it necessary to regulate security in the trade by legislation.

MR EDWARD HO: *Mr President, in his reply to my question the Secretary for Security has asked me to place the particular robbery on 18 May in context. Whilst not denying the police effort in reducing crime in Hong Kong, the particular context that worries me and members of the public is that robberies of watch and jewellery shops usually take place in broad daylight, in the busiest hours and in the most congested parts of our city and cause a high degree of risk to our citizens, sometimes resulting in fatalities.*

Will the Secretary inform this Council why in that light, the Government will not introduce legislation to require shops of that nature to install security measures to minimize the occurrence of such types of robberies and hence the risk to our citizens' lives and property?

SECRETARY FOR SECURITY: Mr President, I would like to point out that the security at the shop robbed on 18 May was considered to be adequate, in that there already were installed, as a result of the discussions and liaisons to which I referred in my principal answer, electronically controlled glass security doors, closed-circuit television and a security camera which activated a silent alarm. This means that the robbers were unable to wear masks and their faces were readily photographed by the security camera. Whilst the measures may enhance the chances of culprits being brought to justice afterwards, I am afraid it is an unfortunate fact of life that they cannot be 100% foolproof against a determined and ruthless gang.

DR PHILIP WONG: *I wonder if the Administration can inform this Council whether it is time now to reconsider the merits of introducing death penalty as an effective measure against crimes of this sort? And if not, why not?*

PRESIDENT: Are you able to answer Secretary?

SECRETARY FOR SECURITY: Mr President, I think that the question refers more to the question of death penalty rather than armed robbery. If I could refer to the debate which took place in this Chamber some time ago when that subject was discussed, I believe that the point made by a number of Members was that the most effective deterrent was the guarantee of detection, rather than severe penalty to which the Honourable Member refers. The security measures to which I have referred help us ensure that the chances of detection and subsequently being brought to justice are increased. Therefore I do not think that the increase in the penalty, which is already severe, would aid us in any way.

MR MOSES CHENG: *Mr President, would the Administration please inform this Council as to what steps are being undertaken to educate the public how to react in the unfortunate incidents that they are meeting, for example, a robbery and in particular an armed robbery? I think, as we can see from the media report, a lot of people are innocently hurt because they do not know how to really protect themselves.*

SECRETARY FOR SECURITY: Mr President, the police seek to enlist public support by immediate action at the scene to maximize an safety of bystanders. This includes the establishment of cordons and an explanation of the action that is being taken, subject, of course, to time permitting. Secondly, they seek to pass messages to the public to warn them of the inconvenience, or the dangers, associated with an on-going incident. They also provide a full briefing of what has occurred and place the particular incident in perspective at the earliest possible opportunity. The police also appeal for witnesses and information from those who may have witnessed the incident. And finally, they offer rewards to facilitate the investigation process.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, watch and jewellery shops are covered by insurance. In the interest of business, they may rather choose to suit their customers' convenience than to adopt tight security measures. However, tight security can deter and reduce the possibility of robberies and is the most basic way to reduce armed robberies and the consequent exchange of fire or injuries to passersby. Why does the Administration still resist the introduction of legislation to require the watch and jewellery industry to adopt tight security measures after so many serious robberies and the death and injury of such a lot of people? What, in fact, are the actual difficulties in introducing legislation to regulate security measures?*

SECRETARY FOR SECURITY: Mr President, there are no difficulties in implementing the measures and, as I alluded to in my main answer, the recommendations that have been developed jointly with the industry and with the police force have largely been implemented. An inter-departmental working group has examined ways to ensure that minimum standards of security in goldsmith shops and other high risk premises can be achieved. I pointed out the areas which these cover — surveillance, storage and so on. The recommendations of this working group have, in large part, been implemented by the industry. Regular meetings continue between the police and the trade associations to discuss security measures and to monitor the situation. A situation report is also made every six months to the Fight Crime Committee which advises the Government on measures to improve the law and order situation.

Mr President, I think the situation is that the industry has implemented the measures that we consider necessary to provide the security that the Honourable Member mentions, and that we are continuing our discussion with the industry.

MRS PEGGY LAM (in Cantonese): *Mr President, the Secretary for Security has just said that it is the detection of crimes that counts. In paragraph three of his main answer, he said that in the past three years there were 212 robberies. Will the Secretary inform us of the detection rate of the 212 robberies in the past three years; and the number of robbers that were arrested in Hong Kong and those arrested with the co-operation of the Chinese Government?*

SECRETARY FOR SECURITY: Mr President, I am afraid that the Honourable Lady has the advantage of me, I will have to provide those statistics in writing, if I may. (Annex II)

MR JAMES TO (in Cantonese): *Mr President, I did not at first intend to speak on the security of individual shops. However, the Secretary for Security seemed to give us the impression that the security measures of the shop robbed on that day were satisfactory. He even cited a few examples. I wonder whether the Secretary is aware that the robbers could take out trays and trays of gold jewellery from the counters on that day. This falls short of the stringent standard of general security measures. Despite the fact that only 15% or 20% in the trade do not follow the standard guidelines to install security measures, will the Secretary inform us whether the Government will set a time limit to require them to comply with the guidelines, otherwise it will actually introduce legislation to monitor the situation or urge the insurance industry to compel the trade indirectly to install the necessary security measures?*

SECRETARY FOR SECURITY: Mr President, is it correct that I did say in reply to a supplementary question that we considered the measures to be adequate. But I also did point out that those measures, unfortunately, can never be 100% foolproof against a determined gang. That was the situation in this case. In conjunction with the industry, the Police Force, particularly the Crime Prevention Bureau, have carefully examined what measures need to be taken in order to deter and reduce the possibility of these armed robberies taking place against jewellery and watch shops.

I think, Mr President, that the figures I quoted in my main answer suggest that the measures that they have taken have had some effect. There has been a significant decrease, but I am afraid that it remains an unfortunate fact that no matter how many measures we take, faced with a determined gang, and this was a very determined gang, there is little that we can do. All of the measures that we had agreed with the industry had been installed in this particular shop. The

villains gained entry by going through those security measures. Faced with a determined gang there is very little that we can actually do.

MR HENRY TANG (in Cantonese): *Mr President, a few months ago when I entered a bank in Italy to exchange a small amount of money, I found that the bank was installed with double doors in that the second door inside cannot be opened until the door outside is properly closed. The same applies when one comes out, that is, the second door has to be properly closed before the door outside can be opened. In case of a robbery, the robbers cannot run out to the streets directly and have to be kept between the two doors first before they can run out to the streets. Would anyone determined to commit crimes be willing to be trapped between two doors and not being able to run out? Has the Administration discussed this issue with the goldsmith shops?*

SECRETARY FOR SECURITY: Mr President, I am sure that the Honourable Member would never consider robbing a bank. *(Laughter)*

But the answer to his question is that we have. In fact, the measures which I referred to in my main answer concerning access control referred specifically to that double access doors, doors that you have to push a button to get into the first one then you are allowed in, it is locked and then you get into the second one. As a matter of fact, in the particular case to which we are referring, that system was in operation. As I said Mr President, in reply to an earlier supplementary, these are the type of measures which we have agreed with the industry and which in very large part the industry have willingly embraced. As I said the reduction that we have shown in the number certainly proves that they have been effective. But, ultimately, faced with people who have no regard for anyone's safety whatsoever, and they demonstrated that by their actions last week, then we have a very difficult task to deal with people like that.

Crime situation in housing estates under redevelopment

6. MR MARTIN LEE asked (in Cantonese): *A number of public housing redevelopment areas in the territory have become hideouts of criminals and this has posed serious threat to the safety of residents nearby. Will the Government inform this Council of:*

- (a) the crime situation in each public housing redevelopment area; which of these areas have suffered the most serious deterioration in this respect; and*
- (b) the effective short-term and long-term measures in force to eliminate unlawful occupation of vacant units in these areas and to improve their law and order situation?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) Crime rates in housing estates are generally lower than territory-wide rates; and the law and order situation in housing estates under redevelopment is generally no worse than in other estates. A comparison of figures for reported crime over the 1992 to 1994 period indicates a mixed pattern of improvement, deterioration and a position holding relatively steady. The main areas of improvement were at Lok Fu and Tsz Oi; and of deterioration Tsz Ching and Tung Tau.
- (b) Security problems associated with public housing estates under redevelopment are confined mainly to minor burglary cases and trespass into vacant premises. To tackle these problems, the Housing Department takes the following preventive measures:
 - (i) vacant units are properly sealed or locked up;
 - (ii) building entrances, staircases and corridors are gated but without compromising fire service requirements;
 - (iii) when a block is half vacant, security guards are normally provided round the clock and additional guards are employed if needed;
 - (iv) vacant flats are patrolled by estate staff and the police; and
 - (v) estate staff stay in close touch with tenants, mutual aid committees, area committees and district board members.

In addition, to promote residents' awareness of the need to take extra precautions, the police distribute posters and leaflets in estates undergoing redevelopment.

MR MARTIN LEE (in Cantonese): *Mr President, the Government said in its reply that a number of preventive measures have been taken, one of which is to have the vacant flats patrolled by estate staff and the police. But I would like to cite a concrete example to highlight the problem. A few months ago, drug addicts frequently gathered near my Chai Wan office at night, as the neighbouring Hing Wah Estate was being redeveloped. And after complaints had been lodged with the police, police patrols were increased and the situation was markedly improved instantly. However, the improvement in one district does not mean improvement in all districts in the territory. Will the Authority concerned step up police patrol in every public housing redevelopment area in the territory?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I am sure that it is an admirable example that the Honourable Member has given, of the part that residents and occupants of premises in housing estates can play in enhancing the security and safety. I would urge occupants of estates to follow the Honourable Member's example should they become aware of criminal abuse of premises in such estates.

As to the level at which police patrolling should take place, I believe this is very much a matter for the police and the Housing Department staff on the spot to decide in the light of circumstances in the estate. But I will pass to my colleagues in the Housing Department and the police, the proposal that generally patrols should be stepped up in redevelopment estates.

MR CHAN WAI-YIP (in Cantonese): *Mr President, juvenile delinquencies are common in public housing redevelopment areas, for example, females being harassed at night, drug taking, drug trafficking and so on. In paragraph (b) (iii) of the main reply, the Government said that "when a block is half vacant, security guards are normally provided round the clock and additional guards are employed if needed". Will the Government actually consider "providing security guards round the clock" and "employing additional guards" as "necessary" measures rather than services provided "if needed", so that the safety of residents in those housing redevelopment areas can be ensured?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, similarly I believe that blanket decisions on what measures should be taken in all estates is probably not the way to actually ensure that manpower resources, for example, are deployed to the best advantage. I believe it should still be a matter for operational decision in the particular circumstances of the estate, but I will refer the proposition that the Honourable Member makes to those who have responsibility for these matters.

MR MAN SAI-CHEONG (in Cantonese): *Mr President, Mr Martin LEE has just pointed out a very important fact, that is, drug trafficking and drug taking are getting more and more serious in public housing redevelopment areas. A lot of syringes are often found in various places, particularly in public toilets. In view of the large number of drug addicts hiding in these places to carry out evil practices, will the Secretary for Security inform this Council whether the Government has any plan to provide more resources to improve law and order?*

SECRETARY FOR SECURITY: Mr President, the police recognize the concern of residents in the housing estates referred to by Honourable Members. I understand that they have given priority to both preventative and investigative coverage. Extra officers have been assigned to these estates to increase beat coverage, particularly at night time when a lot of the troubles to which the

Honourable Member refers take place. These cases are high priority and are handled by a Regional Crime Unit to ensure careful investigation of the case.

But Mr President, if I could reinforce the comments being made by my colleague, the Secretary for Planning Environment and Lands, the police maintain contact with the local community and the subject of security in estate development is discussed at a number of district forums including district boards, District Fight Crime Committees, area committees and mutual aid committees. The police have a Community Relations Officer posted to every district. These resources are supplemented on a need basis. Provided that the tenants of the estate, like the Honourable Member who asked the main question, report this and draw these problems to the attention of the police, then the police are more than willing to respond quickly and flexibly to deal with these problems.

MR LI WAH-MING (in Cantonese): *Mr President, why are security guards provided to a block under redevelopment only when it is half vacant but not as soon as its tenants start moving out? Also, are gates installed only when a block is half vacant?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I think we hark back here to the question of operational need and the reasonable deployment of resources. As regards the question of a guideline, I think the adoption of a block being half vacant is a guideline. I am certain that in circumstances where this rate, if you like, or guideline should be improved upon, will be considered.

As far as the gating of entrances is concerned, according to the information I have, this is not related to the half vacancy of a block but rather as a general preventive measure once vacant units start to become empty in a housing estate.

MR MARTIN BARROW: *Mr President, would the Secretary for Security clarify in particular the preventative measures which the police can take to tackle the problems of triad activity in and around these vacant flats?*

SECRETARY FOR SECURITY: Mr President, the police can take a number of measures to solve the problem. These include undercover operations with officers posing as tenants and/or decorators and publicity through announcements in the electronic media to encourage tenants who receive threats to combat criminal activities related to these activities. A lot of the problems arise, Mr President, with the actual decoration of the flats — that is why they are empty in the first place. We now have an approved decoration contractor system which the Housing Authority maintains, and that consists of an approved

list of decoration contractors and only those on the list are allowed to carry out decoration works in rental estates. The Housing Department monitors this system in respect of price, workmanship, as well as the background and conduct of the approved decoration contractors.

Written Answers to Questions

Fatal traffic accidents

7. MR ROGER LUK asked: *In view of the high number of fatal traffic accidents on expressways, highways and in tunnels, will the Administration inform this Council of its analysis of the causes of such accidents in the past four months and the specific measures being taken to reduce their occurrence?*

SECRETARY FOR TRANSPORT: Mr President, the number of traffic accidents, involving fatalities, for the four-month period from January to April 1994 are as follows:

| | |
|-------------|----|
| Tunnels | 1 |
| Expressways | 3 |
| Other roads | 72 |
| ----- | |
| Total | 76 |
| | == |

An analysis of the causes of these fatal accidents by the Transport Department and the police has pinpointed 14 cases to “driving too fast” given road conditions and four cases to “driving too close to the vehicle in front”. It has not been possible to establish specific contributory factors for the remaining accidents.

The numbers of fatal accidents were on a rising trend for the last three years: 300 in 1991; 318 in 1992 and 336 in 1993. This trend seems to have been arrested and reversed in the first four months of this year, which has recorded 76 fatal accidents or a 32% drop compared with the same period last year.

Reckless and careless driving, speeding and overloading have caused the most accidents on expressways. Apart from conventional methods, the police now also use Laser Speed Detectors and unmarked cars equipped with video recorders and speed detection devices. As a result of stepped-up enforcement, particularly in the New Territories, a total of 14 145 fixed penalty tickets and summonses have been issued in the first four months of 1994, compared to 8 419 for the corresponding quarter in the previous year. This shows an increase of 68%.

Publicity to correct bad driving habits is also being stepped up. Advice on safe driving in tunnels will be included in the next edition of Road Safety Quarterly. In addition, a television Announcement of Public Interest (API) on safe driving on expressways is now being produced and will be screened in a couple of months.

Tourists assaulting a saleswoman

8. MR WONG WAI-YIN asked (in Cantonese): *Regarding a recent case of a tourist assaulting a saleswoman causing her serious injury which required her to be hospitalized for a number of days, will the Government inform this Council of:*

- (a) the nationality of the tourist, the reasons for his making the assault and the court's verdict; and*
- (b) the procedures taken by the police in handling the case; whether the tourist was charged with "common assault" instead of a more serious offence; if so, what the reasons are; and whether the police has submitted all relevant information including the hospital's detailed injury assessment report to the court for consideration?*

SECRETARY FOR SECURITY: Mr President,

- (a) The two tourists, who were subsequently charged with common assault, were a male and a female American Chinese. The incident arose from a dispute over the method of payment for goods purchased in a department store in Wan Chai where the injured lady was employed as a salesperson. Both tourists pleaded guilty to the charges, were bound over for 12 months and were ordered to pay \$500 each to the victim as compensation.
- (b) On the day of the incident, the police responded to an emergency 999 call reporting a dispute. There was, initially, an allegation of indecent assault, but the evidence available was insufficient to support such a charge. The tourists were charged with common assault on the basis of the seriousness of the saleswoman's injuries. The injury assessment report available to the police on the day immediately after the incident was submitted to the court for consideration.

Hospital Authority remuneration package

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

- (a) *the details of the existing remuneration package (including terms of employment, pay scales and other benefits) for management staff employed in the Hospital Authority Head Office; and*
- (b) *the details of any merit awards given to such staff in recognition of outstanding performance?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the Hospital Authority employment terms are designed specifically for its staff on the basis of comparable costs to the public purse and equity to civil servants on transfer. In keeping with this principle, the remuneration package of management staff employed in the Authority includes the following component parts:

- (a) a basic salary according to the Hospital Authority Pay Scale;
- (b) a cash allowance ranging from 16.5% to 65% of the basic salary in lieu of fringe benefits;
- (c) a non-contributory provident fund for permanent staff or a gratuity for contract staff equivalent to 15%-25% of the basic salary;
- (d) annual leave and medical/dental benefits;
- (e) participation in the Home Loan Interest Subsidy Scheme for employees with at least five years of service; and
- (f) a non-contributory life insurance scheme and a non-contributory disability income insurance scheme.

As regards part (b) of the question, a remuneration package which includes a performance related element approved by the Government is available to the Chief Executive. The annual performance related award varies from 0% to 30% of the basic salary plus cash allowance according to actual performance rated by a special committee comprising members of the Hospital Authority Board.

As with other statutory organizations, the Chief Executive's actual remuneration is a matter of negotiation between the employer and employee.

Owners' incorporations

10. MR ALBERT CHAN asked (in Chinese): *Will the Government inform this Council:*

- (a) *whether the City and New Territories Administration (CNTA) has ceased to provide assistance to owners of private buildings in setting up and registering owners' incorporation, if so, what are the reasons;*
- (b) *of the savings achieved arising from the cessation of this service; and*
- (c) *whether the CNTA will continue to assist staff to assign owners and tenants of private buildings in setting up residents' associations or in the re-elections of these associations?*

SECRETARY FOR HOME AFFAIRS: Mr President, my reply is as follows:

- (a) the City and New Territories Administration (CNTA) has not ceased to assist owners of private buildings in setting up and registering owners' corporations;
- (b) no resources have been saved because the service has not been suspended; and
- (c) the staff of the CNTA will continue to assist owners and tenants of private buildings in setting up residents' associations and in re-elections as appropriate.

Land resumption

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

- (a) *of the number of cases in which the Government invoked the Crown Lands Resumption Ordinance to resume private land over the past three years;*
- (b) *in the case of the land resumption exercise for the H6 development project in Jubilee Street, Central, how many owners have not yet received their compensation so far and what are the reasons;*
- (c) *of the amount of compensation required in the land resumption exercise for the H6 development project; whether the required amount was available in April, 1992; when the amount will be*

appropriated by the Finance Committee of the Legislative Council; and what other procedures need to be followed before this amount can be appropriate; and

- (d) *when the title of the above-mentioned land will be transferred from the Lands Department to the Land Development Corporation and the joint developers and what the price is; whether stamp duty is required to be paid?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) Over the past three years, land has been resumed under the Crown Lands Resumption Ordinance for a total of 51 projects.
- (b) There are 20 former owners of land resumed for the H6 project who have refused compensation so far. One former owner is deceased and probate is being arranged. In the majority of cases, negotiations on compensation amounts are continuing. Another former owner has challenged the validity of the resumption in court.
- (c) The total resumption cost estimate for H6 is \$519 million which will be reimbursed by the Land Development Corporation (LDC) plus an administration fee. As the resumption costs are fully recoverable and are not therefore government expenditure, a separate account has been established under the control of Lands Department into which the LDC advances the amount required prior to any expenditure being made. Approval of the Finance Committee is not therefore necessary.
- (d) The land is granted to LDC by means of a private treaty grant and no stamp duty is required. The land grant documents are being processed. In the meantime, an Advance Possession Licence has been issued to LDC to allow construction and associated works to proceed. The land premium which has been agreed with the LDC is in the order of \$1.7 billion.

Using electronic appliances on aeroplanes

12. MR CHIM PUI-CHUNG asked (in Chinese): *Since the use of electronic appliances carried by passengers on aeroplanes may affect flight safety, will the Government inform this Council whether:*

- (a) *consideration will be given to introducing legislation to prohibit passengers from carrying electronic appliances onto aeroplanes or to prohibit the use of such appliances on aeroplanes; and*
- (b) *whether the chief captain or the people concerned will be empowered to enforce this legislation?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, all Hong Kong registered airlines request passengers to refrain from using personal electronic equipment during take-off and landing. This is a precautionary measure aimed at removing the very slight possibility that such equipment may cause interference with the navigation and communications systems of the aircraft.

Passengers are informed of this restriction by means of announcements, by cabin staff, prior to take-off. There have been no reported incidents of passengers on Hong Kong registered airlines refusing to comply.

Should a passenger refuse to co-operate with a request to refrain from using electronic equipment it would be open to the captain of a Hong Kong registered aircraft to enforce the restriction by invoking powers under Article 48 of the Air Navigation (Overseas Territories) Order which states that:

“Every person in an aircraft registered in the Territory shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.”

In the light of the above we do not consider it necessary to enact legislation to prohibit the use of personal electronic equipment on board Hong Kong registered aircraft. While we understand that many international carriers have adopted precautions similar to those of Hong Kong airlines, we are unaware of any jurisdiction which has, or intends to introduce legislation to ban completely the carriage or use of electronic appliances by passengers.

Guesthouses

13. MR MOSES CHENG asked (in Chinese): *With regard to the implementation of the Hotel and Guesthouse Accommodation Ordinance since 1 September 1993, will the Government inform this Council of:*

- (a) *the number of guesthouses which have been licensed to carry on their operations;*
- (b) *the number of guesthouses which have had to close down due to non-compliance with statutory requirements; and*

- (c) *the number of prosecutions involving the operation of unlicensed guesthouses; and of these, the number of convicted cases, as well as the highest, lowest and the average amounts of fine imposed?*

SECRETARY FOR HOME AFFAIRS: Mr President, my reply is as follows:

- (a) as at 28 May 1994, 252 guesthouses have been licensed to operate under the Hotel and Guesthouse Accommodation Ordinance;
- (b) according to the latest departmental records, 273 guesthouses have ceased operation due to their inability to comply with the statutory requirements; and
- (c) no prosecutions have been taken out up till now. However, the situation is being closely monitored. Those unlicensed guesthouses which continue to operate without a licence or fail to carry out the necessary improvement works are being warned. Prosecutions will be considered if those warnings are not being taken heed of by the operators.

Traffic accidents in tunnels

14. REV FUNG CHI-WOOD asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the total number of traffic accidents in the various tunnels in Hong Kong when a single tube was opened for two-way traffic in the past two years; the number of such accidents causing serious injuries or deaths as well as the figures of serious injuries and deaths involved; and*
- (b) *whether the situation would be reviewed and preventive measures introduced to reduce the number of such accidents?*

SECRETARY FOR TRANSPORT: Mr President, the closure of tunnel tubes is essential to allow cleaning, repairs and preventive maintenance. There is no practical alternative: such work cannot be carried out when there is moving traffic. The least disruptive approach is to close one tube at a time and permit two way traffic in the other tube.

The answers to the specific questions asked by Rev the Honourable FUNG Chi-wood are as follows:

- (a) In the past two years, 99 traffic accidents occurred when one tube was closed. Of these, there were five fatal and 31 serious accidents, resulting in nine deaths and 54 serious injuries.
- (b) The situation is reviewed from time to time. The following preventive measures have been introduced:
 - (i) reducing the speed limit, from 70 km/h to 50 km/h, when the one-tube two-way system is in operation;
 - (ii) placing additional speed limit repeater signs inside the tunnels to advise motorists;
 - (iii) strengthening the enforcement of speed limits by radar speed checks;
 - (iv) intensifying the surveillance of the tunnels by patrol cars; and
 - (v) broadcasting more frequent messages on safe driving.

Records show that some of the more serious accidents occurred on Saturday nights/early Sunday mornings. The Commissioner for Transport has therefore now given instructions to all the management contractors of government tunnels not to close any tube at these times. This is an experiment and, if it does not pose undue operational problems, consideration can be given to extending this arrangement over long weekends. The private tunnel operators have also been advised to adopt this practice.

Other options such as imposing a one-way system and requiring motorists to drive along alternative roads have been considered before but are not very practical because of the tremendous inconvenience to motorists and the logistical problems involved.

Administrative Officers' retirement

15. MISS EMILY LAU asked: *In view of the announcement that the Secretary for Health and Welfare (SHW), who is an overseas administrative officer born on 15 September 1937, will have to retire when she reaches 57 later this year, will the Administration inform this Council why two overseas administrative officers older than the SHW: Hong Kong Commissioner in London born on 22 February 1935 and Hong Kong Commissioner for Economic and Trade Affairs in the United States born on 1 March 1937, have been allowed to serve beyond 57?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, an administrative guideline was introduced in 1986 whereby, in order to accelerate localization, the generality of overseas Administrative Officers would not serve beyond the age of 57.

Since the guideline was introduced, the great majority of overseas Administrative Officers have left the service on reaching the age of 57, either on completion of contract or on being directed to retire under the Limited Compensation Scheme. There have however, over the years, been a few exceptions.

The current Hong Kong Commissioner in London was formerly Chief Secretary. His previous experience, both as Chief Secretary and in London, made him almost uniquely qualified to fill the vacancy which was left by the retirement of the former Commissioner (on reaching the age of 57) in November 1993.

We had for some time been attempting to find, from either the private or public sector, a person of sufficient stature and seniority to become a Commissioner for Economic and Trade Affairs in the United States. The ideal choice would have been a senior local officer. Although identified, they simply could not be spared from their duties in Hong Kong. Thus, when the current Commissioner was identified and could be released, we moved to upgrade our representation. These issues were considered in detail by the Establishment Subcommittee when we sought approval for creation of the Commissioner post.

These two appointments fall into the pattern of occasional exceptions to the implementation of the guideline.

Hospital Authority salaries expenditure

16. DR HUANG CHEN-YA asked (in Chinese): *A new management structure, which replaced the one in force since 1 December 1990, was implemented in the Hospital Authority Head Office on 1 April 1994. Under the new structure, the Chief Executive is underpinned by 16 Deputy Directors. Will the Government inform this Council:*

- (a) *of the number of management staff employed in the Head Office under the old and new structures respectively; of these, how many are remunerated on a pay scale equivalent to the Government directorate pay scale;*
- (b) *of the expenditure on salaries and staff benefits in respect of the Head Office under the old and new structure respectively; and how much of this is spent on staff remunerated on a pay scale equivalent to the Government directorate pay scale; and*

- (c) *how such expenditure compares with the total administrative expenses of the Hospital Authority?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, under the previous organizational structure, there were 32 management staff in the Hospital Authority Head Office remunerated on a basis equivalent to the Government Directorate Pay Scale, at a recurrent cost of \$32.9 million per annum.

On the appointment of the Chief Executive, a review was conducted on the senior management structure, resulting in the deletion of three Principal Officer posts; the creation of one deputy director post in addition to the original 15 posts; and adjustments to the salaries of some management posts. The remuneration of all the posts involved in this review is comparable to the Government Directorate Pay Scale. Thus, there are now 31 management staff in the Hospital Authority Head Office at an annually recurrent cost of \$30.9 million, representing 0.3% of the total staff cost in the Authority.

Corruption and unethical practices at the Hong Kong Polytechnic

17. MISS EMILY LAU asked: *Regarding allegations of corruption and unethical practices against a senior staff member of the Department of Hotel and Tourism Management at the Hong Kong Polytechnic, is the Administration aware of the following:*

- (a) *whether the allegations have been investigated,*
- (b) *the findings of such investigation, and*
- (c) *whether the case will be referred to the police or the Independent Commission Against Corruption?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the Administration is aware that the Hong Kong Polytechnic has investigated the allegations and the findings of its internal Panel of Enquiry were published last week. The Administration understands that since the Panel had concluded that there was no supporting evidence to the allegation of corruption, the Polytechnic Management has not referred the case to the police or the Independent Commission Against Corruption.

Pearl River Delta pollution problems

18. MR PETER WONG asked: *Will the Government inform this Council what progress has been made in tackling the pollution problems of the Pearl*

River Delta through the liaison with the relevant authorities in Guangdong and Macau? If there is no progress, why?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the Government has been working closely with the relevant authorities in Guangdong and Macau on several measures to tackle pollution problems in the Pearl River Delta (PRD). These measures include:

- (a) the establishment under the Hong Kong-Guangdong Environmental Protection Liaison Group of a joint technical group to examine the pollution problems in Deep Bay and to recommend action plans to abate such pollution;
- (b) an Environmental Impact Assessment for the Shenzhen River Training Project, jointly conducted by the Environmental Protection Department (EPD) and the Shenzhen authorities;
- (c) a joint survey by the EPD and the South China Sea Branch of the State Oceanic Administration of the People's Republic of China, to study the water quality of the outer PRD; and
- (d) a working group comprising the EPD, the Environmental Protection Bureau of Guangdong Province (GEPB), and the Macau Gabinete Technico do Ambiente (MGTA) to formulate a PRD waste water disposal strategy, the object of which will be to provide a common framework for the proper planning, management and control of activities in the region which may have significant environmental implications.

The work in Deep Bay and on the Shenzhen River is on-going. The results of the survey of the outer PRD are being analysed as part of the environmental assessment of the Strategic Sewage Disposal Scheme. Detailed proposals for the PRD waste water disposal strategy study are under examination by EPD, GEPB and MGTA with a view to setting up a water quality computer model and to devising an environmental management plan. Further details on this arrangement were submitted to the Legislative Council Environmental Affairs Panel on 22 February 1994.

First Reading of Bills

OFFICIAL LANGUAGES (AMENDMENT) BILL 1994

CRIMES (AMENDMENT) BILL 1994

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

Second Reading of Bills

OFFICIAL LANGUAGES (AMENDMENT) BILL 1994

THE ATTORNEY GENERAL moved the Second Reading of: “A Bill to amend the Official Languages Ordinance.”

He said: Mr President, I move that the Official Languages (Amendment) Bill 1994 be read a Second time.

The main purpose of the Bill is to simplify the procedures for authenticating the Chinese texts of Ordinances enacted originally only in the English language, so as to quicken the authentication procedure. The task of producing a fully bilingual set of our Ordinances and subsidiary legislation is of historic importance. It is, as Members know, a daunting task, involving the translation into Chinese of 529 ordinances and their subsidiary legislation or some 22 000 pages of law. We have set ourselves the target of completing this work before 30 June 1997.

The Official Languages Ordinance at present provides that, before a translated text may be declared authentic by the Governor in Council, the Bilingual Laws Advisory Committee must be consulted, and the Legislative Council must approve the text by resolution. The actual work of translation is undertaken by the Law Drafting Division of my Department.

This procedure was recently reviewed by the Law Drafting Division, in conjunction with this Council's Subcommittee on Authentic Chinese Texts. It was agreed that the simplified procedure would help the timely completion of the whole authentication exercise.

The Bill therefore proposes to repeal the need for the Legislative Council's prior approval of a Chinese text. However, under section 34 of the Interpretation and General Clauses Ordinance, all orders of the Governor in Council declaring a Chinese text to be authentic will be laid on the table of this Council and will be subject to amendment.

Mr President, the Bill also proposes to empower the Attorney General to amend a word, expression or phrase in a bilingual Ordinance in order to make it consistent with another bilingual Ordinance. The process of producing bilingual legislation involves choosing appropriate Chinese characters for English expressions. It is clearly desirable that the same Chinese characters are used throughout our Ordinances in respect of one English expression. However, some inconsistencies have appeared in existing bilingual laws. The removal of those inconsistencies can currently only be achieved by amending bills, and this is time-consuming and inefficient. The proposed power will make it easier to produce consistency in our bilingual legislation.

The opportunity is taken in the Bill to include the Urban Services Appeals Board, the Regional Services Appeals Board and the Administrative Appeals Board in the list of courts in which proceedings may be conducted either in Chinese or English. These appeals boards deal with appeals against certain administrative decisions. Appellants will find it convenient if the proceedings may be conducted in either of the official languages.

Finally, the Bill also proposes to change the Chinese name of the Juvenile Court. The literal English translation of the Chinese name of the Juvenile Court is “Children’s Court”. The Bilingual Laws Advisory Committee advised that this name should be changed to better reflect the jurisdiction of the court, which covers persons under the age of 16.

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

CRIMES (AMENDMNT) BILL 1994

THE SECRETARY FOR SECURITY moved the Second Reading of: “A Bill to amend the Crimes Ordinance.”

He said: Mr President, I move that the Crimes (Amendment) Bill 1994 be read a Second time.

This Bill seeks to implement measures set out in the international convention, known as the Montreal Convention, on the marking of plastic explosives for detection purposes. These measures, if approved, will help us play our part in the international community’s fight against terrorism.

Plastic explosives are manufactured in the form of a malleable gel, which makes them easy to transport and to conceal. They are difficult to detect by conventional means: sniffer dogs must be trained to recognize each variation. As “high explosives”, they have great destructive power. These characteristics make them an attractive weapon for terrorists, particularly for those planning an attack on aircraft.

The key provision of the Montreal Convention aims at persuading the international community to ensure that, in future, all plastic explosives are manufactured with a chemical marker. Such markers emit a vapour which is readily detectable by machinery designed for the purpose.

The Bill follows the Convention in proscribing the import of unmarked plastic explosives into the territory. Additionally, it proposes to make it an offence to export, to possess or to transfer, for all but a few clearly defined purposes, unmarked plastic explosives.

The Crimes Ordinance already contains severe penalties for making explosives — or possessing them — with the intention of harming life or

property. The measures proposed in this Bill complement those provisions by removing — in respect of a most dangerous class of explosives — the requirement to prove such intent.

Mr President, I believe that these proposals will considerably enhance the security of the travelling public.

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

TRAVEL AGENTS (AMENDMENT) BILL 1994

Resumption of debate on Second Reading which was moved on 11 May 1994

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

Bill read the Second time.

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

Committee Stage of Bill

Council went into Committee.

TRAVEL AGENTS (AMENDMENT) BILL 1994

Clauses 1 to 3 were agreed to.

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

TRAVEL AGENTS (AMENDMENT) BILL 1994

had passed through Committee without amendment. He moved the Third Reading of the Bill.

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

Bill read the Third time and passed.

Members' Motions

PRESIDENT: I have accepted the recommendations of the House Committee as to time limits on speeches for the motion debates and Members were informed by circular on 28 May. The movers of the motions will have 15 minutes for their speeches including their replies; other Members will have seven minutes for their speeches. Under Standing Order 27A, I am required to direct any Member speaking in excess of the specified time to discontinue his speech.

LICENSING SYSTEM FOR OVERHANGING SIGNBOARDS

MRS PEGGY LAM moved the following motion:

“That this Council urges the Government to introduce as soon as possible a licensing system for overhanging signboards to require owners to assume responsibility for their removal and stability so as to ensure environmental tidiness and that no unnecessary hazards and nuisances are caused to the public.”

MRS PEGGY LAM (in Cantonese): Mr President, I move the motion standing in my name in the Order Paper, which is in the following terms: “That this Council urges the Government to introduce as soon as possible a licensing system for overhanging signboards to require owners to assume responsibility for their removal and stability so as to ensure environmental tidiness and that no unnecessary hazards and nuisances are caused to the public.”

This is not the first time that the Government is urged to introduce a licensing system for overhanging signboards. In fact, many Members, including myself, have on separate occasions — at Legislative Council meetings, Community and New Territories Affairs Panel meetings and district board meetings — tried to draw attention to the matter. But the Government has refused to take due note of the seriousness of the situation, using the excuse that it does not have the manpower or the resources.

True, it is not often that an overhanging signboard falls down and causes harm to pedestrians or vehicles. Still, the Government spends a lot of taxpayers' money each year to remove dangerous overhanging signboards. The district boards, too, sometimes have to give money to members of the public to remove overhanging signboards. Still less should one belittle the nuisances that overhanging signboards cause, nuisances from which members of the public are not sufficiently protected by existing law.

The people living in a 12-storey building on Gloucester Road in Wan Chai were greatly tormented by overhanging signboards. In October 1991, I received a complaint from that building's incorporated body of owners. The complaint was about a huge advertising sign on the external wall of the building extending from the second storey to the seventh storey. The building's

occupants were worried that the building, which was already over 20 years old, might not be able to bear its weight. The occupants' everyday lives, too, were affected by this sign because its neon lights emitted glare and heat. The sign also made the building look awful. Many of the occupants objected when the sign was first put up. But they could not afford the cost of applying for a court injunction. So the sign went up. The occupants, including the chairman of the incorporated body of owners, unable to bear the situation any longer, complained again and again to the district board, to me and to the Government. The Government spent a long time studying the matter. Finally, it decided that the signboard was indeed no good. So it ordered it be removed. But the advertising company concerned was more resourceful than the Government. It appealed against that Government's order. Thereupon, the Government changed course and dropped the matter, letting it die a quiet death. To this day, the building's occupants are still being bothered by that particular advertising sign. The chairman of the incorporated body of owners was disgusted. Unable to account himself to the other occupants, he moved out of the building to live somewhere.

The above case has made it fully clear that the Government is indifferent to, and has no regulations for controlling overhanging signboards. A member of the public who wants to complain about an overhanging signboard does not know where to take his complaint to. The Government's catch cry is: "Make yourself heard." But how will the Government really respond if we say that we want something done? I hope that the Government will give us a responsible answer.

In the case cited above, when the incorporated body of owners filed its complaint, the then Buildings and Lands Department said that the advertising sign posed no danger to the building's structure but that, being an illegal structure, it should be removed. But later it said that the definition of an illegal structure did not extend to an advertising sign. So the complaint was not entertained.

According to the leaflet on installation of signboards issued by the Government, the authorities have the right to remove or dismantle any signboard not in conformity with specifications. But what is "non-conformity with specifications"? *The Technical Guidelines for the Installation and Maintenance of Advertising Signs* only states that owners of signs advertising cigarettes without a health warning or of signs in breach of the Undesirable Medical Advertisements Ordinance will be liable to prosecution. As regards other guidelines in the leaflet such as leaving other people's light source unblocked and keeping the weight of the signs within limits so as not to affect the structure of the building, why does the Government not enact laws to monitor their observance to protect the public? And why is the Government content with self-discipline on the part of erectors of signboards in that regard?

At present, any extension works to buildings must be approved by the Buildings Ordinance Office. Many occupiers of buildings build an extension to their flower pots enclosure to become what is known as “iron cage”. The Government will treat these extensions as illegal structures and will have them removed in order to ensure the structural safety of the buildings. Therefore I fail to see why those advertising signs that rely on buildings for support, particularly the massive ones reaching as high as several storeys or jutting out across half of the road, should not be subject to any statutory control but be allowed to be erected at whatever location without let or hindrance.

The leaflet on installation of signboards published by the Government states that authorized persons or structural engineers should be consulted if massive overhanging signboards are to be erected. Yet the leaflet makes no mention as to how observance of this guideline could be made compulsory. I believe the Government would not go so far as to say, “Let the signboard fall and the party concerned will then assume responsibility as a matter of course!” One further point that need to be made is that the owners of some of the derelict signboards simply cannot be located.

Recently, at the Complaints Division of the Legislative Council, I received a complaint from the Sham Shui Po’s Nam Cheong Federation of Social Concern. They pointed out that some derelict signboards of 20 metres in length are still hanging over busy streets six years after the businesses concerned closed down way back in 1988. They further pointed out that Nam Cheong is an old community with private buildings where businesses change hands very often and this has led to the vast number of derelict signboards which pose a danger to the public. A similar situation can be found in many other districts.

According to a government paper, in 1987 the Government carried out a feasibility study on stepping up the control of advertising signs. It was estimated then that there were 50 000 signs in the territory and another 7 500 would be added each year. Two years later, the Buildings Ordinance Office found, on completion of its survey of dangerous signboards, that over 5 300 dangerous signboards needed to be removed. From this figure alone, it can be inferred that about one-tenth of the signboards in the streets pose a danger to the public.

Another figure that arouses concern relates to the rapid increase in the number of signboards which far exceeds the 1987 estimate. The Government estimates that the current number of signboards in the territory has risen to 170 000 and another 9 000 to 10 000 will be added each year. In the context of the Government’s negative attitude, these figures imply on the one hand a growth in the number of derelict signboards and on the other hand a greater threat being posed to the safety of the public.

Mr President, the authorities have been reiterating that with regard to overhanging signboards, what concerns the Government most is the question of safety and that the Government’s policy is to make sure that signboards which

may endanger public safety are removed by the owners or removed by the Buildings Ordinance Office where necessary.

But the truth is that, from 1993 to April 1994, the Government cleared 68 dangerous overhanging signboards on an emergency basis and received 347 complaints about overhanging signboards. In addition, the Government issued 76 orders for the removal of overhanging signboards. In more than 30% of these cases, the Government ended up having to do the removal work itself. Evidently, this was because the owners of some of the overhanging signboards could not be easily found. Let us now go back to the case cited above. The 20-metre advertising sign in question has now been derelict for six full years. Nobody is taking care of it. If an accident should happen, how would the Government find its owner and hold him responsible? I ask the Government to stop deceiving itself and others. The Government indeed must pay attention to the problem unless it is prepared to remove all dangerous overhanging signboards itself, thereby spending taxpayers' money while absolving the owners of the signboards of any responsibility.

I solemnly urge the Government to impose controls on overhanging signboards. It should use a licensing system to put the onus of signboard maintenance and removal on the owners of the signboards. It should take a square look at the negative effects of overhanging signboards on citizens' lives and on the outward looks of the urban areas.

Prevention is better than cure. This is a truth that has stood the test of time. However, in the case of the safety of overhanging signboards, the Government has come to the conclusion that it is better to take remedial measures afterwards. The Government thinks that a comprehensive licensing system will be very costly. It thinks that, if the licensing system is to apply only to new signboards, the problem will be that it may be difficult to tell which signboards are old and which are new. It thinks that, if the licensing system is to apply only to signboards exceeding a certain minimum size, the problem will be that size and structural safety may not be directly related. The Government has therefore decided to do something else, which is to increase the structural safety of advertising signs.

Regrettably, what the Government calls a specific improvement measure turns out to be just the distribution of a booklet containing instructions and some technical guidance on how to install advertising signs. The booklet does not have the force of law. The contents of advertising signs are subject to the Objectionable Publications Ordinance, the Smoking (Public Health) Ordinance and the Undesirable Medical Advertisements Ordinance. The Fire Services Ordinance provides that the locations of neon lights must not obstruct fire exits. Other regulations say that signboards may not hinder ventilation systems, that signboards may not be attached to other signboards and that advertising signs must have gaps conforming to certain specifications. All these regulations are patently being violated by owners of signboards in general.

The Government is probably acting on its conviction that cure is better than prevention. It will brush the problem aside until there is a complaint or until there is a crisis. I have read through the booklet distributed by the Government. Nowhere does it say that owners are prohibited to leave signboards derelict and are responsible for dismantling derelict signboards. This shows the Government's bias towards a *laissez-faire* policy.

Even though the Government may be acting on such a conviction, we as a monitoring body should not allow it to ignore how members of the public are bothered and harmed. Nor should we allow it to spend taxpayers' money frivolously to "pick up the pieces for others".

The Government says that a licensing system will be very costly. But it can solve this problem by applying the cost recovery principle.

Let us look at the licensing of private nursing homes for the elderly. The Government says that private nursing homes are profit-making institutions and should each pay an annual licensing fee ranging from below \$100,000 to over \$100,000. The Government collects money from them to pay the staff expenses and the administrative expenses of the licensing system. The Government gives no consideration to the fact that private nursing homes serve a useful purpose in that they make up for the inadequacy of the Government's services for the elderly. Signboards serve purely commercial purposes. Yet the Government recoils from collecting licensing fees under a licensing system for advertising signs. This is really hard to understand.

Secondly, the Government is probably aware that it may be difficult to find the owners of the more than 100 000 overhanging signboards that exist today. If so, it should take care of the problem by allowing a grace period. The owners of existing overhanging signboards should apply for licences during this grace period. When an overhanging signboard is licensed, an identification number should be affixed to it. When the grace period expires, the Government will have the power to remove any overhanging signboard not bearing an identification number or prosecute the owner thereof.

Anybody who puts up a new overhanging signboard must apply for and be awarded a licence. The Government may be worried that it will be difficult to tell which overhanging signboards are old and which are new. But the fact is that the owners of a building must give their consent if a signboard is to be suspended from the building's external wall. Therefore, the problem can be solved if the building's owners are also required to report to the Government. I am sure that the owners will be co-operative. How the signboard is suspended affects the structure of the building and the safety of its occupants. The owners of the building will have no reason to risk it in the behalf of the owner of the overhanging signboard.

Mr President, we must keep an open mind and take a square look at the existing laws and guidelines. If we find them to be essentially inadequate for protecting members of the public from the hazards and nuisances caused by overhanging signboards, then the licensing system is a viable choice deserving consideration.

For the sake of the citizens' health and environmental tidiness, the Government has officers working full time to spot and charge anybody who so much as carelessly throws away a cigarette stub or a piece of waste paper. But the Government is at the same time allowing huge pieces of junk — the derelict signboards — to hang over our heads in all streets. Nor will it do anything about them until they are in danger of falling down. This is not a matter of staff or administrative expenses. It is a serious question of whether a principle should be adhered to, whether the safety of members of the public should be cared for and whether environmental tidiness should be maintained.

Mr President, with these remarks, I move the motion.

Question on the motion proposed.

MR EDWARD HO (in Cantonese): Mr President, the economy of Hong Kong is robust, shops and shopping arcades are all over town and signboards proliferate. At present, there are about 170 000 overhanging signboards in the territory and another 10 000 are being put up every year. The rate of increase is fast indeed. However, has the thought ever crossed our mind that when we are walking on the busy streets, the multifarious signboards hanging above may collapse as a result of lack of maintenance and repair, and that may pose a threat to our lives?

At present, the Government has no stringent requirements in force as regards the installation and maintenance of overhanging signboards. Their stability is in doubt. At present, before the completion of new buildings, their architectural designs, including the large overhanging signboards fitted to the buildings, are subject to the Buildings Ordinance. These signboards are subject to the requirement of inspection to confirm their stability and compliance with safety standards. However, there is no such requirement in respect of those signboards which are fitted to the buildings after their occupation. Since the safety standard of these signboards varies from one to another, the safety of pedestrians is being threatened, particularly during typhoons when collapses of signboards are commonplace.

In recent years, the Government has been continuously serving removal orders on the owners of cages or canopies which are mounted onto the external walls of buildings. This reflects the Administration's concern over the effects illegal structures have on the structural safety of buildings, and their concern over the deteriorating stability of signboards resulting from lack of maintenance in the course of time. In this regard, the Government should draw up safety requirements for the installation and maintenance of overhanging

signboards on the external walls of buildings as early as possible, and give up its current piecemeal approach as well as the first-lax-then-stringent practice.

Although the Government has published a leaflet entitled *Technical guidelines for the installation and maintenance of advertising signs*, the part of the leaflet dealing with the structural safety of signboards runs to no more than a few lines. The unclear definition and the generalized purport, coupled with the fact that there is no department charged with the task of conducting investigations, have rendered the leaflet a mere set of paper instructions. Moreover, the requirements are not legally binding and no responsibility will be incurred for non-compliance.

Since there is no comprehensive control system for the installation and maintenance of signboards, the owners of signboards are not required to remove the signs after they wind up their businesses. And so quite a number of derelict signboards are still up there on the walls of buildings. At present, if dangerous signboards are identified or complaints are received, the Government will serve removal orders on the owners but a third of the orders are either ignored by the owners or the owners are out of contact after the shops have changed hands. In such cases, the Government will have to demolish the signboards with money out of the taxpayers' pocket.

From early last year to April this year, a total of 76 removal orders had been issued and, among them, 24 removals were paid for by the Government. During the same period, 68 signboards were classified as highly dangerous and the Government had to take urgent demolition actions against them. But we have no idea as to how much of the costs can be recovered from the owners. It is unfair to the taxpayers that the Government should use their money to put right the irresponsible act or omission of the owners of the derelict signboards.

In fact, the question of control of overhanging signboards has been discussed a number of times at the meetings of the Panel on Lands and Works and the Panel on Community and New Territories Affairs in the Legislative Council. Nevertheless, the Government rejects a licensing system on the ground that it will involve enormous funding and there is a shortage of resources. To strike a right balance between allaying the Government's worries on the one hand and taking account of the safety of overhanging signboards on the other, I propose to implement a simple registration system which will require the owners of signboards, including those already in place and the newly-installed ones, to register with the Government by producing safety certificates for signboards issued by professionals. The owners will also be required to place deposits, the amount of which will be fixed in accordance with the size of the signboards. Upon the winding up of business and the removal of signboards, the owner may recover the deposit from the Government. The deposit will be used to pay for the removal costs in the event of the owners abandoning the signboards without removing them and the Government having to remove the signboards on the owners' behalf. This system will serve both to save the taxpayers' money and to ensure the safety of pedestrians. After the

implementation of a registration system, every signboard will be erected under the name of an owner, thereby facilitating investigation in case of any trouble with the signboard. It will then be much easier to identify who should be responsible. The problem of overhanging signboards has been ignored for a number of years. Therefore I urge the Government to take a square look at the problem by establishing a sound and long-term control system.

Mr President, with these remarks, Members from the Liberal Party and I support the motion.

MR FREDERICK FUNG (in Cantonese): Mr President, since the dissolution of the Working Group on Dangerous Signboards under the Buildings Department in 1989, the Administration has reiterated that it is still concerned about the problem. According to my understanding, the public not only want the Government to continue removing dangerous signboards, they are also concerned about abandoned signboards. Under the present policy, the Administration would not remove abandoned signboards immediately unless it has received a complaint from the public. It is only when abandoned signboards have become dangerous signboards after they have been left in the weather for years that the Administration would exercise its power given under section 105 of the Public Health and Municipal Services Ordinance and take action.

The Nam Cheung Federation of Social Concern conducted two surveys in the Nam Cheung area in 1988 and 1991 and found that the number of abandoned signboards had increased from 114 in 1988 to 156, representing a rise of over 30%, and amongst the additional signboards, 80% were medium or large in size and 70% hung right above the carriageway. Although there is as yet no third survey, the number of abandoned signboards is bound to have increased, given that there has been no improvement in the policy of the Administration over the last few years and that the Administration has been handling abandoned signboards in such a passive way. In a small community like Nam Cheung, there are already over 100 abandoned signboards and how many such signs are there in the whole territory? Does the Administration know? I believe the number must be appalling.

The Administration has kept on saying that manpower constraints is the reason for the delay in solving the problem of “overhanging signboards”. In fact, it is not merely a matter of manpower constraints. The crux of the problem is that it is often difficult to locate the owners of dangerous or abandoned signboards at the time of removal and, as a result, the Administration has to foot the entire bill of removal. As the number of such signboards is significant, naturally the Administration is not prepared to spend a huge amount of money on their removal, but as a result, the number of abandoned signboards keeps on rising and hence a problem is created. The Administration should review its lax attitude in the matter. The Hong Kong Association for Democracy and People’s Livelihood including myself therefore think that the Buildings Department should not only deploy more staff to step up checks in order to

avoid abandonment of signboards and the deterioration of their condition, it should also clearly stipulate in legislation that landlords shall be responsible for the removal of inappropriate and dangerous signboards. If the owner of a signboard is a tenant, the landlord of the premises can hold the tenant liable, upon termination of the tenancy, to removing that signboard erected during the tenancy. Not only can this proposed measure put an end to abandoned signboards, it can also alleviate the problem of resources constraints which the Administration faces.

The original motion seeks to establish a licensing system to monitor overhanging signboards. I am worried that the establishment of such a system would only impose an extra burden on the Administration, giving it yet another excuse to ignore the problem. I think monitoring is a must which has to be effectively implemented. However, licensing is only one of the options. I would not like to see the long-standing problem of overhanging signboards remain unsolved.

In short, I have the following five proposals to make in order to deal with the problem of overhanging signboards:

- (1) To prevent derelict and dilapidated signboards, the Administration should clearly stipulate in legislation that the landlord of premises shall be responsible for the removal of inappropriate or dangerous signboards.
- (2) If the occupier of the premises is a tenant, the landlord shall have the right to hold the tenant responsible, upon termination of the tenancy, for the removal of any signboard erected during the tenancy.
- (3) Abandoned signboards are not only eyesores, they are a threat to the life and property of the public. The Administration should pay attention to the hazards posed by abandoned signboards and remove as soon as possible those abandoned signboards for which no person responsible can be located, especially those big and dangerous ones.
- (4) The Administration should step up its efforts to inform the public of the responsibility of erection and removal of signboards and make them aware of the seriousness of the problem.
- (5) I support the proposal of a system of registration of signboards suggested by Mr Edward HO which I think the Administration should consider.

With these remarks, I support the motion.

MR MAN SAI-CHEONG (in Cantonese): Mr President, at present, the multicoloured and multifarious overhanging signboards in the streets are subject to no control, none even from the Government. Many abandoned advertisement signboards are left unattended. Neither does the Government know to whom they belong, nor is it able to claim back the expenses of removing the signboards. These precariously hung signboards also pose a threat to public safety. If still the Government does not have any measures to control the signboards, it may have to resort to remedial measures in the event of casualties, but that will be too late. To provide against possible accidents, the Government has to work out some measures to control these problematic signboards. At present, the Government does not even enforce any standard as regards the weight, size, structure and distance from the ground of the overhanging signboards, not to mention a registering system. In the last two financial years, the cost of removing the abandoned signboards by the Government was even greater than the amount spent by the owners who removed the signboards voluntarily after receiving the notice. That indicates that the problem of irresponsibility on the part of owners towards the dangerous signboards is already very serious.

Therefore, to ensure public safety, it is indeed necessary to set up a registering and licensing system in respect of overhanging signboards. With this system in place, while the structural safety of the advertisement signboards can be effectively monitored, the owners of the signboards can also be known for certain. Thus the owners shall take up due responsibility including repairing, maintaining and removing and this will also make it easier for the Government to take action against the law-breakers. In the long run, this method will be more cost-effective than the existing method of inspection by staff and through public complaints. It is because, for the time being, there are only 40 staff members of the Building Authority who, however, have to inspect the signboards hanging from buildings in the whole territory. It is basically impossible to cope with the ever-increasing overhanging signboards.

Therefore, the United Democrats of Hong Kong suggest implementing this registering and licensing system in stages, making it necessary to register and obtain a licence for every overhanging signboard. We can begin by including those newly put up signboards into the scope of issuing licences. Then it can be gradually extended to all those already erected signboards. As regards the small and temporary signboards, we suggest that exemption can be given. Meanwhile, the Government can also consider requiring the owners to pay a fair amount of deposit when they register the signboards so that the Government can recover some of the costs necessary for running the licensing system.

With these remarks, the United Democrats of Hong Kong and the Meeting Point support the motion.

DR TANG SIU-TONG (in Cantonese): Mr President, in Hong Kong, we have big and small signboards everywhere, be it along a main street or a narrow alley. The 170 000 signboards, some red, some white, some yellow and some of other colours, enhance Hong Kong's prosperous looks. At night, many signboards glitter with neon lights. However, the Government has yet to introduce any comprehensive legislation for regulating such overhanging signboards. For the reason, one may notice signboards installed above signboards, all put up in a disorderly and haphazard manner. Some appear precarious and about to fall down at any time. Walking under these colourful signboards, one feels like walking into a death trap.

Hong Kong's streets are narrow and shops roughly similar in size are packed closely together. In many districts, the density of overhanging signboards is very high. To attract the attention of potential customers, shops may put up bigger signboards than the others or, where the signboards are hung from the underside of the first floor balcony, hang them lower and lower. The latter may not fall down, but they are still a danger to pedestrians who are a foot or two taller than I am. These pedestrians may get the "top prize", meaning that the tops of their heads may accidentally bump against such signboards.

It has been more than 20 years since the Government first indicated its intention to control signboards suspended from the external walls of buildings. But this idea, to date, has never been translated into action. Tens of thousands of overhanging signboards which pose hazard to the public are not regulated. This is really hard to believe. Luckily, nobody has ever been killed by a falling signboard. If there should be such a fatal accident, the Government would hardly be able to absolve itself from the blame.

Under the existing law, the Government would only take action against a signboard when it poses a threat. In other words, the Government would act only when a signboard creates a real danger to the public. Under the Section 105 of the Public Health and Municipal Services Ordinance, the authorities may serve a notice on the owner of a signboard and require him to remove or repair it when it poses a threat because of structural defects, prolonged neglect or disrepair, or when it causes a fire hazard or blocks a fire escape. If one looks at this provision carefully, it will not take one long to realize that the Government is totally ignoring the potential hazards of the overhanging signboards. In many cases, when a shop went out of business, its owner would not see the need to remove the signboard he had installed, which thereupon became derelict. As Section 105 of the Ordinance does not apply to derelict signboards, by the time that a derelict signboard begins to pose a threat because of neglect and disrepair, the Government will no longer be able to find its original owner.

Unfortunate as it may be if a signboard collapses and hurts pedestrians, some situations can be even worse. Firstly, overhanging signboards may affect the structural safety of a building. Secondly, they may obstruct fire fighting when there is a fire. As far as I know, if a big signboard suspended from the

external wall of a building involves building works, the owner may not put it up until he has submitted the plan to the Buildings and Lands Department and obtained approval. The question is: Will the owner in every case apply for the proper approval? Another question is: When more and more signboards are installed, can the total stress on the external wall of the building be accurately assessed on the basis of the individual applications? Many old buildings have collapsed without any early signs of warning. For signboards mounted to the external walls of such old buildings, even though their installation may have been scrutinized and approved by the Buildings and Lands Department, a tragedy may still happen.

Obstructing fire fighting in the event of a fire is a more serious problem. Hong Kong's streets are generally narrow. In some old districts or districts scheduled for redevelopment, big overhanging signboards put up by the shops on either side of the streets diminish the overhead open space or, worse yet, block the windows of the buildings along the streets. In the event of a fire, they will hinder the full extension of fire ladders and prevent firemen from entering a building through its windows to rescue any trapped people. On 7 March this year, there was a third alarm fire in a building on Hankow Road in Tsim Sha Tsui. The smoke forced 170 occupants of the building to escape to the roof above the 11th floor, where they then waited for help. It took the firemen 20 minutes before they were able to extend successfully the fire ladders to rescue them. The problem had nothing to do with the efficiency of the firemen; it was due to the overhanging signboards suspended from the external wall of the building. Luckily, in that case, they were some ordinary overhanging signboards made of plastic and could be cleared easily. Had there been any huge signboard on a steel frame, many could have died in that fire.

Overhanging signboards cause other noteworthy problems. For instance, their neon lights cause glare to people whose windows facing them, while people living at the lower floors have to keep their windows closed all day long because their views are blocked by the signboards. Another problem is that most signboards are probably uninsured. If something should go away, nobody knows who would pay the damages.

The Government has been studying ways to regulate overhanging signboards for more than 20 years. It must quickly and resolutely take some real actions to address the problem. I do not want to see the Government take the matter seriously only in the wake of a misfortune. A licensing system will help identify the owners of overhanging signboards so that there will not be any more abandoned signboards. This would certainly serve the interests of the public.

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

DR SAMUEL WONG: Mr President, collapse of overhanging signboards or other similar projections are mostly caused by structural failure of the signboard framework, insecure fixing or mounting to the external wall of the buildings and perhaps failure in their main supports. These are, in fact, a result of lack of proper and safe structural design, inadequate supervision of installation and/or lack of regular maintenance and repair. In addition, the abundant signboards left unattended by previous owners have also left a serious problem for the public who have to face a risk of signboard collapse caused by their deterioration as time goes on. Hence there is an imminent need to license both existing and future overhanging signboards and other similar projections to control those possible risks, to safeguard public safety.

It needs to be emphasized that structural safety is of paramount importance and should not be overlooked. Before we start there should be a definition on what kind of signboard installation needs to be licensed. I think it should be on the basis of size. Overhanging signboards, smaller than say 2 m by 2.5 m, if installed not higher than say 3 m above ground level, I think, should be exempted.

For large signboards licences should be issued on a yearly basis and are to be renewed, say on an annual basis upon production of a proper certificate issued by a professional on their structural safety. For new installations of large signboards with projected length, say greater than 2.5 m from the external wall of buildings or signboards installed at high levels, prior approval from the Buildings Department before actual installation should be required due to the structural significance of these kind of installations.

I fully concur the points made by the Honourable Edward HO and I think the requirement of an appropriate sum as a deposit is a good approach to ensure that abandoned signboards will eventually be taken down.

Mr President, I support the motion.

MR JAMES TO (in Cantonese): Mr President, three Legislative Council panels have each held three meetings to discuss the question of signboards. Members have unanimously and repeatedly asked the Government to institute a signboard licensing system or registration system. Either system will enable us to identify the owner of a signboard so that he may be held responsible for its maintenance and safety. But the Government has said no and cited many reasons to justify such a decision. It may make better debate if I let Mr Tony EASON speak first and then refute his arguments. Regrettably, under the rules, I must speak first. I will try to refute one by one all of the arguments that the Government has advanced in print or at meetings. I hope that the Government will go over the various points with me and make an effort to convince Members. If we find the Government to be in the right, we will support its course of action.

First of all, in some committee papers, the Government says that it has given consideration to a licensing system which includes two options: a total licensing system and a partial licensing system. The partial licensing system refers to the system under which only new signboards and only those exceeding a certain minimum size or weight, of certain shapes or using certain methods of suspension will require a licence. But the Government has concluded that no licensing system is feasible. The most feasible and most cost-effective method, then, is to spend man-hours on carrying out remedial work.

Quite clearly, Members and the Government share the same concern, namely, concern over safety. A signboard may fall down and hurt people. It may obstruct fire fighting in the event of a fire. In either case, we will have a safety problem. But the Government says that manpower is not to be used for issuing licences but for carrying out remedial work. The question is how to carry out remedial work and to find out if the provision of more resources solely for the purpose of remedial work will resolve the existing problem without the need to institute a licensing system. It seems that the authorities will send an officer to take a look when there is a complaint about a signboard. The authorities say that the officer sent on each such occasion will look not only at the particular signboard but also at the affected building itself to see if there are other illegal structures (apart from the signboard). But in actual fact we see many derelict signboards which are potentially dangerous but which have not been inspected. A government paper says that it is often difficult to see with the naked eye whether a signboard is in imminent danger of falling down. The paper says that the Government will look at the entire building. It will, under the new Ordinance enacted in 1992, serve a notice on the building's owners, requiring them to hire an architect or a maintenance engineer to evaluate any structural problem. However, as far as the signboard is concerned, it seems that this is not what the Government does. The Government does not issue a notice to require the removal of a signboard until the suspending wire is half worn through and the signboard is about to fall down or until the full exposure of the fluorescent tubes indicates that the signboard is derelict.

Besides, where will the Government find the owner of a signboard when it wants to serve a removal notice? As things now stand (and as many Members have just now cited statistics to show), it will be very difficult to find the owner. Why? Shop spaces change hands much too often and shop owners move on. The law says that he who puts up the signboard shall be responsible for taking it down and that, if he does not take it down, he shall be responsible for any injury caused by it. But the fact is that one cannot tell by the signboard who its owner is. The signboard may bear the name of a shop or the brand of a merchandise. But this does not necessarily constitute evidence in law that the shop owner or the merchandise distributor is the owner of the signboard. So I feel that a registration system or a licensing system must be backed up with long-term planning. Without such planning, the problem will just drag on without a solution. The Government says at a meeting that a licensing system will be futile where signboards do not have owners. It says that no owner will apply

for a licence and acknowledge in the same process that a signboard belongs to him. My response to this is that, without a licensing system, we can never tell how many signboards are derelict or, in other words, we will have no way of getting hold of the owners if we do not know about the signboards.

The Government also says that, if a shop is in business, the owner who applies for business registration will be taking care of the safety of the signboard, and that this makes a signboard licensing system superfluous. I feel that this is absurd logic. Why? If there is a signboard licensing system, then every signboard will have an identifiable owner. If there is no licensing system, then there will be no responsible owner. Suppose that a shop moves somewhere else. Its original signboard will no longer have an identifiable owner. Therefore, in the long term, a licensing system must be instituted at some point in time. Licences should be required for signboards with effect from a certain date, beginning with signboards exceeding a certain minimum size or weight or using certain methods of suspension. It will then be possible to identify who owns and is responsible for each signboard, and this will be the long-term solution for the problem of signboard safety.

I also urge the Government to do its best to inform citizens of the rights of the incorporated body of owners of a building and of the rights of the individual owners of a building (especially their rights under the building covenants). In many cases, signboards must be suspended from the external wall of a building. This external wall belongs to the incorporated body of owners or to a particular individual owner. A shop occupying just the ground floor or the first floor can be denied approval to put up a sign on the external wall. Apparently because of the flawed management system of buildings, many owners have not been aware of their rights. This is why we are having these untidy signboards all over town. Actually, the owners of a building have the right not to let signboards be put up there. What has the Government done in this public education area all these years? I want it to tell us. Also, what does the Government intend to do to help incorporated bodies of owners to enforce their house rules? The Government says again and again in its papers that the incorporated bodies of owners have the power, that they can remove the signboards themselves and that there is no need for the Government to do so for them. But how many incorporated bodies of owners have actually done so? As Mrs Peggy LAM has noted, the district boards will in the end give subsidy or grant to incorporated bodies of owners to do the work. Actually, it is the Government which should, over the long term, be helping them to solve the problem.

Another point I have to make is that the so-called external structures include water tanks, enclosed spaces for flower pots, other metal enclosures and signboards. I feel that all external structures should be treated alike. Where the Government thinks that an external structure is building works within the meaning of the Buildings Ordinance, it should require the owner of such works to submit a plan and apply for a licence. Otherwise, we will have a very absurd

situation, in which the owner of a small enclosed space for flower pots must submit a plan while the owner of a large signboard does not have to do so.

With these remarks, I support Mrs Peggy LAM's motion.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the primary concern of the Government as regards overhanging signboards is safety. The policy is to ensure that signboards which could pose a threat to public safety are removed either by the owners themselves or, if necessary, by the Buildings Department. Under section 105 of the Public Health and Municipal Services Ordinance, the Director of Buildings has the power to remove, or to render safe, advertisement signboards which are considered dangerous or likely to become dangerous.

When a dangerous or potentially dangerous sign is identified, a notice will be served on the owner requiring the sign to be removed or rendered safe. In case of emergency, the Buildings Department may remove a dangerous sign without giving prior notice to the owner. As part of their daily work in the field of building safety, staff of the Buildings Department both seek out dangerous signs and respond to public reports about them. These measures are generally sufficient to ensure that signboards do not pose a hazard to the public.

Since April 1987, when the Buildings Department took on the task of dealing with dangerous signs, more than 5 800 notices have been served on owners, and over 3 900 (about 67%) have been complied with voluntarily. The remainder were dealt with by government contractors. The number of cases has diminished from a peak of about 2 240 in 1988 to 67 in 1993. In the first four months of this year there were nine cases.

The Buildings Department estimates that there are about 170 000 advertising signs in the territory; that this figure increases by about 6% per year; and that about 3% of existing signs will be replaced each year. The possibility of introducing a licensing system has been carefully considered and the conclusion reached was that such a system would be resource intensive and costly. It would take years to deal with existing signs where the main potential safety problems lie; and to deal only with new signs would be to direct resources away from the area of greatest potential risk. The ease with which licensing controls could be evaded and the difficulty of enforcement are also factors to be considered.

Action taken to date to deal with dangerous or potentially dangerous signs has been effective and appears to represent a better use of available resources than a licensing system. As regards the attachment of advertising signs to private buildings, it is of course within the power of the owners, under the Deed of Mutual Covenant in many cases, to exercise control if they choose to. Should owners be in any doubt about their powers in this respect, they should seek legal advice.

The Buildings Department has stepped up publicity by seeking the support of district boards to encourage people to report any dangerous signboards which come to their attention. Public co-operation in seeking out abandoned, dangerous or potentially dangerous signs has been forthcoming and this is a useful community effort.

Thank you, Mr President.

PRESIDENT: Mrs Peggy LAM, do you wish to reply? You have two minutes and 42 seconds out of your original 15 minutes.

MRS PEGGY LAM (in Cantonese): Mr President, first of all, I would like to thank colleagues who have spoken in this debate. I would also like to thank the political parties, large or small, which have their members serving in this Council for their support for my motion. As a matter of fact, colleagues have put forward many valuable ideas to the Government from different perspectives, including professional advice on structural safety. Some colleagues have brought up matters concerning the sizes of signboards, pedestrian safety, environmental tidiness and protection and the introduction of a licensing or registration system. All these views seek to convince the Government that owners of overhanging signboards should be held responsible for the secure installation and removal of their overhanging signboards. The Government should take on board these views and not shirk its responsibility any more.

The Environmental Improvement Committee under the Wan Chai District Board has frequently held discussions on the hazards and disturbances caused by overhanging signboards. Recently it went one step further and wrote to the Legislative Council to voice their support for my motion in the hope that the Government would give a positive reply in this debate to those who cared about the public's safety and take positive actions to end people's worries. However, it is a pity that, in his reply, the Secretary for Planning, Environment and Lands seemed to have "heard" our advice but have not yet "accepted" our advice. The two are entirely different. It is imperative that the Government should attend to the views and put the proposals into action after hearing them.

No doubt the Government has tried to explain the relevant policies — the so called policies — to every District Board and various relevant committees. However, the Government is at a loss why Members still press it for an explanation. The reason is precisely that the Government's explanations and actions are unable to set Members' mind at ease. The Government has always been asking for more resources but it has not been effective in enforcing the relevant law. As a matter of fact, if instead, such resources are allocated to the implementation a registration or licensing system, I am sure that the expenses involved can be recovered.

Moreover, the legislators and the Government certain, find it extremely embarrassing that the guidelines and regulations, though in place, cannot be enforcement effectively. I earnestly hope that immediate action will be taken to plug the loopholes created by the Government itself. It is also hoped that the Government will not set a bad precedent to discourage people from abiding by the law.

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PRESIDENT: You have to stop now, I am afraid.

MRS PEGGY LAM (in Cantonese): Thank you, Mr President.

Question on the motion put and agreed to.

EMPLOYEE SAFETY

MR TAM YIU-CHUNG moved the following motion:

“That since the existing Factories and Industrial Undertakings Ordinance is not applicable to employees of all trades, this Council urges the Government to seriously consider extending the scope of protection provided for under the Ordinance, or taking into consideration the spirit of the Ordinance, introducing appropriate legislation and measures empowering the Labour Department to monitor the working environment of all trades, thus safeguarding the occupational safety and health of all the employees in the territory.”

MR TAM YIU-CHUNG (in Cantonese): Mr President, I move the motion standing in my name on the Order Paper. On 10 January this year, there was an arson case at the Hongkong Bank Shek Kip Mei branch office. Though just an alarm one fire, it claimed 12 innocent lives. All the deceased were at the time trapped in the office space behind the counters. They were overpowered by the heavy smoke as the electric door between the office and the lobby could not be opened because of a power failure. The incident pointed up the incompatibility between the bank's fire escape and security system. More importantly, it exposed the woeful inadequacy of occupational safety protection provided under existing law to employees who are working in places other than factories or industrial undertakings.

The Factories and Industrial Undertakings Ordinance now in force was introduced to Hong Kong from the United Kingdom in 1955, repealing and superseding an old law which dated back to 1938. The ordinance was made in response to the need of the times when Hong Kong's industry was growing

rapidly and the new law was introduced to afford industrial employees better protection.

The law has since been amended several times to widen its scope of application. For instance, the Government amended it in 1990 and 1992 to make it applicable to restaurant kitchens and container yards respectively.

Be this as it may, the law is after all 40 years old. Hong Kong's economy has been undergoing a structural transformation. The number of factory workers has declined steadily. Conversely, the number of white-collar workers and workers in service industry has risen sharply. According to Labour Department statistics, Hong Kong's working population was 2.45 million in 1992 and 2.79 million in 1993, but the number of employees protected by the Factories and Industrial Undertakings Ordinance was only 890 000 in 1992 and only 970 000 in 1993 and they accounted for no more than one-third of our working population. In other words, the occupational health and safety of two-thirds of the working population in Hong Kong are not protected. Clearly, the Factories and Industrial Undertakings Ordinance is obsolete and must be comprehensively reviewed and amended.

As a related matter, the United Kingdom has already amended a similar law to require, among others, each employer to make an evaluation of how his employees are protected from occupational hazards to health. If he cannot make such an evaluation by himself, he must hire a consultant company to conduct one for him. This is something from which Hong Kong, too, should draw reference.

The existing law in Hong Kong primarily lays down the industrial safety standards that must be observed by employers and employees in workplaces subject to the Factories and Industrial Undertakings Ordinance. Any employer who fails to observe these standards is liable to prosecution. Sections 6A and 6B of the Ordinance spell out the general obligations of employers and employees. One obligation of the employer in an industrial undertaking is to take reasonable steps to protect his employees' occupational health and safety when they are at work.

As these clauses of general obligations are only contained in the Factories and Industrial Undertakings Ordinance, they could not offer protection to two-thirds of our working population who do not work in places subject to the Ordinance. I think that there is a pressing need for the Government to undertake a comprehensive review of the Factories and Industrial Undertakings Ordinance, in consideration of the fact that there is a growing number of employees working in places not subject to this ordinance. The Government should consider seriously extending the scope of the law to cover employees in all trades or introducing a piece of legislation to provide for the obligations in the light of the spirit of the ordinance.

The Clerical and Professional Employees Association, a member of the Federation of Trade Unions, including myself, has contacted Labour Department officials on several occasions to discuss this matter. But the Labour Department has often cited staff shortage as its excuse and turned down our request.

Mr President, I understand of course that, at its current strength level, the Labour Department's Factory Inspectors certainly will not be able to inspect all workplaces — following an extension of the scope of the Ordinance. I am not asking the Labour Department to inspect all white-collar workplaces as regularly as it does all construction sites. I just want to stress one thing. If the scope of the Ordinance is extended or that the Government will enact a new law in the same spirit, I hope that employees in other trades will at least be able, if necessary, to invoke the general obligations clause, or some codes of practices, and ask their employers to improve the working environment and protect their occupational health and safety. It is also hoped that employees will then have a channel for airing their complaints; and the Labour Department will be able to act on their complaints and prosecute those employers who fail to discharge their obligations.

I think that inspections of non-industrial undertakings, such as shops and offices, are easier than those of factories or construction sites. Such inspections could be undertaken by labour inspectors with some general training. There is no need to use veteran factory inspectors. Therefore, staff shortage is not a valid justification for the Government's refusal to extend the scope of the Ordinance.

In the past two years, the number of accident casualties among non-industrial workers including office workers has been on the rise in tandem with the growing number of employees in service industry and white-collar work. Labour Department statistics show that 20 863 claims for Employees' Compensation were filed in 1993 by employees not working in factories or factory undertakings, an increase by more than 600 compared with the 20 250 claims filed in 1992. In contrast, the number of industrial accidents fell by more than 8 000 cases. Last year, Employees' Compensation was paid out in about 150 cases where non-industrial workers were killed on duty. Clearly, though non-industrial workplaces are less dangerous than factories or construction sites, they are indeed potentially hazardous.

I think that among all non-industrial trades, attention must be paid first of all to the potential hazards posed to those working in large shopping arcades. Statistical evidence shows that there are about 220 000 shops in Hong Kong and most of them are located in large shopping arcades. Though these large shopping arcades must comply with fire regulations in terms of their building structure, most of them are of the closed-in type. Their fire escapes are not well marked. They are not required to hold fire drills. Few employers and

employees of the shops there know what to do in the event of an accident. Worse still, there is no law to ensure that fire alarms and fire-fighting equipment in the large shopping arcades are maintained in proper working order or in the latter case, to be replaced on the expiry of its valid period. Therefore, the Government must give serious consideration to enacting law for the protection of those working in large shopping arcades to forestall any devastating accident.

Hong Kong is certainly comparable with American and European countries in economic development. But it lags far behind in the area of occupational health and safety. The United States, Canada, the United Kingdom and Australia, to name a few, have long had occupational health and safety laws that protect employees in all trades and ensure that employees in those countries work in safe and healthy environments. Not long ago, Governor Chris PATTEN said that he would improve industrial safety in Hong Kong. But he said nothing about basic safeguards for our employees' health. Is this not ridiculous?

Mr President, the tragedy at the Hongkong Bank branch office was unfortunate. I do not want to see the Government, like what it has been used to do, act in haste to identify the causes of, and then to find remedies for, an accident after it has occurred. Such an *ad hoc* approach is not one that a responsible government should take. I hope that colleagues will support today's motion and urge the Government to take a square look at the occupational safety of all employees in Hong Kong before it is too late.

Mr President, with these remarks, I beg to move.

Question on the motion proposed.

THE PRESIDENT'S DEPUTY, MRS ELSIE TU, took the Chair.

MR LAU CHIN-SHEK (in Cantonese): Madam Deputy, as the saying goes, only God has the right to take away a man's life. So I take a great interest in industrial safety in the context of the Government's labour policy.

Very regrettably, as many as 304 workers died in industrial accidents in 1993. That figure was the highest in 20 years! It is very ironic that the workplace fatal accident rate should be as high as 304 a year in our advanced society. One wonders why industrial fatalities have gone up instead of declining. What went wrong?

Industrial accidents are most serious in the construction industry, with the manufacturing industry taking the second place. Over the last decade, large number of local manufacturing establishments have already been relocated across the border. Factory space has been taken up by offices. One would have

expected the number of industrial accidents to decline. But things have not turned out in that way. While the number of accidents in manufacturing industry has declined, the problem of workplace accidents in the service trades has become more worrying by the day. Last year, only five of the 304 industrial fatalities occurred in the manufacturing industry and 88 of them took place in the service trades. Thirty-seven were transport workers killed in traffic accidents while on duty. Thirty-four of the fatalities occurred among workers who worked aboard vessels. Regrettably, the Government is turning a blind eye to the problems that have been mirrored by the statistics. It is still holding on to the Factories and Industrial Undertakings Ordinance, a flawed and obsolete law that covers only, among others, those who work in factories, construction sites, restaurants and container yards. There is no law which deals with the safety of the more than one million people working in the service trades.

Today's motion undoubtedly deserves support in that it calls for a broadening of the scope of the protection provided for under the Factories and Industrial Undertakings Ordinance. But this alone is just tinkering with the inadequate Ordinance and with a short-sighted policy on occupational safety. I believe that this will not make much difference in the improvement of industrial safety.

We feel that the crux of the problem is the Government's failure to formulate a comprehensive policy on occupational safety. The existing regulatory system is flawed and defective. There is not enough manpower to enforce the law. Punishments meted out have been too light. Employees are discouraged from participating in the management of their occupational safety. There is a lack of co-ordination among regulatory legislation, law enforcement, the judiciary and public education. Things are really in a mess. In this connection, I intend to put forth today a comprehensive plan for improving occupational safety and hope that the Government will adopt and implement it.

The Factories and Industrial Undertakings Ordinance which governs industrial safety has for a long time been criticized as obsolete and defective by the labour sector. The Ordinance totally fails to keep pace with the rapid changes taking place in Hong Kong's industry and the technology advancement in recent years. These changes call for new safety rules. But, just by looking at its name, one can tell that the Factories and Industrial Undertakings Ordinance is obsolete. Today how many manufacturing workers and factories are still there in Hong Kong?

I think what the Government should do is not just to extend the Factories and Industrial Undertakings Ordinance to cover other trades. Two days ago, an industrial accident occurred at a container yard at Tsing Yi. Clearly, though container yards are governed by the Factories and Industrial Undertakings Ordinance, fatal accidents can still happen there and that is unacceptable. Clearly, just extending the scope of the Ordinance is not good enough. There must be other parallel legislation and tighter enforcement. Therefore, I urge

the Government to enact a new law, which could be named the Occupational Safety and Health Ordinance to give blanket protection to all employees. This piece of legislation subsidiary and its regulations should set more stringent safety standards for working environments and work procedures.

As important as legislation are enforcement and inspection. Many industrial accidents occur not for an absence of regulatory legislation but for lack of inspection on the Government's part. The Labour Department's Factory Inspectorate Division is responsible for the inspection of factories, construction sites, restaurants, eating establishments and container yards to ensure industrial safety. But the division has been chronically under strength, leading to rampant illegal practices. This lack of manpower has also induced industrial accidents indirectly. Let me cite an example. Over 10 000 industrial accidents occur each year in our eating establishments. But only three factory inspectors are responsible for the safety inspections of these establishments. This is really absurd!

I think that, for effective enforcement and inspection, the Factory Inspectorate Division's scope of responsibility should be extended to cover all trades (manufacturing industry, office work and marine operations and so forth) in Hong Kong. Its overall establishment should be increased to 500 and it should be independent of the Labour Department. This new government department should be charged with overall responsibility for occupational safety. The Occupational Medicine Unit should be placed under it for the better promotion of occupational health. In addition, the new department should be responsible for co-ordination with other departments which also handle matters in relation to employees' safety problems, such as the Marine Department and the Electrical and Mechanical Services Department.

Undoubtedly, it requires the joint efforts of the Government, employers and employees to ensure better occupational safety. Yet the Government has so far refused to make law to require the establishment of workplace safety committees composed of employer and employee representatives. In the absence of such committees, employees are unable to participate, through effective channels, in the management and supervision of workplace safety. This is contrary to our objective of enhancing both employers' and employees' awareness of occupational safety.

I think that the Government must introduce legislation expeditiously to provide that an occupational safety committee should be established in every workplace with 50 or more workers.

If the Government really wants better safeguards for employees' safety, it should table at this Council today a comprehensive plan for all employees in Hong Kong — a plan which will provide a practical solution to our persistently high occupational accident rate. I hope that the Secretary for Education and Manpower will give us a satisfactory reply later on. It would be undesirable if

he gives us a perfunctory answer and say, as usual, that the existing system is working just fine!

Madam Deputy, these are my remarks.

MR HENRY TANG (in Cantonese): Madam Deputy, the Liberal Party has been very concerned about local employees' occupational safety and health and hence we strongly support Mr TAM Yiu-chung's motion today. I am also pleased to learn that the Administration will do the same.

The Administration rejected the request made by Members of this Council in 1991 to extend the scope of application under the Factories and Industrial Undertakings Ordinance to cover all trades, on the grounds of resources constraints. In this connection, today I will focus on the question of resources. The Administration only has some 200 factory inspectors to cover all factories, construction sites and eating establishments governed by the Factories and Industrial Undertakings Ordinance. In view of the limited strength, I have serious doubt about the effectiveness of their inspection. To be exact, there are in fact only 191 inspectors who are engaged in inspection because some 50 of their colleagues mainly deal with paperwork. Amongst these 191 inspectors, 136 are responsible for inspecting 37 000 factories, 52 for 1 100 construction sites and most ridiculous of all, only three are assigned for inspecting about 10 000 eating establishments all over the territory. This is unbelievable.

Madam Deputy, there is no "free lunch" in this world. We cannot expect to reap where we have not sown. That precisely explains why we have an appalling record of industrial accidents in Hong Kong. I remember that the Governor had said in his policy address that the situation was unacceptable. The "concern" expressed by the Administration has unfortunately turned out to be a "hypocritical gesture", which is more apparent than real. Come to think of this: Three inspectors have to inspect 10 000 eating establishments all over the territory, or each of them has to check 3 300 eating establishments per year; in other words, each inspector has to inspect at least 13 eating establishment per day. It is reasonable and practicable? Besides, the number of staff has, strangely enough, not been increased since 1991 when eating establishments came under the ordinance.

I wish to emphasize that industrial safety is of crucial importance. Human life is our primary concern. A moment of carelessness or negligence can lead to accidents one would regret for the rest of one's life. Hence, this ordinance is more important than any others else. Given that the Administration is unable to reduce the rate of accidents under its present limited scope of regulation, I am worried whether it can cope with the situation if the scope of protection is extended. The Administration must act with resolution and substantially increase the allocation of resources in this respect. A nominal increase of a dozen of inspectors, following the extension of the protection net, will not fully achieve the purpose of industrial safety, much less occupational health.

Madam Deputy, I propose that the Administration should first include trades which tend to be crowd-drawing in the protection net, for instance, banks, hospitals, department stores, off-course betting centres and gold jewellery shops. As these establishments often attract crowds of people or customers, crowd dispersal in the event of an emergency will be difficult, especially in places like banks and betting centres. The staff in these establishments, for security reasons, have to work in partitioned counters and when things go away, escape becomes even more difficult. For these reasons, I propose that the Administration should include these trades in the protection net as soon as possible. It should also draw up codes of practice and enact legislation on the general liability for employers and employees to follow, and extend the scope of protection to cover all other trades thereafter.

Madam Deputy, promotion of occupational health and industrial safety, which will help to enhance Hong Kong's productivity and boost our economy, will not be successful without the co-operation of the Administration, the employers and the employees. As an employer myself, I believe that only a safe working environment can breed cheerful and diligent workers, and indirectly enhance the productivity of a factory. I therefore urge the Administration to give Mr TAM Yiu-chung's proposal an early consideration. I will strongly support any ideas which will bring about positive effects on industrial safety and health.

With these remarks, I support the motion.

DR TANG SIU-TONG (in Cantonese): Madam Deputy, when it comes to the question of occupational safety, generally the focus will be on the employees working in factories, construction sites and so on. To a certain extent, the term "industrial safety" has almost replaced "occupational safety". This kind of misunderstanding does not only occur among the government departments, but also among proprietors or employees who overlook the real meaning of "industrial safety".

On checking the data of the year 1993, it is found that the number of fatal accidents in the course and arising out of work was even greater than the industrial accidents which generally arouse wider concern. According to the information of the Occupational Safety and Health Council, in the whole year of 1993, there were more than 70 000 occupational accidents, 47 000 of which were industrial accidents; the total number of deaths was 390, of which 92 were due to industrial accidents. That means around 290 of them were employees of non-industrial undertakings. The above statistics show that the degree of risk faced by non-industrial employees in the course of work is no less than that of industrial employees. At present, although the legislation concerning industrial safety cannot be considered as perfect, it can at least provide some protection to the employees. Once there is a serious accident, all sectors of the community will show great concern. However, the occupational safety of non-industrial employees is very much neglected. The main reason is that such non-industrial

accidents are not governed by the Factories and Industrial Undertakings Ordinance. And the Government has not arranged any specific department to follow up these cases by such means as computing the figures and analyzing the causes for accidents or studying preventive measures.

At present, there are about 2 million non-industrial employees. How can we ignore the safety of these employees? The tragedy at the Hongkong Bank in Shek Kip Mei in which 13 people died has obviously revealed the deficiencies of the above-mentioned Ordinance. The existing Factories and Industrial Undertakings Ordinance was enacted in 1955. Although several amendments have been made over the years, the application of the Ordinance is still restricted to certain occupations and fails to cover all trades. Despite the Occupational Safety and Health Council's recent efforts in propagating the general knowledge of occupational safety and health, we cannot expect the publicity measures to be effective overnight. Besides, if the employers do not pay attention to industrial safety, the propaganda will be no more than a talkpoint on paper. To ensure that the employers conscientiously carry out the measures necessary for occupational safety, legislation must be enacted for regulation and control purposes, which can thus safeguard the non-industrial employees.

In the United Kingdom, an Act on occupational safety was enacted in 1974 to safeguard the non-industrial employees. Comparatively speaking, Hong Kong is 20 years behind in that respect. In fact, there is a section on general duties in the Factories and Industrial Undertakings Ordinance which specifically stipulates that all employers have the duty to provide a safe and healthy working environment, safe systems of work and plant equipment, as well as sufficient information, instruction, training and supervision to ensure the health and safety at work of the employees. If only the Government makes some technical amendments to the wording of the Ordinance, the scope can be extended to cover all occupations. It is not difficult for the Government to make amendments, but the question is whether it has the determination. If the Government believes that a more proper measure will be to legislate separately for other occupations, I will not oppose either.

In January this year, the Government increased the penalty for breach of the Ordinance on industrial safety, which shows that the Government has placed a certain measure of emphasis on industrial safety. Now this Council requests that the safeguard of occupational safety be extended to all other non-industrial occupations, which I believe the Government will also agree.

Madam Deputy, with these remarks, I support the motion.

DR LEONG CHE-HUNG: Madam Deputy, the public was stunned by the news last year of some 12 construction workers trapped and killed in a hoist that plunged from the height. Yesterday a container driver was fatally smashed by fallen cargo. A few months ago another 12 were killed in a bank from arson at

Shek Kip Mei. These are three incidents of different occupations. People lose their lives at their workplace. Needless to say there must be more, and there are more, perhaps less horrific incidents and therefore never catch the eye of the media nor the public. The fact is that amongst our 2.8 million working population, occupational accidents happen every minute.

Ironically, Madam Deputy, over half of these working citizens are not even protected today under our labour safety legislation. What laws, for example, protect a hard working postman from developing joint problems? What laws, for example, protect our pretty Florence Nightingale, whom the Honourable Michael HO represents, from developing tuberculosis and hepatitis?

Madam Deputy, some three years ago I moved a motion in this Council calling for the Government to improve different aspects of occupational safety. This was met with an overwhelming support. In response to Members' call the Administration set up an expert working group to look into the needed improvement in the overall occupational health and safety. Amongst the 39 recommendations made by this expert group, one such was to extend the Factories and Industrial Undertaking Ordinance to cover employees of all trades and occupation.

Similarly, Madam Deputy, in repeated follow-up discussions in both the Health Services and Manpower Panels, top labour officials have assured Members of this Council that the Administration has accepted, in principle, to having the laws to cover all employees. Yet some three years from the time of the debate, the law has moved only at a snail's pace.

In the usual style, the slow progress was put as a lack of manpower and financial resources and that a set of priorities, the Government has said, must be the way forward. In this context, the Government expressed a need to concentrate on those working in industrial settings, claiming they are "high risk" in terms of being prone to accidents and injuries at work. Such a fallacious excuse has categorically shut the non-industrial employees out of statutory protection.

Madam Deputy, statistics will reveal that such a divisive method is but a fairy tale. Every year there are hundreds and thousands of non-industrial accidents, to wit, in 1992 alone there were over 20 000 non-industrial accidents and figures over the previous three years have shown an annual figure of some 40 000 non-industrial accidents. Overall figures have shown that if one were to deduct the very high incidence of construction accidents from the pool of industrial accidents then non-industrial accidents tops all by some 30% to 40%. Nor is this a true reflection as it is well accepted that under-reporting of various non-industrial occupational accidents do occur.

Madam Deputy, there is no excuse for further delay. What else can also be done at the same time? Many Members of this Council, including myself, have been calling repeatedly for the establishment of, by statutory requirement

on all companies with 50 employees or more, safety committee. For with participation by management, employees and safety professional experts, such safety committees can help identify, improve and wipe out potential hazards at the workplace before devastating accidents occur.

Madam Deputy, prevention is always better than cure. It may be argued that there is an existing body that can and should be doing this co-ordinating work, the Occupational Health and Safety Council — statutory body charged with, amongst other things, enhancing awareness, educating workers and employers to achieve high safety standards, doing research and technology, providing consultancy to increase occupational safety and health, and developing strategy and programmes for these targets. But with respect, in spite of its independent status and its sizeable yearly budget, it has not achieved much of its expected role. Nor is it even functioning properly as an effective watchdog on all occupational safety and health matters. Indeed, instead of being the first to complain about whatever is inadequate in the system in all aspects, be they policy, law or enforcement, this body has regrettably stayed behind the shadow of the Labour Department.

I therefore call again for the beefing up of this statutory body to mirror the Health and Safety Commission of the United Kingdom, so that we can see light at the end of a tedious struggle to wipe out hazards of all occupations in Hong Kong.

Madam Deputy, the medical profession I represent and the Meeting Point support this motion and urge the Government not only to improve the issue but also to promote more on health education to prevent unnecessary loss of useful working manpower. Thank you.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam Deputy, safety and health at work is an area of major concern to the Government. Hong Kong's economic success relies heavily on our having a healthy and productive work force. Much of our legislative, promotion and enforcement efforts have been targetted at this essential subject area.

For example, in 1992 and 1993, we have introduced a total of 28 pieces of primary and subsidiary labour legislation. 16 of these were aimed at enhancing industrial safety, promoting occupational health and improving employees compensation. Between the Labour Department and the Occupational Health and Safety Council, a total of 81 seminars, 768 promotion visits, 33 exhibitions and 519 talks on industrial safety and occupational health were organized in 1993. These promotion efforts were targetted at our entire 2.8 million workforce. Many of these messages were meant for all employers and employees, not just those working in industrial establishments.

It is the Government's firm belief that ensuring safety and health at work must be the primary responsibility of employers and employees. It is clearly in

employers' interest to ensure that they have a safe and healthy environment, so that their employees' productivity may be maximized and their work processes will not be disrupted by frequent accidents. Equally, for safety's sake, employees themselves should follow safety procedures to protect their won life and limb, for they are the ones who would get hurt in any accident. No compensation scheme can adequately pay for the loss in lives or permanent capacity, no matter how generous.

The Government of course has a key role to play as well. We provide the necessary legislative framework and the enforcement machinery to make sure that those who should be responsible for safety and health at work, that is, employers and employees, will not shirk their responsibilities or cut corners. We undertake promotion and publicity efforts throughout the year to keep driving the message home that no one should be complacent. We give information and advice to all employers and employees to help them in improving their work environment.

Past records show that our efforts are paying off and gradual improvements have been made. For example, over the past five year, total work accident rate, including both industrial and non-industrial establishment, has dropped from 40.2 to 27.6 per thousand workers. Fatalities in the industry sector have also dropped from 82 to 65 in 1992, though regrettably we did have a sorry record last year, due to several tragic accidents at construction sites. We are now studying a series of legislative measures to address this problem thoroughly.

We are never complacent about our workplace's safety records. We take no comfort in the accident rates. Construction sites, in particular, is the area where industrial safety has to be further enhanced.

I have listened carefully to many Members' plea to extend the scope of our industrial safety legislation to cover all trades in order to safeguard the health and safety of all our workers. I fully subscribe to the spirit behind the proposal. But we have to get our priorities right. To be effective, we need to focus our legislative efforts on those areas which require urgent attention. We must not spread these efforts so thin that we may end up with no noticeable improvements on the entire front.

Let us examine the subject closely and see whether we need to adopt an all-embracing approach at this stage. Let us look at the accident record first. We should focus on the serious injury accident record for they are of greatest concern to us in deciding on where to place enforcement priority. According to Labour Department's statistics, serious injury accidents are defined as accidents which result in permanent disability of over 5% to the injured employees or which result in the injured employees having to take sick leave for more than 30 days.

In 1993, a total of 3 386 serious injury accidents were settled under the Employees' Compensation Ordinance. Of these, only 58 cases took place in economic activities not covered by the Factories and Industrial Undertakings Ordinance. This represents 1.7% of such recorded accidents.

Lest members may say that these figures have not presented the full picture, we should look at the overall accident statistics between those sectors that are already covered under the Factories and Industrial Undertakings Ordinance and those that are not. In 1993, accidents rate for the former is 52.6 per thousand workers, while the rate for the latter is 13.4.

If we look at specific sectors, in 1993, the accident rate per thousand workers was 294.8 for the construction industry, 52.6 for all industrial employment, 6.1 for wholesale, retail and hotels and 7.0 for financing, insurance, real estate and business services, the latter two categories being among the major trades in terms of employment in the non-manufacturing sector.

These comparisons do indicate that the occurrence of employment-related accidents in those areas that are as yet not covered by the legislation is indeed significantly lower, and where accidents did take place, they are largely of a relatively less serious nature.

Let us also look at the nature of the accidents in the two sectors. Accidents in industrial establishments and construction sites are due largely to unsafe industrial practices or inadequate safeguards in the operation and maintenance of heavy or dangerous machinery. Rectification often involves expert input in safe operation methods and in proper examination and maintenance of the machinery concerned. While employers and employees are still tasked with the primary responsibility to ensure that the machines and practices are safe, the Government can play a positive role here in making sure that the desired safety procedures are followed. Where it involves complicated work procedures, we also need legislation to specify the qualifications of those who are responsible for these procedures.

Accidents in the office and shop-floor environment are very different. They are due largely to minor environmental inadequacies such as poor illumination, slippery floor, or careless handling of office furniture or equipment, or in some cases simple absent-mindedness. They are mainly matters that can be corrected easily and quickly through employer and employee initiatives, without resorting to legislation and inspection.

That is why we have emphasized promotion and publicity when it comes to safety and health in the non-industrial workplace. For example, the Occupational and Health Division of the Labour Department gave a total of 519 talks on safety and health in non-industrial establishments in 1993. It also published many education pamphlets on subjects such as health advice on ventilation systems, use of visual display units, and prevention of back injury.

These publications are mailed regularly to trade organizations, trade unions and employers.

The Occupational Safety and Health Council is also responsible, among other things, for the promotion of better safety and health standards for all workers. Formed in 1988, the Council is funded by the Employee's Compensation Insurance Levy. It publishes a bimonthly magazine, the *Green Cross*, to publicize safe practices in the workplace. Many articles in the magazine deal specifically with how to enhance safety in the office and non-industrial environment.

The Government has not ignored the safety of non-industrial workers. We have indeed been very pragmatic in considering whether the Factories and Industrial Undertakings Ordinance should be extended to cover non-industrial areas. Despite the title of the Ordinance, this legislation actually applies to work in construction sites and shipyards; loading, unloading and handling of goods and cargoes; and the transportation of passengers and goods. In 1990, in view of the large number of work accidents in catering establishments, the scope of the Ordinance has been extended to cover restaurants and other catering businesses which do not normally fall within the ambit of industrial establishments. The result has been encouraging: the accident rate per thousand workers has declined from 79.8 to 66.3 between 1992 and 1993.

We shall continue to adopt this pragmatic approach. Where there are areas that genuinely call for specific legislative control to improve safety and health, we would give those areas serious consideration.

Members mentioned the situations of banks and commercial complexes. In this connection, current legislations such as the Fire Services Ordinance and Buildings Ordinance will be reviewed to determine whether amendment is necessary.

But I should emphasize that it would be much more cost-effective for us to focus on areas where they would genuinely benefit from legislative control. We shall have to judge each and every case on its own merits.

The reason for this is simple. Despite the decline in the number of manufacturing workers, the number of factories remains at about 60 000. Though the Labour Department will continue its inspection of factories, some staff will be re-deployed to monitor safety at construction sites where the accident rate is still unacceptably high.

We now have 220 000 non-industrial establishments not covered by the Factories and Industrial Undertakings Ordinance. If the Government were to extend the scope of the legislation to cover all of these establishments, the additional manpower required could range from one third to twice that of the present Factory Inspectorate on these establishments, depending on the way inspection work is conducted on these establishments.

In addition, we might also need about 20 medical doctors, occupational hygienists and nurses. Even leaving aside the availability of resources, such a scale of increase in the staff establishment would impose tremendous recruitment and training difficulties for the Labour Department. In the short term, it would put enormous pressure on existing staff resources, dilute the much needed efforts on the monitoring of those industries most urgently requiring attention, and over-stretch the management's attention in planning for better industrial safety in the high-risk sectors. In reality, therefore, we would have no choice but to progress step by step in our studies in individual trades.

I would like to conclude by reiterating that the Government is fully determined to enhance the standard of safety and health in the workplace:

- Together with the Works Branch, we are working vigorously on an active legislative agenda. We aim to introduce 5 pieces of primary and subsidiary legislation in the next legislative session;
- We have increased the enforcement capacity of the Factory Inspectorate substantially over the last couple of years through the redeployment of staff and the provision of additional posts;
- Together with the Occupational Health and Safety Council, we shall be promoting safety messages even more vigorously in the months ahead; and
- We are also giving serious consideration to how we may embark on an effective and sustainable industrial safety programme in the longer term, and how best to embed a safety culture in the workplace. At the end of the day, nobody can better look after safety in employment than the employers and employees themselves.

There is a long way to go. But if we all work together, industrial safety in Hong Kong will certainly be improved.

For these reasons, the Administration supports the motion. Thank you.

THE PRESIDENT resumed the Chair.

PRESIDENT: Mr TAM Yiu-chung, do you wish to reply? You have five minutes nine seconds.

MR TAM YIU-CHUNG (in Cantonese): Mr President, today's debate has been condensed and succinct. And I would like very much to thank Members who spoke in this debate for their support. I also hope that from now on motion

debates can be brief and to the point like this one. For this reason, I will not use the entire five minutes in replying.

The spirit of my motion today is to draw the attention of the Administration and the public to the fact that for two-thirds of the employees in Hong Kong, the legal protection offered to them in respect of industrial safety is lacking, or I should say, insufficient. I would like to ask the Administration to consider extending the scope of the existing Factories and Industrial Undertakings Ordinance to cover all employees. If there are technical difficulties in so doing, the Administration may alternatively consider enacting a new piece of legislation in the light of the spirit of the Factories and Industrial Undertakings Ordinance in order to uphold the interests of the two-thirds of employees in Hong Kong. Of course, I never said that the problem can be solved by merely extending the scope of the Ordinance. I am of the view that such an extension is only a crucial step forward. After the extension, it will still require the endeavours of the Administration, the employers and the employees to ensure that industrial safety can be improved. Past experience has testified that my proposal is feasible. The Secretary for Education and Manpower admitted just now that industrial safety had been improved after coffee shops, Chinese restaurants and eating establishments were subject to the Factories and Industrial Undertakings Ordinance. What the Secretary has said is enough to illustrate the situation.

Despite the relocation of many local factories to China, the Administration said that the number of factories in Hong Kong has not decreased. But I think that one of the reasons why the Administration claimed that the number had not decreased is that it has not taken the initiative to check whether there are still so many factories in Hong Kong and whether the data it obtained is up-to-date. In this connection, the figure concerned raises doubt in my mind.

Furthermore, after the factories were relocated to China, the vacated premises might have been turned into godowns or stockrooms and the number of workers employed would be much less than before — Mr Henry TANG may be more knowledgeable than I about this situation. I believe that the workload of Factory Inspectors of the Labour Department responsible for monitoring these factories, and the work pressure on them, have been very different from before. I also agree that some work may call for more urgent action than others. However, since the number of workers of the manufacturing industry has been declining from 900 000 to the current level of 500 000 while workers in the service sectors have been increasing, attention should also be paid to the safety of the workers in service sectors and other non-industrial sectors. However, problems always escape our attention if no serious incidents have happened. When such incidents do happen, they will spark concern but after a lapse of time people's attention will again shift to other matters.

Today, I am very pleased to learn that the Administration is willing to support this motion and would seriously consider extending the scope of the Factories and Industrial Undertakings Ordinance or providing further safeguards to employees in all sectors in Hong Kong according to the spirit of this Ordinance. I hope that we do not have to wait too long before all employees in non-industrial sectors can have greater industrial safety protection.

Question on the motion put and agreed to.

Private Member's Bill

First Reading of Bill

ELECTORAL PROVISIONS (MISCELLANEOUS AMENDMENT) (NO. 3) BILL 1994

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

Second Reading of Bill

ELECTORAL PROVISIONS (MISCELLANEOUS AMENDMENT) (NO. 3) BILL 1994

MISS EMILY LAU moved the Second Reading of: "A Bill to amend the Electoral Provisions Ordinance and the Legislative Council (Electoral Provisions) Ordinance."

MISS EMILY LAU (in Cantonese): Mr President, I move, on behalf of the Full Democracy in '95 and all the people of Hong Kong who support democracy, that the Electoral Provisions (Miscellaneous Amendment) (No. 3) Bill 1994 be read the Second time. This Private Member's Bill aims at a fully directly elected Legislative Council in 1995. Mr President, when I was running in the election of 1991, I had stated clearly in my platform that I was in support of a legislature being elected on a one man, one vote basis and the executive should be accountable to the legislature and subject to the monitoring by elected Members. The Chief Executive should also be elected by universal suffrage on a one man, one vote basis.

I believe that the people of Hong Kong can only rely on themselves to strive for democracy. All along, the attitude of the Chinese and British Governments towards the public's call for a democratic political system has been infuriating and disappointing. It is well known that although the British Government has in the past 150 years given freedom to the people of Hong Kong to a certain extent, it has never sincerely promoted democracy in this colony. And it was only when it realized that it could no longer continue its

rule of this colony and that the sovereignty of Hong Kong would have to be returned to China that it introduced reluctantly into Hong Kong a modest degree of democracy. In the eyes of the British Government, the demand of the people of Hong Kong for democracy is only a chip to be staked in the bargaining with China and in the gamble for Britain's economic interests. This is most strikingly evident in the controversies over the construction of the Daya Bay nuclear plant and the new airport.

In 1984, the Chinese and British Governments signed the Sino-British Joint Declaration without the participation of the people of Hong Kong. It is stipulated in the Joint Declaration that the Hong Kong Special Administrative Region would enjoy a high degree of autonomy. The Bill that I am moving today is definitely not in violation of the Joint Declaration. On the contrary, it is an important token for safeguarding the high degree of autonomy to be enjoyed by Hong Kong. It is totally in accordance with the International Covenant on Civil and Political Rights and the Hong Kong Bill of Rights. Without a full direct election, the people of Hong Kong will not really have a universal and equal franchise.

The people of Hong Kong can see for themselves how the British Government has in the past tried all means to delay and hinder the implementation of a genuinely democratic political system in Hong Kong. It was in as late as September 1985 that this Council had its first election, but this indirect election, which was entirely controlled by the Hong Kong Government, was not a fair election and not all the people were allowed to take part in it. It has even planted the troubles for today's undemocratic arrangements for our political system. The Hong Kong Government has described the functional constituency election system as a further development (of the system of representative government) when compared with the appointment system. However, the Full Democracy in '95 and I consider that the functional constituency election is a monopoly of the privileged class which only allows a small group of tycoons and professionals to vote. Such a widely criticized election system is not representative and will only divide our society. No other country has ever used such a system. If the British Government really considers such an election system to be so good, why does it not implement it at home?

In 1984, the Hong Kong Government has said that the aim of a representative government is "to develop progressively a system of government the authority for which is firmly rooted in Hong Kong, which is able to represent authoritatively the views of the people of Hong Kong, and which is more directly accountable to the people of Hong Kong". The White Paper on representative government published in November 1984 has also clearly stated the approach "with a gradual start by introducing a very small number of directly elected members in 1988 and building up to a significant number of directly elected members by 1997". But in the past 10 years, we simply have not seen anything done by the Hong Kong Government to attain this objective. On the contrary, we have seen, time and again, the British Government selling out the people of Hong Kong.

In November 1985, as the Chinese Government had found that the British Government intended to introduce in 1988 a limited number of directly-elected seats in this Council, the then Director of the Hong Kong Branch of the Xinhua News Agency, Mr XU Jiatun, openly accused, in his only press conference ever held, the British Government of “not acting according to the book.” The Chinese Government had also put forward the theory of convergence, with the result that the Minister of State for Foreign and Commonwealth Affairs, Mr Timothy RENTON, announced during his visit to Beijing in January 1986 that the British Government agreed that the future arrangements concerning the political system in Hong Kong had to be converged with the Basic Law to be promulgated in 1990. This virtually means that everything would have to be decided by China. It can therefore be seen that the British Government has totally retreated and will no longer push for a genuine democratic system in Hong Kong. During the transition period, the British Government has even invited on its own initiative the Chinese Government to interfere with the internal affairs of Hong Kong in order to exchange for a superficially peaceful transition period and a vast amount of economic benefits. Despite its being a western power with a glorious tradition of democracy, Britain should be subject to scathing criticisms by the people of Hong Kong and the international community for having acted so ignominiously.

Nevertheless, the Hong Kong Government has still put up a hypocritical show. In 1987 when people from different walks of life stood out to strive for direct election in 1988, the Hong Kong Government announced the result of a dubious survey which said only 15% of the public were in support of a direct election in 1988. However, the surveys conducted by a number of newspapers during the same period revealed that less than 20% of the people were opposed to a direct election in 1988 and those who supported it amounted to more than 40% and according to some surveys, even to 70%. Though the wishes of the public were so clear, they were maliciously distorted by the Hong Kong Government. This has fully exposed how cunning and ugly the Hong Kong Government is.

Even the political reform package proposed by the Governor Chris PATTEN in October 1992 is very cautious and conservative. This package, which I would call “a drop of democracy”, has really too little to give and has come too late. Nevertheless, it is still brutally attacked by the Chinese Government. The British Government can hardly absolve itself of the blame of having caused, because of its selfishness, the delays and mistakes that occurred in the development of a democratic political system, and having created the difficult situation now confronting Hong Kong.

It is needless to say that the British Government has already backed down, but now even the Foreign Affairs Committee of the House of Commons has retrogressed. After the June 4 massacre in Beijing, the Foreign Affairs Committee has said in a report on Hong Kong that half of the Members of the Legislative Council should be returned by direct election in 1991 and all the Members should be directly elected by 1997. However, the position of this

Committee in March this year was only that it supported the political reform package of the Hong Kong Government. It has completely given up the proposal of having a full direct election by 1997.

Previous incidents have taught us that we cannot rely on the British Government for having genuine democracy in Hong Kong. What is even more deplorable is that some democrats, when striving for a direct election in 1989, had demanded only 15 to 18 directly-elected seats in 1991 and not less than 30 directly-elected seats in 1995. Even those who call themselves “democrats” are only asking for a “half-democracy”, how can we expect the Chinese and British Governments to give us more?

Why do these “democrats” not support a direct election for all the 60 seats? Some say that they are afraid of not being able to find 60 persons to run for these seats!

Meanwhile, the Chinese Government has also tried all means to crush the call for democracy and intimidate those in support of this cause. This has fully revealed the communist regime’s fear of and antagonism against democracy. So even a very small step forward to democracy has to be prohibited. However, history has proved time and again that democracy will succeed and this historical trend is irreversible!

Some people might say that my support for a full direct election in 1995 was a violation of the Basic Law, and would enrage the Chinese Government which might resort to some perverse measures. My response to this is that: We are all familiar with the way in which the Chinese Government produced the Basic Law. The people of Hong Kong accept the Basic Law only because they are left with no other alternatives. Moreover, since the Basic Law makes no mention at all of the political arrangements before 1997, where then is the violation? Although the British Government and many of our Members have given up the cause of democracy in the past in exchange for convergence and the “through train”, what we get is a cold shoulder. Instead of showing respect to the wishes of the people of Hong Kong, the Chinese Government has announced in public that a new “stove” would be set up in 1997 and the three tiers of representative government would also be dissolved. Thus, we can see that our submissiveness has only resulted in being slapped by the Chinese Government.

The success of the territory is the result of not only our hard work, but also a free environment in which we can bring our strength into play, and a legal system which gives us equal opportunity, so that the people of Hong Kong have the confidence to stay behind for advancement. A real democratic system is the cornerstone which protects human rights, freedom and the rule of law. I hope that the Chinese Government will not destroy everything that we have built up with great efforts over the past century. The people of Hong Kong have neither machine guns nor tanks, how can they resist the Chinese Government?

It would be more appropriate to say that the Chinese Government resists the people of Hong Kong than to say that I resist the Chinese Government.

If the Chinese Government announces today that it welcomes the introduction of a full direct election in 1995, I think most Members will not object to my Bill. People do not agree to my Bill simply because of the pressure from the Chinese Government. In fact, most of our Members are lagging behind the public because the aspirations of many people are far greater than that of political groups. The findings of an opinion poll conducted by the Hong Kong Standard last year revealed that despite the incessant threats from the Chinese Government, 65% of the respondents were still in support of a full direct election in 1995. We should have also noted that people in our neighbouring countries like South Korea, Thailand, Taiwan and even the distant South Africa are all striving fearlessly for democracy. Why then should we, Members of the Legislative Council, be afraid of striving for a right which we are entitled to enjoy?

The House Committee of this Council has decided to resume the Second Reading debate on the Legislative Council (Electoral Provisions) (Amendment) Bill 1994 on 29 June. Originally I sought to amend this Bill but was ruled out of order by the President. Thus I propose, by way of a Private Member's Bill, that the 60 seats of this Council should all be returned by direct election.

During my fight for a fully directly elected legislature, one of my objectives is to have a historical debate on this issue in this Council and let Members vote on it. If my Bill is arranged to be debated on 29 June along with the government Bill, then under Standing Order 12(3) of the Legislative Council, my Bill would not have a chance of being debated if the government Bill is enacted. This is because the government Bill takes precedence over Private Member's Bills. Thus, in the House Committee meeting on the coming Friday, I will be calling upon all Members to support the resumption of the Second Reading debate on my Bill before 29 June. My Bill proposes to divide the territory into 60 geographical constituencies. A total of 60 Members will then be elected from these constituencies on the basis of a "single seat, single vote" system which was adopted on 23 February in this Council. As my Bill is very clear and straightforward, it is not necessary to set up a Bills Committee to scrutinize it.

If Members consider that the Second Reading debate on my Bill has to be resumed on 29 June, then please support my motion to suspend Standing Order 12(3) of the Legislative Council so that the debate on my Bill can take place prior to that of the government Bill.

Finally, I would like to point out that this Council can make history. Certain things which appear to be impossible to many people may become possible as long as we seize the opportunity. The political arrangements in 1995 are in our own hands. Although there will be pressure from both the British and Chinese Governments, being Members of this Council, we should, by no

means, shirk our responsibilities and disregard the well-being of all the six million people in Hong Kong. No one can foretell the change that will take place in the coming three years and one month. Should there be any drastic change in the political power in China, it may well support a fully directly elected legislature and may even let all of us ride the “through train”. Therefore, I call upon all my fellow colleagues to show their courage and nerve and support the introduction of a fully directly elected Legislative Council in 1995.

With these remarks, I move that the debate be adjourned.

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

Adjournment and Next Sitting

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 8 June 1994.

Adjourned accordingly at four minutes to Six o'clock.

Note: The short titles of the Bills listed in the Hansard, with the exception of the Official Languages (Amendment) Bill 1994, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

WRITTEN ANSWERS**Annex I****Written answer by the Secretary for Health and Welfare to Mr HUI Yin-fat's supplementary question to Question 1**

Since the implementation of the Senior Citizen Card Scheme on 1 April 1994, the average cost per card is \$10.90.

Annex II**Written answer by the Secretary for Security to Mrs Peggy LAM's supplementary question to Question 5**

The increased detection rate demonstrates the effectiveness of the measures introduced in conjunction with the industry. Overall, the crime detection rate in Hong Kong is 49%, which compares favourably with many places elsewhere.

The number of persons arrested in connection with these cases is set out below. The figures in brackets represent the number of fugitives returned by the Chinese authorities:

| <i>Year</i> | <i>Number of arrests</i> |
|-------------|--------------------------|
| 1991 | 36(0) |
| 1992 | 16(2) |
| 1993 | 12(1) |