

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 16 November 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 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 MRS SELINA CHOW LIANG SHUK-YEE, O.B.E., J.P.

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

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

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 LAU WONG-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.

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

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 YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

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

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 CHIEF SECRETARY

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

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

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

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE CHRISTINE LOH KUNG-WAI

**IN ATTENDANCE**

MR MICHAEL LEUNG MAN-KIN, C.B.E., J.P.

SECRETARY FOR EDUCATION AND MANPOWER

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

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

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

MRS KATHERINE FOK LO SHIU-CHING, O.B.E., J.P.  
SECRETARY FOR HEALTH AND WELFARE

MR CANICE MAK CHUN-FONG, J.P.  
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR RICKY FUNG CHOI-CHEUNG

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>
Merchant Shipping (Fees) (Amendment) (No. 3) Regulation 1994 .....	576/94
Merchant Shipping (Launches and Ferry Vessels) (Amendment) Regulation 1994 .....	577/94
Merchant Shipping (Miscellaneous Craft) (Amendment) Regulation 1994 .....	578/94
Shipping and Port Control Ordinance (Amendment of Schedule) Order 1994 .....	579/94
Ferry Services (the "Star" Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1994 .....	580/94
Maximum Scale of Election Expenses (Municipal Councils) Order 1994 .....	581/94
Boundary and Election Commission (Registration of Electors) (Functional Constituencies and Election Committee Constituency) Regulation .....	585/94
Boundary and Election Commission (Registration of Electors) (Geographical Constituencies) (Amendment) (No. 2) Regulation 1994 .....	586/94
Military Installations Closed Areas (Amendment) Order 1994 .....	587/94
Official Languages (Alteration of Text) (Control of Obscene and Indecent Articles Ordinance) Order 1994 .....	588/94
Official Languages (Alteration of Text) (Film Censorship Ordinance) Order 1994 .....	589/94
Shipping and Port Control Ordinance (Exemption) (1984- 89 Consolidation) (Amendment) Notice 1994 .....	590/94

Shipping and Port Control Ordinance (Exemption) Notice 1994 .....	591/94
Shipping and Port Control Ordinance (Exemption) (Repeal) Notice 1994.....	592/94
Shipping and Port Control Ordinance (Exemption) (Repeal) (No. 2) Notice 1994.....	593/94
Hawker (Permitted Place) (Cessation) (No. 2) Declaration 1994 .....	594/94
Hawker (Permitted Place) (No. 2) Declaration 1994 .....	595/94
Official Languages (Authentic Chinese Text) (Bills of Exchange Ordinance) Order .....	(C)26/94
Official Languages (Authentic Chinese Text) (Control of Obscene and Indecent Articles Ordinance) Order .....	(C)27/94
Official Languages (Authentic Chinese Text) (Film Censorship Ordinance) Order.....	(C)28/94

#### Sessional Papers 1994-95

- No. 35 — Annual Report of the Director of Accounting Services and the Accounts of Hong Kong Government for the year ended 31 March 1994
- No. 36 — Director of Audit's Report No. 23 on the Accounts of the Hong Kong Government for the year ended 31 March 1994 and the Results of Value for Money Audits
- No. 37 — Regional Council, Hong Kong Accounts for the year ended 31 March 1994 with Report and Certificate of the Director of Audit
- No. 38 — Regional Council  
Annual Report 1993-94

## ORAL ANSWERS TO QUESTIONS

### Development of Information Highway Systems

1. DR HUANG CHEN-YA asked: *In view of the trend towards development of information highway systems in many countries, will the Government inform this Council of the following:*

- (a) *whether the territory is lagging behind in the development of such systems; if so, how has it affected the territory's competitiveness in the region; and*
- (b) *what measures will the Government take to ensure that policies in this area will be formulated and implemented?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, the term "information highway" describes an advanced information and communications infrastructure with networks linking homes, businesses, government and institutions to a wide range of interactive services, from data banks, electronic commerce, banking and business services to education, cultural services, entertainment, telemedicine and social services, and the theory is, all available at the touch of one button or a key.

The information highway links existing cable, telecommunications, broadcasting, satellite and computing networks into a fully integrated "network of networks". It makes use of the much larger capacity and high transmission speed of fibre optics and digital technology and the convergence of telecommunications, broadcasting and computer technologies and can transform how business is conducted and how people communicate in the future. Honourable Members may ask whether any countries in the world have successfully constructed an information highway. The answer is no, not yet but all industrialized countries have published their policies which are moving towards that direction.

Turning to Hong Kong, I would like to assure Honourable Members that Hong Kong is in no way lagging behind in the development of an information highway. On the contrary, we are well up with the most advanced countries in the world. In Hong Kong we have one of the most comprehensive fibre optic networks in the world and the first fully digitalized telephone system, capable of delivering the most advanced form of information and communication services. More than 300 of our commercial buildings have been connected directly onto this optical fibre network. In addition, there is a separate network being built and extended by our cable television company. By the end of this year, this network will reach more than 1.1 million homes. The company has plans to gradually replace the network with fibre optics in the next few years. From mid-1995, through competition in local fixed network services, we expect to see

a rapid move towards bringing optical fibre technology to individual homes and offices and the introduction of a whole range of new and innovative services, such as personal numbering for the telephone and advanced data and video communication services.

Mr President, our telecommunications policy is to ensure that the widest range of quality telecommunications services be made available to the community at reasonable cost. The pro-competition policy we have adopted has enabled Hong Kong to enjoy one of the most sophisticated and advanced infrastructures in the world. We will continue to pursue this policy. Specifically, we will continue to:

- promote competition in the knowledge that this is the best mode to encourage investment and stimulate innovation;
- we will create a flexible regulatory framework to keep pace with technology developments;
- we shall encourage interconnection and provide open access to the networks; and
- ensure that services can be utilized by all sectors of the community.

We believe, Mr President, that this is the way to build the information highway that will take Hong Kong into the next century.

DR HUANG CHEN-YA (in Cantonese): *Mr President, will the Government inform this Council of the ways and plans to turn the "fibre optic trunk route", after it has been installed, into an "information highway" available to all, instead of a "private lane" only for use by television stations or the telephone company; and how would the Government provide ways by which schools, hospitals and government information networks can actually be connected to this "information highway"?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, all the networks of Hongkong Telecom are constructed by the company's own investments, and Wharf Cable Limited also installed its own networks. As far as exclusive ownership and use of such networks are concerned, these two companies have absolute right to provide services, through their own networks for the customers interested in using the networks. As for the customers, if they wish to obtain any service through such networks, they should first make requests or application to the companies operating the networks. We have not received any complaints or reports about the failure or reluctance of such companies to provide customers with services for which reasonable requests have been received. In view of such, the use of networks is entirely open in Hong Kong. As regards the use of network by schools and other private or



public institutions in the future, some basic services such as telephone and television are in fact provided through the networks, and by mid-1995, there will be new companies providing various types of network services. All the institutions or schools in Hong Kong may, according to their needs, choose for themselves the company or network the services offered by which they would like to apply for.

MR MAN SAI-CHEONG (in Cantonese): *Mr President, concerning the computerization of the schools that the Education Department has contacted, as well as that of all universities, secondary schools and public libraries, does the Economic Services Branch have any plan to conduct or has it conducted any assessment on the possibility of such processes to complement the fibre optic network information policy, with a view to benefitting the public, as well as teachers and students by connecting computer system in those schools, universities and public libraries with the fibre optic network system when it is perfected, or even with the relevant fibre optic networks of foreign countries.*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, currently, there are international service institutions, such as Internet, providing the service mentioned. Through their interconnected networks, access may be made of information in the central data bank from anywhere in the world. Certainly, in order to join the network, schools, institutions or individuals have to complete certain procedures or to make an application. In addition, to retrieve and use the information, one is required to pay a fee the amount of which has been agreed at the time of application. Mr President, I have at hand information about a number of different networks already installed in Hong Kong, such as the internal network of the Government, the network of the Education Department, as well as the ones used in the Urban Services Department and the Regional Services Department. These are mostly individual networks that provide services for their own staff or for enquirers. At the moment, Hong Kong does not have any centralized interconnected networking facilities. Mr President, since time is limited, I will provide Mr MAN in writing with information about all the networks. (Annex I)

PRESIDENT: Mr MAN, not answered?

MR MAN SAI-CHEONG (in Cantonese): *Mr question is: will the Economic Services Branch take the initiative to implement a consolidated plan to enable all existing networks to be connected with the future integrated network? All I want to know is whether it will or will not do that.*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, in terms of technology, there is no problem at all in linking together all networks

or interconnected networks because the present fibre optic networks in Hong Kong are among the most advanced. As to whether there will be any organization responsible for co-ordinating all networks and needs in the future, interested parties may proceed to do so on their own accord. While it is the Government's policy that no specific instruction will be given concerning the way in which co-ordination work is to be done, we will certainly give every assistance in matters concerning technology and licensing when required.

### **Follow-up on Police Assault Case**

2. MISS EMILY LAU asked (in Chinese): *It was reported that a painting worker who was assaulted, accused without cause and detained by the police in December 1990 had resorted to legal proceedings to claim damages from three police officers and the Attorney General's Chambers representing the police. The case was heard before the High Court on 11 October this year and the claimant was awarded a six-figure sum of damages in an out-of-court settlement. In this connection, will the Government inform this Council:-*

- (a) *whether an inquiry into this case has been made by the police, and what are the reasons why criminal charges have not been brought against the police officers concerned;*
- (b) *whether the police officers concerned have been convicted by the police's internal disciplinary board of breaches of discipline; if so, what disciplinary action has been taken against them; and*
- (c) *what is the amount of damages involved in this case and who will pay for it?*

SECRETARY FOR SECURITY: Mr President, as regards part (a) of the question, the police investigated a complaint lodged by the painter in mid-1991. On legal advice, no criminal proceedings were instituted against the three officers due to insufficient evidence to prove assault.

As regards part (b) of the question, disciplinary action was taken against the three police officers concerned. One of the officers received a severe reprimand, while the other two were cautioned.

As regards part (c) of the question, damages of \$100,000 were paid to the plaintiff, of which the Government paid \$70,000 and each of the three officers concerned paid \$10,000.

MISS EMILY LAU (in Cantonese): *Mr President, since the Attorney General has advised that there was insufficient evidence to charge the three police officers with assault, why then was there sufficient evidence to take disciplinary*

*action against them? Will the Government inform this Council what offences have these officers committed and why did disciplinary action have to be taken against them? As there was insufficient evidence to institute criminal proceedings against these officers, then why settled with the painter out-of-court and paid him damages of \$70,000 with the taxpayers' money?*

SECRETARY FOR SECURITY: Mr President, the disciplinary proceedings were not taken against the three officers for assault. They were taken for contravention of police orders. I think, more specifically, because they had not obtained the prior approval of a senior officer for instituting an investigation, and because they had not followed the correct procedures in conducting the investigation. So, there was not disciplinary action for assault.

In the case of the civil proceedings, again the settlement did not include an admission of liability and there was therefore no question of it having been established that the painter had been assaulted. But I believe that even if the civil proceedings had found for assault, that would not necessarily constitute sufficient evidence for criminal proceedings. The onus of proof is very different in civil and in criminal proceedings.

PRESIDENT: Miss LAU, not answered?

MISS EMILY LAU (in Cantonese): *Mr President, the Government's reply did not explain why it had to settle with the painter out-of-court and why it had to pay damages of \$70,000 with the taxpayers' money.*

SECRETARY FOR SECURITY: Mr President, the case was settled out-of-court on the basis of the Government being liable vicariously if the case had gone against it and on the amounts that had been awarded in similar cases and on the likelihood of the three officers and the Government losing the case.

I forget the second part of the question, Mr President.

MISS EMILY LAU (in Cantonese): *The question was why the Government had to pay damages of \$70,000 with the taxpayers' money.*

SECRETARY FOR SECURITY: I think, as I have just said, the reason is that if the case had gone against the three officers and the Government, and the Government was one of the defendants, then the Government would have been liable vicariously for the damages awarded.

DR CONRAD LAM (in Cantonese): *Mr President, the plaintiff resorted to legal proceedings against the Government or the police for two reasons — being assaulted by the police as well as being accused without cause and detained by the police. The first paragraph of the Secretary's reply said that there was insufficient evidence to prove assault, but it did not mention whether there was sufficient evidence to prove "accusation without cause and detention". Hence, I gather that "accusation without cause and detention" was established. If so, that should account for the disciplinary action taken against the three police officers as mentioned in the second paragraph, namely, one received a severe reprimand while the other two were cautioned. Will the Government inform this Council whether mere caution, as mentioned in paragraph two, is the proper way to deal with a case in which an innocent member of the public was detained without cause?*

SECRETARY FOR SECURITY: I am very unclear, Mr President, as to the question I am being asked. What happens in a case like this, when a complaint is made, is that it will be investigated by the police. They will, if necessary, seek the advice of the Legal Department as to whether a prosecution should be instituted. Failing that, they will also consider and seek advice on whether disciplinary action should be instituted which is what was done in this case.

PRESIDENT: Dr LAM, do you want to pursue it further?

DR CONRAD LAM (in Cantonese): *Mr President, the Secretary's reply seems to suggest that, according to the legal professionals, to reprimand the officers concerned for detention without cause is the proper way to handle the case. Did the Secretary mean that?*

SECRETARY FOR SECURITY: Mr President, the disciplinary proceedings were not taken against the officers concerned for detention without cause or unlawful imprisonment. As I said earlier, they were taken against the officers because they had failed to follow standing police procedures in a number of respects. The detention without cause was not proven. There was not sufficient evidence to take a case for that.

MR CHIM PUI-CHUNG (in Cantonese): *Mr President, as we understand, the member of the public involved in this case has spent almost four years and obtained damages of \$100,000. However, he did not spend those four years to get the money, it was rather his attempt to uphold the spirit of the rule of law. The Secretary for Security for mentioned in the third paragraph damages of \$100,000. In other words, the Secretary followed the legal advice sought and believed that it was also his fault. Would the Government inform this Council*

*of the number of complaints which the police had received and settled out-of-court without notifying the public?*

PRESIDENT: Do you have the answer, Secretary?

SECRETARY FOR SECURITY: Mr President, no, I am not aware of any previous cases similar to this.

MR FRED LI (in Cantonese): *Mr President, as the Government paid \$70,000 while each of the three police officers paid \$10,000, could that be taken as the Government should be held responsible for 70% of the mistake committed? On what basis was the sum of \$10,000 paid by each of the officers decided? Why was the officer who received a severe reprimand not made to pay more than the other two? On what basis was the 7:3 ratio decided?*

SECRETARY FOR SECURITY: Mr President, as I said, if the case had gone against the Government, the Government would have been vicariously liable for any damages that had been awarded, so also would have been the officers. This was an agreed means of settling the case.

PRESIDENT: Yes, Mr LI, not answered?

MR FRED LI (in Cantonese): *Why did the Administration choose the 7:3 ratio? Does that mean that the Government will adopt this ratio every time it pays damages? Why was the ratio not set at 6:4?*

SECRETARY FOR SECURITY: No, Mr President, it would not necessarily apply in all similar cases. Each case would be considered on its merits. This is the agreement reached in this case.

MR JAMES TO (in Cantonese): *Mr President, the Secretary mentioned in paragraph one of his reply that there was insufficient evidence to institute criminal proceedings because criminal proceedings require proof beyond reasonable doubt. Paragraph three mentioned, however, damages of \$100,000 were paid because it was a civil case. The onus of proof required of civil proceedings is a "balance of probabilities", meaning that the plaintiff will win the case and obtain damages if his story is more credible than that of the defendant. Will the Government inform this Council of the level in the onus of proof adopted by the Complaints Against Police Office (CAPO) to determine whether criminal proceedings or disciplinary action should be instituted? If*

*CAPO continues to operate under the present system, will the Secretary expect similar cases of civil proceedings to increase tremendously, which would indirectly replace CAPO's duty to investigate by court proceedings and cause even greater losses to the public?*

PRESIDENT: Have you understood the question, Secretary?

SECRETARY FOR SECURITY: Mr President, I did not entirely understand the question but what I think the answer is this. When Complaints Against Police Office (CAPO) considers whether criminal proceedings should be instituted, it obviously applies the onus of proof appropriate to criminal proceedings. The civil proceedings have nothing to do with CAPO, but the disciplinary proceedings which also came out of the CAPO investigation would not require the same onus of proof as for criminal proceedings.

MR JAMES TO (in Cantonese): *There is no point in over-criticizing CAPO if it still requires the onus of proof to be "beyond reasonable doubt" when deciding whether to institute criminal proceedings. However, if members of the public cannot have justice done through CAPO, would the Secretary envisage that many would follow the example of this case and institute civil proceedings, hence replacing CAPO with the courts for the administration of justice? This is the question which the Secretary has not addressed.*

SECRETARY FOR SECURITY: Mr President, I would not envisage that. Of course one can never be sure that civil proceedings will not result in any case of this nature, or that a complaint will not be pursued by way of civil proceedings. That is up to the individual complainant to decide. I think all I can say is that past experience does not suggest that we get a very large number of cases of this type. They are very exceptional and I do not expect that to change in the future.

MS ANNA WU: *Could the Secretary indicate whether the police investigated the claims of assault and detention without cause and what was the consequence of those investigations? The Secretary also mentioned that procedures were not followed by the three officers concerned. Could the Secretary indicate the details of these procedures which were not followed?*

SECRETARY FOR SECURITY: Mr President, I am not sure, I am afraid, what Ms WU meant by the consequence of the investigation. The result of the investigation was the conclusion that there was not sufficient evidence to take criminal proceedings.

As regards the second part of the question, the three policemen were found guilty under disciplinary proceedings for contravening police orders: Firstly, for failing to deliver a person taken into custody, into the custody of the officer-in-charge of the station; secondly, for carrying out an investigation without the prior authority of a senior officer and thirdly, for failure to make adequate notebook entries regarding the exercise of their powers in this case.

PRESIDENT: Ms WU, not answered?

MS ANNA WU: *Not answered, Mr President. I wonder if the Secretary could specifically indicate whether the result of the investigation indicated that there was assault and that there was detention without cause, irrespective of the criminal burden please?*

SECRETARY FOR SECURITY: No, Mr President, I am afraid I cannot comment on that. All I know is that the conclusion was that there was insufficient evidence to take a criminal case.

### **Ban on Sale of Animal Parts of Endangered Species**

3. MR PETER WONG asked: *In regard to the curb on the sale of animal parts of endangered species for medical and health purposes, will the Administration inform this Council of the progress made by the Fauna Conservation Section of the Agriculture and Fisheries Department and the current enforcement measures taken by various agencies?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, the Animals and Plants (Protection of Endangered Species) Ordinance provides that no person shall import, export or possess any scheduled species, or parts and derivatives of such species, except under and in accordance with a licence issued by the Director of Agriculture and Fisheries.

Special provisions apply to the products of some highly endangered species such as rhinoceroses and tigers. In practice, no licences are issued for the import, export or possession of medicines containing, or claiming to contain rhinoceros or tiger ingredients. The effect is to ban these items from international trade and domestic sale.

The Ordinance also controls the import, export and possession of bear gall bladder, bear bile and bear bile powder originating from any species of bear.

Enforcement of these controls is undertaken by the Agriculture and Fisheries Department, the Customs and Excise Department and the Royal Hong Kong Police Force.

The Agriculture and Fisheries Department's enforcement team carries out undercover checks of traditional medicine shops to suppress and deter the illegal sale of banned items. Customs and Excise officers check shipments at various points of entry and exit. The Royal Hong Kong Police Force investigate any possible organized crime that might be involved in such illegal trade. They participate in operations with the Agriculture and Fisheries Department and provide assistance in investigative techniques.

The enforcement effort is co-ordinated by an Endangered Species Protection Liaison Group consisting of members of all three departments. During the past 12 months, the Group has directed a vigorous programme of over 3 300 inspections of traditional medicine shops. 387 such shops have been raided under search warrants, resulting in 230 prosecutions.

I believe that the message is now getting through clearly to retailers and their suppliers that it is not worth dealing in products even claiming to contain rhino horn and tiger bone. This message was reinforced last week when I introduced a bill to increase the maximum penalties for such offences to a fine of \$5 million and imprisonment for two years.

Mr President, I believe that significant progress is being made in the battle against illegal trade in endangered species. We intend to maintain the momentum of enforcement and increase our efforts to persuade the public away from consumption of products containing endangered species.

MR PETER WONG: *Mr President, can the Secretary inform us whether the Hong Kong Government has filed the annual report to the United Nations as required under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, giving an up-to-date report on the adherence to the various undertakings on trade in animal parts?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, as regards the process of filing of Hong Kong's report, because we are at this stage party to the Convention through the United Kingdom, this is done through the United Kingdom and I confirm that we have already filed that report.

MRS PEGGY LAM (in Cantonese): *Mr President, will the Secretary inform this Council how many people have been prosecuted for violating the Animals and Plants (Protection of Endangered Species) Ordinance in the past three years and how many of them have been convicted?*



SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, I do not have the figures but I can report to this Council that the number of prosecutions instituted in 1992, 1993 and in 1994 so far. There were 153 cases in 1992; 117 in 1993 and 519 so far this year.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, judging from the number of prosecutions instituted, the problem in question is very serious. I wish to know if the Government, apart from substantially increasing the maximum penalties, has taken any other concrete measures to step up law enforcement?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, apart from law enforcement, publicity work and education are the two major areas to which the Government has also committed itself. Two categories of endangered species related products are available at present in the market. The first one is for medicinal purposes. The main thrust of our publicity programme is to propagate as far as possible the medicines which practitioners of traditional Chinese medicine (TCM) have discovered as alternatives to those medicines which contain rhinoceros or tiger ingredients. The alternatives are equally effective medicines but contain no ingredients derived from endangered species. We hope that by then the public will not crave for medicines which contain rhinoceros or tiger ingredients. The other one is for food consumption purposes. Many people still have the misconception that consumption of certain parts of endangered species would achieve special effects for the body, in particular when eating wild game or consuming tonic substances. It would be a long-term programme since it takes time to change gradually and subtly long-standing habits and beliefs. Our work will start with the schools. In addition, we will also make use of television and other means to foster in the public the concept that the consumption of parts of endangered species may not necessarily be beneficial to our health.

MR MAN SAI-CHEONG (in Cantonese): *Mr President, as the Secretary mentioned in his reply that sale of products claiming to contain rhinoceros or tiger ingredients were prohibited in Hong Kong, I wish to know if the Government has encountered any objection from the TCM profession or experienced any other difficulties when enforcing the law in the past few years. All the more, I would like to know whether the Administration is equipped with sufficient resources and manpower to conduct scientific identification processes upon such ingredients, for example, to check if the tiger bones are genuine. If the answer is negative, will the Government be prepared to inject more resources into the conduct of academic research in this area?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, the TCM profession lends its unreserved support to the Government's efforts in

protecting endangered species. As I have just said, the practitioners have taken some actions of their own accord, for example, they have identified over 20 types of Chinese medicines which possess the same curative power as that of rhino horn. Therefore, what they are doing is complementary to our policies. As to the identification processes, the issue is two-fold. If the medicines concerned really involve parts of tigers or rhinoceroses like tiger bones, the zoologists can tell if they are genuine ones. Nevertheless, those seized from the market recently are all fakes. On the other hand, if we were to tell whether certain medicine really contain rhinoceros and tiger ingredients, sophisticated identification processes would be required. According to my colleagues, apparatuses are used in the identification process, but even the most sophisticated apparatus would find it very difficult to prove that the medicine concerned really contains parts of a tiger or rhinoceros.

MR LAU CHIN-SHEK (in Cantonese): *Mr President, the Secretary has said in his reply that in a programme of over 3 300 inspections of traditional Chinese medicine shops, 387 such shops were raided and 230 prosecutions were instituted subsequently. Apart from such traditional Chinese medicine shops, how many suppliers have also been prosecuted and what penalties were imposed upon them eventually? Thank you, Mr President.*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, I was talking about prosecutions against shops in my reply. The Agriculture and Fisheries Department, the Customs and Excise Department and the Royal Hong Kong Police Force have also taken actions to tackle the problem of importing any commodities claiming to contain tiger or rhinoceros ingredients. I do not have the information on the suppliers with me today, but in 1994, for example, the Agriculture and Fisheries Department has inspected, in addition to TCM shops, some pet shops or TCM counters in large department stores. The number of inspections made is therefore much greater than the 387 mentioned in my reply. Since 1994, the three departments concerned have so far inspected 4 000 different places selling these products. If you permit, I will provide the Honourable LAU Chin-shek with information concerning suppliers in a written reply. (Annex II)

MISS EMILY LAU (in Cantonese): *Mr President, the Secretary has just said that publicity work is needed to provide the public with the correct idea concerning the consumption of endangered species since some people believe that they could benefit from the consumption of certain parts of these endangered species. Will the Secretary inform this Council whether scientific findings are available to prove that the consumption of certain parts of such endangered species is totally devoid of benefits.*

*SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, my answer is no. However, many well experienced practitioners of TCM have expressed a lot of opinion in this respect. Take rhinoceroses as an example, as I have quoted earlier, they have found over 20 types of medicines which possess the same curative power. If the Member is really interested in knowing which types of food are conducive to health, I think the best way is for them to consult the professionals in that field.*

#### ***Prevention of Prostitution by Female Visitors***

4. *MRS SELINA CHOW asked (in Cantonese): Mr President, recently quite a number of females from places outside Guangdong, holding transit visas for a stopover in the territory on their way to Thailand, have been able to enter the territory and have managed to stay behind and engage in prostitution activities. In view of this, will the Government inform this Council whether consideration will be given to stepping up measures to combat these activities, such as blacklisting them and preventing them from visiting the territory again to engage in prostitution activities, similar to the measures adopted to combat the problem of females from the South East Asian region coming to the territory to prostitute?*

SECRETARY FOR SECURITY: Mr President, we are aware that some visitors to Hong Kong engage in prostitution. We have stepped up measures to combat the problem.

Illegal immigrants and foreign visitors, including transit visitors from China, found working in vice establishments or working as prostitutes are prosecuted for illegally remaining in Hong Kong or for breach of their conditions of stay.

The police and the Immigration Department will continue to mount operations against these activities.

Visitors (including transit visitors from China) who have previously abused their conditions of stay in Hong Kong are subject to special scrutiny on future entry into Hong Kong. They may be refused entry if there is good reason to believe that they are likely to breach their conditions of stay.

*MRS SELINA CHOW (in Cantonese): Mr President, will the Secretary for Security inform this Council how many females coming from China to engage in prostitution in Hong Kong have been arrested during the past three years? Is it possible to disclose the relevant figures here? Will the Secretary also inform this Council whether these activities are carried out under the protection of the triads?*

SECRETARY FOR SECURITY: Mr President, I do not think that we have available a breakdown for the past three years specifically relating to visitors from China, but perhaps I can give some statistics that indicate the extent of the problem. In 1992, just over 1 000 — both illegal immigrants and foreign visitors to Hong Kong — that is, prostitutes — were arrested here. In 1993, the number was approximately 1 900, and in the first nine months of 1994, the number has been 1 500. I do, for a much shorter period, have a breakdown which I think may help Mrs CHOW. In the four months between June and September this year, 394 female visitors involved in prostitution were arrested and prosecutions were taken against them; of these, 100 were transit visitors from China, 52 were visitors from China holding two-way permits, and the remaining 225 were visitors from other countries.

MRS SELINA CHOW: *The second half of the question about triad backing?*

SECRETARY FOR SECURITY: Yes, we do believe that organized crime and triads are probably behind at least some of this vice activity.

MRS ELSIE TU: *Mr President, the last paragraph says that visitors who have previously abused their conditions of stay are subject to special scrutiny. Are the immigration officers given information and guidance as to how to carry out the scrutiny? Are they given the information necessary to prevent them from confronting and affronting perfectly respectable ladies from the Philippines? I have heard of them just being asked bluntly, "Are you a prostitute?"*

SECRETARY FOR SECURITY: Mr President, yes. Certainly, immigration officers are carefully trained in their duties. Obviously, in interrogating or questioning people who are suspected of entering Hong Kong for these purposes, there is bound to be the possibility of giving offence to perfectly innocent and *bona fide* visitors to Hong Kong. All I can say is that the Immigration Department does take great care to try to conduct its questioning tactfully and without giving offence.

MR FREDERICK FUNG (in Cantonese): *Mr President, based on the information given by the Secretary for Security in his reply on the number of prosecutions being taken during the past two years and the first nine months of this year, the situation is quite serious. Has the Secretary considered increasing the manpower of the police or stepping up operations so as to enhance the deterrent effect?*

SECRETARY FOR SECURITY: Mr President, the police and the Immigration Department both devote, really, considerable resources to this problem and they

will continue. We are intending, next year, to increase the resources of the Immigration Department generally for investigation into immigration offences, including these sorts of offences.

MR JIMMY MCGREGOR: *Mr President, can the Secretary comment on the recent disclosure by a British lady of considerable business acumen whose activities seem to be both athletic and illegal? Is the running of a brothel a permitted industry? And if not, will the lady concerned be deported?*

PRESIDENT: I do not know if there is a case pending, because if there is, that question would be out of order.

SECRETARY FOR SECURITY: Mr President, I have no information on that case. It is, I think, quite possible that the police are still looking at that particular case but I have no information on it.

MR WONG WAI-YIN (in Cantonese): *Mr President, the Secretary for Security has just mentioned that there are signs indicating that prostitution involving transit visitors in Hong Kong is controlled by triads. Other than arresting females who have been found engaged in prostitution as mentioned by the Secretary, does the Government have any records showing that these triad societies were cracked down? Since triad societies are involved in this problem, that means they may have made arrangements for these women to come to Hong Kong systematically. Has the Police Force in Hong Kong ever had any discussion and co-operation with the public security organs in China in respect of this problem? Thank you, Mr President.*

SECRETARY FOR SECURITY: Mr President, I think what I can say is that the police action is taken not merely against foreign visitors who are working as prostitutes in Hong Kong. Police action is targeted much more against the operators of vice establishments — those who are organizing and controlling this sort of activity. Specifically, the Regional and the District Vice Squads in the Police Force are targeted very much against this sort of activity and they do, where necessary, co-operate with other law enforcement agencies, including the law enforcement agencies in China.

MR EDWARD HO: *Mr President, my question has been asked. Thank you.*

MR LAU CHIN-SHEK (in Cantonese): *Thank you, Mr President, I want to follow up the question raised by Mr WONG Wai-yin just now. As regards the problem of female transit visitors from China being controlled by triad societies*

*to engage in prostitution, how many triad members were prosecuted due to involvement in this sort of activity over the past year? How many of them were convicted? Thank you, Mr President.*

SECRETARY FOR SECURITY: Mr President, I do not have that information available. I will give Mr LAU a written reply. (Annex III)

MR JAMES TO (in Cantonese): *Mr President, in paragraph two of the main reply, the Secretary for Security has pointed out that those females found to be involved in prostitution will be prosecuted for breach of their conditions of stay. I think the penalties for such offences would be quite light. Will such penalty have any deterrent effect? And to what extent does the Secretary for Security expect that the Organized and Serious Crimes Bill, which has just passed, to have effect in combating these triad groups and criminal syndicates?*

SECRETARY FOR SECURITY: Mr President, I do not think that the penalties are necessarily that low. The penalties, I think, for these two offences include imprisonment for two or three years as a maximum penalty.

As regards the second part of the question, I would not think that the Organized and Serious Crimes Bill would be used against the prostitutes, against the visitors themselves. But one would certainly hope and expect that the powers in that Bill could be used against the triads and the criminal syndicates who are organizing and controlling this sort of activity.

### **Check on Imported Contaminated Vegetables**

5. MR TIK CHI-YUEN asked (in Cantonese): *Recently there have been a number of acute food poisoning incidents in the territory arising from the consumption of contaminated vegetables. As a large portion of the vegetables is imported from the mainland, will the Government inform this Council:-*

- (a) *of the average daily number of vegetable samples examined by the Department of Health at the Man Kam To border checkpoint, and what is the percentage of the samples examined out of all imported vegetables;*
- (b) *of the number of officers responsible for conducting spot checks at the boarder at present; and whether there are plans to increase the manpower for these duties;*
- (c) *of the respective percentages of vegetables found to be contaminated out of the samples examined by the Department of Health in each of the past three years; and*

- (d) *what are the measures adopted by the Government to curb the importation of contaminated vegetables through illegal means?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, effective control over pesticide-contaminated vegetables depends on a combination of measures at source, upon import, at sales outlets and in the kitchen. To safeguard public health, the Government co-ordinates action through the Department of Health to monitor the hygiene of vegetables.

About 50% of the fresh leafy vegetables consumed locally come from China, 25% are local produce and the rest are imported from other countries. The Department of Health has in place at the border a well-tested monitoring system to check the quality of imported vegetables. In 1994, an average of 70 quick tests are performed daily at the Man Kam To Checkpoint.

An average of 8.5 samples per day are collected from vehicles for full laboratory tests for use as evidence in case of prosecution or to support destruction of vegetables. The percentage of vegetable samples found to be contaminated after full laboratory tests is 0.35% for the first 10 months of 1994. This represents a substantial improvement over 1.75% in 1992 and 0.56% in 1993.

At present, there are two shifts of six health inspectors stationed at Man Kam To, plus other supporting staff. The number of vehicles subject to sampling represents roughly 30% of the total number of vehicles passing through. During pesticide contamination outbreaks, additional staff are quickly deployed and the number of vehicles sampled increased.

Apart from regular checks, there are frequent exchanges of information and meetings between the Department of Health and the Guangdong and Shenzhen Import and Export Commodity Inspection Bureau to control the problem at source. This has led to a tagging system for vegetable produce from farms approved by the Commodity Inspection Bureau. These imports are also issued with pesticide declaration forms.

In addition to these random checks at the border, the Department of Health operates a surveillance programme at both wholesale and retail vegetable markets. There is also regular publicity to advise members of the public not to patronize illegal hawkers and to follow good food handling practices, such as thorough soaking and washing of vegetables.

In co-operation with the Shenzhen authorities, we will continue to review control strategies in order to reduce the risk of further outbreaks.

MR TIK CHI-YUEN (in Cantonese): *Mr President, it is pointed out in the Government's reply that the Government and the Shenzhen authorities have*

*agreed on a tagging system for approved farms and the issuance of pesticide declaration forms to these farms. However, it is reported that vegetables from these approved farms may also be contaminated. Does the Government conduct spot checks on those tagged vegetables? Has any of the samples of tagged vegetables examined been found to be contaminated? If there are samples found to be contaminated, does it mean that the Government should review the tagging system?*

SECRETARY FOR HEALTH AND WELFARE: The Administration maintains regular contacts with the Chinese health authorities on issues of mutual concern and the Member has correctly mentioned that this has led to a system of identifying-tags and pesticide declaration forms. The Shenzhen Commodity Inspection Bureau also maintains a register of farms approved for export which it inspects regularly. Since the outbreak, I understand that the Chinese authorities have stepped up their controls.

Concerning the presence of pesticide-contaminated vegetables from farms which have this tagging system and pesticide declaration forms, I wish to emphasize that both these measures are a mechanism of control and the success of this control depends on a combination of factors. The most important factor is that there is adequate monitoring at the source of supply. In this regard, there is on-going dialogue with the Chinese authorities and any suggestions for improvement will be thoroughly discussed. In the past, we have had instances where such fresh vegetables have been found to be contaminated with pesticide.

DR LAM KUI-CHUN: *Mr President, on the question of contaminated tagged vegetables, I understand — I have just been told — that vegetables that are declared free from contamination with pesticides have fairly frequently been found to be contaminated. Would the Secretary for Health and Welfare provide this Council with some objective figures to show that the tagging system does indeed provide good protection to the consumers in Hong Kong? And would the Secretary further inform this Council whether adequate penalties are available to deter relapses, of the farmers concerned, into the same practice in the future?*

SECRETARY FOR HEALTH AND WELFARE: Yes, I do not have the specific figures requested by the Honourable Member but it is correct to say that the most important control measure is to attack the problem at source. I might inform Members of a new development which has started only last week. This concerns what is called an Accreditation Farm Scheme. This started on 11 November, and Members may have read about this in the press. Through this accreditation scheme, both local farms and farms across the border which produce safe vegetables are accorded an accreditation which means that they have produced vegetables which are of a safe standard. Vegetable farms accorded this accreditation adopt very good horticultural practices and they



have also allowed the Vegetable Marketing Organization to check the pesticide residue on their vegetables. These are safe premium vegetables and our intention is to extend this accreditation scheme to farms across the border, many of which are owned by Hong Kong farmers but operated across the border. And there is, at the moment, a lot of discussions and dialogue going on as to how this can be done.

In the future, we hope that we can entrust this work to a Federation of Vegetable Marketing Co-operative Societies, which will then be monitoring and accrediting agents for farms over the border. When this happens, I am sure that the quality of the vegetables imported to Hong Kong will be greatly improved.

MR FRED LI (in Cantonese): *Mr President, I think the Secretary for Health and Welfare will agree that the most effective way to eliminate contaminated vegetables is to direct efforts at the source of supply, instead of the market or the wholesalers. But the situation is that in spite of the introduction of the tagging system or the pesticide declaration forms, vegetables are still found to be contaminated. Therefore, the only way to tackle this problem is that the Department of Health should put in more efforts to conduct inspections on imported vegetables. At present, only 30% of the vehicles entering through Man Kam To are inspected. In view of the fact that the efforts to eliminate contaminated vegetables at the source of supply is unsuccessful, will the Secretary for Health and Welfare inform this Council whether the Department of Health will consider deploying additional staff to inspect 100% of the vehicles entering the territory and stop those which are blacklisted from entering Hong Kong?*

SECRETARY FOR HEALTH AND WELFARE: Yes, this is a problem. It happens to be a seasonal problem. At this time each year, I think there is normally concern about pesticide-contaminated vegetables. We have planned to construct a permanent Food Control Office at Man Kam To and I hope this will be ready by the end of 1995. Upon the completion of this control office, all food vehicles will be inspected on entering the territory and an additional team of 10 health inspectors, together with other supporting staff, will be stationed at the office. By then, we should have further strengthened our inspection and testing effort. The public health risk would then be considerably reduced as long as there is adequate control at source and checking at the border.

I must emphasize that the most important point is that suppliers must follow good agricultural practice as regards the use of pesticides. But on our side, we will continue our public education efforts and also maintain on-going dialogue with the relevant authorities across the border.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, there was a panic among the public about a month ago when Hong Kong was affected by*

*contaminated vegetables. For some time, we heard of people being infected by contaminated vegetables nearly everyday. I had enquired the Department of Health earlier and learned that the number of people being infected by contaminated vegetables this year was greater than that of the same period last year. I agree that one of the effective measures is to strengthen efforts in inspection at the border. It is pointed out by the Secretary for Health and Welfare in her reply that there are two shifts of six persons each at present. When will additional staff be deployed? Why can we not increase the manpower further prior to the completion of the Food Control Office by the end of next year so that more vehicles can be inspected?*

SECRETARY FOR HEALTH AND WELFARE: At the moment there are two shifts of six health inspectors plus other supporting staff at Man Kam To. This number can be flexibly deployed whenever there is an outbreak of pesticide contamination and in the case of the outbreak during the past month or so, we have deployed additional staff very quickly to check more vehicles. So the numbers are not static, we can deploy staff very flexibly.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, my question focuses on penalty. No matter how stringent the inspection is conducted in order to identify contaminated vegetables, it can only be done on a random basis. That means many contaminated vegetables may slip by unnoticed and these vegetables will then be brought onto the market. The public can only test these vegetables with their stomachs. Will the Government inform this Council how can this recurrent problem of contaminated vegetables be solved permanently? For instance, has the Government ever made a formal request to the Guangdong Provincial Government asking them to impose severe punishment on those approved farms which have exported contaminated vegetables to Hong Kong? Or will the Government make such a request? And will the Government consider asking the Guangdong Provincial Government to revoke the status of an approved farm to export vegetables to Hong Kong in the event of repeated violations? Has the Guangdong Provincial Government made any response and adopted punitive measures accordingly?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, at the moment the maximum penalty is a fine of \$25,000 and six months' imprisonment. As for other types of penalties, the other penalty is also a financial one. I would like to give some figures. From the beginning of the present outbreak on 19 October until 11 November, we have intercepted 1 519 vehicles, conducted 2 199 quick tests, and seized for disposal 13 810 kg of vegetables. This involves a considerable financial loss to the importers of the vegetables.

As for dialogue and liaison with our counterparts across the border, they go on very frequently and the points raised by the Honourable Member will

continue to be one of the issues that we will be discussing with the health authorities across the border.

MR MICHAEL HO (in Cantonese): *Mr President, the outbreaks of contaminated vegetables have been going on for years and we have had discussions over this issue for a very long time. Yet, the problem has not been solved. According to the reply given by the Secretary for Health and Welfare just now, additional manpower for more stringent inspection is possible after the completion of the Food Control Office, but that means contaminated vegetables will continue to exist in Shenzhen and be allowed to enter the territory through Shenzhen. We can actually strengthen our efforts in inspection in order to ensure that contaminated vegetables will not be brought into the urban areas. Will the Government inform this Council whether the Administration will consider implementing more specific measures to stamp out these contaminated vegetables at source? For instance, will the Administration strengthen its efforts in prosecuting vegetable importers so that the farms and suppliers concerned will be compelled to abandon these pesticides in view of the losses they are going to suffer in business?*

SECRETARY FOR HEALTH AND WELFARE: Yes, I agree with the Honourable Member that one of the most effective measures is to prosecute the offenders who import the vegetables and in this way the message will be clearly conveyed to their farms, either across the border or in Hong Kong. But I think we need to see this in perspective. As I mentioned in my main reply, the percentage of vegetable samples found to be contaminated after full tests is 0.35% for the first 10 months of 1994.

### **Future Development of the Hotel Industry**

6. MR MOSES CHENG asked (in Cantonese): *Mr President, as the completion of the new airport will result in a substantial increase in the number of overseas visitors coming to the territory, will the Government inform this Council:*

- (a) *of the number of applications being processed by the Government which involve the demolition of hotels to make way for the building of commercial buildings;*
- (b) *of the hotels referred to in (a) above, what is the number of hotel rooms involved;*
- (c) *whether the Government envisages a shortage of hotel rooms in the next five years;*

- (d) *whether any measures will be adopted by the Government to encourage investment in the hotel industry with a view to promoting the development of tourism in the territory; if so, what measures are being or will be adopted; and*
- (e) *whether the Government will consider allocating more land restricted to hotel usage only, so as to encourage private developers to build new hotels?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, at the end of 1993, Hong Kong had approximately 34 000 hotel rooms. During 1994, five hotels with a total of 1 250 rooms are known to have closed down. In addition, the Buildings Department is currently processing two applications for conversion of hotel to commercial use. If approved, these conversions will result in a further reduction of some 1 000 rooms. However, during the next four years, four new hotels are scheduled to come on stream and a number of existing hotels are being extended. The new and extended hotels will provide a total of 4 200 new rooms, including one which will have 2 400 rooms on its own.

Current forecasts of visitor arrivals, compiled by the Hong Kong Tourist Association, suggest that there may be some tightness in the supply of medium tariff hotel rooms in the next five years, particularly at periods of peak demand. In order to alleviate the pressure, the Planning Department has incorporated specific requirements for hotel development in the commercial usage of the Comprehensive Development Areas on the Central and West Kowloon Reclamations and of the Hung Hom Bay Reclamation. The construction of hotels in these areas will be carried out jointly with the construction of the Airport Railway by the Mass Transit Railway corporation. This is expected to provide some 4 700 additional hotel rooms upon the completion of the project. Besides, there will also be commercial sites on the Hung Hom Reclamation and a number of hotels can be built there. New sites have been reserved on the Airport Island at Chek Lap Kok and in Tung Chung New Town for the construction of a number of hotels, which would yield some 2 900 rooms.

The Hong Kong Tourist Association, in conjunction with the Planning Department, has commissioned consultants to undertake a comprehensive study to assess the prospects for future development of the tourism industry in Hong Kong. Amongst other things the consultants will be tasked to review projections of the demand and supply of hotel rooms, to decide whether shortages of hotel accommodation are likely to pose a constraint on tourism growth and, if so, to advise the Government to take a diversity of measures to prevent a significant mis-match between supply and demand of hotel rooms.

The consultants are due to submit their findings and recommendations of their study on the hotel accommodation situation before the end of the year. The Administration will give careful consideration to any recommendations

made by the consultants on the possible need to introduce measures to stimulate hotel development, including suggestions which may be put forward recommending changes to current land allocation policy so as to ensure that forecast demand is met.

MR MOSES CHENG (in Cantonese): *Mr President, the Administration, in its reply, did not mention any positive measures it would adopt to encourage investment in hotel development. Will the Administration inform this Council whether it will consider adjusting the hotel plot ratio limit from 12 times to 15 times, like that of the office plot ratio, so as to encourage more hotel development?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, may I defer to my colleague, the Secretary for Planning, Environment and Lands?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, the Administration has in fact relaxed the plot ratio to a certain extent so as to stimulate or encourage hotel investment. The existing practice is that, under the Buildings Ordinance, hotel developers could enjoy some real term privileges with regard to plot ratio. For example, the basement and parking area will not be included in the overall plot ratio, additional plot ratio might even be awarded for providing parking facilities. This practice has been put in place and many developers are following such to develop their hotels. However, as to whether we should continue to follow this practice or institutionalize such practice, it would be considered thoroughly by the Government upon the completion of the study mentioned by the Secretary.

MR MARTIN BARROW: *Mr President, could the Secretary or his colleague clarify the Planning Department's special requirements for hotels on new reclamations? Is this, in effect, a zoning system whereby developers can only bid for hotels in certain areas? And, can the Government not also agree to zone sites which are now available, given that hotels on the reclamation sites will not be available until around the year 2000 or beyond?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the zoning referred to in my colleague's reply, in relation to Comprehensive Development Areas (CDA), are those areas which have been specially earmarked by the Town Planning Board to include the building of hotels within those sites. So the numbers which have been quoted by my colleague, the Secretary for Economic Services, for hotel development will happen in those CDA zones.

As to the question of whether we should zone other sites, other than CDA, to allow the development of hotels, we have to bear in mind that under the existing system, all zones earmarked for commercial or commercial/residential development can be used for hotel development where the developers see that there is a profit to be gained. So the system we are now using allows developers to choose whether to build offices or hotels or other developments, and I believe they have responded in the past to the market demand very well, and I suppose they will continue to do so.

MR MARTIN BARROW: *I appreciate it has worked well in the past but what I am concerned about is the future. Will the zoning arrangements be changed so that developers will only be able to bid on the basis of hotels and not general commercial development? That, I think, is the priority.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, whether we should change the system into one which we should earmark specific sites for hotel development, we intend to await the recommendations of the consultants' report. We have to bear in mind that sites zoned for hotel development will not be available for other uses, for example, offices, and we know in fact that in some areas, such as Central, hotels and offices are in equal demand.

MR HOWARD YOUNG (in Cantonese): *Mr President, I met two travellers at London airport. They told me that they came to Hong Kong to stage an exhibition, but owing to insufficient hotel rooms, they were forced to stage the exhibition in one hotel and stay at another. The Administration's reply pointed out that five hotels with a total of 1 250 rooms were demolished. If more hotels were to be demolished, there will be a further reduction of 1 000 rooms, that means a total loss of over 2 000 rooms. If 4 200 new rooms will be provided by the new hotels, the net increase will be less than 2 000, which represents a 6% increase on top of the existing supply, yet the number of visitors is increasing by 6% a year. Has the Administration taken into consideration the possibility that if "plot ratio" is not employed to encourage hotel development, the supply of hotel rooms would fall short of demand in the coming years?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, other than the 4 200 rooms to be provided by new hotels, my reply also mentioned that preparation works for new hotel development were underway on the Airport Island at Chek Lap Kok, in Tung Chung New Town, as well as on the Hung Hom Bay Reclamation and West Kowloon Reclamations. The total number of hotel rooms should far exceed 4 200, a figure which has been mentioned earlier on, since there will be an increase of at least 3 000 rooms. Nevertheless, my colleagues will monitor closely the changes in these figures in the coming years. As tourism is an essential component of Hong Kong's

economy, I can assure Members that if we have to make any new decisions in this respect, we will certainly be prompt in making rectifications.

PRESIDENT: Mr YOUNG, not answered?

MR HOWARD YOUNG (in Cantonese): *Mr President, just now I have only referred to paragraph one of the reply but not the later stage developments, since the construction works of the new airport would only take place in the later stage which lies beyond 1997. The actual increase mentioned in the first paragraph of the reply is only 2 000 odd rooms. This is the picture before 1997 and it represents 6% of the total capacity. However, the present occupancy rate is already over 80% and it is very easy for the rate to reach 100% before 1997 as there are still three to four years to go. If the question is confined to paragraph one of the reply, has the Secretary considered it possible that there will be a shortage of hotel rooms in the coming years?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, more hotel rooms will be available these years. Although there might be a tight supply in the short run, it should be under control, especially when the occupancy rate is still below 90% and spare capacity is still available as mentioned by Mr YOUNG just now. In addition, we have to take into consideration the preferences of the visitors. For some hotels, the supply of rooms is a bit tight in the meantime, the medium tariff ones I have just mentioned is one example, but other hotels will still have vacant rooms. With the development of the Pearl River Delta, hotels and other facilities across the border may play a complementary role in the future.

MR EDWARD HO (in Cantonese): *Mr President, my question is similar to that raised by Mr Moses CHENG. It concerns the possibility for commercial sites to be used to build either hotels or offices. Under the Buildings Ordinance, since hotels are for residential use, its plot ratio is much lower than that of office buildings. Will the Administration consider treating hotel accommodation as for non-residential use under the Buildings Ordinance, so as to encourage more hotel development?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, as I have just mentioned, even though the existing plot ratio of hotels is lower than that of office buildings, hotel development could in fact enjoy additional plot ratio in many cases, which is acceptable under the Buildings Ordinance. As such, although the nominal plot ratio for hotels is 12 times, which is much lower than the 15 times enjoyed by office buildings, in reality, many hotels can enjoy a plot ratio of almost 15 times. Also, as I have just explained, this might be one of the recommendations to be made by the

consultants. The consultancy report will be ready around the end of the year, if such recommendation is being made then, we will certainly give careful consideration to it.

MR HENRY TANG (in Cantonese): *Mr President, the Secretary mentioned just now in his reply that the hotel plot ratio is almost but not exactly 15 times. To be fair, a hotel is also a commercial institution, so on this same piece of land zoned for commercial use, why cannot hotels with a 15 times plot ratio be allowed to be built? Why does hotel development have to limit its plot ratio to less than 15 times, while office buildings can have a plot ratio of 15 times?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, this is because of the restrictions imposed by the existing Buildings Ordinance. Under this Ordinance, the plot ratio of office buildings is higher than that of hotels and this system has been implemented for a long time. It has then been considered that hotels and residential buildings were of a similar nature since both could accommodate many dwellers, and as such, the restriction on plot ratio was set tighter. Nevertheless, I will take Members' advice and address this issue from a new point of view.

## WRITTEN ANSWERS TO QUESTIONS

### Elderly Residents of "Caged Homes"

7. MR JIMMY MCGREGOR asked (in Chinese): *Will the Government inform this Council of the following:*

- (a) *how many elderly persons are at present living in what has been described as "caged homes" and what action has been taken by the Government to improve the situation in the last three years; and*
- (b) *whether there is any policy or programme to provide alternative accommodation for those elderly persons who have lived in such conditions over a considerable time; if so, how effective such policy or programme has been and how many "caged" people have been rehoused in the last three years?*

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

- (a) the number of elderly persons (aged 60 and above) at present living in what has been described as "caged homes" is estimated at 1 200. In the last three years, officers of the Social Welfare Department paid half-yearly visits to bedspace apartment lodgers to offer



welfare assistance, including financial assistance, institutional care, compassionate rehousing, employment service and counselling, to those eligible. Such visits are continuing and will continue. The City and New Territories Administration established 17 singleton hostels which offer rehousing to some of the bedspace apartment lodgers. The Bedspace Apartments Ordinance was enacted in April 1994 to provide for a licensing scheme to regulate the fire and building safety of bedspace apartments. Upon full implementation of the licensing scheme, lodgers will live in bedspace apartments which meet the safety standards; and

- (b) as pointed out under (a) above, the Social Welfare Department has been assisting elderly bedspace apartment lodgers with institutional care and compassionate rehousing. Under the Elderly Priority Scheme, persons aged 58 and above can apply for rehousing in public housing estates. Flats will usually be allocated within two years from the date of registration. Bedspace apartment lodgers can also apply for public housing through the general waiting list. Bedspace apartment lodgers aged below 60 can apply for admission into the singleton hostels of the City and New Territories Administration. These policies and programmes have been effective. In the last three years, about 650 "caged" people were rehoused.

### **Telephone Banking Services**

8. DR HUANG CHEN-YA asked (in Chinese): *Regarding the telephone banking services provided by banks, will the Government inform this Council:*

- (a) *of the number of banks which are currently providing such services;*
- (b) *what safeguards are in place to protect clients against losses from withdrawals which are either without the client's authorization or mishandled by the banks;*
- (c) *what guidelines or monitoring mechanism are available to ensure that the necessary degree of prudence and professionalism is exercised in providing such services; and*
- (d) *whether legislation will be introduced by the Government to protect the consumers' rights in using such services?*

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) There are currently 34 licensed banks offering some form of telephone banking services, which may include some or all of the following services:
  - (i) provision of information on account balances, exchange rates, deposit and lending rates;
  - (ii) transfer of funds between accounts of the same customer or to predesignated third party accounts;
  - (iii) renewal or disposal of time deposits upon maturity;
  - (iv) foreign exchange and investment product transactions; and
  - (v) payment of credit card, utility bills, and so on.
- (b) Access to telephone banking services is mostly through a touch tone telephone. Input of a password is necessary before transactions are allowed. Such transactions are normally restricted to accounts of the customer himself or predesignated accounts and no cash withdrawal is allowed. Details of transactions are recorded with written confirmation subsequently made available to the customer.

As in the case of other banking services operated by passwords, the customer has a duty to keep his passwords confidential to prevent unauthorized access. At the same time, banks are expected to have in place adequate internal control to maintain security and integrity of their telephone banking services systems.

- (c) There are no guidelines or monitoring mechanism specifically targeted at telephone banking services. It is not the practice of the banking supervisor to dictate how banks should conduct their business unless there are prudential concerns. So far, telephone banking services have not been a cause of concern.
- (d) We do not see the need for specific legislation on telephone banking services.

### **Services Related to 24-hour Border Crossing**

9. MRS MIRIAM LAU asked (in Chinese): *In view of the introduction of 24-hour service at the Lok Ma Chau-Huang Gang border crossing point as from 3 November 1994 this year, will the Government inform this Council:*

- (a) *whether, apart from increasing the manpower of the Customs and Excise Department and the Immigration Department, other*

- measures will be taken to encourage more container drivers to use the crossing point between midnight and dawn; and*
- (b) *whether special arrangements will be made at the container terminals to tie in with the new arrangement at the border crossing point?*

SECRETARY FOR TRANSPORT: Mr President, on average about 800 vehicles have been using the Lok Ma Chau border road crossing each night between the hours of 10.00 pm and 7.00 am, since it opened round the clock on 3 November 1994. This is about 50% of the throughput capacity of the two channels in use. It is a good start and should hopefully result in cross-border traffic being spread over a longer period each day.

The answers to the questions are as follows:

- (a) The Port Development Board and the Transport Department are continuing their efforts to encourage more container vehicles to use the Lok Ma Chau Crossing at night, through their contacts with shippers, terminal operators, vehicle owners and drivers associations.
- (b) The container terminals already operate on a 24-hour basis and have had no particular problems in coping with the additional traffic now being generated at night. The operators are, however, monitoring the situation closely and adjustments to their procedures will be considered if this proves necessary.

### **Salary Reduction of Polytechnic Staff cum District Board Members**

10. MISS EMILY LAU asked (in Chinese): *In view of the Hong Kong Polytechnic's recent decision to cut the salary of teaching staff who are members of District Boards, will the Government inform this Council whether it is aware of any other subsidized tertiary institutions which have taken similar measures to reduce the salary and fringe benefits of staff members who serve as members of District Boards or other tiers of representative government?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the Administration is aware that the Hong Kong Polytechnic has recently published policy guidelines on staff engaging in public offices through election. However, the Polytechnic has not imposed a cut in salary across the board for those teaching staff who are elected to district boards.

The guidelines serve to promulgate an existing requirement within the Polytechnic's employment contract for staff to obtain written consent from the Director for engaging in any remunerative activities. There are several options from which a staff member can choose when applying to the Director of the Polytechnic for consent if he/she is engaged in public offices through election. Under one of these options the staff concerned may apply to the Director for retention of the current employment status, but with the level of remuneration adjusted on a pro-rata basis depending on the proportion of time to be spent in the discharge of normal duties at the Polytechnic. Adjustment of salary for the staff concerned can be waived if the staff concerned contribute an acceptable amount of time to the Polytechnic and the Director, upon the recommendation of the Head of the Department, is satisfied that the quality of delivery of work of the Department will not be jeopardized.

The Administration is not aware of other tertiary institutions having adopted similar policy guidelines on staff engaging in public offices through election. However, all tertiary institutions have similar contractual provisions with respect to staff engaging in outside work or outside practice.

### **Air Pollution at Covered Transport Interchanges**

11. MR FRED LI asked (in Chinese): *In his reply to a written question on air pollution in Lam Tin Interchange on 26 January 1994, the Secretary for Planning, Environment and Lands stated that environmental impact assessments of that area had been carried out. In response to another written question on 26 October 1994, he indicated that the study commissioned by the Environmental Protection Department (EPD) to examine the design and operational considerations for covered transport interchanges had been completed in May 1994. The study concluded that the mechanical ventilation systems in most covered bus interchanges, even when operating at maximum capacity, were unable to supply adequate fresh air to waiting passengers. In view of this, will the Government inform this Council:*

- (a) *of the reason why the existing mechanical ventilation systems cannot solve the problem of air pollution in covered transport exchanges;*
- (b) *it is understood the EPD has planned to set up enclosed waiting platforms in the transport interchange in either Lam Tin or Tsuen Wan next year on a trial basis and has already applied for funds from the Government for the project. What is the estimated amount required for this pilot scheme; and what is the estimated total amount of expenditure involved if the pilot scheme is to be extended to all covered bus terminals on the ground floor of commercial/residential buildings in the territory;*

- (c) *what other remedial measures will be implemented if the results of the pilot scheme turn out to be unsatisfactory; and*
- (d) *as the pilot scheme will not be implemented till next year, what specific short-term measures will be put in place to solve the problem in the interim?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) When the mechanical ventilation systems in covered transport exchanges were designed, it was believed that they were adequate in ameliorating the air pollution problem in these interchanges. However, in a recent study, it was found that very high ventilation rates would be required to ensure that the air quality objectives at the waiting platforms could be met. The required ventilation rates are beyond the capacity of the existing systems.
- (b) The pilot project will require \$3,980,000. It is an 18-month project to study the various designs of ventilation systems for waiting platforms. We are still seeking funds for this project. The Administration will consider applying the successful design to other covered transport interchanges. An estimate of the total cost is not available because we have not yet decided on the design to be adopted.
- (c) The Government is optimistic that one or more of the designs will be satisfactory. The main purpose of the study is to choose the most practical option and to collect technical data and details on the costs of the design.
- (d) In the interim, we have advised transport companies to turn off engines of idle vehicles inside the transport interchanges. Property managers are also advised to operate the ventilation systems to full capacity during peak traffic hours whenever such is practicable. We hope the above measures would help alleviate the problem.

### **Consultation on Proposed Sewage Charges**

12. REV FUNG CHI-WOOD asked (in Chinese): *Regarding the public consultation exercise undertaken by the Government last year on the proposed charges for sewage services, will the Government inform this Council of the following:*

- (a) *of the submissions received from the public during the consultation period, how many are in support of the Government's proposed level of sewage charges; how many consider it too high and how many are in favour of no charges at all; and*
- (b) *what are the reasons why the findings of the consultation exercise have not yet been disclosed after the expiry of the consultation period?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) During public consultation on sewage charges last year, the Government received 80 written submissions — 57 from organizations and 23 from members of the public. Apart from 14 submissions which were enquiries only, 60% of these submissions generally supported the polluter pays principle, the remaining were not in favour of a separate charge for sewage services. Only nine submissions asked for lower charges. From these submissions, it was apparent that there had been a misunderstanding that sewage charges would be fixed at 50% of water bills.
- (b) The results of the public consultation exercise were set out in the Legislative Council Brief and in a press release issued on 11 January 1994.

### **Drug Abuse by Juveniles**

13. MR JAMES TO asked (in Chinese): *In view of the increasing number of youngsters being involved in drug offences in recent years, will the Government inform this Council:*

- (a) *what recommendations will the Standing Committee on Young Offenders make to alleviate the problem; and*
- (b) *whether consideration will be given to allocating more resources to voluntary agencies, including Gospel drug rehabilitation groups, in order to assist these organizations in their work of preventing youngsters from abusing drugs and treatment of young drug abusers, thus expanding the network of services provided by the Government in this area?*

SECRETARY FOR SECURITY: Mr President,

- (a) The Standing Committee on Young Offenders will shortly consider this problem and the results of a research project conducted by the Social Sciences Research Centre of the University of Hong Kong on social causes of juvenile crime.

Vigorous action is already being taken to prevent youngsters from involvement in drug offences. The police target drug blackspots which young drug abusers frequent. They have also enhanced the school liaison network to identify drug problems in schools.

- (b) Resources for the prevention and treatment of drug abuse among young people are allocated to several government departments and voluntary agencies. The level of allocations and the subventions to voluntary agencies are kept under review, and changes made as necessary in the light of the demand for the services provided. In addition, many voluntary agencies not receiving subventions are nevertheless helped in other ways: they are assisted with accommodation and supported in raising funds from charitable sources.

#### **Traffic Offences by Diplomatic and Consular Corps**

14. MR JIMMY MCGREGOR asked: *Will the Government inform this Council of:*

- (a) *its policy towards members of foreign diplomatic and consular corps stationed in Hong Kong who may have consistently violated traffic regulations and who, thereby, have accumulated substantial fixed penalty fines for illegal parking and other traffic offences; and*
- (b) *the number of such offenders and the countries they represent, together with cumulative totals of unpaid fines during the last three years?*

SECRETARY FOR TRANSPORT: Mr President,

- (a) The waiver of unpaid fixed penalty fines is an act of courtesy extended to Consular Offices by many countries. The Hong Kong Government follows this practice.
- (b) Over the past three years, we have written off about \$38,000 in respect of the 180 fixed penalty tickets which have been waived. Details are annexed.

Fixed Penalty Tickets issued to  
Foreign Diplomatic and Consular Corps  
for Traffic Offences between 1991 and 1993,  
where payment was waived

	<i>1991 Type</i>		<i>1992 Type</i>		<i>1993 Type</i>		<i>Total</i>
	<i>A</i>	<i>B</i>	<i>A</i>	<i>B</i>	<i>A</i>	<i>B</i>	
<i>Consulate</i>							
Argentina	1						1
British Trade	2						2
Commssion							
Chile	1						1
China Visa Office	8	8	4	4	2	2	28
Chinese Joint		1					1
Liaison Group							
Columbia	3						3
Dominican Republic			2		1		3
Egypt	9		4		12		25
Finland	1						1
France	3		6				9
Germany	2		1	1	1		5
India		1	2				3
Indonesia					7		7
Israel			1		4		5
Italy	2				1	2	5
Japan	4		1				5
Myanmar					1		1



	1991 Type		1992 Type		1993 Type		Total
	A	B	A	B	A	B	
<i>Consulate</i>							
Nigeria	1		7		17		25
Norway	1				1		2
Pakistan	2						2
Peru	2						2
Philippines	1	1			3	1	6
Portugal	8	1	3	1	9		22
South Africa			1				1
Spain			1				1
Thailand			3		2	2	7
Turkey			1		3		4
United Nations High Commission for Refugees	1	1	1				3
Total	53	13	37	7	65	5	180
		66		44		70	
Grand total			180				

Key: A = Fixed Penalty Tickets issued in respect of parking contraventions

B = Fixed Penalty Tickets issued in respect of moving offences

### Special School Social Workers

15. MR TIK CHI-YUEN asked (in Chinese): *With regard to the problem concerning the establishment of social workers in special schools, will the Government inform this Council:*

- (a) of the respective wastage rates of social workers in various types of special schools over the past three years; together with the reasons for these social workers leaving their employment;
- (b) of the respective proportions of the number of social workers to the student caseload for various types of special schools at present;
- (c) of the number of special schools which do not have any post of Assistant Social Work Officer on their establishment and the reasons thereof; and
- (d) whether the Government has considered standardizing the establishment of social workers in all special schools?

SECRETARY FOR HEALTH AND WELFARE: Mr President, the answers *in seriatim* are as follows:

The wastage rates of school social workers in various types of special schools in the past three school years are:

<i>Category</i>	<i>Wastage rate</i>		
	<i>1991-92</i>	<i>1992-93</i>	<i>1993-94</i>
Visually impaired	0%	0%	66.7%
Hearing impaired	0%	40%	15%
Physically handicapped	11%	22%	22%
Mentally handicapped	14%	22.9%	39.6%
Maladjusted	24%	40%	10%

Reasons are seldom given by school social workers for their resignations. However, it is understood from school heads and some school social workers that among those resignations with known reasons in the past 12 months, some took up Assistant Social Work Officer (ASWO) posts or joined other service units in the welfare sector. Some emigrated, while a few pursued further studies or changed profession.

The provision ratio of school social workers in special schools for all types of special schools is 0.5 worker for every 35 pupils.

There are 62 special schools in 1994-95, excluding one hospital school where pupils are served by medical social workers. In accordance with the Code of Aid for Special Schools, ASWOs are provided in 28 special schools, for example, those for maladjusted children and those with senior secondary classes.

The remaining 34 schools are provided with school social workers at the Senior Social Work Assistant rank. These 34 schools comprise 32 special schools for pupils with mildly or moderately mental handicap, one for visually impaired pupils and another one for hearing impaired pupils. This provision is based on the recommendations of a Job Inspection Team which prepared the Code of Aid for Special Schools in 1981. The Team, consisting of representatives from the Hong Kong Council of Social Service, Hong Kong Special Schools Council, Social Welfare Department and Education Department, considered that the problems encountered by social workers in these schools were less complicated or diversified.

As regards standardization of the establishment of school social workers in all special schools, it will be considered in the context of the review of special education which is currently being conducted by a subcommittee set up under the Board of Education. The Education Department is also consulting the Hong Kong Special Schools Council on this issue.

### **Use of 'Powdered-glass Lines' in Kite-flying**

16. MR TIMOTHY HA asked (in Chinese): *The use of "glass thread" to fly kites, which is a longstanding habit among many kite lovers, constitutes a danger to other picnickers. Only recently, a child cycling in Pak Tam Chung in the New Territories was cut in the neck by a "glass thread". In view of this, will the Government inform this Council whether:*

- (a) *any measures have been taken to prevent such accidents from occurring; if so, what those measures are; if not, what the reasons are; and*
- (b) *the Government considers classifying "glass thread" as a dangerous toy and will advise retailers to stop selling it; if not, why not?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, kite-flying is a popular recreational activity. It is inexpensive and can be enjoyed by the whole family.

Kite-flying is prohibited in parks and playgrounds managed by the municipal councils under the respective Pleasure Grounds By-laws. However, to enable the public to enjoy kite-flying in a safe environment, the Regional Council organizes kite-flying activities in open areas in the New Territories. The use of "powdered-glass lines" is prohibited in such activities.

"Powdered-glass lines" are mainly used in kite fighting. Such lines are normally home-made or self-made. Measures controlling their sale or use would therefore be difficult to enforce. It would be more effective if the public is discouraged from using "powdered-glass lines" through education and publicity, and the Government will examine ways of doing this.

**Employment Terms for Tertiary Institution Teaching Staff**

17. MR CHEUNG MAN-KWONG asked (in Chinese): *With regard to the teaching staff employed by the seven tertiary institutions funded by the University and Polytechnic Grants Committee, will the Government inform this Council:*

- (a) *of the categories of terms of appointment under which they are employed;*
- (b) *what are the differences in the criteria adopted for determining the appointment terms, salaries and fringe benefits for various ranks in respect of (i) local and expatriate staff on both contract and permanent terms of service and (ii) ethnic Chinese and non-Chinese staff recruited from overseas; how and on what basis are these criteria determined;*
- (c) *whether the existing practice, which grants different salaries and fringe benefits to staff of the same rank and with the same qualifications on account of differences in appointment terms, is in breach of Article 22 of the Bill of Rights; if so, whether the Administration will assume responsibility for such breach; and*
- (d) *whether the Administration will consider amending those appointment terms and criteria for appointment in which discrepancies occur before 1997, so that different conditions of service can be standardized and that the equitable principle of equal pay for equal work can be achieved?*

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

(a) and (b)

Teaching staff of the University and Polytechnic Grants Committee (UPGC)-funded institutions are generally employed on either superannuable or contract terms. (Currently one institution, Lingnan College, only offers appointments on fixed term contracts, but this policy is under review). Staff employed in each of these categories may be offered either local or overseas terms. The offer of overseas terms follows civil service practice, that is, dependent on whether the person concerned:

- habitually resides in Hong Kong, China, Taiwan or Macau;
- has his/her general background or social ties somewhere other than Hong Kong, China, Taiwan or Macau; and

- if appointed on local terms, would suffer a material degree of dislocation or uprooting from an environment to which he/she belongs.

No distinction is made solely on grounds of the person's ethnicity. There are no differences between local and overseas terms as regards salaries; the differences are mainly in terms of staff's eligibility for passage and baggage allowances, housing benefits and overseas education allowances.

- (c) The differences in terms and conditions are not considered inconsistent with Article 22 of the Bill of Rights.
- (d) The employment of staff is an area of institutional autonomy in which it would be neither appropriate nor desirable for the Government to interfere. Terms and conditions of service, other than salaries, for academic and equivalent administrative staff of the UPGC-funded institutions do not require government approval, subject to such terms being comparable with, and no better than, those offered to comparable ranks in the Civil Service.

### **Mortgage Loans for Housing**

18. MR TAM YIU-CHUNG asked (in Chinese): *Recently, the Chief Executive of the Hong Kong Monetary Authority remarked that the policy adopted by banks to offer a maximum of 70% of mortgage loans to home buyers would remain unchanged. However, the current level of property prices is still far beyond the affordability of the general public, particularly those young people who have just started their career. In view of this, will the Government inform this Council whether there are any specific plans to assist first-time home buyers, such as offering them a higher percentage of mortgage loans?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, it is the Government's policy objective under the Long Term Housing Strategy to provide adequate housing at an affordable price or rent to the people of Hong Kong. On home ownership promotion, we will help an additional 180 000 families to buy their own homes through various subsidized housing schemes administered by the Housing Authority and the Housing Society before 2001. Under the Home Ownership Scheme, the Private Sector Participation Scheme and the Sandwich Class Housing Scheme, flats are sold to low and middle income families at affordable prices. The Home Purchase Loan Scheme and the Sandwich Class Housing Loan Scheme offer interest-free and low-interest loans respectively to eligible applicants to purchase a flat in the private sector. Although the Government does not have any explicit policy to assist first-time home buyers, many of them have become beneficiaries under these schemes.

In June 1994, the Government announced a package of measures to check the property price spiral. The noticeable moderation in property prices since the announcement of these measures will definitely help first-time home buyers purchase their own homes. We shall continue to monitor the residential property market closely.

Given the cyclical nature of the property market, the banking sector has to maintain a prudential cushion on mortgage lending in order to limit its exposure to the property sector. The 70% loan-to-value ratio provides such a cushion and is thus essential for maintaining stability in the banking system in the event of adverse movements in the property market.

Lending decisions are commercial decisions. Banks would need to take into account factors such as the credit risk of the borrower in making lending decisions. First-time buyers, however, tend to suffer greater strains on affordability. Consequently, it would be difficult to justify a higher lending ratio for this group of borrowers alone while caution has to be exercised generally across the whole spectrum of residential mortgage lending.

### **Publicity on Old Age Pension Scheme**

19. MR HENRY TANG asked (in Chinese): *As the contents of the Government's promotion film and tape about the "Consultation Paper on the Proposed Old Age Pension Scheme" broadcast on television and the radio are misleading in nature and may create the misconception that the proposal has already been finalized, will the Government inform this Council:*

- (a) *of the message which is implicit in the promotion film and tape;*
- (b) *whether, it is appropriate for the Government in soliciting public views on a particular issue in order to get the public to become knowledgeable about the issue, to publicize the relevant issue in an overly affirmative tone;*
- (c) *whether the contents of such promotion films and tapes currently broadcast on television and the radio are subject to scrutiny by any mechanism; if not, what the reasons are; and*
- (d) *whether there are rules or guidelines covering the production of promotion films and tapes on Government policies; if so, what are the guidelines applicable to the above-mentioned film and tape; if not, whether the Government will consider drawing up guidelines to distinguish Government messages which seek to consult the public from those which aim to publicize and promote Government policies so that the public will not become confused?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the suggestion that the Announcement of Public Interest (API) in question is misleading is unfounded. It is clear from the API and from related publicity materials disseminated on the proposed Old Age Pension Scheme (OPS) that the subject is under public consultation and that the Government is inviting public views on the subject.

The answers to the questions are as follows:

- (a) The API is designed to focus the attention of the public on the purpose of the proposed OPS, which is to provide them with income protection at old age.
- (b) The Government has declared its intention to implement an OPS subject to, among other things, community endorsement of the proposal. The proposed OPS is the outcome of a detailed technical feasibility study and it has been commended to the general public by the Administration at the same time as public views are invited. It is reasonable and legitimate for the Administration to recommend its proposed policy for public consideration and acceptance.
- (c) and (d)

The Government is responsible for the contents of its APIs which are subject to public scrutiny in the normal way.

The Director of Information Services is responsible for advising on and for the production of radio and television APIs requested by individual departments. All APIs are produced in close consultation with client departments and the end-product carefully vetted before it is released for broadcast. APIs are produced along the general principles that they should be informative, educational and heighten the public's awareness on particular topics of concern. They serve to inform the public of important policies, measures or legislative changes affecting them; educate them as to their rights and responsibilities as citizens; and/or enlist their support or co-operation on issues of public concern. Depending on public concern on the topic and the scale of publicity required, APIs more often than not form only one component in a comprehensive publicity package.

As far as the API in question is concerned, there is no question of confusion. The comprehensive package of information on the proposed OPS disseminated throughout the consultation period, including the consultation document, booklets, leaflets, posters, press advertisements and APIs all made it clear that we are seeking public views on the subject.

### Implementation of the Official Languages Ordinance

20. MR CHEUNG MAN-KWONG asked (in Chinese): *Regarding the measures to implement the provisions in section 3(2) of the Official Languages Ordinance that both Chinese and English possess equal status and enjoy equality of use, will the Government inform this Council:*

- (a) *of the number of government departments which accept documents submitted by the public in English only, together with a list of the departments concerned and the type of documents involved;*
- (b) *whether the departments referred to in (a) have violated the principle and intent of the provisions in section 3(2) of the Official Languages Ordinance; if so, what are the explanations given by the Administration; and*
- (c) *what measures will be taken by the Administration to rectify the present situation in which English is still widely used as the principal language in documents which have a legal binding effect; and how will the Administration address the issue so as to avoid any contravention of Article 9 of the Basic Law of the Hong Kong Special Administrative Region — which stipulates that both Chinese and English are official languages — in order to facilitate the smooth operation of the future Government of the Special Administrative Region?*

CHEIF SECRETARY: Mr President,

- (a) A recent survey of government departments on the implementation of the provisions of section 3(2) of the Official Languages Ordinance shows that a large degree of success has been achieved in the equal use of English and Chinese in communications with members of the public. Nevertheless, some documents are still required to be submitted to the Government in English only. These are listed in Appendix I.
- (b) Although section 3 of the Official Languages Ordinance provides that English and Chinese are both official languages for the purpose of communication between the Government or any public officer and members of the public, this provision does not overrule an express existing provision in any other ordinance, nor does it provide for the Official Languages Ordinance to prevail should there be a conflict with an existing ordinance. Consequently, the existence of statutory requirements for submissions to be made in English does not violate the provisions of the Official Languages Ordinance.



- (c) It is indeed government policy that documents which have a legally binding effect should eventually be bilingual. However, the contents of these documents are technically complex and involve legal liability. The translation of these documents would require substantial expert input from bilingual lawyers.

Given the limited availability of bilingual government lawyers, priority is given to the drafting of bilingual laws and to the law translation programme. Every effort is being made to have the Chinese texts of all existing laws authenticated by 1997. Once the authentic Chinese versions of the laws, and thus Chinese legal terms become available, we would be well placed to prepare documents with legally binding effect bilingually.

Since the Basic Law provides that in addition to Chinese, English may also be used as an official language by the executive authorities, legislature and judiciary of the Hong Kong Special Administrative Region (SAR), the maintenance of the use of English for such documents should not affect the smooth operation of the future SAR government, especially when they will be in bilingual form when resources permit.

#### Appendix I

##### Returns/Submissions required to be made in English

	<i>Department</i>	<i>Documents</i>
(1)	Judiciary	Section 5(2) of the Official Languages Ordinance provides that proceedings in the District Courts, the High Courts and the Court of Appeal shall be conducted in English. Therefore, only English version of submissions required for the purpose of proceedings of these courts will be accepted.
(2)	Companies Registry	Section 346(c) of the Companies Ordinance provides that all documents delivered to the Registrar of Companies under The Ordinance shall be in English or accompanied by a certified English translation.

	<i>Department</i>	<i>Documents</i>
(3)	Office of the Commissioner of Insurance	Financial Statements required to be submitted to the Insurance Authority under the Insurance Companies Ordinance are required to be stated in English.
(4)	Hong Kong Monetary Authority	Section 132(2) of the Banking Ordinance provides that all returns and information submitted to the Monetary Authority shall be compiled in English and Arabic numerals.
(5)	Departments	(a) Statutory Forms — as provided in ordinances which are enacted in English and where authentic Chinese texts have not been approved by the Legislative Council.  (b) Non-statutory submissions/applications which require technical information which can only be provided by professionals such as doctors, lawyers, authorized persons and technical experts who normally use English in conducting business.
(6)	Trade	A number of applications for licences/certificates and related documents are required to be prepared in English. They cover documents which are necessary for customs clearance at the importing end where a copy of the licences/certificates must be produced to the customs authorities.

## **MOTION**

### **PHARMACY AND POISONS ORDINANCE**

THE SECRETARY FOR HEALTH AND WELFARE moved the following motion:

"That the Pharmacy and Poisons (Amendment) Regulation 1994, made by the Pharmacy and Poisons board on 24 August 1994, be approved."

She said: Mr President, I move that the Pharmacy and Poisons (Amendment) Regulation 1994 as set out under my name in the paper circulated to Members be approved.

Various fees and charges for licences and certificates as well as for other purposes are prescribed in the Pharmacy and Poisons Regulations made under the Pharmacy and Poisons Ordinance.

It is government policy that fees should in general be set at levels sufficient to recover the full costs of providing the services. The existing fees charged under the Pharmacy and Poisons Regulations were last set in 1989. To take into account the increase in costs and inflation since then, we propose that the fees should now be increased.

The Pharmacy and Poisons (Amendment) Regulation 1994 seeks to increase the fees payable under the Pharmacy and Poisons Regulations. The proposed fees, if approved, represent an insignificant percentage of the total operating costs of the trade. The impact of the fee revision on consumers should be negligible. The Pharmacy and Poisons Board, the authority in respect of licensing of pharmaceutical products and registration of pharmacists set up under section 3 of the Pharmacy and Poisons Ordinance, have been consulted and support the amendment Regulation.

With these remarks, I move the motion.

*Question on the motion proposed, put and agreed to.*

## **BILLS**

### **First Reading of Bills**

#### **CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) (NO. 2) BILL 1994**

#### **LAND TITLES BILL**

#### **MEDICAL AND RELATED PROFESSIONALS (REGISTRATION) (MISCELLANEOUS AMENDMENTS) 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

### **CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) (NO. 2) BILL 1994**

THE SECRETARY FOR HOME AFFAIRS moved the Second Reading of: "A Bill to amend the Corrupt and Illegal Practices Ordinance."

He said: Mr President, I move that the Corrupt and Illegal Practices (Amendment) (No. 2) Bill 1994 be read a Second time.

The Corrupt and Illegal Practices Ordinance aims to prevent corruption and illegal practices at elections. At present, it only applies to the elections of the three-tier representative government and the Heung Yee Kuk.

The Bill before Members now seeks to extend the Ordinance to the elections of the Chairman, Vice-Chairmen and Executive Committee members of the 27 Rural Committees which made up the next tier in the hierarchy of rural organizations under the Heung Yee Kuk.

The extension is necessary to ensure that these elections, which have constitutional links with the three-tier representative government, are fair and open.

The constitutional links work as follows. First, the Rural Committee Chairmen are *ex officio* members of the New Territories District Boards. Second, the Chairman and Vice-Chairmen of the Rural Committees are *ex officio* members of the Heung Yee Kuk which has a rural functional constituency seat in the Legislative Council and third, the Chairman and two Vice-Chairmen of the Kuk are *ex officio* members of the Regional Council which may return one candidate to the Legislative Council through the Regional Council functional constituency.

Under the Bill, all general offences provision of bribery, treating, election publicity and offences in relation to nomination and ballot paper will be extended to Rural Committee elections. Election features which do not exist in Rural Committee elections now, but which are part of the Corrupt and Illegal Practices Ordinance, such as election expenses, appointment of authorized persons to incur election expenses and filing of returns on election expenses and donations, will be introduced.

Clause 2 of the Bill provides definition for the terms "elector", "returning officer" as they appear in Rural Committee elections. The terms "Executive Committee" and "Rural Committee" are also defined.

Clauses 5 and 8 provide for what is meant by a person authorized to incur election expenses, an incumbent candidate and a performance report in the context of Rural Committee elections.

Clause 9 provides that for Rural Committee elections, an advanced filing of a return of donations is to be made to the Secretary for Home Affairs instead of the Boundary and Election Commission. As the election results of Rural Committees are not gazetted, the timetable for filing of return on election expenses and donations in Rural Committee elections is tied to the date of the relevant election.

Clause 10 provides that consequential upon clause 9, the relevant returns are to be kept by the Secretary for Home Affairs instead of the Boundary and Election Commission.

Thank you, Mr President.

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

## **LAND TITLES BILL**

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the Second Reading of: "A Bill to provide for a system of registration of title to land, and to provide for matters incidental thereto or connected therewith."

He said: Mr President, I move the Second Reading of the Land Titles Bill.

The present system of land deeds registration governs only the priority of registered deeds. Registration *per se* does not confer on a deed any validity it does not otherwise have. Therefore, even if a person is registered in a Land Registry as owner of a property, he may not be the legal owner because there may be some uncertainty in his title to the property or his title may be subject to the claim of some other person which does not appear on the land register kept by the Land Registry.

The Land Titles Bill seeks to convert the present land deeds registration system to a title registration system. Under the proposed system, the land register will be conclusive as to title of the property. Registration of a person as owner will confer full and absolute title to the property concerned subject only to any matters registered on the land register, certain overriding interest and rectification by the High Court. In practice, a state of title certificate will certify the state of the land register at the time the certificate is issued. It will not be necessary for the conveyancing solicitor to look behind the land register and investigate the title by reading through all the deeds.

Since not all the land deeds currently registered are free of claims, we propose that there will be a period of approximately 12 months after enactment

of the Bill before it is brought into operation, thus allowing persons having unregistered claims time to register them under the present system. This will also give the Land Registry some time to prepare for conversion to the new system, and enable conveyancing solicitors to familiarize themselves with the new operational procedures.

In order to maintain the credibility and integrity of the proposed system, we propose that the Government should continue to be liable for any indemnity, unlimited as to amount, for loss suffered as a result of negligence on the part of the Land Registry in operating a new system. Since property conveyancing under the new system will still be undertaken on behalf of property owners by persons who are professionally qualified under the Legal Practitioners Ordinance, we do not propose that the Government should indemnify persons suffering loss as a result of negligence other than negligence of the Land Registry. As for losses suffered by means of information entered in or omitted from Land Registry records as a result of fraud, we propose that the Government should provide for an indemnity, up to a limit to be determined by the Financial Secretary, for such fraud by either the Land Registry staff or anyone outside the Land Registry.

It is intended that the funding for indemnities be self-financing with no subsidy from General Revenue. A separate reserve fund, which will be built up by setting aside part of the registration fees, will be established within the Land Registry Trading Fund for this purpose. In case of any claims that cannot be met by the reserve fund, the Government will provide a draw-down loan facility to meet the balance of payments.

Mr President, the proposed title registration system is necessary to provide certainty of title for existing owners and a higher degree of protection for purchasers than the present land deeds registration system. I commend it to Members for favourable consideration.

Thank you, Mr President.

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

## **MEDICAL AND RELATED PROFESSIONALS (REGISTRATION) (MISCELLANEOUS AMENDMENTS) BILL 1994**

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: "A Bill to amend certain Ordinances relating to the registration and practice of medical, dental, nursing, midwifery and paramedical professionals."

She said: Mr President, I move that the Medical and Related Professionals (Registration) (Miscellaneous Amendment) Bill 1994 be read the Second time.

Certain provisions in the existing legislation are outdated or inadequate as a result of changes in circumstances over time. This Bill proposes four areas of change.

The first proposed change concerns the recognition of overseas qualifications for registration of dental practitioners. Under the existing Dentists Registration Ordinance, holders of United Kingdom, Irish or Commonwealth diplomas are automatically entitled to register as dental practitioners in Hong Kong. This is discriminatory and contravenes the provisions of the General Agreement on Trade in Services. The Ordinance therefore needs to make provisions for the use of a universal licensing examination for the registration of dental practitioners in Hong Kong, irrespective of where the practitioner received his or her training in dentistry.

At present, some of the medical and related professionals in the public sector are exempted from registration and the payment of certain fees. The second proposal aims to rationalize the treatment for medical and related professionals in private and public sectors.

The introduction of a mandatory practising certificate system for nurses is our third proposed change. This is in line with the practice of other related professionals, such as doctors, dentists and pharmacists. In addition, it will enable us to have an up-to-date record of practising nurses, both registered and enrolled, in Hong Kong.

Our fourth proposal is to remove the outdated stamping requirement. A complaint against a medical and related professional, which may contain an allegation of "unprofessional conduct", needs to be supported by a statutory declaration on the facts of the case. It is a statutory requirement under the respective legislation that such a declaration should be duly stamped, that is, a stamp duty of \$3 is charged. However, with an amendment to the Stamp Ordinance in 1973 and its replacement by the Stamp Duty Ordinance in 1981, statutory declarations are no longer chargeable with stamp duty. We need to repeal the nugatory stamping requirement.

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

## **CITY POLYTECHNIC OF HONG KONG (AMENDMENT) BILL 1994**

### **Resumption of debate on Second Reading which was moved on 2 November 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).*

## **HONG KONG BAPTIST COLLEGE (AMENDMENT) BILL 1994**

### **Resumption of debate on Second Reading which was moved on 2 November 1994**

*Question on Second Reading proposed.*

MR LAU WAH-SUM: Mr President, today is a milestone in the development of tertiary education in Hong Kong. With the passing in just a moment of the Bills to amend the respective Ordinances of the Hong Kong Baptist College and the two polytechnics, which will give legal effect to the new university title and internal governance structure of the three institutions, Hong Kong will have a total of six universities.

For the Hong Kong Baptist College and the two polytechnics, university status does not come as a birthright. Rather it is an achievement made possible only by many years of hard work on the part of Government, staff and students of the institutions against a backdrop of community support. As Chairman of the Board of Governors and Council of the Hong Kong Baptist College for many years, I am happy to report that we at the Baptist College take much pride in the sweet fruits of all these years of labour, the new status as a university and a new name of the Hong Kong Baptist University.

This is indeed a historical moment for the institution. With a humble beginning as a private post-secondary institution, it has striven throughout its 38 years of history to provide quality tertiary education for the deserving youths of our community, and has now succeeded in gaining recognition as a full-fledged university of international standard.

Hong Kong has indeed come a long way since the days when tertiary education was only the privilege of a few. The local tertiary education sector has been keeping pace with the development of the community and the world at large, and at this very crucial and important time for Hong Kong, has a mission of the utmost importance to fulfil — that of training able community leaders for the future development of our society and this part of the world.

The Hong Kong Baptist University is fully prepared to assume this responsibility. Throughout my long association with the institution, I have been closely involved with its activities and have witnessed the tremendous progress and laudable achievements it has gained over the years. It is my earnest belief that in the days ahead, the Hong Kong Baptist University will be able to contribute much to our community through its quality, whole-person education and vibrant research endeavours.



Thank you, Mr President.

SECRETARY FOR EDUCATION AND MANPOWER: Thank you, Mr President. I would like to associate myself with Mr LAU's remarks. This is indeed an important occasion for university development in Hong Kong. The three Bills, if passed, certainly marks another milestone in our development of tertiary education in Hong Kong. I fully agree with Mr LAU that the institutions concerned have worked their way very hard to gain this status, and I fully welcome Members' support of the Bills and of their early passage. Thank you.

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

Bill read the Second time.

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

#### **HONG KONG POLYTECHNIC (AMENDMENT) BILL 1994**

##### **Resumption of debate on Second Reading which was moved on 2 November 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 Bills**

Council went into Committee.

#### **CITY POLYTECHNIC OF HONG KONG (AMENDMENT) BILL 1994**

Clauses 1 to 36 were agreed to.

#### **HONG KONG BAPTIST COLLEGE (AMENDMENT) BILL 1994**

Clauses 1 to 43 were agreed to.

**HONG KONG POLYTECHNIC (AMENDMENT) BILL 1994**

Clauses 1 to 27 were agreed to.

Council then resumed.

**Third Reading of Bills**

THE ATTORNEY GENERAL reported that the

**CITY POLYTECHNIC OF HONG KONG (AMENDMENT) BILL 1994**

**HONG KONG BAPTIST COLLEGE (AMENDMENT) BILL 1994** and

**HONG KONG POLYTECHNIC (AMENDMENT) BILL 1994**

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

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

Bills read the Third time and passed.

**PRIVATE MEMBER'S 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 11 November. 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.

**FAMILY POLICY**

MR HUI YIN-FAT moved the following motion:

"That in the light of the importance of the family in our society and the close relationship between the family and public policies, and in this International Year of the Family, this Council urges the Government to formulate a family policy in Hong Kong."

MR HUI YIN-FAT (in Cantonese): Mr President, I move the motion for debate standing under my name, details of the motion have been set out on the Order Paper.

The family is a vital component of society. It is also the basis for founding a stable community. Therefore, every government has the obligation to protect the irreplaceable and unique role played by the family in society by means of policies and institutions. However, just like the problem of environmental pollution, the painful lesson of the western world in sacrificing the traditional values of the family institution in the course of industrialization and urbanization is clearly ineffective in arousing vigilance of the Hong Kong Government — even though the Government has reinforced family service as various social problems keep emerging, it has not yet actively and specifically worked on the formulation of a family policy to date.

The contribution of the institution of family to society is evident. In today's debate, I think we need not spend our time in dealing with the causes of the sharp increase in divorce cases, the emergence of single-parent families, parent playing a double role, parentless or foster parent families. It is more important to note that many sociologists and scientific studies have shown that problems attracting much attention in our community such as juvenile delinquency, depreciation in the sense of value in life, the debilitation of interpersonal relationship, the neglect in the care of children and the elderly people, the abuse of spouse and incest are all closely related to the collapse of the family institution, the weakening of the cohesiveness of the family and the loss of traditional values. Furthermore, the stability of society in the future will encounter severe challenges.

The Government is of course not ignorant of the reality. The White Paper: Social Welfare into 1990s and Beyond published in as early as March 1993 has set out the overall objectives of family welfare services which are "to preserve and strengthen the family as a unit and to develop caring interpersonal relationships, to enable individuals and family members to prevent personal and family problems and to tackle them when they arise and to cater for needs which cannot be met from within the family." However, we can also see from these that although the Government has attached great importance to the family institution, it mainly cares about individuals' needs in a family including financial assistance and supplementary counselling services, and not about the overall functions of the family institution.

These observations can be verified by last year's policy address of the Governor. The Governor said he hoped he could take the opportunity of the International Year of the Family to reaffirm that the family was the basis on which the stability of society was founded. But he adopted only two measures which included the strengthening of the existing services to take care of children with special needs in families, such as autistic and disabled children, and making slight adjustments to the allowance for children of families receiving public assistance.

Although I do not doubt the kind sympathy of the Governor for individual disadvantaged families, I find that this only shows that with the formulation of the Social Welfare White Paper, the relevant family services still emphasized on measures for remedying the deficiencies in individual families, and there was an overall lack of active preventive and developmental measures, hence, services became inevitably scrappy and scattered. It was because the Government has still not formulated a clear family policy which resulted in a lack of definite targets of development in most welfare services provided for families. For example, we cannot see any direct relationship between improving care for children and raising children's allowance, and restoring the overall functions of the family institution any positive significance.

In other words, notwithstanding that the Government has reinforced family services in recent years, and even thought that there is basically a family policy in Hong Kong, these are merely bogus concepts. In fact, the Government only has a family welfare policy which mainly includes the prevention of family problems and offering support and assistance to distressed families, but this is not a family policy. The family policy I ask for is one which requires government departments or policy branches to take into consideration or assess the impact of the policy to the family whenever any public policy is being formulated. It is similar to the current standing arrangement which requires all works projects to be approved by the Executive Council to comprise comprehensive assessment report on the impacts on the environment. Let me give a few more examples to illustrate this.

- (1) Although more and more married women are working instead of staying at home, and the Government has even encouraged them to be employed at times of labour shortage, the Government has never considered helping them tackle the problem of their having to take care of their children, and even in primary schools, the system of morning and afternoon sessions is still being maintained.
- (2) In respect of the planning of new towns, the Government only knows how to use every means including preferential rents of houses to attract families to move to remote new towns, but it has overlooked the point that if people have to spend long hours everyday on transport, this will certainly affect their family lives. Besides, as more and more families are moving to the new towns, the ability of these families and their relatives to look after each other has been undermined.
- (3) With their busy and hectic work, the people of Hong Kong are used to regarding Sunday as a family day for having gathering with the whole family (I have to ask Mr President to pardon me for what I am going to say, because it has something to do with you). Yet, the Royal Hong Kong Jockey Club still does not let go of the mass of race-goers and continues to schedule events on Sundays. It obviously does not know the concept of a family policy.

- (4) Concerning the Matrimonial Causes Bill recently put forward by the Government, it is true that it does not help much to require, on a mandatory basis, couples having relationship problems to divorce only after a definite period of separation, but I think an additional condition should be to require them to undergo a certain counselling programme before they may decide whether they should end up divorcing.

In fact, there are many similar public policies which have impacts on the well-being of families. We simply have to pay attention to other aspects of life and it is not difficult for us to find that public policies are indeed closely related to the family. For example, the emergence of new families and nuclear families has affected the demand for as well as the unit design of public and private housing; the continuous increase in the number of single-parent families also resulted in the Financial Secretary having to make extra tax allowance for these families to meet their extraordinary expenditure.

On the other hand, as the central policy making group does not know the concept of family policy, decisions made by different departments are often embarrassingly contradictory or even in conflict with each other. An example is that in view of the population aging at a speed faster than the pace of development which the Government is able to sustain, the Administration wants to reduce the pressure on public resources with the aid of caring by the family. It does so by established policies to encourage grown-up children to live with their parents, for instance, a cut in waiting time for public housing by two years is granted, dependent parent allowance is offered to taxpayers, and a few hundred dollars' extra tax relief is given which is more than that given to the others who live separately from their parents. However, in applying for public assistance, the allowance for old people who live alone is a few hundred dollars more than what is offered for those who live with their family. Clearly, it is hard to ensure that various policies are going towards the same goal without a well-defined family policy.

Mr President, many realistic examples have made it clear to us that the well-being of a family is inseparable from public policies which take care of the family as a whole. I request the Government to formulate a family policy to urge the departments concerned to be alert to the relation between the two and to their needs, and to give consideration from the point of view of the family when formulating and reviewing public policies, and to make more thorough and longer-term commitment for promoting the well-being of families. Besides, it may also educate the public in the course of formulating and implementing family policy. Indeed, only if every citizen becomes aware of the importance of the family, values his family life, loves his family and cares about the needs of his family members, can the Government be able to get twice the result with half the efforts.

Looking at the situation as a whole, we can see that the family institution is at the verge of collapse, its functions are degenerating and social problems are arising, and that the well-being of the family is closely related to public policies. Let me reiterate that the Government must work out a family policy as soon as possible and must not deceive itself and others with its family welfare policy. I think we should not accept the Government's proposal to only work out a family charter, for we have learnt a lesson from the past when the Commission on Youth failed to promote the youth policy, and we were disappointed that the Government merely produced the non-binding Charter for Youth. In fact, the formulation of the family policy may not entail additional financial commitments as what the Government thinks, for when the policies concerned become consistent and mutually facilitating, a lot of unexpected economic benefits can be generated.

Heading towards the course of formulating a family policy, I think the following points are useful for consideration by the Government and people concerned when formulating the family policy and providing services. So long as we can basically reach a consensus, different kinds of services can be made to facilitate one another and be directed towards a common goal, and a comprehensive and well-defined family policy can be expected soon:

- (1) It must be recognized that the provision of social welfare is meant to strengthen the functions of the family rather than to impede or replace the role played by the family.
- (2) It must be taken seriously that the family is an essential component of society, but only when it is closely connected to other institutions can it effectively exercise its functions.
- (3) The family must be strengthened to become a comprehensive institution so that family members can be taken care of and protected.
- (4) Whilst family members have the obligation to look after one another, they are entitled to be assisted by society when they are in need.
- (5) The interests of individuals and their families may not be uniform, but by complementing one with another, greater satisfaction can be obtained.

MR President, in view of the fact that the theme of this motion involves a large number of policy branches, and whilst I am happy to listen to the replies to be made by the Secretary for Health and Welfare and the Secretary for Planning, Environment and Lands, I should be also grateful if the Chief Secretary could, on behalf of the central government, give an elucidation to this Council on the formulation of the family policy in concert with the International Year of the Family.

With these remarks, I move the motion.

*Question on the motion proposed.*

MR MOSES CHENG (in Cantonese): Mr President, Mr LIN Yu-tang, a Chinese contemporary scholar, has made a very good analogy on families. He describes a family as a big tree, while the life of every member of the family is only but a branch of the big tree which relies on the trunk for growth, and the tree's existence also helps the trunk to nourish its other parts. This indeed expresses the close relationship between a person and his family.

In Hong Kong, a modern society where East meets West, how is our big family tree growing? The following data may be able to reveal the situation. According to the results of a survey concerning how Hong Kong people interpret happy life published by the Hong Kong Institute of Asia-Pacific Studies, the Chinese University of Hong Kong, in 1992, "having a family" only ranked seventh, far below health, money and personal freedom. Recently, the Commission on Youth has also conducted a survey. We can also find from the survey that only about 20% of the teenagers interviewed will turn to their parents for help when they have any problems. There are more and more old people not being taken care of by their families and more than 65% of the recipients of public assistance payment are old people. All these seem to sound an alarm that many family trees in Hong Kong are gradually withering away. Today, not only do many families fail to exercise the function of offering care and togetherness, but they have also become the target of government assistance. If this situation goes on, these trees will finally wither away. Eventually, a "family" will no longer be a "family", it may become no more than a composition of two generations living together temporarily.

Mr President, this year is the "International Year of the Family". The Governor, Mr Chris PATTEN, stated in his policy address last year that, "I hope we will be able to use this occasion to reaffirm the family's role as the basic building block for a stable society". The importance of the family, a basic unit of society, should be beyond doubt. Nowadays, there are many social crises in Hong Kong, including problems like juvenile delinquency and soaring of the divorce rate, which have first originated from family problems. Thus the promotion of harmonious family relationship is the permanent cure for these social problems. When there are less social problems, the Government can naturally save up the social resources in this aspect. Love among parents and siblings cannot be measured by money. How the family institution can be consolidated as a pillar of society is now presenting a great challenge to the Government and the social welfare sector. This is a long-term and arduous task which cannot be accomplished simply by the Government spending \$5 million on organizing some publicity activities for the "International Year of the Family".

The Liberal Party supports the request for the Government to formulate a family policy in order to strengthen the various family support services. We cannot deny that the Government is now taking the family factor into account when formulating certain policies, for instance, the Family Activities and Resource Centres newly introduced by the Social Welfare Department (SWD), the tax allowance designed for single-parent families and the Priority Scheme of the Housing Department to encourage children to live with their parents and so on. However, all these are piecemeal policies and I can hardly see any overall planning and co-ordination by the Government. One should know that a family may consist of three generations, the old, the middle-aged and the youth and the problems related to family matters are wide-ranging. The Government should set out a clearer and more definite policy objective and incorporate the spirit of supporting and protecting the integrity of the family into the various administrative policies. When formulating a family policy, the objective of the Government should be to highlight the caring role of the family and to provide more support services, with a view to promoting the internal solidarity of families. Family services provided by the Government should mainly be focused on prevention and be community-based. The Government should take into account the nature and modes of families in each district and provide these districts with appropriate comprehensive services. As regards family services, the existing family service centres of the SWD are normally engaged in routine work and their roles are too passive. They will only think of remedial measures when somebody has got a problem and come forward for help. But how much help can the social workers of the SWD actually offer at that stage? The Government should strengthen its work on family life education. Everyone wants to have a harmonious family and prevention is always easier than cure. I believe the Government surely understands this simple truth. In order to promote harmonious family relationship, attention should also be given to school education, to imbue the teenage students with family concepts through the primary and secondary curricula and school activities, in such a way that they will understand the roles to be played by children in families.

Lastly, I want to remind Members that it is not purely the Government's responsibility to enforce the functions of families. The Government's role is only to provide support services, just like providing soil for the family tree to grow. The most important thing is it all depends on everybody to irrigate and fertilize the family tree everyday so that the tree can grow exuberantly.

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

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, the family is a haven where people can take refuge in life. Everyone hopes for a harmonious and satisfying family where one can get support and consolation from the pressure and challenges of the outside world. However, despite such beautiful yearnings, reality has time and again reminded us that most of the traumas and sufferings in the real world come from the family, especially from those families which have slipped the mind of the community.



Mr President, while many existing juvenile problems such as drug abuses, suicide, youth gangs, violence and so on arise out of different causes, they mirror the fact that functions of families have been distorted by the forces of social changes. Some families have even failed to play their roles properly. Under these circumstances, should family members come across any pressure, they just cannot find a proper channel for relief; should they run into temptation, they will be too vulnerable to resist. Eventually, all these will turn into tragedies. Meanwhile, the support given to families by the community has all along been scanty and splintered. Therefore, no matter how hard we work to curb the problem, related social problems have kept on growing everywhere like weeds.

At present, there are three types of families in Hong Kong which are particularly in need of care. The first type is single-parent families. As there is a surge in cases of divorce, and family separation due to emigration and mainland mothers, more and more parents cannot fulfill their obligations to bring up their children. The children are, in turn, deprived of proper care. In addition to family changes and issues arising from the daily life such as financial hardship, housing problem and the problem of education for children, single-parent families also have to face up to social discrimination and bias from some people in the society who regard them as second-class families.

The second type is "empty-shell families", which exist only in form as a family but not in substance. Due to economic pressure or the desire for material wealth, double income families have become the mainstream of family patterns. Some parents even take up two or more jobs concurrently. Some of my students can never see their parents on ordinary days. All they bring home with themselves is a chain of keys and immense loneliness. I happen to have a student who had to spend a whole night out in the cold winter time on the corridor because he had lost his keys. I think his heart and his childhood memories must have been far colder than the weather.

The third type is a new family species. The rapid development of trade between China and Hong Kong has resulted in an increasing number of Hong Kong people doing business and working in China. The outcome derived therefrom is the phenomenon of "keeping two homes", which is also commonly known as "keeping a second wife". The "second wife tremor" has brought about countless disputes and tragedies in ordinary families. Now, it is high time to attend to this problem seriously. The wives and children, who suffered the most, should obviously be the first cause for our concern. They feel humiliated and hurt as a result of the sudden changes; they feel distressed and confused at their future lives. They are in urgent need of assistance from the community.

Mr President, our society must have a comprehensive supporting network to help these unfortunate families and their members who are hurt both psychologically and physically. It is necessary to have a full range of services including financial protection, housing arrangement, tutorial and day care for children, psychological counselling and legal advice so that unfortunate families

and their members will be able to regain hope and warmth and restore confidence when life is at such a low ebb.

Mr President, I would like to bring up the issue of family violence, which has happened time and again recently. This reveals that many women and children are not only deprived of family protection, they are in fact in a condition of helplessness and are subjected to physical, mental and sexual maltreatment.

According to the figures released by the Social Welfare Department recently, the number of complaints pertaining to battered wives as received by the Department in the year 1993-94 has increased drastically by 30% and that of child abuse also tends to be on the rise. As regards child abuse, cases in which children are sexually abused warrant our utmost concern as the number of such cases has tripled during the period from 1991 to 1993 and the number of cases in which children are sexually abused by family members has also increased by as much as 40%.

Mr President, it has always been an ethical virtue in the Chinese community to upkeep a harmonious family relationship. As many people still uphold the quality of tolerance and hold that one should never wash one's dirty linen in public, the figure stated above reflects merely the tip of the iceberg. Many cases of family violence continue to take place around us without being noticed. From the number of people seeking help from the Social Welfare Department, it is understood that more and more victims have become conscious of their situation and they want to escape from the scenes of maltreatment. So they cry out for help and appeal to the society for assistance. The bringing to light of family tragedies one after another has also aroused the community's concern for the problem of family violence.

However, what kind of support can our society provide in order to give appropriate protection and assistance to the victims of family violence? When a victim seeks help from the society, the society in general still adheres to the beliefs of "every family has a skeleton in the cupboard" and "where there is peace at home, there is prosperity". Government departments and the officers concerned very often simply take family violence as family disputes and lose sight of the potential danger to be faced by the victims in handling family violence cases. In addition, as handling officers lack proper training, battered women and abused children cannot get proper assistance.

Providing shelters and counselling service to battered women and abused children, issuing injunctions to abusers, to instituting charges against them and imposing sentences on them are all subsequent remedial measures only. What we need to do is to give suitable assistance to families facing difficulties and problems so that these families can play their role properly and everyone is able to regain support and consolation from his family. This is what we hope to see.

The Government should formulate an integrated family policy, under which the existing fragmented and incompatible legislation and measures can operate effectively. The Government and voluntary agencies should enhance their educational work so as to enable members of the public to become aware of the resources in the society and know how to deal with family problems, thereby preventing the occurrence of unhappy incidents.

Mr President, with these remarks, I support the Honourable HUI Yin-fat's motion.

MR FREDERICK FUNG (in Cantonese): Mr President, the Hong Kong Government has all along been playing a "supportive" role in respect of family policies to uphold and enhance the family as the basis of society. The Government has, in the past, provided a number of supportive services for the family, including increasing the number of nurseries, the number of family aides and Family Activities and Resource Centres. These isolated or fragmented supportive services are limited in their effectiveness. Hence, I think the Government should provide adequate resources (in terms of both quality and quantity) to assist families which lack resources to perform their basic functions (including emotional support, financial dependence and continuity of life). This is something which I shall give my full support.

The more important question, however, is that there have been substantial changes in the families in Hong Kong in terms of membership, relationship between the members, roles and responsibilities, allocation of power and ways of life, which makes the family today very different from the traditional family of the older generation. Hence, in formulating a family policy, the Government should consider whether the scope of such a policy would interfere with the right of self-determination in the family.

Undeniably, the family's failure to perform its functions is one of the reasons which give rise to a variety of social problems. Take the example of juveniles running away from homes. According to police information, there were at least 3 557 cases of juveniles running away from homes in 1993 and there were 1 649 such cases in the first half of 1994. The main reasons for juveniles to run away from their homes are breakdown of communication between two generations and very poor relations with members of the family. Take suicides of the aged (65 and above) as another example. There were a total of 1 670 suicides of the aged from 1985 to 1993, which means that on average, 185 aged people committed suicide each year (according to the report compiled by the Working Group on Care for the Elderly). The main reason for the aged to commit suicide is not poverty or financial difficulties, but lack of care by the family (including death of the spouse, the feeling of being abandoned when nobody comes to visit them in hospitals or homes for the aged, the need to be taken care of because of physical infirmities and so on). I think it is really necessary for the Government to provide more resources to families in need so that they can perform the basic functions of the family. However, we

must remember that the failure to perform the functions of a family is not the only cause of various social problems (negligence of children, battered wives, juvenile delinquency, morality tragedies within the family and so on).

Family policies should not merely involve financial commitment of the Government, they should also have clear and directed objectives. I think the aim of a family policy is to enable families to perform their most basic functions and it should be directed towards providing sufficient resources to support the family (especially the women) to perform its most basic functions. We understand that women are the main care-givers in the family and they have to endure great psychological pressure. In fact, they need to be care-receivers too. As such, the Government should really give them more support so that the family can function more efficiently and effectively. The question of battered wives has recently aroused social concern once again. According to statistics provided by the Harmony House Limited, the number of battered wives in Hong Kong is on the rise, showing the seriousness of violence in the family. Hence, in formulating a family policy for the care of women, the Government should co-operate with various sectors including the police, social workers, the medical and nursing profession and the legal profession in order to obtain good results.

Another point for consideration is whether a family policy would affect the family's "right of self-determination". If poorly worked out, a family policy may interfere with the basic rights of a person's choice and privacy. The Government has all along been portraying the family as a purely private domain, in which members of the family can enjoy privacy. However, if a family policy affects the right of the individuals to carry out activities in the family, the individuals' basic rights of choice and privacy will be violated. For example, the KWOK Ah-nui Incident, which happened some years ago, has aroused much social concern. The main reason is that the Administration has broken into the house to take the girl KWOK Ah-nui away, and has thus interfered with the way of life of her family (the social worker of the Kwai Chung Family Services Centre under the Social Welfare Department who handled the case said that there were no signs of KWOK Ah-nui having been maltreated). This example will serve to remind the Government of matters to consider in formulating a family policy.

Formulating a satisfactory family policy is no easy matter, because in so doing, the existing way of life of families might be affected. However, I still believe the Government has the obligation to formulate a good family policy and move towards a proper direction. Only in this way can family policies be effective.

With these remarks, I support the motion.

MRS SELINA CHOW (in Cantonese): Mr President, in recent years, Hong Kong has been very prosperous. There is industrial and commercial progress, high employment rate, materialistic life in affluence, and dazzling signs of

wealth. But behind every success a price has to be paid. A latent trend which causes worries is that cases of divorce has increased drastically by 31% from 5 650 in 1992 to 7 454 in 1993, which implied that the family institution has been subjected to a severe test.

Chinese society has all along taken the family as a basic unit. In my view, the family plays an indispensable role in making Hong Kong a success. In an international city like Hong Kong, which is marked with prosperity, advance and rapid development, family functions as a shock absorber of society, relieving stress coming from society and giving us mental and emotional support as well as satisfaction.

However, along with the rapid changes in society, the family as a shock absorber of society has been subject to a detrimental impact. Over the past 10 years, the issue of 1997 has brought about a group of "astronauts" — men and women who live apart from their spouses and children. They are those who want to get foreign passports but still have to face financial reality. Emigration or otherwise is very much a personal decision which cannot be judged right or wrong. It all depends on one's own confidence in Hong Kong's future and on one's discretion. Nevertheless, I think such an important decision should not be made by a single member of a family, but rather through consideration and commitment by the whole family. I do not find it worthwhile to obtain foreign passports at the expense of splitting up the family. We can obviously tell from experience that many marriages came to an end as a result of couples living apart. This indeed demands too much of a sacrifice.

Mr President, it is undeniable that the return of emigrated families to Hong Kong has reduced the problem of spouses living apart as a result of emigration. The hot topic in its place is another group of men who can be called the "new bigamists" who emerge with the economic co-operation between China and Hong Kong. They are married businessmen or workers shuttling between China and Hong Kong. They either keep concubines or live a debauched life in the mainland. The "village of second wives" in Shenzhen, which I believe you have seen introduced on television, is the great thing the container truck drivers have achieved!

Of the 3 660 cases handled by the Hong Kong Family Welfare Society last year, 30% are about marital relations. The hotline cases of extra marital affairs received by the Hong Kong Federation of Women Centre in 1993 increased by four and a half folds as compared with 1992; and of the extra marital affair cases received by the Hong Kong Young Women's Christian Association, 80% of them took place in the mainland. Once I attended a seminar where a social worker said his work allows him to contact many women whose husbands have concubines in the mainland; these women are worried and disturbed both financially and emotionally, but they could ask nobody for help. He asked me what he could do, what I could do and what the Government was doing. I was dumb-founded for a while. Now, I have to ask the Administration and the

Secretary for Health and Welfare: What is the Administration going to do for these women?

I can only put forward some suggestions for consideration by the authorities concerned. In my view, there are two methods which can help to solve the problem.

As far as employers are concerned, when they employ Hong Kong people to be resident staff in the mainland, they should make arrangements or provide quarters for employees' wives and children, or arrange family days over regular periods for employees to reunite with their families. If more 24-hour clearance arrangements at the border can be provided for workers shuttling between Hong Kong and China, there will be no more excuse or chance for them to live elsewhere. In a view to safeguarding the interests of the wives, the Administration should ensure strict enforcement of the law together with the Chinese Government to stamp out bigamy. Extra marital affair is, of course, not the only reason for divorce. In fact, many young couples cherish the ideal to remain a devoted couple until the end of their lives when they first decide to get married. Nevertheless, with cases of divorce rising drastically, I believe the Administration is duty-bound to help those couples who cannot find a way out by rendering as much assistance as it can, in the hope that they can avoid divorce through counselling.

When affections between couples died down or when couples are separated, the most innocent victims are their children. This also gives rise to many juvenile crimes. Although this issue will be discussed in the ensuing debate, I hope to express my views now. As society continues to developing, young people has become very much alienated from their parents. The influence of the environment, their values, money-oreinted practices, crowded living environment, influence and pressure from peers, and openness of the media all make various demands on the young people and force them to get mature early, without giving them the necessary support and assistance. Young people seldom talk with their parents at home and they do not spend much time together. When problems arise, they will not help one another. A survey shows that only one out of 10 young people will talk to his or her mother whenever a problem arises; and only one out of 20 will talk to his or her father.

In fact, family should be the most reliable safety net. However, to our young people, this function is vanishing. If there are conflicts between parents, children will be at a loss as to what to do and they will not have anyone to turn to. Even their beloved parents are unable to help themselves, how can children rely on their parents to solve their problems?

Mr President, I would like to reiterate that "affection and affinity" cultivated by one's family is the basis for continuity of the society. The cohesion of families indirectly determines the success and stability of society.

With these remarks, I support the motion.

MR LAU WONG-FAT (in Cantonese): Mr President, in the traditional Chinese society, the family is considered a unit and there is no recognition for the status of the individual. The husband considers supporting his wife, children and parents to be his responsibility and the wife sees her responsibilities as assisting her husband, teaching her children and showing respect to her parents-in law. The traditional virtue of division of labour inside and outside the home is significant in its role of bringing up the young, looking after the elderly and promoting the harmonious development of society.

Although Hong Kong is strongly influenced by western culture, with the society being led by the British, the Chinese traditional attachment to the family is still ingrained. Undoubtedly, the younger generation, influenced by western culture, is gradually tending towards considering the individual as a unit and not feeling obliged to support one's parents. Besides, under the present social circumstances, it has become more and more common for both the husband and the wife to work to earn their living. Children are often neglected and those who lack proper care tend to go astray. I think the worsening of elderly and juveniles problems have something to do with the collapse of the traditional family concept. This unhealthy social phenomenon is very worrying.

Mr President, the chapter on *Great Harmony* of the book *Li Yun* says, "The elderly to be well taken care of, the able-bodied to show their talents and the children to be properly brought up" and "job for the man and home for the woman". This traditional family concept is very much justified. If we can encourage married couples to live with their parents, the elderly will be able to make good use of their time and experience in life to look after the young. I believe many social problems will then be solved easily.

I totally agree that children brought up in good families will be physically fit and mentally healthy, qualities which will be very helpful to the harmony of society. As to how to form a happy family, the co-ordination and co-operation by the Government in various aspects are indeed required, sociologists who understand the Chinese society well also need to make suggestions, and to make joint efforts in laying a social foundation for forming happy families in Hong Kong.

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

MR ALBERT CHAN (in Cantonese): Mr President, it is appropriate to discuss the family policy of Hong Kong in the International Year of the Family. Today I am going to look at this subject from the point of view of a family service worker. From the time I took up my first job after graduation from the university up to the present moment when I am a Member of the Legislative Council, what I have been doing are all related to family services.

In recent years, due to political reasons and the restructuring of the economy, families in Hong Kong are confronted by great tremour. There is a

rise in the number of child abuse and divorce. Besides, it has gradually been a common sight for family members to live apart in different places.

There is a Chinese saying that "It is better to be a dog in a peaceful world than be a man in troubled times." Hong Kong can by no means be described as "in troubled times" when compared with some of the countries in Eastern Europe and Africa which are in chaos. And quite on the contrary, Hong Kong has a prosperous economy and is growing steadily at a rapid pace. What is more, Hong Kong has recently been chosen by Fortune magazine as the best city in the world to do business. However, in the past years, we saw an average emigration of 50 000 to 60 000 people from Hong Kong annually as a result of the impact posed by the 1997 issue. In addition, more than 30 000 people from the mainland holding One-Way Exit Permits arrived in Hong Kong every year. The phenomenon of people moving to a different community or a different country will have adverse effects on family relationship. In cities where many immigrants from Hong Kong live, such as Vancouver, there is the emergence of the so-called "Women's Street" because the men of these families have to return to Hong Kong to manage their business, thus leaving behind their wives and children. Alienation of family members from each other is obvious.

On the other hand, as a result of economic changes in China and Hong Kong, many people in Hong Kong, including men from all walks of life and various sectors, have to work in the mainland very often or for a long period of time. Various forms of "second wives villages" have emerged one after another. Many family tragedies have been brought about by such phenomenon and changes.

The consolidation and existence of families are the pre-requisites for a healthy society. Without healthy families, all kinds of social problems will crop up continually. When problems arise, the Government must provide the necessary services so that those who are in need can have access to proper assistance. Most of the existing social welfare services in Hong Kong are classified in terms of age, such as children and youth, infant and elderly and so on. Family service is merely one of these various kinds of services. Insofar as services are concerned, classification of services according to age has not only failed to achieve cost effectiveness, it also enhances the sense of self-seeking. It contradicts entirely with the purpose of establishing a stable family with members of the family enjoying very close relationships.

In the Draft White Paper on Social Welfare into the 1990s and Beyond published by the Government in 1990, the Government admitted that "there is a need to develop family services in line with the increasing diversity of family-related problems". The Government further pointed out that "innovation and flexibility of approach will be essential". In the 1980s and 1990s, many voluntary agencies have initiated a diversified range of open family services which are community-based. Not only are these kinds of services being applauded and supported by the communities, they have also proved to be cost-



effective. Such "low cost and highly efficient" social welfare services are indeed rare in Hong Kong.

However, Mr President, due to the political relationship among agencies and departmentalism exerted by certain influential individuals as well as institutions, subsequent reviews on social welfare services showed that the recommendations made in the 1990 White Paper were not implemented. Neither did they introduce improvements and innovations along the line of these recommendations. At present, welfare services are still classified according to age and family services remain as casework which is mainly of a therapeutic and protective nature. I find it very disappointing and regrettable that the development of family welfare services in Hong Kong has come into such a stage.

I hereby urge the Hong Kong Government to develop "community-based family services" as soon as possible to facilitate the early provision of support services to families in need in order to prevent family tragedies. My opinion is that "community-based family services" should be operated in a way which is mainly meant to set up networks and provide support services. The personnel involved should take the initiative to approach residents and make use of community resources so as to enable families to lead a stable and normal life.

Mr President, I hope that the Government will, at a time when it happens to be the International Year of the Family, review the pattern of our existing family services and study the difficulties currently confronted by families in Hong Kong and make changes accordingly so that the people of Hong Kong can build their own homes, and live and work in peace and contentment.

With these remarks, I support the motion.

DR TANG SIU-TONG (in Cantonese): Mr President, "Cultivate your moral character and then put your family, country and the world in order" is an old Chinese saying. Putting the family in good order is quite an important episode in the Chinese tradition. Although there are criticisms that the male and the female are not treated equally in the New Territories, there is a theoretical background for this because people in the New Territories regard family as a social unit. Family is indeed an important unit constituting the society. With the changes in times and the influence of other objective factors, big families with several generations living together are gradually disintegrated and replaced by smaller families of young married couples, single-parent families and families with husbands and wives living apart as generated by the emigration tide.

Many problem families emerge because of these changes and their demand for family welfare and family services have correspondingly increased. The public is paying more attention to the Administration's family policy. Some people have criticized that the family policy implemented by the Administration

only has symbolic meaning and that the policy cannot even be regarded as a genuine family policy. I think we should not waste our time discussing whether there is a family policy or not, but rather, we should deliberate over the direction of the existing policy and the appropriateness and adequacy of the services provided.

The existing family policy mainly concentrates on providing services in three aspects: prevention, support and provision of services and assistance to families with difficulties, of which prevention of family problems is the most important. The Administration has recently planned to amend the Matrimonial Causes Ordinance to shorten the processing time for divorce. This change is only aimed at shortening the time required for divorce and provides no counselling services. This is in fact contradictory to the preventive work in respect of family services. Surprisingly, the amendment Bill has not aroused heated debates in society and it seems that it is totally accepted by the general public. In fact, it is inevitable that this change will have certain impacts on our society, the institution of marriage, the maintaining of the family concept and even the younger generation. The divorce rate has been increasing in recent years, resulting in an increase in the number of single-parent families. If the processing time for divorce is further shortened, the number of single-parent families will surely increase to a certain extent. The Administration must pay attention to the above phenomenon. Last November, this Council held a motion debate on single-parent families and resolved that the Administration should be requested to formulate a policy on single-parent families and provide assistance services. The Administration did not give any positive response and emphasized that the relevant services were adequate. In this year's policy address, apart from increasing the assistance payments for single-parent families by as much as \$200, there is not any further improvements. Financial assistance is essential, but support and co-ordination in other respects cannot be overlooked. It is obvious that the policy makers have not shown enough care, sincerity and concern to the families in need. As a result, the financial assistance and other support services have fallen short of the actual needs. The Administration should not evade this problem.

Mr President, it is not difficult to understand that there are more problem families in new towns because of regional peculiarities and population composition. In these new towns, most families are small and they have young children. Husbands have to leave home early and travel a long way to work in the urban areas and they come home late. They will be prone to neglect their concern and care for their family members. Women who stay home to take care of their children will find themselves in an unfamiliar environment, lacking in support from peers and relatives, and deprived of adequate community facilities and services. And they are under great mental stress. Too much stress accumulated without appropriate outlet will easily affect the harmony in families and these families may even turn into problem families. It is an undeniable fact that the community facilities and services provided by the Administration in new towns are not adequate. The Administration should consider the special regional features and the needs of families in new towns and

provide more counselling and support services directed at those living in new towns. However, we do not see any such specific arrangements.

"One cannot make bricks without straw." Even though we have a suitable family policy, if we have inadequate manpower and financial resources, services for families will certainly be hindered. I understand that some voluntary organizations providing family services have a shortage of manpower. Take the Hong Kong Family Welfare Society as an example. Every social worker has to handle and follow up over 120 cases concerning single-parent families. Such a high proportion not only increases the working pressure of the social workers in charge of such cases, it also affects the follow-up of the cases by social workers. I urge the Administration to review the allocation of resources for family services as soon as possible, so that the departments concerned can have adequate resources and manpower to promote family services.

There are now 30 family service centres and 19 Family Activities and Resource Centres under the Social Welfare Department. I believe that these service centres can play a positive role in family services. I think the publicity of the relevant work and services has to be enhanced to allow more people in need to know more about the relevant services and to enjoy these services.

Apart from the Administration, many voluntary organizations also offer different family services. However, the locations of these service centres are too scattered and are inconvenient to the users. I suggest that the Administration should arrange to locate all these service organizations and the service centres of the Social Welfare Department in the same social service complex and should further strengthen their services so that the public can gain easy access to these services.

"Life always begins in a family" — this inspiring saying is found in the lyrics of the theme song of the International Year of the Family. Family problems not only affect two or three family members, for the aftermath caused by problem families to society affects society at large. Later, we will debate on the problem of juvenile crimes which is a serious social illness and has partly originated from problem families. Therefore, the Administration should look squarely at the actual needs of our family policy and family services.

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

REV FUNG CHI-WOOD (in Cantonese): Mr President, the family has all along been regarded as the most important unit of society and the Government has also expressed its intention to advocate, uphold and safeguard the importance of the family. To achieve this, the Government should, in addition to formulating different policy objectives, have full understanding of the family institution and be forward-looking, so that it can formulate a long-term and comprehensive family policy adapted to the ever-changing environment.

I would like to start with discussing the changes in the family structure in recent years. Getting married late is common in Hong Kong and the figures released by the Census and Statistics Department in 1991 showed that the size of an average family was 3.4 persons and the number of children in a family was generally one to two. This reflects the features of families in Hong Kong. Along with the changes in the social environment, there are varying changes in the form and nature of families. The following points may serve to illustrate the present situation:

- (1) The number of single-parent families. Scholars estimate that less than 10% of the families in Hong Kong are single-parent families. However, with rising divorce rate, the number of single-parent families also tends to be on the increase.
- (2) Special services on psychological counselling and the bringing up of children are required by separated couples who have respectively formed new families. The increase in this kind of re-established families is directly related to the growth in divorce rate in Hong Kong. At present, no social services have been designed by the Government to cater for the need of these unconventional families. The increasing number of single-parent families and re-established families shows that the mode of Hong Kong families can no longer be confined to the norm of double-parent families. The Government should give due regard to the diversified modes of families emerging in Hong Kong.
- (3) A number of family tragedies have taken place this year and a woman has even died of battering. The repeated occurrence of wife battery cases make the public aware that a harmonious family is not something that can be taken for granted. Some families may not be offering protection and emotional assurance to their members.
- (4) Women and the family also involves complex problems. Many people believe that the awareness of equality of the two sexes has already been found in families, for instance — husbands and wives are financially independent, housework is shared among family members, problems are handled through discussion and both sexes are on equal footing. However, we have also witnessed the fact that many women still have to give up their work in order to stay home and take care of their children. Women are still the main bearer of household labour.

I hope that the Government can pay due attention to the above situation. The mode of families in Hong Kong is becoming more diversified, the problems encountered by families and the relationship among family members have become increasingly intricate. Moreover, some of the problems faced by families is inseparable from other social issues, such as employment and

women's status. If the Government fails to formulate a comprehensive and long-term family policy, family problems can only be dealt with in a piecemeal way.

We agree that the Government must formulate a comprehensive and long-term family policy, the spirit of which should cover four aspects: (1) the provision of comprehensive services for families of different modes; (2) up-dating the policy to adapt to social changes; (3) orientation of family services to maintaining and safeguarding harmony of families and the family as a basic unit of society; and (4) the provision of integrated services by inter-departmental efforts under the family policy.

Specific policies include the formulation of a sound policy for single-parent families, comprising services such as housing, medical care, comprehensive social security and counselling. As for re-established families, it is imperative to provide them with health and legal guidance services. Moreover, the Government can no longer sit with its arms folded over the problem of wife battery and domestic violence, but it should draw up policy guidelines and set out detailed measures, so that a range of services can be provided to the battered, such as shelter, counselling, medical care, legal advice, accommodation and employment. Cases of extra marital affairs are also on the rise coupled with the fostering of closer economic ties between China and Hong Kong. There is a lack of comprehensive support services in this respect. The Government should bear in mind the needs of society and strengthen these services as early as possible. Last but not least, family policy is vitally linked to the status of women. A sound family policy can create more employment opportunities and for women to join the workforce which may better equip them to handle the relationship with their spouses and children. We hope that the Government can establish community women centres to offer integrated services to women.

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

MR ERIC LI (in Cantonese): Mr President, many Members were well aware of the problems of single-parent families in the motion debate initiated by Mr Fred LI on 1 December last year. They hoped that a comprehensive and long-term family policy could be formulated as soon as possible.

The Hong Kong Government has all along been aware that the family is the foundation stone of the society, and it has formulated a set of specific family welfare policies. However, the number and structure of families have changed dramatically in Hong Kong in the wake of speedy processes of commercialization and urbanization as well as the emigration tide. Impacts of varying degrees are levied on families. Families have gradually been particularly weakened in taking care of the aged, the disabled and family members who have gone astray. Owing to limited resources being put, the

defence exerted by government policies on the functions of the family has become very weak.

Although the Government is aware of the importance of the family but when it implements public policies, most of the time it would not "do what it knows" or would talk a lot but do very little. This is particularly true in respect of major policies affecting the basic needs of families, including food, clothing, shelter and transportation. The Government seldom make consideration from the viewpoint of the family and this gives rise to a lot of "family illnesses". For instance, in the development of new towns, the Government has given more thought to the migration of population than the co-ordination of transportation. This leads to the situation that many housewives are "trapped" in the new towns and that causes psychological anxiety which easily results in family disputes. The appearance of nuclear families, the increasing number of working parents and the lack of convenient child care centre facilities in public housing estates force many young children to be "locked up" at home without adult company. This has caused many domestic accidents. Under all these social changes, the family is no longer a harmonious place and the youth prefer to linger about in the streets rather than staying home. If there is no better places for them to go, they may easily encounter undersirable elements. This will indirectly aggravate the problem of juvenile delinquency. My colleagues have already cited a lot of examples.

In tackling these family illnesses, the Secretary for Health and Welfare may emphasize that a set of comprehensive services and a supporting network have already been provided under the family welfare policies of Hong Kong for maintaining harmony in the family. She may even be able to list all kinds of services. On incidental encounter, one may easily have the impression that the existing family welfare policies can cater for and satisfy every need of the family. However, the question is, family welfare policies can often only play a supportive and remedial role. I do not doubt the value of these services, but I believe the existing family policies will be more effective if other problems such as public transport and housing are taken into account when formulating a more comprehensive family policy. The Government has all along been emphasizing that the Chinese family is a good tradition, and most families are willing to take care of their members in need, especially the aged, the infirm and the disabled. Many families will not let their elderly members apply for public assistance or live in homes for the elderly unless they do not have other alternatives. I believe that this Council and the Government share the view that family policies should receive further development and our good tradition should be upheld. But as the function of the family is waning along with the changes in our community, the Government has been too particular about the expenditure to be incurred in this seesaw battle to remedy the situation and it is too mindful of whether it will be difficult to implement the policies. Nevertheless, I believe this Council and the Hong Kong people would want to have a harmonious community which is invaluable to us. Many people hope that there will be victory and no defeat in this seesaw battle. Victory in this seesaw battle will reduce the number of family welfare service applicants and achieve the most

effective use of the resources for family welfare services and the resources could be diverted to people who are most in need.

With these remarks, I support the motion.

DR LAM KUI-CHUN (in Cantonese): Mr President, today I would like to start my speech by providing a directional guideline on the meaning of the rather vague term "family policy". I agree with Mr HUI's assertion that the existing family policy of the Government is basically confined only to family welfare policy. I believe that a family policy which is in concert with the existing environment of Hong Kong should be one that firmly establishes the role of the family as a unit of society, which supports the development of society and supports the mental and physical growth of family members and encourages mutual co-operation among family members.

In view of the fact that young people in Hong Kong are becoming increasingly self-centred and that their moral standards are consistently declining, I believe the family policy we need should be one that is oriented to the principle of re-establishing family relationship and reinstating ethical and moral principles, so that the community, in particular the youth, may recognize the concept of family attachment and understand their responsibilities as a member of the family and of the community.

Last July, the Government issued a policy cheque when it endorsed the Charter for Youth, claiming that "the family, as the primary care-giver for youth, should be afforded the necessary protection and assistance for the fulfilment of such role". In the latest policy address of the Governor, the second policy cheque was issued and the Government claimed that "it accepts a special responsibility to preserve and strengthen the family". However, both cheques have not been honoured so far.

The statistics released in recent years have shown that youngsters have become increasingly rebellious. Every hour there are youngsters under 21 years of age committing crimes, everyday six more youngsters become drug addicts, and one out of every five youngsters over the age of 21 has thought about committing suicide.

The Charter for Youth emphasized that "parents and legal guardians should be primarily responsible for the upbringing and development of youth". However, in a survey conducted in August this year, among the secondary school students interviewed, half of them indicated that there was no one to whom they could turn when they were in trouble, even family members could not give them any help at times of adversity. What are the reasons?

In Hong Kong, nuclear family is increasingly common where both parents have to go to work and grandparents do not live with the young to help edify the young, resulting in a lack of communication between the young and the old.

At present, generation gap even exists between siblings with an age difference of five years or more. The escalating divorce rate in recent years, coupled with the increasing occasions on which the father has to go to the mainland to work, have rendered over 50 000 youngsters under the age of 21 having to grow up in single-parent families. All the above scenarios have impaired the normal psychological development of the youth. In respect of these problems, the Government only responds in a passive and impersonal manner, for example, by providing day nursery facilities, increasing single-parent allowance and so on. Nevertheless, the root causes of the psychological and emotional problems are still there. While drafting a sound and comprehensive family policy, the Government should, I believe, emphasize on building a closely-knit family network, creating a caring atmosphere in the community and encouraging families in the community to set up mutual co-operation and mutual help organizations, so as to supplement the inadequacies of individual families by the community as a big family. But we have to recognize that the network is only restricted to supplementary and secondary functions, the fundamental solution to youngsters' increasingly rebellious behaviour is to foster closer parent-children relationship in individual families and to nourish mutual understanding and co-operation among siblings.

Parents should be held largely responsible for deteriorating family relationship. In fact, the philosophy of *laissez-aller* in the western world is influencing a number of parents in Hong Kong, they do not clearly understand that allowing their children to develop their independence and individuality freely is actually just a marginal difference from connivance and negligence. The two are just the same in some Western communities. While connivance and negligence not only weaken family bonds, the lack of proper guidance may instil wrong values to the youth, and sometimes they may induce them into believing that being rebellious is being heroic. This lays buried a time bomb in the future development of the community.

At present, a number of families employ domestic helpers to take care of their children and to do the household chores. The parents are theoretically freed to spare more time for strengthening ties with their children. However, when we walk on the street during weekends, it is ironical for us to see that the mother carries a dog whilst her children hold the hands of their Filipino maid. Obviously, the roles of the mother and the maid have swapped. Many fathers are also substituting money and material rewards to their children for care and guidance.

Mr President, although my speech focuses on youth problems, the other family members, in particular the elderly, also need assistance to be provided by an appropriate family policy. The Government should draw up a family policy targeted at the drawbacks of the times. The long-term objective of the policy should be the implementation of basic family education and to allow the new generation to have a correct concept of the family when they are young while the short-term objective should be to rectify the misunderstanding of parents and children in the concept of the family, to assist them in re-establishing family



bonds, and reinforcing communication and mutual help. Let us once again cultivate and irrigate the "Big Family Tree" described by Dr LIN Yu-tang as cited by Mr Moses CHENG.

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

MR FRED LI (in Cantonese): Mr President, the Democratic Party fully supports Mr HUI Yin-fat's motion. In the light of the aggravating family problem, it is indeed imperative for the Government to formulate a set of family policies. And before formulating other social policies, the Government should first consider what the impacts of these policies may have on family life.

When we talk about family policies, there is one fundamental question we must address and that is: what is a family? Or, what is the definition of a family? With the constant changes in socio-economic structures, present day families have experienced drastic changes in their number of members, function and pattern. For example, with the emergence of "nuclear families", families with several generations living together have become rare. In the past, families have to shoulder the entire responsibility of educating the children, but nowadays schools have assumed most of this responsibility. And with the expansion of new towns and changes in town planning, working places and dwelling places have become farther apart. It is also due to these fundamental changes that make it necessary for the Government to have a more thorough grasp and understanding of the evolution and mode of the present day families when it formulates family policies and devises family assistance welfare service. Only then can we make sure that social development matches with the changes of families.

As far as I know, many people still hold the misconception that a family is complete only if both parents and their children live together and only "families" of such composition can lead a happy life. Otherwise, a family will be regarded as "broken up" and "abnormal" simply because it is not a "double-parent family". Recently, a fairly popular television drama series used this as its theme and ended with a happy reunion of the whole family. It is not hard to imagine that such a notion is still deeply rooted in the hearts of the public in general. Here, I just want to raise a realistic problem: As the divorce rate is constantly on the rise, the increase in single-parent families has become an irreversible trend. Even the Government has noticed such problem. This explains why this Council has embarked on revising the relevant Matrimonial Causes Ordinance to shorten the separation period. Of course, I do not encourage divorce. But why can we not accept single-parent families as one of the normal patterns of families in our modern society as we have already accepted the fact that the mode, function and pattern of families will have to be changed in line with the development of society?

At present the traditional notion of the families is continued to be used as the basis for devising our policies of providing various social services such as social welfare and public housing. The issue of single-parent families is only regarded as a special problem faced by individual families and it is assumed that these families are only experiencing temporary transitional changes and will eventually revert to two-parent families. Only in case of extreme difficulties will the Government provide some urgent, fragmented and piecemeal services. This obviously reflects the Government's failure to grasp the change of family patterns or the Government is simply unwilling to make too much commitment and give too much thought in this latter part of the transition period.

During the Legislative Council Sitting of 2 November, I raised the issue of single-parent families by asking why the supplement for these families was set at one-fifth of the standard rate of the Comprehensive Social Security Assistance instead of one-quarter or one-third. The Secretary for Health and Welfare at that time was not able to give us a convincing reply. This made one doubt that the decision of setting the rate at one-fifth or one-quarter is only arbitrary and there are no supporting reasons or whatsoever. In December last year, I moved a motion on the problem of single-parent families and requested the setting up of an independent working group to study and formulate a long-term policy for single-parent families. In spite of the fact that the motion was carried by all Members unanimously, the reply from the Government was, as in the past, that the existing family services were already quite adequate and there was no need for complicating the matter by setting up a working group to formulate policies for single-parent families. This is very disappointing indeed.

I have to stress that a policy is neither a combination of some fragmented or piecemeal social services nor an additional supply of services in the form of only providing a stopgap measure. What we find now is the expansion of several child care centres when the Government sees that such centres are insufficient and the recruitment of several more home help teams to meet urgent needs when home helpers are inadequate. A well thought-out policy should be able to provide a clear objective and direction to a problem. It is not the decisions made by individual departments or the arbitrary increase in supplement of one or two hundred dollars to entertain requests from the Members or the public as a result of bargaining just like buying grocery in the market. It also happens that compassionate rehousing is administered by the Housing Department whereas work of other areas are taken up by the Social Welfare Department. Consequently, cases are being passed around by different government departments, but finally the problem still exists.

Mr President, I would like to emphasize that, in formulating the family policies, the Government should at the same time take care of the needs of single-parent families and should not overlook the importance of the ever-changing family patterns.

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

DR CONRAD LAM (in Cantonese): Mr President, I just heard many colleagues talking about the various problems within the families in Hong Kong. I have also heard Mr Fred LI asking about the definition of the family. I shall look at this problem from another angle.

Since the beginning of human history, what has given rise to the establishment of the system of family? I believe that there had to be such a need before the family system was established. I personally think that under the principle of survival of the fittest, the family system was established and has been steadily developing. Members are concerned whether the collapse of the family system or other factors has led to problems in society. Actually, we have to ask whether social problems affect the family or the family affects society. We all know that a family is made up of different individuals and that family tragedies do not only happen today, they have been happening even since there was human history. They have just become more evident now. Associated with the changes in society are changes in the roles played by family members. In the beginning of man's history, man lived after the regular pattern of the jungle, and now, we live in a "concrete jungle". The roles played by family members have of course changed to a certain extent. The regular pattern of "the man taking care of the business outside the house and the woman taking care of that inside" in the past have changed as more and more women work in the community and men and women have become equal. If we cannot adapt to these changes and demand that the family be run in the traditional way, I believe that the problems cannot be solved.

I personally think that since the family is made up of individuals and an individual is also the most basic unit of society, then the biggest problem arises from an individual's outlook on life. If we do not address this problem but just pinpoint at the family, I believe we cannot solve the problems. We all know that people's outlook on life today is fundamentally different than that in the past. In the past, people were satisfied if they could have two meals a day, stay warm, be free from hunger and have cover when there was rain. But people nowadays are chasing after something different and the community's outlook on life is also different. If we cannot free ourselves from the desire for material and the determination to make a great deal of money; or if family members do not make some efforts, I believe that it would be futile even if the Government formulates any family policy. Personally, I believe everyone in a family has to try his best to bring about a happy family. Parents' instructions should be turned into guidance. I hope the Government could understand this problem and so do we. When the Administration formulates educational policies, I hope guidance could be concentrated more on the individuals' outlook on life and ideals instead of being too money-minded and materialistic.

Mr President, with these remarks, I support Mr HUI Yin-fat's motion.

MR JAMES TO (in Cantonese): Mr President, in 1991, the then Secretary for Health and Welfare presented a white paper on social welfare services in Hong Kong — Social Welfare into the 1990s and Beyond, which emphasized the importance of stable family units to the welfare of society as a whole. The white paper also confirmed that the family as a unit will be one of the items which receive top priorities. It urged the "various policy makers" to "take greater cognizance of welfare concepts such as the family unit and the welfare of the child" when formulating policies for the community.

Three years have lapsed since the publication of the white paper. Yet, everyday when we read the newspapers and magazines, or listen to the radio and watch the television, there is always news of disputes caused by marital discord, and some disputes are as serious as the murdering of the husband or the wife. From time to time, we hear about tragedies involving lovely kids who have been left alone at home. In the past couple of years, we have even heard about domestic disputes or divorces caused by businessmen or workers keeping "a second wife" in mainland China. Besides, the rate of juvenile crimes is on the rise. The age of youngsters addicted to drugs and abusing psychotropic substance is lowering. All these problems are basically closely related to the lack of good and sound family education in Hong Kong.

Therefore, I agree with the white paper very much on the point that the various policy makers should bear in mind that family and children are to be given adequate consideration when formulating policies. This is not only the matter of one or two individual policy branches such as the Health and Welfare Branch and the Education and Manpower Branch which are responsible for the development and implementation of promotion campaigns relating to family education.

What we need to do now is to re-establish the concept and ideology of having the family as a unit for the grown-ups and the next generation to follow. To achieve this, all policy branches such as the Social Welfare Department under the Health and Welfare Branch and the Education Department under the Education and Manpower Branch should also make an effort. Besides publicity, a plan should be drawn up to help to maintain a peaceful and harmonious relationship between husband and wife, parents and children, and to promote the concept of care among family members.

In view of the increasing number of cases of Hong Kong people having "a second wife" or "a concubine" in the mainland, it is necessary for the departments concerned to provide some kind of family counselling services such as organizing workshops and experience sharing camps. These will be served as preventive measures against the issue of Hong Kong people having affairs in the mainland which will eventually affect their respective families in Hong Kong. The Government should also liaise with the Chinese authorities and explain to them the social change as well as the pressure and adverse effects this problem has on Hong Kong and urge them to enforce the relevant laws. It is because according to Chinese laws, seducing someone else's husband is a very serious

offence. But in many cases, different treatment will be awarded depending on the way the petitioners handle the case. In the meantime, other policy branches should not just stand by with folded arms. For example, on the legislative level, effective legislation should be made in order to protect the cohesiveness of the family. In addition, more efforts should be made with respect to the protection of women and children. Recently, the Government has tabled the Matrimonial Causes (Amendment) Bill for this Council to consider. The Bill suggests relaxation of the restriction on petition for divorce and provides that petition can be made after the expiration of a period of one year from the date of marriage whereas the minimum period of separation in divorce proceedings, where consent has been obtained from both parties to the marriage, is reduced to one year. From a certain point of view, the Bill will weaken the public's ideas towards the importance and cohesiveness of the family. It will create more single-parent families and have a bearing on the concepts of marriage and family. We have to examine and consider in detail the long-term bearings on society if the Bill is passed. I am quite conservative in this aspect. I am afraid that such a drastic relaxation will result in social disintegration in the long run if we do not have in place effective measures to reinforce people's attachment to their families.

Finally, I want to raise the issue of "Cardless Mothers" again. Owing to the immigration regulations of Hong Kong, the mothers of some families have to stay in China and wait for approval to come to Hong Kong for family reunion. They usually have to wait for seven or eight years. This indeed affects the families significantly. The Government should continue discussions with the Chinese authorities on long-term or short-term measures. We do understand that there is the problem of corruption in China arising from the restricted quota and the long queue. But it is hoped that the Government can reflect the seriousness of this problem to the Chinese Government and help these families re-unite more quickly.

If the Government can commit to take into consideration the concept of "the family as a unit" when formulating policies, it will set an example for people from all walks of life such as the commercial and cultural fields and the media to follow suit. More activities will be organized to promote the concept of "the family as the basis". Only by so doing can we have a promising future and a society that would progress towards stability.

With these remarks, I support the motion.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, before my colleague, the Secretary for Health and Welfare speaks, I would like to give an overview of the relationship between the family and our public housing policies. Although we do not always state explicitly, our public housing policies do, in many respects, aim to promote and strengthen the family as a basic institution in society.

It is the Government's policy objective under the Long Term Housing Strategy to provide adequate housing at an affordable price or rent to the people of Hong Kong. In this respect, the Housing Authority and the Housing Society have been implementing the public housing programme, the primary aim of which is to provide a decent home to families in Hong Kong who are in need of subsidized housing. We recognize that a decent home is certainly more than just a shelter for the family. We therefore care about other aspects which will have an impact on the quality of life of families living in public housing estates.

#### *Allocation standards in rehousing families*

We care about the needs of an eligible family as early as we allocate a public housing unit to it. We ensure that the flat allocated is of optimal size and at a rent affordable to the family.

#### *Overcrowding relief*

Through overcrowding relief transfers and relocation of families upon redevelopment of older public housing blocks, many families in public housing estates have their living density much improved.

#### *The living environment*

While the flat is for the exclusive use of the family, the general environment of the housing estate is of equal importance for the enjoyment of the family members. We keep on improving the landscaping, the open space and other facilities provided within the estate — sitting out areas, playgrounds, child care centres, shopping centres, facilities for the handicapped and, of course, security measures. Our aim is a safe, convenient and enjoyable living environment for the families.

#### *Rent assistance*

When a family first moves into a public rental estate, a flat that is affordable to the family will be offered. However, if after moving in, the family suffers from financial hardship, for example, due to unemployment, it can apply for rent reduction under the Rent Assistance Scheme which was introduced in 1992. The level of reduction ranges from 25% to 50%. The initial assistance period is 12 months, but renewable upon review on an annual basis.

#### *Family with elderly person*

Members spoke on the importance of elderly members of a family. The public housing policy encourages the younger generation to live with their elderly parents or dependent relatives. Priority in rehousing is accorded to households with elderly family members.

Currently, applications from a young couple living with an elderly parent or dependent relative will be advanced for allocation by two years. Where young sitting tenants wish to live together with their parents who are separately residing either in public housing or in private flats, the Housing Authority may allow addition and will allocate a flat suitable to the enlarged family size in the new town for them to live together.

#### *Addition of family members*

After a family has taken up residence in public housing, addition of family members, due to natural increase or family reunion, is permissible. A new-born child of the family can, of course, be added to the tenancy, but tenant's spouse and dependent children, coming from Mainland China for family reunion, can also be added. Moreover, to promote mutual care, an elderly tenant living with his sons or daughters may apply for addition of the spouse of one of his married children.

#### *Divorce*

Sadly, the divorce rate in the public housing sector is going up as well. Normally, upon family splitting, only one party may retain the tenancy right and the other one will have to leave. The Housing Authority's policy is to favour the party with the custody of the children. However, before the divorce proceeding is finalized, the tenancy right will not be determined. When the divorce proceeding is expected to be protracted and the party with temporary custody of children is forced to leave by circumstances, conditional tenancy, that is, another flat may be granted to this party subject to fulfilling certain conditions. The aim is to alleviate the conflict between the parties during the divorce proceeding, but not to encourage family splitting.

#### *Home ownership aspiration*

There are families in both the private and public sectors who wish to acquire their own homes but are not able to afford to buy private sector flat. To satisfy the growing aspiration for home ownership among these families, the Housing Authority and the Housing Society offer flats to them at affordable prices under the Home Ownership Scheme, Flats for Sale Scheme and Sandwich Class Housing Scheme. We have an ambitious programme on our hands.

#### *The way forward*

All along the Government has been very concerned about the well-being of the families in terms of housing. The Housing Department and the Social Welfare Department keep close touch on this important topic. We will review our policies on a regular basis and make amendments whenever necessary in order to cope with the changes in the family system in Hong Kong.

SECRETARY FOR HEALTH AND WELFARE: Mr President, I am grateful to Honourable Members who have spoken of the importance of the family. The family is the oldest form of bondage between individuals. It can be a source of strength, providing an intimate environment for the physical care, the mutual support and emotional security of its members, individually and collectively. It is within the family that we learn basic social and moral values, develop relationships and share what we have with others. It is also within the family that we cope with conflicts, crises and tragedies, and love, nurture and care for one another.

Our policy in support of the family, as set out in our 1991 White Paper entitled *Social Welfare into the 1990s and Beyond*, describes the family as "a vital component of society" and states that the overall objectives of our family welfare services are to preserve and strengthen the family as a unit and to develop caring interpersonal relationships, to enable individuals and family members to prevent personal and family problems and to deal with them when they arise and to provide for needs which cannot be met from within the family.

#### *Family welfare policy*

With these objectives in mind and having regard to the rapid changes in Hong Kong, our welfare services have been developed to assist families to discharge their caring and protective functions. The Government should strengthen and support the family so that it can function properly and intervene only when members of the family are in need of assistance and protection. Our family welfare services therefore support and supplement rather than substitute the functions of the family. Our policy focuses on three main areas and services are provided and developed to implement each of them.

##### (1) *Prevention*

Prevention is always better than cure. To preserve the family, we have to reassert family values. Through family life education, we promote the importance of family life and impart parenting knowledge and skills to help family members grow into contributing and responsible members of society. Family Activities and Resource Centres have been set up this year in all districts throughout Hong Kong to provide a focal point for local families to drop in for advice, mutual aid and social networking. An innovative Family Care Demonstration and Resource Centre has also been established to provide parental and home-making skills practice in a home-like setting.

##### (2) *Supporting the family*

We will continue to support families who need specific help both at home and with child care. We have a comprehensive programme to expand the number of government aided places in child care centres. Non-governmental organizations are also running after-



school programmes for primary students who come from needy families. All these services help families to care for their young and minimize the risk of children being left unattended at home.

Other services to support the family include training by family aid workers in home management for parents who have inadequate home making skills and the provision of home help service such as cleansing, laundry, cooking and escort services. In addition, a wide range of services are provided to help families care for their elderly or disabled members. These include the Comprehensive Social Security Allowance Scheme, community support services such as social centres, multi-service centres and day care centres for the elderly, and residential care facilities for elderly and people with disability. We also provide day activity and training centres as well as sheltered workshops to support families with disabled members.

(3) *Helping families in trouble*

Despite our best intentions, families do encounter problems and we need to be there to help them. We now have 54 family service centres which assist families to deal with problems arising from inter-personal relationships, care for the young, illness, disabilities and problems relating to finance, accommodation, employment and school placement.

For children who cannot be cared for by their families or whose safety are at risk, we have a well-established legal framework to look after their welfare. We provide residential care for children who, for a variety of reasons, cannot continue to live at home with their parents. For women who are victims of domestic violence, protection is given under the law. Two shelters operate round the clock to provide temporary accommodation for battered women and their children.

To help families in trouble, we also have in place the medical social service and the clinical psychological service. The former assists families with problems related to illness situations and the latter helps with child abuse, child custody and family tragedies. Last but not least, our Comprehensive Social Security Assistance Scheme provides a safety net for those families who are in need of financial assistance.

We will spend about \$930 million this year on family welfare services which is 22% more than last year. Next year, spending will be increased further to about \$1,050 million.

*Family policy*

Many Members have argued eloquently for the development of a family policy. According to the eminent Professor Sheila B KAMERMAN, an expert in family policy, the term is used to describe what government does to and for children and their families, in particular those public policies that are designed to affect the situation of families with children — or individuals in their roles — and those that have clear consequences for such families even though the impacts may not have been intended.

In considering the issue of family policy, Professor KAMERMAN has given a clear warning of the obstacles and hazards. To quote from her article "Family Policy: A Global Perspective" published for the International Year of the Family<sup>1</sup>, they include:

- the fear that the development of family policies and programmes may serve to undermine the family;
- the differences regarding the role of government;
- value differences with preferences and choices varying across class, race, ethnic group, religion, gender, age, and so forth;
- concern that family policy is difficult to develop because the knowledge base is limited and we are not always able to foretell all the consequences; and
- the economic costs, how much the costs are, how and by whom they should be paid.

Overseas, "family policy" where it exists, tends to be related to income distribution through the implementation of family allowances and income tax arrangements. It is also used as a societal policy in a broader sense with the aim of transforming social relations in accordance with socialist objectives and ensuring that the functioning of the family will be in harmony with the requirement of socialist development. It is also tied to population policy for the purpose of making long-term demographic projections that may affect the labour and economic market. In other countries where there is not an explicit family policy, the emphasis is placed more on the impact of public policies on individuals rather than families.

Here in Hong Kong, Mr President, while we do not have an explicit family policy, our public policies already take the family into consideration. My colleague, the Secretary for Planning, Environment and Lands, has already given a detailed account of the specific actions and policies to promote the well-being

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<sup>1</sup> "One World, Many Families" published by National Council on Family Relations in observance of 1994 International Year of the Family

being of families living in public housing estates and to strengthen the family as the basic unit in society. Let me give some other examples of public policies in which the interest of the family is taken into account:

- (a) The goal of town planning in Hong Kong as promulgated in the preamble of the Town Planning Ordinance is to "promote the health, safety, convenience and general welfare of the community". In carrying out its planning functions, the Planning Department has always taken the needs of families into account.
- (b) Family factors are duly taken into account in the formulation of education and manpower policies. Sufficient schools, manpower training and tertiary education places are provided to respond to the needs of children and their families. The Education Department is fully aware that the family has an important role to play in the schooling and education of children and much has been done to involve the family in this regard.
- (c) The role of the family on the growth and development of a person and its impact on the well-being of an individual are frequently emphasized in many of our health programmes.

Mr President, we have a clear family welfare policy which promotes the well-being of the family. The 1991 Social Welfare White Paper requires relevant Policy Branches to consider the family perspective when developing policies that have implications on the family as a unit and a resource. The examples I have just given illustrate the importance the Government attaches to the family in the many facets of its public policies.

In supporting the family, I cannot support the wording of the motion calling on the Government to formulate a family policy in Hong Kong. We have consulted overseas experts on the subject. As advised by the world recognized experts in the field, Professor S KAMERMAN and Professor A KAHN: "To write a formal family policy requires confronting value differences and may generate considerable value debate around symbolic issues which can be avoided by making decisions about concrete benefits and programmes." They have observed that countries do well without a family policy. I believe that we too can do well as we are committed to implementing concrete programmes to help preserve and strengthen the family.

Thank you, Mr President.

PRESIDENT: Mr HUI Yin-fat, you are now entitled to reply and you have three minutes and 15 seconds out of your original 15 minutes.

MR HUI YIN-FAT (in Cantonese): May I thank the Secretary for Planning, Environment and Lands and the Secretary for Health and Welfare for their replies. They mainly talked about housing, the place we live in, and issues related to welfare. But as I have mentioned in my motion speech, quite a number of public policies are related to the family, yet they have not been discussed. Therefore, I said in my previous speech that the Chief Secretary should give an elucidation to this Council on behalf of the central government on the formulation of family policies in concert with the International Year of the Family.

Just now the Secretary for Health and Welfare has mentioned that some experts advised that we ought to be very careful in formulating such a family policy, or else undesirable consequences will be brought about. Indeed, I can also quote the contrary arguments of many experts. If one does not want to do something, one would certainly find some justifying arguments; and if one wants to do something, one would also have the justifying arguments.

However, I think what we should pay attention to is that Hong Kong is a predominantly Chinese society and the importance of the family must be respected. Hence Hong Kong needs a family policy. It happens that this year 1994 is the International Year of the Family and it is a rare opportunity. The United Nations has appealed to the world regarding this. Since Hong Kong is a developed community, I think we should make some more positive responses in respect of the International Year of the Family.

We all know that it is indisputable and irrefutable if I say Hong Kong has significant economic achievement. But we must not forget about the needs of the family after we have economic achievements because the family is the basic unit of society. A deficiency in happy families or too many broken families may be described as a social failure. In other words, Hong Kong cannot be said to be successful.

Therefore, may I thank my colleagues who have presented their brilliant views on this motion and voiced their support today. I hope that the Government can try harder to give this a serious thought. In the long run, it will certainly be beneficial to Hong Kong to formulate a comprehensive family policy.

Thank you, Mr President.

*Question on the motion put and agreed to.*

## **JUVENILE CRIME**

MRS SELINA CHOW moved the following motion:

"That in view of the aggravation of the problem of juvenile crime in Hong Kong, this Council urges that the Standing Committee on Young Offenders chaired by the Secretary for Security should truly reflect the seriousness, nature and extent of the problem in its report to be published at the end of this year and draw up a set of effective and efficient measures and a timetable for tackling the problem and that the Administration should set up an inter-departmental working group to carry out and monitor the work and provide progress reports to the Legislative Council on a regular basis."

MRS SELINA CHOW (in Cantonese): Mr President, by moving this motion which concerns the aggravating social problem of juvenile delinquency today, I hope to draw the attention of people from different sectors and various organizations to the subject of this motion. I also hope that through the influence and efforts of all the Honourable Members in this Council, they may hold discussions on the subject. By doing so, we can obtain ideas from the public together with the information and experiences of the relevant government departments, and we can then devise the most effective measures to protect our youngsters. At the same time, I hope we can reach consensus that action should be directed against the root of all these crimes. Only in such a way can our future generations grow up in a healthy environment without being influenced or threatened by triads.

The gravity of juvenile delinquency is not just our imagination. In fact, we are told by a lot of statistical information and our daily contact with people from various sectors that the problem is really very serious. According to the figures provided by the police, there are 3 833 cases involving young offenders aged seven to 15 in the first half of this year, representing an approximate increase of 13% as compared to that of last year. There are also 4 553 cases involving young offenders aged 16 to 20 during the same period, an approximate increase of 9% as compared to that of the same period last year. We should note that these figures have been kept growing for three consecutive years.

Government statistics reflect that the number of people aged below 21 who were arrested for drug-related offences has increased by 40% as compared to that of last year. In addition, the number of young people being arrested for involvement in illegal gang activities also increases significantly. We saw an increase of over 25% from 239 cases during the second half of last year to 302 cases during the first six months of this year.

These figures are sufficient to show that the red light is on as regarding the problem of juvenile delinquency. However, we are all aware that these figures cannot give us a full picture of the seriousness of the problem. Nor can they fully reflect the nature of the crimes or the scope of influence because many people are still unwilling to report crimes to the police or to express their views. The only conclusion we can draw from simple analysis is that the

problem of juvenile delinquency has gradually taken shape among youngsters aged between seven and 15. Youngsters in this age group are mostly students. They are psychologically immature and will easily fall prey to external influences. Hence, they become easy targets for triad members.

During the past few years, the Government has been reluctant to face up to the problem or to treat it seriously. It only insists that there is no obvious signs of penetration into schools by triad societies. However, according to the results of various surveys and reporting by the media, it is an iron-clad fact that triad societies are penetrating into schools while youngsters at risk are forming themselves into gangs. It is also a very common phenomenon that youngsters are feeling helpless and perplexed.

Last week, the Liberal Party conducted a trans-regional opinion poll in which more than 700 secondary school students were interviewed. Findings show that more than 40% of the interviewees have heard that some of their schoolmates claimed themselves to be triad members while over 30% said that some of their classmates were triad members or claimed themselves to be triad members. I am not going to repeat these findings as a detailed report has already been given to you before the Sitting.

The fact is that penetration of schools by triads is one of the key factors leading to juvenile delinquency. The Government and we, Members of the Legislative Council, are duty-bound to take initiatives in formulating effective measures to eradicate the root of this problem as soon as possible.

During the policy debate at the end of last month, the Secretary for Security has mentioned that the compilation of a report on the research in juvenile crime undertaken by the Fight Crime Committee will be completed by the end of this year. It looks as if the report is coming at the right time. But after I have read the relevant documents carefully, I am afraid that this report will not provide any definite recommendations which can help to solve the problem completely.

The report is compiled by the Standing Committee on Young Offenders of the Fight Crime Committee. As far as I know, the emphasis of the report is only limited to those youngsters who have a propensity to commit crimes and young offenders. It has not studied the crux of the problem. I doubt whether this report, which has taken more time than expected to complete, is able to provide us with a full picture of the problem of juvenile delinquency. In fact, such a report should include every possible attributing factor such as family, education, society and so on which would emerge during the developmental process of the youth leading to their going astray. We can then analyse these factors and formulate relevant measures according to the results of the analysis.

I would like to stress that the study of juvenile "delinquent" is not equivalent to the study of juvenile "delinquency". As a miss is as good as a mile, the minor difference in the choice of word has caused a great difference

between the two as regards the focus of the study and the crux of the problem. Moreover, as the compilation of the report has commenced more than two years ago, I cannot help but ask whether the committee realizes the rapid growth of juvenile delinquency and the change in the attributing factors during the past two years. Have the advice and recommendations of those who have in-depth understanding in this problem been widely sought and included in the report?

Let us look at the composition of the committee. Among the 14 members of the committee, there are nine government officials. Only five of the members are common citizens. People such as school principals, teachers, parents, staff of the Hong Kong Society for the Rehabilitation of Offenders, or representatives of ex-offenders who are in the front line of dealing with the problem of juvenile delinquency are not included. These persons have the most thorough understanding of the problem. Have their valuable opinions been included when compiling the report so as to avoid working behind closed doors?

I think all of us would agree that it is really not easy to grasp the true picture of the subject. We can see from news reports that when the problem of triad students emerged in schools and the families are also affected, the people concerned usually adopted an ostrich policy. There are several possible reasons. Firstly, they do not want to wash their dirty linens in public. Secondly, they may think that they would not be able to deal with the case. Thirdly, they prefer to remain silent for fear of the evil power of the triad society. Some of them may not even have any idea of what to do. In fact, these people have a lot in common. If their experiences and opinions can be put together, the report will then be able to reflect the truth more comprehensively. By drawing on this pool of ideas we may then come up with a solution we need.

Mr President, I have some opinion on juvenile delinquency as follows. The most important thing is to accurately grasp the extent and the causes of the problem so that we may devise a comprehensive strategy to co-ordinate the departments and organizations concerned, through which arrangement could be made initiatively and in one accord to, fight against the vices which drive youngsters onto the wrong track by both threats and inducements and help youngsters resist its strong influence. A phenomenon which deserves our attention is the lack of co-ordination among various government departments in the handling of the problem of students committing crimes. Currently, different people may approach different departments on encountering harassment by triad society or youth gangs. Consequently, different departments employ different tactics, resources are wasted due to mis-allocation and the result is also far from satisfactory. Therefore, I suggest that the Government should adopt a centralized trans-departmental mechanism having sufficient authority and initiative so that the citizens, including the students, teachers and social workers, can use the already set up hotlines to report crimes. The most important thing to ensure success for this mechanism is that the persons-in-charge should co-ordinate the work and make suitable arrangement for the division of labour to ensure that proper assistance are provided to victims. Of course, the public should be kept informed of the operation of this

mechanism. The best guarantee would be to submit reports to this Council regularly. Effective strategies and actions must be based on accurate information and intelligence. Nevertheless, many victims are reluctant to report to the police.

Some teachers said that they found it difficult to deal with cases where the student victims were unwilling to report the case to the police even though the teachers did realize that their students were intimidated by triad members. In the investigation conducted by the Hong Kong Federation of Youth Groups last year, more than 500 young people were interviewed. Only 5.7% of them said they would inform their teachers that they were harassed by triad members. What worries us most is that about 20% of the interviewees said they did not know what to do if they encountered such situation. The greatest reason behind such feelings of the students is that schools and the police are unable to offer them proper protection, they fear that if they report to schools or the police, the triad members will take revenge on them. Their fear is understandable. Despite the implementation of the Crime Information Form Scheme by the police, it seems quite impossible for the students, after being intimidated by the triads, to report their case in black and white, not to mention the previous failure of the scheme. I therefore suggest that the police should take appropriate actions according to certain teachers' observation and knowledge instead of just refusing to deal with complaints on the mere ground that the student concerned is reluctant to be witness.

The second thing that draws our attention is how to take precautionary measures. The focus of this arrangement is to take initiatives rather than remedial measures afterwards. The essential factor that should be taken into consideration is the fact that since youngsters are immature both in mind and in heart, they may be easily influenced by various objective factors such as the mass media, the behaviour and the example of their peers and family members. According to some investigations and reports by mass media on interviews with some youths at risk, influences from their peer group and family members are the major causes of juvenile crimes. Most of these young offenders have friends or relatives who are triad members and are led astray by them. In view of this, the Government, while formulating measures against the problem of juvenile delinquency, should also consider measures to strengthen rehabilitation counselling service for juvenile delinquents in order to discourage them from influencing their friends and relatives. The crucial point is to make them understand that their friends and relatives may follow their track if they do not amend of their ways.

Mr President, as time allowed for my speech is limited, I am not going to discuss in detail the various views and suggestions in relation to juvenile delinquency. However, in view of the aggravating problems of pornographic cartoons and CD-ROMs, I would like to take this opportunity to point out that at a recent meeting with the Secretary for Recreation and Culture, the Liberal Party has recommended that the Government should try its best to make improvements in aspects of legislation, enforcement and judiciary so as to



protect the youth from the evil influence of pornographic publications. It should also control the common practice of exhibiting indecent publications in public and thus eliminate the sale of such publications to the youngsters without infringing on the adult citizens' freedom to read. I also urge the Hong Kong Broadcasting Authority to pay attention to the recent "play to the gallery" reportage television programmes, broadcast as a result of keen competition in the industry. Besides, figures also reflect a remarkable increase in the number of young drug traffickers and addicts. The illegal importation of marijuana will also exert far-reaching negative impact on youngsters. This is the reason why the Liberal Party opposes the proposal to decriminalize marijuana. I hope that the Government would take every effective measure to save youngsters from the evil of drugs.

Mr President, in today's debate, our Party member Mrs Miriam LAU will later on discuss what she has learnt and the difficulties she has encountered in the Fight Crime Committee. Dr LAM Kui-chun will discuss the abuse of medicines and drugs by youngsters and Mr Howard YOUNG, if he can come back in time, will discuss today's topic from the aspect of external social factors.

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

*Question on the motion proposed.*

MRS ELSIE TU: Mr President, I am aware that some health and mental problems are genetic, but how far criminal behaviour is genetically transmitted I would not like to hazard a guess. As in the case of health problems, I believe that genetic criminal behaviour, if it exists, could be reduced or even eliminated through care, understanding, and a friendly environment.

I am convinced that the vast majority of our young people have no inborn desire to commit crime, and that those who do enter crime can be assisted by a friendly environment. Unfortunately, the one subject that education does not teach us is how to be good parents to our children. The science of parenthood has been left to natural instinct, and all too often parents just follow what their parents did, so the cycle of wrong treatment continues. A recent survey in Hong Kong found that more than half of suicidal children put the blame on broken homes, split families, or harsh treatment at home or in school.

In my estimation, the first lesson for us to learn is that unless children are to be driven to suicide or seek solace in gang friends, we must put good parenthood into our curriculum. Good parenthood does not mean providing food and clothing or buying lavish toys. It means love, care, understanding and good guidance.

Parental care is not everything, of course. In a city like Hong Kong, vice is flaunted before the eyes of the young and impressionable. There seems to me to be a point at which freedom of the media should be controlled. I expect that

I shall be soundly criticized for such a radical suggestion, but I persist in saying it because I believe it. As a teacher, I know the value of visual aids to teaching young people. Therefore I know the danger of visual aids to vice and crime. And our young people are being assailed day in day out with evil teaching, particularly through comic books, pornographic television shows and films, electronic games and so on. They are being taught to shout instead of to talk, to fight instead of to discuss, and to indulge in whatever their animal instincts dictate rather than what their fine heritage has given them. From the best of the east, they are being inured into the worst of the west. Freedom of the media is a fine concept if it sticks to truth, but it is dangerous when it aims at creating sensational and animal behaviour. Perhaps I am doing a disservice to animals to say that, because even animals do not behave in the way that pornography portrays to poison the minds of our young people.

So what can we expect from young people when they are assailed on all sides by filth that goes by the false name of entertainment? The only fear I have for the future is the possibility that no ethical standards will remain untainted.

To make things worse for the young people, we put them into chains in our education system, chains from which there is no way of escape except by breaking the law. No one worked harder than I to promote free education for all children. But I did not envisage that free education would push young people into a course from which there is no escape. The meek ones accept their fate until they can escape at the age of 15. The less meek rebel and cause trouble for the rest of the students.

Who decided that every child is capable of following the same educational course? Did college graduate teachers ever envisage having to act as social workers or policemen? Why was this problem not tackled earlier when it was found many years ago that some children were incapable of managing secondary education? Surely it is better not to make education compulsory rather than to force schools to accept students who cannot study but can mislead other classmates, get into gang activities to relieve their boredom, and disrupt the studies of other children who are willing to study.

Society and lack of proper planning are mainly responsible for youth crime. It is appropriate that these two debates' dates should be on the same day, as they are interrelated. The family is the foundation-stone of society, but without that good foundation, and without guidance and proper appropriate training, young people will create trouble and get on the wrong side of the law. The sooner the Standing Committee on Young Offenders completes its work and the problem is tackled, the better it will be for our community, especially for our young people.

Mr President, I support the motion.

MR TIMOTHY HA (in Cantonese): Mr President, according to the paper entitled "Triad Recruitment Among Young People" submitted lately by the Security Branch to the Security Panel of the Legislative Council, the number of young persons under 21 arrested for crime has risen by 10% to 8 400 in the last half year, while the number of young persons arrested for involvement in triad offences has increased by 25% in half a year. The above figures are indeed worrying. Apparently the Government is duty-bound to explain these staggering figures, and more importantly, to put forward some effective means to reverse the trend which is becoming increasingly acute, so as to reduce the chances of teenagers being trapped by crimes as well as to provide a healthy social environment for their growth.

However, it seems inadequate simply to handle juvenile delinquency from the perspective of security, because there are varying causes of juvenile crimes. For instance, the number of young persons taking drugs has recently tripled that in 1988 (from 261 persons to 799 persons in 1993). Last year, the number of young drug abusers also soared by 51%. It is true that deviant teenagers are jeopardizing the law and order of society, but they are at the same time being "jeopardized" by the adult society. The origins of juvenile problems like running away from home, underaged prostitutes, truancy, gang fights and so on are mostly related to social or family factors. These social phenomena illustrate that the Hong Kong society in the 1990s is unable to provide a good environment in which the teenagers grow up under the sufficient care of society.

Juvenile crime and other deviant behaviours have the following characteristics. First, they are diversified; second, they are ever increasing; and third, their causes are complex. Therefore, it is obviously inadequate to only set up a trans-departmental working group to monitor how the Security Branch handles juvenile delinquency. I think it is necessary to extend the terms of reference of the trans-departmental working group in order to identify the major causes of the various existing juvenile problems so as to formulate policies directed at these causes. I think the best way to really solve the juvenile problem is to probe into the basic causes of the problem first.

The Commission on Youth has recently conducted some youth development studies concerning areas like the mass media, families and social participation. This is desirable and the direction is correct. If it is possible to join forces with the professionals, youth workers (including social workers, teachers, media workers and so on) and youth representatives on such basis, and put them on the trans-departmental working group to conduct an overall study, we would then be able to find out the origins of the negative behaviours of teenagers. The right prescription can then be given and effective strategies be formulated.

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

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

MR CHEUNG MAN-KWONG (in Cantonese): Madam Deputy, the subject I very much hope to discuss today is the penetration of and harassment from triad societies to schools, an issue which is most disturbing to the educational sector. The police has all along refused to admit that triad societies are penetrating into schools in an organized manner, and instead only stressed that the influence of triad societies on schools is local and sporadic. However, an undeniable fact is that when compared to the second half of 1993, the number of youngsters below 21 arrested for offences connected with unlawful society in the first half of 1994 has risen by 26.4%, which is an increase of more than a whole quarter. Such increase is indeed alarming.

In addition, in April this year, principals of secondary schools in Tsuen Wan and Kwai Tsing areas released the result of a survey concerning triad societies conducted among nearly 7 000 students from 42 secondary schools in the areas. The result shows that 4% of the secondary students claim themselves to be members of triad societies or having connections with triad societies. This is an even more alarming figure because the survey has been conducted on a very comprehensive scale and the result is highly representative and reliable since the students have responded by filling in the information by themselves. As there are roughly 400 000 secondary students in the territory, it would actually be 160 000 students if we do the calculation on the basis of 4%. Circumstances in one single district, of course, do not necessarily stand for those in other districts all over the territory. But even if discounts were made to the figure, there are still a large number of students who are members of triad societies or are connected with triad societies. This can be taken as a black hole of the educational sector and ought to be dealt with seriously or else the achievements brought about by the efforts of the educational sector will be engulfed by it.

If we narrow down the scope of triad students, unavoidably, we will notice that most of these students are found in band 4 or band 5 secondary schools and there might be several students of this kind in each class. It can be imagined how difficult it is to teach in these schools and what is more, the presence of these triad students has made teaching impossible. This has become the source of distress to schools. These students form themselves into gangs and bully the weak. They may also become criminals. The rate of juvenile delinquency in the same age group has increased by almost 10% in the first half of this year. All these point to the fact that no matter whether triad societies are penetrating into schools in an organized and planned way or not, the number of triad students and students who have ties with triad societies are increasing and spreading rapidly. This has posed a very serious problem and should receive our utmost concern and be treated with strong measures.

Madam Deputy, a group of teachers who oversee disciplinary matters in secondary schools lodged a complaint to me during the summer vacation about the harassment done by triad students to schools as well as teachers. Some teachers who have been intimidated by students before put to me a question of immediate concern, and that is, how can schools and the police ensure the safety of teachers, particularly after they have punished students who are suspected of having a triad background?

Madam Deputy, what can I say? In the past, we certainly would not have thought that safety was a question to teachers. But the fact is that those are the innermost worries of some teachers. It is very saddening indeed. However, these are also the common worries of many parents and students. As the fist is close by whereas the police are far away, it makes triad students all the more blatant in recruiting new blood. According to the survey conducted by the principals in Tsuen Wan and Kwai Tsing, 63% of the students joined triad societies in the hope of protection against bullying. This finding shows that if the police can help them at the time when they are in need, perhaps they would not have been forced to go into the black hole.

To combat triad societies and to contain the spread of triad students is a long-lasting and tit-for-tat task. Insofar as intelligence is concerned, does the police have on hand a list of schools which are confronted by comparatively serious harassment by triad societies? Will the police deal with complaints from schools about triad societies seriously rather than treating them as trivial matters and thus shelved them up? Will the police direct efforts towards these schools by patrolling and by combating triad societies regularly outside the schools before and after school hours? Will it make an effort to crack down triad activities in parks, video game centres, billiard saloons and sports grounds which are frequented by triad students? After all, schools are educational institutions, not law-enforcement institutions. They are incapable of facing up to the problem of triad society and they very much rely on the police's support and assistance. Please do not turn a deaf ear to their voices, which stand for the heartfelt wishes of 50 000 teachers and the educational interests of one million students.

Madam Deputy, we have to admit that youngsters are at a rebellious stage. Many of them have joined triad societies on impulse without careful consideration. As they grow older and have a goal to pursue in life, many of them will regret on what they have done and wish to withdraw. I just cannot figure out why the Government put an end to the Triad Renunciation Scheme. My view is that as long as the police are unable to completely prevent young people from joining triad societies, young people should be allowed to have their records cleared and turn over a new leaf when they are remorseful. To repent and turn to the right road should be something most desirable. Why do we remove the way for the lost sheep to return? Why do we make them bear a social stigma for the rest of their lives? To repeal the Triad Renunciation Scheme is, I think, unacceptable both from the educational point of view and in the light of social interests. I hereby formally urge the Government to reinstate

the Triad Renunciation Scheme under which young people can step out of the black hole and lead a new life.

Madam Deputy, with these remarks, I support the Honourable Mrs Selina CHOW's motion.

MR HUI YIN-FAT (in Cantonese): Madam Deputy, no doubt there are youth problems in every generation. However, the youth problems of today are obviously more serious and complex than those in the past. Let us look at some worrying and shocking statistics:

- (1) According to the police, 295 young people below the age of 16 were arrested for Possession of Dangerous Drugs in the first eight months this year, equivalent to the total number of such arrests last year. The police believe that drug traffickers have begun to use young people as minor distributors to reduce their own risks.
- (2) According to a survey conducted by the Hong Kong Federation of Youth Groups, the age of adolescent drug addicts is lowering. Some have taken up the bad habit of "taking pills" and "taking cough syrups" at the early age of 10. Meanwhile, according to a report compiled by the Action Committee Against Narcotics in 1993, there was a 50% rise in the number of abusers of psychiatric drugs aged below 20.
- (3) In a survey named "A Probe into the Values of Youths on the Basis of their Spending Patterns", one-fourth of the interviewees showed considerable forbearance towards obtaining money by unscrupulous means.

The above statistics clearly inform us that the nature of youth problems today is very much different from that of the past. This is mainly because young people today indulge themselves in materialism and hedonism. Their weaknesses are the lack of determination and being impulsive. As legal protection is given to juvenile offenders, the youth have long been exploited by crime syndicates to engage in various illegal activities. The more serious activities are prostitution, drug-trafficking, membership of triad societies, involvement in blackmailing and extorting protection money. The less serious ones are young people being recruited to sell imitation goods or pirated compact discs. In any case, if young people sank into the depth of vice at too early an age, even if there is a chance for them to extricate themselves from it, it is bound to throw gloom over them in the course of their growth.

Since there has been a trend of juveniles committing crimes, the Government certainly has the responsibility to take action. We have all along been emphasizing that taking preventive measures should be the most important task. Besides, due to the complexity of the problem, various government

departments should work in co-operation and co-ordination with professionals like teachers, social workers and people in the mass media in order to get twice the results with half the efforts.

Some schools often do not know what to do about "students at risk". Most of these students are new immigrants or from broken families. They are not necessarily bad in nature, but with the continual weakening ability of their families to take care of them, coupled with too much emphasis being put on the dissemination of academic knowledge in education and the neglect in the development of moral quality, as well as such influence as the exaggeration of sex, violence and the heroic image of triad members by the mass media, these students will easily become potential recruits very much desired by gangsters.

To save these students from the risk of committing crimes, various measures have to be adopted. Besides formulating a policy to restore the proper functions of families, the Administration should also provide resources to help schools to strengthen counselling of students with study and adaptation problems. The Administration should also closely monitor the media's influence on students and even tighten the yardstick of moral standards if necessary. Regarding the services provided to adolescents, the Administration should adopt a model of comprehensive services and use its resources flexibly in the hope that the special needs of different areas can be catered for according to the Government's policies. Although the ratio of social workers to students in schools has improved to 1:1 000 or 1:2 000, social workers are found only in 62 schools with more urgent needs. The Administration should achieve the provision of one social worker for each school throughout the territory as soon as possible.

Further, in the light of the problem of adolescents taking narcotic drugs, social workers have all along been thinking that the Administration's policy should aim at getting rid of the youth's needs for narcotic drugs and avoiding their reliance on psychiatric drugs. Besides enhancing education of the public and publicizing the harmful effects of narcotic drugs, teachers, parents and social workers should also co-operate to help adolescents to overcome the psychological and emotional problems they encounter in their process of growth through intensive counselling.

To solve the problem of juvenile crimes, not only must all sectors concerned co-operate and work hard, but there should also be a clear objective and a comprehensive proposal, including how juvenile delinquents can integrate again into society and turn over a new leaf, as well as free themselves from the harassment of evil powers. Youth problems today are no longer limited to personal emotional problems and deviant behaviour like playing truant, running away from homes and various pessimistic means of escaping from reality. Hence, I think the Government, in setting up the Standing Committee on Young Offenders headed by the Secretary for Security, is definitely going in the right direction in tackling the problem of juvenile delinquency. The question is to what extent would the Government give its support to the Committee. I hope

that the Committee can give specific response to the various proposals made by this Council in its report due to be published.

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

MR JAMES TO (in Cantonese): Madam Deputy, juvenile delinquency is a long standing problem. Over the past few years, however, juvenile crimes in Hong Kong are getting more and more serious both in terms of quantity and in quality. In the policy address debate last month, I warned the Government repeatedly that its number one security problem was neither the cross-border robberies, nor the loss a few of luxurious cars, but the problem of juvenile crimes which should actually be handled in the way just like handling a crisis. The Government has to find out the causes of the problem and develop suitable remedies. Or else, it will turn into a serious social crisis in the oncoming years.

As far as the number of offences is concerned, the number of young offenders aged between 16 and 20 had increased from 4 000 to 5 000 per year in the 1970s to 7 000 to over 8 000 on the average per year during 1991 to 1993. And the sharp increase in the number of juvenile offenders aged between seven and 15 is even more worrying. There were only about 200 juvenile offenders in every 100 000 children of the same age group in 1975. But the number increased to 650 persons in 1984, which is more than triple the figure in 1975.

Apart from these, the quarterly statistics provided by the Action Committee Against Narcotics indicate an increasing trend of young people taking drugs over the past two years. The lowering of age is another aspect of considerable gravity. According to recent figures, new cases of drug abusers below the age of 21 receiving methadone treatment in the fourth quarter of this year increase by 128.7% when compared with the same period last year. What is more unusual is that children below the age of 11 have been found taking drugs during the second quarter of this year.

If we analyze the situation according to the nature of crimes, we will find that the problem is even more serious. The characteristics of the change in nature are listed below:

1. Lowering of age — even as low as eight or 10.
2. Increased gravity of the nature of crimes — blackmailing, armed robbery, assault occasioning grievous bodily harm, drug trafficking, serious indecent assault and even rape, are "just commonplace dealings".
3. Crimes are organized — those "brainy" and doughty ones play the leading roles in taking their followers to "seize their spheres of influence".



4. Crimes are committed in a more sophisticated manner.
5. Those involved in prostitution are no longer being forced to do so as before, but are willing partners who would even actively help the operators to avoid the sanction of the law.
6. The number of female juvenile offenders increases apparently and they even play the leading roles in committing crimes.

Social and cultural changes have absolute influences on the problem of juvenile crimes:

1. With traditional values on the decline as the economy flourishes, the adult society fails to provide a set of positive ideals and sense of values for youngsters to follow.
2. Socio-cultural trend is getting utilitarian, driving people to become more and more money-minded. It even seems to be more shameful for being poor than being a prostitute.
3. Concept of marriage is weakening. Problem families and single-parent families are increasing which have adverse influence on the growth of young people.
4. Parents have to work day and night in order to earn a living and hence, even families with both parents show inadequate care and concern for their children.
5. Our education system does not emphasize on moral education.
6. The "heroic aspects" of the triads are exaggerated by the media, thus youngsters are misled into idolizing the triads.
7. Pornographic comics, magazines and CD-ROMs are easily available on the streets and all these have adverse effects on the idea of sex among youngsters.
8. Youngsters are maturing early and are, in today's word, "smarter" than before. They know how to circumvent legal sanction and prosecution. They are thus encouraged to venture into a life of crime and defy the law.

The above-mentioned socio-cultural problems are changing with the times and have become more complicated and common. As a result, juvenile delinquency is getting more and more serious. What has our responsible and far-sighted Government done so far to tackle these problems over the past few years? I think what the Government has done is no more than disappointing.

Last month, in his policy address, the Governor did not even mention a single word on the issue of juvenile crimes. He is paying no regard whatsoever for this problem. We cannot but query the Hong Kong Government whether it is unaware of the problem or has it become insensitive to it?

The Democratic Party hopes that the Government will find out the social cause of juvenile delinquency, put forward various practical measures and provide sufficient resources for the implementation of the relevant suggestions. The Government should, in particular, consider the following suggestions:

1. Every possible means be used to enhance or even strike at the parents' awareness (particularly their sense) of, and degree of concern and responsibility for their children.
2. The establishment of practical schools be expedited and the proportion of school social workers to students be further improved.
3. More resources be allocated to increase the manpower as well as to expand the mode and scope of service of out-reaching social workers. The Democratic Party hopes that an integrated service team with out-reaching programme as core service could be put in place to provide services in more flexible ways to meet the needs of the young people at risk. Take for instance, the counselling service for young people running away from home recently provided by voluntary agencies has achieved remarkable results.
4. The ranks of clinical psychologists be increased to provide more comprehensive counselling and psychological therapy.
5. Comprehensive counter publicity work be done through various media to expose the evil nature of triad societies. The "Personal Encounter with Prisoners Scheme" (in which prisoners tell of their own experience) run by the Correctional Services Department and secondary schools is very influential and should be expanded.
6. Consideration be given to legislate to allow the courts to order, under certain circumstances, that young offenders be accompanied by their parents or guardians when attending counselling programmes and interviews with the Probation Officers, and even when serving Community Services Orders so as to make parents understand and accept the fact that they should also be held responsible if their children commit any crimes. It is not a harsh provision because it is already stipulated in the law that, under certain circumstances, parents have to make compensation if their children commit any offences.

7. Support services provided to single-parent families be improved.
8. Treatment Centres for young drug addicts and psychotropic drug abusers be largely increased, especially in the support and assistance to treatment centres run by Christian societies.
9. Law enforcement and intelligence work be strengthened to take measures particularly against those shops selling psychotropic drugs and substance and those triad sects and elements aiming at recruiting young people to be their members.

Other Members from the Democratic Party will present a more in-depth analysis of the above-mentioned viewpoints.

Finally, I would like to draw an analogy. Juvenile problem is like a chronic cancerous growth which can easily spread beyond control if no attention is paid to it and no precaution taken. To prevent it from spreading, it is impossible to rely on a single or half dose of potent medicine. Instead, regulative medicines such as multi-vitamins and antibiotics should be applied to effect a permanent cure by getting at the root of the problem. Therefore, the Democratic Party opines that it is necessary for the Government to work out a comprehensive policy covering various aspects including family life, education system and punitive measures, and, together with all walks of life in the society, create healthy youth culture and values with a view to eradicating the problem of juvenile crimes.

With these remarks, I support the motion.

MR ERIC LI (in Cantonese): Madam Deputy, against the background of the rapid economic progress of Hong Kong is the aggravation of its juvenile problems, and they become a sharp contrast on each other.

The better the economy, the more the juvenile problems. This has long been observed in other highly developed economies, and it is not a new problem to Hong Kong either. As society becomes more commercialized, parents strive hard to make more money and young people are often left alone to face the complex social environment led by commercial consumption, bombarded with information and filled with very confusing values.

The symptoms of juvenile problems are generally very similar all over the world, including drug addiction, manipulation by organized crime syndicates and rebellious thoughts and behaviour. It is not difficult to combat these symptoms. If the community supports the adoption of severe punishment by the Government, exertion of stronger control on the mass media and inculcating traditional thoughts to influence the thinking of young people, the problems should be inhibited with immediate effects. However, if we are to tackle the problem at its root, we should understand the needs of young people

in their process of growth, and keep on giving them positive guidance and encouragement so that they will become mature, responsible and contributing citizens.

I believe that every young person has his strengths and weaknesses. In general, many young people in Hong Kong have remarkable technical skills and they are curious and ambitious. However, they tend to have rather flimsy values, become short-sighted and self-centred, and lack aspirations. This only indicates that the Government has put too much emphasis on investment in education and technical skills and has neglected the moral and cultural developments of our young people. The young people have to find their way on their own and it is easy for young people to formulate their own social values, ignore social traditions, law and discipline. They will even consider defiance of the law as nothing serious.

Society reckons the existence of youth problems, but the young people do not think there is anything wrong with them. From young people's attitude towards behaviour on the verge of crime, this Council should know that the problem cannot be solved merely by combating the symptoms. We cannot consider our job finished and done simply by waging a war against pornographic films and publications, imposing heavier sentences on drug-trafficking and countering the infiltration of triad elements into schools.

Last year, the Social Welfare Department made enquiries upon all underaged girls who were arrested in karaoke bars for providing paid sexual services. They admitted that they did that entirely out of their own free will. Introducing legislation to forbid the entry of underaged girls into karaoke bars would not reduce the number of such sexual transactions, all it can achieve is driving them to other venues.

According to a recent survey conducted by the Hong Kong Junior Chamber of Commerce, more than 40% of the young people interviewed did not consider it unacceptable to make money by illegal means. According to the results of a survey published by the Liberal Party, a large majority of students believe that some of their schoolmates were associated with triad societies. However, 48.2% of the interviewees were ready to accept this and they did not consider the problem serious. Young people join triad societies in order to raise their "status" or to solve problems through the strength of the gang. They take narcotic drugs out of curiosity and they do so because they want to have excitement and to escape from the strong pressure of grim reality by means of drugs. Undoubtedly, the Government can provide a more protective environment for our young people by means of fighting crime, but for the Government to create a caring and encouraging environment with a healthy culture, various government departments have to co-ordinate efforts in respect of policies and educational measures.

While I am speaking in support of the motion, I wish to reiterate what I said last month when I spoke on the policy address. I reminded the Government that it was a signatory to the Youth Charter and has promised in this Council to present a report, once every two years from 1995, on how it has performed the obligations of the Charter at review sessions of the Charter. Besides, I agree to Mrs Selina CHOW's view that young people can remain indifferent to their problems while the Government should not. The Government is still adopting the same attitude that it has adopted for years and it claims that the problem is not serious every time. I have to ask when the Government would consider the problem to be serious and when it would care to take action. I strongly believe that in order to solve the problem of juvenile delinquency, letting young people feel respected and that life is meaningful and purposeful is far more important than formulating and implementing policies. Only in this way will young people respect the law and develop the ability to resist the temptation to commit crimes. Otherwise, any new measure to fight crimes will only be considered by young people as an unnecessary restraint, which binds and infringes upon their personal lives.

I wish to extend my special thanks to Mr Timothy HA for mentioning the Commission on Youth, of which I am the Chairman. The Commission on Youth has made many recommendations on youth work such as the Triad Renunciation Scheme just mentioned by Mr CHEUNG Man-kwong and the suggestions made by Mr James TO. However, the Commission on Youth has very limited resources and despite our hard work, we can only play a limited role.

With these remarks, I support the motion.

MRS MIRIAM LAU (in Cantonese): Madam Deputy, juvenile delinquency is a problem which has become increasingly serious in recent years, most people are concerned about drug abuse among youngsters and their involvement in triad activities. A more worrying trend is the gradual lowering of the age of juvenile delinquents and that children aged as young as 10 start taking soft drugs. We cannot turn a blind eye to this situation.

The biennial joint conference of the Central Fight Crime Committee and 19 District Fight Crime Committees was recently held and one of the major issues discussed was juvenile delinquency. The participants took the floor one after another and some speakers even sounded agitated. This demonstrated our concern and our worries over the issue. We have furnished a number of advice to the Government in the hope that the Government will adopt active measures to tackle the problem.

Madam Deputy, the police has used a lot of resources on the implementation of anti-drug publicity programmes in schools, placing great emphasis on reminding the primary and secondary school students of the serious consequences of abusing drugs and narcotics. However, all these have not had

drug abusers are well aware of the consequences. But merely knowing this is not sufficient to deter them from abusing drugs. Some youngsters even engage in drug trafficking or other serious drug offences.

In fact, most youngsters know that they are wrong in committing offences, whether it is a minor offence such as shop-lifting or a serious one such as a triad-related offence. Why do they flout the law? What pushes the youngsters to go astray? To tackle the problem of juvenile crimes, the Government must identify the reasons behind their criminal behaviour and put in place a suitable policy designed to eradicate the causes. I believe the causes of juvenile delinquency comprise complex social factors directly related to families, schools and the community.

The buoyant economy of Hong Kong in recent years and the public's active participation in the economic boom have made many couples work outside for long hours in order to earn more money to make a living. This results in a gradual decline in the Chinese traditional attachment to the family. In general, parents usually do not have time to accompany their children, understand their thoughts and their needs. The parents have to resort to providing their children with money and material enjoyment as compensation. As a result, communication between parents and children is reduced while the generation gap widened. Many parents are completely ignorant of the deviant behaviour of their children. And when they become aware of the problem, they do not know how to deal with it. Some respond in a negative manner, for example, rebuking, punishing or even humiliating their children who have committed offences. Others spoil their children by being too permissive and this turned the situation from bad to worse.

In recent years, the rate of divorce has increased and the number of single-parents has surged. Single parents usually cannot make a living and cater for the spiritual needs of their children at the same time. This also produces youths with problems.

A famous American criminologist remarked that when young people considered committing offences, they would still bear in mind their attachment to their parents. Therefore, the better the link between the youngsters and their parents, the lower the possibility for them to commit crimes. In an industrially and commercially prosperous society such as Hong Kong, parent-children relationship has become more remote and the youngsters no longer take seriously their parents' evaluation of their behaviour, therefore, it is more likely for the children to go astray.

A recent survey on juvenile crimes points out that the delinquency rate among the youth will increase alongside family disintegration. Apart from families, education also has a significant bearing on the problem of juvenile delinquency. Under the policy of nine years' free education, many teachers are preoccupied with the academic achievement of their students and they have ignored the need for balanced intellectual and mental development, thereby

estranging the students from the teachers. Those who are academically lagging behind or those students at risk may even be rejected. This leads the students to give up hope in themselves. Such a learning environment will only impose negative impacts on the students while they are growing up and they will be led to go astray. In fact, the more acceptable a learning environment is to the young people and the closer their ties with teachers, the lower the chance of their being deviant. Therefore, it is imperative to provide the youth with suitable curricula and to establish better teacher-student relationship.

In addition, our young people are also under the influence of various social factors. In a buoyant economy such as Hong Kong where most people are money worshippers, and eager for quick success and instant benefits, this prevalent social value has rendered it extremely difficult to instil in the young a correct value of life. The overwhelmingly overt description of sex and violence in the media, films and comic books, as well as the glamorization of triad figures, have easily exposed the youth to wrong messages and led them to go astray. The Government must take a square look at the problem and look for measures to remedy the situation.

Madam Deputy, juvenile delinquency is a serious and complex social problem. To eradicate the problem, everyone in society need to make an effort. The Government, families and schools should take part and put in concerted efforts. Parents must try their best to establish sound and close parent-children relationship and to have utmost patience when teaching their children in order to give them proper guidance. Schools should also improve their communication with parents. The teachers should show their care, love and commendation to the students. They should also try their best to increase the students' interest in learning and provide assistance to youths with problems if they were to assume a responsibility for bringing up the younger generation. The Government must know the problem and co-ordinate the efforts of all the relevant government departments, with a view to providing effective measures and sufficient support services. If the Government wants to get the desired results, it should adopt educational, promotional, preventive and remedial measures and formulate a comprehensive strategy in respect of juvenile delinquency.

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

MR TIK CHI-YUEN (in Cantonese): Madam Deputy, the figures on juvenile crimes and drug abuse among the youth recently released by the Government have shown significant increases which worry all sectors of the community. The causes giving rise to juvenile crimes and youth problems are manifold and we agree that co-ordination of efforts and co-operation among different departments and service agencies are the only effective ways to solve the problem. I would like to discuss two areas — education and family.

Data from some cases and research indicate that youth problems are attributable to the following factors:

In respect of the family, the first factor is family disharmony. Among those youth with problems and difficulties, most of them come from problem families, such as single-parent families. I have handled a case in which a young person named Ah Ming, aged 13, had committed shop-lifting before. Ah Ming grew up in a broken family and was brought up by his grandparents. After committing the offence, Ah Ming had wanted to meet his mother but his request had been turned down. The total negligence shown by his parents made him feel disheartened about family life.

The second factor is the inappropriate way in which the parents discipline their children. In a Chinese community, many parents are still upholding the belief of "spare the rod and spoil the child" and they deal with the problems of their children in a high-handed way. It is a pity that this often brings about contrary effects and results in further distancing of parents from their children, lack of communication and mutual distrust which make the problem even more complex.

In respect of education, the first factor is that some children lack interest in attending schools. Under the existing policy of compulsory school education, all youngsters under the age of 15 are required attend schools. However, compulsory education has prompted many youngsters, in particular, the under-achievers to become uninterested in learning and they could not get any sense of achievement or satisfaction in schools. Since they feel frustrated and disoriented in learning, they look for other means to satisfy their needs, in the hope that they can gain recognition from their peers, so they try to defy the law.

The second factor lies in the lack of support for schools. The extremely difficult task for a teacher to manage a class of almost 40 students is further aggravated by the need to spare some capacity to care for those who are devoid of learning incentives. Under such circumstances, the teachers can only resort to give up those who do not have the desire to learn and those whose academic results fail to keep up with the class. In fact, special care and guidance are required for students without the incentives to study and for misbehaved students, but due to the lack of support services provided for schools, the teacher can only forsake those students and cannot offer them utmost care.

In view of the foregoing factors, I would like to make the following recommendations:

In respect of the family, first of all, I would like to recommend that education of parents should be enhanced. We often find that parents do not know their roles and duties. They misconceive that they have already fulfilled their responsibilities so long as they manage to satisfy the material needs of their children. We should strengthen our work in this respect and make parents aware of their roles and responsibilities. However, there is at present no



organization or department in Hong Kong which specializes in educating parents.

My second recommendation is to intensify family services with a view to strengthening the function of the family. At present, most family service centres are principally handling cases where the families are in extreme adversity and the social workers hope to look for solutions for these families. At the same time, many agencies organize family life education programmes that are isolated programme items in which work is finished once a programme comes to an end. We have never seen the active launching of any developmental and preventive schemes in Hong Kong. Therefore, I suggest setting up family resource centres. The Social Welfare Department has recently set up similar centres in 19 districts. We hope that the Government can review these similar programmes, it may also give direct subsidies to more voluntary organizations and to take an active role in performing the task.

In respect of education, the Government should first strengthen co-operation between families and schools. The Committee on Home-School Co-operation has recently concluded a territory-wide survey and it is found that supervisors, principals, teachers, parents and even students share the view that if co-operation between families and schools were strengthened, it will certainly be helpful to the growth of children and the management of schools. However, when people are requested to put in further efforts to promote family-school co-operation, they would decline under the pretexts that they are busy at work, they do not have much time and they are not capable. Therefore, I hope that we could really put in active and concrete efforts to promote co-operation between families and schools instead of talks on paper.

Secondly, we should implement the policy of a one Social Worker per school as soon as possible. The Legislative Council has had numerous debates on putting this policy into practice. I do not want to discuss this further because I believe we are all aware that prevention is the most effective method and social workers are exercising preventive functions.

Thirdly, the plan to upgrade support services for Band 5 schools should be finalized. From 1990 to 1991, the statistics on counselling cases released by the Hong Kong Association of Careers Masters and Guidance Masters reveal that among the 3 743 counselling cases involving students with behavioural problems, 60% comes from Band 5 schools. It can be seen that the difficulties faced by such schools and the difficulties of their students are quite serious. The Education Department has issued a report on the improvement of support for Band 5 schools. I hope that the proposed plans can be put into practice as soon as possible.

The fourth recommendation centres on the need to reform the school curriculum. The education system of Hong Kong has all along been emphasizing the inculcation of knowledge and the importance of examination results. This exerts enormous pressure on students. We think that the school

curriculum be revised so as to allow students to grow up in a happy and effective learning environment.

Lastly, I propose that the co-operation between the police and the schools should be reinforced. It is only a passive approach for schools to expel the misbehaved students. We hope that the schools can step up their co-operation with the police and solve the problem, instead of evading the problem.

Youth problem is in itself complex and it requires support from parents and other sectors. Of course, youngsters have to put in their own efforts but co-ordinated efforts made by all sectors are also important.

With these remarks, I support the motion.

DR TANG SIU-TONG (in Cantonese): Madam Deputy, in recent years, the number of juvenile crimes has gradually increased and the ratio of juveniles engaging in serious crimes and activities conducted by illicit organizations has tended to rise constantly. Over the past few months, a number of social organizations have conducted surveys on issues like the youth's concept of sex, consumer patterns, sense of values as well as their frequenting of video games centres, taking of drugs, abuse of dangerous drugs and joining of triad societies by secondary students. Results of all these surveys tend to be on the negative side. Combined with these results, the statistics of juvenile delinquency have indicated that youngsters nowadays are facing serious crisis in terms of their ways of thinking and behaviour which should not be dismissed lightly.

Young people at risk is a social abnormality which is presenting a considerable headache for us. The phenomenon of youths at risk degenerating into juvenile delinquents is even more worrying. The youth problem is not an isolated problem. If we only concentrate our efforts on youth crimes without looking at the causes behind, then no matter how well we have done in enforcing the law, we are only providing a short-term solution instead of a permanent cure. To have a thorough overhaul of the youth problem, we have to pinpoint the crux of the matter.

The causes of the youth problem are extremely complicated. A rough classification of the causes may include the following: defective education system, indecent moral atmosphere of society, inadequate social services, incomplete family education, peer group influences, temptations of the undesirable elements, infiltration of triad societies into schools, difficulties encountered in enforcing the law and so on. Apart from myself, various sectors of society have repeatedly made suggestions to the Government concerning some of the above-mentioned problems. Today, I would like to concentrate on the indecent moral atmosphere of society and the making use of youths by criminal syndicates to commit crimes.

Materialism characterized by the pursuit of prestigious brands, quick success and instant benefit is prevailing in present-day society. Owing to their lack of social experience, the correct concept of things, sense of value and analytical power, young people in general can easily go astray in terms of their psychology and behaviours. Blind pursuit of prestigious brands and materials has become the youngsters' yardstick of self-assurance, self-image and recognition among peers. "Materialism" has become their principal sense of value. Some youngsters who feel that they are unable to have their materialistic desires satisfied because of their family environment or the restrictions imposed by their parents would easily be tempted by undesirable elements. Some of them may gang up and venture on criminal activities. Many juvenile delinquents take their first wrongful step just because they want a pair of famous-branded sports shoes or a fashionable T-shirt.

Madam Deputy, in order to appeal to the youths who are not mature psychologically or mentally, some irresponsible and unscrupulous mass culture media have scrambled to publish and produce a large number of objectionable materials. Under the catalysis of these media, the indecent moral atmosphere of society is further aggravated. Of all the objectionable materials, the most influential are the indecent comic books. With the youngsters as their clientele, most of the content of these comic books involve exaggeration of violence, distortion of the so-called fraternal loyalty of the triad members, advocacy of incorrect notions of love, obscenity and immoral mentality. These comics are seriously eroding the morality and social consciousness of society. People from all walks of life have already harshly criticized these comic books and called for Government checks on their publication. Unfortunately, the comic books continue to proliferate because of the failure on the part of the Government to respond promptly, the existence of loopholes in the existing enforcing legislation and the reluctance of the unscrupulous publishers to exercise self-discipline as what they are concerned most is money-making. If we do not eradicate such objectionable materials as the indecent comics, obscene telephone recordings, sex-cum-violence-oriented movies and pornographic compact discs, it will be difficult to purify the moral atmosphere of our society. To achieve this, it is necessary for the Government to plug the loopholes in the relevant legislation, expand the scope of control of objectionable materials, strengthen monitoring and step up the prosecution of offenders as soon as possible so as to stamp out the proliferation of objectionable materials.

Apart from these, the tendency of making use of youngsters to commit crimes by the undesirable elements should not be overlooked. Cases such as the using of youngsters by criminal syndicates in drug trafficking and sale of pirated compact discs may only be the tip of the iceberg. The infiltration of triad elements into schools has led to an increase in violent crimes such as intimidation, blackmailing and wounding. The problem is further aggravated by the spread of influence of criminal syndicates to schools, the recruitment of new members from school students and the intimidation or lure of students to commit offences. Madam Deputy, in order to combat the influence of triad gangs on schools and stop students from being recruited by criminal syndicates

to commit crimes, I propose that, in addition to strengthening the police's anti-triad action, the prosecution authorities should also impose heavier penalty on those who are behind the scene to manipulate youngsters to commit crimes so as to achieve a deterrent effect.

Youngsters are the future pillars of our society, but now we have found that some of the pillars are being eroded by "termites". If we do not make immediate remedies, the pillars will collapse one day. As far as the nurturing of youngsters is concerned, the Government has all along been lacking a long-term policy. With the deterioration of the moral trend of society and the influence of other objective factors, youth problem has already raised the alarm. I hope that the authorities concerned can conduct a comprehensive review on this problem, rectify the defects in the youth policy and strengthen the work in the areas of education, social services and law enforcement immediately. I also hope that the mass culture media can straighten up their self-discipline and refrain from producing any more objectionable materials. Only with the concerted efforts of all sectors can a healthy development of our youngsters be safeguarded.

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

THE PRESIDENT resumed the Chair.

MR ALBERT CHAN (in Cantonese): Mr President, the topic of this motion debate is "Juvenile Crime" and I will mainly talk about drug addiction and drug abuse by the youth.

When we talk about drugs, we cannot help associating it with the fact that in the middle of the Qing Dynasty, the British imported opium into China for sale which led to the Opium War. Britain and China went to war and this finally led to the cession of Hong Kong by the Qing Government to the British Government. Time has changed and Hong Kong has now become the distribution centre for forwarding drugs from the Golden Triangle to Europe and America. Drug dealers make use of Hong Kong to forward drugs to Europe and America to poison the younger generation. Is this our ironical touch on history, or that of history on us? The issue of drug abuse in Hong Kong is also getting more and more serious and the number of drug abuse cases of youths has also increased dreadfully.

According to statistics, in the early 1980s, there were almost 20 000 drug addicts in Hong Kong and the number went up to over 38 000 in 1990. And according to statistics provided by the Central Registry of Drug Abuse, there has been a significant increase in the number of juvenile drug addicts in the last five years. In 1989, there were 1.5 drug addicts in every 1 000 juveniles (aged under 21) on average and the number reached 3.8 in 1993. As for the newly reported juvenile drug addicts, the number has increased from 1.01 in every

1 000 in 1989 to 2.72 in 1993. The Central Registry of Drug Abuse has recently published a report on the number of drug addicts in Hong Kong in the first two quarters of the year. It is reported that there was a total of 2 523 newly reported drug addicts, a 26.2% rise as compared with a total of 1 999 in the same period last year. Among these newly reported drug addicts, 1483 are under 21, which marks a rise of 37.2% as compared with 1 081 persons of the same period last year. Among the newly reported juvenile drug addicts, 77.5% are male with an average age of 16.8 and the drug which most of them (80%) take is No.4 heroin.

Many members of the public are concerned about this trend of drug abuse among youths. Many researches and studies have been conducted in recent years to probe into the problem of drug addiction and substance abuse by youths. Synthesizing the results of these researches and studies, the main reasons for youths to fall into drug abuse usually include curiosity, peer influence, excitement seeking and relief of boredom. The Hong Kong Federation of Youth Groups also conducted a research named as "Case Studies of Drug Abuse Among Young People" in October this year. The targets of this research are those under 17 or below who tried or continued to take drugs in the previous year and they have successfully interviewed 40 youngsters. The result of the research was that among these 40 interviewees, the average age of their first attempt of drugs was as low as 13.5 years. We can see that the age of the drug addicts is actually lowering and this is worrying.

It was also shown in the same research that most interviewees felt that their parents are concerned about them, but apparently, their parents' concern did not cover their children's drug addiction behaviour. 40% of the parents realized their children's involvement with drugs only when their children were being caught after committing crimes. It can be spotted from the background of the interviewees that youngsters who have low achievement grades in school, who lack self-restraint, tend to break rules, hang around with peers who have drug addiction habits and smoke frequently are most easily prone to drug addiction. And the interviewees' lack of awareness to the danger of drugs is a very serious issue.

The above information indicates the seriousness of drug addiction and abuse by youths. What measures should we take to deal with this problem so as to protect these future pillars of society? Despite the fact the efforts have all along been made by the Narcotics Division, the Department of Health, the Education Department and the Social Welfare Department as well as some volunteer groups in respect of education and publicity, the number of juvenile drug addicts has still continued to increase. I think the Government needs to review the effects of the relevant work to stop this unhealthy trend. At present, the Narcotics Division mainly focuses its anti-drug abuse education and publicity in schools and regions and undertakes publicity and education on the public through the mass media. Although the Narcotics Division, understanding the importance of publicity and education on parents, has carried out an

experimental project in June 1992 in which anti-drug abuse seminars were held for parents of secondary school students, the responses were not satisfactory.

In view of the drastic increase in youngsters abusing drugs, the Action Committee Against Narcotics has shown much concern and it has held many discussions and repeatedly requested the Government to not only provide more resources for education, prevention and treatment but also orientate its services to meet the needs of society in the 1990s.

I think that in order to improve the parent awareness and observation on their children for fear of their becoming drug addicts, it is not enough to simply hold seminars and show publicity films through the media. The most important task is to strengthen family education so that services in this respect can be linked with the pattern of community services and continue to instil in parents the relevant knowledge after the pattern of community family services. In respect of schools, we should start instilling the appropriate knowledge and skills in a systematic and well-planned manner to our younger generation in as early as the primary school years, so that youths would be able to resist the temptation of drugs.

In addition, the Government should also strengthen the counselling services for those who have given up drug addiction and help the treated young addicts to re-adapt themselves to life in society. The Government should strengthen the services of half-way homes so that the treated young addicts can keep in contact with society in such an environment that they are far from the temptation of their peers and allow them to resume school life or normal work through intense counselling. On the other hand, the Government should also provide adequate counselling and education for the parents of the treated addicts to allow them to help their children to avoid being tainted with drugs again.

Mr President, in dealing with drug problems, not only should the Government bear its own responsibilities, members of the public should also discard the attitude of "everyone minding just his own business". Otherwise, the next youngster hamed by drugs may be your most endearing one.

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

DR LAM KUI-CHUN (in Cantonese): Mr President, in this debate concerning juvenile delinquency, I am going to talk about the problems involving drug abuse and addiction by youngsters. First of all, I have to declare my interests. I am Chairman of the Committee on Drug Abuse of the Hong Kong Council of Social Service and the President designate of the International Federation of Non-governmental Organizations for the Prevention of Drug and Substance Abuse.

According to information from the Central Registry of Drug Abuse, the number of substance and drug addicts in Hong Kong has been increasing form year to year since 1988. The number of new addicts under 19 has increased by about 50% last year. These addicts together with those under 24 represent 80% of all the new drug abusers.

Among these youths, three quarters of them take heroin. There has been a 74% rise in the number of young people under 21 arrested for drug related offences last year as compared with that in the year before. In the first six months this year, the number has risen by another 45% as compared with that in the same period last year. In the research report published last week by the Hong Kong Federation of Youth Groups, it is pointed out that the common crimes committed by addicted youths include burglary, robbery, theft, shop-lifting, drug-trafficking, possession of drugs and membership of triad societies.

There was another astounding report on Hong Kong's newspapers in May that 70% of the secondary students in Tuen Mun have the habit of drug abuse. The authorities concerned conclude that not only are young people in Hong Kong involved in substance and drug abuse and crimes, but the more worrying fact is that the triads have succeeded in establishing a drug trafficking network and crime organization among youths in Hong Kong.

In view of the rising number of youths abusing substance, addicted to drugs and committing crimes, the measures taken in recent years by the Government to deal with these problems obviously have not been effective. As I observed, the Security Branch has been sluggish in dealing with problems such as drug abuse. The Security Branch has all along considered drug abuse as a world-wide and long-standing problem. In the beginning of this century, opium was imported exclusively by the Hong Kong Government and sold to the people. Although the situation has now changed, so long as the problem is not too serious, the Government would just leave it alone. At present, the prevention of drug addiction activities carried out by the Government among school children is only restricted to a 45-minute boring seminar being held once every three years. The way that students take these messages is to let them "enter through the left ear and pass out through the right". The year before last, I questioned the Secretary for Security in this Council on the problem of "first substance then succeeded by drug" among youths in Hong Kong (that is abusing substance first and becoming addicted to drugs later on). At that time, the Secretary for Security plainly denied the existence of such a problem. In less than two years' time after the drastic rise in the number of young substance abusers, the number of young drug addicts has rapidly increased as expected, and it is no longer possible for the Government to cover this up.

The services performed by the Committee on Drug Abuse which I chaired were financed out of the Lotteries Fund at the initial experimental stage. Three years ago, the work and effect of the Committee in the prevention of substance abuse and anti-drug work gained for it a leading place in Southeast Asia and the effectiveness of its services was also recognized by the Government. The Social

Welfare Department also recommended that the Government should finance the work of the Committee on a long-term basis so that the work of the Committee could continue. However, according to the administrative procedures, the funds have to be paid by the indifferent Security Branch. Up till now, the long-term funds are still not available and the services are paid temporarily by the Royal Hong Kong Jockey Club or out of the piece meal votes saved up here and there within the Social Welfare Department. Because of the uncertainty in its financial future, the Committee even has difficulty in hiring permanent staff and the implementation of its work has become far more difficult.

Concerning the problem of the prevention of drug abuse by students, the Committee has actively suggested to the Government that the harm of substance and drugs should be incorporated into the health education curriculum so that new and enhanced knowledge is offered by the curriculum every year. At the same time, there should at least be one properly-trained teacher in each school who is capable of dealing with students who are substance drug and who have relevant criminal problems.

Mr President, drug addiction and related crimes involving youths are getting more and more serious year after year. Obviously, the situation cannot be improved by the strategies adopted by the Government in the past. I support Mrs Selina CHOW's motion to call upon the Standing Committee on Young Offenders to face up to the problem and report to this Council regularly.

MRS PEGGY LAM (in Cantonese): Mr President, I have recently observed a very worrying phenomenon, as the juvenile delinquency problem is getting increasingly serious. The rate of juvenile crimes in the first nine months of this year has increased by about 10% as compared with that in the same period last year. Cases of youths being prosecuted for drug-related offences also averaged as high as 250 a month. What worries us is not only the increase in the number of crimes but also the youths' generally lax attitude towards issues like money, drugs and sex which would certainly push more and more youths to the verge of committing crimes. I think that the most urgent task now is to stop the youths from committing crimes and to bring youths at risk back to the path of healthy development.

I believe that effective publicity coupled with more chances for repentance and for starting a new life will be helpful in preventing for youths at risk from becoming criminals. Nevertheless, the Government has so far failed to use the media effectively to disseminate to youths the message of staying away from crimes. Most of the publicity films and activities have failed to aim directly at the tastes and values of the new generation such as the pursuit of money and the heroic image of triad members. Although the Government's publicity programme keeps on urging with good intentions, it fails to arouse youths' resonance. I cannot help but ask, if businessmen can successfully portrait heroic images of the triads through movies, television and comics, why



cannot our high-quality Government make use of the same media to reveal the true features of criminal activities and the triad society?

Moreover, publicity campaigns should also be more informative. They must advise the youth of various ways to seek help and to turn over a new leaf instead of merely didactic in nature. I suggest the Government should set up a 24-hour aiding hot-line to be answered by social workers. This can, on the one hand, grasp the youths' determination to repent, which are very often transient and provide instant information or various counselling services, and on the other hand, assist those youths at risk torn between committing crimes and repentance to make a wise choice.

I suggest that the Government should consider setting up a boarding school for youths at risk, and allow those who volunteer to repent to have a chance to pick up the books again or learn other things to prepare themselves for rejoining society in a new environment. These people may have failed in their studies before and have no professional skills; some may even have picked up various bad habits. Even if they were willing to repent, they may not be readily accepted by society. Instead of letting them gradually fall into the grips of the triads or bad elements, the Government should take the initiative to help them work for their own future. Therefore, setting up a boarding school will be of great help to them.

I believe that in order to stop juvenile crime effectively, it is also necessary to crack down on triad activities. The situation of youths being manipulated by triads to commit crimes can be described as very serious. For instance, youths selling pirated compact discs can be seen everywhere, young girls accompanying clients to sing at vice karaoke bars and juvenile drug traffickers are also common sights. A few days ago, the police raided many drug dealers in the Wanchai district and found that there were children as young as seven among the offenders involved. The average age of offenders has evidently dropped to between seven and 15. I do not doubt the police's determination in cracking down on triad activities but I hope that the police would set its priority in cracking down on illegal activities which mostly involve young people.

Besides Government efforts, the youngsters themselves have to bear certain responsibilities for their behaviour. I suggest that the Government should consider imposing heavy penalties on youths who commit serious crimes, such as corporal punishment. The purpose is to make them remember well the lessons of their mistakes so that they would not take their future lightly. Hopefully, the heavy penalties will have a certain deterrent effect as well. The purpose of corporal punishment is definitely not to allow society to lay the blame on juvenile delinquents and, therefore, the punishment should not leave permanent scars on their bodies.

The rapid development of modern communication technologies have also brought new challenges to the work in the prevention of juvenile crimes. For example, the emergence of vice computer laser discs or electronic billboards not only inspires wrong concepts of sex in youths but also makes the work of the law-enforcers more difficult. As far as I know, there are now some two-way interactive vice laser discs which allow the readers to get involved, just like when they are playing games, in activities such as rape in the software. The impacts of this on the youth are much greater than ordinary vice publications. Although the Government is taking more frequent actions to crack down on the sale of obscene video tapes, laser discs and computer software, the detection of the transmission of vicious messages via computers is not only technically difficult but also involves issues such as human rights and freedom of information. All sectors of society and the authorities concerned should look for counter measures as soon as possible to tackle the problem before it is too late.

The problem of juvenile crime is troubling the community today. The reason is that the trend of going after quick success and instant benefits have received more and more recognition in recent years. The younger generation has also been infected by the so-called "1997 money-grabbing syndrome" and they are prone to selling out themselves for money. At the same time, the family, the school and the Government have failed to properly deal with youths with behavioural problems. I believe that society recognized long ago that the healthy development of the next generation relied upon the re-establishment of wholesome family life, the reformation of the education system to cater for the needs of students who have different aspirations and the early stop of the trend of drug abuse. The question is whether the Government is willing to show its courage and take actions to formulate a family policy to really rectify the old problems such as improving the education system and taking action against drugs. If even we, as parents and leaders of society, lack a long-term perspective to pave the way for the development of the next generation, how can we expect the youngsters to plan for an even more remote future? Similarly, can we expect the polluted soil to nurture healthy flowers?

Mr President, with these remarks, I support Mrs Selina CHOW's motion.

DR CONRAD LAM (in Cantonese): Mr President, I am going to speak from a psychological point of view today. Generally speaking, a person will not commit an offence for no reason. Psychology has told us that if a person experiences any obstruction during the developmental process, he will easily become psychologically unbalanced and may act in contradiction to the social norm.

According to Erik ERIKSON, the great master of development psychology, youngsters will usually undergo two developmental stages. During the first stage, youngsters will gain confidence and satisfaction through working hard at their studies or mastering of the culture and skill of society in which

they live. If they fail to perform satisfactorily in their studies or work and cannot maintain their status among their peers or even become the object of derision, they will probably feel isolated and inferior. Therefore, the role of schools is particularly important during this stage. Teachers should treat those students who have poor academic achievements or so-called "poor conduct" kindly. When youngsters grow older and especially when they begin to study in senior forms, they usually have to face the problem of so-called "identity crisis". At this stage, the youngsters will begin to feel concerned about their own identities and future. They will ask themselves questions such as: Who am I? What kind of person am I going to be? Will my friends accept me? Faced with these problems, some youngsters may need the care of their family members, the help from their friends and the guidance from their teachers, or else they will become indulged in idolatry. Some may choose to concentrate on pursuing their own ideals. Those young people who can successfully survive this identity crisis will become a person with insight and self-confidence. They will feel that life is something real. On the contrary, those who cannot survive the identity crisis will be at a loss, have no confidence in themselves and give themselves up as hopeless. Some may even wander in the streets and form themselves into gangs so as to get recognition. Some may try to regain their self-confidence by going after prestigious brands.

Adolescence is a stage at which one looks for and establishes self-confidence. Therefore, the environment in which a youngster is brought up is very important. Despite the saying that one may "emerge unstained from filth", very few people can really achieve it. It is said that what one is at the age of three, at eighty one will be. It is also said that the genes within one's cells will affect his proneness to commit crime. Therefore, I am very sympathetic to those young people who have unfortunately gone astray. Just as what Mr LU Xun has said: In the past, he had always thought that men were shot dead or sentenced to imprisonment because they were guilty. Later, he had come to realize that many of them were driven to commit crimes eventually because they were thought to be vicious.

Mr President, people mould the environment and are at the same time being moulded by the environment. When we cope with the problem of juvenile delinquency, it will not help the case very much if we only concentrate our efforts on improving the environment of prisons, facilities of the girls' homes or the counselling techniques of counsellors without deriving any measures against the causes which have forced the youngsters to become offenders.

In the nineteenth century, there was a great educationist named Father St John BOSCO. He succeeded in testifying that the effective way of teaching youngsters should be through "love and being loved". I hope teachers, parents and all the people concerned can put into practice this educational spirit.

With these remarks, I support the motion.

MR WONG WAI-YIN (in Cantonese): Mr President, being a directly elected member of the New Territories West, I will focus on the juvenile problem and drug problem of the district.

I belong to the Tuen Mun and Yuen Long Constituency, where I often work and pay close attention to what is going on. According to the Central Fight Crime Committee, juvenile crimes, particularly abuse of drugs, are especially rampant in Yuen Long, Tuen Mun, Tai Po, and Sha Tin, with Yuen Long facing a more serious problem than its counterparts. Of the 18 administrative regions, Yuen Long is distinct from the rest of the 17 regions in the sense that it is the only region where the problem of consumption of dangerous drugs by juveniles is more serious than abuse of soft drugs. Please note that it is consumption of dangerous drugs, not abuse of drugs; it is not pills-taking, but heroin consumption. We must figure out solutions to this aggravating problem.

To begin with, let us take a look at some of the special features of new towns, which are characterized by a dense population, the structure of which is comparatively young. Families living in new towns are mostly young nuclear families relocated from the urban area. The children from these families are mostly youngsters too. Looking at the objective environment of new towns, the comparatively high percentage of teenagers has rendered it inherently easier for teenage problems to emerge therein. Worse still, many of the young couples living in new towns have to go out to work. Even if only the husbands go out to work, many of them have to endure long hours of traffic jam and to travel long distances to their offices located in the urban area due to the Administration's improper planning in the past. In particular, residents of Tuen Mun and Yuen Long have to spend plenty of time in traffic if their workplaces are located in Kowloon or other town centres. Many of them have to leave home before seven o'clock in the morning but cannot reach home until seven or eight o'clock in the evening. As a result, the time available for them to take care of their children is inevitably reduced. Besides, the shortage of places in primary and secondary schools at the early planning stage has forced a lot of students to go to other districts for schooling. Apart from spending considerable time in the streets, the students have to make tiring journeys everyday which affect their moods to learn and reduce the time available for their studies, making it much easier for them to go astray.

Now I would like to highlight the problem of consumption of dangerous drugs by youngsters in the Yuen Long district. The fact that the Fight Crime Committee of Yuen Long has put this issue on its agenda as a standing item has demonstrated the seriousness of the problem. The reason is that the drug offenders in this district are particularly active and they can easily evade police surveillance. The police has encountered great difficulties in detecting and arresting drug offenders as Yuen Long is dispersely inhabited and there are numerous secluded places particularly in the village area which can easily be used as hide-outs. In order to evade police pursuits, some youngsters hide themselves in walled villages or conceal the heroin in some secret places in the

villages such as vacant cottages. Many drug-distributors choose to conduct their "transactions" in these villages because many of the villages are remotely located. Apart from having a lot of hiding places, these villages usually have only one or two exits so that the drug offenders can easily monitor every single movement of the police simply by deploying a person at the exits as a "watch-tower". As a result, the distributors can easily slip away before the police even arrives. Once the distributors obtain the drugs from the remote area, they will sell them to the local youngsters. I have received some complaints and even personally witnessed that a drug distributor buried a small pack of heroin in a flower bed in front of a secondary school in a housing estate and not too long afterwards, a student came and took the drugs away. Faced with this distribution strategy, the police has really found it hard to come up with a good solution. As the saying goes, while the righteous is mighty, the sinister is even mightier. It is difficult for the police to tackle the triad members in such a hide-and-seek game. A feasible solution is to strengthen aerial patrol by setting up monitoring stations in high-rise buildings and to monitor what is going on in the vicinity of schools, with the deployment of ground staff as a support. In doing so, it can definitely tackle the problem of drug trading more effectively. On the other hand, the police can consider deploying additional Uniform Branch and plain-clothes officers to patrol the school entrances during school hours and after the schools close so as to achieve some deterrent effects. Of course this is only a stopgap measure. The solution to the root of the problem is to block the flow of drugs into the market.

Most youngsters commit offences out of curiosity and ignorance. The best way to prevent young people from taking drugs is to strengthen education. The Government have actually done something in this aspect, but in my opinion, many of the resources have been spent unwisely. For example, the Government used to spend several hundred of thousand of dollars in organizing large scale music concerts, in which young idols are invited to sing and dance and say a few words to discourage the youngsters from taking pills or drugs. This is what the Government meant to be an anti-drug campaign. But actually how can the youngsters possibly understand the disasters that can be brought about by drugs through these concerts? How many youngsters will give up taking drugs simply because of one or two statements made by Leon LAI or Aaron KWOK? The same amount of money can certainly produce a better result had it been spent in other areas, such as subsidizing community organizations or youth centres to strengthen anti-drug campaigns and related services. I would like to take this opportunity to recommend a youth concern group once set up by the Tuen Mun District Board with only limited resources. The group consisted of District Board members, headmasters and social workers who were responsible for recruiting a group of problem youths to whom guidances were given to do some voluntary work. After a certain period of time, these people would introduce other problem youths to join the group, the result of which was very satisfactory. I think this approach is better than the music concerts of "big stars, big production" and is recommendable.

I would also like to make a special appeal to the regional organizations, associations and groups, as well as community work co-ordination committee, the Fight Crime Committee and so on to call the police immediately on discovery of drug trafficking activities. Only by mobilizing the community can we combat drug trafficking activities more effectively and radically.

In order to achieve a satisfactory result in tackling consumption of dangerous drugs and abuse of drugs by young people, the Government should co-ordinate various resources by a combination of preventive, educational and reporting measures.

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

REV FUNG CHI-WOOD (in Cantonese): Mr President, our debate today is about the problem of juvenile delinquency. As the saying goes, we should "take preventive measures before actual occurrences." I hope to draw everybody's attention to those young people at risk who have not yet committed any crimes.

Early this month, a teenager in Tai Po was sent to hospital for treatment after inhaling an excessive amount of thinner. This shows that the inhalation of thinner and intake of cough syrups and cigarette lighter gas by young people in the area has become a serious problem. Most of them are junior secondary students with poor academic results. After class, they gather in small groups or even in scores in public places. Some of them behave rudely, causing uneasiness to passers-by. Some gather at secluded places along the staircases of public housing estates and make a lot of noises. At times, they would even inhale thinner. At present, thinner inhalation has gained popularity in Tai Po. This is perhaps due to the low cost of the chemical. Worse still, some young people stay at the staircases overnight. This kind of social phenomenon is due to the fact that some students, who do badly in their studies, are not receiving sufficient attention from teachers or parents, or are even berated by teachers and parents. In order to hold out themselves as somebody, they become reluctant to go to school or to go home. Instead, they form themselves into gangs and look for a world of their own. Once away from school and from home, they are free to do what they want as there is nobody to exert control over them. They establish their own value system and then outlook on life. Their behaviour and thinking deviate slightly from the norm. When faced with stress, they give themselves a break by inhaling thinner, even though they are aware that it will affect their health.

Mr President, I must stress that while the behaviour of these young people deviates slightly from the norm, most of them are still good-natured and have never committed any offences. Without timely assistance, they may gradually go astray and may even do harm to the society. Junior secondary is a crucial stage for the young people. The development in these few years will determine what kind of person a young person will be in future, whether good or bad. Last year, a team comprising 10 outreaching social workers was established in

Tai Po. This is the first team of outreaching social workers Tai Po has ever had. However, the team is short of hands as the 10 social workers have to deal with several hundreds of cases.

Mr President, although I cited the case of Tai Po as an example, I believe similar situation can be found in other places in the territory, such as the situation mentioned by Mr WONG Wai-yin just now. Therefore, before young people commit any offences, we must give them more love, and allocate more resources to help them establish a proper value system and make good use of their time. In this respect, I hope the Administration can strengthen the service by working on the 5 aspects as follows: (1) The number of school social workers should be increased as soon as possible so that there is at least one social worker in every school; (2) There should be more outreaching social worker teams, with more social workers in each team to service some communities that require special attention, for example, Tai Po; (3) The police must formulate a set of methods and administrative guidelines in dealing with young people at risk. In this regard, some members of the Police Force have been doing a good job. They have even spent time to liaise with schools and families of the relevant young people. However, other police officers would only scold these young people, and even when their parents who have come to the police stations would only rebuke them. This will only do harm rather than good; (4) Institutions and government departments should be encouraged to hold more activities for young people, such as ball games; (5) Finally, and very importantly, co-ordination between schools, parents, social workers and the police should be strengthened. This is necessary because each party has its own perspectives and its own way of dealing with problems. Co-ordination and mutual understanding between the police and other government departments and institutions are particularly important. Today, only the Secretary for Security is present. I do hope the Secretary for Health and Welfare may take into consideration Members' speeches and join in to work for our next generation.

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

MR HOWARD YOUNG (in Cantonese): Mr President, two Members have moved their motions today. Mr HUI Yin-fat has moved a motion on family policy and Mrs Selina CHOW has moved a motion on youth problems, which we are now discussing. Superficially these two motions are not controversial and that there is consensus among Members. In fact, these motions are inter-related and they are both very important. During the debate on Mr HUI Yin-fat's motion earlier on, many Members said that the collapse of the family life concept will create a lot of problems. In fact, these problems are related to the problem of juvenile delinquency and the change in values.

Mr President, youth problem is not something unique in Hong Kong. Many parts of the world face the same problem. For example, it is common in some powerful western countries for juveniles to commit crimes in gangs in the slums of cities. Sometimes that happens even in Southeast Asia. In crowded

places, tourists can see juveniles being made to be pickpockets in a collective or organized manner. They have all been trained to do the job. Certainly, we are fortunate that this has not happened in Hong Kong yet, but we have to be cautious.

As far as I can remember, it was after the riot in 1967 that the Hong Kong Government became more active in dealing with youth problem and youth education for the very first time. At that time, the Government suddenly realized that the young people (and we, too, were very young then) did not have a sense of belonging and they lived a rather boring life. There were not many places of entertainment for them and there were no community centres providing education and entertainment. Hence, as I remember, the Government was determined to take action and organized many activities to attract young people in order to bring them back to the correct path. These activities included the Hong Kong Festival and many other cultural and recreational activities. After more than 10 years, Hong Kong has eventually succeeded in erasing its poor image of being a cultural desert.

I realize that along with the aging of our population, the emphasis of welfare services has shifted from young people to the aged. I have no objection to this change. Since young people's livelihood are assured and their living standard is quite good, only the elderly had become the focal matter. That more social resources to be allocated to service for the aged should not be subject to excessive criticisms.

Now there is a new phenomenon. The crimes committed by our juvenile delinquents are different from what I described and our juvenile delinquents have not been trained to be pickpockets as young people in other countries have. Most of our young people do not have to worry about their livelihood or material needs. Their parents are willing to try their best to provide them with adequate material satisfaction. When we were young, who could imagine that parents would be so generous as to buy us sports shoes which would cost a few hundred dollars a pair? Our parents simply would not do so. But now, many parents living in public housing estates are willing to buy expensive rackets and sports shoes for their children or give them money to play in video games centres. Hence, I think the problem is not about material needs. In fact, the needs of young people today are very different from those of the past. Unlike young people of the 1960s who lacked a sense of belonging, who were bored or unemployed, young people today only want to look for challenge, excitement, new experience and social life. Their needs are quite different.

I think if we leave a vacuum in this respect, triads or other bad elements will easily manipulate the situation. It is because they can offer them peer groups and excitement. For example, they can lure young people to commit crimes in the disguise of a different kind of pursuit. We really have to compete with these people to satisfy the needs for challenge of our young people.



Mr President, earlier on a Member has suggested giving more subsidies for outreaching work of social workers. I would like to talk about another kind of outreaching work. Hong Kong has an Outward Bound Training School. Its work is different from outreaching in respect of social welfare. The school has been established for more than 20 years and has trained thousands of young people. I had also taken its first course. The school allows young people to live in groups and offers reasonable challenge and it is a means to satisfy their needs.

Mr President, I think this is a way to save our young people from the evil powers. I hope the Government will increase its subsidies in this respect. However, is this the scope of the Recreation and Culture Branch, for it is now responsible for subsidizing the Hong Kong Outward Bound School; or is this the work of the Education Department or the Social Welfare Department? As a matter of fact, even the Correctional Services Department sent juvenile delinquents to the school to receive training and the result turned out to be very good. I think the Government needs to have good co-ordination in this respect.

I support Mrs Selina CHOW's call for co-ordination among various government departments in order to solve the problem of juvenile delinquency. I support the motion.

SECRETARY FOR SECURITY: Mr President, as many Members have explained very clearly this evening there is no single cause of juvenile crime. It has many social causes which must be addressed through different means — through the family, through the schools, through the media, through law enforcement and through correctional and rehabilitation services. I can assure Members that tackling the problem of juvenile crime is a priority for the Government. Many departments are involved in this effort — the police, the Correctional Services Department, the Education Department and the Social Welfare Department. There exists the necessary institutional machinery to co-ordinate their work and monitor the results.

The Fight Crime Committee has always given particular attention to the problem of juvenile crime. It has established a Standing Committee on Young Offenders on which both non-officials and all the departments involved in the fight against juvenile crime are represented:

- to put forward recommendation on ways of preventing potential young offenders from offending;
- to advise on ways in which the treatment of young offenders can be improved; and
- to monitor the work of the Young Offenders Assessment Panel, and consider suggestions for improvement to the rehabilitation of young offenders.

The Standing Committee has commissioned the Social Sciences Research Centre of the University of Hong Kong to conduct research into the social causes of juvenile crime to help us to understand the problem better and to help us to formulate new and improved policies to tackle it. The results of this research will soon be available.

But I should like first to outline the extent of the problem and what the Government has been doing to address it.

During each of the past 10 years, the proportion of juveniles arrested for crime has varied between 12% and 18% of the total number of persons arrested for crime. In the first nine months of 1994, 5 220 juveniles were arrested, representing 14% of the total number of persons arrested for crime during that period. It is encouraging to note that, apart from a slight increase in 1991, the proportion of juveniles arrested has reduced consistently in each of the last seven years.

But we are far from complacent about this. The trend of the juvenile offender rate is not so encouraging. Over the same seven years, the rate has decreased; but only marginally and not consistently. The problem remains, of course, for concern, in particular the involvement of juvenile offenders in shop theft, miscellaneous theft and offences relating to unlawful societies, which constitute the majority of offences for which juveniles are arrested.

We are tackling the problem, first, through co-ordinated action in the schools, involving the police, Education Department and Social Welfare Department.

We are not denying the problem of involvement of juveniles with triad societies and other gangs, nor are we ignoring the problem.

The police deploy officers, both in uniform and in plain clothes, in the vicinity of schools, and in other areas frequented by juveniles, in order to identify bad elements and eliminate potential criminal activities. They pay particular attention to attempts to recruit young people into triad organizations and street gangs.

In general, the police maintain good liaison with and receive good co-operation from schools in tackling this problem. They obtain information on triad and other criminal activities from a number of sources, including crime reports, teachers and parents. Certainly reluctance to report is a problem, but the police are taking a number of initiatives to overcome this problem through the school liaison officers; through contacts with pupils, teachers and parents; and through making it easier to report crime, anonymously if preferred by the informant.

The police also provide dedicated school support teams as an integral part of their District Anti-Triad Sections, which conduct regular visits to schools to

warn about the dangers of getting involved with triads; to investigate reports relating to triad activities in schools; to identify and arrest triad recruiters; to interview arrested persons, victims and witnesses; and to assist in the formulation of strategies to combat violent and triad-related crime involving students.

Hard-hitting publicity campaigns, aimed primarily at young people, are mounted at regular intervals to warn of the dangers of crime and its consequences and to encourage victims and witnesses to report crime, in confidence, using the police hotline.

We are, as Mrs Peggy LAM has proposed, about to launch a publicity campaign to demystify and deglamorize the triads. This campaign is targeted at juveniles and young people. The police also liaise closely with the Education Department, parent-teacher associations and youth organizations and participate in activities for young people, particularly during school holidays.

The Education Department has issued guidance to schools, and has provided in-service training courses to school discipline teachers, to help them deal with difficult and delinquent students, who are frequently the target of triads. The Department encourages students to participate in meaningful activities after school hours, encourages student guidance teachers and school social workers to talk to parents about the role which parents can play in preventing their children from committing crime and becoming associated with triads, and assist students with adjustment problems in order to help them overcome their difficulties.

The Social Welfare Department, in conjunction with non-government organizations, provides services for children and youth at risk. This financial year, the Department provided 39 additional school social workers for secondary schools, bringing the total to 227, to help them deal with students who have behavioural problems, including those who are suspected of involvement in triad activities in schools. The Department is also stepping up its measures to tackle youth problems. It will provide 22 additional school social workers next financial year. It intends to expand its outreaching social work service and to form integrated teams to pool together resources allocated to non-government organizations, so as to be able to meet better the needs of young people at risk.

There is, in short, good liaison between the police, schools, the Education Department and Social Welfare Department in tackling the problem of juvenile delinquency, and in particular, in helping schools to deal with triads and delinquent students, and to disseminate the message on the nature and consequences of triads and other criminal activities.

We are also taking measures to rehabilitate those who have committed crime.

The Police Superintendents' Discretion Scheme aims to rehabilitate offenders under the age of 17 by giving Police Superintendents the discretion to caution instead of prosecute young offenders. After-care assistance to these young offenders is provided by the Police Juvenile Protection Section and the family services section of the Social Welfare Department. The Superintendents' Discretion Scheme has achieved good results. The recidivism rate for those cautioned under the Scheme is low. It has recently been reviewed by an inter-departmental working group, which has made a number of recommendations to strengthen the Scheme, which we shall be implementing.

The Correctional Services Department also runs correctional programmes and provides after-care services for young offenders to help with their rehabilitation. The Department is now operating a scheme known by the rather cumbersome title of Personal Encounter with Prisoners by Students at Risk. Since March 1993 Correctional Services Department staff, in conjunction with schools, have been targeting students and arranging for them to visit prisons to meet and talk to long-term prisoners. Our initial assessment is that this scheme is proving successful in disseminating the message about the consequences of becoming involved with crime. More than 1 500 students so far have participated in the scheme.

The recent increase in drug abuse by young persons is certainly worrying. And we are taking additional measures to tackle it. Amendments to the Dangerous Drugs Ordinance were brought into operation last month. Enforcement action against the illegal sale of drugs by retail premises has been stepped up. Additional manpower has been provided to the Department of Health for this purpose. Increased emphasis is being given to drug education in schools and the treatment of young drug abusers. A pilot project for a treatment centre for young abusers is being planned.

PRESIDENT: May I interrupt you please, Secretary? It is now eight o'clock and under Standing Order 8(2) this Council should now adjourn.

ATTORNEY GENERAL: Mr President, with your consent I move that Standing Order 8(2) should be suspended so as to allow the Council's business this evening to be concluded.

*Question proposed, put and agreed to.*

SECRETARY FOR SECURITY: I would now like to turn to the research commissioned by the Standing Committee on Young Offenders. The research aims at identifying the social causes of juvenile crime and at making recommendations on government policies affecting young people. It is a large-scale, territory-wide research project. More than 2 000 school students and about 400 young persons who are known to be offenders have been involved.

Major field work has been completed, and it is expected that the final report will be available by the end of this year.

I believe that this research will give us a clearer picture of the present situation regarding juvenile crime in Hong Kong. It should help to point to new initiatives which we should take to tackle the problem of juvenile crime. I expect that it will recommend an overall co-ordinated strategy involving parents, schools, rehabilitation and other support services to young people.

I do not rule out, at this stage, any new initiatives, but I must express some doubt as to the value of re-introducing the Triad Renunciation Scheme as suggested by some Members. This Scheme was suspended in 1991 because there was a downward trend in the number of applications received, suggesting that the pool of potential renouncers was dwindling, because the period of two years was long enough for those who wished to relinquish their triad links to come forward, and because a further extension of the Scheme could have the negative or even counter-productive effect of encouraging potential renouncers to defer their applications. It could also tempt others, especially youths, to experiment with triad membership in the expectation that they could renounce their membership later. The Fight Crime Committee considered the re-introduction of the Scheme earlier this year, but felt that this would not be right, even if limited to young persons, for the reasons adduced in 1991, which still remain valid.

Since the commencement of the research in September 1992 its progress has been closely monitored by a working group set up under the Standing Committee on Young Offenders. The working group comprises representatives of the Security Branch, the police, the Health and Welfare Branch, the Social Welfare Department, the Correctional Services Department, the Education Department and members of the Fight Crime Committee and the Standing Committee on Young Offenders. It has reviewed regularly the progress of the research. The Standing Committee will soon meet to discuss the final report and other matters relating to young offenders. In the light of the findings and recommendations of the research, the Committee will review and, where necessary, revise the strategy for tackling the problem of juvenile crime. It will also monitor implementation of any recommendations and ensure that the measures we are proposing to tackle the problem are effective and are carried out as soon as practicable. I shall be very glad to report regularly to this Council on progress.

Mr President, I am pleased that this Council has had the opportunity to debate this important subject today. I agree with the thrust and intent of the motion. We must seek to pursue new initiatives to tackle juvenile crime. I am grateful for Members' suggestions about improvements we should make in our approach to this problem. We shall certainly consider these suggestions carefully.

Thank you, Mr President.

PRESIDENT: Mrs CHOW, do you wish to reply? You have one minute and 40 seconds out of your original 15 minutes.

MRS SELINA CHOW (in Cantonese): Mr President, I must thank all colleagues who have spoken on the topic today. It can be seen that Members have a strong consensus on the gravity of juvenile delinquency. The gravity of the matter lies in the increasing number of offenders, the lowering of their age, and the fact that the scope of their activities has come to include the dealing of drugs, drug abuse, and the infiltration of triads leading to organized crimes.

I am glad that the Secretary for Security has mentioned just now that the Government regarded this as a very important issue and "a priority for the Government", that is, the Government will give the matter priority and will no longer touch it just lightly. We do hope the Government will act with determination and liaise with all relevant parties concerned rather than letting each party go its own way without any co-ordination. At the same time, I hope to arouse from a wide spectrum of the society attention to the problem. Parents, teachers, social workers, the mass media and other relevant parties should all share the responsibility. We do hope today's debate may, to a certain extent, be helpful to the Standing Committee on Young Offenders. We are looking forward to their report. We hope that Members' opinions spelt out here may help to enrich the content and coverage of the report.

*Question on the motion put and agreed to.*

## **PRIVATE MEMBER'S BILLS**

### **First Reading of Bill**

#### **FILM CENSORSHIP (AMENDMENT) 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 Bills**

#### **FILM CENSORSHIP (AMENDMENT) BILL 1994**

MR MARTIN LEE moved the Second Reading of: "A Bill to amend the Film Censorship Ordinance."

MR MARTIN LEE (in Cantonese): Mr President, I move the Second Reading of the Film Censorship (Amendment) Bill 1994.

At present, under section 10(2)(c) of the Film Censorship Ordinance (Cap. 392), film censors appointed by the Government are authorized to censor films on the grounds that the films to be shown may seriously damage relations with neighbouring areas. The purpose of the Bill is to remove the power of the executive authority to edit or ban films on political grounds. As to the deletion of section 10(3)(d), it is a consequential amendment after the Hong Kong Bill of Rights (HKBOR) was passed, so as to make the Film Censorship Ordinance clearer.

Mr President, a Member said to me today that he did not understand what it meant after reading this Bill. In fact, he will see what I mean by reading this Bill in conjunction with Cap. 392.

Mr President, the Hong Kong Government has been carrying out political censorship on films based upon the Film Censorship Standards. Such standards are merely executive guidelines which have no legal basis. For this reason, film censorship carried out before 1988 was illegal. In 1987, the Government drafted the Film Censorship Ordinance and turned the provisions in the guidelines concerning political censorship into section 10(2)(c) of the Ordinance.

In May 1988, when we debated on the Ordinance in this Council, I have already strongly objected to section 10(2)(c) of this Ordinance and expressed that it should be deleted. Later on, Mr YEUNG Po-kwan proposed an amendment in order to reduce the voice of opposition. The amendment was embodied in the existing section 10(3)(d) of the Ordinance, which requires that censors should take into account Article 19 of the International Covenant on Civil and Political Rights (ICCPR) when executing censorship. In my view, this amendment is not sufficient to protect the freedom of expression of the citizens as this Ordinance merely requires censors to "take into account" Article 19 of the Covenant without having to comply with it.

I proposed to amend it at the time and demanded that censorship be carried out in accordance with Article 19 of the ICCPR. The purpose of Article 19 of the Covenant is to safeguard the citizens' freedom of expression. This right includes the seeking, receiving and disseminating of information in the form of language, either verbal or written, publication, or in the form of art or in other forms without any restriction on national boundaries, as well as the freedom of thoughts. There are certain restrictions in the Covenant incidental to the freedom of expression. These include not to infringe on other people's rights or reputation and to safeguard national security, public order, public health or decency. Complying with the Covenant means that any editing, cutting or banning must not be done beyond the restrictions of Article 19 of the Covenant. Unfortunately, my amendment was not carried at the time and as a result, a provision which deprives people of the freedom of speech still exists in the Film Censorship Ordinance.

Mr President, as a matter of principle, the existence of section 10(2)(c) of the Ordinance represents a tool by means of which the Government carries out political censorship to suppress the freedom of expression. The censorship power conferred on the Government by this provision is against the principle for citizens to enjoy the freedom of expression. That a government wants to have control on people's speech in fact indicates its lack of trust in its people and that it directs the people's thinking in a "patriarch" state of mind. In fact, this is an infringement upon basic civil rights. Therefore, to uphold the principle of freedom of speech, this provision ought to be deleted.

On policy grounds, although the Government has seldom exercised the power conferred by this provision in censoring films, it does not mean that adverse effect has not been brought forth by the provision. This is because its existence is meant to be awe-inspiring so that film producers will discipline themselves and dare not make politics the subject of their films. The Government seldom censors films on political grounds probably because people have already disciplined themselves and it is not necessary for the Government to deal with them by applying the provision.

On jurisprudence grounds, when the HKBOR was passed in 1991, the ICCPR was cited. Amongst the provisions introduced was Article 19 which upholds freedom of speech and this later on became section 16 of the HKBOR. It is clear that section 10(2)(c) of the Film Censorship Ordinance concerning the damaging of relations with neighbouring areas has gone beyond the restrictions incidental to Article 19 of the Covenant. Therefore, this provision of the Film Censorship Ordinance is against the HKBOR and must be deleted.

Therefore, there are sufficient grounds on principle, policy and jurisprudence for section 10(2)(c) to be deleted.

This Bill is also to delete section 10(3)(d) of the Film Censorship Ordinance which requires that censors must "take into account" Article 19 of the ICCPR in carrying out film censorship. However, since 1991 when the HKBOR was passed, the introduction of Article 19 of the Covenant as local law requires that censors cannot go beyond the restrictions of section 16 of the HKBOR (that is, Article 19 of the Covenant) in censoring films. Therefore, not only are they required to take into account Article 19 of the Covenant, they are also required to comply with it. Under these circumstances, section 10(3)(d) has become obsolete. For this reason, deletion of section 10(3)(d) is a natural amendment consequential to the enactment of the HKBOR.

Mr President, I have been calling on the Government from time to time to make amendments to the above-mentioned provisions. Nevertheless, they have not been adopted by the Government, and I have to resort to proposing it in the form of a Private Member's Bill to get rid of those parts of the Ordinance which hampers the freedom of expression. I trust that my colleagues will also lend me their support for the sake of upholding civil rights.



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

**THE CHRISTIAN AND MISSIONARY ALLIANCE (TRANSFER OF HONG KONG IMMOVABLE PROPERTY) BILL**

**Resumption of debate on Second Reading which was moved on 26 October 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).*

**PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1994**

**Resumption of debate on Second Reading which was moved on 6 July 1994**

*Question on Second Reading proposed.*

MR ERIC LI (in Cantonese): Mr President, today can be said to be a historic moment for the accounting profession in Hong Kong. As the incumbent President of the Hong Kong Society of Accountants, I would like to take this opportunity both to declare my interests and to thank Mr Peter WONG on behalf of the 8 400-plus accountants in Hong Kong for putting forward an amendment to this Ordinance in the form of a Private Member's Bill, and to call upon Members of this Council to support the passage of the Bill.

First of all, the Professional Accountants (Amendment) Bill 1994 can fully cater for the needs of the modern accounting profession. With the rapid growth of economic activities in Hong Kong, the accounting profession which is closely connected with international finance has already developed into a profession which is technically diversified and is able to assume a professional consultancy role in various financial services. The Bill positively affirms that accountants who are in possession of various modern professional management skills such as tax specialists, management consultant experts, insolvency practitioners and information technology specialists can become partners of the firms of certified public accountants. This is indeed an important milestone in the advance of the accounting profession towards diversified development and technical specialization.

At present, the Secretariat of the Society has more than 70 full-time staff and over 30 committees and working groups. Being an all-round and highly professional self-regulatory body, the Society has been actively participating in public affairs. Over the first 10 months of 1994, the Society has forwarded 42 detailed submissions concerning legislation and policies to the Government. Moreover, it has been providing free accounting advisory services to various government departments like the Independent Commission Against Corruption, Lands and Works Branch, Securities and Futures Commission as well as the general public. Therefore, there is an actual need for the Bill to propose to increase the membership of the Council of the Society from 14 to 16 in order to cope with the increasing workload in various aspects.

Secondly, the Bill helps to enhance the transparency of the accounting profession. It will establish the important status of an independent Disciplinary Committee, which will even incorporate some lay members from the public into its composition. This fully reflects that the Society is already mature in its operational development and is highly confident that the Committee can accommodate public views and incorporate the public directly into its internal monitoring mechanism.

Thirdly, the Bill is far-sighted. Hong Kong has all along been adopting an accounting system similar to the British system. However, after joining the European Common Market, Britain has become alienated from the British Commonwealth politically and economically. On the other hand, the China-Hong Kong relationship is becoming so close that Hong Kong and China are virtually dependent on each other economically. In addition, as 1997 is drawing near, it is imperative for the accounting profession in Hong Kong to enjoy a higher degree of autonomy in the future. If this amendment Bill is passed today, the tie between the accreditation system of the professional qualifications of accountants in Hong Kong with the British legislation will be formally severed. This will enable the Society to, in the light of the practical situation in Hong Kong, formulate an internationally acceptable accreditation system to tie in with the territory's economic development. Meanwhile, the Society is actively working out the accountants' professional examinations and an accreditation system that bears the international characteristics. It is expected that a consultation paper will be published early next year to openly solicit opinions from the members of the Society, business sector and people concerned with a view to increasing the objectiveness and transparency of the formulation procedure.

Mr President, with these remarks, I hope that Members in this Council will support the passage of the amendment Bill.

MR PETER WONG: The Bill deals in the main with the self-regulatory aspects of the Hong Kong Society of Accountants. Three areas deserve special mention. First, the Bill deletes the Schedule of Approved Institutes from the Ordinance, such that all overseas accounting institutes are being put on an equal footing for

the matter of assessment for recognition of their qualification in Hong Kong. Second, the Bill allows a firm of certified public accountants (CPA) to admit professional accountants who are not holders of practising certificates to facilitate the development of CPA firms in their provision of other specialist services; and thirdly, the Bill strengthens the Society's self-regulatory framework through the introduction of investigatory powers to be conferred to an investigation committee appointed by the Council of the Society, enabling the Society to be more pro-active in its regulation of the profession.

There has been one submission from a member of the Hong Kong Society of Accountants commenting on the Bill. The Society has responded in full to such comments. I have recognized the need for some amendments at the Committee stage. One of these introduces a secrecy provision by way of a new section 42G. This requires the Registrar, any member of the Investigation Committee or the Council of the Society and the person delegated with the authority to investigate under the proposed section 42E(1) to preserve secrecy with regard to matters coming to their knowledge in the course of performing functions under the provisions proposed in the Bill. The proposed secrecy provision is substantially the same as section 32(h) of the original Ordinance, which applies to the Practice Review Committee. The other amendments are technical in nature. They are drafting improvements and they do not cause any change of substance to the provisions of the Bill.

Mr President, I would like to thank Members for their support of the resumption of the Second Reading of the Professional Accountants (Amendment) Bill 1994.

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

Bill read the Second time.

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

### **Committee Stage of Bills**

Council went into Committee.

### **THE CHRISTIAN AND MISSIONARY ALLIANCE (TRANSFER OF HONG KONG IMMOVABLE PROPERTY) BILL**

Clauses 1, 3, 4, 6, 7 and 9 were agreed to.

Clauses 2, 5 and 8

MR JAMES TO: Mr Chairman, I move that the clauses specified be amended as set out in the paper circulated to Members.

Since the First Reading of the Bill I have been informed through the Alliance solicitors that the Attorney General's Chamber has suggested that certain words used in the Chinese text of this Bill should be changed in order to reflect or to make them in line with the current styles adopted in the translation of the English text of the legislation, including that "lawful attorney" should be translated as "合法授權人"; "body corporate" as "法人團體"; and "give rise to forfeiture" as "導致財產被沒收或喪失權益". Further the word "attorney" should be changed to "lawful attorney" to avoid being taken to mean attorney-at-law as what is commonly used to mean "lawyer" in the United States.

Finally, in the Chinese text of this Bill, clause 2, subclause (3) should, apart from the aforesaid changes of translation, be re-arranged in sentences sequenced to make the Chinese translation in line with those previous ones adopted in other legislation, having the same or similar English counterparts.

Accordingly, I therefore propose firstly that in clause 5(c) of the English text the word "lawful" has to be added before the word "attorney" wherever it occurs in clause 5(c) of the Bill. Secondly, in the Chinese text, clause 2, subclause (3) has to be deleted and substituted by the following: namely, subsection (3) "任何政治體、法人團體及其他人士，如其權利受到本條例任何條文影響，則須當作已於本條例中述及". Finally, in the Chinese text the word "不動產" in clause 8(c) should be deleted and substituted by "財產" as "財產" has a wider meaning and therefore is a better translation than "不動產" to be used in the context of the English text of clause 8(c), which does not restrict the subject of the forfeiture.

### *Proposed amendments*

#### **Clause 2**

That clause 2 be amended, in the Chinese text, by deleting subclause (3) and substituting —

- "(3) 任何政治體、法人團體及其他人士，如其權利受到本條例任何條文影響，則須當作已於本條例中述及".

#### **Clause 5**

That clause 5(c) be amended, by adding "lawful" before "attorney" wherever it occurs.

#### **Clause 8**

That clause 8(c) be amended, by deleting "不動產" and substituting "財產".

*Question on the amendments proposed, put and agreed to.*

*Question on clauses 2, 5 and 8, as amended, proposed, put and agreed to.*

Preamble was agreed to.

### **PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1994**

Clauses 1 to 5, 7, 8, 10 to 13, 15 to 17, 19, 20, 22 to 27 and 29 to 44 were agreed to.

Clauses 6, 9, 14, 18, 21 and 28

MR PETER WONG: Mr Chairman, I move that the clauses specified be amended as set out in the paper circulated to Members.

The change of clause 6(c) clarifies that section 24(2) persons, are persons registered as accountants under legislation enforced prior to 1973 but not formally qualified under post-1973 legislation. The public accountants, who were grandfathered when the Society came into being, are not eligible for election to the Council, even though they may be co-opted onto the Council. The amendment of clause 21 will specify that in section 34 the Council may refer complaints to the Disciplinary Panel rather than a Disciplinary Committee. For drafting reasons, it is clearer to delete and substitute the whole of clause 21 rather than to try to tack on the correcting amendment, and as I said in my speech in the resumption of the Second Reading, the new section 42G is to provide for secrecy amongst those involved in investigatory procedures. The other amendments are for technical or consequential nature.

Mr Chairman, I beg to move.

#### *Proposed amendments*

#### **Clause 6**

That clause 6(c) be amended, in the proposed section 12(4), by adding "(except in the case of a person entitled to be registered only under section 24(2))" after "or".

#### **Clause 9**

That clause 9(a) be amended, in the proposed section 21(1A), by deleting "temporary absence" and substituting "temporarily absent".

#### **Clause 14**

That clause 14 be amended, by deleting paragraph (a)(ii) and substituting —

"(ii) in paragraph (a) by repealing "an approved institute or of any other accountancy body accepted by the Council under section 24(1)(c)(ii)" and substituting "an accountancy body accepted by the Council under section 24(1A)";"

### **Clause 18**

That clause 18 be amended, in the proposed section 33(3)(a), by deleting "section 34(1)" and substituting "section 34".

### **Clause 21**

That clause 21 be amended, by deleting the clause and substituting —

#### **"21. Disciplinary provisions**

Section 34 is amended -

(a) in subsection (1) -

(i) by adding -

"(dc) has failed or neglected to comply, without reasonable excuse, with any requirement of an Investigation Committee made under section 42D;";

(ii) in paragraph (f) by repealing "wilfully";

(iii) by repealing "Disciplinary Committee" and substituting "Disciplinary Panel";

(b) in subsection (1A) -

(i) by adding "(da), (db), (dc)," after "(d)";

(ii) by repealing "Committee" and substituting "Panel";

(c) in subsection (3) by repealing "the Disciplinary Committee" and substituting "a Disciplinary Committee".

**Clause 28**

That clause 28 be amended, in the proposed Part VA by adding —

**"42G. Secrecy**

(1) Subject to subsection (2), and except in the performance, or assisting in the performance, of a function under this Part, the Registrar, any member of the Investigation Committee or the Council, any person to whom any of the powers of the Investigation Committee is delegated under section 42E(1) or any person holding any other position who assists any of such persons in the performance of a function under this Part -

- (a) shall at all times after his appointment as the Registrar, a member of the Investigation Committee or the Council, a person to whom any of the powers of the Investigation Committee is delegated under section 42E(1) or to such other position, as the case may be, or during or after the performance of or assisting in the performance of such function, preserve and aid in preserving secrecy with regard to any matter coming to his knowledge in the performance or in assisting in the performance of any such function;
- (b) shall not at any time communicate any such matter to any other person; and
- (c) shall not at any such time suffer or permit any other person to have any access to any record, document or other thing which is in his possession or under his control by virtue of his being or having been so appointed or his having performed or having assisted any other person in the performance of such a function.

(2) Subsection (1) shall not apply in relation to any disclosure made in relation to or for the purpose of any disciplinary proceedings under Part V or criminal proceedings.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months."

*Question on the amendments proposed, put and agreed to.*





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

Bill read the Third time and passed.

MR PETER WONG reported that the

**PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1994**

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

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

Bill read the Third time and passed.

**ADJOURNMENT AND NEXT SITTING**

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 23 November 1994.

*Adjourned accordingly at twenty-six minutes past Eight o'clock.*

*Note:* The short titles of the Bills/motions listed in the Hansard, with the exception of the Land Titles Bill, Film Censorship (Amendment) Bill 1994 and the Christian and Missionary Alliance (Transfer of Hong Kong Immovable Property) Bill have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

**WRITTEN ANSWERS****Annex****Written answer by the Secretary for Economic Services to Mr MAN Sai-cheong's supplementary question to Question 1**

We do not keep statistics of computer networks in private companies and organizations since the setting up of such networks does not require approval or licensing in Hong Kong. But given the popularity of computers in business and in private use today there is good reason to believe that such networks are very common in Hong Kong as in other places. As regards the public sector, the Government is actively promoting the use of information technology in government offices as well as to facilitate public access to government information. A number of new computer networks are being installed at a total cost of over \$400 million. These include:

- Local Area Networks in all the Policy Branches linked to form an integrated network of the Government Secretariat, which will gradually be expanded and connected to networks in government departments outside the Secretariat to form a Metropolitan Area Network in the next few years.
- A bilingual laws information system maintained by the Legal Department allowing private legal practitioners access to Hong Kong Ordinances, selected constitutional documents and Hong Kong subsidiary legislation using network access to the Info/Law service provided by a local IT service company.
- A Direct Access Service enabling customers of the Land Registry to make, from their own offices, on-line searches of the computerized land registers providing historical and current particulars of a property. They can also use the service to enquire about unposted memorial lists and place orders for copies of land records maintained at the Urban Land Registry.
- A government news information system for forwarding news to the media by the Information Services Department.
- A proposed utility management system operated by the Highways Department to facilitate planning and road opening co-ordination with public utility companies.
- A Wide Area Network linking all government schools with the Education Department to improve school management and administration.

**WRITTEN ANSWERS** — *Continued*

- An electronic information system for Legislative Council Members and the Legislative Council Secretariat.

In addition to the above, through Tradelink, a joint venture company formed between the Government and the private sector, a Community Electronic Trading Service (CETS) will be launched in 1996. The objective of CETS is to promote the use of Electronic Data Interchange (EDI) and the concept of electronic commerce by over 100 000 small and medium size businesses in Hong Kong.

As regards public libraries, both the Regional Council and Urban Council libraries have been computerized and will be interconnected shortly. Facilities will be available for the public to make use of the computer terminals in public libraries to access through Internet, the global computer network, materials in public and academic libraries in Hong Kong and around the world. A new service will be introduced shortly to allow users to dial up at home through a personal computer equipped with a modem and the public telephone line, and connect to an on-line catalogue of public libraries to search the libraries' collected information.

In summary, there are numerous public and private computer networks operating in Hong Kong. Most of these networks are connected through Hong Kong's advanced optical fibre fixed telecommunication network. From a technical point of view, there is no barrier for any network to interconnect with the optical fibre network and through it onto any other networks. The decision to interconnect however must be left to the individual organizations in possession of the networks having regard to the purpose for which the network is set up and whether the information carried on the network can be made available to the public or outside users.

Finally, as regards the ability of schools to interconnect with the university libraries and the public library system in Hong Kong, all public sector primary and secondary schools will be provided, in phases, with modems for installation in their school computers under the Education Department's five-year Information System Strategy. So, in due course, they will also be able to access public and academic libraries in Hong Kong and overseas and communicate with each other and other public networks.

**Annex II****Written answer by the Secretary for Economic Services to Mr LAU Chin-shek's supplementary question to Question 3**

Of the 387 traditional medicine retailers raided during the past 12 months, 50 were also suppliers. Of these, 11 were prosecuted and convicted of illegal possession of endangered species. The fines imposed ranged from \$2,000 to \$5,000 and their total amount was \$37,500.

**Annex III****Written answer by the Secretary for Security to Mr LAU Chin-shek's supplementary question to Question 4**

The number of triad members charged with prostitution-related offences in the 12 months from October 1993 to September 1994 was 41, of whom six were convicted and 33 are pending trial or court decision; two were acquitted. These figures refer to all prostitution-related offences, not just those involving females from mainland China. It is not possible to break the figures down further without an enormous amount of work.

