

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 11 January 1995

The Council met at half-past Two o'clock

PRESENT

THE PRESIDENT

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

THE CHIEF SECRETARY

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

THE FINANCIAL SECRETARY

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

THE ATTORNEY GENERAL

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

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

THE HONOURABLE 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 PANG CHUN-HOI, M.B.E.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAM YIU-CHUNG

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

THE HONOURABLE EDWARD HO SING-TIN, O.B.E., J.P.

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

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

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

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, O.B.E., J.P.

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

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

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

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

THE HONOURABLE 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 PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

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

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE ROGER LUK KOON-HOO

THE HONOURABLE ANNA WU HUNG-YUK

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

ABSENT

THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.

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

THE HONOURABLE PETER WONG HONG-YUEN, O.B.E., J.P.

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

THE HONOURABLE ALFRED TSO SHIU-WAI

IN ATTENDANCE

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 CHAU TAK-HAY, C.B.E., J.P.
SECRETARY FOR TRADE AND INDUSTRY

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

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

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

MR DONALD TSANG YAM-KUEN, O.B.E., J.P.
SECRETARY FOR THE TREASURY

MR NICHOLAS NG WING-FUI, J.P.
SECRETARY FOR CONSTITUTIONAL AFFAIRS

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

MISS JACQUELINE ANN WILLIS, J.P.
SECRETARY FOR EDUCATION AND MANPOWER

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>
Pharmacy and Poisons (Pharmacy and Poisons Appeal Tribunal) (Amendment) Regulation 1994	667/94
Maintenance Orders (Reciprocal Enforcement) (Designation of Reciprocating Countries) (Amendment) Order 1994	668/94
Trainee Solicitors (Amendment) (No. 5) Rules 1994.....	669/94
Employees Retraining Ordinance (Amendment of Schedule 2) (No. 14) Notice 1994.....	670/94
Mineral Oil in Food (Amendment) Regulation 1994	671/94
Shipping and Port Control (Amendment) (No. 3) Regulation 1994.....	672/94
Waterworks (Amendment) Regulation 1994.....	673/94
Minor Employment Claims Adjudication Board (Fees) Rules.....	674/94
Minor Employment Claims Adjudication Board (General) Rules.....	675/94
Minor Employment Claims Adjudication Board (Suitors' Funds) Rules.....	676/94
Minor Employment Claims Adjudication Board Ordinance (61 of 1994) (Commencement) Notice 1994	677/94
Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 1994.....	678/94
Pilotage (Dues) (Amendment) Order 1994	679/94

Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1994	680/94
Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) (Amendment) Regulation 1993 (L.N. 285 of 1993) (Commencement) (No. 2) Notice 1994.....	681/94
Stock Exchanges Unification (Amendment) Ordinance 1994 (74 of 1994) (Commencement) Notice 1994.....	682/94
Coinage Ordinance (81 of 1994) (Commencement) Notice 1994.....	683/94
Official Languages (Authentic Chinese Text) (Bank Notes Issue Ordinance) Order.....	(C)39/94
Official Languages (Authentic Chinese Text) (Exchange Fund Ordinance) Order.....	(C)40/94
Official Languages (Authentic Chinese Text) (Dollar and Subsidiary Currency Notes Ordinance) Order	(C)41/94
Official Languages (Authentic Chinese Text) (Weapons Ordinance) Order.....	(C)42/94
Official Languages (Authentic Chinese Text) (Training Centres Ordinance) Order.....	(C)43/94
Official Languages (Authentic Chinese Text) (Prisoners (Release under Supervision) Ordinance) Order	(C)44/94
Official Languages (Authentic Chinese Text) (Apprenticeship Ordinance) Order	(C)45/94
Official Languages (Authentic Chinese Text) (Loans Ordinance) Order.....	(C)46/94
Official Languages (Authentic Chinese Text) (Loans (Government Bonds) Ordinance) Order.....	(C)47/94
Maximum Scale of Election Expenses (Rural Committees) Order 1995	1/95

Bedspace Apartments (Appeal Board) Regulation.....	2/95
Bedspace Apartments (Fees) Regulation	3/95
Arbitration (Parties to New York Convention) (Amendment) Order 1995	4/95

Sessional Paper 1994-95

- No. 57 — Report of changes to the approved Estimates of Expenditure approved during the second quarter of 1994-95 Public Finance Ordinance: Section 8

ORAL ANSWERS TO QUESTIONS

Airports Co-ordination Centre in South China

1. MR STEVEN POON asked (in Cantonese): *In the Policy Debate of the Legislative Council in October 1991, I called on the Government to discuss with China the possibility of co-operation to resolve the problem which would arise from the existence of several international airports, including that of Hong Kong, in the Pearl River area within a radius of 100 kilometres. It has been reported that efforts are being made by the Chinese authority concerned to seek to make the Zhuhai and Guangzhou airports the airports co-ordination centre in south China. In this connection, will the Government inform this Council of the following:*

- (a) *whether Hong Kong's new airport at Chek Lap Kok will have sufficient facilities to become the airports co-ordination centre in south China;*
- (b) *if the answer to (a) is in the affirmative, whether the Government has suggested to the Chinese authority that Hong Kong's new airport should become the airports co-ordination centre in south China; if so, how the suggestion has been conveyed to the Chinese authority;*
- (c) *whether the Government has assessed the implications on the local economy arising from Hong Kong's new airport becoming the airports co-ordination centre in south China; and*
- (d) *whether the Government knows when the Chinese authority will make a final decision regarding the siting of such a co-ordination centre?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, in view of the proximity of a number of existing and planned airports in the Pearl River Delta Region, the need for careful coordination of airspace management and air traffic control arrangements is well recognised by the civil aviation authorities concerned. Our fundamental objective is to develop, in consultation with neighbouring airports, arrangements which promote the optimal use of airspace, minimise air traffic congestion and lead to the highest levels of operational efficiency and safety.

To this end, regular technical coordination meetings are held between air traffic control managers in Hong Kong and Guangzhou to ensure that operational procedures are in place to meet the needs of existing airports.

A number of options exist for the safe and efficient management of airspace in the Pearl River Delta. The establishment of a joint air traffic control centre, responsible for airspace management for a number of neighbouring airports, is one of the options. The British and Chinese sides have agreed that the various options for air traffic coordination in the Pearl River Delta should be discussed under the auspices of the recently established Infrastructure Co-ordinating Committee (ICC); and we look forward to discussing the issue within the context of the Committee.

If, following discussions in the Committee, it is concluded that a joint air traffic centre is the preferred option, the air traffic control facility at Hong Kong's new airport would be well-able to undertake such a role. Our new airport at Chek Lap Kok will be the largest in the Region, with traffic volumes on opening likely to be more than double the total handled by all neighbouring airports. It will also have the benefit of the most up-to-date radar and other technical equipment.

MR STEVEN POON (in Cantonese): *Mr President, may I ask the Administration to answer parts (c) and (d) of my question before I ask my supplementary question. Parts (c) and (d) are about the economic impact which the new Hong Kong airport has on Hong Kong after becoming the airports co-ordination centre and if the Administration knows when the Chinese authorities will make a final decision on the choice of the centre? The Administration has not answered the question.*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, in my reply I have in fact tried to answer part (d) of the question. The issue will be discussed by the Infrastructure Co-ordinating Committee. A decision will be made by the two Governments after discussions. As for economic effectiveness, it is also a matter for discussion. From a macroscopic perspective, if better use can be made of airspace, the number of flights can then be increased and the income for all the airports within the Pearl River Delta will increase.

MR STEVEN POON (in Cantonese): *Thank you, Mr President, apart from the fact that the facilities of the new airport are able to cope with this task, will the Administration inform this Council whether the staff of the new airport are also able to cope? My main concern is staff training. Some of these airports are international airports while others are domestic ones, many aeroplanes are not for international flights. To take a simple example from the language to be used, can the staff we hire speak Putonghua and do the job required as well?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, first of all, let me assure Honourable Members that staff training has already started. With regard to the use of English, Cantonese or Putonghua for air traffic control, we do have the experience. The air traffic control centre in Hong Kong is responsible for guiding some aeroplane returning to China from other places. These Chinese aeroplanes will land at the airports in South China and the Pearl River Delta region after passing over Hong Kong. Our Air Traffic Control Officers normally use English, but they can certainly use other languages when circumstances so require.

MR JIMMY MCGREGOR: *Mr President, have the Chinese authorities provided any information on the development intended capacity and present utilization of these airports in order that the Hong Kong authorities shall be able to plan for co-ordinated control of airspace? Are any problems experienced at present?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, during the discussions I referred to in part of my answer, we have been provided in fact with all the information we need for handling the existing volume of traffic over Hong Kong airspace and beyond, and also we have been briefed on development across the Pearl River Delta.

MR HOWARD YOUNG (in Cantonese): *Mr President, from they reply of the Secretary we can foresee that a choice has to be made, either Hong Kong will manage our own airspace or there will be a co-ordination centre. Has the Administration assessed the respective effect which individual management and co-ordinated control may have on the safety of airspace? Is it possible that both ways are feasible?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, as I have mentioned earlier, many options are feasible. There need to be co-ordination and discussion before any option is adopted. We can also learn from the experience of other countries. Both new York and London have their own air transport centre and each of them has four to five international airports. Any one of these airports handles a traffic volume much higher than that of Hong Kong. In these two regions, air traffic is managed by a centre co-ordination

centre which guides the aeroplanes into the region. When the aeroplanes reach a certain altitude and distance, they will be handed over to airports concerned for landing instructions. Apart from the various options we think feasible, Hong Kong can also consider what is being practised by other countries.

MR ALBERT CHAN (in Cantonese): *Mr President, the air traffic control arrangements made by the proposed South China airports co-ordination centre may affect the corresponding arrangements in respect of international flights and Chinese domestic flights in the future. Will there be any ways to ensure that the standards set and requirements made by the co-ordination centre are up to international standard? In what ways can the Administration ensure that such standards will not be lower than the present standards set by the Kai Tak Airport?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, with regard to air traffic management and co-ordination, Hong Kong is a member of the International Civil Aviation Organization (ICAO) under the aegis of the United Kingdom. All the standards, modes of training as well as the various methods we have adopted are in line with those of the ICAO and China is also a member of the ICAO. As far as standards and co-operation are concerned, while Hong Kong can make its own decisions, they will have to be co-ordinated through an international body. At our airport, we handle not only aeroplanes which are registered in Hong Kong but also aeroplanes from countries around the world.

PRESIDENT: Not answered, Mr CHAN?

MR ALBERT CHAN (in Cantonese): *Mr President, the Secretary did not say whether the future standards will be lower than those now adopted by the Kai Tak Airport, nor did he point out in what ways the Administration can ensure that future standards will not be lower than the present ones.*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, all the decision concerning air traffic control and co-ordination will be discussed through the ICAO. Apart from making our own efforts to maintain standards, there will also be international monitoring.

Fatal Traffic Accidents

2. MR SIMON IP asked: *Deaths resulting from traffic accidents have risen in the past three years and several fatal accidents have occurred recently. Will the Administration inform this Council:*

- (a) *what are the most common causes of fatal traffic accidents;*
- (b) *what measures will be taken to prohibit drunken driving;*
- (c) *what measures will be taken to prevent or reduce reckless and careless driving and to enforce good road discipline; and*
- (d) *whether young or newly qualified drivers will be subjected to a more rigorous system of testing?*

SECRETARY FOR TRANSPORT: Mr President, the number of fatal traffic accidents rose from 318 in 1992 to 336 in 1993, but in fact declined to 277 last year.

Based on investigations following fatal traffic accidents, the Transport Department has established that the most common causes are:

- (a) driving too fast for the road conditions;
- (b) losing control of the vehicle;
- (c) pedestrian negligence; and
- (d) defective vehicle brakes.

Drunken driving is already an offence under the Road Traffic Ordinance. However, enforcement for this particular offence is difficult since the existing legislation does not specify a limit for the concentration of alcohol in the blood and it does not require a suspected drunken driver to provide samples of breath, urine or blood for testing. For these reasons, it is not possible to say with any accuracy the extent to which drunken driving is a cause of fatal traffic accidents, although of course there is circumstantial evidence to suggest that it is a factor. On the recommendation of the Road Safety Council, we plan to introduce legislative amendments correcting these deficiencies in the law on drunken driving within the current Session of this Council. The introduction of the new legislation will be accompanied by extensive publicity to warn the public about the dangers of driving after consuming excessive amounts of alcohol. The Transport Panel of this Council has been briefed on our proposals.

I am conscious of the need to do more to prevent reckless and careless driving and to enforce better road discipline. Certainty of detection and

prosecution are the most effective means of changing unacceptable driving practices. In this respect, police patrols of expressways have increased and unmarked police patrol vehicles equipped with video cameras will shortly be brought into service. These will facilitate the gathering of evidence to prosecute drivers. Also, cameras installed at road junctions have proven to be a very effective deterrent against driving through red traffic lights. More of these cameras are being installed. We are also continuing our publicity efforts aimed at driver education, for example, using television APIs, posters, and broadcasts in the road tunnels.

We believe that our system of driver testing is already very stringent. Nonetheless, I accept that it is now appropriate to review the situation and reconsider whether any special arrangements need be introduced in respect of young or inexperienced drivers. In this respect we are now collecting data from other countries.

MR SIMON IP: *Thank you, Mr President. Traffic accidents not only cause deaths, serious personal injuries and economic loss to the persons directly involved in them but also cause serious economic loss to the community resulting from traffic congestion. Has the Government, pursuant to a request I made in this Chamber several months ago, assessed the economic loss suffered by the community as a whole, directly and indirectly, as a result of traffic accidents?*

SECRETARY FOR TRANSPORT: Mr President, our estimate is that the economic loss arising from traffic congestion is in the order of \$15 million a day.

DR LEONG CHE-HUNG: *Thank you, Mr President. I wonder whether the Administration has any breakdown figures to show that perhaps some of these fatalities may be prevented by better on-the-scene emergency measures?*

SECRETARY FOR TRANSPORT: Mr President, in designing our roads and highway systems, of course, we ensure that the latest standards are adopted. Insofar as emergency services are concerned, our response time, I believe, to accidents is second to none and of course this is frustrated at times by road congestion. But the police and Fire Services do respond and through our monitoring through closed-circuit television cameras and through ringing up 999, the response time is quite efficient.

MR RONALD ARCULLI: *Thank you, Mr President. In the third paragraph of the Secretary's answer, he has referred to the introduction of unmarked police patrol vehicles equipped with video cameras to, as it were, get evidence of bad*

driving. I wonder whether the Secretary believes that prevention is better than cure and if that is so, would not the presence of marked and clearly obvious police vehicles, with video cameras by all means, both serve as a deterrent as well as perhaps get the necessary evidence against careless or dangerous driving?

SECRETARY FOR TRANSPORT: Mr President, police presence is very visible on highways now. Unmarked cars are an additional management and enforcement tool that we will be adopting to supplement the existing presence of police on the roads.

MR ROGER LUK: *Thank you, Mr President. Would the Secretary provide further information on the practices of other countries and whether they are effective in reducing the accident rate of new drivers?*

SECRETARY FOR TRANSPORT: Mr President, I shall certainly try to obtain some information from our neighbouring countries and other more developed countries. (Annex I)

MRS PEGGY LAM (in Cantonese): *Mr President, will the Government inform this Council of the main types of vehicles involved in accidents; and of the maximum penalty imposed on careless drivers causing pedestrian casualties?*

PRESIDENT: There are two questions, Secretary. Have you got them both?

SECRETARY FOR TRANSPORT: Thank you, Mr President. I do have detailed statistics regarding the types of vehicles which have been involved in accidents but it will take time to read out all these details. But the main types of vehicles involved in accidents are private cars, light goods vehicles and taxis. I shall provide the Honourable Member and other Members of this Council with details of the breakdown of accidents involving vehicles. (Annex II)

As regards the second question, Mr President, I am afraid I do not have the answer but I will try and provide this to the Honourable Member. (Annex III)

MRS MIRIAM LAU (in Cantonese): *Mr President, reckless and careless driving are usually the main causes of traffic accidents. The Secretary also pointed out in his reply that certainty of detection and prosecution are the most effective means of changing unacceptable driving practices. However, the enforcement action against traffic offences has all along been accorded a low priority by the police. Does the Government have any plan or ability to change this attitude of the police? Moreover, will the Government consider reviewing the responsibilities of traffic wardens with a view to strengthening their law enforcement capability?*

SECRETARY FOR TRANSPORT: Mr President, I do not agree that it is the attitude of the police. I think they do respond very promptly and very courteously on most occasions. Insofar as deployment of police resources is concerned, this of course is a matter for the Commissioner of Police. But from my point of view, I do often meet with him and his senior officers to discuss the need for the deployment of more staff, more police resources to deal with traffic measures. Insofar as Traffic Wardens are concerned, the police are in fact reviewing their responsibilities and we hope to deploy more Traffic Wardens to deal with stationary offences so as to relieve the police of their manpower to tackle other matters including accidents on highways.

MR LEE WING-TAT (in Cantonese): *Mr President, it was mentioned in the fourth paragraph of the reply that cameras were installed at road junctions to monitor speeding on the road. However, a couple of months ago, it was reported widely that there appeared in the United States an advanced equipment capable of completely interfering with the cameras that take pictures of speeding vehicles. The rate of success of that equipment is even higher than that of the cameras photographing speeding vehicles. In view of the availability of such an equipment, what counter-measures does the Transport Branch have? If there is none, the installation of video cameras will be useless.*

SECRETARY FOR TRANSPORT: Mr President, I think that if vehicle drivers and motorists install such equipment to try and "beat the system", so to speak, and if they note that there are hidden cameras, then they will slow down and this in itself has a deterrent effect. So I think that is a positive sign. But separately, obviously we need to consider how to tackle the illegal, if it is illegal, installation of such equipment and both the police and the Transport Department are now looking into this particular problem. When I have more information I shall provide it to the Honourable Member. (Annex IV)

PRESIDENT: Mr LEE, not answered?

MR LEE WING-TAT (in Cantonese): *Mr President, I am not satisfied with this reply. After the press reports, officers of the Office of the Telecommunications Authority said that the equipment itself was not illegal, and that its rate of success was rather high. I do not understand why the Transport Branch did not have such information and did not take any immediate action to deal with the problem. In view of this, additional resources devoted to "catching speeding vehicles" will be of no avail. I hope that more satisfactory and better counter-measures will soon be available.*

SECRETARY FOR TRANSPORT: Mr President, the Honourable Member has expressed his view and I shall certainly follow this up. I am sure that the Transport Department and the police are dealing with this matter. It is an operational problem and I shall have to consult them to provide the Honourable Member with details.

DR LAM KUI-CHUN: *Mr President, to regular drivers like myself, reckless and careless driving is becoming increasingly common in attempts to save an extra minute in the congested traffic of Hong Kong. When I enquired over a year ago for figures on reckless and careless driving as causes of traffic accidents in Hong Kong, the Administration's answer was that statistics were incomplete. Would the Administration now inform this Council what percentage of traffic accidents in Hong Kong is caused by careless and reckless driving and are results of its intended publicity efforts against reckless driving mentioned in the Secretary for Transport's answer expected to be more lasting than before, and if so, on what basis does the Administration so expect?*

SECRETARY FOR TRANSPORT: Mr President, I do have some facts and figures. In 1993, we prosecuted 24 cases for reckless driving causing death and there were 13 convictions. For other cases of reckless driving, we prosecuted 626 offences and 368 of these ended in conviction. For careless driving, the corresponding figures are 21 671 for prosecutions and 21 406 for convictions. I think this demonstrates that the police are in fact stepping up their action against reckless driving.

PRESIDENT: Last three supplementaries.

MR JAMES TIEN: *Mr President, the Secretary mentioned in his reply driving too fast for road conditions and losing control of vehicles as causes for a lot of accidents. He mentioned that people might be young and inexperienced, but I think recently we can see a lot of cases involving professional drivers such as bus drivers and container truck drivers who are certainly not young and not inexperienced. Would the Secretary please inform this Council whether consideration will be given to increasing penalties on reckless and careless*

drivers, especially against professional drivers such as bus drivers and container truck drivers?

SECRETARY FOR TRANSPORT: Mr President, certainly I am happy to review the present level of penalties and in fact this is an on-going matter which we do periodically review. For example, as far as professional drivers are concerned, we have introduced in the last Session of this Council additional penalties to tackle offences by taxi drivers and, certainly for the heavier goods vehicles, I shall look into that.

MR WONG WAI-YIN (in Cantonese): *Mr President, the Secretary mentioned in paragraph 2(a) of his reply that one of the causes of traffic accidents was "driving too fast for road conditions". The recent cases of serious traffic accidents all occurred very early in the morning and seemed to be related to speeding. In the small hours of the day, traffic is always light and drivers are easily tempted to speed. Apart from the conventional method of taking photos of speeding vehicles in order to achieve some deterrent effects, will the Secretary consider using other more effective means to prevent more drivers from speeding in the small hours? Is there any figure showing the number of such speeding cases involving illegal car racing? And in this area, what law enforcement actions has the Government taken?*

SECRETARY FOR TRANSPORT: Mr President, regarding speeding at night, the police do conduct road blocks and road checks and this is an on-going operation. I am afraid I do not have figures regarding prosecution figures for speed racing on roads but I shall try and obtain this for the Honourable Member. (Annex V)

PRESIDENT: Mr WONG, not answered?

MR WONG WAI-YIN (in Cantonese): *Mr President, the Secretary's reply only touched upon the conventional methods of putting up road blocks and installing cameras to take photos of speeding vehicles which I am also aware of, but the results do not appear satisfactory. Will the Secretary consider introducing other more effective new measures in order to stop the recurrence of similar incidents?*

SECRETARY FOR TRANSPORT: Mr President, it is difficult for me to come up with innovative ideas standing here right now, but certainly I shall consult the authorities concerned and see whether additional measures can be taken. Obviously, if the Honourable Member has any particular suggestions himself, I shall be happy to follow them up.

MR HENRY TANG (in Cantonese): *Mr President, the Secretary has mentioned in his reply that driving too fast is one of the main causes of traffic accidents. He has also denied the suggestion that the police is not strict enough in traffic law enforcement relation to traffic. Has the Secretary considered or heard of an electronic device installed on all trucks and buses in France and Japan that is capable of recording the speed of the vehicle for one month or more; for example, it can tell clearly the speed of the vehicle at a specific time on a particular date. The Governments of France and Japan have made it mandatory for the truck and bus drivers to submit their speed records to the police every month. This practice will almost completely stop all truck and bus drivers as well as other professional drivers from speeding. Has the Secretary considered requiring vehicles to install such a device? If not, why not?*

SECRETARY FOR TRANSPORT: Mr President, I thank the Honourable Member for his suggestion. The installation of such equipment, I believe, will require introducing legislative provisions and I shall certainly be happy to consider this.

Smoking in Public Places

3. MR MAN SAI-CHEONG asked (in Cantonese): *As smoking is prevalent in certain public places designated as no smoking areas (such as cinemas and public light buses), will the Government inform this Council:*

- (a) *whether the Government has conducted periodic reviews on the situation regarding the enforcement of the legislation on prohibition of smoking in public places;*
- (b) *of the number of prosecutions regarding smoking offences in public places in the past year; and*
- (c) *how the Government can ensure that the anticipated effects of the legislation will be achieved?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the Smoking (Public Health) Ordinance stipulates that no one should smoke in public transport carriers and certain designated no-smoking areas like cinemas, concert halls, amusement game centres and public lifts as listed in Schedule 3 to the Ordinance. Any person who smokes or carries a lighted cigarette, cigar or pipe in a designated no-smoking area commits an offence and is liable on summary conviction to a maximum fine of \$5,000.

During the period from January to December 1994, we prosecuted 3 015 persons under the relevant provisions. Furthermore, separate enforcement

action has been taken by transport operators and managers of designated no-smoking areas to ensure compliance with the law.

The Administration will review regularly the need to strengthen the existing anti-smoking measures in line with community aspirations and public attitude. However, this process of changing traditional culture and personal habits cannot be accomplished by punitive sanctions alone. I appeal to Honourable Members of this Council, the Council on Smoking and Health, our non-governmental organizations and the community as a whole to continue to support and participate in our mission to promote a smoke-free society through legislative provisions, publicity campaigns and educational programmes.

MR MAN SAI-CHEONG (in Cantonese): *Mr President, in what ways can transport operators enforce the law against offenders? If taxi drivers and mini-bus drivers break the law themselves and smoke when they drive, how can the Administration ensure observation of the law? Will the Administration provide any channel for passengers to lodge their complaints? Will it publicize certain successful prosecutions in order to help achieve the aims of the legislation?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, concerning instances of offences against the Ordinance, it is of course open to the public to make a complaint to the Police Force and to inform the police as soon as possible. Wherever operators find that people in their premises are smoking, it is of course open to them to enforce the law; they have adequate powers under the Ordinance to enforce the law. However, if necessary, they can call upon the police to assist them.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, I believe it is rather difficult to prosecute offenders in cinemas because it is not easy to identify the smokers in the dark. Among those 3 000 odd prosecutions, how many were against offenders in cinemas? If the cinema staff do not take any action, is there anything members of the public can do? Also, what will the Administration do to improve the situation?*

SECRETARY FOR HEALTH AND WELFARE: I shall provide a written reply to the question by the Honourable Member concerning the breakdown of offences occurring in cinemas. (Annex VI)

REV FUNG CHI-WOOD (in Cantonese): *Mr President, my question is, if the cinema staff do not take any action even though the audience is seriously affected by the smoker, how should such a situation be handled? Where can the members of the public being affected or other people seek help?*

SECRETARY FOR HEALTH AND WELFARE: It is of course open to any member of the public, who finds an offence occurring either in a cinema or in any other designated no-smoking area, to alert the management of the premises, and failing that, they can alert the police to enforce the law. However, I should emphasize that we should not rely entirely on punitive actions, we should also concentrate on suitable publicity and educational programmes to encourage people to refrain from smoking in designated areas and elsewhere for that matter.

MR JIMMY MCGREGOR: *Mr President, does the Government intend to continue to sell cigarettes seized by the Customs from smugglers? Does that not make the problem of smoking worse?*

SECRETARY FOR HEALTH AND WELFARE: I think the sale of cigarettes seized by the Customs is a separate matter for the Government. It has nothing to do with our anti-smoking policy.

PRESIDENT: Mr MCGREGOR, did you want to follow up?

MR JIMMY MCGREGOR: *Mr President, with respect, I do not think that my question was properly answered. It may have been fully answered, but not properly answered.*

Reduction in Vehicle Pollution

4. *MISS CHRISTINE LOH asked: In his policy address last October, the Governor made a policy commitment to cut vehicle pollution by 20% over the next two years. Will the Administration inform this Council of:*

- (a) the specific programmes that will be implemented to achieve this target;*
- (b) the estimates of approximate pollution reduction, by type of pollutant, that are expected from each programme and the timetable for their implementation;*
- (c) the way in which the reduction in air pollution will be verified as well as the numerical baseline the Administration is working from; and*
- (d) the frequency of progress updates that the public can expect?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) To achieve the 20% reduction in vehicle pollution we propose the following measures: the introduction of more stringent vehicle emission standards, a requirement for cleaner automotive diesel fuel, a more stringent vehicle inspection and maintenance programme, higher penalties for smoky vehicles, and a scheme to reduce the reliance on light duty diesel vehicles.
- (b) The 20% reduction in vehicle pollution refers to the reduction in respirable suspended particulates. We aim to achieve about 9% of the reduction by the introduction of more stringent vehicle emission standards and cleaner diesel fuel in 1995; about 9% by reducing reliance on light duty diesel vehicles beginning in 1996; and about 2% reduction by combining a stricter vehicle inspection and maintenance programme with the introduction of higher penalties for smoky vehicles by mid-1996.
- (c) The reduction in air pollution will be verified by monitoring ambient air pollution concentrations. The reference baseline is the projected 1996 air quality conditions without the measures proposed.
- (d) We intend to report on the progress on a yearly basis in addition to the air monitoring data already published every month.

MISS CHRISTINE LOH: *Mr President, I think it may be time for me to consider writing to the Governor to inform him that this particular policy commitment may not be fulfilled.*

But in any case, I would be interested to ask the Secretary to clarify, for example, in (a) whether that includes any plans he may have to switch from diesel to petrol? And if the answer is no, how he can reassure us that this 20% reduction can indeed be achieved?

And then a clarification also in item (c): exactly from which baseline does the Secretary propose to measure? Is he saying, from that answer, that he will work back from a projection of what he thinks air quality will be in 1996 and then to work backwards? In which case, that does not seem to be very appropriate because he will be in fact saying to us that there is no improvement in air quality until then.

PRESIDENT: Have you got the two questions, Secretary?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Yes. The second question first. As regards the base, this is actually the baseline upon which the commitment given by the Governor was based.

Secondly, the programme and the measures that I have referred to certainly do include a prospective change from reliance on diesel motors to unleaded petrol motors. And because this is a question of price and duty, we need to consider extremely carefully how this should be implemented, given likely or possible effects on the cost of public transport, for example. We are looking at this in detail and we hope to release some details of our proposals shortly.

PRESIDENT: Miss LOH, not answered?

MISS CHRISTINE LOH: *Mr President, I would just like the Secretary to be a little more clear at the end of what he said. Are you saying that if somehow the diesel-to-petrol switch cannot be achieved, then in fact the 20% improvement can also not be achieved?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: No, I am not saying that, Mr President. I am saying that all the measures that I have referred to require very careful thought, deliberation, consultation and formulation before they can actually be introduced, and we are determined that we should make progress on this. After all, we have given a policy commitment.

MISS EMILY LAU (in Cantonese): *Mr President, given that the present level of air pollution is very serious in Hong Kong, even a reduction of 20% will not be a substantial improvement. Besides, we have become very impatient. In his replies in this Council to the questions on this topic, the Secretary repeatedly mentioned that he had to discuss with the Transport Department the diesel-to-petrol switch. But why have the discussion take such a long time? I believe the public has become very impatient as well as. Will the Secretary clearly inform this Council today of the exact time when all the Policy Branches concerned will sit together to discuss the problem and to suggest solutions? I believe the public thinks that the present level of air pollution is already very serious. Will a reduction of 20% be of any help at all?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the Policy Branches and the relevant departments have already sat together many times and we are working towards solutions. I think the public of Hong Kong will appreciate that these are complicated issues and they are issues which have the potential, unless we are very careful about this, to hit

people in the pocket, and that is why they are not matters that can be rushed into and to which we can produce off-the-cuff and very rapid answers. We are on a programme; we have already introduced measures to reduce air pollution generally; and I would have thought that by the standard of any city, a reduction of 20% is a substantial reduction and we will continue to work towards that.

MRS PEGGY LAM (in Cantonese): *Mr President, I remember that I asked the Government some time ago whether it was possible to have a general diesel-to-petrol switch. The answer then was no. But today the Secretary said it could be considered. This can be regarded as an improvement. However, I think the most thorough way to reduce air pollution by 20% is to switch 20% of our vehicles to electric vehicles. Does the Government have any such plans?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I think as Members of this Council will know, that in the Budget for 1994-95 we have already introduced an exemption in relation to electric vehicles, so we have already taken a significant step in that regard.

MR STEVEN POON: *Mr President, having lived with electricity for 30 years, it would be inappropriate of me not to ask about the electric car. But since Mrs Peggy LAM has already asked that question, so maybe I will phrase it differently.*

Having implemented some tax concessions on the electric car, it has not been very successful in Hong Kong — I have not seen one on the road yet! Can the Government tell us what the problem is and whether there is going to be some more financial assistance to electric cars so that we can cut down our vehicle pollution on the streets?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I have seen more than one and I am sure we will see many more. I think that the organization with which the Honourable Member acquired a great deal of his experience in the industry is in fact leading in the use and development of electric vehicles. He, of course, will not be able to draw too much credit from that now. We have, as I said, introduced exemptions.

And Members will, I think, probably be aware, Mr President, of the proposal initiated by a private company for the use of a prototype electric taxi. It was tested in Hong Kong during the early summer of 1994. In that pilot scheme, it was discovered that, perhaps understandably, additional research and development work is needed before the vehicle can comfortably carry out taxi performance in Hong Kong. The taxi has been returned to Sweden where it was originally developed and I gather it will come back to Hong Kong later this year for additional test runs.

MR HOWARD YOUNG: *Mr President, the Environmental Protection Department does have a spotter scheme which does report very serious diesel vehicle pollution and I believe Members of this Council, including myself, are in this scheme. Does the Government intend to expand this scheme to increase the number of spotters so that we can try and discourage diesel vehicles from causing more air pollution?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I too am a spotter. The programme has, I think, succeeded in removing a good number of the gross smoke emitters from the road and in prompting vehicle owners to carry out proper repairs and maintenance. In terms of numbers of vehicles, there were about 44 000 emission tests conducted during 1994 and this is of course based to a considerable extent on the number of spottings, and 1 571 vehicles were banned from running on roads as a result of those tests. I am sure that we would be more than glad to expand the number of spotters and to increase this kind of achievement.

Unregistered Medical Practitioners

5. DR LEONG CHE-HUNG asked: *Is the Administration aware of cases where persons not qualified for registration, or persons having had their names struck off permanently or removed for a period of time from the Register of Medical Practitioners, professed themselves to be registered and continued to practise medicine or surgery? If so, will the Administration inform this Council:*

- (a) *of the number of cases that have been investigated and successfully prosecuted in the past three years;*
- (b) *what measures the Administration will take to monitor the situation, so as to ensure that all practising medical practitioners are registered; and*
- (c) *whether the Administration will issue any guidelines to enable the public to distinguish "genuine" medical practitioners from those who are not registered?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the Administration is not aware of any case where registered medical practitioners have continued to practise medicine after having had their names struck off permanently or removed for a period of time from the Medical Register of the Medical Council.

Notwithstanding this, in order to help the police in initiating action, if necessary, against doctors who practise illegally, the Department of Health will

inform the Commissioner of Police and the relevant District Police Commander of the particulars of medical practitioners whose names have been removed permanently or for a period of time from the Register at the same time as the Medical Council publishes such orders in the Government Gazette.

The Department of Health and the Medical Council occasionally receive information or complaints from the public about persons not qualified for registration who are practising medicine. These cases are referred to the police for further investigation and action. Professional input from the Department of Health is provided where necessary.

From 1992 to 1994 the Medical Council received eight such complaints directly from the public. These have been referred to the police. A total of 65 cases have been reported to the Department of Health in the same period. All have been referred to the police for further investigation. 19 of these cases have resulted in conviction.

A full list of all registered medical practitioners in Hong Kong (with names and particulars) is published twice a year. It is available for sale through the Government Publications Centre, and for reference in major public libraries. The public can refer to the list if they are in doubt of the legitimacy of a doctor's practice. At the same time, they can always make direct enquiries to the Medical Council Secretariat.

DR LEONG CHE-HUNG: Thank you, Mr President. Can the Administration confirm that when both the Medical Council and the police investigate either unregistered personnel or persons who have been deregistered, they only do it as a result of a complaint? And if so, will the Administration consider introducing proactive measures to ensure that these undesirables will not continue to practise in their original clinics or other places? If yes, what measures will they take, and if not, why not?

SECRETARY FOR HEALTH AND WELFARE: Mr President, the Government relies primarily on complaints from the public. The Honourable Member will, I am sure, be aware of the number of medical practitioners in Hong Kong — there are over 7 000 medical practitioners registered in Hong Kong. It is not the intention of the Government to take any other proactive measures to check each and every one of these medical practitioners.

PRESIDENT: Dr LEONG, not answered?

DR LEONG CHE-HUNG: Another question, if I may?

PRESIDENT: Well, I will get through the others first, I think.

DR HUANG CHEN-YA (in Cantonese): *Mr President, at present it is in fact very difficult to identify such unregistered medical practitioners. Will the Government inform this Council of the penalties that will be imposed on these people once they are identified? Could the existing penalties be too light to have any deterrent effect; and will the Government consider imposing heavier penalties?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, under the present Medical Registration Ordinance, the penalty for this offence is a fine of \$10,000 and six months' imprisonment on summary conviction for any person who wilfully and falsely pretends to be qualified, or takes or uses any name or title implying that he is qualified, to practise medicine or surgery or to be registered or professes to practise or publishes his name as practising medicine or surgery. We have in the drafting process amendments to the Medical Registration Ordinance which will increase the penalties to imprisonment of three years.

There are also other offences where fines range from \$50,000 to two years' imprisonment on summary conviction and it is also the intention to raise these penalties to \$100,000 and imprisonment for three years. There are also other offences where the intention is to increase the penalties from \$100,000 to \$200,000. The maximum penalty for any person doing any medical diagnosis, prescribing any medical treatment or performing any medical treatment or surgery which results in personal injury to the patient is seven years' imprisonment.

MR MICHAEL HO (in Cantonese): *Mr President, if medicine is practised by people who are definitely not registered medical practitioners, public health will be endangered. Among the 65 complaints mentioned in paragraph four of the Government's main reply, how many of them involved those unregistered personnel who practised medicine in the name or in the style of western medical practitioners? Can the Government provide the detailed information on the 19 cases which have resulted in conviction?*

SECRETARY FOR HEALTH AND WELFARE: I will provide a written reply to the Honourable Member on the breakdown of the various complaints received by the Department of Health as well as the numbers of complaints which the Medical Council has dealt with in the last three years. (Annex VII) But perhaps for Members' reference and information, the following figures might be of some use.

Over the past three years, the Medical Council has ordered, at the conclusion of its disciplinary inquiries, the erasure of the name of one medical practitioner, the removal of 14 medical practitioners' names from the Medical Register for a period ranging from three months to three years, and the removal of four medical practitioners' names from the Register for periods ranging from three months to one year but their sentences were suspended for one or two years.

However, nine of those doctors listed above subsequently appealed to the Court of Appeal and the latest position is that three appeals have been upheld and six appeals are still in progress. That means over the past three years a total of six medical practitioners' names have been actually removed from the Medical Register by the Medical Council.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, it is not at all easy for a member of the public or a granny for that matter to check the list of registered medical practitioners in Hong Kong every half year or to check with the Medical Council to see whether a medical practitioner is a legitimate one. Since there are clear and strict procedures governing the acquisition of professional qualifications by medical practitioners, can the Government inform this Council of the procedures a medical practitioner must follow when setting up a clinic in a district; and whether the procedures are equally strict? Will the Administration require all clinics set up by private medical practitioners to display the Medical Registration Certificate issued by the Government, and even with Chinese explanation and the medical practitioners' photographs so as to help the public identify the registered doctors and to help prevent bogus doctors from practising medicine illegally?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I am not familiar with the detailed requirements for a medical practitioner when he starts his practice, but certainly I shall provide the Honourable Member with the relevant information. But from my personal experience, I have not seen any photographs of doctors in medical practitioners' offices.

PRESIDENT: Yes, Mr CHEUNG?

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, my question is: will you consider this suggestion? At present even a taxi driver has to display his name and photograph in the taxi so as to show his identity. If a medical practitioner is required to display his credentials and photograph in his clinic, would that not be a good way to assure the elderly patients that the medical practitioner is a legitimate one?*

SECRETARY FOR HEALTH AND WELFARE: Yes, I will certainly relay the Honourable Member's observations to the Medical Council for their serious consideration.

DR TANG SIU-TONG (in Cantonese): *Mr President, it was mentioned in paragraph five of the Government's main reply that a full list of all registered medical practitioners in Hong Kong is published roughly twice a year. Has the Administration provided the Police with such a list? Has the police ever conducted any site inspection at these medical practitioners' offices to see whether they are really practising medicine there or some bogus doctors are practising medicine somewhere?*

SECRETARY FOR HEALTH AND WELFARE: The list of medical practitioners is published twice a year. It is not handed over to the police.

MR JIMMY MCGREGOR: *Mr President, can the Secretary say whether there are other charges which can be applied by the police to bogus doctors who may have treated people? Are there other criminal charges and is such action taken?*

SECRETARY FOR HEALTH AND WELFARE: The full range of offences is listed in the Medical Registration Ordinance and different offences attract different penalties. If the Member is interested in the details of the Medical Registration Ordinance, I can certainly arrange a briefing for this Council.

PRESIDENT: Yes, Mr MCGREGOR, are you being hypothetical?

MR JIMMY MCGREGOR: *I really meant outside the medical legislation.*

PRESIDENT: Yes, I think the Secretary has probably given you the best answer she can, Mr MCGREGOR.

DR LEONG CHE-HUNG: *Thank you, Mr President. In the last sentence of the Secretary's main answer, she has intimated that any member of the public can always make direct enquiry with the Medical Council Secretariat. Is she aware that most of these enquiries do not get any answers, let alone direct answers? And will she assure this Council that she will look into this matter?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I confirm that I will look into the matter raised by the Honourable Member.

MR MICHAEL HO (in Cantonese): *Mr President, I would like to follow up the proposal raised by Mr CHEUNG Man-kwong, namely, to display Medical Registration Certificates with photographs of doctors concerned. May I ask whether this proposal should be considered by the Medical Council or the Health and Welfare Branch?*

SECRETARY FOR HEALTH AND WELFARE: The matter of operational details concerning the practice of medicine is a matter for the Medical Council. However, a matter involving offences under the Ordinance is a matter for the Government.

WRITTEN ANSWERS TO QUESTIONS

Use of Court-room Time

6. MRS ELSIE TU asked: *Is the Government aware of the following hearing times in one of the courts in the High Court on three consecutive working days in the month of November last year:*

Friday, 18 November — Application for bail lasting about half an hour;

Monday, 21 November — Application for bail lasting about half an hour;

Tuesday, 22 November — Plea and judgment lasting not more than one hour;

if so, will the Government inform this Council why such limited use of court-room time has occurred and whether such a situation has resulted in unnecessary delays to other court cases awaiting adjudication?

CHIEF SECRETARY: Mr President, the Judiciary has looked into the case referred to. A five months' trial was originally scheduled for the court in question. A week or so before the trial was due to commence on 7 November 1994, the case was adjourned at the request of the Defence. This resulted in a three week-gap in the diary of that court.

The unexpectedly vacant court days were immediately filled by other trials. The three vacant days referred to in the question arose as a result of the adjournment of a refixed trial because the Accused in that second trial insisted on changing his legal representative.

In a further attempt to fill the court's diary, several injunction applications were set down. These were duly disposed of. This left two vacant days for which no suitable cases could be found.

This case illustrates the problems that can arise because the present listing system assures parties of fixed dates for trials. Court diaries are fixed months in advance. If for whatever reason, a case has to be refixed at short notice, or a case runs for a shorter period than expected or is adjourned, it may not always be possible to fill the unexpected gap in the court diary despite the best efforts of the Judiciary.

The Judiciary recognizes that there is scope for fine-tuning the listing system to improve judicial efficiency. Various initiatives are being explored to enable the filling of odd slots that unexpectedly arise in Judges' diaries, for example, the possibility of launching an interlocutory running list. Furthermore, the Judiciary is also consulting other relevant parties on how to achieve better case management through firmer control of the process of trials and refusal of unnecessary adjournments.

Pollution of Shenzhen River by Landfill

7. MRS PEGGY LAM asked (in Chinese): *It is learnt that the Shenzhen municipal government and a local company are planning to set up a joint venture to develop a landfill covering an area of 150 hectares at the Shang Xia Ping valley which is located at the northern end of the Lo Wu District. According to environmentalists, the proposed landfill will further pollute the Shenzhen River. In this connection, will the Government inform this Council whether:*

- (a) *the Environmental Protection Department (EPD) is aware of the details of the development project; if so, whether the EPD will assess the extent of pollution which the project will bring to the Shenzhen River; and*
- (b) *the EPD has started any dialogue with Chinese officials regarding the project?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the Administration has not been informed that there are plans to develop the landfill referred to. We will try to obtain information on the project however.

Promotion System in the Civil Service

8. MR CHIM PUI-CHUNG asked (in Chinese): *In regard to the promotion system in the civil service, will the Government inform this Council:*

- (a) *of the criteria on which the promotion of civil servants is based;*
- (b) *whether the details of the criteria can be disclosed; and*
- (c) *whether the policy secretaries promoted recently have satisfied these criteria?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, my replies to the three questions raised are as follows:

- (a) The criteria for the promotion of civil servants are set out in general terms in the Civil Service Regulations which refer to character, ability, any qualifications prescribed for the promotion rank in question and experience. The regulations require that if no candidate stands out as clearly the most suitable, seniority should then be taken into account. The principle underpinning these regulations is that promotion is not a reward for long service, but a recognition that the officer selected is able and ready to perform the duties of the next higher rank. In line with this principle, individual grades may set out more detailed criteria to meet their particular requirements. In the case of the Administrative Officer Grade, the promotion criteria in the Civil Service Regulations are reflected in what are referred to as the four P's: namely, performance, personality, postability and potential, which are the governing criteria in the selection of Administrative Officers for promotion;
- (b) the general promotion criteria are clearly laid down in the Civil Service Regulations. There are also guidelines requiring Heads of Departments/Heads of Grades to inform officers in the lower rank in writing of the holding of a promotion exercise and the criteria for selection for promotion;
- (c) the officers recently promoted to the rank of Secretary were selected in accordance with the selection criteria and procedures laid down in the Civil Service Regulations. The four P's referred to in (a) above were the guiding criteria in the selection exercise. These criteria were also used by the posting board which selected and recommended candidates to fill Secretary posts on an acting basis, also recently announced.

Supply of Computer Hardware and Services

9. MR PETER WONG asked: *In regard to the Community Electronic Trading Service, will the Government inform this Council of the reasons why the government contractor had withdrawn from the supply of computer hardware and services to Tradelink in which the Government has a 30% interest and why another contractor was then picked to supply the hardware without a re-tendering exercise?*

SECRETARY FOR THE TREASURY: Mr President, Tradelink is a private company in which the Government currently holds a 48% interest. Tradelink's original partner for the Community Electronic Trading Service (CETS) was selected in 1993 on the basis that it would best meet Tradelink's requirements following evaluation of a number of proposals from vendors. During negotiation of the detailed contractual arrangements in the course of 1994, it became clear that a number of important differences could not be resolved between Tradelink and its original partner over the terms and conditions for the system integration contract. Both sides therefore agreed to end the negotiations, allowing Tradelink to pursue an alternative solution as quickly as possible. A number of the other original proponents were asked to make further proposals for this purpose and Tradelink selected the one that best met Tradelink's requirements. To launch a tendering exercise *ab initio* would have been inconsistent with the original selection procedures, would have entailed serious delays to the CETS project and would not have been in the interests of the trading community.

Travel Agents' Access to Buffer Hall at Kai Tak

10. MR HOWARD YOUNG asked: *Travel agents often encounter difficulties in picking up arriving overseas tourists in the heavily congested arrival area at Kai Tak Airport. In order to facilitate travel agents to meet their clients from overseas, will the Government inform this Council whether it will consider:*

- (a) *granting permission with certain restrictions to some travel agents for entry to the arrival area buffer zone between the exits and the Customs counters to meet arriving tourist groups;*
- (b) *installing TV-monitors outside the designated exits leading to hotel and travel agents transport, to assist the travel agents in locating their clients; and*
- (c) *putting up more signs indicating the "meeting point" for tourists at the existing airport as well as the future Chek Lap Kok airport?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, the restricted access "Buffer Hall", which is located between the Customs and Arrival halls in the Passenger Terminal at Kai Tak Airport, was established in 1978 to facilitate the smooth flow of arriving passengers and provide incoming visitors with an opportunity to seek assistance in finding accommodation or other services without being subject to possible harassment by touts. Facilities located within, or adjacent to the Buffer Hall, include counters manned by staff of the Hong Kong Tourist Association and the Hong Kong Hotels Association and a Tour Group Reception and Co-ordination Centre at which leaders of group tours can make contact with their local counterparts.

As the existing arrangement work well and have been successful in reducing the nuisance and obstruction formerly caused by touts, the Civil Aviation Department considers that the present restrictions on access to the Buffer Hall should be retained. Nevertheless, in order to improve further services for travel agents and arriving tour groups the Department is planning to construct a new holding area adjacent to the Arrivals frontage, to serve arriving passengers awaiting group transportation to their hotels. Subject to approval of the necessary resources, this facility will be provided with seating, air-conditioning and flight information displays and will be accessible to travel agents meeting their clients from overseas.

As regards facilities to assist travel agents, closed-circuit television cameras will be installed at the exits of the Buffer Hall leading to the Arrivals Hall, on a trial basis, starting in mid-May. In addition, large television monitors will be positioned at various locations within the arrivals area. These new systems will help alleviate the congestion often experienced near the passenger arrival ramps by enabling greeters to identify incoming passengers on the television display units before moving towards the greeting area.

As regards signs, the Civil Aviation Department will consider the possible need for additional or improved signage to direct arriving tourists to the "Meeting Point" in the Arrivals Hall at Kai Tak, in consultation with representatives of the travel industry. As regards the new airport, the Provisional Airport Authority has held regular meetings with representatives of the travel industry in order to ensure that their requirements for the Passenger Terminal Building will be met. By way of example, the Buffer Hall at the new airport will be designed to accommodate group assembly areas and information desks in response to requests from the industry that they be able to collect their clients prior to entry into the Meeters/Greeters Hall. Also, tall signage posts displaying large graphic symbols and clear signage pictograms will be used.

Importation of Labour for New Airport Projects

11. MR MICHAEL HO asked (in Chinese): *With regard to the importation of labour for the new airport projects, will the Government inform this Council:*

- (a) *of the procedures for the importation of labour for such projects (including the determination of wage rates, approving criteria and ancillary conditions);*
- (b) *of the respective numbers of local and imported workers employed for each of the projects under the Airport Core Programme up to the present moment;*
- (c) *of the types of jobs with imported workers, together with a breakdown of the number of imported workers and their wage levels in each type;*
- (d) *whether the Government has made an estimate of the types of jobs as well as the respective numbers of imported workers required for each type under various airport projects requiring importation of labour in 1996; if so, what are the details of the estimate; and*
- (e) *whether the Government has made an assessment of the impact which an expanded quota of imported workers for the airport projects will have on the wage increase of local construction workers in the next few years; if so, what is the out-come of the assessment?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, my reply to the Honourable Member's question in seriatim is as follows:

- (a) Employers who have been awarded works contracts which qualify for importation of labour under the Special Labour Importation Scheme for Airport Core Projects (ACP) and who wish to do so should first submit a preliminary application to the Immigration Department for permission to import workers. The Immigration Department will consult the Labour Department on employment matters and the New Airport Projects Co-ordination Office (NAPCO) to ensure that the number and types of workers to be imported and the proposed employment periods are compatible with the nature of works and the contract period. The vacancies are then registered with the Local Employment Services of the Labour Department and sent to relevant trade unions for information for a minimum period of four weeks in order that local workers are given first priority to apply for them. When the Immigration Department is satisfied that the application to import labour can be approved, a standard employment contract is provided to the

employers who are required, amongst other conditions, to pay the imported workers wages at a level no less than the allowable median monthly wages of local workers for similar jobs in Hong Kong as determined by the relevant wage statistics compiled and published every six months by the Census and Statistics Department. Once their preliminary applications are approved, the employers involved can then submit formal visa applications for the workers to be imported.

- (b) The number and percentage of imported workers *vis-a-vis* the total number employed for each of the ACP projects up to 31 December 1994 are set out at Annex A.
- (c) The cumulative breakdown of imported workers for the Special Labour Importation Scheme for the ACP since it was introduced in 1991 by the types of jobs and corresponding wage levels as at 31 December 1994 is at Annex B.
- (d) We have estimated that the total number of workers required for ACP projects when it reaches the peak in 1996 will be 30 000 man-years. This figure has been worked out on the basis of the estimated gross labour demand of three categories of projects, namely, the seven Government ACP projects and the Western Harbour Crossing, Chek Lap Kok Phase 1A works, and the Mass Transit Railway Corporation's contracts for the Airport Railway. The detailed breakdown is at Annex C.

As regards the types of jobs requiring imported workers in 1996, it is not possible to break down the estimated total by types/categories of workers, because the actual types of workers vary with the methods of construction, and they also vary from one contractor to another.

- (e) An assessment of the impact on construction wages of a shortage in the supply of construction site workers has revealed that if the additional 17 000 imported workers under Phase 1 of the revised quota ceiling are not available, it is likely that the wage level of the construction industry as a whole will increase more rapidly than it otherwise will by around three percentage points in 1995, seven percentage points in 1996 when construction works on ACP projects reach their peak and 2.5 percentage points when ACP works advance towards completion. It also shows that even with the interim expanded quota ceiling, construction wages in the next couple of years can still be expected to increase at a faster rate than in the past two years.

Annex A

Statistics on workers imported
in each ACP Project
(as at 31 December 1994)

<i>ACP project</i>	<i>Imported workers</i>	<i>No. of No. of workers</i>	<i>Total % of Imported workers Over total</i>
Route 3	669	1 604	42
Lantau Fixed Crossing	389	1 873	21
North Lantau Expressway	622	1 462	43
New airport at Chek Lap Kok	695	1 765	39
West Kowloon Reclamation	178	922	19
West Kowloon Expressway	108	784	14
Airport Railway	0	147	0
Central Reclamation Phase 1	249	634	39
Western Harbour Crossing	250	1 544	16
Tung Chung Development Phase 1	0	222	0
Utilities	41	276	15
Total	3 201	11 233	28.5

Cumulative breakdown of imported workers for ACP Scheme
since it was introduced in 1991
by types of jobs and corresponding wage levels

(as at 31 December 1994)

<i>Job title</i>	<i>No. of workers approved</i>	<i>Monthly wages*</i>
100-Ton Truck Driver	3	\$14,000
160-Ton Excavator Operator	1	\$14,500
160-Ton Truck Driver	2	\$14,500
50-Ton Truck Driver	8	\$12,000
70-Ton Excavator	2	\$14,000
Able Seaman	9	\$13,300
Administrative Clerk	2	\$13,500
Arch Erector Operator	6	\$11,220
Assistant E and M Engineer	7	\$8,000
Assistant Engineer	22	\$7,500
Assistant Fitter	23	\$7,100
Assistant Geotechnical Engineering Technician	5	\$14,650
Assistant Plant Operator	6	\$10,380
Assistant Works Supervisor	4	\$19,190
Auto Electrician	2	\$12,360
Bamboo Scaffolder	6	\$14,140
Batching Plant Labourer	8	\$8,940
Batching Plant Operator	6	\$10,380
Boatswain	30	\$11,000
Bolt Drilling Plant Operator	4	\$11,020
Bolt Placing Plant Operator	8	\$11,020
Bricklayer	10	\$13,210
Bulldozer Operator	22	\$14,000
CAD Draughtsman	2	\$11,460
Captain	31	\$11,000
Carpenter	60	\$14,230
Carpenter (Formwork)	218	\$13,790
Chainman	6	\$9,970
Chargehand	15	\$13,600
Chief Cook	2	\$9,000
Chief Engineer	18	\$11,000
Chief Mate	19	\$8,000
Civil Engineering Technician	43	\$14,530
Concrete Laboratory Labourer	5	\$9,460
Concrete Laboratory Technician	2	\$13,230
Concrete Pump Operator	13	\$11,320
Concretor	218	\$15,250

<i>Job title</i>	<i>No. of workers approved</i>	<i>Monthly wages*</i>
Construction Plant Mechanic	124	\$11,950
Construction Plant Operator	93	\$11,290
Cook	28	\$14,400
Crane Banksman	18	\$9,460
Crane Driver	3	\$11,750
Crane Operator	6	\$11,750
Crawler Crane Operator	4	\$11,320
Crew	110	\$8,000
Deckhand	148	\$7,750
Diver	63	\$22,590
Diver's Linesman	41	\$8,850
Draftsman	10	\$12,450
Drainlayer	12	\$13,880
Drainlayer Assistant	6	\$13,880
Draughtsman	2	\$11,460
Dredger Operator/Mechanic	90	\$8,710
Dredging Pipe Operator	2	\$12,500
Driller	87	\$12,720
Driver	10	\$9,920
Dumper Operator	23	\$11,220
E and M Engineer	8	\$8,000
Electrician	33	\$11,470
Electrician (Building Contractor)	3	\$11,780
Engineer	1	\$18,840
Erector	84	\$12,770
Excavator Operator	4	\$12,402
Fitter	97	\$11,290
Fitter (Construction Plant Mechanic)	21	\$11,470
Foreman (Contractor)	39	\$13,960
Fourth Engineer	20	\$6,800
Fuel and Lubricant Technician	4	\$10,760
Gantry Crane Operator	4	\$9,980
General Labourer	15	\$8,940
Geotechnical Engineering Technician	3	\$14,650
Grader Operator	10	\$11,620
Head Cook	3	\$9,080
Heavy Dump Truck Driver	155	\$10,920
Hydraulic Plant Operator	24	\$11,220
Jumbo Operator	10	\$11,020
Kitchen Helper	22	\$6,330
Labourer	150	\$9,460
Land Surveying Technician	7	\$11,280
Launching Girder Electrician	7	\$15,000
Launching Girder Mechanic	10	\$11,950
Launching Girder Operator	32	\$11,220
Launching Safety Supervisor	3	\$12,560

<i>Job title</i>	<i>No. of workers approved</i>	<i>Monthly wages*</i>
Leveller	110	\$10,040
Leveller Assistant	1	\$9,460
Linesman	4	\$10,160
Loading Shovel Operator	2	\$10,380
Marine Construction Crew	2	\$5,440
Marine Crane and Dredge Operator	1	\$5,970
Marine Engineering Technician	1	\$6,600
Mason	20	\$13,650
Mechanic	32	\$11,520
Mechanic (Plant)	2	\$11,470
Mechanical Engineering Technician	28	\$10,390
Mechanical Supervisor	2	\$13,230
Mess Steward	4	\$5,650
Metal Scaffolder	7	\$11,950
Metal Worker	28	\$12,770
Mine Loader Operator	7	\$15,250
Miner	15	\$13,450
Mobile Crane Operator	4	\$11,320
Mould Installator	79	\$12,150
Oiler	109	\$13,300
Operator	22	\$10,380
Other Operator	12	\$11,020
Painter	19	\$13,340
Plant and Equipment Operator	46	\$11,950
Plant Department Labourer	5	\$9,460
Plant Electrician	4	\$12,360
Plant Fitter	5	\$11,950
Plant Mechanic	40	\$14,057
Plant Operator	111	\$11,470
Plasterer	22	\$13,880
Plumber	3	\$13,390
Plumber Assistant	1	\$13,390
Precast Erector	210	\$10,920
Precast Operative	198	\$12,560
Precasting Cell Electrician	5	\$11,470
Precasting Cell Mechanic	20	\$15,000
Precasting Cell Operator	23	\$11,220
Precasting Safety Supervisor	2	\$12,560
Prestress Labourer	23	\$9,460
Repairing Technician	2	\$11,000
Rigger	207	\$12,400
Rigger Ganger	3	\$13,460
Rigger/Welder	4	\$12,000
Rock Driller	3	\$15,000
Safety Supervisor	3	\$14,650
Scissors Platform Operator	7	\$11,020

<i>Job title</i>	<i>No. of workers approved</i>	<i>Monthly wages*</i>
Seaman	64	\$10,200
Second Engineer	22	\$8,000
Second Mate	22	\$8,000
Segment Carrier Mechanic	5	\$11,470
Segment Carrier Operator	4	\$11,220
Segment Lift Operator	7	\$11,950
Senior Welder	8	\$12,770
Serviceman	6	\$10,920
Shotcrete Robot Operator	7	\$11,020
Shotfirer	18	\$15,480
Site Clerk	3	\$7,430
Site Foreman	12	\$13,860
Site Secretary	1	\$10,840
Steward	1	\$12,500
Storekeepers	2	\$9,000
Structural Steel Worker	17	\$12,770
Superintendent	4	\$8,000
Surveying Assistant	1	\$9,460
Surveying Technician (Land)	12	\$12,310
Surveying Technician (Quantity)	2	\$13,790
Surveyor	2	\$11,280
Technician	56	\$10,760
Third Engineer	25	\$8,000
Third Mate	15	\$5,100
Tower Crane Operator	8	\$9,800
Truck Driver	26	\$12,402
Truck Mixer Driver	16	\$11,320
Tugboat Master/Crew	267	\$8,350
Tyre Fitter	2	\$10,810
Unskilled Labourer	203	\$11,000
Vessel Operator/Coxwain/Marine Operator	225	\$11,290
Vice-Boatswain	32	\$7,590
Welder	62	\$13,970
Wheel Loader Operator	10	\$12,402
Works Supervisor	6	\$18,700

* The monthly wage statistics are subject to review by the Census and Statistics Department at half-yearly intervals. The latest published wage figures available at the time when visa applications are received by the Immigration Department shall apply for the purpose of the Scheme.

Forecast gross labour demand for all ACP works
(in man-years)

<i>Year</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>
CLK Phase 1A works	2 286	8 083	19 492	4 275
Other CWRP works and WHC	8 154	6 653	3 583	1 478
Airport Railway	950	4 620	6 980	4 820
Total	11 390	19 356	30 055	10 573

Key: CLK Phase 1A works: Chek Lap Kok Phase 1A works

Other CWRP works and WHC: Other Capital Works Reserve Fund Works
(Comprising all seven government ACP projects) and Western Harbour Crossing

Illegal Immigrants in the New Territories

12. MR JAMES TO asked (in Chinese): *There have been a number of robberies committed by illegal immigrants (IIs) in remote villages in the New Territories in recent months, causing great concern among the villagers. In connection with this, will the Government inform this Council:*

- (a) *of the IIs arrested in each of the past six months, how many have been involved in robbery cases, and what is the number of such cases per month; and how do these figures compare with those of the same period last year;*
- (b) *how many IIs were intercepted by the police near the border in the past six months and how does this figure compare with that of the same period last year;*
- (c) *whether the number of IIs entering the territory from places near the border is on the increase; if so, what the reasons are;*
- (d) *what difficulties have been encountered by the police in rounding up IIs; and*

- (e) *what measures will be taken by the police to step up efforts to round up IIs in the border area, thereby safeguarding villagers in remote locations from harassment and losses?*

SECRETARY FOR SECURITY: Mr President,

- (a) The number of illegal immigrants (IIs) arrested in each of the last six months, the number involved in robbery cases and the total number of robbery cases, compared to the numbers in the same period past year are set out below:

	<i>1994</i>	<i>July</i>	<i>August</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
(i)	No. of II's arrested	2 524	2 628	2 741	2 682	2 766	2 648
(ii)	No. of II's involved in robbery cases	7	10	13	11	19	37
(iii)	No. of territory-wide robbery cases	536	448	488	572	535	516
	<i>1993</i>	<i>July</i>	<i>August</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
(i)	No. of II's arrested	3 107	3 188	2 942	3 219	3 102	2 996
(ii)	No. of II's involved in robbery cases	1	9	1	6	14	19
(iii)	No. of territory-wide robbery cases	595	540	588	608	479	561

- (b) The number of illegal immigrants arrested by police near the border in the past six months was 4 787. This compares with a total of 5 212 in the same period last year.
- (c) The number of illegal immigrants entering Hong Kong was lower in 1994 than in the previous two years.
- (d) A number of factors account for the difficulties experienced by the police in the arrest of illegal immigrants. The open sea approaches to the territory and the large number of vessels plying these routes for legitimate reasons provide opportunities for illegal immigrants to enter Hong Kong. The rise in cross-border traffic has provided more opportunities for illegal immigrants. The difficult terrain in the Sha Tau Kok area, with its thick undergrowth, provides good cover for illegal immigrants.
- (e) The police have taken a number of measures to step up efforts to arrest illegal immigrants in the border area. The Field Patrol Detachment, consisting of four Police Tactical Unit companies, covers the border area from Tsim Bei Tsui in the west to Sha Tau

Kok in the east. Three companies are deployed along the border itself on a 24-hour basis. They are deployed in a combination of ambush positions and patrols. The fourth company is designated as a Quick Reaction Force, capable of deploying manpower at short notice to interdict illegal immigrants. In addition, operations based on intelligence are mounted at locations where illegal immigrants are known to be present. Close liaison is maintained with villagers to gather information and to give appropriate advice. The assistance of the Chinese authorities is also enlisted to counter the problem.

Reclamation Works on Both Sides of Victoria Harbour

13. DR SAMUEL WONG asked (in Chinese): *Regarding the reclamation works on both sides of the Victoria Harbour, will the Government inform this Council:*

- (a) *of the shortest distance between the Kowloon peninsula and the Central district as well as Wanchai on the Hong Kong Island respectively when the reclamation works are completed;*
- (b) *whether the existing ferry services are being affected by the reclamation works; if so, what the situation is, and when normal operation of the services can resume;*
- (c) *what measures have been taken by the Government departments concerned and the ferry companies to minimize the incidence of accidents involving vessels navigating in the Harbour; and*
- (d) *whether the Government has conducted an environmental impact assessment on how the Victoria Harbour will be affected before and after the completion of the works; if so, what the details of the assessment are?*

SECRETARY FOR WORKS: Mr President,

- (a) Upon the completion of the reclamation work, the shortest distance between Kowloon peninsula and Central will be 820 metres, and that between Kowloon peninsula and Wan Chai will be 880 metres. This may be slightly reduced if a helicopter landing pad is added.
- (b) There is very little effect to the one remaining ferry at West Kowloon. Reclamation works affecting Wan Chai have given rise to increased journey times and a higher incidence of vessel breakdowns, mainly caused by increased debris in the sea. Ferry operators have made extra efforts to cope with the problems so as to

minimize disruption to passengers, for example, by adjusting berthing arrangements to minimize delays; exploring with engine manufacturers on improving designs to overcome the problem of increased debris; and undertaking more frequent preventive maintenance. The effect on the ferry services in Wan Chai has been kept to the minimum by suitably arranging the sequence of works. The situation would be back to normal in mid-1996 after the reprovisioned pier facilities become available; and for Central services, in mid-1997 after completion of the current phase of Central Reclamation works. For the Jordan Road ferry service, a temporary ferry pier will be provided at the existing Government Dockyard site by February 1996, so that the existing ferry pier can be abandoned for the reclamation works. This temporary arrangement will also allow more time to consider alternative locations of the permanent replacement ferry pier in the context of the Kowloon Point reclamation as envisaged under the Metroplan.

- (c) The following measures have been adopted to ensure navigational safety in Victoria Harbour:
- Promulgation of accurate navigational information and safety advice by publication of Marine Department Notices and Notices to Mariners. Navigational information include the boundaries of works areas, the manner of demarcating the limits, nature of works, period of works, establishment of navigational aids, establishment of restricted areas and positions of fairway. Safety advice includes professional guidance on speed of vessel, observance of good seamanship and how to avoid navigational hazards.
 - Making announcements of traffic arrangements on radio and television.
 - Establishment of navigational lightbuoys to enable more precise segregation of opposite traffic and to avoid crossing traffic.
 - Removal of mooring buoys to provide more navigable space.
 - Diversion of ocean-going traffic away from heavy traffic area of the harbour.
 - Cancellation of speed restriction exemption when navigating in central harbour. Stepping up prosecutions against overspeeding.
 - Giving specific directions to works contractors regarding movement of works vessels.

- Diversion of fairways to guide vessels to keep a safe distance from works area.
 - Increase in the presence of patrol launches in harbour waters by commissioning three fast patrol launches and prolonging the operational hours of existing patrol launches.
 - Keeping ferry (including local ferries, Macau ferries and China ferries) operators up to date on the traffic situation, and getting them involved in planning changes.
 - Raising the safety awareness of vessel operators.
- (d) An assessment of the environmental implications of the reclamation in Victoria Harbour was conducted as part of a series of studies including the Harbour Reclamations and Urban Growth Studies completed in 1982, and Port and Airport Development Strategy and the Central and Wan Chai Reclamation Feasibility Study, both completed in 1989. Detailed modelling of water quality implications of the reclamation was also carried out as part of Sewage Strategy Study completed in 1989, the Engineering Studies on Strategic Sewage Disposal Scheme Stage 1 and the current review of the Strategic Sewage Disposal Scheme Stage 2.

For the reclamation strategy currently adopted, the results indicate there would be a reduction in flow through the Victoria Harbour of up to 15%. However, with the implementation of the sewerage master plans, the Strategic Sewage Disposal Scheme as well as an early declaration of Victoria Harbour as a Water Control Zone, water quality in the harbour can be within the established criteria.

Traffic Accidents in Tunnels

14. MRS MIRIAM LAU asked (in Chinese): *Regarding the adoption of the one-tube-two-way-traffic arrangement in the territory's road tunnels during certain periods of time, will the Government inform this Council:*

- (a) *of the number of traffic accidents which occurred in tunnels during the periods when such an arrangement was in force, together with the respective figures of casualties and fatalities, in the past three years;*
- (b) *what measures are being put in place to prevent traffic accidents in tunnels during such periods; and*
- (c) *whether such measures will be reviewed so as to reduce the number of traffic accidents?*

SECRETARY FOR TRANSPORT: Mr President,

- (a) There were 36 traffic accidents in tunnels in 1992 whilst the one-tube two-way arrangements were in operation. In 1993 there were 44 and in 1994 there were 38. The numbers of casualties were as follows:

	1992	1993	1994
Fatal injuries	2	1	4
Serious injuries	32	18	30
Minor injuries	51	56	53
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	85	75	87
	==	==	==

- (b) Road tunnels need to be regularly cleaned and inspected, for example, so that the electrical and mechanical equipment and services within the tunnels can be maintained, repaired and replaced as necessary. The least disruptive time to carry out such work is at night by closing one tube of each tunnel. Consideration has been given to restricting passage to a one-way traffic flow. However, there are operational constraints and this would also cause considerable inconvenience to motorists.

To reduce the likelihood of accidents occurring when one tube is used for two-way traffic, the following arrangements are now adopted as far as possible:

- (i) cleansing and maintenance works carried out between 1.00 am and 6.00 am, when traffic is light;
- (ii) no tunnels are closed at weekends, on long holidays, or on the eve of long holidays;
- (iii) before and during closure, adequate warning traffic signs, cones and flashing beacons are provided at strategic locations to alert motorists;
- (iv) a lower speed limit of 50 km per hour is imposed, and radar speed checks are carried out;
- (v) road safety messages are broadcast within the tunnels; and
- (vi) enforcement of the tunnel regulations is strengthened, including more frequent mobile patrols.

- (c) These measures are regularly reviewed by the tunnel management, the traffic police and the Transport Department, to ensure that everything possible is done to reduce the incidence of traffic accidents.

The police have reason to suspect that some serious accidents in tunnels at night have been caused by drunken drivers. I expect to introduce legislation into this Council to tighten the law on drinking and driving during the current Session.

Planning for Future Child Services

15. MR LAM KUI-CHUN asked (in Chinese): *Regarding the planning for the future provision of child services in the territory, will the Government inform this Council of:*

- (a) *the respective planning periods for the provision of places in primary schools, day nurseries and day creches; whether the planning for such services has taken into account the number of children born to Hong Kong residents in China who will come to Hong Kong for settlement in the future;*
- (b) *the anticipated demand for each of the three kinds of services during the planning period; and*
- (c) *the projected changes in the birth rate of the local population up to the year 2046?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the reply is as follows:

- (a) Generally speaking, the planning period for the provision of places in primary schools is five years. As is set out in the White Paper, "Social Welfare into the 1990s and Beyond", the provision of aided day nursery and day creche places has been planned for the period 1991-92 to 1999-2000. The planning for all of these places has taken into account an estimate of the number of children in China born to Hong Kong residents who will be eligible to settle in Hong Kong in future.
- (b) To meet demand for primary school places in the present planning period 1994-95 to 1998-99, 31 new primary schools are planned to be built. The anticipated demand for aided day nursery places is estimated to be about 30 000 bay 1999-2000; for aided day creche places, it is estimated to be 3 000.

- (c) The crude birth rate (the number of live births in a year divided by the mid-year population of the same year) of Hong Kong in 1993 was 12.0 per 1 000 population. This rate is expected to rise to 12.8 in 2014, to 13.2 in 2021 and to level out thereafter at about 13.0 with only slight fluctuations.

Comprehensive Review of Occupational Health and Safety

16. MR TAM YIU-CHUNG asked (in Chinese): *Regarding the comprehensive review of the present system for ensuring occupational health and safety, will the Government inform this Council:*

- (a) *what sorts of persons will be invited to join the newly established inter-departmental committee headed by the Secretary for Education and Manpower, and how the selection criteria are determined;*
- (b) *in regard to the other committee which will be set up under the chairmanship of the Commissioner for Labour to study the feasibility of extending the general duties provisions under the Factories and Industrial Undertakings Ordinance to cover non-industrial premises, what criteria will be adopted in the selection of representatives from trade unions and the business sector to join this committee;*
- (c) *whether members of the Occupational Safety and Health Council will be invited to join these two committees; and*
- (d) *what is the scope of review of each of the two committees; and when the reviews will be completed?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, my reply to the Honourable Member's question seriatim is as follows:

- (a) The Steering Group on Industrial Safety which is chaired by the Secretary for Education and Manpower comprises representatives from all Policy Branches and government departments responsible for enforcing safety legislation and promoting industrial safety. The membership list is at Annex A. Representatives of non-governmental bodies will also be invited to attend meetings of the Steering Group as and when necessary.
- (b) The membership of the ad hoc committee on "general duties" provisions under the Factories and Industrial Undertakings Ordinance is at Annex B. This committee consists of members nominated by the Labour Advisory Board representing employers'

and employees' interest. It also includes representatives nominated by various non-industrial trade bodies, and representatives of major trade unions and employees organizations which have an interest in the review.

- (c) The executive director of the Occupational Safety and Health Council is a member of the Working Group on Education and Training formed under the Steering Group on Industrial Safety.

The ad hoc committee on "general duties" provisions under the Factories and Industrial Undertakings Ordinance consists of a member who is also a member of the Occupational Safety and Health Council. Representatives of the Occupational Safety and Health Council will also be invited to attend meetings of this committee as and when necessary.

- (d) The terms of reference of the Steering Group and the ad hoc committee are at Annexes C and D. Both reviews are expected to be completed by mid-1995.

Annex A

Steering Group on Industrial Safety

Membership List

Chairman —	Secretary for Education and Manpower
Members —	Secretary for Works or his representative
	Secretary for Planning, Environment and Lands or his representative
	Deputy Secretary for Education and Manpower
	Commissioner for Labour
	Director of Buildings or her representative
	Director of Electrical and Mechanical Services or his representative
	Director of Housing or his representative
Secretary —	Principal Assistant Secretary for Education and Manpower

Annex B

Ad hoc Committee on
Extension of "General Duties" Provisions
to Non-industrial Establishments

Membership List

- Chairman — Assistant Commissioner for Labour (B)
- Members — two nominated from among the LAB's employee representatives
two nominated from among the LAB's employer representatives
one representative from Retail Management Association
one representative from the Hong Kong Association of Banks
one representative from the Hong Kong Exporters' Association
one representative from the Real Estate Developers Association of Hong Kong
one representative from the Hong Kong Federation of Trade Unions
one representative from the Hong Kong and Kowloon Trades Union Council
one representative from the Federation of Hong Kong and Kowloon Labour Unions
one representative from the Hong Kong Confederation of Trade Unions
- Secretary — Labour Officer (Factory Inspectorate)

Steering Group on Industrial Safety

Terms of Reference

- (a) To review the respective roles and responsibilities of all key players in industrial safety with a view to clarifying and where necessary, redefining such roles and achieving better co-ordination.
- (b) To review the provisions of industrial safety legislation and to consider whether any changes should be made to the scope and nature of such legislation and the possible scope of change.
- (c) To review the existing organizational arrangements for enforcing industrial safety legislation and to consider whether any changes should be made and the resource implications.
- (d) To recommend measures to enhance the standard of industrial safety and to build up a safety culture.

Ad hoc Committee on Extension of "General Duties" Provisions to Non-industrial Establishments

Terms of Reference

To consider whether the "general duties" provisions under the Factories and Industrial Undertakings Ordinance should be extended to all establishments not yet covered by the Ordinance and to make recommendations to the Commissioner for Labour.

Forgery of Bank Notes

17. MR HENRY TANG asked (in Chinese): *It is reported that the forgery of banknotes by criminal elements using advanced technology has become a serious problem in recent years, particularly in the case of forged United States banknotes which constitute 80% of the total number of forged banknotes seized by the interpol. In this connection, will the Government inform this Council:*

- (a) *whether triad syndicates in the territory are involved in the forgery of banknotes activity; if so, whether the Government has taken measures to tackle the problem, and how many forged banknotes have been seized in the past three years;*

- (b) *of the number of forged banknotes in circulation in the territory found by the police within the past three years, and whether the users of such banknotes have been charged by the police; if not, why not; and*
- (c) *what methods the police are adopting to differentiate between forged and genuine banknotes, and whether such methods can identify banknotes forged by crime syndicates using advanced technology?*

SECRETARY FOR SECURITY: Mr President,

- (a) The police assess that counterfeit currency syndicates may include triad society members, but counterfeiting is not necessarily, or primarily, a triad crime.

The police maintain close liaison with banks and financial institutions to help discover forged bank notes, and conduct regular operations to seize such bank notes and arrest the counterfeiters.

The number of forged bank notes seized in 1992 was 13 623; in 1993, it was 93 180; and in 1994, it was 16 577. In 1993 there were two major seizures of 49 765 and 37 252 counterfeit bank notes.

- (b) The police do not have separate statistics for the number of forged bank notes in circulation.

Anyone manufacturing, distributing or using forged bank notes is prosecuted when sufficient evidence exists to support a charge. Between 1991 and 1994, 28 persons were charged with uttering forged bank notes in Hong Kong, and 11 persons with forgery of banknotes.

- (c) Identification of forged bank notes in Hong Kong is undertaken by the Police Force's counterfeit currency experts, who are well equipped with the technology required. These experts are capable of identifying all types of forged bank notes.

Transferring Released Convicts by Helicopter

18. MR FRED LI asked (in Chinese): *The former Deputy Crown Prosecutor. Mr Warwick Reid, was released recently after serving his jail sentence. He was deported immediately upon release and was flown in a helicopter direct from the Siu Lam Psychiatric Centre to Kai Tak Airport. The transport cost of the*

trip, which lasted only eight minutes, was about \$14,000. In this connection, will the Government inform this Council of the following:

- (a) whether there were any precedent cases of the use of a helicopter to carry an offender; if so, what the details were;*
- (b) if the answer to (a) is in the negative, what were the reasons for the use of a helicopter to transport Mr Warwick Reid to the airport; and*
- (c) whether helicopters will be used to transport tainted witnesses on all occasions in the future?*

SECRETARY FOR SECURITY: Mr President, the estimated cost of the use of the helicopter was \$6,500; not \$14,000.

- (a) There is one precedent. In January 1975, Mr Peter GODBER — the former Chief Superintendent of Police — was extradited from the United Kingdom on corruption charges. On arrival in Hong Kong, he was flown by helicopter from Kai Tak to Hong Kong Island, and then transferred by road to Central Court.
- (b) When Mr Peter GODBER was released from prison in 1977, he was transferred to the Airport by road. In the course of this journey, the media pursued the transfer vehicle in such numbers and with such recklessness that they endangered other road users and caused an accident. We took into account these events in our planning for Mr REID's transfer; we would have had to deploy substantial police resources if transfer had been by road. Use of a helicopter was cost-effective and in the interests of safety.
- (c) No. We will consider each case on its merit.

Review of Operation of Elderly Services Division

19. MR ERIC LI asked (in Chinese): *Will the Government inform this Council of the following:*

- (a) when will the Government complete its review of the operation of the Elderly Services Division in the Health and Welfare Branch, including whether or not a central committee on services for the elderly should be set up;*
- (b) of the channels through which the public will be consulted during the review period regarding the public's evaluation of the Elderly Services Division; and*

- (c) *whether the content of the report will be made public upon the completion of the review; if not, what are the reasons?*

SECRETARY FOR HEALTH AND WELFARE: Mr President,

- (a) The Elderly Services Division in the Health and Welfare Branch was set up shortly after Finance Committee approved the creation of the post for the head of the Division in October 1994. It has, therefore, only recently started its task of overseeing the implementation of the recommendations of the Working Group on Care for the Elderly. The Division is likely to need at least the coming three years to take forward its work. Its effectiveness in so doing will be under constant monitoring and review by both myself and my deputies to whom the head of the Division reports. Whether or not a central committee on services for the elderly should be set up will depend largely on the effectiveness of the new Division in carrying out its tasks.
- (b) In addition to being monitored from within the Administration, the work of the Elderly Services Division will, I am sure, also be closely monitored by many outside the Administration, including Members of the Legislative Council. All those affected by the implementation of the Working Group's recommendations will also be well placed to assess the effectiveness of the Division's work and well-established channels exist for non-governmental organizations and service providers to express their views on the way in which the Working Group's recommendations should be implemented. Service users will also be watching closely the implementation process and they, too, have many channels open to them to express their views on it.
- (c) In the ways I have described, the work of the Elderly Services Division will be subject to constant review and monitoring from both within and outside the Administration. The impact of its work will affect all those concerned in providing or receiving welfare services for the elderly. The Administration will listen carefully to any views expressed regarding the effectiveness or otherwise of the Division's work. It will take into account these views in reviewing in due course whether the establishment of a central committee on services for the elderly is needed.

MOTIONS**JUDICIAL SERVICE COMMISSION ORDINANCE**

THE CHIEF SECRETARY moved the following motion:

"That the First Schedule to the Judicial Service Commission Ordinance be amended -

- (a) by adding "Chief District Judge" before "District Judge";
- (b) by adding "Chief Magistrate" before "Principal Magistrate";
- (c) by adding "Principal Presiding Officer, Labour Tribunal" before "Presiding Officer, Labour Tribunal";
- (d) by adding "Principal Adjudicator, Small Claims Tribunal" before "Adjudicator, Small Claims Tribunal".

She said: Mr President, on 8 July 1994, the Finance Committee of this Council approved the recommendation of its Establishment Subcommittee that four new Judicial Officer ranks and posts should be created under the Court Leadership Scheme. These four new judicial officers are Chief District Judge, Chief Magistrate, Principal Presiding Officer, Labour Tribunal and Principal Adjudicator, Small Claims Tribunal.

Section 2 of the Judicial Service Commission Ordinance specifies the term "Judicial office" as any judicial office specified in the First Schedule to the Ordinance. The Schedule now needs to be amended to include the four new judicial offices approved by the Finance Committee on 8 July. In accordance with section 14 of the Judicial Service Commission Ordinance, the amendments to the Schedule now require the approval of this Council by resolution.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

MAGISTRATES ORDINANCE

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:

"That the Third Schedule to the Magistrates Ordinance be amended by repealing paragraph 2 and substituting -

"2. Rabies

An offence against section 23 (Dogs to be kept under control) of the Rabies Ordinance (Cap. 421) or section 20 (Dogs to be licensed) of the Rabies Regulation (Cap. 421 sub. leg.)."

He said: Mr President, I move the motion standing in my name in the Order Paper which proposes that the Third Schedule to the Magistrates Ordinance (Cap. 227) be amended by resolution of this Council pursuant to section 18E(4) of the Ordinance.

Section 18E of the Ordinance provides that the defendant may plead guilty by letter to those offences specified in the Third Schedule. Item 2 in the Third Schedule specifies offences under regulation 3 (unlicensed dogs) and regulation 19 (improper control of dogs) of the Dogs and Cats Regulations (Cap. 167) as offences to which the defendant may plead guilty by letter. These two regulations have now been repealed and substituted by equivalent offences under the Rabies Ordinance (Cap. 421) and the Rabies Regulation. It is accordingly proposed that the Magistrates Ordinance should be amended by resolution of this Council to delete the references to the Dogs and Cats Regulations and to replace them by the references to the two equivalent offences under the Rabies Regulation.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

THE SECRETARY FOR CONSTITUTIONAL AFFAIRS moved the following motion:

"That the Boundary and Election Commission (Registration of Electors) (Functional Constituencies and Election Committee Constituency) Regulation, published as Legal Notice No. 585 of 1994 and laid on the table of the Legislative Council on 16 November 1994, be amended as shown in the Schedule.

SCHEDULE

1. Registration officer to require information

Section 6 is amended by adding -

"(5) Notwithstanding subsections (1) and (2), for the purpose of sending a notification, the only information the registration officer may require under subsection (1) in relation to a company, partner, partnership, sole proprietor, or employer or other organization or body is -

- (a) the nature of the business carried on by such company, partner, partnership, sole proprietor, or employer or other organization or body, or if more than one business is carried on, the nature of the principal business;
- (b) the name and identity card number of any working person thereof or, in the case of an employer, employed by him."

2. Powers and procedure on application for registration in provisional register

Section 10 is amended -

- (a) in subsection (1) by repealing "and (4)" and substituting ", (4) and (10)";
- (b) by repealing subsection (9)(a);
- (c) in subsection (9)(c) by repealing "referred to in paragraph (a)," and substituting "(other than the Social Welfare functional constituency) in registering electors under subsection (10)),";
- (d) by adding -

"(10) The following shall apply as regards the registration in a functional constituency (other than the Social Welfare functional constituency) of the maximum number of electors in relation to a company, partnership, or other organization or body or trade union -

- (a) if the number of applications -

- (i) from eligible persons (excluding any person to whom a restriction in section 14 of the Legislative Council (Electoral Provisions) Ordinance (Cap. 381) applies);
- (ii) for such registration in relation to a particular company, partnership, or other organization or body or trade union; and
- (iii) received by the registration officer on or before 1 May,

exceeds the maximum number, the registration officer shall draw lots, as soon as practicable after 1 May, in such manner as he considers appropriate, to determine the applicants (whose number shall be equal to the maximum number) entitled to be registered in relation to that company, partnership, or other organization or body or trade union and register those so determined to be entitled;

- (b) as soon as practicable after a draw under paragraph (a), the registration officer shall inform any eligible person who by reason of the draw is not entitled to be registered -
 - (i) of the result of the draw;
 - (ii) that he may apply for registration as an elector in relation to another company, partnership,

or organization or body or trade union, if he is eligible to do so and if the maximum number of electors has not been registered in relation thereto;

(iii) that he may apply for registration in another functional constituency, not being a constituency subject to a maximum number, if he is eligible for such registration;

(c) if the number of applications -

(i) from eligible persons (excluding any person to whom a restriction in section 14 of the Legislative Council (Electoral Provisions) Ordinance (Cap. 381) applies);

(ii) for such registration in relation to a particular company, partnership, or other organization or body or trade union; and

(iii) received by the registration officer on or before 1 May,

is less than or equal to the maximum number, the registration officer shall determine as regards each applicant concerned whether or not he is entitled to be registered in relation to that company, partnership, or other organization or body or trade union and register those he determines to be so entitled;

- (d) if on 1 June, in relation to a particular company, partnership, or other organization or body or trade union -
- (i) no applicants have been registered as electors; or
 - (ii) the number of applicants registered pursuant to paragraph (c) (referred to as "registered applicants" in this paragraph and paragraph (e)) is less than the maximum number,

and the number of applications received by the registration officer for such registration from eligible persons (excluding any person to whom a restriction in section 14 of the Legislative Council (Electoral Provisions) Ordinance (Cap. 381) applies) after 1 May and on or before 1 June (whether such applications are made pursuant to paragraph (b)(ii) or otherwise) -

- (A) in the case referred to in subparagraph (i), exceeds the maximum number; and
- (B) in the case referred to in subparagraph (ii), exceeds the difference between the maximum number and the number of registered applicants,

the registration officer shall draw lots, as soon as

practicable after 1 June, in such manner as he considers appropriate, to determine the applicants (whose number shall be equal to the maximum number or the difference between the maximum number and the number of registered applicants, as the case may be) entitled to be registered in relation to that company, partnership, or other organization or body or trade union and register those so determined to be entitled;

- (e) if on 1 June, in relation to a particular company, partnership, or other organization or body or trade union -
 - (i) no applicants have been registered as electors; or
 - (ii) the number of registered applicants is less than the maximum number,

and the number of applications received by the registration officer after 1 May and on or before 1 June for such registration from eligible persons (excluding any person to whom a restriction in section 14 of the Legislative Council (Electoral Provisions) Ordinance (Cap. 381) applies) is -

- (A) in the case referred to in subparagraph (i), equal to or less than the maximum number; and
- (B) in the case referred to in subparagraph (ii), equal

to or less than the difference between the maximum number and the number of registered applicants,

the registration officer shall determine as regards each applicant concerned whether or not he is entitled to be registered in relation to that company, partnership, or other organization or body or trade union and register those he determines to be so entitled;

- (f) as soon as practicable after a draw under paragraph (d), the registration officer shall inform any eligible person who by reason of the draw is not entitled to be registered, of the result of the draw;
- (g) where the registration officer receives an application for registration pursuant to paragraph (b)(ii), if the applicant -
 - (i) is not registered pursuant to paragraph (d) or (e); and
 - (ii) has also made an application pursuant to paragraph (b)(iii) for registration in another functional constituency,

the registration officer shall determine whether such person is entitled to be registered in that functional constituency, as if the application had been made under section 9;

- (h) in this subsection -
 - (i) "maximum number" (最高限額) means, in relation to a company, partnership, or other organization or body or trade union, the number specified in Note (7) or (8), as may be appropriate, as the maximum number of persons that can be registered as electors in a functional constituency in relation to such company, partnership, or other organization or body or trade union; and
 - (ii) the references to "1 May" and "1 June" shall be construed as 1 May and 1 June respectively in the year for which the relevant provisional register is being compiled."

3. Offences and penalties

Section 23(4) is amended -

- (a) in paragraph (a) by adding "commits an offence and is liable to a fine at level 2" after "section 6(4)";
- (b) in paragraph (b) by repealing "particular," and substituting "particular commits an offence and is liable to a fine at level 2 and, where it is committed by an individual, to imprisonment for 6 months.";
- (c) by repealing everything after paragraph (b)."

He said: Mr President, I move the resolution standing in my name in the Order paper.

The purpose of the resolution is to amend the Boundary and Election Commission (Registration of Electors) (Functional Constituencies and Election Committee Constituency) Regulation which was tabled in this Council on 16 November. This Council set up a subcommittee to study the Regulation after Members expressed concern over some of the provisions relating to the detailed arrangements for registering electors in the nine new functional constituencies (FCs). The Administration and the Registration and Electoral Office met the subcommittee on three occasions to discuss Members' concerns and to explore ways to address such concerns. The proposed amendments, which have been fully endorsed by the Boundary and Election Commission (BEC), are the result of those useful discussions.

If I may recap, the registration of electors for the nine new FCs will mainly be operated through a simple notification system. The success of this system relies on the co-operation of the employers in providing some basic information about their employees eligible to vote in the nine new FCs. Some Members are of the view that although employers' co-operation is necessary, they should not be unduly burdened when it comes to the provision of information. Members consider that only the basic information should be obtained for the purpose of registering the electors. This actually has all along been the BEC's guiding principle and it is not adverse to having it spelt out even more precisely. Thus, to put employers' mind at ease, the Commission has agreed to amend section 6 of the Regulation to provide expressly that, for the purpose of sending notification under section 7 of the Regulation, the Registration Officer can only obtain from an employer information on the nature of business of an organization, as well as the names and identity card numbers of his employees. The power of the Registration Officer under the rest of section 6 of the Regulation will still be needed to allow him to obtain other information from relevant persons and organizations to update and improve the accuracy of the voter register.

Members have also expressed concern over the first-come-first-served arrangement in the BEC Regulation for registering up to six individual electors (or four in the case of trade unions) to replace the previously single corporate vote. They are concerned that the Registration Officer might have a problem in selecting which applicants to register if the number exceeds the quota, if they all arrive at the same time. Or that the later arrivals are the ones that have the endorsement of the organization after a due process of internal agreement. The BEC has acknowledged the validity of the concern and has decided to replace the first-come-first-served method of registration by the drawing of lots if the quota is exceeded. As some applicants may be eligible for representing more than one corporate entity, provisions are also made to allow them to register under another firm or organization if they fail to be included after the first draw. To allow this to happen, the first draw will be held shortly after 1 May for this category of applicants in the amended Regulation. As a final safeguard, those applicants who are by themselves eligible to register in their own personal capacity in one of the non-corporate functional constituencies, had they not been required to represent a corporate body, will be encouraged to fill

out a stand-by application so that even if they eventually fail to get registered under an organization, their individual right to register as an elector for a FC will not be negated. The BEC and Registration and Electoral Office will explain the procedure to corporate voters in detailed guidelines to be issued during the registration period.

Finally, some Members have difficulties with the penalty provision of six months' imprisonment for an employer's failure to provide the Registration Officer with information about his employees within the specified time. It is considered that the gravity of the offence should not attract such a severe punishment. While the original penalty provision of level two fine (\$5,000) and six months' imprisonment can be found in other similar legislative provisions, the BEC has agreed to delete the penalty provision of imprisonment under section 23(4) to allay employers' worry. I understand Members are of the opinion that wilful supply of false or incorrect information to the Registration Officer should still be subject to more severe sanction and therefore the level two fine and six months' imprisonment penalty of such wilful offences have been retained.

Mr President, the registration of electors for the FCs, in particular the nine new functional constituencies, will be an onerous task as the electorate will encompass all eligible persons in our workforce of over 2.9 million. With the next Legislative Council elections scheduled to take place on 17 September, the BEC is operating under a very tight timetable. But registration work can only start upon the passage of this particular Regulation. I believe the proposed amendments have adequately addressed the concerns of Members and I urge them to give their support to this resolution.

Mr President, I beg to move.

Question on the motion proposed.

MR TAM YIU-CHUNG (in Cantonese): Mr President, the Boundary and Election Commission (Registration of Electors) (Functional Constituencies and Election Committee Constituency) Regulation, was first tabled in the Legislative Council on 16 November 1994. This Council soon set up a subcommittee, of which I was chairman, to study the Regulation. During the first meeting, it was resolved that the subcommittee needed more time to study the provisions of the Regulation. Hence, it was then agreed at the Legislative Council sitting on 14 December 1994 that the period for amending the Regulation be extended until 11 January 1995.

Thereafter, the subcommittee held two meetings mainly to study the arrangement for registration of electors in functional constituencies. Three main issues were raised by Members. First, section 6. Members thought that the powers given to the registration officer were too extensive and that such powers should be restricted. Second, section 9 and section 10(9). Individual

electors will replace corporate electors in some existing functional constituencies. In regard to the existing arrangement for the registration of electors in functional constituencies, Members were of the view that when the number of directors of a company or the number of members of a workers' union exceeds the upper limit, the proposed arrangement of first-come-first-served should be replaced by the drawing of lots. Finally, section 23 Members thought that the provision of sentencing an employer to six months' imprisonment upon his failure to provide information on his employees within the specified period should be abolished. The Government has accepted Members' suggestions and would move amendments to the Regulation in order to implement the proposed amendments. Mr President, if Members accept the amendments which the Government intends to move, the subcommittee advises Members to support the Regulation.

Mr President, although I am Chairman of the subcommittee, I will not vote on the Regulation because it was formulated on the basis of Governor PATTEN's "three violations" political reform package. Although it is a fact that the package was passed in this Council and that elections at various levels have also commenced one after another, I will not vote on the Regulation in order to show my dissatisfaction with the political reform package.

Mr President, these are my remarks.

Question on the motion put and agreed to.

BILLS

First Reading of Bills

EXCHANGE FUND (AMENDMENT) BILL 1994

WASTE DISPOSAL (AMENDMENT) BILL 1994

SHIPPING AND PORT CONTROL (AMENDMENT) BILL

1994

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

Second Reading of Bills

EXCHANGE FUND (AMENDMENT) BILL 1994

THE FINANCIAL SECRETARY moved the Second Reading of: "A Bill to amend the Exchange Fund Ordinance."

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

The Bill seeks to modernize certain provisions in the Exchange Fund Ordinance with a view to enhancing the robustness of the legal framework for monetary management and for the prudent management of the Exchange Fund.

The Bill covers six main areas. First, in relation to monetary management, Members will be aware that in the past few years, we have implemented a number of monetary reform measures to strengthen our ability to maintain exchange rate stability under the linked exchange rate system. One of the important milestones was the "Accounting Arrangements" introduced in 1988. There is a contractual arrangement between the Financial Secretary as the controller of the Exchange Fund, and the Hongkong Bank as the Management Bank of the Clearing House of the Hong Kong Association of Banks. Under the Accounting Arrangements, the Hongkong Bank is required to maintain an account with the Exchange Fund, and to manage the net clearing balance of the rest of the banking system in such a way that it does not exceed the balance in its own account with the Exchange Fund.

The Accounting Arrangements have worked very well. They have provided the Monetary Authority with a mechanism to control the level of interbank liquidity. This enables us to effectively influence interbank interest rates for the purpose of ensuring exchange rate stability. Given the significance of this monetary reform measure, it is important that it be provided a statutory backing. The Bill seeks to achieve this by conferring upon the Financial Secretary the authority to require any authorized institution to open an account with the Monetary Authority for the account of the Exchange Fund. The terms and conditions of operating the accounts will be determined with regard to the purposes of the Fund, as laid down in sections 3(1) and (1A) of the Ordinance.

This requirement will also facilitate the adoption in Hong Kong of a new and more robust interbank payment system, technically known as the Real Time Gross Settlement System. The conceptual design of this system, which has been endorsed by the Hong Kong Association of Banks and the Exchange Fund Advisory Committee, will involve all licensed banks opening clearing accounts with the Monetary Authority.

While we have enhanced the robustness of our monetary management system through the Accounting Arrangements and other reform measures, we still need the assurance that sufficient funds can be raised at short notice to defend the exchange rate of our currency in a crisis situation. This is the second area covered by the Bill. Section 3(3) of the principal Ordinance provides that the Financial Secretary may borrow for the account of the Fund on the security of any assets held by the Fund or on the General Revenue. Such borrowings are, however, subject to a limit of HK\$50 billion in section 3(4), which can only be amended through a resolution of this Council. This constraint is undesirable as we cannot afford any delay in raising sufficient US dollars in a pressing

situation. I therefore propose to disapply the limit to borrowings which are secured on the Fund's assets. It is, however, considered appropriate that the approval of this Council should still be sought on the maximum amount of the Fund's borrowings secured on the General Revenue.

I now turn to the third aspect of the Bill, which is related to the investment power of the Exchange Fund. Over the years, a number of new financial products such as interest rate swaps, currency options and bond futures have become widely used in international financial markets. As these financial products provide very useful vehicles for the Exchange Fund to hedge interest rate and market risks, I propose to broaden the investment ambit of the Exchange Fund so that the Financial Secretary may enter into a wider range of financial arrangements.

Mr President, perhaps some Members may wish to remind us of what happened in Orange County in California. Let me reassure Members that there are two safeguards in the Bill against the Exchange Fund engaging in high risk financial activities. First, the financial arrangements can only be entered into for the prudent management of the Fund, that is, for hedging purposes. Secondly, there will be prior consultation with the Exchange Fund Advisory Committee before the Financial Secretary can enter into such arrangements.

The fourth aspect of the Bill deals with the mechanism for a transfer of "excess assets" of the Exchange Fund to the General Revenue and other funds of Hong Kong, as stipulated in section 8 of the principal Ordinance. The present section 8 was an addition in 1964. The purpose was to enable the Financial Secretary, subject to consultation with the Exchange Fund Advisory Committee and with the approval of the Secretary of State, to devote such assets of the Fund which have become surplus to the requirements of the Fund to the General Revenue or to any other funds of Hong Kong as the Secretary of State may approve. The reason for the introduction of this measure was to avoid the excessive accumulation of assets in the Fund.

At the time, it was considered that a 105% cover for the Certificates of Indebtedness outstanding, in other words the amount of bank notes issued, would be adequate for the requirements of the Fund. Section 8 was later amended in 1968 to require a 105% cover not only for the face value of Certificates of Indebtedness outstanding but also borrowings for the account of the Exchange Fund.

It is therefore clear that the spirit of section 8 has always been that a transfer from the Exchange Fund can be made only when there are assets surplus to the requirements of the Fund. This is a sound and prudent principle which should continue to apply. However, the quantitative measure in section 8 as to what is adequate for the requirements of the Fund has become itself rather inadequate with the passage of time. First, Hong Kong's monetary system has undergone considerable changes since 1964. Exchange controls were totally abolished in 1973. A freely convertible currency, no exchange controls and

free flow of capital have become important features of our monetary system. These features have been enshrined in the Joint Declaration and the Basic Law.

Secondly, exchange rate stability under the framework of the linked exchange rate system has become our primary monetary policy objective since October 1983. Section 3(1A) of the Exchange Fund Ordinance was also introduced in 1992 to include as the secondary purpose of the Fund the maintenance of the integrity and stability of the monetary and financial systems. Thirdly, there has been phenomenal growth in financial activities worldwide, involving huge flow of funds in an increasingly deregulated environment. The maintenance of currency stability now involves more than just full backing for bank notes and other borrowings.

In order to reflect more fully the original spirit of section 8, I propose to clarify and tighten the conditions under which a transfer from the Fund can be made. The proposed amendment requires that the Financial Secretary must satisfy himself that his ability to achieve the purposes of the Fund laid down in the Ordinance will not be adversely affected before he can make a transfer. Furthermore, instead of listing out the items for which 105% asset backing is required, all obligations for the account of the Exchange Fund will need to be so backed by assets before a transfer can be made. It is also proposed that the Governor in Council should replace the Secretary of State as the approving authority for such transfer. Consultation with the Exchange Fund Advisory Committee will continue to be required.

In introducing these amendments to section 8 of the Ordinance, I must point out clearly that I have no intention to make any transfer. In my opinion as Financial Secretary, a sizable Exchange Fund is crucial to our ability to deliver monetary and financial stability in the transitional period. I simply cannot foresee that the conditions allowing a transfer from the Fund under section 8, if amended, would exist in the next few years.

Let me now briefly mention the fifth aspect of the Bill. As Members know, the issue of bank notes in Hong Kong is backed by the Certificates of Indebtedness issued by the Exchange Fund. At present, the issue and redemption of such certificates involve physical delivery. With a view to improving the efficiency and security of the process, the Bill contains provisions for the issue and redemption of these certificates to be handled through computerized book entries.

Last but not least, the Bill transfers to the Hong Kong Government certain powers over the control of the Exchange Fund which are presently vested in the Secretary of State in the United Kingdom Government. These changes are made in a manner which is fully consistent with the relevant provisions in the Joint Declaration and the Basic Law.

Mr President, the Bill is an important piece of legislation which will provide an up-to-date and more robust legal framework for our monetary management and for the prudent management of the Exchange Fund. The enhanced autonomy in the control of the Fund so vested in the Hong Kong Government will also contribute to a smooth transition to 1997.

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

WASTE DISPOSAL (AMENDMENT) BILL 1994

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the Second Reading of: "A Bill to amend the Waste Disposal Ordinance."

He said: Mr President, I move the Second Reading of the Waste Disposal (Amendment) Bill. The Bill seeks to amend the Waste Disposal Ordinance to provide for controls on the import and export of hazardous and other wastes in line with current international standards and to effect other miscellaneous amendments.

The Bill introduces a new Part IVA which provides for a permit system whereby potential exporters and importers will have to apply to the Director of Environmental Protection for a permit before effecting the transboundary movement of specified wastes.

The wastes which it is proposed should be subject to control are set out in two schedules (Schedule 6 and 7). Schedule 6 wastes are those which will have minimal environmental effect and hence will only be subject to control if they are contaminated or imported or exported for purposes other than recycling, recovery or reprocessing. Schedule 7 wastes are those likely to create a significant health hazard and risk of pollution unless properly handled, and their import and export will be subject to control regardless of the purpose.

Under the proposed provisions, it will be an offence for a person to import or export waste except under and in accordance with a permit issued by the Director. The proposed penalty is a maximum fine of \$200,000 and six months' imprisonment for the first offence and \$500,000 and two years' imprisonment for the second or subsequent offences. It will also be an offence to make a false statement to procure the issue of a permit.

The Bill also seeks to effect other minor amendments to the Waste Disposal Ordinance by improving the administration of licensing control, by bringing the term of service for membership of the appeal board already provided for under the Ordinance in line with similar appeal boards set up under other environmental legislation, and by providing greater flexibility in implementing charging proposals.

Mr President, the Waste Disposal (Amendment) Bill seeks to establish a local regulatory regime which is compatible with international standards on control over the export and import of hazardous and other wastes. This will ensure that our trade with parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal will not be adversely affected and will prepare us for the eventual extension of the Convention to Hong Kong. The Bill also introduces other miscellaneous amendments to the principal Ordinance. I commend the Bill to Members for their consideration.

Thank you, Mr President.

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

SHIPPING AND PORT CONTROL (AMENDMENT) BILL 1994

THE SECRETARY FOR ECONOMIC SERVICES moved the Second Reading of: "A Bill to amend the Shipping and Port Control Ordinance."

He said: Mr President, I move that the Shipping and Port Control (Amendment) Bill be read the Second time.

The purpose of the Bill is to extend the power of the Director of Marine in regulating traffic, thereby ensuring a higher standard of safety in the waters of Hong Kong. This will be achieved by enabling the director to:

- (a) close any area of the waters of Hong Kong; and
- (b) give general directions

to any number, group, class or any description of vessel at one time.

At present, the Shipping and Port Control Ordinance provides that the Director of Marine may give specific directions for the control of navigation only to one particular vessel at a time. If the Director needs to control the movement of a group or class of vessel, he must repeat such instructions to each and every vessel concerned. This restriction has proved to be both ineffective and inefficient in handling situations such as the diversion of marine traffic from reclamation areas, or, as Members may recall, prohibition of overheight barges from moving close to bridges. We propose to remove the restrictions by giving the Director more general powers so that he may promulgate a notice with which all specified vessels must comply. This concept is not new as similar powers are currently exercised by the Commissioner for Transport or the Commissioner of Police in handling road traffic. The situations requiring the

exercise of such powers are usually temporary in nature. Only ad hoc measures are normally required.

To ensure that the Director of Marine is accountable in the exercise of these powers, we propose that each general direction or closure imposed by the Director:

- (a) should not last more than six months. Any conditions that need to be imposed permanently should be formally made by the Governor in Council as a regulation; and
- (b) the Administration shall be required to lay on the table of the Legislative Council in the same manner as any other subsidiary legislation. This would allow Members of this Council to review the matter as necessary.

I would like to draw Members' attention to the concurrent amendments to the Shipping and Port Control Regulations. These amendments make specific provisions for the Director of Marine to handle marine traffic during fireworks displays and demonstrations held within the waters of Hong Kong.

As regards demonstration in our waters, Members have raised concerns about the disruption to normal marine traffic and the safety of harbour users during the demonstration by fishermen in Victoria Harbour on 14 June last year. Having reviewed the matter, we consider that the Director should be given powers to:

- (a) require advance notification from organizers for holding demonstrations at sea; and
- (b) to impose any necessary conditions as regards timing and routing.

This will enable measures to be adopted to ensure that demonstrations held within Hong Kong waters can be conducted safely and in an orderly manner. Any safety risks associated with the holding of a demonstration can be dealt with by deploying adequate government launches at the scene and by imposing conditions on the organizers with respect to the avoidance of accidents and safety of persons.

Thank you, Mr President.

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

INDUSTRIAL TRAINING (CLOTHING INDUSTRY) (AMENDMENT) (NO. 2) BILL 1994**Resumption of debate on Second Reading which was moved on 14 December 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).***ANIMALS AND PLANTS (PROTECTION OF ENDANGERED SPECIES) (AMENDMENT) BILL 1994****Resumption of debate on Second Reading which was moved on 9 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).***SHIPPING (MISCELLANEOUS POWERS) BILL 1994****Resumption of debate on Second Reading which was moved on 7 December 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).

EMPLOYEES' COMPENSATION (AMENDMENT) (NO. 2) BILL 1994**Resumption of debate on Second Reading which was moved on 26 October 1994**

Question on Second Reading proposed.

MR HENRY TANG: Mr President, the background and the salient features of the Bill before us have been clearly explained by the Secretary for Education and Manpower at the Second Reading of the Bill on 26 October 1994. The Bill seeks to rectify a number of inadequacies in the Employees' Compensation Ordinance and to improve certain provisions relating to injured employees' entitlement to compensation.

The Bills Committee has noted that the definition of "medical expenses" is proposed to extend to cover fees of registered chiropractors, registered physiotherapists and registered occupational therapists. Members are concerned that as the registration of physiotherapists and chiropractors is not yet in place, the provision, even if passed, would not come into effect. Members of the Bills Committee accept that the Administration will explain the position to the public during its publicity programmes after enactment of the Bill.

On the question of whether the definition of "medical expenses" could be further widened to cover the fees of other allied health professionals, namely, optometrists, medical laboratory technologists and radiographers, the Administration has explained to us that for the purpose of the Employees' Compensation Ordinance, it is considered appropriate to include only registered health care practitioners who provide treatment for disabilities caused by injuries or diseases. These three professions are therefore not included into the Bill.

As regards the provision to expand the meaning of "accident arising out of and in the course of employment" to include accidents which happen while the employee is driving or operating any means of transport provided by the employer during journeys between the place of residence and the place of work, the Bills Committee is concerned that employers may henceforth avoid providing transport to employees. The Administration has undertaken to monitor the situation after the Bill's enactment.

On the proposed amendment to extend the period for periodical payment for temporary incapacity by up to another 12 months, on top of the 24 months already provided for in the Ordinance, the Bills Committee is receptive to the Administration's view that it is impractical to remove the ceiling of the eligibility period as far as insurance is concerned. At the request of the Bills Committee, the Administration has agreed to start keeping statistics on the

number of cases in which more than 36 months of temporary incapacity occur and to review the eligibility period in due course.

The Bills Committee has been advised by the Accident Insurance Association of Hong Kong that the various amendments to the Bill would give rise to an estimate of 7.5% across-the-board increase in employees' compensation insurance premium and has noted its explanation on the losses suffered by the insurance industry in the past few years on employees' compensation insurance, alleged due mainly to employers paying lower premiums than they should and the difficulty of assessing the risks of accidents. Members are generally concerned about the losses suffered by the trade and the increase in premiums, and therefore ask the Administration to seriously explore the feasibility of a government-administered employee compensation fund which should be able to benefit both the employers and the employees. The Administration holds that a public employees' compensation scheme would not necessarily be better than existing arrangements. Although the subject had been discussed in a motion debate held in the Council in November 1993, we feel that it should be further considered by the relevant panel of this Council.

Mr President, the Bills Committee supports the various improvements proposed in the Bill and urges their early enactment. We are pleased to note that the Bill is intended to take effect on 1 February 1995.

Last but not least, I would like to take this opportunity to thank the Administration for its co-operation and efficiency in responding to Members' requests, as well as Members of the Bills Committee for their active involvement in examining the Bill.

With these remarks, Mr President, and subject to the minor and technical amendments to be moved by the Administration at the Committee stage, I support the Bill.

MR LAU CHIN-SHEK (in Cantonese): Mr President, this Bill has augmented, in several different areas, the protection for employees who sustained injuries in the course of employment. I support the relevant proposals. But there are still many inadequacies in the entire employees compensation system. Here I would like to raise several points of opinion and hope the Government can conduct a review as soon as possible.

Clause (5) of this Bill empowers the Court to extend the period an employee is entitled to receive periodical payments because of temporary incapacity by up to 12 months, that is, to extend the existing period of 24 months to 36 months. Certainly, this new proposal has improved the protection for injured employees, but the ceiling of 36 months is still retained, which would not be fair to some of those employees who are seriously injured at work and have to stay in the hospital for prolonged treatment. For example, some workers who suffered burns have to stay in the hospital for more than three

years before their conditions can be stabilized. I am of the opinion that since it for the Court to decide on the time limit for periodical payment for temporary incapacity, we should trust the Court's judgement. It is not at all necessary to lay down rigid provisions in the legislation as to the ceiling of eligibility period.

As regards this issue, the Government has promised to keep record of the number of cases in which the period of temporary incapacity exceeds 36 months and to conduct reviews in due course. I hope the Government could conduct the review within one year and consider in detail the proposal to further extend the period.

The second area which needs to be reviewed is the amount of medical expenses received by employees who sustained injuries in places outside Hong Kong in the course of their employment.

Since in different parts of the world, medical fees vary greatly (and this is also applicable to public hospitals), it is therefore impossible to reflect the actual situation just by using the level of charges of public hospitals in Hong Kong to determine the medical fees receivable by employees who sustained injuries overseas. Recently, I have received a complaint lodged by a local employee who was injured while working in Singapore. He indicated that the amount of medical fees he received was not at all sufficient to cover the expenses he had to pay. Therefore, I think the Government should consider amending the legislation so that those who sustained injuries in the course of employment in place outside Hong Kong can be reimbursed with medical charges according to the rate charged by the public hospitals of the relevant place in order to reflect the actual situation.

Another aspect which deserve to be reviewed is the wage ceiling for the computation of employees' compensation.

At present, the wage ceiling is all set at \$15,000 no matter whether it is for the computation of compensation, severance pay or long service payment, and even wages in excess of \$15,000 could only be counted as \$15,000. The wage ceiling of \$15,000 has remained in force for nearly five years. During this period, inflation and wages have both increased by nearly 50% but the Government has not yet made any changes for this limit, so virtually, this becomes a deduction in disguise to the amount receivable by workers. The impact on workers who are injured or even die in the course of employment is particularly significant because quite a number of the injury cases involve the construction industry and the workers working at the construction sites usually have comparatively higher "wages".

I urge the Government to propose amendments to the relevant Ordinance immediately so that the wage ceiling applicable to the computation of employees' compensation, severance pay and long service payment will be adjusted according to the increase in wages. This will enable those workers who

have already suffered mishaps to get the full amount of compensation they deserve.

Each time when we talk about enhancing compensation for the employees, there will always be a problem, which is, that insurance companies will take advantage of the opportunity to request for a drastic increase in labour insurance premium, consequently causing employers to oppose to improvement on the employee's compensation scheme.

The labour insurance system in Hong Kong has always been inflicted with quite a lot of problems, yet, the Government has time and again refused to review the system. I am most disappointed with this.

In my opinion, the biggest problem with the existing system is that the employees' compensation system is totally separated from the issue of industrial safety.

A very important principle of the environmental protection policy is the "polluters pay". Apart from the underlying objective of penalizing the polluters, what is more important is to create an inducement for the environment to be improved. Similarly, in foreign countries, while the purpose of asking employers to buy labour insurance is to raise funds to pay for compensation, it also enables, through the practice of "an inverse proportion of labour insurance premium to the record of industrial safety", the levying of labour insurance premium to embody the significant implication of urging", employers to improve industrial safety. In fact, linking the amount of labour insurance premium to the record of industrial safety is an effective market mechanism to urge employers to actually prevent the occurrence of industrial accidents.

Regrettably, when private insurance companies in Hong Kong collect labour insurance premium, they would only think of how the business generates commission and would never take into consideration the relevant company's past record of industrial safety as a determining factor for the amount of insurance premium. Sometimes, the insurance companies make an "incidental" labour insurance deal with a company just because they want to close other big deals with the company, so they will not bother to consider the industrial record of the company.

Of course, one should not blame the insurance companies too much for wanting to make money, and the insurance agents, to earn commission. However, if because of this, there is a failure in improving industrial safety and in reducing the number of industrial accidents, resulted in a loss of manpower it becomes, indeed, a "social cost" which has to be borne by the community at large.

Therefore, the priority objective, as I believe, is to set up a central non-profit-making organization, which, only through the levying of labour insurance premium, could an effective mechanism to improve industrial safety be achieved.

In fact, only a part of the premium paid by employers each year are used to compensate workers who sustained injuries in the course of employment. A large part of it has become rebate, reinsurance fees, commission as well as administrative costs and profits of the insurance companies. Obviously, if a central fund is available to accept the taking out of insurance by employers, the expenses to be spent on reinsurance, commission, administrative costs and profits of the insurance companies can be substantially reduced. Meanwhile, the money in the fund can be used for investment and the interest accrued can become a source of income for the fund. Hence, an increase on the one hand and a reduction on the other will bring about a surplus of several hundreds of millions of dollars each year, so while the amount of compensation could be increased, additional resources provide for the improvement of industrial safety and money allocated for the rehabilitation of injured workers, it may even be possible to reduce the premium, which will be mutually beneficial to both the employers and the employees.

By now, since even the Insurance Association of Hong Kong has indicated that it would not oppose to the establishment of "central compensation fund" by the Government, I think there is no reason for the Government to refuse considering the establishment of such a fund. Some people said that the central compensation fund might not necessarily be feasible and cited Australia as an example. Its centrally administered compensation fund has been badly managed and consideration is being given to convert it back to private operation. However, I would like to point out clearly that the problem with Australia is largely due to the fact the protection offered is so extensive that even a claim on the ground of great pressure of work would be compensated, consequently, it becomes too heavy a burden for the central compensation fund, and it has nothing to do with the fund being administered centrally.

Mr President, these are my remarks. I hope the Government can seriously consider the above suggestions. Thank you.

MR MICHAEL HO (in Cantonese): Mr President, the Bill in question has brought about some improvements in several areas and I support this Bill. What worries me most is the provision which includes the fees of registered physiotherapist and registered chiropractors in the medical expenses. The Chairman of the Bills Committee has also mentioned this point just now. Indeed, until now, there are no chiropractors or physiotherapist registered under the legislation. Under such circumstances, we may have to face the problem of some people being unable to get back their medical fees they deserve after receiving treatment from chiropractors or physiotherapists even if this Bill is passed. I trust the Government in this regard because it has assured the Bills

Committee that it will let the relevant people know clearly the situation during its publicity programmes in future.

I do hope the Government will take practical measures to step up publicity after the passing of this Bill and to ensure that people concerned will know about this arrangement so that no one will fail to get back their medical fees after receiving treatment.

Thank you, Mr President.

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, I am grateful to Members for their support for this Bill. In particular, I should like to express my appreciation to the Honourable Henry TANG and other Members of the Bills Committee for their detailed examination of this Bill. In response to the Bills Committee Members' suggestions, I shall be moving some amendments to the Bill at the Committee stage later.

I have also taken note of the views expressed by Members this afternoon.

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.

INDUSTRIAL TRAINING (CLOTHING INDUSTRY) (AMENDMENT) (NO. 2) BILL 1994

Clause 1

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Mr Chairman, I move that clause 1 be amended as set out in the paper circulated to Members. This is purely a technical amendment to update the title of the Bill.

*Proposed amendment***Clause 1**

That clause 1(1) be amended, by deleting "(No. 2) Ordinance 1994" and substituting "Ordinance 1995".

Question on the amendment proposed, put and agreed to.

Question on clause 1, as amended, proposed, put and agreed to.

Clause 2 was agreed to.

**ANIMALS AND PLANTS (PROTECTION OF ENDANGERED SPECIES)
(AMENDMENT) BILL 1994**

Clauses 1 to 13 were agreed to.

SHIPPING (MISCELLANEOUS POWERS) BILL 1994

Clauses 1 to 7 were agreed to.

EMPLOYEES' COMPENSATION (AMENDMENT) (NO. 2) BILL 1994

Clauses 1, 3 and 7

SECRETARY FOR EDUCATION AND MANPOWER: Mr Chairman, I move that clause 1(1) be amended as set out in the paper circulated to Members. This technical amendment is to correct the title of the Bill to "Employees' Compensation (Amendment) Bill 1995".

I move that clause 3 be amended as presented in the paper circulated to Members. This amendment comprises two parts:

- (a) The first part concerns the proposed section 5(4)(e) of the Ordinance. It seeks to specify that an employee driving or operating any means of transport provided by his employer between his home and his place of work for the purpose of work must be travelling "by a direct route", in order to be eligible to claim compensation for any injuries sustained in the course of such travel. This will serve to prevent possible abuse of this newly proposed right to seek compensation by employees.

- (b) The second part is on the proposed section 5(4)(g) of the Ordinance. It seeks to further extend the scope of compensation to cover injuries sustained by employees through accidents which occur to them whilst travelling on a work-related trip between two places outside Hong Kong. This is proposed in recognition of a genuine need for this extra protection on the part of employees.

I move that clause 7 be amended as set out in the paper circulated to Members for the same reason as I proposed to move clause 1(1) to the Bill.

With these remarks, I beg to move, Mr Chairman.

Proposed amendments

Clause 1

That clause 1(1) be amended, by deleting "(No. 2) Ordinance 1994" and substituting "Ordinance 1995".

Clause 3

That clause 3 be amended —

- (a) in the proposed section 5(4)(e), by adding "by a direct route" after "travelling".
- (b) in the proposed section 5(4)(g), by adding "or between any place outside Hong Kong and any other such place" after "outside Hong Kong".

Clause 7

That clause 7 be amended, in the proposed section 10AA(2)(a)(ii), by deleting "(No. 2) Ordinance 1994 (of 1994)" and substituting "Ordinance 1995 (of 1995)".

Question on the amendments proposed, put and agreed to.

Question on clauses 1, 3 and 7, as amended, proposed, put and agreed to.

Clauses 2, 4, 5, 6, 8 to 18 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

INDUSTRIAL TRAINING (CLOTHING INDUSTRY) (AMENDMENT) (NO. 2) BILL 1994 and

EMPLOYEES' COMPENSATION (AMENDMENT) (NO. 2) BILL 1994

had passed through Committee with amendments and the

ANIMALS AND PLANTS (PROTECTION OF ENDANGERED SPECIES) (AMENDMENT) BILL 1994 and

SHIPPING (MISCELLANEOUS POWERS) 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 9 January. 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.

SEXUAL ASSAULTS

REV FUNG CHI-WOOD moved the following motion:

"That this Council urges the Government to review and improve expeditiously legislation relating to sexual assaults and the procedures adopted by the departments concerned in handling such cases, and to step up the educational, publicity and other measures so as to prevent the occurrence of such incidents."

REV FUNG CHI-WOOD (in Cantonese): Mr President, I beg to move that the motion as set out under my name in the Order Paper be approved.

I move this motion today because statistics on sexual assaults in the past few years have remained at a high level. There are on the average 1 179 cases of rape and indecent assault every year, while there was only 936 cases from 1984 to 1989. This reveals the fact that in recent years sexual offences have become more serious than before and there is no tendency of amelioration. Victims of sexual offences, unlike victims of other crimes such as robbery and injuring others, are very often reluctant to make reports to the police. So, the figures as recorded by the police reveal only some of the sexual assault cases. Some people comment that 70% of the rape cases have not been reported to the police and that an average of 40% of the victims of sexual assault cases seeking assistance from the Family Planning Association of Hong Kong have also not reported to the police. Hence, we should urge the departments concerned to make improvements so as to encourage more victims to report to the police.

There are two other points that have aroused our concern. First, most offenders of sexual assault are aged under 30, and during the past two years the number of offenders aged under 16 and aged between 16 and 20 tends to increase; second, Kowloon West and New Territories North have become the black spots of crime where more than half of the rape cases occurred.

Last July, there was a case which shocked the whole territory: the victim was chloroformed while the crime was committed. The accused was sentenced to only eight years of imprisonment which was extended to 15 years after the victim's family sought a judicial review. This case makes people become aware of the fact that the sentences imposed by the court for sexual offences are too lenient.

I have reviewed some statistics and found that there has been a tendency in recent years of more lenient sentences being imposed on rapists. For instance, during the years from 1991 to 1993, the number of offenders of serious cases serving sentences from nine to 12 years of imprisonment has fallen from 50% in 1991 to about 20% in 1992 and 1993. On the other hand, the number of cases involving rather lenient sentences of six to nine years' imprisonment has increased from 25% in 1991 to 40% in 1992 and to 52% in 1993. Is such a phenomenon due to less violence or gravity involved in the cases? Are there other factors which might have affected the passing of sentence? It is really doubtful whether such lenient punishment is sufficient deterrent. Why is there such a tendency of more lenient sentences being imposed while the number of rape cases remains at a high level? I hope the Government would make an in-depth study in this respect.

Regarding indecent assault cases, there were a total of 562 offenders being convicted from 1991 to 1993, 60% of the convicted offenders were only fined and 75% of the fine ranged between \$4,000 and \$7,000. As regards those who were jailed, 60% of them received a sentence of less than three months. During

the past five years, there have been more than 1 000 cases of indecent assault a year, the figure being higher than that of the '80s. In fact, we should review whether the sentences imposed are sufficient means of deterrence. Besides, we should also make improvements in the procedures of handling such cases, strengthen the support given to the victims and enhance civic education with a view to giving female citizens greater protection.

Sexual assault cases are peculiar as the Laws of Hong Kong concerning such cases involve complicated investigation and prosecution procedures. All these factors make it difficult to convict defendants charged with sexual assault. According to statistics, the average rate of conviction for rape cases and indecent assault cases are 40% and 62% respectively. These conviction rates are far from satisfactory and the Government should conduct a comprehensive review and make relevant improvements. In many jurisdictions, shorter sentences are generally given to offenders in sexual assault cases if they have not brought bodily harm to the victims. A more serious problem is that the handling and investigation procedures of such cases fail to take the victim's special situation into account. This makes many victims unwilling to take legal action and to testify in courts, making it difficult for the prosecution. This is also true in Hong Kong. A low rate of successful prosecution, relatively lenient sentences imposed and complicated prosecution procedures are problems in dealing with sexual assault cases. Therefore, it is essential for improvements to be made.

Let's first consider what improvements can be made in the police's procedures of handling sexual assault cases. We understand that the police have been following established procedures in handling sexual assault cases, but I have the following observations:

First, in respect of human resources, the Government has, up to now, less than 100 policewomen who have received a two-week training in handling such cases. These trained policewomen are allocated to various police districts and police stations according to a certain ratio. In view of the vast number of police stations in the territory, it is not possible to provide police stations in various districts with sufficient personnel specialized in handling sexual assault cases with such a limited number of trained staff. Furthermore, it is doubtful whether those who have received only two weeks' training have enough professional knowledge.

Secondly, it usually takes a long time before a charged defendant is brought to court. In the meantime, the police is unable to provide sufficient supportive services and keep in touch with the victims.

Thirdly, it has been pointed out that the police often adopts a suspicious attitude in handling sexual assault cases and shows an inclination towards collecting evidence for prosecuting purpose by severely cross-examining the victims; they lack the necessary sensitivity to handle sexual assault cases and the intention to protect the victims.

We recognize the following peculiarities in sexual assault cases: 1) Generally, the victims would not immediately report to the police; they usually suffer tremendous psychological trauma after the incident; 2) Usually, the most convincing testimony is the victim's own statement; and 3) If the public has mistrust in the manners and procedures in which the police handle such cases, the victims will dare not report the crime to the police and this will then increase the difficulty in investigating such cases by the police. I hope that the Government would consider the following principles and suggestions:

Firstly, the police, in handling sexual assault cases, should pay more attention to safeguarding the victims against psychological trauma arising from the attack. Not only does this attitude conform to the role of the police as protectors of the citizens but this also easily makes the victim co-operate with the police and give the most useful testimony.

Secondly, the Government should consider the following methods of dealing with sexual assault cases. The first method is to set up a task force within the police which will specialize in handling sexual assault cases. The merit of this method is that it can ensure that police stations in all districts will have sufficient specialized staff to discharge relevant duties and to assume the role of liaising and co-operating with other divisions of the police force, so that the police can adopt more effective methods and have more specialized staff to handle sexual assault cases. The second method is to provide training on dealing with sexual assault cases directly to an adequate ratio of policemen in the police force who are up to professional standard. By doing so, we hope that human resources in this respect can be greatly increased.

Mr President, now I would like to turn to the issue of the trial of sexual assault cases by the court.

At present, when a sexual assault case is heard in the court, the victim who appears in court to testify has to be subjected to cross-examination by prosecuting and defending lawyers and is required to repeat every detail of the assault or may be required to answer questions which touch upon her privacy or make her embarrassed. The victim is usually subjected to "examination" by the judicial system under such insolated conditions. For children and the mentally disabled, they will experience even greater difficulties in testifying in court in accordance with such trial procedures.

I think the Government should improve the method of trial as soon as possible. We can refer to the four recommendations in the "Report on Legal Protection and Judicial Procedures for Sexual Assault on Children" prepared by the Working Group of the Campaign Against Sexual Violence in January 1993. In fact, these recommendations are also applicable to the trial of other kinds of sexual assault cases. The recommendations include:

- (i) to install closed circuit televisions;
- (ii) to allow the victims to testify in a safe, natural and protected environment behind a screen;
- (iii) to allow written testimony;
- (iv) to allow video-taped testimony.

Mr President, now I would like to discuss the relevant preventive and supportive work. Sex education is not a regular school subject in Hong Kong, and its contents do not include the issue of sexual assault. We are under the impression that the existing sex education fails to effectively imbue students with a sense of mutual respect between the two sexes, especially the right of women not to be assaulted. Moreover, existing sex education does not teach students how to deal with sexual assault. The Government can improve the way in which sex education is being promoted and include the issue of sexual assault as part of the curriculum.

In view of the fact that services are provided to victims of sexual assault by different institutions and the scope and quality of these services are not satisfactory enough, we hope the Government would establish a women's support centre which should consist of trained social workers, lawyers and doctors. This centre should be established to provide comprehensive, professional and systematic services to female victims, including victims of sex crimes and other forms of maltreatment and violence. The scope of services of the women's support centre as suggested should include the following:

- (i) To provide emergency support according to the victims' needs and help solve their problems of greatest urgency;
- (ii) To set up a 24-hour hotline so that victims can obtain immediate assistance at any time, especially during holidays when relevant institutions are closed;
- (iii) To provide counselling services. In addition to aftermath counselling, more long-term psychological counselling should also be provided to the victims and their families;
- (iv) To follow up the entire handling procedures;
- (v) To provide legal aid service, to answer victims' questions on legal matters and to explain judicial procedures. This service may include the provision of relevant information and professional advice on all legal matters. Take for example the question of whether the victim should report to the police, legal professionals can analyze the cases in detail to the victims and explain the

procedures involved, hoping that the victims can decide on their own whether they should report to the police or not;

- (vi) To provide medical services;
- (vii) To provide temporary shelter to all victims who are in need;
- (viii) The centre should work closely with all departments in order to provide referral services;
- (ix) Staff may be sent by the centre to accompany the victims to the relevant departments, such as the police station, hospital and to testify in court;
- (x) To organize training courses to staff of the relevant institutions;
- (xi) By means of propaganda and organizing activities, the centre can provide the public with suitable education with the aim of preventing sexual assaults, thus solving this serious social problem.

Mr President, the Government should make more efforts in combating sex crimes and assisting the victims so that our citizens, especially women, can be better protected.

With these remarks, I beg to move.

Question on the motion proposed.

MRS SELINA CHOW (in Cantonese): Mr President, I still take to heart an incident despite its occurrence years ago. It was about 10 years ago when a close friend of mine revealed to me in tears that she had been sexually harassed by her boss. She was an efficient lady, holding a senior post in a public organization, and her boss, a well-known man. On one occasion, her boss invited her to his home on the pretext of having some business to discuss, but somehow she lost consciousness. When she regained consciousness, she was surprised to find herself on the bed of her boss, her dress in disarray; thereupon she fled. Subsequently, however, she dared not even mention a word about it, for fear that it would affect her reputation and career. A few days later, she asked me what should be done, and in reply I posed to her the question of whether or not she intended to report the matter. She indicated, however, that she did not have the courage to do so. I had sought advice from several senior colleagues of the Legislative Council on this matter, but they, too, seemed to be at a loss as to what should be done, consequently, the matter was not pursued.

Recently, the most striking incident of a similar nature was the sexual harassment scandal of the Independent Commission Against Corruption. The Attorney General has decided not to prosecute the man in question. However,

we know from various reports that the incident did occur. What kind of morality does it portray to have an institution, which accords top priority to the maintenance of public justice, acting so clandestinely in this matter and to be so concerned with the culprit? Allegedly, there were more than one victim in the case, and it was only because the victims had refused to testify that made it impossible for the suspect to be prosecuted. Where does the truth lie? Only heaven knows.

Undoubtedly, most female victims are unwilling to lodge complaints or to report on such matters. Just as we should not blame members of the public for failing to report crime from fear of triad societies or evil forces, we should likewise not blame such female victims. Instead, we should dig out the real reason why likewise they dared not come forward. According to a survey conducted on sexual harassment in October last year, out of 375 women interviewees who had been sexually harassed, only one had reported the matter to the police and three had lodged complaints with their bosses. As to the reasons why the victims did not take any action, about 30% of them were due to fears or scruples, about 20% even admitted that they had got used to it, and all those who thought that they could do nothing, or were afraid of embarrassment or shame, or thought it would not help constituted more than 30%.

We can see from these statistics that the attitude of the community cannot provide the victims with sufficient confidence and encouragement. Such a state of mind would probably have induced satyrs to inflict harm on women dauntlessly and brazenly. Hence, we should act in various ways to help the victims to report or lodge complaints with complacency. To attain this end, we have to make suitable arrangements when dealing with such cases. Prior training should be given to personnels responsible for handling these matters so that the victims can be relieved of their anxiety and have their psychological barriers removed. In the course of handling these cases, members of different government departments, for example, policemen, medical and nursing personnels, social workers and so on may be involved, thus co-ordination have to be ensured to pool up efforts of all parties concerned. Moreover, reporting procedures should also be simplified and the number of times victims have to retell the incident should be reduced to the minimum. Due regard should also be given to the embarrassment felt by the victims when selecting a venue for testifying in order that their mental pressure could be relieved as far as possible. During the trial of such cases, consideration may be given to the use of video facilities and arrange to have the victim testify in a different room so that she does not have to face the people in the court as well as the media. Consideration may also be given to the use of screens to shield the victim or to conceal the victim's identity. Measures as such can all enable victims to report complacently.

As revealed by information from the Security Branch, while there is a tendency for courts to impose more severe sentences in order to reflect the gravity of rape cases, there is no corresponding adjustment insofar as indecent assault cases are concerned. Statistics since 1991 show that for most cases, the

court imposes fines as penalty, and the fines merely range from \$1,000 to \$4,000. Even when it comes to imprisonment, most of the terms to be served are under three months. Since 1991, according to the statistics we have, only 10% of the offenders had been jailed for more than a year. Obviously, the court has been lenient with offenders in indecent assault cases. Some other statistics which warrant concern are that fines are imposed on offenders in cases of sexual intercourse with female minors, and such fines range from \$1,000 to \$4,000. Even if imprisonment were imposed, the offenders are mostly sentenced to terms under six months. The above penalties are neither sufficiently deterrent nor punitive. There is a necessity for the Judiciary to conduct a review to ensure that the court is able to reflect the yardstick and standards of society.

Over the years, we have been stressing on the importance of crime prevention, which is a key element to the keeping of the peace. Therefore, the Government is duty-bound to step up publicity and education. Statistics show that there are more and more sexual offenders aged below 16. We have to seek ways to stop this trend. We can see there are publicity film strips advising youngsters against shoplifting, but we cannot see the Government adopting any form of publicity, which is substantially educational and admonishing, to tell young people solemnly that sexual assaults and sexual offences are serious offences, that they will be liable to imprisonment once they have committed these offences, and that such behaviour is utterly devoid of conscience. Moral standard is established not just by education in the family, but should also be instilled into young people during the time when they study and learn. Meanwhile, it is also necessary for the authorities concerned to step up the promotion of proper sexual education. I hope that the Government can seriously consider listing moral education and sexual education as the core subjects for primary and secondary schools.

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

MRS PEGGY LAM (in Cantonese): Mr President, sexual assault is a very serious crime, its motive being sex discrimination with the mean intent of bullying the weak by sheer strength. It is a barbarous lust void of humanity. The victim has to endure a life-long trauma. Therefore, the atrocity of sexual assault is no less than drug trafficking or murder.

It needs the concerted efforts of the community to curb sexual assault. The community should give as much support as possible to the victims and encourage them to come out to bear witness. At the same time, the offenders should be given harsh sentences. In this way an ethical force will be formed to discourage potential offenders.

However, sentences imposed by the court on offenders of sexual assaults are often more lenient than those on offenders of robbery or drug trafficking. This is hardly convincing and is a connivance at the abuser's act. Although the

maximum penalty for rape is life imprisonment, the court rarely imposes such penalty. In 1993, out of the 29 cases of rape, the maximum sentence given was an 18-year jail term for one of the cases. Over half of the cases were given sentences of no more than 9 years. In the same year, most of the offenders in the 180 cases of indecent assault were only fined, while those who were sentenced to imprisonment were mostly given sentences of no more than three months. Indecent assault is a serious crime in a Chinese community. Every successful prosecution is the result of the joint efforts of judicial personnel, law administrators and the victims. Imposing a fine of \$10,000 or so is not acceptable to the public and is also an insult to social justice.

I implore the Administration to consider resumption of capital punishment for offenders of serious sexual assaults such as those involved in various cases of rape. Every victim has in effect been imprisoned for life under the shadow of a trauma, and will never again establish normal interpersonal relationships or lead a normal life. Sexual assaults have caused such great harm to the community and the victims that they should be considered more vicious than drug trafficking or other crimes. Capital punishment may not be an antidote to crime, and should not be abused, but to offenders of successive rape cases, nothing other than capital punishment can make up for the wrong they have done or deter the crime of trampling down several human beings.

Reports made by victims to the police are indispensable to curbing sexual assaults. On the other hand, support from the community to victims is necessary. As pointed out by some woman's organizations, only 25% of sexual assaults have been reported because most of the victims are afraid to face social pressure. Although the police has a set of guidelines for dealing with sexual assaults cases, the public still do not understand the relevant procedures. Fear and the feeling of resistance are still widespread. The police should step up promotion for the above procedures, and at the same time devise a set of procedures that may better cater to the feelings of the victim and simplify the procedures. For example, the police may send its people to the victim's home to take statements. The police may also adopt the way domestic violence is handled, that is provide, without delay, information on relevant follow-up services. The Legal Department has proposed that children victims may testify by way of live video and we consider that this proposal should be extended to adult victims who have such need.

Another issue about which we are equally concerned is the prevention of sexual assault on children, the mentally handicapped and the physically handicapped. Not long ago, a blind girl's statement on sexual assault was deemed inadmissible by the judge. In another case, the statements of a group of piano students were not admitted as the court held, on grounds of their age, that they did not understand the declarations they had made. The offenders were accordingly acquitted. It is therefore the Administration's role to see what improvements can be made in such cases.

The public should note that many of the victims have been raped by people they are familiar with. In 1992, the relevant figures stood at 37.5%, while in 1993, 27%. Most of the victims were students. This indicates the extent of the problem of young people falling prey to bad companions, having fun with the so-called "date-line" (a pals-wanted hotline) and the consequences of a liberalized attitude towards sex. Such activities and attitude have not only increased the possibility of wrongdoing among young people but also formed possible breeding grounds for criminal activities. A bad climate is spreading and the Administration should not take it lightly.

Actually, sex assault originates in part from poor sex education and poor moral education. Currently, sex education is being conducted in a manner that is so slow and restrained that it simply cannot cope with the developmental needs of young people. Part of the reasons for this is the overly conservative thinking of the general public. Added to this is the fact that the Administration has not tried its best in promoting sex education in schools. In 1970, I made a proposal to the Administration for the provision of sex education in schools. It was not until ten years later that the Administration started to look at the matter and asked schools to conduct courses on sex education, but there is hardly any marked effect. I think the Administration should adopt drastic measures in promoting sex education. I suggest that the Administration should include sex education in the syllabuses of all relevant subjects in the Hong Kong Certificate of Education Examination, and at the same time provide suitable training to teachers who need to carry out sex education. Government assistance should be given to activities related to sex education. No school should deprive students of the opportunity of receiving sex education and sex education must be provided in all schools. Furthermore, since "sex education starts at home", the relevant departments should devise materials to help parents carry out sex education for their children, and eliminate their feeling of embarrassment about the matter. More activities on sex education, targeted at parents and adults, should be held as well. Sex education is not just a matter for children; it is also for everyone, irrespective of age and economic background. The Administration should shoulder the responsibility of taking the lead in promoting sex education.

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

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, I am concerned about the plight and predicaments of those women who have encountered serious sexual offences, such as rape. Rape is the most serious sexual violence. Not only do victims suffer physically, they also have to undergo psychological and emotional traumas. Without proper care and support, the sufferings experienced by these victims may affect them for a lifetime.

However, judging from the sentences imposed for sexual offences, it appears that the court tends to be kind towards the offenders, which means cruel to the victims. According to the information released by the Security Branch, the conviction rate of sexual offences is low and the sentences passed on the

offenders are also rather light. Based on the figures for 1991 to 1993, the average rate of conviction for cases of rape during these three years is 22%. Although the law provides that life imprisonment is the maximum penalty, the sentences imposed are mostly around nine years or even six years in some cases. Similarly, the rate of conviction for indecent assaults is relatively low and the sentences passed are, again, rather light. During the period from 1991 to 1993, the average rate of conviction is 17%. On the average, over 60% of the convicted offenders were only fined. As to the rest, they were mostly sentenced to imprisonments of less than three months.

Information shows that in 1994, on the average, one woman was raped in every three days and there were three indecent assaults each day. Some may think that cases of rape and indecent assault are not serious in Hong Kong since the relevant figures are quite stable. But my opinion is that the number of cases reported is just a tip of the iceberg. I am sure that there are a great number of cases in which the victims have chosen not to report to the police because of fear and humiliation. What I am concerned about is whether the law is merciful or severe towards the criminals of serious sexual offences. The court's tendency in passing light sentences has given rise to an undesirable notion in the community — that criminals of serious sexual offences such as rape and indecent assaults are very often treated with leniency. It is evident that the penalty fails to reflect the rage of the community. As a result, victims, rather than criminals, are being deterred and female victims can hardly be encouraged to report their cases. Justice cannot be upheld and humiliation lingers on.

Mr President, female victims certainly have to overcome many psychological hurdles before they report their cases to the police. Just think how much courage they have to gather before they can relate in details their painful experiences to strangers. Not everybody can do this. The reality is that female victims often have to go through repeated interrogations and relate over and over again to the police and the departments concerned what have happened to them. I have suggested to the Security Branch and the police that statements may be taken by means of video-tape recording so that the departments concerned can get the basic information they need from these statements. This method can protect women victims from becoming victims again, this time under bureaucratic procedures. The question of whether video tapes can be produced to court as lawful testimonies depends on the provisions of the law. Yet, there is one point which warrants our serious review. We have to bear in mind that, if the victim does pluck up her courage to testify against the suspect before the court, she will have to face the harshness of being cross-examined by the defendant's lawyer and answer questions which touch on her privacy and which she herself is reluctant to speak of in the presence of the public both inside and outside the court. In fact, it is necessary to allow the victims to testify in another room through a close circuit television system so as to protect the feelings and dignity of the victims.

These measures are particularly significant to the handicapped (including the mentally handicapped). However, neither do the court procedures nor the arrangements for testifying specifically see to the difficulties confronted by the handicapped. Is it possible for the court to assess the competency of handicapped women to testify on criteria which are different from those applied to normal women? Recently, the auditory evidence given by a blind girl who had been raped was deemed inadmissible. This reflects that the handicapped face considerable difficulties in testifying before the court. Criminals who abused handicapped women were precisely taking advantage of their physical defects. These proceedings and arrangements make it even easier for the offenders to escape from being punished by the law. This is the area to which we should pay particular attention and a review should be conducted.

Mr President, children may also be the victims of sexual offences. The number of such offences tends to be on the rise in recent years. Some of these cases were even incestuous assaults. For sexual offences in families, victims have to testify against their family members, in which case the ordeal and hardship that the victims have to go through are even worse. In this connection, in addition to the application of innovative technology, co-operation from professionals in a diversity of fields and departments is all the more necessary in order to improve the skills of handling cases involving children being sexually assaulted. The road leading from the case being reported, investigated and cracked to a trial being held and a verdict being reached is a long and tedious one. The victims need long-term counselling and have to be well prepared before they can face up to all sorts of challenges. Only in such a way that the victims will not easily give up the right to seek justice from the very outset or even at the final juncture.

Therefore, it is vitally important for the women and children victims to be cared for and supported by their families and the community. Some people in our community may still have bias against certain women victims. For instance, they consider that women who go home late must have misbehaved or engaged in improper occupations. The Administration should step up its effort in public education in order to give the public an idea about the plight and predicaments confronting victims of rape cases and to help female and children victims become aware of their rights and the ways through which they can seek assistance so that the law can ultimately do them justice.

With these remarks, I support the Honourable Rev FUNG Chi-wood's motion.

SECRETARY FOR SECURITY: Mr President, the Government accords high priority to tackling the problem of sexual crimes. Many departments are involved in this effort — the police, the Legal Department, the Social Welfare Department, the Housing Department and the Department of Health. We have in place procedures to co-ordinate their work effectively, both to prevent the

occurrence of these crimes, and to provide assistance to victims. We regularly monitor and review these procedures.

Extent of problem

I should first like to comment on the seriousness of the problem. Recent years have not seen an increase in sexual offences. Some statistics will illustrate this. The number of cases of rape reported to the police in 1990 was 109; in 1991, it was 93; in 1992, it was 99; in 1993, it was 103; and in 1994, it was 100. The number of reported cases of indecent assault has similarly shown no substantial increase in recent years. We are, nevertheless, concerned about all such crimes, and have taken measures both to prevent and reduce such crimes and to assist the victims.

First and perhaps the most important, the police are determined to apprehend all those who perpetrate these crimes. In the past four years, more than 350 persons have been arrested for rape and 2 500 for indecent assault. The overall detection rate for these offences is very high at more than 69% and the police will continue to do all that they can to prevent the occurrence of crimes of this sort and to arrest offenders.

Prevention

So far as prevention is concerned, we have conducted regular publicity programmes to advise people how to minimize the risk of becoming victims of such crimes. The Police Public Relations Bureau regularly provides advice through radio and television programmes on how to avoid or respond to sex-related crimes. Pamphlets and guidelines issued by the Crime Prevention Bureau have been distributed to local communities through mutual aid committees, owner committees, District Offices and police stations.

The Police Crime Prevention Bureau also maintains close liaison with the Housing Department on ways to improve and upgrade security in public housing estates to combat criminal activities, including sexual assault.

The Housing Department has taken a number of positive steps to prevent crime, including sexual assaults, in public housing estates. For example, in response to a series of sex-related crimes in Tuen Mun District in July last year, the Department has set up special waiting areas in all public housing estates in the district and arranged for escort services, upon request, for female residents who come home late.

On a territory-wide basis, the Housing Department has begun implementing a \$56 million improvement programme to upgrade security measures in public housing estates. The programme will help to minimize the opportunity for sex-related and other crimes in estates. Harmony and Trident blocks will be installed with security gates, doorphones and closed-circuit television inside lifts and at entrances. A guard will be posted at each of these

blocks to monitor entry into estates and activities inside the lifts. Blocks of other design will be fitted with closed circuit television inside the lifts which will be linked up to a control room for central monitoring by a security guard. All of these measures will contribute to a safer environment in public housing estates.

Assistance to victims

So far as assistance to victims of such crimes is concerned, we recognize that impact of such crimes on the victims can be traumatic. We have therefore developed special procedures for dealing with them sympathetically and sensitively. All police officers are trained to be aware of the special needs of the victims of sexual crimes and the importance of appropriate treatment. Special training is given to a cadre of women police officers and these officers are assigned to deal with victims of rape or other serious sexual offences. Where necessary, the Police Force Clinical Psychologists will assist these officers in dealing with the victims.

Unfortunately in Hong Kong as elsewhere some sex crimes are not reported. We have, however, taken steps to make the reporting of these crimes by the victim less traumatic, so as to encourage full reporting. These measures include allowing the taking of statements at the victim's home, providing a comfortable atmosphere in the report room and the use of one-way identification mirrors.

We will also be proposing a number of legislative amendments to the Criminal Procedure Ordinance and the Evidence Ordinance in the current legislative Session with a view to reducing the trauma of vulnerable witnesses when giving evidence in court. These amendments will allow vulnerable victims, including children under 14 for all crimes, and those under 17 for sex-related crimes, the mentally handicapped, and those who have been severely intimidated, to testify and be cross-examined in court by way of live video from a room nearby. This will improve the present arrangement for testimony in court by more vulnerable victims.

Where necessary, the police will refer the victim of a sexual offence to other government departments or voluntary agencies for assistance.

The Social Welfare Department provides a wide range of counselling, psychiatric assessment and welfare assistance for victims of sex crimes. Social workers in family service centres or medical social service units provide help to both the victims and their families. Social workers also make appropriate referrals to other government departments or non-governmental organizations to provide other assistance to victims.

Where the victim is aged under 18 and the abuser is a guardian or close relative, the Social Welfare Department may apply for a care or protection order under the Protection of Women and Juveniles Ordinance to protect the

victim from further abuse. By virtue of this order, the victim can be placed under the regular supervision of a social worker, and may also be placed in the care of an institution.

Legislation and sentencing

I would now like to turn to the legislation on sexual offences. This is contained primarily in the Crimes Ordinance. These provisions are regularly reviewed by the Administration. In 1991 several amendments were made to the Crimes Ordinance to update the law relating to sexual offences. For example, the maximum penalty for indecent assault was then doubled from five to 10 years of imprisonment.

I accept that some inconsistencies remain between the penalties for some sexual offences and we shall review these. I do not, however, believe that it is necessary to conduct a comprehensive review of the legislation relating to sex crimes. The offences are clearly and adequately provided for at present, and in general the maximum penalties adequately reflect the seriousness of the offences. A comprehensive review would be a major law reform exercise, requiring substantial resources and time. It would be better to act more speedily to revise those provisions which are inconsistent and out-of-date; this we propose to do.

As regards sentencing, I understand that the general public and Members of this Council may sometimes feel that the sentences imposed by the court for sexual offences are too lenient. However, sentencing is a matter for the Judiciary and the Administration cannot, and should not, infringe upon the independence of the Judiciary in this respect. Where the Attorney General considers that the sentence imposed by a court in any particular case is wrong in law, wrong in principle or manifestly inadequate to reflect the gravity of the offence, then he can seek a review of the sentence. I believe that a review of sentence has been sought in four cases on conviction for sexual offences in the past two years.

Conclusion

Mr President, I am pleased that this Council has had the opportunity to debate this important subject and I agree with the intent of the motion: we must closely monitor our legislation, our procedures and preventive measures against sexual assault. I am grateful for Members' suggestions about improvements we can make in this area. We will certainly consider these suggestions carefully.

Thank you, Mr President.

PRESIDENT: Rev FUNG Chi-wood, you are entitled to reply and you have one minute 23 seconds, I am afraid, out of your original 15 minutes.

REV FUNG CHI-WOOD (in Cantonese): Mr President, I would like to respond to some of the comments made by the Secretary of Security. The figures put forward by the Secretary for Security are of recent years, that is, from 1990 to 1994. But I would like to refer to some time earlier, that is, towards the end of the 80's or in the 80's. In this regard, the figures of recent years obviously show an increase when compared with the past. Coupled with low rates of crime reporting and conviction, these are unsatisfactory as far as penalizing the offenders is concerned. We are glad to see that some improvements have been made by the Government in respect of crime reporting and in the manner the courts deal with cases. We expect some more substantial improvements. We hope something can be done to help women in general testify in court, and we should not limit our assistance to young women or the mentally retarded.

The digital timer showed 0123

PRESIDENT: Rev FUNG, you have to stop, I am afraid.

Question on the motion put and agreed to.

5.08 pm

PRESIDENT: I will take a short break and suspend the sitting.

5.45 pm

PRESIDENT: Council will resume.

CHINESE MEDICINE

DR LEONG CHE-HUNG moved the following motion:

"In view of the Government's publication of the Report of the Working Party on Chinese Medicine, this Council urges the Administration to provide adequate resources, and work out a concrete plan and a time table for implementing all the recommendations of the Report, having regard to the views expressed by the profession, other health care professionals and the general public."

DR LEONG CHE-HUNG (in Cantonese): Mr President, I move the motion standing in my name in the Order Paper.

The purpose of my motion is to arouse the interest of the public and the people concerned to discuss the regulation of Traditional Chinese Medicine (TCM) and to offer criticisms and suggestions, so that collective wisdom might be drawn and a direction pointed to the Administration.

TCM has a history of several thousand years. Nowadays, TCM is prevalent, not only in Hong Kong but any places where there are Chinese communities. I believe many Members of this Council must have consulted TCM practitioners and taken "bitter herbal tea".

However, because of historical reasons, the Administration has all along considered TCM as a traditional Chinese culture only, without according to it due status and a system of registration and regulation. Such a policy of non-interference has hindered the development of TCM and has failed to safeguard the health and safety of the public.

The Report of the Working Party on Chinese Medicine released by the Administration last November has indeed made the first right step forward by providing a right guiding principle for solving the above problems. Nevertheless, there are still inadequacies, omissions and room for improvement. I move this motion in the hope that concrete and positive responses will be secured from the Administration to the questions and views put forward by my colleagues and me, and that the Administration will provide adequate resources for implementing the recommendations of the Report as soon as possible,

My speech today also represents the views of the medical and dental professions. In moving this motion, I hope to dispel the misunderstanding of some people that the medical profession discriminates against TCM and attempts to manipulate TCM. On the contrary, the medical profession suggested many years ago the registration of TCM practitioners and urged the recognition of the status of TCM. Furthermore, the representative of the Medical Functional Constituency in the Legislative Council and the former Omelco Health Panel has made much effort in urging the Administration to study the regulation of TCM, or else we will not have this Report for debate today.

As a guardian of public health and a part of the medical team, the medical profession has all along held fast to the mission of "safeguarding public health". We feel that establishing a proper system for the registration of TCM practitioners and the proper control of herbs and proprietary Chinese medicines are of great importance.

However, as I have just mentioned, I may agree to the guiding principle of the Report, but I still have to point out that there are still inadequacies and omissions in the Report.

Despite the saying that "it is better late than never", I am still disappointed that the Administration has spent five years in completing this Report. What makes me more disappointed is that the Report which took such a long time to prepare still fails to show us clearly the Administration's commitment to the future development of TCM, the concrete and clear guidelines for the control of TCM and a timetable for implementing the recommendations. The Administration has shifted all such work to a Preparatory Committee yet to be established.

The workload of the Preparatory Committee is very heavy. It has to establish criteria and methods of recording and registration for the "recording first before registering" system, to set an acceptable standard for TCM, to study how to assess whether the various trainings are up to standard, to determine a proper means of controlling the importation, sale and dispensing of Chinese herbs and proprietary Chinese medicines, and even to determine how to train future TCM practitioners and herbal shop dispensers.

To accomplish the above tasks there has to be a powerful Preparatory Committee which can maintain a balance amongst different schools in the TCM profession. A more important point is that the Administration should have such political wit and determination, as to give adequate and strong support to the Preparatory Committee.

To view it from the perspective of a conspiracy, the establishment of the Preparatory Committee may again be construed as the Government's usual practice of procrastination. The Administration has spent five years on consultation and research, but still the Report does not contain more detailed implementation methods. By the time the Preparatory committee takes up these responsibilities in the future, I wonder how long it will take for consultation and study. After that, a period of time will have to be spent on drafting legislations and going through the legislative procedures. I would like to ask how long the public have to wait before their health can be safeguarded.

I think the most important thing is to point out what is missing in the Report. I mentioned earlier that the Administration has been for over a century regarding TCM as a traditional Chinese culture rather than an integral part of the medical profession, and that no attempt has been made to assist its development. It is a pity that the Report has not rectify this misconception. Or else, the Report should have defined the position of TCM and the role it should play in the entire medical system of Hong Kong. For example, should TCM be regarded as primary health care or secondary medical care, or should it be used together with other western treatments? What is its place in the public medical system? Without proper status and role, it is very difficult to attract new blood into the profession, not to mention the future development of TCM.

The report has also failed to touch upon the commitment of the Administration concerning financing and resources for the overall development of TCM. Resources are obviously needed for the Preparatory Committee to function and resources are also indispensable for setting up a registration system and for its smooth operation; funds are also needed for developing TCM training.

Unfortunately, we can scarcely find any commitments in this respect in the Report. On the contrary, in respect of training for instance, the Administration only says that it will "encourage" and "urge" TCM organization and academic institutions to organize more relevant courses. It also gives commendation to their contributions in order to evade its own responsibilities.

The most ironic point is that the Administration even failed to produce a preliminary schedule at the time the Report was released, and shifting all the work and responsibilities to the Preparatory Committee yet to be established.

I think the Administration should at least work out a phased schedule of progress and direct the Preparatory Committee to accomplish these recommendations. If this basic task cannot be done, I suspect that the Administration is just being perfunctory in presenting this Report.

Certainly, I understand that it is impossible to solve the problems of TCM in two or three days after years of neglect. However, we should not just wait for a sound TCM control system to appear without carrying out any actions. Measures should be taken immediately to prevent disabilities or deaths caused by taking wrong Chinese medicines.

The fastest and feasible first step, I believe, is to control all proprietary Chinese medicines in accordance with existing methods of controlling Western medicines, and to weed out proprietary Chinese medicines containing harmful ingredients.

In the meantime, Hong Kong should co-operate with its neighbouring countries, such as China, to ensure all imported Chinese herbs are properly labelled, with their names and places of origin specified, in order to reduce the chances of mixing the fictitious with the genuine. In addition, public hospitals and clinics should record the problems of patients caused by the use of TCM, as this is helpful to the future regulation of TCM.

The Preparatory Committee should keep a record of TCM practitioners as soon as possible and use the data collected to facilitate the setting up of a feasible registration system.

Mr President, I look forward to the early implementation of the system for regulation and control of TCM so that the health of the public can be safeguarded.

With these remarks, I beg to move.

Question on the motion proposed.

MR LAU WAH-SUM (in Cantonese): Mr President, after all these years of hard work, a report is finally made. I remember the issue first caught the attention of my colleagues in this Council a few years ago, when some people though not became seriously ill, though not dead, after having taken traditional Chinese medicines (TCM). I fully agree to Dr LEONG Che-hung's motion and the remarks he has just made, particularly in regard to setting a timetable for monitoring the progress of the relevant tasks. Paces should be quickened because the issue is directly related to the health of the public and many years have already elapsed.

Since the word "regulate" was just mentioned, I think the Government should make it clear that it is TCM and patent Chinese medicines, instead of TCM practitioners, that have to be regulated. As regards TCM practitioners, we should help them to get organized so that they can discipline themselves. We should also set a definition for TCM practitioners. For these reasons, it is necessary for the Administration to clarify these two points.

I would like to put forward three points to supplement Dr LEONG's remarks. The first one concerns herbal medicines, of which there are some dangerous herbs which may be lethal. I remember roughly that there is a list of dangerous herbs in the report, pending further research by a committee; it is feared that such a research may again take a number of years. Therefore, I hope actions will first be taken by the health authorities in accordance with the list; or legislation be made to require that such herbs can only be purchased on practitioners' prescription, in order to prevent the general public from buying such herbs directly from drug dealers or drug stores. Some may ask how this can be achieved, since the practitioners themselves are not registered up to now. Please do not forget that at present practitioners can give out prescriptions to patients for them to buy medicine. We only need to stipulate that the public cannot directly buy these herbal medicines, and this will be much better than the current practice. The law can also be amended accordingly should there be any additions or deletions to the list after the committee have finished their research on herbal medicines.

My second point concerns patent Chinese medicines. Currently, the health authorities only examine whether Chinese patent medicines contain Western medicine ingredients. I hope the health authorities will before long secure methods to ascertain that the ingredients and drugs labelled on these medicines are accurate. The Administration had said that this was not feasible when my

colleagues in this Council discussed this matter some time ago, but it is said that successful research has been conducted and it is now possible to analyze the ingredients of TCM. I hope the analysis of the ingredients of TCM can be made as soon as possible because this concerns public health. At present, many people just purchase and consume patent Chinese medicines and this is very dangerous. It is true that Chinese medicines have been in use for several thousand years, but there have also been cases of people taking wrong TCM in the last two years.

My third point concerns the composition of the committee. No matter how its members are elected, I hope there will be prominent TCM practitioners among them, as this is their own business. Besides, there shall be members who are neither TCM practitioners nor Western medicine practitioners so that consumers' interests can be represented. I also agree that Western medicine practitioners should be the third kind of members, provided that they must also have some knowledge of TCM. At present, there are many doctors in Hong Kong who have both traditional Chinese and Western medical skills. Therefore, these three kinds of people should be in the committee. The committee should work out a timetable for the implementation of all or some of the tasks as soon as possible. I know that there are many schools of TCM practitioners, and it is not easy to unite them together. Nevertheless, the committee should prepare reports as soon as possible on other issues such as dangerous medicines to serve as a guideline for the health authorities.

With these remarks, I support the motion.

MR TAM YIU-CHUNG (in Cantonese): Mr President, I welcome and support the Report of the Working Party on Chinese Medicine just released by the Government; it is more complete and more positive than the interim report. The Report not only recognizes the contribution of traditional Chinese medicine (TCM) to Hong Kong's health care system but also discusses the issues of TCM in Hong Kong in a more practical manner. The issues discussed include ways and means to improve and promote the professional status of TCM practitioners, more flexible ways to deal with the problem facing registration of those TCM practitioners who belong to the "grandfather" generation and who have been practising for years, and control of potent herbs to protect the patients' health. I do not intend to discuss the recommendations of the Report in detail here, but I wish to take this opportunity to urge the Government to put words into action. In order to draw on collective wisdom, the Government should refer to the views of the TCM profession and all other related sectors, and implement all the recommendations of the Report in a practical manner without delay.

To a large extent, I agree to the questions and suggestions brought up by some members of the TCM profession concerning the Report. These views are important to the development of the TCM profession. I would like to put forward some suggestions for reference by the Government concerning the composition of the Preparatory Committee, the registration and training of the TCM practitioners. The Preparatory Committee as proposed in the Report will take up responsibilities such as compiling a list of potent herbs, making a register of practising TCM practitioners and setting up a statutory structure for TCM practitioners. However, the Report has not specified membership of the Preparatory Committee. It only states that "the Preparatory Committee should consist principally of members of the traditional Chinese medicine profession". I am afraid this may lead to worries among the TCM groups that the Government would invite too many western medical practitioners to join the committee who would interfere with the operation of the TCM profession from the angle of western medical skills. Therefore, I hope that even if representatives from other disciplines and professional bodies would join the Committee, members of the Committee should mainly be members of the TCM profession and their views should be taken as fully as possible. Besides TCM practitioners, members of the profession should also include dispensers as they are required to dispense Chinese medicinal materials according to prescriptions and they assume great responsibilities. Therefore, their views are of great importance to the Preparatory Committee.

I also urge the Government to set up the Preparatory Committee as soon as possible so that the proposed structure can be fixed soon. Just like the Medical Board, this statutory structure should ultimately take up the responsibilities for the promotion, development and regulation of the TCM profession in Hong Kong in the capacity of the "Traditional Chinese Medicine Authority".

Concerning the issue of the registration of the TCM profession, the Report also puts forward that registration should be carried out for various types of TCM practitioners. I very much agree to this as the implementation of a registration system is the first step forward in recognizing and regulating the TCM profession which will boost the public's confidence in the profession. However, the Report has not mentioned the time, procedure or criteria of the implementation of registration. It only indicates that such work will be taken up by the future Preparatory Committee. I hope this is not an act of shirking responsibilities. I also hope that the authorities would set up the Preparatory Committee as soon as possible for early implementation of the registration system.

Concerning the criteria of registration, the Administration should take into consideration the mode of training of TCM practitioners and the actual situation at present and should be flexible in handling registration. The TCM practitioners who belong to the "grandfather" generation and those who have been practising for years should be exempted from any forms of examination and become the first batch of registered TCM practitioners right away. To safeguard the interests of the patients, other TCM practitioners who intend to practise in Hong Kong must meet the criteria of practice as formulated by the "Traditional Chinese Medicine Authority" before they are registered.

Finally, with respect to the TCM education the Report points out that "training (is) the key to ensuring high standard of practice". To this end, I believe TCM should be incorporated into the university education system so as to strengthen the training of TCM practitioners and dispensers. Moreover, the training courses should not remain at the level of apprenticeship. Rather, more systematic and scientific training, such as a degree course in TCM in tertiary institution, is required. Not only can this promote the professional status of TCM but this can also attract the younger generation to the profession. In additional, some members of the profession have pointed out that, for practising dispensers who have learnt by apprenticeship, there may be practical difficulties for them to attend a regular course. Hence, I suggest that the authorities may consider offering correspondence courses for people working in the trade.

Mr President, the fact that the Government has long been adopting a contemptuous and indifferent attitude towards TCM practitioners has given rise to the situation of the good mingling with the bad in the profession. As this Report is more complete and positive than the Interim Report, I hope that the Government will put in more efforts and take into account various views, and that the recommendations of the Report should be implemented without delay.

With these remarks, I support the motion.

MR FREDERICK FUNG (in Cantonese): Mr President, traditional Chinese medicine (TCM) is still accepted by the majority of HongKong people. According to the information from the Hong Kong Association of Traditional Chinese Medicine, over 60% of the public still consult TCM practitioners and take TCM. It is imperative for the Government to enact relevant medicine regulations and take up regulating responsibilities to safeguard the health of Hong Kong citizens. At the same time, it may also help to improve the uneven qualities of local TCM practitioners.

The Government's subsidy to help improve TCM has always been limited. Substantial improvement can hardly be made with inadequate resources. This also reflects the half-hearted and irresponsible attitude of the Government towards this problem. As far as training of TCM practitioners is concerned, the Government has not organized any formal full-time training courses for TCM practitioners. In Hong Kong, TCM practitioners usually acquire the knowledge by way of self-learning, apprenticeship training or part-time training courses. At the moment, full-time TCM training courses are run by non-governmental bodies or private organizations, and the Government is not involved. The School of Professional and Continuing Education of the University of Hong Kong has organized a certificate course on basic medical knowledge for practising TCM practitioners since 1991. Other relevant courses provided by tertiary institutions and TCM associations also lack Government subsidy or involvement. I think it is not adequate for the Government to just "encourage" training of local TCM practitioners. Instead it should more actively allocate resources to assist them. Let me reiterate, the Government must undertake to provide resources for the training, research and development of TCM so as to show the Government's concern for the local TCM practice.

The Working Party recommends that the establishment of a formal full-time training school be considered by the Government as a long-term objective of TCM development. I opine that the Government should adopt this recommendation in order to show its commitment to the quality as well as training of local TCM practitioners. However, the Report does not propose any plan for the incorporation of TCM into the scope of hospital services. It may be due to unwillingness on the part of the Government to make too much financial commitment. In fact, Tung Wah and Kwong Wah Hospitals have already set up TCM out-patient departments for years with Government subsidies. According to information, between April 1990 and March 1991, a total of 191 926 man-times of treatment were provided there, which reflects the public's great demand for traditional Chinese medical treatment. I think the Government should set up traditional Chinese medical out-patient departments in other hospitals and expand the scope of service to benefit more people. Moreover, placing TCM under Government control will further safeguard the public's interests when they receive medical treatment.

It is pointed out in the Report that the Government will create three additional posts at the cost of \$1.9 million a year to provide services for the Preparatory Committee and will create 35 additional posts at the cost of \$20 million a year to implement the recommendations of the Report. In my opinion, the Government's commitment to providing resources should not be confined to the administrative framework. A more important commitment is the resources for training. I hope the Government can stress the importance of training and make contributions in respect of quality and professionalism.

The Government has yet to recognize the professional status of TCM practitioners, and the Government should recognize their status as soon as possible to ensure that documents issued by them will be recognized by law. In fact, the Government has adequate authority to develop the local TCM profession as well as promote the policies for medical and health services, as is clearly provided for in Article 138 of the Basic Law. Therefore, I think it is time for the Government to begin to be more active in making the relevant improvements instead of "standing by with folded arms" or adopting the attitude of "wait and see".

The Report recommends the setting up of a Preparatory Committee on TCM in March this year and the drawing up of a register of practising TCM practitioners in a year's time which will serve as the basis for future registration. The preparatory committee will also be fully responsible for devising the criteria and procedures for registration of TCM practitioners. Of course, we endorse the Government's step-by-step approach of having a record first before eventual registration in respect of the registration of TCM practitioners. According to the relevant data, there are 4 000 to 10 000 TCM practitioners in Hong Kong who have different backgrounds, received different training and specialized in different forms of treatment, such as bone-setters, acupuncturists, practitioners of qi-gong and tui-na, and traditional medical treatment. The Government assigns this important task to the Preparatory Committee without giving the Committee concrete principles nor guidelines on formulating schedules. The registration procedure may not be realized within foreseeable future and legislative work may even take a number of years to complete.

In view of this, I think the Government should formulate a schedule. Even if the schedule may extend over a few years, the goal can still be achieved. If only the Government is determined to implement registration of local TCM practitioners in a planned manner, I believe this problem can be solved. As to the criteria for defining the standards of TCM practitioners, the Government has not come up with any clear guidelines at the moment. It is mentioned in the Report that standards of TCM practitioners can be assessed on the basis of their experience or by way of public examination but a decision has yet to be made. I am of the view that consultation experience and academic examination are of equal importance. We cannot simply rely on either of them in dealing with the existing problem. I propose that the Preparatory Committee should adopt either methods depending on the background of the TCM practitioners concerned. Since some of them belong to the "grandfather generation", it is impossible to ask them to sit for an examination in order to assess their academic performance. But this examination is an effective means in respect of the new generation, therefore, I hope an objective criterion can be laid down for registration standard.

With these remarks, I support the motion.

MR TIK CHI-YUEN (in Cantonese): Mr President, traditional Chinese medicine (TCM) is habitually used by many people in Hong Kong. According to a research conducted by the Chinese University in 1991, about 60% of our citizens have consulted traditional Chinese medicine practitioners and many of them have regularly taken herbal tonic. This reflects the popularity of TCM in Hong Kong.

There is a great variety of TCMs on sale in Hong Kong. Most of them originate in China. In the past, there were insufficient research data on traditional Chinese medicines and our knowledge of their side-effects was mostly handed down from our ancestors. Several incidents involving people losing consciousness after taking potent herbs aroused public concern a few years ago. As a result, the Government was compelled to start considering the regulation of TCM.

Unfortunately, the recommendations in the Report of the Working Party on Chinese Medicine published by the end of last year after years of research are not enlightening at all. Strictly speaking, the Working Party has made only one substantive recommendation, that is, to establish a Preparatory Committee made up of members of the profession to discuss a series of questions which the Working Party has discussed but not reached a conclusion.

We certainly know that the history of TCM dates back to ancient times. The Working Party has spent five years in conducting quite a lot of researches, including those commissioned to the universities. It has also visited China and Macau in order to exchange views before publishing its interim report in 1992 for public consultation. Its conclusion that further study is recommended to be carried out by a Preparatory Committee is indeed disappointing.

The Report has failed to mention anything about guiding principles and policy orientations, such as the role of traditional Chinese medicine in our future medical system and the commitment of the Government. At its meetings in the past five years, the Working Party has never touched upon the important issue of determining the status of TCM in Hong Kong. This is incredible and this also casts doubt upon whether the Government is really determined to commit to the development of TCM.

There are a great variety of traditional medicinal materials on sale in Hong Kong, which are mainly imported from China. No control was exercised by the Government in the past on the manufacture of TCM and the import of potent or toxic herbs. Dispensers working in herbal shops selling these herbs were not subject to regulation either.

Although there had been incidents where people became unconscious after taking potent herbs, no formal research has been conducted to find out the side-effects or the latent effects of these TCMs. Furthermore, the medicines are not labelled to assist consumers in their purchase.

We are of the opinion that the Government must formulate regulatory measures as soon as possible in order to control those potent herbs which may be hazardous to our health.

The quality of TCM practitioners has caused people's great concern. To establish the professional status of TCM practitioners, we must first work out some objective criteria and procedures which will form the basis of professional registration. As early as two years ago, I suggested that the Government should make reference to the experience of China and other countries in designing the examination system for TCM practitioners in order to assess whether they are qualified for registration.

It is a pity that, despite having collected opinions from various sectors, the Working Party still does not have a clear orientation in the formulation of the detailed rules of registration nor a specific timetable for implementation.

It is undeniable that TCM, with a history of 8 000 years, has contributed significantly to strengthening of health and treatment of illness. In fact, a number of researches on TCM have been carried out in foreign countries. Despite its popularity, there has been scarcely any research done in Hong Kong during the past in respect of TCM.

As regards training of professionals and research, it is regrettable that no commitment on the part of the Government is found in the Report of the Working Party. The establishment of training institutes is regarded by the Government as a "long term objective". As far as training for dispensers is concerned, it is only suggested that training should be provided within the profession itself.

The Government adopts the indifferent attitude of an onlooker towards the maintenance of the professional standard for TCM practitioners.

The Government is trying to pass the hot potato of regulating TCM to a Preparatory Committee to be established soon. Its scope of study will include registration, control and training. Its responsibilities are really important.

As this Preparatory Committee will have a wide scope of study and far-reaching impact, we think its composition must be broadly representative. In addition to members of the profession, the Government should appoint professional education workers and representatives from the general public to the Committee. On the other hand, this will help to strike a balance of the formulation of policies for professional training in the traditional Chinese medicine profession and safeguard the consumers' interests.

Lastly, we hope that a timetable can be drawn up soon after the establishment of the Preparatory Committee in March. Also, the Government should commit that recommendations made by the Committee will be implemented as soon as possible.

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

DR LAM KUI-CHUN (in Cantonese): Mr President, the Government's publication of the Interim Report of the Working Party on Chinese Medicine three years ago aroused fears among the practitioners of traditional Chinese medicine (TCM) because they were worried that once the Government regulated the traditional Chinese medical practice, some of them might lose their jobs. Now, three years later, although the requirement for registration has been generally accepted by the practitioners in TCM, some of them are still worried. It seems to me that these practitioners have the following three expectations:

- (1) Registration of the traditional Chinese medical practitioners is expected to mean recognition of their professional status, making their social status comparable to that of practitioners of Western medicine in the future. As regards this expectation, I think recognition of status is not difficult to achieve and it is something which the Government should do. However, whether the practice in TCM will be generally accepted by society will depend on whether the future performance of practitioners of TCM deserves recognition by society. This concerns entirely a traditional Chinese medical practitioner's level of medical skills and his personal integrity.
- (2) As to those practitioners in TCM who cannot satisfy the registration requirements initially, it is expected that the Government will design a comprehensive training course in co-operation with relevant bodies to help them re-enter the mainstream of the practitioners in TCM so that they may continue with their practice. I think this is a very reasonable demand. However, the course concerned must maintain a certain standard to ensure that those who has passed in the course can adequately look after the interests and needs of their patients.
- (3) To ensure that the practice in TCM can continue to compete with other medical practice in the future, practitioners in TCM expect that the Government would provide sufficient resources for them to exchange their professional views (that is, to set up a traditional Chinese medical school), to engage in self-studies (that is, to set up a traditional Chinese medical library with books and periodicals on TCM); to learn from overseas experience (that is, to set up a fund for overseas studies, to invite overseas professors to hold seminars and to organize medical meetings); and to receive in-patient clinical

diagnosis and treatment training (that is, to build a hospital of TCM).

These are reasonable demands from the point of view of practitioners in TCM. However, this is a very enormous plan from the point of view of the Government. The systematization of the practice in TCM and Chinese medicine has just begun and we cannot expect success overnight. Hence, it is difficult to comply with the demands of the motion in this respect and work out a concrete plan and timetable at one go. However, the Government should make the necessary arrangements to facilitate gradual systematization of the practice in TCM and Chinese medicine as soon as possible so far as the allocation of resources permits.

Looking at the skills in TCM from the angle of the Western medical practitioners, it is generally thought that it would be best for the patients if the practitioners in TCM can make up for the inadequacy of the Western medical practitioners. The difficulty lies in the totally different conception between practitioners in TCM and Western medical practitioners in respect of categorization of diseases and their treatment. Long-term studies are needed before traditional Chinese and Western medical practitioners can co-operate in giving medical treatment.

From the point of view of the public, it is estimated that practitioners in TCM should satisfy the following four criteria:

- (a) Practitioners in TCM should have attained certain standard. This can be achieved through a system of registration. The greatest difficulty facing the medical practitioners is to discern when the condition of a patient falls beyond his ability to diagnose and treat and when the patient should be referred to another eminent medical practitioner. To acquire this power of judgment, practitioners in TCM should develop a system of regular discussions and interflow.
- (b) Practitioners in TCM should obey what their conscience dictates. This point is rather obvious, but where keen competition exists, as in every trade and profession, there would inevitably be temptations, which might sometimes make the practitioners act in a way that brings more benefits to themselves than to their patients. Hence, the registration of the practitioners in TCM should be implemented together with the development of a disciplinary mechanism of the profession, to be jointly supervised by members of the profession and prominent personage of society. Disciplinary personnel in the profession should be impartial and widely respected.
- (c) The quality of medicine to be taken should be guaranteed. Control of the import and manufacture of Chinese medicine should be implemented at the same time as, or even earlier than, the

registration of practitioners in TCM. Potent medicines should no longer be prescribed by people not up to professional standard. Today I have seen a woman whose liver has shrunk to half of its size within a year. Upon enquiries, it was found out that a practitioner in TCM had suggested that the woman should take anti-cancer medicine for fear that she might suffer from cancer. In fact, she was not suffering from cancer. The practitioner concerned still does not know that the anti-cancer medicine prescribed by him to the woman for prevention of cancer has caused damage to her liver. Prescribing medicine in this manner causes harm before doing any good. The next point for consideration is that the effects of skills in TCM rely mainly on inferences drawn from cases. This method is not as accurate as comparative studies. In the future, the Government should introduce the system of comparative studies on medicine to practitioners in TCM through the universities concerned.

- (d) It would be best for practitioners in TCM and the Western medical practitioners to understand each other so that they can recommend cases they have failed to treat to practitioners stronger in the relevant medical skills. The Government should assist in the promotion of seminars on traditional Chinese and Western medical skills.

Mr President, the Liberal Party's comments on the specific proposals set out in the Report of the Working Party on Chinese Medicine have been expounded in detail by Mr LAU Wah-sum, who became involved in the organization of the work on Chinese medicine at a very early stage. I have just mentioned the view points of practitioners in TCM, the Western medical practitioners and the public regarding the expectations of the systematization of practice in TCM. I think these are specific views which should be considered seriously by the Government.

With these remarks, I support the motion.

DR TANG SIU-TONG (in Cantonese): Mr President, Hong Kong is a Chinese community. Members of the public have placed much trust in practitioners in traditional Chinese medicine (TCM) and TCM itself. It is very common for people to consult practitioners in TCM and take TCM, which shows the indisputable fact that there is no question that TCM and their practitioners are popular. It took the Government five years to prepare the "Report of the Working Party on Chinese Medicine" which officially tackles the long-neglected issue of TCM and puts it on the right track. The Government is moving in the right direction. On the premise of protecting the health of the public, I support suitable regulation of TCM and their practitioners.

The Report recommends that a list of TCM practitioners should be drawn up as the basis for future registration of TCM practitioners. The provisions for registration is indeed the first step in raising the status of TCM practitioners. It also serves to guarantee the patients that the services of the practitioners are up to certain standard and also to strengthen the confidence of the public in TCM practitioners. In view of the differences in modes of training, clinical experience, standards and background of practising TCM practitioners, it will not be easy to lay down any specific criteria for registration. But I still think it is necessary to do so. My view is that the Government should establish an examination system to test TCM practitioners in respect of their experience and their knowledge of TCM, so that a set of criteria can be set up to enable TCM practitioners to attain an ideal standard.

In the long run, the licensing of TCM practitioners should be in co-ordination with the provision of training. The Government should run a full-time TCM training school so that students may practise after they have completed the programme and passed the accreditation examination. As the school can only provide training in pharmacology and systematized knowledge, the Government must gradually provide medical services with the establishment of TCM clinics and TCM hospital beds, thereby enabling students of the training school to have the opportunity of learning from clinical experience.

Besides, in respect of the regulation of TCM, the Report recommends the implementation of a system of registration of proprietary Chinese medicines and requests that importers of Chinese herbal medicines should be required to apply for licences. I agree that Chinese herbal medicine importers have to be licensed, but there are obvious technical difficulties for importers to prove that the Chinese herbal medicines they have imported are genuine and for them to be held responsible for the safety, quality and efficacy of imported patent Chinese medicines. My view is that as regards the quality appraisal of Chinese herbal medicines and patent Chinese medicines, proof should be given by the distributor in the country of origin, and every kind of patent Chinese medicine has to go through basic safety inspection in government laboratories before it can be allowed to be sold on the market.

Importers or shops found selling uninspected patent Chinese medicines should be punished. Moreover, patent Chinese medicine importers should be licensed like Chinese herbal medicine importers. To safeguard the safety of the public in taking patent Chinese medicines, I insist that the Government should take up the responsibility for safety inspection.

As to the status of TCM and their practitioners in the medical service structure, I wonder if they should be regarded as primary medical services or secondary medical services or if their status should be the same as that of western medicines. The Government should spend time in deploying human resources to make a thorough analysis before reasonable status can be enjoyed by TCM practitioners.

A total of 19 recommendations have been put forward in the Report and most of them are really tackling the crux of the matter. But it is a pity that the Report does not provide specific policy guidelines, nor does it set a timetable for implementation. All such tasks will have to be undertaken by a Preparatory Committee yet to be formed. My opinion is that it will be an uphill task for the Preparatory Committee when clear guidelines and a specific implementation timetable are not available. Just imagine that it took the Working Party five years to start developing TCM. Even harder work will have to be done later. It will certainly be very controversial in regard to the commencement of the registration of TCM practitioners and in regard to the criteria of examination. If opinions differ between the Preparatory Committee and the profession, the implementation of the Report's recommendations will not be realizable in the foreseeable future. Therefore, I think it is necessary for the Government to provide sufficient support and resources to the Preparatory Committee, including working out a timetable for the implementation of the Report's recommendations so that the Preparatory Committee can have something to follow when it starts working. Moreover, some members of the Working Party responsible for drawing up the Report should also be appointed to the Preparatory Committee as advisers or members for the sake of continuing the previous co-operation and opening new grounds for work. This will facilitate the smooth functioning of the Preparatory Committee. At the same time, the Government should conduct regular reviews and follow up the progress of various work. Only by so doing can we achieve the anticipated results.

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

MR MICHAEL HO (in Cantonese): Mr President, traditional Chinese medicine (TCM) is an important part of the rich Chinese culture. If we are able to utilize such valuable resources properly, the health of the people of Hong Kong will be better protected. It is indeed necessary for us to consider how these valuable resources can be fully utilized.

The Democratic party thinks that the problem confronted by TCM is the lack of a regulating system generally observed by the TCM practice. Besides, people involved in the profession have reached no consensus on the setting up of this system. After more than a hundred years of evolvement, Western medicine practice has already developed a regulating framework of professional standards which is generally accepted worldwide. Criteria of such issues as professional competency, co-operation and division of labour among various professionals, areas that should be monitored by the Government and how monitoring can be done have already been in place. On the contrary, apart from China and Taiwan, there is no well-structured system for TCM. The practice of TCM in Hong Kong seems to be all the more haphazard. In order to develop TCM into an integral part of our health care system in Hong Kong, it is necessary to set up a framework to regulate the profession. Our present task is in fact some kind of pioneering work which seeks to lay the groundwork for future development. It may be strenuous but it is very meaningful.

Regrettably, it seems that the Report still holds the view which prevailed decades ago for it thinks that Chinese medical practice has not made any development in areas like theory, method of examination and treatment. It has turned a blind eye to the achievements made in the development of TCM in recent decades through integrating Chinese and Western Medicines. Modern medical science is making rapid development. Innovative approaches have significantly improved the performance of Western medical science in respect of diagnosis and treatment. It is indeed impossible and also unreasonable for us to ignore all these progresses in the medical field. Any proposal which seeks to isolate the use and practice of TCM is surely detrimental to the development of the TCM profession. All of us, as I believe, will agree that TCM practitioners will be able to diagnose more accurately with the application of basic technologies such as X-ray, urine test, blood test and so on. We will certainly impede the modernization of the Chinese medical profession if the practitioners are not given the chance to acquire knowledge of other examination techniques such as magnetic resonance, genetic therapy, catheter and so on. In fact, many writings on TCM in the mainland also refer to modern medical concepts and examination methods for diagnosis purposes. To the patients, a medical practitioner, whether he is a practitioner of Chinese medicine or of Western medicine, is a good one as long as he can cure their diseases. If TCM can develop on the basis of integrating Chinese and Western medicines and incorporate modern medical concepts, experiences and approaches, TCM will then be able to make a greater contribution to the health of the community and will, at the same time, enrich and strengthen modern medical science. Practitioners in TCM should, of course, play a major role in setting up the Preparatory Committee and the Traditional Chinese Medicine College (TCMC). The Preparatory Committee, however, should also be composed of Western medicine practitioners, pharmacists and other non-medical personnel.

Where the registration of TCM practitioners is concerned, the crux of the matter lies in how the professional standard of TCM practitioners can be further standardized, thereby enabling members of the public to have access to reliable services. Of all the TCM practitioners in Hong Kong at present, about 40% have undergone full-time TCM training; 14% have taken up part-time TCM courses; 30% began as apprentices and 12% came from Western Medical schools. We suggest that practising TCM practitioners should first be registered. The Government should consider allowing TCM practitioners graduated from qualified TCM schools to be registered. As for the other TCM practitioners, we should consider allowing them to be registered only after they have passed an examination. The few experienced TCM practitioners may be exempted from the examination. The Administration should invite TCM professionals from China or other parts of the world to conduct the examination in order that the examination can be of an appropriate and objective standard. Thereafter, those who want to be registered as TCM practitioners should receive training provided by the TCMC. For this reason, it is necessary to expedite the establishment of the TCMC.

As Chinese medicinal materials are commonly used, it is necessary to impose control over the use of these materials. Under the existing legislation, even ordinary foodstuffs are required to be properly labelled and those which are hazardous to health are also brought under control, let alone traditional Chinese medicinal materials. I suggest that the Government should, first of all, enact legislation on the control of toxic TCM materials. Our purpose is to regulate pharmaceuticals which may be dangerous. I believe that we have reached a consensus on this point. Western medicines have long been subject to such regulation. In China, all poisonous drugs come under the control of the same legislation whether they belong to Chinese or Western Medicines. The Government should draw up a list of toxic Chinese medicinal materials and herbs for reference by the public, stipulating that toxic Chinese medicinal materials and herbs can be purchased only with the prescription and authorization from qualified TCM practitioners. Moreover, the medicinal materials and herbs involved should only be dispensed by qualified TCM dispensers. This is the way through which the health of the public can be safeguarded. On the other hand, we do not have any control at all at present over Chinese patent medicines and this worries us a lot. I hope that there will be similar control over Chinese patent medicines.

Mr President, these are my remarks.

DR CONRAD LAM (in Cantonese): Mr President, from what Members have said, it appears that everyone recognizes the contributions made by practice in traditional Chinese medicine (TCM) and Chinese medicine towards the community, and that such contributions are also recognized by the Administration. From the speeches made by many of the Members, it seems that they are a bit worried about the Administration's sincerity. I do hope the Administration can do something to show its sincerity, determination and commitment.

What are the present positions of TCM and their practitioner in the eyes of the Administration? What will their future like? What does the Administration expect their position to be after three years, five years or ten years? Or course, in order to attain a certain position, professionals in the field of TCM have to make certain efforts. The Administration should also give them fair and appropriate assistance and support. Let us look at the assistance and support the Administration has been giving Western trained doctors (WTD). For example, medical faculties are established in the Hong Kong University and the Chinese University. The economic input is enormous. On the other hand, how much has the Administration spent on TCM and their practitioners? Of course, we should not just look back. We must look forward if we want to do better. But then, does the Administration have in place a more detailed plan? How much is the Administration prepared to invest in the development of TCM and their practitioners in the next one, two, three, four or five years so that better support can be given to them and so that they may be treated in a fairer way? Such support is, I believe, what we are hoping to get.

The Administration can certainly go one step further. It may accord equal treatment to TCM practitioners, WTD or doctors in other specialisms. As long as they can win the trust of the citizens, they should be accorded equal treatment by the Administration. In this regard, we may ask questions such as: When will TCM practitioners be allowed to sign medical leave certificates acceptable to government departments as valid? Will TCM practitioners be allowed to sign death certificates? Naturally, if our ultimate aim is to confer such power on TCM practitioners, we should take appropriate measures to ensure that suitable professional supervision is imposed on training and registration and that satisfactory results are produced.

I do hope that given the resources available at present, the Administration will seriously consider trying its best to help people engaged in TCM.

Thank you, Mr President.

MR JAMES TO (in Cantonese): As a traditional Chinese medicine (TCM) practitioner of the "grandfather" or "semi-grandfather" generation, I am deeply impressed by Dr Conrad LAM's speech, I doubt very much the Government's sincerity in upgrading the status of TCM to a certain degree and I wonder how much resource it is going to allocate to this. If there is no sincerity on the part of the Government, the institutes formed and courses run by the profession will only be deemed as not up to standard and their status will be suppressed when they eventually undergo a certain objective assessment.

I hope the Government could show some sincerity in this respect. I hope a target can be fixed where TCM and western medicine are allowed to exist side by side and even to complement each other. I believe this is the underlying principle. It is only after a target has been fixed then the Government can allocate social resources to support the relevant policies.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Mr President, I welcome this debate on Chinese medicine and may I first of all thank Dr the Honourable C H LEONG and other Members of this Council for their constructive views and suggestions.

The Working Party on Chinese Medicine was established by Government to examine issues related to the use and practice of Chinese medicines in Hong Kong. The Report, released in November 1994, was published after extensive research, examination of the practice of traditional Chinese medicine (TCM) in other territories and consultation with TCM professionals including the Working Party's Professional Consultative Committee, which comprised TCM practitioners, traders and so on. The Report made a number of recommendations on matters concerning the registration of TCM practitioners and dispensers, the use of potent herbs, the processing, sale and import of Chinese herbs as well as training and research in TCM. The main

recommendations of the Report have been approved by the Executive Council and form Government's fundamental approach to TCM.

Before responding to Members' comments, I would like to restate as succinctly as possible our policy on traditional Chinese medicine.

TCM is part of our cultural heritage. It is an important part of our health care system and has made a widely recognized contribution to maintaining the health of the community.

Our objectives are to safeguard public health and recognize the role of the TCM profession in our health care system as well as to promote more systematic, healthy and focused development in TCM.

But how?

Our first step will be for the Department of Health to publish a list of potent herbs for public reference. This will raise the awareness of the public about the safe use of those potent herbs which have narrow safety margin and which may induce adverse reactions if not properly used.

We will also compile a profile of all serving TCM practitioners in Hong Kong. The profile will give valuable information on the distribution, formal education, training, years of experience, and so on of all serving TCM practitioners. Based on this profile, we will be able to devise criteria for their eventual registration.

Ultimately, our TCM policy will lead to eventual regulation of the processing, manufacture and import of Chinese medicines, in particular the import and sale of potent or toxic herbs. Our policy will also require all TCM practitioners to be registered eventually before practice if they are to carry out the full range of TCM services.

Our TCM policy is based on the recommendations of the Working Party's Report. It is guided by the spirit of self-regulation and a step-by-step approach and will enable the TCM profession to develop and regulate its own discipline in the interests both of the profession and the consumers, like other professions in Hong Kong.

We will establish a Preparatory Committee on Chinese Medicine by March this year to steer the implementation of this very important policy. This Preparatory Committee will include TCM professionals, western doctors or academics with expertise in Chinese medicine and representatives of Government as well as of consumers. The Preparatory Committee will steer the implementation of the main recommendations of the Report and be replaced in time by a statutory body tasked to promote, develop and regulate the TCM profession. The Preparatory Committee will advise on the formulation of legislation to establish a statutory body and to provide a framework for the

TCM profession. This will be a complex task. It will require a comprehensive, new ordinance covering an area which has never previously been regulated.

I am pleased and grateful that our approach in recognizing and regulating TCM has received wide and enthusiastic support from Members, from the profession and from the public at large. My sincere thanks to the Working Party on Chinese Medicine and the many experts in the field, including TCM professionals, who have enabled us to take this bold but sensible first step.

It is not only the local community that supports our TCM policy. The Department of Health in Macau, the Ministry of Health in Singapore and the World Health Organization's Regional Office for the Western Pacific, to quote a few, regard our approach in TCM as useful and positive.

Through our contacts with two of the most prominent TCM institutions in China, namely the China Pharmaceutical University in Nanjing and Chengdu College of TCM, I am able to report with pleasure that they have a high regard for our TCM policy. To quote the Chengdu College of TCM, it considers that the Report of the Working Party on Chinese Medicine "has made practical and feasible comments and recommendations". It also thinks that our approach to TCM has "historical significance".

Let me now turn to Members' comments.

I very much appreciate Members' concern that a concrete plan and a time table should be set for implementing our policy on TCM, given the very diverse nature of the TCM profession.

We do have a concrete plan: with input of local TCM professionals, the Director of Health is actively preparing the list of potent herbs, which will be published soon.

We hope that with greater publicity efforts, people will know what these potent herbs are for, how they should be taken and, more importantly, what adverse effects they may cause if they are not properly used. The Department of Health is also setting up a telephone hot-line for public education on TCM to be launched later this year.

Our public education programme will not be confined to potent herbs. We will enhance public education on TCM in general through an effective publicity campaign and a series of seminars. In mid-1995, we will organize a local seminar on TCM and we are also planning to launch a sub-regional workshop are also planning to launch a sub-regional workshop towards the end of this year.

Public education is a long-term task and yet the most fundamental way to safeguard public health. Our public education programme in TCM will not be an one-off exercise but will form part of the regular activities of the Central Health Unit of the Department of Health.

What next? We will, together with the Preparatory Committee on Chinese Medicine, compile a profile of all serving TCM practitioners, based on which eventual registration criteria will be devised.

The profile will give details of the distribution number, educational backgrounds, training, years of experience, and so on, of serving TCM practitioners. The profile is extremely important: it will tell us where we are now, where we should go, and how.

Let me make it absolutely clear again: the compilation of a pre-registration record of serving TCM practitioners is a fundamental stepping stone for our TCM policy: socially and commonly acceptable professional standards of practice are what we need. They have bearings on each and every other important long-term issue such as training, formal education and research in TCM.

I wish to say more on TCM education. I understand that many TCM professionals would like Government provide tertiary TCM education as soon as possible. However, it would be very difficult to do so under the present circumstances because we do not have socially and commonly recognized standards in the TCM profession. It is therefore premature to discuss the idea of formalizing TCM education at this stage. Nonetheless, I am very happy to see that the University of Hong Kong's School of Professional and Continuing Education has offered several courses ranging from the use of Chinese medicines, basic Chinese medical science to acupuncture since late 1993. We also know that collaborative programmes in TCM are underway co-organized by the Chinese University of Hong Kong and other TCM professional associations with various China's TCM institutes offering different courses in TCM. These developments are encouraging.

As regards a time-table, I have been advised, time and again, by many TCM professionals that we must take our policy forward in a measured, step-by-step approach because the various issues involved are highly complex.

Notwithstanding the complexities of the tasks ahead of us, a timetable is important. We will work closely with the Preparatory Committee to formulate a workable and realistic timetable.

Let me reassure you: the Preparatory Committee, with our maximum support, will work very hard within its terms of reference. Regulation of the TCM profession, as soon as practicable, is certainly in the public interest and in your as well as my interest.

On the point of resources, we have already secured funds for the Department of Health to service the Preparatory Committee on Chinese Medicine. Resources for the implementation of other recommendations to regulate the TCM profession will be sought when specific measures are brought forward.

Let me emphasize that these are not the only resources which we may consider to provide in relation to the TCM profession in future. We will certainly provide further resources for the promotion and development of TCM where these are necessary and fully justified.

A lot of work lies ahead. I am grateful to Members for their useful comments in the motion debate this evening. These, together with the views and comments already expressed by the public and interested parties on the Report, offer the Preparatory Committee on Chinese Medicine, with which Government will work closely, much food for thought. Thank you.

PRESIDENT: Dr LEONG Che-hung, you have six minutes 30 seconds for your reply out of your original 15 minutes.

DR LEONG CHE-HUNG: Mr President, I would like to thank Members for their enthusiastic support in participating in today's debate. It only shows the public's concern for the development and progress of Chinese medicine and that traditional Chinese medicine (TCM) must be an integral part of our life and system.

Most Members who have spoken today have actually been very much involved in the drive for regulating TCM practice in Hong Kong and they have been working on this well before the Government set up its Working Party. Their views must be very mature ones which must and should really be taken into serious consideration. In particular, I would like to thank Members of the medical and health care profession for their unreserved views of the subject. Their experience will no doubt, if seriously considered by the Government, provide the best way for putting TCM in their proper status and provide the best protection for public health.

Better co-operation between TCM practitioners and western trained doctors, as suggested by my honourable colleague, Dr LAM Kui-chun, must be the right step forward. I would like to stress also that the medical profession strongly advocates the Report of the Working Party.

Members, in particular Mr LAU and Mr TIK Chi-yuen, have today mentioned about the composition of the future preparatory committee. I think their suggestions are good ones. I look forward to the Government to take it into serious consideration. Mr TAM Yiu-chung has been one of the spearheads for the movement to regulate TCM practice. Mr Frederick FUNG and Dr

TANG have dwelt in very much detail on the training of TCM practitioners and dispensers. Again, they have given invaluable advice and I do hope the Government will take these into consideration, too.

It appears that amongst Members who have spoken, there are a few questions that have been in their minds and it appears that they all seem to be aware of these few points.

Firstly, we would like to see the provision of a timetable for the implementation of the recommendation of the Report. Secondly, we are looking for proper resource provision so that the recommendation could be implemented. Thirdly, we do hope that the Government, in association with TCM practitioners, their associations, and the existing medical and health organizations, formulate a role for TCM practice in Hong Kong in the future. And fourthly, most of us seem to wish the Government would move rapidly forward in the control of herbs and patent medicine. I must also thank the Secretary for Health and Welfare for explaining to us, in such details, the background of the Report and for confirming to us the commitment of the Government and that there is a plan forward. Needless to say, deeds speak better than words. Let us hope that we will see true action and not just lip service. Some of the questions that have been asked by this Council obviously could not be dwelt on in great details by the Secretary. Obviously these questions need serious consideration and further deliberation. This we all understand. But let us hope that our Government will genuinely show its commitment to this Council and the public on this particular issue. We do have to remember that TCM will stay, will be an integral part of our life and will be such wherever there is a sizeable population of Chinese. It is best that we develop it properly for the better protection of the public at large. Mr President, I would like to thank Members for supporting the motion. Thank you.

Question on the motion put and agreed to.

ADJOURNMENT AND NEXT SITTING

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 18 January 1995.

Adjourned accordingly at Seven o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the motion moved by the Secretary for Constitutional Affairs under the Interpretation and General Clauses Ordinance and the Shipping (Miscellaneous Powers) Bill 1994, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

WRITTEN ANSWERS**Annex I****Written answer by the Secretary for Transport to Mr Roger LUK's supplementary question to Question 2**

From our enquiries so far, it appears that only a few countries have introduced such arrangements. The schemes identified are focused in two main areas: probationary driving licences and graduated driving licences.

The probationary driving licence system sets a probationary period for new drivers after they obtain their full licences. If within that period newly qualified drivers commit traffic offences, then they may be subjected to retraining and re-testing. Countries adopting this approach include Singapore, Northern Ireland, Australia and Japan.

Under the graduated licence system, restrictions are imposed on newly qualified drivers as to where and when they may drive. The restrictions are progressively lifted as the driver gains in experience. This system has been adopted in New Zealand and by certain Canadian provinces.

The Road Safety Council is now considering whether any special arrangement need be introduced in respect of newly qualified drivers and, in particular, whether either or both of the schemes adopted in other countries, should be introduced in Hong Kong.

Annex II**Written answer by the Secretary for Transport to Mrs Peggy LAM's supplementary question to Question 2**

Statistics on the types of vehicles involved in road traffic accidents over the last three years are attached at Table A. However, the statistics are meaningful only if account is taken of the mileage travelled by the different types of vehicles. Table B therefore shows the accident figures for each category of vehicle per million kilometres travelled, for the years 1992 and 1993.

WRITTEN ANSWERS — Continued

Table A

**Types of Motor Vehicles Involved
in Road Traffic Accidents (1992-1994)**

<i>Vehicle Class</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>
Motor cycle	2 593	2 647	2 683
Private car	7 231	7 717	7 984
Public light bus	988	930	930
Light goods vehicle	4 765	4 494	4 246
Medium and heavy goods vehicle	1 288	1 383	1 452
Public bus	1 538	1 502	1 493
Taxi	4 131	3 885	3 683
Tram	155	1 551	129
Light rail vehicle	29	23	18

WRITTEN ANSWERS — *Continued*

Table B

Motor Vehicle Involvement Rates by Vehicle Class in 1992 and 1993,
per million kilometres travelled

<i>Vehicle Class</i>	<i>1992</i>	<i>1993</i>
Motor cycle	12.59	12.37
Private car	2.39	2.33
Public light bus	3.05	2.80
Light goods vehicle	3.83	3.42
Medium and heavy goods vehicle	0.61	0.59
Public bus	5.13	4.81
Taxi	2.31	2.06
Tram	21.95	22.16
Light rail vehicle	4.58	2.76
All motor vehicles	2.47	2.29

WRITTEN ANSWERS — Continued**Annex III****Written answer by the Secretary for Transport to Mrs Peggy LAM's supplementary question to Question 2**

Section 36 of the Road Traffic Ordinance (Cap. 374) provide for the offence of "causing death by reckless driving". A person committing this offence is liable:

- (a) on conviction on indictment to a fine of \$25,000 and imprisonment for five years; and
- (b) on summary conviction to a fine of \$12,500 and to imprisonment for two years.

A person convicted of such an offence shall be disqualified for a period of not less than two years in the case of a second or subsequent conviction.

Annex IV**Written answer by the Secretary for Transport to Mr LEE Wing-tat's supplementary question to Question 2**

There are indeed gadgets available which allow motorists to detect the presence of police radar speed checks. Such gadgets are not illegal. As intimated in my supplementary reply, the police have confirmed that, as far as road safety is concerned, the fact that vehicle drivers and motorists who have installed such equipment may slow down their vehicles does not worry them because this reduced the risk of accidents at blackspots where radar checks were located.

As for gadgets which actually interfere with speed radars, the police and the Telecommunications Authority have indicated that they are not aware of such equipment being available or sold locally. Without seeing the actual devices, it is difficult for them to advise whether such devices would be illegal under the terms of the Telecommunications Ordinance.

WRITTEN ANSWERS — Continued**Annex V****Written answer by the Secretary for Transport to Mr WONG Wai-yin's supplementary question to Question 2**

We will continue to step up our efforts to tackle speeding and illegal car racing. Apart from conducting regular road blocks and road checks, the police purchased in 1994 a number of hand-held laser guns which have been proven as effective tools in detecting speeding vehicles. More of these will be purchased in the near future. Another new item of equipment introduced in March 1995 is the VASCAR auto vision which consists of an in-car video system that can be used to detect speeding offences.

	<i>1993</i>	<i>1994</i>	<i>Percentage increase/ (decrease)</i>
Number of Prosecution for Speeding Offences	167 571	173 497	3.5%
Number of Prosecution for Driving in a Motor Race or Speed Trial	82	77	(6%)

Annex VI**Written answer by the Secretary for Health and Welfare to Rev FUNG Chi-wood's supplementary question to Question 3**

So far, we did not have any complaint of smoking in cinemas. One of the important factors for the successful implementation of anti-smoking measures is education of smokers to observe the law diligently. This can only be done and reinforced in time by non-smokers asking smokers to observe the law and not to smoke in a no-smoking area. The manager of the premises should also be notified, if needed, so that action can be taken promptly and failing that, the citizen can seek police assistance to enforce the law properly.

From our experience, smokers are normally co-operative, if they are asked politely, to extinguish their cigarettes by the proper authority. Cinema managers are also prepared to enforce the law if requested by customers. The Government will continue to promote the awareness of no-smoking in public places and to review the need to strengthen enforcement, if needed.

WRITTEN ANSWERS — *Continued***Annex VII****Written answer by the Secretary for Health and Welfare to Mr Michael HO's supplementary question to Question 5**

All of the 65 complaints reported to the Department of Health from 1992 to 1994 were lodged against persons suspected to be practising western medicine without registration or operating illegal clinics.

As regards the 19 convicted cases, their convictions included operating an unregistered clinic, possession of part I poisons, possession of antibiotics, and possession of dangerous drugs. One case resulted in imprisonment for 18 months. Seven cases resulted in fines ranging from \$3,000 to \$15,000. The other 11 convictions resulted in fines of \$1,500 to \$16,500 and imprisonment for two to nine months, suspended for periods ranging from one to three years.

