

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 10 June 1981****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR CRAWFORD MURRAY MACLEHOSE, G.B.E., K.C.M.G., K.C.V.O.

THE HONOURABLE THE CHIEF SECRETARY
SIR JACK CATER, K.B.E., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY
MR. JOHN HENRY BREMRIDGE, O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
LAW DRAFTSMAN
MR. GERALD PAUL NAZARETH, O.B.E., Q.C.

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR. DENIS CAMPBELL BRAY, C.M.G., C.V.O., J.P.

THE HONOURABLE DAVID AKERS-JONES, C.M.G., J.P.
SECRETARY FOR THE NEW TERRITORIES

THE HONOURABLE LEWIS MERVYN DAVIES, C.M.G., O.B.E., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, C.M.G., J.P.
CHAIRMAN, COMMITTEE TO REVIEW POST-SECONDARY AND TECHNICAL
EDUCATION

THE HONOURABLE DAVID GREGORY JEAFFRESON, C.B.E., J.P.
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE DEREK JOHN CLAREMONT JONES, C.M.G., J.P.
SECRETARY FOR THE ENVIRONMENT

DR. THE HONOURABLE THONG KAH-LEONG, C.B.E., J.P.
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE JOHN MARTIN ROWLANDS, C.B.E., J.P.
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE JAMES NEIL HENDERSON, J.P.
COMMISSIONER FOR LABOUR

THE HONOURABLE WILLIAM DORWARD, O.B.E., J.P.
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS

THE HONOURABLE JOHN MORRISON RIDDELL-SWAN, J.P.
DIRECTOR OF AGRICULTURE AND FISHERIES

THE HONOURABLE DONALD LIAO POON-HUAI, O.B.E., J.P.
SECRETARY FOR HOUSING

THE HONOURABLE GRAHAM BARNES, J.P.
DIRECTOR OF HOME AFFAIRS

THE HONOURABLE COLVYN HUGH HAYE, J.P.
DIRECTOR OF EDUCATION

THE HONOURABLE JOHN GEORGE STEAN, O.B.E., J.P.
DIRECTOR OF PUBLIC WORKS (*Acting*)

THE HONOURABLE ROBERT STRONG SUN YUAN-CHUANG
SECRETARY FOR INFORMATION (*Acting*)

THE HONOURABLE MRS. ANSON CHAN, J.P.
DIRECTOR OF SOCIAL WORK (*Acting*)

THE HONOURABLE OSWALD VICTOR CHEUNG, C.B.E., Q.C., J.P.

THE HONOURABLE ROGERIO HYNDMAN LOBO, C.B.E., J.P.

THE HONOURABLE LI FOOK-WO, C.B.E., J.P.

DR. THE HONOURABLE HARRY FANG SIN-YANG, C.B.E., J.P.

THE HONOURABLE LO TAK-SHING, O.B.E., J.P.

THE HONOURABLE FRANCIS YUAN-HAO TIEN, O.B.E., J.P.

THE HONOURABLE ALEX WU SHU-CHIH, O.B.E., J.P.

THE REVD. THE HONOURABLE JOYCE MARY BENNETT, O.B.E., J.P.

THE HONOURABLE CHEN SHOU-LUM, O.B.E., J.P.

THE HONOURABLE LYDIA DUNN, O.B.E., J.P.

DR. THE HONOURABLE HENRY HU HUNG-LICK, O.B.E., J.P.

THE REVD. THE HONOURABLE PATRICK TERENCE McGOVERN, O.B.E., S.J., J.P.

THE HONOURABLE PETER C. WONG, O.B.E., J.P.

THE HONOURABLE WONG LAM, O.B.E., J.P.

DR. THE HONOURABLE RAYSON LISUNG HUANG, C.B.E., J.P.

THE HONOURABLE CHARLES YEUNG SIU-CHO, O.B.E., J.P.

DR. THE HONOURABLE HO KAM-FAI, J.P.

THE HONOURABLE ALLEN LEE PENG-FEI, J.P.

THE HONOURABLE DAVID KENNEDY NEWBIGGING, J.P.

THE HONOURABLE ANDREW SO KWOK-WING, J.P.

THE HONOURABLE HU FA-KUANG, J.P.

THE HONOURABLE WONG PO-YAN, O.B.E., J.P.

THE HONOURABLE CHAN KAM-CHUEN, J.P.

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

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, J.P.

ABSENT

THE HONOURABLE ERIC PETER HO, J.P.
SECRETARY FOR SOCIAL SERVICES

THE HONOURABLE WILLIAM CHARLES LANGDON BROWN, J.P.

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MRS. LORNA LEUNG TSUI LAI-MAN

Oath

Mr. Robert Strong SUN took the Oath of Allegiance and assumed his seat as a Member of the Council.

HIS EXCELLENCY THE PRESIDENT:—I should like to welcome Mr. SUN to this Council.

Papers

The following papers were laid pursuant to Standing Order No. 14(2):—

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Education Ordinance.	
Education (Amendment) Regulations 1981	160
Evidence Ordinance.	
Evidence (Authorized Persons) (No. 8) Order 1981	162
District Court Ordinance.	
District Court Civil Procedure (General) (Amendment) Rules 1981	163
District Court Ordinance.	
District Court Civil Procedure (Forms) (Amendment) Rules	164
District Court Ordinance.	
District Court Civil Procedure (Fees) (Amendment) Rules 1981	165
Dangerous Drugs Ordinance.	
Dangerous Drugs (Amendment of Second Schedule) Order 1981	166
Public Health and Urban Services Ordinance.	
Public Health and Urban Services (Public Markets) (Designation and Amendment of Tenth Schedule) (No. 2) Order 1981	167
Public Health and Urban Services Ordinance.	
Declaration of Markets in the New Territories (No. 2)	168
Banking (Amendment) Ordinance 1981.	
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<i>Subject</i>	<i>L.N. No.</i>
Deposit-taking Companies (Amendment) (No. 2) Ordinance 1981. Deposit-taking Companies (Amendment) (No. 2) Ordinance 1981 (Commencement) Notice 1981	170
Banking (Amendment) (No. 2) Ordinance 1981. Banking (Amendment) (No. 2) Ordinance 1981 (Commencement) Notice 1981	171
Deposit-taking Companies (Amendment) (No. 3) Ordinance 1981. Deposit-taking Companies (Amendment) (No. 3) Ordinance 1981 (Commencement) Notice 1981	172
Stamp Duty Ordinance 1981. Stamp Duty Ordinance 1981 (Commencement) Notice 1981	173
Immigration Ordinance. Immigration (Amendment) Regulations 1981	175
Sessional Papers 1980-81:	
No. 54—Police Children's Education Trust, Police Education and Welfare Trust Annual Report 1979/80	
No. 55—Supplementary provision for the quarter ended 31 March 1981	

Oral answers to questions

Design of and facilities in tolerated structures

1. MR. CHARLES YEUNG asked:—*Will the Government consider introducing standard criteria for the design of, and facilities in, permitted or tolerated wooden huts so as to improve the living conditions and safety of the residents?*

SECRETARY FOR HOME AFFAIRS:—Sir, structures in squatter areas, whether tolerated or not, are put up without any regulation as to density, location, design, or building materials. The only Government rule at present is one of control, namely, that any rebuilding or repair of tolerated structures which makes them bigger or which involves the use of permanent materials in replacement of temporary materials is not allowed. Within these limits the design of and facilities within the squatter huts are decided upon by the squatters themselves.

MR. CHARLES YEUNG:—*Sir, in view of the residents in wooden huts have to be in the huts for a long long time, would it not be a better position if Government adopted a more positive attitude towards improving the condition rather than the restrictive one by controlling them?*

SECRETARY FOR HOME AFFAIRS:—*Sir, we are looking at the question of improving conditions of services to squatter areas. Whether there should be any change in the rules relating to the construction of squatter huts is a very difficult question. On the one hand there can be no objection, indeed much to be gained, by encouraging the improvement of the quality of buildings. In many areas this will be done. On the other hand there is apprehension that given a glimpse of the development potential of squatter areas without any Government control, builders of Hong Kong would re-create the conditions of Kowloon Walled City all over Hong Kong. It is not proving easy to draw up proposals for a regime which will encourage housing improvement without making concessions, whose abuse would be difficult to control.*

Definition of vice establishment

2. REVD. JOYCE M. BENNETT asked:—*Will Government consider defining 'vice establishment' clearly so that the Police may take more effective action against such establishments?*

SECRETARY FOR SECURITY:—*Yes, Sir.*

REVD. JOYCE M. BENNETT:—*Sir, is the Secretary for Security able to give me any date when this definition will be ready?*

SECRETARY FOR SECURITY:—*Sir, there is of course a perfectly good but somewhat narrow definition which reflects the views of the legislature in the Crimes Amendment Bill of 1978. We are however aware that there is a strong body of opinion which feels there should be a wider definition. This however will raise the same problems as the widening of the definition which was discussed in 1977. I hope nonetheless that we shall be able to put forward a proposal, subject to the views of the Executive Council, in the next session.*

Training in high technology

3. MR. CHAN KAM-CHUEN asked:—*Has Government any plans to help the manufacturing sector to train more personnel in the design and manufacture of high technology components such as silicon chips for the micro electronics and mini computers industry?*

COMMISSIONER FOR LABOUR:—Sir, in general terms the answer to this question is yes, that plans have been evolving to train more personnel to meet industries' need for higher technology.

You, Sir, informed this Council in October last year that Government had accepted proposals from the Hong Kong Training Council, which were endorsed by the Advisory Committee on Diversification, for the establishment of a number of industry-wide schemes to be financed from the general revenue, and for the establishment of a statutory body to administer them. These proposals include three which are particularly pertinent to Mr. CHAN's question. They are the proposals for:—

firstly, a scheme for providing practical training for engineering graduates;

secondly, the establishment of an electronics industry training centre mainly for the training of key operative manpower; and

thirdly, the establishment of a training centre for key engineering trades which are found in almost all industries.

The first scheme, which stemmed from a committee chaired by Mr. S. L. CHEN, aims at bringing about sufficient training places in industry needed for providing about 550 engineering graduates per year with *organized* post-graduate training in industrial establishments. This training is considered essential if trainee engineers are to become competent in design and manufacture of engineering products.

The second scheme aims at providing training in the most up-to-date manufacturing techniques to about 2,000 new operatives annually for the three major electronics manufacturing sectors, namely, the semiconductor, the computer/memory plane and the consumer electronics sectors.

The last scheme aims at providing training in skills which are basic to key engineering trades such as tool and die makers, machinists and fitters which together constitute the base of all manufacturing industries including the electronics industry.

These schemes were considered by the Training Council to be fundamental to the success of any effort aimed at diversification towards high technology products. Once set up, the facilities will not only be used to train new workers, but also upgrade existing ones. In accepting these proposals, Government also accepted that these and similar schemes approved by Government should be a charge on the general revenue.

I can say without reservation that it is Government's intention that these schemes as well as the statutory body which will be responsible for operating them should be set up as a matter of urgency. To this end, drafting instructions for the necessary legislation are being finalized. The details of the financial and staffing implications involved are in an advanced state of preparation and approval for there will be sought in the near future. Meanwhile action has been

taken to secure land for these schemes and two sites have been reserved. It is the Government's intention that these schemes should have the flexibility that we needed to respond to the rapidly changing manpower requirements of industry. And it will be the responsibility of the new statutory body to ensure that this will be the case.

Review and extension of fixed penalty system

4. MR. CHARLES YEUNG asked:—*Has the Government made any study of the relative merits and deficiencies of the fixed penalty system for minor traffic offences and are there any plans to extend this system to other offences of a minor nature, such as littering?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the short answer to the first part of the question is yes. The fixed penalty systems for illegal parking and for minor traffic offences have made it much easier to prosecute the large number of motorists who commit these contraventions while saving the time of the courts and thus, among other things, avoiding undue waste of public time and money. In 1980 some 1,600,000 tickets were issued for these offences and about \$100 million in revenue was collected.

The efficiency of the system is also quite good by any standards. On average just over 90% of the tickets issued for parking contraventions and about 99% of those issued for moving traffic offences are paid. This record is, indeed, very good compared with similar systems in operation in some other countries. In the United Kingdom, for instance, only about a third of all fixed penalty parking tickets are paid.

Nevertheless, the minority who ignore fixed penalty tickets and who are then automatically taken to court, can cause lengthy and costly proceedings before their fines are collected. This has led to criticism by the Director of Audit and the Public Accounts Committee and resulted in the setting up of a Working Party to examine possible shortcomings in the system. The recommendations of this Working Party, which involve changes in the legislation to encourage earlier payments of fixed penalty fines, will be submitted to the Governor in Council for consideration within the next few weeks.

As regards the second part of the question, Sir, the Government has on several occasions considered the possibility of extending the fixed penalty system to other minor offences such as littering. It has concluded, however, that this would not be desirable for a number of reasons, the principal one being that offences such as littering vary a great deal in seriousness and that this would make it very difficult to apply a fixed penalty system at all equitably in these sort of cases.

MR. CHARLES YEUNG:—*Sir, on the second part of the answer, can this Council be informed how many occasions has consideration been given for the extension of the fixed penalty system for littering and which organization or which department has considered it?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, I would say probably on about three different occasions since 1975. It has been considered of course by the Legal Department, the Solicitor General, or the then Solicitor General, in 1975. It has been commented on by the Commissioner of Police, Director of Information Services, Director of Home Affairs, Director of Urban Services, and all departments found one reason or another why they did not favour the introduction of this sort of system.*

MR. CHARLES YEUNG:—*Sir, since there is no Unofficial view expressed or involved in such deliberations, would the Secretary reconsider the position when the proposition has been put up for consideration by Unofficials?*

SECRETARY FOR THE ENVIRONMENT:—*Yes, Sir, the matter has been discussed informally. I think it was not on the agenda, but it has been discussed in the Keep Hong Kong Clean Steering Committee under the Chief Secretary's chairmanship. But it will certainly be borne in mind.*

Red tide infected sea food

5. MR. SO asked in Cantonese:—

請問政府如何保障市民，以免因進食受紅潮影響的魚類及海鮮，以致危害健康？

(The following is the interpretation of what Mr. So asked).

What measures are the Government taking to protect the public from the hazards of red tide infected fish and sea food?

DIRECTOR OF AGRICULTURE AND FISHERIES:—*Sir, fish deaths resulting from blooms of algae including red tides are usually due to oxygen depletion but some species of the organisms responsible for red tides may produce toxins and it is possible for fish and shellfish to be affected by these toxins. In Hong Kong, however, a mild toxin has been identified in only one local red tide species and no case of human death or illness attributable to the consumption of fish or sea foods affected by red tides or other algal blooms has been reported here.*

Sea areas which are partially enclosed are most likely to be severely affected by algal blooms and the effects of these blooms are greater on fish confined in fish farms than on free swimming fish.

To minimize any potential hazard to the general public from eating fish and sea foods which may have been affected by red tides staff of the Agriculture and Fisheries Department visit reported outbreaks as soon as possible to take

samples for laboratory examination. They also assist fish farmers to limit losses, advise them not to market any fish which may have died as a result of the outbreak and warn other fishermen in the area not to collect, market or consume any fish or shell-fish which may have been affected.

All Fish Marketing Organization Market Managers are informed immediately of the areas where algal blooms have occurred and are instructed not to accept fish which may have been affected by outbreaks. The Medical and Health Department and the Urban Services Department are also notified and the general public is informed of outbreaks through the news media.

Rent and fee levels of kindergartens in housing estates

6. REVD. JOYCE M. BENNETT asked:—*Will Government make a statement on how the rent and kindergarten fee levels are approved for kindergartens in housing estates?*

SECRETARY FOR HOUSING:—Sir, until recently the rents for kindergartens on housing estates were fixed by open tender. However, the Housing Authority last year let three kindergartens at concessionary rents to non-profit-making agencies, and plans to let all the six kindergartens due for completion in 1981-82 in the same manner. It is likely that in future kindergartens will continue to be let at concessionary rents, depending on any changes introduced following the issue of the White Paper on Pre-Primary Education later this year.

Kindergarten fee levels when a new kindergarten is established, and any subsequent changes of fees, are approved by the Director of Education.

REVD. JOYCE M. BENNETT:—*Sir, I am grateful for this answer, there was one other part to my question and I would like to know what scale of fees for the kindergartens that these concessionary rents imply?*

SECRETARY FOR HOUSING:—Sir, the fees are approved by the Director of Education, and the fees for kindergartens let by both methods are between \$75 and \$120 a month.

REVD. JOYCE M. BENNETT:—*Is it possible for any Government official to give a date for the issue of the White Paper on Pre-Primary Education so that we may know whether the Government policy has been changed and that such premises will no longer be put out to tender?*

SECRETARY FOR HOUSING:—Sir, I can only answer for the letting of kindergartens. As I said, the Authority intends to let all kindergartens at concessionary rents.

Adult education

7. MR. WONG LAM asked in Cantonese:—

政府可否就本港成人教育之近況發表聲明？

(The following is the interpretation of Mr. WONG Lam asked.)

Will Government make a statement on the current position of Hong Kong's adult education?

DIRECTOR OF EDUCATION:—Sir, as the 1978 White Paper on the Development of Senior Secondary and Tertiary Education states, 'Education is a continuing life-long process, and the Government welcomes the development of educational opportunities for mature students. Many such opportunities are already available in Hong Kong through a rich variety of social, educational, cultural and recreational activities provided by many private and public organizations ...'.

One of the most important recommendations of the White Paper was that a subvention scheme be introduced to assist voluntary organizations to complement and supplement the Education Department's own 'retrieval' adult education courses. Consequently, the Department received 28 applications from 17 voluntary organizations; and of these, 18 applications from 12 organizations were recommended for subvention and the scheme came into operation in September 1980. In the light of the guidelines in the White Paper, five of the 18 projects are for general education courses catering for particular groups, such as factory workers; six are courses designed to improve the basic literacy of adults in public housing estates and the outlying islands, two are basic education courses in geographical areas not covered by the Department's adult education services and two are projects aimed at promoting social and moral education. The remaining three projects were recommended on an experimental basis and comprise an English course for deaf adults and two programmes for the training of voluntary community workers.

Government contributes to adult education through the courses run by the Education Department or by publicly-financed institutions of higher education. Thus, the Education Department Adult Education Section provides *formal* education through nine distinct courses ranging from literacy to secondary and post-secondary studies in which over 17,000 were enrolled in 1980 and *non-formal* education through various cultural, social and creative activities in 16 Adult Education and Recreation Centres which catered for over 21,000 people in 1980. The Technical Institutes and the Polytechnic provided part-time evening courses for over 12,000 and 16,000 students respectively and the Universities (Extra Mural Studies) enrolled some 51,000 in 1980.

In the private sector, voluntary organizations such as Caritas, the Y.W.C.A. and the Y.M.C.A. provide a variety of courses in which over 102,000 are enrolled, private evening schools conduct formal courses for 66,000, the Baptist

College provides extra-mural courses for nearly 7,000 and organizations such as the Hong Kong Management Association, the Hong Kong Productivity Council, the British Council and various consulates have enrolled over 46,000.

In addition to those taking evening courses, some 28,000 students entered part-time day courses in the Hong Kong Polytechnic, the technical institutes, the colleges of education, adult education courses run by voluntary agencies and adult education courses run by other private organizations in the year 1980-81.

Thus it will be seen that about 370,000 people are engaged in part-time and adult education activities of one kind or another, and this figure does not take into account the 105,000 listeners claimed by Radio Television Hong Kong for adult education programmes run jointly by R.T.H.K., the Chinese University of Hong Kong, Caritas and the Hong Kong Medical Society. These figures may represent multiple enrolments—a common feature of adult education short courses—but even allowing for some double counting, I think we may claim a significant social demand for continuing education and substantial steps to meet that demand.

REVD. JOYCE M. BENNETT:—*Sir, with reference to the last paragraph of this lengthy and helpful answer, has the Government done any more thinking on the development of open university style courses for degrees and other certificates of a post secondary nature?*

DIRECTOR OF EDUCATION:—*Sir, we have. As you know, I was commissioned in the early '70s to look at distance learning in Australia, United Kingdom and the Scandinavian countries, and my studies took me to places including the open university. Subsequently the Working Party on Senior Secondary and Tertiary Education looked into the possibilities of the open university very carefully, and very recently the Committee to Review Post-Secondary and Technical Education has again studied the possibilities. In the earlier two instances it was concluded that the open university was not appropriate for Hong Kong, and very shortly the Committee to Review Post-Secondary and Technical Education will be reporting to you, Sir, on the outcome of its deliberations in this latest study.*

Housing Authority factory estates

8. MR. WONG PO-YAN asked:—*Will Government make a statement on:*

- (a) how the rents for the Housing Authority factory estates are determined;*
- (b) the vacancy position of such units, in both absolute and percentage terms, built in the last five years; and*
- (c) the average period during which these units have been vacant?*

SECRETARY FOR HOUSING:—Sir,

- (a) In recent years the rents for new Housing Authority factory units have been set at market level as established by open tender. This method has been used because the type of small, specially designed units each with a floor space of only 25 square metres produced by the Authority are not generally available in the private sector, and there is therefore no basis for assessing comparable rents. The rents for flatted factory blocks built prior to 1973 were originally fixed according to an assessment made in 1957. Rents for these units were increased by 25% in 1977 and by the same percentage in 1979.
- (b) At present there are 1,200 factory units vacant, nearly all of which are in one of the two new blocks at Yip On Factory Estate in Kowloon Bay. This figure represents 10% of the total factory units under management. The first block at Yip On Estate was completed in June 1980 and 147 of those units are still not let. The second block was completed in April this year and no units have been let so far.
- (c) Most factory units are let within a few months of completion, but it is important that a reserve is maintained to meet clearance commitments, and some of the units now standing empty are being reserved for known clearances over the next twelve months, mainly in the Kowloon area.

MR. WONG PO-YAN:—*Sir, would the Secretary for Housing state what is the highest rent per square metre or per square foot now, and what is the lowest in the old factory buildings?*

SECRETARY FOR HOUSING:—Sir, I will give my answer in writing to Mr. WONG.

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY).

To appreciate the reasons for the wide range of rents it is necessary to take into account that, apart from different locations of factories, they depend largely on the floor loading capacity of particular units. There are five levels of maximum floor loading—120, 150, 200, 300 and 500 lbs. per sq. ft.

The highest current rent is \$44.04 per square metre, in respect of ground floor units in Yip On Factory Building which have a maximum permitted floor loading of 500 lbs. per sq. ft. This is compared to a lowest rent in post-1973 factories of \$7.35 per square metre, which is in respect of units on the sixth floor of Kowloon Bay factory with a maximum floor loading of 120 lbs. per sq. ft.

The lowest rent in pre-1973 factory buildings is \$3.74 per square metre for sixth floor units in Yuen Long with a permissible floor loading of 120 lbs. per sq. ft. This compares with the highest rent in the older factories of \$9.20 per square metre for ground floor units in San Po Kong with a floor loading capacity of 300 lbs. per sq. ft.

Load capacity of flyovers

9. DR. FANG asked:—*Is the Government satisfied that flyovers are designed with a load capacity sufficient to allow a large number of heavy vehicles, such as fully-loaded double-decker buses and container trucks to remain stationary on them during periods of traffic congestion?*

DIRECTOR OF PUBLIC WORKS:—Sir, all highway structures are designed to carry a standard design loading equivalent to closely spaced 24-tonne trucks covering the carriageway. These represent a greater loading intensity than fully-loaded double-decker buses and container trucks, which are relatively long. The most intense loads commonly encountered in Hong Kong are fully-loaded concrete mixer trucks, and the standard loading is equivalent to a fleet of such trucks closely packed on a carriageway. In addition to vehicular loading allowance is made for temperature and wind effects and other forces imposed by moving traffic, and a suitable safety factor is also incorporated in the design.

DR. FANG:—*Sir, may I then seek an assurance from the Director that the vibrations one feels on a flyover whenever a fully-loaded truck or double-decker bus passes is in fact normal?*

DIRECTOR OF PUBLIC WORKS:—I give that assurance (*laughter*).

Facilities for motor sports

10. MR. F. K. HU asked:—*Will the Government inform this Council whether it is intended to provide permanent facilities for motor-car and motor-cycle racing and, if so, what progress has been made so far?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the possibility of building a full scale motor racing circuit in Hong Kong has been considered on several occasions, most recently in 1979. It would need a large piece of land with at least two miles of top quality road, grandstands, pits and other facilities and would thus be very expensive in both land and money. To be justified, it would require a large number of events, with many spectators, to be held every year and there would almost certainly not be the level of interest in Hong Kong to support such a venture and make it viable.

On a lesser scale, however, discussions have recently been held with the Automobile Association and the Motor Sports Club of Hong Kong on the possibility of a recreational lease in the New Territories to enable these bodies to develop facilities such as rally cross and motorcross. And the possibility of finding an area to accommodate the Hong Kong Kart Club is also being considered.

If these proposals are successful and come to fruition the lower cost motor sports they will promote are likely to be more suited to Hong Kong conditions in that they make more intensive use of land and, if properly and safely run, are likely to attract more participants.

MR. F. K. HU:—*Sir, can the Secretary for the Environment advise this Council when a final decision will be made in the location of the facility for rally cross and motorcross?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, consideration is being given to a location where recently a motorcross event was held. It is off-road in rather hilly country but would be suitable for these sports, and consideration is now being given as to whether this location can be made available to the associations I mentioned.*

Nursery facilities in Home Ownership Schemes

11. MR. F. K. HU asked:—*Will the Government state whether nurseries for children will be included as a standard community facility in all future Home Ownership Scheme estates?*

SECRETARY FOR HOUSING:—*Sir, not all Home Ownership Scheme sites are large enough to support a nursery as a standard feature, and in the case of some sites nursery facilities may already exist in the locality. The need for each type of community facility is considered at the planning stage and if there is a demonstrated demand for such facilities on Home Ownership Scheme sites they will be provided.*

MR. F. K. HU:—*Sir, can the Secretary for Housing advise the Council the base upon which the rent for a nursery in the Home Ownership Scheme estates will be decided?*

SECRETARY FOR HOUSING:—*It is decided on the demonstrated demand, Sir.*

MR. F. K. HU:—*Can the Secretary clarify whether it is on a commercial base or it is on cost base?*

SECRETARY FOR HOUSING:—*It is designed to cover cost, Sir.*

MISS DUNN:—*Sir, are there any nurseries provided at the moment in any of the Home Ownership Schemes?*

SECRETARY FOR HOUSING:—*Yes, there are nurseries provided in the larger housing estates where there are no such facilities in the vicinity.*

MISS DUNN:—*Sir, does Mr. Liao mean Home Ownership housing estates or rental housing estates?*

SECRETARY FOR HOUSING:—I meant Home Ownership Schemes, Sir.

MR. F. K. HU:—*Sir, if the nursery is operated by a non-profit-making voluntary agency, will the voluntary agency concerned be entitled to receive subvention from the Government to cover the rent and the rates?*

SECRETARY FOR HOUSING:—The few nurseries which we have at the moment in the Home Ownership Schemes are let at concessionary rent and that includes an element of subsidy.

Landslip preventive measures in illegal excavation and squatter areas

12. MR. S. L. CHEN asked:—*What measures are being taken by the Government to prevent landslips on slopes and hillsides whose stability may be endangered as a result of illegal excavations by squatter racketeers?*

DIRECTOR OF PUBLIC WORKS:—Sir, the Government, through the Housing Department tries to control new areas of illegal excavations and structures in squatter areas. However, as is well known, new squatter areas on slopes have been constructed.

All available resources for landslip preventive measures are at present directed towards works on slopes that could affect people in permanent structures and squatter areas are not given any priority. Staff are available on a 24-hour standby basis to deal with reports of distress in slopes in squatter areas and when heavy and prolonged rain is forecast the number of staff on such standby is increased. Should failure of any slope which would put squatter structures at risk, appear likely, the evacuation of the affected squatters would be ordered.

MR. S. L. CHEN:—*Sir, as the answer to my question appears to imply that Government is prepared to tolerate illegal excavations, may I know whether this is so?*

DIRECTOR OF PUBLIC WORKS:—I think, Sir, that is putting it a bit strongly. I am sure that the Housing Department is doing its very best to control such excavations, but, like many other things, they are not always successful.

MR. S. L. CHEN:—*Sir, I have not got the answer.*

DIRECTOR OF PUBLIC WORKS:—In that case, Sir, I don't think I got the question (*laughter*).

MR. S. L. CHEN:—*Sir, my question was whether Government is prepared to tolerate illegal excavations. Yes or no (laughter)?*

DIRECTOR OF PUBLIC WORKS:—*No (laughter).*

MR. S. L. CHEN:—*If no, what action Government will take to prevent them?*

DIRECTOR OF PUBLIC WORKS:—*I believe I have already said, Sir, that the Housing Department is doing its very best to control such excavations.*

Hawking in public housing estates

13. MR. CHAN KAM-CHUEN asked:—*Will Government inform this Council:*

- (a) how many hawkers, both licensed and unlicensed, normally operate daily in the public housing estates and whether the numbers have increased or decreased in the past 12 months; and*
- (b) what steps are being taken to control illegal hawking in the estates, particularly in the evenings and at weekends?*

SECRETARY FOR HOUSING:—*Sir,*

- (a) In March 1981, there were nearly 11,800 hawkers operating in or near public housing estates. This is 900, or 7%, less than the number 12 months previously.*
- (b) The principal action to control illegal hawking in estates is taken by estate staff, especially by the use of tidiness teams. In addition, a small number of illegal hawkers are prosecuted under the Summary Offences Ordinance, and articles causing obstruction or abandoned are removed under powers granted by the Housing Ordinance. Because of the expense involved, such action is not generally taken outside normal working hours unless the situation in a particular estate warrants it.*

On a long term basis some progress has been made towards constructing permanent markets within or adjoining estates for reprovisioning these hawkers. In addition many hawkers have been resited into controlled areas within estates.

These measures are unlikely to result in any dramatic change in the immediate future, but it is hoped that they will continue to reduce the size of the problem.

Lok On Pai Desalter Plant

14. MR. PETER C. WONG asked:—*Will Government state the current cost of producing water through the Lok On Pai Desalting Plant and whether the entire plant is likely to be brought into full operation?*

DIRECTOR OF PUBLIC WORKS:—Sir, the current operational cost of producing 1,000 gallons of desalted water is \$37.68. The presently proposed programme is for each of the six evaporator units to be brought into operation in turn with a view to the whole plant being available for full operation by autumn.

Whether the whole plant will be brought into full operation is dependent upon the amount of rainfall received during the summer. If it does become necessary to bring the plant into full operation the monthly running cost will be approximately \$45 million and the output, at full operation, will provide a little over 10% of the current demand for fresh water supply.

MR. PETER C. WONG:—*Sir, if and when it should be necessary to bring the plant into full operation, is the Director confident that he will have the requisite manpower to operate the plant?*

DIRECTOR OF PUBLIC WORKS:—We are currently advertising for the staff required. The response is quite good and we hope to be able to fill from that source. If not, of course, we shall then have to look at some form of contracted labour to fill the gap.

Government business

Motion (in Committee)

SUPPLEMENTARY PROVISION FOR THE QUARTER ENDED 31 MARCH 1981

Council went into Committee, pursuant to Standing Order 58(2), to consider the motion standing in the name of the Financial Secretary.

THE FINANCIAL SECRETARY moved the following motion:—That this Council approves the proposals set out in Paper No. 55.

He said:—Sir, I move the motion standing in my name in the Order Paper.

The preliminary schedule of supplementary provision for the fourth quarter of the financial year 1980-81 amounts to \$5,316 million. The major items include \$3,500 million for payment to the Mass Transit Fund to enable the Government to make a further equity investment in the Mass Transit Railway Corporation as a capital contribution towards the cost of constructing the Island Line; \$638 million for expenditure on public works projects including provision for 34 projects upgraded to or included for the first time in Category A of the Public Works Programme; \$400 million for payment to the Development Loan Fund to meet loans in connection with the proposed home purchase scheme for civil servants; and \$394 million on account of various pay adjustments for both the civil service and subvented organizations.

The supplementary provision covered by the schedule resulted in a net increase of \$4,484 million in the expenditure approved for the year, the remainder being offset under other heads of expenditure and by the freezing of funds under the two Additional commitments votes.

The Finance Committee has approved all the items in the schedule. The purpose of this motion is simply to seek the covering authority of this Council.

Question put and agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the motion had been agreed to in Committee without amendment.

Question agreed by the whole Council pursuant to Standing Order 58(4).

First reading of bills

PUBLIC HOLIDAY (PRINCE OF WALES' WEDDING) BILL 1981

LABOUR TRIBUNAL (AMENDMENT) BILL 1981

MAGISTRATES (AMENDMENT) (NO. 2) BILL 1981

Bills read the first time and ordered to be set down for second reading pursuant to Standing Order 41(3).

Second reading of bills

PUBLIC HOLIDAY (PRINCE OF WALES' WEDDING) BILL 1981

THE CHIEF SECRETARY moved the second reading of:—‘A bill to declare 29 July 1981 to be a public holiday’.

He said:—Sir, I move that the Public Holiday (Prince of Wales' Wedding) Bill 1981 be read the second time.

The Bill prescribes that Wednesday, 29 July 1981, the wedding day of His Royal Highness the Prince of Wales and Lady Diana Spencer shall be observed in Hong Kong as both a general holiday for banks, schools and Government offices, and also a statutory holiday, for the purposes of other employment. Employers unable to give their employees a holiday on 29 July will be able to give them an alternative day off.

The Wedding of the Prince of Wales is a momentous and joyful event which, I am sure Members will agree, merits special recognition and observance in Hong Kong. The Prince is well-respected here, as his visit in March 1979 showed. Large and happy crowds attended him everywhere as he enthusiastically undertook an exhausting itinerary during which he saw (and manifestly appreciated) many aspects of Hong Kong life. Those who had the opportunity to meet him could not but be impressed by his charm and his sincere concern for the lives of the people of Hong Kong. The public and the press recognized this concern and responded with respect, loyalty and affection.

To celebrate the marriage of His Royal Highness and Lady Diana various festivities are being prepared in Hong Kong; a wedding present has been chosen; a set of commemorative stamps will be issued; and there will be extensive coverage of the ceremony on television here. In the United Kingdom the wedding day has been declared a holiday and it is proposed that the wedding day should be a holiday here too.

Sir, I move that the debate on this motion be adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—THE CHIEF SECRETARY.

Question put and agreed to.

LABOUR TRIBUNAL (AMENDMENT) BILL 1981

THE ATTORNEY GENERAL moved the second reading of:—‘A bill to amend the Labour Tribunal Ordinance’.

He said:—Sir, I move that the Labour Tribunal (Amendment) Bill 1981 be read the second time.

To ensure that employees do have a relatively simple and inexpensive process to enforce their rights and protection under the Employment Ordinance, the Labour Tribunal Ordinance confers jurisdiction to determine certain employment claims, including claims for wages, exclusively upon the Labour Tribunal. Nevertheless, employees have for long been permitted by the High Court to enter bankruptcy petitions on the strength of outstanding wages due to them. However, in April this year, the Court of Appeal held that as the Labour Tribunal had exclusive jurisdiction over claims for wages, the High Court could not entertain bankruptcy petitions based on claims for outstanding wages. As a result of this judgment, employees with claims for wages are debarred from protecting their claims by petitioning for the bankruptcy or winding up of their indebted employers.

It is important that the High Court should have this jurisdiction so that the status of employees as preferential creditors is not prejudiced by the assets of

indebted employers being diverted to other purposes while the employees are pursuing their claims in the Labour Tribunal. Besides the Labour Tribunal is not a suitable body to adjudicate on bankruptcy petitions and it does not have the necessary powers to deal with those matters.

This Bill therefore seeks to ensure that the High Court does have jurisdiction to entertain such petitions. It does so by denying jurisdiction to the Labour Tribunal to hear and determine bankruptcy and winding up petitions and claims submitted in the context of such petitions. The result will be to confer this jurisdiction on the High Court. The Bill will also validate bankruptcy and winding up orders whose validity may be questioned on the basis of the Court of Appeal decision.

Sir, I move that the debate on this motion be adjourned.

*Motion made. That the debate on the second reading of the Bill be adjourned—*THE ATTORNEY GENERAL.

Question put and agreed to.

MAGISTRATES (AMENDMENT) (NO. 2) BILL 1981

THE ATTORNEY GENERAL moved the second reading of:—‘A bill to amend the Magistrates Ordinance’.

He said:—Sir, I move that the Magistrates (Amendment) (No. 2) Bill 1981 be read the second time.

Primarily because of the limited sentencing powers of magistrates, there are always some cases that have to be transferred from magistrates to the District Court. The accused persons concerned are then required to plead before the District Court on ‘plea days’, i.e. particular days in each week on which pleas are taken. This procedure was found not to be working too well in practice. To remedy it, new procedures were devised last year by District Court judges, the Registrar of the Supreme Court, the Bar Association, the Law Society, the D.D.P. and the Director of Legal Aid (the Director of Legal Aid incidentally advises up to 70% of persons charged in the District Court).

The new procedures are designed to provide sufficient time for the prosecution to prepare a statement of facts, and for the accused person to obtain legal aid or a private lawyer of his own, all this with the primary object of ensuring that the accused person obtains legal advice before he is required to plead.

However the Magistrates Ordinance provides that on the transfer of a case to the District Court a magistrate may not remand the accused person for more than eight days without the consent of that person and of the prosecution. This limit of eight days simply does not provide enough time for the new procedures.

In particular it subjects the accused person to the likelihood of finding himself in the unfortunate position of having to plead before he receives legal advice.

Accordingly this Bill provides for an extended remand limit of up to 20 days. This extended limit will enable the new procedures to be implemented and should by and large provide sufficient time for legal advice to be obtained before a plea is taken. At the same time magistrates will continue to be able to limit remand periods to what they consider to be reasonable in the particular circumstances.

Sir, I move that the debate on this motion be adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—THE ATTORNEY GENERAL.

Question put and agreed to.

AERIAL ROPEWAYS (SAFETY) (AMENDMENT) BILL 1981

Resumption of debate on second reading (27 May 1981)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

SUMMARY OFFENCES (AMENDMENT) (NO. 2) BILL 1981

Resumption of debate on second reading (27 May 1981)

Question proposed.

Question 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**AERIAL ROPEWAYS (SAFETY) (AMENDMENT) BILL 1981**

Clauses 1 to 19 were agreed to.

SUMMARY OFFENCES (AMENDMENT) (NO. 2) BILL 1981

Clauses 1 to 5 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

AERIAL ROPEWAYS (SAFETY) (AMENDMENT) BILL and the

SUMMARY OFFENCES (AMENDMENT) (NO. 2) Bill

had passed through Committee without amendment and moved the third reading of each of the Bills.

Question put on each Bill and agreed to.

Bills read the third time and passed.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 24 June 1981.

Adjourned accordingly at seventeen minutes past three o'clock.