

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 16 April 1986

The Council met at half-past Two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR EDWARD YOUDE, G.C.M.G., M.B.E.

THE HONOURABLE THE CHIEF SECRETARY

SIR DAVID AKERS-JONES, K.B.E., C.M.G., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY

SIR JOHN HENRY BREMRIDGE, K.B.E., J.P.

THE HONOURABLE THE ATTORNEY GENERAL

MR. MICHAEL DAVID THOMAS, C.M.G., Q.C.

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

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

THE HONOURABLE ERIC PETER HO, C.B.E., J.P.

SECRETARY FOR TRADE AND INDUSTRY

DR. THE HONOURABLE HO KAM-FAI, O.B.E., J.P.

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

THE HONOURABLE HU FA-KUANG, O.B.E., J.P.

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

THE HONOURABLE DONALD LIAO POON-HUAI, C.B.E., J.P.

SECRETARY FOR DISTRICT ADMINISTRATION

THE HONOURABLE CHAN KAM-CHUEN, O.B.E., J.P.

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

THE HONOURABLE CHEUNG YAN-LUNG, O.B.E., J.P.

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

THE HONOURABLE MARIA TAM WAI-CHU, O.B.E., J.P.

DR. THE HONOURABLE HENRIETTA IP MAN-HING, J.P.

THE HONOURABLE CHAN NAI-KEONG, C.B.E., J.P.

SECRETARY FOR LANDS AND WORKS

THE HONOURABLE CHAN YING-LUN, J.P.

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI, J.P.

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN, J.P.

THE HONOURABLE PETER POON WING-CHEUNG, M.B.E., J.P.

THE HONOURABLE YEUNG PO-KWAN, C.P.M., J.P.

THE HONOURABLE JAMES NEIL HENDERSON, O.B.E., J.P.

SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE KIM CHAM YAU-SUM, J.P.

THE HONOURABLE JOHN WALTER CHAMBERS, J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE LAN FRANCIS CLUNY MACPHERSON, O.B.E., J.P.
SECRETARY FOR TRANSPORT

THE HONOURABLE JACKIE CHAN CHAI-KEUNG

THE HONOURABLE CHENG HON-KWAN

THE HONOURABLE HILTON CHEONG-LEEN, C.B.E., J.P.

DR. THE HONOURABLE CHIU HIN-KWONG

THE HONOURABLE CHUNG PUI-LAM

THE HONOURABLE THOMAS CLYDESDALE

THE HONOURABLE HO SAI-CHU, M.B.E., J.P.

THE HONOURABLE HUI YIN-FAT

THE HONOURABLE RICHARD LAI SUNG-LUNG

DR. THE HONOURABLE CONRAD LAM KUI-SHING

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

THE HONOURABLE LEE YU-TAI

THE HONOURABLE LIU LIT-FOR, J.P.

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

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

THE HONOURABLE POON CHI-FAI

PROF. THE HONOURABLE POON CHUNG-KWONG

THE HONOURABLE HELMUT SOHMEN

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING

THE HONOURABLE TAM YIU-CHUNG

DR. THE HONOURABLE DANIEL TSE CHI-WAI, O.B.E., J.P.

THE HONOURABLE ANDREW WONG WANG-FAT

THE HONOURABLE JOHN RAWLING TODD, C.V.O., O.B.E., J.P.
SECRETARY FOR HOUSING

ABSENT

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

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, O.B.E., J.P.

THE HONOURABLE DAVID LI KWOK-PO, J.P.

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR. LAW KAM-SANG

Papers

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

Subject *L.N. No.*

Subsidiary Legislation:

Merchant Shipping Ordinance	
Merchant Shipping (Fees)(Amendment) Regulations 1986 -----	92
Shipping and Port Control Ordinance	
Shipping and Port Control (Amendment) Regulations 1986 -----	93
Road Traffic (Construction and Maintenance of Vehicles) Regulations	
Specification of Colour Scheme Notice 1986 -----	95
Hong Kong Letters Patent 1917 to 1985	
Authorisation by the Governor-----	96
Interpretation and General Clauses Ordinance	
Specification of Public Offices -----	97
Crown Land Ordinance	
Cancellation of Authorisation-----	98
Crown Land Ordinance	
Cancellation of Delegation of Powers -----	99

Sessional Papers 1985-86:

No.49—Mass Transit Railway Corporation—Annual Report 1985.

No.50—The Government Minute in response to the Report of the Public Accounts Committee dated January 1986.

Miscellaneous:

Discussion document on options for changes in the law and in the administration of the law to counter the triad problem.

Oral answers to questions**Rehabilitation of drug addicts**

1. MR. LEE YU-TAI asked: *Will Government inform this Council:*

(a) *for each of the past three years, what financial and manpower resources have been allocated towards effecting total rehabilitation of drug addicts and for publicity measures on the rehabilitation programme;*

- (b) *of its assessment of its efforts in this area; and*
(c) *of its actions, if any, to prevent relapse of drug addicts?*

ATTORNEY GENERAL: Sir, the money allocated to the treatment and rehabilitation of drug addicts was \$48.2 million in 1983-84, \$63.7 million in 1984-85 and \$68.5 million in 1985-86. A further \$1.5 million was allocated in each of those three years for anti-narcotics publicity which included publicity on treatment and rehabilitation.

About 1 000 persons have been employed in Government departments and in subvented voluntary agencies in each of the past three years.

In the long term, we have to recognise that heroin addiction is a chronic condition and many of those who benefit from treatment and cease to take drugs may at sometime relapse and resort to them again. But in the short term, our efforts are reasonably successful. There are, on average, over 14 500 persons each day receiving some form of treatment, rehabilitation and after-care. This figure represents 38 per cent of known active drug addicts. By international standards, it is a very high proportion.

For the voluntary in-patient programme run by the Society for the Aid and Rehabilitation of Drug Abusers (SARDA), 23 per cent of the male patients who in 1983 had completed the full two-year course of treatment followed by rehabilitation completely abstained from taking drugs during that two-year period. For female patients, the proportion was 45 per cent.

With regard to the voluntary out-patient methadone programme provided by the Medical and Health Department, some 8 600 patients receive methadone daily. Of these, nearly 55 per cent do not take heroin and opium.

The compulsory treatment programme of the Correctional Services Department cannot be compared directly with these two voluntary out-patient programmes because the time scale for treatment and supervision is different and there are possible sanctions against those who relapse during the one-year statutory after-care period. But during 1985, 72 per cent of the males and 76 per cent of the females did not relapse into drugs and were not convicted of any criminal offence during the one-year period of statutory supervision after discharge from the Drug Addiction Treatment Centre.

To prevent relapse into drug abuse, after-care programmes are provided to help addicts to re-integrate into society and efforts are made to persuade society to accept them. After-care services include a period of residence in a half-way house, personal and family counselling, financial assistance, employment guidance, recreational activities and peer counselling. However, for all that, most important are the patients own motivation and will power and his personality, environment and psychology.

MR. LEE YU-TAI: *Sir, may I ask what is the general attitude of employers towards the employment of ex-drug addicts?*

ATTORNEY GENERAL: Sir, I am unable to give an answer to that question as to the general attitude. As my answer already indicates it is recognised that there may be some resistance. That is why part of the after-care services are directed to employment guidance and the like.

MR. CHEONG-LEEN: *Sir, in the after-care services to prevent relapse, is psychiatric treatment available? If not, will such be provided in the future?*

ATTORNEY GENERAL: Sir, I indicated that after-care services to include personal and family counselling and that is as far as I am presently able to go.

DR. HO: *Sir, how many officers are deployed to provide after-care services as mentioned in the last paragraph and what is the ratio of one after-care officer to the number of drug addicts?*

ATTORNEY GENERAL: Sir, I do not have these figures to hand. I will undertake to provide them. (Annex I)

DR. CHIU: *Sir, as soft drug abuse is getting more and more prevalent, will the Government inform this Council how much money has been allocated to the prevention of soft drug abuse and whether any other action has been taken except putting up posters?*

ATTORNEY GENERAL: Sir, the figures I have given are the figures that are directed generally both to the process of rehabilitation of those who are addicted to drugs and to the publicity measures. As to publicity, it is intended that in the year of 1986-87 the theme will be the treatment and rehabilitation of addicts.

MR. JACKIE CHAN (in Cantonese): *Sir, when there is a short supply of narcotics, there is usually a larger number of people receiving methadone treatment. Is this situation indicative of the fact that drug addicts use methadone as a substitute for drugs? If so, what is the Government going to do to remedy the situation?*

ATTORNEY GENERAL: Sir, there is a link undoubtedly between the price of drugs outside and the extent to which people resort to the methods of treatment and rehabilitation that are available.

Dental treatment for civil servants

2. MR. POON CHI-FAI asked (in Cantonese): *As the private dental treatment scheme for civil servants has now been cancelled, will Government inform this Council:*

- (a) *the maximum, minimum and average time which civil servants have to spend in waiting for dental services; and*
- (b) *whether consideration has been given to adopting other measures in order to reduce the difficulties of civil servants in seeking dental check-up or treatment services and the waiting time required?*

CHIEF SECRETARY: Sir, depending on the demand on individual dental clinics, the waiting time for routine, and I stress routine dental services, varies between 3 and 23 months. The *average* waiting time is 8.8 months. By routine dental services, I mean non-emergency services, such as regular dental check-ups, scaling, filling and the fixing of dentures. No waiting is required for emergency dental treatment.

In the last five years, 13 additional dental chairs have been provided in new dental clinics, 21 new dental chairs will be available this year and another 78 dental chairs will be added in the next five years. Evening dental clinics have also been introduced. Since 1977, 10 dental chairs have been provided, another two dental chairs will be added this year.

Since March 1984 civil servants are requested to confirm appointments by telephone one month before they are due. As a result about 1 300 unconfirmed appointments have been reallocated to other patients who required earlier attention.

Civil servants may now obtain information on waiting times at different dental clinics and make appointments at any clinic where there is a shorter waiting time. Moreover, for those who wish, there are evening clinics at which the waiting time is between three and nine months.

MR. POON CHI-FAI (in Cantonese): *Sir, I am very pleased to learn that in the next five years there will be an additional 78 dental chairs. But will the different needs in different districts be taken into account when considering the distribution of these dental chairs? I made over 20 telephone calls myself on 10 April and I found out that the situation was most serious in Kowloon. The average waiting time is as long as 15 months; in the New Territories, it is 13 months. On Hong Kong Island, it is eight months on average. I would also like to refer to paragraph 3 of the answer. One month before the date, a confirmation should be made. Some of them are not ...*

HIS EXCELLENCY THE PRESIDENT: Would you like to ask a question?

MR. POON CHI-FAI (in Cantonese): *Sir, I beg your pardon. Perhaps I will withdraw what I have said and the question is, in the distribution of these additional dental chairs, will the needs in different districts be taken into consideration?*

CHIEF SECRETARY: Yes, Sir.

DR. IP: *Sir, in what respect is Government committed to the provision of free dental service to civil servants, namely what exactly is written in their terms of employment as regards the right and types of dental service that should be provided?*

CHIEF SECRETARY: Sir, civil servants and their dependants are entitled to free dental treatment.

Vacating the buildings in Victoria Barracks

3. MR. CHEONG-LEEN asked: *As it has almost been seven years since the armed forces vacated the valuable site occupied by the former Victoria Barracks to enable the Government to develop this area, in part, as a leisure facility, will the Government inform this Council as to when it proposes to vacate the various buildings on the site, and in particular the Cassels Block?*

SECRETARY FOR LANDS AND WORKS: Sir, the temporary usage of most of the buildings in the former Victoria Barracks (including Cassels Block) has been arranged in such a way as to allow their vacation at six months notice.

The consultants for the Urban Council project to turn part of the former Victoria Barracks into a leisure and recreation area have submitted a programme for the design and construction of the project which envisages work to commence in mid-1988. I see little problem in vacating the various buildings affected to meet this programme date.

MR. CHEONG-LEEN: *Sir, there is a serious shortage of an artists workshop in Hong Kong. In fact, there is not a single one in the whole territory. Could I seek the support of the Secretary for Lands and Works before he retires to have the Cassels Block released in six months from now?*

SECRETARY FOR LANDS AND WORKS: Sir, I am sorry. I did not catch the first part of Mr. Hilton CHEONG-LEEN'S question.

HIS EXCELLENCY THE PRESIDENT: Would you like to repeat your question?

MR. CHEONG-LEEN: *Sir, there is a serious shortage of facilities for an artists workshop. In fact, there isn't any in the whole territory at all. And since it is possible for any of these premises to be vacated in six months, would it be possible for the Secretary for Lands and Works to arrange before he retires, to have Cassels Block released to the Urban Council within six months?*

SECRETARY FOR LANDS AND WORK: Sir, surely, if the demand is established and justified, we would certainly consider that.

MR. CHEONG-LEEN: Sir, may I say that it is highly justified.

HIS EXCELLENCY THE PRESIDENT: Would you like to ask another question, Mr. CHEONG-LEEN?

MR. CHEONG-LEEN: *Sir, since it is highly justified, may I seek the full support of the Secretary for Lands and Works?*

SECRETARY FOR LANDS AND WORKS: Yes, Sir.

Leasing of lots in Tai Po Industrial Estate

4. MR. LIU asked (in Cantonese): *In relation to the leasing of lots in the Tai Po Industrial Estate, will Government inform this Council:*

- (a) of the number of lots and the total area of land leased in the past year;*
- (b) how these figures compare with the previous two years; and*
- (c) what measures Government is taking to publicise the favourable conditions of the estate in order to attract more overseas institutions to set up factories there?*

SECRETARY FOR TRADE AND INDUSTRY: Sir, I would like to state at the outset that the establishment, construction, marketing, management and control of the Tai Po Industrial Estate is vested in the Hong Kong Industrial Estates Corporation, a statutory corporation created by Chapter 209 of the Laws of Hong Kong, which is governed by its own board.

In the year 1985-86, 15 lots were leased at Tai Po Industrial Estate with a total area of 9.2 hectares. This compares with the year 1984-85 when four lots were leased with a total of 2.4 hectares, and in 1983-84 when there were three leases with a total area of 1.7 hectares.

The existence of the corporation's industrial estates has been given wide general publicity, locally and overseas, by both the corporation and the Industrial Promotion Division of the Industry Department. Detailed information on conditions in the estates and the criteria for entry is provided, whether to organisations or individual firms, whenever there are indications that interest in obtaining a site may be stimulated.

MISS DUNN: *Sir, are there any lots which are vacant at the industrial estate and how much space do these lots comprise?*

SECRETARY FOR TRADE AND INDUSTRY: Sir, at the Tai Po Industrial Estate an area of 7.7 hectares of formed land remains unleased at present and a further 13.86 hectares will become available during the current financial year.

MR. LIU (in Cantonese): *Sir, there are still vacant lots at the Tai Po Industrial Estate. Will they be sufficient to meet the need of the industrial and commercial sector in the coming three years?*

SECRETARY FOR TRADE AND INDUSTRY: Yes, Sir, apart from the unleased land which I mentioned in reply to Miss DUNN, there is an additional area of 62.68 hectares of land available in the Yuen Long Industrial Estate.

MISS DUNN: *Sir, given the softer market conditions in the property market, does the Secretary for Trade and Industry consider that the terms offered by the industrial estate are still favourable compared to the market?*

SECRETARY FOR TRADE AND INDUSTRY: Yes, Sir, this matter is constantly kept under review by the board of the corporation.

Admission of Macau citizens

5. MRS. FAN asked (in Cantonese): *Will Government inform this Council:*

- (i) *what is the rationale for debarring Macau citizens who arrived in Macau from China after 1979 from entering Hong Kong for all purposes; and*
- (ii) *whether Government will consider reviewing the above policy and allow those Macau citizens to visit Hong Kong for tourism?*

ATTORNEY GENERAL: Sir, the rationale behind the policy is the need to prevent travellers from China getting round the present restrictions on travel from China agreed with the Chinese Government.

The Government has already recognised the need to review this policy. It means that there are virtually no opportunities for these ex-China Macau residents to visit Hong Kong. We are, Sir, in the last stages of drawing up a scheme which will enable some of them to enter Hong Kong for genuine short-term visits. Because of the large number of potential applicants, the scheme will be limited, at least to begin with, to those who have been resident in Macau for at least seven years.

MRS. FAN (in Cantonese): *Sir, will the Attorney General inform this Council whether the following has been considered in the review of this policy? Firstly, how are those who have not yet left Hong Kong after the due date to be dealt with? Secondly, will these policies under consideration be temporary in nature or will they be permanent, and thirdly if these people from Macau have close relatives in*

Hong Kong will they be able to apply for permanent residence in Hong Kong and if so, will this affect people from other places who want to reside in Hong Kong permanently?

ATTORNEY GENERAL: A triple-barrel answer, Sir, to a triple-barrel question. First, I think the question was the risk of over-staying. That is recognised as a risk but it is hoped that it would be a small risk because those Macau residents who will be eligible to visit Hong Kong under the proposed scheme are, of course, persons already well settled in Macau over a period of seven years. But in designing the scheme special attention will be paid to arrangements and measures to ensure that the incidence of over-staying can be kept to the minimum. For example, over-stayers will find it very difficult to get a further visit permit if they over-stay.

The next question I think was whether these arrangements would be temporary or permanent. Well, the scheme will be introduced as I said initially on a fairly limited basis for those who have been in Macau for more than seven years. But it is hoped to build up from there with experience and that the arrangements will, so long as they work satisfactorily, not only be permanent but will also be expanding in their scope.

Thirdly, on the question of those with relations in Hong Kong, it is a fact that it is estimated that there are something like 122 250 ex-China Macau residents altogether, persons who came in during the relevant period. Of those it is estimated that there may be as many of 46 000 who have either husbands or fathers in Hong Kong. So the numbers that might wish to obtain permanent residence in Hong Kong is obviously a very large number, bearing in mind that the level of immigration from China is presently running at about 27 000 a year. So one cannot hold out any hope in the short term for prospects of family re-union but it is hoped that in parallel with the present scheme for visits, there may be a limited channel for permanent settlement on a rather restricted quota basis initially, to enable some cases of family re-union to be facilitated.

MR. YEUNG: *Sir, will the Government state: (a) how a genuine visit is determined; (b) how a short-term visit is defined; (c) whether there is any daily quota allowed in the set limit; and (d) when the proposed scheme will be introduced for implementation?*

ATTORNEY GENERAL: A quadruple question, Sir, requiring a quadruple answer. And it will be largely a test for my memory as to whether I get it right. I am not sure even if I can get my answers in the right order. How should a genuine visit be determined? Well, it will be determined on the basis of the fact put forward in the application. If reasons are given for a visit to Hong Kong, those immigration officers who are considering and processing the applications will have to apply their judgement to the reasons put forward. As to how long the visits will be, it is proposed that the visits will be about two weeks in duration and that

applicants will be eligible for a visit once in every six months. As to the third question, I do not think for the moment we are thinking in terms of a daily quota. We have indicated that initially the only persons eligible will be those who have been in Macau for more than seven years. So we wish initially to see how many will come forward. And on the basis of that and the speed with which the applications are processed, the number of visits per day will become established as we go along. There was I am sure a fourth question.

HIS EXCELLENCY THE PRESIDENT: Do you want to ask your fourth question?

MR. YEUNG: *When the proposed scheme will be introduced for implementation?*

ATTORNEY GENERAL: Yes, I apologise for not having recalled that. The hope is that it will be introduced sometime in the autumn. Before it can be introduced there will have to be some amendments to the immigration regulations and there will have to be certain posts established in the Immigration Department to enable the scheme to be administered.

MR. LAI: *Sir, will the Government inform this Council whether there is any means, for example by marrying a local Hong Kong Chinese whereby an ex-China Macau resident can qualify to become a lawful citizen of Hong Kong?*

ATTORNEY GENERAL: Sir, I think that matter is raised in the next question.

MR. LEE YU-TAI: *Sir, I believe my question is partly answered. I would like to ask how many Macau residents arrive from China in 1979 and thereafter and how many will have completed their seven-year residence by autumn 1986?*

ATTORNEY GENERAL: Yes, I think that the figure that I mentioned before is the answer to the question. According to information provided by the Macau authorities the total number of immigrants from China admitted to Macau in the period since early January 1979 is 122 250. There may be a very small number within that who have some claim to Hong Kong belonger status. That entire number is at present affected by the current restrictions.

Immigration policy for husbands of Hong Kong permanent residents

6. MR. HUI asked: *Will the Government consider reviewing the current immigration policy which allows the wives of Hong Kong permanent residents to settle in Hong Kong while the husbands of Hong Kong permanent residents can only do so under limited circumstances, especially now that the spouse of either sex of a United Kingdom resident is allowed the opportunity to settle in the United Kingdom under the existing immigration rules?*

ATTORNEY GENERAL: Sir, the Government, as you know, reviews its immigration policies from time to time in the light of changing circumstances. As it happens, the policy on husbands is at present under review and the results should be with the Executive Council in a few weeks' time. But the Government bears in the mind the following factors:

- (a) any broad relaxation of rules could lead to a substantial increase in immigrants into Hong Kong which its already over-burdened resources could not support;
- (b) conditions of entry should be flexible enough to allow special cases to be dealt with on their merits;
- (c) while humanitarian considerations must be allowed for, the basic criterion is the welfare of Hong Kong as a whole.

The situation in Hong Kong is really quite different from that in the United Kingdom and it is not appropriate to compare the immigration policies of the two places.

MR. HUI: *Sir, the Attorney General's reply implies that there could be quite a substantial increase in immigrants into Hong Kong if the immigration policy concerning inequitable treatment between husbands and wives of the Hong Kong permanent residents is corrected. Could I ask how many husbands of wives who are Hong Kong permanent residents can apply to come to Hong Kong if the policy is relaxed?*

ATTORNEY GENERAL: No, Sir, I think I cannot give the figure of how many in the future might under a change of policy be eligible to apply. I can, of course, give figures for those who have been admitted for settlement under the existing policy.

MRS. CHOW: *Sir, may I ask why the Government is prepared to forgo the eloquently argued factors when wives of male residents are allowed to settle and only bears them in mind to justify the unfair policy now being adopted?*

ATTORNEY GENERAL: Sir, I think I can only comment upon the two different policies that apply, the reason why the policy for the entry of wives is comparatively liberal and the difficulties that were perceived in putting a more restricted policy in the way of husbands seeking to join wives in Hong Kong. That I could develop if Members seek me to do so.

MR. MARTIN LEE: *Sir, will the Attorney General kindly enlighten this Council on a mere double-barrel question which is not asked to test his memory but to ascertain from him his attitude on sex: (1) whether such policy is really discriminatory against women, that is Hong Kong wives or against men, that is their Macau husbands; and (2) whether such discriminatory policy against both sexes can be tolerated by either sex?*

ATTORNEY GENERAL: My attitude to sex is a matter on which I would prefer to give a more limited answer than Members of this Council might literally expect of me. The question of discrimination is of course a comment upon two different policies each of which were introduced for good reason. But I have already indicated that there are considerations being given now to a review of policy and the matter will shortly be before the Executive Council. As to who is discriminated against and who has the greater cause of complaint, that I can only leave Members of this Council to judge.

MISS DUNN: *Sir, in what way is the situation in Hong Kong different from that in the United Kingdom when it concerns the fundamental human right of the re-union of married couples?*

ATTORNEY GENERAL: Well, they are different because of the special policy of entry in relation to China and there are also differences because of the pattern of movements and the traditions in the communities. The tradition in the Chinese community is that wives normally do follow their husbands. And at the time when the policy was introduced, it was the situation that Hong Kong was being flooded, if I might use that expression, with a number of wives from China whose husbands lived in other places in particular the Philippines and Indonesia. The question there was whether they could not more reasonably be expected to proceed to join their husbands in the Philippines and Indonesia rather than to settle here and then to expect the authorities to admit their husbands also to join them in Hong Kong.

DR. HO: I'm glad that my question has been raised and answered.

MR. HUI: *Sir, I am sorry that I do not think the Attorney General has answered my question because I asked how many. He said that he might be able to give a number of a certain type, not the other type. But I was asking how many. So would he be able to give it to me after the meeting or in writing, if it is not available now?*

ATTORNEY GENERAL: I do not have any statistics available on the number of wives or husbands in Hong Kong who wish their wives or husbands resident elsewhere, outside China, to join them. I can only indicate that under present policy, there are many more wives who are admitted to reside in Hong Kong than husbands. As to what the figures would be under some different policy, that is even more difficult to predict or to guess.

MR. LEE YU-TAI: *Sir, while I understand that the attitude of this Council and that of the United Kingdom Government may not be the same on immigration matters, may I ask the Attorney General to elaborate on the different circumstances between Hong Kong and the United Kingdom which make comparison of immigration policies inappropriate?*

ATTORNEY GENERAL: Sir, frankly I do not know enough of the details of the policies on immigration into the United Kingdom to give an informed answer. May I suggested if my friend wishes to pursue this matter he should put it down as a separate question on a future occasion and we will do our very best to provide a full and reasonable answer.

Occupation of hospital beds by the infirm

7. MRS. CHOW asked: *Would the Government inform this Council of the 2 000 to 2 500 patients who could be cared for in care and attention homes, infirmaries, or their own homes but who occupied beds in public hospitals last year:*

- (a) what is the average duration of study;*
- (b) what is the range of their length of stay; and*
- (c) how does Government intend to solve this problem in the immediate future pending provision of more infirmary beds as planned?*

SECRETARY FOR HEALTH AND WELFARE: Sir, according to a survey conducted in 1983, the length of stay of patients in public hospitals who could be cared for elsewhere ranged from two weeks to three years, with an average of 310 days.

The measures being taken to alleviate this problem include the transfer of suitable patients from acute hospitals, where there is overcrowding, to convalescent and non-acute district hospitals, the provision of home nursing through the community nursing service and the placement of some patients in care and attention homes and homes for the aged.

However, until more infirmaries and care and attention homes are constructed, the Government accepts that there will be a continuing need to retain many of these patients in our public hospitals.

MRS. CHOW: *Sir, would the Secretary for Health and Welfare clarify the rather alarming figures given in the first paragraph of his answer. Is he saying that there are actually over 2 000 patients occupying beds in public hospitals who have been there for an average of 310 days when they do not need the medical services provided by these public hospitals and does it not compound the problem of overcrowding and in some cases deprive others who are in greater need of the services?*

SECRETARY FOR HEALTH AND WELFARE: Sir, these figures date from 1983 but I have no reason to doubt that they still represent more or less the present position. As I have already informed Mrs. CHOW separately, we are conducting a further survey in the near future to try and establish the present position. I agree with her entirely that it is not a satisfactory position and we do need to

construct more infirmaries, more care and attention homes, expand the community nursing service and take all these measures to try and reduce the number of people who have to stay unnecessarily in hospital.

DR. CHIU: *Sir, as many patients fit for discharge from hospital cannot take care of themselves without supportive services, it seems that home help services may contribute towards tackling this problem. Will the Government inform this Council, firstly, of the present shortfall of home help services and secondly, of the reason why the plan to increase the number of home help teams to 10 per annum has not been carried out?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I agree that home help services also help in this particular problem. I don't have the particular statistics that Dr. CHIU has asked for. I will write to him about this. (Annex II)

MR. HUI: *Sir, could Government inform this Council of the difference in the operation cost per day of an acute hospital bed and a place in a care and attention home?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the average cost of an acute hospital bed per day is \$700 approximately; of an infirmary bed it is about \$200. I don't have the exact figure for care and attention homes but I am sure it will be considerably less than that but I will let Mr. HUI have the correct figure. (Annex III)

MRS. CHOW: *Sir, what attempt, if any, is made by Government to ensure that family members of these patients are held responsible for returning them to their homes?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the medical social workers in all our hospitals do their best to try and arrange for elderly patients who no longer need to stay at hospital to go home, to try to persuade the families to take them back. Unfortunately this is not always possible but they do their best.

Guardianship of the mentally handicapped

8. DR. IP asked: *Would Government inform this Council when the proposed legislation regarding guardianship for the mentally handicapped over 21 years of age, promised to come before this Council in 1984, is going to materialise?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, although it had been intended to introduce legislation in 1984 regarding guardianship for the mentally handicapped by amending the Mental Health Ordinance — through provisions which were thought to be relatively straightforward—it later became apparent

that the complicated nature of a number of other more substantial amendments necessary as a result of the recommendations of the working group on ex-mental patients meant that the time frame which I had indicated in my earlier reply to Dr. Ip could not be adhered to.

I am, however, pleased to say that drafting of the final bill is now nearing completion and the Government hopes to introduce, into this Council, before the end of the year, a Bill which seeks to amend the Mental Health Ordinance. The Bill will provide, amongst other things, for a system of guardianship for mentally handicapped persons over 18 years of age.

Clearance of fire sites

9. MRS. NG asked (in Cantonese): *Will Government inform this Council:*

- (a) *whether following squatter fires, action will be taken by the departments concerned to clear the sites immediately in order to protect the health of nearby residents; and*
- (b) *of the number of such sites at present waiting for clearance in the territory and the progress of the clearance work?*

SECRETARY FOR LANDS AND WORKS: Sir, following major squatter fires, Housing Department usually conducts site identification exercises to identify genuine fire victims. This process normally takes a few days. The fire sites will thereafter be handed over to the district lands officer who will immediately arrange for clearance work to be carried out.

At present there is only one squatter fire site awaiting clearance at the Holy Cross Path Village in Shaukeiwan. Works order has been issued and clearance work is expected to be completed by mid-May. There are six other sites where clearance work is in progress and is scheduled for completion also by mid-May 1986.

MRS. NG (in Cantonese): *Sir, if these sites are on private land then what would Government do?*

SECRETARY FOR LANDS AND WORKS: If the land is private, we will have to ascertain the name and address of the owner and then serve an order on him to clear the site. If the owner fails to comply with the order we will have to apply to enter the site to effect the clearance ourselves. Therefore in the case of private land site the problem is a bit more complicated.

MR. POON CHI-FAI (in Cantonese): *Sir, for most of the sites cleared, there is often a proliferation of rats and that has an adverse effect on the people living there. What will Government do specifically to improve the situation?*

SECRETARY FOR LANDS AND WORKS: Sir, as this Council might be able to surmise the problem would really be confined to fire sites which have private land. A working group has been set up comprising representatives from the district office, the District Land Office, Housing Department and the Urban Services Department to look into the problem of clearance of fire sites on private land, and to come up with recommendations on what is required to be done in order that we can effect clearance a little earlier.

Deduction from clothing industry training levy

10. MR. PANG asked (in Cantonese): *Will the Government inform this Council:*

- (1) *whether it has considered that the continual increase in the service charge for collecting the clothing industry training levy will hinder the further development of the training programmes of the Clothing Industry Authority; and*
- (2) *whether it will consider either waiving or reducing the clothing industry training levy service charge?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the charge referred to in Mr. PANG'S question is that deducted by the Commissioner of Customs and Excise to defray the cost of collecting the levy of 0.03 per cent on the value (FOB) of clothing and footwear exports which finances the activities of the Clothing Industry Training Authority.

The charge is provided for in section 27 of the Industrial Training (Clothing Industry) Ordinance which empowers the commissioner to deduct 'such proportion of the costs of collection and enforcement as the Financial Secretary may approve.'

The general policy here is that, where a statutory authority is provided with an independent source of funding, the full cost of any administrative services provided by a Government department should be met from that source of funding rather than in some part by subsidy out of general revenue.

I should like to reassure Mr. PANG that the recovery of these costs should have no adverse affect on the development of the authority's training programmes as these and other costs are taken into account in the authority's projections of income and expenditure. I understand that the authority's resources should be quite adequate to absorb the increased charge during the current year and that its financial projections indicate a continuing surplus of income over expenditure in the years immediately ahead. If at some future time anticipated levy income were insufficient to meet the anticipated costs of the agreed training programme, then it would be open to the authority to propose to the Government an alteration in the rate of levy.

I nevertheless appreciate Mr. PANG'S concern about the recent increase in the costs of collection and enforcement. Every effort will be made by the Commissioner of Customs and Excise to ensure that these are kept to a minimum.

MR. PANG (in Cantonese): *The clothing industry in Hong Kong is very often affected by other countries and their policies. Therefore, it is essential for us to keep the training programme going so that we can train people and have high quality goods. In the 1985 export, there is a decrease of 2.7 per cent and yet the charge has increased from \$1.5 million to \$1.9 million, and the increase is about 25 per cent. This will definitely affect the programme of the training authority. Can the Government therefore consider helping the authority, but of course, we should consider the point that we must not increase the taxes in general?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, perhaps I should first say how fully appraised the Government is of the importance of the clothing industry to our industrial production generally, and the important part the training placed in it. This was a late question so I did not unfortunately have time to send round to Members the actual figures because these would indicate that although in absolute dollar terms, the charge has risen each year, this has not been the case in relation to percentage by which I mean the percentage which the charge bears to total levy collection. This in fact was at its highest in 1982, then dropped to 10.9 per cent in 1984 and is back to 14 per cent. The reason for these rather odd figures is because of the way the charge is made up. It is calculated on the actual costs from the previous year and therefore you get the situation that if a levy drops, you may in the next year get a rise in the percentage of levy to cover the costs but I will circulate this to Members because it is not very easy to follow. (Annex IV)

MR. NGAI (in Cantonese): *Sir, I wish to thank the Secretary for agreeing that the clothing industry is an important industry in Hong Kong. Since the clothing industry offers a lot of employment opportunities to Hong Kong and at the same time is affected by a lot of external factors, it is therefore in a disadvantageous position. Also the amount of this particular charge is actually very substantial and therefore can the Government consider a more flexible policy: during a period of recession or during a period when export drops, could there be exemption of concession in order to show Government's support for industry and to help them to overcome difficulties?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I think that question to some extent impinges on the general financial policies with relation to charge and costs of subsidised bodies. I think, I should say, in relation to the Clothing Industry Training Authority, the present position is that the authority has asked the Commissioner of Customs and Excise for an explanation as to how these costs have been arrived at. This has been supplied initially to the authority. You

may well wish to ask further questions. I think if subsequent to that the authority wish to make any further representations to Government, I am sure we will examine them.

MR. PANG (in Cantonese): *Now let me refer to some figures. In 1984-85, our export was good and the Secretary has said that the charge percentage was 10.9 per cent. In 1985, the export dropped; it was a decrease of 2.7 per cent and yet the charge was increased to 14 per cent. If we compare the two figures, there is a difference of 25 per cent; in other words there is an increase of 25 per cent. So I hope that the commissioner can explain the situation to the training authority because we are not satisfied with the situation.*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I think what Mr. PANG said illustrates my point that this lagging effect on the charges does have that effect. But I think, as I have said in reply to Mr. NGAI, when the authority and the commissioner have their discussions and further correspondence on the matter, we will look at it in more detail.

Written answers to questions

Control of signboards

11. MR. LEE YU-TAI asked: *With regard to the handling of illegal and abandoned signboards, will the Government inform this Council:*

- (a) *whether the following departments are empowered to pull down signboards:*
 - (i) *Transport Department (when traffic is affected by the position of signboards);*
 - (ii) *Building Development Department (when the safety of building structure is affected);*
 - (iii) *Fire Services Department (when obstruction is caused to fire fighting and rescue work);*
 - (iv) *Police Department (as regards obscene signboards); and*
 - (v) *Urban Services Department;*
- (b) *the number of illegal or abandoned signboards the above-mentioned departments actually pulled down during 1985;*
- (c) *the extent to which the various departments have closely liaised and cooperated with one another in carrying out the demolition of signboards;*
- (d) *whether it has noticed the possibility of danger being caused to neighbouring residents by the signboards of ground floor shops with a height reaching the third or fourth floor, whether prior permission has been sought from the upper-floor residents for the use of their space by such signboards, and whether these signboards would affect the safety of the building structure;*

- (e) *the desirability of a central working group being formed to enforce control on illegal signboards; and*
- (f) *whether consideration could be given to the levy of a deposit from those who erect a signboard, for the purpose of meeting the charges on pulling down the signboard when it is to be discarded later?*

SECRETARY FOR LANDS AND WORKS: Sir, Government departments are empowered to pull down signboards as follows:

- (i) Transport Department's powers are limited under the Roads (Traffic) Ordinance to the removal of unauthorised traffic signs. However, when requested by the Transport Department the Buildings Ordinance Office of the new Buildings and Lands Department removes illegal advertising signboards that obstruct traffic signs, or present a danger to traffic. As the Building Authority they are empowered to do this under the Buildings Ordinance.
- (ii) The Buildings Ordinance Office also gives advice to the 'authority' under the Public Health and Urban Services Ordinance on dangerous signs. The authority is Urban Services Department in Urban Council area, and Buildings and Lands Department in the Regional Council Area. The BOO also acts as the agency for the removal of such signs in emergencies, or when owners do not comply with orders to remove signs under this Ordinance.
- (iii) The Fire Services Department under the Fire Services Ordinance is empowered to demolish signs, as well as any other structure, in order to enable it to deal with fires or other calamities. They can also advise the authority under the Public Health and Urban Services Ordinance to remove signs that present a fire hazard.
- (iv) The police do not have powers to remove signs. Their role is to guard against any breach of the peace during sign removal operations.
- (v) The Urban Services Department are at present empowered under the Public Health and Urban Services Ordinance to remove dangerous signs, but as described in (ii) the Buildings Ordinance Office acts as the agency for this.

Illegal and abandoned signs where they are structurally dangerous are removed. In 1985, emergency removal of 39 such signs was carried out by the BOO contractor. In addition 546 signs were certified as potentially dangerous, 327 signs were removed by the owners themselves, and the remaining 219 were removed by the BOO, because of failure of the owners to remove them.

Notwithstanding the different roles undertaken by different departments, good liaison between them is achieved.

Concerning the structural safety of large signs, as construction of signs is not deemed to be within the meaning of building works under the Buildings Ordinance, they are not controlled thereunder. Normally, signs do not cause

structural instability to the buildings. However, if they do, action is taken under Buildings Ordinance, as I have previously described.

It would be very desirable to set up a working group to consider the whole question of control and enforcement of advertising signs, including the question of the levy of a deposit from those who erect signboards. A proposal for the setting up of a working party under my chairmanship is now being formulated for early submission to the Executive Council.

Work activity centres and sheltered workshops for the mentally handicapped

12. MR. HUI asked: *With regard to the establishment of work activity centres and sheltered workshops for the mentally handicapped, will Government inform this Council:*

- (a) *how many work activity centres and sheltered workshops have been planned for the next five years; and*
- (b) *where will they be located and what are their completion dates?*

SECRETARY FOR EDUCATION AND MANPOWER: Over the next five years, 22 sheltered workshops and 21 work activity centres are scheduled to commence operation. They will provide an additional 2 960 sheltered workshop places and 1 360 work activity centre places.

The location, capacity and estimated completion dates of these projects, are given in the attached tables at Appendix I and Appendix II.

APPENDIX I

Planned Sheltered Workshops for the Disabled

<i>Location</i>	<i>Capacity</i>	<i>Target date for completion</i>
Shek Wai Kok Estate, Tsuen Wan	140	1986-87
Sun Chui Estate, Sha Tin	120	1986-87
Kwong Fuk Estate, Tai Po	100	1986-87
On Ting Estate, Tuen Mun	100	1986-87
Former Tuen Mun Government Offices Building	140	1986-87
	(Revised)	
Bridges Street YMCA Centre	120	1987-88
Long Ping Estate, Yuen Long	140	1987-88
Hang On Estate, Ma On Shan	140	1987-88
Yiu On Estate, Ma On Shan	140	1987-88
Razor Hill, Pik UK	140	1988-89

<i>Location</i>	<i>Capacity</i>	<i>Target date for completion</i>
Kung Lok Road, Kwun Tong	200	1988-89
	(Revised)	
Tsui Lam Estate, Junk Bay	140	1988-89
Chai Wan MTR Station Development	140	1988-89
Lei Cheng UK (Redevelopment) Estate, Sham Shui Po	140	1988-89
Nam Cheong Street, Sham Shui Po	140	1988-89
Tai Pak Tin Street, Tsuen Wan	140	1988-89
Cheung Fat Estate, Tsing Yi Island	140	1989-90
Tin King Estate, Tuen Mun	140	1989-90
Kwun Tong (Tsui Ping Road) Estate Redevelopment	120	1989-90
Tin Yiu Estate, Tin Sui Wai	120	1989-90
King Lau Estate, Junk Bay	120	1990-91
Kellett Bay, Pok Fu Lam	140	1990-91
	2 960	
Total		

APPENDIX II

Planned Work Activity Centres

<i>Location</i>	<i>Capacity</i>	<i>Target date for completion</i>
Tai Po Community Centre	40	1986-87
Lung Hang Estate, Sha Tin	80	1986-87
Cheung Hong Estate	50	1986-87
MarthaBoss Community Centre, Ho Man Tin	50	1986-87
Hin Keng Estate	50	1986-87
Lower Wong Tai Sin Estate	50	1986-87
Po Lam Estate, Junk Bay	50	1987-88
Lok Wah Estate	40	1987-88
Chun Shek Estate	50	1987-88
Shan King Estate	50	1987-88
Shatin Area 18	200	1987-88
Kwai Shing Circuit	50	1987-88
Tuen Mun Area 37B	100	1987-88
Shau Ki Wan	50	1987-88
Lei Tung Estate	50	1988-89
Private Development at Shing Wo Road	100	1988-89

<i>Location</i>	<i>Capacity</i>	<i>Target date for completion</i>
Leung Tin Estate	50	1988-89
Private Development at Tsuen Wan Area 2	50	1988-89
Private Development at Anchor Street	50	1988-89
Whampoa Dockyard Redevelopment	100	1989-90
HOS & PHE at Kellett	50	1990-91
Total	1 360	

Statements

Discussion document on options for changes in the law and in the administration of the law to counter the triad problem

CHIEF SECRETARY: Sir, a discussion document 'Options for Changes in the Law and in the Administration of the Law to Counter the Triad Problem' is laid on the table today.

The document describes the current triad problem and the public's concern about it; it summarises the response of the police and the Fight Crime Committee; and it puts forward options for changes in the law and its administration to increase the effectiveness of our continuing effort to counter the problem. The document itself and the various proposals in it stem from the work done in great detail by the Working Group on Gangs of the Fight Crime Committee.

There is no doubt about the strength of community concern about triads and other gangs. Among these concerns perhaps most worrying is the fear that parents have, in some residential areas, in allowing their children to go out to play without supervision. In these places, threats, abuse, intimidation and demands for money are all too familiar.

Triads are also involved in organised crime: in blackmail; in gambling; in prostitution; in drug trafficking; and in criminal monopolies. They include groups of petty criminals who bully and intimidate law-abiding citizens.

The paper summarises the present response of the Government to this problem. The summary, for obvious reasons, cannot reveal the detail of police organisation and operations but over many years the police have mounted a continuing attack against triads. As a result we now have more intelligence about them, the structure of their organisation and their activities. Because of this accumulated knowledge they may have lost some of their secret and hidden menace but, let us be in no doubt, they are a pervasive, cancerous growth in our society.

There is no one person or group of persons controlling all triad societies. Some individual societies are well controlled and structured while others are fragmented and more loosely controlled. And, while they no longer pose an internal security or a political threat, and, contrary to popular belief, are not consistently behind serious armed robberies, organised crime is not easy to counter. There is no doubt that if the police are to be more effective in eliminating triads, changes to the way relevant parts of the law are administered and to parts of the law itself must be considered and given careful examination and evaluation by us as a community.

Apart from the law enforcement agencies other measures against triads are more broadly based and involve various Government activities. In this area, the Working Group on Gangs of the Fight Crime Committee has been responsible for determining the overall strategy. The general approach has been for the Government to tighten up its procedures and practices in those areas where triads are known to be operating. This work is also summarised in the discussion paper.

As I have said, the working group, which includes members of the public, has also been considering how the law might be changed to strengthen the attack against triads. The results are the options in this document. They are designed to cover the full spectrum of triad activity. They range from the simple and straightforward to the harsh and complex. There are options better to protect the general public; to prevent the overt display of triad power; to attack gangs which seek to intimidate people; to tighten the legislation dealing with triad society membership; and to limit the movement of convicted triad members and their access to certain facilities. There are, as well, options to tackle organised crime; these primarily aim to provide better protection of witnesses and their evidence, and to provide improved powers to investigate triad offences.

To be effective, laws must have the full support of the community and people must be prepared to come forward to report crime and to act as witnesses. Without such co-operation, the police are greatly hampered in their efforts to enforce the law and to reduce crime. Hence this discussion document. If changes are to be made, they must command public support.

The options for changing the law contained in this document are not easy options: to make it less difficult to investigate and to prosecute successfully triad activity, they carry with them some restrictions on existing freedoms. We, as a community, have to decide whether these restrictions are a price worth paying towards the end we are pursuing, namely to strengthen the administration of the law the better to deal with this insidious threat to society. And, in coming to conclusions, let us not forget that these restrictions on civil liberties will apply to people who have chosen to bully, extort and to intimidate law-abiding members of the public. The law-abiding have nothing to fear from the law: let the criminal beware.

To determine which of these options have public support, we propose to allow three months for public consultation. We will be sending copies of the document to all the district boards and district fight crime committees. It will be available to the public generally at district offices. We particularly look forward to the views of this Council and of the district boards and the district fight crime committees. The views of other groups and individuals will also be greatly welcomed.

All the comments received and views expressed will be collected and collated by the secretariat of the Fight Crime Committee.

Thereafter these views will be summarised and detailed proposals made to the Governor in Council following which there will be a public statement of the way forward. Speed of implementation will depend upon the nature of any particular recommendation. But the Government will move as quickly as it can.

Sir, I am sure everyone who has the well-being of our society at heart will find much food for thought in this short but comprehensive discussion document and will give it the careful attention and serious consideration it deserves.

Mass Transit Railway Corporation—Annual Report 1985

FINANCIAL SECRETARY: Sir, in accordance with section 16(4) of the Mass Transit Railway Corporation Ordinance (Cap. 270), the annual report and accounts of the Mass Transit Railway Corporation for the year ended 31 December 1985 are tabled today.

The opening of the Island Line in May 1985 has attracted nearly 300 000 additional passengers to the Mass Transit Railway per day. Thus in December 1985, the average number of passengers carried on each weekday was 1 454 000, an increase of 24 per cent over the number carried in December 1984. The railway carried a total of 462 million passengers in 1985, an increase of more than 12 per cent over 1984. Fare revenue for the year totalled \$1,300 million, an increase of 22 per cent. Other sources of revenue, principally from advertising, property and station kiosk rentals and estates management fees increased by 35 per cent to \$140 million.

Operating profits earned before and after depreciation respectively totalled \$789 million and \$372 million, representing increases of 22 per cent and 17 per cent. The ratio of operating profit to revenue was 55 per cent before depreciation. With the charging of interest and finance costs associated with the Island Line to the profit and loss account, interest and finance charges increased by 34 per cent to \$1,160 million. After interest and finance charges, the corporation's loss was \$788 million, an increase of \$243 million or 45 per cent 1984.

With the Government's cash injection of \$1,500 million on 31 December 1985, the corporation's issued share capital totalled \$6,956 million, compared with \$5,212 million a year earlier. At that date the debt to equity ratio improved

to 4.9:1 from 6.4:1 in 1984. The corporation is confident that the capital restructuring programme approved by the Finance Committee, of which the first part has been implemented, will enable the corporation to service and to repay steadily its large debts.

The final section of the Island Line from Admiralty to Sheung Wan will open on 23 May 1986, some four months ahead of schedule at a cost expected to be more than \$500 million below budget. This preserves the corporation's enviable record of building its railways on or ahead of time and within budget. Construction work on the Eastern Harbour Crossing is scheduled to start in mid-1986. Incremental revenues earned by the corporation from operating this extension to its system are expected in each year to exceed the sum of fixed semi-annual payments to be made by the Corporation and the operating costs.

During the past year, the mass transit railway has operated efficiently. It has become an integral and essential part of Hong Kong's public transport infrastructure. In fact a Hong Kong without the MTR is inconceivable. I am sure Members will join me in congratulating the board, management and staff for their success in managing this very important asset of our community.

Government Business

Motion

DUTIABLE COMMODITIES ORDINANCE

The Financial Secretary moved the following motion: Under section 4 of the Dutiable Commodities Ordinance that, with effect from 2.30 pm on 26 February 1986, the resolution made and passed by the Legislative Council on 27 April 1983 and published as Legal Notice No. 148 of 1983, as subsequently amended, be further amended—

- (a) under the heading DUTIES ON TOBACCO by deleting all that appears immediately following 'Duty shall be payable on tobacco at the following rates per kilogram—', up to and including '(b) Other varieties ... 170.000' and substituting the following—

	\$
' A—ON UNMANUFACTURED TOBACCO—	190.00
B—ON MANUFACTURED TOBACCO—\$	
(1) Cigars-----	210.00
(2) Cigarettes -----	210.00
(3) Other manufactured tobacco including snuff and cigar cuttings—	
(a) Chinese prepared tobacco -----	40.00
(b) Other varieties-----	190.00'; and

- (b) under the heading DUTIES ON HYDROCARBON OILS by deleting all that appears immediately following 'Duty shall be payable on hydrocarbon oils at the following rates per litre—', up to and including 'Diesel oil for road vehicles ... 1.10', and substituting the following—

	\$
'(a) Light oils—	
Motor spirit and aircraft spirit -----	2.30
'(b) Heavy oils—	
Diesel oil for road vehicles-----	1.15'.

He said: Sir, I move the motion standing in my name on the Order Paper. The proposed resolution provides for increases in existing duties as explained in my 1986 Budget speech.

Last year the duty differential between unmanufactured tobacco and imported manufactured cigarettes was reduced to its lowest level since it was introduced in 1949. This year's proposal to increase the duty on raw tobacco will reduce the differential further. The increased duties on hydrocarbon oils are intended to maintain the yield in real terms.

These increased duties came into effect on 26 February 1986 as a result of the Public Revenue Protection Order signed by Your Excellency. The proposals are expected to produce additional revenue in 1986-87 of \$55 million from tobacco and \$50 million from hydrocarbon oils.

Sir, I beg to move.

Question put and agreed to.

First Reading of Bills

BANKING (AMENDMENT) BILL 1986

DEPOSIT-TAKING COMPANIES (AMENDMENT) BILL 1986

ESTATE DUTY (AMENDMENT) BILL 1986

INLAND REVENUE (AMENDMENT) (NO.2) BILL 1986

ROAD TRAFFIC (DRIVING LICENCES REGULATIONS AND REGISTRATION AND LICENSING OF VEHICLES REGULATIONS) (AMENDMENT) BILL 1986

STAMP DUTY (AMENDMENT) BILL 1986

DEFAMATION (AMENDMENT) BILL 1986

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

Second Reading of Bills

BANKING (AMENDMENT) BILL 1986

THE FINANCIAL SECRETARY moved the Second Reading of: 'A Bill to amend the Banking Ordinance'.

He said: Sir, I move the Second Reading of the Banking (Amendment) Bill 1986. The Bill provides for the increases in the annual licensing of banks, branches and local and overseas offices described in paragraph 107 of the Budget speech of 1986. The revised rates are set out in clauses 2, 3, 4 and 5 of the Bill which amend sections 12(1), 12B(1) and (2), 12E(3) and 12H(3) of the Banking Ordinance. They came into effect on 1 April 1986 as a result of an Order signed by Your Excellency under the Public Revenue Protection Ordinance. The additional revenue yield from the increased fees for 1986-87 is expected to be \$12.5 million.

Sir, I beg to move.

Motion made. That the debate on the Second Reading of the Bill be adjourned.

Question put and agreed to.

DEPOSIT-TAKING COMPANIES (AMENDMENT) BILL 1986

THE FINANCIAL SECRETARY moved the Second Reading of: 'A Bill to amend the Deposit-taking Companies Ordinance'.

He said: Sir, I move the Second Reading of the Deposit-taking Companies (Amendment) Bill 1986. The Bill provides for the increases in the annual licensing and registration of deposit-taking companies, their branches and overseas offices described in paragraph 107 of the Budget speech of 1986. The revised rates are set out in clause 2 of the Bill which amend the fees in the second schedule of the Deposit-taking Companies Ordinance. They came into effect on 1 April 1986 as a result of an Order signed by Your Excellency under the Public Revenue Protection Ordinance. The additional revenue yield from the increased fees for 1986-87 is estimated to be \$2.5 million.

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.

Question put and agreed to.

ESTATE DUTY (AMENDMENT) BILL 1986

THE FINANCIAL SECRETARY moved the Second Reading of: 'A Bill to amend the Estate Duty Ordinance'.

He said: Sir, I move that the Estate Duty (Amendment) Bill 1986 be read the Second time.

The purpose of the Bill is to give legislative effect to the proposal in this year's Budget speech extending exemption from estate duty in respect of the principal matrimonial home to all cases in which the deceased dies intestate, leaving a spouse.

The cost to revenue is estimated at \$8 million per year.

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.

Question put and agreed to.

INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1986

THE FINANCIAL SECRETARY moved the Second Reading of: 'A Bill to amend the Inland Revenue Ordinance'.

He said: Sir, I move the Second Reading of the Inland Revenue (Amendment) (No. 2) Bill 1986. The purpose of the Bill is to give legislative effect to the concessions on profits tax and personal taxation proposed in this year's Budget speech.

As regards *profits tax*, clause 2 of the Bill repeals the amendments made in 1984 to the Inland Revenue Ordinance which sought to make some interest earned on offshore deposits chargeable to profits tax. The provisions substituted by clause 2 are in the main identical to those existing prior to the 1984 amendments. But the opportunity has been taken to add a new section 15(1)(l) to make it clear that for financial institutions gains or profits on transactions in certificates of deposits and bills of exchange will continue to be chargeable notwithstanding the fact that the transaction may have taken place outside Hong Kong.

The amendments take effect from 1 April 1986 and the estimated cost to the revenue is about \$200 million in 1986-87 and \$150 million per annum thereafter.

As regards *personal taxation*, Members will recall that two concessions were proposed in the Budget speech. *Firstly*: to increase the additional personal allowance from \$7,500 to \$8,500 for single persons and from \$17,000 to \$19,000

for married persons, thereby increasing total personal allowances to \$29,000 for a single person and \$60,000 for a married couple. *Secondly*: to increase the basic dependent parent allowance from \$8,000 to \$9,000, thereby bringing the total allowance available in respect of a dependent parent living with the taxpayer to \$12,000.

Although some people will be disappointed that these concessions do not go further I believe they have generally been seen as reasonable, both by Member and the public. In fact they should benefit over 600 000 persons either by removing or reducing their liability to salaries tax as well as a further 30 000 who elect to be assessed under personal assessment.

Clause 5 of the Bill is a transitional provision to ensure that provisional salaries tax for the year of assessment commencing on 1 April 1986 is based upon the new allowances. The cost to revenue of the two measures is estimated at \$127 million in 1986-87 and \$180 million per annum thereafter.

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

Motion made. That the debate on the Second Reading of the Bill be adjourned.

Question put and agreed to.

**ROAD TRAFFIC (DRIVING LICENCES REGULATIONS AND
REGISTRATION AND LICENSING OF VEHICLES REGULATIONS)
(AMENDMENT) BILL 1986**

THE FINANCIAL SECRETARY moved the Second Reading of: 'A Bill to amend the Road Traffic (Driving Licences Regulations and Registration and Licensing of Vehicles Regulations) Ordinance'.

He Said: Sir, I move the Second Reading of the Road Traffic (Driving Licences Regulations and Registration and Licensing of Vehicles Regulations) (Amendment) Bill 1986. The Bill provides for the increases in the annual registration of motor vehicles, provisional and full driving licences and driving tests described in paragraph 106 of the Budget speech of 1986. The revised rates are set out in clauses 2 and 3 of the Bill which amend the second schedule to the Road Traffic (Driving Licences) Regulations and the second schedule to the Road Traffic (Registration and Licensing of Vehicles) Regulations. They came into effect at 2.30 pm on 26 February 1986 as a result of an Order signed by Your Excellency under the Public Revenue Protection Ordinance. The additional revenue yield from the increased fees for 1986-87 is estimated to be \$40 million.

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.

Question put and agreed to.

STAMP DUTY (AMENDMENT) BILL 1986

THE FINANCIAL SECRETARY moved the Second Reading of: 'A Bill to amend the Stamp Duty Ordinance'.

He said: Sir, I move the Second Reading of the Stamp Duty (Amendment) Bill 1986.

The Bill seeks to give legislative effect to the proposal in this year's Budget speech to exclude from the charge to stamp duty Hong Kong bearer instruments issued in respect of loan capital, and in respect of units in unit trusts investing only in loan capital.

The amendment takes effect from 1 April 1986.

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.

Question put and agreed to.

DEFAMATION (AMENDMENT) BILL 1986

THE ATTORNEY GENERAL moved the Second Reading of: 'A Bill to amend the Defamation Ordinance'.

He said: Sir, I move that the Defamation (Amendment) Bill 1986 be read a Second time.

Last year saw a substantial increase in the number of complaints and allegations of malpractice by retailers lodged with the Consumer Council by tourists and local consumers. If a significant number of complaints directed towards a particular shop are substantiated after investigation, the council may choose to make public mention of the names of those retailers. I am sure my hon. Friend Mrs. Selina CHOW would wish to warn us all who these unscrupulous retailers are.

However, newspaper publishers and television and radio stations are un-willing to publish the names of retailers mentioned by the Consumer Council in case they are immediately embroiled in actions for defamation. This has largely defeated the council's attempts to warn consumers against unethical retailers. The reluctance of the media to publish names is perfectly understandable. While the Consumer Council can resist claims for libel by relying upon the defences of justification and qualified privilege, using their knowledge of the

matters they have investigated, the media take the risk of defaming retailers without being in a position to investigate those complaints and weigh the evidence on them.

Sir, in order to encourage the publication of reports made by the Consumer Council, the present Bill seeks to amend the schedule to the Defamation Ordinance so that reports of the council's announcements enjoy the protection of the defence of qualified privilege under section 14 of that Ordinance. So long as the reports are fair and accurate, and are not motivated by malice, the media will be free to mention retailers named by the Consumer Council without fear of being held liable for defamation. The Consumer Council has been consulted on the proposed amendment relating to the publication of announcements made by them, needless to say, strongly supports the proposal.

By this Bill another area of the law is to be clarified. The Defamation Ordinance at present prevents defamatory statements made by candidates in elections to the Urban Council or to the Regional Council being given the benefit of the defence of qualified privilege. To ensure that all public and civic elections held in Hong Kong are treated equally, this Bill extends the relevant section of the Defamation Ordinance to defamatory statements made by candidates in elections to the Legislative Council and to district boards. Candidates will, of course, be able to defeat claims for defamation in respect of their electioneering statements if they can show that the statements made were true and accurate insofar as they are matters of fact and fair and honest insofar as they are comment on matters of public interest. These are the ordinary defences of justification and fair comment.

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

Motion made. That the debate on the Second Reading of the Bill be adjourned.

Question put and agreed to.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 23 April 1986.

Adjourned accordingly at eight minutes to Four o'clock.

Note: The short titles of motions/bills listed in the Hansard 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 Security on behalf of the Attorney General to Dr. Ho's supplementary question to Question 1.**

At present the Correctional Services Department provides statutory after-care to discharges from the Drug Addiction Treatment Centres for a period of one year while the Society for the Aid and Rehabilitation of Drug Abusers provides its clients with rehabilitation services for two years starting from the date of admission into its treatment centres where they normally stay for six months.

Altogether in these two programmes there are at present 6 409 individuals receiving after-care from 96 professionally trained officers. The ratio of these officers to the individuals under care is about 1:67.

Apart from these two main programmes, after-care services are also provided on a smaller scale by a number of voluntary agencies such as the Haven of Hope Hospital, Caritas Lok Heep Club, the Society for the Rehabilitation of Offenders, the St Stephen's Society and Operation Dawn.

Annex II**Written answer by the Secretary for Health and Welfare to Dr. CHIU's supplementary question to Question 7.**

Following the review of the unified home help service conducted in 1984, it is estimated that 229 home help teams are required. The existing provision is 35 teams and the theoretical shortfall is therefore 194 teams. However, experience in the development of the service suggests that the estimated demand may be unrealistically high and it has been agreed that a further survey of demand will be undertaken by the Social Welfare Department as soon as resources permit.

The planning target is to provide 10 teams per annum. This has not been attained in the past mainly because of the lack of sufficient applications from welfare agencies to provide home help service. In 1985-86, there were applications to operate only six and a half teams of which four and a half teams have been approved, and two are pending. One of these is awaiting the completion of the fitting-out of the service base, while the other is being considered in respect of the demand for the service in the area where the proposed home help team will operate. All applications from welfare agencies which adequately demonstrate that the service is required in a particular area have been approved.

For the current financial year, applications have so far been received to operate an additional seven and a half home help teams. These are currently being considered by the Social Welfare Department. The Director of Social Welfare has assured me that she will make every effort to enable agencies to provide up to 10 additional teams in the current year.

WRITTEN ANSWERS—Continued**Annex III****Written answer by the Secretary for Health and Welfare to Mr. HUI's supplementary question to Question 7.**

The average daily cost of an acute hospital bed is about \$700, while the average cost of a place in a care and attention home is about \$76 per day. The difference of course reflects the vast difference in the services provided.

Annex IV**Written answer by the Secretary for Education and Manpower to Mr. PANG'S supplementary question to Question 10.**

The charge is deducted from the levy collected for the Clothing Industry Training Authority under section 27 of the Industrial Training (Clothing Industry) Ordinance, which empowers the Commissioner of Customs and Excise to deduct 'from the amount of levy and surcharge collected such proportion of the costs of collection and enforcement as the Financial Secretary may approve'.

In 1976 and 1977 a service charge of 5 per cent was applied and this percentage was deducted from each monthly instalment of the levy paid by the Customs and Excise Department to the authority. This fixed rate proved to be far lower than the actual costs to the Department and, at the end of 1977, it was decided to aim henceforth at full cost recovery. This is in line with the general policy that, where a statutory authority is provided with an independent source of funding, the full cost of any administrative services provided by a Government department should be met from that source of funding.

As the staff involved in collecting the clothing industry training are also tasked with part of the collection of the ad valorem levy on imports and exports other than foodstuffs which finances the work of the Hong Kong Trade Development Council, administrative costs for which are also recovered in full from the Council, the collection costs are calculated on a proportional basis. However, instead of recovering its actual costs in a particular year by deducting these costs from the clothing industry training levy collected in the following year, the department adopted the practice of calculating its costs in a given year as a percentage of total levy income in that year and deducting the same percentage from levy income collected in the following year. Thus, for example, total levy collection in 1977 was \$4,196,222. The actual cost to the department in 1977 of collecting this levy was \$377,000, or 9 per cent of the total levy income. Accordingly in 1978 the department deducted 9 per cent of the levy

WRITTEN ANSWERS—*Continued*

collected in that year as a service charge, \$437,443 from a total levy income of \$4,862,697. Its actual collection costs in 1978 however amounted to 9.6 per cent of the total levy income for that year, so that 1979 service charge was calculated at 9.6 per cent of the 1979 levy income. The attached table illustrates the operation of this system, and it is noteworthy that, as collection costs have tended to increase as a proportion of total levy income, the system of calculating in arrears has resulted so far in the Department recovering slightly less in a given year than its actual costs in that year.

In 1985 the actual cost to the department of collecting the levy was \$1,957,321, or 14 per cent of the total levy income for that year. The service charge in 1986 will therefore be set at 14 per cent of the total levy income in 1986. It is impossible at this stage to predict whether the service charge will be higher than the 1985 service charge, and if so, whether it will be 25 per cent higher, in line with the increase in collection costs from 1984 to 1985. Although there is a rough correlation between the service charge and the department's costs, the service charge in a particular year is not strictly equivalent to actual costs either in the current or the preceding year.

TABLE

Year	Levy collection \$	Total cost to Customs and Excise Dept. \$	%	Service charge \$
1977	4,196,222	377,700	9	
1978	4,862,697	464,763	9.6	437,443
1979	6,214,207	616,629	9.9	588,887
1980	7,241,675	751,121	10.4	711,962
1981	8,679,663	966,489	11.1	892,998
1982	8,897,327	1,265,359	14.2	973,288
1983	10,556,418	1,390,942	13.2	1,430,244
1984	14,343,538	1,566,378	10.9	1,924,844
1985	13,957,002	1,957,321	14	1,599,254

