

# OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 7 May 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 STEPHEN CHEONG KAM-CHUEN, O.B.E., 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 IAN 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-LUM  
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 DAVID LI KWOK-PO, J.P.  
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  
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 TAM YIU-CHUNG

**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:

Commodities Trading Ordinance	
Commodities Trading (Amendment of First Schedule) Order 1986 -----	111
Pension Ordinance	
Pensionable Offices (Amendment) Order 1986 -----	112

## Sessional Papers 1985-86:

No. 55—Kowloon-Canton Railway Corporation—Annual Report 1985

No. 56—Supplementary Provisions approved by the Urban Council during the fourth quarter of the financial year 1985-86

**Oral answers to questions****Shoplifting**

1. MR. CHEONG-LEEN asked: *What are the reasons for an increase of 22.1 per cent in the number of shoplifting offences in the fourth quarter of 1985 as compared to the third quarter and what steps are being taken to reduce the level of shoplifting offences and to enlist the active support of department stores, supermarkets, and so on?*

ATTORNEY GENERAL: Sir, there has indeed been a substantial increase in the number of reported cases of shoplifting. There has in fact been a 70 per cent increase in 1985 as compared with 1984.\* The increase is most noticeable in the new towns. †

The Fight Crime Committee and its Research Sub-Committee have been examining this problem. A number of factors contributing to the increase have been identified. First, there has been a change of policy on the part of insurance companies. They are now pressing for losses from theft to be reported to the police before they will pay out on claims. Second, the number of security staff deployed in shops has increased. Third, there has been a significant increase in

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\* 3 985 cases in 1983

3 971 cases in 1984

6 752 cases in 1985

† 2 060 cases in 1985 in the NT compared to 846 cases in 1984

the number of 'self-service' shops. In 1985, there was a 20 per cent increase in the number of supermarkets. And it is in supermarkets that 65 per cent of the reported shoplifting cases occur.‡

The Government *is* concerned about the steep rise in reported cases and is taking a number of steps to counter it.

For example, advice is given by the Police Crime Prevention Bureau and the police at district level to department stores and supermarkets on how to improve their security.

Mr. Hilton CHEONG-LEEN, in my view, correctly emphasises the need to enlist the active support of shopkeepers.

The incidence of petty thieving in shops has much to do with the care exercised by the shopkeepers who invite the customers in.

In a modern supermarket, goods are openly displayed, attractively laid out in easy reach of customers, and impulse buying is encouraged. Small wonder then to find that some of those who are tempted to take what they want are also tempted to avoid paying for it.

There is much that can be done by the shopkeepers themselves to counter the rise of shoplifting. Security staff, use of space in a way that facilitates surveillance, mirrors and alarms—all these would make it easier to detect the thief. And as in all fields of crime, the greater the certainty of detection, the greater the deterrence.

Sir, in addition, special attention needs to be given to young people, who seem particularly prone to shoplifting. In part, moral education in schools and talks by the police are designed to discourage children from shoplifting. Young people who are caught shoplifting are usually referred to probation officers and social workers, who counsel them against committing further offences. Parents must also accept a major role in discouraging their children from theft.

The Fight Crime Committee will continue to pay close attention to this problem. The Government will do all that it can to discourage shoplifting—but the effective remedy to this problem ultimately rests with the vigilance of shopkeepers and education of the community, particularly children, as to the truly dishonest nature of this form of theft.

MR. CHEONG-LEEN: *Sir, can supermarkets in particular be encouraged to pay special attention to discouraging in various practical ways on the premises young children from being tempted to engage in shoplifting?*

ATTORNEY GENERAL: Sir, indeed supermarkets are targeted for advice by the police and a wide range of advice is provided, including the matters I

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‡ 747 out of 1 148 cases in the first two months to 1986

mentioned; deploying more staff, installing wide-angle mirrors, close circuit cameras, or re-arranging merchandise within the stores to discourage shoplifting. The police have also introduced changes in procedures to make it easier for stores to report shoplifting cases and they have regular meetings with the operators of major supermarkets with a view to considering measures to combat shoplifting. I think the operators are well aware of the action they can take to reduce shoplifting and I believe that if the arrangements make it more difficult for young people to take without being caught, that will be a major contribution to a solution to this problem.

MR. MARTIN LEE: *Sir, may I seek clarification about the learned Attorney General's answer when he said that young people who are caught shoplifting are usually referred to probation officers and social workers. I have two questions. (i) Are they referred only after prosecution and conviction? (ii) If so, is there any policy or guidelines as to when and whether to prosecute young offenders without my previous conviction?*

ATTORNEY GENERAL: Sir, the answer to the question is that in many many cases of young people there is no prosecution. Indeed in some 85 per cent of the cases detected in 1985 which involved children between the ages of seven and 15, were discharged under the Police Superintendents' Discretion Scheme. If I may just refer to that, it is a scheme which goes back to 1978 whereby police officers of the rank of superintendent and above exercise their discretion as to whether or not to prosecute in certain circumstances a child or young person within the range of seven years up to 16. In those cases the superintendent or a more senior officer will interview a child before making his decision and Police General Orders give detailed instructions on the procedures to be followed in such cases. But they may exercise a discretion to warn but not to prosecute. Provision is made for discreet police visits to the child's home at regular intervals and the records of the child are automatically destroyed when the child concerned reaches 16 years of age. So in this type of case, which as I say, does involve a lot of young people, there is ample use of this discretionary power on the part of the police.

MR. PETER C. WONG: *Sir, may I ask the Attorney General whether shoplifting is within the scheduled offences in the sense that if one is convicted of shoplifting he will not be able to get a certificate of no criminal conviction from the police if he wishes to emigrate overseas?*

ATTORNEY GENERAL: Sir, I do not think shoplifting is treated any differently from any other form of theft for this purpose.

MRS. CHOW: *With reference to paragraph 2 of the Attorney General's answer, may I seek clarification as to why the fact that an increase in the number of security staff deployed should become a contributing factor to the increase in shoplifting?*

ATTORNEY GENERAL: Sir, I think both the first and the second factors that I mentioned are really matters which distort the statistics. It may be that the amount of shoplifting is the same but because of the changed policy of insurance companies plus the increased number of security staff there to try to catch the shoplifters, more of the shoplifting becomes reported and known to the police.

MR. CHEONG: *Sir, much as we are concerned about the increase in shoplifting crime in Hong Kong, does the Administration have any comparative statistics from other countries in the world on a per capita basis?*

ATTORNEY GENERAL: Not at this moment, Sir.

MR. HUI: *Sir, due to what the Attorney General has said about the Superintendents' Discretionary Scheme, then actually the problem of shoplifting is much more serious than what is reported in the figures. I am asking whether the Attorney General agrees with this or not.*

ATTORNEY GENERAL: When the discretionary scheme is deployed that is a way of dealing with the case. But the case is then known, and it features in the statistics that I have been referring to.

DR. LAM (in Cantonese): *Could the Government inform this Council, of all the cases reported in 1985 what is the percentage of those committed by students?*

ATTORNEY GENERAL: Sir, some 47 per cent of all the reported cases in 1985 involved students. Out of a total of 6 752 a total of 3 190 involved students. The figures for 1984 were 1 374 out of 3 971 cases which was a percentage of 35 per cent. So there has been an increase in the one year, from 35 per cent of all cases to 47 per cent of all cases, involving students.

MR. CHEONG: *Sir, since the Administration do not have the relevant statistics in relation to my question just now, does the Administration think that it would be worthwhile gathering those statistics for future use?*

ATTORNEY GENERAL: Sir, the very fact that Mr. Stephen CHEONG thinks it would be useful to have these statistics seems to me to justify trying to get them. We shall certainly do so.

### **Demolition orders issued by Buildings Ordinance Office**

2. DR. TSE asked (in Cantonese): *Will Government inform this Council:*

- (a) *the total number of demolition orders issued by the Buildings Ordinance Office and the resulting demolition exercises undertaken in the past two years;*

- (b) *the longest outstanding demolition order which has not yet been complied with; and*
- (c) *whether there are any administrative guidelines determining the priority of handling individual demolition orders and, if so, do these guidelines specify a time limit for the required demolition exercise to be undertaken.*

SECRETARY FOR LANDS AND WORKS: Sir, I am assuming the question relates to unauthorised building works. In answer to the first part of the question, over the past two years, the Buildings Ordinance Office has issued 11 276 demolition orders under section 24 of the Buildings Ordinance against illegal structures and illegal building works. 6 068 of these orders have been complied with including 205 demolition exercises carried out by the Buildings Ordinance Office contractor.

Approximately 5 000 demolition orders have not yet been complied with. The longest outstanding order was served on 8 September 1978.

There are administrative guidelines for dealing with demolition orders and, as a statutory requirement, time limits for the required demolition exercise to be undertaken are always specified in demolition orders. Priority is given to cases posing obvious and immediate danger to life and limb.

DR. TSE (in Cantonese): *Sir, could I ask the Secretary for Lands and Works what the time limit is for complying with a demolition order, and if you do set a time limit could I ask the Secretary for Lands and Works why is it that we have an outstanding demolition order that has dragged on for seven years?*

SECRETARY FOR LANDS AND WORKS: It really depends on the nature of the illegal structure and illegal works to be demolished. Normally a period of three months is allowed for the owner to carry out the removal work. In the case of the longest outstanding case which is related to an illegal extension of a balcony, since the issue of a demolition order against the owner, he has engaged an authorised person to negotiate with the Buildings Ordinance Office to try to rectify the situation by having a retrospective approval of the illegal work. The negotiation was very protracted and the delay was caused by shortage of staff and pressure of work in other spheres of Buildings Ordinance Office work. Serious pursuance of this case did not resume until 1984 when the Buildings Ordinance Office had an increase of staff to deal with control and enforcement aspects.

MR. JACKIE CHAN (in Cantonese): *Sir, could I ask the Secretary for Lands and Works whether in recent years he has taken legal action against illegal structures? If he has, could I ask for the figure; if not, why not?*

SECRETARY FOR LANDS AND WORKS: There has not been any prosecution of contractors but there has been prosecution of owners. There were 12 cases in the

past 12 months. I don't know whether I have completely answered the question or whether there were any other points.

MR. JACKIE CHAN (in Cantonese): *What I asked was whether the department had taken any legal action against the owners of such illegal structures and I had been given the figure 12. But if you haven't taken action, why not?*

SECRETARY FOR LANDS AND WORKS: Yes, there were 12 prosecutions in the past 12 months because the procedure for prosecution is very labour intensive. It requires our staff to interview the building owner to establish the material facts which would amount to a contravention of the Buildings Ordinance, and our staff would then prepare the required documentation, liaise with the Attorney General's Chambers, and eventually have to appear before a court. Typically a prosecution occupies a professional staff of several days and the part time attention of two technical officers and therefore we have found it more effective in deploying staff to get the illegal structure removed either by issuing orders, failing which we will arrange our own contractors to do the work.

MRS. NG (in Cantonese): *Since district boards are playing a very important part in district administration, could the Government consider working together with the district boards so that demolitions can be effected more rapidly in order to safeguard our community?*

SECRETARY FOR LANDS AND WORKS: There is considerable liaison with district boards on such matters. In respect of illegal works which pose a hazard, priority is given. Therefore I don't think there is any need for concern for the safety of the public.

### **Landslips in squatters**

3. MR. POON CHI-FAI asked (in Cantonese): *Will Government inform this Council:*

- (a) *how many wooden huts and structures are still located on slopes which are susceptible to landslips;*
- (b) *how many people are living in those wooden huts and structures; and*
- (c) *what measures has Government adopted to ensure the safety of these residents?*

SECRETARY FOR LANDS AND WORKS: Sir, many of the steep slopes on which squatters live are susceptible to landslips during times of heavy rainfall, particularly because of the amount of indiscriminate slope cutting by the squatters themselves combined with the lack of adequate drainage. It is not possible to give exact figures of the number of squatters at risk, but it is estimated that approximately 10 000 structures containing about 50 000 people live on these slopes.



Major stabilisation works on most of the slopes are precluded by the need to clear the squatters before work could commence. Some minor stabilisation, however, has been carried out in recent years as part of the Housing Department's Squatter Area Improvement Scheme.

The long-term solution to the problem is the clearance of the squatters from all unstable slopes. It is the intention of the Housing Department to clear by 1990 those squatters living on the more vulnerable slopes under its Non-development Clearance Programme.

Until such time as all squatters are cleared from unsafe slopes, Government will continue to rely on its landslip warning system to warn squatters of possible landslips.

MR. POON CHI-FAI (in Cantonese): *Sir, will the Government inform this Council whether other than relying on its Landslip Warning System, it will consider disclosing the location of known dangerous slopes so that the squatters will be warned properly and so that those people who are living on the not so dangerous slopes will not have to be so anxious?*

SECRETARY FOR LANDS AND WORKS: *Sir, most of the squatters who live in squatter areas, as I said in my main reply, are vulnerable because any slope at a greater angle than 30 degrees, with Hong Kong's soil characteristics, would be susceptible to landslips during periods of heavy rain, especially when the soil has been saturated with rainwater. And as I said in my main reply, the situation is often aggravated by squatters carrying out indiscriminate cutting into the hillside. We do not believe anything could be gained by making known specific areas where squatters would be subjected to a higher degree of risk because this information would only cause unnecessary alarm amongst squatters and could mislead some people to believe wrongly that they are in immediate danger. It might also lead to malpractices in the anticipation of clearance action.*

MR. LEE YU-TAI (in Cantonese): *Sir, the last paragraph in the answer mentioned something about the Landslip Warning System. I would like to know after giving warnings, what the Government would do to help evacuating the squatters and also after evacuation what arrangements would the Government have for rehousing the squatters?*

SECRETARY FOR LANDS AND WORKS: *When a landslip warning is given it is usually given with several hours advance warning. By then the temporary shelters would have been established by the district offices. Squatters affected would be advised to go to these temporary shelters and of course after the rainy period when the weather has returned to normal an inspection will be made of any squatter areas which may have suffered landslips to make sure that the area would be safe for the squatters to return to their homes.*

MR. ALLEN LEE: *My question has been answered but I have a new one: can the Secretary describe to this Council the landslip system of the Government? What is this system?*

SECRETARY FOR LANDS AND WORKS: Sir, I assume Mr. Allen LEE is talking about the Landslip Warning System. When rainfall has reached a level of 100 mm in the preceding 24 hours, then a certain decision level has been reached. At that time the Principal Government Geotechnical Engineer would consult with the Royal Observatory to see whether the forecast for the next four hours would be that there would be another 75 mm of rainfall in the next four hours. If that was so, then the landslip warning system would be actuated. Alternatively, if the 175 mm of rainfall is reached earlier again the warning would be given. The warning will be given over radio, television, the district offices, and the police, and all squatters would be advised to keep a close watch on the slopes behind their huts and, if necessary, go to a temporary shelter which would have been established by then.

DR. HO: *Sir, my question has been partly answered but anyhow I still raise it. Which Government departments are responsible for transmitting the warning and how effectively they have been transmitted so far?*

SECRETARY FOR LANDS AND WORKS: The decision to actuate the warning, as I said, is taken by the Principal Government Geotechnical Engineer after consulting the Director of Royal Observatory on the telephone. It is put out, as I say, through the radio and television network. Whether it has been proved successful or not is difficult to say except that there has in fact been an improvement in the number of casualties due to landslips over the last few years.

MR. YEUNG: *Sir, has there been any plan in the Non-development Clearance Programme to clear the squatters living on the less vulnerable slopes, and what criteria are set to differentiate the more vulnerable slopes from the less vulnerable ones?*

SECRETARY FOR LANDS AND WORKS: Well, from past history of landslips in various squatter areas and from the knowledge of the geological and geotechnical characteristics of the soil in various parts of Hong Kong, we do have a good idea of which squatter areas are more susceptible to landslip than others. As regards to the Non-development Clearance Programme, yes, account is taken of the vulnerability of a particular squatter area and priority would normally be given. Of course when you clear an area you clear a whole area, you see, so some huts which would not be subject to landslip danger would also have to be cleared in the same exercise.

**Effect of construction of light rail transit on traffic conditions**

4. MR. TAI asked: *With the commencement of the construction of the light rail transit in the north-west New Territories, diversion of traffic or alteration of the road traffic system near the construction sites are necessitated. In view of the fact that several serious traffic accidents have arisen following the alteration of the road traffic system and the traffic diversions, will the Government inform this Council:*

- (a) what steps have been or will be taken to mitigate the road traffic congestions and/or inconvenience caused to road users of the affected areas; and*
- (b) the additional precautionary measures taken or to be taken to ensure the safety of pedestrians along the section of Castle Peak Road running through the town centre of Yuen Long where extensive construction works are now being carried out?*

SECRETARY FOR TRANSPORT: Sir, the Light Rail Transit is designed as an on-street system running along existing roads, and it is as Mr. TAI states unavoidable that construction work on the reserve for the system and related utility diversions should affect traffic conditions. In order to minimise disruption to traffic and inconvenience to road users, all the construction works and associated traffic diversions are co-ordinated by a Works Co-ordination Group chaired by the Deputy Project Manager, Tuen Mun.

Traffic along the Tuen Mun to Yuen Long corridor is not significantly affected by LRT construction works as the LRT reserve is mainly alongside the road and access to adjacent properties is being maintained during construction.

Within the town centres of Tuen Mun and Yuen Long, traffic management schemes have been introduced to tie in with LRT works. These schemes include re-routing of traffic, adjustments to traffic light signal phasing and provision of temporary pedestrian facilities. The Traffic and Transport Committees of the Tuen Mun and Yuen Long District Boards are consulted on the traffic diversion proposals and their views are incorporated into the schemes as far as possible. Advance publicity is arranged to inform the public of the changes in the traffic arrangements.

Traffic diversions in the Yuen Long town centre are difficult as the LRT reserve runs along the centre of the Castle Peak Road. The current phase of construction permits two lanes westbound and one lane eastbound. As from next week, two lanes of traffic in each direction will be provided and this will ease the problem considerably. There has been a number of traffic accidents along this section of Castle Peak Road since the implementation of the traffic management scheme and this is a matter for regret. In order to improve pedestrian safety, temporary barriers have been provided to fence off the works areas and to prevent pedestrians from random crossing of the road at this point.

Traffic cones and temporary lighting have been installed to provide warning and to physically segregate the two directions of traffic flow. In addition, temporary refuge islands are being provided at three traffic signal controlled crossings for pedestrians. These measures have significantly reduced the possibility of accidents.

MR. TAI: *Sir, as regards advance publicity being arranged to inform the public of the change in traffic arrangement, could the Secretary elaborate on the publicity and how advance the publicity will be?*

SECRETARY FOR TRANSPORT: Apart from the consultation with the Traffic and Transport Committees of the district boards which I referred to, and press releases issued by the Transport Department, the residents are made aware of traffic diversions through announcements made in the district newspapers, briefings for the area committees concerned, and other resident associations such as mutual aid committees. Should Mr. TAI have other suggestions I would be very happy to consider them.

### **Re-employment of directorate staff after retirement**

5. MR. CHENG asked: *Will Government inform this Council:*

- (a) how many directorate grade officers are currently re-employed after their retirement from Government service;*
- (b) what is the rationale behind such re-employment whilst extension of their service could not otherwise be given; and*
- (c) what efforts have been made by the Government in training local officers with a view to taking up directorate posts to be vacated by retiring officers?*

CHIEF SECRETARY: Sir, out of a total establishment of 1 070 directorate grade posts, there are 98 directorate officers serving beyond the normal retirement age of 55.

The reason why they are granted extension of service is because their experience and skills are still required by the Government in those particular posts.

I should like to add a word here, Sir, about the new arrangements whereby *overseas* Administrative Officers will normally only serve until the age of 57. This is only applicable to overseas Administrative Officers, the purpose being to enable more local officers to be given experience in senior positions in the period running up to 1997.

As regards training for local officers, I have said in the recent Budget debate, the Administration is conscious of the need to continue to strengthen and expand our training capability in the years to come. In order to prepare mid-career officers for wider managerial responsibilities, generally at the

director level, a Senior Staff Course, which is a three-month full-time administrative development programme, was established in 1984. By the end of 1989, over 400 officers will have benefited from this course. Good use is also made of management development programmes run by overseas institutions. In selecting officers for such programmes, particular regard is had to the longer-term composition of the public service and the directorate staffing needs of the departments concerned.

MR. CHENG: *Sir, may I repeat part (A) of my question by asking, how many out of the 98 directorate officers referred to by the Chief Secretary have officially retired but are being re-employed? If there is any, why they have not been granted extension first before their formal retirement?*

CHIEF SECRETARY: Sir, it is an option which the officer himself exercises. He chooses whether to go on agreement terms or to continue with his service as an extension of service; and there are currently 11 officers serving on extension of service terms and 87 on agreement terms.

MR. MARTIN LEE: *Sir, in relation to the second paragraph of the answer given by the Chief Secretary, is it true that the person who normally decides whether a particular directorate officer who has attained the age of 55 is still required by the Government, is himself over the age of 55?*

CHIEF SECRETARY: These matters are normally considered first by the Secretary for the Civil Service, Sir, who is not over the age of 55, and of course extensions of service do go to the Public Service Commission.

MR. HUI: *Sir, could Government inform this Council whether the two options mentioned by the Chief Secretary has a significant financial difference?*

CHIEF SECRETARY: Well as you can see from the exercise of choice by the officers concerned, 87 have chosen to go on agreement terms and 11 to continue with an extension of service. It varies from time to time, I would say, with currency fluctuations among other things.

### **Children's reception centre**

6. MISS DUNN asked: *Would the Government give an account of the circumstances of the death of a two-month old baby at a Government reception centre and say:*

- (a) why it is necessary to place babies and children awaiting repatriation in reception centres;*
- (b) what is the number of babies and children currently held in such centres; and*
- (c) whether the facilities in these centres are adequate for the proper care of children?*

SECRETARY FOR HEALTH AND WELFARE: Sir, in the case referred to by Miss DUNN, the child was taken by her parents to the births registry on 30 October 1985. The child's mother produced an identity card which was suspect but before a more detailed enquiry could be carried out into her identity she fled and still cannot be traced. It was established subsequently that the child did not have the right to land in Hong Kong and therefore had to be removed to China.

The child was admitted to Chuk Yuen Children's Reception Centre with the written consent of the father. She was physically examined by a visiting medical officer on 15 November 1985 and treated for an upper respiratory infection. She was seen again by the visiting doctor on 22 and 29 November and treated for the same ailment. Later on 29 November, the child was found to have developed a fever and was sent to Queen Elizabeth Hospital where she died on 2 December. The Coroner's Court found that the death was due to natural causes.

Sir, babies and children awaiting repatriation are normally allowed to stay with relatives. Where the mother is an illegal immigrant and is held in detention, the child is detained with the mother. Exceptionally, a child may be detained in a children's centre if there is no one to take care of him or her or when there are strong indications that an older child would abscond if released. In such a case, the child is placed in the care of the Social Welfare Department at one of the four centres authorised as places of detention under the Immigration Ordinance. In every case, the child's best interests are the foremost consideration.

The Chuk Yuen Children's Reception Centre is one of the four children's centres which are also places of detention. It is the only Government reception centre for children from birth up to the age of eight who are in need of temporary care and protection. The number of babies and children in the centre at present is 64, none of whom is detained awaiting repatriation. The total number of children in the other three centres at present is 153, two of whom are detained awaiting repatriation.

The staff and facilities in Chuk Yuen Children's Reception Centre and the other three centres accommodating older children are adequate for the proper care of children who, for one reason or another, need to stay there. Each centre is under the supervision of an experienced Social Work Officer and their facilities are regularly inspected by Justices of the Peace.

MISS DUNN: *Sir, given that babies and children awaiting repatriation are normally allowed to stay with relatives, why was this child not allowed to stay with her father?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I understand that the position was discussed with the father who agreed that in this case the most appropriate arrangement was for the child to go to a reception centre since the child's mother had disappeared.

DR. IP: *Do visiting doctors visit these centres only once a week or as often as is necessary? If the latter is correct, does a registered nurse make the decision to call on the doctor again?*

SECRETARY FOR HEALTH AND WELFARE: Sir, my information is that doctors visit the centre twice a week. If the child appears to be sick in between visits by the doctor, it is up to the registered nurse or the enrolled nurses to decide whether the child should be sent to a hospital for treatment.

MR. HO: *Sir, could the Secretary tell this Council, among these 64 inmates of that centre, how many of them are babies and how many staff have been allocated to take care of these babies?*

SECRETARY FOR HEALTH AND WELFARE: Sir, at the time of this incident, of the 64 children in the Chuk Yuen Centre, 24 were babies and of the nursing staff there to attend to them, there is a total of 26 enrolled nurses and one registered nurse for the whole centre. The arrangement for the babies' dormitories is that during the day there are four enrolled nurses and one ward attendant and at night two enrolled nurses and one ward attendant.

DR. CHIU: *Sir, regarding the adequacy of proper care in these reception centres, will Government inform this Council what is the ratio of worker to children at these reception centres and do they have nursing training for babies?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I have just given the figures. It appears that the total nursing staff in the centre is 27 which, given the total number of children of 64 is almost, I think, one in two. The supervisor is a registered nurse and the other nursing staff are enrolled nurses and I believe that as a part of their training course they are taught how to deal with children.

MISS DUNN: *Sir, is it true that if a child under detention requires hospitalisation an immigration officer must be called for to escort the child to the hospital. If so, would the Government explain the reason for this requirement, bearing in mind that there is no possible risk of two-month-old babies absconding en route. Would the Government say whether the application of this requirement caused any delays in the transfer of this baby to a hospital?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I was not aware that in every case an immigration officer had to accompany a child to hospital under these circumstances, but I will check and let Miss DUNN know. I am not aware that there was any delay in arranging for this particular child to be taken to hospital. (Annex I)

DR. HO: *Sir, will Government re-consider its policy and have at least medical doctors in these reception centres at least on the night shift, where babies and young children are kept?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I doubt whether it would be cost-effective to station a doctor permanently at the Chuk Yuen Centre when the hospital is only a very short journey away from the centre. I doubt that this would be a very practical arrangement.

DR. IP: *Sir, as a matter of interest, what is the diagnosis of the cause of death in this case although it is a natural cause.*

SECRETARY FOR HEALTH AND WELFARE: At the inquest the senior forensic pathologist testified that the child died of bronchopneumonia.

MR. CHEONG: *Sir, based on the Secretary's answer that the child did not have the right to land, am I correct in assuming that the child was not born in Hong Kong at all?*

SECRETARY FOR HEALTH AND WELFARE: There is no doubt that the child was born in Hong Kong, but I understand from the Director of Immigration that the illegitimate child of a male Hong Kong resident, if the mother was not also a Hong Kong believer, does not automatically have the right to land in Hong Kong.

### **Transport facilities for physically disabled**

7. DR. IP asked: *Can Government inform this Council what plans it has to improve the transport facilities for those physically disabled persons who cannot use public transport?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Government will continue to provide those physically disabled persons who cannot use public transport with special transport services subvented by Government to meet their transport needs. These services include the rehabus and those centre-based vehicles at rehabilitation institutions which the disabled attend for vocational training or employment. Two additional rehabuses will be coming into operation later this year. In addition to operating fixed routes, the rehabus service is available on request by the disabled for specific journeys.

With a view to improving the transport facilities for those physically disabled persons, particularly the wheelchair disabled, who cannot use public transport except taxis, the Government is also currently considering a taxi voucher scheme and a maxi taxi scheme.

It has been agreed at the Rehabilitation Development Co-ordinating Committee meeting held last week that a *pilot* taxi voucher scheme should be tried out and the Government is now examining details of its implementation. In this scheme it is proposed that the wheelchair disabled and those with walking difficulties so severe that they can only use taxis will be issued with taxi vouchers



by the Government to the value of \$55 per month to permit them to make an average of two journeys per week for social and recreational purposes. The scheme will be implemented on a pilot basis for 12 months and be administered by the Transport Department in conjunction with the Social Welfare Department and the Medical and Health Department.

In addition, consideration is being given to the introduction of a Maxi Taxi Scheme using special taxis that can easily accommodate a wheelchair. These taxis would give priority to the wheelchair disabled perhaps at concessionary fares and would supplement the rebus service which the disabled use for getting to work as well as being available for use for social purposes.

DR. IP: *Sir, when does Government anticipate funding of this pilot taxi voucher scheme to be available?*

SECRETARY FOR EDUCATION AND MANPOWER: I can't say exactly when, Sir, because we have to seek out a source of funding in this case. It would probably be the Lotteries Fund but there may be other possibilities.

MR. HUI: *Sir, could the Government confirm that the supervision and subvention of rebus will be transferred from the Social Welfare Department to the Transport Department. If so, when will this happen?*

SECRETARY FOR EDUCATION AND MANPOWER: I think, Sir, I am not fully briefed on this particular aspect. I will write to Mr. HUI in due course. (Annex II)

DR. CHIU: *Sir, will the Government inform this Council how many rebus are there in operation? How many disabled persons have benefitted from this transport? What is the shortfall of the rebus service?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, there are at present 21 rebus and 29 centre-based rehabilitation vehicles. I am not sure of the total number of users at present but I will let Dr. CHIU know. The shortfall is currently about 130 but the waiting list does not necessarily contain all eligible people. (Annex III)

MR. YEUNG: *Sir, the first part of my question has been answered by the Secretary. I only refer to the second part of my question, which is, how many maxi-taxis are expected to be involved in the scheme?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as I say, this scheme is at a very early stage of consideration but it is currently important to bring it up because of the Taxi Policy Review Report which is due to be considered by the Executive Council in the next few months. At the moment we are working on a figure of 100.

MISS DUNN: *Sir, is the Government aware that the lack of suitable transport facilities for the disabled is a major obstacle to the disabled taking on gainful employment?*

SECRETARY FOR EDUCATION AND MANPOWER: Yes, indeed, Sir, this is a very considerable problem because the basic objective of rehabilitation is integration into the community and this can only be achieved if they can get to work and training and be sufficiently mobile, or be made sufficiently mobile by transport to do so.

### **Suspension and cancellation of companies from listing in the stock exchanges**

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

- (a) how many companies have been suspended or cancelled from listing in the stock exchanges in the last five years;*
- (b) how many of the suspensions and cancellations in (a) have arisen from possible malpractices of the listed companies; and*
- (c) what measures have been taken or will be taken to protect the interests of members of the public investing in stocks and shares against such malpractices having regard to (b) above?*

FINANCIAL SECRETARY: Sir, during the last five years, 20 listed companies have been suspended and remain suspended. Twenty-six companies listings have been cancelled. Of the 20 listed companies which have been suspended, five are required to provide further information; six are involved in reconstruction or reorganisation, and nine have been put in liquidation or have become insolvent. The figure on suspensions does not include the numerous temporary suspensions which resulted from pending announcements, takeover situations and so on. Of the 26 listed companies whose listings have been cancelled, six have been reactivated through the listing of another company, 15 have been acquired by another company through takeovers and mergers and five have been wound up.

These suspensions and cancellations have been made at the request of the companies concerned. It is difficult, if not impossible, to say how many of these suspensions and cancelled listings might have been attributed to malpractices since it is not easy to define malpractice and there are different degrees of malpractice.

The prime concern of the Government and of the Securities Commission has always been to protect the reasonable interests of the investing public. Measures to safeguard investors' interests and to minimise chances for malpractice are enshrined in our companies and securities legislation and the rules of the Unified Exchange. There is always a case for steady improvement in our laws. I pay tribute to the work of the Standing Committee on Company Law Reform in this respect.

Investors must also themselves exercise common sense and good judgment. Those who invest must accept the discipline of the market place.

MR. LEE YU-TAI: *Sir, may I ask the question about the status of several shares which were listed in the former Kowloon Stock Exchange? Is there any chance for these shares to be traded in the Unified Stock Exchange or will they remain valueless scraps of paper?*

FINANCIAL SECRETARY: *Sir, of the 22 companies listed on the former Kowloon Stock Exchange, 20 are now listed on the Unified Stock Exchange. The remaining two have not yet applied for listing.*

### **Daya Bay nuclear power station**

9. MISS TAM asked: *In respect of the safety measures to be taken at the nuclear power station at Daya Bay will Government state:*

- (1) what measures is the Government taking to satisfy itself that the Government of the People's Republic of China and/or the Hong Kong Nuclear Investment Company adopt sufficiently high international safety standards for the nuclear plant and what are these standards;*
- (2) what information is available to the Government on—*
  - (a) what will be done to ensure that such safety standards are attained before the nuclear plant is put in operation; and*
  - (b) who or what organisation will be responsible for monitoring the operation of the nuclear plant to ensure that such safety standards are maintained; and*
- (3) what measures is the Government taking to ensure that Hong Kong is warned immediately of any danger in that nuclear plant of radiation leakage?*

FINANCIAL SECRETARY: *Sir, proper concerns have arisen not only in Hong Kong but throughout the world as a result of the Chernobyl disaster. There will be need to study closely full reports, when these become available, and to apply any further lessons that can be learnt.*

In January 1985, Executive Council advised that they had no objection to China Light & Power Co. Ltd. (CLP) entering into agreements to purchase electricity from Guangdong Nuclear Power Joint Venture Company (JVC). CLP's wish to proceed with the project was based primarily on the grounds that it was both financially and technically feasible. The Government indicated that it would have no objection to Hong Kong participating in the joint venture and buying power from China provided that the cost would be no greater than it would be if the necessary coal-fired plant was to be provided in Hong Kong. A

further important consideration was that the Government was satisfied with the safety standards to be imposed by the Chinese authorities.

We have been advised that the best available international safety standards will govern the design, manufacture, erection, commissioning and operation stages for the plant. These standards have been incorporated in all contracts being placed by the joint venture company. The nuclear equipment and nuclear design for the plant are being obtained by the JVC from France so as to take the maximum possible benefit of the successful nuclear programme there and, in particular, of the very high safety standard record of the French. There are now over 40 similar PWRs operating satisfactorily in France alone, the second largest nuclear power programme in the world. There are 160 PWRs altogether. The design of Daya Bay Station, which is totally, and I repeat totally, different to that at Chernobyl, will be similar to that of Units 5 and 6 at the Gravelines Nuclear Power Station in France. In addition to the selection of the French company, Framatome, to supply the nuclear equipment, the French national utility Electricite de France (EdF) has a supervising role to ensure that the specified standards are met. To achieve this objective, EdF is participating with the JVC on all technical aspects of the management of the project. Thus, although the Daya Bay nuclear project is being built by the Chinese in China, there is intensive international participation in and commitment to international safety standards.

The Daya Bay nuclear plant project has adopted French safety standards, as established by the French Government licensing authority and implemented on existing French plants both domestically and for export elsewhere, together with applicable international standards principally those of the International Atomic Energy Agency (IAEA) and the International Commission on Radio-logical Protection (ICRP) and also applicable PRC standards. In the application of these various standards, the French standards will be taken as a minimum requirement. In addition, the PRC has established its own national licensing authority (the National Nuclear Safety Authority directly responsible to the State Council) which has a co-operation agreement with the French licensing authority (the French Central Service for the Safety of Nuclear Installations) regarding the use of French standards. The PRC licensing authority has informed the JVC that these standards will be the basis for its licensing of the Daya Bay plant. All possible safeguards as regards the design and construction of the plant to the highest international standards have been taken.

Such safety standards will apply at all stages of the nuclear project during design, construction and operation. According to the PRC licensing regulations, there are several key stages of the construction where detailed safety analysis reports have to be submitted to the PRC licensing authority for approval. On other aspects of the nuclear project, the safety analysis reports will be prepared according to international forms and standards, with input from

the French contractors involved and under the total supervision of EdF. Construction work cannot continue until the licensing authority is satisfied that the applicable standards have been met. This will ensure, therefore, that internationally recognised safety standards will already be attained before the plant is put in operation.

The application of the safety standards during the operational stage is the responsibility of the JVC. Moreover, under the terms of the joint venture contract, HKNIC will nominate the Operations Manager and other members of the operations staff. This close operational link will enable HKNIC to know the operating status of the plant, including the unlikely event of any abnormal development. The operating staff of the JVC will be trained in France prior to the start of operations as part of the services provided by EdF. This training includes 'hands on' experience in French power stations and simulators and is continued by use of a plant simulator to be installed at Daya Bay. French specialists will be responsible for all stages of the commissioning and start up at the plant, and the operating procedures and standards will be established at this pre-operational stage. The principle adopted in most countries operating nuclear power stations is that the operator is made responsible for compliance with the applicable safety standards: the national safety or licensing authority undertakes a monitoring role to ensure adherence to these standards. The same approach will apply at Daya Bay, whereby the PRC licensing authority will monitor the operation of the plant by the joint venture company and its compliance with the operating limits.

Finally, Sir, any unusual increase in the level of radioactivity will of course be picked up by the Royal Observatory through their radiation monitoring equipment which is being set up in Hong Kong.

MISS TAM: *Sir, is the distance of a mere 55 km between Hong Kong and Daya Bay within any international safety standard and how does the Hong Kong situation compare with other major international cities in respect of the distance between the city and a nuclear plant?*

FINANCIAL SECRETARY: When preparing for supplementary questions, I determined not to sound complacent. There is widespread concern and Governments everywhere must be prepared to explain the position clearly so that there can be a proper degree of public reassurance. Secrecy is a menace. The combination in the USSR of secrecy and incompetence has done the world a disservice. The Hong Kong Government must be open and be prepared to make all facts about Daya Bay transparent and open. Though it is true there has been not one death in the West as a direct result of a nuclear disaster, this is no answer to people's fears of what may happen.

As far as the siting of the power station is concerned, this is, of course, a Chinese station being built in China. There has been a very considerable input from China Light and Power. There has been an even greater input from the

French, that is from Framatome and EdF. I am told that in many areas in the West, including in particular France, where after all there are 40 similar stations, and in New York, there are nuclear power stations much closer to major centres of population than in this case. I think also that while it is, of course, right that we should consider the interests of the people of Hong Kong, we should remember that there are several million Chinese people who would equally be affected if there was any problem at Daya Bay.

PROF. POON: *Sir, whereas I understand that the safety devices now planned for the Daya Bay plant must be up to internationally accepted standards, will Government confirm that the extent of the safety margin has not been compromised because of the negotiated cut in the cost of the project, so much so that the safety devices now, though acceptable, might not be as extensive or sophisticated as those originally planned?*

FINANCIAL SECRETARY: Sir, I think it is a rather unusual suggestion that plants when they are cheap are safe and when they are expensive are even safer. I think this is nonsense. It is perfectly obvious that the Chinese with a nuclear power station stationed in China with millions of Chinese lives at risk will not take unnecessary risks. At the same time, when negotiating contracts with contractors they will seek to obtain the lowest possible price.

MR. MARTIN LEE: *Sir, in view of the great public concern in Hong Kong over the Chernobyl disaster, does the Administration intend to hold its hand in the implementation of the documentation or otherwise of the Daya Bay nuclear plant until a full report about the Chernobyl disaster has been made available to and carefully studied by the Administration and, if not, why not?*

FINANCIAL SECRETARY: Sir, as I have explained, the Chernobyl power plant is of a totally different nature. If there are further questions in supplementaries, I shall be delighted to explain the difference. Now, as far as the Government is concerned, all Members of this Council who have been here for a time will know what has happened. Executive Council was fully informed of and consulted on all stages of development in the negotiations between China Light and Power and China. A statement was made to this Council on 9 November 1983 on the commercial and fiscal issues related to the Daya Bay project. In particular, Government was concerned that these arrangements should be such that the purchase of nuclear power would indeed prove to be an attractive option for Hong Kong. An additional statement was made on 25 January 1984. On the arrangements made by Government to monitor and guard against potential hazards arising from the proposed nuclear power plant. A discussion was also held between the UMELCO Panel on Public Utilities and officials of the Economic Services Branch on 1 February 1985, on the economics of nuclear power.

Financial issues arising from the Daya Bay project, that is to say, commissioning of the consultancy by Lazards and the financial implications for Hong Kong of the Daya Bay project, and the financing of the Hong Kong Nuclear Investment Company, as well as the issue of a guarantee by Government in respect of commercial borrowings by the Hong Kong Nuclear Investment Company up to a maximum of \$600 million were thoroughly considered by the Finance Committee of the Legislative Council before giving its approval for these projects and I would add that an agreement was signed with Hong Kong Nuclear Investment Company in July 1985. None the less, at that time, not now because of pressure as a result of the Chernobyl disaster, the Government recognised that it needed expert and independent advice on various environmental and safety issues, so as to be able to provide a level of reassurance to the public. Given the incident at Chernobyl last week this reassurance is obviously even more acute. In mid-1985 the Government engaged the services of the United Kingdom Atomic Energy Authority at Harwell, who had long experience in the field of nuclear safety, to undertake five studies for the Government. First, to provide technical evaluation of the background of a radiation monitoring programme. Second, to produce an assessment study of the probability of different accidents at the nuclear power station and the consequences for Hong Kong. Third, to develop the design of an outline contingency plan for Hong Kong. Fourth, to provide initial training for selected Government officers and fifth, to advise on an effective public education programme on nuclear energy related matters, so as to assist the Government in its dealings with the media and general public concern. Work on the first has been completed. The Royal Observatory which maintains close technical contact with its Chinese counterpart is using the findings to enhance its radiation monitoring facilities. It should be noted that atmospheric radiation monitoring has been regularly undertaken since the early 1960s. Work on the assessment, on the second task, is well in hand and will be further refined as detailed plan specifications become available. The United Kingdom Atomic Energy Authority has been asked to take into account any lessons which may be learned from the Chernobyl incident in the development of their accident probability assessment and outline contingency plans. Though there is little at this stage that can be done to accelerate the findings of the consultancy, the fact that the Government, long before the Chernobyl disaster, has sought independent and expert advice will, I hope, give assurance to the public. However, there still must remain some public concern over the safety standards to be adopted in both the construction and management of the Daya Bay plant and I have already, in my opening response, detailed every step that the Government has taken in this regard; what is being done by the Chinese and the two French authorities. Sir, with this general background, and because we are committed, our word is our bond, an agreement has been signed, and I see no reason at this juncture further to delay what we have agreed. I think Members will understand that it is not exactly a pressing problem, though it is a very important problem, because the first

reactor will certainly not come on stream before about 1992 and I would not personally be surprised if it was somewhat later.

DR. HO: *Sir, will there be new safety improvements or modifications incorporated into the design of the Daya Bay nuclear plant station, as a result of the accidents occurring in the other power plants in the Three Mile Island or in the Chernobyl?*

FINANCIAL SECRETARY: I think I must make it absolutely clear that there is no comparison to be made whatsoever with the Russian light water graphite moderated nuclear reactor and the pressurised water reactors. Now, Three Mile Island was a pressurised water reactor. It had containment of the nuclear process, not only the steel sphere but also the thick cement cladding. It is a fact that there was a serious incident at Three Mile Island. It is also a fact that nothing escaped whatsoever and there were indeed no casualties.

MR. LEE YU-TAI: *Sir, I wish to ask a question about the way in which the wind blows. Would the Administration consider a temporary delay of the Daya Bay project until the safety position has been completely re-assessed, bearing in mind that winds blow for eight months in the year from Daya Bay over Hong Kong which would bring disastrous consequences in case of accident because twenty-four hour evacuation is impossible and contamination of surroundings would make Hong Kong uninhabitable for at least several months?*

FINANCIAL SECRETARY: Sir, as I think I have explained, this is a Chinese nuclear plant being built in China. I do not believe that the direction of the wind now is any different to what it was when the decisions were first taken.

MR. CHEONG-LEEN: *Sir, could the Financial Secretary advise how soon will the radiation monitoring equipment that is being installed be fully operational and, in view of the experience at Chernobyl just recently, will steps be taken to provide education to the public as soon as possible on preventive measures should perchance there be an accident of a similar nature or an explosion at a nuclear power plant within the Asian region, noting of course that there is no such power plant in China?*

FINANCIAL SECRETARY: Well, of course, whatever may happen. The things that go wrong won't be the same as happened at Chernobyl because the whole design is totally different, but I take Mr. Hilton CHEONG-LEEN'S point. The second question was: when will our radiation monitoring equipment be in place. The answer is at the end of this year, which is somewhat before the plant itself will be in operation. I have one further point, if I may, Sir, the question of what will Government do really to educate the public about nuclear power. Now, this is in fact part of the school curriculum still in force. However, Government appreciates the importance of correct understanding by the public on the subject of radiation and nuclear power. If I may say so, the need for the public



to understand the situation is more than reinforced by what has happened in the world in the last week. As I have said there has been very widespread concern. Now, towards this end the United Kingdom Atomic Energy Authority in accordance with the terms of the consultancy which I have already mentioned, has made proposals for a public education strategy. These proposals have been examined and discussed within the Administration and steps will be taken to draw up an education programme. The present intention is to begin with strengthening the present school education with the aim of educating and disseminating information at the secondary school level. This will be supplemented by other programmes catering for the general populace. The ultimate objective is to have a better informed people; and let me say, finally, at the outcome of the Tokyo summit there was a statement made by the five powers involved on the implications of the Chernobyl nuclear accident and it seems to me that the first sentence, second paragraph, is a thing we should all reflect on. Nuclear power is and properly managed, will continue to be an increasingly widely used source of energy.'

MR. PETER POON: *Sir, whilst it is appreciated that the PRC licensing authority will monitor the building and operation of the plant, which is built on Chinese soil, may this Council be informed whether Hong Kong has any role or participation in the maintenance of the safety standards of the Daya Bay project, especially after it is completed, as any accident in the station may seriously endanger our residents?*

FINANCIAL SECRETARY: Sir, Government is not involved in the design, construction and operation of the nuclear power plant. However, the Secretary for Economic Services and the Secretary for Monetary Affairs are directors of the Hong Kong Nuclear Investment Company and in this way Government will be kept informed of major proposals presented to the Hong Kong Nuclear Investment Company board. In addition, close liaison at the technical level is maintained between the Royal Observatory and the Guangdong Nuclear Power Joint Venture Company in respect of environmental monitoring. There have been constant informal discussions and other exchanges and indeed we expect a visit by a delegation from Guangdong Nuclear Power Joint Venture some time this month. I have, of course, already mentioned the consultancy which the British Atomic Energy Authority is conducting for us.

MR. JACKIE CHAN: *Sir, will the Government state whether its contingency plan involves the evacuation of everyone living within 30 km of Daya Bay in the event of a major accident? If not, how many people will be evacuated and how would they be selected?*

FINANCIAL SECRETARY: Sir, the consultants, as I have already said, will not start drawing up contingency plans until they have finished studying the accident probabilities assessment. In both studies they will take into consideration all

essential factors, including the geographical and meteorological conditions of Hong Kong, proximity from the plant site, the distribution of population and dietary pattern.

MR. CHAN KAM-CHUEN: *Sir, as no organisation has given us any absolute safety assurance on melt-down of nuclear plant cores, would the Government reflect to the appropriate authorities, that the fear, real or imagined, of radiation of people is detrimental to the stability and prosperity of Hong Kong?*

FINANCIAL SECRETARY: I have no doubt that the nuclear authorities in China and the United Kingdom, in France and in every other country in the Western world, are studying very closely the lessons to be learned from Chernobyl. As I have said, it is in fact a nuclear plant of a totally different antediluvian design, a plant that no other country in the world has considered it safe to use. Having said that, there must be lessons to be learned and one of the lessons, in my opinion, is that secrecy is absolutely out of the question. I think the Russians have dropped a stone on their own feet in trying to preserve secrecy for the first week.

DR. CHIU: *Sir, what improvement and how much investment of the equipment for radiation monitoring at the Royal Observatory has been planned or done ever since the Daya Bay nuclear plant project in 1985?*

FINANCIAL SECRETARY: The figures are, of course, in the Estimates for this year. I will let Dr. CHIU have them in writing. (Annex IV)

MR. CHEONG: *Sir, could the Administration advise this Council apart from the known Daya Bay project, which is the nearest to Hong Kong, what other nuclear reactors that might have been already operational, i.e. near Hong Kong?*

FINANCIAL SECRETARY: Well, of course, it depends on what you mean by 'near.' In a major nuclear explosion 'far' can be 'near.' The South Koreans are going full ahead with a major nuclear programme. The Japanese are continuing with a very major programme. The Taiwanese are continuing with a major programme. The Filipinos, having built a power station on a volcanic fault have, I understand, decided to stop.

MR. HUI: *Sir, could Government inform this Council whether constant inspection from HKNIC in the building of the plant is planned to observe whether it is complying with all safety standards promised? If not, why not?*

FINANCIAL SECRETARY: Sir, I have already given that assurance.

PROF. POON: *Sir, I think the Financial Secretary has missed the intention of my supplementary question. All I want the Financial Secretary to answer is to*

*confirm to this Council that the safety margin has not been compromised because of a negotiated cut in the cost of the project in order to ensure the confidence of the public. So, my question is really for the public because I know the answer.*

FINANCIAL SECRETARY: Sir, the question seems to be are those who are building the station, which does not include the Hong Kong Government, so foolish that they are cutting the price and endangering safety standards? As I said I am not involved in making any of the decisions and my advice to you therefore must be taken with a pinch of salt, but I frankly think that is a foolish suggestion.

## **Statement**

### **Kowloon-Canton Railway Corporation—Annual Report 1985**

FINANCIAL SECRETARY: Sir, in accordance with section 14(5) of the Kowloon-Canton Railway Corporation Ordinance (Cap. 372), the annual report and accounts of the Kowloon-Canton Railway Corporation for the year ended 31 December 1985 are tabled today.

1985 was a year of significant growth and achievement for the Kowloon-Canton Railway Corporation. Total domestic passenger traffic has increased by 30 per cent over 1984 to reach a record of 101.8 million passenger trips. Cross border travel through Lo Wu increased by 36 per cent to 18 million passenger movements. Freight carried to and from China in terms of weight increased by 114 per cent and 2 per cent respectively.

Total revenue amounted to \$604 million. The operating profit before depreciation and interest charges was \$237 million, a remarkable increase of 60 per cent over 1984. After depreciation and interest charges, the net profit was \$55 million, a significant improvement over the net loss of \$65 million recorded in the previous year. The corporation's current liabilities at year end were \$233.4 million. The debt outstanding to the Government had been reduced to \$500 million following the repayment of \$500 million in 1985, and since then has been repaid in full.

Despite the substantial increase in passenger and freight traffic, the punctuality of trains was maintained at a high level, with 95 per cent of all passenger trains arriving at their destination on time. In order to meet the rapid increase in public demand for KCR services, the corporation has ordered 25 additional sets of electric multiple units which, when put into operation in 1987 and 1988, will increase the total carrying capacity of the railway by some 40 per cent.

The corporation has taken several important steps in the year to develop further railway facilities in Hong Kong. The contract for phase I of the Light Rail Transit project was awarded in August 1985. Consultants have been

engaged to study the feasibility of developing terminal facilities on the Hung Hom Bay reclamation and extending the LRT to the urban area and other parts of the New Territories.

The Kowloon-Canton Railway has now clearly established itself as an essential part of Hong Kong's public transport infrastructure and it is very satisfactory to me that not only it is essential but it is also making a profit. The good results achieved by the corporation in 1985 has clearly demonstrated its ability to operate the railway efficiently and profitably. I am sure Members will join me in congratulating the board, management and staff on their excellent performance. It is, I believe, one of the very few railways in the world which are making now a true profit and I hope it will increase.

## **Government business**

### **Second Reading of Bills**

#### **DEFAMATION (AMENDMENT) BILL 1986**

##### **Resumption of debate on Second Reading (16 April 1986)**

MRS. CHOW: Sir, compared to most other legislative amendments proposed or advocated by the Consumer Council, the Defamation (Amendment) Bill before us is exceptionally speedy work on the part of the Administration, for it was only one year ago that it was drawn to our attention that what appeared to be the few teeth the council has got by the publicity route were ineffective dentures incapable of exposing the fraudulent practices of unethical traders. For in spite of the Consumer Council's efforts to protect the public by informing them of trading malpractices, the media are reluctant to report the names of those responsible, for they are unsure whether the named traders might succeed in defamation action against them for publishing these names.

The amendment will extend qualified privilege to fair and accurate newspaper, television and radio reports of future such Consumer Council notices.

On behalf of the Consumer Council, I welcome this long awaited legislative clarification, and hope the media will at last be able to join us in sinking our teeth into this rather meaty problem.

MR. HUI: Sir, my hon. Friend Mrs. Selina CHOW has already spoken on the Bill's provisions with regard to newspaper and broadcast reports of notices issued by the Consumer Council for the information of the public. I shall confine myself to clause 3 which extends section 28 of the Ordinance to prevent the defence of qualified privilege being afforded to defamatory statements made by candidates in Legislative Council and district board elections.

Although clause 3 is a tidying up exercise, inasmuch as it simply brings Legislative Council and district board elections into line with those of the Regional and Urban Councils (which are already covered by section 28), it is a timely reminder of the need for fair play to candidates in the conduct of election campaigns. We social workers uphold the principle of respect for the individual's rights and privileges. Constructive criticism of an opponent's election platform is one thing, but unfounded personal attacks upon one's opponents should have no place in elections in Hong Kong.

I will not labour on this point today, for I know that all Members of this Council share a common concern to protect the integrity of Hong Kong's election processes. I hope, however, that the Government will take effective steps to ensure that the provisions of section 28 and also of section 16 of the Corrupt and Illegal Practices Ordinance (regarding knowingly publishing false statements concerning a candidate at an election) receive sufficient publicity in future elections.

With these remarks, Sir, I support the motion.

*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).*

## **DRUG ADDICTION TREATMENT CENTRES (AMENDMENT) BILL 1986**

### **Resumption of debate on Second Reading (16 April 1986)**

DR. HO: Sir, in the treatment of drug addicts the most crucial phase of work is to assist them, after their release from treatment centres, to adapt to the pressure arising from living in the community, holding a job and associating with family members and friends. To this end, after-care services are provided to render supervision, guidance and counselling to the detoxified drug abusers.

The most important amendment proposed in the Bill, as I see it, is to shorten the minimum period of detention in order to maximise the effect of after-care. The intention is to reduce to the minimum the chances of relapse and is based on experience that in mild cases the shorter the time spent inside the treatment centre the lower the chances of relapse. This approach is in line with the current rehabilitation practice for drug abusers, and is therefore worthy of our support.

However, the success of after-care depends to a large extent on the quality of supervision. If the proposed amendments are legislated, it is estimated that there

would be 100 odd detoxified drug abusers released for supervision. I therefore urge the Administration to assure this Council that the training and the strength of after-care officers in the Correctional Services Department would be adequate to provide the needed supervision and counselling services. If there are any shortfalls in manpower, additional resources must be allocated to remedy them; otherwise the enactment of the proposed amendments to the Bill will be a fruitless exercise.

With these comments, Sir, I support the motion.

ATTORNEY GENERAL: Sir, I wish to thank Dr. Ho for his support to this Bill. I also wish to thank Members of the Legislative Council ad hoc group who spent a lot of their time in examining and scrutinising this Bill.

Dr. Ho is worried about the potential increase in the number of detoxified drug addicts on supervision when the Bill is enacted. I understand from the Commissioner for Correctional Services that there may be an initial increase in the number of drug addicts released on supervision after the enactment of this Bill but in the long term it is expected that the increase, if any, should be minimal. The commissioner believes that his department will be quite capable of meeting any additional demand on staff resources arising from the enactment of this Bill. Nevertheless Dr. Ho's support for allocating additional resources for this purpose is much welcomed and if such a need is demonstrated in the future, the Finance Committee's approval will be sought.

*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**

Council went into Committee

### **APPROPRIATION BILL 1986**

Heads 21 to 194 were agreed to.

The Schedule was agreed to.

Clauses 1 and 2 were agreed to.

**DEFAMATION (AMENDMENT) BILL 1986**

Clauses 1 to 4 were agreed to.

**DRUG ADDICTION TREATMENT CENTRES (AMENDMENT) BILL 1986**

Clauses 1 to 6 were agreed to.

**Third Reading of Bills**

THE ATTORNEY GENERAL reported that the

APPROPRIATION BILL 1986

DEFAMATION (AMENDMENT) BILL 1986 and the

DRUG ADDICTION TREATMENT CENTRES (AMENDMENT) BILL 1986

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

*Question put on the Bills and agreed to.*

Bill 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 pm on Wednesday 14 May 1986.

*Adjourned accordingly at fifteen minutes past Four o'clock.*

*Note:* The short titles of the bills listed in the Hansard have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

**WRITTEN ANSWER****Annex I****Written answer by the Secretary for Health and Welfare to Miss DUNN'S supplementary question to Question 6.**

Section 35 of the Immigration Ordinance provides that a person detained under this Ordinance may be taken in the custody of an immigration officer, correctional services or police officer to and from any place where his attendance is required. However, whether an escort is provided depends on whether it is considered that there is any risk of the detained person absconding.

In the case in question, an escort was not considered necessary, and there was no delay in sending the child to hospital.

**Annex II****Written answer by the Secretary for Education and Manpower to Mr. HUI'S supplementary question to Question 7.**

I can confirm that the supervision and subvention of rehabus will be transferred from the Social Welfare Department to the Transport Department. The Social Welfare Department will continue to act as holder of the funds for the rebus service until a new vote for this purpose is created in the Transport Department. Administration details for the transfer are being worked out between the two departments, and it is expected that the transfer can be effected by 1 April 1987.

**Annex III****Written answer by the Secretary for Education and Manpower to Dr. CHIU'S supplementary question to Question 7.**

You may wish to know that between July 1978 (when the Hong Kong Society for Rehabilitation started to run rebus) and 31 March 1986, a total of 682 disabled persons have used rebus. At present the existing service carry approximately 225 passengers.

I also said at the sitting that there are about 130 disabled persons waiting for the rebus service, but that not all of them have been screened for eligibility. You may be interested to know that as at 31 March 1986, 78 have been considered eligible and put on the actual waiting list for rebus.



**WRITTEN ANSWER—Continued****Annex IV****Written answer by the Secretary for Economic Services on behalf of the Financial Secretary to Dr. CHIU's supplementary question to Question 9.**

The Finance Committee approved in 1984 a commitment of HK\$2.011 million for equipment and facilities required for a Background Radiation Monitoring Programme (BRMP). Based on recommendations of the United Kingdom Atomic Energy Authority, additional expenditure of HK\$0.811 million will be required in order to fully meet the objectives of the BRMP.

The expenditure covers radiation sampling and measurement instruments, a radiological survey vehicle and three monitoring stations. Procurement of equipment is in hand and the essential radiation sampling and measurement instruments will become operational by the end of this year.

Upon its complete implementation in 1988, the programme will be able to detect any increase in radiation level in the territory and to monitor extensively the transport of man-made radionuclides through the various possible pathways, such as direct radiation, air, soil, water and food, that may affect the local population.

I am sorry it has taken so long to provide this information: the revised Budget for the BRMP mentioned in para. 2 above has only recently become available.