

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 3 December 1986****The Council met at half-past Two o'clock****PRESENT**HIS HONOUR THE DEPUTY TO THE GOVERNOR (*PRESIDENT*)

(THE HONOURABLE THE CHIEF SECRETARY)

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

THE HONOURABLE THE FINANCIAL SECRETARY

MR. PIERS JACOBS, O.B.E., J.P.

THE HONOURABLE THE ATTORNEY GENERAL

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

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

THE HONOURABLE PETER C. WONG, C.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 HU FA-KUANG, 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 CHEUNG YAN-LUNG, O.B.E., J.P.

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

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

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 KIM CHAM YAU-SUM, J.P.

THE HONOURABLE JOHN WALTER CHAMBERS, J.P.

SECRETARY FOR HEALTH AND WELFARE

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 LEE YU-TAI
THE HONOURABLE LIU LIT-FOR, J.P.
THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.
THE HONOURABLE POON CHI-FAI
PROF. THE HONOURABLE POON CHUNG-KWONG
THE HONOURABLE HELMUT SOHMEN
THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING
DR. THE HONOURABLE DANIEL TSE, O.B.E., J.P.
THE HONOURABLE ANDREW WONG WANG-FAT
THE HONOURABLE GRAHAM BARNES, J.P.
SECRETARY FOR LANDS AND WORKS
THE HONOURABLE RONALD GEORGE BLACKER BRIDGE, O.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER
THE HONOURABLE DAVID GREGORY JEAFFRESON, C.B.E., J.P.
SECRETARY FOR SECURITY
THE HONOURABLE DAVID LAN HONG-TSUNG, J.P.
SECRETARY FOR TRANSPORT (*ACTING*)

ABSENT

THE HONOURABLE LYDIA DUNN, C.B.E., J.P.
THE HONOURABLE ALLEN LEE PENG-FEI, O.B.E., J.P.
THE HONOURABLE WONG PO-YAN, 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 MARIA TAM WAI-CHU, O.B.E., J.P.
THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.
THE HONOURABLE DAVID LI KWOK-PO, J.P.
THE HONOURABLE PANG CHUN-HOI, M.B.E.
THE HONOURABLE SZETO WAH
THE HONOURABLE TAI CHIN-WAH
THE HONOURABLE TAM YIU-CHUNG
THE HONOURABLE LAU WONG-FAT, M.B.E., J.P.

IN ATTENDANCE

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

Oath

MR. DAVID LAN HONG-TSUNG took the Oath of Allegiance.

Papers

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

Subject *L.N.No.*

Subsidiary Legislation:

Hong Kong Airport (Control of Obstructions) Ordinance Hong Kong Airport (Control of Obstructions)(Consolidation) (Amendment) Order 1986.....	281
Marine Fish Culture Ordinance Fish Culture Zone (Designation)(Amendment) Order 1986.....	282
Revised Edition of the Laws Ordinance 1965 Revised Edition of the Laws (Correction of Error)(No. 2) Order 1986	283
Shipping and Port Control (Dwelling Vessels) Regulations Shipping and Port Control (Dwelling Vessels) Regulations (Amendment of First Schedule) Order 1986	284
Domestic Violence Ordinance 1986 Domestic Violence Rules 1986	285
Shipping and Port Control Ordinance Shipping and Port Control (Specification of Areas)(Amendment) Notice 1986.....	286
Merchant Shipping Act 1979 Merchant Shipping Act 1979 (Commencement) Order 1986.....	287

Sessional Papers 1986-87:

- No. 22—Vocational Training Council —Annual Report 1985-86.
- No. 23—Jubilee Sports Centre, Hong Kong—Annual Report 1985-86.
- No. 24—General Chinese Charities Fund—Income and expenditure account with
balance sheet and certificate of the Director of Audit for the year ended 31
March 1986.

Address by Member presenting paper**Vocational Training Council—Annual Report 1985-86**

MR. CHAN KAM-CHUEN: Sir, among the various papers laid on the table of this Council today is the report of the Vocational Training Council for the year ended 31 March 1986.

The report is the last one prepared by the first Chairman of the Vocational Training Council, Dr. Francis TIEN, and I should like to pay tribute to Dr. TIEN's outstanding leadership in the past four years which guided the council through its formative years and brought many important projects to completion.

Probably, the most notable achievement of these has been the establishment of industrial training centres housed in the Kowloon Bay and Kwai Chung Training Centre Complexes. Already thousands of young people have completed basic training there and have immediately been absorbed into the manufacturing and service industries.

I am pleased to say that the precision tooling training centre and the insurance training centre commenced operation in September this year and another centre for the training of electronic data processing personnel will take in its first trainees in a few months' time. A jewellery training centre is in the advanced planning stage and the construction of a permanent seamen's training centre has started.

Members will note that the development of technical education also made significant strides forward in the period under review. The operation of the two new technical institutes at Sha Tin and Tuen Mun this September has enabled the council to provide 7 000 more technical education places at craft and technical levels.

The Chai Wan Technical Institute now being constructed is scheduled for completion next summer. When it is opened next September, the total capacity of the eight technical institutes managed by the council will be about 66 800 in all modes of study.

Finally, I must acknowledge the support the council has received from all the individuals, and in particular those from the various industrial, commercial and educational sectors, who make up the various training boards and general committees and, on behalf of the council, I should like to pay tribute to its outgoing executive director, Mr. Morris MORGAN, and his staff for their loyalty, diligence and drive.

Jubilee Sports Centre, Hong Kong—Annual Report 1985-86

MR. HU: Sir, among the various papers laid on the table of this Council today is the annual report of the Jubilee Sports Centre for the year ending 30 June 1986. The Jubilee Sports Centre has completed its fourth year of operation in Sha Tin and has continued to make steady, rather than startling progress in most of the sports included in its programme.

This was Mr. Denis BRAY's first year as chairman of the board. His predecessor, Sir Albert RODRIGUES retired in 1985, having served for eight years in that capacity, seeing the projects through from concept to completion.

The centre's programme now covers many sports such as badminton, fencing, gymnastics, judo, squash, soccer, swimming, table tennis and tennis. Full-time coaching support was given to the governing bodies of these various sports, with the total annual subsidy of some \$10 million. This includes salaries for full-time, part-time and short-term contract coaches, free use of the centre's facilities and considerable assistance in administration.

The employment of short-term contract coaches has proved to be very successful. Coaches from China, Australia, England as well as Hong Kong were engaged under this scheme to assist some of the sports already included in the programme. Assistance was also given to two new sports, namely, canoeing and rowing.

The subsidy to other sports such as cycling, handball, softball, baseball and the sports associations for the physically and mentally handicapped and the deaf totalled around \$3.5 million.

A much needed Sports Development Department in support of the governing bodies was set up in July 1986 and this will allow the centre's coaches to concentrate their efforts more on their main objective, namely, producing athletes at all levels. At the same time, the Government has encouraged the governing bodies to employ development officers of a higher calibre in addition to upgrading their administration.

A sports injury clinic was opened under the guidance of the Department of Orthopaedic and Traumatic Surgery of the Chinese University of Hong Kong. It is hoped that subject to funds being available, this will become a full-time operation in 1987, with facility for health screening for top athletes and the public at large.

During the year, the centre has been used as a venue by some governing sports bodies for a number of prestigious international events. Standards of performance have improved steadily as demonstrated by the results achieved in many international matches.

Relationship with the governing bodies of sports is, generally speaking, harmonious. The Hong Kong Tennis Association has moved its administrative office to the centre and requests from other associations to follow suit have also been received.

The centre's coaches were regularly invited to attend international sports conferences during the year and through such exchange of ideas, and mutual understanding, the centre's position as a sports development and training centre has been further enhanced.

The centre is about to enter a new and exciting phase, to allow it to function autonomously. A generous endowment of \$350 million from the Royal Hong Kong Jockey Club will allow this to happen.

Work is about to start on the expansion required for the swimming pool. The funding for this, totalling some \$8 million, has been provided by the Royal Hong Kong Jockey Club.

The board has also agreed that work ought to start to rectify the problems caused by settlement of the land which has affected the soccer pitches, artificial grass training area and tennis court surrounds. The immediate cost of this work is estimated to be slightly in excess of \$12 million, hopefully to be in part funded by the Finance Committee of this Council in due course.

In short, this has been a busy year and the year ahead should be equally exciting. Centre's management is committed to the success of the Jubilee Sports Centre as an on-going project in the development of local sports. A co-ordinated, central approach towards this commitment, bringing together the total expertise available for the long-term benefit of sporting youngsters, would however achieve quicker progress, in helping to realise the aims and objectives of the Jubilee Sports Centre.

Oral answers to questions

Pushing of passengers off platforms at MTR and KCR stations

1. MR. CHAN YING-LUN asked (in Cantonese): *In view of the incident on 19 November 1986 in which an MTR commuter was pushed onto the track by the crowd waiting on the platform, will Government inform this Council:*

- (a) *the number of cases of a similar nature that occurred at MTR and KCR stations in the last three years; and*
- (b) *whether Government has required the two companies to take effective measures to prevent the recurrence of such accidents?*

SECRETARY FOR TRANSPORT: Sir, the police and the MTRC have investigated the accident. According to the results of the police investigation, there is no evidence to suggest that the passenger was deliberately pushed forward off the platform. The passenger has stated that she was feeling unwell at the time and she was seen falling over the platform as the train approached. At the time of the accident, the platform was busy rather than overcrowded and there was no evidence of any disorderly behaviour among the passengers on the platform. The case has been classified as 'person accidentally injured'.

Other than the case that occurred at the Admiralty Station on 9 April this year when a man was pushed into the front of a train entering the platform, which subsequently resulted in the assailant being convicted, there has been no case of passengers being pushed off a platform during the whole of the period when the MTR has been in operation. This record has to be seen against the daily average number of 1.6 million passengers carried by the railway.

Under regulations 2 and 4 of the Mass Transit Railway Regulations, the MTRC is required to notify the Chief Secretary of every accident which results in serious injury. The corporation has complied with this requirement and has given a full report to Government on the accident.

As far as the Kowloon-Canton Railway is concerned, there has never been any case of passengers being pushed onto the track.

Under the Mass Transit Railway Corporation Ordinance and the Kowloon-Canton Railway Corporation Ordinance, the two railway corporations are responsible for the safety of their operation. Public safety is indeed the primary concern of the two railway corporations. As an effective safety measure, repeated announcements are made through the public address system at peak periods and at times when there are large crowds on the platforms to advise people of the danger of stepping in front of the yellow line. Moreover, the corporations also warn passengers who transgress in front of the yellow line even when there is no train approaching.

MR. CHAN YING-LUN (in Cantonese): *Sir, will the Secretary for Transport please explain paragraph 1, which says at the time of the accident the platform was busy but it is not overcrowded?*

SECRETARY FOR TRANSPORT: Sir, the platform at the Kowloon Tong Station where the accident occurred has a capacity for holding over 3 000 passengers. It was estimated that two minutes after the accident there were approximately 1 700 passengers waiting on the platform. Police investigation has found no disorderly crowd behaviour at the platform at the time of the accident. There were four Mass Transit Railway staff on crowd control duties and two policemen at the station which is the normal peak period deployment for that station. The facts of the case as reported by the MTRC to Government are available for perusal if Members are interested to know further details of the circumstances surrounding the accident.

MR. PETER C. WONG: *Sir, in the second paragraph of the Secretary's answer he said that during the last three years there was actually one case where a passenger was pushed off the platform. Can the Secretary inform this Council whether there were cases or instances where passengers accidentally or otherwise fell off the platform onto the track?*

SECRETARY FOR TRANSPORT: Sir, I have not had statistics available at the moment to show how many cases there were in the past three years. Perhaps I could give Mr. WONG a written reply on this. (See Annex I)

DR. HO: *Sir, I understand that many passengers stand beyond the yellow line. Will Government consider giving the MTRC staff certain power to prosecute those passengers who persistently stand beyond the yellow line before the train comes to a complete halt?*

SECRETARY FOR TRANSPORT: Sir, this matter in fact has been discussed among various Government sectors. It is in practice rather difficult to exercise any legislation to prosecute people stepping on to the yellow line. As a matter of fact the most effective measure is to warn them through the public address system time and again; in fact this is done by both the MTR and the KCR and it is proving effective.

MR. NGAI (in Cantonese): *Sir, it is a fact that there is an overcrowding and disorderly problem at MTRC stations. According to the Secretary for Transport's answer, we are only relying on the public address system to warn passengers not to step beyond the yellow line. It seems that there is no action to enforce this message. I want to ask the Government whether the MTRC can be reminded to engage consultants to study measures to review the problem.*

SECRETARY FOR TRANSPORT: The yellow line and the public address system are nothing more than just the effective measures that have been used and have proved to be very effective. On top of that, constantly the Mass Transit Railway Corporation has been in touch with Government and all the time they have been finding ways and means to improve the systems. Additional measures were undertaken when, for example, if a crowd is becoming bigger and bigger to the extent that it is becoming a little overcrowded then there could be other measures to be used. This is being studied by the MTRC but I can at this stage inform the Council that one of the measures that is being looked into or in fact being implemented is to stop the turnstile moving; that is one effective measure. We are also looking into other measures, but in view of the interest expressed by Mr. NGAI I would certainly put his question to the Mass Transit Railway Corporation for further study.

MR. JACKIE CHAN (in Cantonese): *Sir, a question for Secretary for Transport. Is the design of the Kowloon Tong MTR station capable of only catering for the diesel engines or for electrified trains and will there be any facilities for the convenience of the passengers?*

SECRETARY FOR TRANSPORT: This is a bit technical and I am not able to answer what type of engines would be most suitable for use at the MTR station in Kowloon Tong, but I myself have been to Kowloon Tong, together with my other colleagues, and I must say that the facilities are adequate. I shall go deeper into the question on the technical aspect of Mr. CHAN's question and shall send him a written reply. (See Annex II)

Common law liability in industrial accidents

2. MR. LAI asked: *In relation to industrial accidents, will the Government inform this Council:*

- (a) *whether investigators from the Labour Department look for evidence concerning common law liability as well as breaches of statutory duty; and if not, who is responsible for gathering evidence as to whether reasonable care has been exercised by the employers; and*
- (b) *whether victims of industrial accidents are also advised by the Labour Department or other government departments regarding their legal rights under the common law?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the factory inspectorate investigates every fatal or serious accident to try to find out its cause. In every such investigation the inspectorate always takes into account the possibility that the accident may have been caused by lack of reasonable care on the part of the employer.

The Employees' Compensation Division of the Labour Department advises all victims of industrial accidents that they have a right to claim common law damages from their employer, or any one else, who may have caused or contributed to the accident through negligence or breach of statutory obligations. Any employee wishing to pursue such a claim is then referred to the Legal Aid Department for further advice and assistance. The Legal Aid Department then considers, in the light of information from the Labour Department, the claimant and any other witness, whether grounds exist for court action. In fatal cases and cases of dispute, compensation claims are automatically referred to the Legal Aid Department and in these cases the question of grounds for a common law action is considered at the same time.

Where a common law action is pursued, staff of the Labour Department do of course appear as expert witnesses as and when required.

MR. LAI: Sir, will the Secretary inform this Council what actions does the factory inspectorate of the Labour Department take if there is evidence that reasonable care is not exercised by the employer during a routine safety inspection; and whether there is any regulation making it an offence for anyone to adjust, alter, modify anything at the scene of an accident so as to conceal the true nature of the accident, and the circumstances under which it has taken place before the inspectorate arrives to investigate the statutory or common law liability?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the first part of the question, as I understood it, was whether the inspectorate does anything where equipment has been tampered with so as to cause danger. Yes, indeed, this is one of the main concerns of the factory inspectorate. They take a whole range of actions depending on the circumstances. I mean normally when they find something irregular of that sort, they would warn the company and depending on the company's response they would take further follow-up action. Normally if the company appears responsive and the warning seems to be effective, that would be the end of the matter, but if the company is not co-operative they would proceed by gradual stages to further action, to further warnings and, if necessary, to prosecution and if necessary to repeated prosecutions to achieve the right standard of safety in the factory. On the other question, I would have thought as a common sense point that it must be an offence to tamper with evidence but I am not actually familiar with this point and I will give a written reply on it. (See Annex III)

MR. PETER C. WONG: Sir, in the final paragraph of his answer, the Secretary said that members of the Labour Department would sometimes appear as and when required as expert witness. Would he elaborate to this Council what he actually means by 'expert witness'?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I understand that when someone like the factory inspectorate gives evidence relating to his job, he is known as an expert witness. I don't think it implies anything about his standard of expertise but I am very confident that the factory inspectorate is indeed very expert.

Regional transport infrastructure in western New Territories

3. MR. HU asked: *With the increasing scale of urbanisation in the western New Territories, will the Government inform this Council:*

- (a) *what plans there are to improve the regional transport infrastructure in the western New Territories;*
- (b) *whether the Government intends to extend the existing railways so as to link up the western New Territories and the urban area; and*
- (c) *the timetable for the implementation of these plans?*

SECRETARY FOR TRANSPORT: Sir, the backbone to the regional transport infrastructure within the western New Territories itself will be the light rail transit system. This will link up the major built-up areas in Yuen Long and Tuen Mun. Construction work on the first phase of the system, comprising 23 km of track, is well under way. The system is expected to commence service in 1988.

The next few years will also see significant further improvements in terms of both public transport and highway development in the area. Major highways projects to be completed within the next five years include the improvements to the New Territories Circular Route from Fan Kam Road to Au Tau, due for completion in 1991. This will provide the north-west New Territories with a dual carriageway trunk road, connecting the area with the existing New Territories Circular Road and the new border crossing at Lok Ma Chau, due to open in 1988. Also, a new dual carriageway bypass is being provided to relieve increasing congestion on the existing Castle Peak Road between Yuen Long and Tuen Mun. This also should be completed by 1991.

If I may turn to the development of further road links from the region to the urban areas, a preliminary design study will commence shortly to identify the precise alignment for the proposed future tunnel link between Yuen Long and Tsuen Wan, currently known as Route X. This tunnel link is anticipated to be required by the mid to the latter half of the 1990s. Further studies will also be made of the connections between this link and the urban area through Tsing Yi and Kwai Chung.

Sir, with respect to the development of public transport links, as was stated last week in this Chamber, the two railway corporations will have completed studies of a possible rail link to Tsuen Wan by the end of the year. Once these studies are completed, it will be possible to assess more accurately whether the line would be viable and, if it is, when it should be built. Meanwhile the quality and quantity of bus links with the urban area are reviewed annually in the context of the Kowloon Motor Bus route development programme. New bus links to Tsuen Wan and Kowloon are added to match any increase in population in the area.

MR. HU: *Sir, can the Secretary for Transport advise this Council when the study on Route X will be completed?*

SECRETARY FOR TRANSPORT: Sir, the study is currently scheduled to be completed in late '87 or early '88.

MR. HU: *Can the Secretary further advise the Council whether there will be any serious congestion in the existing Tuen Mun Highway before the completion of Route X?*

SECRETARY FOR TRANSPORT: Sir, past traffic studies indicate that the Tuen Mun Highway should have sufficient capacity to cope with the expected volume of traffic between Tuen Mun and Tsuen Wan until the mid-1990s. This, of course, will be reviewed again in the second Comprehensive Transport Study, taking into consideration the recent revision in population distribution, land use pattern, and reduction in the level of vehicle ownership. Meanwhile works will be undertaken to improve Kwai Chung Road between the end of Tsuen Wan By-pass and Lai Chi Kok Bridge. Further studies for the improvement of urban road links will be undertaken as part of the study of Route X referred to earlier.

MR. POON CHI-FAI (in Cantonese): *Sir, I believe most New Territories residents would like to see the MTRC or the light rail system joining up Tuen Mun and Tsuen Wan. Could the Government inform this Council about the study to be completed at the end of this year to see whether it is possible to extend the line and what criteria are being used to decide on the feasibility?*

SECRETARY FOR TRANSPORT: Sir, we have of course to rely first of all on the feasibility study done by the experts, the outside consultants engaged by the two railway companies, and I understand they will have to look at it first of all from the point of view of whether there is such a need on transport grounds; and, secondly, whether the line itself would be economically viable. There could, of course, be other considerations which we would be advised by the experts, and at this stage it is too early to say what view we are going to form. We have to await the result of the studies.

MR. SOHMEN: *Sir, could the Secretary for Transport please advise whether the planning for the transport infrastructure in the western New Territories, as described, takes into account the possible need for rapid and high-density access to this part of the territory if a replacement airport would have to be built in that area?*

SECRETARY FOR TRANSPORT: Sir, I am afraid this is a rather technical question. I need to consult my colleagues in other branches and departments before I can give a reply to Mr. SOHMEN. I will furnish him with a written reply. (See Annex IV)

Reasons for breakdown of marriages

4. MR. LEE YU-TAI asked: *In view of the rapidly rising figures of divorce cases, from 537 in 1974 to 5 047 in 1985, will Government inform this Council whether any action has been taken to identify the reasons for the increase; and, if so, what are the results of the research?*

SECRETARY FOR HEALTH AND WELFARE: Sir, in the short time available, I have been able to locate two recent pieces of research into the reasons for the breakdown of marriages, one conducted by the Social Welfare Department on

child custody cases handled by the department and the other in a report on single parent families prepared by a senior lecturer in social work at Hong Kong University. Although the figures resulting from the two studies vary quite widely, both indicate that incompatibility was the major factor in the largest number of cases, followed by third party involvement and financial difficulties.

MR. LEE YU-TAI (in Cantonese): *Sir, the answer mentioned third party involvement. Well in this modern world we can even have heart transplants so it is very easy to have a change of heart! Has the Government considered improving family education and giving people more guidance so that we could prevent more divorces?*

SECRETARY FOR HEALTH AND WELFARE: Yes, Sir. It is the Government's policy to preserve and strengthen the family as a unit through the promotion of family life education which is carried out by welfare agencies with subvention through the Social Welfare Department. Certainly this is part of our welfare programmes.

MR. HUI: *Sir, in view of the substantial increase in divorce cases, could Government inform this Council if special family courts like that in developed countries can be established in our judicial system to cater for such cases. Sir, I don't know if this question is for the Secretary for Health and Welfare or for the Attorney General to answer?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I think this is probably more a question for the Judiciary to consider but I will convey Mr. HUI's suggestion to the Registrar of the Supreme Court.

MR. PETER C. WONG: *Sir, the Secretary mentioned financial difficulties. May I ask the Secretary whether the persistent refusal by the Financial Secretary to allow separate assessment by married women could be considered as one of the likely causes of this dramatic increase?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I would hesitate to give a straight answer to that question! I think by financial difficulties, the inevitable problem of quarrels between husband and wife about what happens to the money they do have is probably one of the major considerations.

MR. CHEONG-LEEN: *Sir, since family life education has been an on-going programme for many years, could some research be carried out to find out whether family life education is really as effective as it should be judging from the rapid increase in these figures over the last 10 years?*

SECRETARY FOR HEALTH AND WELFARE: Sir, it is always very difficult to assess the effectiveness of programmes of this type but I know that the Social Welfare Department does do its best to evaluate the effectiveness of all the programmes that they subsidise and I will ask the director to pay particular attention to this particular point.

Use of handcuffs

5. MR. CHEONG-LEEN asked: *With regard to a recent court case where a man was awarded damages for being wrongfully handcuffed when he was escorted from a police station to court, will Government inform this Council whether any action is being taken to review the circumstances in which persons in police custody are to be handcuffed?*

SECRETARY FOR SECURITY: Sir, Police General Orders provide guidance on the circumstances in which the use of handcuffs is, or is not, considered appropriate. Within these guidelines a police officer has to make his own judgement in each case. Looking at all the circumstances he must satisfy himself that the use of handcuffs is a necessary measure or a reasonable precaution to secure the safe custody of a person under arrest.

As a result of a fairly recent case the Commissioner of Police wrote to commanders of all major formations to remind the force of his orders on this subject. Also, relevant orders and instructions issued by district and divisional commanders are being re-examined to ensure that any possibility of misuse of handcuffs is kept to a minimum.

MR. CHEONG-LEEN: *Sir, can assurance be given that the relevant orders and instructions are reviewed fairly regularly, whether it is once every two years or whatever it is, and could the attention of the Commissioner of Police be drawn to the fact that there is a section of the public who would not feel that an attempt to ensure that any possibility of misuse of handcuffs is kept to a minimum is good enough, as what would be much more preferable is that such incidents should be eliminated to the maximum extent possible?*

SECRETARY FOR SECURITY: Yes, Sir, I will draw my hon. Friend's point to the attention of the Commissioner of Police.

DR. HO: *Sir, may this Council be informed (1) in the past three years how many complaints have been made about handcuff misuse by policemen; and (2) how these complaints are handled within the force?*

SECRETARY FOR SECURITY: I am afraid, Sir, I have no statistics for the current year. They are not yet available. But for 1985, out of 159 373 total arrests there were only 82 complaints of wrongful use of handcuffs. Of these 82, 29 were substantiated. Those cases which are substantiated are then considered by the Complaints Against the Police Office and, if justified, disciplinary action is taken against the police officers concerned.

Legislation in child neglect

6. MR. HUI asked: *In the reply given by the Secretary for Health and Welfare to a question raised in this Council on 28 May 1986 on the problem of child neglect, a suggestion was made to look at the legislation of some other countries in this subject area. Will Government inform this Council of the progress made on this matter?*

SECRETARY FOR HEALTH AND WELFARE: Sir, on 28 May I undertook to try to find out whether there were provisions in legislation in other countries which made it an offence for parents to leave their children alone at home.

With the help of the Attorney General's Chambers, we have now studied relevant legislation from the United Kingdom, United States, Canada, Australia and New Zealand. None of these countries has legislative provisions which have this effect. It is an offence both in the United Kingdom and in New Zealand for parents to wilfully assault, neglect, abandon or expose any child under their care. As I pointed out in my reply on 28 May, a similar provision already exists in the law of Hong Kong.

MR. HUI: *Sir, in order to minimise the incidence of child neglect, will Government inform this Council if some provision in the following areas may be considered: (a) special allowance for mothers with young, dependent children so that the mother can stay at home to take care of the children; (b) provision of more places in creches for babies and young children, as Social Welfare Department has stopped to increase its provision since 1982 and (c) subsidy for play groups which have hitherto not been subsidised by Government?*

SECRETARY FOR HEALTH AND WELFARE: Sir, special allowances of the type suggested by Mr. HUI do not form part of our present social security system but families in financial need are, of course, eligible for public assistance and the rates for this allowance take into account the number of children in the family. There is also, of course, a fee assistance scheme which helps low income families to send their children to child care centres. I am not sure of the reason why no additional places in creches have been provided recently but I will check this out with the Director of Social Welfare and let Mr. HUI have a written answer. (See Annex V) I will also ask the director to consider whether it would be appropriate to subsidise play-groups. It is my impression however that these groups are usually organised on a purely private, commercial basis for rather higher income families. Child care centres are probably of more help to families with working mothers and the fee assistance scheme, of course, already applies to them.

Reinvestment in plant and machinery in the industrial sector

7. DR. LAM asked (in Cantonese): *Will Government inform this Council whether it has devised any means to assess or estimate the amount reinvestment in plant and machinery in the industrial sector, and if so, what are the figures for the last five years?*

SECRETARY FOR TRADE AND INDUSTRY: Sir, because of the difficulty in distinguishing between new investment and reinvestment, and between additions to the capital stock and the replacement of existing capital equipment due to wear and tear and obsolescence, there is no separate information on the amount of reinvestment in plant and machinery for use in the industrial sector. The statistical information available relates either to

firstly, capital investment in gross terms, that is, inclusive of new investment and reinvestment, and before deducting depreciation; or

secondly, retained imports of plant and machinery for use in the manufacturing sector.

Statistics on gross capital investment in plant and machinery covering the private sector as a whole are available from the Estimates of Gross Domestic Product published annually by the Census and Statistics Department.

These figures at constant 1980 market prices show:

1981	14,777
1982	12,542
1983	11,988
1984	14,696
1985	14,460

A breakdown of the figures into industrial and non-industrial investment is not available.

Subject to certain limitations, the second set of statistics, that is, retained imports of plant and machinery for use in the manufacturing sector, give some indication of gross investment in plant and machinery in this sector. Such retained imports amounted to \$3,719 million for the whole of 1985. In the first nine months of this year, they amounted to \$4,079 million, representing a growth rate of 55 per cent in money terms or about 23 per cent in real terms over the same period last year. The annual growth rate in real terms of retained imports of plant and machinery for use in the manufacturing sector varied in recent years; it was -26 per cent for 1982, +19 per cent for 1983, +27 per cent for 1984, and -4 per cent for 1985.

DR. LAM (in Cantonese): *Sir, in paragraph 4 of the last line of the Secretary's answer, he mentioned that the annual growth rate in real terms of retained imports of plant and machinery for use in the manufacturing sector was minus 4 per cent for 1985. Could I ask whether this minus figure means that the sector is not optimistic about the future and if the answer is 'yes' will Government take the necessary measures to help this sector?*

SECRETARY FOR TRADE AND INDUSTRY: *Sir, investment decisions are made by the business community in accordance with their perception of the likely return from such investment. This is borne out in Footnote 5 on page 15 of the Third Quarter Economic Report for 1986 which was published last week and I believe tabled in this Council. It showed a close relationship between the increase or decrease in retained imports of industrial machinery for use in the manufacturing sector and the performance of our domestic exports. Thus the increase of domestic exports of 14 per cent and 17 per cent in 1983 and 1984 respectively was matched by a growth of 19 per cent and 27 per cent of the retained imports of industrial machinery for those two years. So it is hardly surprising that with a decline in our domestic exports by 5 per cent in 1985 there was a 4 per cent decline in the figures of retained imports of industrial machinery for use in the manufacturing sector. I think it is more important for me to emphasise that even in 1985 such retained imports remained at a high level when compared with figures for earlier years.*

MR. LEE YU-TAI: *Sir, may I refer to the statistics on gross capital investment as set out in paragraph 3 of the answer. The figures from 1982 to 1985 all fell below that of 1981 in absolute amounts, not to mention real terms. Has Government considered whether these figures reflect on the lack of confidence among industrialists in the future of Hong Kong?*

SECRETARY FOR TRADE AND INDUSTRY: *Sir, as I indicated in my answer, these figures do not give any breakdown between industrial and non-industrial investments and therefore there is no basis for any assumption of the type which Mr. LEE implies.*

MR. HO (in Cantonese): *Sir, in paragraph 4 of the Secretary's reply he said that in the first nine months of this year there had been an increase of 29 per cent in real terms. Does that mean that the increase will be 20 per cent, even if there are no other increases for the rest of the year?*

SECRETARY FOR TRADE AND INDUSTRY: *Sir, I am not a mathematician who can make calculations of this sort on my feet but I would be very surprised if we didn't show a high level of overall increase for the current year.*

Review on the functions and value of mutual aid committees, owners' incorporation and area committees

8. MR. POON CHI-FAI asked (in Cantonese): *Can the Government inform this Council since the establishment of mutual aid committees, owners' incorporation and area committees, whether the Government has conducted any thorough review on their functions and value of existence? If there is any, when is the latest review and what are the results?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, since the establishment of mutual aid committees/owners' incorporations and area committees, their functions and development have been kept under constant review. More recently, an in-depth study on this subject has been conducted within CNTA in the context of the development of district administration and representative government. The findings have confirmed the continued effectiveness of mutual aid committees/owners' incorporations and area committees, and their usefulness in these major areas of public concern.

At the neighbourhood level, they have an important role to play in the prevention of crime and improvement of the living environment through mutual help and participation in community campaign and projects. At the territory-wide level, they form an extensive network of communication and consultation channels especially at the grass-roots level.

The Government therefore considers that the current policy of providing support and services to these organisations should continue. However, owing to budgetary constraints in the past few years, Government has been able to provide the necessary assistance only through redeployment of existing staff resources. This is unsatisfactory and additional resources will be sought to improve the situation.

MR. POON CHI-FAI (in Cantonese): *Sir, will the Government inform this Council, (1) has the Government ever considered making the area committee chairman as an ex-officio co-opted member of district boards' sub-committees and also whether the district office will try to develop talent at the grass-roots level to promote district administration and how concerned is the Government about these problems?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the answer to the first question is that under the District Boards Ordinance, co-opted members of district board committees are appointed by the district board at its discretion, not by the Government. It is of interest to note that at present of the 110 area committee chairman, 44 are district board members themselves, 15 are co-opted members of various district board committees. In reply to the second question, area committees and MACs have provided a pool from which Government has been able to identify those persons with ability and community experience for

appointment to the various boards and committees, including the district boards. Many talented and enthusiastic members of these committees have also come forward to stand for the district board elections, both in 1982 and 1985. In fact, 39 per cent of the successful candidates came from this sector.

MR. LIU (in Cantonese): *Sir, will the Secretary for District Administration inform this Council whether the Government will help the MACs and the owners' incorporations actively, for example, to provide them with legal advice and also to run building management courses for them, other than providing token support for the activities organised by the area committees? Will the Government consider in future supporting MAC and OC activities so that incentives could be given to such activities?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the answer to the first part I gave in great detail in the debate on the owner's incorporation. As for the MAC allowance, at present there is a limited allowance of \$600 and this limit will be reviewed from time to time to make sure that the level of assistance will not be eroded by inflation.

DR. LAM (in Cantonese): *Sir, since the Government recognises the role of the MACs, will the Government speed up its support for this organisation and also to expedite the completion of the necessary steps; for example, in San Po Kong recently a member of an MAC complained publicly that of all the members of the MAC he belongs to, he is the only person left to take care of the work of the entire MAC?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, there are over 4 000 MACs and there are bound to be a few who are inactive, but as I said in my reply Government recognises the importance of these committees and further assistance will be given by way of strengthening staff resources and the case of additional staff resources is being prepared for submission in the normal way.

MRS. CHOW: *Sir, as we have been informed by the Secretary that the present arrangement are unsatisfactory, and additional resources will be sought, can we have some indication as to the time frame of action?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, I can promise it is under consideration; it is under preparation.

DR. TSE (in Cantonese): *Sir, when we have the review on district administration next year, does the Government have any plan to mobilise the MACs and the owners' incorporations, as well as the area committees to act as a venue to collect information on the public's viewpoint on the review of the political system and will the Government consider giving extra support to these organisations?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the ACs and MACs have become very effective channels for the district officers to gauge the views and feelings of the residents in local communities. In trying to enhance this service, additional staff is one of the main things which we will be looking into.

MR. CLYDESDALE: *Sir, in seeking the additional resources to improve the situation, does the Secretary expect that these will be granted or does he expect continuation of the monetary constraints which he has experienced in the past few years?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, I shall have to wait and see.

MR. HUI: *Sir, could you ask the Secretary to reply directly to Mrs. Selina CHOW's question which is asking for a schedule like two months, four months, six months, rather than 'active consideration', because we know that the department or the Secretary has always been actively considering the question?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, this is the annual estimates preparation period and it is within a matter of weeks that we shall be able to prepare some figures.

MR. LEE YU-TAI (in Cantonese): *Sir, right now we require a membership of 50 per cent of the landlords for the formation of owners' incorporation. Has the Government considered lowering this requirement as a pre-requisite for formation of OCs?*

SECRETARY FOR DISTRICT ADMINISTRATION: It is under consideration but I can assure Members that the intention is to lower the percentage to about 20 per cent.

Frequency of inspections of industrial undertakings

9. MR. CHEN asked: *In relation to those industrial undertakings which have been involved in industrial accidents in the past five years, will Government inform this Council how many were inspected and how frequently were they inspected, both before and after the occurrence of the accidents?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Labour Department does not, I am afraid, keep statistics in the format requested. MR. CHEN's concern is, I believe, as to whether accidents may be occurring because the frequency of inspection has been inadequate. I will try to reassure him on this point.

The frequency of inspection is governed by a points system designed to ensure that priority is given to those factories where the risks are greatest. Points are awarded according to 10 criteria, including the nature of the industry, the type of process used, the number of employees, the accident and prosecution record

and most important of all, the attitude of the management. According to the number of points awarded, the frequency of inspection will vary between six months and about 54 months. However, factories with bad safety records are taken outside the normal points system and are subjected, if appropriate, to repeated intensive inspection and prosecution. Construction sites also, because they are particularly hazardous, constitute another separate category and are inspected once every three months or more frequently if appropriate. The number of points awarded is reviewed after every inspection and after any accident investigation and the frequency of future inspections adjusted accordingly. In this way, available resources are concentrated where the need is greatest.

MR. CHAM: *Sir, does the points system relates to complaints to the Labour Department which will give rise to inspection such that staff who might be aware of inadequate facilities may report to the Labour Department and hence trigger off an immediate inspection?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, there is no direct relationship between complaints and points awarded, but complaints of that sort might well influence the points awarded because the points awarded are based on the inspector's judgment of the danger of the factory in question and if a particular factory was the subject of well-founded complaints, that would certainly affect its points rating.

MR. PETER C. WONG: *Sir, may I ask the Secretary for a direct answer that is, whether the frequency of inspections has been adequate?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, from my point of view I would always like to see more inspections but being realistic I think our standard is reasonable by international standards. As I explained in the recent adjournment debate, our intensity of inspection is, in fact, rather higher than in other places which take industrial safety very seriously. So I think in view of the fact that we have to compete for resources with other worthwhile causes, the standard is reasonable.

MR. CHEN: *Sir, my real concern is not so much the adequacy or otherwise of the frequency of the inspection. My concern is more on the effectiveness of the inspection in preventing accidents, so will the Secretary for Education and Manpower elaborate on this point? As to the present points system, is it working satisfactorily with a view to preventing industrial accidents?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I would like to take that in two halves; on the points system itself, this is something we keep constantly under review. I mean it would be absolutely disastrous if it became moribund so we are continually looking at the system to see if we can improve it. As to its

effectiveness, I don't have direct proof of that but I believe there is ample real evidence in the shape of the very sharp drop in the number of fatal accidents we have had over the last six years. In 1979 we had 163 fatal accidents; in 1985 it was down to 70 and I think this is a very encouraging trend.

MR. HO (in Cantonese): *Sir, since for the last three years the number of inspectors has not been increased at all and, of course, the number of factories and construction sites has gone up. It seems that if you have such a frequency three years ago the frequency would have gone down now and also the visits would have been shorter given the extra workload, so is this the case?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the growth in factories has not been that fast. There has been some fluctuation in the rate of inspection but nothing substantial to affect its effectiveness. I think because of a refinement of the points system, we have in some ways been making our inspections more effective in recent years in spite of the slight hold-up in the increase of the inspectorate. Of course, if you go back over the last 10 years or so, the inspectorate has grown quite substantially but because of the financial situation in the last two or three years, the situation has got a little worse during that period but I don't think this is a serious factor.

MR. LAI: *Sir, the Secretary's reply in the second paragraph says, 'The frequency of inspection depends very much on the attitude of the management.' Does he mean that if the factory management is co-operative, that means that the factory will encounter less inspections and vice versa?*

SECRETARY FOR EDUCATION AND MANPOWER: That is true and if an inspection leads to what is wrong with that factory being put right quickly and effectively, that will mean that that particular factory will be inspected less often. If an inspection leads to the management making no serious attempt to put right what is wrong, that factory will be inspected more often.

Written answers to questions

Information on land development and modification of lease conditions

10. DR. IP asked: *In relation to the development of residential land in the urban area, will Government inform this Council:*

- (a) *whether there is any practicable method of ascertaining how much land has not been developed to its fullest potential according to lease conditions and zoning restrictions; and, if there is, what the findings are; and*
- (b) *in each of the last 10 years how many cases of modification of lease conditions have been approved, broken down into those involving payment of premium and those without?*

SECRETARY FOR LANDS AND WORKS: Sir, with regard to the first part of the question, there is at present no practicable method of ascertaining either the number of lots or the area of land not yet developed to its fullest potential, without a disproportionate commitment of resources. However, it is proposed to computerise our present land information. The introduction of a computerised land information system for the urban area should be completed in about three years' time. The information which Dr. IP requests should then be readily available.

As regards the second part of the question, I regret that I am unable to give as full an answer as Dr. IP would wish. The available information on completed modifications in the urban area is as follows:

Year	With premium	Without premium	Total No. of cases	Total premium (\$M)
1976-77	}		71	30.17
1977-78	}		59	69.97
1978-79	}		117	101.51
1979-80	}		111	143.47
1980-81	}	Not available	103	252.39
1981-82	}		65	90.15
1982-83	}		73	28.34
1983-84	}		79	11.28
1984-85	}		109	129.95
1985-86	27	42	69	69.13
1.4.86-31.10.86	}	25	49	134.42

Recruitment of student guidance officers

11. MR. HUI asked: *In the light of increasing incidence of suicides among primary school students, will Government inform this Council:*

- (a) *of the present position regarding the recruitment of student guidance officers in primary schools;*
- (b) *of the number of unfilled student guidance officer posts; and*
- (c) *whether consideration will be given to recruiting social work diploma holders who have been trained in providing counselling service to help ease the manpower shortage?*

SECRETARY FOR HEALTH AND WELFARE: Sir, Mr. HUI's statement that there is an increasing incidence of suicides among primary school students is not supported by figures supplied by the coroner's court which are as follows:

Suicides of children and young people:

	<i>Aged 0-9</i>	<i>Aged 10-19</i>
1983	1	21
1984	0	9
1985	0	14

The answers to Mr. HUI's specific questions are as follows. The Education Department at present has 167 student guidance officers, 17 short of the approved establishment of 184. The Director of Education envisages that 244 student guidance officers will be in post by 1989, through a phased recruitment programme, to achieve full coverage of all primary schools. Student guidance officers are trained teachers in the ranks of certificated and assistant masters, with the same entry qualifications.

The response to the latest recruitment exercise conducted by the Education Department has been very encouraging. A total of 347 applications has been received, compared with 158 in 1984 and 242 in 1985. There is, therefore, no need to recruit social work diploma holders to fill these posts in the Education Department.

Government Business

First Reading of Bills

OFFICIAL LANGUAGES (AMENDMENT) BILL 1986

INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) (NO. 3) BILL 1986

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) (NO. 3) 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

OFFICIAL LANGUAGES (AMENDMENT) BILL 1986

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

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

In July this year, in the adjournment debate on the Laws in Chinese, Members of this Council gave unanimous support to the proposal for bilingual legislation in English and Chinese. This afternoon, two Bills are before this Council whose prime purpose is to pave the way for the introduction of bilingual laws.

The Official Languages (Amendment) Bill is the outcome of much discussion and deliberation. It provides the essential legal framework for implementing the proposal. Already, by an amendment to the Royal Instructions that came into force in August of this year, the relevant constitutional provisions relating to the form of legislation have been expanded to permit the enactment of legislation in English and Chinese. And it is now a question for this Council to lay down how this shall be done.

Sir, this Bill and its companion Bill, the Interpretation and General Clauses (Amendment)(No. 3) Bill 1986, are substantially the same as the draft Bills that were annexed some seven months ago to the discussion paper which Members of this Council debated last July. Those draft Bills were given close scrutiny during the summer by Members of this Council and many helpful suggestions were made. As a result some alterations have been made to meet some of the points received during that period of consultation. Generally speaking, given the widespread interest in the subject and the favourable nature of the response of the many and various persons and bodies that commented on that paper, the framework and arrangements proposed in these Bills seems widely acceptable to all those who have shown an interest in this important project.

Sir, I would like to draw attention to the proposal to establish a committee to be known as the Bilingual Laws Advisory Committee. This is provided for in clause 3 of the Bill, and reflects the suggestion made by the ad hoc group convened by Mr. F. K. HU, namely, that express provision constituting the committee should be contained in the Bill. The function of the committee is primarily to advise the Governor in Council upon the publication of authentic Chinese texts of existing laws. Clearly this is an important task and one which, because of the nature and extent of the work to be done, will be demanding in several ways.

The committee is envisaged as a working committee charged with the task of scrutinising texts submitted to it by the Law Drafting Division of my chambers. The number of existing laws which will need to be reproduced in authentic Chinese texts is very large, so that the demands on time as well as expertise will be onerous. Careful thought is currently being given to the composition of the committee bearing in mind the scope of the task to be carried out. Members will of course have noted that the committee will be able to work through sub-committees and to appoint suitably qualified persons to assist those sub-committees. It is thought that this arrangement will ensure that the burden of the work will be distributed more evenly and effectively than would be the

case without that kind of flexibility in its structuring. The committee need not comprise a large number of members and careful thought is being given to the optimum number. The basic requirement as laid down in the Bill is that there must be at least three legal members and two members with language skills. Although no maximum number is laid down, it is quite clear that the number actually appointed must be commensurate with the character of the committee as a working committee.

Sir, another matter which I would like to mention is the commencement date for this Bill. It is provided in clause 1 that the amendments will not come into operation until a date or dates to be fixed by the Governor. The intention is that there will be different dates for different provisions. In particular the requirement laid down in clause 3 of the Bill, namely, that all Ordinances shall be enacted and published in both official languages, cannot be brought into operation until the supporting arrangements are fully in place. These do not only relate to personnel problems but include, for instance, the additional equipment that the Government Printer needs in order to cope with the special problems of producing bilingual legislation in an acceptable format. In the meantime, I am hopeful that the intervening time can be put to good use by putting in hand one or more 'dummy runs', that is, by presenting new substantive Bills to this Council which are printed in a bilingual format but are intended for enactment in English only.

The object of a transitional 'dummy-run' phase is simply to ensure that Members will have adequate opportunity to examine for themselves whether existing procedures need to be modified or adjusted in any way, in order to facilitate the use of a second text in Bills. It will of course take time for Members to examine this question sufficiently. I am hopeful that one or two suitable bills for which Chinese texts have been prepared will enable the experiment to get under way in the near future. It will then be for consideration whether new provision should be made in Standing Orders or whether further amending legislation is required. Clearly this is a matter which affects the workings of this Council in a very direct fashion, and it is therefore desirable that Members should have satisfied themselves fully on the procedural implications before it becomes a legal requirement that new ordinances must be enacted in both official languages.

Sir, the community recognises that the Government is right to undertake the work of bilingual legislation. And these are the first steps necessary to bring that work to fruition.

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.

INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) (NO. 3) BILL 1986

THE ATTORNEY GENERAL moved the Second Reading of: 'A Bill to amend the interpretation and General Clauses Ordinance'.

He said: Sir, I move that the Interpretation and General Clauses (Amendment) (No. 3) Bill 1986 be read a Second time.

This Bill deals with technical legal matters relating to the construction of laws which have been enacted in both official languages or for which an authentic text is promulgated under the Official Languages (Amendment) Bill.

The basic objective of the Bill is to facilitate the legal interpretation of bilingual legislation by providing a number of guidelines. The most significant of these is in the new section 10B which provides that the texts of a bilingual Ordinance are to be regarded as equally authentic and as having the same legal meaning, in accordance with the object and purposes of the Ordinance. This approach reflects the existing law as stated in section 19 of the principal Ordinance and is closely in line with Articles 31 and 33 of the Vienna Convention on the Law of Treaties, which deal with the interpretation of multilingual treaties. It will ensure that any one provision of a bilingual law cannot be construed as having a different meaning in one text than in the other, and that the legal effect of a provision must be the same whichever text is referred to.

Since every statute is unitary in character, the result will be to preserve the common law rule of construction that every provision of a statute must be deemed to have one meaning, and not several, and that it is for the court to determine what that meaning is in accordance with law.

Provision is also made in the Bill, in the new section 10E, for achieving a degree of equivalence in both languages in respect of technical expressions, titles of public offices and short titles of Ordinances and subsidiary legislation. Members will readily appreciate that there are bound to be expressions which, although familiar in English, will prove very difficult to translate into Chinese in a way that will satisfy everyone. This is a practical problem and it is one which should be resolved in a practical way. The purpose of the new section 10E is solely to facilitate the drafting of bilingual legislation in an area where translation difficulties may otherwise prove to be intractable.

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.

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) (NO. 3) BILL 1986

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: 'A Bill to amend the Public Health and Municipal Services Ordinance.'

He said: Sir, I move that the Public Health and Municipal Services (Amendment)(No. 3) Bill 1986 be read the Second time.

This Bill contains a short amendment to section 2 of the Public Health and Municipal Services (Amendment) Ordinance 1986 to make minor textual alterations which are necessitated by the enactment of the Public Health and Municipal Services (Amendment)(No. 2) Ordinance 1986.

The Public Health and Municipal Services (Amendment) Ordinance 1986 was enacted in May this year. Section 1 provides that the Ordinance shall come into force on 1 January 1987. On that date, section 2(b) will amend the definition of 'food' in section 2 of the Public Health and Municipal Services Ordinance.

However, section 2(a) of the Public Health and Municipal Services (Amendment)(No. 2) Ordinance 1986, which was enacted in November this year, inserted a new definition of 'food' in section 2 of the principle Ordinance. The text of the new definition is such that the textual alteration specified in section 2 of the first (Amendment) Ordinance 1986 is now inappropriate.

Hence the object of this Bill is to delete and replace paragraph (b) of section 2 of the Public Health and Municipal Services (Amendment) Ordinance 1986. No word is changed, only the paragraph numbering.

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.

DUTIABLE COMMODITIES (AMENDMENT) BILL 1986**Resumption of debate on Second Reading (19 November 1986)**

FINANCIAL SECRETARY: Sir, at the Committee stage I shall propose an amendment to clause 13 of the Bill.

Members of the Legislative Council ad hoc group which scrutinised the Bill suggested that clause 13 be amended so that its provisions in respect of the joint possession of goods will be applicable to all the subsections in section 17 of the Ordinance. This amendment will allow for consistent treatment of the concept

of 'joint possession' and facilitate the enforcement of section 17. Sir, I wish to thank Members for their assistance in scrutinising this bill and for suggesting the amendment, which has the support of the Administration.

Sir, I move that this Bill be read a Second time.

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).

EVIDENCE (AMENDMENT) BILL 1986

Resumption of debate on Second Reading (19 November 1986)

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).

PENALTIES FOR PRACTICE OF MEDICINE AND DENTISTRY BY UNREGISTERED PERSONS (MISCELLANEOUS AMENDMENTS) BILL 1986

Resumption of debate on Second Reading (12 November 1986)

DR. IP: Sir, before I speak on the Bill before us today, may I first declare interest as a practising medical doctor.

From the statistics of the Department of Orthopaedic Surgery, University of Hong Kong, it was shown that between April 1983 and March 1984, 10 patients with mycobacterium chelonae infection were caused by two illegal doctors injecting steroid into joints of patients while posing as acupuncturists. In spite of modern medicine, one of these patients died because of uncontrolled infection and the rest, though having undergone multiple surgery, still ended with varying degrees of permanent disability. The court case to prosecute one of these illegal doctors who treated seven of such patients highlighted a number of defects in the existing legislation which the present Bill and the Antibiotics (Amendment) Bill 1986, the debate on which will also be resumed today, are directed to remedy. The revelation of the malpractices of these two unregistered doctors was the result of the good work of two doctors of note, Dr. Y. K. LEE and

Dr. David FANG, nephew of Dr. Harry FANG. They had ventured outside the normal limits of their duties in the direct treatment of patients, to assisting the Administration in catching the culprit and alerting this Council through me of the need for legislative amendments.

This Bill together with the Antibiotics (Amendment) Bill 1986 will make it no longer worth the while financially or otherwise for illegal doctors and dentists to practise to the detriment of their patients. But the existence of illegal practitioners stems also from two other major related reasons, firstly is their common practice to advertise their service and secondly is their ability to play on the ignorance of their patients. Both reasons must be tackled with the same degree of persistency if we want to eradicate illegal medical and dental practice. The former can be done through tightening the Undesirable Medical Advertisements Ordinance through an amendment Bill which, I believe, will come within this legislative year. The latter, although involving a slow and protracted process of educating the public on medical knowledge, still deserves our urgent attention. I propose we can start by allocating more funds for public medical education in the forthcoming Budget.

I would like to use this opportunity to correct some common misconceptions which illegal medical practitioners exploit. A quick relief of symptoms does not mean a permanent cure (治標不治本)! Good health does not come easily, you must work at it! It is not the fault of doctors that illnesses sometimes take time to heal! It is an honest doctors who will disclose to you that there will be some unpleasantness and inconvenience while getting better! We do not live in a world of magic cures! And lastly good things in life doesn't always come cheaply!

Sir, I support the passage of these Bills because it is an improvement to existing legislation, but not to say that they are without flaws. For one, the provisions will not apply to the practice of traditional Chinese medicine in that any self-proclaimed acupuncturist, herbalist and bone-setter who diagnoses and treats patients in the 'traditional Chinese medical method' will be exempt. One consolation fortunately is that they are not exempt if they diagnose and treat patients by using western medical methods. But how can we differentiate?

It is important to note:

Firstly, that our legislation has it that any person of the Chinese race can self-proclaim himself to be and practise as an acupuncturist, herbalist or bone-setter at anytime, without having to show any proof of trading, nor have to apply for registration. This no doubt will become a popular defence by illegal doctors when prosecuted!

Secondly, can anyone define for me in depth, and be qualified to act as an expert witness in explaining to the courts where applicable, the definition and confines of 'Chinese traditional medical methods'? When does diagnosis

using Chinese traditional medical methods end and western method begins, when bone-setters refer patients for X-rays, when acupuncturists use sophisticated machines to locate acupuncture loci, and when some herbalists use sphygmomanometer and stethoscope to take blood pressure?

Thirdly, when does treatment using 'Chinese traditional medical methods' end and western methods begin when bone-setters give tablets to reduce pain, when acupuncturists inject liquid into joints, when herbalists use herbs in the form of tablets, and when western trained doctors prescribe quantified extracts from the active ingredients of Chinese herbs in the treatment of patients?

Fourthly, the reality is, Sir, that even in China where 'Chinese traditional medical methods' originate, and where we should turn to for definition, the trend is in the amalgamation of Chinese and western methods of medical treatment. This is indicated by (1) that all doctors in China who are trained in western medical methods have to take courses in acupuncture and herbal medicine, (2) that herbalist medicine is becoming a specialty training after the basic degree in western medicine, (3) that herbs are being purified and quantified in dosages, and (4) that there is an increasing application of modern techniques such as the use of laser and X-ray in the diagnosis and treatment in acupuncture and bone-setting.

Sir, I repeat my question, how then can we define what is the traditional Chinese medical methods? In order that we can adequately enforce these Bills, and for the purpose of exemption to these legislation, I would like to request the Administration to spell out quite clearly and adequately enough for use in the courts, either as a departmental working reference or as subsidiary legislation, what exactly is the recognised boundaries of the diagnosis and treatment using 'traditional Chinese medical methods'. Alternative proposals are either to set up a register for acupuncturist, bone-setters and herbalists prior to practice, or enact legislation to regulate the training, standard and practice of traditional Chinese medical practitioners, both of which are more ideal but which have met with resistance that I cannot comprehend. All other medical related professions who are exempt from these bills are bound by regulations and licensing under another Ordinance. I do not see why traditional Chinese medical practitioners should be treated any differently. When we regulate the standards and practice of paramedicals such as optometrists and physiotherapists, we allow the practice of such important, respected, effective and highly specialised field of medicine go uncontrolled such that patients are unlikely to be able to distinguish between the genuine practitioners and the quacks. Are we giving our society adequate consumer protection? That is how much I think of outdated legislation and traditions dating back to when Hong Kong first became a colony!

Through the attention drawn on these unfortunate 10 patients and during the legislative process of these Bills, a few valuable information has come to light:

- (1) There are in existence and in practice, a self admittance of something like 3 000 illegal doctors and 2 000 illegal dentists which our Government have not previously brought to our attention.
- (2) The Kowloon Walled City is no protection for criminals, as shown in the successful prosecution of the above mentioned illegal doctor who injured seven patients.
- (3) We cannot restrict the prosecution of illegal doctors based only on complaints from patients, we need the valuable information from doctors who treat such patients as is shown in this case.

Sir, in approving the passage of these Bills, I have the following appeal to four sectors of our community:

To the doctors—Please continue to contribute information on injuries of patients as a result of illegal medical practitioners.

To the illegal medical practitioners—If you have undergone adequate training to qualify to take the medical and dental licentiate examinations, work hard at it, don't choose the easy way out! It is better for you and the patients you will treat. Before you qualify, there are job opportunities in medically related fields in which you can earn a decent living and at the same time contribute your existing medical knowledge to the society of Hong Kong.

To the public at large—By going to illegal doctors and dentists, you are putting your health in jeopardy. You are paying very little respect to the law and order which Hong Kong enjoy and which we have been fighting so hard to maintain after 1997. You are encouraging an illegal practice which if you are lucky may not cause you damage, but may lead on to cause somebody else harm!

And lastly to the Administration—The proposed new section 28(3)(d) provides that the offence of illegal practice of medicine and dentistry will not apply to treatment in the course of the practice of one of the professions listed in the Supplementary Medical Professions Ordinance provided that the treatment is given by a person registered or licensed under that Ordinance. I urge Government to hasten completion of the registration and licensing legislation under the Supplementary Medical Professions Ordinance, for until that is done the exemption under the new section 28(3)(d) is meaningless. The Supplementary Medical Professions registration regulations for physiotherapists, for example, are still not in existence even though the main Ordinance was enacted six years ago.

Sir, with these words I support the Bills before Council.

DR. CHIU: Sir, I declare interest as a medical practitioner and as the representative of the medical functional constituency. I also serve as a member on the Licentiate Committee, Hong Kong Medical Council.

The Penalties for Practice of Medicine and Dentistry by Unregistered Persons (Miscellaneous Amendments) Bill 1986 and the Antibiotics (Amendment) Bill 1986, the debate on which will also resume today, are nothing more than remedying the inadequacies and deficiencies in the existing laws. As these Bills indicate increasing official attempts to curb illegal medical practice to safeguard the general public, my colleagues in the medical and dental professions warmly welcome the proposed amendments.

When the number of illegal medical practitioners is on the rise, the penalties for such illegal activities have to become more severe. We consider that the Government has a responsibility to its people to ensure that all medical practices undertaken in this community are able to meet an acceptable standard.

The Licentiate Examination set up in 1977 is an appropriate and effective way to enable those people, whose qualification in medical education and training has not yet been recognised by the Hong Kong Medical Council, to obtain a licence for medical practice in this territory provided that their professional competence can meet the required standard. Perhaps, Hong Kong is the only place where residency does not constitute a basic requirement for sitting for the local licentiate examination. In the past, candidates for the licentiate examination included medical graduates from Burma, China, Pakistan, Philippines, Taiwan, United States of America and certain Commonwealth countries, such as Canada and India, the graduates from which are not registrable with the General Medical Council (GMC) in the United Kingdom.

Since the establishment of the licentiate examination in 1977, 743 candidates have passed the examination. This figure represents approximately 16 per cent of our local register.

Some people, Sir, from time to time have been trying very hard to press the Government to issue them licence to practise without going through the professional examination. The reason they put forward is that since they are eligible to practise medicine in their own country, that is, China, they should automatically become registered doctors in Hong Kong as it is now certain that the sovereignty of Hong Kong will be reverted back to China in 1997. Failing to get what they want, they begin to criticise the Government for using the licentiate examination to deter them from obtaining a licence through raising the standard of English to an unreasonably high standard.

I would like to take this opportunity to clarify this matter for the information of my colleagues in this Chamber and at the same time to explain why their allegation is groundless.

The licentiate examination comprises three parts: Part I is a multiple-choice question paper on medical subjects to test basic professional knowledge; Part II is a paper to test adequacy in the command of written English language for professional purposes; and Part III is an oral examination to test the candidates' ability to apply professional knowledge to clinical problems.

Part I can be conducted either in English or in Chinese, the choice of which rests with the candidates. The language used in the oral examination of Part III can be chosen from English, Cantonese or Mandarin by the candidates themselves.

Now, let us see if it is true that Part II of the examination to test the candidates' written English language for professional purpose is too high that most of the participants fail in this paper.

In this regard, I can do no better than quoting the actual figures obtained from the Licentiate Committee in relation to the pass rate of Part II of the 1986 licentiate examination. And the fact should speak for itself.

In 1986, Part II of the licentiate examination has been organised two times, one in March and the other in May. The pass rates for candidates from China are 63 per cent and 84 per cent respectively.

In view of these figures, I hope that none of us will be led to believe any longer that Part II of the examination poses too much of a problem for candidates coming from non-English speaking countries.

My colleagues will note that the basic objective of the examination is to protect the interests and the health of the general public. It also gives an avenue for candidates to have their competence assessed so that a basic standard can be achieved. Such an assessment, Sir, is essential in any civilised community and should not be influenced by factors other than ensuring an acceptable standard.

I support this Bill as it is imperative that we should continue doing everything possible and making every effort to safeguard the health of all the people of Hong Kong. I understand that my colleagues in the medical and dental professions also support this Bill for reasons which are not dissimilar to mine.

With these remarks, Sir, I support the motion.

MR. ANDREW WONG (in Cantonese): Sir, let me first of all point out that the present Bill, the debate on which is resumed today, only seeks to increase the penalties in the Ordinances concerned. There are no basic changes, except for the timely creation of a new offence in causing injury to persons treated while practising illegally.

The practice of medicine and dentistry by unregistered practitioners was first made unlawful back in 1884 and 1914 respectively. The present Ordinance governing illegal practice, namely, the Medical Registration Ordinance, the Medical Clinics Ordinance and the Dentists Registration Ordinance dated back to 1957, 1964 and 1959 respectively. It goes without saying that it is still unlawful today and that it is in the public interest that it should remain unlawful.

The important role played and the responsibility shouldered by doctors and dentists are indisputable. They provide direct service and care to everybody and very often they deal with life and death, and with life in danger and life in pain. When a patient sees the doctor or similarly the dentist, he entrusts himself entirely to the doctor or dentist who has the responsibility to give him the correct prescription and to cure his ailment. A responsible government of a nation or a country would, therefore, ensure that there should be a standard of practice of medicine and dentistry of its own which, commensurates with public interest, should be a minimum standard that is reasonably high and acceptable both locally and internationally. It is therefore the Government's responsibility that practitioners should have those recognised qualifications which assume a minimum standard before they are allowed to practice. Incidentally, even for those who are permitted to practice, they should be subject to a code of practice so as to ensure that mishaps are reduced to a minimum.

The present standards for practice of medicine and dentistry are contained in the Medical Registration Ordinance and the Dentists Registration Ordinance. To be registered as a medical practitioner, a person must either (i) hold a Hong Kong diploma or (ii) hold a recognised Commonwealth diploma or (iii) hold a licentiate. By a recognised Commonwealth diploma, it means a diploma recognised by the General Medical Council of the United Kingdom. Although this can be described as a historical accident, it is well-known that the General Medical Council commands a high standard which is internationally known and respected. Under this requirement, and the alternative requirement that one must be a holder of a Hong Kong diploma, medical graduates from any country in the world including China, Taiwan, the Philippines, the United States of America, Canada, and so on, cannot be registered without first passing the licentiate examination introduced in 1976 and first held in 1977. The conduct of the licentiate examination has been fully elaborated by my hon. colleague Dr. CHIU Hin-kwong and which I shall not repeat here. All I have to add is that the system is far from one which discriminates against Chinese-trained medical graduates and certainly in no way to be so on account of the language problem.

With regard to the requirement for registration to practice dentistry, section 8 of the relevant Ordinance stipulates that the person should hold a degree in dentistry of the University of Hong Kong or a degree, diploma or other document which is issued by an examining body in the United Kingdom or Commonwealth or the Republic of Ireland and recognised by the Dental Council of the United Kingdom as qualified holder to be registrable in the dentist registration of the United Kingdom or hold a degree, diploma or other document which is issued by any other examining body and recognised by the Hong Kong Dental Council as qualifying the holder to be so registered. Similarly, graduates from China, Taiwan, the Philippines and other countries are required to pass the dental council examination before they can be registered

for practice. Canadian and American trained dentists are presently registrable without examination because the qualifications are recognised by the Hong Kong Dental Council.

All the above work together to ensure a minimum standard of practice which is accepted as reasonably high both locally and internationally as well as to provide an adequate supply of qualified professionals in the two professions concerned. It is estimated roughly that on the medical side, the Hong Kong University produces 120 graduates, the Chinese University produces about 60 graduates and the licentiate examination gives a rough average of 75 licentiate holders a year. As for the practice of dentistry, the University of Hong Kong produces 60 graduates a year. As a point of interest, the supply of dentists in Hong Kong is much higher than the standard stipulated by the Medical Development Advisory Committee.

Much has been said on how the present standard of practice is based upon particularly on the fact that the medical standard is largely based on that of the General Medical Council of the United Kingdom. We have heard allegations that this is an out-dated colonial system. I must however say that this has nothing to do with the sovereignty question. Our own standards admittedly have been drawn up with reference to and in a sense linked to that of the General Medical Council of the United Kingdom. This is not only a convenient way of setting standards but that the standards stipulated are both dependable and internationally recognised. Owing to changing circumstances, alternative channels for medical and dental practitioners to become registered have indeed been devised and all in the public interest. Those who would wish to become qualified should therefore avail themselves of such channels, that is, taking the licentiate examination for medicine or the dental council examination for dentistry.

It has been argued that the existing eligibility for registration for the practice of medicine and dentistry in general and the details of licentiate and dental council examinations in particular are such that they are tantamount to discrimination against graduates from certain territories and countries and favour graduates from certain other territories and countries. Such accusations are indeed grave and should be further investigated to determine if they are tenable and if so what steps could be taken for the sake of justice and the public interest. But such an investigation clearly is a separate exercise and I am sure my hon. Friend, the Secretary for Health and Welfare, would be happy to make the initial enquiries.

Sir, the public interest must be upheld at all times. I fully appreciate and sympathise with the sort of penalties unregistered 'doctors' and 'dentists' will face once the present Bill is passed. I can do no more but appeal to them to take the requisite examinations so that not only will they be providing a service to the public but that the public will be confident that the service they are providing is of a dependable and high standard.

With these remarks, Sir, I support the motion that the Bill be read a Second time.

SECRETARY FOR HEALTH AND WELFARE: Sir, I would like to thank those Members who have spoken on this Bill today for having studied it so carefully and for their support for it.

I am also grateful to Dr. CHIU and Mr. Andrew WONG for elaborating on the details of the licentiate examination and the dental council examination. As they have explained, these examinations are designed not to discriminate against unregistrable doctors and dentists but to enable them to obtain registrable qualifications. The examinations are designed to assess whether they possess the requisite knowledge and skills before they are allowed to be registered for practice in Hong Kong.

Mr. WONG has referred to accusations that have been made that the existing system of eligibility for registration and the examination arrangements are not fair to unregistrable doctors and dentists. Dr. CHIU has explained in some length how these examinations work, and Members may also be reassured to know that, in the case of the licentiate examination, confirmation have been given by external examiners year after year that the examination questions are fair and are directly related to primary medical care treatment and the general practice of medicine. The dental council examination board is also considering the use of overseas examiners in future dental council examinations.

I now turn to the points made by Dr. IP. With regard to the legislative amendments intended to tighten the control of undesirable medical advertisements, I can confirm that the Bill is now in the drafting stage, and will be introduced into this Council later this session.

Dr. IP also referred to the need to define traditional medical methods, or to register the practitioners of these methods. This would be an extremely difficult undertaking, given the nature of traditional Chinese medicine, and I do not feel that at present at any rate the situation is such as to warrant action of this kind.

I quite agree with Dr. IP's remarks that we need to expedite the completion of the legislation for the control of para-medical professions. We have given priority to the drafting of these regulations but extensive consultation with the relevant boards of the Supplementary Medical Professions Council has been necessary. Based on the present rate of progress, I expect that the Physiotherapists Regulations will be enacted early next year, followed shortly afterwards by the other regulations which will be drafted on the same model.

Sir, I beg to move.

EVIDENCE (AMENDMENT) BILL 1986

Clauses 1 to 5 were agreed to.

PENALTIES FOR PRACTICE OF MEDICINE AND DENTISTRY BY UNREGISTERED PERSONS (MISCELLANEOUS AMENDMENTS) BILL 1986

Clauses 1 to 18 were agreed to.

ANTIBIOTICS (AMENDMENT) BILL 1986

Clauses 1 and 2 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

EVIDENCE (AMENDMENT) BILL 1986

PENALTIES FOR PRACTICE OF MEDICINE AND DENTISTRY BY UNREGISTERED PERSONS (MISCELLANEOUS AMENDMENTS) BILL 1986 and

ANTIBIOTICS (AMENDMENT) BILL 1986

had passed through Committee without amendment and the

DUTIABLE COMMODITIES (AMENDMENT) BILL 1986

had passed through Committee with an amendment, and moved the Third Reading of the Bills.

Questions put on the Bills and agreed to.

Bills read the Third time and passed.

Adjournment and next sitting

HIS HONOUR THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 10 December 1986.

Adjourned accordingly at twenty-seven minutes past Four o'clock.

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

WRITTEN ANSWERS

Annex I

Written answer by the Secretary for Transport to Mr. Peter C. WONG's supplementary question to Question 1

The MTRC has now provided the information requested in the appendix. Apart from the case I mentioned in the Legislative Council, there has been no case of passengers being pushed off a platform onto the track since the MTR has been in operation. The cases of passengers falling from platform shown in the table are largely due to their sickness or other reasons such as drunkenness and carelessness. None of these were a result of crowding on platforms.

APPENDIX

	<i>1984</i>	<i>1985</i>	<i>1986</i> <i>(up to</i> <i>30/9/86)</i>	
Suicide		4	4	7
Attempted suicide		3	12	9
Jump onto track (Retrieving object + crossing track)		43	32	23
Others (Falling from platform + Trespassing onto track)		12	20	21
Total:		62	68	60
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Annex II

Written answer by the Secretary for Transport to Mr. Jackie CHAN's supplementary question to Question 1

The Mass Transit Railway is a fully electrified system and the platforms have been designed to provide as little clearance between the train and the platform as possible. On a straight platform in an underground station, the design clearance is 100 mm. This very narrow gap should not pose any real hazard to boarding and alighting passengers.

WRITTEN ANSWERS—Continued

As regards KCR stations, the design clearance between an electric train and a straight platform is 150 mm. The wider clearance is required in order to provide the necessary safety margin to accommodate the diesel-powered freight trains running on the line.

The gap between train and platform edge is usually wider at stations on curves. As a preventive measure, both MTRC and KCRC make repeated announcements through their public announcement systems to warn passengers at these stations. Additionally, the MTRC provides under-platform lighting to make the gap more conspicuous. This is in line with the international practice to deal with such problems. In the case of the KCR, the edge of curved platforms is clearly marked by a white line in addition to the yellow line normally provided in all stations. Furthermore, notices are put up as reminders. The corporation is also planning to install under-platform lights at curved platforms.

Annex III**Written answer by the Secretary for Education and Manpower to Mr. LAI's supplementary question to Question 2**

The Factories and Industrial Undertakings Ordinance, and the various regulations made under it, do not specifically cover this situation. However, if a deliberate attempt is made to tamper in any way with evidence which might be relevant to a prosecution for breach of statutory obligations or to an action for recovery of damages, this would be the common law offence of attempting or conspiring to pervert the course of public justice and as such would be punishable under section 90(1) of the Interpretation and General Clauses Ordinance (Cap. 1) by up to seven years imprisonment and a fine of \$50,000.

I should add that the Labour Department is not aware of any case in which this has occurred and statements by the injured person or other witnesses would very probably reveal any attempt to disguise the true cause of the accident. In the particular case of fatal accidents, there is in addition the fact that the immediate area is cordoned off by the police until such time as the Labour Department has completed its investigation.

WRITTEN ANSWERS—*Continued***Annex IV****Written answer by the Secretary for Transport to Mr. SOHMEN's supplementary question to Question 3**

Until now, our transport planning studies have not taken any account of the possibility of a replacement airport in Western New Territories at Deep Bay. However, the North Lantau Transport Access Study examined the transport infrastructure requirements for a possible replacement airport at Chek Lap Kok. The requirements identified include bridges from North Lantau to Ma Wan, Tsing Yi and Yau Kam Tau, and associated connecting roads. Present development planning takes account of these possible future requirements so as not to frustrate their implementation at a later date, if it is decided to go ahead with the replacement airport in Chek Lap Kok.

We are reasonably confident at this stage that the planned network in the Western New Territories, including Route X and possibly also a rail link, will have sufficient capacity to cope with the demands placed on it, including increased traffic with China. If and when a decision is made to proceed with a replacement airport in either location, there should still be sufficient time to plan and construct the necessary links with our main road and rail network before the airport opens, given the long lead time involved.

Annex V**Written answer by the Secretary for Health and Welfare to Mr. HUI's supplementary question to Question 6**

Subvented day creches are provided for children under the age of two, whose parents cannot take care of them for family or social reasons and who are financially incapable of paying the full cost of private day care service. The Government's view is that infants under the age of two are best taken care of by their own parents and it is not thought desirable to expand this type of service so that mothers of very young children can go out to work. This policy was endorsed by the Social Welfare Advisory Committee in 1979. At present, there are 913 subvented day creche places and 64 places run by a non-profit-making organisation. The attendance rates and waiting lists of the various day creches differ and the demand for this service is difficult to determine in absolute terms. There is at present no plan for any immediate expansion, but the position is being closely monitored by the Social Welfare Department and an internal review is being undertaken. The views of the Social Welfare Advisory Committee on the future of this service will be sought.

WRITTEN ANSWERS—*Continued*

I also undertook to ask the Director of Social Welfare to consider whether play groups should be subsidised. Under the present arrangements, only full-day non-profit-making child care centres aimed at meeting the social need of families are considered for subvention or financial subsidy. As play groups only provide a half-day service and are normally run on a commercial basis, they do not qualify for any financial subsidy from the Government.