

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 13 January 1988****The Council met at half-past Two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (PRESIDENT)

SIR DAVID CLIVE WILSON, K.C.M.G.

THE HONOURABLE THE CHIEF SECRETARY

SIR DAVID ROBERT FORD, K.B.E., L.V.O., 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 LYDIA DUNN, C.B.E., J.P.

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

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE CHAN YING-LUN, J.P.

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI, O.B.E., 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, O.B.E., C.P.M., J.P.

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

THE HONOURABLE JOHN WALTER CHAMBERS, O.B.E., J.P.

SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE JACKIE CHAN CHAI-KEUNG

THE HONOURABLE CHENG HON-KWAN, J.P.

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

DR. THE HONOURABLE CHIU HIN-KWONG, J.P.

THE HONOURABLE CHUNG PUI-LAM
THE HONOURABLE THOMAS CLYDESDALE, J.P.
THE HONOURABLE HO SAI-CHU, M.B.E., J.P.
THE HONOURABLE HUI YIN-FAT
THE HONOURABLE RICHARD LAI SUNG-LUNG
DR. THE HONOURABLE CONRAD LAM KUI-SHING
THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.
THE HONOURABLE DESMOND LEE YU-TAI
THE HONOURABLE DAVID LI KWOK-PO, J.P.
THE HONOURABLE LIU LIT-FOR, J.P.
THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.
THE HONOURABLE PANG CHUN-HOI, M.B.E.
THE HONOURABLE POON CHI-FAI
PROF. THE HONOURABLE POON CHUNG-KWONG
THE HONOURABLE SZETO WAH
THE HONOURABLE TAI CHIN-WAH
THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING
THE HONOURABLE TAM YIU-CHUNG
DR. THE HONOURABLE DANIEL TSE, O.B.E., J.P.
THE HONOURABLE ANDREW WONG WANG-FAT
THE HONOURABLE LAU WONG-FAT, M.B.E., J.P.
THE HONOURABLE GRAHAM BARNES, C.B.E., 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 MICHAEL LEUNG MAN-KIN, J.P.
SECRETARY FOR TRANSPORT
THE HONOURABLE NATHANIEL WILLIAM HAMISH MACLEOD, J.P.
SECRETARY FOR TRADE AND INDUSTRY
THE HONOURABLE EDWARD HO SING-TIN, J.P.
THE HONOURABLE CHAU TAK-HAY, J.P.
SECRETARY FOR DISTRICT ADMINISTRATION (Acting)

ABSENT

THE HONOURABLE HELMUT SOHMEN

IN ATTENDANCE

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

HIS EXCELLENCY THE PRESIDENT: Good afternoon, this is the first sitting of 1988. I should like to take this opportunity to wish all Members of the Council a very happy and prosperous New Year.

Papers

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

<i>Subject</i>	<i>L.N.No.</i>
Subsidiary Legislation:	
Prisoners (Release Under Supervision) Ordinance 1987	
Prisoners (Release Under Supervision) Regulations 1987	398/87
Road Traffic Ordinance	
Road Traffic (Driving Licences) (Amendment) Regulations 1987	399/87
Ferry Services Ordinance	
Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1987	400/87
Summary Offences Ordinance	
Summary Offences Ordinance (Exemption From Section 13) (No.2) Order 1987	401/87
Legal Practitioners Ordinance	
Solicitors (Professional Indemnity) Rules 1987	402/87
Prevention of Bribery Ordinance	
Prevention of Bribery (Exclusion of Bodies and Members of Bodies of Educational Institutions) Notice 1987	403/87
Securities Ordinance	
Securities (Specification of Approved Assets, Liquid Assets and Ranking Liabilities)(Amendment) Notice 1987	404/87
Proclamation	
No. 1 of 1987	405/87
Buildings Ordinance	
Building (Planning)(Amendment) Regulations 1987	406/87
Magistrates Ordinance	
Magistrates Ordinance (Replacement of Fourth Schedule) Order 1987	407/87

<i>Subject</i>	<i>L.N.No.</i>
Boilers and Pressure Receivers Ordinance Boilers and Pressure Receivers (Exemption) (Consolidation) (Amendment)(No. 4) Order 1987.....	408/87
Public Health and Municipal Services Ordinance Designation of Libraries (Urban Council Area)(No. 3) Order 1987	409/87
Public Health and Municipal Services Ordinance Public Health and Municipal Services (Public Pleasure Grounds) (Amendment of Fourth Schedule)(No. 6) Order 1987	410/87
Prevention of Bribery Ordinance Prevention of Bribery (Appeal Against Confiscation Order) Rules 1987	411/87
Banking Ordinance Banking Ordinance (Amendment of Third Schedule) Notice 1987	412/87
Banking Ordinance Banking Ordinance (Amendment of Fourth Schedule) Notice 1987	413/87
Kowloon-Canton Railway Corporation By-Laws Kowloon-Canton Railway (Restricted Area)(No. 6) Notice 1987	414/87
Electoral Provisions Ordinance District Boards (Urban Council Area) Constituencies (Number of Vacancies) Order 1987.....	415/87
Electoral Provisions Ordinance District Boards (Regional Council Area) Constituencies (Number of Vacancies) Order 1987	416/87
District Boards Ordinance District Boards in the Urban Council Area (Numbers of Appointed and Elected Members) Order 1987.....	417/87
District Boards Ordinance District Boards in the Regional Council Area (Numbers of Appointed and Elected Members) Order 1987.....	418/87
Revised Edition of the Laws Ordinance 1965 Revised Edition of the Laws (Correction of Error)(No. 2) Order 1987	419/87

<i>Subject</i>	<i>L.N.No.</i>
Country Parks Ordinance Tsiu Hang (Special Area) Order 1987	420/87
Exchanges (Special Levy) Ordinance 1987 Exchanges (Special Levy) Rules 1987	421/87
Public Health and Municipal Services Ordinance Hawker (Permitted Place)(No. 4) Declaration 1987.....	422/87
Legal Aid Ordinance Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulations 1987.....	423/87
Public Order Ordinance Frontier Closed Area (Amendment) Order 1987	424/87
Public Health and Municipal Services Ordinance Public Health and Municipal Services (Public Pleasure Grounds) (Amendment of Fourth Schedule)(No. 7) Order 1987	425/87
Public Health (Animals and Birds) Ordinance Regulation of Movement of Dogs (Cancellation)(No. 2) Order 1987	426/87
Public Health and Municipal Services Ordinance Swimming Pools (Regional Council) (Amendment)(No. 2) By-Laws 1987.....	427/87
Prisoners (Release Under Supervision) Ordinance 1987 Prisoners (Release Under Supervision) Ordinance 1987 (Com- mencement) Notice 1987.....	428/87
Immigration Ordinance Immigration (Places of Detention)(Amendment)(No. 7) Order 1987	429/87
Antiquities and Monuments Ordinance Antiquities and Monuments (Withdrawal of Declaration of Proposed Monument) Notice 1987.....	430/87
Registration of Persons Ordinance Registration of Persons (Application for New Identity Cards) Order 1988.....	1/88
Inland Revenue Ordinance Inland Revenue (Interest Tax)(Exemption)(Amendment) Notice 1988	2/88

Sessional Papers 1987-88:

- No. 34—Emergency Relief Fund Annual Report by the Trustee for the year ending on 31 March 1987
- No. 35—Social Work Training Fund Twenty Sixth Annual Report by the Trustee for the year ending on 31 March 1987
- No. 36—Urban Council Estimates of Revenue and Expenditure for the year ending 31 March 1989

Oral answers to questions

Traffic diversions

1. MRS. NG asked (in Cantonese): *Will the Government inform this Council what arrangements are made to inform the public in cases where traffic diversions are required?*

SECRETARY FOR TRANSPORT: Sir, traffic diversions are required for road works or to improve traffic management. In planning any traffic diversions, one main objective is to minimise inconvenience to the pedestrians, drivers and public transport users. Before implementation, every effort is made to inform the public of the new traffic arrangements. But the method and extent of the publicity will vary depending upon the scale of the diversion, the timing of the project, and the number of road users likely to be affected.

For a major scheme involving area-wide traffic and public transport diversions such as a major road construction project or road closures for special events, a press conference will be held and plans distributed to the media giving full details of the traffic arrangements. In most cases, the relevant district boards or their traffic and transport committees will be consulted or briefed.

For minor diversion schemes, the Transport Department will issue a press release and a spokesman made available to answer media or public enquiries.

Furthermore, traffic measures involving the temporary closure of a road to traffic for a period exceeding 72 hours are required under the Road Traffic (Traffic Control) Regulations to be published in the Gazette, or in one issue of at least one English and one Chinese newspaper.

In emergencies requiring traffic diversions immediately or at very short notice, it may not be possible to give sufficient advance notice. In those cases, every effort is made to publicise the emergency arrangements through the media. I am happy to say that in all cases full coverage is given by the media so that any inconvenience to the public is reduced to the minimum.

Finally, all radio stations have daily and very often hourly programmes updating the public on the latest traffic situation and any special traffic arrangements are highlighted in these programmes.

MRS. NG (in Cantonese): *Sir, in the second paragraph of the answer it was mentioned that for major schemes involving area-wide traffic and public transport diversions, press conferences would be held. Last month, the road surface of Fu Mei Street in Wang Tau Hom was repaved and the work would last for six months. All means of public transport had to be diverted elsewhere. In this particular road diversion, could I ask what method had been adopted by the Government to inform the general public? I recall that on that particular day a lot of chaos was caused amongst road users.*

SECRETARY FOR TRANSPORT: *Sir, in the case quoted by Mrs. NG, the district board transport committee had been consulted before work started and I believe that further to that consultation a discussion was held with the area committee chaired by Mrs. Pauline NG herself. I am happy to say that since that discussion, some minor improvements have been made to the traffic arrangements satisfactory to all concerned.*

MRS. NG (in Cantonese): *Sir, it is true that three days before the diversion took effect the area committee had discussed the plans for the diversions. However, we were not responsible for publicising such a plan on behalf of the Government. Therefore on that day there was a lot of confusion. Could I also ask whether the Government is implementing our suggestions after receiving them, because the diversion has now been in place for one month and although we have suggested that the traffic light signal should be improved. I do not think that has been done as yet. There is therefore congestion on the roads.*

SECRETARY FOR TRANSPORT: *Sir, to answer the first part of Mrs. NG's further question, there was wide publicity on the arrangements before the work started. In fact, in addition to a press release, there were announcements made in at least two papers in the local press on these arrangements. As regards Mrs. NG's other question, I understand that out of the five or six suggestions made by the area committee concerned, about half of them have been introduced and the other half are being looked at by the Transport and Highways Departments and I hope that we shall make progress in the next few days on these improvements.*

Advertising signboards

2. MR. CHEONG-LEEN asked: *Will Government inform this Council whether it has any plans to remove not only abandoned advertising signboards but also large ones which protrude well into the middle of the road and which are potentially dangerous?*

SECRETARY FOR LANDS AND WORKS: Yes, Sir, the Government has such plans. In recognising the potential danger of those signs, a new unit was established on 1 April 1987—the Dangerous Signs Unit of the Buildings Ordinance Office.

This unit has moved fast. In addition to removing about 440 abandoned signs, the unit's action, which includes surveys, has resulted in the removal by voluntary means of a further 1 000 potentially dangerous signs of various shapes and sizes and some which protrude into the road.

MR. CHEONG-LEEN: *Sir, may I ask a couple of related supplementaries. Firstly, is there a large backlog and how long will it take for that backlog to be cleared? Furthermore, for any new genuine complaints, Sir, what would be the average time of clearance once that complaint has been received? I do realise that some of these complaints might be more serious than others but has any track record been established on that particular point?*

SECRETARY FOR LANDS AND WORKS: No, Sir, there is no large backlog and I understand that on a dangerous sign action would be taken immediately, partly because there is no backlog, and would be completed within weeks.

MR. YEUNG: *Sir, what action will the Government take to ensure that there will be no erection of dangerous signs in future and whether consideration can be given to prosecuting offenders responsible for such erection, if any?*

SECRETARY FOR LANDS AND WORKS: Government is presently considering a package of measures designed to control the erection of dangerous signs. We are concentrating on danger; the package of measures is not yet ready, but there should be something through to the Executive Council within the next couple of months. I would like to emphasise that present procedures in fact are successfully protecting the public against the effect of dangerous signs and the present action being taken by the Dangerous Signs Unit is extremely effective in their removal.

MR. JACKIE CHAN (in Cantonese): *Sir, if we look at the present situation it seems that there is no law stipulating that the owners of advertising signs have to demolish them if they are not required. Will the Government try to step up the control and introduce regulations to ensure that a licence has to be obtained before a signboard is erected?*

SECRETARY FOR LANDS AND WORKS: Sir, we are not presently considering a licensing system because it would involve an enormous machinery. The difficulty about abandonment is, of course, that it no longer has an owner at that particular stage and so it has been extremely difficult in fact to get back the expenses from the original owners. I believe that in the present situation of Hong Kong with so very many signs, Government is right to concentrate on safety.

MR. NGAI: *Sir, in case of accidents caused by abandoned signboards, who will be held liable if the original owners of those signboards cannot be found and how will the victims be compensated?*

SECRETARY FOR LANDS AND WORKS: Sir, in those circumstances every effort would be made to trace the person who was originally responsible for putting up the sign. Efforts are in any case made in connection with the expenditure but it is quite possible that in such an event there would be no obvious person who was liable for somebody injured and therefore, as I said before, the Government has to concentrate on ensuring the safety of all signs which are up, abandoned or otherwise.

MR. CHENG: *Sir, will Government inform this Council whether there were any potentially dangerous signs removed not by voluntary means? If the answer is yes, how did Government deal with these cases?*

SECRETARY FOR LANDS AND WORKS: Sir, there were and they were removed under section 105 of the Public Health and Municipal Services Ordinance by the unit which I mentioned in my original answer.

MR. TAI: *May I ask what are the costs incurred so far in the removal of signboards and is there any recourse against the offenders for reimbursement of the costs?*

SECRETARY FOR LANDS AND WORKS: During the first nine months of this unit's operation we spent about \$223,000 on removing 440 signs. About \$20,000 of this is likely to be recovered. In considering the overall picture though, through the work of this unit, some 1 000 odd signs were removed by the owners themselves and so, considering the progress made I think the expenses have been well worthwhile.

HIS EXCELLENCY THE PRESIDENT: I have noted two more Members who wish to ask supplementaries. I would draw the limit at that so that we can deal with other questions.

DR. HO: *What action will Government take to inform the public as to how to make complaints with the authorities about dangerous signs?*

SECRETARY FOR LANDS AND WORKS: Sir, no special machinery is available for telling the public about this. The creation of the unit was announced and it is known to district offices, it is known to the Public Enquiries Section of the Lands and Works Group of departments. I do not think, judging by the steady stream of complaints that they get, that any need for special publicity is there at present but I will take advice on the matter.

MR. CHAN KAM-CHUEN: *Sir, in the yester-years, the Urban Services Department used to serve these notices to landlords. And as landlords hold usually two or three months' rental deposit on the tenant, why should notice not be served on the landlords so that they can ensure that the tenants remove those dangerous signs before evicting?*

SECRETARY FOR LANDS AND WORKS: Sir, I think that Mr. K. C. CHAN has more or less broadly described the means by which the Buildings Ordinance Office goes about its job.

Guidance work in secondary schools

3. MRS. FAN asked: *The Education Department issued a set of guidelines entitled 'Guidance Work in Secondary Schools—A Suggested Guide for Principals and Teachers' in September 1986. Will Government inform this Council what feedback has been received since these guidelines were published and what steps have been taken to assess their effectiveness?*

SECRETARY FOR EDUCATION AND MANPOWER: As Mrs. FAN says, the guidelines were issued in the autumn of 1986. The Education Department emphasised at the time that the guidelines were suggestions only and would be reviewed after one year. Since then the department has done its best to find out from schools how the guidelines are working in practice. It has issued a questionnaire and studied schools' statistical records on guidance work; and when Education Department officers visit schools they use the opportunity to discuss the issue with them.

The purpose of this review is to assess the usefulness of the guidelines, find out how much schools are using them and bring to light any practical difficulties which schools may have encountered.

The material from the review was assembled in October 1987. In general the response from schools has been favourable, but the conclusions still have not been analysed in detail. They are now being analysed in more detail by a working group in the Education Department and we hope to have a full report ready for issue to schools in May this year.

MRS. FAN: *Sir, OMELCO's Complaint Section has received a submission from a group of teachers on this matter. One of their complaints is that there is insufficient training and there is no professional person for them to turn to for advice. Is the Government aware of this and what has been done to ensure that teachers are well supported in professional expertise and are trained?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, there are two aspects to this question. One is on the training of teachers and the other is on resources provided to them. On training, the Education Department appreciates the

training needs of guidance teachers. The extra-mural studies departments of the two universities and the Hong Kong Polytechnic in conjunction with the Education Department organise annually three one-year in-service training courses. Four short courses on personal growth are also provided annually for guidance teachers. In addition, counselling and careers guidance is given at a study unit in the core curriculum of the full-time teacher training courses at the colleges of education. The subject of counselling and guidance is also offered as an elective in the refresher training course for serving secondary school teachers, particularly for those involved in guidance work.

On the resource side, the Special Education Section of the Education Department which is staffed by educational psychologists and educational counsellors, provides professional advice and support to schools and to guidance teachers. In addition, many voluntary organisations also receive referrals from schools and offer services relevant to youth guidance. In fact a list of such bodies is provided in Appendix 4 of the guide. In addition, guidance teachers may seek support from the Hong Kong Association of Careers Masters and Guidance Masters.

In addition there is a pilot scheme which the Education Department started in October 1986; it is a two-year pilot project to provide a school support scheme in 12 selected secondary schools, the main objective of which is to strengthen guidance work in schools. In this pilot scheme, educational psychologists visit the selected schools regularly, giving professional support and consultation to guidance teachers. An evaluation of the pilot project is being conducted and feedback from the schools so far has been quite favourable.

In addition, steps are being taken now to set up a resource centre for guidance teachers. This centre will provide library facilities and will serve as a base for enquiries and small group meetings of guidance teachers.

MR. SZETO (in Cantonese): *Sir, the guidance work of primary school students has also been going on for a number of years. Could I ask whether the same assessment has been made of such guidance work so as to bring about improvement?*

SECRETARY FOR EDUCATION AND MANPOWER: *Sir, a working party looked at both primary and secondary schools in 1986. The working party's assessment at that stage was that both schemes were going reasonably well but it is intended to reassess them and have a further review of both schemes in 1989 to 1990.*

MRS. FAN: *Sir, one of the comments received was that the guideline concentrated too much on remedial measures and comparatively little on preventive measures. Does the Secretary agree that prevention and helping all students in normal personal development is probably the prime objective in guidance work? And if he agrees, how does the Government intend to emphasise this to the principals and teachers and to parents and the community at large?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, in my view, a balanced approach is needed. I think one obviously has to deal with problem children. One obviously also wants to emphasise the importance of preventing children becoming problem children. This criticism has been made of the guidance notes. I personally do not agree with it. The notes seem to me to be excellent and they seem to me to emphasise both the positive aspect of forming close links between teachers and pupils and many other positive bits of advice, together with advice as to how to deal with problem children.

MRS. TAM: *Sir, will the Secretary of Education and Manpower inform this Council whether the review mentioned in his answer will also look into the co-operation between guidance teachers and school social workers at schools?*

SECRETARY FOR EDUCATION AND MANPOWER: I mentioned two reviews. One review was of the current guidance notes. That is a limited review of how the guidance notes work. But the general review of the system in '89 will cover all aspects of both systems.

Home care for the elderly

4. MR. LIU asked (in Cantonese): *In view of the increasing number of old people in Hong Kong and the ensuing increase in old people who need home care, will Government inform this Council whether it will look into the pressure and needs of the caretakers who provide home care to the elderly and then help them solve their problems?*

SECRETARY FOR HEALTH AND WELFARE: Sir, social workers are very conscious of the fact that elderly people who are being looked after at home can create certain pressures and difficulties, such as physical or emotional strain, for those members of the household who provide this care. In assessing the needs of an elderly person who lives with the family, a social worker has to study all the family circumstances, including its resources and what problems will be met by the people in the household who provide the care. The social worker will then try as far as possible to ameliorate or resolve these problems. The help given may take the form of moral support, the provision of community support services such as home help, or services provided by day care centres, multi-service centres or social centres for the elderly. Where necessary, cash assistance can also be provided, through public assistance or the special needs allowance scheme. In the last resort, where the problems faced by the household prove to be insurmountable, the elderly person would be considered for placement in a residential home.

If those who provide home care fall ill, arrangements can be made for the elderly persons to be accommodated on a temporary basis in a home for the aged or in a care-and-attention home. Consideration is also being given to

providing a 'respite service' by which temporary accommodation for the elderly would be provided in order to give those who look after them a break from these duties from time to time.

Sir, I understand that there are proposals for several academic studies of services for the elderly which will include research into the problems faced by people who provide home care. I look forward with interest to seeing the findings of these studies in due course, and I hope that they will shed more light on this subject.

MR. LIU (in Cantonese): *Sir, the third paragraph of the reply says that there is the proposal for several academic studies of services for the elderly. What groups are involved in conducting these studies and has the Government volunteered to carry out such studies in order to improve the services for the elderly?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I understand that the two studies are proposed by the Hong Kong University Social Work Department and a further study by the City Polytechnic. It seems most appropriate for these studies to be carried out by academic institutions but I am sure that the Social Welfare Department and the agencies will always be willing to co-operate in providing information to make these studies more successful.

MR. POON CHI-FAI (in Cantonese): *Sir, in the first paragraph of the main reply, it says that a variety of services are provided for the elderly. Will Government inform this Council whether any assessment of these services has been undertaken and whether these services are adequate for the elderly in Hong Kong? And in connection with these services, how long does it take for an application to come through, especially for homes for the aged?*

SECRETARY FOR HEALTH AND WELFARE: Sir, there are a wide range of services, both day services such as day care centres, multi-service centres, social centres, and services like home help, and also of course the longer-term residential centres such as homes and care and attention homes. There are programmes for providing all of these services. None of them we would claim are absolutely sufficient at the moment. But in all cases there are programmes for providing more centres and we hope that within the next five to 10 years there will be sufficient services to meet the demand.

Government loan facilities and indebtedness of police officers

5. DR. TSE asked (in Cantonese): *Will Government inform this Council what loan funds are available to police officers through government sources; whether there is still any problem of police officers being indebted to unlawful moneylenders since the introduction of these funds and, if so, what measures are being taken to deal with this problem?*

SECRETARY FOR SECURITY: Sir, the Government provides a number of loan facilities for civil servants, including police officers. Loans are available, subject to the applicants meeting certain criteria, to purchase property; to meet rent deposits required by landlords; and towards buying a car. Also, police officers and other civil servants may apply for an interest-free advance of salary for a variety of purposes, for example to help with their children's education overseas; to defray the costs of any domestic calamity or serious illness, or of the death of an officer. The Secretary for the Civil Service has a general discretion to approve an advance of salary in exceptional circumstances not otherwise provided for.

In addition, the Police Force Welfare Fund provides interest-free loans to police officers under four main categories: education; medical; home removal; and miscellaneous, which may cover such items as relief for fire, typhoon and flood victims, purchase of essential household equipment and furniture, home repair, and funeral expenses.

Sir, to answer the second part of my hon. Friend's question, the police force continuously monitors the indebtedness of its officers. Although it is difficult to gauge to what extent officers are borrowing from illegal money lenders, the Commissioner of Police does not consider such borrowing now to be a serious problem. In 1987 only nine police officers out of a total force of some 26 000, were investigated following allegations that they had borrowed from illegal money lenders. In no case was there sufficient evidence to prove the allegation.

DR. TSE (in Cantonese): *Sir, under miscellaneous loans, is any provision made for repayment of loans as a result of gambling and in the nine cases investigated, as well as other cases investigated in the past, does Government have reason to believe that illegal loans given to police officers are in any way related to criminal syndicate activities targetted at the police?*

SECRETARY FOR SECURITY: No, Sir. To answer the last part of my hon. Friend's question, from the cases investigated we have no evidence that they are in fact loans from syndicates directly aimed at criminal activity and particularly against the police force. To answer the first part of my hon. Friend's question, under miscellaneous loans they would not normally be allowed loans for the repayment of gambling debts.

Road excavation

6. MR. CHAN YING-LUN asked (in Cantonese): *In view of the numerous excavation works on road surfaces all over the Territory, will Government inform this Council of the daily average number of such works in progress, the average time taken between commencement of work and completion of resurfacing, the criteria used for permitting contractors to postpone the date of completion, the measures required to be taken to ensure public safety, and the responsibility of the organisations undertaking the works for injuries sustained by pedestrians?*

SECRETARY FOR LANDS AND WORKS: Sir, on average, 100 applications for excavation permits are received and processed by the Highways Department each day. The average daily number of such works in progress throughout the Territory is about 1 100, and the average time taken between commencement of work and completion of permanent reinstatement of road surfacing is about 40 days.

Extensions of time for completion of the works are normally granted to the contractor where events occur which delay the progress of works, and which are outside the control of the contractor. The permittees are required to submit applications for extensions giving justifications for so doing. These include additional or extra works ordered after works have commenced, inclement weather and the effects thereof, delays to works by other parties, special traffic arrangements and so on. Such explanations are carefully scrutinised by the Highways Department before any extensions are granted.

With regard to public safety, proper lighting, signing and guarding have to be provided for excavation works by the permittees in accordance with regulation 20(d) of the 'Road Traffic (Traffic Control) Regulations' and the 'Code of Practice for the Lighting, Signing and Guarding of Road Works' which sets out a standard of good practice to enable the legal requirements to be met in a wide variety of circumstances. In addition, Highways Department participates with the police in joint site inspections by day or night of the standard of lighting and guarding on all roadworks. Non compliance would result in prosecution by the police under the Road Traffic Ordinance.

Organisations undertaking excavation works have a duty of care to nearby pedestrians. If they do not exercise this properly, by failing to ensure such matters as adequate guarding, signing and lighting, then in the event of injury to a pedestrian, they may be liable for negligence under common law. Subsequent damages may be awarded to the injured party.

MR. CHAN YING-LUN (in Cantonese): *Sir, may I ask how many applications for delay are there and what measures are taken so that these projects will go ahead on time to prevent large-scale delay of such projects?*

SECRETARY FOR LANDS AND WORKS: Sir, I cannot give you the numbers of extensions per year. I understand they are a relatively small proportion of the actual permits issued. In regard to ensuring that such extensions should not be indefinite, it is the function of the Highways Department to monitor the progress of works and it is also its function to ensure that no longer extension is given than is necessary.

MR. JACKIE CHAN (in Cantonese): *Sir, in view of the fact that in order to meet the needs of the public and their own business expansion, public utility companies often maintain or renew their facilities under the ground. That gives rise to endless excavations. We have the Electric Company and then Towngas and then the*

Water Supplies Department and so on. Will the Government set up a department to co-ordinate such applications to ensure that the number of excavations is minimised?

SECRETARY FOR LANDS AND WORKS: Sir, the function which Mr. CHAN has just described is performed by the three road-opening co-ordinating committees— one for Hong Kong, one for Kowloon, one for the New Territories—which comprise all the different interested parties in road opening—that is, the public utilities, the Highways Department, other government departments such as Water Supplies Department, the police and on some occasions, Transport. I do not think anything much would be achieved by setting up a special department for this because the road is also part of the highways system; highways maintenance has to be for the purpose of repairing excavations and for other purposes and I do not think it would be efficient to set up a new organisation.

MR. EDWARD HO: *Sir, would the Government inform this Council whether for major traffic routes a study has been made into the feasibility of constructing service tunnels under roadways to minimise road excavation, and, likewise, the construction of removable panels in footpaths to avoid digging up of footpaths?*

SECRETARY FOR LANDS AND WORKS: Sir, a study was made in the early planning of Tuen Mun New Town as to the possibility of the town being served by common-user ducts, but the utilities which must go under roads are varied and cannot all be put very close to each other, particularly telephone lines and electric cables, and each utility requires a certain amount of room round it to effect repairs. The result is that the duct to cover all utilities must be quite a substantial tube into which workmen can enter. At the time when this was considered for Tuen Mun it was found that this would—even in the context of the new town being built on a green field site—add very substantially to the cost of the road and it was for that reason discarded. I feel that it is necessary to look at this one again, particularly in the context of just those roads which Mr. Ho has mentioned—those main highways where it is important to keep the traffic going, because, in spite of the expense, the accumulated nuisance over the years of excavations must have also a very high cost.

HIS EXCELLENCY THE PRESIDENT: The Secretary for Lands and Works has a very popular subject for the questions this afternoon. I have five Members already down for further supplementaries. Again, I will draw a line at that point. Professor POON.

PROF. POON: *Sir, it is not uncommon to find in local highways that roadwork signs are erected only at relatively short distances from the work sites, thus causing potential danger to motorists. Would the Secretary inform this Council if there are any statistics on traffic accidents arising from this source?*

SECRETARY FOR LANDS AND WORKS: Sir, not that I know of.

MR. POON CHI-FAI (in Cantonese): *Sir, will Government inform this Council the following: the police often make site inspections to see whether the rules are complied with. How many non-compliance cases have been noted and have any serious accidents resulted because of non-compliance?*

SECRETARY FOR LANDS AND WORKS: *Sir, I can only say I asked this question of somebody this morning and I got the answer, 'Very few' to the first part of the question, and to the second part, 'I know of none.'*

DR. HO: *Sir, my question is quite similar to Jackie CHAN's but a bit more specific. Is Government satisfied that the authority responsible for co-ordinating applications for road excavation for various purposes is efficient so that inconvenience caused to the public is kept to the minimum?*

SECRETARY FOR LANDS AND WORKS: *Yes, I am satisfied that the authority is doing a very good job.*

MRS. CHOW: *Sir, what measures are taken to ensure that these 1 100 excavation works are not causing unnecessary traffic congestion, especially during rush hours, such as specifying traffic management arrangements to be undertaken by the contractor concerned when permits are being issued?*

SECRETARY FOR LANDS AND WORKS: *Sir, the Highways Department scrutinise applications in considerable detail. It is its function to ensure that the interruption to the traffic and to the public is kept to a minimum, and if it feels otherwise, it is its function to discuss it with the utilities concerned. Moreover, each application of this kind is discussed in its committees at their monthly meeting and on those occasions the opportunity is also taken to discuss how different road-openings can be co-ordinated so as to ensure that inconvenience to the public is kept to the minimum.*

MR. CHAN YING-LUN (in Cantonese): *Sir, concerning paragraph 3, mention is made of the regulations and the code of practice and this, Sir, should not be for traffic safety only but also for protecting pedestrians. Will Government inform this Council whether at places where there are many pedestrians there should be two requirements, (1) that there should be a flat cover for the pedestrians to walk on during excavation, and during non-office hours there is also a channel for making complaints for non-compliance?*

SECRETARY FOR LANDS AND WORKS: *Sir, I can confirm that the Code of Practice for the Lighting, Signing and Guarding of Road Works is one which would be less general than that which Mr. CHAN may think, that is, it may in certain circumstances prescribe a flat panelling for walking over but in other circumstances it may prescribed other methods. I doubt whether his idea of having a place for complaints would be very cost-effective in itself because it would*

mean a great deal of such places and, in effect, unless the machinery was there to immediately act on those complaints actually on the spot, very little more would be achieved by having a place for receipt of complaints. In effect, the numbers of complaints made about these road works are not so great as he might have thought.

Paid-up capital of the Hong Kong Futures Guarantee Corporation

7. MR. WONG PO-YAN asked: *As the Hong Kong Futures Guarantee Corporation had failed to honour its obligations during the crisis in the futures market last October, will Government advise this Council whether there are plans for the paid-up capital of the corporation to be increased?*

FINANCIAL SECRETARY: Sir, this is basically a matter for the Hong Kong Futures Guarantee Corporation, which is a limited company in private ownership. However, I am aware that plans are being drawn up by the Hong Kong Futures Exchange, the Guarantee Corporation and the Clearing House, that is ICCH (Hong Kong) Ltd., as part of an overall reform package announced by the Futures Exchange in December 1987 to improve the existing guarantee arrangements.

MR. WONG PO-YAN: *Sir, may I ask when the details of the plans will be made known to this Council?*

FINANCIAL SECRETARY: Sir, I am told that the plans should be ready for announcement in the early part of this year, but I cannot at this stage give a date.

MR. LI: *Sir, can the Financial Secretary tell us what further commitment Hong Kong Government have made to the Futures Guarantee Corporation, if any?*

FINANCIAL SECRETARY: Sir, the details of the various commitments that the Government has made to the Guarantee Corporation have been explained in this Council on earlier occasions. Mr. LI will remember that there were two tranches—namely, a first tranche of \$2 billion and a second tranche of a further \$2 billion.

Classification of obscene articles

8. MR. PETER C. WONG asked: *How many articles have been classified obscene or indecent since the Control of Obscene and Indecent Articles Ordinance came into operation in September 1987, and how is Government monitoring public reaction to the new tribunal's decisions?*

CHIEF SECRETARY: Sir, during the period 1 September 1987 to 7 January 1988, 214 articles have been submitted to the Obscene Articles Tribunal for classification. Of these, 81 articles were classified as obscene, 123 as indecent and 10 were considered neither obscene nor indecent.

Public reaction to the working of the Control of Obscene and Indecent Articles Ordinance, in the form of media comments and representations by the trade and the public, is monitored by the Commissioner for Television and Entertainment Licensing. These comments have been passed to the Registrar, Supreme Court.

MR. PETER C. WONG: *Sir, of the 214 classifications, how many were made by the police and the public respectively?*

CHIEF SECRETARY: Sir, 79 were submitted by the police and 10 were submitted through the Office of the Commissioner for Television and Entertainment Licensing by members of the public.

MR. MARTIN LEE: *Sir, is the Administration satisfied with such classifications?*

CHIEF SECRETARY: Yes, Sir.

Written answers to questions

New immigrants from China

9. MRS. TAM asked: *Will Government inform this Council of the present policy objectives and specific measures for integrating new immigrants from China into Hong Kong society and whether voluntary agencies are subvented by the Government to organise activities which assist new immigrants to adapt to the Hong Kong environment; if so, whether it has reviewed the adequacy of such subvention, and if no subvention is paid, what are the reasons?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the Government's basic policy objective towards integrating new immigrants into the Hong Kong community is to provide them with an awareness of local social conditions and to create a generally supportive environment, so as to dispel any sense of alienation.

Social services are offered to all and no distinction is made between new immigrants and longer-term residents. Thus new immigrants from China can make use of the comprehensive network of welfare services provided by voluntary welfare agencies and the Government such as employment services, counselling and so on. To help them overcome adjustment difficulties arising from factors such as low academic standards, lack of skills, and language problems, social workers in welfare centres also organise group programmes and other activities. In particular, such programmes are provided in districts with higher than average concentrations of new immigrants from China.

There are also subvented services specifically directed at Chinese immigrants. International Social Service (ISS) offers migration counselling and provides briefings and film shows designed to help immigrants understand community resources and the social services available here. It also organises Cantonese and English classes and orientation tutorial groups for children of these families. The ISS Travellers' Aid Service counter at Hung Hom Railway Station helps new arrivals to contact their families and relatives, and gives general advice and help. Furthermore, in the Immigration Department's office at Rodney Block, Queensway, the ISS provides information on the social services available.

For 1987-88, the ISS has been allocated a subvention of about \$262,000 for its post-migration service. The Subventions and Lotteries Fund Advisory Committee has recently advised that in 1988-89 the post-migration service of ISS should be given a slightly higher subvention than in 1987-88.

This subvention is by no means the only financial support given by Government to help immigrants to integrate into the Hong Kong community. Apart from the family service centres and group work units of the Social Welfare Department, subventions on a 100 per cent support basis are granted to voluntary agencies to provide 26 family service centres to help residents and new immigrants alike. There are also 13 subvented community centres which provide similar services.

Overseas education

10. MR. LAI asked: *Will Government inform this Council of the number, broken down by level of education, of students studying overseas; how many of them began their overseas education last year; and what measures the Government has taken to safeguard the interest of students against misinformation provided by overseas schools?*

SECRETARY FOR EDUCATION AND MANPOWER: According to available statistics, a total of 36 320 Hong Kong students were studying in the four major English-speaking countries of the United Kingdom, the USA, Canada and Australia in the academic year 1986-87. The numbers studying in the United Kingdom were 11 299, the USA 9 717, Canada 12 974 and Australia 2 330. The Government has no detailed breakdown by level of education for these students. Nor does the Government have figures for students studying in other countries, but the numbers are believed to be comparatively small.

A total of 10 716 student visas were issued in 1986-87 to students going to these four countries; 4 254 for the United Kingdom, 2 245 for the USA, 3 405 for Canada and 812 for Australia.

Of the 4 254 students who went to the United Kingdom, 3 768 were issued student visas for the first time, of which 1 391 were in respect of primary and secondary studies and 2 377 for tertiary.

Similar breakdowns are not available for other countries.

To assist students who wish to study abroad, the Education Department operates a free advisory service to the public through its Overseas Students and Scholarships Section.

The Overseas Students and Scholarships Section has a large collection of reference materials on educational institutions in the United Kingdom, the Commonwealth and the United States. Information on these institutions is obtained through formal and informal contacts with the institutions themselves, overseas education authorities, commissions and consulates and through exchanges with other organisations engaged in similar activities. Students wishing to know more about opportunities for study overseas or who have any doubts as to the authenticity of claims made by overseas institutions can seek detailed advice from officers of the section in the light of their own specific needs. In the past year, a total of over 26 000 such enquiries were received from students and parents.

Schools are regularly advised of the services available at the Overseas Students and Scholarships Section by circular. In addition, group sessions and seminars on overseas education are also organised through the network of the Hong Kong Association of Careers Masters and Guidance Masters and arrangements with individual schools. In view of the considerable number of students pursuing educational courses abroad, the section has in the past year made increased use of the media including the press, television and the radio to publicise its services.

Investigation of Stock Exchange officials

11. MR. CHEONG-LEE asked: *With regard to the recent investigation and arrest of several Stock Exchange officials by the ICAC, will this Council be informed as to whether every effort will be made to conclude the investigations as soon as possible in order to keep to the minimum unnecessary speculation about the investigations which might be detrimental to Hong Kong's image as an international financial centre?*

CHIEF SECRETARY: The manner in which investigations by the Independent Commission Against Corruption are conducted is an operational matter for the Commissioner Against Corruption. However, the commissioner has informed me that it is his general policy that all investigations should be carried out speedily and that every effort should be made to complete them as soon as possible. This case will be no exception.

Oral answer to question**Repatriation of illegal immigrant mothers**

12. MR. LAI: *Sir, I am most grateful for your indulgence in allowing me to ask the following question at such short notice. Will the Government inform this Council of the circumstances leading to its decision to repatriate to China the group of illegal immigrant mothers who responded to Government's announcement on 28 April 1987 requesting illegal immigrant children then in Hong Kong to come forward for registration?*

SECRETARY FOR SECURITY: Sir, the first most significant circumstance leading to the decision was that, because of the very large number of people coming into Hong Kong illegally, and we were talking about literally hundreds of thousands, in October 1980 the Government had to adopt a policy of returning all illegal immigrants unless there were powerful humanitarian reasons for doing otherwise in individual cases. But at the same time we agreed with the Government of China to accept 75 a day arriving at our borders with one-way permits. As a result we have been accepting for settlement in Hong Kong 27 000 a year, still giving us a very high rate of legal immigration in world terms.

Sir, we were particularly sympathetic in humanitarian terms when considering whether to allow children who had come to Hong Kong illegally to join their mothers here, and whether to allow them to stay. But our practice became more and more exploited by the so-called snakeheads. Increasingly large numbers of children were being smuggled in illegally, often putting their lives at risk.

So to put a stop to this illegal and dangerous activity, on 27 April 1987, the Government announced its decision to tighten the humanitarian grounds under which some illegal immigrant children were being allowed to stay.

But we gave parents and close relatives 24 hours in which to bring children under 14 who had already arrived here illegally and joined their parties here to the Immigration Department for registration. The authorities in China had agreed to issue one-way permits to these children after verifying the childrens' circumstances.

Sir, I must emphasise that the announcement of 27 April was clearly aimed at children under 14 born in China and smuggled in illegally after their parents had come to Hong Kong for settlement. But this announcement also stimulated a number of children born in Hong Kong to be brought to the Immigration Department to be allowed to stay. At the same time, a number of illegal immigrant mothers surrendered to the department and other illegal immigrant mothers were found during the course of investigation into the background of the children brought in for registration.

Very much as we sympathise with these illegal immigrant mothers, against the background I have described, they must be repatriated and return to Hong

Kong, like many in similar circumstances, legally under the one way permit scheme. But we decided, on humanitarian grounds, not to detain or to repatriate them until their children, some of whom had been born out of wedlock, were all given the right to stay in Hong Kong. These illegal immigrant mothers were released on recognizance and asked to report regularly to the Immigration Department.

Sir, I would like to stress that at no time were they given any indication that they would eventually be allowed to stay. As adult illegal immigrants who have given birth to children while in Hong Kong, their circumstances are no different from many we have repatriated since 23 October 1980. To allow these women to stay would be grossly unfair to those whom we have repatriated over the years.

In order to make the repatriation less painful these illegal immigrant mothers may return to China with their children if they so wish. As they have been given the right to stay in Hong Kong, the children can return to Hong Kong at any time. As for the illegal immigrant mothers the sooner they return to China, the sooner they can apply for one-way exit permits to come to Hong Kong legally to unite with their families and of course with their children already here. We have no reason to suppose that they will experience any particular difficulty in obtaining one-way exit permits.

MR. LAI: *Sir, with reference to the Secretary's answer on page 2, could the Secretary cite a few examples of the humanitarian reasons for not returning illegal immigrants and how do these actions relate to and affect the Government's decision on 27 April 1987, 'to tighten the humanitarian grounds under which some illegal immigrant children had been allowed to stay'?*

SECRETARY FOR SECURITY: Sir, for very good reasons, which I am sure hon. Members will understand, we do not make public the humanitarian grounds on which we allow certain illegal immigrants to stay. The reason, I think, is obvious enough. As regards the second part of my hon. Friend's question, we have allowed some of the illegal immigrant mothers to stay because there were very strong humanitarian grounds for us to do so.

MR. SZETO (in Cantonese): *Sir, can the Government inform the Council of the following: in order to solve the question of these illegal immigrant mothers and in order to take care of both the humanitarian reasons and the legal question, will the Government make such a suggestion to the Chinese Government, and that is, after the illegal immigrant mothers are repatriated the Chinese Government will immediately issue them double-way entry permits and also let them apply for one-way permits at the same time, and that there will not be a limit to their stay in Hong Kong after they come with their two-way permits until their one-way permits are issued to them?*

SECRETARY FOR SECURITY: Under the arrangements that we have with the appropriate authorities in China, two-way permit holders are allowed in for a period of stay of a maximum of three months and then they must return to China. If we start making exceptions to two-way permit holders, we really will be at the top of a very slippery slope. As regards the first part of my hon. Friend's question, we have, of course, been in discussion with the Chinese authorities at our regular meetings with them on this question, and I can assure you that we have had a very sympathetic hearing.

MR. CHEONG-LEEN: *Sir, the Secretary for Security said that there is no reason to suppose that these 11 mothers will experience any difficulty in obtaining one-way exit permits. Could he tell us in the normal course of events how long it will take to get such one-way exit permits and whether such period of time would be considered as reasonable or humanitarian and fair under the circumstances?*

SECRETARY FOR SECURITY: From the information that we get from people who come to Hong Kong on one-way permits, it seems some get them in less than a year, others in two years, and most of them within three. I do not consider this to be unreasonable myself, given that we are allowing in as many as 27 000 a year and given that there are a large number of people still in China who have very close relatives in Hong Kong and are waiting to join their relatives here.

MR. DESMOND LEE: *Has Government thought about making contact with China to suggest special consideration for these illegal immigrant mothers if and when they apply for one-way permits to come to Hong Kong?*

SECRETARY FOR SECURITY: Sir, as I have said, we have been in constant talk with the appropriate authorities in China at regular meetings. I must emphasise, of course, that the issue of one-way permits is not a matter for the Hong Kong Government; it is a matter for the appropriate authorities in China; and we must not forget that these illegal immigrants are, in fact, queue-jumpers. They are people who ought to be waiting in the queue in China in order to get one-way permits.

MR. MARTIN LEE: *Sir, bearing in mind that (1) these illegal immigrant mothers have surfaced with their children in the mistaken belief that they could take advantage of the recent amnesty, (2) the Government is here concerned with purely humanitarian grounds and not the strict application of policy or principle, and (3) any special permission granted to them to stay would not adversely affect the daily quota of legal immigrants on one-way exit permits, will the Administration inform this Council why it cannot grant special permission to these mothers to stay in Hong Kong with their families purely on humanitarian grounds and strictly on a one-off basis?*

SECRETARY FOR SECURITY: Sir, with respect to my hon. Friend, I do not think that these mothers did, in fact, turn up at the Immigration Department in the

mistaken belief that they would be allowed to stay. Our announcement was very, very clearly directed at children under the age of 14 who had come to Hong Kong illegally and the press faithfully reproduced that announcement and there is no question in my mind that these mothers knew perfectly well that they were running the very serious risk of being repatriated. And we must not forget as well that a lot of these mothers were actually discovered as illegal immigrants when the department was investigating the background of the children who had been brought to them for permission to stay.

Sir, to answer the main part of my hon. Friend's question, there are reasons which I cannot make public as to why we cannot give special permission for these mothers to stay. But there is one important reason that I can make public and that is my belief that there is no viable reason why we should treat them any better than any other illegal immigrant mothers whom we have had to send back to China. And we must not forget also that some of these illegal immigrant mothers who surfaced as a result of the exercise we have just been considering have already returned to China voluntarily.

DR. HO: *Sir, can the Secretary for Security request the Chinese Government to consider a part of the 75-a-day quota to these illegal immigrant mothers to return to Hong Kong after they have been repatriated?*

SECRETARY FOR SECURITY: Sir, again, can I remind Members that these illegal immigrant mothers are, in fact, queue-jumpers in terms of those who are waiting in the queue in China to get one-way permits. I do not think that within the 75-a-day permits issued they deserve any particular priority.

MR. PETER C. WONG: *Sir, can the Secretary confirm that if a mother with a young child commits an offence and is sentenced to a term of imprisonment, the fact that she has a young child is not sufficient ground to ask the court for a suspended sentence?*

SECRETARY FOR SECURITY: I can confirm, Sir, that is correct.

Government Business

Motion

PUBLIC FINANCE ORDINANCE

THE FINANCIAL SECRETARY moved the following motion: With respect to the Capital Works Reserve Fund that the resolution made and passed by the Legislative Council on 15 May 1985 and published as Legal Notice No. 131 of 1985 be amended by deleting paragraph (j) and substituting the following—

- ‘(j) the Financial Secretary may expend moneys from the works account for—
- (i) the purposes of the Government’s public works programme;
 - (ii) the purchase and installation of equipment consequential on implementing the public works programme;
 - (iii) the development, purchase and installation of major equipment systems used by the Government;
 - (iv) capital subventions; and
 - (v) the acquisition of land,
- in accordance with such conditions, exceptions and limitations as may be specified by the Finance Committee;’.

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

Over the next few years, the Administration will implement an improved system of internal financial management to facilitate the on-going process of determining priorities in recurrent and capital expenditure within overall financial constraints. An essential feature of this system is the block allocation of financial resources to individual policy areas so that relative priorities may be determined within each sector.

To facilitate implementation of the system, it is necessary that a clear distinction be made between recurrent expenditure and capital expenditure. To date, certain major Capital Account items have been funded from the General Revenue Account. From the beginning of the next financial year, I propose that these items be transferred to the Capital Works Reserve Fund Account.

The financial implications of the proposed transfer are neutral. The change will increase annual expenditure under the Capital Works Reserve Fund by about 10 per cent. This will be offset by a corresponding reduction in the General Revenue Account expenditure. The arrangements proposed have been approved by Finance Committee.

The purpose of this motion is to amend the resolution passed by this Council on 15 May 1985 for the setting up of the Capital Works Reserve Fund. The transfer will be reflected in the draft Capital Works Reserve Fund estimates for 1988-89, and take effect from 1 April 1988.

Sir, I beg to move.

Question proposed, put and agreed to.

First Reading of Bills

MARINE FISH (MARKETING)(AMENDMENT) BILL 1987

TRAMWAY (AMENDMENT) BILL 1987

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

Second Reading of Bills

MARINE FISH (MARKETING)(AMENDMENT) BILL 1987

THE FINANCIAL SECRETARY moved the Second Reading of: ‘A Bill to amend the Marine Fish (Marketing) Ordinance’.

He said: Sir, I move that the Marine Fish (Marketing)(Amendment) Bill 1987 be read a Second time.

The purpose of this Bill is to amend the Marine Fish (Marketing) Ordinance by increasing the maximum fine that may be prescribed for offences against the Ordinance, the regulations and the by-laws of the Fish Marketing Organisation, and to remove the offence of buying fish wholesale other than at a wholesale fish market.

The Marine Fish (Marketing) Ordinance is intended mainly to promote the orderly landing and wholesale marketing of marine fish. To this end, the Ordinance prohibits the wholesale of marine fish other than at a market, and the landing of marine fish other than at a place specified in the regulations unless a permit to do so has been obtained.

The illegal wholesale of marine fish is on the increase. Criminal elements are suspected to be involved. Between September 1985 and May 1987, there were 189 successful prosecutions. But it has become clear that the maximum penalties no longer serve as an effective deterrent. Following consultation with the Fight Crime Committee, it is considered necessary to increase the maximum penalties in line with penalties for other comparable offences. The Bill thus provides that the maximum fine be increased from \$500 to \$5,000 in respect of resisting arrest or obstructing any search, seizure, detention or arrest, and for contravention of the by-laws of the Fish Marketing Organisation, and from \$1,000 to \$10,000 in respect of the illegal landing and wholesale of marine fish and for contravention of the regulations. The maximum term of imprisonment of six months provided for in the Ordinance remains the same.

Sir, the Bill also seeks to improve the operation of the Marine Fish (Marketing) Ordinance by providing that those who purchase fish at an illegal market will no longer be guilty of an offence, and by expanding the definition of ‘sell’, so as to make it an offence to offer or expose for sale or possess for the purpose of sale marine fish, if the transaction takes place other than at a wholesale fish market. ‘Sale’ in this context, of course, refers to sale by wholesale not retail. These amendments should enable the police to mount more effective operations against those actually involved in the illegal sale or any associated activities.

The proposed amendments that I have mentioned above have been drawn up in close consultation with the major fishermen’s organisations.

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.

TRAMWAY (AMENDMENT) BILL 1987

THE SECRETARY FOR TRANSPORT moved the Second Reading of: 'A Bill to amend the Tramway Ordinance'.

He said: Sir, I move the Second Reading of the Tramway (Amendment) Bill 1987.

The Bill provides that the authorised fares applicable to normal tram services and subject to the approval of the Governor in Council, should not apply to private hire and tour services also operated by the Hong Kong Tramways Company.

Since the late 1970s, the company has been operating a few trams, specially fitted out for private parties and hire and tour services at higher rates. These are usually offered as a group service available to private parties and tourists for entertainment and sightseeing purposes. Because the hiring hours are mainly in the evenings, they do not affect the normal tram services. We believe it is not necessary to keep the charges for such services within the ambit of controlled fares.

So that the trams required for normal passenger services will not be affected, the Bill provides also that the maximum number of cars for tour services should be subject to the Commissioner for Transport's control and approval.

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.

BETTING DUTY (AMENDMENT) BILL 1987

Resumption of debate on Second Reading (9 December 1987)

Question proposed.

MR. HUI: Sir, the introduction of the Betting Duty (Amendment) Bill 1987 represents Government's sensitive response to the call for a review of the appropriation of lotteries proceeds. While the Bill serves to guarantee a more

stable income for the Lotteries Fund—our only major funding source for capital social welfare projects, the higher level of funding falls far short of our expectations.

The explicit objective of the Lotteries Fund, clearly stated in the Betting Duty Ordinance amended in 1975 and known to the general public, is to provide an entity through which unspent money raised by the Mark Six lotteries could be channelled to social welfare activities. The fund established back in 1965 thus gives meaning and justification to an otherwise strictly gambling activity. It can be said that the Mark Six owes its popularity to public endorsement of a collective fund-raising effort for social welfare purpose. However, to what extent funds raised could in fact benefit social welfare is a matter that has remained undebated.

Let us examine closely the budgeting on the total proceeds from the lotteries. Since 1975, a big slice of the cake, that is 60 per cent, has been allocated for prize money, albeit a downward revision in 1985 to 59 per cent, which according to the 1987 Bill has to remain at this level in order to sustain public interest. Another largesse is taken up by betting duty, which rose from 25 per cent in 1975 to 30 per cent in 1985. Of the remaining 11 per cent, administrative costs combining operation costs for lotteries and horse betting paid to the Royal Hong Kong Jockey Club is now fixed at 7.5 per cent of the lotteries proceeds, leaving a small fraction of 3.5 per cent to the Lotteries Fund. Indeed, what seems to be a considerable increase in share for the fund, estimated at an additional \$27 million for 86-87 is but a tiny crumb left over from the lotteries cake consumed generously by the other parties.

Here, I wish to draw Members' attention to the capital grant given to the construction of the Jubilee Sports Centre totalling HK\$150 million. This is three times the amount of net proceeds from the lotteries paid annually into the Lotteries Fund, averaging less than HK\$50 million and covering more than 80 social welfare capital projects. Obviously, social welfare has been denied the same kind of magnanimity shown to recreation, although both social services are designed to promote human development and social well-being of our society.

Sir, funds generated by the lotteries speak for the fact that Hong Kong does not lack community support for its social welfare services. The problem lies with an unfair distribution of public funds. If the name of the Lotteries Fund is any indication of its objective, then the inequitable and preposterous appropriations proposed in the Bill, which benefit the government treasury and the Jockey Club at the expense of Lotteries Fund recipients are totally unacceptable. The increase in betting duty, claimed to be necessary for fiscal reasons, explains the reduction in the share for the Lotteries Fund which dropped from 5.75 per cent in 1983 to 1.5 per cent in 1985. Also for fiscal reasons, adjustments recommended by the Bill, leaving the entire share of betting duty untouched, aims basically at a reduction of administrative costs; which in my opinion could be further trimmed down simply by eliciting the lotteries operating cost from the Jockey Club's computerised facilities.

For many years, the paltry allocation given to the Lotteries Fund has resulted in inadequate capital grants for the many social welfare projects which often suffered low service standards. Sir, I wish to reiterate my proposal put forth in the Budget debates of the last two years—that 10 per cent of the total proceeds of the lotteries be allocated for the Lotteries Fund, with 5 per cent earmarked for capital grants and 5 per cent for improvement of services. The latter portion could be put aside as a revolving fund designated for upgrading the quality of welfare services for which there is no other available funding source. In closing, Sir, I would urge Government to consider seriously in the near future whether or not the 10 per cent allocation is a legitimate, reasonable claim on the Mark Six lotteries held in the name of the Lotteries Fund.

Sir, with these reservations, I support the motion.

CHIEF SECRETARY: Sir, I have listened with interest to Mr. HUI Yin-fat's plea that the allocation of lotteries proceeds to the Lotteries Fund should be increased. I must say I was somewhat surprised to hear his introductory remark that he believed that the popularity of the Mark Six lottery was due to the fact that many people wished to contribute to charity. I would have thought that at least the prospect of winning a prize contributed somewhat to people's motivation.

In addition, he has somewhat understated the fund's contribution to the social welfare sector. Over the past three years, the Lotteries Fund has spent or committed for expenditure the following amounts for capital projects in this sector. In the fiscal year 1986-87, some \$69 million was spent and \$123 million committed to expenditure. The corresponding figures for 1987-88 are \$90 million for expenditure and \$142 million on commitments and for 1988-89, \$105 million for expenditure and \$170 million on commitments.

Sir, these figures clearly show an impressive increase in the contribution by the fund to the development of the social welfare sector. Furthermore, Sir, I understand from the Secretary for Health and Welfare, that no projects have been delayed through the lack of capital funding. In addition, this sector has benefitted by over \$10 million from the Jockey Club's shopping lists over the period 1986-87.

The level of betting duty is a matter which might more appropriately be dealt with by my friend the hon. Financial Secretary in the context of a Budget debate. Mr. HUI's suggestion for the fund to finance more recurrent costs has been made during the past two Budget debates and has been dealt with by the Secretary for Health and Welfare. In the 1987 debate, he pointed out that the present arrangements, whereby grants are mainly restricted to capital projects, had indeed been approved by this Council. He confirmed that consideration had been given to financing from the fund more recurrent costs but this was felt to be inappropriate since additional recurrent expenditure almost invariably involved a permanent commitment.

But the Secretary has undertaken to monitor carefully the finances of the Lotteries Fund to ensure that they are maintained at a level adequate to meet the requirements of capital expenditure and social welfare field.

Mr. HUI has also suggested that the Jockey Club absorbs the operating costs of the lotteries. The Lotteries Board will continue to monitor the accounts of the club to ensure that the costs incurred are reasonable. But I do not think it is reasonable to suggest that it should absorb the total operating cost of running the lottery.

Sir, in summary, this Bill will introduce a welcome degree of stability into the Lotteries Fund and should provide the latter with a much higher level of income.

Sir, I beg to move.

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).

TOWN PLANNING (AMENDMENT) BILL 1987

Resumption of debate on Second Reading (2 December 1987)

Question proposed, put and agreed to.

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee.

BETTING DUTY (AMENDMENT) BILL 1987

Clauses 1 to 3 were agreed.

TOWN PLANNING (AMENDMENT) BILL 1987

Clauses 1 to 8 were agreed.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

BETTING DUTY (AMENDMENT) BILL 1987 and the

TOWN PLANNING (AMENDMENT) BILL 1987

had passed through Committee without amendment. He moved the Third Reading of the Bill.

Question put on the Bills and agreed to.

Bill read the Third time and passed.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 20 January 1988.

Adjourned accordingly at seven minutes to Four o'clock.

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