

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 15 June 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 (*Acting*)

MR. DAVID ALAN CHALLONER NENDICK, J.P.

THE HONOURABLE THE ATTORNEY GENERAL

MR. JEREMY FELL MATHEWS, 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 DONALD LIAO POON-HUAI, C.B.E., J.P.

SECRETARY FOR DISTRICT ADMINISTRATION

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

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

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

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

THE HONOURABLE MARIA TAM WAI-CHU, C.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 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, O.B.E., 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
DR. THE HONOURABLE CONRAD LAM KUI-SHING
THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.
THE HONOURABLE LIU LIT-FOR, J.P.
THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.
THE HONOURABLE PANG CHUN-HOI, M.B.E.
THE HONOURABLE POON CHI-FAI
PROF. THE HONOURABLE POON CHUNG-KWONG
THE HONOURABLE HELMUT SOHMEN
THE HONOURABLE SZETO WAH
THE HONOURABLE TAI CHIN-WAH
THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING
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 RONALD GEORGE BLACKER BRIDGE, O.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER
THE HONOURABLE EDWARD HO SING-TIN, J.P.
THE HONOURABLE GEOFFREY THOMAS BARNES, J.P.
SECRETARY FOR SECURITY
THE HONOURABLE PETER TSAO KWANG-YUNG, C.P.M., J.P.
SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION
THE HONOURABLE CANICE MAK CHUN-FONG
SECRETARY FOR TRANSPORT (*Acting*)
THE HONOURABLE CHARLES ROBERT SAUNDERS, J.P.
SECRETARY FOR LANDS AND WORKS (*Acting*)

ABSENT

THE HONOURABLE LYDIA DUNN, C.B.E., J.P.
THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, O.B.E., J.P.
THE HONOURABLE KIM CHAM YAU-SUM, J.P.
THE HONOURABLE RICHARD LAI SUNG-LUNG
THE HONOURABLE DESMOND LEE YU-TAI
THE HONOURABLE DAVID LI KWOK-PO, J.P.

IN ATTENDANCE

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

Oath

Mr. Canice MAK Chun-fong took the Oath of Allegiance.

Papers

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

Subject *L.N. No.*

Subsidiary Legislation:

Immigration Ordinance	
Immigration (Vietnamese Refugee Centres) (Closed Centre) (Amendment) Rules 1988.....	160/88
Education (Amendment) Regulations 1982	
Education (Amendment) Regulations 1982 (Commencement) Notice 1988.....	161/88
Inland Revenue Ordinance	
Inland Revenue (Interest Tax) (Exemption) (Amendment) (No.5) Notice 1988.....	162/88
Tax Reserve Certificates (Fourth Series) Rules	
Tax Reserve Certificates (Rate of Interest) (No.4) Notice 1988	163/88

Oral answers to questions**Traffic congestion at the Lion Rock Tunnel**

1. DR. LAM asked (in Cantonese): *Will Government inform this Council:*

SECRETARY FOR TRANSPORT: Sir, the tidal flow arrangement, which has been introduced

- (a) *how effective is the tidal flow arrangement in easing the traffic congestion at the Lion Rock Tunnel; and*
- (b) *apart from the aforementioned tidal flow arrangement, will Government adopt other measures to alleviate traffic congestion at the Lion Rock Tunnel?*

since mid-January, operates between 6 am and 7.30 am on weekdays. Its introduction has achieved a 20 per cent increase in throughput of southbound traffic from 3 300 vehicles to about 3 900 vehicles between 7 am and 8 am. It defers the formation of the southbound traffic queue on Lion Rock Tunnel Road until 7.30 am, and reduces thereafter the average queue length from 3.5 km to about 2.5 km. As a result, the journey times of southbound traffic in the morning peak hours have been reduced by an average of 10 to 15 minutes.

In addition to tidal flow, other traffic management measures have also been introduced to maximise the throughput of the tunnel during the morning peak hours. These include the use of traffic lights to regulate merging movements at the southbound approach to the tunnel and the introduction of bus lanes along Kowloon-bound Lion Rock Tunnel Road, Hung Mui Kuk Road and Che Kung Miu Road. The bus lanes have resulted in an average reduction of five minutes for bus journeys.

Apart from the above measures, other arrangements have also been recommended by a consultancy study completed in April. They include the reintroduction of the one-way toll scheme to divert northbound traffic to Tai Po Road so that the operation period of the tidal flow can be extended, further extension of the time for bus lanes and bus priority scheme along westbound Lung Cheung Road. The relevant district boards are being consulted on these and recommendations will be put to the Governor in Council after the Transport Advisory Committee and district boards have been consulted.

Apart from traffic management measures, a number of road projects are under construction to provide additional capacity. The link road connecting Ma On Shan and Nai Chung Road, to be completed in August this year, will enable traffic to by-pass Lion Rock Tunnel and re-route through Sai Kung to Kowloon via Hiram's Highway and Clearwater Bay Road. The completion of Route 5 from Sha Tin to Tsuen Wan and the widening of Tai Po Road by the end of 1989 will relieve substantially traffic congestion in the corridor. The completion of Road T6 across the Shing Mun River in 1990 will provide a shorter route from Tolo Highway to Kowloon via the Ma On Shan-Nai Chung link road.

Sir, with these improvements, I hope that traffic congestion at the Lion Rock Tunnel can be maintained at a tolerable level until the opening of Tate's Cairn Tunnel in 1991.

DR. LAM (in Cantonese): *Sir, whenever there are accidents inside and outside the Lion Rock Tunnel, there will be traffic congestion or chaos. What measures will the Government take to direct drivers so that they will not use the roads affected?*

SECRETARY FOR TRANSPORT (in Cantonese): *Sir, recently we had several incidents of road congestion; in particular the section from north eastern New Territories to Kowloon. We are presently reviewing emergency measures to see whether they are adequate to cope with accidents involving KCRC trains or accidents on the road or both types of accidents happening together. We will try to introduce the most appropriate measures to reduce congestion.*

DR. LAM (in Cantonese): *Sir, may I know when the review would be completed and when the public will be advised of these measures?*

SECRETARY FOR TRANSPORT (in Cantonese): Sir, actually we already have well established emergency measures but since we have accidents happening both on the railway and within the tunnel at more or less the same time, we are conducting a fresh review; within two weeks time we will be able to inform the public of the new measures.

MR. ANDREW WONG (in Cantonese): *Sir, may I refer the Secretary for Transport back to paragraph 4 of his answer, that is about the completion of the Nai Chung Road in August and ask how many cars will take this link road, and if there are too many cars taking this link road, whether Hiram's Highway will be able to cope with the high volume of traffic? We know that this section is very narrow, in particular the bend near Sai Kung Town.*

SECRETARY FOR TRANSPORT (in Cantonese): Sir, according to our estimate, the link road after completion will not be used by a great number of cars going to Kowloon because the drivers will need extra time if they use this road. Some cars going to north eastern Kowloon will use this road; we have a plan to improve the link road and hope that this will make the flow smoother.

MR. HO SAI-CHU (in Cantonese): *Sir, I would like to refer to paragraph 1 of the Secretary for Transport's reply which says that the journey times have been reduced by an average of 10 to 15 minutes. May I ask what the original time is? The final paragraph of the answer talks about reducing the congestion to a 'tolerable level'. I would like to know how he would define 'tolerable level'.*

SECRETARY FOR TRANSPORT (in Cantonese): Sir, the time required to pass through Lion Rock Tunnel Road in the morning peak hours was about 27 to 30 minutes. After the introduction of the tidal flow arrangement, it has been reduced to 20 to 25 minutes.

MR. HO SAI-CHU (in Cantonese): *Sir, could the Secretary for Transport answer my second question concerning 'tolerable level'? How many minutes are regarded as tolerable?*

SECRETARY FOR TRANSPORT (in Cantonese): I am sorry, Mr. HO, for forgetting about the second part of your question. We think we have already tried our best to solve the problem of traffic congestion. I think that the present level is relatively tolerable but, of course, we hope that such a level can be maintained until the completion of the road improvement scheme in 1989, and after we have finished with all the improvement projects, I am sure that the congestion problem will be reduced.

Compensation for railways accidents victims

2. DR. CHIU asked: *Will Government inform this Council whether people injured on trains or within the precincts of train stations are covered by any provisions similar to the Traffic Accident Victims Assistance Scheme (TAVAS) and, if not, will consideration be given to extending TAVAS or establishing a separate scheme to cover such victims?*

SECRETARY FOR HEALTH AND WELFARE: Sir, persons who are injured on trains or within the precincts of railway stations are not covered by any scheme similar to the Traffic Accidents Victims Assistance Scheme (TAVAS).

The question of extending TAVAS to cover victims of railway accidents or setting up a separate fund was considered in some detail a few years ago. There is, however, a basic difference between accidents on the roads and on the railways. Whereas everybody has the right of access to public roads, people involved in accidents on the railways are either fare paying passengers, who are in a contractual position whereby the carrier is required to take all reasonable steps to ensure their safety, or are trespassers on railway property. Moreover, one of the main reasons why the TAVAS was introduced is the frequent difficulty in identifying drivers involved in road accidents. This problem does not arise in the case of railway accidents. For this reason it was decided not to extend the scheme to cover railway accidents, and I see no reason to change this view at present. If accidents do occur and the victims are unable to obtain compensation quickly, assistance can usually be provided through the social security system or through charitable funds under the control of the Director of Social Welfare.

DR. CHIU: *Sir, is the Government aware that it appears to be very odd that road accident victims are covered by a special scheme, whereas no similar coverage is provided for train accident victims, bearing in mind that something like over 1 million passengers use the MTR and KCR daily?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I agree that there is some apparent contradictory nature about this problem but I think the difficulty is that if we extended the TAVAS or something like it to the railway system, which is basically on private property, there would really be no logical reason why we should not also have similar schemes for people injured on other private property, such as escalators in shopping centres and many other areas and it would be very difficult to stop short of a full 'no fault' compensation scheme. As far as I am aware, the only country that has such a scheme is New Zealand where it is part of the contributory social security system. Also, I think we should take into account the numbers of accidents involved. In the financial year 1987-88, the number of traffic casualties reported to the police was 21 790 and of these, 6 400 applied to the TAVAS fund for assistance. The number of

reported accidents on the two railway systems during the year 1987 was 661 on the MTR and 69 on the KCR, so the scope of the problem therefore is very different.

MR. MARTIN LEE: *Sir, would the Secretary kindly inform this Council what he means by the 'philosophical problems' he referred to in the second paragraph of his reply which apparently had found favour with the Secretary?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I do not think I actually referred to 'philosophical problems' but I pointed out the basic difference between a public road and a railway operation which is on property which is not generally open to the public unless they are passengers. In other circumstances they would be trespassers.

MR. PETER C. WONG: *Can the Secretary explain what are the practical problems?*

SECRETARY FOR HEALTH AND WELFARE: Sir, if we extended the system to the railways, where would we stop? The railways are basically private property and accidents on the railway line or in railway stations are subject to the responsibility of the railway corporation to take reasonable measures to ensure the safety of their passengers and the situation seems to me to be quite different from that on public roads to which pedestrians and other road users all have access.

DR. CHIU: *Sir, with reference to the last paragraph, will the Secretary tell us how existing social security arrangements can be developed and improved in order to bring real relief to train accident victims?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the public assistance scheme already provides that any household whose income falls below the prescribed level can apply for public assistance and if this occurred as a result of an accident by which someone was unable to work for an extended period, then the public assistance scheme would be able to provide assistance in those circumstances.

MR. MARTIN LEE: *Sir, is it realistic to rely on the ground that railways are on private land in order to justify the decision not to extend TAVAS to cover victims of train accidents when so many members of the public travel by train and are encouraged to do so by the Government?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I think people are encouraged to travel by train for quite different reasons, one of the reasons is congestion on the roads, which I do not think are relevant to the present issue. I have just noticed, Sir, that the text of my answer which has been distributed to Members is not the same as the text which I delivered. I am not sure how it has happened. I must apologise for that.

Controls over the operation of pest control companies

3. PROF. POON asked: *Will Government consider introducing legislative measures to regulate the operation of pest control services in Hong Kong to ensure public safety?*

SECRETARY FOR HEALTH AND WELFARE: Sir, at present, the Government is not considering the introduction of statutory controls over the operation of pest control companies. Instead, a number of non-statutory measures aimed at encouraging self-regulation within the industry are being considered. These will be implemented in co-operation with the Hong Kong Pest Control Association, an association of the major pest control companies operating in Hong Kong.

The proposed measures include the drawing up of a code of practice which will be binding upon members of the association, the introduction of training courses for pest control operators and the organisation of seminars on pest control matters for members of the trade and the public. These efforts will be actively supported by the government departments involved who will provide expertise as required.

In addition, an element of indirect control is being considered by means of amendments to the Agricultural Pesticides Ordinance. These amendments will extend the existing controls under this Ordinance to cover the import, supply, storage, transportation, retailing, labelling, bottling and maximum concentration levels of non-agricultural pesticides, including all those currently used by pest control companies.

At the present time, the Government takes the view that self-regulation within the industry, coupled with a higher level of public awareness is the most appropriate way to encourage companies to raise safety standards.

PROF. POON: *Sir, will the Secretary inform this Council if pest control companies are required to carry personal indemnity insurance?*

SECRETARY FOR HEALTH AND WELFARE: Sir, as I understand it, there is no legal requirement for this to be done.

MR. CHUNG: *Sir, I welcome the Secretary's announcement to consider the controls under the Agriculture Pesticides Ordinance being inclusive of labelling of non-agricultural pesticides. May I know whether the Secretary will consider compulsory first-aid instructions on the labels so that in case of need people affected may know what to do?*

SECRETARY FOR HEALTH AND WELFARE: Sir, this proposal will be considered in the context of the drafting of the regulations.

MR. SOHMEN: *Sir, is it mandatory for enterprises engaged in pest control to be members of the Pest Control Association?*

SECRETARY FOR HEALTH AND WELFARE: No, Sir.

PROF. POON: *Will the Secretary inform this Council if there is any statistics of pesticide poisoning in the last five years?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I am afraid I do not have such statistics and I doubt whether the medical records which are kept are in such form but I will make further enquiries and write to Prof. POON. (See Annex I)

MR. CHUNG: *Sir, may I know when the code of practice will be drawn up?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the code of practice is being drafted and will I hope be in force in the next six months.

Wastage of police officers

4. DR. HO asked: *Will Government inform this Council of the number and the ranks of the officers (including the rank and file) who have left the Royal Hong Kong Police Force through early retirements and resignations during the last five years and, in the light of these retirements/resignations, whether the prospects of expanding the force to replace the British Garrison for border duties will be seriously affected?*

SECRETARY FOR SECURITY: Sir, detailed statistics on early retirements and resignations from the Royal Hong Kong Police over the past five years are difficult to present orally. I have therefore set them out in the appendix.

The figures indicating the scale and pattern of early retirements have been stable at a low level over recent years and are not a cause for concern.

As for resignations, there has been an increase in respect of inspectors and junior police officers in 1987 and the first five months of 1988. I am satisfied, however, that although this trend must be watched closely, these resignations have not seriously affected the expansion plans designed to enable the police to resume the anti-illegal immigration duties at present undertaken by the British Garrison. Recruitment will, of course, play an important part in this expansion but I am informed by the Commissioner of Police that recruitment targets are being met without reducing standards, and that both wastage rates and recruitment are matters which are kept under close and constant scrutiny.

Appendix

Early retirements from the RHKPF 1983-1988

<i>Rank</i>	<i>1983</i>	<i>1984</i>	<i>1985</i>	<i>1986</i>	<i>1987</i>	<i>to 31 May 1988</i>
Gazetted officer	5	3	7	5	5	—
Inspectorate	5	6	—	4	4	1
JPO	96	61	72	37	66	26
Total	106	70	79	46	75	27

Resignations from the RHKPF 1983-1988

<i>Rank</i>	<i>1983</i>	<i>1984</i>	<i>1985</i>	<i>1986</i>	<i>1987</i>	<i>to 31 May 1988</i>
Gazetted officer	—	1	2	2	—	—
Inspectorate	27	29	20	19	38	14
JPO	293	220	209	222	312	228
Total	320	250	231	243	350	242

DR. HO: *Sir, will the Secretary inform this Council what measures will be taken to reduce the number of inspectors and junior police officers leaving the force, in particular those who have developed expertise in specialised fields, given the fact that there is a considerable number leaving the Commercial Crime Bureau?*

SECRETARY FOR SECURITY: *Sir, one of the measures which the Government hopes will retain people in the force and attract people to the force, is the review led by Mr. RENNIE which is at present in progress. As you know, this is to consider the pay and terms and conditions of service of employment of all the disciplined services, including of course the Royal Hong Kong Police Force. Any difficulties over the retention of staff will be a factor which will be taken into account in this review. We must therefore await the findings of the review before considering what, if any, remedial action will subsequently be required.*

MR. CHEONG-LEEN: *Sir, can consideration be given to raising the standards when recruitment takes place in view of the rising standard of education and of expectation by our population and on that premise can careful consideration be given to what problems might be placed in terms of expansion for recruitment in the future?*

SECRETARY FOR SECURITY: *Yes, Sir, the standards are something which are constantly under review by the police themselves and from time to time changes are made in the standards required for people to join the police force. At the moment, it is not intended that there should be any change in this. As regards the attraction of applications both for constable posts and for inspector posts,*

this is something which is also in hand. Measures include increased publicity, more visits to tertiary institutions, and the introduction of a system of postal applications and there has, in fact, been a marked improvement as a result of these efforts by the Royal Hong Kong Police Force. For inspector posts, for instance, there have been 308 applications in the first few months of this year which, in fact, is a 55 per cent increase over the same period last year. As far as police constable posts are concerned, the remedial measures that have been introduced have had an immediate effect as well: for the first two months of the current year, there have been 1 923 applications compared with 996 for the same period last year. This is a 93 per cent increase.

MR. ANDREW WONG: *Sir, will the Secretary inform this Council as to the retirement age for police officers and whether there is, in fact, a 20 year rule, in that an officer joining the force at the age of 20 can retire at the age of 40 and, if so, are these figures included in the table under 'Early Retirement'?*

SECRETARY FOR SECURITY: Sir, I am afraid I do not have that information this afternoon but I shall be very happy to provide that in writing. (See Annex II)

DR. HO: *Sir, it is understood that the fluctuating exchange rate is affecting the morale among expatriate police officers. I wonder whether the problem caused by the exchange rate has been included in the review? If not, will the Secretary consider doing so?*

SECRETARY FOR SECURITY: Yes, Sir, I can confirm that the concern about the exchange rate is something which has been brought to the attention of Mr. RENNIE and will be considered by him in his review.

The Working Party on Postgraduate Medical Education and Training

5. DR. IP asked: *In relation to the Working Group on Postgraduate Medical Education, will Government give an assurance that the group, prior to finalising their report to Government, duly consult the relevant professional specialties, paediatrics, orthopaedics, and anaesthesiology, which, contrary to the provisional report, it intends to delete as being eligible for the formation of a college?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the Working Party on Postgraduate Medical Education and Training issued an interim report in September 1987. In that report, a list of possible colleges and specialty boards which might form the proposed Hong Kong Academy of Medicine was set out. The report made it clear that this list was tentative only and sought further views on this question from members of the medical profession. I expect to receive the working party's final report in the autumn and in the meantime it would be quite inappropriate for me to require the working party to carry out further consultation on this or any other matter; this is for the working party to decide.

Once the working party's final recommendations have been received, I accept that it may be necessary to carry out further consultation before the proposals are put to the Governor in Council for decision.

DR. IP: *Sir, will Government give an assurance that it would carry out further consultation with doctors from all specialties before putting the final proposals to the Governor in Council?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I think this will depend on the nature of the recommendations. Certainly if it appears that there are still matters which are controversial I would envisage that further consultation would take place.

PROF. POON: *Sir, are there any paediatricians, orthopaedic surgeons and anaesthetists in the working party?*

SECRETARY FOR HEALTH AND WELFARE: Sir, as far as I am aware there are not. The medical profession is fairly widely represented on the working party but given the need to keep the numbers to a reasonable size, it was not possible to include members from all sub-specialties.

DR. HO: *Sir, how does the working party arrive at a decision whether or not a specialty should have a college?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the working party has not yet arrived at a decision. I have not yet received its report but in the interim report which was produced last Autumn, the whole question was discussed as to whether there should be a fairly small number of large colleges or a rather larger number of specialties having their own colleges. If you have a small number of colleges, the intention would be to have either boards or faculties within colleges for the more specialised areas. From what I understood from the working party's interim report, they were concerned about having a proliferation of many perhaps rather unviable small institutions and this was the main factor which weighed with them in their consideration of exactly how many colleges there should be.

MR. EDWARD HO: *Sir, will the Secretary inform this Council what are the criteria which need to be fulfilled before a college can be formed, and in what ways do paediatrics, orthopaedics and anaesthesiology not qualify?*

SECRETARY FOR HEALTH AND WELFARE: I think this is really one of the reasons why I appointed the working party to advise me precisely on these points. They are obviously in some difficulty in deciding exactly what should be the criteria; whether every significant specialty should have its own college or whether it would not be more practical, viable and economic to have a number of larger colleges with divisions into boards or faculties.

DR. IP: *Sir, we have heard about the shortage of psychiatrists during the discussion on the Mental Health (Amendment) Bill 1987, but they appear to qualify for a college. In this respect, can the Secretary enlighten this Council what the number of paediatricians are there in Hong Kong, as compared with that of psychiatrists?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I think that numbers are not entirely relevant in the sense that psychiatry is quite obviously a very separate area of medicine. It is quite common practice I believe in other countries for paediatricians to come within the college of physicians, and for anaesthetists to come within the province of surgery.

MRS. TAM: *Sir, when the tentative list of possible colleges and specialty boards were set out in the interim report, has the working party discussed with the specialties which it intends to exclude as qualifying for a college?*

SECRETARY FOR HEALTH AND WELFARE: Sir, the working party published the interim report precisely in order to give all those concerned an opportunity to express their views.

MR. PETER POON: *May I ask the Secretary whether he can give an assurance that the working party would take thoroughly into account the experience of the medical profession elsewhere before it makes its final recommendation and also consider whether further consultation will be necessary?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I can certainly give that assurance. In fact, that is one reason why we have brought Dr. HALNAN to Hong Kong to head this working party; he has had very considerable experience in the practice in other countries.

MRS. FAN: *Sir, can the Secretary tell us whether the working party will take into consideration the financial consequences of what it proposes?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I certainly hope that it will do so!

DR. IP: *Sir, is the Secretary aware that an Academy of Paediatrics exists in America for many years?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I was not aware of that but I am sure the members of the working party have been fully apprised of this.

Overcharging by taxi-drivers

6. MRS. CHOW asked: *Can Government explain why the number of prosecutions of overcharging by taxi-drivers has not corresponded with the increase in the number of complaints in the past 18 months, whether this reflects a loophole in the law, and what action is Government planning to abort this trend?*

SECRETARY FOR TRANSPORT: Sir, the number of complaints concerning overcharging which the police received between April 1985 to March 1986 and between April 1986 to March 1987 were 155 and 140 respectively. The number of prosecutions made during these periods were 33 (or 21.3 per cent) and 28 (or 20 per cent). There was a significant increase in the number of complaints received between April 1987 and March 1988, being 240. A total of 50 prosecutions (or 20.2 per cent) were made in the same period. These figures indicate consistent efforts by the police to handle complaints on overcharging.

Regulation 47(2) of the Road Traffic (Public Service Vehicle) Regulations prohibits a taxi owner or driver from charging a fare exceeding the appropriate scale of fares specified in the fifth schedule of the regulations. The penalty for overcharging is a fine of \$3,000 and imprisonment for six months. I believe the law is adequate in dealing with the offence.

To deter taxi drivers from overcharging or other malpractice and to encourage complainants to come forward, a complaint hot line of the Transport Advisory Committee Transport Complaints Unit (TCU) is shown inside taxis. Passengers who suspect that they have been overcharged can contact the TCU through this hot line. When a person makes a complaint to the unit, the complainant will be asked whether he or she is willing to be a court witness. If he or she is willing, the Transport Complaint Unit will arrange the police to contact him or her to make further enquiries. To inconvenience complainants as little as possible, every effort is made by police to take statements at locations convenient to them, for example, home, office or the nearest police station.

MRS. CHOW: *Sir, may I first comment that the answer really falls outside the period referred to in my question. I would like to just draw attention to the first paragraph of the Secretary's answer. In fact, almost the entire period falls outside the 18 months that I am concerned about. Referring to paragraph 3 of the Secretary's answer, why have the numbers of complaints directed to the Transport Complaints Unit not been included, and if included, would the Secretary confirm that in fact, the total figures add up to 670 between April 1987 and March 1988, while the number of prosecutions during the same period has dwindled to only 26?*

SECRETARY FOR TRANSPORT: Sir, I am sorry that the period covered in my answer was not directly corresponding to the period asked in the question, because all the records of the police are kept manually, and in the short time available we can only give yearly figures, but I will endeavour to provide

Mrs. CHOW with the required figures. (See Annex III) With respect to the second part of the question, I think the complaints come from two sources generally; the first are those addressed to the Transport Complaints Unit, and the second is from the public reporting directly to the police, so this may account for the discrepancy in the figures shown here.

MR. YEUNG: *Sir, is there any regulation governing that the complaints hot line number should be displayed inside the taxi at a spot that can easily be noticed by passengers, and whether the relatively low number of prosecutions is a result of the complainants failing or being unwilling to appear as court witnesses?*

SECRETARY FOR TRANSPORT: It is not a statutory requirement to have the hot line number of the Traffic Complaints Unit shown inside taxis, but we have generally managed to obtain the co-operation of taxi associations to have this number shown inside taxis. In fact, most of the taxis have this hot line number inside them, and it makes it convenient for those who suspect they have been overcharged to make complaints.

MR. NGAI: *Sir, will the Secretary tell us the number of successful prosecutions during the period in question, and how heavy were the penalties imposed, and under what circumstances would the suspension of taxi licences be imposed as a penalty?*

SECRETARY FOR TRANSPORT: Sir, I am sorry I do not have the success rates of the prosecutions ready at hand. I will supply them to the hon. Member afterwards. (See Annex IV) With respect to the question of whether the driver can be disqualified, there is no such law at the moment but the Taxi Review Committee has made a recommendation that drivers who are found persistently guilty of malpractices should be suspended from driving a taxi, and this is being considered by the Transport Department.

DR. HO: *Sir, is the Secretary for Transport aware of the fact that many taxis waiting at taxi stands refuse hire? What measures will Government propose to discourage this malpractice in order to improve the taxi service to the public?*

SECRETARY FOR TRANSPORT: The refusal to hire at a taxi stand is an offence under the law but, of course, the police would need willing witnesses to come forward to testify before a prosecution can be brought against a driver. But I will certainly draw the attention of the police to this.

MR. CHEONG-LEEN: *Sir, there seems to be some discrepancy in the figures provided by the Secretary and Mrs. CHOW and Mrs. CHOW's figures seem to be more accurate. Bearing in mind that the Secretary has said that the complaints come from two sources, does he know what proportion of those complaints are*

from tourists who are visiting Hong Kong, and if the greater majority of the complaints are from tourists, what procedures or arrangements are provided to take evidence from tourists so that a prosecution can take place if there is a possibility of such taking place?

SECRETARY FOR TRANSPORT: Sir, I am sorry I do not have ready figures involving tourists ready at hand, but the normal course for charging a taxi driver for overcharging is to use the summons procedure. The summons procedure I realise is not highly satisfactory because it usually takes two to four months to process a case, but in case there is sufficient evidence, the police have assured me they can arrest a driver and bring him or her to court within one or two days.

MRS. CHOW: *Sir, may I have your leave to assure Mr. CHEONG-LEEN that my figures are quite correct as they were obtained from the Police Traffic Prosecutions Statistics Office and the secretary of the Traffic Complaints Unit, and they are up to date and accurate. May I ask the Secretary whether the low percentage of prosecutions in relation to the total number of complaints, that is, only 3 per cent, reflects difficulties in enforcement of the existing law, or a reluctance on the part of the police to prosecute. And does this insignificantly low number fail to deter the rapid growth of malpractice, and does Government intend to step up prosecution as an effective follow-up to complaints?*

SECRETARY FOR TRANSPORT: Sir, I think I said the prosecution rate is about 20 per cent of those complaints received. There are various reasons why a prosecution cannot be brought forward; the first is that a complainant subsequently withdraws his complaint, or he cannot be contacted by the police. The second reason is that an incorrect vehicle registration number has been given and the third reason was that the evidence was considered insufficient by the police for a successful prosecution.

MR. CHUNG: *Sir, could the Secretary inform this Council whether where necessary the Government would pay for all the travelling expenses in order to encourage the tourists to come here to give evidence in court?*

SECRETARY FOR TRANSPORT: Sir, I think if a tourist is involved, the police will normally consider the question of arrest so that while the tourist is still in Hong Kong, the prosecution can be brought forward, and there have been cases where tourists were brought back at the Government's expense if it is considered that a case is serious enough.

MR. YEUNG: *Apart from the reasons given to us earlier by the Secretary for Transport, I would be grateful if he could also answer the second part of my earlier question which is whether the relatively low number of prosecutions is the result of the complainants failing or unwilling to appear as court witnesses?*

SECRETARY FOR TRANSPORT: Sir, yes, a number of prosecutions were not able to be pursued because the complainants were not willing to come forward as witnesses. Therefore, because of this a new procedure was in fact introduced in May this year whereby when a complaint is made to the Transport Complaints Unit, the complainant will be asked whether he would be willing to be a witness in court. If he is willing, we will arrange for the police to contact him either at his home, his office or the nearest police station. This I hope will bring the number of prosecutions up.

MRS. NG (in cantonese): *In fact, my question has been asked by Mr. CHEONG-LEEN. I think the Administration should make the procedure for handling tourists' complaints more effective. Even though we may provide them with air tickets, they may not have the time to come back to Hong Kong to be witnesses so I hope more attention will be paid to complaints from tourists.*

MR. CHEONG-LEEN: *Sir, can the Secretary for Transport inform this council of the number of tourists who have put in complaints versus the number of local people over the period mentioned by Mrs. CHOW, and the number of prosecutions which took place in respect of complaints which were received from tourists, and will consideration be given as to how the procedure to follow up on complaints received from tourists can be improved, especially procedures on prosecution, because I think this is a very important area for consideration?*

SECRETARY FOR TRANSPORT: Sir, I will do so.

MRS. CHOW: *Sir, may I request that the Secretary confirm that the figures that he kept going back on are quite incorrect. The 21.3 per cent or whatever is not the correct percentage for the last 18 months whereas the correct percentage is 3 per cent. May I ask him to ascertain that and to let me have it in writing if he cannot answer me now. How is Government to step up prosecution to make it an effective deterrent to this malpractice?*

SECRETARY FOR TRANSPORT: Sir, I will arrange to supply Mrs. CHOW with the figures in writing. (See Annex V)

Mariculture industry in Tolo Harbour

7. MR. ANDREW WONG asked: *In view of the frequent occurrence of red tides in Tolo Harbour, will Government inform this Council what steps are being taken either to make it possible for mariculture to continue in Tolo Harbour or to relocate the mariculture zones within Tolo Harbour to waters outside?*

SECRETARY FOR HEALTH AND WELFARE: Sir, a number of measures have been taken to assist fish farmers to continue to operate in Tolo Harbour. A red tide reporting network has been established to give early warning to the fish farmers and the Agriculture and Fisheries Department provides technical assistance, including advice on the introduction of more efficient aeration devices and improved husbandry practices. In addition, the implementation from 24 June 1988 of the Tolo Harbour Action Plan, which includes the control of livestock waste in the area surrounding Tolo Harbour as well as various sewerage and sludge control schemes are expected to bring about improvements in water quality during the next few years.

Action is also being taken by the Agriculture and Fisheries Department to identify additional areas for mariculture; these include an extension to the Sham Wan fish culture zone in Long Harbour and the possible establishment of a new zone at Sham Chung, Kat O. However, it must be recognised that mariculture is itself a polluting occupation because of the organic matter which is put into the sea to feed the fish and the kitchen and toilet wastes which are frequently discharged by those living on the fish rafts. Given the intensity of competing demands for the use of coastal waters, particularly for recreation, future expansion of the mariculture industry is expected to be limited.

MR. ANDREW WONG: *Sir, with reference to the conclusion of the Secretary's answer, can the Secretary confirm that recreation certainly is not taking precedence over production?*

SECRETARY FOR HEALTH AND WELFARE: Sir, in Hong Kong's crowded situation which applies to our waters as well as to land, a balance has to be struck in all these things and I think recreation is a very significant part of the requirement of the use of waters and has to be taken into account.

MR. LAU (in Cantonese): *Sir, the mariculture zone in Tolo Harbour has been frequently affected by red tides. Does it mean that at the beginning when the Government designated Tolo Harbour as a mariculture zone, insufficient consideration was given to all the factors. Will such lessons be learned in the future?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I understand that the designation of fish culture zones at Yim Tin Tsai in Tolo Harbour was made at the request of the fishermen. They were informed of the risk from the inferior water quality of Tolo Harbour, but they insisted that they had confidence in their ability to operate viable mariculture in the area, and it was as a result of these two considerations that the decision was taken to permit them to go ahead.

PROF. POON: *Sir, will the Government consider setting up a loan fund to enable fish farmers to resume operations if they have suffered serious financial hardship arising from pollution?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I believe the Director of Agriculture and Fisheries does have such funds at his disposal but I will confirm this, and write to Prof. POON. (See Annex VI)

MR. ANDREW WONG: *Sir, my original question was in two parts; to improve the water quality within Tolo Harbour and to have new mariculture zones outside the waters of Tolo Harbour. May I ask how many years it will take before the water quality within Tolo Harbour will be improved to such an extent that no further problems will occur, or the water problems can be put under control? Or will the Secretary say that the problem is already under control since the introduction of the Tolo Harbour Action Plan in June 1988. I think it would be important to have a date as to when a favourable decision will be taken for the establishment of further mariculture zones in Sham Wan itself, and the new zone called Sham Chung, Kat O?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I would be a very brave man to hazard a guess as to when our measures to improve the situation in Tolo Harbour will bear fruit. On 24 June, in fact next week, we are starting the first phase of the Livestock Waste Control Scheme. It has been said that Tolo Harbour is virtually already dead. I very sincerely hope that this is not so, and that the measures that we are about to embark on will improve the condition of the waters in Tolo Harbour to such an extent that fish culture will be possible, possibly in more areas in the future. So far as the proposed new zones at Sham Wan and Sham Chung are concerned, I shall have to consult the director and advise Mr. WONG on when they are expected to come into effect.

MR. TAI: *May I ask, Sir, whether any request has been made by the mariculturists to extend the marine zones, and whether they have put forward any suggestion for the zoning?*

SECRETARY FOR HEALTH AND WELFARE: Sir, I understand that these proposals for Sham Wan and Sham Chung are the result of requests from the mariculturists.

MR. CHEONG-LEEN: *Sir, can I have an assurance from the Secretary that the Tolo Harbour Action Plan is being given top priority by Government?*

SECRETARY FOR HEALTH AND WELFARE: Yes, Sir, I can give that assurance!

Future of Lingnan College

8. DR. TSE asked: *Will Government inform this Council what measures it intends to take on the future of Lingnan College as a result of the recent assessment made by the United Kingdom Council for National Academic Awards of the college's academic programme?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I think it would be helpful if I briefly explained the background against which the United Kingdom Council for National Academic Awards (CNAA) carried out its recent assessment of the academic standards of Lingnan College.

In 1978, the college was registered as a post-secondary college under the Post Secondary Colleges Ordinance. It adopts a 2-2-1 course structure: that is to say, two years of Form VI; a two year post-Form VI course leading to a Lingnan Higher Diploma; and one further year leading to a Lingnan Honours Diploma. For the first four years of study, it receives a subvention from the Education Department, based on a formula derived from the unit cost of a Form VI place.

These arrangements are in accordance with the terms of the 1978 White Paper on Senior Secondary and Tertiary Education, which also stipulated that the standards of the qualifications awarded by such assisted post-secondary colleges should be assessed to ensure comparability with those of the polytechnic. The Education Department therefore arranged for the college to be assessed by the CNAA in 1981. The outcome of that assessment was very disappointing and it was clear that government subvention could only continue to be justified if standards were substantially improved. The college was therefore told that change was needed.

Early in 1986, the college was told that a further assessment would be carried out towards the end of 1987 and that the continuation of government assistance might depend on the outcome of this assessment. The Education Department accordingly invited the CNAA to make a further assessment of the college in December last year. The CNAA Report reached us in March. It commented very favourably on the college's substantial progress since the previous report in 1981 making it clear that continued assistance is fully justified.

While we were considering the implications of the report, the college wrote to us early in May asking for increased financial assistance in order to implement some of the suggestions made by the CNAA. We immediately started examining their proposals. We are sympathetic towards their request and are responding to it quickly. It is likely that we will recommend an increase in financial assistance for the college. I hope that we shall be able to make recommendations to this effect within the next few weeks.

Sir, on 1 June, the college made a further separate request for it to be included in the University and Polytechnic Grants Committee (UPGC) system. This proposal has considerable implications for the longer-term role of the college. It will require careful consideration in consultation with the UPGC. However sympathetic we may be to the college and however energetically we may follow up its proposals, it will inevitably be some time before firm conclusions can be reached. I think it would be misleading if I tried to suggest otherwise.

DR. TSE: *Sir, I am glad to hear that Lingnan College has made substantial progress since 1981. Could the Secretary of Education and Manpower inform this Council whether the CNAA now considers that the levels of the Lingnan College higher diploma and honours diploma courses are comparable to those of the Polytechnic courses and if so, would Government be prepared to give the Lingnan College higher diploma and honours diplomas the promised recognitions for the purpose of Civil Service appointments, as stipulated in the 1978 White Paper?*

SECRETARY FOR EDUCATION AND MANPOWER: *Sir, the CNAA's comments did include comments which were to the effect that the quality of the courses did now compare with those of the Polytechnics and the Baptist College. Sir, recognition by the Civil Service I think goes a bit beyond the original question; it certainly goes beyond my own expertise but I will refer this question to the Secretary for the Civil Service.*

MR. CHENG: *Sir, in the last paragraph of his answer, the Secretary said the Lingnan College's proposal has considerable implications for the longer-term role of the college. Will the Secretary inform this Council what are such implications?*

SECRETARY FOR EDUCATION AND MANPOWER: *Sir, it would radically change the nature of the college from the present intention of the college under the Post Secondary Colleges Ordinance; it would change it from the kind of college which is envisaged in that Ordinance to a totally different kind of institution comparable with the other tertiary institutions.*

MRS. TAM: *Sir, what were the terms of reference given for the CNAA team when they came to Hong Kong in 1986? Were the terms of reference only on the assessment of academic standard of the college in order to justify the continuation of government assistance? If not, what else was the CNAA team asked to assess at that time?*

SECRETARY FOR EDUCATION AND MANPOWER: *Sir, yes, the purpose of the assessment was to assess whether assistance should continue and whether the improvement in the college had been sufficient to justify continued assistance.*

MISS TAM: *Sir, can I ask the Secretary whether he can make a clear statement indicating whether he will or will not put the CNAA report to UPGC for consultation?*

SECRETARY FOR EDUCATION AND MANPOWER: *Yes, Sir, it is my intention to consult the UPGC on the proposals.*

MR. SZETO (in Cantonese): *Sir, the employment contract for most of the staff in the Lingnan College will expire very soon. In paragraph 5 of the answer, the Secretary says that the recommendations concerning increased financial*

assistance will be made within the next few weeks. May I ask whether we will have time to keep the teachers in the Lingnan College so that it can maintain its good standards?

SECRETARY FOR EDUCATION AND MANPOWER: Certainly it is our intention to process this as quickly as possible with precisely that point in mind. We hope to be able to provide some increased assistance to the college in time to help it with its present staffing problems.

MR. ANDREW WONG: *Sir, may I know exactly the nature of the increase in financial assistance? Will the financial assistance be on par with the institutions under the UPGC system, so that they can begin to get out from the 'no win' situation?*

SECRETARY FOR EDUCATION AND MANPOWER: We are not yet in a position to say exactly what level of assistance we will recommend, but it will not be comparable to the UPGC institutions, because they are funded on a totally different basis. Lingnan College is funded on a per capita basis, and the other institutions are funded on a block grant basis, so we cannot really compare the two.

MR. PETER POON: *Sir, the Secretary of Education and Manpower uses the words 'However sympathetic we may be and however energetically we may follow up...' in his reply. First, can he confirm at this stage that he is sympathetic to the request of Lingnan College for it to be included in the UPGC system, and that he will follow up such a request energetically. Second, can he give any indication as to how long it will take for firm conclusions to be reached, having regard to the very favourable CNA report on the college and the desirability to upgrade such tertiary institutions so as to encourage more of our secondary school graduates to pursue further studies in Hong Kong?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, on the first part of the question I can confirm at least that I am very sympathetic as I have very close links with the college; my wife taught there for many years and I have close friends amongst the students and amongst the staff. On how soon we can give decisions, as I indicated in my original answer, this is two halves really. I think we can deal with the financial bit within the present system very quickly; as for the other one, I think it would be very rash for me to hazard a guess at this stage.

MR. MARTIN LEE: *Will the Administration inform the Council of the anticipated time frame before a decision is likely to be made to have the Lingnan College included in the UPGC system?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I think it would be as I said just now rash for me to hazard a guess on this but this kind of process normally takes years. There has been some misleading press comparisons with the Baptist

College which seem to imply it was a very quick process in that case but if you actually look at the facts, the process of absorbing the Baptist College into the UPGC system took several years.

DR. TSE: *Sir, I am glad to hear that the Secretary is prepared to make recommendations for an increase in financial assistance to Lingnan College. Could I ask whether it is the intention of the Education Department to allow Lingnan College to drop its Sixth Form course in the coming academic year, and to integrate the rest of the 2 plus 1 programme into a three-year post A-level course by providing subsidy for the last year, which is not being subsidised at the present?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, there is no problem over dropping the Sixth Form. Subsidy for the fifth year, or the third year as Dr. TSE put it, was certainly one of the proposals we are looking at. I am not in a position to commit myself on that at this stage.

DR. HO: *Since increased financial assistance from the Government will be made available to Lingnan College, will the Secretary for Education and Manpower give clear indications to the college as to which recommendations contained in the CNAA assessment report should be implemented in the interim?*

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I think I must clear up a misunderstanding there; I indicated that I hoped to recommend increased financial assistance. Of course, it is not within my power to take a decision on that. As to what recommendations of the CNAA the college should follow up, I think it is a matter for the college rather than for me to advise on.

Written answers to questions

Breaches of lease conditions

9. MR. POON CHI-FAI asked: *Will Government inform this Council what measures it will take when a property owner breaches Crown lease conditions; how does Government ensure that such measures are equitable to the property owners?*

SECRETARY FOR LANDS AND WORKS: Sir, Government takes lease enforcement measures on breaches of lease conditions in order to prevent improper use of private land and buildings, and to support objectives for environmental improvement. There is a small lease enforcement team in every district lands office of the Buildings and Lands Department. District lands officers work to priorities which are aimed at ensuring that the worst offenders are dealt with first. The top priorities are industrial undertakings in residential or non-industrial buildings, particularly those undertakings which are dangerous or obnoxious.

When a breach of conditions is discovered, the owner is given notice that the district lands officer has become aware of such a breach, and a first warning letter is then sent identifying the breach and giving the owner one month to remedy the position. If the breach is sufficiently serious to need more than one month's work to remedy it, then an extension of time will be given, subject to the payment of forbearance fees, to enable the owner to take remedial action. It is only if an owner ignores the warning letters and takes no remedial action that the Buildings and Lands Department will invoke the ultimate sanction of re-entry. Re-entry is therefore only taken as a last resort if all other avenues have been exhausted.

If a breach of conditions occurs, this is usually a matter of fact. But in cases of doubt, legal advice is sought before lease enforcement action is initiated. It should be stressed that the lease enforcement actions described above are carried out fairly, professionally, and in accordance with well-defined procedures.

Nuisance caused by cyclists in country parks

10. MR. CHEONG-LEEN asked: *Will Government inform this Council whether it is aware of the nuisance caused by cyclists in country parks? What is being done to curb the nuisance and whether consideration will be given to designating specific areas in a number of country parks for cycling activity exclusively?*

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, Government is aware of the nuisance caused by cyclists, and particularly by learners, in country parks. Cycling in the parks, in addition to causing annoyance, also represents a safety hazard to other park users.

Under regulation 4(1) of the Country Parks and Special Areas Regulations, no person shall, except with the consent of the authority, bring into a country park or special area any vehicle or bicycle, or drive, use or be in possession of any vehicle or bicycle within a country park or special area. In accordance with this regulation, 'no cycling' signs have been erected at the main entrances to country parks. In addition, advice and warnings are given by park wardens to cyclists to deter them from entering recreational sites, and prosecution action is taken where necessary. In 1987-88, a total of 108 written warnings were issued and 163 prosecutions were initiated.

The Country Parks Authority recognises, however, that there is a need to provide areas within the parks exclusively for cycling activity. A pilot cycling area for this specific objective is being developed at Tai Mong Tsai, Sai Kung and is due for completion in October 1988. If this proves to be successful it is intended that more would be developed.

Statement

Vietnamese boat people: New Policy

CHIEF SECRETARY: Sir, for over 13 years, Vietnamese boat people have been coming to Hong Kong. They have come not to seek a new life in Hong Kong but with the hope of being resettled elsewhere. During that time, we have given temporary asylum to no less than 123 000 boat people and Hong Kong itself has resettled some 15 000 Indo-Chinese refugees.

In the period after the International Conference on the boat people held in Geneva in 1979, resettlement kept pace with arrivals. But although arrivals have risen in recent years, resettlement has continued to fall. In 1987, the number of boat people coming to Hong Kong rose by 65 per cent and those leaving to be resettled dropped by 42 per cent. This year, the situation is even worse.

The massive influx of boat people from Vietnam over the last few months has caused the Government and the community of Hong Kong grave concern. Coming as it does after two years of a steady increase in the number of people arriving and a drastic reduction in the number of resettlement places on offer, it has created an intolerable burden on this already overcrowded territory.

More than 5 000 boat people arrived in Hong Kong during the first five months of 1988. A further 2 621 have arrived so far in June. All but a handful of these people are ethnic Vietnamese and more than 70 per cent come from North Vietnam and have no connections or family links outside Vietnam. Their prospects for resettlement in third countries under current criteria are negligible. They have swelled our total refugee population to over 16 000—a figure higher than at any time since 1980—and are stretching our resources for their reception, accommodation, and care to the limit. The three existing closed centres are full to bursting point, and three additional temporary closed centres have had to be opened to house the continuing flow of arrivals.

Resettlement places to match the current arrival rates of boat people in Hong Kong, or elsewhere in this region, are simply no longer available. The major resettlement countries are increasingly unwilling to accept these people, particularly ethnic Vietnamese from North Vietnam, as refugees for resettlement purposes. Indeed, it is widely believed that a large proportion of Vietnamese boat people, particularly those arriving in Hong Kong, are not refugees, and that they are not leaving Vietnam, in the terms of the 1951 UN Convention on the status of refugees, because of a 'well-founded fear of persecution on grounds of race, religion, nationality or membership of a particular social or political grouping.' They are simply people seeking a better life.

Repatriation for those accepted by Hong Kong as refugees can only be done on a voluntary basis and all efforts to produce a satisfactory agreement with Vietnam on the repatriation of the large numbers of their citizens who continue

to arrive in Hong Kong have so far met with discouraging results. The Vietnamese authorities steadfastly refuse to consider accepting the return of their people except on a case by case basis.

Meanwhile, Sir, the influx of boat people continues unabated, and Hong Kong and other places of first asylum in the South East Asian region are forced to continue shouldering a burden which becomes progressively heavier. A recent seminar involving delegates from ASEAN countries and Hong Kong concluded that the root cause of the problem lay in Vietnam, whose Government had a clear obligation to resolve it, and that it was of fundamental importance to discourage future outflows from that country. It was also clear that existing arrangements which held out the prospect or hope of automatic resettlement for all who left Vietnam, for whatever reason, were a major 'pull factor'.

Sir, it is against the background, of a situation that can no longer be accepted by this community that we have reviewed our current policy, in consultation with HMG. In so doing, we are conscious and indeed appreciative of the assistance provided by resettlement countries in taking so many of our Vietnamese refugees. We hope this process will continue. Indeed, we have greater need of resettlement places now than at any time in the last eight years. We are also grateful to the UNHCR and the many voluntary agencies for the part that they have played. But despite this enormous effort, there is no end in sight to the flood of people arriving here. Sir, more must be done to discourage boat people from leaving Vietnam. We have therefore concluded that the time has come to change our practice of automatically accepting as refugees all boat people who arrive here from Vietnam.

This was not a decision which was taken lightly. Despite the great pressures upon us since boat people first started coming to Hong Kong in 1979, we have never forced anyone away. Nor would we contemplate doing so now. Pushing, or towing, small, leaky boats filled with men, women and children back out to sea would not be acceptable to the majority of people in our humane and caring community. We shall continue therefore to observe our international and humanitarian obligations.

At the same time, it is neither fair nor indeed humane to continue a practice which is based on a promise of resettlement for all, when that promise is no longer valid. There are already over 16 000 Vietnamese refugees in Hong Kong, more than 3 700 of whom have been here in our camps for more than three years. These people have been accepted by Hong Kong as refugees and must continue to be treated as such. Durable solutions for these refugees must be found, and that means primarily resettlement in third countries. But to continue to accept all arrivals as refugees would prejudice even further the prospects for resettlement of those already here and increase the frustration which is already widespread amongst them.

We have therefore concluded that as from midnight tonight, all boat people from Vietnam will be treated as illegal immigrants and detained, like illegal immigrants anywhere in the world, pending their return to their country of origin. However, we shall screen all arrivals. This procedure will determine whether any of them qualify as genuine refugees according to the internationally accepted criteria.

The screening will be carried out by Immigration Department staff on the basis of individual interviews. It is based on guidelines laid down by the UNHCR, who will be able to monitor it. And there will be a right of appeal.

Any screened in as refugees will be accommodated in closed camps with other refugees. All those screened out as illegal immigrants will be detained pending repatriation to Vietnam. They will be held in the Hei Ling Chau Centre which will be vacated and adapted for this purpose in a few days' time. The detention centre will be manned by the Correctional Services Department.

Sir, there is no simple solution to the serious problem which confronts us, we recognise that we cannot solve it on our own and that the introduction of screening is not the whole answer. But we feel most strongly that a stand must be taken here and now against the continuing outflow of boat people from Vietnam, the vast majority of whom have no claim to be treated as refugees in the normal internationally accepted sense.

A durable humanitarian way must be found of stopping these men, women and children from putting to sea in small boats in the hope of making a new life for themselves in Western countries. It is clear that these Western countries are no longer prepared to offer a new life to the numbers of people now leaving Vietnam. And nor should this tiny overcrowded territory be expected to provide a home for them, even if they wanted to stay here, and it is clear they do not.

We therefore urge the international community and the UNHCR to find an international solution to this international problem. Ways must be found of stopping this unhappy tide of humanity from continuing to flood from the shores of Vietnam.

HIS EXCELLENCY THE PRESIDENT: Mr. LEE, I assume this is a question in terms of Standing Order which is short and to elucidate the points in statement just made.

MR. MARTIN LEE: Indeed, Sir, under Standing Order 20(2) may I seek clarification from the Chief Secretary on his statement regarding Vietnamese boat people hitherto invariably called Vietnamese refugees as to whether or not the Government intends to relax the deadline for the change of policy, namely, midnight tonight for those Vietnamese boat people already on the way to Hong Kong, bearing in mind:

- (1) that the Government is going to change a policy of a very long standing; and
- (2) that it normally takes about three months for those boat people to reach Hong Kong after leaving the shores of Vietnam and if not, why not?

CHIEF SECRETARY: Sir, I am afraid to adopt the suggestions made by Mr. Martin LEE would create a great number of difficulties both for the people who are coming from Vietnam and for us here in Hong Kong. What he is suggesting is to extend the deadline to sometime in the future. That would inevitably lead to a very large rush of people trying to meet a new deadline which we have said as a result of his suggestion. I am afraid whenever there is a change of policy of this nature, some people are inevitably caught in that change. But I am satisfied, Sir, as I have said in my statement that we will honour under our new arrangements, the humane international obligations which we take most seriously.

Government Business

Motion

FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion:

That the Factories and Industrial Undertakings (Dangerous Substances) Regulations 1988, made by the Commissioner for Labour on 22 February 1988—

- (1) be amended—
 - (a) by repealing regulation 4(b); and
 - (b) in the first sentence of the First Schedule by adding after ‘solution’—
‘,the concentration being calculated on a weight to weight basis’;
- (2) be approved as amended in paragraph (1).

He said: Sir, I move the resolution standing in my name in the Order Paper. The Factories and Industrial Undertakings (Dangerous Substances) Regulations 1988 were made by the Commissioner for Labour on 22 February 1988. In accordance with section 7(3) of the Factories and Industrial Undertakings Ordinance, I move that these regulations be amended as indicated in the resolution and be approved by this Council.

Industry in Hong Kong is using an increasing number of chemical substances. Many of these substances are dangerous in that they may be explosive, inflammable or harmful to health. The manufacture, conveyance and storage of these substances are already controlled under the Dangerous Goods (General) Regulations made under the Dangerous Goods Ordinance. With the increasing

use of these substances in industry, we now propose to legislate for the labelling, safe use and safe handling of these substances actually on the factory floor. As far as we know, Hong Kong is the first jurisdiction to introduce such regulations.

The dangers arising from ignorance about the properties of substances and their consequent misuse were demonstrated very tragically in 1986 when 14 workers died as a result of an explosion and fire in a fur factory, which was caused by improper use of a highly inflammable liquid.

The regulations provide that the proprietor of a specified industrial undertaking will be responsible for the labelling in a prescribed manner of dangerous substances which are used, handled or stored in his workplace. The proprietor is also required to provide his employees with information on the hazards and the precautions necessary in handling these substances. He is also required to provide adequate safety instructions, training and suitable protective clothing and equipment to employees exposed to such substances, and to ensure that the clothing and equipment are properly used.

The regulations also require employees to comply with the safety instructions and to take other appropriate precautions. An employee must use the protective clothing or equipment provided by the employer in a proper manner and he must refrain from eating, drinking or smoking in a workroom in which dangerous substances are used.

The regulations will apply where a dangerous substance is present in a specified industrial undertaking in connection with an industrial process or operation.

The first schedule lists 231 dangerous substances commonly used in industry in Hong Kong. They are classified according to seven types of basic risk. The list can be expanded in future by notice in the Gazette, as necessary.

Symbols adopted from the International Maritime Dangerous Goods Code are used for the seven types of risk. Forty-nine standard risk descriptions and 46 standardised safety descriptions are prescribed in the third and fourth schedules. All labels have to contain, in Chinese and English, the chemical name or common name of the substance; the risk description and safety classification of the substance; and a standard symbol indicating the basic risk.

The maximum penalties prescribed for offences committed by a proprietor range from \$20,000 to \$30,000 while those for offences by an employee are \$10,000. Some employees' representatives have suggested that it is unfair to make employees liable under the regulations. It is our firm view that both employers and employees must share the responsibility for ensuring safety at work.

The labelling system proposed in these regulations is in line with the method used in the United Kingdom in the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984. These follow United Nations standards and are at present commonly used in European Economic Community (EEC) countries.

Some dangerous substances imported from overseas may use a slightly different labelling system. Due allowance for this has been made in the proposed regulation 7(a), which provides for exemption where the particulars in the labels are substantially the same as those prescribed.

The appropriate industrial and commercial organisations and the Labour Advisory Board have been consulted and support the introduction of the regulations.

Sir, during the past three months Members of this Council have carefully scrutinised the regulations, sought clarification of various points and received representations from interested bodies. Concern has been expressed that there may be loopholes and inadequacies. These are complex regulations which concern people's lives and safety and fully deserve the detailed attention they have received. I am therefore most grateful to Members for their efforts. The fact that, after such careful scrutiny, only two amendments have now been proposed is, I hope, an indication of the basic soundness of our approach.

The two amendments proposed are, first, to specify how the concentration of a substance should be measured and, secondly, to delete the clause by which laboratories within factories and industrial undertakings are exempted from the various regulations. We have received strong representation from various quarters that such an exemption would create a major loophole, and now agree that there is a good case for including them under the regulations.

The Labour Department has published reference materials, technical information and literature on this subject. These include a booklet on the classification and labelling of dangerous substances commonly used in industry; leaflets on the safe use of chemical substances; and technical data sheets for the listed substances. Standard sample labels, with prescribed risks, safety information and symbols will be made available to factory proprietors before the regulations come into force.

Employers will need time to adapt to the regulations. The Commissioner for Labour therefore intends to bring them into operation six months after their approval by this Council. A publicity campaign will be conducted during this period to explain the purpose and the content of the regulations.

We shall monitor the effectiveness of the regulations once they come into force.

Sir, many of our existing regulations already make it clear that both employers and employees in industrial undertakings share the responsibility for safety in the workplace. I believe that these regulations are a significant step in our continued efforts to reduce the toll of accidents and illnesses arising from unsafe working conditions.

Sir, I beg to move.

Question proposed.

PROF. POON (in Cantonese): Sir, the Factories and Industrial Undertakings (Dangerous Substances) Regulations 1988 represent a significant step by the Government to legislate for the protection of workers from dangers arising from the misuse of chemical substances. These regulations, though long awaited for, are a positive effort and should be commended.

The regulations provide for the labelling and safe use and handling of dangerous substances in factories and industrial undertakings. A Legislative Council ad hoc group was formed to look into these regulations. The ad hoc group identified a number of queries in the regulations which were subsequently clarified with the Administration. In addition, a number of labour organisations and the Hong Kong Laboratory Technicians' Association have also made representations to the ad hoc group to present their views on the regulations. I am grateful to these groups not only for the many valid and constructive comments they offered but also for their display of social responsibility in promoting industrial safety.

In the scrutiny of the regulations, the ad hoc group is at all time conscious of the need to have them enacted as soon as possible to give early protection to the workers in their day-to-day handling of dangerous chemicals. This point has also been recognised and accepted by the concerned parties which made representations to us. Agreement was reached with the Administration on a number of amendments to the regulations. These included the deletion of a provision which exempted bona fide laboratories from the regulations. Members in the ad hoc group as well as the representatives we met were of the view that it would be inappropriate to exempt such laboratories and may lead to confusion if the term could not be clearly defined by legislation. We understand that the provision has now been deleted.

With no exception, all the organisations which made representation to us felt that the listing of 231 chemicals in the regulations was insufficient and should be expanded. The Administration's reply was that the list only represented the first step in identifying such substances and deletions or additions could be made as and when necessary. While the ad hoc group appreciates the explanation put forward by the Administration, Members felt that the view of the organisations should be seriously considered and the list should be regularly reviewed to see whether it adequately reflects the range of chemicals used in industry.

Another point raised by the representations which is supported by the ad hoc group is the proposal to require importers or suppliers to provide safety data sheets for all dangerous substances used in territory. We understand that it is the intention of the Government to amend the relevant legislation to require suppliers of chemical products to formally provide safety data sheets. We hope this can be carried out as soon as possible.

The ad hoc group also understands that the Labour Department will issue a code of practice to factory proprietors advising them of the potential risks in handling dangerous chemicals and of any additional requirements they should warn their employees. This is a very useful way to complement the effects of the labels. Factory proprietors should be made to understand that it is their responsibility to provide a safe working environment for workers, including efficient ventilation, sufficient lighting and so on. On the other hand, workers should also be urged to comply with all the safety requirements in their own interest. In this respect, the Government should step up publicity efforts to educate both employers and employees of their respective roles in industrial safety.

The workers have also voiced their discontent on the level of fines for employers and employees. As the proposed penalties are in line with those of the principal Ordinance, I understand nothing further can be done at this stage. However, I understand Mr. TAM will be speaking on this point later on.

Sir, the ad hoc group is generally satisfied that the regulations will provide safeguards for workers handling dangerous chemicals and reduce the rate of accidents arising from the misuse of such substances. However, in view of the fact that this is only the initial stage to provide legislative controls on the safe use of chemicals, further refinements to the regulations may be necessary at a later stage in the light of experience. It is the wish of the ad hoc group as well as the interested organisations which made representations to us that the Government will closely monitor the implementation of the regulations and to introduce appropriate amendments when necessary by taking into account the practical experience gained after the regulations become effective.

With these remarks, Sir, I support the motion.

MR. PANG (in Cantonese): Sir, as industrial development in Hong Kong continues to make its way, the chance for local workers to be exposed to the risks of dangerous substances becomes more frequent. Over the past few years, industrial accidents arising from the use of dangerous chemicals happened one after another, resulting in injuries or even deaths. The harm done by chemicals is far more serious than that by ordinary machines because they may have subsequent effects on the offsprings of the victims. For example, in the gas leakage in Maduchi Industry Company Limited in 1983, over 200 workers were admitted to hospital after they had inhaled toxic gas. Six female pregnant workers had to undergo abortion as a consequence. The explosion at the

Cipel-Marco Limited in 1986 was an even more tragic incident in which 14 workers were killed and many others sustained serious injuries. Many of them have not completely recovered so far. These are lessons which we must not easily forget.

The Factories and Industrial Undertakings (Dangerous Substances) Regulations 1988 introduced today basically adopts a positive approach in tackling the problem and should be implemented as soon as possible. However, these regulations can hardly achieve its intended effects in the absence of a comprehensive set of legislation on occupational safety and health. This has drawn criticisms from a number of labour organisations as the regulations may even add to the mental stress of the workers.

Under the regulations, an employer in breach of the regulations is liable to a maximum fine of \$20,000 to \$30,000 while a maximum penalty of \$10,000 is imposed on employees. It should be noted that there is a great disparity in the financial position between the employers and the employees and a penalty of \$10,000 is beyond the means of any ordinary worker, not to mention that they are usually the victims of accidents. Furthermore, if workers fail to observe the regulations when carrying out their duties, their employers may at any time invoke the Employment Ordinance to have them sacked or take punitive measures against them such as by means of wage deduction and suspension from work. Therefore, I support the request by the labour organisations that the penalty provisions in respect of the employees should be deleted. Even if these provisions are passed, I wish to call upon the Labour Department to be most prudent in prosecuting employees so as not to shift the responsibility on them.

In addition, I would like to take this opportunity to urge the Labour Department to conduct an overall review on legislation concerning occupational safety and health and carry out extensive public consultation in this regard as soon as possible. On the Factories and Industrial Undertakings (Dangerous Substances) Regulations, I have a few more points to make:

- (a) The labelling requirements should be extended beyond the existing 200 odd dangerous substances listed in the schedule to cover other kinds of chemicals. If necessary, overall control on chemicals including those which are imported should be implemented. Besides, employees not covered by provisions of the Factories and Industrial Undertakings Ordinance, that is, employees working in a laboratory should also be protected by the regulations.
- (b) The Labour Department should step up its efforts in law enforcement and training. Employees and employers should be reminded by means of education and supervision to pay special attention to the use and manufacturing of dangerous substances. A 'Central Registry on Chemicals' should also be set up to advise members of the public of the risks of dangerous substances and their safety precautions.

I am particularly concerned about the proposed establishment of 'the Occupational Safety and Health Council'. I hope it will not only assume an independent and overall role in promoting safety and protecting the health of workers, but also recommend positive and practicable ways to avoid unnecessary casualties among workers.

Finally, I would like to comment on the time taken in the introduction of labour legislation and manner of enforcement. In this connection, I think the authorities concerned should try to let labour unions play a role in this area by allowing them to take part in the monitoring of the safety standards or by the setting up of safety committees in factories. This will be a more effective solution to the problem.

Sir, with these remarks, I support the motion.

MR. TAM (in Cantonese): Sir, after the toxic gas leakage in Maduchi Industry Company Limited in San Po Kong and the serious explosion in the Cipel-Marco Limited in Kwai Chung, trade unions and various organisations requested the Government to enact regulations for the use of chemicals in industry. The introduction of the Factories and Industrial Undertakings (Dangerous Substances) Regulations 1988 is, in fact, an response to such requests. Regarding these regulations, I do, of course, hope that they can be enacted as quickly as possible. Concurrently, I do not wish to see it rush through the Council without careful consideration. The ad hoc group urged the Administration to amend some obvious loopholes in the regulations. The Administration has finally agreed to make some amendments. These include the deletion of a provision which exempted bona fide laboratories from the regulations and the putting up of notices at any workplaces where dangerous substances are subject to chemical change.

Since the Administration has agreed to amend some provisions the regulations, I would like to support the passage of such regulations. However, I am still not wholly satisfied.

First, regarding the list of dangerous substances, the Administration has proposed 231 such chemicals to be labelled. It is said that the list includes those commonly used dangerous substances in industry in Hong Kong and the Administration has also indicated that reviews will be made when necessary. However, the question is new chemicals are introduced every now and then and I am afraid that amendments to the list cannot keep pace with the changing needs of the industry. On the other hand, I am also worried that control over those dangerous substances on the list might encourage employers to use other substances of similar properties but are not included in the list so as to circumvent the regulations. Consequently, I think we should adopt the classification method under United Kingdom Classification packaging and Labelling of Dangerous Substances Regulations 1984 which allow the authorities to classify of certain chemicals which are not on the list but yet possess certain

properties of dangerous substances as dangerous substances. I stress that we should only adopt their way of classifying dangerous substances. If we adopt their way of classification, I believe we will be more successful in protecting our workers who have to handle dangerous substances.

Second, regarding symbols to be used for the labelling of the various types of dangerous substances, I have contacted many trade unions and organisations and they all feel that there should be additional symbols such as 'keep away from water' or 'carcinogenic'. They have reflected the worries of the workers and I think the Administration should seriously consider their requests.

Third, regarding the question of common name and chemical name on labels, it is only necessary, under the proposed regulations, for the chemical name or the common name to be labelled. However, if we only put down the chemical name, then probably the workers will not understand it easily. And yet if we only use the common name, there may be confusion and if we have an accident, it would be difficult to identify the source. In fact, each substance contains chemicals. Why can we not stipulate that both the chemical name as well as the common name be labelled altogether?

Fourth, regarding container that can be exempted from the regulations. Regulation 7 stipulates that a container that holds a substance produced in the industrial undertaking which is not intended to be used there but to be used elsewhere can be exempted from the regulations. The trade unions and the organisation feel that they have no strong reasons for such exemptions. Firstly, in the production of dangerous mixtures, they usually use in large quantities and the potential danger is great. Those who are required to come into contact with or handling such substances have the right to know the extents of the danger of these substances so that they can seek adequate protections. Secondly, should such containers be exempted from labelling, then transport workers, factory operators and workers who have to handle such substances will be ignorant of the danger and consequently will not handle them with care. Besides, regulation 7 also says containers holding less than 125 mm or about half glass of dangerous mixtures which are non-explosive, non-corrosive or inflammable and those contain no more than 1 per cent of any toxic substance can be exempted. Trade unions and organisations feel that certain toxic substances, for instance, cyanide, only 1 per cent of such substance will be harmful to the workers. And they think, therefore, such containers should not be exempted. I fully agreed with their analysis. In fact, even if some containers are too small to allow labelling, we can put up notices in areas where they are stored, or use simplified labels so that the danger symbol can be easily seen and workers are reminded to be careful in handling them.

Fifth, concerning the question of fines. I go along with the views expressed by Mr. PANG the concensus view of the labour sector is that providing a safe working environment is the responsibility of the employer. Trade unions and labour organisations have pointed out that the employer in fact can make use of

labour relations to encourage workers to comply with safety code of practice. And if they do not do so, then it can be dealt with internally. This, in fact, will be a more effective way to ensure industrial safety. In this case, it is unnecessary for the Government to stipulate fines for employees. Besides, even if employees will have to be fined, the amount employees are liable to be fined is unreasonable when compared with that of their employer.

Lastly, I would like to raise two basic points to be considered.

First, I fully agree that the success of the regulations depends greatly on the provisions of safety data sheets for the listed substances. In Hong Kong, we do not have any regulation requiring importers of chemicals to provide such safety data sheets. It is totally voluntary on the part of the importer. I hope that the legislative procedure can be completed as soon as possible.

Second, these regulations are under the Factories and Industrial Undertakings Ordinance and which means that employees of non-industrial undertakings will not be protected. Though the relevant authority has indicated that in Hong Kong there are different legislations to deal with work related to dangerous substances, professionals have pointed out for us that there are gaps in these Ordinances. People working in warehouses and transport workers are not protected. Moreover, the ambit of these Ordinances are quite different. So it seems we need to consider a comprehensive way to control the use, conveyance and storage of such chemicals.

I have just now repeatedly explained in detail, worries and suggestions of myself and the labour sector. My aim is to remind the Administration that the regulation still has much to be desired. And I hope that the Administration will truly keep its promise, that is, amendments will be made as soon as there is imperfection and inadequacy in the regulations. I hope that review will be conducted as quickly as possible.

With these remarks, Sir, I support the motion.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am grateful to Members for their support. I would especially like to thank the ad hoc group under Prof. POON, which spent a lot of time scrutinising the regulations and proposed the two amendments which I have already mentioned.

I would also like to thank Prof. POON, Mr. PANG and Mr. TAM for their comments and suggestions.

They have referred to public concern that the list of 231 chemicals in the first schedule may not be adequate. As I have said, those already listed are ones commonly used in industry. We will carefully monitor the situation and, if necessary, add to the list.

They have also referred to the suggestion that importers of dangerous substances should be required to provide safety data sheets. We are already considering this suggestion in the context of the review of the Dangerous Goods Ordinance.

Mr. TAM has also commented on the need for additional symbols, the use of both chemical and common names on labels, and the exemption of some containers. We will bear these points in mind when monitoring the effectiveness of the regulations to see if further improvements are needed.

I would also like to reassure Mr. TAM that the Labour Department will advise factory owners to put up notices at any workplace where dangerous substances are subject to chemical change.

We will consider the proposal for custodial sentences in the context of a similar proposal in relation to offences under the Factories and Industrial Undertakings Ordinance.

Mr. PANG and Mr. TAM are worried about imposing penalties on employees. I do think it is important that employees as well as employers should take their share of responsibility for industrial safety. However I am sure that the Labour Department will take great care in prosecuting employees.

Mr. PANG's proposals for a central information centre on chemicals and for safety committees in individual factories go a bit beyond the scope of the present regulations. I will ask the departments concerned to consider these proposals.

I agree with Members' views on the importance of education, publicity and monitoring. As I have already said, the Labour Department will pay particular attention to this area and ensure that the regulations are adequately publicised. We will also take care to monitor their effectiveness and, if necessary, introduce appropriate improvements.

Question put and agreed to.

First Reading of Bills

PUBLIC FINANCE (AMENDMENT) BILL 1988

TRAVEL AGENTS (AMENDMENT) BILL 1988

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) BILL 1988

EMPLOYEES' COMPENSATION (AMENDMENT) BILL 1988

EMPLOYMENT (AMENDMENT) (NO.2) BILL 1988**REGISTRATION OF LOCAL NEWSPAPERS (AMENDMENT) BILL 1988**

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

4.27 pm

HIS EXCELLENCY THE PRESIDENT: Before we continue with the Second Reading, Members might like to take a short break.

4.40 pm

HIS EXCELLENCY THE PRESIDENT: The Council will resume.

Second Reading of Bills**PUBLIC FINANCE (AMENDMENT) BILL 1988**

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

He said: Sir, I move that the Public Finance (Amendment) Bill 1988 be read the Second time.

The Legislative Council will be dissolved on 25 August 1988. There is some doubt whether certain decisions made by the Finance Committee under the Public Finance Ordinance, from the date of dissolution, will as a matter of law continue to have effect. If they do not continue to have legal effect, the normal conduct of the government's financial business would be disrupted. This applies particularly to the delegation of power under section 8(3) to the Financial Secretary to make changes to the approved estimate of expenditure.

It is therefore proposed that the Public Finance Ordinance should be amended to make it clear that decisions of the Finance Committee shall continue to have legal effect after the dissolution of the Legislative Council.

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

Question on adjournment proposed, put and agreed to.

TRAVEL AGENTS (AMENDMENT) BILL 1988

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

He said: Sir, I move that the Travel Agents (Amendment) Bill 1988 be read the Second time.

The purpose of this Bill is to assist the outbound travel industry to introduce self-regulation. The proposals for self-regulation were announced in December last year after the Governor in Council endorsed the major principles of the policy. These measures were designed to meet three objectives:

- first, to introduce self-regulation of the outbound travel industry with limited government involvement;
- secondly, to replace the Travel Agents' Reserve Fund with a new compensation scheme to be established by the travel industry offering the travelling public a degree of protection; and
- thirdly, to settle the outstanding claims against the Travel Agents' Reserve Fund.

Since the enactment of the principal Ordinance in 1985, a number of travel agents have defaulted due to financial difficulties or the abscondment of their owners. The provisions in the Ordinance concerning *ex gratia* compensation have proved to be inadequate. Accordingly, the Government, in consultation with the Travel Industry Council of Hong Kong which represents about 50 per cent of all licensed travel agents and the vast majority of outbound tour organisers, commenced a review of the Ordinance. The review focussed, in particular, on the compensation arrangements and on the future direction of regulation of the outbound travel industry. The Advisory Committee on Travel Agents, the Consumer Council and the Legislative Council ad hoc group on the Travel Agents Ordinance also gave their views on the matter. The general consensus was that the introduction of self-regulation was the most appropriate means of encouraging better professional standards and discipline within the industry.

Sir, the Bill contains a broad framework and the essential statutory provisions required to implement the policy of self-regulation. Clause 4 of the Bill amends the principal Ordinance to require, as a statutory condition of licence, that any person who wishes to provide outbound travel services should be a member of an 'approved organisation'. The Travel Industry Council of Hong Kong (TIC) will be designated the 'approved organisation' in the new schedule to the Ordinance. Travel agents will acquire membership of the TIC by joining one of its six association members. TIC membership will be a pre-requisite for the granting of a licence by the Registrar of Travel Agents.

The introduction of this licensing condition will ensure that all licensees meet certain minimum requirements. The membership criteria for joining the Travel Industry Council will include, amongst other things, minimum capital requirements and the provision of suitable commercial premises and experienced staff to run the travel service. The membership criteria set certain basic standards, but they are not unduly onerous. Bona fide operators should have no difficulty in meeting them.

In order to ensure that the membership criteria for joining the TIC are administered fairly and impartially, an appeals mechanism will be established. Under the new TIC Constitution, to be adopted upon the incorporation of the TIC, a travel agent, whose application to join any association member of the TIC has been refused, may apply for his case to be reviewed by an Appeal Board of the TIC and thereafter, by further appeal, to the Registrar of Travel Agents. Should the registrar find in favour of the applicant concerned, he may direct the TIC to accept the applicant as a member. A similar right of appeal is provided for in respect of an agent whose membership has been suspended or revoked by the TIC.

Sir, as I have mentioned earlier, it is intended that a new non-statutory compensation scheme should be established to replace the existing Travel Agents' Reserve Fund. The new compensation fund will be named the TIC Reserve Fund. This will be in the form of a separate company. In addition to representatives of the travel industry, the Board of Directors of the TIC Reserve Fund will include a Legislative Councillor, a government official, a Consumer Council representative and four professionals drawn from the legal, banking, accounting and insurance sectors respectively.

Section 35 and the existing schedule to the principal Ordinance require new licensees to pay \$2,500 into the Travel Agents' Reserve Fund. Under the new arrangement, these provisions will be repealed by clauses 15(2) and 17 of the Bill and will be brought into effect from 15 July 1988. Thereafter, all new licensees and TIC members will be required under the TIC Constitution to contribute to the TIC Reserve Fund by way of a levy on the sale of all outbound package tours. The levy has been set at a rate of 1 per cent on the price of the tour. The percentage of levy payable may not be amended without the prior approval of the Government.

The Bill also contains a transitional provision to preserve claims for ex gratia compensation lodged with the registrar under section 43 of the Ordinance, prior to a specified date. The date is to be specified by the Governor by notice in the Gazette. After that date, no claims will be entertained against the Travel Agents' Reserve Fund. The purpose of this transitional provision is to enable the former clients of travel agents which defaulted last year, namely, Austravel and PC Travel Service, to apply for ex gratia compensation in the next few months. The winding-up proceedings in respect of Austravel have been completed and the majority of former customers have already applied for

ex gratia payments from the Travel Agents' Reserve Fund. The winding-up proceedings for PC Travel Service will soon be completed and former clients may submit applications for ex gratia compensation later.

Sir, the Bill is the culmination of many months of extensive consultation resulting in a consensus of opinion that self-regulation of the outbound travel industry should be introduced. In the initial phase of developing self-regulation, the Government will continue to perform the licensing function. Provisions have been made in the Bill and the constitution of the TIC to enable the Government to oversee the self-regulation scheme and the new compensation arrangements. The Government will work closely with the industry in implementing the various measures.

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

Question on adjournment proposed, put and agreed to.

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) BILL 1988

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) Bill 1988 be read the Second time.

Under the present provisions of the Public Health and Municipal Services Ordinance private billiard clubs are not required to be licensed although many operate as de facto public billiard saloons. For the protection of the public, from the law and order, public health, fire and structural safety points of view, the Government considers that control should be extended to the majority of these private billiard clubs.

The Bill replaces the present definition 'public billiard saloon' with a new definition 'billiard establishment' which means any place used for playing billiards or other similar games. It also exempts genuine private homes from the requirement to obtain a licence; and empowers the authority, that is, the municipal councils, to make by laws exempting any class or description of billiard establishment from licensing.

The municipal councils have endorsed these proposals and have agreed with the Administration that billiard establishments with less than four tables, which would normally not be commercially viable, should be exempted from licensing. The Fight Crime Committee has also supported the proposals. It has made some suggestions concerning the age and hours of play in respect of young persons in billiard establishments.

After the Bill has been enacted, the municipal councils will amend the Places of Amusement (Urban Council) and (Regional Council) By-laws respectively to exempt from licensing the class or description of billiard establishment that is intended should be exempted. There will be a 'grace period' of 12 months to enable existing club operators either to apply for a licence or to wind up their businesses. The 'grace period' will start from the enactment of the amendment by-laws. At the end of this period, the amendment Bill will be brought into effect.

The two councils will also take the opportunity to review the licensing conditions concerning ages and hours of play on such premises, particularly in respect of young persons, in the light of comments and suggestions made by the Fight Crime Committee.

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

Question on adjournment proposed, put and agreed to.

EMPLOYEES' COMPENSATION (AMENDMENT) BILL 1988

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second Reading of: 'A Bill to amend the Employees' Compensation Ordinance'.

He said: Sir, I move that the Employees' Compensation (Amendment) Bill 1988 be read a Second time. This Bill proposes two major improvements to the Employees' Compensation Ordinance and a number of minor ones.

The first major purpose of the Bill is to extend the scope of the Employees' Compensation Ordinance to cover Hong Kong workers required in the course of their duties to work outside Hong Kong. As the law now stands, when such workers sustain injuries while working outside Hong Kong, they are deprived of the protection of the Ordinance and their employers are not required to compensate them or their dependants. Furthermore, it may well happen that they are not protected by the laws of the country in which the injury occurs. The Labour Department knows of an increasing number of such injuries. Known cases rose from 95 in 1986 to 189 in 1987, and there may well be other cases which are not reported. On the other hand, the department knows that many employers have voluntarily taken out insurance cover for their workers and have actually compensated them as if they were under the protection of the Ordinance. Clause 10 of this Bill would make this a statutory requirement. However, to avoid double benefits, it also provides for compensation paid outside Hong Kong under the law of a foreign jurisdiction to be offset against any compensation received under this Ordinance.

Clause 12 of the Bill proposes to amend section 40 of the Ordinance so that employers' insurance liability in respect of work injuries outside Hong Kong is limited to statutory liability under the Ordinance and damages under common law awarded by a Hong Kong court. This is necessary because it would not be appropriate to require insurance cover for damages awarded by a court outside Hong Kong. This amendment has the support of the insurance industry.

It is proposed to have a three-month notice period from the date of enactment before these provisions take effect, so as to allow employers time to obtain the necessary insurance cover.

The Bill also provides for a second major improvement to our employee compensation system. Clause 4(a) extends the scope of the Certificate of Compensation Assessment system to cover cases involving injuries resulting in not more than 5 per cent permanent incapacity. This quick and effective system has already had a dramatic effect in shortening the time needed to settle 83 per cent of employee compensation cases. This amendment will increase to 98 per cent the proportion of cases dealt with by this very successful method.

Other clauses of the Bill introduce minor amendments to the existing Ordinance.

Clause 2 requires the employee to provide information on his other concurrent employments to his employer on request. This will enable the employer to take out full insurance coverage for his liability under section 11(7) of the Ordinance. This provides that if one of his employees has concurrent contracts with two or more employers and is injured in his part-time employment, his monthly earnings for the purpose of computing compensation will be the sum total of his earnings under all the concurrent contracts. This method of reckoning earnings will not apply if the employee fails to supply the particulars requested by the employer.

Clause 3 of the Bill raises the ceiling of an employer's advance payment to an injured employee or his dependants in a pending case from \$10,000 to \$20,000 in order to reflect wage and cost of living increases.

Clause 5 requires that objections to the assessment of a compensation assessment board must be made through the Commissioner for Labour. This will enable the extended Certificate of Compensation Assessment system to be implemented more effectively.

At present it is not an offence for an employer not to pay the compensation or the surcharge. Clauses 4(d) and 7(c) make it an offence with a maximum penalty of a fine of \$10,000.

Clause 8 extends the time limit for appeals to the court against any decision or assessment of the Commissioner for Labour or an assessment board from 30 days to six months. This will particularly help those applicants who require legal aid.

Clause 11 repeals section 36D(2)(a) which is no longer necessary. This section now requires the Director of Medical and Health Services to give the employer particulars of the accident and the injury when claiming the costs of fitting the employee with a prosthesis or surgical appliance. In fact the employer already has this information.

At present the Commissioner for Labour has the power to require an employer to produce a current insurance policy, but not earlier policies. In many cases it has proved necessary to check a previous policy which was in force when an accident occurred. Clause 14 empowers the Commissioner for Labour to require an employer by notice in writing to produce for inspection a policy of insurance or other related documents relevant to any date specified in the notice. An employer will not be required to produce documents more than three years old.

Sir, all these proposed amendments have the support of the Labour Advisory Board and I believe they represent a significant improvement in the effectiveness of the Ordinance.

I move that the debate on this motion be adjourned.

Question on adjournment proposed, put and agreed to.

EMPLOYMENT (AMENDMENT) (NO.2) BILL 1988

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second Reading of: 'A Bill to amend the Employment Ordinance'.

He said: Sir, I move that the Employment (Amendment) (No.2) Bill 1988 be read a Second time.

The Bill seeks to introduce improvements to the long service payment scheme. As Members know, the original scheme was enacted by this Council in December 1985. It provides for a lump sum payment of up to 12 months final wages to an employee who is dismissed after working with an employer for a minimum number of years: 10 years in the case of those aged below 41, and five years for those aged 45 or more. To qualify for the scheme, the employee's contract of employment must be terminated on grounds other than summary dismissal, resignation or redundancy. For each year of service a monthly paid employee aged 41 or more is eligible for two thirds of a month's wages and a daily-rated or piece-rated employee is eligible for 18 days' wages, subject to a maximum payment of 12 months' wages. Reduced payments are specified for younger workers. There are other provisions governing reckonable service and providing for a gratuity or provident fund payment to be set off against the long service payment.

When these provisions came into operation in January 1986, we undertook to conduct a review in the light of experience. I am now very happy to be able to recommend to this Council a number of major improvements to the scheme, which have been drawn up following consultation with the Labour Advisory Board.

First, we propose to allow an employee with the relevant qualifying period of service to become entitled to a long service payment if he resigns on the grounds that he is medically unfit for his job and is likely to remain permanently unfit for it. A medical certificate from a government or government-subsidized hospital will be required to substantiate this claim. Clauses 6 and 4 so provide. Clause 15 empowers the Commissioner for Labour to prescribe the form of medical certificate which, according to clause 4, must specify the precise job for which the employee is unfit and the reason for his unfitness.

Secondly, we propose that an employee aged 65 years or over with not less than 10 years service should be entitled to a long service payment on resignation. This is provided for in clause 6.

Thirdly, we propose to allow the surviving family members of a deceased employee to become entitled to a long service payment if the deceased has completed the qualifying period of service at the time of his death. The spouse of the deceased will have priority over his legitimate children or parents. If there are no family members, the deceased's legal personal representative will be entitled to the payment. All this is set out in clause 6. Under clause 10 a gratuity or retirement benefit due to an employee who has died in service may be reduced by the amount of the long service payment. This ensures that employers will not be liable to pay a double benefit.

Fourthly, we propose to prevent an unscrupulous employer from raising an employee's wages just beyond the existing wage ceiling and then dismissing him in order to avoid the long service payment. Clause 8 provides that where a non-manual employee earning more than the wage ceiling is dismissed, but had been earning below the ceiling within one year before his dismissal, he shall be entitled to a long service payment for the entire period during which his wages did not exceed the ceiling.

Fifthly, We propose to make it clear under clause 14 that an employer is not liable to pay a double benefit in respect of a long service payment or severance payment if the employee is re-employed immediately after retirement. The period of re-employment will be treated separately.

Clauses 2,3,5,7,9,12,13,16 and 17 provide for consequential amendments.

Sir, I am confident that all these proposals to improve the long service payment scheme, particularly the ones relating to the extension of the scheme to cover resignations due to ill health and old age, will be welcomed by the community as a further significant improvement in the welfare of our workers.

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

Question on adjournment proposed, put and agreed to.

REGISTRATION OF LOCAL NEWSPAPERS (AMENDMENT) BILL 1988

THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION moved the Second Reading of: 'A Bill to amend the Registration of Local Newspapers Ordinance'.

He said: Sir, I move that the Registration of Local Newspapers (Amendment) Bill 1988 be read the Second time. This short piece of legislation is intended to remedy two defects in the Registration of Local Newspapers Ordinance which came into effect in March 1987.

Clause 2 of the Bill seeks to narrow the definition of a 'printed document'. The effect of the present definition found in section 2 of the Ordinance currently in force would be to require under the Printed Documents (Control) Regulations that documents such as invitation cards and photocopies of correspondence bear the name and address of the printer. We had not intended that the Ordinance should have this effect and I now propose, by an appropriate amendment, to exclude documents printed for bona fide commercial, professional, social or administrative purposes.

Section 7 of the Registration of Local Newspapers Ordinance requires that every local newspaper must be registered. The Registrar of Newspapers is obliged to register a newspaper if all the necessary particulars of the newspapers are furnished to him and the appropriate fees paid. This means that he cannot refuse to register a newspaper the title of which is identical to that of a newspaper already registered. While civil remedies are probably available, the registration of two identically-titled newspapers would obviously cause confusion to the public. Clause 3 of the Bill seeks to prevent such a possibility by empowering the registrar to refuse registration of newspapers with a title identical to one already existing.

Sir, I move that the debate be now adjourned.

Question on adjournment proposed, put and agreed to.

JURY (AMENDMENT) BILL 1988

Resumption of debate on Second Reading (1 June 1988)

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).

EMERGENCY RELIEF FUND (AMENDMENT) BILL 1988

Resumption of debate on Second Reading (1 June 1988)

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).

HONG KONG POLYTECHNIC (AMENDMENT) BILL 1988

Resumption of debate on Second Reading (1 June 1988)

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).

HONG KONG BAPTIST COLLEGE (AMENDMENT) BILL 1988

Resumption of debate on Second Reading (1 June 1988)

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).

PROTECTION OF WAGES ON INSOLVENCY (AMENDMENT) BILL 1988

Resumption of debate on Second Reading (1 June 1988)

Question proposed.

MR. TAM (in Cantonese): Sir, I support the Protection of Wages on Insolvency (Amendment) Bill 1988 because I believe that the Bill can remove an unfair phenomenon that has been around for years. At first glance, the number of workers affected by this unfair phenomenon seems insignificant. The record tells you that ever since the setting up of the fund, only eight claims involving 16 employees came under the ambit of the old regulations. However, this may be because of the fact that some workers already know about this provision and as a result they do not file a claim. Hence, the department concerned does not have the relevant record. This unfair phenomenon has been in existence ever since the establishment of the fund and causing loss to employees. The amendment Bill now to be introduced is at best belated.

According to the new provisions, all employees whether they are working for a company or an individual, regardless of whether the wages owed and/or payment in lieu of notice exceed \$5,000, the Commissioner for Labour is empowered to draw money from the insolvency fund for ex gratia payment to the relevant employees. In fact, the amendment Bill is not granting any concession for the affected employees, it merely gives the employees their entitled basic rights. That is when employers owe them wages and payment in lieu of notice, the insolvency fund can come to their aid and support their livelihood. For the sake of equity, I support the Bill which protects the workers interests.

I also like to take this opportunity to voice my expectations for the insolvency fund. I think the authority should consider extending the ambit of the fund to cover severance pay. We must realise that when an employer goes insolvent, the greatest amount of money which he owes his employees will likely be the severance pay. Severance pay is an indemnity to the workers for their years of hardwork. Under existing Ordinance, the insolvency fund can only be used for owed wages and payment in lieu of notice. This is neither adequate nor fair. Moreover, as far as I understand, the insolvency fund is capable to cover additional expenditure incurred by the extension of its ambit in terms of financial and management resources.

The Bill now introduced by the Administration is good for enhancing the effectiveness of the fund, but I can still see some rooms for further improvement. I urge the Government to review the necessity of extending the coverage of the fund as soon as possible.

Sir, with these remarks, I support the motion.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I would like to thank Mr. TAM for his support for the Bill.

It is clear that the extension of the coverage of the Protection of Wages on Insolvency Fund to include claims below \$5,000 has been well received. Employees of small employers who become insolvent will now be protected.

The Commissioner for Labour is now reviewing the scope of the insolvency fund; and its extension to include severance pay is one of the ideas being considered. In this context we will certainly take Mr. TAM's points into account.

Question put and agreed to.

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee.

JURY (AMENDMENT) BILL 1988

Clauses 1 to 14 were agreed to.

EMERGENCY RELIEF FUND (AMENDMENT) BILL 1988

Clauses 1 to 4 were agreed to.

HONG KONG POLYTECHNIC (AMENDMENT) BILL 1988

Clauses 1 to 5 were agreed to.

HONG KONG BAPTIST COLLEGE (AMENDMENT) BILL 1988

Clauses 1 to 5 were agreed to.

PROTECTION OF WAGES IN INSOLVENCY (AMENDMENT) BILL 1988

Clauses 1 to 3 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

JURY (AMENDMENT) BILL 1988

EMERGENCY RELIEF FUND (AMENDMENT) BILL 1988

HONG KONG POLYTECHNIC (AMENDMENT) BILL 1988

HONG KONG BAPTIST COLLEGE (AMENDMENT) BILL 1988 and the

PROTECTION OF WAGES ON INSOLVENCY (AMENDMENT) BILL 1988

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

Question on the Bills proposed, put and agreed to.

Bills read the Third time and passed.

Private Bills**Second Reading of Bills**

**THE SPIRITUAL ASSEMBLY OF THE BAHA'IS OF HONG KONG
INCORPORATION BILL 1988**

Resumption of debate on Second Reading (1 June 1988)

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).

**HONG KONG TUBERCULOSIS, CHEST AND HEART DISEASES ASSOCIATION
INCORPORATION (AMENDMENT) BILL 1988**

Resumption of debate on Second Reading (1 June 1988)

Question proposed.

DR. IP: Sir, I would like to say a few words in support of the Bill before Council.

The Hong Kong Tuberculosis, Chest and Heart Diseases Association has contributed unparalleled services to the treatment of tuberculosis in Hong Kong since its incorporation in 1948.

During many of these years, the association has contributed to our society under the able guidance of the late Sister Aquinas, who was also a dedicated and good friend of many sufferers. The staff of the hospitals under the association have been known to be patient, diligent and responsive to the rapidly changing needs of the community. When the incidence of tuberculosis decreased, while that of lung cancer increased, the association has extended their efforts to those who have to suffer from lung cancer. When heart diseases, particularly that of coronary heart disease, became one of the major killers in Hong Kong, the association was the first, and still is, the only one organisation to offer coronary by-pass surgery. More important still, they have done all the hard work above with unquestionable dedication and distinction.

I have no doubt that whether the extension of the association's services to a wider range of medical services made possible by this Bill, more members of the public will be able to benefit from the services of the association.

Last but not least, I would like to pay tribute to the association and its committed staff, and urge Government to, as for all subvented hospitals, offer more financial and other support to the association so that it can deliver to the public the services of an even higher quality.

With these remarks, Sir, I support the motion.

MR. HUI: Sir, the decision made by the Hong Kong Tuberculosis, Chest and Heart Diseases Association to extend its existing services must be hailed as a progressive step taken by a well-established voluntary organisation to further its contributions to the Hong Kong community.

This Bill would enable the association to operate general hospitals, provide surgical services as well as medical care for geriatric cases. In the light of the shortage of infirmary beds in Hong Kong, totalling 1 500 places, this timely move of the association will go a long way towards relieving the pressures presently put on our geriatric wards and care and attention homes.

The present Bill, giving effect to this objective, is therefore fully supported, although I must declare an interest on behalf of the Hong Kong Council of Social Service of which the association has been a member since 1963.

With these remarks, Sir, I support the motion.

Question put and agreed to.

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee.

THE SPIRITUAL ASSEMBLY OF THE BAHÁ'IS OF HONG KONG INCORPORATION BILL 1988

Clauses 1 to 13 were agreed to.

First and second schedules were agreed to.

HONG KONG TUBERCULOSIS, CHEST AND HEART DISEASES ASSOCIATION INCORPORATION (AMENDMENT) BILL 1988

Clauses 1 and 2 were agreed to.

Council then resumed.

Third Reading of Bills

MR. HILTON CHEONG-LEEN reported that

THE SPIRITUAL ASSEMBLY OF THE BAHÁ'IS OF HONG KONG INCORPORATION
BILL 1988

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

Question on the Bill proposed, put and agreed to.

Bill read the Third time and passed.

DR. CHIU HIN-KWONG reported that the

HONG KONG TUBERCULOSIS, CHEST AND HEART DISEASES ASSOCIATION
INCORPORATION (AMENDMENT) BILL 1988

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

Question on the Bill proposed, put 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 p.m. on Wednesday, 22 June 1988.

Adjourned accordingly at twenty-four minutes past Five 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.)

WRITTEN ANSWERS

Annex I

Written answer by the Secretary for Health and Welfare to Prof. POON's supplementary question to Question 3

The Director of Medical and Health Services has confirmed that no separate statistics are kept for pesticide poisoning. His records are kept in accordance with the International Classification of Diseases. The nearest classification is 'Accidental poisoning by agricultural and horticultural chemicals and pharmaceutical preparations other than plant food and fertilizers'. Under this classification, figures for the last five years are:

<i>No. of in-patients treated (including deaths)</i>				
<i>1983</i>	<i>1984</i>	<i>1985</i>	<i>1986</i>	<i>1987</i>
143	63	77	34	32

Annex II

Written answer by the Secretary for Security to Mr. Andrew WONG's supplementary question to Question 4

The retirement age for police officers varies according to whether they are on the Old Pension Scheme or the New Pension Scheme, and whether they are junior police officers, that is up to and including station sergeants, or inspectors and above.

Under the Old Pension Scheme the normal retirement age for all police officers is 55. However, junior police officers will usually be permitted to retire at 45 if they wish. Senior police officers may also be permitted to retire between 45 and 50 through ill health or on compassionate or personal grounds acceptable to the Governor; or between 50 and 55, unless the Governor considers that their retirement would adversely affect the public interest.

Under the New Pension Scheme, which was implemented on 1 July 1987, all police officers must retire on reaching 55, except those of or above the rank of Senior Assistant Commissioner, who may serve until the age of 57. Junior police officers may retire voluntarily at the age of 50.

You will see from the above that there is no '20-year rule' whereby, for example, an officer with 20 years' service could retire at 40. The appendix to my main reply shows the number of police officers who have retired before reaching the age of 55.

WRITTEN ANSWERS—*Continued*

Annex III

Written answer by the Secretary for Security to Mrs. CHOW's supplementary question to Question 6

I am now able to provide you with the required figures:

	<i>No. of complaints</i>	<i>No. of prosecutions</i>	<i>Percentage</i>
October–December 1986	47	8	17
January–March 1987	25	8	32
April–June 1987	69	4	5.7
July–September 1987	73	4	5.4
October–December 1987	45	13	28
January–March 1988	60	5	8.3

The discrepancy with the figures given in my reply and in the information previously given to you by the Police Traffic Prosecution Unit is due to a combination of inadvertent errors.

First, the figures quoted in respect of complaints and prosecutions for the period between April 1987 to March 1988 were wrong. The correct figures should be 247 and 26 respectively.

Second, the figures provided to you by the Police Traffic Prosecution Unit included both overcharging and other meter related offences (for example defective meters, tampering of meters and non-submission of meters for examination by the due date and so on.) whereas the number of prosecutions were related to overcharging only. Although there is no further classification of how prosecutions were related to individual complaints, the police told me that many of the prosecutions for meter related offences originally arose out of complaints on overcharging. If meter related prosecutions were included, the figures of prosecutions related to the number of complaints on overcharging would be much higher than that which was given in my reply.

Annex IV

Written answer by the Secretary for Security to Mr. NGAI's supplementary question to Question 6

You may wish to note that a total of 42 prosecutions on overcharging were made between the period October 1986 to March 1988. Of these, two cases were dismissed by the court and 10 were awaiting court hearings. The remaining cases were all successfully convicted. The penalties imposed ranged from \$100 to \$1,000. The average fine was \$340.

WRITTEN ANSWERS—*Continued*

Annex V

Written answer by the Secretary for Security to Mrs. CHOW's supplementary question to Question 6

It may help if I give below the total figures in relation to overcharging complaints and prosecution:

		<i>Complaint</i>	<i>Prosecution</i>	<i>% of P against C</i>
1985-86	non-meter related	155	33	21.3%
	meter related	79	55	69.6%
	combined	234	90	38%
1986-87	non-meter related	140	28	20%
	meter related	103	276	268%
	combined	243	304	125%
1987-88	non-meter related	247	26	10.5%
	meter related	122	292	239%
	combined	362	318	86%

The reason for the 86-87 and 87-88 prosecution figures exceeding the complaint figures is that some of the prosecutions were initiated by the police through intensifying road side checks.

The figures provided by the Transport Complaints Unit (TCU) were correct. However, these complainants were normally asked to report direct to the police. Therefore, the police figures already include those complainants who subsequently did report to the police, as advised by the TCU.

Annex VI

Written answer by the Secretary for Health and Welfare to Prof. POON's supplementary question to Question 7

At present, marine fish farmers who are co-operative society members may apply for loans from the World Refugee Year Loan Fund administered by the Director of Agriculture and Fisheries. However, there are no similar sources of finance available to fish farmers who do not belong to a co-operative society. To become eligible for assistance from the fund, non-members can either join a co-operative society or form one themselves.

WRITTEN ANSWERS—*Continued*

The Director of Agriculture and Fisheries is reviewing all loan funds under his administration, with a view to establishing whether their ambit can be expanded to include mariculture. A decision on this is expected by the end of the autumn.