

1 HONG KONG LEGISLATIVE COUNCIL -- 30 November 1988

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 30 November 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 and  
THE HONOURABLE THE FINANCIAL SECRETARY\*  
MR. PIERS JACOBS, O.B.E., J.P.

THE HONOURABLE THE ATTORNEY GENERAL  
MR. JEREMY FELL MATHEWS, J.P.

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

THE HONOURABLE DONALD LIAO POON-HUAI, C.B.E., J.P.  
SECRETARY FOR DISTRICT ADMINISTRATION

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

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

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

THE HONOURABLE MARIA TAM WAI-CHU, 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 PETER POON WING-CHEUNG, M.B.E., J.P.

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THE HONOURABLE CHENG HON-KWAN, J.P.

THE HONOURABLE CHUNG PUI-LAM

\* The Honourable Financial Secretary doubled up as Chief Secretary

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

THE HONOURABLE HUI YIN-FAT

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

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

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

THE HONOURABLE POON CHI-FAI

PROF. THE HONOURABLE POON CHUNG-KWONG

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING

THE HONOURABLE TAM YIU-CHUNG

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

THE HONOURABLE ANDREW WONG WANG-FAT

THE HONOURABLE LAU WONG-FAT, M.B.E., J.P.

THE HONOURABLE GRAHAM BARNES, C.B.E., J.P.  
SECRETARY FOR LANDS AND WORKS

THE HONOURABLE RONALD GEORGE BLACKER BRIDGE, O.B.E., J.P.  
SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.  
SECRETARY FOR TRANSPORT

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 CHAU TAK-HAY, J.P.  
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

THE HONOURABLE MARTIN GILBERT BARROW, O.B.E.  
THE HONOURABLE PAUL CHENG MING-FUN

THE HONOURABLE MICHAEL CHENG TAK-KIN, J.P.

THE HONOURABLE DAVID CHEUNG CHI-KONG, J.P.

THE HONOURABLE RONALD CHOW MEI-TAK

THE HONOURABLE MRS. NELLIE FONG WONG KUT-MAN, J.P.

THE HONOURABLE MRS. PEGGY LAM, M.B.E., J.P.

THE HONOURABLE DANIEL LAM WAI-KEUNG, J.P.

THE HONOURABLE MRS. MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, J.P.

DR. THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

THE HONOURABLE JAMES DAVID McGREGOR, O.B.E., I.S.O., J.P.

THE HONOURABLE KINGSLEY SIT HO-YIN

THE HONOURABLE MRS. SO CHAU YIM-PING, J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

THE HONOURABLE MRS. ELSIE TU, C.B.E.

THE HONOURABLE PETER WONG HONG-YUEN

ABSENT

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

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL

MR. LAW KAM-SANG

Papers

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

Subject L.N. No.

Subsidiary Legislation:

Television Ordinance

Television (Period of Validity of Licence)  
(Television Broadcasts Limited) Order 1988..... 310/88

Television Ordinance

Television (Period of Validity of Licence)  
(Asia Television Limited) Order 1988..... 311/88

Legal Practitioners Ordinance

Admission and Registration (Amendment)  
Rules  
1988..... 312/88

Public Health and Municipal Services Ordinance

Places of Amusement (Urban Council)  
(Amendment) By-Laws 1988..... 313/88

Motor Vehicles (First Registration Tax)

(Amendment) Ordinance 1988

Motor Vehicles (First Registration Tax)  
(Amendment) Ordinance 1988 (Commencement)  
Notice  
1988..... 314/88

Sessional Paper 1988-89

No. 27 -- Regional Council Annual Report 1987-88

No. 28 -- Regional Council, Hong Kong - Accounts for the year ended 31 March 1988 with Report and Certificate of the Director of Audit

No. 29 -- The Jubilee Sports Centre, Hong Kong  
Annual Report 1987-88

No. 30 -- Hong Kong Housing Authority  
Annual Report 1987-88

No. 31 -- Hong Kong Housing Authority  
Estate and General Working Account for the year ended 31 March 1988 and Balance Sheet as at that date

Address by Member presenting paper

The Jubilee Sports Centre, Hong Kong  
Annual Report 1987-88

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, on the table this afternoon is the Annual Report of the Jubilee Sports Centre, for the period 1 July 1987 to 31 March 1988 covering the first year of operation since its divestment from the Royal Hong Kong Jockey Club on 1 April 1987.

The centre has continued to work closely with the governing bodies of sport and made a major input into training towards the 1988 Olympic Games. The first year of the Sports Scholarship Scheme initiated by the centre has also proved successful. There is now more professional input to support services offered to athletes. During

the year, several projects were undertaken to enhance the facilities of the centre, and remedial work jointly funded by the Government and the Royal Hong Kong Jockey Club was carried out.

The centre feels it has the capacity to play a much broader role in the future development of sports. To achieve this will require co-operation and commitment from all organizations involved in sports development and promotion. The centre views its role as being an integral part of the sports system, and will support fully any initiative which further develops talented athletes.

Oral answers to questions

Pharmacy training

1. MR. CHOW asked : Sir, will the Government inform this Council whether there are plans for introducing institutional training in pharmacy in Hong Kong?

SECRETARY FOR HEALTH AND WELFARE: Sir, there are no plans to introduce training in pharmacy at tertiary institutions in Hong Kong.

Despite the absence of such training, we are not aware of any shortage of registered pharmacists in Hong Kong. A significant number of Hong Kong people complete degree courses in pharmacy overseas and return to Hong Kong to seek employment. Over the past five years, an average of 51 qualified pharmacists have registered each year with the Pharmacy and Poisons Board. The total number of registered pharmacists is currently 644.

MR. CHOW (in Cantonese): Sir, at present for every 15 000 people in Hong Kong there is one pharmacist. Compared with advanced countries, this is only one tenth of the manpower ratio. In the last couple of years about 25% of the pharmacists left Hong Kong. So, regarding the supervision and recording of drugs and medicine the situation is not healthy because of manpower shortage. This has led to abuse of soft drugs, particularly by young people. In Hong Kong, many drugstores are not supervised or operated by qualified pharmacists and members of the public are therefore liable to suffer from lack of professional service. Therefore, in order

to safeguard the interest of the public will the Government pay more attention to the training of pharmacists?

SECRETARY FOR HEALTH AND WELFARE: Sir, on the question of adequacy of pharmacists in Hong Kong, as far as the public sector is concerned and based on operational experience, the Government considers that the current number of pharmacists in the Government is adequate for the present service. Where the private sector is concerned it is difficult to assess the need for pharmacists in the private sector but, as I said earlier, we are not aware of any shortage of pharmacists registered in Hong Kong. On the question of emigration, Sir, we do not have figures on emigration because it is not possible to know the number of registered pharmacists who have emigrated and it is not possible to predict how many will be emigrating from Hong Kong in the future. Our assessment of adequacy of demand is based on the supply of registered pharmacists in recent years, the ease of recruitment in the public sector and the fact that there is still a large pool of qualified pharmacists willing to work in the lower rank of dispensers in the Medical and Health Department while awaiting an examination to become registered pharmacists and perhaps subsequent promotion to government pharmacists. On the question of legal requirements, the Medical and Health Department employs a number of pharmacists as inspectors to enforce the legal requirements laid down in the Pharmacy and Poisons Ordinance. They pay regular inspections to licensed premises and carry out raids in respect of suspected illegal practices upon receipts of complaints or referrals from other government departments. I am not aware of any inadequacy in enforcement, Sir.

DR. LEONG: Sir, actually Mr. CHAU has answered part of the question I want to ask. But still in spite of Mr. CHAU's assurance that there is adequate control yet illegal sales of medicine across the counter are still taking place. I wonder whether the Government can assure this Council whether there will be more practical steps to control illegal sales of medicine across the counter so as to ensure that the pharmacists will have their proper place in society and at the same time to protect the public.

SECRETARY FOR HEALTH AND WELFARE: Sir, I will certainly ask the Director of Medical and Health Services to look into the problem.

PROF. POON: What are the basic requirements for pharmacy graduates from overseas to



be qualified for registration and practice in Hong Kong?

SECRETARY FOR HEALTH AND WELFARE: Sir, the basic requirement is a three-year degree course in pharmacy and then one year's practical work before they are registered as a pharmacist in Hong Hong.

MR. CHOW (in Cantonese): Sir, at present pharmacists come from overseas after completion of studies and they should satisfy the examination requirements laid down by the Pharmacy and Poisons Board in accordance with United Kingdom standards. For the transitional period up to 1997 and beyond, should Hong Kong consider setting up an institute to decide on the standards required for registration so that there will not be confusion in future?

SECRETARY FOR HEALTH AND WELFARE: Sir, only qualified pharmacists returning from the United Kingdom may seek registration without further examination with the Pharmacy and Poisons Board. All other qualified pharmacists returning from elsewhere have to pass an examination set by the Pharmacy and Poisons Board. I believe, Sir, there is already a uniform standard.

MR. TAI: Sir, is there a target ratio of pharmacist to population?

SECRETARY FOR HEALTH AND WELFARE: Sir, there is no such ratio.

Putonghua training for civil servants

2. MRS. FONG asked : As there will be increasing contacts between the Hong Kong Government and Mainland Chinese officials as 1997 approaches, will Government inform this Council what steps are being taken to improve civil servants' proficiency in Putonghua?

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION: Sir, the Government's

language training policy is based on current and future operational needs, rather than the calendar. Most Hong Kong people use English or Cantonese, or both. Bearing in mind the provisions of the Joint Declaration, and that civil servants spend most of their time talking to each other, or to the public they serve, proficiency in these two languages will probably continue to be most important for the future.

Some civil servants have frequent contact with Putonghua speakers, for example, officers at customs or immigration checkpoints and staff manning public enquiry counters. They need and receive job-related training in Putonghua. Sixty-six such courses have been run so far for selected groups of officers from 13 departments as part of a continuing programme.

Also, as Mrs. FONG points out, there have been increasing contacts over the years with Mainland officials. These have developed naturally for practical reasons -- water supplies, postal services, food imports, fighting crime and so on -- and will doubtless continue to develop in the same way.

The needs of officers are met through basic and advanced level Putonghua courses which aim to develop the competence and confidence of officers at a level where they can conduct official business in Putonghua. Since 1985, a total of 28 basic courses have been offered. In addition, since 1987, six advanced courses have been held.

Sir, where interpretation has to be the substitute for Putonghua proficiency, such interpretation facility is available.

MRS. FONG: Sir, of the numbers quoted earlier on the basic and advanced courses being given, how many are offered to Administrative Officers or officers of higher levels, higher than the Administrative Officer grade?

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION: Sir, I do not have a breakdown of the actual grade of officers that have benefited from these courses but may I supply Mrs. FONG with the total numbers instead. Since 1982, 1 387 officers from 13 departments have attended job-related courses. In addition, 580 officers have attended 28 basic Putonghua courses held since 1985 and 65 officers have attended six advanced courses held since 1987. I will be happy to supply the number of Administrative Officers who have attended these courses in writing. (Annex I)

MR. BARROW: Sir, can the Administration advise if officers not directly connected with Mainland officials can apply for Putonghua lessons at Government's expense?

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION: Yes, Sir, that is the short answer. The long answer might be that for those who might come in contact with Putonghua speakers courses will be arranged for them. For those who think that they might come across Putonghua speakers, they may apply and quite a few do apply, myself included.

Objects falling from heights

3. MRS. LAM (in Cantonese): With reference to a recent incident in which a pedestrian was killed by a potted plant falling from a building, will Government inform this council whether, to safeguard pedestrian safety, it has any plans to tighten existing legislation so that the placing of potted plants and sundries on the parapets of balconies and/or by the side of windows can be controlled?

SECRETARY FOR SECURITY: Sir, the Government has no plans at present to tighten the existing legislation to control the placing of objects on the parapets of balconies or by the sides of windows.

I believe that our present legislation is adequate to deal with offences of this type. I do not believe that legislation to control the placing of objects on parapets or window ledges would add anything to the existing provisions. Indeed, it would be extremely difficult to formulate such legislation or to enforce it if it were enacted.

Legislation is at best only a partial solution to this problem, and great efforts are being made to prevent occurrences of this sort by means of public education.

MRS. LAU: Sir, can the Secretary for Security inform this Council what are the means of public education referred to in his answer and how great are the efforts being

made?

SECRETARY FOR SECURITY: Sir, efforts are made to educate the public about this problem, notably by district boards and district fight crime committees. District officers and their staff are also involved in this work through their contact with mutual aid committees, residents' associations, owners' corporations, schools and other organizations. Members will also be aware that an announcement of public interest (API) is regularly shown on television.

MR. MCGREGOR: Sir, can the Secretary advise how many prosecutions have been taken against persons responsible for causing such deaths or injuries during the last year or two?

SECRETARY FOR SECURITY: Sir, I have not got it for the last year or two. But in the last 12 months, 164 persons out of 389 cases have been prosecuted.

MRS. FAN: I have seen the television programme that the Secretary referred to and in fact it carries a very strong message and was most ably produced. However, falling objects still occur and hurt the pedestrian. I wonder whether the Secretary has any bright idea to offer on how to make such public education efforts even more effective?

SECRETARY FOR SECURITY: Sir, off the cuff, I cannot think of any bright ideas but I am advised that perhaps the Secretary for District Administration or the Secretary for Administrative Services and Information might have some bright ideas. (laughter)

HIS EXCELLENCY THE PRESIDENT: Secretary for Administrative Services and Information, do you wish to contribute? (laughter)

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION: Sir, I do not have any bright ideas but I can add one or two facts. I quite agree with Mrs. FAN that the advertisements that we have been putting out are perhaps a little bit outdated and

perhaps are worn and, therefore, we have taken steps now to produce a new API with new images on it and perhaps put up new posters in the next year also.

MISS LEUNG (in Cantonese): Sir, at the beginning of this month, there were several cases of falling objects causing injury to passers-by. These cases involved air-conditioners and asbestos awnings which fell because of weather-eroded struts or supporting structures. Has the Government paid attention to this problem and taken measures to ensure the safety of the pedestrian? And has the Government considered legislating to provide for installation standards in respect of air-conditioners which protrude from buildings?

SECRETARY FOR SECURITY: Sir, I think I can probably best answer this supplementary question by stating what the existing legislation is in all respects covering falling objects. Under the law as it is at the moment, a person who throws or drops an object from a building resulting in fatal injuries to a passerby may be prosecuted for manslaughter and this is punishable by life imprisonment and an unlimited fine. A person who drops or allows an object to fall from a building and causes danger or injury to a person in or near a public place can be prosecuted under the Summary Offences Ordinance and he is liable to a fine of \$10,000 and imprisonment for six months. Now with particular respect to this supplementary question where objects are dropped or allowed to fall from a part of a building, such as masonry or drainage pipes or when a building is under construction, repair or decoration, the occupier or owner of the building may be prosecuted under the Summary Offences Ordinance and is liable to a fine of \$50,000 or imprisonment for one year. I hope that answers the question.

MRS. CHOW: Sir, can the Secretary supply the number of deaths and injuries caused by falling objects as described in the original question, say, in the last five years, and whether the trend reflects the effectiveness or the lack of it of the present public education exercise?

SECRETARY FOR SECURITY: Sir, I only have the figures for the last three years and I hope Mrs. CHOW will find these adequate. There have been two deaths so far in 1988. There was one death in 1987 and one death in 1986. I doubt very much whether these

figures are sufficient to constitute a trend.

MR. POON CHI-FAI (in Cantonese): Sir, would the Government inform this Council what criterion was applied by the Secretary for Security in saying in his reply that there is no need to revise existing legislation? And how serious should falling objects cases become before the Government will consider revising the legislation?

SECRETARY FOR SECURITY: Sir, I do not think the figures that I have quoted indicate any growing seriousness of the situation. When I said that I believe the existing legislation is adequate, I meant that there is legislation to cover all aspects of objects falling from buildings. There is, however, one part of the judicial process which I would like to comment on and that is that the maximum punishments to which I have referred in the answer to one supplementary are very rarely approached by the courts when giving sentences.

MR. MCGREGOR: Sir, will the Secretary advise whether in fact charges of manslaughter have been taken against persons causing objects to fall in any case and if not what the most serious charges were and what the result of these charges also were?

SECRETARY FOR SECURITY: Sir, I do not have the figures for manslaughter and, in the present case under investigation, no decision has yet been made as to whether to prosecute. I shall endeavour to find these figures for Mr. MCGREGOR and let him have them in writing. (Annex II)

MRS. LAM (in Cantonese): Sir, will the Government inform this Council whether compensation will be recoverable by passers-by injured by falling object? If so, from whom will compensation be recovered?

SECRETARY FOR SECURITY: Sir, I am afraid I do not have the answer to that. There again I shall find out what the position is and let Mrs. LAM have the answer in writing. (Annex III)

MISS LEUNG (in Cantonese): Sir, the Secretary has not answered the second part of my question which is about prevention being better than cure. Has the Government considered enacting legislation to provide for installation standards in respect of air-conditioners which protrude from buildings?

SECRETARY FOR SECURITY: Sir, there again, I do not have the details of that and I shall reply in writing. (Annex IV)

Lead-free petrol

4. MR. PETER WONG asked: Sir, will the Government inform this Council whether it has any plan to require newly registered vehicles to use lead-free petrol as a means for further reducing the level of air pollution, especially in the urban area?

SECRETARY FOR LANDS AND WORKS: Yes, Sir, we have a plan to introduce new controls on vehicle emissions in the next two years, and these controls will almost certainly include the requirement to use lead-free petrol. We are currently recruiting a motor vehicle emission control expert to review our existing vehicle emission controls and to recommend measures to introduce more stringent controls.

MR. PETER WONG: Sir, will the Secretary for Lands and Works please clarify whether the proposed requirements to use lead-free petrol will involve conversion of existing engines designed for leaded petrol or will it only extend to new registrations and, secondly, what is the level of the present threat to our health in the use of leaded petrol?

SECRETARY FOR LANDS AND WORKS: Sir, initially the revised legislation is proposed to apply to new vehicles and there are various other practical issues which will, in fact, affect its implementation. We have to cope with the phasing of the handing out of leaded petrol and therefore it will be several years before the legislation, when introduced, will be entirely 100% effective. The health effects of lead is that high lead levels affect cell and body processes and may have neuro-psychological

effects, particularly on children. Lead can also affect the rates of heart attack incidences and strokes.

MR. DAVID CHEUNG (in Cantonese): Sir, when we are walking on the road or driving, we often see a lot of vehicles emitting dark fumes. Will the Government inform this Council whether prosecutions are taken against these drivers?

SECRETARY FOR LANDS AND WORKS: Yes, Sir, prosecutions are regularly taken against vehicles with excessive smoke emissions.

MR. MCGREGOR: Sir, would the Secretary advise whether the Government has any plans to enforce the application of existing vehicle emission controls by increasing the number of teams carrying out random checks particularly on diesel engines which appear to be the worst polluters?

SECRETARY FOR LANDS AND WORKS: Sir, we are going somewhat beyond lead. At present there is no provision for additional resources for this kind of enforcement.

MRS. FAN: Sir, in many countries such measures are already in place and car manufacturers by and large are aware of the necessary control. I wonder whether the Secretary would be prepared to explain why it is necessary to recruit a motor vehicle emission control expert to look at the situation in Hong Kong and whether this is because Hong Kong is very special and there are special factors which needed the full-time expert advice of such a recruit.

SECRETARY FOR LANDS AND WORKS: Sir, in effect, we already have legislation and the requirement for an expert is to look at the degree of tightening up which is practical. I would like to say that in relation to lead content without the introduction of legislation we have reduced lead content in petrol from a level of 0.84 grams per litre in 1981 down to 0.15 grams per litre in 1987 and the lead position in the ambient atmosphere is very satisfactory by most countries' standards.

MR. PAUL CHENG: Sir, to some degree Mr. MCGREGOR has already asked my question but



anyway I would like to present my question in case the Secretary of Lands and Works may have something to add to it. To move on to a lead free policy is at best a long-term proposition. Will the Administration inform this Council what its specific short-term plans are to better control pollution resulting from excessive auto emission particularly relating to vehicles using diesel fuel?

SECRETARY FOR LANDS AND WORKS: Sir, this is particularly the area in which we are looking for more guidance. We are a particularly heavy diesel user here in Hong Kong and I am not in a position to immediately outline the legislation which it is proposed to introduce within the next two years.

Fast lanes on trunk roads

5. MR. LAU WONG FAT asked (in Cantonese): Heavy goods vehicles are often found using the fast lanes on trunk roads such as the Tuen Mun Highway and Tolo Highway and they do not only affect the flow of traffic but also pose potential threats to the safety of other drivers. Will Government inform this Council what short-term and long-term measures will be taken to tackle this problem?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, "Keep Left Unless Overtaking" signs are erected along the major trunk roads such as Tuen Mun and Tolo Highways requiring vehicles to keep to the nearside lane except when overtaking. Although the sign applies to all vehicles, it is particularly relevant to the slower moving ones. The sign is regulatory and failure to comply is an offence under the Road Traffic (Traffic Control) Regulations.

The Road Users' Code, which provides comprehensive guidance to road users, also advises drivers to keep to the left except when overtaking. Specific advice is given to drivers of medium and heavy goods vehicles, buses, coaches and vehicles with a trailer not to drive in the right-hand lane of a three-lane carriageway unless there are exceptional circumstances. Such advice is publicized regularly through radio and television announcements.

In the longer term, legislation is being drafted prescribing more stringent driving rules for the expressways to ensure their safe and efficient use. It will require all vehicles to keep left except when overtaking and to overtake only to the

right of another vehicles. Slow moving vehicles such as medium and heavy goods vehicles will be prohibited from using the outside lane of a carriageway with three or more lanes, except at junctions.

MR. LAU WONG FAT (in Cantonese): Sir, since our existing measures regarding the use of fast lanes cannot really solve the problem effectively, will the Government consider other measures, such as posting a patrol policeman there to prosecute those who do not observe the regulations? And before stricter laws are introduced, will the Government consider, as a deterrent measure, suspending the licence of offenders on second conviction of fast lane offences?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, there are sufficient arrangements to prosecute those who commit the offence. However, existing regulations only allow offenders to be penalized according to a fixed penalty. But of course the courts have power to increase the penalty or to suspend the licence where necessary. In the longer term we hope to be able to revise our legislation and to require motorists to drive on the left side of expressways. Meanwhile, Mr. LAU's views will be forwarded to the police to consider whether stepped-up prosecution action and increased penalty will be necessary. As to whether demerit points should be awarded against them because of this, I think this calls for careful consideration. At the moment I do not think it is necessary as it is not dangerous driving after all.

MISS LEUNG: Sir, we have been told about the drafting of such legislation which is long overdue. Would the Secretary inform this Council when the legislation will be introduced?

SECRETARY FOR TRANSPORT: Sir, I hope the legislation will be ready within this Session.

MRS. CHOW: From the Secretary's answer, it seems that the immediate problem arises because of a lack of enforcement. Can the Secretary give us some idea as to how many prosecutions have in fact been initiated in, say, the past 12 months to see whether the present regulations are being put to good use to check the current problem?

SECRETARY FOR TRANSPORT: Sir, under the existing legislation, this type of offence subsumes under the category of offences known as not obeying traffic signs. So it is not possible to give a breakdown on this particular type of offence. But over the last few years the number of those receiving "tickets" has not been as high as people thought. For example, in 1985, the number was 107 000; 1986, 112 000 and 1987, 110 000. This includes all the breaches of regulations relating to traffic signs including this particular traffic sign. So it is not possible to show a breakdown on this particular type of offence.

MR. CHEUNG YAN-LUNG (in Cantonese): Sir, has the Transport Department informed all driving schools of the necessity of keeping left unless overtaking so that learner-drivers could be taught accordingly?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, I believe all relevant parties, including schools, have been informed of such a rule.

MR. MICHAEL CHENG (in Cantonese): Sir, in expressways and motorways we often find heavy vehicles going side by side at a slow speed and taking up two lanes on the carriageway thus affecting the flow of traffic. Is there legislation to improve the situation?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, to take up the middle lane and the fast lane at the same time will be a matter that will be controlled under the new legislation.

#### Water Pollution Control Ordinance

6. MR. TIEN asked: Sir, in view of recent publicly expressed remarks by a senior official of the Environmental Protection Department that the lack of effective legislation to deal with factories causing pollution was one of the reasons preventing a speedy solution to the problem of improving the environmental condition of the Ho

Chung River, will Government inform this Council what factors are attributable to the delays in formulating effective legislation against factories causing pollution, what progress is now being made, and when the relevant legislative proposals will be available?

SECRETARY FOR LANDS AND WORKS: Sir, the delays that Mr. TIEN refers to, are delays in implementing the existing Water Pollution Control Ordinance and also in amending the Ordinance to tighten it up.

This Ordinance, when fully implemented, achieves or will achieve a good measure of control, but so far it has only been implemented in one control zone, that is, Tolo Harbour. This is because the Administration agreed with a past OMELCO environmental affairs panel that no further zones should be declared until the economic implications for industry had been assessed following experience in the Tolo Harbour Water Control Zone. This assessment has now been completed and the economic implications have been found to be minimal.

We have recently declared the Southern Water Control Zone, which in its own has very little industry in it and which covers south Lantau and south Hong Kong, and we will implement the Ordinance there in April 1989. In early 1989 -- now that we have the economic assessment on the Tolo Harbour Water Control Zone -- we intend to declare water control zones in Junk Bay and Port Shelter in which area the Ho Chung River is situated. And thereafter we will steadily declare all remaining zones over a period of five years.

The Administration proposes to tighten up controls in the existing law. Its proposals will include a reduction in the level of exemption for existing industrial operations whereby discharges are presently permitted to increase in quantity or concentration of pollutants by up to 30% before the exemption becomes invalid and a licence must be sought. They will also include the imposition of a requirement to connect sewerage outfalls to public sewers where they exist. I am aiming to finalise proposals for an amending Bill by mid-1989.

MR TIEN: Sir, with reference to paragraph 3 of the Secretary's reply, can this Council be informed of the timing and sequence in which the remaining water zones in the territory will be brought under control in the next five years and whether

the most polluted industrial areas, such as the Rambler Channel in Tsuen Wan, could be brought forward on the five-year timetable?

SECRETARY FOR LANDS AND WORKS: Sir, I have not with me a programme. But generally speaking the principles for priority are vulnerability, and particularly the lasting effect of pollution after declaration. That is the reason why we zoned Tolo Harbour first, because pollution there does not go away. As regards the Rambler Channel in Tsuen Wan, I understand it to be not of such a high priority for the reason that once pollution is under control it will clean up much sooner.

PROF. POON: Sir, there are several factors contributing to delay. I would like to ask the Secretary how many years it took the Administration to prepare the Water Pollution Control Ordinance and other anti-pollution ordinances? I understand it took the Administration well over 10 years to prepare the Noise Control Bill. Would the Secretary confirm that it was the Administration's recommendation in the first place to declare only one control zone with a 30% increase in the pollutants and pending further observations to declare other control zones? Would the Secretary further confirm that the Administration took an average of several weeks to answer queries raised by the OMELCO Environmental Panel?

SECRETARY FOR LANDS AND WORKS: Sir, that is a great number of questions. Indeed, it is quite true that the Water Pollution Control Ordinance took many years to formulate. But that is not surprising seeing that those involved in it, originally the Environmental Protection Agency and then the Environmental Protection Department, was a very minimal organization until very recently. Regarding the question of the Administration's proposing the economic implications, I have no wish to bandy around blame in this but I understand this was prompted largely by anxieties within the OMELCO panel regarding the economic impact. I do not think I have answered all the questions, Sir.

HIS EXCELLENCY THE PRESIDENT: Prof. POON, could I make a point to Members. It would be helpful for those answering questions if we could reduce the number of multiple-barrelled questions. So I shall give you a chance to ask your third supplementary point.

PROF. POON: Thank you, Sir. As the answer referred to the OMELCO Environmental Panel's intention of delaying, I, being the convenor of the panel, have a duty to clarify several points, which is why I had a full load of questions to ask. My last question was: how long did it take the Administration to answer queries raised by the OMELCO Environmental Panel? I understand it took several weeks for each query to be answered.

HIS EXCELLENCY THE PRESIDENT: Prof. POON, could you clarify this, because unless you do clarify it would be out of order: it relates to this specific point, does it not?

PROF. POON: Yes. It is because, Sir, the answer seems to imply that the OMELCO panel was delaying the implementation of the relevant legislation. In fact, it was both ways. The Administration took many weeks to answer our queries.

SECRETARY FOR LANDS AND WORKS: Sir, not having actually been involved very closely with the legislation at the time, I am a little hazy about the dates of respective correspondence on this. I suspect that Prof. POON probably knows the answers best. I should be very happy, though, to supply him with a full list of the dates of all relevant letters. (Annex V)

Housing subsidy for public housing tenants

7. MR. TSE asked (in Cantonese): Will the Government inform this council of the total number of affected tenants who have given up their public rental housing units as a result of the implementation of the policy by the Housing Authority to charge twice the net rent from tenants with income exceeding the Subsidy Income limit, whether the Government considers the policy effective and whether the policy will be applied on a permanent basis?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, following extensive consultation and public debate on the Report of the Committee on Housing Subsidy to Tenants of Public Housing published in September 1986, a new policy on housing subsidy was implemented

on 1 April 1987 with a view to reducing the level of subsidy to those public housing tenants who are no longer in need. The first batch of tenants, about 8 700 in number, whose household income exceeds the Subsidy Income Limit, have been required to pay double net rent from 1 April this year.

Since April this year, 89 tenants who have been paying double rent have surrendered their flats, but since they have not been asked to give reasons for vacating their flats, it is not clear whether this is directly attributable to the implementation of the double rent policy.

However, there are clear indications that tenants paying double rent are taking a greater interest in other forms of assisted housing. For example, 1 750 such tenants have submitted applications to buy a flat in the most recent phase of Home Ownership Scheme flats sale. This represents about 20% of the total number of tenants affected by the new policy. In addition, 195 of the affected tenants have applied for a loan under the new Home Purchase Loan Scheme which was announced in June this year. If their applications are successful, more rental flats will be recovered in due course for allocation to those in greater need.

As the double rent policy has only been implemented for a relatively short period of time, it is too early to draw any conclusions on its effectiveness or otherwise; but judging from the encouraging signs described earlier, we are hopeful that some positive results can be achieved. The Housing Authority will of course review this policy from time to time but there is no intention to make fundamental changes at this stage.

DR. TSE (in Cantonese): Sir, according to the reply given by the Secretary for District Administration, there are about 9 000 households who are paying double rent but since April only 89 have given up their units. Does this small figure indicate that those who buy Home Ownership Scheme flats or those who join the Home Purchase Loan Scheme are very small in number or the successful rate is low? If that is the case, will the Government relax the conditions of purchase so that more can join the schemes and the units be given to others more in need?

SECRETARY FOR DISTRICT ADMINISTRATION: In my reply, I mentioned that 89 tenants have voluntarily moved out of the public housing rental flats but 1 750 tenants have

submitted applications to buy flats in the Home Ownership Scheme. In addition, 195 have taken advantage of the new Home Purchase Loan Scheme. The percentage who have applied for purchase of Home Ownership Scheme flats and for joining the Home Purchase Loan Scheme is in fact greater than the average public housing tenants who are not affected by this new policy.

MR. MICHAEL CHENG (in Cantonese): Ever since the Housing Authority implemented the policy of double rent, some residents have had to move to new estates because of redevelopment. They do not have to pay double rent. But in the case of tenants in the same public housing building, if they apply of their own accord to live in a newer estate, they will have to pay double rent. So the net result is that residents in the same building are subject to unfair treatment. Will Government inform this Council what will be done to improve the situation to ensure that those who are affected by redevelopment and are applying to move to newer flats will get fair treatment?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, in general those affected by redevelopment qualify for reallocation of new housing in their own right. But the new housing policy, which I mentioned, is concerned with people who have been residing in public housing for a number of years, for instance, the first batch I mentioned were those who were subjected to this check in 1987-88. And the next batch will be those who have been residing in public housing for between 19 and 22 years. They are affected because of the length of their residence.

DR. TSE (in Cantonese): Sir, because those who are affected by the double rent policy have been in public housing for over 10 years, they have been therefore living in older estates. Will the double rent be sufficient for the authorities to maintain these old estates and has the double rent exceeded 15% of the income of the affected tenants?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, because those who are affected and required to pay double rent are enjoying income in excess of the income limit, therefore, even with the double rent they are made to pay, the rent to income ratio is not likely to exceed the average percentage.



Report on Vietnamese boat people by two Justices of the Peace

8. MRS. TU asked: Sir, following the report on the treatment of Vietnamese boat people at Hei Ling Chau by two Justices of the Peace, would the Government inform this Council of the results of the Governor's direction :

- (a) for the Commissioner of Correctional Services to recommend how to improve the operational procedures, standing orders and administrative arrangements at Hei Ling Chau;
- (b) for the Commissioner of Correctional Services and senior representatives of the Civil Service Branch and the Attorney General's Chambers to examine the findings of the report and consider disciplinary action against the staff; and
- (c) for the Director of Medical and Health Services to investigate the actions of the medical officers and the system of medical examinations at Hei Ling Chau and Lai Chi Kok and make recommendations thereon?

SECRETARY FOR SECURITY: Sir, the Commissioner of Correctional Services has reviewed the operational procedures, standing orders and administrative arrangements at Hei Ling Chau and has made a number of recommendations to improve the management and procedures at the centre. The standing orders and operational procedures are being revised accordingly and other recommendations are in the process of implementation.

It has never been the practice to publish details of operational procedures and standing orders. These are restricted documents. However, I am prepared to arrange a verbal briefing on these matters for the OMECLO Security Panel if Members would find this useful. Meanwhile a number of specific improvements which have been introduced are attached in the annex to my reply.

As regards the second part of the question, the findings of the report of the Justices of the Peace and the question of disciplinary action are being examined by the Commissioner of Correctional Services and senior representatives of the Civil Service Branch and Attorney General's Chambers, as directed by the Governor. As

enquiries are still continuing it would be inappropriate for me to comment any further at this stage.

Following the completion of the investigation by the Director of Medical and Health Services into the medical aspects of the report of the Justices of the Peace, the question of follow-up action is now under active consideration, and recommendations to improve the system of medical examinations at Hei Ling Chau and Lai Chi Kok are now being implemented. These include :

- a more effective system of referrals and medical examination;
- an improved medical report form which will ensure a more precise record of the medical examination and any injuries;
- instructions to medical staff on the proper completion of the medical records.

In the broader context I have asked for a further review of medical services which would cover all Vietnamese centres. This is now underway.

#### Annex

##### Administrative Improvements at Hei Ling Chau

Some of the specific improvements that have been introduced include :

- an improved food distribution system and dietary scale;
- the provision on request of a photocopying service for documents and further publicity about the availability of a safe care service at the centre;
- appropriate counseling for those who have been removed from a centre for a period of time;
- improvements to staffing levels;
- the use of plain clothes for regular staff at the centre instead of custodial

staff uniform;

- disposing with the carriage of truncheons as normal equipment;
- attendance by Correctional Services Department staff at special management training courses and short courses in basic Vietnamese language;
- the preparation of an information booklet on arrangements and life in detention centres for distribution to Vietnamese;
- arrangements for the UNHCR to employ an agency to run a works programme for Vietnamese in the centre;
- overall reduction in centre population.

MRS. TU: Sir, on the first part of the question relating to specific improvements, as mentioned in the annex, of basic good relations between immigrant detainees and prison officers, is there any reason why these measures were not anticipated earlier because there had been similar incidents in camps in the past? And has the Secretary for Security investigated every aspect including the psychological aspect affecting new illegal immigrants to ensure good order and for the safety of the Correctional Services staff in the camp?

SECRETARY FOR SECURITY: Sir, the Correctional Services have been dealing with the Vietnamese refugees and boat people for many years and I am afraid it often takes a disturbance of an unusual nature, of the sort that occurred on 18 and 19 July, to focus public opinion on specific aspects. I should say that the circumstances on 18 and 19 July were particularly unusual. Two thousand Vietnamese had been transferred into the Hei Ling Chau camp in the preceding two weeks. It was particularly hot, there was a No. 3 signal up, Correctional Services Department staff were short, and the refugees themselves were particularly dismayed at the Government's new policy of detention and repatriation to Vietnam, and also that it had been made clear at the time that talks would take place between the Hong Kong Government and Hanoi on repatriation. All these were factors, I think, which contributed to the unusual situation which I have just described. I think that explains why steps were not taken earlier than this particular summer. As to the

psychological aspect, this is a matter which the Correctional Services, UNHCR and the voluntary agencies do pay particular attention to. Steps are being taken to ensure that Vietnamese arriving in Hong Kong are made aware of that situation or made aware that they are going to the camps. I think the third part of the supplementary dealt with the safety of Correctional Services Department officers. I can assure Mrs. TU that this is something which is borne in mind by the department and by the Government.

MR. MARTIN LEE: In relation to the second part of Mrs. TU's question, will the Government inform this Council why it has already ruled out the institution of criminal proceedings against officers of the Correctional Services in relation to this incident when enquiries are still continuing?

SECRETARY FOR SECURITY: When the matter was originally discussed following the report of the two Justices of the Peace who were appointed to look into this matter, it was decided in the light of legal advice based on the report of the Justices of the Peace and also information from the Civil Service Branch on the modalities of disciplinary proceedings that on balance it would be better to pursue a disciplinary rather than a criminal investigative action. For somewhat similar reasons no criminal action is being contemplated against the Vietnamese involved in the disturbances.

MR. POON CHI-FAI (in Cantonese): Sir, will the Government inform this Council whether the authorities have studied how best to carry out these instructions without adversely affecting the morale of or causing unnecessary pressure to other devoted officers of Correctional Services Department which might affect the normal running of the camps and cause setbacks in the maintenance of order within them?

SECRETARY FOR SECURITY: This is very much a matter for the head of the department, Sir. The swift and conclusive completion of the current enquiries, particularly where they touch upon disciplinary matters, will of course be something which the department will welcome. I hope the current enquiries will take no longer than about two more weeks. I am not in a position to control it myself, but I am informed that this is the position. I think that in itself will do a lot for the morale of the Correctional Services and I think also that the various improvements that have been

made and the clarification of standing orders and operational instructions now make it quite clear to those members of the Correctional Services what is expected of them in the sort of circumstances that might recur if something like the 18 and 19 July unrest were to happen again.

MR. MARTIN LEE: Sir, arising out of the earlier answer to my supplementary question, will the Secretary inform this Council what the reasons given by the Legal Department which had led to the decision of not bringing criminal proceedings in relation to this incident were?

SECRETARY FOR SECURITY: Sir, I do not know whether I am best suited to reply to this question. One of the factors was that the report of the Justices of the Peace made it quite clear that no member of the Correctional Services staff could be identified. The investigative process which would be attached to trying to identify such persons was concluded not to be in the public interest in the light of the need for a swift investigation. It was decided to proceed on disciplinary grounds in the light of the advice given by the Disciplinary Section of the Civil Service Branch in such cases. If the Attorney General has anything to add, I should be delighted to listen to him.

ATTORNEY GENERAL: I have got very little to add to that. The Secretary for Security has very accurately pinpointed the fundamental problem for identification of individual officers of Correctional Services Department who are alleged to have been involved in the actual incident.

MR. MARTIN LEE: Will the Secretary for Security further explain to this Council the reason behind this decision since once you have evidence of identification then it is just as swift to prosecute the culprits as to discipline them? Perhaps the Attorney General could inform this Council why the Administration has already ruled out the possibility of offering immunity to accomplices in relation to the incident so that they can become Crown witnesses who could identify the other culprits.

SECRETARY FOR SECURITY: Sir, the processes of disciplinary procedures and action in this particular incident are quite different from those which will be followed in

a criminal investigation. I would prefer not to say anything further until these disciplinary enquiries have been finished, but once they have been concluded, Mr. LEE will, I am sure, understand what I am saying. If he does not, I shall be happy to explain at that time.

ATTORNEY GENERAL: Sir, I have little to add to that except to repeat that it is quite clear from the report of the Justices of the Peace that identification was a major problem and that there seemed little likelihood of there being identified individuals in respect of whom consideration could eventually be given as to whether to prosecute.

MR. CHEONG: Sir, in the light of public interest and in the interest of the longer-term morale of the Correctional Services Department personnel, could the Secretary confirm to this Council that no unnecessary "witch-hunt" procedure is going to be installed?

SECRETARY FOR SECURITY: Sir, I can confirm that no unnecessary "witch-hunt" is being pursued. What is under way at the moment is an enquiry which will identify whether the persons concerned carried out their functions as members of Correctional Services Department or Medical and Health Department to the standard that is expected of them. To this extent, it is disciplinary and not criminal.

MR. MARTIN LEE: Will the Attorney General inform this Council why he has not considered the fact that Justices of the Peace could not offer immunity but the Attorney General can offer immunity to accomplices and with their evidence it should be forthcoming that there will be evidence of identification which could found criminal prosecution?

ATTORNEY GENERAL: Sir, when one gets into the subject of immunities one should have identifiable potential defendants.

Written answer to question

Manpower for the Immigration Airport Division

9. MR. BARROW asked: The Airline Operators Committee has been informed that the approved increase of Immigration Department's staff establishment to cope with additional workload arising from the opening of Stage V of Kai Tak will now be cut by half. Will Government state the reasons for such a change of heart and what steps can be taken to revert to the original decision of increasing the staff establishment by 59?

SECRETARY FOR SECURITY: The Council was informed on 20 October 1988 that on completion of the Stage V Extension of the Airport, the establishment of the Immigration Airport Division would be increased by 59 posts. This figure was based on that in the estimates. Since then the Government has reviewed specific aspects of the operating procedures of immigration clearance at the airport.

As a result of this review, the Government has concluded that, with certain procedural changes, the Immigration Department can manage initially with 38 additional posts. A further 38 posts will be included in the draft estimates for 1989-90, subject to the usual detailed consideration, with a view to their creation from next April.

Meanwhile the department will make every effort to meet the current standard of clearing all arriving passengers within 30 minutes, and will monitor the situation closely to ensure that a high standard of service is maintained.

Government Business

First Reading of Bills

BOILERS AND PRESSURE RECEIVERS (AMENDMENT) BILL 1988

ROAD TRAFFIC (AMENDMENT) (NO.3) BILL 1988

REFORMATORY SCHOOLS (AMENDMENT) BILL 1988

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

## Second Reading of Bills

### BOILERS AND PRESSURE RECEIVERS (AMENDMENT) BILL 1988

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second reading of: "A Bill to amend the Boilers and Pressure Receivers Ordinance".

He said: Sir, I move that the Boilers and Pressure Receivers (Amendment) Bill 1988 be read a Second time.

For historical reasons there are two separate authorities administering the Ordinance: the Registrar and the Principal Surveyor. This artificial separation of authorities causes administrative difficulties. Clause 6 of the Bill therefore provides for a single authority, the Boilers and Pressure Vessels Authority, to replace them. Our intention is to appoint the Commissioner for Labour as the new authority.

The Principal Surveyor now appoints examiners to inspect boilers and pressure vessels. He can also revoke and suspend such appointments. There is no provision for appeal against his decision to revoke or suspend. Clause 6 provides for appeal to the Secretary for Education and Manpower. However, in the interests of safety the authority's decision would take immediate effect pending an appeal.

Sir, the Ordinance needs updating in several places to bring it in line with internationally recognized standards and practice. Equipment within the existing definition of "pressure receiver" is invariably referred to as a "pressure vessel" in engineering practice; and equipment within the existing definition of "pressure vessel" should be referred to as a "pressurized fuel container". Clause 3(h) of the Bill seeks to revise these definitions accordingly. As a result, the title of the Ordinance also needs to be changed to Boilers and Pressure Vessels Ordinance, as provided for in clause 2.

The Ordinance now refers to both Imperial units and their equivalent in metric units. Since it is now the practice to refer only to metric units, clauses 13(1) and 19 delete all references to Imperial units. As boilers and other pressure equipment are now manufactured according to different national or international standards, clause 30 replaces all references to "the current British Standard Specification"



by "a recognized engineering standard or code". Since thermal oil heaters are being introduced in industry, clause 3(g) provides that they be placed under the control of the Ordinance.

The Bill also seeks to improve the administration of the Ordinance. Clause 10 stipulates a single set of registration requirements for equipment whether made locally or overseas. Clause 11 enables the authority to issue Codes of Practice for the specification, operation and approval of pressure equipment. Clause 13(2) provides the authority with the flexibility to extend or reduce the validity period of the Certificate of Fitness for a boiler or pressure vessel on the basis of operational and safety needs. Clauses 16, 17, 18 and 21 provide that the authority may, if necessary, approve a piece of equipment at a reduced maximum permissible working pressure.

Sir, all the provisions of the Bill have been endorsed by the Labour Advisory Board and I recommend them to this Council for approval.

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

Question on adjournment proposed, put and agreed to.

#### ROAD TRAFFIC (AMENDMENT) (NO.3) BILL 1988

THE SECRETARY FOR TRANSPORT moved the Second Reading of: "A Bill to amend the Road Traffic Ordinance".

He said: Sir, I move the Second Reading of the Road Traffic (Amendment) (No. 3) Bill 1988.

This Bill proposes that the maximum seating capacity of public and private light buses be increased by two, from the existing 14 up to 16.

Before going into the details of the Bill, I would like to describe briefly the background leading to the present proposal.

Over the past 20 years, public light buses have played a significant role in our public transport system. Although they no longer serve as a major carrier with the advent of the Mass Transit Railway, the modernized Kowloon-Canton Railway and the

expansion of franchised bus networks, they still maintain a useful complementary role, carrying some 1.6 million passengers a day.

Recently, public light bus operators have asked for an increase in seating capacity to improve their revenue and competitive position.

In considering the request, Government has consulted both the public light bus trade and the franchised bus operators. Particular regard is given to making better use of the passenger carrying potential of public light buses to help meet demand, particularly at peak hours, but without affecting the level of comfort provided. The maximum gross vehicle weight for light buses under the existing regulations is 4 tonnes. Within this weight limit, all new models now in use could carry more than 14 passengers. But if the comfort standards are to be maintained, only two additional seats could be allowed. Thus, it is considered that their maximum capacity should only be increased to 16.

As private light buses have always been given the same treatment as public light buses, it is proposed to allow them the same increase.

However, it must be stressed that the increase of up to 16 seats would be final as any further relaxation could not be justified on transport grounds. No further relaxation in the dimensions, weight or seating capacity would thus be allowed.

The Transport Advisory Committee had been consulted on these proposals and have expressed support.

Turning now, Sir, to the main points of the Bill. Clause 2 amends section 2 of the Road Traffic Ordinance to provide that the maximum seating capacity for a light bus is 16. The minimum seating capacity of a bus is also amended so that it can carry more than 16 passengers. This ensures a clear distinction between a bus and a light bus.

Clause 3 provides that vehicles now registered as private or public buses with a seating capacity of 15 or 16 would keep their existing classification. There are at present 30 such vehicles. They will not be affected by the proposed amendment.

The Bill also makes minor consequential amendments to three related ordinances and regulations.

Finally, since the revised seating capacity is expressed as a maximum, existing public light buses may continue to operate as 14-seaters.

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

Question on adjournment proposed, put and agreed to.

#### REFORMATORY SCHOOLS (AMENDMENT) BILL 1988

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: "A Bill to amend the Reformatory Schools Ordinance".

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

This Bill seeks to update the Reformatory Schools Ordinance to deal with certain practical problems which have arisen in its application.

The most significant amendment relates to the period of detention of a youthful offender. At present, such an offender may be detained in a reformatory school for a period of not less than one year and not more than five years. During this period, an offender undergoes a training programme which is intended to produce beneficial changes in the offender and in his behaviour. Prolonged detention has been found to have no positive effect on offenders and can cause problems arising from psychological stress. It is considered that a three-year detention period is sufficiently long for the purpose of training and the Bill thus proposes to change the maximum length of sentence from five to three years.

The other main change relates to young offenders found to be drug-addicted. At present, there is no provision for the court to refer drug-addicted inmates of reformatory schools to a drug-addiction treatment centre. The Bill proposes a new provision to enable the court to take such a step.

Further amendments are proposed to replace the term "incorrigible" by the more accurate phrase "unsuitable for further training in a reformatory school", and amend

the definition of "youthful offender" to enable the Director of Social Welfare to certify young offenders of 16 and 17 as unsuitable for further training.

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

Question on adjournment proposed, put and agreed to.

#### COMPANIES (AMENDMENT) (NO. 3) BILL 1988

Resumption of debate on Second Reading which was moved on 2  
November 1988

Question proposed.

MR. PETER WONG: Sir, with regard to clause 13 of the Bill, which introduces a new scale of fees on the filing of annual returns, I should like to sound a note of caution.

I accept that there should be some disincentives for those who are late in filing and that they will pay a higher fee.

Nevertheless there may be occasions, such as overseas postal strikes, when late filing is unavoidable. In such circumstances there should be a discretion to waive the higher fee, as envisaged by the general provision in section 96(b) of the Interpretation and General Clauses Ordinance.

This point has already been put to the Administration and I look forward to the Financial Secretary's assurance.

Sir, with these remarks, I support the motion.

FINANCIAL SECRETARY: Sir, I agree with Mr. Peter WONG that there may be exceptional cases where the fees payable upon late filing of annual returns should be reduced or waived. Such cases, however, should be few in number because the new structure should help to encourage the prompt filing of annual returns. Nevertheless, I can assure Mr. WONG that, in appropriate cases, consideration will be given to reducing or waiving the fees pursuant to section 96 of the Interpretation and General Clauses

Ordinance.

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 Bill

Council went into Committee

COMPANIES (AMENDMENT) (NO. 3) BILL 1988

Clauses 1 to 4 and 6 to 13 were agreed to.

Clause 5

MR. ARCULLI: Sir, I move the deletion of clause 5 from the Bill as set out in the paper circulated to Members.

The Companies (Amendment) (No. 3) Bill 1988 contains a number of miscellaneous amendments to the Companies Ordinance.

An ad hoc group was formed by three of my colleagues in this Council and myself to specifically look at matters relating to clause 5 of the Bill which seeks to amend clause 157C of the Companies Ordinance to reduce the minimum age for company directors from 21 to 18. We did not challenge the spirit of the proposed amendment, which was made in the context of recommendations of the Law Reform Commission for reducing the age of majority from 21 to 18. We were, however, concerned that before the relevant legislation which would give effect to the Law Reform Commission recommendations was implemented, the disparity in the minimum age for company directors and the age of majority might provide a venue for circumventing the law. Minors who at present have no contractual capacity may have the opportunity to take advantage of the proposed amendment and enter into contracts via a company in their capacity as company directors.

We consider that the proposed amendment to clause 157C may better be dealt at the same time as the proposed legislation dealing with the reduction of the age of majority from 21 to 18. This is just an improvement in the timing of the legislation and will help avoid the possible situation in which the validity of contracts entered into by minor directors on behalf of their companies may be challenged.

The Administration has agreed to the proposed amendment. Accordingly, I am moving that clause 5 of the Bill should be deleted.

Sir, I beg to move.

FINANCIAL SECRETARY: Sir, I am grateful to Mr. ARCULLI and Members of the ad hoc group for the consideration they have given to the Bill.

I agree that the minimum age limit for company directors should not be lowered from 21 to 18 until other relevant recommendations of the Law Reform Commission on the age of young persons have been implemented.

I support the Committee stage amendment moved by Mr. ARCULLI.

Proposed amendment

Clause 5

That Clause 5 be deleted.

Question on the amendment proposed, put and agreed to.

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

COMPANIES (AMENDMENT) (NO. 3) BILL 1988

had passed through Committee with an 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.

Member's Motion

#### INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR. SZETO Wah moved the following motion :

That the Film Censorship Regulations 1988, published as Legal Notice No. 244 of 1988 and laid on the table of the Legislative Council on 12 October 1988, be amended --

(1) In Schedule 1 --

(a) in Form 1 (English text) --

(i) in Part A, by repealing "(See Note 3)" in paragraph 1;

(ii) in Part A, by repealing "(See Note 4)" in paragraph 5 and substituting "(See Note 3)";

(iii) in Part B, by repealing "(See Note 5)", "(See Note 7)" and "(See Note 8)" and substituting "(See Note 4)", "(See Note 6)" and "(See Note 7)" respectively; and

(iv) in the Notes, by repealing paragraph 3 and renumbering the paragraphs thereafter;

(b) in Form 1 (Chinese text) --

(i) in the Part entitled " ", by repealing "( 3)" in paragraph 1;

(ii) in the Part entitled " ", by repealing "( 4)" in paragraph 5 and substituting "'( 3)";

(iii) in the Part entitled " ", by repealing " ", "( 5)", "( 7)" and "( 8)" and substituting " ", "( 4)", "'( 6)" and "( 7)" respectively; and

(iv) in the Notes which are entitled " " by repealing paragraph 3 and renumbering the paragraphs thereafter; and

(c) in Form 4 (Chinese text), by repealing paragraph 4 of the Notes which are entitled " " and substituting -- " / ".

(2) In Schedule 3, in item 2 of Part I, by repealing "and" and substituting "or".

MR. SZETO: Sir, I move that the Film Censorship Regulations 1988 be amended as follows:

(1) by repealing Note 3 of Schedule 1 (film submission form); the purpose of this amendment is to remove the requirement that titles and subtitles be incorporated as part of a film before its submission for examination. This will eliminate the difficulty that may arise from excision. In this way, the film and the script of titles and subtitles can be submitted separately for censorship, which indeed has been the practice all along. This amendment is proposed at the request of the film industry.

(2) In order to achieve greater clarity of expression, certain wording of the regulations need to be amended as follows:

(a) In Schedule 1, the Chinese text of Form 4 (application for replacement certificate) -- " / " be repealed and



substituted by " / ;

(b) In Schedule 1, the Chinese text of Form 1 (film submission form) -- the term " " be repealed and substituted by " ";

(c) In Schedule 3, the "and" in Part I be repealed and substituted by "or" so that censorship fee can be charged per minute of running time or part thereof.

The proposed amendments are set out in detail in the papers circulated to Members. Moreover, the ad hoc group of this Council has the following suggestions to make:

(1) On censorship fees

(a) The charging of censorship fees is now worked out on a cost-recovery basis. However, some members of the ad hoc group feel that film censorship is to protect public interest and freedom of expression on the one hand and on the other hand to protect youth and children who are intellectually not fully mature. This is in fact the responsibility of the Government. Therefore, is it right for the Government to recover the costs in providing the service? Since this touches on the overall policy of cost recovery and other charges, the issue will be referred to the appropriate OMELCO panel for further consideration.

(b) If we go by the existing cost-recovery principle, is the current level of fees a true and fair reflection of the costs involved? The ad hoc group has obtained from the Government detailed figures. And if the Government agrees, these figures will be forwarded to the film industry as an answer to the query.

(2) Paragraph 39 of the Guidelines

The Film Censorship Ordinance already provides that film censors should take into account article 19(C) of the International Covenant on Civil and Political Rights in assessing the possibility and the extent to which the film may damage Hong Kong's relations with other territories. However, some members of the ad hoc group feel that paragraph 39 of the guidelines has failed to reflect the spirit of such a provision clearly and accurately. Since the guidelines are only tabled in this Council for information and no legislative processes will be required to make amendment thereto, the ad hoc group feels that further discussion can be held with

the Administration on this aspect at a later date.

Sir, I beg to move.

Question proposed.

MR. ANDREW WONG: Sir, I rise in support of Mr. SZETO Wah's motion to amend the Film Censorship Regulations 1988 as detailed in the Order Paper. The amendment makes it possible for the continuation of the current administrative practice of allowing the separate submission of titles and sub-titles from the film itself. My reasons are identical to those of Mr. SZETO.

Sir, I wish to mention in passing that there are other longer-term questions related to the regulations, for example, whether or not fees should be charged for censorship and classification purposes and, if so, whether or not they should be charged on the basis of a cost recovery policy, particularly in view of the facts that an entertainment tax is already levied and that this tax revenue in respect of movies alone amounted to some \$115 million in 1987-88 while censorship fees amounted to a meagre \$1 million for that year and now potentially only \$2 million per annum. These questions will be taken up separately with the relevant Secretaries outside this Chamber.

With these remarks, Sir, I beg to support the motion.

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION: Sir, on the question of principles of cost recovery or whether or not film censorship procedure itself should attract a fee, I will be happy to continue the discussion with the OMELCO group. But I can assure the Council, Sir, that these fees are charged according to a formula that is commonly used in Government.

Sir, as far as the guide to censors is concerned, the guide has not been issued by me. I would be equally happy to continue the dialogue with the OMELCO group to see if any improvements could be made. Sir, I am most grateful to Mr. SZETO Wah for moving the motion which addresses the particular concerns of the industry, and which also at the same time improves the Chinese translation of the regulations.

I support the motion.

Question put and agreed to.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 7 December 1988.

Adjourned accordingly at one minute past Four o'clock.

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