

1 HONG KONG LEGISLATIVE COUNCIL -- 14 December 1988

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 14 December 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.

THE HONOURABLE CHENG HON-KWAN, J.P.

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

\* The Honourable Financial Secretary doubled up as Chief Secretary

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 PANG CHUN-HOI, M.B.E.

THE HONOURABLE POON CHI-FAI

PROF. THE HONOURABLE POON CHUNG-KWONG

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING

THE HONOURABLE TAM YIU-CHUNG

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

THE HONOURABLE ANDREW WONG WANG-FAT

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

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

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

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

THE HONOURABLE PETER WONG HONG-YUEN

ABSENT

THE HONOURABLE CHUNG PUI-LAM

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

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.
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Subsidiary Legislation:

Television Ordinance

Television (Standards of Programmes) (Amendment) Regulations 1988.....	326/88
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Hong Kong Airport (Control of Obstructions) Ordinance

Hong Kong Airport (Control of Obstructions) (Consolidation) (Amendment) (No.3) Order 1988.....	327/88
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Public Health and Municipal Services Ordinance

Designation of Libraries (Regional Council Area) Order 1988.....	330/88
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Public Health and Municipal Services Ordinance

Library (Regional Council) (Amendment) By-Laws 1988.....	331/88
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Public Health and Municipal Services

(Amendment) Ordinance 1988 Public Health and Municipal Services (Amendment) Ordinance 1988 (Commencement) Notice 1988.....	332/88
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Sessional Papers 1988-89

- No. 33 -- The MacLehose Fund Trustee's Report for the period 1 April 1987 to 31 March 1988
- No. 34 -- Sir Edward Youde Memorial Fund Report of the Board of Trustee for the period 1 April 1987 to 31 March 1988
- No. 35 -- Chinese Temples Fund Income and Expenditure Account with Balance Sheet and Certificate of the Director of Audit for the year ended 31 March 1988
- No. 36 -- General Chinese Charities Fund Income and Expenditure Account with Balance Sheet and Certificate of the Director of Audit for the year ended 31 March 1988
- No. 37 -- Hong Kong Productivity Council Annual Report 1987-88
- No. 38 -- Report of the Brewin Trust Fund Committee on the Administration of the Fund for the year ended 30 June 1988
- No. 39 -- Grantham Scholarships Fund Income and Expenditure Account with Balance Sheet and Certificate of the Director of Audit for the year ended 31 August 1988

Address by Members

Mental Health Review Tribunal Rules 1988 tabled on 23 November 1988

MRS. TAM: Sir, the Mental Health Review Tribunal Rules 1988 are made under Section 59G of the Mental Health Ordinance which was extensively amended in the last Legislative Council Session. The amended Ordinance provides, among other things, for the establishment of a new Mental Health Review Tribunal. When it commences operation early next year, the tribunal will essentially serve as an appeal channel for persons detained in a mental hospital or the psychiatric centre of the Correctional Services Department; persons permitted to be absent from these institutions for a trial period or conditionally discharged; or persons admitted to guardianship. As an important safeguard against infringement on civil liberties, the tribunal has full authority to deal with all the cases subject to its review, including the power to discharge patients either absolutely or conditionally.

As the Rules are considered to be as important as the provisions in the main Ordinance, a Legislative Council ad hoc group has been formed to examine them.

In spite of the short time available, the deliberation by the ad hoc group has been made less difficult due to the solid groundwork done at the time the Mental Health Ordinance was last amended. Members will recall that the former ad hoc group studying the Mental Health (Amendment) Bill 1987 spent some 11 months deliberating the complex and sensitive issues involved, including the membership and terms of reference of the tribunal.

Having scrutinized the Rules, the ad hoc group has been pleased to commend them to Members, provided that three suitable amendments will be made prior to the commencement of the operation of the tribunal, as follows--

(i) Rule 4 will be amended to the effect that except with the consent of the chairman of the tribunal, the secretary shall send out notice of an application for review within 14 days of his receipt of the application. This will ensure that the secretary will carry out his duties with despatch;

(ii) Rule 20(1) will be amended to provide that if a patient requests and the tribunal is satisfied that it is not contrary to the patient's interests, the tribunal shall sit in public. The amendment will provide the patient with the opportunity to make a request where he thinks it is in his interest to have the proceeding conducted in public; and

(iii) Paragraphs 3 and 4 of Part D of the Schedule will be combined without

reference being made to the view of the Commissioner of Police on the suitability of a patient for absolute discharge, such being the prerogative of the tribunal when reviewing the case of the patient concerned.

The above amendments have been agreed by the Administration which has undertaken to make the amending rules before the tribunal begins to operate.

Sir, the ad hoc group believes that, with the amendments mentioned above, the Rules will provide a useful code of procedure for the tribunal to follow. But as the tribunal is a new establishment the effectiveness of which has yet to be assessed, the group has suggested that there should be an administrative review of the workings of the tribunal. The Administration has agreed to this. A review would be undertaken about 18 months after commencement of the tribunal's operation.

Lastly, Sir, a word on publicity relating to the work of the tribunal. In the case of patients and relatives, the Ordinance requires public officers to inform patients and their relatives of their rights to apply to the tribunal. The Administration has also assured Members that the activities of the tribunal will be widely publicized through the mass media. But on top of these, I wish to urge that efforts must be made to explain to the social work and medical professions in all sectors about the roles they may usefully play to make the scheme work for the benefit of their clients and patients, and society at large.

With these remarks, Sir, and subject to the amendments I just mentioned I welcome and support the Mental Health Review Tribunal Rules 1988.

MR. HUI: Sir, I speak in support of the Rules in question which mark the first concrete step taken by Government to implement the recommendations made by Members of this Council on the Mental Health Ordinance when it was last revised in June this year.

In particular, I welcome the inclusion of the social assessment report as part and parcel of the review procedures, and of social worker in the membership of the Mental Health Review Tribunal. This denotes a positive change in the outdated concept that all decisions relating to the detention, conditional discharge and admission to guardianship of mental patients rest with the medical profession.

Although not confined exclusively to the Rules, I wish to make one point on the



"approved social worker" under the guardianship scheme. Social workers with the relevant qualification and experience can be found in both the Social Welfare Department and voluntary agencies. Voluntary agencies provide the bulk of mental health after-care services in Hong Kong. They wish to point out that since transfer of mental health cases to the authority may cause undue delay, social workers in voluntary agencies are more than able and willing to continue to provide care and service for their own mental patients. At the moment, half-way houses and work activity centres run by voluntary agencies are working closely with the Social Welfare Department in providing the much-needed after-care services to ex-mental patients. It is hoped that their service will be recognized and that consideration will be given to appointing social workers in voluntary agencies as approved social workers.

With these remarks, Sir, and subject to the amendments to be made by the Administration, I support the Mental Health Review Tribunal Rules 1988.

Oral answers to questions

Redevelopment programme for Mark I and II estates

1. MR. MICHAEL CHENG asked (in Cantonese): In 1983, it was decided that the redevelopment for Mark I and II estates was to be stepped up so that by 1990 all these estates would be redeveloped. Will Government inform this Council --

(a) of the progress and present situation of redevelopment of the four Mark I and II estates in Kowloon Central; and

(b) whether the territory-wide labour shortage will affect the construction and completion of new reception estates for the redevelopment programme, and whether affected tenants will be forced to move to estates outside their original districts in order to meet the target date of 1990 for the completion of redevelopment?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, following the decision in 1983 to set up the redevelopment of the Mark I and II estates an accelerated programme has been implemented by the Housing Authority with a view to clearing all such estates by 1990.

This programme includes the four Mark I and II estates in central Kowloon which Mr. CHENG refers to in his question. The redevelopment of the estates in Wang Tau Hom, Wong Tai Sin, Lok Fu and Tung Tau is making satisfactory progress. Between 1983 and 1988, a total of 49 blocks have been redeveloped compared to 20 blocks redeveloped between 1972 and 1983.

The construction of reception accommodation for the remaining 34 blocks in central Kowloon is well in hand. Present indications are that the labour shortage has not affected the redevelopment programme for all Mark I and II estates, including those in central Kowloon, and the programme can be completed by 1990 as scheduled.

Sir, it is not the Housing Authority's policy to force tenants affected by redevelopment out of their original districts for rehousing. On the contrary, every effort is made to ensure that they are given an acceptable range of choices of reception accommodation. Recent experience shows that about 15% of those affected by redevelopment have opted for Home Ownership flats, about 11%, of their own volition, have been rehoused outside their original districts while the others have been rehoused in the vicinity. As far as the clearance of the remaining Mark I and II blocks in central Kowloon are concerned, there should be adequate reception accommodation to meet the aspirations of those affected.

MR. MICHAEL CHENG (in Cantonese): Sir, will the Government assure this Council that adequate supplementary land sites will be provided to the Housing Authority to build public housing estates so that those affected by redevelopment will not be resited outside their original district?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the Housing Authority continues to look for new sites for its new housing. The Housing Authority is confident that there are enough sites in the urban area to meet the requirement for redevelopment, and that the redevelopment programme can be completed as scheduled.

#### Road Traffic (Driving Licences) Regulations

2. MR. TAM asked (in Cantonese): Will Government inform this Council whether any steps will be taken to amend Regulation 27 of the Road Traffic (Driving Licences)

Regulations so that driving instructors may lawfully give lessons to holders of valid driving licences and, if so, when the relevant legislative proposals will be available?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, steps are being taken to amend Regulation 27 of the Road Traffic (Driving Licences) Regulations to allow driving instructors to give lessons to holders of valid driving licences. We aim to introduce the legislative amendments early next year.

MR. TAM (in Cantonese): If, before the legislation is amended, a valid driving licence holder receives further tuition from a driving instructor, will the instructor be liable, under the existing law, to a fine of \$200 and imprisonment for three months? If so, it would be unfair, would it not?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, the police have given us assurance that during the interim period before the amended legislation comes into force, no prosecution will be taken against any person giving driving lessons to a holder of a valid driving licence.

MR. TAM (in Cantonese): Sir, before or after the legislation is amended, who will be held responsible for breach of traffic regulations arising in the course of tuition given by a driving instructor to a valid driving licence holder?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, according to the existing law, a driving instructor in breach of traffic regulations will be dealt with in the manner prescribed under the existing law.

Roadside grass-cutting

3. MR. CHEUNG YAN-LUNG asked (in Cantonese): Will Government inform this Council the present division of responsibilities for roadside grass-cutting among different government departments and, in particular, what arrangements are now being adopted

to clear up the weeds at non-gazetted passage ways in the New Territories which are frequently used by local residents?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the main responsibility for maintenance of roadside verges lies with the Urban Council in the urban area, and the Regional Council in the New Territories. The two councils are responsible for the maintenance of roadside vegetation up to five metres from the edge of gazetted roads. There are, of course, some exceptions to this. The Agriculture and Fisheries Department have the responsibility for maintaining the verges along roads and pathways within country parks. Water Supplies Department do the same for their access roads. Along high-speed roads, such as the Tuen Mun and Tolo Highways, the Highways Department undertake the task, instead of the Regional Council, primarily in the interests of efficiency and safety.

Regarding the maintenance of the verges along non-gazetted passage ways, this has long been a problem. Most of these passage ways are the traditional access paths to villages in the New Territories. Because of the mixture of private and Crown land which abuts these paths, Government does not undertake the maintenance in order to avoid possible trespassing upon private property. In extreme cases of overgrowth, however, the district boards through Minor Environmental Improvement funds, the district offices through Local Public Works funds as well as the district land offices through their vote for Crown land management have in the past, and indeed still do on occasions, clear pathways to avoid complete obstruction, but routine verge maintenance by either of these agencies is not within their jurisdiction.

MR. CHEUNG YAN-LUNG (in Cantonese): Sir, since there are a lot of overgrowth not taken care of in some remote areas in the New Territories and sometimes these places become crime haunts, will the Government consider tackling this problem and formulate measures to ensure the safety of the public?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, as I said in my main reply, most of these passage ways are traditional rights of way for villagers over private land. It has in the past been the villagers themselves who kept their pathway clear of obstruction by vegetation. Many still do and I would urge them to continue their practice of self-help within small rural communities. Of course, district boards may use their

minor environmental improvement funds to keep pathways clear of obstruction. This has actually been done on need basis. District boards will continue to assist subject to availability of funds and resources and the justification advanced.

HIS EXCELLENCY THE PRESIDENT: Secretary for Lands and Works, do you wish to add to that?

SECRETARY FOR LANDS AND WORKS: Sir, may I add that under the rural planning and improvement strategy the question of accesses to villages is a priority and we will also look to the problems of maintenance of them and their road sides.

MR. MICHAEL CHENG (in Cantonese): Sir, every year the urban district boards have to spend a lot of money to hire private contractors to clear the overgrowth in squatter areas and on the road sides. Will the Government inform this Council if this kind of work can better be done by the Urban Services Department and the Housing Department so that district boards funds can be applied to other more pressing needs?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, as I said, there are a number of organizations responsible for clearing the verges. I am not quite clear which particular one Mr. CHENG is referring to. Where it is within the management of the Housing Authority, or Housing Department, the matter is taken care of by the organization concerned.

MR. ANDREW WONG (in Cantonese): Sir, the Secretary for District Administration said in his reply that with the paths abutting on Crown and private land, the Government is wary lest it should trespass on private property, and that is why maintenance cannot be done. But the district boards, the district offices and the district land offices all have funds to spend to carry out cutting and clearing work. Would that not sometimes give rise to some degree of infringement on private property? And if yes, could the Government consider first resuming the private sections of these accesses to villages as part of the scheme for the resumption of private roads?

HIS EXCELLENCY THE PRESIDENT: Secretary for Lands and Works, I think you would be better placed to answer this.

SECRETARY FOR LANDS AND WORKS: Sir, I think it is unlikely that at this stage the Government could contemplate resumption, not least because the list of resumptions in the New Territories is so great just at present that we could not provide the staff for it. Again, I do think that for the moment we may have to tolerate this problem but under any rural improvement strategy it will have to be addressed, just as the whole problem of obtaining private land for improvements has to be addressed.

MR. TAI: Sir, in view of the fact that funds available to the district boards under the minor environmental improvement programme are rather limited and that programme items to be catered for are numerous, would the Secretary inform this Council whether he is prepared to suggest an increment of funds to be made available to the district boards for improvement programmes?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, the district board funds are increased from year to year and this includes, in the case of the New Territories, the local public works funds.

MR. CHEUNG YAN-LUNG (in Cantonese): Since within the Regional Council area there are numerous such spots overgrown with weed and grass, will the Government consider allocating funds to the designated departments to do the cutting work? For example, when you, Sir, made an inspection tour of Lung Kwo Tan, Lung Mun Road and Pillar Point in Tuen Mun in 1987, the weeds were cut two days in advance. And near Cheung Pei Shan in Tsuen Wan.....

HIS EXCELLENCY THE PRESIDENT: I must call you to order, Mr. CHEUNG. You cannot use the name of the Governor to put forward any particular point in the Council.  
(laughter) Please continue.

MR. CHEUNG YAN-LUNG (in Cantonese): . . . . in Cheung Pei Shan, Tsuen Wan, the weeds on the slopes behind temporary housing blocks 1 and 2 were cut in 1987 but have since been left unattended to. Will the Government designate a department to be given the exclusive responsibility to clear overgrowths? This is a matter related to law and order; crimes such as murder and rape had occurred in places overgrown with weeds.

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, as I mentioned, the various organizations do help, on need basis and on request, with the cutting of the grass on private lands and this can be done in those particular cases which Mr. CHEUNG has mentioned.

Parking fees

4. MR. MCGREGOR asked: Will the Government inform this Council of the rates of increase, in dollar and percentage terms, in the parking fees levied by Wilson Parking (Hong Kong) Limited during the last two years; whether there is any mechanism for monitoring the fees charged by Wilson Parking and whether there are criteria for determining if fee increases are justified?

SECRETARY FOR TRANSPORT: Sir, the rates of increase, in dollar and percentage terms, in the parking fees of the government carparks managed by this company during the last two years are set out in the annex to this reply. The rates vary from one carpark to another, depending on their location and the demand for parking facilities in the vicinity.

The company is required to notify the Commissioner for Transport of any increases in the parking fees of these carparks. Under the contract conditions, the commissioner can direct the company to cancel or reduce the increase if in his judgement the level of utilization of the carpark would be substantially reduced for a prolonged period by such increase.

In considering any proposed increase, the commissioner would take into account the utilization rate and the frequency of fee increases of the carparks, and the fees of other comparable commercial carparks in the vicinity.

Annex

Parking Fees Charged by Wilson Parking (HK) Limited  
at Government Car-parks and Increases

Fee as at  
Car-park            Jan. 87 1st Increase    2nd Increase    3rd Increase    4th  
Increase

CENTRAL

Mar. 87 Dec. 87 Nov. 88  
Garden Road    Hourly 6    7 (17%)\*    8 (14%) 10 (25%)

Mar. 87 Dec. 87 Nov. 88  
Monthly 1400 (8%)    1600 (14%)    1900 (19%)  
1300

May 87    Dec. 87 Nov. 88  
Murray Road    Hourly 6    7 (17%) 8 (14%) 10 (25%)

Mar. 87 Dec. 87 Nov. 88  
Monthly 1400 (8%)    1600 (14%)    1900 (19%)  
1300

Mar. 87 Dec. 87 Nov. 88  
Star Ferry       Hourly 6    7 (17%) 8 (14%) 10 (25%)

Mar. 87 Sept. 87    Mar. 88 Nov. 88  
Monthly 2200 (10%)    2400 (9%)    2600 (8%)    2900 (12%)  
2000  
(Reserved  
space)

May 87    Dec. 87 Nov. 88



City Hall            Hourly 6    7 (17%) 8 (14%) 10 (25%)

                         Mar. 87 Dec. 87 Nov. 88  
Monthly        1400 (8%)    1600 (14%)    1900 (19%)  
1300

                         May 87    Jun. 88  
Rumsey Street    Hourly 6    7 (17%) 8 (14%)

                         Mar. 87 Dec. 87 Nov. 88  
Monthly 1400 (8%)    1600 (14%)    1900 (19%)  
1300

#### ABERDEEN

                         Jan. 88  
Aberdeen        Hourly 3    4 (33%)

                         Apr. 87  
Monthly 450 500 (11%)

Fee as at

Car-park        Jan. 87 1st Increase    2nd Increase    3rd Increase    4th  
Increase

#### TSIM SHA TSUI & YAU MA TEI

                         Aug. 87 Aug. 88  
Yau Ma Tei       Hourly 5    6 (20%) 7 (17%)

                         Mar. 87 Dec. 87 Aug. 88  
Monthly 900 1000 (11%)    1100 (10%)    1200 (9%)

                         Mar. 87 Apr. 88  
Middle Road       Hourly 5    6 (20%) 7 (17%)

                         Mar. 87 Dec. 87 Aug. 88  
Monthly 900 1000 (11%)    1100 (10%)    1200 (9%)

TSUEN WAN & KWAI CHUNG

Apr. 87 May 88

Tsuen Wan Hourly 3 4 (33%) 5 (25%)

Station

Apr.

87 Jun. 88

Monthly 550 600 (9%) 650 (8%)

Jun. 87 Nov. 88

Kwai Fong Hourly 3 4 (33%) 5 (25%)

Apr. 87 Jan. 88 Nov. 88

Monthly 450 500 (11%) 550 (10%) 600 (9%)

Nov. 88

Tsuen Wan Hourly 4 5 (25%)

Jul. 87 Nov. 88

Monthly 550 600 (9%) 650 (8%)

SHAU KEI WAN

Fee as at

Apr. 88 Dec. 88

Shau Kei Wan\*\* Hourly 4 5 (25%)

Monthly 550 600 (9%)

\* Figures within brackets denote percentage increases of the fee revisions.

\*\* Shau Kei Wan Car-park commenced operation on 1.4.88.

MR. MCGREGOR: Sir, given the fact that off-street parking is essential to the reduction of traffic on the roads, and the fact that the Government controls and owns most of the major car-parks in the central areas, does Government not consider that

cost increases of up to 56% in two years may be excessive and may in fact encourage drivers to park illegally on the roads?

SECRETARY FOR TRANSPORT: Sir, the rates of increase and the absolute increase in dollar terms of these Government car-parks managed by the company are in fact similar to, and in some cases lower than, those of commercial car-parks in the vicinity of the areas concerned. As Members are aware, the management of car-parks by commercial companies is a privatization project the Government approved in 1982. By its very nature as a privatized operation, the company must be expected to run on commercial lines and therefore the whole purpose of letting out these car-parks by contract is to ensure that they are run as efficiently and effectively as any other commercial car-parks in Hong Kong.

As regards the question of provision of parking facilities in the territory, the government policy is to encourage the development of private car-parks by developers and to encourage, through the land sales programme, development of car-parks throughout the territory. Over the last few years, 24 sites have been sold for commercial car-park development to provide for about 10 000 parking places; and over the next five years 10 more car-parks will be developed with 5 500 parking spaces. In addition, there are a number of car-parks being developed in the next three years with about 1 450 parking spaces; and in the next few years three more sites are being developed with about 1 100 parking spaces. So overall the Government does have a policy on the parking facilities through this lands programme and through local development.

MR. MCGREGOR: Sir, how does the Government actually determine the level of utilization of those car-parks against information provided by Wilson Parking? In other words, who makes the decision to agree or not to agree to proposed increases given the fact, Sir, that in most of the main areas the Government-owned car-parks are the principal car-parks available and that uncontrolled increases would in fact suggest a licence to print money?

SECRETARY FOR TRANSPORT: Sir, under the contract conditions, the company is required to report daily, monthly and hourly utilization rates of the car-parks concerned. The department inspects these car-parks regularly to ensure that the utilization rate does not fall below a certain level. So they are very closely monitored by Government

to ensure that the car-parks are used efficiently and that they are meeting the needs of the motorist in the vicinity.

MRS. LAM (in Cantonese): Sir, will the Government inform this Council if Wilson Parking Company is operating the car-parks under a contract with the Government on a rental-paying or income-sharing basis?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, according to the contract conditions, the company shares the income with the Government. The Government gets 82.5% of the total income and the company gets the rest.

MR. EDWARD HO: Sir, in the Secretary's reply he said that in considering any proposed increase, the commissioner would take into account the utilization rate. However, on weekends and holidays car-parks in Central show a very low utilization rate. Will the Secretary inform this Council why the parking charges also rise to the same level as that on other days?

SECRETARY FOR TRANSPORT: Sir, the statistics provided by the department indicate that for car-parks in Central the utilization rate must not fall below 70 to 80% and for those in the other areas it should not fall below 60%. The figures have borne out that the rates of utilization are in line with these criteria.

MR. MCGREGOR: Sir, would the Secretary advise whether in his opinion increases of 41 to 58% individually between car-parks are not inflationary at this time?

SECRETARY FOR TRANSPORT: Sir, I believe the Standing Orders do not allow me to give an opinion on a matter of this kind. As far as the facts are concerned, the rates of increase, as I said, are comparable to, and in some cases lower than, commercial car-parks in the vicinity, and therefore this is in line with government policy.

Inward investment in manufacturing

5. MR. BARROW asked: In connection with the policy of promoting inward investment

in manufacturing, will Government inform this Council :

(a) What is the value achieved in 1988 to date of new investment in manufacturing as compared with the same period in 1987; and

(b) if, in the light of the acute labour shortage, consideration is being given to adopting a new strategy on the type of inward investment in manufacturing which is being sought?

FINANCIAL SECRETARY: Sir, I do not have the precise information sought by Mr. BARROW, but according to our latest survey, which provides information for the calendar year 1987, the value of all inward investment in 1987, in terms of gross additions to fixed assets which include the purchases of machinery and equipment, land and buildings, and other assets, amounted to just under \$2 billion dollars<sup>1</sup>. This represents a 19% increase over 1986. The value of total overseas investment at original cost at the end of 1987 was about \$21 billion<sup>2</sup>, an 8% increase over the figure at the end of 1986, and almost double the figure recorded in September 1984, when regular surveys were first conducted by the Industry Department.

As to the strategy adopted on the type of investment sought, our programme has for some years been geared to the acquisition of technology rather than the creation of employment and capital. Half of the companies assisted so far this year use labour-saving automated systems, including unmanned production lines and robotics.

MR. BARROW: Sir, in connection with the last sentence of the Financial Secretary's answer, will the Secretary inform this Council if the policy is now only to promote new inward investment in labour-efficient sectors, and that the overseas advertising campaigns are geared accordingly?

FINANCIAL SECRETARY: Sir, the programme encouraging overseas investors to invest in Hong Kong is, as I have said, geared to encouraging investors to invest in industries requiring a large technological input. Our policy remains unchanged.

MR. MCGREGOR: Sir, could not the Government look again at the question of assessment

of the value of overseas investment in Hong Kong industry, and apply the basis of replacement cost or the value of current assets, since the present system of using original cost tends to heavily underplay the actual cost on the value of investment by foreign companies in Hong Kong and places us at a disadvantage when compared with other countries in the region?

FINANCIAL SECRETARY: Sir, I think the only answer I can give to that is that it is an interesting point and we will certainly examine it.

PROF. POON: Sir, will the Secretary inform this Council of the number of overseas companies which have been attracted to invest in Hong Kong in the last three years, and in what kinds of technology or related industry?

FINANCIAL SECRETARY: I am afraid I do not have the exact numbers of companies that have invested here. By and large the types of industry that have attracted investors are electronics, textiles, clothing, and electrical products. The leaders in investment have been the United States of America, followed by Japan, then China, and lastly the United Kingdom.

MRS. FONG: My question has been partly answered by the Financial Secretary on a breakdown of countries investing in Hong Kong. As a follow-up question, is there a trend towards change in the breakdown of the inward investing companies from various countries?

FINANCIAL SECRETARY: We have not noticed any change in the trend as yet.

MR. MCGREGOR: The Financial Secretary, in advising Mr. BARROW in response to this second question, suggested that there had been a change in policy in the promotion of foreign investment overseas. As far as I understand, Sir, the policy is to accept any industry into Hong Kong that wants to come here. Has there been a change in policy now to become selective in terms of industries found to be attractive in Hong Kong?

FINANCIAL SECRETARY: Sir, of course, if anyone wants to come and invest in Hong Kong

we welcome that, but as I said in my principal answer, we tend to encourage investors who can provide new technology for us.

MR. HO SAI CHU (in Cantonese): Sir, in light of the reply given by the Financial Secretary, will the Government inform this Council whether it is satisfied with this growth? And in the face of inflation, manpower shortages, and environmental protection, will this growth be sustained? If not, what measures will be taken to ensure this growth in investment?

FINANCIAL SECRETARY: Sir, in general terms we are satisfied with the investment which has taken place. Investment certainly has been very significant as far as Hong Kong is concerned, both in providing job opportunities, and in providing, as I have suggested, new technology. It is possible that conditions in Hong Kong may not always be quite so favourable for inward investment. If we see any factors that are likely to deter inward investment in Hong Kong, certainly we would tackle the problem.

MR. CHEONG: Sir, given the Government's emphasis on new technology, can the Government confirm that it is still the policy to attract investment into industrial activities that will provide employment opportunities for the community?

FINANCIAL SECRETARY: Sir, as I have suggested, we are not anxious to provide new employment opportunities; it is new technology that we would like to see in Hong Kong. I think at the moment there is not a great deal of point in producing employment opportunities.

MR. MCGREGOR: Sir, will the Financial Secretary consider approaching the Industrial Development Board to ask if a change in policy should in fact be considered to attract science and technology into Hong Kong very specifically, in other words, by providing some form of incentive to industries of that nature?

FINANCIAL SECRETARY: By happy chance, Sir, I had a meeting with the Industry Development Board yesterday, and I anticipated Mr. MCGREGOR's question. I put to the board, very briefly, whether they thought our present policies were correct, and

in general terms the members of the board said that they thought our policies were correct. I would not wish to bind members of the board to that statement in future, because, as I said, it was a very brief discussion. As far as incentives are concerned, I have said in this Council and elsewhere on many occasions that we do not believe in providing special incentives for investors; we believe that Hong Kong itself, the way we do business here, provides many incentives in any event.

Question No. 6 withdrawn

Devices for radio reception in three tunnels

7. MRS. FAN asked: On 2 May 1984, the then Secretary for Economic Services informed this Council that the proposal of installing appropriate devices for radio reception in the Aberdeen Tunnel, Lion Rock Tunnel and Airport Tunnel had to be shelved due to budgetary constraints. Will Government inform this Council what is the estimated cost of installing such devices at current prices and whether further consideration would be given to the proposals?

SECRETARY FOR TRANSPORT: Sir, Government has decided to go ahead with the installation of radio reception facilities in the Lion Rock, Aberdeen and Airport Tunnels. The cost of the installation, excluding civil works, is about \$11.3 million. As soon as the total cost has been worked out by departments concerned, a submission will be made to Finance Committee to secure the necessary funds.

MRS. FAN: Sir, I thank the Secretary for Transport for his very brief answer. A very comprehensive report appeared in a local newspaper two days ago regarding the essence of this question. However, as local newspapers do not carry the weight of commitment of the Administration, may I, Sir, ask the Secretary to inform this Council when the radio reception facilities for the three tunnels will be expected to be in operation, provided funds are made available, and whether such reception facilities will be part and parcel of standard facilities of future tunnels?

SECRETARY FOR TRANSPORT: Sir, may I first of all clarify that the press report on



this particular matter was raised by one of the departments concerned without letting me know, and that the department was not aware of the question when the officer gave the interview to Radio Hong Kong. So I think they are entirely not to blame for that particular release. Nor am I to blame for pre-empting this particular question. On the timing of these facilities, we hope to have them installed in about two years' time or as soon as possible, and I can confirm that all the new tunnels in future will be installed with these facilities, that is, Junk Bay and the Shing Mun Tunnel in future.

MR. POON CHI-FAI (in Cantonese): Sir, since the Secretary already indicated in his reply that the Lion Rock Tunnel, Aberdeen Tunnel and Airport Tunnel will have radio reception facilities, will the Administration consider having similar facilities installed in the Tate's Cairn Tunnel and Eastern Cross Harbour Tunnel? If yes, will Government consider installing the facilities while the tunnel projects are under way because installation later will cost more?

SECRETARY FOR TRANSPORT (in Cantonese): Radio reception facilities are included in these projects.

PROF. POON: How much of the estimated cost is actually for the purchase of the equipment?

SECRETARY FOR TRANSPORT: Sir, I should think roughly about one-third will be for the equipment.

MR. EDWARD HO: Sir, will the Secretary inform this Council why it takes two years to instal the antenna, when probably it takes only three years to construct a tunnel? (laughter)

SECRETARY FOR TRANSPORT: Sir, I have to refer it to the Postmaster General and the Electrical and Mechanical Services Department for their advice. According to their estimates on timing, this requires drawing up detailed specifications, tendering

procedures, installation, and a testing of the whole system, and the timing for this is about two years. I certainly hope to have it installed as quickly as possible.

MRS. PEGGY LAM (in Cantonese): Sir, I am aware that in the Cross Harbour Tunnel radio reception facilities have been installed. But as far as I know, only Radio Hong Kong frequencies can be received. Could the Administration inform this Council whether in the other tunnels -- the Aberdeen Tunnel, Lion Rock Tunnel and Airport Tunnel -- it will be possible to tune in to all other radio channels, both AM and FM?

SECRETARY FOR TRANSPORT (in Cantonese): I believe this will have to be answered by the Secretary for Administrative Services and Information.

HIS EXCELLENCY THE PRESIDENT: Secretary for Administrative Services and Information, can you help?

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION: Sir, I will try to give a rather comprehensive answer on this. As far as the Hong Kong - Kowloon existing tunnel is concerned, the system is being upgraded to one which will be able to receive all radio channels, sometime, I believe, in 1989. In all the new tunnels that are being planned, as and when these radio broadcasting devices are installed they will be designed for all channels, and as and when we get our money for the traffic channel, hopefully sometime next year, the traffic channel will similarly be absorbed into the system.

MR. ARCULLI: Sir, will the Secretary inform this Council whether consideration has been given to extending these facilities to mobile telephone reception within the tunnels?

SECRETARY FOR TRANSPORT: Sir, I will certainly refer this matter to the experts to see whether this is possible.

MR. MARTIN LEE: Sir, will the installation of these facilities aggravate the traffic congestion already existing in these tunnels?

SECRETARY FOR TRANSPORT: Sir, I believe one of the reasons given for the time taken for the work required is because it has to avoid disruption to the traffic. As and when these facilities are installed, I hope it will speed up the traffic, because of the broadcasting of traffic news through these channels to drivers, and it will help in some way to avoid congestion in the future.

Illegal car racing

8. DR. TSE asked: Sir, in view of the fact that illegal car racing activities in the urban areas still occur, will Government inform this Council what measures will be taken to step up action against such illegal activities? Could the Council be also informed of the numbers of prosecutions, accidents and casualties resulting from illegal car racing activities this year, and how these figures compare with those of last year?

SECRETARY FOR TRANSPORT: Sir, the police are aware of the areas where illegal car racing usually takes place and enforcement actions are stepped up during weekends and public holidays when such illegal activities usually occur. Special police task forces are deployed to these areas. Road blocks and radar speed checks are used to detect offenders. Vehicles found to have been modified are impounded for inspection by motor vehicle examiners. Where there is insufficient evidence of road racing, the suspects may be charged for alternative offences such as reckless driving, careless driving or speeding if there is sufficient evidence to support such charges.

There were a total of 14 prosecutions against illegal road racing in 1987. The figure for the first 10 months of this year was 20. The police are not able to ascertain the number of accidents and casualties caused by such illegal racing because the races usually take place late at night, the persons involved in accidents are in most cases the participants themselves, and they will not admit taking part in illegal car racing.

DR. TSE: Sir, from the Secretary's reply, it seems that illegal car racing is on the increase this year. Could the Secretary inform this Council whether illegal car racing has been found to take place at major trunk roads such as Princess Margaret Road and at busy night hours so much so that the safety of the regular drivers is threatened? If so, could the police force undertake to make sure that no such reckless racing could take place on such major trunk roads?

SECRETARY FOR TRANSPORT: Sir, the increase in the number of pro-secution did not necessarily mean an increase in the number of activities. Rather it is an increase in the efficiency of the police force in detecting such illegal activities using their intelligence network. In general, the urban areas are quite free from illegal car racing, and most of the racing took place in the New Territories in rather remote areas. So they do not really affect the traffic or the safety of the general commuter traffic in the daytime. The police have been asked of course to further deploy their resources to detect such activities, and to do their best to reduce, if not eliminate altogether, such illegal activities.

MR. POON CHI-FAI (in Cantonese): Sir, in paragraph 1 of the reply, it is said that the police are aware of the areas where illegal car racing usually takes place. In paragraph 2, however, the figures point to an upsurging trend in such activities. It would seem that the authorities are unable to tackle the problem at the root. Since in Hong Kong we do not have permanent venues for car racing practice and we are also influenced by the Grand Prix of Macau, will the Administration consider providing a proper venue for such activities so that car racers will stay off the roads. I might add that in most parts of the world car racing is a major sport.

SECRETARY FOR TRANSPORT (in Cantonese): Sir, car racing is a sport, and therefore I think it should be considered by the Secretary for Municipal Services.

MR. MCGREGOR: Sir, is it possible in law, where a case has been taken to court and where the driver has been found guilty, for the car itself to be impounded and taken over by the Government?

SECRETARY FOR TRANSPORT: Sir, this is an interesting suggestion; I will certainly consider it.

MR. CHEONG: Sir, could the Secretary tell us on what grounds he made the assertion that car racing does not happen on urban roads? I would draw his attention to Princess Margaret Road, where there is plenty of car racing going on between 11 o'clock and 1 o'clock every night.

SECRETARY FOR TRANSPORT: Sir, I will certainly refer Mr. CHEONG's suggestion to the police for further detection work. As far as I am told the major activities take place in the New Territories, in the remote areas, and in Kowloon there were no cases in the last two years of illegal racing.

MR. ANDREW WONG: Sir, in the same connection will the Secretary kindly confirm whether Shek O Road and Lung Cheung Road are in the New Territories?

SECRETARY FOR TRANSPORT: Sir, I do not wish to publicize those areas in case people were to go there to engage in such activities. I would confirm that Shek O Road is a popular place for those people doing car racing on Hong Kong Island.

Written answers to questions

Military items found missing

9. MR. POON CHI-FAI asked : In view of a recent incident in which some military items were found at the seaside of Lamma Island, including containers of dangerous sulphuric acid which could cause skin burns to children picking them up, will the Government inform this Council the total number of such containers or other dangerous items which have been found missing by the military authorities during the past two years, the reasons for their loss and what measures are being taken to prevent the occurrence of such incidents?

SECRETARY FOR SECURITY: Sir, the incident which occurred on 9 November 1988, when military items which had been washed ashore were discovered by a member of the public on a beach in south-eastern Lamma Island, has, so far as can be ascertained, no precedent in the history of the British garrison in Hong Kong. This is the first and only time such an incident has taken place.

None of the equipment discovered by the member of the public was hazardous in any way. Nevertheless, a military search was undertaken on the following day, during which the items referred to in the question were discovered.

The items found were six small explosive detectors, each comprising a tough glass ampoule containing about one quarter of a teaspoonful of sulphuric acid. The glass ampoule is contained inside a rigid plastic container, which in turn is held inside a polythene sachet; this is itself inside a rigid plastic screwtop tube about 1.5 inches diameter and 8 inches in length. In the lid of the tube is a small bottle filled with an alkaline substance, which acts as a safety mechanism to counteract the effects of the acid should any be spilled. Each outer container is clearly marked with a hazard warning. There is no danger to the public if the items of equipment are not tampered with.

The items had been dumped illegally at sea, thus contravening both military and Hong Kong government regulations. It is thought that this dumping was carried out by junior military personnel. In any case, an investigation is now being undertaken by the Royal Military Police to identify the person or persons responsible for this misdemeanour. Any person thus identified will be subject to appropriate disciplinary proceedings.

Over the 10 days following the incident, the military authorities continued their search of Lamma and the surrounding area, including the Po Toi Islands and the Stanley and Chung Hom Kok peninsulas. No further equipment was found during the search and it was concluded that only one area on Lamma Island had been affected and that the area had itself been fully cleared. In any case, the configuration of winds and tides prevailing at the time when the items were dumped would make it most unlikely that any items would have been carried elsewhere.

The police were informed of the incident on 10 November 1988 and took immediate steps to issue warnings to the public, including photographs of the equipment.

Warnings have also been issued through the media. Residents of Lamma Island have been advised not to touch the items, if found, but to report their location to the police as soon as possible. No further discoveries have been reported. The Forces will continue to monitor the situation, however, and to carry out periodic searches of likely areas.

Strict regulations exist to cover the disposal of obsolete military equipment, both within the military organizations themselves and as laid down by the Hong Kong Government. As I have pointed out in my first paragraph, as far as we are aware, illegal dumping has never occurred before, largely as a result of these regulations, and there is no reason to suspect that it will do so again. Nevertheless, the Forces have reviewed thoroughly their procedures for dumping unwanted stores and have improved their supervisory practices in order to ensure that there is no recurrence of this incident.

#### Secondary school drop-outs

10. MRS. TAM asked: Will Government inform this Council of the number of students at Form III or below who have withdrawn from school in the past three years; the administrative procedures adopted by the authorities to deal with these students, and how long it takes for arrangements to be made for them to attend school again?

SECRETARY FOR EDUCATION AND MANPOWER: The statistics on students under 15 studying in Secondary III or below who have withdrawn from school in the past three years are shown below:

1985-86		1986-87		1987-88	
Total No.	No. of Genuine Drop-out	Total No.	No. of Genuine Drop-out	Total No.	No. of Genuine Drop-out
Drop-out		Drop-out		Drop-out	
Total of cases	Investi- at 31.8.	Total of cases	Investi- at 31.8.	Total of cases	Investi- at 31.8.
cases (as	Enrol- ment	cases (as	Enrol- ment	cases (as	Enrol- ment
cases (as	Investi- gated 86)	cases (as	Investi- gated 87)	cases (as	Investi- gated 88)

S1-S3	248	700	3	340	318	256	428	4	241	492	257	886	5	564	698	
P1-P6	539	278	5	059	125	536	347	3	977	109	538	782		3	400	96
Total	787	978	8	399	443	792	775	8	218	601	796	668		8	964	794

Note : Below 15 years of age

School drop-outs are identified through reports from schools or referrals. Schools are advised through an annual circular to report to the Education Department details of all children under 15 studying in Secondary III or below who have not attended school for more than 14 days and to report the admission of all new pupils within 10 days. Such information is matched by computer, thus enabling drop-outs to be readily identified. A small number of non-attendance cases are also referred from other government departments, voluntary agencies and members of the public.

Every non-attendance case is investigated by a Student Guidance Officer (SGO) of the Non-Attendance Cases Team of the department. The SGO contacts the family concerned by letter and telephone, followed where necessary by home visits, to ascertain the reasons for the child's absence from school and to explain to the parents their responsibility to ensure that the child attends school. Parents may also be invited to attend interviews.

Only a small proportion of all cases investigated are genuine drop-out cases. Most cases involve children who have either gone to another school which did not report their admission, or who are successfully placed in another school without delay with the assistance of the SGO. A small number of cases do not require further action because they involve children who have either gone overseas for study, emigrated from Hong Kong, been admitted to other appropriate institutions such as probation homes, or registered under an apprenticeship scheme.

In genuine drop-out cases the following action is taken. When the child's non-attendance is a result of complicated family problems, such as financial difficulties, the assistance of the Social Welfare Department is sought. In cases of learning or behavioural difficulties, the child is referred to the Special



Education Section. Officers of the Schools Division also help in placing such children in suitable schools. Where non-attendance is due to parental indifference, negligence or hostility, oral or written warnings are given. If, despite warnings, the child continues not to attend school, an Attendance Order is served on the parent. The parent may apply to the Board of Review for a review of the Attendance Order within 14 days of the date of the Order. If the parent ignores the Attendance Order, the case may be brought to court.

Most genuine drop-out cases are settled within three to six months. In a small number of complicated cases, a longer time may be required.

Administrative procedures for dealing with school drop-out cases are kept under constant review by the Education Department to ensure that children are placed in schools as quickly as possible.

Smoke and ash-pervaded wards in Caritas Medical Centre

11. MR. CHOW asked: Sir, as some of the wards in Caritas Medical Centre are often filled with smoke and ashes emitted from factories in the neighbourhood, will Government inform this Council whether there are plans for assisting the hospital management in improving the conditions of these wards in order to protect the health of patients?

SECRETARY FOR HEALTH AND WELFARE: Of the eight hospital blocks which comprise the Caritas Medical Centre, one, the Wai Ming Block, is located close to a number of industrial buildings. The 10 wards in this block do not, at present, have any form of air-conditioning, with the result that emissions from nearby factories can enter the wards through the windows.

In order to provide a better health care environment, the Government has supported a request from the Caritas Medical Centre to provide a central air-conditioning system for these wards. Subject to approval by the Finance Committee of this Council, the system will be installed in the 1989-90 financial year.

Private tenancy allowance

12. MR. POON CHI-FAI asked : Since many civil servants are of the view that under the existing private tenancy allowance scheme, their gains or benefits in real terms are less than what the Government has spent on the scheme owing to various factors (such as the rental values of the rented premises being assessed at a relatively lower level by the Rating and Valuation Department or an actual increase in living expenses to some civil servants who have to move out from their parents' home in order to draw housing allowances, thus incurring additional living costs), and unnecessary housing demands have also been created as a result, will Government inform this Council whether it has considered granting civil servants an equivalent increase in salary in lieu of the private tenancy allowance? If so, when will this new scheme be implemented?

CHIEF SECRETARY: Sir, the provision of civil service housing benefits is currently under review. A financial consultant has been commissioned to evaluate the financial implications of a range of options to provide alternative housing benefits. The consultancy is near completion and its findings will be discussed with the staff side before the Administration develops any specific proposals. The advice of the Standing Commission on Civil Service Salaries and Conditions of Service will also be sought in due course. At this stage it is not yet possible for me to be precise about the timing or indeed the nature of any possible changes to civil service housing benefits.

At present, when an officer applies for a private tenancy allowance, the advice of the Commissioner of Rating and Valuation is required in order to determine the reasonable rent of the property. The valuation requirement is designed to induce officers to try to negotiate a reasonable rent that reflects the property's true market value. Because landlords must serve notice of new lettings or renewals within one month of signing a tenancy agreement, the Commissioner of Rating and Valuation has in hand sufficiently up-to-date information regarding the prevailing market rental.

During the six-month period from May to October 1988, 830 private tenancy allowance applications were referred to the Commissioner of Rating and Valuation for advice. The rent quoted in 714 application (or 86%) were considered by the Commissioner of Rating and Valuation as reasonable.

Children injured while riding bicycles

13. DR. IP asked: Will Government provide a breakdown by age of the number of children injured while riding bicycles on public roads in the past five years?

SECRETARY FOR TRANSPORT: Sir, a breakdown by age group of the number of children injured while riding bicycles on public roads in the past five years is as follows:

Age Group	1988					
	(Jan. to Sept.)					
	1983	1984		1985	1986	1987
under 10	34	24	15	41	25	16
10 -14	228	115	88	97	85	43
Total	262	139	103	138	110	59

The figures show that the number of children cyclists injured on public roads is in general decreasing.

Littering and despoiling by street sleepers

14. MR. MCGREGOR asked: Bearing in mind that Hong Kong is a major tourist centre and that tourists promote internationally their image of the countries they visit, will the Government inform this Council what steps will be taken to deal with the problem caused by the street sleepers who are littering and despoiling the main pedestrian footbridge on the north side of the General Post Office Building in Central?

SECRETARY FOR HEALTH AND WELFARE: Government's policy in minimizing the problems associated with street sleeping is formulated at the social welfare as well as the street management levels.

From the social welfare point of view, and as I indicated in this Council on 20

October this year in reply to another question concerning street sleepers, it is our policy to use persuasion and counselling to encourage street sleepers to make use of the various services and forms of accommodation which can be made available to them. It is only when such persons appear to be in need of immediate care and control or may pose a danger to themselves or others that direct intervention is considered appropriate.

On the other hand, at the street management level, Government does conduct regular clearance operations involving relevant departments to curb the environmental nuisances caused by street sleepers. Some 41 tidying-up exercises have been conducted at the location in question over the past four years, but unfortunately the success of these has tended to be somewhat shortlived and they have failed to have any long-term impact. The Central and Western District Office of the City and New Territories Administration, along with other departments, has also explored the possibility of installing large street "furniture" at this location which would be sited in such a way as to make street sleeping physically difficult, if not impossible. However, for a number of reasons including loading constraints on the walkway, it has not been feasible to pursue this proposal to date.

Nevertheless, the point is well taken about Hong Kong's image in the eyes of our tourists and I do agree that this walkway is currently something of an eyesore. Active consideration will be given therefore to further clearances in the area whilst, in parallel, I have asked the Director of Social Welfare to step up her counselling efforts in respect of those street sleepers at the location in question.

Statement

Foreign law firms

ATTORNEY GENERAL: Sir, on 23 November I answered a series of questions on the Government's proposal relating to foreign law firms. Mr. ARCULLI asked a supplementary question, as follows -

"Sir, at the risk of introducing a bit of levity into the proceedings, I think I only partly agree with what Mr. LEE said about both the front and back doors being open. What the Law Society fears is the revolving door. But having said that,

bearing in mind the proposal that was rejected as recently as 29 January this year by a committee so high-powered as to comprise of the then Chief Justice, the then Chairman of the Bar, the President of the Law Society and a member of the Attorney General's Chambers and a Legislative Councillor, will the Government please inform this Council:

(a) whether the working party was in favour of the proposal; was it as knowledgeable about our legal system as the committee which was against the proposal;

(b) where it is felt the committee went wrong;

(c) whether the working party reported in writing; and

(d) if so, whether such report will be made public?"

In answering his question I understood Mr. ARCULLI to be referring to the Chief Justice's Committee and to the report by that committee to the Governor. This led me inadvertently to mislead this Council by replying in the following terms -- "Sir, the report was indeed in writing. It was a report to you, Sir". Having now seen the Hansard record of that day's meeting of the Council, I realize that I misunderstood the question put to me. I should now like to take this opportunity to put the record straight. If I had properly understood the thrust of Mr. ARCULLI's question the answer would have been --

"The Chief Justice's Committee reported in writing to you, Sir. The internal working party produced no report as such. Their recommendations were contained in minutes and in a paper presented to the Executive Council. There are no plans to make public those internal minutes or the Executive Council paper. This accords with the usual practice of Government."

I would like to, Sir, apologize to you, and to the Members of this Council for having inadvertently misled you.

Government business

Motions

HONG KONG ROYAL INSTRUCTIONS 1917 TO 1988

The Chief Secretary moved the following motion: That the Standing Orders of this Council be amended --

(a) in Standing Order 12(1) by repealing "All" and substituting "The Order Paper shall be in English and Chinese. All";

(b) in Standing Order 22 by adding after paragraph (1) --

"(1A) A notice of an amendment to a motion shall be in English if the motion is in English and in Chinese if the motion is in Chinese.";

(c) in Standing Order 38 by adding after paragraph (3) --

"(4) Bills may be presented in English or Chinese.";

(d) in Standing Order 39 by adding after paragraph (2) --

"(2A) In the case of a bill presented in one official language in pursuance of a direction under section 4(3) of the Official Languages Ordinance (Cap. 5), the notice shall be accompanied by a certificate signed by the Chief Secretary stating that the Governor in Council has directed that the bill should be presented in the English language or, as the case may be, the Chinese language."; and

(e) in Standing Order 45(4) by adding after subparagraph (d) --

"(e) Where an amendment is proposed to be moved to a bill presented in both official languages the amendment shall be made to the text in each language unless it is an amendment that clearly affects the text in one language only. But an amendment which creates a conflict or discrepancy between the text in one language and the text in the other may not be moved.".

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

The main purpose of these amendments to Standing Orders is to provide for the introduction of bilingual legislation to the Council.

Paragraph (a) of the resolution provides that the Order Paper should be in both English and Chinese in order to reflect the principle of equal authenticity of both languages. Paragraph (b) ensures that a notice of amendment to a motion or to a Bill is in English if the motion or the Bill is in English, and in Chinese if the motion or the Bill is in Chinese. Paragraph (c) provides for the presentation of bilingual Bills so that they may be enacted bilingually as required by section 4 of the Official Languages Ordinance, which will shortly be brought into force. Paragraph (d) sets out the procedural arrangements for Bills which are presented to the Council for enactment in only one official language under section 4(3) of the Official Languages Ordinance. And paragraph (e) ensures that amendments to bilingual Bills take account of each text and do not result in conflict or discrepancy between the meaning of the relevant clauses in both languages.

Sir, I beg to move.

Question proposed, put and agreed to.

#### IMMIGRATION ORDINANCE

The Secretary for Security moved the following motion: That section 18(3) and Parts VIIA and VIIB of the Immigration Ordinance shall expire on 31 December 1989.

He said: Sir, I move the motion standing in my name on the Order Paper. It seeks to extend Section 18(3) and Parts VIIA and VIIB of the Immigration Ordinance for a further year.

Section 18(3) of the Immigration Ordinance was first enacted in January 1979 to help the Government deal with the problem of Vietnamese refugees. It removes the limit of two months during which an immigration officer may remove a person refused permission to land in Hong Kong, if it appears to the Director of Immigration that that person was previously resident in Vietnam. This subsection has been re-enacted annually and will expire on 31 December this year unless extended by resolution of this Council.

Parts VIIA and VIIB of the Ordinance were enacted in August 1979 to provide for more effective control of trafficking in unlawful immigration. Under these

provisions, any person who aids illegal immigrants to enter Hong Kong commits an offence. Offenders are liable on conviction to a fine of up to \$5 million and imprisonment for life, while the ships and other property involved are liable to forfeiture. These two parts have also been re-enacted annually and will expire on 31 December this year unless extended.

The necessity for these provisions is, unfortunately, only too clear. Our Vietnamese boat people problems are still with us. There has been a large influx of Vietnamese boat people since April this year. In the first 11 months of this year, a total of 17 802 Vietnamese boat people arrived, compared with 3 117 in the corresponding period in 1987. Although the average of daily arrivals has dropped from 179 in July to eight in November, it is not clear to what extent the sharp decline is attributable to the new screening policy introduced on 16 June 1988. About 2 800 refugees are expected to be resettled this year. This is a small but welcome increase compared to the total resettlement of 2 212 in 1987. However there will still be over 15 000 refugees remaining in our refugee centres at the end of the year and, in addition, some 9 600 Vietnamese boat people awaiting screening or repatriation in the detention centres. The present indications are that the problems of Vietnamese refugees and boat people will remain with us for some time to come until resettlement can be stepped up for refugees and boat people can be repatriated to Vietnam. Furthermore, there have been recent surges of arrivals of Vietnamese illegal immigrants from China. Of the total of 749 Vietnamese illegal immigrants from China now in Hong Kong, 462 have left their farms in Guangxi and arrived by boat this month. For such people there is no prospect of resettlement or indeed any other benefit, in coming to Hong Kong. They will be returned to China as illegal immigrants.

Illegal immigration from other sources in China also remains a problem. In the first five months of this year, 10 302 Chinese illegal immigrants were arrested when attempting to enter Hong Kong and a further 2 044 who had evaded security forces at the border were arrested subsequently. This compares with 8 175 and 1 663 respectively for the corresponding period in 1987. To counter this high level of illegal immigration, the prosecution policy was stepped up and the stiff penalties imposed appear to have had a deterrent effect. From June to November, the total number of illegal immigrants and evaders arrested dropped to 7 501 as compared to 14 485 in the same period last year.

Looking back over the year, however, it is clear that despite a drop in numbers in certain categories of arrivals from Vietnam and China we cannot afford to be



complacent, and there is a clear need to retain the safeguards now before you in the Immigration Ordinance. Accordingly, the motion before the Council seeks to extend the provisions for one more year up to 31 December 1989 shortly before which time we shall again review the position.

Sir, I beg to move.

Question proposed, put and agreed to.

First Reading of Bill

PUBLIC ORDER (AMENDMENT) BILL 1988

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

Second Reading of Bills

PUBLIC ORDER (AMENDMENT) BILL 1988

THE SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION moved the Second Reading of: "A Bill to amend the Public Order Ordinance."

He said: Sir, I move the Second Reading of the Public Order (Amendment) Bill 1988.

The story of section 27 of the Public Order Ordinance, which this amendment Bill now seeks to repeal, begins in 1951. We have to go back that far in order to do justice to the various issues and arguments raised in more recent times. In 1951 the Government and Legislature of the day devised and enacted the Control of Publications (Consolidation) Ordinance. To meet local conditions at the time, that Ordinance contained a number of fairly draconian control provisions: the power to suppress newspapers, enter premises and seize printing presses, prohibit importation of publications, and suspend registration of news agencies. These are just a sample. For more than 30 years our community survived with these fierce laws on the statute books. Indeed the press in Hong Kong flourished and our city came to be regarded as a bastion of the free press. Many international news organizations and publications

came to be based here. Throughout that long period, the control provisions were used most sparingly -- as indeed they were only ever intended to be -- and not at all since 1967.

The Ordinance was reviewed at various times and finally in 1986 the Government decided the time was right for a major liberalization of the law. Let me repeat that last phrase: a major liberalization of the law. It was decided to repeal all the control provisions, except one. The remaining provisions of the Ordinance -- and there was not very much left -- were overhauled, and transformed into an innocuous Registration of Local Newspapers Ordinance. So far, so good. There was one control provision which we did not feel confident we could dispense with, at least not immediately. The relevant section made it an offence to publish in any local newspaper false news likely to cause public alarm. It was decided to keep that provision but to transfer it to the Public Order Ordinance because the rationale for keeping the law was related to the desire to preserve the security of the community. All these changes were to be achieved by the Control of Publications (Consolidation) (Amendment) Bill and the Public Order (Amendment) Bill of 1986. These two Bills were gazetted on 19 December that year and introduced into this Council on 7 January 1987. The Bills were enacted in amended form on 11 March and hence section 27 of the Public Order Ordinance came into being.

It is very interesting, in the light of subsequent events, to look back now at the media's initial reaction on first publication of the two Bills. An editorial in one major newspaper on 20 December 1986 said of the decision to retain the false news provision -- and I quote -- "That is not an unreasonable view on the part of Government. The press must acknowledge that wilful propagation of such false news is not unheard of. Not here perhaps, but elsewhere. Just because it has not happened here before is no reason to believe it will not ever happen. We are not all angels." Another newspaper described the changes as "both timely and appropriate". A third newspaper entitled its 19 December editorial "Welcome end to an outdated press law". One headline of the time captured the mood exactly "Hong Kong to repeal press gag law". Said another "Press law abolition bid hailed". Less than three months later the headlines in the same newspapers read rather differently. I will not go into the details of what they actually said. All that is now water under the bridge. Sir, this is a time for healing, not a time for re-opening old wounds.

Clearly by the time of this Council's debate on 11 March 1987, two distinct views had emerged. On the one hand was a group which said that, since we were repealing

an out-dated law, we should go the whole hog in one leap and abolish all controls. This was a sincerely held view and a perfectly legitimate aspiration, though it would probably be fair to say that most of those propounding it were thinking not of the past or even of the present, but of the future.

On the other hand, there was another view equally sincerely held, and just as legitimate, that what was proposed by Government in the two Bills already constituted an enormous step forward, and that it would be prudent to pause at that point before contemplating further changes.

The arguments in favour of retaining the false news provision at that time were considerable. Hong Kong is a densely populated city where news travels fast. The community is vulnerable to bouts of acute nervousness from time to time. Powerful reasons indeed, and not ones to be cast lightly aside. Looking back now, in a less heated atmosphere, those reasons still stand as valid. It was for these reasons that this Council endorsed that approach and decided to draw the line where they did, at least in the first instance.

So, finally to the present, and the promised review of section 27. Two things stand out. The first is that the factors supporting retention are as valid today as they were nearly two years ago. From that point of view, the case for retention is also still strong. But there are also new factors to weigh on the balance. The most important is that despite the fact that it was our clear intention to liberalize the law (and we did so), the public perception was that the new package was a means for the Government to restrict the press. At a time when public interest in civil and political rights is unprecedentedly high and widespread, this misconception is most unfortunate. Against this background, retention of section 27 would be likely to cause concern to the public out of proportion to the value to the community of keeping it. Overseas there has also been some misunderstanding. And of course we now have nearly two years experience of a much liberalized legal position without once having to bring section 27 into play.

Before closing, Sir, I should like to say a few words on the subject of consultation about section 27. Since I returned from a brief posting to Brussels and resumed my present portfolio, a steady stream of people have beaten a path to my door to give vent to their feelings on the matter. For my part, I have made a point particularly over the past few months of reaching out to the media and talking to people at all levels -- owners, publishers, editors, working journalists -- in

order to obtain views from all perspectives. This liaison has of course included contact with representatives of the industry's main umbrella organizations including the Hong Kong Journalists Association. I was also in touch with the legal profession and received much valuable advice from some members of the Bar. Perhaps not surprisingly, the views all pointed to one direction.

In the light of all these factors, the Government has concluded that the time is right to seek the repeal of section 27 as a logical final step in the process of liberalizing control over publications, started by the Government two years ago. Hong Kong is and will remain a bastion of the free press. There was never any doubt in the Government's mind about that intention. But if there were doubts elsewhere, let them now be dispelled.

Sir, I move that the debate on the Second Reading be now adjourned.

Question on adjournment proposed, put and agreed to.

#### DISTRICT BOARDS (AMENDMENT) (NO.2) BILL 1988

Resumption of debate on Second Reading which was moved on 23 November 1988

Question proposed.

MR. CHEUNG YAN-LUNG (in Cantonese): Sir, the District Boards (Amendment) (No.2) Bill 1988, together with the Urban Council (Amendment) Bill 1988 and the Regional Council (Amendment) Bill 1988, are aimed at achieving a number of objectives. First, to enable each of the 10 urban district boards to elect their own representative to sit on the Urban Council. Second, to terminate the existing arrangement whereby urban councillors also serve as ex-officio members of the urban district boards. Third, to adjust the terms of municipal council members elected in March next year and district board members elected in 1991 so as to achieve the new sequence of elections promulgated in the 1988 White Paper "The Development of Representative Government : the Way Forward". My comments on this Bill therefore apply also to the other two related Bills.

Me and my colleagues have formed an ad hoc group to look into the three Bills

as a package. The group has met twice with the Administration, mainly to discuss the proposed arrangement for the district board and municipal council elections in 1991. Whilst the group endorsed the sequence of elections as promulgated in paragraphs 66 to 68 of the White Paper, some concern was raised on the transitional arrangement proposed for 1991. Although the Administration has cited a number of valid reasons for its preference to amalgamate the two sets of elections in 1991, many of my colleagues who have personally experienced the vigorousness of these elections were concerned that to adopt such a drastic transitional change would create unnecessary confusion to the voters. After detailed discussion, the Administration has agreed to accept our suggestion to stagger out the district board and municipal council elections in 1991 to be held in March and May respectively of that year. A series of amendments will be moved at Committee stage to effect this new arrangement. Two of my colleagues, the Honourable Kingsley SIT and the Honourable Michael CHENG will elaborate on the rationale behind these amendments at Committee stage.

Sir, another related issue touched upon by the group was electioneering activities on polling day. Mixed opinions were expressed by my colleagues on the subject but a common view was that short of imposing a total ban on all electioneering activities on polling day, serious consideration should be given to expanding the buffer zone outside polling stations and to strengthening crowd control outside polling stations. A balance would obviously have to be struck between the risk of allowing excessive electioneering activities to become a disincentive to voters or to create potential conflicts between candidates on the one hand, as well as the need to generate a good atmosphere on polling day and thus improve voters turn-out on the other hand.

With these remarks, Sir, I support the motion.

CHIEF SECRETARY: Sir, I am grateful for the support that Mr. CHEUNG has given for this Bill, the Regional Council (Amendment) Bill 1988 and the Urban Council (Amendment) Bill 1988.

As Mr. CHEUNG has said, Sir, the Administration's original proposal regarding the arrangements for the 1991 district board elections and municipal council elections was that they should be held at the same time in March of that year. However, members of the ad hoc group have told us of their preference for the two elections to be separately held in March and May respectively. We appreciate the reasons given

by the group in favour of this alternative, and I agree with the proposed amendments which Mr. SIT will be moving at the Committee stage to the two related Bills.

I have noted the ad hoc group's suggestion for greater control on electioneering activities on polling day. The Administration will be examining in detail what measures should be proposed to achieve this.

Sir, I beg to move.

Question put and agreed to.

Bill read the Second time.

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

REGIONAL COUNCIL (AMENDMENT) BILL 1988

Resumption of debate on Second Reading which was moved on 23 November 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).

URBAN COUNCIL (AMENDMENT) BILL 1988

Resumption of debate on Second Reading which was moved on 23 November 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).

## PENSION BENEFITS (JUDICIAL OFFICERS) BILL 1988

Resumption of debate on Second Reading which was moved on 23 November 1988

Question proposed.

MISS TAM: Sir, in spite of the fact that we do not yet have a fully elected government, Hong Kong remains a remarkably free and open city, and we only need to look around south-east Asia to see the comparisons. Here we have an independent Judiciary not only from the Executive, but also from political power play. And maybe it is in the courts that we can find our ultimate safeguard of rights and freedom. Hence the proposal to provide separate pensions legislation for the Judiciary won the support of not only the legal profession but also the acceptance by the community: this is an endorsement of the philosophy that the Judiciary should be independent from the Executive, both in substance and in form.

An ad hoc group was formed by Members of this Council to study the Bill. The same group was tasked to study also the Pension Benefits (Refusal to Grant, Suspension, Reduction and Cancellation) Bill 1988.

In general terms the proposed Judiciary pension scheme follows the new pension scheme for civil servants. But there are two significant differences, which make the Judiciary scheme more attractive -

- (a) Between 50 and 65 years of age Judiciary officers (who are appointed or re-appointed after 1 July 1987) will earn pension at double the standard pension earnings rate; and
- (b) Judicial officers who are retired early on grounds of ill health are guaranteed a minimum pension equivalent to one-quarter salary.

These proposals will enable members of the legal profession in private practice to join the Judiciary as a second career and yet enjoy a reasonable pension after 10 years of service. The age of retirement of judicial officers (not including magistrates and similar ranks) are extended from 60 to 65 so that the second career will also be of a significant duration and beneficial both to the individual judicial officer and the Judiciary.

The ad hoc group met three times amongst its members and with the Administration. We expressed our concern that magistrates would have to retire at 60 and made it a point that an extension of their retirement age to 65 should be pursued in future at appropriate time. We also expressed doubts as to whether this pension package can really attract local candidates to join the Judiciary. We put forth suggestions that in order to recruit and retain local lawyers for the Judiciary, it should be considered that housing benefits be converted to cash terms or extra allowance be given to judges who were proficient in Cantonese or Chinese. However, our own ad hoc group members are divided on whether judges should be allowed to go back to private practice after serving the Judiciary.

In response to our queries the Administration explained that, among other possible measures --

(1) A separate salary structure and independent funding may be set up for the Judiciary.

(2) Representations could be made to the Standing Committee on Judicial Salaries and Conditions of Service for establishing more independent terms of employment for judicial officers.

or

(3) The promotion and appointment of judicial officers may be dealt with by the Judicial Service Commission without the involvement of the Civil Service Branch.

In other words, once a separate structure is set up for the Judiciary, there can be more flexibility in accommodating any suggestions, if found justified, to improve on the terms of judicial service. The Administration accepted our suggestion that consultation with the legal profession in future on recruitment of local judicial officers should be carried out in a more structured way.

In examining the contents of this Bill, we note that it is based mainly on the Pension Benefits Ordinance 1987 and the group was assured by the Administration that there will be an overall review on matters such as the parity of treatment now existing between male and female officers, or male and female dependants, or the rights and entitlement of children, legitimate or otherwise. We also support the amendments which will be introduced by the Administration to achieve consistency with the Pension Benefits (Refusal to Grant, Suspension, Reduction and Cancellation) Bill 1988 and



we welcome the Administration's clarification on the implementation of Section 20(3)(a) of the Bill which touches upon the rights of dependant children where more than six.

Sir, the ad hoc group support the setting up of an independent structure on pay and pension benefits for the Judiciary. Although we have discussed the effectiveness or otherwise of this pension package in monetary terms there is never any doubt in our mind that members of the legal profession who have the quality to serve in the Judiciary must stand up and be counted in pursuing a career which involves real commitment to Hong Kong. The legal profession has never been slow to champion causes for the common good or to uphold the rule of law. I hope that they will rise to the challenge and the opportunity given to them today by the enactment of this piece of legislation which the ad hoc group believe is a big step towards the right direction.

Sir, I support the Bill.

CHIEF SECRETARY: Sir, I am grateful to Miss TAM and her ad hoc group who have been responsible for examining the Pension Benefits (Judicial Officers) Bill 1988. Pension legislation tends to be complex and I appreciate the amount of time and care they have devoted to studying the provisions of the Bill.

There are a number of points to which I would like to draw attention.

First, the objective of the proposed new pension scheme for judicial officers. As Sir David Ford said when he introduced the Bill, the proposed scheme is aimed at encouraging more local lawyers to seek judicial office and at retaining staff of high quality. This is a starting point. Continuing efforts will be made, in consultation with the legal profession, with a view to devising a package of other incentives which will help to attract local lawyers to the Judiciary.

It is generally accepted that special arrangements for judicial officers are appropriate since the career structure in the Judiciary is significantly different from that of the Civil Service, given that judicial appointees start their career much later in life than other public officers.

Anxiety has been expressed that the improvements for judicial officers may persuade a number of able and experienced lawyers in the government legal departments

to transfer to the Judiciary. We consider that, overall, the drain on resources from the government legal departments is likely to be minimal. It must be recognized that some lawyers are not attracted by judicial work. Furthermore, the new terms will be equally attractive to local lawyers in the private sector and to serving members of the Judiciary.

Secondly, Sir, the retirement age for judicial officers. The retirement age for Judges is provided for in the Letters Patent but the retirement age of other judicial officers is provided for in this Bill. In the case of the Registrar and Deputy Registrars of the Supreme Court, the retirement age will be raised to 65 in line with that of District Court Judges as they are of the same or higher rank. The retirement age of other judicial officers in this category will be raised by five years to 60 in line with the Civil Service generally. A further increase to match the retirement age for judges is not being pursued at this stage. The lower retirement age takes account of the fact that these judicial offices form the basic entry ranks to the Judiciary, and it is essential that vacancies at this level should not be deferred for local candidates by a raising of the retirement age to 65. For the same reason, the Letters Patent provide that only District Court Judges appointed on or after 1 January 1987 have the higher retirement age of 65. These arrangements will be closely monitored in the light of the Judiciary's localization strategy.

Thirdly, it is relevant to point out again that this Bill is modelled largely on the Pension Benefits Ordinance which governs the Civil Service pension scheme. As was pointed out at the time when the scheme was introduced there are a number of provisions in the legislation, particularly those relating to dependants' benefits, which are no longer in keeping with modern practice. For example, the provisions are different for men and women with advantages sometimes accruing in favour of men and sometimes in favour of women. These are the subject of a separate overall review of dependants' pension benefits which will, I am sure, result in recommendations to update the legislation and remove anomalies.

Finally, an ambiguity in the wording of clause 20(3)(a) which imposes a maximum limit on the number of children in respect of whom a pension may be paid was brought to our attention by the ad hoc group. I wish to make it clear that, in the same manner as the equivalent provision is applied under the Civil Service pension scheme, this clause is intended to enable all dependant children of pensionable age to benefit from a proportional payment. There is no question of there being no payment for children in excess of six. It is simply that the total sum payable is subject to

a maximum equivalent to the amount payable to six eligible children. Amendments to the relevant sections of the pensions legislation will be introduced at the next opportunity to clarify the position.

Sir, at the Committee stage, I shall be moving amendments to eight clauses in the Pension Benefits (Judicial Officers) Bill 1988. These are mostly technical corrections, amendments for clarity and amendments corresponding to those introduced in respect of the Pension Benefits (Refusal to Grant, Suspension, Reduction and Cancellation) Bill 1988. They do not affect the substance of the Bill.

Sir, I beg to move.

Question put and agreed to.

Bill read the Second time.

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

PENSION BENEFITS (REFUSAL TO GRANT, SUSPENSION, REDUCTION AND CANCELLATION) BILL 1988

Resumption of debate on Second Reading which was moved on 23 November 1988

Question proposed.

MISS TAM: Sir, in 1987 a Legislative Council ad hoc group was set up to study the Pension Benefits Bill 1987. At that time the group, after considering representations from staff associations, requested the Administration to give further thought to devising an improved appeals system in respect of officers whose pensions were cancelled, suspended, reduced or not granted. The objection to the existing system was that the decision on an appeal (petition) would have to be made by the Governor, who made the original decision to cancel or suspend. The Administration undertook to formulate new proposals to meet our point and these proposals are now contained in the Bill before us which seek to preserve the basic principle that the Governor has the final decision on any appeal, whilst at the same time introduce a structured system for the initial decision on cancellation to be taken by a senior public officer designated by the Governor. Additionally, an independent advisory element is injected in the form of a three-person panel to

consider and give advice to the Governor on appeals. The panel is to be made up of non-civil servants to ensure that the recommendations made by the panel are impartial and also seen to be impartial.

The ad hoc group to study the Bill had met three times amongst ourselves and with the Administration. We are aware of the fact that extensive consultation with the staff side has been conducted before putting forth the proposal of setting up the advisory panel (section 29B proposed in the Bill) and we believe that such arrangement achieved through consultation should have our support. On the actual contents of the Bill, we discussed the following issues with the Administration, whether --

(i) the policy intention is that a designated officer shall, in all cases, take into consideration the advice of the Public Services Commission or the Judicial Service Commission as appropriate in exercising his power to refuse to grant a pension, or cancel or reduce a pension granted.

(ii) for the sake of fairness, in the written communication addressed by a designated officer to the officer concerned on the intention to exercise the power to suspend, reduce, cancel or not to grant pension benefits, the reasons for considering the exercise of such a power should be stated.

(iii) there should be provisions for the appointment of alternate members in the event that one of the three appointed members of the advisory panel is temporarily unable to attend the meetings of the panel.

(iv) appointments from amongst members of the Judiciary, the Bar or the solicitors' profession to the advisory panel should be confined to those who are not public officers.

(v) it should be specified that the intention is for all representations from the petitioning officer to the designated officer to be in written form.

The Administration has taken all five points on board and I understand there will be suitable amendments introduced to cover them.

Sir, the Civil Service is the mainstay of the strength in the Hong Kong Administration. The rights or entitlement of civil servants to their pension benefits after retirement is paramount in keeping their confidence in the future and

in facing retirement and old age. The ad hoc group is pleased to see that the work which was started in 1987 in this Council is completed in 1988, and we support the Bill.

CHIEF SECRETARY: Sir, I would like to thank Miss Maria TAM and other members of the ad hoc group for their valuable comments on the Pension Benefits (Refusal to Grant, Suspension, Reduction and Cancellation) Bill 1988.

The ad hoc group has made some useful suggestions designed to improve and clarify the procedure for appeals. Accordingly, a number of amendments to the Bill are proposed. I will now highlight the more significant ones.

Amendments to clauses 5 and 8 require a designated officer to include the grounds for such action when he informs an officer that consideration is being given to cancel or suspend the officer's pension under the pensions legislation. These two clauses will also be amended to stipulate that representations to the designated officer are to be submitted in writing.

The proposed section 29B in the Bill now provides for the Governor to appoint an alternate member to the Appeal Panel should one of the three members of the panel be unavailable for the consideration of an appeal. It also makes it clear that the member to be selected from the Bar or the solicitors' profession will not be a public officer.

Sir, I beg to move.

Question put and agreed to.

Bill read the Second time.

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

BOILERS AND PRESSURE RECEIVERS (AMENDMENT) BILL 1988

Resumption of debate on Second Reading which was moved on 30 November 1988

Question proposed.

MR. HO SAI-CHU (in Cantonese): Sir, I support the Boilers and Pressure Receivers (Amendment) Bill 1988 introduced to this Council by the Secretary for Education and Manpower.

Clause 6 of the Bill provides that a single authority, the Boilers and Pressure Vessels Authority, be created to take up the responsibility of ensuring the safety of this type of dangerous equipment. This arrangement of putting the control under a single authority has streamlined the previous provision of appointing two separate public officers, namely the Registrar of Boilers and Pressure Receivers and the Principal Surveyor of Boilers and Pressure Receivers, to be the statutory authorities in sharing the same responsibility.

The amendments to section 13 of the Ordinance will empower the authority to accept recognized local inspection bodies in the issue of certificates of inspection in respect of boilers and pressure receivers. With Hong Kong's demands for boilers and pressure receivers being on the increase, there will be great development potential in the local production of this type of equipment, which may turn out to be an asset to the economic development of Hong Kong. The development in this field reflects that technological skills in the production of pressure vessels and equipment in Hong Kong have improved remarkably.

Thermal oil heaters for industrial use are now included in the definition of "boilers" under section 2 of the Ordinance so as to put the use of this type of equipment under control and ensure its operational safety. Thermal oil heaters are dangerous equipment and have caused fatal accidents in overseas countries. Therefore, to put this type of heaters under control is a welcome move.

I am delighted to note that the principle of free trade upheld by the Government has been spelt out explicitly in this Bill. Instead of using the British Standard Specification as the only yardstick in determining the suitability of the equipment, all imported pressure vessels are required to meet the internationally recognized engineering standard. I hope that such a move will clearly convey the free trade message to the protectionists who continue to seek unreasonable restrictions on imports.

Sir, with these remarks I support the motion.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I do not think I need to add anything to what has already been said, other than to thank Mr. HO for his support for the Bill.

Sir, I beg to move.

Question put and agreed to.

Bill read the Second time.

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

#### PUBLIC BUS SERVICES (AMENDMENT) BILL 1988

Resumption of debate on Second Reading which was moved on 20 October 1988

Question proposed.

MISS TAM: Sir, taking a bus ride is not normally a hazardous thing to do in Hong Kong. In fact 4 million passenger trips are made each day in this busy city and it is not often that we hear of serious disputes between one passenger with another, or between the driver and the passenger. Hence when the Administration put forth the proposals to empower authorized bus company staff to enforce both regulations and by-laws governing passenger conduct in order that there could be proper control over misbehaviour occurring on buses, doubts were expressed by Members of this Council on whether such powers are really necessary. We know that some form of such power is already in the existing regulation 13, such as removal of passengers from a bus. But there are additional powers proposed here which included the power to require a suspect to provide proof of identity and passengers to comply with reasonable directions given by the authorized company staff. We decided that an ad hoc group of this Council should be formed to look into the justification of such proposals and whether the practical implementation of it will create more problem than it can solve.

The Bill deals with two major issues, firstly, the drivers' power of arrest and detention. The ad hoc group met twice with the Administration, and examined the rules and regulations relating to the "power of arrest or detention", and checking of

documents of identification by the employees of other public transport companies.

On the question of whether the powers are necessary, we checked the records of the franchised bus companies which showed that there were about 800 occasions in the past three years when police assistance has to be enlisted in dealing with misbehaviour on buses and these are the times when it would have been necessary for the driver to have such power of arrest and detention before the person could be handed over to the police. We have listened to the Administration's explanation, and finally accepted that the powers under section 36A(1) were needed to control passenger misconduct which might endanger public safety, affect normal bus operation or cause damage to the buses. We find that in fact there are similar powers already in existence in other transport legislation like the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) and the Mass Transit Railway Corporation Ordinance (Cap. 270).

Some Members have expressed concern on the additional job pressure placed upon the drivers who were very worried about, for example,

- (a) their legal responsibilities in case they failed to exercise the powers when faced with situations beyond their control; and
- (b) the possible disciplinary action from the company.

The Administration have clarified that it was within the driver's discretion to use or not to use the enforcement powers and there were no legal sanctions against the non-exercise of such powers. Besides, drivers were not precluded from using other appropriate methods of handling the situation such as giving verbal warning and seeking police assistance.

To ensure that bus drivers are aware of their responsibilities and proposed new powers, and that such powers would be exercised properly and reasonably, Transport Department has requested the bus companies to fully brief their staff both on the existing and the new provisions.

Some Members have expressed preference for the word "detain" in place of "arrest" as the limit of the power in effect amounted only to "detention". On this basis, "detain" was preferred as it would be much easier to be accepted by the public. The Administration pointed out that the term "arrest" rather than "detain" was more prevalent throughout existing legislation and they cited the Merchant Shipping



Ordinance (Cap. 281), Hong Kong Airport Ordinance (Restricted Areas) Regulations (Cap. 392) and Kowloon-Canton Railway Corporation Ordinance (Cap. 372). After much discussion and consideration, we accepted the word "arrest" for the purpose of consistency.

Having taken into consideration that the power of arrest is already in the existing Public Bus Services Regulation 13 and that similar powers are being vested on the other employees of other methods of transportation; and there are records showing vandalism in franchised buses; and there are disputes arising in buses wherein it is necessary for somebody in authority to protect the passengers and that the driver may or may not exercise his power of arrest depending on the circumstances; the ad hoc group, taking a global view of all factors concerned, decided to support the amendments of section 36A.

The second issue raised in this Bill is the fine tuning of the profit control scheme : Sir, the profit control scheme in respect of franchised bus services is once again a topical issue -- and indeed, in every two years or so, the panels, or ad hoc groups of this Council would call for a review on the operation of the schemes of control so as to ensure its fair implementation. Whilst fundamental changes of the schemes of control would be difficult to achieve without the co-operation of the relevant company, the method of monitoring and checking on the accounting methods of the bus companies has always been improving and I personally believe that such improvement has not been given the attention and credit that it deserves.

Under section 26 of this Bill, an amendment is proposed to the effect that the words "operating receipts" will be re-defined as a result of which interest earned on deposits for self-insurance would be treated as operating receipts and no longer be accrued to shareholders. Hitherto shareholders have been enjoying both the permitted return on the deposit for self-insurance (treated as a fixed asset) and the interest accruing therefrom. The ad hoc group support this amendment and we believe that this is to the benefit of the consumers.

Sir, the group support the Bill.

SECRETARY FOR TRANSPORT: Sir, I should like to thank Miss TAM and other members of the ad hoc group who examined this Bill and the associated regulations with great care. Their valuable suggestions have been most helpful. Their support for the Bill is welcome.

Sir, the underlying aim of this amendment exercise is to give better powers to the regulation of passenger conduct on buses. This is necessary because, since the enactment of the existing Public Bus Services Regulations in 1984, enforcement problems have convinced the company and ourselves that better control of passenger conduct affecting public safety is essential.

Any well-run transport service must have order and control of both staff and the people using it. Bus passengers expect well-regulated, frequent and cheap bus services : they also want the confidence of travelling safely, peacefully, comfortably and with minimum inconvenience whilst on a bus. To achieve this, there must be a code of conduct to control, both the safe driving and operation of buses by drivers, and the orderly behaviour of passengers.

With the demise of bus conductors, normally only the driver can exercise that control on passenger's conduct on buses. When necessary, a driver must be able to control passenger misconduct if it threatens, in any way, to interfere with his duties, the safety of the bus and its passengers, and their well-being. For that control to be effective, it must be legally enforceable.

I should point out, however, that enforcement is discretionary. The regulations or by-laws would authorize drivers or other authorized staff to enforce the stated powers, but they would not impose on them a statutory duty to do so.

Controls on passenger conduct on buses are not presently defined in regulations. We now propose new regulations to control passenger conduct designed to safeguard public safety. Later, the bus companies intend to introduce by-laws to define lesser controls over passenger conduct. Such by-laws would, of course, be brought to this Council for approval. By defining controls, drivers will be assisted to determine more easily when and how to enforce their powers; and the public will be aware of what constitutes misbehaviour.

Enforcement may not always be possible, but having the legal power to do so when necessary is clearly essential for the protection of passengers, drivers and for the proper running of bus services. The bus companies have been asked to instruct their staff on the proper use of enforcement powers so as to avoid misuse.

On balance, the Government believes that the retention of enforcement powers is

necessary for the effective control of passenger conduct in order to safeguard the efficiency and safety of all public transport services, including bus services.

Sir, I beg to move.

Question put and agreed to.

Bill read the Second time.

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

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

Resumption of debate on Second Reading which was moved on 30 November 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).

REFORMATORY SCHOOLS (AMENDMENT) BILL 1988

Resumption of debate on Second Reading which was moved on 30 November 1988

Question proposed.

MR. HUI: Sir, I pledge my full support to the Reformatory Schools (Amendment) Bill 1988, the provisions of which are considered to be realistic and in keeping with changing times.

The reduction of the maximum detention period from five to three years not only coincides with provisions of other training centres, but would also relieve the psychological stress imposed on youthful offenders by the long period of detention now in force. It is welcomed in that the change falls in line with the basic rehabilitation concept.

However, I would urge the Administration to ensure that the revised maximum period of detention will bring a corresponding revised training content which meets with the changing needs of society, especially in relation to the employability of trainees.

Changing the term "incorrigible" into "unsuitable for further training in reformatory schools" is considered necessary, since the term carries a negative connotation and is contrary to the objective of setting up reformatory schools to offer training beneficial to youthful offenders.

Sir, the Bill sets a good example of enlightened legislative reforms in the interest of young offenders, for which reason I support the motion.

SECRETARY FOR HEALTH AND WELFARE: Sir, I am grateful to Mr. HUI for his support for this Bill. I can assure Mr. HUI that the content of the training programme is being adjusted in the light of the revised period of detention. We are also exploring the possibility of arranging vocational training for suitable dischargees so as to improve their employment prospects.

Sir, I beg to move.

Question put and agreed to.

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee.

DISTRICT BOARDS (AMENDMENT) (NO.2) BILL 1988

Clause 1

CHIEF SECRETARY: I move that clause 1 be amended as set out in the paper circulated

to Members. The amendment seeks to add a commencement date so that the arrangements to remove from elected members of the Urban Council their ex-officio membership of district boards in the urban area and to remove the right of the Urban Council to nominate appointed members of the Urban Council to be members of the urban district boards will take effect from 1 April 1989. This ensures that present Urban Council members will not be affected by the new arrangements until their term of office expires on 31 March 1989.

Sir, I beg to move.

Proposed amendments

Clause 1

That clause 1 be amended --

(a) by being renumbered as subclause (1); and

(b) by adding after subclause (1) -

"(2) Section 2 shall come into operation on 1 April 1989."

Question on the amendments proposed, put and agreed to.

Question on clause 1, as amended, proposed, put and agreed to.

Clauses 2 to 4 were agreed to.

REGIONAL COUNCIL (AMENDMENT) BILL 1988

Clauses 1, 4, 5 and 7 were agreed to.

Clauses 2, 3 and 6

MR. SIT: Sir, I move that the clauses specified be amended as set out in the paper circulated to Members.

The purpose of these amendments is to enable the district board and municipal council elections in 1991 to be held separately in March and May of that year.

The Bills, as presently drafted, provide for the district board and municipal council elections in 1991 to be held concurrently. This arrangement was preferred by the Administration after considering various constraints such as the term of incumbent district board members which will last until March 1991, the introduction of direct elections to this Council in September 1991, and the operational difficulties which might arise from holding several major elections within a short period of time.

Whilst the ad hoc group appreciated fully the Administration's concern, members held an unanimous view that it would achieve better consistency and create less confusion to voters if the district board and municipal council elections in 1991 were held separately. The Administration was receptive to our suggestion and had agreed to make proper arrangements to overcome the anticipated operational difficulties. My colleague the Honourable Michael CHENG will explain in detail the rationale behind the proposed amendments.

With these remarks, Sir, I beg to move.

MR. MICHAEL CHENG (in Cantonese): Sir, as pointed out by the Honourable CHEUNG Yan-lung, convener of the Legislative Council ad hoc group to study these Bills, members of the group generally endorsed the decision in paragraph 66 of the White Paper published in February this year that ".....elections to the District Boards, the Municipal Councils and the Legislative Council should be held in that order." As the existing sequence of these elections is arranged in the order that district board elections are followed by Legislative Council elections and then the municipal councils elections, it is necessary to make corresponding adjustments to the existing sequence as soon as practicable so as to give effect to the decision of the White Paper. Since a decision was already made in March this year that the terms of office of all incumbent district board members should be three years ending in March 1991, the most convenient way to make adjustments for a satisfactory sequence in holding these three sets of elections in respect of our three-tier structure is to introduce certain adjustments to the timing of the municipal councils elections. This approach, in fact, has been generally agreed.

It is, however, proposed by the Administration in the relevant Bills that the district board elections and the elections of the two municipal councils should be held concurrently in March 1991 while the Legislative Council elections to be held the same year should take place in September. An arrangement will then be made to separate the municipal councils elections and the district board elections after 1991.

The proposal put forth by the Administration to amalgamate the above two sets of elections in 1991 is not without reasons. The Administration is concerned that if these three sets of elections are to be staggered within the period between March and September, voters will, on the average, be required to cast their votes every two months during that period and this will have the undesirable effect of reducing the enthusiasm of the voters. In view of the fact that directly elected elements will be introduced to the Legislative Council for the first time in 1991 and that Legislative Council elections will be the last set of elections to be held in that year at the heels of the other two elections, the cause of concern as pointed out by the Administration is not at all unwarranted.

However, we can imagine how confusing it would be if both the Urban Council and district board elections are to take place concurrently in March 1991. We may envisage a situation in which there will be three kinds of candidates in one constituency: firstly those running for the Urban Council seats, secondly, running for the seats of a district board and those running for the seats of the Urban Council and the seats of a district board at the same time. These candidates will surely launch various publicity and electioneering activities as it was the case in the past. If the two elections are to take place concurrently in March 1991, it is almost certain that electioneering activities will be in full swing during the two or three months immediately before the polling day. As we all know, the district board and the Urban Council are two different bodies each with its own terms of reference and specific role to fulfil. Hence, it will be most regrettable if these activities are to be launched at the same time and produce negative effect of confusing the voters or even affecting election results.

After weighing the pros and cons, the ad hoc group holds the view that although the staggering of the three elections in their right order within a period of six months in 1991 will inevitably bring in frequent election activities in quick succession, it still has the advantage of highlighting the nature and characteristics of each election and making it easier for the public to understand the different

functions of the district board and municipal councils and the election platform of each candidate. According to my experience and personal observation in the district board, many district board members share the view that for the sake of ensuring that they may exercise their sacrosanct right to cast their votes properly and that our political system may consolidate steadily into a well structured foundation and for the avoidance of undue disruptions to the public while they are trying to make the right choice, it is not advisable to introduce exceptional arrangements for the 1991 elections.

On the other hand, it is appreciated that the earlier proposal to stage the district board and municipal councils elections concurrently in March 1991 has been made on account of a number of technical factors such as the the difficulty in finding sufficient polling stations in May and June because many schools will be used as centres for a number of public examinations during that period, the weather conditions in March being comparatively more predictable, and the possible overlapping of nomination periods for elections to the district board and the municipal councils. Regarding these problems, the Government has accepted my proposed solutions. Firstly, I suggest that the municipal councils elections should be held in May and not in any other months of the year. In making that recommendation, I have taken into consideration that the period between June and July is the examination season. As most of the secondary and primary schools will be having their final examinations, the loan of their premises for the use as polling stations during that period will cause much inconvenience. It would be more convenient for similar arrangements to be made in May because only a few public examinations will be held in that month. I believe it is not impossible to hold the election on a public holiday or make the polling day a holiday if necessary. Besides, a greater part of the period between March and September should be reserved for the preparation of the Legislative Council elections in September because 10 seats in this Council will have to be filled by candidates directly elected from the geographically-based constituencies. As these candidates will have to make more preparation than their counterparts in the other elections, they should be given more time for preparations. As far as the predictability of weather conditions is concerned, the month of May also has the advantage over June. After detailed discussions, the Administration has accepted my proposals and undertaken to improve the arrangements for these elections.

The amendments in question concern three pieces of related legislation. In view of the complexity of the provisions of the Bills and the need to beat against time, the ad hoc group and the Administration have had to work under very great psychological



pressure. It is gratifying to see that the Administration has demonstrated its amenability to good advice by accepting the proposals of the ad hoc group and making responses and appropriate amendments in the shortest possible time.

During its discussions with the Administration on the amendments to the three pieces of legislation, the ad hoc group has also touched on some specific arrangements for polling day such as the need to appropriately reduce or totally ban excessive electioneering activities. All members including myself have provided the Administration with a lot of observations and advice drawn from our own experience. It is hoped that the Administration should, after careful consideration, commit itself to maintaining good discipline and order on polling day while taking good care not to overkill lest the enthusiasm of the voters should be dampened. The Administration has already agreed to study our views in detail. Let us wait for the outcome.

Sir, with these remarks, I support the motion.

Proposed amendments

Clause 2

That clause 2 (b) be amended, in proposed paragraph (aa) -

- (a) by deleting "14 April" and substituting "31 May";
- (b) by deleting "March 1991" and substituting "May 1991"; and
- (c) by deleting "15 April" and substituting "1 June".

Clause 3

That clause 3 be amended --

- (a) by adding after subclause (1) (a) --  
"(aa) by adding "subject to subsection (1A)," at the beginning of paragraph(c).".
- (b) in subclause (1) (b), in proposed paragraph (d) --

(i) by deleting "1 April and 14 April" and substituting "23 May and 31 May";  
and

(ii) by deleting "15 April" and substituting "1 June".

(c) by adding after subclause (1) --

"(1A) Section 8 is amended by adding after subsection (1) --

"(1A) For the election of a representative member of the Regional Council in May 1991 -

(a) an appointed or elected member of the Regional Council whose term of office on the Regional Council will terminate on or before 31 May 1991 and who has not been re-elected or re-appointed and who is a member of a District Board is qualified for election as a representative member of the Regional Council for the District Board;  
and

(b) a person who has been elected as a member of the Regional Council at the election held in May 1991 but whose term of office does not commence until 1 June 1991 and who is also a member of a district board, is not qualified for election as a representative member of the Regional Council for the District Board. ".".

(d) in subclause (3), in proposed paragraph (a), by deleting "14 April" and substituting "31 May".

Clause 6

That clause 6 be amended--

(a) by being renumbered as subclause (1).

(b) in proposed section 22(1), by deleting "Subject to subsection (1A), the "  
and substituting "The".

(c) by deleting proposed section 22 (1A).

(d) by adding after subclause (1) --

"(2) Section 22 is amended by adding after subsection (4) --

"(4A) The Chairman and Vice-Chairman elected in April 1989 shall hold office until 31 May 1991."."

Question on the amendments proposed, put and agreed to.

Question on clauses 2, 3 and 6, as amended, proposed, put and agreed to.

New clause 6A Resignation etc. of Chairman

Clause read the First time and ordered to be set down for Second Reading pursuant to Standing Order 46(6).

MR. SIT: Sir, in accordance with Standing Order 46(6) I move that new clause 6A as set out in the paper circulated to Members be read the Second time.

This clause provides, in the case of resignation or a number of other eventualities, for a new Regional Council Chairman or Vice-chairman to be elected. The new chairman or vice-chairman's term of office will run until the next set of municipal council elections.

Sir, I beg to move.

Question proposed, put and agreed to.

Clause read the Second time.

MR. SIT: Sir, I move that new clause 6A be added to the Bill.

Proposed addition

New clause 6A

That the Bill be amended, by adding after clause 6 the following --

"Resignation etc. of Chairman

6A. Section 24(2) is amended by repealing everything following "hold office until" and substituting --

"the date when the period of office of the Chairman or Vice-Chairman whom he succeeded would otherwise have expired.

(3) No election for a new Chairman or Vice-Chairman shall be held in the month of April next following ordinary elections for District Boards."."

Question on the addition of the new clause proposed, put and agreed to.

URBAN COUNCIL (AMENDMENT) BILL 1988

Clauses 1 to 3, 6 to 9 and 11 to 16 were agreed to.

Clauses 4, 5 and 10

MR. SIT: Sir, I move that the clauses specified be amended as set out in the paper circulated to Members.

The purpose of these amendments is similar to those proposed to clauses 2, 3 and 6 of the Regional Council (Amendment) Bill 1988. My previous comments therefore also apply to these amendments.

Sir, I beg to move.

Proposed amendments

Clause 4

That clause 4 be amended, in proposed section 7(2) --

(a) by deleting "14 April" and substituting "31 May";

(b) by deleting "March 1991" and substituting "May 1991"; and

(c) by deleting "15 April" and substituting "1 June".

#### Clause 5

That clause 5 be amended --

(a) in proposed section 7A(3), by deleting "An" and substituting "Subject to subsection (4A) and (5A), an".

(b) in proposed section 7A(4), by deleting "14 April" and substituting "31 May".

(c) by adding after proposed section 7A(4) --

"(4A)For the election of a representative member in March 1989 --

(a) an appointed or elected member of the Council whose term of office on the Council will terminate on or before 31 March 1989 and who has not been re-elected or re-appointed and who is a member of a District Board is qualified for election as a representative member of the Council for the District Board; and

(b) a person who has been elected as a member of the Council at the election held in March 1989 but whose term of office does not commence until 1 April 1989 and who is also a member of a District Board, is not qualified for election as a representative member of the Council for the District Board."

(d) in proposed section 7A(5) --

(i) by deleting "1 April and 14 April" and substituting "23 May and 31 May";  
and

(ii) by deleting "15 April" and substituting "1 June".

(e) by adding after proposed section 7A(5) --

"(5A) For the election of a representative member in May 1991--

(a) an appointed or elected member of the Council whose term of office on the Council will terminate on or before 31 May 1991 and who has not been re-elected or re-appointed and who is a member of a District Board is qualified for election as a representative member of the Council for the District Board; and

b) a person who has been elected as a member of the Council at the election held in May 1991 but whose term of office does not commence until 1 June 1991 and who is also a member of a District Board, is not qualified for election as a representative member of the Council for the District Board."

Clause 10

That clause 10 be amended --

(a) by being renumbered as subclause (1).

(b) in proposed section 20(1), by deleting "Subject to subsection (1A), the " and substituting "The".

(c) by deleting proposed section 20(1A).

(d) by adding after subclause (1) --

"(2) Section 20 is amended by adding after subsection (6) --

"(6A) The Chairman and Vice-Chairman elected in April 1989 shall hold office until 31 May 1991."."

Question on the amendments proposed, put and agreed to.

Question on clauses 4, 5 and 10, as amended, proposed, put and agreed to.

New clause 10A Resignation etc. of Chairman

Clause read the First time and ordered to be set down for Second Reading pursuant to Standing Order 46(6).

MR. SIT: Sir, in accordance with Standing Order 46(6) I move that new clause 10A as set out in the paper circulated to Members be read the Second time.

My comments on clause 6A of the Regional Council (Amendment) Bill 1988 also apply to this clause.

Sir, I beg to move.

Question proposed, put and agreed to.

Clause read the Second time.

MR. SIT: Sir, I move that new clause 10A be added to the Bill.

Proposed addition

New clause 10A

That the Bill be amended, by adding after clause 10 the following --

"Resignation etc. of Chairman

10A. Section 23(3) is amended by repealing "until 31 March in the year in which an ordinary election for the Council is next held" and substituting "until the date when the Chairman or Vice-Chairman whom he succeeded would otherwise have ceased to hold office.".

Question on the addition of the new clause proposed, put and agreed to.

New Clause 10B Quorum

Clause read the First time and ordered to be set down for Second Reading pursuant to Standing Order 46(6).

CHIEF SECRETARY: Sir, in accordance with Standing Order 46(6), I move that new clause 10B as set out in the paper circulated to Members be read the Second time.

The new clause 10B increases the quorum for a meeting of the Urban Council and of its Standing Committee from seven to 10 members in proportion to the expanded membership of the council which will number 40 instead of 30 from 1 April 1989 onwards.

Sir, I beg to move.

Question proposed, put and agreed to.

Clause read the Second time.

CHIEF SECRETARY: Sir, I move that new clause 10B be added to the Bill.

Proposed addition

New clause 10B

That the Bill be amended, by adding after proposed new clause 10A --

Quorum

10B. Section 33(1) is amended by repealing "7" and substituting "10".

Question on the addition of the new clause proposed, put and agreed to.

PENSION BENEFITS (JUDICIAL OFFICERS) BILL 1988

Clauses 1, 3 to 8, 10 to 15, 17 to 19, 21 to 25, 28, 30, 31 and 33 to 57 were agreed to.

Clauses 2, 9, 16, 20, 26, 27, 29 and 32



CHIEF SECRETARY: Sir, I move that the clauses specified be amended as set out in the paper circulated to Members.

Proposed amendments

Clause 2

That clause 2(1) be amended --

(a) in the definition of "deferred pension" by deleting "section 8(a)" and substituting "section 8(1) (a)"; and

(b) in the definition of "pensionable emoluments" --

(i) in paragraph (a) by deleting "section 23(a), (b) or (c)" and substituting "section 23(a), (b), (c) or (d)" and

(ii) in paragraph (b) by deleting "section 23(d)" and substituting "section 23(e)".

Clause 9

That clause 9(10) be amended, by deleting "civil" and substituting "public".

Clause 16

That clause 16 be amended, by adding "to" after "referred".

Clause 20

That clause 20(1) be amended --

(a) in paragraph (i) by deleting "not exceeding one-sixth" and substituting "of

one-sixth"; and

(b) in paragraph (ii) by deleting "not exceeding" and substituting "of".

Clause 26

That clause 26(2) be amended, by deleting "section 8(a)" and substituting "section 8(1) (a)".

Clause 27

That clause 27 be amended, by deleting "and be entitled to exercise the option conferred by section 18" and substituting "under section 18(2)".

Clause 29

That clause 29(2) be amended, by deleting "Subject to" and substituting "After taking into consideration".

Clause 32

That clause 32 be amended --

(a) in subclause (2) by adding "and why it is being considered" after "considered"; and

(b) in subclause (5) by deleting "stating, or having" and substituting "stating in writing, or having so".

Question on the amendments proposed, put and agreed to.

Question on clauses 2, 9, 16, 20, 26, 27, 29 and 32, as amended, proposed, put and agreed to.

PENSION BENEFITS (REFUSAL TO GRANT, SUSPENSION, REDUCTION AND CANCELLATION) BILL  
1988

Clauses 1, 2, 4, and 7 were agreed to.

Clauses 3, 5, 6 and 8

CHIEF SECRETARY: Sir, I move that the clauses specified be amended as set out in the paper circulated to Members.

Proposed amendments

Clause 3

That clause 3 be amended, in proposed section 27(6), by deleting "be subject to" and substituting "take into consideration".

Clause 5

That clause 5 be amended --

(1) in proposed section 29A (3) --

(a) in paragraph (a), by adding "and state why such exercise is being considered" after "considered" ; and

(b) in paragraph (d) --

(i) by adding "in writing" after "stating"; and

(ii) by adding "so" after "having".

(2) in proposed section 29B --

(a) by deleting subsection (2) (a) and substituting --

"(a) shall be appointed by the Governor from amongst --

(i) the judiciary; or

(ii) the members of the Bar who are not public officers; or

(iii) the members of the Solicitors' profession who are not such officers;" and

(b) in subsection (5), by deleting ", 49 and 50" and substituting "and 49".

Clause 6

That clause 6 be amended, in proposed section 14(6) --

(a) by deleting "In exercising" and substituting "As regards the exercise of"; and

(b) in both paragraphs (i) and (ii), by deleting "be subject to" and substituting  
", before exercising the power, take into consideration".

Clause 8

That clause 8 be amended, in proposed section 15A(2) --

(a) in paragraph (a), by adding "and why such exercise is being considered" after  
"considered" and

(b) in paragraph (d) --

(i) by adding "in writing" after "stating" and

(ii) by adding "so" after "having".

Question on the amendments proposed, put and agreed to.

Question on clauses 3, 5, 6 and 8, as amended, proposed, put and agreed to.

BOILERS AND PRESSURE RECEIVERS (AMENDMENT) BILL 1988

Clauses 1 to 59 were agreed to.

Schedules 1 to 4 were agreed to.

PUBLIC BUS SERVICES (AMENDMENT) BILL 1988

Clauses 1 to 4 were agreed to.

Clause 5

SECRETARY FOR TRANSPORT: I move that clause 5 be amended as set out in the paper circulated to Members. These amendments are made purely in the interest of consistency.

Sir, I beg to move.

Proposed amendments

Clause 5

That clause 5 be amended, in the proposed new section 36A(1) (d) --

(a) by deleting "authorized officer" and substituting the following --

"authorized person"; and

(b) by deleting "reasonable cause" and substituting the following --

"reasonable grounds"

Question on the amendments proposed, put and agreed to.

Question on clause 5, as amended, proposed, put and agreed to.

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

Clauses 1 to 9 were agreed to.

REFORMATORY SCHOOL (AMENDMENT) BILL 1988

Clauses 1 to 4 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

BOILERS AND PRESSURE RECEIVERS (AMENDMENT) BILL 1988

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

REFORMATORY SCHOOLS (AMENDMENT) Bill 1988

had passed through Committee without amendment, and the

DISTRICT BOARDS (AMENDMENT) (NO.2) BILL 1988

REGIONAL COUNCIL (AMENDMENT) BILL 1988

URBAN COUNCIL (AMENDMENT) BILL 1988

PENSION BENEFITS (JUDICIAL OFFICERS) BILL 1988

PENSION BENEFITS (REFUSAL TO GRANT, SUSPENSION, REDUCTION AND CANCELLATION) BILL 1988  
and the

PUBLIC BUS SERVICES (AMENDMENT) BILL 1988

had passed through Committee with amendments and moved that the Bills be read the

Third time and passed.

Question on the Bills proposed, put and agreed to.

Bills read the Third time and passed.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: This is the last session of the Council before the holiday period. I should like to take the opportunity to wish all Members of the Council and all those who work behind the scene for the Council a very happy Christmas and cheerful and prosperous New Year. And now in accordance with Standing Orders I adjourn the Council until 2.30 pm on Wednesday, 11 January 1989.

Adjourned accordingly at sixteen minutes to Five o'clock.

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

1 According to the Report on the Survey of Overseas Investment in Hong Kong's Manufacturing Industries 1988, "Gross Additions to Fixed Assets" represents acquisitions less disposals of fixed assets in the reference year. The exact surveyed amount is \$1,913 million.

2 According to the Report on the Survey of Overseas Investment in Hong Kong's Manufacturing Industries 1988, "Total Investment at Original Cost" refers to the value of the stock of fixed assets at original cost plus working capital at the end

of the reporting period. The exact surveyed amount is \$21,122 million.