

1 HONG KONG LEGISLATIVE COUNCIL -- 11 January 1989

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 11 January 1989

The Council met at half-past Two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (PRESIDENT)

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

THE HONOURABLE THE CHIEF SECRETARY

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

THE HONOURABLE THE FINANCIAL SECRETARY

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

THE HONOURABLE THE ATTORNEY GENERAL

MR. JEREMY FELL MATHEWS, C.M.G., J.P.

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

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

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

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

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, O.B.E., J.P.

THE HONOURABLE CHENG HON-KWAN, J.P.

THE HONOURABLE CHUNG PUI-LAM

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

THE HONOURABLE HUI YIN-FAT, O.B.E.

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 TAI CHIN-WAH

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING

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

THE HONOURABLE ANDREW WONG WANG-FAT

THE HONOURABLE GRAHAM BARNES, 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 MARTIN GILBERT BARROW, O.B.E.

THE HONOURABLE PAUL CHENG MING-FUN

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

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

THE HONOURABLE RONALD CHOW MEI-TAK

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

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

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

THE HONOURABLE MRS. MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, J.P.

DR. THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

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

THE HONOURABLE KINGSLEY SIT HO-YIN

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

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

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

THE HONOURABLE PETER WONG HONG-YUEN

ABSENT

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

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

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

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

THE HONOURABLE SZETO WAH

THE HONOURABLE TAM YIU-CHUNG

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

THE HONOURABLE RONALD JOSEPH ARCULLI, 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.

Subsidiary Legislation:

Antiquities and Monuments Ordinance

Antiquities and Monuments

(Declaration of Monument) (No.3) Notice 1988..... 335/88

Interpretation and General Clauses Ordinance

Declaration of Change of Title

(Building Contractors' Association Limited)

Notice

1988..... 336/88

Firearms and Ammunition Ordinance

Firearms and Ammunition (Declaration of Arms)

Regulations 1988.....

337/88

Pension Benefits (Judicial Officers) Ordinance 1988

Pension Benefits (Judicial Officers)

Regulations 1988.....

338/88

Ferry Services Ordinance

Ferry Services (Hongkong and Yaumati

Ferry Company, Limited) (Determination of Fares)

(Amendment) (No.2) Order 1988.....

339/88

Ferry Services Ordinance

Ferry Services (The "Star" Ferry Company, Limited)

(Determination of Fares) (Amendment)

(No.3) Order 1988.....

340/88

Public Health and Municipal Services Ordinance

Designation of Libraries (Urban Council Area)

(No.5) Order 1988.....

341/88

Public Health and Municipal Services Ordinance

Public Health and Municipal Services (Public Markets)

(Designation and Amendment of Tenth Schedule)

(No.2) Order 1988.....

342/88

Public Health and Municipal Services Ordinance

Public Health and Municipal Services (Public Markets)

(Designation and Amendment of Tenth Schedule)

(No.3) Order 1988.....

343/88

Weights and Measures Ordinance

Weights and Measures Ordinance

(Amendment of First, Second and Third Schedules)

Order

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Public Health and Municipal Services Ordinance

Abattoirs (Urban Council) (Amendment)

(No.2) By-Laws 1988.....

345/88

Banking Ordinance

Banking Ordinance (Amendment of Fifth Schedule)

(No.6) Notice 1988.....

346/88

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Pensions Ordinance Pensions (Amendment) Regulations 1988.....	352/88
Road Traffic Ordinance Road Traffic (Public Service Vehicles) (Amendment) (No.2) Regulations 1988	353/88
Corrupt and Illegal Practices Ordinance Urban Council, Regional Council and	

District Boards Election Expenses
(Amendment) Order 1988.....
354/88

Dangerous Goods (Consignment by Air)
(Safety) Regulations
Dangerous Goods (Consignment by Air)
(Safety) Regulations
(Amendment of Schedule) Order 1988.....
355/88

Supreme Court Ordinance
Rules of the Supreme Court
(Revocation and Replacement)
(Amendment) Rules 1988.....
356/88

Travel Agents (Amendment) Ordinance 1988
Travel Agents (Amendment) Ordinance 1988
(Specified Date) Notice 1988.....
357/88

Travel Agents (Amendment) Ordinance 1988
Travel Agents (Amendment) Ordinance 1988
(Commencement) Notice 1988.....
358/88

Public Health and Municipal Services Ordinance
Public Health and Municipal Services
(Public Pleasure Grounds)
(Amendment of Fourth Schedule)
(No.7) Order 1988.....
359/88

Public Health and Municipal Services Ordinance
Public Swimming Pools (Designation)
Order
1988.....

360/88

Registration of Persons Ordinance

Registration of Persons

(Application for New Identity Cards) Order 1989..... 1/89

Sessional Papers 1988-89

No. 40 -- The Hong Kong Industrial Estates Corporation
Annual Report 1987-88

No. 41 -- Emergency Relief Fund
Annual Report by the Trustee for the year ending on
31 March 1988

No. 42 -- Police Welfare Fund
Income and Expenditure Accounts with Balance Sheet
and Certificate of the Director of Audit for the year
ended 31 March 1987

No. 43 -- Social Work Training Fund
Twenty Seventh Annual Report by the Trustee for the
year ending on 31 March 1988

No. 44 -- Vocational Training Council
Annual Report 1987-88

No. 45 -- Hong Kong Trade Development Council
Annual Report and Accounts 87-88

Address by Member presenting papers

The Hong Kong Industrial Estates Corporation Annual Report 1987-88

MR. CHEONG: Sir, it gives me great pleasure to table the Annual Report of the Hong Kong Industrial Estates Corporation and to report that 1987-88 was the corporation's

best year on record, with grants of land totalling 19.6 hectares through a total of 20 Agreements for Lease. By comparison, the average area of land granted in the three previous years was 8.5 hectares, with the previous best year, 1985-86, totalling 11.2 hectares. The strong demand reported in the two previous years continued but at an even quicker pace. The varied nature of the companies applying and meeting the corporation's selection criteria undoubtedly helps to broaden Hong Kong's industrial base. Moreover, the average committed investment of grantees rose during the year from \$53 million per hectare to \$68 million per hectare. This is an encouraging sign of more capital-intensive operations being attracted to Hong Kong.

The year, Sir, saw a large site granted on the Tai Po Estate to the first of a number of multi-national companies involved in compounding and production of master batches and feedstock for use by the plastics conversion industry. It also saw the signing of an agreement for the construction of an advanced semi-conductor facility incorporating an important design centre on another large site in the high technology zone on the Tai Po Estate.

With the exception of about three hectares of land remaining on the Tai Po Estate which is being reserved for applications involving the latest technologies, the great majority of sites at Tai Po had been granted by the end of the year. Also, demand for sites on the Yuen Long Estate continues to be strong, assisted, as it undoubtedly is, by Government's upgrading of the infrastructure in the north-west New Territories.

The favourable results enabled the corporation to make record repayments of \$219 million to the Development Loan Fund, thus substantially reducing the corporation's indebtedness to the fund. The corporation is now on a sound financial footing. The Financial Secretary may be pleased to learn that it will not only be able to repay all the loans due before the remaining sites on the two estates are sold, but will produce a surplus as a contribution towards the capital cost of a third estate.

Although the main objective of the corporation is not to dispose of industrial land with maximum profit, yet the board considers it prudent to review its land premia from time to time having regard to market trends. Consequently, the premia on the two estates were increased moderately in August 1988. They now stand at \$1,250 per sq m for sites on the Tai Po Estate and at \$1,100 at the Yuen Long Estate.

Sir, the corporation is conscious of the need to protect our environment and works

very closely with the Environmental Protection Department in ensuring that applicants understand what is required of them at the early stage. A set of guidelines have been in use for some years and these were carefully reviewed and up-dated during the year. They are both practicable for the industrialists and acceptable to the Government. These guidelines are provided to potential investors when they first come to discuss sites with the corporation and applicants are encouraged to discuss their plans with the experts in the department at an early stage. I am pleased to report that the system is working well, and because of it, the corporation's estates provide the best conditions in Hong Kong for modern industrial projects.

I now turn to the prospects for 1988-89. They are, Sir, promising. In the first nine months of the year, the corporation has granted sites totalling 10 hectares to 11 applicants, all but three of which are on the Yuen Long Industrial Estate. Although the results are not quite as impressive as those for last year, the projects and proposed investments are on average larger than before. Three sizeable projects on the Yuen Long Estate taken together require only five hectares of land and will involve investments totalling over \$1 billion. All three came from major overseas groups.

At the present rate, the 45 hectares of land remaining on the two estates could well be exhausted within the next three to four years. To ensure continuity in the supply of industrial land for selected applicants, the corporation has therefore asked the Government to consider granting it a site to develop a third estate. This has been endorsed in principle by the Executive Council and consultants are now carrying out a feasibility study of a large site to be reclaimed to the south-east of Junk Bay. Their report is due by the end of March 1989 and provided it is favourable, the corporation will seek a formal land grant from the Government.

The corporation has noticed a growing demand for sites from the supporting and linkage industries over the past few years. This is continuing particularly as the requirement for high quality components builds up. Such industries certainly help to broaden Hong Kong's industrial base and bring new skills to our work force through the application of the latest automated production techniques. I believe that the corporation's industrial estates are best suited to meet the requirements of these and other high technology industries in the years ahead.

In closing, I would like to take this opportunity to thank all members of the corporation's board for their contribution and support; the Industry Department for

its co-operation and assistance and the staff of the corporation--25 in all, inclusive of caretakers, for their efforts in the past year in bringing such success to the corporation.

Vocational Training Council Annual Report 1987-88

MR. CHEONG: Sir, laid before this Council is the sixth Annual Report of the Vocational Training Council covering its activities in the year 1987-88.

I would like to take this opportunity to pay tribute to Mr. K.C. CHAN, the outgoing chairman of the Vocational Training Council who helped to steer the activities of the council in the past two years. During this period, many important projects were successfully completed.

The highlight of the year 1987-88 was, of course, the opening by you, Sir, of the Chai Wan Technical Institute, the eighth and the latest technical institute built in Hong Kong and the third built by the council. It is also the largest and has a capacity of 2 700 full-time equivalent student places. With its completion, there are now over 10 500 full-time places in the technical institutes, an increase of over 135% since the council was established in the year 1982 and took over the management of these institutes. The number of part-time places has also increased from about 35 800 to 49 000 in the last six years.

Another significant milestone was the coming into operation during the year of the council's Jewellery Industry Training Centre and the Seamen's Training Centre. The Jewellery Industry Training Centre provides the rapidly growing jewellery industry over 100 full-time places every year for training in basic skills in goldsmithing and precious stone setting. The Seamen's Training Centre, one of the few purpose-built training centres for seafarers in the region, provides both pre-sea training for young people wishing to pursue a seafaring career and modular training for serving seamen to enable them to meet mandatory international standards.

I am pleased also to report that the projects embarked on by the council to improve the teaching facilities and student amenities in the older technical institutes are progressing satisfactorily. These include the construction of new annexes at the Kwai Chung Technical Institute and the Kwun Tong Technical Institute and the redevelopment of the Morrison Hill Technical Institute Annexes. The latter project,

when completed, will also provide permanent accommodation for the council's headquarters and those training centres which are currently in rented premises as well as a new training centre for the wholesale/retail and import/export trades. The new annexes at the Kwai Chung and Kwun Tong Technical Institutes are scheduled for completion in the latter part of this year and the redevelopment of Morrison Hill in early to mid 1990.

Sir, the achievements of the Vocational Training Council would not have been possible without the firm commitment and support of the Government. For this and on behalf of the council, I would like to thank Government most sincerely and I look forward to equally enthusiastic support in the future.

Sir, on this occasion it would be remiss of me not to record my gratitude to all members and staff of the council who have given their whole-hearted support and helped to put vocational training on the map in Hong Kong. As the incoming chairman of the council for just 11 days, I wish to reiterate my firm belief in the importance of vocational training to the future development of our community. With the help of all concerned, the Government, my deputy chairman, members of the council and all the staff, we can assure you of our dedication to work hard for the benefit of Hong Kong.

Oral answers to questions

Degree courses in nursing

1. MR. CHOW asked: Will the Government inform this Council whether it will consider introducing degree courses in nursing in local educational institutions to replace the present training offered in hospitals?

SECRETARY FOR HEALTH AND WELFARE: Sir, the existing system of hospital based training produces nurses who meet the requirements for registration set by the Nursing Board of Hong Kong. In addition, the standard of training is considered adequate to enable nurses to discharge their duties in a satisfactory manner. Since the functional requirements of the nursing service are being met, the Government has no plans at present to replace the existing system with degree level courses based at local academic institutions.

MR. CHOW: Sir, in view of the fact that since 1983 the International Council for Nurses has been helping Mainland China to re-establish degree programmes in nursing and in the United Kingdom the introduction of degree programmes in nursing is also in progress, will the Government accept that Hong Kong's existing nursing education system lags behind both well developed countries and China?

SECRETARY FOR HEALTH AND WELFARE: Sir, I understand that the Hong Kong Polytechnic is actively pursuing with the University and Polytechnic Grants Committee (UPGC) a proposal to introduce in 1990 a four-year degree course in nursing involving an annual intake of 40 students. I have recently told the UPGC'S Medical Sub-Committee that I have no objection in principle to this proposal. Initially, however, there might be problems in providing clinical placement for such students in the Government's overcrowded regional hospitals, but I do not believe that the problems are insurmountable, particularly since the polytechnic is proposing to place only half of the students in government hospitals for clinical training. I do hope that with good will on all sides the practical problems can be overcome.

MR. CHOW: Sir, from the reply, I have gathered the impression that the plan is actually a short-term plan. In view of the fact that the ever increasing specialization of medicine and surgery has made it necessary for nurses to improve their standard and knowledge in a wide range of fields different from the training provided during apprenticeship, will the Administration consider introducing a comprehensive long-term plan for improving the standard of professional training for nurses in Hong Kong?

SECRETARY FOR HEALTH AND WELFARE: Sir, the registration standards and curriculum for training of nurses in Hong Kong are determined and monitored by the Nursing Board. The existing programme based in nine major hospitals is producing some 1 300 qualified nurses annually who are registrable with the Nursing Board. It is the recent recommendation of the Nursing Board that the existing system of hospital based nurse training should continue. Since the training standards are kept under constant review by the Nursing Board, we do not plan at present to review the basic training provided for our student nurses. As regards post-basic training, it is an on-going

process provided through in-service training and formal educational programmes at approved institutions. The Medical and Health Department has recently proposed to engage a consultant to come to Hong Kong to look at the existing arrangements devised by the department for post-basic nursing training, and we hope that we would be able to review that aspect of nursing training in the future, Sir.

Noise nuisance caused by cargo trains

2. MRS. LAM asked (in Cantonese): Will the Administration inform this Council whether any action will be taken to minimize noise nuisance caused by cargo trains running between 11 pm and 2 am and by trains passing through the Tai Wai end of Beacon Hill Tunnel as well as rural residential areas along the track?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, the Kowloon-Canton Railway Corporation (KCRC) has already implemented a package of measures aiming to reduce noise nuisance caused by the late running of freight trains after midnight. These measures include:

- (a) installing new silencers on the exhausts of their diesel locomotives, pending the results of tests to be conducted on their effectiveness;
- (b) reducing the number of freight train paths from four to three during the period between 11 pm to 2 am with effect from next month; and
- (c) lubricating the rail tracks at strategic locations to reduce the level of noise caused by the wheel and rail interaction.

As part of an on-going exercise, the corporation has established a railway noise working group to identify other noise-reducing measures, and then evaluate and implement them whenever practicable.

MRS. LAM (in Cantonese): Sir, since the Government is preparing to install new silencers on the exhaust of the diesel locomotives, how soon will test of the silencers start; if found to be effective, when will installation begin; but if found to be ineffective, will Government plan to replace these backward diesel locomotives with electrified ones?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, the KCRC has ordered a number of silencers expected to be delivered in two to three weeks. The silencers will be tried out and a trial report submitted. If found to be effective these silencers will be installed on the exhaust of all locomotives; but if found to be ineffective, the KCRC will make further study to see how the noise nuisance problem can be alleviated. The matter will be further assessed after silencers have been tested and installed.

As regards the question of electrification, cargo trains cannot be electrified because the Hung Hom freight yard is not equipped to handle electrified locomotives. So in the short term electrification will not be possible.

MR. CHUNG (in Cantonese): Sir, in Sha Tin, Tai Po, and North District, some district board members and concerned groups suggested to the OMELCO that noise nuisance caused by the trains should be subject to control under the Noise Control Ordinance. Would the Secretary for Transport consider this feasible?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, I believe this question relates to environmental protection. The Secretary for Lands and Works will be better placed to answer.

SECRETARY FOR LANDS AND WORKS: Sir, the Government is introducing noise legislation in accordance with some order of priority, and priority up to now has been given to construction noise. As we have a single user to which such legislation might be applied, and a very specialized one, and as this user is at present taking every practical step it can to reduce noise, it would not seem to be a high priority to introduce such legislation just yet.

MR. ANDREW WONG (in Cantonese): Sir, the nub of the complaint is against the loud noise caused by diesel locomotives. The Secretary for Transport has pointed out that it would not be possible to electrify the locomotives because the freight yard is not suitably equipped. Will the Administration undertake a study to improve this? If not, the continued use of diesel locomotives will remain a problem.

The second point relates to the sounding of horn by freight trains, which adds to the noise already caused by the diesel locomotives. Has the KCRC been considering the option to prohibit the sounding of horn after a certain hour?

My third point is: if anyone causes noise nuisance after 11 pm, we can complain to the police who will take appropriate action. But after 11 pm we still have three freight trains on the roll, a reduction from four. These trains are diesel-driven and they sound the horn. Can a member of the public who feels that he is being inconvenienced by the noise nuisance lodge complaint with the police? I hope the Secretary for Transport can give an answer.

HIS EXCELLENCY THE PRESIDENT: Can I remind Members that it is helpful to those answering questions if supplementaries are kept short and, if possible, to one point.

SECRETARY FOR TRANSPORT (in Cantonese): Sir, regarding the first point, as to whether the KCRC can consider electrifying the freight wagons, the answer is as follows: according to the KCRC, it has been resolved that Hung Hom freight yard will not be further expanded and therefore the KCRC will have to undertake another review on freight transport strategy and its future development. I have proposed this suggestion to the KCRC hoping that the KCRC will once again take on a review on the noise caused by freight wagons as well as whether in future we will have modern facilities.

Regarding the second point on the sounding of horn, I will pass this suggestion to the KCRC to see whether noise caused in this area can be reduced or whether sounding of the horn can be eliminated altogether.

Regarding the third question on legislation, I think the Secretary for Lands and Works can say a few words from the point of view of existing legislation on environmental protection as to whether after 11 pm noise caused by trains can be controlled.

SECRETARY FOR LANDS AND WORKS: Sir, the provisions to which Mr. WONG refers are normally only used in respect of neighbourhood noises such as rowdy parties and other nuisance of that kind. They are not applied, for instance, to motor vehicles and

although I could not categorically say that a good lawyer might not make them applicable to railway trains also, I believe that the police would find it difficult to take action.

MRS. LAU: Sir, can the Administration inform this Council whether the frequency of cargo trains in the day time is already saturated and whether the Administration will consider banning the running of cargo trains after midnight altogether and increasing the frequency of the same in the day time?

SECRETARY FOR TRANSPORT: Sir, I did make this suggestion to the corporation some time ago as regards the possibility of reducing or removing the need for late night cargo trains after 12 midnight. There are difficulties in this. The first is that priority must be given by the corporation to passenger traffic in the day time and in the peak hours. At the present time 480 trains are running throughout the day time and up to capacity, and this means there is little room to introduce cargo trains within this tight schedule. Right now there are about 20 freight trains providing the service during the day time and of these, as I said just now, only four, and from next month, three will be running after 11 pm. There are serious difficulties in rescheduling the cargo trains to fit the pre-midnight operation because of the priority for passenger service, but I will certainly suggest to the corporation to look at this further to see whether or not this late night service can be further reduced, if not removed.

Age of admission to primary school

3. MR. DAVID CHEUNG asked: Will the Administration inform this Council whether or not, in reviewing the provision of nine-year compulsory free education, consideration will be given to lowering the age of admission to primary schools from six years to five years?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the present position is that children may start primary school from the age of five years and eight months, though attendance is not compulsory until the age of six. The Education Commission is now studying the curricula and behavioural problems during the nine years of free and compulsory

education, and in this context, will reconsider whether it is desirable to lower the minimum age of entry to primary schools.

MR. DAVID CHEUNG: Sir, will the Secretary inform this Council whether the Government has any view on this issue? If so, what is the Government's view?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I think we have an open mind at this stage. We will wish to see what the commission has to say.

Option to freeze registration of motor vehicles

4. MR. TIEN asked: In view of the worsening traffic congestion in the territory, the Government recently announced various options, such as increase of tax on fuel, licensing fee, and first registration tax as ways to solve the problem. Will Government inform this Council whether consideration would be given to the option of freezing the total number of vehicles by categories at current levels for a period of time, say two years, until more roads are built?

SECRETARY FOR TRANSPORT: Sir, a wide range of options for improving the mobility of people and goods up to the year 2001 are being analysed under the Second Comprehensive Transport Study and will be set out for public consultation in a Green Paper to be issued later this year. I will arrange for Mr. TIEN's suggestion to be examined by the study team to see whether this suggestion is feasible.

MR. TIEN: Sir, the Second Comprehensive Transport Study as mentioned will not be set out for public consultation in a Green Paper until later this year. By the time the study is completed, and its recommendations accepted, we might well be into 1990. Will the Secretary for Transport inform this Council what his immediate plans are to prevent traffic congestion from worsening further? I hope his answer will not be "please be patient and wait".

SECRETARY FOR TRANSPORT: No, Sir, I will try to be as positive as I can. Between now and the year 1991 there will be very substantial traffic and transport investments

in Hong Kong. To name just a few, in September this year the Eastern Harbour Crossing will open providing a rail and road tunnel across the harbour from Cha Kwo Ling in Kowloon to Quarry Bay on Hong Kong Island. This will substantially relieve congestion at the Cross Harbour Tunnel. Secondly we will have the Tate's Cairn Tunnel starting right now to be completed by the summer of 1991 which will then substantially relieve the Lion Rock Tunnel congestion and further north to Sha Tin. In addition, around the end of this year or early next year, the Route 5 tunnel and road will open between Sha Tin and Tsuen Wan providing very substantial relief between the two new towns and marginally relieving congestion at the Lion Rock Tunnel. In addition, a wide range of projects are being undertaken providing improvements across the New Territories, in the New Territories circular road and other neighbouring areas. Also in the Junk Bay New Town the tunnel is scheduled for completion in 1990, again providing substantial transport services to the new town. So we are talking in terms of very substantial improvements in traffic and transport in the next three to four years, and the Government is certainly not standing still in this direction. Moreover, we are looking further beyond to the next century. The Second Comprehensive Transport Study will be providing the basis for further expansion of transport and communication and, of course, this will be set out in the paper to be discussed later this year.

MRS. CHOW: Sir, in exploring the options for improving traffic, will the Secretary give the assurance that no one segment of road users, such as drivers and owners of private vehicles, will be singled out to be unfairly and unnecessarily penalized in favour of other users?

SECRETARY FOR TRANSPORT: Sir, the options are of course open at this stage and the Government has an open mind on this matter. There will be no pre-conceived notions or preferences at this stage as regards which option to pursue or which sector to look at. But the aim must be to look at a whole range of options and to make the best arrangements in the best interests of Hong Kong.

MR. CHEONG: Sir, could the Secretary confirm, or otherwise, if the Second Comprehensive Transport Study would involve the consideration of options of freezing the total number of vehicles on the road in the light of Hong Kong's limited road space and other related considerations?

SECRETARY FOR TRANSPORT: Sir, I believe this is answered in my main reply. I will refer this suggestion to the team for analysis before we can decide whether to include it or not in the options.

Prohibition of sale of cigarettes and alcoholic drinks to persons aged under 18

5. MRS. SO asked (in Cantonese): Will Government inform this Council whether legislation will be introduced to prohibit the sale of cigarettes and alcoholic drinks to persons below the age of 18 by permitted retail outlets such as supermarkets and provision stores?

SECRETARY FOR HEALTH AND WELARE: Sir, the Hong Kong Council on Smoking and Health -- a statutory body one of whose functions is to advise the Government on matters related to smoking and health -- has recommended to the Government that legislation should be introduced to prohibit the sale of tobacco products to persons under the age of 18. A decision on this recommendation will be made following a public consultation exercise which will be carried out in the next two to three months.

As regards alcoholic drinks, there are no plans at present to prohibit the sale of such drinks to persons below the age of 18 by retail outlets. Our impression, obtained from the Social Welfare Department's work with families through its family services centres, is that there is no evidence to indicate that alcoholism is a problem among persons below the age of 18. This impression is shared by the police.

In addition to this, the Social Welfare Department's statistics show that in the five-year period between 1983-84 and 1987-88, out of a total of 41 900 cases referred by the courts for social enquiry reports, only 61 persons, or 0.145%, were charged with the offence of "drunkenness and disorderly conduct". Out of a total of 13 172 cases put on probation during the same period, only 20 cases, or 0.15%, involved this offence. The department's statistics do not provide a breakdown below the age of 18. They do show, however, that of the 61 and 20 persons that I have just mentioned, only 10 and four respectively were below the age of 16.

MR. DAVID CHEUNG: Sir, I do not know how reliable the statistics are as given by the Secretary, but in view of the fact that prevention is always better than cure, would the Secretary inform this Council whether it is Government's intention to wait until Government thinks that the alcoholic problem among the young becomes serious before considering legislation?

SECRETARY FOR HEALTH AND WELFARE: Sir, we will keep on monitoring the situation and if there should be evidence in the future to suggest that this is becoming a serious problem, obviously we will reconsider our position.

MR. CHOW (in Cantonese): Sir, from the statistics given in the reply, I gather that of 61 and 20 persons respectively involved in drunkenness offences, those under the age of 18 accounted for about 20%. Will the Administration take it as an indicator that alcoholism among the young has reached serious proportions?

SECRETARY FOR HEALTH AND WELFARE: Sir, these statistics are obviously not conclusive. But as I said in my main reply, through contacts with families through the families services centres of the Social Welfare Department social workers have not got the impression that there is any evidence to indicate that alcoholism is a serious problem among our youths, and this impression is shared by police. Therefore I think we should not take these statistics by themselves and draw any conclusions.

MR. CHEONG: Sir, could I ask the Secretary whether or not the consultation exercise on the prohibition of sale of tobacco products to persons under the age of 18 would include consultation on the possible problems of implementation?

SECRETARY FOR HEALTH AND WELFARE: Sir, the public consultation exercise will involve the publication of a consultative document which the district boards, if they wish, could discuss, and in response to which members of the public, including all interested parties, could write to the Government to express their opinions. Within the Government, obviously when we consider this recommendation, we would have to take into account the problems of enforcement, if any.

Unfair trading practices

6. MR. PAUL CHENG asked: In the context of continuing protectionism by Hong Kong's major trading partners, and the resulting need not only to continue to promote Hong Kong's free trade system and economic potential but also to ensure that practices which may be construed as unfair in nature are eliminated, will Government inform this Council whether it is aware of situations which may be construed as unfair practices in trade (including trade in services) which may invite retaliatory action by our trading partners and if so, what measures are being taken to rectify such situations?

FINANCIAL SECRETARY: Sir, in the context of the General Agreement on Tariffs and Trade (GATT), there is a broadly accepted meaning of the terms "unfair practices" and "retaliation" as far as trade in goods is concerned. These practices refer basically to actions of governments rather than of individuals or firms. We are not aware of any such unfair practices in Hong Kong, but I can assure Mr. CHENG that it is our firm intention to continue to be the leading example of an open market observing GATT rules to the full.

Sir, I have referred to trade in goods. Trade in services is, of course, entirely different in nature. Since there is no relevant multilateral agreement in existence, there is as yet no accepted meaning of "unfair practices" in terms of services. However, Members may be aware that efforts are under way in the Uruguay Round to negotiate an agreement on services and we support these efforts. Finally, Sir, I might add that we have an excellent record in the services field.

MR. PAUL CHENG: Sir, it is certainly good to know that the Government supports the efforts currently under way in the Uruguay Round to work out an agreement on services. Will the Government advise the Council what specific areas constitute trade in services?

FINANCIAL SECRETARY: Sir, I would not attempt to advance a definition in this Council this afternoon. The definition of services is of course something that will be addressed in the Uruguay Round. As part of the on-going negotiations under the

Uruguay Round, a negotiating group on services has been specifically formed with the objective of working out an agreement on trade in services. In the context of that negotiating group I think the answer to Mr. CHENG's question will be found.

MR. EDWARD HO: Sir, with respect to the Financial Secretary's reference to the Uruguay Round to negotiate an agreement on services and provided that it will have relevance to professional services, will the Financial Secretary inform this Council whether the Government will first consult relevant professional institutions, and whether the Secretary can give us the assurance that professional standards will not be prejudiced for the sake of providing an open market?

FINANCIAL SECRETARY: Yes, Sir, I think I can give the assurance that if there were any developments affecting particular professions in Hong Kong, we in the Administration would consult those professions. As far as standards are concerned, of course we are conscious of the need to preserve high standards in the professions in Hong Kong in the interests of the community.

MR. MCGREGOR: Sir, would the Government keep in mind the necessity to protect Hong Kong's good name internationally in terms of intellectual property protection legislation and the application of that legislation in Hong Kong?

FINANCIAL SECRETARY: Yes, Sir, our reputation in the field of intellectual property is very high. We do take a number of steps to enforce our intellectual property laws. Certainly I agree with Mr. MCGREGOR that we should take every step to protect our good name.

MR. PETER WONG: Sir, the Financial Secretary has pictured us as the "good guys". Have we identified which of our trading partners are not playing fair, and how have we dealt with those "bad guys"?

FINANCIAL SECRETARY: "Good" and "bad" -- not always easy to define. I do not think this afternoon I should single out any of our trading partners or others as necessarily

"bad" guys. We have our views as to those who we would like to steer in the direction of better conduct, but perhaps enough has been said this afternoon, Sir.

MR. PAUL CHENG: Sir, in view of the increasing attention being paid to trade in services internationally, as exemplified by the GATT negotiations, will the Government advise the Council whether a general review is being planned so that measures can be taken to maintain Hong Kong as a leading example of an open market observing GATT rules to the fullest?

FINANCIAL SECRETARY: Sir, I do not think we are planning a general review. All the aspects of this question are kept under review all the time, but I do not think that a formal general review is something that would necessarily be of benefit to us. I am not sure whether that is what Mr. CHENG was suggesting.

Hazardous electrical wiring

7. PROF. POON asked: Since hazardous electrical wiring is a potential cause of fire in buildings, will Government inform this Council what control measures are currently in force to identify such fire hazards and whether more stringent controls would be introduced to ensure that electrical wiring installations are properly maintained?

SECRETARY FOR LANDS AND WORKS: Sir, the responsibility for safety within private premises electrically or otherwise lies principally with the owners and occupiers, and the Government at present does not routinely inspect premises looking for hazardous electrical wiring, as this would be a monumental task, given the very large number of installations involved.

Under existing legislation, however, the electricity supply companies are required to ensure that electricity is not supplied to installations which may cause a danger of shock or fire. To ensure that all new installations are safe and free from fire hazards, owners of private buildings are obliged to conform with requirements laid down in the Supply Rules of the two power companies for electrical installations and to pass tests conducted by the power companies before electricity supply is connected to the buildings.

Places of public entertainment such as restaurants and cinemas are subject to more stringent requirements in that one of the licensing conditions is the safety of electrical installations in these premises. Applications in respect of premises are referred to the Fire Services Department who will then inspect the premises to ensure that, amongst other things, the electrical installations have been certified by the electricity supply company. Until this is done, licences are not issued. Similar procedures are adopted, on an administrative basis, for old people's homes and bed-space apartments.

Under existing legislation power companies are also empowered to inspect and test installations in consumers' premises if the latter were suspected to be in a defective condition. After inspection and testing, if the company is satisfied that there is a defect in some part of the consumers' installation, the company may by notice require the consumer to remove the defect. The company may also discontinue the supply of power to the premises in question until the defect has been effectively removed. With these provisions the power companies are capable of acting on complaints or requests from individuals about power interruption or suspected faults, but I understand that there have been very few cases of these powers being exercised.

The Fire Services Department will also take action on information received from the public about possible fire hazards, and anyone who suspects that the electrical installations in his building are unsafe may contact either the Fire Services, or the power company, or both, and request that an inspection be carried out.

Later this year, the Administration will be introducing legislation to this Council to provide better control over electrical installations, which will cover both new works and the maintenance of existing installations. Under this legislation, owners will be responsible for ensuring that their wiring is maintained in a safe condition. The Director of Fire Services will also be tightening up his action on potential fire hazards under the Fire Services Ordinance.

PROF. POON: Sir, will the Secretary inform this Council how many fires in the last three years were due to faulty electrical wiring?

SECRETARY FOR LANDS AND WORKS: Sir, in 1986 there was a total of 1 749 fires having electrical causes, out of a total of 18 808, that is, 9.3% of fires in 1986. In 1987, there were 1 636 electric fires, constituting 7.83%. In 1988, there were 1 543,

constituting 7.96%. Now, these were electrical fires in total. I understand that the majority of these were in fact caused by overloading of installation, or by faulty appliances, or adaptors, and I am afraid that electrical wiring in buildings is not categorized separately.

MR. BARROW: Sir, will the Administration confirm to this Council that the forthcoming licensing of guest houses will stipulate the need to properly maintain the wiring of those establishments?

SECRETARY FOR LANDS AND WORKS: Sir, I understand that the legislation to be introduced on guest houses will have a licensing requirement. But I understand also that licensing requirement will involve the Director of Fire Services in inspections on safety, and similar procedures for guest houses will be applied, as are now applied in cinemas, and in other places of public entertainment. Whether the reference to electrical hazards or electrical fittings will be specific I cannot at present confirm.

MRS. LAU: Sir, with regard to places of public entertainment, such as restaurants and cinemas, would the Administration consider it necessary or desirable to have these premises inspected by the Fire Services Department, not only at the time of the initial issuance of the licences, but also on every occasion of renewal of the licences to ensure that the electrical installations therein have not become potential fire hazards?

SECRETARY FOR LANDS AND WORKS: I think that perhaps the Secretary for Security will be able to answer that question.

SECRETARY FOR SECURITY: Sir, there are no plans at present for this to be done, but there is no reason why the Administration should not have a look at this. I will certainly look into the matter. In the meantime, of course, the same rules apply as would apply for premises which are not subject to registration or licensing; that is to say that if electrical installations are thought to be unsafe the case can always be referred to the relevant power company, or to the Fire Services Department for

appropriate action.

PROF. POON: Sir, it appears from the Secretary's answers that at present there is no proper means to ensure the proper maintenance of electrical wiring. Will the Secretary inform this Council if the legislation to be introduced later this year will provide better means to do so?

SECRETARY FOR LANDS AND WORKS: Sir, the new Electricity Bill to be introduced this year will, I understand, make provision essentially for it to be the responsibility of the owner of an electrical installation to ensure that it is properly maintained. It does make provision for the authority who would be the Director of Electrical and Mechanical Services to enter premises to inspect electrical installations to ensure compliance with the Ordinance. So, there is more accent on maintenance in the proposed new legislation.

MR. PETER WONG: Sir, the Secretary has just said the onus is on owners to have safe electrical installations. However, will the Government introduce legislation to control the standards of the electricians plying for business so that the public can be assured of safe electrical installations in their households?

SECRETARY FOR LANDS AND WORKS: The new Electricity Bill does precisely that, Sir.

MR. TAI: Sir, in view of the fact that we have an increasing number of old buildings in Hong Kong, will the Secretary for Lands and Works consider making it a statutory requirement for owners of old buildings to apply for a "Certificate of Satisfaction" as regards wiring in the building?

SECRETARY FOR LANDS AND WORKS: Sir, that is not the intention of the present legislation, but it will surely be considered.

Curbing of inflation

8. MR. PETER WONG asked: Will the Administration inform this Council whether the recent reduction of foodstuff imports from China and the increase in the price of such imports have accelerated the rate of inflation in Hong Kong, and further, what measures are being taken to curb inflation which is now running away in double digit figures?

FINANCIAL SECRETARY: Sir, I share Mr. WONG's concern regarding inflation. With our economy operating close to capacity, inflation has become one of our major worries. In the last three months for which we have complete figures, the Consumer Price Index (A) (CPI(A)) increased, on a year on year basis, by 8.8% in September, by 7.6% in October and by 8.6% in November. Preliminary indications are that the December increase will not be out of line with these figures.

I have referred to the CPI(A) in answer to Mr. WONG's question because it is our broadest based indicator of consumer price inflation, relating as it does to the expenditure of roughly 50% of urban households in Hong Kong. It is also the indicator in which goods from China, in particular foodstuffs, have the heaviest weight.

Although it is true that the retail prices of foodstuffs have been increasing faster than consumer prices generally, there is as yet little indication that the prices of foodstuffs from China have been leading the way. Food from China constitutes less than 20% of the food consumed in Hong Kong. Thus, although inflation in the prices of foodstuffs is contributing to general inflation, it is hard to put much of the blame on inflation in the prices of foodstuffs from China.

Sir, turning to the measures that we could take to curb inflation, as I indicated in my speech in the debate on the Motion of Thanks for your opening address to this Council, beyond containing public expenditure, there are unfortunately few policy options in relation to inflation open to a small externally oriented economy such as Hong Kong, which has become increasingly interdependent with other economies throughout the world. Inflation is an integral, if painful, part of the economic adjustment process. We will, in due course, experience a slowing down of our economy, and with it lower inflation.

Sir, I am afraid this may not provide much comfort to those suffering from the adverse effects of inflation but I would point out that, despite the increase in inflation and slower economic growth in 1988, wages and salaries still increased on

average in real terms.

MR. PETER WONG: Sir, are we not deluding ourselves into believing that year on year inflation is only of the order of 8 or 8.5%? My reading of the Finance Committee papers indicates that percentage attributable to inflation is at least double digit, and Civil Service pay adjustments now under discussion are just under 10%. Will the Financial Secretary give us the real inflation figures as they affect various sectors of the public and also people like you and me?

FINANCIAL SECRETARY: Sir, the indices we publish are derived by internationally established methods and incorporate data from monthly surveys of the prices actually being charged for a wide variety of goods and services chosen to reflect the spending pattern of the relevant sector of the population. In forming their personal assessment of the rate of inflation, there is of course a natural tendency for individuals to concentrate on prices that have shown large increases and they tend to ignore those that have not changed, or have changed only a little. We do, as you know, Sir, keep a number of indices, the two other main consumer price indices are the CPI(B) and the Hang Seng Consumer Price Index. During the first 11 months of 1988, the CPI(A) increased by 7.5%, the CPI(B) by 7.3%, and the Hang Seng Consumer Price Index by 8.6%. These variations reflect the different consumption patterns of the different expenditure groups involved.

MR. MCGREGOR: Sir, having regard to the possibility that rice supplies to Guangdong generally and Shenzhen specifically may be causing concern to the authorities there, can the Government provide an assurance that the Hong Kong Rice Control Scheme has sufficient reserves of rice to protect Hong Kong consumers against any reduction in supplies in China, and hence a very high degree of inflation?

FINANCIAL SECRETARY: Yes, Sir, I can give that assurance. We maintain a reserve of rice supply. It has been run down slightly in the interests of maintaining a stable market. I have requested the Secretary for Trade and Industry to keep a close eye on this and to ensure that the reserves are built up to a satisfactory level.

MR. NGAI (in Cantonese): Sir, the Financial Secretary has said that food from China constitutes less than 20% of the food consumed in Hong Kong. Does this 20% include rice? Is the Financial Secretary implying that the decreasing export of food from China will not affect the regular supply of food in Hong Kong; if there were adverse effects, what measures would be taken?

FINANCIAL SECRETARY: Sir, I think the figure does include rice, but I will have to confirm that and give Mr. NGAI a written reply. (Annex I) If the supply from China does decrease I do not think it will have a marked effect on the total availability of food in Hong Kong. There are a number of other sources of supply, and by and large, the market operates on the basis of demand. People find what they want from other sources.

MR. TAI: Sir, could the Financial Secretary inform this Council whether the inflation in Hong Kong is largely due to the weakness of the United States currency which is being linked to the Hong Kong dollar; and if the answer is in the affirmative could the Financial Secretary consider linking the Hong Kong currency to a basket of currencies?

FINANCIAL SECRETARY: Sir, I do not consider that altering the link in any way or adjusting the link rate is a sensible option for Hong Kong. We would be paying much too high a price for it in terms of destabilizing our monetary system and the exchange rate. I also think a basket is out of the question. As far as the effect on inflation is concerned, as the value of our currency has come down with the US dollar, it has certainly made our goods more competitive in the world market. So there has been a very strong demand and that has, of course, to a certain extent, fed through into the inflationary process domestically. I would remind Members, Sir, that we lived with the present exchange rate of 7.80 to the US dollar when the US dollar was much higher, but of course then the demand for our goods was nothing like as strong.

MR. CHEONG: Sir, based on paragraph 4 of the Financial Secretary's reply, it seems that we have no option but to wait until the economy adjusts itself to tackle the inflation problem. Could the Financial Secretary confirm that actually we have no options but to wait?

FINANCIAL SECRETARY: I think Mr. CHEONG missed the words that do not appear in the printed version of my answer -- I said there was nothing we could do "beyond containing public expenditure". It does seem to me that there is something that the Government can do in terms of containing public expenditure, and that is my intention.

MR. MCGREGOR: Sir, would the Financial Secretary please confirm that although foodstuffs from China represent only 20% of consumption or imports into Hong Kong, in some foodstuffs China is in fact the principal supplier? I am thinking of such things as pork, beef, vegetables and so on. Would the Financial Secretary therefore give careful consideration to the possibility of the reduction of supplies from China and the inflationary effect that would have?

FINANCIAL SECRETARY: Sir, what Mr. MCGREGOR says is of course absolutely correct. China is our principal supplier of certain items. There are alternative sources, but we need to watch the situation carefully to ensure that those alternative sources can be tapped if necessary.

MR. PETER WONG: Sir, does the Government believe that the introduction of foreign labour in Hong Kong would contribute to inflation?

FINANCIAL SECRETARY: Sir, I do not think that it would contribute to inflation. But you yourself, Sir, expressed our policy in relation to the importation of foreign labour in your opening address, and I have nothing further to add. What you said, Sir, remains our policy.

Written answers to questions

Withdrawal of voluntary repatriation applications

9. MR. POON CHI-FAI asked: In view of the fact that some requests have recently been made by the Vietnamese boat people to withdraw their earlier applications for

voluntary repatriation, will Government inform this Council:

(i) what are the reasons for their withdrawals;

(ii) whether the present withdrawals will have any serious effect on the plan to repatriate Vietnamese boat people or even lead to more refusals for repatriation; what solutions does the Government have to tackle these problems;

(iii) when will the first batch of boat people be repatriated to Vietnam; and

(iv) what is the progress of the repatriation programme?

SECRETARY FOR SECURITY: Sir, the applications for repatriation to Vietnam made by boat people arriving after 16 June 1988 have all been voluntary and applicants have not been questioned as to their reasons for wishing to return. Nor have those who change their minds been required to explain their reasons for doing so. We thus have no reliable information as to why some applications have been withdrawn.

Since 16 June 1988 we have received a total of 464 applications for voluntary repatriation. Of this total 179 (38.6%) have subsequently sought to withdraw their applications. Thus 285 applications (61.4%) remain operative, and are currently being processed. The UNHCR is responsible for the repatriation of these volunteers to Vietnam, and has recently concluded a Memorandum of Understanding with the Government of the Socialist Republic of Vietnam on the principles and procedures of voluntary repatriation. The UNHCR has recently launched an international appeal for US\$577,000 to pay for the repatriation of some 500 Vietnamese boat people, of which around 300 seem likely to come from Hong Kong. On the basis of current planning we hope that a start on repatriations will be made towards the end of this month or in February.

The early and successful repatriation of a sizeable group of volunteers will undoubtedly assist and promote the process of voluntary repatriation. Once those Vietnamese in detention centres in Hong Kong recognize that repatriation can be achieved without fear of persecution, and in the knowledge that the UNHCR will provide assistance to help them re-establish themselves in Vietnam, we believe that an increasing number of boat people will consider this to be an attractive option compared with the prospect of remaining indefinitely in detention in Hong Kong. At

the same time we hope that the message taken back by those returning, that Hong Kong holds no hope for those seeking resettlement overseas, will deter others from making a hazardous journey to Hong Kong to no avail.

The Government's screening policy and its natural consequence, which is the return to Vietnam of all those not classified as refugees, will meanwhile continue unchanged.

Association premises used for illegal purposes

10. MR. POON CHI-FAI asked: In view of reports that some association premises have recently been used for illegal purposes, will Government inform this Council:

(i) what specific measures can be taken to prevent members of registered associations from making use of the premises of the associations for illegal purposes;

(ii) apart from bringing the offenders before the law, will any warning, disciplinary action or other follow-up action be taken against the associations concerned;

(iii) what criteria are being adopted in approving applications from associations for registration under the Societies Ordinance; whether the existing criteria are adequate and whether an overall review in this respect is necessary; and

(iv) the number and nature of associations which have applied for registration over the past three years; and whether, before approval of their registration was granted, any which had already organized activities in the name of the associations were subsequently allowed to register?

SECRETARY FOR SECURITY: Sir, I shall reply to these questions "seriatim" as follows:

(1) Section 10 of the Societies Ordinance, Cap 151, provides for the cancellation of registration of a society if the premises have been used by members for illegal purposes. Certain societies, such as charitable organizations, can be exempted from registration under the Societies Ordinance. This exemption from registration can be removed under section 10 if the premises are found to have been used for illegal

purposes. If information is received that offences may be being committed inside society premises, surprise inspections will be conducted by the police to check, for example, if liquor is being served to non-members, if the Gambling Ordinance is being breached, or if immoral activities are taking place. In respect of gymnasiums regular inspections are conducted to ensure that the Weapons Ordinance is observed.

(2) Section 8(3) of the Societies Ordinance provides for a notice to be served on a society ordering it to desist from activities not in accordance with the objects of the society as set out in its constitution or rules. The activities of a society on which such notice has been served will be monitored. If the notice is ignored, then consideration will be given to cancelling the registration or exemption from registration of the society under section 10 of the Ordinance.

(3) Each application for registration will be considered on its own individual merits. An application must comprise:

- (a) a constitution which should be in compliance with the Societies Rules;
- (b) a promoters' list; and
- (c) an application form signed by three promoters.

The application will be referred to the district officer and district police commander for enquiries into the promoters' bona-fides. If they are in order, the Registrar of Societies may register the society or exempt it from registration.

The registrar may refuse to register or to exempt from registration a society. The grounds for refusing the application are stipulated in sections 6 and 7 of the Societies Ordinance, which are annexed for information.

The present criteria for registration of societies have been in use for many years and are working well. The enquiries into the background of the promoters, and sections 6 and 7 of the Societies Ordinance, have provided adequate safeguards against registration of societies associated with crime. Amendments have been made from time to time to ensure the continued effectiveness of the legislation, notably in 1982 when controls over infiltration by triad elements and over evasion of registration were increased. Although there is no intention to change the Ordinance at the moment,

its operation is kept under constant review.

(4) The number and nature of societies which have applied for registration over the past three years are:

1986	1987	1988	
Registration	242	235	279
Exemption from registration	31	37	43
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273	272	322	

Categories include associations of alumni, clansmen and natives, recreational, sports, arts and cultural, religious, sports, traders, benevolent organizations, owners and tenants, and so on.

Statistics are not available on organizations which have been operating prior to being registered under the Societies Ordinance. If any organization operating without registration comes to police attention by virtue of its illegal activities, appropriate enforcement action will be taken. However if it is a bone fide organization that has not registered due to an oversight, the legalities required will be pointed out to the organization, and the Registrar of Societies will consider registering it upon receipt of its application.

Annex

Sections 6 and 7 of Societies Ordinance, Cap 151

6. (1) The Registrar may refuse to register or to exempt from registration a society if --

(a) the society is a branch of or is affiliated to or is connected with any society whose registration has been cancelled or whose exemption from registration has been rescinded; or

(b) the society is unlawful by virtue of any other enactment; or

(c) any group of members of the society or any office-bearers of the society

have in any way been connected with or participated in or instigated or supported the commission of an offence under this Ordinance, or any office-bearer of the society has been convicted of an offence under any other Ordinance which, in the opinion of the Registrar, renders him unfit to hold office in the society. (Amended, 36 of 1982, s.3)

(2) The Registrar, after consultation with the Chief Secretary, may refuse to register or to exempt from registration a society if he is satisfied that --

(a) the society is a branch of or is affiliated to or is connected with any organization or group of a political nature established outside Hong Kong; or

(b) the society has exercised or is exercising or intends to exercise or has attempted to exercise influence over the conduct or management of any school as defined by section 3 of the Education Ordinance, or over any teacher or pupil in any such school and that such influence is --

(i) of a political nature; or

(ii) prejudicial to the conduct or management of such school or to the welfare and good order of any such teacher or pupil; or

(c) the society is likely to be used for any purpose prejudicial to or incompatible with peace, welfare or good order in Hong Kong. (Added, 28 of 1961, s.3)

7. (1) The Registrar shall refuse to register or to exempt from registration any society, and shall refuse to permit a society to change the name of the society if the name, or the new name, as the case may be, of the society --

(a) contains the words "rural committee" or any other words which in the opinion of the Registrar, suggest or are calculated to suggest that the society is a rural committee or a federation or other association of rural committees unless such society is a rural committee or a federation of rural committees acknowledged as such by the Secretary for District Administration;

(b) is identical with that by which a society already in existence is known or so nearly resembles that name as to be calculated in the opinion of the Registrar to mislead; or

(c) in the opinion of the Registrar is calculated to mislead members of the public as to the true character or purpose of the society; or

(d) in the opinion of the Registrar suggests or is calculated to suggest that the society belongs to a class of persons listed in the Schedule, other than a society to which a notice under section 2(2A) has been given. (Amended, 36 of 1982, s.15)

(2) For the purpose of subsection (1)(a) the Secretary for District Administration, in his absolute discretion, may issue to any society a certificate in such form as he may prescribe showing that he acknowledges such society as a rural committee or as a federation or other association of rural committees and may cancel, amend or withdraw any such certificate and the issue or withdrawal of such certificate shall be conclusive evidence as to whether or not a society is acknowledged by the Secretary for District Administration as a rural committee or as federation or other association of rural committees. (Amended, L.N. 94/74 and L.N. 17/82)

(3) No registered society or exempted society shall change its name without the prior consent in writing of the Registrar. (Added, 28 of 1961, s.3)

Non-means tested old age allowance

11. MR. MCGREGOR asked: Will the Government inform this Council whether it will consider extending the non-means tested old age allowance to elderly people between the age of 65 to 69, and if so, when will a decision be taken on the matter?

SECRETARY FOR HEALTH AND WELFARE: In October 1987, proposals were announced in this Council for a package of improvements to the main social security schemes, including the phased extension of the old age allowance to persons in the 65-69 age group. One element of this proposed package was that all new applicants for the old age allowance should be required to declare that their income and assets did not exceed specified levels.

These proposals were generally welcomed by Members of this Council and by the Social Welfare Advisory Committee amongst others. However, following consideration of views expressed against the proposed income and asset declaration, particularly for those over 70 years old, the Government decided that it would be appropriate not

to proceed with the declaration for new applicants aged over 70, whilst retaining it for those between 65 and 69.

The first phase of the extension of the allowance to the 65-69 age group was implemented on 1 September 1988 and persons aged 68 and 69 are now eligible, subject to a declaration that their income and assets do not exceed the following levels:

	Single person	Married couple			
Monthly income	\$1,700	\$2,800	Assets	\$100,000	\$150,000

With effect from 1 April 1989, eligibility will be extended to those aged 67 whilst those aged 66 and 65 will become eligible with effect from April 1990 and 1991 respectively.

The requirement for an income and asset declaration by applicants for the allowance aged 65-69, who were not previously eligible, is considered both reasonable and also consistent with the Government's overall welfare policy of providing assistance to those most in need and there are currently no plans to dispense with the declaration for this age group.

Provision of bilingual A-Level examinations

12. MR. DAVID CHEUNG asked: Will the Administration inform this Council of the progress made since Government accepted in principle last year the Education Commission's recommendation that Advanced Level Examinations should be available in Chinese as well as in English; and whether the target date for introducing these examinations can be advanced and, if so, what the financial implications will be?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Education Commission's recommendations on sixth form education, including the availability of Advanced Level examinations in Chinese, were accepted by the Government in May 1988. Three courses of action have since been followed.

First, a Sixth Form Working Group has been set up, comprising members coming from tertiary institutions, secondary schools, the Hong Kong Examinations Authority and

government officials. The group will report to me in the middle of this year on measures relevant to the implementation of the commission's recommendations. Mr. CHEUNG is himself a member of this working group.

Secondly, the Hong Kong Examinations Authority has been asked to begin planning for the provision of bilingual A-Level examinations.

Thirdly, the Chinese Textbooks Committee, chaired by Mr. SZETO Wah with Mr. CHEUNG as deputy chairman, has been asked to consider the question of textbooks and reference materials in Chinese which are suitable for use in Chinese-medium A-Level courses.

We have not yet decided on a date for introducing bilingual A-Levels. The Chairman of the Chinese Textbooks Committee has informed me of the committee's view that there is no direct link between the availability of Chinese textbooks and reference materials and the introduction of bilingual examinations, and urged that such examinations should be introduced at the earliest possible date. The Sixth Form Working Group has not yet finalized its view on the appropriate timing. The Hong Kong Examinations Authority conducted a survey of schools in November last year to ascertain the likely requirement for Chinese-medium A-Levels from 1992 onwards, and found that very few schools intended to enter students for these examinations before 1994. The Education Department, at the request of the Sixth Form Working Group, is now conducting a second survey of schools to see whether more schools would wish to enter candidates for Chinese-medium A-Level examinations before 1994. While a final decision on the timing for introducing bilingual A-Level examinations will be taken after the Sixth Form Working Group has completed its report, it is clear that the earliest possible date for such examinations cannot be before 1992.

As for the financial implications, it is estimated that an additional \$220,000 per year would be required initially: the Hong Kong Examinations Authority estimates that bilingual A-Level examinations will cost \$200,000 each year in additional payments to examination personnel, and translation of syllabuses will cost about \$20,000 with smaller costs thereafter whenever syllabuses are revised. Until the Higher Level Examination is abolished, no additional fee income is expected as a result of A-Levels being available in both languages. The Higher Level Examination will need to be retained until all Chinese middle schools are able to operate two-year sixth forms. Any period of overlap between the abolition of Higher Levels, which the authority runs at a substantial loss, and the introduction of bilingual A-Levels would impose a considerable extra workload on the authority's staff and would require

an increase of about 16% in fees for A-Level examinations.

Government Business

First Reading of Bills

REVISED EDITION OF THE LAWS (AMENDMENT) BILL 1988

SUPREME COURT (AMENDMENT) BILL 1988

SUPPLEMENTARY MEDICAL PROFESSIONS (AMENDMENT) BILL 1989

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

Second Reading of Bills

REVISED EDITION OF THE LAWS (AMENDMENT) BILL 1988

THE ATTORNEY GENERAL moved the Second Reading of: "A Bill to amend the Revised Edition of the Laws Ordinance".

He said: Sir, I move the Second Reading of the Revised Edition of the Laws (Amendment) Bill 1988.

In June last year, the Interpretation and General Clauses Ordinance was amended to permit a change in the format of Ordinances and regulations by eliminating notes from the margin and repositioning marginal notes as section headings.

Section 7(3) of the Revised Edition of the Laws Ordinance 1965 requires that, at the beginning of each Ordinance, there shall be set out in the margin a list of all Ordinances that have amended it since it was enacted. The Bill amends that section to enable this information to be set out as a note across the page rather than in the margin.

The reasons for the amendment are to facilitate the faster and more economical

preparation of legislation. These reasons are similar to those for amending the Interpretation and General Clauses Ordinance.

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

Question on adjournment proposed, put and agreed to.

SUPREME COURT (AMENDMENT) BILL 1988

THE ATTORNEY GENERAL moved the Second Reading of: "A Bill to amend the Supreme Court Ordinance".

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

This Bill marks the start of a programme of legislation aimed at replacing with Hong Kong Ordinances the extensive body of United Kingdom enactments which apply to Hong Kong and are consequently part of our law. These United Kingdom enactments cannot remain part of our law after 1997 as this would be inconsistent with the status of Hong Kong as a Special Administrative Region of the People's Republic of China and with the Joint Declaration. Steps must therefore be taken to replace those which will need to continue beyond 1997 and with our own legislation.

Turning to the Bill, the jurisdiction of the High Court in relation to admiralty matters is at present contained in certain United Kingdom enactments which apply or have been extended to Hong Kong. This jurisdiction is of vital importance to Hong Kong for it recognizes and complements Hong Kong's position as a major centre for shipping, ship-owning and ship management and as a forum where shipping disputes can be resolved through our courts, using the services of highly experienced judges and lawyers specializing in maritime law. Clearly, the High Court's jurisdiction over maritime disputes must continue beyond 1997.

The purpose of this Bill is to amend the Supreme Court Ordinance so that the civil jurisdiction of the High Court in relation to admiralty matters is specified in that Ordinance and to repeal, so far as they are part of our law, those United Kingdom enactments from which the High Court's present admiralty jurisdiction is derived.

The substance of the existing law relating to admiralty jurisdiction is contained

in sections 20 to 24 of the Supreme Court Act 1981 as extended to Hong Kong by the Admiralty Jurisdiction (Hong Kong) Order 1985. This Bill re-enacts those provisions with only minor amendments, made for their better application to Hong Kong. There is thus no change in the substance of the existing law. The Bill repeals the 1985 Order, and other United Kingdom enactments concerned with admiralty jurisdiction insofar as they are part of our law.

The Bill also repeals section 54(3) of the Supreme Court Ordinance, thus removing the present requirement for rules of procedure and practice relating to admiralty jurisdiction made by the Supreme Court Rules Committee to be approved by Her Majesty in Council before they can come into operation.

Sir, the Bill is a first step forward in the programme of replacement legislation. Much remains to be done before 1997. Much of our present law relating to merchant shipping, civil aviation, copyright and patents is contained in United Kingdom enactments applying to Hong Kong. It will have to be replaced by our own legislation. It is a formidable task but a start has been made with this small, but useful Bill.

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

Question on adjournment proposed, put and agreed to.

SUPPLEMENTARY MEDICAL PROFESSIONS (AMENDMENT) BILL 1989

THE SECRETARY FOR HEALTH AND WELFARE moved the Second Reading of: "A Bill to amend the Supplementary Medical Professions Ordinance".

He said: Sir, I move the Second Reading of the Supplementary Medical Professions (Amendment) Bill 1989.

Following the enactment of the Supplementary Medical Professions Ordinance in 1980, work began on the drafting of subsidiary legislation and the formation of the five para-medical professions boards, which would be responsible for setting standards of professional practice and conduct among members of their profession. These boards have been formed. However, the drafting process was delayed initially because of the need to amend the principal Ordinance to enable certain provisions and proposals recommended by the boards to be included in the regulations. Subsequently, the Supplementary Medical Professions, Midwives Registration and

Nurses Registration (Amendment) Ordinance was passed in 1985 to give effect to these changes, while drafting of the various regulations continued.

The regulations for occupational therapists and medical laboratory technologists were completed last year. Those for the remaining three professions are being finalized. In the course of drafting these regulations, it became clear that further amendments to the Ordinance were necessary in order to implement the proposals for the discipline and control of the professions. Therefore, the Supplementary Medical Professions (Amendment) Bill 1988, which sought to make those amendments, was introduced into this Council on 6 July 1988.

A Legislative Council ad hoc group was set up to consider the Bill. With regard to clause 8(2) of the Bill, which proposed to amend section 26 of the Ordinance by requiring all Codes of Practice and amendments to them to be notified by the para-medical boards to the Supplementary Medical Professions Council, the ad hoc group was of the view that the Bill did not adequately provide for a smooth working relationship between the council and the boards. In response, the Administration undertook to consult the Supplementary Medical Professions Council and the boards on the matter. There was, however, insufficient time for the consultations to be carried out before the dissolution of the Legislative Council at the end of its 1987-88 Session. As a result, it was not possible for the Bill to complete its passage through this Council before dissolution and the Bill therefore lapsed.

The Supplementary Medical Professions Council was consulted on the point in question in November last year. It did not consider it necessary, at this stage, to seek amendments to the Bill in respect of the relationship between the council and the boards. It recommended that the Supplementary Medical Professions (Amendment) Bill 1988 be re-submitted to the Legislative Council.

Concerning the working relationship between the council and the boards in respect of the preparation and revision of Codes of Practice, the Supplementary Medical Professions Council concluded that the boards should be requested to submit their codes of practice to the council before they were finalized. The council considered that this arrangement would enable it to conduct its supervisory and co-ordinating functions properly and that, if there was any major disagreement between the council and the boards regarding such codes of practice, then both the council and the boards should be consulted as to whether an amendment to the Ordinance was required in respect of the relationship between the council and the boards.

In the light of the position taken by the Supplementary Medical Professions Council, I have now put before Members the same Bill which was considered by this Council during its 1987-88 Session and which lapsed at the end of that Session. Since no change is being proposed to the relationship between the Supplementary Medical Professions Council and the para-medical boards, we have not consulted the boards.

The major amendments proposed in this Bill are mainly enabling provisions.

Clause 6 introduces a new section 15A to provide the boards with the power to hold examinations for the purpose of full registration as well as provisional registration under the relevant provisions of the principal Ordinance. The new section 15B provides that a person may appeal to the council against any decision of a board other than a decision in relation to registration, discipline, provisional registration and examination.

Clause 8 deals with Codes of Practice for the para-medical professions. It empowers the boards to provide for guidelines regulating the activities of persons supervising registered persons and the activities of those who are being supervised, in the Codes of Practice prepared by the boards. It also requires the boards to notify the Supplementary Medical Professions Council of the Codes of Practice drawn up or any subsequent revisions made to them.

Clause 9 enables regulations to be made, creating categories of registered persons according to their qualifications, training and experience, prescribing the qualifications and experience necessary for practising a profession without supervision, specifying who would be entitled to practise without supervision, and restricting those without the prescribed qualifications from doing so. The Ordinance, as it stands, enables persons with qualifications and experience additional to those required to qualify for registration to "practise on their own account". Since that phrase implies control of the mode of business, rather than the need and adequacy of professional supervision, it is proposed to replace "practise on their own account" with "practise without supervision" to reflect the real intention of the law. This clause also contains amendments for regulations to be made enabling the boards to determine the quality of the experience acceptable to the boards and to accept experience other than the prescribed experience.

Clause 10 requires para-medical professionals working in approved teaching

institutions, subvented organizations or the Civil Service to be registered, rather than exempted as at present, so that they too will be subject to the disciplinary control of the professional boards. However, they will continue to be exempted from the payment of registration fees, the requirement to display a practising certificate and the requirement to practise in licensed premises.

The remaining amendments in the Bill are of a minor and technical nature.

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

Question on adjournment proposed, put and agreed to.

PUBLIC ORDER (AMENDMENT) BILL 1988

Resumption of debate on Second Reading which was moved on 14 December 1988

Question proposed.

MR. CHEONG: Sir, allow me to start by commending the Administration for carrying out the promised review on this very controversial section of the law.

It is encouraging that the Administration has now decided to scrap it.

Encouraging not because the decision coincides with my long-held view about section 27 of the Public Order Ordinance which I had voted against almost two years ago.

After all, the Administration and myself want the section to go for different reasons.

My concern then was the need for sufficient safeguard for members of the fourth estate to carry out their rightful duties, in that they should not be forced to disclose their source.

The Government still believes in the merit of the law, but out of respect to the public wishes and concerns, it now accedes to their wish. It is this spirit of accommodation and the Administration's concern about the anxiety of the public that

I see as encouraging. This spirit and this concern must continue and I hope they will remain as one of the principles in the conduct of future reviews of government policies and practices.

I would also like to thank the Secretary for Administrative Services and Information for his effort in consulting the media during the review. This willingness to listen, to explain and to discuss must not stop at this one issue but must continue in all other aspects of administration.

Nevertheless, we must caution against an attitude of complacency which I discerned in the Secretary for Administrative Services and Information's speech when he introduced the present Bill to this Council.

I am referring to his remark that "All that is now water under the bridge. This is a time for healing, not a time for re-opening old wounds".

That remark seems to reflect an attitude which I read as : now that section 27 is going to be repealed, all will be well.

Sir, the Secretary for Administrative Services and Information may be well correct that all will be well, in so far as the continuous emotive hounding of the Administration is concerned, but should Government inform us what lessons have been learnt from the episode?

Were there in the first place problems of communication between the Government and the publishing industry? What problems exist, if any, in the way consultations were carried out? Has the Government done enough explaining early enough, or has the media been slow in reacting? In the process of conducting this review, have Members of this Council been consulted or advised on how it was being done? How wide was the review? Has the Administration ever considered seeking views from some of those who gave support to the Government two years ago and as a result of that support, subsequently were labelled and vehemently attacked by some members of the media? We are certainly interested to hear from Secretary for Administrative Services and Information in response to some of these questions in his reply.

While section 27 has been dubbed by some critics as a draconian sword on the neck of the media, the publication of false news, with or without malicious intent, must remain haunting to members of the public. Are we satisfied that the lack of

significant incidents in the past two years in this area meant that we are simply over worried?

I do not think anyone would dispute that wilful publication of false news detrimental to the community is wrong and needs to be deterred. The questions is what kind of deterrent is possible?

In exploring this question in this issue, it will be fruitful to consider: Is the conscience and ethics of media practitioners enough safeguard against the publication of false news? Is there a need for some form of self-regulatory deterrent? Would the need to protect the integrity of a news organization hence its survival in the market be deterrent enough? Could the sheer number of news organizations with divergent approaches now operating be enough to balance off the effect of false news published by a single newspaper? Should members of the public be provided with some degree of protection from being victimized by the publication of false news?

For the media, Sir, some of the questions I posed in the debate two years ago are just as legitimate today.

What are the inherent weaknesses, if any, of our publishing industry? Can these weaknesses be improved? If so, what is the industry doing about improving such weaknesses? Is it not apparent that better-paid and better-trained reporters and editors must be beneficial in every respect to the future development of the industry? Would there be a place for an in-trade watchdog body for the media in Hong Kong? Are there sufficient channels for members of the public to reflect more directly their views and expectations of the behaviour of local mass media apart from contributing to their "letters to the editor" pages?

There already exist various forums where publishers, senior journalists and reporters discuss issue of their respective interests. But hardly are there meaningful interactions among these forums. Could these forums be expanded to take a cross-sector review of the above-mentioned questions or to more effectively iron out differences of opinions, should they arise?

Hong Kong is now at a stage of change and in order that we could come to sound judgement, to make sensible decisions, we need a balanced media, perhaps now more than ever, to facilitate the free flow of unbiased information and serve as a forum for the exchange of ideas, and to carry the responsibility as the guardian of the

truth.

It is my hope that the repeal of section 27 would not be seen, on the part of the media, as a victory to be savoured, or on the part of the Administration, as a saga to be forgotten.

If the section is scrapped when we vote on it in just a moment, I hope the "Ayes" signify the beginning of a new and cool-headed study on the subject and not the end of a protracted and unproductive squabble. The media industry must now take a lead and ponder over what can be done and what needs to be done to build a more stable and more prosperous future for the industry as well as for Hong Kong.

With these remarks, Sir, I support the motion.

MR. HO SAI-CHU (in Cantonese): Sir, first of all, I wish to declare my interest in the subject of this debate as I am the publisher of a local Chinese daily.

The Government is now proposing to repeal section 27 of the Public Order Ordinance which was passed into law in March 1987. The section prohibits the publication of false news which is likely to cause alarm to the public.

I recall that when the Public Order (Amendment) Bill 1986 was introduced in the beginning of 1987, the intention was to repeal a number of provisions in the Control of Publications Consolidation Ordinance which was enacted in 1951. The provisions included the power to suppress newspapers, to seize printing presses and so forth. But a provision which prohibited the publication of false news was retained and incorporated into the Public Order Ordinance. I gave my support to the Bill at that time because I felt that to protect the overall interest of the public should be the first and foremost duty of the journalists. I also expressed my views on the subject at the Council sitting on that occasion.

The records relating to the amendment of this Ordinance indicate that when the amendment was first mooted, its main concern was the press and to institute a means to guard against "any local newspaper which maliciously publishes false news likely to cause alarm to the public or disturb public order". As critics pointed out that the provision was unfair to the press--I was not one of them for sure--the term, "any local newspaper," was subsequently amended to read "any person" and the word

"maliciously" was also deleted. As a matter of fact, short of resorting to the media, an individual cannot do much by way of propagating. To be a responsible journalist, one has to respect the right of the public to know the true news. A journalist has to be prudent and discerning before the publication of any important news. In the event of an inadvertent publication of false news which causes alarm to the public, he should feel guilty from the viewpoint of professional ethics even though he may not be required to bear any legal consequences. I consider the enactment of the section a means to keep the journalists on the alert and to strengthen their sense of responsibility. I do not think that it will impose any restriction on the freedom of the press against the newspaper in which I am the publisher.

Sir, the Administration proposes to repeal this provision mainly on the basis that there has been a misconception in the public mind that the section, intended for the protection of public interest, would affect the freedom of the press. I am of the view that since the enactment of the Bill almost two years ago, the Administration has not taken adequate action to get its message across so as to dispel public misconception, nor has it examined in earnest the drawback, if any, in the section to justify amendments. I am most sorry to see that all of a sudden, the Administration is making a proposal to repeal this section. I therefore abstain from voting on this Bill.

MR. ANDREW WONG (in Cantonese): Sir, the Public Order (Amendment) Bill 1986 had a rough going when it came before this Council for Second Reading and Committee stage debates on 11 March 1987. Arguments flew and there was confusion in the Chamber. The tension that had been building up before the debate and the confusion that erupted during it combined to turn what had been a simple and straight-forward amendment into a highly controversial issue. The amendment sought to revise the Control of Publications Consolidation Ordinance 1951 by deleting section 6 from the Ordinance and re-introducing it as section 27 of the Public Order Ordinance. I made three speeches that afternoon, the first of which was made during the resumed Second Reading debate where Members spoke in turn. When it came to his turn to speak, Mr. SZETO Wah moved to adjourn the debate. Thereupon I raised certain points of procedure, mainly to object to Mr. SZETO's adjournment motion. This was because when it was my turn to speak I had already heard that most Members agreed in principle that the irresponsible publication of false news causing public alarm should be punished or checked. Therefore, I thought it might be better first to reach a consensus on this matter to enable the Bill to pass the Second Reading and then to have it referred

to a Committee of the whole Council or the ad hoc group appointed by you, Sir, for further deliberation. I made my second speech during the Second Reading of the Bill. I argued that the Bill should be read the Second time on more or less the same grounds as aforesaid, that is, irresponsible conduct causing public alarm should not go unchecked or unpunished. After the Bill had passed the Second Reading, I made my third speech in response to Mr. Martin LEE's amendment motion moved during the Committee stage. I objected to his motion because I thought his rationale was questionable. As with his speeches earlier on in the debate, Mr. LEE's amendment motion speech also placed heavy emphasis on the legislative intent of the 1951 Ordinance. He pointed out that the legislative intent of removing section 6 from the Control of Publications Consolidation Ordinance and re-introducing it as section 27 of the Public Order Ordinance was not to shift the onus of proof in order to punish the irresponsible publication of false news. In response, I cited the original legislative intent of the Control of Publications Consolidation Ordinance of 1951 to identify the real purpose of the amendment Bill then before the Council. On the point of onus of proof, I contended that if we all agreed that the conduct complained of should be controlled and punished, it would be pointless for this Council to pass the amendment if the effect would be to shift the onus of proof from the prosecution and render the whole Ordinance meaningless. Hence, my stance basically was that man's behaviour in society had to be subject to such restrictions as would be necessary to ensure that the freedom and rights of others, social order and public interest would not be jeopardized. Article 19 of the International Covenant on Civil and Political Rights also places limitations on man's freedoms of thinking and expression. The question then of whether the Bill, which sought to remove section 6 from the Control of Publications Consolidation Ordinance and rewrite it as section 27 of the Public Order Ordinance, should pass was therefore a matter of judgement. I appreciated that neither the original wording of the Bill nor the revised wording as proposed by the Chief Secretary would give the press comfort and that either would generate controversy and fear. Mr. Stephen CHEONG had my full sympathy when he cited the Watergate incident as an example to argue that the onus of proof and the requirement to reveal one's source of information in court would inhibit the smooth operation of the press. I felt that these issues had to be tackled. However, given that we had all agreed in principle irresponsible conduct should be controlled and punished, I thought the best way to deal with the details and technicalities would be to get the Administration and Members of this Council to agree to refer the matter to an ad hoc group of this Council for further study. But all that is already past. Even now, I still think it is the best method. The Administration made it a commitment then to review section 27 of the Public Order Ordinance and related issues. The

proponents of the review then included Mr. Stephen CHEONG, Mr. CHEUNG Yan-lung and some other Members of this Council. Now that the review has been completed, the Administration's intention is to abolish section 27. There, however, seems to be little available information as to how the said review was conducted. The rationale behind the proposed repeal now is therefore questionable.

When the Secretary for Administrative Services and Information moved the Second Reading of the Public Order (Amendment) Bill 1988 on 14 December 1988, he pointed out that factors supporting the retention of the false news provision were as valid then as they had been nearly two years ago. What he meant was that such legislation was basically necessary; hence the case for its retention still strong. On such premises, how can we repeal in entirety section 27 of the Public Order Ordinance? We learnt also from the Secretary's speech that new factors have emerged which call for our attention. The most significant is that the new package of press law has been considered by the public to be "press-gagging" despite the Government's avowed intention of liberalization. This misconception is most unfortunate at a time when public interest in civil and political rights is unprecedentedly intense and widespread. Under these circumstances, the retention of section 27 -- though meant for the public good -- has turned out to be something unpleasant as it may become a continuing cause of public concern. It is on this basis that the Government supports the repeal of the section. Apart from local misconception, overseas misunderstanding of the "false news" section is also a worrying factor. The third reason for the repeal of section 27 is that it has never been invoked since the major liberalization of press law almost two years ago. Despite the fact, I still consider the justification for the proposed repeal basically inadequate. Section 6 of the original Control of Publications Consolidation Ordinance had not been invoked for over 20 years -- except perhaps in 1967. It could have been repealed well before the last liberalization of press law. All these should have been valid arguments two years ago when heated debates on Public Order (Amendment) Bill 1986 took place. To resurrect the arguments now as a basis for repeal of section 27 is by no means convincing.

Nevertheless, I would not object to today's motion. It could be said that I accept or support it as "no objection" implies "agreement". In supporting the amendment Bill to repeal section 27 of the Public Order Ordinance, I have deferred to public opinion and to the majority view of my honourable colleagues. Yet, I would like to suggest that if spreading of false news likely to cause public alarm is in principle considered to be punishable, carefully-drafted legislation to deal with

it should immediately be re-introduced if such conduct ever rears its sinister head. So, with reservations, I support the motion.

DR. LEONG: Sir, in March 1987, a substantial number of my colleagues in the medical functional constituency were upset by the enactment of section 27 of the Public Order Ordinance which prohibits the publication of false news likely to cause public alarm or disturb public order. I was personally unfortunate not to have been present in this Council for that debate.

Today, Sir, I rise with delight in support of the present Bill to repeal this draconian provision that has been proven to be unnecessary in this city which has always been regarded as a bastion of the free press.

True, as the Secretary for Administrative Services and Information has said earlier, this is a time for healing, not a time for re-opening old wounds.

But as a medical practitioner, I know that there are times when old wounds must be re-opened to identify the cause of ailment; for unless the cause is identified, there is always a danger and chance of recurrence.

I find it extremely misleading, Sir, that the Administration should seek to repeal section 27 of the Public Order Ordinance but at the same time argues that the factors supporting retention of the controversial provision are "as valid today as they were nearly two years ago". It gives an impression that the repealing was made to avoid confrontation and to please the public for the sake of just pleasing them. There needs, therefore, to be a more convincing reason.

The fact remains that the Administration was wrong in the first place to have introduced section 27 which widened rather than narrowed the control over freedom of expression.

Furthermore, section 27 is more draconian in the sense that, by deleting such words as "maliciously to publish in any local newspapers" from the original Control of Publications Ordinance and at the same time adding the phrase "any person who publishes false news", it extends the control from over local newspapers to the public at large.

Nevertheless, late corrections are better than no corrections.

Sir, the repeal of section 27 can only be taken as the end of the beginning of Hong Kong people's repulsion against provisions that undermine our basic human rights. Whether we like it or not, Hong Kong is to come across more public sentiments relating to the changing political situations and conservation of human rights during the run-up to 1997.

May I, therefore, Sir, in closing, urge that the Administration and this Council be alert enough to constantly review grey areas in existing legislation that might infringe upon basic human rights.

With these remarks, Sir, I support the motion.

MR. MCGREGOR: Sir, I believe that the public outcry over the inclusion of section 27 in the Public Order Ordinance demonstrates in the clearest possible way that the spirit of democracy is alive and kicking in Hong Kong. Public anger and concern over what was seen as a possible potential restraint on the dissemination of information through the media and in other ways must surely be regarded as a healthy and heartening sign that Hong Kong people want to continue to enjoy the utmost freedom in a society that has provided almost all the freedoms expected in a democratic territory. Not the least of these has been the right of the media and others to issue information on matters of public interest without fear of prosecution or persecution. There is not the slightest suggestion that the Hong Kong media has deliberately published false news at any time in the past nor, I am sure, will it willingly do so in the future.

Not every territory in Asia and the Pacific enjoys the wide freedom which exists in Hong Kong to publish, to print and to discuss public issues, particularly political issues or those having some bearing on the development of the political system. In these changing times, it is manifestly important that the Hong Kong Government shall do nothing to endanger or to give the impression of endangering the freedom and the right of people and the media to discuss and to report. A free press is vital to a democratic system of government.

The decision by the Government to repeal section 27 is a wise one. Those who are shaping Hong Kong's future will also be wise if they learn something from this interesting episode; that freedoms in a free society are worth making every effort to retain.

With these remarks, Sir, I support the motion.

MR. SIT: Sir, section 27 of the Public Order Ordinance was passed in March 1987 with a lot of controversy both in and outside this Council. Despite the Administration's effort to liberalize the press law then, it put up fervent defence for the retention of the false news provision. The Administration's reversion on its arguments in less than two years' time raises questions on its judgement one way or the other.

I understand that since the enactment of section 27 in 1987, there has not been a single incident which has called for the application of the law, nor has there been any evidence to show that the retention of the false news provision has in any way affected press operation in Hong Kong.

Sir, if the principle underlying this provision was not to limit press freedom but to protect the community from false news which was likely to disturb public order, then perhaps it could be argued that the Administration's original argument was understandable.

However, there was as we know a great deal of concern and it seems that because of that concern the Administration has now decided to back away from its decision and to dispense with the provision in question.

This raises some questions in my own mind. If the original intention of the Administration was correct and fair, what has changed in the meantime to encourage the Administration's change of heart now? Is there no longer a need to protect the public from the potential risks of false news reporting?

If there is still a need for legal protection for the community against the danger of false news reporting, are other existing laws adequate to do so? I would respectfully suggest the public of Hong Kong deserves an assurance, either way.

Sir, with these queries in mind, I support the motion.

MRS. SO (in Cantonese): Sir, when this Council debated section 27 of the Public Order (Amendment) Bill in March 1987 heated and emotive debates on the subject were raging in the media and among the public. While many of the expressed views were centred

around the provision of the Bill, many others addressed the Government's inadequate consultation effort and its lack of responsiveness to public sentiments. Apprehensions and distrust interacted to produce unnecessary speculation and misgivings. A tense situation presented itself.

The present decision of the Administration to repeal the section serves to indicate that debates between the Administration and the general public do have positive meaning.

I hope that the Administration will continue to heed and accept reasonable views in order to defuse tension. Such an effort is vital, particularly during the transitional period when Hong Kong is becoming increasingly sensitive over certain issues.

The Public Order (Amendment) Bill episode is significant for another reason: it has aroused greater and keener public concern in the issues relating to civic rights. Typical examples in this regard are the drawn-out controversy on the offence of loitering, the right to assemble in public, the human rights of the mentally ill and the powers of the recently reorganized Securities and Futures Commission. A couple of months ago the Law Reform Committee took on a review of the powers of the police and other law enforcement agencies. All this demonstrates the initiative the Administration is taking in the area of civic rights.

Therefore the Public Order (Amendment) Bill should not be looked at in isolation: not only does it relate to the sensitive issue of human rights but it also serves to reflect how much faith we have in this Administration. The controversy surrounding the Bill served as a significant test of the mutual give-and-take between the Administration and the public in sensitive areas of legislation. It is with a positive and optimistic attitude that I have viewed this test.

Sir, with these remarks, I support the motion.

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION: Sir, I am most grateful to the speakers who spoke in support of this Bill. I would like to take up, first, a few points made by Mr. Stephen CHEONG and then the general points raised by Dr. LEONG and Mr. Kingsley SIT.

I would like to assure Mr. CHEONG that when I referred to "water having gone under the bridge", there was no intention of being complacent: these were expressions of conciliation that I was hoping that on the repeal of the section the wounds would not be re-opened.

On the question of consultation, Sir, during the period in 1987-88, fairly wide consultation was undertaken, mostly through the visit to my office of a variety of people: the journalists association, lawyers, publishers, owners of newspapers, but also an out-going effort was made whereby we were able to reach out and consult a very wide sector of the community. I suppose the central question asked by Mr. CHEONG is why some Members of the Legislative Council who have supported the Bill have not been individually consulted. Some were consulted, not all of them. But the process of consultation with the Legislative Council followed the standard and established procedure. On 30 November a Legislative Council brief was issued to Members and that marked the commencement of the period of consultation. From that day onwards, I was available to the Legislative Council and indeed I have been in their hands up to this moment. And today is 11 January, some six weeks have passed during which opportunities for consultation existed.

I was most struck, Sir, by some of the remarks made by Mr. Stephen CHEONG in relation to the quality of the press. He asked a few pertinent questions: what quality could we expect of the press; what kind of training are they getting; are they paid adequately; are we getting the right calibre of journalists and reporters? These are the very questions that occurred to me also, frequently, and I would like members of the press and those responsible for running the press, who own the press, who direct the press, to ask themselves these same questions. They should ponder over these points raised by Mr. CHEONG and some "soul searching" on their part would not be amiss.

Sir, Dr. LEONG and Mr. SIT asked me to explain what they think is a mental somersault on my part--having said that the reasons which we had advanced for enacting the legislation were as valid today as they had been then, yet we now propose the repeal. The answer, Sir, really can be found in my speech in moving the Second Reading of the Bill. I said then the existence of the Bill had caused concern to the public out of proportion to the value to the community of keeping the Bill. And that is the reason.

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 Bill

Council went into Committee.

PUBLIC ORDER (AMENDMENT) BILL 1988

Clause 1

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION: Sir, I move that clause 1 be amended as set out in the paper circulated to Members. The amendment is a technical one designed purely to bring the Bill into the calendar year 1989.

Sir, I beg to move.

Proposed amendment

Clause 1

That clause 1 be amended, by deleting "1988" and substituting "1989".

Question on the amendment proposed, put and agreed to.

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

Clause 2 was agreed to.

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

PUBLIC ORDER (AMENDMENT) BILL 1988

had passed through Committee with an amendment and moved that the Bill be read the Third time and passed.

Question on the Bill proposed, put and agreed to.

Bill read the Third time and passed.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 18 January 1989.

Adjourned accordingly at twenty-seven minutes past Four 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.