

1 HONG KONG LEGISLATIVE COUNCIL -- 19 April 1989

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 19 April 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 CHIEF SECRETARY

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

THE FINANCIAL SECRETARY

THE HONOURABLE PIERS JACOBS, O.B.E., J.P.

THE ATTORNEY GENERAL

THE HONOURABLE JEREMY FELL MATHEWS, C.M.G., J.P.

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

THE HONOURABLE DONALD LIAO POON-HUAI, C.B.E., J.P.

SECRETARY FOR DISTRICT ADMINISTRATION

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

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

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

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

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

THE HONOURABLE CHAN YING-LUN, J.P.

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

THE HONOURABLE PETER POON WING-CHEUNG, O.B.E., J.P.

THE HONOURABLE CHENG HON-KWAN, J.P.

THE HONOURABLE CHUNG PUI-LAM, J.P.

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

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

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

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

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

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

THE HONOURABLE POON CHI-FAI, J.P.

PROF. THE HONOURABLE POON CHUNG-KWONG, J.P.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH, J.P.

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING, J.P.

THE HONOURABLE TAM YIU-CHUNG

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

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

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

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

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

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

THE HONOURABLE GEOFFREY THOMAS BARNES, J.P.
SECRETARY FOR SECURITY

THE HONOURABLE PETER TSAO KWANG-YUNG, C.P.M., J.P.
SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION

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

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

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

THE HONOURABLE PAUL CHENG MING-FUN
THE HONOURABLE MICHAEL CHENG TAK-KIN, J.P.

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

THE HONOURABLE RONALD CHOW MEI-TAK

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

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

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

THE HONOURABLE MRS. MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, J.P.

DR. THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

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

THE HONOURABLE KINGSLEY SIT HO-YIN

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

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

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

THE HONOURABLE PETER WONG HONG-YUEN, J.P.

ABSENT

THE HONOURABLE EDWARD HO SING-TIN, 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

Subsidiary Legislation

L.N. No.

Road Traffic Ordinance Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 2) Regulations 1989.....	110/89
Public Health and Municipal Services Ordinance Cremation and Gardens of Remembrance (Regional Council) (Amendment) By-Laws 1989.....	111/89
Public Health and Municipal Services Ordinance Exhumation (Fees) (Regional Council) By-Laws 1989.....	112/89
Public Health and Municipal Services Ordinance Public Cemeteries (Regional Council) (Amendment) By-Laws 1989.....	113/89
University of Hong Kong Ordinance Statutes of the University of Hong Kong (Amendment) Statutes 1989.....	

114/89

Money Changers (Disclosure of Rates, Charges and Commissions) (Amendment) Ordinance 1989

Money Changers (Disclosure of Rates, Charges and Commissions) (Amendment) Ordinance 1989

(Commencement) Notice 1989.....

115/89

Oral answers to questions

Chinese traditional herbal medicine

1. MRS. LAU asked: With reference to newspaper reports that two persons have lapsed into a coma after consuming herbal medicine containing a poisonous substance, will Government inform this Council whether it intends to introduce controls over the use and sale of herbs for treatment purposes under traditional Chinese medicinal practice?

SECRETARY FOR HEALTH AND WELFARE: Sir, Chinese traditional herbal medicines are commonly used in our community. In this particular case, where two persons lapsed into a coma after consuming herbal medicine, investigations so far have indicated that the cause was an overdose of the herb Kwai Chow Lung Dam Cho in an attempt at self-medication. Two toxins, deoxypodophyllotoxin and podophyllotoxin, were found in the cooked mixture and the sample of the herb taken both from the medicine company from where the herbs were bought and from the importer of the herb, but these toxins, which are naturally occurring substances in Lung Dam Cho from Kwai Chow, would not have produced a harmful effect if the correct dosage had been taken.

There are provisions in the Public Health and Municipal Services Ordinance in respect of adulteration and false labelling of drugs and I am advised that these provisions are applicable to Chinese medicines as well as to other drugs. Also, where Chinese medicines are adulterated by western medicine, the general exemption for Chinese medicine from the controls specified in the Pharmacy and Poisons Ordinance would not apply.

While we should recognize that Chinese herbal medicines have been widely used among Chinese communities for many hundreds of years, mostly without harmful effects, there are none the less grounds for concern about the uncontrolled sale and indiscriminate use of such medicine. The Administration is exploring the best means of reviewing this issue, with a view to establishing the extent of the problem and identifying the expertise required to enable an assessment to be made of Chinese herbal medicines and their use by members of the public.

MRS. LAU: Sir, can the Secretary inform this Council whether the recent incident referred to in my question is the first of its kind in Hong Kong; if not, how many similar incidents have happened over the past five years in which people have been poisoned by Chinese herbal medicine; and, in the light of such past incidents, why the Administration has not yet taken any action to introduce control over the use and sale of Chinese herbs?

SECRETARY FOR HEALTH AND WELFARE: Sir, I think that such statistics are not kept by the government authorities but I will enquire and provide a written reply to Mrs. LAU (Annex I). As to the control of Chinese herbs and medicine, Sir, it is a fact that for almost 100 years in Hong Kong there have been no controls over the practice of Chinese medicine and that so far there have not been any serious problems reported, except in the case of unqualified people practising western medicine.

MRS. LAM (in Cantonese): Sir, as there are various species of Lung Dam Cho, the incident might have been caused by the use of the wrong species. Will the Government inform this Council whether the sale of Chinese herbal medicine will be controlled by requiring sellers of Chinese herbal medicine to pass a qualifying examination, as is the case with pharmacists?

SECRETARY FOR HEALTH AND WELFARE: Sir, according to the investigations carried out by the police and Department of Health, the cause of the incident was not the wrong prescription of the medicine, but rather the consumption of an overdose of the medicine. The medicine which was sold to the persons involved is called Kwai Chow Lung Dam Cho and the recommended dose, according to the Chinese herbal medicine dictionary, is 0.1 to 0.3 tael but, according to the investigation, about 2.5 taels were used to prepare the herb solution consumed by the two persons concerned. As far as the control of the sale of Chinese herbs is concerned, Sir, as I said in my

main answer, we are now exploring the best means of reviewing this issue.

DR. LEONG: Sir, podophyllotoxin and deoxypodophyllotoxin, which are the toxins that are identified in Kwai Chow Lung Dam Cho, are also elements used in western medicine. But when they are used in western medicine they are controlled under the Pharmacy and Poisons Ordinance for the protection of the public. Yet when the herb is used in the context of Chinese medicine, it can be sold across the counter without any control. Can the Secretary inform this Council whether it is the policy of this Administration to allow and accept double standards? If not, what are the procedures that the Administration would propose to regain confidence of the public?

SECRETARY FOR HEALTH AND WELFARE: Sir, the two toxins in their pure forms are not used in western medicine and therefore they are not included in the poisons list of the Pharmacy and Poisons Ordinance. However, the podophyllum resin, the form used in medicine for the treatment of warts, is included in the poisons list of the Pharmacy and Poisons Ordinance. Sir, as I said in an earlier reply, it is a fact that for decades the use of Chinese herbs has not been controlled and that the Medical Registration Ordinance and the Pharmacy and Poisons Ordinance do provide exemptions, both for the practice by Chinese persons of purely Chinese methods of medicine and surgery and for the exemption from control under the Pharmacy and Poisons Ordinance of Chinese medicine. So it is a fact that double standards do exist for historical reasons and, as I said, we recognize that there are grounds for concern but the problem is a most difficult and complex one and we need time to study it and it is not to be expected that we can produce results or solutions in a matter of months.

DR. IP: Sir, is there any truth in the statement made by Dr. Samson CHAU, the brother of the victim and a PhD in pharmacology, that the herb dispensed was in fact not the *Gentiana Scabra* () which is not toxic, but the *Podophyllum emodi* (), which is toxic?

SECRETARY FOR HEALTH AND WELFARE: Sir, during the extensive investigations undertaken, the police and the Department of Health traced the herb in question from the retailer to the wholesaler and to the importer and they were able to find invoices tracing all the way back to the company in China which sold the herb to the importer.

The invoices described the herb as Kwai Chow Lung Dam Cho, and that is why I have mentioned the name Kwai Chow Lung Dam Cho in my main answer. I am afraid that the expertise does not exist at present within the Government to really say whether the Kwai Chow Lung Dam Cho in question is the same substance as To Yee Chat referred to by Dr. IP.

MR. MARTIN LEE: Sir, instead of merely promising to explore the best means of reviewing the issue, which means exactly nothing, will the Administration assure this Council that it will establish a working party immediately to look into this matter and take advantage of the experience gained by other countries such as West Germany and Singapore?

SECRETARY FOR HEALTH AND WELFARE: Sir, certainly I will consider the suggestion proposed by Mr. Martin LEE, but a working party approach might not be the best approach immediately. I think we should still try to explore the best means of studying the issue, perhaps with the help of expertise from the two universities.

MR. CHOW (in Cantonese): Sir, the Secretary has pointed out in his reply that some citizens have suffered from the consumption of an overdose of Chinese herbal medicine. How can the Government ensure that the public will be given the proper guidance of taking the correct dosage of Chinese herbal medicine?

SECRETARY FOR HEALTH AND WELFARE: Sir, Kwai Chow Lung Dam Cho, as I said earlier, taken in a correct dosage, is not harmful. However, pharmacists from the Department of Health, or rather the former Medical and Health Department, visited Chinese medical retail shops and advised the shopkeepers to exercise caution in the dispensing of this herb. Following advice by the department's Chief Pharmacist, a press release was issued by the Consumer Council informing the public of the poisonous properties of Kwai Chow Lung Dam Cho on the market and advising them of the need to consult an experienced herbalist before using any Chinese herbal medicine.

DR. LEONG: Sir, in view of the absence of professional liability coverage in respect of sellers of Chinese traditional herbs or practitioners of Chinese traditional

medicine, will the Administration inform this Council what protections there are for victims, or the relatives of victims, who have or are suffering from the effect of wrongly administered Chinese herbs or have acquired complications through the use of traditional Chinese medical treatment?

SECRETARY FOR HEALTH AND WELFARE: Sir, in the circumstances they will have to seek pecuniary compensation through the courts in a civil suit.

DR. IP: Sir, has the medicine company which dispensed the so-called Kwai Chow Lung Dam Cho, the name of which I hope very much could be fully clarified in future, withdrawn it from the market and will this company be prosecuted?

SECRETARY FOR HEALTH AND WELFARE: Sir, I am not aware that this company has withdrawn the herb in question from the market. The police and the Department of Health have investigated this case thoroughly and, in the absence of any evidence that there was any intentional use of a false description to sell the herb in question, they have decided that there is no cause to take prosecution action.

MRS. FONG: It must be a matter of concern that because of the absence of control over the sale of Chinese herbal medicine there have now been instances where public health is harmed. Could the Administration explain what immediate action is being taken instead of just exploring the best means of reviewing the situation?

SECRETARY FOR HEALTH AND WELFARE: Sir, in an earlier reply I have already explained the actions taken by both the Department of Health and the Consumer Council. Beyond that, in the immediate future, Sir, I am afraid that because of the absence of control over the use of Chinese herbal medicine there are no immediate steps which we can take.

Minimum wage for workers

2. MR. POON CHI-FAI asked (in Cantonese): Will Government inform this Council

whether it has considered introducing legislation to provide for a minimum wage for workers so as to ensure that workers will receive the necessary income to maintain their living?

THE SECRETARY FOR EDUCATION AND MANPOWER: Yes, Sir, we have considered this issue. Our view is that it is best left to market forces.

In a time of full employment like the present, market forces are more effective than legislation in putting pressure on employers to improve wages, and indeed other working conditions.

In times of high unemployment minimum wage proposals may seem more attractive, since at such times wages tend to go down. However, even then, I am afraid that minimum wage legislation may do more harm than good. To quote a recent article in the Economist: "Two things have been clear: that a minimum wage reduces job opportunities, especially for the young, the disadvantaged and minorities, and that its effect on poverty is tiny."

MR. POON CHI-FAI (in Cantonese): Sir, the Secretary has quoted arguments by some economists against a minimum wage, but how will the Government ensure that the older workers or those who are less well endowed can receive a minimum and reasonable wage? I have come across several cases in which the workers have to work eight hours a day but get only \$1,200 a month.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I sympathize with Mr. POON's point of view in the sense that when one comes across these hard cases one naturally wants to do what one can for them. But I honestly do not think that a minimum wage law would help at all. The effect would be that these people, instead of getting an underpaid job, would get no job at all because it would not be worthwhile employing them. So we have the choice really of no job or an underpaid job. If the job is so underpaid as not to be worthwhile, then I think they must rely on the normal welfare provisions.

MR. MICHAEL CHENG (in Cantonese): In the territory, foreign domestic helpers are under the protection of minimum wage legislation which is reviewed regularly. Why

is it so unfair that the Administration does not introduce a minimum wage provision for local workers?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, our policy for importing workers of all kinds, whether domestic helpers or any other kind, is that they are not allowed in below the local going rate. The reason for this is not to protect the overseas workers but, as I have explained before in this Council, to protect our local workers from having their wages undercut by lower paid workers from overseas.

MR. NGAI (in Cantonese): Will the Government inform this Council what the average rate of wage increase in the manufacturing sector in the past five years was, and how it would compare with our neighbouring countries? If the Secretary does not have information at hand, I would like to have a written reply.

HIS EXCELLENCY THE PRESIDENT: That goes slightly wider than the question, but I will ask the Secretary for Education and Manpower if he has any of the facts at hand.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I do not have separate wage rates for the manufacturing sector available. For the overall figures for the Nominal Wage Index which covers all wages, and for the Real Wage Index which covers real wage increases, I have the figure from the period 1982 to 1988 which roughly corresponds with Mr. NGAI's question. The Nominal Wage Index has increased by 64.7% during that period but this largely represents inflation. The Real Wage Index has increased by only 9.2%.

MR. TAM (in Cantonese): Sir, according to the Secretary for Education and Manpower, wages are best decided by market forces. But if the Government changes its policy of importing labour, will that affect the wage level of local workers?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Government has recently repeated what we have previously said many times, that we have no intention of allowing large-scale import of unskilled workers. I agree with Mr. TAM that if we did so, this would indeed exert downward pressure on local wages.

MICHAEL CHENG (in Cantonese): In his reply to my question, the Secretary said that foreign domestic helpers and local workers are given equal treatment. However, as far as I know, the former -- Filipino maids being a case in point -- are offered the minimum wage of \$2,500 a month, but there is no such provision for the latter. Can the Secretary explain why he believes that both foreign domestic helpers and local workers receive the same treatment?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the rate at which we allow in domestic workers from overseas, whether from the Philippines or elsewhere, is based on what we believe is the current going rate for local domestic workers.

Chinese democratic activist CHEN Jun

3. MR. SZETO asked (in Cantonese): In connection with the separation of Mr. CHEN Jun, a Chinese democratic activist, from the press when he was in transit at the airport some days ago, will Government inform this Council whether all transit passengers are generally subject to the same treatment?

SECRETARY FOR SECURITY: Sir, I shall give a fairly full reply to clarify some of the misunderstanding which has been shown in this case. Transit passengers at the airport are not required to present themselves for immigration examination. They remain in the transit lounge until they board their onward flights. The transit lounge is a restricted area, and facilities are not provided there for the press to meet passengers.

Mr. CHEN, however, was not a transit passenger. When he arrived in Hong Kong on 7 April, he presented himself with his Chinese passport and a completed arrival card to an immigration officer and asked for permission to stay in Hong Kong for four days to await the arrival of his wife. However, because he did not have the required visa for Hong Kong, he was refused permission to land under section 11(1) of the Immigration Ordinance. As is normal in such cases he was therefore housed in the Immigration Reception Centre at the airport, in accordance with section 18(1) of the same Ordinance while arrangements were made for him to leave Hong Kong for a country

of his own choice by the first available flight. This is a matter of standard procedure and Mr. CHEN was treated in the same manner as other persons in similar circumstances.

The reception centre consists of a common sitting room and individual bedrooms in separate wings for males and females, with separate toilet and washing facilities. Persons temporarily detained there are provided with three meals a day and are free to move about in the common area where they can take meals and watch television. They may telephone their relatives, friends, solicitors or consul and may also ask to see them if they so wish. A notice to that effect is prominently displayed. Long distance telephone calls and telegrams are also allowed but have to be paid for.

In Mr. CHEN's case he asked first to telephone a friend in the United States and some time later said he wished to telephone his wife. By this time immigration staff had already put arrangements in hand for Mr. CHEN to call his wife in Peking. Since he did not have much money with him arrangements were made for his friend in America to be contacted by the airline and for the call to his wife in Peking to be at Hong Kong Government expense.

Meanwhile arrangements were made for Mr. CHEN to complete his journey to the United States. Although Mr. CHEN held an air ticket valid for use up to 2 May 1989, it was a non-endorseable one which was not valid for travel with any airline other than the one specified on the ticket. As a result Mr. CHEN was not accepted for the first flight to the United States after his arrival, as this would have been by a different airline. The next available flight to the United States was due to depart in the evening and following consultation between the airline which had issued Mr. CHEN's ticket and the airline on which he eventually departed, the former agreed to rewrite his ticket to enable him to depart for San Francisco with an onward ticket to New York.

During the eight hours Mr. CHEN spent in the reception centre he made no request to speak to the press, despite his apparent knowledge of their interest. It is anyway not the practice for the press to have access to persons in the reception centre awaiting departure from Hong Kong.

MR. SZETO (in Cantonese): Sir, it is mentioned in paragraph 3 of the main reply that persons in the reception centre are free to move about in the common area and can take meals there. But why was Mr. CHEN Jun kept in isolation and not allowed to have

his meal at the restaurant in the transit area, but only a lunch box instead?

SECRETARY FOR SECURITY: Sir, Mr. CHEN was not separated from anybody else in the reception centre but the reception centre is separated from the transit area. As far as lunch was concerned, I understand that he was given the normal lunch provided in the reception centre and he was later provided with dinner.

MR. MARTIN LEE: Sir, what was the evidence which prompted the Secretary for Security to say in his reply that Mr. CHEN had apparent knowledge of the interest of the press to speak to him?

SECRETARY FOR SECURITY: Sir, this was because a member of the press, whom I shall not name, contacted the reception centre and asked to speak to Mr. CHEN. Mr. CHEN was informed of this and was given the opportunity to speak to this person and chose not to.

MR. SZETO (in Cantonese): Could the Government inform this Council whether prior notice of Mr. CHEN's arrival in the territory had been received from the relevant quarter? Had directions been given by a senior government official to airport immigration officers as to Mr. CHEN's transit arrangements or denial of entry? If yes, who is this senior officer?

SECRETARY FOR SECURITY: Yes, Sir, the immigration authorities at the airport had received word from Peking that Mr. CHEN was on a flight to Hong Kong from Shanghai. As regards the second part of the question, the procedures adopted in this case are well known to immigration officers. They are precisely the same in Mr. CHEN's case as are applied to any other persons wishing to enter Hong Kong without a visa.

MR. ANDREW WONG (in Cantonese): Sir, is section 11(1) of the Immigration Ordinance under which a passenger without the required visa for Hong Kong will be refused entry an absolute provision or something subject to discretion? If it is a discretionary power, would the Secretary for Security inform this Council why Mr. CHEN had not been

treated more humanely, knowing that he would stay in Hong Kong for only four days to await the arrival of his wife?

SECRETARY FOR SECURITY: Sir, I would have to check that. I suspect under section 11(1) there may be discretionary power which would be used in very unusual cases. I am not aware of the sort of cases in which this would be used but I shall be very happy to check this and reply in writing. (Annex II) As to the second part of the question, I think in the circumstances the decision of the immigration officer was the correct one. It was made in the knowledge that Mr. CHEN had a through ticket to the United States, that he had no visa for Hong Kong and that his wife would be joining him in the United States.

DR. LEONG: Sir, would the Administration inform this Council whether a person detained in the reception centre in general has the right to seek to see the press?

SECRETARY FOR SECURITY: Sir, Mr. CHEN had the opportunity to speak to the press by telephone. He chose not to take the opportunity offered on that occasion. As far as access by the press to either the transit lounge or the reception centre is concerned, it is not the practice for this to be allowed.

MR. MARTIN LEE: Sir, did the Administration not receive communication sent from the British Ambassador in Peking on behalf of Mrs. CHEN so that she could join her husband in Hong Kong?

SECRETARY FOR SECURITY: Sir, I am not aware that that was the case.

MR. ARCULLI: Sir, would the Administration inform us whether there was a flight on the airline that issued the ticket from Hong Kong to the United States on the day of Mr. CHEN's arrival? And, if not, and as he had no visa for Hong Kong, is the Government aware how Mr. CHEN was allowed to board the plane that brought him to Hong Kong?

SECRETARY FOR SECURITY: Sir, there was a flight of another airline which left at 1.05 pm, shortly after Mr. CHEN's arrival. The next flight to the United States was at 9.35 in the evening by another airline. Both of these were different airlines to that which had issued Mr. CHEN's ticket.

MR. CHOW (in Cantonese): It has been reported in the press that the Director of Immigration had consulted the Political Advisor and this led to the "CHEN Jun incident". Why should the Political Advisor be involved in the decision? On what basis was his advice sought?

SECRETARY FOR SECURITY: Sir, I do not think it was the Director of Immigration; I think it was another officer. But my only knowledge of contact with the Political Advisor's Office was in order to arrange a telephone call from Hong Kong to the British Embassy in Peking where it was arranged that Mrs. CHEN should speak to her husband.

MR. ARCULLI: Sir, I am afraid the Secretary has not answered the second part of my question, which is simply this: is the Government aware how Mr. CHEN was allowed to board the plane that brought him to Hong Kong?

SECRETARY FOR SECURITY: Sir, I am afraid I have no knowledge of that.

MR. MARTIN LEE: Sir, since the Secretary for Security himself has no knowledge of whether there was communication from the Ambassador from Peking, may we have somebody else who might have such knowledge to enlighten this Council?

SECRETARY FOR SECURITY: Sir, I have no knowledge, and I have no knowledge of anybody else who might have knowledge! So I am afraid I am unable to answer the question.

Mass transit links for future public housing development

4. MR. LAU WAH-SUM asked: In view of the need to find suitable sites with the necessary mass transit links for future public housing development, will the

Administration advise this Council when a definitive decision will be reached on:

(a) the proposal to extend the Mass Transit Railway (MTR) from Kwun Tong to Junk Bay;
and

(b) the proposal to extend the Light Rail Transit (LRT) to Tin Shui Wai?

SECRETARY FOR TRANSPORT: Sir, the viability and timing of a railway extension to Junk Bay hinges on a number of factors including the population build-up of the new town, the scale and pace of development and financial considerations. These are being discussed between the Government and the Mass Transit Railway Corporation (MTRC) and I expect a decision to be made early next year.

Turning to the LRT system, when the Executive Council approved the system for the north-west New Territories in 1983, a link to Tin Shui Wai was already included in the original network. The Government is firmly committed to the provision of various infrastructure facilities such as footbridges, road modifications and traffic signals necessary for the LRT extension to Tin Shui Wai.

These works will be carried out in stages commencing the end of May this year, for completion in June 1991. The completed works will be handed over to Kowloon-Canton Railway Corporation (KCRC) in phases between June 1990 and June 1991.

It is envisaged that a basic network of the LRT system should be in place by the time when the initial development of Tin Shui Wai is completed in the early 1990s. The detailed programme of the remaining network is yet to be finalized. However, land will be reserved for this purpose.

MR. LAU WAH-SUM: Sir, from the reply it appears that we have to wait another year before a definitive decision to extend the MTR to the Junk Bay area is reached. Since the other factors very much depend on the decision of this proposal in that the quicker the decision the speedier the build-up of the population, could the Secretary inform this Council what the financial considerations are that have prevented an early decision on the proposal?

SECRETARY FOR TRANSPORT: Sir, I think there are several basic considerations which the MTRC must satisfy itself and convince Government of the need. In the first place, I think the corporation must be sure of the population build-up requirements to make the extension viable. This requires on the corporation's estimate at least 230 000 people in 1996 and 290 000 people in the year 2000. Based on the Government's forecast for phases 1 and 2 of the new town development, the figure of 200 000 will be achieved in 1997. So there is a difference of forecast figures between the Government's and the MTRC's expectations. But in general terms the number of people required to justify the MTR extension should be about 270 000. So in fact we are well below the figure that justifies an MTR system. However, the other considerations must be whether the Government's planned reclamation and development of the new town, on which the Secretary for Lands and Works can advise further, is able to justify accelerated programme on investments to enable the MTR extension to be advanced ahead of need. This clearly is a matter of mutual interest and concern and this is why discussions are still going on within the Government and the corporation with a view to reaching early conclusion early next year.

MR. TAI: Sir, in relation to the phase 3 extension of LRT to other parts of the north-west New Territories, has a definitive decision been made and when will the project get under way once decided on?

SECRETARY FOR TRANSPORT: Sir, the Government, as I said, is firmly committed to the entire LRT system. As every Member knows, phase 1 of the system has been operating since September last year. The entire system is forecast to be completed by stages, starting with this year on the regional extensions within Tuen Mun, and then further north to Long Ping in Yuen Long and Tin Shui Wai further north. These plans are in our programme and we intend to complete them in the next three to four years.

MR. MCGREGOR: Sir, would the Government consider, if there is a shortfall in the numbers required to make the MTR extension to Junk Bay profitable from the outset, making a subsidy available to the MTR or making loans available to the MTR on a subsidized basis in order to get the facility under way at the right time?

SECRETARY FOR TRANSPORT: I think, Sir, this is really a matter which the Financial

Secretary should be able to consider, rather than by myself. As far as transport is concerned, as I said earlier, Sir, there is no urgent need on transport grounds to build the system now and this is a fact we have to accept. But there are other considerations such as land, environment and finance which might in fact enable us to reach an early conclusion on the decision.

HIS EXCELLENCY THE PRESIDENT: Financial Secretary, do you wish to add?

FINANCIAL SECRETARY: Yes, Sir, the word subsidy always has a bad effect on me in the afternoon. But the MTRC is supposed to operate on commercial terms. So I do not think a subsidy would be appropriate.

Babies and small children in the care of childminders

5. MR. MICHAEL CHENG asked (in Cantonese): In view of tragic incidents in the past year where babies and small children put under the care of childminders had died through the neglect of or even abuse by the latter, will Government consider introducing legislation and codes of practice to ensure that babies and small children will be properly taken care of by their childminders?

SECRETARY FOR HEALTH AND WELFARE: Sir, there are already legislative provisions which make it an offence to deliberately abuse or neglect children, as well as provisions which regulate childminders taking care of more than five young children. Under section 27 of the Offences against the Person Ordinance (Cap. 212), it is an offence to wilfully assault, ill-treat, neglect, abandon, or expose any child under the age of 16. Under the Child Care Centres Ordinance (Cap. 243), any premises at which more than five children under the age of six years are habitually received for the purpose of care and supervision are subject to registration and regular inspection. A code of practice for such child care establishments has also been issued by the Social Welfare Department. Similar provisions exist in respect of kindergartens.

I have been advised that in the United Kingdom, legislation provides for the registration of all childminders who look after one or more children for reward

anywhere other than in the child's own home. I have considerable doubts as to whether such comprehensive legislative control is practicable or even desirable in Hong Kong. I will, however, be examining this more fully and will consider, in particular, the feasibility of legislative or other measures which would help to avoid the kind of incidents referred to in this question.

MR. MICHAEL CHENG (in Cantonese): Sir, as neither legislation nor codes of practice will be introduced to regulate childminding of not more than five children, would the Government consider setting certain basic requirements for childminders -- just like what the Social Welfare Department has been doing in the provision of foster care service?

SECRETARY FOR HEALTH AND WELFARE: Sir, I have not said that I will definitely not propose legislation for the registration of all childminders. What I have said is that I have some doubts as to whether such comprehensive legislative control is practicable and desirable in Hong Kong. But certainly I will consider Mr. CHENG's suggestion.

MRS. LAU: Sir, can the Secretary inform this Council why he is of the opinion that legislative control over childminders for reward is neither practicable nor desirable in Hong Kong, whereas the same seems to work reasonably well in the United Kingdom?

SECRETARY FOR HEALTH AND WELFARE: Sir, first of all, I am not sure that the legislation is working perfectly well in the United Kingdom. Although I am aware of the United Kingdom legislation, I have yet to learn how it is being enforced, and whether any problems have been experienced in effectively enforcing it. I think I should make the point, Sir, that the circumstances of the United Kingdom may well be very different from Hong Kong. The United Kingdom law governs only childminding for reward that is not undertaken in the home of the child's family. My impression, however, is that the most common form of childminding in the United Kingdom may not be this form of service, but rather the phenomenon of baby-sitting during the evenings in the home of the child's family. And yet such baby-sitting is specifically not covered by United Kingdom legislation. Another point, Sir, concerns the issue of reward. One of the things, I think, which will need to be established is whether there are

difficulties in determining whether childminding is or is not being undertaken for reward. I suspect there would almost certainly be difficulties in the Hong Kong context, and it may prove impracticable in local circumstances to effectively police any form of statutory registration governing only those cases where a reward is given. As for a more comprehensive statutory control extending beyond childminding for reward, I have doubts whether such comprehensive statutory controls in Hong Kong are desirable. Parents often rely on other family members such as grandparents to look after their children, and it would be unreasonable and inappropriate in my view to expect them to be subject to legislative control. And equally, if not more important, there is the problem of enforcement, and short of door-to-door surveillance, I do not see how such legislation can be effectively enforced. In addition, Sir, I would be reluctant to consider any measures which could either negate efforts by the voluntary agencies and Government to expand mutual help programmes to reach residents of housing estates, for example, who help to care for each others' children, or else could act as a discouragement to the care traditionally given by other relatives.

MRS. TAM (in Cantonese): Will the Secretary inform this Council whether young children have to wait for their allocation of nursery places? If yes, is the shortfall so serious that parents have to turn to childminders to take care of their children?

SECRETARY FOR HEALTH AND WELFARE: Sir, as at 1 March 1989 there were 163 aided day nurseries providing 17 742 places, six non-profit making nurseries providing 786 places, and 78 private nurseries providing 9 919 places; making a total of 247 day nurseries with 28 518 nursery places. In most areas day nurseries are fully utilized and there are indications of a demand which is currently unmet and, in view of this, a programme is in hand to provide a total of 5 817 additional aided nursery places in the next four years to meet the anticipated shortfall.

MR. POON CHI-FAI (in Cantonese): Sir, the Secretary has mentioned in the second paragraph of his main reply that he will be examining fully the feasibility of legislative control over childminding. Could the Secretary advise us when it will start and how long it will take? And will the result be made public?

SECRETARY FOR HEALTH AND WELFARE: Sir, I certainly hope to start the examination of the issue in the near future. I cannot say now how much time it will take before

we can conclude such an examination, and certainly we will be consulting the Social Welfare Advisory Committee on our conclusions as well as the Welfare Panel of OMELCO, and if a conclusion is reached I see no reason why we should not inform the public.

MRS. FONG: Sir, would the Administration inform this Council whether prosecution was instituted in respect of any of the cases investigated involving abuse and neglect by childminders? If yes, what was the number investigated and how many resulted in prosecution last year?

SECRETARY FOR HEALTH AND WELFARE: Sir, I have asked the police for information on the number of cases of death or injury to young children while in the care of childminders. But I have been told that, in the case of deaths, the information is not kept centrally and it has not been possible to obtain it in the time available. So the data requested by Mrs. FONG is not at present available, and once the police have extracted the relevant data from the records kept by the individual police stations I shall provide the information in writing (Annex III). As far as injuries are concerned, the police have advised that meaningful statistics are unavailable as they have no comprehensive data concerning injuries to children in such circumstances.

MR. MICHAEL CHENG (in Cantonese): Will any publicity effort be undertaken to equip parents with some knowledge of what to pay attention to both in the choice of childminders and in the course of childminding so as to avoid abuse or neglect of young children?

SECRETARY FOR HEALTH AND WELFARE: Sir, I have previously referred in this Chamber to a campaign which we are planning to launch this summer on responsible parenthood and child neglect. We are now actively considering including parental education on childminding as one of its themes. In addition I will be discussing with the Director of Social Welfare how it might be possible in other ways to step up public education concerning childminding. For example, the Director of Social Welfare at present offers advice and guidance to any childminder who requests it and consideration will be given to how the availability of this service might be better publicized.

MRS. LAM (in Cantonese): The Secretary has mentioned that childminding of more than five children under the age of six should be registered and hence subject to a code of practice. Could the Secretary advise whether prosecution has ever been instituted against unregistered childminders taking care of more than five children? Are there any measures to encourage childminders to register with the Government and make them aware that guidance and advice are given through the code of practice and relevant government authorities?

SECRETARY FOR HEALTH AND WELFARE: Sir, I do not have with me the information requested by Mrs. LAM and I shall provide a reply in writing to the first part of the question (Annex IV). As to the second part of her question, I shall certainly put her suggestion to the Director of Social Welfare for consideration.

MR. PETER WONG: Sir, could the Secretary tell us how the Social Welfare Department ensure compliance with the code of practice, and also what the remedies are for breach other than revocation of the registration?

SECRETARY FOR HEALTH AND WELFARE: Sir, all child care centres are required to comply with the Child Care Centres Ordinance and Child Care Centres Regulations. The code of practice referred to by Mr. WONG was published in 1982 and serves as an additional guide to operators. Other than drawing their attention to the main statutory requirements of the Ordinance, the code provides advice on management and operation of programmes in child care centres. Regular inspections are made by inspectors of the Social Welfare Department to these centres to ensure compliance with statutory requirements, and to offer advice to improve the service standard. When irregularities are identified verbal and written advice is given to rectify the situation, followed by issue of written warnings if no improvements are made. Legal action, including prosecution, will be initiated where appropriate.

Complaints against doctors

6. MR. TIEN asked: In view of some recent press reports about allegations concerning malpractice by doctors, will Government inform this Council :

(a) how many such complaints have been received in the past three years;

(b) what channels are available for those aggrieved by, or suffering from, such malpractice; and

(c) whether legal aid is available to patients in such cases of malpractice, where doctors are believed to have been negligent?

SECRETARY FOR HEALTH AND WELFARE: Sir, during the three years, from 1986 to 1988, the Medical and Health Department received 132 complaints alleging malpractice in the government medical service. During the same period, there were 319 complaints lodged with the Medical Council which included alleged malpractice and other forms of professional misconduct.

Persons aggrieved by or suffering as a result of malpractice by doctors may complain to the Department of Health or the Department of Hospital Services in respect of the government medical service or to the management authorities for subvented hospitals in respect of subvented hospital doctors. Complaints about malpractice by any registered medical practitioner may be made to the Medical Council. An aggrieved person may take civil action to seek pecuniary compensation from a doctor if the circumstances give grounds for a legal suit.

Legal aid is available to patients who satisfy the means test and the merits test. In order to pass the means test, an applicant for legal aid has to show that his disposable income does not exceed \$2,200 per month and that his disposable capital does not exceed \$15,000. At the same time, the applicant has to show that he has reasonable grounds for instituting proceedings alleging professional negligence by a specific doctor.

MR. TIEN: Sir, of the 132 and 319 complaints received by Government and the Medical Council respectively, would the Administration inform this Council of the number of allegations that are substantiated, what action has been taken against the doctors concerned, and the nature of such action?

SECRETARY FOR HEALTH AND WELFARE: Sir, in the case of the 132 complaints received by the Government, all were thoroughly investigated and referred to the Attorney

General's Chambers for advice. The legal advice for 101 of the cases was that the allegations could not be substantiated. The remaining 31 cases are still under study. Where the Medical Council is concerned, of the 319 complaints received in the past three years, the Secretary of the Medical Council was unable, in the time available, to provide a breakdown concerning malpractice. But he was able to inform me that in the past three years 14 doctors were found to have been guilty of malpractice and the decision of the council on action taken against these doctors is that five were suspended, three were reprimanded, and six received warning letters.

DR. IP: Sir, many instances of complaint against government doctors originated from misunderstanding and also lack of information. Can Government assure the public that whenever there is an enquiry medical letters or certificates are given as soon as possible?

SECRETARY FOR HEALTH AND WELFARE: Sir, I will certainly ask the Director of Health and the Director of Hospital Services to ensure that that is done.

DR. LEONG: Sir, I must commend the original answer of the Secretary for Health and Welfare as a big shot in the arm for the public. Will the Secretary consider that at least some of the complaints alleging malpractice in the medical profession are actually due to inadequate communication between the patient or his relatives and the medical doctor and, if so, whether in the case of government medical services the complaints are due to a shortage of staff and in general to a lack of public medical education which, to a certain extent, lies within the ambit of the Government?

SECRETARY FOR HEALTH AND WELFARE: Sir, I can certainly confirm that some of the cases where complaints were made were due to the lack of understanding between the patients and the medical staff. Whether or not this is due partly to a shortage of staff is an opinion which I would not like to venture.

MR. MICHAEL CHENG (in Cantonese): The Secretary has just mentioned that complaints can be made to the Medical Council if patients are dissatisfied with the services of registered doctors. Would the Government inform this Council whether members of

the council are all medical practitioners? If so, would an independent authority consisting of some non-medical persons be set up to ensure that there will be a greater objective input in dealing with complaints?

SECRETARY FOR HEALTH AND WELFARE: Sir, the Medical Council consists of 12 or 13 members, all of whom, with the exception of one, are medical practitioners. There is one layman, who was appointed last year, who is, I am told, a lawyer. The members who are medical practitioners are all prominent and leading members of their profession. Some are nominated by the two universities, and some are nominated by the two medical associations. I have no reason to believe, Sir, that their professional or personal integrity would allow them to examine cases except with the greatest objectivity. So I believe, Sir, that professional self-regulation through the Medical Council is the best means of ensuring that high professional standards are upheld within the medical profession.

MR. TAM (in Cantonese): Sir, as far as I know, civil actions can be taken against doctors for malpractice arising out of professional negligence. But successful cases are rare due to lack of expert testimony from the local medical profession. What measures will be taken by the Government to deal with this situation?

SECRETARY FOR HEALTH AND WELFARE: Sir, I am afraid that I am not in a position to confirm the impression that Mr. TAM has.

MR. MCGREGOR: Sir, would the relevant department give some thought to the possibility of raising the threshold for qualification for legal aid since \$2,200 a month seems to be a dreadfully low figure at which some persons can claim legal aid?

SECRETARY FOR HEALTH AND WELFARE: Sir, legal aid is not within my area of responsibility, but I understand that a Legal Aid Working Party under the chairmanship of the Secretary for Constitutional Affairs is currently reviewing the income criteria for legal aid, and it is hoped it will present proposals in due course.

MR. TIEN: Sir, would the Secretary inform this Council what arrangements have been made, either by the Government or the medical profession, to advise patients of their right to information relating to the treatment by their doctors, and their right and channel to lodge complaints?

SECRETARY FOR HEALTH AND WELFARE: Sir, within the government hospitals notices are put up informing the public of their rights and how to contact the Patients Relations Officers in case of complaint. Community education on the appropriate approach to health problems and treatment can also help to make members of the public more aware of their rights, and this is included in the general health education activities by the Department of Health's Central Health Education Unit, on an ongoing basis.

MRS. LAM (in Cantonese): Sir, the Honourable Jimmy McGREGOR has already covered part of the question I am going to ask. But could the Secretary inform this Council of the year the income criterion was set? Would it be a bit outdated now to have such a low income ceiling? If a review is necessary, it is hoped that this can be done as soon as possible.

SECRETARY FOR HEALTH AND WELFARE: As I have already said, I am not the policy Secretary on legal aid, and I will seek a written reply from the Director of Legal Aid and provide it to Mrs. LAM. (Annex V)

Insufficient number of classrooms for classes

7. MR. DAVID CHEUNG asked: As some standard 24-classroom school premises are being used to accommodate 30 or more classes of students, will Government inform this Council what measures have been taken to prevent such use from posing fire and health hazards?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, a standard secondary school contains 24 classrooms and 12 special rooms, giving 36 teaching areas altogether. This design permits 30 classes to be accommodated in each school, and this has been normal practice

since 1974.

The Director of Fire Services is satisfied with the fire safety of the standard school building. On the rare occasions when a fire has broken out, it has always been of a minor nature. The good fire safety record in our schools has been achieved by ensuring, firstly, a minimum of combustible materials in the structure of the building; secondly, adequate means of escape; and thirdly, adequate ventilation on all floors.

However, although schools have a good fire safety record, we must be prepared for the worst. All schools are required under the Education Regulations to maintain fire fighting equipment in good working order, and to conduct fire drills once a month.

As for the health of pupils and staff, the Education Regulations set down the space required for each pupil in a classroom, so that classes will not be overcrowded. The accommodation of floating classes in some of a school's special rooms does not in itself lead to overcrowding. The standard school design provides sufficient toilet facilities for pupils and staff, including those in floating classes. Adequate lighting and ventilation is ensured in all classrooms and special rooms.

MR. DAVID CHEUNG: Sir, Education Regulations require that pans and urinals should be provided in schools at the rate of one pan and two urinals for every 30 boys, and one pan for every 20 girls. Will the Secretary inform this Council whether the accommodation of 30, and now actually there are some accommodating 32, classes of students in standard secondary school premises would compromise the standards for the provision for such fitments?

SECRETARY FOR EDUCATION AND MANPOWER: Yes, Sir, Mr. CHEUNG is correct in saying that the numbers are slightly in excess of the numbers provided in the regulations. However no serious practical problems have arisen as far as the director is aware, and he does have the power to waive the regulations in appropriate cases.

MR. SZETO (in Cantonese): Sir, will floating classes affect education quality though they may not be fire or health hazards to students?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, this is a fairly complicated question to which I gave a fairly full reply in reply to a similar question in May 1987. I do not think I can add anything useful to what I said on that occasion.

MR. MCGREGOR: Sir, I am sorry to appear so ignorant, but what is a floating class?
(Laughter)

SECRETARY FOR EDUCATION AND MANPOWER: Sir, a floating class, as I understand it, is a class which does not have its own home base. It has to move from classroom to classroom.

MR. DAVID CHEUNG: Sir, since the Secretary's answer to my supplementary question is in the affirmative, could the Secretary inform this Council what could be done to rectify the situation rather than letting the Director of Education waive the requirement?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, our priority is to try and reduce the number of additional floating classes. Again, I have given fairly full details of what we are trying to do in this respect in reply to a similar question in May 1988.

Improvements to airport

8. MR. BARROW asked: Given that passenger throughput at Kai Tak Airport increased by 20.6% in 1988 to 15.3 million and is now forecast to further increase by over 15% to almost 18 million in 1989, as compared with government consultants' forecast of 7.4% per year for both 1988 and 1989, will Government inform this Council on :

(a) progress in implementing the \$2.4 billion of improvements to extend the life of Kai Tak Airport; and

(b) whether such improvements can be speeded up to ensure that the airport can cater for the increased passenger throughput in the early 1990s?

FINANCIAL SECRETARY: Sir, Members may recollect that consultants were commissioned in October 1987 to assess the ultimate development potential of Kai Tak Airport. The study was completed in November last year and it was found that many elements of the existing system were already operating close to capacity and would reach saturation by 1996, unless a comprehensive improvement package costing some \$2.4 billion was implemented. This package includes measures to expand airside facilities, optimize usage of the single runway, improve the air traffic control system, and the terminal complex facilities as well as access to the airport.

The consultants recommended that the package should be implemented over a period of eight years. However, in view of the higher growth rate in passenger throughput, which was attributable in part to the unexpected 200% increase in the number of Taiwanese visitors, the Administration is considering as a matter of urgency how implementation of the package of airport improvements can best be effected and whether it can be accelerated.

So far, we have already taken steps to speed up the ongoing programme of airport extension, particularly in relation to the expansion of the apron. The civil works portion of the passenger apron extension has just been completed, four months ahead of schedule. This provides three extra wide-bodied aircraft parking stands. The project to extend the long-term passenger and cargo parking apron is being upgraded in the Public Works Programme, with a view to providing three other wide-bodied aircraft parking stands by September next year. A Category D item will be created to provide a roundabout at the airport entrance and to widen Olympic Avenue. As regards other projects recommended by the consultants, it is our intention to implement the improvements as soon as practicable.

Sir, implementation of the airport improvement package is a complex exercise, given the financial, land and reprovisioning issues involved. Nevertheless, I can assure Members of this Council that we are fully alive to the need to ensure that these improvements are implemented as quickly as possible so that Kai Tak Airport will be able to cope with the demands of the 1990s.

MR. BARROW: Sir, may I thank the Financial Secretary for his reassurances. With reference to the last paragraph of his answer, could the Financial Secretary confirm that in reviewing financial issues, consideration will be given to the high level

of economic disbenefits resulting from reaching capacity earlier than expected, and not just to the extra cost involved?

FINANCIAL SECRETARY: Yes, Sir.

MISS LEUNG (in Cantonese): Could the Secretary for Lands and Works inform this Council whether the planned expansion of Kai Tak facilities and the resulting increase of air traffic will further aggravate the long-standing noise pollution problem affecting the 20 000 residents of Richland Gardens? How will the Government solve this problem?

HIS EXCELLENCY THE PRESIDENT: That is going beyond the original question and would be better put down as a separate question.

MRS. FONG: Sir, since there was a wide discrepancy between the forecast and the actual numbers, has there been an update on the consultancy report to extrapolate when Kai Tak Airport will be operating close to capacity, and if so, what is the year, and will the \$2.4 billion comprehensive improvement package be able to take Hong Kong to the stage when we shall have our new airport?

FINANCIAL SECRETARY: No, Sir, as far as I am aware we have not re-run the figures, but it may be that we will have to spend a little bit more to keep the airport going a bit longer, but that would require a certain amount of further study.

MR. CHEONG: Could the Financial Secretary confirm that it is not the intention of the Government to keep the airport a little bit longer so that unnecessary delay is to be made on the decision to build a new airport?

FINANCIAL SECRETARY: No, Sir, we are not going to delay the decision on building a new airport, but a new airport is bound to take some time to build. One cannot plan for every contingency. It may be that one would have to extend the life of Kai Tak

just a little bit longer.

Written answers to questions

Meaning of "continuous contract"

9. MR TAM asked: Will Government inform this Council whether there are any plans to review and, if necessary, amend the meaning of "continuous contract" as defined in the Employment Ordinance and when such amendments will be ready for consideration by this Council?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, we have reviewed the definition of "continuous contract" in the Employment Ordinance in consultation with the Labour Advisory Board. With the board's agreement we now propose to adopt a new, less rigid definition so as to extend the protection provided by the Ordinance to a substantial number of part-time employees.

The revised definition is one of a number of amendments to the Employment Ordinance included in a Bill which is now being drafted. We will finalize the draft Bill as soon as we can and hope to have it ready within the next few months.

Status of Vietnamese refugees in Hong Kong after 1997

10. MR. HUI asked: In view of the recent statements by Chinese officials that the Chinese Government will not recognize as Hong Kong residents those Vietnamese refugees remaining in Hong Kong after 1997, will the Administration inform this Council what steps will be taken to urge the British Government to have all Vietnamese refugees resettled before 1997?

SECRETARY FOR SECURITY: Sir, we have informed the Chinese authorities on several occasions that Hong Kong's laws prevent Vietnamese refugees from being recognized as "ordinarily resident" in Hong Kong. Such persons are not ordinarily resident in Hong Kong now, nor would they be so resident in Hong Kong after 1997. However, the position of Vietnamese refugees and boat people currently awaiting resettlement or

repatriation must be distinguished from that of the very small number of former Vietnamese refugees who have been permitted to become ordinarily resident in Hong Kong. Persons in this latter group may be able, in exactly the same way as other ordinary residents, to become permanent residents of Hong Kong both before and after 1997.

The resettlement of all Vietnamese refugees from Hong Kong is an important part of the package of durable solutions to the problem of Indo-Chinese refugees in the region which will be considered at the International Conference in Geneva later this year. Both Her Majesty's Government and the Hong Kong Government have made it clear that the resettlement or repatriation of all Vietnamese boat people from Hong Kong must be pursued as quickly as possible, and not in connection with any particular deadline, because of the problems which they create for Hong Kong now.

Second Reading of Bill

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) (NO. 2) BILL 1989

Resumption of debate on Second Reading which was moved on 15 March 1989

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

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

Committee stage of Bill

Council went into Committee.

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) (NO. 2) BILL 1989

Clauses 1 to 3 were agreed to.

Council then resumed.

Third Reading of Bill

The ATTORNEY GENERAL reported that the

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) (NO. 2) BILL 1989

had passed through Committee without amendment and moved that the Bill be read the Third time and passed.

Question on the Third Reading of 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, 26 April 1989.

Adjourned accordingly at fifteen minutes to 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.