

1 HONG KONG LEGISLATIVE COUNCIL -- 3 May 1989

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 3 May 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 AND 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 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 Financial Secretary doubled up as Chief Secretary.

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.

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 EDWARD HO SING-TIN, J.P.

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

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

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

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

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

THE HONOURABLE MICHAEL CHENG TAK-KIN, J.P.  
THE HONOURABLE DAVID CHEUNG CHI-KONG, J.P.

THE HONOURABLE RONALD CHOW MEI-TAK

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

THE HONOURABLE POON CHI-FAI, J.P.

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

THE HONOURABLE DANIEL LAM WAI-KEUNG, 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 (Parking) (Amendment)	
Regulations	
1989.....	122/89
Prisons Ordinance	
Prisons (Amendment) Order 1989.....	
123/89	
Registration of Persons Ordinance	
Registration of Persons	
(Application for New Identity Cards)	
(No. 5) Order	
1989.....	124/89
Securities and Futures Commission	
Ordinance 1989	
Securities and Futures Commission (Levy)	
(Securities) Order	
1989.....	125/89
Securities and Futures Commission	
Ordinance 1989	
Securities and Futures Commission	
Ordinance 1989 (Commencement) Notice 1989.....	126/89
Road Traffic (Parking) Regulations	

Designation of Car Parks (Amendment)

Notice

1989.....  
127/89

Sessional Paper 1988-89

No. 68 -- Report on the Administration of the Travel Agents' Reserve  
Fund for the period 1 April 1987 - 31 March 1988

Address by Member

Report on the Administration of the Travel Agents' Reserve Fund for the period 1 April  
1987 - 31 March 1988

DR. IP: Sir, as chairman of the Advisory Committee on Travel Agents, I would like  
to say a few words about the Report on the Travel Agents' Reserve Fund which has just  
been tabled.

Enactment of the Travel Agents (Amendment) Ordinance 1988 in July 1988 marked  
the beginning of a new era in terms of protection for outbound travellers. The Travel  
Agents' Reserve Fund which was established under section 33 of the Travel Agents  
Ordinance is being phased out. It is being replaced by the non-statutory Travel  
Industry Council Reserve Fund of which I am chairman, as part of the measures  
introduced under the Travel Agents (Amendment) Ordinance towards self-regulation for  
the outbound tour industry of Hong Kong. Financial resources for the Travel Industry  
Council Reserve Fund come from the collection of a 1% levy on all outbound tour fares.  
In the unhappy event that a travel agent should collapse, its clients may claim  
compensation from the Travel Industry Council Reserve Fund, up to 70% of tour fares  
paid, on production of their fare receipts bearing the Travel Industry Council 1%  
levy franking mark. So travellers should in their own interests ensure that outbound

tours purchased are issued with receipts bearing the Travel Industry Council 1% levy franking mark. I am pleased to report that since introduction of the Travel Agents (Amendment) Ordinance 1988, no major travel agent has failed. The Travel Industry Council Reserve Fund has so far collected \$19.4 million.

As for the Travel Agents' Reserve Fund, it will be abolished as soon as outstanding claims are settled. At present the bulk of claims for ex-gratia payment comes from former clients of Austravel Company Limited and P.C. Travel Service Limited which were closed in January 1987. As one of the measures introduced in implementing the policy of self-regulation, funds to meet these applications have been made available by the Travel Industry Council. And since 22 March 1988, 3 149 applications from these former clients have been received. The total amount involved is estimated to be \$12 million. Applicants may either choose to receive an immediate one-off lump sum payment of 70% of amount claimed, or 100% of amount claimed, in which case payment will be effected by instalments within a period of three years. Approximately two-thirds of applicants opt for 70% payment and payments commenced in September 1988 are continuing. Up to now I am glad to say that \$5.84 million have been paid to 1 724 applicants who opt for 70%, and \$0.44 million have also been paid to 426 applicants who opt for 100%, the payments being the first instalment of 20% of amount claimed.

Sir, the Travel Industry Council and Travel Industry Council Reserve Fund have come a long way to assume their present roles in regulating the outbound tour industry. Slowly but steadily the Travel Industry Council Reserve Fund has built up its resources to form a bulwark against eventualities. I feel confident that the outbound tour industry of Hong Kong can expect a brighter and healthier future for travellers and tour operators alike. And it is my intention and wish as chairman of the Travel Industry Council Reserve Fund to see to it that the administrative cost of the fund is kept to a bare minimum so that the major portion of the revenue from the 1% levy will go towards travellers who are deprived of their tour.

Oral answers to questions

Kowloon-Canton Railway Corporation fare policy

1. MR. SIT asked: Will the Government inform this Council what role it plays in the determination of Kowloon-Canton Railway Corporation fare policy and explain the reasons for accepting the charging of the relatively high fare of \$12.00 for

travelling the distance of one station from Sheung Shui to Lo Wu compared with the fare of \$19.50 for travelling the distance of 12 stations from Kowloon to Lo Wu?

SECRETARY FOR TRANSPORT: Sir, section 4 of the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) empowers the corporation to determine the fares payable by its passengers. The corporation's fare policy does not therefore require government approval or acceptance.

MR. SIT (in Cantonese): Sir, from the Secretary's reply, could one draw the inference that the Government cannot intervene even when the public are dissatisfied and questioning the fairness of the fare structure?

SECRETARY FOR TRANSPORT: No, Sir. Government can, through the Kowloon-Canton Railway Corporation Ordinance, intervene in matters where the public interest is involved. This power is exercisable by the Governor in Council giving directives to the corporation where the public interest so requires. So there is sufficient safeguards to ensure that the public are protected.

MR. ANDREW WONG (in Cantonese): Sir, will the Secretary for Transport inform this Council of the distance in miles or kilometres between Sheung Shui and Lo Wu and what the fare is, also the distance between Kowloon and Sheung Shui and the fare charged? Is the fare structure fair having regard to the distances involved? If it has nothing to do with fairness, will it be along commercial lines to charge such fares?

SECRETARY FOR TRANSPORT: Sir, I can supply the details in writing by enquiring from the corporation. (Annex I)

MR. TAI: Sir, could the Secretary advise whether the Transport Department, as well as the Kowloon-Canton Railway Corporation, treat the Sheung Shui to Lo Wu route as an international route rather than an internal route for Hong Kong?



SECRETARY FOR TRANSPORT: Sir, I am advised by the corporation that under the corporation's fare policy, the Kowloon Station to Lo Wu route is an international route and the fare strategy is not the same as the domestic route within Kowloon and the New Territories.

Legal representation in conveyancing transactions

2. MR. CHUNG asked: On the question of legislation to provide for separate legal representation in conveyancing transactions, the Attorney General informed this Council on 30 July 1986 that draft amendments to the Solicitors' Practice Rules under the Legal Practitioners Ordinance (Cap. 159) had been submitted by the Council of the Law Society to the Chief Justice for approval. Will the Government inform this Council of the present position regarding the Law Society's proposals?

ATTORNEY GENERAL: Sir, under the Legal Practitioners Ordinance the power to make practice rules for solicitors has been given to the Council of the Law Society. Such practice rules must, in addition, be approved by the Chief Justice.

In June 1986, proposals to amend the existing Solicitors' Practice Rules to provide for separate representation in conveyancing transactions, subject to certain exception, were submitted by the Law Society to the then Chief Justice.

Discussions then ensued between the Law Society and the Chief Justice during the second half of 1986. These discussions led to the drafting of rules based upon the proposals from the Law Society. The final settling of the rules involved detailed consideration within the Law Society and extensive consultation between the Society and the Chief Justice, extending over 1987 and 1988.

In April this year the Chief Justice approved the amending rules which it is proposed to publish in the Gazette on 16 May and then to lay on the table of this Council. I am advised that the Law Society will be reviewing the application of the rules after they have been in force for 18 months.

MR. CHUNG: Sir, will the Attorney General inform this Council when these new practice rules regarding separate representation in conveyancing transactions are expected

to take effect, and whether separate representation will cover all conveyancing transactions including new developments?

ATTORNEY GENERAL: As I have said, Sir, the proposal is that the rules, which have now been approved by the Chief Justice, will be published in the Gazette on 16 May and then will be laid on the table of this Council. On the second part of the question, the rules, so I am informed, provide that there will be separate representation in conveyancing transactions but with certain exceptions. Two of the exceptions concern uncompleted developments. The first of those concerns pre-sales in uncompleted developments subject to the Registrar General's Consent Scheme. And the second element concerns sales and sub-sales in new completed developments where the consent of the Registrar General is not required. Agreements for those sales must, however, incorporate certain standard clauses which are designed to protect the purchaser.

Bill of rights

3. DR. LEONG asked: Will the Administration inform this Council whether legislation corresponding to a Bill of rights for Hong Kong has been drafted and, if so, when it will be presented to this Council?

CHIEF SECRETARY: Sir, in late 1987 and early 1988 the then Attorney General held a series of informal meetings with lawyers and academics to discuss human rights. Various papers were prepared to facilitate the discussion. The discussions were informal and no conclusions were reached. No drafting instructions were issued and no formal draft Bill of rights has been prepared.

The Administration is examining as a matter of priority the alternatives for enacting a human rights Ordinance, in the light of public comments and the content of the draft Basic Law in this respect. This exercise is detailed and complex and many approaches are possible. We are working hard on this problem and expect to be in a position to decide by early next year, whether to enact a human rights Ordinance, and if so, what form the legislation should take.

DR. LEONG: Sir, the reply from the Acting Chief Secretary seems to imply, or give us a feeling, that we might have to wait for the Basic Law for this particular human rights issue. Could the Administration therefore inform this Council whether there is enough mechanism at this present moment to protect the people of Hong Kong in relation to their basic human rights, especially in relation to redress? If the answer is in the affirmative, what mechanism? If negative, does it mean that we Hong Kong people will have to wait for some eight more years before we will have protection of human rights?

CHIEF SECRETARY: Sir, as to the Basic Law, clearly it would be better if any legislation that we enact now continues to have force after 1997. And to this extent, we would be concerned to make the legislation compatible with the terms of the Basic Law.

But, Sir, I would remind Members there is nothing in the present draft of the Basic Law to prevent a human rights Ordinance, in some form, from remaining in force after 1997, and we have already begun our examination of the requirements and implications of a human rights Ordinance in advance of the promulgation of the Basic Law.

Sir, as far as the other part of the question is concerned, the present position is that there are of course quite a number of provisions in our existing law that do in fact look after human rights. I do not think that I can add very much more to that, but it may be that the Attorney General could add something as to redress.

HIS EXCELLENCY THE PRESIDENT: Attorney General, do you wish to add to that?

ATTORNEY GENERAL: Thank you, Sir. I would just add that at present the international covenants on human rights are applied through a variety of means in Hong Kong, through common law, through legislation, and through administrative rules, and there are indeed mechanisms for redress. The courts, of course, are the ultimate bulwark for the protection of human rights in any society.

MR. ANDREW WONG (in Cantonese): Sir, in 1988 the then Attorney General met lawyers

and academics to discuss human rights. Preliminary papers were prepared and presented to these forums. Although no conclusion seemed to have emerged from these discussions, yet, as far as I know, drafting of a mock Bill is already in progress. In light of article 39 of the draft Basic Law which provides that rights enshrined in the two international covenants be given effect through local legislation, although mock Bills might not be adopted as the future draft Bill of rights, in which case the present effort and resources expended thereon would be wasted, yet I would consider the effort worthwhile after all, why cannot the drafting of a full-blown Bill of rights get under way now? Since this is going to be a complex exercise in that all incompatible provisions in existing laws and ordinance will need to be amended to ensure general consistency with the Bill no matter whether the Bill is to be a superior law or an ordinary one just like any other ordinance, would it not be best to have the draft in readiness first pending a decision for its introduction early next year when the Basic Law is scheduled for promulgation?

HIS EXCELLENCY THE PRESIDENT: Before I ask the Attorney General or the Chief Secretary to reply, could I remind Members that supplementary questions are meant to be brief and should not include a speech.

CHIEF SECRETARY: Sir, as I have indicated, and the Attorney General has also touched upon this, it is a very complex issue putting together legislation of this sort. A lot of aspects have to be studied. The legislation, when it is eventually taken to the Executive Council and later to this Council, has to be related to the laws of Hong Kong generally. So there is a great deal of work to be done. It is bound to take time if the job is to be done properly.

HIS EXCELLENCY THE PRESIDENT: Attorney General, do you wish to add?

ATTORNEY GENERAL: Just to supplement, Sir, I would say that my Chambers are currently working on a review of our laws so that were a decision to be made to introduce human rights legislation that legislation would be in harmony and consistent with our existing laws so that points of inconsistency and repetitions are dealt with.

MR. SZETO (in Cantonese): Sir, could the Administration inform this Council whether

the United Kingdom could, before 1997, announce that more of the provisions in the international covenant on human rights are to be made applicable to Hong Kong, and whether such a move would require the prior agreement of the Joint Liaison Group?

CHIEF SECRETARY: I think, Sir, that when we are putting together or when we are examining this aspect of our law, it is something that we can do on our own. As I have indicated in my earlier answers, there is nothing in the draft Basic Law that will prevent Hong Kong having a Bill or an Ordinance on human rights in Hong Kong. And if that is so, I do not at this stage see any need to consult the Joint Liaison Group. But this is something that would have to be examined as we move towards this Bill.

MR. MARTIN LEE: Sir, does the Administration accept that the mere passage of a Bill of rights, or a human rights Ordinance, without at the same time ensuring that there be a responsive and responsible government truly accountable to the people, cannot alone guarantee that human rights will be respected?

CHIEF SECRETARY: Sir, I do not think the two issues are necessarily related. If there is an Ordinance enshrining human rights in Hong Kong, that Ordinance will be enforced, as the Attorney General has indicated, through the courts of Hong Kong.

MR. CHOW (in Cantonese): Sir, before the draft Basic Law is finalized, would the Government first of all revise and amend all provisions in the laws of Hong Kong which run counter to the part of the international covenants applicable to Hong Kong?

CHIEF SECRETARY: Sir, I think this is really one for the Attorney General, if he is prepared to take it.

ATTORNEY GENERAL: Sir, I think I have already answered that question in another way by pointing to the review that we are already conducting.

MR. ARCULLI: Sir, will the Chief Secretary please explain to us what he meant when

he said that any human rights legislation in Hong Kong is to be compatible with the Basic Law?

CHIEF SECRETARY: I think I said "not incompatible" but clearly if there were an Ordinance in Hong Kong that infringed the Basic Law, then we would have difficulties. How exactly those difficulties would be resolved is something again that I would rather not try to explain this afternoon. Again, if the Attorney General could take this one? (laughter)

ATTORNEY GENERAL: Thank you very much. (laughter) Clearly, the provisions of the Basic Law would override any Hong Kong legislation that were inconsistent with its terms. The difficulties flowing from that must be self-evident.

DR. LEONG: Sir, let us forget about Basic Law and come back to the current situation. The Attorney General's reply seems to give us an indication that there might be legislation in the nature of a Bill of rights drafted and enacted in the future, which I do hope will be the case. But in such a situation, could the Administration inform this Council what form of enforcement mechanism would ultimately be in place? Would this legislation override all other legislations, or would the Administration seek an Act of Parliament to ensure such overriding powers?

CHIEF SECRETARY: The Ordinance, Sir, would be part of the laws of Hong Kong. As I understand it, in so far as any other laws were inconsistent with this Ordinance enshrining human rights, those laws would be struck down for being incompatible; they would not be enforced.

MR. MCGREGOR: Sir, what would be the situation if, for example, the Basic Law does not provide sufficient rights for Hong Kong people already established under the United Nations conventions?

CHIEF SECRETARY: Sir, I think before we can really answer that question, we would have to see the Basic Law in its final form. At the moment I think we would be

speculating on the effect of the Basic Law. All we have seen so far is a draft; there is nothing in that draft that causes us any difficulties in relation to the enactment of a human rights covenant in Hong Kong, as I have already indicated.

MR. SZETO (in Cantonese): Sir, the Attorney General said that the Administration is preparing to review all Hong Kong legislation and to see whether there is any part in it which runs counter to the provisions of the covenant on human rights as are applicable to Hong Kong. Could the Attorney General advise this Council of the progress of this review?

ATTORNEY GENERAL: Sir, what I said was that we were conducting a review of existing legislation to see, were human rights legislation to be enacted, that that would be in harmony with our existing laws. The work is already in progress; we are working hard at it.

British Military Hospital

4. DR. IP asked: Sir, will Government inform this Council whether there is any long-term plan to replace the British Military Hospital with a new paediatric and obstetric annex to Queen Elizabeth Hospital with a view to alleviating the overcrowding of the latter hospital?

SECRETARY FOR HEALTH AND WELFARE: Sir, the British Military Hospital is a support facility for the British garrison. No decisions have yet been taken on its replacement and the consequential release of the site. However, tentative plans have been prepared for the development of a public hospital facility on that site, though the precise form of any such facility would require further consideration once the availability of the site is known.

DR. IP: Sir, as tentative plans have already been prepared for the development of a public hospital facility on this site, as the eventuality will be that this site will house certain specialty wards to alleviate overcrowding at the Queen Elizabeth Hospital proper, and as there is undoubted advantage to house maternity and childrens'

wards together, and lastly, as Hong Kong has a paediatric annex to the Queen Mary Hospital whereas Kowloon has not, will Government, while awaiting the availability of the site, seriously consider building a new paediatric and obstetric annex to the Queen Elizabeth Hospital at the site of the British Military Hospital?

SECRETARY FOR HEALTH AND WELFARE: Sir, the present thinking is that the site is suitable to be developed into a convalescent hospital. Because of its proximity to Queen Elizabeth Hospital it will be able to provide convalescent as well as other supplementary services for Queen Elizabeth Hospital to alleviate the overcrowding there. But, Sir, having heard Dr. Henrietta IP's suggestion, I would certainly not rule out the possibility that at the time when the site is available we would consider her proposal.

MR. MCGREGOR: Sir, can the Secretary advise whether the facilities at the British Military Hospital are at present fully utilized and, if not, whether the hospital can provide additional services now to the general public?

SECRETARY FOR HEALTH AND WELFARE: Sir, I believe that my friend and colleague, the Secretary for Security, may be able to answer that question.

SECRETARY FOR SECURITY: The average occupancy rate last year was 61%. At the moment a large number of beds are out of use because of a maintenance programme which is going on. The military authorities, I am told, always maintain spare capacity in the hospital as a contingency against emergencies. Re-opening the hospital to civil use would not contribute greatly to the supply of hospital beds but consideration could be given to re-admitting civil patients, providing the price was acceptable; that could also be explored.

DR. LEONG: Sir, can the Administration inform this Council whether there are long-term commitments on the future of the site of the current British Military Hospital?

SECRETARY FOR HEALTH AND WELFARE: Again, I believe that the Secretary for Security



is in a better position to answer that question.

SECRETARY FOR SECURITY: Sir, a feasibility study is at the moment being conducted as to the possibility of providing alternative arrangements for medical facilities for the garrison, and until that feasibility study and the cost effectiveness associated with it have been concluded it is not possible for me to answer that question more fully than that.

Electricity voltage

5. PROF. POON asked: In answer to a question raised in this Council in February last year, the Government indicated that a consultant study on the proposal to upgrade the electricity voltage in Hong Kong to 220 volts was expected to be completed by around March 1988 and that parties concerned would then be consulted before recommendations were to be put to the Executive Council. Will Government inform this Council on the progress of the study and when a government decision will be taken on the proposal?

FINANCIAL SECRETARY: Sir, the consultant's technical report on upgrading Hong Kong's electricity supply voltage was received in April last year. Whilst the report recommended that increasing the supply voltage from 200 volts to 220 volts was likely to be beneficial in the longer term, it acknowledged that there could be some adverse impact in the shorter term in respect of equipment designed specifically to operate on Hong Kong's existing 200 volts supply system.

Sir, since any change in voltage would ultimately affect the community as a whole, it is important that we ensure that all potential areas of doubt are thoroughly assessed and that all interested parties are given the opportunity to comment on the consultant's findings.

Thus, following the report we consulted a number of outside organizations and government departments. The outcome revealed general support for a carefully planned and progressive upgrading of the supply voltage, but some organizations, including the Consumer Council and the Lifts and Escalators Contractors Association, remained concerned over certain safety aspects, cost implications for consumers,

potential additional maintenance problems and possible adverse effects on equipment specifically designed for use with electricity supplied at 200 volts.

In general, we believe that the net effect of the upgrading of the electricity voltage would be beneficial. It remains necessary, however, to study and assess some of the concerns and doubts expressed during consultation. To this end, the Electrical and Mechanical Services Department is currently undertaking a comprehensive study on five government buildings designed to determine the effects of upgrading the voltage to 220 volts. The findings of this study, which will address all the issues on which doubts have been expressed, is expected to be completed by September. I hope to be in a position then to make a firm recommendation to the Executive Council.

PROF. POON: Sir, the consultant's technical report referred to by the Financial Secretary recommended that a committee should be set up when the voltage supply upgrade is announced. Would the Financial Secretary consider it useful to set up a committee now to help the Government look into various aspects associated with such a proposal?

FINANCIAL SECRETARY: I think not, Sir, but I will certainly consider that suggestion.

PROF. POON: Sir, the consultant's technical report also recommended that the phase II implementation for the conversion should be for public housing estates, which would definitely give the Government more information on the impact than what could be provided by the study on government buildings alone. Sir, would the Financial Secretary inform this Council when the study on public housing will be conducted?

FINANCIAL SECRETARY: I am advised that we will get all the information that we need from the study being carried out on the government buildings. I think it will probably cause less disruption if the study is at this stage limited to government buildings.

MR. PETER WONG: Sir, will the Secretary please confirm that the study will include

a report on the cost involved, both to the electricity supply companies as well as the public of Hong Kong, and how much this conversion is likely to cost?

FINANCIAL SECRETARY: Yes, Sir, I will see that that matter is given attention.

Street sleepers

6. MR. HUI asked: With reference to the Secretary for Health and Welfare's reply to a question asked in this Council on 8 June 1988, will Government inform this Council:

(a) what progress has been made on the recommendation of the Co-ordinating Committee on Street Sleepers to provide some form of permanent accommodation for certain categories of street sleepers;

(b) whether the size of the committee has been expanded by bringing in members of the voluntary sector; and

(c) whether there are plans to eradicate the problem of street sleeping?

SECRETARY FOR HEALTH AND WELFARE: Sir, with regard to the first part of this question, I mentioned in this Council on 25 January 1989 that the Social Welfare Department has for some time been trying to locate disused buildings in the urban area which could be converted into hostels to provide rehousing for homeless persons, including street sleepers. Some success has been achieved and a hostel managed by the Salvation Army was opened in the Six Streets redevelopment area of Yau Ma Tei in November 1988. This hostel is part of a pilot scheme which is intended to test the response of street sleepers to the provision of urban hostels offering longer-term accommodation on a 24-hour basis. To expand the pilot scheme and to further test the feasibility of this approach, the Social Welfare Department has been allocated \$2.3 million by the Royal Hong Kong Jockey Club to secure premises for use as a second such hostel. The department is now identifying suitable premises for this purpose, if possible in Wan Chai district.

With regard to the second part of this question, I can confirm that the membership

of this co-ordinating committee has been expanded to include two members of the voluntary welfare sector. One member is a representative of the Hong Kong Council of Social Service whilst the other is an officer of the Salvation Army.

Sir, Mr. HUI also asks whether we have any plans to eradicate street sleeping. Unfortunately, experience indicates that there will probably always be a small section of the community which for one reason or another sleeps on the streets. I believe that our policy of adopting a personalized approach of counselling and persuasion to encourage street sleepers to make use of the wide range of services available to them is the most appropriate way of minimizing this social problem.

MRS. LAM (in Cantonese): Sir, in paragraph 1 of his reply, the Secretary stated that an effort is being made to identify disused buildings in urban areas to be converted into hostels for street sleepers. Could this Council be informed whether, under the present circumstances of non-availability of disused buildings in the urban areas, the Administration has alternative plans, for instance, making use of new buildings?

SECRETARY FOR HEALTH AND WELFARE: I think Mrs. LAM has put her finger on a very valid point. In present-day circumstances in Hong Kong it is indeed very difficult to locate suitable disused premises in the urban area which could be converted into hostels, and the Social Welfare Department has had considerable difficulty in locating such buildings. As an alternative, as I have said in this Council on a previous occasion, the Social Welfare Department has asked the Land Development Corporation to identify space in its planned redevelopment projects which could be used as hostels, and I understand that the corporation is now considering whether there is any scope for such hostels.

MRS. TAM: Sir, could the Secretary inform this Council what the occupancy rate for the first hostel for street sleepers is, and whether there is a clear demand for a second hostel?

SECRETARY FOR HEALTH AND WELFARE: Sir, the first hostel provided by the Salvation Army provides space for 18 persons and my understanding is that it is almost fully utilized. I do believe that there is demand for a second one.

MR. EDWARD HO: Sir, I refer to the last paragraph of the Secretary's reply. Since there are insufficient hostels for the homeless, how does the Secretary propose to counsel and persuade to "encourage street sleepers to make use of the wide range of services available to them" to minimize this social problem?

SECRETARY FOR HEALTH AND WELFARE: Sir, when I referred to the wide range of services I was not referring only to accommodation or rehousing. I was referring also to the following broad categories of services, including: counselling service, financial and material assistance, social security benefits including public assistance, disability allowance, old-age allowance and rental allowance, material assistance in the form of blankets and other needed items, referrals for residential care including shelters for street sleepers, hostels, and homes for the elderly and disabled, referrals for compassionate rehousing, referrals for medical treatment, referrals for drug treatment and rehabilitation, referrals for employment and assistance in the replacement of Hong Kong Identity Cards. Sir, at present there are about 1 100 places in hostels of various kinds. Although most of them do not provide permanent long-term accommodation on a 24-hour basis, the occupancy rate is only 65%.

Involvement of civil servants in political activities

7. MR. CHOW asked (in Cantonese): Will Government inform this Council whether any restrictions are imposed on civil servants concerning participation in political or related activities?

CHIEF SECRETARY: Sir, there are two aspects to this question. First, membership of a political organization, and secondly, active involvement in political activities.

As far as membership of political organizations is concerned, there is no restriction at the present time on civil servants joining any properly organized political body. With regard to taking part in political activities, a number of regulations exist to discourage civil servants from playing an active part in such activities. These regulations deal with conflict of interest, outside work and

public comment on any political or administrative issues which are not directly related to an officer's duties.

I would also like to point out that civil servants are debarred from standing for election to district boards and the municipal councils by the Electoral Provisions Ordinance (Cap. 367) and for election to this Council by the Legislative Council (Electoral Provisions) Ordinance.

In view of the rapidly developing political scene, we are considering whether some restrictions should be imposed on civil servants being members of political bodies, particularly at the senior level. The overall aim is to ensure that government business is and is seen to be conducted impartially, and to maintain the political neutrality of the Civil Service.

MR. CHOW (in Cantonese): Sir, news is getting round that the Government has already prepared guidelines on participation in political activities by civil servants. Could Government disclose the contents of these guidelines, and will there be public consultation?

CHIEF SECRETARY: Sir, there have been some exchanges on possible rules to be made, but the guidelines have not been enshrined in any document as yet. We do have to have some discussions within the Administration before we are able to make a final decision.

MR. TAM (in Cantonese): Sir, in paragraph 4 of the reply, the Chief Secretary referred to higher ranking civil servants. Does this mean administrative officers or policy Secretaries?

CHIEF SECRETARY: Sir, we have not made any decisions as yet on the ranks that we have in mind. But bearing in mind the seniority of policy Secretaries, it is likely that they would be involved.

MR. CHOW (in Cantonese): Sir, how will Government define in clear and unequivocal terms what a political body is? Will Government consider allowing civil servants who are standing for elections to give up their jobs, and to rejoin the Civil Service

on failing to get elected?

CHIEF SECRETARY: I would not attempt this afternoon to define a political body, Sir, beyond saying that a political body is generally involved in political activities. But I do not think that would satisfy Mr. CHOW. On the concept of civil servants resigning from the Civil Service in order to take part in political activities, and then re-joining the Civil Service upon conclusion of their role in political activities, I can see that that could cause some considerable problems. But I take the point that is made and it is certainly one which we will address.

MR. TAM (in Cantonese): Sir, which government department or which government official will be charged with the responsibility of restricting higher ranking civil servants from participating in political activities? What will the penalty be for breach of these restrictions?

CHIEF SECRETARY: Sir, this would normally fall within the ambit of the Civil Service Branch.

Access for the disabled

8. MR. PAUL CHENG asked: The design manual entitled "Access for the Disabled 1984" was issued by the Buildings and Lands Department as a code of practice to encourage developers to provide better access for the physically handicapped. Will the Government inform this Council whether it is satisfied that adequate provisions have been made in commercial buildings to facilitate accessibility by the handicapped?

SECRETARY FOR LANDS AND WORKS: Sir, the design manual entitled "Access for the Disabled 1984" is a code of practice which includes both obligatory design requirements and recommended design requirements. Obligatory design requirements are those provided for under Building (Planning) Regulation 72, compliance with which is a prerequisite for the issue of an occupation permit. Recommended design requirements represent improvements to obligatory requirements which, although not actually required by law, are nevertheless recommended for adoption by authorized

persons.

Since the issue of the design manual in 1984 there has been a noticeable improvement in the standards of provision for the handicapped. This standard however is notably higher in larger developments than in smaller ones, in which it is much more difficult to make space available, and in which in some cases only the obligatory design requirements may be provided.

MR. PAUL CHENG: Sir, with due respect, I do not think the Secretary for Lands and Works has answered my question. So let me take another tack. As far as I can determine, accessibility to most commercial buildings in Central, for example, for the physically handicapped is extremely poor, not to speak of industrial and commercial buildings in other parts of the city. Will the Administration advise this Council whether it feels tougher legislation is called for so that the physically handicapped not only can improve accessibility to job opportunities in high rises, but also appropriate facilities are available inside buildings?

SECRETARY FOR LANDS AND WORKS: Sir, the Administration has not been made aware of serious complaints of inadequacy of access to buildings built since and with the benefit of the design manual "Access for the Disabled 1984". I will however cause enquiries to be made by appropriate bodies as to shortcomings in this respect.

MR. MICHAEL CHENG (in Cantonese): Sir, will Government inform this Council whether accessibility by the disabled to old government buildings used extensively by the general public has been improved? What plans does Government have to provide better accessibility generally?

SECRETARY FOR LANDS AND WORKS: Yes, Sir, provision is made. There is a programme of improvements to government buildings which is carried out every year, and provision of funds is made for this purpose.

MR. ANDREW WONG (in Cantonese): Sir, please bear with me. I am not going to give a speech. Last time I talked about ZHUANG Zhou's butterfly dream. I talked too fast,



and it created translation difficulties. I am going to speak slowly this time. As regards accessibility for the disabled, some design requirements are obligatory while others are only recommended. In Tai Wai, Sha Tin there is a private sector participation Home Ownership Scheme development called the Grandway Garden. One side of the shopping arcade of the development faces the railway station. It was originally designed that ramps were to be built to facilitate access to these shops. But a few weeks before occupation, all these ramps were done away with. Could this be a breach of obligatory design requirements? If these requirements are not obligatory, then could recommended design requirements be set aside or ignored at will to the inconvenience of the disabled? Is there a need to make these requirements obligatory?

SECRETARY FOR LANDS AND WORKS: Sir, on the specific question of this building at Sha Tin, I would like to have the opportunity to find out the details of this story as seen from the point of view of those who built it. On the general question of whether all the recommended design requirements in the design manual should be made obligatory, I do not think there is a possibility of legislating for them wholesale. Should the Administration become aware that there are particular design requirements which are not now obligatory but which should become obligatory, it could consider making them obligatory under the Building (Planning) Regulations.

MR. ARCULLI: Sir, will the Secretary inform this Council what steps, if any, the Administration has taken since 1984 to encourage property owners to adopt the recommended design requirements in private sector developments, for instance, not counting any space so taken as gross floor area, or even offering a bonus gross floor area for any space that might be taken up for accessibility to buildings by the handicapped?

SECRETARY FOR LANDS AND WORKS: Sir, no such building concessions are made to property developers on this account and I can quote no similar inducements that have been made in this sector. I will certainly look into the possibility of such concessions being made.

Written answers to questions

School drop-out cases

9. MR. DAVID CHEUNG asked: With reference to the reply to a question asked in this Council on 14 December 1988, will Government inform this Council how many children in the 794 genuine school drop-out cases as at 31 August 1988 have not yet been placed in schools again and the reasons for this; and what effective measures will Government take either to expedite the placement of these children in schools or to make alternative arrangements to usefully occupy the time of those children in respect of whom an attendance order is not made?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, of the 794 children identified as genuine school drop-out cases, 272 are not receiving full-time education. Of these children 225 (83%) are approaching 15 years of age and will soon fall outside the purview of compulsory education. The Education Department is doing all it can to help all these children wherever possible. A breakdown of the reasons for not attending day schools and action taken is as follows --

No. of	Reason	children	Action taken
Learning	12		Appropriate assessment and remedial difficulties services are being provided by staff of the Special Education Section of the Education Department.
Lack of	78		Counselling by Student Guidance motivation Officers aimed at persuading the children to return to full time education.
Attending evening	24		)
Waitlisted	73		Assistance in liaising with the for Apprenticeship Section of the Technical training schemes

Education and Industrial Training Department and counselling aimed at persuading the children to return to school in the meantime.

From fisherman 58 Efforts are made to contact the children families and persuade them to go to school.

Pending school 10 District Education Officers are liaising placement with school heads.

Family problems 7 ) Counselling by professional social ) workers.

)  
No. of  
Reason children Action taken

Behavioural 6 )  
problems )

Ill health 4 Case kept under review.

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Total 272

International Mathematics Olympiad 1997

10. MR. CHAN asked: Will the Government inform this Council of the reason for turning down the invitation to host the International Mathematics Olympiad in 1997?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, no invitation has been received for Hong Kong to host the International Mathematics Olympiad. However, in September 1988 the Hong Kong Mathematics Society informed the Government that it was considering applying to host the International Mathematics Olympiad in Hong Kong in 1997. The society asked whether the Government could support the event by way of a commitment

of \$1.5 million at 1988 prices. They asked us for a quick response.

We considered that it was not practicable, nine years ahead, either to reach a firm view on the advantages or disadvantages of the proposal or to guarantee a commitment of public funds, and we informed the Hong Kong Mathematics Society accordingly.

The society subsequently decided not to make a bid for the event.

### Tuen Mun Hospital

11. MR. LAU asked : Will Government inform this Council of the extent to which the opening of the Tuen Mun Hospital will be affected by the existing strain on medical and nursing staff and the labour shortage problem; what the progress is as regards the recruitment of doctors and nurses for the hospital; and what measures the Government will take to ensure that medical services provision in Tuen Mun will not be adversely affected by any delays in the opening of the hospital?

SECRETARY FOR HEALTH AND WELFARE: Construction of the 1 600-bed Tuen Mun Hospital is near completion. The commissioning of the hospital will be carried out in five stages over a period of two years. Stage I, providing 374 hospital beds and day-time accident and emergency services, will open in December 1989.

The hospital will require 260 doctors and 1 711 nurses, including 103 doctors and 484 nurses for the operation of Stage I. Staff to fill the posts under Stage I have been indentified. Some are now receiving training in other public hospitals with a view to filling posts in Tuen Mun Hospital. Other posts will be filled by promotion or internal transfer. I do not therefore expect that the opening of Stage I will be delayed.

The Standing Commission on Civil Service Salaries and Conditions of Service is currently reviewing the salary structure of grades in the non-disciplined Civil Service, and doctors and nurses are among the grades that will be given priority under this review. Any improvements emanating from this review, together with other

measures that the Government is taking, should help to bring about a better supply of medical and nursing personnel for public medical services, including the subsequent stages of Tuen Mun Hospital.

#### Ambulance services review

12. MR. CHUNG asked: Will the Administration inform this Council of the outcome of the deliberations of the Ambulance Services Review Steering Group on the feasibility of levying a charge on the use of ambulance service for non-emergency purposes?

SECRETARY FOR SECURITY: Sir, the Ambulance Services Review Steering Group has concluded its deliberations on the feasibility of charging for non-emergency use. The Administration will soon submit recommendations on this matter to the Executive Council.

#### Supply of pharmacists

13. MR. CHOW asked: In view of a recent survey finding by the Practising Pharmacists Association of Hong Kong that 70% of pharmacists are applying for or have obtained emigrant status, will Government inform this Council how it will ensure the adequacy of pharmacists in Hong Kong?

SECRETARY FOR HEALTH AND WELFARE: According to the survey referred to in the question, 38.9% of the respondents indicated that they had obtained the right to reside in a foreign country, and another 36.8% said that they were applying or planning to apply for emigration. It is of interest to note that according to the same survey, 24% of those respondents who had obtained a right to reside in a foreign country said that they would not leave Hong Kong within the next 10 years. Besides, 32.9% of those who had a right to reside elsewhere and who said that they would leave also indicated that they would in due course return to Hong Kong to work.

The findings of this survey nevertheless must be looked at with caution. A total

of 644 questionnaires were sent out and 247 registered pharmacists responded. The findings described above were drawn up on the basis of these 247 returns only.

In the public sector, there has been no difficulty in finding an adequate supply of qualified pharmacists. As at 31 March 1989, there were no unfilled vacancies for pharmacists in either the government or subvented sector. I have no information on the number of vacant pharmacist posts in the private sector.

Over the past 10 years, there has been a steady increase in the number of pharmacists registered with the Pharmacy and Poison Board. During 1984-1988, an average of 53 qualified pharmacists registered with the board each year. The current number of registered pharmacists stands at 667. There is thus no evidence at present to suggest that the supply cannot be maintained in future, but I shall keep the situation under review.

#### Air-conditioning for paediatric wards

14. DR. IP asked: Will Government inform this Council which government and subvented hospitals' paediatric wards are not currently equipped with air-conditioning facilities and whether there is any plan to provide those wards with such facilities?

SECRETARY FOR HEALTH AND WELFARE: At present, 15 public hospitals operate paediatric wards. In 14 of these hospitals, the paediatric wards are either fully or partially air-conditioned. A detailed list of these hospitals is attached. The paediatric ward in Kowloon Hospital is the only one not currently provided with air-conditioning.

It is government policy to provide air-conditioning in all public hospitals. For those hospitals which currently air-condition only some of their paediatric wards, planning is in hand to extend this facility to the remainder. In this connection, financial approval has been given to install central air-conditioning in Queen Elizabeth Hospital and Queen Mary Hospital to cover the entire hospital.

There are presently no plans to provide air-conditioning to Kowloon Hospital, because consideration is being given to re-developing the hospital.



Duchess of Kent Children's      Full  
Orthopaedic Hospital

Video cassette shops

15. MRS. TU asked: Will the Government consider introducing legislation to require video cassette stores to separate the adult and children's sections, and to exclude children below the age of 18 from entering the adult section; and also consider measures to stop the showing of pornographic pictures in cinema lobbies and pornographic videos in shops, especially those near schools, because of their detrimental effect on our youth?

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION: Sir, any person who displays an advertisement, illustration or other material which is obscene commits an offence under section 21 of the Control of Obscene and Indecent Articles Ordinance (No. 9/87); any person who displays material which is indecent to persons under the age of 18 commits an offence under section 22 of the same Ordinance. These provisions serve to control the display of indecent or obscene advertisements, video box labels or other related materials in video rental outlets, bookshops, newspaper stalls and all other retail outlets to which the public has access.

The provisions of the control of Obscene and Indecent Articles Ordinance cited above similarly control the sale or hire of obscene videos to all persons, and of indecent tapes to persons under the age of 18.

The Administration considers that the great majority of video rental outlets behave responsibly in such matters and, given space constraints and the costs of accommodation in Hong Kong, it would be inequitable to require them all to organize their premises in such a way as to exclude children from certain parts. (It is necessary to bear in mind in this context that the range of material specifically suitable for children at such places is usually regrettably small.)

The demands, moreover, that such a regime would impose on both video rental businesses and the Government in terms of enforcement could not be justified, given the adequate controls which now exist to prevent the direct exposure of children to



obscene or indecent materials at the point of sale or rental.

My reply to the first part of the honourable Member's question must, therefore, be "no".

The controls under the Control of Obscene and Indecent Articles Ordinance also operate in the context of cinema bill-boards and lobbies. We recognize that these are occasionally visible from schools and youth centres; and where we are aware of any materials displayed in such a way as may cause offence, we take the matter up informally with the cinema management. This has proved effective in all cases so far.

Finally, the showing of videos in sales and rental outlets is controlled under the Film Censorship Ordinance (No. 25/88). A video cannot be shown publicly without either a certificate or exemption by the Film Censor. The censor must be informed if the video in question is to be shown in such a way that persons under age of 18 could see it, and he will base his decision on this.

It has come to the Administration's attention that there are one or two places where it may be necessary to make technical adjustments to the Film Censorship Ordinance to make clearer the effect of a censor's certificate issued under the Ordinance on a video tape or laser disk version of the same film. This is rather in the realm of "lawyer's law"; however, if an amendment is necessary a suitable Bill will be introduced into the Legislative Council.

To sum up, the areas of concern raised by the honourable Member are already controlled under the law with the exception of the segregation of video rental outlets into children's and adults' sections which, I believe, would give rise to insurmountable practical difficulties.

Creche and day-care facilities

16. MRS. TU asked: In view of the current manpower shortage, will the Government inform this Council:

(a) what is the current waiting list at registered creche and day-care facilities;

(b) how many women are estimated to be prepared to enter the job market if adequate day-care and after-school facilities were available for children under the age of 12;

(c) what steps are being taken by Government to encourage employers to introduce more part-time work opportunities and job sharing schemes; and

(d) whether the Government has any plans to introduce part-time work opportunities and job sharing schemes to deal with the labour shortage in government departments?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the answers to the four-part question are as follows:

(a) In the subvented sector, there were some 480 children on the waiting lists kept by day creches at the end of March 1989 and there were about 4 000 children waitlisted as suitable for placement at day nurseries at the end of December 1988. We have no information on waiting lists for private creches and day-care facilities.

(b) According to a Census and Statistics Department survey carried out in 1987, about 13 900 women would be willing to take up jobs if their children could be taken care of.

(c) The Labour Department is taking a number of steps to encourage employers to introduce more flexibility in work arrangements. The Women and Young Persons (Industry) Regulations were amended in February 1988 to allow for more flexibility on overtime work for women in industry. The department is promoting the use of "flexi-time" as an attractive alternative to the rigid "nine to five" pattern. It also encourages employers to employ part-time workers and to introduce job sharing schemes. The department's Local Employment Service advises employers to recruit part-time workers to fill full-time job vacancies which have been left vacant for some time. In 1988, the Local Employment Service placed a total of 2 224 job seekers in part-time jobs.

(d) The Government has well-established arrangements for the employment of part-time and temporary staff. Some of these are employed on a job sharing basis. Such arrangements are made either because the nature of work does not warrant the

employment of permanent staff on a full-time basis or as a result of staff shortages. Examples include life guards, letter sorting workers and supply teachers. Other classes of part-time workers are being considered.

## Statement

### Chinese traditional herbal medicine

SECRETARY FOR HEALTH AND WELFARE: Sir, I wish to correct an error contained in the answer I gave on 19 April to Mrs. Miriam LAU's question on Chinese traditional herbal medicine. Based on the information provided to me at that time, I stated that the herb consumed by the two victims was Kwai Chow Lung Dam Cho. I was subsequently informed that a police report had already established, following an analysis conducted at the Chinese Medicinal Material Research Centre of the Chinese University, that the herb consumed was *Podophyllum emodi*, known in Chinese as 防己 or 防己木, which had been imported and sold as Kwai Chow Lung Dam Cho on the basis of invoices from the supplier. My statement that there was an overdose was correct and is substantiated by the police report.

I would like, Sir, to apologize to you, and to the Members of this Council, for this inadvertent error.

## Second Reading of Bill

### TRAFFIC ACCIDENT VICTIMS (ASSISTANCE FUND) (AMENDMENT) BILL 1989

Resumption of debate on Second Reading which was moved on 12 April 1989

Question on Second Reading proposed.

MISS TAM: Sir, this Bill seeks to extend the scope of the Traffic Accident Victims Assistance Scheme (TAVAS) to cover traffic accidents involving light rail vehicles which occur on any part of the light rail track. Without the amendments introduced in this Bill, only victims suffering personal injury in an accident occurring on the integrated sections of the Light Railway Transit track can claim assistance from the TAVA Fund. This Bill has the support of the OMELCO Standing Panels on Transport

and on Welfare Services.

We have considered that it is not normally the practice to legislate with retrospective effect in that the Bill under clause 6 declares that victims of light rail vehicle accidents which have taken place since 1 March 1988 (the date at which public trials on the system began) will enjoy assistance under TAVAS. We believe that since the Kowloon-Canton Railway Corporation is prepared to contribute to TAVAS from that date, and no one will actually suffer from such backdating of the law, we therefore support this proposal to make sure that more people can benefit from TAVAS.

Secondly, we consider that TAVAS is created for the purpose of giving speedy relief to the victims of traffic accidents and we question whether after one whole year from 1 March 1988, it would still be necessary to give assistance to any of them. However, we believe that if a victim is in need of assistance, we should not make it difficult for him to obtain it and so we decide to support that an early date should be the effective date in spite of the lapse of time from 1 March 1988, especially where there are about \$93 million in the TAVA Fund.

In sum, members of the two panels and our colleagues are sympathetic towards the victims and therefore have advised the Administration that they should go ahead with this Bill. It only remains for me to say that the Light Railway Transit has made significant improvements in its operation, safety and efficiency of service since its official opening. I have no doubt that during the period of the trial run and after the official opening, the railway staff was working under great pressure. They were very much in the public's eye. I personally believe they have done their best and I hope they will continue to do so. I also hope that a high standard of safety and efficient service will be maintained and there will be no or little need for TAVAS assistance in the future.

Sir, with these observations, I support the Bill.

SECRETARY FOR HEALTH AND WELFARE: Sir, I am grateful to Miss TAM and to the OMELCO Standing Panels on Transport and on Welfare Services for their support for this Bill.

Question on the Second Reading of the Bill 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.

TRAFFIC ACCIDENT VICTIMS (ASSISTANCE FUND) (AMENDMENT) BILL 1989

Clauses 1 to 6 were agreed to.

Council then resumed.

Third Reading of Bill

The ATTORNEY GENERAL reported that the

TRAFFIC ACCIDENT VICTIMS (ASSISTANCE FUND) (AMENDMENT) BILL 1989

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

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, 10 May 1989.

Adjourned accordingly at twenty-seven minutes past Three 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.