

1 HONG KONG LEGISLATIVE COUNCIL -- 6 December 1989

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 6 December 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 SIR PIERS JACOBS, K.B.E., J.P.

THE ATTORNEY GENERAL

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

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

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI, 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 POON CHI-FAI, J.P.

THE HONOURABLE SZETO WAH

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

THE HONOURABLE TAM YIU-CHUNG

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

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

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

THE HONOURABLE EDWARD HO SING-TIN, J.P.

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

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

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

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

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.

THE HONOURABLE YEUNG KAI-YIN, J.P.

SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE MRS. ANSON CHAN, J.P.

SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE PETER TSAO KWANG-YUNG, C.B.E., C.P.M., J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE NIGEL CHRISTOPHER LESLIE SHIPMAN, J.P.
SECRETARY FOR HEALTH AND WELFARE

ABSENT

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

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

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

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

THE HONOURABLE TAI CHIN-WAH, J.P.

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

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

THE HONOURABLE PAUL CHENG MING-FUN

THE HONOURABLE LAU WAH-SUM, 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.

Registration of Persons Ordinance

Registration of Persons (Amendment)

Regulations 1989..... 382/89

Travel Agents Ordinance

Travel Agents (Amendment) Regulations

1989.....

383/89

Immigration Ordinance

Immigration (Places of Detention)

(Amendment) (No.14) Order 1989..... 384/89

Sessional Papers 1989-90

No. 24 -- Vocational Training Council
Annual Report 1988/89

No. 25 -- Report of the Brewin Trust Fund Committee on the
Administration of the Fund for the year ended 30th June 1989

Oral answers to questions

Refuse collection points

1. MR. CHEUNG YAN-LUNG asked (in Cantonese): Is Government aware that, because land is not formally allocated by Government for the purpose of building refuse collection points, the Regional Council can only build temporary structures on private land for

these points, resulting in environmental problems? If so, will Government consider formal allocation of land and, if necessary, resumption of the necessary land for the Regional Council to build permanent structures of a higher standard to improve the situation?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, wherever possible refuse collection points are built on government land, which is formally allocated to the Urban or Regional Council.

In some villages in the New Territories where there is no suitable government land on which to build refuse collection points, the practice has been to provide temporary facilities on private land, with the agreement of the landowner.

If the Regional Council should need to build permanent facilities on private land because presumably no suitable Crown land is available, there is no reason in principle why the land should not be resumed for this purpose. Indeed I have recently received a request from the Director of Regional Services for the formal allocation of a number of sites in rural areas. I have asked the Director of Buildings and Lands to process this request. Resumption of land may be necessary where the sites are on private land.

MR. CHEUNG YAN-LUNG (in Cantonese): Sir, if 1 300 and so landowners were involved in land resumption, and some of them would like to lease to the Government the land on which temporary refuse collection points (RCPs) were built for the construction of permanent RCPs, would the Government take these conditions into account?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, this has never been done before but it seems very well worth considering.

MR. LAU WONG-FAT (in Cantonese): Sir, will the Government inform this Council: (1) whether the construction of permanent RCPs by the Regional Council can be speeded up by means of gazetted land resumption with the aim of improving rural hygiene for the benefit of the public; (2) which band of the compensation scheme the Government will apply if it has decided to resume land to build RCPs as private land in the New

Territories, if resumed, is currently governed by a compensation zoning scheme?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I would imagine that the land for these RCPs will be resumed in a programme which will, if possible, match up with the Regional Council's construction programme and it will be dealt with in that way. Regarding the second part of the question, compensation is offered for land in the New Territories in accordance with a recognized and approved system of bands of different zones for compensation. The compensation offered in respect of each RCP will be that appropriate for the zone in which the RCP is situated.

MR. BARROW: Sir, with regard to RCPs in locations under both councils, is the Secretary aware that some of these are in close proximity to hotels and other facilities frequented by tourists, and could steps be taken to ensure that sites are not in such areas in order to help protect Hong Kong's image as a tourism destination?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, every effort is made to site RCPs in places which are not offensive to the people around and particular regard is given to hotels and facilities frequented by tourists. Nevertheless, RCPs are local facilities and required to be in the locality they have to serve. These are required in areas some of which contain hotels and facilities frequented by tourists. So it will be very hard to ensure that none are in proximity to these facilities. Nevertheless, the planners do their best and will continue to do so.

MISS LEUNG (in Cantonese): Sir, does the Urban Council share the problems the Regional Council encounters which were referred to by Mr. CHEUNG Yan-lung in Question One?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I think the problems referred to by Mr. CHEUNG Yan-lung are mainly peculiar to New Territories rural areas.

MR. CHEUNG YAN-LUNG (in Cantonese): Sir, will the Government formulate some measures to ensure that the siting of RCPs will not be neglected when implementing the rural planning and improvement strategy? And will it consult the Regional Council before

formulating the measures?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, RCPs are a very essential part of the rural and urban infrastructure and they will certainly be taken into account. And it will be very much easier, in the context of a general improvement scheme, to find suitable sites for them. In the planning of these sites, as always, the Regional Council will certainly be consulted because the council have to service them and they have to be suitable for the council's lorries to approach.

MRS. LAU: Sir, would the Secretary consider inviting the Regional Council to make formal proposals for the building of permanent refuse collection points on an area-wide basis within the entire Regional Council Area?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the application by the Director of Regional Services which I mentioned in my main reply is a fairly systematic approach to the provision of RCPs throughout the rural areas. I think it probably meets Mrs. LAU's point.

Irregular activities in advance purchase of flats

2. MISS LEUNG asked (in Cantonese): As flats are put up for advance sale on first-come-first-serve basis by property developers, it is highly common for non-prospective flat-buyers to take pre-emptive measures to stake their claims in the front positions of the queue or to jump the queue forcibly with a view to trading off their claims for profits. Such kind of activities is obviously improper and possibly illegal and in a recent case, has led to chaos and conflict. Will Government inform this Council what measures are in hand to solve this problem?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, it is true that there have been quarrelling and incidents in some queues of people buying flats on a first-come-first-serve basis and in advance. But it is not a regular occurrence and in Hong Kong we do not usually prescribe how people should sell things like flats. Indeed it would be a very complicated business to legislate about it.

In the past we have achieved some worthwhile improvements in sales practices, including the standardized measurement of premises, after discussion with the real estate industry. In view of the recent incident to which Miss LEUNG is referring, we will discuss with the Real Estate Developers Association what can be done to avoid such incidents.

MISS LEUNG (in Cantonese): Sir, although the Secretary pointed out in his reply that quarrelling and unpleasant events do not regularly occur, I must point out it is very common for non-prospective flat-buyers to stake claims in the front positions of the queue with a view to trading off the claims for profits. Would the Government inform this Council whether such activities of selling claims are permitted by the Government? If not, that obviously means they are illegal, then why does the Government not take any action to eliminate such activities?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I understand there is a fair variety of tricks which different people get up to in queues, but these do apply to a good deal of other situations besides the selling of flats. As far as I am aware, such practices like queue-jumping are not actually illegal. In order for the Government to take any definite measures about them, it would be obviously necessary to prove the illegality. I think it must be said that the Government at present has no measures to deal with the particular situation.

MR. POON CHI-FAI (in Cantonese): Sir, will the Government consider requiring all the real estate developers to impose a fee as a deterrent on the purchasers who transfer their property within a short period (for example, within three months) of purchase and the fee will be levied as tax after deducting the administration cost?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I doubt whether the Government will ask the real estate developers to do anything as complicated as that. What we had in mind was, as indicated in my main reply, that we would discuss with the Real Estate Developers Association any measures that they might take in order to avoid the incidents which were the subject of the question.

MR. MARTIN LEE: Sir, will the Administration consider asking all land developers to inform the police well in advance of any intended sale of flats, so that the police would be able to keep peace and order outside the developer's offices when queues are being formed?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I would certainly advise the real estate developers to do that but I understand that they do this very frequently in any case.

MISS LEUNG (in Cantonese): Sir, I would like to follow up on the answer the Secretary gave to my first supplementary question. What I want to ask is not the legality of jumping queues but whether it is legal to stake claims in the positions of the queue and sell them for profits. I want the Secretary to explain the difference between the activities in question and the illegal scalping of soccer tickets; should the activities in question be illegal, why does the Government not take any action to curb them ?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I am sure that the police who are enforcers of law and order in Hong Kong would be taking an interest in any illegal activities and if the activities which Miss LEUNG describes are illegal, they similarly would have an interest in enforcing the law.

MR. MARTIN LEE: Sir, will the Administration inform this Council whether queue-jumping could be a breach of the peace?

HIS EXCELLENCY THE PRESIDENT: I think that comes into the classification of soliciting an answer to an abstract legal question and therefore has to be out of order. If you would like to ask a separate question on it, would you phrase it so that it is not an abstract legal question?

Functions of the Commissioner for Administrative Complaints

3. MR. MCGREGOR asked: Having regard to the Government's intention to corporatize additional public services, will the Government consider an extension of the functions of the Commissioner for Administrative Complaints to include investigating complaints against quasi-government institutions, such as the Hong Kong Housing Authority and the Kowloon-Canton Railway Corporation?

CHIEF SECRETARY: Sir, the Office of the Commissioner for Administrative Complaints commenced operations only in March this year.

Administrative action taken on behalf of a public authority by certain government departments such as the Housing Department, the Urban Services Department, and the Regional Services Department, do of course come within the jurisdiction of the Commissioner. The Commissioner's jurisdiction, however, does not extend to the policy or administrative decisions made by the governing bodies of these public authorities.

In his first annual report, which was tabled in this Council in July, the Commissioner noted the concerns of some people that corporations and authorities discharging public functions were excluded from his jurisdiction. It is our intention to begin a review of the role of the Office early in the new year, in the light of the experience gained during its first year of operation. And the extent of the Commissioner's authority will be one of the issues to be addressed in that review, Sir.

MR. MCGREGOR: Sir, in the review to be carried out, will members of the public be invited to submit their views directly to the Government?

CHIEF SECRETARY: Sir, I think the exact method in which the review will be carried out is still under consideration. We do have the comments of the Commissioner in his first report which makes reference to comments from members of the public, and obviously they will be taken into account in the review, Sir.

MR. PETER WONG: Sir, will the Chief Secretary confirm that concerned organizations and companies can initiate complaints, and furthermore, if and when consideration

will be given to addressing complaints directly to the Commissioner's Office instead of through the OMELCO complaints system?

CHIEF SECRETARY: Sir, as far as I know, there is nothing to prevent concerned companies making complaints through the proper channels to the Commissioner for Administrative Complaints. As to the question of direct access, Sir, I notice that the Commissioner, in his report, made reference to the fact that views were still being expressed that there should be direct access to the Commissioner -- and I am quoting him -- "or that the present referral system should at least be improved by allowing complaints to be channelled through members of the two municipal councils and of the district boards." So this is one of the areas which we will be addressing in the review to be undertaken next year.

DR. LEONG: Sir, will the Administration inform this Council whether it is the intention of the Administration to extend similar lines of investigation to the future Hospital Authority?

CHIEF SECRETARY: Sir, I think that will come under the scope of the review. As currently constituted, the Hospital Authority would not come under the present arrangements, but it could be brought under if we decided to do so under the review.

MR. MICHAEL CHENG (in Cantonese): Will the Government inform this Council how many complaints the Office of the Commissioner for Administrative Complaints has received since its establishment in March, and of these how many have been successful?

CHIEF SECRETARY: Sir, I have the latest figures up until 1 November this year. A total of 133 cases have been received by the Commissioner's Office. Of those, 48 cases are under active investigation, 85 cases have been completed of which 54 are not being pursued by the Commissioner, and 31 have resulted in recommendations being put by the Commissioner to heads of departments concerned. Sir, in all the 31 cases, heads of departments have responded positively by accepting the Commissioner's recommendations or have suggested modifications for the Commissioner's consideration.

Accidents involving pile-drivers

4. MR. HUI asked: In the light of the two industrial accidents involving pile-drivers which have occurred so far this year, causing injuries to a number of workers and passers-by, will Government inform this Council:

(1) what safety measures are currently required to be taken by government departments and piling contractors to ensure the safe operation of pile-drivers; and

(2) of the number of such industrial accidents and the number of casualties arising from them during the past three years, and whether Government has analysed the causes of these accidents in order to assess the need for more stringent safety standards and measures?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as regards the first part of the question, the Construction Sites (Safety) Regulations made under the Factories and Industrial Undertakings Ordinance require pile-drivers to be of good construction, sound material and adequate strength, and to be free from patent defects. In addition the Regulations also require pile-drivers to be fitted with a variety of safety devices, such as effective braking and control systems that would prevent loads suspended from them from falling out of control.

Pile-drivers must be properly maintained and thoroughly examined and tested by a competent examiner at least once every 14 months. Before it can be used a pile-driver must be secured and stable. This requirement also applies before a pile-driver can be moved around on a construction site. When in use it must be inspected by a competent person at least once a week. The pile-driver can only be operated by a competent person aged 18 or above. The workman giving signals to the operator of a pile-driver must also be 18 years of age or above and adequately trained to give the necessary signals.

Government departments do not themselves own or operate pile-drivers. Piling contractors working under government contracts are subject to the control of the Construction Sites (Safety) Regulations.

Sir, as regards the second part of the question, during the past three years, there have been three accidents involving pile-drivers. One occurred in 1987 and

two this year.

These accidents have been carefully examined. It would be reasonable to conclude, without going into the details of each case, that they occurred because safety requirements had not been properly or fully observed, and not because the safety requirements are in themselves inadequate. In the circumstances, the Government does not consider it necessary to prescribe more stringent safety standards and measures, but it does consider it necessary to provide for exemplary penalties for serious breaches of industrial safety regulations. These will be considered when the debate on the Second Reading of the Factories and Industrial Undertakings (Amendment) Bill 1989 is resumed next week.

MR. HUI: Sir, the Secretary has kindly informed this Council that accidents involving pile-drivers have occurred because safety requirements have not been properly or fully observed. Can the Secretary also inform this Council which safety requirements are usually neglected; in other words, what the common causes for such mistakes are, and whether Government can do something to eliminate such negligence? Can the Secretary also inform this Council whether metal fatigue due to excessive usage of the pile-drivers is one of the reasons for such accidents?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, a common cause leading to the collapse of pile-drivers and related accidents is structural defects in the machine and these could be, in some cases, the result of metal fatigue, although I have not gone into this particular point in detail. A second common cause is, of course, the lack of proper maintenance or inadequate maintenance. Then there is often the failure to ensure the stability of the machine as a result of failure to check the stability or evenness of the ground conditions. And finally, a common cause can be attributed to incompetent operation.

MR. HO SAI-CHU (in Cantonese): Sir, while I agree to paragraph 5 of the Secretary's reply, may I ask if the Government should attach importance to educative publicity in addition to imposing heavier penalties? Even though normal publicity is the responsibility of the Vocational Training Council, should the Government not pay more attention to the educative publicity?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I agree with Mr. HO that educative

publicity is as important as normal publicity in promoting the cause of industrial safety.

MR. TAM (in Cantonese): Sir, according to the Secretary's reply, a pile-driver operator must be a competent person aged 18 or above. Would the Secretary explain what a competent person is? Is a pile-driver operator required to apply for a relevant licence? If not, would Government consider introducing such a requirement?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the regulations involved require that a pile-driver can only be operated by a workman who is trained and competent to operate it and a competent person is defined in this piece of legislation as someone who is "competent by reason of substantial training and practical experience". So far, no provision has been made requiring operators to be licensed, but by and large most contractors are able to judge for themselves the level of training and competence required of workmen operating these machines.

DR. LEONG: Sir, we have been talking about protection and education which is most important. But since accidents will occur even under the best protection, can the Administration inform this Council whether there are adequate facilities in Hong Kong to deal with these injuries and other industrial accidents, and also to tackle the effects of these accidents, such as physical disabilities?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the short answer to the first part of the question is "yes". Any person injured in an industrial accident is eligible for treatment in government and aided hospitals and clinics. And of course, as I am sure Dr. LEONG is aware, persons who are injured in industrial accidents, and particularly in the course of their employment, receive compensation from their employers.

MRS. LAM (in Cantonese): Sir, in paragraph 2 of the main reply the Secretary said that when in use, a pile-driver must be inspected by a competent person at least once a week. Will Government inform this Council which party is responsible for monitoring the weekly inspection or examination work and certifying that the examiner is competent?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as regards the first part of the question, I believe the people who inspect this type of machinery probably come from qualified staff from the works group of departments. Subject to confirmation by my colleague, the Secretary for Planning, Environment and Lands, I believe it is the Electrical and Mechanical Services Department. These staff are deemed to be competent examiners for the purposes of the regulations under discussion and competent examiners are defined in the regulations as "those people who are, by reason of their qualifications, training and experience, competent to carry out the test and examination of the equipment involved."

MR. TAM (in Cantonese): Sir, the Government's conclusion in this respect is that it is not necessary to introduce more stringent safety standards and measures, or impose heavier penalties. Will this conclusion affect the Labour Department's important duty of stepping up inspection work in construction sites?

SECRETARY FOR EDUCATION AND MANPOWER: No, Sir. The reason for my short negative reply is that I am already aware that the Labour Department is devoting a good deal of the capacity of the factory inspectorate towards the inspection of and taking appropriate enforcement action in construction sites.

DR. LEONG: Treating injuries from industrial accidents is a speciality of its own. Could the Administration inform this Council whether there are sufficient specialists in Hong Kong?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I believe the Government's medical and health services do have specialist staff but I am afraid I do not have the details. If I may, I would wish to defer to my colleague, the Secretary for Health and Welfare.

HIS EXCELLENCY THE PRESIDENT: Secretary for Health and Welfare, can you add on that?

SECRETARY FOR HEALTH AND WELFARE: I can confirm that there are specialist staff available but I am not able to comment on the adequacy or whether there is any shortfall

in this area. Perhaps I might write to Dr. LEONG on this point. (Annex I)

Management of a franchised bus company

5. MISS TAM asked: During the drivers strike which took place on 29 and 30 November it was revealed that the China Motor Bus (CMB) had a totally outdated pension scheme which is said to have been the subject of employees' complaint for 12 years. Will Government inform this Council whether it has sufficient power to ensure the proper and healthy management of a franchised bus company providing essential services to members of the public?

SECRETARY FOR TRANSPORT: Sir, sufficient powers are provided under the Public Bus Services Ordinance (Cap. 230) which regulates the operation of franchised bus services. These include--

First, a penalty of up to \$50,000 for failure to comply with the Ordinance or the franchise;

Second, temporary suspension of the franchise in an emergency; and

Third, subject to 28 days' notice, the revocation of the franchise if Government considers that the franchise holder has failed, or is likely to fail, to maintain a proper and efficient public bus service.

As regards the statement preceding Miss TAM's question, Government is well aware that a modern and efficient management system will enhance the company's bus services. This has been repeatedly made clear to CMB in recent years.

Although the Public Bus Services Ordinance technically allows more than one franchised operator to offer services in the same geographical area, we have so far chosen not to open up Hong Kong Island to other operators.

Nevertheless, recent events have shown that more alternative transport services should be made available, wherever possible. We are now considering the introduction of additional residential coach services particularly for Southern District.

We will also be writing to the company seeking a fundamental overhaul of its management system within a specified period, and a timetable for implementing the necessary improvements. If this still did not achieve the desired results, then serious consideration would have to be given to a progressive opening up of public bus services on Hong Kong Island to other operators.

MISS TAM: Sir, while the Commissioner for Transport has wide powers under the Public Bus Services Ordinance (PBSO) pertaining to transport matters, can the Secretary for Transport inform this Council what powers, if any, the Commissioner has, as a member of the board of directors of a franchised bus company, over the management of the non-transport matters of the company?

SECRETARY FOR TRANSPORT: Sir, to the extent that the management system of a company, in the present case the franchised bus company, has a direct bearing on services provided to the public, the government directors on the board have full and legitimate power to exercise their influence on the board's deliberations on such services.

MISS LEUNG (in Cantonese): Could the Secretary inform this Council whether the pension scheme of the franchised bus company is totally outdated and whether the management of the company is unhealthy? And what is the relationship between the two? Given that the franchise is granted by Government, does Government deem it its responsibility to help the company's employees strive for better welfare should the latter find the welfare system irrational?

SECRETARY FOR TRANSPORT: Sir, the management of a company providing bus services for the public includes a wide range of factors affecting those services. The pension scheme in this case is outdated. It is one of the many factors. Over the past years, the Government and the company have been looking at the management of the company on many occasions and when the franchise was renewed the management of the company was a factor in our deliberations on renewing the franchise in each case. The question of the pension scheme, which has been the subject of discussion for some time, did not come to a head until about three months ago. Over the last 10 years or so, it was raised on two occasions to the board, in 1985 and 1987. On both occasions the board raised matters with management and urged them to consider improving those

benefits for the staff. The dialogue has been maintained all these years and there was no reason to suppose that the management was not sincere in trying to improve those benefits. It was only in September this year that there was a deadlock in the discussions over the question of details of the revised scheme and the timing of such a scheme. So to answer Miss LEUNG's question, yes, the pension scheme has a bearing on the management of the company, but in this case it does not have a direct bearing on the renewal of the franchise, and therefore it was not a factor affecting the Government's renewal of the franchise on this occasion. But clearly in the light of the recent events, we really must take this into account fully when the company's franchise is to be renewed in 1993.

MR. MCGREGOR: Sir, in asking this question I have in mind the fact that it took 10 to 12 years for the government representatives to bring pressure to bear on the board of CMB. It took all of that time to bring about a result where the CMB, as a matter of industrial dispute, trebled or quadrupled the actual amount available to workers at the end of 20 or 30 years service. Can the Government establish, with the assistance of the Labour Advisory Board and the Commissioner for Labour, reasonable compensation by way of a provident fund for workers in franchised public services, and ensure that both management and labour are aware of these standards recommended by the Government?

SECRETARY FOR TRANSPORT: Sir, as this is a labour relations and welfare matter, I would defer to the Secretary for Education and Manpower.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am not sure at this stage to what extent any question of compensation would be relevant. For a company to introduce compensation which goes back several years for the purposes of righting wrongs which were perceived to have been instituted many years ago could render grave injustice to those workers who had retired many years ago. This is one of the reasons why many pieces of legislation, indeed administrative arrangements also, are not made retrospective. But the point of the question that Mr. MCGREGOR has raised can indeed be considered in greater detail and I will put it to my colleague, the Commissioner for Labour. Whether it would then find its way to the Labour Advisory Board remains to be seen.

MR. MICHAEL CHENG (in Cantonese): Sir, in view of the fact that there are seven

salaried directors on the CMB board who were paid a handsome \$6.28 million during the year 1987-88, representing 10.5% of the profits of the company, could Government inform this Council whether the remuneration of these directors is monitored by Government? And in order to protect the interests of the public, will Government consider exercising control over the remuneration of the directors?

HIS EXCELLENCY THE PRESIDENT: This goes beyond the bounds of the original question, Mr. CHENG, and should be put down as a separate question.

MR. TAM (in Cantonese): In view of the recent CMB incident, will Government amend the PBSO (Cap. 230) to give government departments concerned greater powers so as to redress unreasonable and unsound management arrangements of the company?

SECRETARY FOR TRANSPORT: Sir, as I said in my main reply, the existing powers under the PBSO are quite extensive in relation to the control of public bus services provided by franchised bus companies. For example, the financial penalty for any failure to comply with conditions in the franchise under the PBSO could be quite extensive if applied consecutively over a series of occasions. This has not yet been used so far, but we will have to consider using the financial penalties as a deterrent to prevent such management disputes, which in this case is very much a matter for which the company must bear the main responsibility.

MR. PETER WONG: Sir, is the Government satisfied that the CMB now has a fair retirement scheme which is conducive to the operation of an efficient bus franchise?

SECRETARY FOR TRANSPORT: Sir, the existing retirement scheme is, as I mentioned, the subject of discussion which at this very moment is still going on between the company and the staff union, probably until later this evening. I do not wish to pre-empt the result of those negotiations. Suffice it to say that the scheme as now proposed is a distinct improvement over the existing one, which the Government feels is in the right direction.

MR. CHOW (in Cantonese): Sir, the existing Profit Control Scheme protects franchised bus companies to the effect that they can make profits after providing a reasonable service. Does the Government feel the present penalty adequate should the public be denied a reasonable service as a result of unsound internal management of these franchised bus companies? Will it be necessary for the Government to introduce anew detailed guidelines on penalty, as suspension of franchise is normally an impracticable penalty because of other factors? Does the Government feel it necessary to review the present Profit Control Scheme which guarantees some fundamental services to the public under general conditions only, rather than guaranteeing a high quality management of the companies? If yes, how is it to be conducted?

HIS EXCELLENCY THE PRESIDENT: Could I, once again, appeal to Members of this Council to keep supplementary questions short and to avoid multi-barrelled supplementary questions?

SECRETARY FOR TRANSPORT: Sir, the existing control by Government over the operation of franchised bus services lies in two main respects. The first is the PBSO which sets detailed rules and regulations concerning the five-year programme of a bus service, the annual budget, and details of each and every route and their frequency and fares in each case. This is very detailed control, down to the last route and bus stop. The other area of control lies in the Profit Control Scheme which ensures that the company is not receiving excessive profits arising from its operations. Again, the scheme provides for a general guarantee that while the company must be allowed a chance to invest in a long-term expansion programme to meet rising expectations, the taxpayer and the public will not be overcharged in fare, and its services to the public are not to be affected. In our opinion, these two controls have been adequate over the years, and as I said in my main reply, the instruments for using the controls are quite sharp and adequate. I do accept, however, that there is a need for some refinement of those controls on some occasions, for instance, the need to clarify whether the penalty in this case is for one route or for a whole series of routes where these are affected. Another example is whether, before we suspend the services temporarily in the case of an emergency, some other powers are necessary to instruct or to urge the company to make improvements before the franchise is suspended. We will be looking into these areas as a matter of urgency.

MR. HUI: Sir, in view of the gravity of the public inconvenience brought about by the CMB strike, can Government inform this Council if it will review the management of public utilities in order to cut down the chances for unnecessary uproar or discontent from the staff of these utilities?

SECRETARY FOR TRANSPORT: Sir, this goes rather beyond my portfolio. I can only speak on transport operations. Yes, there is a constant need to review the operations of the transport companies under government franchise; indeed it is one of the essential conditions for monitoring the franchises and renewing them over the years, so that there is no slackening of monitoring and control.

Besides, we have taken fully into account on each occasion the advice of the Transport Advisory Committee in monitoring the services of those companies. We do not feel there is any extra need to put in place more mechanisms to control these operations, because to do so would be counter-productive in that it would stifle any further initiative by the companies concerned to improve services. So far we have found that the system has operated quite effectively by a balanced approach involving the Government, the Transport Advisory Committee and the companies concerned. As far as the district routes and the district boards are concerned, these have worked well over the years, and we see no great need for any fundamental change in the system of checks and balances.

MISS LEUNG (in Cantonese): The Secretary has not answered the second part of my question. I would like to repeat it. Given that franchise is granted by the Government, does the Government deem it its responsibility to assist employees of franchised bus companies concerned to fight for their welfare, should the employees find the welfare system irrational? In other words, will Government also adopt the same attitude when employees of non-franchised companies fight for their welfare? Only today workers of Kowloon Motor Bus expressed discontent with their welfare and asked for improvement.....

HIS EXCELLENCY THE PRESIDENT: May I again remind Members of the Council to keep questions short. Supplementary question time is for questions, not for statements.

MISS LEUNG (in Cantonese): Could the Secretary inform this Council if the Government is prepared to take any contingency action should KMB workers resort to industrial action ?

SECRETARY FOR TRANSPORT: Sir, we have always had plans to meet any emergency and to put into operation these plans where necessary. Obviously, I do not wish to anticipate any action in this case; it is not right for me to speculate on a matter which has been raised only recently. But suffice it to say that the Government has a responsibility to ensure that services to the public are not disrupted and, if at all, to reduce disruption to a minimum.

MRS. FONG: Sir, we know that a lot of businesses in Hong Kong are carried on without the provision of pension schemes for its employees. Can I ask the Administration to clarify that when a franchise is granted, there is a condition imposed in the franchise that an adequate pension scheme must be provided to its employees?

SECRETARY FOR TRANSPORT: Again, I will speak only in relation to transport companies, Sir. In granting or extending a franchise, the Government must take a broad view of the services provided by that company and its ability to deliver those services up to the standards expected of them. As I said earlier on in my replies to other supplementaries, the staff welfare scheme or pension scheme is one of the many factors which will have a bearing on the services provided by the company concerned. There is no direct relationship between the pension scheme of the staff and the bus services provided by the company. To the extent that the services are not affected, no action will be required by Government to intervene in the pension schemes administered by the companies concerned.

MR. MCGREGOR: Sir, since it seems rather clear that there is a sense of public shock at the parsimonious state of the CMB's retirement scheme for drivers, would the Government accept that it has a responsibility as a good employer itself to extend that responsibility into the employment conditions of companies receiving a franchise from the Government? This really follows to some extent from the question asked by my honourable colleague, Mrs. Nellie FONG.

SECRETARY FOR TRANSPORT: Sir, as and when the Government offers the franchise for any services provided by a company, clearly it must take into account the ability of that company to deliver those services. That will include the management of the company concerned, the people serving in the company, and their ability to provide the services that will keep up to the standard expected by Government. I would certainly think it is a factor whenever we consider the offering of a franchise to any company.

MR. TAM (in Cantonese): Sir, it appears that the Government is satisfied that its powers of control over the bus companies are quite adequate. How great is the deterrent effect of a \$50,000 penalty on a franchised company as mentioned in paragraph (a) of the main reply? And is the 28-day notice too long since public bus service has a very great impact on society as mentioned in paragraph (c) of the same reply?

SECRETARY FOR TRANSPORT: Sir, as I mentioned earlier, in the case of the financial penalties of up to \$50,000, we are still trying to find out from the Legal Department whether this applies to one route affected in each case. If one multiplies that by 100 that will indeed be quite a substantial sum if 100 routes are affected. We still have to find out exactly the implications of this. As regards the last point, that is, whether we need 28 days' notice to revoke a franchise, clearly this will be the last resort, because before that many steps will have been taken to ensure the company will offer the services uninterrupted, such steps being financial penalties, suspension of franchise and so on. Revocation will be the last step we will take, and clearly it will be unreasonable not to give adequate notice to the company if a franchise were to be cancelled. And also, under the rules of natural justice and under the law, the company must be given a chance to give its explanations and reasons why it considers it should not have its franchise cancelled.

Chinese proprietary medicine

6. DR. IP asked: Will Government inform this Council of the number of Chinese proprietary medicines which were found over the past five years to have been adulterated with western drugs, whether it has informed the Consumer Council and the public of such medicines and how effective the existing measures are in deterring

the adulteration of Chinese proprietary medicines with western drugs?

SECRETARY FOR HEALTH AND WELFARE: Sir, from January 1985 to October 1989, a total of 12 samples involving nine products of Chinese proprietary medicines were found to have been adulterated with western drugs. Of these, eight were imported products and only one was manufactured locally. In a further 54 samples there were minute traces of western drugs, but as the drugs would have no therapeutic value at these levels, it is considered to be the result of contamination rather than of deliberate adulteration.

When imported Chinese proprietary medicines were found to have been adulterated or contaminated, the importers were instructed to recall all such medicines from the market and to have them returned to their country of origin or to surrender them for proper disposal. In all these cases, the presence of western drugs was not considered to be hazardous to health. In the case involving a locally manufactured Chinese proprietary medicine which was discovered recently to have been adulterated by certain western drugs which may only be dispensed on a doctor's prescription, supplies of the product were seized and legal proceedings are being instituted against the responsible manufacturer. Appropriate publicity was given to this particular case, as has been done for similar incidents in the past, to make the public aware that this medicine had been adulterated. The Consumer Council has also been given details about the case.

The 12 samples of adulterated Chinese proprietary medicines were discovered out of a total of 1 171 samples taken from importers or purchased directly from the market on a routine basis during this period. As most of the commonly used Chinese proprietary medicines in the market have been tested and the same procedure of routine checks and analysis is used in monitoring the quality of registered western medicines, the existing measures are considered to be effective in deterring the adulteration of Chinese proprietary medicines with western drugs. However, the situation will be monitored closely by the Forensic Pharmacy Division of the Department of Health, and the wider question of controls over Chinese medicine is currently being examined by the Working Party on Chinese Medicine.

DR. IP: Sir, I am aware that the cost of routine testing of western drugs is borne by the fees payable on first registration. In this respect, would Government inform

this Council whether it is the Chinese drug companies which bear the costs of routine testing, or western drug companies, or the taxpayer?

SECRETARY FOR HEALTH AND WELFARE: Sir, as far as I am aware, the costs of the Government Laboratory in conducting tests on the samples of Chinese proprietary medicines are borne by the Government.

MRS. LAU: Sir, can the Secretary inform this Council whether there is in existence any arrangement whereby potential importers can submit samples of Chinese proprietary medicines for testing before actually importing them?

SECRETARY FOR HEALTH AND WELFARE: Sir, as far as I am aware, this arrangement would be possible if a company chose to have its medicine tested. Of course, if that medicine is genuine Chinese medicine not having any adulteration or contamination, then it is a legal product which is freely available for sale in Hong Kong and does not require testing before it may enter the market.

DR. LEONG: Sir, can the Administration inform this Council whether all types of proprietary Chinese medicine are tested to ensure that they have not been adulterated with western drugs? If not, will this speed up the intention of the Administration, and if so, when will it take effect?

SECRETARY FOR HEALTH AND WELFARE: Sir, every month about 10 samples of Chinese proprietary medicines are taken from importers and another 10 samples are purchased from the market. This is partly done on a routine sampling basis but also particular attention is given to new products which are imported or manufactured locally and these would usually be covered in the sampling. Also, any product in respect of which there were reasonable grounds for suspicion that it might have been adulterated would be monitored closely.

DR. IP: Would Government consider getting the Chinese drug companies to pay for the routine testing of Chinese proprietary medicines like their western counterparts

through the payment of a registration fee for the purpose of declaring that the Chinese proprietary medicine concerned does not contain any western drug?

SECRETARY FOR HEALTH AND WELFARE: I think, Sir, there is a fundamental difference in that it is the requirement of the law that all western medicines must be registered under the Pharmacy and Poisons Ordinance. The Chinese proprietary medicines are exempt from such controls.

MR. PETER WONG: Sir, the Secretary informed us that 10 samples are taken from manufacturers and 10 at random from the shops. I would like to ask how many Chinese patent medicines there are and what the chances are of any one being tested by this rather small sample that is being taken?

SECRETARY FOR HEALTH AND WELFARE: Sir, there is no exact figure for the total number of Chinese proprietary medicines on the market. It is estimated to be round about a thousand. The number of samples taken is considered to be sufficient to identify the extent of the problem and it is clear from the results of the analysis that cases of adulteration of Chinese proprietary medicines are comparatively rare. The number of samples collected and analysed could not be increased without additional resources in the Forensic Pharmacy Division of the Department of Health and the Government Laboratory and, in view of resource constraints and other priorities, there are no plans to increase this capability at present.

MISS LEUNG (in Cantonese): Sir, will the Secretary inform this Council of the criteria or therapeutical considerations the Government adopts in differentiating western medicines from Chinese medicines? If chemical ingredients of Chinese medicines are given in detail and controls are imposed, will Chinese medicines be automatically looked upon as western medicines or will the distinction between the two disappear?

SECRETARY FOR HEALTH AND WELFARE: Sir, the distinction between western and Chinese medicines in respect of the law, as I think I have already indicated, is that western medicines are required to be registered and the ingredients within them are required to be stated as part of that process. There is no similar control over Chinese traditional medicines and because of the great variety of herbs used in Chinese

traditional medicine it is not possible for us to list all the various ingredients. However, the necessity for improved information about Chinese medicines, and even the possibility of greater controls, is a subject that will be studied by the Working Party on Chinese Medicine which I chair.

DR. IP: Sir, will Government inform this Council whether it is correct to say that if the 54 samples of Chinese proprietary medicines found also to contain western drugs were taken into consideration, then the percentage of adulterated Chinese drug samples tested would approach 6%?

SECRETARY FOR HEALTH AND WELFARE: Sir, I believe that that arithmetical result would be obtained. But as I indicated in my reply to the principal question, in most of these samples where contamination was discovered, the levels of western drugs present were so low that they would not have any therapeutic value. For example, the commonest substance was paracetamol in a trace of 0.8 mg per pill when the dose for this substance in western medicine is 500 to 1000 mg for adults. Therefore, I think it is a reasonable conclusion that their presence was the result of contamination arising from sub-standard manufacturing and quality control practices, rather than intentional adulteration.

Children's hostel/school declared a dangerous building

7. MRS. TAM asked (in Cantonese): As the main block of the Sunnyside Children's Hostel/School has recently been declared a dangerous building, will Government inform this Council:

- (1) in general, what procedures have to be followed before the applications by aided schools for repair of school buildings can be approved, and what is the time required for processing such applications;
- (2) why the school had not been given a chance to undergo repair before being declared a dangerous building;
- (3) what arrangements are being made for the students affected; and

(4) what measures the Administration will take to prevent the recurrence of incidents?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as regards the general procedure for foreseeable major repairs to school buildings located outside Housing Authority estates, every year in April the Education Department invites all aided schools to submit applications, so that funds can be sought in the Estimates of Expenditure for the following financial year. An application which is supported by the Director of Architectural Services is given approval in principle, and the school is advised to seek quotations, or to appoint an Authorized Person and to arrange for tenders. Formal approval for the work to proceed is given after the Director of Architectural Services has recommended a quotation or tender for acceptance. From the initial application to the issue of approval in principle normally takes about 12 months.

Applications for more urgent repairs can be made at any time, and approval in principle is normally given within one to three months.

Sir, the case of Sunnyside School is a complicated one, and I must ask Members to bear with me as I go into some detail on the background.

The school is a small special school with 46 mentally handicapped children, of whom 38 are boarders. The need for repairs first came to light in early 1985, during an investigation by the Building Development Department into a complaint from the school about rock-blasting in the vicinity. The Building Development Department advised that, although there was little evidence of damage from rock-blasting, the school should at once appoint an Authorized Person to prepare a scheme of repairs to the structure and drainage of the school, which were in a dilapidated state, and to provide cost estimates. These works would be treated as more urgent repairs, which could proceed immediately. Unfortunately, 10 months passed before a qualified Authorized Person was appointed in January 1986, and another 20 months passed before the cost estimate for repairs was submitted in September 1987. This indicated that about \$2 million would be needed for remedial works. Meanwhile the building was continuing to deteriorate.

At this stage, the Director of Architectural Services advised that reprovisioning the whole school was likely to be more cost effective than undertaking major repairs, particularly since a project to extend the school had been approved separately in

early 1987. Running repairs only were recommended, to maintain the school in a usable condition pending reprovisioning. The school was informed of this in February 1988, and in April 1988 the school's consultant was asked to estimate the cost of a strength assessment survey and of the repairs needed to extend the life of the building by four years or so. Costings were supplied in June 1988, but it was only in November 1988 that the Director of Architectural Services advised that a survey should be commissioned so as to ascertain the scope of the necessary repairs.

Because of growing concern at the slow pace of the project, the Education Department held a meeting with the school and its consultant in January this year. The consultant began his structural survey in February, and in June reported that rebuilding would be the most cost-effective option. There was no indication in the report that the building was in immediate danger. The Director of Architectural Services, therefore, considered that the building was capable of being repaired. However, in September and October incidents of flaking plaster and concrete exposed serious defects in the reinforcement of floor and ceiling slabs. On 3 November this year the Architectural Services Department recommended that the building should be evacuated. On 21 November the Building Authority declared a part of the building likely to become dangerous.

Sir, this is a sorry saga, whose only redeeming feature is its uniqueness. In mitigation I can only point to the complications caused by the reprovisioning proposal and the existence of a separate extension project. If I may turn to the last part of Mrs. TAM's question, I am glad to say that the Architectural Services Department has made proposals to undertake directly all major repairs to aided schools outside Housing Authority estates, so that school authorities are no longer required to nominate, appoint and supervise Authorized Persons. This should in future save a good deal of time. The schools councils are now being consulted, and I hope that an effective date for this change will be announced in the near future. This will be of benefit to all sponsoring bodies, but particularly so to small organizations such as the one which runs Sunnyside School.

Meanwhile, suitable temporary premises for the school have been identified in a nearby housing estate. These should be fitted out and ready for use within a few months, following consultation with local residents. During this period the school will need to operate as best it can in those parts of its present buildings which are not dangerous. In the longer term the school will be reprovisioned.

MRS. TAM (in Cantonese): Sir, I would like to thank the Secretary for his detailed reply. Would the Government inform this Council how much time is needed for reprovisioning the school, and whether the fitting-out of the temporary premises is further delayed because of the need to consult the local residents?

SECRETARY FOR EDUCATION AND MANPOWER: I will deal with the second part of Mrs. TAM's question first, Sir. I am afraid consultation with the residents of the nearby housing estate is an essential step that must be undertaken and time will be needed for these consultations to be completed. How long they will take I do not know but I am hopeful those consultations will lead to positive results. As regards the time taken to reprovision the school, much depends on the availability of funds, the site on which the school is to be built, and the condition of the site itself. But I would imagine, and I must stress at this point that I have not made a detailed estimate, that a school catering to a relatively small number of pupils should not take more than a couple of years to build, given good site conditions.

MR. SZETO (in Cantonese): Sir, I note that in his reply the Secretary has used words like "unfortunately", "sorry" and "reasons which are still not clear". Will the Government inform this Council whether it will be necessary, for the sake of learning from past mistakes in order to avoid future ones, to investigate if there was any maladministration or negligence of duties involved in this incident?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I think the case demonstrates, as I said earlier, a sorry saga which in itself has given rise to a number of objective lessons. There are two important points which should be borne in mind. The first is that the Administration should benefit from the experience, and we have already drawn the conclusion that it would be more beneficial to the schools community if the Director of Architectural Services should be more directly involved in school repair work. Whether or not we should then continue to investigate the case to see which parties were at fault would depend on whether fault has been identified and located. It could well be that fault could be attributed to more than the government departments involved. It is already apparent that the Authorized Person in this instance, and to some extent the sponsoring body for the school itself, were not entirely blameless. But I shall consider the question carefully and take appropriate action.

MRS. FAN: Sir, I agree with the Secretary that this is a sorry saga, and I welcome the proposal that the Architectural Services Department (ASD) will directly take up all major repairs to aided schools. Can the Administration give us some indication of the amount of time that would normally be needed under the new proposed arrangement for a major repair to proceed, and whether this new arrangement will release principals from having to deal with various government departments, as they have to do at present, for one single piece of repair?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, at the present time, as I mentioned in my main reply, the amount of time required to secure foreseeable major repairs is about one year, and for urgent repairs, between one and three months. That is about the amount of time required for normal and urgent repairs. I would imagine that if the ASD were directly involved this could only have the effect of reducing the amount of time required. But by precisely how much, I am afraid I do not know. As regards the second part of the question, I would have thought that the answer was fairly obvious because of the elimination of the need to select Authorized Persons who would be acceptable to the Government and also the elimination of the step required by the Authorized Person to submit plans to the ASD. I would imagine that the elimination of these steps would save a great deal of time for both school principals and management bodies.

MR. PETER WONG: Sir, while welcoming the ASD taking up doing all the major repairs for aided schools, should this principle not be extended to other welfare premises and other deserving causes?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I cannot speak for the extension of this arrangement to areas of activity outside education, manpower and training, but I would imagine that any such extension would depend on the capacity of the ASD.

MR. DAVID CHEUNG: Sir, I am happy to learn that the administrative complications of major repairs to all aided schools will be removed soon. Will the Secretary, or other relevant Secretary, inform this Council how Government will ensure that the actual

repair work to be carried out in future, if the proposal is implemented, will not suffer undue delay in terms of (1) the large number of schools, and (2) the present labour market conditions?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid that no guarantee could be made that there would be no undue delays, given the number of schools involved and the current labour market conditions. But what seems obvious is that, given that the number of schools is constant and given that the labour market is what it is at the moment, then any elimination of intermediate processing steps such as the appointment of Authorized Persons and the production by Authorized Persons of repair proposals can only have the effect of reducing delays in the overall repairing process for schools.

MRS. TAM (in Cantonese): Sir, the Secretary said that it would take a few years before the new premises were completed. Before the completion of the new premises, what measures will the Government take to reduce the wastage of the staff of the school caused by the change of school location and working environment?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid the question relates to the operation of a school within the rehabilitation programme area, for which I can claim no responsibility. May I defer to my colleague, the Secretary for Health and Welfare?

SECRETARY FOR HEALTH AND WELFARE: Sir, all steps will be taken to minimize the disruption to the working of the school and to make the conditions for staff and students alike as satisfactory as is possible, both while the school has to remain on its present site in another building of the school and when it moves to the Po Lam Estate. I am advised that the facilities provided will be satisfactory for a temporary reception school, though clearly what needs to be done is to ensure that the school can move to purpose-built premises as quickly as possible.

Wounding cases in schools

8. MR. MICHAEL CHENG asked (in Cantonese): In view of the increasing number of wounding cases committed in schools by students with an inclination to violence

causing a sense of insecurity among students and teachers, will Government inform this Council what measures are in hand to ensure the safety of students and teachers?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, while the cases of wounding committed in schools in recent weeks have understandably caused concern among teachers, pupils and parents, it would be unwise to allow ourselves to be panicked by these incidents into impractical and ill-considered measures. I do not believe that drastic measures, such as daily searches of all students, would be acceptable to the community. Neither would they necessarily be effective in ensuring the safety of teachers and other students, since anyone intent on doing mischief could still seek out his victims after school hours.

Sir, the short answer is that no measure could guarantee the safety of more than 1 million students and teachers. What we can do, and what we are doing, is to minimize the likelihood of violence in schools. Our approach is to ensure that the educational process is as positive and rewarding as possible for all the children in our schools, and that tendencies towards delinquent behaviour can be identified, and students at risk given appropriate guidance, before such tendencies harden into violence. The primary responsibility for this must continue to lie with teachers in the classroom.

A working group under the auspices of the Fight Crime Committee has identified the need for enhanced training for teachers in the areas of delinquency identification and prevention. A new 60-hour course has been devised, which this year is being provided to staff in the colleges of education in preparation for greater emphasis on these areas in all training courses for new and serving teachers from September 1990. The Education Department is also preparing a series of seminars for school heads, to emphasize the message that the best way of preventing delinquent behaviour is to generate a positive atmosphere in schools.

Meanwhile the Education Commission is examining behavioural and curricular problems arising from the introduction of compulsory education, and will make recommendations in its report no. 4 next year.

MR. MICHAEL CHENG (in Cantonese): Sir, recently there are more and more cases involving students using violence while triad influence in schools through infiltration is also on the increase, thus causing the school administration and teaching work to be adversely affected. Will Government inform this Council how

these problems are tackled?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as I am sure Mr. CHENG is aware, the Government takes the view that these problems should be dealt with at source, that is to say in the schools. At the present time both primary and secondary schools in the public sector are provided with a complement of teachers to provide guidance and counselling work. These services have some effect on the incidence of delinquent and unruly behaviour in the schools. For example, in respect of the main question itself on wounding within schools, it is important to bear in mind that the number of wounding incidents in schools each year since 1986 has been fewer than 10 cases a year, and that in total the incidence of wounding assaults in schools represents less than half a percent of all wounding and serious assault cases in Hong Kong as a whole.

MR. DAVID CHEUNG: Sir, in fact I have two supplementary questions, I will ask one first.

HIS EXCELLENCY THE PRESIDENT: You may not get a chance for the second one. (Laughter)

MR. DAVID CHEUNG: Sir, I agree with the Secretary that drastic measures such as daily searches and so on would not be acceptable to the public. But will the Secretary inform this Council whether in case of need, that is, if a child is suspected of carrying weapons, the school authorities can search him or his school bags? Or must that be done by the police only?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I do not have the exact answer to the question, but I am confident that Mr. CHEUNG, being a head of school himself, is far more familiar with the legislation relating to school discipline than I can ever be. But I shall investigate the question in greater detail and provide a written reply. (Annex II)

MR. SZETO (in Cantonese): Sir, in a recent violence case in school, a 16-year-old Primary Four pupil was involved. Why is there such an over-age pupil in Primary Four?

And why is he not transferred to a special school?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I do not have the details of this particular case, although I am aware that it has been reported very extensively in the press. But I believe that the Primary Four pupil involved was a recent immigrant from China, and that he had joined the school not too long ago. Now, whether or not that child requires special treatment or is required to be placed in a special school or a school catering for excessively over-age children is something that will require an educational and, I would have thought, a psychological test as well. But I will again investigate this question in greater detail and provide a written reply. (Annex III)

MR. PETER WONG: Sir, does the Secretary believe that self defence training should be given to teachers?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I do not believe that as a matter of educational policy self defence training is required for a territory such as Hong Kong. But whether or not self defence training should be pursued in schools is a matter entirely for the schools; they have that autonomy.

MR. EDWARD HO: Sir, I refer to paragraph 2 of the Secretary's reply. Could he inform this Council exactly what he means by "to ensure that the education process is as positive and rewarding as possible for all children in our schools"? For example, what proportion of the school curriculum is being devoted to civic education, and not just plain learning of facts?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the answer to the first part of the question is that that sentence means what it says. In other words, the curriculum should be so constructed and should be so delivered to children that it would have the effect of exciting their interest in what is being taught, and in that way the learning process is as constructive as possible. Education, as I am sure most Members will agree, is not basically a question of spoon-feeding; it is a question of enabling our young people to learn for themselves.

MR. NGAI (in Cantonese): Sir, my question is to a small extent related to the one put by Mr. SZETO. Will the Administration inform this Council of the following: whether the number of over-age students in our schools at present has reached a critical level; what the widest age gap is ; whether the large number of over-age students in schools accounts for the increasing number of violence and wounding cases committed by students; and what measures will be taken to prevent over-age students from being ridiculed because of their age or becoming emotionally unstable because of the lag and lapse in studies, resulting in a tendency towards crime?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I have not caught all the questions. If I should fail to answer all the questions, perhaps I could take up the others separately with Mr. NGAI outside this Council. Again, I am afraid I do not have ready figures with me regarding the proportion of over-age children in schools, but I believe I am right in saying that the number of over-age children in schools is not a very large one. I believe that the percentage is probably below 10% in each age cohort. To this extent, I do not believe that the presence of over-age children in our schools is a serious problem, nor do I believe that the fact of being over-age itself is a necessary stigma in school that could not be remedied. Particularly, each school has both guidance and counselling staff who are themselves trained teachers as well as trained social workers. Finally, Sir, I think we should all try to bear in mind that the alleged increase in the number of serious assault and wounding cases in schools that has been perceived recently, although each case may be dramatic in itself, is still based on single-digit numbers. We are talking about fewer than 10 cases in all schools each year, and these cases must be borne in relation to upwards of a million children in our schools. To that extent, we could be in danger of over-dramatising the seriousness of wounding and serious assault cases in schools by saying that there has been a dramatic increase in violence in schools, when in fact there has not.

MR. MICHAEL CHENG (in Cantonese): Sir, in view of the increase in violence cases committed by students (including those not yet reported to the police), some teachers are under great pressure when carrying out disciplinary duties and they lack the sense of security. If the situation does not improve, the number of teachers quitting the profession will increase. What remedial measures will the Government take to prevent

a further wastage of teachers?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as I mentioned earlier, the number of wounding and serious assault cases in schools represents a much smaller proportion of similar offences committed outside schools. I think we all have an obligation within this Council to prevail upon the media as well as the teaching profession that the problem itself is not a serious one. Of course, with a million children in school, one can expect some degree of violence, but let us not forget that we as a city are far more fortunate than other cities where the proportion of violent crime in schools is far greater than ours. To this extent we have an obligation within this Council, and the Administration certainly sees that it has the obligation, to try to explain to the teaching workforce that the Administration is doing all that it can to deal with the problem at source. That is to say, as I mentioned earlier in my main reply, to ensure that the educational process is as positive and as rewarding as possible for our children, and that tendencies towards delinquent behaviour be identified and students at risk be given appropriate guidance before such tendencies harden into violence. Now this obligation must rest primarily on our teachers. We must do all that we can to urge our teaching workforce to face up to this responsibility.

HIS EXCELLENCY THE PRESIDENT: Mr. David CHEUNG, since you rightly limited yourself to only part of your question, it seems only fair that you should get the other part, but would you be kind enough to keep it brief.

MR. DAVID CHEUNG: Thank you, Sir. What would happen to those students below the age of 15 who have committed crimes of a violent nature in schools, since they are still under the jurisdiction of compulsory school age?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I do not have the answer but I will provide a written reply. (Annex IV)

Written answer to question

"Exact payment" toll booths at tunnels

9. MR. DAVID CHEUNG asked: With reference to the reply to a question asked in this Council on 21 June 1989, will the Administration inform this Council whether or not it had conducted experiments at the tunnels before concluding that to designate more exact payment booths or to require all motorists to pay exact tolls would aggravate congestion; if not, whether the Administration will consider conducting experiments at both the government tunnels and the non-government tunnels to establish the real situation?

SECRETARY FOR TRANSPORT: Sir, in April 1985, the Transport Department conducted an experiment at the Lion Rock Tunnel to examine the effects of designating more "exact payment" toll booths on the tunnel traffic flow. It was found that an exact payment booth could handle 10% more vehicles than ordinary toll booths in the peak periods. However, there was no increase in the tunnel throughput as the volume of traffic going through the tunnel continued to exceed the design capacity of the tunnel. Consequently, the designation of more "exact payment" booths or a requirement that all motorists should pay exact tolls will not increase the traffic flow through the tunnels. Such measures would merely shift congestion from the approach roads to the toll plaza and tunnel portal areas.

Address by Member

VOCATIONAL TRAINING COUNCIL ANNUAL REPORT 1988/89

MR. CHEONG: Sir, among the papers laid on the table of this Council today is the seventh Annual Report of the Vocational Training Council covering its activities in the year 1988-89.

I am pleased to report that 1988-89 was a very eventful year for the Council. The highlight of the year was the start of a very important project in the history of the Council and that is the construction of the Vocational Training Council Tower on the site of the old Morrison Hill Technical Institute Annex. When completed, the 19-storey building will not only house the Council's Headquarters and those training centres currently housed in rented premises as well as another new training centre, but also it will bring about much needed improvements to Morrison Hill, the oldest of the technical institutes. The construction work is scheduled for completion in

two phases, the first, the reprovisioning of the Institute's annex in about a month time, and the second in mid-1990.

As part of an overall programme to expand and improve the teaching facilities and student amenities in older institutes, the construction of new annexes at the Kwai Chung Technical Institute and the Kwun Tong Technical Institute was also completed in early 1989. Besides providing better facilities, these annexes also provide additional student places.

Industrial training, too, Sir, has made significant strides forward during the year.

The Banking Training Centre was opened last January, offering some 40 in-service courses to employees of banks and deposit-taking companies. So far, it has provided training to some 6 500 banking employees.

The Council introduced during the year trade testing and certification of craftsmen to assess their level of skills. This is the first time that trade testing has been made available in Hong Kong and as a start the test was offered to tradesmen in four trades, namely, electricians, mechanical fitters, typesetters and vehicle mechanics. The response was most encouraging, with some 2 000 serving workers applying for the test.

Under an agreement signed between the Hong Kong Government and the Japanese Government, Japan will assist the Council in establishing a Precision Sheet Metal Processing Training Unit in the Council's Precision Tooling Training Centre. The Japanese experts are now in Hong Kong assisting in the setting-up of the unit with the aim of bringing it into operation next year. The purpose of this is to increase the responses of our operators in Hong Kong to precision sheet metal processing.

Sir, such progress would not have been possible without the commitment and financial support of the Government as well as the support of the members of the Council's training boards and committees and other groups which assist the Council in formulating and executing its policies. However, it would be amiss of me if I do not compliment the Council's staff for their hard work, dedication and professionalism in planning, establishing and operating the Council's facilities.

May I add in closing, Sir, that the Council is working very hard towards trying

to achieve the objective, as set out in your policy address, of increasing tertiary education places. We are working hard in planning the necessary facilities and the programmes in order to accommodate whomever the certificate courses are going to displace through the two polytechnics.

Motions

IMMIGRATION ORDINANCE

THE SECRETARY FOR SECURITY moved the following motion:

"That section 18(3) and Parts VIIA and VIIB of the Immigration Ordinance shall expire on 31 December 1990."

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

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

Parts VIIA and VIIB of the Ordinance were enacted in August 1979 to provide for more effective control of trafficking in unlawful immigration. Under these provisions, any person who aids illegal immigrants to enter Hong Kong commits an offence. Offenders are liable on conviction to a fine up to \$5 million and imprisonment for life, while the ships and other property involved are liable to forfeiture. These two parts have also been re-enacted annually and will expire on 31 December this year unless extended.

The necessity for these provisions is, unfortunately, only too clear. In the first 11 months of this year, a total of 33 951 Vietnamese boat people arrived, compared with 17 805 for the corresponding period in 1988. I shall not elaborate

further on the problem which was dealt with in great detail and at some length in the motion debate last week, except to say that until Vietnamese boat people can be deterred from coming to Hong Kong, and until resettlement is stepped up for refugees and boat people repatriated to Vietnam, we shall need the legislative measures now before you.

Meanwhile we continue to receive Vietnamese illegal immigrants from China, of whom there are some 315 still in Hong Kong. For such people there is no chance of resettlement, or indeed any other benefit, in coming to Hong Kong. They will be returned to China as illegal immigrants.

There is also the continuing problem of illegal immigration from China. The change in our policy last year to prosecute, before repatriation, illegal immigrants caught at places of employment has helped to reduce numbers. But illegal immigration remains a delicate one. Members will recall that in October, when there were some temporary problems regarding the repatriation of illegal immigrants, the number of arrests rose to 2 208, or a daily average of 71. This was the highest number of arrests in any month this year and represented an increase of 57% over the number of arrests in October 1988. The situation has now improved and the number of illegal immigrants arrested in November dropped to a total of 1 875, or a daily average of 63. I need hardly say that the Government will continue to conduct with the greatest determination its policy of preventing and dealing firmly with illegal immigration.

It is against this background that we need to retain the safeguards in the Immigration Ordinance which are now before you. The motion before the Council seeks to extend the provisions for one more year until 31 December 1990. Shortly before that time we shall again review the position.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion:

"That the Ordinance be amended, with effect from 1 January 1990, as follows --

(a) in section 6 --

(i) by repealing "\$345,000" in the three places where it occurs in subsection (1) and substituting in each case "\$424,000";

(ii) by repealing "\$116,000" in subsection (2) and substituting "\$143,000"; and

(iii) by repealing "\$3,000" in subsection (5) and substituting "\$8,000";

(b) in section 7 --

(i) by repealing "\$394,000" in the three places where it occurs in subsection (1) and substituting in each case "\$485,000"; and

(ii) by repealing "\$132,000" in subsection (2) and substituting "\$162,000";

(c) in section 8(4) by repealing "\$158,000" and substituting "\$194,000";

(d) in section 11(5) by repealing "\$920" in the two places where it occurs and substituting in each case "\$1,040";

(e) in section 36C by repealing "\$14,000" and substituting "\$16,000";

(f) in section 36J by repealing "\$43,000" and substituting "\$50,000"; and

(g) in the Third Schedule --

(i) by repealing "\$40" in item 1(b) and substituting "\$70";

(ii) by repealing "\$20" in item 2(b) and substituting "\$70"; and

(iii) by repealing "\$40" in item 3 and substituting "\$70".

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

The purpose of this resolution is to revise the levels of compensation under the Employees' Compensation Ordinance, which provides for employees who are injured in the course of their employment to be compensated. Our policy since 1978 has been to review the levels of compensation every two years, taking into account wage movements and other changes. Existing levels of compensation have been in force since 1 January 1988. It is proposed to introduce the revised levels with effect from 1 January 1990.

A review conducted recently shows that nominal wages over the period January 1988 to November 1989 have risen by 23%. Accordingly, it is proposed to raise the maximum amounts of compensation for death from \$345,000 to \$424,000, and for permanent total incapacity from \$394,000 to \$485,000. At the same time the minimum amounts will be raised from \$116,000 to \$143,000 and from \$132,000 to \$162,000 respectively. The maximum amount of compensation for constant attention will also be raised from \$158,000 to \$194,000.

We also propose to raise the levels of other forms of compensation which are not directly related to movements in nominal wages. First, we propose to raise the minimum earnings per month for the purpose of calculating compensation from \$920 to \$1,040. This figure is based on the level of subsistence allowance for a single person under the Public Assistance Scheme. The proposed increase is in line with the recent increase under that Scheme.

Secondly, we propose to raise the maximum amount of compensation from \$3,000 to \$8,000 for burial and medical expenses where the deceased employee leaves no dependents. This proposal is based on actual increases in medical and burial expenses since 1980.

Thirdly, we propose to raise maximum daily reimbursements of medical expenses from \$40 for in-patients and \$20 for out-patients to \$70 in both cases. This proposal takes into account the increases since 1987 in fees charged by government hospitals and clinics, and the fact that injured employees having to receive more than one medical treatment a day are charged for each treatment.

Finally, we propose to raise the maximum payments to be made by an employer towards

the costs of supplying and fitting a prosthesis or a surgical appliance, and for their repair or renewal. The present amounts, \$14,000 and \$43,000, are to be increased to \$16,000 and \$50,000 in the light of actual increases in costs.

These proposals have been endorsed by the Labour Advisory Board and I commend them to this Council for approval.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

PNEUMOCONIOSIS (COMPENSATION) ORDINANCE

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion:

"That the Ordinance be amended, with effect from 1 January 1990, as follows --

(a) in the First Schedule --

(i) in Part I --

(A) by repealing "\$345,000" in items 1, 2 and 3 and substituting in each case "\$424,000";

(B) by repealing "\$116,000" in item 4 and substituting "\$143,000"; and

(C) by repealing "\$3,000" in item 5 and substituting "\$8,000";

(ii) in Part II --

(A) by repealing "\$394,000" in items 1, 2 and 3 and substituting in each case "\$485,000"; and

(B) by repealing "\$132,000" in item 4 and substituting "\$162,000"; and

(iii) in Part IV by repealing "\$158,000" in item 4 and substituting "\$194,000"; and

(b) in the Second Schedule --

- (i) by repealing "\$40" in item 1(b) and substituting "\$70";
- (ii) by repealing "\$20" in item 2(b) and substituting "\$70"; and
- (iii) by repealing "\$40" in item 3 and substituting "\$70".

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

The purpose of this resolution is to revise the levels of compensation under the Pneumoconiosis (Compensation) Ordinance which provides for payment of compensation by the Pneumoconiosis Compensation Fund Board to persons incapacitated by or dying as a result of pneumoconiosis. These levels are identical to those specified in the Employees' Compensation Ordinance and I propose that they be similarly raised.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

First Reading of Bill

CENSUS AND STATISTICS (AMENDMENT) BILL 1989

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

Second Reading of Bill

CENSUS AND STATISTICS (AMENDMENT) BILL 1989

THE SECRETARY FOR ECONOMIC SERVICES moved the Second Reading of: "A Bill to amend the Census and Statistics Ordinance."

She said: Sir, I move that the Census and Statistics (Amendment) Bill 1989 be read the Second time.

The Bill seeks to extend the provisions in the Census and Statistics Ordinance for protecting the confidentiality of data supplied by companies and individuals and for regulating the conduct of survey enumerators to cover voluntary statistical surveys.

The existing Ordinance provides a general statutory backing only for mandatory statistical surveys, that is, surveys that are carried out by order of the Governor in Council. Data protection and the regulation of enumerators involved in voluntary statistical surveys have to rely on administrative measures mainly through the Official Secrets Act. This is not satisfactory. The proposed amendments are intended to enhance the public's confidence in supplying information to surveys conducted by the Census and Statistics Department in the knowledge that such information will be protected in the same way as for mandatory surveys. Certain provisions in the Ordinance governing the conduct of mandatory surveys will not, however, be extended to cover voluntary surveys. Thus the Commissioner for Census and Statistics is not seeking additional authority in the conduct of statistical surveys where persons supplying information are not obliged to do so.

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

Question on the adjournment proposed, put and agreed to.

Private Bills

First Reading of Bills

THE HONG KONG INSTITUTE OF SURVEYORS BILL 1989

THE HONG KONG INSTITUTE OF ARCHITECTS INCORPORATION BILL 1989

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

Second Reading of Bills

THE HONG KONG INSTITUTE OF SURVEYORS BILL 1989

MR. CHENG HON-KWAN moved the Second Reading of: "A Bill to make provision for the incorporation of The Hong Kong Institute of Surveyors and for matters connected therewith."

He said: Sir, I move that the Hong Kong Institute of Surveyors Bill 1989 be read the Second time.

The object of the Bill is to make provision for the incorporation of the Hong Kong Institute of Surveyors.

When the Institute was formed in 1984, it was registered under the Societies Ordinance and this is still the case today. The Institute wishes to improve its stature by becoming an incorporated body.

In seeking incorporation by statute instead of by the normal procedures under the Companies Ordinance, the Institute wishes to ensure its existence and independence. When this Bill is passed into law, the Institute can only be dissolved by legislative process.

Incorporation by an Ordinance also implies statutory recognition of the Institute as the body representing the profession of surveyors in Hong Kong.

The Institute is now working with the Government on a proposed Surveyors Registration Bill. The Registration Bill will govern the registration and disciplinary control of the professional activities of surveyors in Hong Kong. It is contemplated that a surveyors registration board will be established and most of its members will be appointed by the General Council of the Institute. The Institute hopes to have this present Bill passed into law before the Surveyors Registration Bill is formally introduced.

If the system of registration, qualification and disciplinary control of professional surveyors as proposed is established, the Institute will be vested with certain powers.

Under this Bill, the powers of the General Council of the Institute are clearly defined. The authorities of the General Council are guaranteed and its powers and activities are controlled and regulated.

By virtue of this Bill, the existing Constitution of the Institute is adopted as the Constitution of the incorporated Institute. However, important matters such as the objects and powers of the Institute and the powers of the General Council of the Institute are set out in this Bill. This object and powers will be binding on the Institute as if they were part of the Constitution except that they will not be able to be amended except by an amendment Ordinance. Other provisions of the constitution, which are not enacted as law, can be amended in accordance with the Constitution but they cannot conflict with the provisions of this Bill which after enactment will prevail.

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

Question on the adjournment proposed, put and agreed to.

THE HONG KONG INSTITUTE OF ARCHITECTS INCORPORATION BILL 1989

MR. EDWARD HO moved the Second Reading of: "A Bill to make provision for the incorporation of The Hong Kong Institute of Architects and for matters connected therewith."

He said: Sir, I move that the Hong Kong Institute of Architects Incorporation Bill be read the Second time.

The purpose of the Bill is to give the Hong Kong Institute of Architects the status of an incorporated body. The Institute opts for incorporation by statute so that it will be a legal entity with perpetual succession and can only be dissolved by another statute passed by the Legislative Council. This will ensure the existence and independence of the Institute in the long run.

Also, an important purpose of introducing this Bill is to co-ordinate with the Architects Registration Bill 1989 which provides for the registration of architects and disciplinary control of the professional activities of registered architects. An Architects Registration Board will be established under the said Registration Bill and most members of the Board will be appointed by the Council of the Institute. Since the Board will in future be responsible for the registration, disqualification and disciplining of registered architects, it is in the interest of the public that the independence and status of the Institute be preserved and the powers of the Council

of the Institute be defined and controlled by a separate Ordinance in addition to the statutory and common law principles of company law in general.

The Hong Kong Institute of Architects was formed in 1956 (when it was known as the Hong Kong Society of Architects) for the general advancement of civil architecture and for promoting and facilitating the acquirement of the knowledge of the various arts and sciences connected therewith. Its Full Members (Members, Fellow Members and Overseas Members) are qualified architects. Another class of membership, Graduate Members, are members who have completed architectural education at recognized universities.

The Hong Kong Institute of Architects now has 1 038 Full Members and 153 Graduate Members. It is the only professional institution of architects in Hong Kong. The Hong Kong Institute of Architects' full membership is considered suitable qualification for application to become Authorised Persons (List 1). The full membership is also recognized as qualification by Government for professional grade staff.

The Hong Kong Institute of Architects is one of the four professional institutions which collectively form a functional constituency in the Legislative Council.

Education

In the area of education:

(a) The Hong Kong Institute of Architects maintains a close relationship with the School of Architecture of the University of Hong Kong.

In conjunction with the Commonwealth Architects Association, the Hong Kong Institute of Architects organizes once every five years a Visiting Board of Architects to visit the School of Architecture in the University to ensure that its curriculum and standard are up to the standard of an academic institution recognized by the Commonwealth Architects Association.

Its members serve as external examiner to the School; and are regularly invited to lecture there.

(b) Members of the Hong Kong Institute of Architects are now assisting the Chinese

University in setting up its degree course in architecture.

(c) The Hong Kong Institute of Architects operates a programme of continuing education for architects and architectural graduates in the form of lectures, symposiums, site visits and technical publications.

Professional practice

In the area of professional practice:

(a) Since 1974 the Hong Kong Institute of Architects conducts its own professional examination in Professional Practice and Practical Experience for the purpose of assessing and accrediting professional qualifications. The calibre or standard of the examination can be gauged by the fact that it is also recognized as an equivalent examination by the Royal Institute of Architects of the United Kingdom.

(b) The Hong Kong Institute of Architects ensures a high standard of professional conduct and discipline among its members through its rules and codes of professional conduct.

(c) The Hong Kong Institute of Architects encourages excellence in architecture by annual awards of silver medals and certificates of merits to members deserving such recognition.

Public affairs

In the area of public affairs:

(a) The Institute is appointed to serve on different government advisory boards and committees.

(b) The Institute is regularly consulted and expresses opinions on issues affecting the profession, the building industry and matters of public concern.

(c) The Hong Kong Institute of Architects is a member of the Joint Council of Engineering, Building and Land Development, and frequently participates also with eight other professional institutions in expressing opinions on the Basic Law and a variety of community issues.

International participation

The Hong Kong Institute of Architects participates actively in international professional bodies. It is a national section member of the International Union of Architects, a member of the Commonwealth Architects Association and a founding member of the Architects Regional Council Asia.

The Institute's linkages with these international institutions render its members not only professionally accepted in most of the developed countries but, more importantly, provide them with cultural and technical exchanges which are vital in the maintenance of a professional standard on an international level.

The Hong Kong Institute of Architects has played an important role in our community in ensuring a high standard of academic and professional qualification for architects and in the promotion of better architecture for Hong Kong.

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

Question on the adjournment proposed, put and agreed to.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 13 December 1989 .

Adjourned accordingly at twenty-two minutes to Five o' clock.

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