

1 HONG KONG LEGISLATIVE COUNCIL -- 23 May 1990

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## OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 23 May 1990

The Council met at half-past Two o'clock

### PRESENT

HIS HONOUR THE DEPUTY TO THE GOVERNOR (PRESIDENT)

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 ALLEN LEE PENG-FEI, C.B.E., 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 PETER POON WING-CHEUNG, O.B.E., J.P.

THE HONOURABLE CHENG HON-KWAN, O.B.E., J.P.

THE HONOURABLE CHUNG PUI-LAM, J.P.

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

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

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

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

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

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

THE HONOURABLE POON CHI-FAI, J.P.

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

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH, J.P.

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

THE HONOURABLE TAM YIU-CHUNG

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

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

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

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

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

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

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

THE HONOURABLE PAUL CHENG MING-FUN

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

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

THE HONOURABLE RONALD CHOW MEI-TAK

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

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

THE HONOURABLE MRS. MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, J.P.

DR. THE HONOURABLE LEONG CHE-HUNG  
THE HONOURABLE LEUNG WAI-TUNG, J.P.

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

THE HONOURABLE KINGSLEY SIT HO-YIN

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

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

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

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

THE HONOURABLE YEUNG KAI-YIN, J.P.  
SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE MRS. ELIZABETH WONG CHIEN CHI-LIEN, I.S.O., J.P.  
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE ALISTAIR PETER ASPREY, O.B.E., A.E., J.P.  
SECRETARY FOR SECURITY

THE HONOURABLE ADOLF HSU HSUNG, J.P.  
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE RAFAEL HUI SI-YAN, J.P.  
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE CLIVE WILLIAM BAKER OXLEY, E.D., J.P.  
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

ABSENT

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

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL

MR. LAW KAM-SANG

## Papers

The following papers were laid on the table pursuant to Standing Order 14(2):

### Subject

### Subsidiary Legislation

### L.N. No.

Road Traffic Ordinance (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulations 1990.....	Road Traffic 146/90
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Road Traffic Ordinance Road Traffic (Traffic Control) (Amendment) (No. 2) Regulations 1990.....	147/90
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Immigration Ordinance Immigration (Vietnamese Boat People) (Detention Centres) (Designation) (No. 4) Order 1990.....	150/90
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Immigration Ordinance Immigration (Vietnamese Refugee Centres) (Closed Centres) (Designation) (Amendment) Order 1990.....	151/90
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Immigration Ordinance Immigration (Vietnamese Refugee Centres) (Designation) Order 1990.....	152/90
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Immigration Ordinance

Immigration (Vietnamese Boat People) (Detention Centres) (Amendment) (No. 6) Rules 1990.....	153/90
Immigration Ordinance Immigration (Vietnamese Refugee Centres) (Closed Centre) (Amendment) Rules 1990.....	154/90
Immigration Ordinance Immigration (Vietnamese Refugee Centres) (Closed Centre) (Amendment) (No. 2) Rules 1990.....	155/90
Immigration Ordinance Immigration (Vietnamese Refugee Centres) (Open Centre) (Amendment) Rules 1990..... Port Control (Cargo Working Areas) Ordinance Port Control (Public Cargo Working Area) Order 1990.....	156/90 157/90
Registration of Persons Ordinance Registration of Persons (Application for New Identity Cards) (No. 8) Order 1990.....	158/90
Revised Edition of the Laws Ordinance 1965 Revised Edition of the Laws (Correction of Errors) (No. 2) Order 1990..... 159/90	
Antiquities and Monuments Ordinance Antiquities and Monuments (Declaration of Monument) Notice 1990..... 160/90	
Hong Kong Council for Academic Accreditation	

Ordinance 1990

Hong Kong Council for Academic Accreditation

Ordinance 1990 (Commencement) Notice 1990..... 161/90

Sessional Paper 1989-90

No. 75 -- Kowloon-Canton Railway Corporation

Annual Report 1989

Address by Member

Kowloon-Canton Railway Corporation Annual Report 1989

FINANCIAL SECRETARY: Sir, in accordance with section 14(5) of the Kowloon-Canton Railway Corporation Ordinance, the annual report and accounts of the Kowloon-Canton Railway Corporation for the year ending 31 December 1989 are tabled today.

The Corporation continued to maintain a robust financial position in 1989. Operating revenue stood at \$1,359 million, representing a 14% increase over 1988. Profits after depreciation and interest amounted to \$285 million. Since no new property development projects were completed in 1989, net profit inclusive of income from other commercial activities was 49% below the level of 1988. However, borrowing was contained under \$1.5 billion with a debt to equity ratio of 1 to 2.1.

The Corporation has set aside \$150 million in a Development Reserve for the purposes of upgrading existing facilities and meeting new infrastructure requirements necessitated by growth in service demand.

The Heavy Rail carried over 171 million passengers during 1989, representing an increase of some 12% over 1988. Average daily patronage for the year exceeded 500 000. To further cope with this level of demand, train capacity will be expanded by 51% in 1992, when delivery of a previous order of 54 train cars and an additional order for 42 new cars will be completed.

Freight traffic was slightly curtailed during the year. While in-bound cargo recorded a modest gain of 2% to 3.2 million tonnes, out-bound traffic dropped by 8% to 1.3 million tonnes.

The Light Rail Transit System operating in the north west New Territories offered six light rail and eight bus routes at the end of 1989. Average daily patronage increased by 25% from 181 000 at the end of 1988 to 227 000 by the end of 1989. In June 1989, a new Light Rail route was introduced to serve the residents of Tin King Estate.

The Light Rail Transit will be further enhanced by the end of 1991 with the commissioning of three regional extensions in Tuen Mun. These extensions are expected to increase the coverage of the system, improve operational efficiency and reduce journey times.

Sir, in overall terms, the Corporation performed well in 1989. It has served the community effectively by providing safe, high quality and economic transport services to the travelling public. I would like to thank the chairman and the managing board, the management and all the staff of the Corporation for their dedication and achievements in the past year.

Oral answers to questions

Non-Commonwealth doctors for Vietnamese centres

1. MR. BARROW asked: Will the Government inform this Council what progress has been made on the proposal that non-Commonwealth doctors should be allowed to practise in Vietnamese centres?

SECRETARY FOR HEALTH AND WELFARE: Sir, the Medical Registration Ordinance (Chapter 161) provides that only persons holding a Hong Kong diploma, a United Kingdom or Irish diploma or a recognized Commonwealth diploma or any Licentiate shall be entitled to be registered as medical practitioners. There is presently no provision to allow persons with other medical qualifications to practise in Hong Kong, even if they only serve restricted groups such as Vietnamese boat people or specific foreign communities. Such doctors would need to pass the examinations and complete the period of assessment necessary to become a Licentiate, though exemptions from some of these requirements may be possible in certain cases.

I appreciate that there is a need to ensure that there are adequate numbers of



medical practitioners to cater for special groups as well as for the general public, but this must be achieved without any decline in professional standards. I am also mindful that provision must be made for the future when Hong Kong will no longer be part of the Commonwealth.

With these objectives in mind, I am now seeking the advice of the Medical Council of Hong Kong as to how the Medical Registration Ordinance might best be amended to address the problem and am awaiting their reply. However, as this is a complex professional issue, it would be unrealistic to expect an early solution.

Pending change to the Medical Registration Ordinance, the UNHCR and Medecins Sans Frontieres (MSF) have been asked to establish a recruitment base in Commonwealth countries and to tap the United Nations Volunteers Organization as a source of supply for registrable doctors. The latter has provided two doctors from New Zealand who will be arriving shortly. MSF has thus been able to obtain the number of doctors it requires to meet its present needs.

MR. BARROW : Sir, the Secretary said that this is a complex professional issue and that an early solution is unlikely. However, on 18 January 1989, the then Secretary for Security informed this Council that the matter would be considered as urgently as possible. Could the Secretary clarify why it has taken so long to make progress and whether any new difficulties have emerged?

SECRETARY FOR HEALTH AND WELFARE: While I cannot speak for my colleague the Secretary for Security, I do appreciate that this is a complex issue that may take a little time to arrive at an agreed position. And I certainly hope that a review could be carried out and a decision reached as soon as possible. For my part, Sir, I think the point at issue is to keep the interests of the patients and the public at heart and I will pursue this in good will and with diligence and determination with the professional associations involved.

DR. LEONG: Sir, is the Secretary aware that the medical profession, through the two medical associations, is providing registered medical practitioners on a voluntary basis to serve the Vietnamese centres that are not covered by the Department of Health? And can the Secretary inform this Council whether the current Vietnamese centres are

still short of medical personnel?

SECRETARY FOR HEALTH AND WELFARE: Yes, I can confirm that I am aware that the Hong Kong Medical Association has been liaising closely with MSF and has provided MSF with a list of 29 doctors willing to work in camps. Although I think it is difficult to find local doctors able to work for six months full time as required by MSF, one such doctor has now been recruited and others are helping to fill short-term needs, for example when MSF doctors take leave. As far as the statistics show, with the combined resources from the UNHCR, the Hong Kong Medical Association, and also the Hong Kong Government, at the present moment we can meet the needs in the Vietnamese camps.

MR. MCGREGOR: Sir, can the Secretary say how many full-time doctors are actually required to man the established camps and to take care of the existing Vietnamese population in these camps; and whether the scale is comparable to that of the Hong Kong population?

SECRETARY FOR HEALTH AND WELFARE: I will answer this in two parts. First, with regard to the provision of medical doctors by the Government in the camps, I can confirm that the Government provides medical services to 11 Vietnamese centres, which cover general, out-patient, and health services including immunization programme, health surveillance and control of communicable diseases. It would be ideal, from the Government's point of view, if 26 doctors could be made available, but we have only 17 doctors actually deployed to these camps. Secondly, I think that, given the present availability of resources and having regard to the limits on the growth of the Civil Service and competing demands, the services provided by the Government are considered adequate and there are no plans for improvement in terms of provision of such service to the Vietnamese camps on a comparable basis as we try to do our best for all people and all patients in Hong Kong.

MRS. FONG: The Secretary has in the reply said that the Medical Council has been approached to address the problem. I would like to seek clarification as to whether the problem is in the area of allowing non-Commonwealth doctors to serve special and restricted groups like the Vietnamese boat people, or in the area of provision of doctors when Hong Kong is no longer part of the Commonwealth?

SECRETARY FOR HEALTH AND WELFARE: To clarify that, I would like to restate my point in the main reply that there are in fact three areas in respect of which we are currently seeking a dialogue with the Medical Council; that is to say we need to look at the problem specifically from three directions. One is to ensure that there are in fact adequate numbers of medical practitioners to cater for special groups that we have just mentioned, as well as for the general public in Hong Kong. And the second point which is very important is that this should not be achieved at the expense of lowering the standard of the profession. So we have to be careful that this must be achieved without any decline in professional standards. And of course the third point, which is a point for the future, is that we have to cast our eyes farther ahead to the time when Hong Kong will no longer be part of the Commonwealth.

DR. LEONG: Sir, as regards medical personnel for Vietnamese camps, the problem appears to be mainly affecting the open camps which are now run by the UNHCR. Could the Government inform this Council whether it would allow the Vietnamese from open camps to attend government-run public clinics? And if so, what need will there be for resident medical personnel in these camps, which will be a form of double subsidy?

SECRETARY FOR HEALTH AND WELFARE: The provision of services by the Government does not include open camps. The 11 Vietnamese centres do not include San Yick, for example, where service was discontinued on 21 May this year when it became an open camp.

MR. CHEONG: Sir, given that medical doctors form part of the brain drain, has Government any statistics whatsoever on how the needs of the community will be catered for if the policy is still to limit practice to Commonwealth-qualified doctors?

SECRETARY FOR HEALTH AND WELFARE: The Government is ever alert in looking at the manpower requirements based on several identifying factors. One will be the manpower ratio as advised by the Medical Development Advisory Council, and also as entailed by the various projects which come on line. So we project our manpower requirement several years ahead and we keep a vigilant eye on this issue.

MR. BARROW: Sir, in the context of the importance of portraying Hong Kong as an open and international city, does the Secretary not agree that these restrictions are unhelpful in promoting Hong Kong's image and encouraging investment? And if so, will the Secretary take action to allow special groups, such as students at the Japanese School, to have a Japanese doctor available to look after them?

HIS HONOUR THE PRESIDENT: I think that question, Mr. BARROW, goes well beyond the original question. Could you put it down for a separate answer?

MRS. FONG: From the Secretary's answers, it seems that there are some acute problems to be looked at and some of them are long-term issues. Can the Secretary assure us that she will press ahead to get an answer from the Medical Council on allowing non-Commonwealth doctors to serve special groups in Hong Kong, such as the Vietnamese boat people?

SECRETARY FOR HEALTH AND WELFARE: Yes, Sir. As I have said in my reply to another supplementary, I confirm that in good will, with determination, and with a sense of proportion, I will pursue it with diligence with the Medical Council. I hope that we can arrive at a mutually acceptable position soonest. However, in the matter of professional standards I shall defer to the advice of the Medical Council.

Subvention to voluntary environment action groups

2. MR. PETER WONG asked: Will the Administration inform this Council whether there are plans to subvent voluntary environment action groups on lines similar to social welfare agencies having regard to their increasing role in promoting environmental awareness and their contribution in combating pollution?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, our plans are as follows.

As a first step, and in order to promote immediate action, we have sought, and just obtained, a sum of \$4 million generously donated by the Royal Hong Kong Jockey

Club, for the newly formed Environmental Campaign Committee, for the funding of environmental education and awareness programmes, such as these groups are promoting.

In the longer term, we are considering how such environmental education activities as are consistent with the Administration's objectives in this field, can be further funded. Our considerations include the possibility of subvention.

MR. PETER WONG: Sir, various projects of the environmental groups have been supported on the basis of direct project costs alone. Will the Administration consider subventing basic charges like rent, rates and basic administrative overhead salaries which are a necessary part of the delivery of activities such as environment education?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, certainly we will consider this in the review which is currently on-going. Perhaps I could add one word of comfort and that is that I have asked the Government's Property Services Agencies to see whether it might be possible, at least as a short-term measure, to find office accommodation to help one or two of these organizations.

MR. MARTIN LEE: Sir, will the Administration confirm that its reluctance to subvent these action groups is entirely due to the Government's traditional policy of never paying any money to any organization whose avowed objective is to criticize the Government's failings?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, that is a loaded question! The answer is that we are perfectly prepared to consider the possibility of subvention. But I would say that subvention for any organization should not be considered the sole source of funding.

MR. TAI: Sir, will the Secretary inform this Council of the criteria to be used to dispense the \$4 million belonging to the Environmental Campaign Committee? And what will be the method of replenishment of the fund once it has been used up?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the Environmental Campaign

Committee has only recently been established. It is chaired by a Member of this Council. The terms of reference are reasonably broad and I suggest that it would be up to the Environmental Campaign Committee itself to decide how best to disburse the money. As regards topping up the fund, one of the important points which lay behind the creation of the Environmental Campaign Committee was that there was no ready focus for the donation of funds for environmental projects. And we hope that the community will be sufficiently interested in the work of the campaign committee to wish to donate further.

MR. CHEONG: Sir, will Government give this Council the promise that, in the consideration of subvention to these organizations, some tangible criteria be introduced so that the Finance Committee can look at it objectively and be able to measure the advisability of granting those subventions?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the point is taken. It has been suggested that the following criteria should be examined before an organization is considered for subvention. Firstly, the organization should be a bona fide non-profit-making one. Secondly, it may only apply for subvention to support activities which contribute to the specific policy objectives set out in the White Paper on Pollution in Hong Kong. We will try and quantify these as far as possible.

New Territories taxis' access to Route 5

3. MISS LEUNG asked (in Cantonese): Will Government inform this Council of the rationale for barring New Territories taxis from operating on Route 5, and in view of the possible inconvenience to taxi passengers, whether this policy will be reviewed as soon as possible?

SECRETARY FOR TRANSPORT (in Cantonese): Sir, the operation of NT taxis is restricted to the permitted areas as defined by Regulation 29(1) of the Road Traffic (Registration and Licensing of Vehicles) Regulations. Since Route 5 including Shing Mun Tunnels is outside the permitted areas, NT taxis are not allowed at present to use the new facilities.

Route 5 provides a direct access between Tsuen Wan and Sha Tin New Towns which are already served by urban taxis. NT taxis are not allowed to operate in the two new towns except for certain locations where interchange with other public transport modes is permitted.

However, in line with established practice to review traffic patterns and transport needs arising from the opening of such new facilities, the Administration will conduct a review to examine the feasibility of extending NT taxi operation to include Route 5. The review will take into account the traffic conditions in Shing Mun Tunnels and the adjacent road networks in Sha Tin and Tsuen Wan, the demand for NT taxis to use such a link from areas outside the two new towns, and general policy considerations on the role of NT taxis. The review is expected to be finished in about two months' time.

MISS LEUNG (in Cantonese): Sir, will the Secretary inform this Council when the review referred to in the reply will be conducted?

SECRETARY FOR TRANSPORT (in Cantonese): The review is now being undertaken by the Transport Department.

MISS TAM: Sir, will the Secretary for Transport inform this Council whether the Administration will, in conducting the review, assess the merit of the NT taxi operators' claim that allowing them to ply Shing Mun Tunnel will enable New Territories residents to have better access to the hospitals at Kwai Chung and Sha Tin?

SECRETARY FOR TRANSPORT: Yes, Sir, the review will certainly take into account the plea of the NT taxi operators and the drivers as regards more direct access for passengers from the New Territories to the facilities in the new towns. However, I must point out that there are other factors to be taken into account. These include, for example, the needs already served by existing urban taxis in the new towns concerned. And secondly, there are already direct points of interchange between the hospital facilities -- for example in Sha Tin there are NT taxis. And thirdly, there is the important question of operation problem which might arise from the opening

of Route 5 to NT taxis. There might be an overcrowding of NT taxis in the new towns and therefore depriving the remote areas of the New Territories of the services of NT taxis. These are very important considerations.

MRS. CHOW: Sir, while recognizing the possible conflict of interests between the NT and urban taxis regarding the use of Route 5, would the Secretary not agree that such conflicts should be resolved with priority consideration given to the convenience and interests of the travelling public as well as the efficient use of Route 5? And will the Administration conduct the review referred to in the last paragraph of the main answer with regard to the need to readjust the general policy to keep pace with the fast urbanization of the New Territories?

SECRETARY FOR TRANSPORT: Sir, in reviewing a policy such as this one, the Government must take an overall balanced look at various factors and conflicting demands and views. Obviously, we will take very carefully into account the needs of the travelling public as regards the accessibility of Route 5. On the other hand, we must not forget, as I mentioned earlier, that the role of NT taxis lies in the New Territories, in particular the remote parts of the New Territories. That was the whole basis underlying the 1976 decision to have NT taxis for the New Territories residents.

Secondly, as regards the review itself, we will certainly do our best to speed it up and to make sure that the policy considerations are given very careful thought before we come to a decision on the final recommendations.

MISS LEUNG (in Cantonese): The Secretary has answered part of the question I am about to ask but I wish to drive home a point by raising the question again. In deciding whether to open the Shing Mun Tunnels to the NT taxis, will the Government have special regard to the convenience of taxi passengers in areas of the New Territories other than Sha Tin and Tsuen Wan so that they may have a direct access between Sha Tin and Tsuen Wan? Will the Secretary elaborate on this?

SECRETARY FOR TRANSPORT (in Cantonese): As I mentioned earlier, we have to take into account the needs of the New Territories residents and not just confine it to providing a direct access between Sha Tin and Tsuen Wan. We all know that the NT taxis have to serve the extensive New Territories area, for example, Yuen Long and the North



District which also require taxi service. Therefore, we have to consider how to balance the service of the 2 800 NT taxis in the New Territories so that they will provide a comprehensive service and will not just concentrate in some areas thus depriving the more remote areas of taxi service. Therefore, this is our major consideration.

MR. TAI: Sir, may I ask the Secretary whether he can confirm that about 20% of the NT taxis are not being put into operation for reasons of profitability because there is not enough business to keep the large number of taxis on the go? And if Route 5 was to be opened up, would it enhance the business of the trade?

SECRETARY FOR TRANSPORT: Sir, I believe this is what the trade itself has quoted -- 20% of inactive taxis. I think the department will take this into account in the review to see whether the opening of Route 5 might in fact help stimulate the trade into a more active role in serving the public.

Positive non-interventionism

4. MR. LI asked: In view of the number of questions that have been raised recently suggesting that the Government intervene more in the free operation of the economy, will the Government reaffirm its commitment to its stated policy of "positive non-interventionism"?

FINANCIAL SECRETARY: Sir, our general policy in relation to the development of the economy is that the Government should not interfere in commercial decisions reached in the private sector. Business decisions are best taken by businessmen. Occasionally, when it is clearly in the public interest that the Government should intervene, then we do so in an appropriate manner. In general, this intervention takes place where it is established that the Government should take steps in order to facilitate economic development. We also intervene where there is a case for regulation, but that is something different.

We have been adhering to this policy for many years. The high degree of freedom accorded to the private sector allows the free play of market forces and this has contributed much to Hong Kong's economic success.

Mr. LI has referred to the policy of positive non-interventionism. What I have described is essentially that policy. There is no change in the Government's position.

MR. LI: Sir, how does the Government ensure that each level of the Civil Service is aware of the meaning and importance of positive non-interventionism?

FINANCIAL SECRETARY: Sir, the best way I can answer that is by saying it is woven into our very thinking. The question does arise from time to time, possibly not in the form that Mr. LI has posed it, but our policies are consistent and they do filter right the way down through the Civil Service.

MR. ARCULLI: Would the Financial Secretary confirm for my benefit, and perhaps for Mr. LI's as well, that my understanding of the policy is correct, namely, that as a general rule the Government's policy is one of positive non-intervention but in exceptional circumstances the Government would not hesitate to intervene positively?

FINANCIAL SECRETARY: I thought I put it rather better, Sir, in my answer.

MR. MARTIN LEE: Sir, will the Financial Secretary consider changing the Haddon-Cave phrase of "positive non-interventionism", which was invented so as to justify whatever the then Financial Secretary chose to do, to a slightly less equivocal phrase of "no intervention unless necessary", a phrase which I could understand?

FINANCIAL SECRETARY: Sir, I very rarely use the phrase "positive non-interventionism" myself. It is used by others. Regrettably, I cannot prevent it being used by others.

MR. PETER WONG: Sir, in view of the number of financial Bills before this Council and the number and complexity of financial regulations that our businessmen have to comply with, what measures are being taken by the Administration to ensure that these interventions, whether by way of administrative decisions or regulations, are really necessary?

FINANCIAL SECRETARY: Sir, we do carefully consider the need for those Bills before we even present them to the Executive Council for consideration. Then, of course, they are looked at in this Council and we have to satisfy this Council that the Bills are indeed needed.

MR. TIEN: Sir, in view of the labour shortage and hefty wage increases in recent years the industrial base in Hong Kong is eroding fast. Will the Administration inform this Council whether the policy of positive non-intervention towards industrial development and technology transfer and research will change to be more positive?

FINANCIAL SECRETARY: I think we are straying quite far from the purpose of the original question but nevertheless I will do my best to answer. We are, of course, conscious of problems faced by the manufacturing sector and indeed other sectors of the economy. Where those problems are identified with precision through the various advisory committees and so on, we try and put together appropriate action. We would discuss that through those committees.

MR. MARTIN LEE: Sir, the Financial Secretary said that business decisions are best taken by businessmen. What about businesswomen?

FINANCIAL SECRETARY: Sir, may I refer Mr. LEE to the Interpretation and General Clauses Ordinance.

MR. PETER WONG: Sir, I would like to follow up on the answer from the Financial Secretary. What measures are being taken to ensure that existing regulations are still necessary?

FINANCIAL SECRETARY: Sir, occasionally when we are looking at existing regulations we do find problems. When we find problems, of course we address them and try and solve those problems. If in fact Members of this Council come across regulations that are clearly outmoded, please let me know.

MR. BARROW: Sir, in his excellent speech in New York two nights ago his Excellency the Governor said that keeping bureaucrats out of the market place is part of a formula which seems to work in Hong Kong. Could the Financial Secretary inform this Council as to the specific plans for privatization, in addition to the new infrastructure developments, to further this well proven formula in accordance with what he has told us this afternoon?

FINANCIAL SECRETARY: Sir, we have spoken at some length about the development of the infrastructure on other occasions. As Mr. BARROW knows, there are plans for placing various parts of that development in the hands of the private sector -- the Lantau fixed crossing stands out as a clear example. I cannot give a firm list this afternoon, but certainly we always consider whether it is possible and preferable to handle developments of infrastructure through the private sector.

#### Crimes in vacant public housing units

5. MR. HUI asked (in Cantonese): Since vacant public housing units pending redevelopment often become black spots for crimes, posing serious threats to the lives and property of nearby residents who have yet to move out, will Government inform this Council:

(1) of the number of complaints received over the past three years concerning the vacant units and the nature of these complaints; and;

(2) of the normal time span between the service of a clearance order to residents in a public housing block and the physical vacation of the entire block, and what measures are taken by the Administration during this period to ensure that the vacated units will not be illegally used so as to protect the safety of the residents?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, tenants affected by the Housing Authority's redevelopment programme are normally given 18 to 24 months' formal advance notice to enable the tenants to plan ahead as regards their alternative accommodation.

The Housing Authority recognizes that inevitably public housing units left vacant during the redevelopment process could become problem areas for estate management. Over the last three years, 87 incidents had been reported. Of these, one was connected with indecent assault, 15 with drugs and the remaining 71 involved trespassing mostly with people seeking saleable items from vacated flats. However, these statistics should be seen in the context of the Comprehensive Redevelopment Programme which involved recovering 49 743 vacant units in 196 blocks in the same period.

This is not to say that the Housing Authority is being complacent with the situation. Indeed, efforts have been made to ensure that during redevelopment the remaining tenants are not exposed to undue threats to their personal safety. The Housing Department has adopted a number of measures to prevent any misuse of vacant flats:

- (a) All vacant units are immediately sealed up and painted with a warning notice against trespassing. Luminous stickers are stuck at conspicuous places for easy identification. When a whole floor is empty, the corridors and staircases are closed subject to fire services requirements;
- (b) Officers patrolling the estates keep an updated list of vacant units, which is also sent to the local police regularly to facilitate their routine patrols. In addition, when half of the units in a housing block are vacant, security guards are posted to the building; and
- (c) Regular meetings are held with residents and local liaison bodies to identify any problems which may arise and to provide residents with assistance and advice.

MR. HUI (in Cantonese): Sir, will the Administration inform this Council whether assistance has been enlisted from the mutual aid committees to solve the security problem of vacant units? According to the information provided by the police recently, the double homicide case in which two young girls were killed took place on vacant premises in Tze Wan Shan, and the chairman of the mutual aid committee had the key to the premises. Could the Administration account for such an arrangement?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, mutual aid committees come under

"liaison bodies" that I mentioned in sub-paragraph(c) of the last paragraph in my main reply. In other words, the Housing Department will have regular meetings with them. As regards the second part of the question concerning the chairman's keeping of the key to the vacant premises, I do not have the information with me but I will consult the Housing Department. If this is true, we will find out the reason and provide an answer in writing to Mr. HUI (Annex I).

MR. MICHAEL CHENG (in Cantonese): Sir, will the Government inform this Council whether anybody has been prosecuted because of illegal use of vacant public housing units? Is the number of prosecutions an adequate deterrent?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, I do not have the exact information. But if the above activities were related to the 87 cases, they would be treated as criminal offences. I am sure the police would have considered taking out prosecutions against those in breach of the law. Would the Secretary for Security care to add?

SECRETARY FOR SECURITY: No, Sir. I do not have any statistics with me either on prosecutions that have been taken out.

MRS. CHOW: Sir, what is the longest and shortest time gap between the point at which all units are vacated and the actual demolition of the building? And is the Authority satisfied that such gaps are kept as short as possible?

SECRETARY FOR HOME AFFAIRS: Sir, for the vacated flats, the duration between vacation and demolition would depend on the time required by the affected tenants to move out, following the formal Notice of Clearance. In practice, most tenants move out about six to nine months before the actual clearance takes place by which time new reception blocks would have been completed and ready for occupation.

MR. CHEUNG YAN-LUNG (in Cantonese): Sir, part of my question has been covered by Mrs. CHOW. Could the Secretary inform this Council of the conditions under which

the management agency can be replaced? Could the Secretary explain why an 18 to 24 months' notice is necessary?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, as regards the second part of the question, I think the affected tenants need one or two years to plan ahead and make arrangements. These include applying and waiting for allocation of an HOS or a PSPS flat, or joining the Home Purchase Loan Scheme to purchase private flats, as well as finding new jobs and new schools for their families. As the completion date for the reception blocks can be earlier or later than scheduled, the Housing Authority needs some time to allow the blocks to be completed. Therefore an 18 to 24 months' notice is necessary.

MR. HUI (in Cantonese): Sir, could the Government inform this Council of the number of vacant public housing units in the territory and the number of buildings due for demolition in which these vacant units are located?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, I do not have the information with me. I have discussed the issue with the Housing Department. As a large number of buildings and tenants are affected by the redevelopment programme which is indeed an on-going exercise, the figures vary from time to time. Anyhow, I will check with the Housing Department and provide an answer in writing to Mr. HUI (Annex II).

#### Counselling services for maladjusted school children

6. MRS. TU asked: Will the Government inform this Council whether it provides counselling services such as psychotherapy to school children without criminal records but showing signs of maladjustment due to neglect, abuse, split homes, triad and other influences and if not, will Government consider setting up special schools providing education as well as such services for children identified by social workers as being maladjusted?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as to the first part of the question, the Government provides counselling services such as psychotherapy to maladjusted school children without criminal records.

Cases of mild maladjustment are usually dealt with by the class teacher and the discipline teacher with support where necessary from school-based student guidance officers in primary schools, and from the school's guidance team in secondary schools. These teachers are supported by school social workers.

As to the second part of the question, I understand that Mrs. TU's main concern is for children from broken homes, who are better off not living at home. At present, special education and residential care are provided to such children. There are now eight special schools catering for maladjusted children between the ages eight and 16. These children are provided with residential care services by the Education and Social Welfare Departments while attending special schools. They reside either in homes attached to the special schools or hostels nearby the special schools.

All these special schools are provided with school social workers and educational psychologists. Counselling and treatment services such as play therapy, study skills training and social skills training are offered to both individuals and groups according to the needs of the pupils at school. The boarding sections of the schools are also provided with support from social workers and clinical psychologists of the Social Welfare Department.

In these schools, the school curriculum is modified and adapted to help the pupils to regain their self-confidence and interest in their work. Individualized programmes are offered whenever necessary. All the pupils are prepared for integration into the mainstream on completion of their primary or junior secondary education.

MRS. TU: Sir, as many teachers are discouraged and some give up teaching because of the extent of unacceptable behaviour of many so-called "mildly maladjusted" children in schools, could the Secretary explain under what circumstances a child is considered sufficiently maladjusted to be in need of special residential care, apart from the fact that he or she is bereft of one or both parents? And how many children are at present in the eight special schools referred to?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, if I may answer the second part of the supplementary question first, at the present time there would appear to me to be close to a thousand children in these eight special schools at primary and secondary level. I cannot add up the numbers now but I can provide the total later to Mrs. TU. (Annex



III) As regards the first part of the question, I am not, I am afraid, either a school social worker or a psychologist. All I can say is that where a social worker, after investigating the child's family circumstances, or where an educational or a clinical psychologist, after investigating the child's behaviour pattern, are both satisfied that the child will be better off being boarded and taught in a special school, then that child would be given a place in that school.

MR. MICHAEL CHENG (in Cantonese): Sir, has the Government conducted any survey on this kind of maladjusted school children to find out how many of them require special services? Moreover, at the moment are there sufficient places provided by these eight special schools to cater for the needs of these children?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, as to the first part of that question I can assure honourable Members that the availability and adequacy of pastoral services in schools is currently being investigated by the Education Commission and it will form a part of the Commission's fourth report.

As to the second part of the question, namely, the adequacy of special schools, my understanding is that at the present time there is no shortfall in the provision of special school places. It is envisaged that by 1991 there will be a surplus of about 60-odd places and that many of the problems encountered by maladjusted pupils can be overcome by the various support services of both the Education Department and the Social Welfare Department. These support services try as far as possible to solve the problem of these children outside the context of hostels and special schools.

MR. TAI: Sir, could the Secretary inform us of the school social worker to student ratio and what the caseload of the school social worker is? Would the Secretary also tell us the locations of the special schools and whether all of them provide residential facilities?

SECRETARY FOR EDUCATION AND MANPOWER: As to the first part of that question, Sir, I believe -- but I do not have the exact answer with me -- that the ratio of school social workers to students is 1 : 3 000. And I stress it is the school social worker, not the school guidance officer who is a different kind of functionary.

As to the second part of the question, Sir, the locations of these schools are fairly spread out throughout the territory. I can provide Mr. TAI with a written answer on their names and locations. (Annex IV)

MRS. FAN: Sir, can the Secretary inform this Council of the total number of children in the eight special schools that he mentioned in his answer? Are they all living away from home? And what percentage do they represent of the relevant age group?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the total capacity of these eight schools -- and they are full at the moment -- is, as I said earlier, about a thousand. These children live away from home during the week but I believe that the social workers make a point of seeing to it that the children go home during the weekends. They have, at the end of their stay in these schools and hostels, to reintegrate into society and be back with their families. As far as the proportion of the age group is concerned, I am afraid I do not have the exact percentage but all these children are aged between eight and 16.

MRS. TAM (in Cantonese): It was mentioned in the second paragraph of the Secretary's reply that cases of mild maladjustment were usually dealt with by the class teacher and the discipline teacher. May I ask the Government whether cases of serious maladjustment are dealt with by the same people? If so, does the Government consider that teachers and social workers with their present workload can cope with such a large number of cases?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, to answer that question I think it would be helpful if I could briefly explain the hierarchy of the school pastoral services. As I am sure Mrs. TAM is aware, the bulk of the cases of moderate to mild maladjustment that emerge in schools -- and by the bulk I mean something between 60% and 70% -- can be attributed to learning difficulties. That is why the first line of treatment is handled by teachers. We believe that in both primary and secondary schools, cases of mild to moderate maladjustment should be handled by teachers. Where it becomes evident that failure to learn and failure to adapt to school life is caused by problems that are not associated with learning -- that is to say the children may have broken homes or other difficult social circumstances -- we would then deploy professional

staff to help these children. That is where social workers and psychologists come in. But that is not to say that the workload of the school-based school guidance officers is light. It is not. And I can say that this matter is currently being reviewed by the Education Commission.

MRS. TU: Sir, in paragraph 2 of the main answer, the Secretary said that cases of mild maladjustment are dealt with by the class teacher and the discipline teacher. Now because maladjustment seldom, if ever, responds to discipline and punishment, what training, if any, is provided for discipline teachers to ensure that their treatment is appropriate?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I am afraid I do not have the answer with me. I know that the Education Department, helped by other departments, have provided the school-based teachers with counselling and social work training. Practically all school guidance officers, for example, have at least six months training in social work. But I shall provide a more detailed reply in writing. (Annex V)

#### Private Sector Participation Scheme housing estates

7. MR. CHOW asked (in Cantonese): In view of recent complaints about the poor quality and management of some Private Sector Participation Scheme (PSPS) housing estates, will Government inform this Council whether it will consider asking the Housing Authority to review its roles regarding the quality and management of these estates?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, the Government's main objective in the PSPS is to produce, as far as practicable, flats which are built and managed to similar standards as Home Ownership Scheme (HOS) projects developed by the Authority itself. The Housing Authority has hitherto played an advisory and supervisory role in this scheme.

In view of the recent complaints about the quality and management of some of these projects, the Authority is considering the possibility of playing a more active part

in relation to this scheme both before and after project completion. The measures under consideration, which are concerned with a wide range of improvements to existing practice, will require the agreement of the Authority and the relevant government departments, but I can assure Members that prompt action has been taken to resolve the more immediate problems in the PSPS developments under complaint.

MR. CHOW (in Cantonese): Sir, the Housing Department will have the right to step in and use the retention sum to make good any defects if the management of the estates is found to be most unsatisfactory. Could the Government inform this Council whether the department has stepped in on similar occasions before? Having regard to the complaints that there have been eight instances of sewage flooding as a result of blockage of sewers within two months' time and indeed without any improvement, would the Government consider it a most unsatisfactory situation?

SECRETARY FOR HOME AFFAIRS (in Cantonese): According to the information provided by the Housing Department, it has never stepped in before as it believes that the best way to deal with these complaints is to bring all the parties together to sort out their problem. This is the simplest and most convenient method and that is why the department has not stepped in as yet. It is always the department's intention that through close liaison and deliberation, the problem can be resolved.

MRS. CHOW: Sir, how does the Housing Authority play its advisory and supervisory role referred to in paragraph 1, and does such a role absolve the Authority of all legal and moral responsibilities towards the owners?

SECRETARY FOR HOME AFFAIRS: Sir, a PSPS project is in essence a private sector development in which land is sold by Government as in any other private sector development on the open market. This means that the design, construction and subsequent management of the development are part and parcel of the developer's responsibility. The control and approval of the design and construction of a PSPS project rests with various government departments, such as compliance with the Buildings Ordinance, issue of Occupation Permit, and Certificate of Compliance. The Director of Housing nominates a monitoring surveyor to ensure compliance with the technical schedule in the Conditions of Sale. Through an inter-departmental working group chaired by the Director of Buildings and Lands, the Housing Department advises on the setting of technical specifications and standards of service to be met by the

developer and its management agencies. The developer is required under the Conditions of Sale to manage the project to the satisfaction of the Director of Housing. In addition, the developer is required to provide a retention sum to the Director of Housing as security for the making good of defects during the one-year defects liability period, and a bank guarantee for the good management and maintenance of the project for a period of 10 years. As such, the Housing Authority's role is supervisory in the rectification of defects and the management and maintenance of the project. It is only in exceptional situations that the Housing Department will step in and carry out the necessary works at the developer's expense. So far, PSPS developers have responded positively to complaints on defects and management matters and there is as yet no cause for the Director of Housing to use the retention sum or bank guarantee. And as I said earlier, Sir, the Housing Authority will be looking into this matter at a meeting to be held next month.

MR. HUI (in Cantonese): Sir, will the Government inform this Council of the number of unsettled cases after the Housing Department has stepped in as a mediator? What was the nature of those complaints? How long would it approximately take the Government to settle the complaints lodged by various parties?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Since the first PSPS project was completed in 1980, the Housing Department has altogether received 242 complaints of different kinds. During the period, a total of 37 410 flats under the scheme were completed as scheduled. In percentage terms, the number of complaints received represented 0.6% of the total number of flats completed. A breakdown of the cases is as follows: 115 cases were related to construction defects, 78 were against mismanagement, 24 were concerned with environment and there were also 25 other cases. As at April 1990, there were 23 unsettled cases and they are still being investigated by the Housing Department. I am afraid I do not have the breakdown of these 23 cases with me.

MR. MICHAEL CHENG (in Cantonese): Sir, in view of the fact that tenants of both PSPS and HOS estates are subject to income limits and the land premium of the estates has been exempted, could I ask the Government why it does not impose more stringent control over PSPS estates as it does for HOS estates?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, the HOS was formulated and implemented by the Government in 1976 because there was a keen demand for such flats at that time. Therefore more flats had to be built to meet such needs. The Government held the view that if private developers were invited to join the scheme, the public demand would be met. Against such a background, the PSPS was implemented in 1977. That was when the private sector came in. As regards management, I have pointed out earlier on that the resources and expertise of the private sector should be drawn on to supplement the inadequacies of the HOS of the Housing Authority. The land is the developer's property. It is required under the Conditions of Sale that the estates must be managed to the satisfaction of the Director and therefore the management of the estates rests with the developer. If the Housing Authority takes over this job, it may encounter difficulties because it lacks the huge manpower required to manage the estates. In fact, estate owners can, through the owners' committees formed under the Deed of Mutual Covenant, directly contact the management agency appointed by the developer to iron out all the problems related to estate management.

MISS LEUNG asked (in Cantonese): Sir, could the Secretary inform this Council of any specific improvement measures which are being considered?

SECRETARY FOR HOME AFFAIRS (in Cantonese): As far as I understand, the Housing Department's proposals will be considered by the Home Ownership Committee of the Housing Authority at a special meeting on 5 June this year. I do not think it is now the right time to disclose the details because it may affect the Committee's work and deliberation.

MR. CHUNG (in Cantonese): Sir, I am glad to learn that the Housing Authority is considering whether it can play a more positive role both before and after the completion of the PSPS estates. Could the Secretary inform this Council whether it will consider setting up a special maintenance fund so that for a reasonable period of time after occupation, the fund can be drawn on to deal with all kinds of complaints, whether they are related to the liability of the developer, the contractor, or the management agency? Will the Housing Authority consider reserving the power to terminate the contract with the management agency appointed by the developer or even change a new one if the agency is not doing a good job?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, I will reflect Mr. CHUNG's comments today together with those of other Members to the Housing Authority for consideration at its meeting.

MR. CHEUNG YAN-LUNG (in Cantonese): Sir, could the Secretary inform this Council of the conditions under which the management agency can be replaced?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Sir, under the PSPS, for the first 10 years after the first Occupation Permit for any part of the estate has been issued, management rests with the agency appointed by the developer. The contract is automatically renewable every five years except under the following conditions: (1) The management agency serves the owners' committee and the Director of Housing with a written notice no less than six months before it terminates the contract. (2) The termination of the contract, by resolution of owners of an estate holding 60% or more of the interest in the inseparable parts of the estate, can be communicated to the management agency through the owners' committee. However these two conditions do not apply in the first 10 years after the first Occupation Permit has been issued, that is, before the expiry of the first appointment of the agency.

MR. SIT (in Cantonese): Most of the complaints are related to the quality of the estates. Does it mean that there has been something wrong with the construction, supervision and inspection of the estates? Could the Secretary inform this Council whether any organization or individual has been investigated as a result?

SECRETARY FOR HOME AFFAIRS (in Cantonese): According to the Conditions of Sale, PSPS developers must comply with all the building-related Ordinances under the laws of Hong Kong. Furthermore, the Director of Housing appoints a monitoring surveyor to oversee the progress of construction. Only with his endorsement and approval can the Occupation Permit and the Certificate of Compliance be issued. The supervision of construction has in fact been stringently enforced. Nobody has been penalized or prosecuted so far.

MR. CHOW: Sir, in connection with recent complaints, does the Administration only refer such complaints to the developer and management companies for their attention

and co-ordinate meetings amongst concerned parties? Does the Administration agree that the PSPS is part of the Government's housing policy? If yes, then how will the Administration account itself to the public, especially those victims of the recent incidents?

SECRETARY FOR HOME AFFAIRS: Sir, as I explained earlier, the PSPS is basically a private development under which the private developers will tender for the sites on which they are required to build flats conforming to certain specifications. This is mainly a commercial venture in respect of which, as I explained earlier, the Housing Authority exercises a supervisory and an advisory role.

Illegal immigrant mothers

8. MR. TAM asked (in Cantonese): Will the Government inform this Council --

(a) whether it knows how many of the 56 illegal immigrant mothers who were repatriated to China in January 1988 have been granted exit permits by the Chinese authorities and have returned to Hong Kong;

(b) whether the mothers were told by the Hong Kong Administration that it would take two to three years for permits enabling them to return to Hong Kong legally to be processed; and if so, what led the Government to believe that it would take two to three years to have the permit applications processed; and

(c) whether it will consider taking action to assist those mothers who are still waiting for their exit permits to enable their early return to Hong Kong?

SECRETARY FOR SECURITY: Sir, to the best of our knowledge, one illegal immigrant mother from the group repatriated to China in January 1988 has since returned to Hong Kong.

In January 1988, in response to a question in this Council, the then Secretary for Security said that most one-way permit holders had obtained their one-way permits within three years of application. He based this on information obtained at that time from people who had come to Hong Kong on one-way permits. His reply was not



a promise.

We have discussed these cases with the Chinese authorities on many occasions, with the aim of ensuring the early return to Hong Kong of the mothers involved. Although they have had to take their place in the queue for one-way permits, I hope they will get their permits within the reasonably near future. In the meantime I understand that husbands and children can visit wives regularly to maintain close family ties and that the mothers are able to visit their families here on two-way permits.

MR. TAM (in Cantonese): Regarding the application for one-way permits by illegal immigrant mothers from places of origin, the situation over the past two years or more was very different from that as described by the former Secretary for Security in his reply to the question raised by this Council. Why did the Government provide this Council with misleading or inaccurate information at that time?

SECRETARY FOR SECURITY: Sir, as I said, the then Secretary for Security said that the majority of those coming to Hong Kong on one-way permits had obtained those permits in less than three years. That was true at the time; that is still true.

MR. ANDREW WONG (in Cantonese): Is the Secretary aware of the report that the officer in charge of the Entry/Exit Visa Unit of the Haifeng County, Mr. WANG Zhiyung, mentioned at 2 pm on 28 January 1990 that illegal immigrant mothers had to wait 22 years for their one-way permits and that it was just a way to ease their minds by allowing them to apply at that time? This may perhaps be a rumour. But in view of the report, will the Secretary undertake to check its validity? If it turned out to be true, could the Secretary comment on the reply the then Secretary for Security gave in response to Mr. Hilton CHEONG-LEEN's supplementary question on 13 January 1988? The reply he gave on that date was: "Sir, from the information we get from people who come to Hong Kong on one-way permits, it seems some get them in less than a year, others in two years and most of them within three. I do not consider this to be unreasonable myself." Could this statement be interpreted as an intention to mislead?

SECRETARY FOR SECURITY: Sir, I am afraid I cannot comment on the statement made by the Haifeng County Authority. I have no knowledge of that. What I can say is that the great majority of one-way permit holders coming to Hong Kong, something over 90%, are people who are coming to Hong Kong for family reunion, and of those, again the overwhelming majority are either children with parents in Hong Kong or wives with husbands in Hong Kong. There is a queue and it does take some time to obtain these permits but, as I have said, the latest information remains that the majority of people obtain their permits within three years of application.

MRS. LAU: Sir, can the Secretary inform this Council how many of the illegal immigrant mothers referred to in the question have actually been able to visit Hong Kong again on two-way permits since January 1988? And how long have they been allowed to stay in Hong Kong on each occasion?

SECRETARY FOR SECURITY: Sir, I regret that I do not have that information available but I do know that some mothers have been allowed to visit their husbands and families here. I should say that the issue of one-way permits, and of course the issue of two-way visit permits also, is a matter for the Chinese authorities.

MR. MARTIN LEE: Sir, since these illegal immigrant mothers had been repatriated to China in January 1988 without any apparent prospect of their being re-admitted into Hong Kong on a permanent basis, will the Government consider setting aside a special quota for them so that they could come within the next month?

SECRETARY FOR SECURITY: No, Sir. The immigration into Hong Kong from China for settlement is restricted to the daily quota of 75 which gives a total of 27 000 per year. This is used primarily for family reunification cases. We have no intention of changing that.

MR. POON CHI-FAI (in Cantonese): Sir, since the Government has discussed the matter with the Chinese authorities on many occasions, could an estimate be given, based on the experience gained from these discussions, of the approximate time the return of these illegal immigrant mothers to Hong Kong will take? And in the second

paragraph of the main reply, it is mentioned that discussions have been held with the Chinese authorities on many occasions with the aim of ensuring the early return to Hong Kong of the mothers involved. Does the Government consider that the aim of an early return has been achieved through these arrangements and discussions? If not, what further effective action will be taken by the Government?

SECRETARY FOR SECURITY: Sir, I cannot give a firm estimate of the time when they will all come to Hong Kong. What I can say is that we have discussed it with the Chinese authorities to ensure that these mothers are given a proper priority in the queue -- not priority over everybody else but that they are not put right to the bottom of the queue. And I believe that they are likely to be allowed into Hong Kong gradually with the issue of one-way permits over the next few years.

MR. TAM (in Cantonese): It would appear from paragraph 3 of the main reply that the Secretary is trying to shift the responsibility to the Chinese authorities. He was so uncommitted when he expressed in his reply the hope of the Government for the issue of permits to these illegal immigrant mothers within the near future. Will any concrete measures, like the arrangement for the "boat brides", be taken by the Government to help these mothers to come to Hong Kong?

SECRETARY FOR SECURITY: Sir, since the present one-way permit system was introduced in 1980, it has been clear all along that the issue of one-way permits is a matter for the Chinese authorities. There has been no change in that respect.

As I have said, there is a queue. There are a large number of people wanting to come to Hong Kong, primarily for family reunification. We are concerned, and in our discussions with the Chinese we have made it clear that the illegal immigrant mothers should be given their fair turn in the queue. And I believe that will lead to a solution of the problem.

MRS. FONG: The Secretary for Security has indicated that there is a quota of 75 a day for one-way permit holders which has been in place since 1980 and that the Government has no intention of increasing the quota. Could the Administration explain why a policy in place for 10 years cannot be subject to review? Could the Administration also explain why it is not possible to set aside a certain category of quota whereby the Administration can give input as to preferences for individuals

eligible for these one-way permits?

SECRETARY FOR SECURITY: Sir, I think that one has to bear in mind the background against which the decision was taken in 1980 to impose this quota. It was against the background of very considerable illegal immigration. We still face a problem of very considerable illegal immigration from China. We have to limit immigration into Hong Kong and we believe that the 75 a day quota strikes a fair balance between the interests of allowing people to come to Hong Kong, primarily for family reunification, and the need for Hong Kong not to receive too many immigrants.

As regards the second part of the question, I think I can only repeat that the issue of one-way permits is a matter for the Chinese authorities. They are issued overwhelmingly, in over 90% of the cases, to people who want to come to Hong Kong for family reunion. That includes mothers, wives, husbands, children and other relatives. We have certainly made it clear in our discussions with the Chinese authorities that we hope that they will give a suitable priority to women who have husbands and possibly children in Hong Kong. Indeed a very large percentage of the permits issued, certainly in the last two years for which I have figures, are either of children or of spouses coming to Hong Kong.

MRS. CHOW: Sir, can the Secretary tell this Council the period that the Hong Kong Government has put forward in its many discussions with the Chinese Government, to quote his phrase "reasonably near future"? Is it three years, 10 years, or 20?

SECRETARY FOR SECURITY: Sir, certainly nearer the former than the other two. We have, in our discussions with the Chinese, made it clear that we would hope that these mothers could be returned to Hong Kong within a few years.

MR. ANDREW WONG (in Cantonese): Sir, could "suitable" in the phrase "suitable priority" be given a qualification? In 1988 the Government told the OMELCO Security Panel that the Chinese authorities had agreed to the following: that the illegal immigrant mothers would not be penalized on repatriation and that it would not be too long before they could obtain one-way permits to come to Hong Kong. Yet based on a fact recently disclosed, a notice on the temporary suspension of application to reside in Hong Kong and Macau has been issued in Shunde County. (There is

sufficient evidence for that.) But the woman whose granting of permit has been temporarily suspended is classified as "repatriated illegal immigrant" in her registration record. Is this an indication that penalty has somehow been given? I do not want to name this lady. But if the Secretary is interested in it, I will be ready to give him the two documents. In this connection, may I ask the Secretary to make it clear what "reasonable near future" and "suitable priority" actually mean regarding the issue of one-way permits?

SECRETARY FOR SECURITY: Sir, I think I have just answered that question. We have told the Chinese authorities that we would hope that they could return in the next few years. I am afraid I cannot comment on the individual case; I have no knowledge of that.

Written answers to questions

Outworkers

9. MR. CHOW asked: Does the Administration intend to introduce legislation to change the law to protect Hong Kong's many "outworkers" who are not at present considered to be "employees"?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the Government does not consider it necessary or appropriate to extend the scope of existing employment legislation to outworkers.

At the present time, outworkers are defined in employment legislation as "a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale, in his own home or on other premises not under the control or management of the person who gave out the materials or articles". This definition makes it clear that an outworker is an independent contractor rather than an employee.

Promotion of confidence in Hong Kong

10. MR. DAVID CHEUNG asked: Will Government inform this Council of the efforts that

are being made to boost both local and international confidence in Hong Kong and, specifically, whether there are plans for mobilizing the local and international communities to jointly organize large-scale fairs and exhibitions, or similar events in Hong Kong and overseas between now and 1997, to promote awareness of Hong Kong as an important international city?

CHIEF SECRETARY: Sir, substantial efforts to boost local and international confidence in Hong Kong are being taken by both government and non-government organizations.

In a large number of other areas, efforts are taken either jointly or independently by government and non-government organizations both in Hong Kong and through their respective overseas offices. These activities include:

- (a) High-level visits, sometimes led by the Governor, to target countries. Wherever possible, these visits are linked to business promotions.
- (b) Trade, investment and tourism promotion missions and campaigns, undertaken by the Hong Kong Trade Development Council, the Industry Department, the Hong Kong Tourist Association and the various chambers of commerce.
- (c) Sponsored visits to Hong Kong by influential persons from target countries.
- (d) Speakers sent from Hong Kong to address influential audiences overseas.
- (e) Participation in international conferences, and the hosting of such conferences in Hong Kong.

Turning now specifically to the point in Mr. CHEUNG's question on organizing large-scale fairs and exhibitions in Hong Kong and overseas, I am pleased to advise that such activities are being actively pursued. It is indeed the Government's policy, as part of its efforts to raise Hong Kong's profile, to encourage both participation in international conferences and the hosting of conferences in Hong Kong.

The latter deserves special mention. Now that Hong Kong has a world class facility -- the Hong Kong Convention and Exhibition Centre, the stage is set for an expansion of Hong Kong's role in hosting more international exhibitions and

conferences. Here the Government feels that its role is not so much that of financing such activities (unless they are directly related to the work of the Government) but rather of facilitating their organization. Non-government organizations are therefore being encouraged to bring in more international conferences to Hong Kong.

Nothing speaks louder than facts. Last year, Hong Kong hosted over 500 events, of which just over 400 were conferences and the remainder exhibitions. Between them they attracted 108 000 visitors from abroad -- nearly 50% up on the figure for 1987. The conference facilities are already heavily booked for the next three years and present forecasts are for over 600 events in 1993 attracting some 190 000 visitors.

Quite apart from the economic value of such events, there is a benefit to be gained by exposing more people from abroad to modern cosmopolitan Hong Kong. Both the Hong Kong Convention and Exhibition Centre and the Hong Kong Tourist Association deserve special praise for the work they are doing in attracting these conference visitors to Hong Kong.

#### First Reading of Bill

##### WATER POLLUTION CONTROL (AMENDMENT) BILL 1990

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

#### Second Reading of Bills

##### WATER POLLUTION CONTROL (AMENDMENT) BILL 1990

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the Second Reading of: "A Bill to amend the Water Pollution Control Ordinance."

He said: Sir, I move the Second Reading of the Water Pollution Control (Amendment) Bill 1990.

When the Water Pollution Control Bill was submitted to this Council on 25 June

1980, the Secretary for the Environment stated that it was necessary to begin taking remedial measures in order to prevent a significant deterioration in the quality of our waters. He also mentioned that the Bill was of an enabling nature only and that, in order to become effective, it would need to be followed up with detailed regulations. However, for a number of reasons, although the Water Pollution Control Ordinance was enacted in July 1980, the regulations to effect controls under the Ordinance were not passed until 1986. The first Water Control Zone therefore did not come into effect until April 1987, and by that time water quality had deteriorated significantly. The situation in Tolo Harbour, our first Water Control Zone, became quite alarming, and I personally observed this unwelcome transition with concern, having served as District Officer in Tai Po at a time when the waters were relatively clear and unpolluted.

As for Hong Kong's waters generally, there has been a more or less steady decline in every major pollution indicator since records began in 1972. To take some specific examples from the Environmental Protection Department's latest Marine Water Quality Report:

"low levels of dissolved oxygen (10 to 30% saturation) were detected in the bottom water of Victoria Harbour, inner Deep Bay, inner and outer Port Shelter as well as the coastal waters along the shore of south Lantau Island ... Very serious oxygen depletion approaching anoxic conditions was found in the whole area of Tolo Harbour and Channel".

Sir, oxygen is vital to marine life. These dangerously low levels of dissolved oxygen, the target minimum for which is 50%, as explained in the report, are due to pollution by industrial effluents and sewage, including that emanating from the livestock industry. The bad smells which distinguish many parts of our harbour waters are merely a superficial symptom of the damage which is being done. Among the more serious consequences are costly damage to harbour and waterside installations, severe and unhealthy contamination of the flushing water supplied to many households, and a loss or contamination of fish and shellfish stocks, including many of commercial importance.

Toxic pollutants from several industries, such as electroplating and printed circuit board manufacture are a particularly worrying feature of our environment. Once discharged into the sea, many such pollutants remain there forever. The Marine Water Quality Report, to which I have just referred, further indicates that



significant pollution problems exist in Hong Kong waters, particularly in Victoria Harbour, Tolo Harbour and Deep Bay. Considerable industrial pollution was found in these areas, indicated by the high levels of micro-pollutants and heavy metals in the seabed sediment. There are unacceptable levels of heavy metals, organic pollutants, organic micro-pollutants and nutrients in the bottom sediments of Victoria Harbour, where on-shore industrial activities are intensive. Relatively high nutrient and chlorophyll-a levels were also detected in previously unpolluted areas including southern waters and outer Deep Bay. All this clearly illustrates that the waste receiving capacity of our coastal water is limited, and urgent action is now required for the proper control, treatment and disposal of the enormous quantities of wastes generated by our population and our industries.

A major contributing factor to this unhappy situation is the existing Water Pollution Control Ordinance, which has allowed this catalogue of abuse to go virtually unchecked. This is because its generous exemption provisions which are, as far as I know, unique in the world of pollution control, effectively confer a "licence to pollute". The current Ordinance actually licenses a 30% increase in the pollution that each individual factory may discharge over the level discharged at the time of application of the Ordinance. This provision is largely responsible for the failure of the Ordinance to achieve its stated purpose, because it has allowed the amount of pollution, particularly toxic chemical pollution, to increase dramatically.

It is not just the Authority who has problems with the Ordinance. The factory operator, even the "honest" polluter who wants to make an effort to clean up his effluent, has no easy way of finding out in advance what standards will be applied by the Authority. Accordingly, in order to help industry to overcome these difficulties, the Bill seeks to introduce the publication of standards. The Secretary for Planning, Environment and Lands, after consultation with experts and affected parties, will publish these standards in the Gazette in the form of a Technical Memorandum. The Authority must be guided by the Technical Memorandum when issuing and renewing licences.

Sir, having regard to the weaknesses in the existing legislation, the main improvements which are intended to be effected by this Bill are:

- the deletion of the right of exemption from licensing for discharges in future water control zones;

- the replacement of exemption by a right to a licence under specified conditions;
- the introduction of a provision that when setting licence conditions, the Authority, that is, the Director of Environmental Protection, should be guided by effluent standards which are to be laid down in a Technical Memorandum issued by the Secretary for Planning, Environment and Lands; and
- to increase penalties.

Government's intention to amend the Water Pollution Control Ordinance in this manner was clearly stated in the White Paper on Pollution, issued in June 1989, and on other occasions since then in this Council. Formal consultation with industry started last September, and will continue throughout the legislative process. However, there are two points I wish to emphasize. Firstly, the Government is not taking away, overnight, the right to discharge wastewaters. Dischargers who have already been granted exemptions in the four existing Water Control Zones will be permitted to continue their current emissions. When the amended Bill comes into effect they will be deemed to have been granted licences for the next two years. This represents, in effect, a two-year grace period for a very strictly limited group of effluent producers. But after these two years these dischargers will have to apply for a licence under the Ordinance. All dischargers in future Water Control Zones will have to apply for licences, and the Authority, in granting licences, will be guided by the standards in the Technical Memorandum.

The second point is that, while the Administration recognizes that there will be costs to industry in complying with the new provisions, these costs need not be onerous. There are several reasons for saying this. Firstly, only a small proportion of Hong Kong's industry will face effluent treatment costs. Secondly, there is scope for reducing costs through waste minimization in the factory. Thirdly, recycling of some valuable raw materials and energy, especially heat, can reduce pollution control costs dramatically. And fourthly, upgrading production plant and processes can increase profitability as well as reduce pollution loads. Indeed, Hong Kong already has instances where these savings have been effected, either individually or through smaller factories acting together. For example, a group of leather manufacturers successfully co-operated in a shared effluent treatment plant in Tuen Mun. An electroplater in Tsuen Wan installed a metal recovery system which paid for itself in two years. The estimated payback time for a dissolved copper recovery system for printed circuit board manufacture is six months to two years.

A simple change to the arrangement of rinse tanks in a plating factory could cut the water consumption, and hence the effluent production, by a factor of between 10 and 100. A big bleaching and dyeing factory could make net savings of over \$0.5 million a year by recovering heat as part of its arrangements for meeting effluent discharge standards. These are but a few examples.

The Administration maintains that all sectors of the community will have to contribute to pollution control. The livestock industry has already been obliged, by other legislation, to clean up its act. This Bill will introduce effective controls for other sectors of commerce and industry. To support these sectors, the Government is replacing the present outdated sewage disposal system with a comprehensive new scheme, requiring a total investment in excess of \$15 billion. Without this investment, the direct costs to industry of meeting even minimal effluent standards would be many times higher. As well as providing this costly infrastructure, the Government is providing practical help through its support to the Hong Kong Productivity Council, in its efforts to bring affordable pollution control technologies to all sectors of Hong Kong industry. In addition, the establishment of the Centre of Environmental Technology for Industry at the City Polytechnic, funded by the private sector has made available to industry a fresh source of expert, independent, practical and free advice on clean technology and how local industry, particularly small factories, can meet anti-pollution requirements. The centre also demonstrates a wide range of inexpensive pollution control equipment, which is specifically designed and manufactured locally to meet the needs of our manufacturers. Manufacturers can purchase this equipment at cost: the centre takes no profit for this service.

Some industrial sectors have claimed that they do not have space to install the effluent treatment equipment that will be needed to meet the proposed standards. If that is the case, the Government will look at their data, and will find ways to ease their problems if at all possible. However, I must stress that our environment must be restored to a tolerable condition, so there may be a need for some restructuring. As a result some small operators may be unable to continue, but there will always be others to take their place. However, it is important that these proposed reforms be taken forward in a spirit of co-operation. It is therefore encouraging to note from recent public statements by some industrial leaders that this spirit is now developing.

Notwithstanding the cost to industry, and to Government itself -- for the Water

Supplies Department will need to spend about \$300 million to meet the required standards -- this piece of legislation is a cornerstone of our White Paper. If we do not rectify the wrongs of the past, Hong Kong will become one of the most polluted cities in the world. That is why I must stress the Administration's firm intention to implement this legislation without further delay and to declare the remaining six Water Control Zones over the next two years. The more effective controls proposed in the Bill are deemed essential if the huge expenditure on sewage disposal schemes and other efforts to abate water pollution are not to be wasted.

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

Question on the adjournment proposed, put and agreed to.

#### DIRECTOR OF INTELLECTUAL PROPERTY (ESTABLISHMENT) BILL 1990

Resumption of debate on Second Reading which was moved on 9 May 1990

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

Bill read the Second time.

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

#### ROAD TRAFFIC (AMENDMENT) BILL 1990

Resumption of debate on Second Reading which was moved on 9 May 1990

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

Bill read the Second time.

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

#### MERCHANT SHIPPING (PREVENTION AND CONTROL OF POLLUTION) BILL 1989

Resumption of debate on Second Reading which was moved on 21 June 1989

Question on Second Reading proposed.

MISS LEUNG (in Cantonese): Sir, the Merchant Shipping (Prevention and Control of Pollution) Bill 1989 and the Merchant Shipping (Liability and Compensation for Oil Pollution) Bill 1989, on which we resume the Second Reading debate today, carry a particular and indeed unprecedented significance as far as bilingual legislation is concerned.

This will be the first time bilingual Bills are drafted to re-enact and incorporate into the corpus of local law United Kingdom legislation relating to marine pollution. The Chinese versions of these two Bills will serve as model for the Chinese text of future Bills of a similar nature. On passage through this Council, these two Bills will respectively become the second and third local enactment to have been transplanted from the United Kingdom statute book, and in this connection, the first and second local enactment to have an authentic Chinese text.

Sir, the object of the present two Bills is to provide local legislation to give effect to the provisions of two international maritime conventions. As a matter of fact, these two conventions have long been applied to Hong Kong but they have been given legislative backing by virtue of United Kingdom enactments. In order to ensure that the international conventions will continue to have legal effect beyond 1997, it is necessary to replace by equivalent local legislation these United Kingdom enactments.

The present two bilingual Bills differ from previous bilingual Bills in one material respect, namely, that the Chinese text of each Bill was not drafted concurrently with the English text. The latter text, copiously copied from the relevant United Kingdom enactment, had an ample start over the former.

Sir, I should like to make the following two points with regard to the Merchant Shipping (Liability and Compensation for Oil Pollution) Bill 1989.

(1) For the English expression "a cargo of persistent oil in bulk", it has been proposed to use in the Chinese text the counterpart expression of "散裝低揮發性油類". The meaning of "in bulk" in the Bill should be abundantly clear to all and there is no need to define it in the Interpretation Section of the English text.

However, the expression of "散裝" would appear to have as yet no clear definition and hence its meaning is equivocal. The law drafting staff have therefore suggested that in the Interpretation Section of the Chinese text a clear definition should be given to "散裝", namely, "只用油倉<sup>⑩</sup> 船倉或船舶其他部份裝載 (1) 而並無裝入其他容器或包裝的". I think this is a very apt definition. I also believe that this flexible approach should continue to be adopted in defining terms in subsequent Bills which seek to incorporate United Kingdom legislation into the local statute book.

(2) The counterpart Chinese expressions to "country" and "state" in "liability convention country" and "liability convention state" are "地區" and "國" respectively, thus becoming "公約地區" and "公約國", to put them in their respective contexts. The law drafting staff have devoted considerable time to exploring what the proper and fitting Chinese term for "country" should be. Basically, "country" and "state" could both be termed "國家" in Chinese. Yet, in the Bill, we could not just use one single Chinese term to cover these two English terms each of which carries a different meaning. Despite an assiduous effort, the law drafting staff had finally to accept that it was indeed difficult to find an alternative term to "地區" in the Bill. Yet if we should come upon a fitting Chinese term in the future to adequately convey the legal connotations of the term "country", the expression "地區" could perhaps be replaced. One possible alternative term might be "國土".

Sir, the term "authority" in the English text of the Bills is rendered as "權力體" in the Chinese text. Although some countries use the term "權力體", yet here in Hong Kong we are accustomed to using the term "當局" or "主管當局", which we can readily understand, to denote "authority". Furthermore, in enacted bilingual Ordinances, the term "主管當局" has been used to denote "authority". I shall, therefore, be moving an amendment in the Committee stage to replace "權力體" with "主管當局".

Sir, I shall also be moving a number of other amendments to the Chinese text of the Merchant Shipping (Liability and Compensation for Oil Pollution) Bill 1989 to make it convey better the original meaning of the English text.

Sir, with these remarks, I support the motion.

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

Bill read the Second time.

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

MERCHANT SHIPPING (LIABILITY AND COMPENSATION FOR OIL POLLUTION) BILL 1989

Resumption of debate on Second Reading which was moved on 21 June 1989

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

Bill read the Second time.

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

TELECOMMUNICATION (AMENDMENT) BILL 1990

Resumption of debate on Second Reading which was moved on 2 May 1990

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

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee.

DIRECTOR OF INTELLECTUAL PROPERTY (ESTABLISHMENT) BILL 1990

Clauses 1 to 13 were agreed to.

Schedules 1 and 2 were agreed to.

ROAD TRAFFIC (AMENDMENT) BILL 1990

Clauses 1 to 8 were agreed to.

#### MERCHANT SHIPPING (PREVENTION AND CONTROL OF POLLUTION) BILL 1989

Clauses 2 and 4 to 12 were agreed to.

Clause 1

MR. BARROW: Sir, I move that clause 1 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 1(1)

That clauses 1(1) be amended by deleting "1989" and substituting "1990".

Question on the amendment proposed, put and agreed to.

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

Clause 3

MR. BARROW: Sir, I move that clause 3 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 3(2)(b)(iii)

That clause 3(2)(b)(iii) be amended by deleting "such" where it first occurs.

Question on the amendment proposed, put and agreed to.

MISS LEUNG (in Cantonese): Sir, I move that clause 3 be further amended as set out under my name in the paper circulated to Members. I already gave, during the resumed



Second Reading debate on this Bill, the reason for the substitution of "權力體" by "主管當局".

Proposed amendment

Clause 3(6)(a)

That clause 3(6)(a) be amended by deleting "權力體" in both places where it occurs and substituting in each case "主管當局".

Question on the amendment proposed, put and agreed to.

Question on clause 3, as amended, proposed, put and agreed to.

Schedule

MR. BARROW: Sir, I move that the schedule be amended as set out in the paper circulated to Members.

Proposed amendment

Schedule, Part II

That schedule, Part II, be amended by deleting "1989 ( of 1989)" and substituting "1990 ( of 1990)" in item 1.

Question on the amendment proposed, put and agreed to.

Question on schedule, as amended, proposed, put and agreed to.

MERCHANT SHIPPING (LIABILITY AND COMPENSATION FOR OIL POLLUTION) BILL 1989

Clauses 2, 3, 5, 9, 12 to 14, 17 to 23, 26, 28 to 30 and 32 were agreed to.

Clause 1

MR. BARROW: Sir, I move that clause 1 be amended as set out in the paper circulated

to Members.

Proposed amendment

Clause 1(1)

That clause 1(1) be amended by deleting "1989" and substituting "1990".

Question on the amendment proposed, put and agreed to.

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

Clauses 4, 6 to 8, 10, 11, 15, 16, 24, 25, 27 and 31

MISS LEUNG (in Cantonese): I move that the specified clauses be amended as set out in the paper circulated to Members. The proposed amendments to clauses 7(c), 25(1)(a)(iii) and 31(2)(a) concern the replacement of "權力體" by "主管當局" to denote "authority". The reason has been given during the resumed Second Reading debate on this Bill. Sir, I beg to move.

Proposed amendments

Clause 4(a)

That clause 4(a) be amended by adding "該" after "便是".

Clause 6(3)

That clause 6(3) be amended --

(a) in paragraph (b) --

(i) by deleting "會由每一船主在本款以外" and substituting "如無本款規定便由每一船主"; and

(ii) by deleting "會" where it occurs after "不能與".

(b) by deleting "會" where it occurs before "由全體".

#### Clause 7(c)

That clause 7(c) be amended by deleting "權力體" and substituting "主管當局".

#### Clause 8(b)

That clause 8(b) be amended by deleting "類".

#### Clause 10(2)

That clause 10(2) be amended --

(a) by deleting "須" where it first occurs and substituting "已".

(b) in paragraph (b), by adding "限" after "責任".

#### Clause 10(5)(b)

That clause 10(5)(b) be amended by deleting "的條文".

#### Clause 10(6)

That clause 10(6) be amended by deleting the comma occurring after "勝訴".

#### Clause 11

That clause 11 be amended by adding "可" after "步驟便".

#### Clause 15(1)

That clause 15(1) be amended by deleting "除在第 條另外規定的情況下" and substituting "除第 條另有規定外".

#### Clause 16(1)

That clause 16(1) be amended by deleting "除在第 款另有規定的情況下"

and substituting "除第が款另有規定外".

Clause 24(4)

That clause 24(4) be amended by adding "爲證據" after "這樣接受".

Clause 25(1)(a)(iii)

That clause 25(1)(a)(iii) be amended by deleting "權力體" and substituting "主管當局".

Clause 27(2)

That clause 27(2) be amended by deleting "本條下" and substituting "本部下".

Clause 31(2)(a)

That clause 31(2)(a) be amended by deleting "權力體" in both places where it occurs and substituting in each case "主管當局".

Question on the amendments proposed, put and agreed to.

Question on clauses 4, 6 to 8, 10, 11, 15, 16, 24, 25, 27 and 31, as amended, proposed, put and agreed to.

Schedule 1 was agreed to.

Schedule 2

MR. BARROW: Sir, I move that schedule 2 be amended as set out in the paper circulated to Members.

Proposed amendment

Schedule 2, Part II

That schedule 2, Part II, be amended --

(a) by deleting "1989 ( of 1989)" wherever it occurs and substituting in each case "1990 ( of 1990)".

(b) by adding before the item relating to the Merchant Shipping Act 1979 (Hong Kong) Order 1980 (App. III, AN1) --

"Oil Pollution In section 10(1)(a),  
(Land Use and repeal "Merchant Shipping  
Requisition) (Oil Pollution)  
Ordinance (Cap. 247) (Hong Kong) Order 1975"  
and substitute "Merchant  
Shipping (Liability  
and Compensation for Oil  
Pollution) Ordinance 1990  
( of 1990)".

Question on the amendment proposed, put and agreed to.

Question on schedule 2, as amended, proposed, put and agreed to.

TELECOMMUNICATION (AMENDMENT) BILL 1990

Clauses 1 to 3 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

DIRECTOR OF INTELLECTUAL PROPERTY (ESTABLISHMENT) BILL 1990

ROAD TRAFFIC (AMENDMENT) BILL 1990 and

TELECOMMUNICATION (AMENDMENT) BILL 1990

had passed through Committee without amendment and the

MERCHANT SHIPPING (PREVENTION AND CONTROL OF POLLUTION) BILL 1990 the original short title of which was MERCHANT SHIPPING (PREVENTION AND CONTROL OF POLLUTION) BILL 1989 and

MERCHANT SHIPPING (LIABILITY AND COMPENSATION FOR OIL POLLUTION) BILL 1990 the original short title of which was MERCHANT SHIPPING (LIABILITY AND COMPENSATION FOR OIL POLLUTION) BILL 1989

had passed through Committee with amendments. He moved the Third Reading of the Bills.

Question on the Third Reading of the Bills proposed, put and agreed to.

Bills read the Third time and passed.

Adjournment and next sitting

HIS HONOUR THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 30 May 1990.

Adjourned accordingly at half past Four o'clock.

Note: The short titles of the Bills listed in the Hansard, with the exception of the Director of Intellectual Property (Establishment) Bill 1990, Merchant Shipping (Prevention and Control of Pollution) Bill 1989 and Merchant Shipping (Liability and Compensation for Oil Pollution) Bill 1989, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.