

1 HONG KONG LEGISLATIVE COUNCIL -- 9 January 1991

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 9 January 1991

The Council met at half-past Two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (PRESIDENT)

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

THE CHIEF SECRETARY

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

THE FINANCIAL SECRETARY

THE HONOURABLE SIR PIERS JACOBS, K.B.E., J.P.

THE ATTORNEY GENERAL

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

THE HONOURABLE 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, C.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, O.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, O.B.E., 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, O.B.E., J.P.

THE HONOURABLE TAM YIU-CHUNG

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

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

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

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

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

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

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

THE HONOURABLE PAUL CHENG MING-FUN

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

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

THE HONOURABLE RONALD CHOW MEI-TAK

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

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

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

THE HONOURABLE MRS MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, O.B.E., J.P.

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

THE HONOURABLE KINGSLEY SIT HO-YIN

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

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

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

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

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

THE HONOURABLE MRS ANSON CHAN, J.P.
SECRETARY FOR ECONOMIC SERVICES

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

THE HONOURABLE IAN ROBERT STRACHAN, J.P.
SECRETARY FOR SECURITY

THE HONOURABLE MICHAEL DAVID CARTLAND, J.P.
SECRETARY FOR HEALTH AND WELFARE

ABSENT

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

DR THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR LAW KAM-SANG

Oath

Mr M.D. CARTLAND took the Oath of Allegiance.

Papers

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

Subject

Subsidiary Legislation

L.N. No.

Public Health (Animals and Birds) Ordinance Regulations 1990.....	407/90	Dairies (Amendment)
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Public Health (Animals and Birds) Ordinance Public Health (Animals) (Boarding Establishment) (Amendment) Regulations 1990.....	408/90	
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Public Health (Animals and Birds) Ordinance Public Health (Animals) (Riding Establishment) (Amendment) Regulations 1990.....	409/90	
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Public Health (Animals and Birds) Ordinance Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulations 1990.....	410/90	
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Public Health (Animals and Birds) Ordinance Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulations 1990.....	411/90	
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Road Traffic Ordinance Road Traffic (Public Service Vehicles) (Amendment) (No. 6) Regulations 1990.....	412/90	
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Electoral Provisions Ordinance		
Declaration of Constituencies (Legislative		Council) Order
1990.....	413/90	
Corrupt and Illegal Practices Ordinance		
Legislative Council Election Expenses		
Order 1990.....		
414/90		
Corrupt and Illegal Practices Ordinance		
Urban Council, Regional Council and District		
Boards Election Expenses (Amendment)		
Order 1990.....		
415/90		
Public Health and Municipal Services Ordinance		
Designation of Libraries (Regional Council		Area) (No. 2)
Order 1990.....	416/90	
Electoral Provisions Ordinance		
Legislative Council Constituencies (Number		
of Vacancies) Order 1990.....		
417/90		
Public Order Ordinance		
Public Order Curfew (Variation) (No. 3)		
Order 1990.....		
418/90		
Merchant Shipping (Amendment) Ordinance 1990		
Merchant Shipping (Amendment) Ordinance		
1990 (Commencement) Notice 1990.....		419/90
Public Health (Animals and Birds) (Amendment)		
Ordinance 1990		
Public Health (Animals and Birds) (Amendment)		
Ordinance 1990 (Commencement) Notice 1990.....		420/90

Agricultural Pesticides Ordinance
Agricultural Pesticides (Amendment)
Regulations 1990.....
422/90

Air Pollution Control Ordinance
Air Pollution Control (Furnaces, Ovens and
Chimneys) (Installation and Alteration)
(Amendment) Regulations 1990..... 423/90

Animals and Plants (Protection of Endangered
Species) Ordinance
Animals and Plants (Protection of Endangered
Species) Ordinance (Replacement of Schedules)
Order 1990.....
424/90

Animals and Plants (Protection of Endangered
Species) Ordinance
Animals and Plants (Protection of Endangered
Species) (Exemption) (Amendment) (No. 2)
Order 1990.....
425/90

Electoral Provisions Ordinance
Electoral Provisions (Procedure) (Amendment)
Regulations 1990.....
426/90

Electoral Provisions Ordinance
Electoral Provisions (Registration of
Electors) (Amendment) Regulations 1990..... 427/90

Legislative Council (Electoral Provisions)
Ordinance
Legislative Council (Electoral Provisions)
(Procedure) (Amendment) Regulations 1990..... 428/90

Legislative Council (Electoral Provisions)

Ordinance

Legislative Council (Electoral Provisions)
(Registration of Electors and Appointment
of Authorized Representatives) (Amendment)

Regulations 1990.....

429/90

Telecommunication Ordinance

Telecommunication (Amendment) (No. 2)

Regulations 1990.....

430/90

Telecommunication Ordinance

Telecommunication (Public Radiocommunication
Service Customers) (Exemption from Licensing)

Order 1990.....

431/90

Road Traffic Ordinance

Taxis (Limitation on Number) Notice 1990..... 432/90

Registration of Persons Ordinance

Registration of Persons (Application for
New Identity Cards) (No. 20) Order 1990.....

433/90

Chinese Permanent Cemeteries Ordinance

Chinese Permanent Cemeteries (Amendment)
Rules

1990..... 434/90

Public Health and Municipal Services Ordinance

Cremation and Gardens of Remembrance

(Urban Council) (Amendment) By-Laws 1990..... 435/90

Public Health and Municipal Services Ordinance

Library (Urban Council) (Amendment) (No. 2)

By-Laws 1990.....	
436/90	
Public Health and Municipal Services Ordinance	
Pleasure Grounds (Urban Council) (Amendment)	
(No. 4) Bylaws 1990.....	
437/90	
Buildings Ordinance	
Building (Administration) (Amendment)	
Regulations 1990.....	
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Buildings Ordinance	Building (Construction) Regulations
1990.....	439/90
Import and Export Ordinance	
Import and Export (General) (Amendment)	
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(Amendment of First Schedule) Order 1990.....	441/90
Travel Agents Ordinance	
Travel Agents (Amendment) Regulations 1990.....	442/90
Foreign Judgments (Reciprocal Enforcement)	
Ordinance	
Foreign Judgments (Reciprocal Enforcement)	
(Amendment) Order 1990.....	443/90
Dangerous Goods (Consignment by Air) (Safety)	
Regulations	
Dangerous Goods (Consignment by Air)	
(Safety) Regulations (Amendment of Schedule)	
Order 1990.....	
444/90	

Immigration Ordinance	
Immigration (Anchorage and Landing Places)	
(Amendment of Schedule) Order 1990.....	445/90
 Pilotage Ordinance	
Pilotage (Amendment) Order 1990.....	446/90
 Pilotage Ordinance	
1990.....	447/90
 Pilotage (Dues) (Amendment) Order	
 Telecommunication (Hong Kong Telephone	
Company) (Exemption from Licensing) Order	
Telecommunication (Hong Kong Telephone	
Company) (Exemption from Licensing) (Fees)	
(Amendment) (No. 3) Order 1990.....	448/90
 Merchant Shipping Ordinance	
Merchant Shipping (Conduct of Inquiries)	
Rules 1990.....	449/90
 Securities and Futures Commission Ordinance	
Securities and Futures Commission (Annual	
Returns) Rules 1990.....	450/90
 Criminal Law (Amendment) Ordinance 1990	
Criminal Law (Amendment) Ordinance 1990	
(Commencement) Notice 1990.....	451/90
 Public Health and Municipal Services Ordinance	
Public Health and Municipal Services	
(Public Pleasure Grounds) (Amendment of	
Fourth Schedule) Order 1991.....	1/91
 Registration of Persons Ordinance	

Registration of Persons (Invalidation of Old Identity Cards) Order 1991.....	2/91
Shipping and Port Control Ordinance Shipping and Port Control Ordinance (Exemption) (Amendment) Notice 1991.....	3/91
Matilda and War Memorial Hospital Ordinance Resolution.....	4/91
District Boards (Amendment) Ordinance 1990 District Boards (Amendment) Ordinance 1990 (Commencement of Sections 2, 4, 5 and 6(1))	Notice
1991.....	5/91
Electoral Provisions (Amendment) Ordinance 1990 Electoral Provisions (Amendment) Ordinance 1990 (Commencement of Sections 6, 7, 8, 9, 10, 17, 18, 19 and 21) Notice 1991.....	6/91
Electoral Provisions (Registration of Electors) (Amendment) Regulations 1990 Electoral Provisions (Registration of Electors) (Amendment) Regulations 1990 (Commencement) Notice 1991.....	7/91
Legislative Council (Electoral Provisions) (Registration of Electors and Appointment of Authorized Representatives) (Amendment) Regulations 1990 Legislative Council (Electoral Provisions) (Registration of Electors and Appointment of Authorized Representatives) (Amendment) Regulations 1990 (Commencement of Regulations 2(b), 4(1), 6, 7, 8, 9, 10, 11 and 12) Notice 1991.....	

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Legislative Council (Electoral Provisions)
(Amendment) Ordinance 1990

Legislative Council (Electoral Provisions)
(Amendment) Ordinance 1990 (Commencement
of Sections 3(2), (3) and (4), 5, 7, 8,
10(2) and (3), 12(2), 13(b), 14, 15 and 23)

Notice

1991..... 9/91

Regional Council (Amendment) (No. 2) Ordinance 1990

Regional Council (Amendment) (No. 2)
Ordinance 1990 (Commencement of Sections
4, 5, 6, 7 and 8) Notice 1991.....

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Urban Council (Amendment) (No. 2) Ordinance 1990

Urban Council (Amendment) (No. 2) Ordinance
1990 (Commencement of Section 4) Notice

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Sessional Papers 1990-91

No. 38 -- Regional Council's Estimates of Revenue and Expenditure for 1990-91 --
Appendix III (Revised)

Oral answers to questions

Methadone abuse

1. MR CHOW asked: Although methadone is listed as a dangerous drug and is put under control, it was reported recently that young people can obtain the drug easily from medical practitioners in the private sector. Will Government inform this Council whether consideration has been given to stepping up the monitoring of the use of

methadone and other dangerous drugs, so as to prevent them from being abused?

SECRETARY FOR SECURITY: Sir, methadone is included in Part I of the First Schedule to the Dangerous Drugs Ordinance, which imposes stringent controls on the supply of such drugs.

Under Part IV of the Ordinance registered medical practitioners are authorized to supply such dangerous drugs so far as may be necessary for the practice or exercise of their profession. Methadone may legitimately be supplied for the treatment of addiction to opiate drugs such as heroin and opium.

Both the Hong Kong Medical Association and the Hong Kong Branch of the British Medical Association have given wide publicity to the statutory controls over dangerous drugs, and reminded their members of the need for them to adhere to the principles of good prescribing practice.

It should not, therefore, be easy for people to obtain methadone from medical practitioners, unless this is for the treatment of drug addiction.

As regards monitoring, all wholesalers and authorized sellers of dangerous drugs are required to submit information on transactions involving such drugs to the Department of Health. On the basis of this information the Department requests all private medical practitioners who have bought quantities of methadone in excess of what might be expected for normal medical practice to submit an explanation for their purchases.

The Department will continue to monitor routinely the procurement by private medical practitioners of methadone and other drugs liable to abuse, and if malpractice comes to light, appropriate measures will be taken. Such measures may include referral to the Hong Kong Medical Council for further investigation, and referral to the police for investigation should any breach of the law be suspected.

Sir, it is considered that the current monitoring of the supply of methadone is adequate, but should there be clear indications that this is not so, additional monitoring measures will be considered.

MR CHOW (in Cantonese): Sir, the Department of Health claimed that since last year, it has been monitoring closely wholesalers' records of sale of such dangerous drugs

to private clinics and that any irregularity found would be referred to the Medical Council for further investigation. Could I ask how many such cases have been referred to the Medical Council for investigation so far? And can Government disclose the findings of such investigations last year?

SECRETARY FOR SECURITY: Sir, the last year for which we have full figures is the year 1989. In that year one allegation relating to methadone was received by the Medical Council; this case is currently under investigation by the police. No cases in 1990 have yet come to light.

MR MCGREGOR: Sir, can the Secretary indicate the incidence of recidivism with addicts who have had the methadone treatment? In other words, Sir, how effective is the methadone treatment?

SECRETARY FOR SECURITY: Sir, there are at present a total of 11 000 individuals reported to the Central Registry of Drug Abuse in the first nine months of 1990. Of this number only 342 are reported to have abused methadone, as compared, for example, to 10 327 who are reported to have abused heroin. It is the responsibility of doctors who are treating such patients to report them to the Central Registry.

MISS TAM: Sir, referring to paragraph 5 of the Secretary's answer, could I ask what kind of control in terms of registration of quantity or source is being imposed in respect of the wholesalers and authorized sellers obtaining dangerous drugs, so as to check against what they have sold to the private practitioners?

SECRETARY FOR SECURITY: Sir, in order to answer this question, we have to go back to the doctor himself. The amount of drugs which a doctor may prescribe to a patient on methadone must ultimately be a matter for the doctor's professional judgment. It is then a matter for the Director of Health, who monitors the wholesalers and the other suppliers of these drugs, to decide on his own professional judgment whether or not a particular doctor has oversubscribed.

MR MICHAEL CHENG (in Cantonese): Sir, given that in recent years some drug addicts approach unscrupulous private practitioners and solicit them for drug substitutes whenever the price of drugs rises, will Government amend the respective Ordinances that control drugs, so as to plug this loophole of drug abuse and strengthen its monitoring measures?

SECRETARY FOR SECURITY: Sir, because we do not believe that there are irregularities which need to be addressed, we do not intend to change the law at present.

MR MCGREGOR: Sir, I am not sure that the Secretary answered my first question which asked what proportion of drug addicts who have been treated with methadone turn drug abusers again and come back for further treatment?

SECRETARY FOR SECURITY: Sir, I do not have the data on this. May I please provide a written reply. (Annex I)

MR CHOW (in Cantonese): How many investigations did Government conduct on drug manufacturers (that is, drug suppliers), pharmacies and drugstores last year? Furthermore, will Government consider inspecting private clinics as it does currently with other drug sellers and drugstores?

SECRETARY FOR SECURITY: Sir, as I have said earlier, the last year for which we have full figures for doctors being asked to explain excessive purchases of methadone was 1989. During that year the Department of Health asked 40 doctors to explain the large purchases which they had made. Having examined these purchases, the Department was satisfied with the explanations.

As to the other monitoring that is taking place, I would like to provide a fuller reply in writing, Sir. (Annex II)

MR TIEN: Sir, with reference to the Secretary's reply to the last supplementary by Mr Ronald CHOW, will the Secretary tell this Council of the some 40 cases that came to light last year, how many actually resulted in conviction, if that is the correct word to use, at the instance of the Medical Council or the police?

SECRETARY FOR SECURITY: Sir, of the 40 cases in 1989, one was referred to the Medical Council and this case is currently under investigation by the police; it has not yet come to court.

MR ANDREW WONG (in Cantonese): Sir, could I be informed of the total amount of methadone that had been consumed in Hong Kong during the years 1989 and 1990? How much of this was used by public hospitals, clinics, subsidized or subvented hospitals and drug addiction treatment centres? And how much was administered by private practitioners?

SECRETARY FOR SECURITY: Sir, I regret that I do not have these statistics with me this afternoon. May I please be allowed to provide a written reply? (Annex III)

Candidate for the post of Secretary for Works

2. MR CHENG HON-KWAN asked: Will Government inform this Council why a search has to be made outside the Government for a candidate to fill the post of the Secretary for Works when it will be vacated by its present holder later this year?

CHIEF SECRETARY: Sir, I should first make it clear that the post of Secretary for Works is not an automatic promotion post for officers from the Works Group of Departments. Secondly, the post will be open to applications both from serving officers and the non-government sectors, and not solely from the latter.

Our objective is to select the most suitable person for the post. The Secretary for Works post carries important functions for the implementation of major capital projects in the years ahead. It is therefore in the public interest that the post should be filled by the most suitable person. It is for this reason that the post is being advertised both within and outside the Civil Service in order that a wider choice of candidates may be considered.

MR CHENG HON-KWAN: Sir, will the Chief Secretary inform this Council why the decision

to advertise the post outside the Civil Service has been made contrary to the usual practice of filling the post by promotion of professional staff?

CHIEF SECRETARY: Sir, there has only been one Secretary for Works up until now. The post has only been created recently; so we do not have a long line of precedents. Secondly, it is not unusual to fill Secretary posts from outside the Civil Service. We have a precedent in the Secretary for Monetary Affairs, for example, who has been recruited outside the Civil Service and there are others as well. We believe that this is an important post and that we should open it as much as possible to competition from within and outside the Civil Service, and it is for that reason the decision has been taken.

MRS TU: Sir, referring to the second paragraph of his answer, could the Chief Secretary clarify what he means by "suitable person"? Does that mean suitable in the professional field, or suitable in general administration, or maybe even in bureaucratic qualifications?

CHIEF SECRETARY: Sir, "suitable" in its broadest sense. The post of Secretary for Works is very largely a managerial post. It is at a very senior level; the officer concerned is responsible for resource allocation, for planning and for staff management over a wide range of activities. Therefore we need someone who has a wide range of experience to match the requirements of the post. It is that sort of suitability, Sir, that we are looking for.

MR HO SAI-CHU (in Cantonese): In paragraph 2 of his reply, the Chief Secretary points out that the post carries important functions for the implementation of major capital projects in the years ahead. And we know that we have to engage many expatriate consultant engineers to carry out such capital projects. Under these circumstances, I think it is important to employ a local professional to fill the post so that when it comes to decision-making, he understands well what Hong Kong needs. Will the Government consider this factor and employ a local candidate to fill the post?

CHIEF SECRETARY: Certainly, Sir.

MR TAM (in Cantonese): Since the Administration has changed the usual practice of internal promotion, will this dampen the morale of the engineering professionals in the Civil Service? If an outsider is appointed to the post, will it lead to conflicts between the senior and junior staff and can he win the support of his subordinates?

CHIEF SECRETARY: Sir, as I made it clear in an earlier answer, this is by no means a unique situation. I mean we have recruited for senior posts outside the Civil Service for many years. I mentioned the Secretary for Monetary Affairs; I could also add the Commissioner for Banking, the Director of Public Prosecutions, Attorneys General and so on. So, that is by no means a unique situation. I would hope that any recruitment from outside the Civil Service -- and I should make the point that we have not decided to recruit from outside the service; we are simply opening the field to candidates from outside -- would bring in a person who will command the respect of all those from within and outside the service and perhaps should have a good effect on morale and not a bad one.

MR POON CHI-FAI (in Cantonese): Sir, in order to be in line with the localization policy and to boost the morale of the civil servants, will the Government consider in-service appointment first in recruiting the future Secretary for Works or other posts without compromising the criteria for selection of suitable candidate; and only when there is no suitable candidate will the Government recruit people from overseas?

CHIEF SECRETARY: Sir, we made a decision in this case to go in parallel. There is a degree of urgency; the recruitment process takes a long time. We are opening the post to the Civil Service and to the outside; we believe that is the best way to proceed in this case.

MR EDWARD HO: Sir, since the Chief Secretary has said that this post would carry very important responsibility as to the major infrastructure, will he please advise whether an important qualification for such a post will be that the person should be a professional person who understands engineering aspects of major infrastructural works and not just an administrative officer who would have to totally rely on the advice of others?

CHIEF SECRETARY: Sir, in the ideal candidate we would clearly like to have someone

who has professional experience in the field and also experience as a manager at a very senior level. Those are the sort of qualities that we will be looking for. I hope that we will be able to find a good mix of both in our candidates.

MR CHENG HON-KWAN: Sir, will the Chief Secretary inform this Council when the serving professional staff will be invited to apply for this post?

CHIEF SECRETARY: Next month, Sir.

MR SIT (in Cantonese): In the first paragraph of his reply, the Chief Secretary mentions that both the serving officers and the non-government sector may apply for the post. Will he advise: (1) whether the Government has widely publicized the post within the Civil Service; and (2) whether the Government has up till now received any application from the serving officers?

CHIEF SECRETARY: Sir, as I have said in my previous reply to Mr CHENG Hon-kwan, the post will be advertised next month.

MR ANDREW WONG: Sir, I just wonder whether or not the Government will consider appointing someone from this Council to take up that post, and that he can still retain his seat on this Council?

CHIEF SECRETARY: Sir, the competition of course is open and is open to Members of this Council. If he wishes to mix his careers in the future, I am sure that is a matter for him.

HIS EXCELLENCY THE PRESIDENT: Mr WONG, on your additional supplementary, I assumed you were not putting yourself forward since you would have had to declare an interest. (Laughter)

Production of identity cards at public gatherings

3. MR HUI asked (in Cantonese): With reference to a public gathering held recently by some organizations with prior notification given to the police, will Government inform this Council of the rationale or policy behind the police action in asking the participants in the gathering to produce their identity cards and taking down their identity card numbers?

SECRETARY FOR SECURITY: Sir, I am not aware of any recent public gatherings, of which the police had been notified, where participants were asked to produce their identity cards. However, in order to ensure that the meeting takes place in accordance with permit conditions and that those organizing the meeting are present when the meeting is held, it is neither unreasonable nor unusual for the police to request the organizers to produce proof of identity.

MR HUI (in Cantonese): Sir, according to the reply given by the Secretary just now, all organizers of public gatherings should, upon request by the police, produce their identity cards to prove their presence. But the real situation is not so. In fact, some people are required to produce their identity cards while others are not required to do so. Can the Government inform this Council how the police determine which kinds of public gathering organizers have to produce their identity cards and which other kinds do not?

SECRETARY FOR SECURITY: Sir, police officers are empowered under section 49 of the Public Order Ordinance to require any person, whether or not he is a participant of a notified public meeting or licensed public procession, to provide means of identification. A police officer does so for the purpose of preventing or detecting any offence. Police officers of course have been instructed that any check of identity or search must be conducted with tact, discretion and commonsense.

MR MARTIN LEE: Sir, bearing in mind that the section relied upon by the police to demand identity cards comes from Part IV of the Immigration Ordinance and that the object of introducing Part IV was, in the words of the then Chief Secretary to this Council:

"To facilitate the detection of illegal immigrants",

does the Government consider the use of this section to demand identity cards from lawful demonstrators whom the police do not suspect to be illegal immigrants to be an abuse of the original purpose of the statute?

SECRETARY FOR SECURITY: Sir, the answer is no and the reason is that section 49 of the Public Order Ordinance empowers a police officer, for the purpose of preventing or detecting any offence, to require a person to give his correct name and address and produce any paper in his possession by which he can be identified.

MR CHOW: In the light of the assertions made by the Government in paragraph 63 of the Third Periodic Report under the International Covenant on Civil and Political Rights that meetings of no more than 30 persons in a public place, 200 on private premises and processions of no more than 20 persons are not subject to any form of control, does the Government consider a police officer's demand that persons involved produce their names and identity cards to be a breach of those promises?

SECRETARY FOR SECURITY: Sir, the police normally will only ask for identity cards to be produced at a public gathering or a notified public meeting where the police officer responsible has a reason to believe that an offence may be or may have been committed. The police force requires a policeman, when he does this, to note this in his notebook. This is checked by his superior officers and he will have to ascertain before his senior officers why he has done so.

MR LI: Sir, will the Government assure this Council that there is no permanent record of the names and identity card numbers of the demonstrators that the police officers have taken down?

SECRETARY FOR SECURITY: Sir, the only record kept is in the police notebook, to my knowledge.

MR MARTIN LEE: Sir, by making reference to section 49 of the Public Order Ordinance

just now, is the Secretary saying to this Council that the police will only ask for identity cards on suspicion of the commission of an offence?

SECRETARY FOR SECURITY: Sir, the answer again is no because, as Mr LEE has said, section 17C of the Immigration Ordinance also enables a police officer to ask for an identity card; in those circumstances he is asking for an identity card to identify whether or not that person is or is not an illegal immigrant.

MR MARTIN LEE: Sir, does the Secretary not realize that section 17C of the Immigration Ordinance is there only to enable the police to detect immigration offences?

SECRETARY FOR SECURITY: Yes, Sir, I do.

Second Ap Lei Chau Bridge

4. MRS SO asked (in Cantonese): In view of the anticipated significant increase in traffic flow to be generated by the large private housing developments in Ap Lei Chau following the decommissioning of the Hong Kong Electric Power Station, will Government inform this Council when the construction of the second Ap Lei Chau Bridge will commence and be completed?

SECRETARY FOR TRANSPORT: Sir, the second Ap Lei Chau Bridge is an important project in our road building programme. It will be required to cope with the anticipated increase in traffic arising from new residential developments on Ap Lei Chau.

Due to resource constraints no funds have been set aside for the project to start in the coming financial year. However, I intend to seek funds for this project again in the next Resource Allocation Exercise later this year and, if successful, we hope to be able to start work in early 1993. The project would then be completed by about the middle of 1995.

MRS SO (in Cantonese): Sir, at present, Ap Lei Chau has a population of 75 000. But within a year or two, it will be increased to 105 000. Can the Government inform this Council of the ways to solve the external transportation problems of Ap Lei Chau before the completion of the second bridge?

SECRETARY FOR TRANSPORT: Sir, the population build-up will be gradual over the next five or six years because of the development of the phased programme at Ap Lei Chau. Over the next two or three years we intend to introduce more traffic management measures to improve the situation on the bridge. These include, for example, additional bus priority lanes along the bridge access roads including Aberdeen Main Road, Wong Chuk Hang Road and Ap Lei Chau Bridge Road. We are also considering banning the use by learner-drivers along the bridge during peak hours. We hope these will improve the situation during the peak hours and the interim period, but clearly our aim is to get the bridge completed and built as soon as possible.

Bedspace apartments

5. MR CHAN asked (in Cantonese): In response to questions asked in this Council on 21 March 1990 concerning bedspace apartments (the so-called "cage" accommodation), the Government said that further measures would be taken to tackle the problem. Will Government inform this Council of the progress made so far?

SECRETARY FOR HOME AFFAIRS: Sir, the Administration is considering the feasibility of introducing legislation to regulate fire and structural safety in bedspace apartments. The scheme being contemplated will be similar to the one for guesthouses. The primary concern will again be fire and structural safety. Bedspace apartments will be required to obtain a licence. The recent tragedy involving such an apartment in Sham Shui Po shows how important it is that legislation of this sort should be introduced.

Sir, it is inevitable that bedspace apartments will have to reduce their occupancy level before they can attain the necessary standards. Some lodgers will therefore have to be displaced from such congested apartments. However, we understand that many of them are reluctant to move to more decent housing in the New Territories for various reasons but particularly because they want to be near their place of work.

The Administration therefore considers it necessary to adopt a cautious approach and to collect, first of all, relevant and adequate information on the bedspace apartments and on their lodgers with a view to assessing the magnitude of the problem and formulating appropriate solutions to tackle it.

To this end, a territory-wide survey on bedspace apartments is being undertaken by my department. Owing to staff constraints, the survey has had to be divided into two stages. Stage One was undertaken in May 1990 to find out basically the total numbers of bedspace apartments, bedspaces and lodgers. Survey results indicate that there are 196 bedspace apartments known to the Administration, 5 897 bedspaces and 4 240 lodgers.

Stage Two of the survey commenced in May 1990 and will be completed by the end of this month. It aims at collecting information on every lodger, including his age, occupation, place of work, monthly income, marital status and reasons for renting bedspace. This stage is much more difficult as staff of the District Offices have to visit the bedspace apartments at different times of the day and night in order to interview all the tenants.

In the meantime, I am pleased to inform Members that the Land Development Corporation has agreed in principle, as a special social project, to contribute towards the setting up of a singleton hostel to be managed by a voluntary agency. The proposed hostel will be situated in an urban area and will cater, in particular, for existing bedspace apartment lodgers. Suitable premises are being located.

As regards the elderly and the disabled lodgers, the Administration is making special efforts to set up hostels in the urban areas for them. These hostels provide them with temporary accommodation while suitable long-term accommodation is being arranged. The first such urban hostel, the Salvation Army Lok On Hostel in Yau Ma Tei, was set up in November 1988. It has proved to be a success. Funds have been secured to set up a second one in Wan Chai. At the same time, the Hong Kong Housing Authority has agreed to provide premises in Lok Fu Estate for a hostel for single persons upon the completion of its redevelopment by October 1993.

All the efforts which the Administration is making are aimed at reducing the occupancy level in existing bedspace apartments by about 50%. In achieving this policy objective, lodgers eligible for compassionate housing will be moved to public housing estates as quickly as possible. Suitable accommodation will be made available

for other lodgers who need to be displaced.

Sir, I hope I have illustrated that the Administration has not lost sight of the problem and is in fact tackling it diligently.

MR CHAN (in Cantonese): Sir, does the Secretary intend to first identify sufficient urban spaces to accommodate 50% of the bedspace apartment lodgers before introducing legislation to control such apartments -- a well-coordinated but rather time-consuming approach; or does the Secretary prefer legislative control to be introduced as soon as possible to do away with bedspace apartments?

SECRETARY FOR HOME AFFAIRS: Sir, it is our intention to move as fast as possible. But, as I have said, if we do not provide accommodation for bedspace apartment lodgers they will become street sleepers and create another set of problems for us. The intention is to treat about half of the population in two ways in basic terms. One, the welfare cases will be dealt with according to welfare regulations and the others will be dealt with as a population to be moved to other accommodation. It is that smaller part of the whole that will require additional accommodation and that will take, perhaps, a little time to achieve.

MR MCGREGOR: Sir, in the opinion of the Secretary would the legislation now being considered for bedspace apartments cover in full other so-called "caged bedspace premises" known to the Administration? And is it not possible for the Government to provide and manage permanent public housing facilities for these unfortunate people?

SECRETARY FOR HOME AFFAIRS: Sir, the answer to the first part of the question is certainly yes. Whether the Government can manage these premises more efficiently or whether they should be left in private hands is debatable, but one thing is very clear. These lodgers, or most of them unless they fall into the welfare class, do not really qualify for public housing and therefore it would be difficult for Government to step in. It is envisaged that these accommodations will be managed either by welfare organizations or by the private sector because rent will be collected from lodgers.

MRS LAM (in Cantonese): Sir, will the Government inform this Council what measures are on hand to prevent people from moving quickly into bedspace apartments in the hope of getting public housing or suitable accommodation earlier?

SECRETARY FOR HOME AFFAIRS: Sir, there is no particularly effective way to prevent people from moving into bedspaces other than what we have done in conducting a definitive and quick survey.

MR MICHAEL CHENG (in Cantonese): Sir, I mentioned in this Council last year that adequate fire prevention measures should be provided in bedspace apartments. At that time, the Secretary for Health and Welfare was of the view that fire hazard was not the crux of the matter. Nevertheless, the recent serious fire in Sham Shui Po has proved that fire prevention measures are very essential. Will the Government change its mind by immediately amending the Fire Services Ordinance to ensure the safety of the lodgers?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Before any legislation is ready, we have mobilized our staff and those fire services officers already seconded to CNTA to conduct a preliminary survey. If a particularly dangerous situation is identified, staff of my department and the Fire Services Department will take action to tackle the problem.

MRS TU: Sir, in paragraph 5 of his reply, the Secretary for Home Affairs referred to the agreement with the Land Development Corporation (LDC). Could he tell us when this plan will be implemented and in the meantime could we have some assurance that there will be no eviction of persons to be left homeless and, particularly, that the elderly persons will be catered for in housing in the urban areas where they have lived all their life?

SECRETARY FOR HOME AFFAIRS: Sir, in the search for suitable premises we will act as quickly as possible and I hope it will be within a period of months rather than

years before we find suitable accommodation and we will then move them. As I said earlier, it is not our intention to move people out of bedspace apartments and into the street because street-sleepers, as we all know, create a rather different set of problems. So, it is our intention to secure alternative accommodation before we actually move them.

MISS TAM: Sir, the first phase of the survey already shows that there are 4 240 lodgers involved requiring relocation. The Secretary for Home Affairs has not indicated the capacity of the LDC hostel or the Wan Chai hostel, nor has he indicated in his answer the timescale for completion. To what extent will the four hostels mentioned in paragraphs 5 and 6 alleviate the problem, if at all?

SECRETARY FOR HOME AFFAIRS: Sir, the whole exercise, as I said, is being divided into three parts. The hostels I referred to form the welfare part and then there is the middle part which will involve a small number of people who will have to be moved. Our intention is to reduce the population by about 50%. The reason for saying this is that we conducted an experiment in Mongkok where we actually converted for rehousing purposes one very congested bedspace apartment into one with about half of the original population; we improved the kitchen facilities and the toilet facilities and we then reinspected it and we find that it is tolerable and it is on that model that we would implement a new scheme.

MRS TAM (in Cantonese): Could the Secretary advise how long it will take to reduce the occupancy level of bedspace apartments by 50%?

SECRETARY FOR HOME AFFAIRS: Sir, very much will depend on the success in finding alternative accommodation. I really cannot set a timetable. We have had these problems for many, many years. At least, we are now beginning to tackle it and I certainly hope that within a year or two we shall see the last of the present bedspace apartments, but I am making no promises.

MR CHUNG: Sir, would the Secretary inform this Council when it is expected a Bill for control of these bedspace apartments will be introduced into this Council?

SECRETARY FOR HOME AFFAIRS: Sir, the Bill has gone into the second draft and it is my intention to introduce it into this Council during the current Session.

MR CHAN (in Cantonese): Some operators or watchmen of bedspace apartments refused to let government officials in to inspect their premises. In view of this, will the Secretary make a TV appeal via "Today in Legco" to ask for co-operation so as to reduce the difficulties these officials may encounter in conducting the survey?

SECRETARY FOR HOME AFFAIRS: Certainly, some publicity will help in facilitating the survey that is being conducted, but we have encountered no real problems in conducting it.

MR TAM (in Cantonese): Sir, if one would care to compare the reply the Secretary for Home Affairs gave to this Council today with the Secretary for Health and Welfare's reply on 21 March 1990, it can be seen that the bedspace apartments, the beds and lodgers of these apartments have all increased in number. Yet it is hard to notice any progress made on the part of the Government in solving this problem. At that time in March 1990, the Secretary for Health and Welfare said most sincerely that the bedspace apartment was indeed a shame on our society. Could I ask whether this shame is going to last? Does the Government have any more concrete measures to solve the problem?

SECRETARY FOR HOME AFFAIRS: Sir, the number may have increased. I think that is largely due to the fact that we are finding more as we conduct a detailed survey of every building that is known to house these apartments. I do not know what more substantive step the Government can take other than proposing legislation, implementing them, reducing the population density and improving their living conditions. I think these measures should go a long way towards improving the situation in these apartments.

Overhanging commercial signboards

6. MRS LAM asked (in Cantonese): Will Government inform this Council whether it

has any plans to control the erection and subsequent maintenance of overhanging commercial signboards so as to ensure that such signboards will not be left hanging from unsafe building structures and thus endangering the safety of pedestrians?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, Government's main concern about the control of advertisement signs is to reduce the risk of death and injury from potentially dangerous signs by taking quick action against them. The Public Health and Municipal Services (Amendment) (No. 2) Ordinance 1989 was enacted in April 1989, not two years ago, to strengthen the control of advertisement signs and to ensure public safety. It empowers the Building Authority to take immediate action to render safe or remove dangerous advertisement signs where there is a real and immediate threat to public safety, and to dispose of any materials so removed. The Authority may recover any expenses incurred in the removal of such signs and in the disposal of the materials. Since 1 April 1987, over 4 300 dangerous signs have been removed.

At the time of enactment it was considered that a full system of control and erection and maintenance would involve a great deal of staff without substantially reducing the means needed to cope with the risks of those already erected. This is still considered to be so.

The Buildings Ordinance Office is currently undertaking a survey on dangerous buildings which will also cover the inspection of dangerous signs. This will further strengthen the action on dangerous signs and ensure that they will be identified and removed in a timely and efficient manner.

MRS LAM (in Cantonese): Sir, would the Government inform this Council whether application should be lodged before a commercial sign is hung? If not, what measures will the Government take to ensure that hanging signs will not cause danger or pollution to the environment?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I gave the answer in a round-about way in my original answer to the question. The Government acts to identify danger from hanging signs because they deteriorate and may become dangerous later. Government decided in 1989 that the most cost-effective way of using the resources available for control of dangerous buildings and dangerous signs was to concentrate on the danger side, not on a licensing procedure for new ones. In general, new ones

have not been found to cause accidents or significant danger and so the direct answer to Mrs LAM's question is that the Government does not think that it is worthwhile to have a procedure for new signs and it is more cost-effective to concentrate as we do on the dangerous ones.

MR TIEN: Sir, a lot of these dangerous signs were left by businesses that went bankrupt and their removal costs could not be recovered. Would Government please inform this Council, how many of the 4 300 dangerous signs removed since 1987 have had their removal cost recovered? If the number is low, will consideration be given to requiring a deposit to be paid to meet the costs of removal of the signs in the event of the businesses concerned closing?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I cannot provide the answer to that particular question, though I probably could with research. All I can say is that, generally speaking, in removing dangerous signs the costs are more or less covered through cost recovery.

MR POON CHI-FAI (in Cantonese): Sir, would the Government inform this Council how many signs there are in the territory which are not dangerous structurally but might, in the event of fire, directly affect the fire fighting and rescue work of firemen? What positive action would the Government take to improve such signs so as to ensure the safety of residents and firemen?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, there are no specific measures aimed at that, but the Fire Services Department is not slow to point out the things which are considered likely to obstruct them. With that said, if it is found that the signs are causing obstruction, the Ordinance provides procedures for their removal.

MRS FONG: The Secretary's answer indicates that the Buildings Ordinance Office is conducting a survey on dangerous buildings which include dangerous signs. Certainly this would involve a lot of resources and time especially when it will cover the whole territory. Would the Secretary inform us whether or not consideration has been given

to involving the district boards, which should know their districts much better, to help in identifying and reporting on dangerous signs?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Yes, Sir, the district boards have been substantially involved in this procedure already, but at the end of the day both dangerous buildings and dangerous signs require a professional eye before action could be taken.

MRS LAM (in Cantonese): Sir, would the Government inform this Council, if the installation of a sign is objected to by residents in the district, what the Government will do to assist residents in preventing the installation of such signs?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, where an objection to a sign is reported, the Dangerous Buildings Section of the Buildings Ordinance Office will look at it and see whether it is causing a danger and if they consider so they will take action.

MR TAI: Sir, could I ask the Secretary if in dealing with control and maintenance of the signs he will have regard to the conceptual idea of Interim Permission Development Area as contained in the Town Planning (Amendment) Bill, unfair though it may be?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I am afraid that Mr TAI Chin-wah's question is too convoluted for me.

MR ANDREW WONG: Sir, thank God that I am 5'6". What I am going to ask might be outside the ambit of the question but I hope that you will allow it, because it has something to do with you, Sir. Are there any regulations, Sir

HIS EXCELLENCY THE PRESIDENT: You may be offending Standing Orders if you draw the name of the Governor into your question.

MR ANDREW WONG: I am obliged to you, as President, for so reminding me. Is there any regulation or law currently in force which requires that there must be a minimum distance between the ground and the lowest part of the signboard, because if there is not such a law, then as a 7 footer -- I might be polishing your shoes -- you might bump your head into lots of signboards?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, from my own knowledge I am not actually able to answer that question but I saw from the expression on Mr H K CHENG's expert face that there in fact is such a section and I so affirm. (Laughter)

Traffic congestion at Cross Harbour Tunnel

7. MR EDWARD HO asked: Will Government advise this Council what measures will be taken to ease the serious traffic congestion at the entrances of the Cross Harbour Tunnel since the situation has barely improved after the opening of the Eastern Harbour Crossing?

SECRETARY FOR TRANSPORT: Sir, the Administration is fully aware of the serious congestion at the Cross Harbour Tunnel and its approach roads, and has been monitoring the situation closely over the past 15 months.

Despite the opening of the Eastern Harbour Crossing in September 1989, the volume of traffic at the Cross Harbour Tunnel has increased from 118 000 to 122 000 vehicles a day during this period. This is well in excess of the design capacity of 80 000 vehicles for the tunnel.

Meanwhile, the Eastern Harbour Crossing is under-used, carrying only 38 000 vehicles a day, compared with its design capacity of 80 000 vehicles.

We have introduced various traffic management measures to improve the situation. These include segregating tunnel and non-tunnel traffic at the approach roads, adjusting bus-only-lanes at certain critical locations, adding a lane near the Excelsior Hotel, and widening Victoria Park Road. Plans to reconstruct and upgrade the Causeway Bay Flyover are also in hand.

Notwithstanding these efforts, we consider that more permanent and effective solutions are necessary. These were put to the Transport Advisory Committee for advice yesterday. Our primary objectives are to ease congestion at the Cross Harbour Tunnel, to facilitate the movement of public transport passengers, and to maximize the use of transport infrastructural facilities such as the Island Eastern Corridor and the Eastern Harbour Crossing.

After full and careful deliberations, the Committee asked the Administration to provide more data and information to enable it to tender its advice at a further meeting to be held in the near future. I look forward, Sir, to receiving its advice.

MR EDWARD HO: Sir, will the Secretary for Transport please elaborate what the proposed measures are to maximize the use of the Eastern Harbour Crossing?

SECRETARY FOR TRANSPORT: Sir, I would not wish to pre-empt the deliberations of the Transport Advisory Committee (TAC), which are now in progress. But broadly speaking, if its Chairman and members in this Council would excuse me, I can outline the main measures proposed to the TAC. These include more traffic management measures diverting goods vehicles away from the Cross Harbour Tunnel. Other traffic management measures include a differential tolling system to divert traffic from this tunnel into the Eastern Harbour Crossing. All these are still being considered.

MR DAVID CHEUNG: Sir, since the Eastern Harbour Crossing is under-utilized, will the Secretary inform this Council what the causes are for this under-utilization?

SECRETARY FOR TRANSPORT: When the Eastern Harbour Crossing opened in September 1989 it had a daily throughput of 18 000. This has now been increased gradually over the past 15 months to 38 000. The company concerned has made strenuous efforts to promote the use of the tunnel including more publicity campaigns and providing maps to motorists. For our part, we have provided up to 100 extra directional signs and logos at the access to the tunnel on both sides of the harbour. So, there is some effort made and some minor achievements in promoting the use of this tunnel.

However, we must bear in mind that the Cross Harbour Tunnel has a catchment area

covering 63% of people in the central and western parts of the Island travelling to the north-western part of the New Territories and these people will not be diverted to the Eastern Harbour Crossing because of the proximity of the Cross Harbour Tunnel. So only about 35% of the people will use the Eastern Harbour Crossing in the meantime.

However, the situation will change, I hope, in the middle of this year when the Tates' Cairn Tunnel and its connecting roads such as the Kwun Tong Bypass open, by which time we expect to have some improvements to the usage of the Eastern Harbour Crossing from the Island across to Kowloon and thence through the Tates' Cairn Tunnel to the New Territories.

MR MICHAEL CHENG (in Cantonese): Sir, at present, as compared with the Cross Harbour Tunnel, the Eastern Harbour Crossing is imposing a heavier toll on tourist coaches and therefore many coach drivers prefer using the Cross Harbour Tunnel even though they have to take a longer route, thus aggravating the traffic congestion in that tunnel. Will the Government urge the Eastern Harbour Crossing to review its tolling strategy?

SECRETARY FOR TRANSPORT: Sir, I note that the tolls of the two tunnels under two different companies are not the same. This, of course, is a matter of commercial decision by the company concerned. I will, of course, convey Mr CHENG's suggestion to the company for consideration.

MR TIEN: Sir, in paragraph 5 of his reply the Secretary mentioned that the Administration considered that more permanent solutions would be necessary and those were put to the TAC for advice yesterday. Will the Secretary please inform this Council whether one of these more permanent solutions would be a substantial increase in toll?

SECRETARY FOR TRANSPORT: Yes, Sir.

MR BARROW: Sir, the Secretary seems a little uncertain if the new roads opening later this year will make very much difference. Could he confirm whether or not they will make a significant difference to the current problem?

SECRETARY FOR TRANSPORT: Sir, on the present forecast the opening of the Tates' Cairn Tunnel and the access roads might divert about 4 000 extra vehicles to use the Eastern Harbour Crossing, but those are, of course, calculations on a computer and we must not always rely on the computer for our planning purposes. So I cannot say with certainty whether that will be right or wrong, but I hope it will be wrong.

MR EDWARD HO: Sir, in addition to the traffic management measures stated in paragraph 4 of his reply, will the Secretary please inform this Council whether similar traffic management measures will be proposed at the Kowloon end of the Cross Harbour Tunnel, in particular to tackle the serious congestion caused by the merging traffic of Hong Chong Road and the sliproad off Cheong Wan Road?

SECRETARY FOR TRANSPORT: Yes, Sir, I will certainly convey this suggestion to the department concerned to see what further measures we could take at the Kowloon end, including that particular approach to the tunnel on Kowloon side.

MRS CHOW: Sir, will Government inform this Council whether traffic management measures mentioned in paragraph 4 include the urgent improvement and upgrading of vehicular ferry services to ensure their efficient utilization as a viable alternative to the tunnels?

SECRETARY FOR TRANSPORT: Sir, unfortunately, the opening of the Eastern Harbour Crossing in fact has resulted in a reduction in the use of vehicular ferries because of the time taken to go by ferry as opposed to driving through the tunnel. So the trend, I am afraid, is in the declining direction. Government is considering various ways and means of encouraging the use of ferries, but these, of course, are matters for separate consideration outside of this question.

Recycled paper

8. MR PETER WONG asked: Will the Administration inform this Council of the current availability and usage of recycled paper and the measures it has taken to encourage

its use?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, recycled paper products are available in Hong Kong from both local and overseas sources. In Hong Kong, there are three paper mills operating. They produce about 400 tonnes of low grade recycled paper daily, most of which is used in Hong Kong. A fourth mill is due to commence operations shortly. Imported recycled paper products such as newsprint, printing and writing paper come mainly from Taiwan and Japan which are actually destinations of a great deal of our waste paper also -- though many of these products contain only a small proportion of recycled paper.

The primary usage of locally produced recycled paper is paperboard for packaging, whereas imported paper products include paper envelopes and toilet tissue. Recently some Hong Kong companies have taken the initiative in using recycled paper shopping bags and stationery. A trial use of recycled paper for printing and correspondence will also start soon in the Environmental Protection Department and the Planning, Environment and Lands Branch. However, at present, the cost quoted for a recycled product of this grade is significantly higher than the price at which the Government Printer is able to purchase comparable non-recycled paper. At present, about 10% of the material purchased by the Government Printer is material with a recycled content, such as envelopes, packaging and file covers.

The Administration is encouraging specific schemes that promote the separation and collection of waste paper and a greater use of recycled paper. The aim is both to create a demand for products manufactured from recycled paper and a source of raw material for the paper recycling industry. About 30 government offices are now participating in paper separation schemes in their buildings to assist recycling.

In addition, the Administration is assisting the Environmental Campaign Committee (ECC) to promote the separation of paper waste in offices and households to recover more paper for recycling. Guides to paper recycling in offices and residential buildings have recently been produced and are now being issued by the ECC. Since it was established at the beginning of 1990, the ECC has made recycling one of its main focuses of attention.

Official promotion of recycling is a complex business, and increasing public awareness of the environmental issues relating to recycling is probably the best contribution which the Government can make at this stage. The business community will only invest in recycling plants in Hong Kong if it believes that it will get

tangible public support.

MR PETER WONG: Sir, Hong Kong is famous for the number and variety of its newspapers. What is the quantity of newsprint consumed daily and how much of that is recycled newsprint, and how much newsprint is collected daily for recycling?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I cannot separate newsprint from general figures on collection of paper as such. But it is known that approximately 50% of all waste paper, which must include newsprint sooner or later, is sent abroad and local industry takes a much smaller percentage. The general estimate, which has probably a rather unsound statistical basis but nevertheless may be in the right ball-park, is about 75% in all including newsprint.

MR BARROW: Sir, could the Secretary advise how many tonnes of new and recycled paper are being used annually by the Hong Kong Government? And are efforts being made to reduce the quantity, for example, through encouraging civil servants to be more concise in their written work, as this would both save time and money as well as help protect the environment?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, I am not quite sure whether the figures I have will meet the requirement. The Administration is currently using about 9 000 tonnes of paper annually. Of this, around 7% is paper with a main recycled content. A very small contribution to reducing the quantity has been made in my Branch where I insist upon people using both sides of every piece of paper.

MRS TU: Sir, what assistance, if any, is being given to waste paper collectors to encourage them in their efforts of collecting paper for recycling?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the main encouragement waste paper collectors need actually is separation and that is what the Environmental Campaign Committee has been trying to encourage people to do both in their offices and at home. Apart from the schemes within Government there have also been some pilot schemes in housing estates which have operated with varying degrees of success. On the whole, if paper is separated satisfactorily, paper collecting is a reasonably

commercial operation.

HIS EXCELLENCY THE PRESIDENT: I have the names of three more Members who wish to ask supplementary questions. In order to save paper on the Hansard Report (laughter) I shall limit the number at that point.

MR MCGREGOR: Sir, are the paper processing factories themselves subject to strict environmental controls since it is likely that they produce a substantial flow of liquid effluent? Do these factories themselves recycle waste water for example?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, they are certainly subject to strict environmental controls and of course that is one of the main limitations on the numbers of paper factories which can be set up in Hong Kong. I understand that some of them in fact use part of their water again, though in many cases the water is not suitable for their production.

MR PETER WONG: Sir, the Secretary in his reply said that the price of recycled paper is significantly higher than ordinary paper. Could the Secretary advise whether there are any guidelines as to the differential in price which is still acceptable for recycled paper by the government departments?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, as yet no standards have been set for this; as yet departments are not under instructions to use recycled paper. This is being looked at, particularly as it is considered quite likely that if there is a greater demand resulting in more orders for recycled paper the cost could be substantially reduced.

MRS LAM (in Cantonese): Sir, Hong Kong currently has no paper factory that can produce recycled paper of better quality for printing and writing purposes. Will the Government consider encouraging and supporting the production of recycled paper by local factories through, for example, granting them land to set up factories here, so that the price of recycled paper can be reduced and more people can use it?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the point is being considered both in relation to paper mills and in relation to other forms of recycling but the policy has not yet been developed on this. I would say, however, that the production of quality paper requires even more water than the production of paper-board which is the main product being made here, and that, at least for the time being, would probably be a bar on opening a factory in most places in Hong Kong.

Written answers to questions

Visa requirements for Hungarian and Czechoslovakian visitors

9. MR BARROW asked: Following the British Government's decision to waive visa requirements for Hungarian and Czechoslovakian visitors to the United Kingdom, will the Government inform this Council whether similar steps will be taken in Hong Kong so as to promote trade and tourism between Hong Kong and these two countries?

SECRETARY FOR SECURITY: Sir, we informed this Council on 11 July 1990 of certain changes to our policy on the entry of visitors from Eastern Europe and the Soviet Union. Such changes, which came into effect on 16 July 1990, were:

(a) visitors from the German Democratic Republic (East Germany) would be treated in the same way as visitors from the Federal Republic of Germany (West Germany), that is, they would be able to visit Hong Kong for up to 30 days without a visa; and

(b) visas for the purpose of tourism and sightseeing would be available to visitors from Czechoslovakia, Hungary and Poland.

The Government is reviewing the policy again to see whether further relaxation of visa requirements for nationals of Hungary and Czechoslovakia, and certain other countries, may be introduced.

Income limit under the Home Ownership Scheme

10. MR HUI asked: Under the existing Home Ownership Scheme (HOS), white form applicants are subject to a household income limit of \$11,500 per month whereas the

same restriction does not apply to green form applicants. In view of the continuously rising prices of HOS flats, this income restriction policy is most unfavourable to white form applicants. Will Government inform this Council what measures it will take to eliminate such inequity?

SECRETARY FOR HOME AFFAIRS: Sir, in dealing with applications for Home Ownership Scheme Green Form applicants, who are generally public rental housing tenants and others affected by clearance and redevelopment projects, have not, since the inception of the Home Ownership Scheme, been subject to any income limit. This is because it was judged desirable:

- (i) to encourage better-off families to vacate public rental housing so that their flats could be released for allocation to other families in greater need; and
- (ii) to facilitate the various clearance and redevelopment projects by providing families involved with a reasonably wide choice of alternative housing.

The Home Ownership Scheme is also intended to cover that section of the general public whose household incomes are too high for public rental housing but too low to afford a private sector flat. A household income limit on White Form applicants is appropriate and necessary in order to exclude those who might reasonably be expected to purchase a private sector flat.

In the three previous Home Ownership Scheme sales phases in 1990, White Form applicants with incomes within the existing limit of \$11,500 per month, could meet the Housing Authority affordability criteria for 45% of the flats concerned. Some households may naturally have been able to draw on savings and other resources to afford more expensive flats.

The Home Ownership Scheme Income Limit for eligible households is subject to regular review. The last was in March 1990. The Housing Authority will review the income limit again in March 1991.

Vehicle hold-up cases

11. MRS SO asked: Will Government inform this Council:

- (a) whether there has been an increase in the number of hold-up cases against vehicles recently, particularly in less frequented areas;
- (b) whether the police are facing any difficulties in detecting such cases; and
- (c) what measures will be taken to prevent and combat such crime?

SECRETARY FOR SECURITY: Sir, with regard to robberies against occupants of vehicles, there were steady increases in the third and fourth quarters of 1989, rising to a peak of 118 cases in the first quarter of 1990. There has since been a significant decline; and for the second, third and fourth quarters of 1990 the average has been in the region of 70 cases (a decrease of 40% since the first quarter).

The most significant cases involved taxis. For private cars, the offence normally takes place in more secluded areas. There were six cases involving private cars in the first quarter of 1990, three in the second quarter, one in the third quarter and two in the last quarter of 1990.

The detection rate for hold-up cases against vehicles in 1990 was 23%, compared to 25% in 1989. As many of the investigations during the third and fourth quarters are on-going, the eventual detection rate of 1990 may increase.

It is more difficult to detect vehicle hold-up cases in remote areas. Police resources are thinner on the ground. The majority of the robberies happened at night which makes a positive identification of the culprits more difficult.

In response, however, the police have increased the number of road-blocks throughout the Territory, particularly at strategic locations which lead to more remote areas. More frequent mobile patrols have been undertaken. Operational commanders have deployed resources at black spots. As the statistics set out in paragraphs one and two indicate, these measures have had some success. The police will continue to be vigilant about such crime and crime prevention messages will be publicized in the mass media to increase public awareness.

Dispensary service

12. MR CHOW asked: Will Government inform this Council:

- (a) whether there is any problem in providing additional staff to cope with the extended hours of dispensary service in regional hospitals;
- (b) how effective is the measure to request dispensers to voluntarily take up paid overtime work to provide the extended dispensary service;
- (c) when will the situation requiring dispensers to do overtime work be improved; and
- (d) when will the promotion prospects of dispensers be improved?

SECRETARY FOR HEALTH AND WELFARE: The answers are as follows, seriatim:

- (a) At present, the pharmacy service in two regional hospitals, viz Queen Elizabeth Hospital and Princess Margaret Hospital, operate extended hours. Additional posts have been created to cater for the service. These posts have been filled since August 1990 and the service has been operating smoothly.
- (b) The extended hours are operated with additional staff. It is not necessary to request dispensers to take up voluntary paid overtime work.
- (c) As explained at (b) above, the extended hours do not require voluntary paid overtime work by dispensers.
- (d) All posts in the Civil Service, including promotion posts for dispensers, are created on the basis of functional requirements. The manpower requirement in the dispenser grade is regularly reviewed by the Director of Hospital Services.

Wastes at landfills

13. MR PETER WONG asked: In view of the increase in waste intake for landfills from 6 500 to 8 500 tonnes per day (in total), will the Administration inform this Council of the composition of that waste and of the steps it has taken to minimize the volume of the waste and recycle it?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Sir, the 8 500 tonnes refers to the average daily waste disposed of at the Tseung Kwan O landfills in 1990.

This 8 500 tonnes comprises 4 700 tonnes of construction waste, 2 100 tonnes of domestic waste, 1 200 tonnes of commercial and industrial waste and 500 tonnes of ash and pulverized rejects.

Various steps have been taken to minimize the volume of the waste and recycle it. These include waste separation at source. The Administration is promoting the separation of paper waste for recycling both in Hong Kong and abroad. Comprehensive guides on how to start a waste paper recycling scheme in residential buildings and offices have been prepared and distributed to the public; and a television announcement and accompanying posters to encourage the public to participate in such schemes have also been prepared. More direct initiatives have been undertaken by the Environmental Campaign Committee whose environmental protection festival in November 1990 promoted recycling via a "reduce, reuse and recycle" campaign. Other such schemes have been launched in housing estates, and various experimental schemes have been carried out by schools and interest groups, with Environmental Protection Department's (EPD) support. There have also been initiatives by some supermarket chains to use biodegradable plastic bags. Some 30 government offices are also engaged in a waste minimization and recycling scheme.

Since construction waste provides the largest volume of all wastes at landfills, renewed efforts are being made in this area. EPD is currently selecting consultants for a study to propose a strategy for recycling construction waste received at landfills.

The Administration is also seeking to conserve landfill space by the introduction of charges for disposal of wastes at landfills. This can be effected through an amendment to the Waste Disposal Ordinance (Cap. 354).

Clearly, however, any scheme or project that will result in prolonging the life of our landfills will be of great importance. Therefore the Administration together with the private sector will be examining further possible initiatives in this field during the coming year -- as well as continuing to maintain the momentum gained in 1990.

First Reading of Bills

LANDS TRIBUNAL (AMENDMENT) BILL 1990

AIR POLLUTION CONTROL (AMENDMENT) BILL 1990

ROAD TRAFFIC (AMENDMENT) (NO. 2) BILL 1990

HOTEL ACCOMMODATION BILL 1990

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

Second Reading of Bills

LANDS TRIBUNAL (AMENDMENT) BILL 1990

THE CHIEF SECRETARY moved the Second Reading of: "A Bill to amend the Lands Tribunal Ordinance".

He said: Sir, I move that the Lands Tribunal (Amendment) Bill 1990 be read a Second time.

The Bill amends the Lands Tribunal Ordinance to make it clear that both District Judges and Deputy District Judges shall be ex-officio Presiding Officers of the Lands Tribunal.

At present, the Lands Tribunal consists of a President, Presiding Officers and other appointed members. Section 4(3) of the Lands Tribunal Ordinance states that "the presiding officers shall be District Judges and shall be appointed by the Governor." By notice in the Gazette in 1982, the Governor appointed "all District Judges" to be Presiding Officers with effect from 1 October 1982.

For operational reasons, Deputy District Judges have also sat as Presiding Officers in the Lands Tribunal since 1982. By virtue of section 8(1) of the District Court Ordinance, a Deputy District Judge shall "during the period for which he is appointed, have all the jurisdiction, powers and privileges, and perform all the

duties of the office of District Judge". However, doubts have been expressed within the Judiciary as to whether the wording of section 8 of the District Court Ordinance together with the Governor's appointment of "all District Judges" could have the combined effect of entitling Deputy District Judges to sit as Presiding Officers in the Lands Tribunal.

The Bill therefore amends the Lands Tribunal Ordinance to make it absolutely clear that Deputy District Judges can sit as Presiding Officers in the Lands Tribunal. The amendment would have retrospective effect, from 30 July 1982 when section 4(3) of the Lands Tribunal Ordinance came into operation so as to put beyond any doubt the validity of their past actions in that capacity.

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

Question on the adjournment proposed, put and agreed to.

AIR POLLUTION CONTROL (AMENDMENT) BILL 1990

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

He said: Sir, I move that the Air Pollution (Amendment) Bill 1990 be read the Second time.

Air pollution in Hong Kong is a serious problem which affects the health and welfare of millions of people. Emissions from motor vehicles are one of the major factors contributing to the problem. The Government has recognized this fact and, in the White Paper on Pollution, has spelt out a strategy to tackle this problem, which involves:

- ensuring that unleaded petrol is supplied and used widely;
- introducing new legislation which will enable more effective control to be exercised over smoke emissions from vehicles in use;
- introducing new regulations which will require all vehicles imported, both diesel- and petrol-engined, to comply with the most stringent international standards;

and

-- examining and, if feasible, implementing measures aimed at reducing reliance on diesel-engined vehicles.

The Air Pollution Control (Amendment) Bill 1990 effects the first part of this strategy. Legislation to implement the second part of the strategy will also be introduced into this Council today. The third part -- the drafting of the new regulations to specify design standards for new vehicles -- is in hand and will shortly be submitted to the Governor in Council. The last part of the strategy is also being pursued now by the Administration.

Unleaded petrol will be required for the adoption of stringent international emission standards for new vehicles. Although there are powers in the law to specify the quality and composition of fuels, there are no powers to require their availability. It is proposed that all petrol retailers be required to have unleaded petrol available for sale on and after a specified date -- 1 April 1991 is recommended. This implementation date has been agreed upon with the oil industry.

The European specifications of 95 octane for unleaded petrol is proposed for adoption in Hong Kong. This grade is likely to be the future global standard. The unleaded petrol to be introduced will contain less than 0.013 grams of lead per litre and 0.1% of sulphur content by weight.

In order to ensure the universal availability of unleaded petrol, clause 5 of the Bill makes it an offence:

-- for a petrol retailer to refuse to comply with a reasonable request to be sold unleaded petrol, with defences against prosecution provided for in a number of situations;

-- to sell, or offer to sell, as unleaded petrol any petrol which is not unleaded petrol, or as leaded petrol any petrol which is not leaded petrol;

-- for a petrol retailer to fail to provide petrol dispensing equipment of the specified type, which is designed to prevent accidental misfueling; and

-- either deliberately to place petrol other than unleaded petrol in the fuel tank

of a motor vehicle which has been designed and constructed to operate on unleaded petrol, or to demand that this should be done.

Hong Kong's prescribed emission standards, as stipulated in the Road Traffic (Construction and Maintenance of Vehicles) Regulations, are adequate as a minimum standard for vehicles in use, but are quite inadequate in world terms as a standard for new vehicles. At present, there are no powers to make regulations to impose different design standards on new vehicles, or to monitor the construction, maintenance and operation of vehicles; or any powers for the Environmental Protection Department to enforce new controls. To address this problem, clause 7 will allow codes of practice to be issued to provide guidance on the operation, modification, adaptation, repair or maintenance of motor vehicles. Clause 9 will provide additional regulation-making powers in respect of vehicle design standards, construction requirements and other controls. Clause 3 will require new vehicles to be registered after a specified date to meet new vehicle design standards, which include design standards for emission control equipment, under the regulations to be made under section 43(1)(r).

The retail price for unleaded petrol needs to be less than that for leaded petrol, to encourage use of unleaded petrol wherever possible and to remove any incentive to misfuel new vehicles. Consequential amendments to the Dutiable Commodities Ordinance, as included in clause 10, will provide a unified classification of petrol in the Air Pollution Control Ordinance and the Dutiable Commodities Ordinance. This will lay the foundation for determining different duties for the two grades of petrol.

It is expected that the introduction of unleaded petrol will not cause undue inconvenience to car owners, because 70% of existing petrol vehicles need no modification to use unleaded petrol. 14% of vehicles will be able to use unleaded petrol most of the time (say, three tankfuls out of four) without ill effects. Another 10% can switch to unleaded petrol with a minor engine adjustment costing between \$200 and \$300. There will be a small number of existing vehicles, about 6% of the total vehicle population, which will not be able to use unleaded petrol for technical reasons. Because of this, a limited supply of 97 octane leaded petrol will continue to be required.

The proposal to introduce unleaded petrol has been discussed with and strongly supported by the oil industry.

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

Question on the adjournment proposed, put and agreed to.

ROAD TRAFFIC (AMENDMENT) (NO. 2) BILL 1990

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

He said: Sir, I move that the Road Traffic (Amendment) (No. 2) Bill 1990 be read the Second time.

As I have just mentioned in my speech moving the Air Pollution Control (Amendment) Bill 1990 this afternoon, the second part of the strategy for tackling the vehicle emission problem is to introduce new legislation to exercise more effective control over smoke emissions from vehicles in use. This Bill effects the second part of the strategy, and is therefore closely linked to the Air Pollution Control (Amendment) Bill 1990.

One of the systems to enforce the emission control provisions derives from the powers of the Commissioner for Transport under the Road Traffic Ordinance to issue an examination order. Under section 79 the Commissioner may require the owner or driver of a vehicle to present it for examination for the purpose of determining whether it complies with the Road Traffic Ordinance. For enforcement of emission requirements under the Road Traffic (Construction and Maintenance of Vehicles) Regulations, these powers have been delegated to the Environmental Protection Department (EPD).

There are large numbers of smoky vehicles on the roads of Hong Kong. Even though the EPD currently examines about 1 600 vehicles per month, it is clear that the smoke emission problem is not being solved. EPD estimates that a testing capacity of about 5 000 vehicles per month is needed to reduce the number of smoky vehicles on our roads substantially. To increase testing capacity, it is now proposed to establish a system of approved emission testing centres to be administered by EPD under provisions similar to those which govern the existing private car testing scheme administered by the Transport Department. These centres would generally be private service centres, in most cases the same centres which are involved in the private car testing scheme.

The EPD's emission testing centre will remain as a designated centre for testing the larger vehicles which the private centres would not easily be able to test because of space limitations.

Clause 5 of the Bill accordingly provides for the establishment of these private vehicle emission testing centres. Such centres will be designated for a period of three years and the designation can be renewed. Codes of practice can be issued for certain purposes such as regulation of testing procedures. For enforcement action, powers will be provided to authorized officers to enter a vehicle emission testing centre to inspect records, equipment and so on. If the vehicle owner fails to have the vehicle examined at a vehicle emission testing centre, the Commissioner for Transport can, under the provisions of clause 4, refuse to renew the licence, or cancel the licence of the vehicle concerned.

Clause 13 provides for the fees to be charged under the proposed scheme. The testing fee, which will also be collected by the EPD's testing centre, will apply to all types of vehicles because the emission testing procedure is the same. Under the new scheme, the owner of a vehicle called for testing will have to pay a testing fee for each and every test. The collection of fees for the supply of certificates of compliance is to cover the administrative costs of the scheme. The net revenue to the private centres will cover their administrative and operating costs.

The estimated revenue income generated from the proposed scheme is about \$2.7 million per annum. This includes the fees collected for designating testing centres, the fees collected from the supply of forms of certificate of compliance, and the testing fees collected by the EPD's testing centre, which will be testing 18 000 vehicles a year.

The long-term strategy is to prescribe the vehicle design standards of all new vehicles, which will be achieved by regulations to be made under the Air Pollution Control Ordinance. The drafting of these regulations is in hand. Clause 6 of the present Bill will require new vehicles to comply with such vehicle design standards. Under clause 3, the Commissioner for Transport can refuse registration of new vehicles not complying with the vehicle design standards.

As the proposal will strengthen the current smoke control programme by allowing more smoky vehicles to be tested, the scheme is likely to enlist the support of the general public -- I hope so -- who show growing concern over the problem of polluting

emissions from vehicles.

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

Question on the adjournment proposed, put and agreed to.

HOTEL ACCOMMODATION BILL 1990

THE SECRETARY FOR HOME AFFAIRS moved the Second Reading of: "A Bill to provide for the regulation, control and safety of hotel accommodation and for connected purposes".

He said: Sir, I move the Second Reading of the Hotel Accommodation Bill 1990.

Hotels and similar accommodation are at present not licensed. To ensure that they comply with existing fire and structural safety requirements, the Administration proposes that a licensing system be introduced for the purposes of imposing necessary safety requirements and standards for their operation and keeping a comprehensive register of such establishments.

This Bill seeks to create a Hotel Accommodation Authority to administer a licensing scheme. Any establishment which provides temporary accommodation for any person will be required to have a licence or a certificate of exemption from the Authority. The types of establishments which will fall within the scope of control are hotels, guesthouses situated in high-rise building for budget tourists or local people, low-rise motels and holiday flats mostly on the outlying islands.

Owing to resource constraints and the different problems involved in licensing each type of accommodation, Members would appreciate that it is impracticable to require all of them to be licensed at the same time. Having considered the degree of potential risks to life and limb associated with different types of accommodation, we intend that the licensing scheme should be introduced in phases. Phase I should cover hotels and guesthouses for tourists. Other types of establishments will be licensed in subsequent phases having regard to experience gained from the implementation of Phase I. To monitor those non-Phase I establishments, clause 6 of the Bill empowers the Authority to issue certificates of exemption to such establishments, which will be brought within licensing control, in which event their

certificates of exemption will be revoked.

Clauses 8 and 9 of the Bill provide for a licensing scheme. Applicants for a licence have to satisfy the Authority that the premises have complied with requirements relating to structural and fire safety under the Buildings Ordinance (Cap. 123) and the Fire Services Ordinance (Cap. 95).

Licences are renewable annually. However, the premises will be re-inspected to ensure that the safety standards are maintained before a licence is renewed.

With the enactment of the Bill, any person who operates a hotel or similar accommodation without a valid licence or certificate of exemption will commit an offence and will be liable to a fine of \$100,000 and to imprisonment for two years and to a fine of \$10,000 for each day during which the offence continues.

Sir, considerable thought has been given to providing an appropriate appeal avenue in the licensing system. It is provided in clause 14 in pursuance of which appeals will be determined by a specialized Appeal Board appointed by the Governor. Clause 22(1)(e) empowers the Governor in Council to make regulations on the practice and procedure of the Appeal Board.

Clause 22(1)(f) empowers the Governor in Council to make regulations in relation to the fees to be charged for a licence and/or a certificate of exemption. We intend that the costs of the Hotel Accommodation Authority should be recovered from the trade through such fees.

I believe that the enactment of this Bill will go a long way in regulating safety standards in hotels and similar accommodation. In preparation for the formal creation of the Hotel Accommodation Authority, the first batch of staff have been seconded from the Buildings and Lands Department and the Fire Services Department to the City and New Territories Administration to draw up the necessary working procedures.

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

Question on the adjournment proposed, put and agreed to.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: That concludes business for today and in accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 16 January 1991.

Adjourned accordingly at three minutes past Four o'clock.

Note: The short titles of the Bills listed in the Hansard, with the exception of the Hotel Accommodation Bill 1990, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.