

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 4 November 1992

The Council met at half-past Two o'clock

PRESENT

THE DEPUTY PRESIDENT

THE HONOURABLE JOHN JOSEPH SWAINE, C.B.E., Q.C., J.P.

THE CHIEF SECRETARY

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

THE FINANCIAL SECRETARY

THE HONOURABLE NATHANIEL WILLIAM HAMISH MACLEOD, C.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 MRS SELINA CHOW LIANG SHUK-YEE, 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 PANG CHUN-HOI, M.B.E.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAM YIU-CHUNG

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

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

THE HONOURABLE EDWARD HO SING-TIN, O.B.E., J.P.

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

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

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, O.B.E., J.P.

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

DR THE HONOURABLE LEONG CHE-HUNG, O.B.E.

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, J.P.

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE TIMOTHY HA WING-HO, M.B.E., J.P.

THE HONOURABLE MICHAEL HO MUN-KA

DR THE HONOURABLE HUANG CHEN-YA

THE HONOURABLE SIMON IP SIK-ON, J.P.

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

THE HONOURABLE GILBERT LEUNG KAM-HO

THE HONOURABLE ERIC LI KA-CHEUNG, J.P.

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE STEVEN POON KWOK-LIM

THE HONOURABLE HENRY TANG YING-YEN, J.P.

THE HONOURABLE TIK CHI-YUEN

THE HONOURABLE JAMES TO KUN-SUN

DR THE HONOURABLE SAMUEL WONG PING-WAI, M.B.E., J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

DR THE HONOURABLE TANG SIU-TONG, J.P.

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE ROGER LUK KOON-HOO

ABSENT

THE HONOURABLE DAVID LI KWOK-PO, O.B.E., J.P.

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

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

IN ATTENDANCE

MR DAVID ALAN CHALLONER NENDICK, C.B.E., J.P.
SECRETARY FOR MONETARY AFFAIRS

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

MR YEUNG KAI-YIN, J.P.
SECRETARY FOR THE TREASURY

THE HONOURABLE JOHN CHAN CHO-CHAK, L.V.O., O.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

MR RONALD JAMES BLAKE
SECRETARY FOR WORKS

MR ANTHONY GORDON EASON, J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

MR IAN ROBERT STRACHAN, J.P.
SECRETARY FOR SECURITY

MISS DENISE YUE CHUNG-YEE, J.P.
SECRETARY FOR TRADE AND INDUSTRY

THE CLERK TO THE LEGISLATIVE COUNCIL
MR CLETUS LAU KWOK-HONG

Papers

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

Subject

Subsidiary Legislation	<i>L.N. No.</i>
Dangerous Goods (General) (Amendment) Regulation 1992	342/92
Dangerous Goods (Government Explosives Depots) (Amendment) Regulation 1992	343/92
Electricity Supply (Amendment) Regulation 1992	344/92
Hong Kong Airport (Traffic) (Amendment) Regulation 1992	345/92
Mines (Safety) (Amendment) Regulation 1992.....	346/92
Mining (General) (Amendment) Regulation 1992	347/92
Telecommunication (Radio Receivers) (Exemption From Licensing) Order	348/92
Travel Agents (Amendment) Regulation 1992.....	349/92
China Ferry Terminal Boundaries Order	352/92
Prisons (Amendment) (No. 2) Order 1992	353/93
Specification of Public Officers (No. 2) Order 1992.....	354/92
Landlord and Tenant (Consolidation) Ordinance (Amendment of Fourth Schedule) Notice 1992.....	355/92

Sessional Papers 1992-93

No. 22 — The Hong Kong Industrial Estates Corporation
Annual Report 1991-92

Oral answers to questions**Air ventilation at Kai Tak arrivals forecourt**

1. MR HOWARD YOUNG asked: *In view of complaints by tourists, especially group tourists, regarding foul air in the arrival kerbside area at Kai Tak Airport, will the Government inform this Council what plans there are to improve the air ventilation in the area?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, the problem to which Mr YOUNG refers has been caused by inadequate circulation of air in the enclosed section of the arrivals kerbside area at Kai Tak. It has been aggravated by the tendency for vehicles — in particular coaches — to keep their engines and air-conditioning systems running while waiting to pick up arriving passengers.

A number of measures have recently been implemented to try and alleviate the problem. In order to improve ventilation a new fresh air supply system was commissioned in August. This draws air down from the roof of the Passenger Terminal to ventilate the arrivals kerbside area. The Environmental Protection Department has been requested to carry out tests to ascertain whether the air quality in the vicinity now meets acceptable standards.

To reduce the nuisance caused by exhaust emissions from vehicles a new condition has been included in the permit for coaches having access to the arrivals forecourt requiring them to switch off their engines while parked at the kerbside. As a further measure, the Civil Aviation Department is consulting the Travel Industry Council on the feasibility of introducing a system whereby coaches would wait in a holding area, away from the arrivals forecourt, until called to the kerbside to pick up waiting passengers. A further benefit of this approach is that passengers could remain in the air-conditioned Buffer Hall until their transport arrives.

The Civil Aviation Department will continue to monitor the situation closely and explore all possibilities for further improvement.

MR HOWARD YOUNG: *Mr Deputy President, the Secretary for Transport told this Council on 14 October that the Government has automatic equipment in tunnels that monitors carbon monoxide and if concentrations rise to between 50 and 100 parts per million then all sorts of alarms will go off. Would the Secretary for Economic Services tell this Council whether the Government thinks that this sort of system is also feasible for the area which I have mentioned?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, the Civil Aviation Department, in consultation with relevant government departments, will consider the need for establishing systematic monitoring of air quality in the arrival frontage area and will take into account the suggestion of installing fixed monitors.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, there have been some complaints from members of the public about cancellation of their reservations by airline companies before flight departures. Are there measures in hand to prevent this from happening again in order not to affect the tourist trade and the reputation of the tourist industry?*

DEPUTY PRESIDENT: That has nothing to do with the main question or answer, Mr CHIM.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, this has got to do with the airport. Mr Howard YOUNG's earlier question touched on aspects relating to the airport, so is the question I ask.*

DEPUTY PRESIDENT: I am sorry, your question is out of order.

MR STEVEN POON (in Cantonese): *Mr Deputy President, my question has nothing to do with the airport. At the China Ferry Terminal, both the bus stop and the taxi stand are located at the basement level where air ventilation is very poor and all visitors to China have to pass by that place whether they go by land or by sea. The air quality there is such that it is more than ten times as worse as that of the airport mentioned by Mr Howard YOUNG. Could I be advised if the Administration has taken note of the problem of poor air ventilation at the basement level of the China Ferry Terminal? If so, would it elaborate on how that could be improved? If not, would the Administration take note of it and do its best to introduce improvement measures?*

DEPUTY PRESIDENT: I am sorry, Mr POON, your question is out of order too.

MRS PEGGY LAM (in Cantonese): *Mr Deputy President, I refer to the main reply of the Secretary about "reduc(ing) the nuisance caused by exhaust emissions from vehicles." We know that most coaches run on diesel oil, emitting exhaust fumes as a result. Would the Administration inform this Council whether it would consider requiring such coaches to use unleaded petrol only?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, I think we should wait to see whether the measures that we have already introduced will lead to an improvement in the air quality, if that is necessary; but if that does not achieve the aims, then I am sure we would consider whether the replacement of diesel ought to be considered.

MR ROGER LUK: *Mr Deputy President, on 17 September the Hong Kong Japanese Tour Operators Association wrote to the Director of Civil Aviation, copied to the Tourist Association and some Legislative Council Members, regarding the subject which Mr Howard YOUNG has just raised, and enclosed complaints suggesting some improvements. Is the Government aware of this letter, and if so, will it give the idea some consideration?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, I am not aware of the existence of this letter.

DEPUTY PRESIDENT: Mr LUK, do you wish to follow up?

MR ROGER LUK: *I will send a copy to the Secretary for Economic Services. Thank you, Mr Deputy President.*

MR EDWARD HO: *Could the Secretary inform this Council when the tests on air quality will begin and when we will know the results?*

SECRETARY FOR ECONOMIC SERVICES: I hope that the tests will be carried out very shortly, Mr Deputy President.

Illegal immigrants found on construction sites

2. MR TAM YIU-CHUNG asked (in Cantonese): *Will the Government inform this Council, in pursuance of the Immigration Ordinance which was amended in November 1990 to impose legal liability on a construction site controller for illegal immigrants found on his construction site,*

- (a) *of the number of cases in which illegal immigrants were found on construction sites by the police; the number of illegal immigrants arrested on construction sites and, of these, how many were found working there and how many were arrested more than once; and*

- (b) *of the number of construction site controllers prosecuted for employing illegal immigrant workers; the outcome of the prosecutions and the penalties imposed on them?*

SECRETARY FOR SECURITY: Mr Deputy President,

- (a) The number of illegal immigrants arrested by the police on construction sites between 1 November 1990 and 30 September 1992 was 1 493. Section 38A of the Immigration Ordinance creates an offence for an illegal immigrant to be on a construction site. It is not necessary to prove that he is working on the site.

The overall percentage of multiple evaders out of all illegal immigrants arrested is now more than 40%. Our data does not enable me, in the shortage of time, to specify further how closely this percentage is matched on construction sites, but there is no reason to believe that the ratio is much different.

- (b) In relation to section 38A, prosecutions of construction site controllers, 29 prosecutions have been instituted; 13 have pleaded guilty; nine have been convicted after trial; five summonses have not been proceeded with; two are awaiting trial. The penalties imposed on the 22 convictions have been fines ranging from HK\$10,000 to HK\$125,000. The maximum penalty is \$250,000.

MR TAM YIU-CHUNG (in Cantonese): *Mr Deputy President, from the Secretary's reply, we understand that more than 40% of the illegal immigrants arrested were multiple evaders and that the penalties imposed on conviction had been fines ranging from \$10,000 to \$125,000 only. Judging from these two aspects, will the Administration not agree that the sanctions in the Ordinance are not a sufficient deterrent?*

SECRETARY FOR SECURITY: Mr Deputy President, we do believe that the sanctions in the Immigration Ordinance are a deterrent. However, we have decided that the focus of our attention should be to arrest employers on construction sites and that is now something that we are concentrating our efforts on.

MRS ELSIE TU: *Mr Deputy President, of the 1 493 illegal immigrants arrested, according to paragraph (a) of the Secretary's reply, how many are still occupying a space in our overcrowded prisons?*

SECRETARY FOR SECURITY: Mr Deputy President, I am not sure precisely how many are in prison at this time. They would normally be sentenced to 15 months with remission. But it is interesting to note that when we introduced our current prosecution policy in November 1990, illegal immigrants in prison comprised 40% of the prison population. At that time our prisons were 45% overcrowded. The present position is that illegal immigrants comprise 35% of the prison population. Overcrowding is about 23% over capacity.

MR LAU CHIN-SHEK (in Cantonese): *Mr Deputy President, among the construction sites with illegal immigrants found, how many of them are government sites? Apart from imposing heavier penalties on site contractors or controllers that employ illegal immigrants, will the Administration consider not awarding any of these contracts to contractors who have a record of employing illegal immigrants?*

SECRETARY FOR SECURITY: Clearly, Mr Deputy President, a large percentage of these sites are government sites. Members may be aware that the Housing Authority has proposed to consider blacklisting principal contractors and other sub-contractors who are convicted in the court of employing illegal immigrants. We are discussing this within the Government to see whether this sanction can also be extended to other public works contracts. We have got to improve the sanctions against employers, and this is one of the measures that we are considering.

MR JAMES TO (in Cantonese): *Mr Deputy President, can this Council be informed whether the new initiatives taken by the Administration recently such as paying fees to informants can bring about any noticeable improvement in the prosecution of employment of illegal immigrants on construction sites?*

SECRETARY FOR SECURITY: Mr Deputy President, the Commissioner of Police did announce a few months ago that the reward system would be extended to informants who enable the police to commence prosecution action against those who employ illegal immigrants on construction sites. It is too early yet to monitor the success of this exercise but we have been, through the trade unions, encouraging workers to report to the police so that the police can take action against these employers.

MRS SELINA CHOW: *Mr Deputy President, it has been widely reported that recruitment of these illegal workers across the border is blatant and unchecked. What efforts has the Administration made to secure the co-operation of Chinese law enforcement agencies to stem this labour supply at source?*

SECRETARY FOR SECURITY: Mr Deputy President, we do raise with the Chinese authorities specific cases such as those referred to by Mrs CHOW. We are also, in addition to that, discussing with the Information Services Department the production of a new video. We would like to discuss with the New China News Agency the production of this video so that it is shown both in Hong Kong and in China. The message we want to get across is that there is no point in coming to Hong Kong because illegal immigrants will not find jobs.

MR LEE WING-TAT (in Cantonese): *Mr Deputy President, it was discovered that many of the construction sites on which illegal immigrants were found were also places where they slept at night. Will the Administration consider requiring the contractors of government projects to comply with certain conditions such as fencing off the whole site, deploying watchmen to keep guard on the site round the clock and requiring all the staff working on the site to wear identity cards so as to reduce the chances of employment of illegal immigrants on construction sites?*

SECRETARY FOR SECURITY: Mr Deputy President, we have had discussions with the Hong Kong Contractors Association; we have encouraged the contractors, since 1990, to bring in codes of practice and to improve security on construction sites. The vast majority of responsible contractors have done so, and indeed have spent some sums of money on improving security on construction sites. The question of identity cards is something that we are considering. Members will recall that the Governor, in his address to this Council, did specifically mention this, and we are taking this up. We are also taking up a proposal which has come to us from the Housing Department that sub-contractors who employ people on construction sites should have different colour coded identity cards. This would help us to identify specifically who is the actual employer of people among the many facets of sub-contracting within construction sites. But I would urge Members to have some degree of patience with us because the levels of sub-contracting on a housing contract, I am told by the Housing Department, vary between six and 13 levels; it is a very complex spider's web.

MR EDWARD HO: *Mr Deputy President, I have been informed by contractors that when they approached the police for assistance in identifying illegal immigrants on their work sites, the police refused to give it. Would the Secretary inform this Council to what extent the police are prepared to help contractors identify and seek out these illegal immigrants?*

SECRETARY FOR SECURITY: Mr Deputy President, when any person reports to the police any offence, the police do take action and I can assure Mr HO that the police will take action on construction sites. Now, they may not take action immediately because if it is a large construction site it may require a

well planned effort in order to get into that site. But I can assure Mr HO the police are taking action and I would encourage everybody in the construction industry to co-operate with the police and to report illegal immigrants on construction sites.

MR RONALD ARCULLI: *Mr Deputy President, would the Secretary for Security inform this Council whether the Hong Kong Construction Association is in constant dialogue with the Security Branch with a view to improving site security in as much as it involves the police, and perhaps other government departments, including the Immigration Department which so far does not seem to have played any degree of an active role in this whole unfortunate and complex issue?*

SECRETARY FOR SECURITY: Mr Deputy President, the answer to that question is yes.

MR WONG WAI-YIN (in Cantonese): *At the moment, a considerable number of illegal immigrants are also employed on agricultural land in the New Territories apart from construction sites. Could the Secretary inform this Council if there are measures to tackle the problem at source so as to prevent it from getting worse and worse?*

DEPUTY PRESIDENT: Mr WONG, your question goes beyond the ambit of the main question which is about construction sites.

MR VINCENT CHENG: *Mr Deputy President, the Secretary has just said that there are illegal workers on government sites. I am just wondering whether this may give rise to a legal problem. Does the Government consider itself an employer of all those illegal workers on government sites? If not, could the Government regard developers or private owners of those sites as employers of illegal immigrants?*

DEPUTY PRESIDENT: Secretary for Security, did you catch the question?

SECRETARY FOR SECURITY: Yes, Mr Deputy President, thank you, I did. I am sorry I am not able to answer that question; I am not competent to answer it.

One-way permit quota

3. MR HENRY TANG asked: *In view of the increasing number of split families caused by cross-border marriages, will the Government inform this Council whether it will review the existing one-way permit quota of 75 per day with a view to increasing the quota and/or setting aside a special quota for those with spouses in Hong Kong?*

SECRETARY FOR SECURITY: Mr Deputy President, we have in fact started a review on the existing one-way permit quota of 75 immigrants per day from China. Until this review has been completed I cannot advise this Council whether or not we would wish to change any aspect of the quota. It must be remembered that the allocation within this quota is the responsibility of the Chinese Government, under an agreement dating from 1982. Any change in the quota would need to be discussed with the Chinese authorities before it could be implemented.

I would point out however that 90% of the present quota is already used in practice for family reunion cases. Nearly half of these places are filled by the wives of Hong Kong men who married in China, and whose wives had therefore to wait in the quota queue.

MR HENRY TANG: *Mr Deputy President, the Secretary answered that allocation within the 75 per day quota is the responsibility of the Chinese Government. Since Hong Kong is taking in the immigrants, would the review consider introducing a system, say, a points system, where we will have the power to screen the prospective immigrants before the quota is actually allocated to by China?*

SECRETARY FOR SECURITY: Mr Deputy President, in the 1970s we did in fact try the system of issuing entry permits but it was simply not practical in the light of experience and our circumstances. At the end of the day, China issues the exit control permits and that is why we have left the decision to the Chinese authorities. They are well aware of those who wish to come to Hong Kong.

MR HENRY TANG: *Mr Deputy President, actually the Secretary failed to answer my question which asked whether the review would consider this issue. He only said that in the past it was done and it was found to be not practicable. But he did not say whether the review would consider this issue again.*

SECRETARY FOR SECURITY: Mr Deputy President, the review will do so.

MR FRED LI (in Cantonese): *Mr Deputy President, is the review carried out by the Hong Kong Government alone or in conjunction with the Chinese side, and how long will it take to complete the report on the review?*

SECRETARY FOR SECURITY: Mr Deputy President, the review is currently underway. I hope that it will be completed within the next two or three months. As I have said in my principal answer, when we have conducted the review internally within the Hong Kong Administration, we will have to consult the Chinese authorities.

MR ERIC LI (in Cantonese): *Mr Deputy President, my supplementary is a follow-up to the same question. I think this is a cause to one of the problems in Hong Kong, particularly that relating to split families where parents are separated from their children. In the review, would the Administration consider drawing up some guidelines so that certain cases will be given priority, such as families with underaged children in Hong Kong who need the care of their mothers?*

SECRETARY FOR SECURITY: Mr Deputy President, the review will take into account these factors.

MR LAU CHIN-SHEK (in Cantonese): *Mr Deputy President, could the Secretary inform this Council why there is a difference in the immigration rules in respect of applications for wives in China as opposed to those in other places who wish to rejoin their husband in Hong Kong? Does this violate human rights and thus go against the principle of equality?*

DEPUTY PRESIDENT: Secretary for Security, I think the first part of the question should be answered. If you feel you cannot answer the second, I shall not press.

SECRETARY FOR SECURITY: Yes, Mr Deputy President. The question of immigration from China is of course very complex because it is the country most adjacent to us. There are many hundreds of thousands of people who may wish to come to Hong Kong from China. We must have policies that are fair and consistent.

MR JIMMY MCGREGOR: *Mr Deputy President, I have been advised, informally by a Chinese official, that there may be over 600 000 people waiting to join families in Hong Kong already on the Chinese lists. Can the Government confirm that figure, and if so, is there any possibility that the so-called "boat*

brides", for example, can be given some special immigration permission by Hong Kong, outside the Chinese control system?

SECRETARY FOR SECURITY: Mr Deputy President, I cannot confirm Mr McGREGOR's figure. In response to the second part of his question, we do not want to have queue-jumping outside the one-way quota system. As I have said earlier, the system must be equitable to everybody.

MR GILBERT LEUNG (in Cantonese): *Mr Deputy President, could the Administration inform this Council of the approximate number of applications for spouses to come to Hong Kong for reunion purposes, the normal criteria for approving such applications, and the average processing time of a successful case?*

SECRETARY FOR SECURITY: Mr Deputy President, I think this is very similar to Mr McGREGOR's question and again I must say that I do not know the precise number of people in China who wish to come to Hong Kong, nor do I know the precise number who have actually applied for one-way permits.

MRS SELINA CHOW: *Mr Deputy President, would the Administration be prepared to consider introducing a pilot scheme whereby short two-way permits of, say, 48 to 72 hours be introduced to facilitate Chinese mothers to visit their Hong Kong Children during weekends?*

SECRETARY FOR SECURITY: Mr Deputy President, certainly, we can consider this but I cannot give any assurance as to whether or not it would be accepted by the Administration.

MR JAMES TO (in Cantonese): *Mr Deputy President, although the Chinese side may view the approval of applications of emigration from China entirely a matter for the Chinese Government to decide, would the Administration suggest to the Chinese authorities, without interfering its internal policy, that priorities be given to certain cases?*

SECRETARY FOR SECURITY: Mr Deputy President, the answer to that question is no.

MR TAM YIU-CHUNG (in Cantonese): *Mr Deputy President, in the first part of his main reply, the Secretary revealed that an agreement was made between the Chinese and the British sides in 1982. Could the Administration inform this*

Council whether this agreement was reached after among other things, correspondence exchanges between the Foreign Minister and Foreign Secretary of the two countries and whether the agreement is still binding?

DEPUTY PRESIDENT: So far as you are able to, Secretary for Security.

SECRETARY FOR SECURITY: Thank you, Mr Deputy President. This is an agreement between the Chinese authorities and the Hong Kong Government. It has worked hitherto very well, but, clearly, like any other government policy, it needs to be reviewed from time to time and we are currently reviewing it.

MISS EMILY LAU (in Cantonese): *Mr Deputy President, I would like to follow up on Mr James TO's question. As reference has been made to the agreement in the Secretary's reply, could the Administration explain whether Hong Kong has any say on the quota of 75 immigrants per day or whether it is left entirely to the Chinese Government? And more importantly, as there are over 20 000 people coming to Hong Kong each year, does the Government think it is vital that Hong Kong should insist on having a say and the right to decide on this matter?*

SECRETARY FOR SECURITY: We do not have a say, Mr Deputy President, as I have said before, but in fact we are satisfied with the way in which the age profile and the family breakdown works. If I could just give Members some statistics, of the 100% who come, approximately 90% are family reunion cases. So I think we can say that the system is in fact a humanitarian scheme. Of that 90%, 40% are spouses, 46% are parents, and the remaining 4% are children.

Targets and target-related assessments

4. MR TIK CHI-YUEN asked (in Cantonese): *On the introduction of the Targets and Target-related Assessments pilot scheme to the Primary IV classes in 20 schools and the extension of the scheme to all other schools in May next year, will the Government inform this Council of:*

- (a) *the objective of introducing the pilot scheme when it has already been decided that the scheme is to be extended to all the schools in Hong Kong;*
- (b) *the criteria for assessing the effectiveness of the pilot scheme;*
- (c) *the additional resources that have been provided to the 20 schools to implement the pilot scheme; and*

- (d) *the extent to which flexibility is allowed in the implementation of the scheme in the schools that do not have sufficient resources to do so?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, Targets and Target-related Assessments (TTRA) are being introduced following a recommendation in Education Commission Report No. 4. They are designed to help teachers, parents and students measure the learning process, thereby contributing to more effective education. The decision to introduce TTRA was taken by the Government in August 1991 with the support of the education community. Since then, the Education Department has developed operating plans, prepared extensive briefing materials and conducted numerous seminars to familiarize teachers with the new concepts and methodologies. This will help launch TTRA, initially at Primary IV and covering the core subjects of Chinese, English and Mathematics, in May 1993.

At the suggestion of the OMELCO Education Panel, a pilot scheme involving 20 primary schools was introduced in September 1992. Its purpose is to obtain practical experience in the operation of TTRA and to identify possible problems which might be encountered in launching the system. The pilot scheme should help make the full implementation of TTRA as smooth as possible.

It follows that the effectiveness of the pilot scheme should be judged by the extent to which it either confirms that TTRA can be implemented smoothly or identifies areas where improvements and changes are necessary. The instruments that will be used to make this assessment include questionnaires for school principals, teachers, pupils and parents; feedback sessions and interviews with school principals, teachers and pupils at regular intervals; classroom observation; and school visits.

The pilot scheme is being run within the existing resources of the participating schools. This is because TTRA are more in the nature of an alternative approach to learning than an additional one. However, additional resources have been provided within the Education Department to develop the necessary systems and materials as well as to train teachers in their new tasks. These amount to \$18 million in 1992-93 rising to \$33 million in 1995-96.

Finally, I believe it is premature to assume that some schools will not have sufficient resources to implement TTRA. The pilot scheme may throw more light on this. On the broader front, the Government is implementing a range of improvements to enable teachers to devote more individual attention to students in schools. These measures, in particular the provision of additional teachers, will contribute to making TTRA work in the desired manner.

MR TIK CHI-YUEN (in Cantonese): *Mr Deputy President, in the past, when the Education Department was to introduce a new education policy such as the school management initiative, it would set up an advisory committee to gather opinion from all sides. Will the Administration set up an advisory committee with representatives drawn from different quarters so as to make better assessment and to collect a wider spectrum of views before launching the TTRA? If not, why not?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, the Education Department in launching the TTRA will have close consultations with the existing advisory machinery, especially the Board of Education and the OMELCO Education Panel. The whole process will involve, among other things, distributing questionnaires, conducting seminars and interviewing school principals, teachers, parents and pupils to hear their views. Besides, in-service teachers are also directly involved in planning the implementation of the TTRA and preparing the teaching materials.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr Deputy President, TTRA is being criticized by the education community as a language streaming test for Primary VI students subject to allocation of Secondary I places. In other words, secondary students are to be grouped into classes with either Chinese or English as their medium of instruction. Will the Administration inform this Council whether such a scheme will result in all the outstanding secondary students studying in English whereas the less outstanding ones in Chinese? If there is such a possibility, is this policy fit for a society where Chinese is the mother tongue and whose sovereignty is to revert to China soon? If not, will the Administration take steps to prevent the above from happening?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): The Targets and Target-related Assessments will not be applied directly in relation to Secondary School Places Allocation. The present arrangements for allocation of secondary school places will continue. As for language streaming for the future, detailed proposals have been outlined in the Education Commission Report No. 4. I would only repeat that TTRA will not be used as an index for Secondary School Places Allocation.

Secondary school class sizes and numbers

5. MR CHEUNG MAN-KWONG asked (in Cantonese): *In view of concerns expressed by the public and educationalists over the slower pace of improvement proposed for secondary education than that proposed for primary education, as outlined by the Governor in his policy address, will the Government inform this Council of the following:*

- (a) *while the policy of reducing the number of classes and expanding class sizes was implemented both at Primary I and Secondary I in September this year, why it is only possible to scrap the policy for Primary I, and reduce the size of each class to 35 from next year, and no such improvements will be made for Secondary One; and*
- (b) *whether consideration will be given to scrapping the policy of reducing the number of classes and expanding class sizes in Secondary I next year so as to demonstrate the Government's impartiality in improving primary and secondary education; if not, how the Administration would respond to criticisms from the public and educationalists that proposals in the policy address are unfair to secondary schools?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the reduction in class sizes, starting with Primary I in September 1993, is part of a coherent and integrated package of measures aimed at improving the quality of education in our schools. Primary I has been chosen as the starting point for a number of reasons: it is logical; it accords with the recommendations in Education Commission Report No. 5 which have been widely supported; it is likely to produce the greatest benefits in the long term; and it is practicable. To reduce Secondary I classes to 35 as from next year would be unrealistic: for one thing, it will require us to build 65 additional schools during the next nine months.

The Government's plan is to work through the system one level at a time. By 1998, all levels in primary schools will have been reduced to 35 per class. The smaller classes will then be extended to secondary schools, commencing with Secondary I in 1999. By then the forecast decline in secondary school enrolment will have made it possible to accommodate the smaller classes without the need for a massive school building programme. In the meantime, the Government has undertaken to restore, by 1996, the two repeater places per class which were withdrawn from the majority of Secondary I classes at the beginning of this school year. That undertaking still stands.

There is no question of partiality or unfairness of treatment. The long standing government policy is to support schools at different levels to accomplish their respective missions. Secondary schools are different from primary schools in many respects. For example, secondary schools are bigger in size, by about 17%; 70% of their teaching posts are at graduate level, compared to none, at the moment, for primary schools; and they enjoy a more favourable staff to student ratio. These differences apart, secondary schools will also benefit from the additional resources for remedial teaching and other improvements arising from Education Commission Report No. 4. They will also be provided with additional teachers as announced in the Governor's address.

The Government's commitment to improving the quality of education throughout the schooling system is now widely known and supported. The package of measures we will be taking will address specific areas of need and contribute to an overall upgrading of quality and standards. There is no inherent reason to require strict equality of treatment between sectors or levels of the education system at any particular time and the absence of uniformity in no way detracts from the impact of these improvements.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr Deputy President, according to the reply of Mr John CHAN, the Administration would provide different treatment and support to different sectors and levels of the education system. Can the Administration inform this Council whether it is possible for earlier implementation of the policy to reduce class sizes in secondary schools which enrol Secondary I students with the poorest results, that is, those commonly called "Band 5" students, so as to reduce the size of each class to 35 from next year with the object of giving these students more care and attention to enable them to catch up with their studies? If not, is this contrary to what the Secretary has said, that "the Government would provide different treatment and support to different sectors and levels of the education system"?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, with reference to the cancellation of repeater places, different measures have been taken for schools that have relatively more Band 5 students. In fact, when it come to allocation of places, these schools have not been allocated the full quota of 40. As to whether we can reduce the class sizes to 35 per class next year, I cannot give you any assurance today. Nevertheless as I said during the debate on the Governor's policy address last week, some of the views would be taken into account and that is in implementing improvement measures, different treatment in the light of different circumstances would be given to schools with special needs or with relatively more Band 5 students.

DR YEUNG SUM (in Cantonese): *Mr Deputy President, given that the policy of reduction in the number of classes and expansion of class sizes was revised pursuant to the Governor's policy address, which was just 37 days after its implementation, does the Administration think that the decision made then was wrong? What lessons has the Administration learnt from this?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, the Administration does not consider the decision then was wrong since we had stated clearly at that time that the policy of reducing the number of classes and expanding class sizes would only be a temporary measure and we had given a categorical assurance that the former position would be restored within five years. What is being done now is to honour the commitment in respect of the part on Primary I a few years ahead of time.

REV FUNG CHI-WOOD (in Cantonese): *Mr Deputy President, if the size per class in secondary schools cannot be reduced to 35 in the near future, can the Administration inform this Council whether it would take other measures like increasing the number of teachers so as to reduce the ratio of students to teachers to enable students to receive more attention in another way?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, the Administration would not only give thoughts to it but indeed would do so. As has been announced by the Governor in his policy address, additional teachers would be provided to primary and secondary schools.

MR SZETO WAH (in Cantonese): *Mr Deputy President, the Secretary just now mentioned that additional teachers would be provided to secondary schools. Can the Administration inform this Council when they would be provided? What is the criteria used in determining which schools would be given additional manpower and the number of additional teachers each would be provided?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, the Government's plan is to provide one additional teacher to each secondary school in September 1994. If I remember correctly, in 1995, one more teacher would be provided to each secondary school with more than 24 classes.

MR TIK CHI-YUEN (in Cantonese): *Mr Deputy President, if the policy of reduction in class sizes in primary schools is to be implemented next year, a large number of teachers have to be recruited. However, in view of the present very unsatisfactory enrolment situation at colleges of education, are there ways by which sufficient teachers can be recruited in the next few years to implement the plan of reducing class sizes?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, I have dealt with this issue in fairly great depth during last week's debate on the Governor's policy address. There are several ways which we can employ. Apart from training more teachers, we can also allow some holders of overseas qualifications to be qualified as teachers after going through some kind of assessment. We can also re-employ teachers who have just reached the retirement age. All these hopefully can help us to get sufficient teachers in the near future.

MR LEE WING-TAT (in Cantonese): *Mr Deputy President, when the Government provides funds for education, it gives the impression that any reform in educational policies very often has a target of achieving certain educational goal. If we look at the situation in primary education, whole-day schooling and reduction of class sizes can now be implemented in primary schools because the number of primary students is dropping. Likewise, by 1997, the number of secondary students will decrease and the target of having 35 students per class can be accomplished as mentioned in the second paragraph of the Secretary's reply. In the light of the above, can the Administration inform this Council whether its policies are in fact tied by the constraints of resources and changes in the number of students instead of serving the primary goal of achieving the objective of school education? Will the Administration consider taking an active role by building more secondary schools so that class sizes in secondary schools can be reduced with the object of meeting the aspirations of the public on education?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Talking about goals, the Administration, in formulating education policies, will certainly move towards what the community thinks is the right goal and will just not look at whether the resources are sufficient. It is of course inevitable that when administrative measures are considered, they would be subject to resources constraints. By resources, they are not merely confined to financial resources. They would include other factors such as manpower, land supply and the like which need to be considered as well. As regards educational goals, the Education Commission has released a paper called "A Statement of Aims" and is currently inviting the public to give their views on it.

MR MICHAEL HO (in Cantonese): *Mr Deputy President, can the Administration inform this Council why more primary schools can be built in order to go for whole-day classes in replacement of bi-sessional classes while the same cannot be applied to secondary schools so that the object of reducing the size of each class to 35 can be achieved earlier?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy President, I think the main difference lies in the standard used in planning for the provision of primary schools as opposed to the secondary ones. In the provision of primary schools, a system similar to district net system is adopted to ensure that primary students can be allocated places near their homes. Secondary schools are planned, however, on a territory-wide basis.

Sick Building Syndrome

6. MR PETER WONG asked: *Will the Administration inform this Council of the magnitude of the problem of the "sick building syndrome" in Hong Kong, and the measures being taken to solve this problem?*

SECRETARY FOR WORKS: Mr Deputy President,

1. As to the extent of the problem

The World Health Organization defines "Sick Building Syndrome" as a group of vague and non-specific symptoms which people experience at work, the typical symptoms being headache, lethargy, loss of concentration and irritation of the eye, nose, throat and skin. In most cases, it is very difficult to ascertain the relationship between the illness and the environmental symptom.

So far no notifications of cases of "Sick Building Syndrome" have been received by the Department of Health.

The following also throw some light on government buildings:

- 1.1 A specialist consultant was engaged in 1990-91 to investigate the severity of the problem in a fully air-conditioned government hospital which had been in operation for six years. No serious problem was found.
- 1.2 Out of more than 2 000 air-conditioned government buildings, we have received complaints from the occupants of only three buildings which might be related to Sick Building Syndrome, since the issue first came to public attention in 1989.
- 1.3 Air quality surveys have been conducted in government buildings since 1989. The results have shown up no serious problem.

To investigate the extent of the problem, we would need an in-depth study of all buildings. This would require substantial resources and years of research.

2. As to measures taken to address the problem

The Government as a developer and building owner has taken steps to minimize the risk of Sick Building Syndrome within properties it controls. In particular, air-conditioning designs must comply with appropriate British and American standards, where the problem of Sick Building Syndrome is also being studied.

Additionally, standing instructions to Electrical and Mechanical Services Department deal with building engineering systems including their design and

maintenance, with a view to avoidance of the Sick Building Syndrome in government buildings.

MR PETER WONG: *Mr Deputy President, should the Administration be more pro-active in tackling the "sick building syndrome" since it is not something that Hong Kong people are well aware of? And is the Secretary for Works aware that the staff in this particular building have had more than their fair share of minor sicknesses and illnesses that cannot be attributed to overwork alone? However, the Members here suffer from another syndrome in this Chamber.*

SECRETARY FOR WORKS: Mr Deputy President, I think all developers and owners of buildings should be pro-active so far as their own buildings are concerned. The Government certainly is being pro-active in respect of its own property. As to the air-conditioning system in this building, of course it would fall within the Electrical and Mechanical Services Department's (EMSD) area of responsibility and they do have instructions in regard to the air-conditioning and follow through on the effective operation of the air-conditioning systems. We are shortly, in EMSD, expecting to receive equipment which will be able to clean more effectively air-conditioning ducting systems in Hong Kong. We are also looking at a term maintenance contract for the measurement of indoor air quality and the cleaning of air ducts in government buildings, and we expect to let this contract in the near future.

There are also a number of preventative measures for government buildings which have already been carried out. These include the use of higher efficiency air filters, increasing the fresh air and exhaust air quantities, addition of inspections and cleaning points for air ducts, more frequent pest control, more frequent cleaning of carpets, deep cleansing of kitchens, heavy-duty cleaning which includes, of course, moving equipment and also the use of less glaring lighting fittings and diffusers.

DR LEONG CHE-HUNG: *Mr Deputy President, in this reply the Secretary stated that there are standing instructions to avoid the "sick building syndrome" in government buildings. Can the Secretary inform this Council whether standing instructions should also be introduced into private buildings, and if not, why not?*

SECRETARY FOR WORKS: Mr Deputy President, I think I said that we are seeking to minimize the risk of "sick building syndrome" which basically is related to airborne dust inside buildings, and of course the movement of air through any air-conditioning system would be a major contributory factor in carrying such airborne dust around. The Government for its part has, as I have explained, taken a pro-active role. So far as the private sector is concerned, we have not yet taken any steps to introduce any measures which would apply

statutory control over the private sector. I am advised that there is at the moment no plan to amend the Buildings Ordinance in this regard. But since there have been so few instances of sick building syndrome reported, I think that the problem is not serious in Hong Kong and I think that ordinary building owners and developers, if they became aware of this situation, would necessarily take action on their own part.

MR STEVEN POON (in Cantonese): *Mr Deputy President, in paragraphs 1.1 and 1.3 of his reply, the Secretary said that "no serious problem was found". If there is no "serious problem", what other problems could there be? Besides, asbestos was used in many old buildings, has it also been used in air conditioners? If yes, will there be any investigations for preventing asbestos from getting into the air?*

SECRETARY FOR WORKS: Mr Deputy President, the investigations carried out on a hospital were to determine whether there was any qualitative problem that could be found which would indicate a sick building syndrome situation. The fact that none were found indicates that there was in fact no problem.

So far as asbestos is concerned, of course this is recognized as potentially a very dangerous material and there are indeed very special measures, covered by very strict specifications, to deal with asbestos as and when it is found and to remove it whenever it is possible and practical to do so. In the refurbishment, for example, of the Queen Mary Hospital, which is being undertaken at the moment, there are, as part of that refurbishment programme, very special measures included to remove asbestos found.

DR HUANG CHEN-YA: *Mr Deputy President, the Secretary has stated that air quality surveys have been conducted in government buildings since 1989 and the results have shown no serious problems. I applaud the Secretary's efforts in trying to control ventilation problems. However, as we know, the "sick building syndrome" is related to air pollution and can occur in buildings that do not even use air-conditioning units. So would the Secretary tell this Council what these air quality surveys actually cover? Do they include contaminants such as volatile organic acids, formaldehydes, particular organic materials, microbiology — meaning bacteria and spores, all of which have been related to "sick building syndrome"?*

SECRETARY FOR WORKS: Mr Deputy President, I am advised that there are in fact more than 500 indoor air contaminants which vary widely with climatic conditions, cultures, buildings and the functions of the space. And it has been found that office dust contains elevated levels of mineral fibres which irritate the eye, nose and throat, cellulose fibre which is a sub-stratum for fungal growth, inorganic particulate and fungal spores, and dust-mite faeces, which are

also recognized allergens. These are all to be found in the air inside our buildings and of course it is very difficult to be specific about the problem. And that is one of the most difficult aspects of "sick building syndrome", trying to be specific in identifying how these various air contaminants are likely to create serious illnesses inside a building. And I think that the problem is recognized — it has been recognized on a world-wide basis since 1989 — and that there are measures and investigations taking place on a world-wide basis to try and get a better understanding of the problem.

MR JIMMY MCGREGOR: *Mr Deputy President, could I add to Mr WONG's question that this building be investigated, this very room, possibly, because we do seem to have a lot of headaches, lethargy, indeed, sleep inducement, loss of concentration, and a great deal of irritation from time to time? (Laughter)*

SECRETARY FOR WORKS: Mr Deputy President, I think I should undertake to provide a written answer to that question. (Annex I)

MR JAMES TO (in Cantonese): *Mr Deputy President, throughout his reply, the Secretary has not mentioned how to resolve the problems found in other buildings outside the scope of government control. Is the Administration simply unaware of the seriousness of the problems in these buildings, or is it indifferent to the health of the general public?*

SECRETARY FOR WORKS: Mr Deputy President, from the information which is available to us, we do not think there is a serious problem in Hong Kong. Certainly, from the measures taken as far as government buildings are concerned — which cover a wide range of types of buildings, types of space, types of air-conditioning systems, and different ages of buildings and different uses of buildings — there is no evidence that we can find which points to the sick building syndrome being a serious problem in Hong Kong. I think that the government building stock might be taken as typical of buildings throughout Hong Kong. If there was evidence to suggest that this was a serious problem or becoming a more serious problem, then I am sure that the appropriate consideration would be given to statutory control.

Written answers to questions

Shing Mun River pollution

7. MISS EMILY LAU asked (in Chinese): *In view of the complaints lodged by the residents of Sha Tin District concerning the pollution of Shing Mun River particularly the deteriorating state of the foul sewer and its stinking smell, will the Government inform this Council:*

- (a) *whether the effluents discharged into Shing Mun River meet the standards required by the Water Pollution Control Ordinance; and*
- (b) *whether consideration will be given to further upgrading the sewage treatment programme for Shing Mun River?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President,

- (a) Effluents are discharged into the Shing Mun River from various sources — industrial and commercial buildings, domestic premises in urban and in unsewered rural areas, government water and sewage treatment works and livestock farms. As the Shing Mun River lies within the Tolo Harbour and Channel Water Control Zone (WCZ) — declared on 1 April 1987 — these effluent discharges (except those from livestock farms which are controlled under the Waste Disposal (Livestock Waste) Regulations 1988) are subject to licence control under the Water Pollution Control Amendment Ordinance, which came into effect on 1 December 1990. Although discharges which were exempted from controls under the original Ordinance are "deemed" to be licensed until 30 November 1992, those responsible for such discharges must then apply to the Authority under the Ordinance (the Director of Environmental Protection) to replace this "deemed" licence with a specific licence. This licence will have conditions of discharge attached to it in accordance with those set out in the Technical Memorandum (TM) published under the Amendment Ordinance.

To date, all private domestic sewage treatment plants in unsewered areas are licensed and over 90% comply with the TM requirements, the remaining 10% are being advised to comply by Environmental Protection Department staff. Over 90% of the industrial discharges in the area, particularly those from the electroplating and the printed circuit board factories in industrial buildings at Fo Tan and Tai Wai, comply with the standards in the TM. Most of the remaining industrial discharges are in the process of installing facilities to provide pre-treatment before discharge into sewers. Sludges discharged from the Government's Sha Tin waterworks and from the Sha Tin sewage treatment works have been transported away from the Shing Mun River for marine disposal since July 1991. As a result of these measures, there have been slow but steady improvements in the water quality of the river.

- (b) Substantial measures are in hand to upgrade the sewerage programmes for the Shing Mun River and its catchment. These measures are part of a comprehensive plan to abate pollution in Tolo Harbour — the Tolo Harbour Action Plan. The Action Plan

combines enforcement of the Water Pollution Control Ordinance with sewerage programmes to improve the quality and reduce the quantity of discharges into the Tolo Harbour catchment including the Shing Mun River. The sewerage programmes are:

- (i) Upgrading of the Sha Tin and Tai Po sewage treatment works (November 1991) to abate the nitrogen pollution in discharges from the works.
- (ii) Implementation of the sewerage master plan for the unsewered areas in the Tolo catchment. The plan involves the provision of sewerage facilities to some 165 unsewered villages over a 10 year construction period. To achieve early improvement of water quality, the study also proposed immediate implementation of a number of first-aid measures to intercept and divert waste water to the proper sewerage system. At present all except one of the first-aid measures have been completed. Detailed design for the provision of sewerage to some 40 villages is in progress and it is expected that construction works for 18 villages in Sha Tin will start in April 1993 and be complete in 1994. On completion of this project, the amount of pollution load entering the Shing Mun river will be further reduced.
- (iii) To reduce still further the pollution loading entering the Tolo Harbour an effluent export scheme is under construction. This scheme will transfer all treated effluents from the Sha Tin (stage one) and the Tai Po (stage two) sewage treatment works to Victoria Harbour through the Kai Tak Nullah. Stage one will be completed in 1993; stage two in 1995. The stage one works will ensure that no discharges from the Sha Tin treatment works will be carried upstream in the Shing Mun River and will thereby result in better water quality in the river.

Visa requirements

8. MR CHIM PUI-CHUNG asked (in Chinese): *Will the Government inform this Council:*

- (a) *whether it will ask the governments of foreign countries to give holders of Hong Kong Certificates of Identity travelling in their countries the same treatment as Hong Kong British Passport holders when entering their countries;*

- (b) *which countries do not offer reciprocal entry visa arrangement to Hong Kong residents, and whether the Government has any plan to demand improvement to the harsh visa requirements imposed by those countries on Hong Kong residents; and*
- (c) *whether the Government has contemplated imposing corresponding entry visa measures on the nationals of those countries which refuse to offer reciprocal entry visa requirements to Hong Kong residents?*

SECRETARY FOR SECURITY: Mr Deputy President,

- (a) At present, holders of Hong Kong British passports enjoy visa-free visit to a number of countries and territories by virtue of:
- (i) visa abolition agreements (VAAs) concluded between the United Kingdom and the countries concerned which are extended to Hong Kong, or
 - (ii) reciprocal agreements (termed administratively visa waiver arrangements) concluded between Hong Kong itself and the countries concerned, or
 - (iii) long-standing more informal arrangements.

These agreements or arrangements do not cover holders of Hong Kong Certificates of Identity, which do not confirm the holders' nationality and do not have the same international status as ordinary passports.

The Hong Kong Government is keen to maximize the ease of travel of all Hong Kong residents, including holders of Hong Kong Certificates of Identity where possible against this limitation. We accept that more progress is needed on extension and continuation of the above arrangements.

- (b) We ourselves offer nationals of as many as 170 countries and territories visa-free visit to Hong Kong. (A list of these countries and territories is at Annex A). 75 countries and territories offer visa-free visit to holders of Hong Kong BDTC or BN(O) passports. (A list of these countries and territories is at Annex B).

As part of our efforts mentioned at (a), we have worked consistently to reduce the number of countries which presently require Hong Kong residents to have visas to visit them. We must acknowledge realistically that some countries have immigration or population control problems which they consider require them to impose visa restrictions on most if not all visitors. Nevertheless, we

will continue to argue strongly for opening of travel as we do for opening of trade everywhere.

- (c) It would make very little sense in most cases to impose corresponding entry visa requirements for nationals of those countries which do not offer reciprocal entry visa requirements to Hong Kong residents. This would in general be detrimental to Hong Kong which depends so much on trade and tourism.

Annex A

Nationals of the following countries and territories do not require visas for a visit to Hong Kong

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|------------------------------------|------------------------------------|
| 1. Andorra | 2. Anguilla |
| 3. Antigua & Barbuda | 4. Australia |
| 5. Austria | 6. Argentina |
| 7. Algeria | 8. Angola |
| 9. Bahamas | 10. Bangladesh |
| 11. Barbados | 12. Belgium |
| 13. Belize | 14. Bermuda |
| 15. Botswana | 16. Brazil |
| 17. British Antarctic Territory | 18. British Indian Ocean Territory |
| 19. British Virgin Islands | 21. Bolivia |
| 20. Brunei | 23. Benin |
| 22. Bahrain | 25. Bosnia |
| 24. Bhutan | 27. Burundi |
| 26. Bourkina Fasso | 29. Cayman Islands |
| 28. Canada | 31. Colombia |
| 30. Chile | 33. Costa Rica |
| 32. Cyprus (Republic of) | 35. Cape Verde Republic |
| 34. Cameroon | 37. Chad |
| 36. Central African Republic | 39. Congo (People's Republic of) |
| 38. Comoros | 41. Denmark |
| 40. Croatia | 43. Dominican Republic |
| 42. Dominica (Commonwealth of) | 45. El Salvador |
| 44. Ecuador | 47. Equatorial Guinea |
| 46. Egypt | 49. Ethiopia |
| 48. Estonia | 51. Falkland Islands Dependencies |
| 50. Falkland Islands | 54. Finland |
| 52. Fiji | 56. Gambia |
| 53. France | 58. Gibraltar |
| 55. Federated States of Micronesia | 60. Guyana |
| 57. Ghana | 62. Greece |
| 59. Grenada | 64. Gabon |
| 61. Germany, Federal Republic of | |
| 63. Guatemala | |

65. Guinea
67. Honduras
69. India
71. Israel
73. Iceland
75. Ivory Coast (Cote d'Ivoire, Republic of)
78. Jibuti
80. Kenya
82. Kuwait
84. Liechtenstein
86. Latvia
88. Lithuania
90. Malaysia
92. Malta
94. Monaco
96. Mexico
98. Madagascar
100. Mauritania
102. Namibia
104. Netherlands
106. Nigeria
108. Nepal
110. Niger
112. Pakistan
114. Pitcairn, Henderson, Ducie & Oeno Islands
117. Paraguay
119. Philippines
121. Qatar
123. Rwanda
125. Seychelles
127. Singapore
129. Spain
131. St. Helena
133. St. Kitts & Nevis
134. St. Lucia
136. Swaziland
138. Switzerland
140. Saudi Arabia
142. Slovenia
144. South Korea
146. Tanzania
148. Tonga
149. Trinidad & Tobago
151. Turks and Caicos Islands
153. Tunisia
155. Togo
66. Guinea-Bissau
68. Haiti
70. Irish Republic
72. Italy
74. Indonesia
76. Jamaica
77. Japan
79. Jordan
81. Kiribati
83. Lesotho
85. Luxembourg
87. Liberia
89. Malawi
91. Maldives
93. Mauritius
95. Montserrat
97. Morocco
99. Mali
101. Mozambique
103. Nauru
105. New Zealand
107. Norway
109. Nicaragua
111. Oman
113. Papua New Guinea
115. Portugal
116. Panama
118. Peru
120. Poland
122. Republic of Marshall Island
124. San Marino
126. Sierra Leone
128. Solomon Islands
130. Sri Lanka
132. St. Helena Dependencies (Ascension, Tristan da Cunha)
135. St. Vincent & Grenadines
137. Sweden
139. Sao Tome and Principe
141. Senegal
143. South Africa
145. Surinam
147. The Sovereign Base Areas of Akrotiri and Dhekelia
150. Turkey
152. Tuvalu
154. Thailand
156. Uganda

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| 157. United States of America | 158. Uruguay |
| 159. United States Trust Territory
of Pacific Islands (holders of
United States Trust
Territory Passports only) | 160. United Arab Emirates |
| 162. Vanuatu | 161. United Kingdom
(that is, British citizens
holding valid 3C passports) |
| 164. Vatican City | 163. Venezuela |
| 166. Yugoslavia | 165. Western Samoa |
| 168. Zambia | 167. Yemen, Republic of |
| 170. Zaire | 169. Zimbabwe |

Annex B

Countries/Territories which allow visa free entry to HK BDTC/BN(O) Passport holders
(As at February 1992)

- | | |
|---------------------------------------|--------------------------|
| 1. Anguilla | 2. Antigua & Barbuda |
| 3. Argentina | 4. Austria (see Note) |
| 5. Bahamas | 6. Barbados |
| 7. Belgium | 8. Belize |
| 9. Bermuda | 10. Bolivia |
| 11. Botswana | 12. Brazil |
| 13. Virgin Islands | 14. Canada |
| 15. Cayman Islands | 16. Chile |
| 17. Colombia | 18. Cook Islands |
| 19. Cyprus | 20. Dominica |
| 21. El Salvador | 22. Falkland Islands |
| 23. Fiji | 24. Gambia |
| 25. Gibraltar | 26. Greece |
| 27. Grenada | 28. Iceland |
| 29. Indonesia | 30. Ireland |
| 31. Israel | 32. Italy |
| 33. Jamaica | 34. Kenya |
| 35. Kiribati | 36. South Korea |
| 37. Lesotho | 38. Liechtenstein |
| 39. Luxembourg | 40. Malawi |
| 41. Malaysia | 42. Maldives |
| 43. Malta | 44. Mauritius (see Note) |
| 45. Montserrat | 46. Netherlands |
| 47. New Caledonia | 48. Pakistan |
| 49. Philippines | 50. Poland |
| 51. San Marino | 52. St. Helena |
| 53. St. Kitts-Nevis | 54. St. Lucia |
| 55. St. Vincent and
the Grenadines | 56. Singapore |
| 58. South Africa | 57. Solomon Islands |
| | 59. Spain |

- | | |
|----------------------------|-----------------------|
| 60. Sri Lanka | 61. Swaziland |
| 62. Sweden | 63. Switzerland |
| 64. Thailand | 65. Togo |
| 66. Tonga | 67. Trinidad & Tobago |
| 68. Turks & Caicos Islands | 69. Tuvalu |
| 70. United Kingdom | 71. Vanuatu |
| 72. West Samoa | 73. Yugoslavia |
| 74. Zambia | 75. Zimbabwe |

Note: Austria and Mauritius require visas for BN(O) passport holders.

Standard of English

9. MR HENRY TANG asked: *Since service industries will become one of the mainstays of Hong Kong's economy in future years, will the Government inform this Council what measures will be taken to improve the standard of English of our secondary school students to better equip them for the economic transformation?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the Government is fully aware of the need to improve the standard of English of our secondary school students. The main initiatives which are being or will be undertaken include the following.

(a) Improving the competence of teachers of English

The Institute of Language in Education is running a 16-week in-service Refresher Course for English teachers in both primary and secondary schools. Since 1987, the course for secondary school teachers has been extended to include a four-week course in the United Kingdom. In addition, about 100 teacher trainees majoring in English at the Colleges of Education are sent annually on a six-week total immersion English course in the United Kingdom.

(b) Setting a consistent policy on the medium of instruction in schools

Under this policy, which will come into effect in 1994, schools and parents will be encouraged to choose either Chinese or English as the medium of instruction on the basis of objective measures of their children's needs. Students identified as being able to learn through the medium of English will be offered a bridging course in Secondary I to help them change over from the Chinese medium in primary schools to the English medium. The English standards of these students are expected to improve very considerably in the years to come. Equally, we would expect those who will study in the Chinese medium to be able to learn English better, because of the general improvement in their learning capacity through the use of the medium they are comfortable with.

(c) *Introducing Targets and Target-Related Assessments (TTRA)*

English is one of the three core subjects to be included in the TTRA initiative which will begin with Primary IV in May 1993 and extend from Primary I to Secondary III by 1997. Students will work towards practical communicative and problem-solving targets. TTRA is designed to enable students to attain the highest standards that can realistically be achieved within the time allocated to English as a subject in their schools.

(d) *Establishing a vocational English programme*

Based on research undertaken by the Institute of Language in Education, vocational English materials have been written and a certification scheme is being prepared at various levels. From September 1993 language institutes and individual employers will be able to mount courses using the vocational English materials tailored to the needs of the workplace. The vocational English programme, which is designed to improve the standards of English in the workplace, will eventually be extended from basic to advanced level.

Exhibition facilities

10. *DR HUANG CHEN-YA asked (in Chinese): Will the Government inform this Council:*

- (a) *of the demand and supply situation of exhibition facilities in Hong Kong to date as well as the five-year forecast of the demand and supply;*
- (b) *of the relevant statistics on exhibition facilities in the territory in comparison with those in our neighbouring cities; and*
- (c) *whether the Administration has any plan to enhance the capacity of our exhibition facilities?*

SECRETARY FOR TRADE AND INDUSTRY:

- (a) Hong Kong's exhibition facilities are mainly provided by the Hong Kong Convention and Exhibition Centre (HKCEC) though some smaller-scale events are held in venues such as China Resources Centre, hotels and sometimes shopping complexes. The occupancy rate of the two exhibition halls of HKCEC for the year May 1991 to April 1992 was around 60%.

It is not easy to forecast the demand for exhibition facilities since demand is affected by a number of factors such as the economic and trade environment, the availability and relative competitiveness of

other exhibition centres in the region. However, based on historical data of the occupancy rate of the HKCEC exhibition facilities, the utilization rate for medium to large-scale exhibition is likely to grow by about 7% p.a. On the supply side, we are not aware of any firm private sector initiatives to construct any premises for the sole purpose of holding exhibitions. It should however be noted that new facilities for small to medium-scale events may be available in hotels or shopping arcades to be built in the years to come.

- (b) The HKCEC is a medium-sized exhibition venue, with its two halls totalling 18 000 sq m. The Government does not keep statistics on the facilities available in hotels and shopping complexes for exhibition purpose. The Government also does not have comprehensive data on the exhibition facilities in our neighbouring cities. The least information that it has been able to gather is as follows:
 - (i) the International Exhibition Hall in Kobe of Japan: 3 000 sq m;
 - (ii) the Kemayoran Centre in Jakarta, due for completion in late 1992: 12 000 sq m indoor and 29 000 sq m open space; and
 - (iii) the World Trade Centre in Singapore: 32 000 sq m
- (c) The Trade Development Council has made a proposal to the Administration to construct an extension facility to the HKCEC. The Administration is studying the proposal and no decision has been made.

Computerization programmes for government departments

11. DR CONRAD LAM asked (in Chinese): *Will the Government inform this Council of:*

- (a) *the number of government departments which have sought additional provision for the implementation of their computerization programme on grounds of manpower saving in the past three years;*
- (b) *the number of these departments which have achieved their targeted savings; and*
- (c) *measures that the Government will take to monitor those departments which have not yet achieved their targeted savings?*

SECRETARY FOR THE TREASURY: Since the beginning of 1989, Finance Committee has approved 10 computerization projects which envisage manpower savings upon implementation. Seven of the projects are still under way. Three have been completed and the manpower savings envisaged have been achieved. Further details may be found in the attachment to my reply of 20 October 1992 to the Secretary of the Public Accounts Committee in relation to a similar enquiry.

The Government fully recognizes the need to set realistic targets for manpower savings and to ensure that they are achieved. A formal system of post-implementation reviews has now been established for all administrative computer systems costing more than \$5 million. Details of the new system are set out in Financial Circular 8/92 issued on 13 October 1992.

Complaints about public housing flats

12. DR CONRAD LAM asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the number of complaint cases received by the Housing Department in the past three years concerning public housing flats that were in need of repairs, with a breakdown showing the age of the buildings concerned in each of these years;*
- (b) *of the average time required in dealing with these complaint cases, that is from the time a case is reported to the completion of the required repairs; and*
- (c) *whether the Housing Department has considered ways to shorten the required time; if not, why not?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, from January 1990 to June this year, the Housing Department received a total of 9 970 complaints or reports in respect of the general maintenance of buildings and a further 6 524 in respect of building services installations within buildings. There is no central record cross-referencing these reports to the age of buildings. The information could only be compiled by searching through the individual records held in different estate offices and district maintenance offices manually. This would be a very time consuming exercise.

The statistics given should be considered in the context of the Housing Authority's stock of about 845 000 units. During the first six months of this year, there was about one report for every 100 flats.

The completion time for repairs is dependent on the nature of the works required. For emergency work and in particular cases where safety is important, the response is immediate. For normal routine repairs, ranging from fixing a door lock to water seepage, the time taken varies from an hour to a few weeks. With over 200 000 works orders issued each year, it is not possible to arrive at a meaningful "average" repair time. However, the Housing Authority has taken action to improve response time, time needed to complete the repairs and the effectiveness of the work through improved supervision of contractors and the use of a new contractors' performance appraisal system. For example, over the past six years, the average lift breakdown rate has been halved to 0.5 breakdowns per lift per month and the number of electrical riser faults has dropped from 770 in 1990 to about 300 so far this year.

The Authority has also recently introduced a new maintenance planning system known as CARE (Condition, Appraisal, Repair and Examination) to ensure regular and better co-ordinated inspection and maintenance of its properties. This will produce further improvements to the maintenance service.

New airport project

13. MR CHIM PUI-CHUNG asked (in Chinese): *In relation to the construction of the new airport, will the Government inform this Council:*

(a) *whether it will assess respectively the cost-effectiveness of constructing a new airport by the Government alone without China's support and that of expanding and continuing to use the existing facilities at the Kai Tak Airport, so as to determine which option is more viable;*

(b) *whether assessments have been made as to the likely differences in airport size, facilities and capacity between the new airport to be built by the Government alone and the one as originally planned; if so, what the major differences will be and what the effects the former scenario will have on the Government in future in terms of fiscal expenditure, liability commitments and accumulated surplus by 1997; and*

(c) *whether contingency measures are required to follow up the situation where the new airport has to be cancelled, including the problem of works contracts that have already been executed and the anticipated growth in air traffic in future?*

SECRETARY FOR THE TREASURY: In the Legislative Council on 8 October 1992, the Governor said:

"We certainly reach a time when we would need to look fairly radically at the options in taking the project forward, for example, whether, rather than trying to do everything, we should agree to finance what we can ourselves between now and 1997 and then leave other matters to be completed by the SAR Government. If we were to arrive at that situation, the Administration would have to come to this Council in order to have particular projects funded; so the role of the Council in any development or necessary shift in our policy would be absolutely crucial." (Hansard Report for the Legislative Council sitting on 8 October 1992)

There is nothing in the Governor's statement on 8 October which implies completing the new airport on our own without China's support. Indeed, the Governor has subsequently said on a number of occasions that our principal aim was to secure China's support for the projects in accordance with the Memorandum of Understanding: any other option was second best.

But — as the Governor has suggested — until we get an overall agreement, we should do what we can to continue to take the projects forward.

Claim for compensation from the Japanese Government

14. MR SZETO WAH asked (in Chinese): *During the Japanese occupation in Hong Kong in World War II, the Japanese Government compulsorily required the then residents of Hong Kong to exchange Hong Kong dollars for the Japanese military currency or the Japanese currency. Since the Japanese army withdrew from Hong Kong in August 1945, no attempt has been made by the Japanese Government to either redeem the currencies issued during the war or compensate these residents for their substantial loss due to the compulsory exchange of currencies. Will the Government inform this Council whether the British Government will be urged to act on behalf of these Hong Kong residents and seek compensation from the Japanese Government through appropriate diplomatic channels; if so, what steps and measures will be taken; if not, what justification there is for not doing so?*

SECRETARY FOR MONETARY AFFAIRS: The Hong Kong and British Governments both sympathize greatly with those who suffered loss and hardship in Hong Kong during the Japanese occupation. The victims themselves are, of course, free to pursue any claims directly with the Japanese Government. If the Japanese Government decided of their own will to make some compensation in respect of such claims, we are sure this would be welcomed.

When the matter was last raised in this Council in December 1990, it was referred to the British Government for consideration. In a letter dated 25 January 1991 from the Foreign and Commonwealth Office to the Hong Kong Reparation Association, the British Government advised that under the Treaty of Peace with Japan signed by the United Kingdom and other Allied Powers in San Francisco in 1951, the sums received at the time would be recognized as a full discharge by the Japanese Government of its obligations. The 1951 Peace Treaty applied to Hong Kong. The Hong Kong Government thus has no standing to press the British Government to take the matter up further with the Japanese Government.

Information on scheduled bus services

15. MR PETER WONG asked: *Will the Administration inform this Council whether franchised bus companies provide route maps and timetables in Chinese for local residents and in foreign languages for our visitors as part of their services to the public?*

SECRETARY FOR TRANSPORT: Mr Deputy President, information on the routing, timetables and fares of individual bus services are displayed, in both English and Chinese, at bus termini and stops. All four franchised bus companies provide a hotline for handling passenger enquiries in both languages.

The bus companies have also developed various other ways to distribute passenger information. The Kowloon Motor Bus Company (KMB) and Citybus Limited provide route maps. The China Motor Bus Company publishes route information in leaflets for new services. The New Lantao Bus Company disseminates customer information at a customer service centre at Mui Wo, the main interchange for buses serving Lantau. All such information is available in both languages.

In addition, the Hong Kong Tourist Association issues brochures for foreign visitors in various other languages. These brochures contain information on public transport, including selected franchised routes serving places of interest to tourists and KMB's services to the airport.

Funding and function of district boards

16. MR GILBERT LEUNG asked (in Chinese): *Since the Governor has proposed in his address to this Council that the budgets and functions of District Boards should be expanded, will the Government inform this Council:*

- (a) *of the criteria in determining the level of funding for District Boards and the factors that have been taken into account for the increase of provisions announced recently; whether consideration*

would be given to allowing District Boards to have independent sources of revenue similar to the municipal councils; and

- (b) whether there would be any changes in roles and functions of the District Management Committees and the District Boards; and whether the Administration will consider amending relevant legislation to make all administrative departments at district level accountable to the District Boards?*

SECRETARY FOR HOME AFFAIRS: Mr Deputy President, the allocation of District Board funds among the 19 districts is determined on the basis of a number of criteria, including:

- (a) the population of the district;
- (b) the geographical spread of the district;
- (c) district needs; and
- (d) past record of expenditure.

The Governor has stated that the amount of District Board funds will be increased substantially in order to enable District Boards to undertake more community involvement and minor environmental improvement projects in their districts. These include surveys of community needs, activities for elderly residents, construction of rain shelters, sitting-out areas, financial assistance to community organizations, such as Mutual Aid Committees, Owners' Corporations or Kaifong Associations, etc.

District Boards also receive financial support for worthwhile district projects from various sources such as the Lotteries Fund, the municipal councils and local businessmen. There is no plan to supplement these arrangements by allowing District Boards to have independent sources of revenue similar to the municipal councils.

We have no intention of changing the basic role and function of the District Boards. The forum for inter-departmental deliberation of district matters and co-ordination of action to deal with district problems still remains to be the District Management Committee. There is no plan to let the District Boards to take over the work and function of the District Management Committee. However, we would like to take full advantage of District Board members' detailed knowledge of the local community. We, therefore, intend to strengthen the influence and participation of District Boards in local affairs. This can be achieved by requiring government departments to take heed of the advice of District Boards in their work at the district level. Comprehensive action plans adopted by the District Management Committee to tackle district problems will have to be devised in close co-operation with the District Boards.

Departments will become more accountable to District Boards on the implementation of such action plans. Regular reports will be submitted to District Boards to enable them to monitor progress more closely. It is not necessary to amend any legislation to give effect to this.

Home-school co-operation

17. MRS SELINA CHOW asked: *Will the Government inform this Council whether:*

- (a) *action is being taken to ensure that headmasters and teachers in schools develop the correct attitude towards home-school co-operation in the education of our children;*
- (b) *training to develop the aforementioned attitude has been included in the curricula of various teachers training courses; and*
- (c) *regular professional seminars and conferences are being held to exchange views and formulate thinking based on actual experience?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the answers to Mrs CHOW's questions are as follows:

- (a) The Education Department advises school supervisors and principals to establish closer communication with parents with a view to securing their co-operation and support in educating their children. The most recent circular, issued in July 1992, stressed the importance of occasions such as Parents' Days and Orientation Days for new pupils in fostering good home-school relations. Following the recommendation of the Education Commission in its Report No. 5, the Department is taking steps to set up a new standing committee to advise the Government on ways to promote positive attitudes among headmasters, teachers and parents towards home-school co-operation. The Government has earmarked \$5 million to support the activities of the committee, which may include conducting a survey to investigate current perceptions of home-school relationships, drawing up a statement of the rights and responsibilities of parents, schools and students in the education process, producing training materials for teachers and parents and disbursing project grants to schools.
- (b) Guidance and counselling is an essential component in the core programme of all initial teacher training courses offered by the Colleges of Education. As recommended in the Education Commission's Report No. 4, this component has been strengthened since September 1991 to help all teacher trainees develop a positive

attitude in assisting students to resolve their developmental problems. Teacher trainees are provided with opportunities to deepen their knowledge and develop their skills through academic, cultural, creative and contemporary studies, as well as through seminars and workshops on civic education, sex education, juvenile delinquency and good parenting. They also learn how to conduct extra-curricular activities in primary and secondary schools outside normal classroom situations, thereby facilitating the implementation of home-school co-operation.

- (c) Regular professional seminars and workshops are conducted by Educational Counsellors of the Education Department for teachers. These include:
 - (i) one-day workshops on "Effective Communication" for school teachers to enhance their communication skills in working with students and their parents. These provide opportunities for discussion, sharing, role-play and simulation exercises. Eight such workshops were held earlier in 1992 and 12 more will be conducted by mid-1993;
 - (ii) regional discussion sessions for teachers representing schools in the same and neighbouring regions to provide opportunities for teachers to share their experiences in working with students and parents. More contacts among teachers are encouraged as a means of mutual support. Twelve such sessions are scheduled for the period from October 1992 to February 1993.

Soft drug abuse among young people

18. MRS SELINA CHOW asked: *In view of the abuse of cough mixture which led to the fatality of a young addict earlier this year, will the Government inform this Council:*

- (a) *what measures are available to assess the extent of soft drug abuse among our young people;*
- (b) *what specific educational measures are in place to promote the awareness of our young people of the harm of soft drug abuse; and whether these measures have taken effect; and*
- (c) *whether juvenile soft drug abuse is noticeably a more serious problem in Hong Kong than in other neighbouring cities of South East Asia?*

SECRETARY FOR SECURITY: Mr Deputy President, we do not use the term "soft drugs" because it conveys the misconception that the abuse of these drugs is not harmful. This is not the case. The abuse of any substance can be dangerous.

- (a) We can assess the extent of drug abuse amongst our young people by two means:
- (i) statistical data, which is compiled by the Central Registry of Drug Abuse of the Narcotics Division of Security Branch. The Central Registry collects reports on drug abusers from over 40 reporting organizations, including law enforcement agencies, treatment and rehabilitation centres and out-reach social work teams. This statistical data is analysed regularly and presented in reports to the Action Committee Against Narcotics and other organizations involved in assessing drug abuse trends and devising anti-drug strategies. We pay particular attention to drug abuse amongst young people aged under 21; and
 - (ii) school surveys, which enable us to collect more comprehensive data on drug abuse amongst young people. These surveys cover more than 100 000 students in local secondary schools, international schools and technical institutions. Two surveys were conducted in 1987 and 1990; a third survey is currently underway.
- (b) We conduct drug education talks in all secondary schools, boys and girls clubs and youth organizations in order to promote awareness amongst young people of the dangers of drug abuse. These talks concentrate, however, on developing skills which will enable youngsters to resist offers of drugs from their peers. We have just begun a pilot scheme to extend these school talks to Primary VI students.

We have also produced a comprehensive Drug Education Teaching Kit and a Guide on Drug Abuse which has been distributed to all secondary schools and to a number of other organizations dealing with young people. The Teaching Kit includes videos, lesson plans and other publicity material to assist in spreading the word about the dangers of drug abuse.

We are also arranging talks on drug matters for both parents and children together. A number of talks have been organized, but the response, so far, has been disappointing. We intend to persevere with these talks because experience outside Hong Kong suggests that talks which involve both parents and children have a much greater impact than those which involve only one or the other.

We are also planning to conduct a series of talks in teacher training colleges. This will provide student teachers with some background on the drug situation and with information that they can use in their normal lessons in the future. Our objective is to encourage teachers to deal with drug issues during normal lessons.

It is difficult to assess the effectiveness of these educational measures, however, we regularly seek feedback from teachers and pupils and this suggests that the message is clearly understood.

- (c) It is not possible to make comparisons between Hong Kong and neighbouring South East Asian cities, because statistics on drug abuse in these places are not readily available. Although our Central Registry of Drug Abuse enables us to measure quite accurately the number of drug abusers in Hong Kong, most other places in the world are less fortunate; they have to rely on estimates and they cannot readily break down these figures in any meaningful way. However, based on anecdotal information, there are indications that drug abuse amongst young people in Hong Kong is a less serious problem than elsewhere in South East Asia.

Unregistered private tuition schools

19. MR CHEUNG MAN-KWONG asked (in Chinese): *In view of the drastic increase in the number of complaints against the unlawful operation of unregistered private tuition schools, will the Government inform this Council of the following:*

- (a) *what problems have been identified by the Administration upon investigation into the existing registered and unregistered private tuition schools in respect of their operations, services, teachers' qualifications, publicity measures and fee-charging levels; and*
- (b) *whether a Bill will be introduced to amend the existing legislation so as to bring tuition schools under more effective control and to safeguard the interests of students and consumers; if so, what aspects of the legislation will be amended; if not, what positive measures the Administration will adopt to inspect and prosecute the offenders so as to monitor the operations of tuition schools effectively?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the answers to Mr CHEUNG's questions are as follows:

- (a) In its investigations into existing registered and unregistered private tuition schools, the Education Department has identified three broad

problem areas in relation to the provisions of the Education Ordinance. The first concerns registered schools failing to comply with technical requirements, such as reporting the appointment of teachers and obtaining approval to operate new courses. These problems, where found, have been rectified on the advice of the School Inspectors. The second relates to an increase in the number of unregistered operations. As these did not reach the minimum enrolment to trigger the need for registration as schools, the Education Department was unable to determine whether they met reasonable requirements regarding the safety of premises, the quality of services rendered and the level of fees charged. The third concerns whether the Education Ordinance provides the Education Department with adequate powers to exercise prudential control over the operations of private tutorial schools, both in regard to their registration and the way some of them advertise their courses.

- (b) The Education Department has consulted the Board of Education on possible amendments to the Education Ordinance to address the problems identified above. The Board has supported these amendments in principle and I expect to introduce the appropriate draft amending legislation into this Council during the current session.

Immigration clearance at Lo Wu

20. MR WONG WAI-YIN asked (in Chinese): *Regarding Chinese nationals who are holding one-way exit permits or travelling in tourist groups to Hong Kong, will the Government inform this Council:*

- (a) *of the normal waiting time for them to complete the clearance processes at Lowu and the waiting time during peak periods and public holidays; and*
- (b) *what measures will be taken to reduce the waiting time at Lowu?*

SECRETARY FOR SECURITY: Mr Deputy President,

- (a) I would firstly like to explain briefly the situation at Lo Wu. Overall traffic through Lo Wu has been increasing very dramatically, up by 39% since 1989. In the first nine months of this year alone, the volume of traffic was 25.8 million as compared with 25.1 million for the whole year of 1989. This growth in traffic has not been matched by a corresponding increase in resources. The Immigration Department has therefore had to improve productivity, and has been very active in reviewing and

streamlining the procedures in order to maintain the standard of clearing a passenger within 30 minutes.

Despite these difficulties, the above standard is still achieved for 90% of the passengers on normal weekdays. On weekends and holidays when the traffic is always extremely heavy, 65% of the passengers are cleared within 45 minutes.

Holders of one-way permits are processed at the designated examination area (Permit Office) because they are coming for settlement and are therefore subject to a different and more detailed set of procedures. Members of Chinese tour groups for Hong Kong or overseas organized by designated travel agents and holders of Chinese passports in transit to other destinations are cleared at the Permit Office in order to establish their *bona fide* as visitors and to ensure that suitable arrangements have been made for their visit to/transit through Hong Kong. Given the extra steps required, clearance takes longer time than at the counter. The corresponding waiting time for passengers from China being cleared varies from one to three hours. The waiting time is often affected by the very uneven flow of traffic of two-way permit visitors. The majority are cleared within 90 minutes.

- (b) We are now considering further streamlining of actual procedures. This will require the co-operation of the Chinese side. If and when such improvements are able to be implemented, it will very considerably reduce the average waiting time for visitors from China.

Motions

COMPANIES ORDINANCE

THE SECRETARY FOR MONETARY AFFAIRS moved the following motion:

"That the Companies (Fees and Percentages) (Amendment) Order 1992, made by the Chief Justice on 7 October 1992, be approved."

He said: Mr Deputy President, I move the first motion standing under my name on the Order Paper.

The Companies (Fees and Percentages) (Amendment) Order 1992, which was made by the Chief Justice on 7 October, increases certain fees payable in the High Court in relation to proceedings under the Companies Ordinance. These

fees were last revised in 1988. The current revision reflects the increase in the cost of providing these services since that date.

Mr Deputy President, I beg to move.

Question on the motion proposed, put and agreed to.

BANKRUPTCY ORDINANCE

THE SECRETARY FOR MONETARY AFFAIRS moved the following motion:

"That the Bankruptcy (Fees and Percentages) (Amendment) Order 1992, made by the Chief Justice on 7 October 1992, be approved."

He said: Mr Deputy President, I move the second motion standing under my name on the Order Paper.

The Bankruptcy (Fees and Percentages) (Amendment) Order 1992, which was made by the Chief Justice on 7 October, increases certain fees payable in relation to proceedings under the Bankruptcy Ordinance. These fees were last revised in 1985, 1988 and 1989 respectively. The current revision reflects the increases in the cost of providing these services since these dates.

Mr Deputy President, I beg to move.

Question on the motion proposed, put and agreed to.

First Reading of Bills

DISTRICT COURT (AMENDMENT) BILL 1992

EXCHANGE FUND (AMENDMENT) BILL 1992

FORESTS AND COUNTRYSIDE (AMENDMENT) BILL 1992

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

Second Reading of Bills

DISTRICT COURT (AMENDMENT) BILL 1992

THE ATTORNEY GENERAL moved the Second Reading of: "A Bill to amend the District Court Ordinance."

He said: Mr Deputy President, I move that the District Court (Amendment) Bill 1992 be read a Second time.

The Bill is designed to improve the administration of justice in the District Court.

At present, a District Judge who has delivered a judgment or made an order in civil proceedings is entitled, of his own motion or upon application, to reopen a case and reverse or vary his judgment or order. Furthermore, where a District Judge subsequently records in writing the reasons he delivered orally, he may modify his legal reasoning. The Court of Appeal commented in 1990, and I agree, that such powers do not enhance general confidence in the administration of justice. By clauses 2 and 3 the Bill repeals these powers.

Where a District Judge delivers oral reasons in a civil case, the reasons need only be recorded in writing in limited circumstances. Given the importance of legal proceedings in the District Court, this is clearly inappropriate. The Bill therefore provides that in future all judgments will have to be reduced to writing.

By clause 4, the time limit for appealing against a decision in a civil case is extended with a view to ensuring that a party will have received the judge's written reasons before having to draft the grounds for any appeal. At present the time limit for appealing may expire before the written reasons for the judgment are available.

The Bill also addresses the question of recording verdicts and judgments in criminal cases. The existing provision in section 80 of the District Court Ordinance is loosely worded. Clause 5 of the Bill substitutes a new section. This requires the verdict and any sentence, together with the reasons, to be announced orally. This is for the benefit of the accused. The clause also provides that the verdict and sentence shall be formally recorded at the time of handing down, and the reasons reduced to writing within 21 days.

Mr Deputy President, support for the principles of the Bill has been expressed by the Judiciary and the legal profession.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

EXCHANGE FUND (AMENDMENT) BILL 1992

THE SECRETARY FOR MONETARY AFFAIRS moved the Second Reading of: "A Bill to amend the Exchange Fund Ordinance."

He said: Mr Deputy President, I move that the Exchange Fund (Amendment) Bill 1992 be read a Second time.

The objective of the Bill is to provide for the establishment of the Hong Kong Monetary Authority and for this purpose extends the functions of the Exchange Fund by introducing a secondary role of maintaining the stability and integrity of the monetary and financial systems.

As the Governor explained in his address to this Council on 7 October, the establishment of the Authority will help ensure that Hong Kong's monetary policy is conducted with the continuity and professionalism necessary to command the confidence of the people of Hong Kong and the international financial community.

To effect the establishment of the Authority, clause 4 of the Bill empowers the Financial Secretary to appoint a Monetary Authority. Legally, the Monetary Authority would be a person rather than an institution. But in practice the term "Monetary Authority" would be regarded as an organization so that an institutional identity would be prominent.

The Authority would be formed by merging the Office of the Exchange Fund with the Office of the Commissioner of Banking. It would initially be staffed mainly by civil servants on secondment without any change to their pay and conditions of service. However, the Authority would be able to employ staff on terms different from those of the Civil Service in order to attract and retain high calibre staff with the right experience and expertise. Whilst it is considered that the Financial Secretary already has authority under the present section 6 of the Ordinance to employ people in connection with the purposes of the Fund and charge their emoluments and related costs to the Fund, clause 4 of the Bill clarifies this beyond doubt. The staff and operating costs of the Authority would be charged directly to the Exchange Fund instead of to the general revenue, thus taking the Authority outside the resource allocation constraints applicable to other parts of government.

The Financial Secretary would retain all his statutory powers under the Exchange Fund Ordinance. He would, however, delegate such powers as he saw fit to the Monetary Authority and other senior staff employed to assist the Monetary Authority.

The Authority would be accountable to the Financial Secretary, who would continue to be advised by the Exchange Fund Advisory Committee on matters relating to the control of the Exchange Fund. By reinforcing a trend over recent years, the involvement of the Committee in monetary and investment management matters would become much closer and the Committee would function very much like a management board, including advising the Financial Secretary on the annual budget of the Monetary Authority. To reflect the wider ambit of the Fund and the increased responsibility of the Committee, the membership of the Committee would be suitably expanded to include additional distinguished members of the financial and related sectors.

The establishment of the Monetary Authority would not affect the role of the Director of Audit who would continue to subject the resources of the Exchange Fund to stringent and continuous auditing. The publication of the Exchange Fund's accounts in July this year has enhanced the transparency of the Exchange Fund in that the performance of the Fund is now subject to public scrutiny. To further enhance public accountability, it is intended that the Authority's annual reports should be tabled in this Council.

Clause 3 of the Bill gives statutory recognition to the monetary policy objectives of Hong Kong. It provides that, apart from the primary use of the Exchange Fund to affect the Hong Kong dollar exchange rate, the Financial Secretary may use the Exchange Fund to maintain the stability and the integrity of the monetary and financial systems of Hong Kong, with a view to maintaining Hong Kong as an international financial centre.

I should emphasize that this secondary use of the Fund would be strictly limited to dealing with problems with systemic implications and not for bailing out individual banks *per se*. While there might be occasions where the rescue of an individual bank proved necessary to prevent a domino effect across the whole banking system, each case would continue to be examined on its merits. This secondary purpose would be subordinate to the primary purpose of maintaining exchange rate stability. Should there be any conflict, the primary purpose would prevail.

Clauses 6 to 45 of the Bill contain consequential amendments to a number of Ordinances to transfer the statutory powers presently vested in the Commissioner of Banking and the Secretary for Monetary Affairs in such Ordinances to the Monetary Authority.

Finally, I would like to reiterate the point made by the Financial Secretary on 28 October that it is not intended that the Authority should be independent of the Government. Advocates of greater independence for the Authority readily point to the examples of the German Bundesbank, the US Federal Reserve Board and the Reserve Bank of New Zealand. Quite apart from the highly debatable point whether these central banks really enjoy full autonomy on monetary policy, the establishment of a fully independent Monetary Authority in Hong Kong separate from the Government would, I believe, be inconsistent with the Joint Declaration and the Basic Law. The relevant provisions in these documents stipulate that the Exchange Fund shall be managed and controlled by the SARG primarily for regulating the exchange value of the Hong Kong dollar. An independent Monetary Authority separate from the Government would thus not have available to it the resources of the Exchange Fund.

Although under our proposals the HKMA would remain an integral part of the Government, Members may rest assured that it will be given a high degree of day to day autonomy, including the necessary flexibility to deploy staff resources in response to priorities and to enable it to implement and achieve efficiently monetary policy objectives determined by the Government.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

FORESTS AND COUNTRYSIDE (AMENDMENT) BILL 1992

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

He said: Mr Deputy President, I move the Second Reading of the Forests and Countryside (Amendment) Bill 1992. The main purpose of the Bill is to bring the provisions of the Ordinance, which was enacted in 1937 and last amended in 1974, up to date. A number of significant amendments are proposed.

First, the present Ordinance imposes a form of collective liability on villagers committing the offences of felling, cutting, burning or otherwise damaging or destroying trees on government land, and stipulates court of inquiry proceedings and the method of levying fines. It also empowers the Governor in Council to declare prohibited areas so as to protect trees and plants there from illegal use, mainly as firewood. Because of changes in socio-economic circumstances trees are no longer used as a source of fuel and most, if not all, of the important forests and plantations are now protected under the Country Parks Ordinance. Sections 5 to 15 of the Ordinance are no longer needed and clause 5 of the Bill proposes their repeal.

The second proposal, which is reflected in clauses 7 and 9 of the Bill, seeks the inclusion of more detailed provisions in relation to powers of inspection, search, arrest and seizure by authorized officers and the issue of search warrants. They follow the provisions recently introduced into the Police Force Ordinance and are consistent with the Bill of Rights.

The third proposal, in clause 11(b) of the Bill, seeks to revise the maximum fine for offences under the Ordinance from \$2,000 to \$25,000 to take account of the gravity of the offence as well as inflation, and to maintain the deterrent effect.

Fourth: the Ordinance now prohibits any person from cutting grass or plants, removing turf or earth, etc, in forests and plantations without lawful authority or excuse. Such acts are sometimes necessary for education and research purposes however. Clause 12 of the Bill therefore proposes to empower the Director of Agriculture and Fisheries to issue special permits to allow these acts for such purposes.

The final proposal relates to the power to make regulations. It is proposed in clause 3(b) of the Bill that the powers to make regulations under section 3 of the Ordinance should be vested in the Secretary for Planning, Environment and Lands instead of the Governor in Council since these involve purely routine and technical matters.

Thank you, Mr Deputy President.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

OATHS AND DECLARATIONS (AMENDMENT) BILL 1992

Resumption of debate on Second Reading which was moved on 14 October 1992

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).

BUSINESS REGISTRATION (AMENDMENT) BILL 1992

Resumption of debate on Second Reading which was moved on 15 July 1992

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).

TOYS AND CHILDREN'S PRODUCTS SAFETY BILL

Resumption of debate on Second Reading which was moved on 29 April 1992

Question on Second Reading proposed.

DR LEONG CHE-HUNG: Mr Deputy President, while Germany dumps industrial wastes in Eastern Europe, and the United States exports toxic chemicals to Latin America, Hong Kong has been used as a dumping pit for

dangerous and substandard toys. This is ironical bearing in mind our relative affluence and our status as a shoppers' paradise. Absence of control is to blame.

Today, I and my colleagues in this ad hoc group are glad to present this Bill which is the first piece of legislation in Hong Kong on toys and children's products safety. If carried, it will provide better safeguards for consumers by making it an offence to manufacture, import or supply in Hong Kong toys and children's products which fail to comply with the prescribed safety standards.

Since the introduction of this Bill in April of this year, the seven-member group held eight meetings, including six with the Administration. We have met with retail, import and testing centre representatives, and considered submissions from seven interested organizations. The ad hoc group and organizations which made representations to us are in one voice on the need to safeguard children's protection in Hong Kong.

So the question was not whether we should or should not have statutory safety standards, but what measures and standards we should adopt.

First, on control measure. This Bill does not impose a duty on the authorities to test the toys and children's products and the Administration has advised that the authorities will act only on complaint. This means that nothing will be done to test the products unless enough injuries and enough complaints draw attention to the unsafe product.

There is absolutely no point in having a standard unless that standard can protect our children. What good will a prosecution do? It cannot give back a child her blinded eye. It offers little comfort to a grieving parent when children have been killed by lethal toys.

What we want then are preventative measures, not laid back damage control actions after a child is maimed or killed.

The ad hoc group was very concerned about the effectiveness of this approach and suggested that the Administration consider imposing compulsory pre-sale testing. This measure was recommended by some of the submissions too. The Administration advised that they had examined the option but decided against it.

While accepting the difficulties with regard to mandatory pre-sale testing, the ad hoc group still considered a more pro-active system of control necessary to prevent injuries.

We therefore recommended that some incentives be provided to suppliers, to encourage them to have their products tested before they go on the shelf.

To address the group's concern, the Administration finally agreed to insert a clause to the effect that a voluntary pre-sale testing certificate will be

considered as evidence for defence to a charge under this Ordinance. They also undertook to increase manpower to conduct random testing.

I now turn to the question of safety standards. The Bill proposes to adopt the standard devised by the British Standards Institute for children's products. This was accepted by the group without much argument.

The deliberation on the standards of toys, however, was a frustrating and drawn-out process. With your indulgence, I will elaborate on that.

The Bill proposes the adoption of the International Committee of Toys Industries (ICTI) standard for toys. The group questioned this from the onset, having regard to the fact the ICTI standard was not as up-to-date as some other standards and that the level of toxic chemicals which ICTI allows is much higher.

The Administration explained that adoption of an international standard instead of a national standard would avoid possible accusation of Hong Kong being biased towards the standard of a particular country.

They assured us that ICTI was very similar to the standards developed by our major markets, and was supported by the Hong Kong Toys Council. Here I would like to stress supported by the Hong Kong Toys Council.

As regards the possibility of including other national standards in the Bill in addition to the ICTI standards, the Administration was concerned that this might result in toy suppliers choosing to meet only the lower safety requirements of the different aspects of the safety standards, thus resulting in a set of "lower standards" for Hong Kong. It was on the strength of these arguments that the ad hoc group was persuaded into accepting their recommendation.

When the ad hoc group had finalized our deliberations, and the Bill was about to be brought back to this Council for resumption of Second Reading debate and Third Reading in July, the Administration suddenly advised that it had to reconsider the issue in the light of strong representations received from major toy retailers appealing for the adoption of the European (EN71) and American (ASTM) standards. It was explained that the Administration had relied on the Hong Kong Toys Council for advice on toy safety standards; the Council's sudden change of stance had precipitated the decision.

The Administration came back after two months with a fresh recommendation for the adoption of EN71 and ASTM standards in addition to ICTI standard. Their justifications were that a multiple standards regime would maximize consumer's choice, promote free trade competition and avoid an unnecessary increase in the retail price resulting from retesting under the ICTI standard which was not used by Hong Kong's major suppliers. Paradoxically,

all these arguments were those that had been considered by the ad hoc group earlier, which the Administration then sought to brush aside.

As regards the previous objection against the adoption of multiple standards, the Administration advised that the Bill would now stipulate that a toy must fully comply with all applicable safety specifications *en bloc* in any one set of the prescribed standards.

I must say that we did not find that there was a very convincing case for the about turn. But on the suitability of a multiple standards regime itself, the ad hoc group was satisfied that it represented a viable and practical option without compromising the protection of children and the efficiency of enforcement of the legislation.

Here I seriously question the Trade and Industry Branch's choice of advisers. It is paramount that when formulating legislation, the Government should seek impartial advice. Opinions that are tainted with vested interests, of course, are not impartial.

Of the 17 members of the Working Group on Toy Safety (whose recommendation this Bill was based) only the Consumer Council can be described as independent and impartial.

The rest came from trade and commerce, in particular the toy industry. Is it of little wonder then that group recommended the ICTI standard — a standard that is less stringent, and one no other developed country uses.

What happens when the Government's adviser does a complete about turn, as did the toy industry in this case. When shortly before the last scheduled Third Reading of this Bill, they voiced out against ICTI. Who then should the Administration turn for advice?

Had the Trade and Industry Branch sought a more balanced view at the beginning, this would not have happened. I urge the Government, when seeking advice in the future, to consult a better range of views.

Because of the deferral of the Bill to this juncture, the Administration proposed to shorten the grace period so that the proposed legislation would still come into effect in July 1993 as intended originally. This was supported by the ad hoc group in principle from the consumer protection point of view but we also questioned whether it would cause any hardship to toy suppliers. We were assured by the Administration that the toy suppliers were well familiar with the prescribed standards and they saw no problem with the reduced grace period.

We were given to understand that only a total of 11 posts of the Customs and Excise Department would be created to cover the full range of enforcement duties.

To act on complaints and at the same time conduct spot checks may be over-stretching the resources available. The Administration is therefore requested to ensure the availability of adequate resources to carry out more spot checks, and to give its assurance that this would be done. Prevention is always better than cure.

Finally, I would like to call upon the Administration to publish a list of approved laboratories for the benefit of the manufacturers and the suppliers.

As the convener, I take this opportunity to thank all my colleagues in the ad hoc group for their hard work. One member of the group, Professor Edward CHEN, has now left this Council. We are indebted to him for his unbiased contribution.

With these remarks, Mr Deputy President, I support the Bill subject to the amendments to be moved at the Committee stage.

SECRETARY FOR TRADE AND INDUSTRY: Mr Deputy President, I am most grateful to Dr LEONG Che-hung and other Members of the ad hoc group for their thorough and helpful examination of this Bill. I am also grateful to the law drafting officers and other concerned parties for their useful comments and contributions which have helped to make the Bill more comprehensive and robust in protecting children from unsafe toys and children's products.

When finalizing our discussions with the ad hoc group last July, we received some last minute representations from toy retailers on the safety standards to be adopted for toys. These representations brought out new arguments supported by statistical data which had not been raised in our extensive consultation with relevant trade and industry bodies on the draft Bill earlier this year. Although we were surprised by the lateness of these representations, we considered that they raised important issues which should be further examined in the light of the broader interest of consumers. This has caused a delay in the processing of the Bill.

However, I would like to assure Members that the Government is as concerned as they are to see the early implementation of this Bill. Therefore, it remains our intention to implement the provisions of this Bill, if enacted, with effect from July 1993, which is in accordance with our original schedule, so as not to affect the interest of consumers.

The late representations from the toy retailers argue strongly that a single-standard-regime for toys would reduce consumer choice and increase the retail prices of toys. After further discussion with the ad hoc group, we have decided to adopt a multiple-standard-regime in which the ICTI Standard, the ASTM Standard adopted in the United States and the EN71 Standard adopted in the European Community will be prescribed as equally acceptable statutory safety standards. The last two standards have been added because they are

internationally recognized and widely accepted in the United States and Europe, which are the major toy markets. We believe that a multiple-standard-regime will meet the needs of Hong Kong as a small toy market. It will maximize the choice of toys supplied in Hong Kong. It will also provide the necessary flexibility for toy suppliers without undermining the protection for our children.

In response to the ad hoc group's suggestion for a more pro-active approach towards enforcement, I wish to stress that the Administration fully recognizes the need for effective enforcement of the legislation. The Customs and Excise Department will act expeditiously upon receipt of complaints and, in addition, will conduct spot checks on toys and children's products. A dedicated team of trade control officers will be established to perform these functions.

We also appreciate the ad hoc group's concern for pre-sale testing on toys and children's products. However, in view of legal advice that the effectiveness of the sanctions provided in the Bill is likely to be reduced by the adoption of compulsory pre-sale testing, we have concluded on balance that pre-sale testing should be voluntary. But as a positive step to encourage suppliers of toys and children's products to conduct pre-sale testing, I shall move an amendment which stipulates that the court may take into consideration the existence of a testing certificate showing compliance with the statutory safety standards, when considering a special defence of due diligence by a supplier of toys and children's products in proceedings against him.

We share the view that the toy industry should be able to find out easily which laboratories have been approved by the Director-General of Industry for the purpose of testing toys and children's products. Accordingly, we intend to publish from time to time such laboratories which will include those accredited under the Hong Kong Laboratories Accreditation Scheme.

We recognize the importance of publicizing the legislation to promote consumer awareness and facilitate compliance by suppliers of toys and children's products. A publicity programme will be launched upon enactment of the Bill.

Mr Deputy President, I beg to move.

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

Bill read the Second time.

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

Committee stage of Bills

Council went into Committee.

OATHS AND DECLARATIONS (AMENDMENT) BILL 1992

Clauses 1 and 2 were agreed to.

BUSINESS REGISTRATION (AMENDMENT) BILL 1992

Clauses 1 to 10 were agreed to.

TOYS AND CHILDREN'S PRODUCTS SAFETY BILL

Clauses 1, 6, 7, 10, 14, 18 to 20, 22, 28 to 32, 34 and 36 were agreed to.

Clauses 2 to 5, 8, 9, 11 to 13, 15 to 17, 21, 23 to 27, 33 and 35

SECRETARY FOR TRADE AND INDUSTRY: Mr Chairman, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

There is a minor variation regarding age in the definition of "toy" adopted in the different sets of safety standards. The legal advice is to remove the upper age limit from the definition in clause 2 in order to avoid potential arguments about thresholds and enable the courts to adopt a common sense approach towards interpretation. It however remains our policy intention that the primary application of the Bill will be to toys for children who are 14 years of age or below. This is within the upper age limit specified in any one set of the prescribed safety standards and will provide a useful guideline for the enforcement agency and toys suppliers when determining whether a toy falls within the scope of the Bill.

The amendment to clause 3(1) seeks to prescribe the ICTI, EN71 and ASTM standards as equally acceptable safety standards for toys and includes expressly the packaging of toys to remove any ambiguity in the original wording. Also, to eliminate possible arguments and ambiguity, the amendment also seeks to enshrine the English titles of the ICTI, EN71 and ASTM standards and their respective authorization bodies in the Chinese version and *vice versa* in the English version as these terms have no official Chinese translation.

In comparing the three sets of safety standards, we find that certain toys are expressly excluded from one or two standards but included in the other standards. As some of these toys are common in Hong Kong, we consider it

desirable to apply the legislation to all those toys to which any one of the three standards apply. Clause 3A seeks to achieve this.

The amendment to clause 5(1) seeks to enshrine the English title of the "British Standards Institution" in the Chinese version and *vice versa* in the English version to remove possible ambiguity as the Institution does not have an official Chinese title.

For the reasons stated in my earlier speech, clause 25(4) stipulates that a court may take into consideration the existence of a testing certificate issued by an approved laboratory showing compliance with the statutory safety standards, when considering a defence of due diligence by a supplier of toys and children's products in proceedings against him.

Clause 26(4) seeks to ensure that the Bill covers any partner, or any person concerned in the management, of a firm which is guilty of an offence under the Bill.

The amendment to clause 35(1) seeks to stipulate expressly our policy intent that any additional safety standards for toys and children's products to be made under this clause will not derogate from the existing ones.

The other amendments to the Bill either aim to improve the legal language, or are consequential to the adoption of a multiple-standard-regime.

Mr Chairman, I beg to move.

Proposed amendments

Clause 2

That clause 2 be amended —

(a) by adding after the definition of "recall notice" -

""record" (紀錄) or "document" (文件)

includes -

- (a) a book, voucher, receipt or data material, or information which is recorded in a non-legible form but is capable of being reproduced in a legible form; and
- (b) any document, disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of

other equipment) of being reproduced and any film (including a microfilm), tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced;" and

- (b) in the definition of "toy" by deleting "who is less than 14 years of age".

Clause 3

That clause 3 be amended —

- (a) By deleting subclauses (1) and (2) and substituting -

"(1) No person shall manufacture, import or supply a toy unless the toy, including its packaging, complies with each and every applicable requirement contained in one of the following sets of safety standards for toys:

- (a) International Voluntary Toy Safety Standard (國際玩具自律安全標準) established by the International Committee of Toy Industries (國際玩具工業委員會);
- (b) European Standard EN71 (歐洲標準 71) established by the European Committee for Standardization (歐洲標準委員會);
- (c) ASTM F963 (美國材料及試驗學會標準 F963) established by the American Society for Testing and Materials (美國材料及試驗學會).

(2) Subject to section 4, the references to the safety standards in subsection (1) are to those standards as they existed on the date this Ordinance comes into operation." and

- (b) by adding -

"(3A) Where one or 2 of the sets of safety standards listed in subsection (1)(a), (b) and (c) contain no applicable requirements for a particular toy, then the toy must comply with the requirements contained in one of the sets of safety standards that does have applicable requirements or it will be deemed not to comply with subsection (1).".

Clause 4

That clause 4 be amended —

- (a) by deleting "Where the standard" and substituting "Where a safety standard"; and
- (b) by adding "safety" before "standard as amended".

Clause 5

That clause 5(1) be amended, by adding "(英國標準協會)" after "British Standards Institution".

Clause 8

That clause (8) be amended, by deleting subclause (3) and substituting —

"(3) For the purposes of this section, where -

- (a) at least one of the sets of safety standards listed in section 3(1)(a), (b) and (c) contains requirements that apply to a particular toy; and
- (b) the particular toy, including its packaging, complies with each and every applicable requirement of at least one of the said sets of safety standards containing such requirements, the particular toy shall be deemed to comply with the general safety requirement."

That clause 8(7) be amended, by deleting "提" and substituting "指".

Clause 9

That clause 9(1) be amended, by deleting "section 24(4)(b)" and substituting "sections 24(4)(b) and 25(4)".

That clause 9(2) and (3) be amended, by deleting "the requirements of the relevant standards or specifications" and substituting "the applicable requirements of at least one of the sets of safety standards listed in section 3(1)(a), (b) and (c) or the relevant specification listed in the Schedule, as the case may be".

Clause 11

That clause 11(1)(a) be amended, by deleting "a relevant safety standard or specification referred to in section 3 or 5 or" and substituting "the applicable requirements of at least one of the sets of safety standards listed in section 3(1)(a), (b) and (c), the relevant specification listed in the Schedule or an additional safety standard".

That clause 11(2) be amended, by deleting "不予遵從或拒絕" and substituting "拒絕或不予遵從".

Clause 12

That clause 12(1)(a)(i) be amended, by deleting "a relevant safety standard or specification referred to in section 3 or 5 or" and substituting "the applicable requirements of at least one of the sets of safety standards listed in section 3(1)(a), (b) and (c), the relevant specification listed in the Schedule or an additional safety standard".

That clause 12(1)(b) be amended, by deleting "重大危機" and substituting "相當的危險性".

That clause 12(2) be amended, by deleting "不予遵從或拒絕" and substituting "拒絕或不予遵從".

Clause 13

That clause 13(1) be amended —

(a) by deleting paragraph (a)(i) and substituting -

"(i) does not comply with the applicable requirements of at least one of the sets of safety standards listed in section 3(1)(a), (b) and (c), the relevant specification listed in the Schedule or an additional safety standard established by regulation; or"; and

(b) by deleting paragraph (b)(i) and substituting -

"(i) the applicable requirements of at least one of the sets of safety standards listed in section 3(1)(a), (b) and (c), the relevant specification listed in the Schedule or an additional safety standard established by regulation; or".

Clause 15

That clause 15 be amended, by deleting "上訴委員會小組" where it twice appears and substituting "上訴委員團".

Clause 16

That clause 16(1) be amended, by deleting "上訴委員會小組" where it twice appears and substituting "上訴委員團".

Clause 17

That clause 17(2) be amended, by deleting "legal representative" and substituting "a barrister qualified to practise as such or a solicitor qualified to act as such under the Legal Practitioners Ordinance (Cap. 159)".

Clause 21

That clause 21(2) be amended, by deleting "接獲起誓告發後" and substituting "根據經起誓的告發".

Clause 23

That clause 23(1)(b) be amended, by deleting "other".

That clause 23(3) be amended, by deleting "會" and substituting "可能".

Clause 24

That clause 24(4) be amended, by deleting "，可發出以下命令".

That clause 24(4)(b) be amended, by deleting "如將貨物更改以符合本條例的規定屬可行的" and substituting "但如將貨物更改以符合本條例的規定亦屬可行".

Clause 25

That clause 25 be amended, by adding —

"(4) A court, in making a decision on the defence provided under subsection (1), may take into consideration the existence of a certificate from an approved laboratory under section 9(2) showing that samples of the toy or children's product which is the subject of the prosecution had

been tested before being sold and had complied with the safety standard specified in the certificate."

That clause 25(1) be amended —

- (a) by deleting "如證明" and substituting "可指出".
- (b) by deleting "即" and substituting "作".

That clause 25(3) be amended, by deleting "提出證明" and substituting "可指出".

Clause 26

That clause 26 be amended, by adding —

"(4) Where the person who is guilty of an offence under this Ordinance is a firm and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm shall be guilty of the like offence."

Clause 27

That clause 27(1)(c) be amended, by deleting subparagraph (i) and substituting —

"(i) the applicable requirements of at least one of the sets of safety standards listed in section 3(1)(a), (b) and (c), the relevant specification listed in the Schedule or an additional safety standard established by regulation; or"

Clause 33

That clause 33 be amended, by deleting "在未有反證以前" and substituting "如無相反證明".

Clause 35

That clause 35(1) be amended, by deleting paragraphs (b) and (c) and substituting —

"(b) establishing additional safety standards applicable to toys or a class of toys including, without limiting the generality of the foregoing,

more stringent standards in respect of a matter provided for in all or some of the safety standards referred to in section 3;

- (c) establishing additional safety standards applicable to a specified children's product including, without limiting the generality of the foregoing, more stringent standards in respect of a matter provided for in a specification referred to in section 5;"

Question on the amendments proposed, put and agreed to.

Question on clauses 2 to 5, 8, 9, 11 to 13, 15 to 17, 21, 23 to 27, 33 and 35 as amended, proposed, put and agreed to.

Schedule

SECRETARY FOR TRADE AND INDUSTRY: Mr Chairman, I move that the schedule be amended as set out under my name in the paper circulated to Members.

The amendment is consequential to other amendments to the Bill.

Mr Chairman, I beg to move.

Proposed amendment

Schedule

That schedule be amended, by deleting "[ss. 2, 5, 7 & 8]" and substituting "[ss. 2, 5, 7, 8, 9, 11, 12, 13 & 27]".

Question on the amendment proposed, put and agreed to.

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

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

OATHS AND DECLARATIONS (AMENDMENT) BILL 1992 and

BUSINESS REGISTRATION (AMENDMENT) BILL 1992

had passed through Committee without amendment and the

TOYS AND CHILDREN'S PRODUCTS SAFETY BILL

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.

Members' motions**INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

MR ALBERT CHAN moved the following motion:

"That in relation to the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1992 published as Legal Notice No. 236 of 1992 and laid on the table of the Legislative Council on 7 October 1992, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 25 November 1992."

MR ALBERT CHAN (in Cantonese): Mr Deputy President, I move the motion standing in my name on the Order Paper. The motion seeks to extend, under section 34(4) of the Interpretation and General Clauses Ordinance, until 25 November 1992 the period referred to in the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1992. The said Order involves the question of fares adjustment, in particular bringing fares for outlying islands services on Saturdays on par with those for the services on Sundays. In view of the major controversy that has flared up over the adjustment, the ad hoc group needs more time to consider various related questions. And any decision of the group will still be subject to consultation with the House Committee. I so move the motion.

Question on the motion proposed, put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR ALBERT CHAN moved the following motion:

"That in relation to the Port Control (Cargo Working Areas) (Amendment) Regulation 1992 published as Legal Notice No. 252 of 1992 and laid on the table of the Legislative Council on 7 October 1992, the period referred to in section 34(2) of the Interpretation and General

Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 25 November 1992."

MR ALBERT CHAN (in Cantonese): Mr Deputy President, I move the motion standing in my name on the Order Paper that the period for amending subsidiary legislation to the Port Control (Cargo Working Areas) (Amendment) Regulation 1992 be extended under section 34(4) of the Interpretation and General Clauses Ordinance until 25 November 1992.

The Government proposes an increase in the berthing permit fees from \$26 to \$50 this year. The rate of increase is as high as 92%. It is explained by the Government that the proposed substantial increase is to recover the cost and that the date of increase originally scheduled in 1991 has been deferred to the present. However, the Government's method for calculation of public cargo working areas charges and its explanations on the rate of charges adjustment are not convincing in many aspects.

Secondly, the Government increases the comparative size of berthing permit fees proportionate to other charges of the cargo working areas from 20% to 30%. This is another matter that requires further study.

Thirdly, on the rate at which the Government raises the charges, the Government increases the charges of the cargo handling areas, at one go, by a large extent of 30% to 90%. The substantial increase in charges within a short span of time will deal a blow to the operation of the shipping industry. And the increase will eventually be passed on to the consumers.

Fourthly, it is something to do with the prior consultation of the adjustment of cargo working areas charges with the Hong Kong Cargo-Vessel Traders' Association. The consultation process itself has given rise to certain problems which need to be reviewed.

In view of the above-mentioned issues, it seems that the Government does not give a clear account of the need, and the relevant reasons, to significantly increase the charges of public cargo handling areas. There is the possibility that the Government may have miscalculated the impacts of a charge increase on such a scale on the cargo-vessel industry. I think that a more thorough study on the Port Control (Cargo Working Areas) (Amendment) Regulation 1992 is necessary.

Mr Deputy President, I beg to move.

Question on the motion proposed, put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR LAU CHIN-SHEK moved the following motion:

"That in relation to the Labour Tribunal (Fees) (Amendment) Rules 1992 published as Legal Notice No. 312 of 1992 and laid on the table of the Legislative Council on 7 October 1992, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 25 November 1992."

MR LAU CHIN-SHEK (in Cantonese): Mr Deputy President, I move the motion standing in my name on the Order Paper that the Labour Tribunal (Fees) (Amendment) Rules 1992 be extended under section 34(4) of the Interpretation and General Clauses Ordinance until 25 November 1992.

The motion involves the question of specified fees under the Labour Tribunal (Fees) (Amendment) Rules. The amendment proposes an average increase of 21% of the Labour Tribunal fees and provides a new basis to calculate the payment of bailiff's expenses, that is "the actual expenditure plus 20% as administrative charges".

Mr Deputy President, I have expressed my views on the amendment in a paper circulated to Members through the secretariat. Therefore, I am going to highlight a few main points here.

The present standard of service of the Labour Tribunal is far behind the original target, that is to handle labour disputes over financial settlement under the Employment Ordinance on the principle of "efficiency, inexpensiveness and simpleness". When the Labour Tribunal was set up, the declared target was to hold a hearing within one month after a claim was lodged. But now it takes nine months to one year on average for the Labour Tribunal to handle a case and the time required is nine times to 12 times that of the original target. Such a delay is not a matter of five minutes to 45 minutes or even one hour. It is a delay from one month to nine months and even 12 months — the Chief Justice has described such a delay in handling a case as "absurd".

There is a hearing today. The case took place in July and was subsequently referred to the Labour Department. But today the Labour Tribunal adjourns the hearing to 16 April. It is estimated that the case will not be handled for about one year the soonest.

Mr Deputy President, at the separate meetings with the Chief Justice and the Commissioner for Labour, I really do not see that the authorities concerned are making any real efforts to shorten the hearing time. Such a deviation from the target in essence does not simply stem from the attitude of individual staff. I think that unless the Labour Tribunal is capable of providing the original targeted service to the public, there should not be any fee increase.

Mr Deputy President, the bailiff's service is used mostly because the employers fail to pay the amount to the employees as ruled by the Labour Tribunal when they lose the case. The Labour Tribunal and the Government do nothing about this situation. The employees have no alternatives but to pay the bailiff's expenses, that is actual expenditure plus 20% being administrative charges which are about \$1,500 to \$2,000, even though the disputed amount may be only \$300 to \$500. However, the distraint order cannot be executed in most cases due to the fact that the employers' firms have no signboard or there are several firms in one unit. As a consequence, the employees cannot obtain the compensation awarded by the Tribunal but have to bear additional expenses. Usually, awards are made to the employees in cases of arrears of wages, payment in lieu of notice, severance pay, sick leave and leave pay, which are all under legitimate protection. It is inappropriate that the court or the Government is unable to secure relevant compensation for them. Therefore, the existing procedure whereby the employees are required to pay the bailiffs for executing distraint orders should be reviewed. The rate of the fees should thus be frozen until the results of the review are available.

Due to the limitation of time, I propose that the period for consideration of the relevant rules be extended so that colleagues of this Council may have more time for discussion. It is also hoped that the authorities concerned will put forward positive proposals to improve the situation during the period.

Mr Deputy President, with these remarks, I beg to move.

Question on the motion proposed, put and agreed to.

Adjournment and next sitting

DEPUTY PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 11 November 1992.

Adjourned accordingly at twenty-two minutes past Four o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the Toys and Children's Products Safety Bill, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

WRITTEN ANSWER**Annex I****Written answer by the Secretary for Works to Mr Jimmy McGREGOR's supplementary question to Question 6**

In response to Mr McGREGOR's suggestion, a preliminary indoor air quality measurement was carried out in December 1992 in respect of Total Bacteria Count (TBC), Carbon Dioxide (CO₂) and Respirable Suspended Particulates (RSP).

The results indicated that TBC and CO₂ concentration in the Council Chamber was within acceptable limits of the relevant international standard advised by EPD. However, the CO₂ concentration at some other locations in the Legislative Council Building was found to exceed the acceptable limit and interim improvement works are being arranged accordingly.

For RSP, there is no appropriate standard for short-term measurements and more monitoring work needs to be carried out before conclusions can be drawn.

As the sampling period for this exercise was very short such that some results might not be representative of the actual conditions, a more detailed investigation will be conducted as soon as possible and further improvements will be undertaken as necessary in the Legislative Council Building.