

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 4 July 1996

The Council met at half-past Two o'clock

MEMBERS PRESENT

THE PRESIDENT

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

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

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

THE HONOURABLE SZETO WAH

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE MICHAEL HO MUN-KA

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

THE HONOURABLE ERIC LI KA-CHEUNG, O.B.E., J.P.

THE HONOURABLE FRED LI WAH-MING

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

THE HONOURABLE JAMES TO KUN-SUN

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

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE JAMES TIEN PEI-CHUN, O.B.E., J.P.

THE HONOURABLE CHAN KAM-LAM

THE HONOURABLE CHAN WING-CHAN

THE HONOURABLE CHAN YUEN-HAN

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE PAUL CHENG MING-FUN

THE HONOURABLE CHOY KAN-PUI, J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE IP KWOK-HIM

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE AMBROSE LAU HON-CHUEN, J.P.

DR THE HONOURABLE LAW CHEUNG-KWOK

THE HONOURABLE LAW CHI-KWONG

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE BRUCE LIU SING-LEE

THE HONOURABLE MARGARET NG

THE HONOURABLE NGAN KAM-CHUEN

THE HONOURABLE SIN CHUNG-KAI

THE HONOURABLE TSANG KIN-SHING

DR THE HONOURABLE JOHN TSE WING-LING

THE HONOURABLE MRS ELIZABETH WONG CHIEN CHI-LIEN, C.B.E.,
I.S.O., J.P.

THE HONOURABLE LAWRENCE YUM SIN-LING

MEMBERS ABSENT

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

DR THE HONOURABLE DAVID LI KWOK-PO, O.B.E., LL.D. (CANTAB),
J.P.

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

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

THE HONOURABLE RONALD JOSEPH ARCULLI, O.B.E., J.P.

DR THE HONOURABLE HUANG CHEN-YA, M.B.E.

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE CHENG YIU-TONG

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

THE HONOURABLE CHEUNG HON-CHUNG

THE HONOURABLE DAVID CHU YU-LIN

THE HONOURABLE LEE KAI-MING

THE HONOURABLE LO SUK-CHING

THE HONOURABLE MOK YING-FAN

PUBLIC OFFICERS ATTENDING

THE HONOURABLE DONALD TSANG YAM-KUEN, O.B.E., J.P.
CHIEF SECRETARY

MR RAFAEL HUI SI-YAN, J.P.
FINANCIAL SECRETARY

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

CLERK IN ATTENDANCE

MR RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL

PURSUANT TO STANDING ORDER 4AA, HIS EXCELLENCY THE GOVERNOR, THE RIGHT HONOURABLE CHRISTOPHER FRANCIS PATTEN, ATTENDED TO ADDRESS THE COUNCIL AND TO RECEIVE QUESTIONS.

PRESIDENT: Members please remain standing for the Governor.

CLERK: His Excellency the Governor.

PRESIDENT: The Governor will answer questions on the four topics which have been notified to Members. These four topics are: Western Corridor Railway, industrial safety, employment of people with a disability and future reporting under the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Civil Rights (ICESCR). A Member who has asked a question may for the purpose of seeking elucidation ask a short follow-up question. A show of hands please. Mr Albert HO.

MR ALBERT HO (in Cantonese): *The question I wish to ask today is a "fresh and hot" question. However, it is not within any of the four proposed areas. My question concerns the freedom of Hong Kong people to enter and leave China, and I believe the Governor is willing to answer it. Mr President, I wonder if I may ask this question?*

PRESIDENT: It is in order.

MR ALBERT HO (in Cantonese): *I believe the Governor knows very well that a few Members of this Council and some representatives from non-governmental bodies recently tried to enter China to present their views to Chinese officials in a peaceful manner. Unfortunately, they were refused entry when they reached Beijing Airport, and all their Home Visit Permits were confiscated. The people of Hong Kong are very much concerned about this incident. As a matter of fact, as Hong Kong is going to be returned to China in 1997, the relationship between Hong Kong and China is becoming closer and closer; many Hong Kong people work in China or make investments there, and there are many cases of Hong Kong people getting married and raising children there. Hence, the relationships between Hong Kong and China are really inextricable. Every day, people are moving between Hong Kong and mainland China. If the Chinese Government can make use of its immigration laws and arbitrarily and unreasonably refuse Hong Kong people from entering, and confiscate our travel*

documents or Home Visit Permits, it will, I believe, cause a lot of concern among the people of Hong Kong, and it will also affect their interests. Will the Governor tell us what the Hong Kong Government can do for us, including whether it can demand China to clarify her immigration policy as well as whether it can do anything to help us strive for the right and freedom to enter or leave China (which is actually our own country) and safeguard the interests of Hong Kong people?

GOVERNOR: First of all, I can assure the Honourable Member that the question does come under those subjects which are suggested for today. I think it comes under safety at work! *(Laughter)*

PRESIDENT: For people with a disability though! *(Laughter)*

GOVERNOR: I think that would get me into trouble with the Equal Opportunities Commission if I was to say anything like that.

I think the whole community has been shocked by what happened this week. Some may not have been surprised. But I think most have been shocked. A group of legislators, carrying a petition and more importantly, carrying what I understand to be perfectly valid travel documents, were stopped from entering China, their country after 1997, and had their travel documents removed. I am not quite sure under what law or under what regulation. I am sure that there would be a local and international outcry if the Government in Hong Kong was simply to take away people's travel documents in a similar way. It would be intolerable because we have the rule of law in Hong Kong. It is the spine of our system.

So we, I think understandably, expressed our concern to the New China News Agency and asked what the reason for this course of action was and I think the New China News Agency declined to add to the comments made by officials in Beijing that this was because the legislators in question, or may be the petition in question, represented some sort of threat to state security. Now, sometimes I disagree with Honourable Members, but I have never thought of them as being terribly threatening and we know perfectly well that other people have carried petitions to Beijing before and have been very courteously received, even when

officials have not agreed with the terms of the petition. We know that Greenpeace protesters, none of them I think are about to become Chinese citizens, recently had their petition accepted perfectly courteously by Chinese officials. So I do think this was most unfortunate and I think that inevitably it had a rather bad taste on a day when people were thinking about what lies ahead in a year's time. It is another example of confidence being disturbed, not by the present Government, not by the British Government, but by Chinese officials.

Now, I always think that it is better to talk to people rather than to anathematize them. I came back from a visit to the United States recently and was greeted by a crowd of friends of the New China News Agency, gathered in from the highways and byways of Mongkok, to salute my re-emergence in Hong Kong society. I did not regard that as being threatening, I regarded it as being, even though I disagreed with what they were saying, one of the aspects of living in a free and open society. And I do think it would be better for China's reputation internationally and better for China's image, as we approach the transition in Hong Kong, for Chinese officials to talk to people even when they disagree with them rather than try to reject their views out of hand.

Nothing is going to change the fact that the majority of public opinion in Hong Kong supports the continuance of a free, open, democratic society and that is not going to be changed by the calendar, and it is not going to be changed by taking away people's valid travel documents.

There is a limit to what the present Hong Kong Government can do about it except to make its views clear, as I have made my views clear today and as other officials have made their views clear in the last few days.

It is inconceivable, I assume, that the same thing could happen after 1 July 1997 when those concerned would all, of course, be in a real sense citizens of one country, of China, and in those circumstances if anything like that was even contemplated, I am sure that the Special Administrative Region (SAR) Government would want to make sure that a decision like that was reversed. I assume that it is only because they have been waiting for a meeting in order to express their point of view, that members of the Preparatory Committee will want to say some of these things, though they may wish to say them in private rather than in public because I do not think this has been a very happy episode in the transition. People may disagree with those who went to Beijing. They may disagree with what they were saying in their petition. But I do not honestly think that anybody regards them as a horrendous threat.

MR ALBERT HO (in Cantonese): *Mr President, I very much agree to the Governor's view on this incident. However, what everyone is most concerned about is what can be done now. We feel that no matter it is before or after 1997, the Hong Kong Government has the duty to represent us and protect our interest as much as it can. At this stage, some Hong Kong residents, including legislators, have had their travel documents taken away and their entry to China refused on no grounds, and many people may be denied exit for no particular reason after entering the country and forced to remain in the country. I would like to ask the Governor whether he, after witnessing this situation, plans to raise this issue with the Sino-British Joint Liaison Group for discussion, and whether he can help in any way to bring about some common understanding between the Hong Kong and Chinese Governments and even the signing of a memorandum by both sides on better entry and exit arrangements and make them known to the people of Hong Kong so that they can be prepared and have an idea about their prospects when making investment in projects or going to work in China. I wonder if the Governor can speak on what can be done specifically.*

GOVERNOR: To be honest with the Honourable Member, I am not quite sure what the subject would be on the Joint Liaison Group (JLG) agenda. Would the subject be that those with Chinese travel documents should be able to travel around the world on them? I mean, of course that must be what Chinese travel documents mean and I presume there is some law in China which should govern these matters and there may be legal remedies available to Honourable Members at some time in China. I am not sure, but we know that there are slightly odd things that sometimes happen to people with travel documents with a Chinese chop on them. We have living in our midst a Chinese trade unionist who, even though he had a valid Chinese passport, is refused re-entry to China on it, presumably because he too is regarded as some sort of threat.

All I can say to the honourable gentleman is that I very much hope that there will not be similar incidents like this because they not only raise concerns in this community, but they raise concerns outside this community about issues like freedom of travel for people in Hong Kong in the future. And those are concerns which it is in nobody's interest to raise.

PRESIDENT: Mr Edward HO.

MR EDWARD HO (in Cantonese): *I would like to ask the Governor a question about the Western Corridor Railway (WCR). Since this issue has already been discussed by us at a number of meetings recently and also in yesterday's motion debate, I will not touch upon the details of it again. I think it is a pity that the completion date of the WCR will definitely be delayed, as both the commencement and completion dates are still unknown. As far as I know, the Chinese Government was originally very much supportive of this project. What makes them so dissatisfied all this time is that the Hong Kong Government is always unwilling to give them the related information and study reports. Recently, the Hong Kong Government has distributed a report consisting of a few thousand pages to Legislative Council Members. I think that this report should be open to the public. The Hong Kong Government is supposed to co-operate and have dialogues with the Chinese Government so that this important infrastructure project can commence its construction or studies, yet it has failed to provide the information to the Chinese Government. (Although the information concerned has not been confirmed by the Hong Kong Government as accurate or has not even been finalized, the information has already been disclosed to the public.) I would like to ask the Governor what will be the benefits in terms of strategy if the information concerned is withheld from the Chinese Government? I know that the Secretary for Transport may go to Beijing next week. But still I would like to ask, strategically, why was there such a decision to withhold the information from the Chinese Government?*

GOVERNOR: But we did. We briefed the Chinese side in the JLG consistently and I think the honourable gentleman is raising a very large red herring. On the one hand, he says that he wants us to get on with the Western Corridor Railway, while on the other hand, he stirs up again an argument about whether somehow we are failing to inform the Preparatory Committee or Chinese officials and must do so and get their chop before we take any further steps.

I think things have been said in the context of the Preparatory Committee discussions in the last few weeks which have been extremely unfortunate and unhelpful and perhaps have more to do with the dynamics of the Preparatory Committee than they do with the dynamics of public transport in Hong Kong.

Let us be clear with what I think the community is agreed about. I think the community has made up its mind that it wants the Western Corridor Railway and the other associated elements in the railway development strategy. I do not think, there is, as it were, a "whether question". The issues are how we best build the railway, how much it is going to cost, how we can do it in the most expeditious and financially sensible way, and that is what we are trying to examine at the moment. We are undertaking a number of studies. Now some Honourable Members say that the studies are too expensive, that there are too many of them. I have to say that in proportion to the total likely cost of the project, the cost of the studies is not out of line. We have just come to this Legislative Council and got approval for \$90 million in order to undertake studies for electronic road pricing, which we reckon will cost in all about a billion. So almost 10% is going in consultancy fees in studies to make sure that the project is as efficient as possible, and by and large, that sort of percentage figure, of a total project, is not out of order. We need those studies and we will keep Honourable Members wholly informed, as we have in the past, about the studies we are going to do and about the results of those studies. Now the sooner those studies, particularly on the alignment of the Western Corridor Railway, give us the opportunity to reach decisions, we will reach those decisions. But it must be perfectly obvious to Honourable Members that the Western Corridor Railway is going to be built by the SAR Government and it will be a matter within the SAR Government's autonomy. The Government of Hong Kong will reach decisions as soon as it can. If those decisions have to be arrived at before 1 July 1997, we would of course need to have the enthusiastic agreement of my successor. Otherwise it would make no sort of sense whatsoever. If the main decisions are taken on the other side of 1 July 1997, I want to make sure that my successor has the best possible and most informed basis on which to take those decisions. But I really do not think that we should allow this important discussion to get distorted by arguments about whether or not we have given China enough information, particularly, as I repeat, since when it comes to building this project, it should be a matter wholly within the autonomy of the SAR.

PRESIDENT: Mr HO, do you have a follow-up?

MR EDWARD HO: *Yes, thank you, Mr President. Maybe the translation did not come through very well so I will just have to follow up in English. I think*

the Governor probably has a prepared answer, but that was not the question I asked. First of all, I did not raise any question about the costs of studies and so on and so forth, because I am not in a position to comment on the cost until all the figures are known and all that.

And I am certainly not trying to stir up something. I am merely asking a simple question as far as how to co-operate with the Chinese during this period. I fully agree that after 1997, this is the kind of project that the Hong Kong SAR Government should do on its own, should decide on its own. But unfortunately at this time, we do have to co-operate with the Chinese and I am merely asking the question whether the Governor agrees that the flow of information would be beneficial?

GOVERNOR: Totally, totally, and we have provided a great deal of information to Chinese officials, both inside the JLG and outside and will continue to do so.

The only point that I was seeking to make is that the decisions taken about the Western Corridor Railway, in many cases, will be taken either on the brink of the transition or after the transition and they will be about a project which lies wholly within the autonomy of the SAR. Now that does not mean that Chinese officials should not be kept fully informed. Of course, they should be kept fully informed. But I do not think we should think that we have to negotiate each element as we try to put together the information, out of which a decision will be shaped, with Chinese officials. I do not think that would be in the interests of Hong Kong and I do not think it would be in the interests of getting on with the project as quickly as possible.

So I am all for giving maximum information. I am also all for ensuring that we have all the information that we need in order to make a decision as soon as we can.

The Honourable Member actually mentioned two issues which I did not touch on; one issue, namely, the commencement date. We will obviously want to start the project if it is agreed to go ahead with it, as soon we can. The problems are not unique, but the problems that we particularly face with the Western Corridor Railway are those of land resumption in the New Territories which will both take time and be fairly costly. We will be coming to this Council later in the year with legislative proposals which would enable us to

resume land, not just for the Western Corridor Railway, but for other rail projects as well and I hope that Members will deal with that legislation expeditiously. It will not, I can assure the Honourable Member and others, tie their hands as far as the Western Corridor Railway is concerned. But it will make it possible to go ahead with the Western Corridor Railway rapidly, if Honourable Members here and others decide that that should happen.

PRESIDENT: Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): *Mr President, I am more concerned about the problem of employment faced by the weaker community, and that is persons with a disability. May I ask the Government how it can take the lead to provide job opportunities for the disabled? In the meantime, how will the Government encourage employers to take on people with a disability?*

GOVERNOR: We had what I thought, and I believe those present thought, was a third interesting and useful summit on the issue of disability and employment last week. Certainly, one Member of the Council who is here at the moment was there and played a distinguished part in the proceedings.

I think that those meetings, like the ones we have held on disability and transport, have helped to push things forward, though in the area of disability and employment there is, I still think, much further to go. It has been perhaps particularly difficult over the last year because of the tightening in the labour market generally. But we have still managed to place about 1 400, just over 1 400 people with disabilities through our own Labour Department services. We have still managed to increase the number of people with a disability employed in the Government to about 4 200 and we managed to do better than our target of 500 in creating new job opportunities elsewhere for people with disabilities. We actually got to about 550.

Now we have increased those targets for the coming year, for example, the last target from 550 to 700 and I hope that we will make it.

My impression is that the most important thing that we have to do is to encourage employers to understand that they are doing themselves a favour by

employing somebody with a disability rather than doing the person with a disability a favour. I think we have a real problem of education and it is interesting how, in some sectors, one or two firms employ a lot of people with disabilities and others hardly any. Let me give one example which may not be well taken by those that I do not mention. In the area of the media and broadcasting, ATV has an outstandingly good record. We appealed to a number of organizations during the course of this year to take on more people with a disability. ATV, I think I am right in recalling, took on an extra 14. Hong Kong Commercial Broadcasting took on an extra couple. None of the other people whom we contacted replied.

So it is an indication of how employers, individual firms, if they focus on the issue, if they make a real effort, can actually help and help themselves by getting loyal, hard working and dedicated members of staff, even if those members of staff have a disability.

PRESIDENT: Mr WONG Wai-yin.

MR WONG WAI-YIN (in Cantonese): *Mr President, the Governor, in last year's policy address, emphasized that the Administration's immediate issue is to solve the out-bound traffic problem in North-west New Territories. He and his Administration have stressed time and again that utmost efforts would be made to ensure the completion of the Western Corridor Railway by the year 2001. However, the Governor said last month that the building of the Western Corridor Railway has to be left to the Hong Kong Special Administrative Region Government after 1997 to decide. In other words, the railway cannot be completed by the year 2001. And it remains unknown when it will be completed. This has disappointed the 800 000-plus residents in North-west New Territories, including Yuen Long and Tuen Mun, for they do not know for how many more years they will have to tolerate the traffic problem. Does the Governor have any compunction about this? As regards the traffic problem which will have to be suffered by the residents for a further unknown number of years, what new commitment will the Administration undertake to solve this problem?*

PRESIDENT: May I suggest that, as this is the last sitting for the Governor's Question Time for this Session and at this rate I think we can only take five, six questions, Members keep their questions succinct and the Governor keeps his answers succinct too. *(Laughter)*

GOVERNOR: The Governor will try to be only a little longer than the questions in his answers.

Let me make it clear again what I have said. I do not think the Honourable Member disputes the fact that the Western Corridor Railway, if it is decided to be built, will be built by the SAR Government. Now, the initial decision may be taken, if we get all the studies we have to do completed in time, before 1 July 1997. But we would obviously need, in those circumstances, to take those decisions with the agreement of my successor. Otherwise we would be in a ridiculous position and we would be in a position which was extremely unfair to the SAR Government.

That is not an attempt to cop out of the importance of getting ahead with this project as rapidly as possible. I share the honourable gentleman's commitment to this project, and the other elements in it. I know from my visit to Tuen Mun the other day how much concern there is in that community about getting on with the project. We have, as the honourable gentleman knows, agreed to extend the Western Corridor Railway from the outskirts of Tuen Mun to the centre and the sooner the project can be completed the better.

I hope the Honourable Member and other Honourable Members are out there supporting the Government when we start having arguments about land resumption when we find ourselves dealing with the problem of 1 000 graves in the New Territories and all those other issues. We will need support from Honourable Members then and I hope we get it.

MR WONG WAI-YIN (in Cantonese): *In fact, my question is: whether the Government will undertake any new commitment to alleviate the traffic congestion in these few years as the Governor has said that the project cannot be completed by the year 2001?*

GOVERNOR: I cannot tell the honourable gentleman exactly when we will be able to complete it. It may be that the decision will be taken to do the project in phases and, for example, to complete the passenger railway system to the northwest New Territories which will generate financial flows, before other parts of the project. It is very difficult to know whether, how to take those decisions and when to take them. But I can assure the honourable gentleman that we understand as well as he does the transport problems in the northwest New Territories. The main answer to them is the Western Corridor Railway in my judgement, though I am not pre-empting later debate. But we also have to continue to do things like improving the road system and the ferry system to the northwest New Territories and particularly Tuen Mun.

PRESIDENT: Mrs Selina CHOW.

MRS SELINA CHOW: *Mr Governor, if we can now make the decision on the second runway for it to be completed by the end of 1998, why can the decision on the Western Corridor Railway not be made in the same way? And would the Governor do anything or everything he can to expedite this very important and urgent decision in the same way that he has resolved the question on the second runway?*

GOVERNOR: Well, can I just say once again that I am delighted now that the questions are all about pressing us to complete the Western Corridor Railway as rapidly as possible rather than questions focusing on some of the intestines of consultants' reports. I think that is a very helpful development in the debate. In the case of the second runway, we were dealing with a proposal that came to us from the Airport Authority, a proposal which clearly added to the economic and transport viability of the project which is nearing completion. It is a project which does not need any resumption of land and in relation to the rest of the project, it is relatively, well, not cheap, but it is not as expensive as something like the Western Corridor Railway. In the case of the Western Corridor Railway, we are talking about the need to deal about 400 hectares of land. We are dealing with a project which at present prices is likely to cost \$75 billion and we are dealing with a lot of queries, not least reasonable ones, from some Honourable Members about whether this or that alignment is right, about

whether this or that particular proposal for the railway is the right one. So it is a rather more complicated business, but I assure the honourable lady that we will try to complete the whole business of coming to a decision as rapidly as we can and then get on with the project as rapidly as we can, and I hope we can complete it in Hong Kong time.

MRS SELINA CHOW: *I entirely take the Governor's point. But the gist of my question really lies with the point as to why we should be taking into consideration the appointment of the Chief Executive Designate. Why can we not just press ahead and do whatever is necessary to expedite that decision irrespective of when that Chief Executive Designate is appointed?*

GOVERNOR: I can assure the honourable lady that if we were able to come to a decision next week or the week after that or within a couple of months, we in the Government would want to make that decision. We would of course, in those circumstances, want to go to the Chinese officials in the Preparatory Committee and say that we intended that we wanted to go ahead in that way. I was merely seeking to be realistic and I am sure the honourable lady would be very shocked if we were in a position, after the appointment of a Chief Executive Designate has been announced, to make the decision and we did not consult the Chief Executive Designate about it. We are not trying to shovel off our responsibilities. We are merely trying to ensure that the Government of Hong Kong and the development of some of the biggest infrastructure projects in Hong Kong represents a seamless transition as far as possible.

PRESIDENT: Mr LAW Chi-kwong.

MR LAW CHI-KWONG (in Cantonese): *Mr President, the Governor has just mentioned that there are 4 200 civil servants with a disability. However, according to my knowledge, 950 of them are colour-blind and we generally do not regard them as people with a disability. So on this basis, only less than 2% of the civil servants are disabled people. Does the Government has any plan to set the target of hiring disabled people at, for instance, 4% or 5%? Will the Government require certain statutory bodies or government-subvented organizations to set a target of hiring disabled people for themselves?*

GOVERNOR: Let me be helpful straightaway to the honourable gentleman. We have been asked this question so many times before that the Secretary for the Civil Service has decided we will put ourselves in the position in which we no longer have to answer it next year. So, we are going to redefine the figures and we are going to take out those who are colour-blind and set a new and appropriate target.

But let me tell the honourable gentleman what the consequence of that is. At present, there are 70 grades in the Civil Service where you need to have the ability to distinguish between colours. Some of those grades are obvious, for example, the Fire Services — and not just to see the red fire-engines. If you take out the number of people employed in those grades from the total number of civil servants, and if you then take away from the figure of those civil servants with a disability — those whose disability is colour-blindness, the proportion of disabled civil servants in the figure that is left goes up, not down. So in a sense, the Government's position, in percentage terms, looks better if we remove the figure for those with the impairment that the honourable gentleman mentioned, an impairment which — and I will not embarrass him — is shared by one of the honourable gentleman's honourable friends.

So we will, from next year, present the figures differently. We will give an aggregate figure which includes those with a colour-blindness. But we will give a separate figure removing both the grades which need full colour on the one hand and those among the disabled with colour-blindness too. And then, on the basis of that new baseline, we will have to set ourselves a new and higher target year on year. This year, we did rather better than our target and I hope we can do so in the future.

I am loathe to direct bodies outside the Government, but we have encouraged bodies outside the Government to pursue the same sort of employment policy that we have been following, and some — the Housing Authority is a case in point — have done pretty well in providing opportunities for people with a disability, and we are very grateful to them. But I do think that if you set up organizations to run a sector of public administration, you should be a little bit careful about how many things you direct them to do.

MR LAW CHI-KWONG (in Cantonese): *I suggest that the Government should consider changing the colour of ambulances or fire-engines from red to green. I have seen green coloured fire-engines in foreign countries.*

GOVERNOR: I would consider anything. It may disappoint quite a lot of children. *(Laughter)*

PRESIDENT: The industrial safety-cross is certainly green in colour.

GOVERNOR: Perhaps it will be more environmentally-friendly if we change the colour.

PRESIDENT: Mr SIN Chung-kai.

MR SIN CHUNG-KAI (in Cantonese): *Mr President, recently a group of Hong Kong people going to Beijing were refused entry by Chinese customs officers who checked their names against a list. Currently, Hong Kong people use the Hong Kong Identity Card and the British National (Overseas) (BNO) Passport as their travel documents when leaving Hong Kong. We are worried that after 1997, this name list, whether it is black or white, will be used by the Hong Kong Immigration Department to take away our BNO Passports or Identity Cards when we go through the customs. If these two travel documents are taken away from us, there will be no place in the world that we can find shelter in. In fact, I estimate that some 20 to 30 people who are present in this Chamber are on the list. I wonder what the Government can do about this.*

GOVERNOR: Well, I attempted to answer this question at some length earlier, or a related question. I think the point the honourable gentleman is making is what would happen if, presumably after 1997, people with valid documents to go in and out of Hong Kong had them taken away. Is that the point the honourable gentleman is making?

MR SIN CHUNG-KAI (in Cantonese): *Mr President, my point is in fact very simple. At present, many of us want to travel more before 1997 for we would not dare to leave Hong Kong after 1997. We are afraid that we would not be allowed to re-enter Hong Kong after leaving as the very same name list may apply to Hong Kong as well by that time. Under the laws of Hong Kong, there is nothing we can do at present. There may not be anything happening now, but what about the future?*

GOVERNOR: I see why the events on Monday raise that anxiety in people's minds. But it is, of course, I think I can say this with confidence, far fetched. Immigration is one of the issues that comes within the responsibilities of the Hong Kong SAR Government and it will be for the Immigration Department of the Hong Kong Government to apply the law and operate under the rule of law and under the rule of law, it is simply inconceivable that the events that the honourable gentleman described could happen in Hong Kong, either before or after 1997. If that were to happen, it would mean that the rule of law had simply been trampled underfoot.

PRESIDENT: But the list, if the list exists, it is not the responsibility of the Hong Kong Government, is it?

GOVERNOR: Well, I think the question of a list was a sort of sub-text to the honourable gentleman's main anxiety, but certainly we have no list which contains the name of legislators whom we think represent a threat to the security of this astonishingly stable community.

PRESIDENT: Mr Henry TANG.

MR HENRY TANG: *Mr President, Mr Governor, I would like to ask a question regarding employment of the disabled. I was very encouraged to hear that the Governor is prepared to commit the Hong Kong Government to taking a leading role in employing disabled persons.*

After the last summit, I must say that I was overwhelmed by the response I received, especially from disabled groups that they do not see themselves as a burden on society, they do not like to receive welfare and they like to be able to contribute to the community as much as anybody else.

So, as far as what I proposed in the last summit, if the Government were to be able to co-operate together with the disabled people, then I am prepared to co-ordinate to open convenience stores in government institutions such as schools, hospitals and other government institutions. Now judging from the overwhelming response, I think it is something that they would very much like to pursue.

I would like the Governor to clarify for me today whether you are prepared to commit the Education and Manpower Branch or the Health and Welfare Branch, that those facilities would become available if I can come up with the capital and the disabled groups who are prepared to do that and employ predominantly disabled people?

GOVERNOR: The honourable gentleman's response last week to that point when it was put, I think by Sir Harry FANG, was extremely encouraging and of course we would want to give that initiative a fair wind. I suggest that perhaps the Secretary for Education and Manpower should get in touch with the Honourable Member, and with perhaps the Secretary for Health and Welfare. There may be a number of ways in which we can help, not just by the provision of facilities, but also by trying to target supported employment places on a scheme like that. But I am very grateful for the positive response which the honourable gentleman has made.

I know that there are other employers, like the Mass Transit Railway (MTR), who have been extremely positive in the view they have taken of the employment of people with a disability and the MTR, like the honourable gentleman, and like other employers, I mention ATV again, find the truth of what disability groups have said to the Honourable Member, that is, that people with a disability are tremendous contributors to the workforce and to the rest of society whenever they are given the opportunity.

PRESIDENT: Mr TANG, a short follow-up please.

MR HENRY TANG: *Yes, it will be a very short follow-up. If I may make a suggestion to the Governor that actually the Civil Service Branch does not strip colour-blindness off the statistics —because I do not want to go into these micro arguments about which job really requires full colour awareness or which job you can get away with some degree of colour-blindness, otherwise the figures will be even more esoteric and difficult to decipher in the future.*

GOVERNOR: I think what we should do is to give an aggregate figure as we do today, but then give the doubting Thomases the other figure as well, so that people do not simply think that we are, as it were, employing people with colour blindness as though they had greater disabilities than they do.

PRESIDENT: Mr Andrew CHENG.

MR ANDREW CHENG (in Cantonese): *Mr President, I want to raise a question on the International Covenant on Civil and Political Rights (ICCPR). As we all know, the British Hong Kong Government is steadfastly against the provisional legislature. Right until this moment, its stand has remained unbudged. Two of my honourable colleagues have talked about the incident which happened to the United Front Against the Provisional Legislature on Monday. When the accompanying reporters were about to leave China, the Chinese Government made them sign a statement of repentance stating that the United Front was an illegal organization before they were allowed to go. I want to ask the Governor that whilst the United Front and the Hong Kong Alliance in Support of Patriotic Democratic Movements of China could be regarded as illegal organizations after 1997 and that the Hong Kong Government has said it will submit a report to the United Nations again under the ICCPR (although the Chinese Government has insisted that it will not do so), will the Government include in the report the incident that we were blacklisted and that our Home Visit Permits taken away and insist on reflecting the incident to the United Nations in the hope of ensuring that the democrats will continue to enjoy their civil rights after 1 July 1997?*

GOVERNOR: First of all, can I say that I cannot conceive of how the organization to which the honourable gentleman belongs could be regarded as an illegal organization either before or after 1997. I cannot conceive of how that could be the case if the Bill of Rights and the International Covenants were still being applied to Hong Kong. Hong Kong, if that were to happen, would not only be a much less agreeable place in which to live, it would be a much less successful place and a much less prosperous place in which to live, because that sort of Hong Kong would not attract international investment like today's Hong Kong does. So I do not believe that could conceivably be on anybody's agenda and I am sorry that the events of Monday give the impression that it might be on the agenda.

I think the United Nations Commission on Human Rights is fully aware of our position on democratic development in Hong Kong. I am not sure whether a reference in our report to the treatment of Honourable Members in China would be relevant. It might be more relevant if China itself was a signatory to the International Covenants and that, of course, is the most important way in which China could underline its commitment to the application of those covenants in Hong Kong. At present, there are undertakings in the Joint Declaration and the Basic Law that the International Covenants should be applied to Hong Kong and within the International Covenants themselves, there are specific references to the reporting obligation. So there is no question in my mind, in the mind of the United Nations Human Rights Commission, in the mind of the European Union or in the mind of the International Commission of Jurists, that China has an obligation to report under the International Covenants after 1997.

MR ANDREW CHENG (in Cantonese): *I want to raise a simple follow-up question because after listening to the Governor's answer, I have not found what channel the British Hong Kong Government has to lend us a hand. There are at least five Members here in this Chamber who have had their Home Visit Permits confiscated. I want to raise a specific question. As we are the United Front Against the Provisional Legislature, our position is in line with that of the Government's. Now, regarding some Legislative Councillors going to Beijing in their capacity as members of the United Front only to have their Home Visit Permits confiscated, I would like to ask the Governor whether there is any way to help us get our Permits back.*

GOVERNOR: I have said to the Honourable Member earlier that if the Chinese Government confiscates a valid Chinese document from a post-97 citizen who is travelling, there is a limit to what either the Hong Kong Government or the British Government can do to make them change their mind and disgorge the document. We, as the honourable gentleman knows, raised the issue with the New China News Agency vigorously. It has been referred to by the Chief Secretary during her visit to London. I have referred to it this afternoon. And unfortunately, the authorities in Beijing persist in believing that the honourable gentleman represents some sort of threat to state security. I am not quite sure that I have ever regarded him in that alarming light and I am not sure that many other people around the world would be quite so worried about the honourable gentleman. He seems like a perfectly amiable fellow to me. *(Laughter)*

PRESIDENT: Mr YUM Sin-ling.

MR YUM SIN-LING (in Cantonese): *Mr President, I wish to ask the Governor if there is any plan to reflect, through the Joint Liaison Group, that the incident of our Members being refused entry into Beijing and our travel documents being confiscated may have a bearing on the recognition of the future Special Administrative Region passports by the world community?*

GOVERNOR: I answered the question on the JLG earlier, saying that I was not sure under what heading we would deal with the confiscation of Chinese travel documents by the Chinese authorities. But we can certainly consider the matter before the next JLG meeting in September. I hope that what happened on Monday will not raise doubts about the SAR travel document and the returnability of people with the SAR travel document, because if that was to happen, it would send an extremely bad signal around the world. Let me emphasize again why it should have no bearing, reprehensible as it was, on the question of greater ease of travel for people with the SAR travel document.

Immigration is a matter which falls to the SAR Government within the terms of the Joint Declaration and the Basic Law, so it will be for the Immigration Department of the SAR Government to determine policy and frontier controls and I cannot conceive of circumstances, I repeat, in which the Immigration Department of an SAR which will be operating within the Basic Law and applying the rule of law, could deny returnability to people with valid

travel documents.

PRESIDENT: Dr John TSE.

DR JOHN TSE (in Cantonese): *Mr President, I want to raise a question about the employment of people with a disability. I have all along been concerned about the employment of the mentally handicapped. I have previously pointed out in this Council that the Government has seldom employed the mentally handicapped. It is estimated that there are over 200 000 mentally handicapped people in Hong Kong, but only 34 of them have been employed by the Government, which represents a very low percentage. I do not want to talk only about the mentally handicapped. If we look at people with a disability, we will note that the Government has put emphasis on education so that the business sector will employ the mentally handicapped. In the United Kingdom and Japan, a certain percentage has been set for the employment of people with a disability, which is what we call positive discrimination. That is to say a company has to employ a certain percentage of people with a disability proportionate to its size. May I ask the Governor, will Hong Kong consider introducing a similar law?*

GOVERNOR: I think the Honourable Member is not strictly correct about the position in the United Kingdom, though it is some time since I have been there. But I do not think that is a completely accurate reflection of the position in the United Kingdom. But I think that he has described the position in Japan.

I am not, I have to say, very much in favour of statutory quotas which I think give employers or some employers the impression that somehow they are doing something which is not in their interests. I think we have to get employers to understand that employing people with a disability is in their interest and we have to make sure that there are other services available in society like better transport for the disabled which make it possible for people with a disability, having got a job, to get to it.

In the Government, I realize that we must go further. We have made substantial progress in the last couple of years, since we began these summit meetings. We intend to continue to make progress. We recognize that we have to give a lead but we hope, as well, that some of those who lecture us on

doing better, like the media, will themselves do better and employ more people with a disability.

DR JOHN TSE (in Cantonese): *Mr President, I guess the Governor was rather reluctant to mention the situation in the United Kingdom. I do have some knowledge about relevant law in the United Kingdom. The Governor was reluctant to talk about the United Kingdom because there is a law there specifying that organizations should have about 2% of people with a disability in their employment. However, research indicates that they usually employ just over 1%. So, the position is rather embarrassing, because despite the relevant law in the United Kingdom, nobody complies with it. The Governor mentioned the problem of transport for the disabled. Indeed, this problem has remained unresolved in Hong Kong. We know that it is impossible for people confined to wheel-chairs to get on public buses. But the problem of transport is not what I intend to speak on, because my question is on employment. Will the Governor tell us whether he will consider setting up a fund to assist the disabled to become self-employed?*

GOVERNOR: I am certainly prepared to look at that. I think it is an issue which has been examined in the past when sometimes it has been suggested that it is not only people with a disability who should be helped with government support to become self-employed. There are, of course, some existing financial mechanisms which could be used, including, I assume, supported employment which could assist to some extent. But I will look at the honourable gentleman's question and come back to him on it.

PRESIDENT: Miss CHAN Yuen-han.

MISS CHAN YUEN-HAN (in Cantonese): *Mr President, I am very glad that you let me raise my question. My question concerns industrial safety, an area that Members have not touched on today.*

Mr Governor, let me tell you some stories. Following the collapse last year of a scaffolding in San Po Kong, where a woman travelling on a bus was hit and killed by a boulder that had tumbled down, I, accompanied by industrial safety officers, inspected various construction sites in San Po Kong and Wong

Tai Sin. During the inspection, I found a surprising phenomenon. When inspecting private premises, I was told that the industrial safety work came under the responsibility of the Labour Department. But when I found that the extensive scaffolding work carried out in Tsz Wan Shan might entail problems, I was told that it was not the responsibility of the Labour Department, but the Housing Department. Later, some workers unfortunately fell into the sea from the gangway when loading goods on board. Then I realized that this incident fell within a "grey area", which means that it is neither the responsibility of the Labour Department nor that of the Marine Department. I would like to ask the Government: Why is there such a weird phenomenon in a developed society like Hong Kong? Is it largely due to the fact that we are not doing a good job in respect of industrial safety? Does the Government have the responsibility to introduce a centralized mechanism with a view to providing a solution to the problems that I have related just now?

The Governor may tell me that there is the Occupational Safety and Health Council (OSHC) set up under the Government and that the Labour Department has had inspectors to oversee industrial safety. However, I would like to tell the Governor and the Government that what the OSHC has been doing is merely window-dressing work. It has not fulfilled its duties as the OSHC. When the OSHC was set up in the 1990s, members of the community all looked to the OSHC to co-ordinate matters relating to occupational safety in the territory. Regrettably, what it has done in the end is just window-dressing. While I certainly would not deny the role played by the OSHC, the question is: What does the Government think in view of the recurrence of industrial accidents at present? It is my hope that the Government can respond to this rather long story of mine and to the question of why the Government does not set up a central organization to co-ordinate the work.

GOVERNOR: I honestly think that if the problem in Hong Kong on industrial safety was just a question of central co-ordination, we would have no difficulties. I think the problem is much more difficult than that and much more tragic than that and I would, without reservation, like to say to the honourable lady and other representatives of trade unions in this Legislative Council, that they have done as much as anybody to focus the community's attention on this, one of the worst blots on Hong Kong's record.

Our figures on industrial safety, though they have been coming down slightly, are still appallingly high for a civilized community like this and we do have to work to bring them down much more. There are a lot of things we could do and are trying to do, following the report that we produced in 1995. One of them is to co-ordinate things within the Government better, and the group of colleagues under the chairmanship of the Secretary for Education and Manpower, which met about three weeks ago, is meeting again next week to continue to try to ensure that we get a grip in the Government on the various aspects of our responsibility for dealing with the problem.

I think we have to continue to increase the amount of inspection and regulation that we do. I have to say that we have actually increased the number of factory inspectors on the ground six-and-a-half-fold since 1992 — six-and-a-half times as many factory inspectors now in place as there were in 1992. We have increased penalties. We have increased regulation. I hope that the two bills which are, at present, in the Legislative Council which have a bearing on these matters will be passed as quickly as possible. We will be bringing at least four or five further measures to the Legislative Council later in the year.

But after doing all this, at the end of the day, the real issue is whether we can get employers and employees to recognize that they have to work within a wholly different concept of safety than that which tends to have prevailed in the last few years. I hope we can make that breakthrough. So long as we fail to do so, there will alas be too many widows, too many fatherless children, as a result of accidents which are preventable and should be prevented in a civilized society like Hong Kong.

ADJOURNMENT AND NEXT SITTING

PRESIDENT: In accordance with the Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 10 July 1996.

Adjourned accordingly at twenty-five minutes to Four o'clock.