

# **OFFICIAL RECORD OF PROCEEDINGS**

**Thursday, 21 November 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.

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

THE HONOURABLE SZETO WAH

THE HONOURABLE EDWARD HO SING-TIN, 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 LEE WING-TAT

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

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

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE CHAN WING-CHAN

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE CHEUNG HON-CHUNG

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 LEE KAI-MING

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.

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.

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

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

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE FRED LI WAH-MING

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE CHAN KAM-LAM

THE HONOURABLE CHAN YUEN-HAN

THE HONOURABLE PAUL CHENG MING-FUN

THE HONOURABLE CHENG YIU-TONG

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

THE HONOURABLE CHOY KAN-PUI, J.P.

THE HONOURABLE DAVID CHU YU-LIN

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LO SUK-CHING

THE HONOURABLE MOK YING-FAN

## **PUBLIC OFFICERS ATTENDING**

THE HONOURABLE MRS ANSON CHAN, C.B.E., J.P.  
CHIEF SECRETARY

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

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

MR MICHAEL SUEN MING-YEUNG, C.B.E., J.P.  
SECRETARY FOR HOME AFFAIRS

MR NICHOLAS NG WING-FUI, J.P.

SECRETARY FOR CONSTITUTIONAL AFFAIRS

MR DOMINIC WONG SHING-WAH, O.B.E., J.P.  
SECRETARY FOR HOUSING

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

MR JOSEPH WONG WING-PING, J.P.  
SECRETARY FOR EDUCATION AND MANPOWER

MR PETER LAI HING-LING, J.P.  
SECRETARY FOR SECURITY

MR BOWEN LEUNG PO-WING, J.P.  
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

MR LAM WOON-KWONG, J.P.  
SECRETARY FOR THE CIVIL SERVICE

MR KWONG HON-SANG, J.P.  
SECRETARY FOR WORKS

MR TAM WING-PONG, J.P.  
SECRETARY FOR TRADE AND INDUSTRY

## **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** (in Cantonese): Will Members please remain standing while we

are waiting for the Governor to enter the Chamber?

**CLERK** (in Cantonese): His Excellency the Governor.

**PRESIDENT** (in Cantonese): The Governor will make a brief statement on the fire that broke out yesterday and also on his visit to Europe. He will then answer questions on that statement as well as on another topic, namely reports to the United Nations on human rights. A Member who has asked a question and received a reply may, for the purpose of seeking elucidation only, ask a short follow-up question. A show of hands, please. Mr Eric LI.

**MR ERIC LI** (in Cantonese): *Since the Governor has not yet made his statement, should we let him speak first?*

**PRESIDENT** (in Cantonese): I am sorry. The Governor will now make a brief statement first.

**GOVERNOR:** Mr President, I would like, as you indicated, to begin this afternoon by making a statement and taking your questions on the appalling fire that occurred in Jordan yesterday evening. If there is time and if Honourable Members wish, we can go on later to discuss my recent visit to Europe to lobby for visa-free access, and we can discuss as well the question of human rights reporting. But it is obviously the tragedy which took place in Hong Kong last night which is on all our minds today.

Let me tell the Council what we understand to be the latest position. I am sure that the Council will understand that it is difficult at present to be precise about the figures. We are still trying to identify bodies and relate those who were reported missing to the bodies that can be identified. The position as I left to come to the Legislative Council this afternoon was that 37 people have been confirmed killed. There may be two other confirmed fatalities. 78 people have been injured. 39 people have been reported missing, but this number may include some of those whom we already know have been killed but whose bodies have not yet been identified.

As Honourable Members will understand, there are considerable

difficulties in identifying the bodies that have been found, many of which have been very badly burned. The Fire Services Department, assisted by forensic experts from the police, are in the process of combing the entire building. It will not be until this lengthy process is completed then we will be in a position to issue final casualty figures.

This is plainly a terrible tragedy ..... This is plainly a terrible tragedy. I would like to extend, on behalf of the community, our deep sympathy to the families of all those who have lost their loved ones. Let me pay tribute to Senior Fireman LIU Chi-hung who lost his life battling courageously to save the lives of others. Let me pay tribute also to the great bravery and skill of our emergency services in tackling this disaster. The Fire Services, the police, the Ambulance Service, the Government Flying Service, the Auxiliary Medical Services, the Hospital Authority and the St John Ambulance Association and Brigade worked tirelessly to fight the fire and rescue the victims. Their efforts are still continuing. I wish to pay a special tribute to the Fire Services officers who have behaved with the bravery and dedication which we know and expect from them.

I visited the scene of the fire yesterday evening as well as the hospitals treating the injured, and the Chief Secretary has been there this morning. We saw for ourselves the scale of the disaster and the difficulties facing the emergency services. Our task now is to do everything we can to assist the victims of this fire and to help the families of those who have lost their lives. I have instructed that no effort should be spared to make sure this happens. A press conference will be held at 4.00 pm this afternoon by the Director of Fire Services, the Director of Home Affairs, the Director of Social Welfare and a representative of the Hospital Authority to provide as much information as possible on the fire and what we are doing in its aftermath.

We must also make absolutely sure that we all learn lessons from this tragedy and do everything we can to minimize the risk of it ever happening again in our crowded, congested city. The Director of Fire Services will conduct an immediate investigation into the fire. This investigation will try to establish the cause of the fire and the reasons why so many people died and were injured. Its preliminary findings will be available within two weeks and we will make public everything that we are legally able to make public at that stage. In the light of these findings, I will decide whether to establish a full commission of inquiry chaired by a judge.

Obviously, what happened last night underlines the importance of one thing, the importance of this Council passing as rapidly as possible the legislation which we have put to it and which it has quite properly been considering thoroughly to tighten up fire safety regulations. The Fire Safety (Commercial Premises) Bill was put to this Council on 29 May this year. When this legislation is in place, it will allow our Fire Services to take action to improve fire safety in places like Garley Building. Those improvements will help to retard the rapid spread of fire on the lower floors of a building like the one in this incident. The bill also contains measures to improve emergency escapes and means of access for fire-fighting and rescue. These will allow the Fire Services speedier access to such buildings.

I am not — I want to make it absolutely clear — criticizing this Council for examining the bill in detail. It is an important bill. But let us now act as quickly as possible to put this legislation onto the statute book so that we can start to implement it on the ground. We will obviously, in the light of this incident and the investigation into it, urgently wish to see whether a further bill is required, for example, to extend the scope of the new legislation specifically into office premises.

Before I take your questions, let me make a final plea. I do hope that in the coming days, all of us will act with the greatest possible sensitivity towards the injured and towards the families of those who have been injured or killed. They have quite enough to deal with already without undue and unwanted intrusions into their grief.

Hong Kong is a great city. It has achieved some of the greatest economic successes known to any city over the last half century, but our life is still marred by too many preventable tragedies. Trying to put in place the sort of regulations which can and do save lives is not a hindrance to Hong Kong's competitiveness, not an intolerable addition to the costs of business in Hong Kong, not an unnecessary intrusion or interference by the Government. It is merely a recognition of what is required in any prosperous and civilized society to give its citizens the protection in their daily lives which they deserve and which they have a right to expect.

**PRESIDENT** (in Cantonese): A show of hands, please. Mr Eric LI.



**MR ERIC LI** (in Cantonese): *Mr Governor, I think all my colleagues in this Council will certainly join me and support you in paying tribute to the people who have made their efforts in this tragic fire as well as the fire services officers, police officers and medical officers for their bravery and dedication; and in extending the deepest sympathy to those who were killed or injured as well as to their families. However, in order to do my part as a Member, I still have to ask some questions, though one would find it difficult to ask, and I hope the Governor will reply to them. I would like to ask one simple question. May I ask whether the Governor, on arriving at the scene last night, participated in commanding the fight against the fire?*

**GOVERNOR:** No, certainly not. The job is one for the operational commander on the spot. When I visited the scene of the fire, it, I think, appeared to those who had been fighting it that all those who were alive had been got out of the building. When I arrived, the fire was still being fought but I think I am right in saying that there was no indication of any people who were still alive who needed to be rescued. But I am bound to tell the honourable gentleman that I was impressed as ever by the quiet competence and bravery of those who briefed me about what has happened and who told me what they thought the position was.

**MR ERIC LI** (in Cantonese): *Mr President, I fully appreciate the efforts made by the Governor in visiting the scene of the fire to boost the morale of the emergency rescue officers. However, I learnt from some members of the public today that when the Governor and many dignitaries visited the scene of the fire last night, it happened to be the period of time when the number of casualties was the highest. I have no idea if that was true. May I ask the Governor to probe into the matter thoroughly to see if that was the case? In the meantime, are there any measures to ensure that under similar circumstances where there is a large group of dignitaries visiting the scene of a disaster, the attention of the rescuers and medical officers will not be distracted as a result of their having to help brief those people about the situation? May I ask whether there is any means to set out certain principles and directives in clearer terms?*

**GOVERNOR:** I think that the honourable gentleman needs to be careful with this line of questioning. Let me tell him what my own position was and remains. I was kept informed during the evening of the tragedy and, shortly after having gone out to dinner, was telephoned with the news of the escalation in the number of those who were apparently injured, was told that the fire itself was under control, that there were no other people waiting to be rescued in the building, and it was suggested that I should go to the hospital and perhaps the scene of the incident. Since I was told that the rescue of people inside the building was no longer at issue, I decided to go to the scene of the tragedy before going on to the hospital.

I would under no circumstances go to a tragedy or, for example, go to a stake-out by the police, if there was an operation being carried on at that time which could affect whether or not people's lives were saved. I think if there were any dignitaries who went, to borrow the honourable gentleman's phrase, any dignitaries who went to the incident earlier, it would have been in the line of duty.

When I arrived at the scene, for example, the Secretary for Security quite properly was there since it was the men and women for whom he is responsible who were actually dealing with the incident. But he certainly would not, any more than I would, seek to intervene in operational matters. I think there were several visits later on by other people to the hospital and as the honourable gentleman will know, the Chief Secretary herself visited it this morning. But I am not aware of any case of the operation being hindered by dignitaries at the scene of the accident before I was there. And I repeat what I said to the honourable gentleman about the timing of my arrival.

**PRESIDENT** (in Cantonese): Mr James TO.

**MR JAMES TO** (in Cantonese): *Mr President, in the announcements made by the Governor yesterday and today, he indicated that the Fire Safety (Commercial Premises) Bill, which is being examined by the Legislative Council, is directly relevant to the tragedy we are discussing. The fact remains, however, that there is no mention of general commercial premises in the Bill, which only covers premises with five types of specified uses. So, the Government has not proposed similar laws for general commercial premises. Would what the*

*Governor said mislead the public into believing that the Government has actually submitted proposals to the Legislative Council for consideration, which is untrue? I hope the Governor will clarify the matter.*

**GOVERNOR:** Well, let me give that clarification and tell the honourable gentleman why what I have said is not misleading the public. Why have we introduced the Bill? We introduced the Bill, as the honourable gentleman will know, following the tragic fire in the bank at Shek Kip Mei in January 1994.

The legislation will cover premises where the fire safety measures no longer meet current standards. The investigation into that fire in 1994 showed that certain types of premises, including banks, off-course betting centres, jewellery and goldsmith shops, supermarkets, department stores and shopping arcades presented particular risks because of their size and the large numbers of people passing through. This legislation has been carefully developed to address precisely those risks.

The legislation covers commercial premises. The fire safety measures necessary for such places are not necessarily the same as those for, say, business or residential buildings, and we will review the need for new legislation to cover other types of premises in the light of the investigation report, as I said in my remarks. So, I do believe that since the bottom floors of the building in question are commercial premises, they would have fallen within the scope of the legislation.

**MR JAMES TO** (in Cantonese): *Mr President, the Governor has clarified the matter. He pointed out that the five types of premises now proposed by the Government to come under regulation do not include commercial premises in general. My follow-up question is: Does the Governor think there is no need to wait for the full investigation report? In fact, the Government has for many years been aware of the problem which haunts old commercial buildings. Dr the Honourable Samuel WONG sitting next to me has published articles about the subject for a number of years. So is it really necessary for the Government to wait for the completion of the report, and then consideration by the investigation committee headed by a judge before it will consider the matter; or indeed can legislation in this area be considered now?*

**GOVERNOR:** Let me be extremely restrained in my reply. While we have been discussing this legislation, I am not aware that the Government has been pressed to get on with things more rapidly. I am sure, perfectly understandably, the pressures on the Government have been to make sure that we are not demanding too much of commercial premises in a short time. Perhaps what we need to do with issues like this is to strike a sensible balance. We want to put in place proper regulations and we want to do it as rapidly as possible. Of course, it is quite proper for this Council and others to be able to comment on the adequacy of the regulations we are seeking to put in place, but I do not think we should be in a position in which before tragedies happen we want too much discussion, and after tragedies happen we do not want any. What we have to do is to make sure that we put in place sensible arrangements which are properly considered and which can prevent tragedies like this happening.

**PRESIDENT** (in Cantonese): Miss Margaret NG.

**MISS MARGARET NG:** *Mr President, I would respectfully join the Governor in his appeal to the community not to intrude into the grief of the families of these fire victims. However, I am also concerned that, because this is a commercial building and people caught in it are people working wage-earners, therefore these families may be in some immediate financial worries.*

*Has the Administration been doing anything to make discreet enquiries as to whether easy relief might be brought to the families of these victims? Thank you, Mr President.*

**GOVERNOR:** Can I thank the Honourable lady for the first remark that she made, which I am sure the whole Council would endorse and which I hope will be taken account of by everyone in the community, by all sections of the community over the coming days and weeks. It is an important issue. I am not going to be any more specific than that, but I hope people will take what I have said and what the honourable lady has said to heart.

Secondly, she is entirely right about the importance of not only counselling in providing psychological support, but also counselling in offering financial support if it is required. A package of assistance is available from emergency relief funds, including injury grant, disability grant, burial grant and death gratuity. We can also provide assistance to families in need with child care. So there is a range of financial support which is available, and I can assure the honourable lady that we will be going into a little more detail about that in the press conference that will be held at 4.00 pm.

I think there is a real problem in any community when a tragedy like this happens — and it is a problem which I have discussed today with the Chief Secretary — and that is how you make sure that the relatives of those who may have been injured or killed, who may have a family member missing, are kept as informed as possible in circumstances where information is partial, is not complete and is changing all the time as you learn more about a tragedy which has taken place. It is very difficult to get it right, but we have to try even harder than we are at the moment.

**PRESIDENT** (in Cantonese): Dr LEONG Che-hung.

**DR LEONG CHE-HUNG:** *Mr Governor, we are in grief, just like you, about what happened in the Garley Building yesterday, and I am sure Members of this Council would join you and also be very appreciative of your concern for not only the victims but also the staff who have been working very hard to do their best. What we should really be looking for are lessons that can be learned so that hopefully such accidents or incidents will not happen again.*

*Now, Mr Governor, you mentioned that a bill which was introduced into this Council some time in May, if it has taken effect, may well have prevented to a certain extent such incidents as the one happened yesterday. I do hope that, Mr Governor, you are not implying that had this bill been passed by this Council earlier, this would not have happened. Because I am sure you would understand that there is a certain machinery in this Council for scrutinizing bills, and that every bill introduced to this Council is as important as any other one and that Members of this Council have been working very diligently to achieve that certain direction. And I have to say this simply because I do represent the House. Thank you.*

**GOVERNOR:** Can I remind the honourable gentleman of what I said, because I went out of my way to avoid, I hope, sounding as though I was putting any criticism on the Council for quite properly considering this measure thoroughly. I said the Fire Safety (Commercial Premises) Bill was put to this Council on 29 May this year. When this legislation is in place, it will allow our Fire Services to take action to improve fire safety, and so on, and I said earlier that the Council had been quite properly considering the bill thoroughly.

Let me also remind the honourable gentleman of what I said in response to his honourable friend. I think we have to strike a nice balance between before something happens, thinking we have got all the time in the world, and after it happens, thinking we must rush at it. This is not a moment when any of us should be criticizing one another on these matters. We have got to work together to get a decent, properly considered set of regulations in place.

**PRESIDENT** (in Cantonese): Mr Albert CHAN.

**MR ALBERT CHAN** (in Cantonese): *Mr Governor, I believe Members here are all very concerned about the situation of this disaster. They have also commended the Fire Services Department and other government departments for their brave actions. However, many of my colleagues and even members of the public have certain queries, after reading from the mass media or seeing on television how the fire was fought. It is not my intention to criticize or query the way the Fire Services Department handled the situation. However, I have doubts whether Hong Kong is adequately equipped and facilitated in dealing with mass scale disasters occurring in areas with a high density of buildings. I am not questioning it. I merely say that I have doubts about it. It is because we saw that many people had been waiting for quite some time by their windows before they were rescued, and that only a small number of scaling ladders were there for the rescue operation. Also, for quite a long time, the blazes remained untackled by fire hoses. People's impression is that while our Government has a large amount of fiscal reserve, has it provided our fire-fighters with adequate equipment and facilities, so as to enable them to carry out rescue work in areas with a high density of buildings and rescues from height? In reviewing this event, will the Governor also ask that the review in this respect should also be made so as to ensure that Hong Kong fire-fighters are adequately equipped to*

*carry out the necessary rescue work should any similar disaster occur in future?*

**GOVERNOR:** The honourable gentleman mentioned the scenes on television, and of course one reason why this tragedy will have made such an impact on so many people is that those graphic pictures that people saw on television of people waiting to be rescued, and of the brave operations of the Fire Services and others.

I think it is dangerous, and I am glad the Honourable Member avoided the trap, for any of us until there has been a full investigation to jump to conclusions about operational issues, about the availability of equipment, and so on. But let me make two points to the Honourable Member. The fire was reported, I am advised, at 4.48 pm and the Fire Services were at the scene within three minutes. They sent in all 86 appliances and 460 firemen to the scene. In addition, they provided 75 ambulances and 236 ambulancemen.

I asked the Director of Fire Services specifically this morning whether they had enough equipment, enough appliances on the spot, and he believed that they had had enough on the spot. But obviously, that is something which he will want to review and others will want to review when they look at the detail.

I can assure the honourable gentleman that if it is clear from this enquiry that we need to spend more on equipment, on appliances, then we will have no hesitation in doing so, and I think I can speak with the authority of having the Financial Secretary next to me. You cannot cut costs or cut corners when you are faced with a tragedy like this.

Can I add something that I should have said when I was asked a question, quite properly, by the Chairman of the House Committee? The Chairman represents the Medical Functional Constituency and I saw many of his members — some of whom I am sure voted for him, some of whom may not have voted for him — working last night. I had seen similar scenes after the tragedy involving the children at Sha Tin a few months ago. I did not — ah, the honourable gentleman has left — stay long enough to get in the way of those who were seeking to bandage the injured, to give them the initial cosmetic care they needed for burns or certainly to get in the way of those who were working very hard in the Intensive Care Unit. But every Honourable Member, the Honourable Member saw it for himself as well, every Honourable Member who had been in the Queen Elizabeth Hospital last night, and I am sure the same was true in Kwong Wah and elsewhere, would have been very impressed by the number of those working, by their dedication and hard work, by their energy and professionalism. We have in Hong Kong a medical service of which we can be

very proud.

**MR ALBERT CHAN** (in Cantonese): *Mr President, I am grateful to the Governor for his reply. It shows that the Government will give priority and special consideration to the question of resources, if it is really necessary, for the improvement of fire services equipment. However, it may turn out that the result of the review requires quite some time to come up. If the Fire Services Department can complete the part of the review concerning fire services facilities earlier, will the Government give priority to considering this aspect, instead of waiting for the overall review report on this disaster?*

**GOVERNOR:** Well, if it becomes apparent very quickly in the review that there is a real problem of equipment we will, of course, have to address that very rapidly. But I think what we first of all need to do is to get the report within the next fortnight. It may well be the case that, as happened with the Lan Kwai Fong tragedy at New Year 1992-93, we will feel and the community will feel that there should be a full commission of enquiry under a judge. But I thought it was right, first of all, to get the facts as quickly as possible, and if those facts suggest courses of action which we should take very rapidly, then we will not hesitate to do so.

**PRESIDENT** (in Cantonese): Mrs Selina CHOW.

**MRS SELINA CHOW** (in Cantonese): *Mr President, first of all I would like to tell the Governor that as a member of the Bills Committee responsible for scrutinizing the bill mentioned earlier, I expressed my thanks this morning to the Chairman of the Committee, the Honourable James TO, and to the departments and the Policy Branch concerned. This is because I feel that all of us are satisfied with the outcome that all practical problems encountered in such a complicated bill can be solved and we are able to reach a consensus and make decisions within such a short span of time. I would like to tell the Governor that we have not indulged in superfluous discussions in the past. Rather, we have had useful discussions and the problems are satisfactorily solved now. The Governor should set his mind at rest after hearing that.*



*The Governor has just told us that there was an operational commander on the scene of the fire last night when he arrived. May I ask who took up the position as the operational commander for the incident last night? The reason why I ask this question is because in the past, the Emergency Control Centre would act as the control point for co-ordinating all departments in the front line and those supporting departments concerned for rescuing disaster victims and sending relief to them as there are quite a number of departments involved in case of a disaster. Since June 1996, the name of this Centre has been changed to "Emergency Monitoring and Support Centre". I would like to ask the Governor whether or not this Support Centre has given full play to its role? If not, I would like to know who was the operational commander in the whole rescue operation. I do not intend to level any criticism against the responsible officers of the departments concerned as they all made their best efforts last night. However, in such a catastrophe, there must be an operational commander to co-ordinate all kinds of work. Would the Governor tell us who took up this position yesterday? If no one took up this role yesterday, would the review seriously consider creating a post of operational commander so as to put someone in charge of co-ordinating various departments when need arises in case a similar tragedy occurs in the future?*

**GOVERNOR:** Can I first of all say once again that I think the Honourable Member and I are at one in recognizing that important pieces of legislation cannot simply be ushered through the Legislative Council on the nod. They require thorough deliberation and discussion in the Council. As I said to the honourable gentleman, I think we need to strike a sensible balance.

On the second point, perhaps I can let the honourable lady know exactly how this emergency was handled in terms of departmental co-ordination in due course. It is obviously one of the issues that will come out of the investigation. We do regularly review our emergency arrangements and carry out tests of them from time to time. We did so only recently. So I think we are capable of handling emergencies pretty well, though we can always do better.

In this particular case, when I arrived on the scene, the Director of Fire Services and the Secretary for Security were both on the spot. There were senior police officers on the spot, and of course the District Officer. But the actual fire-fighting was under the command of one of the Director of Fire Services' senior deputies. I do not think there was a problem of co-ordination

between the various emergency services, but I can let the honourable lady have a detailed reply to that in due course.

**MRS SELINA CHOW** (in Cantonese): *In fact, we all know that the departments concerned will do their best to rescue the victims when tragedies occur. That must be the case. But there have often been problems in co-ordination. I hope that in the review, study will be focused on the problem of co-ordination with a view to avoiding chaotic situations. Moreover, there could be more consistency in the release of information so that people would feel a little more relieved about such incident. I hope the review will particularly study this problem as we did have different opinions in this aspect in the past.*

**GOVERNOR:** Those are important issues that we must look at. But can I just say one thing to the lady about information? I think one reason why awareness of the number of fatalities was so limited earlier in the evening was that nobody had provided anything like accurate estimates of those who were missing. It was only, I think, very late that the full figures for those who were missing were brought to our attention.

Another difficulty with accuracy of information is the one I mentioned in my statement, the problems of identification of very badly-burned bodies. But we must learn from our experiences, of course, in the hope that we do not need to deal with these things again. But in human society that, alas, is very rarely the case.

**PRESIDENT** (in Cantonese): Dr YEUNG Sum.

**DR YEUNG SUM** (in Cantonese): *Mr President, just now several honourable colleagues have asked questions about the fire, about which Hong Kong people are much concerned. However, I would like to change the subject and ask about the recent conduct of the police. I would like to raise two issues. First, may I ask the Governor whether a policy has been formulated to allow only 20 people at the scene, including reporters and demonstrators, whenever there are petitions at the Japanese Consulate? This rule has only recently been applied. Will it affect the work of journalists? Second, a few days ago there were only 20 to 30 demonstrators outside the Convention and Exhibition Centre. In spite of that, 300 to 400 police officers were deployed. May I ask if the Chinese Government has made an official request for such precautions? And do you think the police has overreacted in that particular incident, since police officers*

*actually rushed into the crowd and caused some confusion?*

**GOVERNOR:** I would like to take those two points separately and dwell a little longer on the second of them, making as I do so one or two points which I hope the Council and some outside the Council will take to heart over the coming months which may be occasionally difficult.

The first question — the Japanese Consulate. Police officers responsible for protecting the Consulate must decide how best to carry out their duties, having regard to the circumstances in the building, for example, what is happening there, the physical constraints imposed by the building and the mood of those who are seeking, for instance, to petition in the building. They cannot be entirely unmindful of what has happened in that building in the past.

I think, if I may say so, that if Members of this Council want this city to retain its international reputation, to retain its links with other communities overseas, then they should be aware of the importance of protecting the consular facilities of other communities here in Hong Kong. I do not wish to relate this comment to conduct by any Honourable Members or to any particular incident, but I do think that it is particularly important for those who make the laws to abide by the laws in a full-hearted spirit.

Now let me turn to the second of the honourable gentleman's questions. The policing of every event, while I am Governor, will be entirely a matter for the Hong Kong Police, and it will be a matter for the judgment of the Commissioner of Police operating within the law, operating according to the Bill of Rights, exactly how any operations under his command are carried out.

I have not, am not today and will not give the Commissioner of Police any instructions about how to do his job. We have an outstanding police which is extremely well led, and as far as I am concerned, that is the end of the matter. I would not instruct the Commissioner of Police how to do his job any more than I would seek to intervene in the affairs of the Attorney General's Department and his independent decisions.

Now, let me go on from that. It is the case that before the meeting at the Convention Centre, we had representations, as one might have expected, from Chinese officials about the importance of security during the visit to Hong Kong of Mr QIAN Qichen and Director LU Peng. I hope that they will realize that they do not really need to advise us of matters like that. Provided that we know when guests are coming, we will do everything possible to look after their

security.

But it is not surprising that they got in touch with us because exactly the same would have happened if we had been having the Secretary of State from the United States or the Canadian Prime Minister or other distinguished visitors. They would have got in touch with us as well. But we would, of course, have said to them, "You can trust us, you can leave it to us." And that is exactly what we say to representations from China.

So, any policing of any demonstration over the coming months will be determined by our police operating under their own command and not being subjected to political influence or political pressure from anyone.

One last point. I very much hope that people in Hong Kong will continue to exercise their freedoms in the mature and responsible way which has characterized expressions of public concern, sometimes public grief, sometimes public anger, over the years. I think that the rest of the world should be impressed by the mature and moderate and restrained and responsible way in which a community which has faced some very substantial issues in the last few years, has discussed those issues and occasionally has protested and demonstrated about those issues.

I hope we can continue to earn that reputation for moderation over the coming months, just as much as I hope passionately that nobody in the future will ever seek to constrain the rights and freedoms which are given people under the Bill of Rights, and apparently are given them under the Basic Law.

**DR YEUNG SUM** (in Cantonese): *Thank you, Mr President. The Governor mentioned the petitions at the Japanese Consulate. As a matter of fact, the people involved have later publicly apologized, which I feel is an appropriate thing to do. I agree that consulates are special places and I believe members of the public will take note of this from now on. The Governor also mentioned the Bill of Rights and said that similar cases will be handled by the police. He also expressed his hope that people would remain calm during petitions. I hope the Governor will consider another thing, that is, if the police in Hong Kong uses excessive violence in the future, I believe it will hurt the image of Hong Kong as a free society. The Bill of Rights has actually taken effect. I hope that the Governor will not take a one-sided view of things. I myself have participated in*

*petitions and demonstrations, and I know how to exercise self-restraint. I hope that the Governor can look at this matter from both sides. The police has recorded the course of events on videotapes, and I hope the Governor would care to look at them. If he thinks there is no problem, that would be fine. Otherwise, lessons should be drawn from it, just like the handling of the fire. I feel this is a reasonable request. If the Governor does not have the time, he could ask a reliable aide to look at how the police handled the demonstrators. They were completely encircled and barricaded; they could not even go to the toilet. There were three formations of police officers. The Governor is quite right in saying that we have a Bill of Rights in Hong Kong. I also agree with him that Hong Kong is an open society and that we need to exercise restraint during petitions. But I hope he will look at the other side of the coin, and see whether the police was not overreacting in this case. Could the Governor spend some time to watch those tapes?*

**GOVERNOR:** I will certainly consider that suggestion by the honourable gentleman, but I do not believe that looking at the tapes would affect what I have said about the Commissioner and the police.

If I can add one point, I greatly respect the dignified way and the eloquent way in which the honourable gentleman makes points about which he feels passionately strongly, and some of those points we share. I think that his leadership should help to ensure the moderation and responsibility which I have mentioned.

I hope that some of those who advise Chinese officials and some of those who seek to do so on a more permanent basis, apparently, will advise Chinese officials on how to encourage moderation and restraint in Hong Kong. I think some Members of this Council are taking curious decisions about how best to convey that advice, but I dare say, that is a matter which they will be able to live with and their consciences, presumably, will be able to live with.

**PRESIDENT** (in Cantonese): Mr TSANG Kin-shing.

**MR TSANG KIN-SHING** (in Cantonese): *Mr President, first of all, I would like to commend the Governor, the Chief Secretary and the Secretary for Security for*

*what they did last night. They boosted the morale of the front-line rescue personnel and this encouraging effect should be affirmed. This is what the government of an open and humane society will surely do. I would like to switch the subject to the development of the current political system. In the last few years, the Governor Mr Chris PATTEN has been advocating democratic elections in the development of the future political system of Hong Kong. However, at the "15th Anniversary of District Administration Seminar", Mrs Shelley LAU, Director of Home Affairs, openly expressed that appointed members have spent a lot of money on the community, and that the members returned by the appointment system were good as they were willing to put in money as well as efforts. I would like to know with the approach of 1997, whether the Government will turn the clock back by moving towards the Beijing Government and "making a U-turn" to support the appointment system? I hope the Governor will give me a reply.*

**GOVERNOR:** No, that is certainly not the Administration's policy. When we first proposed to have wholly-elected district boards and Municipal Councils, or pretty well wholly-elected, I remember being told this would produce disasters in the districts and in the city and the New Territories — one of those many disasters which are much advertised as bedmates of democracy but did not happen to appear to show up. I go round the district boards with great regularity and they seem to me to be in extremely good spirits and doing an extremely good job.

As it happens, I was fortunate enough to be able to entertain at lunch yesterday all the Chairmen of the District Boards and we discussed some of their problems with Shelley LAU, who has done a marvellous job in increasing the enthusiasm with which the district boards work together to promote grassroots representative government. If the Honourable Member were to look a little to his left, he would see somebody else who was able to share my hospitality yesterday.

And let me add one thing to the honourable gentleman. I saw Shelley LAU in the middle of last night at a hospital and I saw her this morning having clearly been up all night, and I saw her at the Sha Tin disaster, the fire on the hill,

and I have seen her again and again helping the families of the children who were burnt on that occasion, and I will not hear a word against Shelley LAU.

**MR TSANG KIN-SHING** (in Cantonese): *Mr President, the Governor said that Mrs Shelley LAU has again and again helped people affected by hill fires and other disasters. She is duty-bound to do so. The problem is that she said that those appointed members were wealthy people. I am afraid this may imply that after July 1997, people who are wealthy can become appointed members and this is against the "one man, one vote" election system promoted by the Governor. Considering what this subordinate of the Governor has said, does it imply that he has already lost his authority and that all his subordinates have turned away from him and are no longer listening to his command? And in so doing does it mean that this subordinate wants to move closer to the new sovereign power?*

**GOVERNOR:** Well, I cannot think that if one was trying to move closer to the new sovereign power you would make speeches extolling the democratic credentials of billionaires and millionaires. How would that move you closer to the future sovereign power?

To be serious, I have not seen Shelley LAU's speech. If she was commending the work that in the past was done by many appointed members of district boards, then I would join her in that. If she was commending the work done by appointed members of Municipal Councils, I would commend her in that. But I am sure, like me, she recognizes the important developments in grassroots democracy which have taken place in the last few years.

And as for the suggestion that she was only doing her job, well, she was doing her job in a sense, but she happens to be one of those people who does her job 25 hours a day, and I am extremely proud to have her in my team, and any Chief Executive after 1997 who has a few Shelley LAU's in his team will be equally lucky.

**PRESIDENT** (in Cantonese): The Association for Democracy and People's Livelihood will also have an opportunity to speak. Mr Bruce LIU.

**MR BRUCE LIU** (in Cantonese): *Mr President, I know that the Government has a list of statistical figures concerning dangerous slopes. Does the Government also have statistical figures about multi-storey buildings which are susceptible to hazards like the Garley Building? If the answer is positive, I think the Government can, after the Bill has been passed, carry out law enforcement actions against such buildings.*

**GOVERNOR:** I think, and I believe it is fairly fundamental to the Bill. We have statistics and information about the age of buildings, and that will help us bring the provisions of the Bill into operation in sequence. But I do not think we have the sort of statistics which would be directly comparable to those we have on dangerous slopes. But I will look at that and see first of all whether I am right. If not, I will let the Honourable gentleman know. Secondly, if I am right, I will see whether there is anything we should do about it.

**MR BRUCE LIU** (in Cantonese): *Towering conflagrations have happened in many modernized cities in the world. In the wake of these tragedies, people would sum up the experiences before carrying out a review to improve or to propose certain preventive measures. Will the Government take into consideration these measures and establish in the report a comprehensive policy to prevent serious fires in order to avoid the recurrence of similar tragedies?*

**GOVERNOR:** Yes, as I said earlier, we must see what lessons can be learnt from this appalling tragedy and take what measures we can. All of us know that it is impossible in this world to prevent all tragedies, but there are some tragedies which society should be able to do more to prevent. There are some tragedies this society should be able to do more to prevent. I very much salute the work that a number of Honourable Members in this Legislative Council have done, for example, to increase health and safety at the place of work. We are still trying to catch up there with things that perhaps should have been in place a little earlier.

As for fire prevention, there is more that we can do, more that we must do and I hope that the future of this great city will not be marked and marred quite



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as frequently by tragedies which should be prevented in a civilized, successful, prosperous and decent community.

## **ADJOURNMENT AND NEXT SITTING**

**PRESIDENT** (in Cantonese): In accordance with Standing Ordrs, I now adjourn the Council until 2.30 pm on Wednesday, 27 November 1996.

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